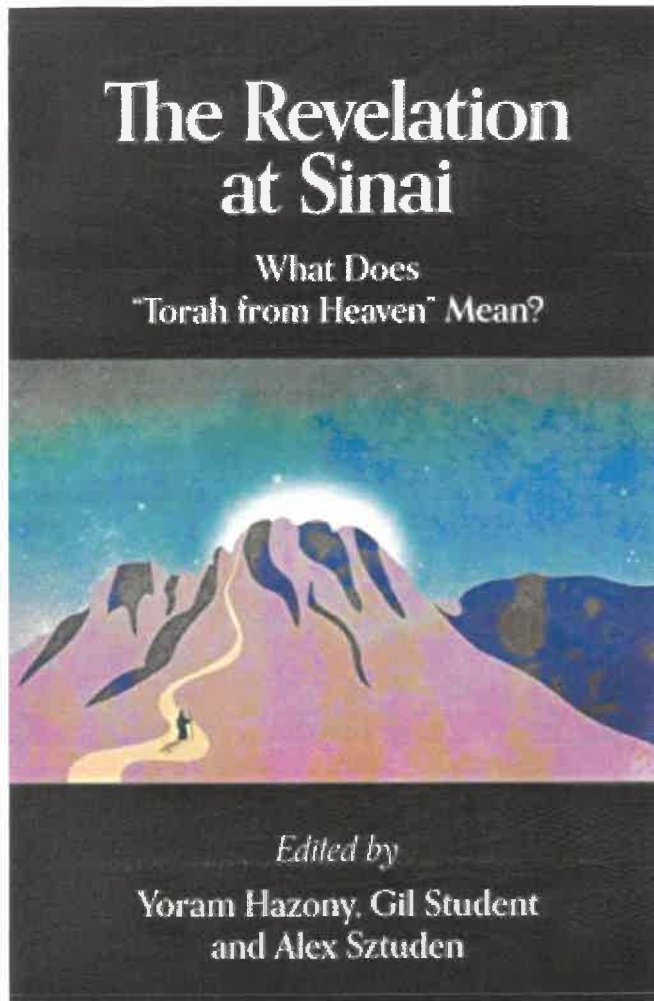


Confronting Biblical Criticism: A Review Essay

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Yoram Hazony, Gil Student, and Alex Sztuden, eds., *The Revelation at Sinai: What does "Torah from Heaven" Mean?* (KTAV, 2021)

The revelation of God's word to mankind is obviously a central feature of Judaism, but what exactly does this mean? Can anything new be said about revelation, or is all that has been said, and needs to be said, found in traditional rabbinic works? This new book, while fully accepting revelation in the traditional sense, shows that analysis of the concept of revelation is far from exhausted, even when it comes to basic ideas. It is a very rich book, with contributions from a number of distinguished scholars. In many ways, *The Revelation at*

Sinai can be seen as a traditionalist alternative to the point of view advocated by TheTorah.com, which accepts the findings of modern biblical scholarship and believes that they can be integrated with living a traditional Jewish life. As I have documented elsewhere, acceptance of aspects of modern biblical scholarship, to varying degrees, has already made inroads in Orthodoxy,^[1] a point which is ignored by virtually all of the contributors. Considerations of space prevent me from dealing with all the articles, so I will just call attention to various points that caught my eye, with full recognition that I could have just as easily picked other essays to focus on.

The book is divided into four sections with essays focusing on philosophical and theological issues, "Sinai and History," the Oral Torah, and revelation and modern biblical studies. The most significant of the essays is the lengthy contribution by Yoram Hazony that opens the volume and is a strong defense of the doctrine of Torah from Heaven. Hazony is not denying the possibility that there are a few post-Mosaic verses in the Torah. His points, rather, are directed against the widely held academic assumption that even if Moses is not a legendary figure, the Torah we have did not originate with him. Hazony is also not arguing using biblical scholarship, although he does ask with reference to the academic understanding that the Torah was produced by many different people over multiple generations, "Could the books of Moses... or, indeed, any coherent literary or philosophical work have been written by means of such an editorial process?" (p. 66). Yet this is somewhat begging the question, as many academic scholars will challenge the assumption that the Torah is indeed a coherent work, as from their perspective there are inconsistencies throughout that can only be explained by a long editorial process.

