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ב"ה, גאון ג"

Rabbi Norman Lamm
Instructor in Jewish Philosophy: Erna Michael College; Yeshiva University
500 W. 185th St,
New York 10033, N.Y.

Dear Rabbi Lamm,
I assume you still remember me somewhat. Both of us have acquired new addresses since I was a member of your philosophy classes of 1960-61 and 1961-2. I have a new residential address; you a somewhat new working address. The T.C.I. has come to be known as Erna Michael College, or E.M.C. I hope the new setup proves an aid to you in your endeavors there. As for me, I graduated T.C.I. in September, 1963, with the degree of B.H.L., attending level between then and May, 1964. I was none too successful there; my previous course of study had not really prepared me for most of the courses offered on a graduate level, and I was subjected to pressures from the Selective Service and at home which depleted me of the energy needed to do decent work. Fortunately, I got out of the draft as a 1-Y; thank G-d, I've been out un-til now, and am past 26. I only pray that I remain lucky in this regard. As for the rest, I got into trouble at home in October, 1964, and with the resultant suspension of tuition payments, I became a $\$7.67 \frac{3}{4}$ $\frac{1}{7}$ $\frac{8}{7}$. Between February and August, 1965, I sat in Dr. Leon Stitzkin's class in "Personalism". I wrote two papers there, which, had I been a student would have netted me a grade of B plus and A respectively in the two halves of the course. It was sitting there in Dr. Stitzkin's class that I got the idea of dabbling in theology. Theology is the main topic of this writing.

During the summer of 1966, "Commentary" magazine featured a symposium on the state of Jewish belief. The contents of said symposium appear in the August issue of said magazine. You were one of those who participated in said symposium as was your colleague, Rabbi Emanuel Rackman. The following is quoted from Dr. Rackman's article: "The most definitive record of G-d's encounters with man is contained in the Pentateuch. Much of it may have been written by people in different times, but at one point in history G-d not only made the people of Israel aware of His immediacy, but caused Moses to write the external evidence of the covenant between Him and His people. Even the rabbis in the Talmud did not agree on the how, but all

Torah and its precepts are Mosaic. Critics are by no means unanimous in their views as to how the Torah came to be. To cite as an example the Documentary Hypothesis, some of its exponents believe J, E, D, and P to be individual authors; others, groups of writers. Other schools of Torah-itic Higher Criticism often are equally divided on basic questions. A discipline which often moves in contradictory directions cannot be regarded as a valid summons to re-work the fundamentals of our faith.

Critical theories as to the Torah's origin depend for their logical plausibility on one fundamental thesis: that writing and systematic instruction en masse were hardly known in Mosaic times. Cognate historical disciplines to Higher Criticism seem to indicate otherwise. It has been posited that in ancient Mesopotamia, a school system of sorts existed where sons of ordinary farmers learned to read and write. Moses spent his youth in a Pharaoh's palace, where he ~~may~~ most probably attained literacy. Authoritative repositories of traditions and laws dating from the first half of the second millennium B.C.E. have been discovered. The Exodus from Egypt is dated by many at circa 1300 B.C.E. Writers such as Edward Zerin in "The Birth of the Torah" are willing to grant that Torah-itic material may go back to traditions long antecedent to it, but insist nonetheless that the Torah is of late date. If we posit that things in the Near East were in a pretty high state from patriarchal, even pre-patriarchal times, and that certain parts of the content of the Torah goes back to early times, why rule out a priori the possibility of Moses having authored the Pentateuch? It may be noted that writing, though quite known in those times, was not the mass medium it is today. It couldn't be done mechanically, neither could there be mass distribution of written material. Consequently, oral teachings were probably relied upon as well as writing for the purpose of transmitting to others any authoritative body of traditions and/or laws. The traditional Jewish view that together with the Chumosh, there came into existence an Oral, or "practical," Torah consisting of instructions as to the observance of the former's statutes makes as much sense as any other theory.

