

Text and Context: Torah and Historical Truth

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Many observers see religion as a system of beliefs espoused by people who would describe themselves as believers. These beliefs and believers are perceived to stand at one pole, opposite an alternative called heresy, which is accepted by individuals often called heretics, usually by self-designated believers who disagree with them. Much of the religious world divides the range of religious ideas and their adherents into these opposing categories, reminiscent of the Sons of Light and the Sons of Darkness, eschatological enemies depicted in a military text discovered among the Dead Sea Scrolls.

It is relatively easy to call people heretics. It is much harder, for some reason, for believers to acknowledge that others, particularly those outside their own religious community, are also believers. The believers and the heretics often disagree with each other quite forcefully. Whatever names the combatants actually bear, many of the internal debates among Jews—which pit the Orthodox against the non-Orthodox, or the Modern Orthodox against the *haredim*—focus on what is a proper belief or a heretical one, or who is a believer and who is a heretic.

For many people the distinction ends there, but even in the popular mindset—which is what I am attempting to describe here—this duality does not adequately describe the full extent of religion-related discourse. In fact, we can identify not two poles, but three foci. To the first two classifications, one can add the critics, who on any particular issue may agree with the believers or the heretics. One should speak, then, not about believers and heretics, but about believers, heretics, and critics. It is even possible for an individual to carry two or all three of these designations. I frequently do, depending as much on where I am as on what I say.

Significant differences exist among these three groups, yet believers regard the heretics and the critics as essen-

tially one group. Similarly, the heretics sometimes see the believers and the critics as too closely aligned and distance themselves from both. Finally, the critics may see the believers and the heretics as sharing an excessive devotion to doctrine, albeit of very different sorts, and may regard only themselves as clear-thinking.

This tri-partite array of believers and heretics and critics can be pictured as the three corners of a triangle. If on this triangle one draws a line separating the believers from the others, the heretics from the others and the critics from the others, one creates a six-pointed star. This does not explain, of course, the historical origins of the Magen David, but it can serve to symbolize the ways in which one can group and interrelate many ideas essential to the study of Judaism.

Debates about substantive matters reveal the difficulty in defining a position espoused by only one of the three groups. And attempts to determine who actually deserves to be categorized as believer, heretic, or critic often depend on issues of reputation. For example, most Orthodox Jews today, if given the opportunity to examine anonymous selections from writings by rabbis whom they would unhesitatingly acknowledge as believers, would quickly label those writings as heresy or criticism. A highly learned reader may be more successful, but even relative sophisticates—day school graduates and others who have lived in the Orthodox community for decades and whose lives reflect its teachings and values—would be surprised by the critical or heretical-sounding statements of recognized authorities. Despite their vividness and seeming relevance, therefore, one should be very wary of employing these three terms in any systematic way. And even though I believe this to be a helpful way to introduce the subject, I prefer to break down these artificial barriers.

Questions regarding historical-critical method ostensibly

partake of criticism, but may be included in the other categories as well. Orthodox Jews face specific problems with this method that can differentiate them from other religious Jews. Some are classic issues of Jewish learning that have engaged traditionalists for several millennia; others are not. Here the methodological questions surrounding learning begin to pose a serious challenge. Among the assumptions underlying historical-critical method is the need to approach a text with a degree of subjectivity. From an Orthodox point of view, however, it is all very nice for someone to study the Bible or the Talmud in order to determine what a particular text is going to mean to him or her, but the real meaning is dictated—or at least suggested—by traditional sources. To approach a problem or text critically, one must be willing to think outside the traditional framework, as it is regularly presented today. In order to do that, one must be openly subjective and apply strategies that may lead to conclusions differing significantly from those normally taught. The key is thinking critically and subjectively about the material, rather than simply accepting what one reads.

Another important aspect of historical-critical analysis is the effort to contextualize all texts and ideas, on the premise that any text or idea can be understood best if placed in its original context. This assumption does not preclude applying other approaches to the same text, but it does mean that contextual influences play a major role in the critical thinker's perception of how the text came to be, what it says, what it originally meant, and arguably what it could or should mean today.

For example, the attitudes towards government and its polity in various Jewish cultures were developed in response to the treatment of Jews by particular governments. In one context, the attitude toward the state may be positive, in another it may be negative. Any understanding of rabbinic thinking, halakhic rulings, and general public attitudes about this question must be understood in context.

A third form of historical-critical analysis deals with what is often called lower criticism: the determination of the correct text. Simply put, before we actually get to

the point of making decisions based on specific texts, we must determine with precision what the correct text is. One of the great challenges in dealing with Rashi's Torah commentary is the great uncertainty about exactly what he wrote. Rashi exists in Ashkenazic and Sephardic editions, or at least in editions that one could associate with medieval Ashkenazic and Sephardic readers. Recent research demonstrates that, at least once every chapter on average, his commentary has been changed by the Tosafists or in response to their criticisms. Before doing anything else, one must know what the text is.

