

CHAPTER 7

On Revelation, Heresy, and Mesorah—from Louis Jacobs to the TheTorah.com

MIRI FREUD-KANDEL

Academic biblical scholarship poses multiple challenges to Orthodox Judaism's concept of divine revelation. Historical and literary evidence pointing to such things as the composite nature of the Pentateuchal text, its multiple authors, the extended period of time in which it appears to have been compiled, and the sociocultural influences from the societies of the ancient Near East, have combined to raise questions regarding the Orthodox Jewish belief in *Torah min hashamayim*—"Torah from heaven."

Notwithstanding these problems, in 2013, Marc Shapiro presented a lecture in Oxford in which he reviewed some of the growing evidence within contemporary Orthodoxy of engagement with the range of scholarly challenges to the received account of *Torah min hashamayim*. He suggested that some of the fears associated with addressing this topic appeared to be breaking down.¹

In this paper, I intend to expand on Shapiro's work by comparing two events between the 1960s and 2010s, exploring the extent to which greater flexibility within Orthodoxy regarding the findings of academic biblical scholarship can be discerned. The first event, the so-called "Jacobs Affair" in British

1 Marc Shapiro, "Is Modern Orthodoxy Moving towards an Acceptance of Biblical Criticism?," (lecture, Oriental Institute, University of Oxford, May 29, 2013). Shapiro's argument in this talk was subsequently published in a paper with the same title in *Modern Judaism*, 37, no. 2 (May 2017): 165–93.

Jewry, began in December 1961 and involved the successful ostracism from British Orthodoxy of Rabbi Dr Louis Jacobs, at the time viewed by many as a promising minister with strong prospects of becoming chief rabbi. Ostensibly, Jacobs's views on revelation were a key motivator in his exclusion from Orthodoxy. The second event is the establishment in 2013 of Project TABS (Torah and Biblical Scholarship) and its associated website, TheTorah.com. Designed to address rather than duck some of the challenges of biblical criticism, the willingness of contributors to this website to countenance the arguments of academic scholarship led to severe attacks from some quarters.

A key factor in this analysis is the role of geography in influencing theological flexibility, the scope for debate, and the assertion of controlling religious authority. The events of the Jacobs Affair were influenced by particular characteristics of British Jewry. By contrast, the development of web-based Jewish content on one level circumvents geography. As such, it points to some of the new challenges faced by Orthodoxy in an age of globalized communication and social media.² By crossing spatial and religious/denominational boundaries, the internet facilitates the dissemination of ideas that could otherwise be restricted in certain sectors. Yet the reception of themes disseminated in this way can remain bound by limits of geography as the assertion of local religious authority imposes limitations on what can be deemed religiously acceptable—or problematic.

Consequently, at the heart of the analysis here is the recurring question of religious authority and the manner in which it determines the contours of the debate over approaches to revelation in Orthodox Judaism. The increasing recourse to notions of *Mesorah* (tradition), used to empower those who seek to demarcate what is and is not acceptable within Orthodoxy, highlights a battleground pivotal in determining the future trajectory of Orthodox Judaism. The construction of a meta-argument that in certain respects seeks to function beyond any framework of critique offers a means of trying to protect the religious authority of those who seek to maintain what purports to be a Maimonidean approach to faith, drawing from the eighth of Maimonides's Thirteen Principles. However, the influence of political agendas emerges here as

2 Concerted efforts within Haredi sectors of Orthodoxy have sought to circumscribe access to computers or the internet, conscious of the threat they pose. Digital resources have also been harnessed in some sectors to further Jewish learning and outreach. See H. Campbell, ed., *Digital Judaism: Jewish Negotiations with Digital Media and Culture* (New York and London: Routledge, 2015). On Israeli Haredi responses, see Y. Cohen, "Haredim and the Internet: A Hate-Love Affair," in *Mediating Faiths: Religion and Socio-Cultural Change in the Twenty-First Century*, ed. M. Bailey and G. Redden (Surrey: Ashgate, 2011), 63–74; K. Barzilai-Nahon and G. Barzilai, "Cultured Technology: The Internet and Religious Fundamentalism," *The Information Society* 21 (2005): 25–40.

significant, especially when considering the challenges that can be directed at Maimonides's own acceptance of all the tenets contained in this principle. This article will assess efforts presenting possible alternative positions.³

The first section offers a consideration of the experiences of Louis Jacobs in British Orthodoxy. At first glance, the lasting impact of the Jacobs Affair on the consciousness of British Jewry challenges Shapiro's thesis that Orthodoxy is increasingly making space for biblical criticism. In a British context, engagement with Jacobs's thought is circumscribed to exclude all bodies associated with the Orthodox religious authorities of the community.⁴

The following two sections consider increasing engagement with biblical scholarship within Orthodox Judaism beyond British shores in the period since the 1960s. Responses emerging following the launch of the website *TheTorah.com* reveal how contemporary interest in addressing the challenges of biblical scholarship to revelation have reignited controversy, heralding a return to similar charges of heresy to those expressed in some quarters in the 1960s and claims that Jewish faith is being undermined. Yet in important respects, the debate around these issues has been altered somewhat. The development of Open Orthodox Judaism, a strengthening of broader post-denominationalist impulses, and changing approaches to the types of answers that are even sought for theological questions can all be discerned. This suggests that a further examination of some of Shapiro's conclusions in regard to contemporary Orthodox attitudes toward biblical criticism can expand our understanding of the changing challenges facing Orthodoxy on institutional and theological grounds and the evolution it continues to experience.

LOUIS JACOBS AND THE JACOBS AFFAIR

Louis Jacobs's writings were driven by an effort to transmit the importance of theology to the life of a Jew. Jacobs urged individuals to undertake a "Quest" in

3 Alongside questions regarding the authority of revelation, feminism represents another area in which contemporary Orthodoxy has increasingly faced challenges. Examining Orthodox responses in both these areas highlights an instinct among those who perceive themselves as defenders of the tradition to make recourse to meta-arguments that can function above critique. See, for example, Adam Ferziger, "Feminism and Heresy: The Construction of a Jewish Metanarrative," in *Journal of the American Academy of Religion*, September 2009 (77): 3, 494–546.

4 For an example, see Elie Jesner, "I Was Silenced and You Need to Know Why," *Jewish Chronicle*, November 17, 2016.

order to try to make sense of their Judaism in contemporary terms that could resonate and help them, as he expressed it in the title of his most famous work, retain their “reason to believe.” Noting the language of the blessing recited before Torah study, “Blessed are you ... who has sanctified us with divine commandments and commanded us to busy ourselves with words of Torah,” Jacobs argued: “The command to study the Torah is not a demand that we actually reach the full truth, only that we be honestly engaged in seeking it. The very involvement in the quest is the essential part of the mitzvah.”⁵ Jacobs did not shy away from acknowledging the marginal role that theology often plays in Jewish life. The importance of belief in influencing Jewish observance may well be questionable.⁶ He nonetheless argued, “Judaism is not a form of behaviourism. All the practices of traditional Judaism are buttressed by faith. For the precepts to possess religious value they must be carried out as the Word of God.”⁷ Jacobs insisted that understanding how God could and did reveal a Divine Will was a critical question. Determining what divine revelation as the “Word of God” was to be understood to mean accordingly lay at the heart of his theology.

In *A Jewish Theology*, Jacobs explains that the task of the theologian should be differentiated from that of the historian. Rather than considering what Jews have believed in the past, “the theologian is embarked on the more difficult, but, if realised, more relevant, task of discovering what it is that a Jew can believe in the present.”⁸ For Jacobs, academic biblical scholarship had unequivocally demonstrated the impossibility of maintaining a literal understanding of Torah as the word of God, dictated to Moses at Sinai, and faithfully transmitted and captured in the Torah scrolls contained in contemporary synagogues. With a background in the yeshiva world and no preparation for the ideas he would study in university—in a manner somewhat comparable to the experiences

5 Louis Jacobs, *God, Torah, Israel: Traditionalism without Fundamentalism* (Cincinnati: Hebrew Union College Press, 1990), 48. The principle of the individual quest was central to Jacobs’s thought, referred to across his many writings, and used as the name for the educational organization established by his New London Synagogue.

