

Rabbinic Strategies for Dealing with Redundant Legal Passages in Scripture: The Special Case of the Middah of Repeated Parashyot, Its Use and Limitations

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Modern day readers of Scripture, focused on textual coherence and parsimony, find repeated passages of a legal nature hard to explain. To be more specific, by repeated passages I mean a complex of details comprising a law¹ appearing in a section or passage (henceforth, *parashah*, sing., *parashyot*, pl.) that repeats, in substance or verbatim, what has already been articulated in an earlier passage. At times, the repetitions may be no more than paraphrases or abbreviations of earlier formulations, the likes of Numbers 5:6-8 repeating Leviticus 5:20–26 or Leviticus 6:9–11 repeating Leviticus 2:10-11; at other times the formulations, or good parts of them, are identical, the repetitions being nearly verbatim—the likes of Deuteronomy 15:12–18 repeating Exodus 21:2–6 or Leviticus 24:2–4 repeating Exodus 27:20-21.

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The English translations of rabbinic sources are my own; for the scriptural text, I used the JPS Hebrew-English Tanakh translation.

¹ As opposed, for example, to single verses and simple commandments, devoid of details, which are more typical of exhortations, such as the warnings against eating blood, repeated in Genesis 9:4, Leviticus 7:26, 17:10, 17:12, 19:26 and Deuteronomy 15:23.

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While these repeated *parashyot* often contain explicit additions and/or restatements that embed implicit additions or qualifications, it is not unreasonable to suppose that these additions and or modifications could have found room in the original *parashah*, either in the body of the law or in a post script.² Repetitions of this sort present a formidable challenge not only to the modern synchronic reader, but also to the traditional interpreter who is concerned with the plain sense of Scripture, the coherence of its message and its logical structure. We shall discover that while the talmudic Rabbis recognized these puzzling features, their concerns were of an entirely different nature. Repeated *parashyot* represented for them no more of a problem than any other textual redundancy. Working on the assumption that the Torah is omnisignificant³ and that there are no superfluous words in such a document, theirs became a practical concern rather than a literary question looking for an explanation. Their specific concern was, what should be done—exegetically that is—with the repeated elements? Need these redundancies be addressed exegetically, or in other words, need they be made to convey new information?

To deal with this problem, the talmudic Rabbis formulated a hermeneutic rule, or *middah*, the subject of our present essay. As noted, the *middah* was not going to explain the literary crux of repeated *parashyot* but rather it was going to address, by way of justification, the redundancy challenge. This will be described by drawing on early talmudic sources.

² See Appendix 1.

³ A term proposed by James Kugel, and which he defines as “the basic assumption underlying all rabbinic exegesis that the slightest details of the biblical text have a meaning that is both comprehensive and significant. Nothing in the Bible...ought to be explained as the product of chance, or for that matter, as an emphatic or rhetorical form, or anything similar, nor ought its reasons to be assigned to the realm of Divine unknowables. Every detail is put there to teach something new and important, and is capable of being discovered by careful analysis.” *The Idea of Biblical Poetry: Parallelism and its History* (New Haven and London, 1981) 103-104.

Yaakov Elman's caution in this regard is particularly pertinent to our inquiry: “...omnisignificance reflects a rabbinic view of Scripture rather than a complete exegetical program. It describes an ideal which was never actually realized. Not every feature of Scripture has been interpreted either halakhically or aggadically. Our collections of midrashim hardly constitute an omnisignificant corpus; not only do they fail to deal with many verses, and even whole biblical chapters, but features which are considered significant—legally or morally—in one context are ignored in others.” “It Is No Empty Thing: Nahmanides and the Search for Omnisignificance,” in *Torah u-Madda Journal*, vol. 4 (1993), pp.1–83.

Over time, but still during the talmudic era, the rule lost some of its original justificatory power and became, so to speak, an instrument for dialecticians who were more interested in the elegance of an argument than in its substance. Finally, we shall see how in the medieval period, *pashanim*, anxious to offer explanations to puzzling repetitions, made use of this rule and, as a result, failed in those handful of cases to satisfy the literary canon they had set out to impose.

The earliest explicit rabbinic discussion of the phenomena of repeated *parashyot* is found in *Midrash Sifre, Numbers* (Piska 2, ed. M. Kahana, pp. 9–10), a legal midrash, likely of tannaitic origin.⁴ Numbers 5:6–8 deals with the case of a person who has defrauded his fellow man and has denied it under oath. The law stipulates that he not only make monetary restitution to the victim but also bring an *asham* offering. The *parashah* is an abridgment and generalization of Leviticus 5:20–26 where a fuller list of such frauds is listed, but it also adds some important new details, as we shall see. It qualifies as a repeated *parashah* in substance, while linguistically it also shares many expressions with the Leviticus formulation.

The obvious questions are, why doesn't Scripture incorporate the new details in the original *parashah* and/or why does the second *parashah* not refer back to the previous instantiation? This is, however, not the question troubling the Rabbis of the *midrash*. Instead, their specific concern was, what if anything should be done with the redundant text and will this text constitute the basis for expansive interpretation and new meanings? It is here that the tannaitic Rabbis enunciate a hermeneutic rule (*middah ba-Torah*) designed to deal with this question.⁵ The rule, which is not ascribed to any particular author,⁶ states as follows: "This is the *middah* in the Torah, any *parashah* stated in one place that omits a specific matter, and is

⁴ For a thorough introduction to these legal midrashim, or *midreshe halakhab*, see Menahem Kahana, "The Halakhic Midrashim" in *The Literature of the Sages*, Second Part, edited by Shmuel Safrai, Zeev Safrai, Joshua Schwartz and Peter J. Tomson, pp. 3–106, Assen: Royal Van Gorcum and Fortress Press, 2006.

⁵ For an introduction to the classical rabbinic tradition of hermeneutics, see the extensive literature cited by Philip S. Alexander in note 2 of "The Rabbinic Hermeneutical Rules and the Problem of the Definition of Midrash," in *Proceedings of the Irish Biblical Association*, 1984, N. 8.

⁶ In the Talmud, this rule is attributed to the School of Rabbi Ishmael, and the attribution here to this school cannot be doubted for a number of reasons, all discussed by M. Kahana, *Sifre on Numbers: An Annotated Edition*. (Magnes Press: Jerusalem) Part II, p. 33 (Hebrew): *Sifre Numbers* comes from the School of Rabbi Ishmael; the expression "*middah ba-Torah*" is typical of this school only; from the fact that Rabbi Aqiba follows this discussion with his own and dissent-

then repeated in another place—this repetition is only for the sake of the omitted matter (*שׁוֹ מִדָּבָר בַּתּוֹרָה, כֹּל פָּרָשָׁה שֶׁ-נִּעְמְרָה בִּמְצִיטָה עֲבָד וְ-בִּסְפֵר בָּב דָּבָר עֲבָד וְ-בַּחֲזָר וְ-שָׁנָה בִּמְצִיטָה אֲבֵר לֹ שָׁנָה אֵלָּא אֶל שֶׁ-הִסְסֵר בָּב דָּבָר עֲבָד*).⁷ Since the repeated *parashah* conveys new information, specifically the case of a defrauded person who leaves no kin,⁸ the reiteration of the basic law and repetition of previous details need no longer concern the exegete. The formulation may appear to be offering an explanation for the phenomenon—note the emphasis “this repetition is only for the sake of the omitted matter”—but in reality it does nothing of this sort. It does not explain why the second *parashah* does not simply convey the new details while referring to the previous appearance for the basic law or why the new addition could not have been incorporated in

ing view. Interestingly, the rule does not appear in the traditional list of 13 hermeneutic rules listed in the *baraita* of *middot* of R. Ishmael. The literature regarding these hermeneutic rules and their attribution to R. Ishmael is vast. For a basic primer, see H. L. Strack and Gunter Stemberger, *Introduction to Talmud and Midrash*, translated by Markus Bockmuehl, Minneapolis: Fortress, 1996. See also Philip S. Alexander cited in the previous footnote. For a brief look at the various ways in which the medieval rabbinical authorities arrived at the count of 13 rules, see, for example, the Introduction to Volume 1 of *Sifra on Leviticus*, edited by Louis Finkelstein, 5 volumes, New York and Jerusalem: Jewish Theological Seminary, 1983–1991, pages 172–174. For a more recent attempt to solve this problem see M. Kahana, “Qavvim le-Toldot Hitpathutah shel Middat Kelal u-Perat bi-Tekufat ha-Tannaim,” *Mehqarim be-Talmud u-be-Midrash: Sefer Zikaron le-Tirzah Lijshitz*, ed. A. Edrei et al., Jerusalem (2005; 173–216), pp. 190–193.

⁷ Kahana, *Sifre on Numbers*, p. 33 notes that the expression “for the sake of the omitted matter” or, more literally, “the sake of the one matter” does not concord with the fact that *Sifre*, nearby, derives a number of new details based on differences in the formulations between *Numbers* and *Leviticus*. On the basis of the plain sense of the passage, however, which is perhaps the way the *middab* was originally understood, we note only two differences (see below, note 8). In this case, the expositions may be reflecting a later and less conservative exegetical approach. The rule is formulated slightly differently in the *Talmud* (see below). An important difference, noted by Kahana in a private communication, is that the talmudic formulation states, “for the sake of a matter that is innovated therein” and lacks the very specific “one matter” found in the *Sifre* formulation, suggesting that the Bavli tradition may not have had in mind just one single innovation.

