

**Fundamental Issues in the Study of *Tanakh*
By Rav Amnon Bazak**

For easy printing, go to:
www.vbm-torah.org/archive/tanakh/02a-tanakh.htm

This week's shiurim are dedicated by Leonard Balanson
in memory of Rose Balanson z"l

**Shiur #02a:
Composition of the Torah according to *Tanakh* and Jewish Tradition
Part 1**

A. What is "Torah"?

In general, the books comprising the *Tanakh* may be divided into two categories: those composed by an author whose identity is known to us, and those composed by an author whose identity is not explicitly stated. The first category includes, among others, some of the Later Prophets, which are written in the first person, with the main character talking about what happens to him and about his prophecies. The second category includes the books that describe events from the perspective of an anonymous narrator, without disclosing his identity. This group includes, among others, the Five Books of the Torah, which are written from an external perspective rather than in the first person.

Surprising as it may sound, the *Tanakh* itself does not deal directly with the question of who wrote the Five Books of the Torah, nor does it describe the way in which they were written and conveyed to the Jewish people. We shall explore these issues in two weeks by reviewing the relevant verses in *Tanakh* and the various approaches among *Chazal* and the medieval commentators concerning the creation of the Torah and its transmission to the Jewish nation. This week and next, however, we will undertake a (largely technical) examination of what the word "Torah" means in the Bible.

I. "Torah" in Chumash

The term "Torah," and even "*Sefer Torah*," appears many times in *Tanakh*, but in most cases the plain meaning of the text is not referring to the Five Books of the Torah. The word "Torah" actually has multiple meanings in *Tanakh*, and only in some instances does the word refer to a written text. It appears for the first time in *Shemot* (12:49), and its meaning throughout this

Sefer, as well as in *Vayikra* and *Bamidbar*, is a law, or collection of laws, on a specific subject. We see this in verses such as the following:

"This is the law (*torah*) of the burnt offering, of the meal offering, and of the sin offering, and of the guilt offering, and of the consecration offering, and of the sacrifice of the peace offering." (*Vayikra* 7:37)

"This is the law (*torah*) for every *tzara'at*, and for the patch..." (*Vayikra* 14:54)

"This is the law (*torah*) of jealousies: when a wife strays from her husband, and is defiled." (*Bamidbar* 5:29)¹

In other instances, the word "Torah" is a synonym for commandments, statutes and judgments.²

II. "Torah" in Sefer Devarim

By contrast to the preceding examples, in *Sefer Devarim*, the word "Torah" refers to a text which, on the one hand, is clearly extensive, but on the other is more closely defined and limited than the way in which we use the term today.

A review of the appearances of the word shows that the corpus referred to as "Torah" is, in fact, Moshe's main speech in *Sefer Devarim*, which is conventionally known as "the speech of the *mitzvot*." This speech, occupying chapters 5-26, is one continuous, uninterrupted monologue containing an extensive list of *mitzvot*.

At the beginning of this speech we read,

"This is the Torah which Moshe placed before the Children of Israel.

¹ There is one verse in these books that seems to be an exception: "God said to Moshe: Come up to Me, to the mountain, and be there, and I shall give you the tablets of stone, and the Torah, and the commandments which I have written, [for you] to teach them" (*Shemot* 24:12). Here it seems that the word "Torah" refers to something broader than a specific collection of laws, and also that it refers to a written corpus. However, the commentators note that the reference cannot be to such a written corpus, for "God did not write the Torah; rather, Moshe wrote it, at God's word" (Ibn Ezra). Therefore, they (Ibn Ezra, Rashbam, Ramban and others) conclude that the word "*katavti*" (I have written) refers only to the two tablets. Ramban interprets the word "Torah" as a general term, referring to different teachings, just as the word "mitzva" refers to various commandments, as we deduce from another verse that speaks of what was given at Mount Sinai: "And I shall speak to you all of the commandment (*mitzva*) and the statutes and the judgments which you shall teach them" (*Devarim* 5:27). We might also cite the verse, "These are the statutes and the judgments and the laws (*torot*) which the Lord made between Him and the Children of Israel at Mount Sinai, by the hand of Moshe" (*Devarim* 26:46).

It should be noted that, according to Ibn Ezra, the word "Torah" here refers to the first and fifth of the Ten Commandments.

In any event, once we examine the verse it seems clear that it cannot be referring to the Five Books of the Torah, nor to any other written corpus.

² See *Bereishit* 26:5; *Shemot* 16:28; *Yirmiyahu* 44:10, and elsewhere.

