A Responsum on Biblical Criticism (1)

By David Golinkin

In honor of Rabbi Professor Jacob Roth, a scholar of halakha, who inspired generations of students to love the Torah and observe the commandments, on his eightieth birthday.

**A question from a student in the Schechter Rabbinical Seminary** : Is it permissible to study and teach biblical criticism, especially regarding the Torah?

**The Response:**

In this responsum I will show that it is permissible to study and teach biblical criticism. I will not endorse a specific school of biblical criticism, but rather the study and teaching of its various approaches, for the purpose of understanding the plain meaning of the Bible. Because of the complexity of the subject, this responsum is divided into nine sections:

1. What is Biblical Criticism?
2. Sources that Would Appear to Prohibit the Study of Biblical Criticism
3. The Basic Weaknesses of the Sources Prohibiting Biblical Criticism
4. Textual Criticism in Early Rabbinic and Medieval Literature
5. Source Criticism in Early Rabbinic Literature
6. Source Criticism in Medieval Rabbinic Literature
7. Precedents for Critical Study from Other Areas
8. The Sanctity and Authority of the Torah for those Engaged in Biblical Criticism
9. Conclusion
10. **What is Biblical Criticism?**

There are two basic categories of biblical criticism:

1. **Textual Criticism (Lower Criticism) (2)**

Textual criticism is based on the premise that, in the course of its transmission over a period of thousands of years, errors occurred within the text. This field of study attempts to reconstruct the original text as far as it is possible to do so. The following is a partial list of types of errors, with examples from the biblical text.

1. The substitution of a letter with another letter similar in form: *kaf/beit; resh/dalet; chet/hey; tav/hey; yod/vav; tzadi/ayin*. In Isaiah 14:4, the word “*madheivah*” should read “*marheivah*” as in the Isaiah scroll found in Qumran.
2. Metathesis (transposition) of letters. In Psalms 49:12, “*kirbam*” should read “*kivram*”.
3. Errors in vocalization. In Isaiah 7:11, “*she’alah*” (with a *kamatz*) should read
“*she’olah*” (with a *cholam*).
4. Transposition of verses. Nahum 1 is an acrostic and in verse 9 the “*lamed*” and “*mem*” are interchanged.
5. Haplography, the omission of a letter appearing twice consecutively. In Genesis 32:22, the words “*balailah* ***hu***” should read “*balailah* ***hahu***”.
6. Dittograghy, the accidental repetition of a letter or word. In Jeremiah 51:3, the word “*yidrokh*” appears twice.
7. The addition of letters. In 2 Samuel 22:44, the word “*tishmereni*” should read “*tisimeni*”.
8. Omission due to repetition of similar words. In Joshua 21: 35-37, in many manuscripts, several verses have been omitted because the scribe’s eye jumped from the words “*arim arbah*”[ 4 towns] in verse 35 to the same phrase in verse 37.
9. Mistakes in the division into verses. In Joel 2:1-2, the words “*ki karov*” [it is close] appearing in verse 1, belong to verse 2.
10. Mistakes in the separation of letters to form words. In Amos 6:12, the word “*babekarim*” should be two words, “*babakar yam*”.
11. The fusion of two versions. In 1 Samuel 28:3, the phrase “and he was buried in his own town of Ramah” is the fusion of “and he was buried in Ramah” with “and he was buried in his town”.
12. The insertion of a note in the wrong place. In Genesis 10:14, the phrase “whence the Philistines came forth” explains the word “Caphtorim” but was accidently inserted before it.

B) **Source Criticism (or Higher Criticism) (3)**

Source criticism, also known as higher criticism, was developed to explain the contradictions within the Torah. It is based upon the premise that the Torah, as well as other biblical books, were edited and compiled from various sources and that by means of careful reading it is possible to reconstruct these primary sources and thereby reveal the world views of their respective authors.

The following are examples of contradictions within the Torah resolved by higher criticism:

1. Genesis 1:20 reads “God said, “Let the **waters** bring forth swarms of living creatures, and birds that fly above the earth ...” while verse 2:19 reads “ And the Lord God formed **out of the earth** all the wild beasts and all the birds of the sky…”.
2. “…visits the iniquity of parents upon children” in Exodus 34:7 contrasts with “ **nor** children be put to death for parents: a person shall be put to death only for his own crime” in Deuteronomy 24:16.
3. According to Numbers 33:38, Aaron died on Mount Hor, while according to Deuteronomy 10:6, he died in Moserah.
4. Deuteronomy 16: 8 reads “After eating unleavened bread six days”, in contrast to Exodus 13:6, 23:15 and Leviticus 23:6 (with a variation) and Deuteronomy 16:3 which read “Seven days you shall eat unleavened bread”. It is important to note that there is a contradiction between two verses within the same chapter – Deuteronomy 16.
5. Genesis chapter 1, God, called “Elohim”, is transcendental and creates man and woman simultaneously. However, in Genesis chapter 2, God, referred to as “YHVH Elohim” is anthropomorphic and creates Eve from Adam’s rib.
6. In Genesis 12:10-20, **Abram** goes to **Pharaoh in Egypt**, as compared to

Genesis 20:1-18 in which **Abraham** goes to **Abimelech in Gerar**, as compared to

Genesis 26: 6-11in which **Isaac** goes to **Abimelech in Gerar**.

1. In Genesis 16:4-14, Hagar **flees** to the desert and then gives birth to Ishmael, as compared to Genesis 21:8-21, in which Abraham **banishes** Hagar and Ishmael to the desert.
2. In Genesis 21: 22-34, **Abraham** bestows the name “ Beer-sheba” **on account of “seven ewes of the flock”, because there “the two of them swore an oath”,** in contrast to Genesis 26: 26-33, where it is said of **Isaac, “He named it Shibah; therefore the name of the city is Beer-sheba to this day”** (26:33).
3. In Numbers 13:1-3, **God** sends the spies, in contrast to Deuteronomy 1: 22-23, in which **the people ask Moses** to send spies and he accedes to their request.
4. Exodus 20:21 dictates “Make for Me an altar of earth … **in every place where I cause My name to be mentioned I will come to you and bless you**”, in contrast to Deuteronomy 12: 13-14 and other verses mandating **the centralization of ritual in one location.**
5. Leviticus 23: 36 mandates seven days of Sukkot with an additional day referred to as “*atzeret*” (gathering), in contrast to Deuteronomy 16:15 in which seven days of Sukkot are mentioned without reference to Shemini Atzeret (the eighth day or “gathering”).
6. The differences between the wording of the Ten Commandments in Exodus 20 and Deuteronomy 5.
7. The efficacy of source criticism is well illustrated in the story of the sale of Joseph into slavery in Egypt in Genesis 37:18 and following. The Torah is a fusion of two versions, one involving Reuben and the Midianites and the other, Judah and the Ishmaelites. When the story is separated into two sources it is apparent that it is a composite of two parallel stories:

|  |  |
| --- | --- |
| Reuven’s Story  | Judah’s story  |
| Verses 21-23 | Verses 24-27 |
| Verse 28 until “out of the pit” | The middle of verse 28: “They sold Joseph for twenty pieces of silver to the Ishmaelites”. |
| From verse 28, “ who brought Joseph to Egypt“ until verse 36.  |  |

These contradictions and others led to the development of what is known as “the Documentary Hypothesis”. In 1753 Jean Astruc differentiated between the Jehovist (J) source and the Elohist (E) source. In 1805 Wilhelm de Wette added the Deuteronomist (D) source, dated to the period of Josiah (609-640 BCE). In 1853 Hermann Hupfeld added the priestly (P) source. From 1878 Julius Wellhausen developed the Documentary (J, E, P, D) hypothesis. Today many scholars argue for the existence of an additional priestly source known as (H). (4)

1. **Sources that Would Appear to Prohibit the Study of Biblical Criticism**

Contemporary rabbis who oppose the study of biblical criticism rely primarily on the following sources:

1. Mishnah, Tractate Sanhedrin 10:1**:**

All Israel have a share in the world to come …

**But these do not have a share in the world to come**:

Those who say that the resurrection of the dead is not mentioned in the Torah

**And that the Torah is not of divine origin**

And the heretic…

1. Tosefta Sanhedrin 13:4-5 (Zuckermandel edition, p. 434)

Jewish and gentile sinners descend in their bodily form (5) to Hell and are sentenced there to twelve months. At the end of twelve months their souls are destroyed and their bodies burnt and Hell spews them out and they become ashes and the wind scatters them and spreads them under the feet of the righteous …However the apostates and renegades and informers and heretics and deniers of the Torah and those who separate themselves from the ways of the community and those who deny the resurrection of the dead and anyone who sins and leads the public astray**, Hell in locked in their faces and they are sentenced to remain there for ages to come.…**

1. BT Sanhedrin 99a

The Rabbis have taught that the verse, **“Because he has spurned the word of the Lord and violated His commandment, that person shall be cut off” (Num. 15:31) refers to one who says that the Torah is not from heaven** … it has also been taught ,,, **“even if he said that the entire Torah is from heaven except for one verse which was not said by God but by Moses on his own**, it is said of him, “he has spurned the word of the Lord”.