⁸ The *midrash* and *Talmud* refer to this case as the case of *gezel ba-ger* (stealing from a proselyte) since only he is considered to have no kin. There is in fact a second supplement in this passage, namely, that the reparations must be preceded by a confession (v. 7). This *midrash* does not mention this additional supplement.

its original appearance. Instead, the rule merely justifies a stance of exegetical restraint.⁹

This *middab*, with only a slight variant in its formulation and now attributed to the School of Rabbi Ishmael, is applied to cases of repeated *parashyot* on five occasions in the Talmud. (To be more precise, this *middab* should be called a “rule” and not *middab* when referring to it as used in the Talmud, since the rule is never introduced, as it is in Sifre, with the words “this is the *middab* in the Torah”). All the discussions take place in the Babylonian Talmud and all are found in its amoraic or redactional layers (henceforth referred simply as the *stam*, or anonymous). The slightly different talmudic formulation reads as follows: “Any *parashah* that is stated [in one place] and is repeated [in another place] is repeated only for the sake of a matter that is innovated therein” (*kol parashah she-ne’emra venishnit lo nishnit ela bishvil davar shenithadesh bah*).

As we shall soon see, the Talmud’s understanding of repeated *parashyot* has little in common with the way it was understood in Sifre. We shall also discover that while the Talmud invokes the rule of the repeated *parashyot*, its use is formalistic rather than substantial. In all, the concerns of the *stam* must be read in the context of a *parshanut* that drifted away from a *parshanut* that was generally conscious of literary structure, more typical of Rabbi Ishmael and his school, to a *parshanut* of *derash*, one that prioritized minute textual or even inferred redundancies over structural issues, typical of Rabbi Aqiba and his school.¹⁰ If anything, our analysis

⁹ This conservative exegetical stance is the hallmark of the school of R. Ishmael. See David Z. Hoffmann, *Zur Einleitung in die halachischen Midraschim*, Berlin 1887 (translated as *Mesilat le-Torah ha-Tannaim*, Tel Aviv, 1937/1938, pp. 7-8). More recently, see Azzan Yadin, *Scripture as Logos*, University of Pennsylvania, 2004.

¹⁰ What gives impetus to this idea is the attribution made in the Talmud to R. Ishmael for the rule that “the Torah speaks in the language of man,” a rule that supports the view that stylistic/literary considerations played a role in the composition of the Torah.

But as J. M. Harris, *How Do We Know This?* (SUNY Press, 1995) has noted, even if the ‘human language’ portion of this passage is an authentic part of R. Ishmael’s statement, we could still not conclude that he maintains this notion as a general principle of exegesis, particularly given that elsewhere R. Ishmael interprets repetition (p. 42).

His conclusion is also worth noting as it is relevant to our inquiry:

From all that we have seen, it is clear that the Babylonian sages [i.e., *amoraim* and *stam* redactors. ADF] did not know of any systematic distinctions between R. Aqiba and R. Ishmael as far as biblical exegesis is concerned. Nor were they able to discern any systematic distinctions in the material they inherited. Rather, their view, based on the way in which they reconstructed

of talmudic cases serves to demonstrate how the concern with the structural / literary problem of repeated *parashyot* that we are examining “disappeared” in the late talmudic period. I analyze below the five talmudic cases that use this rule, going generally from the simpler applications to the more complex ones.

In *Shevu'ot* 18b-19a, the discussion turns on the verse “or when a person touches any unclean thing—be it the carcass of an unclean beast, or the carcass of unclean cattle or the carcass of an unclean creeping thing—and the fact has escaped him, and then, being unclean, he realizes his guilt” (Leviticus 5:2). It should be noted that the law and its consequences are presented here for the first and only time, thus they do not constitute a repetition. The *sugya* assumes, however, that the designations of the types of carcasses that emit uncleanness, that is, the qualifiers of “any unclean thing,” is a law unto itself. In fact, had we only known this passage, we would have learned that the carcasses of beasts, cattle and creeping things emit uncleanness. Since, however, the *sugya* is aware that this information is already known from elsewhere (see below), it deems v. 2 a case of a repeated *parashah*.

The dialectical engagement that follows is, as is commonly believed, the creation of a much later generation of talmudic scholars,¹¹ who may have also acted as the redactors of the Talmud, and whom we identify as the *stam*, or anonymous, since they leave behind no trace of their identities. According to Rabbi Aqiba (according to the *stam*) the only truly otiose phrase is the one that stipulates the carcass of an unclean creeping thing. The *stam* explains that, according to Rabbi Aqiba, the stipulations ‘carcass of an unclean beast’ and ‘carcass of unclean cattle’ are necessary because these phrases serve as pivots for an analogy (*gezzerah shavah*) that generates a new legal point.¹² And while the phrase “unclean creeping things” is redundant because the rule that creeping things emit uncleanness is stated

the putative scriptural bases of the disputants, seems to have been that exegetical disputes were ad hoc, ad locum affairs in which each sage evaluated all the scriptural data to determine what techniques were best suited to unlocking the Scripture’s hidden meanings (p. 46).

¹¹ On the period in which the *stam* operated and on their unique dialectical method, see D. Halivni, *Miqrot u-Mesorot, Mesechet Baba Batra*, Magnes, Hebrew University (2008), pp. 6–9. On the method and its justification, see Albeck, *Ma'ot letalmudim*, 504ff. and the other references cited by M. Shapiro, *Changing the Immutable*, Oxford, The Littman Library of Jewish Civilization, 2015, page 257, n. 90.

¹² This legal innovation is unrelated to the matter at hand and it is not relevant to our discussion.

elsewhere (Leviticus 11:29–31), it is added here simply because the phrase completes the listing of creatures that emit uncleanness.¹³ Given assumptions about the omnisignificance of Torah, however, stylistic considerations do not offer sufficient justification for this redundancy. Instead, the *stam* invokes our rule, in the name of the School of Rabbi Ishmael: the repetition is justified by the new legal information conveyed. Note that the new legal information is not explicitly given in the scriptural text as was the case with the defrauded man who left no descendants (Numbers 5:6–8). Rather, the novelty is itself the product of rabbinic hermeneutics, based, as we saw, on the analogies from beast and cattle.¹⁴ As we shall see again and again, this is typical of the hermeneutics of the late *amoraim* and of the final redactors. Scriptural law and rabbinically derived law stand on a par; boundaries between these sources and categories of law that existed in the tannaitic period become blurred and even nonexistent. Be that as it may, the rule does no more than exempt the exegete from having to derive or infer new information from the redundant phrase, specifically ‘unclean creeping things.’ Note, too, that the *stam* puts in the “mouth” of Rabbi Aqiba a rule that was propounded by the school of Rabbi Ishmael. In the Sifre case analyzed earlier, Rabbi Aqiba does not concur with this rule and offers a dissenting explanation. Not only has the understanding of the rule changed in the Bavli, but, in the fog of time, even its authorship is no longer tied exclusively to the school of Rabbi Ishmael.

In *Menahot* 10a we are presented with a case of repeated *parashyot*, though this appears to be more apparent than real, since Scripture is dealing with two different pieces of legislation, one applicable to the purification of the person who has suffered *tsara'at* and is well-to-do (Leviticus 14:12–20) and the other applicable to the purification of the person who has suffered *tsara'at* and is poor (14:21–31). The poor are allowed to substitute two doves or two young pigeons for the ewe and the male sheep that are brought as sin and burnt offerings, respectively. In all other respects, their complex purification rituals are described in exactly the same terms, the repetition of these details being virtually verbatim.¹⁵ While the *amoraim* in the *sugya* find and harmonize a number of redundancies in the base text (and by implication in the parallel *parashah*) they are, nonetheless,

¹³ Note that Tosefta *Shvu'ot* 1 offers a reason for the mention of “unclean creeping things.” The talmudic *sugya* seems to be unaware of this exegesis.

¹⁴ See *Tosafot*, s.v. *mi-debaye*, who argues that even “beast” (*hayah*) is not needed since the *gezerah shavah* is based on the mention of “cattle” (*behemah*) only.

