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Introducing Rabbi Breuer

Shalom Carmy

It is impossible to encounter academic Bible scholarship pertaining to the Torah (the Five Books of Moses) without becoming aware of the hypothesis that the Torah is composed of at least four distinct documents. These sources, it is professed, took shape over a period of several centuries. As the authors represent differing outlooks and traditions about Israel's history and laws, their presentations abound in contradictions. The editorial process that combined them, arriving at our familiar text, is a mixture of conservative juxtaposition, preserving redundancies and contradictions, and a shrewd rewriting and interweaving of the original sources to eliminate difficulties. The Higher Criticism aims to reverse the process of redaction, to unearth, to the extent that this is possible, the traditions and sources out of which, in their view, the Torah developed, and to speculate about the historical situations that gave birth to the documents.

My purpose here is to set the stage for Rabbi Breuer's paper. With that goal in mind, let us quickly recall two salient ingredients of the Orthodox reaction. First, the sense of revulsion at the patent heresy entailed by the enterprise of Higher Criticism. If the Torah was given to Moses, it cannot have been compiled piecemeal for hundreds of years after his death; this difficulty becomes especially grave, as Rabbi Breuer notes, in view of the accepted teaching (enshrined in the seventh of Maimonides' thirteen dogmas) that the prophecy of Moses is qualitatively superior to that of other

prophets of God. And how, moreover, can we revere the Torah as the word of God if it is replete with alleged inconsistencies?

The second feature of the Orthodox response was to emphasize that the traditional commentators were hardly naïve about the scholarly discoveries. They were well acquainted with the most significant inconsistencies and, far from being unsettled by them, had in their possession effective strategies of reconciliation. The critical analysis of Genesis, for example, was much concerned with the different names of God: by assigning all mentions of the Tetragrammaton to the source called J, a criterion emerged for distinguishing the passages ascribed to J from those attributed to E and P. But, countered the defenders of tradition, there is an ancient semantic distinction between the Tetragrammaton and the alternate divine cognomen *Elohim*: the former, if we may simplify the matter, denotes God's quality of mercy; the latter, the attribute of judgment. The Rabbis applied this distinction to the opening chapters of Genesis, teaching that God had intended to create the world according to the principle of strict judgment (chapter 1), conjoining it with the Tetragrammaton (meaning the quality of mercy) in chapter 2, only because a world of strict law is not viable. If the Rabbis were sensitive to inconcinnity in the narrative portions of the Torah, they were even more keenly aware of inconsistencies in the legal sections, as any student of Talmud and halakhic Midrash can attest. The methods available to the Rabbis from time immemorial can be expanded and extended to passages that were not exhaustively discussed by our predecessors, and Orthodox exegetes have continued to do so, not without success.

For almost forty years Rabbi Breuer has passionately argued for a more sophisticated, more systematic, and, above all, less defensive encounter with the challenge of the Documentary Hypothesis. But you will not grasp the nature of his seminal contribution to our understanding of Tanakh if you think of it as a mere refinement in the standard modes of harmonization. Rabbi Breuer explicitly advocates a novel frame of reference for the entire debate, and implicitly formulates a new criterion for the cogency of proposed resolutions to the difficulties we seek to comprehend.

Rabbi Breuer's method proceeds from one fundamental insight. The Torah must speak in "the language of men." But the wisdom that God would bestow upon us cannot be disclosed in a straightforward manner. The Torah therefore resorts to a technique of multivocal communication. Each strand in the text, standing on its own, reveals one aspect of

the truth, and each aspect of the truth appears to contradict the other accounts. An insensitive reader, noticing the tension between the versions, imagines himself assaulted by a cacophony of conflicting voices. The perceptive student, however, experiences the magnificent counterpoint in all its power.[1] To use Rabbi Breuer's example: Genesis 1 (the so-called P account) describes one aspect of the biblical understanding of creation; Genesis 2 (the so-called J version) presents a complementary way of apprehending God's creation of the world and of man. Each text, isolated from the other, would offer a partial, hence misleading, doctrine of creation. In their juxtaposition, the two texts point the reader toward an understanding of the whole.[2]