1. Maimonides, “Commentary on *Perek Helek”*

The eighth Principle of Faith: **That the Torah has been revealed from heaven. This implies our belief that the whole of this Torah found in our hands this day is the Torah that was handed down by Moses** and that it is all of divine origin. …**In handing down the Torah, Moses was like a scribe writing from dictation the whole of it, its chronicles, its narratives, and its precepts…** And there is no difference between verses like “And his wife's name was Mehatabel, the daughter of Matred” (Genesis 36:39)… and verses like “I am the Lord thy God” (Exodus 20:2) …They are all equally of divine origin … This is the significance of the expression “The Torah does not come from heaven,” which, say the Rabbis (Sanhedrin 99a), is the remark of one who believes that all the Torah is of divine origin save a certain verse which (says he) was not spoken by God but by Moses himself. And of such a one the verse says “For he hath despised the word of the Lord” (Numbers 15:31)…” (translated by J. Abelson, “Maimonides on the Jewish Creed”, 1906, at [https://en.wikisource.org/wiki/Maimonides%27\_Introduction\_to\_%22Helek%22\_(Abelson)](https://en.wikisource.org/wiki/Maimonides%27_Introduction_to_%22Helek%22_%28Abelson%29)

1. Maimonides, “The Laws of Repentance”, 3:8:

There are three types of those who “deny the Torah”: **one who says that the Torah is not from God, even one verse, even one word. If he says, “Moses said this on his own”, he denies the Torah.** Also, one who denies the interpretation of the Torah, that is the Oral Law….

1. Maimonides, “The Epistle to Yemen” (*Iggerot Ha-Rambam*, Shilat edition, vol. 1, pp. 131-132)

They [the Muslims] said, "**You have changed the text of the Torah and modified it**  and removed from it a certain name [Mohammed] " … because, as there is a universally accepted tradition in the East and the West, **there are no differences between any of the Torah scrolls in even so much as a dot,** let alone a matter of content…

1. Nachmanides, introduction to the Commentary on the Torah (Chavel edition, vol. 1, p.1)

**Moses our Teacher wrote this book [Genesis} as well as the entire Torah from direct communication with God…**

To summarize, according to the Mishnah, one who says that “the Torah is not from heaven” has no share in the world to come. However, it does not define what is meant by “Torah from heaven”. The Tosefta declares that those who “deny the Torah” remain locked in Hell, also without defining what is meant by the denial of the Torah. The *baraita* cited in the Babylonian Talmud adds that one who says that the entire Torah is from heaven **except for one verse** that was not said by God but by Moses on his own, transgresses the commandment expressed in the verse “he has spurned the word of the Lord”.

In his commentary to the Mishnah, Maimonides interpreted this Mishnah very strictly, apparently on his own authority: “Torah from heaven” means that the entire Torah as we know it today is the Torah given to Moses. To this he added the *baraita* from the Babylonian Talmud according to which anyone who says that Moses said even one verse on his own, “has spurned the word of the Lord”. In the *Mishneh Torah* he was even stricter, adding the phrase “even one word”, which did not appear in any previous source, and combined the *baraita* and the Tosefta: “If he says, “Moses said this on his own” [according to the *baraita*] he denies the Torah [according to the Tosefta]. In the “Epistle to Yemen” he claimed that there are no discrepancies, in even so much as a dot, between the texts of any Torah scrolls anywhere in the world. So too Nachmanides, in a statement not intended as a halakhic decision, stated that Moses wrote the entire Torah from direct communication with God.

It would thus appear that textual criticism is absolutely prohibited, as the *Mishneh Torah* forbids one to question “even one word”. One who engages in source criticism “has no share in the world to come” according to Maimonides’ definition of “Torah from heaven” in his commentary to the Mishnah. One who attributes even one verse to Moses “has spurned the word of the Lord” (according to BT (Babylonian Talmud) Sanhedrin and the commentary to the Mishnah) and denies the Torah (according to the *Mishneh Torah*).

Indeed, many orthodox rabbis today base their halakhic position in this matter on Maimonides and even extend the scope of his prohibition. In Jerusalem in 1975 Rabbi Yitzhak Shimshon Langa published the commentaries on the Torah of Judah the Pious, the greatest of the medieval German pietists and author of “Sefer Hasidim” who died in 1217. This commentary contains four clear examples of source criticism. In two cases he ascribed verses to the “Men of the Great Assembly”. (The examples are explained below, section VI: b: 7). Rabbi Moshe Feinstein (1895-1986), one of the greatest halakhic scholars of the 20th century, was asked if it is permissible to print or to possess this book. Rabbi Feinstein ruled that it is forbidden to print it, even the parts that do not contain heresy. He relied upon the passage cited above from Sanhedrin 99a, the commentary on the Mishnah and the *Mishneh Torah* and even extended the scope of the prohibition in two areas:

One who says that there is **even one letter that Moses wrote on his own** denies the Torah and is in the category of one who “has spurned the word of the Lord”. All the more so, **those who say that something was not even written by Moses but by others**, or that others came and removed things from the Torah, are deniers of the Torah and in the category of one who “has spurned the word of the Lord” …

To summarize, Maimonides expanded the prohibition on attributing authorship of the Torah to Moses from one **verse** to one **word.** Rabbi Feinstein then extended it further from one **word** to one **letter!** The *baraita* quoted in the Talmud and by Maimonides declared that that one who ascribes a verse to **Moses** falls in the category of one who “has spurned the word of the Lord”. Rabbi Feinstein then made an *a fortiori* argument that it is all the more so prohibited to claim that **others** added to or subtracted from the Torah.

1. **The Basic Weaknesses of the Sources Prohibiting Biblical Criticism**
2. The Aforementioned Prohibitions are Based on Aggadah

Maimonides and Rabbi Moshe Feinstein rendered halakhic decisions on the basis of the Mishnah, the Tosefta and the Babylonian Talmud Tractate Sanhedrin. However, there is not the slightest doubt that these sources are in the category of **aggadah** [homiletical interpretation]**, not halakha**. The expression “One who says “x” has no share in the world too come” is quintessentially aggadic. First, this is clear from the context of Mishnah Sanhedrin chapter 10 which includes a list of fourteen people or groups who have no share in the world to come, among them Manasseh, the generation of the flood, the inhabitants of Sodom, the followers of Korah and the residents of an idolatrous city. This is clearly not a halakhic discussion! This is also the case in the corresponding passage in Tosefta Sanhedrin, chapter 13. It is also apparent from other early rabbinic sources that this is an aggadic expression meant to deter, rather than a halakhic expression meant to forbid. Other examples include :

1. “Rabbi Akiva says: also, one who reads heretical books and one who recites an incantation over a wound [**have no share in the world to come**]… Abba Shaul says: also, one who pronounces the name of God as it is spelled. (Mishnah, Sanhedrin 10:1)
2. Rabbi Akiva says: one who sings the Song of Songs at social gatherings as if it were a [common] song **has no share in the world to come**. (Tosefta Sanhedrin 12:10)
3. Abba Shaul says in the name of Rabbi Akiva: Also, one who recites an incantation over a wound… and a one who spits, **has no share in the world to come**.” (Ibid, compare to BT Shavuot 15b)
4. One who follows after a woman at the river **has no share in the world to come**. (BT Berakhot 61a = BT Eruvin 18b)
5. One who publicly humiliates another **has no share in the world to come.** (BT Bava Metzia 59a = BT Sanhedrin 107a; and compare BT Sanhedrin 99a, 107a and Avot 3:11)

It is indeed **possible** to make halakhic decisions on the basis of aggadah, as can be seen in numerous examples throughout halakhic history. (6) However, there is no **obligation** to do so. In fact, important halakhic scholars have objected to rendering halakhic decisions on the basis of aggadah. For example, Rabbi Hai Gaon declared that “we do not base halakhic decisions upon aggadah” (Harkavy, *Teshuvot Ha-Geonim*, 9 and 98) and “we cannot say with certainty that this is halakha; there are without question many *mishnayot* that are not halakha and we interpret them in accordance with the one who said them” (Ibid, 99) and “these are all *midrashot* and aggadot and we do not make deductions from them … we do not make deductions from aggadah” (Ibid, 353). In our specific case, among all the great halakhic authorities, only Maimonides rendered a halakhic decision on the basis of these sources; The Rif, the Rosh, the Tur and the Shulchan Arukh ignored them.

1. The Jewish Approach to Dogma

Although belief in basic tenets such as the existence of God and his unity is included in the 613 commandments, Judaism is based primarily upon deeds rather than creed or dogma. For this reason, Maimonides’ “Thirteen Principles of Faith” has met with fierce opposition throughout the years. Some objected to the very attempt to establish dogma while others argued that Maimonides’ list of beliefs is not precise or that the entire Torah is a dogma and one who denies anything within it is a renegade and heretic. Professor Hyman has shown that Maimonides’ “Thirteen Principles” were not intended to encompass all principles of faith, as they do not include basic concepts such as the existence of God or free will. Rather, they are the principles that happen to appear in the Mishnah in Sanhedrin, “*Perek Helek*”. (7) In other words. dogma in Judaism is a very controversial subject and one cannot compel others to believe in something simply because Maimonides so decreed in his writings. Each subject must be examined thoroughly on an individual basis to determine if other opinions are expressed in the talmudic or medieval literature, as I will attempt to do below.

