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The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material. The Oral Torah and Written Torah are both essential components of Jewish religious teachings and laws. The Written Torah, also known as the Tanakh, consists of the books of the Hebrew Bible, including the Torah, Prophets, and Writings. It is considered the foundational text of Judaism and is believed to have been given to Moses by God on Mount Sinai. The Oral Torah, on the other hand, consists of the interpretations, explanations, and traditions passed down orally from generation to generation. It provides additional insights and guidance on how to interpret and apply the laws and teachings found in the Written Torah. Together, the Oral and Written Torah form the basis of Jewish religious practice and belief. The Torah, the foundational text of Judaism, is divided into two main components: the Written Torah and the Oral Torah. While the Written Torah consists of the first five books of the Hebrew Bible, the Oral Torah is a collection of teachings, interpretations, and traditions passed down orally from generation to generation. In this article, we will explore the attributes of Oral Torah and Written Torah and examine how they complement each other in Jewish religious practice.AuthorityOne key difference between Oral Torah and Written Torah lies in their authority. The Written Torah, also known as the Tanakh, is considered the word of God as revealed to Moses on Mount Sinai. It is seen as the ultimate source of divine guidance and law for Jews. In contrast, the Oral Torah is seen as a supplement to the Written Torah, providing additional insights, interpretations, and practical applications of the laws found in the written text. While the Written Torah is seen as unchanging and eternal, the Oral Torah allows for flexibility and adaptation to changing circumstances.TransmissionThe transmission of Oral Torah and Written Torah also differs significantly. The Written Torah has been preserved in written form for thousands of years, allowing for a relatively stable and consistent text. In contrast, the Oral Torah was initially transmitted orally from teacher to student, leading to variations and interpretations over time. The oral tradition was eventually codified in written form in the Mishnah and Talmud, but the oral nature of the teachings has allowed for a degree of fluidity and interpretation that is not present in the Written Torah.InterpretationAnother key distinction between Oral Torah and Written Torah is in the realm of interpretation. The Written Torah is often seen as the literal word of God, with its laws and commandments to be followed precisely as written. In contrast, the Oral Torah provides a framework for interpreting and applying the laws of the Written Torah to real-life situations. The rabbis who interpret the Oral Torah use a variety of methods, including analogy, logic, and tradition, to derive meaning and guidance from the text. This interpretive flexibility allows for a dynamic and evolving understanding of Jewish law and practice.ScopeThe Written Torah and Oral Torah also differ in their scope and content. The Written Torah primarily consists of narratives, laws, and commandments, providing a foundational framework for Jewish belief and practice. In contrast, the Oral Torah delves into a wide range of topics, including ethics, theology, ritual practice, and legal interpretation. The Oral Torah expands upon the Written Torah, offering additional insights and teachings that help to guide Jews in all aspects of their lives.ApplicationWhile the Written Torah provides the foundational text for Jewish belief and practice, the Oral Torah plays a crucial role in its application to everyday life. The Oral Torah provides the interpretive tools and legal frameworks necessary to apply the laws and commandments of the Written Torah to a wide range of situations. Through the teachings of the Oral Torah, Jews are able to navigate the complexities of modern life while remaining faithful to the traditions and values of their ancestors.ConclusionIn conclusion, the attributes of Oral Torah and Written Torah complement each other in Jewish religious practice. While the Written Torah provides the foundational text and authority for Jewish belief, the Oral Torah offers interpretation, application, and guidance for living a Jewish life in accordance with the divine laws. Together, these two components form a rich tapestry of tradition, wisdom, and practice that has sustained the Jewish people for millennia. Comparisons may contain inaccurate information about people, places, or facts. Please report any issues. Parashat Bo: Torah Shebichtav vs. Torah Sheb'al Peh Throughout the book of Bereshit (Genesis), and the first section of Shemot (Exodus), we become accustomed to the the Torah as a master storyteller. However, this narrative style is only one of the literary genres employed by the Torah. Now, as we reach Chapter 12 in Sefer Shemot, we encounter that other main typology of Torah literature, the legal sections, with their painstaking attention to detail. Much of the remainder of Shemot is composed in this style: The laws of Pesach, the Ten Commandments, the Mishpatim and the Laws of the