Similarly, the ancient Greek version of Jeremiah differs significantly from the Hebrew one and is based on (or textually related to) a variant Hebrew version of the book discovered in part among the Dead Sea Scrolls. While we assume the canonical form of the book is correct for ritual considerations, i.e. no one would advocate reading a *haftarah* from the Dead Sea Scroll version, for historical purposes we need to know more about the text of Jeremiah than the canonical Hebrew version alone can tell us.

I recently published a book entitled *Fixing God's Torah*.¹ The title surprises many people who wonder how I can write about "fixing" the Torah. Indeed, how can I even use the two words together? But "fixing" and Torah really do go together. Scribes who write Torah scrolls use books called *tiqqunim* (related to the Hebrew word meaning "fix"), and people who prepare to read the Torah on Shabbat do likewise. In fact, my book discusses the extent to which the great medieval and post-medieval rabbis were engaged in determining the proper text of the Torah, a subject that may strike some readers as purely critical and others as downright heretical. Actually it is neither.

Dealing with what the text *is* must precede saying anything else *about* it—its importance, its impact, and its potential uses. Until we figure out what the text of Rashi actually contains, we should probably stop making it the cornerstone of our educational programs. Instead, we should allow its place to be shared with other rabbinic commentaries that are equally useful. I make this com-

¹ New York: Oxford University Press, 2001.

ment not to disparage Rashi, but in recognition of Rashbam's report in his commentary on Gen. 37:2 of his grandfather's wish to have had the time to write additional commentary on the basis of novel understandings of *peshat*, and because much of what has been written about Rashi and the details of his commentaries may need to be re-done with a proper text available.

Finally, we come to the question of history. When I first started studying at Yeshiva University, history had a bad name. Even then, some people, especially some rabbis, did not appreciate history. In the last twenty-five or thirty years, the religious world reacted against historical thinking. History assumes the importance of context, even as it organizes and explains events systematically, categorically, and through universal causes and effects. It prioritizes types of evidence and develops positions not necessarily identical to those assumed in conceptual or thematic decision-making. A historical-critical analysis of *halakhah*, for example, assumes different perspectives, and therefore differs from a conceptual analysis in how it sees influences and process.

For this reason, historical-critical method really does present Modern Orthodox Jews with a serious dilemma. They are not only eager to develop their intellectual quests in new and interesting ways. They are also compelled by issues in the broader intellectual world to pursue this quest in historical-critical ways, even when such attempts seem to run counter to other rabbinic thinking. Post-modernism may help change that, because it favors approaches to thinking that are more subjective and less dependent on historical and text-critical assumptions. But even post-modernism admits the theoretical value of many historical-critical assumptions.

Orthodox Jews are confronted by serious challenges in how they understand, in how they teach, and in how they explain the paths Judaism took on its complex journey from antiquity to today. Indeed, Orthodox Judaism needs to ask the self-reflective question about why it has the character it does, and why its adherents think as they do. We should look at this question historically and critically and explore the origins of many of the seemingly pious assumptions that underlie much of what we do, but may not have been equally significant to previous generations of rabbinic leaders and their followers. Why, for example, has ritual rather than ethics come to be the overarching concern of the Orthodox world?

Why are dietary restrictions based on previously unheard of halakhic minutiae of greater moment than those related to general well-being, e.g. how can a food be given kosher certification when we know its contents to be unhealthy?

Many of the individual components that make up Orthodox doctrine are of relatively recent vintage. The mix of contemporary attitudes—perhaps most significantly the intellectual isolationism evident in much of the Orthodox world today—is actually one of the most radical rabbinic innovations of all time.

To confront the impact of contemporary rabbinic thinking through the historical-critical challenge, one must scour the classical rabbinic literature, find models of the strategies that we believe are appropriate, and exploit them in our own contexts and in our own particular ways. In the *Guide for the Perplexed* (III: 29, 37), Maimonides observed that, if we knew more about ancient times, we would better understand the rationales behind the Torah's laws. This argument attempts to contextualize divine law, and it suggests the value of historical reasoning in religious thinking. Maimonides also wrote about his reading of contemporary pagan books to learn about the ancient pagan world, so he could understand the culture and the practices to which the Torah seemed to be responding. This is very much a modern sounding argument, but it is not. It is an old strategy that has become a cornerstone of historical-critical thinking, and it is decidedly unpopular in certain circles. Yet it allows, perhaps even demands, that historical contextualizing be explored and developed.

