

To This Very Day
FUNDAMENTAL QUESTIONS IN BIBLE STUDY





Amnon Bazak

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IN BIBLE STUDY

TRANSLATED BY

Kaeren Fish with Elka Weber

Yeshivat Har Etzion
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To This Very Day
Fundamental Questions in Bible Study

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“And purify our hearts to serve You in truth”

*In memory of mori verabbi
Rosh Yeshivat Har Etzion and its founder*

HaRav Yehuda Amital zt”l

*Who taught us to seek out truth in avodat Hashem
With love, fear, and humility*



הָאֲ-לֵהִים אֲשֶׁר הִתְהַלְכוּ אֲבֹתַי לְפָנָיו...
Dedicated in loving memory of my father

Harold Singer z"l
חיים מנחם סינגער ז"ל

*He and my mother Eva (חווה) Singer
Emerged from the Holocaust
As sole survivors of their families.
Through devotion to family and to the Jewish community
They ensured the passing down of their precious legacies
...עד היום הזה (בראשית מה, טו)*

Dr. Marc Singer



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Introduction

For hundreds of years, Tanakh (Bible) study was relegated to near insignificance, even in the curricula of yeshivot and other educational institutions. In recent generations, however, an encouraging phenomenon has emerged: a renaissance of Tanakh study among Jewry in general, and in the study halls of the Religious-Zionist community in particular. Tanakh has become an integral component of every educational stream within the Israeli system. The return to the study of the biblical text includes a return to engagement with the *peshat* – the plain or literal meaning of the text – and has led to the exploration of profound and fascinating dimensions of the narrative. This, of course, goes hand in hand with the return of the Jewish people to its land, which has generated greater interest in the concrete and material aspects of the Bible. Students of Tanakh hike through the regions mentioned in the books before them and become familiar with the archaeological sites and artifacts relevant to the Tanakh.

The return to in-depth study of the plain text has naturally brought in its wake new challenges. In the past, the religious world dismissed questions of biblical criticism out of hand, either because of the non-Jewish origins of these questions, or because religious Jews were not heavily immersed in studying the *peshat* of Tanakh. For the

last two hundred years or so, academic Bible scholarship has proposed views that are inconsistent with traditional Jewish belief. Biblical scholars who did not have a religious worldview took for granted that the Tanakh was a human document with no divine or prophetic source. This starting point was grounded in several different areas, including literary analysis of the text, archaeological discoveries, and the growing body of knowledge on the ancient Near East. In-depth study of the plain text has brought these questions to the fore and demanded clearer answers than those that might have sufficed in the past. Moreover, although these academic views were closely bound up with the secular – and sometimes even anti-Semitic – beliefs of the scholars themselves, the questions and problems that served as their raw material nevertheless deserve renewed attention, especially in light of the significant change of attitude toward text study of the last generation. The academic scene itself has also changed, with many scholars in Israel and around the world, among them religious Jews, taking a scientific approach to biblical literature. Biblical research has come into its own, both in the academic world and outside it, especially as technology grants wide audiences instant access to the sources.

How, then, should one respond to the complex questions raised by close textual reading, by new methodology, and by recent discoveries?

The recent changes demand a more in-depth examination of the basic assumptions of the academic world, and rabbis and Jewish thinkers have risen to the challenge. The few who first addressed biblical criticism in nineteenth-century Germany, such as Rabbi David Zvi Hoffmann and Rabbi Samson Raphael Hirsch, have had their work taken up by renowned scholars, such as Rabbis Mordechai Breuer and Yoel Bin-Nun, in the last generation in Israel. As part of this process, it became clear that some assumptions may actually be shared by the worlds of academia and of the yeshiva. Many of the fundamental differences between the two worlds arise not from the data itself, but from the different intellectual axioms, which create different points of departure and different interpretive methodologies, and therefore result in different interpretations of the data. Some of the fundamental questions at the center of biblical study had already been addressed by medieval rabbinic scholars, for example, who on many occasions provided answers

that rarely were given the exposure they deserved, because so few in the traditional world focused on the issues of the biblical texts.

Indeed, academic study of the Bible has had a positive value in the traditional world for uncovering and illuminating new facets of the Torah. Rabbi Abraham Isaac HaKohen Kook articulates this approach of recognizing every contribution and enhancement in Torah:

This is a great principle in the battle of ideas – that for every view that appears to contradict some matter in the Torah, we must first not necessarily deny it, but rather build the palace of Torah upon it. We are thereby elevated and as we are elevated, ideas are revealed. Then we are untroubled and we may wholeheartedly confront these difficult ideas.¹

The aim of this work is to portray the unique approach that has arisen in the current generation among Bible scholars, who come to Tanakh study with deep, serious belief, on the one hand, and according to the prevailing methodology of Bible criticism, on the other. This new manner of study is grounded in a profound belief in the holiness and divine nature of the books of the Bible, and coupled with the understanding that new discoveries in the scholarly world need be neither rejected out of hand nor adopted in their entirety. Such scholarship demands of its students that they distinguish clearly between facts, tools, and speculation. They must refrain from rejecting truths that demand explanation, and from

1. Rabbi Abraham Isaac Kook, *Iggerot HaRe'aya*, vol. 1 (Jerusalem, 1962), letter 134, 164. Rabbi Kook (1865–1935) was a major figure in religious Zionist thought. He served as chief rabbi of the Ashkenazi community of British Palestine from 1921 until his death. His works on Jewish law and thought continue to be highly influential. The view noted above is also reflected in the following: “All the words and paths that lead to the ways of heresy themselves lead, fundamentally, if we seek out their source, to a greater depth of faith, one that is more illuminating and life-giving than the simple understanding that was illuminated prior to the revelation of that outburst” (*Orot HaKodesh*, vol. 2 [Jerusalem, 1964], 547). And more: “We cannot deny that there are many good things even in books that are deficient in many places... and truth is more beloved than all else, and it is specifically in that, that God is to be praised and the banner of the believer’s faith is raised” (*Iggerot HaRe'aya*, vol. 2 [Jerusalem, 1985], letter 255, 20).