¹⁵ One exception, where one passage states “upon the blood of the guilt-offering” (Leviticus 14:17) and the other “upon the place of the blood of the guilt offering” (14:28), they are harmonized and interpreted to yield a new *halakhah*.

unable to justify the (verbatim) repetition of the many details dealing with the poor man other than by resorting to the rule ascribed to the School of Rabbi Ishmael, which states that “any passage that is stated and is repeated is only repeated for the sake of the one new matter introduced.” The one new detail introduced is the dispensation given to the poor for substituting the ewe and the male sheep for the doves or pigeons. Thanks to the rule, the exegete can now ignore the repetitions of other details.¹⁶

Anticipating some of our later conclusions, we might want to point out that Scripture could have been more economical in the manner it presented the second *parashah*, but this lack of parsimony does not by itself constitute a “repetition.”¹⁷

Our third case is found in Sotah 3a. The Talmud records a dispute between R. Ishmael and R. Aqiba over the obligatory character of the words “and he be jealous of his wife”¹⁸ in the verse “and the spirit of jealousy come upon him, and he be jealous of his wife and she be defiled; or if the spirit of jealousy come upon him and she be not defiled” (Numbers 5:14). R. Ishmael argues that “and he be jealous of his wife” comes to teach that one is permitted but not *obligated* to issue a warning to one’s wife. R. Aqiba disagrees and maintains that the first mention of the clause “and he be jealous of his wife” may indeed indicate that he is permitted to warn her, but that the emphatic repetition of that same clause clinches

¹⁶ One may ask here, How is the *stam* content with deriving a specific *halakhab* from the slight variant found in the poor man’s passage (“the place of the blood of the guilt offering,” see footnote 15 above) in a passage presumably deemed exegesis-free after the application of the *middab* of repeated passages? A possible way out is to argue that at this point the *stam* had not as yet made that determination, namely, that the poor man’s passage is a repeated passage that need not be expounded since it contained one new matter. Still, there is no indication that the interpretation is dropped after the *sugya* had concluded that it would use the special hermeneutic. Alternatively, the *stam* retains the exegesis derived from “the place of the blood of the guilt offering” and rejects the use of the hermeneutic of repeated *parashyot* to justify exegetical restraint. This solution would support our argument that the hermeneutic of repeated *parashyot* has not been rigorously applied in this instance.

¹⁷ It should be noted here that these *parashyot* follow each other in the text and, importantly, are connected via a contrastive *waw*: the purification of the poor is contrasted to the purification rites of the well-to-do. From a literary point of view, the seeming lack of awareness of the existence of the first *parashah* is an integral part of the puzzlement of repeated *parashyot*. This is clearly not the case here, as the “repetition” is well aware of the earlier material. Below I shall have more to say about these types of *parashyot*.

¹⁸ The talmudic Rabbis construed the term jealousy here as standing for the issuance of a warning.

the case and indicates that he is actually obligated to warn her. The *stam*¹⁹ now attempts to offer a rebuttal to R. Aqiba's exegetical counter-argument, arguing, in defense of R. Ishmael, that R. Ishmael would acknowledge that the passage could have been abbreviated to "and the spirit of jealousy come upon him and he warns his wife and she be defiled or she be not defiled." Nevertheless, as per the anonymous redactor, R. Ishmael would argue that the redundancy need not be expounded and therefore carries no legal significance, an argument based on the rule of the repeated *parashyot*. Since the second half of the verse introduces an innovation, namely, that the woman is forbidden to have relations with her husband (until she can prove her innocence) even when it is doubtful that she committed adultery (understood from the clause "and she not be defiled"), the balance of the verse ("and the spirit of jealousy come upon him and he warns his wife and she not be defiled") need not be interpreted.

Technically, these repeated clauses do not respond to the criteria of repeated *parashyot* since the stipulation contained in the second part of the verse does not duplicate the stipulation presented in the first part. Moreover, the connective "or" makes it clear that the second part of the verse is connected to and wholly aware of the first part. Perhaps even more pertinent, these repetitions are not *parashyot* at all, but only subordinated clauses.²⁰ From the Rabbis' point of view, however, the second half of the verse contains a redundant clause. The hermeneutic rule that they adduce does no more than neutralize the exegetical possibilities and allows them to treat the redundancy of the second half of the verse as simply a stylistic feature.²¹

The background to the fourth case discussed in the Babylonian Talmud is the following. Exodus 22:3 deals with restitution for convictions

¹⁹ It is not entirely clear in this case that we are dealing with the *stam*; the dialogue may continue to be part of the amoraic discussion between Abbaye and Rav Pappa, or Rabba and Rav Mesharshia.

²⁰ This is an observation made to me by Yaakov Elman, who added that the word *parashah* is nowhere used in this way in the rabbinic literature. Subsequently, I saw this same point made by Chayim Hirschensohn, *Seder LaMiqra*, (Jerusalem, 1933), p. 46, who also noted that a single verse is called a "small *parashah*" in the Talmud (*parashah qetanah*, Berakhot 63a) but only when it is whole and it contains a distinct matter, unrelated from other *parashyot*.

²¹ Given the rabbinic principle of whenever one can derive new *halakhot* exegetically one ought to do so (Pesahim 77b), *Tosafot* ad loc., wonder why the Rabbis, unlike R. Aqiba, do not proceed to treat the redundancy as an indication that Scripture after all insists on the obligation to warn his wife. Of course, it is precisely against this rabbinic principle that the conservative school of R. Ishmael contends. See footnote 9 above.

of theft, while Exodus 22:6–8 is somewhat ambiguous. It may be interpreted as dealing partly (or wholly) with restitution for bailees who are convicted of tortious conversion and partly (or not at all) with restitution for individuals convicted of theft. The laws stipulate the types of items that were stolen or claimed to have been stolen as well as the amount of restitution that is to be exacted from those committing the crime. The ambiguity of 22:6–8 is the subject of a tannaitic dispute. The two interpretations occasion a sustained and complex talmudic discussion in Baba Qamma 63b-64b, the purpose of which is to examine the validity and strength of each of these competing interpretations. While the details are not relevant, the *stam's* use of the hermeneutic of repeated *parashyot* is of interest. The *tanna* who identifies both v. 3 (first *parashah*) and vv. 6 and 8 (part of second *parashah*) as referring to a thief, is left to explain Scripture's need to repeat in verse 8 the items that he is accused of stealing and which were already listed in v. 3. In defense of this *tanna*, the *stam* invokes the hermeneutic of the repeated *parashyot*, arguing that v. 3 contains a new halakhic matter, specifically, that the thief cannot be charged the standard double penalty (*kefel*) if he is convicted on the basis of his own confession—even when inculcating witnesses arrive after the confession. The rule of the repeated *parashyot* therefore allows the Rabbis to ignore (exegetically) the redundant elements of the second *parashah*.²² Verse 3 and vv. 6 and 8 do represent, at least according to the second *tanna*, good examples of a repeated *parashah* since both laws are nearly identical.

The understanding and use of the rule of the repeated *parashah* in this exercise bears little or no resemblance to the way the *middah* is understood and used in the Sifre examined earlier. For one thing, the *stam* forces a reversal in the canonical order of the verses and *parashyot*, deeming v. 3 a repetition of the later v. 6. In the tannaitic source it is the canonical order of the *parashyot* and books that determines which *parashah* is the repetition and which is the original, and it is only the repetition that is said to contribute a legal novelty. Numbers 5:6–8 is a repetition of Leviticus 5:20–26, since Numbers follows Leviticus in the Scriptural canon. While this point does not constitute an essential objection to the use of the *middah*—after all there may not be a “given” or “fixed” order to the *parashyot* and books of the Torah—the absence of any objections to this unconventional treatment is telling.

²² It should be noted that the plain sense of these verses supports the position of the first *tanna*, namely, that 22:3 deals with a thief and 22:6–8 deals exclusively with a bailee and tortious conversion. See the major medieval commentators *ad loc.* On this reading, 22:6–8 does not repeat 22:3.

This lack of hermeneutic rigor can be further seen in the way the *stam* determines the kind of legal innovation that is conveyed by the repeated *parashah*. Here again, as we saw earlier, there are no new and explicit details in v.3 that could serve as legal novelties. Instead, the Rabbis supply the “needed” legal novelty through an exegetical exercise.²³ In short, the *stam* has turned the rule of the repeated *parashyot*, so to say, on its head: it first subverts the canonical order to determine which *parashah* is repeated and then forces a legal innovation unto the repetition to justify the application of the rule. The use of the rule is formal rather than substantial; its expositional character has been lost.²⁴

Perhaps the most peculiar and *pilpulic* of the talmudic uses of the rule at work is found in Bekhorot 43a. The discussion revolves around Leviticus 21:17ff, which lists physical defects or blemishes that disqualify a priest from officiating, and Leviticus 22:21 ff, which lists defects and blemishes that disqualify animals from being offered on the altar. Surprisingly, the *stam* of the Talmud assumes that the two *parashyot* are repetitions of each other, not because the *parashyot* deal with a similar subject (when they do not) nor because they are phrased identically (when they actually are not) but because, in their opinion, the list of defects that disqualify priests can be drawn, via a *gezerah shavah*, from the animals’ list, and vice versa. The *gezerah shavah* is a hermeneutic rule that works by connecting two laws via similar word or words, thus allowing us to analogize to some degree

²³ The exegesis is based on the occurrence in v. 3 of an infinitive plus finite verb combination of the root *mts'* (find). It should be noted that this combination, emphatic in nature, is quite common in Scripture and is the subject passim of a dispute between R. Ishmael, who assigns no exegetical value to such stylistic features (“The Torah spoke in the language of Man”) and R. Aqiba, who does. Curiously, the *stam* makes use of an exegesis that does not concord with the teachings of R. Ishmael and yet uses the hermeneutic of the School of R. Ishmael to justify the repetition.