This new approach does not obviate the need for the traditional strategies of harmonization, nor does it negate their success. It does, however, transform our idea of what it is that the traditional solutions are out to accomplish. Let me explain by commenting on one detail in one of Rabbi Breuer's studies. The laws of Jewish servitude (*eved ivri*) are expounded in three separate portions of the Torah: Exodus 21: 2–6; Leviticus 25: 39–55; Deuteronomy 15: 12–18. Leviticus diverges from the other two sources, in certain detail. Leviticus teaches that the Hebrew slave goes free in the Jubilee year, which is not mentioned elsewhere. Moreover, the legislation of Exodus and Deuteronomy includes the eventuality that the slave refuses to go free when his term of servitude is up, prescribing that his master bore his ear through with an awl, and subjugate him in perpetuity (*le-olam*); Leviticus does not recognize an enslavement that would override the Jubilee. The Rabbis (*Kiddushin* 21b) explain that the word *le-olam*, in this connection, means "for an extended term," not forever. *Le-olam* in Exodus and Deuteronomy does not conflict with Leviticus's Jubilee-based universal manumission. Thus the three texts can be amalgamated to form a consistent halakhic code on Jewish servitude.

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[1]The analogy between the study of Torah and symphonic or contrapuntal music is taken from the introduction to Rabbi Yehiel Mikhal Epstein's *Arukh ha-Shulhan, Hoshen Mishpat*, where it is applied to the differing opinions found in the halakhic literature.

[2]Note that Rabbi Breuer's investigations are not limited to so-called doublets, in which internally consistent passages are juxtaposed. He devotes a great deal of attention to instances where the hypothesized sources are interwoven in the same chapter.

What is the plain meaning (*peshat*) of *le-olam*? Champions of the internal consistency of the Written Torah and the authoritative interpretations of the Oral Torah maintain that the word *le-olam* means what the Rabbis say it means. If this explanation cannot be justified on independent philological grounds, one must rely on rabbinic tradition as an authoritative record of biblical Hebrew. The alternative position, held, in this instance, by Rashbam and adopted by Rabbi Breuer, concedes that the plain meaning of *le-olam* implies unqualified perpetuity. The rabbinic explication of *le-olam*, according to this view, is *derash* rather than *peshat*. It cannot be treated as the plain meaning of the verses, as they appear in Exodus and Deuteronomy. But what does it mean to assert that the normative interpretation of a text is strained?

Rabbi Breuer[3] observes that each one of the three legal sections illuminates a different aspect of the Torah's teaching on Jewish servitude. To focus on what is pertinent to our example: the major theme of Leviticus, chapter 25 is that the children of Israel can never become genuine slaves, "they are My slaves, whom I took out of the land of Egypt" (Leviticus 25:55). In Deuteronomy, by contrast, the master is reminded "You were a slave in the land of Egypt and God redeemed you" (25:15). In Leviticus freedom is the inalienable right of the slave; it is the slave who left Egypt—whose servitude cannot extend beyond the limit of the Jubilee year. In Deuteronomy, it is the master who reenacts God's act of redemption, and who is therefore obligated to free his slave after his term of service. From the perspective of Deuteronomy and Exodus, stressing the master's responsibilities, the slave can forfeit the manumission extended to him by declining to go free. In that case his bondage is renewed *le-olam*, in the literal sense, forever. Leviticus, however, is concerned, not with the limits of the master's responsibility, but with the unconditional doctrine of freedom that knows no difference between master and

[3]See his *Pirkei Mo'adot*, vol. 1 (Jerusalem: Horev 1986), pp. 16–22, for a detailed discussion of the three passages. For the sake of brevity, I have left out Rabbi Breuer's comments on the distinctions between the Exodus and Deuteronomy versions. The persuasiveness of Rabbi Breuer's approach gains force from the accumulation of details, and thus may not be evident from our isolated discussion of the *le-olam* problem.

slave: there is no room to consider the possibility that the slave will relinquish his right and choose to extend his servitude.

In the light of Rabbi Breuer's analysis, we may return to the question of *le-olam*. If we were to isolate the sections in Exodus and Deuteronomy, oblivious to the aspect revealed by the Leviticus passage, we would indeed interpret *le-olam* according to its plain meaning, and if this is all the Torah had to say on the topic, we would conclude that the Hebrew slave who declined his freedom is subject to interminable servitude. Conversely, were the Torah's teaching exhausted by the Leviticus passage, we would be oblivious to the aspects embodied in the other texts. Had the Torah integrated the various texts, presenting a unified legal code (in the manner of Maimonides or the *Tur Shulhan Arukh*), the word *le-olam* would not have been used, because the plain meaning of the word (according to Rashbam and Rabbi Breuer) would not have conveyed clearly the ruling of the *halakhah*. But the Torah is not a straightforward legal code, and therefore the passages expounding the different aspects of the Torah's teaching are not amalgamated, but juxtaposed. The synthesis, interrelating the various aspects and determining their halakhic scope, is the proper domain of the Oral Law. The work of fusion sometimes requires that the sources, which at the level of *peshat* are examined independently of one another, undergo reinterpretation (*derash*) as part of the synthesis. The word *le-olam* carries its plain, unforced meaning in the isolated context, when the Torah speaks in one voice, as it were; when the Torah's theme becomes polyphonic, *le-olam* must be interpreted in conformity with the whole, even if the word is consequently burdened with an obscure and awkward sense.

