

[Bible] Leviticus, Numbers, and Deuteronomy (incomplete)

In Hebrew, manuscript on paper

Yemen, c. 1450-1500

ii (modern paper) + 137 + ii (modern paper) folios on Oriental paper, fragments expertly restored and mounted in modern paper, primary modern foliation in pencil in Arabic numerals in upper-left corner of recto and secondary modern foliation in pencil in Arabic numerals in upper margin of some rectos (original collation indeterminate, but missing about forty-six folios, modern collation i-xvi⁸ xvii¹⁰ [-1]), no catchwords, unruled (justification 175-180 x 95-110 mm.), written in neat Yemenite square (body of biblical text) and semi-cursive (Masorah magna, Masorah parva, and numeration of the commandments) scripts in black ink in seventeen long lines (except f. 137v, twenty-four lines), complete Tiberian vocalization and accentuation of biblical text (except f. 137v, no accentuation), Masorah magna written in micrography in upper (one line) and lower (two lines) margins, sometimes at an angle (e.g., ff. 29v, 32, 33-34, 36, 51, 66v, 70, 72v, 83, 84, 105), Masorah parva written in micrography in outer margins opposite tiny letters he over the relevant word(s) in the biblical text, marginal numeration of the commandments according to Maimonides's count in red ink, no chapter or verse numeration, corrections (e.g., f. 7), aliyyah (lectionary break) markers, and other marginalia in hands of primary and secondary scribes throughout, beginnings of new Torah portions marked by marginal decorative flourishes in the shape of a samekh (except on ff. 51v, 68v, which are in the shape of a medallion), some aliyyah markers and decorative flourishes colored in red, special decorative Masorah notations on ff. 55 (marking the middle of Numbers at Num. 17:20), 115 (marking the middle of Deuteronomy at Deut. 17:10), justification of lines using stretched letters and occasionally verbal space holders (e.g., f. 80v) as well, some losses throughout, especially in corners and margins, due to fragmentary state of leaves, ff. 1-3, 14, 22, 97, 100, 129, 131-133, 135 feature more serious losses of text, f. 137v written in a different hand probably in the early nineteenth century and pasted to the back of f. 137, f. 32 bound upside-down and backwards, stub after f. 128, ff. 130 and 135 (comprising the third bifolium of quire xvii) bound out of order, strips of paper glued over mistakes in text on ff. 28, 32v, 61v, dampstaining in upper quadrant on ff. 1-50, affecting legibility of text on ff. 1-35, many words rubbed on ff. 1-4, 5v-8, 9-21, 22-31v, 35v, 130rv, 132, 133-134, 136-137, vocalization washed out on ff. 72v-75v, 76v-77, 78v-79, 80, 82, 84v, 86, 90, 92v-93, 99v-100, 101v, 102v-103, 104, 105v. Bound in modern red morocco, profusely blind-tooled with floral designs, spine in five compartments with raised bands, title and date on spine, marbled flyleaves and pastedowns. Dimensions, modern page size 238 x 175 mm., binding 250 x 180 mm.

A decorated copy of the books of Leviticus, Numbers, and Deuteronomy, likely written by a Yemenite scribe from the famous Benayah family, our manuscript skillfully reproduces both the biblical text and its accompanying *Masorah* (in micrography). The Benayah family are considered by many to be the most important family of Yemenite scribes, and the books they produced are highly regarded for both their accuracy and beauty of execution. Additional marginal decorations and several scribal practices peculiar to Yemenite tradition make this both an aesthetically pleasing and textually interesting document.

PROVENANCE

1. While the manuscript has no colophon, it is possible to date and localize it approximately to the latter half of the fifteenth century in Yemen based on the Yemenite scripts in which it is written (Oriental paper has no watermarks). A comparison of this text with those reproduced by Malachi Beit-Arié, Edna Engel, and Ada Yardeni, as well as with MS Jerusalem, National Library of Israel, 4° 5840 (the Hibshoosh Family Pentateuch), suggests that our manuscript was probably copied by David ben Benayah ben Saadiah, a member of the famous Benayah family of professional Yemenite scribes active at the end of the

fifteenth and beginning of the sixteenth centuries in and around Sana'a (Beit-Arié, Engel, Yardeni, 1987).