Hazony's focus is theology, as there are those who in recent years have claimed that revelation, rather than Moses, is fundamental, and that Moses' role can be reduced or even eliminated. Hazony specifically takes issue with Tamar Ross, who has advocated a notion of progressive revelation in which the Torah was revealed over time. For Ross, an obvious upside of her theory is that it severely lessens the conflict between the academic approach and what we can call the religious approach. Yet Hazony sees all sorts of difficulties with Ross's model, and concludes that "there is no way to reconcile Ross's unfolding revelation with the biblical and rabbinic theology of *Torah from heaven*, in which Moses and Sinai are regarded as fundamental" (p. 69 n. 145).^[2]

As Hazony argues, the theory of progressive revelation is problematic because it presents a scenario of numerous scribes acting under God's providence, writing and altering what earlier scribes had written, and all the while not realizing the significance of what they are doing. In other words, they are prophets without recognizing their prophetic role. He also makes the powerful point that the notion of progressive revelation leads to the realization that we can never know the intent of the Torah, since it could still be unfolding. "For if no one

in antiquity was able to gain a commanding view of God's nature and his will, then why should anyone believe that we are now in possession of God's 'true intent,' which was denied to all our forefathers?" (p. 74).

Hazon's position is definitely the traditional one, and he shows the difficulties that the progressive revelation position creates for one seeking a coherent philosophy of revelation. However, many in the Orthodox world put the stress not on coherence, but on dogma (in particular, Maimonides' Eighth Principle). In line with this, they see the progressive revelation approach as nothing less than heresy, for it replaces a unitary Torah revealed to Moses with a Torah revealed to multiple prophets over many years.

To my knowledge, the first to confront this approach on theological grounds was the great and influential (in the Orthodox world) biblical scholar, Rabbi Mordechai Breuer. Even though the progressive revelation position preserves the divinity of the Torah, as the Torah is said to be revealed through multiple prophets, Breuer strongly rejected it on theological grounds:

This definition of belief [the traditional position] 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.^[3]

These are powerful words and stand as strong support for Hazon's argument.

While *The Revelation at Sinai* generally holds to traditional approaches, unless I misunderstand, Shawn Zelig Aster's contribution, "Historical Issues Connected to Sinai," is an exception. Aster discusses where the Israelites came from, and his approach offers us a more complicated picture than what has traditionally been the case. "Some Israelites were certainly local Canaanites who settled down in the highlands" (p. 179). He states further:

It is clear that tribal nomads in the 14th and 13th centuries, and earlier, identified themselves as the nomads of YHW. . . . At the core of the Israelites were a group of nomads, who had identified themselves for some time, prior to their settlement in the land of Israel, as the people of YHW. These people emerged from the deserts of the Negev and Transjordan in the late 13th century, and settled in the land, bringing with them their political and theological views of God who ruled the land instead of Egypt" (p. 180).

Chapter 9 is a lengthy essay by Joshua Amaru titled "The Oral Torah from Heaven." When traditional Judaism speaks of revelation, it does not only refer to the Written Torah, but also the Oral Torah, what Jacob Neusner termed the "Dual Torah." Yet what is to be included in the Oral Torah? How much of what the Sages recorded is to be understood as part of the original revelation versus teachings that were derived by the Sages through exegesis?

Needless to say, there are fundamental disputes in this matter that are nicely elaborated upon by Amaru (although he unfortunately does not use Jay Harris' important book *How Do We Know This?*, which is devoted to the issues he discusses).

