Spring 3-25-1991

Mekhilta D'Rabbi Ishmael: A Study in Composition and Context

Elaine A. Phillips

Follow this and additional works at: https://repository.upenn.edu/dropsietheses

Part of the Cultural History Commons, History of Religion Commons, Intellectual History Commons, Jewish Studies Commons, Language Interpretation and Translation Commons, and the Translation Studies Commons

Recommended Citation
https://repository.upenn.edu/dropsietheses/56


This paper is posted at ScholarlyCommons. https://repository.upenn.edu/dropsietheses/56
For more information, please contact repository@pobox.upenn.edu.
Mekhilta D'Rabbi Ishmael: A Study in Composition and Context

Abstract
This study examines the broad rhetorical, attributional and thematic features of Mekhilta de-Rabbi Ishmael (MRI) to evaluate the extent to which it is a coherent text and to suggest possible purposes underlying its composition.

Degree Type
Dissertation

Degree Name
Doctor of Philosophy (PhD)

Subject Categories
Cultural History | History of Religion | Intellectual History | Jewish Studies | Language Interpretation and Translation | Translation Studies

Comments

This dissertation is available at ScholarlyCommons: https://repository.upenn.edu/dropsietheses/56
MEKHILTA D'RASSI ISHMAEL: 
A STUDY IN COMPOSITION AND CONTEXT

by
Elaine A. Phillips

A Dissertation
submitted in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy

15 March 1991

Annenberg Research Institute
420 Walnut Street
Philadelphia, Pennsylvania 19106
APPROVAL

This dissertation, entitled

MEKHILTA D'RABBI ISHMAEL: A STUDY IN COMPOSITION AND CONTEXT

by

Elaine A. Phillips

Candidate for the degree of
Doctor of Philosophy

has been read and approved by

[Signature]

Date 3-20-91
Abstract

This study examines the broad rhetorical, attributional and thematic features of Mekhilta de-Rabbi Ishmael (MRI) to evaluate the extent to which it is a coherent text and to suggest possible purposes underlying its composition.

Part I introduces the topic. Chapter 1 reviews scholarly contributions regarding the definition, categories, characteristics and methods of modern study of midrash. Chapter 2 presents a summary of scholarship regarding MRI. Chapter 3 proposes a methodology for evaluating the composition of the text and determining whether there are cogent thematic emphases which addressed perceived features of the socio-religious environment at the time of its composition.

Part II reflects the application of the methodological process. Chapter 4 addresses the relationship of the comprehensive midrash text to the text of Exodus as a whole. Chapters 5 through 13 focus on each successive tractate of MRI, assessing corresponding and divergent emphases between biblical text and midrash, variations in rhetorical patterns and exegetical methods and the value of attributed opinions in the overall exposition of the biblical text. Thematic emphases of each tractate are also explored. These include
the role of Torah for the community, the value and permanence of Israel's symbols and the document's picture of the transcendent but immanent Deity and His activities for Israel. Evidence of the wider socio-religious context is sought in the references and allusions to outsiders.

Part III contains a synthesis of the results from Part II. While superficial formal features may indicate discontinuity among tractates, at the deeper level there is consistent concern for symmetry, representative of the balance of Divine justice, and continuity, especially with regard to God's relationship with Israel. The selection and presentation of the text reflects the community's response to its own perceived needs in the socio-religious context of the third century CE.

[Signature] 3-25-51
This study examines the broad rhetorical, attributional and thematic features of Mekhilta de-Rabbi Ishmael (MRI) to evaluate the extent to which it is a coherent text and to suggest possible purposes underlying its composition.

Part I introduces the topic. Chapter 1 reviews scholarly contributions regarding the definition, categories, characteristics and methods of modern study of midrash. Chapter 2 presents a summary of scholarship regarding MRI. Chapter 3 proposes a methodology for evaluating the composition of the text and determining whether there are cogent thematic emphases which addressed perceived features of the socio-religious environment at the time of its composition.

Part II reflects the application of the methodological process. Chapter 4 addresses the relationship of the comprehensive midrash text to the text of Exodus as a whole. Chapters 5 through 13 focus on each successive tractate of MRI, assessing corresponding and divergent emphases between biblical text and midrash, rhetorical patterns and exegetical methods and the value of attributed opinions in the overall exposition of the biblical text. Thematic emphases of each tractate are also explored. These include the role of Torah for the community, the value and permanence of Israel's symbols and the document's picture of the transcendant but immanent Deity and His activities for Israel. Evidence of
the wider socio-religious context is sought in the references and allusions to outsiders.

Part III contains a synthesis of the results from Part II. While superficial formal features may indicate discontinuity among tractates, at the deeper level there is consistent concern for symmetry, representative of the balance of Divine justice, and continuity, especially with regard to God's relationship with Israel. The selection and presentation of the text reflects the community's response to its own perceived needs in the socio-religious context of the third century CE. A distinguishing feature of that context was the message of the Christian community that Israel's history and Torah were now theirs.

Just as the commentators of antiquity wrote within a context, so have I. In both cases, it is impossible to outline all the factors that have contributed to the final product. This is especially clear as I consider the prospect of written acknowledgements. By way of beginning, however, it is necessary to note a significant difference between that textual community and myself. Whereas they expounded their familiar texts and traditions with immense expertise, I have come as an inquisitive outsider to a vast and rich tradition.

As a neophyte, I entered The Dropsie College for Hebrew and Cognate Learning in 1981. What facility I have gained since then is due to the personal interest and abiding patience of the faculty. I would make special mention of
Drs. Baruch Bokser, Neil Danzig, David Goldenberg and Sol Cohen. The first, as my advisor, guided my approach to this topic, encouraged me to continue at times when my energy flagged and demonstrated the epitome of concern for a student as he completed the reading of my initial draft before his untimely death on 12 July 1990. In his absence, Dr. Danzig devoted an extensive amount of time to a thorough reading and careful evaluation of the dissertation. He and Dr. Goldenberg have helped me see the process through to completion. On an ongoing basis, I have benefited from the interest and concern of Dr. Cohen. I would also acknowledge the immeasurable assistance of the library staffs of The Dropsie College and The Annenberg Research Institute.

Through the intervening ten years since 1981, I have been grateful to my own students who have been interested in my progress and tolerated my lack of availability. I appreciate the faithfulness of my friends who have supported and helped me while allowing me to be a hermit. I am deeply thankful to members of my family who have agonized with me through the ups and downs of this endeavor. Dearest of those is my husband who has consistently encouraged me and made it possible for me to accomplish things I would never have been able to do on my own. Finally, with the Psalmist I would say: "All Your works shall give You thanks, O LORD, and Your godly ones shall bless You" (Psalm 145:10).
# TABLE OF CONTENTS

Preface and Acknowledgements ........................................ ii

**PART ONE** \hspace{1cm} \textbf{INTRODUCTION}

Chapter 1 One More Look at Midrash ........................................ 2

Chapter 2 From Midrash to Mekhila d'Rabbi Ishmael ..................... 44

Chapter 3 Project Methodology ............................................. 76

**PART TWO** \hspace{1cm} \textbf{TRACTATE ANALYSES}

Chapter 4 The Biblical Text as Point of Departure ...................... 112

Chapter 5 Tractate Pisha - The Passover in Egypt and the Subsequent Celebration .... 123

Chapter 6 Tractate Beshallah - Exodus from Egypt ................. 198

Chapter 7 Tractate Shirta - The Song of Victory ...................... 259

Chapter 8 Tractate Vayassa - Complaint and Response ............... 324

Chapter 9 Tractate Amalek - The Enemy and the Convert ............ 376

Chapter 10 Tractate Bahodesh - Revelation at Sinai ............... 424

Chapter 11 Tractate Nezikin - Justice ................................. 495

Chapter 12 Tractate Kaspa - Socio-Religious Justice ............... 570

Chapter 13 Tractate Shabta - The Sign of the Covenant ............ 610

**PART THREE** \hspace{1cm} \textbf{SYNTHESIS}

Chapter 14 Text and Context .............................................. 634

Appendix The Attributed Materials ...................................... 708

Bibliography ............................................................... 780
PART ONE: INTRODUCTION

Chapter One: One More Look at Midrash

Chapter Two: From Midrash to Mekhilta d'Rabbi Ishmael

Chapter Three: Project Methodology
CHAPTER ONE:
ONE MORE LOOK AT MIDRASH

Introduction

A thorough study of any one of the documents of rabbinic midrash must be conducted and presented within the context of a proper understanding of the subject of midrash. Even a brief survey of the recent literature, however, indicates that the jury is still out on the fundamental issues of the definition and development of midrash to say nothing of methods of study.¹ How each of these matters is addressed has a significant impact on the results of any probe into a midrashic text.

I begin with an overview of the major contributions regarding the definition and characteristics of midrash. That leads to a discussion of the various attempts to categorize midrash based on assessment of the contents, methods and purposes evident in the texts. Part of this discussion is the perceived distinction between schools of midrashic activity. In the course of presenting the modern methods of analyzing and studying midrash, a major focus is on the perceived need for investigating individual texts.

¹For example, J. Kugel, "Two Introductions to Midrash," Prooftexts 3:2 (1983): 131-55, made a point of not attempting to define it. R. Le Deaut, "Apropos a Definition of Midrash," Interpretation 25 (1971): 269, concluded that midrash may be "described, but not defined".
Particularly pertinent are the issues of the potential unity or integrity of the text, the matter of the editing and redaction circles which have produced it and the possibility of ascertaining the world view and social context of those responsible for the text or parts thereof.²

What Is Midrash?

A number of 19th and early 20th century scholars³ directed their efforts to descriptions of the contents and methods of midrash. This commonly involved analyses of the historical development of midrash, the factors which prompted the different types of midrashim, the individual Sages whose names frequent the texts, and their methods of exegesis.

Both Hoffmann and Albeck made significant contributions in the specific area of the halakhic midrashim.⁴ Epstein and

²This agenda is guided to a degree by J. Neusner's many thought-provoking contributions, the most pertinent of which will appear in the pages that follow. At the same time, I indicate that there are those who have expressed skepticism or caution regarding the items on the agenda.


⁴D. Hoffmann, Zur Einleitung in die halachischen Midraschim (Berlin, 1887), and Ch. Albeck, Untersuchungen über die halachischen Midraschim (Berlin, 1927). The impact
Melamed addressed midrash in the context of other tannaitic literature. I. Heinemann, J. Heinemann, Bloch and Vermes studied aggadic midrash in the wider historical contexts of biblical and non-rabbinic texts.

Considerable attention has been given to the issue of defining midrash. The basic meaning of darash is "to search" or "to investigate". This developed into the concepts of explanation and interpretation. The questions which follow from that are: 1) What were the subjects being studied? The issue of these studies is discussed below.

5J.N. Epstein, Mevo'ot leSifrut haTannaim (Jerusalem, 1957), and E.Z. Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta [Hebrew], (Jerusalem, 1967).

6I. Heinemann, Darkhei-ha'Aggadah (Jerusalem, 1953).

7J. Heinemann, Aggadot veToldotehen (Jerusalem, 1974), particularly traced the changes between earlier and later versions of traditions and posited historical explanations for these developments.


What were the processes for developing the interpretation? 3) Who were the members of the community producing the interpretation? At issue are two things: how inclusive the term should be and the necessity of discovering some common ground upon which to build the definition.

Neusner outlined three uses of the term "midrash":

1) A process of exegesis which is no different from methods of hermeneutics in general;

2) A compilation of exegeses defined by the document on which they were written;

3) The written composition (unit) resulting from process of exegesis.11

A similar pattern of usage was observed by Porton in his summary of the developments until the last decade in the

11Neusner, Midrash as Literature: The Primacy of Documentary Discourse (Lanham, 1987): 4-6. The same basic categories appear in his many other works on the subject. His assessment was that the term is essentially meaningless because of the wide range of possibilities and that more precise substitutes should be used. In this regard, S. Fraade seems to have substituted the term "commentary" in his forthcoming study of Sifre Deuteronomy even though he never explicitly explained his rationale for doing so (From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy. Forthcoming with Revisions. Jewish Hermeneutics, Mysticism, and Religion Series [State University of New York, 1990]). I wish to thank Dr. Baruch Bokser for temporarily providing me with a typescript of this work; the completed book is not yet available. See also Fraade, "Sifre Deuteronomy 26 (ad Deut. 3:23): How Conscious the Composition?" Hebrew Union College Annual 54 (1983): 251-56.
study of midrash. He noted that some scholars viewed midrash as a process. Others assessed it in terms of its literary relationship to the canonical text and traditions while still others based their definitions on the content of a text.

Although all three aspects reflect the usage of the term and are necessarily interrelated, the genre seems to be best defined primarily in terms of its explicit relationship to a canonical text. That helps to establish certain limits on

---


13 These categories are a refinement of earlier work which spoke of the process and the results, whether single statements or whole texts. See Bacher, Erkhei Midrash, pp. 19, 26, 70. Le Deaut, "Apropos a Definition", pp. 272-73, felt it must be all three and, even beyond that, midrash designated an attitude about the relationship between Scripture and God's people.

14 Porton, "Defining Midrash", p. 61, Understanding Rabbinic Midrash, pp. 4-6, and Neusner, Midrash in Context, Preface. Kugel, "Two Introductions", p. 144, referred to midrash as a way of reading the sacred text. A. Wright, The Literary Genre Midrash (Staten Island, 1967): 66-68, presented a strong case for defining midrash within the literary context of the biblical text. D.W. Halivni likewise indicated that the term "midrash" should be used "only when an actual quotation from the Bible is cited" (Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law [Cambridge, 1986]: 17). See also D. Boyarin, Intertextuality and the Reading of Midrash (Indianapolis, 1990): 16, who stated that midrash is "radical intertextual reading of the canon in which potentially every part refers to and is interpretable by every other part". In what is a significant formulation, Fraade, From Tradition to Commentary, ch. 1, outlined three aspects of commentary (midrash). First, the commentator did his work with reference to the biblical or canonical text. Second, he
the subject as well as the community. Those who engaged in midrashic activity clearly perceived the text as revelation from God and therefore, their task was a religious one.\(^{15}\)

Beyond this point, the simple matter of definition expands to include descriptions of the additional characteristic features and methods found in various

structured it utilizing other texts which had authority as tradition. Third, he related his work to the community. These suggestions will be developed further in regard to the matter of the text, its redaction and the possible world view and socio-historical circumstances of the shapers of the text.

What constitutes the limits of "canon" and when it was established are beyond the scope of my presentation.

\(^{15}\) Porton, "Defining Midrash," p. 62, and Understanding Rabbinic Midrash, p. 10. Porton limited his application to the Jewish community, a view with which Neusner has taken issue (Midrash as Literature, p. 4), but he expanded it to encompass more than rabbinic activity. The Targums fit into his definition although it is interesting that in "Defining Midrash," he did not mention the Greek translation. On the other hand, he did include it in Understanding Rabbinic Midrash (p. 5). See also Lieberman, Hellenism in Jewish Palestine, p. 50, and Epstein, Mevo'ot, pp. 516-18.

In addition, Porton incorporated those texts which rewrite biblical history and the Qumran community's eschatologically-focused commentaries called pesharim. Fraade, "Sifre Deuteronomy 26," pp. 253-54, considered rewritten biblical history outside the bounds of commentary but focused his attention on what he considered to be related antecedents of early rabbinic midrash: the pesharim and Philo's commentaries. See also Vermes, Post-biblical Jewish Studies, pp. 5-6, 37-46, Halivni, Midrash, Mishnah, and Gemara, pp. 15-16, and D. Stern, "Midrash and Indeterminacy," Critical Inquiry 15 (1988): 132-61. Heinemann, Darkhei-ha'Aggadah, consistently presented his observations regarding rabbinic midrash in the wider context of the Hellenistic community, a key spokesperson of which was Philo. See again Epstein, Mevo'ot, pp. 517-18. While all of these categories of literature deal with the biblical text in certain ways that are related, it appears to me that rabbinic midrash still maintains features which make it distinct. See below.
categories of rabbinic midrash. This is unavoidable because of the extensive amount of variety within the genre. Heinemann proposed a general scheme for understanding the methods of midrash which involved "creative historiography" and "creative philology". The former includes all the methods for elaborating on the biblical narratives to fill in gaps and satisfy curiosity regarding their cursory nature. It applies to aggadic midrash. The latter, evident in both halakhic and aggadic exegesis, refers to the systematic approach to the letters, words, sentences and paragraphs of the text. The two categories are unquestionably related. Whether the midrash was aggadic or halakhic, two

16 Perhaps because this is true, Wright, The Literary Genre Midrash, pp. 66-68, chose to leave his definition as broad as possible.


19 Boyarin, Intertextuality, pp. 17-19, described the role the biblical text itself plays as the midrash fills in the gaps and responds to the formal problems of any given biblical text.
principles applied: 1) all minute details were subject to interpretation because it was perceived to be the word of God and nothing was frivolous; 2) all parts of the Bible may be understood both in continuity with other related concepts but also independently.²⁰

Porton distinguished the characteristic literary features of rabbinic midrash.²¹ First, the texts are collections of what were at one time independent units.²² Second, several comments may be cited in connection with one

²⁰Heinemann, Darkhei-ha'Aggadah, pp. 96-107. In Understanding Rabbinic Midrash, pp. 9-10, Porton included these with three additional presuppositions which he deemed significant for midrash: 1) more than one interpretation is acceptable; 2) reason without revelation is demonstrated to be fallible; and 3) the activity of midrash was a religious one. Although substituting "commentary" for "midrash", Fraade posed the matter in terms of an observed paradox. On the one hand, commentary atomizes the biblical text, but it is for the very purpose of achieving progressive continuity and coherence (From Tradition to Commentary, ch. 1). In his study of one facet of midrash in the context of current literary theory, Stern observed that, because the author of the biblical text was perceived to be God, the midrash could incorporate both seemingly irreconcilable directions. It had "omnisignificance" and therefore had to be studied atomistically. It was also atemporal which meant it was to be construed as a whole ("Midrash and Indeterminacy," pp. 132-61). These same concepts have been developed further by Boyarin in Intertextuality, chs. 3 and 4.

²¹Porton, "Defining Midrash," p. 79, and Understanding Rabbinic Midrash, pp. 8-9. What follows are not novel observations; all of these characteristics are noted, with varying degrees of emphasis, by other students of the genre. In Porton's more recent formulation, Understanding Rabbinic Midrash, he decided that atomizing the text was not simply a characteristic but was the most fundamental presupposition underlying the work of midrash.

²²The matter of editing and redaction will be addressed further below.
biblical lemma. Third, many statements are attributed. Fourth, the comment may or may not be directly related to the text at hand. Fifth, the canonical text is "atomized"; every word or even letter may prompt some comment. Sixth, often the exegetical method employed is explicitly mentioned.

Porton found this unique among the other works he classed as midrash. Fraade, From Tradition to Commentary, ch. 1, also indicated that "multiplicity" of interpretations is the feature which most distinguished early rabbinic commentary. See also Kadushin's comments on the "indeterminacy of belief" in The Rabbinic Mind (New York, 1952): 133-35, and Stern's observations in "Midrash and Indeterminacy," pp. 132-61.

I would not go so far as to say they are "seldom anonymous" (Porton, "Defining Midrash," p. 79) in the Mekhilta of Rabbi Ishmael. In fact, a significant portion of them are anonymous in that text.

This seems to be determined to a degree by whether the midrash is halakhic or aggadic. See below.

It is fair to say that this fifth characteristic has received the most attention. Stern, "Midrash and the Language of Exegesis: A Study of Vayigra Rabba," in Midrash and Literature, eds. G.H. Hartman and S. Budick (New Haven, 1986): 108-110, pointed to two balancing tendencies of the rabbis: 1) "...the urge to unite the diverse parts of Scripture into a single and seamless whole reflecting the unity of God's will" and 2) the sense that every word and even each letter were meaningful and therefore subjects for interpretation. While these tendencies are generally evident, it appears that the extent to which the midrash itself is perceived as a whole and the meticulous precision of the word studies may depend on the type of midrash. See n. 20 above and J. Heinemann, Aggadot veToldotehen, pp. 11-12. Kugel, "Two Introductions to Midrash," pp. 131-55, cited the tendency to atomize the text to demonstrate that midrashic writings are simply compilations, not compositions.

As with several of the preceding characteristics, there appears to be a distinction between halakhic and aggadic midrash in this case as well. See further discussion below and Lieberman, Hellenism in Jewish Palestine, pp. 53-82, for
Categories of Rabbinic Midrash

Broadly speaking, rabbinic literature was divided into three categories, midrash, halakhah and aggada, on the general assumptions that midrash was anything related to the biblical text, halakhah dealt with religious obligations without expressed concern for how they were derived from the biblical text, and aggada was non-halakhic tradition, also not necessarily linked with Scripture. This division does not, however, address the combination of the genres which is evident in the documents traditionally called halakhic midrashim.

See Bacher, *Erkhei Midrash*, pp. 24-26, 30, 71-72, for discussions of the terms as they appear in tannaitic literature. Bacher cautioned against the view that aggada consisted originally and primarily of legends and folk-tales, indicating that aggada is just as closely tied with exegetical methods to Scripture. In fact, it was his opinion that the term may initially have referred to the opening statement of both halakhic and aggadic exegeses, maggid (hakatuv), to introduce a teaching derived from Scripture ("The Origin of the Word Haggada [agada]," *Jewish Quarterly Review* 4 [1892]: 406-29).

For more specific discussions of aggadic midrash, note J. Goldin, "The Freedom and Restraint of Aggada," in *Midrash and Literature*, pp. 57-76, and Heinemann, *Darkhei-ha'Aggadah*. The issue of the priority of midrash or halakhah and the relationship between the two types of instruction is addressed below.

In early midrashim, the differing characteristics of the commentary are determined primarily by the nature of the verses discussed, not by methodological changes. See Bacher, "Origin," p. 419. These earlier midrash collections, often called tannaitic midrashim on the basis of the attributions contained therein, are also called halakhic midrashim even though their contents are a mixture of halakhic and aggadic
There have been other types of categories suggested to address the complexities within specific texts. Porton declared that the "standard division between midrash halakah and midrash hagadah is meaningless" because each contains considerable amounts of the other and particularly the term "hagadah" is not used with much precision.\(^{30}\) His preference was to speak of homiletical and expositional midrash. Needless to say, this terminology switch indicates a subtle change of focus from content to method. "An expositional midrash follows the text of a given biblical book...The homiletical midrashim are collections of independent units which do not form a running commentary on the biblical books."\(^{31}\)

Although it may not be an accurate reflection of contents to classify entire texts as halakhic or aggadic, nonetheless, the terms are still useful to discuss the methods and styles of exegesis within any given document.


\(^{31}\)Porton, "Defining Midrash", p. 78. The same two basic categories have been adduced by a number of scholars. Slight variations in the terminology often reflect a given author's assumptions about the nature of the subject. For example, Neusner characteristically used the terms exegetical and syllogistic midrashim. The former depended upon the biblical text for its order; the latter had its own plan, program and rhetoric. Note, for example, Judaism and Scripture: The Evidence of Leviticus Rabbah (Chicago, 1986). Stern spoke of two categories, "homily" and "exegetical anthology", the latter of which he perceived to have no thematic unity ("Midrash and the Language of Exegesis", p. 106).
Furthermore, the specific group of texts commonly known as the halakhic midrashim shares a concern to elucidate the instructions in Exodus through Deuteronomy even though a considerable proportion of each is made up of aggadic material. Because they follow the external order determined by the biblical text, they all fall into the category of expository midrash.

Halakhic and Aggadic Exegesis

Even though the broad intent is to clarify Scripture, halakhic and aggadic materials do differ in terms of the methods and terminology used, their approach to the biblical text and their emphases and purposes. Overall, aggadic midrash employs fewer technical exegetical terms than does halakhic midrash but uses stories, parables and lists drawn from corresponding biblical passages. Halakhic exegesis tends to compare and contrast related passages of Scripture and biblical categories in order to derive legal principles or to demonstrate the necessity for the explicit biblical

---

32 Each of these features has been extensively discussed by Heinemann, *Darkhei-ha'Aggadah*, Book I, and will be developed in the chapters which follow. The last one has been the basis of W.S. Towner's study of specific kinds of lists in the *Mekhilta deRabbi Ishmael* (*The Rabbinic "Enumeration of Scriptural Examples": A Study of a Rabbinic Pattern of Discourse with Special Reference to Mekhilta d'R. Ishmael* [Leiden, 1973]).
statement. In doing so, a limited number of specific forms, some quite complicated, are consistently employed.

In a superficial way, aggadic midrash appears to be more immediately tied with Scripture in that "prooftexts" are cited more extensively in the process of presenting given

33 In all of his studies of the halakhic midrashim, Neusner drew attention to the fact that a subtle but persistent focus of the halakhic midrashim is the demonstration that revelation is necessary and reason without revelation is fallible. See additional references in n. 53. This is a significant feature in the wider context of the message(s) of the text.

34 These rules were either grammatical, exegetical or interpretive rules for defining a word, the use of a letter or a logical principle (Hoffmann, Zur Einleitung, p. 3). In the course of his systematic presentation and explanation of exegetical terminology, Bacher, Erkhei Midrash, pp. 1-140, indicated which rules appeared in the middot ascribed to Hillel, Ishmael and Eliezer b Yose haGalili. Towner listed the characteristic exegetical formulas in the Mekhila of Rabbi Ishmael (Rabbinic "Enumeration...", Appendix) and briefly discussed the most common forms in the entire corpus in "Halakhic Literary Patterns: Types, History, and Affinities with New Testament Literature," Jewish Quarterly Review 74 (1983): 46-60. Lieberman, Hellenism in Jewish Palestine, pp. 53-82, observed that these interpretive norms were used on a wider scale in the Hellenistic world of late antiquity. On the thesis that rabbinic academies and methods of exegesis were modeled after Hellenistic schools and the rhetoric practiced therein, see also D. Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," Hebrew Union College Annual 22 (1949): 239-264, and S.J.D. Cohen, "Patriarchs and Scholarchs," Proceedings of the American Academy for Jewish Research 48 (1981): 57-85. For a comprehensive view of Hellenistic influence, see H.A. Fischel, Essays in Greco-Roman and Related Talmudic Literature (New York, 1977). Given what appears to be the general nature of the methods which are shared, however, it is conceivable that they are not directly dependent on Hellenistic models.
observations or propositions. At the same time, however, the narrative portions of the biblical text which generally inspire aggadic expositions tend to send the midrash off on much farther ranging topics whereas generally the halakhic expositions seem more "disciplined" in their linkage to the immediate biblical text and related passages.

In his discussion of rabbinic value concepts and the means of conveying them, Kadushin discussed several conceptual differences between aggada and halakhah. From aggada we learn most about the nature of what he has called value concepts. The four major ones are justice, God's

---

35 See Boyarin, Intertextuality, pp. 22-24, on the significance of "prooftext" as "co-text" in the process of continuing and restructuring tradition.

36 In this regard, Goldin, "The Freedom and Restraint of Aggada," pp. 57-76, noted that there is generally less controversy with aggada, resulting in greater freedom. Heinemann, Aggadot veToldotehen, pp. 14-20, attributed the more frequent adaptations in aggada to a longer period of oral transmission. This observed phenomenon of greater freedom is illustrated by the instances of multiple interpretations evident in aggadic materials. See Stern, "Midrash and Indeterminacy," pp. 132-61, and further comments below, n. 70. Fraade, From Tradition to Commentary, ch. 4, determined that the term davar aher, posing yet another explanation of some feature of the biblical text, occurs approximately two and one half times more frequently in the aggadic sections of Sifre Deuteronomy than in halakhic materials. He observed the same imbalance in other early rabbinic commentaries although the statistics were not quite as high.

37 The Rabbinic Mind, p. 59.
love, Torah and Israel.\textsuperscript{38} These are made concrete or applicable in halakhah.\textsuperscript{39}

It has commonly been suggested that aggada arose in response to a popular need, especially during times of difficulty. As the theory goes, the synagogue was the source of ethical teaching and comfort for the populace at large and the aggadic material was the product of sermons by the rabbis to the people.\textsuperscript{40} In reality, the picture is very likely more complicated; both aggadic and halakhic midrash may have developed within the context of the academies for use both

\textsuperscript{38} The Rabbinic Mind, p. 15.

\textsuperscript{39} The Rabbinic Mind, p. 79. I would observe that, when the subject of the biblical text is God, His character, attributes and activities, aggadic midrash is more often than not the result. When the subject is the people and the text is dealing with directives or imperatives, halakhic midrash is the product. For further details on these observations as they have emerged from the study of Mekhilta de-Rabbi Ishmael, see ch. 3, pp. 91-92, n. 18.

\textsuperscript{40} Bloch, "Midrash," pp. 31-32. Kadushin made this point in his discussion of "haggadah" in The Rabbinic Mind, pp. 62-63. Heinemann, Darkhei-ha'Aggadah, p. 12, suggested that, because listeners did not have the ready option to go back and review as did readers, there is more likelihood that material presented in this milieu contained diverse opinions and paradoxes. See also J. Heinemann, Aggadot veToldotehen, pp. 11-13. M. Bregman, "Past and Present in Midrashic Literature," Hebrew Annual Review 2 (1978): 45-59, presented midrash as having its origin in the active preaching to an audience and preparing them for the particular Torah reading. Even though he did not make a distinction between the exegetical and later homiletical midrashim and tended to use the latter for most of his illustrations, several examples were drawn from Mekhilta de-Rabbi Ishmael. In this regard, see the conclusion of D. Halperin, The Faces of the Chariot: Early Jewish Responses to Ezekiel's Visions (Tubingen, 1988): 18-20, 134-35, 262-83, that the synagogue was the source of the textual tradition linking Sinai and the merkavah.
inside and out. As the self-appointed successors of the priests, the Sages taught what they studied.

Even presuming some form of academic environment, the issue of the origin and purpose of halakhic midrash and its relationship to halakhah in mishnah form is a complex one.


Fraade, From Tradition to Commentary, ch. 3, described the role of the Sages in the study and "re-presentation" of Torah. He proposed a specific sociohistorical circumstance; the decline of priestly authority in the teaching of Torah and the concomitant presentation of the Sages as the legitimate successors. In regard to the Sages' taking up the mantle of the priests, see L. Levine, The Rabbinic Class in Palestine during the Talmudic Period [Hebrew] (Jerusalem, 1985): 115-17, 123, 130-32. In his study of the relationship between the Sages and Israelite society at large, Levine concluded that the former were an intellectual and religious elite who, in spite of the fact that their way of life was not adopted by the rest of society, had a recognized status and did have an impact on the beliefs and values of the people in general.

For a summary of the pertinent scholarship on the issue, see E.E. Urbach, "Exegesis as the Basis for Legislation and the Problem of the Soferim" [Hebrew], Tarbiz 27 (1958): 166-82. Note also the criticisms of early work by Neusner, "The Modern Study of the Mishnah," in The Study of
It is clear that mishnayot, both as they appear in the extant Mishnah and in altered forms, are used in the midrashim. Much discussion has been devoted to the question of which form appeared first.

The opinions of Hoffmann, Weiss and Lauterbach give considerable credence to the reference by R. Sherira Ga'on to the effect that in the Second Temple Period all

---


"See further discussion in ch. 3, pp. 82-83, the analysis chapters of Part II and conclusions on pp. 666-670. See also Epstein, _Mavo leNusah haMishnah_ (Jerusalem, 1948): 736-38, 747-48. In _The Relationship between Halakhic Midrash and the Mishnah and Tosefta_, pp. 123, 180-81, Melamed demonstrated that the Mishnah and Tosefta as we know them were in the hands of those who compiled the midrashim but the tannaim felt free to alter them to suit the context and the Mishnah itself may have received additions and changes at the hands of copyists. The situation is further complicated by the apparent stages involved in editing the Tosefta and when those occurred. See Epstein, _Mevo'ot_, pp. 241-62, and Albeck, _Mekhgarim beVaraita veTosefta_ (Jerusalem, 1944): 65-89. Ch. Levine, _Studies in Mishnah Pesahim, Baba Kama, and Mekhilta_ [Hebrew] (Tel Aviv, 1971), specifically studied the relationship between the Mekhilta and the Mishnah and their use in amoraic sources. He indicated that the problems regarding the relationship are not resolved by assuming that either one preceded the other. Both used and reworked materials (Foreword). In this regard, see also A. Weiss, "LeHeqer haSifruti shel haMishnah," _Hebrew Union College Annual_ 16 (1941): 1-33.

45_Zur Einleitung, p. 3.

46_Dor Dor veDorshav_, vol. 1, p. 66.

teaching of halakhot was in midrash form.\textsuperscript{48} Halevy, on the other hand, proposed that the basic form of mishnah instruction was prior; tradition was the source of halakhah and it was never based on derash.\textsuperscript{49} Epstein made a distinction between the origin of halakhot and the medium in which they were taught.\textsuperscript{50} Studies of individual parallel passages in the Mishnah and the midrashim indicated that it is impossible to detect stable patterns of dependence in either direction because there are too many variables.\textsuperscript{51}

\textsuperscript{48}Iggeret Rav Sherira Ga'on, ed. B.M. Lewin (Haifa, 1921): 39. When the change to mishnah form might have occurred and the reasons for it are a matter of conjecture on the part of all of these scholars. Whatever the case, the midrash form was never completely supplanted.

\textsuperscript{49}Dorot haRishonim, Part I, vol. 5, pp. 234ff. He theorized that the midrash form was pioneered by Hillel with his seven middot.

\textsuperscript{50}Mevo'ot, pp. 503-08. Although midrash was not the source of halakhot, the soferim taught tradition and halakhot only in conjunction with written Torah until the time of Yose b Yo'ezer. At that time, there was a change to the mishnah form of instruction. See also Albeck, "haHalakhot vevaDerashot," in Alexander Marx Jubilee Volume (New York, 1950): 1-8, and Urbach, "Exegesis as the Basis of Legislation," pp. 166-82, for further refinement of and suggestions on the historical development of the forms.

\textsuperscript{51}The most critical of these is the extent of time during which the traditions were conveyed in oral form. In this regard, see Lieberman, Hellenism in Jewish Palestine, pp. 83-99. L. Ginzberg, "On the Relationship between Mishnah and Mekilta" [Hebrew], in Studies in Memory of Moses Schorr (New York, 1944): 57-95, studied specific passages in the first five chapters of Mekhilta de-Rabbi Ishmael and their counterparts in the Mishnah, Tosefta, Mekhilta de-Rabbi Shimon bar Yohai and the Talmuds to determine how the Mishnah and Mekhilta are related. In some cases, he found no apparent indications of dependence while in others he noted they were very similar but he could not determine which was derived from which. He posited earlier sources, some of
More recently, Halivni claimed that the Jewish way of dealing with law has been consistently characterized by explanation and argument which is the essence of midrash, whether simple or complex. In his opinion, the mishnah form of legal instruction, formally separated from most of its biblical bases, was an aberration and the product of specific cultural and political circumstances between A.D. 70-200. From another perspective, Neusner suggested that the original purpose of written midrash was the necessity of demonstrating that the laws of the Mishnah had biblical foundation.

which may have been used both the Mishnah and the midrash.

52 Midrash, Mishnah, and Gemara, p. 54. In order for the law to survive during the stage of oral promulgation, it had to be easily memorized. Halivni noted two factors which lessened the likelihood that maintaining halakhah by memory would be easy: 1) the crisis of the destruction of the Temple and 2) the increasing development of complex midrash.

53 Midrash as Literature, p. 8. This is with specific reference to Sifra, Sifre Numbers and Sifre Deuteronomy, all of which intersect to a considerable degree with the Mishnah. Neusner interpreted the characteristic rhetoric of the midrash, which pits logic against Scripture, as a polemical statement that reason alone is insufficient to derive legal principles; Scripture is also necessary. He has repeated the same point in his books on individual halakhic midrashim (Mekhilta According to Rabbi Ishmael: An Introduction to Judaism's First Scriptural Encyclopedia [Atlanta, 1988], Sifra in Perspective: The Documentary Comparison of the Midrashim of Ancient Judaism [Atlanta, 1988], and Sifre to Deuteronomy: An Introduction to the Rhetorical, Logical, and Topical Program [Atlanta, 1987]). Jack Lightstone, "Oral and Written Torah in the Eyes of the Midrashist: New Perspectives on the Method and Message of the Halakhic Midrashim," Studies in Religion 10 (1981): 187-93, demonstrated the same thing in briefly assessing a standard rhetorical pattern in Mekhilta de-Rabbi Ishmael. By repeatedly employing a rhetorical pattern even though the contents change, the point was driven home that knowledge of written Torah was necessary. See also Porton, Understanding Rabbinic Midrash, p. 47.
The "Schools" of Akiva and Ishmael

The halakhic or tannaitic midrashim are unusual in the wider sphere of midrash because there are indications that two separate compilations or compositions once existed for each of the four biblical books, Exodus through Deuteronomy. In his pioneering work, Hoffmann concluded that most of the halakhic midrash came from the schools of Akiva and Ishmael and, of the four extant texts, Mekhilta de'Rabbi Ishmael (MRI) and Sifre Numbers (SN) came from Ishmael's school while Sifra (S) and Sifre Deuteronomy (SD) were primarily from the school of Akiva. He based this determination on four criteria. First, some of the sages mentioned in MRI and SN are significantly different. Second, many anonymous statements in MRI and SN are attributed to School of Ishmael in the Talmud. Third, there are distinct variations in exegetical method. Fourth, the exegetical terminology employed by each school was significantly

54 Zur Einleitung, Pt. II.

55 For example, he noted that Akiva used gezerah shavah much more extensively than Ishmael did and only Akiva employed ribbui and mi'ut. Akiva derived halakhah from all particulars of language. In other words, he did not always follow the simple sense of the text but allowed the law to have wider application through his methods. Ishmael searched for the sense of the text, indicating it must be read as normal speech and, while he used principles of logic to derive halakhah, they were more restricted. In reading the text, Ishmael noted that every repetition of material in Torah was for a purpose and must be used to teach something new (Zur Einleitung, pp. 6-9). In asking and answering the question "why is this said?", the necessity for word-for-word and even letter-for-letter exegesis is obviated. See also Epstein, Mevo'ot, pp. 521-44.
different. Following the lead of Hoffmann, Bacher noted which methods and terms predominated in Akivan and Ishmaelean midrashim.\textsuperscript{56}

Albeck pursued these distinctions further\textsuperscript{57} and, in comparing parallel occurrences of the midrashim, determined that even those from the different schools had an early common source. He concluded that the classification was a relative matter; only in terminology were there clear variations and these tended to be blurred in the transmission of the text. The noted distinctions were a product of the schools as they redacted and worked over the midrashim.

Finkelstein\textsuperscript{58} treated the aggadic materials separately and claimed that they reflected older sources. In fact, he felt that the tannaitic midrashim were compilations of older materials which had already been written down elsewhere. He based this conclusion on stylistic differences which he noted

\textsuperscript{56}\textit{Erkhei Midrash}, pp. 1-140. For example, while \textit{maggid hakatuv} characterized MRI and SN, it was almost completely replaced by \textit{melammed} in S. At the same time, however, he observed that some of the methods did cross the lines and SD, in particular, contained sections which could be traced to the school of Ishmael. See "Origin," pp. 422-24.

\textsuperscript{57}\textit{Untersuchungen}, ch. 2, and \textit{Mavo laTalmudim} (Jerusalem, 1969), ch. 5.

particularly within the aggadic sections of MRI. In his opinion, the distinction between the two schools really lay in the halakhic material; both had drawn on a common source for the aggadic sections. Especially in the halakhic sections, often marginal notes had been interpolated into the actual texts. After eliminating these, there remained the kernel of the midrash which stemmed from the schools of Ishmael and Akiva even though these particular distinctions were blurred in later times.\(^{59}\) Epstein also observed that the schools differences are most apparent in halakhic portions and detailed the methods ascribed to each while cautioning that the distinctions are indeed softened by the complexities of the literature.\(^{60}\)

In his study of Rabbi Ishmael, Porton\(^{61}\) claimed that the "schools" distinction needs careful reconsideration. Akiva and Ishmael appear to have used each other's methods

---

\(^{59}\)For further discussion of this issue as it applies particularly to MRI, see ch. 2, pp. 54-55, n. 29. See also observations regarding the differences between MRI and MRS in ch. 2, pp. 55-57.

\(^{60}\)Renditions in the Talmuds, for example, often do not maintain them. Sometimes, Akiva and Ishmael appear to agree in method even though their conclusions differ or agree in their conclusions in spite of different methods. To Ishmael are attributed middot which are not part of the 13. See Mevo'ot, pp. 521-44.

while the majority of the 13 middot attributed to Ishmael were never used by him. Even in MRI, Ishmael's independent statements are not that numerous. In fact, most of the time when he is quoted, it is by students of Akiva and not by his own students. Akivans preserved and transmitted his materials, recasting them in Akivan forms. The differences that exist are the result of Amoraic editors. Porton indicated that the presumed migration of Ishmael's students to Babylonia may have resulted in the effectual end

---

62 That there would be considerable similarity in materials attributed to Akiva and Ishmael ought not to be surprising because Ishmael's 13 middot are essentially an expansion of the seven middot attributed to Hillel. Gottlieb, "Midrash as Biblical Philology," pp. 143-44, demonstrated that the simple 'ein...'ela' formula appeared in both Akivan and Ishmaelean midrashim without significant variation. The real question is whether or not presumably Ishmaelean texts reflect methods which were ostensibly the sole domain of Akivan circles and vice versa. For possible evidence of Akivan restructuring, see the studies of M. Chernick, Hermeneutical Studies in Talmudic and Midrashic Literatures [Hebrew] (Lod, 1980), and "The Use of Ribbuyim and Mi'utim in The Halakic Midrash of R. Ishmael," Jewish Quarterly Review 70 (1979): 96-116. Although none of the midrashim attributed to the Akivan school contain occurrences of the Ishmaelean klal ufrat ukhlal, Chernick found instances in texts which are assumed to be from the Ishmaelean school where Ishmael used ribbuyim, presumably an Akivan method. Epstein, Mavo leNusah haMishnah, pp. 747-48, claimed that the mik'an amru statements in Ishmael's midrashim were added later by Rabbi and others who followed a generally Akivan method. Even though it cannot be demonstrated that these statements are late additions, there are sufficient additional instances where Rabbi's name closes a dispute, thus indicating his prominence in the process of dealing with the midrashim. See observations and conclusions in ch. 14, pp. 674-76.
of his influence on the development of the tannaitic sources.\textsuperscript{63}

A current assessment of the issue has been provided by Strack/Stemberger.\textsuperscript{64} First, the Ishmael/Akiva distinction is not proven and therefore the conclusion that these two separate exegetical schools existed is not founded. Second, the halakhic midrashim are arranged in two groups in which traditions from Ishmael or Akiva appear to be favored by their schools but not transmitted exclusively. Third, halakhah and aggada stem from different sources. Aggada in both groups of texts is from a common source. Fourth, the terminology which characterized the different schools developed in halakhic material. Fifth, the halakhic midrashim can still be grouped: MRI and SN, S and Sifre Zuta, SD and Mekhilta of Rabbi Shimon b Yohai (MRS). Sixth, when one speaks of midrash from the school of Ishmael as opposed to Akiva, one must be cognizant that this does not

\textsuperscript{63} According to Porten, Ishmael was a rather insignificant biblical scholar. While Porten gathered volumes of data, I would question his comprehensive interpretation of them. The sheer number of Akiva's students and their prominence in the mainstream of talmud Torah made it almost inevitable that, when they incorporated Ishmaelean materials, they recast them. That they did use them instead of ignoring them is indicative of his stature. Furthermore, to Ishmael were attributed the 13 middot which is a general indication of his perceived importance. See further discussion in ch. 14, pp. 672-76.

necessarily refer to a historical distinction between two schools.65

Modern Methods of Study

In past decades, the scholarly work in the area of midrash was characterized by painstakingly detailed assessment of parallel occurrences of given traditions or ideas, whether they be halakhic or aggadic, and by catalogs of names and terminology.66 This comprehensive approach was deemed necessary because "rabbinic thought" was considered to be indivisible. Among other things, the work of comparing parallel sources had as its object the discovery of sources and the earliest forms of particular traditions.67

65See further discussion in ch. 2 regarding these distinctions as they apply to MRI and MRS.

66In his assessment of various approaches to rabbinic literature, P. Schafer, "Research into Rabbinic Literature: An Attempt to Define the Status Quaestiones," Journal of Jewish Studies 37 (1986): 139-48, indicated that the earliest might be characterized as the traditional halakhic approach in which halakhah was assumed to be superior and therefore the basis from which to assess everything else. This resulted in a theological agenda. In this category, he placed Epstein's Mevo'ot. Another approach, exemplified by E. Urbach's The Sages: Their Concepts and Beliefs, trans., I. Abraham (Jerusalem, 1979), explored individual themes as they occur in the literature. The shortcoming of this method is that it artificially imposes themes onto texts which themselves do not systematically consider them. Bacher's Erkhei Midrash is an example of a "catalog".

67Albeck, for example, questioned the date of the compilations of halakhic midrashim based on whether or not the Talmuds knew them in the form that we now have them (Mavo laTalmudim, ch. 5, and Untersuchungen, ch. 3). As we shall see in the discussion of texts and redaction, that conclusion is based on incorrect assumptions about midrashic text
Even in more recent scholarship, an accepted methodology has involved gathering all the materials pertinent to a subject, arranging them according to the assumed chronological development and then making observations regarding the development of the tradition.\(^{68}\) At the same time, however, there has been an increasing emphasis on the importance of assessing individual rabbinic texts.\(^{69}\) The difference of opinion rests to a great extent on the issue of whether individual texts as we now have them have internal coherence and plan, are simply compilations of free-floating independent units or are somewhere in between. To that question we now turn.

---


\(^{69}\) Clearly, this has been propounded most vigorously by Neusner but others have also indicated the necessity. See Fraade, "Sifre Deuteronomy 26," pp. 245-50, and Gruenwald, "The Methodology of the Study of Rabbinic Thought," *Milet* 2 (1985): 173-84. In his survey of approaches, Schafer expressed some caution on the method. Fraade also observed that this approach, too, can turn out to be "reductionist" (*From Tradition to Commentary*, ch. 1). A similar critique of Neusner's focus on single documents appears in Boyarin, *Intertextuality*, pp. 13-15.
What Made the Text a Text?: Redaction and Editing

In his many and varied contributions to the field, Neusner has repeatedly emphasized the need to assess individual texts on their own merits. That there are those who disagree with his methods is evident in the polemic that emerges in several of his recent books.

Behind this discussion are a number of fundamental and related questions not all of which have readily accessible answers. First, what constituted the processes of redaction and editing as they were applied to rabbinic texts? Second, was a particular community or "authorship" responsible for structuring a composition as each rabbinic text took shape?

70 A significant step in the development of midrash is seemingly bypassed in moving directly to this question. Redaction and editing of written texts came after what may have been a considerable length of time that was dominated by oral presentation. Heinemann, Aggadot veToldotohen, pp. 1, 8-14, 17-20, emphasized that the aggadic midrashim, preserved in oral form much longer than the halakhic midrashim, underwent greater changes depending on the social context. The aggadic tradition was dynamic. On the issues of what was written, whether it was or was not forbidden to write halakhot, how written material was used and the evidence that writing halakhot did occur quite early, see Epstein, Mavo leNusah haMishnah, pp. 692-703. Lieberman, Hellenism in Jewish Palestine, pp. 83-99, concluded that, in rabbinic circles, even publication of an official document such as the Mishnah was oral, not written. What was written down regarding halakhic material were private notes which could reflect considerable variation among versions.

71 Among them are Canon and Connection (Lanham, 1987) and Midrash as Literature.

72 This is Neusner's term which he defines in Canon and Connection, p. 20, as a group of persons who selected and arranged the materials which constitute a document. If a text had an authorship, that meant that there was a collective consensus about its form, logic and plan.
Third, does each text have a comprehensive message or, on the other hand, do we simply have anthologies of exegetical materials selected solely because they correspond to the base texts? Are they interchangeable parts all of which equally represent rabbinic Judaism? Fourth, since there are clearly materials from a variety of sources and shared with a number of sources, how can we distinguish between an "anthology" and a structured composition? Furthermore, are some types of texts more likely to appear to be planned compositions than others? Can the same criteria for

73 Neusner consistently presented this question as an either/or choice. Fraade, "Interpreting Midrash 1," p. 185, criticized that "dualistic" presentation, suggesting there might be a bit of both. His concern to deal with relationship of the commentary text to both the canonical material and the body of tradition indicates his perception of the need for balance. See From Tradition to Commentary, ch. 1.

74 For example, Finkelstein, "Sources," pp. 214-15, stated that it is an error to regard the tannaitic midrashim as units and criticized earlier scholars for treating the aggadic sections as part of MRI instead of independent works. See further discussion below.

determining the presence of a composition be used for different categories of midrashim? 76

In his discussion of the redactor's part in the development of an exegetical text, Fraade suggested that the presence of "literary and linguistic conventions," characteristic methods of linking together units and superimposed structural or thematic unity indicates the work of a redactor. The more apparent these features are, the more likely it is that the text will reflect the world of the redactor. 77 Approaching the question from the other side, Cohen proposed that the presence of apparently superfluous material indicates a lack of selectivity and a tendency not to adapt or change whole units imported from elsewhere. The

---

76 The answers to all of these questions are particularly germane to the direction of this present work. On the assumption that there has been some degree of conscious selection and structuring, the methodology has been designed to assess significant aspects of the text where that work might be evident. See further in ch. 3. It is necessary, however, to acknowledge the potential pitfalls of designing a method with preconceived notions as to what it is to accomplish. Fraade, "Sifre Deuteronomy 26," pp. 292-93, cautioned that it is important, in the search for thematic unity, to distinguish between the redactor's intent and the reader's perception. See also Boyarin, Intertextuality, p. 14, on the problems of looking for the world view of the authorship of a single document.

77 Fraade, "Sifre Deuteronomy 26," p. 251. In several of his recent analyses of midrashim (Mekhilta According to Rabbi Ishmael, Midrash as Literature, Sifra in Perspective and Sifre to Deuteronomy), Neusner suggested the same basic characteristics of the redactor's work. The process involved bringing the contents into conformity with rhetorical patterns, accepted modes of making statements and overall plan or theme, over and above simply selecting materials which responded to the progression of the biblical text.
absence of any attempt to integrate major motifs as well as breaks in the thematic flow from section to section signify a lack of editing. 78

Fraade 79 raised the possibility that separate units in the exegetical midrashim may have been redacted at different times and later drawn together into a running commentary. In other words, while the varied contents may have been shaped or abbreviated to a minimal extent at the final stage, they may still maintain their narrative or exegetical "integrity" as independently redacted units; if so, they could reflect a variety of periods of history. Whenever the textual redaction occurred, it involved intentional reworking of the text, leaving a deep mark on all parts of the text. Therefore, there are two fundamental possibilities. If there is evidence of comprehensive shaping of the entire text, it is representative of the time when that took place, not of several earlier periods. On the other hand, it may be that apparently distinctive units indeed reflect entirely separate redactional works. If these are together now, it is not the product of editing but simply of compiling. 80 To test each


80 Neusner did not deal with potential stages in redaction but worked with given texts as we now have them. Although he acknowledged value in Neusner's focus on individual texts, Schaefer, "Research into Rabbinic Literature," pp. 150-51, expressed concern that two serious problems regarding the matter of text development were being overlooked: The
possibility, it is essential to study the texts unit by unit and later compare and assess the observations for each unit.

Evolution of the Neusner Approach

In the section which follows, I shall outline the basic procedures developed by Neusner as he addressed the matter of composition in conjunction with a wide variety of individual texts. I shall emphasize those which seem to be most pertinent to the exegetical or expositional midrashim. Prior to that, however, it is important to assess the development of his case for the "integrity" of texts over the course of his own works.

In several contexts, Neusner stated emphatically that Scripture does not dictate the shape the exegesis takes.

manuscript traditions and the potentially fluid nature of boundaries to the texts at early stages in their development. With regard to the first issue, the manuscript traditions may be sufficiently different that they warrant being called recensions of a work. See, for example, Finkelstein, "Prolegomena," pp. 3-42, but see also Lieberman's review of Finkelstein's text of Sifre Deuteronomy in Kiryat Sefer 14 (1937/38): 323-36. Addressing the second, it is difficult to know if works which share extensive traditions were clearly distinguishable as units in the time during which they seem to have been redacted, either at the preliminary or final stages. A serious question revolves around the "redactional identity" of individual works. According to Schaefer, all terms such as text, editing, redaction, recension and tradition are "fragile" in the sense that we do not have a firm handle on what they meant for texts of antiquity. In this regard, Fraade, "Sifre Deuteronomy 26," pp. 252-57, pointed out the need for comparison and contrast among texts to determine distinct patterns which may reflect specific "circles" behind individual texts. In sum, while study of individual texts will made a significant contribution, it cannot be the end of the endeavor.
Rather, the framers of a document gave to Scripture their meaning and their world view. At the same time, however, he maintained that it is necessary to demonstrate the integrity of a document before we can claim that the authorship shaped its contents. He further said that integrity of and coherence within the text are really demonstrated by the material which is unique to it. It would follow that, if most of the pericopae in a given text are shared, there is little ground for claiming textual integrity. On the other hand, for each successive text he

81 Ancient Judaism and Modern Category-Formation, p. 36, and Sifra in Perspective, pp. 8-9. In Midrash as Literature, this is one of the five main issues which he vigorously argued. It is another area where Fraade, responding to Midrash as Literature in "Interpreting Midrash 1," pp. 179-94, suggested that the matter does not have to be a choice of one or the other. As a matter of fact, in proposing that the three relational aspects of commentary include the canonical text, the body of tradition and the contemporary community, Fraade focused on the complexity of the issue (From Tradition to Commentary, ch. 1). See also Boyarin, Intertextuality, pp. 12-16.

82 Ancient Judaism and Modern Category Formation, The Integrity of Leviticus Rabbah (Chico, 1985). In earlier studies of non-exegetical midrashim, he deemed it necessary to determine what percentage was unique to the text. Then he characterized the shared materials as to whether or not they had been made to fit the form and structure of this document. It appears that he modified his terminology and perhaps the strength of his position somewhat as a result of working on the Sifres to Numbers and Deuteronomy (see below). On the other hand, the same claim is still held forth in Sifra in Perspective, pp. 12-13.

83 The Integrity of Leviticus Rabbah, p. 4. Even the definition of "shared" materials, however, is not a simple matter. While general topics are frequently the same, the order of presentation, the rhetoric, the attributions and the conclusions may differ, probably the results of the shapers of the midrash responding to the biblical text with selected
studied, he claimed to have demonstrated rhetorical, logical and topical focus even when some of those texts do appear to share extensive amounts of material with other rabbinic sources.  

Neusner's earlier work in these areas was not performed on exegetical or expositional midrashim. Instead, he chose to work on a homiletical or, as he labeled the genre, syllogistic midrash. By their very nature, one would expect texts of this sort to demonstrate more thematic concern, perhaps more formal unity and less direct linkage to the biblical text. With several initial analyses of expositional midrashim, what seems to have happened is traditions. The difficulty is that it is unclear at what point something moves from being shared to being considered unique.  

84 This is especially apparent in Midrash as Literature where his assessment covered Sifra, Sifre to Numbers, Genesis Rabbah, Leviticus Rabbah, and Pesiqta deRab Kahana. The same conclusion is maintained in Sifre to Deuteronomy. With all of those studies as background, his conclusions about MRI were particularly "stunning". He intimated in Mekhilta According to Rabbi Ishmael, pp. 231-32, that the majority of the material in the text is unique. On the other hand, it was his assessment that the text does not have rhetorical and logical consistency and thus is not necessarily a unit from the hands of one authorship. In fact, his references to the authorship(s) are inconsistent as he alternates between singular and plural.  

85 See The Integrity of Leviticus Rabbah.  

86 Bereshit Rabbah, Sifre to Numbers and Sifre to Deuteronomy. Until recently, Neusner repeatedly stated his deliberate omission of MRI because of the uncertain light cast on its date by B.Z. Wacholder, "The Date of the Mekhilta de-Rabbi Ishmael," Hebrew Union College Annual 39 (1968): 117-44. Even in Mekhilta According to Rabbi Ishmael itself, Neusner essentially avoided the issue (pp. 24-25). See
that the criteria for discovering rhetorical, logical and topical unity followed by textual integrity were somewhat fluid depending on the nature of the given text. The most recent works systematized the rhetorical and logical forms of expositional midrashim to a greater extent.

**Neusner's Approach in Practice**

Neusner’s method has several stages. The objective at each stage was to determine whether the text demonstrated the qualities of a planned composition. Initially, he observed the form and rhetorical patterns of a document to see if there was uniformity throughout. A high proportion should conform to a "rhetorical plan". He discovered that the forms in most of the documents under study could be further discussion regarding the date of the text in ch. 2.

---

87 For example, the necessity of having the majority of the pericopae be unique to that given document was no longer stated as a criterion for integrity. It makes me wonder if perhaps he has not constructed criteria on the basis of his prior assumption of integrity. Nonetheless, the study of individual texts has value even without a determination to discover "integrity" at the expense of acknowledging the significance that the biblical text and its surface irregularities hold for the construction of the midrash.

88 This is particularly evident in Mekhilta According to Rabbi Ishmael, Sifra in Perspective and Sifre to Deuteronomy. Neusner also reverted to calling these "halakhic midrashim" as opposed to "expositional midrashim".

89 These basic guidelines are presented in The Integrity of Leviticus Rabbah, pp. 11-12, and Midrash as Literature, pp. 16-17, and form the entire structure of the analyses in Mekhilta According to Rabbi Ishmael, Sifra in Perspective and Sifre to Deuteronomy.
assigned to one of the three or four major categories present in that document.  

At the second stage, Neusner looked for overall structure and a recognizable principle of organization which he labeled logic. This principle joins one sentence to the next and gives cogency to the document in its parts and as a whole.

---

90 These categories are dependent upon the contents of the individual document. Two things should be noted at this point. First, Neusner himself acknowledged that there is unavoidable overlap between this stage of work and searching for themes and logic. See Sifre to Deuteronomy, p. 25. In this regard, Fraade's presentation of the concept of the rhetoric of a document seems to be a bit more realistic, if not quite so neat. He observed not only exegetical formulas but the entire structure and linkages of pericopae as they are designed to involve the student in experiencing the text (From Tradition to Commentary, especially ch. 4). Second, it is clear that exegesis of the biblical text does "drive" the document. In fact, a main point conveyed both by rhetorical forms and by content is that the biblical text is the primary source of reliable information.

91 Sifre to Deuteronomy, p. 5. In his analysis of SD, he proposed the following types of "logic": 1) syllogisms; 2) presenting proofs against contrary arguments (or lists); 3) narratives and parables; 4) non-propositional statements which derive their connection from fixed associations; 5) fixed analytical methods (p. 97). The last is used in SD to a striking degree and imposes cogency by addressing a fixed set of questions and using a sequence of stable procedures on the data. In subsequent analyses of Sifra and MRI, there are noticeable differences in the ways these are stated. The four types of logic according to which he assessed MRI were 1) propositional, 2) teleological (narrative), 3) fixed associative, and 4) methodical-analytical. It was his perception that there was a predominance of propositional statements and fixed associations (or commentary) that led him to conclude that MRI, unlike the other halakhic midrashim, was a "scriptural encyclopedia" (Mekhilta According to Rabbi Ishmael, ch. 5). See further comments in ch. 14, pp. 647-48. While each of these sets may represent sound categories of logic, I find them unsatisfactory for assessing literature. In fact, the three basic categories,
Finally, he tried to discover systematic exposition of themes throughout the document. In some types of texts a single predominant theme appeared to be more evident than in others. Nonetheless, the examination of the major themes of each document allowed for a systematic review of what was important to the authorship. His observations at this stage served as the bases for his discussion of the world view of the text.

From the Search for Text to the Search for World View

In the event that individual texts as we have them may convey coherent expressions of ideas, we must ask how these patterns of ideas can be discovered and then understood. A very basic approach involves tracing the development and interrelationship of prominent themes through the midrash.

As is generally recognized, a major problem in developing an understanding of the world view behind these works is the ahistorical nature of midrash. Because the texts themselves are anonymous, because attributions are of rhetoric, logic and topic, cannot be so neatly separated and the second one is particularly difficult to discern in the actual reading of the text.

92 Leviticus Rabbah, for example, demonstrated more thematic unity than Sifre Deuteronomy and certainly more than MRI.

93 It is this approach which underlies the work of Kadushin, A Conceptual Approach to the Mekilta (New York, 1969).
limited value for "biographical" purposes, and due to a lack of internal contemporary references, the contents of the midrashim do not readily reveal when they were composed and do not give many clues to the external stresses which left their marks on the community. What we can know is that someone drew together a given selection from a much wider pool of exegeses, arguments and narratives, all in response to specific portions of the biblical text and all for some purpose(s).

---

94 W. S. Green, "What's in a Name? - The Problematic of Rabbinic 'Biography'," in Approaches to Ancient Judaism, pp. 77-96, cautioned against creating biographies of rabbinic masters based on attributed sayings because the very character of rabbinic literature is thematic or topical, emphasizing teachings which are incorporated into the rhetorical patterns of the developing tradition. These forms can misrepresent a Sage by reducing his opinions to stereotyped language. Thus, we learn little about the sequence of activities which would have constituted the life and character of the individual master. Furthermore, the attributions are not always consistent once manuscripts and additional sources reporting the same saying are consulted. Green suggested that both halakhic and aggadic materials may contain some degree of "invention" on the part of those who reported about the Sages. For comments addressed specifically to this problem in midrash, see Fraade, "Sifre Deuteronomy 26," pp. 245-47, especially n. 5.

This does not mean that attributions are useless. Note the methodological approach followed by Levine in The Rabbinic Class in Palestine, pp. 3-5. Even though individual names may have suffered in transmission and exact words may not be recorded, these are not as serious if the intention is to study social history instead of biography. Generally, even contested attributions are to individuals who taught in the same generation. Overall, they at least reflect something of the Sages' perception of that general time period.

95 These three focuses correspond to the three relationships which Fraade repeatedly stressed in From Tradition to Commentary. In spite of the apparent disinterest of the rabbis in history, there is implicit
In his ongoing assessment of the themes in midrash, Neusner worked on several levels. Intrinsic to all of them was Torah. As the group which shaped the midrash responded to Scripture, it imparted to the document its world view. It was necessary to determine first why some verses were chosen while others were ignored. Presumably, the passages selected served the intentions of the redactors better than those which were omitted. Once this issue was explored, Neusner dealt with the modes of thought, a more

history in the midrash as the exegeses would have been selected not only to respond to the biblical text but also to the contemporary situation. See Fraade, "Sifre Deuteronomy 26," pp. 245-50.

96 In Sifre to Deuteronomy, p. 143, Neusner characterized this as "writing with Scripture". In other words, the group's dialogue with Scripture enabled the members to make statements. Perceived traits of Scripture contributed to this dialogue. First, it formed a timeless present. Second, it was read both whole (the unity of Scripture) and atomistically. Third, it was perceived as a seamless whole. See also Major Trends in Formative Judaism, Second Series, Texts, Contents, and Contexts, Brown Judaic Studies 61 (Chico, 1984), ch. 2.
Fraade, From Tradition to Commentary, ch. 1, enhanced the understanding of this dynamic "double dialogue" between the biblical text and the community in stating that the commentaries are about the biblical text as a whole and how the community should regard it, relate to it and transform themselves with respect to it. Furthermore, he stressed the third party to the "discussion"; the body of tradition which the commentators had at their disposal. See also Boyarin, Intertextuality, p. 19, who noted that "ideology affected their reading but their ideology was also affected by their reading".

97 See the discussion regarding this aspect of MRI in ch. 4. Although this seems to be especially important in our text, Neusner did not emphasize the implications of the selection process regarding that text (Mekhilta According to Rabbi Ishmael, p. 240).
subtle aspect of the investigation. He suggested that even
the literary conventions which were selected for use convey
world view. They express how ideas were organized so as to
be publicly recognized and therefore they need to be an
object of study.  

98Midrash as Literature, p. 109. All of Neusner's
studies of the halakhic midrashim contain a chapter devoted
to the document's rhetoric. By way of example, Neusner noted
the exegetical tendency in these texts to read one verse in
terms of another by means of analogy, symbols, opposites and
contrasts. In his assessment, all of these techniques
characterized people who were used to perceiving something
other than what was there. There was a radical difference
between the way things were and the way Scripture said they
should be (Major Trends in Formative Judaism, pp. 20-25).
The recurring pattern asking why Scripture says something
demonstrates emphatically the necessity of revelation because
logic is fallible. As already noted, Neusner saw this as a
repeated polemic in all the halakhic midrashim (Mekhila
According to Rabbi Ishmael, Sifra in Perspective, Sifre to
Deuteronomy and Midrash as Literature). To a certain extent,
these interpretations appear to limit the implications of a
phenomenon which pervades the literature.

In regard to midrash which is aggadic, Neusner suggested
that lists, based on traits which are common to the items in
the list, were used to make a point or prove a social law.
Specifically, lists of historical (generally biblical) events
served as paradigms into which contemporary events ought also
to fit. Events were perceived as part of a pattern which
imposed order on chaos. This holds true of other methods of
schematizing biblical reality as well. All of it was
necessary in order to cope with the perceived tension of the
contemporary situation (Major Trends in Formative Judaism,
pp. 25, 53).

In both halakhic and aggadic materials, the treatment of
time represents another mode of thought and is worthy of
consideration. Bregman, "Past and Present in Midrashic
Literature," pp. 45-59, drew attention to the various
rhetorical strategies in the midrash which blurred the
distinction between the biblical past and the present,
therefore creating the "timelessness" so often observed in
the midrash. For further discussion of each of these
presentation media, see chs. 3 and 14.
In tracing major themes, Neusner's basic question was whether or not they come together into a few clear statements. Depending on the document, the presentation of these major themes may vary slightly but the two invariables are God and Israel. A further need as his study progressed was to trace themes beyond the document to see if and how they change or perhaps drop out of "public discourse". This addresses the question: Why were some things urgent? Related to the matter of thematic assessment is the importance of identifying socio-historical references.

On yet another level, Torah is the fundamental symbol and the key to the entire system. It contributes the "other

---

Although Neusner outlined the relationship of these foundational themes for additional documents, the summary provided in Sifre to Deuteronomy is the most thorough. In each of the four thematic categories, Torah is integral. The first is the covenant with the focus on the People, the Land and the Torah. The second involves the history of Israel and Israel and the nations. Israel can affect history by its conduct and merit. Obviously, Torah study is the significant factor here. Third, SD emphasizes matters of community and governance, clearly motivated by the biblical text. The fourth thematic category concerns Torah and the laws. Fraade, From Tradition to Commentary, ch. 2, noted the same basic themes and relationships in his assessment of SD. The category which the rabbis expanded in relation to the biblical text appears to have been the second one; the current relationships between Israel and the nations is a matter of Israel's conduct. The other three major emphases draw directly on the text.

Midrash as Literature, p. 11. One of Neusner's conclusions regarding MRI was that it did not express the sense of urgency of the other midrashim (Mekhilta According to Rabbi Ishmael, Preface). See further response to this issue in ch. 14.
"world" which is how things eternally are. Those who constructed documents transformed biblical history into an "ever-present mythic world" and thus promoted the timeless quality of Scripture. In fact two things were occurring; life was reconstructed along the lines of biblical paradigms and Scripture itself was reconstructed. Fraade referred to the same basic concept in his focus on the "re-presentation" of Torah. The text of Scripture and the event of revelation, the biblical tradition, and historical and future time were all re-presented with a focus on present application. According to Chernus, the image created in the midrash transcends its original historical circumstances precisely because it is vague and thus itself becomes

101 Major Trends in Formative Judaism, p. 24. Fraade, From Tradition to Commentary, ch. 4, characterized Sifre's commentary as suspending the present between the biblical past and an eschatological future. This is also an observation which J. Goldin repeatedly made regarding Shita in The Song at the Sea (New Haven, 1974).

102 Major Trends in Formative Judaism, p. 25. In Torah: From Scroll to Symbol in Formative Judaism (Philadelphia, 1985), Neusner traced another aspect of the reconstruction of Torah as he surveyed the development of the concept of Torah from the time of the Mishnah through the completion of the Babylonian Talmud. In the early documents, it was the revelation in Scripture and instruction. Toward the end of the evolutionary process, it also included what the sages said and encompassed the oral Torah. Finally, when Torah had come to mean the hope for salvation, it emerged in its full symbolic force. From another perspective, he posed the perceived need that the Sages had to "unite the dual Torah" by means of providing Scriptural bases for the logical material and order of the Mishnah (Mekhila According to Rabbi Ishmael, pp. 39-40).

103 From Tradition to Commentary, ch. 2.
paradigmatic as the following generations used and reworked it. Stern observed that the text of Torah was all the more important after the destruction of the Temple because it was the remaining indicator of the existence of the covenant relationship. Study was the fundamental means for preserving the relationship.


CHAPTER TWO:
FROM MIDRASH TO MEKHILTA D'RABBI ISHMAEL

Introduction

To a certain extent, the processes of definition, categorization and assessment of the development and redaction of midrash need now to be repeated within the narrower confines of one text. Some of these entail problems which are specific to MRI.

The Text: A Survey of Issues

Identification

On the most basic level, the simple name, Mekhilta, has been problematic. In dealing with the issue, Lauterbach systematically addressed three questions:

1) When did the term come into use and who applied it specifically to the midrash on Exodus?
2) What did the term mean when it was applied to this midrash?
3) In what sense is this midrash peculiar that it should have this name?¹

¹J. Lauterbach, "The Name of the Mekilta," Jewish Quarterly Review 11 (1920-21): 169-96. I summarize Lauterbach's thesis not because his is the first or last word on the issue but because it provides the basis for further discussion of the development of the text and its relationship to the other halakhic midrashim. See also Hoffmann, Zur Einleitung, p. 40, Friedmann, Mekhilta, Introduction, p. xxx, and Epstein, Mevo'ot, pp. 545-48.
He observed that the Babylonian Talmud (BT) did not refer to the midrash by this title. Rather, it was known as part of a collection including midrashim on Exodus, Numbers and Deuteronomy called *Sifre debe Rav*.\(^2\) This state of affairs continued into the geonic period.\(^3\) It appears that the first to designate the text as *Mekhilta* or *Mekhilta of Rabbi Ishmael* were rabbis who lived during the 11th century outside Babylon.\(^4\) Between the 11th and the 14th centuries, both *Sifre debe Rav* and *Mekhilta* were used, even by the same persons, to refer to passages which we know to be in MRI but not in Sifre.\(^5\) Lauterbach's main point was that *Mekhilta* was the "younger" name. That means there must have been a

\(^2\)"The Name of the Mekilta," pp. 171-172. This point refers only to the name not appearing in the BT. Whether or not the BT knew the contents of this midrash is yet another question which I will address further in the discussion of the suggested dates for the text of MRI.

\(^3\)Lauterbach concluded that certain apparently eighth century references employing the term "mekhilta" were the result of later correction. Even Sa'adiah's use of it in the tenth century appears to have been a description rather than a designation of a given work ("The Name of the Mekilta," pp. 173-74). Wacholder, "The Date of the Mekilta," pp. 119-21, indicated that the reference of Sa'adiah was the first verifiable one. Overall, Wacholder drew significantly different conclusions from the data noted above. See further discussion on the date of MRI, pp. 61-69.


\(^5\)Although this is an important conclusion, the question of fluid boundaries of texts, how long they continued and the work of copyists in adding and deleting pericopae from certain texts must not be overlooked. See further below.
specific reason for it to supplant the more general
designation.

Until Lauterbach's investigation, the basic definition
of "mekhilta" as "rule" or "method for interpretation" was
the starting point for determining the significance of the
name. It was thought that initially all the exegetical
midrashim which applied these methods to the biblical text
were designated thus and only later, the other works were
given the titles Sifra and Sifre while the midrash on Exodus
retained the title Mekhilta. Lauterbach rejected this view
on the basis of the absence in the Talmud of a text
designated mekhilta and the lack of explanation as to why the
other names would have been changed. As used in the
Talmuds, both middot and mekhilata are plural forms which can
mean collections of halakhah in mishnah form. In other

6Note Friedmann, Introduction to the Mekilta, p. xxxii, and Hoffmann, Zur Einleitung, pp. 3,37,71.

7Lauterbach, "The Name of the Mekilta," p. 183. In this
context, it is important to note that the term "mekhilta" was
used by medieval commentators to refer to materials beyond
the boundaries of the current Mekhilta. See especially the
studies of Finkelstein, "Prolegomena," pp. 27-32, and M.
Kahana, "New Fragments from the Mekhilta to Deuteronomy"
[Hebrew], Tarbiz 54 (1985): 485-551, in regard to the
relationship of the Mekhilta to Deuteronomy and Sifre.
According to Finkelstein, "The Mekilta and Its Text,"
Proceedings of the American Academy for Jewish Research 5
(1933/34): 42-43, Maimonides cited approximately fifty
passages which he called "mekhilta" not all of which are in
MRI or even MRS. Furthermore, Maimonides indicated that
Ishmael had exegeted the last four books of the Torah and
they all were called "mekhilta". On Maimonides' references
to MRI and MRS, see also M.M. Kasher, Maimonides and the
Mekhilta of Rabbi Shimon bar Yohai [Hebrew] (New York, 1943):
12-14, 33-43.
words, *mekhilata* did not refer to exegetical works at all in those contexts. The same idea of "collections" is evident in the use of *mekhilata* in geonic literature. Because the midrash on Exodus, unlike the other exegetical midrashim, came to be arranged according to tractates or collections, the plural designation *mekhilata* was appropriate.

**Organization Within the Extant Text of MRI**

Each tractate was apparently divided into individual halakhot. For the most part, these do not survive in the extant western manuscripts or the printed editions.

---


9At some point in time, the plural significance of the term was lost. Probably when this happened, the term was carried over as the title for MRS as well even though we do not know that the arrangement was the same for that text (Lauterbach, "The Name of the Mekhilta", pp. 192-93). Medieval authorities do not always consistently distinguish between MRI and MRS when they use the term "mekhilata". Even a further complication results from the fact that it could still refer to a collection or tractate of halakhic material completely other than the midrash on Exodus. In this regard, see Lauterbach, "The Two Mekiltas," *Proceedings of the American Academy for Jewish Research* 4 (1932-33): 120-21, Finkelstein, "Prolegomena," pp. 3-42, and especially Kahana, "New Fragments," pp. 485-551. See further below on the nature of MRS.

10See the next section for the listing of the witnesses to the text.
Evidence for them comes primarily from manuscript and Geniza fragments.\(^\text{11}\)

Once the text was presented in tractate form, its arrangement underwent further modification which simply adds to the confusion. Because of the tendency in other midrashim to base these larger divisions on the cycle of weekly Scripture readings, that arrangement was partially imposed on the tractates of MRI and the combination is already evident in the early printed editions. A colophon at the end of the two major complete manuscripts and a number of the printed texts preserves for us the initial division according to the tractates.\(^\text{12}\)

Each of the tractates is primarily either halakhic or aggadic in nature depending on the character of the biblical text upon which is it based.\(^\text{13}\) Those which are essentially aggadic correspond to narrative materials while the halakhic


\(^\text{13}\) Lauterbach, "The Name of the Mekilta," p. 192, indicated that each tractate was an independent treatise on the particular group of laws underlying it. This has implications for the issue of unity of the entire text.
words, *mekhilata* did not refer to exegetical works at all in those contexts.\(^8\) The same idea of "collections" is evident in the use of *mekhilata* in geonic literature. Because the midrash on Exodus, unlike the other exegetical midrashim, came to be arranged according to tractates or collections, the plural designation *mekhilata* was appropriate.\(^9\)

**Organization Within the Extant Text of MRI**

Each tractate was apparently divided into individual halakhot. For the most part, these do not survive in the extant western manuscripts or the printed editions.\(^10\)

---


9At some point in time, the plural significance of the term was lost. Probably when this happened, the term was carried over as the title for MRS as well even though we do not know that the arrangement was the same for that text (Lauterbach, "The Name of the Mekhilta", pp. 192-93). Medieval authorities do not always consistently distinguish between MRI and MRS when they use the term "mekhilta". Even a further complication results from the fact that it could still refer to a collection or tractate of halakhic material completely other than the midrash on Exodus. In this regard, see Lauterbach, "The Two Mekiltas," *Proceedings of the American Academy for Jewish Research* 4 (1932-33): 120-21, Finkelstein, "Prolegomena," pp. 3-42, and especially Kahana, "New Fragments," pp. 485-551. See further below on the nature of MRS.

10See the next section for the listing of the witnesses to the text.
Evidence for them comes primarily from manuscript and Geniza fragments.  

Once the text was presented in tractate form, its arrangement underwent further modification which simply adds to the confusion. Because of the tendency in other midrashim to base these larger divisions on the cycle of weekly Scripture readings, that arrangement was partially imposed on the tractates of MRI and the combination is already evident in the early printed editions. A colophon at the end of the two major complete manuscripts and a number of the printed texts preserves for us the initial division according to the tractates. 

Each of the tractates is primarily either halakhic or aggadic in nature depending on the character of the biblical text upon which it is based. Those which are essentially aggadic correspond to narrative materials while the halakhic 


12 Lauterbach, "Arrangement and Division," pp. 428-31. See also Epstein, Mevo'ot, pp. 548-49, citing Leviticus Rabbah 24:5 which attributes to Shimon b Yohai an awareness of the divisions of pesahim and nezikin and presents further discussion as to whether the exposition of tefilin is in pesahim and that regarding shemitah is in nezikin. This is a significantly early attestation to these divisions.

13 Lauterbach, "The Name of the Mekilta," p. 192, indicated that each tractate was an independent treatise on the particular group of laws underlying it. This has implications for the issue of unity of the entire text.
tractates deal with the commandments from God to His people. The nine tractates, their general character and the essence of the biblical chapters are as follows:

1) **Pisha** presents primarily halakhic material dealing with the directives given to the people regarding Passover (Exodus 12:1-13:16).

2) **Beshallah** is aggadic, elaborating on the narrative of redemption at the Sea of Reeds (Exodus 13:17-14:31).

3) **Shirta** continues with even more expanded aggadic interpretations in keeping with the Song of Moses (Exodus 15:1-21).

4) **Vayassa** is also aggadic and focuses on the difficulties and complaints of the Israelites as they traveled toward Sinai (Exodus 15:22-17:7).

5) **Amalek** carries on the aggadic treatment, this time dealing with Israel's encounters with the foreigners Amalek and Jethro (Exodus 17:8-18:27).

6) **Bahodesh** is the most unusual in that it appears to be a transition from narrative and aggadic focus back to halakhic. This is in keeping with the transition in the biblical text from preparation for revelation to revelation itself (Exodus 19:1-20:23).

7) **Nezikin** returns to explicitly halakhic material, responding to specific laws, most of which are

8) Kaspa continues the halakhic material but in this section the biblical principles have either to do with ritual obligations or with individual responsibilities which do not necessarily come within the court's purview (Exodus 22:24-23:19).

9) Shabta concludes the text with further halakhic chapters drawing on two separate biblical passages (Exodus 31:12-17 and 35:1-3). 14

Beyond these major divisions, each individual tractate is composed of separate chapters. Even on this issue alone, the differences among the various manuscripts and editions as to the total number of chapters and the number within each tractate is indicative of the difficulties encountered by scholars who desire to work with the best possible text. 15

As Lauterbach presented the text in his edition, it is of interest that the two large halakhic tractates were arranged so as to have 18 chapters each. Shirta, with ten chapters, may be so because of the significance of ten songs. Vayassa, which highlights the Sabbath principle in connection with manna, has seven. While these may be simply coincidental,

---

14The selective treatment of the biblical text will be further addressed in Part II.

15Lauterbach, "Arrangement and Division," pp. 447-56, treated the issue extensively. See also Epstein, Mevo'ot, p. 549.
tractates deal with the commandments from God to His people. The nine tractates, their general character and the essence of the biblical chapters are as follows:

1) Pisha presents primarily halakhic material dealing with the directives given to the people regarding Passover (Exodus 12:1-13:16).

2) Beshallah is aggadic, elaborating on the narrative of redemption at the Sea of Reeds (Exodus 13:17-14:31).

3) Shirta continues with even more expanded aggadic interpretations in keeping with the Song of Moses (Exodus 15:1-21).

4) Vayassa is also aggadic and focuses on the difficulties and complaints of the Israelites as they traveled toward Sinai (Exodus 15:22-17:7).

5) Amalek carries on the aggadic treatment, this time dealing with Israel's encounters with the foreigners Amalek and Jethro (Exodus 17:8-18:27).

6) Bahodesh is the most unusual in that it appears to be a transition from narrative and aggadic focus back to halakhic. This is in keeping with the transition in the biblical text from preparation for revelation to revelation itself (Exodus 19:1-20:23).

7) Nezikin returns to explicitly halakhic material, responding to specific laws, most of which are

8) Kaspa continues the halakhic material but in this section the biblical principles have either to do with ritual obligations or with individual responsibilities which do not necessarily come within the court's purview (Exodus 22:24-23:19).

9) Shabta concludes the text with further halakhic chapters drawing on two separate biblical passages (Exodus 31:12-17 and 35:1-3).14

Beyond these major divisions, each individual tractate is composed of separate chapters. Even on this issue alone, the differences among the various manuscripts and editions as to the total number of chapters and the number within each tractate is indicative of the difficulties encountered by scholars who desire to work with the best possible text.15

As Lauterbach presented the text in his edition, it is of interest that the two large halakhic tractates were arranged so as to have 18 chapters each. Shirta, with ten chapters, may be so because of the significance of ten songs. Vayassa, which highlights the Sabbath principle in connection with manna, has seven. While these may be simply coincidental,

14The selective treatment of the biblical text will be further addressed in Part II.

15Lauterbach, "Arrangement and Division," pp. 447-56, treated the issue extensively. See also Epstein, Mevo'ot, p. 549.
they might also be indicative of a "text stylist" behind this work.\textsuperscript{16}

Editions, Manuscripts, Recensions, Sources

Portions or all of the text of MRI exist in a number of forms and media.\textsuperscript{17} The two most current editions refer in

\textsuperscript{16}There may be benefit in searching for a comparable situation although the sphere is limited by the fact that most other roughly contemporary midrashim are not arranged into tractates. Instead, Bereshit Rabbah, SN and SD as we have them are composed of consecutively numbered paragraphs in the larger scheme of the cycle of readings. The internal division of Sifra is very complex and requires further study.

\textsuperscript{17}Kahana, "Editions of Mekhilta deRabbi Ishmael," p. 489, presented the following as significant texts. I have also consulted Lauterbach, \textit{Mekilta de-Rabbi Ishmael}, vol. 1 (Philadelphia, 1933-1935; Reprint, 1949), pp. xxviii-xxxiii. While my study has not necessitated my direct examination of the manuscripts and fragments, I indicate them here because the critical apparatus of each edition refers to them and I have consulted these critical notes in regard to certain aspects of this investigation.

Printed editions: Constantinople (1515) and Venice (1545). As E.Z. Melamed has effectively shown, the Venice edition is essentially a copy of the Constantinople and is therefore not an independent witness to the text ("The Constantinople Edition of the Mekhilta and the Venice Edition" [Hebrew], \textit{Tarbiz} 6 (1934): 498-509).
Manuscripts: Oxford 151 (1291), Munich 117 (ca. 1435), Vatican 299 and Casanata H2736.
Geniza fragments: 1) in the British Museum (Or. 5559a, fol. 18); 2) Kaufmann 225; 3) Cambridge T.S. C4.3; 4) in the library of Columbia University (see Lauterbach, \textit{Mekilta}, vol. 1, p. xxx). In the course of his discussions of specific passages in Amalek, Kahana, "Editions of Mekhilta deRabbi Ishmael," pp. 496-98, indicated that this fragment is an excellent witness.

Citations in the Yalkut Talmud Torah to Bereshit (Sasson ms. 783), in Yalkut Shimoni and in Midrash Hakhamim (Jewish Theological Seminary of America 4937a).

I am grateful to Dr. David Goldenberg who drew my attention to an incomplete manuscript in the Topkapi Saray Museum of Istanbul. Its date is unknown. Lauterbach, \textit{Mekilta}, vol. 1, pp. xxviii-xxxv, and Finkelstein, "The
some fashion to most of the textual witnesses but the methods of each have been criticized. Both Boyarin and Kahana stressed the need for a new critical edition of MRI which utilizes the fragments from the Geniza and is more careful in dealing with textual variants. In the absence of such a tool, I have chosen to use Lauterbach's edition as my basic text and have consistently consulted the apparatus in H-R. My reasons for this choice are two. First, even though Lauterbach's text reflects an eclectic approach, it is founded upon the manuscript tradition rather than the printed

Mekilta and Its Text," pp. 6-7, referred to additional sources which preserve parts of the text.

18 Finkelstein, "The Mekilta and Its Text," pp. 3-5, and Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 489-90, while praising the advances made with each edition, pointed out the fundamental problems of each one. The Horowitz/Rabin (H-R) text used the printed editions as the basic text and did not have access to all the Geniza fragments. Although Lauterbach used both the Oxford and Munich manuscripts to develop an eclectic text and had access to the fragments, he did not present all variants and therefore deprived the reader of an awareness of the potential hidden in the manuscripts. Lieberman, "Review of Mekilta de-Rabbi Ishmael, ed. Lauterbach" [Hebrew], Kiryat Sefer 12 (1935-36): 54-65, also suggested the importance of consulting quotations of the Mekhilta in works of the rishonim. While he advised caution in this area, he demonstrated instances where they are of assistance.


20 "Editions of Mekhilta de-Rabbi Ishmael," p. 493.

21 While the issues which I address in the following chapters usually do not depend on extensive research of variant readings, there are points where variations in the textual tradition are significant.
edition. Second, the division of the text into chapters and tractates was an object of his careful study\(^{22}\) and is easier to follow.

Among Finkelstein's contributions to the study of exegetical midrashim and of MRI in particular was his development of principles for editing these texts.\(^{23}\) These principles were based on his own work as well as on observations of the weaknesses of the two modern editions of MRI. Among the principles is the necessity of recognizing and indicating text families and therefore lines of textual influence as emendations are suggested and "best readings" are considered. One of his major contributions to the understanding of the text was his classification of the manuscripts, editions and citations into families of texts.\(^{24}\)

The results of his assessment of the texts and citations of MRI demonstrated an underlying relationship among all the branches of the textual witnesses. On this basis, he posited

\(^{22}\)See Lauterbach, "Arrangement and Division," pp. 426-66.

\(^{23}\)"The Mekilta and Its Text," pp. 5-6, 52-54.

\(^{24}\)"The Mekilta and its Text," pp. 13-49. Finkelstein's assessment of the divisions and text families was based on the western tradition preserved in printed editions and the complete manuscripts. Nonetheless, he was aware of an eastern tradition and his observations have been supported by the subsequent work of Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 592-93. See n. 26 below.
a "parent text" originating in Eretz Israel. It lay behind what developed into two divergent traditions. The complete extant manuscripts, all the printed editions and many of the citations followed the same basic European textual tradition. He also noted evidence, however, for an eastern (Yemenite) text.

Even beyond this, Finkelstein, following initial work by Albeck and his own prior study of Sifre, concluded that the present text of MRI, like the other exegetical midrashim, was built up from interpolations and margin notes. According to his theory, these notes, initially written in the margins, came later to be copied into the actual text. Therefore, in his view, the text went through a process of accretion which was most evident in halakhic sections.

---

25 This conclusion was based on what he perceived to be distinct scribal errors common to both of the text types. See "The Mekilta and Its Text," pp. 35-49.

26 This was primarily preserved at his time in citations of the text by Maimonides, in Sefer veHizhir, in Geniza fragments of parallels in MRS and in Midrash vaGadol. See now Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 592-93.

27 Untersuchungen, pp. 140ff.

28 Prolegomena," pp. 3-42.

29 Studies in the Tannaitic Midrashim," pp. 189-97. While this is one way of explaining the repeated materials and those which appear to contradict other parts of the text or to be awkward in a given context, it is not entirely convincing. It presupposes that original editor(s) intended to present uniform statements of halakhic and aggadic opinion. It clearly goes along with Finkelstein's position that the text itself is not a composition but is made up of a number of independent units ("Sources", p. 214). This view
There is no question but that copying, over a considerable period of time, affected the development of the text. Simply because of the activities of copyists in the history of the text, however, it would be a mistake to ascribe all textual complications to them and, on the other hand, rule out the discovery of conscious selection and comprehensive shaping of the midrash.

The Two Mekhiltas and the Schools

The very fact that there are characteristic differences apparent in the exegetical products of two different "schools" of tannaim is indicative of some degree of consistent presentation even though it may not be as uniform of the text seems, however, to give the copyists more control over the eventual nature of the work than editors or those who might have given thought to its construction. Of course, Finkelstein would not have thought that there was a conscious effort to produce a "text".

Because there is recognized difference of opinion as to which sections are interpolations (cf. Finkelstein, "Studies in the Tannaitic Midrashim," p. 197), this approach to discovering the essential text does not seem to be a very fruitful endeavor. It may have been rather a product of the type of text criticism practiced in the field of biblical studies in the 1930's.

Finkelstein, "Studies in the Tannaitic Midrashim," pp. 199-201, indicated that these interpolations must have occurred relatively early in a Palestinian manuscript because he found examples of the same ones in texts reflecting both the western and oriental textual traditions. See also Finkelstein, "Prolegomena," pp. 39-41, and Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 493-504, for examples. At the same time, Finkelstein acknowledged that, in speaking of "the text", we must decide whether we mean the full version that we can reconstruct from present witnesses or the "stripped down" version without the interpolations. The latter is always hypothetical.
as was once thought. With reference to the midrash on Exodus, Lauterbach clearly demonstrated that two separate Mekhiltas existed and were recognized by medieval commentators. While MRS is not extant in complete form, references to it by medieval authorities, citations of it in Midrash haGadol and fragments of manuscripts indicate that it represents a separate but essentially parallel set of exegeses on parts of Exodus.

The majority of the biblical passages that are addressed are the same in both Mekhiltas but the presentation of MRS is characteristically more compressed. This is generally evident in its use of less complex halakhic methods and fewer far-ranging aggadic explorations. It is the halakhic sections which are particularly distinctive; the aggadic


32"The Two Mekiltas," pp. 113–20. Given the facts that greater differences existed between MRI and MRS in halakhic sections and that the medieval commentators would be intrinsically more focused on halakhic materials, it is not surprising that there would be this recognition of two separate Mekhiltas on Exodus.

33For further details, see Lauterbach, "The Two Mekiltas," pp. 113–29, Epstein, Mevo'ot, pp. 725–39, and Epstein-Melamed, Mekhilta d'Rabbi Shim'on b. Yochai (Jerusalem, 1955): 13–33. MRS is variously referred to as "the other mekhilta", "mekhilta deSanyeh" and "mekhilta deRabbi Shimon". The second title is indicative of the fact that this mekhilta commenced with a section on Moses' encounter with the burning bush in Exodus 3.

34See Epstein, Mevo'ot, p. 740, and Epstein-Melamed, Mekhilta, pp. 31–32.
portions of MRI and MRS share extensive similarities. According to Epstein, the halakhic materials of MRS are from the school of Akiva and bear indications that they are later than the other tannaitic midrashim. In a thorough comparative study of MRI and citations of Ishmaelean materials in other texts, he further demonstrated that there is clearly a body of recognizable material ascribed to Ishmael, even though the history of transmission, whatever form it took, introduced complexity. The most distinctive feature was the change in exegetical methods.

Porton, however, noted problems with the conventional view regarding the schools. He indicated that, although the abundance of the exegetical materials ascribed to Ishmael suggests his role as a Bible exegete, that does not necessitate a conclusion about an exegetical school of Ishmael. Albeck already reached a conclusion similar to

---

35 Finkelstein, "Sources," p. 214. Even so, however, in the aggadic sections, the texts do read differently in spite of the fact that the fundamental content is the same. See "Studies in the Tannaitic Midrashim," pp. 201-03. Finkelstein argued for an early written tradition behind shared aggadic portions because the same scribal errors appear in both MRS and MRI ("Studies," pp. 206ff). In regard to the halakhic tractates, he claimed that it was necessary to remove all the interpolations to discover the nucleus of halakhic material which distinguished the school of Akiva from that of Ishmael ("Sources," p. 238).

36 Epstein, Mevo'ot, p. 738, and see further observations of Melamed on p. 739.

37 Epstein, Mevo'ot, pp. 550-69.

this. He questioned the origin of the terminology differences which can be observed between the two sets of midrashim. His answer was that both the texts and the terminology were the product of amoraic redactors. Porton added that even if "schools" is not a viable distinguishing factor, there are formal differences between the two types of collections. Perhaps these were due to different redactional circles and/or geographical locations.

Neusner traced the probable migration to Babylon of known students of Ishmael during the time of Hadrian's persecutions. He followed in particular the paths of Josiah, Jonathan, Nathan and Isaac. The first two, after having studied with Ishmael, fled to Babylonia and subsequently remained in Hutzal. Nathan was a Babylonian who was perhaps educated under Josiah and Jonathan and later went

---

39 Untersuchungen, pp. 84-86.
40 Ishmael, vol. 4, pp. 55-56.
41 Neusner, "Studies on the Problem of Tannaim in Babylonia," Proceedings of the American Academy for Jewish Research 30 (1962): 79-127, and A History of the Jews in Babylonia, vol. 1, The Parthian Period (Leiden, 1965; revised, 1969), ch. 4. Although students of Akiva left as well, theirs was a temporary flight because they returned and established themselves at Usha. In both of these works, it appears that Neusner accepted as historical evidence a considerably greater amount of data than he did in his later works.
to Eretz Israel. Isaac, although mentioned frequently in MRI and SN, seems to have been associated more with Akivans.\(^{42}\)

\(^{42}\) "Studies on the Problem of Tannaim in Babylonia," pp. 116-19, and *A History of the Jews in Babylonia*, vol. 1, pp. 137-49, 192-96. Neusner indicated that juxtaposing Josiah, Jonathan and Nathan was not accidental; they were probably together in Babylonia. With regard to the literary output of this group, he felt that tractates Pisha and Nezikin of MRI were Babylonian in origin and were the product of discussions between 135 and 150 when Nathan was still in Babylon. Neusner drew his observations from previous work by Hoffmann, *Zur Einleitung*, pp. 38-40, and Epstein, *Mevo'ot*, pp. 570-72. There is a striking predominance of Josiah, Jonathan and Nathan in these two tractates. They are, of course, the main halakhic tractates, each of the same length. Neusner suggested that they may have been initially in the form of notes of a student of Josiah and Jonathan, Issi b. Judah, and were used to instruct further generations. This is reminiscent of Finkelstein's observations about the halakhic tractates and their interpolations. With the passage of time, the notes were filled in, clearly linking the issues of students and redaction. On the matter of students' notes becoming an integral part of a text, see Finkelstein, "Studies in the Tannaitic Midrashim," pp. 189-97, and Lieberman, *Hellenism in Jewish Palestine*, pp. 87-92, on the Mishnah. In this regard, Epstein, *Mevo'ot*, pp. 571-72, concluded that Issi b Akaviah, Issi b Judah and Issi b Gur Aryeh were the same individual, suggesting that the redactor used several sources as MRI was pieced together. To develop the picture further, travel between Babylonia and Eretz Israel eventually brought these halakhic materials west where the works were edited by a circle which was a product of the predominant successors to Akiva. In the meantime, the Mishnah and Tosefta had been edited without input from these Babylonian circles (Neusner, *A History of the Jews in Babylonia*, vol. 1, pp. 134-35). The question which remains is, if this picture of Babylonian origins is accurate, why is there such disparity between baraitot in MRI and the BT that Albeck and others following him would claim MRI was not known to the editors of the BT? Ch. Levine, *Studies in Mishnah Pesahim, Baba Kama, and Mekhila*, demonstrated that the Amoraim of the BT consistently dealt with halakhic issues differently than did the tannaim as reflected in MRI and the Mishnah. Perhaps Hutzal material was not in the mainstream. Perhaps there were significant changes and developments over the intervening centuries, both in the literature and the religious and social milieux. Perhaps the approach of MRI represented an attitude toward the Oral Torah which was not known to the framers of the BT. See further discussion in
Unity of the Text: Restating the Issue

The unity of MRI has been questioned and reaffirmed in approximately the same fashion as that of other canonical texts. Scholars who were primarily trained in the methods of source criticism concluded that the text was composed of independent baraitot and that there was no relationship among them except their position in a single collection of material on Exodus. The number of observed contradictions within the material was a major factor in reaching this conclusion.⁴³

The real issue, however, involves the persons and processes during the hypothetical stage(s) when these independent materials were joined together. Was it only a process of accretion? If so, we are dealing with a compilation of various parts. On the other hand, if there was a conscious effort at some point to make a document and, in so doing, make a statement, then what we have is a text.⁴⁴

⁴³See, for example, Epstein, Mevo'ot, pp. 565, 572-84. Although he did not focus on copyists as the source of the phenomenon, Epstein cited a significant number of contradictions in presentation of subject matter between tractates of MRI. In addition, he noted the peculiar shift in attributions among the tractates and stressed that MRI was a collection of baraitot, not an arranged composition.

⁴⁴Neusner, Mekhilta According to Rabbi Ishmael, Preface, demonstrated some degree of ambivalence at this point. He called it an example of a compilation in contrast to the other halakhic midrashim which he deemed compositions. He referred in ch. 5 and occasionally in ch. 7 to multiple authorships, perhaps even nine. On the other hand, he attributed a particular intention to the authorship in ch. 6. See further observations in Part III.
Can We Ascertain an Approximate Date for MRI?

The Conventional View and Related Issues

The conventional approach to dating MRI stated that this collection of midrashim originated as written material in the tannaitic period but was reworked in amoraic times. This rather broad statement raises a number of questions. Some of these are directly related to the issue of the date. Others are important because they address the nature of the text and

In regard to the matter of perceived textual unity, note again Fraade's claim in From Tradition to Commentary, ch. 3, that the mark of the redactor is so significant as to leave the text reflecting mostly the time of its redaction, not previous centuries. This is an important observation as the matter of the date comes to the fore.

On the basis of the tannaim listed, Hoffmann, Zur Einleitung, pp. 40-41, concluded that the redaction took place in the school of Rabbi soon after his time. According to Bacher, Erkehi Midrash, p. 93, it was R. Nathan who accomplished the final editing. In this regard, Amalek 4 alludes to the death of R. Nathan. Perhaps Bacher considered that a later interpolation. Melamed's comparative study of the halakhic midrashim and Mishnah/Tosefta traditions led him to conclude that the final redaction of the former occurred two generations after Rabbi. By that time the authority of the Mishnah would have been established but alternative traditions, which appear frequently, especially in the midrashim of RI, would not yet have been reduced to secondary importance. See The Relationship between Halakhic Midrash and the Mishnah and Tosefta, p. 181. Lauterbach, Mekilta de-Rabbi Ishmael, vol. 1, pp. xvii, xix, emphasized that MRI contains among the oldest of the halakhic midrashim but it underwent considerable revision and redaction. The position of scholars maintaining this essentially early date of the halakhic midrashim is summarized but substantially qualified by Stemberger in the revision of Strack's introduction, Einleitungen in Talmud und Midrasch, pp. 235-240. Subsequent studies which have dealt with one or more aspects of the issue will be cited individually below.
its various sources and therefore affect the discussion of the date.

First, what were the criteria for proposing tannaitic origin of the materials? Second, the amoraic period is a long time. Can we arrive at a more specific date? Third, how long was the process of redaction and revision, what was involved and what effect did that have on the original material?

Lauterbach presented the following criteria: 1) the halakhot in MRI often reflect older teachings which differ from later halakhic material in the Mishnah and

"Although this first question as stated can be answered with relative ease, it remains to be seen whether demonstrating tannaitic origin of the materials of the text is really a significant issue. Furthermore, with the increasing sophistication in the analysis of textual relationships, the validity of some of the criteria and the assumptions underlying them have been questioned. On the other hand, they have been part of the discussion as the conventional view of the date has developed and therefore merit presentation.

Lauterbach, Mekilta de-Rabbi Ishmael, vol. 1, p. xxvi, used the terms redaction and revision as he described the amoraic reworking of the material. The questions of the Akivan and Ishmaelean schools of midrashic activity, the probability of initially separate units of aggadic and halakhic material and the possibility of interpolations and marginal notations making their way very early into the textual tradition all contribute to the complexity of the issue. See ch. 1, pp. 28-32.

Mekilta de-Rabbi Ishmael, vol. 1, pp. xix-xx. Numerous scholars have analyzed one or more of these criteria from a variety of perspectives and with different sets of intentions.
interpretations in the Talmud; 2) the style of the aggada is different from that in other midrashim; 3) MRI contains historical allusions and aggadic material not found elsewhere in aggadic literature; 4) the exegetical methods follow older simple rules and principles; 5) many of its interpretations correspond to those in early Bible versions; 6) the teachers mentioned are almost exclusively tannaim.

Clearly, the complexity of these issues indicates that the matter needs continued consideration and research. In

50 Lauterbach, Mekilta, vol. 1, p. xix, specified MRI's "lofty teachings", "higher spiritual conception of God", and "expressions of broad universalism" as noticeably distinct from other midrashim. Just how these features, should they be demonstrably distinct, indicate greater age is not stated.

51 I.H. Weiss, Mechilta (Vienna, 1865): xxi-xxii, also remarked on these differences.

52 See examples of such distinctions in Lauterbach, "Midrash Halakah," Jewish Encyclopedia, vol. 8 (New York, 1904): 569-72. These observations are in accordance with what has been noted regarding the tendencies of the Ishmaelean "school" of exegesis but may not necessarily be indicative of an early date. See ch. 1, pp. 21-26.

53 Geiger, haMigra veTargumav, pp. 279-87, gave examples of correspondence between the LXX and the midrash in MRI in contrast to later traditions. He also cited similarities which exist between MRI and the Samaritan and Targum traditions.
fact, the subject is sufficiently beclouded that several recent major works related to MRI have withheld judgment on dating the text saying instead that it needs additional work.\textsuperscript{54} In the section which follows, it is my intention briefly to trace the major developments in the scholarly discussion of the problem.

\textbf{Apparent Problems with the Conventional View}

Stemberger\textsuperscript{55} distinguished between the origin of baraitot and the end redaction of the text as a unit and recognized that the real issue is the latter.\textsuperscript{56} Presumably, however, Lauterbach would have acknowledged that his criteria referred to whatever material could be determined to be "original", not to the redaction in the amoraic period.

\textsuperscript{54} Towner, Rabbinic "Enumeration...", p. 56, n. 1, claimed that for his purposes, no direct statement regarding the date was necessary. Porten, Ishmael, vol. 2, ch. 1, assumed that it is a tannaitic text but said the matter of the date needs work. Neusner, Midrash in Context, p. 108, and Mekhilta According to Rabbi Ishmael, pp. 24-25, expressed doubt about the conventional date and indicated that it is still an open question. He further stated that the matter of the date had no implications for his work. His uncertainty was based on the observations of Wacholder, "The Date of the Mekhilta de-Rabbi Ishmael," pp. 117-44, whose position I shall present below.


\textsuperscript{56} Note again the specific emphasis of Fraade on the important contribution to the text that the redaction process itself has made. Neusner's entire approach is founded upon the belief that the redacted text as we read it has a statement to make as a unit. That statement is most reflective of the time in which it was structured.
Unfortunately, the process of assessing what might have been original is a subjective one and produces only hypothetical conclusions. Furthermore, it predisposes the student to view the text as an accumulation of fragments rather than as a composition with unity.

A major part of the search for "original" occurrences of exegetical units involved comparisons with parallels in other rabbinic texts. It was this activity of studying parallel baraitot which raised yet another issue in the pursuit of the date: The possibility of dependence of one rabbinic source on another.

In his study of the halakhic midrashim, Albeck compared parallel baraitot, both among the midrashim and with the talmuds, in order to determine how specific sources were reworked in their particular contexts and then to posit some ideas on the development of the material. One of his primary intentions was to discover whether Hoffmann's thesis regarding an original distinction between schools of Ishmael and Akiva was correct. His conclusion, however, went beyond that. He determined that the Amoraim of the Babylonian Talmud did not know the halakhic midrashim as they currently stand and, in particular, they did not know MRI. Not only was it unknown to them; indeed, he concluded that MRI as we know it did not exist. Instead, a different collection of
baraitot was available of which some were similar and some were markedly varied.  

He based his conclusion on his observation that quite frequently, when a question which had been resolved in the midrashim in connection with a particular verse was raised in the Gemara, the discussion seemed to indicate that the midrash was unknown. The Amoraim did not allude to the solution. In addition, he noted the Gemara did not directly quote the halakhic midrashim where they might have been relevant. Finally, when BT used the terms "sifra," "sifre" and "mekhilta," it was clearly not referring to the collections which are now called by those names. Therefore, he felt that, although MRI contained tannaitic material, it was not compiled until the late talmudic period. These observations of Albeck were foundational to part of Wacholder's thesis regarding the date of MRI.

The Critique of the Conventional View by Wacholder

In his review of the scholarship on the date of MRI, Wacholder questioned the following five presuppositions which he saw as foundational to the conventional view. First, some

---

57 Albeck, Untersuchungen, pp. 87-96, 105-129.

58 Albeck, Untersuchungen, pp. 88-91. Epstein, Mevo'ot, pp. 555-58, demonstrated that the traditions in BT do differ from those in MRI but that the Palestinian Talmud (PT) and MRI have much closer renditions. He concluded that PT quoted MRI in some cases. Proximity, both geographically and temporally, would account for this phenomenon.
halakhah in MRI are earlier than halakhah in the Mishnah or Talmud. Second, the arrangement of halakhah in relation to biblical text preceded the topical arrangement established in the Mishnah. Third, the named authorities were primarily tannaim. Fourth, much of the exegetical terminology in MRI is very old. Fifth, both Talmuds contain direct quotations from MRI.  

Wacholder dealt with each of these in turn. First, he claimed that even though there may be instances where MRI contains what could be subjectively judged as early halakhah, it mainly followed the texts of Mishnah and Tosefta as we have them when quoting halakhic material. The same holds

---

59 Wacholder, "The Date of the Mekhilta," pp. 123-24. At the outset, it is noteworthy that these are not exactly the same criteria as those which Lauterbach presented in his introduction to MRI. Instead, Wacholder added the second one, perhaps to clarify the issue undergirding the first premise and because Lauterbach was a champion of the view that the midrash form preceded the mishnah form and had drawn certain conclusions from that position. See Lauterbach, "Midrash and Mishnah," pp. 303-323.

Furthermore, Wacholder alluded only indirectly to the comparison between material in MRI and the early Bible translations in the process of dismissing the correspondence between non-rabbinic early formulations of halakhah and those in MRI. This avoids any reference to the possibility of non-halakhic parallels. Finally, probably on the basis of Albeck's investigation, he introduced the concept of literary dependence as a criterion.

60 In support of this contention, he noted the direct quotations from the Mishnah which frequently follow the expression mikan amru ("The Date of the Mekhilta," pp. 124-25, n. 27). It is important to observe that, although mikan amru is followed by a quotation from the Mishnah as we know it in a small majority of cases, there are significant instances where this is not the case. See further observations in ch. 3, pp. 82-83, and ch. 14, pp. 666-70.
true for parallel halakhot in the Talmud. From this, he deduced that MRI used both Mishnah/Tosefta and the Babylonian Talmud.

The second argument he dismissed, stating that we do not know enough about early developments in the formulation of halakhah. Even if it were true that the midrash form preceded the mishnah form, that proves nothing about the early nature of the contents of MRI. 61

Third, because many of the attributions are to tannaim who are relatively insignificant in the rest of the tannaitic corpus and, on the other hand, the giants of the period hardly appear at all, he concluded that the rabbis named in MRI lack historical basis. Pointing as well to some apparent historical discrepancies among names cited together and the surprising lack of reference to distinctive characteristics of known sages, he concluded that MRI is a work of pseudepigrapha composed after the talmudic period. 62

Fourth, rather than reflecting old exegetical terminology, he claimed that MRI contains Hebrew which is extremely far removed from tannaitic Hebrew both in unorthodox forms and in variations of standard tannaitic

61"The Date of the Mekhilta," p. 126.
62"The Date of the Mekhilta," p. 126-34.
terms. This could be due only to composition after the amoraic period.\(^{63}\)

Finally, referring to the work of Albeck, he stated that "the author of our Mekilta certainly made extensive use of the amoraic texts of the Palestinian and Babylonian Talmuds\(^{64}\) as he went about constructing a midrash which was supposed to appear tannaitic. His argument that MRI was dependent on the Talmuds was intended to counter the presumption that it was the other way around.

It is true that Wacholder's criticism of the earlier, simple criteria was warranted. On the other hand, his methods and conclusions have not necessarily produced and reflected an accurate interpretation of the data. To state that MRI had one author who completed his pseudepigraphic text sometime in the eighth century\(^{65}\) involves an excessive amount of subjectivity in assessing the facts. In each of the areas which he addressed, his observations were based upon flawed methodology.

Stemberger's Direct Response to Wacholder

The most extensive treatment of the Albeck/Wacholder thesis of the dependence of MRI on the BT was presented by

\(^{63}\)"The Date of the Mekhila," pp. 134-36.

\(^{64}\)"The Date of the Mekhila," p. 137.

\(^{65}\)"The Date of the Mekhila," pp. 140-41.
Stemberger. He initially summarized Wacholder's argument on this specific point. First, MRI was unknown to the amoraim of the Talmuds. Second, MRI was dependent on the PT, BT and later 6th century compositions. Third, the author of MRI invented tannaim.

Stemberger's refutation concentrated at length and in considerable detail on the question of dependence and the study of the historical development of a number of passages. He focused on the issue of dependence to the almost total exclusion of the other matters discussed by Wacholder because he claimed that all the other arguments rest on these kinds of literary observations. Through his study of eleven areas where MRI was supposedly dependent on BT, he concluded that, in none of the cases, is there evidence for dependence of MRI on BT and, in most cases, no direct evidence for the opposite situation either.

---

66 Stemberger, "Die Datierung der Mekhilta," pp. 81-118.
67 "Die Datierung der Mekhilta," p. 82.
69 "Die Datierung der Mekhilta," p. 114. The method he employed in the investigation is significant. Not only did he compare the MRI and BT parallels; in every case, he brought all the parallel accounts so as to get the best sense possible of the development of the tradition. As has been noted by Gruenwald, "The Methodology of the Study of Rabbinic Thought," pp. 173-184, Schafer, "Research into Rabbinic Literature," pp. 139-52, and Neusner, Ancient Judaism and Modern Category-Formation and Midrash as Literature, there are limits to the value of this kind of study for determining the chronological development of a tradition because there were specific reasons for adapting a given tradition to its context which could considerably alter that tradition. This
In addition to this main focus, Sternberger responded to the other major observations made by Wacholder. First, he refuted the latter's claim that there are post-talmudic historical allusions in MRI. Second, he addressed the problem of the tannaim named in MRI and proposed several cautions. First, names were a weak area in the process of transmission and were subject to corruption. Second, the assignment of named persons to particular time periods must factor plus the potential for a fluid text due to interpolations or a variety of other reasons do away with the case that a date for MRI can be established on the basis of the BT's apparent lack of knowledge of MRI as we have it. It could have changed what was in MRI to fits its agenda and MRI could have been evolving.

Sternberger was careful to acknowledge the factors which affect the nature of the tradition in the process of transmission and the problems which beset the scholar attempting to date single members of the body of literature. Even so, as a result of his study, he felt that MRI was as old as the talmudic material and thus he set the last possible date for its redaction at 450. In fact, he went so far as to state that it is the oldest text form where parallels exist in the other so-called tannaitic midrashim and therefore was redacted significantly before the terminus of 450 ("Die Datierung der Mekhilta," p. 117).

It is interesting that, of all the parallel accounts which Sternberger analyzed, only one, a series of passages about Gamaliel II, included material from the aggadic portions of MRI. The rest were primarily from Pisha and Nezikin. In view of the possibility that the aggadic sections are older, the traditions contained therein might demonstrate even more marked differences from their counterparts in the Talmuds.

70"Die Datierung der Mekhilta," pp. 111-12. They included Wacholder's identification of the "sons of Ishmael" (Bahodesh 5) as Moslems, the discussion of the calendar (Vayassa 2), the identification of the king parable in Bahodesh 8 as a reaction to iconoclasm and the assertion that the debate over flesh and milk (Kaspa 5) was a geonic argument. None of these can be so precisely located in post-talmudic times to the exclusion of earlier periods.
not be the result of preconceived notions about the date of the text. Third, a historically "impossible" combination of two named rabbis in a given context may simply be the result of the later editor placing them side-by-side to make a point about the subject. It does not indicate centuries-old ignorance of the tannaim.\(^{71}\) In conclusion, Stermerger proposed that MRI was redacted in the second half of the third century.\(^ {72}\)

Further Responses and Correctives

In the context of his work with Geniza fragments of midrashic texts, Kahana also responded to the conclusions of Wacholder.\(^ {73}\) He demonstrated that several of Wacholder's

\(^{71}\)"Die Datierung der Mekhilta," pp. 115-17. I would add a further response to Wacholder's assertion that "the lack of any discernible pattern respecting the names...raises the great possibility that the names cited in the Mekilta have no historical basis" ("The Date of the Mekilta," p.129). Patterning among the names would represent, if anything, a significant attempt at stylizing. Furthermore, pseudepigraphic works are generally ascribed to the giants of the period, not to obscure figures.


\(^{73}\)Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 515-20 (Appendix A).
claims about the text were made on the basis of readings in the printed editions and were erroneous once the manuscript tradition was considered. He also dealt with linguistic details in Wacholder's assessment, demonstrating that the presumably "bad" Hebrew which characterized MRI was found in the Mishnah, Tosefta and the other tannaitic midrashim.

Kahana further addressed the various problems associated with the tannaim named in the text and corroborated the conclusions of Stemberger. For example, the juxtaposition of Josiah and Jonathan with Ishmael, who preceded them, does not imply ignorance on the part of editor. Rather, it was the content of the opinions which served as the basis for the juxtaposition. In this regard, he noted that the appearance of different Sages in MRI and SN simply provides evidence that there had been different

---

For example, the use of Rabbenu haQadosh (Shirta 2 and 6) supposedly only occurred in geonic or later amoraic sources. The observed use, however, is in the printed edition while the manuscripts do not have the term ("Editions of Mekhilta de-Rabbi Ishmael," p. 516). It is of interest that both instances occur when Rabbi is in "conversation" with Antoninus. Wacholder also indicated that the editor, ignorant of the tannaim, had Ishmael passing a tradition in the name of Meir who really came after him. That problem as well is the result of later changes.

"Editions of Mekhilta de-Rabbi Ishmael," pp. 518-19. Supporting the claim that the language is Mishnaic Hebrew, E. Kutscher, "Geniza Fragments of the Mekhilta of R. Ishmael" [Hebrew], Leshonenu 32 (1967-68): 103-16, cited evidence from what he called the "av-text" to demonstrate that MRI has linguistic affinities with the manuscripts of the Mishnah and Tosefta.

"Editions of Mekhilta de-Rabbi Ishmael," p. 517.
materials available to the editors of these documents. It
certainly did not warrant labelling them late creations.
Finally, he also observed that the distinctions between
schools were not as clear as had once been thought but that,
again, did not mean a late text. It was a phenomenon with
parallels in the other tannaitic works as well.

On the positive side, Kahana claimed that MRI in fact
preserves earlier material. Contrary to what Wacholder
thought, there are differences between tannaitic and amoraic
midrashim. In the end, if the essentially tannaitic
character of MRI is questioned, then, by the same
methodology, a late date should be claimed for all the
tannaitic midrashim. It is apparent that that is not a sound
conclusion to draw.

Considering the wider socio-literary context, it is
improbable that rabbinic midrashim were not compiled in the
third century. The Christian community was clearly engaging
the biblical text in its activities; it would seem reasonable


78 Bacher observed consistent differences in terminology
which he systematized in Erkhei Midrash. This conclusion is
also supported by Chernick, Hermeneutical Studies in Talmudic
and Midrashic Literatures, chs. 1 and 2. Specifically, he
demonstrated that the tannaitic and amoraic klal uphrat
(ukhlal) formulations are distinctly different.

Halperin, Faces of the Chariot, pp. 159-71, remarked
that the tannaitic midrashim characteristically avoid
discussion of the merkavah and the calf incident while both
appear extensively in fourth and fifth century texts. MRI
does not directly address the latter subject even though the
opportunity presents itself in the text of Exodus.
that the Sages would have responded with an equal concern for the text.\textsuperscript{79} At the same time, the midrash never draws together its outright declarations against ruling oppressors and the possible allusions to the Christian community.\textsuperscript{80} On the basis of these linguistic, literary and socio-historical data, I believe it is justifiable to place the composition of MRI in the middle to the second half of the third century.

Summary

All of these data notwithstanding, it is apparent that there is room for further study of MRI. While much focus has been on individual features of the text, its potential sources and certain of its thematic emphases, an extensive study of each tractate designed to test a series of hypotheses regarding its composition as a whole remains to be done. In the following chapter, I outline the approach which guides this study.

\footnotetext[79]{See further discussion in ch. 14, pp. 698-704.}

\footnotetext[80]{It is worthwhile to note this in the light of Neusner's claim that the Sages constructed Bereshit Rabbah in the fourth century, choosing the biblical text and treating it in a particular way, in order to make a statement about Christianized Rome (\textit{Genesis and Judaism: The Perspective of Genesis Rabbah}, Brown Judaic Studies 108 [Scholars Press, 1985], and "From Enemy to Sibling: Rome and Israel in the First Century of Western Civilization," \textit{The Ben Zion Bokser Memorial Lecture} [New York: Queens College, 12 March 1986]).}
CHAPTER THREE:
PROJECT METHODOLOGY

Preliminary General Overview: Biblical Text Selection

Because MRI is an exegetical midrash on part of the text of Exodus, it is necessary first to survey the contents of those Exodus chapters which are discussed in MRI and compare them with the portions which are omitted. This initial overview of the selection process is presented in terms of the prominent subjects in whole chapters of the biblical text. The same procedure is subsequently applied on a more detailed level to analyses of individual chapters and tractates of the midrash.

The Midrash: Chapter Analyses

In order to assess features relating to both the composition of the text and the potential world views and social contexts reflected therein, I analyzed each individual chapter of the midrash on a number of levels. Not every question which was posed necessarily yielded striking results for each chapter. On the other hand, the questions were designed to extract from the text as much usable information as possible. ¹ On the next level of tractate analyses, some

¹This use of a multi-faceted approach was also recommended and demonstrated by N.J. Cohen in "Analysis of an Exegetical Tradition in the Mekhila," Association for Jewish Studies Review 9 (1984): 1-25. He analyzed lexical and textual features, exegetical formulas, evidence of editing,
of these questions are combined and refined, others are phrased in comparative terms and still further questions have been developed.

Relationship to Biblical Text

The issue of selection of the biblical text needs to be addressed on the level of verses, phrases and words as well as whole chapters. Furthermore, the direction that the midrash has taken in dealing both directly and indirectly with these subjects may demonstrate particularly common patterns of thought and association. How the material which is indirectly related to the biblical text is linked into the midrash is also of interest.

At the initial level of analysis, I indicated whether or not each paragraph of exegesis is primarily halakhic or aggadic. Recognizably different patterns of exegesis occur when the section is essentially halakhic as opposed to aggadic. In addition, I assessed each chapter in terms of the most prominent subjects and biblical personalities and/or events which are mentioned.

The way the unit of the biblical text serves as the foundation for the chapter of midrash in terms of appropriate introductory material, basis for development of the topic(s) development of theme and the possible historical milieu of the end of Beshallah 7, the passage on 'amanah.

See ch. 1, pp. 13-16, and the analyses in Part II.
and good closure is also of interest. Finally, I made notes on the potential in the text of Exodus which remains untapped by MRI. This last is not an exhaustive catalog but the observations serve to accentuate better the directions taken in MRI.

Toward these ends, I mapped out the chapters in response to the following questions:

1. What is the biblical text (particles, words, phrases, and/or verses) selected as the primary target for each paragraph?
2. What parts of the biblical text which serves as the basis for the chapter are not discussed at all?
3. Briefly, what is the midrash which is directly related to each segment of the biblical text? Is it primarily halakhic or aggadic. What is its focus and application?
4. What is the midrash which is indirectly related? How does this category contribute to the overall intent of the chapter?
5. What are the connections or links for the indirectly related materials?
6. Are there recognizable types of biblical material which prompt primarily halakhic and aggadic exegeses?
7. What prominent biblical figures and passages are cited (outside those in the immediate context of Exodus)?

8. What subjects receive the most focus and what applications are made?

9. How does the unit of biblical text contribute to the unit of midrash (beginning point, single or related topic[s] and closure)?

10. What are the directions not taken and the motifs not emphasized?

Rhetoric: Method, Content and Development

With the biblical text as the primary focus of the midrash, the techniques whereby it was re-presented were a significant part of the study. The point was to focus on the lexical and/or conceptual bases for the midrashic developments, the recurring exegetical techniques, forms and patterns and the recognizable order (if any) in which these

3See ch. 1, pp. 42-43, on Torah as the key symbol and Fraade, From Tradition to Commentary, on the concept of the re-presentation of Torah and the three-sided interface between Torah, tradition and student.

4On the individual exegetical expressions, see Bacher, Erkhei Midrash. Neusner labelled the consistent recurrence of these characteristic exegetical forms the "rhetoric" of the document (Midrash as Literature, Sifre to Deuteronomy, Sifra in Perspective and Mekhilta According to Rabbi Ishmael). I have chosen to use the term not necessarily because I accept the rigid classification of rhetoric, logic and topic as regards text analysis, but because it is a more convenient way of referring to the recurring exegetical techniques, forms and patterns in the halakhic and aggadic
latter are used. In this context, I also posed particular questions regarding both technical and unusual expressions as they occur in MRI.

The questions are as follows:

1. What lexical, grammatical, syntactical and conceptual features of the biblical text prompt rabbinic enhancement?\(^5\)

2. What specific, characteristic exegetical expressions are used? What types of argument do they introduce?

3. What additional exegetical methods are employed?\(^6\)

4. Is there a progressive development within the chapter of the types of exegesis used?

5. What are the unusual words and phrases which appear (foreign and technical expressions)?

Sets and Patterns of Attributions

I further investigated whether there is a difference between the kind of material which is attributed to named portions of the text.

\(^5\)See Gottlieb, "Midrash as Biblical Philology," pp. 134-61, on the lexical comments of the rabbis as they appeared in Sifre Deuteronomy. Boyarin, Intertextuality, ch. 4, addressed specific examples in the aggadic chapters of MRI.

\(^6\)It was not my intention with these two questions to create a catalog of who used what type of argument. That has been accomplished by Bacher, Erkhei Midrash, pp. 1-140, and Epstein, Mevo'ot, pp. 521-44. Instead, I surveyed the content and intent of the argument and what it meant in terms of the development of the text.
rabbis and that which is anonymous.⁷ Among those pericopae which are attributed, I looked for recognizable patterns with regard to who says what kinds of things.⁸ Individual names, sets of names and long lists of attributed opinions may have been used by the framers of the document to convey different

⁷Epstein, *Mevo'ot*, p. 550, noted that materials which are anonymous here are attributed to R. Ishmael elsewhere. Many examples, however, are from MRS which could have adopted the particular pericopae from MRI and attributed them appropriately. See also Ginzberg, "On the Relationship between Mishnah and Mekilta," p. 72, n. 4.