6 See, for example, Louis Jacobs, *Beyond Reasonable Doubt* (London: Littman, 1999), 51–2, 237, where Jacobs acknowledges the influence of factors other than belief in determining how Jews act and approach their religion. For an example of a sociological analysis of the factors influencing modern observance of Jewish ritual, see Arnold Eisen, *Rethinking Modern Judaism: Ritual, Commandment, Community* (Chicago: University of Chicago Press, 1999).

7 Louis Jacobs, *Principles of the Jewish Faith: An Analytical Study* (London: Vallentine Mitchell, 1964), x.

8 Louis Jacobs, *A Jewish Theology* (London: Darton, Longman & Todd, 1973), 1.

of Rabbi Yitz Greenberg prior to attending Brooklyn College—Jacobs experienced a radical clash with his beliefs.⁹ Unable to countenance moving beyond and rejecting his belief in a personal, transcendent God capable of revealing a divine will, at the same time he could not dismiss the scholarly challenges to these beliefs that he encountered in his studies. Many of his writings consequently sought to reinterpret the meaning of revelation to construct new ways of approaching the concept to secure belief “in the present” and ensure that the mitzvot could retain their status as divine commands.

Jacobs first produced a detailed written account of this interpretation of revelation in his 1957 book *We Have Reason To Believe*.¹⁰ The title of this work accurately reflected his expressed goal of applying reason to faith to produce an account of Judaism that could withstand a modernist critique. He attempted to defend the principle of “Torah from Heaven” while reinterpreting the meaning of the term “from” to incorporate human as well as divine elements. This dialectical theology, which Jacobs termed “Liberal Supernaturalism,” built on a Buberian notion of encounter underpinning revelation. Despite questioning the precise divine content, he proceeded from there, in somewhat Rosenzweigian terms, to argue for a retention of the mitzvot contained in the Torah as divinely commanded.¹¹ In his retrospective work, *Beyond Reasonable Doubt*, Jacobs specified one of his aims to have been the identification of “the reasonable conclusions that result from ‘scientific’ investigation into the origins of the Bible and of Judaism itself.”¹² In certain respects what emerges here is the manner in which his encounter with modernist ideas enthralled him, while his

9 Jacobs’s family upbringing was not as thoroughly Orthodox as that of Greenberg; however, he became immersed in the yeshiva world so that he only encountered critical scholarship at university.

10 Louis Jacobs, *We Have Reason to Believe: Some Aspects of Jewish Theology Examined in the Light of Modern Thought* (New York: Vallentine Mitchell, 1957).

11 This draws from the distinction Rosenzweig identifies between law as *Gebot*—divine command—as distinct from *Gesetz*—specific laws. Observance of the latter, even in the absence of the perception of a direct sense of commandedness, offers a means of fulfilling the former, thereby securing an ongoing value for religious practice. See Franz Rosenzweig, *The Star of Redemption*, trans. William Hallo, (Notre Dame: University of Notre Dame Press, 1985), 176ff.

12 Jacobs, *Beyond Reasonable Doubt*, 25. See Louis Jacobs’s *A Tree of Life: Diversity, Flexibility and Creativity in Jewish Law* (Oxford: Oxford University Press for the Littman Library, 1984) to appreciate Jacobs’s understanding of revelation in relation to halakhah. For an intellectual biography of Jacobs’s formative years, see Elliot Cosgrove, *Teyku: The Insoluble Contradictions in the Life and Thought of Louis Jacobs* (PhD diss., University of Chicago, 2008).

yeshiva background left him lacking the tools to understand the critique of its values that already existed when he was still trying to form a modernist Jewish theology. As Tamar Ross notes in a review of this later work,

A major flaw in Jacobs' presentation is the fact that he still frames the question of valid criteria for distinguishing truth from dross in an early 20th-century modernist mode. That is to say, Jacobs is one of those who believe that there is a rock-bottom foundation of objective, neutral truth, and that "getting the right answer" is a matter of somehow ridding ourselves of the prejudices of fundamentalist religion in favor of an approach that takes into account reason and scientific inquiry. ... [He] fails to address the postmodernist notion that there is no neutral vantage point from which we may begin to discriminate between divine and human elements in the Torah. What postmodernism has taught us is that every act of observation is also an act of interpretation. The postmodern challenge to the divinity of the Torah is that no written or verbal medium can avoid the limitation of an all-pervasive perspective that both limits and biases its message.¹³

Examining the range of Jacobs's writings raises some challenges to this view. His appreciation of divine mystery and acknowledgment of the role of religious experience, building on a sense of revelation as divine encounter, allowed him space to argue that the divine and human elements of revelation could never be fully disentangled.¹⁴ Ross's critique nonetheless highlights how many contemporary Jews raising theological questions are seeking different types of answers to those ostensibly offered by Jacobs. This could reflect changes in scholarship or be indicative of certain shifts within Orthodoxy as the location of its boundaries with Conservative Judaism have moved, creating greater flexibility in certain areas, which will be considered further below.

Regardless of how Jacobs's efforts to revise accounts of revelation were intended to defend a retained authority for the Torah and its mitzvot, the scope for his views to be countenanced within British Jewry was always limited. To the extent that British chief rabbis addressed theological matters

13 Tamar Ross, "Review," *Studies in Contemporary Jewry* 18 (2002): 303–4.

14 This argument is developed further by Paul Morris, "Torah min Hashamayim in Orthodox Theology: Disputes, Debates and Discourse," *Journal of Modern Jewish Studies* 14, no. 1 (2015): 27–39. See also the forthcoming Miri J. Freud-Kandel, *Theology and the Jewish Quest: The Religious Thought of Louis Jacobs* (Liverpool: Littman, 2020).

and gave consideration to interpretations of revelation, the findings of academic biblical scholarship were given little credence. During the chief rabbinate of Joseph Herman Hertz, between 1913 and 1946, the ideas associated with Higher Criticism were forcefully dismissed. Following the position of Solomon Schechter, it was characterized rather as Higher Antisemitism.¹⁵ A quick scan of the popular commentary on the Pentateuch edited by Hertz, widely referred to as the Hertz Chumash, highlights the challenges posed by Jacobs's views.¹⁶

Also clear is how Jacobs's views did serve to alter the authority of the mitzvot contained within the Torah. By offering a reinterpreted account of revelation acknowledging human input, his position posed problems on a sociological level in addition to the theological questions it presented, since it could undermine the practical willingness to observe the mitzvot given their diminished divine sanction. Chaim Waxman has argued that it was this challenge, rather than charges of heresy, that led to Jacobs's ostracism from British Orthodoxy. In Waxman's reading, sociological concerns about standards of religious observance were of greater significance than theological matters.¹⁷ While this account captures the marginal role theology often plays in the choices Jews make about religious observance, a point acknowledged by Jacobs, it also seems to overplay the role of observance within mainstream British Orthodoxy, reflecting the contemporaneous reality of the era of Orthodox nonobservance noted by Jeffrey Gurock in America too.¹⁸ This was well-highlighted in the decision by one of Jacobs's key supporters, the former president of the mainstream Orthodox United Synagogue, Ewen Montagu, to be cremated following his death. In this context, an acceptance of literal accounts of revelation and

15 See Joseph Hertz, *The Pentateuch and Haftorahs* (London: Soncino, 1975), 554, 397; S. Schechter, "Higher Criticism—Higher Anti Semitism" in *Seminary Addresses & Other Papers* (New York: Burning Bush Press, 1960), 35–9. For additional accounts of religious disputes of British chief rabbis and the religious positions they sought to maintain, see Meir Persoff, *Faith Against Reason: Religious Reform and the British Chief Rabbinate 1840–1990* (London: Vallentine Mitchell, 2008).

16 See Eliezer Finkelman, "Torah from Heaven: Re-defining the Question," <http://thetorah.com/torah-from-heaven-redefining/>, which identifies the Hertz Chumash as an example of the entrenched views within Orthodoxy that view biblical scholarship as wholly incompatible with received accounts of revelation.