2. Acquired by a certain Baruch Fayyumi(?), the copyist of f. 137v, which was pasted to the back of f. 137r, presumably because it had worn out. He writes in the bottom margin: "Be of good courage, and let us prove strong! [II Sam. 10:12] Blessed is He Who bestows His goodness upon the unworthy, for He has bestowed upon me every good. [Signed] Baruch Fayyumi[?]."
3. Considering the fragmentary nature of the text and its modern provenance (see below), it seems likely that this book was brought to Egypt at a certain stage and ultimately deposited in the Cairo Genizah.
4. Belonged to Solomon Aaron Wertheimer (1866-1935), a Jerusalem-based rabbinic scholar and antique book dealer who, with the printing of his *Battei midrashot*, vol. 1, in 1893, became the first person to publish manuscripts discovered in the Cairo Genizah and openly acknowledge their source – three years before Solomon Schechter (1846-1915) made his famous journey to Egypt to acquire over one hundred thousand Genizah fragments on behalf of Cambridge University Library. Though he himself never traveled to Egypt or Yemen, he seems to have had an agent who supplied him with antiquities from those locales (Bar-Ilan, 2013).

TEXT

- f. 2, Beginning of the Torah portion *Abarei mot* (Lev. 16:1-18:30);
- f. 7, Beginning of the Torah portion *Kedoshim* (Lev. 19:1-20:27);
- f. 11, Beginning of the Torah portion *Emor* (Lev. 21:1-24:23);
- f. 17v, Beginning of the Torah portion *Be-bar* (Lev. 25:1-26:2);
- f. 21, Beginning of the Torah portion *Be-bukkotai* (Lev. 26:3-27:34);
- f. 29v, Beginning of the Torah portion *Naso* (Num. 4:21-7:89);
- f. 39v, Beginning of the Torah portion *Be-ba'alotekha* (Num. 8:1-12:16);
- f. 47v, Beginning of the Torah portion *Shelah* (Num. 13:1-15:41);
- f. 51v, Beginning of the Torah portion *Korah* (Num. 16:1-18:32);
- f. 57v, Beginning of the Torah portion *Hukkat* (Num. 19:1-22:1);
- f. 63, Beginning of the Torah portion *Balak* (Num. 22:2-25:9);
- f. 68v, Beginning of the Torah portion *Pinhas* (Num. 25:10-30:1);

- f. 79v, Beginning of the Torah portion *Mas'ei* (Num. 33:1-36:13);
- f. 86, Beginning of the Torah portion *Devarim* (Deut. 1:1-3:22);
- f. 92, Beginning of the Torah portion *Va-ethanan* (Deut. 3:23-7:11);
- f. 100, Beginning of the Torah portion *Ekev* (Deut. 7:12-11:25);
- f. 105v, Beginning of the Torah portion *Re'eh* (Deut. 11:26-16:17);
- f. 114, Beginning of the Torah portion *Shofetim* (Deut. 16:18-21:9);
- f. 120, Beginning of the Torah portion *Ki tetse* (Deut. 21:10-25:19);
- f. 128v, Beginning of the Torah portion *Nitsavim* (Deut. 29:9-30:20);
- f. 131, Beginning of the Torah portion *Va-yelekh* (Deut. 31:1-30);
- f. 133v, Beginning of the Torah portion *Ha'azinu* (Deut. 32:1-52);
- f. 136, Beginning of the Torah portion *Ve-zot ha-berakhah* (Deut. 33:1-34:12).

