

ORTHODOXY AND THE CHALLENGE OF BIBLICAL CRITICISM

Some reflections on the importance of asking
the right question

I—Modern challenges of biblical criticism and non-Orthodox responses

As formulated by Maimonides in his eighth principle of faith, traditional Jewish belief in a divine Torah entails the notion that the biblical text in our hands today was transmitted by God to Moses, that every word of this text is equally divine and laden with meaning, and that this written text was simultaneously accompanied by an oral commentary.

Critical approaches to the biblical text that pose problems for this formulation are not a modern invention. Nevertheless, the scope and intensity of such questions have deepened considerably in the past century. Beyond the usual difficulties (erroneous or fallible content, questionable morality, and textual evidence of evolutionary historical development), the development of sophisticated methods of textual analysis (such as those generated by hermeneutic theory, computer science, and the feminist critique) has recently problematized the very notion of divine revelation as verbal communication—given that language itself now appears so pervasively rooted in a particular perspective and cultural bias

Before discussing possible “Orthodox” solutions, it would be useful first to survey some “heterodox” suggestions that have been proffered. One such response to these difficulties—perhaps the most intuitively obvious—has been to abandon the notion of divine revelation altogether. Thus, Mordecai Kaplan, founder of the Reconstructionist movement, rejects any appeal to metaphysics and transcendence in describing the origins of the Torah. Instead, he prefers to view revelation naturalistically, as the human “discovery” of how to live religiously (Kaplan 1967).

Other responses (as represented in the writings of Franz Rosenzweig, Abraham Joshua Heschel, and Louis Jacobs) that have been rejected by mainstream Orthodoxy, all appear to be variations on Martin Buber’s attempt to promote a more nuanced understanding of revelation that does not reject biblical claims to metaphysics altogether. This more complex approach to the biblical text, similar to Protestant “dialectical theology,” understands the Torah as a human effort to convey or recapture certain genuine meetings with the Divine. Because such meetings were inevitably experienced in a particular

linguistic and cultural context, and no written or oral report can convey these encounters in terms that are entirely free of the influence of historical context, the argument now consists of just what and how much of the Godly was revealed. Differences of opinion range from the divine element consisting merely in the meeting itself with all resultant texts a human response, to the belief that a complete text was given but necessarily distorted because every human “hearing” involves re-interpretation, or some in-between suggestion of a more minimalistic linguistic message that was left for humans to fill in over time.¹ At any rate, what is left for us to extract is the eternal illuminations that the Torah communicates to us from those trappings that are the fruit of passing human experience.

Viewing revelation as a dialogic encounter which entails both human and divine elements appears more satisfactory than Kaplan’s reductionism. Instead of understanding the religious experience as merely the product of innately human impulses, this approach acknowledges biblical claims to a supernatural source. However, such a theology does not satisfy the traditional requirement that the *entire* Torah be viewed as the word of God and that *all* its details be regarded as equally authoritative and binding. So the question remains: Can a document so thoroughly riddled with identifiably dated and partisan human perspectives truly be divine? Can traditionalists develop an approach to the Torah that acknowledges the naturalist explanations of Mordecai Kaplan without his reductionism on the one hand, while simultaneously appropriating the metaphysical claims of dialectical theology without succumbing to its selectivity, on the other?

II—Orthodox solutions thus far

An increasing number of Orthodox Jews are recognizing that biblical criticism is not a theory that they can accept or reject at will. Contemporary scholars may disagree regarding particular versions of the documentary hypothesis, whether there was one final redactor or many, the exact dates involved, etc., but historical evidence cannot leave the traditional picture intact. Until recently, however, the traditionalist response to such conclusions has largely been to ignore or avoid them. To the extent that Orthodox thinkers have addressed the challenges of higher criticism, they have generally adopted a modernist approach² associated with the slogan of *Torah u-madda* (Torah and science). This regards both sources of knowledge as valuable avenues to Truth. It presents possible discrepancies as localized controversies between science and religion regarding “the facts of the matter.” Under such circumstances, the validity of the Torah’s rendition will always be maintained.

Proponents of this approach often enlist the tools of science itself to defend the accuracy of traditional accounts on science’s own grounds.³ Alternatively, difficulties are resolved by appeal to Maimonides’s classic statement that “the gates of figurative interpretation” are never “shut in our faces” (Maimonides 1963, 327), intimating that whenever the literal meaning of the Torah can be incontrovertibly refuted, this should be taken as clear indication that the text was meant to be understood allegorically, with deeper meanings to be extracted by the more philosophically inclined. Questionable features of biblical morality are resolved in a similarly ad hoc manner; drawing upon various apologetic arguments to defend their underlying values and conclusions.

Rabbi Mordechai Breuer's understanding of biblical contradictions as planted deliberately by God for educational and other reasons (1996) or Professor Weiss-Halivni's suggestion of a perfect Torah that was corrupted during a long period of halakhic negligence, whose practical consequences were corrected through authoritative mid-rashic interpretation (1997), offer more striking and ingenuous theories as justification for what on first blush appear to be perplexing anomalies in the text.

There is no denying, however, that this battery of tactics, which still links the sanctity of Torah to the authenticity of an original revelatory event at Sinai, and to the unique status of Moses as prophet, loses its persuasiveness when the various difficulties it purports to address can be more simply and elegantly explained by reference to their historical setting and the development of human understanding.

Nevertheless, the closest that a *Torah u-madda* approach comes to a more naturalistic interpretation is in its willingness to appropriate the notion of divine accommodation—that God deliberately expressed Himself to Moses in the language of the times (Maimonides 1963, III:32). The inadequacies of this solution when confronted by discovery of a biblical worldview bearing more pervasive biases (such as those highlighted by feminists) of a dated or parochial nature that are so implicit and subtle that the innocent reader usually remains unaware of their existence (and therefore cannot be taken as serving some accommodative purpose), are not considered.

In line with the observation of Edward de Bono, a leading authority on creative thinking, who states that “asking the right question may be the most important part of thinking” (<http://questioningteachers.wordpress.com/discussion-reflection-and-resources/quotes-about-questions/general-quotes/>), I believe that the key to Orthodox resolution of this dilemma involves a radical departure from the *Torah u-madda* approach, which relates to all truth claims of religion cognitively, as simple statements of fact. Instead of questioning whether the doctrine of Torah from Heaven is true empirically, Orthodox believers must rather ask: what is its function in the context of their religious lives? Is its primary concern to discuss history or to fulfil other purposes?