3) In the introduction to the Talmud attributed to Samuel the Nagid (8), printed at the back of Tractate Berakhot in the Vilna (standard) edition of the Babylonian Talmud, (sub voce “*tiuvta*”) it is stated: “**In any controversy of which the outcome is only theoretical rather than practical, we will not determine which side is correct”.**  Maimonides expressed the same idea himself three times in his commentary on the Mishnah:

We have mentioned several times that in every debate between scholars that **does not establish practice but merely determines theory**, there is no reason to render a halakhic decision in favor of either side. (“Commentary on the Mishnah”, Sanhedrin 10:3, page 145, and compare to the commentary on Sotah 3:3, p. 174, and Shevuot 1:4, p. 177.)

We will see below that there were mishnaic and talmudic scholars who disagreed with the Mishnah, Tosefta and BT Sanhedrin cited above. According to the principle set forth in the introduction to the Talmud and by Maimonides himself, a halakhic decision should **not** be rendered in this matter because there are no practical ramifications, “**only theoretical**” or those that “**merely determine theory**”**.** In other words, while **Judaism** encompasses discussions about beliefs and opinions, **halakha** does not.

1. Finally, Maimonides’ extreme position in this matter can be understood only within his historical context. Mohammed accused the Jews of counterfeiting the Torah: “Therefore, woe be unto to those who write the Scripture with their own hands and then say, “This is from Allah” (Quran 2:79, translated by M.M. Pickthall). This accusation was elaborated upon by Muslim thinkers, especially Ibn Hazm (994-1064), who developed the “*Tahrif*”, the claim that the Jews forged the Bible. (9) In the context of these accusations, we can comprehend the radical statement made by Maimonides in the “Epistle to Yemen” where he denied a fact known to every rabbi and scribe – the existence of textual variants in the Torah. He also essentially denied the existence of the Masoretes, who worked to establish a uniform text from the numerous existing versions. It appears that Maimonides adopted an extreme position so that simple Jews would not be persuaded by the Muslim accusations.

Having reviewed the four basic weaknesses of Maimonides’ approach, we will now examine specific sources that contradict it.

1. **Textual Criticism in Early Rabbinic and Medieval Literature (9a)**
2. *Sifre Devarim,* *piska* 356, Finkelstein edition, p. 423 (compare to *Avot de-Rabbi Natan*, *nusach* b, chapter 46, Schechter edition, p.129; Jerusalem Talmud, Ta’aniot 4:2, 68a; *Maseket Sofrim* 6:4, Higer edition, p. 169)

“The ancient God is a refuge [*me’ona*]” (Deut. 33:27): There were three Torah scrolls in the Temple court – one was called “*me’onim*”, the second “*hee, hee*” and the third “the book of *zatutim*”. In the first was written “*ma’on*” and in the other two “*me’ona*”. The sages rejected the text of the first scroll and accepted that of the other two. In one scroll the word “*hee*” [ “*hu*”] appeared nine times, and in the other two scrolls, eleven times. The sages rejected the reading of the first scroll and accepted that of the other two. In one scroll, Exodus 24:5 read “ He designated some young men [*zatutei*] among the Israelites”,  and 24:11 read “the leaders of the Israelites [*zatutei*]”. In the other two scrolls, Exodus 24:5 read “He designated some young men [*na’arei*] among the Israelites”, and in verse 11, “the leaders of the Israelites [*atzilei*]”. The sages rejected the reading of the first scroll and accepted that of the other two scrolls.

This tannaitic source describes textual criticism of the Torah in the Second Temple period and its use on a practical rather than merely theoretical level.

1. *Avot de-Rabbi Natan*, *nusach* a, chapter 34, Schechter edition, p. 100 (and compare *nusach* b, chapter 37, p. 97 and *Ba-Midbar Rabbah* 3:14 and parallels):

These are the ten dotted passages in the Torah [there follows a list of all the words in the Torah with dots above them] … including, “Concealed acts concern the Lord our God; but with overt acts, it is for us and our children ever” (Deut. 29:28) Why are there dots above the words “for us and our children” and on the “*ayin*” in the word “*ad*” [ever]? Ezra said, “If Elijah comes and says to me , ‘Why did you write that?’ I will answer him, ‘I have already put dots above them’. If he says, ‘You have written well’, I will remove the dots.”

According to *Avot de Rabbi Natan*, none other than Ezra the scribe himself, in the fifth century BCE, engaged in textual criticism and questioned whether certain words belonged in the text of the Torah. He put dots above them and waited to ask Elijah the prophet in the messianic era. Indeed, Professor Saul Lieberman (p. 182-183) has shown that the Greeks also dotted doubtful words while transcribing.
3) *Bereshit Rabbah*, 9:5, p. 70; 20:12, p. 196, 94:9, pp. 1181-1182; Jerusalem Talmud, Tractate Ta’aniot 1:1, 64a:

In the Torah Scroll of Rabbi Meir instead of “**very** [*ma’od*] good” (Genesis 1:31) **it was found to read** “death [*mavet*] [is] good”.

“And the Lord God made garments of **skins** [“*or*” spelled *ayin-vav-resh*] for Adam and his wife and clothed them” (Gen. 3:21) In the Torah scroll of Rabbi Meir **it was found to read,** “garments of **light** [“*or*” spelled *alef-vav-resh*]. These are the garments of Adam that resembled a torch …

In the Torah scroll of Rabbi Meir instead of “Dan’s son**s**: Hushim” (Gen. 46;23), it read, “Dan’s **son**: Hushim…”

In the Torah scroll of Rabbi Meir instead of “The ‘**Dumah’** Pronouncement” (Isa. 21:11) **it was found to read** “the ‘**Rome’** Pronouncement”.

There are those who interpret these statements to mean that Rabbi Meir wrote homilies on his personal Torah scroll but this does not seem likely. The fourth generation tanna Rabbi Meir was a *sofer* ST”M [scribe of religious texts] (*Kohelet Rabbah* 2: 18-19, Hirshman edition, p. 150 inter alia). Here is a clear reference, devoid of any exclamation or objection, to variant readings found within a Torah scroll. (10)

4) BT Kidushin 30a

R. Safra [third generation Babylonian amora] said in the name of R. Joshua b. Hanania [second generation tanna]… the letter “*vav*” in the word “*gachon*” [belly] (Lev.11:42) is at the half-way point of all the letters in the Torah… R. Joseph [third generation Babylonian amora] asked: Does the “*vav*” of “*gachon*” belong to the first half or the second? The others said to him, “Let’s get a Torah scroll and count the letters!” Did not Rabbah bar Bar Chanah [third generation amora] say “They did not move from there until a Torah scroll was brought and they counted the letters”? He said to them, “They were thoroughly proficient in defective and plene spellings, but we are not.”

Rabbi Yosef attested that the Babylonian sages in his time were not proficient in the defective and plene spellings in the Torah. This means that there were variants in the writing of the Torah in Babylon at the end of the third century CE.

5) In their commentaries to BT Shabbat 55b, both the Tosafot and Rabbi Akiva Eger pointed out the many discrepancies between the biblical verses quoted in the Talmuds and the masoretic text. Their observation was confirmed in the modern era with the publication of many academic studies which compiled hundreds of examples of these discrepancies. (11)

6) *Teshuvot Ha-Geonim*, Harkavy edition, *siman* 3, p. 3 = *Otzar Ha-Geonim Kidushin*, *siman* 191, p. 84:

A responsum of Rav Hai [Gaon, 939-1038]: You asked: “Our sages taught: There are eight thousand, eight hundred and eighty-eight [8,888] verses in the Torah, the Psalms have eight more [8,896], while Chronicles has eight less [8,880] (BT Kidushin 30a) By what reckoning? According to what we see, this is incorrect.

[The response] An excellent question. Of course, it is incorrect. The Torah has five thousand and eight hundred and eighty-four [5,884] verses and Psalms has two thousand and five hundred and twenty-four [2,524] verses and Chronicles has one thousand and nine hundred and seventy [1,970]. We have a tradition from the elder sages who said that according to *Maseket Sofrim* this *baraita* [in Kidushin] **is based on that Torah scroll that was found in Jerusalem that was different in its script and in the number of verses**, and so too regarding Psalms and Chronicles. But now there is only this version of the Torah, and this version of the Psalms and this version of Chronicles.

Hai Gaon explained, according to a lost *baraita* in *Maseket Sofrim*, that the *baraita* from Kidushin referred to a specific Torah scroll that was found in Jerusalem. However, in his day, Babylon in the 10th to 11th century, the number of verses was completely different.

7) *Bereshit Rabbati*, on Genesis 45;8, Albeck edition, pp. 209-212:

“He has **made me** [*va-yesimeni*] a father to Pharaoh” (Gen. 45:8)…in the Torah scroll of Rabbi Meir it is written “‘*va-yasheni*’ a father to Pharaoh” as it is said “that he claims [*yashei*] from his fellow” (Deut. 15:2) This is one of the things written in the Torah scroll that left Jerusalem in captivity and came to Rome and was hidden in the synagogue of Asvirus … so it was written in the Torah that came from Jerusalem.

