

THE CANONIZATION OF HEBREW
SCRIPTURE: THE TALMUDIC AND
MIDRASHIC EVIDENCE

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form can only have occurred shortly before or after (or during) 164 B.C.;¹⁴⁰ it could not have been canonized earlier, and there would have been little purpose in canonizing it much later. Its last chapters depict events leading to, and including the start of, the Maccabean revolt; its accuracy ceases when describing events occurring in 164 B.C. and later (Dan. 11:40 ff.). It is a fair assumption that the present form of Daniel was canonized by the Maccabees ca. 164 B.C. In the light of that probability, and in the light of 2Macc. 2:14–15, we would suggest that the Hagiographa was canonized and closed under the aegis of Judah Maccabee shortly after the death of Antiochus IV (164/163 B.C.).¹⁴¹ There is no evidence suggesting that normative Judaism ever again considered adding a book to the canon of Hebrew Scripture. The modern scholarly consensus, however, is that the Hagiographa was closed at the end of the first or second century of the common era.¹⁴² This conclusion is based primarily on the talmudic evidence; after examining the talmudic evidence, we shall determine whether or not it invalidates the earlier date for the closing of the Hagiographa suggested here.

Turning to the Pseudepigrapha, 4Ezra 14:44 ff. provides us with the oldest reference to twenty-four canonical books. The book, whose present form dates to ca. 100 C.E.,¹⁴³ is replete with Christian interpolation and need not reflect the canon of normative Judaism. Its last chapter describes how Ezra restored the Scriptures destroyed by Nebuchadnezzar. The passage reads:

“So in forty days ninety-four books were written. And it came to pass when the forty days were fulfilled, that the Most High spoke to me saying: Publish the twenty-four books you have written, so that the worthy and unworthy may read them; but the seventy others¹⁴⁴ you shall keep, to deliver them to the wise among your people.”

The talmudic evidence for a twenty-four book canon is presented below, pp. 53–56.

E. PHILO AND JOSEPHUS.

Philo Judaeus (ca. 30 B.C.—50 C.E.) of Alexandria, considering his vast literary output, offers little evidence useful in our investiga-

tion. Throughout his writings, there are approximately 2000 citations from the Torah and only 50 citations from the rest of Scripture.¹⁴⁵ His high ratio of Torah citation vis-a-vis Prophets-Hagiographa citation¹⁴⁶ is probably an indication that Jewish exegesis in first century Alexandria was more or less confined to the Torah. Philo often cites the Pentateuch as “holy scripture”; books of the Prophets-Hagiographa are sometimes termed “sacred word” and “divine.”¹⁴⁷ He never cites Ezekiel, Daniel, or the Five Megilloth.¹⁴⁸ His silence regarding these books does not disprove their canonicity; he may simply not have had occasion for citing them.¹⁴⁹ Similarly, the New Testament never cites the book of Judges, yet no one would question its canonicity long before the New Testament period. Although Philo often cites Greek literature, he never cites apocryphal books. The *argumentum e silentio*, however, proves little concerning Philo’s attitude toward the Apocrypha.¹⁵⁰

In *De Vita Contemplativa*, III, paragraph 25, Philo describes the sanctuaries in the homes of the Therapeutae, a group of Jewish ascetics. He notes that they brought into their sanctuaries only “laws and oracles delivered through the mouth of prophets, and psalms and the other books.” The correspondence to the tripartite division of the canon is obvious.¹⁵¹ The absence of apocryphal citations in Philo, and his familiarity with a tripartite division of the canon, suggest that his canon probably differed considerably from the Alexandrian canon preserved by the Christian Church (the LXX).¹⁵²

Flavius Josephus (ca. 37–107) is a witness to the canon of first century Palestine. Most important is the following passage from *Against Apion* (I, paragraphs 37–43):¹⁵³

It therefore naturally, or rather necessarily, follows (seeing that with us it is not open to everybody to write the records, and that there is no discrepancy in what is written; seeing that, on the contrary, the prophets alone had this privilege, obtaining their knowledge of the most remote and ancient history through the inspiration which they owed to God, and committing to writing a clear account of the events of their time just as they occurred)—it follows, I say, that we do not possess myriads of inconsistent books, conflicting with each other. Our books, those which are

justly accredited, are but two and twenty, and contain the record of all time.

Of these, five are the books of Moses, comprising the laws and the traditional history from the birth of man down to the death of the lawgiver. This period falls only a little short of three thousand years. From the death of Moses until Artaxerxes, who succeeded Xerxes as king of Persia, the prophets subsequent to Moses wrote the history of the events of their own times in thirteen books. The remaining four books contain hymns to God and precepts for the conduct of human life.

From Artaxerxes to our own time the complete history has been written, but has not been deemed worthy of equal credit with the earlier records, because of the failure of the exact succession of the prophets.

We have given practical proof of our reverence for our own Scriptures. For, although such long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable; and it is an instinct with every Jew, from the day of his birth, to regard them as the decrees of God, to abide by them, and, if need be, cheerfully to die for them. Time and again ere now the sight has been witnessed of prisoners enduring tortures and death in every form in the theaters, rather than utter a single word against the laws and the allied documents.

From Josephus' statement, it is evident that he recognized a tripartite canon, perhaps similar in its classification of books to the biblical canon of the Theraputae described by Philo, but certainly different from the talmudic classification of biblical books. Josephus' 22 books probably correspond to the 24 books of the talmudic canon, with the units Judges-Ruth and Jeremiah-Lamentations each counting as one book. Later Palestinian witnesses count 22 books precisely in this manner.¹⁵⁴ Thus, Josephus' tripartite canon consisted of the following books:¹⁵⁵

- a) Five books of Moses.
- b) Thirteen prophetic books.
 1. Joshua
 2. Judges and Ruth
 3. Samuel

4. Kings
5. Isaiah
6. Jeremiah and Lamentations
7. Ezekiel
8. Twelve Minor Prophets
9. Job
10. Daniel
11. Ezra and Nehemiah
12. Chronicles
13. Esther

- c) Four books of hymns and precepts.
 1. Psalms
 2. Proverbs
 3. Ecclesiastes
 4. Song of Songs

The fluidity of the Prophets-Hagiographa (books being freely assigned to either division) as evidenced by a comparison of the canons of Josephus, LXX, and the Talmud indicates that in most Jewish circles the Prophets and Hagiographa were treated alike. The talmudic tripartite canon, which may reflect the historical process of the canonization of Hebrew Scripture, also bore halakhic implications. Only the Torah and Prophets were to be read each week in the synagogue service.¹⁵⁶ It is precisely because of its halakhic implications, that the rabbis were forced to retain the tripartite distribution of canonical books.¹⁵⁷ The canonical divisions of Josephus and LXX are more logical than historical. Josephus, later Christian-Palestinian witnesses, and the Alexandrians were not bound to this Pharisaic halakhah, and were free to rearrange the biblical books topically.¹⁵⁸

Josephus refers to Scripture as the "holy books."¹⁵⁹ All biblical books are inspired; any book authored after the reign of Artaxerxes¹⁶⁰ (464-424) could not be included in the canon because of "the failure of the exact succession of the prophets." Josephus was familiar with the Apocrypha and borrowed heavily from it.¹⁶¹ But his canon clearly consisted of 22 books and was closed. Previous studies of Josephus' writings indicated that, for the most part, he used a Greek Bible similar to that of Lucian, a fourth century

Christian martyr; for that reason, Josephus' recension is usually called Proto-Lucianic.¹⁶² Recent discoveries at Qumran have yielded the Hebrew texts which underlie portions of the Proto-Lucianic Greek recension.¹⁶³ This reopens the question of whether Josephus relied mostly on a Greek or Hebrew Bible when he wrote his *Jewish Antiquities*.¹⁶⁴

Josephus' unequivocal statement that the canon consisted of 22 books (= MT 24 books) indicates that his canon was closed. Josephus implies that it was closed for the longest time ("for although such long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable"). Since *Against Apion* was written ca. 95 C.E.,¹⁶⁵ the canon must have been closed long before then, certainly before Josephus was born. Even if one allows for exaggeration on Josephus' part, he could hardly lie about the extent or antiquity of the canon; any Roman reader could inquire of the nearest Jew and test the veracity of Josephus' statement. Josephus is the second witness to a closed canon in the first century; 4Ezra 14:44 (see p. 30) proves that a fixed canon was already known in the first century, if not earlier.

F. DEAD SEA SCROLLS.

It is too early to assess the full significance of the Dead Sea scrolls for the history of the canon; it would perhaps be wiser to suspend judgment until all the scroll materials are published. Nevertheless, enough materials have appeared to allow for the remarks that follow. The scrolls clearly indicate that the biblical canon developed along independent lines in sectarian circles. To be sure, this was known previously from the somewhat restricted Samaritan canon; but the scrolls prove that such independent canonical activity flourished in Palestine as late as the second century B.C.—the first century C.E.¹⁶⁶ Precisely because of the sectarian nature of the Qumran community, scholars must bear in mind that the content and development of a sectarian canon probably has little or no bearing on the content and development of other sectarian (or normative) canons. A book canonical at Qumran may have been uncanonical to the Pharisees, and vice versa. Thus, the evidence from the Dead Sea scrolls and Christian

sources (see p. 37ff.) may be brought to bear on the Pharisaic canon only with the greatest discretion.¹⁶⁷

There is much difficulty in determining what was canonical at Qumran. We do not know what notions of canonicity were held at Qumran. The scrolls and fragments published to date do not indicate the attitude of the sectarians to various types of literature. Were all their biblical, apocryphal, pseudepigraphical and sectarian (e.g. the Damascus Document) books treated alike? Were any books banned? We simply do not know. At the very least, the Qumran library¹⁶⁸ indicates which books were tolerated by the Dead Sea community. All of Hebrew Scripture is represented at Qumran except for the Scroll of Esther. The absence of Esther may be accidental; only one copy of Ezra, Nehemiah and Chronicles has been discovered at Qumran. On the other hand, it is possible that the sectarians did not observe the Purim festival and rejected the book which enjoins its observance.¹⁶⁹ Only two books from the Apocrypha were found at Qumran—Ben Sira and Tobit. Cave IV yielded numerous pseudepigraphical works such as Enoch, Jubilees, and the Testaments of Levi and Naphtali. More specifically sectarian are the Manual of Discipline (IQS), Thanksgiving Psalms (IQH), Order of the War Between the Children of Light and the Children of Darkness (IQM), and the Damascus Document (6QD), first discovered at Cairo (CD).

The inspired canonicity of the Torah and Prophets at Qumran appears certain,¹⁷⁰ although it is not entirely clear which books were considered prophetic. The passages that prove their canonical status,¹⁷¹ also indicate that there were at least two divisions in the canon at Qumran, the Torah and the Prophets. Concerning the Hagiographa and other books, a study of citations in Dead Sea scroll materials, and a determination of the number of copies of each book discovered at Qumran, are the only criteria for deciding which books were probably canonical.¹⁷² I.H. Eybers subjected all the Qumran materials published before 1966 to a rigorous investigation along the lines just indicated.¹⁷³ He concluded that most, if not all, of Hebrew Scripture was canonical at Qumran. Eybers admits, however, that the canonical status of the Five Megilloth, Ezra, Nehemiah, Daniel and Chronicles cannot be proven.¹⁷⁴ Eybers adds that the book of Jubilees was canonical at Qumran, while the Book HHGW/Y,¹⁷⁵ Enoch, and the Testa-

§10

קוהלת דבה יביב
 ויותר מהמה בני הזהר. מהומה, שכל המכניס בתוך ביתו יותר מכ"ד ספרים,
 מהומה הוא מכניס בביתו, כגון ספר בן סירא וספר בן תגלא.²⁷⁰
 Koheleth Rabbah 12:12

And furthermore (mehemah), my son, be admonished (of making many books there is no end [Eccl. 12:12]). Read the word as *mehumah* (confusion), because whoever brings into his house more than twenty-four books (of the Bible) introduces confusion into his house, as, e.g., the book of Ben Sira (Ecclesiasticus) and the book of Ben Tagla.²⁷⁰

* * *

§1 is anonymous and cannot be dated.²⁷¹ The rabbis named in §§2-10 flourished from ca. 170-350 C.E., while the passages themselves are mostly from late Midrashim. Thus, at the earliest, these passages reflect the consensus of the amoraic period. A biblical canon of precisely twenty-four books is nowhere mentioned in early talmudic or midrashic materials such as the Mekhilta, Sifré, Tosefta and Mishnah. Though it is certain that all twenty-four books were known (they are all cited and commented upon as Scripture) in the early tannaitic period,²⁷² it is possible that another system of counting the biblical books was in use (such as the twenty-two book count of Josephus, *Against Apion*, Book I, paragraph 38). It seems likely, however, that the twenty-four book count was already known and in use during the tannaitic period. Its oldest attestation appears in the Fourth Book of Ezra, whose final redaction is dated to ca. 100 C.E.²⁷³ Some Tannaim and Amoraim, however, rejected the twenty-four book count and adopted a more limited biblical canon. They relegated several of the biblical books to uninspired canonical status, for which see below, section G.

