
8

Response to Rabbi Breuer

Shnayer Z. Leiman

1. Orthodoxy owes a genuine debt of gratitude to Rabbi Breuer for agreeing to address a very sensitive issue, namely the documentary hypothesis. He walks bravely where angels fear to tread. It is particularly refreshing to see an Orthodox rabbi who recognizes that the documentary hypothesis is alive and well, not dead and buried. Some well-meaning Orthodox defenders of the faith delight in repeating the canard that through the heroic efforts of Rabbis David Hoffmann and Hayyim Heller, the death knell was sounded for the documentary hypothesis decades ago—and it need no longer be taken seriously. Nothing could be further from the truth. The fact is that the critical study of the Bible, largely but hardly exclusively a Protestant enterprise, has long since penetrated the academic world. Wherever Bible is taught critically, that is, at Harvard, Yale, Oxford, and the Hebrew University, it is accompanied by the documentary hypothesis even as the twentieth century draws to its close. The first step toward the solution of a problem is the recognition that the problem exists. Those who cavalierly deny that the problem exists unwittingly enable others to fall prey to the very problem they wish to negate.

2. At the outset, it seems to me that the topic assigned to Rabbi Breuer, “The Study of the Bible and the Primacy of the Fear of Heaven: Compatibility or Contradiction?” needs to be carefully circumscribed.

Unquestionably, risks abound with regard to the critical study of the Bible. Not everyone needs to be introduced to comparative Semitics, textual criticism, problems in biblical history and chronology, and the documentary hypothesis. Regarding the Hebrew Bible, what is studied, how it is studied, when it is studied, who studies it, and who teaches it will depend on a variety of factors that need to be addressed even as one attempts to resolve the larger issue raised by the topic under discussion. Distinctions need to be made, perhaps, between private study and public discourse; between elementary school, high school, and college level students; between schools with different educational goals; and between adults with no background in Jewish study and the mature rabbinic scholar who has “filled his belly” with *Shas* and *Poskim*.

3. Addressing the implied tension (in the title of his presentation) between Bible study and fear of heaven, Rabbi Breuer states at the outset: “The kind of study under scrutiny is that which has appeared in recent centuries, beginning with Jean Astruc, maintaining that the Torah is composed of distinct documents, each written in its own style, whose contents are in conflict.” Thus, Breuer identifies modern Bible study primarily with the documentary hypothesis. Indeed, the focus of the entire paper is confined to the issue of how the documentary hypothesis can be squared with the concept of *Torah min ha-Shamayim*. The implication is that having resolved the tension between the documentary hypothesis (or, as it is often referred to, higher Bible criticism) and *Torah min ha-shamayim*, the Torah-true Jew can now engage in the unimpeded study of the Hebrew Bible and modern Bible scholarship. But modern Bible scholarship consists of much more than higher Bible criticism alone. It also treats textual (or: lower Bible) criticism, biblical history, biblical archaeology, modern literary theory, and more. Each of these disciplines comes with its own set of problems for traditional Jewish teaching. Thus, for example, textual criticism will sometimes claim that a reading of the Masoretic text of the Torah is inferior to readings preserved in the Septuagint and the Dead Sea scrolls. Or, archaeology will claim that the camel was not domesticated in the patriarchal period, hence the references to domesticated camels in Genesis are anachronistic. Again, modern Bible scholarship does not recognize much of *Torah she-be'al peh*. Whatever *Mi-mohorat ha-Shabbat* (Leviticus 23:15) may mean, modern Bible scholarship is certain that it does not mean “the day after the first

day of Passover.” Thus, even if Breuer has resolved the knotty problem of the documentary hypothesis, much of modern Bible study remains problematic for an Orthodox Jew.

4. A basic assumption of Rabbi Breuer’s paper is the unimpeachability of the documentary hypothesis. His formulation on p. 161 is striking: “The power of these inferences, based on solid argument and internally consistent premises, will not be denied by intellectually honest persons. One cannot deny the evidence before one’s eyes. . . . Willy nilly, the Torah contains several documents, which, viewed as natural products of human culture, must have been written by different people over the course of many generations before their final redaction.” While I agree fully that the documentary hypothesis still lives, and even dominates discussion in some quarters, it remains a hypothesis. Indeed, in the eyes of some modern Bible scholars it is a beleaguered hypothesis. This is not the place to discuss the Scandinavian school, the proponents of *Überlieferungsgeschichte* and *Traditionsgeschichte*, and the documentary hypothesis. Suffice it to say that while by and large the documentary hypothesis still remains the centerpiece of higher Bible criticism, it is now accompanied, at least in some academic circles, by a healthy dose of skepticism, certainly regarding the absolute date of the documents, their relationship to each other, and the ascription of particular pentateuchal passages to J, E, or P. The following passages from J. Alberto Soggin’s *Introduction to the Old Testament* are typical:

Until recently, and even in previous editions of this *Introduction*, a series of texts which were supposed to be ancient were usually attributed either to source J or source E of the Pentateuch. These attributions were almost never justified by objective criteria, but simply because a parallel passage has been attributed to the other source. So it is not surprising that these attributions have meanwhile proved so problematical that they can no longer be supported in any case. . . .