Hanoch Albeck and others attribute the midrash collection *Bereshit Rabbati* to Rabbi Moshe ha- Darshan (the preacher) of Narbonne in the first half of the 11th century. Hananel Mack however disagrees with this attribution. (11a) In any case, this midrash lists about twenty variants originating in the Torah scroll that traveled from Jerusalem to Rome after the destruction of the Second Temple. Even if this tradition is historically doubtful, it reveals that the aforesaid preacher did not reject the possibility of variant readings of the Torah text.

8) In the introduction to his commentary on the early prophets, Radak (Rabbi David Kimchi, Narbonne 1160-1235) attempted to explain the existence of *keri/ketiv* [a distinction between what is read and what is written] in many verses:

It would appear that these words appear in such a way because during the first exile books were lost and moved around and the sages who were experts in the Bible died and the Men of the Great Assembly engaged in the restoration of the Torah text, **discovered discrepancies between the books and followed what they considered to be the majority,** and in places in which they could not reach a clear decision they wrote one variant without vocalization, or wrote the vocalization in the margin rather than in the text and thus they wrote one way within the text and another way outside the text. (*Mikraot Gedolot Ha-Keter*, Joshua-Judges, Ramat Gan, 1992, p. 14)

Radak explained that the Men of the Great Assembly engaged in textual criticism . In places where they could decide on one version they did so and where they could not decide they recorded a *keri* and *ketiv*. Indeed, Radak repeated this explanation several times in his commentaries. (12)

9) Rabbi Meir Ha-Levi Abulafia, (Ha-Ramah) (Toledo, 1170-1244) in 1227 authored a work entitled *Masoret Siag le-Torah* [Tradition is a safeguard of the Torah] (Florence, 1750) the purpose of which was to determine the correct text of the Torah (13). In the introduction to this book (on the page immediately following the approvals), he wrote:

If we are to rely upon the edited books in our possession, they also contain many points of controversy … **and if one should want to write a Torah scroll according to the halakha, he will be afflicted by defective and plene spellings and find himself groping like a blindman in the darkness of disagreement**… I decided to take the initiative to study and examine the edited and precise copies … and to follow the old reliable scrolls and among then to follow the majority as we are commanded in the Torah in any controversy to follow the majority…

The Ramah attested to many textual variants among the Torah scrolls in his day. He decided to choose between them on the basis of the majority of the texts, similar to the practice mentioned in the passage from *Sifre Devarim* quoted above (section IV, 1). Indeed, he himself wrote a Torah scroll as a prototype which many copied from in the years after his death.

10) Rabbi Abraham the son of Maimonides (1186-1237) answered a query about closed and open parashot [passages in the Torah]:

In contrast to what was explained in *Sefer Ahavah* [Maimonides, *Mishneh Torah, Hilkhot Sefer Torah,* 8:4], I have answered previously and will now repeat my answer in brief and it is that **we see that there are many discrepancies among scribes in the matter of open and closed parashot** and the books in Israel are very different in this regard and we have seen halakhic authorities, may their memory be a blessing, in whose presence each of these scrolls was read, and it is a matter of opinion because we do not have the scroll that was in the Temple courtyard (BT Kidushin 65a) from which we can copy exactly and **in this matter there is no tradition accepted so unanimously that we can negate anything that contradicts it.** It is proper to carefully follow the instructions appearing in the *Mishneh Torah* in *Sefer Ahavah* but not to rule as impermissible a scroll whose text differs from it, unless it also differs from all other scrolls…(*Teshuvot Rabenu Avraham ben Ha-Rambam,* Jerusalem 1937, *siman* 91).

Rabbi Abraham ruled against his father, taking a lenient position in the matter of open and closed *parashot* in the Torah because of the absence of a Torah scroll as accepted and reliable as the one that had been kept in the Temple court. He therefore ruled that a Torah scroll can only be declared impermissible in this regard if it differs from all other scrolls.

11) Rabbi Yom-Tov Lipmann Muhlhausen (Bohemia, 14th -15th century) authored a work entitled *Tikkun Sefer Torah*, first printed in 1967, on the subject of open and closed *parashot* in the Torah. In the beginning of this work, he noted:

Because of our great sins the Torah has been forgotten and a correctly written Torah scroll cannot be found, because the scribes are ignorant, and the scholars take no interest in this matter**. I therefore searched diligently for a Torah scroll in which the letters and closed and open *parashot* are correctly written but did not find one.** Needless to say, neither did I find one in which the defective and plene spellings were correct, for this knowledge has disappeared from our generation. In these matters we sin involuntarily. (*Sinai* 60 (1967), p. 251)

Rabbi Yom-Tov Lipmann Muhlhausen endeavored to find a Torah scroll in which both the letters and open and closed *parashot* were correctly written, but he eventually gave up in despair.

12) Rabbi Moses Isserles (Ramah) (Poland, 1530-1572) in his gloss to the *Shulchan Arukh*, *Orech Chayyim*, 143:4, addressed the question of what to do when a mistake is discovered in a Torah scroll:

When a serious mistake is discovered, another Torah scroll is brought out, but on account of defective and plene spellings, another scroll is not brought out, **because our Torah scrolls are not accurate enough for us to be sure that another scroll would be any better.**

From these sources, we may conclude that, according to the sages, textual criticism began with Ezra the scribe himself and continued throughout the period of the Talmud. In the Middle Ages, important scholars such as the Ramah engaged in textual criticism of the Torah, while others declared that the level of corruption of the extant text renders it impossible to reconstruct the original text. These sources contradict the words of Maimonides cited above: “**the whole of this Torah found in our hands this day is the Torah that was handed down by Moses**” and “**there are no differences between any of the Torah scrolls in even so much as a dot**”. The Torah has been copied thousands of times by human hands and thus inevitably has accrued errors large and small. One who engages in textual criticism, not only does not sin, but even continues in the path of the masoretes and all the other important scholars cited above.

1. **Source Criticism (Higher Criticism) in Early Rabbinic Literature**

Up to this point we have seen many sources that present textual criticism in a positive light. In addition, there are sources in the talmudic and midrashic literature that allude to source criticism. These sources can be divided into three categories:

1. **Stages of Revelation**

Contemporary orthodox rabbis affirm that the entire Torah was given to Moses at Sinai. This claim is inconsistent with the following source:

BT Gittin 60a-b:

Rabbi Jochanan [second generation Palestinian amora] said in the name of Rabbi Bana [first generation Palestinian amora]: the Torah was given scroll by scroll, as it is said, “Then I said, ‘See, I will bring a **scroll recounting** what befell me’ (Ps. 40:8). Rabbi Shimon Ben Lakish [second generation Palestinian amora ] said: the Torah was given complete, as it is said “Take this book of Teaching and place it beside the Ark of the Covenant of the Lord your God” (Deut. 31:26).

Also, according to the opinion of Rabbi Levi [third generation ? Palestinian amora] who said: eight *parshiot* [passages] were said on the day that the *mishkan* [Tabernacle] was erected [on the first of Nissan, not on Mt. Sinai] and they are: the priests (Lev. 21), the Levites (Num. 8), the unclean (Num. 9) , the removal of the unclean (Num. 5:1-4), “after the death” (Lev.16), intoxication (Lev 10: 8-11), the lamps (Num. 8) and the red heifer (Num, 19).

In his commentary on this passage, Rashi explained the three opinions: Rabbi Jochanan thought that the Torah was given scroll by scroll, that is “at the beginning the scroll of *Bereshit* was written and then afterwards the scroll of Noah and then the scroll of Abraham”. Resh Lakish believed that the Torah was given complete, that is “finished, completed, whole’. Rabbi Levi declared that eight sections “needed for that day [of the erection of the *mishkan*] were spoken, written and given on that day and each was written in its own scroll so that they are separate and distinct from each other. Thus, the rest of the Torah is also called a “*megillah*” [scroll] because when he went back to complete it he only wrote from *Bereshit* until the priest section and then skipped over the priest section which was already written and wrote from the priest section until the “removal of the unclean” and so forth.”

Resh Lakish agreed with the position of the contemporary rabbis who maintain that Torah was given on Sinai. Rabbi Jochanan however believed that the Torah was given one section at a time, in separate scrolls, in stages, apparently in chronological order while Rabbi Levi maintained that the Torah was given in stages, although not in chronological order.

1. **Human Editing**

1a) *Sifre Bemidbar*, *piska* 84, Horowitz edition, p. 80:

“When the Ark was to set out” (Num. 10:35) is marked above and below [before and after] because **this was not supposed to be its place.** Rabbi says: because it is itself a book …Rabbi Shimon says: it is marked on either side because **this was not supposed to be its place** What should have been written in its place? “The people took to complaining bitterly before the Lord “ (Num. 11:1)

1b) *Sifre Zuta*, Horowitz edition, p. 266.

There are those who say: all these limitations were only mentioned because the passage is not in its right place. It should read “and the Lord’s cloud kept above them by day, as they moved on from camp” (Num. 10:34) and then “The people took to complaining bitterly before the Lord” (Num. 11:1).

