

FROM THE PAGES OF TRADITION

Jenny Marmorstein

The pioneering contributions of Professor David Hoffmann ז"ל, one of the few traditional scholars who have come to grips with Bible criticism, have unfortunately remained unknown to the English-speaking public. TRADITION, therefore, is pleased to make available the Introduction to Professor Hoffmann's *Das Buch Leviticus*. Mrs. Marmorstein, who has translated this selection from the original German, is a grand-niece of the author.

DAVID HOFFMANN DEFENDER OF THE FAITH

INTRODUCTION

David Hoffmann (1843-1921) was probably the most gifted and certainly the most versatile of the learned and pious Hungarian Rabbis who, because of their secular erudition, found their spiritual leadership less welcome in their native land after the Orthodox secession of 1870. It was in the consolidation of German Orthodoxy that they found both scope and a welcome. Hoffmann's career was bound up with the seminal influence of Ezriel Hildesheimer: he studied under him in Eisenstadt, was appointed (1870) to teach Talmud, Codes and Biblical Exegesis in the Rabbinical Seminary founded by him in Berlin, and succeeded him as Rector on his death (1899). His fame rests on contributions to three important branches of Jewish learning. First, he was an outstanding halakhic authority, whose responsa are today compulsory reading for serious rabbinic students. Secondly, his investigation of the halakhic Midrashim threw new light on the development of the techniques of the Sages. Thirdly, he submitted the Higher Criticism of the Bible to the most relentless criticism that it has ever had to face — criticism, moreover, that has remained largely unanswered. With modern Hebrew versions of his commentaries on Leviticus and Deuteronomy, this last aspect of his work has again become prominent in recent years; and it would be as well to acquaint English-speaking Jews with the refreshing and sympathetic mind of a halakhic authority who could write:

TRADITION: *A Journal of Orthodox Thought*

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 or later than Moses; and in order to avoid raising doubt on this score, I have clearly outlined the principles on which my commentary is based, in my General Introduction. It is solely in an attempt to base these "dogmatic assumptions" on scholarly grounds that I have constantly sought to apply only arguments whose justification would be recognized also from other standpoints (Preface to Leviticus).

GENERAL INTRODUCTION TO BIBLICAL EXEGESIS

The Jewish expositor of the Pentateuch has to bear in mind a special factor which must influence his interpretation and to a certain extent dictate the rules for his exegesis. This factor is our belief in the divinity of Jewish tradition. Authentic Judaism regards the Oral Law as well as the Written Law as of divine origin. The Oral Law contains, on the one hand, explanations of obscure or ambiguous passages in the Written Law and, on the other, precepts that are not to be found in the Written Law. Hence what God wished to prescribe in each instance rarely remains uncertain, for wherever this has not been expressed with sufficient clarity in the words of the text, it is revealed to us through the Oral Law. The task of the commentator consists of recognizing in the relevant legal passages why a specific idea was expressed in a specific form of speech or through a specific choice of expressions.

Yet, even in cases where the meaning of a passage has not been laid down by tradition, the Jewish commentator must be constantly on his guard against interpreting the passage in such a way as to appear to be in insoluble conflict with traditional Halakhah. 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. Any interpretation of the Torah which opposes traditional interpretation or construes a passage in such a way as to contradict a traditional Halakhah, is to be rejected as an explanation that is not according to Halakhah and, therefore, an un-Jewish explanation.

From the Pages of Tradition

However, should we be unable to harmonize the words of Scripture with tradition, and should a straightforward rendering of a statement in the text appear to contradict tradition, are we then required to distort the words of the text and read into them what they cannot possibly mean? Certainly not. We are not obliged to believe that when God wished to bestow commandments on us, He expressed them in words that mean something quite different from their literal meaning. We would rather, wherever we observe a divergence between Scripture and tradition, follow another course. Since we are firmly convinced of the dignity of tradition, the words of tradition are just as valid for us as the words of Scripture. Accordingly, any difference between Scripture and tradition must be explained by means of the rules of interpretation that apply to differences within Scripture itself. Since Scripture contains many passages in conflict with one another, a traditional rule of interpretation teaches us how to proceed: "When two passages conflict with one another, a third passage must be found to decide between them." This rule is to be understood according to the correct interpretation of the Raved: "Just as Scripture itself reconciles two contradictory verses and shows the contradiction to be illusory, in the same way we should attempt to reconcile all other contradiction in the Torah, but we must never ignore a verse or regard it as corrupt." This is what the Raved wrote. We would add that we must reconcile contradictions between Scripture and tradition in the same fashion. All differences between Scripture and tradition can be resolved through our awareness that the Oral Tradition and the Written Law were revealed simultaneously. Thus we have two Laws complementing each other, one written down, the other transmitted only by word of mouth. We read for example in Exodus 21:29: "The ox shall be stoned and its owner also shall be put to death. If a ransom be laid on him, then he shall give for the redemption of his life, etc. . . ." If we add to the law of "an eye for an eye" (Ex. 21:24) the following statement of the Oral Law: "If a ransom be laid on him, then he shall give the redemption of his eye whatsoever is laid upon him," then we realize that there is no contradiction whatsoever between Scrip-