⁸These and related questions have been investigated in great detail in regard to the major tannaitic figures. See Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan ben Zakkai* (Leiden, 1970), *Eliezer ben Hyrcanus: The Tradition and the Man*, 2 vols. (Leiden, 1973), Porton, *The Traditions of Rabbi Ishmael*, 4 vols., Z. Zahavy, *The Traditions of Eleazar ben Azariah* (Missoula, 1978), Lightstone, *Yose the Galilean: I. Traditions in Mishnah-Tosefta* (Leiden, 1979), J. Gereboff, *Rabbi Tarfon: The Tradition, the Man, and Early Rabbinic Judaism*, Brown Judaic Studies 7 (Missoula, 1979), Green, *The Traditions of Joshua ben Hananiah. Part I: The Early Traditions* (Leiden, 1980). Neusner's works were patterns for those which followed. Because the name of Eliezer appears more frequently in MRI than that of Yohanan b Zakkai, I briefly note several of Neusner's pertinent conclusions. He distinguished among the historical, traditional and legendary materials and observed that the second and third tended to revise the presentation of Eliezer. He did not accord much historical validity to the exegetical traditions contained in the tannaitic midrashim (*Eliezer ben Hyrcanus*, vol. 2, p. 226). Nonetheless, they allow us to study how Eliezer was perceived and presented by the circle shaping the document. While recognizing the problem of the transmission of names, my object in this investigation is to obtain general impressions about the potential relationships between subject matter and Sages. For traditional presentations of the tannaim, see Weiss, *Dor Dor veDorshav*, Bacher, *Aggadot haTannaim*, 2 vols. (Berlin, 1922), and A. Hyman, *Toldot Tannaim veAmoraim*. While of interest, their methodologies involved lack of distinction between earlier and later sources, acceptance of words in clearly structured rhetorical forms as *ipsissima verba* and neglect of information in the legal traditions. See Green, "What's in a Name?" pp. 77-96.
kinds of information. In addition, the ostensible citations of mishnayot with the introductory formula mikan amru, as well as the general appellation "hakhamim", may serve a specific purpose in the document. The significance of mikan amru in MRI may best be investigated by studying each statement in its context, both here and in the parallel passage(s). In the chapter analyses, I composed lists in

9 Occasionally, corporate opinions are introduced with yesh omrim or aherim omrim.

10 Hoffmann, Zur Einleitung, p. 43, stated that the material cited with mikan amru indicated that the redactor of MRI had before him the Mishnah and the Tosefta of R. Nehemiah. Lauterbach, Mekilta de-Rabbi Ishmael, vol. 3, Index II, pp. 241-42, noted that some of these are indeed found in the Mishnah or Tosefta and those not preserved in any existing tannaitic work probably were at the time of the redactor in a known text which is no longer extant. Epstein, Mavo leNusah haMishnah, pp. 736-38, 747-48, listed 31 instances where mikan amru introduces material for which a parallel exists in our Mishnah. He concluded that these passages in MRI and SN were added later by Rabbi and his associates. In his study of selected passages in MRI and their Mishnah parallels, Ginzberg observed that mikan amru was used to allude to something already received and known but not necessarily always the Mishnah as we have it. Referring to Epstein's conclusion that these were later additions, he stated that they could also have been earlier material ("On the Relationship between Mishnah and Mekilta," pp. 70, 79-84). Halivni also followed Epstein's opinion, indicating that these references may have come from the school of Akiva and were added later to the midrashim attributed to Ishmael; they were not part of the "curriculum" in R. Ishmael's school. That Rabbi was responsible for this is the logical conclusion because his name occurs most frequently in midrashim attributed to both schools. Thus it was he who attached quotations from the Mishnah to MRI. Ishmael's students would not have done so, having generally ignored or been opposed to the Mishnah (Midrash, Mishnah, and Gemara, pp. 61, 135, n. 48). Having said all that, it is important to reiterate that what is under study is the text as we have it, not a hypothetical original transcript from the students of R. Ishmael.
rabbis and that which is anonymous. Among those pericopae which are attributed, I looked for recognizable patterns with regard to who says what kinds of things. Individual names, sets of names and long lists of attributed opinions may have been used by the framers of the document to convey different

7Epstein, Mevo'ot, p. 550, noted that materials which are anonymous here are attributed to R. Ishmael elsewhere. Many examples, however, are from MRS which could have adopted the particular pericopae from MRI and attributed them appropriately. See also Ginzberg, "On the Relationship between Mishnah and Mekilta," p. 72, n. 4.

8These and related questions have been investigated in great detail in regard to the major tannaitic figures. See Neusner, Development of a Legend: Studies on the Traditions Concerning Yohanan ben Zakkai (Leiden, 1970), Eliezer ben Hyrcanus: The Tradition and the Man, 2 vols. (Leiden, 1973), Porton, The Traditions of Rabbi Ishmael, 4 vols., Z. Zahavy, The Traditions of Eleazar ben Azariah (Missoula, 1978), Lightstone, Yose the Galilean: I. Traditions in Mishnah-Tosefta (Leiden, 1979), J. Gereboff, Rabbi Tarfon: The Tradition, the Man, and Early Rabbinic Judaism, Brown Judaic Studies 7 (Missoula, 1979), Green, The Traditions of Joshua ben Hananiah. Part I: The Early Traditions (Leiden, 1980). Neusner's works were patterns for those which followed. Because the name of Eliezer appears more frequently in MRI than that of Yohanan b Zakkai, I briefly note several of Neusner's pertinent conclusions. He distinguished among the historical, traditional and legendary materials and observed that the second and third tended to revise the presentation of Eliezer. He did not accord much historical validity to the exegetical traditions contained in the tannaitic midrashim (Eliezer ben Hyrcanus, vol. 2, p. 226). Nonetheless, they allow us to study how Eliezer was perceived and presented by the circle shaping the document. While recognizing the problem of the transmission of names, my object in this investigation is to obtain general impressions about the potential relationships between subject matter and Sages. For traditional presentations of the tannaim, see Weiss, Dor Dor veDorshav, Bacher, Aggadot haTannaim, 2 vols. (Berlin, 1922), and A. Hyman, Toldot Tannaim veAmora'im. While of interest, their methodologies involved lack of distinction between earlier and later sources, acceptance of words in clearly structured rhetorical forms as ipsissima verba and neglect of information in the legal traditions. See Green, "What's in a Name?" pp. 77-96.
kinds of information. In addition, the ostensible citations of mishnayot with the introductory formula mi'kan amru, as well as the general appellation "hakhamim", may serve a specific purpose in the document. The significance of mi'kan amru in MRI may best be investigated by studying each statement in its context, both here and in the parallel passage(s). In the chapter analyses, I composed lists in

---

9 Occasionally, corporate opinions are introduced with yesh omrim or aherim omrim.

10 Hoffmann, Zur Einleitung, p. 43, stated that the material cited with mi'kan amru indicated that the redactor of MRI had before him the Mishnah and the Tosefta of R. Nehemiah. Lauterbach, Mekilta de-Rabbi Ishmael, vol. 3, Index II, pp. 241-42, noted that some of these are indeed found in the Mishnah or Tosefta and those not preserved in any existing tannaitic work probably were at the time of the redactor in a known text which is no longer extant. Epstein, Mavo leNusah haMishnah, pp. 736-38, 747-48, listed 31 instances where mi'kan amru introduces material for which a parallel exists in our Mishnah. He concluded that these passages in MRI and SN were added later by Rabbi and his associates. In his study of selected passages in MRI and their Mishnah parallels, Ginzberg observed that mi'kan amru was used to allude to something already received and known but not necessarily always the Mishnah as we have it. Referring to Epstein's conclusion that these were later additions, he stated that they could also have been earlier material ("On the Relationship between Mishnah and Mekilta," pp. 70, 79-84). Halivni also followed Epstein's opinion, indicating that these references may have come from the school of Akiva and were added later to the midrashim attributed to Ishmael; they were not part of the "curriculum" in R. Ishmael's school. That Rabbi was responsible for this is the logical conclusion because his name occurs most frequently in midrashim attributed to both schools. Thus it was he who attached quotations from the Mishnah to MRI. Ishmael's students would not have done so, having generally ignored or been opposed to the Mishnah (Midrash, Mishnah, and Gemara, pp. 61, 135, n. 48). Having said all that, it is important to reiterate that what is under study is the text as we have it, not a hypothetical original transcript from the students of R. Ishmael.
response to the following questions. In the tractate analyses, frequencies of attributions, subject matter and observable patterns among the names were noted.

1. Whose opinions are reported individually? What is the subject matter?
2. What sets of names occur? What is the subject matter and the pattern of thought within the set?
3. What names occur in long lists of attributions? What is the subject matter and the development of thought within the list?
4. What is it about the subjects which might prompt the reporting of a series of opinions? Do these opinions lend credence to any aspects of the issues?
5. What citations are ostensibly mishnayot (introduced by mikan amru)?
6. How does the frequency of attributed materials compare to that of anonymous sections? Is there

---

Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, pp. 106-20, categorized the mikan amru material as follows: 1) direct quotations from the Mishnah; 2) material generally parallel to the Mishnah; 3) quotations from the Tosefta; 4) material generally parallel to the Tosefta; 5) quotations brought together from separate sources; 6) quotations from other collections; 7) quotations from unknown sources; 8) allusions to the Mishnah. At the same time, he expanded his study beyond the use of mikan amru and gathered all of the Mishnah and Tosefta quotations which appear in MRI. With several exceptions, I have limited my listing to those statements introduced by mikan amru and am seeking to determine if there is uniform significance to that introductory "handle".
any consistency in the types of exegeses which are attributed in contrast to those which are anonymous?

Structure

Once the sections of midrash were outlined by subject matter and relationship to the biblical text and were classified in terms of exegetical method and attributions, I began to indicate which are shared with other documents and which are apparently unique to this context. It was also important to pose the question as to whether there appeared to be logic and coherence in the arrangement of all the sections of the chapter.

These areas are addressed by the following questions:

1. What are the distinguishable units in the chapter (lists, parables, issues of logic, etc.)? Which of these materials are shared with other documents?

---

11In truth, however, it soon became evident that this task was unmanageable due to the difficulty of establishing parameters for "shared" materials. In addition, as I continued to observe the evolution of Neusner's approach, I saw the shared/unique criterion decrease in significance. See ch. 1, pp. 32-35, especially n. 83.

12These are Neusner's terms. See Judaism and Scripture: The Evidence of Leviticus Rabbah (Chicago, 1986), Sifre to Deuteronomy and others. He has differentiated between analysis of purely formal features and thematic considerations. Order and development in the latter area he termed coherence in the logic of the document. See ch. 1, pp. 35-37, as well as further discussion below.
2. How is the chapter arranged? Is there order and the development of a single theme? Are there apparently constructed links between units of shared material and the exegeses unique to MRI?

World View/Social World Components

Up to this point the focus was on both the underlying biblical text and the formal features of each chapter of MRI. In this section of the analysis, I attempted to develop several perspectives on the substance of the midrash. In doing so, I focused on the possible implications of the manner in which the Sages dealt with the prominent themes in the biblical text. I explored their presentation of history and time-related considerations and their perception of the permanence and significance of various symbols in their belief system. I observed how they referred to God and His relationship to Israel, especially in terms of supernatural interventions on their behalf.

In addition, I pointed out the very few apparent clues to social structures and institutions. Finally, I investigated the issues and persons which appear to be the
focus of polemics and the information on the general relationship of Jews to foreigners.

The following questions focus on the areas of investigation:

1. Are there prominent and recurring themes and values which are expressed in the text? How are they presented?
2. What symbols are carried through the midrash? What gives them this status?
3. What kinds of literary devices contribute to the sense of historical continuity or the "timelessness" of Scripture (anachronism, listings of past/present/future events, role and value of biblical examples)?
4. How are Temple-related subjects treated? How are other ritual aspects of Judaism presented?
5. What clues can be found to the existing social structures and institutions?
6. How does the midrash refer to God (descriptions and names)?

While I initially posed my questions in terms of the presence or absence of polemics, it became clear in the course of study that the issue is more complex and nuanced. Much of the extant writing seems to have been for the purpose of self-definition in the framework of the canonical text and references to outsiders, although not incidental, were to serve that purpose. On the issue of polemics, which communities engaged in such activities and why, see G. Stroumsa, "Religious Contacts in Byzantine Palestine," Numen 36 (1989): 21, and n. 37 (below) for additional references.
7. How is the subject of the supernatural and miraculous dealt with? Is it emphasized or played down?

8. Of what importance is the concept of revelation? Does Torah and Torah study receive much direct attention or is its importance implicit?

9. What evidence is there for interaction with foreign rulers and non-Jewish populations? Is this in the context of polemics or are the references for another purpose?

10. What other subjects might be the focus of polemics?

**The Midrash: Tractate Analyses**

The data which were gathered in the course of the chapter analyses only become useful when they are drawn together in the context of the entire tractate. Toward that end, I evaluated the details of each tractate from various perspectives. These perspectives are presented in much the same order as those in the chapter analyses but the results are intended to be a comprehensive synthesis and to provide the basis for further comparison and contrast among tractates. It is the synthesis of information regarding each tractate which constitutes Part II.
The initial step involved general observations regarding the number of chapters, the length of those chapters\(^{14}\) and the number of verses in the biblical text covered by each chapter. This allowed for a cursory assessment of the depth to which the midrash probed certain parts of the biblical text.

**Relationship to Biblical Text**

Determining whether or not the main focus of each unit of biblical text is carried over into the text of the midrash underlies the first set of observations. What I tried to discover is whether the agenda of the biblical text drives the midrash or other issues are equally or more important.

Responses to the first three questions below are the most direct indicators of this. In Part II, I present a summary of the structure and major contents of each chapter of the midrash and its correspondence to the biblical text. Further evaluation of issues in the biblical text which were omitted or dealt with in an abbreviated manner as well as units of the midrash which appear to be indirectly related to the biblical text contributes to a more thorough understanding of this aspect of the analysis.

\(^{14}\)This item is measured in terms of the number of lines in the Lauterbach edition of the text. All references to the text are given as chapter and occasionally line numbers according to that edition. See ch. 2, pp. 52-53, for my rationale for using the Lauterbach edition as the basic text from which to work.
Finally, in order to focus on potential symbols, I asked which specific biblical paradigms and institutions were consistently evident as the tractate develops. What I chose to identify at this stage are two general classes of biblical material. On the one hand, there are biblical personages and events whose significance is perceived to transcend their own historical milieux and who therefore come to teach something. On the other hand, there are biblical institutions, generally related to religious obligations, some of which were perceived to be temporal and others which were declared to be eternal. Even the temporal ones, however, were presented as having a continued relevance.

In general, the paradigms occur in sections which are aggadic. Biblical institutions which serve as "categories" for the purposes of analysis occur primarily in halakhic

---

15Neusner, Major Trends in Formative Judaism, Second Series, p. 25, indicated that biblical characters and events are paradigms for reconstructing the present. In Heinemann's terms, stories about these major biblical figures were an avenue to stability in the present culture (Darkhei-ha'Aggadah, p. 10). Perhaps this might be stated in even broader terms. I would submit that the paradigmatic figures encountered in aggadic midrash were a means for identifying values.

16Some of these may have the status of religious symbols. I am not certain that all do and yet all need to be identified because they were used as teaching mechanisms just as the persons and events were. I often utilize the term "categories" with reference to a significant number of these institutions. The reason for doing so is that they serve the midrash in a very specific fashion. They are called upon for the sake of comparison and contrast as the midrash analyzes the accuracy of propositions and arguments regarding issues in the text.
discussions. Certain biblical institutions which are clearly symbols cross these lines. Among them are the Land and the Temple. These are more evident in aggadic sections where they appear to be infused with greater meaning and represent God's "obligations" to His people.

Questions at the tractate level included:

1. What are the prominent subjects in each unit of biblical text which underlies each chapter of the midrash?
2. What biblical subjects and midrashic applications receive most prominence in the chapters of MRI?
3. Does the logical introduction, development and closure of each chapter of MRI correspond to that of the biblical text unit? Which are divergent and how do they differ?
4. What are the characteristics and subject matter of the indirectly related materials? Do they follow recognizable patterns of form or subject? Why do they appear in the context in question?
5. What subjects in the biblical text are omitted?
6. What are the directions not taken and the subjects not emphasized?17

17This is intended to deal not only with omissions but also with other anticipated ways of treating certain biblical ideas. It is a difficult area to address in a consistent fashion because there are several possible directions to take it. For example, I might include here issues which are of interest to me but rarely were on the agenda of those who composed midrashim. Further, I might note those things which
7. Are there biblical paradigms (figures and events) and institutions (symbols and categories) which receive prominence throughout the tractate? How are they used?

In the chapter analyses, I noted one additional feature at this point which serves as a transition from relationship to biblical text to hermeneutical methods employed in the midrash. I indicated whether the chapters were primarily halakhic or aggadic and what type of biblical material characteristically prompts the one as opposed to the other. It soon became evident that these are distinct

I think are typical targets of midrash and which I should have expected to see discussed. Finally, I might mention subjects which are not here because they seem to be characteristically avoided by the midrash. In any of the above cases, it is impossible to come up with an exhaustive list.

With the tractates on the narrative portions of the biblical text, this was a relatively simple process. The midrash is virtually all aggadic. Because I started out with Pisha, however, the process at the outset was a challenge to my perception of the categories of halakhic and aggadic midrash. In the process of sorting through what was happening in the interpretive process, I came to a better understanding of what midrash, whether halakhic or aggadic, intends to accomplish. It also demonstrated to me why there are traditionally three categories of rabbinic literature: halakhah, aggada, and midrash.

The following observations served as my guidelines as I continued into subsequent tractates.

1. In pericopae which have a "halakhic" emphasis, there is a concern for precise interpretation and comparison of biblical details and categories, not primarily for application but for "understanding". What are debated and ruled out or accepted are generally explanations of the biblical text, not practices. In that sense, the midrash, rather than being strictly halakhic, is really analytical.

2. When the biblical passage has as its grammatical subject the people, the general focus is "halakhic" with the
from each other in terms of the exegetical methods they characteristically employ.

Rhetoric: Method, Content and Development

The extent to which any document employs rhetorical forms is determined by a number of factors. Some of these have to do with the basic nature of the information to be conveyed as it related to the purposes of the authorship. If this information fits into a limited repertoire of patterned formulas without missing or losing the point, then it is efficient to use these forms. In fact, they may even

emphasize on precise text interpretation and explanation. When the subject is God, there is much greater exegetical "freedom" exercised in the midrash. Characteristic features of the latter include parables, lists of like instances, associated narratives, word plays, theological topics and eschatological motifs. Many of these involve speculations on the nature of God. The former type of exegesis seems more logical, distant and timeless. The latter is "passionate". Another way to describe the two observed tendencies might be definition, on the one hand, and elaboration on the other. Both involve processes of association, comparison and contrast.

3. Grammatical imperatives to the people prompt the use of the midrash in the midrash of a standard and relatively limited set of exegetical techniques. Patterns of exegetical terms appear much less frequently in connection with biblical narrative passages.

4. When biblical texts which underlie analytical/halakhic midrash repeat a word, phrase or idea, the repetition is a primary focal point of the midrash. This is often not the case with narrative portions; repetitions tend to be passed over.

19 Other factors have to do with the nature of the audience; it must be versed in the formal structures if they are to be understood.
serve to enhance the message. If not, then other techniques must be employed to accomplish the given purpose(s).

In point of fact, my methodology for exploring this aspect of the text evolved through the course of my first detailed survey of the text. The questions I initially asked were shown to be insufficient instruments for accomplishing the task. This was partially due to the fact that I had not anticipated the significance of the contrast between the complicated formulary methods used with analytical/halakhic exegesis and the greater freedom in conjunction with aggadic materials. This meant that broad categories for assessing exegetical methods had to change substantially depending on the nature of the tractate.

**Halakhic and Aggadic Rhetoric.** There are distinct differences between halakhic and aggadic materials in terms of the frequency and types of patterned forms used.²⁰ Halakhic chapters and tractates are structured around a relatively limited set of recurring patterns which, regardless of the exact subject, analyze the biblical instruction or imperative in a predictable way.²¹ Just

²⁰That does not necessarily mean that there were different authorships with different purposes using different sources; it may mean that the narrative and imperative styles of the biblical text required a variety of techniques in order to explain them in a manner which maintained their perpetual significance.

²¹On exegetical methods, see ch. 1, pp. 13-15, and the references cited. In Mekhilta According to Rabbi Ishmael, Sifra in Perspective and Sifre to Deuteronomy, Neusner devoted entire chapters to the assessment of the rhetorical
because, however, the aggadic chapters are less structured in this fashion does not mean they lack form. Instead, other techniques, not always represented by verbal patterns or formulas, take their place.

The Matter of Symmetry. In addition, it took considerable exposure to the text to begin to see consistent underlying modes of thought which transcended the use of specific patterns and forms. The most fundamental of these was the abiding concern for balance and symmetry, whether it be achieved by comparison or contrast of words, verses, logic, events or concepts.\(^\text{22}\) This is most evidently accomplished by means of comparisons and contrasts in each of these and related areas. Some of these are very basic procedures. For

\(^{22}\)A. Mintz, "The Song at the Sea and the Question of Doubling in Midrash," *Prooftexts* 1 (1981): 185-92, recognized this feature and specifically focused on its occurrence in Shirta. The initial symmetry is that the midrash doubles the biblical text. More specifically, midrash on the legal portions reformulates the law, that on narrative retells the story and the midrash on poetry is a "retuning" of the song. Beyond that, in the actual methods used and the thematic statements, he perceived considerable doubling. I see the perception and enhancement of symmetries as intrinsic to the entire process of making commentaries. Beyond that, it is indicative of of a perceived balance in the metaphysical realm, which any "religious" text purports to represent.
example, even simple definitions involve a comparison of words or thoughts. For the most part, however, these are not selected simply in order to define words of the biblical text. Rather, they serve as the bases for additional levels of comparison and contrast. More complex midrash passages often interrelate two or more concepts by distinguishing lexical and grammatical differences or they pose a logical conclusion which is countered with further evidence based on biblical words, propositions or categories.  

23 Procedures for Analysis. In sum, two steps were necessary in the initial analysis of exegetical terminology and presentation. The first step asked the following specific questions:

1. How much of each chapter's exegesis is based on expansion of lexical and grammatical features of the biblical text and how much on the discussion of concepts embodied in whole phrases? Are there obvious features prompting the one or the other?  
2. What are the characteristic exegetical expressions or patterns of rhetoric? What types of reasoning

23Boyarin, *Intertextuality*, pp. 39-49, 77-79, observed that this persistent concern for balance in the midrash is a reflection of the tensions in the biblical text itself.  

24Kadushin, *A Conceptual Approach*, pp. 25-28, addressed the interweaving of both; the specific lexical/grammatical construction prompts a comment responding to the concept contained in the wider context. See also Heinemann, *Darkhei ha'Aggadah*, and Stern, "Midrash and Indeterminacy," pp. 132-61.
accompany them? Are they evenly distributed through all chapters?

3. Is there an overall development of rhetorical patterns within individual chapters? Does this hold true across chapters? What are the patterns?

4. What additional exegetical techniques occur? List according to frequency of usage and chapters in which they occur.

The second step devised procedures for assessing the responses in a meaningful fashion. It became increasingly apparent that the entire document could not be addressed with a monolithic methodology. As I began to assess the rhetoric and methods in the aggadic tractates, it appeared that there were five recognizable categories which would accommodate the majority of the material. The categories include:

1. adducing biblical support for an idea;
2. defining and/or expanding a biblical statement;
3. explicit comparison or contrast of words or concepts;\(^{25}\)

\(^{25}\)It is important to keep in mind that underlying most of the exegetical methods is an implicit sense of comparison or contrast. Heinemann devoted two chapters in Darkhei-ha'Aggadah (pp. 44-74) to the ideas of contrast and connection. Both tendencies are the product of the human tendency to sort and classify. See again Boyarin, Intertextuality, pp. 77-79, on this phenomenon as it faithfully reflects the double voices of the biblical text. Mintz' way of expressing this phenomenon was to call it "doubling". He stated that temporal, relational and linguistic doubling are examples of significant exegetical methods repeatedly used in midrash ("The Song at the Sea and the Question of Doubling in the Midrash," pp. 185-92).
4. patterns for schematization; 26

5. narrative without rhetorical introductory features.

In the primarily halakhic tractates, the fourth category was almost uninhabited while the first three demonstrated so much overlap as to be functionally useless. Therefore, for those tractates, I focused on the underlying feature of comparison and contrast, specifically with reference to pairing of Scripture and human logic, of contrasting logical approaches and of biblical categories. This is where the fundamental idea of balance and symmetry, this time in thought patterns, is the most evident. In dealing with

Although I agree with his conceptual approach, I think there is value in the greater specificity of the five categories. At the same time, it is enlightening to observe the pervasive features of comparison and contrast. They indicate the fundamental concern to demonstrate balance and symmetry in every aspect of the text. For example, the frequent citation of specific biblical texts to support ideas is due to the fact that there is something in common in those texts. In addition, to define involves some form of comparison as does the presentation of alternative definitions. Many of the variety of schematic patterns have comparison or contrast as part of the complex pattern. See further comments and illustrations in chs. 6-10.

26 In a sense, schematic arrangements are rhetoric on a conceptual as well as verbal scale. In other words, the same verbal patterns may occur but they do so as part of a larger well-ordered structure. They create the impression of continuity and/or balance in human experience. Y. Yerushalmi, Zakhor: Jewish History and Jewish Memory (Seattle, 1982), ch. 1, developed the concept that Judaism was concerned with the meaning of biblical history as it was a pattern for all history. In this sense, representing history schematically aided memory and facilitated understanding of meaning. Boyarin, Intertextuality, pp. 26-32, claimed that "paradigmatic citations", lists of verses which are associated because of similar features, have a great deal of force because they bring what were separate instances into one impressive statement.
halakhic tractates, therefore, I primarily identified the function of characteristic rhetorical patterns.

A final objective was to identify features of the language which might give small hints about the socio-historical setting(s) of the text. Toward this end I identified technical expressions and foreign or unusual words. The category of technical expressions is an extension of the previous collection of common rhetorical devices. It is my somewhat arbitrary designation for those terms which are repeatedly used to present biblical categories and to clarify the biblical text in terms that have been derived from the obligatory nature of the text itself. Because that is true, they primarily are found in halakhic parts of the text. Along with the rhetorical exegetical expressions, they appear to represent a type of "jargon", perhaps limited to the rabbinic academic community whose focus was study of Torah.27 The following questions addressed these matters:

1. What technical expressions are common? How are they used?

2. What are the foreign or unusual words in the tractate? In what contexts do they occur?28

27 See ch. 1, pp. 16-17. The significant differences between halakhic and aggadic materials in the vocabulary, terminology and methodology employed may say something about the apparent intended audiences.

28 On the incidence and significance of foreign terms, see E. Schurer, The History of the Jewish People in the Age of Jesus Christ (175 B.C. - A.D. 135), vol. 2, revised and edited, G. Vermes and F. Millar (Edinburgh, 1979), pp. 53-58,
Sets and Patterns of Attributions

It is at the tractate level and beyond that lists of attributions become instructive. It is possible to see which individual and sets of names recur with a degree of frequency and to pose explanations for this phenomenon. The significant variation among tractates in the names which occur is also noteworthy.

I explored the possibility of particular subjects or ways of dealing with issues being associated with specific names. Which Sages were presumably Ishmaeleans is an important issue because, to some degree, MRI was a product of a group associated with Ishmael.\(^{29}\) I further asked whether the presence of a longer list of names has the effect of lending credence to a given discussion. When the amount of attributed material varies among chapters or tractates, I suggested possible factors which might affect this. I attempted to describe in broader terms how the Sages presented themselves in this document. In conjunction with this, I noted the particular topics which are addressed by means of the citation of mishnayot, employing the expression mikan amru, and discussed the possible significance of their inclusion in the text.


\(^{29}\)On the students of Ishmael, see in particular Epstein, Mevo'ot, pp. 570-72, and Neusner, A History of the Jews in Babylonia, vol. 1, ch. 4.
The instructions and questions to address these aspects of attributions are as follows:

1. List the individual rabbis cited in order of frequency of occurrence. What subjects does each discuss? Are there recognizable clusters of subjects for any given rabbi?

2. List sets of names, note the subjects and the relationship of the opinions expressed. Are there clusters of related subjects? Does each individual in the frequently named sets demonstrate consistent opinions and methods (stringent, lenient, literal, fanciful)?

3. How many long lists occur? (A long list incorporates four or more distinct individuals addressing the same topic.) What subjects are treated? How do these lists function? Is each opinion discrete from all the others? Are both Ishmaeleans and Akivans involved? How?

4. What kind of balance occurs between attributed vs. anonymous materials in each chapter? Is it consistent across chapters? What seems to affect the presence of attributions? Does the fact that the midrash is halakhic or aggadic have any impact?

5. With regard to what subjects are mishnayot cited? Which of them are recognizable from the Mishnah?
101

Where are the rest found? Are they verbatim quotes here? What function do they serve?

6. How are the Sages themselves presented?

Structure and Coherence

As in the section on exegetical techniques, some of the questions I initially framed regarding structure and integrity of the document were not sharp enough to yield significant results. There may be several reasons for this. First, I constructed my questions using Neusner's work on Leviticus Rabbah as a model. Since then, he has analyzed midrashim which have more formal similarities to MRI as well as MRI itself and I have seen why some of the ways I had stated questions were slightly off-target. Second, I had an inordinate focus on discovering obvious evidence of documentary "shaping" of shared materials but have since realized that search would expand this study beyond reasonable limits.

30 The Integrity of Leviticus Rabbah. At that point, Neusner had argued that, if the majority of the material in the text was shared, it would be difficult to claim integrity for the text. The objective of his search then was to gain support for the integrity of given documents. He seems to have made no such claim for MRI. See ch. 1, pp. 32-35, for further observations on the development of his ideas in this area as they are related to the types of texts he studied.

31 See previous caveat on the issue of defining "shared" materials in ch. 1, pp. 32-35, especially n. 83. Neusner's study of MRI convinced him that there was little shaping evident in the text. In fact, he concluded that it was composed of "inert" facts (Mekhilta According to Rabbi Ishmael, p. xiii). I have further to say on this issue in
The observations which can be made in regard to structure are inevitably related to the rhetorical patterns which consistently surface. Beyond that, they prepare for the investigation of the themes which are prominent in the chapters. Both contribute in some fashion to the conclusions drawn regarding the unity of the text. The following questions guided my investigation:

1. Are there characteristic rhetorical patterns which are developed within and across the chapters? What are they?
2. Is formal order, development and linkage more apparent than thematic or topical?
3. How much and what types of material appear to be unique to MRI? Is this consistent across tractates?
4. What is the thematic development through the tractate?

**World View/Social World Components**

At this juncture, the main point was to determine whether the topical and thematic emphases discerned within chapters continue in a consistent fashion through the entire tractate. A major consideration has to do with the perception of time and the continuity of values and symbols.

ch. 14.
A point repeatedly made in recent literature is that the generations immediately following the traumatic loss of the Temple in the first century were deeply concerned to demonstrate continuity in thought and practice. One of the particular ways of coping with the loss and necessary restructuring was to use biblical history as the pattern for present history, thus assuring continuity. This effectively made biblical history "timeless" and the biblical lessons eternally relevant. Much of the issue of perceived continuity revolves around a document's presentation of the

---


See Bregman, "Past and Present in Midrashic Literature," pp. 45-59, Heinemann, Darkhei-ha'Aggadah, Neusner, Major Trends in Formative Judaism and Midrash in Context (Philadelphia, 1983), Yerushalmi, Zakhor: Jewish History and Jewish Memory, and J. Fraenkel, "Hermeneutical Problems in the Study of Aggadic Narrative" (Hebrew), Tarbiz 47 (1978): 139-72. Bregman called attention to the various ways in which the creators of midrash made the biblical past a present reality. Yerushalmi focused on the fact that, in their absorption with biblical history, the rabbis for centuries ceased to write their own history. Even, however, as they discovered the meaning of biblical history, they were not always bound by the constraints of sequence and chronology but focused more on schemata. Fraenkel noted the necessity of determining the historical foundation of aggadic narrative and distinguishing it from the development of the story the purpose of which is didactic.
Temple and related functions in the context of the extra-Temple practices which continued in reality.  

In addition to matters of continuity, I highlighted a variety of socio-religious issues, seeking to determine what sort of an agenda the midrash reflects. Among these are the ways the midrash presents the person and activities of God, the manifestation of the supernatural and the

34 For example, the Mishnah continues to address Temple concerns as if the Temple were still there. At the same time, it presents extra-Temple practices as if they were part of the pre-70 Temple system and heightens their importance (Bokser, "Recent Developments," p. 26, and "Wonder-working," pp. 43-44). Bokser, The Origins of the Seder, ch. 4, stressed the Mishnah's subtle restructuring of the Passover festival in order to maintain its continuity with the biblical festival while accommodating the necessary changes. Although he dealt specifically with the details of M. Pes 10, the references to the Temple throughout Pesahim are part of the Mishnah's presentation. In later literature, there was a noticeable shift away from the cult to the people of Israel and to the Bible's emphasis on history as God's working for His people. See Neusner, Major Trends in Formative Judaism, p. 65.

35 Urbach, The Sages, p. 37, indicated that "God's names bear testimony to His attributes and deeds and His relationship to man". The biblical and extra-biblical names which appear throughout the midrash reflect the balance between God's transcendant sovereignty and His immanent activity in the lives of His people.

36 Urbach, The Sages, pp. 102-12, observed that the rabbis demonstrated a somewhat ambivalent attitude toward the miraculous. While they were concerned to counter gullibility on the part of the common people, they had to acknowledge especially the biblical miracles. They focused, however, on the fact that God was the source of the miracles. That miracles countered the laws of nature did not trouble them; in fact, the created order was a greater testimony to God than miracles which violated natural order. A. Guttmann proposed that the materials attributed to tannaim reflect certain important nuances and changes. One of these was the distinction between biblical and post-biblical miracles. The former had unquestionably occurred and the rabbis presented
possibility of idolatry. The perception of God and the contents of His self-revelation were significant bases for distinguishing among social and religious groups. The focus of attention here is not only on the distinctions between Israel and the Gentiles but on all groups that constituted the social and religious structure and the ways in which they were perceived by the writing community(ies).  

elaboration of their contents; the latter, however, were subject to discussion. Guttmann suggested that the decrease in the acceptance of miraculous attestation by means of the bat kol to halakhah was a specific response to the important status which miracles had in establishing the validity of the Christian message. In place of the bat kol, halakhah was decided by the majority of the Sages ("The Significance of Miracles for Talmudic Judaism," Hebrew Union College Annual 20 [1947]: 363-406). For further discussion of the nature of this phenomenon, see Urbach, "Halakhah and Prophecy - Appendix on Bat Kol" (Hebrew), Tarbiz 18 (1946/47): 23-27, and Lieberman, Hellenism in Jewish Palestine, pp. 194-99. It is of interest that the Gospels record in several instances what appears to be a bat kol to attest the identity and mission of Jesus (Matthew 3:17 and 17:5 and parallels). These written claims of the Church might be a further reason for the Sages to dissociate themselves from this phenomenon. Guttmann limited his inquiry to miracles in conjunction with halakhah but later literature shows a rise in miracles associated with prayer. See also Vermes, Post-biblical Jewish Studies, pp. 201-03, Bokser, "Wonder-working," pp. 42-92, and Green, "Palestinian Holy Men: Charismatic Leadership and Rabbinic Tradition," in Aufstieg und Niedergang der römisichen Welt, II.19.2, pp. 619-47, eds. H. Temporini and W. Haase (Berlin, 1979).

37J.Z. Smith, "What a Difference a Difference Makes," in "To See Ourselves as Others See Us": Christians, Jews, "Others" in Late Antiquity, Scholars Press Studies in the Humanities, eds. E.S. Frerichs and J. Neusner (Chico, 1985): 3-48, drew attention to the fact that distinctions and choices are the sharpest between groups which share the most; "otherness" is defined in interaction, not in separation. Even more important, defining someone else is really a matter of defining oneself. W.S. Green, "Otherness Within: A Theory of Difference in Rabbinic Judaism," in "To See Ourselves as Others See Us", pp. 49-69, developed the concept
This segment of the research was guided by the following questions:

1. Does the tractate have one predominant, guiding theme?

2. What is the obvious nature and purpose of Torah? Is verbal revelation an object of frequent and direct comment?

3. What are other prominent, recurring themes and values? Are certain themes more apparent in the aggadic material?

4. What subjects or categories of subjects are consistently identified, defined and named? Distinguish between Torah paradigms and later symbols or "institutions". Are any of the latter acknowledged to be separate from Torah?

of the rabbinic community defining itself, and therefore everyone else, with reference to the Torah. In this regard, Porton, Goyim: Gentiles and Israelites in Mishnah-Tosefta (Atlanta, 1988), studied the references to Gentiles in the Mishnah and the Tosefta and concluded that the contemporary environment was not the actual focus of these documents; they were intent upon defining the ethnic unit of Israel in terms of Torah. In this context, all of humanity was divided into "us" and "them" and the latter were left, for the most part, undifferentiated. Instead, most of the attention was directed to "us". See, in this regard, E.P. Sanders, Paul and Palestinian Judaism: A Comparison of Patterns of Religion (Philadelphia, 1977), pp. 17-18, and R.S. MacLennan, Early Christian Texts on Jews and Judaism, Brown Judaic Studies 194 (Atlanta, 1990), pp. x, 152. One of the most practical questions was defining who was a Jew, both with regard to proselytes and to heretics and apostates. See L. H. Schiffmann, Who Was A Jew? (New York, 1986).
5. What is the overall perception of historical continuity and "timelessness"? How is this achieved?

6. How are specifically Temple-related subjects presented? Are they presented any differently from non-Temple or domestic rituals? Does one receive more focus than the other?

7. What names are used to refer to or characterize God? Is there consistency in the kinds of material with which a given name is associated? Does the frequency of reference to God change depending on whether the text is halakhic or aggadic? Do the characteristic names used change?

8. How are supernatural events, both in the biblical accounts and in midrashic associations, treated? If they are emphasized, why, and does it occur consistently? If they appear to be de-emphasized, what replaces them?

9. What is noted specifically about idolatry? Is it construed as a major problem?

10. What clues are apparent as to contemporary social structures? Are they valid clues or are they "timeless"?

11. What kinds of interactions are depicted as occurring with foreigners? Are they more
frequently presented as rulers/overlords, fellow inhabitants or slaves?

12. Are any aspects of the tractate polemical? In what sense? How are "others" presented?

The Midrash: Matters of Coherence and the Text

What determines whether all of these tractates together comprise one coherent statement or are simply an anthology? Clearly, if there is apparent purpose in the comprehensive selection of the biblical text and consistency in the rhetoric of the commentary, I might claim textual integrity. Beyond that, if continuity is discovered among tractates in the attributions, thematic emphases and apparent socio-historical concerns, the case would be strengthened.

If, however, the case appears to be ambiguous on these bases, can any conclusions be drawn regarding the text? At this point, preliminary comparison with selected parts of MRS contributes some data. To address the issue of the textual integrity of MRI, I have posed a series of questions the answers to which comprise Part III.

1. To what extent does there appear to be purpose in the selection of the biblical text? Do the biblical text and the midrash share the same agenda?

2. Is the rhetoric consistent across tractates? If not, is it primarily the distinction between
halakhic and aggadic emphases which accounts for
the change? If this is so, is the commentary so
driven by the biblical imperatives and narratives
that rhetorical consistency is impossible?

3. Are the attributions consistent across tractates?
   If not, what is the significance of the
differences?

4. Is the use of mishnayot constant across tractates?

5. Does each tractate have a separate thematic
   emphasis as determined by the biblical text, is
   there one fundamental message or are there a number
   of predominant emphases? If the last, are they
   related? If so, how does the midrash develop the
   relationship?

6. What values maintain a high profile throughout?

7. Can religious symbols be traced throughout the text
   and do they receive steady emphasis? Are there
   consistent modes for demonstrating continuity of
   values and symbols? If not, is it again due to the
   nature of expositional commentary?

8. Is there a sustained message about "others"? What
   contemporary milieux might best fit what is in the
   text?

9. Is there a consistent message to "us"? Does it
   contain a message about the "others"?
10. Are there sub-groupings of tractates within the entire text of MRI? Can they be evaluated together on the basis of subject of biblical text, exegetical methods, structure and thematic unity?

11. Can the concept of symmetry provide a basis for understanding the micro- and macro-composition of the text?

12. How is MRS arranged? In what ways does the selection of biblical texts differ in MRS?

13. How do key passages, both halakhic and aggadic in nature, differ? Does MRS display the same degree of composition that is apparent in MRI?

14. Are the types of variations between the two midrashim significant in terms of assessing the comprehensive message of MRI?

---

38 In order to begin to evaluate the impact of MRI's message in contrast to that of MRS, I chose to survey the MRS passages which correspond to the following chapters of MRI: Pisha 1-5, Beshallah 1, Vayassa 1-3, Bahodesh 1,5, Kaspa 5 and Shabta 1-2. Because MRS also includes exegeses of Exodus 3:2, 6:2, 23:20-24:10, 30:20-32, 34:12-26, I examined these.
PART TWO: ANALYSIS

Chapter Four: The Biblical Text as Point of Departure

Chapter Five: Tractate Pisha - The Passover in Egypt and the Subsequent Celebration

Chapter Six: Tractate Beshallah - Exodus from Egypt

Chapter Seven: Tractate Shirta - The Song of Victory

Chapter Eight: Tractate Vayassa - Complaint and Response

Chapter Nine: Tractate Amalek - The Enemy and the Convert

Chapter Ten: Tractate Bahodesh - Revelation at Sinai

Chapter Eleven: Tractate Nezikin - Justice

Chapter Twelve: Tractate Kaspa - Socio-Judicial and Religious Justice

Chapter Thirteen: Tractate Shabta - The Sign of the Covenant
CHAPTER FOUR:
THE BIBLICAL TEXT AS POINT OF DEPARTURE

Introduction

Many scholars who have studied MRI have noted the fact that it is selective in its treatment of the biblical text. Of the 40 chapters in Exodus, 12 consecutive chapters (12-23) and small sections of two additional ones (31 and 35) are included for discussion.¹ Why were the expositions of only these parts of the biblical text selected?² Because MRI does incorporate both halakhic and aggadic materials, what prompted the specific choice and combination of those which are in the text?

Hoffmann suggested that the redactor intended to put together a halakhic midrash. He began with ch. 12, which is the first part of Exodus to focus on legal material, and he

¹The broad focus of MRS is primarily the same. Nonetheless, it has incorporated lengthy expositions of Exodus 3:2 and 6:2, which effectively alter the impact of the introduction. The additional sketchy commentaries on 23:20-24:10, 30:20-32 and 34:12-26 remove the solely halakhic emphasis at the end. See further below.

²That midrashim existed, at least by the talmudic period, on additional parts of Exodus is evident. For example, the BT discussion of M Sot 1:9 regarding measure-for-measure for good as well as evil includes an extended exposition of the events in the first two chapters of Exodus. See also Strack/Stemberger, Einleitung, p. 238, for references to presumably tannaitic sources which treat other portions of Exodus. Lauterbach, "Arrangement and Division," pp. 433-34, demonstrated that what is in MRI as we have it was the intended scope of the midrash.
simply continued without interruption through to the end of the legal code (ch. 23).³ In the context of discussing the divisions of MRI, Epstein briefly remarked that MRI included only commentary on those narrative portions of Scripture which, because of their contents, were read at festivals.⁴ Finkelstein alluded to the same idea but his attention was directed to the evidence that these aggadic materials constituted material drawn from an earlier aggadic source.⁵

Geiger described the contents of the chapters of Exodus which were included and those omitted but offered no possible explanations.⁶ Stemberger specifically noted the fact that the midrash did not deal with the extensive materials regarding the Tabernacle but drew no explicit conclusions from the observation.⁷ Neusner professed to have no idea why some parts of Exodus were included and others were not.⁸ In sum, it appears that little emphasis has been given to the thematic relationship between the biblical text and the midrash.

³Zur Einleitung, p. 37.
⁴Mevo’ot, p. 549. On the last day of Passover, the biblical text underlying Beshallah, Shirts and Vayassa was read. At Purim, Amalek was the subject matter. The text for Shavu’ot is that commented upon in Bahodesh.
⁶haMigra veTargumav, p. 279.
⁷Strack/Stemberger, Einleitung, p. 238.
⁸Mekhilita According to Rabbi Ishmael, p. 240.
In this chapter, I first describe the general contents of the biblical text with which the exegeses recorded in MRI are associated. This effort necessarily includes some comments on why the authorship chose to start with Exodus 12:1. I tentatively propose a conceptual framework into which these selections fit. Second, I outline the subjects in Exodus which, although significant in the biblical account, were not addressed by this midrash and suggest possible reasons for their exclusion.

The Significance of the Biblical Text Treated in the Midrash

Exodus 12 commences with a formula introducing communication from God, a matter of apparent concern for the authorship of the midrash. The extended treatment of this verse may indicate that it was intentionally chosen as the beginning point in order to make a particular statement. Setting the stage for the entire midrash is the carefully developed proposition that revelation has occurred and can continue to do so outside the boundaries of the Land and

---

9 This aspect is developed in significantly greater detail in the analytical chapters on each individual tractate.

10 Susan Niditch, "Merits, Martyrs, and 'Your Life as Booty': An Exegesis of Mekilta Pisha 1," Journal for the Study of Judaism 13 (1982): 160-71, indicated that this chapter deals with two "tannaitic concerns": 1) the problem of divine communication in a time when the symbols of the religion had disappeared and 2) the role of merits and martyrs in obtaining a positive relationship with God. Further insights from her work follow in ch. 5, pp. 127-29.
without the presence of the Temple. In this regard, the primary focal points of the subsequent biblical chapters covered by the document are likewise distinctly not constrained by either the Land or the Temple. These include the passover, redemption, provision of manna, giving Torah and the Sabbath. In addition, Exodus 12:1 presents Moses and Aaron as equally fit in terms of receiving revelation.

The Overall Framework

It appears that the selected biblical focus emphasizes the two prominent features of God's relationship to His

---

11By way of contrast, MRS begins with two distinctly different emphases. First, the word, s'neh (Exodus 3:2), is interpreted in ways which focus on the dismal estate of Israel. Second, the midrash explores at length the disturbing prospect that Moses' refusal is about to confute God's plans for redemption. In connection with the latter issue, Aaron is more prominent in MRS than in the opening pericopae of MRI.

12Fraade, From Tradition to Commentary, ch. 3, indicated that the significance and influence of the priesthood may have continued longer after the destruction of the Second Temple than the "victors" (the Sages) would like us to think. See also R. Kimelman, "The Conflict Between the Priestly Oligarchy and the Sages in the Talmudic Period," Zion 48 (1983): 135-47. If these reconstructions are accurate, MRI may contain a subtle polemic in pairing Moses and Aaron but subsequently focusing, as does the biblical text, primarily on Moses who, in the eyes of the Sages, was their predecessor in receiving revelation from heaven at Sinai. If this was an issue, then 12:1 might have been a more advantageous place to start than Exodus 3 where Moses, the initial choice of God to deliver Israel, forfeits that position and must share the effort with Aaron. See n. 11 and also the beginning of Sifra.

On the role of Moses himself in connection with potential challenges from the Christian community, see further below and ch. 14, pp. 640-41.
special people, redemption and revelation. Following the initial apologetic for continuation of revelation and relationship, the midrash attends to the halakhic concerns connected with commemorating redemption. These are balanced in the last tractates by similar attention given to the ethical, social, judicial and religious matters which constituted the revelation at Sinai.\textsuperscript{13}

In between these primarily halakhic emphases, the biblical narratives about God's redemptive activity in behalf of His people and about the preparations for revelation serve an integral function in the statement made in the midrash. These events maintain the involvement of the two parties to the ongoing special relationship. The "centerpiece" of this is Shirta which, by virtue of its emphasis on God's character and on balance and symmetry, demonstrates the fundamental truth of God's justice. Vayassa and Amalek, much less structured and formulary and less detailed, create the impression of movement which is indeed explicit in the biblical narratives.

\textsuperscript{13}The closing emphasis on Sabbath observance is fitting as the Sabbath is the sign of the covenant and commemoration is a significant feature of the Sabbath command. See Childs, The Book of Exodus, p. 417. MRS, by way of contrast, is not constructed so as to focus solely on the Sabbath at the end. Instead, the exposition of 23:20-24:10 confronts certain potentially dangerous topics and the other additions repeat, to a great extent, earlier exegeses.
The Nature of the Biblical Text Not in MRI

All of the biblical chapters preceding the point at which MRI begins are narrative. The three general subjects in these chapters are the oppression of the Israelites by the Egyptians, the birth and call of Moses and the demonstration by means of the plagues that the God of Israel was superior to the gods of Egypt. Each of these, although of interest in other contexts, potentially detracts from a consistent focus on relationship, revelation and redemption.

Additional specific features of these chapters may have caused them to be avoided. While the narrative of the oppression was a good foil to the story of redemption, it could serve in that capacity without necessitating verse by verse

---

14 Childs, *The Book of Exodus*, pp. 163-69, observed the generally minor role that the plague tradition played in subsequent prophetic and poetic literature. In addition, while there are allusions to the measure-for-measure nature of the plagues, the narrative unit received no systematic exegesis in rabbinic literature.

15 Although Exodus 3 is a key text in terms of revelation, it is not followed by the type of material which would maintain the three emphases or the focus on Moses if the midrash were to proceed sequentially through the rest of Exodus. In addition, Moses engaged in questionable activities, notably his slaying of the Egyptian, his reluctance to accept the mission and the neglect he demonstrated in not circumcising his son. A number of incidents from the early chapters of Exodus are incorporated in the commentary on chapters beyond 12. For example, at the end of Shīrāt, the midrash draws in biblical material about Miriam from Exodus 2. The problem regarding the circumcision of Moses' son in Exodus 4 is part of the commentary in Amalek 3 when Jethro brings Zipporah back. Several of Pharaoh's earlier pronouncements appear in conjunction with later statements which indicate his apparent change of mind (Pīšā 13 and Bēshālīl 1).
verse commentary. Further, even while the rabbis focused on Moses as the prophet through whom Torah was revealed and the person with whom God spoke face to face, they were careful not to elevate him unduly. They construed his role as that of a go-between and therefore emphasizing his solo conversation at Horeb, which had no immediate application to the people, might not contribute to a proper understanding of his position. Finally, the redemptive power of God for Israel was fully demonstrated in the Exodus itself whereas the series of miracles and plagues leading up to it, while


While this was an observed feature of the Christian apologetic to which the rabbis may have responded, Bokser, "Wonder-working," pp. 42-92, noted that the tannaim characteristically maintained a low profile for the major paradigmatic figures so that they could be emulated by the people. Thus, if this text selection was for the purpose of diminishing Moses' role, it may have been part of a wider phenomenon affecting more than just Moses.
significant, were apparently not "successful" in accomplishing their purpose.\textsuperscript{17}

The major subjects in Exodus 23:20-31:11 are the promise of the accompanying angel and assistance in coming into the Land, the warning against the idols of the land, the ceremony confirming the covenant and the detailed instructions regarding the Tabernacle and the priesthood. Because of the qualities and activities ascribed to the angel (23:20-23), the rabbis may have shied away from that subject in this type of midrash.\textsuperscript{18} In addition, a general reticence on the part of the Sages about the role of angels may be a by-product of claim of the Church that an angelic mediator was present at Sinai.\textsuperscript{19}

\begin{itemize}
\item \textsuperscript{17}In Vayassa 3 and Amalek 3, we read that crossing the Reed Sea was \textit{shaqul} to all the other miraculous events of the wider Exodus story.
\item \textsuperscript{18}They were to obey him and, if they rebelled, he would not forgive them. The divine Name was with him. MRS meets these potential problems head on and carefully removes the possibility of identifying the angel with God by implying it is Moses. Justin Martyr, in his \textit{Dialogue with Trypho}, ch. 75, claimed that this angel was to be identified with Jesus (\textit{Ante-Nicene Fathers}, vol. 1, eds. A. Roberts and J. Donaldson [Grand Rapids, 1957], p. 236). According to Kimelman, "Rabbi Yohanan and Origen," p. 575, n. 37, most later midrashim on Exodus 23:20 indicate that the angel was a sign of divine displeasure. Segal, \textit{Two Powers in Heaven: Early Rabbinic Reports About Christianity and Gnosticism} (Leiden, 1977), ch. 12, observed that rabbinic materials reflect no problem with a powerful angelic figure; the difficulty arises in connection with the identity and function of that creature.
\item \textsuperscript{19}Acts 7:53; Galatians 3:19.
\end{itemize}
During the ceremony of confirmation, the leaders of the people "saw the God of Israel" (24:9-11); this statement as well might be too direct.\textsuperscript{20} Furthermore, although the subject was certainly revelation, it was a one-time event, lodged in history, and because of its very nature could hardly become paradigmatic for the ongoing revelation with which the Sages were concerned. An additional hypothetical explanation might be discovered in the role of Moses during the ceremony of confirmation. The rabbis may have deliberately avoided presenting his priestly activities as he sprinkled the blood of the covenant.\textsuperscript{21} Finally, there is the possibility that this section was bypassed because the end of Exodus 23 has a rather significant focus on the Land and that is decidedly not a prominent topic in the midrash. In the biblical text, the Land is noticeably absent after Exodus 13.\textsuperscript{22}

\textsuperscript{20}Even though the midrash does not directly focus on this chapter of Exodus, selected verses are drawn into several discussions of related passages. In the context of Moses' preparing the people for the revelation at Sinai on the third day, the midrash suggests (Bahodesh 3) that on the intervening day, Moses built the altar, made the appropriate sacrifices, sprinkled the blood and read the covenant (Exodus 24:4-8). Exodus 24:10 appears in a somewhat cryptic reference in Shirta 4 to the manifestation of God as a zagen.

\textsuperscript{21}See Childs, The Book of Exodus, p. 357, and n. 12 above. The same would apply to the absence of commentary on the subsequent chapters which present the attire and activities of the priests.

\textsuperscript{22}MRS, in its characteristically brief manner, does work through this section, primarily emphasizing that the people maintained their distance and their intention to obey all of the Torah.
Overall, these events in Exodus 23 and 24 as well as the subsequent details regarding the Tabernacle and priesthood had no immediate application. The fact that there was no Temple and functioning priesthood applies as well to the observed absence of commentary in MRI on Exodus 35-40.\(^{23}\)

In between the two portions of Scripture which are the bases of Shabta are three general matters. The first is the golden calf incident.\(^{24}\) Aside from the serious nature and implications of the idolatry, particular details of this incident might present additional difficulties: God changed His mind in response to Moses' plea, the priests were rather

---

\(^{23}\) The existence of the Baraita d'Melekhet haMishkhan indicates that midrash did exist on these portions of the text. Epstein, *Mevo'ot*, p. 549, suggested it may have been a product of Ishmael's school. The baraita focuses on the Tabernacle and work of the Levites but does not deal with the description of the priestly garments. See Y.D. Gilat, "Baraita d'Melekhet ha-Mishkhan," *Encyclopedia Judaica*, vol. 4, cols. 193-94 (Jerusalem, 1972). Although the redactors of MRI did not choose to include commentary on these chapters, they do appear in later texts such as Exodus Rabbah and Tanhuma.

\(^{24}\) See L. Smolar and M. Aberbach, "The Golden Calf Episode in Postbiblical Literature," *Hebrew Union College Annual* 39 (1968): 91-116, for a summary of the patristic and rabbinic literature. As this increasingly became a topic exploited by Christian apologists, the responses developed as well. The issue was not extensively addressed in tannaitic literature although it is mentioned in more than a passing fashion in SD 1 and appears in oblique references in MRI. In Amoraic literature, there are specific responses to it.

It is the position of Halperin, *Faces of the Chariot*, pp. 159-61, that it was not Christian accusations that caused the rabbis to avoid this subject. Instead, it was their own fears of the concept implicit in the midrashic reworking of the texts that something about the Israelites' vision of the merkavah at the Sea and at Sinai caused them to construct and worship the calf.
brutal in effecting the punishment and Aaron was "caught" in an error and an apparent lie.

The second and the third subjects are the close relationship between God and Moses and the restatement of the Law. Because of the previously mentioned caution with which the Sages treated the character of Moses, the former passage might have presented some difficulties. In regard to the latter, the midrash appears to avoid repeating full exegeses of topics unless some peculiarity of the biblical text warrants it.\textsuperscript{25} It might simply be that, in order to maintain continuity on the closing subject of the Sabbath, the intervening materials were left out. It, after all, was not only the sign of the covenant at Sinai but was also a reminder of the redemption (Deuteronomy 5:15).

Finally, it may be that some parts of the biblical text are not addressed directly because they do not provide bases for text comparison. If the main effort in midrash is to assess Scripture in relation to Scripture, the most fertile areas would be those which have parallel passages.

\textsuperscript{25}This is in contrast to MRS which contains brief explanations of the major issues found in 34:12-26. In doing so, it is essentially repeating material already addressed at the end of Kaspa.
CHAPTER FIVE:
TRACTATE PISHA - THE PASSOVER IN EGYPT
AND THE SUBSEQUENT CELEBRATION

Introduction

The 18 chapters of Pisha cover the instructions and events recorded in Exodus 12:1-13:16. The first five chapters of the midrash deal with relatively limited units of the biblical text, generally one or two verses, and develop each word or phrase extensively. This is particularly true of chapter one.

With chapter six, there is a noticeable change in procedure. Whole phrases receive brief interpretations and often these interpretations incorporate further portions of the text under discussion. The average number of verses discussed in chapters six through 12 is slightly more than three. Five of the last six chapters provide commentary on six or more biblical verses per chapter. Throughout the tractate, there is not a corresponding increase in the number of lines per chapter. Obviously, the sections of biblical text underlying these latter chapters enjoy less detailed treatment. See tables on the next page.
**Relationship to the Biblical Text: Shared Agenda?**

**Summary of Prominent Subjects in the Biblical Text Unit**

As the biblical text is considered on its own, the following subjects appear to be the most significant issues in each unit which underlies the successive chapters of the midrash. As indicated above, those chapters of midrash which comment on smaller units of biblical text treat it in greater detail than the more extensive units.

**Chapter One.** The revelation is to Moses and Aaron in Egypt.

**Chapter Two.** This month is for you the first month of the year.
Chapter Three. Communicate to all the congregation of Israel regarding the time to take the lamb, and the proper size and composition of the group.

Chapter Four. The animal must be a one year old unblemished male from either sheep or goats.

Chapter Five. Keep it four days at which time the whole congregation is to slaughter it at dusk.

Chapter Six. Three general areas include where the blood is to be placed, when and how the flesh is to be eaten, disposal of the remains in the morning by burning.

Chapter Seven. The people must prepare and go in haste. God will judge Egypt but be merciful to (Israel) because of the blood. The day is to be celebrated forever.

Chapter Eight. Eat unleavened bread seven days and remove leaven. One who eats leaven is to be cut off.

Chapter Nine. First and seventh days are to be holy convocations. The only work allowed is that necessary to eat. They are to keep it forever as a reminder of the Exodus.

Chapter Ten. Directives regarding when to eat unleavened bread are followed by the command to have no leaven for seven days. The punishment applies to ger and citizen and the injunction includes all dwellings and homes.

Chapter Eleven. Repeat to elders procedures regarding pesah. People are warned not to go out. The Lord will judge Egypt
but protect (Israel). They are to observe the celebration forever.

Chapter Twelve. They are to continue the observance in the promised Land where the children will question and they will answer. The people bowed down and obeyed.

Chapter Thirteen. At midnight God struck all the firstborn of Egypt, Pharaoh ordered Israel out and they left in haste taking significant goods from Egypt.

Chapter Fourteen. A multitude journeyed and was provided for. The time in Egypt was 430 years. It was a night of watching for the Lord.

Chapter Fifteen. Various classes of non-Israelites may not eat pesah. If a slave or ger is circumcised, he may eat. The pesah is not taken outside and no bones are broken. The citizen and ger are treated according to one Torah.

Chapter Sixteen. The Lord gave instructions to Moses: Sanctify all the firstborn. Moses instructed the people: Remember this day because of what the Lord did, and do not eat leaven.

Chapter Seventeen. Do this avodah in the promised Land. Seven days eat unleavened bread and have no leaven. Tell your children. Have a sign on your hand and between your eyes and observe this.

Chapter Eighteen. Continue dedication of firstborn in the promised Land. Redeem the firstborn. When children ask, the
response emphasizes killing of firstborn in Egypt and the practice of redemption. This is a sign.

The Corresponding Midrash

Below, each chapter is assessed in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated, and the omissions and directions not taken.

Chapter One. The matter of revelation is the key issue. The significance of "and the Lord said" pervades each of the three distinct sections to be discussed.¹

Because the names of both Moses and Aaron appear, the midrash questions and then emphasizes their equal fitness to receive revelation. This conclusion is supported by a list of like instances where precedence in one biblical text might intimate precedence in reality but for the fact that the opposite order occurs elsewhere in Scripture.²

¹Niditch, "Merits, Martyrs, and 'Your Life as Booty'", pp. 160-71, argued convincingly for the thematic unity of the first chapter. Rather than being a haphazard collection of exegeses, each section makes the same point. Continued communication from and relationship with God is possible through mediation. I would suggest that this concern for the continuation of revelation may be evident in the entire tractate and perhaps even the document.

²While this is the comprehensive emphasis of the section, the honor of Moses is an issue and the midrash notes that Aaron did not experience direct communication except in three instances. On the identity of the three occasions, see
In response to "in Egypt", the midrash focuses on the conditions under which revelation occurs. These are the function of successive choices of God, which increasingly limited the places which and persons who enjoyed His presence to the Land, Jerusalem, the Temple, the priesthood and the Davidic line. That there may, however, be exceptions to the limiting conditions is a major point of the chapter. These exceptions came as a result of merit, exemplified by the patriarchs (avot), by specific prophets who honored God and/or Israel and by Moses and David who gave their lives (natnu naphsham) for Israel. Although imperfect, prophets

notes in H-R, p. 1. In contrast to MRI, the beginning of MRS tends in two ways to equalize Moses and Aaron. First, the refusal of Moses to accept the mission is viewed with dismay. Second, in response, the role of Aaron is elevated.

All of these represent key symbols, which were either gone or not maintaining their biblical characteristics and functions. For further discussion on the inseparable link between Torah and the Land in rabbinic literature, see W.D. Davies, The Gospel and the Land (Berkeley, 1974), Part I, and "Reflections on the Spirit in the Mekhila: A Suggestion," in Jewish and Pauline Studies (Philadelphia, 1984): 72-83, 327-28. On the comparison between this list in MRI and the significantly different approach in M Zev 14:4-8, see Ginzberg, "On the Relationship between Mishnah and Mekilta," pp. 60-66, and H-R, p. 2.

See notes in H-R, p. 3, regarding the citation of Rachel's weeping for her children (Jeremiah 31:14-16) as the prooftext. See further comments and references in Davies, "Reflections on the Spirit," pp. 72-83.

This section is initiated by the suggestion that Jonah could indeed flee the Divine Presence by leaving Israel, a possibility disproved by a plethora of proofs and a parable introducing the concept of messengers of God.
were one type of messenger from God and a means of maintaining communication.

In response to "saying", considerably more is said about the nature of God's messengers, the circumstances under which they must report back and the message itself. The merit of Israel was necessary for God to speak to prophets. For that reason, Baruch's circumstances were to be different but he would have his life, the opposite of those prophets who gave theirs.⁶

Each biblical phrase receives extensive discussion. The midrash is particularly expansive in response to the location for revelation (in Egypt), the concept of merit, and the nature of God's messengers.

⁶According to Niditch, "Merit, Martyrs, and 'Your Life as Booty'," pp. 160-71, the three types of prophets illustrate the widening gap between Moses and Aaron as ideals and the present situation. The initial worthiness of Moses and Aaron was no more. All the known symbols of Judaism were gone. With whom would God communicate and who would mediate? The prophet Jonah is the link between the three types of prophets and those who gave their lives. Thus, in the biblical economy, mediation via merit and martyrs (giving life) continued to be possible. Prophets prophesied for the sake of Israel. In the case of Baruch, Israel no longer existed and there was silence. Bokser, "Wonder-working," pp. 63-64, n. 75, cited Pisha 1 as an example of the tendency to de-emphasize the uniqueness of prophets as leaders; instead, the merit of Israel was the reason they continued to receive communication from God.

I would suggest that a further significant point is made in the frequent references to Jeremiah and Ezekiel, prophets of the exile when the First Temple was destroyed. Just as communication continued then, so now.
Chapter Two. The main emphasis of the midrash has to do with calendar considerations regarding the first month. Because hodesh signifies "new moon" as well as "month", the midrash initially deals with the question of how it was revealed to Moses and draws in other matters with which Moses had difficulty thus necessitating that God "show" him.\(^7\)

That there is more than one way of reckoning years is acknowledged and several of the biblical possibilities are cited. The primacy of Nisan is, however, maintained and the correct procedure of intercalating the year is described.\(^8\)

The fact that lakhem occurs twice is the basis for deducing that this procedure was for Israel, not adam harishon and not the Gentiles, to observe. The distinction between Israel and the Gentiles regarding the lunar/solar calendar leads to the indirectly related report of superstitions regarding eclipses.

The biblical text is actually chiasmic in structure:

this month - for you - first - first - for you - months of

\(^7\)On the numerous parallel versions of Akiva's statement and the perceived problem of anthropomorphism, see M. Fox, "As if with a Finger--The Text History of an Expression Avoiding Anthropomorphism" (Hebrew), Tarbiz 49 (1980): 278-91, and the sources cited there.

\(^8\)See the suggestion of N. Sarna, Exploring Exodus: The Heritage of Biblical Israel (New York, 1986): 81-89, that the new calendar was significant in this context because it was part of the formation of a cohesive, liberated people. Ginzberg, "On the Relationship between Mishnah and Mekilta," pp. 66-68, discussed the possibility of several distinct sources underlying the parallel in M Rosh haShanah 1:1 which would account for the differences between the two treatments of the subject.
the year. Whether wittingly or not, the midrash partially maintains this structure.\textsuperscript{9} It begins with Moses' role in showing and being shown this hodesh and establishes the procedure for generations. Corresponding to that, its closure has the Bet Din as the authority to determine the new moon.\textsuperscript{10} The next "ring" in the midrash has to do with Nisan being "first" in terms of various calendars and staying "first" by means of intercalation. The center focuses on Israel - "for you".

There is little that can be said in terms of omissions and/or other directions to pursue. In this context, the calendar is the expected emphasis.

\textbf{Chapter Three.} Although the main focus might be expected to be on taking the animal and the composition of the group, the midrash begins with another perspective on the matter of revelation. The plural dabru again raises the issue about the relative status of Moses and Aaron. The initial suggestion of R. Ishmael that Moses was superior is countered with two alternate scenarios each of which depicts their equality. Other subjects emphasized are the sequence of activities on the first, tenth and fourteenth days of the

\textsuperscript{9}This observation is dependent on the chapter divisions as found in Lauterbach's edition, not those in H-R.

\textsuperscript{10}This is accomplished by means of linking the end of this verse with the beginning of the next one.
month" and the composition of and participation in the group. In regard to the former, the midrash systematically rules out possible combinations of activities which are not in the biblical text. It also enhances the distinction between the passover in Egypt and the ceremony for generations to come.

Of these, the commentaries on dabru and the "tenth" are noticeably more detailed. Beyond them, each lemma is treated briefly and the basic intention appears to be definition of the group.

Chapter Four. After brief definitions of the qualifications of the animal, often accomplished by statements of inclusion or exclusion, a very large part of the chapter is devoted to complex deductive analysis of the apparent contradiction between this passage and Deuteronomy 16:2. Although it is directly related to the biblical text, its emphasis is striking in contrast to the sparse commentary on other aspects of the verse. If, for example, the agenda of the midrash were different, I might expect lessons on the

____________________


12The issue has to do with the distinctions between pesah and hagigah and the passover celebration in Egypt as opposed to the continued observance. These are heightened by the rabbinic discussion of the biblical text and are part of the larger problem of drawing together the two initially separate festivals of passover and unleavened bread. See Sarna, Exploring Exodus, pp. 86-89, Ginzberg, "On the Relationship between Mishnah and Mekilta," pp. 79-80, and Epstein, Mevo'ot, pp. 518-19.
unblemished nature (seh tamim) of the sacrifice. The primary focus, however, is on the whole of the biblical text.

Chapter Five. The beginning of the chapter addresses the question: Why was a four day period of "keeping" specified? The initial response is built upon the concept of God's love for Israel and His oath to redeem them. What they needed, however, were the mizvot of passover and circumcision in order to merit redemption. Each succeeding answer responds to the previous one and to the significance of "four". For example, instead of needing those four days for passover and circumcision, Israel already had four mizvot. The four which they possessed, however, were insufficient because they had engaged in avodah zarah which was equal, in negative value terms, to all the mizvot of the Torah.

The second subject to receive some degree of discussion is whether or not the slaughter of the passover sacrifice took precedence over the Sabbath. The method of dealing

---

13 In this regard, Bokser, Origins of the Seder, pp. 96-97, indicated that pairing the two obligations of passover and circumcision in the midrash demonstrated "that the blood of the sacrifice, like the blood of circumcision, would continue to give Israel merit." They could still perform the latter.

14 See further comments below on the possible significance of these in the wider socio-religious context.

15 The two emphases of the chapter are linked together with the last response to keeping four days which likens pesah to tamid and indicates the necessity of having at least six checked lambs for combined Sabbath and holiday sacrifices. On the halakhah, see Ginzberg, "On the Relationship between Mishnah and Mekilta," pp. 85-93.
with the issue employs a gezerah shaveh. Finally, defining "at evening" takes place in the context of relevant biblical texts dealing with the time of the Exodus and the procedures of cooking and eating.

The first section on keeping mizvot to merit redemption is unusual for its length. It draws in a significant amount of extra material in connection with the four mizvot which Israel had and the idolatry in which they were engaged in Egypt. In spite of its length, it only responds in a cursory manner to the practical implications of why four days were necessary. It takes for granted the matter of examining the animal.

There is also a noticeable lack of emphasis on how to determine ben ha'arba'im. Practical concerns per se do not appear to be the primary focus. In addition, the authorship was not interested at this point in dealing with the inclusive and exclusive implications of "all the congregation of Israel".

Chapter Six. There is general consistency in the amount of midrash corresponding to each biblical text lemma. The former develops further such issues as where to place the blood and why, cooking and roasting distinctions, and the time limit for eating and burning. It also responds to the
question: what can be varied in the procedure and still fulfill the obligation?¹⁶

In connection with eating the flesh "this night" and none remaining until morning, the midrash gives credence to the Sages' concept of putting a fence around Torah by citing the three things the Men of the Great Assembly said, one of which was to make a fence around Torah. There is also somewhat more emphasis on the necessity of having the pesah in order to fulfill the obligation and on the significance of bashel mevushal. Both of these hinge on grammatical features of the text. In connection with burning the leftovers, the question arises as to the precedence of this activity over the Sabbath and the festivals.

Nothing in the biblical text is omitted but certain aspects are treated so briefly that other directions might be suggested. For example, the meaning of the blood on the lintels and doorposts is not explored very far beyond the inside/outside distinction. In fact, the matter is treated in a rather stylized fashion with the suggestion of the three and four altars in Egypt. Given later developments in the

¹⁶In contrast to the subtle switch in the focus of the Mishnah from the lamb to unleavened bread (cf. Bokser, The Origins of the Seder, ch. 4), MRI maintains that the passover lamb is necessary to fulfill the obligation even though one may, if necessary, do without the bitter herbs and unleavened bread. This appears to be the best way to read the text although there are variant readings which omit the critical rejoinder to the hypothetical argument that one has fulfilled the obligation without the pesah. See citation of variants in H-R, p. 20. See further discussion below in connection with Continuity and Temple.
tractate, I might also expect a parallel to be drawn even here with the mezuzot. In the same vein, the significance of the cooking stipulations and prohibition about leftovers is not pursued.

Chapter Seven. The main points of the biblical text are again the main points of the midrash although there is less focus on the characteristic of preparedness at the beginning. Particular emphasis is given to defining whose "haste" is referred to in the biblical text; the suggestions are Egypt, Israel or the Shekhinah. The last provides an opportunity for a reference to the future. God's activity of going through the land like a king and "in wrath" and His judgment on the gods of Egypt, attacking their very essence and their worshippers, are really the high points. As in the biblical passage, these are in direct contrast to His seeing the blood and protecting Israel. Finally, the midrash determines which day to celebrate and which days require hagigah offerings.

In the context of judging the gods of Egypt, the phrase "from man to beast" is the first example in a related list of biblical cases which illustrate the principle of "the first to sin is the first to be punished" and which stress the concept of justice. Also indirectly related, the matter of God's seeing the blood prompts a reference to His seeing the blood of Isaac at the agedah. On the other hand, how and of what the blood is a sign are not discussed. In addition,
"this day shall be a memorial" receives no special focus even though the concept of commemoration is stressed later.

Chapter Eight. After defining, by means of comparing criteria in this text and Deuteronomy 16:3, the kinds of grains and breads which are and are not appropriate, considerable attention is given to matters of time. Focal points are the length of time to eat mazzah, how many days are obligatory and the starting point. In regard to the question about obligation, the apparent biblical discrepancy between seven days and six (Deuteronomy 16:8) serves as part of the argument.

Beyond the issue of time, the midrash demonstrates that burning must be the means of getting rid of leaven. This is accomplished by means of a sequence of attempted comparisons among biblical categories. The conclusion is only acceptable because it is based on the two categories of leftovers and leaven sharing the same four characteristics.

Although certain aspects regarding leaven and mazzah receive much discussion, other practical matters are absent. No consideration is given to how to search for leaven or other possible means of disposing of it. In addition, relatively less attention is given to the significance of being cut off from Israel. Although key terms are briefly defined, the severity of the measure is primarily indicated by the characteristic search for a warning to accompany the penalty.
Chapter Nine. The emphasis moves to the subject of work in relationship to the seven day festival. The main issues are assessed by means of comparison and contrast among known characteristics of biblical categories. These issues include whether or not work may be done on the intermediate days between the two holy convocations, who may work and what work is considered necessary for people to eat. Many of these respond to prominent grammatical features in the biblical text.

Comments which might be expected in response to several of the phrases are absent. That the holy convocation was for Israel (lakhem) might, in a different context, elicit a response. Likewise, that God brought out the hosts of Israel "from Egypt" is not a focus. With the major emphasis turning on the matter of work, these potentially aggadic features are secondary in this context. Finally, that the day was to be kept forever is important only in terms of the distinction between work and shevut activities; not as an exhortation for an ongoing observance.

Chapter Ten. Since the midrash has already addressed the time element, it is essentially glossed over in this chapter and attention is focused on additional questions regarding leaven. These appear in response to the wording in the biblical text. That seor can be compared with hametz and that the punishment for consuming leaven applies to anything which is leavened are important conclusions. The midrash
demonstrates that the biblical text is necessary in order to arrive at this conclusion.

With regard to the removal of leaven, "houses" is defined as "in your control". With regard to eating mazzah, "dwellings" rules out fulfilling the obligation with anything brought solely to Jerusalem. In connection with the term "dwellings", a further limitation is adduced by appealing to the Deuteronomy 16:3 reference to lehem oni. Additional attention is then given to what constitutes lehem oni and to whether or not it can be made with the second tithe.

A significant subject not emphasized in this chapter is that of the ger. Who a ger is and why and under what circumstances he can participate are questions partially, although not entirely, addressed later in the tractate. In response to the possibility of being "cut off from Israel", the midrash employs the same stereotypical phrases as it did in ch. 8.

Chapter Eleven. Just as the biblical text behind this chapter involves verbal repetition from Moses to the elders of the instructions regarding the passover sacrifice and the warning not to go out, so also the midrash repeats itself. Sections from chapters three, four, six and seven recur here. Why the biblical text repeats God's instructions to the people is not an explicit issue. It may be veiled in the

---

17In repeating the patterned responses, the midrash avoids discussing the significance of the blood on the doorposts and lintels.
initial question of the midrash: Why was the utterance given through the elders? This raises an issue which is by now familiar. Who was to share in this process of revelation and why not only Moses?

The other more noticeable emphases are related to "morning" and passing over the "door". In the former case, a lesson in derekh eretz is taught; because patriarchs and prophets acted in the morning, so should others. Related to this, an exegesis of Psalm 104 teaches that evil occurs at night but good during the day. In regard to passing over the door, the midrash sets up a comparison which also teaches a lesson; if the blood of the passover sacrifice on the doorposts in Egypt was so effective, how much more effective the mezuzah is.

In spite of the earlier discussion on a lamb for each household, nothing is said here regarding flocks for families. Given the approach of the midrash, I might expect this. A further direction not taken includes the significance of hyssop. Finally, how God passes over, sees, and smites, and His relationship to the destroying angel are potentially fascinating subjects but ones not on the immediate agenda of the framers of the document.

Chapter Twelve. A "new" subject in the biblical text, the land which was promised, is the basis for a long and eloquent recital of those instances where God spoke, the word was fulfilled and both promise and fulfillment were recorded.
Among the items of the list are the Land, the people of Israel, the covenant, reward and punishment in the future, the Sabbath, the priests and the Levites. The main point of the collection is that the biblical text contains the record of these parallel promises and fulfillments.

This first section dwarfs the biblical text elements in the rest of the chapter. Much is omitted or dealt with implicitly. Noticeable is the absence at this point of any comment on the question of the children. The only other aspect of the biblical text which receives more than passing comment is the statement that the people worshipped. According to the midrash, this was because, although their original numbers were reduced in the three days of darkness, the Egyptians were unable to see them burying their dead.

Chapter Thirteen. The biblical narrative which is the basis of this chapter is consistently re-presented by the midrash. The primary focal points of the latter are the complete destruction of Egypt, the humiliation of Pharaoh in his final conversation with Moses, strong attacks on the idols and idolatry of all Egypt and identifying the "favor" God gave

---


19 There was a tradition that during this time wicked Israelites died in great numbers. See Ginzberg, *Legends of the Jews*, trans. H. Szold (Philadelphia, 1909), vol. 2, p. 345, and vol. 5, pp. 432-32, n. 198, for further references. This motif recurs in Beshallah 1,2,3 and Vayassa 2.
His people. Many of the issues addressed have to do with areas where the logic of the text might be questioned. For example, since Pharaoh was the firstborn, why was he not killed? How could there be "not a house without a dead person"? How could the Egyptians say "we will all die"? Surely they were not all firstborn.

In the context of the final conversation between Moses and Pharaoh, the consistency of the text is upheld by explaining how to understand a prior statement that Pharaoh would see the face of Moses no more. At this point, the midrash includes a list of biblical persons who honored royalty just as Moses did.

Because there is so much biblical material, several phrases which are not pertinent to the main points are omitted. Among them are the references to captives "in dungeons" and to the urgency of the Egyptians to "send them from the land". In addition, the actual process of deliverance and the miraculous nature thereof receive scant attention here.

Chapter Fourteen. This chapter renews the tendency of the midrash to commence with some phenomenon of revelation. Moses' voice travelled forty days' journey to summon the people. Beyond that, the manifestation of the clouds of glory is one of the suggested meanings for "Sukkot". As the chapter progresses, further extraordinary phenomena are emphasized. There are references to the people moving
keheref ayin, to multitudes of angelic hosts prepared to do battle, to the miraculous provision until manna came along and to the presence of the Shekhinah which was, as it were, enslaved with them. In this connection, the text teaches that this is the case in all the exiles including the present.

There is also a concern with precision concerning the time of events. The issue arises in response to the apparent discrepancy in the biblical text over the length of time in Egypt. It was exactly 430 years ago to the day that the covenant was made with Abraham and 400 years ago that Isaac was born. In addition, there is a suggestion that the future redemption will also be the same night.

Because the focus of the chapter is redemption, it is initially unexpected to find that one of the longest indirectly related units has to do with the text. The Hebrew and Greek texts differ regarding the 430 years in Egypt. The difference is noted followed by a long list of additional differences between the two texts.20

Other pericopae which are secondarily related to the immediate context but enhance the themes of the chapter include a reference to the future restoration of Mt. Zion in the context of defining Sukkot, the statement that God is with the individual as well as with the community and the

20See Geiger, haMigra veTargumav, pp. 282-87, Heinemann, Aggadot veToldotehen, ch. 4, and further discussion below in regard to possible messages of the text.
claim that there was an idol (zarah) which crossed the sea with the people.

The length of the biblical section again precludes addressing all points of interest. In addition, the apparent focus on redemption means lack of emphasis on other subjects. Among them is the identity of the erev rav which went up with them; the midrash is instead interested in numbers. Further, although the biblical text refers to unleavened cakes, the subject receives only passing comment. The same is true of the injunction to Israel to keep this night "for their generations".

Chapter Fifteen. The biblical statement that this is the statute of pesah impels the midrash to begin the chapter with a hermeneutical rule, klal ufrat, followed by several examples. The main emphasis, however, is on who may and may not participate in the passover celebration, with the major criterion being circumcision. The biblical categories of non-Israelites are defined. In addition, other biblical categories are adduced to demonstrate that an uncircumcised person is disqualified from eating passover. In responding to the biblical text, the major questions deal with slaves but the issue of gerim is also significant.

21 In connection with this, there is some discussion as to whether or not an Israelite is allowed to own uncircumcised slaves.

22 In regard to both of these, the indirectly related incident of the immersion of Beluria's slaves either before her or behind her is reported. Because the main point of the
While less emphasis is placed on eating in one group (the meaning of "one house"), not going out and not breaking the bones of the sacrifice, each of these is systematically addressed by means of comparing biblical categories. Nothing is said in this chapter in response to "the Lord said to Moses and to Aaron".

Chapter Sixteen. A "new" biblical subject, dedication to the Lord and redemption of the firstborn, is the basis for material which is dramatically different from the chapters preceding this one. First of all, it is longer and each lemma receives a significant amount of discussion. Second, like ch. 12, it incorporates a wealth of aggadic illustrations.

The chapter commences with another of the 13 hermeneutical principles: A general term needs its particular term and vice versa. The indication of firstborn here is the general term; the specification of "male" in Deuteronomy 15:19 is the particular. The midrash explains why both are necessary.

---

23 Even though these are not major issues for MRI, they are halakhic matters of some importance and ones whose interpretation changed over the course of time. See Levine's comprehensive treatment of each issue in Studies in Mishnah Pesahim, Baba Kama, and Mekhilta, chs. 4 and 5, and Lauterbach's suggestions regarding the halakhic changes, "Breaking the Bones of Pesah" [Hebrew], haZofeh 9 (1925): 235-41.
After less elaborate comments on the need for stipulating the firstborn of both humans and animals, the midrash responds extensively to "it is Mine". The necessity of the command to sanctify is questioned since it is God's possession. The answer is that one does it for the reward. This is widely expanded, first to other illustrations of sanctuary activities which were done so reward might be gained, then to a report of an exegesis of a general principle (klal zeh darash) by Eleazar ben Azariah which has to do with reward. This, in turn, is followed by another exegesis and parable from Eleazar ben Azariah to the effect that earlier matters are forgotten and more recent ones remembered. Similarly, in Scripture, there are illustrations of former names of places and people which are forgotten when second names come into use. Nonetheless, there are three (some say four) names given by God which have not changed. Finally, names of the righteous and their deeds are revealed before birth. In addition to the successive linking throughout this section, it may also be that "it is Mine" is directly related to the concept of naming.

This is immediately followed by comments on Moses' command to "remember this day". Juxtaposition of this verse with Deuteronomy 16:3 raises the possibility of distinguishing between the present and the future in terms of remembrance. Blessings are a vehicle for remembering the past and the midrash deals both with why blessings must be
said before and after meals and before and after reading Torah as well as the responsive recitation of benedictions.

The purpose of stating the prohibition on leaven in the passive mode is explained and, finally, the chapter closes with an embellishment of the possible meanings of bakosharot (Psalm 68:7) as it relates to the Exodus, followed by some discussion on whether or not merit was a factor in their redemption.

In spite of the vast amount of material in the chapter, there are still aspects of the biblical text which are not represented. On a very basic level, the close of Exodus 12 (the people obeyed and the Lord brought them out) and the beginning of Exodus 13 (the Lord spoke to Moses) are not treated. At this point, the midrash seems to focus primarily on those passages which provide the basis for new exegeses and which help to focus on the injunction to remember. In fact, the terms in the biblical text which might serve as the basis for halakhic statements are not developed in that manner. In addition, no attention is given to the fact that the firstborn are "among the children of Israel" and very little to the repeated descriptions of going out of Egypt. No parallel is drawn between smiting the firstborn and sanctifying them. Apparently, what it actually meant to sanctify is assumed knowledge. Finally, there is nothing explicit said about the fact that the instructions regarding
the firstborn were God's words and the admonitions to remember and refrain from leaven were the words of Moses. Chapter Seventeen. Although the Land is the apparent focus at the beginning, what is really at stake is whether or not there are contradictions in Torah. The midrash demonstrates by means of pairing sets of passages that sometimes the Land is associated with the names of five nations and sometimes with seven.

The majority of the material on unleavened bread, the seven days, the festival and the removal of leaven is repeated in full from chs. 7, 8 and 10. It may be that the point of the midrashic repetition is to teach that, in those areas where the biblical text repeats injunctions with essentially no variations or additions, it means to say exactly the same thing.

The last major focus of the chapter is the construction and wearing of tefilin. When and where they are worn and who is obligated to do so is determined to a great extent by means of systematic assessment of the instructions and by comparison and contrast with the mezuzah, a symbol of protection whose parallel significance derives from the sections of Scripture contained therein.

All references to the event of the Exodus are glossed over since the main intent of the chapter has to do with what might be perceived as halakhic concerns. The exhortation to tell "your son" receives somewhat more comment as it excludes
the evil son, but it still does not draw on the whole potential in the recitation of the Exodus story. The midrash does not go beyond the mere names attached to the Land in the biblical text; it does not directly address its other characteristics nor does it refer to the covenant which God swore to their fathers. Certain specific halakhic matters might be of concern but for the fact that they have already been addressed. Among them are keeping the ordinance in its season by means of intercalation and the relationship of seor to hametz. Finally, with regard to the sign on the hand and the head, the biblical text says that these serve to keep Torah in a person's mouth. I might expect the midrash to ask how.

Chapter Eighteen. The pattern of this final chapter corresponds to that of the preceding one because the biblical texts are similar in their development. The initial issue is again the name of the promised Land; the problem to be resolved is that it is here called Canaanite. In the context of the Land, the people are to observe practices concerning the firstborn. The stated biblical stipulations are detailed and the midrashic results are characteristic halakhic discussions on what "passing" to the Lord means, what qualifies as "your" firstborn, which animals are to be redeemed and with what firstborn sons are redeemed. These involve logical deductions based on comparisons and the exercise of the klal uphrat ukhlal principle. There is a
brief allusion to the parallel between the firstborn in Egypt and redeeming the firstborn. The midrash pursues a complex comparison among the categories of redemption, the study of Torah and circumcision to show that if the father does not fulfill a given mizvah, the son must do so himself. The conclusion is based on a binyan av.

It is at this point that the midrash responds to the question of the children in the biblical text with the baraita of the four sons. The responses to the sons incorporate some of the details of the passage.

As with the preceding chapter, this one closes with some emphasis on the tefillin. Here the point is the texts which were in them and their construction.

Because the midrash covers a considerable amount of biblical text, some of it is not emphasized. Those topics which have primarily aggadic potential receive little attention. Among them are God's supernatural activity in redeeming Israel and bringing them into the Land. The hardness of Pharaoh's heart is only briefly mentioned. The response to the son is dealt with briefly and artificially. Statements such as "I sacrifice" and "I redeem" are stylized.

---

24 The extensive focus on this symmetrical measure-for-measure presentation is found in Beshallah and Shitra.

25 On the baraita, see Francis, "The Baraita of the Four Sons," pp. 280-97, and Bokser, Origin of the Seder, p. 133, n. 3.
By Way of Summary

There is a steady emphasis throughout on revelation and Torah. It takes different forms in response to the apparent emphases in the biblical text. When the subject is not explicitly stated, it is implicit in the ever-present focus on the text and the techniques for interpreting it. Where the exegetical puzzles occur is where the midrash focuses. There is nothing so important as resolving apparent conflicts in the biblical text by means of reference to more of the same, defining a term by means of cross-referencing or demonstrating in some fashion that repetition of the biblical text has significance. Even in regard to subjects which do not receive significant attention in a given chapter, the midrash primarily reads Scripture with Scripture. Related to this is a care to find in Scripture the bases for matters that were accepted practice. By way of example, the distinction between work and shevut activities is lodged in ch. 9 in response to keeping the day forever.

Beyond that, I find a systematic treatment of the major biblical subjects. When one has been dealt with, for the most part, it does not receive the same emphasis later unless there is a specific textual reason for it. Rather, new subjects are the focus. Likewise, if it is not the "turn" of a given matter yet to receive full attention, it is passed by. Examples of this may be found in the focus only at
certain points on the ger, the mezuzah and the question of the children.  

Longer indirectly related materials are often in the form of lists that have one item corresponding to the situation in the context. These are primarily, although not exclusively, confined to chapters which contain aggadic emphases.

Biblical Paradigms and Institutions: Identity and Function Paradigms. In the first tractate of MRI, the paradigm figures include patriarchs and prophets in the collective sense as well as individual members of each class. Both patriarchs and prophets were exemplary in conducting their activities in daylight.  

Both patriarchs and prophets were said to have given their lives for Israel (ch. 1). That activity and zekhut avot are emphasized as a means of mediation and also are a commentary on the value of Israel. Furthermore, they are exemplary activities.

---

26 This works not only within this one tractate but also among them. The miracles associated with the great deliverance and the dramatic demise of Pharaoh and his armies find their full expression in Beshallah and Shirts; gerim are really a matter of focus in Amalek.

27 Abraham, Jacob, Moses, Joshua and Samuel all rose up early to do the will of God (ch. 11).

28 In ch. 1, the two concepts of prophets and merit of "fathers" are drawn together in the citation of Jeremiah 31:15-16 the subject of which is Rachel. Her weeping for the children in exile was reported by the prophet of the exile, Jeremiah, and it was meritorious in that communication outside the land continued. See Lauterbach, Mekilta, vol. 1,
The efficacy of merit in terms of redemption is mentioned with specific reference to Abraham (ch. 16). The oath made to Abraham, the promised blessings and the Land, the birth of Isaac, and an allusion to the fact that Abraham was a friend of God (ch. 18) all attest to his prominence.\(^2\) The binding of Isaac is a paradigmatic event in that it adumbrates God's seeing the blood of the pesah on the houses of Israelites in Egypt (chs. 7 and 11). Both Isaac and possibly Ishmael, sons of Abraham, were two of four individuals whose names were not changed (ch. 16).

Moses' name in a number of contexts is to be expected. He was the representative of the prophets who gave their lives for Israel. He (and Aaron) mediated on behalf of Israel. He rose up early to do the will of God and he was one who honored foreign royalty.

David's position is unusual in that he is represented as one of the patriarchs\(^3\) who gave his life for Israel as well as the object of God's choice for the king in the sequence of ever-narrowing selections (ch. 1). As a possible parallel to

---

\(^2\) Davies, *The Gospel and the Land*, pp. 107-08, wrote that references to Abraham in midrashim outside Bereshit Rabba are rare. I would suggest that in MRI, at least, they are quite significant. See further discussion in ch. 14.

\(^3\) See Lauterbach, *Mekilta*, vol. 1, p. 10, n. 15, regarding the implication in the text that David was a patriarch.
Abraham, the names of two of David's descendants, Solomon and Josiah, were also not superceded by second names (ch. 16).\(^{31}\)

The prominent citations from Jeremiah and Ezekiel (ch. 1), prophets of the exile, may well have been intended to serve as paradigms for the contemporary situation. In the time of those prophets, God continued to communicate because of merit both inside and without the Land in spite of the fact that the symbols were gone. Their situation may have been perceived as significantly parallel to events in the recent history of the Sages when some of Israel fled to Babylonia after the bar Kochba war.

Among the persons who honored foreign royalty (ch. 13), we find such figures as Moses, Joseph, Jacob\(^ {32}\), Elijah, Hananiah, Mishael and Azariah, and Daniel. This is a very instructive set of paradigm figures; the majority of them addressed leaders of hostile, dominant nations.

The generations of the flood and Sodom teach a lesson which recurs with greater force in subsequent tractates; there is balance in the execution of God's justice. Finally, the occasions of Israel's exile to Egypt, Babylonia, Elam and

---

\(^{31}\)Read together, the implicit message might have been that the future of the people and their king was assured. When these figures take their place alongside the symbols of the Land and Zion (see below), there is a statement of assurance.

\(^{32}\)Jacob probably is included in the list because his name is preceded by that of Joseph and it is Joseph whom he is honoring according to the biblical verse. See Lauterbach, *Mekilta*, vol. 1, p. 101, n. 5.
Edom teach the presence of the Shekhinah with them. Since Edom most likely represents not a historical event but the current situation, it is the "present paradigm" and is, in the list, followed by the return in the future.

Institutions: Symbols and Categories. The familiar symbols of the Land, Jerusalem (Zion), and the Temple are objects of God's choice but also are not absolutely necessary for the continuation of revelation (ch. 1). This is true as well of the priesthood and the Davidic monarchy. This apparent tacit recognition of their absence does not, however, mitigate their importance. The Land and Jerusalem (Zion) were established by the word of God (chs. 11 and 12) and the midrash assumes the ongoing importance of all three symbols because the biblical economy continues to be important.

This "biblical economy" includes the following institutions whose primary function in the midrash is to serve as categories for structuring analyses of the text: Sacrifices (pesah, 'olah, tamid, korban musaf, and others), laws about the carcass and the fat, animals tithed and consecrated to the Temple, showbread, second tithe, the Nazir, firstfruits, circumcision, the Sabbath and the festivals. In some cases, additional category names

33Matters related to the Temple will be discussed in greater detail in the final section of this chapter.

34Many of these appear to assume a functioning Temple but all serve the express purpose of analyzing the text of Torah above and beyond any such temporal constraints.
developed from biblical injunctions. Among these are the 
hagigah and the tefillin.

Halakhic and Aggadic Responses to the Biblical Text

The majority of Pisha is halakhic even though there are 
significant chapters at the beginning and interspersed 
throughout which respond to the biblical narrative with 
appropriate aggadic embellishments. Most indirectly 
related materials are found in aggadic contexts and consist 
of lists of incidents or exegeses which share one feature in 
common, related stories and other ways of schematically 
representing related information.

35 See ch. 3, pp. 91-92, n. 18. Because the terms 
"halakhic" and "aggadic" are familiar, I use them as I have 
described them there even though "analytical" might better 
fit the former.

36 Chapters which are primarily aggadic include 1, 7, 12, 
13, 14. Most are based on biblical texts describing the 
activities of God in relationship to His people. The midrash 
in ch. 12 develops that theme itself in response to the 
concept of the "promised" Land. Chapters 2, 3, 5, 11, 17, 18 
all begin with aggadic sections. The one in ch. 5 is long 
and deals with possible mizvot which are kept to merit 
redemption. Chapter 16 contains significant aggadic 
pericopae which respond to the claim that the firstborn is 
the Lord's and to the injunction to remember.

37 Heinemann, Darkhei ha'Aaggadah, pp. 56-74, discussed at 
length the significance of lists as a midrashic technique 
demonstrating the connections within Torah. Towner, Rabbinic 
"Enumeration...", has dealt with some of the numbered lists 
and details of his work will be cited at the appropriate 
points. Other modes of schematization include various 
expressions of symmetry and balance. The first to sin, the 
first to be punished, measure-for-measure and Israel 
contrasted with the Gentiles are all examples. These often 
occur in the context of lists.
As indicated above, most use of paradigm figures and symbols occurs in aggadic contexts. Definition and category comparison is primarily evident in halakhic sections.

**Rhetoric: Methods and Mindsets**

Even though there are distinct differences between the halakhic and aggadic materials in Pisha, there is a pervasive interest in comparison and contrast on the levels of definition, explanation and application. The midrash often explains the purpose of including the biblical passage. This is most apparent when the information in the biblical text also occurs in a related form in another passage. Many of the rhetorical patterns suggest logical possibilities and either support the argument by an appeal to the biblical text or demolish it by the same.

**Characteristic Rhetorical Expressions**

The patterns of rhetoric which occur most consistently and with the greatest frequency in the halakhic chapters are the following:

1. **lamah ne'emar lephi shehu omer (halo kavar ne'emar)** - contrasts current case with another one

2. "You say Scripture speaks of X; perhaps it is Y" ('atah 'omer...'o 'eino 'ela') - followed by a
number of possible variations; the purpose is to demonstrate that it does speak of X and to rule out a potential but incorrect explanation.

3. "I have only X; from where do we know Y? Scripture says" ('ein li 'ela'... minayin...talmud lomar) – additional biblical passage is used to expand the application.

4. "I might think X; Scripture says... (shomea 'ani [yakhol]...talmud lomar) – to demonstrate that the application is to be limited.

5. to include/to exclude – generally some form of lehavi and lehotzi but several instances of mi'et and rivah.

6. kal vehomer (with variations) – to establish a comparison.

The forms listed are the basic ones; variations and combinations often appear when a more complex argument has been developed. A characteristic addition is hadin noten or harei 'atah dan...talmud lomar, generally teaching that deduction by analogy leads to an incorrect conclusion. Even in cases with extended comparison and contrast of categories, the last word in the matter generally comes from the biblical text.38

38But see, in this regard, chs. 8 and 9 where deductions about burning leaven and the number of days one cannot work are founded solely upon a progression of logic.
Both the first and the last items in the list appear to cross more frequently the line between halakhic and aggadic material. The question as to why something was said is used primarily when the information in the biblical text also occurs in a related form in another passage. The juxtaposition of the two passages allows a conclusion to be drawn or upheld.

In aggadic materials, the only additional rhetorical devices which appear consistently through all or most of the chapters are the phrases used to introduce biblical citations.\(^{39}\) Beyond these, there are few formulas which govern the presentation of the material. Instead, schematic arrangements are a common feature. The most common of these is the list of related phenomena, people or interpretations.\(^{40}\) Items in the list are frequently

\(^{39}\)Most common among them is shene'emar, followed by harei hu 'omer, ukhtiv, ve'omer, hadah hu dikhtiv, umah talmud lomar. Wacholder, "The Date of the Mekilta," pp. 135-36, cited this profusion of formulas for quoting Scripture as evidence that MRI was created in the post-talmudic period, indicating that such variety was not apparent in the Mishnah.

\(^{40}\)Although Towner dealt extensively with the numbered lists in Rabbinic "Enumeration...", he did not choose to analyze any of those which occur in Pisha. The five types of grain (chs. 8 and 17) is only mentioned in passing (p. 65, n. 1). The list which he did discuss lacks enumeration. It is the variant readings in the Septuagint as presented in ch. 14. Among the most intriguing examples of numbered lists in Pisha are the "three-but-some-say-four" series. There are three separate instances of this form:

- Ch. 2 - the three (four) things with which Moses had difficulty;
- Chs. 6 and 11 - the three (four) altars in Egypt;
- Ch. 16 - the three (four) whose names were given by God and not changed. This pattern may be a product of the
introduced by kayozei bo or kayozei bidevar, utilizing in another way the concept of comparison.⁴¹

biblical formula, most familiar from Amos 1-2 and Proverbs 30:15-31.

Other enumerated lists include:
  Ch. 5 - the four mizvot of Israel;
  Ch. 6 - the three things said by the Men of the Great Assembly;
  Ch. 7 - four judgments on idols and three on those who worship them;
  Ch. 17 - the land of five or seven nations;
  Ch. 18 - the baraita of the four sons; the four sections of Scripture in tefilin.

There are also many illustrations of unnumbered lists.

Listed below are significant examples:
  Ch. 1 - similar instances where precedence in one biblical list is balanced by the opposite order in another text, people and places chosen by God for revelation, prophets who honor the Father and/or the son;
  Ch. 7 - the set of people and circumstances where the first to sin was the first to be punished;
  Ch. 11 - those who rose up early to do the will of God;
  Ch. 12 - the series of statements that God spoke, the promised event occurred and both were recorded in Torah;
  Ch. 14 - suggested meanings of "sukkot", the list of variants in the Septuagint and the instances when the Shekhinah was in exile with Israel;
  Ch. 16 - the commandments which are there so reward may be obtained, the first names of places and people which were forgotten.

In many of these lists, the prominent characteristic is the symmetry.

⁴¹Further aggadic comparisons are signaled by moshlo hamashal and lamah hadavar domeh introducing the parables in chs. 1 and 16. In the list of exiles whence the Shekhinah accompanied Israel the expression kivyakhkol does occur (although the two major manuscripts do not use it consistently).

Other recognizable formulas in the aggadic chapters include: Mephorash bekabalah and "even though there is no proof, there is a hint".
Additional Rhetorical Devices

Further comparison techniques which appear primarily in halakhic chapters include (le)hekesh, gezerah shavah, shakul (in binyan av argument), the indication to read with former conclusion, not the latter and judging one case with four characteristics by another with the same four. The following procedures apply the principle of comparison and contrast to distinct verses in the biblical text:

1. ne'emar kan...ne'emar lehalan
2. one verse says one thing, another says something else; how can I resolve it?
3. until a verse was stated, I might reason (ani 'egrah)...but that is wrong and both verses are necessary

In addition to the common inclusion/exclusion statements, there are exegetical principles to guide more complicated approaches to the text. We learn that something singled out from an inclusive statement teaches about the whole. The expressions stam uphrat and klal uphrat (ukhlal) are related as they constrain the application of particular passages.

In addition, halakhic midrash often acknowledges that Scripture is there to teach. Common expressions indicating this are maggid (hakatuv), ba hakatuv (lelamedkha), nimzeno

**42** These do not occur in every chapter but are still frequent enough to be acknowledged as standard patterns. I list them according to basic functions.
Finally, the schematic approach is not absent in halakhic materials. Both the occasional lists and the very complex category pairings are illustrative of this.

Two matters seem to be preeminent in this section. The first is the central and fundamental importance of the Torah, both explicitly to teach and implicitly as the major, if not sole, source for understanding and schematizing the complexities of the observed world. The second is that most of what is observed, whether it be textual, experiential or something else, can be construed as part of a symmetrical or balanced whole.

There is no evidence, within either halakhic or aggadic chapters, of a consistent pattern developing through the chapter. Thus the progression of the midrash is not dictated by purely formal concerns. On the other hand, it is not dictated solely by the biblical text either. Rather, both are used together to make a point about the biblical text itself.

Technical Expressions and Unusual Words

The technical expressions in Pisha serve as categories for assessing the implications of the obligations stated in the biblical text. Among them are such expressions as mizvat aseh, reshut / hovah, pasul / patur, hamurah / kal, 'isur.

43The five types of grains and the three times to check for leaven are examples.
'akhilah / 'isur hana'ah. As is evident, each of these is often one of a symmetrical pair. Corresponding to the first one in the list, although it does not occur in Pisha, is mizvat lo ta'aseh.

In this tractate, foreign words are not a frequent occurrence. The most noticeable are the Aramaic noun forms beginning with 'aleph.\(^4^4\) 'Eikon (icon) seems to have made its way into common parlance.

It is less easy to define the boundaries of "unusual expressions" beyond the use of foreign words. Those which I have indicated are words which seem to be hapax legomena in the tractate and therefore stand out. They inevitably appear in connection with definitions.\(^4^5\)

The niphal conjugation seems to be used to an unusual degree, especially in ch. 1 and other contexts which address the matter of God's communication with humans.\(^4^6\)

The euphemism "those who hate Israel" is used in chs. 2 and 12 in contexts which might have "evil" consequences for Israel and the rabbis did not wish to say it directly. The

\(^{4^4}\)Examples include 'iskupah (threshold), 'iskritin (pastry), 'ispognin (sponge cake).

\(^{4^5}\)A suggested source for takossu in the biblical text (Exodus 12:4) is Syriac (ch. 3); mekulas is one suggestion for the way to cook the lamb (ch. 6); several specific types of hyssop are named in the course of determining which may be used (ch. 11).

\(^{4^6}\)By way of contrast (and perhaps commentary), the gods of Egypt are crushed, ground and scattered, passive objects acted upon by God (ch. 13).
instance in ch. 2 describes how eclipses of the moon are bad for "Israel". The euphemism distances the bad omen; it is not direct. In ch. 12 there is reference to the possibility that Israel might be destroyed in Egypt until they all completed their sacrifices.

Attributions

Individual Attributions

The number of individual opinions in the context of the entire tractate is relatively insignificant. I comment only on those names which appear more than once. In considering the nature of the attributed opinions, it seems that what is said by individuals is not presented as influential in the broad context of the commentary. This is particularly true with regard to Ishmael and his students.

47 See Appendix for lists of the major attributed pericopae.
Each of Eliezer's three independent opinions have to do with practices regarding passover. Two of them are related to the passover animal and one of these indicates that if there is only one lamb for all Israel, that is sufficient. 48

Independently, Ishmael deals in this tractate only with aggadic matters the majority of which are related in some way to the blood of the sacrifice in Egypt. All of Josiah's independent comments analyze primarily halakhic issues but they could be construed as tangential in their contexts. 49

The same is true of Jonathan.

There is primarily an aggadic emphasis in Nathan's comments. In addition, three of them have either direct or indirect relationship to foreigners and their idolatry. Whether or not this is related to his more cosmopolitan background is a matter of conjecture. 50

The names of both Judah and Yose haGalili are associated with significant halakhic and aggadic issues in the context of the tractate. 51

Rabbi is presented as having a concern

48 It is of interest to note that this comes from the Yavnean period.

49 For example, he gives proof that only the Bet Din in Jerusalem may intercalate, he presents the Syriac meaning of takossu and he includes roasted meat among those which are subject to vows of abstention.


51 These include maintaining the original group for passover, likening the passing of the Lord through Egypt to that of a king, bringing proof that all seven days require hagigah and comments on where to wear tefillin.
for particular details of the text.\textsuperscript{52} There is no pattern in regard to subject matter. The same is true of the few opinions attributed to Shimon b Yohai and Akiva.

Sets of Names

When sets of names are arranged according to similarity in the patterns of names which accompany that of Ishmael, the following observations may be made. His five disputes with Akiva demonstrate that Akiva tends toward a more atomistic or unusual reading of the biblical text than Ishmael does. Ishmael, Jonathan and Isaac address matters specifically dealing with the passover. These include enrolling for the lamb, the blood of the sacrifice and what "until morning" means.

In conjunction with Nathan and Isaac, Ishmael's name is also associated with the subject of blessings. Ishmael and Yose haGalili, joined by Akiva on one occasion and Isaac on another, engage in simple definition of words in the immediate context. The names of Eliezer, Ishmael and Nathan are associated with the issue of circumcising slaves and free males in order to eat passover. It is Ishmael's opinion in both disputes which really has to do with the text at hand.

\textsuperscript{52}He notes reversals in the order of naming Moses and Aaron in the biblical text. Responding to Genesis 15, he reconciles 400 years with four generations. He interprets the presence of an infinitive absolute in the prohibition against eating the passover sacrifice raw.
Nathan's interpretation leads to the mention of the incident with Beluria's slaves.

Of all Ishmael's halakhic opinions (11) which occur in the format of disputes or brief sets of opinions, fewer than half (4) are founded on the logic of the kal vehomer argument even though that is one of the rules associated with his name. In this format, Ishmael discusses fewer aggadic matters (5).

In addition to the several aggadic comments, the students of Ishmael, Josiah and Jonathan, dealt systematically with ordinances of passover, especially those which were related to work in conjunction with the festival. The import of these particular discussions appears to be greater than that of many of the subjects associated with the names of Ishmael and Akiva. Both Jonathan and Isaac occasionally rebut an argument with "it is not necessary" and follow with a deduction based on a different method.

Beyond the prominent sets of names as summarized above, there are 20 additional sets which cover a variety of passages. The name of Eliezer surfaces more than any of the other remaining ones but the combinations in which he is cited are quite diverse. In addition to those listed above, he is paired with Shimon bar Yohai, Judah ben Batyra, Akiva, Joshua and Isaac. See further comments in ch. 14.

Subjects range over all of the following: whether God showed Moses in the day or night, Nisan is first for various types of years, 1/10/14 days, keeping mizvot four days,
**Long Lists**

More than half (10) of the chapters contain a long list and some of them deal with quite significant issues.\(^{55}\) The lists do not appear to be brought, however, to lend credence to the most important aspects of the biblical text. Perhaps those have no need of such support. There is also no noticeable tendency to select either halakhic (6) or aggadic (4) material as the object of a series of attributed opinions. One characteristic which stands out is the tendency for these lists to occur at or close to the end of the chapters. This happens in seven cases.

Ishmael's name appears first in five of the six lists in which he is included. There are four additional long lists which do not include his opinion at all. I am not certain that his views were considered preeminent by the framers of the text. Perhaps because of his reputation and standing, Rabbi's opinion is added at the end of lists in four of the

---

\(^{55}\) These include God's communication with Israel, intercalation to maintain the religious calendar, determining how to understand Deuteronomy 16:2 with regard to the annual celebration and the type of animal, putting away leaven, what type of bread fulfills the obligation to eat mazzah, what it meant to find grace in the eyes of the Egyptians, the meaning of sukkot, the significance of "in the month of Aviv" and the father's obligations to his son.
five times his name is cited. Roughly half of the names in
the lists are those of Yavneans. Of the others, there is a
basic balance between opinions of Ishmaeleans and Akivans.
Although a case might be made for chronological progression
in the lists, there are a number of exceptions.

Anonymity

While the above observations might give the impression
of a text in which most of the pericopae are attributed, this
is really not the case. In fact, more is anonymous than is
attributed to named Sages, either individually or in sets.
Furthermore, there do not appear to be patterns of subject
matter or method which affect what kind of exegeses are
attributed as opposed to those which remain anonymous.

Authoritative Statements and the Sages\textsuperscript{56}

On the most basic level, each of the occurrences of
mikan amru in Pisha has to do with a halakhic issue.
Therefore, certain chapters contain none at all. A small
majority of these statements (11 out of 21) are from the
Mishnah as we know it and have been quoted verbatim or have
been paraphrased to suit better this context.\textsuperscript{57} Six

\textsuperscript{56}See the Appendix for a summary of each occurrence of
mikan amru in Pisha.

\textsuperscript{57}In the five chapters of MRI that Ginzberg studied in
"On the Relationship between Mishnah and Mekilta," he
observed possible dependence of MRI on the Mishnah, both MRI
and the Mishnah dependent on an older source and
additional comments are found either in the Tosefta or cited in the BT. The three for which I have found no close parallels have to do with tefilin and with the balance between slaying firstborn and redeeming firstborn.

It seems that in the first 15 chapters, most of these mishnayot are cited in this format in conjunction with issues which are not the most significant in those given chapters. It is true that they deal in a cursory fashion with the passover sacrifice and even more briefly with leaven but I expected considerably more, especially with regard to the latter.58 Chapters 17 and 18 have the greatest

____________________________________

independence. His investigation included citations of the Mishnah which were not introduced by mikan amru. Even limiting the study to mikan amru, it is difficult to know where to draw the line for including or excluding material. Two of the 21 cases are variations of the expression and a third involves a variant reading. See also Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, pp. 106-08.

58 The additional materials which have Mishnah parallels do deal with significant aspects of the Passover sacrifice. It is, however, my impression that there is no attempt to draw the two documents, MRI and the Mishnah, together on matters regarding the Passover which are most significant for both of them. Hypothetically, these issues might have included searching for and getting rid of leaven, materials with which obligations can be fulfilled, the matter of working during the festival and the relationship between Passover and the Sabbath. In the last case, omission is understandable since much of the question in the Mishnah revolves around slaughtering the passover sacrifice on the Sabbath. That issue is not raised in the biblical text. The preoccupation of the Mishnah with many aspects of the passover sacrifice itself is not apparent in the midrash. It may be possible that Pisha reports relatively few authoritative opinions from the Sages because the Ishmaeleans cited therein were generally less inclined, for whatever reason, to take upon themselves the Mishnah's system. Why, on the other hand, later framers of the document maintained
concentration of these authoritative citations and they center around tefilin and redeeming the firstborn males.

A further observation is in order: In Pisha, mikan amru does not simply indicate that what follows is to be perceived as based directly on the text of Torah. In fact, in 12 of the instances, there is an intermediate step of deduction or interpretation upon which the statement is founded.

**Structure**

**Rhetorical Patterns**

Although there are characteristic rhetorical forms which recur throughout the tractate, there are no patterns consistently developed among these forms as each chapter progresses. This is primarily due to the fact that the midrash is tied so closely to the biblical text as to rule out any external form determining the development of the midrash. For that reason, if there is any stylistic patterning, I would suggest that it is more thematic than rhetorical.  

---

this distinction, as well as others, is a puzzle. Levine, *Studies in Mishnah Pesahim, Baba Kama, and Mekhila*, demonstrated that the methods and conclusions of MRI are consistently different, not only from the Mishnah but also from the Talmuds.

The lack of consistent formal development and a set of forms which are peculiar to MRI rules out the possibility of discerning comprehensive documentary shaping of shared materials. In several contexts, Neusner indicated that MRI collects facts but does not shape them (*Mekhila According to Rabbi Ishmael, Preface, xiii, ch. 6*). It was his observation that most of MRI was not shared with other sources. I am not
Thematic Development

Although it is true that the biblical text primarily drives the midrash forward through a variety of subjects, there are some thematic links which lend coherence to the statement of the tractate. Chapter 1 has its own agenda, which is to demonstrate why the rest of the commentary has value. Its point, familiar by now, is that communication from God (revelation) continues via intermediaries (Moses and his successors), provided there is merit. It is true that the Land is a special focus in the discussion but it is not the sole one. Both merit of individual intermediaries and corporate merit are more important. Revelation is essential in the latter case because Israel, unlike the Gentiles, exclusively receives instructions regarding mizvot and must be diligent and careful in keeping them. In fact, the main focal points of chs. 2-11 are such instructions regarding the passover sacrifice and related activities.

The midrash stresses that God's activities in behalf of Israel are part of revelation, particularly as He exercised certain that this is true of Pisha; there is considerable variation among chapters. In this tractate, it seems that halakhic materials have a greater tendency to be shared than aggadic. In addition, even though often the formulation of certain sections in MRI may be unique, parts of it do appear in other texts. By way of example, Pisha 16 combines parts of Tos Sot 7:9 and Tos Ber 1:12-13 as it develops the narrative about Ele'azar b Azariah's derashot. BT Hag 3a-b and PT Hag 1:1 contain some of the same material but the structure of MRI is designed for this context with its combined emphasis on reward and naming, both of which are part of the commentary on the verse.
justice for them and kept promises to them. Both of these serve as pivotal points in the tractate (chs. 12-14). His justice in punishing their enemies meant redemption for Israel. In keeping His word, the promise of the Land ties back to the first chapter, sparks a sweeping survey of the whole of biblical history in which God spoke, it was recorded and it was/will be fulfilled (ch. 12), and ties in with specific observances in the promised Land for generations to come. These observances, among them eating unleavened bread, circumcision, redemption of the firstborn and the tefilin, are the means for commemorating the relationship and the redemption. These are the key issues in chs. 15-18.

World View/Socio-Religious Context

Topic/Theme: Torah

As is evident in much of the foregoing analysis, the abiding concern of the midrash is Torah. Two emphases are evident. One explicitly has to do with specific processes of revelation; the other both explicitly and implicitly deals with the nature and purpose of written Torah. In keeping with previous observations about aggadic and halakhic material, the former is generally found in aggadic chapters and sections and the latter pervades the entire midrash.

Chapter 1 contains the most extensive references to revelation because, as already indicated, the point was to
demonstrate that communication could continue in spite of the conditions imposed upon it by the successive choices of God.\(^{60}\) The factors "capable" of overriding these choices all have to do with merit. Moses and Aaron are declared equally fit to communicate for God,\(^{61}\) prophets continued to communicate in spite of observed imperfections and even under the most dire of circumstances, the exilic prophets communicated because of merit of the fathers and on behalf of Israel.

With specific reference to the details, ch. 2 contains the suggestions that God both spoke directly to Moses during the day and "showed" him the hodesh at night and did so "with His finger".\(^{62}\) This particular object of revelation was something which could still be seen; therefore, participation in the "revelation" was possible. Both chs. 3 and 11 draw attention to the mediators in the process of revelation —

\(^{60}\)Although the geographical locations of "choice" include the Land, Jerusalem and the Temple, the rest of the chapter and, for that matter, the tractate explicitly deals with the Land. Notably, the accepted perception was that the Shekhinah was not revealed outside the Land (1:72-4). When both Jeremiah and Ezekiel received communication, ostensibly because of zekhut avot, at least some of the people were still in the Land. According to the midrash, the problem came with Barukh because Israel was no longer there. On the other hand, however, the Shekhinah was both enslaved, as it were, and went into exile with Israel (Pisha 14). See further below on the subject of the Shekhinah.

\(^{61}\)The word characteristically used is dibbur. In addition, the niphal verbal forms, nidbar and niglah, seem to be indicative of the concern not to present the concept as too direct.

\(^{62}\)See Fox, "As if with a Finger," pp. 278-91.
Moses, Aaron and the elders. While ch. 1 establishes the grounds for continuity in spite of change, ch. 12 seems to present the "assurance" in the form of a deliberately overwhelming number of recorded biblical promises and fulfillments. The point here is that revelation (Torah) encompasses the word spoken, the word fulfilled and the word recorded.

In addition to the explicit references to revelation, the midrash directly mentions the Written Torah. There is a pervasive sense that Torah is both the means and the end of study. In both halakhic and aggadic chapters, Torah is interpreted and re-presented for the present reality. Why Torah says what it says is the most important question and great care is taken to apply standard principles to interpret it. The importance of study of Torah is emphasized by example. The concern not to break Torah necessitates making a fence around it (ch. 6). There is talk of the

---

63 It is the source of definition and specification. It is the Symbol in which all other symbols find their definition. Especially in halakhic materials, one passage is drawn upon to define another and biblical categories serve both to define and to analyze by means of comparison and contrast. While arguments based on logic are employed at great length, the consistent pattern is that logic alone is not sufficient.

64 Eleazar b Azariah did midrash on the Sabbath (ch. 16), it is necessary to pronounce blessings over Torah study (ch. 16), and it is as important as all other religious duties together (ch. 18). Only men, however, are under obligation for talmud Torah (ch. 17). The allusion to its precluding the wearing of tefillin (ch. 17) is interesting in regard to its comparison with all other religious duties.
possibility of its being forgotten in the future (ch. 12) but also the reassurance that Torah is for eternity (ch. 16).

All the commandments of Torah are as important for the proselyte as for the born Jew (ch. 15) and, in the practical vein, Torah teaches derekh 'eretz (ch. 7). Finally, the concern for variations in the translation of Torah from Hebrew to Greek appears in ch. 14.

Recurring Values and Symbols

It is evident that certain topics reappear throughout the tractate. Some of these can be construed as values; others are more appropriately viewed as symbols. 65

In the former category, the related values of merit, mizvot and redemption maintain a high profile with regard to Israel. The special status of Israel surfaces in several contexts and all of the specific subjects relate to one or more of these matters. 66 Their calendar is different and it has a distinct purpose for being so (ch. 2). Israel is distinct in that it has four mizvot (ch. 5). Two mizvot particular to Israel and sufficient to merit redemption are the passover sacrifice and circumcision (ch. 5), the latter

65 See also the previous discussion on institutions and symbols, pp. 155-56.

66 Kadushin's inter-relatedness of value concepts, although somewhat abstract, is helpful in understanding the mindset represented by the text. For example, merit of the fathers is a sub-concept of God's justice (A Conceptual Approach, p. 47). Regarding Israel's distinctiveness, see further below.
of which defines who is and who can become a Jew (ch. 15). In the process of executing justice and measure-for-measure punishment, God metes out good for Israel (chs. 7 and 13). Even enslaved, Israel merits the presence of the Shekhinah (ch. 14).

Throughout the tractate, there are elements or categories which are consistently identified as integral to the continuation of the world view represented by the text. As I have already indicated, the Land and the Temple are key symbols. Both they and the institutions directly related to them, however, had ceased to function according to the biblical prescription. Nonetheless, the midrash presents them as of equal importance with symbols and institutions which continued. Therefore, we must conclude

67 There seem to be four possibilities: Biblical institutions which ceased in reality, biblical institutions which continued, derived institutions which ceased and derived institutions which continued. The fascinating thing is that all are treated the same way. Even though an actual symbol ceased it still had to have meaning. All of them received a foundation in Torah via the exegesis process. Those which were derived institutions or symbols had to be established on sound hermeneutical principles in order for them to be eternally revelant. Thus the stress on middot and other means of exegesis.

68 This includes specifically the monarchy, the priesthood and all the festival and sacrificial regulations. These will be discussed further in the following section.

69 These include Israel and its distinctives, the Sabbath and circumcision, as well as the festival of unleavened bread, the calendar, talmud Torah, the commemorative obligations regarding tefilin, the mezuzah and the recitation of blessings. Among and related to these are certain derived institutions to which the framers of the midrash give credence by a variety of means. The category of activities
that the primary intention was to re-present Torah in such a fashion as to incorporate and accommodate the current practices as well as the biblical injunctions.

Continuity of Values and Symbols

In Pisha, there is a clear sense of the eternal significance of Torah. In the chapters which are primarily halakhic this impression is created by means of the assumed importance of all biblical categories. In the aggadic chapters and sections, continuity is often demonstrated more explicitly perhaps as a reassurance of God's own unchanging nature for His people.70

Although anachronism is a given, it is not used excessively.71 More evident is the impression that which are technically not labor but which detract from the restfulness of the day (shevut) are grounded on the biblical command to "observe this day" (ch. 9). The complicated process of intercalation to maintain the proper seasons and function according to the lunar calendar likewise is tied to the injunctions regarding the new moon and observing the festival in its season (ch. 2). Furthermore, authority was vested in the Bet Din which carried on the authority of Moses. The term mezuzah is used in the Exodus text; the apotropaic object comes later but both it and the tefilin are composed of Torah and fulfill the symbolism and obligations imposed in the Exodus text.

70 This is most evident in the recital of promises (ch. 12) regarding the covenant with Abraham, Israel's establishment, the Land and eschatological punishment and restoration.

71 Instances include the Bet Din established by Moses at the time of the Exodus (ch. 11), the "custom of the kings" to rise after the third hour read back to Pharaoh's time (ch. 13) and Michal the daughter of Cushi wearing tefilin (ch. 17), assuming the last is a biblical figure.
everything about the biblical economy still applies. Major biblical figures live according to exemplary values, the list of chosen items and people implies that all are still chosen, and biblical sacrifices and related categories are presented as worthy of discussion although with little direct reference to the Temple.  

In addition, the "schematic approach" to biblical history is evident in several contexts. In ch. 1, the "choices" of God, the three prophets and those who gave their lives all present events and figures of biblical history which have didactic value for the present. The "first to sin, first to be punished" sequence (ch. 7) draws upon several members of the well-known "generations", even though the text does not call them that here. Continuity is emphasized in that the same principle of justice applies through all that time. The fifteenth of Nisan is the exact time for a series of visitations by the Lord (ch. 14). The midrash draws the sense of continuity through the present to the future in its declaration that the Shekhinah was with Israel in four exiles and would return with them (ch. 14).

---

72This is an advance of sorts from the position of the Mishnah which dealt with these elements in the explicit context of the Temple. See discussion below and also Bokser, The Origin of the Seder, ch. 4.

73At the same time as schemata are suggested, there is scant concern for what we might think of as "historical" questions. The number of nations previously inhabiting the land and Abraham's relationship to the Canaanites are both treated solely as parts of exegetical puzzles (chs. 17 and 18). Chapter 15 refers in the same sentence to a circumcised
Continuity is suggested in other ways, some of them more subtle. The Sages upheld the words of the Men of the Great Assembly (ch. 6). The temporary protection of the blood on the doorposts is made permanent by the institution of the mezuzah (ch. 11); both focus on the home and also assure continuity. There are occasional references to past and future, especially in the contexts of future restoration, the time of redemption and the return of Israel (ch. 14).

In some few instances, the potential of "discontinuity" is acknowledged. In response to the children's question in Exodus 12:26, ch. 12 of the midrash raises the possibility that Torah might be forgotten in the future. An alternative way of understanding the matter is, however, proposed. Rather, they would live to see subsequent generations. Some earlier things are forgotten and replaced by later names and activities (ch. 16). On the other hand, others are not changed and notable among them are names of the sons of Abraham and David. In the case of the Exodus, the last word is that it will be mentioned. Overall, the final word is a strong bid for continuity.

The Temple and Its Ritual

The fact that the Temple no longer existed underlies the intention of ch. 1 to demonstrate the continuity of Arabian and a circumcised Gibeonite. One is a biblical and a contemporary term; the other is solely biblical.
revelation. That Ezekiel and Jeremiah are the prophets cited is no accident; their messages at the time of the departure of the Glory of the Lord from the Temple and its subsequent destruction are paradigmatic for understanding the current situation. Of the different things that God showed Moses, the new moon is the only non-Temple one but it is the focus here with the implication again that revelation continues despite the Temple's absence.

Beyond that, there is an obvious silence about the Temple in contexts which discuss sacrifices and related categories; something endures but not the Temple. This is particularly noticeable in the treatments of the hagigah (chs. 7 and 17) and pesah offerings. Striking is the conclusion that without the pesah, one cannot fulfill his obligation even though that would be possible if bitter herbs and unleavened bread were absent (ch. 6). At the same time, ch. 17 acknowledges the potential absence of the pesah while maintaining that the unleavened bread is still an obligation. Also in that chapter, the response to the son refers to mazzah and maror on the table but not to pesah.