²⁴ This development of the hermeneutic rules, from being analytical and philological to being purely formalistic, has been noted by various other scholars, in particular with the *middot* of *gezerah shavah* and *kelal u-prat*. See M. Kahana, “*Qavvim le-Toldot ha-bitpathbutah shel middot kelal uprat bi-tequfat ha-tannaim*,” pp. 212-4, and note 151, in *Studies in Talmudic and Midrashic Literature in Memory of Tirtzah Lifshitz*, eds. M. Bar Asher, J. Levinson and B. Lifshitz, Bialik Institute, Jerusalem, 2005. See also, Michael Chernick, “*Kelal u-perat u-kelal. Le-beqer derashot “kelal u-perat u-kelal” be-midreshei ha-halakhah u-be-talmudim*,” in *Tarbiz*, Nissan-Sivan 5743, pp. 393–410, p. 396.

the two laws.²⁵ Under this scheme, Scripture would first need to list separately those defects that are idiosyncratic to each group given their physical differences; these defects are not comparable and therefore cannot be made applicable to the other subject. Subsequently, Scripture would select one or two common defects and place them in both groups so as to enable us to connect the laws and draw the necessary analogies. By performing this analogy we will find that some of the common elements listed in the second *parashah* turn out to be redundant. It is at this point that the *stam* is forced to recur to the *middah* of repeated *parashyot*.

Note that in strict rigor, we are dealing here not with a repeated *parashah*, but rather with a number of redundancies, only made so by the fact that the Rabbis are exegetically capable of supplying missing details. The *stam* solves the problem of redundancies, or stated differently, allows the redundancies to stand, via the help of the hermeneutics of repeated *parashyot*. On this account, the repeated *parashah* contains one or two repetitions which are used to draw a *gezerah shavah* between the *parashyot*, and which in turn adds further defects to each list. These “new” defects constitute the legal novelty needed to justify exegetical inaction with respect to the redundancies.

The talmudic discussions above have dealt in part with parallel *parashyot*, that is *parashyot* dealing with a common law, sharing many details, but applied to different persons or objects. As we made clear in our opening paragraph, our concern is not with these types of “repetitions” but with the conundrum of a repeated *parashah* that deals with a previously enunciated law and applies it, amongst others, to the same persons or objects. While parallel *parashyot* appear on the surface to be more prolix than absolutely necessary, this represents a problem only if one assumes that exegesis can generate the same intended results with a more parsimonious text. The talmudic Rabbis believed they could, hence their attention to these types of “repetitions.”

It is worth noting, however, that another midrash of tannaitic origin offers a reasonable solution to this problem of prolixity, applicable to frequent scriptural cases of parallel laws. To be sure, this solution has nothing to do with repeated *parashyot*. Nevertheless, I mention it here, at the conclusion of my survey of talmudic discussions, because it has bearing on an earlier talmudic discussion. It will also have a bearing, however, on a later discussion, in connection with the commentaries of two medieval interpreters. The background to this midrash is the following. Leviticus

²⁵ For a thorough discussion of this rule, see Michael Chernick, *Gezerah Shavah: Its Various Forms in Midrashim and Talmudic Sources*, Lod, Israel: Habermann Institute, 1994 [Hebrew].

3:6–11 and 3:12–17 are what we call parallel *parashyot* both dealing with the same law, that of bringing well-being offerings (*shelamim*) from the larger category of flock. The first *parashah*, however, deals with the requirements for a sheep offering while the second one deals with the requirements for a goat offering. Though both sheep and goat belong to the genus of flock, one single detail sets their procedures apart, namely the disposition of the (fatty) broad tail (*alya*). In all other respects, the requirements for offering these animals on the altar are identical. Would the goat *parashah*, then, represent a “repetition” of the sheep *parashah*? Logically it does not, since it deals with a different species. Note, however, that in the talmudic cases reviewed earlier, we saw the anonymous Rabbis consider, for example, the *parashah* dealing with the rites of purification from *tsaraat* for the poor man a repetition of the immediately prior *parashah* dealing with the rites of purification for the well-to-do. This is despite the fact that the two *parashyot* dealt with two different subjects. This repetition, or rather, the repetition of many similar details, forces the Rabbis to find a way to justify the individual repetitions and, as we saw, eventually resort to the rule of repeated *parashyot*.

Sifra, a *midrash halakhab* on the book of Leviticus, likely also of tannaitic origin, finds here good reason for the repetition, arguing that the broad tail exception in the rules for a goat offering is likely to lead us to question all the other details. Sifra leads the exegetical analysis with the question “I might think that (as a result) the other dispositions relating to fat should similarly not be required (literally, “should be lessened”).”²⁶ For the *tanna* of Sifra, Leviticus 3:12–17 is not redundant at all; the requirements that are identical to those of the sheep need to be spelled out explicitly since the single exception may change the reader’s understanding of, for example, the other fat-related procedures that are required for the goat offering. One might want to compare this type of repetition to the clauses added in modern contracts under the rubric of “for more clarity.” By the same token, one could argue that the single change stipulated in the purification rites of the poor man might lead us to think that other requirements ought to be eased as well. Thus, Scripture lists, for more clarity, all the details of the rite even though they are identical with the details known from those of the rich man.

With this remarkably simple idea we are in a position to dispose of a number of ostensible repetitions, including, as we saw, one and possibly two of the cases held out as repetitions by the *stam* of the Talmud. As we shall see, despite the simplicity and elegance of Sifra’s explanation, none

²⁶ Sifra, Nedava, pereq 20, 2, Finkelstein’s edition, p. 115.

of the medieval commentators, when commentating on these *parashyot*, availed themselves of this insight.

In sum, we find no evidence that the late anonymous scholars of the Talmud dealt with cases of repeated *parashyot* as we have defined them. Nonetheless, they made use of the hermeneutic of repeated *parashyot* and applied them to instances of apparently redundant information in a variety of contexts, including but not limited to parallel *parashyot*. Their exegetical skills and inventiveness allowed them to identify redundancies where a plain reader of the text may not have found them. In extremis, when unable to explain these redundancies, the Rabbis turned to the rule of the repeated *parashyot*, effectively excusing themselves from further exegetical activity. This is what they did in all five cases we examined earlier. By contrast, Sifre Numbers, a halakhic midrash that certainly antedates the anonymous scholars of the Talmud, makes use of the *middah* of repeated *parashyot* only when the second *parashah* deals with a law identical to the law announced in the first *parashah* and when the law is applied to the same subject. This is the case with Numbers 5:6–8 = Leviticus 5:20–26, which, in fact, becomes the paradigmatic case of repeated *parashyot*. While this single illustration does not foreclose the possibility that the early talmudic Rabbis were also willing to apply the *middah* of repeated *parashyot* to other instances of repetitions, we have no recorded evidence for such use. On the contrary, we have evidence to support the idea that the *tannaim* saw good drafting logic in other types of repetitions and therefore found no need to justify them.

Do the rabbinic medieval commentators of Torah recognize the phenomena of repeated *parashyot* in their comments, and does this recognition impel them to look for explanations? This question takes on added significance since, in the words of Robert A. Harris: “The key to the development of a “literary” consciousness was the determination by late eleventh- and twelfth-century scholars that the Bible should be examined according to its context—*peshat* in rabbinic Hebrew and *ad litteram* in Latin—and not according to received religious tradition.”²⁷ *Peshat* reading, defined as

²⁷ “Twelfth-Century Biblical Exegetes and the Invention of Literature” by Robert A. Harris in *The Multiple Meaning of Scripture: The Role of Exegesis in Early-Christian and Medieval Culture*, Ineke van ‘t Spijker, ed., The Netherlands: Brill, 2009, pp. 311–329. The secondary literature on this group of *pashtanim* is vast. Among some of the more recent works, see Sara Japhet, “The Tension between Rabbinic Legal Midrash and the ‘Plain Meaning’ (*Peshat*) of the Biblical Text – An Unresolved Problem? In the Wake of Rashbam’s Commentary on the Pentateuch,” in *Sefer Moshe, The Moshe Weinfeld Jubilee Volume*, eds. Chaim Cohen, Avi Hurvitz and Shalom M. Paul, Winona Lake, Ind: Eisenbrauns, 2004; Elazar

“simple reading” or “plain reading,”²⁸ is not only focused on contextual sense and lexical precision, using philological and grammatical tools, but also focused on textual and structural coherence and the explanation of what may appear to be redundant information. Those medievalists who practiced this type of *peshat*-exegesis set their sights on holistic interpretations, reading across *parashyot* and books and not merely sentences and paragraphs.²⁹

Below I offer a brief, certainly far from exhaustive, look at instances where these commentators deal with repeated *parashyot*. We shall see that

Touitou, *Ha-pesbat ha-mitdbadshim be-khol yom*, Ramat Gan: Bar Ilan University Press, 2003; Martin I. Lokshin, “Tradition or Context: Two Exegetes Struggle with *Pesbat*,” in *From Ancient Israel to Modern Judaism: Essays in Honor of Marvin Fox*, Vol. 2, eds. J. Neusner, E. Frerichs, N. Sarna, United States: Brown Judaic Studies, 1989; idem, “Truth or *Pesbat* Issues in Law and Exegesis,” in *Law, Politics and Society in the Ancient Mediterranean World*, eds. Baruch Halpern and Deborah W. Hobson, Sheffield Academic Press, 1993, pp. 271–278; idem, “*Ha-im haya Yosef Bekhor Shor Pashtan?*” in *Iggud, Selected Essays in Jewish Studies, Volume 1, The Bible and its World, Rabbinic Literature and Jewish Law, and Jewish Thought*, eds. Baruch J. Schwartz, Abraham Melamed and Aharon Shemesh, *World Union of Jewish Studies*, Jerusalem, 2008 [Hebrew]; on the development of *derash* vs. *pesbat*, and the development of *pesbat* in reaction to Christian allegorical and figurative commentaries but also as an accommodation to the spirit of the times, see “Mid-rashic and Literal Exegesis and the Critical Method in Biblical Research,” in *Scripta Hierosolymitana*, Vol. XXXI, *Studies in the Bible*, edited by Sara Japhet, Magnes Press, Jerusalem, 1986, pp. 19–47.