17 See Chaim I. Waxman, "Halakhic Change vs Demographic Change: American Orthodoxy, British Orthodoxy, and the Plight of Louis Jacobs," *Journal of Modern Jewish Studies* 14, no. 1 (2015): 58–71.

18 See Jeffrey S. Gurock, "Twentieth-Century American Orthodoxy's Era of Non-Observance, 1900–1960," *The Torah u-Madda Journal* IX (2000): 87–107.

the rejection of biblical criticism functioned as important boundary markers that helped to set Orthodoxy apart regardless of observance; this marked out Jacobs's position as challenging.

Beyond both theological and more practical sociological factors, Jacobs's outlook was further problematized by the nature of the institutional setup of British Jewry.¹⁹ Influenced by the role of the established Church of England in British society, the Jewish community perceived a value in creating its own centralized umbrella institutions that could offer something of a parallel to church structures. The Board of Deputies of British Jews, the United Synagogue, the British chief rabbinate, and its Bet Din were all bodies that sought to consolidate authority and representation in British Jewry. This process reduced the scope for the development of independent bodies or innovative thinking.²⁰ The varied events that became known as the Jacobs Affair highlighted this centralized religious control.

The initial move that ignited the flames of the Jacobs Affair occurred in December 1961, when Jacobs resigned from his post at the Orthodox rabbinical seminary, Jews' College. Jacobs had taken up a position at this institution following assurances from a number of members of the college's governing body that he would shortly be promoted to the principalship. Reflecting the nature of Jewish institutional life in British Orthodoxy, formal ratification for this appointment lay in the hands of the chief rabbi, a position then occupied by Israel Brodie. Brodie's refusal to provide his approval led Jacobs to seek to force his hand by resigning. With Brodie subsequently under pressure to explain his decision, the London Bet Din jumped in to issue a statement identifying a "deep concern for the views expressed by the candidate in his writings and

-
- 19 For a detailed consideration of the institutional development of British Jewry, see Aubrey Newman, *The United Synagogue, 1870–1970* (London: Routledge & Kegan Paul, 1976); Raphael Langham, *250 Years of Convention and Contention: A History of the Board of Deputies of British Jews 1760–2010* (London: Vallentine Mitchell, 2010); Geoffrey Alderman, *Modern British Jewry* (Oxford: Oxford University Press, 1992); idem, "The British Chief Rabbinate: A Most Peculiar Practice," *European Judaism* 23, no. 2 (1990): 45–58; Todd Endelman, "The Englishness of Jewish Modernity in England," in *Toward Modernity, The European Jewish Model*, ed. J. Katz (Piscataway, NJ: Transaction, 1987), 225–67; Miri Freud-Kandel, *Orthodox Judaism in Britain Since 1913, An Ideology Forsaken* (London: Vallentine Mitchell, 2006).
- 20 Immanuel Jakobovits, prior to his appointment as chief rabbi, lambasted British Jewry for its predilection towards centralized institutions, which he argued had inhibited its scope for religious creativity. See "The Anglo-Jewish Contribution to Judaism, Tercentenary Reflections," *The Jewish Chronicle*, August 31, 1956, republished in his *Journal of a Rabbi* (London: W. H. Allen, 1967), 48–53.

addresses, which the Chief Rabbi considered to be in conflict with the fundamental beliefs of traditional Judaism.”²¹

Prior to his appointment to Jews’ College, Jacobs had served as minister of the United Synagogue’s New West End Congregation. When this pulpit again became vacant around the end of 1963, a number of Jacobs’s supporters, many of whom were prominent members of a sector of the lay leadership of British Jewry used to getting their way, sought to secure his reappointment to this post.²² Yet again, however, the formal structures of British Orthodoxy intervened. The constitution of the United Synagogue recognized the chief rabbi as the religious authority over the institution as a whole, devolving only limited powers to the ministers serving each congregation. Formal approval from the chief rabbi was required before any rabbinic appointments could be made within the United Synagogue. Although Jacobs had received the necessary certification when first appointed to the New West End pulpit in 1954, Brodie was unwilling to provide his approval this time and insisted that without it, the post could not be filled. When the Board of Management of the New West End sought to circumvent the chief rabbi’s authority, arguing that they wished to secure the appointment of the congregation’s preferred candidate, Brodie had the committee removed from office.²³ This ultimately led to the formation of an independent congregation, the New London Synagogue. This community functioned outside the auspices of the United Synagogue and chief rabbinate. The instinct toward centralization ensured that it still required approval from the office of chief rabbi in order to be recognized by the Board of Deputies as a place of Jewish worship, a formal requirement if it was to be civilly registered to perform marriages. This certification was provided by Brodie’s successor as chief rabbi, Immanuel Jakobovits, who hoped to calm communal relations somewhat by this act.

21 *Jewish Chronicle*, February 2, 1962. Coverage of the Jacobs Affair became a regular feature of *The Jewish Chronicle*. See, for example, *Jewish Chronicle*, December 29, 1961; January 6, 1962; May 11, 1962. See also Cosgrove’s detailed account of the behind-the-scenes events that precipitated the events of the Jacobs Affair in Cosgrove, *Teyku*, 217ff. For the formal statement subsequently issued by Brodie explaining his position, see “Statement to Rabbis and Ministers,” May 6, 1964, in *The Strength of My Heart: Sermons and Addresses, 1948–1965* (London: G. J. George, 1969), 343–55.

22 Chaim Bermant coined the term “Cousinhood” to refer to the interrelated lay leadership that dominated the hierarchies of Ashkenazi Jewry in Britain until around the mid-twentieth century. See his *The Cousinhood* (London: Eyre and Spottiswoode, 1971).

23 Jacobs offers his own perspective on this and other battles he faced with the Orthodox authorities in *Helping With Inquiries: An Autobiography* (London: Vallentine Mitchell, 1989), 160ff.

The events associated with the Jacobs Affair did not end there. Rather, they dragged on, further affirming the power of the chief rabbi, in consultation with his Bet Din, to exert religious authority over a significant sector of British Orthodoxy. During the chief rabbinate of Jonathan Sacks, around the turn of the twenty-first century, Jacobs was refused an *aliyah* (call up to the reading of the Torah) at the *aufruf* (pre-wedding *aliyah*) of his granddaughter's fiancé in a congregation under the auspices of the chief rabbi.²⁴ Jacobs's successful ostracism from British Orthodoxy allowed no leniencies.

When assessing both the opposition Jacobs faced and the support he received, the influence of broader concerns is manifest. There was a time lag of four years between the 1957 publication of Jacobs's *We Have Reason to Believe* and the eruption of the first stage of the Jacobs Affair. This was the period during which Jacobs took up his post at Jews' College, which could be taken to imply, as Jacobs and his supporters sought to do, that suspicions about his Orthodoxy were not fully formed as a consequence of the ideas expressed in his work.²⁵ Elliot Cosgrove's archival research has raised questions about this narrative. He has drawn attention to evidence of ongoing concerns regarding Jacobs's theology from both Brodie and members of his Bet Din.²⁶ Nonetheless, as Cosgrove also acknowledges, pointing to the argument Waxman subsequently developed, the extent to which theology can be identified as a driver in the events of the Jacobs Affair needs to be considered. This battle was about more than the arguments expressed in *We Have Reason to Believe*.

For many individuals on both sides of this clash, the specifics of Jacobs's argument for applying reason to Judaism and producing an account of revelation that could still retain a sense of divine authority were somewhat marginal. As has been suggested, among many of Jacobs's supporters, their approach to religious observance lagged some way behind their Orthodox affiliation. Consequently, questions about the divine origins of the Torah were of limited importance. What attracted them to Jacobs was an interest in supporting a rabbinical figure who had expressed a willingness to offer an account of Judaism that acknowledged some of the challenges faced by contemporary British Jews.

24 See *Jewish Chronicle*, August 1 and August 15, 2003. See also Meir Persoff, *Another Way, Another Time* (Brighton: Academic Studies Press, 2010), 258–9. The coastal Bournemouth Hebrew Congregation is not a member of the United Synagogue but nonetheless recognized the chief rabbi as its religious authority, highlighting the instinct toward centralized authority in British Jewry.

