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The Irreconcilability of Judaism and Modern Biblical Scholarship

James L. Kugel

THANKS TO THE WORK OF SCHOLARS of the Hebrew Bible over the last two centuries or so, we now know a great deal about how and when various biblical texts were composed and assembled; in fact, this has been the focus of much of modern biblical scholarship. One thing has become clear as a result. Our biblical texts are actually the product of multiple acts of rewriting. *All* our canonical books have been found to be, in some degree, the result of editorial expansion, rearrangement, and redaction introduced by various anonymous ancient scholars.

This raises an important question about those ancient scholars. To put it bluntly: *How dare they?* If you, an ancient Israelite, believe that Scripture represents the very words of God as communicated through His prophets, how dare you allow anyone to touch those words and move them around, change their order, or simply add new words, new paragraphs, and even whole chapters that were not there before? Specifically, how did some later interlopers dare to add on twenty-seven chapters at the end of the book of Isaiah or stick roughly seven chapters' worth of additional words into the book of Jeremiah, not to speak of many other acts of addition and subtraction, insertion and redaction? How dare any human touch those God-given words?

And the answer is: *They dare*. If everything scholars know about the composition of biblical books tells us that that's exactly what happened

with every book of the Hebrew Bible, then the only possible conclusion seems to be that ancient Israel's scribes and sages had an *idea* of Scripture that was very different from our own. In fact, the whole history of the Hebrew Bible can be summarized in a brief exchange between two ancient sages:

Sage Number One: Here, my son, is a sacred scroll containing the very words spoken by God to his prophet.

Sage Number Two: Thank you, my teacher. These are indeed God's words. But you know, I think I can make them just a little bit better with a few minor changes—do you have a spare piece of parchment I can use?

Why did sages ever want to change the ancient texts they inherited? The answers are varied. For many such changes, the apparent reason was to explain things that were no longer clear—names of people or places that were no longer known, references to historical events long forgotten or social or political conditions that no longer existed, and so forth. Sometimes a redactor or reviser consciously sought to introduce new ideas into the old text, including doctrines that had only recently come to be formulated. Other changes were inserted because of a perceived contradiction in the text or some other potentially problematic element. Old laws were often reinterpreted to match new sensibilities or concerns, and not infrequently there was an apologetic side to editorial changes: standards of conduct had changed, and a biblical hero had to be retrofitted with modern virtues.

At the same time, such editorial freedom seems to have gradually diminished over the long run. Back in the sixth century BCE, redactors could do a lot of heavy lifting. By the first or second century BCE, some minor glosses were still permitted, even the insertion of a whole sentence here and there, but a major recasting could no longer be tolerated. Not long after this, there came a time when *nothing* could be changed: the text came to be fixed even to the point of each verse being numbered. One might thus think of the overall development of biblical

texts as a kind of giant funnel: wide at the top (the sixth century's "heavy lifting") and then narrowing to the bottom where nothing more could be altered.

But this great funnel is actually an illusion. Long before we get to the narrow end of the funnel, there is something going on all around it: ancient biblical interpretation. Sages began explaining the meaning of biblical texts, and it soon turned out that there was no longer any need to change the actual words of the texts. All that was necessary for the sage was to explain that while the text might *sound* as if it meant X, what it really means is Y.

As some of you may know, I've spent many years tracing the earliest stages of ancient biblical interpretation. In particular, I came to focus on the *assumptions* that ancient interpreters had about how to understand the text—assumptions that were all somewhat counterintuitive; that is, they were *not* the assumptions that one normally brought to the reading of any other text. In particular, the following four assumptions were characteristic of the way ancient interpreters interpreted:

1. All interpreters seem to have assumed that Scripture is fundamentally cryptic, so that while it seems to say one thing, what it really means is often something quite different.
2. The next assumption was that scriptural texts are fundamentally relevant; that is, though they were written long ago, they are often not (or not only) about the past but are also addressed to the present, *our* present.
3. The Bible's various books were likewise assumed to present an altogether unitary message that was utterly consistent, with no contradictions or needless repetitions; in fact, its slightest details were often found to conceal something important, since no word in Scripture is wasted. (This is the feature that is sometimes called biblical "omniscience.")
4. Ultimately, every word of the biblical texts was considered to have been given by God or divinely sanctioned in

some form, since nothing it contained could be considered merely the product of a human being.

