

Fundamental Issues in the Study of *Tanakh*  
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Dedicated in memory of  
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**Shiur #4e: Duplication and Contradiction (continued)**

The third example that we will look at to illustrate Rav Breuer's "*shitat ha-bechinot*" is a legal one. If an indentured Hebrew servant (*eved ivri*) decides to remain as a servant to his master, the question arises as to whether he serves his master forever or goes free in the Jubilee year. The Torah, which relates the laws of the *eved ivri* in a number of places, provides contradictory answers to this question and it appears that this is a function of the specific aspect of servitude that is being focused on in each location. *Parashat Behar* as a whole expresses the idea that God owns the world, the land of Israel, and man himself; for this reason it is emphasized that the servant cannot serve his master in perpetuity but is released, whether he likes it or not, in the fiftieth year.

"If your brother who is with you grows poor, and is sold to you, **you shall not cause him to serve as a slave**. He shall be a hired worker and sojourner with you; he will serve with you until the Jubilee year. Then he shall depart from you – he and his sons with him – and return to his family, and he shall return to the inheritance of his fathers. For **they are My servants, whom I brought out of the land of Egypt**; they shall not be sold as slaves." ([Vayikra 25:39-42](#))

The emphasis in these verses is on the fact that since every individual in the nation is a servant of God, he cannot be sold into perpetual servitude in the same manner as a servant who is not an Israelite. His release in the Jubilee year is a function of the concept of God's ownership over Israel, and therefore the release in the Jubilee year is automatic, without any formal act required on the part of the master, and without any action on his part – or on the part of the slave – being able to prevent the release in any way.

In contrast, in *parashat Re'eh* the Torah illuminates a different perspective of the relations between the master and servant:

"If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you for six years, and in the seventh year you shall let him go free from you. And when you send him free from you, you shall not send him empty-handed: you shall surely give him from your flock and from your threshing floor

and from your vineyard; of that with which the Lord your God has blessed you shall you give to him. And **you shall remember that you were a servant in the land of Egypt**, and the Lord your God redeemed you; therefore I command you this thing today. And it shall be, if he says to you, 'I will not go out from you, for I love you and your house,' for he is happy with you, then you shall take an awl and thrust it through his ear to the door, and he shall be your servant forever; and also to your maidservant shall you do thus." ([Devarim 15:12-17](#))

According to this perspective, what obligates the master to free the servant is not the religious aspect of *parashat Behar* – that Israel are God's servants and not man's servants – but rather the moral aspect: since each Israelite was once a slave in Egypt, he must treat his own servants in a moral fashion. For this reason, he has a practical obligation to let his servant go in the seventh year. This release is not automatic, like the release in the Jubilee year; rather, it is a release that is incumbent upon, and initiated by, the master, and for this reason the master is also commanded not to send the servant away empty-handed – just as Israel did not leave Egypt empty-handed (see [Shemot 3:21](#)). However, in this instance, if the servant wishes to stay, then the master has no further obligation to effect his release. Given that the master has exhausted his moral obligations, the servant indeed remains "a servant forever."

In practice, "both these and those are the words of the living God" – and therefore the laws arising from both sections are combined when it comes to the actual *halakha*: the master bears a moral obligation to release the servant in the seventh year, and if the servant foregoes his freedom and prefers to stay, the master, for his part, is exempt forthwith from initiating his release, forever. However, in the Jubilee year, the servant goes free automatically – since an Israelite cannot be sold into perpetual servitude. By separating out the two aspects of servitude – theocentric (Israel are God's servants not man's) and anthropocentric (Israelites must learn from their experience in Egypt to treat their kinsmen ethically) – the full picture presented is more complex and nuanced than would have been possible had the laws appeared combined in a single section of the Torah.<sup>[1]</sup>

The examples we have examined are only a few of the many instances in which the "aspects approach" makes use of, and thereby recognizes in principle, the scholarly analysis of Wellhausen et al which exposed the contradictions and the independent ideas expressed in the various units, yet it explains the nature of the phenomenon in a radically different way. These contradictions are not the wondrous, unparalleled work of an anonymous editor, who joined together contradictory sources from different periods, managing to weave them into a reasonably coherent continuum, as well as succeeding in passing off his work to the Israelites as God's Torah. Instead of this improbable hypothesis, Rav Breuer presents a sober and logical explanation which views the contradictions as God's way of conveying the complexity that characterizes different realms in the Torah. This composition is indeed unparalleled and unprecedented – precisely because only God could have created it.

