

Sifre Deuteronomy 26 (ad Deut. 3:23): How Conscious the Composition?

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Sifre Deuteronomy 26 (ad Deut. 3:23): How Conscious the Composition?¹

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The critical study of rabbinic midrash collections needs to take seriously the possibility that whoever redacted these texts did more than simply collect pre-existent traditions of exegesis, but gave new meaning to such traditions in significantly reshaping and recombining them to form running commentaries on the text of Scripture. Consequently, the proper contexts (literary, cultural, social, and historical) in which these collections need to be understood may be as much those of the texts' redactors as those of the putative authors of the contained traditions of interpretation. The discrete case of one small section of *Sifre Deuteronomy* is here chosen in order to test through application this methodology: To what extent is this text and its communicated meaning the product of self-conscious composition through the selection, shaping, and combination of traditions originating in other literary (whether written or oral) contexts? The conclusion reached is that such traditions have been subtly but significantly reshaped in being combined to form a didactically effective, if not yet polished, introduction to the earliest extant commentary on Deut. 3:23-4:1: Moses in petitioning God to be allowed to enter the promised land stands in complete humility, as if without merit, and in recognition of the gratuitous favor which God bestows equally upon all humanity.

I. INTRODUCTION

Anyone wishing to describe the literary shaping of exegetical tradition in the extant rabbinic midrashim, and to understand its results in the context of the history of rabbinic Judaism must begin by acknowledging two salient characteristics of that literature, indeed, of rabbinic literature in general:

1. The texts are essentially anthologies, i.e., collections of traditional teachings, whether legal or nonlegal, drawn from earlier not now extant

(1) This article is an expanded version of a paper bearing the same title which was read at the conference "Midrash and the Text," held at the Whitney Humanities Center, Yale University, on February 7, 1982. The Introduction is condensed from a paper entitled "Towards an Analysis of Sifre Deuteronomy: The Meeting of Historical and Literary Methods," read at the Early Rabbinic Studies Section of the annual meeting of the Society of Biblical Literature, San Francisco, December 20, 1981.

"sources," whether written or oral. One of their purposes, it would seem, was to *preserve* inherited traditions by incorporating them into collections which would be to some extent authoritative, and therefore transmitted as a body.² Yet, as will be demonstrated, redactors of our texts also *adapt* inherited traditions to suit their own exegetical, literary, rhetorical, and homiletical needs and purposes. When are early traditions simply preserved untouched in later literary frames, and when have such traditions been sufficiently reworked to bear as much, if not more, the "signature" of the redactor as of the *darsān* (putative public expositor)? As difficult as this question is to answer, it must at least be regularly asked. For instance, *Sifre Deuteronomy* is usually labeled (along with the *Mekilta*, *Sifra*, and *Sifre Numbers*) "tannaitic," because its language is mishnaic Hebrew and because the sages cited by name are usually *tanna'im* (flourishing in Palestine during the first two centuries C.E.). However, most scholars would acknowledge that the extant collection was not compiled until amoraic times (third through fifth centuries), *if not later*.³ It is customary to lift passages or traditions from this collection and to label them "tannaitic," without giving consideration to the possibility that sections of such a collection as ours may contain significant revisions reflective of the "hand" of an amoraic redactor. Furthermore, such embedded traditions may bear certain meanings by virtue of their literary contexts which are lost when the traditions are abstracted.⁴ All of this makes it

(2) Codification and canonization are often spurred by tumultuous events which threaten the preservation and transmission of tradition. Note *t. 'Ed. 1.1*, which describes the beginnings of rabbinic legal codification after the destruction of the Second Temple as a response to the fear that Torah teaching would soon be forgotten: "The time is coming when a person will seek a teaching of Torah and will not find it, a teaching of Scribes and will not find it . . ." In a later age, Maimonides (Introduction to *Mishneh Torah*) justifies his codification of rabbinic law on the same grounds: "In our days severe vicissitudes prevail, and all feel the pressure of hard times. The wisdom of our wise men has disappeared, the understanding of our prudent men is hidden." See Isadore Twersky, *Introduction to the Code of Maimonides* (Yale Judaica Series 22; New Haven & London: Yale University, 1980) 62. While such statements deal with legal tradition, it is fair to assume that even if the pressure to preserve non-legal teachings was less intense, it would nonetheless have been felt.

(3) See Excursus A at end. Many of the methodological issues raised below have been similarly addressed with respect to the later non-legal midrashic collections in a recent article by Richard Sarason: "Toward a New Agendum for the Study of Rabbinic Midrashic Literature," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann* (ed. J. Petuchowski & E. Fleischer; Jerusalem: Magnes, 1981) 53-73.

(4) The effects of the literary context on the meaning of an embedded tradition can often be discerned through comparison with parallels embedded in different literary contexts. Taking a familiar example, note how in *m. Ber. 1:5* R. Eleazar b. Azariah's reference to Ben Zoma's interpretation of Deut. 16:3 would seem to apply to the recitation of the third paragraph of the Shema (Num. 15:37-41), or according to some, to the accompanying blessing *'emet we'emuna*, as part of the *daily* evening service. Yet the same tradition as found in the Passover Haggadah (*Haggada šel pesah* [ed. D. Goldschmidt; Jerusalem: Bialik

difficult to speak with any certainty of these texts' authors or audiences, or at least to identify such from the texts themselves. Their traditions are most often anonymous, and where we do find attributions these are not necessarily reliable.⁵ Whose views, then, are we hearing and to whom are they addressed?

2. A second characteristic, related to but not necessarily determined by the first, is that these texts are not historiographic (at least not explicitly so); that is, their main intent is not to relate events or biographies. In fact, it may be said that they are quite disinterested in such concerns.⁶ Early rabbinic midrash, in particular, often gives the impression that it, like the Bible on which it comments and which it accompanies, is timeless

Institute, 1977] 118) would seem to refer to the obligation to recount the story of the Exodus on Passover night, even to the point of staying up all night.

(5) The similar question of the reliability of rabbinic attributions in the Mishnah has been most fully addressed by Jacob Neusner: *Rabbinic Traditions About the Pharisees Before 70* (3 vols.; Leiden: E.J. Brill, 1971) 3.3, 180-238; *A History of the Mishnaic Laws of Purities* (22 vols.; Leiden: E.J. Brill, 1974-7) 8.206-20; *Judaism: The Evidence of the Mishnah* (Chicago and London: University of Chicago, 1981) 14-22. The same question with regard to the tannaitic midrashim and to their aggadic sections in particular has not been systematically approached. Preliminary study indicates that Neusner's methods for testing, if only in a relative (generational) way, the reliability of rabbinic attributions in the Mishnah do not transfer easily to the midrashic corpora: a) In the latter, attributions often vary significantly between the textual witnesses and parallels. b) Named sages who are not contemporaries are often depicted as if in debate with one another. c) Consistent exegetical personalities for individual named sages or circles of sages are not as easily discerned. d) Attributions can not as easily be tested against a logic of chronological development for the attributed traditions. Thus, it would appear that possibilities of pseudepigraphic attribution need to be taken seriously. For similar assessments with regard to the *Mekilta* see B.Z. Wacholder, "The Date of the Mekilta de-Rabbi Ishmael," *HUCA* 39 (1968) 126-34. See Sarason, *Toward a New Agendum*, 58-9. Within the small text sample to be examined below, one tradition attributed to R. Simeon b. Yoḥai (section D) appears in an important manuscript anonymously, two traditions which appear anonymously in our text (sections C and E) are attributed to R. Judah bar El'ai and R. Samuel in important manuscripts and early parallels, and a tradition attributed to R. Ḥanina is also found attributed to R. Ḥananiah (section E).

(6) On Rabbinic disinterest in historiography in its own right, see M.D. Herr, "Tepisat hahistoriya 'eset hazal," *Proceedings of the Sixth World Congress of Jewish Studies*, vol. 3 (Jerusalem: World Union of Jewish Studies, 1977) 129-42; Y.H. Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle and London: University of Washington, 1982) 5-26; H. Fischel, "Story and History: Observations in Greco-Roman Rhetoric and Pharisaism," in D. Sinor, ed., *American Oriental Society, Middle West Branch, Semi-Centennial Volume* (Bloomington: Indiana University Press, 1969) 59-88; J. Barr, "Story and History in Biblical Theology" *Journal of Religion* 56 (1976) 14-15. On the broader question of the relation of Israelite and ancient Jewish historiography to that of other ancient cultures, see A. Momigliano, "Time in Ancient Historiography," *Quarto contributo alla storia degli studi classici del mondo antico* (Rome: Edizioni di storia e letteratura, 1969) 13-41; *idem*, *Bulletin of the School of Oriental and African Studies* 28 (1965) 447-51. On rabbinic biography in particular, see W.S. Green, "What's in a Name: The Problematic of Rabbinic 'Biography,'" *Approaches to Ancient Judaism: Theory and Practice* (ed. W.S. Green; Missoula, MO: Scholars Press, 1978)

and inexhaustible, simply unfolding the unbroken, eternal continuity of the biblical word, with few *explicit* references to post-biblical history.⁷ Thus, we are provided with all too few historical allusions with which to place these texts and their contained traditions of exegesis in historical context.

For anyone who approaches the study of midrash with historical interests these characteristics present formidable problems. The historical study of rabbinic midrash is not only the tracing of the journeys of selected, abstracted midrashic motifs, but also the locating of midrashic texts and their contained exegeses within the historical contexts which presumably influenced their creators and to which these texts may bear some witness. If we often find it difficult to understand *how* a particular midrashic passage interprets its biblical text, we are even more often at a loss to explain *why* one interpretation is chosen and not another.⁸ As elusive as such motivations may be, the critical student of midrash must at least attempt to discern them, turning for possible guidance to the historical (in a broad sense) milieu in which the rabbinic creators of this literature lived and taught.

In saying this I am not simply hawking the historian's wares, but recognizing the centrality of the historical referent to midrash itself. For midrash is as much an *implicit* commentary on history as it is an *explicit* commentary on Scripture. While some exegesis derives from difficulties in the biblical text, as much, if not more, would seem to derive from difficulties in the exegete's time.⁹ Of course, the two confrontations, with

77-96. Of course, despite the fact that historiography and biography are not central organizing concerns of rabbinic literature, that literature is full of historiographic and biographic anecdotes. Such may contain implicit reflections upon Israelite history (historiosophy), even while appearing to be ahistorical or anachronistic. See, for instance, S.D. Fraade, *Enosh and His Generation: Pre-Israelite Hero and History in Post-Biblical Interpretation* (SBL Monograph Series 30; Chico, CA: Scholars Press, 1984) Chap. 5, B-C.

(7) See J. Goldin, "Of Change and Adaptation in Judaism," *History of Religions* 4 (1965) 269-94; G. Scholem, "Revelation and Tradition as Religious Categories in Judaism," *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York: Schocken, 1971) 282-303. Again, that midrash would claim timelessness for itself, does not absolve the secular scholar of midrash from attentiveness to historical circumstances which are either reflected in the midrashic text or reflect upon it.

(8) Herein lies the importance of constantly comparing rabbinic exegesis with those of other traditions: Dead Sea Scrolls, Philo, Josephus, Apocrypha and Pseudepigrapha, Pseudo-Philo's *Biblical Antiquities*, Septuagint, New Testament, early Church Fathers, early Samaritan literature, etc. Even where direct lines of influence cannot be determined, we can profitably ask, What were the exegetical roads not taken?

(9) Such "difficulties" can be of several kinds: social, political, theological, intergroup polemics and apologetics (although not every polemic need be directed at a clearly defined group, sect, or party). It hardly needs to be stressed that late antiquity was for Jews (as for

Scripture and with history, are not exclusive of one another but mutually dependent. Difficulties in the biblical text, whether they be grammatical, lexical, orthographic, syntactical, or more broadly contextual, often provide windows through which issues of the exegete's day can be read into the biblical text, and through which the biblical text can be allowed to speak to the issues of the day. One prominent scholar of rabbinic literature has described midrash as "the enlistment of the past in the service of the present" and the "anachronistic" reading of the present into the biblical past.¹⁰ Midrash seeks to maintain a continuous harmony between the permanent and the fluid, between the biblical text and changing human society, so that the permanent does not become ossified and irrelevant, nor the fluid chaotic and debilitating. Midrash's own "conceit" is that it simply uncovers, unlocks, or decodes Scripture's less obvious meanings and messages; the critical scholar, however, recognizes that midrashic stimuli are not only within the biblical texts but also in the context in which the biblical text is read. Simply put, if the scriptural message of yesterday were still fully applicable today there would be no midrash. Therefore, an understanding of the historical conditions and confrontations which the midrashist encountered is essential to an understanding of his midrash and its motivation. Conversely, for the historian of Judaism, midrash, mediating as it does between Scripture, tradition, and history, is an important source for describing and understanding the unfolding and functioning of rabbinic Judaism in ancient history and society. While midrash may be "anachronistic," the historian who studies it cannot afford to be.

Having said this, we must still confront the difficulties posed by the collective and essentially ahistorical nature of midrashic literature. Herein lies a seeming paradox. Midrashic activity by its very nature demands that we view its exegesis in historical context if we are to understand its motivation and social function, while the extant midrashic literature defies such historical contextualization. Some simply abandon the problem by speaking of midrash in general, synthetic, even romantic terms which fail to differentiate between the different shapes which midrash assumes in different times and contexts.¹¹ Others focus on the

others) a period of severe ups and downs which demanded theological responses, often implicitly made through the medium of scriptural exegesis.

(10) Goldin, "On Change and Adaptation," 277, 282-6.

(11) For example: I. Heinemann, *Darke ha'aggada* (Jerusalem, 1949); H. Slonimsky, "The Philosophy Implicit in the Midrash," *HUCA* 27 (1963) 235-90; A. Heschel, *Tora min haššamayim ba'aspaqloriya' šel haddorot* (2 vols.; London and New York: Soncino, 1962-5). This is not to say that such studies are without their value as thought provoking descrip-

literary, formal, structural characteristics of particular midrashic texts as if their historical contexts were of no import, the final form of the text being self-sufficient (with the possible aid of philology) for explaining itself.¹² Still others avoid the problem of our literature's collective, redacted nature by rushing to extract the contained midrashic traditions from their present literary contexts in order to trace their supposed histories of transmission and filiations.¹³ Leaving aside the questionable methodologies sometimes employed for "dating" such midrashic motifs, we may ask whether the midrashic method which produces and gives expression to these gems can be sufficiently analyzed and understood if the pearls are removed too quickly from the medium of their literary shells. This is not to deny that each of these approaches when carefully applied can produce important results. However, to the extent that they do not examine the history of literary formation against the backdrop of Jewish social and religious history, they are unable to elucidate how and to what end the extant midrashic texts functioned in the societies in which they circulated. Neither literary nor historical anti-contextualism offers a solution to the problem of our sources.

The place to begin in confronting these difficulties is with the redacted midrashic texts as we have them. They are the only hard data which we have, and it is the nature of the data which must determine the methodologies that we employ.

tions of what midrash expresses and how it does so. Recent interest in midrash amongst literary critics, who find in it a paradigm for how to approach hermeneutically "the text" of literature in general, often displays a similarly synthetic and ahistorical view of a highly variegated literature spanning at least a millenium. See now S.A. Handelman, *The Slayers of Moses: The Emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: State University of New York, 1982), especially Chapter 3.

(12) For example: L. Zunz, *Hadderašot beyisra'el* (ed. and expanded Ch. Albeck; Jerusalem: Bialik Institute, 1947).

(13) For example: R. Bloch, "Écriture et tradition dans le judaïsme: Aperçus sur l'origine du midrash," *Cahiers sioniens* 8 (1954) 1-34; *idem*, "Midrash," *Dictionnaire de la Bible, Supplement* 5 (1957) 1263-80; *idem*, "Note méthodologique pour l'étude de la littérature rabbinique," *Recherches de science religieuse* 43 (1955) 194-227; G. Vermes, *Scripture and Tradition in Judaism* (rev. ed.; Leiden: E.J. Brill, 1973). For a critique see Neusner, *Judaism*, 301-6; Sarason, "Toward a New Agendum," 58-60. Scholars of the "comparative midrash" school often assume that the present midrashic corpora are simply late repositories for ancient (often pretannaitic) midrashic oral tradition, and that rabbinic midrashic creativity was exhausted by the early second century. Therefore, the rabbinic literary contexts in which such midrashic traditions are found are deemed of little significance for the "historical" study of midrash. See particularly Bloch, "Midrash," and G. Vermes, "Bible and Midrash," *The Cambridge History of the Bible* (3 vols.; Cambridge: At the University Press, 1963-70) 1. 199-231.

A.

Questions Suggested by these Documents

1. How heavy a hand does the redactor display in his combining of exegetical traditions? Does he simply compile or does he significantly revise? What literary and linguistic conventions does he employ in encapsulating inherited traditions in literary form? Is there any method in his linking or juxtaposition of discrete units of interpretations? Does he superimpose structural or thematic unity? To what extent is the meaning and rhetorical impact of an exegetical tradition determined by its particular textual embodiment? The greater the degree of redactional activity displayed in a text the more will we have to assume that the text reflects, at least in significant measure, the world and world view of its redactor(s).¹⁴

2. How does a particular midrashic collection fit into the broader context of rabbinic literature: other midrash collections, targum, mishnah, tosefta, gemara, etc. Clearly, one collection cannot be understood in isolation from the others, all being, at least relatively speaking, the creations of a common circle of teachers. Here the aim is not to har-

(14) We cannot assume that a single redactor shaped the whole of a given collection. In the case of *Sifre Deuteronomy* it is evident that significant differences in style and terminology distinguish the legal (55-303) from non-legal (1-54, 304-357) sections. For any such collection different midrashic blocks may have been redacted at different times by different hands, and only later combined to form one running commentary. We cannot even assume that a given block is the product of a single redactional effort, since subsections may have been added or modified as the block was transmitted or fitted to a larger redactional context. Thus, any redactional analysis must proceed unit by unit, identifying the redactional traits for each unit, later to be compared so as to determine the redactional shape of the collection as a whole. For some recent redactional studies of midrashic texts see: N.J. Cohen, "Leviticus Rabbah Parashah 3: An Example of a Classic Rabbinic Homily," *JQR* 72 (1981) 18-31; *idem*, "Structure and Editing in the Homiletical Midrashim," *AJS Review* 6 (1981) 1-20; R. Hammer, "Section 38 of Sifre Deuteronomy: An Example of the Use of Independent Sources to Create a Literary Unit," *HUCA* 50 (1979) 165-78; J. Heinemann, "Omanut haqompozitsiya bammidraš wayyiqra' rabba'," *Hasifrut* 2 (1971) 808-34 (English summary: "Profile of a Midrash: The Art of Composition in Leviticus Rabbah," *JAAR* 39 [1971] 141-50); L.H. Silberman, "Toward a Rhetoric of Midrash: A Preliminary Account," *The Biblical Mosaic: Changing Perspectives* (ed. R. Polzin & E. Rothman; SBL Semeia Series; Chico, CA: Scholars Press, 1982) 15-26; *idem*, "A Theological Treatise on Forgiveness: Chapter Twenty-Three of Pesiqta Derab Kahana," *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, 95-107; R.S. Sarason, "The Petiḥtot in Leviticus Rabbah: 'Oral Homilies' or Redactional Constructions?," in Yigael Yadin *Festschrift* (ed. G. Vermes and J. Neusner), *JJS* 33 (1982) 557-67. Although these studies may suggest that the interest in the redacted quality of the midrashim is recent, already forty years ago L. Finkelstein ("The Sources of the Tannaitic Midrashim" *JQR* 31 [1940-41] 211-43) recognized the important role of the midrashic redactor.

monize or synthesize but to discern when the information contained in one collection elucidates that contained in another, either through similarities or differences. How do the exegetical methods, principles of organization, inner logic, contained legal and non-legal traditions, literary and linguistic conventions, and ideational preoccupations of one collection compare and contrast with those of the others? That is, can one be said to bear a distinctive stamp not shared by the others and presumably attributable to the individual or circle which produced it? Does "audience criticism" suggest that these collections presuppose the same audience or different ones? Do the same or different rabbinic sub-circles ("schools") stand behind these collections?¹⁵

To begin with, care must be taken not to assume too much regarding what lies *behind* such texts. One assumption often made, of which we should beware, is that midrash, particularly its aggadic or non-legal sort, unlike the legal discourse of mishnah and talmud, is popular, folksy, orally transmitted, reflective of the "living" religion of the Jews, having as its *sitz im leben* the synagogue or market square.¹⁶ Unfortunately, very little is known about the nature of preaching in the synagogues of early

(15) The question of the relationship of the so-called tannaitic midrashim to the more easily dated Mishnah, Babylonian Talmud, and Palestinian Talmud is a difficult one indeed. It is all too often posed in terms of simple historical priority: Do the midrashic collections draw upon the Mishnah and Talmud or vice versa? Of course other possibilities exist; e.g., all drew upon no longer extant common sources whose traditions were variously adapted in the process of incorporating them into the different literary and didactic contexts. Much more work is necessary in the way of detailed and controlled comparisons of the midrashic materials and their parallels in the Mishnah and Talmud. Of the literature cited in Excursus A note especially: Melamed, *Hayyahas*; Hoffmann, *Zur Einleitung*; Albeck, *Untersuchungen*; Wacholder, "The Date of the Mekilta"; Neusner, *History of the Mishnaic Law of Purities*, Part 7.

Hoffmann's theory that each of the extant tannaitic midrashim represents the teachings of either R. Ishmael's or R. Akiba's school has been challenged by Albeck, who argues that the exegetical methods and sages represented are not uniform enough to support such a view of direct dependence on specific schools. This issue requires fresh examination. Both Hoffmann and Albeck were interested primarily in the legal sections of the tannaitic midrashim; the aggadic sections also need to be investigated with respect to this question.