C. CLASSIFICATION OF BIBLICAL BOOKS.

§§1 and 2 assume the threefold division of Scripture into תורה, כתובים, חומש. Other rabbinic designations for Scripture, or portions of it, are: ספרים, כתבי קודש, דברי קדושה, חומש, מקרא, קבלה, ספרים, כתבי קודש, דברי קדושה, כתובים הראשונים, כתובים גדולים, כתובים קטנים.

Most of these terms have been treated in the lexicons and in periodical literature; we need not adduce here the multitudinous evidence bearing on each term. More important for our purposes is an investigation of the juxtaposition of these terms in talmudic literature. After briefly defining each term, the pertinent passages will be presented.

תורה²⁷⁴ usually refers to the first section of Scripture, i.e. the Pentateuch (§2). It sometimes designates all of Scripture (Mekhilta, p. 118); at other times it designates all of Jewish teaching (Sifré on Deuteronomy, p. 408).

נביאים (also in the singular form נביא) refers to the second section of Scripture, i.e. from the book of Joshua through the Twelve Minor Prophets (§1).

כתובים²⁷⁵ designates the third section of Scripture, i.e. the Hagiographa (§1). The singular (כתוב) and plural (כתובים) forms frequently designate a verse (or verses) from Scripture (Mekhilta, p. 85 and Sifré on Deuteronomy, p. 346).

חומש (plural form: חומשין)²⁷⁶ is any one of the five books of the Pentateuch prepared in the manner prescribed for Torah scrolls. According to J. Megillah 74a, five different חומשין may be sewn together in order to form a Torah.

מקרא²⁷⁷ usually refers to all of Scripture (M. Nedarim 4:3). In apposition with תורה, it designates the Prophets and the Hagiographa (Sifré on Deuteronomy, p. 359).

קבלה²⁷⁸ designates the Prophets and Hagiographa (M. Taanith 2:1; Sifré on Numbers, p. 186). In post-talmudic texts, it sometimes designates the Prophets to the exclusion of the Hagiographa (Soferim 18:4, p. 315).

ספרים²⁷⁹ designates all or individual books of Scripture (Dan. 9:2; M. Moed Katan 3:4). In apposition with Torah, it designates the Prophets and the Hagiographa (M. Megillah 3:1).

כתבי קודש²⁸⁰ designates all of Scripture. In some amoraic texts it designates the Hagiographa (J. Shabbath 15b, c).²⁸¹

דברי קדושה²⁸² designates the Hagiographa in some post-talmudic texts (Soferim 18:4, p. 315).

כתובים הראשונים²⁸³ may designate the older books in the Hagiographa; its precise range of meaning is uncertain. It appears twice, each time introducing a verse from the book of Job (Sotah 7b; Sifré on Numbers, p. 18).

284 designates Psalms, Proverbs and Job (Berakhoth 57b).

284 designates Song of Songs, Ecclesiastes and Lamentations (Berakhoth 57b).

It is significant that rabbinic literature contains no term for Torah and Prophets as a unit, while it has several terms for Prophets and Hagiographa as a unit (קבלה, and occasionally מקרא and ספרים). This is but one indication that the last two sections are more integrally related to each other than they are to the Torah.

1. תורה and נביאים *Juxtaposed*.

§11 ספרי דברים כא: יח (p. 251)
דבר אחר סורר על דברי אביו ומורה על דברי אמו, סורר על דברי תורה ומורה על דברי הנביאים.²⁸⁵

Sifré on Deuteronomy 21:18

Another interpretation: rebels against his father's words and defies his mother's words; rebels against the words of the Torah and defies the words of the Prophets.²⁸⁵

§12 משנה ראש השנה ד:ו
מתחיל בתורה ומשלים בנביא, רבי יוסי אומר אם השלים בתורה יצא.

M. Rosh Ha-Shanah 4:6

He begins with [verses from] the Torah and ends with [verses from] the Prophets. R. Jose (135-170) says: If a man ended with [verses from] the Torah he has fulfilled his obligation.

§13 משנה מגילה ד:א
בשני ובחמישי ובשבת במנחה קורין שלשה, אין פוחתין ואין מוסיפין עליהן, ואין מפטירין בנביא.

M. Megillah 4:1

On Mondays and Thursdays and on Sabbath afternoons three people read the Torah, no more and no less. They do not close with a reading from the Prophets.

§14 משנה מגילה ד:ג
ואין קורין בתורה ואין מפטירין בנביא... פחות מעשרה.

M. Megillah 4:3

If there are less than ten present... the Torah is not read and we do not close with a reading from the Prophets.

§15 משנה מגילה ד:ד
הקורא בתורה לא יפחת משלשה פסוקים. לא יקרא למתדגמן יותר מפסוק אחד, ובנביא שלשה... מדלגין בנביא ואין מדלגין בתורה.

M. Megillah 4:4

The reader of the Torah may not read less than three verses. He may not read to the interpreter more than one verse at a time, or, when reading the Prophets, more than three verses at a time... The reader may skip sections when reading the Prophets, but not when reading the Torah.

§16 תוספתא בבא מציעא יא:כג (Zuck., p. 396)
כופין בני העיר זה את זה לבנות להם בית הכנסת ולקנות להם ספר תורה ונביאים.

Tosefta Baba Metzia 11:23

Citizens of a town may compel each other to construct a synagogue and to buy scrolls of the Torah and Prophets.

§17 תוספתא תרומות א:י (TZ, p. 109)
אפיטרופין... מוכרין בתים וכרמים בהמה עבדים ושפחות... לקנות להם ספר תורה ונביאים²⁸⁶ דבר הקצוב מן התורה.

Tosefta Terumoth 1:10

Administrators may sell homes, fields, vineyards, animals, slaves, and maidservants... in order to buy them [*i.e.* orphans] scrolls of the Torah and Prophets,²⁸⁶ and items specified in the Torah.

* * *

The כתובים are not mentioned in §§11-17; it does not necessarily follow, however, that these passages were all authored before the כתובים were canonized. In §11, דברי הנביאים may refer to more than just the second section of the canon.²⁸⁷ Daniel and David are frequently considered נביאים in rabbinic literature.²⁸⁸ Even if the Midrash is understood as referring specifically to the second section of the canon, we need not be surprised at the absence of any mention of כתובים. The midrashic comment in §11 is an attempt to explain the tautological participles סורר and מורה. One participle is redundant; hence, the midrash mentions only one of the other two sections of the canon.

§12 is of considerable interest. The Mishnah does not specify that verses from the כתובים are to be included in this portion of the

liturgy. The parallel passage in the Tosefta (§27), however, specifies that verses from the כתובים are to be included. It is tempting to argue that the first portion of §12, an anonymous passage which cannot be dated, reflects an ancient halakhah which was formulated prior to the canonization of the כתובים. Other earlier and later formulations of halakhot which may reflect canonical development appear below in §§18–28. Nevertheless, it appears more likely that §§12 and 27 agree that verses from the כתובים are to be recited in this portion of the liturgy. The omission of the term כתובים from §12 (and its inclusion in §27) does not reflect canonical development but rather the Mishnah's concern with, and focus on, the proper opening and closing of the liturgical prayers in question.²⁸⁹

§§13–16 refer to liturgical and synagogal practices where כתובים play no role. The concluding words of §17, as interpreted in Gittin 52a, refer to one of the כתובים—the Scroll of Esther—which, by then, was also read in the synagogue.

2. תורה, נביאים, and כתובים Juxtaposed.

In groups of related passages (groups a, b, c, d), passages which juxtapose תורה, נביאים, and כתובים precede shorter variants which juxtapose only two canonical divisions. The significance of the variants is discussed below.

a) §§18–20

§18 ירושלמי מגילה 74a–73d
כותבין תורה נביאים כאחת דברי רבי מאיר. והכמים אומרים אין כותבין תורה ונביאים כאחת אבל כותבין נביאים וכתובים כאחת.

J. Megillah 73d–74a

The Torah and Prophets may be written on one scroll; this is the ruling of R. Meir (135–170). The Sages, however, say that the Torah and Prophets may not be written on one scroll, but that the Prophets and Hagiographa may be written on one scroll.

§19 בכא בתרא יג:
תנו רבנן מדביק אדם תורה נביאים וכתובים כאחד דברי רבי מאיר. ר' יהודה

אומר תורה בפני עצמה נביאים בפני עצמן וכתובים בפני עצמן. והכמים אומרים כל אחד ואחד בפני עצמו... אמר רבי מעשה והביאו לפנינו תורה נביאים וכתובים

מדובקים כאחד והכשרנום... תנו רבנן הרוצה לדבק תורה נביאים וכתובים כאחד מדבק ועושה בראשו כדי לגול עמוד ובסופו כדי לגול היקף ומסיים מלמטה ומתחיל מלמעלה ואם בא לחתוך חותך.

Baba Bathra 13b

Our Rabbis taught: It is permissible to fasten the Torah, the Prophets and the Hagiographa together. This is the opinion of R. Meir (135–170). R. Judah (135–170), however, says that the Torah, the Prophets, and the Hagiographa should each be in a separate scroll; while the Sages say that each book should be separate... Rabbi (170–200) said: On one occasion a copy of the Torah, the Prophets, and the Hagiographa all bound up together was brought before us, and we declared them fit and proper... Our Rabbis taught: If a man desires to fasten the Torah, the Prophets, and the Hagiographa together, he may do so. At the beginning he should leave an empty space sufficient for winding round the rod, and at the end an empty space sufficient for winding round the whole circumference [of the scroll]. He should complete each book at the bottom [of a column] and commence the next book at the top [of the next column]. If he wishes to sever the books [from each other], he may do so.

§20 סופרים ג:א (Higger, p. 122)
עושה תורה ונביאים כאחת דברי ר' יהודה והכמים אומרים תורה בפני עצמה ונביאים בפני עצמן.

Soferim 3:1

The Torah and Prophets may be written on one scroll; this is the ruling of R. Judah (135–170). The Sages say that the Torah and Prophets should each be in a separate scroll.

b) §§21–22

§21 ירושלמי מגילה 73d
נותנים תורה על גבי תורה והומשין על גבי חומשים, תורה וחומשין על גבי נביאים וכתובים אבל לא נביאים וכתובים על גבי תורה וחומשין.

J. Megillah 73d

A Torah may be placed on another Torah, and *homashin* on other *homashin*. Torah and *homashin* may be placed on Prophets and Hagiographa, but Prophets and Hagiographa may not be placed on Torah and *homashin*.

§22 תוספתא מגילה ד:כ (TM, p. 359)
 נותנים תורה על גבי תורה וחומשין על גבי חומשין, תורה וחומשין על גבי נביאים
 אבל לא נביאים על גבי תורה וחומשין.

Tosefta Megilla 4:20

A Torah may be placed on another Torah, and *homashin* on other *homashin*. A Torah and *homashin* may be placed on Prophets, but Prophets may not be placed on Torah and *homashin*.

c) §§23–24

§23 ירושלמי מגילה 73d
 כורכין תורה במטפחות תורה, חומשין במטפחות חומשין, נביאים במטפחות
 נביאים, תורה וחומשין במטפחות נביאים וכתובים אבל לא נביאים וכתובים
 במטפחות תורה וחומשין.

J. Megillah 73d

A Torah may be wrapped in Torah wrappings, *homashin* in *homashin* wrappings, Prophets in Prophets wrappings. Torah and *homashin* may be wrapped in Prophets and Hagiographa wrappings, but Prophets and Hagiographa may not be wrapped in Torah and *homashin* wrappings.