Mishkan (Tabernacle). The precise legal formulations with their emphasis on instruction and prohibition, measurements and materials, categorization and classification, may lead at times, to a rather technical and dry reading experience. And yet, we remain aware that these sections create entire worlds of Jewish ritual, holy space and time, social justice and ethical living . As we begin the legal passages in the Torah, we are going to dedicate this shiur to thinking about the way in which the Torah teaches us Halakha. We shall raise a fascinating dispute between the Ibn Ezra and the Rashbam regarding the manner in which the written text links to the Halakhic normative tradition, the connectedness between Torah Shebichtav and Torah Shebeal Peh. A Sign on Your HandThat You May Know The passages at the end of parashat Bo are filled with symbolic mitzvot that are designed to preserve and evoke the memory of the Exodus. Time after time,[1] parents are instructed to engage with their children, retelling and transmiting the legacy of the miraculous events in Egypt. One of those particular devices that further the collective and individual memory is depicted here in these pesukim (Shemot 13:7-9): () : () : () : Matzot shall be eaten for seven daysYou shall explain to your son on that day, It is because of what the Lord did for me when I went free from Egypt. And this shall serve you as a sign on your hand and as a reminder on your forehead in order that the teaching of God may be in your mouth that with a mighty hand the Lord freed you from Egypt. In a reading that would seem quite straightforward, Rashi interprets the phrase of as a sign on your hand and as a reminder on your forehead as referring to the Mitzva of Tefillin: Write down these passages and tie them to your head and to your arm. And indeed, this parshia (Biblical passage) is one of the four texts that are inserted into the boxes of our Tefillin. The Torah mentions this idea of a sign on your hand and totafot[2] in between your eyes in three other places[3]. In the Tefillin that we wear, all four texts are written on parchment and inserted into the leather boxes that are bound to the arm and the head. The Rashbams Reading But the Rashbam reads this command according to the words themselves. The practical instruction delivered by the passuk is read by the Rashbam as symbolic, rather than the Mitzva of wearing Tefillin: A sign upon your hand: According to the deep peshat, it should be for a constant state of consciousness as if it were written on your very hand, just like the phrase (Shir Hashirim 8:6) Place me as a seal upon your heart. The Rashbam suggests that the peshat of the passuk requires no actual putting on of Tefillin. It requires a cognitive gesture of awareness, remembering, knowing. If you look at the words, the text talks of a sign upon your hand and a reminder on your forehead. It is referring to a state of mind that is ongoing, continual, constant. The literal meaning of the words does not refer to Tefillin. In this reading, the Rashbam differs significantly from Rashi. Ibn Ezra The Ibn Ezra, aware of the textual approach that leads to a more symbolic understanding of the phrase, and also aware of Rashis halakhic approach, follows Rashi, adopting a reading that is reflective of halakhic practice. There are two possible readings here: The first is in the manner of tie them over your heart always; bind them on your neck[4] (Mishlei 6:21), and for a sign means as a symbol...The second reading would be literally: to make Tefillin for the hand and head. Now that the Rabbis have adopted this (second) explanation, the first is obsolete, for there are no proofs for the first interpretation that compare with the supports for the second. (Short Commentary, 13:9) But in a later commentary he argues more vociferously: Some (commentators) dispute our holy ancestors (i.e. Chazalthe Rabbinic tradition) when they say that for a sign a reminder is to be understood in the manner of, They are a wreath upon your head, a necklace upon your throat (Mishlei 1:9). They also say that you shall tie them to your arm (Devarim 6:8) is similar to tie them to your heart always (Mishlei 3,3)All this is incorrect! For at the beginning of the book (of Mishlei) it states: The parables of Solomon. All that is mentioned there is by nature of metaphor and parable. But in the Torah it is not written as parable God forbid! It is to be understood literally. And hence we shall not draw the passuk out of its peshat meaning, in that its understanding does not contradict logical thinking.And the way of tradition is strong and needs no strengthening. (Long Commentary, 13:9) Ibn Ezra and His Complex Approach To Chazal [5] Ibn Ezra rejects the Rashbams symbolic reading of the text despite his literal translation. This is interesting, as usually the Ibn Ezra shares the Rashbams adherence to literal readings, to peshat. It would appear that we have to understand more about the Ibn Ezras methodology to fully appreciate what is happening here. Let us explain. In the narrative sections of Torah, the Ibn Ezra is a fierce advocate of peshat, the reading of the text based upon logic, grammar, context, and other linguistic rules. The human mind is the angel that mediates between man and God, he writes.