In the various references to the Deuteronomy 16 parallels, those which speak of "the place" seem to be

---

74 This is in clear contrast to M Pes 5 which describes the procedures at the Temple.

75 See p. 135, n. 16, on the variant readings for this passage. It may have been problematic for the very reason that it appears to indicate the necessity of the pesah.
avoided.\textsuperscript{76} When Jerusalem is mentioned (ch. 10), the point is that those materials brought only to Jerusalem do not suffice; the ritual is to be a home-centered one. Furthermore, the important process of getting rid of leaven also took place in the home (ch. 10). Even in the wealth of promises recorded in ch. 12, only one refers to the ark and the place of worship.

In addition to the silence, there are a few passages which seem deliberately to create distance from the Temple. The "three (or four) altars" in Egypt were part of the home. The blood of Isaac was seen by God and was meritorious without an existing Temple in that location. In the section on rewards for keeping mizvot (ch. 16), it is interesting that all those listed have to do with Temple functions. They merit reward because they are shown by haftorah prooftexts to be unnecessary; there are already existing natural phenomena which meet the requirements. Further, it is noteworthy that study in Yavneh immediately follows and the exegesis indicates that knowledge of Torah (Deuteronomy 29:9-10) continues the reward.

That this is not the final status of the Temple, however, is evident from the end of the midrash on the Shekhinah's presence in the four exiles (ch. 14). Although

\textsuperscript{76}It is of interest that SD has almost nothing in regard to the concept of place when it discusses Deuteronomy 16. N.R.M. DeLange, Origen and the Jews (Cambridge, 1976): 94, noted the general absence of rabbinic references to this passage.
the Divine Presence left Lebanon (the Temple), it would also return with Israel to Lebanon.77

"Theological" Reflections

The Supernatural and Miraculous. In accordance with the biblical account, the midrash portrays God as revealing Himself through His activities. This includes miraculous intervention in behalf of the people of Israel. What is most intriguing, however, is that these momentous events are described in very matter-of-fact terms while enigmas in the text occasionally elicit extraordinary explanations. By way of example, there are no descriptions of the activities of the destroying angel (ch. 11) but the strange ways in which the demise of all the firstborn sons in Egypt was accomplished are discussed (ch. 13). There are muted references to miracles (chs. 5, 12 and 14) in conjunction with the passover but what is described are Moses' voice travelling the length of the land and the children of Israel moving in the twinkling of an eye (ch. 14). Chapter 14 also alludes in passing to the myriads of the hosts of heaven and identifies the "hosts of the Lord" as the ministering angels. Neither of these instances, however, investigates the matter of heavenly beings; the midrash is rather intent upon

77On the identity of Lebanon with the Temple, see Vermes, Scripture and Tradition, ch. 2.
demonstrating by means of biblical citations something about the biblical text at hand.

The Names of the Divine. As might be expected, the midrash refers to God both in descriptive terms and by name almost exclusively in the aggadic sections. In ch. 2, Akiva is cited as stating that God showed Moses three things with His finger. Chapters 7 and 11 say He acted like a king and depict numerous activities of a Sovereign. Chapter 13 presents the principle several times that, if in regard to an evil thing, God reacts in a certain way, how much the more regarding something good. Although His habitation is in the clouds of glory, a suggested interpretation for sukkot, He shares in the afflictions of the community and individuals (ch. 14). He gives good and evil, deals charitably with Israel and receives blessings from His people (ch. 16).

In terms of the two most common names, haQadosh Barukh Hu, or abbreviations thereof, and haMagom, the latter occurs with slightly greater frequency. A cursory reading might give the impression that haMagom is used when the immanence of God and His interaction with Israel is the main subject whereas His transcendent nature and activities are more often represented by haQadosh Barukh Hu. These distinctions were

---

78 According to the study of Fox, "As if with a Finger," pp. 278-91, the tannaim and amoraim were not fearful of this anthropomorphism but, in keeping with the culture of their day, used it freely. It was only later, under the influence of Islam and the Karaites, that copyists began to modify the reading.
especially evident in the printed editions of the texts where later copyists apparently "corrected" texts to associate such subjects as God's justice, punishment and fulfillment of His oath with haQadosh Barukh Hu. The two major manuscripts, however, tend to reflect more usage of haMagom even in these latter types of contexts and therefore blur the above distinction.79

Other names for God are chosen especially to fit the given contexts. Shekhinah embodies God's revelation of Himself to Israel (1:72,80,85) and presence with them (7:15; 14:87, 100-12).80 Ruah haQodesh rested on exemplary prophets prior to Barukh, enabling them to prophesy (1:150-

79This textual observation is in agreement with Urbach who indicated that most passages which read some form of haQadosh Barukh Hu have haMagom in at least one manuscript witness. Copyists who were used to saying the former may have inserted it. At the same time, Urbach maintained that haMagom was the preeminent term in contexts which dealt with God's relationship to humankind. See further on the tannaitic variation, haQodesh, which may have paralleled the use of haMagom before the change to haQadosh Barukh Hu (The Sages, pp. 67-78). See also M. Bregman's observations in "An Early Fragment of Avot de Rabbi Nathan from a Megillah" (Hebrew), Tarbiz 52 (1982): 201-22, on the consistent use of haMagom Barukh Hu in manuscripts of rabbinic literature.

55). One interpretation of *ha* suggested that it meant that Ruah haQodesh rested on people giving them knowledge regarding the whereabouts of the Egyptians' possessions (13:137).

Those who recite the blessing of the new moon lift their eyes to Avihem shebaShamayim (2:42). All work done in connection with the passover is done leShem Shamayim (7:21) because the verse says it is the Lord's. In the context of doing activities in the daytime (bekhi tov), patriarchs and prophets rose up early to carry out the will of The One Who Spoke and the World Came Into Being, continuing the allusion to Genesis 1 (11:72). The mezuzah affords protection, containing ten Shemot Miyuhadin (11:101). The One Who Created (the night) knew it and could divide it accurately (13:1-5). Building upon the name of Solomon and Song of Songs 3:7,8, the Possessor of Peace is surrounded by myriads of warriors (14:25,26)! Blessings of the Righteous One Who Lives Forever must conclude with "amen" (16:139-40).

**Idolatry**

In certain chapters of Pisha, it initially appears that idolatry is presented as a major problem. Not only were foreign oppressors (Egyptians) completely sunk in it; while in Egypt, Israelites fell into it as well and consequently broke the covenant. The main case against idolatry is
developed in ch. 5 and, given the biblical context, is essentially unsolicited. 81

The charge against Israel was that they were steeped in idolatry while in Egypt and had to have time to get rid of it. Therefore, purchase of the lamb had to precede slaughter by four days. The rationale for such a strong stand on the issue was that the law against idolatry is more important that all other commandments. It is the one commandment which when broken, breaks totally the yoke of Torah, annuls the covenant and misrepresents the Torah. The Israelites had to withdraw from idolatry in order to keep the mizvot, the positive aspect of the commands of the biblical text. 82 Doing so, however, was perceived as difficult. 83 A further problem is painted by their fear of reprisal by the Egyptians if they were to sacrifice something offensive to them.

Observations about the idolatry of "others" also surface in the midrash. Foreign cities were assumed to be full of abominations which is why they were not fit for revelation

81 Perhaps taken together with the threat of changing names and language, it could be read as a polemic against those who were failing to keep mizvot which specially characterized Israel. See further on the messages in the text.

82 This same theme is evident in ch. 11 as well.

83 A suggestion briefly arises later on (ch. 14) that the idol of Micah (Judges 17) had even crossed the sea with Israel. This develops around the word zarah as it occurs in Zechariah 10:11.
In response to direct allusions in the biblical text, both chs. 7 and 13 refer to the complete rout of the Egyptian idols. While all of these elements do surface in the midrash, the comprehensive picture is that idolatry is a foil for Torah. Either it is the pitfall for those whose actions run counter to Torah or comments about it are responses to Torah puzzles.

Social Structures: "Others" and "Us"

A fair amount of definition of "others" in Pisha is in the context of their assumed idolatry. The complete picture, however, goes beyond that. There are allusions throughout the text to various types of distinctions. Some refer to those who are clearly outside, Gentiles of one sort or another, while others create or uphold internal distinctions.

84 As ch. 1 progresses, it is Jerusalem itself which is full of abominations (Ezekiel) and, therefore, not fit for the Divine Presence.

85 God destroyed the idols in four ways and those who worshiped them in three (ch. 7). Baal Zephon and Pharaoh, both false deities, were left only in order to mislead. Pharaoh, the god, was reduced to asking where Moses and Aaron were and had to ask them to pray for him. Idols melted and ceased to be idols, statues made in honor of first-born sons were destroyed and all animals that were worshiped were shown to be false deities when their firstborn also died (ch. 13).

86 Some of them may have had more current application than others. There is always the possibility that these, too, are "timeless" carryovers from the biblical economy and therefore reflect little of social reality. Even so, they do say something about how the circle editing the text wished to represent social reality.
In the former group, there is a wide spectrum of social classes, degrees of interaction, and religious inclinations represented. Chapter 1 contains a parable about a priest who owned heathen slaves who could accomplish certain things for him that the priest could not do. Likewise, ch. 15 presumes ownership of non-Jewish slaves and complete control over them, even to the point of circumcising them.87 A second parable (ch. 11) illustrates another type of relationship: A foreign king who passes from one place to another in anger.

On a more equal footing, there are hints that interactions with Gentiles were not unusual. Whether or not a non-Jew could do the work of a Jew on the Sabbath is discussed as is the possibility of preparing food for the former (ch. 9). The property of either could, in theory, be in control of the other (chs. 10 and 17). Chapter 18 assumes commercial transactions between Jews and Gentiles.

Appealing to a biblical paradigm, the Gentiles were capable of repentance and because they were close to it, Jonah fled to spare Israel (ch. 1). Also indicative of perceived spiritual sensitivity, any foreigners who heard of the miracles would praise God (ch. 12). At the same time, in the context of Israel's unusual position in terms of its

calendar (ch. 2), Gentiles are depicted as superstitious and fearful of eclipses. Just as Egyptians were perceived to be "worthy" of punishment, perhaps so also the contemporary rulers (chs. 7 and 11).

Much of ch. 15 sets up categories of exclusion based on the biblical terms: ben nekher, toshav, sakhir, arel, ger, ger toshav. Those who were outside (ben nekher) could be either Gentiles or apostate Jews (Israel meshumad). Both the toshav and sakhir are spoken of disparagingly. There is a careful definition of "others" and their relationship to the religious observances, particularly passover. Here, the criterion is circumcision even to the extent that, according to R. Eliezer, a Jew's property must be circumcised before he could participate. From the contents of the chapter, it is apparent that there were those who converted and the ger is looked upon more kindly. In keeping with the prescription of the biblical text, the ger is invited to participate (ch. 10) and declared the same as the born Jew with respect to all the commandments of the Torah (ch. 15). Aspects of conversion involve circumcision and ritual immersion.  

The preceding paragraph draws us from the outside in. The definition of "us" revolves around Torah and the individual Jew's or interested Gentile's adherence to it. The soul which ate hametz was cut off (ch. 8). Jews were

---

38See Schiffmann, Who Was A Jew?, ch. 3, regarding the four criteria which were part of the definition.
those who obeyed the laws about work on the Sabbath (ch. 9). Free adult males were in a "class" all by themselves in terms of participation in rituals; women, slaves, and minors were viewed in a different light. In the recital of the fulfilled words of God, His people were the recipients of all of God's promises, some of which include the punishment of foreigners (ch. 12). 89

The Messages in the Text

Although on the surface many of the comments appear to set Israel off against foreigners, represented as Gentiles, Egyptians, Canaanites or others, it seems that the overall effect is supposed to be a forceful message about the Jews themselves. Below I review the explicit details chapter by chapter.

Much has already been made of the claim that ch. 1 was intended to demonstrate that, because Israel continued to exist, revelation continued even though the Temple was gone and the Jews were not in control of the Land. 90 Not only

89 It might be possible to see some development throughout the tractate on this whole issue of "others". Once the subject of blatant idolatry was taken care of by defining and describing its demise, then "other kinds of others" were dealt with, all the way from apostate Israelites and aliens to converts who were considered the same as citizens with regard to Torah.

90 Davies, "Reflections on the Spirit in the Mekilta," pp. 164-65, noted that the rabbis were careful to explain that this was not the norm. In fact, it was contingent on merit of the fathers, on the proximity of pure water and on continuity with previous revelation in the Land.
did revelation continue but it was to the successors of Moses and the prophets, the Sages. 91

Chapter 2 carries some jibes against the superstitions of Gentiles but again the main point seems to be to undergird the authority of the institution responsible for maintaining the practice of Israel's own particular calendar. That institution was the Bet Din. 92

In ch. 5, the "four mizvot" of Israel were such that no one (else) in the world was worthy of them. 93 The first one, a claim and proof that Israel was above suspicion regarding sexual impropriety, serves as the basis for a somewhat longer exegetical foray into Song of Songs, the point of which is to emphasize that Israel was to be closed

91 There may be several levels of polemic in this. See Fraade, From Tradition to Commentary, ch. 3, Kimelman, "The Conflict Between the Priestly Oligarchy and the Sages," pp. 135-47, and discussion in ch. 4 on the possibility of scholar-teachers and the priesthood vying for preeminence in the decades immediately following the destruction of the Temple. The same motif regarding Moses resurfaces in chs. 3 and 11.

If the prophets of the exile, Jeremiah and Ezekiel, were intended to be paradigmatic figures for those who were forced to leave the Land because of the bar Kokhba war, the whole issue of communication outside the Land to the Sages who succeeded the prophets would still be vital.


93 The midrash on the four mizvot circulated widely and is recorded as well in Vayigra Rabbah 32:5, Pesiqta deRav Kahana (Vayehi Beshallah), Midrash Tehillim 114:4, 122:5, Shir haShirim Rabbah 4:12, Shemot Rabbah 1:28 and Bamidbar Rabbah 20:22, among others.
off to outsiders. The second virtue was that they did not engage in evil speaking but loved each other. The third and fourth were that they changed neither their names nor their language. Kadushin proposed that the first two had to do with universal human ethics while the latter two addressed the problem of assimilating to the Hellenistic culture. It seems to me that all four were appropriate for a situation, whenever it was, when the Jewish population may have felt pressure either to assimilate or to turn against their own people. In the wider context of observing mizvot, there is a persistent emphasis that God singled Israel out to give them mizvot (ch. 5), He would protect them when they did observe them (chs. 7 and 11) and they ought to be prompt about keeping them (ch. 9).

Chapter 12 makes a strong case for Israel's possession of the Land and continued existence as a special people who, in the future, would be feared by others, blessed, holy and

---

94 This claim for chastity may be in deliberate contrast to the barb in ch. 13 that there were many more firstborn sons in Egypt because the women were involved in adultery. Drawing in the Song of Songs exegesis at this point is interesting in that The Song was a battleground between the rabbis and the Christian exegetes, both of whom claimed that it referred to their exclusive relationship with God. See further in Part III, ch. 14.

95 A Conceptual Approach, p. 75. See also Heinemann, Darkhei-ha'Aggadah, p. 18.

96 Lauterbach, Mekilta, vol. 1, p. 34, translated lehalshin "to inform".
exalted. Punishment of their enemies includes a reference to Esau which very likely was supposed to read Rome.

In contrast to Israel and its God, ch. 13 generally disparages Egypt and its various gods. Rather than oblique references to contemporary oppressors, however, the latter are most likely simply the foil against which Israel and God are to be perceived. In this context, Moses and other important Israelites gave honor to (foreign) royalty in situations where the foreigners had subjugated them.97

In the list of passages changed when the Torah was written for Ptolemy (ch. 14), three of them avoided plural forms or any possibility of plurality with reference to God, several were changed to make idolatry more explicitly prohibited and one downplays the evil of Levi, changing the object of his killing to an ox rather than a man. The word hamor is avoided in several contexts. The addition in this context, the amount of time in Egypt and Canaan and Goshen, seems to take care of a problem that is less objectionable than some of the others.98

97 Perhaps this was intended as a subtle apologetic for the generally positive attitude of the rabbinic circles toward Rome in the generations after the bar Kokhba war. On the other hand, if some of this material was formulated in Babylonia, these figures may have been paradigmatic for the community there. The chapter later describes the good relationship between the Israelites and Egyptians which fostered their trust of Israel and the final result that the Israelites got what they asked for.

98 Kadushin, A Conceptual Approach, pp. 170-81, indicated that many of the changes were in accord with the "rabbinic approach" and were made to counter accusations made both by
A second focus in ch. 14 is the familiar matter of the Shekhinah in exile with Israel. Not only might this serve to encourage Israel regarding its continuing relationship with God but it also contained an expression of hope. The last exile mentioned was Edom and it was to be followed by God and Israel going up to Lebanon. If that were read as Rome, a future restoration was construed as immanent.

Chapter 18 begins with an unusual commendation of the Canaanites and designation of the land by their name because they moved out before Israel and honored Abraham. As a result they are "given" Africa which, the text goes on to imply, was where they should have been all the time.

Although some of these allusions might be tied with one contemporary situation or another, it does not appear that external "enemies" are the main point. First of all, the allusions are far too vague to allow more than conjecture. Second, they are hardly emphasized; in fact, most are barely subtle. There seems to be something else going on. The most salient feature of the entire tractate is the persistent emphasis on all of written Torah. This might be taken one of two ways. Is the emphasis on written Torah because other

sectarians and opponents of the Jews. See also Geiger, haMigra veTargumay, pp. 282-87, Segal, Two Powers in Heaven, and Heinemann, Aggadot veToldotehen, pp. 122-29. Heinemann cited a number of sources which liken non-Jews and slaves to hamorim. He perceived it as a specific polemic against Christianity at some point in the development of the tradition. The two passages which were changed on account of this word are Exodus 4:20 and Numbers 16:15. Both appear innocuous.
"torahs" were threatening its primacy? In other words, is it possible that this was not an apologetic for the Mishnah's validity and basis in Scripture but a clear attempt to put it in its place? Or is the emphasis on all of Torah because there were those who discounted the value of Torah other than the moral law and the narratives about God's nature and character?

Summary

Viewing Pisha from all of the above perspectives, I see several features which consistently surface. None of these is novel in the broad field of the modern study of rabbinic literature. On the other hand, they are firmly etched in part of one single text.

The biblical text is central as revelation from God for Israel. The text of the written Torah is to be maintained without contradiction and its thematic development is the basis for the broad topical considerations in the midrash. Its directives, symbols and institutions define social and religious perceptions. The Temple's demise and Israel's changed circumstances do not diminish the impact of Torah. Outsiders or others are all defined by the criteria of the written Torah. Idolatry is presented as that which is the negation of Torah.

All of these are presented in a manner which emphasizes balance, both in the broadest terms and on very defined
issues. The Sages, individually and corporately, are important as students of Torah, not independent of it. They are the ones who create the sense that, as in Torah, so also in the observable world, there is balance. This might have the most impact in the sphere of perceived justice which, by its very meaning, implies balance and mitigates the sting of present reality, whatever it might be. The overriding polemic is for being distinctively Israelite as defined by Torah as defined by those who interpret Torah.
CHAPTER SIX:
TRACTATE BESHELLAH - EXODUS FROM EGYPT

Introduction

The seven chapters of Beshallah re-present the events of the biblical text in Exodus 13:17-14:31. With the exception of the fourth chapter, each one deals with multiple verses of the biblical narrative. The result is a somewhat less comprehensive focus on the details of the Exodus passage.

Most pericopae of the midrash deal with one or two specific words or phrases from within a whole verse or more. While one word or concept is dealt with at length, the rest are treated in passing. In some cases, the idea behind the whole verse is amplified by the midrash. Overall, the treatment is consistent among chapters.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapt</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lines</td>
<td>240</td>
<td>238</td>
<td>232</td>
<td>220</td>
<td>200</td>
<td>180</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>159</td>
<td>164</td>
<td>149</td>
<td>119</td>
<td>97</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapt</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verses</td>
<td>8</td>
<td>*</td>
<td>7</td>
<td>*</td>
<td>6</td>
<td>*</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

198
Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

As the biblical text is considered on its own, the following subjects appear to be the most significant issues in each unit which underlies the successive chapters of the midrash. Because the biblical text is narrative, I have chosen to present each unit summary in the same narrative style.

Chapter One. The Lord did not allow Israel to go through the land of the Philistines lest they see war and return to Egypt. Instead, God turned them toward the Sea of Reeds. Moses took the bones of Joseph because the latter had made them promise to do so. They camped at the edge of the wilderness and the Lord was before them day and night in the pillar of cloud and fire.

Chapter Two. The Lord told Moses to tell the children of Israel to turn back and camp in a location such that they would appear to Pharaoh to be confused. His heart would be hardened to pursue them and, in so doing, he and his hosts would bring honor to God. Pharaoh was told that they had fled, he regretted letting them go and made preparations to go after them. While God hardened Pharaoh's heart to pursue Israel, the latter went out with a "high hand".

Chapter Three. The Egyptians pursued and caught up with the Israelites who, in fear, cried out against Moses, saying it would have been better to serve Egypt than die in the
wilderness. Moses' response was that they should stand and see the salvation of the Lord. The Egyptians would not be seen again and He would fight for Israel.

Chapter Four. The Lord asked Moses why he was crying out to Him and told him instead to address the children of Israel and get moving.

Chapter Five. Moses was commanded to lift up his staff to split the sea so that Israel might go through on dry land. The Lord would harden the heart of Egypt to pursue and through Pharaoh and his armies the Lord would be honored. The angel of the Lord and the pillar came between Israel and Egypt all night while the strong east wind dried up the sea.

Chapter Six. The children of Israel went into the sea on dry land with the water as a wall on both sides. Egypt followed after them and the Lord looked down on them in the morning watch, threw them into confusion and disabled the chariots. Egypt determined to flee, recognizing that the Lord was fighting for Israel.

Chapter Seven. The Lord told Moses to stretch out his hand so that the waters would return over all the forces of Egypt. He did so and the sea returned as the Egyptians fled toward it and were overthrown in the sea. All the hosts of Pharaoh were covered but the Israelites went through on dry land. The Lord saved Israel that day, they saw Egypt dead along the sea shore and believed in Moses and the Lord.
The Corresponding Midrash

Below, each chapter is assessed in terms of the subjects which the authorship made more prominent, the correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. The midrash initially responds to the apparent changes in Pharaoh as evident in "Pharaoh sent". It suggests that perhaps he accompanied Israel and investigates his sending in light of his previous statements that he would not do so. Several added pairs of perceived inconsistencies in Pharaoh's words are cited along with a mention of reward for his change of heart. In fact, the whole first section subtly portrays a Pharaoh who is temporarily responding to Israel in a proper fashion.¹

As the chapter continues, the possible meanings of "near" include several suggestions that the 40 year delay was planned for Israel's good. The question of which war the people saw allows the midrash a brief commentary on the problems associated with forsaking Torah; Ephraim lost a war

¹Kadushin, A Conceptual Approach, pp. 202-7, saw these as indications of universalism as the Sages continued the tradition of the prophets. That appears, however, to be only part of the message. It is noteworthy that this emphasis on Pharaoh's accompanying Israel and the series of his reversed statements do not appear in MRS. See further in n. 3.
for that reason.  The purpose for God's leading the people by the way of the wilderness to the Sea of Reeds, the meaning of hamushim and the significance of making Joseph's brothers take the oath all call forth somewhat longer explorations of Torah.

The most extensive unit by far is that related to the bones of Joseph. The two suggestions of how and where Moses found the bones both involve the invocation of the oath which Joseph caused the brothers to swear and a supernatural

---

2 See Lauterbach, Mekilta, vol 1, pp. 172-73, nn. 6-8, on the reasons for the war. Heinemann, Aggadot veToldotehen, pp. 137-41, indicated that MRI alludes to a known popular story which drew together references in Psalm 78:9 and Exodus 13:17. In some versions, the early Exodus was an act of rebellion; in others, it was the result of an error in computation. As the tradition developed, it came to identify the slain men of Ephraim with the bones raised to life in Ezekiel 37. Both Heinemann and N. Zohar, "HeHayyim vehaMetim beTalahukhat haGeulah: Arikhah uMasmaut beMekhilta de'Rabbi Ishmael," Mekhgare Yerushalayim beMahshevet Israel 4 (1985): 223-36, connected this midrash with the bar Kokhba rebellion.

3 In his evaluation of the literary construction of Beshallah 1, Zohar, "HeHayyim vehaMetim," pp. 223-36, concluded that the somewhat surprising introduction to the chapter serves two purposes. It introduces the key motifs of accompanying and burial and it is a statement of the universal application of the measure-for-measure principle. The substance of the chapter develops each of these concepts. Especially important, not only for the chapter but for the tractate, is the principle of measure-for-measure. In light of what is evidently a conscious effort to develop this theme, it is instructive to contrast this chapter with the corresponding material in MRS. The latter does not have the same persistent focus on accompaniment and measure-for-measure. Its introduction is a brief comment on Pharaoh's decision to pursue Israel and emphasizes that his choice at this point affected how God dealt with him.
response. The measure-for-measure principle is presented and illustrated by a succession of paired events. Miriam waited for Moses a short time and all Israel, the ark and the Shekhinah tarried for her seven days. Just as Joseph took care of his father's bones, so Moses did for Joseph and so God did for Moses. A related contrast follows with the Egyptians going up with Jacob's bones while the ark, the seven clouds of Glory and other manifestations of God's presence accompanied the bones of Joseph. This greater honor was due to the fact that Joseph kept the Torah, resting in the ark, even before it was given from Sinai. Examples are then given not only of each of the Ten Words but also of three additional injunctions from Leviticus which could be applied particularly to Joseph.

Toward the end of the chapter of midrash the description of how the Lord went before the people by day and night is also a noticeably larger unit. It moves from the number of clouds to another lesson on the measure-for-measure principle: As Abraham did for God's messengers, so God did
for Abraham's children. This is followed by a somewhat familiar question: How and why does God, whose glory fills the heavens, go before His children? His special care for Israel is likened to Antoninus' concern to light the way for his sons as they walked in the darkness. Both were to demonstrate how beloved the children were. In the case of Israel, the nations of the world were to observe this and give Israel proper honor. That in reality this was not the case, however, is more directly acknowledged than usual in the reference to the cruel death to which Israel was subjected followed by the promise of judgment for those nations who scattered Israel.

Although there is a direct structural relationship between the biblical text and the midrash, the points of emphasis are not the same. While the biblical text explains the route, the midrash focuses on reasons for the delay in going into the Land. The weight given to the merit of Joseph and Abraham respectively creates quite a different message. The real closure of the midrash is built around God's going with His people; the added items about the pillar and cloud are postscripts.

---

5The thematic structure of the chapter is highlighted here as the midrash returns to the accompanying motif from the beginning. Abraham's activities merited special provision for Israel in the desert. See Zohar, "HeHayyim vehaMetim," pp. 223-36.

6See again Zohar, "HeHayyim vehaMetim," pp. 223-36, and further discussion below.
In keeping with narrative passages in general, not all of the biblical text is subjected to intense scrutiny. Rather, the puzzles of the text are the main target. In that context, however, I might expect something to be done with the two different conjugations and meanings of naham. In a different type of text, what it really meant to have God "visit" them may have been explored. With the noticeable emphasis on Pharaoh's change of heart reflected by his inconsistent words, it would not have been unusual to have a contrasting set of statements and prooftexts such as is found in Pisha 12 that words from God never change.

Chapter Two. Because the biblical text unit begins with God speaking, the midrash derives a principle for interpretation from the way things are said in Torah. The subjects most prominent throughout the chapter are again those where either a given word or idea is perceived as a potentially difficult aspect of the biblical text. In the category of lexical difficulties, the various possible meanings of hirot, nevukhim and shalishim are presented at some length. Suggestions regarding each one involve word plays. In the case of conceptual difficulties, the puzzling questions as to why the Israelites should turn back and what it meant that

\[7\]Kadushin, A Conceptual Approach, p. 208, states that the single explanation is an indication that the rabbis were concerned to teach simple meaning as well as midrashic interpretation. What is done in response to naham is in contrast to the following series of possible alternatives for karov.
the hearts of Pharaoh and his servants were turned so that they regretted sending away their slaves are explored.

The statement that God would be honored by means of Pharaoh and his host elicits an abbreviated version of the "first to sin, first to be punished" pattern. Beyond that, the midrash waxes long in citing biblical proofs to the effect that God's name is exalted when He punishes the nations.

Additional issues which are treated in more than passing fashion involve how the news of the Israelites' change of direction reached Pharaoh and why they fled. The Egyptian guards who accompanied the people out for what was ostensibly three days returned beaten by the Israelites and they made up the report.

The turning of the hearts of the Egyptians underlies the most expansive sets of midrashic material. In connection with the loss experienced by the Egyptians, several parables are cited to demonstrate that the Egyptians suffered greatly as a result of sending Israel away. The first is particularly biting in that Egypt itself is likened to a slave. In the second and third, they choke over the distressing discovery that something they have let go for so very little has great value. Another perspective on Israel's inherent value is the claim that whenever it was enslaved, it was to the greatest kingdoms on earth. Five of these are

---

8See Pisha 7:35-50.
listed, the last of which is called the proverbial "fourth kingdom".

The biblical statement that Pharaoh prepared his chariot implied to the rabbis that he did it himself. This is the link for including a unit on the four who prepared with joy. It, like the measure-for-measure unit, is a schematic way of representing a series of biblical incidents. In the same context, a further contrast is drawn between the swords of Abraham and Pharaoh.

In connection with Pharaoh's preparation, the midrash also inquires where the animals came from to draw the chariots. Those of the Egyptians were killed and the Israelites brought theirs along. The answer, that the animals had belonged to god-fearers in Egypt, contains an attack on the insidious evil of gentiles who appear to be good. This is followed by observations on the military prowess of the current empire which puts that of Egypt to shame.

The chapter closes with a contrast between Egyptians who went out reviling and cursing and Israel who exited in glory. A selection of verses describes the exaltation of God.

---

9There is considerable variation among the manuscripts and editions on the structure of this section. See variants listed in H-R, p. 88. In the text followed by Lauterbach, the first and third men are Abraham and Joseph, the second and fourth are Balaam and Pharaoh and the good men stand against the evil ones.
Throughout the chapter is an ongoing contrast between the evil of Pharaoh and Egypt and the praise of Israel. In the biblical text, the main emphasis is on what Pharaoh was about to say and do and the fulfillment of these words. The midrash follows that emphasis, stressing both Egypt's greatness but also their loss and humiliation. The sets of contrasts between Egypt's prior greatness and the enslavement of Israel and the impending punishment of Pharaoh while Israel went out exalted is a pervasive motif.

Several narrative details receive no comment as they do not contribute to the kind of textual discussion in which the midrash seems to engage. In addition, it would be interesting if more were done with the identity of Baal Zephon instead of simply repeating an earlier statement (Pisha 13:25-27). Related to this, it is evident that the rabbis were not writing a geographically oriented text or interest would have been expressed in place locations. In the theological question of the significance of God's hardening Pharaoh's heart the Sages displayed no interest; the biblical expression is addressed with stereotypical forms each time it appears.

---

10 That some circles were interested in such things is evidenced in the work of Eusebius. See Onomastikon der biblischen Ortsnamen, ed. E. Klostermann (Leipzig, 1904).

11 This is in marked contrast to the theological considerations of Paul in this regard in Romans 9. It would seem that the sovereign workings of God for His people were a foregone conclusion for the Sages. Paul's argument, on the other hand, is part of the larger, very delicate issue of how
Chapter Three. Although the need to deal with the puzzling elements of the narrative remains basically the same, this chapter does approach some of the biblical text in a slightly different manner. Two possible reasons for this are worth suggesting. First, there are fewer lexical or logical puzzles overall. Second, the complaint of the Israelites is extensive in the biblical text but is minimized in this chapter of the midrash.

In the category of unusual turns of the biblical text, the expression upharaoh hikriv prompts some discussion. Most of it refers to his punishment or his worship of Baal Zephon. Second, the statement that they would not see the Egyptians again is understood to have been effective over the long term. Therefore, the midrash explores the subsequent times that Israel did go to Egypt and the ill results.

The longest two sections have to do with Israel's outcry to God in prayer and the response of God in delivering them. The first reads the biblical text only to the point of "they cried out" and focuses on the practice of the patriarchs and later biblical examples of employing prayer as a matter of lifestyle. By comparison among biblical passages, certain

the emerging Christian church perceived itself in regard to the promises made to Israel.

Kadushin's understanding, A Conceptual Approach to the Mekilta, p. 262, of the cursory treatment given to this idea is that the rabbis wanted to demonstrate throughout this chapter that Pharaoh was fully responsible for having decided and prepared to do this evil because he was an intrinsically evil person. As a result, they were less interested in probing the meaning of his heart being hardened by God.
words are demonstrated to signify prayer and, in many cases, prayer is the preferred alternative to instruments of war. The list of exemplary figures includes the patriarchs, David, Asa, Jeremiah and concludes in an unusual fashion with Moses requesting permission from Edom to pass through their territory. The last is Moses' indirect reference to the cry of the Israelites to God but also appears to be an opportunity to refer to the conflict between Jacob and Esau, the latter of whom lives by the sword.

The second is the counterpart of the first in that it develops the matter of seeing the salvation of the Lord. Initially, the presence of the Ruah haQodesh is discovered in the command to "stand", 12 followed by the likening of Israel to a dove. The excursus to Song of Songs 2:14 allows for further development of the motif of prayer and adds in study and good deeds to the list of exemplary behaviors. Returning to the concept of salvation, the squadrons of ministering angels parallel to the squadrons of Egyptians are revealed and the picture of the dramatic deliverance is enhanced by the systematic exposition of phrases from Psalm 18 which sets the "weapons" of the Lord against the trappings of the human army. As the chapter closes, the Lord fights for Israel and they sing His praises.

---

12 The same verb, hityazev, appears in a series of passages in which God is revealed, a function performed by the Holy Spirit. This is a motif in Shirts 10 as well.
There is somewhat less parallel between the biblical text and the midrash in this chapter. Even at the beginning where Scripture speaks of the pursuit of the Egyptians, the midrash takes a small tangent into the divination practiced by representative Gentiles rather than focusing on the threat that Egypt posed. The relatively long negative outcry of Israel is summarily addressed by means of another reference to death during the three days of darkness. The emphasis is instead on prayer. The promise that Israel would not again see Egypt inspires a schematic list of the three times Israel went back. This is followed by another list of the four groups at the sea which employs phrases from the immediate passage as prooftexts.

The midrash does not spend time with the reference to Pharaoh's horses, chariots, riders and armies. Those were already treated in the previous chapter. There is little significant focus on the Lord's salvation "today", perhaps because that might introduce temporal limitations to the application. A specific feature of the complaint of Israel is their expressed wish to go and serve Egypt again. Given the earlier emphasis on their entrapment in the idolatry of Egypt (Pisha 5), this might have been an opportunity for a polemic against involvement in idolatry.

Chapter Four. This is a particularly unusual chapter compared with those which precede it. In fact, chs. 3 and 4 seem to have been deliberately structured to emphasize the
apparent contradiction between the importance of prayer (ch. 3) and the abrupt ending of it in ch. 4. It is a large-scale example of a characteristic midrashic puzzle and is unique in that each statement is attributed.  

The issue is why a rebuke of Moses was forthcoming because, in the biblical text, he had not uttered a prayer. The midrash, however, assumes that he did but then must determine on what basis the Lord would rescue the children of Israel from Egypt. The first set of suggested answers invokes the congregation of Israel, Jerusalem, keeping the promise to the fathers, particularly Abraham, and the merit of circumcision. Each of these depends on developing an exegetical relationship between it and the sea.

The midrash then returns to the puzzling fact that long prayer was apparently not necessary, this time illustrating it with a parable about a man who threw his son out but was reconciled to him even before a friend came to plead his cause. At this point, there is an allusion to the rift in the relationship, caused by Israel's complaint, between God and Israel. The next group of opinions poses additional reasons why God redeemed Israel; for the sake of His Name, because of their faith in several instances where the biblical text says "they believed", the merit of Abraham and

13 The structure of the chapter is noteworthy. Its introduction and closure use the same pattern of phrases to describe the plight of Israel. In between are three sets of opinions which address the problem.
of the tribes, the faith of Abraham, the merit of Joseph's actions and presence of his bones and because Scripture already contained references to these events.

A third set of opinions on Moses' brief prayer and the matter of merit follows. The Lord indicated that the outcry of Israel had already preceded Moses' cry; his was not necessary. This leads to a tribute to Moses himself on whose account God did not destroy Israel. The people had been prepared from the days of creation and would not cease to exist. The first reason presented again involves the faith of the people in that they followed Moses. The chapter draws to a close with a striking allusion to the scene of the binding of Isaac on Mount Moriah with Abraham ready to slaughter him. Although it is not explicit, this is intended to represent the merit whereby Moses could lift up his staff and cause the sea to part. The final lines are similar to the end of ch. 3. They speak of singing and giving praise to God.14

Chapter Five. The midrash returns to dealing with a larger segment of Scripture. As a result, whole clauses of the biblical text receive only passing notice and, in some cases, none at all. What forms the main part of the midrash in this chapter are matters which lend themselves to schematic representation or to more intricate interpretation or are

14While Beshallah 1 is distinctly different in MRS, the two texts are almost identical in this chapter. It appears as a well-established pericope on merit.
indicative of God's special care for Israel. There is overlap between the last category and the other two. As has been evident before, the particular modes of re-presenting the text take precedence over directly dealing with the nature of the phenomena which were occurring.

In the category of schematic representation, God's command to Moses to lift his rod so that the sea would split is the point of departure for a listing of the ten miracles done for Israel at the sea. Almost all are based on indications in poetic passages in Scripture and some are quite stylized. Likewise, the statement that the Lord made the sea move by means of strong east wind is both the beginning and the end of a list of instances where God punished by the same means.\textsuperscript{15}

In the category of concepts which bear further meaning, the authorship included comments about the biblical indication that "they did not approach each other all night". In addition to reading that simply as the two camps of Egypt and Israel, the Sages chose to interpret \textit{zeh} as individual Egyptians, suggesting an enemy camp which had become

\textsuperscript{15}That this is a unit from elsewhere whose link is the east wind is evident in the fact that punishment of Egyptians is not explicitly mentioned in the introduction or closure which tie it to this context. Each case is supported by a prooftext some of which are rather tenuously connected to "east wind". The first four as well as the case of Tyre are familiar from the frequently used generations list. In between, however, are members of Israel itself, first Judah and Benjamin and then the ten tribes. Promise for the present and future is incorporated in the references to punishment of the mighty empire and the evil in Gehinnom.
ludicrously immobilized. In the same category is the long response to the juxtaposition of Moses' outstretched hand and the Lord's moving the sea. According to the midrash, the sea opposed Moses and only responded when the Lord revealed Himself in glory. A parable personalizing the sea as a guard withstanding a buyer of property until the king comes was included to illustrate the situation. Finally, the division of the waters suggested to the rabbis a universal splitting of water, even beyond the confines of terrestrial water to the upper and lower waters. These last are amply supported with the usual assortment of prooftexts.

The care of the Lord for His people is emphasized in connection with the angel of the Lord moving so as to protect Israel from Egypt. A parable likens this to a man keeping between his son and sources of danger, carrying him when necessary, feeding him and providing water. As a part of God's protection, Israel was in the light rejoicing and protected from the attacks of the Egyptians who were kept in the dark but able to see Israel and, in futility, to shoot at them.

There are three main segments in the biblical text. The instructions to Moses regarding what to do and the resulting

---

On the flight of the sea before the presence of God, the parable and the weaving together of these traditions and intertexts, see Boyarin, Intertextuality, pp. 95-100.

In the same context, the specific reference to the "angel of elohim" also brings a warning about Israel's potential judgment along with the Egyptians.
is God's revelation presented in the stylized pattern of the ten miracles. In the center is the protecting action of the angel. The midrash focuses on God's protection of His people. Moses' actions, the strong east wind from God and the splitting of the sea close the biblical text unit. The midrash develops both the power of God Himself and His punishment of evil as well as the dividing of the waters.

Not important for the purposes of the authorship at this point were the promise that the Israelites would come into the sea on dry land, the expressed intention to harden the heart of Egypt so that they would pursue Israel and the indication that God would be honored by Pharaoh and his accompanying war machinery so that Egypt would know that God was the Lord. Some of these details were covered in ch. 2 and do not need further attention here. The last might have provided excellent material for polemical purposes against certain of Israel's enemies but that appears to be a less important part of the agenda. The matter of hardening Pharaoh's heart is again not of interest in this context. A final aspect which seems to be avoided is the person of Moses. Even though his actions are vital in his intermediary role, they are not accentuated. It appears that the Sages were careful not to elevate him but instead indicated that,

---

18 On the role of Moses as it might have been an issue between the Jewish and Christian communities, see Kimelman, "Rabbi Yohanan and Origen," pp. 567-95, but see also Bokser, "Wonder-working," pp. 63, 79, 82-85, and further discussion in chs. 4 and 14.
were careful not to elevate him but instead indicated that, until the Lord manifested His glory, even the sea resisted Moses' commands.

Chapter Six. The biblical narrative describes Israel's venture into the sea, the intervention of the Lord in the morning watch and Egypt's recognition that the Lord fought for Israel. These segments each have specific aspects developed by the midrash. The first addresses who went into the sea and what the reward was. The second embellishes the significance of activity in the morning and how the Lord intervened against Egypt. The third describes how Egypt and all oppressors will recognize that the Lord fights for Israel. Each allows for expansive use of the biblical text.

The long introduction on which tribe went into the sea first is of particular interest in that three times the biblical text indicates that Israel would enter on dry land and each time the midrash is essentially silent about that phenomenon. In this context it says they went into the midst of the sea and the midrash responds with a set of material which addresses the issue in terms of the merit earned by their venture and incorporates ample prooftexts for each suggestion.

Several possible scenarios are proposed. In one case, both Judah and Benjamin were eager to go first and each received a reward. Benjamin's was that the Shekhinah would dwell in his tribal inheritance; Judah would be the royal
mention Zebulon and Naphtali, miracles in the time of Deborah and Barak are noted before returning to the matter at hand.

A second scenario shows the tribes reluctant to go down but Nachshon ben Amminadab jumping down and falling into the waves. His plight is said to be captured by several verses of Psalm 69. As Moses stood and prayed at length, a flashback to the previous chapter's events, God rebuked him for praying instead of raising his staff and intervening.¹⁹

Immediately following God's declaration that He would make (Judah) king over Israel is a discussion by R. Tarfon and the Elders at Yavneh on the general theme of merit of the righteous. Their subject matter ranges from Joseph's traveling to Egypt with spices which made the journey bearable to the blessing to be said when one drinks to quench thirst to the merit whereby Judah got the kingdom. Much of the unit is based on events in Genesis regarding the life of Joseph but the final answer to the last question on the merit

¹⁹N.J. Cohen, "The Leap of Nachshon ben Amminadab: A Rabbinic Redemptive Model," Journal of Reform Judaism 30 (1983): 30-39, saw the Nachshon tradition, repeated in a number of rabbinic sources, as a response to the perplexing nature of the biblical text. After the people cried out (Exodus 14:9-12), Moses seems to have urged them to wait passively for God's activity (vss. 13-14). The biblical text does not indicate that Moses cried out to the Lord or what he said that earned the rebuke recorded in the next verse. As understood by the midrash, however, the point of the rebuke was that some active faith had been required, Nachshon acted, but in the process was sinking in the waves and it was up to Moses to quell the waters with his staff. In the light of this explanation, it is instructive that a recurring motif in ch. 4 is "sufficient is the faith that the people have in Me."
Joseph but the final answer to the last question on the merit of Judah is the link to the Exodus context; his was the tribe going first into the sea.\textsuperscript{20}

The second general topic of the chapter is a motif which appeared in Pisha 11 and is developed here in conjunction with "and in the morning watch". It is important to demonstrate with biblical examples that the prayers of the righteous were heard in the morning, that mornings in general are important, that the wicked will be punished in the morning and that in the future Israel's judgment will come to light in the morning.

The same type of material is drawn together in response to "the Lord looked down at the camp of the Egyptians", the beginning of the third focus. A simple statement, that the Holy One heals all who come into the world, is followed by the claim that His healing is not like that of humankind; He heals with the same item with which He wounds. Likewise, He does certain things to punish by the same means He uses to restore. Finally, the midrash returns to the immediate context, stating that God blesses Israel by looking forth on them and punishes Egypt in the same fashion.\textsuperscript{21}

\textsuperscript{20}On the presentation of this pericope in MRI and parallel sources and for possible implications, see Gereboff, Rabbi Tarfon, pp. 221-29.

\textsuperscript{21}The structure of this unit is not straightforward or consistent throughout. The healing motif which appears to be the introductory statement does not continue explicitly beyond the first example of Job. The intervening examples speak of His scattering and restoring under the same
The midrash briefly includes suggestions regarding the means by which the Lord brought confusion to the camp of Egypt and disabled their chariots, making use of properties associated with the cloud and fire. The question as to how and why the chariots entered the sea without their wheels is included as a potential problem in logic. The chariots kept going, however, precisely because the Israelites were to have the precious materials contained therein.

The closure of the chapter is based on the declaration of Egypt: I will flee from Israel. The initial part of this section refers solely to the narrative about Egypt; the fools in the crowd said to continue but the wise recognized the Lord fought for Israel. It is further suggested that they had supernatural ability to perceive from the sea that the Lord fought for them in Egypt. This is expanded to the claim, drawing on the relationship between mizraim and mazirim, that the Lord will fight against all who oppress Israel in every generation.

Elements in the biblical narrative which are not addressed are the matter of dry land and the recital of the hosts of Egypt pursuing the Israelites into the sea. In the former case, the focus is on the sea. In the latter, enough has already been said about Pharaoh's hosts, chariots and horses. While more might have been done with determining circumstances but the final case is a contrasting pair, blessing for Israel and punishment for Egypt.
when the morning watch was, that would be more characteristic of halakhic material.

Chapter Seven. The biblical narrative progresses from the punishment of the Egyptians to the rescue of Israel and their fear of and belief in the Lord. The measure-for-measure principle of justice at the beginning of the chapter is balanced by the exposition on faith at the end.

The return of the waters over Egypt is the basis for the clear measure-for-measure declaration: Since Egypt had planned violence against Israel by means of water, here they received their due. Rather than present a series of measure-for-measure incidents, the midrash at this point cites biblical bases for the principle itself. Four of them are specifically attributed to Solomon, Isaiah, Jeremiah and Jethro. The last of these ties it back to the immediate context; measure-for-measure punishment is a testimony to God's greatness.

The unusual prospect of Egypt fleeing to meet the sea is sufficient to elicit comments and a parable. In the latter, a dove (Israel) was pursued by a hawk, fled into the chamber of the king who let the dove out the opposite window but trapped the hawk and shot arrows at it.

Two slight curiosities of the biblical text receive passing definition and comment. The first is the meaning of vayena'er; several possibilities are suggested. The second
is "not one remained". The question is whether Pharaoh himself was affected or not.

The actual passage of the Israelites on dry land between the walls of water to the right and left inspires one of the longest segments of the chapter. First the midrash refers to the angelic surprise and the anger of the sea at this favored status. Next it repeats several earlier ideas regarding the protective significance of walls to the right and left. Suggestions include Torah, prayer, the mezuzah and tefilin.

At this point, the authorship included several patterned sets of exchanges between Papias and Akiva. \(^{22}\) In each case, Papias suggests the interpretation of a particular verse and Akiva challenges it. The first one is the link with this passage as Akiva drew upon "on their right and on their left" as part of his interpretation of Song of Songs 1:9. The other three exegetical disputes seem to focus on verses which were likely targets in the ongoing polemic of those who believed in "two powers in heaven". \(^{23}\)

\(^{22}\)Halperin, *Faces of the Chariot*, pp. 164-68, suggested that Papias should be understood as Pappus b Judah who characteristically serves as a "comic stock figure" set straight in his thinking, in this case by Akiva.

\(^{23}\)Although this expression is not used here, Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 499-513, placed these disputes squarely in the context of the gnostic heresy and noted that the readings from the Geniza fragments sharpen the sense of several of the exchanges. See also Segal, *Two Powers in Heaven*. Halperin, *Faces of the Chariot*, p. 167, observed that the expression "celestial ox" points to an early date for this material.
After brief pictures to illustrate God's saving Israel from the "hand" of Egypt, the midrash gives four reasons why the Israelites saw Egypt metim on the sea shore and specifies that they were dying and not yet dead. The dramatic action by the "hand" of God is the source for comparing the number of plagues in Egypt with those at the sea. In the former case, there were ten by the finger of God. Since His hand accomplished these, there were thus 50. The midrash presents additional speculations on the number of plagues.

The chapter and tractate close with the encouragement that God will reward persons according to their faith. This, too, is justice as is measure-for-measure. As a result of their faith, the Holy Spirit rested on them and they sang. This is in direct response to the immediate context. That accepting mizvot with faith merits the Holy Spirit is demonstrated by Abraham, Israel, Aaron and Hur. Faith of the fathers is equivalent to merit of the fathers. All people of faith shall enter the gate of the Lord because of their faith and because of God's faithfulness, both of which aspects the midrash establishes firmly on a series of biblical quotations.

The one motif in the biblical text which receives little mention is the fear of the Lord. That is not surprising in light of the emphasis on faith.
By Way of Summary

There seems to be a noticeable tendency to mention explicitly the potential of contemporary enemies. That this is initially a product of the biblical text is clear but there may be more to it as well. In this context, the careful study of Torah produces a message regarding what biblical figures did in difficult circumstances and, by implication, what the audience of the midrash ought to do. The message is to pray and act in faith.

The measure-for-measure principle receives ample illustration in this tractate. The justice of God is fundamental and is basic to understanding His care for His people who would receive, and subsequently study, Torah.

A number of chapters end with some manner of reference to singing and exultation. This may be a deliberate preparation for the next tractate.

Because of the aggadic nature of the tractate, much of the narrative is merely cited without comment. Those sections omitted are frequently materials which have already been discussed; for example, the rhetorical list of Pharaoh, his chariots, riders and hosts. This seems to be characteristic in narrative sections.

Biblical Paradigms and Institutions: Identity and Function

Because, in general, paradigm figures seem to occur primarily in aggadic materials while institutions are most
evident in halakhic discussions, the former category dominates this section. In fact, institutions as defined in ch. 3 hardly appear in Beshallah.

Paradigms. Abraham is clearly the most prominent figure. Both his actions and his faith are exemplary and both have a clear relationship to merit. Because he accompanied God's messengers and cared for them, his descendants received direct care from God (ch. 1). He was one of the good individuals who gladly harnessed his donkey to obey God's command to sacrifice Isaac and is contrasted with Balaam who set out in the same manner to bring a curse upon Israel (ch. 2). He, along with the other patriarchs, called out to the Lord, an activity which was meant to be paradigmatic for the Israelites (ch. 3).²⁴ Because of his readiness to sacrifice Isaac,²⁵ his fulfilling the obligation of circumcision and

²⁴Kadushin, A Conceptual Approach, pp. 269-70, indicated that the somewhat obscure series of prooftexts were deliberately chosen by the Sages to demonstrate that prayer was indeed the "occupation" of the patriarchs and not something they did only under adverse conditions when explicit reference to prayer would be expected. The rabbis attributed their own accomplishment to the patriarchs; they made prayer an occupation. While this is a conceivable hypothesis, the fact of the matter is that much of the midrash is composed of seemingly obscure prooftexts. I would suggest that this is simply another instance of the rabbis demonstrating their facility with the text.

²⁵The akedah is mentioned in chs. 2 and 4, both of which emphasize Abraham's uplifted hand ready to slay Isaac. Both the willingness of Abraham and the blood of Isaac seem to be part of this picture. Kimelman, "Rabbi Yohanan and Origen," pp. 583-84, noted that the merit of Abraham was a central focus of Yohanan to counter Christian claims about Jesus. See also Zohar, "HeHayyim vehaMetim," p. 230.
the faith with which he believed in God, the sea split apart for the children of Israel (ch. 4). He and the other patriarchs as well as representative prophets were among the righteous whose prayers were heard in the morning (ch. 6). Finally, the promise was made to him that his descendants would return (ch. 1) and as a reward for his faith, Abraham inherited both this world and the world to come (ch. 7).

Beyond the patriarchs, Joseph is mentioned several times. Because of the biblical content, this is expected in the first chapter. His bones merited accompaniment by the ark because of his exemplary behavior in keeping all the Torah even before it was given. His name surfaces in later chapters as well. He prepared his chariot with joy and is said to stand against Pharaoh who did the same (ch. 2). Because he fled Potiphar's wife, his bones merited the parting ("fleeing") of the sea for the children of Israel (ch. 4). Various activities associated with his arrival in Egypt serve as the bases for the discussion of Tarfon and the Elders on the merit of the righteous, including both him and Judah (ch. 6).

With the exception of his caring for the bones of Joseph (ch. 1), Moses' actions seem to garner mixed results in this tractate. In ch. 1, it is said that none was greater or more honored than Moses and, therefore, God Himself cared for him at his death. In his role as intermediary, however, he is presented as having both grief and glory. His example is the
last one noted in the list of those who cried out but, in effect, he refers to previous prayers of the Israelites in his unsuccessful attempt to pass through Edom (ch. 3). The complaints of Israel, although reflected only briefly in the midrash, are directed at him. His wisdom is praised, however, and in response to his prayer, the Israelites were able to see the squadrons of angels ready to fight for them (ch. 3). Chapters 4 and 6 contain the Lord's rebuke for long prayers at a time when they were inappropriate. A different view indicates that the Israelites were spared because of Moses' crying out to the Lord. The sea refused to yield to Moses even though he spoke in the name of the Lord (ch. 5).

In the end, his role accorded him significant stature; believing in him was the same as having faith in God and speaking against him was the same as speaking against God (ch. 7).²⁶

Both Judah and Benjamin are significant but primarily as the tribal entities which merited the kingdom and the presence of the Shekhinah. The activity of Nachshon in leaping first into the sea (ch. 6) is important because of the attention focused on a relatively minor biblical character. He was nasi of the tribe of Judah at the time

²⁶ If Moses' role was viewed to be paradigmatic for the Sages, many of these latter qualities speak rather clearly about their self-perception. See previous comments regarding the low profile accorded leaders in general in the tannaitic period (Bokser, "Wonder-working," pp. 63, 78-85) and further discussion in ch. 14 regarding Moses.
(Numbers 2:3) but, in the cast of biblical characters, is not well-known.

The names of Judah and Benjamin along with the ten tribes also appear in the list of those who were punished by the east wind. Earlier negative paradigms in this list include several of the "generations" as well as Tyre, all noted for inclusion in other measure-for-measure lists. Balaam receives more than passing notice as a wicked idolator who practiced divination (chs. 2 and 3).

Merit is the most significant matter in regard to all of the above figures. It seems to be important to show, in a number of ways, that God is responsive to human faith and action. If those actions were meritorious, His response involved rewards; if they were evil, He measured out just punishment.27

Institutions. Because of the content of the biblical narrative, there is little occasion for direct comment on the symbols of the Land, Jerusalem, the Temple, the monarchy and the priesthood. Even in indirectly related longer sections where such references might be included, there are few.28

27The importance of this value may be indirectly attested by the fact that the most emphatic chapter on merit (4) is virtually identical in both MRI and MRS.

28For example, in other contexts I might anticipate allusions to the Temple in the series of comments on prayer (ch. 3), in the references to the pillar of Cloud, the clouds of glory and the ark (chs. 1 and 5) and in the references to exile and return by means of clouds (ch. 6). Any one of the symbols might have been an integral part of the discourse on faith (ch. 7). That they are not present may say something
Several of the prooftexts cited contain allusions to them but they are not the main point. There is passing reference to Jerusalem in the long section on the merit whereby God chose to rescue Israel from Egypt (ch. 4). Likewise, Judah merited the monarchy and Benjamin the dwelling of the Shekhinah in his tribal inheritance (ch. 6). Several times the return from exile and the diaspora is mentioned, an implicit allusion to the Land (ch.s 6 and 7). Overall, however, merit is clearly perceived as set apart from these symbols; the persons and passages cited are almost uniformly from texts which have no direct reference to any of them.

Halakhic and Aggadic Responses to the Biblical Text

Because the entire tractate is aggadic, the incidence of biblical prooftexts, parables, numbered and unnumbered lists and other ways of representing information schematically increases significantly. That leads us directly to the next section.

Rhetoric: Methods and Mindsets

The majority of these aggadic pericopae respond to ideas which are expressed in entire clauses and verses in Scripture and are often answered by reference to other biblical passages. At the same time, however, these are most often

about the specifically current application of the lessons on prayer and faith.
triggered by a given lexical or grammatical feature of the text which does provide boundaries to the embellishment to a certain extent.

**Categories of Assessment**

In Beshallah, the first category is by far the largest because biblical citations are foundational to each of the three succeeding categories as well. They appear in conjunction with definitions, explanations, comparisons and the variety of methods for presenting information schematically.

Characteristically the second type of material defines, presents alternatives, explains and answers hypothetical questions. The most frequently used expressions are 'e'in

---

29 As indicated in ch. 3, I have organized these in five recognizable categories which accommodate the majority of the material. By way of review, the categories include:
1. adducing biblical support for an idea;
2. defining and/or expanding a biblical statement;
3. explicit comparison or contrast of words or concepts;
4. patterns for schematization;
5. narrative without rhetorical introductory features.

30 Expressions which appear with the greatest frequency are shene'emar, (u)khtiv, mah hu 'omer, 'omer. Additional phrases which occur include vekhen hu 'omer, alav hu 'omer, lekakh ne'emar, mephorash begabalah, and kevar hikhtavti (ch. 4).

31 These range from simple definitions to more complicated explanations of such biblical terms as garov, hamushim, hahirot, nevukhim and shalishim. Sometimes certain words are said to mean something else: pegi'ah means tefilah and hityazew indicates the Holy Spirit. The grammatical feature of the infinitive absolute is the basis for several explanations as is the hiphil conjugation used in conjunction with Pharaoh's approach. Words are read with slight
X 'ela' Y, establishing a specific definition, and davar 'aher, which is used to present whole series of alternate possible explanations. Both are generally followed by a citation of the biblical text to substantiate the claim. In addition, the midrash often teaches from the biblical text introducing such instruction with maggid (hakatuv), melamed, (ba hakatuv) lelamedkha and nimzeno lemedin. The patterns of rhetoric which define and explain by means of pitting Scripture and logic against each other occur only sporadically in Beshallah and never involve the complexity found in halakhic tractates. 32

Within the third category are all units of the midrash which are designed to be first and foremost comparisons or contrasts. Some of these are introduced by rhetorical devices; others are not. The most common of these is the parable, generally preceded by mashal lemah hadavar domeh and followed by the explanation (nimshal). 33 Likewise, kal variations of vowels to derive additional meanings. Examples include hirot / herut, Mizraim / mazirim (those who oppress) and homah / hemah.

32 On three occasions, the midrash asks why something is said since it was already said elsewhere. Likewise, in three cases, the midrash poses an unlikely suggestion which is disproved by Scripture - shome'a 'ani X talmud lomar Y.

33 For further discussion on the standard rhetorical forms of the mashal, see D. Stern, "Rhetoric and Midrash: The Case of the Mashal," Prooftexts 1 (1981): 261-91, and D. Boyarin, "David Stern: An Exchange on the Mashal--the Case of the Nimshal," Prooftexts 5 (1983): 269-80. While they agreed that the mashal was a literary convention with a standardized function, they differed on the significance and function of the nimshal. According to Stern, it is the
vehomer appears six times in Beshallah as a rhetorical means of comparison. The measure-for-measure formulation also sets up a clear comparison. Several times in Beshallah these

exegetical link back to the context. Boyarin attributed greater importance to it, even making the mashal subservient to it. The two examples cited by Boyarin come from Beshallah. Stern indicated there is an observed "regularization" of the mashal from the tannaitic to the amoraic period and the result was a predominance of king-mashals, having a stereotyped structure and rhetoric, which were reflections of the cultural world in which the rabbis lived. As evidence of the textual fluidity in this regard, one of the examples cited by Boyarin is the first one in ch. 5 (below). While the editions and manuscripts used by Lauterbach and H-R simply refer to a person, Boyarin's text reads "king". See "David Stern: An Exchange," p. 272. The parables of the tractate are as follows:

Ch. 2 - The Egyptians are likened to the slave who, instructed to buy a fish, acquires a rotten one and has the choice of eating it, receiving lashes or paying a fine and ends up doing all three. They are also likened to a man who inherits a field, sells it for little but regrets his action after seeing it developed and to a man who inherits a house, sells it for a pittance and suffers distress when treasure is discovered therein.

Ch. 3 - The Israelites between the sea and the enemy were like a dove fleeing from a hawk and almost entering a rock where a serpent was waiting.

Ch. 4 - The Holy One is like a man who got angry with his son and drove him out but even before his friend came to persuade him to accept him back, was reconciled.

Ch. 5 - The angel of God moving to protect Israel is like a man (king) walking along and protecting his son from every danger and discomfort. Moses' inability to make the sea move is like a man who bought an inner garden from the king and had to get past the guard to get to it; the guard would not allow it until the king himself appeared.

Ch. 6 - The quarreling of Judah and Benjamin over who would go into the sea first is like two sons of a king who had different instructions on when to wake him and while they were arguing as to which was correct, the king awoke and rewarded them both because they had his honor in mind.

Ch. 7 - The Egyptians fleeing against the sea are likened to a hawk pursuing a dove which fled into the king's chamber. The king opened the east window and allowed the dove to escape but trapped the hawk and shot at it from all directions.
appear as individual cases. More often, however, they are presented as a series of instances and are better considered as schemata. In ch. 7, one interpretation of Song of Songs 1:9 is that God appears *kivyakhol* on a stallion or a mare.

In ch. 2, individual cases in a longer schematic arrangement are linked *kayozei bo*, utilizing in another way the concept of comparison.

Pairing ideas or concepts for the purpose of comparison or contrast but without the use of rhetorical forms is a frequent occurrence in Beshallah.

34 Ch. 1 - Miriam waited and thus all the congregation of Israel waited for her.
Ch. 6 - Because God was proclaimed King at the sea as a result of Judah, God would make him king. Because the Egyptians determined to work the Israelites heavily, their chariots drove heavily when the destruction came.
Ch. 7 - Because the Egyptians intended to destroy Israelite boys by drowning, they were destroyed by water.

35 A representative but not exhaustive sampling includes:
Ch. 1 - The *aron* of Joseph is compared to the ark of God. The concept that God fills the heavens and the earth is contrasted with His "going before" Israel. Antoninus' personal care to give light to his children is like that of God.
Ch. 2 - The prior and current states of mind of Pharaoh and his servants are contrasted. Let the sword and hand of Abraham take their stand against those of Pharaoh. As Egypt reviled, Israel praised.
Ch. 3 - As a worm smites with its mouth, humans pray (against enemies) with their mouths.
Ch. 6 - "Walls" to right and left are prayer or the *mezuzah* and *tefilin*. The healing and other activities of God are not like those of humankind. By what was going on above (the fire and thunder), the chariots of Egypt were destroyed below.
Ch. 7 - The Lord is like a man (*ke'adam*) who stirs a pot. "Walls" to right and left are the merit of Torah and prayer or the *mezuzah* and *tefilin*. Israel in its position at the sea was like a bird in a man's hand or like a fetus taken out of the womb.
these pairs form part of larger, obviously structured sets of information, I have considered them under the fourth category of schematic representations.

In Beshallah, there appear to be four general types of schemata: Numbered lists, unnumbered lists, more complex series of cases which share the same structure and attributed disputes employing stereotyped forms. The most common of these is the numbered list of related phenomena, people or interpretations almost all of which employ prooftexts.36

I have arbitrarily created a distinction between simpler unnumbered lists and more complex structures even though both are constructed around features common to all items included. The most prominent characteristic of these schemata is an explicit measure-for-measure emphasis.37

---

36See Towner, Rabbinic "Enumeration...", for comments on the individual lists presented below:
Ch. 1 - the presence of seven clouds (alternatives of 13, four and two are also suggested);
Ch. 2 - the four who prepared with joy;
Ch. 3 - the three times God warned Israel not to return to Egypt, their three returns and subsequent falls; the four groups at the sea;
Ch. 5 - the ten miracles at the sea;
Ch. 7 - the four reasons why Israel saw Egyptians dying on the seashore.
In addition, ch. 2 contains a reference to three instances which are exceptions to the rule on interpreting lem or 'amarta 'alehem but it does not list them in the text and ch. 7 proposes several proofs regarding the number of plagues in Egypt and at the sea. The latter seem to be incomplete.

37Exemplary of the unnumbered list are the following:
Ch. 1 - the pairs of visitations made by the Lord to Israel; the measure-for-measure formulation pairing Abraham's activities for the messengers of the Lord with His provision for Abraham's children;
The most apparent cases of attributions presented schematically are the sets of opinions regarding Moses' short prayer and the merit of Israel (ch. 4), the discussion in the Yavneh setting (ch. 6) and the Akiva and Papias disputes (ch. 7). Each uses repeated verbal patterns.

Whereas these four general categories encompass a large part of the aggadic material, there are also numerous biblical phrases which simply elicit narrative statements in response. These are too varied to be further categorized but their presence must be noted.

Considering the tractate as a whole, there is no evidence of a consistent pattern of formal development through any given chapter. On the other hand, the biblical text is not the sole determinant of the direction of the midrash either. Rather, specific forms in conjunction with biblical content demonstrate again the central and fundamental importance of the Torah as the major, if not

Ch. 2 - the first to sin is the first to be punished; all of the empires which ruled Israel were great;
Ch. 5 - those who were punished by the east wind;
Ch. 6 - the prayers of the righteous were heard in the morning.

More complex structures include:
Ch. 1 - with reference to Pharaoh, a series of his former utterances is contrasted with later changes of heart and proof that the latter brought reward is offered; as Joseph busied himself with the bones of Jacob, so Moses did for Joseph and so God did for Moses;
Ch. 2 - Pharaoh's supposed means of getting the people to follow him by contrasting the "way of kings" with what he would do for them;
Ch. 3 - those who were successful with prayer (employs some rather involved prooftexts).
sole, source for understanding and schematizing the complexities of the observed world. Most of what is observed, whether it be textual, experiential or something else, can be construed as part of a symmetrical or balanced whole.

Technical Expressions and Unusual Words

Because technical expressions are those terms which are repeatedly used to present biblical categories and to clarify the biblical text in terms that have been derived from the obligatory nature of the text itself, they are absent from Beshallah. The majority of what I have observed as unusual words are foreign imports and they appear in very specific contexts which describe the Egyptians as military oppressors. Many of these are Greek or Latin terms referring to military machinery and are anachronistic for the biblical context. 38

Attributions39

Overall, there are fewer attributions in these seven chapters although ch. 4 is a notable exception to that general statement.

38 There are 13 of these foreign terms in chs. 2 and 3 alone and several additional occurrences in the following chapters.

39 See Appendix for lists of the attributed pericopae.
Individual Attributions

Because of the limited number of individual attributed statements (13), it is difficult to discern any noticeable clusters of subject matter for individual Sages or among those who ostensibly were of the same "school". Ishmael is notable for his absence. Most frequently cited is Nathan (three instances), followed by Shimon b Yohai and Judah with two apiece. Other names only occur once. Two of Nathan's comments appear in the context of the Joseph traditions in ch. 1. Rabbi tells the story of Antoninus lighting the way for his children.\(^40\)

Sets of Names

Although there is not enough material to determine consistent patterns, the absence of Ishmaeleans is again important to note. Whereas several of the sets are long and discuss significant elements of the narrative, many deal with seemingly peripheral matters. Names which have a higher profile include the following ones.

Joshua and Eliezer are twice paired. In one of the disputes, Joshua interprets the experiences of the Israelites on the way to the sea in a significantly more positive light in regard to the purposes of God than Eliezer does. Because

\(^{40}\)See comments and references to secondary literature in ch. 7 regarding this relationship.
the opinions in the second example are so brief, it is difficult to make an adequate comparison.

Although R. Shimon b. Yohai's opinion regarding the "godfearers" in ch. 2 appears to be harsh, it is not an observable trend. If anything, he is also severe in regard to the possibility of Israel's destruction along with Egypt (ch. 5).

Rabbi again draws attention to the contemporary ruler, Antoninus. His claim that Antoninus augmented the number of riders in his chariot to four and Shimon b. Gamaliel's statement that the legions of the present evil empire are much more active than those of Egypt (ch. 2) are telling comments on the contemporary perception of Rome.

In the Papias/Akiva disputes, I would suggest that Akiva tends toward unusual interpretations of the passages which would not be expected to be maintained in a careful assessment of the text.

Long Lists

The only long list in Beshallah is ch. 4 which itself is the list. The subject is the apparently abrupt reaction of the Lord to Moses. The chapter of midrash has three cycles. The first part of each incorporates those opinions that this was a rebuke to Moses. It was not necessary to cry out; what they had to do was get going. The second part of the three cycles explains why it was not necessary to cry out. The
reasons generally focus on individual or corporate merit and faith as well as on God's promises. Most of the opinions engage the biblical text in some fashion to prove the point.

Other than the repetition of Rabbi's name in the second cycle, all of the opinions come from separate individuals or groups. The traditions are attributed to a wide range of Sages, from Shemaiah and Avtalion to Yose haGalili, from the well-known Ishmael to lesser known Hananiah b Halnisi. Akiva's name is not included but it seems that almost everyone else's is. The significance of the issue is conveyed by the welter of opinions.

Anonymity

With the exception of ch. 4, these aggadic chapters tend to contain more anonymous opinions on the text. All that may be said at this point is that the subject of merit stands out in drawing a series of attributed opinions.

Authoritative Statements and the Sages

In Beshallah, the only instances which employ a form related to mikan amru are two cases where R. Shimon b Yohai's opinion is introduced by mikan hayah 'omer. Neither of

41 The latter are represented by the "Sages" and "others".

42 Torah is given to study only to those who eat manna; like them are those who eat terumah (1:32-4). The nicest of the goyim, kill, and the best among the serpents, smash its head (2:194-5).
these has a parallel in the Mishnah or, for that matter, in Tosefta or the Talmuds. Furthermore, the expression does not serve to bind the subsequent opinion to the biblical text but to a preceding interpretation.

**Structure**

**Rhetorical Patterns**

The rhetorical forms are few and there are no patterns consistently developed among them as each chapter progresses. Instead, the citation of biblical texts pervades the entire tractate. The evident increase in schematic representation may find its source in the type of biblical material. Events and persons lend themselves to the tendency to structure paradigms of like instances to achieve the didactic purpose.

In terms of style and structure, chs. 2-4 and 7 end with singing praise to the Lord. Perhaps this is subtle preparation for Shirta.

---

43 The opinion about goyim and snakes is found in Masekhet Soferim, ch. 15. See Melamed, *The Relationship between Halakhic Midrash and the Mishnah and Tosefta*, p. 118.

There is one parallel with the Mishnah which is not introduced in this fashion. In the midst of the literary setting of R. Tarfon's discussions at Yavneh, he is asked the blessing for one who drinks water to assuage his thirst and he responds (6:52-5). His answer appears in abbreviated form in Ber 6:8 as one of a series of opinions on blessings to be said for particular circumstances.

"In this regard, Cohen, "Analysis of an Exegetic Tradition in the Mekhilta de-Rabbi Ishmael," pp. 13, 18, pointed out the relationship between shir and sharah which the editor of the text used to draw together the concepts of singing and prophetic utterance or insight (shartah 'alehem ruah hakodesh). This linkage is also apparent in Shirta."
Thematic Development

Although the narrative of the biblical text stands behind and moves the midrash, certain themes are more explicit in the latter. God reveals Himself both to His people and to foreigners in specific ways. A major attribute is His justice. For Israel, justice is bound up with God's promises, Israel's faith and merit and the resultant rewards. Prevailing upon and considering God's justice occur in the explicit processes of prayer and praise. Study of Torah is a more subtle but emphatic means as well.

Justice results in the punishment of those who oppress Israel. When they are confronted with the God of Israel, at their best the foreign oppressors are set up for a great fall.

World View/Socio-Religious Context

Topic/Theme: Torah

In Beshallah, the rabbis did much more than retell the story. They consistently directed the main force of their attention to the curiosities of specific lexical and logical features in the biblical text as well as to the development of intricate webs of Torah citations to demonstrate the unity of the whole. That this is a complicated, vast network with many possible alternatives for understanding a text is not a problem; in fact, that simply underscores the beauty of the unity of Torah.
Biblical texts are the primary source for definition and expansion of the passage at hand. They undergird the statements of moral principles, the exhortations and the encouragements. Biblical categories associated with ritual or practice are not prominent but paradigms associated with the relationship of certain key humans to God and to Torah are of paramount importance. Events are clarified and explained within the framework of biblical history and revelation, not contemporary happenings. The way Torah is used makes it significant for all time.

Explicit references to the nature and purpose of Torah appear primarily in ch. 1. Torah is the guide and the way. Israel had to go around the wilderness for 40 years so that, being supplied with manna and water, they would absorb Torah instead of developing dependence on fields and vineyards in the Land.\(^45\) This was vital because Torah taught the proper "way" to function and it taught derekh 'eretz. Because the sons of Ephraim neglected Torah, they lost a war. The unique

\(^{45}\) It appears that N.M.R. DeLange, *Origen and the Jews* (Cambridge, 1976): 190, n. 27, incorrectly interpreted this passage as indicative that the rabbis understood manna to be symbolic of Torah just as the Christian interpreters did. See also B. Malina, *The Palestinian Manna Traditions* (Leiden, 1968): 97, and Vermes, *Post-Biblical Jewish Studies*, pp. 141-43. The point of the midrash here and in Vayassa 3, however, seems to be that Israel was provided for in the wilderness so they could study Torah. (The reference to field and vineyard is parallel to the wilderness provision of manna and water from the well.) Therefore, the parallel to terumah for the priests is cited. In fact, that manna might have symbolized Torah seems to be conspicuously absent from the discussion. See further discussion in chs. 8 and 14.
position of Joseph's coffin as the people exited Egypt was the result of his having kept the Torah which was in the Ark of the One Who Lives Forever. Chapter 7 alludes briefly to the merit of Torah which Israel was about to receive being suggested in the expression "on their right".

Recurring Values and Symbols

The overarching theme is justice, presented in terms of the contrast between God's relationship to His people and His activities against their oppressors and founded upon exhaustive references to Torah. In the former case, God reveals Himself to Israel through miraculous deeds, by His presence with and care for them and through Torah. That there is a true relationship is evident in the reciprocal interactions between God and Israel. Because of the merit of Abraham, God cares for Israel and because of the merit of Joseph, his bones accompany the Ark (ch. 1). Merit takes on even greater significance in ch. 4 as the midrash explores the possible reasons why God rescued the Israelites at the Sea. The meritorious activities of such figures as Abraham and Joseph are joined by the merit of belief and faith of these and others. God granted the human kingdom to Judah because of merit, specifically the act of Nachshon (ch. 6). There are rewards for faith, most prominent among them the presence of the Holy Spirit to declare the praise of the Lord (ch. 7). The responsibility of Israel to praise is set
alongside the option to pray. Both are in distinct contrast to the reviling attitude of the enemies of both Israel and God.

Through Israel and on account of it, God reveals Himself to the nations of the world as well. His justice is most evident in the balance of punishment meted out in response to their evil but He also rewards when they demonstrate a change of heart (ch. 1). When He punishes nations, His name is exalted (ch. 2). His power is displayed in His mighty control of nature and the presence of His hosts of angels (chs. 3, 5-7). The measure-for-measure principle of both retribution and reward is firmly grounded in Torah (ch. 7).*  

The symbols of the Temple and the monarchy surface only once and, although they are given as a result of merit, nothing further is made of them as biblical symbols. The same is true of Jerusalem, on account of which the sea is said to have parted. There is one reference to the Sabbath;

*Zohar, "Hehayyim vehaMetim," pp. 223-36, perceived it as the connecting theme through the first chapter. I would extend that to the entire tractate. The most fascinating aspect of the measure-for-measure principle as it is exemplified is that, although the reward or punishment is of the same essence as the action, it is invariably of greater intensity. This adds an interesting twist to the concept of "justice".
Israel journeyed on the Sabbath as they were leaving Egypt (Ch 2). 47

Continuity of Values and Symbols

The various methods for schematically re-presenting biblical history are part of the process of demonstrating continuity and the eternal relevance of biblical lessons. The schemata give steady and consistent frameworks from within which to observe every phenomenon. Many of them are explicitly structured around the concept of balanced justice and the related area of merit. To demonstrate that this is a consistent pattern within the framework of biblical history has implications for time beyond that limit as well and, in a number of cases, this was made explicit by extending the biblical paradigms into the contemporary situation. Notable among them are the references to punishment of Egypt and Edom because innocent blood was shed (ch. 1) 48 and the wicked "fourth kingdom", fifth in a list of those mightiest of empires that subjugated Israel and acknowledged to be Rome (ch. 2). Stating that the empire learned military strategy,

47 This is the reading in the Oxford and Munich manuscripts; the printed editions indicate that they rested on the sixth and seventh days. In the text represented by the manuscripts, nothing is made of the apparent violation of the Sabbath principle. There are, however, extensive comments on the issue external to the midrash. See H-R, p. 83.

48 Citing a verse which mentions both Egypt and Edom is the transition between the historical situation and the present. See Zohar, "Hehayyim v'hehaMetim," pp. 223-36.
the use of squadrons, from Egypt (ch. 3) also deliberately creates continuity. In addition, the last of the three instances where God warned them not to go back to Egypt but they went and fell is said to have occurred during the time of Trajan, an unusual allusion to the tragic plight of the Jewish community in Egypt in 115-117 CE (ch. 3). In the list of those punished by a strong east wind, the midrash uses the biblical text to go beyond the chronological limits of biblical history. The wicked empire and the evil in Gehinnom would also receive such just treatment as had evil generations of the past (ch. 5). On the positive side, in the future Israel would have light, just as they had during the three days of darkness (ch. 5). Likewise, like the patriarchs and early prophets, prophets destined to arise in the future would have their prayers heard in the morning (ch. 6). Finally, the patriarchs were rewarded because of their faith and those in the diaspora would experience the same faith and be regathered because of it (ch. 7).

A clear indication of the eternal existence of Torah is evident in the midrashic claim that Joseph kept the Torah before it was given at Sinai (ch. 1). It was not just the Ten Words which he kept but other stipulations as well. Therefore, the revelation at Sinai was not something new or

49 It is noteworthy that within this "beginning to end" motif lies the punishment of tribes of Israel. It may be that the Sages intended to refer to their present time which would then be followed by the eschatological execution of justice.
previously inaccessible. There are other ways in which the biblical text is the basis for a demonstration of continuity. The pairs of "visitations", based on pagod yifgod, establish a sequence in God's activities for Israel and conclude with "this world and the world to come" (ch. 1). The future tense, "the Lord will fight for you," means that God will at all times fight for Israel (ch. 3). Written in the biblical text are the assurances that Israel was designated from the days of creation to be before God and that the sun and moon are eternal witnesses to Israel's lasting forever (ch. 4).

That chronological "lapses" occur in this process is not a problem; that type of history is not the point. One example of this is the anachronistic description and terminology for weapons and warfare.

**The Temple and Its Ritual**

Because the biblical text has nothing to do with worship, ritual or the Temple, it is not surprising that the midrash has little to say about these subjects. The presence of the Temple itself is Benjamin's reward for going into the sea even though it is described in terms of the Shekhinah resting in his tribal inheritance (ch. 6). Other than that, those priests who eat terumah are mentioned as a biblical category to which those who eat manna are compared. The
point is that both groups are provided for by no effort of their own so they can devote energy to the study of Torah.  

"Theological" Reflections

The Supernatural and Miraculous. There is certainly no denial of the supernatural. After all, the whole event as recorded in the biblical text is a miraculous intervention. On the other hand, the midrash generally does not embellish the narrative's supernatural aspects. Rather, they are simply taken for granted; God acts in behalf of His people using all means of the natural and supernatural environment.

Exceptions to the lack of embellishment do occur in several instances. The discovery of the whereabouts of Joseph's coffin (ch. 1) includes what might be termed embellishment. At the close of ch. 4, Mount Moriah is said to move from its place, vividly indicating the sufficient merit of the akedah. The ten miracles accomplished at the sea are stylized and the angel and

50Lauterbach, Mekilta, vol. 1, p. 171.

51The two traditions reported demonstrate distinct differences in the extent of observable supernatural phenomena. It may be that the version on raising the coffin from the Nile was deemed to be too speculative with its hints of potentially magical elements. See Heinemann, Aggadot veToldotehen, pp. 53-55, and Urbach, The Sages, p. 104, n. 10.

52This may a tempering of the motif of Moses' rod which had become the object of Christian typology in the second and third centuries. See, for example, Justin Martyr, Dialogue with Trypho, ch. 86, in The Ante-Nicene Fathers, vol. 1, ed. A. Roberts and J. Donaldson (Grand Rapids, 1957): 242, and
cloud catching missiles hurled at Israel as well as the sea
standing up against Moses give particular human
characteristics to phenomena which generally do not appear to
function in that manner (ch. 5). Angels again receive
specific mention in ch. 7 with the work of the cruel angels
and the expressed surprise of angels that humans would have
this miracle worked for them. I would perceive these as
embellishment because they speculatively attribute to the
angelic creatures human attributes and emotions, some of
which are not exemplary. On the other hand, that angelic
hosts were spread out to fight for Israel and humans were
enabled to see them does not seem so distinctive because it
is familiar from the biblical text.

Between the beginning of the tractate and the end, the
emphasis seems to shift slightly from verbal revelation, with
the specific acknowledgement of Torah, to supernatural
intervention, particularly via nature. In several of the
chapters, there is little direct emphasis on the spectacular
intervention of God. In ch. 2, the midrash rather focuses on
actions and intentions of people and nations. Chapter 3
primarily draws attention to the plight and prayer of Israel
only at the end following it up with God's response.

__________

further discussion in ch. 14.
The Names of the Divine. It is evident that in aggadic materials, God is named, described, addressed and "quoted" more frequently. In Beshallah, the use of haQadosh Barukh Hu and various abbreviations thereof significantly exceeds that of haMagom, at least in the Munich manuscript. At the last analysis, however, the divergence in manuscript readings as well as the variety of subject matter associated with each name seem to indicate the basic interchangeability of the two names.

Other names which appear are again most often suited to the context. For example, three times God is called The One Whose is the War (2:228, 3:145, 4:97), a title which is apt in this situation. The Shem haMephorash is what Moses wrote on the golden tablet (1:94). In contrasting the Ark of

53 Much of ch. 4 is presented as the Lord speaking in the first Person as texts of Torah are brought to substantiate each case.

54 There is a noticeable tendency for the two major manuscripts to differ on their readings of the divine appellations, haQadosh Barukh Hu (or abbreviations thereof) and haMagom, in this tractate. In a number of cases, where the Munich manuscript has the former, the Oxford reads haMagom. It may be that the copyist of the Munich manuscript felt that there was an inherent distinction between the two names and used haQadosh Barukh Hu with much greater frequency in Beshallah because of the nature of the subject matter and the activities attributed to God. See ch. 5, p. 185, n. 79, and the cited observations of Urbach and Bregman on these names.

55 There is a textual problem at this point. While the Munich manuscript includes the detail of the Divine Name inscribed on a tablet, the Oxford simply says that Moses tossed a stone into the Nile while invoking the oath. See Heinemann, Aggadot veToldotehen, pp. 53-54, and Urbach, The Sages, p. 104, n. 10, regarding the nature of the writing on
God with that of Joseph, God is referred to as The One Who Lives Forever, an appropriate contrast to the deceased Joseph (1:123-28). When Moses asked the Lord what he should do, he addressed Him as Master of the Universe (6:41). He is The One Who Spoke and the World Came into Being in the context of no one being able to contradict Him (7:71,2) and in the context of faith (in His word) (7:126,130,160).

The Shekhinah and the seven clouds are mentioned both in the context of waiting for Miriam and accompanying Joseph and Israel (1:111-22). As noted earlier, the reward of Benjamin was that the Shekhinah would rest in His tribal inheritance (6:17). Furthermore, the clouds are indicative of future joy and afford protection in the present (1:174-92). The Holy Spirit's presence is indicated by the word "standing" (3:81-3) and the reward for faith is the presence of the Holy Spirit (7:135-61).

Even in the above sets of titles, there is an apparent balance created between God as sovereign and transcendant and his hovering presence to care for and protect His people. This same symmetry is demonstrated by the familiar sets of contrasts, introduced by "is it possible to say?", between verses which describe God's omnipresence and those which apparently limit His presence.

the pebble.
Idolatry

In Beshallah, the idolatry of "others" is presented as a given but it does not have a high profile. Marketplaces are where idols customarily are (ch. 2) and idolators carry out certain practices of augury, sacrifice, libation and bowing down as a matter of course (ch. 3). More significant, however, is that some of these activities were performed for the sake of Baal Zephon who, the midrash clearly points out, was under the control of God in that he was left to mislead the people (ch. 2).

Idolatry is not presented as dangerous, either for Israel or for the nations. In fact, the biggest problem of the nations is that they, represented by Egypt, oppressed Israel. The gathering of nations for judgment will not be for any of the cardinal sins, the first of which is idolatry, but for dispersing the Israelites (ch. 1).

Finally, as the ministering angels expressed their wonder at the Israelites walking on dry land through the former sea, they refer to them as idolators (ch. 7).

Social Structures: "Others" and "Us"

Above all, the tenor of the midrash regarding "others" is determined by what the biblical text states at a particular point. In the case of Beshallah, there is hostility and the midrash reflects that clearly. "Others" are primarily presented as foreign rulers and evil ones at
that. In addition to Egypt's serving as a paradigm for oppressive rulers in general, there are direct references to current problems as well. The nations who should have treated Israel with respect instead put Jews to death in various and cruel ways (ch. 1). The current rulers are harsher than Egypt with more vital military forces and even more riders in their chariots. The wickedness of the empire is specifically mentioned and it is better that even foreigners who appear to be nice are dead because they become a snare for Israel (ch. 2). Although some characteristics, such as the customs of foreign kings and the reference to the mayoumas festival, are presented as "neutral", the common feature which stands out is the vicious oppression of Israel by "others" and the results. The purpose of the midrash in this tractate is to understand and re-present Torah's depiction of the downfall of the enemy.

In the biblical narrative, the Israelites are kept from having interaction with "the enemy" by the cloud. Perhaps this is reflected in the midrash by the lack of evidence for any interaction. The only favorable report is the story about Antoninus as told by Rabbi.

There are no reflections in this tractate of social structures within which Jews themselves existed. Because there are no directives or instructions in the biblical text, this is not surprising. The individual's relationship to
Torah and mizvot is taught solely by reference to paradigmatic figures of the past.

The Messages in the Text

From the tractate emerges a forceful statement about Israel and its God: Israel is not inferior and when they consistently exercise faith and prayer, they will see God act in their behalf. Egypt and what happened to it are an essential part of the message as are other oppressors in the tradition of Egypt.

That Pharaoh headed a mighty empire is paradigmatic for the succession of empires who were the greatest, who subjugated Israel and who all met or would meet their end while Israel lasted into the messianic age following the fourth kingdom (ch. 2). The greatness of these empires was itself to the praise of Israel; they were beaten only by the best.\(^{56}\) Both Egypt and Edom (Rome) were specified among the nations as headed for judgment because of violence done to Israel (ch. 1).\(^{57}\) When the nations were punished, God's name would be magnified (chs. 2 and 7). Punishment would be

---

\(^{56}\) See Kadushin, A Conceptual Approach, p. 253, on the possible polemic against Rome at this point.

\(^{57}\) Rome is further implicated in the contrast between the brothers Jacob, who cried out to God, and Esau, who lived by the sword (ch. 3). Kadushin, A Conceptual Approach, pp. 271-73, 280, saw this as part of a larger "anti-war" polemic on the part of the Sages; prayer, not warfare, was the proper means to overcome because it would be God Himself who would do the fighting. The people were to hold their peace.
according to the pattern of Torah — by the strong east wind (ch. 5).

The enemies are consistently shown in subtle and not-so-subtle ways to be inferior to Israel. In changing his tune and allowing Israel to leave (ch. 1), Pharaoh capitulated before the Lord. Furthermore, he was the vehicle for prophecy even though he was unaware of the nature of his statements. As Israel left Egypt, although it was stated that the word of the empire should be obeyed, in the reality of the midrash, Israel devastated the guards placed around them. With a touch of irony, Egypt is represented in parabolic form as a slave who was thoroughly worked over by his master. In addition, Egypt deeply regretted losing Israel because of its inherent value. When Egypt lost Israel, its own rule and power ceased. It was because of Israel's value that Pharaoh himself prepared his chariot and his pursuit indicated the excellence of Israel; he would not have run after less (ch. 2).\(^58\) The god of Egypt, Baal Zephon, was under the control of the God of Israel and was left to accomplish His purposes (ch. 2). As the Exodus was in process, it was Egypt who were in subjugation to Israel in bringing their plunder to them (ch. 7). By their very

---

\(^{58}\) Kadushin, *A Conceptual Approach*, p. 263, suggested that this emphasis on the value of Israel in Egypt's eyes was to counter the accusation that Israelites had been undesirables in Egypt and were thrown out.
behavior, Israel was superior to Egypt; while the latter cursed and reviled, Israel sang praises (ch. 2).

The Egyptians considered Joseph a king (ch. 1) and, as a matter of fact, the greatness of Egypt had been gathered at Migdol by him (ch. 2). It was Israel who taught the nations Torah using Joseph's coffin as an object lesson (ch. 1). All of this argues poignantly for the true superiority of Israel and its God in spite of what might have appeared to be the opposite in Israel's recent history.

The relationship between God and Israel and the covenant obligations are also prominent messages. His Presence went before and around Israel to protect them (chs. 1 and 5) and He would fight for Israel at all times (ch. 3). Prayer was a means by which Israel could smite their enemies because God unfailingly responded (chs. 3 and 6). Furthermore, one reason He went before Israel was so that the nations would respect Israel (ch. 1).

The relationship was founded on Torah. Keeping Torah was vital to maintaining the divine Presence and those who neglected it suffered dire consequences (ch. 1). Only Israel could study the Torah as only they could eat manna.\(^{59}\) The study of Torah itself required expertise; the disputes of

\(^{59}\)There may be a degree of apologetic value in the claims in ch. 1 that the 40 years in the wilderness were planned 1) so as to establish Israel in Torah or 2) so that the Land, laid waste by the Canaanites at the prospect of Israel's arrival, would be replenished. Both of these avoid the issue of Israel's disobedience as the cause.
Akiva and Papias indicate an awareness of some potential threat in this area.

Chapter 4 especially demonstrates that Israel merited and continues to merit redemption. Among the sources of that merit are Jerusalem, the promise to Abraham and Abraham's merit at the *akedah*, in circumcision and in faith, the merit of the tribes and their faith, Joseph's merit, the prayer of Moses for the people and their belief in him and in God.

In making the case for the merit of Israel, the demonstration of continuity is essential so as not to miss the point. None of those things mentioned in ch. 4 had ceased; the point was that all were valid for eternity and the greatest of them all was faith in God and in Moses. The end of ch. 7 reaffirms this fact. Therefore, the Judaism of the Torah maintains its validity; Jews could hope for and anticipate redemption and they would obtain it by an inseparable combination of merit and faith.

**Summary**

Two general trends emerge in the assessments of these chapters. First, there is a tendency to see the difficult circumstances of the first and second centuries and the bar Kokhba war behind the exhortations to faith in spite of circumstances.\(^6^0\) Second, pressure from the Christian

---

\(^6^0\) Heinemann, *Aggadot veToldotehen*, pp. 78-82, traced the development of the Nachshon tradition as it reflected early contention among leadership groups and later response to the
apologists is perceived in the emphasis on merit and faith. 61

bar Kokhba war. He observed that merit in the past was a paradigm for meriting the restored kingdom in the future and for action which sanctifies God's name. See also Gereboff, Rabbi Tarfon, p. 223, and Cohen, "The Leap of Nachshon ben Amminadab," pp. 30-39, both of whom express the same general ideas. According to Zohar, "Hehavyim vehaMetim," pp. 223-36, ch. 1 also represents the biblical events as paradigmatic for a contemporary situation. Israel had experienced delay coming into the Land but had the promise that God accompanied them. Some of them died en route and never came to enjoy the Land. Nonetheless, God cared for them after their deaths. The same would be true for the present which Zohar identified the period of the bar Kokhba war. Many then were killed en route to what they perceived as redemption even though the latter was delayed. Although these comparisons may be drawn from the separate traditions as they occur not only in MRI but in a variety of sources, I am not prepared to locate the formulation of the entire message in such a difficult context. See further in ch. 14.

61 Cohen, "Analysis of an Exegetic Tradition in the Mekhila," pp. 6-7, emphasized the indivisible nature of faith and obedience in the rabbinic conception. Faithfulness implied action and there was reward for faithful observance of the commandments. He found it instructive that the actions construed by the midrash as meritorious were most frequently those of Abraham and specifically the act of circumcision. This would be a necessary response to the claims of the early church that Abraham's faith was entirely separate from his actions of obedience. See further discussion of the issue in ch. 14.
CHAPTER SEVEN:
TRACTATE SHIRTA - THE SONG OF VICTORY

Introduction

The ten chapters of Shirta are poetic re-presentations of the poetry in Exodus 15:1-19 followed by the postscript of verses 20 and 21.1 In contrast to the preceding aggadic tractate, Shirta focuses on much smaller portions of the biblical text. The Sages recognized the immense potential packed into each word and phrase of the poetry and responded appropriately to the genre.

The earlier parts of the song receive the most attention. In fact, the first two chapters deal only with the first verse and the former of the two is entitled Parashta Kadmita, serving as an introduction to the concept of singing the song to the Lord. What seems to be apparent is that those parts of the biblical text which speak of the incomparable nature of God receive more detailed treatment in

1Goldin, The Song at the Sea (New Haven, 1971): 16-20 (esp. n. 8), emphasized the strong sense of poetry in the midrash itself. When the redactors included a long series of stylized formulas they may have been fully aware of the poetic effect. This is not to say that these occur exclusively in poetic midrashim; that would be an impossible conclusion. Mintz, "The Song at the Sea and the Question of Doubling in Midrash", pp. 185-92, also recognized that the midrash had taken up the poetry of the song in Exodus.

Goldin's commentary is an invaluable guide through the intricacies of the poetic commentary. He focused particularly on explanation of details of the biblical and midrashic texts and comparison with parallel sources, areas which lie beyond the scope of this present survey.
midrash attached to them. This is particularly true of Exodus 15:1-3 which underlies chs. 1-4 and of Exodus 15:11 which is the one verse discussed in ch. 8. Why the final two chapters span so much more material is not clear.²

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>160</td>
</tr>
<tr>
<td>2</td>
<td>153</td>
</tr>
<tr>
<td>3</td>
<td>147</td>
</tr>
<tr>
<td>4</td>
<td>126</td>
</tr>
<tr>
<td>5</td>
<td>106</td>
</tr>
<tr>
<td>6</td>
<td>101</td>
</tr>
<tr>
<td>7</td>
<td>101</td>
</tr>
<tr>
<td>8</td>
<td>78</td>
</tr>
<tr>
<td>9</td>
<td>73</td>
</tr>
<tr>
<td>10</td>
<td>91</td>
</tr>
</tbody>
</table>

Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Verses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

Because the biblical text is poetry, small portions of which are assessed in considerable detail in each of the first eight chapters of the tractate, I have chosen to quote each verse or pair of verses rather than attempting to summarize main points. I have done this primarily because there seems to be something intrinsically damaging about summarizing lines of poetry. I have changed this procedure

²It may be a poetic device itself, keeping ten chapters which correspond to the ten songs.
for chs. 9 and 10 simply because the midrash itself takes a more summarizing stance in those chapters.

Chapter One. Then Moses and the children of Israel sang this song to the Lord: I will sing to the Lord for He is greatly exalted.

Chapter Two. ...for He is greatly exalted. The horse and his rider He has thrown into the sea.

Chapter Three. The Lord is my strength and song and He has become my salvation. This is my God and I will glorify Him; the God of my fathers and I will exalt Him.

Chapter Four. The Lord is a Man of War; the Lord is His name.

The chariots of Pharaoh and his forces He cast down to the sea and the choicest of his officers were sunk in the Sea of Reeds.

Chapter Five. The deeps covered them; they went down to the depths like a stone.

Your right hand, O Lord, is glorious in strength; your right hand, O Lord, will break in pieces the enemy.

Chapter Six. In the greatness of your exaltation, you destroy those who rise up against you. You send your burning anger; it devours them like chaff.
With the breath of your nostrils, waters were piled up; they stood as a ned nozlim. The deeps congealed in the heart of the sea.

**Chapter Seven.** The enemy said: I shall pursue; I shall capture. I shall divide the plunder. My soul shall be filled with them. I shall empty my sword; my hand shall possess them. You blew with your breath; the sea covered them. They sank as lead in the mighty waters.

**Chapter Eight.** Who is like you among the gods, O Lord? Who is like you, glorious in holiness, fearful in praises, doing wonders?

Summaries of the biblical text follow:

**Chapter Nine.** The song contrasts the fates of the enemy who are swallowed up and Israel whom the Lord leads to His holy dwelling. The nations hear and are terrified by the demonstration of God's power for His possession.

**Chapter Ten.** The Lord brings them to His dwelling place and sanctuary. He shall reign forever because He vanquished His enemies while He protected His people. Miriam led the women out with instruments and taught them the song.

**The Corresponding Midrash**

Below, each chapter is assessed in terms of the subjects which the authorship chose to emphasize and their significance, the degree of correspondence between the
biblical content and structure and that of the midrash, the major areas where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. Responding to the initial word of the biblical text, 'az, the midrash draws attention to the fact that Scripture speaks of both past and future events in such a manner. The potential of the biblical text for projecting into the future is reiterated shortly thereafter by the claim that, from the imperfect tense, we learn that Torah teaches the resurrection of the dead. As if that were not enough, the list of the ten songs establishes the same continuity from past to future. The first was sung in Egypt on the night of redemption and the last is yet in the future. According to the explanation, the songs in the past symbolically use the feminine form of the word, implying further subjugation; the future song is the masculine form.³

³See Goldin, "This Song," in Salo Wittmayer Baron Jubilee Volume, vol. 2 (Jerusalem, 1974): 539-54. As it currently stands, the list of songs and the accompanying explanation are not clear because several songs besides the last one are in the masculine form. In his assessment of all the interpretations which have been suggested, Goldin concluded that the earliest form of the midrash simply included the statement that there were ten occurrences of hashirah hazot, less frequently used than the masculine form, and the implication of each was that further subjugation was to come. The actual listing was a marginal note, later interpolated into the text by someone who did not fully understand what its contents should be. In spite of the difficulties with the individual items in the list fitting the heading, the main point conveyed is the continuity from past to future. Not entirely satisfied with this explanation, J. Kugel, "Is There but One Song?" Biblica 63 (1982): 329-50, assessed the various versions of the list in conjunction with lists of songs from Christian liturgy. He
That Moses and Israel were equals while they sang is suggested but the counter to that view, that Moses led them in singing it, is also acknowledged as an option. More emphasis is subsequently put on the possible modes of rendering the song as the Holy Spirit was resting upon them. These again draw the biblical song into the present with the suggestion of such contemporary recitation modes as represented by the singing of the Shema and the Hallel.4

The divine characteristics of God as worthy of their song are contrasted with those of a human king whose subjects praise him in public but know that he is not worthy of the

studied particularly the structure and content of Origen's list of songs because of Origen's knowledge of and access to Jewish midrash and demonstrated that the list as we have it in MRI may be a conflation of two lists. One was a list of six occurrences of shirah, followed by one shir, representing the final glorious victory. It focused on the distinction in Hebrew. The other was a list of ten songs each of which responded to a key point in Israel's history. Kugel discovered that Origen's list consisted of seven items, as the first list above. He felt that Origen, however, was probably less concerned to make a point about distinctions in Hebrew and more interested in presenting a list of high points in Israel's history, starting with the Exodus and culminating with the ultimate in symbolic relationships, the Song of Songs. These two focuses sometime later converged under one complex rubric: Is there but one shirah? Are there not ten? Towner, Rabbinic "Enumeration...", pp. 164-66, simply noted that the list of songs was used to address eschatological issues.

honor. A multiplicity of biblical texts verifies the claim that these characteristics belong to God.

In conjunction with the list of ten songs, two indirectly related units are incorporated. Following the reference to Solomon's song, the biblical statement that the Temple was David's house is questioned. In response, the midrash not only avers that David's name was attributed to it because he gave himself (natan naphsho) for it but recalls that Moses' name was given to Torah, Israel and justice because he also gave himself for each of these. The second

5The concept and the individuals are familiar from Pisha 1 but here the structure is considerably more complex. In Pisha 1, the biblical texts cited with regard to Moses and David are those in which these individuals explicitly offered their lives to remove the Lord's wrath from Israel. In Sharta, the concept is not as drastic in David's case. In addition, it has developed a complex set of accompanying prooftexts with regard to Moses. David vowed to the Lord that finding a place for the Temple would take top priority. This is demonstrated in a relatively simple manner in the midrash. With Moses the form changes. In fact, it may be that the brief statement on David is simply a "hinge" to make the real point about what is valuable because it was of value to Moses. After stating that he gave himself for each of the three, a biblical text is cited indicating that it was named after him. Then the possibility of a contradiction is posed; Torah, Israel and justice really were the Lord's. Therefore, why was Moses' name attributed to them? Because he had given himself in some fashion for them - prooftext. Towner, Rabbinic "Enumeration...", pp. 180-84, indicated that this unit is an example of "syntactical analogy" the basis of which is the grammatical form in certain biblical texts. Furthermore, there are other biblical institutions which would fit the grammatical pattern here noted. Of the three valuables to which Moses gave himself, justice is the least clearly presented and yet it was selected, perhaps because it, along with the other two, best fits the theme of Sharta. The concept of natan naphsho reappears in Shabta 1 with Israel as the subject. In that context, because they give their lives for Torah, the Sabbath, circumcision and immersion, those symbols are permanent. They are contrasted
indirectly related unit has to do with Jehoshaphat's song. A standard question regarding biblical forms is asked: Why is this thanksgiving different from others in Torah? A phrase about His goodness is omitted. Because God takes no pleasure in the destruction of the wicked, there is certainly no joy at the destruction of the righteous.

At the close of the section on the praiseworthy attributes of God, the midrash includes several word plays on zeva'ot followed by a long set of partial quotes from Song of Songs 5:10-15, picturing the beauty and distinctiveness of the Lord. The chapter closes with the evidence that all beings on earth and in heaven sing God's praise (Psalm 8:2-3). As a postscript, the midrash incorporates at this point a dispute over the precise meaning of the term olalim - infants.

with the Temple, justice and the sabbatical year.

The song of Jehoshaphat directly follows the natan naphsho section, the last item of which has to do with justice. Moving next to Jehoshaphat may simply have been happenstance but it also could be a case of poetic linkage between justice, the name of Jehoshaphat and the destruction of the wicked, the issue raised in conjunction with Jehoshaphat's song.

See Goldin's comments on the apparent discord between Ishmael's view on the destruction of the wicked as represented in SN 117 and the expression here (Song at the Sea, p. 74). That assumes, of course, that what is in the text of MRI must consistently represent an Ishmaelean position.

One of these appears to share features in common with Origen's explanation. See DeLange, Origen and the Jews, pp. 42-43.
The intensity with which the rabbis scrutinized the poetry leaves little without comment. Both grammatical elements as well as the concept of God's exalted nature are fully explored. It is not problematic that the first chapter ends in mid-verse. Rather, the focus of the first chapter is the singing. The second chapter picks up with justice.

Chapter Two. The biblical clause on which the first chapter ended is still the object of attention for the first part of ch. 2. Two entirely different emphases, however, are evident in each chapter. Whereas the first chapter closes on the note of God's glory and exaltation, ch. 2 specifically draws on the infinitive absolute (ga'oh qa'ah) to illustrate the balance of justice evident in the pairing of human and divine actions. The first several are positive; "as He exalted me, so I exalted Him". The real intent, however, is to demonstrate that God is exalted over all and will inflict punishment on those who exalt themselves. This is in keeping with the rest of the chapter which explores various aspects of God's punitive justice.

The longest and most elaborate unit of the chapter is derived from ga'oh qa'ah. It is an embellished list of the "nations of the world" who exalted themselves and were punished in like manner. Its complexity arises from the

9 Members of the list include the generations of the flood, the tower, Sodom, Egypt, Sisera, Samson, Absalom, Sennacherib, Nebuchadnezzar, Tyre and the prince of Tyre. While most of the culprits are found among the stereotyped generations and standard biblical enemies, two of them,
fact that almost half of the members of the list have accumulated further prooftexts, second explanations or related information in addition to the simple formula and prooftext. Furthermore, some of the proofs are not exceedingly clear.\textsuperscript{10}

Samson and Absalom, were renegade Israelites. Goldin, \textit{Song at the Sea}, pp. 95,99, suggested that because they were part of the list in Tos Sotah 3:6-19 which demonstrates the general principle without reference to the "nations of the world" or "exalting themselves", the MRI redactors simply added the whole block of material. Absalom's name surfaces again in ch. 6.

A further feature to note is the addition of the prince of Tyre after Tyre itself. Goldin proposed that they are to be read together as one example, thus making the list total ten (\textit{Song at the Sea}, p. 99). Neither Tyre nor the prince of Tyre is part of the list in the most extensive parallel version in Tos Sotah 3:6-19. These may have been added to the list by the framers of the text to provide a link from Nebuchadnezzar to the matter of punishing "their princes" which arises later in the text. The latter claim is made with explicit reference to the world to come. Both Ezekiel 28 about the prince of Tyre and Isaiah 14 regarding the king of Babylon were understood by Church Fathers as symbolic of the downfall of a heavenly being. See, for example, Tertullian, \textit{Against Marcion}, Book 5, in \textit{Ante-Nicene Fathers}, vol. 3, p. 466, and Origen, \textit{De Principiis}, Book 1, ch. 5, in \textit{Ante-Nicene Fathers}, vol. 4, pp. 258-60.

\textsuperscript{10}This is especially notable in the cases of Sodom and Sisera. The former is particularly complex, involving not only the material prosperity of the Sodomites expressed in a context which mentions fire but also their attitude toward strangers. Their punishment by fire came at a point when they abused strangers. In both of these cases, understanding the "measure" is dependent upon reading beyond what is quoted of the biblical text in the midrash. See Goldin, \textit{Song at the Sea}, pp. 92-4. In the cases of the flood and Sodom, the form is fuller and the prooftexts are extensive but the connections are somewhat tenuous. Attached to the prooftexts regarding Sodom are additional illustrative passages and a side question on how it was that the Lord provided wine for Lot and his daughters-in-law. Likewise, what is said with regard to the destruction of Sennacherib's army is followed by enigmatic information about the size of the units in his army. See again \textit{Song at the Sea}, p. 98. The flood and
The measure-for-measure mode of presenting the balanced nature of justice is followed by shorter lessons on related characteristics of God's justice as demonstrated in the song of Exodus 15. That "horse and his rider" are singular teaches that to obedient Israel, the enemy seems as only one. Even though the horse and rider are thrown up and down (ramah and yarah), they remain together.\(^\text{11}\) Perhaps continuing the idea implicit in the measure-for-measure example of the prince of Tyre, the midrash takes up the the verb ramah and interprets it in this case as the "prince" of the Egyptians having been thrown down from heaven.\(^\text{12}\) Then, in response to the apparent inseparability of the horse and rider, the midrash indicates God's judgment on both and relates an

Samson each merit two explanations. The cutting of Absalom's hair leads to a digression regarding of how often, as a Nazirite, he did so. There seems to have been a unit of derashot on Absalom from which this material was taken. See Tos Sotah 3 which also incorporates at this point the piece about Absalom's stealing hearts. It appears in Shlitta 6. That Absalom should follow Samson in the list, that the issue is hair and that two Sages suggest that Absalom was a Nazirite is an interesting set of aggadic associations.

\(^{11}\)Goldin, *Song at the Sea*, p. 101, saw this as underscoring the supernatural character of God's deliverance. I think it rather is preparatory for what is to follow shortly on the judgment of the two together.

\(^{12}\)See above, n. 9. Goldin, *Song at the Sea*, p. 103, pointed out that the closing reference to Edom (Isaiah 34:5) was a word play to emphasize the contrast between the sword of God drinking its fill in heaven and bringing punishment on earth (אדם). I think the intent is rather to focus attention on the punishment of Edom (Rome) in the Age to Come.
exchange between Antoninus and Rabbi\textsuperscript{13} on the judgment of body and soul. Rabbi's illustrative parable is abbreviated in the text.\textsuperscript{14}

The midrash demonstrates continued vigilance regarding textual concerns. It includes materials which reconcile the apparent difference between \textit{ramah} (Exodus 15:1) and \textit{yarah} (Exodus 15:4) and which derive meaning from Zechariah 12:4 for the unspecified use of \textit{sus} here. In the Zechariah passage, \textit{sus} is used in conjunction with a passage describing eschatological punishment.

\textbf{Chapter Three.} The first person possessive and subjective pronouns of the biblical text underlie the two main points of the chapter of midrash. First, Israel enjoys a special relationship with God. Second, that relationship makes it possible for Israel to glorify and exalt Him. Both points


\textsuperscript{14}See Goldin, \textit{Song at the Sea}, p. 105, for the full text of the parable (found in Sanhedrin 91) and sources of comments on its contents. L. Wallach, "The Parable of the Blind and the Lame," \textit{Journal of Biblical Literature} 62 (1943): 333-39, studied the parable across literary traditions and particularly noted its occurrence in Jewish-Hellenistic sources. Its apparent widespread use may have made it a source of perceived common ground between Rabbi and Antoninus.
rest upon the initial assertion that the "my strength" may be interpreted as Torah, the king and God Almighty. All points are amply supported with the usual network of biblical prooftexts.

That there is a special bond is demonstrated by direct comparisons; the Lord is a help and salvation for Israel more than for other inhabitants of the world and Israel's praises are better than theirs. The claim is also buttressed by the exchange of praise between Israel and the Holy Spirit,\(^\text{15}\) by their opportunity to see Him at the Sea ("this is my God") as even the visionary prophets had not been able to do, by the quotations about the "beloved" from the Song of Songs\(^\text{16}\) and by the reference to the Shekhinah being with Israel from Egypt to the Temple.\(^\text{17}\) Furthermore, the biblical

\(^{15}\)This interpretation may be based on the grammar of zimrat Yah, the song of the Lord, which would come from the Holy Spirit who seems to be responsible for the proclamations of God. See below.

\(^{16}\)These occur in the exegesis attributed to R. Akiva on publicly declaring the praise of the Lord when asked why they are willing to die for Him. Although the text of MRI cites only snatches of the biblical texts, Goldin, Song at the Sea, pp. 116-17, stressed the point that the midrash intends to refer to all of Song of Songs 5:10-16 as well as the other passages.

\(^{17}\)This is based on an alternate meaning of 'anvehu: I will accompany Him. That this is unlikely is obvious in that it does not fit the parallelism of the biblical text. I would expect a meaning somewhat similar to "exalt". It is also awkward because the following mashal and nimshal work the opposite direction; the Shekhinah accompanied Israel. Having noted that, the closure of the section is most unusual: The Shekhinah was with them "until they brought Him with them to His Temple". (This is the Oxford manuscript; variant readings have instead "until I come with Him...".)
parallelism between "my God" and "my father's God" is the basis for the poetic expression that Israel was a queen descended from queens, was beloved, holy and pure.\(^{18}\)

What it meant for Israel to glorify God (\'anvehu\) and how it was to be accomplished spur the most discussion in the chapter; these were things that Israel could do. They included the performance of mizvot in a manner which was beautiful, being like Him, publicly declaring His praise and making Him a glorious Temple. The last suggestion is supported by the similarity of the verbal root \(nvh\) and the word for "habitation" which occurs in several texts.

In response to \(\text{\'aromemenuhu}\), the contrast between the obedience and disobedience of Israel which respectively exalts and profanes the name of the Lord is posed. The word is also interpreted as singing praise for the miracles done for all generations.

The order of subjects in the midrash is the same as the biblical text. The parallelism of the biblical text is subtly re-presented in the midrash as the terms \(\text{\'anvehu}\) and \(\text{\'aromemenuhu}\) draw forth the same general kinds of ideas;

See further in Goldin, *Song at the Sea*, pp. 118-19. The suggestion of the Sages does, however, provide an opportunity to comment on God's presence with Israel during extraordinary times. See ch. 5, pp. 185-86, n. 80, for additional comments on the journeys of the Shekhinah with Israel.

\(^{18}\)Goldin, *Song at the Sea*, pp. 120-21, noted that this passage intentionally draws the Song of Songs passage back into the picture, stressing the relationship of love between God and Israel. On the possible polemic value, see below.
obedience and praise. Not much is explicitly done with "salvation" per se. Instead the midrash stresses that it is particularly special as far as Israel is concerned and that it continues from past to future.

Chapter Four. Because two verses underlie this chapter, there are two distinct units in the midrash, each fitting the given verse. The comments about the Lord as warrior and the contrasts with human warriors/rulers are unified and perceived in the context of His identity first as the Lord whose power is in His name. They make a powerful point about Israel's God and this is the major portion of the chapter. The return to the theme of justice rests on the poetic description of the demise of Pharaoh's troops and officers.

The midrash explores the implications of identifying the Lord as a Man of war. Stated in this manner, it must mean that He was revealed with all the standard pieces of armor and the text of Scripture is indeed a source for demonstrating this. Nonetheless, the midrash is careful to balance that idea. Only the Name was truly necessary; the panoply was for the sake of showing the nations that God fights for Israel and will do so in the future.

Not only did He appear as a warrior at the Sea; He also appeared as a merciful old man at Sinai.19 The potential

19Reading zaken as "elder", Goldin, Song at the Sea, pp. 126-28, drew attention to the fact that this was a picture of the Sage who teaches just as God taught Torah at Sinai. See further his comments regarding the obscurity of the prooftext (Exodus 24:10).
threat of those who would claim that there were two powers in
heaven is noted but countered with the assurance that
juxtaposing the two halves of the verse, each using "Lord",
identifies Him as one and the same from past to future and
from this world to the world to come.\(^{20}\)

Although described as a warrior, He could be contrasted
in six significant ways with a human gibbor and king, both of
whom demonstrated limitations in substance, physical power,
self-control and sovereign power. The midrash asks the
question: How could Scripture say this since multiple verses
extol God's omnipresence and glory? Again the answer is that
because Israel is special to God He manifested Himself in
their midst.\(^{21}\)

Two separate ways of treating the next verse appear to
be mixed together in the midrash. The persistent measure-
for-measure rhetoric introduces the material. The initial
example, however, does not fit the literal idea of matched
"measures".\(^{22}\) Immediately following that is a separate
rhetorical form to deal with two apparently conflicting

\(^{20}\)Raising the issue in conjunction with this text was a
bit of a straw person. Texts like these were not the most
damaging ones cited by sectarians. Demonstrating, however,
that this problem could be easily dismissed would have
considerable value. See further comments below and see also
Bahodesh 5.

\(^{21}\)See also Beshallah 1 and Bahodesh 4.

\(^{22}\)Pharaoh asked "Who is the Lord?" (Exodus 5:2) and
Pharaoh's chariots and horses were thrown down into the sea.
See Goldin, *Song at the Sea*, pp. 135-36, for the various
suggestions of commentators.
verses. After those two deviations from the pattern, the rest of the chapter is a series of measure-for-measure pairs, the punishment side of which is based on Exodus 15:4.

It appears that there is not much new information to be added with regard to the material in Exodus 15:4. Because Beshallah has already explored the meaning of shalishim, it is not necessary to reiterate that. Rather, the corresponding narratives (Exodus 1 and 14) and poetry (Exodus 15) are excellent sources from which to draw the phrases to construct the measure-for-measure scheme.

Chapter Five. The biblical verses behind chs. 4 and 5 together have a chiasmic structure which is helpful in following the development of the related sections of the midrash. It may be presented as follows:

The Lord is... (description as warrior)

The enemy ...(his demise in the sea)

The enemy ...(his demise in the depths)

The Lord ...(the might of His right hand)

In both chapters those pericopae which deal with the nature of the Lord maintain a persistent emphasis, even in the general context of judgment, on His mercy and responsiveness to human repentance. This is especially true in the present chapter where this theme is predominant. The sections which describe the enemy are more curtailed.

---

23 One verse says... another verse says... how can I reconcile the two verses?
The first pericopae of ch. 5 ostensibly treat a perceived problem of the logic of the biblical text. How can it use the terms *tehomot* and *mezulot*? Was this not a swampy area?\(^{24}\) The initial explanations of this textual issue are, however, primarily means for describing the intense supernatural punishment not only of Egyptians but also of evil in the final redemption.\(^{25}\) It was even worse for the Egyptians than for Jonah, whose great poem of distress uses the singular form of the words which here are plural. The midrash then incorporates the measure-for-measure pattern\(^{26}\) and follows it with three degrees of punishment depending on the extent of the individual's wickedness.\(^{27}\)

The repetition of "your right hand, O Lord" serves as a fulcrum in the chapter. The stony quality of the enemy's heart is contrasted with the Lord who stretches out His right hand (the "second one") to all who come into the world, not

\(^{24}\) I have followed Goldin's rendition of the term *ashonit* since it makes sense that reeds would indeed be growing in such a region. In any case, the narrative description does not necessitate the presence of deep water (*Song at the Sea*, p. 139).

\(^{25}\) Goldin, *Song at the Sea*, p. 140-41, has pointed out that the three prooftexts adduced here all refer to the final catastrophic end.

\(^{26}\) In response to "like a stone" the midrash plays on the same word in Exodus 1:16, "you shall look upon ha'ovna'im (the birthing stone)" and, in addition, states that the water was striking them upon "the place of stones", a euphemism.

\(^{27}\) The Sages were careful to insist on the just application of God's punishment; Egyptians received what they got in accordance with the amount of guilt they had incurred. See further in *Song at the Sea*, pp. 144-45.
just to Israel. The practical value of this appears in the next section in response to "glorious in power". While God brought destruction upon the generations of the flood, the tower and Sodom, it was not without first extending to them time to repent and not before they reached instead a state of utter wickedness.28

Assuming the downfall of the nations of the world, attention is turned to the significance of obedience and repentance as far as Israel is concerned. When Israel does the will of God, they make God's left hand, as it were, a second right hand. Their obedience assures His watchfulness over them, restrains His anger against them and His fighting for them. Failure to act in compliance with the will of God, however, can have the opposite disastrous consequences, even to the extent of making God, as it were, cruel.

The framers of the midrash chose to focus primarily on the way God's justice works out in the context of human actions. Sidestepping the philosophical impossibility in the following construction, there are two types of justice represented. One is justice exercised, in biblical terms, in wrath. The other is merciful justice. Neither claims to be objective. Which predominates depends on human responsiveness. If there is not humility and repentance,

28Each of these three appears as part of a rhetorical pattern. Egypt is added at the end but does not follow the same pattern. Rather, the ten plagues are mentioned and one is to assume that they are the equivalent of the "length of time".
wrath is exercised, using nature to bring retribution in (large) measure-for-(small) measure. This is deserved because the opportunity for repentance had been given. If humans are responsive, the "measures" turn the other way; there is an abundance of supernatural power exercised in their behalf.

The textual issues which are raised seem to receive the attention of the Sages if they can be re-presented in that framework. Not much is done with the verbal picture of breaking the enemy in pieces. Rather, the enemy is identified and the application is moved from the past to the future, from Pharaoh to Esau/Edom.

Chapter Six. As is frequently the case in Shirta, ch. 6 draws on two major emphases in the biblical text. One is the destruction by fire of those who rise up against God and the other is the state of the waters. First, however, the midrash develops the concept of the identity of God with His people in the face of those who rise up against them. This is followed by a demonstration that Egypt, paradigmatic of those who rise up, is generally inferior. Then, in conjunction with the waters, the words ned and lev are explored.

The similarity of ga'on to ga'oh ga'ah (15:1) prompts a similar response to that found in ch. 2. In that case, the grammatical form provided the framework for a set of explicit measure-for-measure statements. In the present chapter, the
content of the verse warrants the same type of thought even though it is not called measure-for-measure in so many words. In that case, the focus was on the arrogance of the enemy. Here it is initially and fundamentally on the fact that the enemy, in rising against Israel, has risen against God.

Three sets of derashot are gathered to lend credence to this point. The first is a general statement: (Anyone) who touches (Israel) touches the apple of His eye.29 Conversely, anyone who helped Israel, was, as it were, helping God. The second moves to a specific focus on Abraham, the beloved of God, who was helped in his raid on Chedolaomer.30 Finally, the third returns to the children

29 In conjunction with this, a long unit of tikune soferim is incorporated. Not all of the eighteen which are listed in other contexts are present here. The list also appears in SN 84, Midrash Tanhuma Beshallah 16 and Exodus Rabbah. In this context, the "corrections" are not explained; it is assumed that they are understood. Apart from one of them (Numbers 12:12), they have to do with instances where there is a strong possibility that God could be referred to with disrespect. Even though it initially seems unusual to include it here, it really is not. The general concept of rising up against God can take many forms. Perhaps an attitude of respect was an issue the authorship wished to stress. In this context, it would work hand in hand with a concern to deal carefully with the text of Scripture. The same pattern of thought that underlies many of the "corrections" is also the one which begins the chapter of midrash: "It is not written here 'You will overthrow those who rise up against us' but 'You will overthrow those who rise up against You'." For further comments on the significance of the "changes", see Lieberman, Hellenism in Jewish Palestine, pp. 28-37, and note that this section does not occur in MRS.

30 Goldin, Song at the Sea, p. 157, indicated that this passage must be studied in the light of Bereshit Rabbah in order to understand the impact of the prooftexts which here are simply quoted. In that context, the significance of
of Israel, listing the individuals who, because they confronted Israel, were destroyed by God.\textsuperscript{31} Although this particular list does not itself include a reference to the future, the midrash does not pass up the opportunity provided by the biblical text to make that point. The three brief exegeses which follow all focus on the implications of the imperfect tense; this will happen in the future.

The ga'on of God against those who rise against Him and Israel receives the most extensive treatment. It is closely followed, however, by the demonstration of the lack of substance of Egypt. This is initiated by the word "stubble", material which burns noisily but has nothing to it. Other comparisons quickly follow. Just as kingdoms are cedars and Egypt is stubble, so other kingdoms are silver and gold while the best of Egypt is but lead and so they are great beasts while Egyptians are called foxes.\textsuperscript{32} Egypt received honor temporarily only because of Israel. The ultimate humiliation those texts is explained. From this observation, he concluded that Shirta as we have it is based on another midrash whose explanations were assumed knowledge.

\textsuperscript{31}Most of these are standard figures by now: Pharaoh, Sisera, Sennacherib, Nebuchadnezzar and Belshazzar. Sisera fits better in this context than in ch. 2 because a specific matching set of measures does not have to be found. Instead, he rose against Israel and God fought against him from heaven. On the other hand, for Sennacherib, Nebuchadnezzar and Belshazzar, measure-for-measure is still the pattern controlling the choice of prooftexts even though the rhetoric is not explicit.

\textsuperscript{32}See the references in Goldin, \textit{Song at the Sea}, p. 165, regarding the obscurity of the midrash at this point.
would come in the future when Jacob would be the fire to devour the stubble.\textsuperscript{33}

While these longer expositions of God’s glory and the enemy’s low estate draw on grammatical and conceptual features of the text, in regard to what happened to the water, the midrash focuses solely on particular words. As it does so, it makes a set of comments about the justice of the Egyptians’ punishment. At the same time, it maintains its persistent, thorough focus on the text itself.

As an alternative to the meaning “pile up”, a possible relationship between ne'ermu and the word for shrewd is suggested in the context of another measure-for-measure pair. Exploring the meaning of ned, two contrasts are posed between Egypt, who suffered from the waters, and Israel who enjoyed them.\textsuperscript{34} That the waters were actively involved in the whole procedure is further heightened when the midrash arrives at the word lev. The sea which did not have a heart was given

\textsuperscript{33}That the Sages may not have been fully convinced that this applied to their time is evident from the exchange reported between Antoninus and Rabbi. When asked by Antoninus if Egypt would oppose him and win, Rabbi replied that he did not know but that Scripture did address the matter in Ezekiel 29 and 30. He did not, however, give any assurance to Antoninus for the present time.