As mentioned, all four of these assumptions run counter to the expectations that readers bring to *other* texts. This was not an insignificant fact. These four assumptions constituted the basic hermeneutic of sacred Scripture alone; in fact, they were evidenced in some form even before the various books that would make up the Hebrew Bible had been completed and established as part of a single, sacred unity. And all four assumptions work together, with one frequently reinforced by one or more of the others.

A number of examples might be mentioned here, but let me start with a biblical narrative known to almost everyone: the account of Adam and Eve in Genesis chapters 2 and 3. This narrative relates that God placed Adam in a marvelous garden but then warned him not to eat of a certain tree in the garden's midst, for "on the day that you eat of the fruit of this tree, you shall die" (Genesis 2:17).¹ Adam and Eve of course end up violating this commandment, but they apparently don't die, at least not right away. In fact, Adam goes on to live to the age of 930. (Eve's exact age at death is not specified, but it presumably was similar to Adam's.) Did this mean that what God had said was untrue or an exaggeration meant to keep Adam in line? Ancient interpreters chose another path. They argued that the words "you shall die" did not mean that upon eating the fruit Adam would instantly fall over dead. Rather, "you shall die" meant, by their interpretation, "you will become mortal"—that is, you will become a person who dies. This interpretation postulated that Adam and Eve were originally created to be immortal, like the angels. Indeed, there was another tree in that same garden that was called the tree of life. Its function is never explained, but presumably (though not explicitly) it supplied a fruit that would maintain Adam and Eve's immortality—until they sinned. Then, banished from the garden, they lost their immortality, and their tendency to give in to sin was passed on to their descendants, the rest of humanity. Now all

1. All biblical translations are my own.

human beings were condemned to sin and death. (Those familiar with the New Testament will recognize the Pauline adoption of this theme, but it seems to have developed in the context of earlier interpretations by ancient Jewish sages.)²

Ancient interpreters applied similar methods to answer other sorts of questions. When God asked Cain “Where is Abel your brother?” the text surely did not mean to imply that God did not know. Rather, interpreters explained, this apparent question was intended to get Cain to blurt out his true feelings of resentment toward his brother and thereby convict himself. As for the Tower of Babel story, what was it that the humans did that was so wrong? Ancient interpreters asserted—on the basis of certain clues in the text—that the builders of the tower had a secret plan to invade heaven and control the supply of rain. These are only a few instances amidst a huge store of interpretive motifs.³

Some of them, like those just mentioned, have an apparent apologetic purpose, but this is only one side of ancient biblical interpretation. A great many motifs arise out of purely exegetical questions about the biblical text: Why did God create light on the first day of creation, saying, “Let there be light,” when the great sources of light—the sun, the moon, and the stars—were not created until the fourth day? If Abraham left his homeland of Ur in Genesis 11:31, why did God tell him two verses later to “leave your homeland and your kinsmen and your father’s house”—hadn’t he just done that? In several places, the Torah forbids working on the Sabbath, but what exactly constitutes work? Did this mean performing one’s profession—so that, for example, a farmer could still fix a leak in his roof on the Sabbath and a roofer could tend his garden? Or did practicing anyone’s profession constitute work? At one point the Torah commands, “Six days shall you work, but on the seventh day you shall rest; in plowing time and in harvest time you shall rest” (Exodus 34:21). Was the mention of these agricultural seasons intended in a general sense (as if to say, “no matter how pressing the

2. See James Kugel, *Traditions of the Bible* (Cambridge: Harvard University Press, 1998), 98, 135.

3. See further Kugel, *Traditions of the Bible*.

need for intensive labor might be”), or was it a clue as to the specific sort of work forbidden to everyone? Exodus 35:3 added, “You shall not kindle a fire in all your habitations on the Sabbath day.” Did *kindle* mean having any fire at all, or did it merely refer to starting up a fire on the Sabbath? All these questions required answers, and it was the job of the Torah’s ancient interpreters to find them, using a style of interpretation that was based on the slightest clues in the text’s own words while at the same time being highly creative and rather freewheeling.

From at least the third century BCE on, Jews (and later, Christians as well) adopted all four of these assumptions one by one, and this had the most profound effect on Scripture’s meaning. Thus, in their explanation of God’s “you shall die” as “you shall become mortal,” interpreters not only provided an answer to a puzzling phrase, but at the same time they converted the biblical story into an important doctrine, one addressed to us today—namely, the idea of inherited sinfulness from which people still suffer. This same brand of interpretation could be, and has been, demonstrated to operate among a great variety of interpretive texts, including such disparate works as the second-century-BCE *Book of Jubilees* and its contemporary, the apocryphal book of Ben Sira (Sirach), along with various apocalypses, imaginary last wills and testaments, the scholarly writings of Philo of Alexandria, and a bit later, the historical reconstructions of Flavius Josephus.

