



The Oral Torah: Nature and Development

HPRS50I5/60I5

Session Outline



- The concept of the dual Torah
- The Oral Torah: need and rationale
 - Recording the Oral Torah
 - The chain of tradition

Recap: Rabbinic Judaism after 70 CE

- Judaism shaped by the heirs of Pharisaism following the national catastrophe of 70 CE.
- At Yavneh, Usha et al., the rabbis attempted to implement a programme for the survival and reconstruction of the Jewish people and faith.
- Judaism reoriented around Torah in the absence of temple sacrifices.



The Concept of the Dual Torah

- Judaism emphasizes neither credal statements nor a central institution. Rather, it emphasizes the Torah (the Law).
- The Pharisees the chief exponents of the idea of the Oral Torah, the belief in an unwritten Law alongside the authority of the scriptures.
- The Pharisaic concept of the dual Torah kept alive by the early rabbis.

The Concept of the Dual Torah

- The Written Torah (*Torah She'bi-khetav*): the first 5 books of the HB.
- The Oral Torah (*Torah She'bi-al'peh*): a second body of laws transmitted by word of mouth, from generation to generation.
- Both Written Torah and Oral Torah believed to have been revealed to Moses while on Mount Sinai.
- The Written Torah + the Oral Torah = *Torah min ha-shamayim* ('Torah from heaven').

The Oral Torah: What Is It?

- A detailed elaboration of the laws and beliefs contained in the Written Torah.
- Not intended to be transcribed but to be transmitted orally.
- This body of oral laws not static but added to by each generation.
- This process of oral transmission continued until the beginning of 3rd century CE.

The Oral Torah: Need and Rationale

- The Written Torah often vague or ambiguous when it comes to how, in practical terms, one should observe the commandments.
- The Oral Torah functions to fill in the 'gaps' in scripture.
- Three examples:
 1. Tefillin
 2. Work on the Sabbath
 3. Divorce

Example I: Laying *Tefillin*

- A classic example of the role of the Oral Torah in elaborating upon the Written Torah is the *mitzvah* of laying *tefillin*.



Laying *Tefillin*: The Written Torah

‘Keep these words that I am commanding you today in your heart. Recite them to your children and talk about them when you are at home and when you are away, when you lie down and when you rise. **Bind them as a sign on your hand, fix them as an emblem on your forehead [lit. between your eyes]**, and write them on the doorposts of your house and on your gates’ (Deut. 6:6-9).

‘You shall put these words of mine in your heart and soul, **and you shall bind them as a sign on your hand, and fix them as an emblem on your forehead**. Teach them to your children, talking about them when you are at home and when you are away, when you lie down and when you rise. Write them on the doorposts of your house and on your gates, so that your days and the days of your children may be multiplied in the land that the LORD swore to your ancestors to give them, as long as the heavens are above the earth’ (Deut. 11:18-21).

Laying *Tefillin*: The Oral Torah

- Lengthy and complex discussions in the Oral Torah over the observance of this *mitzvah* (e.g. *M. Megillah* 4:8; *B. Tal. Menachot* 36a-37b)
- Oral Torah explains that each morning Jews should place the scriptures inside cubic black leather boxes that should then be wrapped around one's weaker arm and fastened above the hairline.
- Appears to contradict the meaning of the Written Torah.

Example 2: Work on the Sabbath

- The Written Torah prohibits working on the Sabbath but does not explain what constitutes ‘work’.
- The Oral Torah defines exactly what is meant by ‘work’, enumerating 39 categories (*melachot*) of labour.



Work on the Sabbath: The Written Torah

‘Remember the sabbath day and keep it holy. For six days you shall labour and do all your work. But the seventh day is a sabbath to the LORD your God; **you shall not do any work** – you, your son or your daughter, your male or female slave, your livestock, or the alien resident in your towns’ (Exod. 20:8-10).