These are the testimonies and the statutes and the judgments which Moshe spoke to the Children of Israel when they came out of Egypt." (*Devarim* 4:44-45)

The plain meaning of the text here suggests that the "Torah" means the things Moshe was going to say from this point onwards.³

At the end of the "speech of the *mitzvot*," Moshe commands the Children of Israel to set up great stones after passing over the Jordan:

"And you shall inscribe upon them all the words of this Torah." (ibid. 27:3)

On the plain level of the text, this command, too, would seem to refer to the writing of the "speech of the *mitzvot*" – i.e., the same "Torah" that was just concluded.⁴

It is only in *Sefer Devarim* that we find, for the first time, any mention that the "Torah" was also committed to writing in a book. This book is mentioned for the first time in a very specific context, concerning the king:

"And it shall be, when he sits upon the throne of his kingdom, that he shall write for himself a copy of this Torah (*mishneh ha-torah ha-zot*), in a book, from that which is before the Levite priests." (ibid. 17:18)

The conventional explanation of the term "*mishneh torah*" is a copy of the Torah (see Targum Onkelos and others), but from the verse itself it is difficult to define what the term actually includes.

Towards the end of *Sefer Devarim* we are told explicitly:

"And Moshe wrote this Torah, and he gave it to the *kohanim*, the sons of Levi." (ibid. 31:9)

What is included in this "Torah"? Rashi and Ramban explain that it refers to the Five Books of the Torah, and this is also stated explicitly at the beginning of *Sifri Devarim* (*piska* 1). However, this raises some difficulties. First, we have already noted that in the previous units, the word "Torah" refers specifically to the "speech of the *mitzvot*," and not to the entire Five Books. Second, the plain meaning of the text would seem to suggest that this verse – along with all those that follow – are not part of "this Torah." Moreover, two verses later we find the command concerning the "*hak'hel*" ceremony, in which we are told,

"Moshe commanded them, saying: At the end of every seven years, at the time of the *Shemitta* year, on the festival of Sukkot... you shall read this Torah before all of Israel, in their hearing." (ibid. 10-11)

³ As Rashi comments, "And this is the Torah' – that which he is going to set forth after this unit."

⁴ Regarding what was written on the stones, see the appendix to this *shiur*.

Chazal (*Sota* 7:8) agree that the command to read "this Torah" does not refer to all Five Books of the Torah; rather, some major sections from *Sefer Devarim* are read, as we shall see below. It seems reasonable to suggest therefore, as does Abravanel in his commentary on this verse, that if the words "this Torah" in verse 11 do not refer to the Five Books of the Torah, but rather just to parts of *Sefer Devarim*, then the same words in verse 9 should refer to the same text.

The conclusion to be drawn here is that the book which the Torah records Moshe as having written did not include all Five Books, but rather only the central portions of *Sefer Devarim*.

III. The Content of the "Torah" in Sefer Devarim

Let us try to define more precisely what is included in the Book of the Torah whose writing by Moshe is described in *Sefer Devarim*. As stated, the Mishna tells us that the "Torah" that is read at the *hak'hel* ceremony includes only the main parts of *Sefer Devarim*:

"And he reads from the beginning of 'These are the things' (*Devarim* 1:1) up to '*Shema*,' and '*Shema*' and '*Ve-haya im shamo'a*' (the second section of *Shema*), 'You shall surely tithe,' 'When you finish tithing,' and the unit on the king, and the blessings and curses, until the end of that entire unit." (*Sota* 7:8)

Chazal maintain that the reading also included Moshe's first speech (*Devarim* 1-4), as part of the "Torah," and this also squares with the plain meaning of the text, since the first speech serves as a preface to the main speech – the "speech of the *mitzvot*."⁵

Chazal also maintained that the "Book of the Torah" included the unit of the blessings and the curses; this assertion is based on explicit references in the text. After the end of the "speech of the *mitzvot*," at the end of chapter 26, we find, in chapter 28, the unit on the blessings and the curses, which, in its concluding verse, is defined as a "covenant":

"These are the words of the covenant which God commanded Moshe to forge with the Children of Israel in the land of Moav, aside from the covenant which He had forged with them at Chorev." (28:69)

⁵ The main purpose of Moshe's first speech is to arrive at the conclusion that one must obey God and fulfill His commandments. In chapter 1, Moshe reviews the failures of the first generation, which did not enter the land because they rebelled against God. In chapters 2-3 he describes the second generation, which did obey God. The conclusion to be drawn from this brief historical review is summed up nicely in the concluding chapter of the speech: "And now, Israel, hearken to the statutes and the judgments which I teach you to perform in order that you may live and come in and possess the land which the Lord God of your forefathers gives you" (4:1). Once this conclusion has been established, it is possible to go on to teach *Bnei Yisrael* the statutes and the judgments, as Moshe indeed goes on to do in the "speech of the *mitzvot*." In light of this, I raise the possibility that the "Book of the Torah" did indeed include the opening chapters, which serve as an introduction to the main speech.