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avoiding complex modern methods out of protective zeal for older methods. These exegetical and spiritual challenges have been accepted, both orally and in writing, at Yeshivat Har Etzion and at the affiliated Herzog College – institutions that, in recent years, have formed an unparalleled center for the study of Tanakh.

It is important to emphasize that my intention is not for this book to serve as a tool in a polemic against the world of academic scholarship. It is not to “know how to answer a heretic” (Avot 2:14), but to “know how to answer your own questions.” Believers are pressed, first and foremost, to reconcile their beliefs with their internal truths, and if they encounter specific areas that interfere with their beliefs, they must seek ways to reconcile these challenges to their belief system. The challenge posed by critical theory is not a threat, but a means for deeper understanding of God’s word as revealed in the Bible.

There is also, of course, a public and educational imperative in raising these issues. In recent years, I have witnessed more and more graduates of the religious educational system express profound distress when they are exposed to the world of academic Bible study at institutions of higher education. They sometimes encounter questions for which they feel they have no answers; at other times, they are dumbfounded by the dismissal of the thought processes upon which they were raised. On occasion, they even express anger at the religious educational system for failing to prepare them for this challenge. I cannot deny that this harsh criticism has some merit.

I believe that it is correct and appropriate to expose our students, at some point in their schooling, to the fundamental questions and problems of Bible study, together with the various solutions proposed by religiously committed scholars. If anything, these questions lead to a deeper and more genuine understanding of the Torah. Confronting these questions allows students to establish a firm religious foundation, with an awareness of the larger picture. They will then be able to chart their own path within their own system of belief.

This book contains three parts.

The first part, *Between Tradition and Criticism*, deals with questions of the authorship of books of the Bible and examines the relationship between the traditional approach and the critical one.

- In the first chapter, I present the relatively few references within Tanakh itself to the consolidation of the Torah, and then the various approaches of *Hazal* (the talmudic Sages) and the *Rishonim* (sages of the premodern era) to the issue.
- The second chapter addresses one of the first questions raised by the early biblical critics: the existence of verses that appear to be written subsequent to the rest of the Torah. I explore the approaches to this question among medieval Jewish scholars and discuss the ramifications of the phenomenon – according to those for whom it indeed exists – regarding when the Torah was actually written.
- The third chapter presents the phenomenon of contradictions and repetitions in biblical verses, and reviews the documentary hypothesis (Wellhausen hypothesis) with its underlying assumptions, its literary and historical aspects, and the problems and alternatives associated with it. As an alternative to the documentary hypothesis, I present an extensive review of the “aspects theory” (*shitat habehinot*), developed by Rabbi Mordechai Breuer, as well as its later expansions.
- The fourth chapter deals with the composition of the books of the Prophets and Writings (*Nevi'im* and *Ketuvim*), according to the midrash and the medieval commentators. I consider the possibility of implementing the “aspects theory” regarding these books too, and conclude with a detailed discussion of the composition of the book of Isaiah.
- The fifth chapter, which concludes this section of the book, deals with the traditional text of the Bible. Is it possible to identify the traditional text conclusively? This chapter considers the possibility of textual variations and whether introducing a textual variation as a way to solve an exegetical problem is legitimate.

The second section of the book, *Tanakh and Its World*, deals with archaeological discoveries and the physical realities of the biblical world.

- The sixth chapter weighs in on disputes raging between different schools of archaeologists regarding the period of the forefathers, the Egyptian servitude, the conquest and settlement of the Land of Israel, and the period of the monarchy of David and Solomon. This

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section reviews the questions arising from the existence or absence of archaeological finds, and discusses the general relationship between Tanakh and archaeology.

- The seventh chapter focuses on texts and artifacts from the ancient Near East, particularly those texts that predate the revelation of the Tanakh, featuring elements that parallel sections in the Torah, both in prose and in legal units. I also discuss the significance of such discoveries.

The last section of the book, *Between Peshat and Derash*, deals with the relationship between the *peshat* of Tanakh and the midrashim of the Sages.

- The eighth chapter investigates the relationship between the straightforward interpretation of the text and *midreshei aggada*.² It presents different approaches of medieval commentators, who respectively tackled the various levels on which verses can be understood.
- The ninth chapter discusses the relationship between the straightforward reading of the text and *midreshei halakha*,³ which have legal standing. I present models for explaining the discrepancies that sometimes exist between these two realms, and examine fundamental questions pertaining to halakha and the ways in which its rulings are determined.
- The final chapter concerns a question arising from the study of *peshat* that has generated much public discussion in the national-religious community in recent years: how to understand misdeeds of characters in Tanakh, as seen according to the plain reading of the text. I examine the position of the talmudic Sages and the medieval commentators on this subject, and also discuss the theoretical and educational questions emerging from their positions.

Of course, the fundamental thinking and positions presented are not new. They draw on the opinions and understandings of the classical Jewish

2. The Sages' interpretations of the narrative sections of Tanakh.

3. The Sages' interpretations of the legal sections of Tanakh.

thinkers and sages and of recent scholars. If there is anything new in my presentation of them, it consists of the gathering of these views into a single collection. Granted, the questions that arise from this integrative way of approaching the biblical text are endless, and I shall not be able to address every detail and every aspect of every topic. Rather, I aim to cover only the central points, and to summarize the relevant problems and the various ways of dealing with them, so that we may engage with, rather than hide from, challenges to our faith.

I have entitled this book *To This Very Day* for a few reasons. This well-known biblical phrase reflects the reader's direct interaction with the text, at all times and in all places. *To This Very Day* expresses the everlasting relevance of Tanakh. No book in history has so aroused the passions of its students and readers for so many generations. No book has earned so much interpretation, or bequeathed so much wisdom, charm, and strength, to this very day. At the same time, the expression is an important source in discussing the time between when a biblical event occurred and when it was recorded. Sometimes, many years have elapsed, if one reads the expression literally (for more on this, see chapter 2). Finally, this book grapples with the questions that have challenged readers and students from the time the Tanakh was written to this very day.