[6] And hence he uses rules of language to interpret the Biblical text. In general he is wary of added, imposed readings attached to the story, even when they find their origin in Midrashic, Rabbinic sources. He prefers to read the text as is.[7] One could say that the Ibn Ezra is a fanatic for the raw text, untouched even by the Rabbinic tradition. But when it comes to reading Halakhic texts, the Ibn Ezra swings in the opposite direction: If we find two readings to the text and one accords with the opinion of the Rabbis who were all righteous we shall rely upon their truth with no doubts.[8] In other words, whenever it comes to legal matters, even if the peshat meaning is stretched somewhat, the Ibn Ezra prefers a reading that accords with normative Jewish Law, and the Halakhic readings of Chazal. In this situation he abandons his pursuit of strict textual rigour and allows a certain fluidity. A great example to illustrate this[9] is the verse in Parashat Mishpatim (21:23-5) that issues a directive regarding personal injury: An eye for an eye, a tooth for a tooth. The Rabbis interpreted this verse, according to the Torah Shebeal Peh that the verse required monetary payment exclusively. No physical retribution was to be exacted. And the Ibn Ezra with his tendencies to textual precision is hard pushed reading an eye for an eye other than the way it translates literally! At the end, he says: The rule is that we cannot interpret the legal passages of the Torah adequately unless we rely upon the tradition of the Rabbis. As we received the Torah from our ancestors, we also received the Oral Law, there is no difference between them. In which case we shall say in explaining an eye for an eye that it would be befitting for him to pay an eye for an eye were it not for the monetary compensation. Now, when we begin to explain Ibn Ezras view, we must probe this dichotomy between his approach to narrative and Halakhic Torah passages. Why does he adopt a totally different approach to the two genres of the Torah? I would like to suggest a few possible theories. Explaining Ibn Ezra The first relates to the Karaites[10] who were a prominent school of thought in Ibn Ezras period and a threat to traditional Judaism and its observance. The Ibn Ezra felt a responsibility to keep their readings at a distance, to delegitimize their understandings of Tanach and he did this by being careful to interpret no verse in a direction that could possibly support Karaite leanings. A second possibility simply goes to the heart of Jewish Halakhic observance.[11] Quite obviously, if the Torah text contradicts or challenges a traditional reading in a narrative section, if it is a mere matter of interpretation; no harm is done. However if it engenders incorrect Halakhic observance, that is more severe. It might lead to a weakening of religious norms. And hence the Ibn Ezra was wary and ensured that his commentary did not undermine Halakhic observance in any form. Of course a third possible approach is theological. If Gods revelation is one integrated whole, and that revelation envelops both the written and oral Torah, then no contradictions are possible between the written and oral tradition.[12] Hence, even if the written text suggests a particular direction that is divergent with oral law as reflective of the oral law, an interpretive approach that unifies the written tradition with Halakha is preferred, thereby unifying the two branches of revelation. Back to the Rashbam But let us return to the Rashbam and his metaphorical interpretation. Just to clarify, despite his reading of the text, of course the Rashbam did wear Tefillin. He was not suggesting that one belittle the mitzva of Tefillin. What then is the basis of his explanation? In our example of the passuk that refers to Tefillin, due to the particular wording of the text, the Rashbam decided that this verse in particular was expressing a metaphor about the inner purpose of Tefillin. Tefillin is worn on the outside, but its intent is to effect the inside. It is to be a reminder, a constant presence. The sign on the hand indicates that the message should be before the person at all times, present during their every activity. And the "reminder between the eyes" refres to a constant state of awareness. But was the Rashbam not bothered by the dissonance between the biblical text and the Halakhic tradition? Why would the Torah write something which does not accord with religious practice? We might suggest that for the Rashbam, there are times when the halakhic-oral tradition contains one understanding, whereas the written-textual tradition presents a complementary but alternative aspect. In this instance, the Halakha talks of Tefillin to be bound upon hand and head, but the deeper philosophical dimension refers to a certain consciousness, awareness, a state of mind, a Kavanna, a powerful impact that the Tefillin will give. The two readings are complimentary, and yet in translating the biblical text, they offer contradictory readings. In the final analysis, the Torah Shebichtav has an independent message that is closer to the inner philosophy of the mitzvah, whereas the Torah Shebeal Peh is concerned more with the Mitzvas pragmatic fulfilment.