Oral Letter and Written Trace: Samson Raphael Hirsch’s Defense of the Bible and Talmud

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[Samuel] maintains that [Bet Shammai] acted [according to their view because] a majority is to be followed only where both sides are equally matched; in this case, however, Bet Shammai were of keener intellect.

Babylonian Talmud, Yevamot 14b

In their 2008 book, The Hebrew Bible Reborn, Jacob Shavit and Mordechai Eran speak of a “biblical revolution” in eighteenth- and nineteenth-century Jewish culture. According to the authors, one expression of this revolution was that the Bible “replaced the Mishnah and the Talmud as the book that expresses the ‘spirit of authentic Judaism.’”

Through the last quarter of the eighteenth century, the Talmud was at the center of Jewish education for German Jewish males, while Bible study was largely marginalized. From the late eighteenth through the end of the nineteenth century, however, the Bible came to be of central importance. Moses Mendelssohn’s 1780–83 Sefer netivot ha-shalom (popu-

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larly known as the Be’ur) was the first Jewish Bible translation into High German, and in the next century and a half, German Jewry produced at least sixteen different Bible translations, more than even German Protestants produced in this period.3

The turn to Bible translation was not limited to Haskalah and Reform. Orthodox rabbis such as Samson Raphael Hirsch, David Zvi Hoffmann, and Seligmann Bamberger all produced translations.4 With the decline of the Kehillah at the end of the eighteenth century, and the subsequent fragmenting of German Jewry, Bible translation became a battleground on which thinkers contested competing visions of Judaism.

The Protestant emphasis on sola scriptura is an important context for understanding the German Jewish turn to Bible translation, but Eran and Shavit’s contention that the Bible replaced the Talmud as the text that expresses the “spirit of authentic Judaism” is mistaken. Indeed, Eran and Shavit’s use of the term “spirit” is itself instructive, as it recalls the Pauline dichotomy between the “spirit that gives life” and the “letter that kills” (2 Cor 3.6). Many Protestant thinkers used this dichotomy to juxtapose the dead letter of Judaism with the living spirit of Christianity that fulfilled Old Testament prophecy. For these Protestants, Jews had become fossils of history by rejecting Christ and clinging to the letter of Old Testament law, and they cast talmudic exegesis of Scripture as decadent, letter-obsessed nonsense. According to Eran and Shavit, German Jewish thinkers sought to counter this Protestant critique by arguing that the living spirit of Judaism could be discerned in the Hebrew Bible itself without recourse to either the New Testament or the Talmud.5 Moreover, they contend that many German Jews, especially Reformers, internalized the Protestant critique of the Talmud and so disdained it.6 In fact, German Jewish thinkers—including most Reformers—largely continued to regard the Talmud as central and argued that it was precisely the talmu-


4. Samson Raphael Hirsch, Der Pentateuch übersetzt und erläutert (Frankfurt, 1867–78); Seligmann Bamberger, Übersetzung der fünf Bücher Moses (Frankfurt, 1873). David Zvi Hoffmann published a translation and commentary on Leviticus (Berlin, 1905–6) and Deuteronomy (Berlin, 1913–22).

5. See Eran and Shavit, The Hebrew Bible Reborn, 6, 35–38.

6. Ibid., 43.
dic interpretation of the Bible that preserved “the authentic spirit of Judaism.”

The most important German Orthodox Bible translation and commentary was Samson Raphael Hirsch’s Der Pentateuch übersetzt und erläutert (The Pentateuch, translated and elucidated), which he published between 1867 and 1878. In this essay, I explore Hirsch’s defense of the Bible and Talmud. I argue that in his early writings Hirsch writes as a representative of the majority of German Jews and, like maskilim and Reformers, seeks to justify Orthodoxy through the Protestant categories of letter and spirit. But toward the end of his career, he writes with a clear sense of being part of an embattled minority, which leads him to adopt a reactionary stance that paradoxically frees him from Protestant categories that had bound previous Jewish thinkers, including himself, and points him to an alternative to the historical approach to interpreting texts.

I begin with some observations about the maskilic view of the Bible and Talmud as espoused by Mendelssohn.

I. Mendelssohn’s Be’ur includes both a German translation in Hebrew characters and a Hebrew commentary. The Be’ur’s layout suggests that its aims are at once conservative and revolutionary. Abigail Gilman notes that the Be’ur both bears a strong resemblance to the traditional rabbinic Bible (the so-called Mikra’ot gedolot), and differs from it in significant ways (see figures 1 and 2). Like the Mikra’ot gedolot, Mendelssohn presents a translation in Hebrew characters next to the Hebrew original and places a Hebrew commentary below the biblical text. The commentary is similar in style to those of the classical medieval Jewish Bible commentators Rashi, Rashbam, Ibn Ezra, and Nahmanides and shares their aim of seeking the plain sense (peshat) of the text by engaging deeply with their commentaries. In this way, Mendelssohn seeks to inscribe his Be’ur into a centuries-old Jewish conversation about the meaning of the Bible.

Mendelssohn’s traditionalism is reinforced by the fact that a central purpose of the Be’ur is to defend rabbinic interpretation, which he does in several ways. In the introduction to his 1769 commentary on Ecclesiastes, Mendelssohn interprets rabbinic derash (exegeted or midrashic sense) as a careful literary analysis that discerns the nuances of the biblical text. Mendelssohn makes clear that rabbinic interpretation is rational writing and that derash “neither contradicts the ways of the intellect and logic,

nor is strange and astonishing to human understanding." He continues this approach in the Be’ur.

Mendelssohn’s traditionalism is further evidenced by his decision to occasionally translate according to derash rather than peshat. While Mendelssohn generally translates according to peshat, in legal matters where derash and peshat contradict, he translates according to derash since contradiction is a logical impossibility and law must be practiced according to its accepted rabbinic interpretation.

At the same time, the Be’ur reflects Mendelssohn’s Reformist inten-


Figure 2. Exodus 21.25–28 from the first edition of Moses Mendelssohn, *Sefer Netivot Ha-shalom: Shemot* (Berlin: G.F. Starcke, 1781), 130a.

While the *Mikra'ot gedolot* includes one or more Aramaic translations in Hebrew characters, Mendelssohn replaces all other translations including the canonical Onkelos translation with his own German one, which he calls “Targum Ashkenaz.” The *Mikra'ot gedolot* includes several Hebrew commentaries, but Mendelssohn replaces all Hebrew commentaries, including Rashi’s, with the *Be’ur* commentary. This is highly significant. Jacob Katz notes that between the sixteenth and eighteenth centuries German children studied the Pentateuch through the lens of Rashi’s commentary. According to Katz, Rashi’s commentary was taught to the youngest children because it effectively communicated “the fundamentals of [Jewish] faith,” including “the peculiar position of the Jews as a chosen people, the inherently mythic distinction between them and the nations, an understanding of the fate of the Jewish people in the Diaspora and their faith in their coming redemption.”

commentary with his own, Mendelssohn was clearing the way for replacing Rashi’s medieval understanding of Judaism with his own.\textsuperscript{12}

Mendelssohn’s independence is reflected in the fact that while the \textit{Be’ur} commentary often summarizes medieval Jewish commentators, it will reject them if they do not fit with his philosophical, scientific, or literary sensibilities.\textsuperscript{13} For example, the \textit{Be’ur} on Genesis 1.2 rejects Ibn Ezra, Nahmanides, and Maimonides, who interpret the \textit{ruah Elohim} as referring to the element of air, writing: “Scripture here does not discuss the four elements and how they are arranged one above the other according to the nature of their coarseness and subtlety since this does not pertain to matters of Torah or faith (\textit{emunah}).”\textsuperscript{14}

In his 1783 \textit{Jerusalem}, Mendelssohn addresses the Protestant charge that the Jews’ attachment to the Talmud reflects their being bound to “the dead letter.” In a striking reversal of the Protestant critique of Judaism, Mendelssohn calls the ritual law a “living script” (\textit{lebendige Schrift}), since the oral nature of rabbinic teaching allowed the rabbis to infuse the practice of the law with spirit and vitality.\textsuperscript{15} The starting point of his defense of rabbinic tradition is his acceptance of the Enlightenment principle that what gives rituals their religious worth is their being practiced with understanding and conviction.\textsuperscript{16} In part 2 of \textit{Jerusalem}, Mendelssohn argues that rabbinic teaching promotes a comprehending attitude to Jewish ritual practice by noting that this teaching was originally oral, which allowed the teacher to “explain, enlarge, limit and define more precisely

\begin{enumerate}
\item See Gillman, “Between Religion and Culture,” 100–104.
\item See Mendelssohn, \textit{JubA}, 14:243–44; Mendelssohn, \textit{Writings on Judaism}, 197. The primary purpose of the \textit{Be’ur} commentary is to explain Mendelssohn’s translation choices. See Mendelssohn, \textit{JubA}, 14:244; Mendelssohn, \textit{Writings on Judaism}, 198.
\item See Mendelssohn, \textit{JubA}, 8:128; Mendelssohn, \textit{Jerusalem}, 60; Mendelssohn, \textit{JubA}, 14:25.
\end{enumerate}
what for wise intentions and with wise moderation was left undetermined in the written law.”17 Since the student needed to seek instruction from a teacher in order to know how to practice the law, he was naturally led to “inquire after the spirit (Geist) and the purpose [of the law] . . . and to seek the instruction which his master considered him capable of absorbing and prepared to receive.”18 Knowing the student, the teacher could adapt his explanations of the reasons for practicing the law to the student’s understanding. This helped prevent the practice of the law from becoming rote.