Many partners brought this book to fruition. First, this book was written within the walls of Yeshivat Har Etzion and Herzog College, where I studied and where I have been privileged to teach for many years. The yeshiva and its affiliated college imbued in me a love of Torah and taught me to seek its truth, with humility and awe. This method was impressed upon me by the founders and heads of the yeshiva, Rabbi Yehuda Amital *zt"l*, in whose memory this book is dedicated, and Rabbi Aharon Lichtenstein, *zt"l*, who passed away after the publication of the Hebrew edition of this book. Their successors as *roshei yeshiva*, my revered teachers Rabbi Yaakov Medan, Rabbi Baruch Gigi, and Rabbi Mosheh Lichtenstein, *shlit"a*, aided me greatly with their wisdom and guidance. I cannot possibly thank them enough for their time and thoughtful comments.

My colleagues in the Tanakh department at Herzog College also helped a great deal. First and foremost, I want to acknowledge my debt to two dear childhood friends, who are with me to this day: Rabbi Dr. Joshua Reiss was the first to hear from me about this book, and, from

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the start, he encouraged, boosted, and accompanied the work with great dedication. Prof. Yonatan Jacobs read many of the chapters, and commented and improved upon them.

Thanks from the bottom of my heart to my dear friend Dr. Yoshi Farjun, who edited and improved the Hebrew edition of this book with dedication and professionalism. It is impossible to overestimate the value of his comments and their influence on the finished product.

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This English edition would not have been possible without the contributions of many people. Thank you to Matthew Miller and my friend Rabbi Reuven Ziegler of Maggid Books, who spared no effort in ensuring the high quality of this edition; to Rabbi Ezra Bick of Yeshivat Har Etzion; to scholarly consultant Dr. Shawn Zelig Aster; to translators Kaeren Fish and Dr. Elka Weber; to editors Ita Olesker, Anne Gordon, Ilana Sobel, and Rabbi Joe Wolfson; and to my friends Dr. Marc Singer and Ezra Dyckman for their belief in this project and their support of it.

While I am grateful to all those who helped in many ways, all responsibility for what is written here rests with me alone.

Last but not least, thank you from the bottom of my heart to my dear and beloved family, who were a part of the writing of this book: my wife Anat, my devoted partner all along the journey, who gave the book its title; and our children, Rinat, Talia, Elnatan, and Hillel. Together, we climbed the ruins at Khirbet Qeiyafa to follow in the footsteps of the Davidic monarchy, and together at the Shabbat table we discussed essential questions relating to the composition of Tanakh and ways of studying it in our times. Whatever is mine is theirs.

I thank You, Lord, my God, and God of my fathers, for setting my lot with those who sit in the *beit midrash*, for giving us a Torah of truth, and for planting within us eternal life, to this very day.

Alon Shvut
Elul, 5779

Part I

Between Tradition
and Criticism



Chapter 1

Composition of the Torah According to Tanakh and Jewish Tradition

INTRODUCTION

Tanakh is made up of two kinds of books: those composed by an author whose identity is explicitly stated, and those composed by an author whose identity is not stated. The first category includes, among others, some of the Later Prophets, written in the first person, in which the main character narrates the events and prophecies. The second category, books that describe events from the perspective of an anonymous narrator, includes, among others, the Five Books of the Torah, which are written from an external point of view rather than in the first person. Surprising though it may sound, the Tanakh itself does not engage directly with the question of who wrote the Five Books of the Torah, and it does not describe in detail the process by which they were written and transmitted to the Jewish people. Insight about the Five Books of the Torah may be gleaned, however, by reviewing verses in Tanakh and examining various approaches among the Sages and medieval commentators concerning the creation of the Torah and its transmission to the Jewish people.

TORAH AS A COLLECTION OF MITZVOT

The terms “Torah” and “*Sefer Torah*” appear many times in Tanakh, but in most cases, the plain meaning of the text does not refer to the Five Books of the Torah. In fact, the word “Torah” has multiple meanings in Tanakh, and only in some instances does it refer to a written text. The term appears in one of the first legal passages in the Torah in Exodus 12:49, and its meaning throughout Exodus as well as in Leviticus and Numbers is “a law, or collection of laws, on a specific subject.” We see this, for example, in the following verses:

זאת התורה לעלה למנחה ולחטאת ולאשם ולמלואים ולזבח השלמים.

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. (Lev. 7:37)

זאת התורה לכל נגע הצרעת ולנתק.

This is the law (*torah*) for every *tzaraat*, and for the patch. (Lev. 14:54)

זאת תורת הקנאות אשר תשטה אשה תחת אישה ונטמאה.

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

1. There is one verse in these books that seems to be an exception: וַיֹּאמֶר ה' אֶל מֹשֶׁה, עֲלֵה אֵלַי הַהָרָה - וְהִיא שָׁם וְאֶתְנֶה לְךָ אֶת לְחַת הָאֲבֹנִים, וְהַתּוֹרָה וְהַמִּצְוֹת, אֲשֶׁר כָּתַבְתִּי, לְהוֹרֹתָם “God said to Moses: 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” (Ex. 24:12). Here it seems that the word “Torah” refers to a written collection in His possession, something broader than a specific collection of laws. However, the commentators note that the reference cannot be to such a written corpus, for “God did not write the Torah; rather, Moses wrote it, at God’s word” (Ibn Ezra, ad loc.). Therefore, they (Ibn Ezra, Rashbam, Nahmanides, and others) conclude that the word “*katavti*” (I have written) refers only to the two tablets. Nahmanides interprets the word “Torah” as a general term, referring to different teachings within a larger collection (see Lev. 26:46, Deut. 5:27).

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

In Deuteronomy, however, “Torah” refers explicitly to a text that is broader than just a single law or collection of laws relating to one subject, though the reference remains far more limited than the way the term is used today.