25 See *Helping with Inquiries*.

26 Cosgrove, *Teyku*, 221–37, 247–60.

Their perception, correct or not, was that the Orthodox establishment in British Jewry, influenced in particular by the chief rabbi's Bet Din, was moving to the religious right.²⁷ Through this process, support for the Britishness of British Jewry was seen to be diminished. Jacobs was seen to offer an alternative to this religious trajectory.

Rather than being a debate about interpretations of revelation, the Jacobs Affair was, then, in many respects an effort on both sides to influence who exerted control over the religious direction of the community. It was a battle over religious authority, but one that was precipitated more by political rather than theological concerns. The willingness Jacobs exhibited to question the received dominant account of revelation was interpreted by both his supporters and opponents to indicate a broader questioning approach to religious issues. Highlighting the influence of geographical factors, the nature of the institutional setup of British Jewry automatically weighted the scales in favor of the religious establishment.

27 The perception of a rightward shift in Orthodox Judaism received extensive consideration at the 2014 Oxford Summer Institute. The particulars of Jewish settlement in Britain influenced the types of shifts that can be identified in British Orthodoxy. Increased levels of religious observance, with an associated growth of kosher butchers, grocers, and restaurants, a rise in more strictly Orthodox communities, *mikvaot*, and rabbis only became manifest in the latter stages of the twentieth century. Notwithstanding the views of Jacobs's supporters in the 1960s, the explanation for these shifts is by no means due to the efforts of religious leaders alone. Rather, these moves can be seen to reflect changes more broadly observable in Modern Orthodox communities outside Britain—away from Orthodoxy's era of nonobservance. This was influenced by such factors as the development of multiculturalism and the increased role of Jewish education. See Charles S. Liebman, "Orthodoxy in American Jewish Life," *American Jewish Year Book* 66 (1965): 21–97; Samuel C. Heilman, *Sliding to the Right: The Contest for the Future of American Jewish Orthodoxy* (Berkeley: University of California Press, 2006); Jeffrey S. Gurock, "Twentieth-Century American Orthodoxy's Era of Non-Observance," M. J. Freud-Kandel, "Minhag Anglia: The Transition of Modern Orthodox Judaism in Britain," *PaRDeS, Zeitschrift der Vereinigung für Jüdische Studien* 18 (2012): 35–49. See also Keith Kahn-Harris and Ben Gidley, *Turbulent Times, The British Jewish Community Today* (London: Continuum, 2010), which examines shifts in cultural Jewish identity among British Jews and related falls in United Synagogue membership. Chaim Waxman has argued that other factors challenge this narrative somewhat. Increased religious education and knowledge secured observance of practices that had previously been marginalized though always part of Orthodox teaching, while certain practices previously critiqued as outside Orthodoxy found their way into Modern Orthodox communities. See his "Halakhic Change vs Demographic Change"; Yehuda Turetsky and Chaim I. Waxman, "Sliding to the Left? Contemporary American Modern Orthodoxy," *Modern Judaism* 31, no. 2 (May 2011): 119–41; idem, *Social Change and Halakhic Evolution in American Orthodoxy* (Liverpool: Littman, 2017).

By successfully forcing Jacobs outside of Orthodox Judaism in Britain, the foundations came to be put in place for the subsequent creation of the Masorti movement in British Jewry. This functioned wholly beyond the control of the British chief rabbinate and outside Orthodoxy. The political battle for religious control of mainstream British Orthodoxy had been lost by Jacobs's supporters. Although Jacobs initially had sought to argue that his theological position could be presented as falling within the boundaries of an Orthodox account of Judaism, he later conceded that the space he and his supporters had come to occupy within British Jewry, with their questioning of the power of the religious authorities within the community, had resulted in their ostracism from this world. Jacobs accepted, albeit not necessarily willingly, a characterization of his views as Masorti.²⁸

In certain respects, it is this last point that is worthy of further consideration as we turn our attention to more recent efforts within Orthodox Judaism to address the challenges to belief in divine revelation. The pushback against attempts to demarcate strict boundaries that would place certain individuals and ideas beyond the pale of Orthodox Judaism is a striking feature of contemporary battles. Feminist issues play a notable role here also. The growth in knowledge of the diversity of views countenanced within rabbinic Judaism—beyond what are presented as Maimonidean dogmatics—poses new challenges regarding the question of who is empowered to determine what is and is not acceptable within Orthodoxy. For those seeking to extend the boundaries, and those trying to guard them, efforts to define precisely how Orthodoxy is to be understood appear increasingly to be challenged.

POST-JACOBS

In the intervening years since the Jacobs Affair, there has been a marked growth within the Orthodox world of engagement with biblical scholarship. This is particularly manifest in three areas: within academic scholarship, in particular Israeli yeshivot, and on a popular level in certain educated circles of Orthodox Jewry. The examples offered below highlight rising challenges developing not only to the received interpretation of the Maimonidean account of how revelation is to be understood, but also regarding who gets to define these interpretations.

28 See, for example, his *Principles of the Jewish Faith*, x, and his later *Beyond Reasonable Doubt*, 14.

With increasing numbers of observant Jews entering the field of Jewish studies, not only have these individuals been engaging with the findings of scholarship, they have also been able to develop new fields of research from within a Jewish frame of reference. The planning of a Shabbat program for observant participants at the annual gathering of the Society of Biblical Literature (SBL) offers one indication of the increased profile of Orthodox Jews within the field of biblical scholarship. An example of the influence this is exerting beyond academic circles was a panel discussion on the subject of “Tradition and Scholarship, Tension and Complement,” organized at the Orthodox B’nai Israel Synagogue in Baltimore to coincide with the 2013 SBL Conference. The suggestion at the end of this session that the *kaddish de’Rabbanan* prayer be said, a prayer recited after religious study, indicated the sense not only that the scholarship undertaken was within the boundaries of Orthodoxy but also that it should ritually be acknowledged as such.²⁹

The varied scholarship that has been pursued at an academic level has helped draw popular attention to the variety of ideas contained within rabbinic thought on how revelation can be understood.³⁰ This includes greater appreciation of Maimonides’s own questioning of his Eighth Principle challenging what is meant by a Maimonidean position.³¹ Widespread awareness of the questions raised by recognized medieval rabbinic authorities such as Abraham Ibn Ezra and Judah ha-Hasid on the nature and extent of divine revelation has also developed. Scholars such as James Kugel, Tamar Ross, and Norman Solomon, in significantly different ways, have disseminated some alternative views drawing from biblical scholarship within an Orthodox framework. While they

29 See Zev Garber, “Torah Thoughts, Rabbinic Mind, and Academic Freedom,” TheTorah.com, <http://thetorah.com/torah-thoughts-and-academic-freedom/>. It should be noted that the Shabbat program was not solely aimed at Orthodox participants.

30 See, for example, Marc Shapiro, *The Limits of Orthodox Theology: Maimonides’ Thirteen Principles Reappraised* (Oxford: Littman, 2004); Menachem Kellner, *Dogma in Medieval Jewish Thought: From Maimonides to Abravanel* (Oxford: Oxford University Press, 1986); idem, Kellner, *Must a Jew Believe Anything?* (London: Littman, 1999). As Shapiro notes in his 2017 *Modern Judaism* paper, “Is Modern Orthodoxy Moving towards an Acceptance of Biblical Criticism?,” this growing popular knowledge has not disseminated to the masses but has spread among those interested in pursuing these issues.