(16) Thus, a dichotomy is established between the legal literature which is said to be the school based product of rabbinism and the non-legal (aggadic) midrash which is said to be the synagogue based expression of the "living" religion of the people. Of the literature cited in n. 13 note particularly Bloch, "Midrash," 1265: "Ceux qui 'scrutent' ainsi l'Écriture ne son pas des savants 'en chambre.' Le midrash n'est pas un genre d'école, mais un genre populaire, avant tout homilétique. Son origine est certainement à chercher, pour une large part, dans la lecture liturgique de la Torah les sabbats et fêtes." Elsewhere she states, "Indeed it is obvious that aggadah is the aspect of rabbinic literature which is the most important for the understanding of the living religious context of Judaism." From W.S. Green's translation of "Note méthodologique," in *Approaches to Ancient Judaism: Theory and Practice* (ed. W.S. Green; Missoula, MO: Scholars Press, 1978) 54. Similar assumptions

or pre-rabbinic times, and it cannot be assumed that the extant rabbinic midrash collections are simply anthologies of synagogue homilies or repositories of popular folk tradition. Moving from the redacted text to the substrata of contained tradition is difficult enough without such assumptions. The early tannaitic collections indicate little that is inherently "popular" in the exegetical methods or literary forms which midrash adopts in extant textual witnesses. Rather, there are indications, and we must seriously entertain the possibility, that these texts are reflective first and foremost of inner-rabbinic teaching activity; that is, in their present form they were intended for use in the *bet midraš* ("house of study").¹⁷

Another assumption which is often made is that biblical exegesis is synonymous with running *commentary* on the biblical text. Rather, running commentary is only one of several forms which biblical exegesis took in antiquity. The fact that the *activity* of exegesis can be traced back far into pre-rabbinic times, even into the Bible itself, does not necessarily mean that such pre-rabbinic exegesis was commonly organized into running biblical commentaries. There is little evidence on which to base such an assumption. In fact, most biblical exegesis of pre-rabbinic times takes the form of biblical paraphrase, or what has been called "rewritten Bible."¹⁸ The laws, narratives, and prophecies of the Bible are simply

underlie much of B. Gerhardsson, *Memory and Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity* (tr. E. Sharpe; Uppsala & Lund: C.W.K. Gleerup, 1961); and D. Patte, *Early Jewish Hermeneutic in Palestine* (Missoula: Scholars Press, 1975). A similar bias pervades much of recent targum studies, assuming as they often do that the extant targumim represent "Liturgical Judaism" as distinct from "Rabbinic Judaism." See, for example, M. McNamara, *Targum and Testament: Aramaic Paraphrases of the Hebrew Bible: A Light on the New Testament* (Shannon: Irish University, 1972) 5-16, 36-53. For the beginning of a critique, see A.D. York, "The Targum in the Synagogue and the School," *JSJ* 10 (1979) 74-86.

(17) For example, *Sifre Deut.* 34 (ed. L. Finkelstein; Berlin, 1939; repr. New York: Jewish Theological Seminary of New York, 1969) 61 interprets Deut. 6:7 as follows: "Impress them upon your children (*wešinnantam lebaneka*): these are the students (*'ellu hattalmidim*). So too you find wherever students are called 'children' . . ." Deut. 6:7, part of the twice daily recited Shema, is usually understood to mean that words of Torah (or the Shema credo in particular) are to be constantly taken to heart, meditated upon, impressed upon one's children — a central obligation for *all* of Israel. Yet our midrash understands the verse to refer to the instructing of students in the Oral Torah through repeated repetition leading to fluent memorization and familiarity (see our commentary's preceding interpretation of *wešinnantam*), activity typical of the *bet midraš* and the training of sages. The audience is more likely to be teachers and students than the broader Jewish community in worship. Of course, one such example does not establish the audience for our collection as a whole. We will return to this question below in our analysis of *Sifre Deut.* 26, once again demonstrating the likelihood of a rabbinic audience.

(18) G. Vermes uses this term to refer to such works as *Jubilees*, Josephus' *Jewish Antiquities*, *Genesis Apocryphon*, Pseudo-Philo's *Biblical Antiquities*, etc. See Vermes, *Scripture*

retold, often expansively, often pseudepigraphically, but with the exegesis left implicit. Similarly, we have examples of legal, didactic, or historical treatises which cite, allude to, or weave together biblical prooftexts, but once again with the exegesis left largely implicit.¹⁹ However, a running commentary is something quite different; it distinguishes the biblical text from its interpretation (first the text, then its interpretation). By so doing, it runs the risk of breaking the perceived unity of Scripture and tradition, inserting a potential wedge between the two. It represents a desire to *derive*, or at least give the impression of deriving, interpretation from the very words of Scripture. Commentary attempts to systematically crack Scripture's code, to explicitly reveal what lies behind or within the biblical words. As such, running commentary is rare in the pre-rabbinic period, being found, to my knowledge, only in the Qumran *pešarim* and in some (but not most) of Philo's writings. Both may be said to be idiosyncratic.²⁰

The traditional assumption that the extant running biblical commentaries of the rabbis draw upon similar, antecedent biblical commentaries of the *soferim*, Hillel, Rabbis Akiba and Ishmael, and their schools, is

and Tradition, 228–9. H.L. Ginsberg (*Theological Studies* 28 [1967] 574) refers to these as “parabiblical literature.” All such works are exegetical without being commentaries. Similarly, the LXX and the targumim are closer to being “rewritten Bible” than commentaries since they cover the line between biblical text and its interpretation.

(19) For example: The *Damascus Document* (CD), Ben Sira, Matthew, *Testaments of the Twelve Patriarchs*, and many of Philo's treatises.

(20) *Webster's Third New International Dictionary* defines “commentary” as “a systematic series of explanations or interpretations of the text of a writing.” Exegesis (and hence midrash as scriptural exegesis) need not take the form of commentary. Most of the Qumran literature, including the legal “rules,” while making use of Scripture does not explicitly and systematically comment upon it. The *pešarim* are different. They represent an attempt to demonstrate that the actual words of the biblical prophets could be decoded, like a dream, each element being deciphered so as to refer to some specific aspect of the history (past, present, or future) of the Dead Sea community. The *pešarim* commentaries address the prophetic books of the Hebrew Bible, displaying a certain mantic quality in their systematic focus on the actual words of prophetic utterance. Similar language exegesis is to be found in the tannaitic midrashim, employing a demonstrative pronoun (*zeh*, *ʿellu*) or such formulai as *ʿen ʿella* (“x means nothing other than y”) or *bazzeḥ hakkatub medabber* (“this is what Scripture speaks of”). For this kind of exegesis in *Sifre Deuteronomy*, see Gottlieb, “Language Understanding in *Sifre Deuteronomy*” (see Excursus A, as for the following references). See also DeVries, *Mabo*², 82–3; Epstein, *Meboʿot*, 504–5; Frankel, *Darke hammišna*, 7; S. Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary of America, 1962) 48–51. That such exegesis represents a pre-tannaitic stratum, however, while claimed, has not been proved. Note also how the interpretations of visions in the pseudepigraphic apocalypses (e.g., *1 Enoch* 17–36) are often introduced with demonstrative pronouns.

Philo adopts the commentary mode of exegesis in his *Allegorical Interpretations of Genesis* (*Legum allegoria*) and in his *Questions and Answers on Genesis and Exodus*, the latter resembling in form Hellenistic commentaries on the Homeric poems.

without supporting evidence. The likely fact that all of these interpreted the laws, narratives, poetry, and prophecies of the Bible and passed on their interpretations to disciples need not lead to the assumption that they produced extensive, literary (whether written or oral) biblical commentaries. Thus, it cannot be assumed that our earliest extant rabbinic Bible commentaries simply build upon lost pre-rabbinic commentaries by a process of accretion. It may be that we witness in these rabbinic collections some of the earliest *creations* of commentary out of the raw materials of exegetical as well as non-exegetical tradition, previously arranged according to other principles of organization. What the sources for such commentary building would have been, e.g., whether oral or written, is impossible to say.²¹

(21) The *activity* of interpretation (midrash) is not the same as that of creating commentary. The fact that Hillel, Akiba, and Ishmael are portrayed in the activity of midrash and have hermeneutical rules attributed to them (i.e., there was a method to their exegesis) does not mean that they set about creating systematic commentary on Scripture. The famous story of Hillel's resolution of the legal question whether the *pesaḥ* sacrifice overrides the Sabbath (*p. Pesaḥ*. 6.1 [33a]; *b. Pesaḥ*. 66a) simply displays his skills as an interpreter and places him in a line of transmitted exegetical tradition (*b. Pesaḥ*. 70b refers to his teachers Shemaiah and Abtalion as *daršanim gedolim* [“great expositors”], but nothing more). When the Palestinian Talmud (*Šegal*. 5.1 [48c]) says that R. Akiba *hitqin midraš halakot weʿaggadot* it is not at all clear that it “credits R. Akiba with editing the Midrash and the Mishnah” (Lieberman, *Hellenism*, 90–1).

One question that has never been adequately answered is why large sections of Scripture, mainly non-legal but also legal, receive no commentary in our extant tannaitic midrashim. Either, we are told, the commentary was once complete and parts have since been lost in the process of transmission, or certain sections did not sufficiently interest the commentators. See Hoffmann, *Zur Einleitung*, 66; Geiger, *Urschrift*, 434. The first explanation is possible since there is evidence that some traditions (although not whole sections) were known to medieval commentators from *Sifre* and *Sifra* yet are not in our texts. However, the gaonim who first refer to these commentary collections are already aware that they do not fully cover the biblical books to which they are devoted (see gaonic sources referred to in Excursus A). The second explanation assumes that these collections are primarily interested in halakah, the aggadic sections having been either appended later or included incidentally. See Hoffmann, *Zur Einleitung*, 2; Friedmann, *Mekilta*, xlix. This explanation is inadequate both for those collections which it best suits (*Mekilta* and *Sifre Numbers*, in which legal as well as non-legal sections of Scripture are skipped) as well as for *Sifre Deuteronomy* which begins and ends with aggadah. *Sifre Deuteronomy* and *Mekilta* both contain more aggadah than halakah (see Excursus A), and for neither has it been established that the aggadic sections are inherently later (hence appended). Finkelstein (“Sources,” 215) argues that in fact the aggadic sections of the *Mekilta* are earlier than the halakhic. While *Sifra* contains the most complete commentary, two sections (*Mekilta*² *deʿarayot* ad Lev. 18:1–23; 20:6–9; *Mekilta*² *demilluʿim* ad Lev. 8:1–10:7) appear to have been lacking in the original collection and only later added from another source (Albeck, *Untersuchungen*, 82–4). A simpler and more likely explanation of such lacunae is that our commentaries were created out of blocks of pre-existing commentary on sections of Scripture (Finkelstein, “Sources,” 221), which in turn had been created from collected traditions, exegetical as well as non-exegetical, which had not previously been organized according to the scriptural order. Since such blocks of commentary may not have been

Our fundamental question, then, is how and to what end have the extant commentaries been put together? What is the process of redaction by which exegetical and non-exegetical traditions have been encapsulated in literary form and combined to form Bible commentary? Rather than seeking first to extract pre-literary midrashic traditions and to identify their *sitz im leben*, we need to begin with the texts in the redacted forms in which we have them, and attempt to locate them in appropriate literary, historical, and social contexts. Did their editors simply collect traditions, perhaps for the sake of preservation, using the order of Scripture as their organizing principle, but without significantly reshaping what they collected? Or, were these compilers themselves interested in commenting on Scripture through the manner in which they combined traditions, reshaping and embellishing them as they fit them into new literary and historical contexts? If the latter, then they are as much exegetes of tradition as of Scripture. Until such questions are answered, not in general but for each midrashic collection, the mining of these collections, particularly for historical purposes, is fraught with danger.

The methods for seeking an understanding of rabbinic redactional activity as reflected in the early midrash collections are at a primitive stage of development. They are of two types. The first looks at factors internal to the text itself. How are discrete interpretive traditions combined? Are there introductory, connecting, or concluding phrases which are telling? Are there repeated phrases, patterns of expression, or rhetorical conventions which may give a sense of unity to a series of otherwise disjunctive statements? Are there signs of the creation of formal or thematic unity, even if relative, which overarch the atomistic interpretations of individual words and phrases? The second method looks outside the text for parallels, or near parallels, in other rabbinic collections, preferably of roughly the same period. How do such parallels found in different literary settings compare and contrast? Are there signs that they have been variously shaped to fit the different contexts, or do identical traditions assume different meanings simply by virtue of their different surroundings?²² Does such analysis, when systematically pursued

available for all parts of a given biblical book, the earliest midrashic commentary to that book remained incomplete (Hoffmann, *Zur Einleitung*, 66).

(22) For an example of the first method, see R. Hammer, "Section 38 of *Sifre Deuteronomy*" (see n. 14). Regarding the second method, even if historical priority between parallels cannot be determined with certainty (as it often cannot), there is still great value in observing how a common tradition is molded to fit different contexts. Only having done so can we try to determine which redactional shape is logically earlier than or dependent on another. See above, n. 4.

through an extensive section of commentary, reveal a *pattern* of reworking of tradition for particular didactic purposes? If so, does such a pattern correlate with anything in the historical, social, or cultural context in which the commentary might have circulated?

Let me restate the problem. There can be little doubt that the rabbinic compilers of the early midrashim desired (perhaps felt compelled) to preserve and give authority to existing exegetical and even non-exegetical traditions by attaching them to the order of biblical verses. At the same time they themselves were interested in commenting upon, or what was for them unlocking, Scripture's message in such a way as to effectively inform the practices and perspectives of their followers. How do these two concerns meet at the redactionary level?

B.

The specific text to be examined here in light of these general remarks has been chosen for two reasons. First, it is part of what I perceive to be a larger redactional unit of *Sifre Deuteronomy*, covering Deut. 3:23-4:1, which recounts Moses' plea to enter the Promised Land and God's denial of his request. Interestingly, *Sifre Deuteronomy*, our oldest running commentary on the Book of Deuteronomy, contains no commentary on the seventy-five verses which precede this section, nor on the eighty-one verses which follow, suggesting that this section of commentary first circulated as an independent redactional unit before being incorporated into the present commentary on the Book of Deuteronomy.²³ What follows is drawn from an analysis which I am preparing on this larger unit and serves as a good test case for applying the questions discussed above.²⁴ Secondly, the introductory section of this unit, commenting on just the first word of Deut. 3:23, presumably the opening word of a weekly lection, has been oppositely assessed by two great scholars of midrash with respect to our very set of questions. Joseph Heinemann gives this passage from *Sifre Deuteronomy* as an example of a tightly constructed rabbinic homily, deriving from a public sermon, and representing the best or only true example of the *petihhta* ("proem"), albeit in

(23) It would be difficult to claim that these verses were skipped since they were considered of little importance or interest, particularly Deut. 5, containing the Decalogue and a brief description of the Theophany. Nor is there any evidence that these verses were once covered, the midrash since having been lost. Rather, it would appear that *Sifre's* commentaries on Deut. 3:23-4:1 and 6:4-9 both constitute coherent literary units.

(24) While such a small test case cannot provide conclusive answers to such questions, it can demonstrate the applicability of the suggested methodology and the meaningfulness of the questions.

primitive form, in the tannaitic midrashim.²⁵ Louis Finkelstein, in notes to his edition of *Sifre Deuteronomy*, states that more than half of this text (sections B through E in what follows) is extraneous to the *Sifre* (i.e., is a gloss), having nothing to do with what precedes and follows.²⁶ Consequently, he prints it in smaller type in his edition. Which of these views, if either, is correct? Was our text consciously and carefully composed, or did it accidentally accrue?

Before turning to the text, my proposed translation, and analysis, I should describe briefly the larger biblical narrative which is being commented upon. According to the priestly stratum of the Bible (Num. 20:1-13, 23-29; 27:12-14; Deut. 32:48-52), Moses was punished for his disobedience to God at Kadesh when he rebuked the people and struck the rock for water.²⁷ His punishment was to die in Transjordan, unable

(25) See J. Heinemann, *Derašot bešibbur biteqapat hattalmud* (Jerusalem: Bialik Institute, 1970) 36-39 (introduction and commentary on our text although in a slightly altered form); *idem*, with J. Petuchowski, *Literature of the Synagogue* (New York: Berman House, 1975) 119-123 (translation of the preceding); *idem*, "Petihta'ot šel tanna'im wetekunotehen haššuraniyot," *Dibre haqqongres ha'ulamim ha'hamišši lemada'e hayyahadut*, vol. 3 (Jerusalem: World Union of Jewish Studies, 1969) 121-34, esp. 124, 132-3: "Only with regard to one of the above examples from the halakic midrashim [*Sifre Deut.* 26] is it possible to consider that we have before us a *petihta*." According to Heinemann, we no longer have the original form of the *petihta*, it having been somewhat abbreviated and adjusted to fit into the *Sifre* commentary. Nonetheless, he argues, we can find in this passage a clear reflection of that original, public *petihta* homily. Note also that Ch. Albeck (Introduction to *Midraš Berešit Rabba*², 17) lists three *ra'še petihtot* (principal *petihtas*) to be found in the tannaitic midrashim: *Mek. Amalek* 1 (ed. Jacob Lauterbach; 3 vols.; Philadelphia: Jewish Publication Society, 1933) 2.135; *Sifra Semini* (*Mek. demillu'im*) 1.7 (ed. I.H. Weiss; Vienna: J. Schlossberg, 1862) 43d; *Sifre Deut.* 26 (our passage). W. Bacher (*Die Proömien der alten jüdischen Homilie* [Leipzig: J.C. Hinrichs'sche Buchhandlung, 1913] 20) gives *Mek. Amalek* 1 as the only actual *petihta* in a tannaitic midrash, although he lists eight others which are attributed to tannaim but found in later collections. Bacher includes *Sifre Deut.* 26 not in the *petihta* category but under the heading, "Auslegung pentateuchischer Texte vermittels nichtpentateuchischer im tannaitischen Midrasch" (pp. 17-18).

(26) *Sifre 'al seper devarim* (ed. L. Finkelstein; Berlin, 1939; repr. New York: Jewish Theological Seminary, 1969) 36: "In my opinion this passage is not part of the *Sifre* itself ('en hamma'amar hazzeh me'iqqar hassifre) for it has no connection with what precedes it and follows it." S. Lieberman (*Greek in Jewish Palestine* [New York: Jewish Theological Seminary of America, 1942] 162, n. 7) agrees (at least in part) with Finkelstein: "I agree with Professor Finkelstein that at this point the parable [see text below, section C] is a later interpolation." J.N. Epstein (*Tarbiz* 8 [1936/7] 389-90) goes even further in arguing that almost the whole passage (sections A through F) is a late addition from the *yelammedenu* midrashim (sixth to ninth centuries). See below, n. 58. Epstein at least views sections A through F as a unity.

(27) Num. 20:1-13 leaves unclear what precisely constituted the sin for which Moses and Aaron were punished. Was it the way Moses struck the rock, his rebuke of the people, or something else? This question becomes the subject of intense discussion among rabbinic midrashists and medieval commentators: *Tg. Ps.-J.* Num. 20:1-13; *Yalq. Šim'oni* 1.764 (*Yelammedenu*); *Midr. Leqaḥ Tob* ad Num. 20:8-12 (ed. S. Buber; 5 vols. in 2; Wilna: Romm, 1880-84) 4.244-5; Abraham ibn Ezra, *Peruše hattora* ad Num. 20:8 (ed. A. Vizer; 3 vols.;

to enter the Promised Land with his people. The Deuteronomic history seems to suggest a different reason for Moses' punishment. According to it, Moses was implicated in the Israelites' lack of faith when they refused to enter the Land after hearing the spies' report (Deut. 1:37). Deuteronomy reiterates (Deut. 3:26 and 4:21) that it is because of the people's lack of faith that Moses was not to complete the journey which he had inaugurated and led.²⁸ Moses' plea, in the form of a prayer found only in Deuteronomy, is filled with pathos:

I pleaded with the Lord at that time, saying, "O Lord God, You who let Your servant see the first works of Your greatness and Your mighty hand, You whose powerful deeds no God in heaven or on earth can equal! Let me, I pray, cross over and see the good land on the other side of the Jordan, that good hill country, and the Lebanon." But the Lord was wrathful with me on your account and would not listen to me. The Lord said to me, "Enough! Never speak to Me of this matter again!"²⁹

Moses, who has seen the beginnings of Israel's redemption, desires to witness its completion. He is allowed to see the land but not to enter it. It might appear (especially in the Deuteronomic, but even in the Priestly version) that Moses' punishment exceeds his crime, that God has dealt with him unfairly. Or, it might seem that Moses audaciously challenges God's judgment. Nevertheless, in rabbinic literature Moses' prayer

Jerusalem: Mossad Harav Kook, 1976) 3.170-2; Moses ben Naḥman, *Peruše hattora* ad Num. 20:1-13 (ed. Ch. Chavel; 2 vols.; Jerusalem: Mossad Harav Kook, 1959-60; rev. ed., 1976) 2.272-9; Elijah Mizrahi ad Num. 4.244-5 (in *ʿOšar mepareše hattora* [5 vols. in 2; Wilna: Romm, 1880-84] 4.244-5); Maimonides, *Šemonah peraḳim* (ed. J. Gorfinkle; New York: Columbia University, 1912) Heb. sec. 28-9, Eng. sec. 67-8. Note also Ibn Ezra, Rashi, RaDaQ ad Ps. 106:33. See L. Ginzberg, *Legends of the Jews* (7 vols.; New York: Jewish Publication Society, 1913-38) 3.307-14, 317-20; 6.107-9 (nn. 601-19), 110 (nn. 623-9).

