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IS MODERN ORTHODOXY MOVING TOWARDS AN ACCEPTANCE OF BIBLICAL CRITICISM?

If you take Louis Jacobs at his word, then the eruption of the so-called "Jacobs Affair" in the early 1960s was a big surprise to him. Some might find this difficult to believe, since how could the English United Synagogue ever have allowed one of its rabbis to advocate higher biblical criticism? Yet in one of my conversations with Jacobs, he insisted that he meant what he said, and that he had no reason to assume that because of his views about the authorship of the Torah that he was in any way disqualified from serving as a rabbi in the United Synagogue. The proof of this, he noted, was that he published *We Have Reason to Believe* in 1957 and no one raised any objections to its content in the first few years after it appeared.[1]

When *We Have Reason to Believe* was published, Jacobs was teaching at Jews' College. If he was acceptable to teach at Jews' College, then it makes sense that he would have been surprised at the furor that broke out a few years after the appearance of the book. Furthermore, as he well knew and would himself later point out, men such as Joshua Abelson (1873–1940) and Herbert Loewe (1882–1940) had been regarded as significant figures in traditional Judaism in England, with Abelson serving as minister of a few different Orthodox synagogues, yet they both held non-traditional views when it came to the authorship of the Torah.[2]

The Jacobs' Affair became a huge theological controversy, the details of which most of the laity did not really grasp. In the end, Orthodoxy was victorious and Jacobs was prevented from becoming principal of Jews' College. This victory was an affirmation of the doctrines of *Torah min ha-Shamayim* (Torah from Heaven) and complete Mosaic authorship, both of which are "codified" in Maimonides' Eighth Principle of Faith. For centuries now, traditional Jewish thinkers have been unanimous in accepting these ideas. They have regarded as heresy any assertion that portions of the Torah were written at different times by different people.

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It is true that not all of the medievals agreed with Maimonides when it came to the Eighth Principle. Jacobs cites some of these opinions in *We Have Reason to Believe*,[3] *Principles of the Jewish Faith*,[4] and *Beyond Reasonable Doubt*.[5] Most notably, both R. Abraham Ibn Ezra and R. Judah he-Hasid thought that there are passages in the Torah that are post-Mosaic. I have also discussed views in opposition to Maimonides' principle in *The Limits of Orthodox Theology*.[6] Yet despite all the evidence I cited in my book, the fact is that in the Orthodox world Maimonides' opinion was accepted and became established as dogma (with the exception of the last eight verses of the Torah, concerning whose authorship there is a talmudic dispute).[7]

What I have just described is how matters stood during the Jacobs Affair and in subsequent years. Yet in the past decade or so I have begun to see a change, as a segment of Modern Orthodoxy now accepts the legitimacy of affirming multiple authorship of the Pentateuch.[8] Because there are different ways to define "Orthodoxy," let me clarify that for the purposes of this article, when I use the term "Orthodox" I am referring to people who are Torah observant, who educate their children to be Torah observant, and who view themselves, and are viewed by others, as part of the broader Orthodox community.[9]

When I speak of a change in outlook I am referring to the intellectual and rabbinic leadership and the educated laity, not the masses. The masses don't have an opinion on this matter. If they are told they have to believe in Mosaic authorship they will comply, and if they are told they don't have to believe in it they won't bat an eye. Theological matters are not of great importance to them.

Before I present the evidence of the changing attitude towards modern biblical scholarship, there are a few more points to be made.

(1) If my assumption is correct, I believe it to be significant, as it would mark a major divergence from what has been, for traditional Jews, an uncontested dogma for centuries.[10] Even twenty years ago, there was no noticeable difference between the various segments of Orthodoxy regarding the doctrine of *Torah min ha-Shamayim*.[11] When it comes to books of the Prophets and Hagiographa there have been differences. While modern biblical scholarship of these books has, for a number of years, been acceptable in Modern Orthodox circles, including at Bar-Ilan University,[12] the Haredi world always opposed this, viewing it as an extension of the heresy of higher criticism of the Pentateuch. However, when it comes to the Torah, until recent years there has been no difference between the Haredim and the Modern

Orthodox with regard to academic study of the Pentateuch. Chief Rabbi Joseph Hertz, whose Torah commentary is a classic Modern Orthodox text, was one of the strongest opponents of higher biblical criticism of the Pentateuch. Rabbi Joseph B. Soloveitchik spoke of higher criticism as "contradict[ing] the very foundations upon which the sanctity and integrity of the Scriptures rest."[13]

(2) What I will describe is not an unexpected development. What makes Modern Orthodoxy modern is that its adherents see themselves as being in line with generally accepted views of science and scholarship. This means, for example, that the Modern Orthodox have no problem accepting evolution and whatever other conclusions are affirmed in modern scientific study. A basic assumption of Modern Orthodoxy has been that traditional Judaism has nothing to fear from the conclusions of science and scholarship. The one divergence from this approach in the past century and a half has been the resistance to any challenge to the dogma of Mosaic authorship.[14] Yet this stance could not go on forever in opposition to the conclusions of modern biblical scholarship. Since Modern Orthodoxy has in other areas not demanded the affirmation of dogmas in opposition to accepted science and scholarship, for at least some of the Modern Orthodox it was only a matter of time before the wall affirming Mosaic authorship began to chip away.

(3) While none of the authors I discuss show any awareness of the modern scholarly trends in Pentateuchal study, this is not of great importance for my purposes. What is significant is the rejection of Mosaic authorship as an absolute dogma, and with this in mind it makes little difference if the authors I focus on have a perception of modern biblical scholarship that would have made more sense in the late nineteenth and early twentieth centuries. For this reason, I see no problem for the purposes of this essay in using terms like higher and lower criticism. Even if these terms, and the perspectives they reflect, have been largely discarded by many modern biblical scholars, they are still important in Orthodox discussions of *Torah min ha-Shamayim*.

(4) The main focus of this article is on what has appeared in print. There is no doubt that the questioning of Mosaic authorship, and even denial of it (in whole or part), goes back further in time, yet people then were afraid to speak openly.[15] Now, however, enough has appeared in print that I think it is fair to state that the belief in non-Mosaic

authorship, at least for significant sections of the Torah, is an acceptable position among a segment of Modern Orthodoxy. We see this not merely in the examples I will offer but also in the fact that the people I will quote are not afraid to express their opinions. In other words, they assume that what they say is not going to be regarded as heretical and create controversy in their communities.

(5) I am not going to discuss Yeshayahu Leibowitz. While he was certainly observant, it is hard to see him as Orthodox in the way the term is generally understood since he appears to have rejected any obligatory belief system. The fact that he did not think that belief in Mosaic authorship of the Torah is important, or that there is any significance to the historical and scientific information found in the Torah,[16] would have been meaningful for our purposes if he accepted other "Orthodox" beliefs. However, since he saw no significance for traditional dogmas, I believe that he must be categorized as "Orthoprax."

Before coming to written sources let me mention some unwritten ones. After I published *The Limits of Orthodox Theology* I was contacted by all sorts of people who wanted to talk about matters of belief. I therefore know that there are even people in the Haredi world, including one respected rabbi,[17] who accept the findings of modern biblical scholarship. There are blogs and websites that cater to the Haredi world where you can find this as well.

It is also worth recalling a meeting I had in 1988 with Chief Rabbi Immanuel Jakobovits of England. Based on our conversation, I think one could say that the handwriting was on the wall for a change in perspective with regard to modern biblical scholarship. In our discussion, Jakobovits showed himself to be a strong opponent of biblical criticism. He simply did not believe that there is any evidence to support multiple authorship of the Pentateuch. At some point in the conversation, I don't recall if I mentioned it or he did, the issue came up of how Orthodox Judaism would respond if indeed incontrovertible evidence were discovered proving multiple authorship. He said that if this should happen, for example, if an ancient scroll was discovered that proved the Documentary Hypothesis correct (as would be the case if this scroll only contained the so-called Priestly Document), then traditional Judaism would deal with it as it has dealt with all other challenges. He was adamant that this would not mean the end of traditional Judaism. However, he also insisted that at present there is no such evidence and therefore no reason to abandon the traditional view.

At first, I was impressed with Jakobovits' strong defense of Mosaic authorship. Only later did I realize that Jakobovits' position was not traditional at all. He was not arguing based on dogma but based on evidence. He did not say that if proof of the Documentary Hypothesis was discovered in some ancient scroll that we are obligated to believe that the scroll was placed in the ground by God as a test of our faith. On the contrary, he said that Orthodox Judaism would deal with any such discovery. In other words, he, too, acknowledged that his belief in Mosaic authorship was in a sense provisional. That is, since there is no absolute proof to challenge it, the traditional view must hold. The dispute between him and Jacobs was therefore not about dogma but about evidence, with Jacobs arguing that the evidence for multiple authorship was conclusive and Jakobovits disagreeing.