Attempts have been made in the past to attribute to the sources J and E of the Pentateuch the earliest legal texts contained in the Pentateuch. . . . Here, too, it is not possible to attribute the texts to these sources, since we have no objective basis for this procedure.¹

¹J. Alberto Soggin, *Introduction to the Old Testament* (Louisville: Westminster, 1989), pp. 78, 83.

Even if the vast majority of modern Bible scholars concurred on the plausibility of the documentary hypothesis, there is always room for honest dissent. The documentary hypothesis, in its most refined form, peaked during the lifetimes of Rabbi David Hoffmann and Professor Umberto Cassuto. Yet they took issue with it, even as they were *modeh al ha-emet* and intellectually honest to a fault. Since then, no new textual evidence of any significance has been discovered that “proves” the documentary hypothesis. Nor does there appear to be any imminent danger that a copy of J, E, or P will be discovered.

5. Rabbi Breuer’s paper can be divided conveniently into two parts. The first (sections I–II) deals primarily with the documentary hypothesis and the notion of *Torah min ha-shamayim*; the second (sections III–VII) deals primarily with the documentary hypothesis and the notion of *Torah mi-Sinai*. In the first part of his discussion, Breuer suggests that the Torah is divinely inspired in exactly the same way as prophetic literature. It is irrelevant who the authors were or when they lived; what is crucial is that the authors were prophets who recorded the Divine Word. The documentary hypothesis creates no problem for the Orthodox Jew who believes this, for—according to Breuer—all the documents were authored by prophets. Since the Jewish community accepted the Torah as its constitution, it is binding for all time even if it is non-Mosaic in origin.

The second part is far more traditional in that it recognizes the Mosaic authorship/editorship of the Torah. Nevertheless, Breuer assures us that we have nothing to fear about the documentary hypothesis. After all, it is based entirely on the assumption that the biblical documents were authored by humans and therefore subject to the literary conventions that govern such documents. But Orthodoxy posits that the Torah is divinely authored, hence not subject to the literary conventions that govern documents authored by humans. What appears to the naked eye as literary strata in the Torah is in fact a divine code, speaking to different generations of Jews in different voices, and containing a multitude of meanings that often move beyond the plain sense of a specific portion of the text. With regard to the Torah, the whole is greater than the sum of its parts.

Breuer’s position in the first part is sufficiently problematic that it really requires no discussion. It flies in the face of talmudic teaching (*Megillah*

2b;j. *Megillah* 1:5), Maimonidean teaching (*Commentary on the Mishnah*, *Sanhedrin* 10:1; *Code*, Introduction), and contemporary rabbinic discussion (e.g., R. Moshe Feinstein, *Iggerot Mosheh*, *Yoreh De'ah*, III, responsa 114 and 115), all of which state unequivocally that all the laws of the Torah are Mosaic in origin. No prophet could add to, or detract from, the Mosaic laws.² Well aware of the problematic nature of his suggestion in the first part of his discussion, Breuer largely rejects it in the second. Largely, but not entirely; after all, the first part is retained. The sense one gets is that the first part remains a safety net for those who will find the second part too difficult to swallow. It is this second part of Breuer's presentation that commands attention. At least in its present formulation, I find it problematic for a variety of reasons, some of which I turn to now.

6. Rabbi Breuer adopts an Hegelian thesis, antithesis, and synthesis approach to the Torah in order to account for its conflicting sources. The redactor (Moses) preserved one document (thesis), and its counterpart (antithesis), and even spliced them together (synthesis), the purpose of which was to teach the reader doctrinal or natural/scientific truths. Now these divine truths often become evident only after Breuer (or a master exegete of similar expertise) discovers them. One wonders why the Divine Economy could not have come up with a more frugal way of promulgating Torah teaching. Surely, a concise and lucid listing of essential Torah teachings, say, in a Maimonidean-type catechism or code, would have brought the message home to many more readers and with much less expenditure of intellectual energy.