(28) Similarly, Ps. 106:32. Some modern commentators, like their traditional predecessors, read the Priestly interpretation of Moses' death into the Deuteronomic passages. For a clear rebuttal of such views, see S.D. Driver, *A Critical Exegetical Commentary on Deuteronomy*, (ICC; New York: Scribners, 1895) 26. While the following passage and rabbinic literature in general presuppose the Priestly view that Moses was punished for his own sin, others seem, like Deuteronomy, to place the blame for Moses' death on the Israelites. See *Sifre Deut.* 338 (ed. Finkelstein) 387, which says that Moses, Aaron, and Miriam did not die for their own sins. *Mek. 'Amaleq* 2 (ed. Lauterbach) 2.151 and *Sifre Num.* 135 (ed. Horovitz) 181 have Moses state that Israel (through their rebellion at Kadesh) caused (*grm*) his death. Only in significantly later texts is there clear allusion to Moses' vicarious death for Israel's sake. See S. Loewenstamm, "The Death of Moses," *Tarbiz* 27 (1958) 142-57; R. Bloch, "Quelques aspects de la figure de Moïse dans la Tradition Rabbinique," in *Moïse l'homme de l'Alliance* (ed. H. Cazelles; special issue of *Cahiers Sioniens*; Paris: Desclee & Cie., 1955) 130, n. 104.

(29) *The Torah: The Five Books of Moses* (Philadelphia: Jewish Publication Society, 1962) 330.

becomes a model for petitionary prayer in general, particularly for the person who beseeches God for mercy.³⁰

II. TEXT AND TRANSLATION

The Hebrew text which follows is from the Vatican Manuscript (Vat. Ebr. 32) of the *Sifre*, the best available text from which to work.³¹ Minor emendations (in square brackets) are made on the basis of readings found in the other major manuscripts.³² The division into lettered sections is intended to facilitate analysis, but not necessarily to delineate component strands of tradition.

A ואתחנן אל יי וגו'. זהו שאמר הכתוב תחנונים ידבר רש וגו'.

(30) See *b. Ber.* 30b; 32a-b. Note how the versions translate *wa'ethannan*: LXX: *edeēthēn* ("I pleaded"). *Tg. Onq.*: *šaliti* ("I prayed"). *Tg. Ps.-J.*: *b'yt rhmyn* ("I requested mercy"). *Tg. Neof.*: *šlyty wbyty rhmyn* ("I prayed and requested mercy"). *Peshitta*: *w'tkšpt* ("I supplicated"). *Sam. Tg.*: *ʿthnnt* ("I pleaded"). *Vg.*: *precatusque*: ("I begged"). Only the rabbinic versions stress that Moses' supplication was in the form of a prayer.

(31) Finkelstein's text is an eclectic one which in many cases adopts questionable readings that are contravened by the principal manuscripts and early editions. See the reviews of J.N. Epstein (*Tarbiz* 8 [1936/7] 375-92) and S. Lieberman (*Kiryat Sefer* 14 [1937/8] 323-36). Cf. S. Lieberman's review of J. Lauterbach's *Mekilta de-Rabbi Ishmael* (*Kiryat Sefer* 12 [1934/5] 54-65). In our passage from *Sifre Deuteronomy* Finkelstein's choice of text is particularly problematic in section E. See below, n. 38.

The Vatican Ms. is available in a facsimile edition (Jerusalem: Makor, 1972). It is thought to date from the tenth or early eleventh century. On the value of the Vatican Ms. and its relation to the other witnesses, see L. Finkelstein, "Prolegomena to an Edition of the *Sifre* on Deuteronomy," *PAAJR* 3 (1931-2) 3-42. For a description, see H. Cassuto, *Codices Vaticani Hebraici* (Vatican, 1956) 41-3. In preparing the present study, after having determined that Finkelstein's text was problematic I compared all of the manuscripts and early editions available to me (see next note) and determined that the Vatican Ms. was the freest of interpolations and internal inconsistencies, and required the fewest adjustments. In the frequent cases where words are abbreviated in the manuscript I have supplied full spellings, except where the full spelling is uncertain (e.g., singular or plural endings).

(32) The following manuscripts, editions, and witnesses have been thoroughly consulted. In several instances what seems to me to be an important variant is not listed or is incorrectly listed in Finkelstein's apparatus. These are noted below. In parentheses are given abbreviations by which the manuscripts will be referred to in the notes which follow: Ms. Berlin (B), Staatsbibliothek (Preussischer Kulturbesitz) Acc. Or. 1928, 328 = Ms. or. quart. 1594, kindly supplied by the library; Geniza fragment (G), Taylor Schechter, Box C2, on film Jewish Theological Seminary (JTS); Ms. British Museum (L), Ms. ad. 16406 = Margoliouth 341, on film JTS; *Midraš hakamim* (MH), according to Finkelstein's notes; *Midraš haggadol* (MhG) on Deuteronomy (ed. S. Fisch; Jerusalem: Mossad Harav Kook 1972); Ms. Oxford (O), Bodleian Or. 150, Neubauer 151, Marshall Or. 24, Uri Hebr. 119, on film JTS; First Printing (P), Venice, 1546 (facsimile ed.; Jerusalem: Makor, 1970/1); Ms. Vatican (V), Assemani 32 (facsimile; Jerusalem: Makor, 1972); *Yalqut hammakiri* (YhM) to Psalms (ed. S. Buber; Berdyczew, 1899; repr. Jerusalem, 1963/4), to Proverbs (ed. L. Grünhut, Jerusalem, 1902; repr. 1964); *Yalq. Šim'oni*, ed. Salonika (YSS) (1521-27; facsimile ed.; 7 vols.; Jerusalem: Makor, 1968); *Yalq. Šim'oni*, Oxford Ms. (YSO), Neubauer Cowley 2637-b6, on film JTS.

B שני פרנסיו טובים עמדו להן לישראל משה ודוד מלך ישראל.

C אמר משה לפני המקום רבונו של עולם עבירה שעברתי תכתב אחרי שלא יהו הבריות אומרים דומה שזיף משה בתורה או שאמר דבר שלא נצטוה. משל למלך שגזר ואמר כל מי שאוכל פגי שביעית יהו מחזרין אתו (בקיפון) [בקנפון=קמפון³³]. הלכה אשה אחת בת טובים ליקטה ואכלה פגי שביעית והיו מחזרין אותה (בקיפון) [בקמפון³³]. אמרה לו בבקשה ממך המלך הודיע סירחוני שלא יהו בני מדינה אומרים דומה שנמצא בה דבר נאוף או שנמצא בה דבר כשפים. הן רואין פגין תלויין בצוארי יודעין שבשבילן אני מחזרת. כך אמר משה לפני המקום עבירה שעברתי תכתב אחרי. אמר לו הקדוש ברוך הוא הריני כותבה שלא היתה אלא על המים שנאמר כאשר מריתם פי וגו'.

D רבי שמעון אומר משל למלך שהיה מהלך ובנו עמו (בקריכוון) [בקרובין³⁴] שלו. הגיע למקום צר נהפכה (קריכוון) [קרובין³⁴] שלו על בנו ניסמת עינו נקטעה ידו נשברה רגלו. כשהיה [ה]מלך מגיע לאותו מקום אומר כן [=כאן³⁵] ניזק בני כן ניסמת עינו כן נקטעה ידו כן נשברה רגלו. אף כך המקום מזכיר ג' פעמים מי מריבה מי מריבה מי

(33) Finkelstein has קנפון, following B and MH; L has קנפון; MhG has קמפון; YSS and YSO have קומפון (although Finkelstein cites them as reading קומפין). V's reading of קיפון makes no sense; perhaps an earlier ms. had had a *nun* which faded (קנפון). Similarly, YhM ad Prov. 18:23 has קיפון. P's עקיפין "circuit" would appear to be an emendation. See S. Krauss, *Paras weromi betalmud ubemidrašim* (Jerusalem: Mossad Harav Kook, 1947/8) 115. Ch. Yalon vocalizes *qumpôn* at *m. Kelim* 23:2 and 24:1 (*Šišša sidre mišna* [ed. Ch. Albeck; 6 vols.; Jerusalem: Bialik Institute, 1952-6] 6.97-8). The word is clearly a loanword from the Latin *campus* (Greek, *kampos*), a plain or field for exercise and amusement. The lexicons list the Hebrew form under *qampôn* or *qumpôn*: M. Jastrow, *A Dictionary of the Talmud Babli and Yerushalmi and the Midrashic Literature* (2 vols.; New York: Choneb, 1926) 2.1386a; J. Levy, *Wörterbuch über die Talmudim und Midraschim* (rev. L. Goldschmidt; 4 vols.; Bern & Vienna: B. Harz, 1924) 4.327b; Nathan b. Yehiel, *Aruk haššalem* (ed. A. Kohut; 8 vols.; Vienna, 1926) 7.124; S. Krauss, *Griechische und lateinische Lehnwörter im Talmud, Midrasch und Targum* (2 vols.; Berlin: Calvary, 1898-9) 2.510b. See the note of M. Margulies to his edition of *Lev. Rab.* 31:4 (5 vols. in 3; Jerusalem: 1953-1960; repr., Jerusalem: Wahrman, 1972) 719, line 7. M. Friedmann emends P to read קומפון (*Sifre debe rab* [Vienna, 1864] 70a) and comments: "Rabbenu Hillel [12th century] interprets this to be Greek for hypodrome, in which the people gather." Rabbenu Hillel's commentary to this section of *Sifre Deuteronomy* is no longer extant.

(34) Only V has קריכוון. O and *Lev. Rab.* 31.4 have קרובין, presumably from the Greek *karroucha*, *karrouchion* ("carriage"). YSS, while listed by Finkelstein as reading קרובין, looks more to me like קרובין, as in MhG, G (קרובים), and B (cf. קרובין of MH and YhM ad Ps. 141:7 [ed. Buber] 137a). A *kaf* was probably mistaken for a *bet* at some stage of transmission. Several witnesses have קרובין, presumably from the Greek *karron* ("car, coach"): L and YSO have קרובין (not קרובין as in Finkelstein's apparatus), while P has קרובין (not קרובין as in Finkelstein's apparatus), which Friedmann renders as קרובין, but which probably should be read as קרובין. Thus, both קרובין and קרובין are well attested, both meaning "carriage" or "coach." The rabbinic lexicons list *qārūktin* but not *qārōtīn*: Jastrow, *Dictionary*, 1414a-b; *Aruk*, 7.199a; Levy, *Wörterbuch*, 4.380b; Krauss, *Lehnwörter*, 2.264b.

(35) The reading *kan* (= *kaʿn*) is suggested by the context and is found as כן in all of the other witnesses except G which also has כן. P has כן in the *mashal* (parable) but כן in the *nimshal* (application). Contrary to Finkelstein's apparatus, V uses כן both for the *mashal* and the *nimshal*.

מריבה לומר כן הרגתי את אהרון כן הרגתי את משה [ו] כן הוא
אומר נשמטו (מידי) [ביד³⁶] סלע שופטיהם.

E דוד אמר לפני המקום עבירה שעברתי לא תכתב אחרי. אמר הקדוש ברוך הוא לא שיהיה
לך שיהיו הבריות אומרים בשביל שאהבו מחל לו. משל לאחד שלוה מן המלך אלף כורין חטיין
בשנה. היו הכל אומרים איפשר שזה יכול לעמוד באלף כורין אינו אלא משכנו המלך וכתב
לו (אפיכי) [אפוכי³⁷]. פעם אחד שיגר³⁸ ולא שקל לו כלום. נכנס המלך לביתו ונטל בניו

(36) in the MT. I cannot attribute significance to V's reading מידי not shared by any of the other witnesses.

(37) O, G, YSO, and some mss. of *MhG* have אפוכי. It is unclear whether L has אפיכי or אפוכי. I lean towards the former while Finkelstein chose the latter. In light of this, the reading אפיכי in V and *MH* could easily have derived from אפוכי. B's אפיני is probably a simple misreading of a *kaf* as a *nun*. YSS's אפיטיא, Greek *hypateia*, Roman consulship, era) and P's אפרכי (or אפרכא, Greek *eparchos* or *eparchia*, prefect of a province or prefecture) make little sense in the context of the mashal and have seriously confused *Sifre's* commentators, causing them trouble with the whole passage. See, for instance, I. Ziegler, *Die Königsgleichnisse des Midrasch* (Breslau: Schlesische Verlags, 1903) 251, n. 2. See Excursus B at end. Jastrow's derivation (*Dictionary*, 100b) of אפוכי from the Hebrew root הפך, so as to mean, "return, exchange, equivalent, settlement," is fanciful, the word clearly being a loanword from the Greek *apochē* (Latin, *apocha*), meaning "receipt, quittance." The exact force of the word in the present context will be discussed in Excursus B. Except for Jastrow all the other lexicons recognize that אפוכי is derived from the Greek *apochē*: *Aruk*, 1.215b-216a; Levy, *Wörterbuch*, 1. 137a-b; G. Dalman, *Aramäisch-Neuhebräisches Handwörterbuch zu Targum, Talmud and Midrasch* (Frankfurt a.M.: J. Kauffmann, 1922) 34a. S. Krauss (*Lehnwörter*, 2.100a-b) recognizes two meanings for אפוכי, one from the Greek *apochē* and the other from the Greek *epochē* ("epoch, period of time"). He mistakenly gives our passage as an example of the latter. Cf. YSS: אפיטיא = אפטי, era.

(38) This sentence has caused commentators substantial difficulty, appearing with several variants. Our choice and understanding of the text will determine largely our understanding of the section as a whole. Finkelstein adopts the reading of an interlinear correction to B. B has אינו ממשכנו המלך כתב לו אפוכי ("the king did not take a pledge; he wrote him a quittance"). Before and above the word המלך a different hand has faintly inserted a word which Finkelstein says is אלא, although in my copy I can only make out the letters לא. Finkelstein's text would translate, "The king did not take a pledge but wrote an *apochē* (quittance)." This apparently agrees with the reading in *MH*. In general, Epstein and Lieberman rightly criticize Finkelstein for his overreliance on *MH*. See their reviews referred to above, n. 31. All of the other witnesses, however, have ממשכנו המלך אינו אלא משכנו (ממשכנו המלך כתב לו אפוכי); that is, the king did nothing other than take a pledge and issue an *apochē* (receipt). It seems that this reading would have to be proved impossible before that of *MH* and a possible gloss to B were adopted. The question which remains is, Does the mashal wish to say that the king did in fact take a pledge and issue a receipt, or that the people only assumed (mistakenly) so? See below, n. 49, where I argue for the latter.

(39) V is difficult to make out here. Finkelstein records it as שייר (*pi^el* of שאר, to leave over, reserve), also found in B, *MH*, P, and YSS, and in G and *MhG* as שייר. The meaning of שייר in the mashal is unclear, and in any case it is awkward. Presumably it means that the debtor had some wheat or money left, but failed to make payment. However, it appears to me that V has שיגר, the *gimel* having faded so as to appear as a second *yod*, even though the bottom of the *gimel* can still be discerned in the facsimile edition. This reading, שיגר (*pi^el* of שגר, to send), is also found in L. P conflates the two readings: שיגר ולא שייר לו כלום ("He [the

ובנותיו והעמידו על אבן המכר. באותו שעה ידעו שאין בידו כלום.⁴⁰ אף כל פורעניות שהיו באות על דוד היו מכופלות שנאמר את הכבשה ישלם ארבעתים. רבי חנינא אומר ארבעתן [ששה עשר⁴¹]. אף נתן הנביא בא והוכיח על אותו מעשה שעשה דוד (ואומר) [אמר⁴²] חטאתי ליי. מה אמר לו גם ייי העביר חטאתך לא תמות. ואומר לך לבדך חטאתי.

F שני פרנסיו טובים עמדו להן לישראל משה ודוד מלך ישראל. והיו יכולין לתלות את העבירה במעשיהן הטובין ולא בקשו מן המקום שיתן להן אלא חנם. והלא דברים קל וחומר ומה אילו שיכולין לתלות את (העולם) [העבירה⁴³] במעשיהן הטובים לא בקשו מלפני הקדוש ברוך הוא שיתן להן אלא חנם מי שאינו אחד מאלפי אלפין ורבי רבבות מתלמידיהן על אחת כמה וכמה שלא יבקש מלפני הקדוש ברוך הוא שיתן לו אלא חנם.

G דבר אחר ואתחנן. י' לשונות נקריית תפלה. זעקה שועה נאקה שנאמר ויהי בימים הרבים ההם וגו' וישמע אלהים את נאקתם. נקריית בצר וקריית [שנאמר] בצר לי אקרא יי וגו'.⁴⁴ נקרא רינה ופגיעה שנאמר ואתה אל תתפלל בעד העם הזה וגו'. נקרא ניפול king] sent but he [the debtor] had not set anything aside for him"). Elijah Gaon of Wilna (d. 1797), in his "emendations" to our text (in *Sifre* [Wilna, 1866]) has "The king sent, but he [the debtor] did not pay him"). J. Heinemann (*Aggadot wetoledotehen* [Jerusalem: Keter, 1974] 28) argues that our text originally had שיגר but was changed to שייר through confusion with שלא שייר בידו כולם later in the parable (in V, see next note). The reading found in YSO and O is particularly problematic: שייר ולא כתב לו כלום ("he set aside but did not write him anything"). Did the man pay but fail to obtain a receipt?

(40) Finkelstein has ידעו הכל שלא שייר בידו כלום following B, *MhG*, and *MH*. However, V, P, L, O, YSS, and YSO have ידעו שאין בידו כלום. Contra Heinemann (see previous note), it seems to me that the word שייר is original neither here nor above. For the meaning of the phrase אין בידו כלום, see below, n. 50.

(41) Rabbi Hanina's interpretation of ארבעתים as meaning four times four, or sixteen, is found in *MH*, P, L, O, YSS, YSO, and B. Only V has simply ארבעתן, while L and O have ארבעתים ("the four of them?") for ארבעתים. I am uncertain of the force of ארבעתן ("four-fold"), and therefore V's reading makes no sense to me. The meaning of *MhG's* ארבעתים ("fourteen") is also unclear. Note that P has R. Hananiah instead of R. Hanina. Epstein (n. 26) uses the attribution to R. Haninah as a proof for the late date of our passage as a whole. However, it would seem that this is a gloss.

(42) I prefer ואומר to אמר. The former would require David as the subject of אמר, while the latter would require David as the subject of עשה with ואומר introducing the prooftext ("as Scripture says"). The meaning is not affected. Only V has ואומר (actually, וא').

(43) The textual witnesses are divided between הלכות העולם and הלכות העבירות/העבירה. *MH*, *MhG*, and B have the latter in both occurrences, while P, YSS, YSO, and L consistently have the former. O has הלכות את העבירה the first time and only הלכות the second. Only V uses העבירה (actually, העביר) and then העולם, conflating the two versions. The reading העבירה makes the best sense and is the better attested, although adopting העולם would not significantly alter the text's meaning, since it would suggest that Moses and David could, on account of their good deeds, suspend judgment for the whole world.

(44) The term בצר (*beser*) is problematic since in the prooftext from 2 Sam. 22:7 (or Ps. 18:7) בצר is vocalized *baszar*, comprising the prepositional *bet* with the noun *sar* (*ba* + *sar*), meaning "in anguish," unrelated to the root בצר. For rabbinic use of this root, see Jastrow, *Dictionary*, 164b, 185a; Levy, *Wörterbuch*, 252a-b, 253a; *Aruk*, 2.156b; Dalman, *Handwörterbuch* 61b, 62a. B and *MH* have an alternative proof-text, Ps. 106:44, but that is no better (also *baszar*). P eliminates the problem by substituting צרה for בצר. The parallel in *Deut. Rab.* 2.1 (Wilna: Romm, 1884-7) 100c has ביצור. The term is altogether omitted in the

[שנאמר] ואתנפל לפני יי. נקרא פילול שנאמר ואתפלל אל יי וגו'. נקרא עתירה שנאמר ייעתר יצחק ליי. נקרא עמידה [שנאמר] ויעמוד פנחס ויפלל וגו'. נקרא חילוי שנאמר ויחל משה וגו'. נקרא חנה שנאמר ואתחנן.

- A "I sought the Lord's favor" etc. This [should be understood in conjunction with what] Scripture says elsewhere, "The poor utters entreaties [while the rich answers impudently]" (Prov. 18:23).
- B Two fine leaders served Israel, Moses and David, King of Israel.
- C Moses said before the Lord, "Master of the universe, let the sin which I have committed be recorded after me [after my death] so that people should not say, 'It would appear that Moses falsified the words of the Torah or proclaimed a precept which had not been commanded.'" This may be compared to a king who decreed, "Whosoever eats unripe figs of the seventh [Sabbatical] year shall be marched around the campus (*kampus*) [for public disgrace]."⁴⁵ When a certain woman of good family went out and gathered and ate unripe figs grown during the seventh year she was marched around the campus. She said to [the king], "I implore you King, make known my offense so the people of the land should not say, 'It would appear that some sort of indecency has been found with her, or that some sort of sorcery has been found with her.' If they see unripe figs suspended from my neck they will know that it is because of these that I

following parallels: *MhG* ad Deut. 3:23 (ed. Fisch) 101; *Deut. Rab.* (ed. S. Lieberman; 3rd ed.; Jerusalem: Wahrman, 1974) 36; *Tanḥ. Wa'ethannan* 3 (ed. S. Buber; Vilna, 1885; repr. in 2 vols., Jerusalem, n.d.) 5a; *Tanḥ. Wa'ethannan* 3 (2 vols. in 1; Jerusalem: Lewin-Epstein, 1974) 2.101a; *Yalq. Sim'oni* Samuel 2.157 (Salonika) 6.37b, where 2 Sam. 22:7 is given as a proof-text for קריאה alone.