Amaru's sympathies are with Nahmanides in his famous dispute with Maimonides over the definition of a Torah law. For Maimonides, only a law that is written in the Torah or received by tradition from Sinai has the status of Torah law. This excludes laws that are derived by the hermeneutical principles, which are regarded as being of rabbinic authority. Nahmanides counters that these laws are also to be regarded as *mi-de-oraita*. Since the hermeneutical principles were given at Sinai, that which is derived by them also has the status of Torah law. [4]

In Amaru's understanding, "The distinction between Torah law and rabbinic law is a jurisprudential matter, not a historical one. In this we follow the precedent set by Ramban that that which is halakhically categorized as Torah law is not the same as that which was revealed to Moses" (p. 250). Amaru goes even further and states that the "categorization of a particular activity as a Torah prohibition or a rabbinic prohibition is not limited to the Sanhedrin and to the practice of *midrash halakha* as Ramban claimed" (p. 251). He argues that such categorization continues even today, and to support this position he cites a responsum of R. Moshe Feinstein where R. Feinstein concludes that cooking with a microwave violates Torah law. Since microwaves did not exist in earlier times, and the only way to connect use of a microwave with Torah law is through halakhic reasoning, this suffices to show that "the distinction between Torah law and rabbinic law is not historical but halakhic" (p. 252).

While Amaru sees this as a significant point, I view it as obvious, and I have no doubt that it was seen as obvious by the great halakhic authorities as well. When a halakhic authority argues that a prohibition is Torah-based, not rabbinic, he is not focusing on revelation and is not seeking to prove historically that this prohibition was included in the original revelation. The only thing the halakhist does is argue halakhically, by citing sources that lead to the conclusion that the prohibition is based in the Torah. We generally cannot go back in time to determine the historical reality, and the only mechanism we have to determine if something is Torah law or not is halakhic analysis.

Yet there are times when historical investigation *can* come into play. For example, Maimonides, followed by other *rishonim*, writes that the identification of the biblical *peri etz hadar* as an etrog was never in doubt and goes back to Sinai.^[5] Yet if it is conclusively shown that the etrog we use only came to the Near East many years after the days of Moses,^[6] then we would be forced to conclude that this is not something revealed at Sinai, but this need not remove the etrog from the status of Torah law. As long as the Sages derive that the

peri etz hadar is the etrog, then it could very well have the status of Torah law (according to those who disagree with Maimonides). But cases like this are very rare and usually determinations of what is and is not Torah law are only halakhic, with history playing no role.

Even when not dealing with matters of law, there are times when history would come into play. For example, the Hazon Ish states that not just the Hebrew vowels but even their forms were given at Sinai and are part of *Torah she-be'al peh*.^[7] Presumably, the Hazon Ish's opinion can be questioned by the fact that in different geographical regions there were different symbols used for the vowels. In other words, one cannot make a case that the shape of the Hebrew vowels can be categorized as from Sinai based solely on analysis of a rabbinic text or based on intuition if the evidence shows that in the real world there never was such a tradition about a particular form of the vowel system, and that there is nothing special about our vowel system as opposed to the supralinear form.^[8] My point can be extended to the broader issue of the vowels themselves being *Halakhah le-Moshe mi-Sinai*. This position is held by many, but in considering which side is more compelling, it would seem important to note that there is no reference to the vowels, not to mention their forms, anywhere in classic rabbinic literature.^[9] This appears to be powerful evidence that while there was indeed a reading tradition, there were no written vowels in the rabbinic period.

Another major essay in the volume is Gil Student's "Rethinking Revelation: Three Talmudic Scholars Grapple with Biblical Criticism." The three scholars that he examines are Abraham Joshua Heschel, Louis Jacobs, and R. Menahem M. Kasher. With regard to Jacobs, Student quotes him as saying that there is a "hard core of historical truth in the great Pentateuchal themes of the Exodus and the Revelation at Sinai" (p. 279). Student quotes another passage from Jacobs that he says "might imply that there was a revelation in time at Mt. Sinai" (p. 279). Student's instinct is correct, and now is a good place to quote from Jacobs' letter to me dated September 27, 1987, in which we see, among other interesting things, that Jacobs indeed affirmed an actual revelatory event at Sinai.

On revelation there is much to discuss. For the moment I am a little puzzled by what you mean when you write about "the physical revelation". Do you mean the thunder and lightning? I do not deny that something of this sort took place, although how could one know, but believe that it is of no relevance. But I do believe in *Torah min ha-Shamayyim* and here would agree that without this belief Judaism makes little sense as a religion. Indeed, what I and many others have been trying to do is to defend the doctrine of *Torah min ha-Shamayyim* by trying to show that it need not be understood in a fundamentalist manner. Thus I am far from "denying any original Torah," as you put it. On the contrary, the Torah for me is the whole process, in which there is a human element but also a divine element. Your remarks about how do I know that Judaism has more truth than other religions can just as easily be turned against you. How do you know that there was an "original" physical

revelation? The Hindus deny that it ever took place. You believe that Judaism is more true than other religions because you are a believer in the Torah and I am also a believer in the Torah. Surely your logic is at fault in this argument.

