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**FAITH, HISTORY AND INTERPRETATION:
REFORM AND ORTHODOX RESPONSES TO MODERN
HERMENEUTICS**
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The history of Judaism is the history of Jewish interpretation. To understand it, the discipline of hermeneutics—the study of how interpretation happens, the rules by which people read and understand—is a crucial tool. In *People of the Book*, Moshe Halbertal argues that throughout the Middle Ages, Jewish thinkers often held diametrically opposed positions on key subjects. These opinions were nevertheless all considered Jewish because they were grounded in interpretations of Judaism’s key texts, especially the Bible. For Jews, Halbertal suggests that the Bible is a “formative text.” “A formative text,” he states, “is one in which progress in the field is made through the interpretation of the text itself. A text-centred culture that has formative texts proceeds in that mode; its achievements are interpretative.”¹ This means that developments within Jewish thought are always made in relation to that text.

A hermeneutical model similar to Halbertal’s sheds new light on the struggles between Reform and Orthodox Judaism in nineteenth-century Germany. Historians have typically focused on the theological and social differences between Orthodox and Reform thinkers regarding fundamentals such as the nature of revelation, the significance of ritual observance and the importance of rabbinic legal precedent. A hermeneutical approach however, adds an important dimension because it reveals the common ground *shared* by the Reform and Orthodox camps that is often obscured by the polemical nature of their writings. This applies on a general level. No less than in the middle ages, nineteenth-century developments in Jewish religious thought were couched in new readings of classical texts. But it also applies on a more specific level. As a close analysis of the methodology of scriptural interpretation of key figures in Orthodox and Reform Judaism demonstrates, they share not only the fact that they interpret texts but also, to a large extent, the way that they interpret texts. Although the conclusions drawn from their interpretation are very different, the methods used to reach them are often very similar.

¹ Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, Mass., 1997), 90 ff. especially 94.

This approach can be used to look behind the rhetoric of the Reform-Orthodox debates. If their polemics were taken at face value, it would seem that whereas Reform interpreters embraced the modern hermeneutics crystallized by Spinoza and lionized by nineteenth-century German historicists, Orthodox interpreters remained true to a pre-modern traditionalist hermeneutics that shunned both the historicization and the critical examination of sacred texts. This perspective can be challenged through an analysis of the interpretative principles of three key Jewish thinkers of nineteenth-century Germany. R. Abraham Geiger, the founder of Reform Judaism, did indeed embody the modern hermeneutical methods of *Wissenschaft des Judentums*, a movement for the scientific (i.e. critical historicist) study of Judaism. But the Orthodox response was ambiguous. R. Samson Rafael Hirsch, one of the most vocal and prolific (not to mention conservative) Orthodox thinkers of the period, fought for decades to resist the conclusions of *Wissenschaft*. He dedicated himself to bolstering the authority of rabbinic law and the importance of tradition. And yet it can be shown that his scriptural interpretation, while it led to conclusions worlds apart from Geiger's, was built on the same basis of a modern Spinozan hermeneutics. Lastly, an investigation of R. David Zvi Hoffmann, a younger contemporary of R. Hirsch, brings to light a subtly different Orthodox response to modern hermeneutics, which may presage the paradigm shift in models of understanding that was brought about in the works of Martin Heidegger and refined by his pupil Hans-Georg Gadamer.

Abraham Geiger (1810-74) has been called the “founding father of Reform Judaism.”² Born to an Orthodox family, he became a proponent of *Wissenschaft des Judentums*. He received his doctorate from the University of Marburg and held rabbinic positions in a number of communities, most notably Breslau, Frankfurt and Berlin. He used various journals and teaching positions to air his views, including the Berlin *Hochschule für die Wissenschaft des Judentums*, where he spent his final years. Like the Reform movement in general, Geiger's conception of history operated upon two fundamental assumptions: that Judaism, like any other phenomenon in history, developed; and that despite this development, it has a continuous essence underlying it that with each successive stage in historical development achieves a higher form.³ This conception allowed a departure from traditionalism whilst simultaneously creating (Geiger would say discovering) the underlying essence of the Jewish spirit as it was relevant to that time.⁴

Geiger's conception of history translated directly into his hermeneutics,

² Michael Meyer, “Abraham Geiger's Historical Judaism,” in *New Perspectives on Abraham Geiger: An HUC-JIR Symposium*, ed. Jakob J. Petuchowski (Cincinnati, OH: HUC-JIR, 1975), 3.

³ Ismar Schorsch, “Ideology and History in the Age of Emancipation,” in *From Text to Context: The Turn to History in Modern Judaism* (University Press of New England, 2003), 12.