(45) On "unripe figs of the seventh year" see S. Lieberman, *Greek in Jewish Palestine*, 162-4; *idem*, *Hilkot hayyerušalmi lerabbenu mošeh ben maymon* (New York: Jewish Theological Seminary, 1947/8) 47, n. 17; S. Safrai, "The Practical Implementation of the Sabbatical Year after the Destruction of the Second Temple," *Tarbiz* 36 (1966) 11, n. 175. According to rabbinic law figs could not be picked and eaten in the sabbatical year until they were fully ripe. See Lev. 25:5-7, 12; *m. Šeb.* 2:5, 4:7; *Sifra* ad Lev. 25:7, Pereq 1.10 (ed. Weiss) 106c; Maimonides' *Mishnah Commentary to m. Šeb.* 4:7 (ed. D. Kapaḥ; 6 vols. in 7; Mossad Harav Kook, 1963-8) 1.237; *p. Ketub.* 2.10 (26d); *b. Sanh.* 107a; *Gen. Rab.* 49.9 (ed. Theodor & Albeck) 2.509 line 5, and notes. As we shall note below (n. 86), this is a strange decree for an assumably gentile king. Apparently, the guilty party was paraded around in a public arena with a representation of the sinful deed displayed (a sort of scarlet letter) so that onlookers would know what the guilty person had done. See Lieberman, *Greek*, 163; Heinemann, *Derašot*, 37; Ziegler, *Königsgleichnisse*, 121, n. 6; Krauss, *Paras weromi*, 115. See below, n. 70. Note *Tanḥ. Bere'šit* Ms. DeRossi 261 (quoted by S. Buber in his introduction to his edition of the *Tanḥuma*, p. 157): Since Adam and Eve sinned by eating from a fig tree they wore a garment of fig leaves (Gen. 3:7), just as a thief who is caught has the stolen object hung from his shoulders. More on the meaning of this image below, n. 74.

am being made to go around." Similarly, Moses said before the Lord, "Let the sin which I have committed be recorded after me." The Holy One, blessed be He, said to him, "Behold I am recording that it was only in connection with the Waters [of Meribah]," as it says, "When you disobeyed My command [in the Wilderness of Zin, when the community was contentious, to uphold My sanctity in their sight by means of the water]" (Num. 27:14).

- D Rabbi Simeon [bar Yoḥai, ca. 150 C.E.] said: This may be compared to a king who was traveling with his son in his carriage (*harrouchion*). When they reached a narrow spot the carriage overturned onto his son. His eye was blinded, his arm was cut off, his leg was broken. Whenever the king came to that same place he would exclaim, "Here my son was maimed; here his eye was blinded, here his arm was cut off, here his leg was broken." Similarly, the Lord mentions three times, "the Waters of Meribah" (Num. 20:13), "the Waters of Meribah" (Num. 27:14), "the Waters of Meribah" (Deut. 32:51),⁴⁶ as if to say, "Here I caused Miriam's death, here I caused Aaron's death, here I caused Moses' death." Thus, Scripture states, "Their judges have been thrown down (or fell, stumbled, slipped) by the side (because) of a rock" (Ps. 141:6).⁴⁷

(46) Actually, the "Waters of Meribah" are mentioned twice more in Scripture, in Num. 20:24 and Deut. 33:8. Most commentators take the three references to the "Waters of Meribah" to be Num. 20:13, 27:14, and Deut. 32:51. However, David Pardo (1719-92) (in *Sifre debe rab* [Salonika, 1799] 179c) suggests that they refer to Num. 20:13 (the punishment decree), Num. 20:24 (Aaron's death), and Deut. 32:51 or 33:8 (Moses' death). The commentary *Zera' Abraham* (by Abraham Lichtstein; in *Sifre debe rab* [part 2; Radawel, 1820] 8a) understands them to refer to Num. 20:24, 27:14, and Deut. 32:51. Perhaps since Num. 20:13 and 20:24 appear in the same context, as do Deut. 32:51 and 33:8, the three "mentions" refer to three passages and not to three verses. For another explanation, see M. Margulies' note to *Lev. Rab.* 31.4 (p. 721, line 3).

(47) Miriam's death in this context is problematic, since it would seem that Miriam had nothing to do with Moses' and Aaron's sin at the Waters of Meribah. Therefore, her death is not mentioned in P and O, nor in Rashi's citation of the *Sifre* in his commentary on Ps. 141:6. Similarly, Heinemann (*Derašot*, 38) omits "here I caused Miriam's death," departing from Lieberman's text which he in general adopts. Such an emendation, however, is unwarranted. Without Miriam's death the balance of the *mashal* and *nimshal* is destroyed. According to Num. 20:1 it was at the Wilderness of Zin, the site where Moses struck the rock, that Miriam died. Thus, the midrash may not mean to implicate Miriam in the sin of the Waters of Meribah but to note that Miriam died in close spatial and temporal proximity to the event of the rock. If so, Ps. 141:6 should be rendered, "Their judges have been thrown down beside [rather than because of] a rock." Thus, when God recollects what happened at this rock, at the Waters of Meribah, he recalls Miriam's death as well. Midrashic tradition elsewhere interprets the scriptural proximity (*semikut*) of Miriam's death with the incident of the Waters of Meribah as follows: With Miriam's death the miraculous well (Miriam's Well) which accompanied the Israelites disappeared or ceased to

E David said before the Lord, "Let not the sin [which I have committed] be recorded after me." The Holy One, blessed be He, said, "Does it not matter that the people might say, 'It is because He loved him that He forgave him'?" This may be compared to one who borrowed from the king one thousand kors of wheat in a year.⁴⁸ Everyone commented, "Is it possible that this one will be able to withstand [a debt of] one thousand kors of wheat in a year? Surely the king has taken a pledge and issued him a receipt (*apochē*)!"⁴⁹ Once, he [the king] sent [for payment] and he [the man] did not pay anything. The king entered the man's house and seized his sons and daughters and placed them on the auction block [to be sold as slaves]. Then everyone knew that he [the king] had had nothing [no pledge] in his hand.⁵⁰ Similarly, all the punishments which David received

give water. Therefore, the people grew contentious for lack of water. See *Tg. Ps. J. Num.* 20:1-13; *Frg. Tg. Num.* 20:2; *b. Ta'an.* 9a with Rashi's comments *ad loc.*; *Zayit Ra'anam* of Abraham Gombiner (ca. 1704) *ad Yalq. Šim'oni* 810 (Venice, 1743) 69c; *Zer'a Abraham*, 8a; L. Ginzberg, *Legends*, 3:308. David Pardo, 179c, gives a different explanation: Because of Moses' and Aaron's honor they could not die before Miriam; therefore, she was included in their sentence. Elsewhere, *Sifre Deut.* (349 [ed. Finkelstein] 408.6) again states explicitly that Aaron and Miriam were punished (unjustly) for what Moses did at Kadesh. Cf. *Sifre Deut.* 338, which states that three prophets, Miriam, Aaron, and Moses, were buried on Mt. Nebo, and *Sifre Deut.* 305 (p. 326), which states that the three righteous died successively within one year. As mentioned, the *mashal* with its three-fold injury to the king's son requires three deaths in the *nimshal*. It is interesting, therefore, that P which removes Miriam's death in the *nimshal* has in the *mashal*, "Whenever the king would arrive at this same spot he would recall three times or *twice* . . ." Clearly, copyists and commentators alike have been troubled by the inclusion of Miriam's death in this midrash.

On the "judges" of Ps. 141:6 note that *me meriba* ("Waters of Meribah") is rendered *my³ dyyryh* ("waters of quarrel" or quite possibly, "waters of judges") in *Tg. Neofiti*.

(48) Literally, the man borrows the wheat itself. Some commentators, however, understand the man to be a farmer who borrows the cash value of a thousand kors of wheat (1 kor = 30 seahs = 11 bushels) as an advance on the wheat which he will provide at harvest to the king. See Rabbenu Hillel as cited by Friedmann in his notes (70b, n. 4), but not extant in the printed edition of R. Hillel's commentary (*Sifre* . . . *'im peruš* . . . *rabbenu hillel* [ed. S. Koleditzky; Jerusalem: Mossad Harav Kook, 1948]); similarly, in the commentaries of David Pardo and R. Suleiman to *Sifre* [Vilna, 1866] 127a). See also Finkelstein's note *ad loc.*

(49) On the meaning of the word *'appoki* here see Excursus B.

(50) This interpretation is given by Moses David Treves Ashkenazy (ca. 1780-1856) in *Sifre 'im peruš toledot adam* (2 vols.; Jerusalem: Mossad Harav Kook, 1974) 2.25-7; and by Eliezer ibn Nahum as cited by David Pardo. The text could also be interpreted to mean that the debtor had no *apochē* in hand. In either case the people now realize that no pledge had been taken. The debtor, unable to pay the debt, has no protection against seizure. On such seizures in the event of loan defaults, see below, n. 104. Other interpretations of this sentence are more forced: David Pardo: Everyone knew that the debtor had received no favor or forgiveness. H. Strack and P. Billerbeck, *Kommentar zum Neuen Testament* (Munich, 1922) 1.798: Everyone knew that he (the debtor) had nothing left in his possession (not even his children). Ziegler, *Königsleichnisse*, 251: The debtor had absolutely no power (having been given a province [see above, n. 37]). Kittel (D. 37) translates: "Um diese Zeit

[for his sin with Bathsheba] were increased several fold,⁵¹ as it says, "He shall pay for the lamb four times over (*'arba'tayim*)" (2 Sam. 12:6). Rabbi Hanina [bar Hama (?), ca. 240 C.E.] says: *'arba'tayim* means sixteen-fold.⁵² So too the prophet Nathan came and reproved him for this deed which he had done. David said, "I stand guilty before the Lord" (2 Sam. 12:13). And what did [Nathan] say to him? "The Lord has remitted your sin; you shall not die" (*ibid.*). And [elsewhere] it says, "Against you alone have I sinned and done what is evil in your sight" (Ps. 51:6).⁵³

F Two fine leaders served Israel, Moses and David, King of Israel. Although they were able to suspend [judgment for] sin through their good deeds, they requested of the Lord only that He grant them gratuitous favor.⁵⁴ Can we not argue a fortiori? If these, who were able to suspend [judgment for] sin through their good deeds, requested of the Holy One, blessed be He, that He grant them only gratuitous favor, how much more should he who is but one of the thousand thousands and myriad myriads of their disciples request of the Holy One, blessed be He, that He grant him only gratuitous favor.

G Another interpretation of "I sought [the Lord's] favor": There are ten⁵⁵ terms by which prayer is called. [It is called] "crying," "wailing,"

wusste man, dass bei ihm keine [Schuld] mehr war." He then notes: "Das Gleichnis ist nicht ganz durchsichtig."

(51) Literally, "doubled."

(52) The dual ending of *'arba'tayim* suggests four times four.

(53) The relation of these verses to what precedes is problematic. See below, nn. 108, 109.

(54) Moses and David come before God as if without righteous deeds to their credits. They do not expect any special consideration because of their merits or special statuses. Clearly, we have here a play on *wa'ethannan* and *hinnam*, which share the common root *hnn*. Rashi makes this clear in his comment to Deut. 3:23. A number of witnesses (O, *MH*, *Deut. Rab.* 2.1; *Tanh. Wa'ethannan* 3; *Tanh. Wa'ethannan* 3 [ed. Buber] 5a; Rashi ad Deut. 3:23) have *mattenat hinnam* ("undeserved gift"). Friedmann understands the play to be on *tahanunim* of Prov. 18:23. For similar plays involving the root *hnn* see *Sifre Num.* 14 (ed. H.S. Horovitz; Leipzig, 1917; repr. Jerusalem: Wahrman, 1966) 45; *Sifre Deut.* 49 (ed. Finkelstein) 114. On the theme of the righteous not receiving special favor in this world, see *b. Yoma* 87a and *b. Šabb.* 55b. On the use of the verb *ty* to indicate suspension of judgment for sin, see *m. Soṭa* 3:4.

(55) Our text, however, lists thirteen terms, not counting *תפלה* at the beginning since the ninth term is *פילול*. Most manuscripts concur, with only minor variants. However, B has ten terms, omitting *תחירה*, *עמידה*, and *חלוי* near the end of the list, just before the concluding *חנה*. P omits *קריאה* and has *צרה* for *בצר* (see above, n. 44). The Vilna, 1866 edition of the *Sifre* brackets *עמידה* and *בצר*, perhaps since their proof-texts are problematic, resulting in a list of ten. *MhG* (57) omits *תחירה*, *עמידה*, and *חלוי*, and adds *תפלה* (besides *פילול*) so as to arrive at ten. Similarly, *Deut. Rab.* 2.1 (in the name of R. Yoḥanan) lists the same ten names as B, while *Yalq. Šim'oni* Samuel 157 (Salonica) omits *בצר*, *נפול*, and *פילול*, also arriving at ten

"moaning," as it is said, "A long time after that [the king of Egypt died. The Israelites were groaning under the bondage and *cried* out:] and their *wail* rose up and God heard their *moaning*" (Exod. 2:23-24). It is called "anguish" and "calling," [as it is said,] "In my *anguish* I called on the Lord" (2 Sam 22:7). It is called "clamor" and "beseeching," as it is said, "As for you, do not pray for the people, [do not *clamor* or pray on their behalf, do not *beseech* me]" (Jer. 7:16). It is called "prostrating," [as it is said,] "I lay *prostrate* before the Lord" (Deut. 9:25). It is called "pleading," as it is said, "I *pleaded* before God" (Deut. 9:26). It is called "entreaty," as it is said, "Isaac *entreated* the Lord" (Gen. 25:21). It is called "arising," [as it is said,] "Phineas *arose* and intervened" (Ps. 106:30). It is called "imploring," as it is said, "Moses *implored*" (Exod. 32:11). It is called "seeking favor," as it is said, "I [Moses] *sought* [the Lord's] favor" (Deut. 3:23).

III. ANALYSIS

To begin with, we should note, as others have done, that only the first and last sections (A and G) appear to comment directly on the word *wa'ethannan* ("I sought [the Lord's] favor"), with which, presumably, our passage as a whole deals. What are the other sections doing here? How, if at all, do they fit together? Are they simply inserted here by some prin-

terms. Some later versions eliminate the problem quite simply by substituting "many" for "ten": *Deut. Rab.* (ed. Lieberman) 36 (eight terms); *Tanh. Wa'ethannan* 3 (ed. Buber) 5a (nine terms). *Midraš Leqah Tob* (ed. Buber) 6a lists "seven terms for prayer."

Finkelstein attempts (in his note to our text) to reconcile the list of thirteen with the opening statement that there are ten terms for prayer. Noting that there are three sets of terms which each have a single proof-text, he takes each such set as a single item and by adding תפלה as one of the terms (in addition to פילול) arrives at a list of ten. Such harmonization, already tried by David Pardo in his commentary, appears forced. By "ten terms (*lešonot*)" our text means just that and not ten proof-texts. The inclusion of תפלה as one of the ten terms is problematic as well. As we shall note below (n. 113), such enumerations of biblical terms with their prooftexts is a common rabbinic rhetorical device, and nowhere else does such an enumeration count proof-texts rather than terms. A more likely (though not certain) explanation is that this list originally contained ten terms, but transmitters of the tradition added other scriptural terms for prayer which occurred to them. Note that B and *Deut. Rab.* 2.1 have a list similar to that of V and the other manuscripts but without עתירה, עמידה, and חלי. These three terms always occur as the final terms before תורה, with which the list had to end for rhetorical purposes (see below, n. 119). This list of ten is probably also the basis of the list in *MhG*, which simply removes the problematic בצר (see above, n. 44) and adds the logical תפלה. It would appear likely, therefore, that these three terms were added at the end, although not the very end, of an original list of ten. According to Finkelstein's stematic analysis ("Prolegomena"), O, V, L, P, and YS represent one branch of textual tradition (Italian-French) while B and *MhG* represent two others (Spanish and Egyptian). The reading of B, reflected in *MhG*, should have been chosen by Finkelstein over that of the Italian-French group.

ciple of association, perhaps for the sake of preservation, or do they stand in positive relations to one another, constituting as a group an interpretation of *wa'ethannan* and an introduction to *Sifre's* treatment of Moses' prayer?⁵⁶

Section A: The midrash begins by quoting a verse from the Writings, a practice not uncommon in rabbinic exegesis: "The poor utters entreaties" (Prov. 18:23). What is the relationship of this verse to the word *wa'ethannan* and to the sections which follow?

Joseph Heinemann suggests that our passage derives from a publicly delivered *petihta* homily which began with Prov. 18:23, seemingly unrelated to the verse with which the audience knew the weekly reading would open, and proceeded through exegesis of the Proverbs verse to find its way, by an unexpected route, to Deut. 3:23 (section G), which concluded the homily and introduced the lection.⁵⁷ If so, Heinemann argues, the opening word *wa'ethannan* and the connecting phrase *zehu še'amar hakkatub* ("this is what Scripture says") are simply later additions by an editor who incorporated the original *petihta* into his commentary on Deut. 3:23-4.1:⁵⁸

(56) Finkelstein, as noted above (n. 26), considers these intermediate sections to have been added to the original *Sifre* text (*iqqar hassipre*), and therefore he prints them in smaller type. He argues that these sections are only included in our text because of the similarity in wording between section B and the beginning of section F, "Two fine leaders served Israel." Epstein, as already noted (n. 26), rejects Finkelstein's division of the passage. Of the later midrashic commentaries to Deuteronomy only *Yalq. Šim'oni* and *MhG* include *Sifre's* whole commentary on the word *wa'ethannan*. The others (*Deut. Rabba*; *Deut. Rabba*, ed. Lieberman; *Tanhuma*; *Tanhuma*, ed. Buber) all omit significant sections, apparently not considering the whole of *Sifre's* commentary to be relevant to their commentaries.

(57) For Heinemann's views on the *petihta* see: "Happetihtot bemidreše ha'aggada: meqoran wetapqidan," *Papers of the Fourth World Congress of Jewish Studies*, vol. 2 (Jerusalem: World Union of Jewish Studies, 1968) 43-7; "The Proem in the Aggadic Midrashim: A Form-Critical Study," *Scripta Hierosolymitana* 22 (1971) 100-22; "Petihta'ot šel tanna'im" (see n. 25); *Derašot*, 7-28. Heinemann understands the *petihta* to have functioned as a type of rhetorical, public, oral homily in and of itself, delivered before the Torah reading in synagogue. The audience attentively waited to learn how the expositor/preacher (*daršan*) would arrive at the opening word or phrase of the weekly lection. This tension was artfully used by the preacher to demonstrate Scripture's interrelatedness, to teach a lesson appropriate to the occasion, and to hold his audience's attention all the while. For other recent studies of the *petihta* (all of which cite the earlier literature), see: P. Schäfer, "Die Petihta — ein Proömium?" *Kavros* 3 (1970) 216-19; A. Goldberg, "Petihta und Hariza: Zur Korrektur eines Missverständnisses," *JJS* 10 (1980) 213-18; A. Shinan, "Letorat happetihta," *Jerusalem Studies in Hebrew Literature* 1 (1981); R. Sarason, "The Petihtot in Leviticus Rabba: 'Oral Homilies' or Redactional Constructions?" (see above, n. 14). One crucial question, which Sarason's article addresses, is, To what extent do the *petihta'ot* found in our extant sources reflect the actual "living" *petihta'ot* of the preachers, and to what extent the work of subsequent literary redactors?

(58) According to Heinemann, since the publicly delivered *petihta* opened with a verse from the writings and only quoted the opening verse of the day's lection at the very end of

It seems, however, that another, simpler explanation of the use of Proverbs 18:23 is in order: here as elsewhere in rabbinic midrash a verse from the Writings is called upon to elucidate the Torah verse being commented on.⁵⁹ There is nothing mysterious about what links the two verses; it is the common verb *hnn*, which is the root of both *wa'ethannan* and *tahanunim* ("entreaties"). This link suggests to the midrashic mind that both verses share a common subject: Moses. The two verses inform one another. The anonymous *raš* (poor or humble person) of Proverbs may be taken (as one of several possibilities) to be Moses of Deut. 3:23.⁶⁰ Moses in pleading with God for mercy is like the poor, humble person of Proverbs who utters entreaties. What follows section A is not, as Heinemann would have it, an interpretation of Proverbs 18:23, but of *wa'ethannan* as understood in conjunction with Proverbs 18:23. Thus, it is these two verses in combination that set the tone for what follows. Moses' plea for mercy is issued in humility (not hubris); he approaches God as a *raš*, a poor man.⁶¹

the *petihta*, our *petihta* must have begun with Prov. 18:23. Heinemann would also have to remove "Another interpretation of *wa'ethannan*" at the beginning of section G. See Heinemann, *Derašot*, 13, 17, 36-7; *Petihta'ot šel tanna'im*, 131, 133. Bacher (*Proömien*, 17-18) argues that the phrase *zehu še'amar hakkatub* becomes more common in late collections as the *petihta* form becomes more frequent, but that it was already used in tannaitic times in such proto-*petihta*'ot as ours. Epstein (see above, n. 26) argues that the opening words *wa'ethannan zehu še'amar hakkatub* are an integral part of what follows, and that the phrase *zehu še'amar hakkatub*, being typical of the *yelammedenu* midrashim (sixth through ninth centuries), suggests that the whole passage (except for section G) is a late addition. The phrase *zehu še'amar hakkatub* only appears once else in the tannaitic midrashim in *Sifra* ad Lev. 9:7 (*Mek. demillu'im* 7) (ed. Weiss) 43d, but is found often in the later homiletical midrashim. See W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur* (2 vols.; Leipzig: J.C. Hinrichs, 1899-1905) 1.49; 2.62. In any case, the method of explicating a verse from Torah with one from the Writings is not uncommon in the tannaitic sources (see Bacher, *Proömien*, 14-19), and Epstein's point that the phrase *zehu še'amar hakkatub* is usually found in later collections does not constitute sufficient grounds for saying that we have here a *yelammedenu* midrash (his other arguments also not being convincing; see above, n. 41). It may be that the phrase *zehu še'amar hakkatub* is a late substitution for an equivalent phrase better evidenced in the tannaitic midrashim, e.g., *weken hu' omer, 'alayw hakkatub omer*. On such phrases, see Bacher, *Proömien*, 15-16; Heinemann, *Derašot*, 36-7.

(59) Bacher, *Proömien*, 14-19.