\textsuperscript{34}The suffering of the Egyptians in both cases has to do with the nephesh being bound up inside them. This figure may come from the appearance of the word ru'lah earlier in the verse. Because of the waters, they are unable to drink or breathe. Israel, on the other hand, enjoyed fresh flowing streams (nozlim) and the atmosphere was pleasant. Significantly, supporting texts for both positive points come from Songs of Songs.
one to punish the Egyptians who had hearts but enslaved Israel. Two additional pairs employ this pattern but their outcomes are significantly different from one another. The oak was given a heart to punish Absalom who stole the hearts of his fathers, the court and Israel.\(^{35}\) Heaven was given a heart but not to punish. Instead it sent down manna to Israel who had a heart, received Torah and served God with all their heart.\(^{36}\) The chapter closes with a doxology of praise from heavens and earth at the redemption of Israel.

The emphases above focus on significant issues, including the identity of God with Israel and the deserved ruin of their enemy. To accomplish this, particular features of the biblical text are singled out. The same kinds of

\(^{35}\)Note earlier comments about Absalom (p. 268-69, n. 10). This is part of the unit which appears in Tos Sot 3. It seems that the Absalom material was redacted to fit the contexts of chs. 2 and 6 in Shirts. This matter of stealing hearts appears again in Nezikin. There the context is stealing; here it is justice. Towner, Rabbinic "Enumeration....", p. 83, studied the Absalom tradition across texts and observed that it was subordinated to the given context.

\(^{36}\)This is the first of several schematic closures to the later chapters of Shirts. In a poetic structure, the sea, the oak and the heavens are each called upon in turn to respond to humans because of some particular action. In subsequent chapters, items in the given scheme are also related among themselves.

In regard to this midrash, Goldin, Song at the Sea, pp. 170-71, tried to discover a relationship to "heart" in the crime of the Egyptians but that is not necessitated by the initial structure of the contrast. The point was simply that the inanimate object was given a heart to punish/reward humans who supposedly had hearts. It just so happened that Absalom's crime was stealing hearts and Israel's worship of God was with their hearts, adding to the complexity of those two cases.
questions might be asked about other unusual aspects. Among them might be a contrast between the burning of God's anger and the congealing of the sea by the breath of His nose, especially since haron and 'appo often do go together. No space is given to how God's anger burns, how it is sent and how it devours. The mechanics are not the issue. Finally, because tehomot has already been addressed (ch. 5), it is entirely bypassed, even though the activity involved is entirely different.

Chapter Seven. The chapter commences with a textual issue and an interpretive principle to deal with it. How can the biblical text quote the enemy when his destruction has just been described? There is, however, no "earlier" and "later" in Torah. This is supported by examples from the Torah, the prophets and the writings. 37

The contents of the biblical verses again have two distinct elements. The first is the statement of the enemy which is shown to be eminently selfish and empty chatter. The second is the response of God, accomplished not by talking but simply by breathing. As a result, the Egyptians perished in the mighty waters. In focusing almost exclusively on the former, the midrash subtly emphasizes the contrast between the two. In fact, at each turn in the

37Goldin remarked that this principle may be one from the school of Ishmael. See Bacher, Erkhei Midrash, p. 114, and Epstein, Mevo'ot, p. 555.
midrash, the enemy is confounded, on occasion explicitly by the Holy Spirit.

How did Israel know what evil Pharaoh was thinking in Egypt? The Holy Spirit informed them of his attempts to incite his people. Further, Pharaoh did not know what he was saying in claiming to pursue and capture Israel himself and divide the loot. In reality, these things would happen to him. In order to encourage the Egyptians to take part in the rout of Israel, Pharaoh lowered his standards of national discipline. That humiliation is topped by the suggestion that he was thoroughly despised by the nations of the world.

From this point on, the chapter takes on a distinctly schematic format while the essential point remains the same. To three groups of Egyptians with differing opinions on how to treat Israel are attributed three of the phrases of Pharaoh. The five boasts which Pharaoh made are rebuffed by five reminders from the Holy Spirit about the judgment of

---

38 See Goldin's comments, Song at the Sea, pp. 178-79, on the possible implications of the thought that some Egyptians were not interested in pursuing Israel but Pharaoh goaded them.

39 The midrash explains that "emptying the sword" refers to pederasty and Pharaoh had intended to abuse the Israelite slaves in such a manner. Goldin, Song at the Sea, p. 182, noted that this expressed intention is more likely reflective of known Hellenistic and Roman practices.

40 There are really six separate claims in the biblical text but because the midrash reads each as having two words, the first claim is "I will pursue and overtake". See Goldin, Song at the Sea, p. 184.
God. A parable compares the reviling of Pharaoh to a robber outside a king's court making outrageously impossible claims that he would do away with the king's son. The midrash emphasizes that the response of God to such boasting is scornful laughter and, in Pharaoh's case, summarily sinking all of his hosts in the sea.

This chapter closes with a schematic representation somewhat reminiscent of the objects which had no hearts given hearts in the previous chapter. Here the four who are called "mighty" in Scripture also interact. God revealed Himself to Israel to punish Egypt by means of the waters. It is a skillful combination of prooftexts and scheme. A modification of the form will appear again in chs. 9 and 10.

The authorship chose not to include anything further on "the sea covered them". Enough has already been said. Instead of developing any possible pairings of each of Pharaoh's claims with narrative clips from Exodus 14, the midrash chooses to treat the utterances as a unit and to contrast it with God's mighty silence and activity. In addition, it seems that the content of the threat is less important. What it does not say grammatically is much more useful to the overall intention of the authorship.

Chapter Eight. The emphatic contrasts throughout Sh kita are even more pronounced in this chapter. The opening words of the biblical text, "who is like You?", set the tone for the
entire chapter. Since obviously no one is, the message must be composed of pairs of opposites.

The midrash first addresses the question as a whole: Who says this and why? The answer is that both Israel and the nations acknowledged that God has no equal among the elim. Israel had seen and the nations had heard that Egypt was punished and their idols judged. As a result, the nations decided to give up their own idols. Even more, Scripture demonstrates that this will be a future occurrence as well.

The structure of the biblical text determines how the argument progresses from that point. "Who is like You?" occurs twice. The first time it is followed by ba'elim and several ways of rendering the consonants and the concept are explored. The second one makes use of an explicit contrast between the capabilities of God and a human being. This contrast is honed into a pattern in the second part of the chapter as the nature of God is demonstrated to differ

41 The list progresses from shorter claims to rather extensive ones. It is read as "in strength". It is also read "among those who are silent". In connection with this a pointed comment is made about the silence of God in the face of insults heaped on His children. As might be expected, it is also understood as those who are heavenly beings ("those who serve before You on high"). There is no one like God even though there are those who call themselves gods. A list of familiar names follows: Pharaoh, Sennacherib, Nebuchadnezzar and the prince of Tyre. Finally, there is no one like God among those whom others call gods but who really have no substance. To prove the point in regard to these types, a contrast is explicitly stated between God and a human being. God can declare two things at once; a human cannot.
from the nature of humans (middat basar vedam). The second "who is like You?" of the biblical text is followed by qualities of the divine Being. In response to "glorious in holiness", the midrash alludes again to God's capacity to speak more than one word in one utterance. This time the example is the Ten Words. Not only that, He hears all prayers at once.

The first contrast in regard to "fearful in praises" establishes that quality from eternity. Then the focus is on "fearful". A human is feared more by those farther away than by those nearby. This is not so with God. The rest of these pairs of opposites survey creative activities of God which are incomparable and which make Him praiseworthy. The presence of participles does not escape the attention of the rabbis. God has been fearful from eternity and his wonders have been and are wonderful and will be even greater in the future.

Because the primary focus is on the contrast between divine and human characteristics, several of the actual qualities themselves are not explicated. That God is glorious in holiness does not seem to be addressed.42 Although "fearful" is the basis for one contrasting set, more could be made of it as it is joined to "praises".

42It is implicit in that God is revealed as majestic "on those occasions when (His) Name is sanctified" (Goldin, Song at the Sea, p. 197). It is important to note again the apparent care to treat certain themes fully in the context best suited for them. This issue appears in Bahodesh.
Chapter Nine. The concept of God's possessions both begins and ends this chapter of midrash. As the chapter opens, all persons are in His hand. As it closes, all the world belongs to God but Israel is His special possession and that means that they, in turn, will possess the Land, the Temple and Torah.

This sovereign control results in the earth providing, against its initial desires, a grave for the Egyptians. It also means that the wicked will perish as God stretches out His right hand. For Israel, it means a special relationship, again symbolized by figures from the Song of Songs (6:8-9). One of the figures in the Song of Songs is applied to Moses who is said to be equal to all the people together.

The Land, the Temple and Torah are all mentioned as the chapter develops. "Strength" means Torah which they were about to receive. Israel would come to the Temple. All of the trembling nations had one subject in mind; Israel was coming to the Land.

For some of these nations that would have worse results than for others. For each nation mentioned, the

---

43 This is the first explanation of the juxtaposition of stretching out His right hand and the judgment which followed.

44 They merited a place of burial because they accepted His judgment upon them. The earth only acquiesced after the Lord vowed with outstretched right hand not to hold it guilty.
circumstances of their fear are specifically founded on the biblical text. In several cases, the structure is a bit artificial. In the case of the Philistines, the matter of the war of revenge for the sons of Ephraim is repeated from Beshallah 1. The fears of both Moab and Edom are difficult to explain because Scripture had declared there should not be strife as Israel passed through these nations. Therefore, the midrash guesses that it might be due to their expectation that Israel would tax them for support on their way through. Second possibilities are mentioned in each case and both have to do with longstanding quarrels. Edom's is more pointed; it is the old enmity between Esau and Jacob. All the inhabitants of Canaan became completely undone because the approach of Israel meant their annihilation. Amalek is not mentioned in the biblical text at this point but the midrash draws them in as the "arch-enemy" who gathered the nations together against Israel. At the prayer of Moses, however, they became still as a stone. Other like instances, all of which have to do with the conquest of Canaan, are cited.

The schematic closure this time is an "interacting" one. Israel, the special possession of God, is invited to come to the Land and build the Temple because of the merit of Torah.\textsuperscript{45}

\textsuperscript{45}On the variant readings and versions which have heaven and earth instead of the Land, see H-R, pp. 148-49. While the prooftext better supports heaven and earth, the closing phrase is appropriate for reading it as the Land.
Perhaps because the amount of biblical text increases, there are subtle changes in the approach of the midrash. It broadly surveys options for understanding the text and only treats in passing certain details. The leading and guiding of the people is one of them. On the other hand, Beshallah did take up this matter with reference to the ministrations of the angel of God. A standard aggadic technique might involve citing the other place where the earth swallowed people. That this was not the direction taken may be because of the proximity here of "right hand", representing God's oath, to the swallowing up. It would seem that more might have been developed in response to the reactions of the people. The emphases, however, are clearly on God's sovereignty, Israel and their destination.

Chapter Ten. In this final chapter as well there are two essential subjects. The first is closely connected with the preceding chapter both in the biblical text and the midrash. The song at the sea reaches its climax as God brings the people to the Land and the Temple and reigns there forever. The actions of God in behalf of his people are emphasized. Second, Miriam, called a prophet, leads the women in the song.

In response to "You bring them in and plant them", the midrash comments that this was truly prophetic because it did not say "us" and, as a matter of fact, the singers of the song did not go into the Land. The subsequent two
interpretations of this figure draw the attention beyond the conquest led by Joshua to eschatological prophetic passages.

In between this introduction and the explanation of the prophetic ability of Miriam, the subject matter and progression of the biblical text create continuity for the midrash. The schematic "four are called..." from ch. 9 appears again and it is the same four who this time are called "inheritance". The Temple is, as expected, the recurring motif and very significant claims are made in regard to it. It corresponds to the Throne above. God worked on the Temple in contrast to the world which He created with a word. Woe is pronounced upon the nation which destroyed it. God will rebuild it with two hands and then will reign forever. A parable is reported to illustrate the point. Robbers destroyed the palace of a king and killed his family but eventually he judged them and then re-established residency in the palace. The imperfect tense is indicative that God will indeed reign in the future. In an outpouring of hope, Israel is described with a collection of biblical phrases as His beloved subject.

Returning to the narrative portion of the biblical text, the midrash asks an appropriate text question. From where do we know that Miriam was a prophet? In response, an imaginative framework is created from the narrative of Exodus 2. She told her father that he would have a son who would save Israel from Egypt. When her prophecy appeared to
founder, her actions in Exodus 2:4 are skillfully demonstrated to represent the Holy Spirit whose presence maintains the prophecy. The question receives considerable attention and contributes to a formal balance in the chapter which thus begins and ends with comments about prophecy.\(^6\)

Perhaps because the foregoing implicitly focused on Moses as savior of Israel, equal time is given to the fact that Scripture called Miriam the sister of Aaron. It did so because he natan naphsho for her. Two additional biblical examples are cited but none of the three are supported by texts specifically demonstrating that someone "gave himself" for a particular individual. Overall, this concept is muted in this chapter. Nonetheless, it is an indication of poetic structure that the first and last chapters contain references to it.

The tractate ends with a brief comment about the people's confidence that God would deliver them and the statement that Miriam taught the song to the women just as Moses did to the men.

The verses regarding the pursuit, the drowning of Pharaoh's army and the crossing of the sea were sufficiently treated in Beshallah and receive no special emphasis. Certain aspects of the sanctuary which might have been explored are not. Of interest would have been more

\(^{6}\)Goldin pursued further the concept that the midrash drew attention to the prophetic character of the Song in Exodus 15. See his comments in Song at the Sea, p. 227.
discussion on the possibility of the Lord dwelling in a
certain place. On the other hand, the midrash has already
asked this kind of question with reference to His appearing
as a Man of war (ch. 4).

By Way of Summary

Just as Exodus 15 creates a contrast between the
glorious exaltation of God and the utter destruction of the
enemy, so also does Shirta. Most of the chapters are built
around enough biblical material in order to focus on two
distinct subjects, thus emphasizing the contrast.
Furthermore, individual units within chapters utilize a
variety of ways to demonstrate that the nature of God is
diametrically opposed to evil human nature. This is
practically applied in the arena of justice. There symmetry
and balance are repeatedly demonstrated by the measure-for-
measure principle, either explicated or more broadly implicit
in the midrash.

These chapters are ample demonstration of the breadth of
biblical knowledge and keenness of association of their
authors. Every definition, explanation and exposition is
sustained by skillful appeal to the biblical text. The
application of lessons from the biblical text to the present
is properly veiled but definitely evident. There is even a
greater focus on the future and its promises because of the
content of the biblical text and the poetic use of the imperfect tense.

**Biblical Paradigms and Institutions: Identity and Function**

Paradigms. Most of the biblical figures in Shirta appear in lists which schematically represent biblical history as a series of recurring patterns. Unlike previous tractates, few of these figures are exemplary. Instead, the nations of the world and their rulers are paradigmatic of some evil tendency which recurs throughout history and to which God responds. In ch. 2, the list presents those who, for some accomplishment, exalt themselves and are subsequently punished in *like manner*. The measure-for-measure principle is explicit. The shorter list in ch. 5 cites those who had a chance to repent but did not. The emphasis in ch. 6 is similar to that in ch. 2 but measure-for-measure is not explicit. Those who rose up against Israel and God were destroyed. Chapter 8 refers to those who called themselves gods but were decidedly not. The lists in chs. 2 and 5 emphasize justice *per se*. Chapter 6 incorporates justice in connection with those who have done violence to Israel. The greatest offence is saved for ch. 8; there are those who called themselves gods. The figures which appear in three or all four of the lists are those of Pharaoh/the Egyptians,
Sennacherib and Nebuchadnezzar. The generations of the flood, the Tower and Sodom are mentioned in chs. 2 and 5. Sisera's name also appears twice as does that of the prince of Tyre.

One of the names in the measure-for-measure list in ch. 2 is that of Absalom. He and Samson are the only Israelite figures included in this exposition of justice and that would simply be a matter to note in passing but for the fact that Absalom's name appears again (ch. 6) as one of those who was punished by an inanimate object which was given a heart. What was it that Absalom exemplified? His activities were in direct opposition to David, the divinely appointed leader. Even as an Israelite, he was not immune to justice.

In connection with the songs of the past and "giving oneself" (ch. 1), the names of Moses and David are particularly prominent. The exegetical attention to the three things (Torah, Israel and justice) for which Moses gave himself may emphasize that he is to be emulated in this respect. There are additional features in the pericope which

47 It should not escape our notice that Sennacherib severely threatened Jerusalem and Nebuchadnezzar destroyed the Temple. Both of these symbols appear consistently in the tractate.

48 Just how far specific contemporary parallels might be pushed is questionable. The patriarchate had established itself as the successors of the Davidic line and one might be tempted to perceive Absalom as paradigmatic of those who opposed the patriarchs. That is, however, too narrow an application in light of the main point of the pericope which is to demonstrate that arrogant wretches get what they deserve.
draw attention to justice. The song of Moses was to serve as a perpetual witness against the people of their own rebellion (Deuteronomy 31:26). The context is justice. David's song (II Samuel 22) celebrating his deliverance from his enemies extols the majesty and justice of God as well as His mercy. As previously noted, the significance of Jehoshaphat may point in that direction as well.

Institutions. Those institutions which grow in significance throughout the tractate all fall into the special category of symbols. Torah itself is the symbol above all others and will be discussed further below. The Temple, too, because of its special position warrants further consideration on its own. In Shirta both are mentioned on several occasions in concert with the Land and Israel. All four are called God's "possession" and "inheritance" (chs. 9 and 10). Torah, the Temple and Israel were the objects of Moses' and David's attention.

In the way the symbols are used, there is certainly no tacit recognition of the temporary absence of some. On the contrary, all are equally presented as Scripture presents them. Zekhut appears in connection with certain of the symbols and names. Bizekhut Torah and the Temple, Israel will enter the land.

---

49God revealed Himself to Israel and the Holy Spirit kept them informed (ch. 7). Israel is also one of those designated as "mighty" (ch. 7). Beyond these, the kingdom is represented by "my strength" (chs. 1 and 9).
Categories of Assessment

It is eminently apparent in Shirta that contrast is a fundamental part of the overall message. Most definitions, alternatives and schematic patterns involve comparison or contrast. A pervasive feature is the concern to demonstrate conceptual, logical and verbal symmetry in the text. In addition, two methods which were predominant in Pisha but were barely visible in Beshallah are somewhat more evident in Shirta. One is to inquire why something was said or why the

---

50 Mintz, "The Song at the Sea and the Question of Doubling in Midrash", pp. 185-92, categorized the varied instances of symmetry in a somewhat different fashion. He primarily noted temporal, relational and linguistic doubling. The first is particularly emphasized in Shirta because the imperfect tense allows for a "typological fulfillment" of the event at the end of time. Temporal doubling also works backwards such that the present situation is a double of the past and history repeats itself. I have dealt with both of these exegetical methods mostly in terms of their being schematic ways of presenting history. "Relational doubling" has as its focal point the interactions of God with Israel and of God with other nations. These, however, cannot help but overlap with temporal doubling and both find their ultimate definition in the moral sphere of justice. See further comments in the last section of this chapter.
order of the text is as it is. The other sets forth the contest between Scripture and logic.

The standard rhetorical introductions to definitions and alternative explanations are 'ein...'ela', 'ein ketiv...'ela' and davar 'aher. In addition to these expressions, others which are clearly rhetoric occur sporadically. The biblical text teaches (maggid). That a verse is made "rich" by many other passages is indicated in ch. 4 with reference to "the

51Variations of these questions occur in chs. 4-7. The standard pattern lamah ne'emar...lephi shehu 'omer from halakhic material does not appear but the intention is the same: To demonstrate from Scripture that what has been said at this point is not an aberration. In ch. 4, the midrash inquires why "the Lord is a Man of war; the Lord is His name" is said (lamah ne'emar) and proceeds to demonstrate that because there were other manifestations of the Lord, this one was necessary to unify them. Chapter 5 asks why Scripture uses the term tehomot with the following rhetoric: mah talmud lomar...'ela' melamed. The tikune soferim section of ch. 6 involves the implicit question as to why Scripture reads in certain ways. Chapter 7 addresses the apparent lack of chronological order in some parts of Scripture by asking lamah nikhtav kan.

52One familiar means of presenting this is shome'a 'ani...talmud lomar. In ch. 9, a somewhat varied situation occurs. In the context of the nations' terror at the approach of Israel, the midrash reasonably wonders why Edom and Moab were included in the list when Scripture says they were to be left alone. It does so by posing the possibility that Israel would attack them ('im tomar), promptly demolishing it (halo kavar ne'emar), asking why this verse says what it does (ha mah talmud lomar) and finally proposing a logical solution based on contemporary insight; it must be taxes. For further comments on the assumptions of the Sages, see Goldin, Song at the Sea, pp. 220-21.

53Ein...'ela' and davar 'aher frequently introduce lists of interpretations. They may be alternate explanations of the same word or phrase or they may be interpretations of successive portions of a given text.
Lord is a Man of war." The same idea is behind the expression "the explicit statement comes to teach concerning the implicit one" (ch. 2).

In the third category are all of the expressions which specifically designate a comparison or a contrast. These may occur singly or they may recur as part of larger schemes. In Shīrṭa, the most common of these is the parable, generally introduced by mashal lemah hadavar domeh. Related to

54 See Bacher, Erkhei Midrash, p. 80, and Goldin, Song at the Sea, p. 124.

55 With two exceptions, the parables of Shīrṭa are king parables. This is not unexpected given the motif throughout Exodus 15 that the Lord is King. K. Plank, "Reigning Victim, Threatened King: An Exploration of the King Parables of Shīrṭa," Judaica 35 (1979): 172-83, studied five of these parables, noting that they pose somewhat ironical statements about God and His presence with a community which, to all intents and purposes, appeared as if it had been deserted by its King.

Ch. 2 - When Antoninus asked Rabbi about the relationship of the body and soul in the judgment, he presumably told the parable of the king whose orchard was guarded by a blind man and one who was lame and how they were judged together for their illegal activities. The account of the parable here is incomplete.

Ch. 3 - The Lord is not like a king who looks like everyone else around him; when the Lord revealed Himself, all recognized Him. The presence of the Shekhinah with Israel is like that of a king who accompanied his son when the latter went to far away countries. Israel is not like a woman who, when betrothed, may cause shame for her husband-to-be; rather, she is a queen.

Ch. 7 - Egypt was like a robber shouting out his nefarious plans regarding the king's son.

Ch. 9 - The nations in the Lord's hand are like eggs in a man's hand.

Ch. 10 - The Lord is like a king whose palace was attacked by robbers who destroyed it and killed his family. Some time later, he judged those robbers and returned to live in his palace.
this, Scripture itself likens (moshel) kingdoms to phenomena in nature (ch. 6).

Because God is a prominent subject of discussion, there are a number of instances of kivyakhel (chs. 1, 4, 5, 10), taking care not to insinuate that the likeness suggested could really be possible. In the context of longer lists, ken 'atah mozei (chs. 1, 2, 5, 8) and keyozei bidevar/bo (chs. 2, 6, 10) introduce each successive situation. Kal vehomer appears only in chs. 1 and 2. Moses was shagul (chs. 1 and 9) to all of Israel and likewise one righteous person is equal to all the world (ch. 1). The comparison of verses was also a minor focus in Shirta as the Sages dealt with the issue of how to preserve both readings (chs. 2 and 4). 56

There are individual occurrences of measure-for-measure formulas in chs. 5 and 6 even though this is primarily used in complex schemes. Likewise, lo kemiddat basar vedam introduces a contrast but it occurs in the context of a list of such contrasts. The third category also contains

---

56Goldin, Song at the Sea, p. 101, noted that this was a characteristic formula from Rabbi Ishmael's school. It is apparent that it occurs significantly less frequently in the aggadic parts of MRI than in halakhic tractates. That may, however, not be solely because Akivan and Ishmaelean schools "shared" earlier aggadic sources but because the narratives of Exodus 14-19 are not repeated elsewhere as are many of the directives behind the halakhic tractates.
pericopae which pair two verses, persons, events or concepts even without employing a recurring rhetorical form.\textsuperscript{57}

As is evident, there is not a distinct line between what I have categorized as comparison/contrast and many of the schematic patterns because the latter so often involve a series of comparisons or contrasts. Many of the schematic presentations are designed to re-present history for didactic purposes. The most obvious ones are again numbered lists,\textsuperscript{58} unnumbered lists, more complex structures and sets of attributed opinions. I have arbitrarily created a distinction between unnumbered lists and more complex series even though both are constructed around features common to all items included. In the former are the simpler statements; the latter have more complexity within the

\textsuperscript{57}When Israel does the will of God, His name is exalted; when they do not, His name is cursed (ch. 3). In ch. 5, a single contrast is noted with regard to Jonah who experienced trauma in one "depth" (tehom and mezulah) as opposed to the Egyptians who were overwhelmed by them (tehomot and mezulot). The hard hearts of the enemies are contrasted with God's mercy (ch. 5).

\textsuperscript{58}These are the most easily identifiable but, as Towner, Rabbinic "Enumeration...," has demonstrated, there is definite structural variety even within this sub-category. Some are complicated; others are quite straightforward. The numbered lists in each chapter include:
Ch. 1 - ten songs, three things for which Moses gave his life;
Ch. 2 - [reference to five plagues on horse but no list];
Ch. 5 - [reference to ten plagues in Egypt but no list];
Ch. 7 - four are called mighty, three groups of Egyptians, five things Pharaoh said to which the Holy Spirit responded;
Ch. 9 - four were called possession;
Ch. 10 - four were called inheritance.
structure of each element. The only occurrence of a series of attributed opinions is the set which defines 'anvehu (ch. 3).

There is little evidence of a consistent pattern development through the chapter. Most of the observable literary structures again highlight the balance and symmetry in human experience and in the metaphysical realm.

Technical Expressions and Unusual Words

In Shirta, there is a noticeable decrease in the number of foreign words used even though much of the tractate does...
deal with the enemy.\textsuperscript{60} The difference may be due to two factors. First, the Lord is really the focus of the song. Second, the poetry may draw forth more timeless, less contemporary responses.

Three expressions do not occur frequently elsewhere and bear mention. The first is lishkakh 'et haregel (ch. 2), part of the downfall of the people of Sodom. The second is ishonit (ch. 5), describing the actual nature of the sea area where the Egyptians were overwhelmed with water. The third is 'avatrah (ch. 7).\textsuperscript{61}

\textbf{Attributions}\textsuperscript{62}

In Shirta, there are few attributions. Nonetheless, several patterns do emerge and, beyond that, whose opinions are not cited is again important. We see Ishmael once and his students are not named in this tractate.

\textsuperscript{60}In this regard, it is interesting that ch. 7, recreating what the enemy said in Exodus 15:9, includes more foreign terms: tosavriot [Gr - thesauros], nimos [Gr - nomos], palterin [Gr - praetorion]. The last term alternates with palatin [palatinos] in ch. 10. The description of the warrior in ch. 4 also includes taksis and 'ophsaniot.

\textsuperscript{61}Goldin, \textit{Song at the Sea}, p. 178, concluded it was a colloquial expression. See his further comments and references.

\textsuperscript{62}See Appendix for list of attributed pericopae.
Individual Attributions

The noticeable feature is the number of opinions attributed to Rabbi and Judah. Together they account for seven of the twelve individual attributed opinions. Rabbi's relationship with Antoninus has already been observed in Beshallah. There, he ostensibly reported about Antoninus; here, he is styled as a counselor to Antoninus. Beyond that, he is the teacher and his discussion just happens to be about Moses' stature in relationship to the people. Judah adds comments to the measure-for-measure sequence (ch. 2) and to the discussion of God's appearance as a Man of War. He also introduces the list of tikune soferim.

Sets of Names

There are merely three sets of names and the only one which appears twice is that of Rabbi. The others are those primarily of Akivans.

Long Lists

The only long list occurs in ch. 3 and is a discussion of how Israel can glorify God. The suggestions generally include things which Israel can still do as well as a strong claim for the special position of Israel in spite of less than pleasant outward circumstances. Ishmael's name heads the list and this is the only place it occurs in the tractate. Why this subject and not others was presented in
the context of attributed opinions is a matter of conjecture. It may be because of the opportunity for exhortation to religious activities afforded by the opening statement.

Anonymity

The major issues which unfold as the tractate develops are not attributed. Those attributions which do appear are found primarily in the first three chapters. These are also the chapters which contain more detailed discussion of the biblical text. The attributed opinions most often deal with alternate meanings and indirectly related text issues.

Authoritative Statements and the Sages

There are no biblical verses in Exodus 15 to which the Sages attached statements introduced by mik'ān amru. This is not unexpected given the nature of Shirta and the general type of subject matter introduced by mik'ān amru. The two simply do not intersect.

Structure

Rhetorical Patterns

I would make the following general observations. Although there are rhetorical forms and patterns, none of them consistently work together in the same way to create a structure for any given chapter or for the tractate at large. It would appear that the rhetorical forms in each chapter of
Shirta are more complex than in other aggadic tractates. The schematically presented materials are generally of greater length and intricacy. These together with the tendency to present definitions and alternate meanings constitute the majority of the tractate. This complexity may be a conscious response to the poetry in the biblical text. In fact, the most important formal consideration is the presentation of opposites, a feature ultimately derived from the form of the biblical text.63

Thematic Development

There are certain areas where theme and form seem to work together. For example, the first and last chapters of Shirta emphasize singing and giving oneself resulting in the giving of one's name. Both of these are modes of commemoration which is what the song of Exodus was intended to accomplish. Behind the singing in both of these chapters is the Holy Spirit who likewise is associated closely with prophetic utterances.

The object of the song in Exodus is God and because He is presented there as the God of Israel who utterly vanquishes His enemies, the midrash poetically does the same. It is difficult to speak of thematic "development" because the midrash follows the text of Scripture as it moves back

and forth between God's exaltation, His justice, demonstrated by the rout of the enemy, and His care for Israel.

That the authorship was sensitive to maintain internal thematic consistency in the text is evident in the way they dealt with the Absalom materials found as a unit in Tos Sot 3. At the same time, the measure-for-measure illustrations about Samson and Absalom are not in keeping with the introductory formula regarding "nations of the world". What they do fit, however, is the context of Exodus which simply has to do with "those who exalt themselves". The same sensitivity may be observed in the tailoring of the lists so that each example appropriately supports the lesson.

World View/Socio-Religious Context

Topic/Theme: Torah

It is a given that Torah stands as the primary symbol throughout the midrash. What remains to be seen is how that symbolism is upheld in this particular tractate, especially when the immediate message might seem to be God's justice, not His revelation.

Torah as all of Scripture is repeatedly the object of investigation and the source for confirmation and substantiation of opinions. The process of revelation in the sense of giving Torah is not significant on the surface.

64 In other words, they placed the "hair" material in ch. 2 where the focus is measure-for-measure and the "heart" material in ch. 6 in conjunction with the "heart" of the sea.
That is, however, ultimately a misleading observation. The major focus of Shirta is God as He revealed Himself majestically at the Sea. How do we know of this? Torah. What are sources of every claim (and there are many) made in regard to the circumstances of that revelation? Torah! Therefore, even though explicit references to the function and value of Torah and to procedures for dealing with it are few, the emphasis remains. At the same time that Torah is presented and used in this fashion, those who study Torah must, by virtue of their demonstrated expertise, be held in high regard. This is not a mystical exaltation of Torah; it is intended rather to make it indispensable for the community.

Recurring Values and Symbols

The subject which sustains the entire tractate is the character of God. That in itself is not a value but it is the source of values and, one step further down the line, of the symbols which acquire their significance from His revelation in and through them. His incomparable power,

65Torah teaches about the resurrection and is worth giving one's life for (ch. 1). The word "strength" means Torah (chs. 3 and 9) and it was given to Israel from the heart of heaven (ch. 6). It is one of the four things called God's possessions and inheritances and by its merits, Israel will come to the Land and the Temple (chs. 9 and 10).

66It is presented as having modified expressions which might be disrespectful of the deity (ch. 6). At the same time, it does not always present events in what might be considered chronological order (ch. 7).
riches, wisdom and splendor mean that He has the capacity to act as Judge of the world. Justice, Israel and Torah are the fundamental values and symbols of the tractate.67

Shirta demonstrates that these three are interrelated. Justice is exercised against those who, in their evil, set themselves against God and rise up against Israel. The universal balance in the exercise of justice is demonstrated by skillful exegesis of Torah in supporting the measure-for-measure concept.68

Also founded in Torah is the distinctive place that Israel holds. God has claimed Israel as His special possession and Israel enjoys a unique and enviable relationship with God in which His mercy is the key factor. In Beshallah, there was more emphasis on Israel and how they might merit His favor. In Shirta, His punitive justice against enemies of Israel is the predominant feature.

Because God revealed Himself in Torah, it is the essential symbol. Other special locations for revelation were the Land and the Temple. As a result of the latter part of the song in Exodus 15, both are presented as goals toward

67Significantly, they are those subjects which are given validity in the first chapter with the complex set of prooftexts demonstrating that Moses gave himself for them.

68Again, it is interesting to note that retributive justice seems to mean, in practical terms, that the punishment, although of the same species as the crime, is of greater intensity. On the positive side, the midrash extols the fact that the measure of reward for those who are good will exceed the measure of their action.
which Israel is progressing. Each is spoken of in terms which are derived from Scripture.

Continuity of Values and Symbols

A main objective of the midrash is to bring the biblical text into the present. That God is consistent in His being and actions is vital and it is maintained even in the midst of the variety of ways He revealed Himself. He is the same from one biblical context to the next, from the past to the future and from this world to the world to come (ch. 4). It is also indicated by His predictable and balanced responses to human evil which is also presented as very predictable in that the same things recur.

69 Frequently mention is made of past and future comparisons and contrasts. In order to accomplish this, the midrash draws on the imperfect tenses of the biblical poetry. The Lord will be exalted in the future (ch. 2). The Lord is and will become "my salvation" and the miracles are done for all generations; in response, Israel will sing praises in all generations (ch. 3). Fearful in praises, God has existed from eternity, His wonders have been done in the past and will be done in every generation (ch. 8). From the beginning, the world was created by mercy, not by meritorious deeds. In the future, the people were destined to receive Torah, the kingdom and the Temple (ch. 9). Chapter 10 refers to the future rule of the Lord over Israel.

70 Many of the lists of nations or individuals who stood against God in some fashion and were punished have some feature in or near them which extends the application into the present and beyond. In ch. 2, it is the derashah following the measure-for-measure list which teaches that in the future, God will punish nations after He punishes their guardian angels. Part of the punishment will be directed to Edom (Isaiah 34:5), a likely reference to the present situation. The contiguous lists (ch. 5) of nations to whom God gave an opportunity to repent and of responses of God when Israel is obedient and disobedient are followed directly
framework, the places where the midrash acknowledges the possibility of some change in God's actions are particularly noticeable.  

The focus on continuity appears immediately in the first chapter with the two separate lists which explicitly extend the singing from the past into the future. As a part of the lists, the activities of Moses teach the possibility of human contribution to the continuity of things which really count. The final chapter obviously focuses on the matter of the reign of the Lord in the future. In addition, the subject of prophecy has a higher profile. "You will bring them in and plant them" not only refers to Joshua's conquest of Canaan; the texts chosen to enhance the concept are distinctly eschatological.

by a statement that God will accomplish his punishment of the enemy in the future and a suggestion that this is Esau. Likewise in ch. 6, the list of those who rose up against God's children and were punished is directly followed by three separate statements that apply His retributive activity to the future. Part of the series of prooftexts with which the Holy Spirit mocked the vain boasts of Pharaoh includes a reference to the time of Gog (Ezekiel 38) in the eschatological future. Early in ch. 8, we learn that the nations gave up their idolatry and will do so in the future. Several paragraphs further along we read the list of those who called themselves God. This is followed by the polemic against those who call themselves gods but have no substance, very possibly a contemporary commentary.

71 In the past, He treated the fathers with justice; in the present, it is with mercy (ch. 3). God will change to the extent that He used to keep quiet, but now He will cry out for His children (ch. 8). Both emphasize the relationship of love for His children.
The Temple and Its Ritual

In addition to the elements noted directly above, the treatment of the Temple demonstrates clearly the efforts to establish a sense of continuity from whatever is in the biblical text. Because the Temple is clearly promised in the text of Exodus 15, the midrash has to deal with it. How it does so is instructive for our understanding of symbols, history and the message of Shirts.

That David gave His life for the Temple is paired with Moses' giving his life for Torah, Israel and justice (Ch 1). Implicitly, this may say something about its continuity. At the same time, this reference to the Temple is different; it does not have the complexity of the schematic presentation regarding Moses. Why was the material on David and the Temple included? I would suggest that the framers of the midrash intended to prepare the reader for what is to come in ch. 10. Chapter 3 does the same in mentioning the Temple twice in connection with glorifying God. Both of these allusions in ch. 3 are "historical" references, re-presenting what the people would do when the Shekhinah accompanied them into the Land. Although they fit well, none of the emphases in chs. 1 and 3 would have to be here as direct results of the respective biblical texts. With chs. 9 and 10, however, the text of Exodus requires that some comment be made in

72David's concern to build the Temple is cited in SD 62 in connection with the place which God had chosen (Deuteronomy 12:5).
regard to the Temple because it refers to the Lord's holy habitation, dwelling and sanctuary which He built. Chapter 9 deals with the matter briefly and stylistically, the list of four called possessions includes the Temple and they are linked together. The similar reference early in ch. 10 is also stylized and timeless. When, however, the midrash says that the throne below corresponds to that above, something interesting has happened. What this does is actually to reinforce the continuity of a symbol which was apparently lost. Even more direct, the midrash indicates that God cared for and worked on the Temple and it pronounces woe on the nations who destroyed the work of God's hands. This is followed by an outright statement that God will reign when He rebuilds the Temple with both hands, explicitly claiming that there is a future for this symbol.

"Theological" Reflections

The Supernatural and Miraculous. Miraculous events and divine character are the essence of the biblical chapter and therefore are integral to the midrash. In several of the chapters, there is little that is not supernatural in some way. God's responses to the nations and individuals who oppose Him are avowedly miraculous. The demonstration of

---

73 Goldin, Song at the Sea, p. 236, noted that this was an apologetic against those who said God did not care for Temple since it was destroyed. On the contrary, He worked on it.
attributes and events is consistently derived from supplementary biblical texts which means that, while they are majestic and necessarily beyond explanation, they do not sound far-fetched.

In ch. 1, many of the songs have to do with miraculous occurrences. Thoughts of the resurrection and the ministering angels and embryos singing the praise of God are all taken for granted. Chapter 2 is unusual to the extent that among the supernatural events mentioned are those associated with the fall of angelic beings. The presence of the Shekhinah with Israel as well as the possibility of humans seeing God is a given in ch. 3. Likewise, all of the responses in the measure-for-measure section of ch. 6 are by supernatural but not unbelievable means. Chapter 8 addresses the matter of God's marvelous creative and redemptive deeds. The Names of the Divine. Because a majority of the tractate treats the nature and character of God, it is not surprising that names would be attributed to Him with considerable frequency. Even when divine names are not explicitly used, there is an emphasis on the fact that God has revealed Himself. The midrash makes it clear that this occurs in ways that can be understood by humans but are also distinct from any comparable human form. This is especially apparent in ch. 4 where His appearances both as warrior and elder are solely for the sake Israel and the nations. Revelation is by
His choice and for His purpose. The midrash indicates the involvement of the Holy Spirit in this process.\textsuperscript{74}

Three titles appear to be used with greater frequency than the others. They are haQadosh Barukh Hu or some abbreviation thereof, haMagom and The One Who Spoke and the World Came into Being.\textsuperscript{75} The frequent occurrence of the first two has already been observed in previous tractates. The third name is much more noticeable in Shirts, particularly in contexts which contrast the nature of humans with God's revealed character and/or which involve the capacity of speech. The midrash skillfully uses a title

\textsuperscript{74}Instances of this are noted below:
1:87-89 - the Holy Spirit rested on Israel and they sang as they do the Hallel and the Shema;
3:14-23 - Israel sang and the Holy Spirit responded;
7:18-20 - the Holy Spirit rested on Israel and informed them of Pharaoh's thoughts;
7:55 - the Holy Spirit responded to five threats of Pharaoh;
7:63 - the Holy Spirit laughed at Pharaoh's boasts;
10:65-73 - the Holy Spirit was manifested at each point in the activities of Exodus 2:4, the interpretation of which is tied to Miriam's prophecy. Davies, "Reflections on the Spirit in the Mekilta," pp. 170-71, referred to these passages as among the significant indications that the rabbis identified the Spirit with national Israel.

\textsuperscript{75}As already noted in chs. 5 and 6, there is some variation among manuscripts and editions in the matter of the names. In a number of places where the Oxford manuscript and other texts read The One Who Spoke and the World came into Being or haMagom, the Munich manuscript reads simply haQadosh. This appears to be a "normalizing" tendency which is especially evident in Shirts. Perhaps the copyist had in mind that Shirts deals with the general concept of God's judgment and felt that this was the name most representative of that activity and character. Unfortunately, that blurs the distinctive use of The One Who Spoke and the World Came into Being in those contexts which play on the idea of speech or use the term olam.
which enhances the concept of revelation whether by speech or otherwise.

In keeping with the thrust of the tractate, the other names and descriptions also convey the sense of God's self-revelation. Chapter 1 discusses what it means to be the Ensign among the hosts. In ch. 3, He is represented as having been both seen and recognized. Likewise in ch. 3, the citation from the Song of Songs speaks in familiar physical terms. In the tikune soferim section (ch. 6), many of the biblical passages have to do with how God is depicted. His immanence is suggested again in the terms Shekhinah (ch. 3) and The Merciful One (ch. 5).

Idolatry

Idolatry is not presented in this tractate as a critical problem for Israel nor is it roundly condemned among other nations. In fact, it is mentioned only in chs. 8 and 9 and several of those references are to an assumed fact; when Pharaoh and Egypt were destroyed, their idols were judged as well. Furthermore, when God is recognized, nations will give up idolatry. No one is like God in any possible class of competition, whether it be visible idols or those who, in arrogance, call themselves gods. The relative silence of the tractate on the subject is part of the statement; idols, compared to God, really are nothing.
Social Structures: "Others" and "Us"

On the surface, the presentation of "others" in Shurtta is a direct response to the biblical word "enemy". Again and again, God's enemies are Israel's enemies and the "others" of the text oppose those who are in the community. There are allusions to the ongoing subjugation of Israel, not the least of which is the hopeful expression in ch. 1 that the last song will be one of triumph because it will not be followed by a period of subjugation. The uncomplimentary names Esau and Edom occur with sufficient frequency to indicate that Rome was not perceived in a neutral light.

In ch. 3, R. Akiva's opinion regarding publicly declaring God's praise includes some reference to being killed for adherence to the faith and chs. 7 and 10 speak in passing of crucifixion as a means of death. The comparisons with human kings (chs. 1, 3 and 4) are generally unflattering to whomever might have been the contemporary references. At the same time, there are the explicit indications that Rabbi knew the ways of kings, knew Antoninus and interacted in a positive fashion with him. It may be that the tractate is not so concerned to represent "others" as perceived within a given contemporary scene. Rather, it deals more with God's

76Some of the contrasts may have been set up simply as foils for the perfect strength, riches and wisdom of God since His character and activities are the focus of the tractate. On the other hand, the reference to provinces seeking assistance from kings as they went off to war only to be rebuffed and the concern for provisions for armies undoubtedly reflects some contemporary reality.
response to Israel's enemies on a cosmic level. In that case, the perceived interaction must be assessed within the broader framework of the message of the text.

The Messages in the Text

Most of the message of the tractate appears to be of the sort that would bolster hopes and expectations that Israel was special to God,\textsuperscript{77} that punishment would indeed come upon Israel's enemies sometime in the future and that God was really the sovereign that Torah claimed. The value of Israel to God is therefore repeatedly emphasized, often by incorporating interpretations of the Song of Songs which focused on the love between God and Israel.\textsuperscript{78} Chapter 3 is particularly emphatic on the fact that Israel is better and the nations themselves desire to join Israel but are not allowed to do so.\textsuperscript{79} Even though God owns the whole world,

\textsuperscript{77}Depending on who was intended to be the primary "audience", this could be stated another way. It might be designed to respond to insistent declarations that Israel was no longer the people of God but had been replaced by the Christian church. See further discussion in ch. 14.


\textsuperscript{79}Goldin, "Toward a Profile of the Tanna, Aqiba ben Joseph," \textit{Journal of the American Oriental Society} 96 (1976): 38-56, assessed the apparent contradiction between the first part of Akiva's statement, based on selected verses from the Song of Songs which declare the glory of God before the
He has Israel as His people (ch. 9). The heavens and the earth rejoice at Israel's redemption (ch. 6).

In a related conclusion, the enemy was inferior and its power was only because of Israel's honor. The tables would be turned and Judah would be a fire to devour the stubble of Egypt (Ch 6). Chapter 7 demonstrates that the enemy was outdone by Israel's God at every turn.

That history repeats itself with regard to the measure-for-measure principle according to which God deals with evil people is intended to encourage. The audience of this text is to learn that they can expect in the future a similar vindication and downfall of the enemy such as had happened in biblical history. Furthermore, the nations are afraid when they hear that God fights for Israel (ch. 9) and woe is pronounced on those who destroyed the Temple (ch. 10).

Edom (Rome) is noticeable at several key points. In the world to come, the Lord will punish Edom (ch. 2) and in ch. 5, Esau is the contemporary parallel of Egypt, the enemy.

wondering nations, and the last part which refuses them the privilege of participating in the relationship with the Beloved. He concluded that Akiva's position was entirely consistent with his view of love and marriage which is a human reflection of the relationship between God and Israel. Because the nations simply could not grasp what it meant to love God and God alone, they were refused. This pronouncement regarding interested Gentiles is divergent from the general tenor of MRI. See, for example, Amalek 3 and 4. According to Boyarin, Intertextuality, pp. 117-26, Akiva's reading of the narrative led him to an apocalyptic view of life whereby martyrdom was a positive result of loving God.

The prooftext is even more enlightening. It is from Obadiah 18; the fire of Judah would devour Edom.
Edom is at the end of the list of those evil ones whom God destroys when He stretches out His hand (ch. 9). References are made to the hatred of Esau for Jacob and to the parallel absence of anger on the part of Israel toward the chiefs of Edom (ch. 9), perhaps attempting to make a point about Israel's peaceful acceptance of Roman domination.

As is abundantly evident from much of the foregoing, it is critical that the midrash be persuasive about the character of God Himself. It had to demonstrate beyond any doubt that He is unlike any human being and that His sovereignty is unassailable.81 The particularly long section on His creative activity is significant in this regard. The midrash makes a point of discussing His apparent inactivity and silence at the present and promises that He will cry out for His children (ch. 8).82 In this framework, there is an emphasis on those biblical paradigms who were

---

81 In addition to the frequent contrasts throughout the tractate, ch. 8 is particularly emphatic in response to "Who is like You among the elim?" Goldin, Song at the Sea, pp. 193-94, indicated that the responses may have had specific targets in the contemporary milieu. "Among those who call themselves gods" may have been an attack on the cult of emperor worship. "Among those whom others call gods but who really have no substance" may have been directed at idol worship but for the following contrast between the respective abilities to utter more than one declaration at once. It seems to be intended as a comment on humans whom others called gods. Perhaps this might be read as a veiled response to Christian claims.

82 Urbach, The Sages, p. 93, noted that by the time of the Amoraim, the idea of God's might included, for obvious reasons, the ability to remain silent and refrain from demonstrating His power.
victorious in the name of the Lord, not with military might (ch. 4).

The significance of Torah itself and those who were experts in it continues to be a major part of the argument. The rabbis demonstrate that Torah, as interpreted by the Sages, proves all of the above points. The ability to develop the network of very erudite comparisons attests to the expertise of those whose lives revolved around the interpretation of Torah. 83

There are additional internal matters which also receive attention. There is subtle exhortation actively to glorify God in public declaration and performance of the mizvot (ch. 3). Enough is said about those among Israel who do not do the will of God to infer that the Sages intentionally made a comment on the problem. 84

In the course of making these statements, it appears that several issues, possibly raised by outsiders, are also

83 That Moses is shaqul to all the people is said more than once (and once by Rabbi) and could well be perceived as an intentional statement by his self-declared successors. At the same time, however, the Sages did not depict themselves as cut off from the social and political world. The pericopae about Rabbi and Antoninus not only illustrate that Rabbi managed to get on well with foreign royalty; they also are designed to demonstrate that foreign royalty consulted Rabbi (i.e., valued his opinion) on philosophical and military issues (chs. 2 and 6).

84 In one case, the result is that God's name is profaned (ch. 3). In other cases, specific bad results accrue to Israel; it is as if God sleeps, fights against them and is cruel (ch. 5). In other words, it is possible that the Sages may have held some in Israel responsible for the evil circumstances in which they were currently living.
addressed. There may have been a claim that God was unjust in His special attention to Israel. The potential threat from those who believed in "two powers in heaven" is also openly acknowledged but Scripture is said to preempt their argument by the very manner in which it described the revelation of God. This "theological" heresy is less pressing, however, than the apparent attack on Israel's position as God's beloved. The recurring references to the relationship implied in the Song of Songs is the strongest evidence of this.

Summary

Above all, the midrash is consistent in its statement about Torah. Where the biblical text speaks of obligations, they become obligations for the present time and the

Chapter 3 delicately balances universalism with the particular choice of Israel; God is praised by all and helps all. God stretches out His hand to all who come into the world. In addition, the midrash makes a point of showing that His punishment is fair and does not precede opportunities for repentance (ch. 5). His justice does not skip over Israelites whose actions are improper (ch. 2) and He takes into consideration the degree of vileness in the punishment of the enemy (ch. 5).

Just who was the object of this refutation apparently varied considerably depending on the approximate dates as well as geographical provenance of the sources. Segal, Two Powers in Heaven, preface, concluded that earlier rabbinic sources depicted the heretics as believing in two complementary powers while later ones reflected a more dualistic belief. Behind the early sources seems to have been the Christian church while some form of gnosticism may be indicated in the latter. The references in MRI are all too brief to determine whether this power was viewed as benign or malevolent.
circumstances of the former are re-presented so as to be the circumstances of the latter. Where it narrates historical events, they become paradigms. When specific passages make promises for the future, an array of related passages is collected to reinforce the message about the future. When the biblical text describes the activities of God, they are declared to be universally just and particularly merciful to those who are His children, past, present and future. The last aspect of this many-faceted message may well have been the most significant.
CHAPTER EIGHT:

TRACTATE VAYASSA - COMPLAINT AND RESPONSE

Introduction

The seven chapters of Vayassa span the journey of the Israelites from the Sea of Reeds to Rephidim (Exodus 15:22-17:7). As is evident by the number of verses covered in each brief chapter, the midrash is not exhaustive. Rather, it has focused on those subjects that best make the points important to the framers of the tractate.

There appears to be an over-arching structure to the tractate. The first and last chapters deal with the lack of water, the "testing" and the resultant miraculous activity of God via Moses. The latter of these instances is much more severe in terms of the problem and the reactions of the people and Moses. The intermediate chapters all deal with the solution to the hunger problem, also resolved by means of miraculous provision from God, and explicit instructions designed to test the faith and obedience of the people.

A second structural feature is the significant number of pericopae which are presented as pairs of opinions attributed to R. Joshua (J) and R. Eleazar from Modi'im (EM). These serve to widen the breadth of possible interpretation.¹

There is a relatively small number of biblical phrases that are not at least cited. On the other hand, there is little in-depth investigation of words, phrases or concepts. Often, phrases of the biblical text appear as part of the midrashic response.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>180</td>
</tr>
<tr>
<td>2</td>
<td>185</td>
</tr>
<tr>
<td>3</td>
<td>160</td>
</tr>
<tr>
<td>4</td>
<td>140</td>
</tr>
<tr>
<td>5</td>
<td>120</td>
</tr>
<tr>
<td>6</td>
<td>118</td>
</tr>
<tr>
<td>7</td>
<td>107</td>
</tr>
<tr>
<td></td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>84</td>
</tr>
<tr>
<td></td>
<td>84</td>
</tr>
<tr>
<td></td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>57</td>
</tr>
</tbody>
</table>

Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Verses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

both in the course of exploring the narrative about Israel's journey to Sinai. Boyarin compared this balance to analogy and anomaly in the Greek modes of thought. From the analogy standpoint, the text as a whole is a unit and has fixed meaning. The other position focuses on the meaning that comes from the apparent differences in the text. Although these two positions are somewhat reflected in the respective halakhic methods attributed to Ishmael and Akiva, Boyarin felt that it exists as well in aggadic material. These two tractates are examples. See Finkelstein, "The Sources of the Tannaitic Midrashim," p. 223, and further discussion below in connection with attributed material.
Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

As the biblical text is considered on its own, the following subjects appear to be the most significant issues in each unit which underlies the successive chapters of the midrash.

Chapter One. After three days of travelling in the wilderness, the Israelites whom Moses was leading were without water. Furthermore, when they found water, it was bitter and they complained against Moses. In response to Moses' cry, the Lord showed him a tree which he cast into the water making it sweet. There He made a statute, tested (them) and promised that if Israel were obedient, He would not bring upon them the diseases of Egypt.

Chapter Two. They came to Elim where there was water and camped there. From Elim, they journeyed toward Sinai. On the fifteenth day of the second month, the people began to complain of hunger and to wish they were back in Egypt.

Chapter Three. The Lord told Moses that He would send bread which the people should gather every day so that He could test them to see if they would follow instructions. On the sixth day, they were to prepare that which they brought and it would be different. Moses and Aaron told Israel that they would see the glory of the Lord and He would provide meat in the evening and bread in the morning. Their complaint was against the Lord, not against Moses and Aaron. Moses told
Aaron to gather Israel before the Lord. As they turned toward the wilderness, the glory of the Lord appeared in a cloud.

Chapter Four. The Lord repeated the promise that they would eat meat in the evening and bread in the morning. That evening quail covered the camp and a layer of dew in the morning. When the dew evaporated, there was a fine substance on the ground. Moses identified it as the bread which the Lord had given.

Chapter Five. Instructions from the Lord on how to gather the bread were followed and all had sufficient amounts. They were to leave none until morning but some disobeyed Moses and theirs spoiled overnight. Every morning they gathered it and when the sun rose, it melted. On the sixth day, they gathered double and the leaders reported this to Moses. He announced that the next day was a holy Sabbath and they should prepare manna for it. They did so and it lasted. Moses instructed them not to try to gather it on the Sabbath. Even though some went out, they found none.

Chapter Six. Via Moses, the Lord rebuked them for rejecting commands regarding the Sabbath observance and told them not to go out on the Sabbath. They rested on the seventh day. The manna was like a white seed and tasted like honey. The Lord commanded them to keep it for generations to remind them that He provided for them in the desert after bringing them out from slavery. Moses told Aaron how to store it in the
presence of the Lord. Israel ate manna 40 years until they came to the Land. The omer is a tenth of an ephah.

Chapter Seven. The people journeyed to Rephidim but there was no water there. They clamored for water and Moses cried out to the Lord asking what to do lest the people stone him. The Lord commanded Moses to take the elders and his staff, stand next to the rock and strike it so water would come forth. Moses did so and they called the place Massah because they tested the Lord and Meribah because of the strife.

The Corresponding Midrash

Below, each chapter is assessed in terms of issues which are emphasized, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. The introduction to the tractate draws attention to the nature of Moses' leadership role. Responding to the conjugation of the verb, the midrash asks whether he or God really commanded Israel. If it was God, then why was Moses' name mentioned? One scenario is positive in this regard. Associating Moses' name with the event was to the praise of Israel, who obeyed him even though it meant
they went backwards on two separate occasions. The second scenario is a negative reflection on Israel. They had to be forced by Moses because when they perceived that the Egyptians were dead, they were ready to make a calf and go back to Egypt. In fact, Moses had to remove an idol that had crossed the sea with them.

Where God and Moses led the people is important to the rabbis. The identification and size of the wilderness are noted in contemporary terms but even more significant is its dreadful nature. In order to focus on this aspect, the midrash moves beyond the Exodus text and links a series of comments to Deuteronomy 8:15 which describes the vipers, serpents and scorpions of the great and terrible wilderness. The vipers and serpents appear to be of particular interest and fantastic occurrences are noted with regard to each.

---

2 In this picture, Aaron is prominent because one of the delays was to honor his memory.

3 In both of these suggestions, the praise or otherwise is essentially directed to Israel. Moses' intervention in the second situation is based on the verb, vayassā'; he made them go (hissi’ān).

4 This motif is familiar from Pisha 14. In this context, Moses' action is again tied to the hiph'il verb form. See further on this passage in Boyarin, Intertextuality, pp. 41-49. In his assessment, the contrasting positive and negative expositions of Eliezer are part of the rhetoric designed to reflect the antinomy in the biblical text.

5 On the combination of Scripture and folklore in this passage and its primary focus on Israel's faith, see Boyarin, Intertextuality, pp. 25-26.
The series of opinions on what it meant to be without water initially focuses on the effects of no water and how it was that they ran out. What appears to be more important, however, is the symbolism. Water stands for Torah and the three-day absence of words of instruction led to rebellion. Because of this, the system of reading three times each week was established by the elders and prophets.

With regard to the complaint of the people and Moses' cry to the Lord, the midrash chooses again to address the fact that Moses was in between God and the people. At the same time, it focuses on the nature and suitability of long and short prayers. In this case, two parallel incidents demonstrate that there is a place for each.  

In order to identify the tree, a series of opinions is again cited. Real trees that might have been used to effect the healing of the bitter water are suggested first. On the symbolic level, the tree is instruction or Torah.

This focus on Torah and instruction continues to the end of the chapter. "Statutes" and "ordinances" are defined as particular aspects of the written Torah. The final pericope assesses the promise of protection from diseases which is conditional upon Israel's obedience. The grammatical

6Note the same issue in Beshallah 4. There Moses was rebuked for what might have become a long prayer.

7One of them is the olive which is very bitter. This motif is exploited in the following pericope to teach the contrast between God and human beings. God uses what is bitter to cure what is bitter.
construction, 'im shamo'a tishma, is the basis for the general rule that appropriating opportunities for obedience will lead to further opportunities. It is also understood to make obedience obligatory. Each clause about obedience is interpreted to refer to known aspects of instruction and conduct.

There is little in the chapter on the significance of the water being bitter. To focus on that would detract from the symbolic nature of water as Torah and the lesson which was derived from that. We do not learn how God showed the tree to Moses because its symbolic significance is also more important.

The midrash is not concerned to pursue the point of the statute and ordinance there. In the last part of the chapter, many potential subjects are glossed over as the focus is on equating certain biblical phrases describing

---

8This discussion moves into the area of the exercise of human will to obey, a subject which was avoided in Beshallah in regard to its negative implications for Pharaoh.

9On the identification of the various aspects of God's communication, see Boyarin, Intertextuality, pp. 145-46, n. 19.

10In fact, the suggestions as to what the statute and ordinance were do not, for the most part, tie in to the present narrative. J suggested that they dealt with the Sabbath and honoring parents. These are likely representative of the Ten Commandments and the former is also an issue later in this tractate. In EM's opinion, they were laws against incest and civil laws respectively.

11Among these are the nature of the testing, questioning the subject and object in nissahu to determine who tested whom and exploring the nature of the diseases of Egypt.
God's communication with recognizable types of known material or with proper actions. The focus of this chapter is emphatically God's instruction.

Chapter Two. The biblical text begins with the journey of the people from the situation at Marah to the next test and provision site. EM uses the place and time indicators in the biblical text to draw in many of Israel's symbols. The 12 tribes and 70 elders are symbolized by the springs of water and the trees at Elim. Camping by the water meant that all of Israel studied the words of Torah which had been given at Marah.¹²

The midrash questions why the term vom was used in "the fifteenth day of the month". It has specific significance regarding the establishment of the Sabbath from the time of creation as well as the giving of Torah and manna.¹³

There is a sudden shift in the chapter where the complaint of the people starts. The midrash echoes the interpretation from ch. 1 with one minor change. This time, instead of saying they complained against Moses and God, EM says it was a complaint against Moses and Aaron. This responds to the biblical text which specifies Aaron at this

---

¹²By way of contrast, J simply notes that the water at the place was sufficient to accommodate Israel for three days.

¹³The importance of the subject for the midrash is evident. The rest of the tractate deals primarily with manna and the Sabbath principle as it was presented prior to the giving of Torah.
point. From there, several features of the complaint are discussed. The most interesting to the midrash is the claim that the Israelites had sat around pots of flesh in Egypt.

Two types of comments do not appear. Nothing is made of the place names themselves and their respective locations. That is most likely because the 12 and 70 provide so much more symbolic potential. Second, the midrash does not dwell on the particulars of the complaint. Dying by the hand of God is simply linked back to the legendary three days of darkness.\textsuperscript{14} Little is said about their claim to have eaten to satiation. The accusation "you have brought us...to kill (us)" is muted by the definitions of wilderness and hunger.

Chapter Three. The narrative of the biblical text controls the general direction of the midrash and, because of its length, not many issues receive more than passing treatment. Two reasons are suggested for the Lord's giving bread from heaven. The first is merit of the fathers. The second is the fact that Israel was so beloved that the natural order got reversed; bread came from heaven and dew went up from the earth.

Two types of material appear in response to the establishment of daily procedures in order to test whether Israel would walk according to God's instructions. First, J and EM question how to interpret those instructions in terms

\textsuperscript{14}See comments in ch. 5, p. 141, regarding the occurrence of this motif in Pisha 12 and Beshallah 1-3.
of the contemporary categories of eruvin and Sabbath.\textsuperscript{15}

Second, walking in the law draws a comment from J to the effect that studying two halakhot morning and evening and working all day is accounted to a person as if he had fulfilled the whole Torah.\textsuperscript{16}

Whether or not there is a difference in the bread or a double quantity on the sixth day is discussed. Because double is taught elsewhere, here mishneh must mean it is different and that difference is apparent in its quantity, delectable aroma and appearance.

Brief comments cover most of the rest of the chapter. Only at the end is there some further expansion in connection with turning toward the wilderness\textsuperscript{17} and the appearance of

\textsuperscript{15}On the interpretive problems at this point, see H-R, p. 161.

\textsuperscript{16}The essence of R. Shimon b Yohai's following comment that those who eat manna are really the ones able to study Torah is familiar from Beshallah 1. Here, however, it continues a pattern which characterizes parts of Vayassa. Ha ketzad follows the initial statement and there is an explanation of what this means before the parallel case of those who eat terumah is cited. Contrary to the interpretations of DeLange, Origen and the Jews, p. 190, n. 27, Malina, Palestinian Manna Traditions, p. 97, and Vermes, Post-Biblical Jewish Studies, pp. 141-43, it appears to me that the Sages have avoided establishing the symbolic equation of manna to Torah. Instead, the midrash specifies that Torah is given to those for whom provision has already been made in the form of manna. The allusion in Vayassa 6 to Jeremiah's rebuke of his generation carries the same idea.

\textsuperscript{17}While J treats the command to approach and turn to the wilderness simply as part of the narrative process, EM explains that they were commanded to approach to receive judgment and they turned because of the fathers. In the wilderness there was no sin; so in the first patriarchs there was no sin.
the glory of the Lord. The glory appeared because Israel was about to stone Moses and Aaron and God specifically chose to protect them.

While the biblical text makes a distinction between God's instructions to Moses and Aaron and theirs to the people, the midrash levels it. Nothing at all is made of the fact that they spoke together to the congregation. There is only a brief reference to their being caught in between the people and the Lord even though the biblical text mentions it twice. Likewise, that Moses spoke to Aaron who was, in turn, to address Israel, is passed over so that the midrash can instead question why the people were told to come near.

With such a long biblical section as this, there are many potential issues which simply are not developed. Those connected with the Sabbath would have primarily halakhic emphasis. Perhaps because of the generally aggadic nature of the tractate, these are not expanded here.\textsuperscript{18}

Even in the aggadic vein, there are many dimensions of the story which are not embellished and those which are could be expanded in other imaginable directions as well. The consequences of complaining against the Lord might have been an object of attention, especially if this were in connection with the nations of the world. The appearance of the glory

\textsuperscript{18}They are instead held in abeyance until Bahodesh and especially Shabta.
of the Lord is only discussed in terms of function, not of appearance itself.

More might be done with "tonight" and "morning" beyond the light and darkness parallels. The same is true of the wilderness although what is said is of interest. Perhaps because both manna and Torah are symbols, the former is not symbolic of the latter, even though that might be expected in the context of the symbolic use of water and tree in ch. 1.

Chapter Four. This is an unusual chapter in that the biblical text describes God's verbal and active response to the complaint of the people and follows it with a description of the manna, while the midrash appears to dwell on issues incidental to the narrative. The heights of both the quail and the manna demand the most attention. In connection with the former, the midrash draws in the incident in Numbers 11 where the anger of the Lord followed their complaint and demand for something other than manna. This midrashic

---

19 Frequently, wilderness seems to have been associated with the presence of demons and evil. See, for example, Leviticus 16:8,10,26 and the New Testament traditions as evident in Matthew 4:1 (and parallels), Matthew 8:28 (and parallels) and Matthew 12:43. By way of contrast, here it is a place free from sin.

20 What is not said about manna will be addressed further below.

21 Although the biblical text styles Numbers 11 as a later occurrence, the midrash seems to represent the two as related to the extent that what characterized the Numbers incident could be read into the Exodus event as well.
treatment exploits both the symbolism of evening and morning in the Exodus context\(^{22}\) and the explicit statement in Numbers that He was angry. Perhaps the fact that Exodus says so little about the quail was interpreted as indicating that it was something they really did not need and therefore were punished for requesting it.

Significant attention is given to schematic computation in response to the statement that quail "covered the camp". In the process, two things are emphasized. The first is a concern for precision regarding what the biblical text says about the distances related to the camp. The second is the definitely miraculous nature of the provision. The discussions of the depth of manna and quail both involve in some fashion a comparison between what God does for those who are good and those who are evil. The initial biblical description of the manna is puzzling and the midrash cites three opinions that partially redefine the descriptive terms.\(^{23}\)

At the end of the chapter, a rather extraordinary exegetical process first ties Moses' statement about the manna to Psalm 78:25, then turns around and reinterprets

\(^{22}\)God gave quail in the evening with a frown. The midrash here develops a motif which briefly appeared in ch. 3. See Boyarin, *Intertextuality*, pp. 49-56, on the rabbis' reading of these passages as intertexts.

\(^{23}\)J's is basically a restatement of the terms. EM's is more symbolic and "clever" and Tarfon responds to one element within EM's description. See Appendix for further details on the attributed material.
'abirim to read 'evarim and arrives at the conclusion that this was bread absorbed by the limbs. It further suggests that the continuation of the psalm passage refers to Joshua who ate the bread from his limbs. The reference to Psalm 78 is expected in light of its focus on the Exodus and wilderness experiences.\(^{24}\)

The rest of the biblical narrative is treated in a sparse manner. That it is really a recapitulation of previous instructions may have something to do with that. There is little response to the dew in relationship to manna other than the symbolic reference to the prayers of the fathers. Likewise, the Israelites' question about the identity of manna is hardly elucidated by what the Dorshei Reshumot say.\(^{25}\)

Chapter Five. The midrash focuses on the same progression of subjects as the biblical text but develops several main points of the 12 verses somewhat more than others. There are really two sequences of command, obedience and disobedience. The first has to do with not leaving the manna until morning and the second with gathering double on the sixth day and not going out on the seventh. Both instances of disobedience

\(^{24}\)According to Malina, Palestinian Manna Traditions, p. 85, n. 3, 'abirim was generally interpreted as members of the body because the concept of angelic beings ingesting food was problematic for the rabbis. See Ginzberg, Legends of the Jews, vol. 5, p. 236, n. 143, and the indication that there were differences of opinion on the matter.

\(^{25}\)The subject of the Dorshei Reshumot is treated below.
recorded in the biblical text involve, according to the midrash, those who lacked faith. They kept some over until morning and they attempted to gather manna on the seventh day.

The distinctively supernatural quality of the manna is evident in several ways. God's command to gather what was necessary for each individual combined with Israel's execution of the procedure lies behind the description of the rich and the poor alike having just enough. As the manna melted, it flowed to the rivers and the sea. Animals who drank would be hunted and eaten by nations who would thus indirectly enjoy the manna. Israel, on the other hand, enjoyed it directly; its taste would become whatever they desired.

The matters which have to do with the sixth day and the distinctiveness of the seventh day are also emphasized. Some of these are approached from a halakhic perspective. What to do in the case of a holiday falling on the sixth day is dealt with in terms of the contemporary definitions of eruvin. A related discussion questions how we know manna did or did not fall on holidays and the Day of Atonement. The statement that the seventh day was different prompts more aggadic responses. The midrash speculates on the possibility of rewards if Israel was able to keep it. Three separate lists of rewards include the three major festivals to be instituted
at Sinai,\textsuperscript{26} six good \textit{middot}\textsuperscript{27} and rescue from evil and judgment in the day of Gog, the pains of the Messiah and the great day of judgment.

Because the real focus of this chapter appears to be on keeping the Sabbath, many details are not addressed even though they are characteristic midrashic material. Even the subject of the Sabbath itself does not receive full treatment; there are no comments on the nature of \textit{shabbat shabbaton godesh}. The "double portion" is not explicitly linked to the exegesis of verse 5. The fact that the people did the correct thing in collecting double while the leaders themselves did not know why they were doing so might have been an object of commentary in certain contexts. Here it is not of interest.

That Moses himself, instead of God, issued commands and was angry might have been addressed even in other chapters in this tractate. Likewise, no attention is given to what happened as the result of his anger. That these and other questions are not here is indicative that the attention of

\textsuperscript{26}Each of the three was a seven day festival, perhaps designed to be parallel to the Sabbath.

\textsuperscript{27}These are the Land, the world to come, the "new world", the kingdom of David, the priesthood and the Levites. This is a very interesting list both in terms of its composition and the order of the items. See further discussion below on the order. The Temple is obviously implied by the last two. The two eschatological events interrupt the more familiar sequence of Land, Temple and kingdom. On the difficulties in distinguishing between the world to come and the new world, see Urbach, \textit{The Sages}, pp. 649-52.
the rabbis was primarily on the Sabbath at this point, not on the role of Moses.

Although the midrash discusses manna, it is not in terms of the practical activities involved in gathering and keeping it. The midrash does not raise the issue of whether one gathered for himself only or for those in his tent (Exodus 16:16).²⁸

Chapter Six. The biblical text is divided into three subject units: Keeping the Sabbath, the nature of manna and the preservation thereof. The first is a continuation from the previous chapter which ended with disobedience on the part of some. The midrash inquires why they refused to obey when God consistently provided. The list of miracles He did for them at the Sea of Reeds is followed by the expressed concern not to give too many laws at once. For that reason, only the Sabbath was instituted at this point but they did not even keep it. When the community keeps the Sabbath, they will receive rewards already familiar from ch. 5.

As the midrash picks up the topic of manna, it again passes over its identification and responds to its description. The Dorshei Reshumot are recorded as rendering the name simply as it is in the biblical text. In contrast,

²⁸By way of contrast, in the context of the preparations for the passover celebration, the midrash made an issue of the group for which the lamb was acquired (Pisha 3). The difference may be that those sorts of details regarding the manna had no contemporary application because, even according to the biblical text, manna was a temporary phenomenon.
several of the explanations posed are distinctly figurative, responding to hints in the biblical text.

The pericopae which deal with the preservation of the manna proceed in several directions. There is a question about the chronology in the biblical text because the ark in front of which the manna was to be placed had not yet been constructed. In this context, the authorship included the list of ten things, manna being one of them, which were created on the evening of the Sabbath.\(^29\) The midrash also asks for which generations the manna was kept. Among the suggestions is the generation of Jeremiah for whom it was an object lesson regarding God's provision for those who were busy with Torah. Manna was one of the three, some say four, things that Elijah would restore.

The longest single set of responses occurs with regard to the statement that Israel ate manna 40 years until they came to the Land. The recorded opinions relate the matter of when the manna ceased to Israel's entry into the Land (mentioned twice), the 40 years and the death of Moses. The link to the death of Moses in each scenario demonstrates that the manna and other wilderness symbols did indeed stop.

Most of the biblical text receives passing treatment. Certain phrases and clauses might be more extensively discussed in a different context. For example, the matter of

\(^29\) This is followed by the list of seven things hidden from humans. See further comments below.
only one commandment to keep at that point responds to "my laws and my commandments" but the midrash might have included other suggestions as to what those were and how to understand the reference to them prior to Sinai.

The instructions about manna were discussed in ch. 5 so it is not surprising that they are not presented fully here. The taste defined in this section of biblical text is not necessarily the same as in ch. 4, yet the midrash does not elaborate on the reasons for the differences. The details regarding how and where to preserve the manna are most interesting in that the midrash does not list the other things preserved before the Lord nor does it ask what happened to them.

Finally, the chain of command from God to Moses to Aaron, evident in the biblical text, is not an issue for the midrash at this point. The message of the midrash clearly focuses elsewhere.

Chapter Seven. The direction of the midrash generally follows the biblical text. There is somewhat more emphasis on strife in the first part of the chapter. The first three brief pericopae are based on word plays, one of which deals with Rephidim and is only presented in full in Amalek 1.

Moses' position between the people and the Lord results in his crying out again. This is to his credit because he did not refuse to ask for mercy for them even though they
were at the point of killing him. The midrash pictures Moses and God alternately subduing each other's anger at Israel.

Of the various elements of the Lord's instructions, the rod receives the most attention. It was one of three things about which the people complained when these things were sources of punishment for Israel. In each case, however, the object is shown to be more significantly the source of blessing. The rod is last in the list after the incense and the ark.

The place names, Massah and Meribah, draw attention back to the general concept of strife but now with judicial overtones. The midrash closes with a statement of the test which the people dared to impose upon the Lord. If He demonstrated Himself to be Master and if He supplied their needs, they would serve Him.

Because of the apparent emphasis on striving and related judicial concerns, a fair amount of the biblical text does not receive direct comment. The midrash does not comment on the journey being at the command of the Lord. That issue was already discussed in ch. 1. Likewise, there is no focus on water and its symbolic import. The grammatical point which might be raised in conjunction with the question, "why did you bring me up from Egypt to kill me and my children?", does not appear to be important in this context. Instead, the apparent equation of humans and their animals is the issue.
That God would stand before Moses at the rock in Horeb is mentioned but the comment is related only to the concept of standing and the mark of a person's feet. Nothing is made of the place name. Finally, the midrash demonstrates its sensitivity to what is not in the biblical text. The latter does not explicitly say that the miracle occurred as promised and thus, the midrash has nothing to say about the fulfillment of God's words.

By Way of Summary

The focus of the midrash clearly narrows in this tractate. Even though within chapters it may appear to diffuse the orientation of the biblical text, overall, significant subjects are dealt with in succession. The importance of Torah and instruction are the first. They are followed by matters of Moses' mediation, the strife, the miraculous provision of manna and the provisos regarding the Sabbath. Only certain aspects of manna are discussed. Its identification seems to be avoided.

The potential symmetry of the biblical text is exploited by the midrash. Parallel instances of water supply problems confront Moses at both the beginning and the end. In the former one, God tested Israel; in the latter, they tested God. In both beginning and end, the people challenged Moses. The midrash uses terms at both the beginning and end to emphasize a sort of judicial strife. Chapters 2 and 6
involve elaborate calendar calculation to determine on what
days manna and Torah were given and how long Israel ate
manna.

Especially toward the end of the tractate, there is an
apparent emphasis on eschatological motifs. Most of these
are in the form of lists.

There may be a tendency to draw in related passages and
incidents from other parts of Pentateuch. Chapter 1 uses
Deuteronomy 8:15 about the nature of the wilderness. Chapter
4 draws on Numbers 11 about the quail incident. In the
first case, it is understandable that the midrash might want
to emphasize the terrible nature of the wilderness to
minimize the complaint of Israel.

**Biblical Paradigms and Institutions: Identity and Function**

Paradigms. Vayassa contains significantly fewer references
to persons and events considered to be paradigmatic. Of the
persons mentioned, Moses is understandably the most
prominent. His position as intercessor for Israel is
exemplary regarding the virtue of short and long prayer (ch.
1). When Moses died, the miraculous provisions for the
wilderness period ceased (ch. 6).\(^{30}\) That he was the object
of complaint and accepted it without recrimination may have

\(^{30}\)The other figures mentioned in this regard are Miriam
and Aaron. With their deaths, the well and the cloud of

glory ceased. According to R. Joshua, the merit of Moses
restored these manifestations temporarily but at his death,
they finally ceased.
been a comment on the rabbis' perception of their own position.

There are several references to the merit and the prayers of the fathers (chs. 3 and 4). Both Jeremiah and Elijah are mentioned (ch. 6), the first in connection with the period of the destruction of the first Temple when people forsook the Torah and the second in connection with the restoration of symbols associated with the Temple.

Institutions. While short on paradigmatic persons and events, Vayassa draws out aspects of the biblical narrative and gives them deeper symbolic significance. This is especially true in terms of the natural phenomena, water and the tree, which represent Torah (ch. 1). Additional complexity among these symbols is suggested in ch. 2. The 12 springs (water) equal the 12 tribes (Israel) and the 70 trees are the 70 elders (the leaders of Israel). Camping at Elim means that all study the Torah.\(^{31}\)

There are also symbols of the relationship between God and His people which are temporarily manifested in the context of the wilderness period. Among them are the manna, the well and the cloud of Glory. That these end is made clear. Of the three of them, manna is different because of its preservation and apparent restoration in the future (ch. 6).

\(^{31}\)Further discussion of Torah as the primary topic and Torah study as a chief value ensues below.
Moses' rod is also a temporary instrument which, along with the incense and ark, served both to punish and to bless Israel (ch. 7). For a longer period of time, the latter two were associated with the Tabernacle and Temple. The same is true of the priestly and levitical roles as well as the festivals. These last two are listed as among the rewards for keeping the Sabbath (chs. 5 and 6).

Mention of the Land and the kingdom would not be expected as a result of the biblical context and yet, because of their symbolic importance, they are also noted in the list of rewards for keeping the Sabbath and the restoration of the kingdom appears in connection with those things which are hidden from humankind (ch. 6). The connection of these symbols, evidence of God's relationship with Israel, to the Sabbath is indicative of its importance as an institution. The tractate demonstrates this significance in other ways. The Sabbath was established from creation and was the first of God's commandments to be given to the people. Even in this basically aggadic context, the relationship of the preparations on the sixth day to festival days and the Day of Atonement is discussed.

---

32 The manna and the rod are among those things created on the eve of the Sabbath (ch. 6). See further observations below.
Halakhic and Aggadic Responses to the Biblical Text

While the biblical text is narrative, it includes sufficient directives from the Lord to the people via Moses to engender some divergence from a strictly aggadic approach. In addition, these instructions have to do with a practice which was specifically instituted from creation and designed to continue. Therefore, in the course of aggadically interpreting the text, the midrash incorporates a few pericopae which have a more halakhic tone.

Rhetoric: Methods and Mindsets

Categories of Assessment

Not only are there the above occasional halakhic allusions; even the aggadic rhetoric is subtly different. The amount and type of material in each of the five categories changes. In addition, one of the most characteristic elements of halakhic rhetoric, setting up a logical proposition and countering it with a biblical statement, maintains a somewhat higher profile than in other strictly aggadic tractates.  

Asking why something was said appears only once.  

Familiar patterns include 'atah 'omer...'o 'eino 'ela'...talmud lomar, yakhol...talmud lomar and shemah tomru...talmud lomar.  

In ch. 2 the midrash asks why the word vom is used. In this tractate, however, the midrash does not ask the question in the wider context of other biblical information with which it might contrast. Rather, it simply asks and then proposes three explanations which have to do with the
Although there are a number of methods for introducing biblical citations, none of them occurs in every chapter or with great frequency. They do not support most definitions nor are they incorporated as prooftexts in the numbered lists.

In the second category, the rhetorical devices for defining are not all the same either. The most common one is still 'ein...'ela'. A variation of this is lo...'ela' which appears to make smaller categories and redefine or correct. As a positive method of definition, the midrash often says simply "this is..." or "these are...". New and relatively frequent in this tractate are ha ketzad which calls forth an explanation and mikan 'atah lamed. Significantly less frequent is davar 'aher which means that Vayassa does not consistently include a broad range of possible alternative explanations.35

Explicit comparisons are most apparent in ch. 1. The words of Torah are likened (nimshelu) to water and a tree. Both ken mazinu and keyozei bo introduce like instances. Additional comparisons are simply introduced by ke... (chs. 1 and 2), mah...kakh (ch. 3) and shagul (ch. 3). If God provides for those who provoke Him, how much the more (al 'ahat kamah vekamah) will He reward the righteous (ch. 4).

day of Sabbath and on which days Torah and manna were given.

35Additional forms such as maggid hakatuv, melammed occur infrequently.
Both this and the formula for reconciling two verses (ch. 4) are abbreviated from those which occur in other tractates. There are also occasional pairs of comparisons or opposites without any rhetorical introduction but they are not as prominent as in previous aggadic tractates.36

The schematic representations in Vayassa are essentially of two types, numbered lists and calculations associated with calendar events.37 Numbered lists are primarily found in the last three chapters although the three and eight stations38 which Israel had to journey back also qualify (ch. 1). Both of these use the seemingly irrational movements of Israel as recorded in the biblical text as the means for teaching lessons. The children of Israel journeyed backward, demonstrating both their obedience to the command of Moses regardless of appearances and the honor which Aaron deserved. Although these are supported by biblical

36Examples include those who anger God and those who are righteous, various other combinations of good and evil persons and Nachshon and the poor man.

37There are two additional schematic patterns. One is J's list of things the Lord said He had done for Israel in the context of their refusing to keep the Sabbath (ch. 6). The second is an expanded set of contrasts between the ways of God and those of humans. In three instances, biblical passages are said to demonstrate that God puts something that spoils into something already bad to cleanse it and thus perform a miracle (ch. 1). One of those instances is the bitter tree root, following the opinion of EM, into the bitter waters.

38See the comments in H-R, pp. 152-53, regarding the fact that only seven are mentioned.
references, the other lists are noteworthy in that most are not.\(^{39}\) Both chs. 5 and 6 incorporate the same lists of three festivals, six good middot and avoidance of three punishments in conjunction with keeping the Sabbath.\(^{40}\)

Chapter 6 is unusual because of the number of lists that are included. They are connected with the command to store up the manna for a remembrance and are representative of a method of remembering.\(^{41}\) These lists include the ten things (or twelve) created on the eve of the Sabbath,\(^{42}\) the seven

---

\(^{39}\)Towner, "Rabbinic Enumeration...", ch. 3, suggested that the addition of biblical prooftexts to items in lists was often a later development in these traditions. If so, this feature, along with the Sages who are named, points to the early genesis of the material in Vayassa.

\(^{40}\)The series of three sets of rewards accomplishes several things. First, it presents religious observances and symbols as rewards for keeping the Sabbath. Second, it covers the span of "history" from the festivals, to be given at Sinai, to the terrible eschatological events whose dread Israel would escape if they were faithful to observe the Sabbath. The set of six in the middle is surprising in that it does not list them in chronological order. Instead, the world to come and the new world precede mention of the kingdom of David and the offices associated with the Temple.

\(^{41}\)As that sort of device, the more streamlined they were, the better. Therefore, the lists which were cited were not modified to incorporate prooftexts.

\(^{42}\)This is one of many versions of this list. See Towner, Rabbinic "Enumeration...", pp. 66-71, for a summary of the parallel versions. The only items in this list which are not related to the experiences of the Israelites in the wilderness are the rainbow at the beginning of the list, and Elijah's later standing in the cave. Even the last one, however, is really the cave in which Moses also stood. Two additional candidates are suggested, the clothes of the first human and Aaron's rod which budded. In this context, the initial ten items have been arranged somewhat chronologically and some carry explanations. Not all of the versions of the list have those features. The point is that this list
things hidden from humans\textsuperscript{43} and the three (or four) things Elijah will restore.\textsuperscript{44} Presented together, the lists span all of history and constitute a powerful statement about the mysterious but dependable purposes of God in preparing specific things at creation to serve Israel in the wilderness and in ultimately restoring symbols representative of His dwelling with His people. The list in between is the most important part of the commentary. Though the things which are presently hidden represent the grievous aspects of life, they must be considered as part of the big picture of God's sovereignty.

In ch. 7 the three things Israel complained about are shown also to be sources of blessing. The list is complete

clearly is commemorative in accordance with the directive in the biblical text. In that sense, I disagree with Towner who says that the list is brought because manna is one of the items, not because of its connection to Exodus 16:32 (Rabbinic "Enumeration...", p. 66).

\textsuperscript{43}The presence of this list is initially puzzling. It does not always follow the list of ten things in other sources although it may have been traditionally linked with that list and was simply carried over. As Towner, Rabbinic "Enumeration...", p. 78, pointed out, both lists deal the "mysterious imponderables of life". Second, it allowed for a reference to the current oppressive situation. See below.

\textsuperscript{44}See specific comments of Towner in regard to this list (Rabbinic "Enumeration...", pp. 71-75). His observations focus particularly on the fact that these objects were all part of the Temple cult and will be restored.
with prooftexts and plays on the sense of contrast or ambivalence in the presence of that which is holy.\textsuperscript{45}

Finally, the more complex structures characteristically involve computation. The midrash establishes important dates (ch. 2), the depth of the quail (ch. 4) and the length of time that the children of Israel ate manna (ch. 6).

In summary, there is not as much explicit emphasis on symmetry. Instead of comparisons and contrasts in content, the pairs of attributions appear to serve in that capacity.

**Technical Expressions and Unusual Words**

Vayassa resembles the halakhic material in MRI in two additional respects. Several terms which fit the category of technical expressions do appear. In ch. 1, the conditional statement about Israel's obedience is understood by EM to mean that it is hovah, not reshut. The discussion of the calendar in conjunction with the use of yom in the biblical text includes the terms hashlim and haser with regard to specific months (ch. 2).\textsuperscript{46}

\textsuperscript{45}See Towner, *Rabbinic "Enumeration..."*, pp.126-30, for further discussion of the structure of the list and the significance of the incense, ark and rod as those objects which inspired fear. Of the three, it is more difficult to fit the rod into the pattern and yet it is the link for this list to be incorporated here.

\textsuperscript{46}As noted in ch. 5, these terms frequently occur in pairs, probably a product of the conceptual balance found throughout so much of the midrash.
The second similarity is the incidence of foreign terms. There are very few in Vayassa, most likely because the subject matter deals neither with foreigners nor with military endeavors. There are only two occasions to employ foreign words. Chapter 4 refers to the possibility of the streets ("istratiyot") being ruined and in ch. 6, one description of the taste of manna indicated it was like a sort of dumpling ("iskariti").

Attributions

In the matter of attributions, Vayassa contains two features which stand out. The first is the significant number of opinions (five) attributed to the Dorshei Reshumot and the second is the predominant pattern of J and EM. These features will receive further discussion.

Individual Attributions

Just as Pisha is "Ishmael's tractate", so also Vayassa might be considered Joshua's. Other than the Sages (amru), his name appears independently more than anyone else's. His is the opinion which leads off the tractate. In addition, as indicated below, he disputes not only with EM but is also cited in conjunction with other Sages discussing most of the subjects of the tractate.

---

47See Appendix for lists of the attributed pericopae.
Both J and the Dorshei Reshumot will be considered in the wider context of all of their recorded opinions. From this perspective, however, it appears that the subjects on which their traditions were preserved and transmitted were issues related to the Sabbath and manna. Whereas the other rabbis address typically aggadic and more general matters, there is a narrow focus for J and the Dorshei Reshumot.

The Sages' opinions all have to do with explicit indication of symmetry. In most of the cases, it is a balance between good and bad people and their gathering and use of manna.

Sets of Names

Overwhelmingly, J and EM dominate Vayassa. Consistently, J is presented as holding the more literal interpretation of the biblical text. EM frequently

48 Y. Elbaum, "Rabbi Eleazar haModai veRabbi Yehoshua al Parashat Amaleq," in Meqharim beAggadah uvaFolgor Yehudi, ed. I. ben-Ami, Yosef Dan (Jerusalem, 1983): 99, cautioned regarding the differences between Eliezer and Eleazar among the manuscripts. I have chosen to follow the text of Lauterbach in indicating these sets. For variants, see notes of H-R.

49 According to Boyarin, "Analogy vs. Anomaly in Midrashic Hermeneutic," pp. 661, the style of material attributed to J carried from halakhic tractates to aggadic material the interpretive position attributed to Ishmael. J held to the plain meaning of the text often to the point of apparently not adding anything new. In some cases, his "simple" rendition of the text appears to be a foil for the increasingly figurative or symbolic interpretations which follow. On the other hand, it may be consistently and prominently held forth as the appropriate method for dealing with biblical texts which might otherwise be subject to
renders opinions which allude to merit of the forefathers and
direct attention to divine intent.\textsuperscript{50} When Eliezer's opinion
is added, it always represents a significantly different
perspective from the other two.

Attributions to J and EM by themselves decrease
significantly following ch. 3 and ch. 4 is different in its
attributions as well as presentation. The authorship chose
to incorporate material which dealt with the distinctly
miraculous amount of provision in relationship to the size of
the camp. If pairs of J and EM opinions were available on
the identity of the manna, they were not used.

\textsuperscript{50} Boyarin, \textit{Intertextuality}, pp. 60-61, 71-79, remarked
on J's comprehensive positive view of Israel in the
wilderness in contrast to EM's emphasis on their
faithlessness and rebellion. In his view, their main point
is to represent the two sides of the issue also present in
Scripture. Elbaum, "Rabbi Eleazar haModa'i veRabbi
Yehoshua," pp. 99-116, observed the same general distinctions
between the opinions of J and EM as they appear in tractate
Amalek. See further comments in ch. 9.
Long Lists

There are five lists of four or more attributions. Torah is the end result in each of the first three lists. That manna is the product of miraculous activity is important in the last two but, even so, the mention of aggada, testimony and the prophets conveys something, even if undefined, about the descriptive words.

Dorshei Reshumot

According to Lauterbach,51 the Dorshei Reshumot were allegorists who did not necessarily deal with difficult passages of Scripture but suggested additional levels of significance for passages which were also easily understood when rendered literally. From his analysis of the passages which cite the Dorshei Reshumot, he concluded that they were early interpreters some of whose allegorical exegeses were suppressed by the Sages because they gave an opening to Christian interpretations of events and detracted from God's miraculous activity.52 Evidence for this hypothetical suppression is found especially in Vayassa with regard to their comments about manna.

51"The Ancient Jewish Allegorists in Talmud and Midrash," Jewish Quarterly Review 1 (1910/11): 291-333. The majority of the 14 occurrences of the term are in MRI or MRS.

52DeLange, Origen and the Jews, pp. 113-14, noted that many ideas attributed to the Dorshei Reshumot also appear in Origen's writings. He specifically refers to the water, tree and manna as representing Torah.
Boyarin disagreed with Lauterbach's conclusion that they were allegorists. He felt that the designation really did imply "interpreters of obscurities", contrary to Lauterbach's assertion that rashum should not be understood as satum, and cautioned that, to present his case in the strongest possible terms, Lauterbach had done some rather unusual things with the texts.

Whether or not the Sages actively suppressed the opinions of the Dorshei Reshumot is not an issue which can be decided. What is of interest, however, is what can be observed in the immediate context of MRI. Whoever the Dorshei Reshumot were, the midrash cites several of their symbolic interpretations which suit MRI's emphasis on Torah. In regard to the specific subject of manna, they deduced that the curse upon the ground in Genesis 3:19 applied to the gathering of manna every morning. They seemed particularly careful not to attribute to it completely positive qualities. Likewise, they were anything but allegorical in interpreting its name. As the authorship of MRI represents them, they were comfortable with well-established likenesses but the very extraordinary, temporary nature of the manna made them retreat from acknowledging it was a symbol of the same calibre. Their hesitancy to do so may also have been fostered by external factors.

Anonymity

In contrast to the previous aggadic tractates, the majority of material in Vayassa is attributed. At this point, I would suggest that the difference is the result of several factors. First, the named Sages are primarily Yavneans and thus an older stratum of materials is prominent. Corresponding to this, the number of pericopae attributed to the Sages themselves (amru) is greater. Perhaps older traditions are more firmly linked to the names of significant masters. Second, the greater number of attributions in Vayassa may be the result of the basic subject matter. The subjects of Beshallah and Sharta, redemption and punishment of enemies, have their own intrinsic balance which emerges in the pervasive measure-for-measure theme. With less thematic symmetry in Vayassa, it may be that the authorship imposed a hermeneutical structure; the dispute form. Whether this was done to maintain a sense of literary balance or for some other purpose is not clear.

Authoritative Statements and the Sages

There are two related statements introduced by the expression mikan amru. Both are cited in response to "if you will indeed obey" and essentially teach that when a person obeys one commandment, he will be given to obey many and likewise with forgetting (ch. 1). This is not found in the Mishnah.
The term mikan by itself appears quite frequently in the tractate. The contexts are of two general kinds. It might be followed by the name of an individual rabbi who then makes a deduction from the given verse. In three instances, the expression is mikan 'atah lomed and each conclusion is based on the verse at hand.

Structure

Rhetorical Patterns

There do not appear to be rhetorical patterns which are uniform between one chapter and the next. This seems to be primarily because the content development is established by the biblical text and it takes precedence over formal development. The most noticeable formal feature is the pairing of J/EM opinions. Even these, however, are not consistent throughout the tractate but appear to drop off after ch. 3.

54 See Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, p. 119. In one instance, the observation is based not on a biblical text but on a previous statement by J.

55 Shared materials in this tractate are those exegeses which are schematic representations or which, because they are descriptive of the wilderness period, occur in other texts dealing primarily with these biblical narratives. They are often longer, more complex units which have individual items or over-arching themes which allow them to "travel" easily. Some of the J/EM material occurs elsewhere but it appear to be less likely to be shared than the above type of midrash. Elbaum noted that, in later texts, neither EM's name nor his opinions are very frequent ("Rabbi Eleazar haModa'i veRabbi Yehoshua", pp. 111-12).
Thematic Development

God's provision for Israel as they were in one difficult circumstance after another is the overt message of the tractate. That He provided meant that He continued to reveal Himself in response to their needs. First, God provided water, but the midrash wants the reader to understand the more important symbolism; God provided Torah which was to be obeyed.

The water is followed by quail and manna, the latter furnishing the context for the Sabbath instructions. Throughout, God provides justice in terms of the rewards and punishments He metes out and will mete out in the future. These are expectedly in the context of obedience, particularly with regard to future rewards for keeping the Sabbath.

World View/Socio-Religious Context

Topic/Theme: Torah

On the surface, we might expect to find fewer references to Torah in Vayassa. After all, much of the biblical text describes the complaint of the people and physical sustenance which God provided for them. Nonetheless, as God revealed Himself in response to these situations, He gave a considerable amount of instruction to Moses and the people regarding the Sabbath observance. The midrashic result is a
consistent emphasis on Torah and related concepts throughout the tractate.

The first chapter sets the stage. Torah is symbolized by the water and the tree. It was separation from water (Torah) for three days that led to the rebellion of the people. The safeguard against a recurrence was regular reading of Torah three times a week. According to the midrash, the procedure was established by the elders and prophets and, not surprisingly, is couched in terms of its relationship to the Sabbath. As the tree brought healing, the implicit message is that Torah could do so as well. When God showed Moses a tree, Shimon b Yohai suggests that He showed him a word from the Torah while the Dorshei Reshumot proposed that he saw (all) the words of Torah. In both of these symbolic renditions of the text, the greatest concern is to impart a sense of the value of Torah. In fact, at the end of the first chapter the words of Torah are declared to be life and health.56

The symbolic approach continues into the first part of ch. 2. Camping by the waters means that Israel was busy with

56The exhortation to obedience at the end of ch. 1 not only emphasizes the cumulative effects of obeying even one commandment but also suggests specific categories of divine revelation which might be intended by each phrase of the biblical text. The same care for defining the significance of biblical terms which have to do with the law occurs in the proposed interpretations of "statute" and "ordinance". The first suggestion appropriately is the Sabbath and the assumption that the Sabbath law was given at Marah appears again in ch. 6.
the words of Torah which were given at Marah, referring back to the biblical statement that He made a statute and ordinance for them there (cf. ch. 1). The midrash is also concerned to demonstrate on what day the Torah was given. The precision is an implicit value statement.

Because the biblical narrative records the divine test to see if humans would "walk according to my law", the midrash indicates what that might mean in practical terms. A distinction is recognized between those who have the freedom to study the Torah, a privileged class, and those who do not. The latter are accounted as if they have kept Torah if indeed they study two halakhot in the morning and in the evening (ch. 3). Chapters 4 and 5, specifically about manna, have little reference to Torah except as a source from which to demonstrate the validity of claims about the miraculous nature of manna. Even for this purpose, Scripture is cited significantly less frequently than in previous tractates.

In ch. 6, the midrash responds to God's rebuke of the people for not keeping His commandments and laws. The implicit question has to do with which laws they had been given. The answer is that He only gave one and it was the law of Sabbath given at Marah. The human propensity for not busying themselves with Torah surfaces again in the comment on keeping the manna for the generation of Jeremiah in order to refute their excuse that they had to provide for themselves and thus could not bother with Torah.
Like an echo from ch. 1 and as a precursor to Amalek 1, the last chapter of Vayassa begins with the statement that separation from the words of Torah led to sin and transgression. In preparation for the next event, this state of affairs meant that the enemy would come upon them.

The attention to Torah is generally in response to specific indications in the biblical text. In fact, the midrash feels the pressure to explain the use of such "legal" terms as statutes and ordinances and "my law" prior to the Sinai covenant. Perhaps the symbolism at the beginning of the tractate is designed to deal with this. At the same time, it does not carry over into the subject of manna.

Recurring Values and Symbols

In addition to the symbols of Torah and manna, there are values which may be traced through the tractate. The most evident is obedience to Torah. Related to this are reward and punishment which are concrete expressions of justice.57

The Sabbath seems to be both institution and symbol. It was instituted from creation and keeping it is the equivalent of self-deliverance. The presence of other key symbols of Judaism is represented as depending upon obedience in regard

---

57There is evidence of immediate punishment administered at the same time that the provision occurred. There is also the promise of immediate and eschatological rewards for keeping the Sabbath (chs. 5 and 6). Both punishment and blessing were intrinsic to the nature of the incense, the ark and Moses' rod.
to the Sabbath commandments. Among these symbols are the
Land, the Kingdom and the Temple service.

Merit of the fathers is mentioned three times (ch. 3) as
being responsible for the provision of the manna. Merit is
one mode of exercising divine justice within the community.
Absent is measure-for-measure punishment, perhaps because
enemies are not prominent in this context. If anything, that
emphasis is replaced by the repeated claim that the measure
for good is greater.

Continuity of Values and Symbols

Because the thematic focus of this tractate is the
assumed relationship between God and His people, it is most
important to demonstrate that His activities for Israel are
consistent, that the symbols of the relationship have been
ordained from eternity and that they will endure.

In this context of continuity, the manna is an
interesting problem and Vayassa deals with it in a two-fold
manner. It first acknowledges its cessation and determines
with precision when that was.\(^{58}\) Just as, however, it was
created on the eve of Sabbath and did not appear for all that
time, so also it will be hidden until the world to come (ch.
5) when Elijah will restore it (ch. 6). Therefore, it is

\(^{58}\)The calculations take place in the context of the
death of Moses. His passing, even more than those of Aaron
and Miriam, is seen as the close of an era (ch. 6).
eternal; so also with all of Israel's symbols whether they are visible at any given time or not.

This sense of the eternal existence of symbols is especially forceful in Vayassa. A number of relatively minor symbols, not the usual prominent ones, are specifically presented in that light. The lesson may be that if these, which are acknowledged to be the lesser symbols, have been ordained from eternity to serve Israel temporarily, how much more significant, and lasting, are those symbols of the divine Presence and favor.

The biblical time frame is not a rigid structure for the midrash. Instead, those events coalesce with more recent events and socio-religious structures. The elders and prophets instituted the tri-weekly readings from the Torah

59 These include the claim that the 12 springs and 70 palm trees were made at the time God created the world (ch. 2). The list of ten things created on the eve of the Sabbath (ch. 6) also incorporates some of the items which were pertinent particularly for the wilderness period. Among them are the manna, the rod, the writing and the stone tablets. Working toward the other end, the bottles of manna, water and anointing oil will be restored to Israel in the future (ch. 6).

60 In fact, it may be that the list of six good middot which God would give if they would keep the Sabbath is purposely structured so as to hint at the continuity and necessary reappearance of the Kingdom of David and the Temple in the world to come and the new world. Perhaps the Land is listed first because they were, after all, still resident in it. A hiatus is suggested, however, for the Kingdom and the Temple service by listing them after the new world. That interpretation might be strengthened by placing the three punishments to avoid immediately after this list. The day of Gog in Ezekiel preceded the restoration of Ezekiel's temple in Ezekiel 40-44.
and this is said to have occurred after the incident at Marah which was prior to the giving of Torah at Sinai. The suggested meanings of the words "statute" and "ordinance" which were made at Marah include representative parts of the Ten Words and subsequent material from Leviticus. In the same vein, the Ten Words, aggadot, decrees and halakhot are all presented in the Marah context as communication to obey (ch. 1). At the close of the tractate, we find biblical terminology drawn down to the midrashic present on the basis of a judicial theme common to both situations. The Bet Din haGadol was called "the place".

In ch. 3, periods of history are broadly presented as "in the past...but now", the latter representing a time of special favor toward beloved Israel. The same type of past/future distinction appears in the statements that the Israelites' past and future words are revealed before God and, if He provided for those who anger Him, how much more will He reward in the future those who are righteous (ch. 4). The list of seven things hidden from humans treats both present and future things. In some cases, the future things are "of this world"; in other cases, they are not. It is probably not an accident, however, that the restoration of the kingdom of David is paired with the uprooting of this evil kingdom.
and this is said to have occurred after the incident at Marah which was prior to the giving of Torah at Sinai. The suggested meanings of the words "statute" and "ordinance" which were made at Marah include representative parts of the Ten Words and subsequent material from Leviticus. In the same vein, the Ten Words, aggadot, decrees and halakhot are all presented in the Marah context as communication to obey (ch. 1). At the close of the tractate, we find biblical terminology drawn down to the midrashic present on the basis of a judicial theme common to both situations. The Bet Din haGadol was called "the place".

In ch. 3, periods of history are broadly presented as "in the past...but now", the latter representing a time of special favor toward beloved Israel. The same type of past/future distinction appears in the statements that the Israelites' past and future words are revealed before God and, if He provided for those who anger Him, how much more will He reward in the future those who are righteous (ch. 4). The list of seven things hidden from humans treats both present and future things. In some cases, the future things are "of this world"; in other cases, they are not. It is probably not an accident, however, that the restoration of the kingdom of David is paired with the uprooting of this evil kingdom.
The Temple and Its Ritual

Because none of the biblical narrative refers to events or procedures which had to take place in the Temple, it is essentially absent from the discussion. The only allusion to it is the mention of the priesthood and levitical offices among the six rewards for observing the Sabbath. As noted above, this may refer to a future restoration.

"Theological" Reflections

The Supernatural and Miraculous. In Vayassa, there seem to be more fantastic stories and explanations which accompany the provision of sustenance. The stories about the serpents in ch. 1 dramatize the dreadful nature of the wilderness. The miraculous quantities of manna and quail excite considerable discussion as does the taste of the latter (chs. 4 and 5). That is not the end. Manna is spread out on a desert table which had been tidied by the wind in preparation (ch. 4). Manna was able to tell secrets (ch. 6). Lauterbach's explanation for this apparent difference was that the allegorical interpretation of manna robbed these events of their historical and miraculous nature and, in response, the Sages stressed that element.61

The apologetic purpose of the miraculous is explicitly stated in ch. 1 and reiterated in ch. 7. God does things contrary to nature to demonstrate that He is different from

---

human beings. As He does miracles and mighty acts, His name is exalted in the world.

The Names of the Divine. In each tractate, the two names which appear most frequently are haMagom and some version of haQadosh Barukh Hu. In Vayassa, haMagom is more prominent. There do not appear to be any significant distinctions reflected in the choice of one or the other of these names.\(^{62}\) A third title, haGevurah, occurs primarily in contexts when God commanded and revealed Himself (chs. 1 and 3).\(^{63}\) God is titled "The One Who Spoke and the World Came Into Being" and "The One Who Created the Day" in those discussions where His difference from humans and His control over creation are emphasized (chs. 1 and 3). Israel repents and confesses to their Father in Heaven and Our Master (ch. 1) just as a son to his father and a student to his master. They test Him to see if He is master before they will serve Him (ch. 7). They audaciously complained against the King of Kings Who Lives and Endures Forever (ch. 3).

---

\(^{62}\)In previous tractates, there was a noticeable tendency for the Munich manuscript to read haQadosh Barukh Hu in place of haMagom and The One Who Spoke and the World Came Into Being. That normalizing tendency does not appear to occur here. If anything, the tradition from the major manuscripts is less clear because the Oxford is missing several portions.

\(^{63}\)See Urbach, The Sages, pp. 84-85, 93.
Idolatry

Although idolatry is not presented as a large threat, the one reference to it in this tractate is noticeable in that it is not a jibe at the idols of a foreign power. Rather, it is indicative of Israel's rebellion against God and Moses. Moses had to lead them with force because they were intent upon returning to Egypt when they perceived that their enemies were dead and there would be no restraints on them there. According to the midrash, they not only wanted to make an idol to lead them back at that time; they actually did so and in fact it was a molten calf. In a further development which is reminiscent of Pisha 14, Judah b Ilai suggests that they had an idol with them all along and Moses took it away from them.

Social Structures: "Others" and "Us"

Real outsiders are seldom mentioned in Vayassa. The nations of the world simply stand as spectators or indirectly enjoy the benefits of God's miraculous provision.

It may be that attributing this episode in idolatry to all of Israel at a time when they were just out of Egypt is designed to take some burden off Aaron or to lessen somehow the sting of accusations about the later golden calf incident. If that is really a polemical intent of the midrash, the following statement from Judah b Ilai would further remove some burden from Israel: They did not make the calf; they were just carrying it with them. To arrive at this conclusion, the midrash compresses the historical recital in Nehemiah 9:17-18 and does not deal with the full narrative in Exodus 32-34. Perhaps they presumed that any possible opponents were somewhat ignorant of the actual biblical chronology.
Interaction and its effect on Israel is hinted at once in the biblical framework in the claim that Israel served royalty (ch. 2) and once in the contemporary milieu in the wistful acknowledgement that the end of the present wicked kingdom is hidden from humans (ch. 6).

Within the community there are also distinctions. There are those of stature, represented by Nachshon and his family, and the less significant. All are provided for equally. There are those who must work to provide basic needs and can give only minimal time to study as well as those who are privileged to study Torah as a way of life. All are fairly judged within their given context. In a sharper set of contrasts, there were those who were obedient to God's instructions regarding keeping manna from one day to the next and not gathering it on the seventh and those who were not. The latter group are called those who lack faith.

The Messages in the Text

The essential message of this tractate appears to be directed inward and it follows directly from the events described in the biblical text. Obedience to God's instruction, primarily embodied in Torah, is the source of reward. As if to direct the focus, ch. 1 establishes the immense value of Torah and a theme throughout is the importance of occupying oneself with Torah. Leaving Torah, even for a matter of days, may have dreadful consequences.
Punishment comes to those who are disobedient and lack faith. The enemy is allowed to come only when people leave Torah and thus sin. That the enemy is upon them in the form of the present wicked kingdom means that there are those in Israel who have left Torah.

Although it is not nearly as prominent as in other tractates, there is still a case made for the excellence of Israel. They did not question Moses or God but followed them (ch. 1). They are so beloved that God changed the natural order for them (ch. 3). While the nations could only indirectly taste the melted manna, Israel enjoyed it and other provisions to the full. Chapter 6 presents a strong reassurance that the incomprehensible aspects of life are not beyond the sovereign control of God. They are bounded by His choice at creation of objects to serve His people and the ultimate restoration of symbols that represent His presence with His people.

At the same time, there may be a more subtle but just as emphatic message directed at certain outsiders. This is difficult because it involves assumptions and conjecture about the claims to which the midrash may have been responding. Just suppose, however, that some of these assertions focused on the following issues. First, the Israelites certainly were an ungrateful lot, complaining so soon after the miracle at the Reed Sea and continuing to do so. In response, the midrash is careful to describe the
fierce nature of the desert and its denizens. Second, the
sin of the golden calf, committed at the very time that God
was giving Torah to Israel, was completely reprehensible. 65
Third, manna was only a prefiguring of the true "bread from
heaven" (John 6). As noted previously, to deal with this,
the Sages avoided any possible allegorical interpretation of
the manna, emphasized the explicit historical and miraculous
nature of its arrival, highlighted the related Sabbath
principle as much as possible 66 and claimed that manna would
be restored as manna, not as anything else. Its nature would
not change. Fourth, the rod of Moses was a type of the cross
of Christ. 67 The rabbis indicated that this rod was
prepared for this purpose before creation but it was a
temporary symbol. Its function in the miraculous occurrences
is treated in a very stylized manner.

Summary

Vayassa differs from the preceding two aggadic tractates
in the amount of biblical text covered in each chapter, in

65 See above, n. 64, for what may have been a response to
this attack.

66 Chapter 5 is especially instructive in this regard. The
general principle that lack of faith leads to
disobedience runs through the chapter which closes with the
lists of rewards for keeping the Sabbath. The majority of
these rewards are tied with the world to come, the messianic
age and redemption. The point is that Israel's obedience
would result in their ultimate redemption.

67 This claim was made by Justin Martyr in Dialogue with
the generally cursory treatment of the narrative, in the rhetoric and in the attributed opinions. It introduces certain halakhic features which will appear again in Bahodesh. I would suggest that Vayassa and Amalek serve as a transition from the focus on redemption to that on revelation. In the case of Vayassa, this allows the authorship to avoid emphasizing the negative characteristics of Israel and to concentrate instead on the initiation of the Sabbath instructions. Furthermore, certain things needed to be said about manna in a socio-religious context which may have viewed that phenomenon quite differently.
CHAPTER NINE:
TRACTATE AMALEK - THE ENEMY AND THE CONVERT

Introduction

The four chapters of Amalek probe into the two separate subjects of the biblical text in Exodus 17:8-18:27. One has to do with the coming of Amalek, the enemy, and his defeat. The other, by way of contrast, describes the coming of Jethro and his participation in the community.

Chapters 3 and 4 cover large segments of the biblical text and many phrases are dealt with briefly or are used to respond to the discussion of the lemma. Each chapter incorporates noticeable amounts of indirectly related materials in relation to key points.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>240</td>
<td>246</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>220</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>200</td>
<td>192</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>180</td>
<td>177</td>
<td>182</td>
<td></td>
<td></td>
</tr>
<tr>
<td>160</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>140</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

376
Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

The following subjects appear to be the most significant issues in each unit of biblical text underlying the successive chapters of the midrash.

Chapter One. Amalek came and fought with Israel at Rephidim. Moses commanded Joshua to choose men to fight while he stood on top of the hill with the staff of God in his hand. When Moses raised his hands, Israel prevailed; when he lowered them, Amalek prevailed. When Moses' hands got heavy, he sat on a stone, Aaron and Hur held up his hands and they were steady until sundown when Joshua weakened Amalek.

Chapter Two. The Lord commanded Moses to write the event down because He would completely remove the memory of Amalek. Moses built an altar, called it the Lord (is) my miracle and said, "Because the yad is on the throne of the Lord, the war with Amalek is His from generations". ¹

Chapter Three. When Jethro heard what God had done, he took Zipporah and her two sons, Gershom and Eliezer, to meet Moses at the mountain of God. Jethro announced that they were coming and Moses went out to meet him. They greeted one another and came to the tent. When Moses narrated everything that the Lord had done for them in Egypt and on the way, Jethro blessed the Lord for rescuing Israel from Pharaoh and

¹On the obscurity of this phrase and the various renditions, see Vermes, Post-Biblical Jewish Studies, p. 131.
Egypt and acknowledged His greatness. He took a burnt offering and sacrifices, and Aaron and the elders all came to eat with him before God.

Chapter Four. Jethro observed Moses' practice of judging by himself all the matters which the people brought to him. He advised Moses to appoint men who were leaders, who feared God and who were truthful to serve as judges over the people. If a matter was too much for them, they were to bring it to Moses. Moses followed the advice and then sent Jethro on his way.

The Corresponding Midrash

Each chapter is assessed in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. The biblical text is a compact narrative. The enemy came, Moses prepared, the battle was waged and the Israelites were victorious as a result of the effort to keep Moses' hands upraised. The real issue for the midrash, however, is the coming of Amalek seemingly out of nowhere. The longest pericopae of the chapter deal with why, how and whence Amalek came.
The chapter commences with an allegorical explanation; just as a reed cannot grow without water, so Israel cannot exist unless they are busy with Torah. Because they separated from Torah, the enemy came. In fact, the emphasis on this aspect turns the focus of the entire chapter away from the miraculous deliverance by the rod of God to an exhortation not to forsake Torah. Other suggestions are posed as to the manner and significance of Amalek's coming. First, they simply came and stole Israel from under the cloud. Second, they came openly. Third, they tried to involve other nations but the latter were all terrified. The mention of nations is a link to two additional explanations which have to do with the distance that Amalek had to travel. The whole section closes on the same general note on which it opened. Because Israel had been ungrateful, it was punished by Amalek which was also ungrateful. This last thought is the basis for a brief tangent to the punishment of Joash who was likewise ungrateful.²

The location of the battle in Rephidim is interpreted to maintain the initial emphasis on Torah. The very place name is a hint to their weakness in Torah.³ This principle, too, is illustrated from a related event in Scripture. In this

²The term shephatim is read as shiphutim and understood to refer to brutal sexual perversion. The same idea regarding Pharaoh appeared in Shirts 7.

³This was already alluded to in Vayassa 7 but here the explanation is presented in full.
case, Rehoboam was the culprit. He left Torah and, as a result, was invaded by Shishak who removed the treasures of the Temple and took them to Egypt. The midrash notes that this was one of three instances where things returned to their places.

Where the first two long pericopae focus primarily on Torah, the third picks up the master-disciple relationship. The way Moses addressed Joshua, treating him as an equal, is initially instructive regarding the manner in which the teacher should respect his student. The lesson, however, is most emphatically stated regarding the opposite relationship; respect for a teacher should be like the fear of heaven.

Several additional aspects of Moses' instructions receive brief comments. Among them are Joshua's going out from under the cloud and the top of the hill symbolizing deeds of the fathers and mothers. Moses said that the rod of God in his hands would testify to the miracles already performed by God in behalf of Israel.4

In re-presenting the battle, Moses' upraised hands are the focus of attention. The midrash specifies that his hands were a reminder to Israel to believe in God. As they did so,

4At this point, the text includes a set of biblical syntax problems. The middle one has to do with whether to connect mahar to what precedes or what follows. The other four cases are similar examples. Why this pericope is here instead of immediately after mahar is not entirely clear. It may be the result of a copying problem or the desire to put this textual issue after all the material dealing with Moses' instructions. See Bacher, Erkhei Midrash, p. 60.
He performed miracles. Even at this point, the emphasis on Torah is evident. It was through Moses' hands that Torah was given. The raising and lowering of his hands represented times in the future when Israel would be strong and weak respectively with regard to Torah.

When Moses' hands needed support, his sitting upon the stone represents the deeds of the patriarchs and matriarchs. The presence of Aaron and Hur on either side is indicative of the royal and priestly tribes. The faithfulness of his hands meant that he received nothing from Israel on the one hand and that he acknowledged God's miraculous actions through his hand.

Finally, the midrash poses possible explanations for the statement that Joshua weakened Amalek with the edge of the sword. It is concerned to understand the extent of the "weakening" as well as the significance of lephi herev.

Throughout the chapter, the concepts which are most prominent are Torah, mizvot and deeds of the fathers. With the large unit of biblical text, a number of words and

---

5 Two additional examples of such signs are cited. The first one best fits the pattern of looking and believing followed by God's action. It is the serpent which was lifted up (Numbers 21). The second example is the blood of the passover and it is not presented according to that pattern. Rather, that Israel did what they were commanded resulted in God's having pity upon them. All instances, however, have in common the necessity of performing in faith some activity whose value in the situation is not immediately apparent.

6 The list of activities is the same as those recited earlier in the chapter in connection with the rod.
concepts are not explored. Generally, this is because there are no irregularities in the grammar and wording and therefore, even though the idea might be worthy of commentary, there is no textual issue to initiate it.

Because Amalek was the Enemy, more might conceivably have been said about their fighting against Israel. Instead, the attention is solely on the significance of their coming and the place, Rephidim. Moses' expressed intention to stand might have been explicitly contrasted with the fact that he ended up sitting. The rod of God calls forth only a stereotyped list of previous events. The sun going down is significant only insofar as it is used to identify the day as a fast. Although Aaron and Hur are representative of the tribes of Levi and Judah, not much is made of it. Overall, the idea of supporting leadership roles and Moses' need of that is scarcely treated.

---

7It might be that his sitting "on" the merits of the patriarchs and matriarchs is sufficient commentary in this regard.

8Note that there is a perceived textual problem here because Aaron recalls the deeds of Judah and Hur the deeds of Levi. As Lauterbach remarked, however, there is no need to change the text. The midrash simply may have intended to have a member of each tribe laud the other. See Mekilta, vol. 2, p. 146, n. 8.

9It would not have been surprising to find a discussion of merit something along the lines of Nachshon's leap in Beshallah 6. The significance of tamakh and 'emunah might have been developed, especially in relation to the statement that "his hands were faithful". Further, the midrash might have gone additional directions with "one on either side". 
Chapter Two. The biblical command to write a memorial is first understood in terms of the general measure-for-measure principle underlying the narrative. The case of Amalek is like that of every nation; those who come to harm Israel must be prepared to be punished in like manner.

Approximately two-thirds of the chapter is devoted to the command to pass this memorial along to Joshua. The midrash construes this as a hint to Moses that he would not enter the Land. This is an apparently vital issue for the midrash as it demonstrates that, in spite of Moses' pleas, he was not allowed to enter in any manner. A parable of a king who decreed that his son should not come into his palace illustrates the situation of Moses. Just as the guards in the parable allowed the son to pass the first two gates, so Moses conquered the Land east of the Jordan River and gave it to the two and one-half tribes but he was not allowed to go

10 In this case, the midrash refers to it as derekh 'eretz. It is not, however, that one learned proper conduct from Amalek but Amalek was an example of an expected outworking of justice in the world. See Bacher, Erkhei Midrash, p. 18, on the implications of the term.

11 It is one of four hints given, two of which were not considered and two of which were. The other three recipients of hints were Jacob, David and Mordecai. Moses and Jacob did not apprehend their hints and that conclusion is demonstrated at length with regard to Moses. The "hint" to Jacob least fits the pattern in the context because it is an outright statement that God would protect him which, nonetheless, he disbelieved in a later anxious moment. In addition, Jacob had nothing to do with Amalekites whereas the other three in the set of four did. David and Mordecai each received a hint from a particular event in their careers that God was preparing to save Israel in the future. In sum, Jacob seems to have been added to the set simply to balance the pattern.
farther. Moses stood before the Lord asking if His ways were like those of humans in which a higher authority could revoke the decree of a lesser power. The answer is provided in Deuteronomy 3:24 - there is no god in heaven or earth who can do what God has done.

What follows is a series of entreaties from Moses starting with the request to cross over and see the Land, the mountain of the King and the Temple. He then modified the request; instead of going over as leader (bemalkhut), perhaps he could enter as a commoner. When that was refused, he asked to go via the cave in Caesarea. At the last, he requested that his bones be allowed to cross.¹² When even that plea was denied, Moses asked simply to see the Land and this God granted to him. Even so, his view of it came with difficulty. He had to climb to the top of Pisgah for it. Abraham, for the same privilege, exerted no great effort.

The series of requests and denials is balanced by the subsequent claim that whatever Moses asked to see, God allowed him to see. Each geographical location in the circular pattern of Deuteronomy 34:1-3 is interpreted in terms either of a symbol, such as the Temple,¹³ or a person

¹² Here the midrash includes several additional opinions regarding the evident repetition of the fact that Moses was not allowed to cross the Jordan.

¹³ The exegesis in this case is a two-step process. Gilead appears in a passage with Lebanon which is a recognized designation for the Temple. See Lauterbach, Mekilta, vol. 2, pp. 151, 154, nn. 4, 6, and Vermes, Scripture and Tradition, ch. 2.
representing an event in Israel's history. These are not in chronological order but rather are known biblical figures associated with the specific place name. Moses saw four of the major judges. The mention of Dan suggests Samson\textsuperscript{14}, Naphtali refers to Barak, Manasseh means that he saw Gideon and the city of palm-trees is an allusion to Deborah. He also saw Joshua in his rule and David in his.

In addition to these events future to his time, Moses saw the evidence of events which had preceded him. The graves of the patriarchs in the Negev, the ruins of Sodom and Gomorrah and the wife of Lot were made visible to him. His vision extended from patriarchal events to the eschatological future as the valley of Jericho represented the place where the multitude of Gog would fall.\textsuperscript{15}

The rest of the chapter is primarily concerned with reconciling the promise to obliterate the memory of Amalek with later references to descendants of Amalek, especially Haman. The answer lies in the way the text itself is

\textsuperscript{14}The midrash includes further interpretations in conjunction with Dan because it recognizes problems at this point. When Moses viewed the land, the tribes had not yet been doled out. It cites another instance of apparent anachronism in Genesis 14; Abraham pursued as far as Dan, a location to the north and not where the tribe of Dan initially settled. Drawing both together, the midrash concludes that both references are indicative of a prophecy made to Abraham that his descendants would inhabit the area and, in fact, worship idols.

\textsuperscript{15}Unlike previous items in the series, no prooftext appears in conjunction with this one. The closest possibility would have been Ezekiel 39:11.
formulated; it implies that the process will occur in stages.\textsuperscript{16} The phrase "from under heaven" is the basis for drawing in a related pair of expansions on what Moses said to God when Amalek came to harm Israel who were under the wings of their Father in heaven. If Amalek accomplished their purpose, there would be no one left to read Torah when God gave it to them.

The midrash further indicates that Amalek's name will be wiped out when idolatry and idolators are uprooted and the Lord is recognized as King. This anticipates the last section of the chapter regarding the throne of the Lord. There again erasing the memory of Amalek is a significant factor. The Lord swore by His throne that nothing at all would remain to the Amalekites. Further, He vowed that, even if one wished to convert, he would not be allowed to do so.\textsuperscript{17} As an example, the midrash cites the young Amalekite who ran to David with the news of Saul's death.\textsuperscript{18}

\textsuperscript{16}This is immediately suggested by the infinitive absolute construction in Exodus 17:14. It is further implied at the end of the biblical passage by the reference to the battle of the Lord against Amalek for generations.

\textsuperscript{17}This is in distinct contrast to Amalek 3 where Jethro is welcomed even by the Shekhinah. The "swearing" is undoubtedly suggested by the occurrence of \textit{yad} in the biblical text.

\textsuperscript{18}As it appears in the biblical text, he was condemned for claiming to have killed Saul. The midrash re-presents the incident for this context in terms of his claim to be the son of \textit{‘ish ger amaleki}. On that account, David told him his blood would be on his head.
A motif from Vayassa recurs in the question as to whether Moses or the Lord named the altar. The more important points are that God did the miracle for His own sake and the name is a way of keeping the miracle before the Lord. In the same manner, Israel's sorrows and joys are before the Lord.

In response to several grammatical doublings in the biblical text, attention is given to the distinctions between this world and the world to come as well as various generations. The chapter closes with a reference to the three generations of the Messiah.

Much of the chapter is indirectly related material about Moses. Therefore, some parts of the biblical text receive less attention. More might be made of the stated contrast between writing in a book and passing along to Joshua orally. Further, there is no explicit statement of the apparent contradiction between writing something down as a memorial and erasing memory. Nothing is said about Moses' altar other than the remarks about its name.

The poetic statement of Moses about the altar and the vad upon the throne of the Lord is succinct to the point of being obscure. The midrash seems to understand it primarily in terms of the reign of the king and the Lord's vow against Amalek.19 It avoids any discussion of how a hand could be

---

19See Kahana, "Editions of Mekhila de-Rabbi Ishmael," pp. 493-98, on the variant reading of "the king" and its implications.
on the throne, precisely what yad is in this context, to whom it belongs and how that relates to the altar.

Chapter Three. The biblical text contains Jethro's conversion story. The midrash develops those features which are significant aspects of the conversion process. It expands the scope of what might have been heard about God's activity. The single biblical statement that He brought them out of Egypt was only part of the report. The rest included the successful war against Amalek and the giving of Torah. Even the splitting of the Reed Sea itself is significant in that the midrash uses it as the backdrop for another conversion narrative, that of Rahab.