With Kasher we are dealing with a different sort of person. He had enormous erudition in the entirety of rabbinic literature, but he also showed an utter lack of historical sensibility that Student does not call attention to. Thus, Student mentions Kasher's notion (based on earlier sources) that Adam wrote the beginning chapters of Genesis (p. 297). Such a conception is so foreign to any modern way of thinking that it can have nothing to say about the reconciliation of Torah and modern biblical scholarship.

I am puzzled by Student's statement (pp. 265, 292) that in the talmudic dispute over whether Moses or Joshua wrote the last eight verses of the Torah (*Bava Batra* 15a, *Menahot* 30a), the Talmud rejects the view that Joshua wrote the last verses. This is not the case at all, and the Talmud leaves the dispute undecided. (In *Bava Batra* 14b the view that Joshua wrote the last verses is recorded in a baraita without objection.) This explains how various post-talmudic authorities, including apparently *Mishnah Berurah* (428:21), adopt the position that Joshua wrote the last eight verses.

After reviewing the approaches to *Torah min ha-Shamayim* of Kasher, Heschel, and Jacobs, Student concludes that

all have failed to adequately reconcile Jewish tradition with biblical criticism. Jacobs consciously breaks with Jewish tradition while Kasher chooses tradition over biblical criticism. Heschel unconvincingly attempts to revise tradition, insufficiently to answer the challenge (p. 298).

It seems as if Student is offering a criticism here. To this I would reply that Kasher never attempted to reconcile Jewish tradition with biblical criticism, as he had no interest in the latter and did not think that it had any truth to it. One only reconciles when one feels that there are two conflicting truths. Jacobs' attempt at reconciliation is explicit and lengthy, and Heschel accepts that the findings of biblical criticism can be true, but in his eyes this does not affect the fact of revelation. He sees discussions of biblical authorship as matters of historical scholarship that have nothing to do with revelation. This is also the position advocated by certain Orthodox—many would prefer to say Orthoprax—academics who accept revelation while denying Mosaic authorship, in whole or in part.^[10]

Continuing with Student's article, I also find the following passage noteworthy:

This does not mean that we must reject biblical criticism out of hand. Based on Maimonides' approach, we need to evaluate the arguments for and against biblical criticism. While different topics and arguments vary in speculative evidence, some are quite powerful. We cannot and should not skip the step of evaluation. Yet, in the end, we come to the final step

of considering revelation. As discussed above, biblical criticism undermines Judaism much more than Aristotle's eternal universe, even if its proponents attend synagogue three times a day. (p. 302)

On the previous page, Student elaborates on Maimonides' reasons for rejecting Aristotle's view of the eternity of the universe. Maimonides notes that Aristotle was never able to prove his point, and he also states that if Aristotle's position is true, then Judaism as we know it would be rendered meaningless (*Guide of the Perplexed* 2:25). Yet if Aristotle's viewpoint was actually proven, can we really believe that Maimonides would have rejected Judaism entirely? It is much more likely that he would have reinterpreted the traditional belief in accord with the new proven knowledge (and the emphasis is on "proven"). After all, Maimonides tells us that the creation narrative of the Torah can be reinterpreted in accord with Aristotle's position, but basic theological reasons prevent us from doing so. I assume Student has the same approach when it comes to biblical criticism. If one of its major points *were* proven, by which I mean an actual proof that all could accept, would this mean the end of Judaism? As R. Immanuel Jakobovits once told me, the answer is absolutely no. As far as R. Jakobovits was concerned—and would anyone disagree?—the only result of the new evidence would be that the traditional belief would have to be reformulated.

