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REVIEW ESSAY

WHEN BLURRING PESHAT AND DERASH CREATES A NEW THEOLOGY: A CRITIQUE OF “PARTICIPATORY REVELATION”


The Revelation at Sinai: What Does “Torah from Heaven” Mean?, edited by Yoram Hazony, Gil Student, and Alex Sztuden (Ktav, 2021), 357 pp.

[God] said, “Hear these My words: When a prophet of the Lord arises among you, I make Myself known to him in a vision, I speak with him in a dream. Not so with My servant Moses; he is trusted throughout My household. With him I speak mouth to mouth, plainly and not in riddles, and he beholds the likeness of the Lord” (Numbers 12:6–8).

Never again did there arise in Israel a prophet like Moses—whom the Lord singled out, face to face, for the various signs and portents that the Lord sent him to display in the land of Egypt, against Pharaoh and all his courtiers and his whole country, and for all the great might and awesome power that Moses displayed before all Israel (Deuteronomy 34:10–12).

In 2017, the Herzl Institute in Israel held a symposium in response to a new theology emerging within certain Jewish academic circles, called various titles such as “open revelation” or “participatory revelation.” In their editors’ introduction to the volume published from this conference, Yoram Hazony, Gil Student, and Alex Sztuden frame the new challenge emerging from this position.

Classical academic biblical criticism, including the Documentary Hypothesis, threatens Jewish faith in the revelation of the Torah by positing
multiple human authors who composed parts of the Torah. Now, there is a new trend emerging within academic Bible scholarship: To integrate the theories of biblical criticism into Jewish faith. “This new approach advocates a belief in God, the revealed character of the Torah, and the binding nature of the halakhic tradition which flows from it—all while maintaining that the biblical texts were in fact composed exactly as the academic source criticism claims that they were.” Participatory revelation eliminates Moses and Sinai as central to Judaism. Instead, God’s revelation appears in every hand in writing the Torah, and through later Jewish thinkers until today.

These views clash with the rabbinic conception that Torah from Heaven means, at minimum, that there was a unique moment in history when God communicated His will to Moses and Israel. “Without this core teaching, it becomes unclear how we can retain the authority and majesty of the Torah, let alone believe that we can establish a relationship with God through the observance of the law prescribed by it.”¹

Benjamin D. Sommer’s book, Revelation & Authority, is the most comprehensive and articulate presentation of this new theology to date. The book recently appeared in Hebrew translation, as well.² In this essay, I will outline his general thesis, and then explore the fundamental flaws of the new theology he proposes.

**Sommer’s Theology of Participatory Revelation**

Sommer insists that there is no Written Law or Tanakh as a separate category of sacred literature in Judaism. Rather, these texts are the beginnings of Jewish tradition, which extends down to the present time:

> The participatory theology of revelation implies that the very category of scripture is a chimera, and that the participatory theology resituates—and, surprisingly, resuscitates—the Bible as a work of tradition. This approach implies that for Judaism there really is no such thing as scripture; there is only tradition, which begins with and includes the Pentateuch, the Prophets, and the Writings (8).

¹ *The Revelation at Sinai: What Does “Torah from Heaven” Mean?,* x–xi. In this review, I will focus on the essays in this book that directly address the difficulties of the new theology of “participatory revelation.” The book also includes valuable contributions by Shalom Carmy, Shira Weiss, Lenn Goodman, and Joshua I. Weinstein on various aspects of revelation in the Torah and Jewish thought; Jeremiah Unterman on the superior ethics of the Torah over the Laws of Hammurabi and other ancient Near Eastern laws; and H. Norman Strickman and Joshua Amaru on the relationship between Written and Oral Law.

While rejecting the singular status of *Tanakh*, Sommer insists that commitment to Jewish tradition implies submitting to the yoke of heaven and the commandments (10).³

Sommer was motivated to develop this theology because he accepts the conclusion of biblical criticism, that many scribes composed the Torah over centuries. These putative scribes regularly disagree with one another, and offer competing laws and ideologies. Sommer cannot harmonize that supposition with the classical Jewish belief in Torah from Heaven, which includes God's revelation to Moses and Israel, and also highlights Moses' singular and authoritative prophecy as the receiver of God's laws (12–13).

Sommer also is concerned with various moral positions in the Torah, which he refers to as “troubling texts.” Sommer enumerates several ideas within the Torah, including God's destruction of all people during the Noah story; God's killing of the Egyptian firstborns; the command to annihilate Canaanites and Amalekites; the Torah's patriarchal perspectives on gender; the Torah's position on homosexuality; and other examples.