31 See Daniel Rynhold, “Fascination Unabated: The Intellectual Love of Maimonides,” *The Torah u-Madda Journal* 15 (2008–9): 257–82; Alfred Ivry, “The Image of Moses in Maimonides’ Thought,” 113–34 and Harvey Kreisel, “Maimonides on Divine Religion,” 151–66, both in *Maimonides After 800 Years: Essays on Maimonides and His Influence*, ed. Jay M. Harris (Cambridge, MA: Harvard University Press, 2007). Marc Shapiro addressed this in *The Limits of Orthodox Theology*, 91ff.

have by no means escaped censure, critique, and explicit charges of heresy from some quarters, they continue to be invited to speak in Orthodox communities. Indeed Ross and Kugel both occupied faculty positions at the Orthodox-sponsored Bar Ilan University and, although there was opposition to their participation at events under the auspices of Yeshiva University, both were granted a forum there in which to speak. These scholars have contributed to efforts to demonstrate how, rather than challenging the authority of revelation, it is possible to identify the scope that exists within the tradition for addressing these ideas. The spaces that continue to be carved out for them to share their ideas indicate the Orthodox interest from certain sectors to learn more about this.³²

The increasing influence of academic scholarship in certain Modern Orthodox Israeli yeshivot highlights another area in which perceptions of a challenge to received accounts of revelation are being reinterpreted in an effort to produce constructive responses rather than acceptance that these ideas are beyond the pale. Prominent yeshiva heads, like the late ShaGa”R (Shimon Gershon Rosenberg) and Yuval Cherlow, have applied tools of academic scholarship to Talmud study and acknowledged questions on the nature of revelation suggesting that alternative approaches can be valid. Rabbi David Bigman contributed an article to TheTorah.com outlining his approach to revelation. The article was an English translation of his contribution to a volume produced in Israel dedicated to addressing the challenge of scholarship to revelation, which brought together a group of broadly respected rabbis and scholars, who all locate themselves within the Orthodox world.³³ In a study of the varying ways in which certain

32 See James Kugel, *How to Read the Bible: A Guide to Scripture, Then and Now* (New York: Free Press, 2007); Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, MA: Brandeis University Press, 2004); Norman Solomon, *Torah from Heaven, The Reconstruction of Faith* (Oxford: Littman, 2012). On the critiques directed at Kugel and Ross, see *The Commentator* editions of January 7, 2009; February 11, 2009; February 18, 2009; or Orthodox blogs such as Hirhurim, January 1, 2009, <http://hirhurim.blogspot.com/2008/12/considering-kugel.html>; Aryeh Frimer, “Guarding the Treasure,” *Bekhol Derakhekha Daehu – Journal of Torah and Scholarship* 18 (2007): 67–106. More limited controversy was directed at Solomon; see “A Book for the Thoughtful, ‘Skeptical’ Orthodox,” *CJN*, January 7, 2013, <http://www.cjnews.com/columnists/book-thoughtful-‘skeptical’-orthodox>; “When Orthodox Scholarship Is Neither,” *CJN*, January 30, 2013, <http://www.cjnews.com/opinions/when-orthodox-scholarship-neither>; “Breaking: Toronot Vaad Excommunicates Rabbi Yehuda, Ibn Ezra, Others,” DovBear, February 12, 2013, <http://dovbear.blogspot.co.il/2013/02/breaking-toronto-vaad-excommunicates.html>.

33 See Yehudah Brandes, Tova Ganzel, and Chayuta Deutsch, eds., *In The Sight of God and People: The Person of Faith and Biblical Criticism* [in Hebrew] (Jerusalem: Beit Morasha, 2015)

Israeli yeshivot are increasingly engaging with a range of ideas from scholarship, Lawrence Kaplan analyzed this greater willingness that appears to exist in some quarters to identify an alternative to a fear-driven response to the historicist challenge to Jewish texts, even as certain limits are retained.³⁴

One of the contributory factors in the successful ostracism of Louis Jacobs from British Orthodoxy was that he raised his questions about revelation not as a scholar but as a rabbi seeking to take over the leadership of a rabbinical training institute. In contemporary Israel, the experience of rabbinical figures and respected Orthodox scholars engaging with these ideas has differed. Shapiro, noting some of these developments in his Oxford seminar paper, quoted an unnamed Haredi rabbinical leader, who anticipated that—like the eventual acceptance of Hasidism within the parameters of Orthodoxy, despite its former explicit exclusion—biblical criticism could also in time come to be accepted. The confluence of a rabbinic, scholarly, and educated cadre seeking to address the critique of biblical scholarship and demonstrate the possibility of constructing answers from within the Jewish tradition is certainly moving apace.

The significance of geography comes to the fore in these developments. The scope not just for academics but also rabbinical figures from certain Israeli yeshivot to engage with these challenges reflects important differences that demarcate the religious landscape of Orthodox Judaism in Israel. These differences distinguish it from both the British and American contexts. Among a variety of other factors, the weakness of Progressive Judaism in Israel offers a certain amount of freedom to engage with some of the questions emerging from academic scholarship, and a greater flexibility is consequently evident in certain Israeli Orthodox circles.³⁵

and various essays on TheTorah.com. On ShaGa”R, see Miriam Feldman-Kaye, “Re-envisioning Jewish Theology: A Comparative Study of Harav Shagar and Tamar Ross” (PhD diss., University of Haifa, 2012). Also worth considering in this context, though it brings together individuals from a range of religious and secular backgrounds, is the website <http://www.929.org.il>, which offers a variety of approaches to the biblical text. At the 2017 World Congress in Jewish Studies at Hebrew University, Jerusalem, in a session on “Jewish Approaches to Bible Criticism,” Adam Ferziger and Baruch Alster both gave papers considering some of the distinctive features of Israeli Orthodox engagement with biblical scholarship. See also Ferziger’s essay in this volume.

34 Lawrence Kaplan, “Back to Zechariah Frankel and Louis Jacobs? On Integrating Academic Talmudic Scholarship into Israeli Religious Zionist Yeshivas and the Spectre of the Historical Development of the Halakhah,” *Journal of Modern Jewish Studies* 14, no. 1 (2015): 89–108.

35 Tamar Ross addresses this phenomenon further in her article in this volume.

What is evident in these varied developments are the difficulties that have been experienced by those who have sought, in a manner reminiscent of Jacobs's treatment, to ostracize and place outside the boundaries of Orthodoxy those scholars or rabbinical figures who have been willing to countenance questions regarding the received accounts of divine revelation. Among the laity, in certain educated circles of Orthodox Jewry, there is evidence of a thirst for knowledge on the scope that exists within the rabbinic tradition of Judaism for addressing the challenges of biblical criticism.

The internet has been critical in the proliferation of this knowledge, as a resource and space for rapidly sharing and providing easy access to biblical scholarship through blogs and social media sites. The development of Project TABS and TheTorah.com fits within this newly developing framework. In examining below the backlash that has been directed against this initiative, it is clear that the influence of efforts to enforce boundary marking has by no means disappeared, which draws attention to comparisons with the events associated with the earlier Jacobs Affair.

THE TORAH.COM

The mission statement on the website of TheTorah.com states: "Project TABS (Torah And Biblical Scholarship) is an educational organization founded to energize the Jewish people by integrating the study of Torah with the disciplines and findings of academic biblical scholarship."³⁶ Rather than approaching the challenges of scholarship to revelation in negative terms, it is viewed as offering an opportunity. However, opponents of the website attempted to brand the initiative as heresy. The critique leveled against some of its key protagonists demarcated the engagement with academic biblical scholarship that characterized the website as beyond the boundaries of what was acceptable within Orthodoxy.³⁷

Soon after the launch of the website, a series of essays was published by one of its founders, Zev Farber. While arguing that his Orthodox beliefs remained intact, he laid out here his acceptance of the findings of much of biblical scholarship: acknowledging the composite nature of the biblical text, the influence of mythologies from surrounding societies, and questioning the historical

36 See "About Project TABS – TheTorah.com," TheTorah.com, <http://thetorah.com/about/>.

37 This led to the resignation of three of the initial members of the Board of Project TABS.

reliability of the narrative and certain biblical characters.³⁸ Farber's associations with the burgeoning movement of Open Orthodoxy appeared to help draw ire to this initiative.³⁹ For its opponents, both Open Orthodoxy and receptivity to biblical scholarship challenge the pillars of religious authority understood to underpin any account of Orthodox Judaism.