1c) BT Shabbat 115b-116a

Our Rabbis taught: “When the Ark was to set out Moses would say…”: **The Holy One, Blessed be He,** made signs above and below [before and after] this passage **to indicate that this is not its rightful place**. Rabbi said: It is not for that reason but because it is an important book in its own right … Who is the tanna that disagrees with Rabbi? It is Rabbi Simeon ben Gamaliel. For it was taught, R. Simeon b. Gamaliel said: This passage is destined to be removed from here and written in its rightful place. And why is it written here? To provide a break between the first punishment [Num. 10:33] and the second punishment [Num. 11:1] …. And where is its rightful place? Rav Ashi said: In the verses about the flags [Num. 10:11 and following].

Professor Lieberman has noted (p. 178, note 6) that the term “the Holy One, Blessed be He” in this passage from the Babylonian Talmud is missing from Rashi’s commentary, from the *Ein Yaakov*  and other sources, and if so, both the tanna in the three versions of the *baraita* and Rabbi Shimon ben Gamliel believed that it was Moses who put the letter “*nun*” upside down before and after Numbers 10:35-36. This means that Moses was not merely the “**scribe**” (in the words of Maimonides) but also the **editor** of the Torah. If he edited this section, it is possible that he edited other sections as well.

2a) Tosefta Sanhedrin 4:7-8, Zuckermandel edition, pp. 421-422.

Rabbi Yossi believed that at the time of Ezra the writing of the Torah was changed from ancient Hebrew script to Aramaic script. Rabbi thought that the Torah was given in Aramaic script and because of the people’s sins it was changed to the ancient Hebrew script. At the time of Ezra, they were meritorious, and the Aramaic script was returned to them. Rabbi Elazar HaModai held that the Torah was given in Aramaic script and did not change.

2b) BT Sanhedrin 21b-22a

The *baraita* quoted above appears here with changes and is preceded by an amoraic statement:

Mar Zutra [sixth generation Babylonian] or, according to others, Mar 'Ukba [first generation Babylonian] said: Originally the Torah was given to Israel in ancient Hebrew script and in the sacred language [Hebrew]; in the time of Ezra, the Torah was given again in the Aramaic script and the Aramaic language; the people of Israel chose for themselves the Aramaic script and sacred language, leaving the ancient Hebrew script and Aramaic language for the ignorant [the Samaritans].

Three different perspectives on the role of Ezra emerge from these sources. According to Elazar HaModai, Ezra the scribe changed nothing in the Torah. According to Rabbi Yossi and Rabbi, Ezra changed the script from ancient Hebrew to Aramaic. According to Mar Zuta (or Mar Ukba), Ezra translated the Torah to Aramaic and then back to Hebrew. Of course, it can be argued that the translation was done with divine inspiration, but if it was done by Ezra, this would indicate significant human impact on the text of the Torah as we have it today, for it is widely acknowledged that every translator leaves a substantial imprint on the content of the text he is translating.

1. *Midrash Tanchuma,* Ki Tissa, *siman* 16:

When He finished speaking with him on Mount Sinai, God gave Moses the two tablets of the Pact, stone tablets inscribed with the finger of God” (Ex. 31:18). Rabbi Abahu [third generation Palestinian amora] said: during all of the forty days that Moses spent above he would learn Torah and then forget what he had learned. Finally, he said to Him: ‘Master of the Universe, forty days have passed, and I don’t know anything!’ What did the Holy One Blessed be He do? At the end of the forty days, he gave him the Torah as a gift, as it is said, “When He finished speaking with him on Mount Sinai, He gave Moses...” Did Moses learn all the Torah? Is it not written, “Its measure is longer than the earth” (Job 11:9) ?! Rather, The Holy One Blessed be He taught Moses general principles [*klalim*]. As it is said, “when he finished” [*k’khaloto*]

There are those who say that this midrash refers to the Oral Torah, yet there is no indication of this in the text. It is therefore possible that according to Rav Abahu, God taught the Torah to Moses as general principles which Moses then developed into specific laws, thereby filling a very significant role in the writing of the Torah.

1. **The verses in the Torah written after the death of Moses**
2. BT Bava Batra 14b-15a

The rabbis taught … Moses wrote his own book and the section about Balaam and Job. **Joshua wrote his book and eight verses of the Torah**… Mar said: Joshua wrote his book and the last eight verses of the Pentateuch. This accords with the opinion that eight verses in the Torah were written by Joshua, as it has been taught: “So Moses the servant of the Lord died there” [Deut. 34:5]. Now is it possible that Moses [while alive] could have written the words, “Moses died there”!? Rather, up to this point, Moses wrote, **and from this point on, Joshua wrote**. This is the opinion of Rabbi Judah, or, according to others, of Rabbi Nehemiah. Rabbi Shimon said to him: Is it possible for a Torah scroll to lack even one letter, and is it not written, “Take this book of Teaching” [Deut. 31: 26]?! Rather, up to this point the Holy One, Blessed be He, dictated and Moses wrote, and from this point on He dictated, and Moses wrote with tears in his eyes…

According to Rabbi Shimon, Moses wrote the last eight verses in the Torah in tears, However, according to the tanna in the first *baraita* and Rabbi Judah/Rabbi Nehemiah, Joshua wrote the last eight verses of the Torah after the death of Moses.

1. BT Makkot 11a

“Joshua recorded all this in a book of divine instruction” [Josh. 24:26]. Rabbi Judah and Rabbi Nehemiah disagreed: **one said that** [Joshua wrote] **eight verses** [in the Torah]**, while the other said that this refers to passages about the cities of refuge.**

[The stammaitic Talmud explains]: It is all right for one who says that this refers to the “eight verses”, as it is written, “in a book of divine instruction”. But if they are understood to refer to the passage about the cities of refuge, how does one explain the words **“**in a book of divine instruction”? It can be explained in this way: “Joshua recorded”, **in his own book**, “all this” that is written **“**in a book of divine instruction”.

There are two levels in this passage**.** In the earlier tannaitic level, one of the tannaim says that Joshua wrote the last eight verses **of the Torah** and another says that he wrote the passage about the cities of refuge **in the Torah**, because the same subject appears also in the book of Joshua, chapters 20-21. The second opinion was not acceptable to the stammaitic talmudic narrator who changed it (“It can be explained in this way”) to mean that Joshua wrote **in his own book** that which was already written in the “book of divine instruction”.

To summarize, these sources reveal three tannaitic approaches: 1. Moses wrote the entire Torah. 2. Joshua wrote the last eight verses of the Torah. 3. Joshua wrote the passages in the Torah about the cities of refuge.

1. **Source Criticism in Medieval Rabbinic Literature**

In the previous section we examined allusions to source criticism in early rabbinic literature. We will now examine sources revealing that quite a few medieval scholars believed that sections of the Torah were written or edited by human hands. These sources can be divided into two groups:

1. **Moses or Another Human Agent Edited Sections of the Torah** (13a)
2. Genesis 32:20-21 describes how Jacob divided his servants into groups before his meeting with Esau:

“He gave similar instructions to the second one, and the third, and all the others who followed the droves, namely … And you shall add, ‘And your servant Jacob himself is right behind us.’﻿ **For he reasoned**, ‘**If I propitiate him with presents in advance, and then face him, perhaps he will show me favor.’”**

Abraham ibn Ezra (Spain, 1092-1167) explained: “’for he reasoned’-- Jacob, in his heart; **these are the words of Moses.**” In other words, this sentence was said by Moses, not by God. From this it can be inferred that Moses was more than a mere “scribe” recording divine dictation.

2a) Yosef Bekhor Shor (France, born 1140) commented on the same verse:

**“**For he reasoned, ‘If I propitiate him with presents in advance’”: The author of the book commented that Jacob did all of this to placate Esau’s anger in case he was planning to harm him. The shepherds however did not repeat this to Esau because if they had done so it would have reminded him of his loathing and hatred.

It could be argued that “the author of the book” refers to God, but it is more reasonable to assume that it refers to Moses or another human editor who described Jacob’s thoughts at that moment.

2b) Joseph Bekhor Shor commented on Deuteronomy 1:1:

“These are the words that Moses addressed to all Israel”: before his death he put **the Torah in order** for them so that the commandments would not be forgotten….He therefore listed the places where the Torah, **which he wanted to organize**, had been given, because the Torah was given in one place after another.

According to Joseph Bekhor Shor, Moses was the “organizer” or, in other words, the editor, of the book of Deuteronomy.

1. Rashbam (Rabbi Samuel ben Meir, France, 1060-1180; the grandson of Rashi and one of the most prominent of the Tosafot) also believed that Moses was the editor of the Torah. He commented on Genesis 1:1:

The entire passage describing the six days of creation was **added by Moses as an explanation for what God said later, at the giving of the Torah on Mt. Sinai,** “Remember the sabbath day and keep it holy” (Exod. 20:8).