ture and tradition. A further proof for the assumption that this statement of the Oral Law has been added to the Written Law can be found in Numbers 35:31 which commands us: "You shall take no ransom for the life of a murderer." Yet another example comes from Deuteronomy 52: "Then it shall be, if the wicked man deserves to be beaten . . . he shall be given 40 blows and no more." The expression "then it shall be, if the wicked man deserves to be beaten" indicates the existence of a rule that determined the cases in which a transgressor incurred the penalty of flogging. Since no such law can be found in Scripture, this verse implies a traditional rule. Thus we can imagine the appropriate traditional regulation running in a form such as: "he who transgresses a negative commandment is to be given forty blows less one." On the analogy of the traditional statement that "the principal categories of work forbidden on the Sabbath are forty minus one," the expression of Scripture that "he shall be given forty blows" no more conflicts with tradition than does "you shall count fifty days" (Leviticus 23:16) conflict with "there shall be seven complete weeks," or than "the people among whom I am are six hundred thousand men on foot" (Numbers 11:21) contradicts the number of Israelites given elsewhere as 603,550. Once the exact legal regulation has been defined, Scripture mentions only the round figure for the sake of brevity and omits "minus one." Such reconciliations of contradictions are by no means forced or inadmissible, since even in other realms of law there are frequent differences which have to be similarly 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 for treatment of contradictory passages is to demonstrate the illusory character 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 (Savigny, *System of Modern Roman Law*, Vol. 1 §43 f. quoted by Delitzsch, Genesis,

From the Pages of Tradition

4th edition, page 43). In the same way, tradition promises us a solution of these difficulties through the rule: "When two passages contradict each other, etc."

The conception of the relationship between the literal interpretation (*Peshat*) and the extended interpretation (*Derash*) exerts a special influence on Jewish exegesis. As we have already stated above, numerous regulations of the Divine Law have been transmitted to us not through Scripture but through Oral Tradition alone. However, our Sages made efforts to find support for these traditional rules in Scripture. They succeeded in their efforts through deeper penetration into the meaning of Scriptural words or through deeper investigation of Scripture. This investigation was called *Derash* and thus the discipline which derived new but inherently traditional teaching from Scripture came to be called Midrash. This view of the Midrash, which was expressed by Maimonides and many others, shall form the basis of our Scriptural comment. According to this view, the Halakhot which the Midrash derives from Scripture did not originally arise out of investigation; on the contrary, they are traditional teachings for which support has been found through investigation, either to provide stronger confirmation or to preserve them from being forgotten. Indeed, by means of profound investigation, it was found that almost all traditional teachings are implied in Scripture and sometimes even explicitly mentioned in Scripture. Yet one might argue in favor of a contrary relationship and grant the Midrash priority over the Halakhot and thus consider the Midrash as the source of the Halakhot. Maimonides justly refutes this view (in his preface to *Ẓeraim*) and states that, in the case of very many laws, it is quite impossible to assume that they had only evolved through the investigation of the Sages. For instance, there has never been any doubt or controversy as to whether *Peri Eitz Hadar* (the fruit of a goodly tree) denotes an etrog or not; nevertheless, this was derived from Scripture only by the Amoraim in the Talmud, by each of them in his own individual way. Again, there was neither doubt nor controversy as to whether or not animals should be slaughtered by cutting their throats; nevertheless this was only deduced from the text of the