(60) For various identifications of the *raš* ("poor") and *'asir* ("rich") of Prov. 18:23, see *b. Sanh.* 44a (Moses and Joshua); *MhG* ad Deut. 3:23 (ed. Fisch) 56 (David and Moses); *Deut. Rab.* 2.4 (Moses and God); *Yalq. Šim'oni* 2.959 ("midrash") (Moses and God, Israelite prophets and gentile prophets). In the *Sifre* passage the "rich" is not identified, perhaps since it is only the first half of Prov. 18:23 which concerns our commentary. Heinemann ("*Petihta'ot šel tanna'im*," 132-3, n. 43) suggests that the explanation of the second half of Prov. 18:23 was part of the original *petihta* (Prov. 18:23 being its subject verse) but was omitted when the *petihta* was abbreviated so as to be incorporated into *Sifre*'s commentary. Most commentaries to *Sifre* understand the *'asir* to be God (*'asiro šel 'olam*) who responds harshly to Moses in Deut. 3:26.

(61) It is precisely because the relation between these two verses is so obvious that Prov.

Section B: The statement "Two fine leaders served Israel, Moses and David, King of Israel" introduces the theme of sections B through F, a comparison of Israel's two greatest leaders with respect to their attitudes toward the sins which they committed. This line is repeated, perhaps as a refrain, at the beginning of section F. The comparison of Moses and David is also found, although with some significant variations, in the Babylonian Talmud (*Yoma* 86b) in the context of a discussion on the importance of public confession of sins, particularly of those committed against one's fellow.⁶² There is no reason to suppose that this comparison originates as commentary on Deut. 3:23. Rather, it appears more at home in a discussion of confession and forgiveness, perhaps in conjunction with laws pertaining to the Day of Atonement (as in the Talmud). However, to suggest that this comparison of David and Moses did not originally circulate as commentary on Deut. 3:23 is not to say, as does Finkelstein, that it is not integral to the text of *Sifre Deuteronomy*.⁶³

Section C: While the comparison of Moses' and David's attitudes to having their sins publicly recorded (i.e., in Scripture) is not unique to our passage, its particular formulation here is. It is especially in section C that the differences between this text and its parallels are most telling. The earliest parallels to this section are found in *b. Yoma* 86b and *Sifre Numbers* 137 (ad Num. 27:14), which very closely resemble one another and commonly differ from the version in *Sifre Deuteronomy* in several important details. The version in the Talmud is as follows:⁶⁴

18:34 does not seem here to begin a *petihta*. The kind of suspense which Heinemann defines as being crucial to the *petihta* ("what does this verse from the writings have to do with today's lection?") is lacking here. For a similar use of a verse from the Writings, see *Mek. Bešallah* 1 (ed. Lauterbach) 1.176, where Prov. 10:8 ("The wise in heart takes on duties") is used to interpret Exod. 13:19 ("and Moses took Joseph's bones"), introducing a lengthy discussion of Moses' wisdom and piety in the removal of Joseph's bones from Egypt.

(62) The talmudic passage has an almost exact parallel in *Sifre Num.* 137 ad Num. 27:14 (ed. Horovitz) 183-4. An abbreviated version of this tradition appears in *Sifre Zuṭa* ad Num. 27:14 (ed. Horovitz) 319. Other parallels which follow the talmudic text are *Num. Rab.* 19.12; *Tanh. Huqqat* 32 (ed. Buber) 61a-b; *Tanh. Huqqat* 10; *Yalq. Hammakiri* ad Ps. 32 (ed. Buber) 103a. Parallels which follow the *Sifre Deut.* version are *Deut. Rab.* 2.6; *Deut. Rab.* (ed. Lieberman) 50; *Lev. Rab.* 31.4 (ed. Margulies) 719-21; *Yalq. Hammakiri* ad Prov. 18:23 (ed. Grünhut) 4b-5a. Lieberman (*Greek*, 162, n. 7) argues that the talmudic version pre-dates that of *Sifre Deut.* and its parallels, while Heinemann ("*Petihta'ot šel tanna'im*," 132-3, n. 43) argues the opposite. I shall address this question below. For a different view of revealing one's sins before others, see *b. Ber.* 34b.

(63) I will argue below that the tradition as found in *Sifre Deut.* has been not simply adopted but significantly adapted so as to constitute an important part of our passage's commentary on the word *wa'ethannan*.

(64) While the translation follows the printed edition of the Talmud, variants from *Diqduqe Soperim* (ed. R. Rabbinovicz; 16 vols.; Munich, 1867-97; repr., 16 vols. in 2; New

Two fine leaders served Israel, Moses and David. Moses said, "Let my offense be recorded," as it is said, "Because you did not trust Me enough to affirm My sanctity" (Num. 20:12).⁶⁵ David said, "Let my offense not be recorded," as it is said, "Happy is he whose transgression is forgiven, whose sin is covered over [i.e., hidden]" (Ps. 32:1).⁶⁶ A parable concerning Moses and David:⁶⁷ To what may the matter be compared? To two women who were to be lashed⁶⁸ by order of the court, one for having committed adultery and the other for having eaten unripe figs of the seventh year.⁶⁹ The one who had eaten unripe figs of the seventh year said, "I implore you [members of the court], make known the reason for my lashing lest people say, 'This one is being lashed for the same reason as that one is being lashed.'" Therefore, they suspended unripe figs from her neck and proclaimed before her, "For this reason is this woman being lashed."⁷⁰

York: M.P. Press, 1967) 6.60, especially from the Munich Ms., are noted below.

(65) The Munich Ms. (and *YhM* Psalms 32 [ed. Buber] 103a) provides as a proof-text Exod. 32:32: "[If you would only forgive their sin!] If you will not, then strike me out [of the book that you have written]." The meaning of this proof-text concerning the golden calf incident for our midrash is not clear. Perhaps Moses is understood to say: "If you do not forgive them, then consider me too to be guilty. Remove my name from the book of the righteous [see *Tg. Ps.-J.* Exod. 32:32] and record that I too am guilty." Note that the parallels to *b. Yoma* 86b (see n. 62) have Num. 20:12 and not Exod. 32:32. Exod. 32:32 is also linked to Moses' death in *Sifre Deut.* 344 (ed. Finkelstein) 400.

(66) This Psalm is attributed to David. Most modern translators and commentators understand forgiving of transgression (*nesuy-peša'*) to be equivalent to covering over of sin (*kesuy haša'a*). The rabbinic exegesis, however, understands the two to refer to different things: first a sin may be forgiven, then it may be covered, i.e., hidden or unrecorded. On midrashic treatments of biblical parallelism, see J. Kugel, *The Idea of Biblical Poetry* (New Haven: Yale University, 1981) 97-109. Note that earlier in *b. Yoma* 86b, Ps. 32:1 is contrasted with Prov. 28:13, "He who conceals his sins (*mekasseh peša'ayw*) prospers not." The gemara resolves the apparent contradiction by arguing that in some cases it is better for a sin to remain hidden, whereas in others it is best to make it known. According to *b. Sanh.* 107a David asked not only for his sin to be forgiven, but also for it not to be recorded, i.e., for it to be completely pardoned as if never committed. The second half of his request is denied.

(67) משל דמשה ודוד. The Munich Ms. has משל משה ודוד. See *Diqduqe Soperim*, 60b, and Rabbinovicz's note 7.

(68) The printed text has שלקו, the Munich Ms. has שלוקוה, and *Sifre Num.* 137 has שהיו לוקוה. Lieberman (*Greek*, 162) translates, "who were about to be flogged."

(69) See above, n. 45. *Sifre Num.* has גנבה פגי שביעית ("stole seventh year figs"), except for the London Ms. which has אכלה ("ate"). Lieberman (*Greek*, 162, n. 5) suggests emending גנבה so as to read גבבה ("heaped, gathered"), but it seems to me that the reading גנבה should be retained (see below, n. 87). *Sifre Deut.* has ליקטה ואכלה ("gathered and ate"). Later versions of the mashal change the sense even more: *Deut. Rab.* (ed. Lieberman) 50 has, "a man found selling seventh year fruits." See S. Safrai, *Tarbiz* 36 (1966) 11, n. 175. The significance of these variants will be discussed below, n. 87.

(70) On publicly displaying a symbol of the crime on the criminal's body, see above, n.

The following subtle yet significant differences between this version and that of *Sifre Deuteronomy* are to be noted:

1. In the version found in *b. Yoma* 86b and *Sifre Numbers* 137, after the sentence "Two fine leaders served Israel, Moses and David," each one's attitude to having his sin recorded is stated, followed by a supporting proof-text. A single mashal is then given, presumably illustrating the contrast between the two men's sins and their attitudes toward having them recorded.⁷¹ The mashal is not followed by a nimshal (application). However, in the version found in *Sifre Deuteronomy*, Moses and David are discussed separately (Moses in section C, David in section E), an entirely distinct mashal being given for each, followed by biblical proof-texts in the nimshal for each.⁷² Thus, the overall structure is quite different.

2. The mashal in *b. Yoma* 86b and *Sifre Numbers* 137 deals with two women, one who is punished for having committed a serious sexual offense (presumably adultery or incest⁷³), and another for having eaten "unripe figs of the seventh year." Saul Lieberman has shown that this expression is used here, as elsewhere, to denote "the favors of an unmarried woman or even connubium of the betrothed with her own

45. It is ironic that this practice, presumably employed in general to humiliate the criminal, is here employed so as to spare humiliation. Whether we have here intentional irony or a misplaced metaphor is difficult to tell.

(71) I assume that the talmudic version of the mashal ("a mashal concerning Moses and David") is intended to refer to both Moses and David. The question then needs to be asked: Do the two women represent Moses and David, the first (the adulteress) representing David who wishes his sin not be known, and the second (the eater of unripe figs) representing Moses? This is most likely. Rabbinovicz (see above, n. 67) argues that the mashal deals with Moses, David's sin at most being alluded to. Rashi, in his commentary, takes the talmudic mashal to refer just to Moses, the adulteress representing the Wilderness Generation, from which Moses wishes to be distinguished. Heinemann (*Derašot*, 37; *Petihta'ot šel tanna'im*, 132-3, n. 43) understands the two women to represent David and Moses. It seems impossible to avoid (as does Rashi) the fact that the talmudic mashal is explicitly said to deal with Moses and David. The only way to get around this uncomfortable fact would be to say that the mashal deals with both David and Moses without seeking to compare them: both David and Moses should have known that it is better to have one's sin known than to be suspected of much worse. Note that in *Sifre Num.* 137 the phrase דמשה ודוד משל is absent, the mashal simply following a statement of Moses' and David's attitudes to having their sins made known (in that order). In that context the mashal could again serve to illustrate the contrast between Moses and David, or conceivably it could illustrate how David (whose sin is elsewhere described with the metaphor of eating unripe figs; see below, n. 74) should have acted.

(72) See previous note.

(73) קלקלה. Lieberman (*Greek*, 162) translates "committed adultery." In *Sifre Deut.* the woman worries that she might be thought to have committed an indecency (דבר נאורי). Kittel (36) and Ziegler (121, and n. 6) translate, "Ehebruch." Rashi ad *b. Yoma* 86b renders, נהה ("committed prostitution").

bridegroom before they were fully married.⁷⁴ If, as I think, Lieberman is correct, this version of the *mashal* compares two women guilty of sexual offenses. The second woman, having committed a lesser offense, wishes that her wrongdoing be made known lest bystanders, seeing her receive the same punishment as the adulteress, think her to have committed the identical sin. In response, the court hangs figs from her neck so that all will know the nature of her offense. The *mashal* in *Sifre Deuteronomy* deals with one woman (Moses), who, having committed a seemingly minor offense, fears that people might think her to have done much worse.

3. In *Yoma* and *Sifre Numbers*, both women are to be punished with lashing. In *Sifre Deuteronomy*, the punishment for eating the unripe figs is public humiliation.⁷⁵

4. The version of the *mashal* in *Sifre Deuteronomy* stresses, as that in *Yoma* and *Sifre Numbers* does not, that the woman guilty of eating unripe figs of the seventh year is of "good family" (*bat tobim*).⁷⁶ Such a woman, having committed a seemingly minor offense, would be particularly concerned that the nature of her sin be made publicly known lest she be thought to have done much worse. The applicability to Moses, Israel's greatest leader brought down by a seemingly minor offense, is obvious.

(74) Greek, 162-4. Also in *Hilkot hayyerušalmi* (see above, n. 45) 47, n. 17. Heinemann endorses Lieberman's interpretation (*Derašot*, 37; *Petihta'ot šel tanna'im*, 132-3, n. 43). Critical to Lieberman's argument is *b. Sanh.* 107a: "It was taught in the school of R. Ishmael: Bathsheba the daughter of Eliam was predestined for David (since the six days of Creation), but he enjoyed her as an 'unripe fig' (אכלה פנה)." See Rashi *ad loc.* Lieberman paraphrases, "He enjoyed her before the proper time, before it was licit." Thus, the seriousness of David's sin is lessened; he was simply impatient. On the fig as a metaphor for sexual intercourse, see H. Torczyner (Tur Sinai), "Asa 'asmo mistappeq," *Louis Ginzberg Jubilee Volume* (New York: American Academy of Jewish Research, 1945) Heb. sec. 217-22.

(75) Note that according to mishnaic law (*m. Sanh.* 11:1) adultery is punishable by strangulation. If we take the *mashal* to refer to David and Moses (see n. 71) we might assume that Moses' sin like David's was sexual. This problem is resolved by *Sifre Deut.* where the *mashal* no longer speaks of two women but only of one representing Moses. In that context the sin of *gathering* and eating unripe seventh year figs may more easily be taken literally to represent a minor nonsexual sin for which the sinner is punished with public humiliation. Another possibility is that Moses, like the woman who eats unripe seventh year figs, is guilty of impatience. Some interpreters see Moses' sin at the Waters of Meribah to have been precisely this, impatience with the rock (striking it rather than speaking to it as commanded) or with the people (sharply rebuking them for their grumbling). See above, n. 27.

(76) *Lev. Rab.* 31.4, which generally follows the text of *Sifre Deut.*, adds בַּח גְּבוּרָתָא ("a woman of nobility"). Here again, *Sifre Deut.* places greater emphasis on the public humiliation of the sinner. See Ziegler, 121, n. 6; and the commentary of the *Nešib*, 23, who argues that in *Sifre Num.* the woman who ate the figs received proper punishment according to the law and at the hands of the court, while in *Sifre Deut.* her public humiliation at the king's decree (like Moses') is punishment greater than that fitting her crime and required by law.

5. The version of the *mashal* in *Yoma* and *Sifre Numbers* speaks of a *court*, while that in *Sifre Deuteronomy* speaks of a *king*. This difference may be inconsequential, but perhaps not. The king both issues the decree and judges its violators; the court does only the latter. The woman who appeals to the king for mercy is, therefore, better suited to represent Moses in his appeal to God for mercy since it is for disobedience to God's command that Moses is being punished.⁷⁷ Furthermore, the king-*mashal* of *Sifre Deuteronomy* conforms to what develops as the normative *mashal* pattern, the *mashal le-melekh*, or "parable of a king." Often, although not always, parables in non-king form are transformed in the process of transmission to fit the more common *mashal le-melekh* pattern.⁷⁸ The inclusion of a *nimshal* in the *Sifre Deuteronomy* version, lacking in *Yoma* and *Sifre Numbers*, may be another sign of such "regularization."⁷⁹ The use of the Latin loanword *qampon* (= *campus*) in *Sifre Deuteronomy* but not in *Yoma* or *Sifre Numbers* may be still another sign of such regularization.⁸⁰ We may have here three important indicators, when considered together with other factors, that the *mashal* in *Sifre Deuteronomy* represents an adaptation of that underlying the version in *Yoma* and *Sifre Numbers*.⁸¹

6. The text in *Sifre Deuteronomy*, alone among the early versions, records what is said to be Moses' reason for having his sin recorded.⁸² In the parallels it is *implied* that Moses, like the woman who eats the unripe figs of the seventh year, desires his sin to be made known so as not to be suspected of a worse sin, perhaps one like David's.⁸³ But for *Sifre Deu-*

(77) See above, n. 27.

(78) On the *mashal* form in rabbinic literature see now David Stern, "Interpreting in Parables: The *Mashal* in Midrash, With Special Reference to Lamentations Rabba" (Ph.D. dissertation, Harvard, 1980). On pp. 50-52 Stern discusses the "regularization" of the *mashal* form, a primary indicator of which is the transforming of non-king *mashals* into king *mashals*. For a survey of previous scholarship on the *mashal* and a discussion of its literary significance, see Stern, 1-71.

(79) Stern, 50.

(80) On the introduction of Greek loanwords as a sign of regularization of the *mashal*, see Stern, 51. Note that in our passage as a whole three Greek loanwords appear, one in each of the three king-*mashals*. For a list of Greek and Latin loanwords in the *mashals*, see Ziegler, clxxxviii-cxcii.

(81) I do not mean to suggest that the text of *Sifre Deut.* 26 is dependent on that of *b. Yoma* 86b or *Sifre Num.* 137, but that in comparing the texts the form of the tradition as found in the last two seems logically to precede that found in the first. It may be that other intermediary forms of the tradition existed which are no longer extant. It may also be that our extant versions of the tradition derive from a common antecedent tradition which was variously shaped so as to fit the literary contexts and homiletical concerns of the extant collections into which it was absorbed.

(82) The same explanation is found in *Lev. Rab.* 31.4 after the *mashal*.

(83) This is made explicitly clear in *Sifre Num.* 137 which states after the *mashal* of the two women, "R. Eleazar of Modi'im (ca. 100 C.E.) says: Behold how dear are the righteous

teronomy the mashal does not sufficiently express Moses' concern. Rather, we are told before the mashal that Moses feared that if his sin were not recorded he might be suspected of having tampered with the biblical record. This, of course, would lead to dire consequences. If such a suspicion arose, people would doubt the authenticity of Scripture, particularly its laws, as the revealed words of God faithfully transmitted by Moses. Thus, Moses' concern is no longer simply for his own honor, but for that of the Torah. In the context of commenting on Deut. 3:23 the mashal and its literary frame suggest that part of Moses' petition to God was that his sin be recorded, not for his own sake, but for the sake of God's Torah.⁸⁴ Moses, like the woman, wants his sin to be made known, but in *Sifre Deuteronomy* his reason for so desiring is no longer the same as hers.

7. In *Sifre Deuteronomy*, following the mashal, God's positive response to Moses' request is given, just as in Section E God's negative response to David's request is reported. *Yoma* and *Sifre Numbers* lack both.

What significance may be assigned to these differences between section C of our text and its earliest parallels? It seems to me that they suggest the intentional reworking of a received tradition in two significant ways. First, we have seen that the mashal and its frame in *Sifre Deuteronomy* reflect regularization of form, suggesting that this version is subsequent to that in *Yoma* and *Sifre Numbers*.⁸⁵ Second, certain differences in detail suggest that a tradition which had as its context a discussion of the importance of confessing one's sins, and in the case of the righteous having them made publicly known, has been altered slightly but signifi-

before the Holy One, blessed be He, for whenever He mentions their death he mentions their offense. And why is this so? In order that the world's inhabitants not have an opportunity to say, 'It is because they did disgraceful things in secret that they died.' The text continues by stating that such recording of the sins of the righteous is a sign of God's concern for them (*has hammaqom 'al hassaddiqim*) even in his moment of anger. Similarly, *Sifre Zuta* ad Num. 27:14; *Deut. Rab.* (ed. Lieberman) 50; *Num. Rab.* 19.12; *Tanh. Huqqat* 32 (ed. Buber) 61a-b; *Tanh. Huqqat* 10; Rashi ad b. *Yoma* 86b. Cf. *Num. Rab.* 2.24; *Pesiq. Rab Kah.* 26.8 (ed. B. Mandelbaum; 2 vols.; New York: Jewish Theological Seminary, 1962) 2.394.

(84) We may have here an echo of a polemic found elsewhere in rabbinic literature: all of the Torah, all of its laws (not just the Decalogue) are God's words faithfully transmitted by Moses. See David Pardo's commentary. Note for instance, *Mek. Neziqin* 1 (ed. Lauterbach) 3.1: "R. Ishmael says: These [the commandments of Exod. 21-22] are added to the preceding ones [the Decalogue]. Just as the preceding ones were given from Sinai, so also these which follow them were given from Sinai." On this polemic, see G. Vermes, *Post-Biblical Jewish Studies* (Leiden: E.J. Brill, 1975) 169-77. One traditional interpretation of Moses' sin at the Waters of Meribah was that he altered God's command regarding the rock. See *Toledot 'Adam*, 25.

(85) See above, n. 81. So argues Lieberman, but Heinemann argues the opposite. See above, n. 62.

cantly to fit a new (or at least different) context of commentary on Moses' appeal to God, in the form of a prayer, for merciful treatment.

While these two tendencies will be more fully discussed after examining the rest of our text, their confluence in section C is particularly noteworthy. The changes from court to king and from two women to one complement one another. As we have seen, both changes have the effect of adapting the tradition to the focus of our midrash on Moses and his pleading for divine mercy. But these two changes also produce an incongruity. The sin of eating unripe figs in the seventh year makes sense as a figure for sexual sin in the context of the mashal of two women sentenced to lashing by a *bet din* (court). But in the context of *Sifre Deuteronomy* this meaning would be less apparent and make less sense, and if taken literally as an infraction of the law of seventh year produce, the sin would make even less sense as a violation of the decree of a presumably *gentile* king.⁸⁶ Interestingly, later transmitters of this tradition must have recognized this problem since subsequent versions of our mashal correct it (and de-regularize the mashal) by speaking instead of a *man* punished by an *elder* for *selling* seventh year *fruits*.⁸⁷ Thus, when these two tendencies, to regularize the tradition and to adapt it to commentary on Moses' supplication, converge they complement one another, but not entirely smoothly. Some work, of course, had to be left for subsequent redactors and/or copyists.