Of course, this approach is dependent on faith in God as the Giver of the Torah. This faith lies beyond the specific textual questions that are addressed here, but ultimately it is the fundamental basis for the entire debate between the documentary hypothesis and the aspects approach. In Rav Breuer's words:

"All that separates us is faith in the Divine origin of the Torah. They believe that the sources of the Torah were written by man, and that a mortal redactor edited them into a single book. We, on the other hand, believe that the sources of the Torah were written by God, and that it is He who also edited them into a single book. This debate between us and the Bible critics cannot be decided by the intellect, for the intellect has nothing to say on the matter." (*Shitat Ha-bechinot*, pp. 343-344)

It should be noted that Rav Breuer's extensive and minute analysis of the textual units, attributing half-verses to one or another aspect, is not always convincing. He accepts almost unquestioningly the literary analysis of the classical Bible critics, while in recent times, as noted, many scholars have questioned the possibility of arriving at a clear, systematic division of sources; they acknowledge that the text is sometimes so intertwined and convoluted that the proposed division is difficult to accept. In parallel with the process that has occurred in the academic world, scholars seeking to implement the "aspects approach" do not view themselves as being obligated by the precise claims of the early critics' division of the text, and may propose a different division of the aspects, based on more clearly defined ideas.<sup>[2]</sup>

It seems therefore that the "aspects approach" itself allows us to understand that there is actually no need to identify a clear division between the various documents – a division which may reasonably be assumed not to exist. Rather, Rav Breuer's fundamental insight should be seen as highlighting the Torah's tendency to express the complexity of various concepts and narratives through repetition, ambiguity, and contradiction. This insight exists in its own right and is not dependent upon the ability to divide and separate the text into a number of clearly defined documents. In general, then, we can state that the phenomenon of different and contradictory aspects certainly exists in the Torah, and the division between various units of the text may be implemented in places where the division is clear, but it need not be applied at all costs and certainly not in a dogmatic fashion.<sup>[3]</sup>

## **F. *Sefer Devarim***

Biblical scholars since de Wette have been entirely correct in identifying many contradictions between the contents of *Sefer Devarim* and that which we find in the other Books of the Torah; some of these have already been treated here. In his books, Rav Breuer explains these contradictions on the basis of the "aspects approach," and we have already examined one example in our above discussion of the release of the Hebrew servant.

Yet it seems that specifically with regard to *Sefer Devarim*, there is no need to appeal to the aspects approach in order to resolve the abundant contradictions, since the great majority of the book is made up not of objective narration, but rather of Moshe's own lengthy speeches – especially the opening speech (1:6–4:40) and the "speech of the *mitzvot*" (5:1-26:19).<sup>[4]</sup> In other words, the contradictions arise not between two textual units of the Torah, but rather between the words of the Torah and the words of Moshe as recorded in the Torah.

In some places *Chazal* note the special nature of Moshe's speeches, pointing out that the fact that it is he who delivers these speeches even has halakhic significance:

"And there is no interruption of the section on the curses... Abaye said: This applies only to the verses in *Sefer Vayikra*, but in the curses in *Sefer Devarim*, it is permitted to interrupt. What is the reason for this? These are stated in the plural, and Moshe uttered them at God's instruction. Those are stated in the singular, and Moshe stated them on his own." ([Megilla 31b](#))

In other words, while the curses enumerated in *parashat Bechukotai* in *Vayikra* must be completed in a single reading from the Torah without interruption, the curses in *parashat Ki Tavoin Devarim* may be interrupted in the middle, since these are not a quote of God's words, but rather Moshe's own words in the speech where he bids farewell to the nation.<sup>[5]</sup> For this reason, these words of Moshe should be regarded as equivalent to any other reported speech in the Torah and not treated in the same way as God's words, recorded in the unit of the curses in *Sefer Vayikra*.<sup>[6]</sup>