III—Initial deviations from cognitivism in Orthodox theology (Soloveitchik and Leibowitz)

Some initial attempts at divergence from a strictly cognitive response to the theological dilemmas of Modern Orthodoxy—relating to religious dogma as transmitting something other than empirical data—can be discerned in efforts by several Orthodox academicians problematizing overly rigid definitions of Jewish doctrine.⁴ Nevertheless, the traditional belief in Torah from Heaven bears a unique status even in this context. Despite seeking nuance in traditional understandings of Maimonides's eighth principle of faith, Orthodox thinkers have until very recently refrained from alluding to the traditional account of the giving of the Torah as anything other than a factual description. Direct questioning of its historical accuracy or even detailed scrutiny regarding what it entails is regarded within Orthodoxy as a serious breach of religious etiquette, on the presumption that such discussion involves a weakening of the Torah's binding nature. This taboo is beginning to erode.

A few theologians and scholars in the Modern Orthodox camp seem to reject empiric data as the exclusive criterion for establishing the revelatory status of the

bible.⁵ A notable passage from *The Lonely Man of Faith* by Rabbi J. B. Soloveitchik, the revered leader of American Modern Orthodoxy, professing that he has “not been perplexed by the impossibility of fitting the mystery of revelation into the framework of historical empiricism” might be construed as a first step in this direction. While asserting that “we unreservedly accept the unity and integrity of the Scriptures and their divine character,” Soloveitchik nevertheless declares that he is untroubled by “theories of Biblical criticism which contradict the very foundations upon which the sanctity and integrity of the Scriptures rest,” on strength of a distinction he makes between factual and non-factual biblical accounts of human existence (Soloveitchik 1992, 10). In this context, even the latter may be justified as pointers to ineffable truths that transcend verbal expression and cannot be validated empirically.

A more radical break with cognitive truth as a criterion for establishing the divinity of the Torah is exhibited in the thought of Professor Yeshayahu Leibowitz,⁶ who emphasized the sharp distinction between historic or scientific statements on the one hand, and statements of value (“religious facts”) on the other.⁷ For Leibowitz, questions regarding the historical grounding of the biblical account of the Sinai event are meaningless in a religious context and irrelevant in establishing the sanctified status of the Torah. As opposed to Soloveitchik, Leibowitz does not see the Torah as “speaking for itself” in any manner (Leibowitz 1976, 347). Neither its timeless existential message, nor the accuracy of its description of the circumstances surrounding its transmission, grants the Torah its sanctity, but rather the practical role assigned to it by historical Judaism. Rather than teach us about a past event in which God spoke to Moses, or convey any current sense of His presence seeping through the text, the proposition that “God gave the Torah” is a normative statement expressing recognition of our obligation to assume the yoke of the Torah and its commandments. Thus, instead of revelation providing the basis for a particular way of life, it is this way of life, and—more specifically—the halakhic tradition of the Oral Law, which grants the Torah its revelatory status as the word of God and establishes its prescriptions as binding (Leibowitz 1976, 348–350).⁸ Because God’s absolute transcendence precludes any revelation of His self in the world, the ultimate authority of the Torah as God’s word is grounded exclusively on the voluntary decision of the rabbinic Sages to accept it as such. Undertaking performance of Mitzvot for its own sake without any thought of attunement to human needs is the only way of relating to a Being who is by definition inscrutable and totally “Other.”⁹

Although a scientist mistrustful of supernaturalism, Leibowitz was also deeply religious, vociferously rejecting the contention that religion lacked ontological grounding. Leibowitz’s reservations regarding literal interpretations of religious propositions—unlike those of Mordecai Kaplan—do not stem from a full-fledged flight from metaphysics, but rather from a Kantian-like objection to applying human categories to an absolutely transcendent God—ascribing this view to Maimonides as well. Thus, accepting the Torah as God’s word mandates engaging the Torah in an interpretive project, whose objective is to translate the ostensibly supernatural connotations of its mythological language, which speaks of God’s revelation and intervention in worldly affairs, into terms that are theologically compatible with this Kantian/Maimonidian constraint—bearing a normative thrust, rather than conveying any informative content. The opening verse of Genesis stating that “in the beginning God created heaven and earth,” which makes no sense theologically (as God is above time) nor empirically

(because these words correspond to nothing in our natural experience), are re-interpreted to teach us a religious lesson: “What I [Leibowitz] learn from these verses is the great principle of faith, that the world is not God—the negation of atheism and pantheism” (Leibowitz 1992, 140). So too, the proposition “God gave the Torah,” which is similarly unintelligible both theologically and empirically is now understood not as a “religious fact,” but as “the obligation compelling the individual to worship God” (Sagi 1997b, 213). Because God’s absolute transcendence precludes any revelation of His self in the world, Leibowitz grounds the ultimate status of the Torah as God’s word exclusively on the formal decision of the rabbinic Sages to define it as such, rather than on any objective historical occurrence.¹⁰

IV—Shortcomings of metaphysical minimalism (James Kugel)

Aside from a small circle of intellectuals,¹¹ the appeal of Leibowitz’s metaphysically muted approach has been limited. Beyond his terse, polemical language and propensity for stark, paradoxical aphorisms that turn conventional views on their head without cushioning the blow, this failure reflects how a theology which grounds the divinity of the Torah merely on the voluntary decision of the Rabbis leaves many religious believers cold. If Leibowitz is not prepared to allow for any revelation of God’s will on theological principle, why should rabbinic fiat be granted any privilege in determining the divine nature and meaning of Torah?¹²

A sense of the inadequacy of Leibowitz’s theological position can be discerned even among some contemporary Orthodox scholars who ostensibly appear close to his view of religion as man-made. A notable example is the biblical scholar James Kugel. Although unencumbered by Leibowitz’s philosophical baggage regarding God’s utter transcendence, Kugel’s scholarship on the transformation of the Bible into Scripture similarly precludes relating to traditional accounts of revelation as strictly factual descriptions. This leads Kugel to share much of Leibowitz’s “no-nonsense” approach to Torah, regarding belief in its divinity primarily as an affirmation of the rabbinic understanding that the true way to approach God is by submitting to His commands as explicated by the Oral Law. Nevertheless, in expanding upon this notion in a theological epilogue to what is essentially a scientific work of biblical scholarship, Kugel confesses that he “could not be involved in a religion that was entirely a human artifact” (Kugel 2007, 689). Some appeal to the supernatural that extends beyond human initiative is still required in order to render compelling the rabbinic understanding of Torah as a by-product of Israel’s acceptance of “the supreme mission of serving God” (684–685), and their fleshing out of this perception in a myriad of legal particulars.