“It is the presence of texts such as these, more than the existence of the contradictions noticed by source critics, that precludes me from believing in the traditional Jewish and Christian view of the Bible’s revelatory origin” (27–28). Stated differently, if Sommer detects moral difficulties in various narratives and laws, then God could not have authored those narratives and laws.

These assertions cascade to the conclusion that the wording of the Torah is comprised of variegated, potentially fallible, human responses to a non-verbal divine revelation. The Torah thereby becomes the first work of Jewish thought, beginning a process that will go on forever. Since God inspired this millennia-old process with some non-verbal revelation, the entire system is invested with eternal, divine sanctity and binding legal authority. Concurrently, we may reject any aspects of the Torah we find troubling, since, like the works of all later Jewish thinkers, it is the product of fallible human words and human interpretations of the encounter with God.

³ In his review of Sommer’s book, Marvin A. Sweeney observes that “Although Sommer never states it, his argument articulates the theological viewpoint of the Conservative Jewish movement. . . . Conservative Judaism argues that Israel constructs Judaism throughout history based on its reading and implementation of the tradition. Consequently, revelation is an ongoing reality” (*AJF Review* 40:1 [2016], 159). Sommer is a faculty member at the Jewish Theological Seminary in New York.
Central Flaws of Participatory Revelation

Sommer’s thesis deviates from classical Jewish tradition on several significant fronts.

A. A New Theology

We cannot scientifically prove that God revealed the entire Torah (or nearly the entire Torah⁴) to Moses at Sinai and in the ensuing 40-year journey through the wilderness. What can be demonstrated, however, is that Jewish tradition is built upon this foundational belief.⁵

Shawn Zelig Aster notes that Rambam (Yesodei ha-Torah 7:6) distinguishes Moses’ prophecy from all others in the following four ways: (1) Moses is conscious; (2) he receives information clearly; (3) he understands the information; (4) he is always prepared to receive such information. Rambam deliberately distinguishes legislation through Moses and any other legislation. Blurring that category destroys a basic foundation of Judaism. Divine laws are absolute and eternal. Human laws are not.⁶

Yoram Hazony observes that Moses is the only person to reach the summit at Sinai. God knows Moses in a unique manner. One cannot substitute the individual prophet with a singular commanding perspective, with hundreds of anonymous scribes writing over centuries. In Sommer’s view, the Torah is just like the Talmud and later rabbinic texts. But this position is wrong as an axiom of Judaism. The Torah is a standard against which later rabbis and thinkers debate.⁷

There also is the basic problem that the Documentary Hypothesis is an unproven theory.⁸ We may learn many genuine questions and

⁴ See Amnon Bazak, To This Very Day: Fundamental Questions in Bible Study (Maggid Books, 2020), 35–65.
⁷ Yoram Hazony, “Torah from Heaven: Moses and Sinai in Exodus” in The Revelation at Sinai, 3–75.
⁸ See, in particular, Amnon Bazak, To This Very Day: Fundamental Questions in the Bible Study (Maggid Books, 2020); and Joshua A. Berman, Inconsistency in the Torah: Ancient Literary Convention and the Limits of Source Criticism.
approaches from the work of the critics, but that is altogether different from accepting the conclusions of an unproven theory that undermine the entire religious foundation of Judaism. Gil Student supplies an apt analogy from Rambam’s rejection of the Aristotelian theory of the eternity of the world (see *Guide of the Perplexed* II:25). If Aristotle could prove the eternity of the world, Rambam would reinterpret the Torah. Aristotle failed to prove the eternity of the world. In general, Rambam evaluates unproven theories based on inference. However, revelation also serves as a reliable source of knowledge, and may be used when reason reaches its limitations. Therefore, Rambam rejects Aristotle’s unproven theory since it also undermines Jewish faith.

Student applies Rambam’s thought process to our discussion. The Documentary Hypothesis is an unproven theory. This is simply the nature of liberal arts, where scholars attempt to infer great theories from limited evidence. This contention does not mean we should reject all biblical criticism, but we may and should reject an overall conclusion that contradicts traditional faith.9

**B. How Sommer Justifies His Position**

Sommer is well aware that his theology deviates fundamentally from classical Jewish belief, and therefore goes to great lengths to situate himself comfortably within biblical and rabbinic tradition. He attempts to achieve this ambitious goal through the atomization of texts in the Torah, the rest of *Tanakh*, and rabbinic literature.