Open Orthodoxy, though its name is being rethought by certain protagonists, represents a distinctive grouping on the left wing of the Orthodox spectrum. The term was developed by Rabbi Avraham (Avi) Weiss, the now retired Rabbi in Residence of the Hebrew Institute of Riverdale. He secured Open Orthodoxy with an institutional footing through its own rabbinical training college, Yeshivat Chovevei Torah (YCT), a sister institute training female religious leaders, Yeshivat Maharat, and its own rabbinical body, the International Rabbinical Fellowship (IRF).⁴⁰ Its development can be viewed as a response both to rightward shifts within Orthodoxy itself and the emergence of a space vacated by certain moves within the Conservative movement. During the approximately fifty-year period we have been examining, Conservative Judaism has taken a notable turn leftward, evident in its theology and decision-making on such issues as conversion, intermarriage, and advocacy of gay rights. The boundaries demarcating it from Orthodoxy have consequently become far

38 See Zev Farber, "Avraham Avinu Is My Father: Thoughts on Torah, History and Judaism," TheTorah.com, July 2013, <http://thetorah.com/torah-history-judaism-introduction/>. Earlier publications on the site by Farber included a two-part essay on Deuteronomy, which already incited criticism. See Zev Farber, "The Opening of Devarim: A Recounting or Different Version of the Wilderness Experience?," TheTorah.com, July 2013, <http://thetorah.com/devarim-recounting-different/>; Zev Farber, "The Opening of Devarim: Redaction Criticism and Modern Midrash," TheTorah.com, July 2013, <http://thetorah.com/devarim-modern-midrash/>.

39 The other two key figures involved in setting up Project TABS, Marc Zvi Brettler and David Steinberg, do not identify with Open Orthodoxy, though this has been ignored by the site's opponents.

40 See Avraham Weiss, "Open Orthodoxy! A Modern Orthodox Rabbi's Creed," *Judaism* 46, no. 4 (Fall 1997): 409–21. With attention on Open Orthodoxy heightened as a consequence of the battle over definitions of revelation and support for ordination of women rabbis, Weiss penned an updated popular summation of his position for *Tablet* magazine in June 2015: <http://www.tabletmag.com/jewish-life-and-religion/191907/defining-open-orthodoxy>. At the November 2015 gathering of the Agudath Israel of America, a proclamation by its guiding rabbinic council, the Moetzes Gedolei HaTorah of America, asserted that Open Orthodoxy did not represent an authentic form of Orthodox Judaism and graduates of its rabbinical seminaries were not to be recognized as Orthodox rabbis. The development of PORAT organization as a grassroots Orthodox pushback against right-leaning forces should also be noted, see poratonline.org.

clearer, facilitating engagement by Orthodox groups with certain issues previously associated with Conservative Judaism. In a 2014 furor over women wearing tefillin (phylacteries), it was instructive to see how supporters of this innovation were unafraid of the associations this ritual could conjure up with Conservative Judaism, secure in a sense of differentiation—while also driven by a growing consciousness of gender issues in Orthodoxy.⁴¹ The development of Open Orthodoxy reflects, among other factors, the impact of intellectual engagement with contemporary thought among those sectors of Orthodoxy that continue to countenance this as a possibility.

Farber, a graduate of YCT and the first to receive *yadin yadin semikhah* (ordination as a religious judge), was coordinator of the conversion committee of the IRF. His involvement with TheTorah.com and the views he expressed in his opening essays were interpreted to represent Open Orthodox developments more broadly and lambasted accordingly. His critics presumed ostracism could successfully be achieved, as had been the case in the Jacobs's affair. In so doing, the opponents of TheTorah.com, who perceived a challenge to accounts of revelation to threaten the very structures of religious authority through which Orthodox Judaism was regulated, sought to reassert control. The intention was to attack and undermine the entire nascent movement with which Farber was associated and that he was seen to represent.

41 On changes in the Conservative movement, see J. Wertheimer, *A People Divided: Judaism in Contemporary America* (New York: Basic Books, 1993), 137–59; Daniel Elazar and Rela Mintz Geffen, *The Conservative Movement in Judaism: Dilemmas and Opportunities* (New York: SUNY Press, 2000); Jeffrey Gurock, “From Fluidity to Rigidity: The Religious Worlds of Conservative and Orthodox Jews in Twentieth Century America,” in *American Jewish Identity Politics*, ed. Debrah Dash Moore (Ann Arbor: University of Michigan Press, 2009) 159–204; Jonathan Sarna, “The Debate over Mixed Seating in the American Synagogue,” in *The American Synagogue: A Sanctuary Transformed*, ed. Jack Wertheimer (Hanover, NH: Brandeis University Press, 1987), 363–94. On the tefillin controversy, see Tully Harcsztark, “SAR Principal Explains Decision to Allow Girls to Wear Tefillin at School Minyanim,” *The Jewish Star*, http://www.thejewishstar.com/stories/SAR-principal-explains-decision-to-allow-girls-to-wear-tefillin-at-school-minyanim,4665?sub_id=4665&print=1, January 26, 2014; Hershel Schachter, “On Women Wearing Tefillin” [in Hebrew], *Theyeshivaworld.com*, <http://www.theyeshivaworld.com/wp-content/uploads/2014/02/rh.pdf>; Steven Pruzansky, “The Real Story?,” *Cross-Currents*, January 25, 2014, <http://www.cross-currents.com/archives/2014/01/25/the-real-story>. The Orthodox Rabbinical Council of America felt compelled to issue a statement affirming its approach to belief in revelation in response to the outcry that followed the launch of TheTorah.com: “RCA Statement on Torah Min HaShamayim,” Rabbinical Council of America, July 31, 2013, <http://www.rabbis.org/news/article.cfm?id=105768>.

Many of these critiques were published in online publications such as the journal *Cross-Currents*. One such attack stated:

Outright heresy is emanating from the heart of the YCT rabbinic world. No, this time we are not dealing with Open Orthodoxy ... promoting yet another new brand of controversial inclusiveness or further blazing socio-religious trails that mainstream Orthodoxy and its halachic leadership deem as beyond the pale. This time, we are dealing with denial of the singular Divine authorship of the Torah—heresy of the highest order—publicly espoused in writing by one of Open Orthodoxy’s most prominent rabbinic leaders. And we are also dealing with the rest of Open Orthodox rabbinic leadership refusing to condemn this heresy in its midst.⁴²

Setting aside the blithe dismissal of the value of inclusivism, the criticism against Farber developed on two levels. First, his articles were damned as unquestionable heresy. Indeed, one response stated that the first reaction to encountering heresy of the sort espoused by Farber was to ensure that the boundary lines defining what is acceptable and what is heretical are clearly marked. It was acknowledged that people could benefit from the issues raised regarding biblical scholarship, yet it was tellingly noted that this “is the second order of business, not the first.”⁴³ Beyond the identification of specific heresy, however, was a meta-halakhic argument charging Open Orthodoxy as a whole with representing “Mesorah-light Judaism.” The nature of this critique was laid out in the following terms:

This cavalier approach ... denying that deference to Torah tradition and to greater Torah authorities are part of the bricks and mortar of Orthodoxy, has led to a total disconnect and the spinning off [of] a very foreign ideology under the term “Orthodox.” Without a sense of connection, fidelity and reverence toward the Ba’alei Ha-Mesorah [guardians of the handed-down tradition] and their methodology, Torah study and theology become a free-for-all, such that radical and heretical approaches emerge.⁴⁴

42 Avraham Gordimer, “From Openness to Heresy,” *Cross-Currents*, July 18, 2013, <http://www.cross-currents.com/archives/2013/07/18/from-openness-to-heresy/>.

43 Yitzchak Adlerstein, “Is Heresy Horrible?,” *Cross-Currents*, July 23, 2013, <http://www.cross-currents.com/archives/2013/07/23/is-heresy-horrible/>.