Suppose it was not common knowledge that the U.S. Constitution was produced ^{and ratified} between 1787 and 1789; there was only a tradition that it dates from the late eighteenth century C.E. One way to question, or bolster such a theory would be to compare its contents with other materials antecedent to and contemporaneous with that period. If there appear

to be striking parallels between U.S. Constitutional material and the latter, it would tend to call into question theories dating it later. The same is true of the Torah. There are definite parallels between certain historical traditions and laws of our Torah and those of the ancient Near East. An account of the Great Flood, similar in certain respects to the Torah-itic, is found in the Epic of Gilgamesh. The latter either dates from, or derives from a source stemming from patriarchal times. Near Eastern Codes offer parallels to such laws as that of a $\frac{1}{2}$ $\frac{1}{3}$ $\frac{1}{4}$ $\frac{1}{5}$ found in Deuteronomy 22: 23-27. These codes are either pre-Mosaic, or contemporaneous with Moses. If I may refer to a personal experience, when in Yeshiva Ketanah, I studied in the secular department about the ancient Near East, The history textbook employed quoted a law of Codex Hammurabi to the effect that a person stealing a sheep is to repay four-fold, an ox five-fold. The quotation included a reason; an ox could work for the ^{owner} ~~itself~~. At the time we studied the above, we happened to learn Chumosh, and the law of $\frac{1}{2}$ $\frac{1}{3}$ $\frac{1}{4}$ $\frac{1}{5}$. The principal, in the room at the time, asked the reason for the Torah's distinction between stealing a sheep and an ox, and I ventured the reason referred to above. He accepted it. It does make sense; a person stealing and slaughtering an ox may ~~this deprives the owner~~ ~~well try to get work out of it. fast~~. Now if parallels to Torah-itic traditions and laws exist, and the latter are of early origin, would this not tend to suggest that the Torah is more likely to be of early, rather than late date, as critics maintain? All in all, there is good reason to believe in the Mosaicity of the Torah.

We now arrive at a critical point in our discussion. If we use findings of historical scholars to question the views of others who posit a largely or entirely post-Mosaic Torah, do we not thereby impugn the Torah's Divine origin? Have we not made out a case for the view that the Torah and its precepts are the product of Moses' genius, Moses putting them together from elements indigenous to the Near East, Israel specifically, and others originating with himself? Said view is as much Spinozism as Higher Criticism. However, resemblances between the Torah and other materials do not impugn the former's G-d-given-ness. The trouble many of us have with "Torah Min Ha-shomayim" is due to our equating it with "Torah in a vacuum". There is nothing more ridiculous than the belief that the Torah was given as a bolt out of the blue without regard to factors prevailing at the time it was given. The Torah was given

by G-d, but not in a vacuum. The belief of Jewish fundamentalists that the Torah bears no relationship to history is absurd, and imputes unreason to its Giver, י'דע! ו'.

Continuity is a basic law of the universe. Every so often, the new must supplant, or supplement the old. However, if there not exist a certain degree of continuity between the the old and the new, the latter often proves abortive. This applies in human life as well. The best vehicles by which to convey to a person, or nation truths it needs to know are those familiar to it. The ideal set of laws and precepts to set before a person, or a people is one that reckons with the environment in which they originated, of which they are a part ~~of~~, and in which they are to function. The children of Israel originated in the Near East, were part of that environment during the period of "Mattan Torah", and were expected to function as such subsequently thereto. G-d, having decreed that continuity govern His creation, human life included, could not but accept the logical consequences of His own decree. Hence, the Torah He gave to Israel had to bear a relationship to the environment in which it was given. The purpose of "Mattan Torah" was to render Israel "a realm of priests and a holy people", but accomplishing this on the ultimate level necessitated accomplishing it on the immediate level. Consequently, traditions, beliefs, laws, and institutions indigenous to the environment of which Israel was a part in Mosaic times were utilized by the י'דע! ו'. for His purpose when they were not inalterably opposed to same. Purged of pagan, or otherwise base elements, they were included in the Torah, that which could not be salvaged for the Divine purpose for Israel was proscribed, often under threat of severe penalties. Traditions indigenous to Israel alone i.e. those relating to its own ancestors and origins were utilized by the Giver of the Torah; where necessary, new laws and usages were ordained by Him. These are the ingredients whose sum total equals our Torah. Our G-d-given Torah sanctioned, refined, abolished, or supplemented traditions, usages, and laws prevailing in the environment in which it was given, all in accord with the wisdom of its Giver.