But perhaps the most important consequence of this interpretive movement was the establishment of an overall postulate about the Bible itself. These sacred texts did not consist solely of the words on the page; those words came along with a growing body of traditional interpretations. This idea ultimately came to be formulated in rabbinic Judaism as the “two Torahs,” the written text of the Pentateuch and the *Torah she-be’al peh*, the “Oral Torah”—that is, an orally transmitted explanation of the Written Torah that accompanied it and was its inseparable equal. This large body of interpretations and expansions touched virtually every verse in the Pentateuch (and a good many verses in the rest of the Hebrew Bible). For rabbinic Judaism, what the Oral Torah said was what the Pentateuch *really* meant.

(I should mention in passing what is meant by “the rabbis” and “rabbinic Judaism” in the present context. *Rabbi* was an honorific title meaning “my teacher” that first began to be used to refer to a group of Jewish sages active in the first century CE. This title continued to be applied to their spiritual descendants until the fourth or fifth century CE. It is not that the rabbis were overthrown thereafter—on the contrary, they had become thoroughly institutionalized. But those who continued in their path came to be known by other names: the Geonim, rabbinite Jews—as opposed to Karaites—and so forth. *All* current forms of Judaism are the descendants of rabbinic Judaism in those formative first four or five centuries. By the same token, most scholars believe that those early rabbis were not altogether innovators. Many scholars connect them to Pharisaic Judaism and its predecessors, going back some time into postexilic Judea.)

So to resume, the Torah was conceived to consist of much more than the words on the page. It was those words as filtered through a thick body of traditional interpretations. This idea is clearly evidenced by rabbinic Judaism, but its traces are visible even earlier in the Dead Sea Scrolls and among contemporaneous biblical apocrypha and pseudepigrapha. While rabbinic formulations of ancient interpretations were apparently transmitted orally for a time (hence the name Oral Torah), they were eventually passed on in written form as well as in rabbinic compilations such as the Mishnah, Tosefta, and early midrashic collections, all of these going back to the second century CE and then followed by further midrashic collections as well as the Jerusalem and Babylonian Talmuds. It is no exaggeration to say that this library of biblical interpretations achieved virtually canonical status in Judaism; later commentators and scholars, in the Middle Ages and beyond, sometimes added to these works or, more typically, offered further interpretations-of-interpretations (mystical, philosophical, and others), but the standing of the Oral Torah was never seriously challenged in rabbinic Judaism. It was what the Written Torah meant.

This leads us to modern times and contemporary Judaism's attempted reckoning with the frequently disturbing discoveries of modern biblical scholarship—not only the composite character of individual biblical books, but more generally the whole historical-critical approach to understanding biblical texts. This approach, as is well known, is predicated on seeking to read the words of Scripture in their original, historical context (aided by the discoveries of archaeologists and a vast collection of ancient texts written in Akkadian, Ugaritic, and other long-dead languages) and stripped of later traditions of interpretation, including those of early Christianity and rabbinic Judaism. Framed in such terms, modern biblical scholarship might well be described as incompatible with traditional Judaism, but the story is a bit more complicated than that.

When modern biblical scholarship got underway, its champions focused on the Pentateuch, seeking to show, particularly in the wake of W. M. L. de Wette's analysis and dating of Deuteronomy (completed in 1805),⁴ that the Pentateuch was a multiauthored work that could not possibly be attributed to Moses. The subsequent search for the sources that make up our Pentateuch came to be known as the higher criticism, the lower criticism being concerned with relatively minor issues of language and translation.

How did Jews react to this (principally Protestant) sort of scholarship? At first, the founders of one branch of Judaism, Reform Judaism, were quite content with the higher criticism, since it could serve as a stick with which to beat the forces of what they saw as the benighted, antiquated, earlier forms of traditional Judaism. The higher criticism was a scientific, academic analysis that overthrew age-old tradition and the woolliest sort of Talmudism. It was only later that Solomon Schechter, a remarkable Jewish scholar of the late nineteenth and early twentieth century, proclaimed the higher criticism to be nothing but the higher anti-Semitism. He was right, of course, as he went on to observe:

4. W. M. L. de Wette, "Dissertatio critico-exegetica qua Deuteronomium a prioribus Pentateuchi Libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur," in *Obscura Theologica* (Berlin: G. Reimerum, 1830), 149–68.