(86) While the king-mashal does not necessarily refer to specific historical events, or to specific kings (emperors), it is generally the imperial court, its milieu, and its provincial counterparts that constitute the realia which are alluded to and often mocked. See Stern, "Interpreting in Parables" (note 78), 50-51, 341, nn. 74-6; Ziegler, *Königsgleichnisse*, xxii-xxiii, xxvi-xxxii; Lieberman, *Hellenism*, 4-5; S. Krauss, *Paras weromi*, 35-6. Perhaps the ridiculous image of a worldly king interested in laws of seventh year unripe figs is intentionally retained for the sake of satire, not uncommon in the rabbinic mashal. See Kittel's n. 5, p. 36.

I have been unable to find any Roman law or custom relating to figs to which our mashal might be alluding. Ziegler (121, n. 5) suggests that the law of our mashal has a parallel in Plutarch, *De Curiositate* 16, where the following etymology of "sycophant" is given: *κεκωλυμένου γὰρ ἐκφέρειν τὰ σῦκα μηνύοντες καὶ φαινόντες τοὺς ἐξάγοντας ἐκλήθησαν "συκοφανταί."* "Since the export of figs was prohibited, men who revealed and gave information against those who did export them were called 'sycophants.'" *Plutarch's Moralia* (trans. W.C. Helmbold; LCL, 14 vols.; London: W. Heinemann, 1939) 6. 514-17. Ziegler must understand the verbs *ekpherein* and *exagō* to mean "gather," but this meaning is unattested, both verbs usually meaning "bring forth," "take out," and "export." See Liddell-Scott-Jones, *Greek-English Lexicon*, 524-5.

(87) *Deut. Rab.* (ed. Lieberman) 50. Other versions speak simply of seventh year fruits, thereby removing the possible sexual connotation: *Deut. Rab.* 2.6; *Lev. Rab.* 31.4 (a variant). The reading in *Sifre Num.* 137, "stole unripe seventh year figs," if correct (see above, n. 69), may similarly transform the sin into a non-sexual one, punishable by a non-Jewish court. According to *m. Sanh.* 3:3, economic pressures made the gathering of seventh year fruits *excusable*, but not the selling of them.

Section D: The second mashal concerning Moses, attributed to R. Simeon bar Yoḥai (mid-second century C.E.),⁸⁸ is not found in conjunction with the parallel mashal of the two women (in *b. Yoma* and *Sifre Numbers*), but only in *Sifre Deuteronomy* and in *Leviticus Rabbah* 31:4.⁸⁹ Some commentators have questioned the relation of this mashal to what precedes and follows it since it neither comments explicitly on Deuteronomy 3:23 nor relates directly to the comparison of David and Moses. At best, it would seem to be included through association with the Waters of Meribah which are referred to at the end of section C. Some have suggested that the mashal being extraneous should be considered a gloss and removed.⁹⁰ Surprisingly, this mashal is not found in rabbinic commentaries on Num. 20:13, 27:14, or Deut. 33:8, where it would seem more appropriate.⁹¹ The passage contains internal difficulties which have already been noted: the Waters of Meribah are referred to five times in Scripture, not three, and what does Miriam's death have to do with these waters?⁹²

The overall meaning of the mashal together with its nimshal is quite clear. God is so grieved (like the king for his son) by the deaths of Moses, Aaron, and Miriam that he repeatedly (once for each) mentions the place in connection with which they died. These three "judges" were brought down in connection with a rock, and for this reason God (through the words of Scripture) keeps returning, as it were, to that place.⁹³

Does this mashal have any connection with its context in *Sifre Deuteronomy*? If it originally circulated independent of its present context (which we might assume but cannot prove), why is it preserved here and

(88) The attribution to R. Simeon is lacking in L.

(89) This mashal also appears in *YhM Psalms* 141.7 (ed. Buber) 137a, under the heading "Sifre." However, Buber in a note states, "This attribution is incorrect for it [the passage] does not appear in *Sifre*, only in *Lev. Rab.* 31.4." I do not know which *Sifre* text Buber used, but in all of the manuscripts and printings of *Sifre Deut.* the mashal appears. Perhaps he looked in *Sifre Numbers*. Note that *YhM Prov.* 18:23 (ed. Grünhut) 4b-5a omits this mashal. Grünhut comments, "*Sifre* brings after this [the mashal of the unripe figs] another mashal . . . but the Makiri has omitted it since it does not pertain to the verse being commented upon."

(90) Note Finkelstein's comment *ad loc.* (p. 37), and Grünhut's comment cited in the previous note.

(91) Nowhere else is the repetition of "Waters of Meribah" commented upon.

(92) See above, nn. 46, 47.

(93) Such scriptural repetitions cannot to the midrashic mind be mere redundancies. They are understood here as indications of God's grief. It is as if God begins to stammer when he recalls the event of the Waters of Meribah. See *Toledot 'Adam*, 26. May there be here a sense that God, like the king-father of the mashal, feels some responsibility for what happened and is therefore particularly upset? On God's mourning for Moses, see *Sifre Deut.* 305 (ed. Finkelstein) 327.

not in a more appropriate place? What if anything does it add here? I can see a few possibilities, which are admittedly speculative: 1) **Just as** Moses had reasons for having his sin recorded, so did God. 2) **In the context** of commenting on Moses' supplication for mercy, this mashal portrays God's own deep grief at Moses' death, thereby softening (perhaps in anticipation) God's harsh response in Deut. 3:26 ff. 3) **Section D** (like section C before it, but more explicitly so) establishes what the Deuteronomist fails to establish, that Moses' death is a punishment for his own sin at the Waters of Meribah,⁹⁴ yet suggests as well the tragedy of Moses' death since he, like the son of the mashal, is not wholly responsible for what befalls him.

This is not to suggest that this mashal was created for the purpose of commenting on Deut. 3:23 ff., for in its present form it so obliquely addresses these verses that we must assume it to have previously circulated in some other context which we cannot know. Whether and to what extent the redactor of our text reworked this mashal (as we have seen was the case with the previous mashal) cannot be determined since we have no parallels to this mashal in other contexts with which to compare it. Clearly, this mashal does not fit smoothly into its present context and its only explicit link with that context is that it deals with the Waters of Meribah. But this is not sufficient grounds for removing or ignoring it, for once in place it seems to add to the developing interpretation of Moses' supplication before God. Knowing at this point God's bereavement at and sense of responsibility for Moses' death, knowing of His own need to record the reason for Moses' death, we sense the pathos of Moses' plea for divine mercy even more intensely. Was this the redactor's intent or simply the unintended effect of his collage? It is impossible to say because, unlike what we have in the previous section, we have no means for comparatively assessing his redactional creativity. We must consider one other possibility too: perhaps the redactor intentionally hid his hand, thereby enabling this juxtaposition of traditions to work its effect more subtly, yet more effectively. This too is beyond our means to determine.

Section E: Our midrash finally turns to David, who unlike Moses desires that his sin (slaying Uriah for Bathsheba, 2 Sam. 11) not be recorded. As we have seen, this contrast between David and Moses appears in other rabbinic sources (e.g., *b. Yoma* 86b, quoted above), but in them the treatment is briefer and with significant differences.⁹⁵ Those

(94) See above, n. 28.

(95) For the parallels to *b. Yoma* 86b, see above, n. 62. Also relevant is *b. Sanh.* 107a, on which see above, n. 66.

sources include David in the parable of the two women and simply state, without explanation, that he wished his sin to be kept secret, as he is reported to have said, "Happy is he whose transgression is forgiven, whose sin is covered over [hidden]" (Ps. 32:1). In such parallel passages we are not explicitly told why David desires this, but may safely assume that he simply does not want the seriousness of his sin (adultery and murder) to be known. Once forgiven, David wishes his sin to be forgotten.

Only one parallel to our passage, *Sifre Zuta* ad Num. 27:14, tells of God's response to David's request:

God said to him, "Does it not matter to you that people might say, 'David must have committed several transgressions, but God did not record them.' Rather, I am recording that there was only one, as it is said, 'For David had done what was pleasing to the Lord . . . except in the matter of Uriah the Hittite' (1 Kings 15:5)."⁹⁶

Thus, if David's sin were not recorded, people would think even worse of him, supposing that many sins were responsible for his misfortunes. This is similar to the reason given in the parallels to *Sifre Deuteronomy* concerning Moses' reason for having his sin recorded: people should not suspect him of having done something worse than he actually did.⁹⁷

Sifre Deuteronomy, however, provides a different response from God. Here God's concern is not with what people will think of David, but with what they might suppose concerning God's favorable treatment of the righteous. Now the fear is not that knowing David's punishment the people will wonder about his sin, but knowing his sin they will wonder about his punishment, thinking he has been forgiven as a special favor. Comparing the two versions of God's response, it is clear that the one in *Sifre Zuta* directly addresses David's wish not to have his *sin* recorded, while that in *Sifre Deuteronomy* does not. The latter is incongruous, for how does God's response address David's request? Certainly, the people would only suspect David of having been pardoned by divine favor if his sin, but not its punishment, had been recorded.⁹⁸ What is interesting here is that just as *Sifre Deuteronomy* seems to have changed Moses' reason for wanting his sin recorded, so too it appears to have changed

(96) Ed. Horovitz, p. 319. A similar sentiment is expressed by *Sifre Num.* 137. See above, n. 83.

(97) See above, n. 83.

(98) One way to remove this difficulty is to assume that people would have found out about David's sin even if it weren't recorded in Scripture. Not to record it would lead them to suspect that God had shown him special favor by removing his sin from the record and secretly forgiving him. See David Pardo, 179c.

God's reason for having David's sin recorded. Only in our text is the issue of special favor explicitly raised in conjunction with David's request. The midrash will soon tell us that a close reading of Scripture reveals that David indeed suffered *several* punishments for his sin, receiving no divine favor after all. But before doing so it presents us with another *mashal*, to which we now turn.

The *mashal* of the man who borrows wheat from the king appears only in *Sifre Deuteronomy* (and the dependent *Yalqut Šim'oni*⁹⁹). Its meaning is difficult to discern, as evidenced by the many textual variants exhibited in the manuscripts and early editions, as well as in the diversity of interpretations expressed by *Sifre's* commentators.¹⁰⁰ The text of the Vatican Ms., as given and translated above, makes, it seems to me, the best sense of all the possibilities.¹⁰¹

As mentioned, this parable tells of a man who incurs a large debt to the king. The people, realizing the difficulty this man will have in making repayment, assume that the king made the loan on the condition of a pledge, for which he gave the man a receipt; in the event of default the debtor would be protected. But when the man fails to make payment, the king enters his house and seizes his children to have them sold as slaves in payment of the debt. The people now realize that their first impression was wrong; the debtor had not been so lucky as to be protected by a pledge and receipt. Indeed, he ends up paying dearly for his forfeiture.¹⁰² The *nimshal* is that David too payed dearly, several-fold, for his sin. The fourfold punishment, according to the Talmud, refers to the deaths of Bathsheba's child, Amnon, Tamar, and Absalom all in David's lifetime.¹⁰³

The motif of the debtor and/or his family being sold into slavery for failure to pay a debt is to be found in the Bible, and especially in Jewish and non-Jewish sources of Greco-Roman times, apparently reflecting a not uncommon occurrence.¹⁰⁴ Note, for example, Josephus' restatement

(99) *Yalq. Šim'oni* 1.811 (ed. Salonika) 5.294d.

(100) See above, nn. 37-42, 48-53, Excursus B.

(101) See above, n. 31. On problems with Finkelstein's text, see above, n. 38.

(102) On this interpretation, see Excursus B and n. 50.

(103) *b. Yoma* 22a. On David's sixteen-fold punishment (above, nn. 41, 52) see *Yalq. Šim'oni* Samuel 147 (ed. Salonika) 6.33d (148 in the Vilna edition, where the source is said to be "midrash"): "R. Judah bar Ḥanina (ca. 250) said: The Holy One, blessed be He, said to David, 'You committed one act of adultery, sixteen acts of adultery will be committed against you. You murdered one, sixteen murders will be committed against you.' *'arba' tayim*, four times four equals sixteen."

(104) In the Bible, there are several examples of debtors and/or their wives or children being taken as slaves: 2 Kgs. 4:1; Neh. 5:5, 8; Exod. 21:7; Lev. 25:39-41; Amos 2:6; 8:6; Isa. 50:1; Prov. 22:7. On the Hebrew law of selling a convicted thief into slavery to pay for his theft, see Exod. 22:2; Josephus, *Ant.* 16.1.1 (1-5) (LCL 8.208-11); *Mek. Neziqin* 13 (ed.

of Deut. 24:10, which prohibits the creditor, upon making a loan, from entering the house of the debtor to seize his pledge, requiring him instead to wait outside while the debtor brings out the pledge: "But if they are shameless concerning restitution, one must not prowl about the house to seize a pledge before judgment has been given on the matter."¹⁰⁵

The best parallel to our mashal is to be found in Matthew 18:25. There, also in a parable, a king, discovering that one of his officials owes him a large amount which he is unable to pay, orders him to be sold,

Lauterbach) 3.104; *p. Soṭa* 3.8 (19b); Exod. 21:2; *Mek. Neziqin* 1 (ed. Lauterbach) 3.3; *b. Qidd.* 17b, 18a; *Sifre Deut.* 118 (ed. Finkelstein) 177; *m. Soṭa* 3:8; *t. Soṭa* 2.9; *Mek. Neziqin* 1 (ed. Lauterbach) 3.9-10; *b. Qidd.* 22a; *m. Git.* 4:9; *Mek. Neziqin* 3 (ed. Lauterbach) 3.20. Note Hammurabi 117, according to which a debtor's wife and children can be offered by him as pledges. Cf. Hammurabi 151. In rabbinic literature note especially *b. Git.* 46b: "Certain Jews of Makasin [SW Babylonia] borrowed money from heathens, and when they were unable to pay the latter seized them as slaves."

In Roman and Egyptian legal practice it was not uncommon for a debtor or his family to be taken as slaves in the event of loan forfeiture (*obligatio*), or for a debtor to provide his wife and children as pledges. See S. Sohm, *The Institutes: A Text Book of the History and System of Roman Private Law* (trans. J.C. Ledlie; Oxford: Clarendon, 1901) 392; W.W. Buckland, *The Roman Law of Slavery* (Cambridge: At the University Press, 1908) 420-1; B. Cohen, *Jewish and Roman Law: A Comparative Study* (2 vols.; New York: JTS 1966) 167, 169; R. Tauberschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri 332 B.C.-640 A.D.* (2nd ed.; New York, Herald Square, 1944) 38, 53, 55, 56, 104-5; A. Deissmann, *Light from the Ancient East* (trans. L. Strachan; New York: George H. Doran, 1927) 269-70; S. Zeitlin, "The Halakhah," *JQR* 39 (1948-9) 7. See Ziegler, *Königsleichnisse*, 251, n. 4. *The Novels of Justinian* 134.7 (ca. 540) finally prohibited the taking of children into slavery for the failure of their parents to pay debts. Also relevant is Matt. 18:25, to be discussed presently.

(105) *Ant.* 4.8.26 (267-8). The Hebrew text of Deut. 24:10 would seem to refer to a pledge taken as security at the time the loan is made: *ki taššeh bere'aka mašša't*. See Driver, *A Critical Exegetical Commentary on Deuteronomy*, 275-6. Josephus has been influenced perhaps by the LXX: *ean ophelēma ē en tō plēsion sou* ("If your neighbor owes you a debt"). Similarly, Philo paraphrases the biblical law: "A creditor must not enter the houses of his debtors to take with violence a pledge or surety for the loan, but must stand outside in the porch and quietly bid them bring it out. They, if they have it, must not hold it back, since the right course is that, while the creditor must not abuse his power to deal inconsiderately and insolently with the borrowers, the latter must render the proper surety as a reminder to repay what belongs to another." *De Virtutibus* 16 (89) (trans. F.H. Colson; LCL 8.216-17). Philo also seems to be dealing with a pledge taken when the loan is due. Note *m. B. Meš.* 9:13: "One who loans anything to his fellow (*hammalweh 'et habero*) may only exact a pledge from him before a court, and he may not enter his house to take his pledge, for it is written, 'You must remain outside' (Deut. 24:11)." It is unclear whether the Mishnah refers to the time when the loan is made or when it is due. Rabbinic tradition understands the latter, and adds the further stipulation that only the court's agent (*šaliah*) can exact the pledge, eliminating all contact between the creditor and debtor in this matter. See *b. B. Meš.* 113a-115a; *t. B. Meš.* 10.8; *p. B. Meš.* 9.15 (12b); *Sifre Deut.* 276 (ed. Finkelstein) 294-5. Note that while the *Pešitta* follows the LXX in translating Deut. 24:10, the *targumim* have, "when you make a loan." On rabbinic laws of pledges, see M. Elon, "Pledge," *Encfud* 13.636-44.

along with his wife, children, and property, in payment of the debt. When the debtor pleads for mercy, the merciful king not only releases him, but forgives the debt as well. The forgiven debtor, however, fails to exercise similar mercy in his dealings with those who borrow from him, and the king, learning of the man's behavior, has him tortured until the original debt is repaid. The similarity of the parables in Matthew and *Sifre Deuteronomy* suggests that they draw upon a common tradition or font of parable motifs. However, their equally significant differences, intended to teach different lessons, would seem to deny any direct dependence. The parable in Matthew teaches that just as God (the king) is merciful to his servants, so must they exercise mercy in their dealings with their fellows; if they do not, they will not be worthy of divine mercy. The parable in *Sifre Deuteronomy* teaches that David (the debtor) did not receive any special favors from God (the king) because of his merits or special relationship, but was made to pay four-fold (or sixteen-fold) for his sin.

In stressing the full extent of David's punishment, the midrash makes clear that he received no special favor. The specific relationship between the mashal and the nimshal, however, is not explicitly drawn in our text and has stumped several commentators. I suggest the following: Just as the onlookers in the mashal suppose the debtor to have received special terms which would protect him in the event of forfeiture, so too God's concern, as expressed in the midrash, is that people might think that David, because of his merits, had been pardoned for his sin. Just as the people of the mashal learn that favorable arrangements had not been made for the debtor, so too Scripture's readers learn that David paid in full for his wrong-doings. Just as the debtor's misfortune is revealed to all, so too the record of David's sin and punishment is made public by being recorded in Scripture.¹⁰⁶ As Nathan says, "Thus says the Lord . . . 'You acted in secret, but I will make this happen in the sight of all Israel in broad daylight'" (2 Sam. 12:12). David's sin and its punishment are made known so that all will know that the righteous are held fully accountable before God for their deeds. As one traditional commentator on the *Sifre* explains, "When God punished David, making him pay fourfold, everyone knew that the Lord did not take David's merits as a pledge for the debt of his sin, but rather punished him for his sin, his

(106) As mentioned above (nn. 50, 98), the mashal does not fit entirely smoothly into its exegetical context: is it supposed to illustrate how David's sin might have been forgiven, or how it might have been left unrecorded? The theme that connects the mashal to its midrashic context is that of special favor: neither the debtor nor David received special favors; both, in the end, paid dearly in public view for their unmet obligations.

merits being stored away." The righteous cannot pledge their accumulated merits for the debt of their sins.¹⁰⁷

The prooftexts at the end of section E are not well integrated into what precedes. In light of the talmudic treatment of David's sin, they indicate that in the end David not only confessed, repented, and was forgiven (though not without being punished), but *agreed* to have the story of his sin publicly recorded.¹⁰⁸ Perhaps, as David Hoffmann suggests, Ps. 51:6 is used here to prove that David consented to the recording of his sin not for his own sake but for the sake of divine justice, so all would know that God does not favor the righteous in judgment.¹⁰⁹

Once again we see how a familiar tradition, David's desire not to have his sin recorded, has been subtly transformed so as to bear significantly new meanings in the context of commentary on Deut. 3:23. By connecting David's initial desire not with the mashal of the two women flogged in public for improper behavior but with the mashal of the man who borrows wheat from the king, a new theme is introduced: the righteous are fully punished for their sins, their merits earn them no credits toward relieving them of their debts, and their creditor demands payment from them as He does from all others. David is no longer simply a foil to Moses, but emerges himself as an exemplar of this principle.

Section F: While sections B through E (with the possible exception of section D) treat a common theme, the contrast between Moses' and

(107) *Toledot 'Adam*, 26. Similarly, the *Nesib*, 23. This theme is found again in *Sifre Deut.* 347 (ed. Finkelstein) 404: "R. Hanania ben Gamaliel (ca. 125) says: Never is a credit [for a good deed] exchangeable for a debit [for a sin], and neither a debit for a credit, except in the cases of Reuben and David . . . But the sages say: Never is a credit exchangeable for a debit nor a debit for a credit, but reward is given for good deeds and punishment for sins." But cf. *Sifre Deut.* 349 (ed. Finkelstein) 407, where Levi is said to have paid back the debt of a sin with the credit of a good deed.

(108) First David confesses: "I stand guilty before the Lord" (2 Sam. 12:13). As a result his life is spared: "The Lord has remitted your sin; you shall not die" (*ibid.*). But nonetheless, David agrees to having his sin publicly recorded: "For I acknowledge my offense, and my sin is before me always: 'Against You alone have I sinned and done what is evil in your sight' — That you may be justified in your sentence, vindicated when you condemn" (Ps. 51:5–6). David realizes that to hide his sin and punishment, to have them removed from the scriptural record, would cast doubts upon God's justice. See *b. Yoma* 86b and *b. Sanh.* 107a.

(109) In *MhG* ad Deut. 3:23 (ed. Fisch) 54 the citation from Ps. 51:6 is introduced *before* the mashal, as follows: "David said before the Lord, 'Let not the sin which I have committed be recorded after me.' He [God] said to him, 'It is impossible! For people should not say, 'It is because He loved him that He forgave him,'" as it is said, 'Against you alone have I sinned.' Why does he say this? 'That you may be justified in Your judgment.'" D. Hoffmann, in a note to this text as he prints it in *Midras Tanna'im* (p. 13), says: "That is to say, that it was proper for David's sin to be recorded so that people would recognize God's justice, that He does not show favor."