§24 תוספתא מגילה ד:כ (TM, p. 359)
 מכרכין תורה במטפחות תורה, וחומשין במטפחות חומשין, תורה וחומשין
 במטפחות נביאים, אבל לא נביאים במטפחות תורה וחומשין.

Tosefta Megillah 4:20

A Torah may be wrapped in Torah wrappings, and *homashin* in *homashin* wrappings. Torah and *homashin* may be wrapped in Prophets wrappings, but Prophets may not be wrapped in Torah and *homashin* wrappings.

d) §§25–26

§25 ירושלמי מגילה 73d
 מטפחות לוקחים ספרים: אפילו מטפחות תורה וחומשין לוקח בהן נביאים
 וכתובים. ספרים לא יקחו מטפחות: אפילו נביאים וכתובים אינו לוקח בהן מטפחות
 תורה וחומשין.

J. Megillah 73d

If they sell wrappings, they must buy books of Scripture: Even Torah and *homashin* wrappings may be sold for books of the Pro-

phets and the Hagiographa. If books of Scripture, they may not buy wrappings: Even books of the Prophets and Hagiographa may not be sold for Torah and *homashin* wrappings.

§26 משנה מגילה ג:א
 מטפחות לוקחים ספרים, ספרים לוקחים תורה. אבל אם מכרו תורה לא יקחו
 ספרים, ספרים לא יקחו מטפחות.

M. Megillah 3:1

If they sell wrappings, they must buy books of Scripture; if books of Scripture, they must buy a Torah. But if they sold a Torah, they may not buy books of Scripture; or if books of Scripture, they may not buy wrappings.

* * *

§27 תוספתא ראש השנה ד:ו
 המתחיל, מתחיל בשל תורה ומסיים בשל תורה ואומר של נביאים ושל כתובים
 באמצע.

Tosefta Rosh Ha-Shanah 4:6

The reciter opens with verses from the Torah, and closes with verses from the Torah, and recites verses from the Prophets and Hagiographa in between.

§28 ירושלמי מגילה 74a
 ר' ירמיה בשם ר' שמואל בר רב יצחק תורה וחומשין קרושה אחת הן.

J. Megillah 74a

R. Jeremiah (300–330) said in the name of R. Samuel b. R. Isaac (290–320): Torah and *homashin* are of the same sanctity.

* * *

The two sets of doublets, §§21, 22 and §§23, 24, are especially significant. In each set, a halakhah is preserved in an earlier form which does not treat the כתובים and in a later form which treats the כתובים. The passages are anonymous and cannot be dated; but they seem to reflect two distinct stages in the development of the canonicity of the כתובים. Alternatively, the כתובים may have been canonized before the original formulation of these halakhot. The omission of כתובים in §§22 and 24 would then reflect an earlier period when כתובים were neither read nor found in the synagogue, and, hence, not treated in halakhot pertaining to the synagogue. Later, when the reading of some of the כתובים was incorporated into the syna-

gogue service, the halakhot were expanded in order to cover the כתובים as well.²⁹⁰ Thus, liturgical expansion, rather than canonical development, may account for the doublets.

§§18, 19, and 20 preserve three versions of the same dispute. In the light of §§12 and 27, and §§21–24, it is possible that §20 reflects an earlier halakhah which was concerned only with the Torah and Prophets, while §§18 and 19 reflect a later stage when the halakhah also concerned itself with the כתובים. The antagonists, however, are the same in all three versions (with these exceptions: the omission of R. Judah in §18 and R. Meir in §20) and flourished ca. 135–170 C.E. Thus, there is little room here for historical development. Also, we would not expect the earliest formulation to be preserved in what is probably the latest of the three passages, i.e., §20. It would appear more likely that the original dispute concerned all three sections of the canon,²⁹¹ and that §20 preserves a most important part, but not all, of the original dispute. Similarly, the present form of §§21–24 may be accounted for by assuming that §§22 and 24 are shortened variants of §§21 and 23 respectively. The anonymity of §§21–24, however, allows for a period of historical development which best accounts for the existence of the shorter and longer texts.

The majority view in §18 and the anonymous §§21, 23, 25, and 26 agree that נביאים and כתובים are treated halakhically as equals. According to the Talmud, then, the Prophetic books and the Hagiographa are of equal sanctity; for it is its measure of sanctity that distinguishes the Torah (halakhically) from the other two sections of the canon. This is evident from §28 which, in the Jerusalem Talmud, immediately follows §18. Further evidence that the rabbis did not distinguish the כתובים from the נביאים on inspirational grounds is found in their indiscriminate use of נתבא, נבואה, and רוח הקודש in the following passages (see discussion below):

§29 ספרי דברים א:א (pp. 1–2)
 כיוצא בו אתה אומר דברי עמוס אשר היה בנוקדים מתקוע אשר חזה על ישראל בימי עוזיהו מלך יהודה ובימי ירבעם בן יואש מלך ישראל שנתים לפני הרעש, וכי לא נתבא עמוס אלא על אלו בלבד והלא יותר מכל חבריו נתבא... כיוצא בו אתה אומר ואלה הדברים אשר דבר ה' אל ישראל ואל יהודה, וכי לא נתבא ירמיהו אלא אלו בלבד והלא שני ספרים כתב ירמיהו שנאמר עד הנה דברי ירמיהו... כיוצא בו אתה אומר דברי קהלת בן דוד מלך בירושלים וכי לא נתבא שלמה אלא אלו בלבד והלא שלשה ספרים כתב וחצי חכמתו משל היה...

Sifré on Deuteronomy 1:1

Similarly, it is written: *The words of Amos, who was among the herdsmen of Tekoa, which he saw concerning Israel in the days of Uzziah king of Judah and in the days of Jeroboam the son of Joash, king of Israel, two years before the earthquake* (Amos 1:1). Is this all that Amos prophesied? Did he not prophesy more than all his companions? . . . Similarly, it is written: *And these are the words which the Lord spoke concerning Israel and concerning Judah* (Jer. 30:4). Is this all that Jeremiah prophesied? Did not Jeremiah write two books, as it is written: *Thus far are the words of Jeremiah* (Jer. 51:64)? . . . Similarly, it is written: *The words of Koheleth, the son of David, king of Jerusalem* (Eccl. 1:1). Is this all that Solomon prophesied? Did he not compose three books, half his wisdom in parables?

§30 (Buber, p. 388) מדרש תהילים צ:ד
 אמר ר' לוי בשם ר' חנינא אחד עשר מזמורים שאמר כשה בטכסיס של נביאים אמרן, ולמה לא נכתבו בתורה לפי שאלו דברי תורה ואלו דברי נבואה.
 Midrash Tehillim 90:4

R. Levi said in the name of R. Hanina (220–250): The eleven Psalms uttered by Moses were uttered in a prophetic manner. And why were they not written in the Torah? Because the latter includes only words of Torah, and the former are words of prophecy.

§31 שיר השירים רבה א:א, ו
 רבי סימון בשם רבי יונתן דבית גוברין בשם ריב"ל אמר הואיל ואת מקישו, מקישו מכל צד, מה אביו נמחל לו על כל עונותיו שנאמר גם ה' העביר הטאתך לא תמות אף זה כיוצא בו, ולא עוד אלא ששרתה עליו רוח הקודש ואמר ג' ספרים משלי וקהלת ושיר השירים.
 Shir Ha-Shirim Rabbah 1:1,6

R. Simon (270–300) said in the name of R. Jonathan from Beth Gubrin (250–290), who had it from R. Joshua b. Levi (220–250): Since you are comparing him, compare him in all particulars. Just as his father had all his iniquities forgiven, as it says: *The Lord has put away your sin, you shall not die* (2S 12:13) so too with him. Moreover the holy spirit rested on him, and he composed three books: Proverbs, Ecclesiastes, and the Song of Songs.

* * *

In §29, נתבא is used with both the Prophets and Hagiographa. In §30, eleven Psalms from the Hagiographa are termed נבואה דברי.

In §31, we are informed that three books of the Hagiographa were authored by means of רוח הקודש. But note the following two passages:

§32 (Ratner, p. 140) סדר עולם רבה ל
עד כאן היו הנביאים מתנבאים ברוח הקודש מכאן ואילך הט אונך ושמע דברי חכמים.
Seder Olam Rabbah 30

Until then, the prophets prophesied by means of the holy spirit. From then on, give ear and listen to the words of the Sages.

§33 (Zuck., p. 318) תוספתא סוטה יג:ב
משמת חגי זכריה ומלאכי נביאים האחרונים פסקה רוח הקודש מישראל, ואף על פי כן היו משמיעין להן בבת קול.
Tosefta Sotah 13:2

When the last prophets—*i.e.* Haggai, Zechariah, and Malachi—died, the holy spirit ceased in Israel. Despite this, they were informed by means of oracles.

* * *

In §§32 and 33, רוח הקודש and נבואה are correlated.²⁹² Clearly, then, neither degree of sanctity nor mode of inspiration separate כתובים from נביאים, for the terms נבואה and רוח הקודש are used interchangeably when describing books from either the Prophets or the Hagiographa.²⁹³ The talmudic view, as seen here, contrasts sharply with the medieval view that the three sections of the biblical canon represent three different degrees of inspired writing.²⁹⁴ The halakhic codes reflect the earlier, talmudic view.²⁹⁵

3. Oldest Dateable References to תורה, נביאים and כתובים.

The numerous references in talmudic literature to the threefold division of Scripture,²⁹⁶ for the most part, cannot be dated with any accuracy.²⁹⁷ The earliest dateable references, aside from §§18 and 19, are:

§34 ירשלמי חגיגה 77b
א"ר ליעזר לר' יהושע עד דאינן עוסקין בדידון נעסוק אנן בדידון וישבו ונתעסקו בדברי תורה, מן התורה לנביאים ומן הנביאים לכתובים וירדה אש מן השמים והקיפה אותם.

J. Hagigah 77b

[Elisha b. Abuyah (110–135) related that] R. Eliezer (80–110) said to R. Joshua (80–110): While they occupy themselves with their matters, let us occupy ourselves with ours. They sat and studied Torah, and from the Torah they went on to Prophets, and from the Prophets to the Hagiographa. Fire descended from heaven and surrounded them.

§35 סנהדרין צ:
שאלו מינין את רבן גמליאל מניין שהקדוש ברוך הוא מחיה מתים, אמר להם מן התורה ומן הנביאים ומן הכתובים ולא קיבלו ממנו.
Sanhedrin 90b

Sectarians asked Rabban Gamaliel (80–110): Whence do we know that the Holy One, blessed be He, will resurrect the dead? He answered them from the Torah, Prophets, and Hagiographa, yet they were not convinced.

§36 ויקרא רבה טז:
בן עזאי היה יושב ודורש ואש מלהטת סביבותיו, אמרו ליה שמא בסדרי מרכבה אתה עוסק, אמר להן לאו אלא מחריז דברי תורה לנביאים ונביאים לכתובים ודברי תורה שמחין כיום נתינתן בסיני.
Vayyikra Rabbah 16:4

Ben Azzai (110–135) was sitting and expounding Scripture, and the flame was burning around him. They asked him: Are you studying the Merkabah [Chariot] portions of Scripture? He replied: No, but I am joining passages from the Torah with parallel passages in the Prophets, and passages from the Prophets with parallel passages in the Hagiographa; and the words of the Torah glow²⁹⁸ as on the day they were given at Sinai.

4. Miscellaneous Passages Relating to Sections of the Biblical Canon.

§37 נדרים כב:
אמר רב אדא ברבי חנינא²⁹⁹ אלמלא לא חטאו ישראל לא ניתן להם אלא חמשה חומשי תורה וספר יהושע בלבד שערכה של ארץ ישראל הוא.
Nedarim 22b

R. Adda b. R. Hanina (350–375)²⁹⁹ said: Had Israel not sinned, only the Pentateuch and the book of Joshua would have been given to them, [the latter] because it records the apportionment of Palestine [among the tribes].