Another ostensible shortcoming of Leibowitz’s approach is that his narrow view of the biblical message diminishes the significance of the Torah in religious life. Can the total import of the Torah be reduced to normative statements regarding the obligation to serve God through His commandments?¹³ Surely generations of believers have found greater meaning in the Torah than this!¹⁴ (Ironically, this objection has been levelled even more sharply against what has been termed Kugel’s “excavational” approach to the study of biblical texts. Unlike Leibowitz, Kugel is not involved in any systematic project of re-interpretation of the biblical text. This has led some of Kugel’s critics to fault him for relating to its original content as outdated Iron Age fragments, devoid

of intrinsic merit, which became sanctified only by virtue of their subsequent canonization and interpretation.)¹⁵

There is no denying that there are grave philosophical difficulties in claiming that the voice of a transcendent God erupted into the natural world. Any such claim would render the hearing of such a voice an empirical observation, independent of how it is represented in the human mind. Kugel is not oblivious to this obstacle. He acknowledges that ascribing divine origin to even the most minimal message is, in the last resort, an act of faith and not subject to proof. As he puts it: “words are words are words” and “who are we to determine what or how God can put in His book, or how it can arrive in our hands?” (<http://kavvanah.wordpress.com/2013/01/31/conversation-with-james-kugel-about-revelation/>). Perhaps for this reason he places far greater importance on the rabbinic understanding that all subsequent interpretations of God’s original missive are also encapsulated within it.

As for fallible aspects of this missive (elementary mistakes in physics, biology, or history), Kugel attributes these, in a fashion somewhat reminiscent of Maimonides, to disparity between the divine “handoff” and the form it takes upon reception. Liking human apprehension of divine revelation to the human faculty of sight, whereby different wavelengths of light reflected off objects are converted in our brains into different colours, he declares: “We simply don’t know the beginning of the process we call prophecy—i.e., God speaking to a human being. All we know is what comes out the other end, after the intervention of a human brain” (<http://kavvanah.wordpress.com/2013/02/11/conversation-with-james-kugel-a-follow-up/>).

Nevertheless, reducing the scope of the problem simply by transferring the bulk of God’s message to rabbinic extrapolation and relegating the rest to faith does not solve the problem in principle or abolish it. Neither does distinguishing between an amorphous “divine original” and its human depiction.

V—Myth, post-liberal constructivism and narrative theology (Norman Solomon)

Epistemological thinking (i.e. thought pertaining to the origin, nature, methods and limits of human knowledge) has not stood still since the time of Maimonides. Kantian scepticism dismisses the possibility of speaking empirically of anything beyond the natural world. Such scepticism is based on what Kant described as his Copernican revolution in the theory of knowledge—trading the medieval notion that man’s perceptions revolve around some fixed reality, for the modern notion that this reality, far from being fixed, is filtered and shaped by the mind perceiving it. This raises the question: can ascription of intentionality or deliberate communication to something transcending human experience (even when relegated to the realm of belief) ever be classified as reference to “an objective occurrence,” distinct from its representation in the human mind? Surely the very decision that *these particular* words, rather than others, stem directly from God and bear prophetic status is of necessity dependent upon human interpretation and cultural preconditioning.

A more recent version of revelatory minimalism that might overcome these difficulties is the recommendation of Jewish Studies scholar, Norman Solomon, in a book entitled “Torah from Heaven,” that the logical status of this doctrine be changed from

historical truth to a foundational myth of origin (Solomon 2012, 320–321, 346). In labelling the belief in Torah from Heaven a “myth of origin,” Solomon appears, like Leibowitz, to be arguing that religious language is not intended to impart information—metaphysical or otherwise. But there is a difference in the degree of receptivity to the original text that the two views mandate. Because Leibowitz still appeals to a form of reasoning beyond religious discourse in stipulating the existence of a God whose nature transcends human understanding, and is not revealed in history, he is driven to demythologize the “religious facts” described in the Torah which purport to talk about God and His relationship with the world. Instead of taking such descriptive statements at face value, he must relate to them as value judgements and directives for behaviour, thereby avoiding clashes with his pre-conceived theological views. Solomon’s understanding, by contrast, allows him to accept the mythic formulation unconditionally, with no theological strings attached.¹⁶

Irrespective of questions regarding their original intent and context,¹⁷ Solomon argues that only when biblical narratives are treated strictly as history do questions of “accuracy” become appropriate, creating the need for apologetic resolutions with contemporary sensibilities. When treated as a myth of origin, the traditional account of revelation, even if it appears today as entirely fictitious or overwhelmingly inaccurate, can still bear theological validity *as it stands*. Its rationality or “truth” is maintained not by appeal to external evidence or re-interpretation, but in its ability to discharge a mythic function, imbuing those who appropriate it with a sense of allegiance to the past and inducing them to relate to the received text of Scripture as sacrosanct.¹⁸

In elucidating this view of revelation as myth, Solomon alludes in passing to some measure of affinity with the concept of “narrative theology” fashionable in some Christian circles identified as “post-liberal” (Solomon 2012, 313). Indeed, the appeal to the role of myth in religious life in both cases joins forces with a broader interest on the part of various contemporary philosophers in a school of thought known as “constructivism,” which highlights the place of “as if” beliefs in all aspects of our cognitive activity.¹⁹ Contrary to what many non-scientists tend to assume, even entities such as protons and electrons, waves of light, gravity as distortions of space, are not things that anyone has seen or proven to exist. Nevertheless, as useful constructs that work currently, we employ them “as if” they were true.

In a scientific context, “as if” beliefs help us organize our everyday reality. In a religious context, the distinctive interpretations of the past which their narrative renditions promote come to foster a cultural-linguistic picture that illuminates this practical life infusing it with more profound “meaning.” When enveloped in mythic trappings linking them to metaphysical forces, such beliefs generate a stock of suggestive images and associations that tacitly direct the way we experience and deal with the more spiritually challenging aspects of human existence.