In antiquity, the Hebrew Scriptures were written in scroll form entirely without punctuation, vocalization, or accentuation. Words were separated by spaces, paragraph divisions broke up the flow of the narrative, and four letters (*alef*, *he*, *vav*, and *yod*) were frequently used to mark certain vowels, but even with these devices, the correct pronunciation and parsing of the biblical text into intelligible units were not readily apparent from its appearance. Instead, Jews in that period relied on inherited oral reading traditions, passed down from one generation to the next, in order to determine how exactly the Bible should be properly understood.

In the early Middle Ages, between the sixth and seventh centuries, systems of committing the reading traditions to writing in biblical codices (but not scrolls) developed in Palestine, Babylonia, and eventually specifically in Tiberias (Palestine). The last system (referred to as Tiberian) would, with time, become the standard one used throughout the Jewish world to record the vowels and accents of the biblical text.

In addition, lists of information containing the details of the consonantal skeleton of the Bible, as well as its proper vocalization and accentuation – collectively known as the *Masorah* – were drawn up in order to ensure that scribes would copy the text correctly. The tradition of Aaron Ben-Asher (first half of the tenth century), scion of a famous family of Tiberian *Masorah* scholars, was considered particularly authoritative, especially after Rabbi Moses Maimonides (1138-1204) wrote of his decision to use a codex edited by Ben-Asher (the famous Aleppo Codex) as the exemplar for a Torah that he himself copied.

While the Jewish community of Yemen, whose roots stretch back to antiquity (and possibly to the Second Temple period), had long used the Babylonian (supralinear) system of vocalization and accentuation when transcribing Torah codices, with time, it gradually switched over to the Tiberian

system (Goshen-Gottstein, 1962), probably in part under the influence of Maimonides, whom Yemenite Jews respected greatly as a halakhic (Jewish legal) authority (Qafih, 1950). Because of the high degree of exactitude with which Yemenite biblical manuscripts were copied and their adherence to the prescriptions reflected in the *Masorah*, modern researchers see these texts as valuable witnesses to Ben-Asher's original tradition (Ya'akov, 2013; though cf. Goshen-Gottstein, 1962 and 1963). Indeed, the famous Bible scholar Mordechai Breuer considered the fact that the eclectic version of the Bible that he had edited turned out to match the textual tradition of Yemenite manuscripts to be proof of the soundness of the methodology he had employed in making his determinations (Breuer, 1989).

According to Yosef Tobi, Yemenite Jews have been referring to their codices of the Bible, and especially of the Pentateuch, as *tijan* (singular, *taj*; Arabic for "crown") since the High Middle Ages (Torah scrolls, by contrast, were called *sefarim*) (Tobi, 2004-2005). As explained by David Stern, the term originated as a superlative epithet specifically for the Aleppo Codex, perhaps under the influence of rabbinic comparisons of the Torah to a crown, and was subsequently extended to describe all deluxe model biblical codices (Stern, forthcoming).

As mentioned briefly above, *tijan* differ from Hebrew Bibles copied in other parts of the Jewish world mainly in connection with their version of the biblical text, as well as its proper vocalization and accentuation. In addition, Yemenite Jews broke up the weekly Torah portions into different *aliyyah* units than did other communities. Because print technology only arrived in Yemen at a relatively late stage as compared with most parts of Europe, the text of the *taj* remained in manuscript until the end of the nineteenth century, when Yemenite Jews began arriving to Palestine in large numbers. The *editio princeps* was published in Jerusalem by Rabbis Shalom Eraki Katz and Abraham Naddaf in 1894-1901. Since then, it has been reprinted many times, including in a semi-critical edition published by Aaron Amram in 2004-2005, for which the editor used sixteen manuscript *tijan* from before 1500, as well as six others copied thereafter.