We must also answer the fundamental question of what does one mean by "biblical criticism"? Presumably, the proponents of biblical criticism who are careful to pray three times a day do not believe that the Torah is a human document, but see it as a prophetic document, albeit not a Mosaic document or not an entirely Mosaic document. This approach needs to be distinguished from the academic approach that sees the Torah as no different than any other ancient Near Eastern document. Does Student see the problem of biblical criticism in the affirmation of human authorship, or is non-Mosaic prophetic authorship to be viewed in the exact same light?

While in years past it was easy to simply point to Maimonides' Eighth Principle as affirming complete Mosaic authorship, wider acknowledgment of the views of Ibn Ezra and various medieval Ashkenazic sages, that there are indeed post-Mosaic additions to the Torah, requires clarification of what is considered acceptable in the broader Orthodox tent. Student writes: "Because any interpretation of historical or textual material is inherently speculative, those interpretations that contradict divine authorship and Mosaic transmission are discarded" (p. 305). But what about the medieval authorities who do not insist on complete Mosaic authorship? What implications if any does Student think that these views have for a modern theology of *Torah min ha-Shamayim*?

Whatever criticisms I have expressed of any of the contributions to this wonderful volume, I fully concur with the final words of Student's essay, that just as medieval Jews had to deal with approaches that were at odds with traditional Torah teaching, so too "we must create

our own intellectual space in which we confidently and unapologetically study the divinely written and transmitted Torah that is our heritage” (p. 307).

[1] See my “Is Modern Orthodoxy Moving Towards an Acceptance of Biblical Criticism?” *Modern Judaism* 37:2 (May 2017): 1-29. See also Adam S. Ferziger, “Fluidity and Bifurcation: Critical Biblical Scholarship and Orthodox Judaism in Israel and North America,” *Modern Judaism* 39:3 (Oct. 2019): 233-270.

[2] See also the statement from the Rabbinical Council of America here (published July 31, 2013):

In recent days there has been much discussion regarding the belief in Torah Min HaShamayim. 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.

When critical approaches to the Torah’s authorship first arose, every Orthodox rabbinic figure recognized that they strike at the heart of the classical Jewish faith. Whatever weight one assigns to a small number of remarks by medieval figures regarding the later addition of a few scattered phrases, there is a chasm between them and the position that large swaths of the Torah were written later – all the more so when that position asserts that virtually the entire Torah was written by several authors who, in their ignorance, regularly provided erroneous information and generated genuine, irreconcilable contradictions. Beyond a shadow of a doubt, none of the abovementioned figures would have regarded such a position as falling within the framework of authentic Judaism.

While we recognize and respect the theological struggles that are a feature of many a modern person’s inner religious life, the position in question is unequivocally contrary to the faith requirements of historic Judaism.

[3] Breuer, “The Study of Bible and the Fear of Heaven,” in *Modern Scholarship in the Study of Torah*, ed. Shalom Carmy (Northvale, N.J.: Jason Aronson, Inc., 1996), 169. I want to take this opportunity to correct something I wrote in my article “Is Modern Orthodoxy Moving Towards an Acceptance of Biblical Criticism?” In the article, I cited the passage from R. Breuer that I just quoted above, in which he rejects the notion of progressive revelation. However, I also cited another passage from R. Breuer’s last published work, which I said presented a different position.

One who is not able to believe that God gave the entire Torah to Moses, there is no reason for him to say that Moses wrote the Torah. Rather, 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 critical Bible scholars. 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, that 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. Indeed, these people also say that the Torah is “from Heaven” and was written by prophets through a spirit of prophecy! (*Limud ha-Torah be-Shitat ha-Behinot* [Jerusalem, 2005], p. 24.)

This passage from Breuer is also cited in Yehudah Brandes, et al., eds., *Be-Einei E-Iohim ve-Adam: Ha-Adam ha-Ma'amin u-Mehkar ha-Mikra* (Jerusalem, 2015), 63n112, and in the English version of this book, *The Believer and the Modern Study of the Bible* (Boston, 2019), 72n5. Yet we were mistaken in how we understood R. Breuer. Although R. Breuer could have been clearer in his exposition, read in its entirety, it appears obvious that the passage I just quoted was only intended to describe the way of thinking of the Orthodox—or “Orthodox”—academics who see the Torah as the product of multiple divinely inspired authors. R. Breuer’s rejection of this position did not waver.