⁴ Meyer, “Abraham Geiger's Historical Judaism,” 5.

which were a reflection of Spinoza's. Spinoza, a seventeenth-century Dutch Jew, revolutionized the reading of the Bible in a number of ways. He effaced the distinction between sacred and profane texts and applied the same hermeneutical rules to the Bible as he did to any other text. He also distinguished between meaning and truth. It was possible to understand the meaning of a statement in scripture (for example "tablets of stone engraved by the finger of God") without necessarily believing in the truth of that meaning (and instead believing that the Bible was compiled by a number of people over a period of time). Indeed, Spinoza was the first to engage in what would later be called "higher criticism" of the biblical text. Spinoza also lay out his methodology for interpreting the meaning of the text. He maintained that "all knowledge of Scripture must be sought from Scripture alone," taking into account the historical context of the language and concepts within it.⁵ In this sense the method of understanding the meaning of scripture was the same method used to understand nature:

The method of interpreting Scripture is no different from the method of interpreting Nature [...] The method of interpreting Nature consists essentially in composing a detailed study of Nature from which, as being the source of our assured data, we can deduce the definitions of the things of Nature. Now in exactly the same way the task of Scriptural interpretation requires us to make a straightforward study of Scripture, and from this, as the source of our fixed data and principles, to deduce by logical inference the meaning of the authors of Scripture.⁶

Spinoza's methods and assumptions were extremely influential for historians and theologians in Geiger's milieu, who adopted a historicist reading of scripture, believing that the events and texts of the past should be understood on their own terms and any biases of the reader should be ignored. It is not by chance that as Geiger was beginning his critical study of the Bible, similar developments were taking place in Christian circles where Strauss's historical approach to scripture in *The Life of Jesus* (first published in 1835) had a far-reaching effect.

This was the background to Geiger's hermeneutics. Hermeneutics were critical to Geiger because he believed that the "inner development of Judaism [...] [is] the history of the biblical text and the translations."⁷ Although earlier in life he thought that a close examination of the biblical text could yield the

⁵ Benedictus de Spinoza, *Tractatus Theologico-Politicus* (Leiden; New York, 1989), 142. For an analysis of this principle in the *Tractatus*, see Leo Strauss, *Persecution and the Art of Writing*, (Westport, CT: 1973).

⁶ Spinoza, *Tractatus Theologico-Politicus* (Gebhardt Edition, 1925), 141.

⁷ Quoted in Ken Koltun-Fromm, *Abraham Geiger's Liberal Judaism: Personal Meaning and Religious Authority* (Bloomington, 2006), 46.

“natural sense of scripture,” he later abandoned this belief for a new theory in which the text had no natural sense but rather was produced by political forces in Jewish history.⁸ Using variations among early translations as evidence, Geiger proposed that as the Jewish community developed and had to adapt to different historical circumstances, the text of the Bible itself was amended in response to contemporary concerns. The text therefore bares “traces” of earlier versions of itself.⁹ Later in history, with the advent of what became the rabbinic age, the text was no longer amended. Instead, creative exegesis, which often conflicted with the plain meaning of the text, was required to make it relevant to the present. These rabbinic interpretations, also called *midrashim*, were presented by the rabbis as the Oral Law, and were considered by Jews to be binding. While admirable in its time as a way of making scripture relevant for contemporary historical circumstances, rabbinic law was now anachronistic and a new Jewish identity had to be formed. So a modern reader attempting to understand the real meaning of the biblical text must approach it with the realization that it has been altered over the generations with “expansions, clarifications, typological and symbolic explanatory schemes.”¹⁰ As such, “the eternal word does not belong to a particular time [...]. Each and every time, direction of thought and individuality brings to the Bible its own point of view.”¹¹

Geiger’s hermeneutics are very close to Spinoza’s approach to the interpretation of scripture. He shared Spinoza’s crucial distinction between meaning and truth, which allowed Geiger to understand the Bible not as a representation of the will of God, or a prescription for religious action in the present, but merely as a reflection of its authors’ opinions from a particular point in time. He also adopted a historicist approach to the text, insisting that the biases of generations of interpretation be put aside in favor of a reading in the terms of the text itself. As Michael Meyer has put it, for Geiger, “the history of Judaism must be understood in its own terms, each period in its own context, possessing relative validity as the revelation of the religious consciousness of the community of faith at a practical point in Jewish history.”¹²

However, Geiger fell short of this stated intention. As we now know, it is never possible to ignore one’s own contexts. And indeed, Geiger’s hermeneutics were ideologically motivated. He claimed that his intention was “to prove how every element in the Judaism of his day had come into being historically and hence did not possess binding force.”¹³ As such, he failed on one level as a

⁸ For the earlier theory, see especially Geiger’s *Das Verhältnis des natürlichen Schriftsinnes zur thalmudischen Schriftdeutung* (1844). For the later theory, see especially his *Urschrift und Übersetzungen der Bibel* (1857). For more on the shift in Geiger’s thinking, see *ibid.*

⁹ *Ibid.*, 46.

¹⁰ *Ibid.*, 47.

¹¹ *Ibid.*

¹² Meyer, “Jewish Religious Reform and Wissenschaft des Judentums: The Positions of Zunz, Geiger and Frankel,” 28.