Thus, for Rabbi Breuer, the harmonization of conflicting texts continues to take place, but the frame of reference for which the solutions are proposed is the Torah as a complex system of texts, not the immediate local context. Let me put it another way. In the past, the purpose of reconciliation techniques was to resolve an inconsistency or contradiction in the text. Those of us who are inspired by Rabbi Breuer's efforts may be satisfied with the time-honored answer, but not until we have investigated why the text contains a problem in the first place.[4]

[4]The prefatory character of these remarks leads me to dramatize the innovative thrust of Breuer's breakthrough. Of course his contribution is not completely

II

As we have already noted, a major theological objection to the Documentary Hypothesis has to do with the special role of Moses in transcribing the Torah. Rabbi Breuer is unwavering in his insistence upon this dogma as traditionally understood. If anything, he is convinced that the doctrine has been neglected by recent Orthodoxy, and blames much unnecessary resistance to the phenomena discovered by modern scholarship on the failure fully to take into account the unique theological-literary status of the Pentateuch. Precisely because the Torah's divine origin transcends all categories of literature, contends Breuer, it accommodates conflicts and apparent contradictions that would, in the case of any other composition, drive us to hypothesize authorship by diverse hands.

This is Rabbi Breuer's position as it is repeatedly stated in the present volume and in his other writings. At our conference, however, the topic posed to him was not confined to his own beliefs: it extended to the general question of compatibility between modern biblical scholarship and piety. Here Rabbi Breuer was forced to acknowledge the existence of scholars whose standard of religious practice is conscientious, despite beliefs that are incompatible with traditional doctrine. In an effort to understand the meaning of piety for such scholars, Rabbi Breuer entertains alternatives to the principles to which he is firmly committed. In

without precedent among classical medieval and modern sources. Rabbi Breuer himself has frequently alluded to the kabbalistic doctrine of *sefirot*, which considers the divine attributes as discrete qualities, as it were, reflecting the diverse aspects of the divine experienced by man, even while affirming their essential unity. In the opening chapter of the present volume I alluded to a convergence between Breuer's theory of aspects and the methods of Lithuanian *lomdut*. From an exegetical point of view one should also acknowledge the important work of Rabbi David Zvi Hoffmann. In discussing the relationship between Leviticus and Deuteronomy, for example, Rabbi Hoffmann seeks to demonstrate that each, at the level of *peshat*, addresses its own primary audience: Leviticus, the generation of the desert; Deuteronomy, the generation about to enter the land of Israel. One advantage of this sensitivity to the distinction between primary and secondary audiences (to which Breuer adverts at the end of his paper) is that it goes beyond resolving the difficulty to explain the reason we have the problem to begin with, thus anticipating my last remark in the text.

the opening section of his discussion he suggests that observant scholars who nonetheless deny *Torah min ha-shamayim* may justify their position by transferring to the Jewish people the authority to command that traditional religion invests in God. This position, in effect, is orthopraxy, as it severs normative behavior from normative belief.

Next, (in section II of his paper) Breuer formulates a "flexible" version of *Torah min ha-shamayim*. This view subscribes to a normative theological belief in the divine origin of the Torah, but dispenses with the unique role of Moses, thus allowing one to follow the critical approach respecting the Torah's provenance. Rabbi Breuer immediately rejects this option as well (section III of his presentation), on grounds of theological truth. He does not deny that an individual adopting this view may be studying the Bible in order to serve God, with the kind of subjective fervor that we associate with fear of heaven (*yirat shamayim*), and with an awareness of its divine origin. I have taken the trouble to rehash this part of Rabbi Breuer's discussion because many readers, unaccustomed to intellectually honest theological deliberation that attempts, empathetically, to present objectionable, even heretical, opinions, in the most tolerable light, are liable to become confused and irritable, carelessly attributing to an author the very ideas that he has so vigorously repelled.

III

Misunderstanding is the fate of the pioneer. Rabbi Breuer has persevered against the indifference of the academy and initial lack of comprehension within the Torah community. But the lonely, courageous trailblazer is often at the mercy of his own exuberance, as yet unchecked by the intelligence of fellow seekers. Rabbi Breuer's work, including that found in this book, has occasionally succumbed to the temptation of one-sided formulas. If we are to build on his insights, it is important to moderate some of his excesses.