²⁸ But see Stephen Garfinkel’s strong, and not unjustified, exception to this definition, in “Applied *Pesbat*: Historical-Critical Method and Religious Meaning,” in *Journal of the Ancient Near Eastern Society* 22 (1993), pp. 19–28.

²⁹ A good example of this type of reading is offered by Rashbam’s commentary to Genesis 1:27, itself based on an exegetical principle enunciated in Genesis 1:1. Loosely paraphrased, the deeper or fundamental sense (*iqar peshuto*) allowed that it was natural for Scripture to anticipate a datum that was not necessarily required at a point in time for the sake of providing the proper background to a later event or statement. As to Harris’ statement, “examined according to its context—*pesbat* in rabbinic Hebrew and *ad litteram* in Latin—and not according to received religious tradition,” one will find numerous examples of *pesbat* commentaries written by traditional exegetes like Rashi, Rashbam, Bekhor Shor, Ibn Ezra, among others, which offer non-traditional insights and even contrary ones to the received *halakhah*. For an interesting selection, see *Torah Shelemah*, author-editor Menahem M. Kasher, The Torah Shelemah Institute, Jerusalem, 1992, Vol. 17, Miluim, pp. 298–301.

the medieval *pashtanim* continued to make use of the hermeneutic of repeated *parashyot* despite the fact that the rule lacked explanatory power.³⁰

I begin by noting that Samuel ben Meir (Rashbam, 1085–1158, France) one the leading *pashtanim* of the Middle Ages, adduces Sifre's rationale to justify why Numbers 5:6–8 repeats the legal material already made known at Leviticus 5:20–26, namely, that the *parashah* is repeated for the sake of conveying the innovation of the man who leaves no kin. Surprisingly, Rashbam makes no effort to provide a literary/structural explanation for the repetition.

Joseph ben Isaac (“Bekhor Shor,” twelfth century, Northern France), one of the leading *pashtanim* of the period, and Hezekiah ben Rabbi Manoah (“Hizkuni,” mid-thirteenth century, France) in their commentaries to Leviticus 3:12 assume that the *parashah* of the goat offering is a “repetition” of the *parashah* of the sheep offering (see our earlier discussion of these *parashyot*) and adduce the *middah* of the repeated *parashyot* to justify the apparently gratuitous repetition of details. Their stance is rather surprising in view of the strength of the Sifra's argument, namely, that the one exception may reflect a more profound and more widespread difference between the two kinds of flock, at least in the matter of the disposition of the fat of the animal and that, therefore, more explicitness was warranted. In their defense, one might argue that this explicitness and clarity could have been accomplished had Scripture noted the single exception for goat in the sheep section. It is perhaps Scripture's prolixity that forces these exegetes to take refuge in a hermeneutic of restraint. Strangely, a part of Hizkuni's comments appears to be a direct quote from the opening words of Sifra, “*and so that the goat be not required to smoke the alya the matter was interrupted and repeated in it [i.e. in this parashah]*,” making it probable that Hizkuni saw the Sifra. If he did, however, why did he not

³⁰ It should be noted that while the rabbinic medieval commentators were in some way the intellectual heirs of the talmudic Rabbis, at least when it came to their practical halakhic pronouncements and interpretations, they did not enjoy the same hermeneutic privileges. That is, they did not arrogate to themselves the ability to derive new laws, to make legal inferences. R. Aaron ha-Levi, a thirteenth-century talmudic scholar, put it this way: “We do not have the right to expound verses which the Rabbis have not [already] expounded.” *Hiddushei ha-Ra'ab*, Ketubbot 60a s.v. *katav* ha-Rav R.Moshe. Therefore, it stands to reason that they should not have felt a need to excuse themselves from the “demands of omniscience,” as the talmudic Rabbis sought to do. Instead, they should have attempted always and everywhere to find literary explanations for the repeated *parashyot*. To be sure, they did this on a number of occasions, as I show in Appendix 2.

advance the midrashic argument, the idea that the repeated details in the *parashah* of the goat offering are necessary for added clarity?³¹ Rabbi Solomon ben Isaac (“Rashi,” 1040–1105, France) in his comments to Leviticus 3:7 (based on Sifra, Nedava, pereq 20, Finkelstein’s edition, p.115) simply states that “since there is with respect to the innards of the sheep what there is not with respect to the innards of the goat—the broad tail is offered up—Scripture split [these] into two *parashyot*.” There is no hint here of Rashi’s hermeneutical stance, though interestingly, Rashi does not make use of the expression “a *parashah* that was repeated,” allowing one to speculate that what he had in mind was something other than the *middah* of repeated *parashyot*. But what might that be? Did he believe that it was logical for Scripture to split identical laws when the subjects and details (or detail) differed? Did he agree with Sifra?

We are on better footing to divine Rashi’s stance when it comes to his comments to Deuteronomy 15:12. His attentive exegetical eye notes that Deuteronomy 15:12–18 repeats the basic laws of the *ivri* slave first laid out in Exodus 21:2–6. This includes his term of servitude, his right to freedom after seven years, his right to stay on as a slave after those seven years and the procedure to be followed in such a case. Rashi raises the inevitable question and then offers a solution: “...but it is already stated, ‘If you acquire an *’eved ’ivri* (Exodus 21:2)?’ But because of two new matters that were introduced here...” Rashi goes on to explain these novelties, which need not detain us here. Suffice it to say that only one of the novelties is explicitly found in the text, the second is the product of a rabbinic

³¹ The possibility exists that Hizkuni understood the hermeneutic of repeated *parashyot* as saying the same thing, reading *bishvil* “because” rather than “for the sake of”; because the new law disturbed the ecosystem of the law, the repetition of all known details became necessary. Once a legal novelty is added, other known details must be repeated, lest the reader begins to draw different conclusions even with regard to those details. Such an understanding of the *middah* of repeated *parashyot* would turn the hermeneutic from a relatively lame excuse for exegetical inaction into a genuine explanation. Unfortunately, it would still not answer the “existential” questions: Why not make any reference to the earlier *parashah*/law and why not include the new material in the original statement of the law. For the implausibility of this take, see below footnote 33. While scanning through some of Hizkuni’s commentaries, I note that there are occasions when Hizkuni adduces the *middah* but does not invoke it by its formulaic language, making it harder for the reader to recognize that he is indeed using the *middah*. See, for example, his comments to Deuteronomy 19:2 (“they were already commanded with regard to this, but it was only taught for the [novum of the obligation] to prepare a road”).

inference.³² Rashi's mention of the concept of legal novelty alludes almost unmistakably to the *middab* of the repeated *parashyot*. This suggests that he believed that the legal novelties offered sufficient justification for the repetition of previous details. It is worth noting that the use of the *middab* is quite appropriate in this circumstance in that it follows the Sifre Numbers paradigm: Deuteronomy 15:12–18 repeats the core of the Exodus 21:2–6 legislation, and applies it to the same individual, a Hebrew male slave. Nevertheless, it is clear that the *middab* does not explain why the addition(s) of Deuteronomy 15:12–18 could not have been incorporated in the original *parashah*, i.e., Exodus 21:2–6, or why the Deuteronomy *parashah* makes no reference to the earlier *parashah*, nor to the subtler problem of why Deuteronomy does not even appear to be aware of Exodus 21:2–6. In short, despite Rashi's attempt to deal with this question, the literary conundrum remains in place.