Elsewhere *Chazal* note that in analyzing Moshe's speeches in *Devarim* one can speculate as to the reason for the juxtaposition of two particular subjects, even if one were to maintain that in general there is no special significance to the ordering of topics in the Torah:

"And Rav Yosef said: Even one who does not usually delve into the reason behind the juxtaposition of different units in the Torah – with relation to *Devarim*, he does so, as evidenced by Rabbi Yehuda, who usually did not seek to explain, but in *Devarim* he did." ([Yevamot 4a](#))<sup>[7]</sup>

In light of this, there is no need to appeal to the "aspects approach" when discussing the contradictions between *Devarim* and other parts of the Torah, for it would be unwarranted to expect that a story told from an objective standpoint would be identical to a subjective account offered by someone who was part of that story.

This point is borne out by the fact that in many places in the Torah we find discrepancies between the Torah's objective description and the subjective account of a participant who describes the events from his own point of view. For instance, there are many discrepancies between the report that Avraham's servant conveys to Rivka's family concerning his quest to find a wife for Yitzchak, and the objective narrative that

precedes it in the Torah. One of the most prominent differences concerns the initial dialogue between Avraham and his servant. The objective account records the servant as asking Avraham,

"Perhaps the woman will not agree to follow me to this land; shall I then take your son back to the land from whence you departed?" ([Bereishit 24:5](#)).

Avraham's response is,

"Guard yourself lest you take my son back to there.... If the woman will not agree to follow you, you shall be free of this oath to me; only do not take my son back there" (ibid., 6-8).

When the servant recounts these events, the entire matter of the possibility of taking Yitzchak is omitted; all that is recalled of the discussion is:

"I said to my master, Perhaps the woman will not follow me. And he said to me, The Lord before Whom I walk will send His angel with you, and cause your path to prosper, and you shall take a wife for my son from my family and from my father's household. Then you shall be free of my oath, when you come to my family; and if they do not grant it to you, you shall be free of my oath." (ibid. 39-41)<sup>[8]</sup>

Thus, the discrepancies between objective descriptions and subjective accounts should not be treated as contradictions. Rather, in each instance we need to examine the account and explain why the event is described from a subjective viewpoint, how it expresses the speaker's own perspective, and what is its role in the larger narrative.

This principle holds true regardless of whether we are analyzing a short account, such as that conveyed by Avraham's servant, or a long monologue, such as Moshe's second speech in *Devarim*. The subjective nature of the account remains what it is.

Of course, this point does not free us from the obligation to address the reasons behind the discrepancies between subjective and objective reporting in the Torah. If this is true of discrepancies concerning narrative sections, it is all the more true with regards to units of a halakhic nature where, presumably, Moshe's subjective standpoint would be of little significance. Nevertheless, the overall point remains that we should distinguish between contradictions *within* the Torah's objective account, and contradictions *between* Moshe's words in *Devarim* spoken from his own perspective and the rest of the Torah.

In the next *shiur*, we shall examine three of the main characteristics of Moshe's speeches, which help us understand Moshe's intention and also, thereby, the nature of the contradictions between his own words and that which we find elsewhere in the Torah.

(To be continued)

Translated by Kaeren Fish

<sup>[1]</sup> See *Shitat Ha-bechinot*, pp. 69-70. In a future *shiur* I shall address the question of the relationship between the plain meaning of the text and the *midrashei halakha* (the rabbinic analysis of the legal sections of the Torah), in instances where there are different aspects that contradict one another on the practical level. We will see how the *midrash halakha* in fact integrates the different approaches into a practical solution.

<sup>[2]</sup> As we have noted in the past, even the division between the "Divine attribute of strict justice" and the "Divine attribute of mercy," as Rav Breuer proposes it (paralleling, in literary terms, the division between the "E" source and the "J" source), neither requires nor admits of systematic adherence to these concepts. [See the wide-ranging and perceptive treatment of R. Yehuda Rock, "*Shitat Ha-bechinot: Bikkoret Metodologit veYissum Mechudash*," *Megadim* 53 (Tevet 5772), pp. 9-73.]