[13] In other words, the disparity between the peshat of a passuk and its Halakhic application is quite deliberate. Neither may be abandoned for they both reflect a dimension of truth. Clearly, the Rashbam was capable of making a dividing line to separate the textual reading and his Halakhic practice! Sometimes Torah Shebichtav should be read differently than the understandings of Torah Shebeal Peh. And so, according to the Rashbam, the dissonance between peshat and Halakha is not a problem. It is necessary in order to describe the Mitzva its truest form. In Conclusion In our shiur this week, we have presented a dispute between two of the great Biblical commentators: the Rashbam and Ibn Ezra. Both commentators are proponents of the peshat school. This raises a critical question in the understanding of the Torah text. Do we interpret solely on the basis of the text, or do we allow the Torah Shebeal Peh, the Halakhic tradition to influence our reading of the text. Behind the scenes might be a fundamental dispute regarding the nature of revelation through Torah. Does Torah have a single view that is revealed through a uniform Torah Shebichtav and Torah Shebeal Peh , or might there be a duality in revelation, a dialogue between two different truths expressed through the two separate channels of revelation: Torah Shebeal Peh and Torah Shebichtav? The Ibn Ezra will not tolerate any dissonance between the two; Torah Shebichtav and Torah Shebeal Peh must share a single reading. The text must accord with traditional practice. But the Rashbam is willing to countenance a dual reading. Torah Shebichtav offers one dimension of God's vision; Torah Shebeal Peh offers a second dimension. And the combination of both is representative of God's truth. written 5767 [1] See Exodus 12:26, 13:9, 13:14. [2] Difficult to translate. The philological difficulty is evident in the comments of the commentaries to 13:16. [3] Shemot 13:10-16, Devarim 6 (the Shema) and Devarim 11 (2nd paragraph of the Shema). [4] See Mishlei 6:21 and note the striking similarity to Shema. [5] For an excellent article about the Ibn Ezras methodology, see Amos Chacham in the journal Machanayim from 1993. [6] In his introduction to the Torah. [7] In the case of famous Midrashim that do not clash head on with the text, he frequently concedes them as one possible reading, but only if they are an authoritative tradition. For a few examples, see his commentary to Shemot (long) 15:22, Bereshit 22:4, 11:28. [8] From his introduction to his Torah commentary. Here is the poetic Hebrew: , , , , , , , , , , , , . : [9] For other examples, see commentary to: Shemot 23:19; Vayikra 1:4; Devarim 25:2. There are many other examples, including the famous Igeret Hashabbat where he directly confronts the Rashbams interpretation to Bereshit 1:5. [10] See Note 8 the underlined section. There he refers to the Tziddukim. [11] See the commentary of the Bechor Shor to Devarim 6:9 that this allegorical understanding of Tefillin had given an excuse to many who simply ignored the daily mitzvah of Tefillin. See further the article by Professor Ephraim Kanarfogel entitled Rabbinic Attitudes to non-Observance in the Medieval Period pgs. 9-11 where he talks about how in the medieval period in Spain there were widespread lapses in the observance of Mezuzah and Tefillin. The article is in the volume of the Orthodox Forum, Jewish Tradition and the non-traditional Jew (Aaronson 1992) edited by Jacob J. Schachter. In the Ibn Ezras famous Iggeret HaShabbat, he opposes the Rashbams reading to Bereshit 1:5 out of concern for the proper observance of shabbat. [12] See the quote above from Shemot 21:23: As we received the Torah from our ancestors, we also received the Oral Law, there is no difference between them. [13] Other pesukim in the Shema might allow a similar dichotomy. The phrase, When you lie down and when you rise up seemingly in peshat refers to the fact that the Shema should be the first things on your lips in the day and the last thing at night, as if to say that Torah should be our constant and perpetual topic of conversation. But the Halakha understands this as the obligation to recite Shema by morning and evening irrespective of my sleep pattern. Halakhic understanding is at variance with the peshat in this instance. IN LOVING MEMORY OF Jeffrey Paul Friedman August 15, 1968 July 29, 2012 " " " ' " .... ********** INTRODUCTION The Gemara in Gittin states: Rabbi Yehuda bar Nachmani, the public orator of Rabbi Shimon ben Lakish, expounded as follows: It says: "Write yourself these words" (Shemot 34:27); and it says: "For according to the mouth (al pi) of these words" (ibid.). How so? This means: The words which are written you are not at liberty to say by heart, and the words transmitted orally you are not at liberty to recite from writing. A Tanna of the school of Rabbi Yishmael taught: [It is written] "These" (ibid.) - these you may write, but you may not write halakhot. Rabbi Yochanan said: God made a covenant with Israel only for the sake of that which was transmitted orally, as it is stated: "For by the mouth of these words I have made a covenant with you and with Israel." (Gittin 60b) These Amoraim distinguish between words of Torah that are written and words of Torah that are transmitted orally; the Written Law and the Oral Law. The Gemara indicates that care must be taken to preserve the unique character of each part of the Law: That which is fit to be written must be written, and that which is fit to be transmitted orally must be transmitted orally. At the end of the passage, Rabbi Yochanan goes as far as to define the Oral Law as the focal point of the covenant between God and His people Israel. I. THe two parts of the Oral law according to the Rambam The Rambam discusses the centrality of the Oral Law in two places: In the introduction to his commentary to the Mishna and in Hilkhot Mamrim in Sefer Shofetim.