Continuing with our survey, we find that Hizkuni alludes again to the *middab* of the repeated *parashyot* at Leviticus 6:11, s.v. *kol zakhar*. Hizkuni points out that the general law, the disposition of the leftover of the meal offering, was already dealt with earlier, in a more general way, in 2:10, but that the repetition is justified by the three new details introduced now, namely, the stress on the requirement that the priests eat the remainder, where they may eat it, and the state of purity required for those who touch it. But matters, however, are simpler than that, and no hermeneutic rule is needed to justify the alleged repetition: 6:9–11 is not a repeated *parashah* but a clarification and a fleshing out of what ought to be done with the leftover of the meal offering. The only question one may want to ask is why these details were not stipulated earlier. But this, too, does not seem to pose a problem. The first *parashah* (2:1–16) deals primarily with the

³² Rashi bases his remarks on Sifre Deuteronomy, ed. Finkelstein, piska 118 and 119, pp. 177–8. Midrash Tannaim, p. 85, a midrash not known to Rashi, comments that though we were familiar with the laws of the *'ivri* slave from the passage in Exodus 21:2–6, we had not as yet heard about the commandment to furnish him with goods on his dismissal, a detail added in Deuteronomy 15:13–14. “Comes the verse [in Deuteronomy 15:13–14],” adds the midrash, “to teach us matters that are missing,” a formulation that is equivalent in substance, though not in phraseology, to our *middab*. For a more thorough discussion of this formulation and its other appearances, see M. Kahana, Sifra Bamidbar, Mahadurah Mevoeret, Part II, p. 34. Eliyahu Mizrahi, in his supercommentary to Rashi, suggests that the legal novelty must be explicit in the text and yet fails to note that the second novelty advanced by Rashi is of rabbinic origin! Mizrahi, in Otsar Mefarshei Rashi al ha-Torah, Jerusalem, no date.

ingredients and baking of the meal offering, the disposition of its remainder being a secondary matter. The latter details are now taken up in 6:9–11. Why Hizkuni saw a need to justify these “repetitions” is not clear.³³

Deuteronomy 15:19–23, commencing with the statement “You shall consecrate to the Lord your God all male firstlings that are born in your herd and in your flock,” repeats and adds details to the law of the firstborn cattle already articulated at Numbers 18:15–18. In his short gloss to the opening verse of the Deuteronomy *parashah*, the *pashtan* Abraham Ibn Ezra (1089–1167, Spain) notes that the “mention” (i.e., repetition) of the duty to consecrate the firstborn is for the sake of the legal innovation contained in the statement “you must not work your firstling ox or shear your firstling sheep” (v.19b). This is clearly an allusion to the *middah* of repeated *parashyot*. Here again, the *middah* justifies the repetition but does not explain it. Ibn Ezra does not address the fundamental issue of the need to repeat *parashyot* when adding details to the original law.

Conclusion

The Rabbis thought of Scripture as they thought of human existence, that is, they never dared to ask the why, but boldly dove into the what. What shall Man do “now that he was created”³⁴ finds its exact echo in what new information shall one derive exegetically out of a repeated *parashah* now that it exists. This was as true for the early talmudic scholars (*tannaim*) as it was for the later ones, those responsible for the redactional layers of the Talmud. In response to this question, the Rabbis devised a hermeneutic rule, one that essentially justified benign neglect of much of what was repeated; the answer to the question “what new information shall we derive out the repeated *parashah*?” was simply, nothing! The only provision was that the repeated *parashah* must contribute one new detail to the basic law. In the one extant application of the rule for the tannaitic period, this new detail is explicit in the text. Later talmudic Rabbis did not require this level of explicitness and were comfortable deriving exegetically new details from elements of the repeated *parashah*. The elements that were not expounded were considered redundant. Nevertheless, their redundancy was justified by the rule. While the Sifre Numbers example qualified as a repeated *parashah*—same law, same subjects (plus one addition)—the Babylonian Talmud examples either entirely or for the most part do not. It is

³³ At any rate, what is clear is that *bishvil* cannot be rendered as “because” as it had tentatively been suggested earlier (footnote 31), but simply as “for the sake of.” There is nothing in the details given at 6:9–11 that could have caused a misunderstanding of 2:10.

³⁴ Eruvin 13b.

clear that what the later talmudic Rabbis had in mind was not repeated *parashyot* but prolixities that created for them unacceptable redundancies. Some of these redundancies were found in parallel *parashyot*, those dealing with the same general law (purification rites; sacrificial offerings from the genus of flock), but applying to two different subjects (rich man vs. poor man; sheep vs. goat). Taking the view that the repetitions were made for the sake of “more clarity,” Sifra offered an elegant way out of the problem of parallel *parashyot* but, surprisingly, this approach was not taken up by the later talmudic Rabbis. In fact, redundancies appeared for the *stam* editor almost anywhere; at times he even *created* these redundancies by noting that one could have arrived at certain laws exegetically and that there had been no need for Scripture to state them. The later Rabbis felt a strong need to extract new rules and laws out of all apparent verbiage. The talmudic expression “wherever we can interpret we do interpret” (*kol heikha deika lemidrash darshinan*) (*Pesahim* 77b) gave expression to the Rabbis’ immanent desire to plumb every tip of every letter of the scriptural text.³⁵ The intellectual descendants of the great R. Aqiba, the principal contestant of R. Ishmael, operated, as we saw, on the assumption that the Torah text was omnisignificant, that one could teach “mounds of rules on every tip of letters (in the Torah)”³⁶ and not just from superfluous words or phrases. Therefore, stylistic patterns did not constitute an acceptable interpretive solution.³⁷ In extremis they resorted, as we saw, to the hermeneutic of the repeated *parashah*, though we noted that the use they made of the *middah* was formal rather than substantial.

Other than the case covered by Sifre Numbers, the talmudic discussions of repeated *parashyot* revolve around a loose definition of the term. What they do not do is deal with the repetition, in substance or verbatim, of an identical law found in an earlier passage and which, to make matters

³⁵ See Tosafot Sotah 3a, s.v. for an extraordinary example of insistence to continue interpreting despite the pass granted by the hermeneutic of repeated *parashyot*!

³⁶ *Menahot* 29b. See Kahana, Qavvim, p. 215-6, who points out that the later generations of talmudic scholars were mostly influenced by R. Aqiba; he had won the day!

³⁷ Though of course, R. Ishmael taught that the “Torah spoke in the language of Man” and accepted stylistic flourishes and emphatic language. The exclusive use of this rule to R. Ishmael is disputed by J. Harris, *How Do We Know This?* pp. 33–43. Ultimately, those who maintain that repeated *parashyot* are to be ignored, as a result of the application of the *middah* of repeated *parashyot*, accept that those repetitions must be seen as stylistic features. See Sotah 3a, Rashi, s.v. ve-Rabbi Ishmael, who calls the repetition a normal occurrence in Scripture (lit., “the way of Scripture” {*orbeih di-gra*}). What else can Rashi mean by normal occurrence than stylistic feature?

stranger, does not even refer back to the earlier instantiation. Even in Sifre, the *middab* of repeated *parashyot* invoked for this singular occurrence did not offer a satisfactory approach to the literary crux.

The *middab* continued to be used by medieval *pashtanim* despite their abiding interest to bring non-traditional, philologically proven literary/structural methods to the scriptural text. Strangely, their use of the *middab* did not always follow the Sifre template, as for example in their dealings with parallel *parashyot*, nor were the *middab*'s limitations fully recognized. Problematically, as well, the *pashtanim* failed to deal with some obvious repeated *parashyot*.³⁸ Here and there, however, and as I discuss in Appendix 2, the medieval *pashtanim* succeeded in offering novel interpretations in the form of explanations, more in keeping with their interpretive project. A literary approach had begun to emerge.

³⁸ Deuteronomy 14:4–20 = Leviticus 11:2–23; Deuteronomy 5:6–21 = Exodus 20:2–17. The minor textual variants do not seem to justify such long repetitions and the seeming lack of awareness of the precedent. Also, the threefold repetition of the prohibition to seethe a kid in its mother's milk (in identical language)—Exodus 23:19, 34:26 and Deuteronomy 14:21 (while these may not qualify as repeated *parashyot*, the verbatim repetition of a relatively complex sentence calls for special attention). See the various tannaitic solutions offered in *Mekhilta de-Rabbi Ishmael*, ed. Horowitz-Rabin, pp. 335–336. None of the many tannaim cited provide a good explanation for the identical language used for each prohibition. The exception is R. Ishmael, who associates each one of the repetitions with separate covenants, made on three different occasions, presumably to three different audiences.

Appendix 1

As would be expected of any coherent legal corpus, Scripture shows evidence of parsimony in the formulation of laws. The economizing devices used for adding new details to existing laws vary from (1) adding postscripts to the main body of the law, (2) to making specific references to previously disclosed details, and (3) to general allusions to the earlier laws.

Examples of each are provided below.

1) Adding postscripts to the main body of the law.

Numbers 15:2–13 adds meal offerings and wine libations as accompaniments to animal sacrifices. The detailed provisions are concluded with the statement (v. 13) “Every citizen (*ezrah*), when presenting an offering by fire of pleasing odor to the Lord, shall do so with them.” For the plain reader there is little doubt that the law stipulating the accompaniments, as well as the identity of the individuals responsible to bring these accompaniments when offering a sacrifice, ends at verse 13. Verses 14–16, however, modify verse 13 and add a new set of individuals to the named citizen, that is the stranger (*ger*): (14) “And when, throughout the ages, a stranger (*ger*) who has taken up residence with you, or one who lives among you, would present an offering by fire of pleasing odor to the Lord—as you do, so shall it be done by (15) the rest of the congregation. There shall be one law for you and for the resident stranger; it shall be a law for all time throughout the ages. You and the stranger shall be alike before the Lord; (16) the same ritual and the same rule shall apply to you and to the stranger who resides among you.”