Since the debate was about how to evaluate the evidence, it clearly meant—even if Jakobovits did not realize what he was saying—that there was no sense in speaking about heresy, for one does not declare another a heretic based on how he evaluates evidence. One does so based on dogma, yet Jakobovits admitted that if real evidence were forthcoming, then the dogma of Mosaic authorship would be revised.

I have no doubt that Jakobovits' position is the one held by most Orthodox Jews. That is, they do not see any evidence to convince them that the Documentary Hypothesis (or any other modern scholarly theory) is correct. But they too would agree that even if the Documentary Hypothesis were proven this would not mean the end of Orthodox Judaism, only that traditional beliefs would need to be revised, as has happened with other advances in the study of science and history.

The first example I know of a figure within Orthodoxy who, in print, challenged the binding nature of the dogma of Mosaic authorship is Rabbi Solomon David Sassoon (1915–1985). Perhaps he should not be cited here as he never published the passage I will quote. Yet the fact that he wrote it, and his son felt comfortable in publishing it, shows that it was not regarded as too radical to appear in print.

In his *Natan Hokhmah li-Shelomo*,[18] Sassoon writes:

> If one says that another prophet wrote these verses [of the Torah] at the divine command [*mi-pi-ha-gevurah*] and acknowledges that this section is from Heaven and from divine command [*mi-pi-ha-shamayim u-mi-pi ha-gevurah*], such a person is not called a heretic. What defines someone as a heretic is not that he states that Moses did not write the section, but that he states that Moses said something *on his own* which is not *from heaven*.[19]

Sassoon is explaining a talmudic passage, *Sanhedrin* 99a, which states that one who asserts that Moses said part of the Torah on his own is a heretic.[20] Sassoon's point is that it is heresy to assert that

Moses said something on his own, without receiving it from God, but the Talmud is not insisting that one must believe that Moses wrote the entire Torah. Thus, according to Sassoon, it is not heretical to assert that a prophet other than Moses wrote a passage in the Torah, since one is still affirming that the passage comes ''from Heaven."

Sassoon's viewpoint is quite significant as it opens up the door, and offers a religious justification, for higher biblical criticism. No more is Mosaic authorship of the entire Torah crucial. As long as one asserts that the Torah is from God, it does not matter if certain sections are post-Mosaic. (We don't know how Sassoon would feel about denial of Mosaic authorship in its entirety.) As mentioned, to my knowledge this is the first published text in modern times that openly rejects complete Mosaic authorship as a *sine qua non* of Orthodoxy.[21]

Rabbi Yuval Cherlow is an important figure in religious Zionism and serves as Rosh Yeshiva of the Hesder Yeshiva Amit Orot Shaul. He was recently asked if it is acceptable to posit post-Mosaic authorship of passages in the Torah, following in the path of R. Abraham Ibn Ezra and R. Judah he-Hasid. Rather than reject this viewpoint he claims that it is important to stress the ''*ikkar ha-ikkarim*,'' namely, that the authority of the Torah does not depend on who wrote it. What is crucial is that it was given by God, a point he does not seek to prove as it is regarded as a non-negotiable principle of faith. Even if there are small sections that were written by someone other than Moses this is not heresy unless one assumes that these portions were not written through divine inspiration. In Cherlow's words:

> As long as one believes in the absolute divine origin of all the verses in the Torah, it is not forbidden to expand upon what the Sages said about the Torah's final verses, applying this approach to other places in the Torah, because the essential point remains that the Torah stems from the word of the ''mouth'' of God.[22]

What Cherlow writes is in direct contradiction to Maimonides' Eighth Principle and is another opening for higher biblical criticism to enter the Orthodox world. As is the case with Sassoon, I would go so far as to say that Cherlow has taken a huge theological step, a ''game changer,'' which for those who accept it entirely alters the playing field.

Cherlow's position was challenged and he reaffirmed what he wrote.[23] In doing so, he does not even reject the notion that Ezra edited the Torah, asserting that whoever arranged it did so with prophecy that was the equal of Moses' prophecy. In other words, Cherlow has adopted Franz Rosenzweig's point that ''R,'' instead of standing for ''Redactor,'' really means ''*Rabbenu*.''[24] He further

defends this position by again noting that the Talmud has an opinion that the last verses of the Torah were not written by Moses. This is what leads him to conclude that Maimonides' Eighth Principle is not binding.

Cherlow acknowledges that we don't know what the text of the Torah looked like in the years after it was given. It was only much later, when the Oral Law was written down, that we have actual quotations from the Torah. In other words, the original Torah might be significantly different from the Torah we have today. Nevertheless, "we relate to the text of the Torah *as if* it is entirely from God" (emphasis added). That is, all the words of the Torah are to be treated as divine, even while acknowledging the possibility of textual errors. As to the matter of the historicity of the Torah's accounts, Cherlow states that it is a mistake to assume that the Torah's descriptions of events must be historically accurate. He adds: "The Torah does not intend to tell us what happened, but rather what we are to build within ourselves as a result of these events."[25]

Rabbi Uri Sherki is a leader in religious Zionist (*Hardal*) *kiruv*, which means that his outlook in many areas diverges from that of Cherlow. Yet he, too, assumes that the views of Ibn Ezra and R. Judah he-Hasid are religiously acceptable, stressing their opposition to Maimonides' Eighth Principle as a means of offering a more liberal perspective on *Torah min ha-Shamayim*. Summing matters up, Sherki writes that what is important is the belief that "all the words of the Torah are true and from God." In other words, complete Mosaic authorship is not something people need to put such a focus on.[26]

The late Rabbi Mordechai Breuer is known for his unique view, accepting on the one hand the findings of modern scholarship pointing to multiple authors of the Torah, and on the other hand insisting that all of the Torah's different styles and contradictions, which would signify multiple authors in a human book, actually originate in God's revelation to Moses.[27] In an appearance before the Orthodox Forum in 1991, Breuer specifically rejected the legitimacy of the view, shared by some Orthodox academics, that the Torah was authored by different prophets. Even though this suggestion preserves the divinity of the Torah, Breuer strongly rejected it on theological grounds. He asserted:

> This definition of belief in the unique divinity of *Torat Mosheh* is the only one recognized by the Jewish people, adopted by all sages. Whoever views the Torah as an ordinary prophetic work denies its unique status. . . . Traditional belief means God's revelation of the Torah through Moses. Only Moses, the worthy scribe to whom God committed the task of writing every section, verse, and letter of the Torah from his very lips. . . . *Torah min ha-shamayim* depends on Moses writing it.[28]

Yet in the last work Breuer published in his lifetime he puts forth a more liberal perspective, one completely at odds with what we have just read, as here he no longer insists on *any* Mosaic authorship for those who cannot accept this:

> One who is not able to believe that God gave the entire Torah to Moses, there is no [religious] reason for him to say that Moses wrote the Torah, but he is permitted to say that the documents of the Torah were written by various prophets in a development that took hundreds of years, and only at the end of the First Temple or the beginning of the Second Temple were they joined together into one book by the prophetic editor – as has already been established by the Bible Critics. This position does not do any damage to the Jewish faith, since nowhere is it stated that one who says that there is no Torah from the hands of Moses, he has no share in the World to Come. It is only stated that one who says that there is no Torah from Heaven, that he has no share in the World to Come.[29] Indeed, these people also say that the Torah is ''from Heaven'' and was written by prophets through a spirit of prophecy![30]

Tamar Ross taught for many years in Orthodox educational institutions, and continues to teach at Midreshet Lindenbaum. Ross has been upfront about her acceptance of modern biblical scholarship, stating explicitly that belief in the divine origin of the Torah does not require dismissal of biblical criticism.[31] Ross also developed the idea of progressive revelation, what she calls ''accumulating revelation.'' As she sees it, one of the advantages of this theological outlook is that it ''allows for the liberty of conceiving of the Torah of Moses in terms of a revelation that occurred over a period of time, via a process that is totally consonant with the findings of biblical criticism and archaeological discoveries (to the extent that these are scientifically verifiable and convincing).'' She adds that even with this acceptance of modern biblical scholarship, ''we can still accept that process as God-given.''[32]

As Ross explains, her approach differs from that of Louis Jacobs because according to Jacobs the Torah contains ''higher and lower, error as well as truth, the ignoble as well as the noble.''[33] Jacobs assumes that the Torah is imperfect and is only a ''partial record of that attempt by mortals to capture their encounters with the divine.''[34] He relativized the Torah, ''by making it out to be the word of humans, *rather* than the word of God. It is the Torah of God only in the sense of being a Torah *about* God, and in response *to* God.''[35] Ross rejects this approach because Jacobs' view denies that the Torah in its entirety is divine. For Ross, the Torah is indeed divine in its entirety, while also human in that it reflects the era in which it was given. ''[T]he Torah can be all human and all divine, at one and the same time, because even the trappings of Torah are a reflection of the divine.''[36] However,

no part of the Torah is untrue or imperfect, or lacking divine inspiration.