Sommer identifies several legitimate ambiguities in the Exodus narrative of the revelation (35–41), including: (1) In Exodus 19, God reveals Himself with a *kol*. Is that *kol* a sound like thunder, or a voice conveying words?; (2) When the people panic and tell Moses to serve as their intermediary (Exodus 20:18–22), was that sequentially after they already had heard the Ten Commandments, or was that in response to the terrifying sights and sounds beforehand?; (3) Exodus 20:1 prefaces the Ten Commandments, “God spoke all these words, saying...” To whom? Is God addressing these words to the entire people, or only to Moses? These and other ambiguities force the reader to consider the manner and extent Israel perceived God’s revelation at Sinai.

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It is possible to read the passage to mean that God did indeed reveal some or the entire formula of the Ten Commandments to the nation. Sommer instead adopts a more radical reading of this passage, which suggests that God’s revelation to the nation was entirely non-verbal. Although the Deuteronomy account (chapters 4–5) unambiguously relates that God revealed His words to all of Israel, Sommer asserts that Exodus and Deuteronomy disagree.10

In his critique of Sommer’s position, Alex Sztuden observes that even if there are ambiguities in the Exodus narrative as to whether Israel heard God’s words at Sinai, there are no such ambiguities regarding Moses’ hearing God’s words. Even if the people received non-verbal revelation, that only elevated Moses’ standing as the prophetic intermediary between God and Israel. The narrative, and the rest of the Torah, repeatedly uses the terms *dabber* and *omer*, which suggest some form of verbal communication, at least to Moses. On a philosophical level, if people supply all the words, the Torah’s laws have no divine authority. There is no such thing as a non-verbal command.11

Because he ascribes sanctity to the weight of Jewish tradition, Sommer cannot simply rest his thesis on a radical reading of an ambiguous passage while ignoring dissenting passages in the Torah. He must find rabbinic precedent to demonstrate that his own view fits into the spectrum of Jewish tradition.

He enlists one reading of Rambam’s *Guide of the Perplexed* and argues that Rambam believed in God’s non-verbal revelation to Moses. Therefore, the Torah’s words must be of human origin.12 Sommer also discusses a statement of the Hasidic R. Menahem Mendel of Rymanov (Poland, 1745–1815), that God revealed only the *aleph* of *anokhi* with its first vowel, so all Israel heard only one sound directly from God. Armed with these rabbinic precedents, Sommer draws a line from his reading of

10 Shalom Carmy provides a detailed analysis of the implications of Exodus 19–24 and Deuteronomy 5 in their broader contexts (not specifically in response to the Documentary Hypothesis). See his “Moses and the People in the Giving of the Torah: From Biblical Exegesis to Theological Perpetuation” in *The Revelation at Sinai*, 77–93.


12 Saul Zucker explains Rambam’s position in the *Guide* as follows: God has no mouth, so God’s “speaking” must be understood metaphorically. Prophets tap into the divine realm, and then take their prophetic experience and convert it into words people may understand. The prophecy of Moses is a class unto itself, and only he could receive the Torah. Only Moses was able to convey what God authorized as the divine word (oral communication, June 28, 2022).
the revelation narrative in Exodus, to Rambam, to R. Menahem Mendel, and then finally into the twentieth century with Franz Rosenzweig and Abraham Joshua Heschel.13

One may ask: How would Rambam or R. Menahem Mendel react to Sommer’s theology, and would they view their positions as precedents for Sommer? Imagine presenting the theories of the Documentary Hypothesis to Rambam and asking him: If I understand the implications of your words correctly, your views are in line with the radical interpretation of the ambiguous revelation account in E, whereas you disagree with the revelation account in D. Would you agree? I find it terribly difficult to believe that Rambam would be sympathetic to this conclusion. So does Sommer, who tries to address this point:

In attempting to trace a trajectory that leads from E to the theologies of Rosenzweig and Heschel, I am, such critics would maintain, pushing too hard, because most of the ancient and medieval sages I categorize as minimalist did not in fact believe the Torah’s words to be the product of multiple human authors. . . . I take the ideas of the premodern minimalists further than they did when I connect their minimalism with that of twentieth-century theologians. Doing so, I submit, is entirely legitimate. Thinkers sometimes do not articulate or even realize crucial implications of their own ideas (95–96).

To use Aristotelian terminology: the new formulation actualizes a potential that was present in the original insight. The inability of the earlier thinker, using the tools of his own day, hardly vitiates the link between that insight and the later author’s proposals (97).