4) Rabbi Eliezer of Beaugency (France, 12th century) was the student of Rashbam. In several places in his commentary he referred to the “author” of a biblical book, using the word to mean “editor” (Ezek. 1:2-3; Jon. 1:10). For example, in his commentary to Isaiah 7:2 ( in *Mikraot Gedolot, Ha-Keter*) he explained:

However, it is the author’s way to summarize the events at the beginning of his account : for example, “Jacob left Beer-sheba, and set out for Haran” (Genesis 28:10). Afterwards he said, “He came upon a certain place” (28:11) to explain the matter. Here too, first he said that Rezin and Pekah marched upon Jerusalem, and afterwards elaborated…

In other words, just as Rabbi Eliezer of Beaugency spoke of the “author” in the sense of the editor, of Ezekiel, Jonah and Isaiah, he also referred to the author/editor of Genesis.

1. *Seder Olam* is a historical chronicle from the Middle Ages, published by A. Neubauer in *Seder Ha-Hachamim Ve-Korot Hayamim*, vol. 1, Oxford, 1888, p. 163:

At the beginning of his work the author listed the prophets who were active before the giving of the Torah, and then continued:

**In the days of Moses there were books in which was recorded the history of the forefathers from Adam,** as we find in the aggadah, “in Adam’s book “*Ma’aseh Bereshit*” and “*Ma’aseh Merkavah*” [esoteric wisdom] are discussed cryptically, for example, Samuel’s astronomical wisdom”. (13b) Adam transmitted them to Seth and so on until the time of Moses. **When Moses began to write down the commandments, he decided to record how the people of Israel went down to Egypt and the history of the Patriarchs from the beginning. He read these books and, based upon them, wrote from the story of creation onwards, under divine inspiration,** and “He revealed to His people His powerful works” (Psalms 111:6).

According to this commentary, Moses himself wrote the sections of the Torah relating the history of the people until his own time, on the basis of books written from the time of Adam and onwards, and edited all this material, under divine inspiration.

B) **Specific Sections of the Torah were Written after the Time of Moses or by other Prophets**

1) *Midrash Ta’amei Chaserot ve-Yeterot*, Wertheimer edition, Battei Midrashot, vol 2, second edition, Jerusalem, 1953, p. 274.

This midrash on the Masoretic text was evidently written before the time of Hai Gaon (939-1038) since he was the first to quote from it. (14)

The two verses between [literally “upon which lie”] inverted letter *nuns* **were included in the Torah from the prophecy of Eldad and Medad and their prophecy survived** and was interpreted by Ezekiel, as it is said, ”Thus said the Lord God: Why, you are the one I spoke of in ancient days through My servants, the prophets of Israel” (Ezekiel 38:17). There are those who say that it indicates that there had once been there a [now] hidden book.

There are many explanations of this midrash, especially the last sentence. (15) However, in any case, the author of the midrash believed that Numbers 10:35-36 is a remnant of the prophecy of Eldad and Medad [Num. 11: 26-30] that was included in the Torah between inverted *nuns*.

1. *Ginzei Mitzraim*: *Hilchot Sefer Torah*, Adler edition, Oxford, 1897, p. 37. This manuscript from the Cairo Geniza was apparently written by Rabbi Joseph Rosh Ha-Seder around the year 1200: (16)

In some midrashim they interpreted differently and asked why the sages decided to add inverted nuns above [before] the verse “The people took to complaining bitterly before the Lord” (Num. 11:1). The sages said that **the entire Torah is the prophecy of Moses alone, except for these two verses that are from the prophecy of Eldad and Medad.** They therefore enclosed them with inverted nuns and included them in the Torah.

This later midrash also expresses the idea that Numbers 10:35-36 reflects the prophecy of Eldad and Medad rather than the prophecy of Moses.

3) Rabbi Isaac of Toledo (982-1056), cited by Abraham Ibn Ezra in his commentary to Genesis 36:31: “These are the kings who reigned in the land of Edom **before any king reigned over the Israelites**”. It can be inferred from this verse that the passage was written in the era of the monarchy. On this point Ibn Ezra commented: “There are those who say that this passage was written prophetically. **Yitzhaki wrote in his book that this passage was written in the days of Jehoshaphat.**” Ibn Ezra himself disagreed with this opinion. Nonetheless, Isaac of Toledo believed that the passage in question was written in the time of Jehoshaphat, king of Judah (846-867 BCE).

1. “The opinion of many” cited by Ibn Ezra on Numbers 21:1.

“When the Canaanite, king of Arad, who dwelt in the Negeb, learned that Israel was coming…” (Num. 21:1) **Many have said that Joshua wrote this passage, a**nd the proof is in the verse “the king of Arad1…” (Josh. 12:14).

 Here also Ibn Ezra disagreed with this opinion. Nonetheless, “many” held the opinion that this passage was written by Joshua,

5a) Ibn Ezra on Genesis 12:6:

“Abram passed through the land as far as the site of Shechem, at the terebinth of Moreh. The Canaanites were then in the land.” …if that is not so, there is a hidden meaning. The enlightened will be silent.

5b) Ibn Ezra on Deuteronomy 1:2:

**If you understand the “secret of the twelve”** – and also: “That day, **Moses wrote down** this poem “ (Deut. 31:22); “**The Canaanites were then in the land**” (Gen. 12:6); “**whence the present saying**, ‘On the mount of the Lord there is vision’” (Gen. 22:14) ; “Only King Og of Bashan was left of the remaining Rephaim. His bedstead, an iron bedstead, **is now in Rabbah of the Ammonites** (Deut. 3:11) – **you will understand the truth**.

5c)Ibn Ezra on Deuteronomy 34:1:

**“**Moses went up from the steppes of Moab to Mount Nebo.” **In my opinion, Joshua began writing from this verse**, through prophecy, because once Moses went up, he did not continue to write.

5d) Ibn Ezra on Deuteronomy 34:6:

**“**And no one knows his burial place to this day” these are the **words of Joshua** and it is possible that he wrote them at the end of his life.

In these excerpts from his commentary, Ibn Ezra explained that the passages under discussion were written after Moses’ death. He expanded the **eight** verses (Deut. 34:5-12) attributed to Joshua in the talmudic passage quoted above to **twelve** verses (34:1-12), which he called “the secret of the twelve” to which he then compared other later passages.

1. The commentary attributed to Rashbam in the MS Paris 260 of *Moshav Zekenim* on the Torah, published by Yitzhak Shimshon Langa in *Ha-Ma’ayan* 12/4 (Tammuz, 1972), p. 83:

**“**These are the kings who reigned in the land of Edom **before any king reigned over the Israelites”** (Gen. 36:31). **Rashbam commented that this passage was written in the time of the Judges**. [The author of the *Moshav Zekenim* then proceeds to attack this commentary.]

1. Rabbi Judah the Pious (Germany, 1217) was the author of *Sefer Hasidim* and the leader of the German Jewish Pietists, known for their piety and religious devotion. His commentary to the Torah was published in 1975 and met with disapproval from Rabbi Moshe Feinstein, as I mentioned above. (17) The following are the passages most relevant to our discussion:

7a) *Perushei Ha-Torah le-Rabbi Yehudah He-Hasid* , Yitzhak Shimshon Langa edition, Jerusalem 1975, p. 64. Most of the commentaries were recorded by Judah’s son Moses in his father’s name (hence the reference to “my father”):

“Thus he put Ephraim before Manasseh” (Gen. 48:20). **My father explained: This does not refer to Jacob, but to Moses – Moses** put Ephraim before Manasseh in the order of the flags (Num. 10:22-23) because Jacob said “Yet his younger brother shall be greater than he” (Gen. 48;19) and **Joshua or the Men of the Great Assembly wrote it**, because if you say that Moses wrote it should read, “**I** put Ephraim before Manasseh”,just as it written afterwards (48:22) “ **I** assign to you one portion more than to your brothers” and **my father explained that Moses wrote this in the fortieth year**…

According to Judah the Pious, Genesis 48:22 was added by Moses to Jacob’s words, while verse 48:20, which refers to Moses, was added by Joshua or the Men of the Great Assembly.

7b) Ibid, p. 138:

“You shall season your every offering of meal with salt; you shall not omit from your meal offering the salt of your covenant with God…” (Lev. 2:13). … Another explanation: Perhaps at first it was written, “You shall not omit from your meal offering salt” (Lev. 2:13), just salt [not ‘the salt of your covenant”], **but after Moses wrote in the Torah portion Nitzavim [“all its soil devastated by sulfur and salt” Deut. 29:22], they specified which salt -- “the salt of your covenant with God”.**

7c) Ibid, 184-5:

“Then Israel sang this song” (Num. 21:17). My teacher, my father, commented here: **this is the Great Hallel** [Ps. 136]. This song was composed after they were saved from Sihon and Og and crossed the Arnon river. **The song was originally written in the Torah, but King David removed all uncredited songs of Moses and put them in his book of Psalms.**

7d) Ibid, p. 198:

Judah the Pious tried to understand how the people of Israel were able to get to Ezion-geber (Deut. 2:9) if it belonged to Edom (2 Chronicles 8:17). He explained that Ezion-geber did not belong to Edom until the king of Edom married Mehetabel, daughter of Matred (Gen. 36:39) who brought it to him:

In the time of Moses this had not yet happened, because it took place “before any king reigned over the Israelites” (Genesis 36:31), meaning before the reign of Saul, which was afterwards. By Solomon’s time it had already happened. **This [Genesis 36:39] was therefore included in the Torah at the time of the Great Assembly so that there would be no question as to how Ezion-geber came to belong to Edom, as it appears in Chronicles.**

1. Joseph Bonfils (Tov Elem, Spain, born 1335) *Tzafenat* *Pa*ʿ*ane*'*ach* (a super-commentary on Ibn Ezra’s commentary to the Torah),David Herzog edition, Cracow 1912, pp. 91-92.