Let us be specific. "Torah Min Ha-shomayim" is not impugned by the fact that there are Near Eastern myths telling of a great deluge. A myth is often built on a substantial core of truth. An actual event or phenomenon is given a certain interpretation which produces the myth. If a number of Near Eastern sagas tell of a great flood, there probably was such a disaster. However, the non-Torahistic versions of this tradition are devoid of any value judgments that could serve as guides to those reading them. In those accounts, the flood is sent because of the caprice of the gods, or because the noise of human activities disturbs their sleep. The hero of the story is saved because of favoritism, or the desire of a god to frustrate the design of his fellows. After the deluge, the

survivor is elevated to godhood. In the Torah, the Great Flood is sent because of mankind's wickedness; Noah survives because of his righteousness. After the deluge, he remains human; G-d enters with him into a covenant which prescribes basic norms for human conduct. A tradition which outside the Torah became the basis for various myths was utilized by Israel's Divine Teacher as a vehicle of lessons he wanted His people to learn. Similar observations apply to Torah-itic laws. Near Eastern statutes regarding rape of a betrothed, or married woman operate on the principle that the place where the incident occurs determines whether the woman is to be regarded as a willing partner of her assailant. If the place of the incident is one where resistance, or calling for help is possible, and the woman submits to her assailant, both are capitally punishable; if resistance and a cry for help are not likely to be successful by virtue of the place where the woman is seized, the man alone suffers punishment. The Hittite Code speaks of the mountains and the house; the Torah of the city and open field. The basic ~~ideas~~ ^{ideas} underlying both laws are similar. The Giver of the Torah felt the principle underlying laws of rape prevailing in the Near East of which Israel was a part to be possessed of a valid principle, and promulgated a similar law as part of His Torah.

Once we abandon the view that the Torah's Divine origin is to be understood as it having been given in a vacuum, a far more intelligent view of our religion opens before us. It may even be possible for us to know the reason for certain precepts that otherwise stump us. Take the $\text{לֹא יִהְיֶה אִתְּךָ אִלֹּהִים אֲחֵרִים}$, which is $\text{לֹא יִהְיֶה אִתְּךָ אִלֹּהִים אֲחֵרִים}$ and $\text{לֹא יִהְיֶה אִתְּךָ אִלֹּהִים אֲחֵרִים}$. Cults of the dead were rampant in the environment in which the Torah was given. The Torah did not come out against such notions as an afterlife, or resurrection, but it demanded that the religious practices of its adherents center in this life. Hence the provision that a dead body is unclean and that Kohanim may be in contact with it only under exceptional circumstances. A Kohen Gadol, or כֹּהֵן גָּדוֹל , by virtue of their unique stations in the Torah life are completely debarred from contact with the dead. Even those permitted such contact are barred from the Sanctuary until they've undergone purification. The means of purification is the ashes of the Red Heifer. Why should they render unclean one who isn't a כֹּהֵן ? The tendency to cults ~~centering~~ ^{centering} around death was, and is very strong. Note how today, Kaddish, Yizkor, and Yizkor are Judaism to many Jews who otherwise are "Höher Goyim". The Torah opposes such cults so vigorously that even that which purifies from טִמְאָה can itself render unclean. Any secondary cults of the dead that might develop around the $\text{לֹא יִהְיֶה אִתְּךָ אִלֹּהִים אֲחֵרִים}$ would thus be nipped in the bud.

However one may feel about Dr. Ruckman's article, the problem goes far beyond that. Next to the existence and unity of G-d, "Torah Min Ha-shomayim" is a sine qua non in the faith of Israel. This doctrine, in capsule form, means that both the historical and legal contents of the Chumosh, plus the necessary instructions as to the implementation of the latter, were communicated by G-d to Moses in the highest degree of prophecy to which a human being has ever attained. Lacking the experience of the prophet, we can only have a hazy idea as to how it feels to receive a Revelation from G-d; the manner by which G-d transmits His messages to those He deems worthy of being His spokesmen is a matter of speculation. That various people have received Divine messages which they transmitted to their generations is basic to normative Judaism. Equally basic is the belief that of all prophets, Moses stands pre-eminent. The messages he received differ in their nature and content from those received by other prophets; the Torah is their sum total. As such, the teachings and laws of the Torah are binding on Israel for all time; they are the foundation of all developments in Judaism from the time of Moses' demise until our own day. Integral to any discussion of "Torah Min Ha-shomayim" are the terms "Written Torah", and "Oral Torah". In its widest sense, "Written Torah" refers to all of Tanach; in its limited and more technical sense to the Pentateuch specifically. "Oral Torah" in its widest sense refers to the entire traditional אורח חיים and the literature embodying it; in a more restricted sense to the provisions for the observance of Pentateuchal laws promulgated together with the latter. In the present context, "Written Torah", and "Oral Torah" refer to the Pentateuch and the instructions for the implementation of its statutes respectively.