Scripture by various teachers of law in various ways. The same applies to “an eye for an eye”, to the prohibition of the combination of meat and milk for purposes of food or profit, for the betrothal of a woman by means of money, etc., and other laws. Furthermore, Halakhot would rest on a very feeble basis if they owed their existence only to the Midrashim. We have to admit in many instances that the derived Halakhah does not necessarily follow from the words of Scripture and that the words of Scripture could also be interpreted in a different way from that of the Midrash. How could we acknowledge such a Halakhah as decreed by the Torah, when it can only be found in Scripture by means of such a form of interpretation? We are, therefore, left with the assumption that these are among the Halakhot given to Moses on Mount Sinai, for which only hints are to be sought in Scripture. However, such investigation must not be confused with support (*asmakhta*), since, in the case of a Halakhah which is already familiar to us from another source, a reference to it in Scripture is only of significance in that it can then be considered as a law prescribed by the Torah, though the investigation could not serve as proof of that, had not the Halakhah been already known to us through tradition. An example may serve to illustrate this clearly. It is beyond doubt that it was known from of old through Tradition that a mixture of meat and milk was forbidden for purposes of food or profit. According to one view, this law is derived from the threefold repetition of “You shall not seethe a kid in its mother’s milk.” But were this law not familiar to us from tradition, we would not know it through the repetition of this verse. For the prohibition of the consumption of blood is repeated three times in one passage (Deut. 12:23): “Only be steadfast so as not to eat blood. . . . You shall not eat it, pour it upon the earth. . . . You shall not eat it, in order that you may prosper” — apart from many other passages where this prohibition also occurs. Yet it has never been suggested that one can deduce from it a prohibition of profiting from blood — evidently because nothing of the kind was known from tradition and the verses by themselves provide no indication of it. Again, granted that “You shall not

From the Pages of Tradition

seethe" could also mean that you shall not seethe it because it would then become useless (compare Leviticus 11:35), it is unlikely that this idea was implied in the words "You shall not seethe." However, since Tradition explicitly teaches that a mixture of meat and milk is forbidden for food or profit, the threefold prohibition "You shall not seethe" can be legitimately explained in the following way: (1) do not seethe it because it may be consumed afterwards; (2) do not seethe it because it will then be entirely useless; (3) do not seethe it at all, even if you intend to destroy it later. We see here how Scripture, even where it is not itself the source of the Tradition, considers and alludes to it in its words (see my commentary on these verses).

A third assumption is conceivable to the effect that Midrash as well as Halakhah were transmitted by Tradition, so that not only the Halakhah but also the manner in which it is to be derived from Scripture were handed down simultaneously with the Written Law. This assumption can hardly be maintained, since we find, in the case of the very Halakhot that are entirely undisputed and certain (e.g., the slaughter of animals at the throat, the Etrog, and the mixture of meat and milk), many varying views as to how they are to be derived from the text. It follows with certainty that these Halakhot are ancient traditions and that the Midrashim are of more recent origin. Moreover, many passages in the Talmud state that the deduction of the Halakhot from the text began only later. Thirdly, since we have no evidence for such an assumption, it would therefore seem to be clearly unfounded.

From the preceding discussion, it follows that every Jewish commentator of the Holy Scripture must familiarize himself thoroughly with the interpretations and extensions of the text, i.e., the Halakhot. Only through complete familiarity with this master-key to the understanding of the laws can he correctly grasp both their content and their literal meaning. Any commentary on the laws of the Pentateuch which has been compiled without these premises can only be considered as a complete failure from the Jewish point of view, and we shall frequently have occasion to remark on the many useless and

TRADITION: *A Journal of Orthodox Thought*

worthless hypotheses developed by those who lack acquaintance with the Tradition.

I have intentionally discussed only Halakhot, i.e., those traditions which prescribe a norm for practice. (Halakhah means guiding line or norm, from the verb *halokh*, to go; when joined to *achar* [after], it means to follow a principle). However, those sayings of our Sages which are called Aggadot (utterances) and deal either with moral principles or with explanation of non-legal Scriptural passages are not by any means to be considered as divine revelations and we are not obliged to accept them. We must remember the following words of R. Samuel Ha-Naggid in his introduction to the Talmud: "Aggadah consists of every explanation which occurs in the Talmud concerning any matter which is not a commandment, and one need only learn from it what is acceptable to the mind. One must know that whatsoever the Sages have established as Halakhah concerning a commandment derives from our teacher Moses who received it from God; therefore, one may neither add to nor subtract from it. But as regards those explanations of verses which each of them gave as they occurred to him and satisfied him, those that are acceptable to the mind may be adopted, while the rest need not be relied upon."

While the aforementioned duty to keep the Halakhah constantly before one's eyes is primarily imposed on the expositor of the Pentateuch, we must now proceed to discuss two principles to which the Jewish commentator on any Biblical book has to adhere. Granted that these principles are generally observed by Jewish commentators, we shall nevertheless mention them here in order to confirm them and clarify their significance.