Bonfils explained the commentary of Ibn Ezra quoted above on the words “**the Canaanites were then in the land”**(Gen. 12:6):

…According to this it appears that Moses did not write this word [“then”] here but rather Joshua or one of the other prophets wrote it, as can be found in the book of Proverbs (25:1): “These too are proverbs of Solomon, which the men of King Hezekiah of Judah copied”. If Solomon wrote the book, why mention the name of Hezekiah, who was born several generations afterwards? It was a tradition transmitted orally from one person to another beginning with Solomon. Therefore, when they wrote it down it was considered as if Solomon had written it. So too, in this case, there was a tradition within Israel that in the time of Abraham the Canaanites were in the land of Israel. One of the prophets wrote that here and **since we believe in tradition and prophecy – what difference does it make if it was written by Moses or a different prophet, for all their words are true and prophetic?** If one argues that it is written “neither add to it…” (Deut. 13:1)…Also, in his first commentary on the portion “Lekh lekha” (Gen. 12:4), Ibn Ezra wrote that “neither add to it” refers only to the mitzvot …not to words. **Therefore, if a prophet added a word or words to explain something according to what he had learned from tradition, it is not an addition…**

Joseph Bonfils explained that the word “then” was added by Joshua or another prophet and that this did not constitute an infraction of the commandment “neither add to it” because that prohibition applies only to commandments, not to words. Moreover, this addition, although added by a prophet other than Moses, is itself a genuine prophecy.

1. Rabbi Elazar the son of Rabenu Matatya the Pious was an Egyptian scholar. In his super-commentary on Ibn Ezra (MS Vatican 54, quoted in Naftali ben Menachem, *Me-Ginzei Yisrael Ba-Vatikan*, Jerusalem 1954, p. 129) he explained the words of Ibn Ezra quoted above on Genesis 12:6, and Deuteronomy 1:2:

It is known that while the nation of Israel was in exile in Babylon they forgot the Torah, until the arrival of Ezra the priest who speedily copied the divine Torah and restored it to them and changed nothing out of all the mitzvot that God commanded Moses. **However, he did not refrain from adding to the stories, such as the ones mentioned, in which no harm is done by elaborating somewhat upon them.**  It is possible that he made these additions under divine inspiration, as he did regarding the text, and verses and cantillation notes…

In other words, according to Eliezer the son of Rabenu Matatya the Pious, Ezra the scribe expanded the narrative sections of the Torah, just as he made changes in the text, the [division into] verses and the cantillation notes.

1. At the beginning of the 18th century, Rabbi Gad dell’ Aquila wrote an essay in support of Ibn Ezra (Naftali ben Menachem, *Inyanei Ibn Ezra,* Jerusalem 1978, p. 326) in which he defended his commentaries on Genesis 12:6 and Deuteronomy 1:2:

This scholar had difficulty with references in the Torah to later events. He therefore wrote that it is possible that they were said in a manner of speaking or by divine inspiration, just as he explained that the verses from “Moses went up” (Deut. 34:1) to the end of the book were written by Joshua under divine inspiration. Therefore he [Ibn Ezra] is not in the category of one who has “spurned the word of the Lord” (Num. 15:31), according to BT Sanhedrin 99a (see above), because he declared that they were said under divine inspiration. The prohibition of “he has spurned the word of the Lord” applies only to one who says that Moses of his own accord said even one verse. If this is not the case, then Rabbi Judah, who disagreed with Rabbi Shimon regarding the eight verses which he said were written by Joshua, [BT Bava Batra 15a, see above] is also in the category of “he has spurned the word of the Lord”. What is the difference between eight verses and twelve verse? Did they not say, even one verse?! ….

To summarize, the principle of “he has spurned the word of the Lord” in BT Sanhedrin 99a applies only to one who says that Moses invented a verse **on his own.** Rabbi Joshua in Bava Batra 15a and Ibn Ezra in his commentaries quoted above maintained that certain verses were said under divine inspiration **by other prophets.** This belief does not fall under the category of “he has spurned the word of the Lord” and is permissible.

**VII Precedents for Critical Study from other Areas**

We began our discussion by reviewing the opposition of Maimonides, and halakhic authorities who followed his opinion, to both textual and source criticism. We then analyzed the basic weaknesses in the sources that prohibit biblical criticism and examined many precedents of textual and source criticism in early rabbinic and medieval literature.

1. **From Talmudic Criticism to Biblical Criticism**

We have examined more than twenty sources, encompassing a wide time span, that allude to source criticism and are now able to add additional sources from the recently published book, *Be-Einei Elohim Ve-Adam*. One may nonetheless question if these sources can in fact validate the systematic division of the Torah into disparate documents. After all, the sources we examined ascribe some twenty verses to prophets who lived after the time of Moses. Is this enough to support an entire methodology? This question can be answered with reference to the contemporary study of Talmud. My teacher and rabbi, Shamma Friedman, has shown that medieval rabbis studied the Talmud critically and distinguished between individual statements and the stammaitic narration. Their approach was spontaneous and unsystematic, and the examples brought by Friedman and others constitute only a small percentage of Talmudic passages. (18). We can nonetheless adopt their approach and expand and develop it by means of current methodological resources. Friedman explains:

We have seen that the Tosafot and the *rishonim* [medieval scholars] who succeeded them knew very well how to distinguish between the words of the amoraim and the those of the Talmud referring to them. However, they made use of this distinction only in places in which there was a topical question regarding the approach of that specific amora, which is then resolved by separating the amoraic statement from the stammaitic narrative. However, to further current research, this distinction should be made in every passage, so as to examine the amoraic statements as sources in their own right and assess their unique content and style. Only this approach will enable us to study the development of talmudic law, revealing the amoraic positions themselves, as distinct from the stammaitic approaches that were added to them and often differed from them. In literary research as well, the separation of the stammaitic narrative from the amoraic statements will enable a precise analysis of the language, style and literary structure of the amoraic stratum. (19)

The same holds true for biblical source criticism. Ibn Ezra, Judah the Pious, and the other scholars discussed above divided the Torah into different sources in order to solve **specific** exegetical problems. However, modern methodological tools enable us to study this subject systematically so as to better understand the Torah from both a legal and literary perspective.

1. **The Influence of non-Jewish Methods of Study on our Scholars**.

Biblical criticism, especially source criticism, was initiated by non-Jews, some of whom were antisemitic. Indeed, Professor Solomon Schechter, the president of the Jewish Theological Seminary (JTS) from 1902-1915, and the principal founder of the conservative movement in the United States, vehemently opposed the approach of Wellhausen and his circle. He referred to their source criticism, known as “higher criticism”, as “higher antisemitism” and claimed that Wellhausen and his circle intended to prove that most of the Torah was written at a late date. (20) Meanwhile, four generations of Jewish academic scholars have engaged in biblical criticism and achieved significant results. (21) Nonetheless, until today, there are those who object to biblical criticism on the basis that it is a foreign element created by non-Jews. In truth, in many cases throughout history, Jewish scholars have adopted the methodologies of non-Jewish scholars and in the course of time turned them into integral components of Torah study. The following are six examples of this phenomenon:

1. Rabbi Saul Lieberman, David Daube and Steven Lieberman have shown that the thirteen hermeneutical principles of Rabbi Ishmael and the thirty-two principles in which aggadah is interpreted were influenced in a large or small measure by the hermeneutical methods of the ancient Near East and /or the Hellenistic world. (22)
2. Many scholars have shown that Rabbi Saadia Gaon (882-942) and other thinkers were very influenced by the Muslim school of “Kalam”. (23)
3. Maimonides himself was very influenced by the philosophy of Aristotle. Indeed, when he published his *Guide for the Perplexed*, many regarded it as a foreign element, banned it and even burned it. (24)
4. *Geonim* such as Saadia Gaon and Rabbi Samuel ben Hofni wrote halakhic monographs on subjects including deeds, industry and legal majority. It now appears that these works were based both in form and content on Muslim monographs from the same period. (25)
5. Jewish medieval biblical exegetes were influenced by Christian biblical exegetes. (26)
6. Professor Ephraim Urbach has demonstrated that the Tosafot were influenced by the contemporary Christian glossator and canonist literature, which made use of similar methodology and raised comparable legal questions. (27)

Therefore, the process of “Judaization” of biblical criticism in the 20th and 21st centuries is the continuation of an age-old process in which we have adopted methodologies from other cultures and gradually made them our own.

1. **The Search for Truth as a Religious Value (28)**

 Those who engage in biblical criticism are endeavoring to understand the plain meaning of the Bible and the truth of the text that they are studying. This desire is rooted in our sources. Many scholars throughout the generations have stressed the importance of searching for the truth and some have even regarded this as a religious value.