“Wellhausen’s Prolegomena and History are *teeming with aperçus* full of venom against Judaism.”⁵

For this reason, even for Reform Jews, the initial attractions of the modern, historical method were put aside for a time; Jews of all stripes sought simply to ignore modern biblical scholarship. With time, however, things began to change once more, particularly among Reform, and then later, Conservative Jews. There were, no doubt, many reasons for this shift, but I might mention here the founding of the flagship Reform and Conservative Jewish seminaries—the Hebrew Union College (1875), the Jewish Theological Seminary (1886), and others—where, after some hesitation, Jewish scholars eventually undertook to teach students about the Hebrew Bible using some of the findings of their non-Jewish colleagues.

Somewhat later, degree-granting colleges that aimed at attracting only or mostly Jewish students began to spring up, partly in reaction to the efforts of colleges like Harvard and Yale to limit the number of Jewish students admitted each year. Most of these were relatively small institutions, such as Gratz College outside of Philadelphia (1895), Hebrew College—originally Hebrew Teachers College—in Boston (1921), and Spertus College in Chicago (1924). These institutions, albeit in varying degrees and at different times, began to adopt some elements of modern scholarship. Moreover, in certain secular institutions where Jewish students were more welcome, Jews could encounter elements of biblical scholarship in “great books” courses, or sometimes courses in “The Bible as Literature” (literature here being a kind of code word for nonsermonic, nonsectarian, nondoctrinarian inquiry into biblical texts—never perfectly realized, of course).

The result of all this has been an increasing openness to modern biblical scholarship among Jews in the twentieth century, even in some synagogues—a move that is still working itself out. Fifteen years ago, on the first night of Passover, a Conservative rabbi in Los Angeles suggested to his congregation that there was no archaeological evidence to

5. Solomon Schechter, *Seminary Addresses and Other Papers* (Cincinnati: Ark Publishing, 1915), 36.

support the idea of an Israelite exodus from Egypt. At first this created a sensation (one that was prominently reported on the pages of the *Los Angeles Times*).⁶ But the initial sensation notwithstanding, my impression is that the leaders of a great many Reform and Conservative Jewish congregations are not especially troubled by doubts about the Israelite exodus or other insights of modern scholarship. Many of them argue that the true value of the Bible is not dependent on its historical accuracy, nor on the identity of its authors, nor on any particular scenario to account for the creation of various biblical books, but on the eternal (especially the ethical) teachings of its prophets and sages. Indeed, this is an argument that has been around in Judaism since the very inception of Reform and remains a major theme in non-Orthodox synagogues and schools. For all its lofty sentiment, however, this theme does little to address the problem that we are concerned with today, precisely because its exponents do not see it as an insoluble problem.

I do not wish to imply that Reform and Conservative Jews are not in the slightest troubled by modern biblical scholarship, but the denomination that is the most troubled is the form of Judaism known in America as “Modern Orthodoxy,” more or less the same sort of Judaism that was called Orthodoxy in Germany in the mid-nineteenth century. This name was originally intended to distinguish its bearers from the ever-growing population of Reform Jews in Germany and elsewhere, while at the same time identifying them as different from the ultra-Orthodoxy of Hungary and elsewhere. What makes today’s Modern Orthodoxy “modern” is its willingness to integrate traditional Jewish teachings and practices into life as full citizens in modern, secular societies—as opposed to ultra-Orthodox Judaism, also called *Haredi* Judaism, which seeks to integrate much less. The ultra-Orthodox prefer to live in insular communities consisting only of their own members, and if they are employed in any profession (and many of them are hardly so, occupying low-paying or nonpaying slots as full-time scholars), they prefer working with fellow ultra-Orthodox Jews. As a group the ultra-Orthodox seek no accommodation with modern

6. Teresa Watanabe, “Doubting the Story of Exodus,” *Los Angeles Times*, April 13, 2001.

biblical scholarship or even recognition of its existence. Indeed, a great many of them have never heard of modern biblical scholarship.