- Soloveitchik's distinction, however, does apply for most of the Prophets-Hagiographa. A slight modification of his view would perhaps prove more palatable, namely: The Prophets contain those books treating of the national history of Israel, and thus include the exhortations and prophecies addressed by kings and prophets to Israel and the nations. The Hagiographa contains works which do not treat of the national history of Israel; it therefore includes the visions of Daniel, for they were personal visions not addressed to Israel. A somewhat similar view is, in fact, expressed in earlier sources. See Rashi's comment to Megillah 3a. ד"ה דאיתו נביאי. David b. Joseph, *loc. cit.*; Meiri, *Commentary on Psalms*, introduction, ed. Jerusalem, 1960, pp. 10-11; *idem*, *Commentary on Proverbs*, introduction, ed. Jerusalem, 1969, p. 1; Abravanel, לקוטי תשובות, ed. Stettin, 1860, pp. 10b-11a; and Moses Sofer, חתם סופר, p. 55. These views do not account satisfactorily for the inclusion of Ezra, Nehemiah, and Chronicles in the Hagiographa, for which see above, pp. 27-28.
295. R. Nissim b. Reuben Gerondi, *Commentary on Alfasi*, Megillah, chap. 3, ed. Vilna, p. 7b, וכן במתריה, ד"ה וכן במתריה, writes:
- ומשמע ממתני דנביאים וכתובים כי הדרי ניהו דספרים חנינן סתמא ולא מפליגין בנייהו כלל, ולענין הנחה נמי משמע לקמן דמשורה שוה אהדרי, ומאי דאשכחן בגמ' (ר"ה לב): במלכות וכוונות וספרות דר"ה דמקדמין כתובים אפשר דהתם סדרא דנברי נקטינן משום דדור ראשון לנביאים דאמרינן בפ"ק דב"ב (דף יג): דאיכא מ"ד דאין מדביקין תורה נביאים וכתובים כאחד אלא תורה בפני עצמו נביאים בפני עצמן כתובים בפני עצמן, לא משום מעליהא דהני אהני לענין נביאים וכתובים, אלא משום דכל אחד ענין בפני עצמו, ולא משום מעליהא כלל.
- thus contradicting his view referred to in n. 294. See also Jacob b. Asher (early 14th century), *Tur*, Yoreh Deah, section 282, end; and Joseph Caro (1488-1575), *Beth Yoseph*, *ad. loc.* Cf. Caro's *Shulhan Arukh*, Yoreh Deah, section 282, paragraph 19.
296. See Megillah 21b, Kiddushin 49a, Baba Kamma 92b, Sanhedrin 101a; J. Berakoth 3c, J. Shekalim 47c, J. Megillah 70d, J. Nedarim 38b, J. Sotah 21c; Bereshith Rabbah 48:11, and 76:5, Shemoth Rabbah 47:7, Vayyikra Rabbah 3:7, Bemidbar Rabbah 10:6; and Midrash Mishlé 22:20.
- The J. Nedarim 38b passage is attributed to R. Eleazar b. Abina (290-320) in Shemoth Rabbah 25:12, but to R. Akiba (110-135) in Mishnah R. Eliezer, ed. Enelow, p. 371. If the latter tradition is accurate, it preserves one of the earliest dateable attestations of the tripartite canon.
297. E.g. §§1 and 27, and most of the passages cited in n. 296. Another probable early attestation of the tripartite division of the canon appears in נתן אבות דרבי נתן, version B, chap. 1, ed. Schechter, p. 2a.
- While a precise date for the earliest references in talmudic literature to the threefold division of Scripture cannot be provided, §§1, 18, 19 and others offer clear proof that the tripartite canon was commonplace in second century Palestine. Thus, T. Swanson, *The Closing of the Collection of Holy Scriptures*, p. 399, errs when he states that the threefold division of the canon does not occur in tannaitic sources or in the Jerusalem Talmud (cf. §34). Moreover, his suggestion, *loc. cit.*, that the threefold canon originated in Babylon and made its way into Palestine in the fourth century C.E., is refuted by the evidence he overlooked.
298. On the meaning "glow," see H.L. Ginsberg, "Lexicographical Notes," in *Hebräische Wortforschung* (Walter Baumgartner Festschrift), p. 72.
299. In the light of the parallel passages in Koheleth Rabbah 1:13 and 3:10, read רב ארא ברבי חוביא. Cf. Bacher, *Rabbanan*, p. 60.

300. Buber, p. 10, reads: ואין אנו מאמינים בהם. For the sense of §38, cf. Midrash Tehillim on Psalm 1:1, section 8 (Buber, p. 5a) and on Psalm 78:1 (Buber, p. 172b).
301. Cf. Midrash Mishlé 9:2 (Buber, p. 31). See Maimonides, הלכות מגילה, 2:18; Rabad's (1125-1198) gloss *ad. loc.*; Solomon Ibn Adret (1235-1310), *Responsa*, I, 93; and David Ibn Zimra (1479-1589), *Responsa*, II, 666 and 828. §39 may reflect an attempt on the part of R. Simeon b. Lakish to underscore the biblical canonicity of the Scroll of Esther by equating it with the Torah with regard to the future. Cf. Hullin 139b: אסתר מן התורה מנין ואנכי הסתר אסתיר. Such attempts were necessary because some rabbis accorded the Scroll of Esther only semi-canonical status: cf. *infra* §79 and pp. 113-114. Some Jewish sectarian groups, such as the Qumran sect, may have rejected the Scroll in its entirety (and the Purim festival with it). See above, p. 35 and the reference cited in n. 169. For the negative attitude toward the Scroll expressed by some church fathers, see above, p. 48 and notes 239-242.
302. The reading and sense of מלה חתומה ומלה מסיימה remain uncertain; the translation given here is from the Sencino edition. Fürst, *Der Kanon des Alten Testaments*, p. 85, n. 6, emends: מגלה חתומה ומגלה מסיימה and renders it "die geheimnisvolle, die ausgezeichnete Schriftrolle." Blau, *HS*, p. 38, n. 3, accepts Fürst's emendation but renders it "abgeschlossene und ausgezeichnete Rolle." Bacher, *ET*, II, pp. 138-139, concurs with Blau. None of the scholars account for the derivation from נקדות הכסף.
- Lieberman, *Hellenism in Jewish Palestine*, pp. 45-46, has shown that dots (נקודות) were frequently understood by the rabbis as signs calling for special interpretation. The נקדות הכסף is perhaps understood by the Midrash as follows: (the Hagiographa) including that book which requires special interpretation, i.e. the Song of Songs, whose each word (alternatively: a scroll which) contains a hidden and obvious meaning. Cf. Epstein, *תורה תמימה*, vol. 3 (commentary on Song of Songs), p. 20, n. 147. On hidden meanings in the Song of Songs, see Lieberman, *מדרש תימן*, p. 13ff. Thus, the Midrash does not consider Song of Songs a fourth category of Scripture, but rather a unique member of the third section. See G. Scholem, *Jewish Gnosticism, Merkavah Mysticism, and Talmudic Tradition*, appendix D, p. 125, where Lieberman interprets §40 as suggested here.
303. See Tosefta Berakoth 3:21 (ed. Lieberman, p. 17); Sifre on Deuteronomy §342 (ed. Finkelstein, p. 391); and the discussion in L. Finkelstein, *New Light From the Prophets*, pp. 14-18.
304. An interpolation by a later hand. Cf. Rabinovicz, *ד.ס. ad. loc.*
305. See the parallel but abridged passages in J. Makkoth 31d and *ad. loc.*, ed. Buber, p. 158b, and cf. S. Lieberman, *שקיען*, p. 76.
306. Cf. B. Epstein, *תורה תמימה*, vol. 5, p. 27, n. 14.
307. That the rabbis did not consider the Scriptural books to be a random collection is also attested by the following passage (Megillah 14a: for translation, see above, n. 20):
- כדתניא הרבה נביאים עמדו להם לישראל כפלים כיוצא מצדים אלא נבואה שהוצרכה לדורות נכתבה ושלא הוצרכה לא נכתבה.
- Cf. the parallel passages in *Seder Eulim Raba*, chap. 21: Shir Ha-Shirim Rabbah 4:11; and Ruth Rabbah, Petihta, section 2.
308. Contra D. Oppenheim, "Ben-Ascher und der angebliche Differenzpunkt in Betreff der Heiligkeit der Bibel zwischen Rabbinismus und Karäismus," *JZWL* 11 (1875), p. 86. Regarding the secondary status of the Samaritan book of Joshua, see above, n. 44.

the biblical canon. As just indicated, only a firmly established biblical book, or a book revered on other grounds, could qualify for גניזה. Two passages (51 and 57) may reflect a use of גנו meaning "to exclude from the biblical canon," though this is far from certain. Although the precise nature of the canonical activity reflected in the episodes בקשו לגנו cannot be established with certainty, the evidence from the various usages of גנו indicates that the rabbis were not about to exclude those books from the biblical canon. They granted them *de jure* biblical canonicity, but were about to order their withdrawal from circulation for the very reasons stated in the passages. With the exception of the attempt to withdraw the book of Ezekiel (which may be dated to the first half of the first century C.E.; cf. §47), none of the attempted withdrawals of biblical books can be dated with accuracy. With the possible exception of §§51 and 57 (whose ambiguous nature has been noted), there is no evidence that any biblical book was, in fact, withdrawn from circulation or declared uncanonical.³⁶⁶

E. OUTSIDE BOOKS.

§68 משנה סנהדרין י:א
ואלו שאין להם חלק לעולם הבא האומר אין תחית המתים מן התורה ואין תורה מן השמים ואפיקורוס.³⁶⁷ רבי עקיבא אומר אף הקורא בספרים החיצונים והלוש על המכה ואומר כל המחלה אשר שמתני במצרים לא אשים עליך כי אני ה' רפאך...³⁶⁸

M. Sanhedrin 10:1

But the following have no share in the world to come: he who maintains that the resurrection is not intimated in the Torah, or that the Torah was not divinely revealed, and an Epicurean.³⁶⁷ R. Akiba (110–135) adds: one who reads the outside books, and one who whispers a charm over a wound and recites: *I will not bring upon you any of the diseases that I brought upon the Egyptians, for I the Lord am your healer*³⁶⁸ (Ex. 15:26) . . .

§69³⁶⁹ ירושלמי סנהדרין 28a
ר' עקיבא אומר אף הקורא בספרים החיצונים כגון ספדי בן סידא וספדי בן לעגא³⁷⁰ אבל ספדי המירס³⁷¹ וכל ספרים שנכתבו מכן והילך³⁷² הקורא בהן כקורא באיגרת מאי טעמא רותר מהמה בני הזהר וגו' להגין ניתנו ליגיעה לא³⁷³ ניתנו.

J. Sanhedrin 28a

R. Akiba (110–135) adds: one who reads the outside books such as the books of Ben Sira and the books of Ben La'aga.³⁷⁰ But he who reads the books of Homer³⁷¹ and all other books that were written from then on,³⁷² is considered like one who is reading a secular document, for it is written: *And furthermore, my son, beware of making many books, and much study of them is a weariness of flesh* (Eccl. 12:12). Hence, casual reading is permissible but intensive study is forbidden.³⁷³

סנהדרין ק: §70
רבי עקיבא אומר אף הקורא בספרים החיצונים וכו'. תנא בספרי מינים רב יוסף אמר בספר בן סירא נמי אסור למיקרי...³⁷⁴

Sanhedrin 100b

R. Akiba (110–135) adds: one who reads the outside books etc. A Tanna taught: This means the books of the heretics. R. Joseph (290–320) said: It is also forbidden to read the book of Ben Sira³⁷⁴ . . .

* * *

§68 bans the "reading" of outside books. Scholars disagree concerning the meaning of קורא in our passage. Krochmal,³⁷⁵ Ginzberg,³⁷⁶ Bloch,³⁷⁷ and Haran³⁷⁸ define קורא as a technical term denoting the reading of a liturgical text in the Synagogue or an instructional text in the schools. Thus, one forfeits his share in the world to come if he reads from or expounds an outside book in public. The purpose of the ban was to maintain the integrity of Scripture by differentiating it from uninspired literature; the two were not to be treated alike. According to this view, R. Akiba did not ban the private reading of outside books. Other scholars³⁷⁹ take קורא in its more general sense and extend R. Akiba's ban to the private reading of outside books as well.