[1] Briefly summarizing his definition, we come to the following understanding: The Oral Law has two main parts it includes the laws and halakhot derived from the written verses, and it also includes another system of halakhot decrees, enactments and customary practices which the Sages legislated according to the needs of the time and place. It is clear from this that the first category is directly and substantively connected to the Written Law. But even the second category is part of the Oral Law. According to the Rambam, all of its parts, even the customary practices instituted by the Sages, are included in the Torah which is binding upon us, based on the verse: "And you shall do according to all that they shall instruct you" (Devarim 17:10). Even this area is included in the prohibition of: "You shall not deviate from any of the statements they relate to you" (Devarim 17:11). This is what the Rambam writes at the beginning of Hilkhot Mamrim: We are obligated to heed their words whether they: a) Learned them from the Oral Tradition, i.e., the Oral Law, b) Derived them on the basis of their own knowledge through one of the attributes of Biblical exegesis and it appeared to them that this is the correct interpretation of the matter, c) Instituted the matter as a safeguard for the Torah, as was necessary at a specific time. These are the decrees, edicts, and customs instituted by the Sages. It is a positive commandment to heed the court with regard to each of these three matters. A person who transgresses any of these types of directives transgresses a negative commandment. This is derived from the rest of the verse quoted above, explained in the following manner: "According to the laws which they shall instruct you" - this refers to the edicts, decrees, and customs which they instruct humanity at large to observe, in order to strengthen the faith and perfect the world. "According to the judgment which they relate" - this refers to the matters which they derive through logical analysis employing one of the methods of Biblical exegesis. "From all things that they will tell you" - this refers to the tradition which they received one from another. It should be noted that the words, "the laws which they shall instruct you," refer to the second category mentioned above: decrees, enactments and customary practices. To sum it up briefly, the Torah of man is also Torah. Rabbi Tzadok HaKohen of Lublin writes in his book, Tzidkat ha-Tzadik, as follows: The entire edifice of one's study should be based on the verses that God commanded, and it should be present before his eyes, that this is what he is discussing in connection with what God commanded in His Torah. There is an allusion to this at the beginning of the Mishna, which opens with: "From when [can one read the evening Shema]," and the Tanna bases himself on a verse, as is explained in the Gemara (Berakhot 2a). This teaches that all of one's study should be based on verses, and not be like the study of one of the sciences. It seems to me that I also heard this [from my teacher]. (Tzidkat ha-Tzadik 10) Rabbi Tzadok presents the foundations of the Torah study of every member of Israel. According to him, the foundation is the connection to the verses, to the Written Law. In this way, he explains the fact that Rabbi Yehuda Ha-Nasi opened the most fundamental work of the Oral Law, the Mishna, with tractate Berakhot which opens with the laws of Shema. As the Babylonian Talmud emphasizes (Berakhot 2a), "the Tanna bases himself on a verse." That is to say, the Tanna who opens the Mishna begins with the verse which establishes the mitzva of reciting the Shema, and in its wake he establishes the times for reciting the Shema. This introduction to the Oral Law in the Mishna and in the Gemara represents and symbolizes all of the foundations of the Oral Law, which are built on the foundations of the Written Law. This connection between the Oral Law and the Written Law emphasizes the students connection to "the verses that God commanded, and this should be present before his eyes." The Written Law is the word of God, and one who studies it connects and binds himself, as it were, to God Himself, as He and His Torah are one. One who studies the Oral Law must bind his study to the Written Law, so that God should be present before His eyes in all his studies. It is self-evident that according to this approach, in a person's very occupation with passages that clarify the mitzvot of the Written Law, he establishes a connection to God's commandments and His words to us in His Torah. This way a person connects directly to God, the Giver of the Torah. It stands to reason that this is the