At times, these beliefs preserve our sense of wonder and awareness of the mysterious boundary conditions of human experience beyond rational comprehension. At other times, they function more politically, structuring verbal or non-verbal behaviours that define the community of the faithful and establish group membership. On this view, profession of belief in Torah from Heaven is part of a vocabulary of religious identity rather than a fully informed judgement about history or theology. It serves—among other functions—as a signal to co-religionists that the speaker is a bona fide member of the group. Indeed, as Sam Lebens (chairperson of the virtual Association for the Philosophy

of Judaism) suggests, sometimes it is precisely the strangeness of the professed “belief” or the costliness of the non-verbal behaviour it engenders that renders the signal strong and hence a credible sign of allegiance.²⁰

For Orthodox Judaism, another significant point of similarity between defining Torah from Heaven as a foundational myth and post-liberal theology (beyond a loose understanding of doctrine) is the unusual combination of radical post-modernism and nearly fundamentalist traditionalism that both positions afford.²¹ Despite the extreme liberty that they display in divorcing the meaning of religious statements from the manner in which they are formulated, Christian post-liberals nevertheless insist upon absolute commitment to the formal guidelines of the religious system within which they function, and submission to their internal authority. Transposing this approach to Orthodox Judaism, accepting Torah from Heaven as a myth of origin rather than an accurate historical account, frees the religious believer to relate to each and every word of the Torah “as if” it were literally dictated by God and to embrace the written along with the Oral Torah as “a unified whole” (Solomon 2012, 316–317). As Solomon explains:

The narrative of Torah from Heaven presents the Torah as a timeless whole, revealed by God and managed by the rabbis. ... Since myth is impervious to historical evidence, moral questioning, and the like, we do not have to “pick and choose” which bits of tradition to regard as “Torah from Heaven”; we simply tell the story. (2012, 346)

Solutions to any practical or ethical difficulties of implementation that may arise are relegated to the realm of context and interpretation.

In a sense, a constructivist approach to revelation (viewing it as a type of “placeholder” necessary for sustaining routine religious behaviour) represents the apologetic of all apologetics, a meta-solution broad enough to cover even the most general and all-pervasive critique regarding the “truth” of this Jewish dogma. Since the function of myths is not strictly cognitive, nurturing rather a more elusive sensibility or way of relating to the world, it is not necessary to believe that they are true in the classical sense of the term. Far more important is to live your life “as if” they are true.

Even when accepted as literally true, biblical narratives are simply a starting point, becoming a religious reality only when embodied in props and rituals that may appear more like games than serious action, but whose purpose is to work psychologically upon the community of believers, evoking in them a sense of sacred significance. The biblical insistence upon telling, retelling, commemorating, and studying accounts of the many occasions when God engaged with Israel, as well as the Rabbinic injunction that individual members of each and every generation see themselves “as if” they personally had been delivered from Egypt (Babylonian Talmud, Pesahim, 116:b), thereby existentially re-enacting renewal of the covenant, illustrate this point. As noted by Lebens (<http://www.philosophyofJudaism.blogspot.com>, “Evidence and Exodus” symposium, comments section): “Much of the Torah itself can be construed as a ‘reminiscing,’ or a call to reminisce, about the many occasions when God engaged with Israel, thereby inducing a relationship of mutual love and concern between them.”

Some Aggadic statements qualified by the Rabbis with the caveat of *kivvakhol* (“as it were”) may also have been conceived as useful fictions (rather than symbolic expressions

pointing to an ontological reality beyond them), deliberately formulated for pedagogic purposes. Maimonides's distinction between "necessary beliefs" and "correct beliefs" (Maimonides 1963, III: 28), extended even further in the writings of R. Kook,²² is another manifestation of this stance.

In an age when the abyss between the literal meaning of religious statements and the ability of the community of believers to accept them at face value steadily increases, post-liberals can justifiably view their intra-textual narrative approach as a more effective guarantee for the continued viability of such statements than any modernist attempts to understand them in terms of their compliance with an external standard. Indeed, one might contend that it is precisely this understanding of how biblical narrative functions that explains the continued vibrancy of Judaism, despite its core theological claim now appearing scientifically weak and its commandment-centered approach to religion at odds with current notions of human autonomy. Whatever vitality Judaism has stems from the form of life that these myths engender and the grasp that it has upon its adherents. A narrative account which is inaccurate in some of its details or even a total fiction can still be adopted by a community and revealed as the word of God from within the form of life that it supports.

VI—The limits of "as if" constructivism

Post-liberals do not have a monopoly on constructivism. Indeed, it would be fair to say that most believers in the past assumed such an attitude unreflectively, simply allowing the concrete experience of their everyday lives to be shaped by this traditional religious claim, without dwelling on its precise doctrinal content. Nevertheless, it must be admitted that when this approach is adopted consciously as a blanket response to new-found awareness that the doctrine of Torah from Heaven may not be literally "real" or "true," conducting one's day-to-day living in accordance with its guidelines could be more problematic.

Applying an "as if" approach in order to speak descriptively and after-the-fact regarding the function of particular aspects of our religious language is one thing. Appropriating this approach as a general panacea is quite another—so that the grip of its picture upon us can no longer be complete.

This difficulty has been portrayed inimitably on the Internet, by a Modern Orthodox blogger tormented by his crisis of faith in the notion of a divinely revealed Torah. In his search for a solution over several years, he covered many of the positions described above, aided by the considerable virtual community he drew around him. When finally arriving at appreciation of the "as if" position, he vividly portrays the dilemma that such self-awareness raises:

Someone once commented on one of my many former blogs that religion is a form of *kabuki* (Japanese theatre). And this time of year, the theater is in full swing. Right now it's *Tisha B'av*. We feel sad and mournful. We act sad, we do sad rituals ... But deep down, we kinda enjoy it I think. I could have just skipped *Tisha B'av* this year completely. I mean, why bother? What's the point? But as soon as I heard the first words of *Eichah*, I was glad I didn't skip it. It's a powerful piece of theater. Just like we enjoy going to sad or scary movies, we enjoy *Tisha B'av*. It feels good to feel

bad. Then of course we have *Shabbos Nachamu*, and then *Ellul*. Ever spent *Ellul* in a REAL Yeshiva? I have. And I can still remember how powerful it was, and probably always will.