¹³ Meyer, “Abraham Geiger’s Historical Judaism,” 5.

historian because he failed “to distinguish adequately between his own historically founded Judaism from the Judaism of history.”¹⁴ In one important sense, then, Geiger differed from Spinoza. Despite his radical historicism, Geiger always maintained that there was an underlying truth to scripture – if not in its meaning then in its method. If, as Geiger believed, Judaism continually adapted to its contemporary historical circumstances, then to remain true to the inner essence of Judaism, he also believed that Jews in his own time had to abandon the traditional practices of earlier generations in order to adapt to the political requirements of the age of emancipation. As Jay Harris notes, for Geiger, “a proper historical conceptualization of the emergence of Jewish law is required, so that its essential temporally conditioned nature will be recognized. Once this is accomplished, Judaism can be put back on the proper path as a religion with a progressive dynamic, able to respond to the demands of the time.”¹⁵

It was this historicism and its theological ramifications that R. Samson Rafael Hirsch considered to be ill-founded and dangerous. R. Hirsch (1808-88) was a life-long spokesman for Orthodox Judaism. He became friendly with Geiger when they were both young students at the University of Bonn, though the friendship was marred by their ideological divergences over the next decade. In 1851, R. Hirsch became the Orthodox rabbi in Frankfurt am Main. His many publications were characterized by his defense of Orthodoxy against the growing popularity of Reform Judaism. Like Geiger, R. Hirsch thought that the correct approach to scriptural hermeneutics was essential. “There is no evil,” he wrote, “no wrongful development in Judaism which does not owe its origin to the improper or sinful conception of the Torah.”¹⁶ This sentiment was reflective of his struggles with the Reform movement, whose historicist understanding of scripture undermined the authority of the text as a product of a single divine revelation. It also threatened the traditional rabbinic interpretation of the text which, according to Orthodox tradition, was consistent with the Oral Law, which was also divinely revealed.

R. Hirsch’s defense of traditional Judaism (he shunned the label “Orthodox” as he recognized that “it was the modern ‘progressive’ Jews who first applied this name to the ‘old’, ‘backward’ Jews as a derogatory term”) was based on his articulation of certain hermeneutic principles.¹⁷ He shunned a historicist reading of scripture and granted traditional interpretations primacy over historical ones, asserting that “there is no evidence or guarantee for the truth and reality of a historical fact, save our trust in tradition.”¹⁸ Reading scripture

¹⁴ *Ibid.*, 13.

¹⁵ Jay Michael Harris, *How Do We Know This?: Midrash and the Fragmentation of Modern Judaism* (Albany: SUNY Press, 1995), 163.

¹⁶ Samson Raphael Hirsch, *The Nineteen Letters on Judaism*, trans. B. Drachman (New York: Feldheim, 1969), 117.

¹⁷ Samson Raphael Hirsch, “Religion Allied to Progress,” 229.

¹⁸ Quoted in I. Grunfeld’s introduction to Samson Raphael Hirsch, *The Pentateuch* (New

as a historically contingent text, dependent for a proper understanding upon contextualization, marred scriptural hermeneutics with what R. Hirsch called a “sickly subjectivism.”¹⁹ He sought to reintroduce the distinction between sacred and profane texts that Spinoza and his descendants had erased.²⁰ Even if historical context may be useful for understanding some texts, scripture is different. In fact, it is unique.

R. Hirsch also refused to recognize Spinoza’s distinction between meaning and truth, at least as regards scripture. His journal *Jeschurun* ran many articles which sought to defend traditional Judaism against those who would change it to keep “up to date” or “allied with progress.” One of the recurrent arguments against this point of view assumes the authority and truth of scripture itself:

Is the statement: “And God spoke to Moses saying,” with which all the laws of the Jewish Bible commence, true or not true? [...] If this is to be no mere lip-service, no mere rhetorical flourish, then we must keep and carry out this Torah without omission and without carping in all circumstances and at all times.²¹

Of course to a Spinozan, “And God spoke to Moses saying” may well be a mere rhetorical flourish, or at the very least, something that the author of the text believed to be true but has no binding authority on the contemporary reader.

One of R. Hirsch’s most pressing projects, which he shared with many of his Orthodox contemporaries, was to defend the unity of the Written and Oral Law against the new criticism of the Reform movement. A principle goal of the historicism of the Jewish Reform movement was to demonstrate that the Oral Law was nothing more than a collection of rabbinic exegeses. Geiger and his colleagues considered these “*verkehrte*” (absurd) interpretations, that flew in the face of the plain meaning of the Written Law (i.e. scripture) so as to produce a corpus of man-made edicts.²² The tendentious extraction from minute scriptural hints of volumes of laws regarding the observance of the Sabbath, for example, were certainly not a straightforward reading of the text. Whether this exegesis was ingenious or seditious, it was certainly not divine, and, because it was historically contingent, it was also not binding for contemporary Jews.

York, 1971), xxi.

¹⁹ Quoted in Myers, *Resisting History: Historicism and its Discontents in German-Jewish Thought*, 31.

²⁰ For a discussion of the effect of a universal hermeneutics on the distinction between sacred and profane texts with special reference to Schleiermacher’s hermeneutics, see Jeffrey F. Keuss ed., *The Sacred and the Profane: Contemporary Demands on Hermeneutics* (Aldershot, England: Ashgate Publishing, 2003), especially pp. 61-76.

²¹ Samson Raphael Hirsch, “Judaism Up To Date,” in *Judaism Eternal; Selected Essays from the Writings of Samson Raphael Hirsch*, ed. I Grunfeld (London, 1956), 216. See also R. Hirsch, “Religion Allied to Progress.”