A few verses seem to indicate that the blessings and curses, too, were written along with the "speech of the *mitzvot*" in the "Book of the Torah." *Inter alia*, Moshe warns whoever worships idolatry:

"God will set him aside for evil, out of all the tribes of Israel, according to all the curses of the covenant that are written in this Book of the Torah." (ibid. 29:20)

Similarly, concerning Yehoshua we read:

"And thereafter he read all the words of the Torah – the blessing and the curse, according to all that is written in the Book of the Torah." (*Yehoshua* 8:34)⁶

Hence, the blessings and curses were also included in the Book of the Torah, as part of the covenant that entails the observance of the "Torah" which appears in the "speech of the *mitzvot*."

In between the end of the "speech of the *mitzvot*" and chapter 28 with its blessings and curses, we find chapter 27, which includes the commands to build an altar on Mount Eval and to write the words of the Torah upon the stones. It would seem that this chapter, too, is included in the Book of the Torah that was written by Moshe, as described in *Yehoshua* (8:30-31):

"Then Yehoshua built an altar to the Lord God of Israel, on Mount Eval, as Moshe, the servant of God, had commanded the Children of Israel, as it is written in the Book of the Torah of Moshe – an altar of whole stones over which no iron had been lifted."

This verse represents an almost verbatim repetition of *Devarim* 27:4-5:

"And it shall be, when you have passed over the Jordan, you shall set up these stones which I command you this day, on Mount Eval... and you shall build there an altar to the Lord your God, an altar of stones over which no iron has been lifted."

In light of this we may conclude that the Book which Moshe wrote included at least chapters 5-28 of *Sefer Devarim*, and perhaps also chapters 1-4.

IV. The Book of the Torah in *Tanakh*

⁶ There are additional verses which mention the blessings and curses as being included in the Book of the Torah:

"Also every sickness, and every plague which is not written in this Book of the Torah, will God bring upon you, until you are destroyed" (*Devarim* 28:61);

"God will not spare him, but then the anger of God and His jealousy shall smoke against that man, and all the curses that are written in this Book will lie upon him" (ibid. 29:19);

"And God's anger burned against that land, to bring upon it all the curses that are written in this Book" (ibid. 26).

It is interesting to note that with regard to the famous command in *Yehoshua* (1:8),

"This Book of the Torah shall not depart from your mouth, and you shall meditate over it day and night,"

the midrash comments:

"Rabbi Shimon ben Yochai said: The Book of the *mishneh torah*⁷ was a banner for Yehoshua. When the Holy One, blessed be He, appeared to him, He found him sitting with the Book of *mishneh torah* in his hand. He said to him, 'Be strong, Yehoshua; be of good courage, Yehoshua: This Book of the Torah shall not depart...'" (*Bereishit Rabba* 6:9; Theodor-Albeck edition, pp. 49-50)

According to Rabbi Shimon ben Yochai,⁸ the expression "Book of the Torah" – at least in *Sefer Yehoshua* – indeed refers to *Sefer Devarim*, rather than the whole of *Chumash*.

Aside from the verse we have already examined, concerning the construction of the altar on Mount Eval, in *Sefer Yehoshua*, the expression "the Torah of Moshe" also appears elsewhere in *Tanakh*. In most instances it is meant as a general expression for observance of the commandments, and we may therefore assume that it refers to the same "Book" that we have discussed above.⁹ In some cases, the reference is to a specific subject, and as we have seen in the example from *Sefer Yehoshua*, in the other instances too it is verses from *Sefer Devarim* that are concerned. Concerning King Amatzia, the text tells us:

"But he did not put to death the children of the murderers [of his father, King Yoash], according to that which is written in the Book of the Torah of Moshe, whereby God commanded, saying: Fathers shall not be put to death for children, nor shall children be put to death for fathers; rather, each shall be put to death for his own sin." (II *Melakhim* 14:6)

Here, too, the quote is an almost verbatim repetition of Moshe's words in his "speech of the *mitzvot*":

"Fathers shall not be put to death for children, nor shall children be put to death for fathers; each shall be put to death for his own sin." (*Devarim* 24:17)

In *Sefer Daniel* (9:11), we find mention of "the curse and the oath which is written in the Torah of Moshe," the reference being to the unit on the blessings and the curses, as noted above.