According to Ross, modern biblical scholarship can identify and date the different documents that make up the Torah, yet it cannot say that any parts of the Torah are, or are not, divinely inspired. To do so is to engage in theology and that is outside the purview of biblical scholarship. Ross' position is summarized as follows by an interviewer.

> Dr. Ross' conception of revelation affirms the divinity of the Torah while accepting the historical process which, according to the view of biblical criticism, was key in the creation of the biblical text, without seeing the two as contradictory. According to her view, God speaks through history and through clusters of ideas that the community of believers accepts. Revelation, then, is not something that occurred at one time, in one place; rather it is an on-going process. In such a system, she explains, God's word is often recognized retroactively; what the people accept becomes *retroactively* the word of God. Biblical criticism does not pose a threat to such a concept of revelation, because the different layers of the Torah are seen as different layers of revelation and the different authors as prophets through who [!] God's word was revealed. . . . [She] accepts biblical criticism in its entirety, and still claims that the Torah is divine.[37]

Aryeh Frimer reviewed Ross' book, *Expanding the Palace of Torah*, and rejected many of her points, calling attention in particular to her acceptance of modern biblical scholarship.[38] While Frimer views Ross' approach as outside of the Orthodox framework, she has remained a respected teacher of Torah in the liberal Orthodox world. What this shows us is that for a segment of Modern Orthodoxy, denial of Mosaic authorship, as long as one affirms the divine origin of the Torah, is not regarded as a heretical belief, one that places its advocate outside of Orthodoxy.

There are other examples I can point to showing some lessening of the opposition to modern biblical scholarship in Modern Orthodoxy. I have already mentioned Rabbi Solomon David Sassoon, and his son, Rabbi Isaac Sassoon, is also relevant to our discussion. He recently published a book, *The Status of Women in Jewish Tradition*.[39] From the title one would not expect this volume to have anything to say on our topic. Yet that is not the case, for the book also contains an analysis of biblical passages dealing with women, and the book's assumptions are those of modern biblical scholarship. Thus, Sassoon accepts the notion that the Pentateuch is the product of multiple authors, the evidence for which he sees as coming from different directions, including that both early and late forms of Hebrew are found in the Torah. He also notes that there are contradictions in the Torah, such as between P and the book of Deuteronomy.

In his conclusion, Sassoon offers a theological perspective in which he explains that he does not see multiple authorship and contradictory passages in the Torah as religiously problematic. In Sassoon's opinion, to assert that all the evidence of multiple authorship was inserted into the Torah by God, as Mordechai Breuer argues, is akin to arguing that God put fossils in the earth so that it would appear more ancient than it is. This would mean that God was playing a game by planting false clues. He states: "Either one believes chicanery to inhere in creation and revelation, or else that it is blasphemy to attribute machiavellianism, whatever its purpose, to the One whose seal is truth. As far as we are concerned, it is Hobson's choice."[40]

It is also worth mentioning an article by Daniel Jackson.[41] Jackson is not a biblical scholar but a professor of computer science at MIT. What is significant here, in addition to showing the thought of an educated Orthodox layperson, is that the article appeared in Rabbi Marc Angel's journal, *Conversations*. The focus of the present essay is to illustrate the changing view of modern biblical scholarship in Modern Orthodoxy. The fact that Jackson's article appeared in a Modern Orthodox journal makes this point very clearly. It is unimaginable that this article could have appeared 25 years ago in a Modern Orthodox publication.

The title of Jackson's article is "Torah min haShamayim: Conflicts Between Religious Belief and Scientific Thinking." Jackson begins by noting that unlike half a century ago, evolution is no longer a hot topic among Modern Orthodox Jews. They don't feel threatened by evolution and it is not regarded as a religious problem. He then points out that while the old challenges of the natural sciences are no longer present, there are new challenges and these pose greater difficulties. Modern biblical scholarship has presented lots of evidence that, "the Torah is a composite document that reflects the prevailing ideas of other cultures contemporaneous with ancient Israel."[42] The rest of the article is a survey of various non-traditional approaches to this issue, including that of Louis Jacobs.

Jackson makes no attempt at a traditionalist solution, and the assumption of his article is that the critical approach must be accepted, with the only question being where to go from there. He states that rejecting modern biblical scholarship from the start, on dogmatic grounds, "is irrational because it denies even the possibility that [it] might be true." He continues:

> To be unwilling to even consider that the Torah might be a composite document is no different in principle from holding firm to the belief that the Earth is stationary and that the sun revolves around it. In this sense, attempting to sustain a belief in traditional notions of divine authorship brings science and religion into full conflict.[43]

Jackson also recommends that Modern Orthodox Jews read Sol Schimmel's *The Tenacity of Unreasonable Beliefs*,[44] which attempts to explain why the Modern Orthodox, who are indeed "modern" in all aspects of their lives, nevertheless refuse to accept the conclusions of modern biblical scholarship.

Jackson asks if it is necessary for Modern Orthodox Jews to sacrifice their intellectual honesty on the altar of religious conviction. He thinks not.

> Better then, to view this as a test of intellect rather than a test of faith: to find a way to reconcile the compelling evidence of the late, composite authorship of the Torah with a commitment to halakha; to navigate a path through this rocky terrain that requires neither leaving one's rationality behind nor disturbing the foundation of traditional Judaism so greatly that the entire edifice begins to crumble.[45]

To repeat what I have said already, here is a Modern Orthodox journal publishing an article that takes it as a given that the Torah is a product of multiple authors. Nothing could be clearer than this in showing the acceptance of modern biblical scholarship in some parts of the Modern Orthodox world.

The topic we are discussing was also recently raised in Rabbi Norman Solomon's book, *Torah from Heaven: The Reconstruction of Faith*.[46] Solomon completely accepts the conclusions of modern biblical scholarship and thus does not regard the stories in the Torah as recording historical fact. This is not a matter of great significance for the non-Orthodox, as they long ago accepted the conclusions of modern scholarship. His book is thus directed to those in the Orthodox community whom he is attempting to influence. Solomon writes:

> Readers with fundamentalist[47] leanings may regard the book as controversial. If they reflect on their reading, I hope they will realize that what they are objecting to is not so much my opinions as the *facts* on which those opinions are based. It is futile to object to facts; the world is what it is, which is not always what we would like it to be or what our fathers told us; we must build our beliefs and philosophy on the evidence, not decide in advance what the facts are and then intransigently refuse to admit evidence that they are otherwise.[48]

Here again we see the claim that Orthodox Jews should accept the evidence and not be blinded by dogma. This argument reminds me of Louis Jacobs who was perhaps the first to point to the inconsistency among Modern Orthodox intellectuals, as they accept modern scholarship except when it comes to the Pentateuch. If the method of modern scholarship is sound, Jacobs argued, you cannot use it to

analyze every ancient text but stop at the Pentateuch, claiming that it, and it alone, is off-limits to modern scholarship.[49]

Solomon's book was reviewed by the Modern Orthodox scholar Rabbi Martin Lockshin.[50] Since Solomon's ideas are more radical than those one finds in Jacobs' *We Have Reason to Believe*, the book that created so much controversy in its day, one might have expected Lockshin to be quite critical. Yet Lockshin actually writes very positively in a review titled "A Book for the Thoughtful, 'Skeptical' Orthodox." He refers to Solomon's book as "courageous," and concludes his review as follows:

> Rabbi Solomon's radical thesis is unlikely to win the open support of Orthodox leaders. In fact, I'm guessing that many of them will dismiss this devout Jew out of hand. Of course, it will appeal to the thoughtful, skeptical Orthodox.

Rabbi Jeremy Rosen, another Modern Orthodox rabbi, also praised Solomon's book, viewing it as a "seminal work that delves into the richness of our heritage to show that there is more than one way of looking at core religious ideas." He further states that "It is a sad reflection on the current state of intellectual dishonesty and censorship in the Orthodox world that fundamentalism rules in the rabbinate."[51]

James Kugel must also be mentioned in this essay, especially because of the great publicity given to his book, *How to Read the Bible: A Guide to Scripture, Then and Now*.[52] For years Kugel offered a course on the Bible and its interpreters at Harvard. This was a very popular course and in the 1990s it had many hundreds of students enrolled each time it was offered. For the Orthodox students on campus Kugel was a mystery, since he identified as an Orthodox Jew yet his course was quite un-Orthodox. The conclusions of modern biblical scholarship were taken for granted in the course, including the notion that basic theological beliefs developed over time. For example, Kugel argued that the early biblical books did not know of monotheism, only monolatry.

Kugel's course was specifically mentioned in Gil Perl's and Yaakov Weinstein's 2003 booklet, *A Parent's Guide to Orthodox Assimilation on University Campuses*.