The present manuscript *taj* is the second volume of a presumed two-volume set of the Hebrew Pentateuch that contains most of the text of the books of Leviticus, Numbers, and Deuteronomy, as well as the traditional Yemenite breakup of the Torah portions and their *aliyyot*. Between each Torah portion a line is skipped, in which are written the number of verses in that portion as well as a mnemonic device for remembering that number; in addition, a special decorative flourish in the shape of the letter *samekh* (standing for *seder* = "[Torah] portion") has been inserted in the margin next to the start of the new portion. In those instances where a full-line paragraph break occurs in the first or last lines of a page of text, one or two letters *pe* (standing for *petubah* = "open") is/are written on that line to indicate that it has been intentionally left blank and was not simply carelessly skipped by the copyist (see, e.g., ff. 10v, 25v, 47, 60v).

A number of special features, aside from the version of the text itself (see, e.g., f. 123 for the spelling of the word *dakka* [crushed] in Deut. 23:2 with a final *alef*), mark this manuscript as characteristically Yemenite. First, the scribe observed the ancient custom of writing certain letters in specific verses in a slightly unusual fashion. The most common of these is the so-called "spiral *pe*" (see ff. 10v, 46, 52, 62, 65v, 67, 130rv, 134rv), but also present are the forward-bent *lamed* in Num. 31:5 (f. 74v), the large *tsade* in Deut. 11:21 (f. 105), the large *kof* in Deut. 22:6 (f. 121v), the backward-bent *lamed* in Deut. 23:21 (f. 124), and the large *alef* in Deut. 33:29 (f. 137v) (Ratzaby, 1981). Second, he used the *rafeh* symbol, which takes the shape of a supralinear horizontal line, not

only to mark the fricative realization of the letters *bet*, *gimel*, *dalet*, *kaf*, *pe*, and *tav*, but also to indicate instances where the letter *alef* (although not *he*) has no consonantal value (Tobi, 2004-2005). Third, he copied the text in columns of seventeen lines, since it is common Yemenite practice to this day to write Torah scrolls of fifty-one lines to a column, just as Maimonides himself had done. Thus, a subsequent scribe would be able to use every three pages of this model *taj* ($17 \times 3 = 51$) as an exemplar for a single column of a new Torah scroll. Fourth, he transcribed the Song of Moses (Deut. 32; here on ff. 130rv, 133v-134v) on sixty-seven lines, in consonance with the prescriptions of Maimonides and as opposed to the practice of writing it on seventy lines common in most other Jewish communities. Finally, on several occasions, the scribe of the replaced f. 137v used the Tiberian vowel signs *segol* and *patah* interchangeably, presumably because, for Yemenites, the two symbols have the same phonetic realization: either [æ] or [a] (Ya'akov, 2013).

In addition to the *Masorah magna* and *Masorah parva*, a number of other marginalia appear throughout our manuscript. These include short, anonymous comments on the meanings of various words (see, e.g., ff. 38v, 95v, 113, 123rv), references to rabbinic discussions of various laws (see, e.g., f. 98), and, most prominently, red-colored numbering of the biblical commandments according to Maimonides's reckoning. The Talmud famously relates that the Torah contains six hundred thirteen commandments (bMakkot 23b-24a), but does not spell out exactly what they are. Medieval rabbinic authorities subsequently undertook to draw up lists of these laws, with Maimonides's achieving particular renown. If the scribe of our manuscript is in fact to be identified with David ben Benayah ben Saadiah, then this would not be the only time he had included marginal notations referencing Maimonides's count; see the Hibshoosh Family Pentateuch for another such instance.

As already noted, this *taj* also features red-colored decoration of *aliyyah* and Torah portion markers. According to Ora Berger, the earliest-known Yemenite illuminated Pentateuch is MS New York, Jewish Theological Seminary, L64, L64a, copied in Sana'a in the year 1206. While decorated Yemenite manuscripts from later periods are relatively rare, those produced in the fifteenth century or earlier often included some use of color or other illumination (Tobi, 2004-2005), as can be seen in a number of codices copied by members of the Benayah family, especially those by Benayah himself (on which, see Ettinghausen, 1964). If, again, our manuscript was indeed the work of David ben Benayah ben Saadiah, this feature would recall common family practice.