Rosh Hashana, *Yom Kippur Succos*—all elaborate theater. Complete with costumes, props, drama, comedy, scary parts, happy parts—it's all there. Where do you get such thrills, such feelings in everyday life? From the movies? From going to the bar every night? Maybe you can, or maybe life feels somehow emptier and more vacuous.

And it's not just the *Yomim Noroim* where the performances are stellar. Every *Shabbos*, every Friday night, every *Seuda Shelishis*, in a decent *shul* (and not some *kalte* MO intellectual place) is elaborate theater. And even every day has a little bit of theater—*shacharis*, *mincha*, *maariv*. Even a humble *bracha*—you're talking to THE SUPREME BEING for goodness sake! And not only that, HE'S FREAKING LISTENING TO YOU! The drama is overwhelming.

True, sometimes you need a break. Too much of a good thing and all that. Plus, if you keep reminding yourself that it's only a show, it can get annoying, especially when too much audience participation is required. But who goes to a great movie and sits there during the scary bits saying out loud: "They're just actors, the cameraman is right there!"?... We enjoy the performance; we want it to be as real as possible. ... And maybe there's something to that. If only I could just forget about that damn camera-man.²³

Surely the fact that religious myths of origin generally present themselves as historical accounts, imposing an aura of objectivity, has something to do with their staying power. It also has something to teach us regarding a universal human need to ground our religious commitments on firmer territory than the product of a camera man, no matter how powerful the show. Conveying reasonable import may not be the main function of religious truth claims, but a strong sense that their ultimate referent is *unreasonable* (that is to say, ungrounded in reality) might well render them ineffective in accomplishing the regulative function for which they *are* meant: composing the "picture" that stands behind the religious form of life.

The inherent inability of a constructivist approach to provide a patent "objectivity" inevitably leads all who struggle with this psychological problem to a more philosophical one: given the assumption that ultimate commitment to a revelation-based religion must be tied to *some* sense of divine transcendence, can we know or experience a God that is by definition beyond definition and beyond our grasp? If we accept the premise that even the "truth" of divine revelation can only be justified from within the specific vocabulary of a particular religious tradition, do we have *any* recourse to a transcendent vantage point that extends beyond the human desires, values, and visions that this tradition expresses? In other words, can we speak, from within an "as if" context, of a reality that is free of "as if"? And if not, what justification might there be for reference to overarching metaphysical claims that can only be judged from within? Does this leave us with anything more than a feeble motive for ultimate religious commitment?

Pragmatist philosopher Jeffrey Stout's wry characterization of the position he identifies as "skeptical realism" (questioning whether words refer to any pre-defined objective

reality) illustrates the dilemma of a die-hard constructivist at this stage of religious belief:

The skeptical realist is more like someone who wants to be his own father and then has the nature of that desire brought to light in therapy. He might be unhappy, perhaps even hard to console, upon realizing that he will never be his own father, but it's hard to see how he could have good reason for wallowing in the disappointment of such an incoherent desire. What fuels the unhappiness, it seems safe to suppose, is still half-thinking that maybe the desire does make sense. (Stout 1988, 254)

VII—The need for a mediating first-order (internal) theology²⁴

In recent years, a new stream of pragmatist philosophers (including Stout)²⁵ has struggled to rehabilitate some version of truth and objectivity whose authority extends beyond social consensus, communal solidarity, and pragmatics. In the concluding paragraphs of his book, Solomon may be alluding to the need to address this issue more specifically within a religious framework when he admits that classifying the doctrine of Torah from Heaven as myth is “only one part of a bigger story” (Solomon 2012, 346).

Changing the status of the doctrine of Torah from Heaven from historical truth to foundational myth may by-pass many specific questions arising out of the clash between scientific and religious world views, thereby counteracting the dialectical theologians' basis for selectivity. But due to its anomalous juxtaposition of insider and outsider perspectives, and the centrality of this essentially paradoxical stance to the religious way of life, its metaphysical claims are *sui generis*, a special case. Simply assuming the conceptual coherence of a God that can communicate with man, while ignoring the dubious ontological status of such talk, is insufficient when conducted within a self-aware “as if” framework. To accomplish its psychological task, constructivist assumptions about divine communication must also examine seriously what “And the Lord spoke to Moses” might possibly mean, even beyond its own self-certifying justification as the linchpin for a spiritually meaningful way of life.

I believe that the solution to constructivist awareness in a religious context lies in developing a concept of God that blurs the sharp distinction between the natural and the supernatural, and between God's existence and human initiative. A few years ago, I undertook an interpretive project that might be regarded as a first step in this direction. On the surface, my book (Ross 2004a) was devoted to the challenge of feminism to belief in the divinity of the Torah. For me, however, feminism was merely an excuse and extreme case in point for addressing the larger issue of divine revelation altogether.

Ultimately, my suggestion was that it is possible to maintain belief in the divinity of the Torah despite the feminist critique and other marks of human imprint, by breaking down the strict dichotomy between divine speech and natural historic processes. This task was facilitated by re-appropriating three assumptions that already have their basis in tradition.

The first assumption I drew upon was that if the Torah bears a message for all generations, its revelation must be a cumulative process: a dynamic unfolding that reveals its ultimate significance only through time.

The second assumption was that God's message is not expressed through the reverberation of vocal chords (not His, nor those of a "created voice" as some medieval commentators suggested in order to avoid the problem of anthropomorphic visions of God), but rather through the rabbinical interpretation of the texts, which may or may not be accompanied by an evolution in human understanding, and through the mouthpiece of history. History, and particularly what happens to the Jewish people—the ideas and forms they accept as well as the process of determining those they reject—is essentially another form of ongoing revelation, a surrogate prophecy.

The third assumption (supported by contemporary hermeneutic theory) was that although successive hearings of God's Torah sometimes *appear* to contradict His original message, that message is never totally replaced. On a formal level Sinaitic revelation always remains the primary cultural-linguistic filter through which new deviations are received and understood. By blurring distinctions between the natural and the supernatural, the finite and the infinite, I contended that it is possible to relate to the Torah as a divine document without being bound to untenable notions regarding the nature of God and God's methods of communication, or denying the role of human involvement and of historical process in the Torah's formulation. Such a view allows the religiously committed to understand that the Torah can be totally human and totally divine at one and the same time.