This addition/modification may have been given at a different time and, yet, it is placed as a postscript to the main body of the law so as to economize on details. The reader of vv. 14–16 knows precisely to what “as you do, so shall it be done by the rest of the congregation” applies; there is no need to repeat the law and its provisions.

2) Making specific references to previously disclosed details.

Chapter 3 of Leviticus covers provisions governing the offerings of *shelamim* sacrifices. Verses 3–4 deal with an offering of the herd; verses 9–10 deal with an offering from the flock; and verses 14–15 deal with an offering from a goat. There are slight differences between them. These excerpted verses will serve as reference points to the law that governs expiatory sacrifices, as we shall see.

“(v.3) He shall then present from the sacrifice of well-being (*shelamim*), as an offering by fire to the Lord, the fat that covers the entrails of all the fat that is about the entrails; (4) the two kidneys and the fat that is on them, that is at the loins; and the protuberance on the liver, which he shall remove with the kidneys...; (9) He shall then present, as an offering by fire to the Lord, the fat from the sacrifice of well-being: the whole broad tail, which shall be removed close to the backbone; the fat that covers the entrails and all the fat that is about the entrails; (10) the two kidneys and the fat that is on them, that is, at the loins; and the protuberance on the liver, which he shall remove with the kidneys...; (14) He shall then present as his offering from it, as an offering by fire to the Lord, the fat that covers the entrails and all the fat that is about the entrails; (15) the two kidneys and the fat that is on them, that is at the loins, and the protuberance on the liver, which he shall remove with the kidneys...”

Chapter 4 deals with expiatory sacrifices (*batta't*) for sins committed unwittingly. Section 4:3–21, covering the unwitting sin of the chief priest or the collective community of Israelites, consisted of a young bull. Section 4:22–35, covering the unwitting sin of a tribal chief or an individual Israelite, consisted of a goat or sheep. Note how certain of the *batta't* provisions refer back to provisions applicable to *shelamim* and detailed in chapter 3:

“(v. 10) **just as it is removed from the ox of the sacrifice of well-being...**(v. 31) He shall remove all its fat, **just as the fat is removed from the sacrifice of well-being...**(v. 35) And all its fat he shall remove **just as the fat of the sheep of the sacrifice of well-being is removed...**”

The conjunction *ka-asher* (just as) serves to refer the reader back to earlier details, and so v. 10 refers back to 3:3-4; v. 31 refers back to 3:14-15, while v. 35 refers back to 3:9-10. The referral system evinces a tightly written and coherent code of law, characteristics that may be more difficult to obtain in a work that presumably was written in scrolls and at different times.³⁹

³⁹ One of the two opinions advanced in Babylonian Talmud Gittin 60a is “the Torah was transmitted in separate scrolls.” See C. Hirschensohn, *Seder La-Miqra*, pp. 23–30, especially p. 29, for the implications of this position for the order and repetition of the *parashyot*. Hirschensohn countenances the possibility that, as a result of sinful behavior, the Torah text underwent textual corruption and the order of the sections got mixed up. Mentioning *ro'az*, Hirschensohn appears to be alluding to a statement made by Rabbi that “the Torah was originally given to Israel in this [*Ashguri*] writing. When they sinned, it was changed to *ro'az*...”

3) General reference or allusions to previously transmitted laws.

Deuteronomy 24:8: “In cases of a skin affection be most careful to do exactly as the levitical priests instruct you. Take care to do **as I have commanded them.**”

Here Moses refers back to the laws of skin diseases set out in great detail in Leviticus 12 through 14. There is thus no need to repeat those laws.

(Sanhedrin 22a), reading *ro'az* as broken (thus textual corruption). It is noteworthy that this reading goes against the more common understanding, and his own reading earlier in the chapter (p. 28), namely, that Rabbi was referring to a change in script, probably a paleo-Hebrew or Samaritan script which is distinct from the flowing cursive of the Hebrew characters. Hirschensohn then suggests that, even if this *ro'az* text did not evince textual corruption and disorder (and, as is more likely, *ro'az* refers to a broken type of script) but the exile or the diminution in the number of “guardians of Torah” during the era of deviant kings, or some other reason, surely this caused the Torah scrolls to tear and be scattered. These scrolls were reassembled by the late prophets but were not corrected or emended, leaving in place the disorder and text corruptions that came about during the period of scattering. Hirschensohn does not say how the scattering of the scrolls caused more than just a disorder in the sections. One may assume that scribal activity in the intervening period was responsible for these corruptions, including duplications and repetitions. Hirschensohn further states that the prophets held back from making changes, specifically, left repeated *parashyot* intact (*henihu shneyhem*), because of the great authority enjoyed by the few pious men in whose hands they found the text. He ends by stating that this is the “deeper idea” behind Rabbi Ishmael’s hermeneutic of repeated *parashyot*. In effect one can interpret all kinds of textual anomalies, but one need not pay attention to repeated *parashyot*. Hirschensohn’s discussion is a bit confusing and, at least on one occasion he seems to contradict himself, as we saw earlier. The more serious difficulty is to understand how this “dispersal” model can explain repetitive passages unless one posits scribal activity, intent on recovering the contents of missing scrolls or fragments as we suggested earlier. Hirschensohn does not spell out this possibility, but the reader would be justified in arriving at such a conclusion by following his argument to its logical conclusion.

Appendix 2

In this appendix I offer a few examples to show that, on occasion, medieval exegetes went beyond the use of the *middab* of repeated *parashyot* and offered a number of well-thought-out literary explanations.

Though more expansive, Deuteronomy 12:20–24 is with little doubt a repetition of Deuteronomy 12:15. In a short gloss at 12:15, Bekhor Shor acknowledges this fact and suggests that the fragmentary formulation of v. 15 must be understood in light of vv. 20–24. This “resolution” leaves the essential problem in place, namely, what need is there, in the first place, for v. 15 if it can be understood only in light of the second *parashab*?⁴⁰ Hizkuni and Abraham Ibn Ezra (“Ibn Ezra,” 1089–1164, Spain) posit that, indeed, both *parashyot* deal with permission to eat non-sacrificial meat and in that respect they constitute identical laws, but think to have found in the text an indication that the first *parashab* covers laws that are applicable in their “gates,” i.e., in the land of Israel, while the second *parashab* deals with laws applicable outside of Israel, “when the Lord enlarges your territory.”⁴¹ In a second explanation, Hizkuni suggests that eating secular meat is a matter that recurs frequently, “on a daily basis, and he repeats them so that they may be accustomed and familiar with it.” That is, there was a need to exhort the Israelites by way of repetition about matters that came to be part of their daily routine. Exhortation and reminder is a new approach to the problem of repeated *parashyot*, provided, of course, that a good reason can be found for selecting one set of laws over others for added emphasis. Moreover, it is singularly well suited to intra-textual passages occurring in the book of Deuteronomy, which, for the most part, is a transcription of Moses’ hortative speeches to the Israelites about to enter the Promised Land.

Maintaining that Deuteronomy is a repetition of the Torah (thus its rabbinic appellation *Mishneh Torah*), tradition does not find problematic the idea that Deuteronomy repeats a number of laws found in the other

⁴⁰ Sifre Deuteronomy, cited by Rashi ad loc., has the two *parashyot* deal with two different cases. It should be noted, however, that the Sifre’s differentiation is not indicated, nor even hinted at in the text, which is precisely why Bekhor Shor and other *pashtanim* attempt to offer different solutions.

⁴¹ It should be noted, however, that it is only the second *parashab* that provides the rationale for such permission, namely, that the Israelites may find themselves far from the Sanctuary. If the first *parashab* (v. 15) grants permission to eat non-sacrificial meat in the Land of Israel, presumably where distance from the Sanctuary is not an issue, it then follows that permission does not appear to be a function of distance to the Sanctuary. If so, what need is there for a second *parashab* to authorize the eating of non-sacrificial meat “when the Lord enlarges your territory?” Neither exegete addresses this question.