David's attitudes to the recording of their sins, the relation of this motif to Deut. 3:23 has not yet been made clear. The link is made in section F, which by repeating the refrain "two fine leaders" establishes a connection with what precedes, and in implicitly associating the verb *wa'ethannan* ("I sought [the Lord's] favor") with the adverbial substantive *hinnam* ("gratuitously"), both stemming from the root *hnn*, establishes a connection with Deut. 3:23. Thus, it is through section F, appearing only in *Sifre Deuteronomy*, that sections B–E are made to comment on our verse.¹¹⁰

However, a significant shift in emphasis has occurred. David and Moses are no longer contrasted, but *both* serve as examples of leaders who despite their greatness and accumulated merits petitioned God empty-handed, that is, with complete humility. As the Talmud states, "It is well for the righteous that they receive no favors in this world."¹¹¹ Moses and David are now exemplary models for petitionary prayer. This shift, however, should not come as a surprise; we were prepared for it in the preceding section. There we saw how the tradition of contrasting Moses and David had been subtly transformed so as to present a more positive view of David as someone who at first desires that his sin not be recorded, but finally accepts that it be recorded so that people would not think him to have been pardoned because of God's love of him. The issue of special favor, therefore, already raised in section E, is now made more explicit and central in section F, finally being connected with the word *wa'ethannan* of Deut. 3:23. This word describing Moses' prayer is understood to denote not simply supplication, but supplication for *gratuitous* favor.¹¹²

Section G: The final section exhibits a common rabbinic literary form,

(110) On the play between *hinnam* and *wa'ethannan*, see above, n. 54.

(111) *b. Yoma* 87a (shortly following the tradition in *b. Yoma* 86b discussed above), which continues: "It is good for Moses that he was not shown favor in this world, as it says (Num. 20:12), 'Because you were not faithful to me in showing forth my sanctity.' Behold, had you been faithful to me your time would not yet have come to depart the world." The tradition that Moses did not receive special favor at his death is reiterated elsewhere in *Sifre Deut.*: 304, 339 (ed. Finkelstein) 323, 339. Note especially Josephus, *Ant.* 4.8.48 (326) (trans. Thackeray; LCL 4.633): "But he [Moses] has written in the sacred books that he died, for fear lest they should venture to say that by reason of his surpassing virtue he had gone back to the Deity." According to Josephus, Moses recorded his own death, lest the people think that God had favored him with immortality. This is similar to the reason that God gives David for having his sin recorded: people should not think that God forgave him out of His love for him.

(112) Moses' supplication is no longer simply the audacious appeal of a spoiled child for special favor, but a proper appeal for unfavoring mercy. Note again the variant *mattenat hinnam* ("undeserved gift"), above, n. 54.

"the enumeration of scriptural examples."¹¹³ Any one of ten Hebrew terms, we are told, could have been employed in Scripture to describe Moses' prayer, but the one meaning "seeking favor" was used.¹¹⁴ While this sense is implicit in our text's listing of the biblical terms for prayer, it is made explicit in subsequent versions:

And why did Moses not use one of the other possible words for prayer, choosing rather a term for entreaties (*tahanunim*), *wa²ethannan*? When Moses stood before God and requested, "Show me, I pray, Your glory" (Exod. 33:18), the Lord responded, "I will show you," as it is said, "I will make all my goodness pass before you" (*ibid.*) "I have no obligation to any of my creatures, but I give to each gratuitously (*hinnam*)," as it is said, "I will be gracious (*wehannoti*) to whom I will be gracious (*ʔahon*)" (*ibid.*). Moses said to Him, "If so, deal charitably with me and grant me gratuitous favor (*hinnam*)." Therefore, "I sought the Lord's favor."¹¹⁵

Or, as another late version of our passage states, "Why is prayer called *tehinna* ('seeking favor')? Because one needs to utter it as entreaties (*tahanunim*)."¹¹⁶ Our text lacks such elaborations, simply providing a list of terms for prayer with their biblical prooftexts, ending with *wa²ethannan* as an example of *tehinna*. It is only in the context of the larger midrash that the meaning of this list becomes clear. The word *wa²ethannan* must have been chosen for a reason, says the midrashic mind, that reason being suggested by the preceding two sections: *wa²ethannan* reveals that Moses' supplication was for *gratuitous* favor.

While Heinemann feels that our version of this list represents an abbreviation of an older, more explicit version similar to the later, fuller parallels, might not the opposite be the case?¹¹⁷ Perhaps the briefer form of the list in *Sifre Deuteronomy*, conforming as it does with the well

(113) See W.S. Towner, *The Rabbinic "Enumeration of Scriptural Examples"* (Leiden: E.J. Brill, 1973).

(114) On the fact that thirteen terms are listed, see above, n. 55. This type of list of scriptural terms by which something is called does not fall within Towner's categorization of the enumeration pattern since it does not appear in the *Mekilta* from which he drew his examples. For examples of this type of enumeration see *ʔAbot R. Nat.* 34 (ed. S. Schechter; Vienna, 1889; repr. New York: Feldheim, 1967) 50a: "By ten names of praise was the Holy One, blessed be He, called . . . By ten names of contempt was idolatry called." Similarly, *ʔAbot R. Nat.* 34 (ed. Schechter) 51b-52a: ten names for prophets, the Holy Spirit, and gladness.

(115) *Deut. Rab.* (ed. Lieberman) 36. Similarly, *Deut. Rab.* 2.1; *MhG* ad Deut. 3:23 (ed. Fisch) 57; *Tanh. Wa²ethannan* 3 (ed. Buber) 5a; *Tanh. Wa²ethannan* 3.

(116) *MhG* ad Deut. 3:23 (ed. Fisch) 57.

(117) Heinemann, *Derašot*, 39; *Petihta²ot šel tanna'im*, 132-3, n. 43.

attested early rhetorical form of "enumeration of scriptural examples," was initially chosen, even though it does not explicitly reveal the significance of the list. This section may have once circulated independent of an exegetical context, as do similar scriptural enumerations, and have been appended by the redactor, perhaps in part for the sake of preservation, as a conclusion to his commentary on Deut. 3:23.¹¹⁸ Whether such a list originally ended with *tehinna* ("seeking favor") and Deut. 3:23 or was consciously rearranged by our redactor for rhetorical purposes so as to end with the verse now being commented on, is impossible to determine, although this latter possibility appears to me to be likely. It is equally possible, however, that our redactor (or some penultimate redactor) himself created this list in conformity with a stock pattern, giving the impression that this tradition had an authority of its own.¹¹⁹ In either case we cannot ignore or dismiss, as does Heinemann, the phrase "another interpretation of *wa²ethannan*," which clearly suggests that this section be read as distinct from what precedes. Such a phrase can be interpreted in two ways: 1) We have here an indication that section G is not integral to what precedes, having been appended from some other "source." 2) The redactor consciously wished to create the impression (but only an impression) that now begins a new interpretation. However, upon completing the section the reader must ask what interpretation of *wa²ethannan* is in fact now being offered, and must realize upon reflection that indeed we have here not a new interpretation but a strengthening of the previous interpretation: Scripture's choice of the word *wa²ethannan* is not capricious but meaningful. Whatever redactional intent or activity is revealed in this transitional phrase, it would be difficult, if not impossible, to read section G apart from what precedes it. Naturally, later transmitters of this tradition sought to make explicit what is easily understood as the implicit connection between this list and what precedes it, thereby assimilating it to its midrashic context. Such reworkers of this tradition probably hoped to render an improvement on our midrash, but it seems to me quite possible that whoever

(118) On enumeration lists in non-exegetical contexts and their transfer to exegetical ones, see Towner, 59-117.

(119) In other words, was the list created for the sake of commentary on Deut. 3:23, or was it created for another purpose and subsequently adapted to its present context? Note that we have no lists of terms for prayer other than this one on *wa²ethannan*. See, however, *p. Ber.* 4.1 (7a-b), where we find: "*amida* ('standing') must refer to prayer . . . *siha* ('conversation') must refer to prayer . . . *pegi'a* ('beseeching') must refer to prayer." The first and last are on our list, while all three appear in *Midraš Leqah Tob* (ed. Buber) 5.6a, which lists seven names for prayer.

originally combined these sections intentionally left the connections and their meaning subtly implicit for reasons of rhetoric.¹²⁰

Striking is the symmetry which is achieved (whether by intent or not) by concluding our midrash with this list of words and prooftexts. This final section returns us to the lexical concerns of the opening section. Both stress the significance of Scripture's choice of words. We are finally brought back to the scriptural word with which we began and from which we may seem to have strayed, but which now clearly remains the subject of exegesis. That word, as mediated by Prov. 18:23, at first described Moses' supplication as being offered in humility. At the end we learn that other words could have been chosen to describe Moses' prayer, but were not. But what is the nature of Moses' humility, and what is the reason for Scripture's choice of *wa'ethannan*? The answers to these questions are supplied, as we have seen, by the intervening sections, even though none of them explicitly comments on Deut. 3:23. Thus, sections A and G bracket the middle sections, connecting them with the verse being commented on, while the intervening sections answer questions implicitly asked by sections A and G.

As an aside here I would suggest that the overall symmetry suggested by section G is even more extensive. Not only does section G reflect back on section A, but section F ("two fine leaders") echoes, although with an important twist, section B. Note as well how section E echoes (or mimics?) section C: let the sin/let not the sin be recorded after me; so that people should not say/ that people might say; if they see . . . they will know/ then everyone knew. Only section D is without its echo, suggesting either, as some have done, that it does not belong, or precisely the opposite, that God's bereavement at having to punish Moses is being made central, being emphasized.¹²¹

(120) Without getting into the thorny issue of whether a text such as ours was composed for oral or for written communication (or some combination of the two), we may assume that if the redactor had had as his intent something more than simple preservation, he would have wanted to shape and combine the constituent traditions in such a way as to hold his audience's attention and to make an impression on them. This, of course, is the art of rhetoric. Several studies have been done on the rhetorical qualities of specific midrashic forms: *petizhta*, *mashal*, scriptural enumeration (see above, nn. 57, 78, 113). Other studies have focused on the rhetorical qualities of composition in specific midrash texts (see above, n. 14). More work of both sorts is needed, but there is also a need to examine more systematically rabbinic rhetorical methods in relation to Greco-Roman rhetoric. A beginning in this direction is made by H. Fischel, *Rabbinic Literature and Greco-Roman Philosophy* (Leiden: E.J. Brill, 1973); *idem*, "Story and History: Observations on Greco-Roman Rhetoric and Pharisaism" (above, n. 6).

(121) For the former possibility, see above, nn. 89, 90. To argue the latter we would

IV CONCLUSIONS

Having completed our tour of the text let us return to the questions with which we began. Does this earliest extant commentary on the opening word of the lection *wa'ethannan* reflect, as Heinemann suggests, a carefully crafted public sermon of the *petizhta* type, or, as Finkelstein suggests, an accrued composite of traditions, most of which (sections B through E) have little if anything to do with the exegetical context of commentary on Deut. 3:23? While I have no simple answer, I consider both of these views to be unsatisfactory, finding myself somewhere in between.

To the extent that it is possible to isolate the component traditions combined in this text they may be said to fall into the following three categories:

1. Traditions taken from other contexts, whether exegetical or not, which appear to have been significantly reworked so as to fit the new context of commentary on Deut. 3:23. Based on comparisons with their early parallels sections B, C, and the introduction to E fit this category. In transforming these traditions to fit the context of commentary on Deut. 3:23 the redactor creates certain internal incongruities, a further indication that these traditions are not original in their present context. For example, in section C the figure of the eating of unripe figs of the seventh year does not fit comfortably in the transformed king-mashal. Similarly, David's request not to have his sin recorded in section E does not accord with God's response, and the basic thrust of the mashal, that people should not think that God forgave David out of love or special favor. Some of these rough edges are eliminated in subsequent developments of the tradition as evidenced in later collections.

2. Traditions which appear to have been created specifically for this midrash. This is not to say that they are created *ex nihilo*, but simply that they do not have parallels in other contexts (admittedly an argument from silence), and that they seem to be particularly well suited to the present context of commentary on our verse. Sections A and F would fit this category. They both comment, the first explicitly and the second implicitly, on the word *wa'ethannan*.

3. Traditions which appear to have been transferred from other contexts to the present one without signs of significant revision or adaptation. Such traditions may acquire new meanings simply by virtue of the new company they now keep. Section D seems to fit this category.

_____ have to establish a greater degree of chiasmus than I think exists: $\begin{matrix} D \\ C-E \\ B \cdots F \\ A \cdots G \end{matrix}$ In any case,

there are clear echoes within our passage which cannot easily be dismissed.

Unfortunately, since we do not have early parallels to this tradition it is impossible to know its original context and how it may have functioned therein.

Other sections are more difficult to categorize. For instance, section G (the "ten" terms for prayer) may have been adopted as is from another, possibly non-exegetical context, it may have been adapted to the present midrashic context, or it may have been created expressly for our midrash, albeit in conformity with a stock rhetorical form. Similarly, the *mashal* of section E (the borrower of wheat) may have once circulated independently of its present context (although here again we have no extant early parallels), it may have been created for this midrash (although drawing upon a familiar *mashal* motif), or it may have been adapted from elsewhere to its present context. The last possibility seems the most likely since this *mashal* does not fit comfortably within its present literary frame yet seems to echo some of the language of section E.

Without intending these categories to represent hard and fast divisions I do think that they suggest something of the complex nature of composition and redaction reflected in our text. We have in this midrash neither a polished homily (Heinemann) nor a hodge-podge of disparate traditions arbitrarily attached by some loose principle of association to the first word of Deut. 3:23 (Finkelstein). We do not have here the public homily (and certainly not the *petihta*) of a *darshan*, for the disjunctions and incongruities which we have noted suggest the literary combining of traditions which originally did not belong together. On the other hand, there are clear indications that some of the traditions which have been combined have been significantly reshaped to fit their new context, and that certain repetitions of language give a sense of relative unity to sections which might not otherwise appear to go together.

What about thematic unity? We have seen that a dominant motif is evident for the midrash as a whole: Moses' prayer to God, described by Scripture with the verb *wa'ethannan*, is uttered in complete humility. Moses, for the rabbis a paradigm of learning and righteousness, a model teacher and leader, comes before God as if with no merits to his credit, requesting that his plea be judged without special favor. However, this motif is not evident throughout, that is, not in every section. Rather, it emerges gradually, being explicitly stated only near the end. The development and emergence of this theme in our midrash is most interesting. It is facilitated by the subtle ways in which the component traditions have been given slightly new meanings in the process of being reshaped and incorporated into the exegetical context of the midrash.

For instance, the comparison of Moses and David with respect to their

attitudes toward having their sins recorded (sections C and E), deriving from another, probably non-exegetical context, would appear at first to have little to do with our midrash's explanation of the word *wa'ethannan*. Thus, Finkelstein suggests omitting it from the text. Yet, when we look at how this tradition has been transformed, we see that it is in fact no longer unrelated to the theme of our midrash. Moses' request to have his sin recorded is made humbly, not for his own sake but for the sake of God's Torah. David's request not to have his sin recorded is refused; he must bear his punishment and have his sin recorded only so that people will not think that he received special favor due to God's love of him.

Similarly, section D, containing the *mashal* of the king who is distressed by the maiming of his son (for which, perhaps, he feels some responsibility) appears at first to have little relevance to Deut. 3:23. Yet, when integrated into the context of the developing motif of no special divine favor for the righteous, it becomes strikingly poignant. God, who mourns Moses' death (and, perhaps, like the king feels some responsibility), must reject Moses' request not to die outside the promised land so as not to appear to grant him special favor (of which he is worthy). Here, as in the previous example, we find a tradition to be not as unrelated to Deut. 3:23 and its proposed exegesis as at first it may have appeared.

However, why does the midrash communicate its interpretation in such a roundabout way? Why not simply eliminate the middle sections and state forthrightly: *wa'ethannan* suggests humble entreaties (Prov. 18:23); *wa'ethannan* suggests gratuitous favor (*hinnam*); *wa'ethannan* is only one of several words which could have been used to describe Moses' prayer, suggesting that Scripture's choice of this word is indeed deliberate and meaningful. The answer clearly lies in the art of rhetoric. The most direct way of saying something is not always the most effective.

Although I have argued, contra Heinemann, that we do not have in this midrash a *petihta*, the rhetorical method employed is somewhat akin. The *petihta* begins with a verse from the Writings, seemingly unrelated to the verse with which the lection is known to begin, and creates a situation of suspense as it weaves its web of interpretations upon interpretations which will eventually bring it, and by now its captive "audience" (whether listeners or readers), to the interpretation it wishes to communicate.¹²² Our midrash employs a similar, but not identical, tactic. It begins by interpreting Deut. 3:23 in light of Prov. 18:23, suggesting thereby something of its proposed exegesis, but then abruptly shifts to a tradition ("two fine leaders . . ."), perhaps familiar to its "audience," which would

(122) For literature on the *petihta*, see above, nn. 25, 57.

appear unrelated to and distant from the subject verse and its interpretation. A suspense is created: how will the midrash find its way from this distant tradition back to the already partially suggested exegesis of Deut. 3:23? The answer: through interpretation — not the interpretation of a distant scriptural verse, but that of an apparently distant tradition. This tradition, as we have seen, is subtly reworked (interpreted) so as to introduce the theme, first implicitly in section E and then explicitly in section F, of no special divine favor for the righteous, which is finally connected with Deut. 3:23. As in the *petihta*, the audience has a sense of where it is being led but is curious why such an indirect route has been chosen. As in the Israelite journey from Egypt to Canaan, the longer route, while not the quickest, may be, rhetorically and pedagogically speaking, the best.

To recapitulate: Our text reflects the collecting of several traditions which had previously not been connected with Deut. 3:23. However, the redactional work extends beyond mere collecting. The individual sections hold together, albeit not always smoothly, due to the relative unity of theme which is explicitly expressed by the outer frame (sections A, F, and G, all of which may be original to our midrash), and implicitly through the subtle changes which have been affected in the intermediate sections (borrowed from elsewhere), as well as through the recurrence of certain words and phrases in sections which might not otherwise appear to go together. We witness the creation of commentary out of tradition. When we look at later versions of our text contained in subsequent collections, we see this process continued: thematic and formal unity is strengthened and the remaining rough edges are knocked out.

To return to the question of our sub-title, I suggest that there is no simple answer. Clearly, the ways traditions have been combined and reshaped suggest conscious composition of commentary. But *how* conscious is hard to tell. Do the apparently disjunctive way in which individual traditions have been combined and the internal incongruities reflect the conscious creativity of the "storyteller" or rhetor who works such tensions into his narrative so as to hold his audience in suspense, or the haste of a collector/preserver of traditions who does not get to ironing out all such "seams"? I have suggested both for different sections of our text. At what point does relative formal and thematic unity such as we have witnessed cease to reflect the redactor's conscious *intent* and begin to be simply the text's *effect* on the mind of its reader/listener? Here the line between relatively objective literary criteria and more subjective impressions becomes blurred and our task of describing and evaluating the redactional activity which produced such a midrash meets its limits.

For the more we read and reread this kind of text and it becomes lodged in *our* minds, the better its pieces seem to fit together, the more its language seems to echo, and the more its messages seem to coalesce. The historian must be careful to recognize the limits of such inquiries into midrashic redaction, distinguishing always between controlled analysis and intuitive impressions. It is all too easy when searching for a consistent "mind" behind such a collective text to find it, but only after having read too much between the lines.

There are other questions to be asked but which cannot be answered solely through the investigation of such a relatively small text sample as we have analyzed. Is there a single redactor who stands behind our text, or did the text as we have it come into being in several stages, each with its own redactor? In other words, does the text which we have represent the first rabbinic commentary on *wa'ethannan*, or was it preceded by earlier, no longer extant versions, perhaps with even more rough edges which were gradually eliminated as the traditions settled-in within their new-found literary context? Did our text or its predecessors once circulate independent of a commentary on the whole of the Book of Deuteronomy; that is, was its redactor the same as that of other sections of *Sifre Deuteronomy* or of the collection as a whole?¹²³

Clearly, answers to the above questions can only be found once the commentary as a whole has been studied, unit by unit. Only then will redactionary patterns possibly emerge. The conclusions of this study, as preliminary as it is, raise suggestive considerations for the study of the larger document of *Sifre Deuteronomy* and of early rabbinic midrash in general:

1. Our particular text is composed of traditions which originated in contexts other than commentary on Deut. 3:23, and which, beyond being collected by association with this verse, have been subtly but significantly reshaped so that in combination they communicate a statement on the meaning of *wa'ethannan*. Future studies will determine whether the same sort of commentary building is evidenced elsewhere in *Sifre Deuteronomy*, both in its legal and non-legal sections.¹²⁴

(123) See above, nn. 3, 14, 15, 21 and Excursus A.

(124) I stress that the same kind of comparative and literary analysis must be applied equally to the legal as to the non-legal sections into which *Sifre Deut.* is fairly evenly divided. It will be interesting in the end to compare the commentary building of the legal sections (said to derive from the "school" of R. Akiba) with that of the non-legal sections (said to derive from the "school" of R. Ishmael). *Sifre Deuteronomy* can provide, therefore, an interesting test case for a comparison on legal and non-legal early rabbinic midrash, as for the theory that our extant tannaitic midrashim reflect the exegetical methods and traditions of the schools of Rabbis Akiba and Ishmael.