One's rendering of קורא in §68 depends upon one's definition of "outside books." The Jerusalem (§69) and Babylonian (§70) Talmuds disagree concerning the meaning of ספרים החיצונים. §69 indicates that R. Akiba banned apocryphal books; §70 indicates that he banned heretical or Christian literature. Those scholars who consider §69 more accurate, render קורא in §68 in its technical and exclusive sense. They claim that it is unlikely that R. Akiba would have banned the private reading of apocryphal literature, especially

in the light of the many citations from an apocryphal work—the book of Ben Sira—found in the Talmud. Ginzberg adds that R. Akiba could not have intended a ban on the *private* reading of apocryphal literature, for he himself made frequent use of the book of Ben Sira.³⁸⁰ In fact, Akiba never cites Ben Sira. The very few instances of similarity in thought between the two are evidence only of Ben Sira's well known influence on ethical sayings circulating in Palestine.³⁸¹ They no more prove that R. Akiba read Ben Sira, than a child's citing "God helps them that help themselves" proves he has read *Poor Richard's Almanac*. But if not R. Akiba, other rabbis certainly were reading and citing Ben Sira as Scripture;³⁸² the ban was promulgated in order to deny Ben Sira and similar writings biblical status.

Those scholars who feel §70 offers a more accurate definition of outside books, take קורא in its general and inclusive sense, for heretical literature ought not be read publicly or privately. An exception to the above dichotomy is Joshua Bloch, who suggests that Akiba's ban was against the liturgical and instructional use of Christian literature; private reading of such literature was tolerated.³⁸³

A passage from a late midrashic text,³⁸⁴ whose source was apparently §69, implies that קורא in §68 is to be understood in its wider sense, *i.e.* even the private reading of outside books is banned.

§71 קוהלת רבה יב:יב
יותר מהמה בני הזהר. מהומה, שכל המכניס בתוך ביתו יותר מכ"ד ספרים,
מהומה הוא מכניס בביתו, כגון ספר בן סירא וספר בן תגלא. ולהג הרבה יגיעת בשר,
להגות: ניתנו ולא ליגיעת בשר ניתנו.

Koheleth Rabbah 12:12

And furthermore (mehamah), my son, be admonished (Eccl. 12:12): [Read the word as] *mehumah* (confusion), because whoever brings into his house more than the twenty-four books [of the Bible] introduces confusion into his house, as, *e.g.*, the book of Ben Sira and the book of Ben Tagla. *And much study is a weariness of the flesh:* They were given for discussion³⁸⁵ and not for intensive study.

* * *

According to §71, one may not bring any extra-biblical literature into his home. Thus, private reading comes under the ban. Ginzberg,

however, dismisses §71 as textually corrupt for "if the 'taking into the house' of any other book than the Bible 'brings confusion,' it is absurd to say that non-Biblical books were given for 'reading and not for serious study'; books that one is not to take into the house were certainly not given for reading."³⁸⁶ More difficult is the obvious contradiction between §§69 and 71 concerning the status of the apocryphal books. §69 bans their being read even casually; only the Homeric epics and similar books may be read "like one who is reading a secular document." §71, on the other hand, clearly tolerates the casual reading of the apocryphal books.³⁸⁷

On the basis of a Genizah fragment containing §69,³⁸⁸ Ginzberg suggested that the original reading in §§69 and 71 was להגין נתנו ליגיעה נתנו, *i.e.* Scripture alone was given for meditation³⁸⁹ and serious study. The last phrase, then, explains that one may not read the apocryphal books because only biblical books were given for serious study. Lieberman,³⁹⁰ claiming that the reading found in the Genizah fragment is a scribal error, rejects Ginzberg's solution. Lieberman correctly argues that the readings found in the editions are established beyond doubt. But by rejecting Ginzberg's emendations, Lieberman is left with an enigmatic and self-contradictory §71, and an obvious contradiction between §§69 and 71. The perplexity of the latter contradiction is heightened by the fact that the two passages are clearly related; one was derived from the other or both were derived from a third source.

Two possible solutions, the second being a variation of the first, come to mind.³⁹¹

Solution A:

§71	§69
... כגון ספר בן סירא	... כגון ספרי בן סירא
וספר בן תגלא	וספרי בן לעגא
	אבל ספרי המירס וכל הספרים
	שנכתבו מכן והילך
	הקורא בהן כקורא באגרת
ולהג הרבה יגיעת בשר	מאי טעמא ויותר מהמה בני וגו'
להגות ניתנו ולא ליגיעת בשר	להגין ניתנו ליגיעה לא ניתנו

In both passages, the last phrase explains why one is permitted to read *the Homeric epics*. One is not at liberty to read many books

whose study is a weariness of flesh; books, however, whose study is not a weariness of flesh—such as secular literature—may be read. A pious redactor of *Koheleth Rabbah* (from which §71 is drawn), perhaps inadvertently but more likely quite consciously, omitted the dispensation which would allow Jews to familiarize themselves with pagan mythology. After the objectionable phase was excised, what remained was simply spliced together, and has so been preserved in our editions. Thus, in its original form, §71 was entirely consistent and in no way contradicted §69.

Solution B:

In both passages, the last phrase explains why the two apocryphal books *may not be read*.³⁹² Only biblical books, *i.e.* books whose study is a weariness of flesh, may be committed to writing (עשות) (ספרים) and then read. Apocryphal books may be *recited* (להגיק) (הזרה) or discussed but may not be committed to writing (עשות ספרים) and, hence, may not be *read*. §71 is entirely consistent in that one may not take a copy of *Ben Sira* into his home, but he is permitted to recite it. §69 is probably the source of §71, adding that the Homeric epics have the status of secular documents which, of course, are committed to writing and, hence, may be read. §71, then, is an abridged form of §69, perhaps for the reason suggested in solution A. Even in its present form, §71 is consistent and in no way contradicts §69.

According to solutions A and B, the ban applies even to the casual reading of apocryphal books. Solution A has simplicity in its favor. Solution B has the following in its favor: a) it makes the present form of §71 intelligible, whereas according to solution A its present form is meaningless, and b) it affords a more reasonable explanation of *ניתנו* in the last phrase of both passages. Lieberman³⁹⁴ takes *ניתנו* of §69 as referring to the Homeric epics, just as we have in the first of the two solutions offered here. It seems unlikely, however, that *ניתנו* would be used in conjunction with the Homeric epics. They were hardly “given” by either God or the rabbis. *ניתנו* in §§69 and 71 echoes the phraseology of *Ecclesiastes* 12:11 (דברי חכמים . . . נתנו מרעה אחד), the verse which immediately precedes the verse discussed in our passages. The apocryphal books are words of the wise (דברי חכמים) which were given (נתנו) to be recited but not read. The Homeric epics are secular documents; it

is unlikely that the rabbis would classify them as “given” (*ניתנו*).

In summary, the passages discussed here³⁹⁵ seem to indicate that *קורא* in §68 refers to public and private reading. It is noteworthy that no halakhic authority has taken *קורא* in §68 to refer only to public reading.³⁹⁶ R. Akiba banned the public and private reading of outside books.³⁹⁷

The term ספרים החיצונים is a *hapax legomenon*, occurring nowhere else in the Talmud.³⁹⁸ It occurs several times in late midrashic texts, such as in §5 and *Bemidbar Rabbah* 15:22, but they shed little light on the meaning of the term. G. F. Moore³⁹⁹ related ספרים החיצונים to דרך החיצונים in *M. Megillah* 4:8, and rendered the former “books of heretics.” This definition is supported by §70. Ginzberg⁴⁰⁰ has adduced evidence that the *M. Megillah* citation is to be read דרך החיצון and rendered “outside the exact regulation of the law.” According to Ginzberg, ספרים החיצונים is adjectival rather than nominal (to be rendered “outside books” rather than “books of the outsiders”); the phrase denotes apocryphal books and not heretical books. Ginzberg adduces §69 in support of his view; *Ben Sira* is apocryphal, and not heretical, literature. He adds that if the term ספרים החיצונים referred to heretical books (*i.e.* books of the heretics), as suggested by §70, the correct Hebrew form would have been ספרי (ה)חיצונים, as in ספרי (ה)מינים and ספרי (ה)קוסמים.

Moore⁴⁰¹ concluded that R. Akiba's ban was intended as an unqualified repudiation of Christian literature, which in some circles was proving to be dangerously attractive. Ginzberg⁴⁰² considered the ban a response to the ever increasing popularity of the apocryphal books. Bloch⁴⁰³ concurred with Moore, with this qualification: The ban was against the reading of Christian writings in the Synagogue or in the schools, and not against their being read in private. Others⁴⁰⁴ suggest that R. Akiba had the apocalyptic and pseudepigraphical writings in mind.

R. Akiba's ban probably embraced all of the extra-biblical literature, whether heretical, apocryphal, pseudepigraphical, or apocalyptic in nature. Evidence from Qumran suggests that the lines distinguishing these types of literature must now be drawn thin. Apocryphal books such as *Ben Sira* were banned (even private reading) because it was precisely in sectarian and heretical circles that such books were venerated. §§69 and 70 are not entirely con-

tradictory. The ban was issued against sectarian or heretical literature. The Jerusalem Talmud (§69) accurately cites Ben Sira as representative of sectarian literature. Fragments of a Ben Sira scroll have been discovered in Cave 11 at Qumran;⁴⁰⁵ verses from Ben Sira have been identified in some of the published materials from Qumran.⁴⁰⁶ The Babylonian Talmud (§70), while familiar with the general intent of the ban, could no longer explain why Ben Sira came under the ban. It was clearly not heretical. The sectarians who had venerated the book had long ceased to exist and were probably unknown to the Babylonian Amoraim.⁴⁰⁷

In Judaeo-Christian circles, apocryphal literature formed an inspired literary continuum between the two Testaments. Rabbinic Judaism, however, recognized that prophecy had ceased prior to the Maccabean period.⁴⁰⁸ The rabbis could not accept the apocryphal books as inspired literature, nor did they have any ulterior motive for doing so. The ban, then, was intended against all literature with biblical pretensions. Secular literature, such as the Homeric epics, and historio-legal literature, such as Megillath Taanith, were tolerated because they presented no threat to the received biblical canon.

Several centuries later, when the biblical canon was irrevocably fixed and when Jewish sectarians no longer posed a threat with regard to the number of biblical books, the ban was relaxed,⁴⁰⁹ and Ben Sira was read and cited as an uninspired canonical text.

If ספרים החיצונים, as suggested here, refer to extra-biblical literature,⁴¹⁰ a *terminus ad quem* for a closing of the biblical canon—circa 120 C.E.⁴¹¹—is established. Extra-biblical books imply the existence of a closed biblical canon. But in view of the uncertainties with regard to the meaning of קורא and ספרים החיצונים in §68, it would be hazardous to draw from it any definite conclusions bearing on the history of the biblical canon.

F. STATUS OF THE BOOK OF BEN SIRA.

The following passages bear directly on the status of the book of Ben Sira in talmudic literature. They are presented in the probable chronological order of their formulation.

תוספתא ידים ב:ג
 הגליונים⁴¹² וספרי המינין אינן מטמאות את הידים. ספרי⁴¹¹ בן סירא וכל ספרים שנכתבו מכאן ואילך⁴¹³ אינן מטמאין את הידים.

Tosefta Yadayim 2:13

The Gospels⁴¹² and heretical books do not defile the hands. The books⁴¹³ of Ben Sira and all other books written from then on,⁴¹⁴ do not defile the hands.

ירושלמי סנהדרין 28a
 ר' עקיבא אומר אף הקורא בספרים החיצונים כגון ספרי בן סירא וספרי בן לעגא אבל ספרי המירס וכל ספרים שנכתבו מכן והילך הקורא בהן כקורא באיגרת מאי טעמא ויותר מהמה בני הזהר וגו' להגיון ניתנו ליגיעה לא ניתנו.

J. Sanhedrin 28a

R. Akiba (110–135) adds: one who reads the outside books such as the books of Ben Sira and the books of Ben La'aga. But he who reads the books of Homer and all other books that were written from then on, is considered like one who is reading a secular document, for it is written: *And furthermore, my son, beware of making many books, and much study of them is a weariness of flesh* (Eccl. 12:12). Hence casual reading is permissible but intensive study is forbidden.