A review of the word’s occurrences in Deuteronomy demonstrates that the corpus referred to as “Torah” is, in fact, Moses’s main speech in Deuteronomy, commonly referred to as the “speech of the mitzvot,” the speech of the commandments. This speech, which makes up chapters 5–26 of Deuteronomy, is one, continuous, uninterrupted monologue, containing an extensive list of mitzvot. At the beginning of this speech we read: **וְזֹאת הַתּוֹרָה אֲשֶׁר שָׁם מֹשֶׁה לְפָנַי בְּנֵי יִשְׂרָאֵל. אֱלֹהֵי הָעֶרְתָּ:** **וְהַחֲקִים וְהַמְשַׁפְּטִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל בְּצֵאתְכֶם מִמִּצְרָיִם,** “This is the Torah that Moses placed before the Children of Israel. These are the testimonies and the statutes and the judgments that Moses spoke to the Children of Israel when they came out of Egypt” (Deut. 4:44–45). The plain meaning of the text here suggests that the “Torah” means the things Moses is going to say from this point onward.³

At the end of the “speech of the mitzvot,” Moses commands the Children of Israel to set up great stones after passing over the Jordan: **וְכָתַבְתָּ עָלֵיהֶן אֶת כָּל דִּבְרֵי הַתּוֹרָה הַזֹּאת** **אֵת כָּל דִּבְרֵי הַתּוֹרָה הַזֹּאת** (Deut. 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” – that is, the same “Torah” that was just concluded.⁴

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, the verse itself indicates clearly that it cannot be referring to the Five Books of the Torah or to any other written corpus.

2. See Gen. 26:5; Ex. 16:28; Jer. 44:10, and elsewhere.
3. As Rashi comments there, “‘This is the Torah’: that which he is going to set forth after this unit.”
4. There are many opinions among the Sages and the commentators as to what was written on the stones. The Mishna (Sota 7:1) states that the entire Torah was written on them – that is, the entire Five Books, and since the verse also adds “very clearly” (**בְּאֵר** **הַיָּטִב**, Deut. 27:8), one is left to conclude that it was also written in seventy languages. However, *Mekhilta* Deuteronomy (see S. Z. Schechter, “Mekhilta on Deuteronomy,

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It is only in Deuteronomy that, for the first time, the “Torah” is mentioned as being committed to writing in a book. The book is mentioned for the first time in a very specific context, namely, concerning a future king: **וְהָיָה כְּשִׁבְתוֹ עַל כִּסֵּא מַמְלַכְתּוֹ וְכָתַב לּוֹ אֶת מִשְׁנֵה הַתּוֹרָה הַזֹּאת עַל סֵפֶר מִלְפְּנֵי הַכֹּהֲנִים הַלְוִיִּם**, “And it shall be, when he sits upon the throne of his kingdom that he shall write for himself *a copy of this Torah*, in a written form, from that which is before the Levite priests” (Deut. 17:18). The conventional explanation of the Hebrew term *mishneh torah* is “copy of the Torah” (see *Targum Onkelos* and others), but the verse itself is unclear.

Toward the end of Deuteronomy, the “Torah” refers explicitly to something that is written:

וַיִּכְתֹּב מֹשֶׁה אֶת הַתּוֹרָה הַזֹּאת וַיִּתְּנָהּ אֶל הַכֹּהֲנִים בְּנֵי לְוִי הַנְּשָׂאִים אֶת אֲרוֹן בְּרִית יְהוָה; וְאֵל כָּל זִקְנֵי יִשְׂרָאֵל.

And Moses wrote *this Torah*, and he gave it to the *kohanim*, the sons of Levi, who bore the Ark of the Covenant of the Lord, and unto all the elders of Israel. (Deut. 31:9)

Parashat Re'eh,” in *Tiferet Yisrael, Festschrift zu Israel Lewy's siebzigstem Geburtstag*, ed. M. Brann and J. Elbogen [Breslau, 1911, reprinted Jerusalem, 1972], 189–92), also cites the view of Rabbi Shimon bar Yohai, which accords better with the plain meaning of the text: “They wrote only the repetition [or copy – *mishneh*] of the Torah by Moses.” This approach is based on the verse describing the fulfillment of the command, in the days of Joshua: **וַיִּכְתֹּב שָׁם עַל הָאֲבָנִים אֶת מִשְׁנֵה תּוֹרַת מֹשֶׁה אֲשֶׁר כָּתַב לְפָנָיו בְּנֵי יִשְׂרָאֵל**, “And he wrote there upon the stones the repetition [or copy] of the Torah of Moses, which he wrote in the presence of the Children of Israel” (Josh. 8:32). From the limiting language of Rabbi Shimon bar Yohai’s view, “they wrote only,” one can deduce that he disagrees not only with the idea that the Torah was written in seventy languages, but also with the initial assertion that the Torah was written in its entirety. He maintains that only Deuteronomy was written on the stones.

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, **כִּי תִצּוֹר אֶל עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ**, “When you besiege a city for a long time, to wage war against it” (Deut. 20:19).

The commentators raise other possibilities, with some limiting the written text still further. For extensive discussion of the entire subject, see M. Bar Ilan, “HaTorah HaKetuva al HaAvanim BeHar Eval,” in Z. H. Ehrlich and Y. Eshel, eds., *Mehkeret Yehuda VeShomron 2* (Kedumim-Ariel, 1993), 29–42.

What is included in this “Torah”? Rashi and Nahmanides explain that it refers to the Five Books of the Torah, and the same point is stated explicitly at the beginning of *Sifrei Deuteronomy* (*piska* 1).⁵ However, this interpretation raises some difficulties. First, as already noted, in 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 seems to suggest that this verse – and all those that follow – are not part of “this Torah” but rather serve as an introduction to the Torah itself. Moreover, just two verses later, the command concerning the “*hak’hel*” ceremony uses the term again.

וַיִּצַו מֹשֶׁה אוֹתָם לֵאמֹר מִקֵּץ שְׁבַע שָׁנִים בְּמַעַד שְׁנַת הַשְּׁמִטָּה בְּחַג
הַסֻּכּוֹת...תִּקְרָא אֶת הַתּוֹרָה הַזֹּאת נֹגֵד כָּל יִשְׂרָאֵל בְּאָזְנֵיהֶם.