In my book, I applied the concept of cumulative revelation to the issue in question, suggesting that even the phenomenon of feminism—to the extent that it takes hold and informs the life of the halakhically committed, and that the community's authoritative bodies manage to find what they believe to be genuine support for this emerging worldview in a new reading of Torah—might be regarded by traditionalists as another vehicle for the transmission of God's word. Despite the new interpretation, the formal status of the original patriarchal model as an immutable element of the foundational Jewish canon is not supplanted or devalued, and its residual effects continue to function as a necessary prism for the achievement of greater moral sensibilities. Similarly, our current brush with the profound challenges of biblical criticism might also be regarded as expression of the divine will, perhaps indicating that we have outgrown more primitive forms of spirituality and are ready for a more sublime stage.

Not unexpectedly, my attempt to resolve the theological challenge of human imprints to a purportedly divine text got mixed reviews. I have already responded to these in other forums.²⁶ The question that I would like to refer to now is how far the amalgam of inside and outside perspectives that I proposed can be stretched even by a constructivist without reaching a dead end.

In endeavouring to formulate an understanding of divine revelation that cannot be rejected on rational grounds, I continue to engage with the internal language of tradition and its appeal to metaphysics. This led some critics, who did not take sufficient note of my post-liberal orientation, to critique me for retaining some residually fundamentalist understanding of the traditional account of revelation at Sinai, (Schimmel 2008, 202), or of being bound to some literal notion of divine intervention in directing its interpretation (Solomon 2012, 270). Others understood that even when asserting that God speaks

cumulatively through history and the development of human understanding, I recognize, on a second-order level, that the basis for this mythic talk stems from internal rather than objective considerations.

While my theology is deliberately fashioned in a manner that can co-exist with universal naturalistic understandings, it certainly is not mandated by them. For this reason, I offer my theology tentatively as a plausible, rather than a necessary or exclusive model for explaining the anomalies of belief in divine authorship of the Torah. Even when identifying strongly with this model, I realize that it can co-exist with other models, and may eventually be replaced by another more illuminating picture.

Because my proposal views the appeal to a hypothetical metaphysical entity as a reality-producing construct open to revision, it is more capable of tolerating the fragility of theological explanations, recognizing them for the temporary stopgaps that they are. This arguably renders adherents of this approach better equipped for preserving their religious commitment than a less reflective believer still operating with naive ontological pretensions.

Nevertheless, given the self-awareness such a theoretical system affords, can the continued use of a mythic vocabulary—albeit of a softer sort that muddies the distinction between divine speech and natural historical process—still be taken as reference to anything more than the binding nature of the form of life that such talk supports? In the end, a narrative approach to Scripture as myth may satisfy the Orthodox requirement to relate to every word of the Torah as equally divine and laden with meaning. Nevertheless, does offering a theory of cumulative revelation within a constructivist framework amount to anything more than Kaplan's naturalism or Leibowitz's concept of religion as an exclusively man-made choice?

So long as a self-aware constructivist speaks of a totally transcendent God, the paradox of talking about this outside reality from within remains. Defending belief in the very possibility of divine speech with more naturalistic contentions regarding the method of its transmission is not enough to break out of the hermeneutic circle. If there is no real sense to speaking of something transcending the universe communicating a message to those who are within (remembering that even communication is a decidedly human concept), all talk of blurring between the natural and the supernatural in the mechanics of revelation (i.e. God speaking via history and the development of human understanding) does not really help us. To support metaphysical claims, we must also contend with the concept of God. The very distinction between God's existence and our self-certifying perceptions needs to be overcome.

Christian theologians affected by constructivist views of truth have already produced a considerable literature devoted to this project.²⁷ Developing a concept of God that responds to this requirement in Jewish terms is an important item on the theological agenda of Modern Orthodoxy. I believe that this need is already being addressed intuitively on the ground, where the true destiny of any theology is really determined—in an increased interest in mysticism, in the interconnected nature of all that exists, and in a form of spirituality unmediated by reason and formal institutional structures. This is an issue, however, which deserves further treatment on a more philosophically rigorous theoretical plane, exploiting whatever paradigms Jewish tradition already provides for overcoming the paradoxical outsider-insider hurdle.²⁸ No doubt there will be much call for fine-tuning and revision once the implications of these paradigms spell themselves out. Nevertheless, it is to these theological vistas, rather than the inevitably

doomed attempt to defeat the academic world on its own turf by debating “the facts of the matter,” that the future of Orthodox responses to the challenge of biblical criticism beckons. Under such circumstances, the bounds of Orthodoxy will be determined not by any stable, precise and definitive understanding of the metaphysical basis for the doctrines it assumes, but rather by the role that this understanding plays in the life of its adherents.

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Notes

1. For a summary of the distinctions between Heschel’s Torah as Midrash (i.e. a human interpretation of some primal content revealed by God), Buber’s understanding of Torah as response merely to the revelation of God Himself, and Rosenzweig’s understanding that this silent theophany nevertheless also conveys a sense of commandedness, see Gillman (1990, 22–25). For various formulations of Jacobs regarding biblical reflections of both the human and the divine, see Jacobs (1957, 89–90; 1995, epilogue, 139, 1990, 50, 1973, 204–205, 225, 1964, 219, 270–311, 1999, 50–51).
2. By “modernist” I refer to a world view based on the assumption of rigid and stable notions of truth, supported by a universal, neutral, and objective rationality that serves as their justification.
3. The Hungarian-born rabbi and Torah scholar, David Zvi Hoffman, was a prominent initiator of this approach. For more recent examples, see Shavit and Eran (2007, 423–434). Many of these responses rely on the findings of various Jewish biblical scholars such as Moshe Zvi Segal, Naftali Herz Tur-Sinai, Umberto Cassuto, and Yehezkel Kaufman who objected to Wellhausen’s documentary hypothesis, despite their conclusions not necessarily confirming the notion of a one-time revelation to Moses (389–395); see also Schwartz (2012b, 203–229), Yedida (2013), and Bazak (2013).
4. See, for example, Shapiro (2004), Kellner (2006), and Wettstein (1997, 423–443).
5. Such rejection is distinct from the recent willingness of some Orthodox thinkers to cite various Talmudic and medieval sources that already allowed for the possibility of later interpolations to the original Torah text, while generally acknowledging a qualitative difference between such isolated cases and the conclusions of more radical source theory. See, for example, <http://seforim.blogspot.co.il/2013/03/torah-mi-sinai-and-more.html> and <http://www.daat.ac.il/daat/kitveyet/deot/kanohel.htm>. These concede the dispensability of Mosaic authorship on the basis of precedent, provided that more extended interpolations are also regarded as prophetically inspired. The reference here, by contrast, is not to rational claims, but rather to a variety of religious existentialism which distinguishes between cognitive and non-cognitive statements, allocating a unique role to the latter in the religious sphere.
6. For broader discussion of similarities and differences between Soloveitchik’s and Leibowitz’s approach to Scripture, see Sagi (1997a).
7. See, for example, Leibowitz (1976, 346–347).
8. See Sagi (1997b, 203–216); and Bareli (2007, 275–276):