In other words, Sommer maintains that he is uncovering what he believes is the latent meaning in the words of Rambam and R. Menahem Mendel, and this is a legitimate application of their work. It is true that a thinker may not be conscious of all the ideas inherent in his or her words. However, these particular ideas, pitted against the foundation of the faith of Rambam and R. Menahem Mendel in Torah min ha-Shamayim, make Sommer’s argument astonishing in this instance. Much later in his book, Sommer concedes that Rambam would be appalled by the implications of the Documentary Hypothesis:

13 Gil Student analyzes the works of Heschel and suggests that Sommer misreads him (“Rethinking Revelation: Three Talmudic Scholars Grapple with Biblical Criticism”).
Maimonides does not consider himself to be joining a debate on the side of D against J and E; Maimonides regarded Moses as the only author of the Pentateuch, and he would have been appalled at the Documentary Hypothesis. But it is clear to us, eight centuries after his work was written, in a way that could not be clear to Maimonides himself, that Maimonides is a Deuteronomic writer. (Thus, it is quite appropriate that Maimonides cites Deuteronomy much more often than any other biblical book in his philosophical work *Sepher Hammadat*—more often, in fact, than the other four books of the Pentateuch put together . . . .) (215).

If Rambam would be appalled by the Documentary Hypothesis, he does not make a good candidate as a central precedent for a theology that depends on the Documentary Hypothesis. Sommer’s seeking unintended implications from earlier writers to situate himself as the actualization of their writings does not seem fair, or plausible, in this instance.

This criticism points to what I believe is the fundamental weakness of Sommer’s book. The edifice of the Documentary Hypothesis is built upon the *peshat* tools of philology, history, and so on. It is an effort to understand the original primary meaning of the Torah in its ancient setting. Sommer accepts the Documentary Hypothesis, or some version of it, as adequately persuasive to redesign all of Jewish theology to conform to what he believes are *peshat* conclusions. However, Sommer’s theology stems from an insistence that the *derash* tools of atomization, decontextualization, determining potential meanings in a text not consciously intended by the original author, are primary in Jewish tradition. His theology relies on *derash* readings of biblical and rabbinic texts to support a *peshat* nexus of questions within the Torah.

To cite a different example: Sommer appeals to the powerful prophetic revelation to Elijah at Horeb:

> And lo, the Lord passed by. There was a great and mighty wind, splitting mountains and shattering rocks by the power of the Lord; but the Lord was not in the wind. After the wind—an earthquake; but the Lord was not in the earthquake. After the earthquake—fire; but the Lord was not in the fire. And after the fire—a soft murmuring sound (*kol demama dakka*). When Elijah heard it, he wrapped his mantle about his face and went out and stood at the entrance of the cave (I Kings 19:11–13).

14 It is worth noting that here (in a discussion of God’s incorporeality) it is obvious to Sommer that Rambam is a “Deuteronomic writer.” But Sommer’s use of Rambam earlier in the book is precisely to support a radical reading of the putative E document, *against* the reading of D, which maintains a verbal revelation at Sinai.
God makes Himself known to Elijah through a kol demama dakka. Sommer insists that this kol may refer to a soft breathing sound, or complete and utter silence (93). Sommer rules out the possibility of God’s communicating words through a soft voice. He then connects his interpretation of these verses to his minimalist reading of the Exodus narrative of the Revelation.

Sommer is well aware that God speaks to Elijah using words throughout this very narrative. Sommer retorts by atomizing the narrative: “One might object that God does speak with a normal voice in other verses nearby (I Kings 19.9 and 15–18). Those verses, however, belong to the original Elijah story; our short theological interpolation is limited to 11–13a” (93).

If surrounding context and related terminology in the same narrative have no bearing on possible readings, it indeed becomes much easier to open channels of potential meaning. However, surrounding context does and should contribute to our understanding of the words in a passage.

Sommer does the same with the narrative in Exodus 19, 20, and 24. He sidesteps the terms dabber and omer, which imply verbal revelation, within that account. He then applies his minimalist reading throughout the Torah, despite God’s using dabber and omer to communicate with Moses from the beginning to the end of the Torah. This blurring of peshat and derash methodologies produces a new theology that has no precedent in earlier Jewish tradition.

Sommer brings further trouble upon his argument later in his book, when he tries to determine what is authentically Jewish from historical precedent. It is precisely this precedent that gives authority to halakha, according to Sommer:

In arguing for the centrality of legal obligation in Judaism, I pointed out that no Jewish thinker before the nineteenth century denies the binding nature of the law; the only exceptions, such as Paul, were written out of Jewish tradition altogether. My argument is historical in nature: I learn what is authentically Jewish from over two millennia of precedent (135).