סנהדרין ק:
 רבי עקיבא אומר אף הקורא בספרים החיצונים וכו'. תנא בספרי מינים. רב יוסף אמר בספר בן סירא נמי אסור למיקרי.⁴¹⁵ א"ל אבוי מאי טעמא אילימא משום דכתב ביה⁴¹⁶ לא תינטוש גילדנא מאודניה דלא ליזיל משכיה לחבלא אלא צלי יתיה בנורא ואיכול ביה תרתין גריצים, אי מפשטיה, באורייתא נמי כתב לא תשחית את עצה, אי מדרשא, אורח ארעא קמ"ל דלא ליבעול שלא כדרכה. ואלא משום דכתיב בת לאביה מטמונת שוא מפחדה לא יישן בלילה בקטנותה שמא תתפתה בנערותה שמא תזנה בגרה שמא לא תינשא נישאת שמא לא יהיו לה בנים הזקינה שמא תעשה כשפים, הא רבנן נמי אמרוה אי אפשר לעולם בלא זכרים ובלא נקבות אשרי מי שבניו זכרים אוי לו למי שבניו נקבות. אלא משום דכתיב לא תעיל דו"א בלבך דגברי גיברין קטל דו"א, הא שלמה אמרה דאגה בלב איש ישחנה,⁴¹⁸ ר' אמי ור' אסי חד אמר ישחנה⁴¹⁹ מדעתו וחד אמר ישחנה⁴²⁰ לאחרים. ואלא משום דכתיב מגע רבים מתוך ביתך ולא הכל תביא אל ביתך, והא רבי נמי אמרה דתניא רבי אומר לעולם לא ירבה אדם רעים בתוך ביתו שנאמר איש רעים להתרועע. אלא משום דכתיב⁴²¹ ולדקן קורטמן עבדקן סכסן דנפח בכסיה לא צחי אמר במאי איכול לחמא לחמא סב מיניה מאן דאית ליה מעברתא בדיקני' כולי עלמא לא יכלי ליה.

Sanhedrin 100b

R. Akiba (110–135) adds: One who reads the outside books, etc. A Tanna taught: This means the books of the heretics. R. Joseph (290–320) said: It is also forbidden to read the book of Ben Sira.⁴¹⁶ Abaye (320–350) asked him: Why so? Shall we say because it is written therein:⁴¹⁷ “Do not strip the skin [of a fish] from its ear, lest you spoil it, but roast it [all, the fish with the skin] in the fire, and eat it with two twisted loaves”? Now if you take it in its plain sense, the Torah also states (Deut. 20:19): *You must not destroy its trees*. If you take it allegorically, it teaches proper conduct, that one should not cohabit unnaturally. If you take exception to the passage (Ben Sira 42:11–14):⁴²² “A daughter is a vain treasure to her father. Through anxiety on her account, he cannot sleep at night—when a minor, lest she be seduced; in adolescence, lest she play the harlot; as an adult, lest she does not marry; if she marries, lest she bear no children; if she grows old, lest she engage in witchcraft,” the Rabbis have said the same: The world cannot exist without males and females; [still,] happy is he whose children are males, and woe to him whose children are females. If you take exception to the passage (Ben Sira 30:29–30): “Let not anxiety enter your heart, for it has slain many a person,” Solomon has said the same (Prov. 12:25): *Anxiety in a man’s heart weighs him down*.⁴¹⁸ R. Ammi (290–320) and R. Assi (290–320) disagreed: one rendered it “let him remove it⁴¹⁹ from his mind”; the other rendered it “let him relate it⁴²⁰ to others.” If you take exception to the passage (Ben Sira 11:36): “Keep the multitude away from your house, and do not bring everyone into your home,” Rabbi [Judah] (170–200) said the same. For it has been taught, Rabbi said: One should never have a multitude of friends in his house, for it is written (Prov. 18:24): *A man with friends brings evil upon himself*. The reason [why the book of Ben Sira may not be read], then, is because it is stated therein:⁴²¹ A thin-bearded man is very wise; a thick-bearded one is a fool. He who blows at the top of his cup is not thirsty; he who says, what shall I eat with my bread?—take the bread away from him. He whose beard is parted is invincible.

§57

סנהדרין ק: (על פי כתב יד)⁴²³

אמר רב יוסף אף על גב דגנזו רבנן להא סיפרא דבן סירא כל מילי מעלייתא
ראית ביה דרשינן להו. אשה טובה מתנה טובה בחיק ירא אלהים תנתן. אשה⁴²⁴

רעה צרעת לבעלה, מאי תקנתיה יגרשנה מביתו ותרפא מצרעתו. אשה⁴²⁵ יפה אשרי
בעלה מספר ימיו כפלים. העלם⁴²⁶ עיניך מאשת חן פן תלכד במצורתה. אל תט⁴²⁷
אצל בעלה למסוך עמו יין ושכר. כ⁴²⁸ בתואר אשה יפיה רבים הושחתו ועצומים
כל הרוגיה. רבים⁴²⁹ היו פצעי רוכל המרגילים לדבר ערוה. כניצוץ⁴³⁰ מבעיר
גחלת. ככלוב⁴³¹ מלא עוף כן בתייהם מלאים מרמה. מנע⁴³² רבים מתוך ביתך ולא
הכל תביא ביתך. רבים⁴³³ יהיו דורשי שלומך גלה סודך לאחד מאלף. משוכבת⁴³⁴
חייקך שמור פתחי פיך. אל תצר⁴³⁵ צרת מחר כי לא תדע מה ילד יום, שמא⁴³⁶ למחר
איננו ונמצא מצטער על עולם שאינו שלו. כל ימי עני רעים בן סירא אומר אף
לילות,⁴³⁷ בשפל גנים וגו ובמרום הרים כרמו, ממטר גנים לגנו ומעפר כרמו
לכרמים.

Sanhedrin 100b (manuscript reading)⁴²³

R. Joseph (290–320) said: Even though the rabbis withdrew the book of Ben Sira, we expound all the good passages contained in it. For example (Ben Sira 26:3): A good woman is a precious gift, who shall be given to a God-fearing man. An evil woman⁴²⁴ is a plague to her husband. How shall he mend matters? Let him divorce her; so he shall be healed from his plague. Happy is the man⁴²⁵ whose wife is beautiful; the number of his days is doubled. Avert your eyes⁴²⁶ from a charming woman, lest you be caught in her snare. Do not seek⁴²⁷ the society of her husband in order to drink wine with him. For many⁴²⁸ have been slain by the countenance of a beautiful woman, and numerous are those slain by her. Many⁴²⁹ are the wounds of itinerant peddlers who seduce to adultery. As the spark⁴³⁰ that kindles the ember . . . as a cage⁴³¹ is full of birds, so are their houses full of deceit. Keep⁴³² the multitude away from your house, and do not bring everyone into your home. Though many⁴³³ inquire after your well-being, reveal your secret to one in a thousand. Guard⁴³⁴ the doors of your mouth from her who lies in your bosom. Do not fret⁴³⁵ over tomorrow’s trouble, for you do not know what a day may bring forth. For tomorrow⁴³⁶ he may be no more, and thus he is grieving over a world that is not his.

All the days of the poor are bad (Proverbs 15:15). Ben Sira said: His nights too.⁴³⁷ His roof is among the lowest roofs, and his vineyard is on the highest mountain. The rain of the other roofs drains onto his, while the earth from his vineyard is carried to other vineyards.

§71⁴³⁸

קוהלת רבה יב:יב

יותר מהמה בני הזהר. מהומה, שכל המכניס בתוך ביתו יותר מכ"ד ספרים

מהומה הוא מכניס בביתו כגון ספר בן סירא וספר בן תגלא. ולהג הרבה יגיעת בשר, להגות ניתנו ולא ליגיעת בשר ניתנו.

Koheleth Rabbah 12:12

And furthermore (mehemah), my son, be admonished (Eccl. 12:12): [Read the word as] mehumah (confusion), because whoever brings into his house more than the twenty-four books [of the Bible] introduces confusion into his house, as e.g., the book of Ben Sira and the book of Ben Tagla. And much study is a weariness of the flesh: They were given for discussion and not for intensive study.

* * *

No less important for an evaluation of the status of the book of Ben Sira in talmudic literature are the many verses from the book cited in the Talmud and Midrash. M. H. Segal has assembled most of the passages;⁴³⁹ there is no need to repeat them here. The formulae used to introduce the verses, and the manner in which they are expounded, are indicative of the rabbinic attitude toward the book of Ben Sira. Occasionally, verses or half-verses are introduced as tannaitic sayings or as popular proverbs, with not even a hint that they originate with Ben Sira. A representative selection of introductory formulae to the Ben Sira citations in talmudic and midrashic literature, arranged in probable chronological order,⁴⁴⁰ follows:

- 1.⁴⁴¹ אמר ליה [שמעון בן שטח] בסיפרא דבן סירא כתיב...
[Simeon b. Shetah] (1st century B.C.) answered him: It is written in the book of Ben Sira...
- 2.⁴⁴² רבי לריטס איש יבנה אומר...
R. Levitas of Jamnia (110–135) said...
- 3.⁴⁴³ תנו דבנן... ארבעה אין הדעת סובלתן, אלו הן...
Our rabbis taught... Four types of people are unbearable...
- 4.⁴⁴⁴ לכדתניא...
As it was taught...
- 5.⁴⁴⁵ א"ר אלעזר כתוב בספר בן סירא...
R. Eleazar (250–290) said: It is written in the book of Ben Sira...
- 6.⁴⁴⁶ רבי לעזר בשם בר סירה...
R. Eleazar said in the name of Bar Sirah...
- 7.⁴⁴⁷ ואמר רב אחא בר יעקב... כתוב בספר בן סירא...
R. Aha b. Jacob (300–330) said... It is written in the book of Ben Sira...

8.⁴⁴⁸

אמר [רבה בר מרי] ליה [לרבא] דבר זה כתוב בתורה שנוי בנביאים ומשולש בכתובים ותנן במתניתין ותנינא בברייתא... ומשולש בכתובים דכתיב...

Rabbah b. Mari (320–350) told Raba (320–350): This matter is written in the Torah, repeated in the Prophets, and repeated a third time in the Hagiographa, and was taught in the Mishnah, and was taught in a Baraita... and repeated a third time in the Hagiographa, as it is written...

9.⁴⁴⁹

בר סירא אמר...

Bar Sira said...

10.⁴⁵⁰

אמר בן סירא...

Ben Sira said...

11.⁴⁵¹

כדכתיב בספר בן סירא...

As it is written in the book of Ben Sira...

12.⁴⁵²

מתלא אמר בן סירא...

Ben Sira said a parable...

* * *

Scholars have long been perplexed by the apparent ambivalence of the rabbinic attitude toward the book of Ben Sira. §72 was understood by scholars as indicating that the book of Ben Sira was uncanonical. §§69–71 ban the reading of the book of Ben Sira and its being brought into the home. In contrast, the many Ben Sira citations in the Talmud and their introductory formulae, indicate that the book of Ben Sira was sometimes expounded much like any other biblical book.

Hai Gaon (d. 1038), while not addressing himself directly to the problem at hand, explains that the rabbis cite the book of Ben Sira not as Scripture, but as support from secular literature.⁴⁵³ Hai observes that elsewhere,⁴⁵⁴ the rabbis expound secular documents in a similar manner. Even when the Ben Sira citation is prefaced by "משולש בכתובים" (and) repeated a third time in the Hagiographa (lit.: Writings), Hai explains that the reference is to secular "writings" and not to the Hagiographa.⁴⁵⁵ Thus, according to Hai, the book of Ben Sira is never cited as Scripture in rabbinic literature. We do not know how Hai would have reconciled the obvious rabbinic familiarity with the book of Ben Sira (however secular) with the ban against its being read (§69). Hai's attempt to relate the rabbinic expounding of the book of Ben Sira to the rabbinic

exposition of legal documents, and his explanation of משולש בכחובים, are forced;⁴⁵⁶ they serve to highlight the problem rather than solve it.