Moses 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. (Deut. 31:10–11)

The Sages (*Sota* 7:8) agree that the command to read “this Torah” in the context of *hak’hel* does not refer to all Five Books of the Torah; rather, it indicates a few key selections from Deuteronomy. It therefore seems reasonable to suggest, as Abrabanel does 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 only to parts of Deuteronomy, then the same words in verse 9, regarding Moses’s writing of the text, should refer to that same text.⁶

The logical conclusion here is that the composition that the Torah records Moses as having written does not include all Five Books, but only the central portions of Deuteronomy.

5. Rashi (c. 1040–1105, northeastern France) is considered the preeminent biblical commentator in traditional Judaism, and was an important talmudist and halakhic decisor. Nahmanides (1194–1270, Spain) was a leading talmudist, philosopher, kabbalist, poet, physician, and commentator on the Torah.
6. Don Isaac Abrabanel (1437–1508, Spain and then Italy), philosopher and statesman, who authored a discursive non-allegorical Bible commentary.

To This Very Day

Let us try to define more precisely what is included in the “Torah,” which is described in Deuteronomy as having been written by Moses. Again, the Mishna tells us that the “Torah” that is read at the *hak’hel* ceremony includes only crucial parts of Deuteronomy:

And he reads from the beginning of “These are the things” (Deut. 1:1) up to *Shema* (Deut. 6:4), and *Shema* (Deut. 6:4–9), and *Vehaya im shamo’a* (Deut. 11:13–21), “You shall surely tithe” (Deut. 14:22–29), “When you finish tithing” (Deut. 26:12–15), and the unit on the king (Deut. 17:14–20), and the blessings and curses (Deut. 27:1ff.), until the end of that entire unit [apparently Deut. 28:69]. (Sota 7:8)

This mishnaic statement, which defines the word “Torah” in Deuteronomy 31:11, will serve as a means of identifying which passages the authors of this mishna considered to be “Torah.” They include Moses’s first speech (Deut. 1–4) in this rubric, an understanding clearly originating in the assumption that the first speech serves as a preface to the main speech – the “speech of the mitzvot.”⁷

The Sages also maintained that the Book of the Torah included the passage that describes the blessings and curses that will befall the Children of Israel, depending on their future conduct, in chapter 28.

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7. The main purpose of Moses’s first speech is to convey that one must obey God and fulfill His commandments. In chapter 1, Moses reviews the failures of the first generation, who did not enter the land because they rebelled against God. In chapters 2 and 3, he describes the second generation, who did obey God. The conclusion to be drawn from this brief historical review is summed up nicely in the concluding chapter of the speech, which begins with a warning: וְעַתָּה יִשְׂרָאֵל שְׁמַע אֶל הַחֻקִּים וְאֶל הַמִּשְׁפָּטִים אֲשֶׁר אֲנִי מְלַמֵּד אֶתְכֶם לַעֲשׂוֹת לְמַעַן תַּחֲיוּ וּבִאתֶם וּבִירִשְׁתֶּם אֶת הָאָרֶץ אֲשֶׁר ה' אֱלֹהֵי אֲבוֹתֵיכֶם נָתַן לָכֶם, “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” (Deut. 4:1). Once this conclusion was established, it was possible to go on to teach the Jews the statutes and the judgments, as Moses indeed goes on to do in the “speech of the mitzvot.” In light of this, it is possible that the “Book of the Torah” did indeed include the opening chapters, which serve as an introduction to the main speech.

This assertion is based on explicit references in the text, as the blessings and curses follow the “speech of the mitzvot,” which concludes at the end of chapter 26.

A number of verses seem to indicate that the blessings and curses were written along with the “speech of the mitzvot” in the Book of the Torah. Moses warns concerning whoever worships idolatry: ‘וְהִבְדִּילֹהוּ לְרָעָה מִכָּל שִׁבְטֵי יִשְׂרָאֵל כָּכֹל אֱלוֹת הַבְּרִית הַכְּתוּבָה בְּסֵפֶר הַתּוֹרָה הַזֶּה, “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” (Deut. 29:20). Similarly, concerning Joshua: ‘וְאַחֲרֵי כֵן קָרָא אֶת כָּל דְּבָרֵי הַתּוֹרָה הַבְּרָכָה וְהַקְּלָלָה כָּכֹל הַכְּתוּב בְּסֵפֶר הַתּוֹרָה, “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” (Josh. 8:34).⁸ Hence, the blessings and curses were also included in the Book of the Torah, as they are part of the covenant to observe the “Torah.”

Between chapter 26, with the end of the “speech of the mitzvot,” and chapter 28, with its blessings and curses, is chapter 27, which includes the commands to build an altar on Mount Ebal and write the words of the Torah upon the stones there. It would seem that this chapter, too, is included in the Book of the Torah of Moses, as described in Joshua (8:30–31):

אִזּוּ יִבְנֶה יְהוֹשֻׁעַ מִזְבֵּחַ לַיהוָה אֱלֹהֵי יִשְׂרָאֵל בְּהַר עֵיבָל. כַּאֲשֶׁר צִוָּה מֹשֶׁה
עָבַד ה' אֶת בְּנֵי יִשְׂרָאֵל כְּכָתוּב בְּסֵפֶר תּוֹרַת מֹשֶׁה מִזְבַּח אֲבָנִים שְׁלֵמוֹת
אֲשֶׁר לֹא הִנִּיף עֲלֵיהֶן בְּרוּל.