[4] My summary of Maimonides’ opinion is how it is understood by Nahmanides and most modern scholars. Yet many traditional interpreters have offered different understandings. See Marc Herman, “What Is the Subject of Principle 2 in Maimonides’s Book of the Commandments? Towards a New Understanding of Maimonides’s Approach to Extrascriptural Law,” *AJS Review* 44:2 (2020): 345-367.

[5] Introduction to the Mishnah in R. Yitzhak Sheilat, ed., *Hakdamot ha-Rambam* (Maale Adumim, 1992), p. 38. According to Maimonides, the talmudic discussion in *Sukkah* 35a which at first glance might appear to be an attempt to identify what the *peri etz hadar* is, in reality is only focused on finding a scriptural support for the commandment whose details were already known by tradition.

However, R. Jacob Joshua Falk, *Penei Yehoshua*, *Sukkah* 35a, appears to say that the Talmud really does raise the possibility that *peri etz hadar* need not only mean an etrog:

נראה דכוונת המקשה דכיון דפלפלין נמי עזו ופריו שוין א”כ אימא דתרוייהו כשרין דאע”ג דאתרוג הדר טפי אפ”ה אם לא מצא אתרוג יוצא בפלפלין.

See *Avodah Berurah al Masekhet Sukkah*, p. 32 (to *Sukkah* 35a); R. Yehoshua Sklar, *Yalkut Perushim: Sukkah*, pp. 88-89 (to *Sukkah* 35a).

Sukkah 48b, in both the Mishnah and Baraita, records how on Sukkot a Sadducee poured the water libation over his feet, instead of on the altar, and in response the people pelted him with their etrogs. R. Joseph B. Soloveitchik mentioned in *shiur* the following reason why they threw their etrogs at him: The Sadducee was rejecting the Oral Law regarding how to perform the water libation, therefore they threw their etrogs at him as the etrog also depends on the Oral Law for its identification. See R. Soloveitchik, *Reshimot Shiurim: Sukkah* (New York, 2000), pp. 257-238. R. Hayyim Dov Altusky challenges the Rav's point that the throwing of the etrogs had religious significance. He claims that those throwing the etrogs would have included not only sages but also average people, as the Mishnah says that "all the people" pelted the Sadducee. R. Altusky states that this shows that the people simply grabbed what was in their hands without thinking about the religious implications that the Rav reads into the story. See *Hiddushei Batra al Hiddushei ha-Masbir: Sukkah*, p. 29. I find it hard to believe that the Rav was offering an actual historical explanation of what happened. It strikes me that his comment was made in a homiletical vein, and therefore it does not make sense for R. Altusky to challenge the Rav's point like he did. For more on the episode in its historical context, see Vered Noam, *Shifting Images of the Hasmoneans: Second Temple Legends and Their Reception in Josephus and Rabbinic Literature*, trans. Dena Ordan (Oxford, 2018), ch. 4; Steven Weitzman, "The Etrog as Weapon in Temple Times," in *Be Fruitful!: The Etrog in Jewish Art, Culture, and History*, eds. Warren Klein, et. al, (Jerusalem and New York: 2022), 55-57. See also Saul Lieberman, *Tosefta ki-Feshutah, Sukkah*, p. 881.

[6] Evidence for this is presented by R. David Z. Moster, *Etrog: How a Chinese Fruit Became a Jewish Symbol* (Cham, Switzerland: 2018). Yehudah Feliks, based on historical arguments rather than dogma, rejects this approach and argues that the *peri etz hadar* was always identified with the etrog. See his *Atzei Peri le-Mineihem: Tzimhei Ha-Tanakh ve-Hazal* (Jerusalem, 1994), pp. 150ff.; idem., "Peri Etz Hadar – Ha-Etrog," *Beit Mikra* 42 (1997): 288-292. See also Zohar Amar, *Arba'at ha-Minim* (n.p., 2010), 20ff. Maimonides' view, that the etrog has been used since the days of Moses, seems to have assumed the status of dogma in much of Orthodoxy. Yet in a recent book on the etrog published by Mossad ha-Rav Kook, a respected Orthodox publishing house, one article is included that suggests that the etrog was only brought to the Near East in the era of Alexander the Great. Another article in the book states that only in the first century CE was the etrog identified as the Torah's *peri etz hadar*. See Eliezer Goldschmidt and Moshe Bar-Yosef, eds., *Ha-Etrog: Masoret, Mehkar u-Ma'aseh* (Jerusalem: 2018), 93, 123.