On the one hand the religious Jew accepts the *mitzvot* as the *mitzvot* of God and accepts the yoke of the Torah as the word of God. On the other hand, he knows that these *mitzvot* and this word are human creations set down at a certain place and time. Is this not a contradiction? ... No. The "word of God" does not point to a fact; it point to a special category of awareness on the part of the believer. To see a certain matter as the word of god is to maintain that it possesses a special status in the consciousness of the believer ... in terms of his attitude to the word and to humanity and to fashioning his mode of life. (as translated by Lawrence Kaplan—see <http://kavvanah.wordpress.com/2013/02/11/conversation-with-james-kugel-a-follow-up/>, comments section)

9. It is this insistence upon God's utter "Otherness" that leads to Leibowitz's radical theocentrism, since any humanistic considerations represent a form of idolatry, reducing God to the image of man by applying categories drawn from human experience.
10. The degree of reliability Leibowitz attached to biblical accounts of Sinaitic revelation, beyond their theocentric import, is unclear. According to Yaakov Levinger's testimony (Sagi 1995, 9), Leibowitz's somewhat circumspect response was that if the significance of the Sinai revelation lay in the event itself, it failed because, as biblical history teaches, there is no correlation between God's revelation and intervention in Jewish affairs and the Jewish people's willingness to believe in and worship Him. Shavit and Eran (2007, 433) nevertheless suggest that

it would be a mistake to think that Leibowitz ascribed no value to the veracity of the historical description in the Bible ... in particular formative events such as the Exodus from Egypt and the theophany on Mt. Sinai ... His writings show that he also considered these as historical events not only because the Oral Law views them as such, but also because their veracity is self-evident.

This suggestion appears to be corroborated by Leibowitz's ahistorical attitude regarding some laws of biblical origin (see Ross 1995, 151), as well as his dismissive remarks regarding "heretical scientific and pseudo-scientific biblical research, better known as 'biblical criticism', when considering suggestions of post-Mosaic authorship of Deuteronomy" (Leibowitz 2004, 827–828). These examples, as others, indicate that Leibowitz's naturalistic view of revelation is more accurately attributed to his affinity with Maimonidean theology (Maimonides 1963, II:32), according to which prophecy reflects some genuine, man-initiated absorption of the eternal divine effluence, than to the influence of modern biblical scholarship and its critical methods.

11. Such as philosopher Eliezer Goldman (see 2009). His aversion to metaphysical claims echoes Leibowitz's views and replicates the latter's resistance to grounding religious obligation on claims that draw upon empiric evidence or anthropological interests (albeit in somewhat milder form). Biblical scholar Schwartz (2012a, 30–31) contends that belief in Sinaitic revelation is a by-product rather than basis for commitment to the halakhic way of life; a similar argument, made by law professor Perry Dane (1994), that belief or disbelief in a literal revelation at Sinai is neither necessary nor sufficient to either accepting or rejecting traditional halakhic commitment, might be regarded as another example of interest in divorcing the authority of halakhic demands from claims for supernatural intervention in human affairs.

12. For one pungent version of this critique, see Statman (2005, 64–66).
13. For application of this criticism to both Leibowitz and Soloveitchik—viewing each as limited in their attempt to understand the entire meaning of Scripture in accordance with one exclusive (normative or existential, respectively) hermeneutic principle, see Sagi (1997a, 437–440).
14. This aspect of Leibowitz’s thought might be viewed as philosophic expression of contemporary Jewish Orthodoxy’s need to define its religious world in terms of accepting the yoke of mitzvot as compensation for its loss of the sense of God’s immediate presence, which typified pre-modern generations of believers—see Statman (2005).
15. See Alan Brill’s blog-post (<http://kavvanah.wordpress.com/2010/04/01/critique-of-kugel-1>) and comment: "Acceptance of revelation is not pixie dust to magically wave over a human document. One cannot treat the Bible simply as primitive and then call it revelation." See also Sommers’ critique (2010). With regard to Kugel, I believe this criticism is somewhat misplaced. (1) The major theological thrust of Kugel’s scholarly endeavours is that in Judaism the sanctity of the Torah was not determined by a Protestant-like faith in *Sola Scriptura* but on the ongoing internal interpretive tradition that it evoked. It is this understanding that leads Kugel to reject an “excavationalist” approach, irrespective of its academic merits, as totally irrelevant in a religious setting. (2) Despite emphasising the critical role of subsequent interpretive layers in hallowing earlier biblical fragments, Kugel’s reverence for such core texts does not rely solely on these later developments. Alongside traces of pagan influence and a primitive mindset, he finds elements of biblical narrative (such as depictions of Abraham’s and Jacob’s confusion between men and angels), and other testimonies to fleeting experiences of the sublime even before the “great Interpretive Revolution” (as he terms it) that he attributes to the closing centuries BCE. In his opinion, these can offer religious inspiration for our day, even when taken on their own. Nevertheless, Kugel’s religious privileging of the text as viewed through the lens of tradition does lead him to dismiss more contemporary methods of analysis originating from non-Orthodox sources, but increasingly embraced by Orthodox defenders of the faith as tools for demonstrating the spiritual superiority of the biblical text as it stands. Literary approaches relating to the final unified version of the Torah as their object of study, are increasingly invoked by religious advocates, suggesting that focus on the text itself leads to richer appreciation of the Torah’s content. On this view, even without drawing any conclusions regarding its divine nature, this approach does facilitate an interpretative framework that draws attention to certain suggestive patterns lurking behind its “face value” which offer important spiritual and psychological insights. Given such considerations, Kugel’s prejudice against the notion of a final redactor in his reconstruction of the process whereby the bible was transformed into Scripture, contra Rosenzweig, may indeed be causing him to overlook important intra-textual nuances, and the lofty messages that can be derived from these. Kugel’s dichotomous approach to text-based scholarship versus traditional learning leads him to be even more critical of recent work conducted under the rubric of biblical theology. Unlike literary approaches, such efforts do not reject “excavational” assumptions regarding the text’s multiple layers and the varying political/historical circumstances and interests that these reflect, but purport to extract redeeming moral and spiritual lessons even from these—an effort that amounts, as Kugel quips, to “having your Bible and criticizing it too.” Kugel regards both methods as questionable samples of Western

eisegesis, often made possible only through selective use of the evidence, however sophisticatedly masked—see “Kugel in JQR” (<http://www.jameskugel.com/kugel-jqr.pdf>). From this perspective, ongoing attempts to discover spiritual significance in the Torah beyond the interpretive tradition laid down by the Rabbis might be taken as greater testimony to the continuing ingenuity and creativity of the human spirit than to any biblical (or divine) message of genuine religious import, despite the apologetic “feel good” use to which they are put.