1. Rabbi Breuer believes that awareness of the phenomena highlighted by the methods and schools of Biblical Criticism should have led to a new flowering of creative Orthodox study. His own program is a belated attempt to make the most of the opportunity. It is probably true that

the new approaches, stemming from the original work of Rabbi David Hoffmann and Rabbi Breuer, would not have become popular were it not for the challenge posed by the critics. Yet it can be argued that Rabbi Breuer, in his zeal to restore to Orthodox study its self-sufficiency, has permitted the academy to set our agenda. Although Rabbi Breuer and his school have consistently generated their exegesis from the biblical text and from the classical Jewish sources, it is tempting to assess any proposed interpretation in terms of its success in supplanting the theories of the critics.[5]

The tree is known by its fruit. As proponents of Rabbi Breuer's orientation advance in their work, steadily expanding the range of their study and leaving their detractors in the dust, this last criticism loses much of its sting. Yet Rabbi Breuer's exaggerated respect for critical presuppositions and speculations, to which he ascribes—within the limits of his theological method, of course—a solidity that is far from self-evident, may undercut the very autonomy he is striving to secure. It is quite possible to recognize the polyphonic character of the Torah, the presence of different voices in different passages (or even in the same passage), without acquiescing in many of the specific claims that Rabbi Breuer repeats without reservation. Nothing, except for the assertions of those who have concluded, on other grounds, that J precedes P, would lead me to think that Genesis 2 articulates an earlier level of religious consciousness than Genesis 1; Breuer, however, incorporates this assumption without questioning it. Many well-informed, intellectually honest individuals, contemplating the hypothesis that the J and E texts were produced by writers living in Judah and Ephraim, respectively, feel no impulse to believe it; Rabbi Breuer cites it as received truth. Most secular Israeli scholars, following Yehezkel Kaufmann, reject Wellhausen's

[5]Outside his programmatic essays, Rabbi Breuer rarely, if ever, cites Bible criticism as an essential background for his work. He is content to let the biblical text, augmented by its rabbinic explication, drive his discussion. *Pirkei Mo'adot* is subtitled (on the binding of both volumes, though not on the title pages!) "A Commentary to the Torah and the Festivals Deriving from (*mi-tokh*) the Biblical Text and the Words of the Sages"; while the reference to the Sages may be limited to chapters devoted to rabbinic texts, it can serve to characterize the work as a whole.

hypothesis according to which P is later than D; Breuer adopts it, though he apparently does not go along with the German professor's view that P comes after the exile to Babylonia.

Rabbi Breuer's sweeping concessions to a purportedly monolithic Bible criticism may have a purpose, from a rhetorical point of view. By ruling out, on a priori grounds, any combat with the Bible critics on their own home court, so to speak, we are spared a great deal of wasted effort. If it is neither necessary nor possible to refute the views of the critics issue by issue, our energy can be channeled into the cultivation of Rabbi Breuer's systematic solution.[6] But Breuer's theory of aspects does not depend on the credibility, in detail, of any particular corpus of modern biblical scholarship. As we endeavor to comprehend the various aspects of the multivocal Torah, we can surely afford to be more selective in our appropriation of the data served up by the critics. Intellectual honesty requires no less.[7]

[6]In section IV of his essay in this volume, Rabbi Breuer compares the conflict between faith and biblical scholarship to the old war between religion and scientific cosmology. He suggests that intelligent people are no longer bothered by this problem because they recognize that the scientific belief in the great age of the world rests on the premise that creation *ex nihilo* in six days cannot be allowed in scientific investigation. Most intelligent religious people known to me simply do not take the six days of Genesis as a literal statement about cosmology. Either under the pressure of scientific evidence, or as an outgrowth of theological reflection, they have come to the conclusion that the Torah is not, *in this particular case*, judging the scientific issue. Here, too, Rabbi Breuer seems to prefer an approach that short circuits the conflict once and for all, leaving one free to attend to more important matters. Here, too, it seems to me that the advantages of a sweeping solution cannot exempt us completely from considering problems individually, as they come up. Contemporary philosophy of science has become dubious of armchair attempts to delineate in advance the contours of scientific theory, and the same skepticism extends to a priorism in theological inquiry.