²² Harris, *How Do We Know This?: Midrash and the Fragmentation of Modern Judaism*, 159.

Orthodox thinkers had to defend themselves against this attitude, which stood in direct opposition to the traditional understanding that the Oral Law originated in divine revelation and was therefore authoritative and eternal. Furthermore, the Written and Oral Law, both originating from the same divine source, were absolutely consistent with one another. Indeed, through careful use of the 13 hermeneutical rules of Rabbi Ishmael, themselves divinely revealed, principles of the Oral Law can also be extrapolated from the text of scripture itself. What is more, scripture is silent on many details of divine service—we are told to wear *totafot* between our eyes, and make *tzitzit* for the corners of our garments, but what are these *totafot*, and how are the *tzitzit* to be made? And the Oral Law is required to fill in these lacunae. So, far from being a distorted departure from the true meaning of scripture, the Oral Law was necessary to understand it properly, even as it could also be extrapolated from the text itself.²³ Having said all this, it was clear to traditional Jews that a straightforward reading of scripture would not yield an interpretation consistent with the exegesis of the Oral Law. In an age when traditional interpretations were being challenged, the relationship between the Oral and Written Law had to be explained and defended.

It is not surprising, then, that every major Orthodox commentary on scripture published in nineteenth-century Germany emphasized the unity between the Written and Oral Laws and sought to describe the precise relationship between them. R. Jacob Zvi Mecklenburg's *Ha-Ketav Ve-Ha-Kabalah*, which was first published in 1839 and ran into many editions, maintained that the text of scripture is multivalent and so contains not only the *peshat* or plain meaning but also the *derash* or exegetical interpretations of the Oral Law. And what of the times when the Oral Law seems to actually contradict the *peshat*? The text is intentionally ambiguous to give the reader a chance to demonstrate his faith by submitting to tradition against the rational reading. Scripture therefore serves as a kind of mnemonic for the Oral Law, but a mnemonic with an added dimension. Because the *derash* style of interpretation, which links Oral with Written Law, is itself divinely revealed, it serves not just as an aid-memoire but also sheds light on the specific nature of the law being extrapolated. This explains the energy that the Talmudic rabbis put into preserving the precise mnemonics and squeezing from them every ounce of significance. R. Meir Loeb Malbim's *Ha-Torah Ve-Ha-Mitzvah*, first published in 1844, has a similar project to R. Mecklenburg's commentary, but comes to a different conclusion. The verses quoted by the sages are not merely mnemonic devices. Rather, the Oral Law can be derived from scripture following logical and philological rules. A true reading of scripture will yield the same conclusions as rabbinic *derash*.

²³ This is a necessarily brief portrayal of the traditional approach to the relationship between the Oral and Written Law. For recent treatments of the significant variety between traditional models, see Michael S. Berger, *Rabbinic Authority* (New York, 1998), and Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, Mass., 1997).

R. Hirsch, too, tried to defend the traditional understanding of the Written and Oral Laws against historicist criticism. This was a primary goal of his commentary on the Pentateuch, which he published between the years 1867 to 1878. Was his position closer to R. Mecklenburg, who maintained that *derash* is mnemonic, or to Malbim who claimed that the Oral Law can actually be derived from scripture? In fact, R. Hirsch claimed that both were right. The Oral Law was revealed before the Written Law and is not dependent on it; the Written Law was revealed as a summary of the Oral Law: “to be to the Oral Law in the relation of short notes on a full and extensive lecture on any scientific subject.”²⁴ But the notes are only of value if the original lecture can be successfully reconstructed from them. This is the function of Rabbi Ishmael’s 13 hermeneutic rules, also divinely revealed, which enable the extrapolation of the Oral Law from scripture through the principles of *derash*. The Written and Oral Laws are thus mutually authenticating. On the one hand, “it is not the Oral Law which has to seek the guarantee of its authenticity in the Written Law; on the contrary, it is the Written Law which has to look for its warrant in the Oral tradition.”²⁵ On the other hand, the fact that the Oral Law can be derived from scripture does give it a greater authority and militates against the claim made by Geiger and others that it was simply a human innovation of the early rabbinic period. It was no doubt to bolster the authority of the Oral Law that R. Hirsch felt the need to explain why, if the Oral Law was revealed before the Written Law, scripture contains no reference to it whatsoever:

Jewish tradition – a phenomenon unique in its kind – [...] refuses any documentation by the Written Torah which, after all, is only handed down by that oral tradition and presupposes it everywhere. This itself is the most trustworthy sign of its truth [...] The fact is that Holy Writ contains no direct documentary evidence of this truth of the Oral Tradition. And yet, a whole nation has joyfully committed the preservation of its existence during more than 3000 years in the authority of this Oral Tradition.²⁶

In fact, R. Hirsch claims, it would be counter-productive for scripture to make reference to the authority of Oral Law, because others could claim that the reference had been forged. Better to omit any mention of it. In this way, R. Hirsch sought to support the divine authority of both Written and Oral Law and to demonstrate the relationship between them.

So far the hermeneutical positions of Geiger and R. Hirsch are predictable. Geiger, an advocate of a historically contingent Judaism that should be updated to reflect the changing times, understood scripture itself as a historically

²⁴ Commentary to *Exodus* 21:2 in Volume 2 of R. Hirsch, *The Pentateuch*, 288.