Similarly, text-critical work is a natural and important part of many classical rabbinic books; in fact, anyone who studies Mishnah, Talmud, *midrash*, and the like, finds rabbinic discussions of textual variants virtually everywhere. The editors of the Mishnah printed the variants right on the page; the printers of Babylonian Talmud did likewise. The Vilna Gaon, Rabbi Baruch Halevi Epstein (author of the *Torah Temimah*), and many other respected writers concerned themselves with textual details and inconsistencies.

These are classic attempts to fix the texts, to correct them, to establish them, and to deal with inconsistencies in a text-critical way. Early commentators on the Talmud were more sensitive to issues surrounding the

accuracy of texts than are most moderns, because they studied from manuscripts that often differed from one another in relatively significant and insignificant ways. Studying any text was predicated on first determining what it was.

Rabbinic culture today is generally far removed from such endeavors, and those who challenge the textual integrity of any holy book are often branded as heretics. The medieval rabbis studied from manuscripts, and they knew that manuscripts differ from one another. To see this applied to the Bible text, read any page of Norzi's *Minhat Shai*. To see it applied to rabbinic texts, particularly the Babylonian Talmud, examine the notes and commentaries of the Vilna Gaon, and Rabbis Hayyim Bachrach and Samuel Strashun, and *Diqduqei Soferim*, written by Raphael Rabbinovicz and supported by letters of approbation by seven rabbis, including Solomon Kluger, Joseph Saul Nathanson, Jacob Ettlinger, and Isaac Elchanan.

When the learning public shifted from studying manuscripts to studying printed books (mainly in the sixteenth century), much of this interest in fixing the text died out, partly because the job was done by printers (however inadequately) and partly because people for the most part now had identical texts and were not confronted daily with questions of textual inconsistency. While some people continued to improve on these texts, such matters came to be ignored, and the dynamics of learning moved to other considerations. As a result, the attitude towards the importance and sanctity of this work declined, and the popular response now is largely to avoid the subject, lest it somehow undermine the faithful.

The simple question about historical-critical thinking that confronts us is this: To what extent can we exploit these critical lines of argumentation in formulating an independent, responsible, authentically Orthodox approach to rabbinic learning?

We must see this as a legitimate educational problem, an issue in the training of teachers and rabbis and in the expectations we have of our religious leaders. Can we—dare we—accept teachers and rabbis who do not share a commitment to this historical-critical outlook, not to the exclusion of all other forms of learning but in addition to them? If they cannot appreciate the significant

role such modes of thought played in classical rabbinic literature, and its potential value to the contemporary world, how can they satisfy modern Orthodox intellectual needs?

Let me illustrate with a story about a congregation in Montreal. Some years ago, a synagogue not far from where I live was between rabbis and it called on me before Passover to address the congregation some five or six times before and during the holiday. The members of this congregation knew me, because I had spoken there, but they asked come to an interview. When I arrived, they bluntly asked me whether I would say anything heretical from the *bimah*. I assured them I would not, but then added that I might say something controversial. They asked me what I meant. I said, “Suppose on *Pesah* I said that when the Hebrews were in Egypt they did not build the pyramids?” They were shocked and wanted to know why I would say such a thing. I replied that the pyramids were over a thousand years old when Abraham went to Egypt, and therefore they could not have been built Jewish slaves. In fact, no one who knows anything about ancient history believes the Hebrews built the pyramids. The Torah does not say they did; it says they built “store cities.” Yet this error has somehow captured the popular consciousness. At Camp David, Begin lectured Sadat about how his Jewish ancestors had built the pyramids, and Sadat stood there shaking his head in affirmation. Neither man seems to have known the historical truth.

The notion that our ancestors built the pyramids is complete fiction with no religious concern underlying it, and yet here was a well meaning Orthodox synagogue whose leaders worried that my saying this in public on *Pesah* of all times would be a scandal and somehow weaken people's faith. In the end, with the rabbi's encouragement they accepted that I might be correct and they hired me, but they also insisted I not discuss the matter from the *bimah*. Fantasy, it seems, can be more important than fact, and even mistakes that do not matter religiously are hard to correct. This was not a rightist synagogue. It was populated by sincere people who were committed to Judaism and wanted to avoid having anyone rock the boat.

To counter this type of response and gain the ability to correct both trivial and serious mistakes of this type, Orthodoxy must insure that historical-critical thinking

develops grass-roots acceptance. It needs to weed out the errors and fallacies in popular thinking, the mistaken assumptions and their results. Orthodoxy must eschew those approaches it finds unsuccessful, yet it must value the historical-critical method and integrate it with the classical rabbinical learning to which it is so indebted. It must do this not merely because it is the most appropriate way for thinking members of the present generation to respond to the intellectual challenges that confront them. It also needs to do so because such thinking represents a significant part of the classical rabbinic approach that deserves to be followed. If we cannot do this, some Modern Orthodox Jews will never be comfortable feeling that the Torah in which we are engaged actually does approach truth.