16. This difference may be attributed to their differing philosophical orientations. Despite the striking resemblance that some scholars find between the role that Leibowitz accords halakha in establishing the status of the Torah as the foundational text of Judaism and the approach developed by Ludwig Wittgenstein in his later writings, according to which religious beliefs do not stand independently of their function in the form of life in which they are embedded (see Sagi 1997b, 210–213; Bareli 2007), Leibowitz’s dismissal of metaphysical truth claims as “nonsense” appears closely aligned to the logical positivist distinction between cognitive and non-cognitive statements established in Wittgenstein’s earlier writings. Solomon’s approach, by contrast (as intimated by his biographical account—see Solomon 2012, 7–8), is more likely attributable to indirect influence of Wittgenstein’s later writings, according to which such claims are not nonsensical, but can only be judged from within the parameters of the language game itself, and not by appeal to objective referents “out there” that simply force such doctrines upon us. Moreover, as Sagi (1997b, 203–204) notes, although Leibowitz admired Wittgenstein, most of his ideas were framed long before publication of the latter’s writings.
17. Whether biblical narratives were originally written for mythic purposes remains a moot point. Some of the Torah’s genealogies or chronologies, which bear no moral or theological message, do not lend themselves to this assumption and are better understood as bona fide attempts at reporting history, whose inaccuracies simply reflect mistaken beliefs of the time. However, the fact that other aspects of the text, such as repeated barrenness of the matriarchs or even the sacrificial binding of Isaac, have striking parallels in other religions and cultures of the time (with regard to the latter and its Christian and Islamic adaptations, see Spiegel 1967), strongly suggests the influence of prevailing conventions on how tales of origin should be written, and perhaps the lack of a clear distinction between myth and systematic history in ancient times.
18. While professing personal faith that such an event did take place, Kula (2011) similarly distinguishes between the facticity of the biblical account of Sinaitic revelation and its mythic function. Kula’s stance resonates with the position adopted by Rabbi A.I. Kook, who undoubtedly granted great credence to biblical accounts of early Jewish history, yet was prepared in principle to accept Torah for its beneficial mythic influence, rather than on faith in its accuracy (Kook 1985a, 48–49).
19. For two notable precursors of this constructivist trend, see Bentham (1932) and Vaihinger (1924). More radical and contemporary extensions of this view, as represented by Continental postmodern philosophers such as Jean Boudrillard (1929–2007), reject all distinction between reality and its representation, contending that there *is* no truth beyond language and the depictions that we construct. Common to both is their opposition to a philosophy of objectivism, which embraces the belief that humans can come to know the natural world with varying degrees of accuracy in a form of truth that is not mediated by any interpretive approximations. Although a constructivist might, in

principle, adhere to either of these positions, it would be a mistake to equate even the latter version with wholesale dismissal of truth or a denial that there is a particular state of affairs or "way things are." Rather, one must move beyond the reduction of truth in cognitive-propositional terms to a more relational, pragmatic, or communal understanding of its nature. Instead of viewing knowledge as the discovery of a fixed ontological reality, it is now understood as the product of an active ordering and organization of a world constituted by our experience.

20. For formulation and lively discussion of this and related topics, visit the Association's website (www.philosophy_of_Judaism.blogspot.com), particularly the symposia entitled Wettstein's "Doctrine"/"Theological Impressionism;" "Religious Belief, Make-Believe, and Science;" "Foundational Questions for the Study of Judaism;" and "Evidence and Exodus."
21. For further amplification, see Ross (2013).
22. See, for example, Kook (1985b, 48). For further sources, and elaboration upon the precise nature of R. Kook's extension of the Maimonidean conception, see Ross (1997, 491–492). For a possible medieval precedent for this type of extension, see Twersky (1979).
23. Copied from the blog of Modern Orthoprax, 30 July 2009, which has since been deleted from the Internet.
24. "First order" in this context designates theological understandings that are primary to any belief system, functioning in accordance with that system's own internal concepts and guidelines. "Second-order" understandings, by contrast, function less immediately, as a type of meta-view which comes to reflect, in terms that are external to the tradition, upon the talk and practice of theology from within.
25. See Levine (2010) and Misak (2007), including Stout's own contribution: "On our Interest in Getting it Right: Pragmatism without Narcissism," 7–31.
26. See, for example, Ross (2004b, 2008). See also (2004a, ch. 11).
27. See, for example, Cathey (2009), Griffin (1989), and Lehtonen (2012), several relevant chapters in Vanhoozer (2009) and in Hart, Kuipers, and Nielsen (1999), and the many works of Dan Cupitt and John D. Caputo struggling with this issue.
28. See <http://thetorah.com/the-challenge-of-biblical-criticism/> and a forthcoming Hebrew version of this paper for one paradigm I find particularly promising here, because of its ability to suggest a layered view of reality in bridging the gap between inside and outside perspectives. This paradigm, which was developed in kabbalistic writings in the modern period and has come to be known as "the allegorical interpretation to the doctrine of Tzimtzum" promoted by the sixteenth century mystic, R. Isaac Luria, has produced several models that are fruitful for our discussion. Common to all of them is a unique mix of realism and non-realism that transfers the question of God's relationship to the world from the realm of ontology to that of epistemology. In their struggle to acknowledge the mediating role of human perception while simultaneously defending a view that makes claims upon how "faith in God" should be conducted in actual practice, I believe these models have much to offer in resolving the self-aware constructivist's theological dilemma.

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