2. Since both significant redactional activity and scriptural commentary are embodied in this text, we must speak of this midrash as comprising interpretation both of tradition and of Scripture. This dual character of midrash needs to be more fully described and appreciated.¹²⁵

3. The combining and reshaping of tradition so as to comment on Scripture employs rhetorical methods which have been preliminarily described, but which require much further study, particularly with an eye to broader historical, social, and cultural contexts which may have influenced them.¹²⁶

4. The creation of commentary such as we have seen begins with an initial redactor who combines and reshapes traditions, but that process continues as the newly formed text is transmitted (whether orally or in writing) through other hands who further alter its constituent traditions so as to fit them more congenially into their literary context. The literary quality of the transmission of midrashic tradition needs to be more fully studied.¹²⁷

5. Turning to the difficult question of historical provenance, it seems to me that our text is best viewed as part of *inner* rabbinic discourse. Two factors suggest this: (a) The subtle reworking of tradition in our commentary (especially that of "two fine leaders . . .") may suggest an audience already familiar with such tradition and its original meaning. Such an audience would be particularly surprised when a familiar tradition is unexpectedly and incongruously introduced, and then impressed when it is reworked so as to bear new meanings which contribute to the

(125) The critical scholar of midrash cannot simply adopt midrash's own conceit; i.e., that all midrash does is unlock and reveal the hidden meaning of the eternal biblical text. Certainly, but subtly, Judaism itself, as a historical tradition, develops in part through the medium of scriptural exegesis. The rabbinic sages, in their wisdom, have said, "What is Torah? The interpretation (midrash) of Torah" (*b. Qidd.* 49b). Modern students of midrash, in their wisdom, might well say, "What is Midrash? The interpretation of Midrash." On the need to view midrash within historical context, see above, nn. 6–13.

(126) See above, n. 120.

(127) As noted above (nn. 13, 16), some assume that midrash, especially the non-legal sort, is a popular expression informally transmitted by word of mouth. The more formal, literary (even if once oral) nature of our *extant* midrashic collections is often not taken seriously enough, particularly the possibility that the creation and transmission of such texts were the work of rabbinic specialists. This is not, of course, to deny the abundant folkloric motifs which undoubtedly lie embedded in our texts, but to stress that the literature as we now have it cannot be assumed to be a folk literature. See Sarason, "Towards a New Agendum," 56, n. 6. The assumption that informal oral transmission of tradition lies immediately behind our extant midrashic sources mars, it seems to me, much of Heinemann's *Aggadot wetoledotehen*, particularly, pp. 17–48. See the review by D. Sperber, *Bibliotheca orientalis* 33 (1976) 356–7.

unfolding of the commentary.¹²⁸ (b) The emphasis of our midrash is on the petitions of the *righteous*, who despite their accumulated merits are required to seek God's gratuitous mercy. In the context of rabbinic tradition, which stresses the cultivation of piety and righteousness and the consequent "closeness" with God enjoyed by the pious master, and which entrusts significant leadership authority to the rabbinic sage, the example of Moses (and David) as expressed by our midrash provides an antidote to the potential for (and perhaps in some cases the reality of) rabbinic hubris. When it comes time for judgment, regardless of whatever prerogatives and powers the Sage has acquired through his merits of service to God and community, he stands empty-handed like everyone else, beseeching God for gratuitous and undeserved favor.¹²⁹

Ironically, despite the fact that Moses *correctly* petitions God for gratuitous favor, thereby serving as a positive model for future generations of sages, his request is denied. Our midrash implies that despite Moses' merits and despite his proper attitude in prayer his petition could not be granted, for were it granted, some might think that God had forgiven him because of special favor, and this could not be countenanced. The righteous, despite their merits and despite their humility, are punished for their sins, even their minor sins, even with death, even with untimely death, while God grieves, and while man continues to seek gratuitous divine favor.

(128) The rhetorical method here may be one of imitation or parody: that which is familiar is given a slightly new, sometimes ironic twist. The *petihta* form, perhaps having its origins in public preaching, similarly requires an audience familiar with Scripture, for otherwise the rhetorical force of the *petihta* would be lost: familiar verses are juxtaposed in unfamiliar ways so as to suggest new and unexpected meanings.

(129) The *gal wehomer* of section F states that if Moses and David sought gratuitous favor, how much more so should their *students* and *students' students*. On the question of rabbinic provenance, see above, n. 17.

The motif of rabbinic humility hardly needs exemplification, but see nonetheless: *m. Sota* 9:15: "When Rabbi died, humility and fear of sin ceased." *b. Abod. Zar.* 20b (cf. *p. Seqal.* 2.4 [47c]): "Holiness brings one to humility, humility brings one to fear of sin, fear of sin brings one to piety, piety brings one to the Holy Spirit . . . R. Joshua ben Levi, says: Humility is greater than all of them." *Abot R. Nat.* 7: "Teach the members of your household humility."

Should our midrash's emphasis on the theme of God's gratuitous favor (grace) be viewed in the context of spreading Christianity, with its enunciation of a doctrine of grace, and rabbinic Judaism's response to it? Perhaps. But the emphasis here is less on God's grace than on the correct attitude of the righteous, who seek no special consideration for themselves when standing in petition for divine mercy.

EXCURSUS A:

THE DATING OF SIFRE DEUTERONOMY AS A COLLECTION

It is impossible here to survey fully the primary and secondary literature which bears on this question, inseparable as it is from the broader question of the nature, dating, and provenance of the so-called tannaitic (or halakhic) midrashim in general. The following literature, while not exhaustive, is representative: Ch. Albeck, *Mabo² lattalmudim* (Tel Aviv: Dvir, 1969) 79–143; *idem*, *Untersuchungen über die halakischen Midraschim* (Berlin: Akademie-Verlag, 1927); L. Blau, "Beiträge zur Erklärung der Mechilta und des Sifre," *Festschrift zum achtzigsten Geburtstage Moritz Steinschneider's* (Leipzig: O. Harrassowitz, 1896) 21–40; B. DeVries, *Mabo² kelali lesiprut hattalmudim* (Tel Aviv: Sinai, 1966) 82–97; J. N. Epstein, *Mebo²ot lesiprut hattana'im* (Jerusalem: Magnes, 1957) 501–15, 521–44, 625–33, 703–24; *idem*, "Mekilta² wesipre besipre harambam," *Tarbiz* 6 (1934/5) 343–82; M. Friedmann, ed., *Mechilta de Rabbi Ishmael: der älteste halachische und hagadische Midrasch zu Exodus* (Vienna, 1870) ix–lxxx; L. Finkelstein, "The Sources of the Tannaitic Midrashim," *JQR* 31 (1940–1) 211–43; *idem*, "Studies in the Tannaitic Midrashim," *PAAJR* 6 (1934–5) 189–228; Z. Frankel, *Darke hammišna, hattosepta², mekilta², sipra², wesipre* (Tel Aviv: Sinai, 1959) 1–21, 325–8; A. Geiger, *Urschrift und Übersetzungen der Bibel in ihrer Abhängigkeit von der innern Entwicklung des Judentums* (Frankfurt a.M., 1928) 434–50; I. B. Gottlieb, "Language Understanding in Sifre Deuteronomy: A Study of Language Consciousness in Rabbinic Exegesis" (Ph.D. dissertation, New York University, 1972); R. Hammer, "Section 38 of Sifre Deuteronomy: An Example of the Use of Independent Sources to Create a Literary Unit," *HUCA* 50 (1979) 165–78; M.D. Herr, "Sifrei," *EncJud* 14 (1971) 1519–21; *idem*, "Midreshei Halakhah," *EncJud* 11 (1971) 1521–3; D. Hoffmann, *Zur Einleitung in die halachischen Midraschim* (Berlin, 1888); S. Horowitz "Sifre," *Jewish Encyclopedia* 11 (1904) 332a–333b; J. Kaplan, *The Redaction of the Babylonian Talmud* (New York: Bloch, 1933) 279–80; N. Krochmal, *Moreh nebuke hazzeman* (Lemberg: Y. Schneider, 1851) 161–204; J. Lauterbach, "Midrash and Mishnah: A Study in the Early History of the Halakah (1915)," *Rabbinic Essays* (Cincinnati: Hebrew Union College, 1951) 163–256; *idem*, "Midrash Halakah," *Jewish Encyclopedia* 8 (1904) 569b–72a; E. Z. Melamed, *Hayyahas šeben midreše halaka lammišna welattosepta²* (Jerusalem, 1967); *idem*, *Mabo² lesiprut hattalmud* (3rd ed.; Jerusalem: Kiryat Seper, 1961) 11–17; S. K. Mirsky, "The Schools of Hillel, R. Ishmael, and R. Akiba in Pentateuchal Interpretation," *Essays Presented to Chief Rabbi Israel Brodie on the Occasion of his Seventieth Birthday*

"Midrash Haggadah," *Jewish Encyclopedia* 8 (1904) 550a–69b; B. Z. Wacholder, "The Date of the Mekilta de-Rabbi Ishmael," *HUCA* 39 (1968) 117–44; I. H. Weiss, *Dor dor wedorešayw* (5 vols.; New York & Berlin: Platt & Minkus, 1924) 2.225–38; L. Zunz, *Hadderašot beyišra²el* (ed. and expanded Ch. Albeck; Jerusalem: Bialik Institute, 1947) 27, 241 (nn. 43, 44).

The difficulty with dating the redaction of our *Sifre* collection (and of the other so-called tannaitic midrashim) in the amoraic period (third through fifth centuries) is that the two talmuds do not explicitly refer to it. The Palestinian Talmud never refers to a collection called *Sifre*. The Babylonian Talmud refers to a halakic collection of this name (*Ber.* 47b, *Meg.* 28b, *Hag.* 3a, *Sanh.* 86a [containing a barayta on Deut. 24:7 not found in our *Sifre*], *Qidd.* 49b, *Šebu.* 41b), but there is no reason to assume that such a collection of baraytot, even if containing principally scriptural exegesis, was organized as a running scriptural commentary. Elsewhere we find references to *še'ar sipre debe rab* ("the other books of the school"), from which exegetical traditions seem to be drawn (*b. Yoma* 74a on Lev. 16:31, found in our *Sifra*; and *b. B. Bat.* 124b on Deut. 21:17, not found in our *Sifre*). Once again, there is no reason to assume that these references are to a book of scriptural commentary, much less to one identical to our *Sifre*. The *proper* name *Sifre deve Rav* by which our *Sifre* much later comes to be known is not evidenced as such in the talmuds. While there are many examples of mishnaic and talmudic traditions which are identical or similar to those contained in our *Sifre* (see Melamed, *Hayyahas*), these do not establish the existence of our *Sifre* as a *commentary* collection in amoraic times. All of these collections could have drawn on common sources (written or oral) which are no longer extant. See Jacob Neusner's comparison of Mishnah tractate *Nega'im* to *Sifra* in his *History of the Mishnaic Law of Purities*, Part 7 (Leiden: E. J. Brill, 1975). That post-talmudic commentators (e.g., Rashi on *b. Yoma* 74a, and RaŠBaM on *b. B. Bat.* 124b) understood *sipre* of the Babylonian Talmud to be the same as the *Sifre* commentary to Numbers and Deuteronomy which they knew is of little help in establishing an amoraic redactor. Parenthetically, the case for the existence of a commentary on Leviticus in amoraic times is easier to make (see *b. Yeb.* 72b).

It is only in the ninth and tenth centuries that we first find references to *Sifre* as a midrashic commentary on Scripture: *Seder tanna'im we'amora'im* (ninth century) (in *Seder 'olam zuta² 'im seder tanna'im we'amora'im haššalem* [ed. M. Grosberg; London, 1910] 83–4, also in *Maḥzor Viṭri*, 2.492); *Halakot gedolot* (ninth century, usually attributed to R. Simeon Kayyara) (*Halakot gedolot 'al pi ketab yad romi* [ed. J.

ga²on (ca. 987) (ed. B. Levin; Haifa, 1921) 39, 41–2.

The first to identify *Sifre*'s editor was Maimonides (1135–1204), who says (Introductions to *Mishneh Torah* and *Mishnah Commentary*) that Rav (ca. 220) compiled the *Sifre*. This is most likely an erroneous understanding of the talmudic phrase *še'ar sipre debe rab*. While most scholars no longer take literally the attribution to Rav, they similarly place the redaction of our *Sifre* in the early amoraic period (230–280), albeit on very slender evidence: Rabbi Judah the Patriarch's students (Epstein and Finkelstein), the school of R. Yoḥanan bar Nappaḥa (Hoffmann), two generations after Rabbi (Melamed), R. Ḥiyya's school (Mirsky). Recently, some scholars (Albeck, Herr, Wacholder, but already preceded by Weiss [*Dor*, 236–7]), recognizing the difficulties with such early datings, have argued for a redaction at the end of the amoraic period (fifth century). All scholars would agree that whatever the date of *Sifre*'s redaction as a collection of commentary on Deuteronomy, the different sections and constituent traditions originate in different periods and circles. Those who argue that a substratum of pretannaitic, straightforward (*pešaṭ*) commentary can be discerned throughout (DeVries, Epstein, Frankel, Lauterbach) base their arguments, it seems to me, on very slim evidence.

Finally, it should be noted that most generalizations about the so-called tannaitic midrashim and *Sifre Deuteronomy* in particular are based on investigations of the legal sections of these collections, and are not automatically transferable to the non-legal sections (four sevenths of *Sifre Deuteronomy* and three fifths of the *Mekilta*), which may have had separate literary histories. See Finkelstein, "Sources," 214–21.

EXCURSUS B: ʾAPPOKI

The word ʾappoki requires some commentary since a correct understanding of it is critical to a proper understanding of the mashal of section E of the text. Several commentators assert that this word means *mehila*, that is, the pardoning or cancellation of a debt: the king for whatever reason decided to cancel the debt owed him. See Finkelstein's note *ad loc*; David Pardo; ʾOḥale Yehuda of Judah Niger (Leghorn, 1842/3) 62b; Elijah Gaon of Vilna in an emendation (in *Sipre* [Vilna, 1866] 56b); ʾEmeq hannaṣib of R. Naphtali Ṣvi Judah Berlin (1818–93; 3 vols.; Jerusalem, 1958/9–60/1) 3.23; David Hoffmann in *Midraš Tannaʾim* (ed. D. Hoffmann; 2 vols.; Berlin: H. Itzkowski, 1908–9) 1.14, n. 5. I think that this interpretation is incorrect, both because it does not make sense

usages of ʾappoki/apochē do not favor such a meaning. There can be little doubt that the correct textual reading here is ʾpwky, and that it is a loanword from the Greek *apochē* (Latin, *apocha*). See above, n. 37. The Greek *apochē* can mean "receipt" or "quittance" (Liddell–Scott–Jones, *Greek-English Lexicon*, 227b). An examination of the legal force of this term in Greco-Roman usage suggests that the first meaning is primary; that is, it is used to refer to a receipt for payment; often partial payment, of a financial obligation such as a loan. Such a receipt establishes that that part of a debt which has been paid is remitted, hence cancelled. However, the term *apochē* is not generally used to refer to an outright cancellation of a debt. See, for instance, H. J. Roby, *Roman Private Law in the Times of Cicero and of the Antonines* (2 vols.; Cambridge: At the University Press, 1902) 2.59: "quittance, *apocha*, i.e., a document given in receipt of money . . . Such a quittance was merely evidence of payment: a formal release was a complete discharge in itself without payment or performance." Similarly, B. Cohen (*Jewish and Roman Law: A Comparative Study* [2 vols.; New York: Jewish Theological Seminary, 1966] 2.613) states: "This brings to mind Ulpian's distinction between *acceptilatio* and *apocha* [*Digest* 46.4.19]; by a release (*acceptilatio*) absolute discharge from liability takes place, even if money had not been paid, but a receipt (*apocha*) does not have this effect unless the money has been paid." While one might argue that rabbinic usage need not follow Greco-Roman usage, the fact that the loan word appears in a king-mashal suggests that some realia of the general Greco-Roman milieu is being referred to (see n. 86).

In fact, an examination of the use of the loan word ʾappoki in rabbinic texts suggests the same meaning: receipt. Note *Num. Rab.* 17.5 (in *Midraš rabba* [Vilna: Romm, 1884–7] 72d), which in commenting on the commandment of fringes cites Deut. 32:47: "For this is not a trifling thing (*dabar req*) for you': This may be compared to a householder who paid taxes (ʾarmoniyot) and wrote receipts (*katab ʾaphkiyot*). His father said to him, 'My son, be careful with these receipts for your life depends on them (*hayyeka natun bahen*).' So too the Holy One, blessed be He, said to Israel, 'For this is not a trifling thing for you: it is your very life.'" While several interpretations have been suggested for this passage (see David Luria *ad loc.*; Jastrow, *Dictionary*, 87b; Levy, *Wörterbuch*, 1.137b; ʿAruk, 1.216a), the simplest is that the man upon paying his taxes (perhaps in installments) writes receipts (presumably signed or sealed by tax collecting authorities) which were his only proof of payment and hence his protection. Such receipts had to be guarded against loss or damage. The *nimshal* suggests that the commandments, like quittances, are tokens of

Israel's obligations in payment of God's gifts and blessings and have to be carefully preserved. For this interpretation see the commentary of the MaHaRZU (R. Zeeb Wolf ben Israel Issar Einhorn, d. 1862, in the Vilna edition). On the need to protect such receipts, see *m. B. Bat.* 10:6: "Concerning a man who has paid part of his debt, R. Judah says: He should change [the bond for another one representing the new unpaid balance]. R. Yose says: He should write him out a quittance (*šober*). R. Judah says: Then he needs to guard his quittance from the mice . . ." The halakah follows R. Yose. Presumably, were the quittance lost, the debtor could be held culpable for the total amount of the original debt. The loanword *ʔappoki* in the mashal of our *Sifre* text seems to have the same meaning as the mishnaic *šober*.

Those who argue that *ʔappoki* in *Sifre Deuteronomy* means an absolute cancellation of a debt cite *Gen. Rab.* 42.3 (ed. Theodor & Albeck) 407 and its parallels (*Lev. Rab.* 34.1 [ed. Margulies] 773-4; *Lam. Rab.* 4.22 [*Midraš ʔeka rabba* (ed. S. Buber; Vilna: Romm, 1898/9) 77b]): "Rabbi Samuel bar Nahman [ca. 300] says: A great *ʔappoki* was received (*natelu*) by Israel for their sins on the day when the Temple was destroyed [as it says], 'Your chastisement is completed O daughter Zion (*Lam.* 4:22)." Whether the term *ʔappoki* here actually means *mehila* (cancellation of debt) or whether it means that Israel received (figuratively) a quittance for the payment of the debt of their sins (through the Temple's destruction) is hard to tell. See Theodor's note *ad loc.* Elsewhere (*Exod. Rab.* 31.10; 35.4; 51.3; *Num. Rab.* 12.14; *Tanḥ. Našoʔ* 14; *Tanḥ. Mišpaṭim* 11) the Temple (*miškan*) is said to be a pledge (*maškon*) taken in place of the Israelites who themselves deserved to be destroyed in payment of their sins. For another example of a mashal in which borrowing represents sin, see *Sifre Deuteronomy* 349 (ed. Finkelstein) 407.

The verb *mškn* (or *mmškn*, *piʕel*, in B and MH) is a denominative of *maškon* ("pledge"). See Jastrow, *Dictionary*, 854b; Levy, *Wörterbuch*, 3.278-9; Dalman, *Handwörterbuch*, 257a; *ʕAruk*, 5.273. For similar usages, see *Sifre Deut.* 116, 276, 344 (ed. Finkelstein) 175, 294-5, 401. Such a pledge, for which a receipt document was issued stipulating the conditions under which the pledge was to be held, protected both the creditor and debtor in the event of default. Technically, the pledge was a substitute for the debt. Therefore, in rabbinic law, a loan for which a pledge had been given as security (even if the pledge were of lesser value than the loan) was not subject to seventh year release. See *m. Šeb.* 10:2, *t. Šeb.* 8:5 (*Toseptaʔ seder zeraʕim* [ed. S. Lieberman; New York: Jewish Theological Seminary of America, 1955] 201); *Sifre Deut.* 103 (ed. Finkelstein) 172. On the Roman law of pledges see W. W. Buckland, *A Text-*

Book of Roman Law from Augustus to Justinian (2nd ed.; Cambridge: At the University Press, 1950) 473-80; R. Sohm, *The Institutes: A Text Book of the History and System of Roman Private Law* (trans. J. C. Ledlie; 2nd ed.; Oxford: Clarendon, 1901) 372-8; B. Cohen, "Antichresis in Jewish and Roman Law," *Jewish and Roman Law*, 433-56.

Some commentators (David Pardo, *Zayit Raʕanan*, *Zeraʕ ʔAbraham*, and Ziegler, *Königsgleichnisse*, 251) take the verb to be from the noun *šaken* ("neighbor"): The king treated the debtor like a neighbor and cancelled the debt (or assigned him a province [Ziegler, *Zeraʕ ʔAbraham*]). This makes a nice midrash on a problematic midrash, but does not help to make sense of the remainder of the mashal, and does too much violence to the text.

Finkelstein's reconstruction of the text ("the king did not take a pledge but wrote an *ʔppoki* [absolving the debt]") does not make sense in terms of the continuation of the mashal (note his difficulty with *šlʔ šyyr bydw klwm*) and is text-critically dubious (see above, n. 37). If the debt were in fact cancelled, why would the man later have failed to make payment, causing the king to seize his children? If it is simply the people who assume the debt to have been cancelled, why would they have so assumed so soon after the loan was made? The textual witnesses force us to deal with the reading, "The king did nothing other than take a pledge and issue a receipt." If this in fact had happened, it would be difficult to understand the king's seizure of the debtor's children. The solution is to take this sentence not as a statement of what actually took place but as part of the people's expression of astonishment: How could such a loan have been made unless the king took a pledge as security and the debtor received an *apochē* as protection against seizure? The onlookers later learn how mistaken they were in their assumption! This understanding of our passage is cited by David Pardo (179d) from a non-extant commentary on the *Sifre* by Eliezer ibn Nahum. Heinemann (*Derašot*, 38) correctly includes this sentence as part of the people's expression of astonishment, but basing himself on Finkelstein's text, misconstrues its meaning (*Literature of the Synagogue*, 122): "If the king does not seize his property, he must have granted him remission." G. Kittel (*Sifre zu Deuteronomium* [pt. 1 (no more published); Stuttgart: W. Kohlhammer, 1922] 37) correctly includes this sentence as part of the people's statement: "Alle sagten: Ist es möglich, dass dieser bestehen kann bei diesen tausend Zantnern; vielmehr hat ihn der König gepfändet, und er schrieb ihm eine Quittung."