So this leaves Modern Orthodoxy—not an insignificant branch of Judaism—and its own attempt to straddle modern scholarship and traditional belief. Today’s Modern Orthodoxy is indeed troubled by modern biblical scholarship, but I do not think I would be wrong to say that most of the rank and file of Modern Orthodoxy are content to handle this problem simply by discrediting modern scholarship as a whole: “There’s no proof,” “Those scholars keep changing their minds,” or “Modern biblical scholarship is in any case a Christian invention with very few Jews in its ranks” (which was indeed true until about the mid-twentieth century).

Such dismissals notwithstanding, just now there are a great many serious Modern Orthodox (but let me call them henceforth by their old name, Orthodox) scholars who are grappling with biblical scholarship for the first time. If I can try to focus in on the problem in greater detail, I would say the issue that hurts is almost exclusively that of the Torah, the Pentateuch. Most Orthodox Jews who are informed that the last 27 chapters of the book of Isaiah were not written by the prophet Isaiah of Jerusalem will probably lose no more sleep than the medieval Jewish exegete Abraham ibn Ezra did when he first suggested the same conclusion some ten centuries ago.⁷ The same is largely true of the Davidic authorship of the psalms, King Solomon’s authorship of Proverbs, Ecclesiastes, and the Song of Songs, and so forth. The refutation of these traditional attributions of authorship is not the problem; the problem is the Torah’s own account of the events at Mount Sinai and the apparent attribution of the entire Torah to the mediation of Moses (this is what is known as the doctrine of *torah mi-Sinai*, “the Torah was given at Mount Sinai”—meaning given to Moses on Mount Sinai, as the Torah recounts).

If modern scholars are right in saying that this cannot be the true origin of the Torah, then many Orthodox Jews feel that the Torah must be false. Moreover, if it is false, then there is no way to maintain the divine origin (and, hence, the authority) of the Torah’s many laws, which

7. In his *Commentary on Isaiah* on Isaiah 40:1.

are really the whole basis of Judaism. Out goes the daily practice of keeping the numerous *mitzvot* (commandments) that are the very heart of Jewish religiosity. This, in short, is the main problem of Orthodox Jews with modern biblical scholarship.

Some Jews, Orthodox and otherwise, seek to distinguish between *torah mi-Sinai*—which attaches the divine gift of the Torah to a particular place and time (Mount Sinai, just after the exodus) and to the mediation of a particular person (Moses)—and a related doctrine. That doctrine is called *torah min-ha-shamayim*, “the Torah came from heaven.” It holds that the Torah was indeed given by God (“heaven” is a common substitute for the word *God* in rabbinic Judaism), under circumstances that are not particularly crucial. All that is vital, exponents of this view say, is that however things came about, the Torah ultimately came from God. This may not answer all the problems raised about the Torah by modern biblical scholarship, but it certainly answers the most obvious one, if only by declaring it irrelevant.

Perhaps now I can turn to some specific efforts by my Orthodox, and a few Conservative, contemporaries to grapple with the problem of the Pentateuch more or less along these lines. Louis Jacobs (1920–2006) was trained as an Orthodox rabbi in England and served in that capacity in congregations and educational institutions in Manchester and London for a number of years. Gradually, however, he drifted away from his Orthodox beginnings—in part inspired by his doctoral studies at University College, London—and began to devote himself to finding a way to accommodate traditional Jewish teachings with modern biblical scholarship, in particular the Documentary Hypothesis put forward by Julius Wellhausen and other scholars.

Speaking of what this research has shown about the composition of the Pentateuch, Jacobs argued that the human element in its formation hardly gainsays its divinity. “God’s power is not lessened,” he wrote, “because He preferred to cooperate with His creatures in producing the Book of Books.”⁸ More specifically, Jacobs argued that while *some* of our

8. Louis Jacobs, *We Have Reason to Believe: Some Aspects of Jewish Theology Examined in the Light of Modern Thought*, rev. ed. (London: Vallentine Mitchell, 1965), 80–81.

Torah was doubtless the product of divine inspiration, to believe this did not imply that everything found therein was the result of such inspiration nor, therefore, that it was binding in our own time. He cited in particular commandments such as those of the laws of slavery, the practice of *herem* (requiring the out-and-out slaughter of captured enemy populations), the treatment of *mamzerim* (children born of an illicit union), the prohibition of homosexual acts, and other practices—all these, he said, ought no longer to be considered binding in our own day.