Mendelssohn contrasts Judaism’s “living script” with the contemporary European emphasis on book culture, in which “everything is dead letter” (todter Buchstabe). He applies this observation to religion lamenting that “the preacher does not converse with his congregation. He reads or declaims to it from a written treatise.”19 While in Jerusalem Mendelssohn is careful not to criticize Christianity explicitly, it is not hard to imagine his linking this authoritarian dimension of education, which emphasizes passive reception of “truth” with the orthodox Protestant doctrine that salvation depends entirely on a person’s confessing a series of irrational dogmas of faith that they have been fed by their pastor.20 Mendelssohn likely deems this aspect of orthodox Protestantism evidence of its attachment to the “dead letter.”

II.

Describing his upbringing, Hirsch writes that he was raised by “enlightened, religious parents” (erleuchtet religiösen Eltern).21 His paternal grandfather, Mendel Frankfurter, had befriended Moses Mendelssohn while living in Berlin. The two learned together weekly with Berlin’s chief rabbi Hirschel Lewin, and Frankfurter prayed in Mendelssohn’s home on the Sabbath.22 In 1805, Frankfurter helped found a Talmud Torah for poor

17. Mendelssohn, Juba, 8:184; Mendelssohn, Jerusalem, 119.
18. Mendelssohn, Juba, 8:185; Mendelssohn, Jerusalem, 119.
20. For Mendelssohn’s explicit criticism of this (and other) elements of Christianity, see Mendelssohn, Juba, 7 90–93; Mendelssohn, Writings on Judaism, 16–18.
22. See Moses Mendelssohn Hamburger, Pene tevel (Amsterdam, 1872), 234.
children in Hamburg. The school’s curriculum followed a moderate maskilic model including instruction in Hebrew grammar, Bible with commentaries, Talmud with commentaries, orthography, arithmetic, French, and German.23 Priority was given to the study of Bible with only exceptional students being taught Talmud, and only after age thirteen.24

There is scant information about Hirsch’s early education. But we know that he did not attend a ber, focused on Talmud. In an autobiographical passage from the Nineteen Letters, Hirsch writes, “From early on, the [dulcet] tones of the Tanakh spoke to my soul [Gemüt] and, as my intellect matured, this led me from a free desire [aus freier Lust] to study gemarah.”25 This passage shows Hirsch’s early maskilic orientation in two respects. First, as was true of the maskilim, Hirsch’s early Jewish education focused on the Bible and only later turned to Talmud. Second, Hirsch emphasizes his intellectual autonomy, noting that he only studied gemarah “from a free desire.”

As a young boy, Hirsch apparently studied in a modern Jewish elementary school run by Israel Abraham Isler. In a memoir, Isler’s son Meyer recounts learning arithmetic, German, French, and English in the school and receiving additional private instruction in algebra, Latin, and music.26 Meyer Isler mentions nothing of the Jewish subjects taught, but it is likely that the school followed the maskilic model of focusing on Hebrew and Bible. We know that Hirsch attended this school because Meyer Isler tells us that one of his “best friends” from school was “Samson Hirsch now rabbi of the separatist community in Frankfurt am Main.”27 Hirsch attended the Isler school until he was fourteen. He then apprenticed for a year as a merchant, but not finding satisfaction in this, he enrolled in an academic German school.28 Though we lack explicit

evidence, it is likely that he attended the St. Johannis school in Hamburg. This stands to reason because we know that at age eighteen he entered the Hamburg Akademische Gymnasium, which has been called “merely a select class of the St. Johannis school” having the same mission, administration, and teachers.29 The Akademische Gymnasium had a wide-ranging curriculum, which included arithmetic and mathematics, history, geography, German rhetoric and poetry, French, English, Latin, Greek, and Hebrew.30

Hirsch received his education in rabbinics privately. Until his bar mitzvah, he studied with Rabbi Natan Nota Ellingen, whom Mendel Frankfurter had brought to Hamburg in 1809 to give students lessons in halakhah.31 Ellingen departed Hamburg when Isaac Bernays was appointed rabbi of Hamburg in 1821 and Hirsch began studying Talmud and halakhah under Bernays, eventually receiving ordination from him.32 At age twenty, Hirsch traveled to Mannheim, where he spent a year studying Talmud in Rabbi Jacob Ettlinger’s yeshivah.33

Hirsch spent the following year at the University of Bonn, where he befriended the young Abraham Geiger. Six years later, he published his *Neunzehn Briefe über Judenthum* (Nineteen letters on Judaism), which became the manifesto of German Neo-Orthodoxy.

Hirsch frames the *Neunzehn Briefe* as an epistolary exchange between Benjamin, an alienated young Jew raised in an observant Jewish home, and a young rabbi, Naftali, who gradually convinces Benjamin to return to Jewish observance. Hirsch, who clearly identifies with the young rabbi, positions himself between old-style Orthodoxy and Reform. In the first letter, Benjamin mounts several criticisms of contemporary Orthodoxy. Picking up a stock maskilic complaint, Benjamin writes that young Jews are routinely taught only “a little Bible and Talmud by Polish Jewish teachers, which is little understood.” He laments that Judaism “oppresses our spirit [Geist] to the point of quiet submissiveness . . .

blocks the pursuit of edifying arts . . . [and] bars the way to free specula-
tion [*freier Speculation*].” Benjamin continues, “Nothing is taught except to
fear God . . . Life becomes a continuous monastic service, nothing but
prayers and ceremonies.”34

One might be inclined to interpret Hirsch as presenting these criticisms
without endorsing them. But in letter 17 after he has presented his ideal
of Judaism, the rabbi concedes that “you will find that the strides that
we still have to make and the distance that still separates us from reaching
this ideal are great indeed.” Hirsch enumerates many shortcomings of
contemporary Orthodoxy, including its “ignorance” (*Unkenntnis*) as
expressed by a lack of understanding of Israel’s true mission, and the fact
that Jewish rituals are often “seen only as spiritless [*geistloses*] opus oper-
tum or almost as amulets to ward off physical evils or to construct mysti-
cal worlds.”35 In contrast to his willingness to criticize contemporary
Orthodoxy, Hirsch offers a surprisingly sympathetic treatment of Reform
writing: “Do not be angry with them [Reformers] . . . for they sense a
shortcoming. They desire the good as they conceive it and they have the
best intentions for the welfare of their brethren. If they have failed to
recognize the good, to grasp the truth it is not they who must chiefly bear
the blame; the entire past must shoulder it with them.” Hirsch goes fur-
ther even adopting the motto of Reform writing: “By all means Reform!”
But he gives this motto his own twist explaining that it involves reforming
Jews by elevating them to the ideals of Judaism properly understood, not
reforming Judaism.36

Educational considerations are central in the *Neunzehn Briefe*, and
Hirsch has Benjamin voice the complaint that Talmud study is an arid,
theoretical exercise disconnected from life that “confuses the mind [*Geist*]
and leads it astray into subtleties and the minutiae of petty distinctions.”
Once again, Hirsch agrees with many of Benjamin’s criticisms of contem-
porary Orthodox education, lamenting that Talmud study often “occupies
itself with dialectical hairsplitting [*Spitzfündigkeit*].”37 Hirsch emphasizes
that the true goal of Torah knowledge is “practical,” involving “under-
standing the world and our duty in it.” The foundation of this knowledge

267. This method or rather methods of talmudic analysis was known as *pilpul/
hiluk*. The debate over the value of *pilpul* has a long history going back to the
sixteenth century. For a history of the debate, see Breuer, *The Tents of Torah*,
168–215.
is the Bible, which contains a narrative account of God’s relation to the world, human beings, and the Jewish people, teaching each one’s purpose, destiny, and duties. In letters 3 through 9, Hirsch lays out his understanding of these matters through a narrative rendering of Genesis and Exodus, which he supports through extensive quotations mostly from the prophets and later biblical writings, rarely citing rabbinic works. In letters 10 through 14, he classifies the biblical commandments, citing supporting verses for individual laws from the Bible without mentioning their talmudic sources.

Taking a page from Mendelssohn, whom Hirsch calls “a most brilliant and most respected personality” (bochervorglänzende, höchst achtbare), Hirsch distinguishes between the biblical “letter” and the talmudic “spirit,” seeing the Talmud as a means of penetrating the Bible’s deeper meaning. The “Written Torah” (Torah shel-bikhtav) contains the “fundamental principles (Grundnormen) of Israel’s science,” while the “Oral Torah” (Torah she-be’al peh) is the “detailed explanation . . . and above all the spirit” (Geiōt) of the Bible’s teachings which “were to be perpetuated by the living word” (lebindigem Wort). Hirsch describes a multistage process of writing down the Oral Torah. First, the Mishnah was written but its spirit (Geiōt) remained oral. Next the spirit of the Mishnah in its “practical expression” (praktische Ausdruck) was written in the Gemarah, but the “spirit of the gemara” (Geiōt der Gemoro) remained an “oral teaching” (mütlichen Lehre). Finally the “spirit of the Tanakh and gemarah” (Geiōt von Th’nach und Gemoro) was written in aggadah, but in a veiled form, which required “active investigation to penetrate its spirit [Geiōt] with the help of inherited oral tradition.”