idea that underlies the blessing that we recite before we begin to study, Birkat ha-Torah: Who has chosen us from among all the nations, and has given us His Torah. Blessed are You, O Lord, the Giver of the Torah. (Birkat ha-Torah) II. The passages that Don't concern the clarification of the Mitzvot In contrast to these passages which clarify the mitzvot of the Written Law, there are other passages that are not directly concerned with clarifying the Torah's mitzvot. Passages such as the laws of neighbors at the beginning of tractate Bava Batra or passages that deal with presumptive ownership of property are based mainly on the Sages' assessment of the proper way to organize relations between neighbors so that they may live in peace and harmony, or their assessment concerning the practicality of saving deeds and at what point living on a certain property constitutes proof of ownership of that property. These matters seem to be only weakly connected to God's word in His Torah, as they do not concern the clarification of the Torah's mitzvot. This might be the reason that the Rishonim thought it important to also connect these passages to God's word in the Written Law. Some Rishonim connect these passages to the mitzva of "loving your neighbor as yourself," or the mitzva of "doing what is upright and good," or "not putting a stumbling block before the blind," or the like. For example, Rabbeinu Meir HaLevi writes about damages that stem from the laws of neighbors as follows: It is forbidden to do something that will cause damage to another person, either because of "You shall not put a stumbling block before the blind" or because of "You shall love your neighbor as yourself. (Yad Rama, Bava Batra 25b) In his words that we saw earlier, Rabbi Tzadok emphasized that the essence of Torah study involves the creation of a connection with the word of God. Therefore, a person must set the connection to the Written Law before his eyes in all of his studies. Rabbi Tzadok added: "Not like the study of one of the sciences." Here he alludes to what Chazal say in Midrash Eikha Rabba: "Her king and her princes are among the nations, Torah is no more" (Eikha 2:9). If a person says to you: There is wisdom among the nations, believe him. This is what is written: "Shall I not destroy the wise men of Edom, and discernment out of the mount of Esav" (Ovadya 1:8). [If he says to you:] There is Torah among the nations, do not believe him, as it is written: "Her king and her princes are among the nations, Torah is no more." (Eikha Rabba 2) This is particularly striking with regard to the Oral Law, the essence of which lies in human understanding and rational tools of analysis. With regard to the Oral Law, concerning which man activates and concentrates his wisdom and understanding, the danger arises that he will see his study as mere wisdom, no different than the wisdom studied by the gentiles. Therefore, it is incumbent upon a person to internalize the idea that Torah reasoning is not human reasoning, but rather it draws its illumination from the word of God in His Torah. That same word of God illuminates the world with the light of God's Torah that spreads throughout earthly reality. Regarding Purim, when we accepted the light of the Oral Law with full freedom and without any compulsion, it says: The Jews had light and gladness, and joy and honor. (Esther 8:16) The Sages explained that "light means Torah" (Megila 16b). Man's understanding and intellect are illuminated by the light of God. The Torah, the Torah of man, which is "your wisdom and you understanding in the sight of the peoples" (Devarim 4:6), is the revelation of God's wisdom through the tools of human intellect. III. From the written Law to the Oral Law In his book, The Way of God, Rav Moshe Chayyim Luzzatto (Ramchal) discusses the value and importance of Torah study. He spells out the development of the Written Law and the Oral law: God granted us one particular tool which can bring man closer to God than anything else. This is the study of His revealed Torah. Such study accomplishes this in two ways: First through the reading of the Torah, and then through its comprehension. In His love, God composed a volume of words decreed by His wisdom and bestowed it upon us. This is the Bible, comprised of the Torah and the later works of the Prophets. These words have the unique property of causing those who read them to incorporate in themselves the highest excellence and greatest perfection. [The only condition is that they be read] with holiness and purity, with the proper intent of fulfilling God's will. Similarly, when one strives to understand these works, either through his own intellect or through the explanations provided in the commentaries, he can reach even greater perfection, according to his effort. This is even truer when one attains a grasp of the secrets and mysteries contained in these works, since each mastered concept fixes and integrates a certain degree of the highest levels of excellence and perfection in his soul. Through all these acts, man not only reaches excellence and perfection himself, but he also elevates and perfects the entire fabric of creation. This is particularly true in the case of Torah study. (Ramchal, The Way of God, I, 4) The Ramchal