The meanings of Jethro's seven names are explored. Each indicates something about his new relationship to Torah and the God of Israel. The addition of one letter to his name because of his good deeds is the basis for a recital of like individuals as well as opposite sorts from whose names a letter was removed. Throughout the chapter, the midrash embellishes the idolatrous background which Jethro left.

The fact that Moses had previously "sent away" Zipporah is the occasion for some discussion of her status after he sent her and why he did so. More important for the theme of the chapter, however, is the name of the first son, Gershom.

---

20 In conjunction with the latter, the nations of the world are portrayed as terrified that God would again destroy them until Balaam consoles them with the information that God was just giving Torah.
The midrash accomplishes three related things in this regard. The phrase 'eretz nokhriah allows the midrash to make further reference to Jethro's idolatrous background, indicating that he bargained with Moses, giving him Zipporah as a wife in exchange for Moses' giving over his first son to idolatry. This narrative serves as the explanation for the strange incident in Exodus 4:24-26 where the angel met Moses, intending to kill him until Zipporah circumcised the son. Finally, with a series of attributed opinions, the midrash indicates that the importance of circumcision cannot be over-emphasized. 21

Perhaps to counter the fearsome activity of the angel in the previous episode, the meaning of Eliezer's name is explained in positive terms. When Moses had been captured and was about to be executed, an angel of the Lord took his place so that he could escape.

The rabbis questioned why Jethro should have to identify himself as he approached Moses. This context provides an opportunity to emphasize that God urged Moses to welcome the potential convert because even the Shekhinah went out in procession to meet Jethro.

As Moses told his story to Jethro, it was for the purpose of drawing him near to Torah. As a result of what he

21 The significance of this emphasis in the context of conversion is, of course, evident. Interestingly, nothing at all is said about the prospect of Jethro's being circumcised, even though his conversion is the principle subject of the chapter.
heard, Jethro rejoiced over "all the goodness" of the Lord. The midrash uses the expression to rehearse God's special provisions of the manna and the well and to list again the six good middot, a standard set already familiar from Vayassa 5 and 6.

The last part of the chapter dealing with Jethro's acknowledgement of the greatness of God is remarkably spare in its treatment. Instead, most emphasis is on the fact that Moses' name is not in the list of those participating in the sacrificial meal because he was busy serving. A strong case is made for serving both those who are apparently wicked and those who are good. Abraham did so and so does God. Both are paradigms for the Sages, represented by Gamaliel, who do so as well. The chapter closes with the lesson that when one welcomes a fellow creature, it is as if he welcomed the Shekhinah.

Because of the primary focus on converts, other matters of potential interest are not addressed in great detail. Only passing mention is given to the Israelites' camp at the mountain of God. Much more of this very subject appears in Bahodesh. Everything which has to do with Israel, Moses and the time in Egypt is brief and somewhat more stylized. Even the deliverance by God is not expanded beyond what is necessary. Finally, the midrash refers to the surprise of

---

22 The characteristics of brevity and patterned repetition of familiar motifs are what I might expect from testimonial material. For example, the brief measure-for-
Scripture that Jethro would offer sacrifices but it makes no comment on the individual sacrifices mentioned.

Chapter Four. The situation of the biblical text is rapidly described, giving equal but brief attention to Moses' role as judge, to the interpretations of "statutes", "laws" and the things Israel must do and to the characteristics of the persons chosen to serve under Moses. Both the beginning and the end of the chapter are unusual but appropriate for the context. The reference to "the next day" is said to mean the Day of Atonement, a time of judgment and therefore an apt introduction to the chapter.\(^{23}\)

In response to the final statement that Moses sent Jethro on his way, the midrash appends an extensive section on the successful mission of the proselyte Jethro. Scripture is shown to demonstrate that Jethro returned and carried through on his intention to lead his people to the study of Torah. The Kenites, his descendants, went to Judah and lived among the people, indicating that they dwelt with wisdom. Furthermore, the Kenites sat before Jabez, teaching that they became his disciples. According to this understanding, Jabez' request for a blessing meant that he asked for the measure statement summarizes God's just punishment of Egypt. The six good measures, manna, the well and wilderness motifs are all quick ways of recapitulating God's provision for Israel.

\(^{23}\)The Day of Atonement is also a fast day. There are similarities between mimohorat indicating the Day of Atonement and mahar implying a fast day (ch. 1).
privilege to study Torah and for students and his request was granted.

The midrash also notes the family connection between the Kenites and the Rechabites (I Chronicles 2:55) and makes a startling comparison. The covenant with the Rechabites was greater than the one with David because it was unconditional. This mention of conditions and the covenant with David is the link to a list of the three things which were given, conditional on obedience. They were the Land, the Temple and the Kingdom of David. Two additional things were given without conditions, Torah and the covenant with Aaron.

The Kenites' desire to study with Jabez is the occasion for a concluding lesson on being willing to teach. Sages are instructed to share their knowledge with students. In a similar vein, gemilut hasidim is urged for those who have the world's riches. The tractate closes with two attributed opinions which seem to be in the category of addenda. One is an alternate and more literal rendition of the blessing to Jabez. The second has to do with the numbers of men appointed.

Very little of the biblical text is completely omitted but the commentary is brief overall. It may be that the midrash avoids overt criticism of Moses as it does not deal with Jethro's statement that what Moses was doing was not good. What it meant to inquire of God is not explored and Moses' role in bringing the people's concerns to God and
warning them about His laws is not expanded. Clearly, there is a more important issue. It appears to be the zeal of proselytes for Torah.

By Way of Summary

Amalek is the biblical subject of the first two chapters. As the midrash develops, Torah and Moses are equally important. In ch. 1, a major thrust is that Amalek came because Israel forsook Torah. What got them extricated from their predicament was merit of the fathers and the Israelites' renewed belief as they could see Moses with his upraised hands. Chapter 2 sustains the focus on Moses and implicitly on Torah as it demonstrates that Moses pleaded to enter the Land and was granted instead a vision of past and future events related to the Land. The judgment against Amalek includes a declaration that Amalek should never have the opportunity to convert. This motif is the link between the first two chapters and the last two.

Jethro comes to believe, gives Moses good advice and returns to his people who, in turn, are converted. As in the previous two chapters, the study of Torah and Moses maintain their prominence. In ch. 3, it is Moses who draws Jethro toward the Torah and who serves. Because conversion is a dominant theme, circumcision is also an issue. Chapter 4 extols the value of Torah study.
Biblical Paradigms and Institutions: Identity and Function

Paradigms. As is evident from the preceding paragraphs, Moses and Jethro are the key figures not only because of the biblical content but also on account of the directions chosen by the midrash. Moses' activities were paradigmatic for rabbis in several respects. Some of these are even explicitly stated as such. His relationship with Joshua set a pattern for holding disciples in respect (ch. 1) and, as he was equal to all Israel, so the master and student were equal (ch. 3). Just as God instructed Moses to welcome Jethro, so the audience of the midrash was instructed to welcome a potential convert. Further, Moses drew Jethro near to Torah. As Moses was serving Jethro and the leaders, so Gamaliel served the hakhamim (ch. 3).

Further characteristics of Moses were perhaps implicitly paradigmatic for the Sages in their relationship with the people. His upraised hands signified strength in Torah which was to be given through him. As a type of intermediary between Israel and God, he received no gain from Israel for his troubles (ch. 1). In his vision of symbols and events in Israel's history, Moses was given special revelation into God's activities in behalf of His people (ch. 2). Even Moses, because of the sin of the people, was not allowed to enter the Land. How much the more Sages ought not expect to have the Land in the present generation.
At the same time, the figure of Moses is not unduly exalted. Although he intended to stand, he ended up being supported by deeds of the fathers (ch. 1). He was kept out of the Land (ch. 2), he capitulated to idolatry and, in regard to the matter of circumcision, even his merits were not enough to balance the fact that he had not circumcised his son (ch. 3).

Jethro's importance emerges in chs. 3 and 4. His seven names summarize what we are to know about him. He turned from idolatry, did good deeds, was zealous for Torah and was beloved of God (ch. 3). He and his descendants were eager to study Torah (ch. 4). Rahab is a second paradigmatic proselyte in her recognition that there were no other gods (ch. 3).

Abraham figures briefly in ch. 2 in contrast with Moses' view of the Land and in ch. 3 as one whose name was enlarged because of his good deeds and one who served. The deeds of the patriarchs, matriarchs, Judah and Levi are an important part of the victory over Amalek (ch. 1).

The negative figures are, of course, Amalek and Haman. Minor paradigms are Joash and Rehoboam, kings who forsook Torah and suffered severe consequences. Balaam appears briefly in his role as counselor to the nations of the world (ch. 3).

Biblical Institutions. Many of the biblical institutions in Amalek are in the particular category of symbols. Chief
among them is Torah which will be discussed in greater detail below. In addition, the characteristic symbols of the Land, the Temple and the Kingdom of David are shown to Moses (ch. 2). The same three are among the six good measures implied by the phrase "all the goodness" (ch. 3). The admittedly temporary wilderness symbols of the manna and the well are also mentioned as representative of the goodness of the Lord. In an open acknowledgement of their impermanent nature, the midrash further indicates that the Land, the Temple and the Kingdom were given conditionally unlike Torah and the priesthood (ch. 4).

Surprisingly, none of these is a direct response to the biblical text at hand. Furthermore, the one symbol which does occur in the text, the rod of Moses, receives only passing notice. The other institutions which receive some degree of prominence in Amalek are likewise not immediate products of the biblical text. In the context of Jethro's conversion, the midrash emphasizes the importance of circumcision. It sets aside the Sabbath observance and even a person with Moses' merit is in dire circumstances if he is negligent to carry through with it. The matter of fasting appears with noticeable frequency in ch. 1. First of all, the use of mahar indicates to EM that it was to be a fast day. Then, reference to sunset is said to mean that the day of battle was a fast. Finally, the presence of Moses, Aaron
and Hur on the mountain is read as a paradigm for the structure of the synagogue service on a fast day.

Halakhic and Aggadic Responses to the Biblical Text

The entirety of Amalek is aggadic. The characteristic features of extensive biblical citation and expansive thematic development are more noticeable than in Vayassa. The midrash responds to the biblical narratives with additional narratives about the figures it deems important.

Rhetoric: Methods and Mindsets

Categories of Assessment

24 The most common expression adducing biblical support for an idea, shene'emar, appears very frequently in every chapter of the tractate.25 It is often part of larger constructions in which the midrash asks where (minayin) we learn something and responds with one or more proofs from the biblical text. Citation of the biblical text also serves to resolve

24 In keeping with the analyses of the preceding aggadic tractates, I have approached Amalek with the same five categories in mind. These include adducing biblical support for an idea, defining and/or expanding a biblical statement, explicit comparison or contrast of words or concepts, patterns for schematization and narrative without rhetorical introductory features. As always, the first four categories are not mutually exclusive.

25 The same idea is also expressed by (u)khtiv.
questions about the logic of a given statement. In addition, the midrash occasionally asks why something is said in the biblical text and responds with further reference to Scripture.

The most evident patterns for bringing greater definition to the text are again 'ein...'ela' and lo...'ela'. The positive counterparts to these are the expressions "this is" or "these are..." Definition is also accomplished by indicating that the text teaches and occasionally redefines. By way of contrast, the midrash also indicates when something is to be read kemashme'o. On several occasions, rhetorical methods for expanding the sense of the text appear but they are less frequent than in previous aggadic tractates.

The biblical text is dominant is several simple comparisons. Ne'emar khan...ne'emar lehalan deduces the

26This type of rhetoric is foundational to halakhic exegesis but also occurs in several chapters of Amalek. The two most characteristic patterns are 'atah 'omer...'o 'eino 'ela'... and yakhol..., both followed by a biblical citation which clarifies the matter.

27Mah talmud lomar...'ela'... and lamah ne'emru (ch. 4) are key phrases.

28Mikan 'atah lomed, mikan lamadnu, melammed, maggid, hakatuv medabber.

29In two instances, the midrash indicates that the audience ought not read one thing but another. The first has to do with redefining shephatim (ch. 1) and the second with tamut (ch. 4).

30The characteristic davar 'aher only appears in ch. 2 and ha ketzad in ch. 4. A ma'aseh is cited once in ch. 4.
meaning of *shilu'ah* for this context from its use in another (ch. 3). Likewise, *ketiv khan...ketiv lehalan* compares the use of morning and evening of creation with this context (ch. 4). A passage which is *reshum* becomes *mephorash* by means of reference to another verse (ch. 1).

Further comparisons are explicitly suggested by *shaqul ke(neged)*, 31 *al 'ahat kamah vekamah*, 32 *kal vehomer* 33 and *mashal*. 34 The single statements of the measure-for-measure punishment against Amalek and Egypt are explicit comparisons (chs. 2 and 3). So also are the phrases used to introduce like instances. 35 Occasionally, these are part of longer schematic sets. Furthermore, the midrash presents pairs without specific terminology but which, nonetheless, compare and contrast. 36

31Moses and Israel, a teacher and his student and the Exodus and all the miracles are balanced in this fashion.

32If Abraham and God served apparent idolaters, why should not R. Gamaliel serve the *hakhamim* (ch. 3)?

33If judges hate their own money, they will also hate that which belongs to others (ch. 4).

34Moses is likened to a king's son (ch. 2).

35Kevozei bo/bidevar, ken 'atah mozei, ken mazinu.

36Among them are the comparison of ungrateful Amalek with ungrateful Israel, the statement that Moses treated Joshua as an equal (ch. 1), the contrast between God's ways and those of humans (ch. 2) and the covenant with David contrasted with the covenant with Jonadab (ch. 4). The pairs of "past and future" statements as well as the pairs of attributions also function in this manner.
Of the various schematic ways of presenting information, the numbered lists are the most prominent in Amalek. In the context of forsaking Torah and experiencing the dire consequences, ch. 1 lists the three valuable things which returned to their original place when disobedience occurred. They were the people of the exile returning to Babylon, the writing from heaven and the silver of Egypt. Chapter 1 also contains the five words in Torah for which the syntax is uncertain. Towner labelled this a "technical exegetical analogy" whose purpose was to present a complete list of biblical texts which share a common textual difficulty.

The four who were given hints (ch. 2) is a two-part list into which a long section on Moses was inserted. The first two members of the list, Moses and Jacob, did not apprehend their hints. David and Mordecai did. Jacob was the only

---

37 Even though the major manuscripts do not have the third example, Towner, *Rabbinic "Enumeration..."*, pp. 131-35, stated that Lauterbach was correct in restoring it since Rehoboam and Shishak are the link for including the list in the first place. Furthermore, it does specify three things. Towner studied the list in parallel sources, noting that in MRI it is somewhat abbreviated. Only the first example has prooftexts for both the origin in and return to Babylon. Its inclusion here is important because each case involved a disregard for Torah which resulted in decidedly ill consequences.

38 *Rabbinic "Enumeration..."*, pp. 198-99. Unlike other types of lists, this one was not the basis for exhortation or encouragement. It simply served to classify related textual problems. The list presents the syntax problems in the order in which they occur in Torah.

39 Interest in the character and role of Moses is evident in the lengths to which the midrash goes to demonstrate his lack of comprehension. Whether on purpose or by coincidence,
one of the four who really had nothing to do with Amalekites. The end of ch. 2 contains a brief reference to the three generations of the Messiah. The statement is supported by one prooftext.

In ch. 3, Rahab seeks forgiveness for three things regarding which she sinned. Each has to do with her rescue of the Israelite spies and one prooftext suffices to explain the situation. Chapter 3 also refers to the seven names of Jethro, each of which signifies a characteristic of Jethro, the ideal convert. Although there is a reference to 13 covenants mentioned in connection with circumcision, these are not listed. The six good measures appear in this context in connection with the "goodness" that God would give to Israel.

The most significant numbered list of ch. 4 is the three things which were given conditionally. Towner classified this as a syntactical analogy; the items in the list were the claims that Moses and Jacob were not sensitive to the hints are not patterned. As a contrast, the statements about David and Mordecai who did comprehend are presented with the same formulas. See Towner, Rabbinic "Enumeration...", pp. 135-39, for further discussion.

40In reality, it is not clear why these three were considered to be representative of sin on her part. They are hevel, halon and homah. Perhaps it was because it was necessary for her to lie in order to protect the spies whom she let down via the cord through the window from her house on the wall. On the other hand, it may simply be a clever mnemonic device; each of these starts with het and thus goes with the word hatati.

41In Vayassa 5 and 6, they were presented as rewards for keeping the Sabbath.
gathered on the basis of grammatical and syntactical characteristics shared among the prooftexts. In this case, the texts cited indicate that possessing these symbols is conditional on obedience. Even more important, however, are the objects which are conditional and the two unconditional ones which are appended. They would speak clearly to the contemporary situation.

There are additional compact lists of items which are not numbered. Among them are the miracles which both the rod of God and the hand of Moses are said to have done. Both lists are reviews on which is based assurance that further deliverance was to come (ch. 1). To bolster the contrast between God and humans in ch. 2, the midrash gives a list in ascending order of human officials who can revoke the decree of their subordinate. Chapter 3 continues to embellish the significance of names, following the list of Jethro's seven names with the names of those who had letters added because of their good deeds and those who had them subtracted.

On several occasions there are sets of like instances which constitute schematic presentations. The midrash makes it clear that Moses' hands in themselves had no supernatural potential but it was the Israelites' looking at them in faith that made the difference. This is followed by the similar examples of the serpent lifted up in the wilderness and the blood of the passover. Each is presented with the same

\[42\]Rabbinic "Enumeration...", pp. 184-88.
rhetoric (ch. 1). The same is true of those who served lesser beings; Moses, Abraham, God and R. Gamaliel (ch. 3).

Not strictly speaking a list, Moses' request to enter the land is presented in a stylized manner. Each successive request asks for less but is still rejected on the basis of a statement in Torah. The same is true of his view of the land where geographical locations are demonstrated to mean specific events throughout the history of Israel.

As was particularly evident in Beshallah, sets of attributed opinions can be a schematic method for presenting information. In that context, however, the opinions were often couched in repeated verbal patterns. That is not so apparent in Amalek. It is more akin to Vayassa in the specific pairing of Joshua and Eleazar of Modi'in to present consistently contrasting interpretations.

There are aggadic materials which are simply narrative responses to the biblical text and defy further categorization. These may be more prominent in Amalek because the biblical text itself is more straightforward narrative as opposed to poetry (Exodus 15) or instructions from God to humans (Exodus 16).

**Technical Expressions and Unusual Words**

The one expression which might be categorized as technical merits that label only in terms of technical aggadic terminology. At the end of ch. 1, *vayahalosh* is
explained as lashon notarikon, interpreting every letter in
the word as representing another word.\textsuperscript{43}

Even though it deals with foreigners, Amalek has
surprisingly few foreign words. This may be because the
emphasis is never on the actual battle with Amalek.
Furthermore, Jethro is a convert to Judaism and that is the
real focus of the last two chapters. Most of the terms which
appear are in the list of foreign officials, each of whom has
jurisdiction over the preceding one (ch. 2).\textsuperscript{44} Chapter 1
contains a reference to a klavkaron which seems to be a Greek
term for some kind of back support.\textsuperscript{45} Jethro's advice to
Moses included the recommendation that he discover able men
to judge. Because the word has to do with seeing, one
explanation was that Moses would use an aspeklaria, which
kings used (ch. 4).\textsuperscript{46}

\textsuperscript{43}See comments in Lieberman, Hellenism in Jewish
Palestine, pp. 69, 70, and Bacher, Erkhei Midrash, vol. 1, p.

\textsuperscript{44}These are Greek or Latin terms: epitropos,
chiliarchos, decorion, hegemon, eparchos, upotikos. A
related judicial term occurs in ch. 4 but there is some
question as to whether it ought to be read mechsilotinos
(Oxford manuscript) or perhaps techsilotinos, more easily
explained. The Munich manuscript does not have any term at
this point.

\textsuperscript{45}See Jastrow, Dictionary, p. 1373.

\textsuperscript{46}See M. Goodman, State and Society in Roman Galilee
Attributions

Although there is considerable variety among the Sages cited in Amalek, the pair of J and EM is still a distinctive feature. Their names are often joined by a third, Eliezer. The Dorshei Reshumot of Vayassa do not reappear.

Individual Attributions

Ishmael's name does not occur even once. The Sages as a group (amru) are cited most frequently (six times) and they convey traditions regarding proselytes and about Gamaliel and students. Two comments of and about Nathan appear in the context of the descendants of Jethro studying Torah. The opinions associated with him seem often to involve foreigners. Eight other opinions are attributed to as many individuals.

Sets of Names

As in Vayassa, the J/EM dispute form dominates the tractate. The 21 J/EM opinions consistently address the text of Exodus and are not associated with the indirectly related materials. There is some patterning in these attributions. Of the two, J's opinions are generally shorter and more

---

47 See Appendix for lists of attributed pericopae.

48 Two additional comments are attributed to the zekenim rishonim and the hakhamim.
prosaic. EM can tend to be creative and rather expansive.49 Having said that, it is important to note that, in regard to many issues, their opinions sound quite similar. As in Vayassa, EM draws Torah, merit and good deeds into several explanations. There appears to be no consistent feature which distinguishes the set when J's name is listed at the beginning of his opinion as opposed to the end.

In addition to the J/EM disputes, the trio J/EM/Eliezer occurs five times. In these sets, the opinions of J and EM often share similar features while Eliezer's is distinctive. Of the three, he most frequently registers something about the divine intent or focuses on eschatological implications. Of the J and EM opinions, the former is still the shorter one.

49 Elbaum, "Rabbi Eleazar of Modi'im and Rabbi Joshua," pp. 99-116, observed that EM tended to emphasize the involvement of God in the battle with Amalek and to present matters with eschatological overtones while J read the incidents in strictly human terms. In addition, EM tended to downplay Moses' part, focusing rather on the sin of Israel in negative circumstances and on merit of the fathers. In conjunction with this, Elbaum considered the respective relationships of J and EM to the bar Kochba war, noted that EM's name essentially disappeared in later sources and suggested that these derashot were products of the period of the bar Kochba rebellion. Much of his discussion is based on the tannaitic equation of Rome with Amalek even though J and EM did not use it themselves. Elbaum himself acknowledged that finding only one train of thought in the J/EM disputes is forced. In both Vayassa and Amalek, their names occur with a variety of subjects. This is especially noticeable in Amalek where the number of J/EM disputes in the first two chapters regarding the battle with Amalek is balanced by the number in chs. 3 and 4 regarding Jethro.
When the names of J and Eliezer occur together, J follows the general pattern described above in these sets as well. Eliezer, whether responding to J and EM or just J, is associated with the most creative suggestions.

There are only three sets in addition to the above patterns. Two of them draw on information not completely related to the Exodus narrative. The most notable observation is that, no matter whose opinion is in the last place, it is the one which expands the implications of the biblical text beyond the literal and often into the metaphysical and eschatological realms.

Long Lists

There are two longs lists of attributed material. The first of them appears immediately in ch. 1 in response to "and Amalek came". The subject of Amalek is sufficiently troubling that a number of named rabbis are cited to deal with the problem of their coming. While there is a variety of approaches represented in the opinions, the significant emphasis is on the necessity of Torah study. This establishes the direction for the rest of the chapter. Among the opinions are those of Nathan\(^50\) and Judah haNasi.\(^51\)

\(^50\)If the equation of Edom = Rome is intended to underlie his statement, then we have Nathan making the parallel between the Enemy in the days of Exodus and the contemporary one. In any case, it is not surprising to find him engaged in discussion about foreigners.

\(^51\)Amalek twice employs this title instead of Rabbi.
The second list deals with the merits of circumcision (ch. 3). The context for this list is the statement that the angel first wished to kill Moses because Moses had vowed to give his firstborn to the idol of the land. The midrash notes Zipporah's action in circumcising the child and follows with the list. The names in this list are significantly different from the other names in the tractate. This is the only place Ishmael's name appears. Rabbi is "Rabbi" instead of Judah HaNasi.

In the context of the coming of Jethro from an idolatrous background, this series of opinions regarding the importance of circumcision is most appropriate. As the indication of conversion, its significance is established in the contexts of the merit of Moses, the concept of covenant and the Sabbath.

Anonymity

It appears that the majority of the material in Amalek is cited in connection with a name. Many pericopae which are brief responses to the progression of the text are attributed to J/EM. The longest and most significant anonymous section is the description of Moses' view of the Land (ch. 2).

52This same list, with several exceptions, is found in M. Ned 3:11. See further comments below, n. 57.

53See the suggestions as to why this was the case in Vayassa, ch. 8, p. 360.
Authoritative Statements and the Sages

The introductory phrase, mikan amru, is not entirely absent from Amalek. In ch. 1, the situation of Moses, Aaron and Hur on the mountain is the basis for stating that no fewer than three persons were to pass in front of the ark on a fast day.54 Likewise in 1:69-74, the midrash teaches respect for students on the basis of how Moses treated Joshua. The introductory term used is mikan and a parallel summary of the idea is in Avot 4:12. Following the set of those names from which one letter was removed due to bad behavior (ch. 3), we find mikan amru hakhamim and their conclusion is that one ought not to associate with an evil person even for the purpose of drawing him to Torah.55

54 1:154-56. As far as I can determine, there are no Mishnah, Tosefta or Talmud parallels to this statement. The parallel passages seem to occur in Tanhuma and Pirke de-Rabbi Eliezer. The teaching is tenuously based on the biblical instance where three persons were necessary. Lauterbach suggested, Mekilta, vol. 2, pp. 145-46, nn. 7,9, that it was brought because of the earlier reference to a fast day until the sun sets.

55 3:55-57. There are apparent problems with this passage. The Oxford manuscript does not include a prooftext to support the claim that one letter was removed from Jehonadab's name. The text which is cited in the printed edition (II Chronicles 20:37) has nothing to do with Jehonadab but instead is a prophecy against Jehoshaphat's joint venture with Ahaziah. Yet it is on the basis of the verb used several times in that biblical passage that the Sages warn against associating with an evil person. This much of their warning appears in Avot 1:7 as a statement from Nittai the Arbelite. Perhaps "even to bring him to Torah" is added because of the general conversion context in ch. 3 of Amalek. The problem is that this conclusion goes against the general focus of the midrash at this point which stresses welcoming potential converts.
sum, the phrase introduces statements which are matters of practice and ethical common sense.\textsuperscript{56}

\textbf{Structure}

\textbf{Rhetorical Patterns}

Although there are some characteristic rhetorical forms which recur throughout the tractate, no patterns consistently develop among these forms as each chapter progresses. It also does not appear that rhetorical considerations shape large sets of material which are shared with other sources.\textsuperscript{57}

At the same time, the biblical text is not the sole determinant of the direction of the midrash. Rather, thematic emphases suggested by the biblical text are expanded somewhat independently. In these independent developments, each chapter appears to have its own particular focus. At

\textsuperscript{56}There are two related expressions in ch. 3, mikan \textit{’atah lomed sheyehe} and mikan lamadnu sheyehe, both of which introduce statements of the same type.

\textsuperscript{57}When restructuring is evident, it often seems to be occur in response to the most prominent subjects of the midrash at hand. For example, the set of opinions on circumcision is also found, with several modifications, in Ned 3:11. The last two opinions are not in the Mishnah but are found in the Gemara (Ned 31b-32a). The most interesting difference, however, occurs in Rabbi's opinion. MRI substitutes Moses and his situation for Abraham's not being complete until he was circumcised. It appears to me to be impossible to say that one of these traditions preceded the other. What is clear is that the contents are here presented with the MRI context in mind.
the same time, the progression of the biblical narrative links them together and all are firmly lodged in Torah.

Thematic Development

On the surface, the thematic development focuses around relationships with two types of foreigners. The first two chapters are logically connected because the common subject matter is Amalek. The third chapter follows nicely because one of the suggested reports heard was the destruction of Amalek. Even more, the conversion of Jethro is in sharp contrast to the prohibition against any Amalekite converting. Finally, Jethro is the link between the third and fourth chapters. In the third chapter, he is met and served. In the fourth, he contributes advice and effectively proselytizes the people of his land.

World View/Socio-Religious Context

Topic/Theme: Torah

Rather than a firmly stated or unified theme, the tractate presents a multi-faceted emphasis on Torah. In ch. 1, its protective capacity is emphasized. In addition, assessing the syntactical puzzles and the significance of variant spellings in Torah is important for the midrash.

Scripture demonstrates that the coming of the enemy is always the result of Israel's leaving Torah. Torah is also significant in the victory and restoration process because it came through the hands of Moses and his upraised hands represented the time when Israel would be strong in Torah.
Extensive use of Torah occurs in the early part of ch. 2 as it demonstrates that all Moses asked to see was shown to him. Its value is assumed in the declaration that, if Amalek had succeeded in destroying God's children, no one would have been there to read Torah.

The various ways in which Torah affects foreigners stands out in ch. 3. Chapter 4 has two distinct focuses with regard to Torah. Specific aspects of verbal revelation, "statutes", "laws" and "the way", are defined and the importance of Torah in relationship to proper judging is maintained. The latter half of the chapter focuses on Torah as a symbol and an object of study. Jethro desired to lead his countrymen to talmud torah and was successful in the endeavor. Kenites were disciples of Jabez. Part of his blessing was not being hindered in talmud torah. Most significantly, Torah is given unconditionally and keeping Torah was the condition for the other "gifts".

59 The report of God's activities includes the giving of Torah. The kings of the earth trembled when they were told that God was giving Torah and Balaam was aware that it was God's intention to give Torah to Israel. Jethro, the convert, caused another chapter to be put into Torah and was eager to acquire it. For his part, Moses told Jethro about God's activities to draw him to Torah. Nonetheless, the Sages warned against associating with an evil person even to bring him to Torah.

60 There appears to be a distinction between talmud torah and keeping Torah. The former is linked in ch. 4 with hokhmah and the proselytes actively engaged in talmud torah. Keeping Torah, on the other hand, is presented as the obligation of all Israelites.
Recurring Values and Symbols

In addition to the ever-present emphasis on Torah, other values are prominent in Amalek. Justice is important and the midrash indicates that it is balanced both with regard to the Amalekites and the Israelites.\(^6\) On the human level, the proper conduct of justice is an expected emphasis of ch. 4.

The value of mutual respect between students and teachers is demonstrated by the relationship between Moses and Joshua (ch. 1). The same relationship is the object of comment in ch. 3 regarding the master serving the student. Likewise, ch. 4 speaks of the willingness of teachers to instruct their students.

The supernatural aspects of deliverance are played down and instead the qualities of belief, merit and deeds of the forefathers and mothers are those which bring about the victory (ch. 1). In ch. 4, the same characteristics apply to qualified judges.

The dominant theme of ch. 3 is conversion. Therefore, the importance of circumcision as an institution and symbol is stressed. It sets aside even the Sabbath whose significance was demonstrated in the previous tractate.

\(^6\)Because the latter were ungrateful, Amalek was used to punish them. At the same time, however, because of Israel's sin, it was Moses who suffered in not being allowed to enter the Land.
Continuity of Values and Symbols

More than anything else, the persistent appeal to Torah creates a sense of continuity and eternal relevance. In addition, there are several references which address the continuity of significant values and symbols. The three things which returned to their place were the exiles from Judah, the heavenly writing and the silver from Egypt (ch. 1). Even though these were traumatic occurrences, the first two were not permanent "returns". Israel enjoyed both the Land and Torah after these incidents. The implication might be they would have the Land yet again. The Land, the Temple and the kingdom were given on condition of obedience to Torah, an unconditional gift. This situation explains the temporary absence of all three (ch. 4). 62 By way of contrast, God's kingdom will be established le'olam ule'olamei olamim (ch. 2).

Incidents in Torah demonstrate that measure-for-measure justice is a timeless principle (ch. 1) and the former elders explicitly state that it applies to all generations (ch. 2). God always executes justice in a balanced manner. Even the nations of the world perceived that and expected God to judge as He did at the time of the flood (ch. 3).

62 That the priesthood is also unconditional is a subtle statement of expectation that the Temple would be restored. The same sentiment underlies the list of six good middot, all of which are identified as things the Lord will give Israel in the future (ch. 3).
The view of the Land that God gave to Moses spans biblical chronology in the sense that he was allowed to see activities of God's judgment in the past, events in the Land future to him and judgment in the eschatological future (ch. 2). In the context of biblical chronology, the rabbis recognized the problem with Moses' view of Dan in the north. They were concerned with the references to various generations and tried to identify them. Responding to the potential pairs of time indicators, they established time periods when Amalek's descendants would be obliterated (ch. 2).63 The whole concept of the future of Amalek, their remembrance and Haman is an interesting study in continuity where there was not supposed to be any.

The midrash also establishes continuity between biblical events and contemporary practices. Procedures for public worship on fast days are said to be based on the positions and activities of Moses, Aaron and Hur (ch. 1). Master and disciple relationships are guided by those observed between Moses and Joshua (ch. 1), Moses and Jethro (ch. 3) and Jabez and the descendants of Jethro (ch. 4).

---

63 In the several contexts in which these occur, they span from the event of the war with Amalek all the way to the generation of the Messiah which itself consists of three generations.
The Temple and Its Ritual

Because the biblical text contains no references which directly point to the Temple, it is understandable that it is not central to the midrash. The allusions which do appear are in the indirectly related materials. The reference to Shishak's taking back the temple treasure to Egypt is a brief historical allusion (ch. 1). A more significant statement is made in ch. 2 where the Temple was one of the things Moses saw. The midrash equates it with Moses' view of Lebanon and of Gilead. The biblical prooftext is a subtle acknowledgement that the Temple was gone (Isaiah 10:34). The same is true of the conditional giving of the Temple.64

It is just as interesting to note phrases of the biblical text which might have been related to the Temple but are not. In light of the purpose of the Temple, a connection might have been drawn between it and the "throne of the Lord" of Exodus 17:16. Likewise, although Jethro's sacrifices historically preceded the Tabernacle and Temple, the subject matter could lend itself to comments on the Temple. That it does not is of interest.

64 The continued importance of those who were priests despite the absence of the Temple is apparent in the indication that the priesthood was given unconditionally. Whether this was intended to be an acknowledgement of their contemporary status in the community or a promise of future restoration is impossible to determine.
"Theological" Reflections

The Supernatural and Miraculous. What has been already been said in this regard applies in Amalek as well. Those events which are already part of the biblical record are not viewed as extraordinary in any sense. This is particularly evident in ch. 1 where the rod of God might conceivably have been the basis for a wide range of speculation. Instead, that potential emphasis gives way to the chapter-wide focus on Torah and on the fact that the rod was simply the object to which Israel looked and believed.

The same observation applies to ch. 2. The name of the altar is simply read as God's participation in the miracle. Chapter 3 contains a greater potential for embellishment. What Jethro and others heard is, after all, the basis for their believing. Even so, the references to the rescue at the Sea and from Amalek, the manna and the well are relatively brief and concise.

Speculative details which stand out against this background are such things as the heavenly writing returning to its place (ch. 1), the vision of events given to Moses (ch. 2), the activities of the angel in ch. 3 and the bat kol speaking from the Most Holy Place (ch. 4).

The Names of the Divine. The patterns observed in previous tractates are maintained in this one. Many of God's

---

65 The two most frequently used names are haQadosh Barukh Hu (or a related abbreviation) and haMagom. The latter occurs slightly more frequently, a tendency which is even
showing and talking activities are indicated simply by the masculine verb form without an explicit name. This is true, for example, of His giving hints (ch. 2), of people coming to inquire of Him, of His "agreeing with" Moses and of His making the ignorant wise, the poor rich and vice versa (ch. 4).

The title, Master of the Universe, is the characteristic mode of address, employed by Moses on several occasions and by Rahab in her confession. In a tractate dealing with foreigners, this is appropriate. In His special relationship with Israel, God is represented as the "cloud" from under whose protection Amalek tried to take Israel (ch. 1), as haGevurah, at whose command the battle took place (ch. 1) and whom they consulted (ch. 4), Father in Heaven with Israel under His wings (ch. 2) and Shem Shamayim to Whom belonged Moses' children.\(^6^6\) Shekhinah is a familiar title in this context as well. Moses chose to worship the One Who Spoke and the World Came Into Being (ch. 3).

Foreigners know of Him because His Name is great in the world (ch. 3). Those who are proselytes come leShem Shamayim (ch. 3), it was Jethro's desire to bring the under the wings of the Shekhinah (ch. 4) and The One Who Spoke and the World more apparent in the manuscripts. The distinctive difference between the Oxford and Munich manuscripts over the use of haQadosh Barukh Hu is not as evident in Amalek.

\(^6^6\) The presence of this name might be influenced by the context which has to do with the naming of the children of Moses.
Came Into Being welcomes converts (ch. 3). The names used in ch. 3 are more and more varied. Perhaps this is a reflection of the general focus on communication about God to foreigners.

**Idolatry**

Idolatry is not presented as a major contemporary problem for Israel. Abraham was told that his children would worship idols at Dan and it was grievous news to him (ch. 2). The brief comment, however, is part of the much longer lesson on Moses' view of the Land. Chapter 3 does depict Moses as succumbing to pressure from his idolatrous father-in-law and the consequences for him of his giving his firstborn son over to the idol of the land were potentially grave. It appears, however, that all of that is embellished primarily to provide an adequate explanation for the strange incident in Exodus 4, not to inveigh against people in high places falling for idolatry.

In fact, the intent of the midrash is primarily to depict the state of idolatry as distinctly inferior to that of belief in God. Jethro's background as a consummate idol worshiper is quite prominent in ch. 3. The midrash also

---

67Midian was a land where God was a stranger and Jethro had previously sought out all idols. One of his virtues was to free himself from his idolatrous practices as a priest and a practicing worshiper, when he offered incense and libations, bowed down and made Moses vow to give his first son to the idol.
pictures idolatry as a factor in the world view of those who are enemies of God (ch. 2). The name of Amalek would be permanently blotted out when idolatry and those who are idolaters are rooted out.

Social Structures: "Others" and "Us"

The "others" of the tractate range from hostile groups, who were and would be punished in accordance with their crimes, to sympathetic individuals and groups, who wished to join with Israel and were welcomed. Those who were clearly outside and alien included Egypt, Amalek and the Arameans who came up against Joash to bring judgment upon him. At the same time, the kings of the earth knew about and feared the God of Israel and chose to consult Balaam regarding His intentions (ch. 3). A few neutral details emerge regarding contemporary governmental structure and means of divining information.

68 In the case of Amalek, the enemy is defiant, conspires with other nations and steals Israel from the protection of God. It is called "this wicked kingdom" and demonstrates its fierceness in fighting all day long instead of only during the morning (ch. 1). It will be blotted out forever and has no opportunity to convert (ch. 2). In the case of the Arameans, the enemy is brutal. They set "cruel guards" over Joash to abuse him (ch. 1).

69 A number of officials are listed in order to demonstrate that, unlike God, there is always someone to overturn a decree which has been issued.

70 The specularia of kings was presumably used to determine things generally unknown. Its use in the context of ch. 4 may suggest some extraordinary means.
Among the sympathetic "others" are Jethro, Rahab and Jethro's descendants. They desire a relationship with the people of Israel and, especially in the case of Jethro and his descendants, eagerly seek to study Torah.

Observations about "insiders" are made particularly with regard to students and teachers. These vary from simple statements such as Eliezer's sitting in the "great session" to exhortations to teachers and students regarding mutual respect. Inspired by the biblical text, the midrash also discusses the qualifications of judges. Presumably, these represented the ideal judge but may have been presented in terms that reflected problems in reality.

The Messages in the Text

While the first two chapters do excoriate wicked foreigners, the overall message of the tractate is again directed inward. In this case, however, the point is occasionally made by contrasting Israel unfavorably with foreigners.

As already noted, the outstanding message of ch. 1 is that leaving Torah has disastrous results; sin and transgression bring the enemy. As the chapter downplays the miraculous and emphasizes Torah, the implicit message appears to be not to expect a spectacular deliverance but to engage in obedience to Torah as a way of life. Jethro, as the paradigmatic convert, put Israel to shame (ch. 3). He
performed good deeds, associated himself with God, put off idolatry, worked to acquire Torah and blessed God before any of Israel did so.

**Talmud Torah** is just as essential as keeping Torah.\(^{71}\)

In ch. 4, the zeal of Jethro's descendants for Torah may veil an implicit attack on those who were indifferent to it. While whole people groups wished to convert and study Torah, there were those who presumably brought disaster upon Israel because of their disregard for Torah.

From a wider perspective, the desirability of conversion is assumed (ch. 2). A major point of ch. 3 is that God is universally recognized and feared while Israel enjoys His special favor and protection. One aspect of that special favor was the event of their receiving Torah. Therefore the only intelligent response is to join Israel.

Finally, there may be a subtle response to Christian teaching in the commentary on Moses' upraised hands. The midrash maintains that Moses was able to keep his hands up because of merit of the forefathers and, as the people looked, believing in God, He acted in their behalf.\(^{72}\)

---

\(^{71}\)Those who are responsible for preserving talmud Torah in the midst of the people, the masters and students, are urged toward a mutual respect which is like the fear of heaven. The vigilance of those who communicate Torah is essential to the well-being of Israel.

\(^{72}\)In his search for types of the passion of Christ, Tertullian claimed that Moses' outstretched hands were a prefiguring of the cross (An Answer to the Jews, ch. 10, in Ante-Nicene Fathers, vol. 3, pp. 165-66). The second example cited in the midrash, the uplifted serpent in the wilderness,
Summary

It is the indirectly related pericopae which really give Amalek its direction and focus. In establishing the linkage of the various subjects, Scripture at large plays an even more prominent role than in some previous aggadic tractates. At the same time, response to the Exodus text at hand is often brief. Because that is true, exegetical methods and forms are less significant than thematic emphases.

There are several messages to the Sages which surface throughout the tractate. One revolves around the figure of Moses. In ch. 1, he is instrumental to belief on the part of Israel and subsequent action by God. In ch. 2, his disappointments and difficulties in regard to the Land may be intended to encourage contemporary leadership. Chapter 3 depicts him as one who draws interested parties to Torah and serves willing students. In ch. 4, he is the agent whereby Israel inquires of God but it is also true that the student/proselyte takes over, advises Moses and proceeds with zeal to convert his countrymen.

The concept of relationships between masters and students appears frequently. A constant theme is the obligation upon the master to revere the students, serve them and be willing to teach them.

---

was a figure Jesus used in John 3:14-15 in speaking of belief in his own mission.
CHAPTER TEN:
TRACTATE BAHODESH – REVELATION AT SINAI

Introduction

The eleven chapters of Bahodesh are commentary on Exodus 19:1–20:23. The preparation to receive the Torah, the declaration of the Ten Words and the response of the people are the main biblical topics. Moses is the key human figure involved in the process.

The length of the chapters is generally consistent throughout the tractate. Therefore, those chapters which cover a larger number of verses tend to omit more material or cover it in a more cursory fashion. On the whole, this tractate combines analytical methods which characterize halakhic material with indirectly related aggadic materials which have a significant impact on the message of the midrash.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>160</td>
</tr>
<tr>
<td>2</td>
<td>140</td>
</tr>
<tr>
<td>3</td>
<td>136</td>
</tr>
<tr>
<td>4</td>
<td>143</td>
</tr>
<tr>
<td>5</td>
<td>140</td>
</tr>
<tr>
<td>6</td>
<td>120</td>
</tr>
<tr>
<td>7</td>
<td>116</td>
</tr>
<tr>
<td>8</td>
<td>124</td>
</tr>
<tr>
<td>9</td>
<td>120</td>
</tr>
<tr>
<td>10</td>
<td>116</td>
</tr>
<tr>
<td>11</td>
<td>124</td>
</tr>
</tbody>
</table>
Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

The following subjects appear to be the most significant issues in each unit of biblical text underlying the successive chapters of the midrash.

Chapter One. In the third month after the Exodus, Israel came from Rephidim to the wilderness of Sinai to camp before the mountain.

Chapter Two. The Lord told Moses to recall for Israel His actions for them and His promises if they would keep the covenant. Moses told the elders, the people responded positively and Moses brought that response to the Lord. The Lord promised His obvious presence so that the people would believe Moses and Moses told the words of the people to the Lord.

Chapter Three. The Lord told Moses to set the people apart and have them wash their clothes so that on the third day they would be ready for the Lord's descent on the mountain. They were to be kept from approaching the mountain to touch
it until the appropriate time lest they die. Moses obeyed and also instructed the men not to approach their wives. On the third day, Moses led the people out to meet the Lord amid thunder, lightning and the cloud and they stood under the mountain.

Chapter Four. The mountain was covered with smoke and was trembling when the Lord descended with fire. The shofar sounded, Moses went up and he and the Lord spoke. Moses was sent down to warn the people and the priests not to break through. Moses reassured the Lord that they would not do so and he and Aaron were invited up. Then the Lord spoke.

Chapter Five. "I am the Lord your God who delivered you from Egypt."

Chapter Six. The people were commanded not to have other gods and not to make or worship idols because the Lord is jealous and punishes those who hate Him but rewards those who love Him.

Chapter Seven. They were not to lift up God's name to emptiness because God would punish anyone who did so. They were to remember and sanctify the Sabbath. The command is followed by an explanation of when to work and rest and who is involved.

Chapter Eight. They were to honor parents that they might have long life. They were not to murder, commit adultery, steal, give false testimony or covet.
Chapter Nine. Because of what they saw and heard, the people were afraid and requested that Moses speak to them. Moses reassured them that the fear of the Lord served to keep them from sin. Moses approached and received the Lord's word to Israel.

Chapter Ten. "You shall not make with me gods of silver or gold for yourselves."

Chapter Eleven. The people were to make an altar of earth, offer the burnt and peace offerings and the Lord would bless them. If they were making a stone altar, a sword was not to come on it and profane it. They were not to approach the altar with steps and reveal their nakedness.

The Corresponding Midrash

Below each chapter of midrash is presented in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. Three details of the biblical account are the bases for the exhortation that emerges in the midrash. They are the chronological indicator, "in the third month", the repetition of the place names, Rephidim and Sinai, and the occurrence of this event in the wilderness.
The initial focus is on the Exodus as the starting point for calendar computations. Its importance is indicated by biblical evidence that, until the building of the Temple, years were still reckoned from the Exodus even though several other significant events had occurred in the meantime. Construction of the Temple served as the basis for determining lengths of time until its destruction. The change to reckoning according to the destruction is sarcastically presented as Israel's not being satisfied to count from the positive events in their history. Because they were not content with serving God, they ended up serving the enemy. Their subjugation on account of disobedience is the main point of the first part of the chapter. It is reinforced with Yohanan b Zakkai's comments on the girl scavenging behind the Arab's horse and the set of contrasts between service to God which they rejected and the current harsh circumstances.¹

¹One of these makes reference to subjection to the most inferior of nations, the Arabs. This is noticeably different from the general tenor of comments on other nations. To what it refers is uncertain. Listed first, it may simply be a literary product of the immediately preceding story about the young girl, ivrit hi (Munich manuscript), and the horse, paras aravi hu (Munich and Oxford). In this case, a word play rather than a historical milieu might best explain the occurrence of "Arab". F. Millar, "Empire, Community and Culture in the Roman Near East: Greeks, Syrians, Jews and Arabs," Journal of Jewish Studies 38 (1987): 143-64, cited inscriptional evidence of the formation of urban Arab groups on the fringes of the Jewish community in the eastern Roman empire. Unfortunately, not much is known of them in contrast to the Sasanians to the east. In this regard, S. Safrai, "The Era of the Mishnah and the Talmud (70-640)," in A History of the Jewish People, Part IV, ed. H.H. Ben-Sasson
The second part of the chapter's message is that the repetition of Rephidim and Sinai means they journeyed with repentance. The relationship to the previous subject of disobedience is apparent as the midrash comments on the cycle of angering the Lord, repentance and acceptance by Him. The emphasis is on God's forgiveness and help even though He knew each time that Israel would again anger Him.

The third part of the chapter initially draws on the use of "wilderness" to maintain that Torah was given openly, potentially available to all. This point receives considerable attention because it is important to establish that Torah was fairly, and not exclusively, presented. In light of the preceding material on the disobedience and repentance of Israel, the midrash deals with the issue of why Torah was given to Israel. The answer is that, although it was available to all, the rest did not want it.

In the brief biblical text, there is significant repetition of the ideas of wilderness and camping. Although the midrash bases its point about giving Torah openly on the

---

(Cambridge, 1976): 348, noted that the ruling class of Tadmor in the third century was Arab. These people, however, seemed sympathetic to Judaism.

Wacholder's claim, "The Date of the Mekilta," p. 142, that the text was composed during a period of Arab domination might have been supported by this text but he did not refer to it.

The text of MRS does not include the material on Yohanan b Zakkai. Instead, it follows the list of calendar events with an obscure reference to Leviticus 26:43, mentions the measure-for-measure principle and then makes the application; because Israel did not serve God, they would serve the enemy.
meaning of "wilderness", nothing is directly made of the three occurrences of the word. In addition, neither it nor "camping" is interpreted symbolically as might have been expected.

The midrash does not engage in any kind of schematic approach, listing other events which happened in the third month. Perhaps there were none that would contribute as effectively to what is a coherent message about continual disobedience and repentance. The contrast between the ways the people do and should act demonstrates the need of Torah. This perfectly sets the stage for the rest of MRI.²

Chapter Two. Because the chapter of midrash covers seven verses, much is treated in a cursory fashion. The correspondence between the biblical text and the midrash is direct and the message of this chapter is based on the biblical text. There is little opportunity for tangents. Toward the beginning of the chapter, there is some repetition of earlier material.

By way of introduction to the chapter, the midrash responds briefly to matters of order, precision and accessibility of God's communication. A consistent emphasis

²Comparison of this chapter with the corresponding midrash in MRS indicates that MRI clearly has evidence of conscious composition which is lacking in MRS. The latter does not position pericopae in the same way so as to achieve logical development of the themes. In addition, in MRS the transitions are abrupt and sometimes unclear.
throughout the chapter is Torah; an injunction not to add or subtract reappears later.

The first embellished point is that God bore them on eagles' wings and brought them to Himself. The varied interpretations draw attention to the unusual figure, "on eagles' wings", and infer a supernatural protective action on the part of God.\(^3\) Being drawn to God is read alternatively as to Mt. Sinai or to the Temple.

What Israel will be to God when they keep the covenant also receives attention. The concept of "treasure" is developed in light of the implication that a treasure is something given to someone and yet all the earth belongs to the Lord. In response to the term "kingdom", the midrash first indicates that only an Israelite shall rule over them. Beyond that, it systematically eliminates suggestions that children of Israel are less than exemplary princes, kings or priests. Rather, they are a holy nation. After their corporate sanctity was polluted by the incident of the golden calf, the priests were singled out to serve.\(^4\)

\(^3\)This is in part accomplished by the parable, also used in Beshallah 5, of the man who positioned his son in order best to protect him from robbers.

\(^4\)It may be that the midrash reaches this conclusion on the basis of the apparent lack of distinction between people and priests as they stand before the mountain (Bahodesh 4). If they were not distinguished then, the question would be when that occurred and an obvious answer is the episode of the golden calf. This is clearly a very muted treatment of the incident in comparison with later material. See further discussion in chs. 4 and 14.
The final area of emphasis has to do with aspects of Moses' role as a go-between. We learn derekh 'eretz from Moses; he reported back to God even though there was no need to do so. Differing opinions are presented as to whether and why the people needed to hear God agree with Moses, to hold him in high esteem and to believe him. The midrash also asks what Moses told God about the Israelites and vice versa. The responses to this build in intensity and are structured so as to prepare for subsequent chapters. The initial suggestion has simply to do with setting boundaries around the mountain. This is followed by the possibility that Moses communicated the ordinances in conjunction with stated rewards and penalties. In the final two interpretations, the people express their desire first, to hear directly from their King and not through the mouth of an attendant and second, to see the King. Therefore, although Moses conveyed these expressions, the midrash intimates that his role would change because of the dramatic events to follow.5

The only concept not addressed at all is that Israel would be a treasure "out of all the peoples". Perhaps the contrast between Israel's chosen position and the rest of the

In regard to the calf story, the midrash indicates that Israel is like a sheep. Unlike the nations of the world, when it is injured in one limb, all suffer.

5Kimelman, "Rabbi Yohanan and Origen," p. 577, perceived this type of presentation as the rabbinic corrective to the concept that Moses was a mediator. Rather, he simply arranged the meeting.
nations is muted in the shadow of the previous chapter's emphasis on equal access to Torah.

Although the extent of Moses' elevation in the eyes of the people and his mediating words are an issue, there is no direct response to his going up to God. More might have been done with the obligations of obedience and keeping the covenant. In this context, however, these serve as backdrops to what Israel will be when they do obey.

Chapter Three. The midrash follows the narrative development of the biblical text and most of the units are brief. Of the longer ones, the first is especially effective in the overall context of giving Torah. A time indicator, "on the third day", again stimulates discussion. The people were to be ready and sanctified by that time. The midrash asks what Moses was doing on the intervening day in order to accomplish this. The response is drawn from Exodus 24 and includes building an altar, offering sacrifices, sprinkling

---

6This is understandable in light of Halperin's analysis (Faces of the Chariot, ch. 9) of the implications of ascension texts, the tannaitic restrictions on studying the merkavah and the popular interest in it. His thesis was that the merkavah and Sinai traditions were expounded for popular consumption in connection with Shavu'ot. The apocalyptic and hekhalot texts indicate that the material flourished among the am ha'arets who conceived of Moses' ascension to take hold of Torah as a model for subsequent ascents (descents) which might achieve power and status. Because, however, the rabbis feared the many darker implications of these studies, they tried to suppress them in "their literature".
blood and reading the book of the covenant.⁷ When the people acknowledged their willingness to receive the commandments, Moses sprinkled the blood on them and pronounced them bound and prepared to receive Torah the next day. There is some additional attention given to the fact that God would come down before the "eyes" of the people but generally the warnings, preventive measures and stated punishments are treated briefly.

The character of Moses receives further positive commentary in response to the statement that he descended the mountain to the people. The pattern in Scripture is that he was not concerned with his own affairs but consistently went from the position of communication with God to report to the people. Furthermore, his ascents to the mountain all occurred in the morning, a familiar positive motif.

The phenomena of thunder, lightning and the cloud receive characteristically little embellishment. They do cause fear among the people.

The final emphasized feature of the chapter is the relationship between God and Israel. When Moses brought the people out to meet God, He came from Sinai to receive them. Their standing under the mountain is said to be amplified in

⁷That Torah is the abiding concern is evident from the subsequent development in this section. The midrash includes suggestions regarding what Moses would have read. Some of them demonstrate an awareness of what could have been written at this point; others go beyond into the laws from Leviticus.
Song of Songs 2:14\(^8\) where the "cleft of the rock" means "under the mountain".

The only materials which might be called indirectly related have to do with additional biblical texts. How much of the covenant was read for the preparation of the people is one of them. The second is the set of interpretations of Song of Songs 2:14.

In addition to cursory treatment of issues, such as washing and separation from women, which have primarily halakhic implications, there are other aspects of the biblical text which are not objects of study. The location of Mt. Sinai is not important. The significance of God's descent is not addressed here. Rather, it becomes part of a scheme of ten descents. In the same vein, only certain questions regarding His appearing are raised. The implicit problem of the impossibility of seeing God is not directly stated.\(^9\) Why approaching the mountain was punishable by death may have been obvious. In any case, the midrash only

\(^8\) "My dove in the clefts of the rock,
In the secret place of the pathway;
Show me your appearance,
Let me hear your voice
For your voice is pleasant and your appearance is lovely."

According to one interpretation, each phrase represents some aspect of Israel's receiving revelation from God. Subsequent interpretations suggest that the verse refers to the crossing of the Sea or the exultant song at the Sea. See further on the "original setting" of the Song of Songs in Kimelman, "Rabbi Yohanan and Origen," p. 573, n. 31.

\(^9\)See above n. 6 and further comments in ch. 14.
clarifies the mode of execution. While it does address the logical question of how the people could ascend when they were told not to touch the mountain, it does not tackle the parallel puzzle of their ascending to end up "under" the mountain. At that point, the Song of Songs exegesis takes precedence.

Chapter Four. The mood of the biblical text is dominated by the description of the extraordinary phenomena surrounding the mountain. By way of contrast, Torah itself dominates the chapter of midrash. Questions about interpretation and suggested models for understanding Torah seem to diffuse the excitement of the biblical text. Torah is likened to the fire mentioned in the text. The midrash acknowledges that, in order for God's revelation of Himself to be understandable, the biblical text uses figures that are part of human experience. At the same time, the Sages were intent upon maintaining His transcendence as well. In the subsequent discussion regarding how it was that God came down on the mountain, the opinions cited specify that He was in the heavens and the Glory did not come down.

The midrash demonstrates from Scripture that Sinai was not unique among mountains. As part of the process, it is contrasted with the dwelling place of the Shekhinah in the tribal inheritance of Benjamin.

---

10 This explanation appeared already in ch. 3 and recurs here.
The biblical text says that Moses spoke first and God answered him. The Sages explained this seeming impropriety. The first suggestion keeps Moses clearly as the go-between, simply reporting that Israel was ready to accept. The second explanation indicates that it was God who gave Moses the power to accomplish this and it was primarily so that Israel could hear.¹¹

This special concern for Israel is manifested elsewhere. The possibility that many might fall if one broke through is read as each Israelite having great value. Different values within corporate Israel seem to be ascribed by both the biblical text and the midrash to people, priests and Moses himself.

In preparation for the actual statement of the Ten Words, the chapter closes with three related matters. Rewards and punishments are contingent upon keeping the commandments. God, who spoke the words all at once, is contrasted with humankind who cannot do so. Moses returned the response of the people to God and He agreed.

With the amount of biblical text covered, it is not surprising that many individual words are passed over. Conceptually, however, there are also several noticeable absences. I might have expected the midrash to compare 19:11

¹¹When the biblical text later returns to the subject of Moses and his role, the midrash repeats from ch. 3 the set of opinions to the effect that Moses was to look good in the eyes of the people by having God agree with him.
regarding God's descent before the eyes of all the people with 19:21 which is a warning that they not break through to the Lord to see. It did address the similar discrepancy between staying away and coming near in ch. 3. In addition, no discussion is devoted to the fact that the priests are distinguished but given no more privileges than the people, while Aaron did go up with Moses.

Chapter Five. Corresponding to the first part of the verse, the chapter of midrash focuses primarily on the singular identity of God as He is presented in Torah and on the fact that He is Israel's God. Even before these themes are developed, however, the chapter commences with a question on the order of things in Torah. Why were the Ten Words not given at the beginning? The response is a parable that a king is accepted as such after he has done something for the people. Likewise, after God had brought them out of Egypt through the Sea, provided manna, the well and quail and fought Amalek for them, then they would receive His kingship.

Perhaps in parallel to God's singular nature, the unity of Israel at Mt. Sinai is extracted from the singular form of the possessive pronoun, "your God". In fact, their unity is

12 It may be that ch. 5 itself is a microcosmic presentation on the issue of order. It does not deal with the verse in order but seems to work through less significant points before getting to the real heart of the verse, the identity of God. On the composition and message of the chapter, see P. Schaefer, "Israel und die Volker der Welt, zur Auslegung von Mekhilta de Rabbi Yishmael bahodesh Vitro 5," Frankfurter Judaistische Beiträge 4 (1976): 36-62.
such that, if one individual committed secret sin, the public would be drawn in.\(^\text{13}\)

Several of the responses to the singular subject pronoun, I, are similar to motifs in Shirtya. One of them is the list of references to the effect that God revealed Himself in some visual manner. To counter any potential arguments by the minim that there were two powers, the midrash stresses that "I" means the same Power was and will be revealed in each of these instances. A series of biblical prooftexts is cited to buttress the declaration of His singular identity, past, present and future. Furthermore, no one refuted the claim that God made for Himself and it was made publicly.\(^\text{14}\)

In order further to affirm God's sovereignty, the midrash includes the responses of all creation to His declaration. The mountains trembled and prepared to heed His call until they discovered He was addressing only Israel. The earth also trembled. The kings of the earth came in fear

\(^{13}\)Individual responsibility for corporate well-being appears to be a persistent theme in Bahodesh. In ch. 2, the comparison of Israel to a lamb teaches that all suffer when one does. Chapter 3 mentions the concern to warn one another and ch. 4 interprets the biblical text that many would perish if one broke through. On the individual's effect on the entire community when he/she sins, see Urbach, Sages, pp. 539-40, and Sanders, Paul and Palestinian Judaism, p. 237.

\(^{14}\)The list of prooftexts is the same as that used in ch. 1 to support the open giving of Torah. It seems to fit better there.
regarding God's descent before the eyes of all the people with 19:21 which is a warning that they not break through to the Lord to see. It did address the similar discrepancy between staying away and coming near in ch. 3. In addition, no discussion is devoted to the fact that the priests are distinguished but given no more privileges than the people, while Aaron did go up with Moses.

Chapter Five. Corresponding to the first part of the verse, the chapter of midrash focuses primarily on the singular identity of God as He is presented in Torah and on the fact that He is Israel's God. Even before these themes are developed, however, the chapter commences with a question on the order of things in Torah. Why were the Ten Words not given at the beginning? The response is a parable that a king is accepted as such after he has done something for the people. Likewise, after God had brought them out of Egypt through the Sea, provided manna, the well and quail and fought Amalek for them, then they would receive His kingship.

Perhaps in parallel to God's singular nature, the unity of Israel at Mt. Sinai is extracted from the singular form of the possessive pronoun, "your God". In fact, their unity is

12 It may be that ch. 5 itself is a microcosmic presentation on the issue of order. It does not deal with the verse in order but seems to work through less significant points before getting to the real heart of the verse, the identity of God. On the composition and message of the chapter, see P. Schaefer, "Israel und die Volker der Welt, zur Auslegung von Mekhilta de Rabbi Yishmael bahodesh Vitro 5," Frankfurter Judaistische Beiträge 4 (1976): 36-62.
such that, if one individual committed secret sin, the public would be drawn in.\textsuperscript{13}

Several of the responses to the singular subject pronoun, I, are similar to motifs in Shı́rta. One of them is the list of references to the effect that God revealed Himself in some visual manner. To counter any potential arguments by the \textit{minim} that there were two powers, the midrash stresses that "I" means the same Power was and will be revealed in each of these instances. A series of biblical prooftexts is cited to buttress the declaration of His singular identity, past, present and future. Furthermore, no one refuted the claim that God made for Himself and it was made publicly.\textsuperscript{14}

In order further to affirm God's sovereignty, the midrash includes the responses of all creation to His declaration. The mountains trembled and prepared to heed His call until they discovered He was addressing only Israel. The earth also trembled. The kings of the earth came in fear

\textsuperscript{13}Individual responsibility for corporate well-being appears to be a persistent theme in Bahodesh. In ch. 2, the comparison of Israel to a lamb teaches that all suffer when one does. Chapter 3 mentions the concern to warn one another and ch. 4 interprets the biblical text that many would perish if one broke through. On the individual's effect on the entire community when he/she sins, see Urbach, \textit{Sages}, pp. 539-40, and Sanders, \textit{Paul and Palestinian Judaism}, p. 237.

\textsuperscript{14}The list of prooftexts is the same as that used in ch. 1 to support the open giving of Torah. It seems to fit better there.
to Balaam to inquire whether God was again going to destroy the world with a flood.\textsuperscript{15}

In conjunction with the kings and nations and in response to "your God", the midrash expands an earlier theme regarding the availability of Torah to everyone. In order not to give the nations of the world an occasion to say that they would have accepted Torah had it been offered, we learn that it indeed was offered to key nations but they refused it, recognizing that, because of their very character, they could not live within its constraints.\textsuperscript{16} When, however, it was offered to Israel, they accepted. Additional observations regarding the inability of the nations to keep any laws follow. They could not keep the seven commands to

\textsuperscript{15}In Amalek 3, the same narrative appears in conjunction with what the nations heard when Israel came out of Egypt. The context here is more appropriate because Balaam's response is that God would not destroy with fire or water but He was giving Torah to Israel. The notion of cataclysmic destruction by flood and fire appears in II Peter 3:6-12, a text which is a polemic against false teachers and in which Balaam appears as an example (ch. 2).

\textsuperscript{16}Esau balked at the command against murder, Moab and Ammon were stopped because of the command against adultery and Ishmael could not accept it because of the command not to steal. Each rejection is founded upon biblical texts indicating that the particular offense was characteristic of the nation. Wacholder, "The Date of the Mekilta," p. 142, n. 100, used this passage to establish that MRI was written when Israel was under Arab domination because all the nations mentioned are Arab nations. This fails to take into consideration the fact that the biblical text completely controls the direction of the midrash. These "nations" were, first of all, proximate to Israel. Second, their very being could be shown from the biblical text to violate the given commandment.
Noah. A parable illustrates the point. An appointed
official who could not be trusted with straw would hardly be
likely to be appointed over silver and gold.

Further in this regard, the midrash indicates that Torah
was specifically not given in Israel to avoid the accusation
that it was exclusive. Its promulgation in the wilderness
outside Israel also served to keep tribes from claiming sole
rights to it. In closing the digression to Torah, it is
likened to wilderness, fire and water.17

Most of the chapter involves direct or indirect response
to "I am the Lord your God".18 It ends with brief
explanations of the bondage in which Israel had served Egypt.
Nothing is omitted but the reference to the Exodus is
minimal.

Chapter Six. The unit of biblical text is ideal background
for a treatise against idolatry. It states the general
principle, the specific processes and items and the reasons
why idolatry is detrimental. The midrash initially links the

17 Each of these figured in some respect in the chapter
which may be why they are drawn together under the rubric,
"just as these are free, so Torah is free".

18 The equivalent material in MRS is a highly formulary,
but not entirely clear, treatment of "I", emphasizing God's
sovereign right to act, and of "your", pursuing the puzzle of
the singular pronoun and the fact that He is God of all.
While MRI and MRS focus on the same two features of the
verse, the results are not at all the same. MRI composes a
much stronger statement about God's singular sovereignty over
all the observable world, including the nations who refused
Torah. This leads directly into the second issue, the
discussion of "your".
general condemnation of "other gods" to the declaration of the preceding chapter. It then follows with details on other gods and closes with comments about God's justice. It deals with each major biblical statement by asking why it was said.

The relationship to the preceding chapter is enhanced by a parable which logically follows the opening parable of ch. 5. There a king entering a province asked if he could be king and, when he had served them well, they accepted him. Here, the king's attendants recommended that the king make decrees but he said they must accept his rule first or they would never accept his decrees. Likewise, when God said "I am the Lord your God", they accepted His reign; the command not to have other gods was the beginning of the decrees.

Most of the focus is on "other gods". Because it is understood that no such things really exist, the first order of business is explaining the true intent of the phrase.19 The ridiculous position of those who worship idols is addressed by a series of comments regarding the construction and reconstruction of these objects at the whim and need of their human creators. They are changeable and a product of

19Some of these explanations have to do with the people who worship them and not the elohim themselves. In all cases, the "other gods" are perceived as detrimental. An accusation which might be raised by the nations of the world is taken into consideration. On the interpretive problems of the passage, see H-R, p. 223.
humankind, are exceedingly numerous and are described in Torah as those things which rule people. Humans, the last of God's creation, make idols and call them gods.

The midrash systematically rules out specific types of idolatrous objects by suggesting possible exceptions to the commandment and countering all of them with quotations from Scripture. Furthermore, the rationale for this is presented; the yezer hara must be kept in check as much as possible.

The reference to God as jealous is questioned. If there is nothing there to be jealous of, why should this characteristic be attributed to Him? A dialogue between a philosopher and R. Gamaliel addresses that issue and further deals with philosophical questions about idols and what they represent.

20 The logic of the argument is undoubtedly influenced by the biblical polemic against idolatry which is exemplified in Isaiah 44.

21 The entire dialogue as it is presented in the text explores considerably beyond the initial question. The argument may be summarized as follows:

Philos - Jealousy exists among equals. There must be something there to arouse jealousy.
R.G. - God is incensed that humans would take something so low and call it by His name.
Philos - Idols must have effectiveness; they are spared from disaster.
R.G. - Why attack what is dead?
Philos - If it has no value, why not destroy it?
R.G. - That would mean the destruction of everything, including humans.
Philos - If the idol causes humans to stumble, why not remove it?
R.G. - That would also mean removing humans.
M. Avodah Zarah 4:7, Tos 6:7 and BT 54b-55a present parallels of part of the dialogue. Note that the philosopher is styled as knowing Torah. On the significance of key points in the
Implicit questions about the justice of God emerge in regard to the imputation of the iniquity of fathers on their children. First, it is interpreted as applicable only when there are successive evil generations. Moses expresses relief that there are not (biblical) examples where three evil generations follow one another. Second, although punishment is meted out to four generations, reward is for thousands.  

Finally, the "others" are contrasted with the faithfulness of those who are obedient to Torah in spite of persecution. Abraham, the prophets and the elders are paradigms for those who love God and keep His commands. Contemporary examples are found in those who dwell in the Land and give their lives in order to keep the commandments. The ones specified are circumcision, reading Torah, eating mazzah and taking up the lulav. The chapter closes with a brief comment on the relationship of chastisement to God's love; when wounded, one is more beloved of God.


This principle is the basis for the "imbalance" between the measure of punishment and the measure of good as demonstrated in the aggadic tractates.

The expression used, natnu naphsham, is the same as appears in Pisha 1, Sharta 1 and 10 and Shabta 1.
The only major areas not directly addressed are the implications of "visiting the iniquity", "those who hate Me" and "doing hesed". Because of the prospect of crossing generations, sin and punishment are viewed in terms of their long-range effects. Therefore, visiting iniquity cannot be construed in measure-for-measure terms. As a matter of fact, this appears to run counter to measure-for-measure as exercised in the life of an individual. The midrash is apparently more concerned with demonstrating the "imbalance" in favor of those who keep the covenant; their activities will impact future generations in spite of the current hardship. The matter of enemies is therefore also less important and the midrash avoids a description or a list of those who fit that description. Perhaps the meaning of performing activities of hesed was a given and specific implications did not need to be spelled out.

The particular two-power heresy mentioned in ch. 5 is not part of the discussion here. Apparently that was not construed as having "other gods". That may be because the details of the biblical text deal with lesser threats.

Chapter Seven. The biblical text unit encompasses two commands. The first of them is the final commandment dealing with the person of God. It includes a threat of punishment for infraction. The second, remembering the Sabbath, has a surprising amount of detail, contains a reason for observing
it and is followed by a statement that God blessed and sanctified it.

The midrash focuses primarily on the former one and, in response to the statement of punishment, emphasizes various aspects of judgment and punishment for abusing the name of God. First, the question is raised as to whether the offender is exempt from korban and from punishment. Second, even the thought of swearing is wrong and God is in the position of a judge over those who engage in such thought. Third, resolving the apparent contradiction between "He shall clear" (Exodus 34:7) and "He shall not clear", the midrash contends that God clears those who repent but not the unrepentant.

In connection with repentance, the midrash includes the unit of the four means to atonement. Scripture indicates that repentance, the Day of Atonement, death and chastisement all atone. This derash lays out the relationship between increasingly serious offenses and the extent of atonement accomplished by each. Because of the pattern of increasing severity, chastisement precedes day of death in the scheme.

This schema and the specific commandment not to lift up the Name are then drawn together as Rabbi divides the

---

24 A similar emphasis on attitude is found in Matthew 5.

25 The introduction to the section is a bit awkward and there are difficulties with identifying the place name and the attribution. See Towner, Rabbinic "Enumeration…", pp. 140-41, n. 1.
commands at that point and indicates that repentance alone atones for those which precede and repentance plus the Day of Atonement are sufficient for this commandment and those which follow.

In connection with the Sabbath command, the initial concern is to reconcile "remember" and "keep". Both, like other apparently contradictory pairs of laws, were uttered in one word by God, with whom such a thing is possible. In addition, one is to remember it before and keep it after. A second matter of greater concern is that this statement serves as a warning. Because the death penalty was applied to those who broke the Sabbath, Torah needed to include a warning. The midrash further defines who must keep the Sabbath. Minors, servants who are Israelites and proselytes are included.

The stated reason for the commandment is that God rested after creation. This is perceived as a difficulty because God is never weary. Scripture was written thus to demonstrate that if God, who needs no rest, allowed this to be written about Him, humans certainly ought to rest.

In closing, the midrash asks how God blessed and sanctified the day. The blessing in each suggestion is manna; the mode of sanctification varies. Therefore, there seems to have been some question as to what makes the Sabbath set apart. Suggestions include manna, a prescribed
benediction, the accompanying death penalty and the lights of the Sabbath.\textsuperscript{26}

In regard to the former commandment, taking a false oath in the name of God seems to be the assumed interpretation. Whether or not other interpretations were ever entertained is not clear. The power and significance of the Name is not explored.

On the Sabbath issue, it is interesting that there is no discussion of what activities are and are not allowed. The midrash does not refer to either the restrictions of the Mishnah or the complete list of biblical cases. In that regard, the reference in the biblical text to "your beast" is not embellished.

Approaching the matter from a somewhat different perspective, the midrash notes the specific reference in the biblical text to the sea alongside of heaven and earth. On this account, the sea is said to be equal to all other parts of creation.

\textbf{Chapter Eight.} The unit of biblical text includes the remainder of the Ten Words beginning with the command to honor father and mother. Approximately one-third of the midrash chapter is devoted to the subject. It discusses first what constitutes "honoring" and the need for the warning because the stated punishment in Leviticus 20:9 is

\textsuperscript{26}In the parallel in BR 11:2, the explanation is fuller.
death. As in the preceding chapter, the warning/punishment clarification is followed by systematic deduction as to whom this applies. By juxtaposing the ideas of fearing and honoring parents and fearing parents and observing the Sabbath, the conclusion is drawn that it applies to men and women.

The significance of the commandment is emphasized by equating, on the basis of parallel texts, the treatment of parents with that accorded to God. Because it has this significance, there is a reward promised for keeping it.

As a textual concern, the midrash explains why Leviticus 19:3 and Exodus 20:12 reverse the order of mother and father. Each is designed to counter a natural inclination. A person tends naturally to honor the mother and fear the father more. Therefore, Torah enjoins the opposite.

The next three briefly stated commands fit into the same formulary pattern. They are the stated warnings because other biblical passages prescribe the death penalty as punishment. The command not to steal engenders a longer comment in order to determine the object of theft. This is primarily an exegetical concern and the midrash focuses on consistent application of the interpretive principle. Because the surrounding commandments deal with offenses

---

27 The text of the midrash is abbreviated but its intent is clear and it follows the pattern already evident in ch. 7.

28 It specifies that one may learn this from the 13 middot by which Torah is expounded and it explains the rule.
punishable by death, this one must as well. Therefore, it has to do with stealing persons, not property.

Following the same warning/punishment formula applied to the command about false testimony, the midrash questions the arrangement of the Ten Words on the tablets and responds with a schematic pairing of the first five with the second five. Each pair is stated and followed by the explanation as to why they go together. The reasons behind the first two pairs are more obvious than those supporting the last three but each pair is clever.²⁹

The biblical text has a list of items not to covet. Dividing it after "neighbor's wife", the list can be assessed in terms of the interpretive principle, klal uphrat ukhlal, employing the appropriate technical terms and comparisons.

²⁹In brief, they are as follows:
I am the Lord / no murder - one who murders defaces the image of God
no other gods / no adultery - one who is an idolator is like an adulterer from God
care for Name / no stealing - one who steals will end up making false oath
keep Sabbath / no false testimony - one who profanes Sabbath is as if testifying that God did not create honor parents / no coveting - one who covets (his neighbor's wife) will have son who curses father

There is an ingenious complexity in the pattern because the order of the items in the deduction reverses for each successive case. Why this material is included here instead of at the end of the chapter is not entirely clear. It may be because the last pair concludes with the sin of coveting a neighbor's wife which serves as the link back to the biblical text and allows the midrash to continue from that point with the hermeneutical rule regarding a general statement followed by a set of particulars and followed again with a general one. It also may be because at this point the pattern of warning/punishment ceases.
Lest the commandment be perceived as too onerous and impossible to keep, the midrash concludes that what is actually forbidden is acting upon the covetous desire.

Each of the commandments is dealt with according to a set pattern. Therefore, certain individual directions are not explored. For example, a discussion of murder alone might have led to a comparison with manslaughter. In addition, the significance of shedding blood and its implications in terms of the affront to God's image could have been developed further. Adultery might have prompted a discussion of divorce. The whole matter of restitution might have entered into the presentation of stealing. Likewise, the nature of false testimony and procedures regarding witnesses might seem more appropriate than a digression on the arrangement of the words. Finally, what coveting is and its relationship to the other commandments might be expected. In sum, however, because the biblical text is terse and patterned, the midrash responds accordingly.

Chapter Nine. The change in the biblical text from commandments back to description alters somewhat the style of the midrash. It initially responds to the statement that Israel saw sounds and lightning. All perceived according to their capacity and, even more, as they heard, they were able to interpret. There were no blind persons and none who were

30 Many of these additional directions are thoroughly addressed in Nezikin where the mishpatim themselves are more detailed.
mute, deaf, lame or fools. Each of these assertions is supported by a prooftext.

Being able to see in terrifying and eerie circumstances is associated with another such incident in Scripture. God showed Abraham Gehinnom, the giving of Torah and the splitting of the Sea. Each possibility is based upon allusions in that biblical description which are linked with secondary biblical texts using the same terms to describe Gehinnom, giving Torah and the Sea respectively. In addition, God showed Abraham the Temple and the order of sacrifices as well as the four kingdoms which would oppress Israel. The reference to the four kingdoms is significant enough to warrant designating each one with one of the key words in Genesis 15:12 and subsequently presenting an alternative and expanded set of interpretations.

When the biblical text says that the people stood far off, the midrash asks how far. At each command, they moved 12 miles back and forth. In their difficulty, however, not only did the angels help them but God Himself did so by protecting them from the heat of the fire with dew from heaven. This happened when they were beautiful among the nations and honored Torah.

31 This fanciful explanation was mentioned by R. Akiva in ch. 2. Here it is presented in full form in the fitting context of the commandments startling them. The same dimension is cited later in the chapter when the biblical text repeats the fact that they stood far off.
The midrash also expands the request of the people to have Moses speak to them instead of God. They did not have the strength to receive more than the Ten Words. Because of this, they merited the prophetic institution and God was pleased with what they said. Further illustrations are provided to demonstrate that one whose words are approved by God is blessed.

At this point, the midrash digresses to the parallel situation in Deuteronomy 5 where God expressed His longing that the people would always be obedient in order to stave off the angel of death. The coming of the latter, however, was decreed even though Israel stood before Mt. Sinai on the condition that the angel of death would not rule over them.

The intervening material on Moses' reassurance of Israel is treated in passing. The next major focus is his approach to the Araphel. This is viewed in the light of his stated humility, a virtue which causes the Shekhinah to dwell with humans. The opposite is true regarding arrogance; it is an abomination, defiles the earth and the Shekhinah departs. Likewise, idolatry is an abomination, defiles the earth and causes the Shekhinah to depart.

In closing, God addresses the people regarding His direct communication with them, indicating that their advantage was seeing what the nations of the world only heard. Finally, the midrash again reconciles the apparent contradiction between God's speaking from heaven and
descending upon Mt. Sinai. Three different possibilities are suggested. Among them are one which utilizes a third verse to resolve the matter, one which suggests that the heavens themselves were bent down on Sinai so He still spoke from heaven and one which reads the passage figuratively.

In each of the above emphases, Scripture is cited extensively. That may be because of the generally extraordinary nature of the events. This is particularly true with regard to God's showing key negative and positive symbols to Abraham. Where Moses simply talks to the people about the fear of God keeping them from sin, the presentation is matter-of-fact. More might be made of the idea of His testing them and His coming to do so. Likewise, the midrash avoids discussion of the phrase "where God was" perhaps because it could be construed as too local.

Chapter Ten. The syntax of the first three words of the biblical text is unusual and most of the chapter is an expansion from the initial attempt to explain lo ta'asun 'itti. One interpretation modifies the vocalization to 'oti suggesting that it means they must not depict God. An interpretation which reads it as "with me" poses the possibility that it refers to not making images of those objects and beings in heaven with God. Another proposes that it means they should not do with God as others do with their gods.
In order to illuminate this last opinion, the midrash contrasts how others and Israel react in the presence of good and evil events in their lives. Whereas others curse their gods when evil comes, Israel is to give thanks regardless. To support that contention, the individual positive examples of David and Job are cited. Job's response to his wife presents the familiar stereotypical generations of the Flood and Sodom acting in an indecent manner even when things were going well and receiving punishment against their will. Reverting to the main point, the rabbis exhorted Israel to act properly in adverse circumstances.

Even more, Israel ought to rejoice more in times of difficulty because of the implications regarding forgiveness. Chastisement brings with it a measure of forgiveness. It makes a son pleasing to his father and Israel pleasing to God. In fact, chastisement is declared to be precious because, in vital areas, it enhances the relationship between Israel and God. It benefits the sufferers because the name of God rests upon them. The covenant was made in regard to chastisement. The gifts of Torah, the land and the world to come were given to Israel with chastisement. Just as sacrifices made one acceptable, so did chastisement and even more so because in chastisement one paid with the body. This recital is immediately followed by the story of the visit of four elders to R. Eliezer when he was ill. Three of the four elders declare to Eliezer that he is more precious than sun,
rain or father and mother because these give life in this world while Eliezer has done so for the world to come. The fourth, Akiva, breaks the pattern, claiming that chastisements are precious as is illustrated by the example of Manasseh.  

Responding to the command not to make gods of gold or silver, the midrash questions the logic of each in light of the existence of the two golden cherubim in the Temple. It further stresses that the command is directed "to you" to make certain that none are made beyond those in the Temple.

The indirectly related pericopae have a prominent emphasis on chastisement. Beyond that, the verse is thoroughly treated.

Chapter Eleven. Each phrase of the biblical text receives more than passing comment which means that there is a generally consistent handling of the text. Two very different types of altars are discussed and the matter of place is mentioned. It appears that the midrash wrestles with the relationship of these sets of directions to each other and to the rest of Scripture.

32 The way this pericope fits the context is exquisite. The personal affliction of Eliezer illustrates the point about chastisement affecting the body. The praises of three of the elders for Eliezer deal with his impact reaching into the world to come. Akiva's diverging expression that chastisements are precious return to the main point of the whole section. Neusner, Eliezer ben Hyrcanus, vol. 2, pp. 228, 408, categorized this pericope as a poor tradition in terms of its value for knowing anything about the Eliezer of history. Rather, he indicated it is a story in praise of Akiva's teaching abilities.
The command to build the altar indicates it is to be specifically built for God. What "altar of earth" meant is the subject of several opinions which interpret it in light of other passages dealing with the altar.33

Attention is given to the precise implications of the command to sacrifice on the altar. Under consideration are whether slaughter is appropriate on top of the altar, whether the north side includes all the northern part of the Temple court as well as the north side of the altar and whether other offerings than those listed are included. Each of these is structured to demonstrate that deductive logic alone arrives at the improper conclusion and consideration of the context and of other biblical passages is necessary.

When the biblical text says "in every place", it allows for expansion of the limitation that God reveals Himself only in the Temple. Places where the Shekhinah was present could include the synagogue with the minyan, a court of three and even single individuals.

The possibility of building a different kind of altar is introduced in the biblical text with 'im. R. Ishmael states that this is one of three obligatory procedures which are introduced by 'im. The other two are bringing the firstfruits and lending money to a fellow Israelite. Prooftexts demonstrate that all three are indeed obligatory.

33A related question is what happened to it. The midrash answers that it was hidden away.
The presence of the 'im indicates that a change may be made in the material used to build the altar and, by deduction, other vessels as well.

The specific injunction against hewn stone raises a question of logic regarding construction of the altar and the Temple. In spite of its greater importance, the latter, even the Holy of Holies, may be built with hewn stones. Nonetheless, in their case, the stones were shaped off-location.

Lifting up the sword against the altar is perceived as pitting two contradictory things against each other. The altar lengthens days while iron shortens. The stones of the altar are to bring peace between Israel and God. If a sword should not be lifted against them, how much more a person who brings peace between human parties should be kept from danger.

The midrash questions the purpose for the command not to go up by steps. According to one view, it is stated to include both going up and coming down; the point is to keep covered. A second opinion says the garments for the priests render this unnecessary. What it really means is to take small steps. The pairing of the relative importance of the altar and the Temple returns here. One would expect that, if small steps were required for the altar, so also they would be required in the Temple. Scripture, however, only makes the distinction regarding the altar to teach a lesson. If
stones, which do not have perceptions, ought not be treated shamefully, how much more fellow creatures.

While a fair amount of emphasis is placed on the obligations of the people with regard to the altars and sacrifices, the activity of God in coming and blessing them is bypassed. The focus here seems to be more on the kind of analytical material which underlies halakhah.

The sword defiling the altar is not an object of explicit attention although the possible disruption of peace does fit in here. In a different context, this statement might initiate a recital of instances when the altar was defiled.

The reference to "these are the judgments" (21:1) and the textual and geographical linkage between the altar and the place of judgment, the Sanhedrin, are preparatory for the next tractate. In a wider sense, all of Bahodesh is a stylistic link between the preceding narratives and the forthcoming instructions.

**By Way of Summary**

It is apparent that the tractate as it stands exhibits internal structure and awareness of its position in the wider context of commentary on Exodus. Because the rest of the Exodus text addressed by MRI is explicitly God's word to Israel from Sinai, the introductory chapter to Bahodesh is important in focusing attention on obedience to God,
repentance and the justice of Israel's singular estate in receiving Torah. As the tractate progresses, it is important to demonstrate why Torah was given to Israel and what distinguished it from the rest of the nations. Figuring very prominently among those distinctives is chastisement and Israel's response to it. Finally, the temporal circumstances of Sinai are drawn forward by the discussion of the altars, the Temple and finally any "place" where the Shekhinah was present with individuals.

Overall, two distinct types of material are present. There are aggadic exhortations, many of which deal with repentance, chastisement and atonement. These are all aspects of the wider issue of justice. On the other hand, there are the more analytical passages, most of which focus on reconciling perceived contradictions and explaining apparent redundancies. In their own way, both of these have significance which transcends any given time.

The midrash demonstrates an obvious interest in knowing why biblical statements were made. That is the first approach to each of the Ten Words.34 There is an evident concern with principles for interpreting Torah. Particularly with the aggadic material, each claim is amply supported from Torah.

34In the context of the Ten Commandments, the midrash reflects the biblical text in the amount of attention given to the first five as opposed to the second five.
As always, a predominant consideration is demonstrating that logic by itself does not always lead to a full and proper statement of the law. On the other hand, it is shown to be effective in making application by means of analogy.

Biblical Paradigms and Institutions: Identity and Function

Biblical Paradigms. Because of the biblical text, characteristics and actions of Moses are obviously the most prominent. In his role as go-between, it is important to demonstrate that God agreed with him as he spoke but that this position was not intended to be permanent (ch. 2). His unselfishness and responsibility are evident in ch. 3 and humility is the notable characteristic in ch. 9.35

There appear to be fewer additional personalities cited than in preceding aggadic tractates. God spoke because of the merit of Jacob/Israel (ch. 2). Abraham was beloved because he kept the commandments. So also were the prophets and elders (ch. 6). As the person with whom the previous covenant was made in dramatic circumstances, Abraham was allowed to view significant symbols and events. Among the events were the parting of the sea and the oppression of Israel by the four kingdoms (ch. 9).

Benjamin merited the dwelling place of the Shekhinah because he was born in the Land and did not participate in

35As the rabbis styled themselves the successors of Moses, this comment may reflect their own idealized self-perception.
the sale of Joseph (ch. 4). David and Job demonstrated the proper attitude in times of chastisement while Job's wife and the wicked generations of the Flood and Sodom did not. Manasseh was a model for chastisement leading to repentance (ch. 10).

Balaam appears in his advisory capacity to the kings of the world. Moab and Ammon, Edom and Ishmael represent those nations whose very nature went against Torah (ch. 5). The golden calf incident was responsible for the privileges of the priesthood being taken from all Israel (ch. 2).

Biblical Institutions. Because of the subtly changing nature of the midrash in this tractate, the complex of those features which I have called "institutions" changes somewhat as well. Torah is the fundamental symbol and is used to validate all others. The ways in which it is presented in Bahodesh will be addressed below but it is worth noting that, in the discussion of how Israel recorded dates in their history, giving Torah and coming into the Land do not serve as demarcation points while the Exodus, building the Temple and the Temple's destruction do.

In the context of giving Torah, the midrash is in the position of explaining why Sinai, instead of the Temple and

36 Both of these were by virtue of his simply not being present; they were not a matter of conscious choice.

37 See Heinemann, Aggadot veToldotehen, p. 121, on the ambivalence of rabbinic midrash in regard to whether Balaam was evil or good.
the Land, was the site of the revelation. This choice was for the potential benefit of the nations and to prevent internal dissension in Israel (chs. 1 and 5). Those who love God are those who dwell and keep the commandments in the Land (ch. 6). The Land was among the three things given to Israel only at the price of chastisement. The other two are Torah and the world to come (ch. 10).

The covenant is an important symbol to which the midrash brings greater definition by posing possible specific identifications; the Sabbath, circumcision or against idolatry (ch. 2). The Sabbath is blessed with a further symbol, the manna (ch. 7). Circumcision and the festival observances of unleavened bread and the lulav are commandments which are kept on account of love for God even though persecution might follow (ch. 6). The Day of Atonement is the one of the four means of atonement which falls into the category of an institution (ch. 7).

Categories for the purpose of analysis occur in those chapters which address the Ten Words. The necessity of

38 Presumably the last one is suggested because the context of the Ten Commandments invites it and not because there is a distinct covenant against idolatry. Likewise, the commandment regarding the Sabbath would prompt that identification although Exodus 31:16 refers to the Sabbath as a covenant. In addition, those who are obliged to observe the Sabbath are those who are children of the covenant and circumcised (ch. 7).

39 Of the others, repentance is a mindset and chastisement and the day of death are events beyond the individual's control.
bringing korban, the penalty of lashes and other means of punishment are categories which help assess the severity of the offense of swearing falsely (ch. 7). Likewise, in maintaining that the command against theft refers to stealing persons, the feature which is recognized as consistent throughout is the category of death by court order (ch. 8). In determining who must observe the commandment to honor parents, the familiar categories of men, women, tumtum and androgynous are employed (ch. 8). The additional use of categories as analytical tools appears in the requirements of washing and immersion (ch. 3) and the fit places for slaughter and atonement and for eating sacred things (ch. 11).

Halakhic and Aggadic Responses to the Biblical Text

The narrative parts of the biblical text generate typically aggadic responses. These include the descriptions of where and when this happened, the promises to Israel, the appearance of the mountain, the response of the people and identity of the Giver of the Ten Commandments. Even so, the

40The command against coveting engages the categories of that which can be bought or sold and movable property which cannot serve as permanent surety (ch. 8). These, as well as the types of punishments, are examples of categories which function as the others do but are not directly related to religious obligations.
divine imperatives which appear in these sections are not devoid of halakhic overtones.\footnote{In ch. 3, the command to wash the garments means ritual immersion, being put to death (for touching the mountain) may be fulfilled with either pushing or stoning and not approaching a woman is worked out in terms of the number of half days which must elapse after intercourse in order to be considered clean.}

The interesting feature of Bahodesh is that even the responses to the Ten Commandments and the further imperatives regarding idols and altars (chs. 6-8, 10, 11) have a distinctly aggadic character about them. This is undoubtedly because references to other gods, the jealousy of God and punishment for disobedience are natural links to aggadic material. Most indirectly related midrashim are found in aggadic contexts. Each definitive commandment leads to analytical assessment while the general statements, reasons and promises surrounding it allow for aggadic expansion.

Rhetoric: Methods and Mindsets

There are differences in the rhetorical style of Bahodesh. Among other things, it appears that patterns are more complex than in previous aggadic tractates. It may be that the potentially halakhic material in this tractate affects the exegetical methods overall. Even primarily aggadic chapters evidence increased use of the rhetorical patterns which characteristically contrast logical suggestions and Scripture. Those chapters which are
essentially analytical/halakhic employ variations on the same kinds of patterns."\(^{42}\)

\(^{42}\)Evidence of the increase in this type of argument is apparent in the table below. I have also included those pericopae which ask why the biblical text says what it does because both of these methods seem to characterize the analytical/halakhic materials. The latter might be considered as a means of defining and expanding the text.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Aggadic/Halakhic</th>
<th>Characteristic Arguments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>all aggadic</td>
<td>yakhol ... talmud lomar (t'l) (2x), mah t'l</td>
</tr>
<tr>
<td>2</td>
<td>all aggadic</td>
<td>yakhol... t'l (2x)</td>
</tr>
<tr>
<td>3</td>
<td>mixture</td>
<td>yakhol... t'l (2x), shomea 'ani... t'l, harei 'ani dan...'eino din</td>
</tr>
<tr>
<td>4</td>
<td>aggadic</td>
<td>yakhol... t'l (6x) shome'a 'ani... t'l (3x), mah t'l, mipnei mah</td>
</tr>
<tr>
<td>5</td>
<td>aggadic</td>
<td>mipnei mah, lamah ne'emar lephi she...</td>
</tr>
<tr>
<td>6</td>
<td>mixture</td>
<td>lamah ne'emar (lephi she hu 'omer) (6x) yakhol... t'l, shome'a 'ani... t'l, 'atah 'omer ken 'o lo... t'l. There is a long series of questions followed by verse in response to rule out potential idol materials</td>
</tr>
<tr>
<td>7</td>
<td>mixture</td>
<td>lamah ne'emar lephi shehu 'omer (2x), yakhol... t'l, shome'a 'ani... keshehu 'omer... ha lamadnu (3x), ('atah 'omer)...'o 'eino 'ela'... t'l (keshehu 'omer) (4x)</td>
</tr>
<tr>
<td>8</td>
<td>mainly analytical for halakhic purposes - lamah ne'emar lephi shehu 'omer (5x), onesh shamanu 'azharah lo shamanu... t'l (4x)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>aggadic</td>
<td>lamah ne'emar lephi shehu 'omer (2x)</td>
</tr>
<tr>
<td>10</td>
<td>primarily aggadic, slight analytical emphasis - lamah ne'emar lephi shehu 'omer (vehalo kavar ne'emar (2x), mah t'l</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>primarily analytical mah t'l, shome'a 'ani, shehayah bedin... t'l (3x)</td>
<td></td>
</tr>
</tbody>
</table>
At the same time, the five categories for dealing with aggadic material are still a useful tool for the whole tractate, especially since they can serve as another basis for comparison with the preceding aggadic tractates. Among the five, there is some decrease in the use of terms citing biblical support for an idea. This decrease occurs particularly in the chapters that present the specific commandments. Nonetheless, the subsequent categories as well as the analytical methods noted above are fundamentally based on the citation of the biblical text.

The second category of definition and expansion of an idea increases significantly in the chapters which present the divine imperatives to the people. This may be due to the interest in precise definition and application. A most common approach is to state "I only know X. How can I figure out Y? Scripture says..." This utilizes a comparison which allows the deduction to be made. When the midrash specifically seeks to define the biblical text, the simple terms zeh and 'eleh, maggid and melammed are very common.

43 The most frequently used expression is still shene'emar by itself and in conjunction with minayin. Other simple expressions used to accomplish the same purpose are 'omer, harei hu 'omer, vekhen hu 'omer, lephi shehu 'omer, talmud lomar and ukhtiv. We also find that the biblical text clarifies (mephorash bekabalah) and gives hints. More complex patterns of comparison also cite the biblical text.

44 The counterpart of this is ruling out the logical deduction by means of Scripture. Shome'a 'ani and yakhol introduce these types of arguments. See above, n. 42. Other possible means of interpretation are ruled out with lo/'ein X 'ela' Y.
essentially analytical/halakhic employ variations on the same kinds of patterns.42

42 Evidence of the increase in this type of argument is apparent in the table below. I have also included those pericopae which ask why the biblical text says what it does because both of these methods seem to characterize the analytical/halakhic materials. The latter might be considered as a means of defining and expanding the text.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Aggadic/Halakhic Characteristic Arguments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>all aggadic</td>
</tr>
<tr>
<td>2</td>
<td>all aggadic</td>
</tr>
<tr>
<td>3</td>
<td>mixture</td>
</tr>
<tr>
<td>4</td>
<td>aggadic</td>
</tr>
<tr>
<td>5</td>
<td>aggadic</td>
</tr>
<tr>
<td>6</td>
<td>mixture</td>
</tr>
<tr>
<td>7</td>
<td>mixture</td>
</tr>
<tr>
<td>8</td>
<td>mainly analytical for halakhic purposes</td>
</tr>
<tr>
<td>9</td>
<td>aggadic</td>
</tr>
<tr>
<td>10</td>
<td>primarily aggadic, slight analytical emphasis</td>
</tr>
<tr>
<td>11</td>
<td>primarily analytical</td>
</tr>
</tbody>
</table>

466

...
At the same time, the five categories for dealing with aggadic material are still a useful tool for the whole tractate, especially since they can serve as another basis for comparison with the preceding aggadic tractates. Among the five, there is some decrease in the use of terms citing biblical support for an idea. This decrease occurs particularly in the chapters that present the specific commandments. Nonetheless, the subsequent categories as well as the analytical methods noted above are fundamentally based on the citation of the biblical text.

The second category of definition and expansion of an idea increases significantly in the chapters which present the divine imperatives to the people. This may be due to the interest in precise definition and application. A most common approach is to state "I only know X. How can I figure out Y? Scripture says..." This utilizes a comparison which allows the deduction to be made. When the midrash specifically seeks to define the biblical text, the simple terms zeh and 'eleh, maggid and melammed are very common.

43 The most frequently used expression is still shene'emar by itself and in conjunction with minayin. Other simple expressions used to accomplish the same purpose are 'omer, harei hu 'omer, vekhen hu 'omer, lephi shehu 'omer, talmud lomar and ukhtiv. We also find that the biblical text clarifies (mephorash bekabalah) and gives hints. More complex patterns of comparison also cite the biblical text.

44 The counterpart of this is ruling out the logical deduction by means of Scripture. Shome'a 'ani and yakhol introduce these types of arguments. See above, n. 42. Other possible means of interpretation are ruled out with lo/'ein X 'ela' Y.
The first two present what are understood to be synonyms while the latter two present expansions. Alternative explanations are introduced by *davar 'aher*.

Methods which explicitly focus on comparison and contrast of biblical texts include the statement that Scripture says *X* in one verse and *Y* in another followed by the need for a resolution (*ketzad yitkayemu* or *mah 'ani mekayem*). Variants on this type of comparison include *gezerah shaveh*, *hekesh* and *binyan 'ay*, all of which pair verses for purposes of deduction. Formulas for inclusion and exclusion also involve comparison and contrast respectively. Six of the Ten Commandments are addressed by pairing them with texts which indicate that the penalty for infraction is death and employing the rhetorical formula, "Here is the punishment; where is the warning?"

Moving beyond the strict confines of comparing biblical texts, the tractate also incorporates numerous instances of the *kal vehomer* argument in which logic suggests an

---

45 The seven commands were given to Noah's children and they could not keep them. How could they ever keep Torah (ch. 5)? God, who is never weary, rested and so should humans (ch. 7). If the sun remains in its place and yet is effective beyond that place, how much more the Kavod (ch. 9)! If one may change the material of the altar, certainly one may change that of the lesser Temple vessels (ch. 11). The stones of the altar do not have perceptions, yet they bring peace and should not be touched with a sword, how much more one who is a peacemaker; the same stones have no knowledge of good and evil but should be treated with respect, how much more humans (ch. 11).
expanded comparison as well as parables\textsuperscript{46} which propose a likeness. Brief comparative statements are frequently introduced by mah...\'aph\textsuperscript{47} and mah...kakh as well as keyozei bo.

There are instances of comparison and contrast which do not have specific formulas.\textsuperscript{48} Some of them also fit into

\textsuperscript{46}The parables are listed below:
Ch. 2 - The eagle is like the man protecting his son by positioning him away from sources of danger.
Ch. 5 - The king who comes into a country to rule without doing anything for the people is the opposite of God; the king whose administrator over the straw could not be trusted is like God who gave only seven commandments to the descendants of Noah and they could not keep them.
Ch. 6 - God is like the king who would not make rules for people without their receiving his rule.
Ch. 7 - "Remember" and "keep" the Sabbath can be compared to a wolf moving back and forth.
Ch. 8 - Shedding blood and diminishing the divine image is like defacing images of a king who had earlier entered a country and set them up.

\textsuperscript{47}These are commonly used in conjunction with hekesh, gezerah shaveh and kal vehomer.

\textsuperscript{48}The following list is not exhaustive but gives an idea of the type of material in this category for Bahodesh.
Ch. 1 - Torah was given in an open place in contrast to the possibility of its having been given in Israel.
Ch. 2 - Eagles differ from other birds.
Ch. 4 - Torah is like fire; the expected occurrence is contrasted with the way the shofar sounded; God spread the heavens on Sinai like a mattress and spoke from them like a man; God is unlike humans because He can speak more than one thing at once.
Ch. 6 - People did something new and called themselves gods so God did something new and called Himself the Lord; just as God lives forever, so Israel may never serve idols.
Ch. 7 - Before you took the oath, I was God and afterward, I was Judge; God clears those who repent and not those who do not repent; Remember the Sabbath before and keep it after; the sea is equal to all other works of creation.
Ch. 8 - God made equal (shaqal) fear and honor and cursing of Him and parents (ketiv ukenegdo ketiv); father and mother are contrasted in terms of the way a child responds to them.
the fourth category of schematization because they consist of complex sets of pairs.

In Bahodesh, the schematic arrangements may be classified as numbered lists, compact unnumbered lists, more complex structures which share the same key features and conversations/dialogue.

There are relatively few numbered lists in the tractate. Torah is likened to three things (ch. 5). There are four distinctions in atonement (ch. 7). Among the things shown

Ch. 9 - Just as idolatry makes the earth unclean and drives away the Shekhinah, so does arrogance.
Ch. 10 - Much of the chapter reflects the inherent contrast between the apparent pain of chastisement and its benefits. These are introduced by the formula havivin yesorin and include the reactions of others when good and evil come and the exhortation to rejoice at suffering because it erases sin while good fortune does not do so. A more complicated pairing is set up between sacrifices and chastisement. In one way they are equivalent because they make a person acceptable. They are different, however, because chastisement is more costly. David's psalms and the text of Job demonstrate awareness of middat hatov and middat haporanut. At the end of the chapter, the gods of silver and gold are contrasted.

49As Towner noted, Rabbinic "Enumeration...", pp. 80-81, the list is non-exegetical in this context. In later parallels (Numbers Rabbah 1:7 and Tanhuma Bamidbar 6), prooftexts were added.

50Towner's assessment of this list, Rabbinic "Enumeration...", pp. 140-45, covered its significant features and the main parallel statements. It is composed of two distinct elements. One is the exegetical enumeration list. The second is the explanation of how these four work together to accomplish atonement in regard to specific offenses. It is on the verge of being halakhic and is reputed to be a product of Ishmael's exegesis.
to Abraham were the four kingdoms (ch. 9).\textsuperscript{51} Three good things were given to Israel at the price of chastisement (ch. 10).\textsuperscript{52} Finally, there are three unconditional uses of "if" in Torah (ch. 11).\textsuperscript{53} The midrash also notes in ch. 3 that this descent was one of ten descents in Torah but it does not

\textsuperscript{51}Towner did not choose to treat this list, probably because the four kingdoms motif is generally not viewed as four separate entities but as a symbolic unit. On the other hand, the way they are treated in this context does individualize them. They are matched in two alternative ways with key words from Genesis 15:9. The first set is not exegetical; the second is with the exception of one of the identifications. Although there are minor variations in the Munich manuscript, the structure and progression of thought is the same.

\textsuperscript{52}These three are Torah, the Land and the world to come. This is the third in a series of statements that chastisements are precious. The second one pairs the concept of covenant with the land and with chastisements. With those features, it serves as a link to this list. Towner, Rabbinic "Enumeration...", pp. 162-63, n. 3, saw this statement about the relationship of chastisement to keeping Torah, the Land and the world to come as reflective of the contemporary political and social situation of the Jewish community after 70 CE.

\textsuperscript{53}This, too, is attributed to Ishmael and is distinctly halakhic material. Towner, Rabbinic "Enumeration...", pp. 188-94, called this a legal analogy because the midrash draws together texts which share a peculiarity of grammar or syntax but also purport to demonstrate a legal fact. Here, the issue is that "if" usually introduces a statement about some matter which was voluntary but it happens here to be employed regarding something which elsewhere is called obligatory. There are significant differences among the editions regarding the third member of the set. See Lauterbach, Mekilta, vol. 2, pp. 287-88, and H-R, pp. 243-44. Towner cited the reconstruction of Lauterbach as likely the better rendition but in neither reading does the third item fit the exact pattern established for the first or second one.
list the others.⁵⁴ The three divisions of the cloud are indicated in ch. 9.

Compact unnumbered lists are those collections of concepts, items and verses which are not complicated by other features such as additional prooftexts or patterns of comparison and contrast within each member of the set. Some of these lists include a sufficient number of elements to demonstrate that they are intended to be perceived as comprehensive for whatever category has been established. In Bahodesh this sub-category includes the cardinal sins, of which Egypt was guilty and therefore received punishment (ch. 2), the things God did for the people (ch. 5)⁵⁵, the set of decreasingly valued metals to which people change their gods when they need the metal (ch. 6), the types of punishment which are meted out when commandments from the third and onward are broken (ch. 7), the apparently contradictory laws which were spoken in one utterance and the ways the Sabbath was blessed and sanctified (ch. 7), the proofs that humility is pleasing to the Shekhinah (ch. 9) and the intentionally

---

⁵⁴It may be that these were assumed knowledge. BR 38:9 and 49:6 also refer to them but include no explanation. Later texts such as Avot deRabbi Nathan and Pirkei deRabbi Eliezer 14 add the prooftexts. In ARNA 34, the texts are gathered under the rubric "ten descents of the Shekhinah to the world" which is followed by a parallel ten ascents. All of the lists are complicated by the fact that the number of prooftexts does not add up to ten.

⁵⁵These include the Exodus, crossing the Sea, providing the well, manna and quail and defeating Amalek.
comprehensive list of parties between whom a peacemaker establishes peace (ch. 11).

The more complex structures generally focus on symmetry of some sort. Chapter 1 contrasts service to God in specific areas with subjugation to a foreign power. In ch. 3, each phrase of Song of Songs 2:14 represents first something about giving Torah and then some event at the Sea or in Egypt. Representative nations of the world are offered Torah but, because of sins which are intrinsic to their very being, they refuse (ch. 5). The midrash systematically rules out potential idol materials by asking a question and then citing a biblical passage in response (ch. 6). One way of schematically dividing the Ten Words is according to the punishment associated with them (ch. 7). Another way of presenting them is to match the first five with the second five (ch. 8). The list of things God showed Abraham is amply supported with prooftexts to make of it an elaborate scheme (ch. 9). The evil men of the generations of the Flood and Sodom do not even act properly when things are going well let alone when they go badly. This is a shortened form of a well-known scheme (ch. 10). That God is present with ten, three, two persons and one individual is supported with biblical texts (ch. 11).

Conversations and dialogue are another schematic way of presenting significant issues. Chapter 5 reports the visit of the kings of the world to Balaam to discover the meaning
of what was happening and whether God was going to destroy the world again. The dialogue between R. Gamaliel and the philosopher is clearly a schematic way of presenting arguments against idolatry (ch. 6). The four divisions in atonement is represented in the context of a conversation (ch. 7). The stylized encomia of the three elders for Eliezer is a set-up for the punchline about chastisement (ch. 10).

There are passages of midrash which are simply unclassified explanation or narrative. In Bahodesh, however, this is not a majority of the material. Instead, an overwhelming amount of it is presented as some sort of balanced or symmetrical statement.

Technical Expressions and Unusual Words

The increasingly halakhic content and style of several of the chapters give rise to a number of standard terms, some of which have been dealt with in the discussion of institutions. Most of these are used in the process of categorizing and classifying information. For example, in the contexts of atonement and punishment, the midrash employs perutah (min hakorban), mizvat oseh and lo ta'aseh, hateshuvah toleh, keritot, karet biyedei hashamayim, mitot bet din. The standard categories are employed to define

"man": woman, tumtum and androgynous. A technical term in aggadic analysis is notarikon.\textsuperscript{57}

A characteristic which occurs with greater frequency in Bahodesh than in the other tractates is the indication of contemporary place names in the contexts of reporting incidents and conversations. Yohanan b Zakkai was on his way to Emmaus of Judah when he saw the living illustration of Song of Songs 1:8 (ch. 1). Mt. Tabor is said to have come from Bet Elim and Mt. Carmel from Aspamea (ch. 5). Mattiah b Heresh is said to have gone to Laodicea or Lydda to ask Eleazar HaKappar four things.\textsuperscript{58}

There are relatively few foreign expressions in this tractate. The potentially "foreign" subject matter, idolatry, is presented not in terms of its foreign practitioners but in terms of the potential of Israelites

\textsuperscript{57}In ch. 8, the device appears but its application in this context is not entirely clear. The biblical text states that honoring parents will mean lengthened days. The midrash deduces that not honoring them will shorten days "for the words of Torah are notarikon for they are to be interpreted to deduce a negative statement from the positive and a positive from the negative". The conclusion of the midrash is obviously based on the latter principle but it appears that the mention of notarikon is out of place. SD 46 discusses the potential of lengthening days of children by teaching them Torah and arrives at the same conclusion with the principle mentioned above. Notarikon does not appear in that context. Apparently on the basis of this passage alone, Meir Ayin concluded that the Sages did not apply notarikon only to letters in words but also to full sentences (Friedmann, \textit{Mekilta de-Rabbi Ishmael}, p. 70, n. 8).

\textsuperscript{58}There is sufficient variation among the readings to be uncertain regarding his actual destination but the indication of the contemporary place name is the main focus here.
making idols. Therefore, the incidence of foreign terms is primarily in the contexts of subjugation to foreign rulers and Torah given openly (chs. 1 and 5).

**Attributions**

**Individual Attributions**

With eight individual opinions, Rabbi is styled as having made a considerable contribution to the interpretation of the Ten Words. In Nathan's five comments, there again appears to be a tendency to focus on foreign elements. Yose's five statements deal solely with aggadic matters. Although Ishmael is cited only three times for independent statements, they deal with significant issues and two of them are related to matters of the Temple service. The remaining eleven opinions address a wide variety of issues.

**Sets of Names**

There are no sets of names which are predominant. Those of Ishmael and Akiva are the most frequent, although they

---

59 In this context, the obscure terms Buvia and Shavririm are mentioned (ch. 6). Jastrow, *Dictionary*, p. 136, discussed the former word under bav'ah. The citations he listed include Ned 9b, Tos Naz 4:7, JT Ned 1, SN 10, Yev 122a, AZ 47a, BR 4. Shavrir he defined as a certain animal living in the water or a water snake (p. 1518) but followed it with the Aramaic *shavrirayah* and related words which were used in connection with incantations against demons which caused blindness from dazzling light. See Yom 28b, Git 69a, AZ 12b, Pes 112a.

60 See Appendix for lists of the major attributed pericopae.
appear in several different combinations. When Ishmael's name appears in a set, his opinion is generally first and frequently appears to be the most literal rendition of the text while still being realistic. The last opinion, often Akiva's, tends toward the imaginative.\textsuperscript{61} The names of Rabbi and Judah are also evident but there are no observable patterns.

**Long Lists**

There are three long lists. Two of them deal with emotionally charged subjects, "other gods" and the value of chastisement. The third is a series of attempts to identify the factors that blessed and sanctified the Sabbath.

**Anonymity**

While the above material would give the impression of a text in which most of the pericopae are attributed, this is really not the case. As a rule, when the exegeses are brief, they tend to be anonymous. It does not appear that the frequency of attributions is much affected by whether the material is aggadic or halakhic. There may be more of an effect as a result of subject matter. The aggadic material which deals with "I am the Lord your God" (ch. 5) has even more anonymous units than the rest of the tractate. The

\textsuperscript{61}This general pattern was evident within the J/EM/Eli opinions in Amalek.
chapters dealing specifically with idolatry (6 and 10) have noticeably more attributions.

Authoritative Statements and the Sages

The expression mikan amru reappears in Bahodesh with greater frequency than in the preceding four tractates. At the same time, the main issues in the Ten Words are treated apart from any acknowledged consideration of what the Sages corporately said. Instead, subjects are almost incidentally addressed in this manner. In addition, Mishnah parallels are relatively few, perhaps because much of the focus is still aggadic.

With two exceptions, the expression mikan amru is used to introduce a statement which is based directly upon the biblical text. The broad subject matter of many of these statements has to do with sanctification.

Structure

Rhetorical Patterns

Consistent with all of the preceding tractates, there are no systematic patterns among the characteristic rhetorical forms in each chapter. The exegetical forms used are dependent on the subject matter of the biblical text;

62Saying a blessing over the wine to sanctify the day seems to involve an intermediate step (ch. 7). Even more striking is the deduction that "every place" is limited to the Temple (ch. 11). Otherwise, the statements of the Sages depend on the biblical text.
formal order and development apart from the biblical text are not evident.

The majority of the pericopae are directly linked with the biblical text from the start. The indirectly related materials brought in to enhance certain thematic emphases do not demonstrate restructuring other than the building of a bridge from the context to the indirectly related unit(s). 63

**Thematic Development**

Briefly stated, the revelation of God culminates in the giving of Torah. This carries with it great responsibilities for the people who are the chosen recipients. Obedience is required and punishment is decreed when disobedience occurs. Even in the latter case, however, chastisement brings the people to repentance and both together serve as atonement. The locus of some of these activities related to atonement was the altar and Temple complex.

---

63 Some of the bridges are better than others. It is interesting, for example, that the issue of chastisement or suffering seems to have been intrinsically tied in the minds of the Sages to the giving of Torah to the extent that both MRI and SD (32) incorporate almost identical sets of opinions on the benefits of chastisement. The order and subject matter are the same. The only thing that differs is the specific link with each text. In MRI, it is the command not to do "with Me (as others treat their deities)" and in SD it is the command to "love (the Lord) with all your strength".
World View/Socio-Religious Context

Topic/Theme: Torah

Both the biblical text and the midrash focus on revelation. In the former, the emphasis is on the preparations to receive God's communication, the interaction between God and Moses and the opportunity to see, hear and interpret directly. The latter highlights the position and function of Torah in the relationship between God and Israel.

Torah belongs to Israel. Nations were offered the opportunity to have it as it was given freely and openly to all (ch. 1). They, however, refused since they were unable to keep even the seven mizvot (ch. 5). In addition, they appealed to pronouncements and activities as recorded in Genesis as they refused Torah (ch. 5). By way of contrast, the decrees of God followed His actions for His people (ch. 6) and enhanced the relationship between God and Israel (ch. 3). In this respect, the people stood united to receive Torah (ch. 5) and were beautiful among the nations (ch. 9).

Those who are beloved of God risk their lives to keep the commandments and one of them is reading Torah (ch. 6). Furthermore, belonging to God means occupying oneself with Torah (ch. 2). There are both rewards and punishments associated with the Ten Commandments (chs. 4 and 7). Torah is like fire (chs. 4, 5 and 9); one must be close to it but also needs protection from it (ch. 4). Torah is also likened to water, the desert (ch. 5) and plunder or spoil (ch. 9).
Torah as a received entity conveys God's words and, therefore, it is used as the standard for all interpretation. At the same time, one uses hermeneutical principles to interpret Torah (ch. 8). Even the matter of order and arrangement is important. The way God is revealed in Torah refutes the Two Powers heresy (ch. 5) and Torah systematically rules out any type of idol (ch. 6). Its presumed importance is evident in the fact that the philosopher disputing with R. Gamaliel knew Torah (ch. 6).

Recurring Values and Symbols

At the points where the processes of revelation and interpretation are less prominent, the midrash develops the inter-related ideas of disobedience, punishment and suffering, repentance and atonement. All of these are factors in the exercise of justice; God is the Judge. Because the people enjoy a special relationship with God,

64 In this context, *talmud Torah* is vital. Being "in want of all things" means to lack *talmud Torah* (ch. 1). Precision in its very words is emphasized (ch. 2). Apparent contradictions are resolved by appealing to additional Torah. Wherever there is a lack, Scripture completes it (ch. 8). Potential problems which are based on logical deduction must be solved with Scripture. The words of Scripture are said to be *notarikon* (ch. 8). The point is that study is necessary to understand the message.

65 The midrash questions why the Ten Commandments were placed at this point (ch. 5) and indicates that the arrangement of five pairs of commandments has moral significance (ch. 8). The types of commandments and how atonement is accomplished are joined together in the penchant for systematizing the text and its application.
they have the special obligation to be obedient to Torah. Some of these obligations are related to specific symbols such as the Land and the Temple.

Continuity of Values and Symbols

Relatively little material in Bahodesh is hinged to given points in time; instead, permanence is implied. The apparent transcendence of time is enhanced in a variety of ways. God is the same from past to future and from this world to the world to come (ch. 5). Because this is true, the promises of reward and punishment which cross generations and lifetimes are to be taken seriously. Because He exists forever, the commandment against idolatry exists forever (ch. 6).

Certain explicit temporal distinctives serve to emphasize continuity of values and symbols for Israel. The bases for Israel to reckon time are the major biblical events of the Exodus, entering the Land, building the Temple and its destruction (ch. 1).66 The scene with Abraham at the cutting of the covenant establishes a forward-looking continuity as he was allowed to see events future to him, all the way from the parting of the sea to the fourth kingdom which was contemporary with the midrash and considered close

66Even though nothing is explicit beyond those, the first destruction may be intended as an adumbration of the destruction of 70 CE.
to the end (ch. 9). The things he saw are parts of the whole system of symbols whereby the history of Israel became schematized so that order might be perceived in the present reality. In other words, if Abraham was able to see to the present "end times", God knew in advance about them and they were proceeding according to plan. In this regard, it is significant that he also saw Gehinnom, the place of judgment, and the giving of Torah which contains the criteria for judging.

Actually, the biblical text contains distinctions regarding the priesthood prior to the giving of the law which designated who the priests were to be. The suggestion of the midrash that the real separation between people and priesthood appeared at the time of the golden calf may be an attempt to accommodate this anomaly.
Another evident mode for moving beyond time constraints is anachronism or achronism. As the midrash explains the phrase "kingdom of priests", it may be reading in contemporary descriptions as potential interpretations (ch. 2). Such methods of punishment as death by court order and 40 lashes are presented as timeless (ch. 7).

The Temple and Its Ritual

Because most of the biblical text does not deal explicitly with Temple functions, the first nine chapters contain indirect but significant references to the Temple. As noted above, it is a demarcation point in terms of figuring chronology, a focal point for demonstrating the people's lack of desire to serve God (ch. 1) and a place which Abraham was allowed to see as he made his own sacrifice (ch. 9). It is compared and contrasted with Mt. Sinai as both experienced the divine Presence (ch. 4).

In the last two chapters, the Temple receives greater prominence because the biblical text refers to the altar and sacrifices. The Temple is clearly an exceptional place because synagogues and schools could not have images of the

---

69 "Princes" are merchants, "kings" are those who go around making conquests and "priests" are possibly non-functioning.

70 In those contexts where the midrash is probing the significance of hewn stones and steps up to the altar, the altar and the Temple are contrasted as ever-present realities (ch. 11).
cherubim as could the Temple (ch. 10) and the Tetragrammaton could be uttered only in the Temple (ch. 11). These expressions are balanced, however, by the conclusions that suffering is better than sacrifices as a means of atonement (ch. 10) and God would be present with even small numbers of people "in every place" (ch. 11). In other words, there is a recognition of change accompanied by assurance that what has evolved is as good or better.

"Theological" Reflections
The Supernatural and Miraculous. While aggadic midrash is generally more inclined to embellish supernatural elements than halakhic, the drama of this biblical text is not heightened by its treatment in Bahodesh. When it is necessary for the midrash to discuss the quaking mountain, the thunder, the smoke and the descent of God, they are approached in a stylized manner. The evaluation of these supernatural events seems to involve attempts to schematize them or put them into classes of other like events.71

At the same time, the midrash presents some seemingly less significant areas of the biblical text in the context of unusual or fantastic happenings. Israel moved 24 miles at

---

71 For example, the fire and smoke are likened to things that are known, the mountain is put in a class with other mountains and the descent is one of ten. Fraade, From Tradition to Commentary, ch. 2, claimed that this cautious approach was intended to discourage the audience from reading Exodus 19 and 20 in any mystical fashion. See also Halperin, Faces of the Chariot, pp. 12-28.
each word. The mountains trembled and talked to each other (ch. 5).

The dramatic exception to the above comments appears in ch. 9 where the supernatural means of revealing of God and Torah all come together. The people both heard and saw what was audible and visible. The word was fire; the sound and light accommodated human capacity to take it in. Israel was transported 240 miles with the help of the angels and God provided dew to protect them from the burning fire of His presence. The communication took place in the Holy Language as God spoke from heaven, bending the heavens down to the top of the mountain. The Cloud had three mysterious layers. Israel was able to interpret as soon as the word came forth. In the context of the awesome covenant of Genesis 15, God showed Abraham the future.

The Names of the Divine. Depending on the emphasis of the given biblical text, the names vary between chapters of the midrash. HaMagom appears to be used somewhat more frequently than HaQadosh Barukh Hu or variants thereof. Relatively

---

72 Urbach, The Sages, vol. 1, pp. 48-49, vol. 2, p. 704, viewed the passages in chs. 4 and 9 as reflecting the ambivalence of the tannaitic Sages regarding the necessary distance but desired proximity of God. He also suggested the possibility of an anti-Christian motif in the declaration that God did not descend.

73 As always, the two major manuscripts demonstrate slight differences. The Munich manuscript continues its noticeable tendency to use HaQadosh Barukh Hu where the Oxford reads HaMagom. The greater frequency of HaMagom may be because the Divine Presence and communication are the focus of this whole section.
few names other than biblical titles appear in ch. 1. When
the biblical text warrants it, the midrash presents God
speaking in the first person. This is notable in ch. 2 which
is almost exclusively God's words conveyed by Moses to the
people. In ch. 3, the common names for the divine are cited
less frequently but preparations are made for the Shekhinah
and God is referred to as the Bridegroom.

Chapter 4 contains significantly more references to God
both with the typical names and also with haKavod, haGevurah
and the Judge. The same frequency is evident in ch. 5 as
well, the entirety of which is about God as He is revealed in
Torah. The identity of God and Torah come together as a
result of the opening verse of the Ten Commandments. The
midrash gathers a number of "I am..." statements to
demonstrate the singular nature of God. While much of ch. 6
is devoted to defining "other", God is likened to a King,
acknowledged as supreme and referred to as Father in Heaven.

There is a distinct switch of emphasis in ch. 7. The
concepts of the Name and the Lord your God are not expanded.
There is much greater concern with interpreting the commands
about what the people should do. In this context, He is
called Eloah before swearing and a Judge after. Cursing the
Name of Heaven is parallel to receiving punishment at the
hands of Heaven. God is contrasted to humans with regard to
speaking capability and the potential of weariness. Chapter
8 also contains fewer indications of names of God. A
noticeable tendency in this chapter is to refer to God as The One Who Spoke and the World Came into Being. It corresponds to the link between creation\textsuperscript{74} and the Sabbath but it is also used in connection with the command to honor parents.

In ch. 9, there is considerable emphasis on what God revealed. The word of fire came from haGevurah.\textsuperscript{75} Humility and arrogance affect the presence of the Shekhinah. God is mentioned in ch. 10 in conjunction with the biblical texts cited and He is assumed to be the source of punishment.

Because of the subject of "place" and altar in ch. 11, the midrash refers to Shem haMephorash and to the Divine Presence with increasingly smaller groups of people.

\textbf{Idolatry}

It would appear that idolatry is perceived as a problem only when Torah presents it as such.\textsuperscript{76} Therefore, it is not

\begin{itemize}
  \item \textsuperscript{74}Chapter 11 also uses this title in conjunction with humankind created in the image of the One Who Spoke and the World Came into Being.
  \item \textsuperscript{75}See Urbach, \textit{The Sages}, pp. 84-85, 93-94.
  \item \textsuperscript{76}For example, if the verse of Exodus does not mention idols, it is most likely that there will be only passing reference to it if there is any at all. Chapters 1, 3, 5 and 7 do not deal with the subject. In ch. 2, we find that Egypt was guilty of the three cardinal sins, one of which was idolatry. In ch. 8, worshipping idols is made parallel to adultery in the scheme for arranging the Ten Words. Neither of these, however, is presented as a real threat but as part of a system. Idolatry is equated with arrogance in its capability for driving away the Shekhinah (ch. 9) and a brief plea is made not to have an altar made for another (ch. 11). Because of the biblical text behind ch. 6, there is a heavy emphasis in that chapter on the subject. The long list
re-presented as a contemporary threat for Jews. Instead, it was observed from a distance as a characteristic of outsiders who serve as a foil for proper behavior for the people of Israel.

