

Establishing Boundaries of Orthodoxy in the Modern Era

Usefulness and Limitations of Biblical Criticism

Rabbi Dr. Mordechai Breuer, The study of Bible and the Fear of Heaven, in *Modern Scholarship in the Study of the Torah* p. 175-6

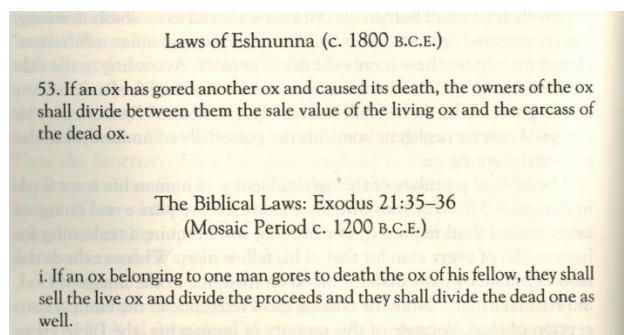


The critic links the portrayals in the two documents to the distinct personal and historical backgrounds of their authors. The editor's achievement was to accept both portrayals and combine them into one book, thus embracing the truth that both express. Indeed the Torah articulates complementary aspects of the created world. In the wild forests, for example, vegetation sprouts without man's help; in settled regions grass grows only after man tills the earth. From one perspective God created male and female together to perpetuate the species. From another, He created the two sexes separately so that woman's creation would mark the entry of happiness, joy, and love into a lonely world. The critic does not believe that these respective interpretations were intended by the authors of the two documents. Each document presents the monochromatic outlook of its author. Only the editor, by distilling the partial truth in each version, uncovered the broad perspective which permitted him to embrace several true texts within one Torah. When tradi-

tional rabbinic commentaries reconcile the conflicting views, they are explaining the *peshat* of the redactor's final product.

When we, who believe in the divinity of the Torah, adopt the critical division of sources, we do not assign the contradictory portrayals of creation in the Torah to different human authors and redactors. Instead, we refer the distinctions to the different qualities of God. In chapter 1, God is identified with the quality of justice implied in the name *Elohim*, and creates a world governed by law. In chapter 2, the quality of mercy, associated with the Tetragrammaton, engenders a world of mercy. The internal differences between these worlds include discrepancies in the order of creation (vegetation, living things, and man), and in the way man and woman were created. The believer knows that God contains all variation within Himself as surely as His rainbow contains the spectrum of colors. He encompasses justice and mercy; He can therefore juxtapose conflicting accounts reflecting these conflicting qualities. The critics claim that J preceded P chronologically, in line with their pre-suppositions. We would say instead that, within human culture, the spiritual conception of the world precedes perception in terms of natural order. The Creator, who is beyond time and space, not subject to the laws of historical development, presents these two conflicting perspectives simultaneously.

God formed the world neither according to pure justice or pure mercy, but rather justice tempered by mercy and mercy limited by justice. The two qualities were not expressed in their pure form, but were synthesized. This offers a partial expression of the qualities of justice and mercy, but a complete realization of a creation manifesting both of these qualities. Man, who is unable to comprehend polar opposites, perceives contradiction. The divine narrative, however, integrates both versions and their philosophical perspectives. This integration takes place by means of the "redaction," which reflects the attribute of *tiferet*, "harmony." Neither source is to be read literally, as presenting one-dimensional aspects of justice or mercy. They should be understood, rather, in the light of the received text where



In the laws of an ox goring an ox where there is no awareness of a vicious predisposition on the part of either animal, the Torah rule is identical with the Mesopotamian rule in legal substance and formulation. In such a case where neither owner is at fault, both the Mesopotamian and biblical rules invoke the principle of "equitable distribution of loss," which both phrase in an identical manner. How is this similarity to be understood? Is the biblical rule of an ox goring an ox an example of direct borrowing from the Mesopotamian law corpora?

The determination as to whether a given parallel found in two sources represents either a direct borrowing, a mediated connection, or a codependency upon a specific common source or more general common cultural tradition is based on probability and hence will always be a subjective judgment. Nevertheless, certain principles of the comparative method have been enunciated to help determine a high probability of relatedness.⁸ First and foremost, one must be able to establish the possibility of both a chronological and geographic linkage between the two parallels. The Bible attests to strong linkage between Mesopotamia and

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But can Orthodox Judaism tolerate the strong probability biblical rule of an ox goring an ox shares a common literary tradition with the Mesopotamian rule? To be sure, approaches may be found in Jewish tradition to accommodate such probabilities. These probabilities would add new dimensions to the rabbinic concept of *yeshivat sheva* or to the Ramban's position that

the meaning of the "Laws" which the Rabbis have counted among the Noachide commandments is not just that they are to appoint judges



and every district, but that He commanded them concerning the laws of theft, overcharge, wrongdoing, and a hired man's wages; the laws of guardians of property, forceful violation of a woman, seduction, principles of damage and wounding a fellowman; laws of creditors and debtors, laws of buying and selling and their like, similar in scope to the laws with which Israel was charged (Genesis 34:13).

But the more basic issue is whether or not Orthodox Jewry, believing in the divine origin of the Torah and in the eternity of its message, can tolerate the idea that the Bible when studied in the context of the ancient Near East seems to strongly attest to the fact that it bears the cultural imprints of the times in which it was given. These imprints are evident not only in its history and historiography but also in its temple architecture, its cultic practices, its sacred psalms and liturgy, its modes of divine communication, and even in its divinely given law. Thus the major challenge that such an approach to the Bible presents is the need to define the uniqueness of Torah in more subtle yet possibly more profound ways. The Bible when studied in the context of the ancient Near East also seems strongly to suggest that the "Jews" of ancient Israel were part of a cosmopolitan cultural complex with which their Torah interacted. The challenge of acknowledging such interaction comes at a time in which large segments of Orthodox Jewry advocate total separation from Western civilization whose culture is as morally bankrupt as the Torah's depiction of much of the ancient world; at a time in which large segments of Orthodox Jewry are rejecting science and the humanistic ideals of Western thought; at a time in which large segments of Orthodox Jewry are encouraging their young to withdraw from intercourse with the modern world around them. This is not to minimize the tensions that do exist between Orthodox Judaism and the modern world, which are, in many ways, similar to tensions that existed between biblical Israel and the other ancient Near Eastern civilizations. But despite these tensions, the Bible when studied in the context of the ancient Near East suggests that Torah rejects only those cultural aspects of civilization that are hostile to its worldview and indeed encourages *yapyuto shel yepet be ohelay shem*.