7. In effect, Rabbi Breuer demonstrates convincingly that some doublets in the Torah complement one another. But to move from those few doublets to an overarching principle that resolves all doublets and inconsistencies requires a genuine leap of faith. One wonders how Breuer would reconcile the conflicting reports at Genesis 26:34 and 36:2; and at 28:9 and 36:3.

8. Rabbi Breuer argues that the documentary hypothesis is irrelevant (theologically) because modern Bible scholars treat the Bible as a secular document, applying to it the same literary conventions they would

²In general, see Rabbi Zevi Hirsch Chajes, *Torat haNeviim*, in *Kol Kitvei Maharatz Chajes*; vol. I (Jerusalem: Divrei Hakahmim, 1958).

apply to any ancient Near Eastern document. Orthodox Jews, Breuer adds, can simply respond: for us, the Torah is the living word of God, hence ordinary literary conventions cannot be applied to it. Now a proposed solution to a problem is persuasive only to the extent that it can either be verified or falsified. What would persuade a rational observer that Breuer's proposed solution is either true or false? The answer, of course, is nothing. Since Breuer's claim is that we do not know how divine writing works, it follows that we cannot know with certainty whether or not human literary conventions apply to divine documents. At best, Breuer's solution to the problem raises an interesting possibility that can neither be verified nor falsified. Since, by definition, Breuer's solution to the problem can neither be verified nor falsified, his solution remains problematic and unconvincing. On such a slender reed, the Jew who confronts the modern study of Bible will lean precariously, if at all.

9. The notion that the Torah in its present form is a divinely authored document, hence not subject to ordinary literary convention, is not without problems. The rabbis taught long ago *Dibbera Torah ki-leshon benei adam*. Moreover, there is a considerable gap (of over one thousand years) between the Mosaic recording of the Torah and our oldest extant copies of the Torah text. Even if we were to concede that divinely authored texts are not subject to human literary convention, this would apply only to the text at the very moment it left the hand of God. Neither Breuer, nor anyone else, can state with absolute confidence that no additions, deletions, or changes of any kind were introduced into the Torah text during the one thousand and more years that separate Moses from our oldest copies of the text. As any public reader of the Torah can testify, errors have crept into the best of Torah scrolls. Every so often, a Torah scroll needs to be returned to the ark, due to an error discovered while being read from in public. Apparently, divinely authored documents, once transmitted to humans, are subject to the vicissitudes of human textual transmission. This is certainly true with regard to the history and development of the Masoretic text of the Hebrew Bible. This raises the issue of just how much tampering with the divine text has taken place. Given the occasional substantive differences among the Hebrew texts of the Samaritan, Dead Sea scroll, and Masoretic versions of the Torah, each claiming to have preserved the *ipsissima verba* of the word of God, one wonders how much weight to give to an argument that claims un-

abashedly and confidently that the Torah text, as we have it, is a divinely authored document not subject to ordinary literary convention.

10. In sum, Rabbi Breuer's provocative essay confronts an important issue, one that in the Orthodox community has suffered mostly from neglect. We are indebted to him for his courage and wisdom, and trust that his essay will stimulate others to address the issue *le-hagdil Torah u-le-hadirah*. Its central thesis, however, that the modern study of the Bible is not problematic for the *yere shamayim*, is less than convincing at least in its present form. Breuer's solution, based as it is on a priori assumptions, preaches only to the converted. Only those with a prior faith commitment to the antiquity, unity, and immutability of the Torah text will find Breuer's solution persuasive.

Meanwhile, other strategies will need to be explored in order to respond to the challenges posed by modern Bible study in general, and in order to blunt the sharpness of the documentary hypothesis in particular. Some of the more promising strategies have been suggested by modern Bible scholarship itself. These include comparative and conceptual analysis of ancient Near Eastern and biblical law. Such analysis has shown that much that was thought to be contradictory in Torah law is, in fact, quite harmonious, each of the alleged contradictory laws treating a different aspect of law. Recent linguistic and philological advance suggests that even in biblical times colloquial and literary Hebrew coexisted. This paves the way for the possibility that different Hebrew terms with the same meaning reflect colloquial vis-à-vis literary usage, rather than two documents from different authors and centuries. Modern literary theory is suggesting new ways of reading and understanding texts that call into question some of the basic presumptions of the documentary hypothesis.

While we reject Rabbi Breuer's central thesis, we applaud his readiness to confront modernity, including the modern study of the Bible. There are undeniable risks in any such confrontation. Not to confront modernity, however, is more than risky for Orthodoxy, it is suicidal.³

³I am indebted to my colleagues Professors David Berger and Richard Steiner, who read and commented upon an earlier draft of this response. As they constantly remind me, I alone am responsible for the errors that remain.