> In 1999 the largest undergraduate course in Harvard was a Bible class with a registration of 900 students. In the first lecture, the professor, donning a large black *kippah*, warned those students from religious backgrounds that they may find his class troubling and should think twice about taking the class if they anticipate a severe spiritual crisis. He then went on to introduce the "widely accepted" notion amongst modern Bible scholars, that the Torah as we have it is the product of several human authors dating from the 9th century BCE to the 2nd

> century BCE. As the semester continued, the students learned that the professor was indeed a sincere Jew who held the Torah in high regard despite maintaining its human authorship. Such only served to confuse Orthodox students even further.

Kugel's book, which was marketed to educated laity, allowed people access to what was studied in his course, and it was an immediate hit. Here was an Orthodox Jew, who taught at Bar-Ilan University, being open about his acceptance of modern biblical scholarship. When the book appeared, I thought that the reaction to Kugel would be just like the reaction to Jacobs. Yet something had changed in the intervening years. Kugel became a star on the scholar-in-residence circuit, speaking at synagogues and JCCs across the country. Most significant for our purposes, he also spoke at a number of Orthodox synagogues.

It is true that for some of his appearances before Orthodox audiences the organizers did not want him to speak about the conflict between modern scholarship and traditional views of the Pentateuch. He was told to keep to so-called "parve" topics. Yet the fact that someone who had published a book in opposition to the traditional view of the Torah was given a platform was, I think, quite significant, and would not have taken place in a previous generation. Although, as mentioned, he did not always speak about controversial topics, the reason he was invited to speak was that he had become a celebrity, and he became a celebrity precisely because of his book, *How to Read the Bible*.

One place Kugel did encounter opposition was at Yeshiva University, where he was invited to speak (on a non-controversial topic) by a student group. Professor Moshe Bernstein opposed the invitation, writing in the YU student newspaper as follows:

> My primary concern is for the message which is sent when someone like Professor Kugel speaks about a subject related to Torah on campus, regardless of the topic of his lecture. Whether we like it or not, whether we hide behind the motto of free inquiry and academic freedom or not, the message which is projected, willy-nilly, is that the position that he has espoused in his most recent book is acceptable within the parameters of Orthodoxy. . . . I am, however, apprehensive about Yeshiva University's granting him and his views on the composition of the Pentateuch an implicit seal of approval in the broader centrist Orthodox community. If I am correct that those views are outside the pale of Orthodox theology as reflected in the classical sources, then we cannot be responsible for an Orthodox ballebos in Teaneck or the Five Towns, or an Orthodox college student in one of the Ivies presuming that belief in divine revelation and the binding nature of mitzvot, but not in Torah mi-Sinai, is sufficient as Orthodox belief because Yeshiva University welcomed on campus a distinguished Orthodox biblical scholar who holds that view in his

> published work. (And I have the same concern about Orthodox rabbis who have Kugel speak in their shuls without disclaimer).[53]

Yehuda Turetsky and Chaim I. Waxman have recently touched on the matter being discussed in an article titled, ''Sliding to the Left? Contemporary American Modern Orthodoxy.''[54] They conclude that the fact that Kugel continues, ''to be invited to speak before Orthodox audiences may be indicative of a theological shift in modern Orthodoxy in which less traditional beliefs are gaining more acceptance in the community.''[55] Turetsky and Waxman are not certain about this matter, stating that the invitations to Kugel ''*may be* indicative of a theological shift.'' What I attempt to show in this essay is that there is no doubt that a theological shift has occurred.

Let me round out the picture with a few more sources. Ben Zion Katz recently published a book, *A Journey Through Torah: A Critique of the Documentary Hypothesis*.[56] As indicated by the title, this book stands in opposition to higher criticism. Yet despite this, the Modern Orthodox Katz acknowledges that, ''real evidence could tip the balance of evidence in its [higher criticism's] favor.''[57] He explains how he differs from the Orthodox ''fundamentalists'': ''There is no amount of evidence that would convince a fundamentalist of the late authorship of any (significant) part of the Bible, while I have spelled out the type of evidence that would sway me.''[58]

Katz does admit that, ''The strictly traditional approach, however, especially as it has come to be espoused in our times, is no longer tenable.''[59] By ''strictly traditional approach'' he means the outlook that does not acknowledge even limited post-Mosaic additions to the Torah or textual problems in the Pentateuch (i.e., lower criticism). While traditionalists see both of these areas as off-limits, Katz does not regard them as problematic. What is significant about Katz's discussion is that he claims that his rejection of higher criticism is not based on dogmatic assumptions. As soon as he is convinced otherwise, Katz, like Jakobovits, is prepared to integrate the findings of modern biblical scholarship into his Orthodox *Weltanschauung*.

Tova Ganzel is another figure worth noting. She is well known in religious Zionist circles in Israel, and was one of the first *yoatzot* for the laws of Niddah. She currently serves as director of the Midrasha for women at Bar-Ilan University, an institute for advanced Torah study. Her academic focus is Tanakh, and she accepts the assumptions of modern biblical scholarship.

Thus, in her article, ''Transformation of Pentateuchal Descriptions of Idolatry,''[60] Ganzel points to the connection between Ezekiel on the one hand, and the book of Deuteronomy and the Deuteronomic School on the other. She argues that there is a more significant

connection between Ezekiel and Deuteronomy than between Ezekiel and the Priestly literature. She also claims that Ezekiel knew Deuteronomy as an independent source.[61] This division of sections of the Pentateuch into the Priestly literature and the Deuteronomic school, each of which has a different outlook and terminology, is a standard element of higher criticism. What is significant here is only that an Orthodox scholar feels comfortable using the language of modern biblical scholarship.[62]

Around a decade ago, Jerome Gellman published an article, "Wellhausen and the Hasidim."[63] The thesis of this article is presented in the first paragraph, where Gellman tells us that Hasidic thought allows him to take a position that accepts the critical view of the composition of the Torah, while at the same time preserving its holiness. After building on a story from R. Nahman of Bratslav, Gellman concludes:

> Our *saying* that God gave the Torah expresses our wish, our desire, for God to make contact with us, for God to make it possible to come close to God. We know that this is absurd, yet we persist in this saying, fully aware of its comic nature. What we call the revelation of Torah, therefore, represents our deepest desire to have God communicate with us, to tell us His will, so that we can come close to him. . . . God speaks to us after we create God's speech.[64]

Even when not dealing with higher criticism per se, liberal views about other aspects of the Torah–views that two generations ago would not have been acceptable in any segment of Orthodoxy–have also been expressed by important Modern Orthodox religious figures. Thus, in 2005 and 2006, Rabbi Jeremy Wieder, a rosh yeshiva at Yeshiva University, gave two lectures on the use of non-literal interpretation of the Torah in Jewish tradition.[65] According to Wieder, the first eleven chapters of Genesis are to be understood as myth, not history, and he also states that denial of the historicity of the Patriarchs is not heretical. As for not believing in the historicity of the Exodus as recounted in the Torah, Wieder is not certain if even this crosses the line into heresy.[66] Rabbi Shlomo Riskin, while not going this far, cites Maimonides (incorrectly) as interpreting, "all biblical stories until the advent of Abraham as allegories, whose purpose is to convey moral lessons rather than historical fact."[67]

Returning to Jerome Gellman, in a recent book he suggests the following approach:

> We today are witness to an unfolding of a divine plan of undermining the historicity of more of the Bible than the boldest of traditional commentators would have suggested. I believe this undermining is designed to force us to acknowledge other modes of understanding the Biblical text. . . . [I]n our case allegory can enter, as, for example,

> in reading ''Canaan'' as the forces within us humans (including the Jewish people) that work against God's plan for the Jews to be successful models for humankind of God's love. The ''Land of Israel'' would be then the result of God's victory over those forces in virtue of God's backing the Israelites through all efforts to overcome insidious spiritual inclinations (including those of the Jews themselves). A conservative theology of allegorical interpretation would have it that those who believed the conquest narratives literally were sensing – whether aware of it or not – the truth of allegorical meanings, and expressing them as best they could, in terms of an historical conquest by the Israelites of non-Israelite nations.[68]

Finally, I must mention the website thetorah.com, which was launched in 2013. This website, which has become quite popular and is constantly updated with new contributions, advocates an integration of the study of Torah—and traditional Judaism in general—with modern biblical scholarship. Its primary intended audience appears to be the Modern Orthodox community (although Haredim are also known to access it). Among the ''values'' listed on the website is, ''To value Jewish practices and observances independently of the historical origin of the Torah and rabbinic law.''

Also important to note about the website is that there are contributions from a wide range of Modern Orthodox intellectuals, some of which have nothing to do with modern biblical scholarship's conclusions about the Pentateuch. I think it is very significant that all of these people are willing to appear on, and thereby legitimize, a website whose main purpose seems to be to encourage Orthodox Jews to integrate the findings of modern biblical scholarship with traditional Judaism. Such a ''partnership'' would have been unimaginable not that long ago.[69]

Although I cannot discuss the various contributions of thetorah.com in any detail, two of them must be noted.