⁷ I.e., *Sefer Devarim*, which *Chazal* refer to in many places as "*mishneh torah*."

⁸ Rabbi Shimon ben Yochai is consistent with his own view, discussed in the appendix to this *shiur*, in that with regard to the writing of the Torah upon the stones, too, he explains that what was written was only the "*mishneh torah*."

⁹ Examples of such verses include *Yehoshua* 23:6; I *Melakhim* 2:3; II *Melakhim* 23:25.

In *Sefer Melakhim* we read of the discovery of a Book of the Torah in the days of Yoshiyahu:

"And Chilkiyahu, the Kohen Gadol, said to Shafan, the scribe: I have found a Book of the Torah in the house of God." (II *Melakhim* 22:8)

Here, too, it seems most likely that reference is to *Sefer Devarim*, as suggested in the commentary attributed to Rashi¹⁰ on *Divrei Ha-yamim* (II *Divrei Ha-yamim* 34:14).¹¹

In this *shiur*, we have seen therefore that the word "Torah" has multiple meanings. Throughout much of *Chumash*, it refers to various statutes or laws, whereas in *Sefer Devarim*, and at various points throughout *Tanakh*, the plain reading of the text appears to refer to large portions of *Sefer Devarim* written by Moshe.

(To be continued)

Translated by Kaeren Fish

Appendix: What Was Written on the Stones Moshe Commanded the Nation to Set Up When Entering the Land?

There are many opinions among *Chazal* and the commentators as to what was written on the stones. The Mishna in *Sota* (7:1) states that the entire Torah was written on them – i.e., the entire Five Books, and since the verse also adds "very clearly" (*ba'er hetev*, 27:8), we conclude that it was also written in seventy languages.

However, the *Mekhilta Devarim* also cites the view of R. Shimon ben Yochai, which sits better with the plain meaning of the text: "They only wrote the repetition (or copy – *mishneh*) of the Torah by Moshe."¹² This approach is based on the verse describing the fulfillment of the command, in the days of Yehoshua: "And he wrote there upon the stones the repetition (or copy) of the Torah of Moshe, which he wrote in the presence of the Children of Israel" (*Yehoshua* 8:32). From the limiting language of Rabbi Shimon bar Yochai's view – "they only wrote..." – it can be deduced that he disagrees not only with the idea that the Torah was written in seventy languages, but also with the assertion that the Torah was written in its entirety; he maintains that only *Sefer Devarim* was written on the stones.

¹⁰ As is well known, the commentary that appears as "Rashi" on *Divrei Ha-yamim* was not written by him. For extensive discussion of this commentary, which was written in Germany in the 12th century, see A. Weisel, *Ha-Perush ha-Meyuchas le-Rashi le-Sefer Divrei Ha-yamim*, Jerusalem 5770.

¹¹ I shall address the matter at length in the third section, as part of the discussion of the writing of *Sefer Devarim*.

¹² See S.Z. Schechter, "Mekhilta li-Devarim Parashat Re'eh," in M. Brannan and Y.M. Elbagen (eds.), *Tiferet Yisrael – Sefer ha-Yovel Likhvod R. Yisrael Levi*, Jerusalem 5732, pp. 189-192.

The *Mekhilta* also cites a third opinion, which limits the inscription on the stones even further, to include only those texts pertaining to the other nations, such as the unit, "When you besiege a city for a long time, to wage war against it" (*Devarim* 20:19).

The commentators raise other possibilities. Ibn Ezra writes, in the name of Rav Sa'adia Gaon, that the inscription includes only a list of the commandments in brief. He seems to posit this in order to explain how it would have been possible, in a natural manner, to write "all the words of this Torah" upon stones. Radak comments, in his commentary on Yehoshua ad loc., "And this is well said, for it is not possible that they could have written the entire Torah upon them; [rather,] only that which was needed as a matter of routine."

Rabag, on the other hand, takes the view that the text inscribed on the stones is just the unit of the blessings and curses. (See also his rejection of the possibility that it was only the Ten Commandments that were written; this idea had been raised by Rabbi Yosef ibn Kaspi, in his commentary *Mishneh Kesef*.) For extensive discussion of the entire subject, see M. Bar Ilan, "*Ha-Torah ha-Ketuva al ha-Avanim be-Har Eval*," in Z.H. Ehrlich and Y. Eshel (eds.), *Mechkerei Yehuda ve-Shomron* 2, Kedumim-Ariel, 5753, pp. 29-42.