44 Gordimer, “From Openness to Heresy.”

The focus on Mesorah involves an explicit move away from the possibility of individuals acquiring the knowledge and requisite skills to interpret Jewish teachings and construct theologies in opposition to those produced by the rabbinic figures identified as accepted and exclusive interpreters of tradition. It entrenches established views, secures control for recognized authorities, and removes the scope for change, unless sanctioned by those acknowledged as guardians of tradition: “the Ba’alei Ha-Mesorah.” In certain respects, Mesorah functions as the antithesis of the academy, as a politically motivated tool that sidesteps theology and operates beyond any framework of critique. In another *Cross-Currents* article, the elusive nature of this construct was not only acknowledged but also celebrated:

Mesorah is based upon halachic or hashkafic reasoning that often has not been popularized or formulated for mass consumption, thereby making it elusive save for those talmidei chachamim who have the requisite knowledge and insight ... Mesorah has been the bedrock of Jewish religious ritual and societal norms for millennia, and our occasional failure to appreciate it as a manifestation of Torah values does not permit us to dismiss its controlling role and its dispositive, defining function in all aspects of Torah life.⁴⁵

The charge leveled against Open Orthodoxy was that it willingly failed to recognize the centrality of Mesorah in defining and determining how Jewish thought, practice, and belief were to be interpreted; it failed to accept limits on who was empowered in these spheres. More than that, the nature of Open Orthodoxy ensured that it would inevitably struggle to acquire an appreciation of Mesorah’s role: “What is so obviously missing in all they [Open Orthodoxy] do is a sense of mesorah—that there are actions and attitudes that violate the spirit of Torah and are contrary to the way *ehrlliche Yidden* (trans. honest Jews) have conducted themselves throughout the centuries. ... Open Orthodoxy has gone down the road of Judaism without mesorah.”⁴⁶

45 Avraham Gordimer, “Ordaining Women and the Role of Mesorah,” *Cross-Currents*, June 3, 2013, <http://www.cross-currents.com/archives/2013/06/03/what-about-mesorah-do-you-not-understand/>.

46 Pinchos Lipschutz, “Non-Compromising Orthodoxy,” *Yated Ne’eman*, October 16, 2013, <http://www.yated.com/non-compromising-orthodoxy.3-1065-3-.html>. The extent to which the recourse to Mesorah represents a contemporary replacement for the notion of *Daas Torah* is a topic worthy of further study beyond the scope of this paper. See Lawrence

Mesorah appears to be used when there is an effort to assert an authority that cannot be challenged. Yet in highlighting the manner in which prominent Modern Orthodox rabbis in Israel have come to engage with the challenge of possible reinterpretations of revelation, as indeed is the case on feminist issues too, the question arises as to whether there is a tipping point at which Mesorah can reasonably expect to be redefined by a changing rabbinic consensus from within? Open Orthodoxy stands accused of lacking “any sense of deference to Mesorah,”⁴⁷ and yet what the growing scholarship points to is the manner in which the Mesorah of Jewish tradition contains far more variety in interpretation than those who are recognized as “Ba’alei Ha-Mesorah” are willing to acknowledge. The call for deference builds on a presumption that received traditions have to be maintained and seeks to establish authority for affirming this view despite the evidence of alternatives.⁴⁸

In the responses that emanated from within the ranks of the Open Orthodox leadership to the ongoing attacks directed against Farber, the website TheTorah.com, and, by association, against the movement and institutions he was perceived to represent, an important distinction that sets Open Orthodoxy apart from many opponents within Orthodox Judaism was highlighted. The instinct toward boundary marking is precisely something that the open stance of Open Orthodoxy is intended to challenge. Its conscious rejection of this approach represented one of the ways it sought to differentiate itself. The responses published by YCT faculty such as Rabbis Ysoscher Katz, Nathaniel Helfgot, and Asher Lopatin (Weiss’s initial successor as head of YCT) all identify Farber’s position as distinct from the account of revelation that is taught at YCT. Yet Open Orthodoxy demands an open tent approach, modeled on the home of the biblical Sarah and Abraham.⁴⁹ This ensured that explicit charges of

Kaplan, “Daas Torah: A Modern Conception of Rabbinic Authority,” in *Rabbinic Authority and Personal Autonomy*, ed. Moshe Sokol (Northvale, NJ: Jason Aronson, 1992), 1–60. The role it has played in certain Orthodox attacks on feminist innovations has been examined insightfully in an article by Adam Ferziger. See Ferziger, “Feminism and Heresy.”

47 Avram Gordimer, “The Open Orthodox Race to the Edge and Beyond: When Will It Stop?” *Cross-Currents*, October 1, 2013, <http://www.cross-currents.com/archives/2013/10/01/the-open-orthodox-race-to-the-edge-and-beyond-when-will-it-stop/>.

48 For a consideration of the role TheTorah.com can play in addressing these challenges, see Steven Bayme, “Embracing Academic Torah Study: Modern Orthodoxy’s Challenge,” TheTorah.com, <http://thetorah.com/embracing-academic-torah-study-Modern-orthodoxys-challenge>.

49 See Nati Helfgot, “Torah Min Hashamayim: Some Brief Reflections on Classical and Contemporary Models,” Morethodoxy.com, July 21, 2013, <http://morethodoxy.com>.

heresy leveled at Farber were limited within the Open Orthodox camp, exacerbating the critique from their opponents, who were precisely arguing for the necessity of drawing clear boundaries and conforming to the established model of ostracism.

Katz's response, as head of the Talmud department at YCT, is particularly noteworthy regarding the increasing necessity within Open Orthodoxy to address the questions posed by academic scholarship:

Our students, congregants, and followers are turning to us less for help in halakhic matters. Increasingly they look to us for guidance on questions of faith, ethics and social mores. They are struggling with doubt and confusion that is an inevitable consequence of living in the modern world ... Let it be clear YCT believes in Torah miSinai as it has been traditionally understood. At the same time, we see that it is our responsibility to graduate rabbis who can engage our community's doubts, and to do so by opening up, rather than closing down, conversation ... A Chovevei student needs to be someone who is willing to grapple with the fundamental challenges modernity presents to the contemporary Jewish believer.

Grappling is the key point. There is a segment in the observant community for whom פשוטה אמונה, simple faith, works. They are, however, not the majority. Large numbers of our community struggle with questions of faith, belief, authority, autonomy, ethics, morality and the like. The old methods of response are insufficient; they do not provide the solutions contemporary men and women are looking for.⁵⁰

org/2013/07/21/torah-min-hashamayim-some-brief-reflections-on-classical-and-contemporary-models-guest-post-rabbi-nati-helfgot/; Asher Lopatin, "Revelation and the Education of Modern Orthodox Rabbis," Morethodoxy.com, July 26, 2013, <http://morethodoxy.org/2013/07/26/revelation-and-the-education-of-modern-orthodox-rabbis/>. Farber stood down from his position as head of the conversion body of the IRF in November 2013. For the IRF statement on approaches to revelation, see "IRF Confirms Commitment to Torah Min Hashamayim," International Rabbinical Fellowship, <http://www.internationalrabbinicfellowship.org/news/irf-confirms-commitment-torah-min-hashamayim>.

50 Ysoscher Katz, "Reflections on Torah Min Hashamayim and its Place in Jewish Thought and Life, from Yeshivat Chovevei Torah Rabbinical School," Morethodoxy.com, <http://morethodoxy.org/2013/07/24/guest-post-by-rabbi-yssoscher-katz->. The "Modern Chasiddish" theology Katz espouses appears to reflect shifts in the types of Jewish practice that are enjoying increasing popular appeal. See his essay on Alan Brill's website, "Torat Chaim VeAhavat Chesed," <https://kavvanah.wordpress.com/2015/05/31/torat-chaim-veahavat-chesed-rabbi-yssoscher-katz>. Significantly, perhaps under the weight of repeated attacks on Open Orthodoxy, Katz

One of the factors motivating Louis Jacobs to publish his views on revelation was a sense that he was not alone in encountering a cognitive dissonance between his Jewish faith and the scholarship he encountered at university. Some of the questions may have changed and the types of answers sought can differ too, but the underlying issues remain. Project TABS and Open Orthodoxy more broadly can be seen to be responding to a changing laity in certain sectors of Orthodox Jewry.