distinguishes between two aspects of Torah study: One aspect involves reading, and the other involves understanding. In light of the rest of the passage, it would appear that these two aspects should be defined as follows: Reading means enunciating the words of the Torah with one's mouth, whereas understanding means knowing the meaning of the Written Law according to the received tradition. Reading, as stated, refers to the verbal enunciation of the words of the Torah, as it is says in the book of Yehoshua (1:8): "You shall meditate therein day and night." This is the most basic level of Torah study. One who verbalizes the words of the Torah merits perfection and communion with God, simply by "grabbing hold" of the words of the Torah which is the word of God. Therefore, the Ramchal emphasizes the gradation: the Torah itself is highest, and the books of the Prophets are at a lower level. When one studies the Written Law together with the Prophets and the Writings, he "grabs hold" of the word of God. What is emphasized here is the verbal enunciation and sounding of the words to the ear. From a certain perspective, we can speak of a physical connection between one who studies and meditates upon the Torah and the words of the Torah. The second aspect is understanding, and it deals with knowing the interpretations of the Written Law as they were handed down to us from generation to generation. The key to this aspect of Torah study lies in the ability to understand and analyze the Oral Law. This Law draws upon the word of God and is fundamentally connected to the Written Law, but it also is developed using the tools of reason. In this way the connection to the Torah and the perfection that it achieves are intensified. The highest level of the aspect of understanding in Torah study is attained by one who develops the ability to understand the mysteries and secrets of the Torah, which are hinted to in the verse: "The king has brought me into his chambers; we will be glad and rejoice in you" (Shir ha-Shirim 1:4). This is the ladder which the Ramchal sets up for us, in order to reach the ways of Torah and wisdom, and to achieve a connection with the Giver of the Torah. IV. The Written Law and the Oral Law according to Rav Kook It is appropriate to conclude our discussion of the Ramchal's view of the relationship between the Written Law and the Oral Law with the illuminating words of Rav Kook, in the opening passage of Orot ha-Torah: We receive the Written Law through the most elevated and comprehensive element in our souls. With it we feel the shining of the majesty of the all-encompassing living light of the entire universe. With it we soar above all logic and reason, we feel the supernal spirit of God hovering over us, touching and not touching, flying across our lives, above them, and illuminating them with its light. The light shines, glimmers and penetrates everything under heaven. It is not the spirit of the nation that creates this great light; rather, the spirit of God, Creator of all, creates it. This living Torah is the foundation of the creation of all the worlds. With the Oral Law we return to life. We sense that we are receiving the supernal light through the second channel of the soul, the channel that draws near to practical life. We sense that the spirit of the nation - that is connected to the light of the Torah of truth like a flame to a burning coal - has caused with its unique character that the Oral Law was created in its unique form. This Torah of man is certainly included in God's Torah; it is also God's Torah. It is impossible that this bounty of life with all its developments escaped the discerning eye of him who sees with the clearest prophetic vision, the most faithful in the house of God (Moshe). Even the innovations that distinguished scholars will propose in the future - everything was said to Moshe at Sinai. These two lights create a perfect world, heaven and earth touching each other. (Orot ha-Torah 1:1) The spirit of God hovers over the Written Law and carries us on its wings; it illuminates our world and our personalities. The Oral Law, on the other hand, descends to the depths of our souls, and illuminates in the cracks and crevices and in the minutest details of existence. This Oral Law draws upon the Written Law and is included in its light. The supernal light of the Written Law shines upon and illuminates all of the expanses of life touched upon by the Oral Law, and paves their paths in earthly reality. Heaven and earth touch one another.[2] [1] According to the Rambam, there are five parts to the Oral Law. See Hilkhot Mamrim, chap. 1. In his introduction to the Mishna, he spells out those five parts: 1. Received explanations given by Moshe which also have an indication in the verses and can thus be extracted through analytical means. Such laws are not contested. Once someone states, "So I have received," there is no room for disagreement. 2. Laws called Halakha le-Moshe mi-Sinai, which have no Scriptural indications, as we have explained. These, likewise, are not contested. 