Were one to poll contemporary Jewish scholars, one would discover that the view of the Torah outlined above is not widely subscribed to in scholarly circles. With the exception of the Orthodox scholar who does accept it, and the ultra-Conservative scholar who is inclined to sympathize with it more than with other views, most scholars do not entertain for one moment a traditional view of the Torah. The Documentary Hypothesis, albeit in modified forms vis-a-vis certain details, still holds sway among most non-Orthodox scholars. There are Higher Critics such as those of the Scandinavian school who have discarded the Documentary Hypothesis altogether, but ~~their~~ ^{their} views are hardly in support of traditional Judaism. The late Umberto Cassuto has vigorously attacked the Documentary Hypothesis, but he regards the Torah as being Davidic, rather than Mosaic in date. Since Cassuto assigns an earlier date to the Torah than other critics, and rejects many of their solutions to various

problems, many of his ideas can be integrated with a traditional view of the Torah. A relative and fellow professor of his at the Hebrew University in Jerusalem has done this. The reference is ^{ה'תשנ"ב} 1990, a commentary on Tanach produced between 1956 and 1984 by Elias S. Aron (פ'ב"ד, ע.י.כ.). In his ^{ה'תשנ"ב} 1990, he presents a very fine approach, which is re-iterated at various points in his commentary on the Chumosh. The approach to be presented here is on the order of Aron's. One fact remains: "Torah Min Ha-shomayim" and the modern age is not a question to be shoved under the rug. Orthodox teachers must be able to present a reasoned view thereof which accords with the normative flow of Jewish tradition, and can yet be sincerely subscribed to by modern men and women without doing violence to their intellectual integrity.

It is the error of such thinkers as Louis Jacobs of England to regard the theories of historical science as finalities on the basis of which one must be ready to submit ^{ה'תשנ"ב} 1990 to radical surgery. The historical disciplines are not exact sciences; no science is exact in the literal sense of the word. Hypotheses propounded necessarily base themselves upon the evidence at hand at a given time. The evidence utilized by the natural sciences is subject to a lesser degree of contingency than that utilized by the social sciences; the latter, after all, is directly linked to human life and culture. Furthermore, the bio-physical scientist is in a better position, than the historical scientist, to test his theories by means of controlled observation, or experimentation. Consequently, the hypotheses of historical sciences stand on a lower plane, than those of the natural sciences. They cannot, by their very nature, attain traditions indigenous to any people from its earliest beginnings. As a historical phenomenon, Judaism can best be understood through references to its own materials and sources. The American Civil War can be best understood by virtue of what American, rather than French or Italian historians have to say about it. Many social scientists and their disciples start out with a skeptical attitude toward indigenous traditions of peoples and nations. These may well be the best sources of information regarding them, and that which they revere. The ~~relative~~ relativism of historical science must be carried to its logical conclusion; relativism inheres in its very methods. Certain questions may not be answerable beyond cavil. There is no way to prove for sure how the Torah came to be. Whether we follow Higher Criticism, or tradition, we perform an act of faith. According to Elias S. Aron, critical theories do not explain in full certain characteristics of the Pentateuchal text. The difficulties posed by an acceptance of such theories, according to him, exceed those posed by a traditional view. It is not necessarily fundamentalism to retain one's belief that the