Many of these ideas were included in his 1957 book *We Have Reason to Believe*. The title announces its author's intention to reach some sort of synthesis between reason—including the reasonable conclusions of modern biblical scholarship—and traditional Jewish beliefs. While its publication initially aroused little reaction, it eventually won the enmity of various other Orthodox figures, especially that of the Chief Ashkenazi Rabbi of the British Empire, Israel Brodie. Brodie succeeded in blocking Jacobs's expected appointment as principal of Jews' College, London. He also vetoed Jacobs's reappointment as rabbi at the New West End Synagogue, an Orthodox synagogue. A number of members then left the New West End to found the New London Synagogue. This became the spiritual home of a whole new movement that Jacobs founded, the *Masorti* (or "Traditional") movement, which, however, many now regard as a significant departure from traditional Orthodoxy.

Rabbi Mordechai Breuer, scion of a distinguished German Jewish family, has managed to put forward what might be seen as a concession to the Documentary Hypothesis without alienating his Orthodox followers. The approach that he has championed accepts the analysis of the Pentateuch into sources J, E, D, and P but sees them as reflecting four *beḥinot*, four aspects or points of view, which, while they contradict one another, are all simultaneously true and have all been the text transmitted by God to one individual, Moses.⁹

9. But note his remarks in Mordechai Breuer, "The Study of Bible and the Primacy of the Fear of Heaven: Compatibility or Contradiction?" in *Modern Scholarship in the Study of Torah: Contributions and Limitations*, ed. S. Carmy (Northvale, NJ: Jason Aronson, 1996), 159–80.

This certainly seems to be an ingenious solution and a courageous initiative coming from one who might otherwise have been expected to toe the line of Orthodoxy championed by his famous great-grandfather, Samson Raphael Hirsch, as well as his own father, Isaac Breuer, who both basically denied any validity to modern biblical scholarship. At the same time, I cannot say that I find Breuer's solution to be plausible; it seems to me, frankly, apologetic and logically flawed.

David Weiss Halivni, for many years a professor at the (Conservative) Jewish Theological Seminary, has put forth his own reckoning with the problem (which, though not often noticed, bears an odd resemblance to the old Muslim charge against the Torah, called *takhrif*, falsification). Halivni holds that the Torah was indeed given to Moses on Mount Sinai but that it came to be corrupted and distorted by subsequent generations. As the Bible itself attests, those later generations often indulged in the worship of other gods or simply neglected the fundamental teachings of the Torah and, in the process, changed its content. According to Halivni, it was Ezra and his followers who sought as best they could to restore the Torah's teachings, often relying on orally transmitted traditions to correct what the written text had become. This effort was not altogether successful, however, which explains both contradictions within the biblical text as well as apparent disagreements between the Written and the Oral Torahs. Halivni seeks to support this reconstruction on the basis of the biblical books of Ezra and Nehemiah as well as rabbinic sources that hint at Ezra's role in editing the Torah.¹⁰

Professor Marc Brettler of Duke University has recently written a very thoughtful essay sketching out much of the recent history of Judaism's relationship to modern biblical scholarship along with his own position.¹¹ Brettler is himself an important contributor to biblical scholarship of the present generation, and as such he accepts the basic

10. David Weiss Halivni, *Divine Writ and Critical Responses* (New York: Westview Press [Perseus Group], 1997).

11. Marc Brettler, "My Bible: A Jew's Perspective," in Brettler et al., *The Bible and the Believer: How to Read the Bible Critically and Religiously*, ed. Marc Brettler, Peter Enns, and Daniel J. Harrington (New York: Oxford University Press, 2009), chapter 1.

conclusions of the historical-critical method. Like many scholars, Jewish and Christian, he explains factual and scientific inaccuracies in the Torah by saying that the Torah was not intended as a scientific or historical work. Nevertheless, he affirms the sanctity of the Torah, though in saying so he apparently does not mean to affirm the divine origin of the text. Rather, Brettler asserts that the Torah's holiness derives from the community of Jews who accept it as such. (He does not mention it, but I think this notion derives much from the evocation of the "community of believers" in Acts 2:42–47 and adopted in the writings of such biblical scholars as the late Brevard Childs.)

A recent book by Professor Benjamin Sommer of the Jewish Theological Seminary offers an equally thoughtful, but sharply divergent view. He holds that "at Mount Sinai God communicated with Israel and Moses, but spoke little or not at all."¹² Revelation might thus be described as a great, divine Zap (my term, not his). The Torah is not that Zap itself, but the response of human beings to it, which is why the different sources of the Pentateuch identified by modern scholars differ from one another: they are the reactions of different individuals.