The first principle is: We believe that the whole Bible is true, holy and of divine origin. That every word of the Torah was inscribed by divine command is expressed in the principle of *Torah Min Hashamayim* (the Torah is from Heaven). The *Neviim* (Prophets) and *Ketuvim* (Holy Writings) were all of them written through the holy spirit. . . . This belief was widespread in Israel from of old. We do not find it for the first time among our Sages of the Talmud. Josephus (*Contra*

From the Pages of Tradition

Apionem I, 8) had already stated: "With their mother's milk all Jews imbibe the belief that these (the books of the Bible) are of divine origin, and the desire to remain faithful to them and, if necessary, to die for them." We must therefore accept whatever is given to us in the Bible with loyal devotion as undisputable truth. We must not presume to set ourselves up as critics of the author of a Biblical text or doubt the truth of his statements or question the correctness of his teachings. Whoever undertakes this has deserted the point of view of Judaism. Authentic Judaism considers the whole of Holy Scripture as Torah (divine teaching). This Torah was given to Israel at God's wish, in order to educate first Israel itself and, through its mediation, the whole of mankind. Had Israel walked upon the path laid down by God, then the Torah in its narrower sense would have sufficed for this purpose. Had Israel been worthy, they would have read only the five books of the Torah (*Kohelet Rabbah* 1, 13) or, according to another passage, had Israel not sinned, they would have read only the five books of the Torah and the book of Joshua (*Nedarim* 22). But since we left the right path, we required additional texts for our education. These, too, were always given to us through divinely appointed men and, finally, all these books were declared by the Sages to be a complete collection with nothing to be added to it or removed from it, according to the unanimous evidence of all our Sages in the Talmud and Midrashim as well as Josephus. Therefore, whoever attacks these writings or denies their sanctity or divinity has thereby severed his connection with Judaism. Thus the Jewish Bible commentator must discard any interpretation of a Biblical verse which disagrees with this belief in the truth, sanctity and divinity of the Bible.

The second principle which must guide every Jewish commentator on a biblical book is the assumption of the integrity of the Massoretic or the traditional text. According to the testimony of our Sages, the *Massorah* or the traditional way of writing the sacred text is just as old as Holy Scripture itself. (We do not yet wish to deal here with the *Mikra* or traditional way of reading.) Every canonical book was preserved

TRADITION: *A Journal of Orthodox Thought*

with special care from falsification. Though some insignificant variants are found in a very few places (see *Yerushalmi, Taanit* 68) a majority decision was taken as to which reading was to be retained,* but nobody ever dared to make any correction in the light of his own conjecture. The most obscure passages of the Bible were either left unexplained or one was content with a forced solution, but it never occurred to anybody to claim that the text must be altered or that an emendation had to be made. Let us note what Josephus reported in the above-mentioned passage: "In the course of these many centuries nobody dared to add to those books or to omit or change anything in them." 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. But if someone should argue that he is surely entitled to put forward his own conjecture, since anyone who disagrees with it can reject it, then our reply is as follows: Already the men of the Great Synagogue warned us to make a protective fence around the Torah, and Rabbi Akiva taught (*Avot* III; 17) that the Massorah is a fence round the Torah, that is to say, loyal preservation and maintenance of the transmitted form of writing of the Torah is the best protection against falsification. Once we admit an alternative reading, we proceed step by step ever further towards the falsification of Holy Scripture. First one would express one's own conjecture, possibly writing it in the margin of one's copy of the Bible. If it finds general approval, one would allow this allegedly improved reading to be included in the text, while the *Massorah* reading would be relegated to the margin. When this correction has been accepted, why should the "corrupt" reading be even mentioned? Better

* Excluded are the relatively few and insignificant differences between the texts of Talmudic sources and our Massoretic text. These should always be considered.

From the Pages of Tradition

to omit it entirely, and thus we would in the course of time obtain a completely new Bible, an improved version, we might think, but "your thoughts are not My thoughts and your ways are not Mine, says God." Instead of the divine Bible, we would then be reading a human book! Now we as Jews, and in particular those of us who still adhere to authentic traditional Judaism, must be the guardians of the divine Book. It has been given to us and entrusted to our care. We have guarded it well so far and shall continue to be its faithful guardian.*

To recapitulate our principles, we shall firmly adhere to the traditional text of the Massorah in our interpretation and exclude completely every criticism of the text which is not rooted in Massoretic soil. Furthermore, we shall subordinate ourselves entirely to the words of the Bible, we shall cast no doubt on the truth and divinity of its content but dispute with the so-called higher criticism which sets itself up as judge over the Bible. Finally, in view of our belief in the divinity of the Tradition, we shall always consult it 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.

* The Jewish commentator is duty bound to preserve the Massoretic text even in interpretation, despite Dillmann's arrival at the conclusion that criticism of the text (including conjectural criticism) is "not only a right but a duty of the comentator."