Solomon Schechter published an excerpt from an anonymous commentary on Sanhedrin, found in the Cairo Genizah, containing the first attested attempt to reconcile the contradictory views of the rabbis with regard to the book of Ben Sira.⁴⁵⁷ The excerpt is a comment on Sanhedrin 100b (§70) and explains that the book of Ben Sira (ספר בן סירא) is not to be confused with the Proverbs of Ben Sira (משלי בן סירא); the reading of the former is prohibited, whereas the reading of the latter is beneficial and permitted. That this was certainly not the case is clear from the citations which begin בספר בן סירא etc., and from §57, where it is stated that the better portions of the book of Ben Sira (סיפרא) are expounded. Schechter suggests that the author of the Genizah fragment was probably referring to the medieval work, *Alphabet of Ben Sira* (אלפאביתא דבן סירא).⁴⁵⁸ This he called ספר בן סירא, and warned his readers not to confuse it with Ben Sira's authentic proverbs, which he called משלי בן סירא.⁴⁵⁹ The author of the fragment, somewhat anachronistically, assumed that §70 was referring to the *Alphabet of Ben Sira*.

In the fourteenth century, Yom Tov b. Abraham Ishbili suggested that the rabbis (in §70) banned the regular (קבע) study of the book of Ben Sira.⁴⁶⁰ Its occasional (ערא) study was recommended. A similar distinction was posited by Azariah de Rossi (d. 1587), who marshalled evidence from the Midrash in support of Ishbili's view.⁴⁶¹

In 1798, Judah Loeb Ben Ze'ev published a Hebrew translation of the book of Ben Sira,⁴⁶² and prefaced it with a study of the status of Ben Sira in talmudic literature.⁴⁶³ Ben Ze'ev was the first to point out that R. Joseph's ban (§70) was not against the extant versions of the book of Ben Sira, but was against a maverick text of Ben Sira which incorporated much questionable material. Ben Ze'ev concluded that the rabbis had no scruples concerning the *textus receptus* of Ben Sira. He overlooked §§69 and 71.⁴⁶⁴

N. Krochmal⁴⁶⁵ and Z. H. Chajes,⁴⁶⁶ who did not overlook §§69 and 71, suggest that the Babylonian rabbis disagreed with the Palestinian authorities with regard to the status of the book of Ben Sira. They note that the Babylonian Talmud expounds verses from

the book of Ben Sira using the same introductory formulae usually reserved for Scripture (שנאמר, דכתיב). The formulae need not necessarily mention the title of the book cited. The Jerusalem Talmud, however, when citing the book of Ben Sira, always mentions the title of the book. This indicates that in Palestine the book was not ordinarily expounded, and when cited, it was cited as a secular reference or as a popular proverb, without any pretension of being biblically authoritative.⁴⁶⁷ Krochmal explains that the ban in §69 refers to the reading of a liturgical text in the Synagogue or an instructional text in the schools. Thus, the private reading of Ben Sira was permitted. Krochmal adds that R. Joseph (§70) banned the public (and not private) reading of the book of Ben Sira, but not for the same reason as R. Akiba in §§68 and 69. R. Akiba's ban was directed against sectarian groups who considered the book of Ben Sira—and other outside books—part of the biblical canon.⁴⁶⁸ R. Joseph, unfamiliar with the sectarians, assumed that the ban was promulgated in response to a faulty Aramaic recension of the book of Ben Sira, replete with inanities. And even concerning that recension, R. Joseph permitted the expounding of its better parts.

S. J. Rappoport adduced the use of גג in §57 as proof that the book of Ben Sira was relegated to the Apocrypha.⁴⁶⁹ It is implied, then, that prior to its being relegated to the Apocrypha, the book of Ben Sira was included in the biblical canon. Solomon Schechter⁴⁷⁰ and David Hoffmann⁴⁷¹ also noted that §57 may indicate that Ben Sira was once included in the biblical canon. But we have seen earlier that גג is used with books which clearly were never included in the biblical canon (see §§58 and 59). Thus, the use of גג in conjunction with the book of Ben Sira cannot be considered incontrovertible proof of its biblical canonicity.

Haran has provided the most recent treatment of the status of the book of Ben Sira in talmudic literature.⁴⁷² With Krochmal, he assumes that §69 bans the liturgical reading of Ben Sira; private reading was permitted. But Haran explains that in talmudic times, it was customary to read all Hebrew books with cantillation. When the ban on the liturgical reading of Ben Sira was promulgated, the private reading of Ben Sira was, in effect, also banned, for it was not customary to read a Hebrew book without its cantillation. Haran adds that in tannaitic times, the rabbis considered Ben Sira a book of ethical maxims with no special sanctity. Among the popu-

lace, however, there were many who venerated the book of Ben Sira and accorded it biblical status; the ban (§69) was issued in order to counteract their misdirected veneration. Only in amoraic times was Ben Sira accorded semi-biblical⁴⁷³ status by the rabbis themselves. Haran concludes that the closing of the canon was a long and gradual process, with the people (rather than the rabbis) deciding which books were to be included in the biblical canon.⁴⁷⁴ The process is exemplified by the book of Ben Sira, which was popular among the masses and was slowly gaining biblical status. In the end, R. Akiba's ban prevailed against the masses, and by the end of the Gaonic period the book of Ben Sira ceased to circulate.

In section E, we have indicated that R. Akiba (§§68 and 69) banned both the public and private reading of outside books. R. Akiba's ban was directed against sectarian and heretical literature. The book of Ben Sira was venerated in sectarian circles⁴⁷⁵ and therefore came under the ban. This was the case, despite the fact that the Pharisees had also venerated the book of Ben Sira to some extent. We cannot agree with Haran that it was only in the amoraic period that Ben Sira was accorded semi-biblical status by the rabbis. The book of Ben Sira is cited as Scripture by Simeon b. Shetah (first century B.C.), in a passage of tannaitic origin (and not of amoraic origin, as Haran would have it).⁴⁷⁶ Elisha b. Abuyah (110–135), R. Levitas of Jamnia (110–135), and several anonymous tannaitic passages incorporate verses from Ben Sira. These citations indicate that Ben Sira was accorded semi-biblical status in the tannaitic period.

It would appear that the book of Ben Sira belonged to the category of uninspired canonical literature. §72 asserts that the book of Ben Sira does not defile the hands. In effect, this indicates that it was considered uninspired literature.⁴⁷⁷ Nowhere in rabbinic literature do we find anyone disputing this point; it is never stated that the book of Ben Sira defiles the hands. This was because the rabbis were convinced that the book of Ben Sira, which includes an eulogy of the High Priest Simon II, was authored after the cessation of prophecy or divine inspiration.⁴⁷⁸ Thus we may state unequivocally that the book of Ben Sira never attained, nor could it attain, biblical status (*i.e.* inclusion among the inspired canonical books) in talmudic literature.⁴⁷⁹ The numerous recensions of the Hebrew text found in

the Cairo Genizah,⁴⁸⁰ at Qumran,⁴⁸¹ and at Masada,⁴⁸² and the many variant readings of the same verse, as preserved in rabbinic literature,⁴⁸³ indicate that the text of Ben Sira was not stabilized. This is a further indication that the book never attained biblical status; the texts of all biblical books were stabilized.⁴⁸⁴ The talmudic passages which cite or expound verses from Ben Sira suggest that it was in the same class of literature as was Megillath Taanith, *i.e.* the uninspired canonical literature. The mere fact that the rabbis had to deny its biblical canonicity, indicates that it was probably an uninspired canonical book. Only canonical books were likely to be mistaken for biblical books.

When sectarian groups began treating the outside books (including the book of Ben Sira) and Scripture alike, R. Akiba issued a ban which embraced all uninspired literature with Scriptural pretensions, including the book of Ben Sira. R. Joseph (§70), who was probably familiar with the tradition preserved in §69, could not explain why Ben Sira was banned. The sectarians who had venerated the book no longer posed a serious threat and were unknown to R. Joseph. From §§57 and 70 it is evident that R. Joseph had chanced upon a peculiar Ben Sira scroll, one which contained some Aramaic proverbs (and some Hebrew proverbs) not included in any other version of Ben Sira. R. Joseph concluded that the book of Ben Sira still came under the ban, but that its more acceptable proverbs were to be expounded.

If R. Akiba banned the private reading of Ben Sira, why were the amoraic rabbis citing it as Scripture? Several possible solutions present themselves, any one of which would account for the citations from Ben Sira in the amoraic period:⁴⁸⁵

1. R. Akiba's ban was a private opinion, not accepted as authoritative by the majority of rabbis. Note that the anonymous author of M. Sanhedrin 11:1 need not necessarily agree with Akiba. Even if Akiba's authority was decisive with regard to all other outside books, it is possible that the rabbis excluded the book of Ben Sira—which had already attained uninspired canonical status—from the general ban.
2. The ban was enforced only during Akiba's lifetime. An examination of all dateable citations from Ben Sira in talmudic literature indicates that they are either pre-Akiba or post-Akiba. Before

Akiba there was no ban. After Akiba, the various sectarian groups within Judaism were polarized to a point where normative Judaism was no longer endangered by sectarian canons.

3. Assuming that Akiba's ban was enforced during the amoraic period, we may follow the suggestion of Yom Tov Ishbili and Azariah de Rossi that the ban was against the intensive study of Ben Sira. Occasional reading and citation were permitted.

4. The amoraic rabbis who cited Ben Sira, cited it from memory, perhaps from rabbinic traditions formulated before Akiba's ban. The oral recitation of Ben Sira was permitted;⁴⁸⁶ only reading from a Ben Sira scroll was banned. This may account for the many variant readings preserved in the Ben Sira passages cited in talmudic literature.

Judging from the many Palestinian Tannaim and Amoraim who cite Ben Sira, it would appear that Ben Sira was especially popular in Palestine.⁴⁸⁷ Less popular in Babylon, its text was not guarded at all, and versions such as the one R. Joseph saw came into being. Eventually, the combined effect of the bans issued by Akiba and R. Joseph, and more important, the introduction of the Babylonian and Jerusalem Talmuds into the academies, led to the neglect, and finally, to the disappearance of the Hebrew text of Ben Sira by the end of the Gaonic period.⁴⁸⁸

In summary, the book of Ben Sira was venerated by the Tannaim and Amoraim. The rabbis, cognizant of its late authorship, did not accord it biblical status (*i.e.* include it among the inspired canonical books). It was expounded by the Tannaim and Amoraim, which indicates that it was numbered among the uninspired canonical books. When sectarian groups included Ben Sira in their biblical canon, R. Akiba banned the book. When the threat to normative Judaism subsided, the book of Ben Sira was once again considered an uninspired canonical book, and was freely expounded, especially in Palestine. With the introduction of the Talmud into the academies, the study of the book of Ben Sira was neglected, and eventually ceased entirely.

G. BOOKS DEFILE THE HANDS.

A scholarly consensus equates a book which defiles the hands (ספר המטמא את הידים) with "canonical book." Accordingly, one need

only date the talmudic discussions of ספרים המטמאין את הידים in order to determine which books were canonical and when the canon was closed. The last such discussion, the handbooks assert, took place at Jamnia in circa 90 of the common era. It was at that session, then, that the canon was irrevocably fixed.⁴⁸⁹

The issues, however, are far more complex than the handbooks make them out to be. It will be shown below, for example, that the notion of ספרים המטמאין את הידים refers to the inspired origin of the books in question, and not to their canonical status. Moreover, early and late talmudic sources, medieval commentators, and modern scholars disagree concerning almost every aspect of the defilement of the hands (טומאת ידים). Any statement offered here would not do justice to the wide variety of views expressed.⁴⁹⁰ The subject is fraught with difficulties; the introductory remarks that follow are intended only as a bare minimum necessary for any discussion of books defiling the hands (ספרים המטמאין את הידים).

The defilement of the hands describes a state of impurity decreed by the rabbis, wherein the hands are impure in the second degree (שני לטומאה) even though the rest of the body is considered to be in a state of purity.⁴⁹¹ One incurs this state of impurity by touching an object impure in the first degree (ראשון לטומאה) or by touching an object which, according to the rabbis, defiles the hands. The books of Hebrew Scripture are among those objects.⁴⁹² The state of impurity is removed by a ritual washing of the hands. If the hands are not ritually washed, they in turn defile the priestly gifts (*terumah*) which they touch. Such priestly gifts may no longer be eaten and must be burned.