Hirsch praises Mendelssohn’s emphasis on practical halakhic observance rather than theoretical knowledge as the core of Judaism as well as his emphasis on the need to inculcate an understanding of the reasons


39. Hirsch employs a similar approach in his 1837 Horeb, quoting the biblical sources of laws, though in Horeb he adds their source in the Shulhan ’arukh. But again he provides no talmudic references.


why the commandments are practiced, though he thinks that Mendelssohn did not develop these reasons sufficiently.\textsuperscript{42} So, like Mendelssohn, Hirsch sees Talmud study as helping the individual understand the inner spirit animating biblical teaching and law.

In sum, in the \textit{Neunzehn Briefe} Hirsch follows Mendelssohn by affirming the importance of individual understanding of Judaism and reversing the Protestant charge of Jewish attachment to the dead letter by emphasizing the oral nature of the Talmud, which preserves the spirit of biblical teaching and law by inculcating a living understanding of it.

III.

When Hirsch published his \textit{Neunzehn Briefe} in 1836, Reform was growing, but the overwhelming majority of German Jewish congregations were still Orthodox. It was in the 1840s that Reform experienced the enormous growth that decisively changed the face of German Jewry. As Michael Meyer writes, “Although in his earlier years, Hirsch had boasted that the mass of German Jewry was on his side, during the second half of the century his position became that of a diminished minority.”\textsuperscript{43} Hirsch’s erstwhile friend Abraham Geiger, who has been called the “founding father of the Reform movement,” laid much of the intellectual foundation for Reform.\textsuperscript{44}

Having internalized the historical method during his university studies at Heidelberg and Bonn, Geiger came to see the Bible and rabbinic literature as historical, human creations. While in some of his early writings he criticizes the later strata of the Mishnah and Talmud for deviating from the “natural sense” of Scripture,\textsuperscript{45} as early as 1835 Geiger also evinces an

\textsuperscript{42} See Hirsch, \textit{Neunzehn Briefe}, 102; Hirsch, \textit{Nineteen Letters}, letter 18, note c, p. 269. Hirsch even claims that had Mendelssohn developed these reasons, he “might have given a different direction to the entire period that followed.” In other words, Mendelssohn might have stemmed the turn away from halakhic Judaism that occurred after his death. In a sense, Hirsch’s \textit{Horeb} as well as his later commentary on the Pentateuch can be seen as a way of finishing the task left uncompleted by Mendelssohn. For a suggestive interpretation of Hirsch’s project as a revision of Mendelssohn’s, see David Sorkin, \textit{The Transformation of German Jewry, 1780–1840} (New York, 1987), 156–71.


\textsuperscript{44} Ibid., 89.

\textsuperscript{45} Most notably in his 1841 \textit{Das Verhältnis des natürlichen Schriftsinnes zur thalmudischen Schriftdeutung} (The relationship of the natural sense of Scripture to talmudic scriptural interpretation). For discussion of this work, see Jay Harris, \textit{How Do We Know This? Midrash and the Fragmentation of Modern Judaism} (Albany, N.Y.,
appreciation for rabbinic exegesis as a progressive vehicle for reforming the Judaism of the Bible. In an essay titled “Der Kampf christlicher Theologen gegen die bürgerliche Gleichstellung der Juden” (The Struggle of Christian theologians against the civil equality of the Jews), Geiger defends the Talmud against the Christian theologian Theodor Hartmann. Hartmann claimed that the Jews were ineligible for equality because of their incapacity for progress as reflected by their adherence to the Talmud, which kept them slaves to the stagnant, dead letter of the Bible. In response to Hartmann, Geiger defends the Talmud:

The principle of tradition that the entire talmudic and rabbinic tradition owes its growth to is nothing else than the principle of continual progress and contemporary development. It is the principle of not being a slave to the letter (Buchstaben) of the Bible, but rather ensuring that its spirit (Geist) permeates the synagogue according to true religious consciousness. Therefore Judaism recognizes the function of an Oral Torah which according to the spirit (Geist) of the times, always knows how to enliven (beleben), restore, and regenerate through its proper spirit (Geist) the written word (geschrieben Wort) which [otherwise] through continual stagnation must fade away into death.46

Like Hirsch and Mendelssohn, Geiger accepts the Protestant dichotomy between letter and spirit but claims that it is the oral nature of rabbinic literature, which keeps the written word of the Torah alive. While Hirsch follows Mendelssohn’s emphasis on education as that which preserves the living character of Judaism by explaining its meaning in contemporary terms, Geiger radicalizes Mendelssohn’s claim that the Oral Torah “explain[s], enlarge[s], limit[s] and define[s] more precisely” what is contained in the Written Torah, by casting the Oral Torah as the vehicle through which Judaism continually develops.

Although Geiger outlined this approach as early as 1835, he developed it more fully two decades later in his 1857 magnum opus, Urschrift und Übersetzungen der Bibel in ihre Abhängigkeit von der inner Entwicklung des Jude-


46. See Abraham Geiger, “Der Kampf christlicher Theologen gegen die bürgerliche Gleichstellung der Juden,” Wissenschaftliche Zeitschrift für jüdische Theologie 1.3 (1855): 349. Geiger also presents this approach to the Talmud’s relation to the Bible in his 1837 essay on women’s place in Judaism entitled “Die Stellung der weiblichen Geschlechts in dem Judenthume unserer Zeit” (The position of the female sex in the Judaism of our time).
nthums (Original text and translation of the Bible in its dependence on the inner development of Judaism). In this work not only does Geiger argue that the rabbis reinterpreted the Bible to fit contemporary concerns; he also claims that different schools of Judaism rewrote the Bible to fit their needs, thereby calling into question the textual integrity of the masoretic Bible. In later writings Geiger investigated the historical development of the Bible more fully by engaging in a critical analysis of pre-exilic biblical history.47

Geiger’s account of biblical and rabbinic literature did not go unchallenged. An important early critic was Zacharias Frankel. Frankel had attended the Reform Rabbinical assemblies in Brunswick (1844) and Frankfurt (1845) but walked out of the Frankfurt conference because he saw the reforms that were accepted as going too far.48 After breaking with Reform, Frankel founded “Positive-Historical Judaism,” which in America came to be known as Conservative Judaism.

In the two elements of the term “Positive-Historical,” “Positive” refers to the revealed law at the heart of Judaism, while “Historical” refers to the fact that the revealed law enters history, which entails interpretation and change through human agency.49 When it came to the Written Torah, Frankel adopted a rigidly Orthodox position viewing it as dictated by God to Moses and unaffected by history. But when it came to the Oral Torah, Frankel was willing to understand it as developing historically through human agency in response to social and political concerns. However, for Frankel, the historical nature of the Oral Torah was not primarily a means of legitimating radical religious reforms but rather of opposing them. In his monumental 1859 Darkhe ha-Mishnah (Paths of the Mishnah) Frankel stressed the antiquity of halakhic tradition, arguing that many laws of the Talmud could not be creations of the talmudic sages but rather went back to the period of the soferim who lived just after the return of the Jews from the Babylonian exile in the sixth century B.C.E. He further argued that every halakhic decision rendered by the sages was the result of “deliberation and thought” (mo’atzot ve-da’at).50 The upshot

48. See Meyer, Response to Modernity, 131–42.
49. See Meyer, Response to Modernity, 86; Ismar Schorsch, From Text to Context: The Turn to History in Modern Judaism (Hanover, N.H., 1994), 256–57.
was that while halakhic development was possible, it must be a slow, careful process that gave due respect to the weight of the tradition.  

While Frankel would appear to have been a natural ally of Hirsch’s, Hirsch subjected his work to caustic critique. Hirsch published an extended attack on Frankel by Rabbi Gottlieb Fischer in his journal Jeschurun, to which Hirsch added four articles that he personally penned against Frankel.

Hirsch’s reply to Frankel is long and complicated, but I will focus on one of his central arguments. For Hirsch, the fatal flaw of Frankel’s work is his understanding of the Oral Torah as a historical, developing phenomenon rooted in human agency rather than as a timeless truth revealed by God to Moses, faithfully transmitted from generation to generation. For Hirsch, Frankel’s stress on the antiquity of the Oral Torah and the fact that the rabbis carefully weighed every decision cannot counterbalance the damage to rabbinic authority wrought by admitting the roles of human agency and historical development in rabbinic tradition. As Hirsch puts it: “Truly, if we were to perceive these men, our great transmitters [Regenatoren] of the Law whom Frankel considers the generators [Generatoren], the producers and creators of our practical religious law, then we [must] consider them as Machiavellians . . . [and] would not value anything they have taught us.”