<sup>[3]</sup> Some proponents of Rav Breuer's approach deviated from his approach, and sought to argue that it is still possible to accept the fundamental historical argument of the documentary hypothesis and to say that the Torah was indeed written by prophets during the First Temple Period, and not by Moshe. This approach argues that such a claim does not contradict faith in the Divine origin of the Torah, since everything was written and redacted with a prophetic spirit, even if not by Moshe personally. Rav Breuer rejected such approaches vehemently (*Shitat Ha-bechinot*, pp. 156-168), arguing that they were to be regarded as "a new faith which these people invented on their own" (*ibid.*, p. 162), since the Torah is not a prophetic book written in the language of the prophet, but rather God's direct word as conveyed to Moshe. Yisrael Knohl (cited by Rav Breuer, pp. 301-305) attempted to defend these approaches, positing that some of the medieval commentators recognized that certain verses in the Torah were not written by Moshe (as we discussed at length in previous *shiurim*), and that it is therefore possible to grant legitimacy to the argument that different aspects in the Torah were written by prophets. However, Rav Breuer argued (pp. 306-313) that a few individual verses do not serve as the basis for drawing conclusions as to the writing of the Torah as a whole. For more on this polemic, see Uriel Simon, "*Shenayim Ochazim be-'Sod Ha-sheneim Asar' shel R. Avraham Ibn Ezra*," *Megadim* 51 (Iyar 5770), pp. 77-85. Rav Breuer also made this point in an article published in English, "The Study of Bible and the Primacy of the Fear of Heaven: Compatibility or Contradiction?" in *Modern Scholarship in the Study of Torah*, ed. S. Carmy (Jersey City, 1995), pp. 159-181.

<sup>[4]</sup> See Ramban at the beginning of his commentary on *Sefer Devarim (1:1)*.

<sup>[5]</sup> Of course, this teaching of *Chazal* in no way implies any distinction between the status of *Devarim* and the status of the other Books of the Torah. *Chazal* simply mean to note that the great majority of *Devarim* consists of Moshe's speeches, and therefore these quotes may indeed reflect Moshe's own individual style, where he speaks "on his own," not having been commanded to say these words by God – just like the words of anyone else as recorded in the Torah.

<sup>[6]</sup> This principle is extended by Rabbi Chaim ben Attar, in the introduction to his commentary *Or Ha-chaim* on *Devarim*: "Our Sages taught that the curses in *Devarim* were uttered by Moshe himself. Even though he was repeating and explaining God's prior words, he was not commanded to do so; rather, he repeated it on his own initiative... Therefore *Devarim* starts with the words, 'These are the words which Moshe spoke...' – meaning, these alone are the things which Moshe said of his own initiative, whereas in everything that preceded this, in the other four Books, he did not utter so much as a single letter on his own; rather, it was conveyed directly as God commanded."

<sup>[7]</sup> As noted by Rabbi Eliezer ben Natan of Mainz, one of the great sages of Ashkenaz in the 12<sup>th</sup> century, in his Responsa, #34: "The entire Torah was uttered by God, and there is no chronological order; but Moshe ordered *Devarim*, section after section, in such a way as to impart certain lessons."

<sup>[8]</sup> Another example is the meeting between Yosef, as governor of Egypt, and his brothers ([Bereishit 42](#)). The Torah records that after accusing his brothers of being spies, they deny the charge and willingly offer the information that they have another brother: "And they said, Your servants are twelve; we are brothers, the son of one man in the land of Kena'an, and behold – the youngest is with our father today, and one is gone" (ibid. 42:13). But when Yehuda approaches Yosef later on, and recalls all that has transpired in the encounters between them, he offers a different account: "My lord asked his servants, saying: Do you have a father or a brother? And we said to my lord, We have a father, who is old, and a young child of his old age; and his brother died, and he alone remains of his mother, and his father loves him" (ibid. 44:19-20). Further on in Yehuda's dramatic speech there are other significant differences between his subjective account and the objective description that precedes it in the previous chapters.