The texts, and the strategic models needed to study them fully and properly, are in place. But while some of its members may do so, as a community Modern Orthodoxy lacks the critical mass of people and the commitment of its convictions to take advantage of them. This is less of a problem in Israel, because there one finds an Orthodox intelligentsia populous enough and stubborn enough to do what it thinks is appropriate. In North America we lack that critical mass of people. The few of us who work as Bible scholars are so rare that the religious community does not know what to do with us. No more than a half-dozen Orthodox Bible scholars roam the campuses of North America, and some of those who rightfully hold that title spend most of their time researching other things.

The fact is that the Talmud speaks about Joshua's writing the end of the Torah, and a list of medieval writers including Yehuda he-Hasid and Abraham Ibn Ezra were quite content to suggest not only post-Mosaic additions to the Torah but a human component to it. Some *midrashim* attribute the existence of unusually large or small letters to Moses' attempts to convey some message, as if it were his decision how these things should be done.

Critical sounding sources are plentiful. The problem is that we as a community do not talk about them. Our teachers are not trained to discuss them with students, and our rabbis are uninterested or actively discouraged from making these issues public. If the teachers and preachers are not sharing a highly significant segment of authentic rabbinic knowledge, it will be left to a few

seemingly eccentric professors who are trying to change the world from their tenured positions in secular universities. We need you to help in the campaign.

It is important to do two things with regard to higher biblical criticism. On the one hand, it is crucial that people study the documentary hypothesis. I do not mean simply hearing a lecture or reading an article about it. And surely I do not suggest they bow low at the waist and say, "I believe in the documentary hypothesis." One must study it and the related challenges and problems. One must look at the text the way the critics look at it. One should see how the tradition responded to those same concerns, because those concerns were there all along. Believe it or not, the *midrashim* saw them all.

The question really is: How does one understand the history of grappling with certain kinds of textual inconsistencies, and what should this mean to us today? I assure you that Wellhausen, who made much of changes in the use of God's names from one passage in the Torah to another, did not discover the problem. It has a very long and distinguished history of discussion.

We must see where this theory came from, how it developed, what other possible solutions exist within the tradition, and whether a better suggestion can be put forth. Such historical study is not a simple thing, but it must be done.

Similarly, one must understand that there is a documented history of several millennia of Jewish answers to most critical and exegetical questions. The history of criticism is not quite as long, and the task of mastering it is actually less intimidating than mastering the relevant rabbinic literature. The Orthodox community cannot bridge these gaps in one generation, but every generation must be engaged in a study of these literatures and their underlying issues—both their relevance today and their evolution—and only then it can begin to grapple with the question.

When we talk about Judaism, we talk about the way we teach it, the way we live it, and the way we try to understand it. In general American culture, young children learn about the Easter Bunny, Santa Claus, George Washington's chopping down the cherry tree, and the like. As they mature, they learn that these characters and

the deeds attributed to them fit into a category of knowledge that is not necessarily the cornerstone of personal or political identity or history.

One of the problems Orthodoxy faces is that its educational system—which extends from the time the child learns to talk until late in life—has not developed the terminology to differentiate between history and folklore, between serious things and peripheral ones, between those issues on which it is willing to take a stand and those considered to be non-essential, between those that should be understood historically and those best taken some other way. Our greatest challenge today is not Reform, or Reconstructionism, or Conservatism, or Liberal Orthodoxy, or Centrist Orthodoxy, or Hasidism, or “Harediism.” Our greatest collective problem—though it affects different groups in different ways—is Mindless Orthodoxy. This is the uncritical following of a fixed religious life whose most minute details are controlled or invented for us, that avoids rational debate in favor of faithful adherence to rituals, and that imagines salvation to be the guaranteed outcome of being both *frum* and wealthy.

Many of the greatest medieval rabbis were sensitive to

some of these issues and, in their presentations and analyses, they reacted to them in ways that might cost many a contemporary rabbi his congregation’s trust, if not his job. The problem is that such language is foreign to contemporary Orthodox religious ethos and, as a result, thinking people are constantly drawn back to this same problem.

To use scientific terminology, with which many of you may be comfortable, “*Torah u-madda`*,” the long-standing slogan of Yeshiva University, is not the simple presence of two elements, *Torah* and *madda`*, in proximity. *Torah u-madda`* is a new compound that differs in many of its properties from *torah* plus *madda`*, just as the two independent elements, hydrogen and oxygen, differ from water. The *torah u-madda`* that I take as the basis of Modern Orthodox philosophy is the water. It is neither solely the hydrogen nor solely the oxygen of which it is composed, nor is it the mixture of the two, both of which are essential gases, but not much more. *Torah u-madda`* is a compound product, to be valued over “elemental *Torah*,” because the latter lacks the human component that enriches Torah once it has been placed by Heaven squarely in our hands.