Rabbi Zev Farber's essay, ''Avraham Avinu is My Father: Thoughts on Torah, History, and Judaism,'' was one of the first to be posted on thetorah.com, and led to great discussion and controversy.[70] Farber's unapologetic acceptance of the findings of modern biblical scholarship received much publicity primarily because he was an outstanding graduate of Yeshivat Chovevei Torah, indeed, the only one of its graduates to have been awarded *yadin yadin* semikhah. Also significant, and this shows the changes that have taken place in the Orthodox world, is that even after his essay was published, Farber continued to contribute to the liberal Orthodox website www.morethodoxy.org.

One of the responses to Farber's essay was by Rabbi Herzl Hefter, a Modern Orthodox scholar who has taught at a number of Orthodox institutions.[71] Believing that the traditional view of the Torah as having been communicated by God directly to Moses has been

undermined by the conclusions of modern biblical scholarship, Hefter writes:

> Our religious beliefs, convictions, commitments and adherence to practice cannot be held hostage by rigid dogma which asserts historical truths yet demands immunity from inquiry. By accessing our own Kabbalistic and Hassidic[!] traditions which are rooted in Chazal, we can free ourselves from the *necessity* of asserting historical truths while maintaining and actually fortifying our belief in God and the Torah.

Hefter continues by explaining that in the Jewish mystical tradition the value of stories in the Torah does not lay in their literal truth. ''The significance of the biblical narrative according to this tradition rests not in its historical accuracy but in the underlying spiritual content.'' He also completely accepts the conclusions of modern biblical scholarship. ''It is possible, then, to accept that the Torah in its current form is the product of historical circumstance and a prolonged editorial process while simultaneously stubbornly asserting the *religious belief* that it none the less[!] enshrouds Divine revelation.'' Hefter further explains, based on Hasidic thinkers, that revelation, rather than being a one-time event at Sinai, arises out of the Jewish heart.

> The instrument of Divine revelation is the human heart; it is in the heart that He dwells and through the heart that (to the extent that it is at all possible) He may be known. To be sure, the heart of which we are speaking needs to be refined and sensitized through rigorous involvement in the study of Torah and *avodah*. None the less[!] the ultimate platform for the revelation remains the emotive and intuitive faculty symbolized by the heart.
>
> Thus, our God is not only a hidden God (*El mistater*) but a subtle God as well. God stirs our hearts and He stirs in our hearts; that is the revelation. The rest is interpretation. *As a matter of faith*, I believe that in the ancient history of our people we experienced such a stirring of our communal heart. God, fashioning our collective consciousness[,] launched our tradition and civilization in the course of which our Torah came to be. Is the Torah then human or divine? The answer is paradoxically, yes.

Hefter also notes that since the approach he adopts does not make any historical truth claims, it cannot be refuted by modern scholarship. He argues that an important element of his approach is that ''considered faith,'' a faith that is aware that modern scholarship has undermined long-held traditional beliefs, ''is far more meaningful religiously than adherence to dogma.''[72]

Rabbi Amit Kula, rabbi of the Orthodox kibbutz Alumim and of Beit Midrash ''Daroma'' at Ben Gurion University, and formerly rosh yeshiva of Yeshivat Ha-Kibbutz ha-Dati in Ein Tzurim, has recently published a book very relevant to our topic. For some reason, Kula's book, *Havayah o Lo Hayah*,[73] has been almost entirely ignored in

English-language writing.[74] This is unfortunate as Kula makes a number of interesting points.

To begin with, Kula does not regard as heretical the notion that the Torah was not given at one time at Sinai, or even that there was no revelation at all at Sinai but, rather, that the Torah was revealed over a long period of time by different prophets. As Kula puts it, it does not matter who the *shaliah* is, but rather who is the *meshaleah*. As long as one believes that this is God, and the Torah originates from Him, it is not important to whom the Torah was first revealed.[75] In other words, the dogma of Mosaic authorship of the Torah, something that Orthodoxy strongly defended for so long, is jettisoned by Kula.

Rabbi Yehudah Brandes agrees with Kula. He notes that Maimonides states that if the eternity of the world were proven, he could then reinterpret the Torah's creation story in accord with this new knowledge.[76] According to Brandes, we can apply Maimonides' approach to the matter of the composition of the Torah. In other words, if we are convinced by the argument that the Torah was written by multiple authors, then we can interpret the verses that speak of Moses writing the Torah in a non-literal fashion. According to Brandes, such a reinterpretation does not affect the basic belief of *Torah min ha-Shamayim*.[77]

Returning to Kula, throughout his book he makes it clear that there is no obligation to accept that the Torah's description of events is historically accurate, since that is not the Torah's purpose.[78] He states as follows in his introduction:

> When I ask myself the question, "What is more important: that Abraham lived in Ur 3500 years ago, or that he should live for 3500 years in the hearts of the people of Israel," I choose the second option. There is also a third option, of course, that the Abraham who lived in Ur continued to live in the hearts of Israel... . Does the Torah's Abraham really need the historical Abraham in order to claim an important role in Jewish religious consciousness?
>
> Getting accustomed to this kind of thinking about the Torah is required, in my opinion, if a person wishes to acquire the ability to raise his or her faith in Torah from a peripheral attachment to an essential attachment to its contents. Seeing the Torah as *the* story of God establishes a person's faith in Torah from Heaven at its highest and purest level. Such a perspective does not diminish the connection between humanity and God; it strengthens it.
>
> It is, furthermore, impossible to deny another benefit of the ahistorical model of understanding the Torah's narratives. Establishing the pillars of faith upon the bedrock of the historicity of past events requires an honest person to evaluate, without bias, the question of the historical reality of the Torah's claims. In a world where there are many doubts about the historicity of core events in the Torah's narrative, establishing the palace of Torah upon a higher

> foundation would seem to be a constructive goal. Freeing the Torah from its historical crutches not only frees the narrator from having to keep the narrative in line with past events, but it also neutralizes the basis for the attack against the validity of a person maintaining his or her faith. An ahistorical Torah is not subject to being "disproven" by archaeology or academic historical reconstructions.[79]

Rabbi Chaim Navon, a well-known Modern Orthodox thinker, has the same approach as Kula. After calling attention to the talmudic view that the book of Job does not describe historical events, and R. Kook's opinion that the biblical creation story need not be understood as historical, Navon concludes that one can also adopt this approach elsewhere in the Bible. For Navon, the purpose of the Bible (and this includes the Torah) is not to provide historical knowledge but spiritual messages. As such, any questions about the Bible's historical accuracy are not of real concern. As with Kula, Navon points to an advantage of this approach. By assuming that historical accuracy is not relevant, one needn't be concerned with the scholarly arguments against the historicity of biblical individuals and events.

> Let us say that historians prove that Trumpeldor never said, "It is good to die for our land." So what? Even if the historical Trumpeldor never said it, my Trumpeldor, who lives in my consciousness, indeed said it. In order for a particular figure to shape my consciousness, it does not have to be an actual realistic figure who lived in the world. From my perspective, *Narnia* of [C.S.] Lewis is more real than Belgium, and *Orbis Tertius* of Borges is more real than the Andromeda galaxy. I have never been in Belgium or Andromeda, but I have been in *Narnia* and *Orbis Tertius* many times, and I still carry them with me... . Everything that lives within us is "true," whether it actually occurred in reality or not.[80]

In other words, the biblical stories can be viewed not as history but as part of an entirely different genre, namely, myth.

One of the few exceptions Navon gives to this generalization, and here he agrees with Wieder, is that the giving of the Torah at Mt. Sinai has to be seen as an actual historical event, since without such a stance there is no basis for the belief in *Torah min ha-Shamayim*. I do not know why Navon feels this way, as his theology would work fine with the events at Mt. Sinai also being viewed as non-historical, as long as the reality of a revelation from God is acknowledged. Furthermore, Navon cites Ahad Ha-Am's famous essay on Moses as support for his position, which implies that in Navon's mind even the figure of Moses need not be taken as historical.[81] In this article, Ahad Ha-Am writes (and most of this passage is quoted by Navon):

> I care not whether this man really existed; whether his life and his activity really corresponded to our traditional account of him; whether he was really the savior of Israel and gave his people the

> Law in the form in which it is preserved among us; and so forth. I have one short and simple answer for all these conundrums. This Moses, I say, this man of old time, whose existence and character you are trying to elucidate, matters to nobody except to scholars like you. We have another Moses of our own, whose image has been enshrined in the hearts of the Jewish people for generations, and whose influence on our national life has never ceased from ancient times till the present day. The existence of this Moses, as a historical fact, depends in no way on your investigations. For even if you succeeded in demonstrating conclusively that the man Moses never existed, or that he was not such a man as we supposed, you would not thereby detract one jot from the historical reality of the ideal Moses—the Moses who has been our leader not only for forty years in the wilderness of Sinai, but for thousands of years in all the wilderness in which we have wandered since the Exodus.