Social Structures: "Others" and "Us"

There are distinctions apparent in each of these categories. More often than not, "others" appear as oppressors. Subjugation to them is the negative alternative to submission to God (ch. 1). Even more explicit, living in

of forbidden materials and objects is mostly defined in Torah's terms, not in terms of contemporary objects. Possible exceptions to this are the references to constellations and the Buvya and Shavririm. Chapter 10 responds to a repetition of the prohibition against images but much of the discussion of gods of silver and gold does not really inveigh against idols. It simply treats a somewhat academic question as to what is and is not proper in the context of the statement in the biblical text.

There is only one reference to idolatry as it affected Israel in Egypt. As an alternative explanation, the midrash suggests that Israel was brought out of the house of "idolators" (ovdim) instead of "bondage".

The most scathing comments in ch. 6 are reserved for those who are foolish enough to fall for such stupidity. For example, the definitions of "other gods" show their detrimental nature for the people who were inclined to worship them. The extreme number of idols and the assertions that idols rule people while at the same time they are creations of people are all comments on human nature which devises idols out of anything. The section which systematically rules out all possible materials and objects is another way of commenting on the nonsensical nature of idolatry.

This negative view of "others" and their relationship to idols reappears in ch. 10. These people curse their gods ("fears") when circumstances are bad. This is in contradistinction to what Israel is to do.
the Land and keeping the commandments could result in death (ch. 6). Two specific features in the four empires motif (ch. 9) are the Greek empire which caused the eyes of Israel to become dark with fasting and the harshness of wicked Rome. The ruling capacity of "others" is also evident in the details of the king parables.

At the same time, however, milder interactions with outsiders are implied in the brief references to slaves and gerim in ch. 7. There is a distinct difference between these two types of material. The descriptions and allusions to the oppressive nature of foreigners appear primarily in indirectly related pericopae, are not conditioned by the content of the biblical text and may, therefore, reveal more of reality. The allusions to congenial interaction are directly responsive to indications in the biblical text. As such, they may be less reflective of contemporary reality.

There are also "others" in terms of beliefs. Those who worshipped idols or advocated that there were two powers in heaven were viewed as outsiders. The latter were presumably closer in overall approach and consequently viewed as more dangerous. The possibility of converting "others" is not

79 The comments regarding slaves discuss the applicability of the Sabbath regulation to Jewish and non-Jewish slaves. The gerim passage questions the precise identity of the ger; was he a righteous proselyte or a resident alien?

80 See Segal, Two Powers in Heaven, ch. 2.
mentioned. That is because the biblical text here does not warrant such a discussion.

The community of those who took to heart the commandments also demonstrates some stratification. The characteristic distinctions between men and women are maintained by virtue of the question as to whether or not both had to obey the commandments to honor parents and to keep the Sabbath (ch. 8). In addition, the midrash assumes that men understand intricacies of Torah while women comprehend only generalities (ch. 2). While priests are mentioned in the biblical text, not much is made of it beyond their privilege of serving.

The Messages in the Text

On the surface, there are messages about the nations as "outsiders" and about Israel who enjoys a special relationship with God. The question is, of course, whether any of the former comments are actually directed to the outside or whether they are intended for additional encouragement and exhortation of Israel. By the same token, although statements about Israel may have been designed primarily for internal consumption, some of them might have been intended for a wider audience.

The message of the tractate regarding "others" treats primarily their relationship to Torah, the whole matter of idols and other gods and their harshness to Israel. That the
nations were offered Torah but turned it down leaves them without excuse.\textsuperscript{81} The very fabric of the paradigm nations runs counter to Torah and the descendants of Noah could not even keep seven commandments.\textsuperscript{82} Israel, on the other hand, received Torah as a gift and the midrash emphasized that it was free.\textsuperscript{83}

When the midrash turns its attention directly to the relationship between God and Israel, it seems to deal with

\textsuperscript{81} This is somewhat reminiscent of Paul's argument in Romans 1 but the thrust there is that general revelation in the observable creation leaves humankind without excuse. The Sages went a step further in saying Torah was available to all. In neither case, however, was the statement intended as an active polemic with those outside so much as it was a means to defend God's justice against potential attack. In this case as well as the matter of the singular nature of God, there is a concern not to give pithon peh to the nations of the world.

See Heinemann, \textit{Aggadot veToldotehen}, pp. 117-19, on the developing polemic over this issue. In his view, the question initially arose when Judaism began to interact with Hellenistic culture. Later, it took on a different form in response to the Christian appropriation of Torah and the identity of Israel. This same position is maintained by Schafer, "Israel und die Volker der Welt," pp. 59-61.

\textsuperscript{82} The midrash notes specifically that Esau (Rome) was a murderer. This assessment is based on indirectly related biblical material regarding Esau. The judgment is reinforced by the treatment of the fourth empire. It is wicked and is the worst. At the same time, there is a message of encouragement in the scheme of the four empires. Three have fallen and one interpretation of the fourth presents it as falling; the second depicts it as very dreadful. Chapter 11 also has a subtle polemic against violence in the matter of the sword shortening life.

\textsuperscript{83} If there are threads of a response to Christian apologetics throughout the midrash, this is another subtle instance. As a counterpart to the Pauline concept of free justification which simply needed to be accepted by faith (Romans and Galatians), the rabbis may have wanted to stress that Torah itself was received in exactly the same way.
one pressing concern. With all the evidence for the relationship,\textsuperscript{84} how is it that oppression and suffering characterize so much of their experience? The answer is found in the stated threat of punishment if the commandments were not obeyed. Disobedience brings chastisement. Even this is good, however, because it results in repentance and atonement.\textsuperscript{85} Therefore, the real message to Israel has to do with recognizing the value of persecution and oppression to restore obedience to Torah.

Summary

The tractate is an ongoing illustration of symmetry and balance. This is created primarily by rhetorical contrasts and comparisons. It is fundamental to the perception of the contrast between God and idols, between Israel and everyone else. Torah is the centerpiece in the differentiation process.

\textsuperscript{84}The midrash teaches that Israel is a treasure, is better because it can interpret Torah, is beautiful among the nations while receiving Torah, receives "good things", is made great by God, is blessed with the Divine Presence, is spoken to in the Holy Language and is allowed actually to see divine revelation.

\textsuperscript{85}Suffering is said to replace sacrifice as a means of atonement. Several possible contexts for this statement might be suggested. It may serve as an apologetic in the face of difficult suffering: God chastises those He loves. It might be an open recognition of the absence of the Temple. Either of these could also reflect a response to pressure from the Christian community.
While the biblical text guides the overall direction, it is apparent that the special emphases on suffering, repentance and atonement transcend the biblical focus on Torah, the identity of God, the nature of the commandments, idolatry and the possibility of punishment. These thematic concerns apply the biblical text to any "present" situation. Perhaps they are developed in the following manner.

The human condition is one of suffering. The motifs of the four kingdoms in succession, subjugation to the enemy and the nations of the world who reject Torah demonstrate that evil will always be evident and will apparently dominate. There will be opposition from those quarters in the widest context in which any individual lives. Occasionally, it will result in direct persecution. Nevertheless, God identifies Himself with His people, especially when they identify themselves with Him. As spiritual leaders, the rabbis recognized the impact of evil on the religious consciousness of the community. Examples and dicta from recent history lent credence to warnings and exhortations in this area.

At the same time, the "present" for the midrash need not always be a national crisis. The examples of David and Job are those of individuals and the message is pertinent in any time. The midrash emphasizes the proper response to God in the context of the proper understanding of Torah.
CHAPTER ELEVEN:
TRACTATE NEZIKIN - JUSTICE

Introduction

In 18 chapters, Nezikin comments on the biblical text of Exodus 21:1-22:23. The major types of legislation have to do with proper treatment of slaves, circumstances when the death penalty is warranted, punishment for physical injuries, accidental property damage, damage due to negligence, theft and treatment of those less fortunate.

One thing which seems to be evident is the even treatment afforded the biblical text. A consistently small number of verses receives thorough investigation in each chapter. Chapter 10 is significantly longer and noticeably different. The end of it moves in the direction of aggadic midrash, dealing with redemption and pardon from heaven. Chapter 18, as well, moves into the sphere of aggadic midrash, extolling the beloved nature of gerim, warning against afflicting others and urging obedience.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>220</th>
<th>200</th>
<th>180</th>
<th>160</th>
<th>140</th>
<th>120</th>
<th>122</th>
<th>115</th>
<th>126</th>
<th>100</th>
<th>98</th>
<th>80</th>
<th>60</th>
<th>114</th>
<th>118</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Ch 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|

495
Number of Verses Discussed per Chapter:

| Ch | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|----|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|
| 6  |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |
| 5  | * |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |
| 4  |   | * |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |
| 3  |   |   | * |   | * |   |   |   |   |    |    |    |    |    |    |    |    |    |
| 2  |   |   |   | * | * |   |   |   |   |    |    |    |    |    |    |    |    |    |
| 1  |   |   |   |   |   | * | * | * | * |    |    |    |    |    |    |    |    |    |

Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

As the biblical text is considered on its own, the following subjects appear to be the most significant issues in each unit which underlies the successive chapters of the midrash.

**Chapter One.** These are the judgments to place before Israel. A Hebrew slave shall serve six years and go free in the seventh. Whatever his marital status when he came, thus he shall go forth.

**Chapter Two.** If his master gives him a wife, she and the children remain while he goes out alone. If he loves them and wishes to stay, his master brings him to the elohim and bores his ear, making him a slave forever.

**Chapter Three.** When a man sells his daughter, there are several possible outcomes. Even if the master does not like her and will not marry her, he must not sell her to foreigners. If he espouses her to his son, he must treat her properly. If he takes another woman, he must provide essential things for her; if not, she goes out free.
Chapter Four. One who kills a man shall die. If it was not intentional, there is a place of refuge. If the killing was deliberate, remove him from My altar to die.

Chapter Five. The death penalty applies to one who strikes his parents, one who steals another person and sells him and one who curses his parents.

Chapter Six. If a person is injured as a result of deliberate action in a struggle but recovers, the one who struck him is cleared but must pay for loss of time and for healing.

Chapter Seven. If a man beats his servant to death on the spot, he (the servant) shall be avenged but if the servant lives a while, he shall not be because he is property.

Chapter Eight. If a pregnant woman miscarries as a result of injury received when two men are fighting but there is no harm, the man (who hit her) shall pay a fine. If there is harm, then there is measure-for-measure punishment.

Chapter Nine. If a man ruins the eye or tooth of his servant, he shall send the servant out free.

Chapter Ten. If an ox gores a person to death, it shall be stoned and its flesh not eaten but the owner is clear. If it is known as one which gores but is not guarded and kills someone, it shall be stoned and the owner put to death. If a ransom is set on him, he may pay to redeem his life.

Chapter Eleven. An ox which gores a minor receives the same penalty. If it gores a servant, 30 sheqels must be paid to
the master and the ox stoned. If a working animal falls into an uncovered pit, the owner of the pit must pay the owner of the animal and the animal is his.

Chapter Twelve. If an ox gores another, the live one is sold, the profit divided and the dead one is also divided. If it was known as one which gores, its owner shall give his ox and the dead one belongs to (its owner). If a man steals an ox or a sheep and slaughters or sells it, he must pay back five oxen or four sheep.

Chapter Thirteen. If a thief is killed while breaking in, there is no bloodguilt for him. If the sun rises, (the houseowner) is guilty. (The thief) shall pay; if he has nothing, he shall be sold for theft. If what he stole is found alive in his possession, he shall pay double.

Chapter Fourteen. If a man is responsible for his beast grazing in another field or vineyard, he shall pay from his best. If fire breaks out and destroys, the one causing the fire shall pay.

Chapter Fifteen. When a man is guarding the possessions of someone else and they are stolen, if the thief is found, he shall pay double. If he is not found, the owner of the house is brought before the elohim (to take an oath) that he has not taken his fellow's property. In every case of sin, the word of both parties is brought before the elohim; the one they condemn shall pay double.
Chapter Sixteen. If an animal is given to a neighbor to watch and something happens to it but no one sees it, an oath must be between them that the one guarding it did not damage it. The owner shall take it and he shall not pay. If it is torn, it must be brought as a witness and he shall not pay. If someone borrows from his neighbor and something happens, if the owner was present, there is no liability. If rented, the amount paid for rent covers it.

Chapter Seventeen. If a man seduces a virgin who is not betrothed, he must pay the dowry and marry her or pay the price if her father refuses to allow the marriage. The death penalty applies to a witch, one who lies with a beast and one who sacrifices to gods, not to the Lord alone.

Chapter Eighteen. Do not mistreat the alien because you were aliens in Egypt. Do not afflict the widow or orphan. If you do and he cries out, I shall hear and be angry and punish you; your wives and children will be widows and orphans.

The Corresponding Midrash

Below, each chapter is assessed in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated, and the omissions and directions not taken.
Chapter One. There are two main parts to the chapter. The first includes general statements about the relationship of the "judgments" to preceding material and the necessity of learning Torah in order to use it properly for judging. It further deduces that Israel may judge Gentile cases but not vice versa. Finally, the order of the legislation in Torah is logical; those matters which have to do with court cases come first because these must be settled in order to have peace.

The second part of the chapter systematically addresses four subjects pertinent to the slave: What kind of slave, what kind of work, the "quality" of the freedom and the slave's wife. An undercurrent is the issue of the Hebrew being enslaved. It is necessary to explain why and pose a less degrading situation for him or her.

The Sages determined that the passage refers to a slave who is sold by the court for stealing rather than one who sells himself because of poverty. The midrash then questions whether this is the slave of a Hebrew or a Hebrew slave. The appearance of "Hebrew" in this passage and in Deuteronomy 15:12 is the basis for a gezerah shavah to show that it means an Israelite who is a slave. It may also include the ger. Out of concern for the fellow Israelite, the person enslaved for six years must not be given demeaning labor and the master cannot make him change his occupation.
The midrash includes two possible understandings of "if he comes in by himself, thus he shall go out". The first indicates that the subsequent statement to the effect that the master might give him a wife is an optional matter. The second possibility is that begappo should be read begupho, "with his body intact". At this point, there is a long digression the object of which is to assess the equality of male and female slaves with regard to the conditions of release. The procedure involves a characteristic set of attempted deductions which pair various conditions by which slaves go free and determine whether they apply to male and/or female slaves. The conclusion, however, is based upon the biblical text. The chapter closes with brief comments on the master's obligations to provide for the wife of the slave if the latter brought one with him.

In the course of dealing with these matters, nothing of the biblical text is omitted.

Chapter Two. Each phrase of the biblical text receives more than passing treatment as the chapter defines the terms and conditions under which a slave for six years can become a slave for life. One has to do with loving the wife his master gave him and the other is a matter of his affection for the master.

Giving the slave a wife is optional but if the master does so, she is specifically for the slave. The first phrase is also interpreted as his giving to the slave a foreign
wife. Therefore, the woman and any children belong to the master because the children have the same status as the woman. The midrash suggests that the slave's going out alone means that he goes without giving his wife a writ of divorce. The phrase is also used as a basis for equating the slave whose ear is pierced with the six-year slave.¹

The Sages concluded that the slave could claim love for the master and stay only if the master also had a family.² The process of putting the awl through his ear involved bringing the slave to the elohim (judges) and using the door or doorposts. There is some discussion of the equivalence of these for this purpose. A further question involves where to bore through the ear and whether or not that would disqualify a priest from serving. Why the ear? It heard the command not to steal and disobeyed.

Serving the master forever turns out, by deduction, to be serving until the Jubilee. In addition, there are restrictions on bequeathing as inheritance particular categories of slaves.

The midrash does not specifically address the second part of the slave's declaration about not going out free. It appears, however, that the emphasis is on defining the

¹See notes in H-R, p. 251, for suggested explanations as to why a slave whose ear was pierced would be going free.

²To determine this, they referred to the parallel passage in Deuteronomy 15:16 and, as a result of its contents, added that the master must not treat the slave differently from himself.
household and ongoing relationships between the master and the slave. If the general approach of the midrash were different, more might be done with the impact on the slave of losing his wife and children if he chose to leave. Even though the biblical text could elicit comments on the emotional aspect, the focus of the midrash remains on procedures. Finally, the possibility of interpreting elohim as bringing the slave to God is avoided.

Chapter Three. This unit has to do with one subject; the possible outcomes when a man sells his daughter. Pronoun ambiguities are a noticeable feature of the biblical text and the desire to clarify whether these refer to master, father or son in each pericope is prominent in the midrash. The commentary assumes familiarity with biblical categories which are beyond this immediate context as it systematically addresses successive issues by category comparison.

The prospect of selling one's daughter is placed within the broader context of a man's rights over his daughter depending on her maturity. This is followed by further limitations and distinctions between men and women. Although a man can sell his daughter, he may not sell his son. A woman may neither sell her daughter or herself. At the end

---

3 On the sale of daughters and the conditions under which they may go free, see Vermes, Post-Biblical Jewish Studies, pp. 69-72.

4 There are limits to the rights accorded the father. The daughter's age increases her independence from her father and he is not allowed to sell her twice.
of this section, the midrash addresses the indirectly related matter of acquiring a wife with money and/or with a document.

When the biblical text says she shall not go out as slaves do, the midrash determines by comparison with other biblical passages that the only criterion which fits this restriction is the matter of loss of limbs. Other slaves go free if that occurs; she does not. It demonstrates that she does go free after six years and at the Jubilee.

While moving hastily past the significance of her not being pleasing to the master, the commentary responds at greater length to the statement that she has been dealt with treacherously. The question is whether the father who sold her or the master who did not carry through on the marriage is the deceitful person. The possibility of rectifying the situation by giving her to the son is seen to fit within the bounds of the inheritance rights of sons. That she not be ignored in case another wife is procured is also addressed by the biblical text; the master must continue to provide sustenance, clothing and "times". Each of these is defined by several Sages in the context of what is expected within a marriage relationship. In each of these issues, the categories of free Israelite woman and Hebrew maidservant are contrasted.

In those circumstances where the master has not provided for her, she goes free. The midrash here is more concerned
to apply separate biblical phrases to the stages of feminine maturity.

The only major subject not discussed is the personal effect of all these procedures for the daughter. That is in keeping with the observed character of the text. Some further clarification of his dealing treacherously with her might be interesting as would the implications of sale to foreigners and the possibility of redemption.

Chapter Four. The biblical text states the general principle regarding the death penalty for killing and follows it with the two possible cases: Either it was accidental or intentional. In keeping with the nature of the subject, the Sages were concerned to define limits of application, both of this text and similar biblical references. A pattern familiar from Bahodesh recurs: Here is the punishment, where is the warning?

The midrash indicates the limits set by the general rule. First, the blow must be hard enough to result in the death of the individual. Second, the warning covers any adult who kills a man, woman or child but excludes a minor as the subject of the action. Third, certain judicial procedures are noted, among them the warning from witnesses and the order of the death penalty by the court. Fourth, the mode of execution is determined by comparison of categories of offenses.
In the case of unintentional killing, the midrash includes illustrations to make the point that God will deal with both the intentional and unintentional killers when there are no witnesses; justice will be done. In this regard, the Sages rightly asked where the place of refuge was and how large an area it included.

When the biblical text returns to the subject of premeditated intentional killing, there is the difficulty of determining which actions fit into that category. The midrash assesses a series of potential causes of death as to whether or not they involve deliberate action. The maintenance of justice is upheld by the conviction that, even if one is free from the judgment of a human court, he is subject to the judgment of heaven.

The final aspect of the biblical passage is the removal of the individual from the Lord's altar in order to execute him. The use of "altar" provokes an extended discussion of the relationship between carrying out the death penalty and a series of ritual observances. This starts with the Temple service and draws in the Sabbath and burial of the dead. The intricacies of determining which of these takes precedence demonstrate, above all, that logic alone does not solve this matter. The direct statement of the biblical text is necessary. As part of the logical puzzle, another contrasting factor is added; over what does saving a life take precedence?
All aspects of the biblical text which have potential halakhic application are covered. If this were an aggadic chapter, there might be some connections developed between magom and "My altar" and the location(s) of God's altar might have been considered more significant. Instead, "My altar" represents a category which is employed in the process of determining precedence.

Chapter Five. The biblical text is a very structured unit. In response, there is a significant amount of formal repetition in the midrash.

Because the death penalty is pronounced three separate times, it receives the most attention. By way of introduction, the midrash comments on the non-symmetry of each case; the penalty appears to exceed the crime. There follows a long technical discussion, repeated in abbreviated form later, regarding whether the first case refers to father and mother together or individually.

In each case, because the death penalty is stated, a warning is discovered elsewhere in the biblical text and the type of execution is defined. When Scripture does not prescribe a particular mode of execution, the midrash

---

5It is best presented as follows:
striking father and mother ---- results in death
stealing and selling a person - results in death
cursing father and mother ----- results in death

6In none of these cases does the warning come from a simple statement in the biblical text. Each involves an intermediate deduction based on the prooftext(s).
determines it to be strangulation and describes the process. This is applied to the first two cases and death by stoning can be deduced in regard to cursing parents.

Each crime is defined in terms of who qualifies as perpetrators and victims. Additional definitions have to do with the crimes themselves. Striking must result in a wound. Stealing and selling a person must have witnesses to the action. The midrash reviews material from Bahodesh 8 which demonstrates that both of these biblical passages refer to stealing people because the death penalty is prescribed. Cursing means using the Divine Name.

What does not appear in the midrash is also instructive. One might be inclined to wonder, for example, if there are other commandments for which the penalty appears to be more severe than the crime. In addition, it is noteworthy that the punishments regarding striking and cursing parents are not directly linked with the fifth commandment, especially when the material on stealing persons refers to the eighth. The difference may lie in the fact that the eighth commandment follows two whose infraction meant the death penalty. The command to honor parents is not in such a context.

Chapter Six. As in the preceding chapter, the midrash acknowledges that certain situations fall outside the principle of measure-for-measure justice and that the biblical text does deal with these. In this case, the issue
is the loss incurred by an individual injured in personal strife. The assailant is held responsible.

Determining whether or not women as well as men are subject to this law is again an important step. The stone and fist are declared to be representative of all instruments which cause death and comparable in that they can result in death when the individual is struck on a vulnerable part of the body. Furthermore, they can be identified.

The prospect of the victim's restored ability to get up and walk is one of three things that Ishmael interpreted in a figurative manner. Walking on a support means restored to health. According to the midrash, the assailant must be bound until the victim is restored at which time the former is clear and liable only for payment for loss of time and the cost of healing for this specific injury. The interpretation protects against financial exploitation of the aggressor but

7The mode of accomplishing this, however, changes from previous chapters because here the Sages had to show that 'anashim includes women whereas before it was simply a matter of demonstrating that the participle is inclusive. Both the method and the Sages cited are different.

8In this case, however, death has not resulted and therefore the death penalty is not warranted. The midrash even specifies that paying for loss is not an issue if death occurs.

9These two are probably mentioned in Scripture because they were the most likely to be available in cases of unplanned aggression.

10The other two are "if the sun rose upon him" (Exodus 22:2) and "they shall spread the garment" (Deuteronomy 22:17).
also is responsive to the health needs of the victim. If it is determined that relapses are related to the injury, the attacker must pay any additional costs.

Because the results of injury are the immediate focus, there is no discussion of and distinction among potential causes of contention. The matter of premeditation does not enter in this case because the passage deals with spontaneous outbursts of hostility.

Chapter Seven. The subject of beating a slave to death is also viewed within the larger framework of the measure-for-measure principle of justice. The midrash acknowledges that this case would normally fall under the general principle of Exodus 21:12 but for the fact that the rules of the game are slightly different for slaves.

Procedures to identify the parties involved are familiar from earlier tractates. The owner may be either a man or a woman. 11 The slaves are foreigners, not Hebrew slaves. 12

The specific designation of the rod as the instrument of beating raises an issue similar to one which surfaced regarding the fist and rock in ch. 6. The weapon must be something capable of killing when it strikes a vulnerable part of the body. Scripture needs to specify the rod because

11Because the word is 'ish, the same set of arguments used in ch. 6 appears in abbreviated form.

12Several different proofs are cited. They contrast foreign and Hebrew, male and female slaves in terms of permanent as opposed to temporary enslavement.
also is responsive to the health needs of the victim. If it is determined that relapses are related to the injury, the attacker must pay any additional costs.

Because the results of injury are the immediate focus, there is no discussion of and distinction among potential causes of contention. The matter of premeditation does not enter in this case because the passage deals with spontaneous outbursts of hostility.

Chapter Seven. The subject of beating a slave to death is also viewed within the larger framework of the measure-for-measure principle of justice. The midrash acknowledges that this case would normally fall under the general principle of Exodus 21:12 but for the fact that the rules of the game are slightly different for slaves.

Procedures to identify the parties involved are familiar from earlier tractates. The owner may be either a man or a woman.¹¹ The slaves are foreigners, not Hebrew slaves.¹²

The specific designation of the rod as the instrument of beating raises an issue similar to one which surfaced regarding the fist and rock in ch. 6. The weapon must be something capable of killing when it strikes a vulnerable part of the body. Scripture needs to specify the rod because

¹¹Because the word is 'ish, the same set of arguments used in ch. 6 appears in abbreviated form.

¹²Several different proofs are cited. They contrast foreign and Hebrew, male and female slaves in terms of permanent as opposed to temporary enslavement.
punishment cannot be derived solely from logical deduction.\textsuperscript{13}

If the slave dies within the stated time in the possession of the master, the midrash affirms that vengeance here means death for the master. If there is a time lapse, however, because the slave is property, the master does not die. In this regard, the midrash pursues a contrast with oxen who are to be put to death for killing servants. Whether the animal belongs to the owner or to another man, it is to die. In the case of human assailants, however, there is a distinction. Because the slave is property, the owner is not put to death if the slave dies. This is undoubtedly developed in this manner because the subject of oxen is forthcoming.

As with previous chapters, the focus of attention is on results of actions, not on potential prior causes. Nothing is said about provocation or any other reason for beating a slave. No comments are made about brutality to slaves in general whereas in later chapters, there is a humanitarian concern for \textit{gerim}. Beating slaves seems to have been taken

\textsuperscript{13}The logical process suggested is one which compares attacks on Israelite and foreign slaves. The law is more lenient in the latter case and one might deduce that the owner of a foreign slave would not be guilty unless he attacked with something capable of producing death. Rabbi's opinion follows the statement that the biblical specification is necessary. He indicates that it is appropriate to derive the punishment by logical deduction and the expression "with a rod" is used in two separate contexts to exclude anything bought by partners.
for granted, perhaps because the biblical text presents it thus.

Chapter Eight. The chapter begins by explaining the necessity of the biblical teaching. The matter of two men fighting together is first compared and contrasted with the issue of deliberate intent to kill (Exodus 21:14). Because that passage did not address the matter of non-intentional injury of those who are not enemies, this material teaches regarding the death penalty in that case as well. In this view, the main focus is on the measure-for-measure list at the end of the passage, starting with life for life.

A second approach to the passage surveys the intervening text and concludes that the purpose of the passage is both to determine to whom compensation is paid and to rule out the necessity of paying compensation if the death penalty is warranted.

Following that introduction, the details of the passage are addressed. Because 'anashim appears again, the midrash includes an abbreviated version of the series of opinions demonstrating that women are meant as well. Definition continues with the declaration that the one who hit the pregnant woman is guilty only if he hit her in the abdomen. The commentary questions whether "harm" refers to the unborn child or to the mother and concludes on the basis of the structure of the whole passage that the payment of fines is for the unborn child while harm done to the mother must be
assessed according to the measure-for-measure list which follows.

The fine for the child must be paid to the husband according as the judge decides, thus protecting the guilty party from extortion. In respect to harm done to the wife, the question arises as to whether money may be used to pay for life or whether these "measures" are to be understood literally. A series of attributed opinions, employing various deductive approaches, is drawn together to outline the issue. The conclusion is that money may, generally speaking, compensate. There are exceptions, however, if deliberate injury has taken place.

The potential of other means of punishment besides fines or literal measure-for-measure is not discussed. More might be said to clarify the process of arbitration in order to know how it was done and who got involved. Several of the specific items in the measure-for-measure list receive little or no comment. Most significant in this regard is the absence of extensive commentary on justice as represented in the measure-for-measure principle. This is a distinct change from aggadic tractates.

Chapter Nine. This chapter also begins by questioning why this teaching is here, as it appears to run counter to the balanced justice principle. The answer is that it is a corrective to Leviticus 25:46 which assumes that all foreign slaves are permanent possessions to be passed along as
inheritance. If the owner causes injury to a major organ of the foreign slave, the latter must go free.  

The middle sections of the chapter repeat a considerable amount of material from earlier chapters. These have to do with proofs that the owner can be a man or a woman and that the owner is equally guilty whether he has injured a male or female slave.

In order for the slave to go free, the organ must have suffered irreparable damage as a direct result of the owner's action. The grammatical structure of the biblical text allows a further application. If two teeth or both eyes are destroyed in succession, the slave goes free as a result of the first and receives payment for the second. The eye and tooth are declared to be representative of all major organs which may be permanently damaged and are visible.

The repetition of "he shall send him out free" in the biblical text is reflected in the midrash which twice reports the possibility of interpreting this as going out with a ghet and questions whether or not it applies to one who is not qualified to go free.

Because foreign slaves were generally regarded as permanent possessions, the midrash returns at the end of the chapter to the issue of their freedom. They may not be

---

14 Even though this serves as a corrective to the possibility of permanent possession, it does not lessen the impact in the immediate context which is that injuring slaves is less serious than injuring free men, women and children.
redeemed so, ironically, the only avenue to freedom is injury. The chapter closes with a lesson: If a person can buy himself from another human with the price of suffering, how much more from heaven.

It is interesting that teeth are considered on a par with eyes. Although the question is raised as to which organs might fall into this category beyond eyes and teeth, nothing is said about apparent value differences. If the midrash had a "humanitarian" focus, there might be some discussion as to the risks for the slave of going free without the protection of the master and lacking major organs. That does not appear to be part of "justice" as it is re-presented in the midrash.

Chapter Ten. The length and content of this chapter differ from others in the tractate. The distinction between oxen which are tam and mu'ad is the most prominent feature throughout, appearing as part of the analytical framework even before the biblical text makes the distinction. The commentary engages in extended series of systematic comparisons, frequently employing the method of gezerah shavah.

The relationship of this specific material to the general theme established by "the one who strikes a man so that he dies" is first explained. It removes the ox from that general category and subjects it to death by stoning. What follows is a series of demonstrations that this rule
includes all animals, all modes of killing by the animal and all ages of victim. These expansions are derived via a process of complex comparisons between the categories of *tam* and *mu'ad* followed by the decisive *gezerah shavah*. In each case, the *tam/mu'ad* comparison is shown not to work because of a factor which complicates the logic. Therefore, the midrash resorts to comparing two passages with the *gezerah shavah*.

The Sages pursued the significance of the prohibition on eating the flesh of the ox that was killed by stoning. An animal killed in that manner was already forbidden for eating. The commentary goes on to demonstrate that it was also forbidden to derive profit from it. Different approaches are suggested which play on the contrast between the positive effects of the sacrificial animals and the negative features of the ox which gores, noting that they could not profit from the former.

What it meant for the owner of the ox to be "clear" occupied the Sages. One conclusion was that he would not suffer punishment from Heaven. The method of deducing this again contrasts the categories of *tam* and *mu'ad* and whether or not the owners were exonerated by human courts or the court of Heaven. A second conclusion was that he did not have to pay half the damages. Third, he did not have to pay the price of a slave. The *tam/mu'ad* categories figure into both of these deductions. A final suggestion was that he is
cleared from having to pay damages of a miscarriage, drawing on material from ch. 8 about humans accidentally causing miscarriages.

At this point, the biblical text presents the fact that the ox is known as one which gores and the midrash indicates five features distinguishing the mu'ad from the tam.\textsuperscript{15} It also discusses time limits for designating an ox either safe or dangerous and includes four opinions regarding what constitutes sufficient guard for the tam and mu'ad oxen.

Death by stoning for the mu'ad is such an obvious fact that the midrash pursues other possibilities as to why it is specified. One of these compares the death of the animal to that of the owner; each had to be decided by the 23-member court. This leads to the apparently harsh statement that the owner of the mu'ad himself is liable for the death penalty. The Sages understood this to mean death by the hand of heaven. Interpreting this in conjunction with the following statement about the ransom and redeeming his life, they further concluded that for those persons whose death is to be at the hand of Heaven, a ransom may be paid. If their death is decreed by human court, a ransom may not be paid (Numbers 35:31).

\textsuperscript{15}Witnesses are needed for the mu'ad. One pays the ransom, gives 30 selas and pays full damages for the mu'ad. In the case of the mu'ad, the owner must pay full damages even if they are above the value of the ox.
In response to the concepts of ransom and redemption payment, the chapter closes with a declaration regarding the mercy of God who allows humans to make a money payment to redeem themselves from the judgment of God. This is supported by numerous prooftexts and followed by a list of things, some of which may and others of which may not be redeemed. These include material goods, persons, even those declared by the court to be guilty of death, and individuals in the future. With regard to the nations of the world, however, there is no redemption. By way of contrast, God gave the nations of the world as a ransom for Israel because He loved them.

While the biblical text develops this subject beyond the point that this chapter ends, the material is presented as a unit and the closure is fitting on account of the opportunity it affords for the aggadic lessons on redemption. Very little of the biblical text is omitted. The Sages did not directly address the final clause about redemption payment "as it is laid upon him". Earlier in the verse, the same phrase is used about the ransom but it is only briefly treated in terms of the person to whom it refers. The primary focus in regard to the verse is redemption from God.

16 This is the reading of the major manuscripts. The printed edition omits the matter of the court most likely because it, in effect, contradicts the earlier statement about not ransoming a person declared by human court to be guilty.
Several other directions might have been taken with parts of the biblical text. Many of these have to do with prior conditions. Circumstances under which an ox might be able to gore, such as neglect, improper fencing or provocation, could be expanded. In this regard, there might be more explicit focus on the different responsibility and guilt levels of the owners as opposed to the simple tam/mu'ad categories. The punishment of the guilty owner is also eased but the midrash does not explain why or who places on him the ransom payment.

Chapter Eleven. Although it appears that the chapter of midrash deals with two separate subjects, there is a conceptual unity in the biblical material. A prominent feature of the closing principle regarding the goring ox is the necessity of repaying the master if a slave is killed by the ox. The second part, dealing with the consequences of a working animal falling into an uncovered pit and dying, also presents the principle of recompense for the loss of labor. The midrash questions the relationship between the two subjects and it concludes that the ox and the pit are both property. Nonetheless, the former is more actively dangerous.

Initially, this chapter expands the application from the previous chapter to minors and to anyone who is gored, even
including *gerim*. The main point of the first part, however, is the potential of slaves being gored. As before, they are perceived as exceptions to the general rule. The stereotyped forms apply the rule to male and female and to foreign slaves. Specifying the stoning of the ox is questioned again and, after setting up a comparison between the respective penalties when a slave is killed by his owner or by another person and when a slave is killed by the oxen of two separate individuals, Scripture is deemed necessary to teach the punishment.

The reference to both opening and digging the pit poses a hermeneutical problem; why repeat the statement with so little variation? The commentary suggests that both are necessary because punishment must be based on clear biblical teaching, not on inference. Furthermore, it teaches that both cases are equivalent in terms of liability or freedom from liability. An additional interpretation is that the features common to both digging and opening are the necessity to guard and the responsibility for any damage that occurs. Each successive biblical phrase receives equal treatment and the main objective is to establish who is liable given the conditions when the animal fell, with what restitution should be made and who gets the dead animal in the end.

---

17This deduction is based on the occurrence of the word *mishpat* in this context which, by virtue of its use in Leviticus 24:22, makes no distinction between Israelite and stranger (Lauterbach, *Mekilta*, vol. 3, p. 88, n. 1).
The treatment of mishpat is unusual. A more expected comment would involve a recapitulation of the previous ruling rather than the application to the proselyte. There is no discussion of adjustment of the payment based on attendant circumstances.

Chapter Twelve. This chapter likewise deals with two significantly different subjects. The first is a return to the issue of the ox which damages while the second moves into the area of stealing, particularly stealing oxen and sheep.¹⁸

As the biblical text returns to the ox, the midrash notes the change in terminology from the specific verb for "gore" to the more inclusive "harm". It also deduces who qualifies as responsible owners and legitimate claimants of damages.¹⁹ Most of the emphasis is placed on dividing the proceeds from selling the live ox so as to be equitable both when the animals are originally of equal value and when they are not. The biblical text essentially repeats the earlier distinction between the tam and the mu'ad ox and the midrash faithfully represents the material by repeating in abbreviated form the same commentary from ch. 10.

---

¹⁸The points of contact appear to be oxen and selling.

¹⁹The responsible owner ('ish) excludes minors but can include foreigners while the one suffering the damage ("his neighbor") includes minors but excludes claims that non-Jews might make.
When the midrash turns to the matter of stealing an ox or a sheep, the main interest is in the specification of selling and slaughtering and the significance of the five- and four-fold restitution instead of double payment. In keeping with a rhetorical pattern of the tractate, it concludes that selling and slaughtering are mentioned because punishment cannot be determined solely on the basis of logic. Further, it establishes the similarity of selling and slaughtering primarily in terms of the finality of the action. The Sages pursued a further deduction. If an individual stole a sacrificial animal, he was subject to the penalty of karet which then meant that this rule about multiple restitution was not applicable.

Because of the finality of stealing or selling the animal, the general double restitution was made more severe. Beyond that, the distinction between paying four times the amount for a sheep and five for an ox is due to differences recognized and evaluated by God. The ox does work and is valued more highly. The sheep has to be carried and has somewhat less value.

Both of these animals are specified in order to exclude wild animals. The exclusion is based upon this verse after an attempted logical procedure contrasting the two types of animals on the criterion of whether or not they can be sacrificed is shown not to work because the category of blemished animals does not fit the pattern consistently.
Although the chapter discusses the relative values of oxen in the matter of dividing the living and dead animals, it does not deal with the issue that the owner of the dead animal is still, as the innocent party, only receiving equal treatment with the other owner. Perhaps it is considered the best exercise of justice since there are no evil intentions in this case.

There is a logical lapse in the midrash at the point of repaying five or four times the value. If the animal was stolen or sold, it cannot be returned along with four or three others as suggested.

Chapter Thirteen. The biblical text appears to distinguish between an owner who kills a thief breaking in at night and one killing a thief who enters in daylight. The midrash, however, introduces the factor of presumed intent on the part of the thief who breaks in. Two initial suggestions are made. Either this passage deals with doubt whether the thief intended to steal or to kill, or the doubt is over whether he intended simply to steal or not. The conclusion is that the former applies here and the owner may engage in self-protection.20

Ishmael's figurative interpretation of "if the sun has risen" fits this mode of understanding the passage. The sun

20 In the process of discussing both possibilities, an indirectly related matter arises. If bloodshed, which occurs where there is doubt as to the other's motives, is permitted, so also should saving life be permitted.
signifies peace and therefore if the owner knows the thief came without the intent to kill and yet killed him, the owner is guilty. On the basis of comparison with another biblical case of self-defense, the midrash rules out the simple distinction between daylight and darkness.

The matter is further complicated by the grammar of the biblical text. There is no explicit subject for "he shall surely pay" and the interrelationship of the verse's various phrases is not clear. It may be that there is a logical break after "there is no guilt for him" and a switch of subject from the houseowner's potential guilt over a murder to the necessity of a live thief making restitution and selling himself to do so if necessary. The midrash has an even more complicated understanding. When the owner kills the thief under the circumstances noted and is guilty of murder, the thief's estate must pay any damages because the thief was indeed in the process of thievery when he was killed. If, however, the thief "deserved" to lose his life because of his own intention to kill, then no further payment is necessary.²¹

What happens if the thief must sell himself is dealt with briefly. The main object is equity between the value of what he stole and his value when sold.

The prescription for double payment when the stolen goods are found in the possession of the thief is the basis

²¹See Lauterbach, Mekilta, vol. 3, p. 103, nn. 4 and 5.
for incorporating the baraita on the seven thieves. Most of
the attention is devoted to examples of those who steal
hearts of people by deception. These are not liable to
punishment and yet the seriousness of the charge is
illustrated by the case of Absalom who stole three things in
this manner and by Israel who attempted to deceive God. The
following types of theft are ranked basically in accordance
with the severity of punishment. The last of these is the
one who steals a person and is liable for the death penalty
(mithayev benaphsho). The comment of Shimon b Yohai on
Proverbs 29:24 and the parable appear to fit this type of
theft only with respect to the punishment; that the
individual mithayev benaphsho. The actual circumstances have
to do with one person stealing articles and a second vowing
that he knows nothing of it. 22

By way of contrast, the midrash presents the possibility
of stealing away from one's friend to study Torah and to earn
merit for oneself. Proverbs 6:30-31 is interpreted as
referring to one who steals to satisfy his spiritual needs
and then is required to pay back sevenfold with words of
Torah.

22 On the textual and interpretive problems in this
baraita, see H-R, p. 295, and Towner, Rabbinic
"Enumeration...", pp. 60-65. Because it is without biblical
prooftexts and does not strictly follow the enumeration
pattern, he suggested that it preserves an early teaching.
See also Lieberman, Tosefta Kifshutah, vol. 9, Nezikin (New
York, 1988), pp. 67-72, on the various presentations of the
baraita and specific comments on the last example.
In the first part of the chapter, the complexity of the biblical text draws most of the attention to ascertaining guilt and the appropriate punishment. At the same time, the midrash does not systematically pose all possible interpretations and assess each in turn. Instead, it opts for a reading which accommodates the uncertainties but is, itself, rather complicated.

The midrash might have specifically paired Exodus 22:3 with Exodus 21:37 to discuss why there were differences in the amount of restitution.\textsuperscript{23} Perhaps that is obvious and instead the seven types of thieves allows for a socio-religious exhortation.

**Chapter Fourteen.** The two verses of the biblical text are parallel.\textsuperscript{24} In each case, an individual is responsible for some destruction which has occurred to the property of someone else. Each case is introduced with the question as to why it was necessary to teach that verse because it might have already been deduced. In the case of the grazing animal, the fact that it is able to do damage as it walks along eating merits its special mention. Fire breaking out is noted to make responsible parties equal no matter what

\textsuperscript{23}Two if the animal was alive and able to be restored; four or five if it was beyond retrieval.

\textsuperscript{24}In fact, even the two verbs are related and the words \textit{'esh} and \textit{'ish} sound alike. This may account for the noticeably parallel treatment of the two subjects in the midrash and for the apparent exegetical exchanges based on the sounds of words.
their status or intention. The chapter further addresses the appraisal of damage to the vineyard or field and the distance that a fire jumps in terms of the liability of the responsible person.

In response to the last clause of the biblical text, the midrash indicates that the participle allows for expanding the subject population. It also established similarities between damage done by the grazing animal and the fire; it is their nature to be destructive, they are possessions and must be guarded, when they damage, it must be paid. Four general principles regarding damages are cited which are indirectly related to the material in the chapter and expand the application. Liability in each case is first determined on the basis of whether or not one or both parties had the right to be in that location. Beyond that, the owner of the damaging animal is responsible.

None of the biblical text is omitted. Avenues which might have been pursued further include the following. The similarity of the words for "grazing" and "burn" might have drawn an explicit comparison. The matter of turning the animal out of the owner's field to go to another might have been enhanced with an example of some sort. The picture painted by the biblical text's references to the fire finding thorns is obscured by the interpretation as a measure and the discussion of distances. As in earlier chapters, the
Chapter Fifteen. The biblical text behind this chapter is a defined unit in terms of structure and content. Material is deposited for safekeeping but stolen. The thief is either apprehended or not. If not, a higher authority enters the picture to judge between the proclaimed innocence of the houseowner and the claims of the person whose possessions were stolen. The midrash spreads out the thought process at each step, defining, including and excluding interpretations. There is relatively equal treatment of each biblical lemma but what appears to happen is that hermeneutical principles are applied for the sake of judicial definitions without always resolving the general ambiguities of the passage itself. The most extensive examples are noted below.

The reference to money or vessels may mean that only those things which can be counted or weighed may be included. Alternatively, "to keep" means that application may be made to anything which can be kept. The gannav must pay back double because he is specified in that regard. The gazlan only pays back the principle. The gannav deserves greater punishment because he disdained God in assuming that He would not see the theft.

Bringing the houseowner to the elohim must entail taking an oath and the pronouncement of condemnation. This is
interpreted as bringing him to court. The number and content of phrases in the passage is assessed to determine the number of judges in the court which is given the responsibility of trying civil cases.

The list of items which the owner accuses the keeper of taking is used in two ways. First, it can be evaluated in terms of its klal uphrat ukhlal structure; only those items whose properties are like those of the specific items are included. Second, when it is read along with the items of verse 6, we learn that its purpose is not to distinguish between types of possession but between types of guards.

Some of the above interpretations are a bit stylized in terms of reading whole phrases into interpretive frameworks. Because this is so, single words, their significance and their relationship to the whole meaning of the passage are not examined. This passage might also be contrasted with verse 11 which intimates that the keeper must pay if the animal is stolen from him. When the midrash expands the application to include anything guarded, it might also have done it in conjunction with the list in verse 8. The general term, melekhet-re'ehu, is passed over. There might be unexplored potential in the passive nigrav as the matter is

Consultation of the Urim and Thummim is suggested but ruled out.

This is somewhat vague at this point but the issue surfaces again in later chapters. The midrash assumes familiarity with distinctive categories of which these are examples.
brought and in kol devar pesha' as it appears to be parallel to kol avedah. That elohim might mean God is summarily dismissed in a manner that communicates that we are not dealing with the passage in its original milieu where the Urim and Thummim were assumed to be working entities but in a contemporary context where the real issue was how many judges were to sit on a court.

Chapter Sixteen. The biblical text deals with three types of situations where an individual has property which does not belong to him and something untoward occurs. The cases are guarding, borrowing and renting with most attention given to events which befall the guarded property. Depending on the conditions, the responsible individual may or may not have to pay.

In the midrash, the focus is on establishing principles for treating cases consistently in spite of the differences in the biblical text regarding repayment. A key factor in the first instance is whether or not the incident could have been prevented. This appears in the discussion of the potential of death, injury and being driven away while in the keeper's care.27 It also surfaces in the distinction between those cases of torn animals where the keeper is liable to repay and those where he is not. If the attacking

27R. Eliezer suggested that, just as death cannot be prevented, so also the responsible individual is exempt in those cases where he could not prevent injury or being captured.
animal was small and the damage could have been prevented, repayment is necessary. On the other hand, the keeper was not expected to resist a bear, lion or leopard.

Several other factors affect the outcome. The midrash distinguishes between those who guard for free and those who are paid. The latter share both benefit and loss with the owner and therefore the paid guard must pay if something is stolen. The application is expanded to things which are lost as well as stolen. If there are no witnesses, the two parties take an oath, the point of which is that the keeper did not appropriate the article for his own use. In the case of a torn animal, the principle of the witness is again important although there are different opinions as to how to understand the grammar so as to determine what should serve as the witness.

In the case of borrowing, the concern of the midrash is to establish equity in treatment whether the borrowed animal dies or is injured, captured, lost or stolen. This is accomplished by comparing the terms and consequences of this case with that of the hired keeper.

In order to assess the case of damage to, loss or theft of something rented, the circumstances of one who rents are compared to those of one who guards for a fee. Since in each case, benefit accrues to both parties, the owner and the...

---

28 The biblical text may also refer to a hired person, not an article. See Lauterbach, Mekilta, vol. 3, p. 129, n. 10, and further suggestions in H-R, p. 307.
other, they are treated the same. The renter must take an oath regarding accidents but pay for loss or theft.

Some things seem to be taken for granted in the text and its interpretation. The questions that follow articulate issues which may be dealt with in a subtle fashion but are not directly addressed by the commentary. What is the difference between an animal that is driven away and one stolen? How does the oath of the Lord work between the two individuals? How does it prove anything in order to get one of them out of paying? How is the owner supposed to take the animal or its carcass if it has been driven away? Why does the presence of the owner in the case of a borrowed item change the penalty? Overall, it seems that the midrash does not intend to deal with real, practical matters so much as it wishes to read Scripture in a consistent manner. As in previous chapters, the infinitive absolute of "steal" is not interpreted in any special way.

Chapter Seventeen. The biblical text has two distinct parts which share certain basic ideas. The first part deals with the fact that the man who seduces a virgin must pay a sum of money whether he marries her or not. In the second part are three more serious sins, the price for which is one's life.

The midrash focuses on the price in each case. With regard to the seduction, it is most interested in defining the procedures and obligations for the seducer. Because the daughter is not betrothed, the father's rights are a
significant part of the picture. The matter is both compared and contrasted with the situation of rape. Initially, the case is made that payment ought to be made for seduction if it is required in the event of rape. Even though they are similar in terms of the father's jurisdiction, there is a difference in regard to the wishes of the woman. Therefore, Scripture needs to specify this. It is also compared with rape in determining that the father has the right to forbid the marriage if he wishes; if that is so in the case of seduction, how much more so when rape occurs. Whereas the man must pay the fine immediately in the case of rape, here he must marry her, paying the price, if she is fit to be his wife.

In determining why the biblical text specifies a woman who is not betrothed, the father's rights are again important. Because he has the right to invalidate vows of widowed or divorced daughters, it is logical that he may also receive seduction payment for them. Therefore, this phrase is mentioned to provide the basis for deducing the fee of 50 pieces of silver.

Although defining the case is important in regard to seduction, it is not so with the three capital cases. Instead, the primary concern is to assure that there is a warning to accompany the stated punishment. It further

29 This is consistent with the midrashic concern for all crimes which have the death penalty attached and demonstrates an overriding concern that justice be evident in Scripture.
ascertains the type of execution by comparing other biblical passages dealing with the same subject.

In regard to sacrifice to gods except for the Lord, the midrash responds in two ways to the juxtaposition of sacrificing to gods and the limitation to the Lord alone. First, it indicates that sacrifice is specified as a way of worshipping God. Therefore, any worship appropriate for God, if given to an idol, makes one guilty. Second, it acknowledges the apparent association of the Lord's name with other gods and suggests limitations to the application, perhaps as a protective measure.

Other questions might be addressed: For what reasons might the father legitimately refuse to give his daughter? How is complete destruction accomplished? Although the midrash is careful to describe means of execution, it does not do so with herem. What constitutes witchcraft? Is there significance to the order among the capital offenses? Why does the sin of beastiality interrupt the possible continuity from witchcraft to idolatry?

Although a point is made about destruction only of those idols which are apparent, the criterion of hidden versus blatant is not applied in any of the other situations. Although seduction might be more likely to be reported, it is doubtful that witchcraft or beastiality would occur openly.

Chapter Eighteen. In the biblical text, the primary focus is on not mistreating certain vulnerable classes of people
because God would hear their cry and punish the oppressor in like manner. The structure of the passage guides the midrash with the symmetry of each case carried over. They ought not mistreat gerim because Israel were gerim and they must not afflict widows or orphans or thus they shall become. When the people cry out, God will hear. The astounding biblical facts with which the midrash must deal are the equation or near-equation of gerim with Israel and the potential of Israel being the oppressor.

On the matter of gerim, there are several introductory comments pointing up the folly of abusing people regarding faults that are one's own. This is in the pattern of Israel having been gerim themselves. At that point, the midrash incorporates three separate paragraphs as to why gerim are beloved. The first seems a bit cautious and contains subtle demonstrations of Israel's superiority over gerim because God loves them. The second, however, is a statement of Israel's identity with gerim. They share a series of biblical names, attributes and privileges and Abraham and David called themselves gerim. In the third paragraph, the necessity of circumcision for conversion is implicit in the rationale given for Abraham's not being circumcised until he was 99. Finally, gerim are among those who answer before the Lord. The thrust of all of this is God's willingness to accept them on a par with Israel.
In responding to the emphatic prohibition against afflicting in any way, the midrash indicates that, for Israel, this may refer to small as well as great afflictions and cautions, by example, that even Sages may be guilty of such behavior. As Ishmael and Shimon were being led out to be martyred, suggested reasons for their sorry estate include several minor frustrations they may have caused fellow Jews. A further comment of Akiva is included to the effect that the death of Ishmael and Shimon was a harbinger of worse evil to come.30

The symmetry of crying out and God's hearing is the basis for declaring that He will be quicker to punish in response to an outcry than if there is none. Further, if God hears the cry of one against a group to bring punishment, how much more will He hear when many pray for good for an individual.

Finally, the redundancy of the biblical text in saying that God will kill them and make their wives widows and children fatherless is first interpreted that they will be killed but not accounted for. More significant as the closing sentiment of the tractate, however, is the following conclusion. By avoiding doing what is wrong, they can stay

30In effect, this example and comment turn the perspective regarding affliction around from what the biblical text indicates to what was contemporary reality. Putting the "oppression" effected by the Sages into this historical context is a devastating silent commentary on the expected fate of the real oppressors behind that story.
alive and by active obedience, they may prolong their days, experience salvation and merit life in the world to come. The blessings of doing righteousness are extolled by a series of verses which provides an apt closure to the tractate.

Most of this chapter is indirectly related aggada responding to key words in the passage. Because this is true, several aspects of the verses are not explored. While "mistreat" is defined by example, "afflict" is not. God's statement that He would kill Israel is perhaps too strong to be pursued directly. It only appears as the parallel to making wives widows and children orphans.

By Way of Summary

As the midrash explores the meaning of the biblical text, what is most evident are the procedures employed in the analysis. For example, biblical categories which are not necessarily intrinsic to the immediate context are consistently compared and contrasted. If they are from the Exodus 21-22 context, a category name may come up even before the midrash deals with the actual biblical text. Examples are the slave with the pierced ear, the ox known as a gorer and the hired or free guard.

There are also certain stock procedures for dealing with matters which recur with a degree of frequency. Among these are the methods for including women along with men, the care to avoid deriving a penalty by logic alone and the concern to
discover warnings in the biblical text for those actions which warrant the death penalty. In a number of the situations, the midrash gives the impression that the fundamental purpose of the rabbis was not practical judicial principles but hermeneutical consistency.

Analysis of the biblical text focuses on the punitive responses to actions, not on prior causes or related matters. The potential emotional responses to the varied situations are not an issue. Neither are such humanitarian concerns as the less-than-human status of slaves. Only in the final chapter do these surface because the biblical text prompts them. There, where unjust affliction occurs, people cry out to God and He responds with punishment which is ostensibly measure-for-measure.

Biblical Paradigms and Institutions: Identity and Function Paradigms. What is immediately evident is the almost total absence of biblical personalities. The only ones which appear are Absalom, personifying deceit, and Abraham and

---

31 In the cases where it does consider such things as premeditation, it indicates how difficult it is to determine.

32 This is all in keeping with the tenor of the biblical text itself. See Childs, The Book of Exodus, pp. 470-71.

33 As I have observed in previous chapters, however, the measure-for-measure principle is presented in terms of words in the text while the reality is that the punishment is often more extreme than the crime. Even more interesting is the relatively sparse treatment afforded the concept of measure-for-measure in this context in light of the fact that Exodus 21 is the biblical source for the principle.
David who identify themselves, and therefore Israel, with gerim.

Institutions. On the other hand, there is a wealth of biblical institutions, especially those which serve as categories for the purpose of systematic analysis. In contrast to preceding tractates, however, not all of these are directly associated with religious obligations. Furthermore, none of the symbols, things distinctly from the past which have been given time-transcending significance, have a high profile. The exception to this statement is, of course, Torah which is the fundamental symbol and validates all other symbols and institutions. In fact, institutions are assumed to continue, preserved by the exegesis and application of Torah.

Three primarily social institutions dominate this tractate as a result of direction from the biblical text. Each is a wide umbrella under which are a number of categories used to analyze the meaning of specific passages. The social institutions are the judicial system, slavery and marriage. The various sub-categories within each of these are occasionally used in combination with institutions which have a more distinctly religious character. The latter include the Sabbath, sabbatical year and Jubilee observances.

There is a passing reference to the Land as being defiled by bloodshed just as the Shekhinah is driven away for the same reason. The Temple is a barely visible backdrop for the limited discussion of sacrificial and ritual procedures.
avodah and the categories of sacrificial animals, the priesthood, the mezuzah and circumcision.

Halakhic and Aggadic Responses to the Biblical Text

With several exceptions, the tractate is halakhic but the question is whether the debate and discussion are over explanations and interpretations or practices. Initially, they appear to be presented as the latter but the systematic exegetical and logical analysis is primarily intended to probe the meaning of Scripture in the context of Scripture.

The exceptions to the relatively uniform analytical style generally appear in response to words or concepts which have a more emotional or spiritual component. Chapter 9, for example, closes with a comparison between buying release from humans and and gaining pardon from God with suffering. The same ideas of ransom and redemption, this time as they apply to Israel, appear again at the end of ch. 10. Chapter 13 is unusual in this regard in that strictly judicial matters, the varying amounts of punishment for theft, are the basis for drawing in the unit on the seven types of thieves. Although it ostensibly presents distinctions regarding the type of theft and the related punishment, overall, this unit is aggadic. The last chapter, with its references to affliction, the gerim and the attention of God to the outcry of oppressed persons, is characteristically aggadic.
Rhetoric: Methods and Mindsets

The foundational exegetical activity involves some form of symmetrical or balanced presentation. Comparison and contrast are common. Very frequently, the pairing seems to involve acceptable and non-acceptable explanations and interpretations. Logical deductions figure in quite noticeably, occasionally for the purpose of broadening applications as well as ruling out unacceptable ones. In this regard the principles of inclusion and exclusion are important. Adducing biblical support is often part of the balance.

Certain standard approaches carry over from chapter to chapter. For example, the midrash often explains the purpose of including the whole pericope. This is most apparent when the information in the biblical text also occurs in a related form in another passage. That other passage may represent the general principle to which this is the exception. In addition, the biblical text itself frequently presents pairs of items or concepts. The midrash employs patterns to indicate the significance of each factor in the pair. Prooftexts and procedures used earlier are employed in abbreviated form later to reach the same conclusion. Familiar categories, including men, women, minors, male and
female slaves, the Sabbath, and modes of execution, reappear.\textsuperscript{35}

These basic characteristics overshadow aggadic exegetical techniques which included lists, parables and citation of Scripture. Schematization which is found outside the aggadic sections is mostly within the more elaborate exegetical structures. A notable example is the complex presentation of which ritual activities supercede exercise of the death penalty (ch. 4).

Characteristic Rhetorical Expressions

As noted above, the most characteristic expressions are those which, in some fashion, set up a comparison or contrast. Some of these are relatively simple; some are quite complex. The complex logical deductions have more than one stage of development. Many cases are structured so as to conclude with a biblical support and the implication is that logic is "in submission" to the biblical text.\textsuperscript{36}

\textsuperscript{35}These approaches characteristically draw on grammatical features of the biblical text. The most common types of midrash "targets" include the following: 1) repetition of the same idea by another word, 2) use of participles, 3) potential ambiguity of pronouns, 4) use of the same word more than once, 5) inclusive significance of 'et, 6) use of similar words in interpretation (begupho for begappo), 7) lack of definite article. In this regard, it is worth noting that the infinitive absolutes do not elicit comments in Nezikin.

\textsuperscript{36}Note the consistent references to the need for the biblical text in order to establish punishment. Further, two series of lamah ne'emar statements are followed by "until the text said that, I would have thought X", thus demonstrating
The recurring methods of exegesis are listed below.

1. *lamah ne'emar lephi shehu 'omer* - contrasts current case with another one

2. "You say Scripture speaks of X; perhaps it is Y" ('atah 'omer...'o 'eino 'ela') - followed by a number of possible variations; the purpose is to demonstrate that it does speak of X and to rule out a potential, but incorrect, explanation

3. "I might think X, Scripture says..." (shome'a 'ani, yakhol), "I have here only X, from where do we know Y? Scripture says..." - the purposes of these related expressions are to limit and expand the application respectively

4. *lehavi/lehotzi* - to include/to exclude

5. *kal vehomer* (occasionally using mah...'aph to express the comparison) - may conclude a section initiated by "you say Scripture speaks of..."

6. *hekeshe (makish)* - establishes comparison

7. *gezerah shavah* - the most complicated example (ch. 10) begins with a comparison, follows it with an objection, and then establishes the common ground (the term)

8. Pairing what Scripture says "here" with what it says "there"

the necessity of the biblical text.
9. harei 'atah dan, din hu - introducing statements of logic

Even though many of the above cite biblical passages, these citations function in a manner different from typical aggadic usage. In the latter material, a familiar introduction is vekhen hu 'omer followed by a series of biblical texts. In these cases, one text is generally cited and then used as a point of contrast. Several chapters contain the familiar statement: we have heard the punishment; where is the warning? Shene'emar occurs infrequently until the final chapter. In that primarily aggadic chapter, it and vekhen hu 'omer..ve'omer appear frequently.

Because patterns are not readily evident in individual chapters, it is difficult to identify them across chapters. There are several chapters in which the types of argument cluster but that seems to be coincidental. The predominant characteristic, as noted above, is pairing. That, however, is achieved in a large variety of ways. It is clear that the progression of the midrash is not dictated by formal rhetorical concerns.
9. **harei 'atah dan, din hu** - introducing statements of logic

Even though many of the above cite biblical passages, these citations function in a manner different from typical aggadic usage. In the latter material, a familiar introduction is *vekhen hu 'omer* followed by a series of biblical texts. In these cases, one text is generally cited and then used as a point of contrast. Several chapters contain the familiar statement: we have heard the punishment; where is the warning? *Shene'emar* occurs infrequently until the final chapter. In that primarily aggadic chapter, it and *vekhen hu 'omer*..*ve'omer* appear frequently.

Because patterns are not readily evident in individual chapters, it is difficult to identify them across chapters. There are several chapters in which the types of argument cluster but that seems to be coincidental. The predominant characteristic, as noted above, is pairing. That, however, is achieved in a large variety of ways. It is clear that the progression of the midrash is not dictated by formal rhetorical concerns.
Additional Rhetorical Devices

A further comparison technique in halakhic material is binyan 'av. Expressions which are more characteristic of aggadic comparison include kemin mashal, keyozei bo, davar 'aher, and kivyakhol. There is one full-fledged parable to illustrate stealing nephesh (ch. 13) and several lists round out the comparative material. Expressing the concepts of expansion and diminution are the paired items merubah/me'utah.

Focusing more directly on the biblical text, mah talmud lomar, maggid and bemashme'o are characteristic defining and

---

37 I have organized these in groups according to their apparent functions.

38 This occurs in ch. 6 with reference to the three expressions interpreted figuratively by R. Ishmael.

39 These include the list of what can and cannot be redeemed (ch. 10), the seven thieves and the three thefts of Absalom (ch. 13) and the four groups who respond before the One Who Created the World (ch. 18). Also in chs. 6 and 13 is the list of three passages in Torah which R. Ishmael read figuratively. Of the numbered lists, the only one not addressed by Towner, Rabbinic "Enumeration...", is the four groups. Because the list of the seven thieves appears in an otherwise halakhic context, Towner suggested that it was a pattern "to systematize law or moral admonition" (p. 60). With good warrant, he treated the three thefts of Absalom as a separate entity even though it appears in the context of the seven thieves. It has a history all its own of which its appearance in Shirts 6 is evidence. Towner classified the three figurative interpretations of R. Ishmael as legal analogy, its purpose being "to articulate the halakhah more fully and precisely" (p. 195).

40 That these terms are employed is of interest as they are generally considered to be Akivan. See ch. 1, pp. 21-24, nn. 55, 62.
explaining terms. Less frequent means of treating the text include the discovery of a hint even though there is no proof, bringing a verse to teach and learning further about the verse itself and determining that the text cannot be read "backwards" (khiluph).

There are also accepted exegetical rules: 1) when commands are given, we learn about the undefined one from those which are defined; 2) when one case in Torah is specified, it carries over to unspecified ones; 3) if a matter is undefined in Torah, we are not permitted to make it more severe; 4) the sequences of a general term followed by a particular and those two succeeded again by a general one have specific interpretations.

In addition to the standard rhetorical procedures which repeatedly employ a limited set of categories, several procedures might be viewed as "schematic". These include the rules for determining liability for damage depending on whether or not one has the right of access (ch. 14) and the method of deriving the correct number of judges (elohim) based on the way the verse is read (ch. 15). Certain methods for assessing relationships among groups of people may also be viewed as schematic. For example, the father's rights over his daughter depend on whether she is a minor, a young woman or mature (ch. 3).

41 There are relatively few instances of 'ein...'ela'.
As always, the rhetoric highlights the interpretation of Torah as the source for understanding and schematizing the complexities of the observed world. Most of what is observed, whether it be textual, experiential or something else, can be construed as part of a symmetrical or balanced whole.

Technical Expressions and Unusual Words

In this tractate, there are numerous technical terms in addition to those exegetical expressions noted above. Most of these have to do with broadly judicial categories and the majority of them occur in pairs. Given the length of the tractate, the number of foreign or unusual words is negligible. These two features together indicate a text designed for practitioners of halakhic exegesis who employed a standard vocabulary and were little interested in and affected by developments beyond that limited scope.

42 By way of example, note the following common sets: reshut/hovah, mezid/shogeg, tumtum/androgy nous, hayav/patur, mu'ad/tam, gedolim/getanim, horgin/nehargim, 'akhilah/hana'ah, mezik/nizzak, gazlan/gannav, shomer sakhar/shomer hinam, onesh/'azharah, shokhev/nishkav. In addition, the following terms are prominent: karet, safeg, piquah nephesh, shephikhut damim, doheh, nekhsim metaltalim, akhri'ut, dinei mamonot, keren.
Attributions

Individual Attributions

Ishmael's name is cited both in conjunction with halakhic deductions (chs. 2, 15, 16) and aggadic interpretations (chs. 6, 10, 13, 18). Of the former, issues related to slavery and theft are the most evident. Nathan's five independent opinions have to do with slaves, assault, property damage and interpersonal relations, covering the major topics and focusing on none. Two independent statements of Isaac focus on slavery.

Four of Rabbi's five opinions seem to indicate a leniency on his part, first in terms of interpretation but also with regard to application. In addition, four of them deal with slavery. The four comments of Yose haGalili deal with slavery, injury, property and the father's role in a daughter's marriage. The names of Akiva and Shimon b Yohai appear twice and there are nine additional attributed pericopae. Many of the Sages who are cited only once are less known names, especially in the context of the rest of MRI. There do not appear to be any patterns of subject matter either treated or avoided.

Sets of Names

When the opinions of Ishmael and Akiva are reported together, the issue which is more prominent than others is

43See Appendix for lists of major attributed pericopae.
slavery. What is not attributed to them is just as important. Their opinions are not cited in the discussions on capital crimes and they make only a singular appearance in regard to personal injury and property damage. In three of the opinions, Ishmael's conclusions regarding the significance of the texts depends on the rendition of ambiguous personal pronouns. If any tendency might be observed, it is that Akiva's interpretations are somewhat less constricted by the text.

When the names of Eliezer and Ishmael appear together, there are five separate pericopae which deal with the issue of slavery. In each of them, Ishmael appears to be the authoritative voice. On several occasions, opinions of Isaac are appended.

Ishmael's name is joined by those of his students, Josiah and Jonathan, on four occasions. Theirs also appear apart from his and in conjunction with Rabbi and Isaac seven times. Josiah and Jonathan appear to express a concern to determine value, rights and responsibilities of women.

Of the other sets of opinions, there is considerable variety of subject matter and method in each. If anything, when Ishmael's name occurs, his opinion is more explicit about comparing categories in order to arrive at his conclusion.
Long Lists

There are six sets with four or more opinions. In general, it does not appear that series of attributions are employed to give credence to any particularly significant issues. The midrash presents a balance between lists that primarily present exegetical solutions and those which appear to be practical.

After the introductory opinions relating these mishpatim to the rest of Scripture, no long lists of names surface in the sections on slavery and capital cases. In fact, it seems that the actions which result in capital punishment are generally not presented in the context of named sages, whether short or long sets. Additional long lists deal with the meaning of "free of guilt" (ch. 10), how the ox known to be dangerous was guarded (ch. 10), the distance a fire might jump (ch. 14), determining the number of judges for a civil case (ch. 15) and the discussion on the penalty for a witch.

Anonymity

The relative amounts of anonymous and attributed material vary depending on the subject matter. The majority of the first three chapters on slavery is anonymous although ch. 3 does contain more attributions than chs. 1 and 2. Most of these focus on some aspect of the master marrying or not marrying the young woman sold to him.
There are even fewer attributions in conjunction with chs. 4 and 5 where the major topic is the death penalty. The number of attributed pericopae increases when the subject is personal injury (chs. 6-9). In regard to the goring ox, the longer pericopae are attributed while the shorter ones are anonymous. The rest of the chapters on damages still have a majority of anonymous material although the balance in each chapter varies.

In sum, the Sages presented relatively minor civil issues in the context of attributed opinions. The death penalty is not disputed by named Sages other than with stereotypical "exegetical" formulas to determine what mode was required by Scripture and where the biblical warning might be found.  

Authoritative Statements and the Sages

There are 22 statements introduced by mikan amru. These occur in a frequency pattern parallel to the one mentioned above. The midrash presents the corporate opinions of the Sages on the treatment of slaves, goring of oxen, damage of animals in pit, animals damaging property and loss or theft of guarded property. Fewer appear in the chapters on death and personal injury.

"This reflects the apparent agenda of MRI. Both the Mishnah and the Talmuds deal extensively with all of these issues."
A majority of these statements (14 out of 22) reflect the Mishnah as we know it although some have been paraphrased to suit better each context. Five additional statements have parallels in either the Tosefta or BT. Of the four which have no apparent parallels, three have to do with slavery.

More than half (12) of the statements which follow mikan amru are based on interpretive remarks rather than on specifics of the biblical text itself. It is also noteworthy that the mishnayot which parallel the MRI pericopae dealing with property damage follow the same order as the biblical text and cite the pertinent verses.

Structure

Rhetorical Patterns

Although there are characteristic rhetorical forms which recur throughout the tractate, there are no patterns

---

45 Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, p. 117, assumed that those mishnayot without direct parallels in the Mishnah or Tosefta as we have them came from another collection. He did not address the possibility that the editor(s) of MRI reworked the traditions to make them correspond to this context.

46 The one formal aspect which appears with a degree of regularity through many of the chapters is the initial question asking why this biblical material is stated. It prompts a response justifying the presence of the entire pericope and is followed by detailed exegesis of each word or phrase. This is a significant follow-up on the preceding tractate which dealt with the general prohibitions. A second feature which is noticeable is the repetition of certain exegetical patterns to determine categories: men/women, foreign/Hebrew slaves, etc. Neither of these is consistent through every chapter. On the other hand, they do contribute a sense of unity.
consistently developed among these forms as each chapter progresses. Instead, the midrash is responsive to the direction of the biblical text, effectively preventing rhetoric alone from determining the development of the midrash.\(^47\)

**Thematic Development**

Initial comments about the *mishpatim*, as presented in Scripture and as effected in the courts, set the stage for a view of justice. The midrash presents the active application of the biblical injunctions regarding slaves, capital offenses and compensation for personal injury, theft or property damage. The matters of intention, responsibility, liability, compensation and restitution are vital as justice is meted out in each general area. The significance of Torah in providing the basis for the proper function of the justice system is evident throughout. That God is not removed from judicial matters is indicated briefly in chs. 9 and 10 and

\(^{47}\)As indicated throughout these analytical chapters, the absence of consistent formal development and forms which are peculiar to MRI lessens the possibility of discerning documentary shaping of shared materials. In Nezikin, most of the pericopae do appear to be shared with some other document(s). That is to be expected given the subject matter. The materials which are unique to MRI, appearing only in this context or shared with other pericopae of MRI, are the most directly responsive to the biblical text. By way of contrast, there are several instances where shared materials appear to have another text's "agenda". A prominent example is the baraita of the seven thieves in ch. 13. It is almost the same in Tos BK 7:8-13 and includes considerably more than might be anticipated from the lemma regarding double restitution.
extensively at the end of the tractate. The thematic emphases which close the final chapter are just conduct so as to receive reward and measure-for-measure punishment of oppression.

World View/Socio-Religious Context

Topic/Theme: Torah

The ever-present value is Torah interpretation and specifically the use of Torah to interpret Torah. Working in concert with this activity are reason and logic. Rules for understanding Torah are vital because Torah provides everything necessary for understanding the application of justice.\textsuperscript{48} The midrash invokes biblical and traditional categories to define concepts or structure and demolish logical arguments.\textsuperscript{49} Just as balance is expected in justice, there is balance or symmetry in exegesis.\textsuperscript{50}

\textsuperscript{48}There are procedures for dealing with general and particular statements, matters are included, excluded or singled out for special attention, and Torah may be interpreted as figurative (mashal). Frequently, the midrash asks why a given parashah occurs and answers from another part of Torah. 'Amrah Torah is used occasionally and one finds the phrase middah batorah (ch. 5). When Torah is not being defined, compared, or expanded in halakhic contexts, it is used as a source of "proof" in aggadic materials.

\textsuperscript{49}Talmud lomar and hakatuv midabber occur frequently to clinch an argument or set forth a proposed meaning.

\textsuperscript{50}Torah itself provides the pattern for pairing concepts to be compared or contrasted. The method is a way of coping with the things of life that seem incompatible. In the process of applying logic to a series of real or apparent contradictions, there is the prospect of resolution.
In the context of these general observations, several specific features stand out. Chapter 1 begins by discussing the position of the ordinances in the structure of Torah and places some emphasis on repeating and understanding Torah. In ch. 2, halakhah actually over-rules the specificity of Torah in regard to the instrument used to pierce the ear of the slave. Chapter 4 alludes to the fact that Torah, supposedly stricter, made these laws more lenient. There are significant values, esteemed by God, which underlie distinctions in Torah (ch. 12). Stealing away from a friend to study Torah acquires merit and will lead to becoming a community leader (ch. 13). In order to uphold that which is said in Scripture (Isaiah 57:1), God removed Ishmael and Shimon (ch. 18).

Recurring Values and Symbols

It is evident that components of justice dominate the tractate. Chief among these are the value of life, equitable punishment, responsibility and liability, restitution and compensation. The less clear matters of intention and nature of the crime also receive attention. Deceit, the most common form of stealing, becomes a focus in ch. 13. Judicial procedures such as the need for witnesses and appropriate (biblical) warnings to precede punishment are also part of the exercise of justice and the judicial system receives more
prominence later in the tractate with the emphases on judges, the court, oaths and claims.\textsuperscript{51}

In the context of the measure-for-measure principle, figuring into divine justice are the added factors of chastisement, atonement, redemption and the mercy of Heaven in behalf of Israel. In this regard, ch. 18 stresses such values as conversion to Judaism, keeping the commandments and prayer in the face of affliction.

The absence of major symbols is significant. The conduct of justice might have been presented in the context of the Land; it is not. The Temple is not a major factor, nor is the priesthood.

Continuity of Values and Symbols

Everything is presumed to function according to the way Torah has prescribed it. All Torah subjects are presented as if they are still of equal significance at the time that MRI was compiled. The ordinances are discussed in all their

\textsuperscript{51}While all of these are presented as vital concerns to the Sages, it appears that, in reality, most were outside their jurisdiction. There were Jewish courts but they were not under the control of the rabbis. The latter dealt primarily with religious law, not civil and criminal cases. Their focus was on the purity laws and it was this which set them apart. On the apparent extent of rabbinic jurisdiction, see Goodman, State and Society in Roman Galilee, ch. 7, and Levine, "The Jewish Patriarch (Nasi) in Third Century Palestine," in Aufstieg und Niedergang der romischen Welt, II.19.2, pp. 649-88, eds. H. Temporini and W. Haase (Berlin, 1979). See further details under social structures.
biblical detail in apparently contemporary environments\textsuperscript{52} but determining from the midrash what aspects of the social world of the Bible still actually existed is a difficult task.

Mixing time frames emphasizes the eternally relevant nature of the discussion. The introduction to the tractate accomplishes this very thing in establishing the position of the mishpatim in the biblical time frame and, in the middle of that process, commenting on the validity of Jewish and Gentile rulings regarding a specific type of divorce situation. There is a subtle conflation of biblical categories with post-biblical ones in regard to the father's authority to nullify vows (Numbers 30:3) applying only until puberty (ch. 3). With regard to Levitical space, the midrash recognizes a time difference in the biblical economy; initially there were the camps of the Levites and, for later generations, the cities. Both of these indicate that the biblical paradigms were prevailing but the next opinion regarding the 2000 cubit limit extends the matter into the contemporary sphere (ch. 4). The interpretation of "widows" and "the fatherless" is determined both from the biblical text, "alive but widows", and from custom, the court procedure regarding selling property (ch. 18). Legal property terms such as "movable property" were read back into

\textsuperscript{52}There are hints of the latter in the number of judges in a court and the types of work into which Hebrew slaves were not to be forced (ch. 1).
text (ch. 15) while the biblical categories and amounts such as the 50 sheqels for payment (ch. 17) were assumed to apply. The terms related to witchcraft are the biblical terms and the high priest was still a factor to be considered, as were ordinary priests (ch. 17). The Sanhedrin is mentioned as an operative body with a location next to the standing Temple (ch. 4).

The teaching function of biblical paradigms also establishes the eternal relevance of Scripture. Joab's case is the hint that the Sanhedrin was near the Temple (ch. 4). Citing Absalom in conjunction with stealing da'at works because he is a biblical paradigm illustrating another one of those unchanging facts: people are deceptive (ch. 13). Abraham and David identified themselves as gerim at those significant points in Israel's history and are patterns for current gerim.

Carrying over biblical terminology and categories is another facet. Canaanite is the term for the foreign slave. The seventh year and Jubilee releases are assumed practices. Expanding the definitions for biblical terms such as "money and vessels" to include contemporary items maintains the significance of the former (ch. 15). At the same time, terminology is updated: mohar = ketuvah.

In the midst of these demonstrations of seamless progression, there are some minor indications of historical peculiarity. The specific term Cuthi is post-biblical (ch.
12). Oil used to anoint kings, some of the potential stolen items and the size of public roads may be somewhat constricted by time and the matters on right of access seem to be a Second Temple Period development (ch. 14). The Urim and Thummim are ruled out as functioning means for making judgments (ch. 15). Two tannaim, Ishmael and Shimon, are used to demonstrate the evil nature of the current generation (ch. 18).

Unlike aggadic midrash, little is said about "this world/the world to come" motifs and past, present and future distinctions. Chapter 10 does mention some who are redeemed and some who are not in the future. Chapter 18 speaks of the world to come.

**The Temple and Its Ritual**

In the few places where it is mentioned, the Temple is an "absent symbol". Most of the references focus on sacrifices and worship activity at the Temple. In the long section regarding which ritual activities are superceded by exercise of the death penalty, if avodah is limited to Temple service and the discussion deals with whether or not it can be interrupted, then the midrash has imposed Temple on the biblical text which simply says "my altar" (ch. 4). If this is the case, then it has made the former a timeless standard.

In ch. 10, certain rituals associated with the Temple are recalled for the purpose of pursuing logical deductions.
Although they are not spoken of as still functioning, their status as biblical categories makes them pertinent to the discussion.\textsuperscript{53} The same is true of the references to sacrificial animals (ch. 12), to materials donated to the Temple (ch. 14) and to not paying double to the sanctuary (ch. 15). Chapter 17 assumes sacrifices to God but no Temple-related specifics are given. In fact, these sacrifices are presented as the proper counterpart to the problem of sacrifices to idols. The value attached to sacrifice also surfaces in ch. 18 in the context of \textit{gerim} and the acceptance of their sacrifices.

The same apparent continuity is evident with regard to the priesthood. Chapter 2 addresses the matter of qualifications of priests in the contexts of blemishes and whether or not priests could be slaves. Whom the high priest and priests could marry is an issue in ch. 17. The difference is, however, that even though the Temple was no longer standing and these matters initially affected the priests' ability to function in the Temple, certain features still characterized those who belonged to that class.\textsuperscript{54}

\textsuperscript{53}They include the heifer which atones for shed blood, bulls and goats for the whole burnt offering for atonement, the ritual slaughter of the sin offering and things forbidden which can or cannot be redeemed.

\textsuperscript{54}See further information regarding the continuation of the priestly class as a highly influential and powerful group in Kimelman, "The Conflict Between the Priestly Oligarchy and the Sages in the Talmudic Period," \textit{Zion} 48 (1983): 135-47.
"Theological" Reflections

The Supernatural and Miraculous. These elements do not surface in Nezikin. The biblical text presents no occasion for them to do so.

The Names of the Divine. Overall, the customary names of God and additional references to His activity and nature occur relatively few times in the halakhic material. Two features are of particular interest in this tractate. First, the names haMagom and haQadosh Barukh Hu rarely appear. Instead, when judicial matters come, for any reason, into the acknowledged purview of God, He is generally referred to as "Heaven". Second, the occurrence of the biblical elohim is re-presented as "judges" by the midrash, not as God.

When the midrash moves beyond strictly judicial matters, the most frequent name for God is The One Who Spoke and the

---

55 haQadosh Barukh Hu gave the nations as atonement for Israel (ch. 10), some associate the name of haQadosh Barukh Hu with Avodah Zarah (ch. 17), haMagom is concerned for the honor of creatures (the ox walks, a sheep must be carried) (ch. 12), haMagom hears the cry of an individual and the many (ch. 18).

56 Judgment is left to Heaven even if the person is free in the human court (ch. 4), death at the hands of Heaven does not leave a mark (occurs twice in ch. 5), one may obtain pardon from Heaven (ch. 9), an owner is cleared from punishment by the court of Heaven or put to death by Heaven (ch. 10), death occurs at hands of Heaven (ch. 16), sacrifice is made to Heaven (ch. 17).

57 This occurs once in ch. 1 and several times in ch. 15.
World Came Into Being. He is also the King who is loved by gerim and who loves Israel (ch. 18). His activities are described in ch. 18 even though names are not used extensively. Likewise, in ch. 4, although God's name is not written other than in the verse, His "design" by which justice finds out the intentional and unintentional killers is evident. He is the source of punishment for some kinds of offenses but also is the source of mercy (ch. 10). That everything is known to Him is demonstrated by prooftexts (ch. 13). Foolishly, the robber regards the servant like his Owner, as if (kivyakhol) the Eye of the One Above did not see nor His ear hear (ch. 15). Some would even try to deceive the Most High and (kivyakhol), they almost succeeded (ch. 13). Abuse of shem haMephorash is part of cursing parents (ch. 5) while oaths are made by the same name (chs. 15 and 16). The Shekhinah is caused to leave by ox stoned (ch. 10) and bloodshed (ch. 13).

Idolatry

Because the agenda of the text is determined essentially by Torah and Torah interpretation, there is little room for this issue to arise in Nezikin. When it is brought up in

58 The One Who Spoke and the World Came Into Being shows mercy to humans (ch. 10) and regards work highly (ch. 12). Four groups speak before The One Who Spoke and the World Came Into Being and it was revealed before (Him) that great suffering would come and He removed Shimon and Ishmael (ch. 18).
response to destroying one who "sacrifices to the gods except to the Lord alone", idolatry is contrasted to and compared with worship of God (ch. 17). This agenda is set by the juxtaposition of the concepts in the biblical text. It is notable, in this regard, that witchcraft is not defined in relation to God.

Idolatry is not presented as a major problem for Jews. The only exception to this occurs at the end of ch. 17 where it seems that hidden idolatry among Israelites is tolerated; it is only the obvious idols which must be destroyed. Gentiles, on the other hand, are assumed to be sunk in it as indicated by the references at the beginning of ch. 18 to the idols that *gerim* recently worshipped.

**Social Structures: "Others" and "Us"**

By virtue of its purpose, halakhic material appears to contain significantly more clues regarding social structures and function. As has already been observed, however, because these are so anachronistically intertwined with the biblical world view, it may be difficult if not impossible to sort out what was real for the times of the rabbis. 59

59 Examples of these apparent clues include the conditions under which a Hebrew became a slave, the status of slaves as property, the status of slave and free women at the "stages" in their lives, the authority of men and masters' prerogatives regarding women and children and exercise of the death penalty. For a comparison with other literary presentations of contemporary judicial proceedings, see Neusner, *A History of the Mishnaic Law of Damages*, Part 5 (Leiden, 1985), pp. 31-43. On the possible social reality
For the most part, the mishpatim discussed were for Israel itself. The Sages presented themselves as actively involved in proceedings that impacted social, family and civil structures. These included master-slave relationships, inheritance and paternal jurisdiction. They also conveyed their interest in criminal procedures.


This picture is related to that of the Mishnah although the latter document is more comprehensive in its scope and systematic in its treatment while MRI is limited to a presentation of those issues raised in the biblical text. Neusner, A History of the Mishnaic Law of Damages, Part 5, pp. 13-43, proposed that the Mishnah makes a coherent statement about civil justice and the governing institutions from random treatments of these topics in the biblical text and from external sources. In both the Mishnah and the midrash, however, Scripture is the basis for the Sages' picture of a stable society and, to a lesser degree in MRI, its institutions of government. In the Mishnah, the rabbis presuppose the standard of Scripture even though they rarely acknowledge it. In MRI, it is explicit. In both pictures, the Sages depict themselves as active participants and society as accepting their assessments.

In contrasting the biblical system of justice with the Mishnaic one, Neusner, A History of the Mishnaic Law of Damages, Part 5, pp. 20-22, discovered nothing in the Book of the Covenant (Exodus 21-23) which addressed the matter of judicial institutions. It appears that the midrash attempts to bridge that gap to a degree. The number of judges sitting on a given case could be three (ch. 15) or 23 (ch. 10). Judges oversaw the sale of thieves (ch. 2). Chapters 4 and 5 contain specifics on court functions including punishment with lashes and modes of execution. A simple reading of the
To a certain degree, in matters of justice, the midrash presents a case for sexual equality. The care taken to establish this is likely indicative that it was not the case in most other arenas of life. In general, the superiority of men seems to be carefully preserved as is the superiority of Israelites and the institution of slavery. 62

Hebrew slaves were "others". At the same time, Hebrew slaves were considerably better off than foreign ("Canaanite") slaves. 63 Chapter 7 contains a reference to variations in the degree of ownership including partnerships and half-slave, half-free individuals. In addition, the document assumes that certain procedures worked in terms of procuring freedom. Among them were the age of the female slave and the ghet (ch. 9).

On the outside were Gentiles. Whether slave or free, they did not enjoy the same privileges or status as Jews. According to the midrash, Jews were not to be subject to

62 There are indications that polygamy was a noticeable phenomenon (ch. 3). The rights of fathers over daughters affected their futures in terms of enslavement (ch. 3) and marriage (ch. 17).

63 There is a concern for the dignity of the Hebrew slave and certain activities were outside the bounds of what they could be required to do. These included washing feet, tying sandals, going to the bathhouse and so forth (ch. 1). In fact, the Hebrew slave was to be treated no differently than the master.
Gentile legal jurisdictions (ch. 1).\textsuperscript{64} Differences between Jews and Gentiles as justice is applied are assumed.\textsuperscript{65} Buying and owning foreign slaves had different conditions. One allusion, not necessitated by the biblical text, is made (ch. 1) to shared ownership of slaves by Jew and non-Jew. Samaritans, nokhrim, and resident aliens seem to have lived in close enough proximity for their oxen to gore or be gored (ch. 12). Beyond these allusions, there is no indication of interaction.

In another circle of "otherness" were the gerim. Although they are said to share the same privileges as Jews, there were still distinctions and a slight reservation is expressed in their regard. The quoted insults, "worshipping various idols and having swine's flesh between their teeth", may indicate something about the common perception of gerim.

In listing the four groups who respond before God, the midrash distinguishes between Israelites, gerim, repentant sinners and those who fear God.

\textsuperscript{64}Going to the courts of "outsiders" seems to have been generally suspect. The sentiment is apparent in Mishnah Git 9:8; it was also expressed by Paul in I Corinthians 6.

\textsuperscript{65}The preference for the Jewish court systems of ch. 1 is only one example of this. "Outsiders" (\textit{aherim}) were included as deliberate assailants but excluded from the victim category, based on the use of "neighbor" (ch. 4). If the owner of the damaged animal was a foreigner, the case was excluded (ch. 12). This same sentiment is repeated at the end of ch. 15; "others" were not to be beneficiaries of the positive outcomes of the judicial system.
Certain types of thieves were "others" in a social sense although the midrash makes it clear that thievery included a wider sphere than might have been comfortable for some of the audience (ch. 13). Also social outcasts were the mamzer and the natin (ch. 17).

The Messages in the Text

As there are different degrees of otherness, the extent of the polemic, if there is one, fluctuates. The assumed differences between Jews and Gentiles as justice is applied and as issues of slavery are worked through convey a message regarding the inferiority of the latter. More blatant, although brief, is the declaration that there will be no redemption for the nations in the world to come. Rather, God gave them as atonement for Israel (ch. 10). The extremely wicked, those who were responsible for the death of Ishmael and Shimon, were "sons of sorcerers, offspring of adulterers" (ch. 18) and the subtle twist to that story, Ishmael's claim that the most minor of slights to a fellow human being caused them this present anguish, is a silent but powerful commentary about the expected end of wicked and cruel Rome. Gentiles are not even among those who answer before God (ch. 18).

Throughout, there is the message that Torah's system of justice as defined by the Sages is permanently applicable. In certain areas, the redefinition is sufficiently apparent
that we must perceive the significance of the role of the rabbis in accomplishing this. There is clearly a positive value judgment expressed regarding those people who knew Torah and their qualifications as leaders. On a wider scale, everyone who has access to Torah will profit greatly by keeping it.

Summary

The biblical world view prevails. When refracted through the prism of the Sages, what Torah says is what happens. The representation is not a simple process; it involves complex logical assessment of biblical categories using standard vocabulary and rhetoric designed for the purpose. These are the stock procedures of a community, familiar with the text(s) and tradition, whose greatest interest is in the comprehensive demonstration of biblical consistency and whose rhetoric enhances the balance inherent in justice.

This is significant because crime and punishment as initially presented in Torah do not always appear to be balanced. It is the job of the Sages, however, to demonstrate that it is and to maintain the perception that divine justice will prevail. Part of this, ironically, is divine favor to Israel in redemption and atonement and implicit wrath against the nations.
While this is true, even the judicial system, ostensibly a framework for the investigation, is only vaguely apparent. The picture lacks substance in terms of identity, function and jurisdiction. In addition, because the biblical world view overshadows the contemporary surroundings, we learn nothing about political developments and little about social issues. Nezikin is a tractate which is not concerned with foreigners. It does not adopt their language, it does not deal with their problems, it does not present its culture as interacting with theirs. They appear only as figures that contrast with Israel's superior status or as background for selected incidents.
CHAPTER TWELVE:
TRACTATE KASPA - SOCIO-RELIGIOUS JUSTICE

Introduction

The five chapters of Kaspa address the stipulations in
Exodus 22:24-23:19. While the biblical text and the midrash
maintain the distinct social concerns of the preceding
tractate and the midrash plants many of them squarely in the
arena of the court, the factors of God's presence and demands
also have a significantly higher profile. This is especially
ture in the last two chapters which focus on avenues of
approach to God.

The first three chapters treat the biblical text
consistently even though dealing with six or seven verses
means a fair number of subjects covered in each chapter. The
fourth chapter is more sparse. Those sections which have to
do with the festivals receive significantly less emphasis in
contrast to those which have a potentially aggadic nature.
The fifth chapter is unusual in putting great emphasis on
just one subject: the matter of the dietary restriction.

Number of Lines per Chapter:
140 135 146 147
120 127
100 92
80
60
Chapt 1 2 3 4 5

570
Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

The following subjects appear to be the most significant issues in each unit of biblical text which underlies the successive chapters of the midrash.

Chapter One. If you lend money to the poor among My people, you shall not charge interest. If you take a garment from your neighbor as a pledge, you shall return it to him at sunset; it is his only covering and when he cries out I shall hear. You shall not curse elohim or leaders. You shall not delay in making the proper offerings from all your produce. Your ox or sheep will be seven days with its mother; on the eighth, you shall give it to Me.

Chapter Two. You shall be holy; you shall not eat torn meat but cast it to the dogs. You shall not speak false reports or give false witness. You shall not follow the inclination of the majority to evil and you shall not favor the poor in his cause. If you encounter your enemy's animal straying, return it or if it is lying under its load, help it.
Chapter Three. Exercise justice for the needy, stay away from falsehood and do not kill the innocent or righteous because I shall not justify the wicked. Do not take a bribe because it blinds the wise and perverts the righteous. Do not oppress the ger because you were gerim. You shall sow your land six years and gather its produce. The seventh year you shall let it rest and leave it for the needy and animals to eat. This applies to the vineyard and olive grove. Six days you shall work and rest on the seventh so that your animals may rest and the son of your servant and gerim may be refreshed.

Chapter Four. Obey everything I have said and do not mention other gods. You shall celebrate three festivals in the year: The festival of unleavened bread for seven days in the month of Aviv because then you came out of Egypt; the festival of harvesting the firstfruits of your work in the field; the festival of gathering your work from the field. Three times a year every male will appear before the Lord. You shall not sacrifice on leaven the blood of My sacrifice and the fat will not remain until morning.

Chapter Five. The firstfruits of your land you shall bring to the house of the Lord your God. You shall not cook a kid in its mother's milk.
The Corresponding Midrash

Each chapter is assessed in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.

Chapter One. Kaspa commences with a demonstration that lending to fellow Jews is an obligatory matter even though the use of 'im suggests otherwise. The needs of those who are closest must be met first and all parties are adjured not to allow the charging of interest. Definitions regarding the garment taken in pledge follow. The main point of the biblical text is that God will hear if one of these oppressed cries out to Him. This promise elicits only one comment but with it, the midrash seems to link these first warnings to the second set. All God's world is created in mercy; thus

1This is one of three uses of 'im that Ishmael interpreted as obligatory. The other two have to do with activities of approach to God. One is the minhah of the firstfruits (Leviticus 2:14) and the other is found in Exodus 20:22 in connection with the altar of stone. In response to the latter, Bahodesh 11 includes a passage parallel to this one.

2Each individual or set of persons in the process is prohibited by a separate verse. Further, when interest is charged, all parties transgress five distinct biblical commands.

3In some respects, this first section is similar to the verses with which Nezikin closed. This is especially true with regard to the outcry of oppressed persons. The difference is that, in the previous context, it was a warning
His people must not curse Him or ignore Him as the land produces its fullness.  

The warning not to delay in bringing the bounty of the harvest provokes a schematic method of prioritizing the offerings on the basis of the number of names given to each one in the biblical text. In regard to the firstborn, the mention of both humans and animals allows comparisons to be made between them; they are considered the same in that premature birth frees the next born from the obligations of the firstborn and redemption money for them may be given anywhere.

The commentary on "seven days with its mother" initially questions whether or not to understand the unusual expression, tahat 'immo, in the parallel passage (Leviticus 22:27) in a literal manner. A second issue expands the meaning of this text; just as the firstborn is nursed only by common animals, so also all consecrated animals. The procedure for accomplishing this is explained.

There is a noticeable tendency to maintain the primarily analytical, halakhic emphasis of the chapter. As a result, with an attendant punishment. Here, God promises to hear because of His mercy.

'Leviticus 24:16 is cited as the statement of punishment for blasphemy which accompanies this warning. Understanding it in that manner ties the entire chapter together. In fact, however, the midrash addresses the prohibition primarily in terms of not cursing judges. As such, these are parallel warnings not to curse leaders. To expand upon this mode of interpretation, an instance is cited to demonstrate how one can become guilty on four counts by one utterance.
certain subjects are passed over quite quickly. First, the promise of God to hear when the oppressed cry out might have prompted considerably more comment. Likewise, the statement that God is gracious is potential material for aggadic commentary. Finally, the shift away from cursing God to cursing judges changes the whole arena within which the subject would be discussed. In all of these cases, moving into the sphere of aggadic commentary would interrupt the basic thrust of the context.

Chapter Two. A significant feature of this chapter is the employment of a variety of interpretive methods. Almost all of the biblical text is treated in some detail.

The admonition to be holy people is positioned in the middle of a series of primarily social and judicial directives. The midrash cites three opinions as to what it means and why it is there. The final one links it to what follows; holiness implies a prohibition against eating.

A second interpretive method provides the foundation for the commentary on not eating torn flesh found in the field. By means of comparison with nevelah, the midrash establishes that if torn flesh is also found in the house, it may not be eaten. The principle is that Scripture speaks of the case which represents the customary occurrence but other applications may also be made. A series of like instances bolsters the point. All of these are drawn from halakhic
material and the final one, the kid in its mother's milk, is a harbinger of the contents of ch. 5.

The command to cast the torn flesh to the dogs is interpreted with practical implications; "dogs" may include those like dogs which means they may dispose of this to Gentiles.\(^5\) Just as nevelah which defiles may be given or sold to strangers or foreigners, so also torn flesh which does not. The implicit suggestion that God looks out for literal dogs better than for Gentiles prompts a brief excursus on the fact that God does not withhold reward from animals or from humans.

At this point, the arena changes to the court. The false report is understood in terms of judges and persons going to court, putting one's hand with the wicked means joining as a "witness" to an affair which one had not actually witnessed and going along with the majority is interpreted as the options for the deciding voter in a court of 23. In the second situation, several examples are cited to illustrate what this means and the "pure of Jerusalem" are noted as counter examples because they scrupulously avoided even the possibility of such an occurrence. In the balanced court, the deciding voter may not go with the majority if the ruling is unfavorable but may do so if it is good.

\(^5\)In the printed edition, the reading is "servant" but the Oxford manuscript and the Yalqut read "Gentile" which fits the essence of the prooftext and the argument.
material and the final one, the kid in its mother's milk, is a harbinger of the contents of ch. 5.

The command to cast the torn flesh to the dogs is interpreted with practical implications; "dogs" may include those like dogs which means they may dispose of this to Gentiles.\(^5\) Just as nevelah which defiles may be given or sold to strangers or foreigners, so also torn flesh which does not. The implicit suggestion that God looks out for literal dogs better than for Gentiles prompts a brief excursus on the fact that God does not withhold reward from animals or from humans.

At this point, the arena changes to the court. The false report is understood in terms of judges and persons going to court, putting one's hand with the wicked means joining as a "witness" to an affair which one had not actually witnessed and going along with the majority is interpreted as the options for the deciding voter in a court of 23. In the second situation, several examples are cited to illustrate what this means and the "pure of Jerusalem" are noted as counter examples because they scrupulously avoided even the possibility of such an occurrence. In the balanced court, the deciding voter may not go with the majority if the ruling is unfavorable but may do so if it is good.

\(^5\)In the printed edition, the reading is "servant" but the Oxford manuscript and the Yalqut read "Gentile" which fits the essence of the prooftext and the argument.
The final subject of the chapter is help administered to the animal of one's enemy. While the commentary is explicit that assistance is to be given, it qualifies the command in a number of ways, thus considerably restricting the range of necessary application. First, "encounter" is set alongside "see" to establish a distance within which this is applicable. Second, a set of four opinions is recorded regarding who the enemy is. These range from Gentile idolators to Israelites who are simply involved in strife. Third, the juxtaposition of "and you would refrain" and "you shall surely help" is shown in several ways to mean that there are times when one helps and times when one does not. In comparison with the parallel text in Deuteronomy 22:4, the command is shown to include loading, unloading and helping the animal itself.

As in the preceding the chapter, there are several key words which in aggadic contexts would elicit significantly more commentary than they have here. Notable among them are the prospect of being holy people, the potential of joining together with the wicked and the need to help the enemy. These are not ignored here but are treated analytically; they are defined and set into the socio-religious context as prescribed by the biblical passage. Several clauses are not exegeted because they contribute less to the application of the midrash or the meaning is obvious without commentary.
Chapter Three. The two main subjects of the biblical text provide a context for review and preview. The first one, justice among the people, recapitulates the specific themes of caring for the needy, staying away from falsehood and not oppressing gerim. Second, the seventh year and seventh day rest stipulations recall known commands but also pave the way for the closure to the document.

The midrash affords even treatment to most of the ideas in the biblical text. At the same time, however, it is important to observe again that topics discussed extensively elsewhere are not primary focal points here. For example, the midrash essentially passes over the material on gerim; it was addressed from several angles in Amalek 4 and Nezikin 18. Likewise, both the biblical text and the midrash focus on the seventh year stipulations in this context; the weekly observance appears in detail in Vayassa and Shabta.

As in the preceding chapter, the concern is to establish equitable treatment in court procedures. One may not favor the poor just because they are poor or automatically decide against the wicked. There are five different interpretations of the command to keep distant from a false matter, two of which directly involve court procedures. The issue which

---

6 In addition, ger in the last part of the chapter is interpreted by the midrash as ger toshav, giving it a whole different range of application.

7 In addition, one of the interpretations is the general concept of slander. Nathan says it refers to minut and a final suggestion has to do with a scheme of a scholar to
is emphasized above all others is not killing an innocent person and the basic procedure to avoid doing so is the careful use of witnesses.

Precise testimony of two witnesses is necessary. It must include the actual occurrence of an offense, not simply events leading up to it and the outcome. The importance of both criteria is illustrated by citing first an incident when Judah b Tabbai accused Shimon b Shetah of shedding innocent blood when he sentenced one false witness to death.\(^8\) Judah, on the other hand, was exemplary of the second criterion as purportedly he entered upon the scene of a murder, knew that only he or the apparent slayer could have committed the act and still felt he could not adjudicate the case. The story closes with the triumph of justice nonetheless because a snake bit the assailant and he died.\(^9\)

In regard to not shedding innocent blood, the midrash also pursues the various options when the verdict of a human establish himself as a haver at the expense of another. This last instance points more to the Sitz im Leben of the interpretive process than to a substantial interpretation of this biblical phrase.

\(^8\)Judah's criticism was based on the assumed parallel between needing two witnesses to pronounce the death sentence and having two witnesses shown to be false by an alibi.

\(^9\)The language of the narrative fits that of the criterion recorded just prior to it. The whole is a stylistic unit, constructed to demonstrate the principles by the exemplary behavior of Judah b Tabbai. In the parallels to this account (see H-R, p. 327), the two criteria followed by the corresponding stories are not cited together as they are here.
court is overturned. Whether it is the initial judgment or the result of further evidence, the declaration of innocence by a human court always takes precedence; God will mete out ultimate justice both in evil and in good.

Still in the context of justice, the midrash emphasizes both the blatant and the subtle influence of a bribe. Based on the "blinding" mentioned in the verse, dire consequences are predicted for one who accepts a bribe.

The seventh year rest is introduced by the suggestion that observing it is more beneficial than not doing so. This is followed by practical concerns, among them dealing with produce which has an extended growth period,\textsuperscript{10} defining the processes of letting the land rest and abandoning it,\textsuperscript{11} and addressing the matter of who is supposed to eat, the needy or the servants of the owner. It also questions how tithing, allowing creatures of the field to eat and human consumption fit together in the context of the seventh year rest. On the

\textsuperscript{10} Josiah and Jonathan differ over the interpretation of "gather the produce of the seventh year". Josiah says it includes fruit from the sixth year which continues growth into the seventh. His conclusion is based on a binyan 'av between the vineyard and the olive grove. Jonathan declares the argument unnecessary because the creatures are to eat that produce. This rather includes fruit that continues into the eighth year.

\textsuperscript{11} In this context, the midrash states and reaffirms the Sages' perception of their own authority. Although technically this meant an owner was to break down the fences so the poor could come in and eat, the Sages ostensibly were the force that allowed the fences to stay in place to protect the social order.
basis of the verse, humans are compared to animals who eat what is appropriate without tithing in the seventh year.

The final part of the chapter deals with the weekly period of rest, the Sabbath of creation, first establishing that it should not be changed.\textsuperscript{12} Particulars of the verses close the chapter. These deal with what it means for the animal to rest and who of the household is included. The midrash indicates that the benefits of the Sabbath are far-reaching; not only Jews but the uncircumcised slave and the ger, a "resident alien" in this context, are refreshed. A final comment, indirectly related, has to do with the possibility of the wine handled by servants in the course of their work becoming forbidden because of their contact with idolatry.

As noted above, certain subjects are not treated as thoroughly here because they appear elsewhere. In the "innocent and righteous" section, little is said about those who are really innocent not being killed. Rather, the last clause to the effect that God does not justify the wicked moves the discussion into the sphere of not executing the guilty on merely circumstantial evidence. The entire verse, "for you know the nephesh of the ger because you were gerim in Egypt", is passed over.

\textsuperscript{12}Here and in ch. 4, the sabbatical year principle is used as a perceived anchor, holding both the weekly Sabbath and the festivals in their places.
Not much is said about sowing and gathering during the six years. More attention is given to the effect of the seventh year on long-term crops. A discussion as to how abandoning the land would give more opportunities for the needy to eat would be of interest. I might also expect more explicit exhortation on the personal value of observing the Sabbath.

Chapter Four. The initial statement of the biblical text is a general command to obey. The midrash recognizes its potential ambiguity and suggests possible referents. It might mean the whole of Torah, the commands regarding the sacrifice, the equal significance of negative and positive commands and of explicit and subtle matters or the preceding instructions regarding work.

The warning against mentioning the name of other gods draws a considerable amount of attention. They are not to cause any positive verbal reference to an idol. They may deride it and the list of biblical names of reproach is contrasted with the praiseworthy names by which God is addressed. Some apparently practical considerations appear as well in the interpretation about not taking oaths in the names of other deities.

The longer biblical section on the festivals is summarized by determining the time and frequency of the celebrations and by listing on the basis of words in the text those who were excluded from participation. Not appearing
empty before God means coming with sacrifices. Which ones these were and the regulations which applied to parts of them close out the chapter. The separation between Israel and outsiders in regard to the festivals is stressed by a series of biblical instances where God is particularly Israel's God.

In connection with the feast of unleavened bread, the specific command to eat mazzah is not directly addressed. While the leaven of verse 18 is implicitly tied back with mazzah at Passover, nothing is said in the biblical text about the Passover sacrifice. Question might have been raised as to the relationship of the two parts of the festival. The commemorative aspect of "because in Aviv you went out from Egypt" is not as significant as indicating when these things happened.

Neither the fact that the feast of harvest celebrates the results of work sown in the field nor the details connected with the feast of gathering are treated. The distinct impression is that the main focus is certainly not on bringing definition to festival observances. Little is made of the specific matters of sacrifice, blood and fat. The important thing seems to be that the three feasts were opportunities to appear before the Lord and that potential of personal appearance is what is significant.

\[\text{In effect, the relative brevity of the biblical text is reflected in the midrash.}\]
corporately (mikan amru) on many of these issues. Chapter 1, which deals with lending money, cursing rulers and matters related to bringing the firstborn, contains the most instances of mikan amru. In all of these areas, the Sages are presented as maintaining the biblical world view.24

Of the seven instances, four have parallels in the Mishnah as we have it. In three of these four cases, the statement following the mikan amru is founded not directly upon the biblical passage(s) but on some conclusion that has previously been drawn concerning the text.25 In fact, two of the other three instances also fit this pattern. Therefore, it appears that known statements of the Sages were included not because they could be shown to be based on the biblical text but because they were related to an interpretation already accepted concerning the text.

Structure

Rhetorical Patterns

There are no rhetorical patterns which are consistently developed through each chapter. The only formal aspects

24It is unlikely that control could be exercised in any of them. On the other hand, perhaps dealing with these issues was a way to "raise consciousness" about the ongoing obligations to tithe and give the firstborn in spite of the absence of the Temple. Linking them with what used to be the Temple practice could be an effective strategy.

25The exception to this appears to be the final citation about appearing before the Lord. Although the order is not the same, the exclusions are derived from the biblical text.
Chapter Five. Although the biblical text is a single verse, its two parts hardly seem related at first glance. Bringing first fruits was a festival occurrence, easily associated with the previous verses. Not seething a kid in its mother's milk apparently is a matter of daily concern.¹⁴

Of the two, the section on firstfruits receives significantly less attention. It is treated in much the same manner as previous directives. It is compared with other passages to show that the application may be expanded from fruits to liquids. The specifications of "your land", "your God" and the land given "to you" all exclude certain classes of people. Both the expansion and the categories of exclusion have distinctions in terms of whether or not bringing the firstfruits is accompanied by recitation.

Not boiling the kid is assessed from every possible angle. Initially, the Sages asked why it occurs three places in Torah and the midrash records eight attributed opinions on the matter. These relate the prohibition to the statements of the covenant, to the possible types of animals involved, to potential restrictions on eating and profit as well as cooking, to expanding the application beyond the Land and the Temple and to other categories of restrictions.

¹⁴See, however, Childs, *The Book of Exodus*, pp. 485-86, to the effect that this was a Canaanite festival practice as is evident from an Ugaritic text. If so, the two parts of the verse are distinctly related.
The commentary attempts to demonstrate via logic that a kid boiled in its mother's milk is not only forbidden for cooking, it is also not to be eaten. To establish this, the Sages employed complex comparison and contrast sequences with the Passover sacrifice, the sinew of the thigh, the laws regarding the carcass and the fat and blood of sacrifices. In each case of attempted comparison, further complicating factors are introduced, ultimately necessitating the simple biblical statement "you shall not eat it". Then, other proofs founded directly upon Scripture are cited in turn.

The identical procedure is initially followed in regard to not deriving profit from this situation. The sequence of categories used includes orlah, leaven during Passover and mixed seeds. Each attempted comparison is thwarted by something which disproves it until kila'im. At that point, the midrash cites Deuteronomy 14:21 which links selling to a foreigner and the dietary restriction. On the basis of the order in the verse, the conclusion is that one may not first cook it and then sell it.

By means of a series of kal vehomer comparisons, the milk of the mother is expanded to include any milk, thus establishing a uniform restriction. Lest other logical expansions are attempted, however, the midrash indicates that individual restricted foods are not necessarily prohibited when cooked together. Finally, reading the entire verse,
because of the proximity of this restriction to "in the house of the Lord", it applies to consecrated animals as well.

Clearly, little of the biblical text is omitted although defining the "choice of the firstfruits" might have been developed more. I might expect this whole section to incorporate the kinds of information found in Bikkurim. The fact that those things are not here may indicate that the focus is intended to be beyond the sphere of an existing Temple. This is explicitly stated later in the chapter in the transition to the universally applicable dietary restriction.

By Way of Summary

In the course of working its way through the biblical passage, the midrash experiences and incorporates the transition from socio-judicial concerns to primarily ritual ones. It faithfully re-presents the growing focus on approach to God and still maintains the halakhic nature of the tractate by increasingly engaging in the comparison and contrast of categories of religious institutions. At the same time, words and concepts which have far wider ranges in aggadic tractates float on the edges of the exegeses. These include Gentiles, gerim, holiness and divine justice. This tension may account for less attention to the specifics of the festival observances.
In several of the chapters, certain parallel passages are engaged as the given biblical text is exegeted. The point is to interpret Torah by means Torah; this is nothing new.

**Biblical Paradigms and Institutions: Identity and Function**

**Paradigms.** In Kaspa, few biblical personalities appear and surely none which receive prominence. Once Ahab is mentioned as a model of a wicked ruler (ch. 1). Post-biblical figures, Shimon b Shetah and Judah b Tabbai, become paradigmatic in the quest for the proper approach to justice in questionable cases (ch. 3).

**Institutions.** Those symbols which rise above their immediate contexts are Israel, the covenants, the Temple and the Land. Chapter 4 emphasizes the exclusive relationship between God and Israel. Linking the covenants to the three references to the dietary restriction is designed to lend credence to the latter. The Temple and the Land serve as demarcation points in the discussion of the temporal extent of the restriction's application (ch. 5).

In this tractate, Torah itself seems to be a somewhat less explicit symbol. Instead, biblical religious institutions are prominent, especially in those contexts where the focus is comparison and contrast of categories. The firstborn and firstfruits, terumah and tithes receive considerable discussion in ch. 1. Tithes, the Sabbath and
sabbatical year observances, and festivals are all part of the discussion of the seventh year (ch. 3). Nevelah is a category used in conjunction with terefah to define the limits of application in the case of the latter (ch. 2). It appears again in ch. 5 in conjunction with a number of other categories as the midrash assesses the acceptability of eating or profiting from a kid boiled in its mother's milk.\textsuperscript{15}

The biblical methods of providing for the poor, pe'ah, gleaning, and forgotten sheaf, are invoked as functioning social categories (chs. 2 and 3). The familiar exclusion categories of women, minors, tumtum and androgynous (chs. 4 and 5) have added to them the blind, lame, deaf and dumb, servants, the ill, servants and fools because of particular features of the biblical text in ch. 4. Various judicial functions are mentioned but none appear to be used to exegete the biblical text in the same manner as the above-mentioned institutions.

**Halakhic and Aggadic Responses to the Biblical Text**

Kaspa focuses almost exclusively on halakhic material because the general tenor of the biblical text is instruction to the people. While this is so, the unique character of this tractate is that potentially aggadic concepts surface

\textsuperscript{15}The others are pesah, the sinew of the thigh, fat and blood of sacrifices, orlah, leaven at Passover, kila'im.
throughout as relatively isolated sentences and descriptions because they are also part of the biblical text. Instead of the expansive treatment, complete with prooftexts, parables and lists, usually afforded these subjects in aggadic midrash, they are dealt with in a relatively terse, analytical style which mostly employs halakhic rhetoric.

Rhetoric: Methods and Mindsets

The foundational exegetical method again focuses on comparison or contrast of some sort. These pairs function as part of the more general process of definition. Very frequently, the point is to expand applications and rule out unacceptable explanations and interpretations. In this regard, the principles of inclusion and exclusion are important, with the latter being particularly prominent in the lists of excluded persons.

Certain standard approaches carry over from chapter to chapter. For example, in each of the last three chapters, the midrash explains the purpose of including the whole pericope. Why one verse is necessary as a balance to another is also a frequent focus. To a certain extent, there are fewer formulas and the deductive processes do not seem to be as complex in this tractate as in the previous one. The

16A good deal of this tractate defines specific words and notes the significance of key pronominal suffixes as the bases for statements regarding ideas and concepts. In several cases, syntactical relationships between verses or parts of verses underlie the conclusion of the midrash.
exception to this statement appears in ch. 5 where complex logical deductions are cited ostensibly for the purpose of broadening the application. In the end, however, what Torah says clinches the argument.

While there are fewer rhetorical patterns, there appear to be more lists and other methods of schematic presentation than were found in Nezikin. Another way of saying this might be that there are more content schemes as opposed to complex exegetical schemes. The last chapter is an exception to this rule.

Characteristic Rhetorical Expressions

The expressions indicated below are the more common ones used to establish definitions, frequently by means of comparison in the verbal or conceptual sphere. Some of these are relatively simple; others involve complex deductive processes. Almost without exception, the final word is found in the biblical text.

1. 'ein li 'ela' X, Y minayin...talmud lomar - expands the application to a comparable category by appeal to Scripture

2. kal vehomer (din hu) - if one particular case is true, how much more so if the conditions are even more appropriate. In ch. 5, several kal vehomer sequences are part of the more complex scheme of
logical refutations followed by the biblical "proof".

3. **hekesh...mah...'aph** - establishes a comparison

4. **lamah ne'emar lephi shehu 'omer** - demonstrates necessity of both biblical formulations by contrasting them

5. Pairing what Scripture says "here" with what it says "there" for the purpose of deduction

6. **shome'a 'ani...talmud lomar** and **'at... 'eino 'ela...talmud lomar** - both serve to rule out unacceptable explanations

7. although **lehavi** is used less frequently in this tractate, **lehotzi** occurs more in the last two chapters as the exclusion lists are presented

In most of these rhetorical patterns, the biblical text is represented as the deciding factor. While there is a significant amount of attention given to certain parallel passages, sometimes even from their perspective, the texts cited are usually limited in number for any given context and type of argument.¹⁷

¹⁷In the halakhic rhetoric, the citations are significantly different from typically aggadic texts where **shene'emar** and **vekhen hu 'omer** may draw in an indefinite number of texts which share the same basic concept. That is not to say that these expressions are limited to aggada but they are more frequent in those contexts.
Additional Rhetorical Devices

The following expressions also serve to establish comparisons: binyan 'av, kevozei bo, davar 'aher, keshem she—...kakh, pa'amim...pa'amim and zakhti ladun. The last argues successfully by comparison from X to Y and Y to X. Although Kaspa contains primarily halakhic material, several of these occur in those brief sections which tend more toward aggada. In addition, there are a number of occasions where comparisons are presented without the introductory terms. Among them are the list of names of reproach for idols and names of praise for God, the concepts of positive and negative commands, the carrying of clean and unclean animals, comparison of the milk and meat restriction with the restriction on nevelah and applications both inside and outside the Land and with and without the Temple.

The following are characteristic defining and explaining terms: mah talmud lomar, maggid, bemashme'o, kemashme'o, ketzad, lelamedkha and harei zeh 'azharah. Related to these are techniques which have to do with the use of biblical text. In some cases, "the verse comes to teach". In ch. 2, there are several indications that there is no proof, but a hint of something. There are also two stated exegetical rules: The verse specifies the rest of the details of the

---

18These rhetorical expressions are grouped according to basic function.
parashah (ch. 4) and one cannot use the first mention of three as the basis for exegesis (ch. 5).

Although schematic representations are generally more evident in aggadic contexts, there are several procedures in Kaspa which clearly fit into that category even though most of them appear in halakhic material. In fact, a majority of them appear in ch. 1. Among them are numbered lists.\(^{19}\) A more complex procedure involves prioritizing groups or activities.\(^{20}\) The question as to why the injunction against boiling a kid in its mother's milk is said in three places elicits a number of answers, all of them styled in some manner to fit the three.

**Technical Expressions and Unusual Words**

In this tractate, there are numerous technical terms in addition to those exegetical expressions noted above. Most of these have to do with ritual and judicial categories and

\(^{19}\)One, the three passages where 'im must be interpreted as obligatory (ch. 1), is a repeat from Bahodesh 11. A similar type of numbered list appears twice in ch. 1 as the Sages declare that an individual has transgressed five commands when lending on interest and four commands when speaking a word of cursing. Nathan states that three things will happen to one who accepts a bribe (ch. 3). Of these, only the first was studied by Towner, Rabbinic "Enumeration...", pp. 188-94. The others are not as complex and the statement of Nathan is not supported by scriptural examples.

\(^{20}\)In ch. 1, a series of priorities is presented regarding the first recipients of loans. Likewise, ch. 1 establishes priorities among certain ceremonial activities on the basis of the number of names given to each one in Scripture.
the majority of them occur in pairs. There are only a few foreign words, primarily because the subjects at hand are "domestic" concerns. As in Nezikin, these two features together seem to indicate a text designed for practitioners of midrash who employed a standard vocabulary and were little interested in and affected by developments beyond that limited scope.

Attributions

Individual Attributions

Three of Nathan's six comments address significant judicial matters. This is not surprising in the context. His previously observed tendency to deal with foreigners might be seen here in the comments on minut and idolatry.

The name of Ishmael appears independently only three times. The first two comments are directly linked to words

21 The following sets are common: Reshut/hovah, tumtum/androgynous, hayav/patur, hayav/zekhut, hullin/kadushin, tameh/tahor, onesh/'azharah, midat hatovah/midat haporanut, lishevah/leganai, positive and negative commands, terefa/nevelah, 'isur 'akhilah vehana'ah. Note also the technical "banking terms", ribit, arav, lavlar and technical court terms, ba'al din, ba'al dino, matin, ed zomem as well as technical "sacrifice" terms, linah, zevikhah, zerikah, niphsalin. Behavah refers to something which is customary. Yayin nesekh is a common term in discussions of idolatry.

22 Chapter 3 uses senigorin or advocate. 'Arisin, hakorot, and sikarikon (ch. 5) refer to those who use land without ownership. Only the last seems to be an import and, interestingly, refers to confiscated land as opposed to rental or tenant farming. See Jastrow, Dictionary p. 986.

23 See Appendix for lists of major attributed pericopae.
and grammar in the text. Other than that, I see no pattern. As with Nezikin, Ishmael's opinion opens the tractate.

The three opinions of Abba Hanin n Eliezer sound forced in their contexts. The anonymous explanations which precede them are decidedly more appropriate. Two of them are references to gleaning, the forgotten sheaf and pe'ah and the second one undoubtedly appears because Exodus 23:3 is cited again as a point of comparison with verse 6 and the related comment of Abba Hanin b Eliezer is carried along.

In Judah b Batyra's three comments, there is no specific pattern of subject matter. These are simply responses to the material in the biblical text.

It may be significant that Rabbi and Akiva are among those associated with the complex discussion on the dietary restriction. The Hakhamim are said to have made an allowance to keep fields fenced during the seventh year for the sake of social order.

Sets of Names

A noticeable feature of Kaspa is the lack of prominent pairs or sets of opinions. This may be due to the brevity of the tractate. Ishmael's name does appear in three sets but there appears to be no noticeable pattern among these opinions. His response to the matter of cursing elohim is a response to the parallelism in the biblical text. This is in keeping with the previous observation that his opinions were
directly linked to the immediate biblical text. The other
sets include students of Ishmael, Josiah and Jonathan, as
well as Akiva and those who followed him.

Long Lists

There are two long lists in the space of five chapters.
The first has to do with identifying the "enemy" whose animal
was to be helped. The second focuses on the significance,
scope and application of the restriction on boiling a kid in
its mother's milk.

Anonymity

There seems to be relatively even distribution between
attributed and non-attributed materials. Most of the
tractate is halakhic and each subject has both attributed and
anonymous exegeses associated with it. Several notable
topics or treatments are anonymous. Among them are the list
of names of idols and God (ch. 4), the extension of the
dietary restriction outside the Land and the Temple
jurisdictions (ch. 5) and the complicated deductions
extending the prohibition to eating and profit (ch. 5).

Authoritative Statements and the Sages

Given the subject matter, the interface between the
midrash and recognizable mishnayot is surprisingly spare.
The authorship seldom chose to record what the Sages said
corporately (mikan amru) on many of these issues. Chapter 1, which deals with lending money, cursing rulers and matters related to bringing the firstborn, contains the most instances of mikan amru. In all of these areas, the Sages are presented as maintaining the biblical world view.\(^{24}\)

Of the seven instances, four have parallels in the Mishnah as we have it. In three of these four cases, the statement following the mikan amru is founded not directly upon the biblical passage(s) but on some conclusion that has previously been drawn concerning the text.\(^{25}\) In fact, two of the other three instances also fit this pattern. Therefore, it appears that known statements of the Sages were included not because they could be shown to be based on the biblical text but because they were related to an interpretation already accepted concerning the text.

**Structure**

**Rhetorical Patterns**

There are no rhetorical patterns which are consistently developed through each chapter. The only formal aspects

\(^{24}\)It is unlikely that control could be exercised in any of them. On the other hand, perhaps dealing with these issues was a way to "raise consciousness" about the ongoing obligations to tithe and give the firstborn in spite of the absence of the Temple. Linking them with what used to be the Temple practice could be an effective strategy.

\(^{25}\)The exception to this appears to be the final citation about appearing before the Lord. Although the order is not the same, the exclusions are derived from the biblical text.
which appear with a degree of regularity throughout the tractate are the initial question as to why the biblical text was necessary and the repetition of certain exegetical techniques to determine categories. The former prompts a response justifying the presence of the entire pericope and is followed by exegesis of key words or phrases. Defining the categories is often by virtue of exclusion. Neither of these, however, is consistent through every chapter because they are, as always, dependent on the direction of the biblical text.

Shaping of the shared materials so that they conform to given rhetorical patterns is not particularly evident.\(^{26}\) To a certain extent, more than in prior tractates, other parallel passages in Torah actually determine the direction of the midrash for brief periods but the rhetoric of these is

\(^{26}\)This, however, is a difficult judgment to make because the topics are shared even when the formulations and order of presentation may not appear to be. With the exception of ch. 5, it appears that most of the materials, and particularly those of any length, are shared. The ones which are unique to MRI seem again to be those which are prompted by the consistent exegesis of the biblical text. These link longer, more full discussions of subjects which are dealt with elsewhere. The initial units which inquire as to why something was said are generally unique. The long sections in ch. 5 addressing why there are three biblical references to the prohibition and applying it to both cooking and eating are unique as formulated here. Some of the same general methods to extend the application appear in SD 76 but the context there has to do with eating the life with the flesh (Deuteronomy 12:23) and the categories employed to include this restriction are distinct. SD 104, which addresses the prohibition as it occurs in Deuteronomy 14:21, cites several opinions as to why the prohibition appears in three places but is significantly abbreviated and different from MRI.
not distinguishable from what characterizes MRI; it is the content which indicates that these have been "transplanted". At the same time, many of the pericopae unique to MRI seem to fit better because they are in direct response to the words and issues in the text.