For Hirsch, Frankel’s claim that the Torah comprises both the revealed will of God in the Written Torah and human interpretation in the Oral Torah is a muddled position that is ultimately incoherent. Hirsch thinks that one is confronted by an either/or. Either the Torah, Oral and Written, is revealed by God and timeless or it has developed historically through human agency. There is no middle path, for admitting any historical development into the Torah introduces a human element, which legitimates further reforms and so undermines the absolute binding authority of halakhah.

51. See Harris, How Do We Know This?, 190–201; Schorsch, From Text to Context, 255–65.
54. In 1855, Hirsch published a long, biting attack on his former student Heinrich Graetz. Graetz had just published volume 4 of his Geschichte der Juden (History of the Jews) on the talmudic period, in which he stressed the human character of the oral law even more strongly than had Frankel. In his response to Graetz, Hirsch specifies more precisely his view of the relationship of the Oral Torah to the Written Torah. For Hirsch, the Pentateuch (Torah she-bi-khtav) contains the laws written as “general norms” (allgemeinen Normen, klalim) while the “detailed explanation” (einzelnen Ausführungen) of how to practice them were given orally and handed down through tradition (Torah she-be-'al peh). To ensure that the
With the precipitous growth of Reform Judaism and the emergence of sophisticated historical research on rabbinic literature in the 1840s and 1850s, Hirsch came to realize the necessity of defending the timelessness of the Torah. This required radically reconceiving the relationship between the Written and Oral Torah. Hirsch presented such a reconceptualization in *Der Pentateuch*.

IV.

Hirsch became the chief rabbi of Moravia in 1847. But after a series of disputes and failures documented by Michael Miller, he left his post in 1851. Oral law would not be forgotten, hermeneutic “rules” (*Regeln, midot*) were given whose primary purpose was to allow the derivation of the oral law from the written law. Hirsch also notes that there are a small number of laws that were given orally but cannot be linked to the biblical text, which the Talmud calls *halakhah le-Moshe mi-Sinai* (laws given to Moses on Sinai). See Hirsch, *GS* 5:551; Hirsch, *CW* 39. In his commentary on Deuteronomy, Hirsch clarifies that laws derived from the hermeneutic rules are biblical (*de-'oraita*) unless the Talmud explicitly stated that they were rabbinic (*de-rabanan*). The rabbis also added laws called *gezerot* and *takanot* to protect people from violating biblical laws. See Hirsch, *Der Pentateuch*, 5:282–83; Hirsch, *The Hirsch Chumash*, 589–90 (on Dt 17.11), and compare his slightly different classification of the laws in his 1837 *Horeb*. See Samson Raphael Hirsch, *Horeb: Versuche über Jisroel, und über Jisroels Pflichten in der Zerstreuung* (Altona, 1837), #507, 504–5; Samson Raphael Hirsch *Horeb: A Philosophy of Jewish Laws and Observances*, trans. I. Grunfeld (London, 1962), 382. But crucially, for Hirsch only midrash halakhah (legal exegesis of the written law) was revealed to Moses on Sinai and transmitted orally. Midrash aggadah (nonlegal exegesis of the written law) was not revealed on Sinai but rather generated through individual insight. As such, Hirsch claims that only midrash halakhah is binding. See Hirsch, *Horeb*: *Versuche über Jisroel, x–xii*; Hirsch, *Horeb: A Philosophy of Jewish*, cvii–clix; Hirsch, *CW* 9:201–15 (correspondence with Hille Wechsler). On this basis, we can understand why for Hirsch midrash aggadah contains contradictory interpretations. But why are there controversies in midrash halakhah? Hirsch explains that prior to the deaths of Hillel and Shammai there were very few disputes. Serious halakhic disputes only arose with the students of Hillel and Shammai due the students’ failure to “make sufficient effort to learn from their teachers through personal contact” on account of the “devastating political calamities that befell the Jewish people” (See Hirsch, *GS* 5:375–76; Hirsch, *CW* 5:64 interpreting bSan 88b). Seeing this, the rabbis decided to set the oral laws in writing so that the disputes would not be further increased and they stipulated that any disputes be adjudicated by a court according to the majority opinion (See Hirsch, *GS* 5:404, 416–17; Hirsch, *CW* 5:94, 108–9.) So for Hirsch the human element causing halakhic disputes is due not to the rabbis being motivated by different social or political agendas but rather to human error.

1851 to become rabbi of the small Orthodox congregation in Frankfurt, a city whose Jewish communal institutions were controlled by Reform Jews. Hirsch remained rabbi of the Orthodox community of Frankfurt until his death in 1888. It was in Frankfurt that he fully grasped that being a spokesman for Orthodoxy put him in the distinct minority.

From 1867 to 1878, Hirsch published his Pentateuch translation and commentary, which lays down the intellectual foundations for his mature Neo-Orthodoxy. Before exploring Hirsch’s defense of the Bible and rabbinic literature in *Der Pentateuch*, it is worthwhile to compare the formal features of Hirsch’s Pentateuch with Mendelssohn’s *Be’ur* and with the *Mikra’ot gedolot* (see figures 1, 2, and 3). One might assume that the founder of Neo-Orthodoxy would produce a more traditional-looking Pentateuch than the archetypical maskil, but a quick glance reveals that Hirsch’s Pentateuch looks much less traditional than Mendelssohn’s. Like Mendelssohn, Hirsch replaces Onkelos’s Aramaic translation with his own German translation and he replaces Rashi’s commentary with his own. But unlike Mendelssohn’s translation, which is in Hebrew characters, Hirsch’s is in Gothic characters, and unlike Mendelssohn’s commentary, which is in Hebrew, Hirsch’s commentary is in German, though his commentary includes a smattering of phrases in Hebrew script. Hirsch’s and Mendelssohn’s different audiences explain the differences between their Pentateuchs. While Mendelssohn is writing primarily for Yiddish-speaking Jews with a significant familiarity and comfort with Hebrew and Jewish texts, Hirsch is writing for German-speaking Jews much less familiar with Hebrew and Jewish texts. In the final section of this essay, I will say more about why Hirsch chose this specific layout for his Pentateuch.


58. Breuer writes, “Rabbi Samson Raphael Hirsch’s commentary on the Torah in its time was like Rashi’s commentary for German Jews. Men, women, and children who wished to learn the weekly Torah portion would skip all other commentaries on the Torah *including Rashi’s* and study the Torah with the commentary of Rabbi Samson Raphael Hirsch” (emphasis mine). See Mordechai Breuer, “Rabbi Samson Raphael Hirsch’s Commentary on the Torah” (Hebrew) *Maḥzorayim* 4.2 (1999): 348–49.
Moving to questions of substance, we have seen that the aim of Mendelssohn’s commentary is continuous with the aims of the classical medieval commentators Rashi, Rashbam, Ibn Ezra, and Nahmanides, insofar as Mendelssohn primarily seeks to determine the plain sense of the Bible. At first glance, Hirsch seems to have an identical goal. In the preface to Der Pentateuch, he explains his aims as follows: “To explain the biblical text from itself (Den biblischen Text aus sich selber zu erklären); to draw this elucidation from the wording in all its nuances.”

letical and his concerns are frequently far from those of the medieval commentators. The commentary often reads like a sort of midrash—taking as its cue seemingly minor linguistic or orthographical peculiarities and deriving ethical lessons from them. When Hirsch cites prior interpretations, he almost always recurs to rabbinic texts; medieval commentators appear much less frequently. The medieval commentator that Hirsch cites most often is Rashi, who himself usually paraphrases rabbinic texts. Hirsch will often present homiletic interpretations that are entirely original. Polemical comments occur quite frequently, but they are not aimed at the classical Jewish Bible commentators. Rather, Hirsch seeks to contrast what he presents as the “Torah view” with ideas held in contemporary German and/or Jewish society that he deems problematic or heretical without, however, naming his targets.\footnote{Jonathan Jacobs has recently sought to show certain instances where Hirsch displays sensitivity to literary nuance. But Jacobs concedes that “large parts of Hirsch’s commentary are distinctively midrashic and what a modern eye would accept as \textit{peshat} is definitely in the minority.” See Jonathan Jacobs, “Rabbi Samson Raphael Hirsch as \textit{Peshat} Commentator: Literary Aspects of His Commentary on the Pentateuch,” \textit{Review of Rabbinic Judaism} 15.2 (2010): 199.}

Like Mendelssohn, Hirsch scrupulously follows the midrashic interpretation in matters of halakhah.

In light of these features of Hirsch’s commentary, we need a better understanding of what he means when he claims to “explain the biblical text from itself.”