R. Yehuda Amital cites a view, that he attributes without a specific source to the book *Benei Efraim*, which appears to be at odds with Maimonides' approach. "The Torah does not require specifically an etrog for the mitzvah. Rather, one must take a fruit that meets all the criteria mentioned in the Gemara, which Chazal derived from biblical verses. . . . Once a fruit meets all these criteria, it qualifies for the *mitzvah* of *arba minim*, even if we cannot call it an

etrog." See his *Resisei Tal*, vol. 1, p. 251, translation found here. He further notes that this is also the implication of Tosafot, *Sukkah* 33a s.v. *ve-eima*. R. Amital refers to *Benei Efraim*, yet I am certain that this should be *Beit Efraim*, authored by R. Ephraim Zalman Margulies. (There is no book with the title *Benei Efraim*.) See *Beit Efraim*, no. 56. Furthermore, the view that R. Amital refers to is not the opinion of R. Margulies. Rather, R. Margulies cites this opinion (which he rejects) from R. Abba ha-Levi's responsum in R. Abraham Rapoport, *Eitan ha-Ezrahi*, no. 39. R. Abba writes:

ומה שכתב והתורה אמרה אתרוג וליכא, לא ידעינן היכן כתב בתורה אתרוג, רק פרי עץ הדר, ומין זה הדר הוא ודר משנה לשנה באילן

See also R. Jacob Horovitz, *She'elot u-Teshuvot Ha-Rivam* (Munkacz: 1908), no. 30 (46b):

דהא דכתבה רחמנא ולקחתם פרי עץ הדר לא הקפידה בו תורה אלא שיהי' פרי הזאת פרי שטעם עזו ופריו שוה בה ואלו היו מצאי פרי אחרת שטעם עזו ופריו שוה דוגמת אתרוג הוי חזי לקחתו למצות לולב וא"כ הא דאין מוכשר למצותו אלא אתרוג הוא שמאחר שלא מצינו פרי אחרת דוגמתו שיהי' טעם עזו ופריו שוה

Jacob Reifman argues that the Torah's *peri etz hadar* was never intended to only refer to the etrog. See his letter in Isaac Reggio, *Yalkut Yashar* (Gorizia: 1854), pp. 46ff., where he even suggests that in medieval times fruits other than the etrog were also used on Sukkot to fulfill the *mitzvah*.

While this certainly seems like an un-Orthodox suggestion, none other than the famed R. Solomon Eliezer Alfandari agrees with Reifman's point, and states that in ancient times there was no distinction made between an etrog and a lemon, and both were regarded as acceptable to fulfill the *mitzvah*. See Alfandari, *She'elot u-Teshuvot Maharsha*, vol. 1, no. 13. This point was so shocking to R. Joshua Menahem Ehrenberg that he suggested deleting this responsum from R. Alfandari's book. See Ehrenberg, *Devar Yehoshua*, vol. 2, no. 124. (I learned of R. Ehrenberg's responsum from the Bein Din le-Din blog, Oct. 10, 2011.) For more rejections of R. Alfandari's approach, see the sources mentioned in R. Yitzhak Frankel, *Mesorat ha-Etrog* (Jerusalem, 2015), pp. 138ff.

R. Michael Abraham was asked if evidence that the etrog had not reached the Near East in the days of Moses creates a religious problem that needs to be dealt with. He replied that the only important point for us is the talmudic identification of *peri etz hadar* with the etrog, and the historical record has no relevance in this matter.

איני מכיר את הסוגיא אבל זה ממש לא משנה. התלמוד הוא המוסמך לקבוע והוא קבע שהאתרוג הוא פרי עץ הדר. גם אם הוא לא היה בארץ ישראל באותה תקופה אין מניעה לזהות פרי עץ הדר עם אתרוג. לכן אין כאן שאלה לענ"ד.