**Thematic Development**

Because the midrash is directed by the biblical text underlying it, the multiple subjects treated mean there is less apparent thematic unity than in previous aggadic tractates. It is impossible to discover the development of a single theme as the guiding force in the composition of the tractate. Rather, it is a matter of carefully assessing the varied subjects of Torah all of which may be understood by further appeal to Scripture.

**World View/Socio-Religious Context**

**Topic/Theme: Torah**

The process of revelation is not the issue here. Instead, Torah is an existing entity which, employed in conjunction with the human capacity to reason, interprets itself in regard to the subjects of mercy and justice among humans and approach to God by His people.\(^{27}\)

---

\(^{27}\)Torah is for the increase of holiness (ch. 2) and is referred to as words of righteousness from Sinai (ch. 3). It specifies when to come for festivals and who may come (ch. 4). Scripture is the source of terms of reproach for idols and praise for God (ch. 4).
Torah teaches, defines, warns and makes certain things obligatory. It contains positive and negative commands. The expression 'amrah Torah (ch. 3) is used to establish its authority regarding a number of issues related to justice. It uses specific words for specific purposes (ch. 1). It is subject to recognized interpretive processes.  

Recurring Values and Symbols

The key value is justice and, in the context of this tractate, several of its additional facets emerge. These include avoidance of economic oppression, concern for the well-being and dignity of one's fellows and consideration of the possible innocence of offenders. There is some emphasis on good and bad people as they enjoy or are excluded from benefits of justice as outlined in Torah. To ignore what God has said indicates that one has no part in the One who has an interest in all aspects of justice.

This aforementioned obedience also involved activities which were related to the fundamental symbols of the people. Tithing, giving the firstborn, shemitah and provisions for the poor were linked to the Land to varying degrees. The sacrifices and festivals were associated with the Temple.

28 Its teachings about the customary cases may be generalized (ch. 2). It includes specific details and the rest of the dikdukkim (ch. 4). Matters are mentioned contiguous to each other for a purpose (ch. 4). When something is mentioned three times, it is significant (ch. 5).
These and the other biblical categories in the tractate primarily pertain to avenues of approach to God and restrictions to maintain holiness.

Continuity of Values and Symbols

While the symbols of the Land and the Temple were integral to the performance of many of these activities in the biblical system, the symbols themselves are not focal points in the midrash and the treatment of the activities as they relate to the Land and the Temple is abbreviated.\(^{29}\) Instead, these activities and categories are presented as independent of their historical contexts so as to maintain their applicability and practice. In fact, the midrash specifies that the meat and milk restriction distinctly applies beyond the parameters defined by the Land and Temple.\(^{30}\)

\(^{29}\) This is especially true in regard to the festivals and their biblical centering at the Temple. Little is said about them in that context. Instead, the midrash emphasizes that their independent continuity is taught by the biblical text which mentions them in conjunction with shemitah to make certain that they are never removed. This is even true of the Sabbath. While we are told that it commemorates creation and thus, unlike the Temple or the Land, endures forever (ch. 3), it is the activities related to observing the sabbatical year which receive the most attention.

\(^{30}\) Perhaps this is so extensively treated in the midrash because one might have deduced that the restriction, presented in the context of and related to the sacrifices and Temple, would no longer apply. Therefore, it was imperative to demonstrate that it still applies.
Overall, biblical categories are determinative. The eternal relevance of Torah is assumed and the scene created by the midrash is a society where Torah is actively practiced. In the process of accomplishing this, a certain amount of redefinition occurs. For example, elohim are consistently identified as judges in order to place the instructions within a recognizable judicial context. The stories about Shimon b Shetah and Judah b Tabbai depict those in the tradition of the Sages as instrumental in implementing justice. There are also two time distinctions in regard to the ruling of the Sages that fences did not need to be broken down (ch. 3). One was the initial custom that fences were destroyed to provide access and the second was a subsequent protective measure. Finally, the concept of shevut is mentioned along with the Sabbath (ch. 4). The former is a category developed later to aid in applying the Sabbath regulations.

The Temple and Its Ritual

Much has already been said in this regard. As a major biblical symbol, the Temple was the focal point of the festivals, sacrifices and offerings. As the midrash deals with these activities, it assumes their link with the Temple by virtue of the biblical text and addresses them in this
timeless context.\textsuperscript{31} At the same time, it quietly distinguishes between those activities which continue and those which do not and it does not draw the Temple along with those which continue into the contemporary sphere.

In connection with the festivals (ch. 4), appearing before the Lord is assumed to mean the Temple but the midrash does not specifically mention it. On the contrary, it indicates that the biblical text speaks of festivals in conjunction with shemitah to assure their continuity. In regard to the directives about the sacrifices, the slaughter of the passover sacrifice, the sprinkling of the blood and the tamid are presented as if functioning but the Temple is not explicitly mentioned.\textsuperscript{32} In sum, the fact that very little is said about going to the Temple to sacrifice, in spite of the potential in the biblical text, may be part of the message. The absence of the Temple is acknowledged outright in ch. 5 as it expands the application of the dietary restriction.

\textsuperscript{31}Chapter 1 contains a discussion of which offerings and tithes were to take priority. Further, the firstborn served as a paradigm for all consecrated animals, a discussion which presumes the category of consecrated animals bought with Sanctuary money. At the same time, it noted that the firstborn need not be brought to the Temple but to a priest wherever one desired.

\textsuperscript{32}The "floor" and "woodpile" are those of the Temple.
"Theological" Reflections

The Supernatural and Miraculous. There is no opportunity in the midrash to address the supernatural; the biblical text does not warrant it.

The Names of the Divine. Because the tractate is halakhic, God is named far fewer times. Some characteristics appear in response to brief biblical references to divine attributes. Chapter 4 is unusual in the number of names it contains but that is the expected result of the references in the biblical text to naming other gods and appearing before Him. haMaqom and haQadosh Barukh Hu appear an equal number of times; nothing particular distinguishes one set from the other. In a distinct response to the biblical topic, violators of the prohibition against taking...
interest have no share in the One Who decreed against interest (ch. 1).

**Idolatry**

Although it may have been the case that statues and idols were prevalent (ch. 4), they are not presented as threats but as a nuisance for the individual who was concerned to live in accordance with Torah's system and avoid mentioning their names. Because Gentiles were assumed to serve idols, interaction with them could cause a mention by either party of the names of idols. Furthermore, if Gentile slaves said vows in the name of their idols, it made wine which they handled impure (ch. 3). The perceived nature of idols is revealed in the list of excoriating names drawn from the biblical text (ch. 4). In each case, the content of the biblical text entirely determines the nature of the commentary.

The possibility of idolatry appears in the hypothetical case demonstrating that two identical witnesses are needed to put someone to death. If one witness testified that someone worshiped the sun and the other said it was the moon, the testimony is insufficient (ch. 3). Why idolatry was chosen as the test case is impossible to determine; perhaps it was

---

36 One of the identifications of an "enemy" is the Gentile who worships idols (ch. 2).
because it was so completely unlikely that the death penalty would ever be exercised for such an offense.

Social Structures: "Others" and "Us"

There appear to be a few more hints to viable social structures, both external and internal, in Kaspa. What follows are the notable re-presentations of biblical instructions on justice and social functioning.

In Kaspa, the "outsiders" do not appear as ruling oppressors. Rather, they are presented as close enough for interaction to take place but as religiously distinct from Israel. They are alternately "dogs" to whom unfit meat could be given, fellow inhabitants and even slaves. These are primarily in response to the "environment" of the biblical text. The question of the status of the ger toshav on the Sabbath may indicate that their services were employed to accomplish certain necessary tasks. Conversing with a Gentile might include the possibility of making him swear by his deity or arranging to meet him at a recognizable place marked by a statue. Identifying the "enemy" (ch. 2) as a Gentile who worships idols, the midrash presumes that Gentiles and Israelites might use each other's animals and are close enough to render assistance within certain boundaries. Two of the other suggested identifications for the enemy are indicative of perceived "otherness". One is the proselyte who has turned away and the second is an
Israelite who is apostate. All three of these "enemies" are defined in terms of religious distinctiveness from Israel.

Within Israel itself, the social institutions which dominate the tractate have their own hierarchies. The personnel who comprise the money-lending institution are noted. There are slight indications that judges, rulers and land-owners may have constituted a formidable social force. The list of those who control property in one manner or another (ch. 5) is indicative of a particular structure in which there was probably not much private ownership. By virtue of the various social concerns covered in the biblical text, the midrash is set up to deal with the rich versus the poor. While the system claims to safeguard against oppression of the poor in money-lending and court proceedings, the tendency to do so is acknowledged. In this regard, the potential of price fluctuation is implicit in the conditions regarding repayment of loans (ch. 1).

Where the Sages fit into this picture is not objectively presented in the midrash. While they appear to have more to say about judicial procedures than they do concerning the religious observances, that may be the direct result of the balance in the biblical text. Their only direct social

37 These included the share-cropper, the renter and the one who held confiscated fields. The midrash takes the opportunity afforded by the biblical text to exclude these from aspects of the firstfruits celebration. On the significance of the terms, see D. Sperber, Roman Palestine: 200-400. The Land (Ramat-Gan, 1978), p. 206.
Israelite who is apostate. All three of these "enemies" are defined in terms of religious distinctiveness from Israel.

Within Israel itself, the social institutions which dominate the tractate have their own hierarchies. The personnel who comprise the money-lending institution are noted. There are slight indications that judges, rulers and land-owners may have constituted a formidable social force. The list of those who control property in one manner or another (ch. 5) is indicative of a particular structure in which there was probably not much private ownership. By virtue of the various social concerns covered in the biblical text, the midrash is set up to deal with the rich versus the poor. While the system claims to safeguard against oppression of the poor in money-lending and court proceedings, the tendency to do so is acknowledged. In this regard, the potential of price fluctuation is implicit in the conditions regarding repayment of loans (ch. 1).

Where the Sages fit into this picture is not objectively presented in the midrash. While they appear to have more to say about judicial procedures than they do concerning the religious observances, that may be the direct result of the balance in the biblical text. Their only direct social

---

37 These included the share-cropper, the renter and the one who held confiscated fields. The midrash takes the opportunity afforded by the biblical text to exclude these from aspects of the firstfruits celebration. On the significance of the terms, see D. Sperber, Roman Palestine: 200-400. The Land (Ramat-Gan, 1978), p. 206.
involvement appears in the context of their supposed ruling against open fields for the poor during the seventh year. The fact of the matter is that their abiding concern is for the biblical text. The possibility of this concern turning into competition among scholars is indicated in incident of the hakham demolishing his fellow's argument.

Just as there are strata in the social institutions, so also in the religious sphere. The list of those excluded from the obligation to participate in the festivals is similar to the exclusion lists in other contexts. Members characteristically include women, slaves, minors and others who are physically unfit.

The Messages in the Text

Having made these observations about the social structures, it is evident that such concerns were intrinsically of less interest to the rabbis than their concern for the biblical text, its Source and its impact on the audience. Israel is expected to be interested in and follow the instructions in the text. As they do so, they enjoy the special favor of association with God.

Those who are capable of interpreting Torah for the people emphasize that the biblical categories dealing with holiness, ritual cleanliness, tithing and the Sabbath are still applicable. It is no accident that the tractate closes by emphatically affirming the wide-ranging applicability of
the meat and milk restriction. It is something which may be observed no matter where the individual lives.

Summary

The content of Kaspa deals with both socio-judicial and religious injunctions. In the first three chapters, both of these emphases appear in each chapter. With the fourth chapter, attention switches exclusively to theological concerns and religious practices. In regard to social and judicial subjects, the midrash seems to present some degree of social reality. If on no other basis, this might be surmised because the methods of dealing with issues generally appear to be less complicated and the issues more straightforward. On the other hand, the injunctions having to do with firstfruits, nevelah, the sabbatical cycle and the festivals are represented in highly schematized terms employing extensive comparison with other biblical institutions.

As always, the pre-eminent concern is to understand Torah in its own sphere. The halakhic rhetoric and the complex analyses with biblical categories demonstrate that Torah is a whole, that there are no contradictions and that all parts of it are necessary.
CHAPTER THIRTEEN:
TRACTATE SHABTA - THE SIGN OF THE COVENANT

Introduction

Unlike all of the previous tractates, two separate sections of biblical text are addressed in Shabta rather than continuing straight on from Exodus 23. These two passages are Exodus 31:12-17 and 35:1-3. The single subject of each is the Sabbath and the evident purpose of the tractate is to convey ideas concerning the Sabbath which the Sages considered important. As a result, the midrash does not probe deeply into the specifics of each passage. Instead, whole concepts are explored.

Each chapter has its own style and focus of attention. The first covers considerably more biblical text and employs less halakhic rhetoric. The second is more limited in length and scope and engages in familiar patterns of complex analysis.

Number of Lines per Chapter:

<table>
<thead>
<tr>
<th>Chapt</th>
<th>Lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>125</td>
</tr>
<tr>
<td>2</td>
<td>120</td>
</tr>
<tr>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>82</td>
</tr>
<tr>
<td>5</td>
<td>80</td>
</tr>
<tr>
<td>6</td>
<td>60</td>
</tr>
</tbody>
</table>

Number of Verses Discussed per Chapter:

<table>
<thead>
<tr>
<th>Chapt</th>
<th>Verses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6 *</td>
</tr>
<tr>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>4 *</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>
Relationship to the Biblical Text: Shared Agenda?

Summary of Prominent Subjects in the Biblical Text Unit

The following subjects appear to be the most significant issues in each unit of biblical text which underlies the successive chapters of the midrash.

Chapter One. The Lord spoke through Moses to Israel, telling them to keep the Sabbath forever because it is a sign that He sanctified them and it is an everlasting covenant. The Sabbath is holy; anyone profaning it must surely die and the one working must be cut off from the people. Work is to be done six days but the seventh is the Lord's Sabbath. In six days, He made heaven and earth and refreshed Himself on the seventh.

Chapter Two. Moses gathered the congregation and said: These are the words which the Lord commanded. Work shall be done six days but the seventh will be for you a holy day for the Lord. Everyone who works on the Sabbath shall die. You shall not light a fire in any of your homes.

The Corresponding Midrash

Each chapter is assessed in terms of the subjects which the authorship chose to emphasize, the degree of correspondence between the biblical content and structure and that of the midrash, the areas of significant digression where indirectly related materials are incorporated and the omissions and directions not taken.
one of them. In the brief comments which follow, specific words of the biblical text are used to make familiar distinctions. The sign is for Israel, not for the nations. The text excludes those who are incapable of knowing.

The sanctity of the Sabbath is addressed in several ways. On the one hand, it is related to the holiness of the world to come. At the same time, it adds sanctity to Israel. As they keep it, they testify that God created the world in six days and rested the seventh. Continuing the subtle message that there are limits to Sabbath observance, Shimon b Menasyah says it is given to humans and not vice versa.

In contrast to these ideas about holiness in this world and the world to come, the discussion of profaning the Sabbath is a matter of finding appropriate warning to accompany the statement of punishment, proving that work at night is included with work during the day and demonstrating that this means a complete action. Although the option of profaning the Sabbath in self-defense is entertained, the biblical text is cited to confirm the gravity of profaning it even for a moment. The midrash also indicates that these punishments apply to those who deliberately profane the Sabbath whether in public or private.²

Regarding the statement that work shall be done in six days, the initial concern of the midrash is to reconcile the

²"He shall surely die" is the public punishment; "let him be cut off" is the penalty, effected by God, for private transgression of the command.
verse with Exodus 20:9 which says "you shall do all your work". When Israel does the will of God, others will do their work; when they do not, they will do their own work and the work of others.

It is necessary to state that the seventh day is holy to the Lord to distinguish it from the festivals. They are set by the bet din. The Lord, however, establishes the Sabbath.

The midrash includes several opinions which address the repetition involved in "keeping" and "doing" the Sabbath. One Sabbath may be profaned in order to keep many. If a person keeps it, it is as if he made it. If an individual keeps one Sabbath properly, it is as if he kept all of them. The juxtaposition of "observe the Sabbath" and "everlasting covenant" allows the deduction that circumcision may be performed on the Sabbath.

In closing the chapter, the sign forever means that the Sabbath will not cease. Whatever Israel has given its life for (natnu naphshan) will remain. They have given their lives for the Sabbath, circumcision, Torah study and immersion. The Temple, the courts, the sabbatical years and jubilees did not endure because they did not give their lives for them. In implicit contrast to the human court system, even though God refreshed Himself on the seventh day, He never stops administering justice. Scripture demonstrates that His justice is established.
In general, the fact that the midrash does not capitalize on the pairing of ideas in the biblical text is somewhat surprising. Nothing is made of the switch from the second to third person as some of the ideas are repeated. Perhaps neither of these were perceived as directly contributing to the main points of the chapter. Both lemor and the role of Moses were critical introductory motifs at the beginning of MRI but they are not so at this stage.

More might be said about sanctifying Israel and causing them to be holy. Given the aggadic overtones in the chapter, I might expect more on God's creating and resting as well as how the Sabbath is a sign between God and the people.

Distinct ways of profaning the Sabbath and the categories of work are not presented in this chapter. That may be because ch. 2, with its specific prohibition, is a more fitting context for such halakhic issues.

Chapter Two. With this chapter, the midrash acknowledges the presence of the intervening biblical chapters concerning the Sanctuary. The opening pericope explains that this biblical section is necessary in conjunction with the command to build a Sanctuary (Exodus 25:8). Otherwise, one might deduce that it could be built on the Sabbath. In fact, a logical argument, based on the assumption that Sanctuary service proceeds on the Sabbath, is advanced to show that building might also be permissible. Both it and a suggestion that repair work is possible are demolished by this biblical text.
Several brief comments link this first major emphasis with the second. The words spoken by Moses are said to include the 39 categories of work. The biblical text's repetition of work being done for six days is reflected in the midrash by repeating the contrast set up in ch. 1 between obedient and disobedient Israel. The stated sanctity of the Sabbath is said to prevent Israel from presuming they could violate the Sabbath because the work of the Temple was allowed.

The majority of the chapter is devoted to explaining why there is a specific command not to light a fire. Because there is a biblical principle to refrain from plowing in the sixth year prior to the seventh, the midrash works through several comparisons to determine if this refers to resting on the sixth day as well. In response to the context, the question is raised specifically with regard to lighting a fire. Appealing to this verse, however, the restriction on fire is limited to the Sabbath day only. The subject of fire leads the discussion back to the earlier topic of Sanctuary work, this time dealing with the fire on the altar. Various arguments are raised which alternately rule out and mandate that fire on the Sabbath. This verse resolves the issue because it excepts the Sanctuary in specifying "in your dwellings".

Moving into broader applications, a student of Ishmael deduces that the biblical text singles out fire so as to
forbid any form of execution, one of which was burning, on the Sabbath. Jonathan declares that it was said in order to demonstrate that performing even one of the 39 types of work makes a person guilty. The opinion which closes the tractate and the document is a brief deduction to the effect that the command applies to the Sabbath but not to a festival day.

This chapter does not have any characteristic features of a conclusion. In fact, the preceding chapter with its focus on the sign and its everlasting significance seems more appropriate in that regard. The expression, shabbat shabbaton, receives no attention. The midrash clearly is not intent upon dealing with every aspect of the three verses. It does not discuss the purpose of gathering Israel at this point, the parallel uses of "these words" or the fact it was God's command. More significant is the perceived tension between the Sabbath and Sanctuary service, the latter of which is again limited whereas the Sabbath is a comprehensive commandment reaching across the community.

By Way of Summary

While the agenda of the biblical text clearly directs the agenda of the midrash, several clarifying statements must be made. First, there was a process of selection as the midrash deals with only these two passages in order to emphasize, in closing, the importance of the Sabbath. As it does so, it makes a statement, especially in the second
chapter but also in the first, about the relative importance of the Sabbath and the Sanctuary. At the same time, a significant digression works its way into the midrash to mitigate the harsh sound of the command and its punishment. There are limits on the application of the Sabbath rule; saving life is more important than Sabbath observance.

Second, the pervasive concern of the midrash is why biblical statements are made and concepts repeated. In this sense, the agenda of the midrash is simply the biblical text.

Biblical Paradigms and Institutions: Identity and Function

While no biblical figures come to serve as paradigms, significant biblical institutions and symbols appear. Torah continues to be the major symbol in ways which will be addressed further below. In addition, the Sabbath, which both commemorates creation and is the sign of the covenant, is the primary symbol of this tractate. Israel has given its life for the Sabbath, as it has for Torah, and it therefore endures. It also gathers to itself a series of satellite institutions. While the sabbatical year observance is defined by the biblical text, the distinction of shevut from work activities and the 39 categories of work are later developments in the precise application of the stipulations. The 39 categories are given authoritative status as oral communication from Moses.
Although the Sabbath is said to endure because Israel gave its life for it, the related institutions of the sabbatical and jubilee years do not. The symbol of the Temple has distinct value in that its service supercedes the Sabbath and yet it has passed away while the Sabbath has lasted.

Other institutions which endure include circumcision and immersion\(^3\) while a final one which does not persist is the court system. The Land appears only briefly as a symbol which is defiled by bloodshed.

Halakhic and Aggadic Responses to the Biblical Text

On the whole, Shabta is a halakhic tractate. Both chapters define and analyze by means of comparison of biblical categories. While this is true, however, there are some distinctions between the chapters. More than half of the pericopae of the first chapter contain materials which have an aggadic flavor. These include brief references to such things as the world to come and resurrection of the dead and involve more of the methods characteristic of aggada. They are prompted by phrases in the biblical text which tend to be more descriptive rather than simply commands and warnings. Among them are the sign for generations, the

\(^3\)Both male and female have an everlasting ritual which makes them a part of the community.
everlasting covenant, the holiness of the Sabbath and the sanctifying of the people.

Rhetoric: Methods and Mindsets

Most of the exegetical patterns work toward the goal of comparing and contrasting biblical categories and, in ch. 1, some comparisons are set up even without any technical terms. Of the two chapters, the first one evidences fewer formulas and overall complexity in the process of introducing the parallel concepts.

Characteristic Rhetorical Expressions

All of the following are characteristic of the rhetoric in Shabta and each one contributes to the perceived balance and symmetry in the comprehensive picture of the biblical text.

The most prominent pattern throughout Shabta asks why something is said in light of another statement. The common response to this question in ch. 1 takes the form 'ein li 'ela' X, Y minayin? It is characteristically followed by the verse and lehavi to expand the application. In ch. 2, the responses are more complex as comparison schemes are set up and demolished. One method involves variations on the standard formula shome'a 'ani...ma 'ani mekayyem (X)...mah 'ani mekayyem (Y)...hadin noten...din hu...talmud lomar,
ruling out suggested logical possibilities and maintaining the integrity of Torah. The same approach is represented by yakhol...hadin noten...veod kal vehomer...din hu...talmud lomar. Sustaining the integrity of Torah is also apparent in the formulation "one verse says...another verse says...how may the two verses be maintained?" which appears in both chapters. Less complicated kal vehomer arguments also occur three times in ch. 1.

Additional Rhetorical Devices

Comparison is also accomplished in ch. 1 by citing similar situations each introduced by vekhen 'atah mozei. This, in turn, is part of a schematic presentation, listing the things which endure and those which do not because of the value placed upon them by Israel.

Maggid, 'ein X 'ela' Y and lehavi are used in the process of definition which underlies the more complicated comparison patterns. Twice in ch. 2, fire is "singled out from the general rule".

Independent of other arguments, the biblical text is drawn upon for confirmation (vekhen hu 'omer, shene'emar, minayin...shene'emar) in those sections which are more aggadic. In these contexts, it is not used as a point of comparison but as a source of support.
Technical Expressions and Unusual Words

There are no foreign or particularly unusual words. The technical expressions are representative of or derivative from biblical categories. As noted in previous chapters, many of them occur in pairs. All of them reflect an intellectual environment in which disregard for religious obligations, particularly those of the Sabbath, had judicial and even eschatological implications.

Attributions

As might be expected, patterns of attributions are impossible to detect in Shabta because of the small sampling and the predetermined uniformity in subject matter. What follows are observations regarding significant individual opinions and sets of names.

It is not surprising to find that the midrash cites Rabbi to the effect that the oral law from Moses included the 39 categories of work. Shimon b Menasyah voiced the opinion that the Sabbath was given to humans, not vice versa.

\[\text{Most frequently used in this chapter are melakhah/shevut, olam hazeh/olam habah, onesh/'azharah, behul/beshabbat, erev hashabbat/shabbat, erev shevi'it/shevi'it, hayyav karet/mitat bet din. Other technical phrases which are not paired in this tractate include mezid, piquah nephesh, doheh, shephikhat damim, hatra'at edim, 'abot hamelakhot, ben hashemashot and reshai.}\]

\[\text{See Appendix for lists of attributed pericopae.}\]

\[\text{This same sentiment is attributed to Jesus in Mark 2:27. The next verse and the parallels to the passage in Matthew 12:8 and Luke 6:5 add the words, "The Son of Man is}\]
There are two lists in ch. 1. The first addresses the significance of the grammatical construction "keep...to do". The second list is the "walking scene" in which three senior figures speak while two followers do not. Instead, these three opinions lead directly into three additional comments on the subject, two of which are repeated elsewhere in the chapter. This subject is not inherent in the text but is one of great significance in terms of priority in keeping the Sabbath; saving life takes precedence. It is not surprising that a variety of opinions are recorded. Some of these are based on rather intricate logic; others on a common-sense reading of the grammar of the text.

Anonymity

In both chapters, most of the material is anonymous. In ch. 1, this includes those sections which are more aggadic. The attributed sets all deal with halakhah in one fashion or another. The initial topic of ch. 2, understanding the relationship between the Sabbath and the Sanctuary, is also anonymous while the questions about lighting the fire tend to accumulate some attributed opinions. The former subject is directed by the contents of the surrounding chapters of Exodus while the latter may be expounded within any context dealing with Sabbath prohibitions.

Lord of the Sabbath."
Authoritative Statements and the Sages

There are no instances of mikan amru in either chapter nor are there apparently any direct quotations of the Mishnah's treatment of the Sabbath. The 39 categories of Shab 7:2 are assumed knowledge but nothing beyond that is acknowledged. This situation is somewhat surprising in that Sabbath observance, of all things, is a subject where the framers of the text might have been expected to draw upon the authority of the Sages. The midrash, however, simply appears to present a prevailing sentiment that is realistic and practical and yet concerned with thorough application of the Sabbath principle.

Structure

Rhetorical Patterns

There is one formal aspect which continues to appear with a degree of regularity. It is the initial question asking why this biblical material needed to be stated. It prompts a response justifying the presence of the entire pericope and is then followed by exegesis of key words or phrases. Nonetheless, even though this is a characteristic rhetorical pattern, its implementation is decidedly different depending on the rest of the raw material in the immediate or contiguous biblical context. In this regard, there is a considerable amount of material in both chapters of Shabta which appears to be unique to MRI. This makes sense as the main issue is
is more descriptive, the midrashic result is less formal. Where the biblical text presents directives and prohibitions or poses the possibility of conflicting application, the analytical forms increase. Therefore, it is impossible to say that any external form determines the direction or structure of the midrash.

Thematic Development

While the single theme is the Sabbath, it is not clear that the theme develops in a particular direction between the two chapters. It is of passing interest that ch. 1 itself begins with an extended proof about saving life on the Sabbath while it ends with the significance of the Sabbath demonstrated by giving one's life for it. Both of these are indirectly related to the biblical text. Overall, most of the comments appear to be selected responses to the biblical texts as they come.

World View/Socio-Religious Context

Topic/Theme: Torah

Torah defines what the people are to do but it also defines itself. There is recognizable purpose to its saying justifying why particular directives occur in this biblical text. Because only one subject is addressed and that in a limited context, the parameters of the discussion are narrow and the midrash contains only those aspects suggested by the Exodus context. This may explain why there is not much overlap with the Mishnah.
things as it says them. Apparent contradictions can be resolved and the emphasis is on maintaining all of what Torah says by means of reasoned comparisons. Scripture is used to support statements about the nature of God and humankind. It is one of the things for which Israel has given its life and which will never pass away.

Comments on the process of revelation underlying Torah surface twice. Chapter 1 stresses the biblical statement that God spoke directly to Moses; no mediator was involved. The allusion in ch. 2 to Moses' having received the 39 categories of work at Sinai is intended to give them credence.

Recurring Values and Symbols

In some ways, value and symbol come together in the Sabbath. It is at once a commandment to be obeyed and a sign which testifies to God's identity and creative activity. Obedience and the related concepts of reward and punishment are an important focus but, at the same time, the Sabbath was given for humans and not vice versa. Thus, other recognized values and symbols must be considered in conjunction with the Sabbath. The most significant is saving life. The Temple service also supercedes the Sabbath. In fact, the style of exegesis enhances the idea of "balance" among these values. This balance is indirectly reflective of justice, a value which is explicitly mentioned at the end of the first
Continuity of Values and Symbols

Chapter 1 has more references to time and the progress of time. That is undoubtedly due to the emphasis in the biblical text, maintained in the midrash, that the Sabbath was to last forever. Most noticeable is the distinction between those symbols and institutions which persist and those which do not. The most critical signs and symbols endure because Israel gives their life for them.\(^8\)

Perceived continuity through the vast reaches of time is achieved in the Sabbath. It exists from creation to the resurrection of the dead and its holiness is the thread connecting this world and the world to come. Focusing on this world, bad circumstances such as a Gentile attack are not an excuse for continued violation of the Sabbath. Likewise, changes in Israel's lot are due to whether or not they do the will of God.

\(^8\)Whether or not these may be interpreted as clues to the contemporary religious reality is questionable. This may simply be an assessment of what is necessary in any given situation for Judaism to continue. Signs of conversion and Torah are essential. The Sabbath is included both because of its significance but also because of the information in the biblical context. Less significant are a specific place, a mode for effecting justice and observances which were dependant on the Land. In the case of justice, its potential absence in the human sphere is accommodated by God's justice. In this regard, the right to decree the death penalty is assumed by the midrash as an "exegetical reality" when the biblical text warrants a discussion of it.
Biblical categories are assumed to have continued relevance in the ongoing quest to understand Torah. This is true even though the institutions themselves may have ceased. Most significant in the presentation of continuity is the apparent lack of "conclusion" to the document; the practical aspects of Sabbath observance go on.

The Temple and Its Ritual

The main point here has already been mentioned. The Temple is presented as real for the purpose of dealing with Torah. In other words, where Temple procedures are discussed, it is with the broader intent of demonstrating the consistency of Torah. At the same time, the Temple has not lasted forever due to Israel's lack of devotion.

"Theological" Reflections

The Supernatural and Miraculous. The only passing references to supernatural activities are in connection with the

---

9Thus, allusions in ch. 1 to the end of the Temple and sabbatical observances can be followed by the discussions in ch. 2 of the Sanctuary and sabbatical years as factors that are significant in determining the application of instruction regarding activities of the Sabbath.

10Work on the Sanctuary (mishkan) and repairs, presumably including the Temple, should take place on weekdays. Exceptions for the sake of the Temple (bet haMiqdash) do not carry over outside. The seventh day which is holy outside is common in the Temple; the fire is to be maintained on the altar in the Temple. That avodah supercedes the Sabbath but is superceded by execution for murder is part of the discussion on the importance of saving life.
creative activities of God. For the obvious exegetical reasons, there is a link between the subjects of creation and the Sabbath. These are not presented as miraculous in an unusual sense. The reference to the one who keeps one Sabbath perfectly being like one who keeps all of them from creation to the resurrection of the dead uses both points simply as chronological markers signifying from beginning to end.

The Names of the Divine. As might be expected, God is mentioned more frequently in the first chapter than in the second. The names do match, to a certain extent, the immediate context. Bloodshed drives away the Shekhinah; those who keep the Sabbath bear witness to the creative acts of the One Who Spoke and the World Came into Being; the prerogative of establishing the Sabbath is given to laShem (ch. 1) and both the Sabbath and sabbatical year are in the Name (ch. 2). 11

There might be some merit in claiming that God in His interaction with humankind is called haMagom while haQadosh Barukh Hu reflects more sovereign aspects but for the fact that the sample is so small. 12

11 The Tetragrammeton is used in the verse so this is fitting.

12 Israel benefits when it does the will of haMagom but suffers when it does not (chs. 1 and 2). In the Sanctuary, the Sabbath day is common to Magom (ch. 2). Hypothetically, the Sabbath may be kept from the day haQadosh Barukh Hu created the world (ch. 1).
Biblical categories are assumed to have continued relevance in the ongoing quest to understand Torah. This is true even though the institutions themselves may have ceased. Most significant in the presentation of continuity is the apparent lack of "conclusion" to the document; the practical aspects of Sabbath observance go on.

The Temple and Its Ritual

The main point here has already been mentioned. The Temple is presented as real for the purpose of dealing with Torah. In other words, where Temple procedures are discussed, it is with the broader intent of demonstrating the consistency of Torah. At the same time, the Temple has not lasted forever due to Israel's lack of devotion.

"Theological" Reflections

The Supernatural and Miraculous. The only passing references to supernatural activities are in connection with the

---

9Thus, allusions in ch. 1 to the end of the Temple and sabbatical observances can be followed by the discussions in ch. 2 of the Sanctuary and sabbatical years as factors that are significant in determining the application of instruction regarding activities of the Sabbath.

10Work on the Sanctuary (mishkan) and repairs, presumably including the Temple, should take place on weekdays. Exceptions for the sake of the Temple (bet haMiqdash) do not carry over outside. The seventh day which is holy outside is common in the Temple; the fire is to be maintained on the altar in the Temple. That avodah supercedes the Sabbath but is superceded by execution for murder is part of the discussion on the importance of saving life.
creative activities of God. For the obvious exegetical reasons, there is a link between the subjects of creation and the Sabbath. These are not presented as miraculous in an unusual sense. The reference to the one who keeps one Sabbath perfectly being like one who keeps all of them from creation to the resurrection of the dead uses both points simply as chronological markers signifying from beginning to end.

The Names of the Divine. As might be expected, God is mentioned more frequently in the first chapter than in the second. The names do match, to a certain extent, the immediate context. Bloodshed drives away the Shekhinah; those who keep the Sabbath bear witness to the creative acts of the One Who Spoke and the World Came into Being; the prerogative of establishing the Sabbath is given to laShem (ch. 1) and both the Sabbath and sabbatical year are in the Name (ch. 2).

There might be some merit in claiming that God in His interaction with humankind is called haMagom while haQadosh Barukh Hu reflects more sovereign aspects but for the fact that the sample is so small. ¹²

 ¹¹ The Tetragrammeton is used in the verse so this is fitting.

 ¹² Israel benefits when it does the will of haMagom but suffers when it does not (chs. 1 and 2). In the Sanctuary, the Sabbath day is common to Magom (ch. 2). Hypothetically, the Sabbath may be kept from the day haQadosh Barukh Hu created the world (ch. 1).
Idolatry

Idolatry is not an issue in Shabta.

Social Structures: "Others" and "Us"

There are several veiled references to the fact that Gentiles were ruling Israel. Each arises in connection with whether Israel is obedient regarding the Sabbath or not. One of them, repeated in both chapters, is the contrast between the times that Israel acts in a manner pleasing to God and its work is done for it and the times that it does not and must serve others. There is also an allusion to Gentiles surrounding Israel's cities and making them violate the Sabbath.

Much of what seems to represent internal social structures is so shaped by biblical categories and structures that it may not reflect social reality. For example, the midrash states that the bet din fixed the start of each month, indicating that it presumably functioned in the religious sphere. It also intimates that burning was a means of the death penalty. At the same time, however, the declaration that the courts were one of the institutions which did not endure may indicate that it was not actually functioning in the strictly judicial sense.\(^5\)

\(^5\)See comments and references in ch. 11, pp. 555-64, nn. 51, 59, on the types of courts and the extent of rabbinic jurisdiction.
Other than that, there are only several hints of social structure. There was a natural hierarchy in scholarly circles. Those lesser figures whose opinions did not merit recording (or who did not speak) walked behind the rest.

The Messages in the Text

The internal message is the most evident and expected. Several statements stress the importance of keeping the Sabbath as a lasting ordinance for Israel's own good. The Sages addressed the necessity of maintaining the inviolable nature of the sign of the covenant while still dealing with the realities of life. Using the biblical text as their basis, they taught that Sabbath violations were serious and witnesses should warn people about violations. Just because there were external pressures from Gentiles, they ought not become lax in Sabbath observance. The midrash takes advantage of a brief opportunity to state that the Sabbath is a sign between God and Israel, not God and the nations.

14 Serving foreigners was the result of not doing God's will, most likely with specific reference to the Sabbath observance. That this comment appears in both chapters indicates that the Sages considered this a significant issue. Israel was responsible for the loss of major religious and social institutions because they did not give their lives for them. In the same context, there is a clear plea for giving their lives for the essential features of the religion, the marks of conversion, Torah study and keeping the Sabbath.

15 The claim of at least part of the Christian community that the first day of the week basically replaced the Sabbath may have engendered a comment excluding "the nations" from enjoying the sign. Jesus' activities and endless controversies with the Pharisees centered around the Sabbath.
Summary

Closing the tractate are two distinct treatments of one topic. Each one reflects, in style and rhetoric, the tenor of the biblical text underlying it. They also subtly reflect the literary context surrounding these passages; they are not willy-nilly lifted out of their contexts and strung together as a new independent unit whose sole intention is to be a comprehensive treatment of the Sabbath. Both, to be specific, address the matter of the Sanctuary which is the essence of most of the Exodus material left unexamined.

There are paradoxes to resolve in these two presentations. At the same time, the midrash had to deal with the severity of the stated death penalty and conflicting situations in which preserving life must take precedence. It also had to address the apparent gravity of an everlasting ordinance and the seeming insignificance of lighting a fire. Finally, it had to cope with the absence of some very prominent biblical symbols and institutions and the perpetual continuation of this one.

more than any other issue. It is interesting that the position taken by Shimon b Menasyah is a paraphrase of Jesus' words regarding the Sabbath. On the developments which contributed to the continuance of weekly observance in the Christianized empire, see R. Goldenberg, "The Jewish Sabbath in the Roman World up to the Time of Constantine the Great," in Aufstieg und Niedergang der romischen Welt, II.19.1., pp. 414-47, ed. H. Temporini and W. Haase (Berlin, 1979).
PART III  SYNTHESES

Chapter Fourteen:  Text and Context
CHAPTER FOURTEEN:
TEXT AND CONTEXT

Introduction

In Part I, I presented the possibility of demonstrating the coherence of MRI as a text with plan and direction (chs. 1 and 2). Toward that end, I proposed a process for analyzing the midrash (ch. 3) in terms of its relationship to the biblical text, its rhetorical features, its patterns of attributions, the potential for overall structure and the messages it conveys about key symbols and concepts such as Torah, the Temple and the Land as well as facets of the relationship between God and Israel. I also investigated the possible reflections of contemporary reality contained therein. In Part II, I offered the results of the analytical process for each tractate.

In Part III, I draw together observations from these analyses, summarizing information in each of the above categories. I indicate the features which appear to be consistent across tractates and remark on those which are disjunctive. I make suggestions regarding the unity of the redacted text and the possible objectives of its framers. In addition, I survey the wider socio-historical context and propose that certain aspects of that context may be reflected in the exposition of the biblical text.
Text Selection

The scope of the midrash seems to be evidence of a conscious choice on the part of its framers. They bypassed the enslavement motif which dominates the first 11 chapters of Exodus. Moreover, they chose not to include the discussion of Moses' encounter at the burning bush, his astounding refusal to go and the resultant elevation of Aaron, all of which appear at the beginning of MRS. Instead they began their exposition with the instructions for the celebration of Passover and the narrative of the resultant redemption.

Unlike SN and SD, whose authorships chose to address separated units of the biblical text for commentary, MRI is a comprehensive survey of the biblical text from Exodus 12:1 to 23:19 followed by the Sabbath addenda. I would submit that this selection was conscious, guided by some purpose(s)

---

1 See discussion in ch. 4, pp. 114-22, for further details.

2 SN as we have it contains interpretations of Numbers 5:1-7:18; 7:84-8:4; 8:24-12:16; 15:2-41; 18:1-19:22; 25:1-13; 26:52-31:24 and does not directly address major events of the wilderness period such as the spies incident, the rebellion of Korah and the Balaam story. Instead, it focuses on biblical chapters dealing with priests, Levites, sacrifice at the festivals, vows, the Sanctuary, the appointment of Joshua, coming into the Land and the cities of refuge. SD includes commentary on Deuteronomy 1:1-30; 3:23-4:1; 6:4-9; 11:10-14:4; 15:1-26:15; 31:14; 32:1-34:12. While it does address a major section of the text in the middle, neither the Ten Commandments nor the blessings and curses material receives exposition. Each of these implies choice by the circle editing the texts.
of the authorship. Their focus appears to have been on the commands and narratives indicating God's communication and presence with Israel and Israel's obligations in return. The key words are revelation, redemption and relationship. Details relating to the construction of the mishkhan did not serve their purposes. Likewise, the episode of the calf was only incidentally mentioned.

Even within the larger units of biblical text addressed by the midrash, some individual verses or phrases were not objects of study. These omissions appear to respond to several general factors. Overall, there was an apparent concern to maintain the essentially halakhic or aggadic nature of blocks of material rather than engaging in exhaustive philological study of the text. Thus, primarily halakhic chapters pass over features which would tend to

3The presumably tannaitic Baraita deMelekhet haMishkhan deals with part of this material and later amoraic texts do as well. See discussion and references in ch. 4, pp. 119-21.

4Characteristically halakhic chapters or tractates develop the exposition of individual words or phrases more extensively while aggadic materials contain a less comprehensive focus on the details of the text. In the latter case, while one word or concept may be dealt with at length, the rest is treated in passing. The simplest indication of this difference is the contrast among the tables at the beginning of each analysis chapter. Halakhic tractates tend to cover fewer verses in equivalent amount of midrash text than aggadic chapters do. See. pp. 124, 198, 260, 325, 376, 424-25, 495-96, 570-71, 610, and comments which accompany the tables. The exception to this is Shitta which responds to the poetry of the biblical text. In aggadic tractates, subsequent phrases of the biblical text often appear as part of the interpretation or explanation as larger numbers of verses comprise each narrative unit underlying the chapters of midrash.
inspire aggadic reflections. On the other hand, when aggadic midrash does respond to instructions which appear in the biblical text, the exegetical techniques change noticeably. If concepts are repeated, even across tractates, there is generally only one section of the entire midrash which develops each one extensively. In some halakhic discussions, what might be called humanitarian concerns and issues of prior cause are not foremost.

Agenda

Within the above parameters, the principle guide for the midrash is the biblical text which has been selected for exposition. Nonetheless, there are emphases in most of the tractates which transcend the biblical content. These are primarily the result of indirectly related materials whose presence enhances the message already inherent in the biblical text or, in some cases, creates an additional

---

5 See, for example, observations in ch. 5, p. 138, regarding the focus of Pisha 9 on work. Pisha 17 glosses over the Exodus events in favor of the number of days to eat unleavened bread and the use of tefilin (ch. 5, pp. 148-49). Nezikin 4 says nothing in regard to "My altar" (ch. 11, p. 507).

6 This is particularly evident in the instructions regarding Sabbath observance in Vayassa and certain of the restrictions which are re-presented in Bahodesh. See pp. 349, 464-66.

7 See ch. 5, pp. 151-52, and further comments below, p. 647, n. 26.

8 See the discussion in ch. 11, p. 538, regarding Nezikin's approach to slaves and women.
statement.9 Further, there are key biblical figures who are paradigmatic for the audience of the midrash. Finally, what is characteristically omitted is also part of the agenda.

Critical Emphases. Expanding beyond the biblical text, Pisha makes a case for continuity of revelation apart from the Land and the Temple.10 Within the parameters of the text, it draws attention to activities that commemorate redemption. In Beshallah and Shirta, the key feature is God's justice as evident in measure-for-measure punishment and in His response to the merit of individuals and symbols which benefit Israel. The midrash intimates that a larger measure of punishment or reward for a smaller measure of offense or meritorious action is part of the way God exercises His justice; it is not

---

9According to Goldin, "The Two Versions of Abot de Rabbi Nathan," Hebrew Union College Annual 19 (1945-46): 117, the opening and closing passages of a treatise are strategic. It is important to note that MRI and MRS are significantly different in both beginning and closure. See specific observations below. In addition, MRI characteristically incorporates more indirectly related pericopae while MRS systematically and evenly addresses the biblical text. As a result, emphases at key points are noticeably different.

10This is the extensive introductory chapter of MRI. By way of contrast, the introduction to MRS expands on the theme of the faithfulness of God to Israel and the fact that Moses almost jeopardized that with his refusal to go. In MRS, the unworthiness of Israel and Moses' refusal counterbalance the merit of Abraham, Isaac's agedah, Amram and the patriarchs. The merit theme is apparent in the introduction to MRI but not in the same way.
questioned. Related to all of this is the promise of redemption in the future.¹¹

Vayassa expressly deals with symbols as evident in the biblical text. One, Torah, is permanent and the others, manna, the well, the cloud of Glory and the rod, are acknowledged to be only temporarily manifested. Nonetheless, they do not perish. Israel's need of Torah is presented with particular sharpness in Vayassa and Amalek, those tractates leading up the giving of Torah. In particular, Amalek presents a paradox; Israel turns away from Torah while foreigners embrace it. Going beyond the biblical text agenda, which is Torah itself, Bahodesh focuses on chastisement and its benefits in the areas of repentance, atonement and forgiveness.¹²

The metaphysical principle of measure-for-measure justice, previously apparent in God's activities, becomes a socio-judicial and religious concern in the biblical text behind Nezikin and Kaspa. When principles for justice are written in Torah, the Sages manifested a concern that the balance in justice be evident. Shabta wrestles with the

¹¹The first chapter of MRI Beshallah sets the stage for these emphases by weaving together the themes of accompanying and merit. See ch. 6, pp. 202-04, and references in n. 3. MRS does not develop the same double motif throughout the equivalent text.

¹²Study of the MRS material which corresponds to Bahodesh 1 indicates that it carries the same focus but is not as forcefully presented. See p. 429, end of n. 1.
eternal significance of the Sabbath and its apparent severity in the wider context of the importance of saving life.\textsuperscript{13}

Paradigmatic Biblical Figures. An interesting development is the progression from merit for Israel by predecessors to merit of Israel on account of their own belief. In Pisha and Beshallah, it is Abraham who most exemplifies merit and faith in action in behalf of Israel, not for himself.\textsuperscript{14} In later tractates, his role changes; he was beloved because he kept

\textsuperscript{13}The closure which focuses solely on the Sabbath is lost in MRS as it continues the same cursory treatment of intervening text material along with the subject of the Sabbath. MRI has compositional elements in its emphases on saving life (Shabta 1) and taking it (Shabta 2) in relationship to the Sabbath. Key elements regarding the current exercise of the Sabbath govern MRI. This is not true of MRS.

\textsuperscript{14}See especially ch. 5, pp. 152-53, and ch. 6, pp. 225-26. Other figures such as Joseph and Judah appear sporadically but Abraham is consistently mentioned. It is noteworthy that the concept of Abraham's faith had been appropriated for use in various ways in the early Christian community. Paul specifically noted and made an issue of the time lapse between Genesis 15 and 17 in his plea for justification by faith alone without the necessity of circumcision (Romans 4 and Galatians 3). The authors of Hebrews and James, on the other hand, read the Abraham narratives in Genesis as an inseparable whole, focusing on faith in action, especially in Genesis 22 (Hebrews 11 and James 2). Each was addressing a specific situation and audience.

In this regard, see the conclusions of N.J. Cohen, "Analysis of an Exegetical Tradition in the Mekhilta," pp. 19-25, and Kimelman, "Rabbi Yohanan and Origen," pp. 583-84, to the effect that Abraham was a central focus of the rabbis in order to counter claims about justification through faith in Jesus. Abraham demonstrated that active obedience and faith are inseparable; together they effect merit. For a fresh analysis of Paul's appropriation of the figure of Abraham, see L. Gaston, Paul and the Torah (Vancouver, 1987), ch. 3.
the commandments (Bahodesh 6) and he was the prototype for
the gerim, who are also beloved (Nezikin 18).

Moses is not as significant as Abraham when it comes to
the issue of merit. In fact, there are basic differences in
ways the text treats Moses and Abraham. In Moses' case, what
the midrash includes is primarily a product of following the
text of Exodus and thus giving more attention to all the
biblical details.\textsuperscript{15} In the person of Abraham, on the other
hand, the midrash transcends the biblical text and uses him
to convey a clear message about merit. In dealing with the
character of Moses, the rabbis depicted his role as that of a
go-between.\textsuperscript{16} It may be that in the distinct
interpretations of both Moses and Abraham we find veiled
acknowledgement of and response to the data the Christian
community had read into each of these biblical characters.\textsuperscript{17}

\textsuperscript{15}A major digression in Amalek does describe Moses'
difficulties, in contrast to Abraham, in merely seeing the
Land but the point all along is, while he is exemplary in
many ways, he is not invincible. Note also Beshallah 4 and
5, where he is rebuked for uttering long prayers and the sea
opposes him. Bokser, "Wonder-working," pp. 63,79,82-85, indicated that biblical leaders were generally represented in
the tannaitic literature as models to emulate rather than as
charismatic figures.

\textsuperscript{16}According to Kimelman, "R. Yohanan and Origen," pp.
567-95, Christian apologists had elevated the role of Moses
and, in effect, lowered the value of Torah. The rabbis
responded with a balanced treatment of Moses. Note, in this
regard, the subtle point in Bahodesh 2 that Moses' mediator
role is not a permanent one. See further discussion and
references in ch. 4, pp. 117-18.

\textsuperscript{17}See further below on the possible impact of the
Christian community.
There is a repeated focus on David although he does not figure as prominently as Abraham and Moses. Like Moses, he gave his life for Israel (Pisha 1 and Sharta 1) and his descendants were the object of God's choice (Pisha 1). He demonstrated a proper attitude in times of chastisement (Bahodesh 10) and, like Abraham, he identified himself with gerim (Nezikin 18).

In Amalek, the character of Jethro is made larger-than-life to illustrate several values dear to the Sages. One is talmud Torah and the second is mutual respect between and service to masters and students.

Negative paradigms also teach significant lessons. Although evil recurs throughout history, God responds to it as He dramatically demonstrated at the Exodus. Those who refuse Torah do so of their own choice and to their own detriment (Bahodesh 5).

Potentially Significant Omissions. While a prominent focus is on the activities which commemorate the event of redemption, certain practices in the celebration of Passover appear to be assumed and therefore are not defined. In addition, the meaning of certain basic features of the

---

18See discussion in ch. 6, p. 228, and ch. 7, pp. 294-95. Most of these figures are foreign nations; a few are individuals. The lists of nations and their leaders whose arrogance is punished recur throughout Beshallah and Sharta. They are joined by several notable Israelites, one of whom is Absalom (Sharta 2 and 6, Nezikin 13). Balaam periodically appears in a role as counselor to the nations (Amalek 3 and Bahodesh 5).
celebration is not addressed. These include the lamb, the blood and not breaking the bones.19

The complaint of Israel is contrary to the concept of merit and is minimized in Beshallah. The matter of going across the sea on dry land would detract from the discussion of the reward for leaping first into the sea. The identity and meaning of manna, another symbol adopted by the Christian community, appear to be avoided in Vayassa.

Not much is said in Amalek about supporting leadership roles in the battle against Amalek, overt criticism of Moses in his role as judge and matters of sacrifice. Terms such as yad and God's throne which might lead into the realm of the esoteric are avoided.

In the same category, the midrash in Bahodesh bypasses a significant feature of the biblical text, the people's "interaction" with God on this occasion. The type of material which characteristically does not receive extensive comment is exemplified by the following concepts: Moses' ascent to God, God's descent, seeing God, the name of God, God's testing the people and visiting their iniquity as well as His coming and blessing. In sum, the great drama and the visual aspects of the Sinai experience are underplayed. These are subjects which could, in other contexts, develop into apocalyptic materials. That the midrash avoids them is

19It should not escape our attention that each of these had become a significant part of the Christian message. See further discussion below, pp. 698-704.
of particular interest given the association of Ishmael's name, along with that of Akiva, with esoteric narratives. While some circles represented Sages of the second century CE as associated with such materials, those who redacted this text suppressed the connection. This is indicative of circles contemporary and perhaps associated with Rabbi.

As already noted, Nezikin does not explore such things as potential prior causes, the emotional impact of cases and general humanitarian concerns. Justice is perceived primarily in the context of textual analysis. In Kaspa, certain concepts associated with the people's approach to God might, in other contexts, have prompted aggadic commentary. Here they do not.

Presentation

A sense of literary continuity is established by the recurrence of certain motifs, occasionally in direct response to the biblical text but frequently in indirectly related material. It is not merely a coincidence that Pisha 1 has Moses and David ready to give their lives for Israel and

20 Ishmael, Akiva and Nehuniah appear in Hekhalot Rabbati in the context of descents to the merkavah. On the dating of these texts and their relationship to rabbinic restrictions regarding the exposition of the merkavah and the circles behind them, see Halperin, Faces of the Chariot, ch. 9. See also G. Scholem, Major Trends in Jewish Mysticism (New York, 1946): 42-48, 67-72.

Shabta 1 closes with the exhortation to all Israel to give their lives for Torah, the Sabbath and the demonstrations of membership in the body of Israel. In between (Bahodesh 6), those who love God and keep His commandments are those who give their lives to keep the commandments of circumcision, the study of Torah and the festivals. The same expression, natan naphsho, appears in Shofta 1 and 10 although in the latter passage it is clearly muted. The emphasis appears to be on devotion rather than literally giving one's life for something. 22 Shofta 1 may employ both connotations to suggest, with the skillful use of prooftexts, that Torah, Israel and justice, the things for which Moses gave himself, were of greater importance than the Temple to the building of which David devoted himself.23

Likewise, the merit, faith and action of Abraham, especially prominent in Pisha and Beshallah, give way to exhortations in Bahodesh to faith and action on the part of Israel as the whole nation takes on the covenant. Measure-for-measure reward in regard to Abraham's activities gives way to justice practiced in Israel (Nezikin and Kaspa).24

22See discussion in ch. 7, pp. 265-66, n. 5.

23See ch. 3, pp. 103-04, n. 32, for a survey of the literature on the changing presentation of the Temple in the centuries following its destruction. While the Mishnah presented the reality of a Temple world, texts of the third century began to acknowledge its absence.

24A cursory reading of the corresponding material in MRS does not evidence this thematic continuity regarding individual to corporate responsibility.
Less significant but still noteworthy are the following emphases. Exegesis of the Song of Songs is used to enhance the concept of the relationship between God and His people in Beshallah 3 and 7, Shırtıa 1 and 3 and Bahodesh 3. Beshallah 1, Shırtıa 4 and Bahodesh 4 all address the paradox that Scripture describes God in ways which apparently limit Him while maintaining His omnipresence. There are references in Pısha 14 and Vayassa 1 to Moses' removal of an idol which crossed the sea with the people. The enigmatic allusion to Israel's burying their dead for the three days of darkness in Egypt appears in Pısha 12, Beshallah 1-3 and Vayassa 2. Long and short prayers are the subject of discussion in Beshallah 3 and Vayassa 1. The provision of manna frees people to study Torah (Beshallah 1 and Vayassa 3).

The summaries of each chapter of midrash (Part II) have demonstrated that the authorship was sensitive to the potential for structure and composition within chapters. The topics of the biblical text are not routinely exegeted simply because they come next. In addition, there is evidence of an awareness of placement and development of key subjects so as to avoid repetition of extensive midrashic

---

25 Individual studies have indicated this for key chapters. See, for example, Nıditıc, "Merıts, Martyrs, and 'Your Life as Booty'," 160-71, Schaefer, "Isrıaıl und die Volker der Welt," pp. 36-62, Zohar, "HeHayyim veıMetım beıTahalukhat hıGeulah," pp. 223-36, on Pısha 1, Bahodesh 5 and Beshallah 1 respectively. In my summaries of each tractate's main emphases, I have intimated that it is apparent on a much broader scale as well.
presentations. This, too, suggests an authorship planning a composition beyond the boundaries of each individual tractate.

These tentative observations about the sensitivity of the authorship to a comprehensive plan for the midrash are not shared by Neusner in his assessment of the text. He contrasted the rhetoric, logic and topical plan of MRI with those of Sifra and Sifre Deuteronomy. Whereas the latter two consistently employ a limited number of rhetorical patterns to make their points, he concluded that MRI is rhetorically a collection of forms which are not uniformly distributed. He recognized a preponderance of logical forms he called testing and proving a proposition, many of them founded on references to Scripture. On the basis of the lack of connections between bits of commentary, he determined that MRI is the exception to his generalization that midrashic texts are cogent statements. Whereas he viewed the other halakhic midrashim as compositions, he labelled MRI a compilation with no distinct viewpoint or polemic. He determined that its logic is dominated by patterns of fixed associations with no linkage. This indicated to him that it

26 I have noted these in the course of analyzing each tractate. Significant examples include the treatment of gerim primarily in Amalek 4 and Nezikin 18, the miraculous deliverance from Pharaoh emphasized in Beshallah and the Sabbath materials essentially confined to Vayassa and Shabta.

27 Mekhilta According to Rabbi Ishmael; see especially pp. 29, 118-33.
is both a commentary and an encyclopedia serving as a repository for conventions of the faith.\textsuperscript{28} It appears to me, however, that Neusner has not given sufficient credence to the nature of the distinctive biblical texts underlying each of these works. It ought not be surprising that MRI differs noticeably from Sifra and the Sifres. The book of Exodus, after all, contains the record of redemption and revelation in prose, poetry and instructions; all of this directs the midrash.\textsuperscript{29} On the other hand, a document dealing with Leviticus would be limited to fewer forms because the subject matter is more constrained.

\textsuperscript{28}\textit{Mekhilta According to Rabbi Ishmael}, pp. 118, 133-43, 180. His ambivalence in this regard is evident when he intimated that it is still a distinct document and has a plan. If that is so, then concluding that the variations in rhetoric prove the lack of cogency creates a contradiction. In addition, I am somewhat uneasy with Neusner's classification system. Occasionally, the separate categories obliterate similar purposes in the rhetoric. For example, when he has classified a pericope as a dispute-form, the content of that dispute and how it addresses the biblical text are lost. Separating inclusionary/exclusionary, redactional/harmonistic and dialectic forms suppresses the features of comparison and contrast which characterize them all.

\textsuperscript{29}I am further puzzled at his assertion that the portions of the biblical text covered by the midrash are dealt with in such an indistinct manner that he "cannot imagine a reason for omitting the chapters of Exodus that are not covered" (Mekhilta According to Rabbi Ishmael, p. 240). See my comments in ch. 4.
Rhetorical Features

Significance of Rhetorical Inconsistency

It is obvious that the rhetoric is not consistent across the document. Stable sequences of rhetorical patterns do not appear within tractates and there is considerable variety among tractates. The rhetoric changes to accommodate instruction, narrative and poetry within the biblical text. These observed differences are not, however, simply a matter of halakhic as opposed to aggadic rhetoric.\(^{30}\) There are nuanced variations particularly evident in Vayassa and Amalek in contrast to the other aggadic tractates.\(^{31}\) Having said that, it is also apparent that the rhetoric employed throughout MRI serves some basic, fundamental purposes. In that sense, it is also possible to see the statistics on rhetoric as evidence of an authorship intent on demonstrating the richness and unity of the biblical text while utilizing some materials initially from distinct circles. I would further suggest that a motivating factor guiding the choice

\(^{30}\) At the same time, the study of Pisha suggests that, because these differences are evident within that single tractate, their occurrence across the entire document ought not be explained solely on the basis of separate authorships behind aggadic and halakhic tractates.

\(^{31}\) See specific illustrations below. Even though I have not endorsed Neusner's method for categorizing the rhetoric, the statistics he adduced demonstrate the subtle variations among tractates (Mekhilta According to Rabbi Ishmael, pp. 118-39). The evidence from the attributions confirms these observed distinctions.
of rhetoric was the perceived need to create symmetry with or around the biblical text.

Summary: Halakhic Rhetoric

In MRI, comparison/contrast is the key to the midrash processes, whether halakhic or aggadic. Where there are biblical instructions, the corresponding halakhic exegesis employs a limited number of characteristic methods. The details of parallel passages must be shown to be necessary and in accord with each other. Parallel texts and categories are used as analytical tools to compare, contrast and define concepts and applications. One complementary text is usually a sufficient point of comparison. In the area of instructions and commandments, the biblical text is cited as a necessary supplement to human reason. These demonstrations employ a distinct set of rhetorical

32 Broadly speaking, the instructions which underlie the midrash in Pisha, Nezikin, Kaspa and Shabta are expounded in similar ways. See discussions on pp. 157-59, 541-47, 589-93, 620-21.

33 Note, for example, the ever-present lamah ne'emar lephi shehu 'omer. The same type of question occurs in aggadic material but rarely with this formulation.

34 Terms which frequently appear are gezerah shavah, hegesh, and occasionally binyan 'av. The midrash regularly pairs Scripture "here" and "there".

35 This is in contrast to the lists of multiple prooftexts in aggadic midrash.
formulas. The biblical text is a resource for expanding and limiting applications. Occasionally, the midrash says it simply teaches (maggid). Overall, halakhic rhetoric is relatively even and predictable within a narrow range of rhetorical options. Even when the reasoning processes employed are complex, they are composed of standardized patterns. Halakhic chapters characteristically employ technical "jargon" derived from the biblical text but few foreign words appear.

Summary: Aggadic Rhetoric

In response to narrative about the Divine-human relationship, aggadic midrash uses the biblical text as a source of abundant assurance for the people of God. Instead of consistently matching biblical passages or categories, it

Among them are rhetorical patterns which suggest what might appear to be a logical deduction and then rule it out. There are a variety of ways of ruling out the proposition but each intimates that one must have recourse to Scripture for the correct interpretation.

In addition to the expressions *lehavi* and *lehotzi*, the variations on *'ein li ela* serve to accomplish this purpose and the *kal vehomer* argument expands an application by means of logical comparison.

On the frequently used technical terms, see pp. 163, 547, 593-94 and 622. Those pairs which appear consistently are *reshut/hovah*, *hayyav/patur*, *gedolim/getanim*, *'akhilah/hana'ah*, *onesh/'azharah*. The use of these terms does not derive from the immediate biblical context but represents standard methods for addressing obligations.

See specific observations regarding the rhetoric of Beshallah, Shirta, Vayassa, Amalek and Bahodesh on pp. 230-36, 297-302, 349-54, 397-403, 465-74 respectively.
presents in a variety of formulations parallel concepts such as measure-for-measure and divine nature and activities contrasted with those of humans.\textsuperscript{40} In contrast to halakhic chapters, many like instances and examples may be cited to bolster explanations and exhortations. Where parallel events are described, each is used to elucidate the other and the text is demonstrably harmonious.\textsuperscript{41}

While there is rhetorical "freedom" to employ more lists, schemata, parables, sets of alternative definitions and foreign words in aggadic midrash, the frequency of these characteristics varies depending on the tractate. Note the variations in the following areas for each of the five tractates which are predominantly aggadic.

Biblical Citation. While Beshallah, Shirta and Amalek present ideas with extensive biblical support, there is much less of this in Vayassa and within Bahodesh it varies, decreasing toward the end of the tractate. The statements and exhortations which respond to the themes of redemption and rescue from enemies engender recitals of like instances, all drawn from the text of Scripture. On the other hand, the provision and concomitant instructions in Vayassa simply call for definition. Toward the end of Bahodesh are the second

\textsuperscript{40}These are especially prominent throughout Beshallah and Shirta.

\textsuperscript{41}A significant example is the integration of the Numbers 11 episode into the discussion of manna in Vayassa 4. See also the interweaving of motifs between Beshallah and Shirta.
five of the Ten Commandments and additional instructions which, again, elicit definition.

Modes for Definition. One of the patterns for presenting alternative definitions is the use of davar 'aher. While this occurs with a degree of regularity in Beshallah, Shirtsah, and Bahodesh, there are fewer instances in Vayassa and only one occasion in Amalek where it appears. At the same time, those two tractates evidence a notable increase in the simple pattern "this is/these are" in order to define biblical expressions. "Teaching" terms, including both melammed and maggid, appear in Beshallah and Amalek and infrequently in Vayassa. Maggid is the prominent term in Shirtsah.

Number of Lists. All of the tractates except Vayassa contain numerous lists, most of them complete with prooftexts. Some of these are numbered; many are not. There does not appear to be a functional distinction between numbered and unnumbered lists. The lists in the first four chapters of Vayassa are very few; the last three chapters have lists without prooftexts and appear to be more stylized.

Number and Type of Parables. The parables in MRI cluster in the aggadic material42 but they are not evenly distributed.

42Pisha and Nezikin together contain only three parables, all in material which is not typical halakhic midrash.
among aggadic tractates. In addition, it is instructive to note the variation in the type of parable. 43

<table>
<thead>
<tr>
<th>Tractate</th>
<th>Number of King Parables</th>
<th>Other Parables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beshallah</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Shirtsya</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Vayassa</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Amalek</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Bahodesh</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

When the biblical text has as its main subject the self-revelation of God, king parables are predominant in the midrash (Shirta and Bahodesh). 44 In Beshallah, while the basic interaction is horizontal with Egypt advancing against Israel, nevertheless God fights for Israel and some king parables are employed to help understand the text. Vayassa and Amalek focus on matters which are essentially internal. This is even true in Amalek because, although the outsiders come, in the persons of the Amalekites and Jethro, the activities and responses of Israelite leaders are more

43 Stern, "Rhetoric and Midrash: The Case of the Mashal," pp. 266-68, observed that there is a predominance of king parables in Amoraic texts. I would suggest that in MRI it is also an issue of the subject matter in the biblical text under discussion. That there was textual fluidity even in this area is evident in that Boyarin, "David Stern: An Exchange on the Mashal," p. 272, identified one of the parables in Beshallah as functioning around the figure of a king whereas the printed edition and manuscripts simply refer to him as a person. The statistics which follow represent Boyarin's reading.

44 In support of Stern's hypothesis, the attributions in these two tractates are significantly later with more focus on Rabbi.
important. Thus, the activities of God receive little attention and parables are not necessary. Furthermore, Vayassa deals with manna, a unique phenomenon which is not to be repeated and therefore is not treated in terms of "likenesses".

Technical Expressions. While Beshallah and Shirta have no technical expressions, there are a few in Vayassa. These may be explained by the presence of the Sabbath instructions. The only one in Amalek is an aggadic technical term, notarikon. It also appears in Bahodesh where it is accompanied by additional sets of terms which contribute to the assessment of the obligations in the text.

Foreign Words. The greatest concentration of foreign words occurs in Beshallah in the context of the military might of the enemy. There are fewer in Shirta and Amalek because the emphasis in these tractates is not on the involvement of the enemy in the battle but on the accomplishment of the victory for Israel. Relatively few appear in Bahodesh and only two in Vayassa. Again, the incidence appears to be determined by subject matter.\footnote{This is in accordance with the observation of G. Mussies, "Greek in Palestine and the Diaspora," in Compendia Rerum Iudaicarum ad Novum Testamentum, Section One: The Jewish People in the First Century, vol. 2 (Philadelphia, 1976): 1040-64, that Greek is more evident in regard to those topics which are international in some sense. Notable among them are government and legislation. In regard to MRI, I would add military concerns to the list. See, however, Schurer, The History of the Jewish People, vol. 2, pp. 52-80, and Sperber, "Greek and Latin Words in Rabbinic Literature," Bar Ilan 14-15/16-17 (1977/1979): 9-60/9-30, for an}
Summary

The rhetoric of each tractate appears to be that which is most appropriate for the biblical content in the wider context of viewing Scripture as a harmonious whole. Vayassa is consistently different. Beshallah and Shirta have much in common. Bahodesh and Amalek vary on individual criteria. It may be that the unique features of Vayassa are intended to match and emphasize the unique appearance and function of the manna and to discourage its comparison with anything else.

The Evidence from Attributions

Just as the tractates vary in terms of rhetoric, so also there are differences when it comes to attributions. The most noticeable features are that the names of Ishmael and those presumably associated with him appear more frequently in Pisha, Nezikin and Kaspa than they do in the other, primarily aggadic, tractates and that Joshua (J) and Eleazar of Modi'im (EM) predominate in Vayassa and Amalek. Below

appreciation of the comprehensive impact of the Greek language.

46 For observations regarding the attributions of each tractate, see pp. 164-71 (Pisha), 236-40 (Beshallah), 303-05 (Shirta), 355-61 (Vayassa), 405-10 (Amalek), 476-78 (Bahodesh), 548-52 (Nezikin), 594-97 (Kaspa), 622-24 (Shabta). For summaries of the major attributed pericopae, see the Appendix.

47 See observations of Epstein, Mevo'ot, pp. 570-72, and Neusner, A History of the Jews in Babylonia, vol. 1, pp. 141-44. Neusner contended that varying circumstances at the preliminary stages of redaction accounted for the differences. On the basis of attributions to Josiah,
I present the significant observations regarding individual citations, sets and long lists of names. Following this summary, I note possible implications.

**Individual Citations**

On the individual level, attributed opinions vary from matters of relatively minor definition to significant conceptual statements. There do not appear to be observable patterns which determine the presence or absence of single attributions. It is fair to say that this is not the preferred form; sets of two or more names account for the majority of the attributions.

Individual opinions attributed to Ishmael appear five times in Pisha, three in Bahodesh, eight in Nezikin and three in Kaspa. In the context of individual opinions, the names of Josiah and Jonathan occur only in Pisha, four and two times respectively. The name of Nathan crosses the observed dividing line between halakhic and aggadic tractates more than any other. The only tractates in which his name does not appear followed by a singular opinion are Shirta,

Jonathan and Nathan, he suggested that Pisha and Nezikin were originally edited in Hutzal between 135-150 C.E. Evidence regarding the other tractates he felt to be inconclusive. In his presentation, he did not distinguish between singular opinions and short or long sets of names.

48 See further discussion below regarding these names in the characteristic dispute pattern.
Vayassa and Shabta. 49 In addition, single opinions throughout the document are attributed to him 24 times to 19 for Ishmael. 50

On the Akivan side, the names of Rabbi and Akiva appear consistently albeit less frequently in almost all of the tractates. 51 Rabbi is especially prominent in Shırtata and Bahodesh, tractates which deal with God's self-revelation. Whatever authorship was responsible for the text viewed his opinions in this regard as significant. His prominence is more noticeable in Shırtata which contains relatively few attributions. It is worthwhile keeping in mind the tendency of circles associated with Rabbi to suppress esoteric speculations regarding the Sinai experience and, to a lesser degree, the revelation at the Sea. If, by any chance, Ishmael's name had once been linked with the exposition of these texts, we see no evidence of it here. 52

49 The first has very few attributions as a whole. Vayassa is dominated by Joshua and Eleazar of Modi'im and Shabta is too brief to make a case one way or the other.

50 This is in contrast to 62 total opinions attributed to Nathan in comparison to 101 attributed to Ishmael. The final redactors of the document seem to have given particular credence to the singular opinions of Nathan, perhaps because he was viewed as one who could represent and synthesize opinions from both Babylonia and Eretz-Israel as well as Ishmaelean and Akivan positions. See further below.

51 Rabbi is not mentioned at all in Vayassa and appears as Judah haNasi in Amalek. There are no individual opinions attributed to Akiva in Shırtata, Vayassa, Amalek or Shabta.

52 See p. 644, n. 20, as well as Halperin, Faces of the Chariot, pp. 22-28, and all of ch. 9.
Vayassa and Amalek frequently cite the Sages (amru) in regard to the Israelites' gathering and consuming the manna and in regard to the proselytes Jethro and Rahab. Both of these tractates also are dominated by sets of names from the Yavnean period. Perhaps opinions attributed to the Sages are viewed as roughly contemporaneous. No other single attributions appear with any degree of consistency.

Sets of Names

While the extensive information conveyed in the format of sets of names generally involves many and diverse patterns of names and subjects which defy categorization, there are some notable recurring sets and distinctions among tractates. The set which appears most frequently draws together opinions attributed to J and EM. This set is limited to the tractates of Vayassa and Amalek where it appears 34 times, specifically addressing matters associated with the narrative of the Exodus text.\(^{53}\) J's opinions are brief and to the point and purport to read the Exodus text as literally as possible in its immediate context. Some opinions attributed to EM tend to be more creative, referring occasionally to merit of the fathers and to more general matters of Divine intent.\(^{54}\) On

\(^{53}\)These sets decrease markedly in Vayassa 4-7 where the subject is manna.

\(^{54}\)This tendency is particularly evident in Vayassa 3 where EM links the preparation to give manna almost exclusively to merit of the fathers. In Vayassa 4, J maintains a literal rendition of each word describing manna.
the other hand, in regard to many issues, their approaches appear to be quite similar. 55 This is especially true on the nine occasions when opinions attributed to Eliezer join these sets. His approach is distinctive, often focusing on the Divine perspective or issues of eschatology. 56

Text interpretation in Vayassa and Amalek is presented in a fixed dispute structure which, whether individual sets involve two or three opinions, allows for a prescribed degree of latitude in literal vs. imaginative interpretation of the narrative texts. The important thing is that one always balances the other(s). It may be that this mode of presentation was a way to create an artificial hermeneutical

while EM speaks of prayers rising up and makes puns on the descriptive terms.

55Note the following examples where they share the same methodology and focus. In Vayassa 1, J says Israel came to three places because Marah is mentioned three times in the text; EM says they came to one place. In the same chapter, J concludes that the water was temporarily bitter while EM says, on the basis of "water" appearing twice, that it was permanently so. They are both keen to identify words: Statute and ordinance, nassah and the significance of lemor.

56By way of example, when J and EM indicate rewards for keeping the Sabbath, they are the three festivals and the six good middot. Eliezer's view is that Israel will be kept from three punishments. J and EM interpret "for your generations" as for the forefathers or simply for generations; Eliezer says it is for the days of Jeremiah. He also refers to the generation of the Messiah. Neusner, Eliezer ben Hyrcanus, pp. 226-33, classified the traditions of Eliezer in the tannaitic midrashim as poor but indicated that MRI represents a separate body in which Eliezer appears to have a keen interest in Amalek and a concern for redemption. Given what is indicated about Eliezer's position at Yavneh and his excommunication (see BM 59b), it is not surprising that his views would be presented as separate from the mainstream.
structural balance for those tractates in which a sense of symmetry is not intrinsic to the content of the biblical text.  

Another prominent set is that of Josiah and Jonathan, presumably students of Ishmael. The seven sets in Pisha deal with the ordinances of Passover and the relationship of work to the festival. In Nezikin, three of their disputes address subjects related to women, two deal with offenses against both father and mother and two with the mode of execution. Opinions attributed to Ishmael are added to those of Josiah and Jonathan in four separate passages which utilize the same exegesis to include women as potential actors in the matter at hand. In Kaspa, there is also one Josiah and Jonathan set which discusses seventh year produce.

Ishmael's name is linked to those of several of his students in five instances in Pisha. The issues are questions about the Passover in Egypt and the annual

57 In Beshallah and Shirta, tractates reflecting the balance and symmetry inherent in the biblical text, there are fewer attributions. Enhancing the content symmetry and the sets of attributions are two ways of representing balance in aggadic tractates. As a matter of fact, Boyarin, Intertextuality, pp. 71-79, suggested that balance in the biblical text is indeed reflected by these sets of attributions. In the biblical text, the view that Israel's experience and responses to God while in the wilderness were positive is balanced against the view that they were negative. J characteristically represents the former and E the latter. Boyarin, "Analogy vs. Anomaly in Midrashic Hermeneutic," p. 660, further concluded that these sets of attributed opinions did for narrative materials what the Ishmael and Akiva "disputes" did for halakhic portions of the midrash. In truth, these accomplish the task more thoroughly because there are more of them.
celebration. Ishmael and Akiva appear together on nine separate occasions in Pisha and Nezikin but the only notable feature is the predominance of the topic of slavery in Nezikin. None of their disputes in Nezikin address the question of capital punishment. Akiva's opinion is less constricted by a simple reading of the biblical text.

Among the 14 sets of names in Beshallah, there are no observable patterns. Sets familiar from Pisha and Nezikin, such as Ishmael and Akiva, Ishmael and his students or Josiah and Jonathan, do not appear at all. The name of Shimon b Yohai appears four times while Ishmael's is absent. An opinion attributed to Rabbi closes the four sets in which his name appears. One of these characteristically refers to Antoninus.

The situation in Bahodesh is somewhat similar to that in Beshallah; no sets are prominent. Ishmael and Akiva appear together in five sets but these are not uniform in that a different third opinion joins theirs on three occasions. Overall, Akiva again tends toward the imaginative in his explanations. Of the 16 sets in Bahodesh, an opinion attributed to Rabbi closes five of them. These, too, incline toward the more metaphysical, involving the recognition of God and His honor.

58 If any patterns exist in these sets, they might include the tendency of Yavneans to discuss slavery and the generation of Rabbi to address issues of personal injury and capital punishment. It is, however, difficult to generalize from these limited data.
In Kaspa and Shabta, with only 13 sets altogether, there is not a sufficient sampling to detect any patterns. The same is true of Shirta (three sets) with one qualifying statement. Two include Rabbi's name and one of these is the closing opinion referring to the manner of royalty.

**Long Lists**

Two related questions come to mind in the consideration of the long lists. One has simply to do with the form of the lists and the frequency of certain names which are expected to appear. The other is the type of subject which is the target of a long set of attributed opinions.

There are no formal patterns among the lists. The attributions are not arranged in specific sequences either in terms of chronology or according to whether the individual Sage might be Akivan or Ishmaelean. In the context of lists of attributed opinions, the name of Ishmael appears in almost every tractate although it is slightly more frequent in halakhic material.\(^\text{59}\)

<table>
<thead>
<tr>
<th>Tractate</th>
<th>Total Number of Lists</th>
<th>Lists with Ishmael</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pisha</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Beshallah</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Shirta</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Vayassa</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Amalek</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Bahodesh</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Nezikin</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Kaspa</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Shabta</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>
celebration. Ishmael and Akiva appear together on nine separate occasions in Pisha and Nezikin but the only notable feature is the predominance of the topic of slavery in Nezikin. None of their disputes in Nezikin address the question of capital punishment. Akiva's opinion is less constricted by a simple reading of the biblical text.

Among the 14 sets of names in Beshallah, there are no observable patterns. Sets familiar from Pisha and Nezikin, such as Ishmael and Akiva, Ishmael and his students or Josiah and Jonathan, do not appear at all. The name of Shimon b Yohai appears four times while Ishmael's is absent. An opinion attributed to Rabbi closes the four sets in which his name appears. One of these characteristically refers to Antoninus.

The situation in Bahodesh is somewhat similar to that in Beshallah; no sets are prominent. Ishmael and Akiva appear together in five sets but these are not uniform in that a different third opinion joins theirs on three occasions. Overall, Akiva again tends toward the imaginative in his explanations. Of the 16 sets in Bahodesh, an opinion attributed to Rabbi closes five of them. These, too, incline toward the more metaphysical, involving the recognition of God and His honor.

If any patterns exist in these sets, they might include the tendency of Yavneans to discuss slavery and the generation of Rabbi to address issues of personal injury and capital punishment. It is, however, difficult to generalize from these limited data.
In Kaspa and Shabta, with only 13 sets altogether, there is not a sufficient sampling to detect any patterns. The same is true of Shirta (three sets) with one qualifying statement. Two include Rabbi's name and one of these is the closing opinion referring to the manner of royalty.

**Long Lists**

Two related questions come to mind in the consideration of the long lists. One has simply to do with the form of the lists and the frequency of certain names which are expected to appear. The other is the type of subject which is the target of a long set of attributed opinions.

There are no formal patterns among the lists. The attributions are not arranged in specific sequences either in terms of chronology or according to whether the individual Sage might be Akivan or Ishmaean. In the context of lists of attributed opinions, the name of Ishmael appears in almost every tractate although it is slightly more frequent in halakhic material.\(^59\)

---

\(^{59}\) Tractate | Total Number of Lists | Lists with Ishmael
---|---|---
Pisha | 10 | 6
Beshallah | 1 | 1
Shirta | 1 | 1
Vayassa | 5 | 0
Amalek | 2 | 1
Bahodesh | 3 | 1
Nezikin | 6 | 2
Kaspa | 2 | 1
Shabta | 2 | 1
Sabbath and address why chastisement is valuable. While the first two of these are in response to textual features, all of them expand into very significant issues. In fact, it is fair to say that the long lists in aggadic tractates characteristically address matters of consequence.

In regard to halakhic portions of the text, the record is mixed. In Pisha, lists of attributed opinions appear concerning such things as intercalation, the animals for the *pesah dorot*, leaven and mazzah. These are religious observances of some import within the text. In Nezikin, however, it does not appear that serious issues attract long series of attributed opinions. The matters of the death penalty and personal injury are discussed anonymously while opinions are attributed to named rabbis in connection with the number of judges, what constitutes proper guard for an animal and the punishment for a witch. Shabta and Kaspa, on the other hand, employ long lists of attributed opinions to present questions about the priority of saving life over the Sabbath observance and the dietary restriction. As with aggadic exegeses, textual features are the motivating factor for the lists.

**Mikan Amru**

It stands to reason that statements introduced in this manner would be more evident in halakhic tractates. The expression occurs a significant number of times in Pisha.
(19), Nezikin (22) and Kaspa (7). Even though Bahodesh might be construed as equally aggadic and halakhic as it is transitional between the narrative and the mishpatim in Exodus, it also has ten statements introduced by mikan amru.}

There are, however, subtle variations in the significance of the expression. In Pisha, seven of the statements introduced by mikan amru are based directly on the biblical text while 12 involve an intermediate step of interpretation or deduction. Bahodesh, however, more frequently uses the expression to introduce a statement directly based on the biblical text (8 out of 10). The pattern changes again with Nezikin. More than half of these statements appear to be based on interpretive remarks rather than directly on the specifics of the biblical text. This tendency is even more pronounced in Kaspa where five of the seven statements are based on a conclusion previously accepted regarding the biblical text. Thus, a certain degree of credence is given to accepted logical deductive processes as they are exercised on the biblical text.

The nature of the statement introduced by mikan amru is not entirely uniform either. In Pisha, all of them are

The remaining tractates have very few. Beshallah contains two statements introduced by mikan hayah...'omer. Vayassa and Amalek each have two statements introduced by mikan amru. Those in Vayassa are distinctly proverbial. There are also several additional expressions in these tractates which incorporate mikan in some manner. Shirta and Shabta have none.
characteristic apodictic, mishnah-form teaching. In Vayassa and Amalek, the phrase is used to introduce material which is proverbial or an exhortation. The expression itself is used in abbreviated or extended patterns to present observations or exhortations in Beshallah, Vayassa and Amalek. Bahodesh generally resumes the mishnah-form although there are two exceptions. Nezikin is the most distinct with regard to the nature of the tannaitic teaching. In seven instances, the intersecting texts of MRI and the Mishnah are extended examples of cases with conditions. Finally, Kaspa reverts to basic apodictic form again. These differences are clearly the result of the subject matter. In both Pisha and Kaspa, there are strong socio-religious emphases while Nezikin is more strictly civil-judicial.

A further observation is in order. A small majority of the mikan amru opinions from halakhic tractates do have parallels in the Mishnah as we have it but some are paraphrased to fit better the context of MRI. Melamed concluded that the approximately 80 quotations from the

63Mikan and mikan 'atah lomed sheyeheh.

64Many of those which do not have direct parallels in the Mishnah may be found in the Tosefta or in the BT. Three in Pisha and four in Nezikin have no apparent parallels in extant texts but that does not mean that collections of such mishnayot did not exist then. Those in Pisha have to do with tefillin and the firstborn; in Nezikin, most of them treat slavery. The mikan amru statements which do appear in Vayassa, Amalek and Bahodesh have fewer parallels in the Mishnah. This is understandable because the subject matter of the aggadic tractates rarely intersects with the comprehensive agenda of the Mishnah.
Mishnah and Tosefta made it obvious that in Rabbi Ishmael's school our Mishnah and Tosefta were at the head of all mishnayot collections studied. Where the wording is different, however, he assumed that a different collection was used by Rabbi Ishmael's school instead of acknowledging the possibility of rephrasing and structuring a teaching to fit each context. As is evident, this approach presupposes a distinct school of Rabbi Ishmael and continuity in its impact on the text right up to its final redaction. Note, by way of contrast, Halivni's suggestion that the school of Ishmael may have been opposed to the mishnah form and had no mishnah collection at all. Rather, these were added later by Akivan editors. It strikes me that this is just as tenuous as the the previous suggestion. The tractates in which mikan amru most frequently appears are also those where Ishmaeleans are most prominent. Simply understood, this implies some degree of association. Halivni's proposal assumes that Akivans superimposed mishnah form teachings to balance the Ishmaelean midrash form. It seems more to the point to see the instances of mikan amru in the halakhic material and the frequent appearance of the

---

65 The Relationship Between Halakhic Midrash and the Mishnah and Tosefta, p. 123.

66 See, for example his discussion of Bahodesh 3, The Relationship Between Halakhic Midrash and the Mishnah and Tosefta, p. 108.

67 Midrash, Mishnah, and Gemara, p. 61.
Sages as an anonymous group (amru) in Vayassa and Amalek, where attributions are noticeably to Yavneans, as indicative of an established body of authoriative tradition accepted by both (or all) schools and drawn upon to corroborate interpretations. It is not surprising that much of it also appears in the Mishnah at points where the subject matter intersects. While the circle redacting MRI was pretty clearly associated with Rabbi,\(^68\) attaching mishnah form teachings was not part of their task.

Finally, it appears that these statements attributed to the Sages collectively do not deal with the truly weighty matters of justice such as capital punishment or measure-for-measure action in case of personal injury. Such topics are discussed anonymously. As with each category of attributed pericopae in halakhic tractates, minor judicial concerns and ritual practices are the subjects which predominate.\(^69\)

Possible Implications of these Categories of Observations\(^70\)

In terms of the generations of tannaim, particularly the material in Vayassa and Amalek is presented as having been

\(^68\)See further pp. 674-75.

\(^69\)See further discussion on pp. 671-73.

\(^70\)Neusner's tables and frequency listings in *A History of the Jews in Babylonia*, vol. 1, pp. 192-96, are helpful for comprehensive figures for each of the major Sages cited in MRI. He noted that the names which appear most frequently are those of teachers who lived before or during the time of Ishmael.
discussed in the Yavnean period by students of Yohanan b Zakkai.\textsuperscript{71} More pericopae in these two tractates are attributed. As a balance, Beshallah, Shı'ta and Bahodesh contain attributions which are significantly later but, at the same time, these tractates contain more anonymous material. If anonymity, whether in aggadic or halakhic tractates, implies that an issue has been more recently addressed, then judicial functions as outlined in Nezikin were still being dealt with.

It is of interest that the material from the earlier generations in Vayassa and Amalek is generally positive toward outsiders while Beshallah and Bahodesh present Israel as oppressed. The later Sages represented in Beshallah and Bahodesh would have had the bar Kokhba experience as part of their cultural heritage and used it for instructive purposes. The redactors of the text chose to incorporate both perspectives. If that took place within a generation or two of Rabbi, the improved relationship between the Jewish

\textsuperscript{71}It appears that the authorship wished to convey that Yavneans had already dealt with narratives in the Exodus text including Israel's symbols and representations of Torah, the complaint of Israel, merit of the fathers, rewards for keeping the Sabbath, the nature of the manna, fighting Amalek, the Land as viewed by Moses and Abraham, proselytes and obedience to Torah. By virtue of the absence of other names, Ushans were not presented as having engaged in these discussions. It may be that the J/EM sets were a method for moving through the text quickly, allowing for a limited range of interpretive freedom in the area of Torah symbolism. Elbaum, "Rabbi Eleazar HaModa'i veRabbi Yehoshua," pp. 111-12, noted that neither EM's name nor his opinions occur very frequently in later texts and attributed this to the effects of the bar Kokhba war.
patriarchate and Rome may have prompted a concern to balance the presentation.\textsuperscript{72}

In general, opinions of Ishmael and his students remain limited primarily to the halakhic tractates but appear in aggadic materials within those tractates. More specifically, opinions attributed to Josiah and Jonathan in the third generation of tannaim are the most noteworthy sets in the two larger halakhic tractates. In Pisha, they deal with issues of relative importance in the text. On the other hand, in Nezikin, they are often repeated as "stock disputes", a standard set of formulas to apply to recognizable grammatical features appearing in the biblical text.\textsuperscript{73} The contrast in the significance of subject matter in long lists in Pisha and Nezikin follows a similar pattern. It may indicate that the framers of the document intended, in a subtle fashion, to downplay the importance of the contribution to halakhic deliberation on socio-judicial issues made by Ishmael and perhaps even the circle of his students while retaining a


\textsuperscript{73}In Nezikin 6-9, the midrash is concerned to determine whether women are included in the categories being discussed.
more consistent profile for the mainstream of the Sages as they dealt with the real and difficult issues of life.\textsuperscript{74}

In contrast to Josiah and Jonathan, the opinions of Nathan transcend the boundary between halakhic and aggadic tractates and, as noted earlier, they appear individually a greater percentage of the time.\textsuperscript{75} It would appear that the authorship was familiar with traditions of Nathan regarding a wide spectrum of subjects, recognized their value and often presented them outside the constraints of the characteristic dispute form. In fact, Nathan is cited more frequently than Rabbi whose name appears a total of 35 times.\textsuperscript{76}

\textsuperscript{74}The same, however, was true of the mikan amru statements and this suggestion must be viewed in the wider framework of MRI Nezikin, recognizing that the pericopae which discuss personal injury and capital punishment are primarily anonymous. Nonetheless, the difference between Pisha and Nezikin is intriguing. It is worth noting that halakhah in regard to the major issues of both these tractates is comprehensively articulated in the Mishnah. See Neusner, \textit{A History of the Mishnaic Law of Damages}, Part V, pp. 157-78, to the effect that the Ushans meticulously formulated all the issues in Nezikin, creating a comprehensive system of civil government, ostensibly administered by Sages and focused around the Temple and sacrifices. It may be significant that the Sages of the second and third centuries did not have jurisdiction over major civil and criminal cases whereas they were actively engaged in matters of religious practice. See Goodman, \textit{State and Society in Roman Galilee}, chs. 7-9, and further discussion below.

\textsuperscript{75}Of 62 total attributions to Nathan, 24 of them are individual statements.

\textsuperscript{76}Halivni, \textit{Midrash, Mishnah, and Gemara}, p. 63, concluded that Nathan was in the company of disciples of Ishmael but left them for the Patriarch and helped in formulating the Mishnah. If this were true, it might explain his high profile across the varied tractates and the decreased tendency to cite his name in conjunction with a
A partial reconstruction of the circumstances might involve the following. There was a corpus of material from a small group associated with Ishmael.\(^77\) Parts of it included older Yavnean traditions. Perhaps it once also incorporated specifically Ishmaelean traditions regarding the revelations at the Sea and at Sinai. How it traveled to Babylonia and back\(^78\) is not as important as what happened to its form and content. Subsequent generations, seemingly dominated by Akivans and the circle of Rabbi, saw fit to use Ishmaelean materials as the ground level in the presentation of a halakhic midrash on issues of religious observance not linked to the Temple.\(^79\) At some point, when there was an impetus to formulate a text comprising expositions of the broad topics of redemption and revelation, it drew on these Ishmaelean traditions which were distinct from the general style and tenor of the mishnah approach. Akivans, however, limited set of disputants.

\(^77\)See again Halivni, *Midrash, Mishnah, and Gemara*, pp. 59-65, on the possibility of Ishmaelean opposition to the mishnah-form accounting for the absence of his teaching in Akivan halakhic documents. Because Akiva was a champion of the mishnah-form and Rabbi adopted it, Ishmaelean materials had little apparent relevance.


\(^79\)These appear primarily in Pisha, Kaspa and Shabta. Ishmaelean teachings were also known regarding damages but they were overshadowed by the extensive treatment of the subject in Akivan circles and documents (the Mishnah and Tosefta) and were presented in the midrash context as being of lesser import.
had a hand in transmitting and shaping both halakhic and aggadic materials. Perhaps the framers of the text rejected those traditions which were of a more speculative nature and replaced them with later exegeses which were from circles associated with Rabbi. Particularly noticeable is the dominance of later Akivans in Bahodesh. The generation of Rabbi was acceptably restrained in its approach to the Sinai experience and instead redirected attention to understanding the significance of national suffering as it related to Israel's possession of Torah and revelation. The names of Shimon b Yohai, Judah, Yose and Yose haGalili are consistently present, almost equal in total numbers of citations to Josiah and Jonathan and more evenly distributed. Meir's name appears less frequently. Rabbi's distinctive closure to a number of sets and lists gives him a high profile in the midrash and may indicate a general time when the materials began to be "published".

Considered in the wider context of all the halakhic midrashim, Ishmael and his students have a higher profile in the midrashim (MRI and SN) which address the biblical instructions appearing in the context of narrative and which

80Halivni indicated his intention to demonstrate that all the Akivan materials were additions to the original Ishmaean curriculum (Midrash, Mishnah, and Gemara, p. 61). That, however, seems improbable even from the limited test of the way sets and lists of names are structured.
are, on the surface, divorced from the Temple environment.\textsuperscript{81} At the same time, however, MRI presents its aggadic materials as essentially unrelated to Ishmael and his students. Vayassa and Amalek reflect the views of Yavneans while Akivans and the circle of Rabbi dominate Beshallah, Shírta and Bahodesh.

**Structure**

Thus far, discontinuity among tractates is more evident than similarity. The rhetorical patterns change and attributions vary, contributing to the apparent disjunction. I have already suggested, however, that the very substance of the text contains a sense of development and composition. Furthermore, comprehensive balance and symmetry appear to have been an objective of the authorship. This phenomenon manifests itself in the broad text selection which frames the events of redemption and revelation with halakhic exegeses. Within tractates, it both derives from aspects of the immediate biblical text and is imposed upon it by exegetical forms.\textsuperscript{82}

\textsuperscript{81}What sets MRI apart is that its editors chose to incorporate comments on the narrative as well while those of SN did not. I suggest possible reasons for this below. Furthermore, SN, unlike MRI, gives prime attention to biblical instructions about priests, sacrifices, vows and entering the Land.

\textsuperscript{82}In Shírta, for example, the symmetry is inherent in the parallelism of the biblical text; the midrash exploits it to address the conceptual balance in justice. When forms are imposed upon the biblical text to sustain the balance, they
The Messages of Mekhila deRabbi Ishmael

To this point, my focus has been primarily on features which characterize the text and which, in spite of initial appearances, do indicate that the document is intended as a coherent statement. The next questions are, what are the most striking parts of the message as it unfolds, what do they mean and to whom were they directed? These can admittedly be discovered apart from the perception of cogency and unity of the whole document. In fact, many of them are messages which transcend the boundaries of this document. I will propose in the section following this one, however, that the way they are joined together as a statement may reflect aspects of a particular environment.

Torah

The abiding concern of MRI is Torah as revelation.83 It is the object of study, is the source of definitions and is necessary for all adequate explanations.84 The vast

---

are of two types. Exegetical forms focus on comparison and contrast with related texts. The pairs of attributions in Vayassa and Amalek are a second modality for achieving the same end.

83See Neusner, *Torah: From Scroll to Symbol*. Just as Torah was given to Moses and the prophets also received revelation, so at the present, God's communication continues by virtue of study; thus the concept of Torah expands to include the ongoing deliberations of the Sages.

84The purposes of Torah are to teach, define, warn and make certain things obligatory. Thus it is a way of life and an instrument for holiness. Torah has authority in matters of justice and is shown to be necessary because it contains
networks of rhetorical procedures and the intricate systems of intertextual associations demonstrate the active process of *talmud Torah* in which unity, precision, form and order in the text tradition receive attention. This is not to intimate that *talmud Torah* is a value unique to MRI.\(^\text{85}\) At the same time, these intricate networks of exegesis are not as complex nor do they demonstrate the same compositional features when the same subjects are dealt with in MRS.\(^\text{86}\)

Beyond its status as a text for instruction, Torah also has significance as an abiding symbol. Torah was given unconditionally and will never pass away.\(^\text{87}\) It was initially available to all but the nations of the world refused it knowing they could not keep it. Although there are converts to the study of Torah, Israel is special in receiving Torah and they should be willing to give their standards for dealing with civil as well as religious issues.

\(^\text{85}\)See Boyarin, *Intertextuality*, p. 70. Because of what the canon is and the central nature of *talmud Torah* in rabbinic culture, the search for intertextuality is the prime motivating force in midrash.

\(^\text{86}\)See observations on pp. 638-40, nn. 10-13. In like fashion, Goldin, "Two Versions of Abot de-Rabbi Nathan," pp. 97-120, observed that the value of *talmud Torah* is more pronounced in ARNA while good works are underscored in ARNB.

\(^\text{87}\)Just as the introductory chapter of Pisha demonstrates that communication from God continues in spite of the progressive selection of symbols which apparently limited the manifestation of His presence, so also the "introduction" to Bahodesh, the long addition at the end of Amalek, demonstrates that God's covenant concerning the Land, Temple and the kingdom was conditional but Torah was given unconditionally.
lives for it. Neglect of Torah study means that the enemy will come. The benefits of Torah are symbolized by water and by the tree which brought healing.

The midrash does not make the biblical text relevant; it assumes that it is. A fundamental message of this text is that the most important questions to be solved are those in Torah and that they can be resolved in that very context. All of life, then, is bound up in the Book that God reveals and it is the Sages who correctly interpret Torah and bridge any perceived gap between the biblical text and the present reality.

Continuity of Values and Symbols

Within the broader context of Torah as the Symbol, the midrash also has a message of reassurance that the fundamental values and symbols taught in Torah still exist for the people to whom Torah was given. Values and symbols are intertwined. To the extent that certain values hold true, the symbols are assured. Two things are evident. First, the same values and symbols are presented in a fundamentally consistent fashion throughout the document. Second, a major part of that consistent presentation is a demonstration of the continuity, despite appearances, of these values and symbols.

In specific terms, the values which permeate the entire document are justice and the special relationship between God
lives for it. Neglect of Torah study means that the enemy will come. The benefits of Torah are symbolized by water and by the tree which brought healing.

The midrash does not make the biblical text relevant; it assumes that it is. A fundamental message of this text is that the most important questions to be solved are those in Torah and that they can be resolved in that very context. All of life, then, is bound up in the Book that God reveals and it is the Sages who correctly interpret Torah and bridge any perceived gap between the biblical text and the present reality.

Continuity of Values and Symbols

Within the broader context of Torah as the Symbol, the midrash also has a message of reassurance that the fundamental values and symbols taught in Torah still exist for the people to whom Torah was given. Values and symbols are intertwined. To the extent that certain values hold true, the symbols are assured. Two things are evident. First, the same values and symbols are presented in a fundamentally consistent fashion throughout the document. Second, a major part of that consistent presentation is a demonstration of the continuity, despite appearances, of these values and symbols.

In specific terms, the values which permeate the entire document are justice and the special relationship between God
and Israel. Because of the latter, the former is more than balanced; it is consistently tilted in favor of Israel as God promises and exercises severe punishment of the wicked and abundant reward for the righteous. Part of the picture of justice is the human reflection of Divine justice; it must be perceived as balanced just as Divine justice is.\footnote{Heinemann, \textit{Darkhei ha’Aaggadah}, pp. 56-59, discussed the midrashic focus on the contrast between the ways of God and those of humans. These corresponding patterns and others contributed to the sense of balance or equivalence. Measure-for-measure is an important ethical analogy and demonstrated the divine counterpart to what could be perceived on the human judicial level of an eye for an eye. Heinemann did not, however, address the aforementioned "over-balance". See, in that regard, Vermes, \textit{Post-biblical Jewish Studies}, pp. 125-26, and Sanders, \textit{Paul and Palestinian Judaism}, pp. 122-25.}

A critical factor is obedience. When Israel is obedient, performing mizvot and exercising faith, they merit God's activity especially in their behalf.\footnote{More specific values are incorporated in response to features of the biblical text but all of these fall under the aegis of obedience to Torah. Among them are keeping the Sabbath, circumcision and conversion.} They also enjoy the presence and benefit of the symbols, ranging all the way from the Temple and the Land to manna and the Sabbath.

Each tractate demonstrates in a variety of ways the continuity of the key symbols and deals with the apparent absence of some of them. The permanence of Israel, Torah and the Sabbath are consistently maintained. The Temple and the Land are discussed when the context demands it and that very
context allows the midrash to demonstrate that all of the symbols are eternally existent even though some may not be visibly present.\textsuperscript{90} Their temporary absence is due to lack of devotion and obedience on the part of Israel. Their restoration is promised for the future just as they have been ordained from eternity.

Continuity is emphasized in a limited number of additional ways. For example, the dietary restriction (Kaspa 5) transcends the temporal and spatial boundaries of the Temple and the Land. In halakhic tractates, the categories of the biblical text are presumed to be applicable. In aggadic material, schematic presentations are the key. Especially effective are the lists which begin with a series of biblical events and draw them forward to the present and/or the eschatological future. Frequently, the imperfect tense is the basis for this continuum from past to future. A slight twist on this is the occasional mixing of time frames

\textsuperscript{90}In fact, Israel's present involvement with these key symbols is downplayed significantly. They are not necessary for revelation and there is only minor emphasis on the festivals as observed in the Temple. Because most of MRI addresses narratives and instructions which are not localized in the Land or the place of worship, these subjects tend not to surface in the midrash. When, however, there are allusions in the biblical text to "place" or the Sanctuary, some ambivalence is evident. The only open acknowledgement of the extended portion of Exodus which gives instructions for the construction of the Sanctuary is the exegetical use of it as a point of contrast with the Sabbath.

Moses' view of the Land (Amalek 2) is one notable exception to the generalization that the midrash avoids references to the Land when they are not in the biblical text. In this case, it extensively develops the linkage between biblical places and events in the Land.
so that neither the biblical text nor the contemporary practices are constrained by a temporal framework.

In addition, a subtle message is conveyed by the sequence of those whose activities are meritorious. Abraham merited redemption for Israel. If Israel would be obedient, the pattern would continue.

Theological Reflections

The activity and identity of God are the foundation of the values and symbols. Nonetheless, throughout the midrash, the miraculous events of the biblical text are presented in a prosaic manner.\(^1\) Some are even stylized and the brevity is notable.\(^2\) The exceptions to this are the puzzles of the biblical text. These are embellished with extraordinary details.\(^3\) The other exception is Vayassa in which there appear to be more fantastic stories, perhaps to lend credence

\(^1\)See ch. 3, p. 105, n. 36, for further discussion of rabbinic presentation of the miraculous.

\(^2\)See observations regarding the ten miracles at the Sea in ch. 6, p. 249, the opportunities to recount God's miraculous intervention in ch. 9, p. 417, and the abbreviated treatment of the scene at Mt. Sinai in ch. 10, pp. 485-86.

\(^3\)Examples of such embellishment are the discovery of Joseph's coffin (Beshallah 1), the movement of Mt. Moriah at the event of the agedah (Beshallah 4), the heavenly writing returning to its place (Amalek 1), Israel moving 24 miles at each word of God (Bahodesh 1) and the mountains talking to each other (Bahodesh 5).
to the clearly supernatural quality of the manna. Vayassa 1 and 7 also state the apologetic value of miracles; they demonstrate that God is different from human beings and exalted.

At the same time that the descriptions of the activities of God are relatively restrained, the names with which the rabbis chose to speak of Him appear in such a fashion as to maintain the balance between His sovereignty and transcendance and His hovering care and immanence. Furthermore, the rabbis demonstrated a sensitivity to the context, often employing a name which enhanced the topic under discussion.

---

94 In this regard, it is worth noting that John 6, in which Jesus identifies himself as "bread from heaven", also contains the narrative of the miraculous feeding of the 5000. The narrative makes an issue of numbers of persons and amounts of bread, clearly emphasizing the extraordinary nature of the event. Its importance as a miracle narrative is evident from its appearance in all four Gospels. See further discussion below.

95 The problem of manuscript variations in the use of haQadosh Barukh Hu and haMagom notwithstanding, it is fair to say that this balance is maintained in the presentation of additional divine names and activities. See further discussion on the names in Urbach, The Sages, pp. 66-79.

96 Ru'ah haOodesh appears on occasions when God spoke, others were given words to speak or additional specific forms of revelation occurred. The Shekhinah was explicitly the assurance of God's care and protection no matter what the circumstances. In the context of the court and judicial proceedings, Heaven is the appellation. The One Who Spoke and the World Came into Being is especially evident in contexts describing creation.
Comments on Idolatry

Messages about idolatry are similar to those regarding the Temple in that they appear almost exclusively when the biblical text warrants them. In the few notable exceptions to this, the midrash emphasizes the problem as one which characterizes Gentiles and had affected Israel in the past. Above all, it is a foil for the true relationship with God.

On the whole, idolatry is not presented as a dangerous potential threat for Israel. Although it is both a serious transgression of the Law and foolish, the practice itself is presented as more of a nuisance to one who was intent on living according to Torah. The four brief allusions to

---

97 See, for example, the heavy emphasis on the subject in Bahodesh 6 in response to the commandment against the worship of idols. In Shirta 8, in response to "who is like You among the 'elim?", little is said about idols because they are, in response to the question, not any competition whatsoever.

98 See ch. 5, pp. 137-88, on the unusual emphasis in Pisha 5 and the discussion in ch. 8, p. 371, regarding Israel's idolatry in Egypt and the brief allusion to the calf incident in Vayassa. Other examples of these types of references include the description of Jethro's idolatrous background and Moses' brief slide into idolatry as the result of Jethro's pressure (Amalek 3).

99 The midrash does not rail at idolators themselves. It points out the stupidity of idol worship. Israel's God was so far above idols that they could not be threatening to Him. Idolatry was simply an inferior status to that of belief in God. Conversion meant leaving idolatry. See further discussion below on the potential of pagan influences.
the golden calf never directly address the nature of the idolatry involved. 100

The Perception and Presentation of Others

It is necessary to read through the veil of the biblical economy in the process of discerning a faint picture of contemporary others. This is true in both halakhic and aggadic tractates. What is interesting is that the basic messages about others which emerge from each of these types of material are distinctly different because the underlying biblical texts present entirely different pictures.

It is in Beshallah that a contemporary enemy is the most explicitly depicted in the midrash. The attention is simply redirected from Egypt to Edom (Rome). Pharaoh's army is the paradigm for all wicked empires which would oppress Israel but would be destroyed while Israel would last. 101 Likewise in Shirta, Israel's enemies are unquestionably God's enemies

100 Beshallah 7 contains four cases where Akiva rebuked Papias for incorrect interpretation. The last of these is the passage, "they exchanged their Glory" (Psalm 106:20). In Vayassa 1 the midrash follows Nehemiah 9:17,18 and merges the declaration to go back with making the golden calf, suggesting that the Israelites brought this with them across the Sea. In light of the phrase "kingdom of priests," Bahodesh 2 questions the apparent distinction in status between all Israel and the priests, indicating that prior to making the calf, it had been appropriate for all to eat of the holy things. In Nezikin 13, the allusion is part of the seven thieves baraita and is very subtle. Most of these appear to have a textual rather than a polemical focus. See further comments below.

101 See further comments in ch. 6, p. 253.
and Esau/Edom is viewed in an uncomplimentary light. In Amalek, the hostile foreigners prefigure "this wicked kingdom". It is instructive that the message about subjugation to others in Bahodesh 1 appears in the context of an exhortation to obedience, the most significant lesson in conjunction with giving Torah. In this tractate, we do find mention of the harshness of wicked Rome and the predicted fall of the fourth empire.

In the halakhic tractates, however, the Sages represent an environment in which Jews and Gentiles had a considerable amount of interaction. There appear to be working social relationships. At the same time, the rabbis present the Gentiles as second-class citizens, not enjoying all the benefits of the judicial procedures or economic guidelines.

There are references to various types of

102 See ch. 7, p. 317.
103 This is only part of the picture in Amalek as that tractate also depicts sympathetic outsiders who are welcomed. See ch. 9, pp. 419-20.
104 For additional details on references to outsiders in Bahodesh, see, ch. 10, pp. 489-90.
105 Many of these "social clues" must be read as simply the reflection of the biblical text and not necessarily the contemporary environment. On the functioning judicial systems of the time, see ch. 11, pp. 640-43, and the references cited there. Porton has demonstrated how the Mishnah and Tosefta present Gentiles within a circumscribed set of activities and patterns. Overall, they were not of interest as Gentiles. Rather, they served as a foil to define Israel, especially in regard to the symbols of the Land, the Temple and the Festivals. The definition followed the biblical patterns regarding the topic at hand. The sources of the Sages' information were the biblical text,
slave ownership which go beyond the specifics of the biblical text.\textsuperscript{106}

The fundamental dependence upon the biblical text is also evident regarding the beliefs of "others". The potential problem posed by minut in the specific garb of the belief in two powers in heaven is referred to only when passages warrant it and is overshadowed by admonitions.

their imagination and the environment. It was especially necessary for them to use their imagination because the reality was that they lived in an environment dominated by Gentiles (\textit{Govim}, pp. 1-8, 35-39, 222-230, 285). Essentially the same literary presentation seems to characterize MRI. See also Y. Cohen, "The Attitude to the Gentile in the Halakhah and in Reality in the Tannaitic Period," \textit{Immanuel} 9 (1979): 32-41, Sanders, \textit{Paul and Palestinian Judaism}, pp. 211-12, and D. Novak, \textit{The Image of the Non-Jew in Judaism} (Toronto, 1983). On the other hand, that there were commercial contacts is certain. See Porton, "Forbidden Transactions: Commerce with Gentiles in Earliest Rabbinism," in "To See Ourselves as Others See Us", pp. 317-35, Goodman, \textit{State and Society in Roman Galilee}, p. 45, and further comments below on the possibilities of interaction.

\textsuperscript{106}While this is true, the discussion of slavery arises only when the biblical text warrants it in the contexts of injuries, ownership and sale of Hebrew and Canaanite slaves, buying back Hebrew slaves, the possibility of their going free and the obligation of circumcising Gentile slaves. See Urbach, "The Laws Regarding Slavery," pp. 1-94, S.W. Baron, \textit{A Social and Religious History of the Jews}, vol. 2, 2nd ed. (New York, 1952), pp. 257-59, and Neusner, \textit{A History of the Jews in Babylonia}, vol. 3 (Leiden, 1968), pp. 24-28, for varying interpretations of the rabbinic sources on slavery.
against idolatry. As noted above, idols are presented in terms of the biblical text.

A partial exception to this veil are certain rather strong views concerning gerim. The case is made in Pisha 10 and 15 and in Nezikin 18 for their equality with the born Jew. While these are based upon given biblical texts, the application is stressed. In addition, conversion is presented not only as a possibility but as a paradigmatic occurrence with a distinctly positive outcome. In fact, the zeal of converts for Torah puts Israel to shame (Amalek 3 and 4). At the same time, a vague uneasiness about some

107 These references appear in Shírta and Bahodesh, both of which address passages about God's self-revelation. In regard to the development of the two-powers-in-heaven motif, Segal demonstrated that there were two distinct strands of thought represented in rabbinic literature. Those passages which described two good powers were generally in earlier sources and were a response to early Christianity; those which presented a dualistic picture arose as a result of influence from later gnostic circles (Two Powers in Heaven, Preface). The brief references in MRI fall into the former category. On the characteristics of minim as they appear throughout rabbinic literature, see Vermes, Post-biblical Jewish Studies, pp. 171-77.

108 The two paradigmatic proselytes are Abraham and Jethro. Rahab and David are brought in as supplementary examples.

109 The issue of proselytism is a complex one. Note the evidence marshalled by B. Bachrach, "The Jewish Community of the Late Roman Empire as Seen in the Codex Theodosianus," in "To See Ourselves As Others See Us", pp. 399-421, to the effect that the Jewish community, especially in the fourth and fifth centuries, was a powerful minority actively engaged in missionary activity. See Smallwood's assessment that the earlier Hadrianic as well as Severan efforts to limit proselytism were ineffective, The Jews Under Roman Rule, pp. 467-73, 500-02. See also Gager, "The Dialogue of Paganism with Judaism: Bar Cochba to Julian," Hebrew Union College
Gentiles is apparent. Certain ones, even if interested in the God of Torah, were refused.¹¹⁰

These bits of evidence notwithstanding, it is apparent that MRI represents a world in which interpretation of the biblical text in the whole context of Scripture was perceived as more significant than interpretation in the context of a specific culture. Clearly, in their perception, if the former was accomplished successfully, by virtue of that achievement it must be applicable to every culture. What seems to be most evident here is that social reality is

---

¹¹⁰ Beshallah 2 reports the opinion that those in Egypt who feared the God of Israel during the time of the plagues brought bad consequences upon the Israelites. This is followed by a statement of R. Shimon b Yohai to the effect that the nicest among the Gentiles should be killed. Noting that the nations of the world will wish to join Israel, Amalek 2 denies this privilege to descendants of Amalekites. On the similar sentiment in Shırita 3, see Goldin, "Toward a Profile of the Tanna, Aqiba ben Joseph," Journal of the American Oriental Society 96 (1976): 38-56.

veiled in Torah language and practice and re-presented according to the design of Torah.\textsuperscript{111}

To Whom Were These Messages Directed?

It is evident that the intended \textit{audience} is Israel whose past redemption is a paradigm for their future redemption, whose privilege of having Torah extends from Sinai to the present and whose responsibility is to study and observe it. Vibrating on every page is the message that the whole written Torah is vital and it is without contradictions.\textsuperscript{112}

The manner of dealing with the text appeals to those who know the rhetoric of Torah and the system for studying it. Much of it, both halakhic and aggadic, is complex.\textsuperscript{113}

\begin{itemize}
\item[\textsuperscript{111}]Kugel, "Two Introductions," p. 143, expressed this in terms of the midrash "overwhelming" the present with the biblical economy.
\item[\textsuperscript{112}]That does not mean that there is only one interpretation of given passages. See Stern's, "Midrash and Indeterminacy," pp. 154-56, in which he suggested that the gathering of multiple interpretations of Torah was part of a subtle polemic for the stability of the community. See also Neusner, \textit{Mekhilta According to Rabbi Ishmael}, pp. 30, 47-48, 90-99, on the Dual Torah and the intent of certain of the halakhic midrashim to unite the Dual Torah and give credence to Scripture alone. For other perspectives on the significance of the Oral Torah, see Chernick, "Some Talmudic Responses to Christianity, Third and Fourth Centuries," \textit{Journal of Ecumenical Studies} 17 (1980): 395-97, and Kimelman, "Rabbi Yohanan and Origen," pp. 578-79, both of whom suggested its importance in the wider arena of Jewish-Christian discussions.
\item[\textsuperscript{113}]See Levine, \textit{The Rabbinic Class}, pp. 130-32, on the elite status of this intellectual minority. For further discussion regarding the audience for rabbinic midrash, see ch. 1, pp. 16-17, and references presented there.
\end{itemize}
I have argued in ch. 2 for a possible date of composition in the middle to the second half of the third century. The uniformly early attributions suggest a date within a generation or two after Rabbi.\textsuperscript{114} The rhetorical patterns are distinct from those of homiletical midrashim which, incidentally, contain names of later Sages.\textsuperscript{115} In addition, the language forms as evident in the Geniza fragments are clearly mishnaic Hebrew.\textsuperscript{116} In light of these observations, it is necessary to survey the third century environment to determine its impact at various levels upon the rabbinic community.

\textbf{Context}

The midrash acknowledges Roman oppressors, Gentiles with whom contacts occur, vestiges of pagan idolatry and a degree of heresy in its environment. The exhortations throughout seem to indicate a population tending toward disinterest in traditions. There may be other aspects of the environment which have also left their imprint on the design and content

\textsuperscript{114}Rabbi's name closing significant lists is also suggestive of this time frame as is the prominence of Nathan.

\textsuperscript{115}For example, Bereshit Rabbah and Leviticus Rabbah characteristically contain attributions to early Amoraim.

\textsuperscript{116}Kutscher, "Geniza Fragments of Mekhilta deRabbi Ishmael," pp. 103-16, demonstrated that linguistic features in the \textit{av-texts} of MRI correspond to those in the best manuscripts of the Mishnah. His conclusion was corroborated by the more extensive assessment by Kahana, "The Editions of Mekhilta deRabbi Ishmael," Appendix A, pp. 515-20. See details in ch. 2, pp. 72-74.
of the midrash. I examine factors in the environment from the broad political picture of the Roman empire to the evidence regarding the communities in Galilee to determine the possible impact of each.

The Roman Empire

In MRI, Egypt, Amalek, Edom and the fourth kingdom are used interchangeably as paradigms of current evil and the essence of those pictures is military, physical oppression. While the recognized oppressor was Rome and her wickedness was acknowledged, no specific political circumstances are mentioned beyond the painful effects of the bar Kokhba war and even these merit little extended reference, suggesting that they had become part of the collective memory.\footnote{Heineman, \textit{Aggadot veToldotehen}, pp. 82, 137-41, Zohar, \textit{"HeHayyim vehaMetim,"} pp. 223-36, Cohen, \textit{"The Leap of Nachshon ben Amminadab,"} pp. 30-39, and Gereboff, \textit{Rabbi Tarfon}, pp. 221-29, among others, have assigned to a number of the pericopae in Beshallah the bar Kokhba milieu. I would suggest, however, that incorporating these allusions into the text is for the purpose of elucidating the details of the biblical context. In doing so, it draws upon part of the cultural heritage but does not present contemporary painful incidents.}

Furthermore, not the slightest hint is given that there was a problem with the Sasanians to the east even though, in the third century, they made life miserable on the eastern frontier of the Roman empire.\footnote{See Neusner, \textit{A History of the Jews in Babylonia}, vol. 2, pp. 4-8, and Safrai, \textit{"The Era of the Mishnah and the Talmud,"} pp. 347-48.} Other features which are

\footnote{117\textsuperscript{th}}
thought to have characterized the Roman empire in the third
century are not evident in MRI. The standard scenario
includes overwhelming taxes, severe economic problems, hasty
turnover in emperors, problems with the Sasanians and the
growing Church.\(^{119}\) At the same time, there is little
tangible evidence in MRI for the presumably improved
relations with Rome during the period of the Severans other
than the references to Rabbi and Antoninus.\(^{120}\) In sum, the
significant political events and personages of the century
hardly surface in the midrash. This is not out of keeping
with the conclusions of recent scholarship that the study of

\(^{119}\)See M. Avi-Yonah, *The Jews Under Roman and Byzantine
Rule: A Political History of Palestine from the bar Kokhba
War to the Arab Conquest* (Oxford, 1976), ch. 4; Smallwood,
The Jews Under Roman Rule, pp. 526-33; and R. MacMullen,
Rome Government's Response to Crisis, A.D. 235-337 (New
Haven, 1976), pp. 1-5, 92, 102-03. Some of these problems
had empire-wide impact; the others appear to have been
somewhat more localized in Eretz Israel. Sperber, Roman
Palestine: 200-400 The Land: Crisis and Change in Agrarian
Society as Reflected in Rabbinic Sources (Ramat-Gan, 1978),
chs. 3-4, 8-10, pointed out the additional factors of drought
and a change in the methods of using the land. He cited
climatic evidence indicative of a hotter and drier period
from approximately 220-350 (p. 99, n. 71). See, however,
Lieberman, "Palestine in the Third and Fourth Centuries,"
Jewish Quarterly Review 37 (1946): 31-54, reprint in *Texts
and Studies*, pp. 112-177 (New York, 1974), to the effect that
the situation for the Jewish community was not bad. Goodman,
State and Society in Roman Galilee, p. 154, noted that, other
than taxes, Roman rule over Galilee after the middle of the
second century was light. See also Bachrach, "The Jewish
Community of the Later Roman Empire as Seen in the Codex
Theodosianus," pp. 399-421.

\(^{120}\)For further discussion of the Antoninus and Rabbi
tradition, see Avi-Yonah, *The Jews under Roman and Byzantine
485-86, 497, and Gager, "The Dialogue of Paganism with
Judaism," pp. 89-118.
political history may yield significantly different conclusions from an investigation of social history. The major events of the history books do not always impact the everyday life of the community.

Diverse Communities

Furthermore, the significant and subtle differences within regions and communities which contribute to the fabric of religious texts do not surface in writings of history from late antiquity. There were unquestionably interaction and dialogues among Jews, Christians and pagans but the extent to which they occurred depended on the exposure of any one community to the others. That varied with geography. How the interaction affected each individual community cannot be determined solely from apologetic or polemical texts which appear to have been directed primarily at outsiders. Instead, we must also factor in nuances from works seemingly designed for internal use.


These categories are not mutually exclusive. In many cases, texts engaged in self-definition by means of exclusion or castigation of outsiders and at the expense of giving an accurate representation of reality. In addition, the picture emerging from a given work depends on whether it was intended to convert outsiders or to warn the community against them.
Recent scholarship has also demonstrated the complexity of the communities in Eretz Israel in the second through fourth centuries. Galilee appears to have been distinct from the predominantly Gentile areas surrounding it and there are differences of opinion regarding how much interaction there was with Gentiles and what kind of Gentiles they might have been. Even within Galilee, there were demographic distinctions between Lower and Upper Galilee and the Golan. The circumstances of the large cities such as


Goodman, State and Society in Roman Galilee, pp. 31-32, 41-48, 88-89, concluded that most inhabitants of Galilee were Jews because there is little evidence of public pagan temples and ceremonies. He did not discount, however, the influence of private, popular practices. Interaction with Gentiles was primarily with those on the periphery of Galilee. He noted the differences between Lower and Upper Galilee. This picture has been refined in recent regional archaeological studies which have demonstrated both interaction between the Palestinian Jewish and Christian communities in Galilee as well as the existence of singularly Jewish communities in Upper Galilee and the Golan. See E. Meyers and J. Strange, Archaeology, The Rabbis and Early Christianity (Nashville, 1981), Preface, and Groh, "Jews and Christians in Late Roman Palestine," pp. 80-96. Meyers, "Judaism and Christianity in the Light of Archaeology," Biblical Archaeologist 51 (1988): 69-79, cited evidence to demonstrate that, contrary to the widely held view that Christians were not living in Galilee in the first three centuries, churches and synagogues probably co-existed in some locations. For the view that rural Christian and Jewish
Recent scholarship has also demonstrated the complexity of the communities in Eretz Israel in the second through fourth centuries. Galilee appears to have been distinct from the predominantly Gentile areas surrounding it and there are differences of opinion regarding how much interaction there was with Gentiles and what kind of Gentiles they might have been. Even within Galilee, there were demographic distinctions between Lower and Upper Galilee and the Golan. The circumstances of the large cities such as


123Goodman, State and Society in Roman Galilee, pp. 31-32, 41-48, 88-89, concluded that most inhabitants of Galilee were Jews because there is little evidence of public pagan temples and ceremonies. He did not discount, however, the influence of private, popular practices. Interaction with Gentiles was primarily with those on the periphery of Galilee. He noted the differences between Lower and Upper Galilee. This picture has been refined in recent regional archaeological studies which have demonstrated both interaction between the Palestinian Jewish and Christian communities in Galilee as well as the existence of singularly Jewish communities in Upper Galilee and the Golan. See E. Meyers and J. Strange, Archaeology, The Rabbis and Early Christianity (Nashville, 1981), Preface, and Groh, "Jews and Christians in Late Roman Palestine," pp. 80-96. Meyers, "Judaism and Christianity in the Light of Archaeology," Biblical Archaeologist 51 (1988): 69-79, cited evidence to demonstrate that, contrary to the widely held view that Christians were not living in Galilee in the first three centuries, churches and synagogues probably co-existed in some locations. For the view that rural Christian and Jewish
Caesarea were not those of the smaller communities.\textsuperscript{124} Furthermore, many features changed as the result of emigration from Judea to Galilee in the second century and widespread urbanization in the third.\textsuperscript{125}

In short, a wide variety of social and religious influences would have had some degree of impact on the text, communities remained distinctly separate, see Z. Maoz, "Comments on Jewish and Christian Communities in Byzantine Palestine," Palestine Exploration Quarterly 117 (1985): 59-68.