While Hirsch will on occasion raise grammatical considerations, his interpretations are more often based on two elements. The first is a lexical analysis that compares a word in a given verse with its usage in other parts of the Bible. Mendelssohn and the medieval commentators also employ this approach, but Hirsch takes it much further by including linguistic comparisons from later rabbinic works such as the Mishnah and the Talmud. Hirsch never, however, uses comparative Semitics.\footnote{This is not to say that Hirsch ignores developments in Hebrew. He recognizes that at times the meaning of Hebrew terms change in the rabbinic literature. See Hirsch’s comments to Gen 21.33 s.v. “eshel” and Ps 89.3 s.v. “ki amarti.” See Mordechai Breuer, preface to \textit{Hamischab hamshe Torah ‘im perush Rabbi Shimshon Raphael Hirsch} by Samson Raphael Hirsch (Jerusalem, 2002), 10.}

Second, Hirsch uses a highly idiosyncratic analysis of Hebrew etymology that is based on the principle of “phonetic relationship” (\textit{Lautverwandtschaft}).\footnote{See Hirsch, \textit{Der Pentateuch}, i; Hirsch, \textit{The Hirsch Chumash}, preface, xv.} This has several dimensions, the most important of which is what Matisyahu Clark calls “letter interchange.”\footnote{Matisyahu Clark, \textit{Etymological Dictionary of Biblical Hebrew: Based on the Commentaries of Rabbi Samson Raphael Hirsch} (Jerusalem, 1999), xi.} Dividing the Hebrew letters...
into the five categories of gutterals, palatals, dentals, labials, and sibilants, Hirsch claims that letters from the same category are cognates and so the meanings of words containing these cognates are related. While this approach has a basis in Rashi, Hirsch deploys it far beyond his predecessors. He also adds another dimension to this etymological approach—the notion that Hebrew roots are related conceptually. Hirsch writes that every Hebrew word comprises “a process of conceptual construction” that reflects “clear and deliberate thinking.” Hebrew words are built from roots that contain “nuclei of ideas” (Gedankenkerne), which teach the conceptual relationship between seemingly unrelated things. For example, in his commentary to Genesis 1.1, Hirsch notes that the Hebrew root Bet–Resh–Aleph (BaRA; “create”) is cognate with Peh–Resh–Het (PaRaH; “to flower”); and Bet–Resh–Het (BaRaH; “to flee”). All these words include the basic meaning of “striving to get out or getting out of a state of being constrained.” Thus, Hirsch interprets BaRA in Genesis 1:1 Bereishit bara Elohim as meaning “bringing something into reality which had hitherto existed only inwardly in the mind.”

Many of the defining features of Hirsch’s Bible can be understood in light of the account of the relationship between the Written and Oral Torah that he adumbrates most fully in his commentary on Exodus 21. Hirsch begins his commentary on the chapter by noting that Exodus 21 “is the civil and criminal code of a nation, which sets forth the principles and ordinances of justice and humanity that are to regulate human relationships within the framework of the state.” Given that this is the case, he remarks on the oddity of the fact that this law code begins in medias res with laws of buying and owning a male slave and selling one’s daughter into slavery.

64. See Rashi, Commentary to Lev 19.16; Breuer, preface, 9–10.
66. See Hirsch, Der Pentateuch; 1:4–5; Hirsch, The Hirsch Chumash, 3. On Hirsch’s theory of phonetic relationship, see Clark, Etymological Dictionary, 293–302; Breuer, preface, 7–12; Harry Lesser, “Samson Raphael Hirsch’s Use of Hebrew Etymology,” in Hebrew Study from Ezra to Ben Yehuda, ed. W. Horbury (London, 2000). Isaac Heinemann notes that Hirsch’s use of conceptual etymologies draws on nineteenth-century German Romanticism. Friedrich Schlegel distinguished among three types of etymology: (a) “speculative or philosophical” etymology, which looks for concepts in word roots; (b) “grammatical” etymology, which examines the meanings of word roots within one language; and (c) “historical” etymology, which seeks to understand the meaning of word roots by comparing cognate languages. Hirsch employs the first two of these types of etymology but not the third. See Isaac Heinemann, “The Relationship between S. R. Hirsch and his Teacher Isaac Bernays” (Hebrew), Zion 16.1–2 (1951): 61, n. 30.
German Bible critics such as Heinrich Ewald took this fact as evidence that Ex 21–23 was originally part of an older document that the biblical redactor cut and pasted into the Pentateuch. But in a striking move, Hirsch turns this oddity to his advantage by noting that “to the unprejudiced mind, nothing could demonstrate the authenticity of the Oral Law as cogently.” He then presents his understanding of the relationship between the Oral and Written Torah:

The relationship between Written Torah and Oral Torah is like that between brief written notes taken on a scientific lecture and the lecture itself. Students who attended the oral lecture require only their brief notes to recall at any time the entire lecture. They often find that a word, a question mark, an exclamation mark, a period or the under-scoring of a word is sufficient to bring to mind a whole series of ideas, observations, qualifications, and so forth. But for those who did not attend the instructor’s lecture, these notes are not of much use. If they try to reconstruct the lecture solely from these notes, they will of necessity make many errors. Words, marks, and so forth that serve the students who listened to the lecture as most instructive guiding stars [belebrennsten Leitsterne] for the retention of the truths expounded by the lecturer appear to the uninitiated as silent sphinxes. The truths, which the initiated reproduce [reproduzieren] from them (but do not produce [produzieren] out of them) are smiled at by the uninitiated as a witty play of words and empty dreams without any real foundation.

For Hirsch, the Oral Torah contained in rabbinic writings is the primary revelation from God, while the Written Torah of the Bible is the notes on the Oral Torah and hence secondary revelation. This explains why the Bible often seems fragmentary or contradictory, for without prior knowledge of the Oral Torah the Written Torah is incomprehensible. In this

69. Alan Levenson writes that for Hirsch “the Written Torah provided the CliffsNotes to the Oral Torah, which God taught to Moses on Mount Sinai.” See Alan Levenson, The Making of the Modern Jewish Bible: How Scholars in Germany, Israel, and America Transformed an Ancient Text (Lanham, Md., 2011), 50. In my view, while poignant, this analogy is somewhat misleading. The point of Cliffs-Notes is to provide a comprehensible summary that makes studying the original superfluous. In contrast, Hirsch’s contention is that the notes (that is, the Written
way. Hirsch defuses much of the impetus for biblical criticism, which posits composite authorship to explain contradictions, gaps, repetition, and the like in the biblical text. Furthermore, since Hirsch presents the Oral Torah as the true revelation, rabbinic literature necessarily constitutes the authoritative interpretation of the Bible. Hirsch’s presenting the Oral Torah as revealed truth that is timeless and eternally valid undercuts any attempt to cast rabbinic interpretation as a tool the rabbis used to update the Bible. His prioritizing the Oral Torah also explains why when seeking to elucidate the Bible he generally refers to rabbinic literature rather than to medieval Jewish commentators, many of whom distinguish *pe'elat* from rabbinic *derash*. Finally, Hirsch’s view of the Oral and Written Torah as part of a single sui generis revelation explains why he considers it legitimate to compare the Hebrew of the Bible with the Hebrew of the Mishnah and the Talmud but not with Semitic languages like Ugaritic or Sumerian. For Hirsch, Hebrew is the original language of creation from which all other Semitic languages descend.

In addition to being a very effective defense against Reform, Hirsch’s account of the relationship between the Oral and Written Torah allows him to break free of the Protestant/maskilic dichotomy between letter and spirit. For according to Hirsch, rabbinic literature is essentially the *oral letter* while the Bible is its *written trace*. By casting rabbinic literature as the fundamental text of revelation, he undercuts the methodological assumption of historical criticism that through proper historical, philological, and linguistic work one can discern the original text and meaning of the Bible. Instead, Hirsch claims that one can only determine the meaning of the Bible in relation to prior assumptions about its meaning. In this way, he can be seen as pointing toward postmodern theories of textual indeterminacy and the role of reading communities in constituting the meaning of texts.

Hirsch’s account of the Written and Oral Torah also points toward Walter Benjamin’s claim that “in all language and linguistic creations there remains something in addition to what can be conveyed, something that cannot be communicated.” The Written Torah is a trace of the Oral Torah) are incomprehensible without knowledge of the Oral Torah and hence require one to be familiar with its content.

70. As I noted above, this is only true of rabbinic halakhic statements for Hirsch, so it is not clear how his approach addresses problems in biblical narrative.


Torah that can never be fully put down in writing. So in the Written Torah there is always an excess that cannot be communicated. This is its spirit.73

Finally, Hirsch’s notion that the Oral Torah precedes the Written Torah paradoxically points toward some contemporary academic approaches to the origins of the Pentateuch. While the prevailing late nineteenth-century Wissenschaft gave priority to written texts and sought to reconstruct the original documents from which the Pentateuch was composed, contemporary Bible criticism tends to see oral tradition as preceding written documents that led to the composition of the Pentateuch.74

Jay Harris has noted that Hirsch’s account of the relationship between the Oral and Written Torah in Der Pentateuch is an innovation that is without precedent in rabbinic and postrabbinic writings.75 So while presenting himself as an Orthodox defender of tradition, Hirsch ends up adopting an approach to the Torah that is much more novel than that used by the maskil Mendelssohn.