²⁵ *Ibid.*, xxii.

²⁶ *Ibid.*

contingent document that has to be placed in the context of its production, and the Oral Law as a human innovation that is certainly not binding to the modern Jew. R. Hirsch, defender of traditional Jewish law, regarded scripture as an eternal, divine document that can be understood only on the basis of a traditionalist, a-historicist approach through the interpretations of the Oral Law which was *itself* divinely revealed. In reality, however, their hermeneutic positions are not so straightforward. Although R. Hirsch always presents his hermeneutic techniques as a continuation of traditional methods of interpretation, he shares more assumptions with the historicist school than he himself admits. I have already discussed the nuances within Geiger's position: although he is strongly founded on a scientific historicism descended from Spinoza, he does seek justification in the inner nature of scripture as he sees it. R. Hirsch's position is also nuanced. It has more in common with Spinozan methods of interpretation than it first appears.

Much has been written about R. Hirsch's relationship to modern science and philosophy. In fact, R. Hirsch himself embraced modern intellectual life and coined the famous motto *Torah im Derekh Eretz* as an educational and philosophical approach to the relationship between traditional and modern life (although what R. Hirsch intended to be the parameters of this relationship are still hotly debated). It has been well established that R. Hirsch's own religious philosophy was heavily influenced to some degree by Hegel, and more so by Kantian ideas of an autonomous ethics.²⁷ His commentary on scripture took for granted that at the root of Torah law was an ethical imperative. Like Jewish reformers, albeit in a slightly different way, he believed that Judaism was a religion of enlightened ideals and cultural values. Relatively little work, however, has been done on the debt that R. Hirsch's hermeneutics owed to Spinoza and nineteenth-century historical objectivism. This is no doubt regarding R. Hirsch's own repeated opposition to this method of interpreting scripture in countless books and articles. But despite his own protests against *Wissenschaft*, his interpretative method shared a great deal of common ground with it. As Spinoza, and after him Geiger, insisted on reading scripture on its own terms, within its own historical context, so did R. Hirsch.

Like Spinoza, R. Hirsch insisted that the text should be interpreted "*aus sich selber*" (out of itself).²⁸ His goal was "to derive the explanation of the text from the words themselves."²⁹ Like Spinoza, he resisted imposing onto the text categories or explanations not already contained within it. R. Hirsch even criticized Maimonides on these grounds, who "entered into Judaism from without, bringing with him views of whose truth he had convinced himself

²⁷ For an overview of R. Hirsch's religious philosophy, see Noah H. Rosenbloom, *Tradition in an Age of Reform: the Religious Philosophy of Samson Raphael Hirsch* (Philadelphia, 1976).

²⁸ R. Hirsch, *The Pentateuch*, xxii.

²⁹ *Ibid.*, vi.

from extraneous sources.”³⁰ No doubt R. Hirsch’s motivation for attacking Maimonides in this way was the manner in which the theory in the *Guide for the Perplexed*, that the mitzvot had historically contingent explanations, was used by many reformers as justification for abandoning them. Nonetheless, R. Hirsch saw the value in interpreting scripture in its own terms only. In a passage that bears striking similarity to the section of Spinoza’s *Tractatus* quoted above, R. Hirsch advocates interpreting scripture as we interpret nature:

Two revelations are open before us; that is, nature and the Torah. In nature all phenomena stand before us as indisputable facts, and we can only endeavor *a posteori* to ascertain the law of each and the connection of all [...] [The same is true of Torah.] Its ordinances must be accepted in their entirety as undeniable phenomena and must be studied in accordance with their connection to each other, and the subject to which they relate. Our conjectures must be tested by their precepts, and our highest certainty here also can only be that everything stands in harmony with our theory.³¹

And how do we go about understanding scripture in its own terms? Here too, R. Hirsch adopts a Spinozan approach. The meaning of the text can only be grasped with a proper understanding of both the historical context of scripture and its language. Like Spinoza, R. Hirsch believed that an appreciation of the real meaning of the original language of scripture is essential. Only then, from the text itself rather than from assumptions foreign to it, can we reach an understanding of the underlying meaning of scripture as a whole:

The beginning should be made with the Bible, its language should first be understood, and then, out of the spirit of the language, the spirit of the speakers therein should be inferred [...] [The Bible] should be studied as the foundation of a new science [...] the doctrine of God, world, man, Israel and Torah should be drawn from the Bible, and should become an idea, or system of ideas, fully comprehended.³²

In addition to this linguistic knowledge, R. Hirsch believed that an awareness of the context of scripture is also required. It is impossible to understand the Written Law without the appreciation that the Oral Law preceded it. In his comments on the Pentateuch, R. Hirsch had to contend with the fact that its main section dealing with civil law starts not with basic principles, but with the laws of slavery. This anomaly can be explained with an understanding of the context in which the Written Law was revealed and an appreciation that it

³⁰ R. Hirsch, *The Nineteen Letters on Judaism*, 119.

³¹ *Ibid.*, 143 fn 6.