Sommer wants and needs rabbinic precedents to authenticate his views within the spectrum of Jewish tradition. However, as R. Mordechai Breuer points out, there are no such precedents to Sommer’s theology prior to the nineteenth century.15 R. Breuer also insists that contemporary theological extensions are based on a misunderstanding of

Torah min ha-Shamayim. That concept does not simply mean “prophetic revelation,” and we would not say, for example, that the Book of Isaiah is “from Heaven” in the same sense. Torah min ha-Shamayim refers exclusively to the Torah, whose level of divine revelation infinitely transcends that of other prophecy.16 The very notion of the sanctity and authority of tradition Sommer uses to establish his commitment to halakha is the same notion that undermines his theological arguments.

C. A Curious Form of “Da’at Torah”

Sommer’s primary flaw lies in his downgrading the unique standing of the Torah and the rest of Tanakh from the canon of sacred Jewish literature. We will now briefly consider his attempt to elevate later thinkers to the same status of divine inspiration he ascribes to Tanakh.

Sommer maintains that all Jewish thinkers—from the putative scribes behind the Torah, through the Talmud, and through all the ages—are human reactions to the divine and therefore sacred. At the very end of his book (249–250), he wrestles with the question of who qualifies to fit under this description of divine inspiration. Quoting midrashic precedents (e.g., Leviticus Rabba 22:1; Ecclesiastes Rabba 1:29, 5:6), he restricts the category to “keen-witted or experienced students in the presence of their master.”

In the realm of peshat, we may accept the truth from the one who says it, and evaluate every argument against the evidence as a standard. However, once there is no peshat standard (since Tanakh is only the oldest example of a process of Jewish thinkers reacting to the divine), and we can atomize any earlier Torah text to derive possible readings that may have nothing to do with the author’s original intent, anything goes. In order to provide a set of standards and boundaries for legitimacy in Jewish tradition, Sommer essentially restricts this process to his own version of Da’at Torah (ironic as that may sound), where only eminently qualified scholars may do this, and only those views sanctified through time ultimately qualify as Torah.17 For Sommer, we will know what Torah is by waiting 500 years and seeing what observant Jews study then.


D. Joshua Berman’s Response to “Troubling Texts”

At a panel discussion responding to Sommer’s book, Professor Joshua Berman critiqued Sommer’s position on morally “troubling texts.” Sommer posits that the original authors of the Torah erred in their translation of their encounter with the divine, and later generations must correct their moral errors to approach God’s true intent. In contrast, Berman insists that the Written Law is God’s first word, not God’s final word. The Written Law is not Statutory Law, intended as a comprehensive legal system for all time. Following Rambam’s position in the Guide (II:32), God revealed the Torah in a particular historical setting, and therefore addressed that generation’s needs. At the same time, God gave us the Oral Law so the Torah may speak God’s word to every generation. We never change the original text of the Torah, but the Oral Law enables us to apply the Torah to evolving social conditions and values in order to actualize the Torah’s highest ideals.

Conclusion

Sommer’s work is erudite, well-researched, and thought-provoking. One also senses a profoundly sincere and religious effort to come to terms with genuinely difficult questions. That said, it appears that this project is beset with several fatal flaws.

The new theology of participatory revelation is based on the unproven conclusions of the Documentary Hypothesis. It advances a religious system unprecedented in Jewish tradition, and undermines basic foundations of Jewish faith. It is very difficult to defend observance of the commandments under this theology. The theology creates an uncomfortable blurring of the realms of peshat and derash, and also elevates certain thinkers to a kind of Da’at Torah. This is, again, ironic, because in Sommer’s system those thinkers are not only ascribed the authoritative wisdom usually associated with Da’at Torah, but actually take on the role of prophets, in a fashion, contributing to an ongoing process of revelation.

The book, The Revelation at Sinai, offers cogent responses from within our tradition to Sommer. Its authors highlight the central role of Moses and Sinai in the Jewish concept of revelation and authority.

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There is no such thing as a non-verbal command. The Documentary Hypothesis, by its very nature, is unproven and unprovable; therefore, one should not reject the foundations of classical Jewish faith as a result. Moreover, the precedents Sommer attempts to enlist from Rambam and R. Menahem Mendel of Rymanov fail to establish a connection to tradition.

In the final analysis, good faith entails struggling with the difficult moral issues raised by the Torah. But better to wrestle with good questions than accept faulty conclusions.

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