It is quite striking that this essay by Ahad Ha'Am, which in previous years was viewed as unquestionably heretical by Orthodox figures, is being cited by a leading Modern Orthodox thinker in support of his position.

Navon's approach is significant in that, for those who accept it, it allows Orthodox Jews to free themselves from all sorts of problems that from an academic perspective can never be reconciled. For example, the huge number given for the Israelite population that left Egypt need no longer be viewed as historical, thus sidestepping the problems that have been raised in this regard.[82] Navon's approach also allows one to claim that the lengthy lifespans recorded in the Torah are symbolic or examples of mythic language, not reflecting historical reality.[83]

Navon specifically points to archaeologists' rejection of the story of the collapse of the walls of Jericho.[84] From Navon's perspective, Orthodox Jews should have no difficulty accepting whatever the archaeologists conclude, as the message of the Jericho story is not dependent on this historical event having taken place. The prophetic story that describes the walls falling down has its own purpose that need not correspond to actual historical events.

Navon makes the exact same point with regard to the issue of whether the camel was a domesticated animal in the era of the Patriarchs. He sees no reason for this to be a concern for Orthodox Jews.

> Perhaps in truth the Patriarchs did not ride on camels, but on donkeys, or on bulls, or on winged horses, or perhaps they went by foot. Does this matter to anyone? God, for His own considerations which relate to how the Torah will influence its own and later generations, preferred to write that the Patriarchs rode[85] on camels.

This does not mean that Navon sees the Torah, and the Bible as a whole, as completely ahistorical. On the contrary, he argues that it is obvious that the Bible is a historical work and describes historical events. What he is saying, however, is that there is no guarantee that these events actually occurred as described, and no reason to even assume as much, as the biblical texts have a very different purpose than to provide exact historical details.

CONCLUSION

Theological changes do not happen overnight. They are the product of a long period of discussion and debate, during which time new approaches are slowly absorbed. This is exactly what has been happening in a segment of Modern Orthodoxy over the past twenty years or so, and which will continue to pick up steam in the years ahead. To return to the title of the essay, I asked, ''Is Modern Orthodoxy Moving Towards an Acceptance of Biblical Criticism?'' Based upon the material I have presented, I believe that as far as some in this community are concerned, the answer is yes.

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NOTES

I presented an abridged version of this article at the Oxford Centre for Hebrew and Jewish Studies on May 29, 2013, as part of the Centre's conference on ''Orthodoxy, Theological Debate and Contemporary Judaism: A Critical Exploration of Questions Raised in the Thought of Louis Jacobs.'' The essay preserves the oral form in which it was delivered.

1. See also Louis Jacobs, *Helping With Inquiries* (London, 1989), p. 118; idem, *Beyond Reasonable Doubt* (London, 1999), p. 11.

2. See L. Jacobs, *Beyond Reasonable Doubt*, p. 13; idem, *We Have Reason to Believe* (London, 1965), pp. 75–76, *Helping With Inquiries*, pp. 146–47; Raphael Loewe, Prolegomenon to C. Montefiore and H. Loewe, *A Rabbinic Anthology* (New York, 1974). In discussing *We Have Reason to Believe* in the context of the history of British Orthodoxy, Jacobs did not note the liberal views of an earlier teacher at Jews' College, Rabbi Arthur Marmorstein. Although Marmorstein did not discuss the Pentateuch, he showed his critical sense in how he dealt with the book of Jonah. See his ''Egyptian Mythology and Babylonian Magic in Bible and Talmud,'' *Jubilee Volume in Honour of Edward Mahler* (Budapest, 1937), pp. 469–487. In this article, Marmorstein points to what he believes to be Egyptian influence on the Jonah story.

3. *Reason to Believe*, pp. 64–65.

4. Louis Jacobs, *Principles of the Jewish Faith: An Analytic Study* (London, 1964), pp. 232ff.

5. *Beyond Reasonable Doubt*, pp. 36ff, 63ff.

6. Marc Shapiro, *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised* (Oxford, 2004), Ch. 7.

7. See *The Limits of Orthodox Theology*, p. 104.

8. Steven Bayme has recently written that, "Biblical criticism is fast becoming a wedge issue between Centrist and Modern/Open Orthodoxy." See www.thetorah.com/embracing-academic-torah-study-modern-orthodoxys-challenge. See also Miri Freud-Kandel, "On Revelation, Heresy, and Mesorah – From Louis Jacobs to TheTorah.com," in *The Road Not Taken? Yitz Greenberg and Modern Orthodox Judaism* (forthcoming).

9. This article is not intended to be exhaustive, and there are additional people identified with Modern Orthodoxy who have written on the subject and are not discussed here.

10. The same point was recently made by Eric Grossman who commented as follows about the *Jewish Study Bible*.

> The editors of the Jewish Study Bible specifically sought out contributors who ascribed to critical Bible study in general, and source criticism in particular. The entire commentary on the Torah is littered with references to J, E, P and D, and the entire commentary assumes that the text of the Bible has undergone a great evolution since the time of its writing. What is fascinating is that over a quarter of the contributors to the Jewish Study Bible identify themselves as Orthodox. This level of public participation by Torah observant Jews in a project dedicated to Bible criticism represents a seismic shift in the place of such scholarship in Orthodox circles.

See Eric Grossman, "Bible Scholarship in Orthodoxy: An Historical, Philosophical, and Pegagogical Perspective," www.thetorah.com/bible-scholarship-in-orthodoxy.

11. A similar point was made by Lawrence Grossman in speaking about the 1966 *Commentary* symposium on religious belief. See L. Grossman, "In What Sense did Orthodoxy Believe the Torah to be Divine," www.thetorah.com/in-what-sense-did-orthodoxy-believe-the-torah-to-be-divine.

12. See Uriel Simon, "Hora'at ha-Mikra be-Universitat Bar-Ilan: Bein Mehuyavot Mada'it ve-Aharayut Tziburit," in Yaakov Iram et al. (eds.), *Yiudah shel Universitah Datit* (Ramat Gan, 2013), p. 105. Simon, ibid., regards Bar-Ilan University's policy of excluding the Pentateuch from modern scholarly analysis as an "ugly compromise," which, however, is necessary at the current time in order not to offend religious sensibilities. For more on Bar-Ilan and modern biblical scholarship, see Menahem Klein, *Bar-Ilan: Akademyah, Dat u-Politikah* (Jerusalem, 1998), pp. 105ff. For Simon's own understanding of how a believing Jew can integrate the findings of modern biblical scholarship into his religious *weltanschauung*, see Uriel Simon, *Bakesh Shalom ve-Radfehu* (Tel Aviv, 2004), Chs. 14–15.

13. Joseph B. Soloveitchik, *The Lonely Man of Faith* (New York, 1992), p. 7.

14. To illustrate the seriousness of the matter let me point out that it would generally be impossible for a known advocate of complete Mosaic authorship to receive an academic appointment in Bible at a secular or Catholic university in the United States or Europe. In other words, advocates of the traditional position on Mosaic authorship are regarded by departments of religion and Near Eastern Studies as ''fundamentalists,'' and are treated much like science departments would treat one who believed the world was under 6000 years old. It hardly needs to be said that adherents of Modern Orthodoxy are not accustomed to finding themselves so much out of the academic mainstream.

15. See B. Barry Levy, ''On the Periphery: North American Orthodox Judaism and Contemporary Biblical Scholarship,'' in *Students of the Covenant: A History of Jewish Biblical Scholarship in North America*, edited by S. David Sperling (Atlanta, 1992), pp. 180–81.

16. In Leibowitz's words, ''For the believing Jew ... the holiness of Scripture does not hinge on beliefs, views or outlooks about the nature or the sources of the material found in the Bible and about its historical and scientific value.'' Yeshayahu Leibowitz, *Yahadut, Am Yehudi u-Medinat Yisrael* (Jerusalem, 1976), p. 350, translated in Avi Sagi, ''Contending with Modernity: Scripture in the Thought of Yeshayahu Leibowitz and Joseph Soloveitchik,'' *Journal of Religion*, Vol. 77 (July 1997), p. 432. See also Michael Rosenak, *Tzarikh Iyun: Masoret u-Modernah ba-Hinukh ha-Yehudi bi-Zemanenu* (Jerusalem, 2003), p. 103; Hananel Sari, *Pitron Hidat ha-Nevokhim* (Ramat Gan, 2011), pp. 77–78.

17. This rabbi sees modern biblical scholarship as similar to Hasidism in that at first there was opposition to it but over time it became accepted. He believes that in another 50–100 years Orthodoxy as a whole will have no difficulties with this matter.