Before concluding, I would like to consider a final question. Why did Hirsch choose to express his mature theology in a Bible translation and commentary? This question may seem odd, as I began this essay by noting the plethora of German Jewish Bible translations. In addition to Mendelssohn’s translation, Joseph Johlson, Gotthold Salomon, Salomon Herxheimer, Leopold Zunz, I. Cosman, Ludwig Philippson, and Jakob Auerbach all published Bible translations before Hirsch. But with the exception of Zunz, none of these translations was by a major Reform or Wissenschaft scholar. Zunz was, of course, a major Wissenschaft thinker and a moderate reformer who accepted Bible criticism and emphasized

73. See Hirsch’s commentary on Ex 24:27, “the full living content of the words, which existed in Moshe’s mind before the words were fixed in writing, and which even after the words were fixed remain a living thing in the minds and mouths of Israel . . . . On the other hand, the whole meaning and living spirit [lebendigen Geist] of Torah content cannot be fixed in writing” (my emphasis). See Hirsch, Der Pentateuch, 2:570–71; Hirsch, The Hirsch Chumash, 2:819–20.

74. I owe this insight to conversations with Benjamin Sommer. See his Revelation and Authority: Sinai in Jewish Scripture and Tradition (New Haven, Conn., 2015), 154–56, 165–66, 168–70, and especially 322–23, n. 98.

75. Harris, How Do We Know This?, 226–28. Sommer claims that Hirsch’s position has rabbinic antecedents such as ExR 47.1. See Sommer, Revelation and Authority, 156. I see things differently. ExR portrays Moses as receiving “Bible, Mishnah, Talmud and Aggadah” orally and then only writing down Scripture. On this schema, the Bible (Pentateuch) is still an independent, comprehensible text. For Hirsch, however, the Pentateuch is incomprehensible without knowledge of the Oral Torah.
the adaptive nature of rabbinic literature. But the Bible translation he edited (Zunz only translated Chronicles himself) followed the masoretic Bible and, lacking a commentary, did not openly engage the question of the Bible’s relation to rabbinic literature. The Wissenschaft scholars whom Hirsch saw as presenting the greatest challenges to Orthodoxy were Geiger from the Reform school and Frankel and Graetz from the Positive-Historical school. All of these writers presented their historical approach in monographs and essays rather than in Bible translation or commentary. Hirsch published extensive critiques of Frankel and Graetz, and it would have been natural for him to present his mature view of the relationship between the Oral and Written Torah in essay form. He would have had a convenient forum in which to do this as beginning in 1854 he edited Jeschurun, a journal in which he published essays addressing a range of challenges facing contemporary Orthodoxy. So, given that a major concern for Hirsch in his later work was to oppose Reformers and Wissenschaft scholars who historicized the Bible and rabbinic literature, why do so through a Bible translation and commentary—why not engage openly with critical scholarship?

While many factors may have influenced Hirsch’s decision to turn to Bible translation and commentary, I suggest that a significant factor was the stunning success of a new Jewish Bible translation and commentary published midcentury.

V.

Ludwig Philippson was one of the most effective nineteenth-century German Reform leaders. Rabbi of a congregation in Magdeburg, in 1837

76. See Zunz’s review of Luigi Chiarini in Leopold Zunz, Gesammelte Schriften (Berlin, 1875), 1:287, 296–97; Leopold Zunz, Die gottesdienstlichen Vorträge der Juden, historisch entwickelt (Berlin, 1832), 36–38. In Die gottesdienstlichen Vorträge, Zunz adopts a historical-critical approach to the later books of the Bible but not to the Pentateuch. See ibid., chap. 2. In an 1859 letter, Zunz makes clear that he has no qualms about applying a historical critical approach to the Pentateuch as well, but it is only in 1873 that he published essays on Pentateuchal Bible criticism. These essays are found in Zunz, Gesammelte Schriften, 1:217–70. For an excellent discussion of Zunz’s Bible criticism, see Ismar Schorsch, “Leopold Zunz on the Hebrew Bible,” JQR 100.3 (2012): 451–54.

77. See Leopold Zunz, Vorwart to Die vier und zwanzig Bücher der Heiligen Schrift nach dem masoretischen Texte (Berlin, 1858), iv.

Philippson founded the Allgemeine Zeitung des Judenthums, which became a widely read German Jewish magazine. Philippson was an activist for Jewish emancipation and wrote historical novels aimed at Jewish communal edification. But he was no great scholar. Isaak Markus Jost contemptuously referred to him as a “prattler” and Norton Shargel calls him a “rabbi-journalist.”

In 1836, Philippson decided to produce a complete German Jewish translation and commentary on all twenty-four books of the Bible, as none existed at the time. Philippson published Die Israelitische Bibel in successive installments: the Former Prophets appeared in 1841 followed by the Pentateuch (1844), the Later Prophets (1848), and finally the Writings (1854). In 1858, Philippson published a second edition of his Bible in three large volumes.

Philippson was concerned that missionaries were “infiltrating the Jewish masses” by supplying them with cheap Lutheran Bible translations that “frequently contradict the Jewish viewpoint.” So on March 21, 1859, he issued a call in his newspaper to create an Israelitischen Bibelanstalt (Israelite Bible Institute) to finance a new edition of his Bible. By 1862, there were over 100,000 Philippson Bibles in circulation, and within four years that number had tripled. The Bible that Freud’s father gifted him for his thirty-fifth birthday was a Philippson Bible.

While Philippson is typically described as a “moderate Reformer,” he sought to speak to the entire Jewish community. His Allgemeine Zeitung des Judenthums was subtitled “a nonpartisan [unparteisch] organ for all

84. Meyer Kayserling, Ludwig Philippson: Eine Biographie (Leipzig, 1898), 268.
Jewish interests.” In an imaginary dialogue in which he was asked whether he was Orthodox or Reform, Philippson wrote, “Neither! I am an Historical Jew.” He sought to have his translation accepted in all Jewish homes, describing it as “an estimable gift for all confessions.”

Philippson wrote that the aim of his commentary was “to explain the Bible through the Bible itself,” and to this end he “assembled the most important and varied Jewish and Christian exegesis dating from all periods, elucidating them critically.” In his preface to Der Pentateuch first published in 1844, Philippson gave an elaborate account of his exegetical methodology, which comprised two elements: (a) an emphasis on the unity of the Bible, and (b) an effort to historicize it.

Philippson repeatedly uses the word “unity” (Einheit) in describing his approach to the Pentateuch. Near the beginning of the preface, he contends that there is an “inner unity” (innere Einheit) of the Pentateuch’s “ideas” (Ideen), “direction” (Tendenz), and “teachings” (Lehre). According to Philippson, the Pentateuch consistently teaches that the world was created by a single, eternal, unchangeable God; that human beings are sensuous creatures with intellect and free will, capable of both self-development and sin; that God revealed his existence to the Israelites and desired to be worshipped through their practicing justice and holiness; and that God gave the Israelites religious rites to remind them of these truths and enjoined them to teach the truths to the world.

For Philippson, the Bible portrays characters that promote its central teachings, thereby furthering the “development of humanity” (Entwicklung der Menschheit). Philippson writes that a defining feature of the Bible is that its heroes were “never idealized, but rather [depicted] in their natural simplicity . . . painted with the aura of pure truth. Virtue and vice, praiseworthy and blameworthy actions are represented with the same detail and shades without praise or reproach except when coming from the actors.

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93. Ibid., vi–viii.
themelves. Depicting both the virtues and vices of biblical characters makes them realistic, hence the Bible should be classified as “history [Geschichte], never as poetry [Dichtung].”

In addition to the “inner unity” of the Pentateuch, that is, its content, Philippson stresses its “external unity” (äußern Einheit). This involves the accuracy of biblical history, geography, and chronology. Philippson appeals to travel literature and academic studies to show that the Pentateuch’s description of various localities and peoples conforms to what we know from extrabiblical sources. For example, Philippson writes that “the dishes that the Israelites craved in the wilderness [upon leaving Egypt] were the same food as the local Arab Fellah eat who live there today.” To bolster the legitimacy of the biblical narrative, Philippson includes hundreds of woodcuts that depict ancient “topography, antiquities, and natural history.” Thus in his commentary on Gen 8.4, Philippson supplies a woodcut of Mount Ararat, telling us that it is 17,600 feet high, lies at latitude 39° 30’ North and longitude 44° 30’ East in the Taurus mountain chain, and is today called “Kuhi Nuch.” He further notes that the Armenian city of Nakshivan, which is near Ararat, draws its name from “Nak,” which is a reference to Noah, and “Shivan,” which means “fixed,” and is an allusion to the fact that Noah’s ark grounded on Mount Ararat (see figure 5). Philippson defends biblical chronologies: “The chronologies based on the biblical data [Angaben] itself are completely beyond doubt and certain [völlig unzweifelhaft und sicher].” And he argues at length for the unity of the Pentateuch with the later books of the Bible, citing dozens of places where the later biblical books refer to the Pentateuch. On the basis of these and other considerations, Philippson concludes that the Bible originated “from one author” (von einem Verfasser), that the books were “a product of the Mosaic period,” and

94. Ibid., viii (emphasis in original).
95. Ibid.
96. See Kayserling, Ludwig Philippson, 70.
97. Philippson, introduction, xii.
99. Ibid., Der Pentateuch, 55 (to Gen 8.4).
100. Ibid., 42–45 (to Gen 9.20).
101. Ibid., introduction, xv, n. 1. In this long note, Philippson discusses some seemingly contradictory elements in biblical chronology and cites the resolutions proffered by the conservative nineteenth-century Protestant scholar Ernst Wilhelm Theodor Hengstenberg.
102. Ibid., xv–xxii.
finally that “the author was only Moses himself.” In these ways, Philippson shows himself an ardent opponent of biblical criticism, which he calls “hypothesis-hunting” (Hypothesenjagd) leading to “bottomless confusion” (bodenlose Verwirrung).