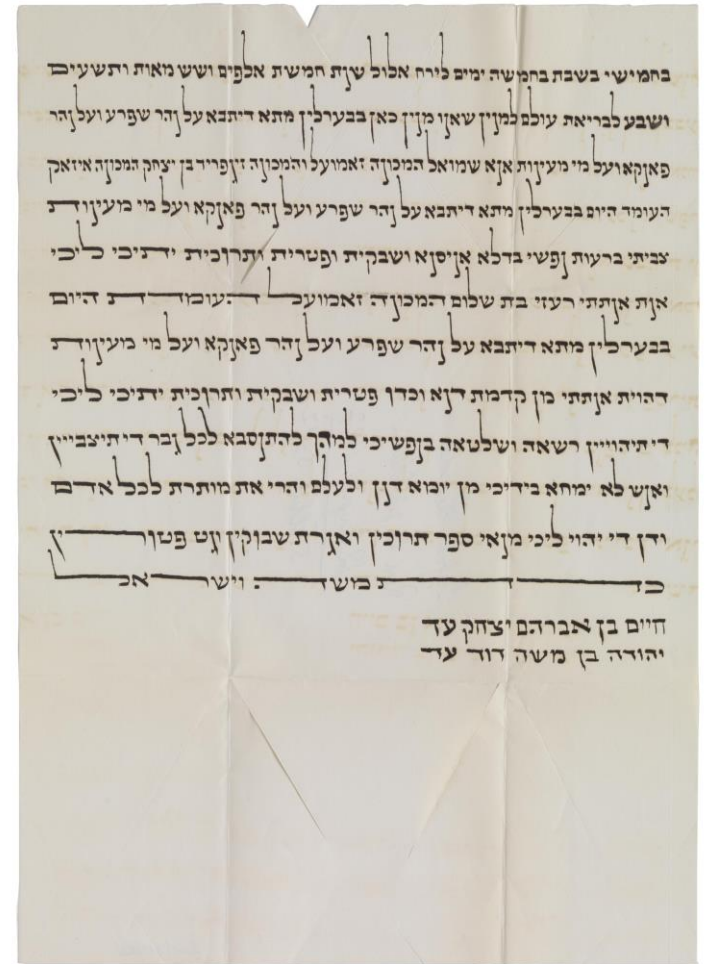
‘For six days shall work be done, but on the seventh day you shall have a holy sabbath of solemn rest to the LORD; **whoever does any work on it shall be put to death**. You shall kindle no fire in all your dwellings on the sabbath day’ (Exod. 35:2-3).

Work on the Sabbath: The Oral Torah

‘The main classes of work are forty save one: sowing, ploughing, reaping, binding sheaves, threshing, winnowing, cleansing crops, grinding, sifting, kneading, baking, shearing wool, washing or beating or dyeing it, spinning, weaving, making two loops, weaving two threads, separating two threads, tying (a knot), sewing two stitches, tearing in order to sew two stitches, hunting a gazelle, slaughtering or flaying or salting it or curing its skin, scraping it or cutting it up, writing two letters, erasing in order to write two letters, building, pulling down, putting out a fire, lighting a fire, striking with a hammer and taking out aught from one domain into another. These are the main classes of work: forty save one’ (*M. Sabbath* 7:2).

Example 3: Divorce

- The Written Torah permits a man to divorce his wife. However, when it comes to the circumstances in which this would be acceptable, it remains vague.
- The Oral Torah attempts to clarify what constitutes 'reasonable' grounds for divorce.



Divorce: The Written Torah

‘Suppose a man enters into marriage with a woman, **but she does not please him because he finds something objectionable about her**, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house; she then leaves his house and goes off to become another man’s wife. Then suppose the second man dislikes her, writes her a bill of divorce, puts it in her hand, and sends her out of his house (or the second man who marries her dies); her first husband, who sent her away, is not permitted to take her again to be his wife after she has been defiled; for that would be abhorrent to the LORD, and you shall not bring guilt on the land that the LORD your God is giving you as a possession’ (Deut. 24:1-4).

Divorce: The Oral Torah

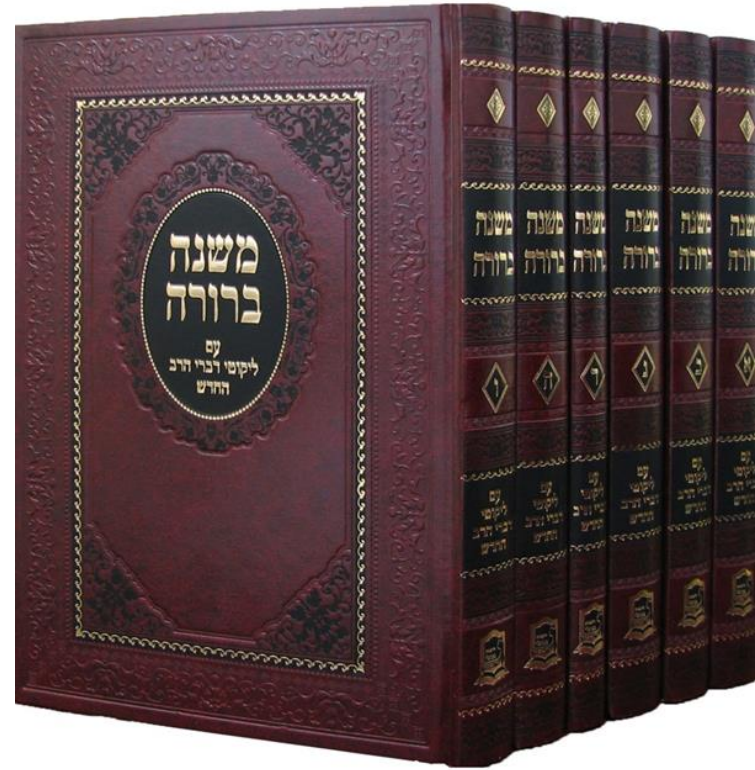
‘The School of Shammai say: A man is not to divorce his wife unless he has found in her some indecency [i.e. she committed adultery or is suspected of doing so] as it is said, “Because he has found some indecency in her”. But the School of Hillel say: Even if she spoiled the cooking, as it is said, “Because he has found some indecency in her”. Rabbi Akiva says: Even if he found another woman better looking than her, as it is said, “And it comes to pass, if she finds no favour in his eyes”’ (*M. Gittin* 9:10).