[7]The previous analysis parallels the first and third criticisms of Breuer in Moshe J. Bernstein, "The Orthodox Jewish Scholar and Jewish Scholarship: Duties and Dilemmas," *The Torah U-Madda Journal* 3 (1991–1992): 23–24. As the discerning reader will not fail to note, the differences in the way the discussion unfolds are as significant as the similarities.

2. According to Rabbi Breuer the literary complexity of the Torah can be explained in only two ways: either multiple voices of one Author, namely God, who transcends the one-dimensionality of human communication; or multiple authors, as taught by the critics. An individual human author, as authorship is normally construed, could not have brought it off.

It is not at all clear to me why this should be the case. Great writers are eminently capable of employing multiple styles: the stylistic variations among Kierkegaard's "pseudonyms," for example, are so thoroughgoing that they show up on computer analysis. It is even more obvious that masterly authors can authentically represent polyphonic perspectives.[8] When conflicting or contradictory motifs appear in a work of literary art or philosophy, we may dismiss it as a blemish in the work, but in studying a great author, we are wise to give him, or her, the benefit of the doubt, and to judge the obscurity essential to the communication of enigmatic subject matter. Only when we detect, in the production of a great author, convincing internal, or external, signs of carelessness or sloppy thinking, do we conclude, with a shrug of the shoulders, that even Homer nods. If we are to compare God's relation to the Torah with a human author's relation to his composition, we will, of course, compare God to a great author rather than a mediocre one. And since we believe that God's work is perfect, we will always treat any inconcinnity in the Torah as integral to the perfection of the whole. Thus we arrive at Rabbi Breuer's fundamental insight, that the complexity of the Torah's form corresponds to the profundity of its message. But we do so without Breuer's either/or, which makes a fragmented, intellectually shallow interpretation of the Torah the only possible alternative to the traditional belief in the giving of the Torah to Moses.

Our divergence from Rabbi Breuer's dichotomy between the Pentateuch and all other literature has implications for our study of the non-Pentateuchal books of the Bible, *Nevi'im u-Ketuvim*. Throughout the Bible we encounter texts whose inner complexity, or whose contrast with other texts, richly rewards the kind of analysis provided by Rabbi

[8]Within biblical literature, this is undeniably and trivially true of Job and Kohelet.

Breuer's theory of aspects. If *Humash* is *sui generis*, in the sense that Breuer's fundamental insight cannot be applied elsewhere, it is difficult to explain why his method applies equally well to *Nakh*. If, however, the coincidence of complexity and profundity distinguishes great literature in general, then all parts of the Bible display this character to an intense degree.[9]

3. The approach taken by Rabbi Breuer in the present essay is concerned exclusively with the literary analysis of the Torah. It is impossible for one man to do everything—certainly not at the same time. As I have argued earlier in this volume, the prosecution of a completely self-sufficient system of Orthodox biblical studies is not feasible, and unrealistic demands can only result in paralysis. Yet we cannot act as if the only problems raised by modern biblical studies are literary. And it is particularly important to realize that literary problems cannot be sequestered from historical questions.

IV

The idea of the multivocal Torah and the resolve to advance beyond reconciling the inconcinnities of texts to discover why the difficulties are there to begin with—these principles are an enduring legacy of Rabbi Breuer's work in this area. His courageous and uncompromising dedication to creating a *derekh ha-limmud* in *Tanakh* embodies the Rav's ideal of the *homo religiosus* who "calmly but persistently seeks his own path to full cognition of the world, [who] claims freedom of methodology; [who] has faith in his ability to perform the miracle of comprehending the world."[10] The questions and criticisms I have just raised demonstrate how much more work is required of us if we are to cultivate the fields he has

[9]In this section IV of his essay in this volume Rabbi Breur bemoans the consequences of what he percieves as the tendency of contemporary Ortodox Jews to reduce the Torah to the level of other biblical books . My own experience suggests the opposite: the natural prompting of piety leads most people to ascribe to all biblical books the highest possible level of divine involvement (See, for example, Malbim's preface to his commentary on Jeremiah.)

[10]See the dedication to this book (p. xvii).

plowed. As his own production continues unabated,[11] and the activities of his students and sympathizers pick up steam, it is a duty and a privilege to show gratitude for his initiative and inspiration.

[11]The bibliography in Rabbi Breuer's two volume Festschrift also lists his remarkable achievements in the study of the MT and the cantillation tradition (*taamei ha-mikra*). This work has implications for Breuer's approach to the issues belonging to the "lower criticism" of the biblical text, which are not discussed in the present volume. As an admirer of Rabbi Breuer I am pleased to note that, by the time the Festschrift appeared in print, his bibliography had already outstripped the one there compiled.