³² *Ibid.*, 127-8.

comes after the revelation of the Oral Law:

What a mass of laws and principles of jurisprudence must have already been said and fixed, considered, laid down and explained, before the Book of Law could reach these, or even speak of these, which, after all, are only quite exceptional cases.³³

Although the context that R. Hirsch assumes and, therefore, the conclusions he reaches are very different from Spinoza's or Geiger's, and although unlike them he regarded the eternity and integrity of scripture as fundamental, it is nonetheless clear that he shares with them some basic assumptions about how to understand scripture.

In several places, R. Hirsch indicates that his approach is consistent with the interpretations of Oral Law, that it is possible "to derive the fundamental meaning of the words [of scripture] from the rich fund of linguistic explanations which we possess in our traditional writing."³⁴ But although he purports to support traditional exegesis, he more often uses his own methods, which are based on a philological approach to the text or rely on symbolic readings that are largely unprecedented in rabbinical exegesis. His symbolic readings of the Tabernacle and the sacrifices, for example, are highly innovative. So even as R. Hirsch criticized *Wissenschaft*, he assimilated its interpretative techniques; he fought against it based on its own weapons. On occasion, he even tried to be more scientific than *Wissenschaft* itself, claiming, for example, that *Wissenschaft* is unscientific because it is no more scientific to assume that the Torah is human than that it is divine.³⁵ No wonder that R. Hirsch's approach to scripture has been labeled "unprecedented traditionalism – an oxymoron if ever there was one."³⁶

An interesting counterpoint to R. Hirsch is his younger contemporary, R. David Zvi Hoffmann (1843-1921). Born in Hungary and trained by R. Moses Schick, R. Hoffmann received his doctorate from Tübingen and in 1873 joined the *Berlin Rabbinerseminar* under R. Esriel Hildesheimer and later replaced him as Dean. R. Hildesheimer's school differed in orientation from R. Hirsch's *Frankfurt Rabbinerseminar* in that it more explicitly embraced the techniques of *Wissenschaft*, even while it remained Orthodox in its theology and practice.³⁷ R. Hoffmann, like R. Hirsch, was unwavering in his support of traditional

³³ Commentary to *Exodus* 21:2 in: Volume 2 of R. Hirsch, *The Pentateuch*, 287.

³⁴ *Ibid.*, vi.

³⁵ See Mordechai Breuer, "Hokhmat Yisrael: Shalosh Gishot Ortodoksiyot," in *Sefer Yovel Likhvod Moreinu Ha-Ga'on Rabbi Yosef Dov Soloveitchik Shlit"za*, ed. Lamm Israeli, Rafael (Jerusalem and New York, 1984), 857.

³⁶ Harris, *How Do We Know This?: Midrash and the Fragmentation of Modern Judaism*, 227.

³⁷ For more on the differences between the two schools, see Mordechai Breuer, *Modernity Within Tradition: the Social History of Orthodox Jewry in Imperial Germany* (New York, 1992), and Breuer, "Hokhmat Yisrael: Shalosh Gishot Ortodoksiyot."

religious law and resisted the notion of updating religion to keep up with the times. He also maintained, as did R. Hirsch, that “authentic Judaism regards the Oral Law as well as the Written Law [to be] of divine origin.”³⁸ However, he differed from R. Hirsch in a number of important respects. Although he believed that the content of Oral Law was divinely revealed, and that the Oral Law was required for a true understanding of the Written Law, he maintained that the midrashic exegeses by which the rabbis linked the Oral Law to the Written Law, were mnemonic devices invented by men. In this, he had ample precedent in R. Mecklenburg’s *Ha-Ketav Ve-Ha-Kabalah*.

R. Hoffmann also differed from R. Hirsch in more extreme ways that are representative of the more general differences between the Berlin and Frankfurt Seminaries. He openly utilized the tools of *Wissenschaft* in a way that R. Hirsch never did, and saw no contradiction between a historical-critical approach to rabbinic texts and his faith. As Mordechai Breuer put it, “for a deeply pious man like David Zvi Hoffmann, critical investigation into authoritative sources was the soul of Torah study, and, altogether, piety was unthinkable without thorough knowledge.”³⁹ Despite his belief that the Oral Law was divinely revealed, when it came to rabbinic texts R. Hoffmann advocated a historical-critical analysis that included an investigation into the chronological layers of the text and believed that criticism of the mishnaic text is “required for the scientific examination of the tradition.”⁴⁰ His understanding that rabbinic texts need to be approached as documents which changed over time was closer to the approach of his Reform counterparts than to that of R. Hirsch. R. Hoffmann believed, for example, that “it is obvious that very many of the old *mishnayot* have undergone transformations through the diverging explanations of later *Tannaim*. It is, of course, impossible to reconstruct [...] the original *mishnah* with certainty. It can only be guessed.”⁴¹ He also recognized that rabbinic lawmakers may have been affected by the non-Jewish cultures that surrounded them, an element of his work that R. Hirsch considered heretical. If for R. Hirsch rabbinic law was eternal and unchanging, for R. Hoffmann it was firmly entrenched in history.