Far from papering over these dissonant sources, Sommer glories in their diversity. He refers the reader to the work of such theologians as Franz Rosenzweig and Abraham Joshua Heschel, who, he asserts, similarly held that "the biblical texts themselves are largely or even entirely products of human beings who respond to the revelation at Sinai."¹³ This claim he supports with detailed analyses of different versions of the revelation at Sinai and other pericopes. In fact, he has been extremely zealous in identifying a number of Jewish writings that he sees as his own book's predecessors, from various rabbinic statements to well-known medieval figures (Maimonides in particular) to a few Hasidic sages of the nineteenth century (who would probably be quite surprised to be claimed as Sommer's allies) and on to modern-day writers of various persuasions.

12. Benjamin D. Sommer, *Revelation and Authority: Sinai in Jewish Scripture and Tradition* (New Haven: Yale University Press, 2015), 99.

13. Sommer, *Revelation and Authority*, 43.

He goes on to suggest that the basic rabbinic distinction between the Written and Oral Torahs ought to be eliminated: in a sense it is all midrash, he argues, an ongoing human commentary on the ineffable divine.¹⁴ Indeed, he calls his approach a “participatory theology of revelation” because it invites modern biblical scholars (like himself, I must say here) to carry forward the work of understanding what happened at Sinai, creating a kind of supercommentary on that very first “commentary,” the one that begins with the words “in the beginning God created the heavens and the earth”—the Torah itself.

I should mention at this point that I have hardly exhausted the variety of answers to the overall question posed by modern biblical scholarship. But I think that the works cited all seem designed to answer the same question, the question posed by Ben Sommer: “How can a theology express both love of Torah and readiness to study it critically and with an open mind?”¹⁵ or, in Marc Brettler’s formulation: “The question for me, then, is how my deep commitment to Jewish tradition can fit with my strong scholarly, academic beliefs concerning the origin of the Torah.”¹⁶

I understand why this is a problem for these scholars (and many others), even if they, and the others I have cited, all go on to sketch out a solution that they apparently think they can live with. But I must say I feel a little uncomfortable with this whole undertaking precisely because it is so patently an attempt to revise our thinking just enough to allow us to go on being good modern biblical scholars—doing what I once called “having your Bible and criticizing it too.”¹⁷ This doesn’t mean that it’s wrong, but to me it seems suspiciously local and *ad hoc*.

Let me conclude by saying something of my own thoughts on this issue. The main idea of Judaism, reaching back into biblical times, may be summarized in the Hebrew phrase *‘avodat ha-Shem*, the service of

14. Sommer, *Revelation and Authority*, 161.

15. Sommer, *Revelation and Authority*, 29.

16. Brettler, “My Bible: A Jew’s Perspective,” 45.

17. See my “Apologetics and Biblical Criticism Lite,” 13. Originally intended as an appendix to *How to Read the Bible*, this essay was ultimately published online and is available at <http://www.jameskugel.com> under the rubric “Essays, Bibliography, and Other Things.”

God. This is the *raison d'être* of the Jewish religion. One might wonder why this is so. I believe the answer is that Judaism rests on a basic (I might say, universal) construction of the human encounter with God. It is not an encounter of equals. You can't just walk into God's office, put your feet up on the desk, and start chatting. The only way, at least the only Jewish way, to come before God is in the role of His faithful servant, eager to be His full-time employee. But how does someone serve God? The traditional Jewish answer is by performing a host of little humdrum tasks every day—for example, reciting a fixed blessing in Hebrew, thanking God as we open our eyes every morning, another as we get out of bed, another as we put on our clothes, our shoes, and so forth. All these everyday acts are to be performed in a certain way and accompanied by these formulaic blessings, and they are thereby connected to the divine.

Traditional Jews also recite the *'amidah*, a series of nineteen interconnected prayers said in synagogue every morning, afternoon, and evening. They also say a fixed grace before and after consuming *anything*, from a full meal to a glass of water. They of course recite the Shema morning and evening. They follow a strictly kosher diet, never combining meat and dairy foods in the same meal, even if this is a challenge for our hosts in Provo, Utah; on the Sabbath, they refrain not only from practicing their profession but from turning on and off any lights in the house or using other electrical devices, or carrying their keys or anything else in their pockets when they go outside, along with adhering to a host of other Sabbath stringencies (including no bowling, as you may know if you are a fan of *The Big Lebowski*).