While Philippson defends Mosaic authorship of the Pentateuch, he concedes that it contains post-Mosaic glosses. For example, commenting on the genealogy of Edom found in Gen 36.31–43, Philippson writes that it must be post-Mosaic since it enumerates the kings who ruled in Edom “before a king ruled over Israel” (v. 31) and there was no king in Israel until long after Moses’s death. In asserting Mosaic authorship,
Figure 5. Mount Ararat from Genesis 8.12–17 from the second edition of Ludwig Philippson, *Die Israelitische Bibel, Der Pentateuch die fünf Bucher Moscheh, Genewo* (Leipzig: Baumgarten, 1858), 37.

Philippson does not, however, share the rabbinic view that Moses was a copyist to whom God dictated the Torah. The difference between Philippson’s view of Mosaic authorship and the rabbinic view can be seen through their different responses to an argument against Mosaic authorship that Spinoza first put forward, and which subsequent Bible critics repeated. Spinoza contended that Moses could not have written Num 12.3 because the verse which states that “Moses was exceedingly humble (anav) beyond all people on earth” speaks of Moses in the third person. The implication is that since a truly humble person would never boast of his own humility, someone else must have written this verse. If one adopts the rabbinic view that Moses was a copyist to whom God dictated the Torah, this is clearly not a problem since it is God testifying this about Moses, not Moses saying it about himself. But as Philippson regards Moses as the author of the Pentateuch and not a copyist, this response is unavailable to him. Instead, Philippson writes that the Hebrew word *anav* designates one who is of low spirits, which, he tells us, is really “ambiguous praise” (*zweideutig Lob*). For Philippson, Moses calling himself *anav*...
must be understood in the context both of other passages where he con-
cedes his failings and in relation to the immediately preceding verses, 
which describe Miriam and Aaron criticizing Moses for marrying a Cu-
shite woman and questioning Moses’s special status as a prophet of God.
Understood in this context, Philippson interprets Moses describing him-
self as “the most anav person on earth” as a hyperbolic description of his
depressed feelings.107 An analogy (not mentioned by Philippson) would
be to Abraham Lincoln’s 1841 letter to his law partner John Stuart in
which he wrote, “I am the most miserable man living.”

Philippson’s attempt to produce a Bible that could appeal to all Jewish
factions was enormously successful. In addition to its prodigious sales,
170 rabbis from Germany, Bohemia, Moravia, Hungary, Galicia, Russia,
and America endorsed it, including many of a “strictly conservative
bent.”108 But the Philippson Bible also provoked a strong Orthodox reac-
tion.

In 1860, an anonymous pamphlet titled Die Fackel der Wahrheit: Eine
kritische Beleuchtung des Philippson’chen Bibelwerkes von einem orthodoxen Bibel-
freunde (The Torch of truth: A critical illumination of the Philippson Bible
by an Orthodox Bible friend) appeared. Its author was the learned halak-
hist Seligmann Bamberger, the Orthodox Rabbi of Würzburg.

Bamberger begins by recording a question he was asked: “Can an
Orthodox man [Orthodoxer Manne] . . . read the Philippson Bible?”109
Bamberger’s answer is unequivocal. He details four reasons why an
Orthodox Jew should not read Philippson’s Bible, all of which relate to
ways that it deviates from rabbinic tradition.110 First, Bamberger objects
to the fact that Philippson “attributes weaknesses and faults [Schwaèchen
und Fehler] to the sacred heroes [Heroen der Heiligkeit], the pious patriarchs
and matriarchs.” For Bamberger, this is “objectionable beyond comment”
as it clearly contradicts the Talmud.111 Second, Bamberger objects that
Philippson interprets the Bible in ways that contradict accepted rabbinic

107. See Philippson, introduction, xxvii, note; Der Pentateuch, 738 (to Num
12.5).
108. See Kayserling, Ludwig Philippson, 264.
109. Seligmann Bamberger, Die Fackel der Wahrheit: Eine kritische Beleuchtung
der Philippson’chen Bibelwerkes von einem orthodoxen Bibelfreunde (Würzburg, 1860), 3.
110. Ibid., 4.
111. Ibid., 8. Bamberger cites bShab 55b, which, commenting on the biblical
account of Reuben lying with his father’s concubine Bilhah (Gen 35.22), states
that “whoever claims that Reuben sinned is mistaken.” The Talmud interprets the
verse to mean that Reuben moved his father’s bed out of Bilhah’s tent into his
mother Leah’s.
legal interpretations. For example, Philippson interprets Ex 21.6 to mean that even a female Hebrew slave can choose to extend her slavery past the seventh year.112 But, notes Bamberger, the Sifre interprets the verse as stipulating that only a male slave may extend his slavery, and Maimonides codifies this as law.113 Third, Bamberger notes places where Philippson simply misunderstands rabbinic teachings. For example, in his commentary on Lev 11 Philippson claims that the talmudic rabbis interpreted the thrice-repeated commandment not to boil a kid in its mother’s milk (Ex 23.18, 34.26; Dt 14.21) as including the prohibition of boiling poultry in milk. But Bamberger notes that the Talmud (bHul 113a) as well as the later legal codifiers “without exception” (ohne Ausnahme) make clear that the prohibition of mixing chicken with milk is rabbinic, not biblical.114 Finally, Bamberger objects to Philippson conceding that certain passages in the Pentateuch are glosses added after the time of Moses. Bamberger stresses that this contravenes the talmudic view (bSan 99a), codified by Maimonides, that states, “Whoever says that a single verse in the Bible is not from God, but rather from Moses, has denied the entire teaching of God and belongs to those who despise the divine law.”115

In the wake of Bamberger’s pamphlet as well as other Orthodox objections,116 Rabbi Wolf Feilchenfeld, with the strong backing of Rabbi Esriel Hildesheimer, sought to produce a new Bible with German translation and commentary that would be fully faithful to rabbinic tradition, and thus acceptable to Orthodox Jews. To this end, an Orthodox Israelitische Bibelanstalt (Orthodox Israelite Bible Society), headed by rabbis Jacob Ettlinger, Seligmann Bamberger, Esriel Hildesheimer, and Marcus Lehmann, was created to rival Philippson’s Israelitische Bibelanstalt.117 The aim was to publish “a new translation that would morally recommend our side in the circles of Wissenschaft.”118 In other words, these rabbis sought to create a new Bible that would defend Orthodoxy using the tools of Wissenschaft.

112. Philippson draws on Dt 15.12–17 to support his interpretation.
114. Bamberger, Die Fackel der Wahrheit, 10.
115. Ibid., 13–14.
116. A leaflet titled An die treuen Gläubigen Israels argued against the use of Philippson’s Bible in Orthodox synagogues and schools. Forty Orthodox rabbis signed it. I have been unable to locate a copy of this leaflet. See Kayserling, Ludwig Philippson, 266.
118. Cited in ibid., 185–86.
Hirsch was no doubt opposed to Philippson’s Bible and concerned about its penetrating Orthodox communities, but he pointedly did not support the Orthodox Bible Society. This was because Hirsch opposed using Wissenschaft methods to study biblical and rabbinic writings, even if these methods were deployed apologetically to defend Orthodoxy. In 1873 while Hirsch was in the midst of publishing Der Pentateuch, he warned the scholar and staunch defender of Orthodoxy David Zvi Hoffmann not to publish his dissertation Mar Samuel: The Life of a Talmudic Sage. Hirsch objected that Hoffmann’s use of academic methods had led him to positions irreconcilable with Orthodoxy, such as that the Mishnah and Talmud introduced new laws in response to changing historical circumstances and that certain halakhic decisions derived from Mar Samuel’s “humanitarian” personality traits. But Hirsch was especially concerned that by citing the works of Wissenschaft scholars who denied the divine origin of the oral law, Hoffmann was granting their research legitimacy.119 Hoffmann was a leading figure in the Berlin branch of German Orthodoxy led by Hildesheimer, and Hirsch’s dispute with Hoffmann over whether Orthodoxy should engage with Wissenschaft led to a break between Frankfurt and Berlin, which split German Orthodoxy.120

There are good reasons to think that Hirsch saw his Pentateuch as an Orthodox alternative to Philippson’s. In addition to bearing the same title as Philippson’s (Der Pentateuch), the format of Hirsch’s Bible directly mirrors Philippson’s.121 As we have seen, Mendelssohn’s Bible looks like a traditional Mikra’ot gedolot, while Hirsch’s Bible contains a German translation in Gothic characters facing the Hebrew original with a German commentary below interspersed with Hebrew script. This is the exact format of Philippson’s Bible (figures 3 and 4).