R. Hoffmann’s approach to the Written Law was quite different. He differentiated between the Oral Law, which “is for the best part of divine origin as far as its content is concerned, but the form has only been fixed at a relatively later time,” and the Written Law, which “is the word of God in content as well as in expression.”⁴² As such, the historical-critical approach that

³⁸ Jenny Marmorstein, “David Hoffmann: Defender of the Faith,” *Tradition* 7-8 (1966), 92.

³⁹ Breuer, *Modernity Within Tradition: the Social History of Orthodox Jewry in Imperial Germany*, 182-3.

⁴⁰ Quoted in David Ellenson, *Between Tradition and Culture: the Dialectics of Modern Jewish Religion and Identity* (Atlanta, Ga., 1994), 37.

⁴¹ *Ibid.*, 11-12.

⁴² David Hoffmann, *The First Mishna and the Controversies of the Tannaim: The Highest Court*

R. Hoffmann required for the interpretation of rabbinic texts, he considered inadmissible for the interpretation of scripture. He believed in the divine origin and Mosaic authorship of the entire Pentateuch, the integrity of the received Jewish text of the Bible and the consistency between the Written and Oral Law, which are both divine. Although he seems to accept that the text of Scripture may have become corrupted over the ages, he still advocates against altering it:

Even if we have to admit that the text has not remained intact in some places, we must on the other hand agree that we lack means of restoring a text which was written in the holy spirit and that any conjecture, no matter how well supported on exegetical and historical critical grounds, does not offer us even the probability that the Prophet, i.e. the author of the sacred text, had originally written it in this form rather than according to the text before us.⁴³

Ostensibly, then, although R. Hoffmann differed sharply from R. Hirsch when it came to the interpretation of rabbinic texts, he agreed with him regarding the interpretation of scripture. But in fact, there is an important point of contrast between their approaches to scriptural interpretation too. R. Hirsch did not typically distinguish between his *a priori* assumptions and the principles he attempted to prove objectively “from the text itself.” His writings, which seek to demonstrate the unity of Written and Oral Law and the uniqueness of the Torah, never self-consciously address the fact that these were also beliefs that he held because of religious tradition, prior to and independent of a scientific interpretation of the text. He held in common with Geiger this failure to identify personal prejudices that preceded interpretation. Both R. Hirsch and Geiger’s work was shaped, at least in part, by ideological motivations, but was presented as a series of objective, positivist arguments, that were intended to appeal to any rational thinker independent of his or her intellectual tradition.

It was precisely in this way that R. Hoffmann’s hermeneutical approach differed from R. Hirsch’s. R. Hoffmann had the same religious tradition as R. Hirsch, and he also believed that the assumptions of his tradition (such as the unity of the Oral and Written Law) could be demonstrated with critical methods. But unlike R. Hirsch, he explicitly noted his *a priori* assumptions. His commentary to Leviticus begins with an introduction in which he states:

I willingly agree that, in consequence of the foundation of my belief, I am unable to arrive at the conclusion that the Pentateuch was written by anyone other than Moses; and in order to avoid raising doubts on this score, I have clearly outlined the

in the City of the Sanctuary, trans. Paul Forchheimer (New York: 1977), 1.

⁴³ Marmorstein, “Introduction to Leviticus,” 100.

principles in which my commentary is based [...].⁴⁴

He then sets out these principles:

We believe that the whole Bible is true, holy, and of divine origin [...] Authentic Judaism regards the Oral Law as well as the Written Law as being of divine origin [...] Just as the Torah as a divine revelation must not contradict itself, in the same way it must not contradict the Oral Law which is of divine origin [...] [We hold] the assumption of the integrity of the Massoretic or traditional text.⁴⁵

To be sure, R. Hoffmann does attempt to justify these assumptions, which form a backdrop for his commentary. For example, while he acknowledges that his faith requires him to resolve apparent contradictions within or between the Written and Oral Laws, he also defends this position by appealing to an ancient hermeneutical principle of assuming consistency throughout a work.⁴⁶ He also dedicated a monograph to exposing certain flaws in the documentary hypothesis.⁴⁷ Likewise, R. Hoffmann's commentary is an attempt to justify his traditional assumptions using modern historical-critical tools. He himself admits as much:

We shall [...] exclude completely every criticism of the text which is not rooted in Massoretic soil [...] we shall subordinate ourselves entirely to the words of the Bible [...] [and] dispute with the so-called higher criticism which sets itself up as a judge over the bible [...] We shall always consult [tradition] in explaining the words of Scripture. Nevertheless, we shall also consider the commentaries which adopt a different point of view and make an effort to justify our interpretation in the face of theirs.⁴⁸

But although the fact that R. Hoffmann's scientific analysis, circumscribed and directed by his traditional assumptions, is reminiscent of R. Hirsch, the fact that he explicitly accepts and describes his assumptions distinguishes his

⁴⁴ *Ibid.*, 91.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, 94-5. "[...] even in other realms of law there are frequent differences which have to be reconciled by means of certain rules of interpretation, and it has not occurred to anybody to find fault with this. Within the three law-books of the Code of Justinian (Digests, Institutions, Codex) which are certainly to be considered as one large connected work, the general rule applied to the treatment of contradictory passages is to demonstrate the illusory nature of the conflict wherever possible, primarily because, in view of the unity of the three-fold work, harmony is to be considered natural in itself, secondly since Justinian himself promised that if one were only to look at it *subtili animo*, one would find a concealed basis of unity."