The rabbis issued a series of decrees successively wider in scope concerning the defilement of the hands. According to the latest talmudic authorities, the hands are always considered defiled and must be ritually washed before one touches or eats certain foods. Lack of dateable evidence and the general obscurity of the talmudic passages render it impossible to reconstruct with certainty the historical development of the regulations concerning the defilement of the hands.⁴⁹³ Maimonides (d. 1204) summarized the talmudic evidence as follows:⁴⁹⁴

"King Solomon and his court decreed that all hands are impure in the second degree, even when one is not certain that they were

ceased. Passages in the apocryphal books clearly indicate that many Jews in the second century B.C. believed that prophecy had ceased.⁶¹⁶ From the Apocrypha,⁶¹⁷ Pseudepigrapha,⁶¹⁸ Josephus,⁶¹⁹ and the Talmud⁶²⁰ it is evident that prophecy and the writing of inspired literature are correlated. With the cessation of prophecy, the production of inspired literature also ceased. Thus, books known to have originated in the second century B.C. or later could not have been considered inspired.

3. If one accepts Sundberg's view, it follows that a wide religious literature circulated throughout Jewry as Scripture at the start of the Christian era.⁶²¹ But we have already seen that the Apocrypha, Philo, Josephus, and Christian sources reflecting Jewish practice (e.g. the New Testament and church fathers) all attest a very limited canon of Scripture in most Jewish communities just before and after the start of the Common Era.⁶²²

4. If, with Sundberg, it was not until late in the first century C.E. that the Tannaim declared inspiration to have ceased in the fifth century B.C. (in order to exclude apocryphal, apocalyptic, and other late writings already part of Holy Scripture), why are not all the pseudepigraphical writings ascribed to the fifth century B.C. or earlier still included in Holy Scripture?⁶²³

The view that prophecy and the production of inspired literature ceased in the fifth century B.C., now found in parallel passages in Josephus, IV Ezra, and the Talmud, very likely reflects an ancient tradition. Accordingly, Ben Sira could never have been considered an inspired canonical book, but only an uninspired canonical one.

It is possible to maintain, however, that in the third and second centuries B.C. the notion that Scripture consisted only of inspired canonical books was inoperative. Perhaps no halakhic distinctions were made then between inspired and uninspired canonical books; both were treated alike in all respects.⁶²⁴ Scripture may have been a collection of all the canonical writings, inspired and uninspired, including Ben Sira. To me, at least, it appears more likely that Scripture in the third and second centuries B.C. did not differ substantially from the conception of Holy Scripture reflected by Josephus, IV Ezra, and the Talmud (i.e. only inspired canonical books were designated Holy Scripture).⁶²⁵ Unless new evidence is forthcoming, the matter will remain unsettled. Certain it is only that by the second century B.C. inspired and uninspired canonical

writings existed side by side, with the Scriptural status of the latter open to question.

E. THE CLOSING OF THE BIBLICAL CANON.

1. *The Extra-Talmudic Evidence.*

In chapter I, the Torah and Prophets were shown to have been considered inspired and canonical by ca. 450 B.C.⁶²⁶ Some of the Hagiographa, such as Job and Psalms, were excluded from the Prophetic canon because they did not properly belong in a religious history of the Israelite nation.⁶²⁷ Others, such as Ezra, Nehemiah, and Chronicles were composed after the Prophetic canon was closed. Ben Sira (ca. 190 B.C.) was familiar with the books of Job, Psalms, Ezra, Nehemiah, Chronicles, Proverbs, Ecclesiastes,⁶²⁸ and perhaps Song of Songs.⁶²⁹ He probably considered them inspired canonical books (i.e. part of Holy Scripture), for in his book he does not distinguish heroes mentioned in the Prophetic canon from those mentioned in Job and in the Chronicler's works.⁶³⁰ Ben Sira may have been familiar with other Hagiographic books as well,⁶³¹ but like Philo and the New Testament, he had no occasion to refer to them in his work. In an ode to biblical heroes,⁶³² Ben Sira does not mention Daniel and Esther (or Mordecai). Here, his silence seems to indicate that those books were either unknown to him, or were uncanonical in his day.⁶³³ Sometime after Ben Sira, perhaps before the rise of the Maccabees, Esther⁶³⁴ and the original form of Daniel⁶³⁵ were probably added to the "other books," i.e. the title by which the Hagiographic books were known in the second century B.C.⁶³⁶

The biblical canon was effectively closed when it was decided that no more books could be added to the select group of books which were considered canonical and inspired. The extant evidence does not allow for a precise dating of that decision, nor does it identify the decision-making body. Nevertheless, three distinct lines of evidence converge, all pointing to a mid-second century B.C. dating for the closing of the Hagiographa, and with it, the biblical canon. These are:

- a) The literary activity ascribed to Judah Maccabee.⁶³⁷
- b) The canonization of the present form of Daniel,⁶³⁸ which almost certainly is dateable to the early Maccabean period.⁶³⁹

There is no evidence that normative Judaism ever again considered *adding* a book to the biblical canon. Since no books were added to the biblical canon, it was closed.

c) The existence of the Proto-Lucianic recension of the Greek Bible in the second century B.C., which indicates that the stabilization of the text of Hebrew Scripture was already in process. Such activity presupposes a fixed canon.⁶⁴⁰

2. *The Talmudic Evidence.*

On the basis of the talmudic evidence, the modern scholarly consensus is that the Hagiographa (and with it the biblical canon) was closed toward the end of the first century C.E., and perhaps one or two centuries later. Investigation of the talmudic evidence indicates that it does not invalidate a Maccabean dating for the closing of the biblical canon. As indicated, nowhere in the Talmud is it suggested that a book was added to the biblical canon that obtained in the Maccabean period. There is evidence that some Tannaim of the first-third centuries C.E. denied the inspired status of Song of Songs, Ecclesiastes, and Esther.⁶⁴¹ They suggested that these books be removed from the biblical canon and be included among the uninspired canonical books. The suggestions had theological implications and halakhic consequences, but in no way indicate that the biblical canon was open after the Maccabean period. Those who questioned the inspired origin of some biblical books, did so on the basis of the content of those books. The secular nature of the plain sense of Song of Songs⁶⁴² and Esther is evident; note too that they are the only biblical books in which the name of God does not appear. The antinomian, pessemistic, and often contradictory sentiment expressed in Ecclesiastes accounts for the doubts concerning its inspired origin. Despite these doubts, the canonical (but not inspired) status of the aforementioned books was acknowledged by all. The inspired canonical status of Song of Songs and Ecclesiastes was not unanimously acknowledged until the end of the second century C.E.⁶⁴³ Unanimity concerning the inspired canonical status of Esther was not attained before the end of the third century C.E.⁶⁴⁴ The only other biblical books whose inspired canonical status was singled out for discussion in the Talmud, were the books of Daniel, Ezra, and Ruth.⁶⁴⁵ Their

inspired canonical status is confirmed, not debated. In the case of Daniel and Ezra, the Talmud simply wished to stress the fact that even the Aramaic portions of those books were inspired. It is not immediately apparent why the Talmud found it necessary to underscore the inspired canonicity of Ruth; its inspired canonical status is never questioned in the Talmud or elsewhere. Perhaps some Jews felt that it contradicted the Torah (Deut. 23:4) and cast aspersions on the legitimacy of the Davidic line, on which account they questioned its inspired origin. In order to prevent such doubts from spreading among the populace, the rabbis reaffirmed Ruth's inspired canonical status.⁶⁴⁶ The inspired canonicity of all other biblical books was not questioned because the Tannaim were certain that they were composed before the cessation of prophecy, and because their content did not render their inspired origin suspect.

Other Tannaim considered the withdrawal of some biblical books from circulation.⁶⁴⁷ With the exception of the case of Ezekiel, which may be dated to the early first century C.E., none of the attempted withdrawals can be dated. The attempted withdrawals (note that no biblical book was actually withdrawn) point to much problematic content. Due to their sacredness, the biblical books could not be destroyed; instead, they were to be stored away. The books in question were granted *de jure* canonicity, but their withdrawal was necessary for the reasons stated in the talmudic passages. The attempted withdrawals, then, do not reflect canonical activity (*i.e.* attempts to declare authoritative books null and void) on the part of the Tanaaim.⁶⁴⁸ Indeed, there is no evidence in talmudic literature that a Tanna or Amora considered any biblical book uncanonical. The only talmudic term with an established meaning "to de-canonize" is בטל. It appears once with an uninspired canonical book (Megillath Taanith),⁶⁴⁹ and once with the biblical books in a passage which deals with their canonical status in eschatological times.⁶⁵⁰ The term is otherwise never applied to a biblical book.

Ben Sira's grandson, Philo, Josephus, and the Talmud reflect knowledge of a tripartite biblical canon.⁶⁵¹ Evidence from the first century C.E. indicates that the biblical canon consisted of 24 titles,⁶⁵² and that at least two different systems of counting and arranging the biblical books were current among Jews in first century Palestine. Some counted 22 books by joining Ruth to

Judges and Lamentations to Jeremiah. Others counted 24 books by placing Ruth and Lamentations in the Hagiographa.⁶⁵³ Both systems were in use during the first to fourth centuries C.E.;⁶⁵⁴ on the authority of the Babylonian Talmud, which ruled that Ruth and Lamentations properly belong in the Hagiographa (see §1), the 24 book count eventually prevailed.

Several tannaitic passages may reflect a period when only two inspired canonical divisions were known, *i.e.* Torah and Prophets.⁶⁵⁵ These passages, however, cannot be dated with accuracy; nor is it certain that the Hagiographa was uncanonical when these passages were formulated.⁶⁵⁶ The Talmud accords greater sanctity to the Torah than to the Prophets and Hagiographa.⁶⁵⁷ In almost all talmudic passages reflecting a tripartite canon, the Prophets and Hagiographa are accorded equal status.⁶⁵⁸ Several aggadic passages of varied provenience assume that the books included in the biblical canon were carefully selected for that purpose; the biblical canon did not merely consist of chance remnants of an ancient Israelite literature.⁶⁵⁹

3. *The Excluded Books.*

If indeed examination of the extra-talmudic and the talmudic evidence suggests that the biblical canon was effectively closed in the Maccabean period, several apocryphal and pseudepigraphical books circulating then in Palestine, such as Jubilees, portions of Enoch, and Ben Sira were deliberately excluded. They were excluded from Hebrew Scripture probably because:

- a) Ben Sira's grandson (ca. 132 B.C.), in his preface to the book of Ben Sira, notes that his grandfather devoted himself to the study of "the law and the prophets and the other books of our fathers." It is likely that only titles included among the "other books of our fathers" were eligible for inclusion in the Maccabean canon.
- b) Books believed to have been authored after the cessation of prophecy did not qualify for inclusion in the biblical canon.⁶⁶⁰
- c) Books whose spurious or sectarian origin was evident, were rejected from possible inclusion in the biblical canon.⁶⁶¹

Despite the exclusion of the earliest apocryphal and pseudepigraphical books, they continued to circulate in Palestine. At least one of the excluded books, the book of Ben Sira, was accorded

uninspired canonical status.⁶⁶² When Pharisaic Judaism was threatened by sectarian groups who venerated apocryphal, pseudepigraphical, and New Testament literature and accorded that literature biblical status, R. Akiba (110–135) banned the reading of all extra-biblical literature, including the book of Ben Sira.⁶⁶³ When the threat subsided (in the amoraic period), the ban was relaxed and Ben Sira was read once again and cited as an uninspired canonical text.⁶⁶⁴

In sum: The closing of the biblical canon did not occur at Jamnia toward the end of the first century C.E. Jewish sources such as the Apocrypha, Philo, and Josephus,⁶⁶⁵ as well as Christian sources reflecting Jewish practice, such as the New Testament and the church fathers,⁶⁶⁶ support the notion of a closed biblical canon in most Jewish circles throughout the first centuries before and after the Christian era. The only possible indications of a larger biblical canon come from the sectarian Jewish community at Qumran and from Christian sources of the fourth century or later. It is highly questionable to what extent, if at all, they reflect the biblical canon which obtained in official Jewish circles in Palestine and Alexandria during the first century. Critical analysis of the book of Daniel,⁶⁶⁷ evidence from the Apocrypha,⁶⁶⁸ and newly discovered biblical texts in Hebrew and Greek (from Qumran, Nahal Hever, and elsewhere)⁶⁶⁹ suggest the possibility and likelihood that the biblical canon was closed in the Maccabean period. The talmudic and midrashic evidence is entirely consistent with a second century B.C. dating for the closing of the biblical canon.⁶⁷⁰