8. There are additional verses that mention the blessings and curses as included in the Book of the Torah: ‘גַּם כָּל חָלִי וְכָל מַכָּה אֲשֶׁר לֹא כְּתוּב בְּסֵפֶר הַתּוֹרָה הַזֹּאת יַעֲלֶם ה' עֲלֶיךָ; עַד הַשְּׂמֹרֶךְ, “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” (Deut. 28:61); לֹא יִאֲבֹה ה' סִלַּח לוֹ כִּי אִזּוּ יַעֲשֶׂן אִף ה' וְקִנְאָתוֹ בְּאִישׁ הוּא וְרִבְצָה בּוֹ כָּל הָאֵלֶּה הַכְּתוּבָה בְּסֵפֶר הַזֶּה, “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” (Deut. 29:19); וַיִּחַר אִף ה' בְּאַרְצָה הַהוּא לְהֵבִיא עֲלֶיהָ אֶת כָּל הַקְּלָלָה הַכְּתוּבָה בְּסֵפֶר הַזֶּה; “And God’s anger burned against that land, to bring upon it all the curses that are written in this Book” (Deut. 29:26).

To This Very Day

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

That verse represents an almost verbatim repetition of Deuteronomy 27:4–5:

וְהָיָה בְּעִבְרֹכֶם אֶת הַיַּרְדֵּן תִּקְיִמוּ אֶת הָאֲבָנִים הָאֵלֶּה אֲשֶׁר אֲנֹכִי מִצַּוֶּה אֶתְכֶם הַיּוֹם בְּהַר עֵיבָל... וּבָנִיתָ שָׁם מִזְבֵּחַ לַיהוָה אֱלֹהֶיךָ מִזְבֵּחַ אֲבָנִים לֹא תִנְיֵךְ עֲלֵיהֶם בְּרֹזֶל.

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 Ebal... and you shall build there an altar to the Lord your God, an altar of stones over which no iron has been lifted.

The repetition of the text of Deuteronomy in the book of Joshua, with its attribution to the “Book of the Torah of Moses,” indicates that the “Torah of Moses” included at least chapters 5–28 of Deuteronomy, and perhaps also chapters 1–4.

It is interesting to note that, with regard to the famous command in Joshua (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:

R. Shimon ben Yoḥai said: “The book of the *mishneh torah*⁹ was a banner for Joshua. 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, Joshua; be of good courage, Joshua: this Book of the Torah shall not depart’” (Genesis Rabba 6:9, Theodor-Albeck edition, 49–50)

9. That is, Deuteronomy, which the Sages refer to in many places as “*mishneh torah*” (see, for example, Berakhot 21b).

Composition of the Torah According to Tanakh

According to R. Shimon ben Yoḥai, the expression “Book of the Torah” – at least in Joshua – refers to Deuteronomy, rather than to all five books of the Torah.¹⁰

The word “Torah” also occurs in the books of the Prophets. In most cases, the word is understood to be a general expression for observance of the commandments, which makes it difficult to determine whether the term refers to the Five Books of the Torah or only to the “speech of the mitzvot.” However, when the term “Torah” is used to refer to the observance of specific commandments, it is clearly referring to the “speech of the mitzvot” (i.e., Deut. 12–27), and so it is likely that in other contexts as well, “Torah” refers to the “speech of the mitzvot.”¹¹

For example, we read of King Amatzia:

וְאֵת בְּנֵי הַמְּכִימִים לֹא הִמִּית כְּכַתּוּב בְּסֵפֶר תּוֹרַת מֹשֶׁה אֲשֶׁר צִוָּה ה' לֵאמֹר
לֹא יוּמְתוּ אָבוֹת עַל בְּנֵי וּבָנִים לֹא יוּמְתוּ עַל אָבוֹת כִּי אִם אִישׁ בְּחַטָּאֵו
יָמוּת [יִמָּת קְרִי].

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 Moses, 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 Kings 14:6)

Here, too, the verse in II Kings repeats Moses’s words in his “speech of the mitzvot” almost verbatim: אַיִשׁ בְּחַטָּאֵו יוּמָתוּ, “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” (Deut. 24:16).

10. R. Shimon ben Yoḥai’s understanding that the “Book of the Torah” refers to Deuteronomy is consistent. With regard to writing of the Torah upon the stones, he explains that only the “*mishneh torah*” was written.

11. See, for example, Josh. 23:6, I Kings 2:3, and II Kings 23:25.

The book of Daniel (9:11) mentions “the curse and the oath that is written in the Torah of Moses” – referring to the section of blessings and curses in Deuteronomy, as noted above.

II Kings also recounts the discovery of a Book of the Torah in the days of King Josiah: וַיֹּאמֶר חִלְקִיָּהוּ הַכֹּהֵן הַגָּדוֹל עַל שֵׁפֶן הַסֵּפֶר סֵפֶר הַתּוֹרָה מִצְאָתִי בְּבַיִת ה' "And Hilkiya, the high priest, said to Shafan, the scribe: 'I have found a Book of the Torah in the house of God'" (II Kings 22:8). Again, the reference is most likely to Deuteronomy, as suggested in the commentary attributed to Rashi¹² on Chronicles (see II Chr. 34:14).¹³

TORAH AS THE FIVE BOOKS OF THE TORAH

Thus far we have seen, from the descriptions that appear in the Torah itself as well as from those in the books of the Prophets, that there is no way of knowing how, when, and by whom the Five Books of the Torah were committed to writing. In the later books, the picture changes somewhat, and the existence of a “Book of the Torah” that is more extensive than Deuteronomy itself is mentioned explicitly. For instance, the book of Nehemiah recounts:

וַיֹּאסְפוּ כָּל הָעָם כְּאִישׁ אֶחָד אֶל הָרְחוֹב אֲשֶׁר לִפְנֵי שַׁעַר הַמַּיִם וַיֹּאמְרוּ לְעֹזְרָא הַסֵּפֶר לְהֵבִיא אֶת סֵפֶר תּוֹרַת מֹשֶׁה אֲשֶׁר צִוָּה ה' אֶת יִשְׂרָאֵל. וַיָּבִיא עֹזְרָא הַכֹּהֵן אֶת הַתּוֹרָה לִפְנֵי הַקְּהָל מֵאִישׁ וְעַד אִשָּׁה וְכָל מִבֵּין לְשִׁמְעַע בַּיּוֹם אֶחָד לַחֲדָשׁ הַשְּׁבִיעִי. וַיִּקְרָא בּוֹ לִפְנֵי הָרְחוֹב... וַיִּקְרָאוּ בְּסֵפֶר בְּתוֹרַת הָאֱלֹהִים מִפֶּרֶשׁ וְשׁוֹם שְׂכָל וַיְבִינּוּ בְּמִקְרָא... וּבַיּוֹם הַשֵּׁנִי נֹאסְפוּ רְאשֵׁי הָאָבוֹת לְכָל הָעָם הַכֹּהֲנִים וְהַלְוִיִּם אֶל עֹזְרָא הַסֵּפֶר וְלְהַשְׁפִּיל אֶל דְּבָרֵי הַתּוֹרָה. וַיִּמְצְאוּ כְּתוּב בַּתּוֹרָה אֲשֶׁר צִוָּה ה' בְּיַד מֹשֶׁה אֲשֶׁר יֹשְׁבוּ בְנֵי יִשְׂרָאֵל בְּסִפּוֹת בְּחָג בְּחֹדֶשׁ הַשְּׁבִיעִי. וְאֲשֶׁר יִשְׁמִיעוּ וַיַּעֲבִירוּ קוֹל בְּכָל עָרֵיהֶם וּבִירוּשָׁלַם לֵאמֹר צְאוּ הָהָר וְהֵבִיאוּ עִלַי זֵית וְעִלַי עֵץ שִׁמֹן וְעִלַי הָרִס וְעִלַי תְּמָרִים וְעִלַי עֵץ עֵבֶת

12. As is well known, the commentary that appears as “Rashi” on the book of Chronicles was not written by him. For extensive discussion of this commentary, which was written in Germany in the twelfth century, see Eran Viezel, *HaPerush HaMeyuhas LeRashi LeSefer Divrei HaYamim* (Jerusalem, 2010).
13. Chapter 3 addresses this matter at length, in the discussion of the writing of the book of Deuteronomy.

לַעֲשׂוֹת סֵכֶת בְּכַתּוּב... וַיִּקְרָא בְּסֵפֶר תּוֹרַת הָאֱלֹהִים יוֹם בְּיוֹם מִן הַיּוֹם
הָרִאשׁוֹן עַד הַיּוֹם הָאַחֲרוֹן וַיַּעֲשׂוּ חָג שְׁבַע יָמִים וּבַיּוֹם הַשְּׁמִינִי עֲצָרַת
בְּמִשְׁפָּט.

All the people gathered themselves together as one man to the broad place that was before the water gate, and they spoke to Ezra the scribe to bring the Book of the Torah of Moses, which God had commanded to Israel. And Ezra the priest brought the Torah before the congregation, both men and women, and all who could hear with understanding, on the first day of the seventh month. And he read from it in front of the broad place... And they read from the Book of God's Torah, distinctly; and they gave the sense, and caused them to understand the reading... And on the second day, the heads of fathers' houses of all the people, the priests, and the Levites were gathered to Ezra the scribe, to study the words of the Torah. And they found it written in the Torah that God had commanded by the hand of Moses, that the Children of Israel should dwell in *sukkot* during the festival of the seventh month; and that they should publish and proclaim in all their cities, and in Jerusalem, saying: "Go forth to the mountain, and fetch olive branches, and branches of wild olive, and myrtle branches, and palm branches, and branches of thick trees, to make *sukkot*, as it is written"... And he read from the Book of God's Torah day by day, from the first day until the last day; and they observed the festival for seven days, with a convocation on the eighth day, as prescribed. (Neh. 8:1–18)

In this passage, Ezra reads from the "Book of the Torah of Moses," also called "the Book of God's Torah," verses about the festival of Sukkot. Yet in this case the "Book of the Torah" may not refer solely to Deuteronomy, since the description of Sukkot in the "speech of the mitzvot" (Deut. 16:13–17) makes no mention of such central details as the command to dwell in *sukkot*, the observance of the festival in the seventh month, the observance of the eighth day as a "convocation" (*atzeret*), or even the bringing of the four species. All of these details do, however, appear in

Leviticus (23:33–43).¹⁴ It is clear, therefore, that the Book of the Torah that was read in the days of Ezra included at least Leviticus, and it was called “the Book of Moses.”¹⁵

Chronicles presents a similar phenomenon, with the description of the observance of the second Passover (*Pesah Shenī*) in the days of Hezekiah:

וַיִּשְׁחֲטוּ הַפֶּסַח בְּאַרְבַּעָה עָשָׂר לַחֹדֶשׁ הַשֵּׁנִי... וַיַּעֲמְדוּ עַל עֲמֻדָם כְּמִשְׁפָּטָם
כַּתּוּרַת מֹשֶׁה אִישׁ הָאֱלֹהִים הַכֹּהֲנִים וְרָקִים אֶת הַדָּם מִיַּד הַלְוִיִּם.

Then they slaughtered the Passover [sacrifice] on the fourteenth day of the second month. ... And they stood in their place as prescribed, according to the Torah of Moses, the man of God; the priests sprinkled the blood, which they received from the hands of the Levites. (II Chr. 30:15–16)

14. The present discussion will not address the differences between the species mentioned in Nehemiah and the description in Leviticus: וַיִּקְחֶתֶם לָכֶם בַּיּוֹם הָרִאשׁוֹן פְּרִי, “You shall take for yourselves on the first day the fruit of the beautiful tree, branches of palm trees, the branches of thick trees, and willows of the brook” (Lev. 23:40). Despite the differences, the linguistic connection between the two sources is clear.