18. (Jerusalem, 1989), p. 106.

19. Emphasis in original.

20. *Sanhedrin* 99a: ''*Because he hath despised the word of the Lord* (Num. 15:31). This refers to one who says there is no Torah from Heaven. And even if he said that the whole of the Torah is from Heaven, excepting a particular verse, which [he says] was not said by the Holy One, blessed be He, but by Moses of his own accord, he is included in *because he hath despised the word of the Lord*.''

21. Nehama Leibowitz never discussed this matter openly, but she did include in one of her books a passage from the medieval R. Joseph Bonfils in which he explains, and defends, Ibn Ezra's view that there are verses in the non-legal portion of the Torah that are post-Mosaic. In a private conversation, Leibowitz confided that, ''she reprinted this in her book to keep it in the public view because people had lost sight of this thinking.'' Yael Unterman, *Nehama Leibowitz: Teacher and Bible Scholar* (Jerusalem, 2009), p. 432. Regarding Bonfils' position, see M. Shapiro, *Limits of Orthodox Theology*, pp. 108–09.

22. shut.moreshet.co.il/shut2.asp?id=68707 I have used some of the translation that appears in www.thetorah.com/rabbi-cherlow-authorship-torah.

23. Cherlow's statements used to be found at shut.moreshet.co.il/shut2.asp?id=68707, yet they are no longer found there. They can, however, still be seen at shut.moreshet.co.il/print.asp?id=68707&kod=&modul=15&codeClient=57. The relevant Hebrew texts from Cherlow are also found in my Seforim Blog post, March 11, 2013. See also Cherlow's statement at http://moreshet.co.il/web/shut/print.asp?id=119723&kod=&modul=15&codeClient=58.

24. Rosenzweig wrote: "We, however, take this R to stand not for Redactor but for *rabbenu*. For whoever he was, and whatever text lay before him, he is our teacher, and his theology is our teaching." See Dan Avnon, *Martin Buber: The Hidden Dialogue* (Lanham, MD, 1998), p. 50.

25. R. Yuval Cherlow, "Bikoret ha-Mikra ve-Yir'at ha-Shamayim Sheli – She'elah le-Rav," in Yehudah Brandes, et al. (eds.), *Be-Einei E-lohim ve-Adam* p. 295.

26. Sherki also has a liberal attitude in other matters. For example, when asked if there is an obligation to believe in the historicity of the Flood story, he replied that there is no such obligation. See www.rav-sherki.org and search under האם המבול הוא אירוע היסטורי. Regarding the Flood story and other Orthodox writers, see also Shalom Holtz, "The Flood Story in Its Ancient Near Eastern Context," www.thetorah.com/flood-story-in-its-ancient-near-eastern-context/, who speaks of "the Mesopotamian origin of the entire biblical account [of the Flood]." The Orthodox journal *Tradition* was willing to publish Shubert Spero's article that argues that the Flood story is not to be understood as an actual historical event. Rather, it is "a metaphor to give the Torah's view of all the destructions and mass extinctions which took place on the planet from the very beginning." See Shubert Spero, "The Biblical Stories of Creation, Garden of Eden and the Flood: History or Metaphor?" *Tradition,* Vol. 33 (Winter, 1999), p. 14. Joel B. Wolowelsky, also writing in *Tradition*, refers to "the deliberate incorporation of a pagan epic [Gilgamesh] into the Torah." See Joel Wolowelsky, "A Note on the Flood Story in the Language of Man," *Tradition,* Vol. 42 (Fall 2009), p. 44. Shawn Zelig Aster writes that the Flood story is a "true story, as it embodies truth, but it is not a historical story." See Shawn Z. Aster, "Ha-Mehkar ve-ha-Masoret," in Yehudah Brandes, et al. (eds.), *Be-Einei E-lohim ve-Adam*, p. 172. I hope to expand on Orthodox views of the Flood story at a future time.

27. See Yosef Ofer (ed.), *"Shitat ha-Behinot" shel ha-Rav Mordechai Breuer* (Alon Shvut, 2005).

28. Mordechai Breuer, "The Study of Bible and the Fear of Heaven," in Shalom Carmy (ed.), *Modern Scholarship in the Study of Torah* (Northvale, N.J., 1996), p. 169. This position was also affirmed in the Rabbinical Council of America's July 31, 2013 statement on the subject of *Torah min ha-shamayim*. See www.rabbis.org/news/article.cfm?id=105768

> We maintain that it is necessary not only to assert the centrality of this bedrock principle in broad terms, but also to affirm the specific belief that Moshe received the Torah from God during the sojourn in

> the wilderness, the critical moment being the dramatic revelation at Sinai. The Rambam and others have included this in their various Principles of Faith but its centrality is so evident that an appeal to these Principles of Faith is almost superfluous. The very coherence of traditional Jewish discourse concerning the authority of the Torah she-bikhtav and the Torah she-be`al peh rests upon this conviction.

29. Breuer's comment is strange, for while it is true that in the *Mishneh Torah, Hilkhot Teshuvah* 3:8, Maimonides puts the stress on Torah from Heaven, in his famous Eighth Principle, found at the beginning of his commentary to *Sanhedrin*, ch. 10, he insists on complete Mosaic authorship.

30. Mordechai Breuer, *Limud ha-Torah be-Shitat ha-Behinot* (Jerusalem, 2005), p. 24.

31. Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, 2004) p. 300 n. 45.

32. Ibid., p. 223. Both citations in the paragraph are from this page. Ross has recently published an essay that explains the philosophical underpinnings of her approach. See her ''Orthodoxy and the Challenge of Biblical Criticism: Some Reflections on the Importance of Asking the Right Question,'' *Journal of Modern Jewish Studies,* Vol. 14 (2015), pp. 6–26.

33. Louis Jacobs, *Beyond Reasonable Doubt* (London, 1999), p. 51.

34. T. Ross, *Expanding the Palace*, p. 207.

35. Ibid., p. 208.

36. Ibid., p. 208.

37. Ilana Goldstein Sacks, ''Encounters Between *Torah Min Hashamayim* and Biblical Criticism,'' *ATID Journal* (1999), pp. 25–26.

38. *Badad,* Vol. 18 (2007), pp. 67–106.

39. (Cambridge, 2011).

40. P. 178. See also his essay, ''The Purification of a Niddah: When Silence Matters,'' www.thetorah.com/the-purification-of-a-niddah-when-silence-matters. He concludes this essay as follows:

> In short, P demands to be understood on its own terms. To be sure, in the past when forced harmonization was viewed not merely as legitimate but as pious, the objective of reading was to get all sacred texts to conform even if they lost something of their unique character in the process. We have tried to argue that each of the Torah's discrete revelations imparts its precious and sometimes surprising message if only we don't smother it with excessive piety or preconceived notions of normativity.

41. Daniel Jackson, '''Torah min ha-Shamayim': Conflicts Between Religious Belief and Scientific Thinking,'' *Conversations,* Vol. 6 (2010), pp. 44–58.

42. Ibid., p. 46.

43. Ibid., p. 48.

44. (Oxford, 2008).

45. D. Jackson, '''Torah min ha-Shamayim','' p. 51.

46. (Oxford, 2012).

47. I believe that it was Louis Jacobs who first brought the word "fundamentalist" into Jewish discourse. At the very least he popularized it. He was also criticized for using this term since, as everyone knows, the Talmud does not always interpret Torah laws literally. Jacobs responded that fundamentalism need not denote a literal understanding of the Torah but can also mean affirming the divine origin and inerrancy of the Torah. Since Orthodox Jews also affirm the divine origin and inerrancy of the Oral Law, he claimed that they are indeed fundamentalist, and their fundamentalism encompasses even more than Christian fundamentalism. Jacobs also added that he did not use the term "fundamentalist" pejoratively as a synonym for fanaticism or religious extremism. See L. Jacobs, *We Have Reason to Believe*, p. 142, and idem, *Beyond Reasonable Doubt*, p. 14.

48. P. v.

49. This is a recurring theme in Jacobs' writings. See e.g., *We Have Reason to Believe*, pp. 148–149.

50. *Canadian Jewish News*, January 7, 2013.

51. www.jeremyrosen.blogspot.com, September 25, 2013. Rosen has also written "Torah MiSinai and Biblical Criticism: Rising to the Full Challenge," www.thetorah.com/torah-misinai-and-biblical-criticism/. See also Rabbi Mottle Wolfe, "Who Wrote the Bible? Does it Really Matter?" blogs.timesofisrael.com/who-wrote-the-bible-does-it-really-matter:

> I have no doubt that the story presented in the text of the Bible is not historically accurate. There was no mass exodus from Egypt, there was no lightning conquest of the Land of Canaan. The Bible as we have it today is a later composition written and redacted sometime between the 7th and 4th centuries BCE in Jerusalem and Babylon.
> I am utterly convinced of this, and I believe that any critical thinker presented with the overwhelming evidence that the academic world has compiled, would be convinced as well.