This manuscript is missing about forty-six leaves that would have contained the text of Lev. 1:1-15:12a (approximately twenty-seven-twenty-nine leaves), Lev. 26:38b-Num. 1:31 (five leaves), Num. 13:17b-14:16 (two leaves), Num. 28:4b-30:8 (five leaves), Deut. 9:9b-10:9a (two leaves), and Deut. 24:21-28:35 (four leaves). In addition, some of the leaves that do survive have nevertheless suffered damage that affects the text of Lev. 15:19b-21, 15:27-29a, 16:2b-3a, 16:11b, 16:17b, 16:24b-25a (ff. 1-3); Lev. 23:10a, 23:17b (f. 14); Lev. 26:26b-30, 26:36b-39 (f. 22); Deut. 5:23b, 6:1b (f. 97); Deut. 6:16b-17a, 6:24b-25 (f. 100); Deut. 29:19b-21a, 29:26b-28 (f. 129); Deut. 31:1-3a, 31:7b-9 (f. 131); Deut. 31:10a, 31:16b (f. 132); Deut. 31:28b, 32:6b-7 (f. 133); and Deut. 30:7b-8, 30:16b (f. 135).

The prestige of the presumed copyist, the age of the text, and its decoration render this *taj* both distinctive and highly valuable. As documented by Michael Riegler, the Benayah family of Yemenite scribes included three generations of copyists active in and around Sana'a in the latter half of the fifteenth and first half of the sixteenth centuries. The profession of the patriarch, Benayah ben Saadiah ben Zechariah (d. c. 1484), was carried on by his three sons – David, Joseph,

and Saadia – and a daughter, Miriam (!), as well as by David's two sons, Avigad and Me'oded. All told, 40% of all dated Yemenite manuscripts that have reached us from the period between 1461 and 1540 (forty out of one hundred one) were completed by members of the Benayah clan. To this day, they are considered by many to be the most important family of Yemenite scribes, and the books they produced are highly regarded for both their accuracy and beauty of execution. David himself is known to have copied ten codices between the years 1473 and 1509-1510, including six complete *tijan*, four of them in public collections (Riegler, 1995). Assuming our identification of the copyist of the present manuscript is correct, this codex constitutes another distinctive witness to the professional activity of this master scribe.

In addition, while it is true that Yemenite biblical codices in general are somewhat plentiful, especially in American collections (as explained by Goshen-Gottstein, 1962; see Isaac, 1999, for a survey of several American and European libraries), the vast majority of these manuscripts were copied in the seventeenth century or later (see, for example, the catalogues of Yemenite manuscripts compiled by Golb, 1972, and Tobi, 1982). By contrast, *tijan* from before or around the year 1500 are relatively rarer. Indeed, in the past thirty-five years, only six complete Yemenite Pentateuch manuscripts copied in this period are known to have been sold by major auction houses, and if incomplete but substantial copies, like ours, are taken into consideration, that number rises to just nine (with only three of them featuring illumination). Moreover, the present manuscript also distinguishes itself in having survived as part of the famous Cairo Genizah – and in relatively good condition for such an artifact.

Written in elegant scripts by a famous scribe and staunchly faithful to the Yemenite biblical manuscript tradition, this work truly embodies the superlative meaning of the term *taj* as that community originally meant it.

LITERATURE

Bar-Ilan, Meir. "Ha-genizah: osefei antonin u-wertheimer," *Alei sefer* 23 (2013), pp. 121-137.

Beit-Arié, Malachi, with Edna Engel and Ada Yardeni. *Asuppot ketavim ivriyyim mi-yemei-ha-beinayim*, vol. 1, Jerusalem, 1987, no. 150.

Berger, Ora. "The Earliest Known Hebrew Illuminated Pentateuch: Sana'a, Yemen, 1206 CE (JTS L64, L64a)," in *Mittuv Yosef: Yosef Tobi Jubilee Volume*, eds. Ayelet Oettinger and Danny Bar-Maoz, vol. 2 (The Jews of Yemen: History and Culture), Haifa, 2011, pp. xviii-xlv.