15. The same impression arises from the verses describing previous stages in the book of Ezra. At the beginning of Ezra, the text describes the building of the altar for offering the sacrifices of the festivals of the seventh month, in the days of Yehoshua ben Yehotzadak and Zerubavel ben Shealtiel:

וַיָּקָם יֵשׁוּעַ בֶּן יוֹצָדָק וְאַחֵיו הַכֹּהֲנִים וְזֵרֻבָבֶל בֶּן שְׂאֵלְתִיאל וְאַחֵיו וַיִּבְנוּ אֶת מִזְבֵּחַ אֱלֹהֵי
יִשְׂרָאֵל לְהַעֲלוֹת עָלָיו עֹלוֹת כַּכְּתוּב בְּתוֹרַת מֹשֶׁה אִישׁ הָאֱלֹהִים. וַיַּעֲשׂוּ אֶת חֹג הַסֻּכּוֹת
כַּכְּתוּב וְעֵלֶת יוֹם בַּיּוֹם בְּמִסְפָּר כְּמִשְׁפַּט דְּבַר יוֹם בְּיוֹמוֹ. וְאַחֲרָי כֵּן עֵלֶת תְּמִיד וְלַחֲדָשִׁים
וְלִכְל מוֹעֲדֵי ה' הַמִּקְדָּשִׁים.

And Yeshua, son of Yotzadak, and his brethren the *kohanim*, and Zerubavel, son of Shealtiel, and his brethren, arose, and they built the altar of the God of Israel, to offer burnt offerings upon it, as it is written in the *Torah of Moses, the man of God*. ... And they observed the festival of Sukkot, as it is written, with the daily burnt offerings by number, as prescribed, fulfilling each day's requirement. And afterwards they offered the continual burnt offering, and of the New Moon, and of all the sanctified times appointed by God. (Ezra 3:2–5)

Once again, the text reflects, in its plain meaning, commandments that appear in Leviticus and Numbers, but not in Deuteronomy.

It would therefore appear that extensive portions of the Five Books of the Torah were defined as part of the “Torah of Moses.” Moreover, later in Nehemiah, the Jewish people commits to observe the Torah – clearly identified with “God’s Torah,” at the ceremony of the covenant: לְלַכֵּת בְּתוֹרַת הָאֱלֹהִים אֲשֶׁר נָתַן בְּיַד מֹשֶׁה עֶבֶד הָאֱלֹהִים, “To follow God’s Torah, which was given by the hand of Moses, God’s servant” (Neh. 10:30).

There are no further explicit references in Tanakh that demonstrate how the Five Books of Torah were committed to writing and conveyed to the Jewish people. Analysis of the books of the Prophets and Writings does, however, strongly suggest that they relate to all Five Books of the Torah. This is readily apparent when books of Prophets and Writings refer to verses in the Torah, whether openly or through allusion. It is also evident in narratives that are built upon stories from the Torah – either in the narratives themselves, or in their literary structures. Both phenomena are widespread, as just a few examples will demonstrate.

The books of the Prophets contain many verses that are written in a way that indicates a clear connection to verses in the Torah.¹⁶ An example is Rahab’s words to Joshua’s spies: וַיֵּדַעְתִּי כִּי נָתַן ה' לְכֶם אֶת הָאָרֶץ, “I know that God has given you the land, and that the fear of you is fallen upon us, and that all the inhabitants of the land melt away from before you” (Josh. 2:9). This language clearly echoes the words of the Song at the Sea: נִמְגַּו כָּל יֹשְׁבֵי כְנָעַן, תִּפֹּל עֲלֵיהֶם אִימַתָּה וּפְחָד, “All the inhabitants of Canaan shall melt away; dread and fear shall fall upon them” (Ex. 15:15–16).

The second phenomenon, the literary parallels within Tanakh, have received a great deal of attention in the past generation.¹⁷

16. The *Daat Mikra* series includes, in the introduction to each book of the Prophets and Writings, an extensive list of parallels between that book and books of the Torah. Examples of such parallels include Joshua 2:9, which parallels Exodus 15:15–16; Judges 2:13, which reprises what God told Moses following the giving of the second set of Tablets in the book of Exodus 34:12–13; I Kings 8:10–11, which refers to Exodus 40:34–35; and even Jeremiah 4:23, which clearly alludes to Genesis 1:2. Further examples abound.

17. A significant contribution was made by Yair Zakovitch, who collated dozens of “mirror narratives,” as he calls them, distilling their meaning in his *Mikraot BeEretz HaMarot* (Tel Aviv, 1985). For further reading, see my work, *Makbilot Nifgashot – Makbilot*

Scholars have studied various texts that display commonalities, whether in terms of language or content, where one may reasonably assume that the chronologically later passage alludes intentionally to the earlier one. The discussion of parallels between the books of the Prophets and Writings and the books of the Torah are particularly interesting and germane to this discussion. There are dozens of instances of clear connections between the books – in terms of both content and language. Here, too, a small sample shall suffice.

Several of the stories about Joshua are constructed along the same lines as those about Moses. For example, Joshua's and Moses's sending of spies (Josh. 2; Num. 13); the revelation in Jericho (Josh. 5:15) and the revelation at the burning bush (Ex. 3:5); and the crossing of the Jordan (Josh. 3:3–16) and the splitting of the Red Sea (Ex. 14:21–22).¹⁸

Similarly, many stories in the Prophets and Writings parallel narratives in the Five Books of Torah. For example, the incident of the concubine in Giv'a (Judges 19) pairs with the story of the angels visiting Lot in Sodom (Gen. 19); the story of Elkana, Hannah, and Penina (the first chapter of I Samuel) clearly echoes the story of Jacob, Rachel, and Leah (Gen. 30); Elijah at Horeb (I Kings 19) strongly aligns with Moses; and there are many other narratives as well that demonstrate a clear connection between the stories in the Prophets and Writings and those in the Torah. In the great majority of cases, the significance of the literary parallel is clear, and we are able to understand the literary benefit of writing the stories in this way so as to emphasize the messages that the Tanakh is seeking to convey.

In many cases, it is apparent that a story in the book of the Prophets consciously adopts the language of a story that appears in the Torah. Let us examine two examples.

Sifrutiot BeSefer Shmuel (Alon Shvut, 2006), 7–11, 194–200. (Although little has appeared in English on the subject of biblical parallels, one such work is that of Judy Klitsner, *Subversive Sequels in the Bible* [Maggid, 2019].)

18. A long list of parallels between Joshua and Moses appears in *Midrash Tanhuma, Tetzaveh*, 19.