An interesting tradition is preserved in Chabad. As is well known, Chabad Hasidim use etrogs from Calabria in southern Italy. R. Menachem Mendel Schneerson reported in the name of his father-in-law, R. Joseph Isaac Schneersohn, who quoted his father, R. Shalom Dov Baer Schneersohn, as follows: When God commanded Moses to take a *peri etz hadar*, Moses sent messengers—whom the Rebbe R. Menachem Mendel identifies as angels—by means of the Clouds of Glory to bring etrogs from Calabria to the desert where the Children of Israel were. See R. Menachem Mendel Schneerson, *Ha-Melekh bi-Mesibo* (Brooklyn: 1993), pp. 82-83. This is actually a tradition that goes back to R. Shneur Zalman of Lyady. See R. Menachem Mendel Schneerson, *Iggerot Kodesh*, vol. 13, no. 4381; R. Joseph Isaac Schneersohn, *Sefer ha-Sihot: 5699*, p. 294, and the accompanying notes. R. Yosef Shalom Elyashiv rejects the Chabad tradition, but that is because he takes *Shabbat* 56b literally that Rome—which he understands to mean also the entire Italy—only came into existence during the time of Solomon. See *He'arot Rabbenu ha-Gaon Rabbi Yosef Shalom Elyashiv: Shabbat 1* (Jerusalem: 2014), p. 379.

[7] *Kovetz Iggerot Hazon Ish*, vol. 2, no. 169. R. Joseph Rozin, the Rogochover, goes even further, stating that the actual *sefer Torah* that Moses wrote contained vowels and cantillation notes (*trop*). See *Tzafnat Paneah al ha-Rambam: Mahadura Tinyana* (Dvinsk: 1930), p. 60a. As R. Binyamin Wattenberg points out, this ironically means that Moses' *sefer Torah* would today be regarded as invalid (*pasul*). See *Shulhan Arukh, Yoreh Deah 274:7*:

ספר המנוקד פסול ואפילו הסירו ממנו הניקוד וכן ספר שיש בו פיסוק פסוקים פסול

See Wattenberg's edition of R. Baruch Epstein, *Safah le-Ne'emanim* (Puteaux, France: 2021), p. 91. Elsewhere, R. Rozin writes that Moses' *sefer Torah* also included: כל המסורה והקרי, which would also render it invalid for us. See *Tzafnat Paneah* (Petrokov: 1908), *Hilkhot Terumot*, p. 122 (Arabic numerals). R. Rozin's point is explicitly contradicted by many earlier authorities. See e.g., the responsum quoted in *Mahzor Vitry*, ed. Hurwitz (Nuremberg: 1923), vol. 1, p. 91:

ספר תורה שניתן למשה בסיני לא שמענו בו ניקוד ולא ניתן ניקוד בסיני

[8] See R. Avigdor Amitai, *Emunah Tehorah* (n.p., 2022), p. 231. It is likely that were the Hazon Ish aware of this, that he would have retracted his opinion. There is a similar example in the Hazon Ish's well-known opposition to the form of the letter *tzadi* that appears in Sephardic *sifrei Torah*. He believed that this form originated with Shabbetai Zvi. However, after he was shown a printing of the Zohar that predated Shabbetai Zvi, and which describes the *tzadi* in the way the Hazon Ish opposed, he retracted his claim that it arose from Shabbetai Zvi. See Shlomo Zalman Havlin, "Od be-Inyan Sefer ha-Torah ha-Meyuhas le-Ran ve-ha-Tzadi be-Yud Hafukhah," *Ha-Ma'yan* 53 (Tishrei 5773): 34. See also Binyamin Brown, *Ha-Hazon Ish* (Jerusalem: 2011), 448ff.

[9] Jerome (d. 420) also testifies that there were no written vowels for the biblical text. See the references to his commentaries in William Wickes, *A Treatise on the Accentuation of the Twenty-One So-Called Prose Books of the Old Testament* (Oxford: 1887), 5.

[10] See my “Is Modern Orthodoxy Moving Towards an Acceptance of Biblical Criticism?”