The Relationship between the Written Torah and Oral Torah

- The relationship between the Written and Oral Torah extremely complex.
- Role of the rabbis not only to disseminate the Oral Torah but to apply its principles to emerging cases and scenarios (thus adding to the body of oral laws).
- The rabbis needed to strike a balance between tradition and innovation.
- ‘So long as the creative scholar is rooted firmly in those principles [the principles revealed to Moses on Sinai] the outcome of his creativity can rightly be called the Torah of Moses’ – Naftali Brawer, *A Brief Guide to Judaism*, p. 23

Recording the Oral Torah

- The decision taken at beginning of 3rd century to compile and edit the Oral Torah so that it could be put into written form.
- Rabban Judah ha-Nasi
- The Mishnah



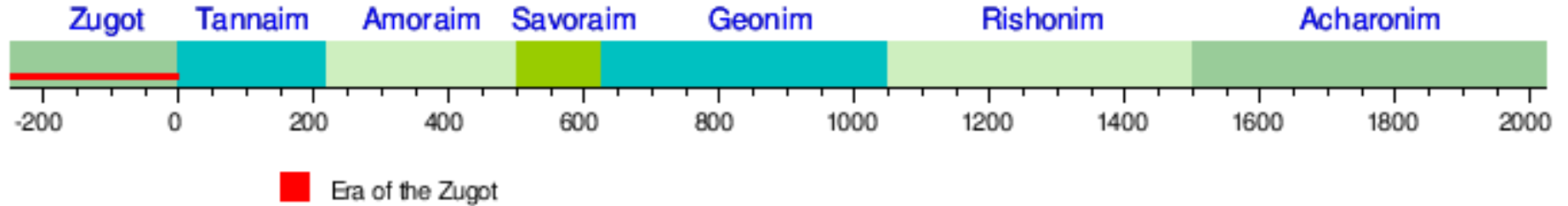
The Chain of Tradition

‘Moses received the Torah on Sinai, and handed it down to Joshua; Joshua to the elders; the elders to the prophets; and the prophets handed it down to the Men of the Great Assembly. They said three things: Be deliberate in judgement; raise up many disciples; and make a fence around the Torah. Simon the Just was one of the last survivors of the Great Assembly. He used to say, Upon three things the world is based: upon the Torah, upon Divine service, and upon the practice of charity. Antigonos of Socho received the [oral] tradition from Simon the Just...Rabban Yochanan, the son of Zakkai, received the [oral] tradition from Hillel and Shammai. He used to say, If you have learned much Torah, do not claim credit for yourself, because for such a purpose you were created. Rabban Yochanan, the son of Zakkai, had five disciples; and these are they: Rabbi Eliezer, the son of Hyrcanus, Rabbi Joshua, the son of Chananya, Rabbi Jose the Priest, Rabbi Simeon, the son of Nathaniel, and Rabbi Elazar, the son of Arach...’ (*M. Pirkei Avot* I-2)

The Chain of Tradition

- ❖ Moses – Joshua – the Elders – the Prophets
- ❖ *Sopherim*/Scribes/‘The Men of the Great Assembly’ (approx. 450-150 BCE)
 - ❖ *Zugot* (approx. 150 BCE - 10 CE)
- ❖ *Tannaim*/Teachers/Repeaters (approx. 10-220 CE)
- ❖ *Amoraim*/Interpreters (approx. 220-500 CE)

The Chain of Tradition



Summary

- The Pharisaic concept of the dual Torah kept alive by the early rabbis.
- The Oral Torah functions to fill the 'gaps' in written scriptures.
- The Oral Torah considered to have been transmitted via an unbroken chain of transmission that started with Moses.
- The Oral Torah eventually committed to writing at the beginning of the 3rd century CE.