Hirsch’s Pentateuch also addressed many of the concerns about the Philippson Bible raised by Bamberger. Hirsch’s notion of the divinely revealed oral letter and the Pentateuch as its perfectly preserved written

119. See ibid. David Ellenson notes that Hoffmann’s approach to rabbinic literature “was clearly distinct from his efforts in the discipline of Bible.” See David Ellenson, Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy (Tuscaloosa, Ala.), 150–56. On the dispute between Hirsch and Hildesheimer more generally, see ibid., 135–65; Mordechai Breuer, “Three Orthodox Approaches to Wissenschaft,” in Jubilee Volume in Honor of Moreinu Ha-gaon Rabbi Joseph Soloveitchik, ed. S. Israeli et al. (Hebrew; Jerusalem, 1984), 856–65.

120. See Breuer, Modernity within Tradition, 186.

121. Of the six major Jewish Pentateuch translations that preceded Hirsch’s, only Philippson’s and Salomon Herxheimer’s were called Der Pentateuch. Mendelssohn’s was called Sefer netivot ha-balash; both Joseph Johlson’s and Gotthold Salomon’s were called Die fünf Bücher Mose, while Zunz’s was called Die Lehre.
trace both precluded the possibility of later glosses to the Pentateuch and gave priority to rabbinic legal interpretation. As I have mentioned, Hirsch always translated biblical law in ways that conformed to its accepted rabbinic legal interpretation, and an important aim of his commentary was to justify these interpretations.\textsuperscript{122}

The notion that an important aim of Hirsch’s Bible was to oppose \textit{Wissenschaft} attempts to historicize the Bible and rabbinic literature is not new. Beginning in 1867, Hirsch’s son-in-law Joseph Gugenheimer published a series of essays on Hirsch’s Genesis translation and commentary titled “Die Hypothesen der Bibelkritik und der Commentar zur Genesis von Herrn Rabbiner S.R. Hirsch” (The Hypotheses of Bible criticism and the commentary on Genesis by Rabbi Samson Raphael Hirsch). Appearing in Hirsch’s journal \textit{Jeschurun}, and so with his father-in-law’s consent, Gugenheimer argued that Hirsch’s work on Genesis implicitly responded to Bible critics without engaging them directly by showing how interpreting the Pentateuch in light of the Oral Torah successfully resolved the textual problems that motivated Bible criticism.\textsuperscript{123} According to Gugenheimer, Hirsch chose not to engage critical scholarship overtly because he recognized that Orthodoxy and \textit{Wissenschaft} depended on fundamentally irreconcilable premises:

The work at hand [that is, Hirsch’s Bible] can also prove to Bible critics that the basic premise of biblical criticism depends on rejecting revelation and [thereby] withdraws itself from scientific discourse. For the truthfulness of revelation, like the truthfulness of any historical fact, is neither provable nor falsifiable through reason . . . Rabbi Hirsch’s commentary circumvents biblical criticism . . . [but] is able to clear away the objections that biblical criticism raises . . . by means of rational and strictly scientific [\textit{Wissenschaftliche}] interpretation.\textsuperscript{124}

According to Gugenheimer, Hirsch recognized that despite its protestations to the contrary, Bible scholarship does not proceed without as-

\textsuperscript{122} While Hirsch does not cite Philippson in the Pentateuch commentary, elsewhere he describes Philippson as one who follows \textit{Wissenschaft} scholars in “denying the Divine origin of the Oral Tradition and considering it only the work of men.” See Hirsch, \textit{GS} 5:537; \textit{CW} 5:227.


sumptions. Rather, it begins with the naturalistic assumption that the Pentateuch is a historical text created by human beings. As such, when it finds textual difficulties in the Pentateuch such as contradictions, repetitions, and inconsistencies, it explains these problems by positing that many authors composed and edited the Pentateuch over a long period of time. Orthodoxy, however, begins with an entirely different assumption, namely, that God revealed the Torah, both Oral and Written, which is eternal and timeless. In his Pentateuch commentary, Hirsch sought to show that on the basis of this assumption Orthodoxy was able to resolve the problems discerned by Bible critics using an entirely different, but equally Wissenschaftliche, method that one might call “Orthodox Wissenschaft.”

For Gugenheimer, Orthodoxy’s assumption that the Oral Torah was revealed on Sinai and that the Written Torah as its revealed notes is “neither provable nor falsifiable through reason.” Since critical Bible scholarship depends on the naturalistic assumption that revelation is impossible and that the Bible is a historical text composed by human beings, Bible critics cannot be said to be practicing Wissenschaft full stop but rather a type of Wissenschaft that one might call “Reform Wissenschaft.” For the premise that Torah is a human, historical text leads ineluctably to reforming Judaism, as one naturally assumes that just as the Pentateuch developed in response to changing historical circumstances, so present-day Judaism should adapt to changing times. For this reason, Hirsch contended that the reformers who practice Wissenschaft could in no way be considered disinterested academics.


127. See Hirsch, Jeschurun 2 (1861): 89; CW 7:43–44; Hirsch, GS 6: 415; CW 5:311–12; GS 6:520; CW 8:521. Isaac Heinemann agrees with Hirsch’s critique of Wissenschaft, concluding that Hirsch’s claim that study of Torah must serve life was actually more intellectually honest than the language of scholarly disinterest used by many Reform and Positive-Historical practitioners of Wissenschaft to explain their motives for studying Jewish texts. For Wissenschaft scholars’ objectives in studying Jewish texts were no less practical than Hirsch’s. See Heinemann, “Rabbi Samson Raphael Hirsch and his Teacher Rabbi Isaac Bernays,” 85. Heinemann was no Orthodox opponent of Wissenschaft, but rather a premier Wissenschaft scholar who was a professor at the Jewish Theological Seminary.
heimer, Hirsch’s disengagement from biblical criticism was principled. While the pious Orthodox scholar David Zvi Hoffmann would later seek to refute critical Bible scholarship using its own tools, he failed to realize that in doing so he conceded the human origin of the Torah and its historical nature at its outset, as this is the unspoken foundation of all critical historical scholarship. In this way, Hoffmann lost the game before he ever started.

While Hirsch generally agreed with Bamberger’s criticisms of Philippson, on one issue he sided with Philippson. Like Philippson, Hirsch was willing to admit the failings of biblical heroes. For Hirsch, the idea that certain biblical heroes were without fault came close to deifying them, which was the error of Christianity. Hirsch thought that the fact that the Torah recounted the errors of great men actually increased its credibility because it showed that the Torah “does not hide from us the faults, errors, and weaknesses of our great men” and narrated events simply “because they took place.” Finally, he argued that recounting heroes’ failings furthered the Torah’s pedagogic goals as it made biblical characters more relatable.

CONCLUSION

Isaac Heinemann argued that Hirsch espoused a consistent philosophy of Judaism throughout his literary career from The Nineteen Letters onward. My essay demonstrates that Heinemann’s assumption, which is shared by most Hirsch scholars, is mistaken. In the Neunzehn Briefe, Hirsch writes as a representative of the majority of German Jews and in Breslau and the penultimate editor of the flagship journal of the positive-historical school, the Monatsschrift für Geschichte und Wissenschaft des Judentums.

128. Hoffmann’s most important attack on critical Bible scholarship was his work Die wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese (The main arguments against the Graf-Wellhausen Hypothesis), 2 vols. (Berlin, 1903–14).


130. Ibid.

131. Hirsch, Der Pentateuch, 1:195; The Hirsch Chumash, 1:305–6. Hirsch did not follow Bamberger in criticizing Philippson for deviating from the rabbinic assertion that biblical characters were flawless because for Hirsch this assertion was in the realm of midrash aggadah and so not revealed to Moses on Sinai.

132. Heinemann wrote, “In his conceptual principles, that is in his worldview, and in his view of Judaism, [Hirsch] maintained the same ideas that he formulated in the Nineteen Letters throughout his life. They are primary and the rest is interpretation.” See Heinemann, “The Relationship between S.R. Hirsch and his Teacher Isaac Bernays,” 44.
seeks to respond to Reform challenges by justifying Orthodoxy using the Protestant/maskilic categories of letter and spirit, which leads him to portray the Bible as primary and the Talmud as having a subordinate role. By the time Hirsch writes *Der Pentateuch*, however, he is the rabbi of a separatist Orthodox community in Frankfurt and has the clear sense of being an embattled minority seeking to reestablish the hegemony of a worldview and way of life that has been abandoned by most of his contemporaries. Responding to the success of Reform/Wissenschaft ideas which he sees the Philippson Bible as disseminating even to Orthodox Jewish communities, Hirsch adopts a reactionary stance, presenting a strikingly novel conception of the relation between the Oral and Written Torah by casting rabbinic legal exegesis as the oral letter and the Pentateuch as its written trace. In this way, Hirsch shows himself keenly aware of the metaphysical assumptions underlying Wissenschaft that lay hidden—even from many of its most successful practitioners—and frees himself from the Protestant distinction between letter and spirit that bound previous Jewish thinkers including himself.

We often assume that self-confident progressives are those most capable of offering creative or deeply insightful new conceptions of tradition. Hirsch demonstrates how embattled conservatives can at times be more penetrating in their observations and more innovative in their understanding of tradition.