\textsuperscript{124} Levine, \textit{Caesarea Under Roman Rule}, ch. 4, described how paganism continued to flourish into the third and fourth centuries in Caesarea and, even while many pagans were converting to Christianity and Judaism, the latter were also being hellenized, were attracted to the Greek rhetorical schools and generally got involved in the society. See also his discussion of the effects of urbanization during the third century. It was in the larger communities that the Sages were the most active. Geography played an important role regarding the variations in the interpretation of the commandment against idolatry. There were regional differences among synagogues in terms of the representations allowed (\textit{The Rabbinic Class}, pp. 9-15, 52-58). De Lange, \textit{Origen and the Jews}, ch. 1, noted that third century Palestine was thoroughly syncretistic. In this regard, Bokser cited reports of evidence that pagan cults flourished in Palestine at the time of the Mishnah and Tosefta ("Recent Developments," p. 30). While this was true of the cosmopolitan centers in Lower Galilee, the archaeological surveys reported by Meyers, "Early Judaism and Christianity in the Light of Archaeology," pp. 74-76, and Groh, "Jews and Christians in Late Roman Palestine," pp. 87-91, indicate that Upper Galilee and the Golan were populated primarily by more conservative Jewish communities who preferred Hebrew and Aramaic and stayed away from representational art. On the local style of Galilean synagogues as they incorporated and modified Roman motifs, see G. Foerster, "Synagogue Art and Architecture," in \textit{The Synagogue in Late Antiquity}, ed. Levine (Philadelphia, 1987), pp. 139-46.

even when it was originally designed for the internal community. If the text reflects and even responds to some of these influences, that does not necessarily make it a polemical text. At the same time, it is unrealistic to think that response to the socio-religious milieu would be evenly balanced. In fact, because it is the nature of midrash to address the biblical canon, I would suggest that those communities for whom that text was important are more clearly reflected in the midrash.

Paganism. In regard to pagan idolatry, there were geographical regions where pagans and Jews existed side by side. This was especially true in those urban cultures to which many migrated in the third century. The question in regard to those areas is whether or not the Jews were attracted to the worship of idols. The general consensus appears to be that they were not engaged in worship but there were differences regarding what constituted the appearance of evil.\(^\text{126}\)

\(^{126}\)See n. 124. On the basis of indications in the literature as well as archaeological finds, Urbach concluded that the images and figures associated with idolatry were a real concern for the rabbis of the third century but not because of an impulse to worship them. Rather, it was a question as to whether or not their very presence as decorations or objects made by craftsmen was permitted ("The Rabbinical Laws of Idolatry in the Second and Third Centuries in Light of Archaeological and Historical Facts," Israel Exploration Journal 9 [1959]: 149-65, 229-45). As noted by Meyers, "Judaism and Christianity in the Light of Archaeology," pp. 74-76, there were regional distinctions in terms of what representations actually appeared in synagogue art. While archaeology is of assistance in discovering evidence of practice, it tells us nothing about motives. The
Christianity. As with paganism, the size, type and influence of the Christian communities varied depending on the location.\textsuperscript{127} With a largely Hellenistic Christian population, Caesarea was especially important in the third century because of the activities of Origen. As a teacher and writer in the Church in Caesarea, he engaged the Hebrew text to advance the apologetic activity of the Church.\textsuperscript{128}

question is whether the literature, the main source regarding spiritual perceptions, can be trusted to give an accurate reflection of such a matter. See D. Flusser, "Paganism in Palestine," in Compendia Rerum Judaicarum ad Novum Testamentum, Section One: The Jewish People in the First Century, vol. 2 (Philadelphia, 1976): 1090-98. It is important to note several factors in regard to Flusser's conclusion. He dealt primarily with the first century C.E. even though he did make observations which went beyond that time limit. In doing so, he indicated that, even though paganism was rather discredited in the first and second centuries C.E., there was an upsurge in the third century in Palestine. Lieberman, "Rabbinic Polemics Against Idolatry," in Hellenism in Jewish Palestine, pp. 115-27, argued that there was no actual threat of idolatry for the Jewish community. Part of Lieberman's argument is based on his determination that active proselytism had ceased by the third and fourth centuries, there were no adherents to Judaism who had come from idolatrous backgrounds and thus fierce attacks on paganism were not necessary. Note, however, the complexities surrounding the issue of Jewish proselytizing, pp. 688-89, n. 109.

\textsuperscript{127}See MacLennan, Early Christian Texts on Jews and Judaism, for a careful study of cities as "texts". He demonstrated that Alexandria, Neapolis, Ephesus, Rome, Sardis and Carthage all had features unique to their histories and religious communities which affected the nature of each text. At the same time, there was an empire-wide tendency to strive for Christian self-definition by active reference to Judaism. See further below.

\textsuperscript{128}On the extent of Origen's preaching and writing activities, see the introduction to Origen: Homilies on Genesis and Exodus, trans. R. Heine (Washington, 1982), pp. 17-29. See also Levine, Caesarea Under Roman Rule, ch. 7, DeLange, Origen and the Jews, pp. 75-102, Kimelman, "Rabbi
Caesarea was not the only location where the rabbis in the Land would encounter some form of Christianity. Contrary to the general perception that the Christian presence was virtually absent from Galilee during the first three centuries, Meyers indicated that there is evidence of the co-existence of Jewish and Christian communities in Galilee.\(^{129}\)

In such environments, it is likely that the rabbinic approach to the biblical text would acknowledge and perhaps even respond in an oblique fashion to Christian interpretations.\(^{130}\) This is particularly true because, unlike paganism, Christianity used the biblical text to claim Israel's God and Israel's history for itself.\(^{131}\) Whereas

---


\(^{129}\) "Early Judaism and Christianity in the Light of Archaeology," pp. 69-73. The debate over the identity of the minim, the evidence for varying degrees of continued Jewish practices among Christian communities, the co-existence of presumably Jewish and Christian symbols and the suggestion that the real break did not come until the beginning of the fourth century imply that these groups may not have been perceived as distinct and separate communities during the second and third centuries.

\(^{130}\) I would reiterate that this phenomenon ought not be perceived as a polemic; that term is too strong.

\(^{131}\) See Gager, The Origins of Anti-Semitism, p. 157, and B.Z. Bokser, "Justin Martyr and the Jews," Jewish Quarterly Review 64 (1973): 97-122. Baron, A Social and Religious History of the Jews, vol. 2, ch. 12, maintained that history became the main battleground between Christians and Jews. In his view, the Sages had to respond to the Christian community which laid claim to Jewish history, Torah and hermeneutics. It was vital that Israel claim its own history for itself, establish continuity with it and demonstrate the inviolability of Torah.
paganism could be directly, if not frequently, attacked at its very essence, acknowledgement of Christianity would have to be different.

The fundamental claims of the Christian apologists were that God had abandoned His people, the exile was proof of that desertion, the Church was the heir to the election of and promises to Israel, the destruction of the Temple was an act of judgment and the sin of the golden calf had led to the imposition of the ritual aspects of Torah. Furthermore, certain additional features of Israel's history and practice which happen to be integral to the text of Exodus were identified in the New Testament with Jesus and therefore had been adopted by the Early Church: Christ was the passover

---

132Gager, The Origins of Anti-Semitism, p. 157, and DeLange, Origen and the Jews, pp. 67-89. Gager indicated that the first of these was the most prominent in the Christian anti-Judaism polemic of the second and third centuries C.E. DeLange emphasized that the charge in the early years of the Church had to do with the proper attitude to the Law, reflective of the Pauline material. In the second century, discussion switched to the person of Jesus and his fulfillment of certain prophecies. Kimelman intimated that Origen and Hippolyus were the first of the Christian exegetes to claim that the relationship described in the Song of Songs was that between Christ and the Church. In response to this, there was a marked increase in its exegesis by third century rabbis ("Rabbi Yohanan and Origen," p. 570). The exegeses of the Song of Songs, appearing primarily in those aggadic tractates of MRI which represent God's self-revelation, also happen to cite later Sages. Goodman, State and Society in Roman Galilee, p. 105, observed that it was in the third century that the rabbis began to respond directly to Christian and gnostic ideas.
lamb, the firstborn, the source of redemption and salvation, King, the spiritual drink and food in the

\[133\] This identification appears in the writings attributed to John, Paul and Peter. Early in the Gospel of John the association is made (1:29) and John 19 presents the crucifixion as occurring on Passover. Although the Greek word is a different one in Revelation (W. Barclay, *Jesus as They Saw Him* [London, 1962], ch. 23), the title is consistently used throughout the book in an eschatological framework and especially in chs. 5-7. Paul specifically ties Christ to the Passover lamb in I Corinthians 5:7. I Peter 1:18,19 identifies Christ as the "lamb without blemish or defect" with whose blood Peter's addressees are redeemed. With specific reference to the statement of Paul, Tertullian identified the passover lamb as a type of Christ (*Against Marcion*, Book 5, 7:9-10 in *Ante-Nicene Fathers*, vol. 3). See also S.G. Wilson, "Passover, Easter, and Anti-Judaism: Melito of Sardis and Others," in "To See Ourselves as Others See Us", pp. 337-55, and MacLennan, *Early Christian Texts on Jews and Judaism*, ch. 3, regarding Melito's homily on Exodus 12. Melito read the Exodus narrative as referring to Christ and the Church.

In regard to the concept that the blood of the passover Lamb was that of Jesus, it is worth noting that Pisha 11 declares the function of the mezuzah was to make the protection of the blood permanent. Focusing on such a symbol, derived directly from the text of Exodus, would mitigate the impact of reading the passage typologically.

\[134\] In the Pauline literature, the concepts of both the firstborn (Colossians 1:15-18) and firstfruits (I Corinthians 15:20-23) are significantly spiritualized in the presentations of the resurrection of Jesus.

\[135\] This is the consistent theme through the entire text of the New Testament from the naming of Jesus (Matthew 1:21) to throne scene in Revelation 5.

lamb,\textsuperscript{133} the firstborn,\textsuperscript{134} the source of redemption and salvation,\textsuperscript{135} King,\textsuperscript{136} the spiritual drink and food in the

\textsuperscript{133}This identification appears in the writings attributed to John, Paul and Peter. Early in the Gospel of John the association is made (1:29) and John 19 presents the crucifixion as occurring on Passover. Although the Greek word is a different one in Revelation (W. Barclay, \textit{Jesus as They Saw Him} [London, 1962], ch. 23), the title is consistently used throughout the book in an eschatological framework and especially in chs. 5-7. Paul specifically ties Christ to the Passover lamb in I Corinthians 5:7. I Peter 1:18,19 identifies Christ as the "lamb without blemish or defect" with whose blood Peter's addressees are redeemed. With specific reference to the statement of Paul, Tertullian identified the passover lamb as a type of Christ (\textit{Against Marcion}, Book 5, 7:9-10 in \textit{Ante-Nicene Fathers}, vol. 3). See also S.G. Wilson, "Passover, Easter, and Anti-Judaism: Melito of Sardis and Others," in "\textit{To See Ourselves as Others See Us}", pp. 337-55, and MacLennan, \textit{Early Christian Texts on Jews and Judaism}, ch. 3, regarding Melito's homily on Exodus 12. Melito read the Exodus narrative as referring to Christ and the Church.

In regard to the concept that the blood of the passover Lamb was that of Jesus, it is worth noting that Pisha 11 declares the function of the mezuzah was to make the protection of the blood permanent. Focusing on such a symbol, derived directly from the text of Exodus, would mitigate the impact of reading the passage typologically.

\textsuperscript{134}In the Pauline literature, the concepts of both the firstborn (Colossians 1:15-18) and firstfruits (I Corinthians 15:20-23) are significantly spiritualized in the presentations of the resurrection of Jesus.

\textsuperscript{135}This is the consistent theme through the entire text of the New Testament from the naming of Jesus (Matthew 1:21) to throne scene in Revelation 5.

\textsuperscript{136}Jesus is identified in the Gospels as king from his birth (Matthew 2:2, Luke 1:32,33) through to his death (Luke 23:42). In his commentary on John, Origen developed this identification (\textit{Ante-Nicene Fathers}, vol. 10, p. 313).
wilderness, the bread from heaven, the mediator of the new covenant, and the Lord of the Sabbath.

I would suggest that the choice to subject all of the Exodus text from 12:1 through 23:19 to systematic study was a conscious one in order to demonstrate that these values and symbols belong to Israel's history of redemption and revelation. The midrash ends with the Sabbath, the sign


138 The Gospel of John appears to link Jesus as the bread from heaven (6:25-51) with an allusion to the Passover remembrance (6:52-58). Origen focused extensively on John 6 as he explored the various meanings of "bread" as used by Jesus. These ranged from literal bread to the Word and wisdom from the tree of life to Jesus himself. See Origen: On Prayer 27:1-13 in Ancient Christian Writers, Number 19, trans. and annotated J. O'Meara (New York, 1954) and also the seventh homily on Exodus in Homilies on Genesis and Exodus, pp. 306-15. Perhaps the utter distinctiveness of Vayassa in the midrash was one way of emphasizing the complete separation of the two events as far as the Jewish exegesis was concerned. Instead, it connects manna with decidedly eschatological motifs.

139 This theme is most prominent throughout the book of Hebrews. It was one which Justin Martyr developed. See B.Z. Bokser, "Justin Martyr and the Jews," p. 104.

140 Matthew 12:8; Mark 2:27,28; Luke 6:5. The issue of Sabbath observance was hotly contested within factions of the Christian community. See examples of the rhetoric in Wilkin, John Chrysostom and the Jews. See also Origen: Homilies on Genesis and Exodus, p. 308, and Goldenberg, "The Jewish Sabbath in the Roman World," pp. 414-47.

141 It is evident from the works of Origen that he was addressing issues in these very portions of the Exodus narrative. He appropriated the symbols and characteristically, he stressed allegorical interpretations, indicating that Israel did not fully understand because they had not addressed Torah on a spiritual level. For specific examples which correspond to passages in MRI, see DeLange,
of the covenant at Sinai,\textsuperscript{142} which was associated with promises for future. Throughout this treatment, the text also maintains a consistent message which invalidates the general apologetic issues noted above. God was consistently with Israel, continued to communicate with them and had even previously accompanied them into exile.\textsuperscript{143} While the Land belongs to God and has been given to Israel, the relationship between God and His people had survived apart from it before

\textit{Origen and the Jews}, pp. 77-118, and \textit{Origen: Homilies on Genesis and Exodus}. Both Justin Martyr and Tertullian searched the Hebrew Bible for events which prefigured the passion of Christ on the cross. Among other places, they found them in the rod of Moses (\textit{Dialogue with Trypho}, ch. 86, in \textit{Ante-Nicene Fathers}, vol. 1, p. 242), the tree by which Moses sweetened the bitter water and Moses' outstretched hands in the war with Amalek (Tertullian's \textit{An Answer to the Jews}, chs. 10 and 13, in \textit{Ante-Nicene Fathers}, vol. 3, p. 165-67, 170). See again MacLennan, \textit{Early Christian Texts on Jews and Judaism}, ch. 3, on Melito of Sardis. These allegorical renditions appear to have been part of the common hermeneutic in the Church empire-wide. The rabbis may have been particularly keen to indicate the temporal nature of those symbols, locating them in their historical context.

\textsuperscript{142}Citing a passage in Bereshit Rabba 11:8, Kimelman, "Rabbi Yohanan and Origen," p. 570, demonstrated the similarity between the allegorical interpretation on the part of Origen and other Church Fathers that the Church was the bride of Christ and the midrash of R. Shimon b Yohai that the Sabbath was established from creation to be the mate of Israel.

\textsuperscript{143}The Song of Songs, extolling the relationship between God and Israel, was a source for demonstrating that Israel was not rejected but beloved. See again Marmorstein, "Judaism and Christianity in the Middle of the Third Century," p. 239, Kimelman, "Rabbi Yohanan and Origen," DeLange, \textit{Origen and the Jews}, p. 116, and Urbach, \textit{The Sages}, p. 152.
and could continue to do so. The Temple was not permanently gone; the midrash makes the case that it would have a future. In its temporary absence, suffering replaces sacrifice as a means of atonement. It was, however, Israel's suffering, not that of an individual, which effected atonement. In addition, merit and faith are indivisible.

I do not construe these as components of a polemical text. While the text selection and certain emphases appear to acknowledge the Christian apologetic, the midrash never directly takes on any of these issues. Instead, the Sages engaged in the process of expounding their own canonical text and to their community we now turn.

The People of Israel. Even within the Jewish community, diversity was the rule. Levine observed that the Jewish population of Caesarea was a bridge between the Roman world and the smaller, more conservative communities. The latter were concentrated in Upper Galilee and Golan.

---

144 The text of Exodus is ideal for such an emphasis. It allows the midrash to focus on revelation outside the Land while promising future blessing within it. See additional observations in ch. 4, p. 120.

145 See pp. 640-41, especially n. 14, on the Jewish and Christian assessments of Abraham and Moses in regard to these issues.

146 Caesarea Under Roman Rule, ch. 5.

In contrast to the predominantly gloomy picture of the position of Judaism in late antiquity, Bachrach has presented a distinctly more positive sketch, claiming that the Jewish community, while suffering rhetorical abuse, was not persecuted but enjoyed legal privileges well into the fourth century. It was a respected, wealthy and powerful minority.148 This picture is corroborated by evidence from the synagogues excavated in Galilee. Beginning in the third century, there was an upsurge in building activities indicating the wealth of the community.149

In the second century, the social status of the rabbis had been low, they had been dislocated from Judea to Galilee and their jurisdiction died away for a time. Nevertheless, it revived in third century and there was greater acceptance

"Jewish land within 'the Land'." With reference to the fourth century, Meyers stated the sentiment in even stronger terms; the upsurge in Jewish settlement in these areas "may have been an effort by the Jews to establish a new Jewish Holy Land - Eretz Israel - within, but separate from, Christian Terra Sancta" ("Early Judaism and Christianity in the Light of Archaeology," p. 78). See also Levine, ed., Ancient Synagogues Revealed (Jerusalem, 1981), pp. 5-10, 42-44, 70-81, 98-116.

148Bachrach, "The Jewish Community of the Later Roman Empire," pp. 399-421. See also the evidence cited by MacLennan throughout his book, Early Christian Texts on Jews and Judaism, regarding the vibrant Jewish communities in the major cities of the empire.

of rabbinic leadership.\textsuperscript{150} While they did not have jurisdiction in civil and criminal courts, what they said with regard to legal matters was not ignored.\textsuperscript{151} They enjoyed more interaction with the rest of society, partly as a result of increased public service. Many of these positive changes were the result of their association with Rabbi.\textsuperscript{152} As the religious elite of the society, the rabbis seem to have been most distressed with the religious carelessness of the people at large who did not observe Torah as carefully.\textsuperscript{153} While there are few direct references in MRI to religious apathy, the emphasis on Torah, the lessons from history and the exhortations about obedience and the significance of chastisement addressed a perceived problem.\textsuperscript{154}

\textsuperscript{150}Goodman, \textit{State and Society in Roman Galilee}, pp. 93, 110-15. The Sages rose as a class from immigrant manual laborers in Galilee after the bar Kokhba war to influential members of society in the third century. See also Levine, \textit{Caesarea Under Roman Rule}, ch. 5, and \textit{The Rabbinic Class}, pp. 130-32.

\textsuperscript{151}Goodman, \textit{State and Society in Roman Galilee}, pp. 119-27.


\textsuperscript{153}Levine, \textit{The Rabbinic Class}, pp. 75-83. Goodman, \textit{State and Society in Roman Galilee}, p. 102, remarked that the Sages attacked the non-compliant am ha'aretz more than they did the heretics.

\textsuperscript{154}Examples include the declarations that Israel might be killed for keeping the faith but such suffering has great value, Israel is corporately responsible for the loss of religious and social institutions and it is necessary to keep
For those who embraced life as defined by Torah, the midrash represented a new endeavor to engage the biblical text in a newly thriving environment.\textsuperscript{155} As the community sank its roots into Galilee as its "Holy Land" and the absence of the Temple receded as a traumatic occurrence, there was a greater interest in expounding the major themes of Judaism as expressed in a context which was little constrained by the temporary symbols of Land and Temple.\textsuperscript{156} This was to be a positive picture, hopeful for full restoration after the demise of the "fourth kingdom".

\textsuperscript{155}While the Christian community was using the text to prove theological contentions, the rabbinic community was demonstrating its matchless facility with its own text and the intellectual enjoyment of the process of talmud Torah.

\textsuperscript{156}Obviously, the Temple and related matters still arose in discussions of the text but they are presented in that light. Bokser, "Recent Developments," pp. 3-6, 32, cited evidence from other facets of third century Judaism which supports the conclusion that the third century was a time of significance reassessment of the major symbols as they functioned for the Jews. For example, the design of the synagogue buildings constructed in Palestine in the third century may reflect in a subtle fashion the resignation to the loss of the Temple. In this regard, see also Goodman, State and Society in Roman Galilee, pp. 86-87. In the third century, the literature demonstrates a lessening of rabbinic attempts to establish continuity with the Temple cult, a tendency which had been observed in the Mishnah. See also Bokser, Origins of the Seder, pp. 95-99, "Rabbinic Responses to Catastrophe," pp. 37-66, and "Wonder-working," pp. 43-44, on the evolving presentation of the Temple and extra-Temple rituals after A.D. 70.
APPENDIX - ATTRIBUTED MATERIALS

While the listings below are not exhaustive, especially in the category of sets of names, they do comprise the most significant attributed pericopae. I present them sequentially by tractate. First are listed names of Sages and the essence of the opinions cited as independent statements in response to the given issue. In the cases where they clearly appear to be responding to a preceding anonymous opinion, that is noted. These are presented in the order of frequency of occurrence.

Attributions which appear in sets are variously grouped depending on prominent patterns. The general subject matter and relationship among opinions is summarized to determine if, among the more frequently used names, there are observable patterns. I have made a distinction between sets and long lists; the latter includes four or more names. They, too, are summarized below.

A final category of attributed material includes the mikan amru statements. These are primarily limited to halakhic tractates.
**Individual Attributions**

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ishmael (6 and 11)</strong></td>
<td>[response to anonymous opinion that there were three altars in Egypt: two doorposts and lintel] there were really four because <em>saf</em> means threshold and it was also one</td>
</tr>
<tr>
<td>(7 and 11)</td>
<td>because God already sees everything, the statement that God would see the blood means that He would reward them for keeping the commandment by revealing Himself and protecting them</td>
</tr>
<tr>
<td>(14)</td>
<td>[response to 60 myriads] the mighty men of Solomon = mighty beings of God</td>
</tr>
<tr>
<td><strong>Nathan (1)</strong></td>
<td>Jonah went only to do away with himself [seemingly disagreeing with previous opinion that he did it out of honor for Israel]</td>
</tr>
<tr>
<td>(7)</td>
<td>four judgments on idols; three on those who worship them</td>
</tr>
<tr>
<td>(13)</td>
<td>the icons of deceased firstborn were desecrated in every house</td>
</tr>
<tr>
<td>(13)</td>
<td>binding up in clothing meant cherishing <em>mizvot</em></td>
</tr>
<tr>
<td><strong>Josiah (2)</strong></td>
<td>proof that only Bet Din in Jerusalem may intercalate</td>
</tr>
<tr>
<td>(3)</td>
<td>the Syriac meaning of <em>takossu</em> is &quot;slaughter&quot;</td>
</tr>
<tr>
<td>(6)</td>
<td>[anonymous opinion: because Dt 16:7 uses <em>bashel</em> regarding the passover, it means &quot;roast&quot;] this means that a vow to abstain from something cooked includes something roasted</td>
</tr>
<tr>
<td>(9)</td>
<td>because it is possible to read either <em>mazzot</em> or <em>mizvot</em>, draws</td>
</tr>
</tbody>
</table>
lesson from comparison; do both quickly

Judah (3) [follows anonymous opinion] as group participants enroll and withdraw, there must still be at least one of the original group left

(7 and 11) the Lord's going through the land of Egypt is like a king going from one place to another

(17) [response to anonymous suggestion that tefilin "between the eyes" is to be understood literally] compare hand and head on basis of the category "subject to uncleanness by leprosy" to deduce position

Yose haGalili (7) passage teaches derekh erez about being prepared to go on a journey

(7) biblical proof that all seven days require hagigah

(12) "those who hate Israel" would have perished in Egypt except for completion of pesah sacrifice by everyone

(18) [technically this is part of a set but it initiates the discussion and is much longer] proof by binyan 'av of three obligations of father

Eliezer (5) if there is only one lamb in all of Israel, that is sufficient (the proof is based on grammar)

(6) comparison of two verses to demonstrate that "night" means not past midnight

(11) "observe this thing" means to indicate that the pesah dorot must also come from sheep or goats [this conclusion is also part of a longer list in ch. 4; there the base text is different]

Rabbi (1) demonstrates by comparison of two texts that Moses and Aaron were
equals because order of their names is reversed in second text [the following list of like examples may also be Rabbi's]

(6) prohibition against eating passover sacrifice raw followed by infinitive absolute (not boiled at all) means it applies both at time of eating it roast (night) and during day

(14) [responding to passage in Genesis] reconcile 400 years with four generations

Jonathan (14) [follows anonymous opinion that "besides children" means "besides women, children and little ones"] means "besides women, children and old men"

(17) pesah dorot must be performed as pesah mizraim [is also part of set in ch. 4]

Shimon b Yohai (3) [follows anonymous opinion which limits "neighbor"] may be interpreted broadly

(15) [cited as part of mikan amru] juxtaposing two texts indicates that it may be eaten in two places but not in two groups

Akiva (8 and 10) "that soul" (cut off) means the one acting presumptuously

Gamaliel (17) his slave used tefilin [one of three exceptions; the other two are biblical figures]

Eleazar ben Zadok (1) [follows vesh 'omrim that revelation must take occur in a pure place] valleys are kasher

Judah b Batyra (17) three periods of searching for leaven

Nehoriah (12) Israelites' numbers reduced by death during three days of darkness
Sets of Names

The sets listed below include those in which the names of Ishmael or his students appear. They are grouped according to similarity in the patterns of names.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Ishmael/Akiva</td>
</tr>
<tr>
<td></td>
<td>Moses showed people (plural lakhem) / God showed new moon to Moses because it was difficult [the subsequent midrash builds on this]</td>
</tr>
<tr>
<td>3</td>
<td>Ishmael/Akiva</td>
</tr>
<tr>
<td></td>
<td>may enroll others for partnership [reads whole phrase &quot;let him take, he and his neighbor&quot;] / may conduct ceremony by himself [reads &quot;let him take&quot; by itself]</td>
</tr>
<tr>
<td>6</td>
<td>Ishmael/Akiva</td>
</tr>
<tr>
<td></td>
<td>ruling out other liquids for boiling by kal vehomer regarding imparting taste / infinitive absolute is basis for deduction</td>
</tr>
<tr>
<td>6/11</td>
<td>Ishmael/Akiva</td>
</tr>
<tr>
<td></td>
<td>saf means &quot;threshold&quot; / &quot;vessel&quot;</td>
</tr>
<tr>
<td>14</td>
<td>Ishmael/Akiva/Jonathan</td>
</tr>
<tr>
<td></td>
<td>the number of the multitude was 120 / 240 / 360</td>
</tr>
</tbody>
</table>
3 Ishmael/Isaac

"for the lamb" at end of 12:4 means people may withdraw and enroll as long as it is intact [this is the anonymous position earlier in regard to size of household] / they may enroll as long as it is alive

6/11 Ishmael/Jonathan/Isaac

the blood on the lintels was inside (God sees) / inside (for them) / outside (for Egyptians to see)

6 Ishmael/Jonathan/Isaac

Scripture specifies ad haBoger to teach if the 16th is the Sabbath, must not burn until 17th / don't need this verse to teach about Sabbath (know that by logic); verse fixes limits on "morning" / don't need verse because by comparison with unleavened bread, we know one cannot burn leftovers on holiday; verse fixes limits on "morning" [initial anonymous opinion]

16 Ishmael/Nathan/Isaac

know that we say blessing before meal on basis of kal vehomer with blessing after / Samuel blessed sacrifice before people would eat / "God will bless your bread"; it is yours before you have eaten it

16 Ishmael/[Judah b Batyra]

know that we say a blessing before reading Torah on basis of kal vehomer with blessing of meals / [use of term "good" in Deuteronomy 8:10 refers to Torah; compare with Proverbs 4:2]

These last two Ishmael opinions clearly go together because the second one assumes the first. While most of the names in these sets are associated with Ishmael, that is not true of the last example. Judah b Batyra's opinion seems to
have been placed in that position, even though it does not directly address the issue, in order to serve as a transition to the next set of opinions on recitation of benedictions.¹

4  Ishmael/Yose haGalili

does ben shanah mean current calendar year or first year of life? resolve on the basis of kal vehomer with olah (a more important offering) / compare with ram

9  Ishmael/Yose haGalili/Akiva

lakhem means you can prepare food during festival for yourselves (not strangers or animals) / for selves and animals ("every living being which must eat") but rule out strangers (’akh) / "every living being" includes cattle but lakhem rules out strangers who are able to do so for themselves

11 (anonymous)/Yose haGalili/Ishmael/Isaac

"draw out and take" - simple rendering of each word / draw from avodah zarah to mizvot / means to enroll until slaughtered [see ch. 3 of Pisha] / how to handle small cattle

15  Eliezer/Ishmael/Eliezer

if one does not circumcise his slaves, he cannot eat passover (also applies to free males) / still can eat if they are not circumcised; the verse indicates that he can circumcise them so they can eat; proof that can keep uncircumcised slaves / refutes last point on permission to keep uncircumcised slaves

15  Eliezer/Ishmael/Nathan

¹These are posed by Hanina the nephew of R. Joshua and Rabbi.
if one does not circumcise his free males, he may not eat passover (also applies to slaves) / may eat if they are not circumcised; verse indicates that circumcision takes precedence over passover / verse is necessary to include a slave who immersed himself before his master and was free

The former of the last two disputes comes at the beginning of ch. 15 and the latter toward the end. The application in the former set to free males responds to the use of the term zakhar in the later parallel biblical text even though at this point it is really not the issue. It is Ishmael's opinion in both disputes which really has to do with the text at hand. Nathan's interpretation leads to the mention of the incident with Beluria's slaves.

3 Ishmael/Ahai b Josiah/Shimon b Yohai
dabru means that Aaron listened to Moses with awe; Scripture counts him as if he actually heard it from God / there was a group around Moses and Aaron and the word went forth as if from both of them / the word went forth from between them as if both were speaking

7 Josiah/Jonathan
pasahti means skipped / protected

9 Josiah/Jonathan
work forbidden on intervening days of festival [biblical proof - "keep seven days"] / no need for that proof; long logical argument which fails is followed by biblical proof - "they shall be called holy convocations"

9 Josiah/Jonathan
no one shall do "your" work but non-Jew may do his own / no need for that proof; kal vehomer with Shabbat which is more serious
5 Josiah/Jonathan/Josiah

pesah may be slaughtered even on Shabbat ("keep in its season") from the literal sense cannot learn this can propose gezerah shavah on basis of "in its season" regarding tamid and pesah

11 Josiah/Jonathan/Josiah

"and said to them" means that Moses told all Israel / Moses told elders and elders told Israel / why is this word distinct so as to add elders? Moses shared honor with elders

15 Josiah/Jonathan/Josiah

"ordinance of the passover" refers to both passover in Egypt and the one for subsequent generations / this reference is only to Egypt; Numbers 9 refers to passover for generations / both passages deal with both celebrations; Numbers 9 stated so as to include all regulations for the passover for generations, even if not specified

2 Meir/Josiah/Jonathan

distinctions and qualifications regarding the "evil sign": it is an eclipse of sun in either east or west / it is an eclipse of planets in either east or west / these are the concern of only Gentiles

Long Lists

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Named Rabbis and Pattern of Thought Within List</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ishmael / Eliezer / Josiah // Shimon b Azzai / Akiva / Shimon b Azzai</td>
</tr>
</tbody>
</table>

The subject under discussion is the meaning of lemor. There is a pattern in this list of "three

2 An opinion of Isi b Akiva follows this but is not directly related to the issue.
plus three". The first of each three is short, the second is a longer interpretation and third is a very extensive response to the second. In the first set, the second and third developments have to do with the messengers of God. In the second set, the point is that God spoke with Moses and other prophets only for the sake of Israel. In each set, the third item has to do with the destruction of Jerusalem; Josiah's citations are from Ezekiel and Shimon b Azzai refers to Baruch.

This long set closes the chapter and sets the stage for the rest of the midrash. Shimon b Azzai's comments might be construed as drawing the subject down from prophets to Sages: "Speak as you hear" leads to a recital of the prophets who prophesy because of the merit of Israel.

The anonymous position introduces the problem: Can the month of Nisan be added in order to keep Passover in the springtime? Ishmael's answer is that Nisan is always to be "first". Jonathan says to intercalate the month near spring and we need Scripture to know that we cannot exchange units of intercalation between months and years. Isaac sustains the former position, adding that units of intercalation must be put on at the end. Jeremiah upholds the same position by comparison with the second Passover.

This series of opinions, primarily from Ishmaeleans, brings closure to a chapter which has a major focus on the religious calendar. It is followed only by Josiah's statement that the Bet Din had the authority to exercise the procedures discussed. Perhaps these procedures merited consideration and the weight of attributed opinions because Scripture did not indicate how to keep the stated biblical directives.

"It shall be" means that pesah dorot must be brought only from the sheep or goats. According to Josiah, the specific reason for repeating "you shall take it" is because one might read Deuteronomy 16:2 and question if it means pesah from the flock and hagigah from the herd or from either. As a response, "you shall take it" is repeated in Exodus 12:5 to indicate that pesah dorot comes from the sheep or goats. Jonathan
poses the same question regarding Deuteronomy 16:2 and answers from Exodus 13:5; continuity is maintained from pesah mizraim to pesah dorot and the former was to be taken from lambs. Still referring to Deuteronomy 16:2, Eliezer draws his answer from Exodus 12:24; the ordinance is established for generations. Akiva maintains both Deuteronomy 16:2 and Exodus 12:5 by appealing to Exodus 12:21 which clarifies that the pesah itself must be a lamb and therefore the hagigah is from the goats. According to Ishmael, Deuteronomy speaks only of the hagigah because the pesah is described in the first part of Exodus 12:5. In closure, Rabbi indicates that Deuteronomy 16:2 refers to the peace offering.

The last part of Exodus 12:5 offers an opportunity to demonstrate how all parts of Torah fit together. The two passages are posed as a problem primarily to indicate why each is a necessity and not simply a repetition. Akiva's exegesis is really necessary to maintain the position of the three earlier rabbis. This long series of opinions constitutes approximately the last half of the chapter.\(^3\)

Determination of ben ha'arba'im, the time to slaughter (and eat) the sacrifice, serves as closure to this chapter. Each opinion until the last one brings more definition to the subject by means of comparison with Deuteronomy 16:6. Ben Batyra responds to the grammatical aspect of arba'im and makes a pronouncement: At one "evening" slaughter it and at the other "evening" eat it.

Ishmael's name does not occur in this list and Rabbi's is uncharacteristically first.

The issue at hand is putting away leaven from the house on the first day. The first three opinions deal with the question of when. All three agree that it must be on the day before but the

\(^3\)See Epstein, Mevo'ot, pp. 518-19, on the possible Babylonian provenance of some of these opinions and their relationship to Hillel's ascent from Babylonia.
reasons are different. Ishmael says one cannot slaughter pesah with leaven present. Jonathan responds to Ishmael with 'eino zarikh: this argument is not necessary because work simply cannot be done so putting away must be done before. Yose haGalili simply uses a grammatical feature: 'akh means we cannot divide (the day).

The second three deal with destruction by means of burning. Yose arrives at that conclusion after a long deductive process comparing biblical categories. Judah's response allows any means when it is late. Rabbi indicates that burning is prescribed since it is the means for total destruction.

Given the symbolism of leaven, it is not surprising to spend considerable time on the issue. Furthermore, this is a subject where discussion still had practical implications. The first set of opinions works explicitly with the biblical text; the second does not. The latter set includes no Ishmaeleans.

10 Ishmael / Sages / Eliezer / Yose haGalili

"In all your dwellings you shall eat mazzah." The issue dominating the series of opinions is the kind of bread with which one fulfills this obligation. It is made additionally complex because of the focus in Deuteronomy on eating in "the place" (16:2) and the emphasis in Exodus on "in all your dwellings".

Appealing to Deuteronomy 14:23, Ishmael rules out all breads which must be eaten only in Jerusalem since this verse says to eat in habitations. He also rules out all breads which are not literally of the type eaten by poor people; lehem oni is interpreted as "bread of poverty" (Deuteronomy 16:3). The Sages state that any of the suggested breads meet the obligation as does second tithe and they give an alternate meaning of "bread of affliction". Eliezer agrees and says that "bread of poverty" reflects the process of making, not the ingredients. Yose haGalili takes a different approach: "Bread of affliction" rules out second tithe because the latter is to be eaten when joyful.

"Yose haGalili uses the same method in ch. 9 as a basis for exclusion."
As with a number of the preceding series, this one closes the chapter. Perhaps in addition to the exegetical puzzle created by the juxtaposition of the two passages, there is a further concern to play down the effects of the Temple's absence and demonstrate, either by direct reference to Jerusalem (Ishmael) or by ignoring its impact and directing attention to a separate issue (Sages), that it is not the most important question with regard to passover.

13 Ishmael / Yose haGalili / Eliezer b Yakov / Nathan
What does it mean that the Israelites found grace in the eyes of the Egyptians? According to Ishmael, it is to be understood kemashma'o; when the Israelites asked, the Egyptians gave. In the opinion of Yose haGalili, the Egyptians trusted the Israelites because they were above suspicion during the period of darkness. Eliezer b Yakov concludes that the Holy Spirit enabled them to say where something was. Nathan's interpretation was that the Egyptians gave things they were not even asked for.

The first opinion simply addresses how they gave. The second and third answer why the Egyptians gave. The fourth prepares for the next phrase in the biblical text which says that they plundered Egypt. This comes just prior to the end of the chapter.

14 Eliezer / Sages / Akiva / Nehemiah
Eliezer says that sukkotah means to the place where they put up booths. The Sages maintain it is a place name. According to Akiva, it means "clouds of Glory" and has implications for the future. Nehemiah simply interprets it as a matter of grammar, the locative he.

This is the second pericope of the chapter after an unusual beginning about Moses' voice travelling. All except Akiva's are straightforward explanations. His is longer and clearly more involved. All three cite prooftexts to demonstrate their points.

16 (anonymous) / Jonathan / Nathan / Eleazar b Azariah / Shimon b Yohai // Rabbi
Under discussion is the meaning of "in the month of Aviv". The anonymous position links it with bakosharot in Psalm 68:7 and Jonathan, Nathan
and Rabbi all deal with interpretations of bakosharot. Jonathan uses word plays to characterize the weeping of Egyptians and the singing of Israelites. Nathan says it refers to the piety of the women. This provides a link to the next interpretations of Eleazar b Azariah and Shimon b Yohai who deal with why the Exodus occurred. The former says it was the merit of Abraham and the latter says merit of circumcision. Rabbi adds that it was by strength of God. Rabbi's "response" to the previous question is then tacked on as part of a davar 'aher: He cites the entire verse from Psalm 68:7 noting that in spite of Israel's rebellion, God mercifully brought them out.

The list is essentially the end of the chapter. There is only a brief comment following.

18 Yose haGalili / Sages / Akiva / Rabbi

In the context of redeeming the firstborn, the list consists of a long proof by Yose haGalili that the three obligations of the father must be carried through by son. The other two which are cited in the process of the proof are circumcision and teaching Torah. A summary statement indicates that any religious duty which the father failed to perform must be accomplished by the son. From this the Sages said (mikan amru) that a man is obligated min haTorah to circumcise his son, redeem him, teach him Torah, teach him a skill and acquire a wife for him. Akiva adds swimming and Rabbi adds civics. Clearly, the additions of the Sages, Akiva and Rabbi have no ritual significance. In fact, they seem out of place in the context.

Authoritative Statements and the Sages

On the most basic level, each of the occurrences of mikan amru in Pisha has to do with a halakhic issue. Therefore, certain chapters contain none at all. The list below includes all of the occasions in Pisha in which mikan amru (or a closely related expression) occurs.
<table>
<thead>
<tr>
<th>Chapter:Lines</th>
<th>Parallels</th>
<th>Subject Matter and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:46</td>
<td>Ber 5:5</td>
<td>one sent is like master — This expression appears with some frequency in the BT as well in a variety of contexts. Here it is ostensibly based on a grammatical point in the biblical text.</td>
</tr>
<tr>
<td>3:76-77</td>
<td>Pes 5:3, 8:7</td>
<td>they exclude the sick and the minor; because they are not able to eat as much as the size of an olive, they do not slaughter for them — The mikan amru appears only in the Oxford manuscript and it is not necessary in the entire pattern which first includes women, the tumtum and androgynous on the basis of nefhashot and here excludes those not able to eat on the basis of lephi 'ochlo. There are vague parallels with M Pes 8:7 and Tos Pes 8:10 but the inclusion/exclusion list in this context is explicitly based on words used in the verse.</td>
</tr>
<tr>
<td>4:55-6</td>
<td>Shek 2:5</td>
<td>that which remains of the peace offering is to be offered as a peace offering and that which remains of the passover sacrifice is to be offered as a peace offering — In the Mishnah, this statement is part of a series of directives regarding how to use amounts which are left over. Here the conclusion is tied to the biblical text but via an unusual interpretation of it (Deuteronomy 16:2).</td>
</tr>
<tr>
<td>5:83-6</td>
<td>Arakh 2:5</td>
<td>no fewer than six checked lambs kept... — In the context of MRI, the mikan amru is indirectly related but it serves</td>
</tr>
</tbody>
</table>

5If there are no Mishnah parallels, I have pursued the matter into the Tosefta (Tos), Palestinian Talmud (PT) and Babylonian Talmud (BT) but I have not attempted to create an exhaustive list of parallel sources.


7Ginzberg, "On the Relationship between Mishnah and Mekilta," pp. 78-79, noted that the essence of the teaching in MRI is different from that in the Mishnah and suggested there may have been no relationship between the two. See also Ch. Levine, Studies in Mishnah Pesahim, Baba Kama, and Mekhilta, ch. 6.

8Ginzberg, "On the Relationship between Mishnah and Mekilta," p. 80, concluded that this was a case where mikan amru indicates dependence.
to bind together the two main parts of the chapter with
the subject of the Sabbath. Because the command to
"keep" occurs with reference both to the pesah and
tamid, the implication is that the tamid was to be
checked four days in advance. At that point, the
mishnah is cited but it refers to having sufficient
checked lambs for the Sabbath followed by two festival
days for Rosh Hashanah.  

5:111-2    Pes 5:5    pesah is slaughtered by three
groups - MRI's abbreviated
sentence assumes the Mishnah's description of the three
groups successively entering the court of the Temple.
In both contexts, the "three groups" division rests on
the biblical text.

6:33-8    Ber 1:1    eating passover and sacrifices,
burning fat and limbs, and
everything which is to be eaten in one day can all be
performed up to dawn but the Sages said midnight in
order to keep distance from transgression - The context
in Ber 1:1 is the recitation of the Shema. As MRI cites
the text, it commences immediately after the mikan amru
with "eating passover...", not in the Mishnah (see Ber
9a), in order to make it more appropriate for this
context. The basis here for the ruling is the biblical
verse which repeats "morning".

6:63-4    Tos Pes 5:3 (partial), Pes 70a    pesah is to be eaten when full
but unleavened bread and bitter herbs need not be - The
conclusion is based on rendering al in the biblical
verse as "after". The Tosefta does not mention bitter
herbs and mazzah; most likely their appearance here is a
response to the verse.

6:86-7    Tos Ned 3:1, Ned 49a    This is not technically a mikan
amru; rather is it mikan hayah R. Josiah 'omer. In a
direct response to Nedarim 6:1, he says that vows to
abstain from cooked foods do include roasted ones. The
Mishnah indicates that one who vows to abstain from
cooked foods is permitted roast. Josiah's opinion is
based upon the conjunction of two verses.

9The matter of when such a configuration of days could
have occurred is addressed by Lauterbach, Mekilta, vol. 1, p.
40, n. 13. See again Ginzberg, "On the Relationship between
Mishnah and Mekilta," pp. 80-84.
9:80-4  Pes 3:4 (last words) and 3:5 (all)
if it swells, let her slap it
with cold water. If it is seor, let it be burned but
the one who eats it is not penalized. If it is siduk,
let it be burned and the one who eats it incurs karet...
The Mishnah goes on to report a dispute on what these
terms mean. The main point of the biblical text is that
the festival be observed. The midrash, however, reads
shamartem mazzot literally: Keep the mazzah so it does
not become unfit. Thus, it appropriately cites the
mishnah which describes how this is done. That is the
point of the last part of Mishnah 3:4. The rest (3:5)
is to indicate what is to be "observed".

11:20-25  Zev 1:1  all sacrifices which are
offered but not for their
purpose are fit, but the owner has not fulfilled his
obligation, except for pesah and sin offering - This
exception regarding the passover sacrifice is based on
an interpretation which finds significance in the
repetition of ideas in the verse.

15:70  Pes 85b (compare with Pes 7:13 regarding the
two groups)
the pesah may be eaten in two
places but not in two groups (R. Shimon ben Yohai) - The
halakhah is based on the conjunction of two verses. MRI
goes on to describe a potential situation in which that
might occur. It does not appear in the BT exactly like
this but a dispute is indicated.¹⁰

17:141-4  (none in M, Tos or Talmuds)
order of putting on and
removing tefilin - The order specified is based on the
order in the verse.

17:160-1  Ber 3:3  all are obligated to wear
tefilin except women and slaves
In this context, the matter is based on a deduction from
Torah. It is not a quote of the Mishnah but a
paraphrase.

17:166-8  (none in M, Tos or Talmuds)¹¹
one who puts on tefilin is as
if he reads Torah and all who read Torah are exempt from

¹⁰See notes in H-R, pp. 54-55.
¹¹The comment in H-R, p. 68, indicates that this
statement does not represent halakhah.
tefilin - In MRI, this conclusion is based on parallel concepts in the verse.

17:176-7    Tos Hag 1:2, Arakh 2b\textsuperscript{12}
for tefilin should have tefilin made for him - This
deduction is based on the use of shamar in the biblical
text. Tos Hag 1:2 and Arakh 2b are slightly different
in stating that the father should acquire them for him.

18:49-53    Bekh 2:6    mikan hayah R. Yose haGalili
omar: if a ewe...gives birth
to two males simultaneously...both belong to the priest.
The Sages say...one for the owner, one for the priest -
In the Mishnah, Yose haGalili's opinion is based on this
verse which is cited. The Sages are joined by other
respondents as well.

18:67-8     Bekh 1:7    redemption precedes breaking
neck - The Mishnah cites this
text because the deduction is based on the order in the
biblical text.

18:83-4     Bekh 8:8 (paraphrase), cf. Tos 6:13
the firstborn of humans may be
redeemed with anything except slaves, notes, property or
dedicated things - In MRI, the conclusion is based on a
deductive process (klal uphrat ukhal) involving three
verses and followed by a statement of Rabbi.

18:110-13   Tos Kid 1:11, Kid 29a
from the Torah a man is
obligated to circumcise his son, to redeem him, to teach
him Torah, to teach him a trade and to get him a wife -
Several other possibilities are added as well. This is
a response to M Kid 1:7 but is not in the Mishnah
itself. The Tos is the closest parallel. MRI adds that
these obligations come from the Torah rather than citing
each proof text as does the BT. This mikan amru depends
on more than the verse.

18:137-9    (no parallel)    there is a symmetry in
sacrificing animal firstborns
and redeeming human firstborns - The concept is deduced
from the verse regarding the Lord's activities in Egypt.

18:142-6    Men 34b    the tefilin of the hand are
four sections on one roll and

\textsuperscript{12}See also the argument in JT Ber 3:3.
for the head four sections on four rolls - The materials in the BT are not the same as in MRI. This comment is here because this biblical passage closes the second of the sections which were to be on the tefilin.

**Tractate Beshallah**

**Individual Attributions**

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan (1)</td>
<td>alternate story regarding the whereabouts of Joseph's coffin</td>
</tr>
<tr>
<td></td>
<td>oath imposed on the brothers because Joseph was a king</td>
</tr>
<tr>
<td></td>
<td>alternate meaning of 'eitano (strong and old)</td>
</tr>
<tr>
<td>Shimon b Yohai (1)</td>
<td>only to those who eat manna is the opportunity really available to study Torah</td>
</tr>
<tr>
<td></td>
<td>let the sword and hand of Abraham stand against the sword and hand of Pharaoh</td>
</tr>
<tr>
<td>Judah (5)</td>
<td>angel of God protecting likened to a man (king) protecting his son</td>
</tr>
<tr>
<td></td>
<td>the chariots of Egypt rode heavily: measure-for-measure</td>
</tr>
<tr>
<td>Akiva (1)</td>
<td>Sukkot means clouds of glory (repeat from Pisha 14)</td>
</tr>
<tr>
<td>Rabbi (1)</td>
<td>story of Antoninus lighting the way for his children</td>
</tr>
<tr>
<td>Nehorai (1)</td>
<td>not even one in 500 (interpretation of hamushim) came out of Egypt; they died in the three days of darkness</td>
</tr>
<tr>
<td>Jeremiah (2)</td>
<td>[after a series of &quot;some say...&quot; regarding shalishim] the attack of Zerah the Ethiopian could be interpreted in same manner</td>
</tr>
<tr>
<td>Yosi (6)</td>
<td>Egyptians in Egypt suffered same plagues as those at the sea</td>
</tr>
</tbody>
</table>
Sets of Names

All the sets of names in Beshallah are included below because at least one of each set occurs more than once. They are presented according to similarity in the patterns of names or the more frequent occurrence of certain names.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Eliezer/Joshua</strong>&lt;br&gt;the significance of derekh, bamidbar and yam suf - tiring in the way, refining in the wilderness, testing at the sea / giving Torah (the way), feeding manna in the wilderness, performing miracles at the sea</td>
</tr>
<tr>
<td>2</td>
<td><em>(anonymous)/Eliezer/Joshua</em>&lt;br&gt;the meaning of hirot - [series of suggestions regarding shape] / male and female / location opposite Migdol</td>
</tr>
<tr>
<td>2</td>
<td><strong>Shimon b Yohai/Rabbi</strong>&lt;br&gt;occurrences of lemor and 'amarta 'alehem - commandment is for always / even without these, the commandment is forever</td>
</tr>
<tr>
<td>2</td>
<td><strong>Shimon b Yohai/Shimon b Gamaliel</strong>&lt;br&gt;even those among Pharaoh's people who feared the Lord were bad for Israel - kill the nicest of the goyim / legions of present wealthy and evil empire much more active than those of Egypt</td>
</tr>
<tr>
<td>2</td>
<td><strong>Yose haGalili/Shimon b Yohai</strong>&lt;br&gt;[parables to illustrate the value of Israel which Egypt let go] the field which was later developed / the house wherein treasure was discovered</td>
</tr>
</tbody>
</table>
Nathan asked Shimon b Yohai why it reads angel of God since other passages have angel of the Lord / elohim means judge; Israel was being judged.

Shimon b Gamaliel/Rabbi
to augment the number of riders in the chariot, Pharaoh added one to make three / Antoninus added one to make four.

Meir/Rabbi
"the Lord will fight for you" if you are silent and He does so, how much more if you praise / they were silent and it is declared inappropriate; they were to sing.

Meir/Judah
two versions of the story about who went into the sea first - Benjamin, but Judah wanted to be first; they both received rewards / Judah, but no one wanted to go

This is followed by Tarfon and the Sages discussing aspects of the Joseph narrative, closing with the issue of how Judah merited the kingdom.

Judah/Nehemiah
[how the wheels came off the chariots] fire from above burnt them / thunder

Judah/Nehemiah/others
[were Pharaoh drowned as well?] yes / no, he was an exception / yes, but later

(anonymous)/Judah/Josiah/Rabbi
the number of clouds - [7] / 13 / 4 / 2

Yose haGalili/Eliezer/Akiva
the number of plagues - 10 in Egypt, 50 at the sea / each one in Egypt was really four (no proof) / each one was really five (no proof)

Papias/Akiva
four sets of disputes on key verses - the answer of Akiva on
Long Lists
The only long list in Beshallah is ch. 4 which itself is the list. I have commented on it in ch. 6.

Tractate Shirta

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rabbi (1)</td>
<td>'az yashir teaches resurrection</td>
</tr>
<tr>
<td></td>
<td>[parable in response to Antoninus] - the judgment of body and soul is like a king who sentenced the blind and lame guards of his garden together</td>
</tr>
<tr>
<td>(2)</td>
<td>[response to question from Antoninus] Scripture said that Egypt would not be able to set up a ruler</td>
</tr>
<tr>
<td>(6)</td>
<td>derashah on Song of Songs 6:8-9 and Exodus 15:1 - Moses was equal to all people together [master/disciple context]</td>
</tr>
<tr>
<td>Judah (2)</td>
<td>Gaza is the measure-for-measure link for Samson, not his eyes</td>
</tr>
<tr>
<td>(4)</td>
<td>God was revealed to them with all the equipment of war but He did not need it</td>
</tr>
<tr>
<td>(6)</td>
<td>introduces list of tikune soferim following on &quot;the apple of His eye&quot;</td>
</tr>
<tr>
<td>Yose b Dormasqit (2)</td>
<td>alternate explanation for measure-for-measure regarding generation of the flood</td>
</tr>
</tbody>
</table>

13See Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 499-515, for discussion of the variant readings which sharpen the disputes about the sin of the calf and the plural reading of Genesis 3:22.
Issi b Shammai (2) explicitly and implicitly stated punishment of the horse
Eliezer (3) handmaidens at the Sea of Reeds saw more than prophets
Shimon b Eleazar (3) when Israel does the will of God, His name is exalted; when they fail to do so, it is profaned
Yose haGalili (10) the future application of "the Lord will reign" allows for Israel to be presently subjugated

Sets of Names
All the sets of names in Shirta are included below because there are so few of them.

Chapter Sets of Names with Subject and Pattern in Set
1 Nehemiah/Akiva/Eliezer b Taddai
   [the manner of reciting the Song] the Holy Spirit rested on Israel and they sang it as the Shema / the Holy Spirit rested on Israel and they sang it as the Hallel / Moses began, Israel repeated his words and finished the section

1 Yose haGalili/Rabbi/Meir
   [who are the ollalim in Psalm 8?] fetuses / youngsters / even those who are embryos sing and angels do, too

2 Judah/Yose/Rabbi
   [how often Absalom cut his hair as a Nazirite] once a year / once every 30 days / once a week because that was the manner of royalty (no mention of Nazirite)

Long Lists
The only long list occurs in ch. 3 and is a discussion of how Israel can glorify God.

Attributions and Pattern within Set
Ishmael / Abba Shaul / Yose / Yose b Dormasqit / Akiva / Sages
Ishmael's name heads the list and this is the only place it occurs in the tractate. His interpretation and most
of those which follow focus on activities. According to him, it means glorify Him with mizvot. Abba Shaul says the idea is to be like Him. In Yose's opinion it means to praise Him before the nations. Yose b Dormasqit identifies it as making the Temple. Akiva says it means to proclaim His praise when asked by the nations why die for Him. The unique relationship which warrants such devotion is described in the Song of Songs. The Sages propose a different understanding of the term, to "accompany" Him to the Temple, and go on to claim that the Shekhinah accompanied Israel. The two references to the Temple may be a result of the wider context of Exodus 15 and Shirtsat itself.

Tractate Vayassa

Individual Attributions

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>amru (Sages)</td>
<td>two legends regarding snakes of the wilderness - the second is part of Abba's comment</td>
</tr>
<tr>
<td></td>
<td>differences between reactions of good and bad people who ate quail</td>
</tr>
<tr>
<td></td>
<td>Nahshon and the poor man each gathered sufficient</td>
</tr>
<tr>
<td></td>
<td>if one ate proper measure, he was blessed; if more or less, it affected him adversely</td>
</tr>
<tr>
<td></td>
<td>good people did not leave any (until morning); those who were not good did</td>
</tr>
<tr>
<td>Joshua</td>
<td>God informed Moses of His awareness of what Israel said and what they will say</td>
</tr>
<tr>
<td></td>
<td>mishneh = double</td>
</tr>
<tr>
<td></td>
<td>the list of God's interventions for Israel and yet they refused to observe His commandments and laws and particularly the Sabbath</td>
</tr>
<tr>
<td></td>
<td>lehem yomaim = double portion</td>
</tr>
<tr>
<td>Dorshei Reshumot</td>
<td>Israelites called it manna</td>
</tr>
</tbody>
</table>
(5) Gen 3:19 applied to manna

(6) interpret name of manna by repeating the name

Shimon ben Gamliel (1) way of God different (cure bitter w/bitter)

(3) natural order reversed because Israel was beloved

Yose b Shimon (3) the cloud prevented Israel from stoning Moses and Aaron

(4) bread of strong horses/limbs

Judah b. Ilai (1) Israelites had an idol which Moses removed

Abba (1) quoting "our great master" about the man whose hair fell out when he saw a snake

Eliezer (& disciples) (1) ma'asim of long and short prayers14

Shilah (2) manna lasted 61 meals

Yose b Zimrah (7) rod made of sapphire - hit with rock

"Others" (1) Israelites were humbling themselves before their Father in Heaven

Sets of Names

Because J and EM dominate Vayassa, all of their disputes will be listed first in the order in which they occur through the tractate. As part of the listing, whether the attribution to J comes at the beginning (beg) of his opinion or following it (end) is noted. If a third name is added, those sets are listed following the J/EM pairs.

14The same opinion with the ma'asim is attributed in Beshallah 4 to Eliezer.
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with</th>
<th>Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>J(beg)/EM</td>
<td>Israel came to three places (Marah mentioned three times in text) / they came to one place</td>
</tr>
<tr>
<td>1</td>
<td>J(beg)/EM</td>
<td>Israel should have taken counsel (&quot;saying&quot;) but instead they complained against Moses / Israel in habit of complaining against Moses and (&quot;saying&quot;) God</td>
</tr>
<tr>
<td>1</td>
<td>J(beg)/EM</td>
<td>water was temporarily bitter / was always bitter (mayim used twice)</td>
</tr>
<tr>
<td>1</td>
<td>J(end)/EM</td>
<td>[&quot;statute&quot; and &quot;ordinance&quot;] the Sabbath and honoring parents / incest and civil laws</td>
</tr>
<tr>
<td>1</td>
<td>J/EM</td>
<td>nasah means to raise up or make great / test</td>
</tr>
<tr>
<td>2</td>
<td>J(end)/EM</td>
<td>normally the 12 springs supplied 70 trees but when Israel came, they supplied all Israel for three nights / 12 springs = 12 tribes, 70 trees = 70 elders, camping by water = study of Torah</td>
</tr>
<tr>
<td>2</td>
<td>J(beg)/EM</td>
<td>Israel should have taken counsel but instead they complained against Moses / they were in the habit of complaining against Moses and Aaron (responding to &quot;Aaron&quot; in text)</td>
</tr>
<tr>
<td>2</td>
<td>J(beg)/EM/Jose</td>
<td>[&quot;kill w/ hunger&quot;] the worst kind of death / hunger came followed by pestilence and darkness</td>
</tr>
</tbody>
</table>

15 The form of this set is different. J's opinion is stated, attributed to him and then followed by prooftexts for the interpretation. EM criticizes his spelling.
exaggerating / they had been servants of kings and had everything / it was given to them only at end (ref to Numbers 11:5)

3 J(beg)/EM hinneni means immediately / it refers to merit of fathers

3 J(beg)/EM lakhem specified because they did not deserve it / on account of merit of the fathers

3 J(beg)/EM girvu because God had revealed himself /girvu to give account

3 J(beg)/EM they turned to wilderness when God revealed himself / they turned because of forefathers who were like the wilderness; without sin

4 J(beg)/EM Moses spoke to elders who spoke to Israel / Moses spoke to elders and Israel

4 J(end)/EM/Tarfon in discussing the nature of manna, gives a literal rendition of each word / layer of dew going up refers to prayer and puns on each following term // picks up on prayer of forefathers and kippur [this is followed by additional Tarfon and the elders material]

5 J(beg)/EM manna did not come on the Sabbath but how do we know it did not come on Yom Tov? / ...on Yom Tov and Day of Atonement? 16

5 J(beg)/EM/Eliezer [baked and cooked manna] if one liked it baked or cooked, it would become that / if one liked baked or cooked, it would

16On the possibility of omissions from this dispute, see H-R, p. 169.
have the taste of any baked or cooked thing in world / derive halakhah - if one has performed eruv, one can bake/cook on Sabbath because adding to that which is already baked/cooked

5 J(beg)/EM/Eliezer if succeed in keeping Sabbath, receive 3 festivals / 6 good things / keep from 3 punishments

6 J(beg)/EM/Eliezer [same as previous set]

6 J(beg)/EM/Eliezer for your generations means for forefathers / for generations / for days of Jeremiah

7 J(beg)/EM Moses named the place / God (haMagom) named it

Below are the additional sets of names which do not contain both J and EM.

1 Josh/Eliezer (2x) Moses commanded the journey / God did; Moses was mentioned to show praise of Israel in that they followed him; Moses was mentioned because he had to force Israel

4 Tarfon and Elders/EM/Issi b Shammai EM demonstrates to Tarfon and the Elders that manna came down 60 cubits high [very figurative use of biblical text and principle that the measure for good is greater than for evil] / all nations saw that manna came down for Israel

5 Zereka/amru (Sages)/Eleazar b Hisma

17 In the light of the responses typical for J and EM, this set seems unusual. What EM says would be expected from J. In the Munich manuscript, that is exactly how it reads. Undoubtedly, this issue was prompted by the knowledge that later biblical accounts do not list the manna as one of the items in the ark with the tablets (I Kings 8:9 and II Chronicles 5:10).
learn that one should have three meals on the Sabbath [dialogue between the Israelites and Moses] / heart of forefathers broken because they were not certain it would reappear after the Sabbath / you will not find it in this world but in the world to come

6 J/Eliezer taste of manna like stew and dumpling / like honey and butter cakes

7 J/amru (Sages) Aramaic proverb: when the house falls, woe to the windows (made beast equal to them) / a man's beast is as his life

7 Judah/Nehemiah "pass before the people" means go across from them because you will bring out water for them / pass over their sin

7 J/Eliezer if God is master over all things, we will serve Him / if He meets our needs, we will serve Him

Long Lists
Chapter Named Rabbis and Pattern of Thought Within List
1 J / Eliezer / others / Dorshei Reshumot

This list and the following one share several things in common. First, a natural phenomenon is likened to Torah and second, the Dorshei Reshumot, cited at the end of the list, are those who make the symbolic connection. Joshua, as is customary, understands finding water literally. Eliezer, as in several of the sets of three, suggests quite another perspective; even though land floats on water, this happened in order to tire the Israelites. Others say that they found no water even in the vessels for carrying it. The Dorshei Reshumot not only liken the words of Torah to water but demonstrate that the symbolism is founded in Scripture.

1 J / EM / Joshua b Korha / Shimon b Yohai / Nathan / "Some say" / Dorshei Reshumot
J identifies the tree as a willow. EM says it was an olive, the most bitter of trees. This opinion will provide the basic material for Shimon b Gamaliel's later lesson on the contrasts between healing methods of humans and God. Joshua b Korha suggests an ivy and Shimon b Yohai says it was a word from Torah and indicates why the verb in the biblical text allows this interpretation. Nathan and some unidentified authorities propose cedar or the root of a fig or pomegranate tree. All of these seem to be setting up for the punchline contributed by the Dorshei Reshumot; the words of Torah, which is likened to a tree in Scripture, were shown to Moses.

Although this list initially appears to have two separate sections, in reality, they are linked together. J and EM apparently dispute the matter of gathering manna one day in anticipation of the next. Based on EM's opinion that one may not do so, the following generalization is derived regarding those who have sufficient for one day but question the next; they lack faith. The prooftext for this conclusion, "that I may test (Israel) to see if he walks in my law or not", is also the link to the second section which has to do with the study of Torah. J declares that a person who repeats two halakhot in the morning and evening and works all day is as if he had maintained the whole Torah. On the basis of this, Shimon b Yohai says that only those who have manna, i.e., are provided for, can study Torah.

Ostensibly these authorities are concerned with what it meant that the quail covered the camp. Yose's conclusion is based on simple computation of size of camp (3 parasangs on each side; 2 cubits deep). Josiah adds in the criterion of the

18 It also has several difficult text problems. J's opinion is out of character as it stands; attempts to emend it are apparent in the versions. See note in H-R, p. 161. EM's opinion is simply the opposite of J's which is also out of character. Following it is a common saying attributed to Eleazar and based on the preceding opinion. At that point, the two major manuscripts read Eliezer. The specific attributions, however, are not the main point. Of greater importance is the overall development of the unit and the subject which is addressed.
distance of a day's journey in figuring out the extent and the "Others" double the distance of the day's journey on each side of the camp on the basis of another phrase in the text. Eliezer's opinion subtly switches, as does the biblical text, from quail to manna, stating that the manna was two cubits high off the ground and the Israelites took it right off the top. This is an echo of the opening anonymous statement on the height of the quail. Whereas each long list up to this point highlights the importance of Torah, this one emphasizes the distinctly extraordinary nature of the manna.

J / EM / Others / Yose

Discussing the description, "it was like the seed of gad", J says it was like the seed of flax but was white. EM, playing on the word gad, likens it to aggada which draws the heart. "Others" say that, because it did not come down on the Sabbath, holidays or the Day of Atonement, it testified concerning itself that it was manna. Yose claims that it has the same capability of declaring secrets as did the prophets. In an oblique fashion, the last opinion links manna to revelation of some sort.

Tractate Amalek

Individual Attributions

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>amru (1)</td>
<td>hands of Moses were heavy (as with vessels)</td>
</tr>
<tr>
<td></td>
<td>Rahab's conversion at the age of 50</td>
</tr>
<tr>
<td></td>
<td>no slave can run from Egypt but 600,000 were brought out</td>
</tr>
<tr>
<td></td>
<td>Jethro found all the other gods to worship</td>
</tr>
<tr>
<td></td>
<td>cite Isaac's derash about Gamaliel serving at a meal for the hakhamim; story includes comments by Joshua and Zadok which support his activity and further indicate the responsibility to serve even apparent idolators</td>
</tr>
</tbody>
</table>
cite a question which Judah of Kefar Acco asked Gamaliel regarding why Moses said "the people come to me to inquire of God"

measure-for-measure rule applies to all generations
don't associate with evil person, even to bring him near Torah
when he died his wisdom died with him [an indirect comment in context of Kenites living in Judah]
covenant with Jonadab is better than the one with David
Israel prevailed when Moses' hands (which would give Torah) were up
five syntax problems in Torah
it was because of the people that Moses could not enter the Land
"it is enough" (Deuteronomy 3:26) refers to Moses' inheriting the world to come
Abraham's view was better than Moses'
Jethro's blessing was a reproach to Israelites none of whom blessed the Lord
alternate exegesis of Jabez' blessing - bless with children, in business, free from sickness
why did Moses state figures? Only in second year when he was appointing officials

Sets of Names
As in Vayassa, the pair J/EM dominates the tractate.
All of those sets will be listed first, followed by those
where Eliezer's opinion is added. As part of the J/EM listings, whether the attribution to Joshua comes at the beginning (beg) of his opinion or following it (end) is noted.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with</th>
<th>Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>J(beg)/EM</td>
<td>&quot;choose us men&quot; - choose means heroes; men refers to fearers of sin / (opposite)</td>
</tr>
<tr>
<td></td>
<td>J(beg)/EM</td>
<td>Moses told Joshua to go out from under protection of the cloud to fight with Amalek / Moses asked Joshua if he was preserving himself for the crown and then said to go out from under the cloud and fight</td>
</tr>
<tr>
<td></td>
<td>J(end)/EM</td>
<td>[&quot;tomorrow I will stand&quot;] literal / declare fast and rely on deeds of forefathers and mothers to be ready</td>
</tr>
<tr>
<td></td>
<td>J(end)/EM</td>
<td>[Aaron and Hur held up his hands and they were steady] it was a fast / sin was heavy on Moses' hands and he could not bear it</td>
</tr>
<tr>
<td></td>
<td>J(beg)/EM</td>
<td>&quot;weakened Amalek&quot; means Joshua cut off heads / &quot;weakened&quot; is an abbreviation, &quot;Amalek and his people&quot; is inclusive</td>
</tr>
<tr>
<td>2</td>
<td>J(end)/EM</td>
<td>telling Joshua meant Joshua was anointed / Moses was one of four who were given hints</td>
</tr>
<tr>
<td></td>
<td>J(end)/EM</td>
<td>maho means him and all descendants, 'emhah includes him and all family / &quot;remembrance&quot; is Agag, Amalek means himself, maho refers to him and all descendants, 'emhah</td>
</tr>
</tbody>
</table>
includes him and all that generation"}

J(beg)/EM

["from under heaven"] when Amalek threatened to remove Israel from under wings of Father in heaven, Moses said to God, who will read Torah? / Moses referred to the future when Israel would be scattered to the four winds of heaven and said, who will read Torah?

J(beg)/EM

Moses named the altar nissi / God named it

3

J(beg)/EM

Jethro was priest of idolatry / was a prince

J(beg)/EM

Moses divorced Zipporah / Moses sent her away after a speech as a result of Aaron's influence

J(beg)/EM

the land was strange to Moses / God was a stranger

4

J(end)/EM (2x)

["statutes and laws"] interpretations (midrashot) and instructions / decrees against incest and instructions

J(beg)/EM

[navol tibbol] to tire out and cause to drop / to make you fade with chiding

J(end)/EM

"you" means Moses, "also" includes Aaron, "this people"

The structure of this unit is unusual. Prior to the portion cited, the text indicates that maho 'emhah refers to this world and the world to come. That is followed by a comment that "remembrance" refers to Haman and "Amalek" is to be understood literally. The definitions of "remembrance" and "Amalek" look very much like the first part of EM's opinion and could well be the parallel first part of J's but for the fact that what I have cited as Joshua's begins with davar 'aher. Perhaps the davar 'aher refers to the first explanation of maho 'emhah and J's opinion is the complete set of definitions. If so, the differences between J and EM are slight. There are no variant readings which omit or reposition the davar 'aher.
means 70 elders / "also" includes Aaron, Nadab and Abihu [the rest is the same]

J(end)/EM
"you shall make known to them the way" is study of Torah, "and the work they should do" refers to good deeds / show how to live, visit sick, bury dead, doing lovingkindness, line of strict justice, beyond that line

J(end)/EM
[choice of judges] see with prophetic power - "able" means wealthy, fear only God, "of truth" means trustworthy, not accepting money / use specularia - "able" means trustworthy, "fearing God" means they seek to achieve compromise, "of truth" means like Hanina b Dosa and his fellows, disdain their own money

J(beg)/EM
["judge...at all times"] people free from work / free from work and busy with Torah

J(end)/EM
Moses listened to the voice of his father-in-law and did what he said / doing what he said means Moses did what God said

J(beg)/EM
Moses sent his father-in-law with all honors in world / with many gifts

In addition to the pair of J/EM, the trio J/EM/Eliezer occurs with a degree of regularity. These are listed below followed by the rest of the brief sets of names in the tractate.

Chapter Sets of Names with Subject and Pattern in Set
2 J/EM/Eli ["hand upon throne...the war is the Lord's"] when the king will sit upon the throne and reign, He will prevail over
Amalek\textsuperscript{20} / God swore by the throne not to leave any offspring or possession to Amalek / God swore by the throne that Amalekites should not be allowed to convert "from generation to generation"] this world and the world to come / generations of Moses and Samuel / generation of Messiah\textsuperscript{21}.

Jethro heard about battle with Amalek / giving Torah (Balaam story) / dividing Reed Sea (Rahab story)

Jethro sent a letter / he sent a messenger pleading that Moses respond for his sake or for Zipporah and children / God spoke and told Moses that He sent Jethro and Moses ought to welcome him "goodness"] manna which tasted like any desired food / the well which tasted like any desired drink / land as part of the six good measures

"edge of sword"] they did not disfigure / by the command of God

\textsuperscript{20}See Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 493-98. The initial opinion of J is a description for a given point in time; the subsequent two opinions are intended as oaths. The reading of J's statement in the printed editions is difficult because it says when haQadosh is on the throne..., then the war with Amalek will be His. That potential theological problem is solved with the full manuscript tradition which reads haMelekh instead, referring probably to the establishment of the human king and the mandate to obliterate the descendants of Amalek.

\textsuperscript{21}On these two sets together, see Kahana, "Editions of Mekhilta de-Rabbi Ishmael," pp. 493-98; esp. p. 497.
[when did God deliver Moses?]
an angel took his place / made
some groups mute, some deaf and
some blind

Hananyah asked Eleazar in great session / Others
[what does Rephidim mean and
why are firstborn donkeys
redeemed?] Eleazar's response
regarding Rephidim is that it
must be interpreted literally
// Rephidim means feebleness of
hands (let Torah go)

Shimon b Yohai / Hananyah b Iddi / Others
[meaning of repetition of verse
about not crossing Jordan] not
even Moses' bones would cross /
Moses was weeping about his
fate; the verse has no
reference to bones crossing /
Moses asked Eleazar to pray for
him

Moses, Aaron, Nadab, Abihu and
70 elders went out to meet
Jethro / these were joined by
Shekhinah

Long Lists
There are two long lists of attributed material.

Chapter
Named Rabbis and Pattern of Thought Within List
1 J and Eleazar Hisma / EM / Eli / Yose b Halaffa /
Judah haNasi / Nathan / Others
Three of the first four names are familiar
from the rest of the tractate even though the first
opinion is quite unlike an independent statement of
Joshua. It is shared by J and Eleazar Hisma and is
essentially an allegory. Just as a reed cannot
grow without water, so Israel cannot exist apart
from study of Torah. Because they separated
themselves from Torah, the enemy came. This
establishes the direction for the rest of the
chapter. EM says that Amalek came and stole Israel
from under the cloud and Eliezer indicates that
they came openly.
The next three opinions deal more with the geopolitics of the matter. Yose says Amalek gathered the nations and came with a plan. Judah haNasi states that they crossed five nations and Nathan says they came from Seir. The final opinion presents the measure-for-measure principle in different terms. Because of Israel's ingratitude, ungrateful Amalek would punish them.

Eleazar b Azariah / Ishmael / Yose haGalili / Joshua b Korha / Nehemiah / Rabbi / Yose / Shimon b Gamaliel

The introductory statement is that uncircumcision is detestable. The following opinions state positive aspects of circumcision. Ishmael - 13 covenants made concerning circumcision; Yose haGalili - it sets aside even the Sabbath; Joshua b Korha - not even Moses' merit could suspend punishment for not doing it; Nehemiah - circumcision sets aside regulations about nega'im. Rabbi's opinion is similar to that of Joshua b Korha but he adds that, even though Moses was going to bring Israel out of Egypt, his negligence was serious enough that the angel was going to kill him. Yose responds to Rabbi's statement claiming that Moses ought not be accused of negligence. Rather, he had been uncertain whether to travel immediately after the circumcision or wait and while he arranged lodging, the angel sought to kill him because he had delayed. Shimon b Gamaliel says that the angel came intending to kill the child, not Moses.

If the equation of Edom = Rome is intended to underlie this statement, then we have Nathan making the parallel between the Enemy in the days of Exodus and the contemporary one.
<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rabbi (3)</td>
<td>[responding to anonymous position - can prove by <em>gezerah shaveh</em> that &quot;be ready&quot; means separate] simply prove from the context</td>
</tr>
<tr>
<td></td>
<td>to make known the praise of Israel; when they accepted Torah and the kingdom, it was with one heart</td>
</tr>
<tr>
<td>(5)</td>
<td>God controls jealousy</td>
</tr>
<tr>
<td>(6)</td>
<td>[responding to last point of Ishmael's four divisions of atonement] does death atone? prooftext to demonstrate that it does</td>
</tr>
<tr>
<td>(7)</td>
<td>the Ten Words are divided at the third one on the basis of what atones</td>
</tr>
<tr>
<td>(7)</td>
<td>God knew that people honor mother and fear father more and structured passages accordingly</td>
</tr>
<tr>
<td>(8)</td>
<td>reconcile two different verbs for covet</td>
</tr>
<tr>
<td>(8)</td>
<td>to make known the praise of Israel; they interpreted Torah when they heard it</td>
</tr>
<tr>
<td>Nathan (5)</td>
<td>to refute <em>minim</em> - no one stood up to protest when God said: I am...</td>
</tr>
<tr>
<td>(6)</td>
<td>visiting iniquity on three generations of destroyers</td>
</tr>
<tr>
<td>(6)</td>
<td>those who love and keep commandments refers to those who live in the Land and give life</td>
</tr>
<tr>
<td>(9)</td>
<td>God showed Gehinnom, giving Torah and parting the Sea to Abraham</td>
</tr>
<tr>
<td>(9)</td>
<td>the kings of the earth heard; they did not see</td>
</tr>
</tbody>
</table>
Yose

(1) Torah not given secretly or only to Jacob (Isaiah 45:19)

(3) [responding to anonymous position that if one had been missing, they would not have been worthy to receive Torah] even if there were only 22,000 present, they would have been worthy (prooftext from Numbers 10:36)

(3) [cites the Sages (mikan amru) who said the place does not give honor to the person but vice versa] this is an example - when the Shekhinah left, people could ascend the mountain

(4) the heavens belong to God and the earth has been given to humans; Moses and Elijah did not ascend and the Glory did not descend all the way

(9) Israel stood at Sinai on condition that the Angel of Death would have no power over them

Ishmael

(7) in the context of a conversation, Ishmael's exegesis regarding the four divisions of atonement is cited

(11) every 'im is voluntary except three

(11) [response to anonymous position - not going up the steps referred to both ascent and descent with ramp to avoid showing nakedness] we already know they wore trousers; this had to do with taking small steps

---

23In the editions and major manuscripts, the location of mikan amru in the sentence is unusual because it follows the generalization and precedes the specific incident. One might rather expect to see this situation described followed by mikan amru and the maxim about the person honoring the place.
Eliezer b Yose haGalili (1) what did the nations do that they could not receive Torah? (Psalm 147 - word declared to Jacob)

(2) how do we know that Israel will have as many children as came out of Egypt?

Joshua b Korha (2) "treasure" is used to get attention

(4) who were priests? Nadab and Abihu and elders (gam)

Yohanan b Zakkai (1) interpretation of Song of Songs 1:8 based on observation of young girl

Akiva (3) lo yihyeh means death by stoning here as does lo tihyeh for a sorceress

Shimon b Eleazar (5) sons of Noah were offered Torah

Shimon b Yohai (6) passages which demonstrate Israel accepted God's reign and decrees

Eleazar (7) resolve the infinitive absolute in Exodus 34

Ahai b Josiah (7) both warning and penalty

Judah b Ilai (9) because Israel was scorched by heat, God ordered dew

Sets of Names

The list below includes only those sets which contain the names of Ishmael, Akiva, Rabbi and Judah or are significant for other reasons. They are arranged according to patterns within the sets.

24 In Nezekin 17, the same deduction is cited with regard to the passage about the sorceress.
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with</th>
<th>Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Eleazar b Azariah / Ishmael / Akiva²⁵</td>
<td>proof that a discharge of semen on the third day does not make unclean comes from Sinai / the length of time varies between two and three days / two-and-one-half</td>
</tr>
<tr>
<td>3</td>
<td>Yose b Judah / Rabbi / Ishmael</td>
<td>Moses read from Genesis to this point / he read the laws to Adam, Noah, those given in Egypt, at Marah and all the rest / he read the laws about Sabbath and jubilees, the blessings and curses</td>
</tr>
<tr>
<td>4</td>
<td>Ishmael / Akiva</td>
<td>lemor means they said yes to positive and no to negative / yes to positive and yes to negative</td>
</tr>
<tr>
<td>8</td>
<td>Ishmael / Judah b Batyra / Rabbi</td>
<td>both man and woman are to fear and honor / there is no distinction between men and women regarding Sabbath; the same is true about fearing parents / honoring, fearing and cursing parents is same as doing so to Him</td>
</tr>
<tr>
<td>9</td>
<td>Ishmael / Akiva</td>
<td>they saw the visible and heard the audible / they heard and saw that which was visible (word cut the rock)</td>
</tr>
<tr>
<td>9</td>
<td>Ishmael / Akiva / Rabbi</td>
<td>a third verse resolves the problem of talking from heaven / God bent heaven down so He still spoke from heaven / it is not literal but is like the sun which affects more than its place</td>
</tr>
</tbody>
</table>

²⁵This set is introduced by mikan amru. See further below.
<table>
<thead>
<tr>
<th>Line</th>
<th>Authors</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Ishmael / Nathan / Akiva</td>
<td>the command not to make &quot;with Me&quot; means no images of those beings with God / read as a direct object / do not behave with Me... [a long excursus follows]</td>
</tr>
<tr>
<td>11</td>
<td>Ishmael / Nathan / Issi b Akiva</td>
<td>&quot;altar of earth&quot; means attached to the earth, not on columns / hollowed in the earth / altar of bronze full of earth</td>
</tr>
<tr>
<td>2</td>
<td>Eliezer / Akiva</td>
<td>reference to eagles' wings means that the people gathered quickly in the day of Raamses / at the time of giving Torah, the people moved back and forth</td>
</tr>
<tr>
<td>2</td>
<td>Eliezer / Akiva</td>
<td>keeping the covenant referred to the Sabbath / to circumcision and against idolatry</td>
</tr>
<tr>
<td>4</td>
<td>Eliezer / Akiva</td>
<td>God did not speak until Moses told Him the people had accepted / God gave Moses power so that people would hear his voice</td>
</tr>
<tr>
<td>6</td>
<td>Akiva / &quot;some&quot;</td>
<td>not making images of anything in water under the earth includes Buvyah / and Shavririm</td>
</tr>
<tr>
<td>2</td>
<td>Judah / Rabbi</td>
<td>God communicated with Moses and the people saw Him agree with Moses / do not exalt Moses at the expense of God</td>
</tr>
<tr>
<td>4</td>
<td>Judah / Rabbi</td>
<td>When God told Moses to go down it was to demonstrate again that God agreed with Moses and make Moses great / must not say that if it detracts from God</td>
</tr>
<tr>
<td>3</td>
<td>Judah / &quot;others&quot;</td>
<td>Moses set up 12 pillars for the 12 tribes / 12 pillars for each tribe</td>
</tr>
</tbody>
</table>
God told Moses to set boundaries; he told people all the ordinances and they had to accept the penalties with joy or they would be punished. Israel told Moses that they wanted to see and hear directly from their King.

Long Lists

Chapter 6

Named Rabbis and Pattern of Thought Within List

Yose / Eliezer / Isaac / Hananyah b Antigonus / Rabbi

The subject of "other gods" elicits a collection of severe condemnations. Yose says they are called "other gods" because, if they were called by the name of God, the nations of the world would have an occasion to say that they had value. Eliezer indicates that they are always making new gods because they need the material from the old ones. According to Isaac, there is not enough parchment to write all the names of the idols. Hananyah concludes that Torah uses the appropriate descriptive term for idols - Molekh. Rabbi's opinion closes the list: Idols were the last thing created because they are a product of the human mind. The last two comments are particularly scathing.

Ishmael / Akiva / Isaac / Shimon b Yohai / Shimon b Judah Kefar Acco in the name of Shimon

All of the above are agreed that the blessing of the Sabbath was the manna. The question arises over how the Sabbath was to be set apart. In order, the suggestions include manna again, special blessing, the punishment pronounced against the woodgatherer, the lights or the light of the human face.

Eliezer b Jacob / Meir / Yose b Judah / Jonathan / Shimon b Yohai / Nehemiah / Eliezer and his four visitors [Tarfon, Joshua, Eleazar b Azariah, Akiva]

Each of these units addresses the unpleasant observation that chastisement is valuable and precious. The various attributed opinions and the story about the suffering Sage would have made the observation more palatable. Suffering makes a child pleasing to his father. Meir observes that
even all the suffering is not equal to the deeds one has done. According to Yose b Judah, the name of God rests on those who suffer. Jonathan states that chastisement is related to the covenant and the Land. Akin to this observation is that of Shimon b Yohai; three good gifts were given to Israel at the price of suffering. The opinion of Nehemiah, that sacrifices and chastisements are means to atonement but the former do not cost as much, provides a link to the story of Eliezer's illness and visitors. He is pronounced more precious than the sun, rain, father and mother, all of whom give light and life for this world, because he did so for the world to come. Akiva's declaration that chastisement is what is precious attracts even Eliezer's attention and Akiva expounds the value of suffering.26

Authoritative Statements and the Sages

The expression mikran amru reappears in Bahodesh.

<table>
<thead>
<tr>
<th>Chapter:Lines</th>
<th>Parallels</th>
<th>Subject Matter and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:39</td>
<td>Vayassa 1</td>
<td>obedience to one commandment leads to many... - This statement and its counterpart about forgetting are based in each case on the occurrence in the biblical text of the infinitive absolute construction. It seems to have the nature of a proverb rather than a halakhic deduction.27</td>
</tr>
<tr>
<td>2:66</td>
<td>Pisha 1*</td>
<td>Israel was able to eat holy things before they made the golden calf; afterwards, only the priesthood - Calling Israel a &quot;holy nation&quot; is the basis for this statement. The passage in Pisha is a parallel only in the sense that the formula and the subject of distinction between people and priests are the same. Nothing, however, is said in that context about the golden calf being the deciding factor.</td>
</tr>
</tbody>
</table>

26 On this passage, Gereboff, Rabbi Tarfon, pp. 245, 343, 417, noted that Tarfon, Joshua and Eleazar b Azariah all focus on the rabbi; he is the key to the world to come. Stylistically, however, Tarfon's opinion is a foil for that of Akiva which truly addresses the issue of the midrash. See also Neusner, Eliezer ben Hyrcanus, vol. 2, pp. 228, 408.

27 A similar thought is expressed in SD 79 but the formulation is different.
3:65,66 Ta'anit 21b it is not the place which honors the person... - The deduction is based upon the biblical warning that death was the punishment for anyone touching the mountain while the Shekhinah was on it but when the Presence was not there, it was safe. In the BT parallel, both the general statement and its basis in the Sinai situation are acknowledged as a Tannaitic teaching attributed to R. Yose. Here, R. Yose's statement incorporates the attribution to the Sages.

3:95 Shab 9:3, Mikv 8:3, Tos Mikv 6:6, JT Shab 12a, BT Shab 86a one who discharges semen on the third day is clean - The proof of this comes from the Sinai incident. In Mishnah Shabbat, two things are different. The matter is presented as a question which asks how you know she is unclean. The answer is found in this passage. Both the Mishnah and Tosefta of Mikva'ot, however, render it as a statement attributed to Eleazar b Azariah to the effect that she is clean. BT Shabbat 86a acknowledges the apparent discrepancy from the known opinion of Eleazar b Azariah and discusses it.

7:64 Yoma 81b we add from the profane onto the sacred - Here the context is remembering the Sabbath before and keeping it afterwards. In the BT, the same expression is applied first to the Day of Atonement and then to holidays and the Sabbath.

7:71 Pes 106a we sanctify (the day with a blessing) over the wine at the entrance (of the Sabbath) - This deduction depends not only on the biblical Sabbath text but also on the comment which directly precedes it: "to sanctify it with a blessing".

8:43 Hul 110b every commandment which also indicates a reward cannot be enforced by human court - The deduction is based upon

---

28Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, p. 108, noted that the phrase, "the proof of the matter is from Sinai," is not in the Mishnah or Tosefta and, on that basis, argued that the tanna in MRI had a different version of the Mishnah before him. A more acceptable explanation would simply be that the editor(s) of MRI, shaping this tractate around the Sinai incident, included it as part of the statement.
the explicit statement of reward which accompanies the commandment to honor parents.

11:43,44  Tamid 7:2, Sotah 7:6
it is forbidden to pronounce the Divine Name (outside the Temple) - The biblical text states that the Lord will come and bless them in every place where He causes His Name to be mentioned. The midrash initially interprets this as the place where He reveals Himself, i.e., the Temple. On that follows the dictum of the Sages. Tamid 7:2 conveys the same idea. In the sanctuary, they said the Name as written; outside, they substituted.

11:47  Avot 3:6 whenever ten, three, two persons assemble, He is with them and also with even one - The Exodus passage is the prooftext for the final statement that God is present with even one. In the process of moving from ten to one, the midrash gives credence to assembling in the synagogue, perhaps as the replacement for the Temple, and to court proceedings. The parallel in Avot has the same order and prooftexts but shapes the whole set in terms of the Divine Presence with those who busy themselves with Torah. It also includes the option of five persons.

11:93,94  (no apparent parallels)
make a ramp to the altar - The command not to ascend via steps produces this logical conclusion.

In the same context as the preceding statement, we find mikan R. Shimon b Eleazar 'omer: The altar was created to lengthen days whereas iron shortens them... This is also based on the biblical text but in this case, it is almost a poetic derivation as opposed to a direct deduction. It is, however, in Mishnah Middot 3:4 without attribution.

Tractate Nezikin

Individual Attributions

Attribution/Chapter(s)  Subject Matter
Ishmael  (2)  can argue the status of children of a foreigner on the basis of kal vehomer (and hegesh)

(6)  one of three passages in which the language is figurative
(10) God is merciful - humans can redeem themselves by paying money (prooftexts)

(13) sun rising means the thief came in peace (so the owner is guilty) - likewise two other figurative interpretations

(15) keep, not just watch

(15) reconcile paying twice the amount and paying the principle plus one-fifth

(16) the owner must ask the individual to keep it

(18) God's anger meant drought, exile, sword

Nathan
(2) she bears "to him" means they are the master's children

(6) stone and fist must correspond - just as the stone produces death, so the fist; just as the fist is identified, so also the stone

(14) [anonymous position proposes a case regarding the "other" field] what if a man puts a stack in another's field and the stack is destroyed by that other's animal?

(16) [responds to anonymous position about "oath between them"] it affects both

(18) do not reproach your fellow with a fault that is yours

Rabbi
(2) Scripture speaks of one sold because of stealing

(2) Torah says to pierce with an awl, halakhah says with anything, Rabbi says with a metal instrument

(2) 50 years (Jubilee) is meant by "forever"
[anonymous position regarding "with a rod" - necessary to state because punishment cannot be decreed on basis of logic alone] "with a rod" is stated so as to deduce gezerah shaveh and exclude any slave bought by partners

(8) life for life does mean money compensation (on the basis of an implicit gezerah shaveh)

Yose haGalili (3) can betroth the daughter to more than one person, or after slavery, but cannot sell her into slavery after betrothal or into slavery a second time

(7) [anonymous position: "a day or two" must be understood as 24 hours] 'akh suggests it does not need to be read literally

(16) "if it be stolen" includes loss

(17) in the case of the seduced woman, even if she does not have a father, the words apply29

Isaac (1) from the case of the going out of the slave, we can also learn concerning coming in - the master must provide for the wife of the slave

(2) [anonymous position on going out alone: "And he shall" includes the slave whose ear has been pierced] It is not necessary to use the grammatical argument because it can be deduced by logic: If it applies to the six year slave, it should also apply to slave whose ear was pierced

29"The words", however, are not logical if there is no father because they set up the condition of the father's refusing to allow his daughter to marry the seducer. See H-R, p. 309.
[summarizing an argument regarding how respective parties fare in the division of the living and dead oxen] "dividing in half" applies to both living and dead oxen so Scripture must refer to the case where they are of equal value

hayyim = wild creatures

[anonymous position to prove that minors are included - the muad/tam distinction does not work; need gezerah shavah with niggah] the kill/killed distinction does not work; need gezerah shavah with niggah (very long, complex argument)

[anonymous position on forfeiting life for stealing a person] one who is a partner with a thief hates himself; follows with a parable indicating that aiding and abetting a thief and vowing to know nothing of it result in the forfeit of life

[anonymous position compares slave with hired person - neither works at night] depends on what the slave's former trade was

disciple of Ishmael (4) burning is a mode of exercising the death penalty and is forbidden Shabbat activity; therefore, death penalty does not supercede Shabbat

Issi b Akavyah (4) appointing a place meant the 2000 cubit limit applied

Shimon b Manasyah (4) saving life should supercede the Sabbath

Abba Hanin in the name of Eliezer (8) using both harah and "her children come out" teaches the part of body where she is injured

Hananyah b Gamaliel (9) there is a distinction between hitting an organ directly and destroying it, which meant the slave would go free, and alongside it, which meant he would not go free
Judah b Batyra (11) [after several anonymous opinions on "open" = "dig"] the particular aspects of opening and digging are not the same; the common feature is that the owner is responsible to guard and pay any damage.

Eliezer b Yakov (13) if a thief destroyed property, it must be paid for (by his estate if he is dead and if his intentions were peaceful but he was killed).

Yohanan b Zakkai (15) the distinction between the gannav and gazlan.

Sets of Names

The sets listed below include those in which Ishmael's name occurs or a pattern of names occurs more than once. This means that 22 sets are not listed because they are unique combinations of names for this tractate. The sets are grouped according to similarity in the patterns of names.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with Ishmael/Akiva</th>
<th>Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>begappo - optional because the slave can take a wife (next verse) / refers to whole body (begupho)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>kal vehomer - if one can buy a Canaanite wife, then also an Israelite and the latter can be acquired with a document / &quot;if he takes another wife&quot;, both can be acquired with money</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>redemption of his life means of the one who was killed / ...of the one who caused death</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>best vineyard and field of the one causing damage / in appraising, estimate as if damage was done to the best fields; kal vehomer it applies for Temple property</td>
<td></td>
</tr>
</tbody>
</table>
Ishmael/Akiva should not afflict widows and fatherless or any others (use of "them") / these two groups most likely to be afflicted

Jonathan b Avtalemos/Ishmael/Akiva
["dealing treacherously"] if father treats her contemptuously, he does not have the right to exercise authority / refers to a master who intended to espouse but did not / spread garment

Eliezer/Ishmael Hebrew slave includes proselyte / it is not necessary to say this; he is included by logic

Eliezer/Ishmael (occurs twice)³⁰ sending = ghet; any age (whether qualified or not) / compare one who sends (must be adult) with one sent (does not need to be adult).

Eliezer/Isaac/Ishmael the verse refers to foreign slaves, not to Hebrew slaves / it excludes slaves owned by partners or half slave, half free / this slave is foreign because he can be possessed forever; he is not owned by partners because they cannot be given as inheritance [Ishmael draws together the two issues raise by Eliezer and Isaac]

Eliezer/(Isaac/Ishmael) the verse refers to foreign slaves [probably abbreviated from ch. 7]

³⁰The second time, Ishmael's response is different: Canaanite slaves cannot have redemption but are set free only at the master's pleasure. They are permanent possessions yet can get physical and spiritual freedom by suffering.
[Can one compensate for physical injuries with money?]
cases of injuries of man and beast are alike and subject only to payment / if, when death penalty is expected, less is demanded (the ransom), so monetary payment suffices here / on the basis of klal uphrat ukhlal, even in cases of intentional injury, payment is sufficient

[if the animal dies or is injured or captured...] deduce from the unpreventable nature of death that the other two must likewise be unpreventable to free from liability / that is not a valid principle because it is impossible to prevent death /
Eliezer changes the basis of his judgment / likens to cases of terefah where there is a distinction

["he is his money"]
that is how you know it is a foreign slave / long comparison with oxen and other killer

[kal vehomer with sin offering] would indicate skin may not be used but that argument disproved by nevelah / argument does not work because nevelah is entirely different

when they were led out to execution, Shimon questioned why / Ishmael replied that it was on account of any instance of afflicting anyone
6 Ishmael/Josiah/Jonathan
[does it include women?]
This can be determined regarding unspecified material in Torah because one case is so (Numbers) / men and women are alike regarding all laws of damages (also refers to Numbers) / there is no need for this proof because the use of participles includes women; the Numbers passage has own meaning.31

7 Ishmael/Josiah/Jonathan
include women? [abbreviated from ch. 6]

8 Ishmael/Josiah/Jonathan
include women? [abbreviated from ch. 6]

9 Ishmael/Josiah/Jonathan
include women? [abbreviated from ch. 6]

3 Josiah/Jonathan
mishpat banot refers to not depriving of rights / applies to Hebrew handmaid, not free woman

3 Josiah/Jonathan
["not diminish" (food, etc.)] cannot take these away from the slave woman to whom they have been given / this refers to free woman

3 Josiah/Jonathan/Rabbi
["flesh, clothing, times"]
food, clothes, sex / becoming clothing, appropriate for season; cannot withhold other necessary things / sex, clothes, food

31 This is seemingly an exegesis which originated on the Numbers passage, not on Exodus. The methods for dealing with gender in previous chapters were more appropriate to this context.
Josiah/Jonathan/Isaac

[smiting father and mother] attempted comparison with cursing parents to demonstrate that, whether together or separately, one who smites is guilty but the cases are not the same; if the parent is dead, not punished for smiting but punished for cursing; this verse must apply in either case / Scripture does not specify "together"; thus, it can mean either together or separately / adding "his mother" makes it more severe

Josiah/Jonathan

cursing mother and father together [shortened version of their two opinions above]

Josiah/Jonathan/Rabbi (twice)

[how to determine that the mode of death is strangulation?] if death penalty is not specified, not allowed to make it more severe / that's not the issue; simply if not specified, then strangulation / like death from heaven, there should be no mark

Yose haGalili/Akiva

[if the master does not espouse her, then let her be redeemed...] father must redeem; she may not be espoused to two different persons and may not be sold with special condition that master espouse / father only sells; master may espouse if he wishes

Yose haGalili/Akiva

[the virgin has not been betrothed...]

---

32 On the opinions of both Josiah and Isaac, see H-R, p. 265.
this rules out widowed and divorced / can deduce by comparison of father's rights that they are included; thus, this is to provide hegesh for gezerah shavah to determine the price

8 anonymous/Rabbi/Isaac
one who intends to kill an enemy and does so, receives death; this verse teaches that one who aims for enemy and kills friend also gets death / no; if one aims for one enemy but gets another, he is exempt and so also here; the verse teaches about payment / one who intends is exempt until he announced his intention

10 anonymous/Isaac/Rabbi
the ox is not for profit as well as not for eating; kal vehomer with heifer which atones for shedding blood but cannot be used / compare with heifer which does not defile land or drive away Shekhinah but cannot be used / compare with bullocks and goats which serve as atonement but cannot be used

Long Lists

Chapter 1
Named Rabbis and Pattern of Thought Within List
Ishmael / Akiva / Judah / Eleazar b Azariah / mikan amru / Shimon b Yohai
The lemma is "and these are the ordinances (which you shall set before them)". The tractate commences with Ishmael's opinion that this material is added to the preceding commandments; both are from Sinai. Akiva expands the sphere in which the relationship is sought indicating this means teach fully, understand and set before. He draws a lesson about repetition and arrangement in order to learn. Judah sees a limited relationship; these laws were given at Marah. Eleazar b Azariah and the Sages make contemporary applications on the basis of the words
in the verse. The former says Israel may judge Gentile cases but not vice versa. The latter address the validity of a divorce bill if it is forced by Israelite or Gentile authority. Shimon b Yohai comments in light of the content of this tractate, most of which identifies problems in interpersonal interaction. Four of the Sages address the passage in the wider context of the rest of Scripture.

Judah b Batyra / Shimon b Azzai / Gamaliel / Akiva
The issue is the significance of nagi. The first three arguments involve comparison between mu'ad and tam. Judah b Batyra says it means free of punishment from heaven, Shimon b Azzai says free from payment of half damages and Gamaliel says free from paying the price of a slave. Akiva does not use those categories but instead compares the guilt of a man who kills and whose ox kills with the guilt of a man who causes a miscarriage and an ox who causes a miscarriage. Since one might conclude that payment is necessary in the last case, the verse is here to teach that it is not.

mikan amru / Meir / Judah / Eliezer / Eliezer b Yakov
In this case, the focus of attention is proper guarding of the ox. The Sages say if he guarded (the known gorer) adequately, he is free; if not, he is liable.33 Meir is of the opinion that if he tied it with rope, liability depends on whether the ox was tam or mu'ad. In the former case, he is free; in the latter, he is liable. Judah says if he tied it with rope, he is liable if it is tam but free if it was mu'ad (because it was guarded). Eliezer simply declares that the only adequate guard is a knife. According to Eliezer b. Yakov, the owner is free in any case.

These opinions do not include long deductions. The comparison on the basis of whether the ox was tam or mu'ad is the most prominent feature; this is consistent with the development of the entire chapter. Because this would be a significant factor in any case of damage and liability, extensive discussion might be expected.

33The Mishnah parallel to this indicates that the Sages cite the entire list of the following opinions.
The Sages declare that if there are thorns (flammable), it is necessary to determine distance within which one is liable but if the fire jumps a barrier, he is not liable. Eleazar b Azariah states that the matter is determined by assuming the individual stands in the center of a certain size of field. According to Eliezer, one is liable to 16 cubits, the size of a road. Akiva says to 50 cubits and Shimon says it depends on the size of the fire and presents a case of a large fire jumping the Jordan.

This situation presents a "practical puzzle" which, because of the uncertain nature of the elements, seems to prompt a variety of opinions regarding liability.

The issue is determining the number of judges for civil cases based on some specific feature of the text. According to the Sages, the three uses of elohim in the passage mean that civil cases are tried by three judges. Josiah simply cites (mikan amru) the ruling of the Sages. Jonathan rules out the possibility of exegeting the first occurrence; thus there are two but one must be added so as not to have an even number. Rabbi says that Scripture means two when it says shneihem; the plural verb in the next section corroborates this and then one must be added. At this point, the dictum of the Sages appears again, perhaps indicating that it may be based on Rabbi's reasoning as well as the other. Finally, a separate opinion of Rabbi indicates that the court should have five judges so as to have a majority of three.

Under discussion is the mode of punishment for a witch. Citing the use of lo tihyeh here and in a context where the word is the means of punishment, Ishmael concludes it must be by the sword. Akiva pairs lo tihyeh and lo yihyeh and says stoning is the method. Ishmael points out a flaw in Akiva's methodology; the grammar differs. Yose haGalili juxtaposes this verse to the next (mot yumat) and also concludes that stoning is the proper means. Judah b Batyra relates it to Leviticus 20:27;
necromancers are in same category as witches and they are singled out for stoning.

Even though Ishmael's argument appears to be sound and he criticises Akiva's methodology, the subsequent opinions support the conclusion of the latter. In contrast to the unit in ch. 14, this is primarily an exegetical puzzle. I doubt they were putting witches to death. On the other hand, because Torah considered this a serious offense, it merited considerable discussion.

**Authoritative Statements and the Sages**

<table>
<thead>
<tr>
<th>Chapter:Lines</th>
<th>Parallels</th>
<th>Subject Matter and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:15-18</td>
<td>Git 9:8</td>
<td>A forced bill of divorce is valid in Israel but not so if given by Gentiles; Gentiles may oblige a person to act in accordance with what Israel says - This material is the last part of a Mishnah teaching which also deals with other features of divorce which are irregularities or which might be considered &quot;cross-cultural&quot;. Here it is a specific statement to illustrate the preceding interpretation that Gentile cases might be judged by Israel but not vice versa.</td>
</tr>
<tr>
<td>1:57-63</td>
<td>no parallels</td>
<td>[list of demeaning activities that the Hebrew slave was not to do] This statement is based specifically on the verse which says not to make him work as a bondservant.</td>
</tr>
<tr>
<td>1:67-71</td>
<td>no parallels</td>
<td>[list of trades which the master was not to impose on the slave unless he was already active as such] - The list is based on the preceding interpretation, not on a specific verse.</td>
</tr>
</tbody>
</table>
| 2:42-45       | Kid 22a   | The slave's ear is pierced only if he and his master have families, he loves his master and his master loves him - In the BT, this idea is expressed as part of a series of cases which do not meet the requirements and therefore...

34In indicating the Mishnah, Tosefta or Babylonian Talmud references, I have not attempted to be exhaustive; the point was rather to discover the parallels whose contexts and readings were closest to the statements found in MRI. The parallel passages I have noted generally correspond to those listed by Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta.
the slave's ear is not pierced. MRI presents it as a positive summary of what conditions must be met; they find their basis in the biblical text.

2:47-48 Kid 22a The master must not give his slave food, drink or bed which are different from his own - In the Talmud, this material is integrated with the conditions noted above. The Talmud gives specific examples; the master cannot have good food, wine and bed while the slave has marginal ones. These are followed by mikan amru: everyone who buys a Hebrew slave is as if he bought a master for himself. MRI's statement is a summary and is indirectly tied to the verse.

2:96-98 no parallels The Hebrew slave serves the son but not the daughter; the pierced slave serves neither after the master's death - Referring to the pierced slave, the biblical text only says "he shall serve him"; the Sages' deduction incorporates more than is taught in the verse.

3:80-81 Bekh 1:7 The command to espouse precedes the one to redeem - The Mishnah is almost a mirror image of MRI. It first addresses the matter of order and follows it with the Exodus text as a "proof". In the midrash, the text has elicited the mikan amru.

3:112-13 Tos Kid 1:11, Kid 29a, Pisha 18 A Man ought to marry off his son - In this context only one of several duties is mentioned because the context is marriage. On the other hand, since the biblical text and MRI are dealing with getting another wife at this point, the inclusion of this statement is not entirely fitted to its context. The longer list, found in Pisha 18 and in the Tosefta, is a response to M. Kid 1:7 but is not in the Mishnah.

5:34-37 (repeated in abbreviated form in 72) San 7:3 [The method for strangulation] In the Mishnah, each mode of capital punishment is described. Here, the point is that the death penalty must not leave a mark since death at the hands of Heaven does not. It is several steps removed from the verse.

35See comments regarding Pisha 18:110-12 (ch. 5).
9:20-23  Tos BK 9:26, BK 91a

If he hit his eye and blinded him or his ear and made him deaf, he (the slave) goes out free; if he hit near his eye or ear with the same results (but without destruction of the organ), (the slave) does not go out free - The Tosefta parallel also has to do with a slave but reverses the order. The Talmud reference is very abbreviated and the subject is a fellow. The teaching is founded on the biblical text.

10:124-30  BK 4:9, Tos BK 5:7

[The subject is adequate guard for the ox] - In the Mishnah, the context is tying or locking up the animal sufficiently. Meir's opinion is that, whether the animal is tam or mu'ad, the owner is liable. The opinions of Judah and Eliezer are the same and the final opinion does not appear in the Mishnah. In both MRI and the Mishnah, the biblical text is the basis even for the opposite opinions. The context of the Tosefta is not guarding per se but acquiring an ox under the presumption that it is tam when it is really mu'ad. The situation and opinions presented are like those in MRI but they are in different order.

11:56-60  BK 5:6, Tos BK 6:10

If he covered (the pit) adequately, he is exempt; if not, he is liable. If he covered it and another uncovered it, the latter is liable. If partners are involved and one uncovered it, he is liable. If one or the other knew it was uncovered, he is liable - The Mishnah version starts with the material on partners and is a longer statement than what is found in MRI. Both go considerably beyond the simple statement in the biblical text. The Tosefta also addresses the matter of shared responsibility.

11:68-70  BK 5:6

If the animal falls forward at the sound of the digging, the owner is liable; if backwards, the owner is not liable. If he falls into the pit, whether forward or backward, he is liable - The Mishnah is essentially the same as MRI in this regard. As above, "and he falls there" in the biblical text receives a fair amount of expansion by the Sages.

12:20-31  BK 3:9

[possible values of oxen which gore other oxen and resultant amount of claims: Meir indicates that the verse refers to oxen of equal value; Akiva adjures him to read the end of the verse - it refers to oxen of initially equal
value but carcass of the dead one has decreased in value] - While the point is the same, the wording in the Mishnah is somewhat different. MRI includes several extra statements of potential value and the order of them is different. Instead of Akiva, Judah responds to Meir's opinion and indicates that halakhah teaches this, not the rest of the verse.

14:7-8 no parallels He is liable only when the damaging animal goes outside

his property and damages - Although there are no apparent parallels for what follows the mikan amru, the material directly prior to it, stating that the verse teaches that the tooth is known to eat and the foot known to break things in the course of walking, is in BK 1:4 with some added parallel ideas in 2:1-2. There are, however, no significant manuscript variants which would place mikan amru earlier in the pericope. The material following it responds to the preceding interpretation, not to the verse.

14:14-16 BK 6:2, Tos BK 6:20

If he gives over his sheep to

his son, servant or agent, he is exempt; if to a deaf person, a fool or a minor, he is liable - In the Mishnah, there is no mention of the son, servant or agent. Only those who make him liable are noted. The Tosefta includes a servant and woman in the list of those for whom he is exempt. It appears to be a flexible but stock phrase.

14:34-36 BK 6:4

[Determining liability if fire crosses barrier] - The Mishnah first quotes the verse and suggests that he is exempt if the fire crosses a fence four cubits high, a public road or a river. The first part of Eleazar b Azariah's opinion is presented as a question. The rest of the opinions follow. All assume that "thorns" means distance of some sort which is an interpretive step.

15:6,7 Shev 6:6

Every claim which is not (specific) regarding measure, weight or number is not a claim - This declaration is based upon the deduction that vessels must be as money; measurable. The idea is fitted to its Mishnah context when it says an oath may be imposed only on things with (specific) measure, weight and number.

15:72 Shev 6:1,3

The confession must be of the same kind as the claim - This
is a complicated passage in its entirety because it is unclear who is claiming what in the verse.\(^{36}\)

15:75-88 San 1:1, San 3b

**Civil cases must be tried by three** — The simple statement of the Mishnah is followed in MRI and in the Talmud parallel with three separate deductions based on the number of occurrences of elohim in the verse. The Sages' opinion is restated at the end followed by Rabbi's conclusion that five are necessary in order to have a majority of three in the final decision.\(^{37}\)

16:45-46 Shev 7:1

**All who are bound to swear, do so and do not pay** — The Mishnah adds "which are in Torah" after "all who are bound to swear". Otherwise, the point is the same and is based on the text.

16:47 BK 10b

**The owner of the carcass**

takes care of it — This very phrase appears at the end of the discussion in Nezikin 12 (MRI) regarding the possible differences in value of the live and dead oxen. Parts of that discussion appear in the Mishnah (BK 3:9) but the closure is found in the Talmud.

**Tractate Kaspa**

**Individual Attributions**

<table>
<thead>
<tr>
<th>Attribution/Chapter(s)</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan (1)</td>
<td>one to whom money is owed may not demand that a person sell his cloak to pay</td>
</tr>
<tr>
<td></td>
<td>that means &quot;after&quot;</td>
</tr>
<tr>
<td>(1)</td>
<td>a robber and a violent man cannot be witnesses</td>
</tr>
<tr>
<td>(2)</td>
<td></td>
</tr>
</tbody>
</table>

\(^{36}\)See H-R, p. 301, n. 9. The variant reading of mikzat for mimin adds some further confusion. Shev 6:3 includes both terms as the discussion is considerably expanded.

\(^{37}\)See further analysis of the two occurrences of mikan amru and Rabbi's position in the pericope in Epstein, *Mavo leNusah haMishnah*, p. 738. He concluded that this was a third instance of material from the school of Rabbi.
(3) keeping far from a false matter means to separate from minut

(3) [response to mikan amru regarding the effects if one takes a bribe] one of three things will happen to one who perverts justice for bribe; his mind will be confused as he deals with Torah, he will need charity or the light of his eyes will go dim

(4) "name" in Genesis 11 and in this context indicates that Genesis 11 must also refer to making an idol 38

Ishmael (1) "if" introduces voluntary act except for this context and two other places

(1) Scripture says to do mizvah but protect oneself (loan but take pledge)

(3) Israel has one year of shemitah when they do God's will; four when they do not 39

Abba Hanin n Eliezer (2) raising a false report includes the administration of the oath by the judge

(2) not favoring one poor man over another (Exodus 23:3) refers to gleaning, pe'ah and the forgotten sheaf

(3) not perverting justice for the needy (Exodus 23:6) also speaks of pe'ah, forgotten sheaf, gleaning

38 The deduction is designed to elucidate the Genesis context by comparing it with Exodus 23, indicating that it was not original to this midrash. See Lauterbach, Mekilta, vol. 3, p. 181, n. 5.

39 In the Munich manuscript and the Yalqut, this is attributed to Eliezer.
Judah b Batyra (1) one can become guilty by cursing either judge or ruler

(3) [response to the anonymous opinion reconciling two verses about feeding poor or servants - it depends on how plentiful] depends on time of removal

(4) (mikan hayah...'omer) feast of unleavened bread only in Aviv

Rabbi (5) the conjunction of biblical phrases, not selling to a foreigner and not seething a kid, brings proof that one cannot profit from the latter

(5) "its mother" in two places means mother of ox, goat, sheep

Akiva (5) there is no need for kal vehomer argument to show that one cannot eat; compare with sinew of thigh (which, however, dates before the giving of Torah, etc.)

Hakhamim (3) made an allowance to keep fields fenced during the seventh year for the sake of social order

Sets of Names

A noticeable feature of Kaspa is the lack of prominent pairs or sets of opinions. All of the sets in the tractate are listed below and are grouped to the extent possible on the basis of similar names.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Sets of Names with</th>
<th>Subject and Pattern in Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Akiva/Ishmael</td>
<td>&quot;do not curse elohim&quot; is the warning for the stated death penalty against blasphemy / this refers to judges (the opinion responds to the parallelism in the biblical text)</td>
</tr>
<tr>
<td>4</td>
<td>Ishmael/Judah</td>
<td>do not slaughter pesah while leaven is still there / this</td>
</tr>
</tbody>
</table>
refers to tamid (daily burnt offering) without leaven

2 Ishmael/Issi b Akiva/Issi b Gur Aryeh
when people are holy, they are God's / when God gives new commands, He adds holiness / holiness here teaches about Deuteronomy 14; it is associated with food

5 Issi/Issi b Gur Aryeh
ruling out eating as well as boiling - not to eat life with flesh / kedushah is mentioned in two places - both imply prohibition against eating

3 Yose haGalili/Akiva
status of the ger (toshav) on the Sabbath is like that of Israelite on holiday; if an uncircumcised slave is bought from the Gentiles, his status is like that of Israelite on intermediate days / it is the other way around

1 mikan amru/Judah/Meir
five commands are broken (by lender, borrower, guarantor, witness, notary) if interest is charged with a loan / notary is exempt / one who does so has no part in God

4 Meir/Eliezer/Eliezer b Yakov
[responds to anonymous opinion: "Keep all of the things which I have said to you" is said to show that changing the following commands (Exodus 26) is transgression of negative command]  
Torah is made obligatory / positive commands have force of negative / refers to the rest of the details of the parashah

---

40 See Lauterbach, Mekilta, vol. 3 p. 179, n. 1. Tishameru carries the force of a negative commandment.
3 Josiah/Jonathan  

binyan 'av - olive trees and vineyard have in common that their fruit depends on rain of the seventh year for (even though it may mature after that) / binyan 'av is not necessary; verse about beast of field is sufficient. Verse on olive and vine is to distinguish separate removal times.

2 Josiah/Judah b Batyra/Shimon b Yohai (mikan hayah...omer)  

[responding to anonymous position: "You shall surely help him" (Exodus 23:5) comes to include unloading along with lifting up (Deuteronomy 22:4)] Both passages refer to unloading; deduce loading because it is more difficult / the Exodus passage refers to unloading; the Deuteronomy passage to loading / we learn both from Torah

3 Shimon b Shetah/Judah b Tabbai  

the latter rebuked the former for killing one false witness; Judah b Tabbai refused to convict based on circumstantial evidence

Long Lists

Chapter 2 Named Rabbis and Pattern of Thought Within List  

Josiah / Eliezer / Isaac / Jonathan  

Citing two prooftexts, Josiah identifies the enemy as an idolatrous Gentile. According to Eliezer, he is a proselyte who returns to evil. Isaac calls him an apostate Israelite and Jonathan says the enemy is a temporary one from among the people of Israel itself. The opinions are arranged in a progressive order with Josiah and Jonathan representing the two extremes. Why this subject should elicit a series of attributed opinions may

41 In this regard, note Eliezer's unfavorable opinion about gerim recorded in Nezikin 18.
lie in the contrast between the usual meaning of "enemy" as identified by Josiah and the apparent constraints of the context. The situation meant rendering this type of assistance to those with whom they generally lived in closer association. According to their world view, if nothing else, that would exclude idolatrous Gentiles. Therefore, it was necessary to determine who was included and then why they were called the enemy.

Ishmael / Josiah / Jonathan / Abba Hanin b Eliezer / Shimon b Eleazar / Shimon b Yohai / * / Akiva / Yose haGalili

The issue ostensibly addressed by this long series is why the dietary restriction was stated in three places? In brief, the opinions are as follows: Ishmael - to correspond to the three covenants; Josiah - do not exegete the first reference\(^2\), the second refers to excluding milk of unclean animals, the third to its not applying to human milk; Jonathan - to apply to animals, wild creatures and fowl; Abba Hanin b Eliezer - large animals, goats, lambs; Shimon b Eleazar - large animals, small animals, wild creatures; Shimon b Yohai - represent prohibitions on eating, profit, cooking; *davar aher - to apply both in and outside the Land and beyond the time of the Temple; Akiva - to designate (parat)\(^3\) animals, wild creatures, fowl; Yose haGalili - to rule out fowl because of mother's milk.

Ishmael's opinion is different from those which follow and serves as a conceptual introduction to what is fundamentally a demonstration of halakhic precision. The biblical text does not divulge why this restriction applied nor does it provide clear means for defining the limits regarding restricted animals. While most of the opinions demonstrate the importance of knowing which animals are involved, Shimon b Yohai raises the more complex issue of expanding the

\(^2\)This was Jonathan's method in Nezikin 15 where the issue was the number of times elohim occurs in the passage and the significance of that for determining the number of judges.

\(^3\)The word might also be interpreted "to exclude".
restriction. The davar 'aher is just as critical because it establishes timeless application."

Authoritative Statements and the Sages

<table>
<thead>
<tr>
<th>Chapter:Lines</th>
<th>Parallels</th>
<th>Subject Matter and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:33-37</td>
<td>BM 5:11</td>
<td>The one who lends with interest transgresses five commandments</td>
</tr>
</tbody>
</table>

[subject matter and comments]

1:48-50 BM 9:13, BM 114b They may take in pledge garments of the day at night and vice versa but must return garments of the day for the day and garments of the night for the night - By comparing this verse with Deuternomy 24:13, the midrash has concluded that garments of the day must be returned for the day and garments of the night for the night. Again, the declaration of the Sages which follows is a deduction which follows from that conclusion. Although some of the same ideas are expressed, neither the Mishnah nor the Talmud reference is an explicit parallel.

1:69-72 no parallel

* When the son of a ruler speaks one word, he becomes guilty on four counts - (cursing) his father, the judge, the ruler and "of your people" - In the context of not cursing elohim or the ruler of your people, this statement is

44According to Lightstone, Yose the Galilean, p. 111, this was an issue which was basically settled in the period of the Houses of Hillel and Shammai. In the late Yavnean period, the Sages dealt with the extent of the prohibition.

45Melamed, The Relationship between Halakhic Midrash and the Mishnah and Tosefta, p. 120, observed that the form has parallels in the Mishnah even though the content does not.
based upon the interpretation that *elohim* means judges and that an individual is guilty on each separate count.

1:92-94 Terumot 3:6 One who mixes up the order of *terumah*, firstfruits and tithes transgresses a negative command but his act is still valid — In the midrash, this follows the priority list which is based on the number of names given to each of these in Scripture. In the Mishnah, the statement closes with the citation of the verse.

1:120-27 Me'ilah 3:6 All consecrated animals should not nurse their young including the one set aside as tithe. These are learned from the firstborn which, while it is holy, is nursed from a common animal. [further explanation of purchase of animals and closing comment about a donation] — It is unclear how much of the material is part of the declaration of the Sages. The Mishnah presents the first part in reverse order; the young of a tithed animal must not nurse from the tithed animal and likewise all consecrated animals. In each case, animals are donated instead. This corresponds to the last part of the section in MRI. In between, in MRI, there is a description about buying animals from the Temple treasury. All of this is based indirectly on the firstborn remaining seven days with its mother. The firstborn is the paradigm for applying the stipulation to all consecrated animals. MRI distinctly reworks the material to fit the biblical text.

3:61-62 Ket 105a,b, Peah 8:9 Whoever takes money (*mamon*) and perverts justice will not leave the world before his eyes go dim — Although the discussion of the midrash draws in Deuteronomy 16:19, the statement of the Sages is founded on the content of the Exodus verse. Both verses are cited to counter the potential claim that one can take money and not pervert justice, the very language used in the mikan amru statement. The latter is followed by Nathan's indication that one of three things will happen to him: confusion of mind, needing charity, or dimness of eyes. In the Talmud, several of these ideas converge in statements which appear together. Whoever takes a bribe (*shohad*, as in the verse) will not leave the world without dullness of heart or confusion of mind. Mishnah Peah has some of the same phrases but has to do with taking *pe'ah* when one does not need it. Anyone who does so will not be removed from the world until he has become dependent on charity.
4:44-46 Hag 1:1

All are obligated to appear except the deaf, the fool, the minor, the tumtum and androgy nous, the lame, the blind, the sick and the elderly — Although presumably based on the preceding exegesis of the phrases in the biblical text, the order of persons in this list in MRI is not the same and there are some which are the product of that exegesis which do not appear in this list. Among them are women, gerim, slaves and those who are defiled. The Mishnah's list does include women and slaves before "the lame". Otherwise, it is the same as above.

Tractate Shabta

All the attributions which appear are listed below.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Attribution(s), Subject / Pattern of Opinions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shimon b Menasyah the Sabbath is given to you; you are not given over to the Sabbath</td>
</tr>
<tr>
<td>2</td>
<td>Rabbi what Moses said includes laws regarding the 39 categories of work</td>
</tr>
<tr>
<td>1</td>
<td>Ahai b Josiah/Judah b Batyra those who profane the Sabbath will be put to death: this is warning and penalty for day and night / even at times when Israel must profane the Sabbath because of enemies, they must not continue to do so</td>
</tr>
<tr>
<td>2</td>
<td>student of Ishmael/Jonathan/Nathan why specify fire? used to rule out execution on the Sabbath / singled out to show that one is guilty for transgressing only one of 39 categories of work / preparation for the Sabbath is not ruled out</td>
</tr>
</tbody>
</table>

Lists

<table>
<thead>
<tr>
<th>1</th>
<th>Nathan / Eliezer / Eleazar b Perata / Rabbi</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot;Keep...to observe&quot; means profane one Sabbath to keep many / &quot;keep...as perpetual covenant&quot; permits circumcision on the Sabbath because there is a covenant in this regard / one who keeps the</td>
</tr>
</tbody>
</table>
Sabbath is accounted as if he made it / if one keeps one Sabbath properly, it is as if he kept all

Ishmael / Eleazar b Azariah / Akiva // Yose haGalili / Shimon b Menasyah / Nathan
Both Ishmael and Eleazar b Azariah address the problem of precedence (saving life or keeping the Sabbath) in terms of comparable issues where doubt is involved. Ishmael chooses the matter of killing a burglar where there is doubt regarding the motive. Eleazar focuses on circumcision where there might be uncertainty regarding time. Akiva's comparative scheme recognizes that if execution supercedes the Temple service which supercedes the Sabbath, saving a life should take precedence over the Sabbath. The other three present less complicated arguments. Yose haGalili says that 'akh means to be distinctive; some are kept, some are not. Shimon b Menasyah notes that "for you" means the Sabbath is given to man, not man to the Sabbath. Nathan's opinion is that it may be necessary to profane one in order to be able to keep many.
BIBLIOGRAPHY

Primary Sources and Commentaries

Mekhilta d' Rabbi Ishmael

Beer Avraham al Mekhilta (with Zeh Yenahamenu, a commentary on the Mekhilta by R. Moses of Frankfurt. Amsterdam, 1712), Warsaw, 1927 (and repr.).

Midrash Mekhilta. Venice, 1545.


Landau, I.E. Mekilta de-Rabbi Ishmael, with Berure haMidot. Vilna, 1844.


Mekhilta d' Rabbi Shim'on b. Yohai


Secondary Sources


_____.

_____.

_____.


_____.

_____.


Braude, W.G. *Jewish Proselytism in the First Five Centuries of the Common Era*. Providence, 1940.


Goodman, M. *State and Society in Roman Galilee*. Totowa, 1983.


Levine, Ch. Studies in Mishnah Pesahim, Baba Kama, and Mekhilta (Hebrew). Tel Aviv, 1971.


Lewin, B.M., ed. Iggeret Rav Sherira Ga'on. Haifa, 1921.


---. *Who was a Jew?* New York, 1986.


Wacholder, B.Z. "The Date of the Mekhilta de-Rabbi Ishmael." Hebrew Union College Annual 39 (1968): 117-44.


Weiss, I.H. Dor Dor veDorshav, vols. 1 and 2. Berlin, 1924.


Yerushalmi, Y. Zakhor: Jewish History and Jewish Memory. Seattle, 1982.