What does all this have to do with Scripture? Of the things I just mentioned, none is explicitly commanded in the Torah; many are interpretations of verses in the Torah, interpretations transmitted or created in the opening centuries of the common era by the rabbis mentioned in the first part of my paper. In fact, some of them are not even interpretations at all but simply decrees issued by various rabbis during this period or thereafter.

This is not to say that *nothing* in Judaism rests on the Torah's explicit commandments—quite the contrary. In particular, I have not mentioned its great ethical principles: to honor parents day in and day out, to act properly with friends and neighbors, to help the poor and needy, to study and keep in mind the sacred texts themselves, and never to lie or cheat or steal or violate any of the Torah's other ethical prohibitions. These notwithstanding, many of the day-to-day details of the Jewish way of life were articulated long after the Torah, in the rabbinic period or even later. So I prefer to describe the Torah as volume 1 of a multi-volume work called *How to Serve God*. This work starts with the Torah but then moves on to the rest of the Hebrew Bible, then to rabbinic compilations such as the Mishnah and Tosefta, the two Talmuds and various books of midrash, and on to works of the Middle Ages and later—right down to the rulings of modern-day rabbis and other authorities who know all about microwave ovens, iPhones, and the rest of the world to which age-old practices have to be applied.

I know that for many Jews, this raises the problem of authority. Presumably, if we do all these things, it must be because God has commanded us to. Yet I have made a point of saying that a great many of the things mentioned are *not* commanded in the Torah—so why has this not historically been a problem for Jews over the centuries? I know that one answer commonly evoked is that the Torah itself makes provision for innovations by later authorities, so that they in effect have the Torah's own authority to do what they do. Frankly, I've never found this argument convincing. Rather, as I tried to stress earlier, what is crucial for me is the whole Jewish definition of Torah, which has, from at least late biblical times, been a combination of two putative works, ultimately called the Written and the Oral Torahs. In effect, the Torah of Judaism is (and always has been) far more than the words of the Pentateuch. The evidence for this is clearly provided by the traditional interpretations of the Torah as found not only in rabbinic writings, in Mishnah and midrash and Talmud, but still earlier in Aramaic targums and in the Old Greek translations that preceded them, in the Dead Sea Scrolls, and in numerous biblical apocrypha and pseudepigrapha. In fact, I believe that

the changes in the texts introduced by Sage Number Two (mentioned above) were merely the earliest stage of biblical interpretation.

This may sound rather similar to Sommer's approach, so allow me in conclusion to mention what I see as one important difference between us. I think that defining Torah as a merely human response to the divine is to deny a fundamental belief not only of Judaism but of Christianity and Islam as well, namely, that God indeed speaks to human beings. Without allowing for such divine speech, all of biblical prophecy (which means virtually all of the Bible) turns into a strictly human undertaking. I don't believe this is so.

At the same time I have been arguing that the Torah is not just the words on the page; it is those words as they have been frequently recast by Judaism's oral traditions. This seems to me an equally crucial consideration because in so doing, the rabbis and their spiritual forebears) prescribed not only how specific verses of the Torah are to be understood, but a whole approach to its study.

It may seem to be only a minor shift of prepositions, but there is all the difference in the world between learning *from* the Torah and learning *about* the Torah. In the former case, the reader sits modestly at the Torah's feet, trying to understand its words along with those of subsequent sages and commentators. This is the basically humble posture that has always been the traditional Jewish attitude toward the sacred text. Learning *about* the Torah presupposes a rather different posture: the scholar looms above and dominates the text. His exertions may yield all manner of new insights, but what is lost in the process is the very goal of Torah study in Judaism—"to listen and to learn, to teach, to preserve and to carry out." Without this attitude, the whole role of Torah in Judaism is undermined. So these two prepositions, *from* and *about*, represent in my opinion two utterly irreconcilable approaches. I have nothing against *about*; biblical scholarship has yielded so many valuable new understandings! But its Pentateuch is, to begin with, only half of Judaism's Torah. The other half includes not only the Oral Torah, but a wholly different attitude toward its study. I like to think of the word *from* as embodying that attitude (especially since it reminds me

of the German adjective *fromm*, “reverent”). It is only *from* that leads to what I see as the whole point of Judaism, namely, ‘*avodat ha-Shem*, the service of God.

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