We have noted that the Torah's ~~for~~ purpose was both immediate and ultimate in nature. As such, our view that the Giver of the Torah governed Himself by considerations prevailing at the time of "Mattan Torah" is an expansion of the Maimonidean approach to מ'לך אף. However, it presents a crucial problem. How can a Torah given in an ancient Near Eastern milieu be relevant to life today? If we believe the Torah to be G-d-given, it follows that it is relevant to life in all times and places. The eternal validity of the Torah and its precepts is a vital part of "Torah Min Ha-shomayim". Those who regard "Mattan Torah" as being outside historical considerations have a ready answer: the Torah was given on Mt. Sinai with the proviso that it was ever to be valid and binding, and that's that. If, however, we view "Mattan Torah" as taking place in a given historical context, a more profound answer is necessary. There are Rabbinic views to the effect that Moses received on Sinai both the entire Torah and everything we now hold sacred. On these views, quite popular in traditional circles, "Mattan Torah" marks the conclusion of all history and development in Judaism. What strikes us as development after "Mattan Torah" is a repetition of that already given to Moses. Despite the views of both many Orthodox and non-Orthodox Jews alike, Jewish Orthodoxy does not depend on such a rigid approach. On our view, said approach is impossible, for if history was relevant to the giving of the Torah, it must be relevant to Judaism subsequently. In the words of Yerushalmi Sanhedrin 4:2, "If the Torah had been given in fixed, rigid formulations, it could not have endured (as the foundation of Israel's life). Moses petitioned G-d 'Master of the universe reveal to me the final truth in each problem of doctrine, or law.' G-d replied 'There are no pre-existent final truths in doctrinal or legal matters. The ^{considered} judgment of each generation's authoritative interpreters is to be regarded as the truth....' In other words, there is both a Revelational and historical aspect to the faith of Israel. As we know ^{of} the normative Jewish way of life is the product ^{of an interaction between} ~~of~~ the G-d-given Torah, and the history and life of its bearers.

A Divine Torah must be applicable to the milieu in which it is given, but also to very different milieus, all this without losing its basic character. G-d therefore endowed the Torah with virtually limitless potential that can be actualized, centuries, even millennia after the period in which it was given. "The words of the Torah proliferate and multiply" (Chagigah 3B). In part, Torah-itic potential has been actualized through Revelations to post-Mosaic prophets and seers, as well as the work of other Biblical teachers. Still more of it has been brought to fruition through the work of post-Biblical teachers down to our day. Anything promulgated by a bona fide Jewish teacher with the intent to strengthen the Torah as the foundation of Israel's life, or increase our devotion to it is, if accepted

as a statement of what actually is essential to normative Judaism.

To return to the topic of our discussion, and for a time at least, bring it to a conclusion, the process by which the Torah remains ever relevant to life may best be illustrated by comparing it to a tree. Preparations for the "planting" began even while Israel was yet in Egypt; the "ground" was "broken" at Mount Sinai. The actual "planting" of the "tree" and its taking root took place over the forty years Moses was Israel's prophet and teacher. After Moses' demise the "tree" weathered many a severe storm, but withstanding them, it proceeded to flourish in the medium of Israel's history and life, proliferating and yielding all we now hold sacred, including the traditional תורה שבעל פה as we know it. The provisions for the implementation of Pentateuchal legislation, whether they be found in the Chumosh, or not, were received by Moses משה עליו השלום over the period the former was promulgated; they are the תורה שכתב of the תורה שבעל פה . The entire traditional body of Jewish law and practice represents a תוספתא ל תורה of the original Oral Torah; the foundation referred to above and the structure built upon it have coalesced so as to form a single entity. Just as proliferations of a tree share the qualities of the original, so the proliferations of the original Torah share its Divine authority and sanction. They constitute Torah in its wider sense. For this reason, the authority of the Torah inheres in the entire Halachah. He who denies its authority, or that of its expositors - we mean bona-fide expositors, not certain individuals who claim to be that and don't even believe in "Torah Min Ha-shamayim" - denies the authority of the Torah. The Halachic process is one of the chief means by which the Torah remains relevant to life. He who rejects it turns the Torah from a תורה שבעל פה into a תורה שכתב . The Torah was given in Mosaic times, and received by those to whom he ministered as G-d's spokesman. However, קבלת התורה means not only the receiving, but the acceptance of the Torah. That cannot be accomplished by merely recalling that a Torah was given to our ancestors. Neither can it be accomplished in some moment of high feeling and emotion we may experience. The only way to accept the Torah is to observe its precepts. The Halachic process alone can make this possible. Only the ~~recognized~~ recognized Torah authorities of each generation can offer us the necessary guidance in how to do it in various situations. Only if we accept those observances that have been promulgated by Jewish teachers in order to strengthen the Torah as the foundation of our life, and our devotion thereto will we be sure that the Torah will retain its rightful place in Jewish life.

We have not, by any means, said all there is to be said on the subject under discussion. To do that would render this letter essay endless. For this reason, I'll conclude here, I am

Respectfully yours,