The following are selected sayings of the sages on this subject:

“”Truth” – that is Torah as it is said, “Buy truth and never sell it,” (Prov. 23:23) (BT Berakhot 5b). “The seal of God is truth” (BT Shabbat 55a). One called to read from the Torah makes a blessing that includes the phrase “who has given us the Torah of truth” (*Maseket Sofrim* 13:6, Higer edition, p. 244).

“What does it mean, ‘His fidelity is an encircling shield’ (Ps. 91:4)? Rabbi Simon ben Lakish said: The Holy One Blessed be He said: I will make a weapon for anyone who engages in Torah study. Simon bar Yochai said: The Torah’s truth is a weapon for those who possess it ” (*Ba-Midbar Rabbah* 12:3). (29)

Rabbi Joshua ben Levi explained that Jeremiah, Daniel and the Men of the Great Assembly, in response to changing circumstances, amended the text of a prayer instituted by Moses. The Talmud asks: How did they overthrow a decree of Moses our Teacher? “Rabbi Eliezer said: Because they knew that the Holy One Blessed be he is true, they did not deceive him”. Rashi defined “true” as “agrees with the truth and hates falsehood” (BT Yoma 69b). The parallel passage in the Jerusalem Talmud Berakhot (7:3, 11c) reads “Rabbi Isaac ben Eliezer said: The prophets knew that God is true and did not flatter him”. In BT Chulin 124a, in a disagreement about the laws of purity, one of the amoraim said: ‘By God, even if Rabbi Jochanan had said this to me from his own lips I would not have obeyed him” and further on: “By God, even if Joshua the son of Nun had told me in his own name, I would not have obeyed him”.

The *geonim* and medieval sages also endeavored to discover the “truth of Torah”. Rabbi Saadia Gaon, in *The Book of Beliefs and Opinions,* asked that any reader who finds within it a mistake should correct it and added: “If both the scholar and the student conduct themselves in this manner when they read this book, then whoever is certain will have his certainty increase, and whoever is in doubt will have his doubt vanish; the believer on the basis of tradition will become a believer on the basis of speculation and understanding”. (Saadia Gaon, *Book of Beliefs and Opinions*, Introduction, section 2, in Charles Manikin, ed., *Medieval Jewish Philosophical Writings,* Cambridge University Press, 2007, p. 5) Abraham Ibn Ezra, whose commentaries we saw above, wrote in his introduction to his commentary on the Torah, in a different vein, “May I fear God alone and not be biased in favor of the Torah”.

In his letter to the scholars of Provence on astrology, Maimonides attested that out of a desire to understand the reasons for the commandments: “I read about all matters pertaining to idolatry. I do not think that there remains a book in the world on this subject translated from other languages into Arabic that I have not read, studied in depth, and thoroughly mastered. (in Alexander Marcus, *HUCA* 3 (1926), p. 351, which corresponds with slight variations to the text in the Shilat edition, vol 2, Jerusalem 1988, p. 481). In chapter 4 of the “Eight Chapters”, Maimonides instructed, “Accept the truth from whomever says it”. (29a) Elsewhere he exhorted: “learn and retain rational principles of faith, pleasing in the eyes of God who is most pleased with truth and most displeased with falsehood”. (*The Guide for the Perplexed*, trans. M. Friedlander, II:47, p. 248)

Rabbi Abraham, the son of Maimonides, admonished that accepting the opinion of another without examining its truth or understanding it “is a negative quality, forbidden by the Torah as well as reason”. After citing BT Chulin 124a (quoted above) he continued:

In truth, this man [Rabbi Judah the Nasi] is called “our **holy** rabbi” because a person who rejects falsehood, and upholds truth, and compels us to follow the truth, and changes his opinion when he realizes that it is wrong, is without a doubt “holy”. Here we see that the sages (may their memory be a blessing) only accepted opinions that were true and proven, regardless of who expressed them. (*Kovetz Teshuvot ha-Rambam Ve-Iggrotav*, Leipzig 1859, vol. 2, p. 41 and following). (30)

In the modern period as well, scholars emphasized the importance of the search for truth. Rabbi Samuel David Luzzatto (Shadal) addressed this subject in the introduction to his commentary on Isaiah (Padua, 1855):

The fourth fundamental principle [in the commentary] is the **love of truth** and our ultimate goal will be to understand the true meaning of the scriptures. There will not be hidden in our hearts the desire to find in the holy books support and reinforcement for beliefs and opinions that we have acquired from different sources, neither philosophical ideas nor accepted religious beliefs. This quality is very important in exegesis and is to be found on the highest level in the commentaries of Rashi and his grandson Rashbam, who although completely faithful to the writings of the sages, did not refrain from interpreting the scriptures according to their simple meaning, even if it contradicted the halakha…

Rav Kook addressed this subject in a letter to Rabbi Meir Berlin [Bar-Ilan] in 1911 in response to an article that had appeared in the journal *Ha-Ivri,* edited by Rabbi Berlin, in which the author warmly praised the historians Isaac Ha-Levi Herzog and Ze’ev Yavetz, who were orthodox Jews. Rav Kook argued that we no longer need to lavish praise on such authors:

In any case we cannot deny that there are many positive qualities in books that are also tainted in many places. They [Herzog and Yavetz] were also not always correct in their criticism of the latest trends. Truth is beloved above all things…The censure of the Bible critics and free-thinking authors, if done in general terms, is worthless and undeserving of praise. (*Iggerot ha-Ra’aya*. vol.2, p. 20)

1. **The Sanctity and Authority of the Torah for those Engaged in Biblical Criticism (31)**

Having established that there are grounds to permit the study of biblical criticism, we must now ask the following question: For those who do not accept the fundamentalist approach of Maimonides and Rabbi Moshe Feinstein, what is the source of the sanctity and authority of the Torah? I have discussed this question elsewhere (32) but will repeat some of my thoughts here with a few additional points. We can delineate six approaches to this question:

1. We saw above in BT Gittin 60a and in statements by Joseph Bonfils and others the idea of revelation in stages. Scholars adhering to this view believe in **“Torah from heaven” but not “Torah from Sinai”. According to this perspective, the Torah was written in different periods by Moses and other prophets engaged in a dialogue with God.** (33)
2. The Torah **itself** is not revelation but rather the **human expression** or by-product of that revelation. Because the Torah is the human record of the word of God, it is imperfect. God did not reveal Himself **to** people but **through** them. This can be explained by the following analogy: A person listening to a recording wants to hear the voice of the singer but must content himself with an imperfect recording of his voice. The Torah is analogous to the recording, not to the actual voice of the singer. (34)
3. We do not know exactly what happened three thousand years ago on Mount Sinai -- but it does not really matter. The Torah’s authority is not derived from what happened on Mount Sinai but from the way in which “*klal Yisrael*”, the Jewish people as a collective entity, has understood and interpreted the Torah in the course of three thousand years. This idea was expressed by Professor Solomon Schechter in 1896:

It is not the mere revealed Bible that is of first importance to the Jew, but the Bible as it repeats itself in history, in other words, as it is interpreted by Tradition … Since then the interpretation of Scripture or the Secondary Meaning is mainly a product of changing historical influences, it follows that the centre of authority is actually removed from the Bible and placed in some *living body*, which by reason of its being in touch with the ideal aspirations and the religious needs of the age, is best able to determine the nature of the Secondary Meaning. This living body however is not represented by any section of the nation or any corporate priesthood, or Rabbihood, but by the collective conscience of Catholic Israel as embodied in the Universal Synogogue…the only true witness to the past …must also retain its authority as the sole true guide for the present and the future…[Solomon Schechter, *Studies in Judaism*, First Series, London, 1896, pp xvii-xviii. https://archive.org/details/studiesinjudais00schegoog] (35)

1. The Torah expresses an eternal covenant between God and the Jewish people. The essence of a covenant between two entities is not the original written contract but the actions and feelings that accumulate over the years. Torah study and observance of the commandments express our 3,000-year-old covenant with God, irrespective of when each passage in the Torah was written. (36)
2. Torah study and observance sanctify our lives and make the profane holy. The specific source of a particular passage does not affect the power of Torah and commandments to consecrate our lives. (37)
3. The sanctity of the Torah derives from the fact that our ancestors regarded it as the holiest Jewish book. They studied it, took care never to place another book on top of it, kissed it, fasted if it fell to the ground, and even sacrificed their lives in order to learn it and keep its commandments. (38) An analogy can be made to the Western Wall. Today, we know that the exterior wall of the Temple Mount was built by Herod and Jews only began to pray in front of it in about the year 1520. (39) But in the meanwhile, the Kotel has been sanctified by the tears and the prayers and the notes and the pilgrimages of millions of Jews from all over the world. It is the same with the Torah. The Torah has been sanctified by 3,000 years of study, expressions of love, devotion and observance of its commandments. This sanctity is not effaced by new knowledge about its creation, thousands of years ago.
4. **Conclusion**

In conclusion, the sources prohibiting textual and source criticism have four basic weaknesses. Moreover, many sages from the talmudic and medieval periods engaged in textual criticism and several even engaged in source criticism. Furthermore, precedents for critical study can be found in other areas in Judaism, as the search for truth is an important religious value. However, the rabbis and teachers who teach biblical criticism must find ways to emphasize the sanctity of the Torah. The Torah is not just another book, but “our life and the length of our days and we will study it day and night.”

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