Breuer, Mordechai, ed. *Torah nevi'im ketuvim muggabim al pi ha-nussah ve-ha-masorah shel keter aram tsovah ve-kitvei yad ha-kerovim lo*, Jerusalem, 1989, pp. 395.

Ettinghausen, Richard. "Yemenite Bible Manuscripts of the XVth Century," *Eretz-Israel* 7 (1964), pp. 32*-39*, with 21 plates.

Golb, Norman. *Spertus College of Judaica Yemenite Manuscripts: An Illustrated Catalogue*, Chicago, 1972, pp. 1-7, 36-63.

Goshen-Gottstein, Moshe. "Biblical Manuscripts in the United States," *Textus* 2 (1962), pp. 28-59.

Goshen-Gottstein, Moshe. "The Rise of the Tiberian Bible Text," in *Biblical and Other Studies*, ed. Alexander Altmann, Cambridge, Massachusetts, 1963, pp. 79-122, at pp. 119-120 n. 133.

Isaac, Ephraim. "The Wealth of [the] Yemenite Jewish Library: A Preliminary Statistical Survey of Jewish Manuscripts from Yemen," in *Judaeo-Yemenite Studies: Proceedings of the Second International Congress*, eds. Ephraim Isaac and Yosef Tobi, Princeton and Haifa, 1999, pp. 143-153.

Qafih, Joseph. "Nikkud, te'amim, u-masoret be-teiman," *Sinai* 14,13-14 (October-November 1950), pp. 261-266.

Ratzaby, Isaac. "Ha-otiyot ha-meshunnot be-sifrei torah mi-teiman," in Yehuda Levi Nahum, *Miyetsirot sifrutiyot mi-teiman*, ed. Yosef Tobi, Holon, 1981, pp. 160-166.

Riegler, Michael. "Benayah ha-sofer ve-tse'etsa'av: mishpahat soferim mi-teiman," *Pe'amim* 64 (Summer 1995), pp. 54-67.

Stern, David. "On the Term *Keter* as a Title for Bibles: A Speculation about its Origins," in *[Festschrift for Prof. Menahem Schmelzer]*, eds. Evelyn Cohen et al., Leiden, forthcoming.

Tobi, Yosef. *Kitvei-ha-yad ha-teimaniyyim bi-mekhon ben-zvi*, Jerusalem, 1982, pp. 21-29.

Tobi, Yosef. "The *Taj* in the Yemeni Tradition," in *Keter taj ve-zot ha-torah*, ed. Aaron Amram, 2 vols., Petah Tikva, 2004-2005, vol. 1, pp. 11-17 (English section).

Ya'akov, Doron. "Yemen, Pronunciation Traditions," in *Encyclopedia of Hebrew Language and Linguistics*, eds. Geoffrey Khan, Shmuel Bolokzy, Steven Fassberg, et al., vol. 3, Leiden, 2013.

ONLINE RESOURCES

The Aleppo Codex from Tiberias, c. 920 (MS Jerusalem, Ben-Zvi Institute 1)

<http://www.aleppocodex.org>

Selected manuscripts copied by David ben Benayah ben Saariah:

Haftarot for the whole year, 1484 (MS London, British Library, Or. 1470)

http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Or_1470

The Hibshoosh Family Pentateuch, 1485 (MS Jerusalem, National Library of Israel, 4° 5840)

http://web.nli.org.il/sites/NLI/English/collections/treasures/shapell_manuscripts/mikra/yemen/Pages/default.aspx
<https://www.wdl.org/en/item/11365/>

Pentateuch with *Mahberet ha-tijan*, 1490 (MS London, British Library, Or. 2349)

http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Or_2349

Leviticus, 1509 (MS Philadelphia, University of Pennsylvania CAJS Rar, 242)

http://dla.library.upenn.edu/dla/medren/detail.html?id=MEDREN_2437298

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