⁴⁷ David Hoffmann, *Die Wichtigsten Instanzen Gegen die Graf-Wellhausensche Hypothese* (Berlin, 1904).

⁴⁸ Marmorstein, "Introduction to Leviticus," 101.

work in a significant way. It could be said that this move presages the hermeneutics of the later twentieth century that was built on the work of Martin Heidegger and his student Hans-Georg Gadamer. In *Being and Time* (first published 1927, six years after R. Hoffmann's death), Heidegger made a fundamental shift from a Cartesian hermeneutics that described interpretation as an encounter between the interpreting subject and the interpreted object (the text). He asserted instead that interpretation and interpreter are intrinsically bound together and thereby challenged the claim that the interpretation of a text can stand independent from the interpreter and his or her personal prejudices. Gadamer refined this idea by constructing a theory of hermeneutics in which the prejudices of the interpreter, which nineteenth-century historicists did all they could to overcome, were not only inevitable, but also necessary for the act of interpretation, which could only take place by setting up the *a priori* assumptions of the reader against the text itself.⁴⁹ This powerful hermeneutical model has been suggested by contemporary Jewish thinkers as a way of interpreting tradition and rabbinic authority today and as a basis for reconciling a religious reading of the text with modern critical sensibilities.⁵⁰

Clearly, R. Hoffmann's hermeneutics are not at all identical with the Heideggerian model. Although he recognizes and states his own prejudices, he nonetheless attempts to demonstrate the truth of his interpretation in objective critical terms. However, his methodology could be seen to bridge the gap between R. Hirsch's traditionalist historicism and a Heideggerian hermeneutics. While R. Hirsch does not recognize his prejudices, and claims that his conclusions are born out of the text itself, and Heidegger insists that an interpretation cannot exist independent of the reader's prejudices, R. Hoffmann falls between these two approaches. He shares R. Hirsch's assertion that whatever his own prejudices, his conclusions can be objectively verified. But his identification of pre-existing beliefs in his introduction, outside of the body of his commentary, is perhaps a move towards the recognition that prejudices precede his interpretation and therefore inevitably inform it.

It could be claimed that this subtle shift in R. Hoffmann's work was rooted in a fear that the refusal, required by traditional faith, to engage in a critical examination of scripture could not be adequately justified on the grounds of a historicist hermeneutics alone. A new hermeneutics, which recognized the inevitable place of tradition in all interpretation and the futility and self-deception of a claim to pure objectivism, would lend itself more readily to a defense of traditional interpretation. It seems unlikely that Hoffman consciously pursued this line of reasoning. But perhaps the difference of his approach from

⁴⁹ See especially Hans-Georg Gadamer, *Truth and Method*, 2nd rev. ed. (London: Continuum, 2004).

⁵⁰ See, for example, Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism*, 1st ed. (Lebanon, NH, 2004), 168-71. For a similar theory based on the work of Stanley Fish, see Berger, *Rabbinic Authority*, 140-144.

R. Hirsch's, however subtle, marks the beginning of the shift towards a new religious hermeneutics in the twentieth century.

If this is true, the three personalities discussed here map out three different attempts to navigate the impact of historicism on Jewish hermeneutics during the nineteenth century. Geiger, eager to justify the *Wissenschaft* program of "updating" Judaism, embraced historicism and its criticism of traditional interpretation. R. Hirsch, while claiming that the proponents of *Wissenschaft* would destroy Judaism, that they "laboured with vicious energy to undermine that which they pretend to represent," nonetheless saw fit to defend his traditionalism on the very same hermeneutical grounds.⁵¹ R. Hoffmann was more extreme than R. Hirsch in his use of modern critical methods, but he was also more sensitive to the drawbacks of using them to defend a traditional approach. Ironically, it was the Orthodox thinker more accepting of modern hermeneutics who more forthrightly stated his traditionalist assumptions before attempting to justify them critically. In doing so, he pointed towards an entirely new hermeneutics formulated in Germany in the years following his death.

A hermeneutical approach to the Reform-Orthodox debates of nineteenth-century Germany provides important insights on the way we construct modern Jewish identity. It reinforces the thesis that an opinion is "Jewish" when it is presented as an interpretation of central Jewish texts. Given that the specifics of any interpretation are always contestable, this broad definition is one possible way of distinguishing between those positions that fall within the realm of Judaism, (whether or not one agrees with them,) and those that fall without. Furthermore, hermeneutics provides alternative grounds for comparison between Jewish religious groups, beyond a comparison of theological positions or ritual practice. If some groups are considered to be close to each other in religious practice, they may be very far from each other in the way they understand that practice. Alternatively, and perhaps more importantly, denominations that are far from each other with regard to theology or ritual may share an interpretative methodology. Without minimizing the differences between denominational positions, a hermeneutical analysis may demonstrate similarities in the way these positions are developed. If *what* Jews think is not necessarily the same, *the way* they think it might be. What would be the effect of such an approach on the practical reality of Jewish inter-denominational relationships?

⁵¹ Hirsch, *The Nineteen Letters on Judaism*, 137.