biblical books. This view needs to be defended, however, since not all previously articulated laws are repeated nor are all Deuteronomic laws repetitions of previously proclaimed laws. Nevertheless, the traditional approach has been that, where repetitions occur, the Deuteronomic passage and its details complement earlier legislation, or, simply, repeats it for special emphasis, as we saw above. This approach, however, does not answer why the Deuteronomic passages lack explicit referential language, or at least allusions, that would connect them to the earlier *parashyot*. A novel and creative explanation is offered by R. Moses ben Nahman (“Ramban” 1192–1270, Spain) to one such puzzling repetition. Deuteronomy 14:1-2 (“You are children of the Lord your God. You shall not gash yourselves or shave the front of your heads because of the dead. (2) For you are a people consecrated to the Lord your God...”) appears to be a repetition, in substance at least, of Leviticus 21:5, a passage that enjoins the removal of hair from the front of one’s head as a sign of mourning by way of cutting, plucking or shaving. Rashi, following Sifre Deuteronomy, takes the traditional view that Deuteronomy supplements the information given in Leviticus (“to treat the entire head, as stipulated in Leviticus, as the equivalent to between their eyes, as stipulated in Deuteronomy”). In other words, neither *parashah* conveys all the necessary information, and it is only in combination that the law can be properly understood in all its aspects. Rather than adding a new law, one *parashah* modifies/clarifies the other, though in this case it is the first *parashah* (Leviticus) that clarifies the second one (Deuteronomy). This appears to be a variant of the *middah* of repeated *parashyot* theme, and like it, fails to offer a satisfactory explanation to some of the difficulties we raised earlier. Especially perplexing is the lack of cross-reference and the implication that the laws are given in incomplete form. Ramban, on the other hand, taking advantage of the special character of the book of Deuteronomy, makes, for rabbinic standards, a rather extraordinary claim. The Levitical prohibition of gashing and mutilating themselves for the dead is addressed solely to priests; this is in consideration of their holy status as the scriptural text makes clear. Moses, imbued with the idea that the entire nation, not just the priests, enjoyed a special standing (“You are children of the Lord...for you are a people consecrated to the Lord”) and seemingly on his own initiative, extends this prohibition to all the Israelites.⁴² According to Ramban, we are no

⁴² Ramban begins his explanation with the words “this, too, is an explanatory commandment” (*mitsvah mevoeret*). Using again his concept of explanatory commandment, Ramban is able to explain the repetition of the commandment to build refuge cities for unintentional killers (Deuteronomy 19:1–10 repeating Numbers

longer in the presence of repeated *parashyot*; rather, each *parashah* addresses a separate audience and constitutes a distinctly separate law. One may even be able to discern the requisite allusion to the earlier law in the statement that “you (too) are children of the Lord your God,” as if to say, you, and not only the previously commanded Levites.

The last case I examined is perhaps the most interesting one in that, but for a few words, the relatively long legal instruction is reproduced verbatim in two separate *parashyot* of Scripture. It also evokes two of the most creative interpretative responses to repeated *parashyot* that we have seen so far.

Below, I present the two *parashyot* side by side. The changes and additions are marked in bolder font.

Exodus 27:20-21

- 20) You shall further instruct the Israelites to bring you clear oil of beaten olives for lighting, for kindling lamps regularly.
21) Aaron **and his sons** shall set them up in the Tent of Meeting, outside the curtain, **which is over [the Ark of] the Pact**, [to burn] from evening to morning before the Lord. It shall be a due **from the Israelites** for all time, throughout the ages.

Leviticus 24:1-4

- 1) The Lord spoke to Moses, saying:
2) Command the Israelite people to bring you clear oil of beaten olives for lighting, for kindling lamps regularly.
3) Aaron shall set them up in the Tent of Meeting outside the curtain of the Pact [to burn] from evening to morning before the Lord regularly; it is a law for all time throughout the ages.
4) **He shall set up the lamps on the pure lampstand before the Lord [to burn] regularly.**

35:9–29). On this account, Deuteronomy’s laws constitute not a repetition of earlier laws but a clarification and expansion, done at Moses’ own initiative and understanding. I should note, however, that this explanation does not resolve the Numbers 35:9–29 repetition of Exodus 21:13. Another interesting use of his concept of explanatory commandment can be seen at Deuteronomy 17:1 (repeating Leviticus 22:21). Ramban has Moses, in Deuteronomy, address the prohibitions of piggul and animal blemishes to the Israelites, not to the priests, as in Leviticus. Ramban’s reading of Deuteronomy, the meaning of the idea that Moses acted on “his own initiative,” and the nature of these “explanatory commandments” are discussed in my “The Explanatory Commandments: Ramban’s Daring and Creative Contribution to the *Parshanut* of the Book of Deuteronomy,” *Hakirah*, Volume 13, 2012.

Understandably troubled by the precise repetition, a number of medieval commentators offered explanations. I would like to focus our attention on those put forth by Rashi and Ramban. At Leviticus 24:2, the second *parashah* (if we are to go by the canonical order of the scriptural books), Rashi asserts that “This is the *parashah* containing the [actual] commandment of lighting the lamps.” Then Rashi goes on to explain that the first *parashah*, at Exodus 27:20-21, “was stated only for the sake of giving an orderly account of the work of the Tabernacle, explaining what the purpose of the candelabrum is.” The instructions for making the candelabrum were given a bit earlier at 25:31-40. In sum, for Rashi the Leviticus *parashah* constitutes the primary and only instruction regarding the kindling of the candelabrum and the type of oil required for this rite. The Exodus *paarshah*, by contrast, constitutes a proleptic notice of an instruction that was given at a later time and which is actually related in Leviticus 24:2. The reason such a proleptic notice is necessary at this point is because it serves a literary purpose. In effect, the notice represents an editorial touch, a gloss, added to the detailed list of instructions given for the construction of the Tabernacle serving to provide an “orderly account of the work of the Tabernacle” as well as to explain the purpose of the candelabrum that had been mentioned earlier. Rashi adduces support for his thesis, arguing that the imperfect tense in the opening line, “and you shall command,” implies that Moses will, at some future time, command the Israelites with regard to the acquiring of pure oil and kindling the lamps. Rashi does not say whether or not the proleptic notice is from the hand of an editor (e.g., is it a *tikkune sofrim*?); it must be assumed that the author and the editor are one and the same.

Rashi’s solution is sensitive to the rather unusual opening line and is literarily ingenious for it has the advantage of being able to answer why the second *parashah* is couched in exactly the same terms as the first: the proleptic notice simply reflects the eventual instruction, it informs us exactly what God was eventually going to tell Moses for him to command the Israelites. Rashi does not make use of the *middah* of the repeated *parashyot*, which he could have done⁴³ but which would not have explained the literary crux.

Ramban, a frequent critic of Rashi’s Torah commentaries, and a formidable exegete in his own right, rejects Rashi’s position and exposes an important weakness in his explanation. He argues that the commandment to kindle the lamps of the candelabrum and its fulfillment had already been mentioned toward the end of the account of the Tabernacle, in the

⁴³ See Hizkuni’s commentary at Leviticus 24:2, taking notice of the novelty conveyed in v. 4. See also Ramban’s second explanation below.

closing verses of Exodus. This can be gathered by the verse “And he lighted the lamps before the Eternal, as the Eternal commanded Moses (Exodus 40:25).” Therefore, Ramban argues, the Exodus passage cannot represent a proleptic notice but, by necessity, must stand for the actual instruction, given then and there, to the Princes to bring spices and oil to kindle the lamps. Exodus 35:27-28 attests to the fact that this is exactly what they did. Ramban suggests, however, that Leviticus 24:1-4 does not represent a repetition either and instead claims that when the donated oil was used up, Moses turned to the Israelites and commanded them “to take from the public treasury throughout the generations ‘pure olive oil beaten for the light’ (Leviticus 24:3) as was the first oil [of the Princes].” With this insight Ramban sidesteps the main difficulty in Rashi’s explanation, namely, that various verses indicate that the command and even the fulfillment of the kindling of the lamps with pure olive oil had taken place at the earliest time, and not as Rashi had suggested, after the construction of the Tabernacle. In Ramban’s exegesis, the completeness of the work of the Tabernacle is not the product of a literary construction. Rather, it reflected the real course of events. The problem with Ramban’s solution is that no hint is found in the text for the existence of different addressees. Nor is it easy to understand why the language used in connection with the instructions given to the Israelites resembles so closely the language used on the first occasion when addressing the Princes. Ramban then goes on to point out that the Leviticus *parashah* contains a legal novelty, for whereas Exodus 27:21 states that Aaron and his sons shall set it in order etc. “which might mean [set it in order] on the candelabrum, or without the candelabrum if it is broken or lost,” verse 4 in the Leviticus *parashah* (a plus or addition in this version viz. the Exodus version as shown above) makes it clear that they should only light the lamps upon the pure candelabrum. When the candelabrum is not in the Sanctuary, as was the case after the destruction of the First Temple, the lamps may not be lit. Ramban bases this interpretation on an exegetical inference made by Sifra; he then goes on to quote, from Sifra, a few more midrashic inferences drawn from the same verse. Has Ramban invoked, implicitly, the hermeneutic rule propounded by the school of R. Ishmael? Can these legal novelties justify the repetition of the *parashah* that commands the lighting of the lamps? Ramban does not say so. Recall that he dismissed the idea that Leviticus is a repetition of Exodus since the two *parashyot* were addressed to different audiences and at different times. Still, the presumption is reasonable: should the reader reject the thesis of two audiences, an alternative is readily available. The lighting of the lamps *parashah*, first presented in

Exodus in the account of the construction of the Tabernacle, was repeated in Leviticus simply to add a legal detail, namely, that it was essential that the lamps be lit upon the candelabrum and not upon anything else.

It is clear that both Rashi and Ramban struggled mightily with this literary problem. Both exegetes eschewed the simple solution of finding a justification for the repetition and instead sought to offer well thought out and creative explanations. The fact that both explanations exhibit some weaknesses attests to the difficulty of finding good solutions for these thorny questions. 