52. (New York, 2007).

53. *The Commentator*, February 11, 2009.

54. *Modern Judaism,* Vol. 31, No. 2 (2011), pp. 119–41.

55. Ibid., pp. 123–24.

56. Ben Zion Katz, *A Journey Through Torah* (Jerusalem, 2012).

57. Ibid., p. 28.

58. Ibid., p. 128.

59. Ibid., p. 129.

60. In William A. Tooman and Michael A. Lyons (eds.), *Transforming Visions: Transformations of Text, Tradition, and Theology in Ezekiel* (Eugene, OR, 2011), pp. 33–49.

61. p. 46: "I have demonstrated here Ezekiel's reliance on Deuteronomic terminology and notions, with which he was familiar as an independent source, for his depiction of idolatry and how he creates a new synthesis by combining them with concepts of impurity from the Priestly literature."

62. Deena E. Grant is another Orthodox Bible scholar. See www.thetorah.com/deena-grant-feature. Yet when it comes to the composition of the Pentateuch, she too accepts the conclusions of modern biblical scholarship. See her recent book, *Divine Anger in the Hebrew Bible* (Washington, DC, 2014), pp. 91, 153, 163 n. 24.

63. *Modern Judaism,* Vol. 26 (2006), pp. 193–207.

64. Pp. 204–05. See also Jerome Gellman, *Abraham, Abraham: Kirekegaard and the Hasidim on the Binding of Isaac* (Aldershot, England, 2003), p. 18.

65. The first lecture, from 2005, is titled, ''When the Torah Doesn't Mean What it Says'': Non-Literal Interpretation of Scripture and the Controversy over the Works of Nosson Slifkin.'' It can be found at www.zootorah.com/controversy. For some reason, this audio was removed from www.yutorah.org. The second lecture, from 2006, is titled, ''Non-Literal Interpretation of Scripture in Jewish Tradition.'' It is still found on www.yutorah.org and is not fundamentally different from the 2005 lecture. See www.tinyurl.com/jeremywieder.

66. The Orthodox scientist David W. Weiss is certain that denial of the Exodus is not heresy. See *The Wings of the Dove: Jewish Values, Science and Halachah* (Jerusalem, 1987), p. 85: ''Allusions to phenomena and events in nature – for instance the stories of creation and of the exodus from Egypt – are not intended as finite material depictions binding on faith. From the Talmud on, Judaism's authoritative commentators have proposed a variety of explanations of the textual accounts, some allegorical, many naturalistic.'' The Orthodox journal *Tradition* published a positive review of Weiss' book by Gerald F. Murray that contains the following sentence. ''My question here is not with Weiss' sense of the allegorical character of much in the Humash; an anthropological reviewer cannot help but be in substantial sympathy with this understanding of sacred texts.'' *Tradition,* Vol. 25 (Fall 1989), p. 89.

67. ''Was Creation Really Seven Days,'' *The Jewish Week*, October 17, 2014. See my Seforim Blog post, February 11, 2015. See also Rabbi Michael Harris, *Faith Without Fear: Unresolved Issues in Modern Orthodoxy* (London, 2016), p. 115:

> As long as it is intellectually tenable, I believe that the literal understanding [of the Exodus narrative] should be maintained. . . . Should evidence be discovered in the future which makes it intellectually untenable . . . Modern Orthodox Jews will have to adopt a non-literal reading. There should be no need to abandon the doctrine of *Torah min HaShamayim*, since as we have seen, there is good precedent in our tradition for non-literal interpretation when adherence to a literal reading becomes rationally impossible.

68. Jerome Gellman, *God's Kindness Has Overwhelmed Us: A Contemporary Doctrine of the Jews as the Chosen People* (Boston, 2013), pp. 92–93.

69. Chaim Waxman discusses the sociological significance of the website in ''Why Now? Toward a Sociology of Knowledge Analysis of

TheTorah.com,'' at www.thetorah.com/toward-a-sociology-of-knowledge-analysis-of-thetorahcom/

70. www.thetorah.com/torah-history-judaism-introduction/ See also Farber's essays, ''Torah Min Ha-Shamayim: A Guide to the Four Questions,'' www.thetorah.com/torah-four-questions/, and ''Can Orthodox Education Survive Biblical Criticism,'' www.thetorah.com/can-orthodox-education-survive-biblical-criticism.

71. Herzl Hefter, ''The Challenge of Biblical Criticism: Dogma vs. Faith,'' www.morethodoxy.org, September 16, 2013.

72. See also Herzl Hefter, ''The Smashing of the *Luchot* as a Paradigm Shift,'' www.thetorah.com/smashing-luchot-paradigm-shift

73. (Ein Tzurim, 2011).

74. Among the Hebrew responses is a positive review by R. Yuval Cherlow, which is significant in and of itself. See *Makor Rishon*, December 11, 2011, available at www.musaf-shabbat.com/2011/11/10/ available at www.tinyurl.com/lf74otb

75. Amit Kula, *Havayah o Lo Hayah*, pp. 171–72.

76. Regarding this passage in Maimonides, *Guide of the Perplexed* 2:25, see my Seforim Blog post, February 22, 2011.

77. ''Hazal ki-Mevakrei Mikra,'' in Yehuda Brandes, et al. (eds.), *Be-Einei E-lohim be-Adam* (Jerusalem, 2015), p. 210.

78. See also Joel B. Wolowelsky, ''A Note on the Flood Story in the Language of Man,'' p. 46, that the Torah describes things ''as they were discussed by the multitudes and not necessarily as they were in actual detail.''

79. A. Kula, pp. 26–28, translation in www.thetorah.com/existential-or-non-essential-torah-and-history. See also Amit Kula, *Havayah o Lo Hayah,* pp. 79, 101, 172. It is noteworthy that ibid., p. 9, Kula states that there are contradictions in his book, and he includes among the reasons for these contradictions all the reasons Maimonides offers in the introduction to the *Guide of the Perplexed*. Among these reasons is Maimonides' famous ''Seventh Cause,'' where he states that he will intentionally contradict himself. This was done so that the masses would not grasp Maimonides' true opinion. Looking at Kula's book, one example of this would appear to be found on p. 13, where Kula states that he believes that Abraham literally broke the idols in his father's shop. I am certain that no sophisticated reader of Kula's book will believe that he is being frank in this statement. Could his affirmation of the historicity of Abraham also be an example of Kula hiding his authentic opinion behind a contradiction?

80. Chaim Navon, ''Iyov le Hayah ve-Lo Nivra – Al Mikra ve-Historyah,'' *Alon Shevut,* Vol. 159 (2001), pp. 127–37, available online at www.asif.co.il/?wpfb_dl=1316. R. Yaakov Medan criticizes Navon's position in ''Ahat Hi ha-Emet,'' *Alon Shevut,* Vol. 161 (2002), available online at www.asif.co.il/?wpfb_dl=1268.

81. Ahad Ha-Am, *Al Parashat Derakhim* (Berlin, 1930), available online at www.Benyehuda.org/ginzberg/Gnz018.html. The English translation I

use is from Leon Simon, *Selected Essays by Ahad Ha-'am* (Philadelphia, 1912), pp. 308–09.

82. Joshua Berman, "Was There an Exodus?" *Mosaic*, March 2, 2015, claims that the large number given for the Israelite population at the time of the Exodus—600,000 fighting-age men alone—is not to be understood literally.

83. Joel B. Wolowelsky has also made the point that biblical numbers can be symbolic. See "Reading Noah's Polyphonic Story," *Milin Havivin,* Vol. 6 (2012–2013), p. 19:

> We are aware that numbers are sometimes culturally-dependent literary phrases. . . . The original biblical reader was aware of the sexagesimal basis of numbers—that is, based on the number 60. . . . In that society, "He lived 120 years" might be simply a literary way of saying that he lived a full and good life, as 120 is twice 60.

See also J.B. Wolowelsky, "A Note on the Flood Story in the Language of Man," p. 46. There are a number of traditional sources that state that biblical numbers need not be exact. See the commentary attributed to Rashi on Nehemiah 7:7; Eliezer Zweifel, *Saneigor* (Warsaw, 1885), note on pp. 127–28; and *Bein Din le-Din,* August 22, 2016, available at www.bdld.info. See also R. Moshe Shamah, *Recalling the Covenant* (Jersey City, 2011), pp. 695ff., quoting R. Solomon David Sassoon that numbers in the Torah are often to be understood symbolically, not literally.

84. In this point, Navon is following the argument made earlier by Yisrael Rosenson, "Sipur Avar," *Al Atar,* Vol. 7 (2000), p. 144.

85. In the original there is a typo and it reads כתבו על גמל instead of רכבו.