Some of these developments can be related to growing trends toward post-denominational or post-Orthodox attitudes. A state of flux can be identified here in accounts of how to approach God, how to interpret religious authority, and how to express a sense of religiosity. The willingness to be told what to do, how to believe, whom to include or exclude, and how to be religious are being reconsidered. The emergence of a movement toward Independent Minyanim points to the growing appeal of challenging the authority of religious institutions in moves toward post- or late-modernist approaches to Judaism. Individuals within these groups are less interested in rationalist explanations of Judaism, show signs of viewing God more in terms of a companion than as an authoritative, transcendent image, and explicitly seek those more expressive elements of Judaism that offer spiritual meaning regardless of any theological content about which certainty could never be established.⁵¹

did subsequently brand Farber an “apikorus” (heretic) in a radio interview with Dovid Lichtenstein, available at <http://www.nachumsegal.com/jm-in-the-am/headlines-dovid-lichtenstein/>. In response to repeated attacks, YCT has also sought, forcefully, to affirm its credentials regarding its teaching on revelation, see “Yeshivat Chovevei Torah’s Position on Torah MiSinai and Partnership Minyanim,” [yctorah.org](http://www.yctorah.org/news/yeshivat-chovevei-torahs-position-on-torah-misinai-and-partnership-minyanim/), <http://www.yctorah.org/news/yeshivat-chovevei-torahs-position-on-torah-misinai-and-partnership-minyanim/>. Worth noting in this statement is the manner in which some type of alignment appears to be established between the challenges presented regarding both feminism and revelation.

- 51 On this general phenomenon in religious identity, see for example D. Lyon, *Jesus in Disneyland: Religion in Postmodern Times* (Oxford: Blackwell, 2013); Paul Heelas, “De-Traditionalisation of Religion and Self: the New Age and Postmodernity,” in *Postmodernity, Sociology and Religion*, ed. Kieren Flanagan and Paul C. Jupp (London: Macmillan, 1999), 65–82; Robert Wuthnow, *After Heaven: Spirituality in America since the 1950s* (Los Angeles: University of California Press, 1998). See also Ari Englenberg, “Modern Orthodoxy in Post-Secular Times: Jewish Identities on the Boundaries of Religious Zionism,” *The Journal of Modern Jewish Studies* 14, no. 1 (2015): 126–39; Elie Kaufner, *Empowered Judaism: What Independent Minyanim Can Teach us About Building Vibrant Jewish Communities* (Woodstock, VT: Jewish Lights, 2012); Shaul Magid, *American Post-Judaism: Identity and Renewal in a Postethnic Society* (Bloomington: Indiana University Press, 2013); Steven M. Cohen, J. Shawn Landres, Elie Kaufner, and Michelle Shain, “Emergent Jewish Communities and Their Participants, Preliminary Findings from

The growing phenomenon of types of Social Orthodoxy is noteworthy here as well, as it finds benefits in the religious life of Orthodox Judaism without perceiving a concomitant need to uphold the beliefs of Judaism. This can be seen to flow from both sociocultural factors and philosophical arguments.⁵² J. David Bleich appeared to attack this development:

While a generation ago the phenomenon of the non-observant Orthodox was the focus of consternation, in our time, it is the observant non-Orthodox that should be our concern. It may well be the case that, presently, the base level of educational attainment among Orthodox laity in the diaspora is greater than at any identifiable period of Jewish history. In that sense our educational endeavors have been crowned with unanticipated success. Not so with regard to transmission of Jewish belief.⁵³

This critique of Orthodoxy, for transmitting knowledge of the strictures of the faith without a related understanding and internalization of Jewish faith, is not new. It was expressed in similar terms, albeit with a notably different underlying agenda and understanding, by Yitz Greenberg in the 1966 *Commentator* interview that led to considerable controversy at the time. Greenberg argued that Yeshiva University (YU) produced “secularly oriented students who are overlaid with an abundant practice of Orthodox ritual.”⁵⁴ Greenberg’s goal was imparting the ethical values of Judaism to the students of YU beyond adherence to halakhic practice. As such, it reflects a rather different critique than that

the 2007 National Spiritual Communities Study,” Berman Jewish Policy Archive (Nov. 2007), <http://www.bjpa.org/Publications/downloadFile.cfm?FileID=2784>.

52 See Jay Lefkowitz, “The Rise of Social Orthodoxy,” *Commentary* (April 1, 2014), <https://www.commentarymagazine.com/articles/the-rise-of-social-orthodoxy-a-personal-account/>. In a somewhat related vein see also Howard Wettstein, *The Significance of Religious Experience* (Oxford: Oxford University Press, 2012).

53 J. David Bleich, *The Philosophical Quest: Of Philosophy, Ethics, Law and Halakhah* (Jerusalem: Maggid, 2013).

54 “Dr. Greenberg Discusses Orthodoxy, YU, Viet Nam, and Sex,” *The Commentator* (April 28, 1966). On the Greenberg controversy at YU, see David Singer, “Debating Modern Orthodoxy at Yeshiva University: The Greenberg-Lichtenstein Exchange of 1966,” *Modern Judaism* 26, no. 2 (2006): 113–26; Shlomo Danziger, “Modern Orthodoxy or Orthodox Modernism,” *The Jewish Observer* (October 1966): 3–9; and Yitz Greenberg and Shlomo Danziger, “Orthodox Modernism—An Exchange,” *The Jewish Observer* (December 1966): 13–20.

of Bleich. Both nonetheless highlight the manner in which Orthodoxy can become focused solely on ritual observance.

The controversy that Greenberg's views incited in the 1960s points to ongoing battles that have been occurring within both American and British Orthodoxy since the mid-twentieth century on the nature and direction of any type of Modern Orthodox Judaism. The emergence and recent strengthening in America of Open Orthodoxy indicate certain innovations in this struggle. The recourse to Mesorah to undermine these efforts reflects a corresponding attempt to assert authority and quash these developments. The validity of all alternative accounts of tradition are rejected with a vehemence intended to preclude their consideration.

That said, an important difference between the Jacobs Affair and current debates is the unwillingness of those within Open Orthodoxy who have been branded as heretics to accept the charge and rescind the right to define what can, or cannot, be included within an account of Orthodox Judaism. The assertion that alternative views, even in certain respects on interpretations of revelation, can have their place in Orthodoxy—as Shapiro noted, just as Hasidism has come to be accepted—indicates how certain shifts in the interpretation of religious authority are laboring to take hold, and beginning to influence who is empowered to exercise control.⁵⁵

What should not be underestimated, however, is the extent to which political concerns over who has authority to make religious decisions drive efforts to defend Orthodox Judaism. The attacks on Farber and the Open Orthodoxy he is seen, rightly or wrongly, to represent highlight an ongoing effort within certain sectors of Orthodoxy to cling to an account of Mesorah and defend a belief in revelation that lies beyond the varied critiques directed at them. The inability so far to ostracize the likes of Ross and Kugel and the influence of the teachings of, for example, Rabbis Cherlow and ShaGa”R, among others, point to a significant shift in the contours of the debate regarding academic scholarship and its influence on Jewish theology.⁵⁶ Evidence of changing attitudes can certainly be found and developments on the internet and particularly in Israel

55 For a consideration in this context of the appeal enjoyed by TheTorah.com see Chaim Waxman, “Why Now? Toward a Sociology of Knowledge Analysis of TheTorah.com,” TheTorah.com, <http://thetorah.com/toward-a-sociology-of-knowledge-analysis-of-thetorahcom>.

56 It should be acknowledged here that distinctions can be drawn between the particular positions adopted by each of these individuals on the extent of academic influence that should be permitted.

point to a broadening pushback over who controls Orthodoxy. Alongside questions on revelation, the role of feminism, though outside the spectrum of this paper to consider fully, has also been noted as a pivotal challenge in defining the future direction of Orthodoxy and the scope it contains for greater flexibility in both halakhic and hashkafic interpretation. The approach to questions such as those posed previously by Louis Jacobs is, then, in something of a state of flux; but the response continues to be driven by questions over who has the power to determine what is and is not to be retained or excluded from within the boundaries of Orthodoxy. Authority and revelation go hand in hand. A willingness to reinterpret the dominant account of revelation is perceived to hold out the prospect of challenging religious authority more broadly, ensuring this issue remains an ongoing battleground in the effort to define twenty-first century Orthodoxy.