3. Laws actually extracted by reasoning and analytical methods, which may be subject to debate, as we have mentioned. The final law is decided by majority vote. 4. The laws which the prophets and Sages decreed, throughout the generations, to erect a fence around the laws of the Torah. God ordered them to institute such precautions in the all-encompassing maxim, "And you shall safeguard My safeguards" (Vayikra 18:30), which is explained by the tradition to mean: Make safeguards on top of My precautions. The Sages called these post-biblical decrees gezerot. Disputes sometimes arose over instituting these gezerot, namely when one Sage perceived a need to enact a certain precaution, while another disagreed with him. 5. Laws initiated by the Sages after their investigation and approval either of a) the practices of the people which neither add on to nor subtract from the mitzva, or of b) legal institutions which would be beneficial for the people insofar as Torah matters are concerned. These are called minhagim ("customs") and takanot ("enactments"), both of which we are forbidden to encroach upon. (Rambam, Introduction to the Mishna) According to what Rambam writes in Hilkhot Mamrim, it would appear that the five parts of the Oral Law are: 1) the received halakhot; 2) the laws derived from the thirteen hermeneutical principles; 3) decrees; 4) enactments; 5) customary practice. This is not the forum in which to expand upon this matter. [2] Based on Bava Batra 74a. Share copy and redistribute the material in any medium or format for any purpose, even commercially. Adapt remix, transform, and build upon the material for any purpose, even commercially. The licensor cannot revoke these freedoms as long as you follow the license terms. Attribution You must give appropriate credit , provide a link to the license, and indicate if changes were made . You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use. ShareAlike If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original. No additional restrictions You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits. You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation . No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material. The Oral Law is a legal commentary on the Torah, explaining how its commandments are to be carried out. Common sense suggests that some sort of oral tradition was always needed to accompany the Written Law, because the Torah alone, even with its 613 commandments, is an insufficient guide to Jewish life. For example, the fourth of the Ten Commandments, ordains, "Remember the Sabbath day to make it holy" (Exodus 20:8). From the Sabbath's inclusion in the Ten Commandments, it is clear that the Torah regards it as an important holiday. Yet when one looks for the specific biblical laws regulating how to observe the day, one finds only injunctions against lighting a fire, going away from one's dwelling, cutting down a tree, plowing and harvesting. Would merely refraining from these few activities fulfill the biblical command to make the Sabbath holy? Indeed, the Sabbath rituals that are most commonly associated with holiness-lighting of candles, reciting the kiddush, and the reading of the weekly Torah portion are found not in the Torah, but in the Oral Law. Without an oral tradition, some of the Torah's laws would be incomprehensible. In the Shema's first paragraph, the Bible instructs: "And these words which I command you this day shall be upon your heart. And you shall teach them diligently to your children, and you shall talk of them when you sit in your house, when you walk on the road, when you lie down and when you rise up. And you shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes." "Bind them for a sign upon your hand," the last verse instructs. Bind what? The Torah doesn't say. "And they shall be for frontlets between your eyes." What are frontlets? The Hebrew word for frontlets, totafot is used three times in the Torah always in this context (Exodus 13:16; Deuteronomy 6:8, 11:18) and is as obscure as is the English. Only in the Oral Law do we learn that what a Jewish male should bind upon his hand and between his eyes are tefillin (phylacteries). Finally, an Oral Law was needed to mitigate certain categorical Torah laws that would have caused grave problems if carried out literally. The Written Law, for example, demands an "eye for an eye" (Exodus 21:24). Did this imply that if one person accidentally blinded another, he should be blinded in return? That seems to be the Torah's wish. But the Oral Law explains that the verse must be understood as requiring monetary compensation: the value of an eye is what must be paid. The Jewish community of Palestine suffered horrendous losses during the Great Revolt and the Bar-Kokhba rebellion. Well over a million Jews were killed in the two ill-fated uprisings, and the leading yeshivot, along with thousands of their rabbinical scholars and students, were devastated. This decline in the number of knowledgeable Jews seems to have been a decisive factor in Rabbi Judah the Prince's decision around the year 200 C.E. to record in writing the Oral Law. For centuries, Judaism's leading rabbis had resisted writing down the Oral Law. Teaching the law orally, the rabbis knew, compelled students to maintain close relationships with teachers, and they considered teachers, not books, to be the best conveyors of the Jewish tradition. But with the deaths of so many teachers in the failed revolts, Rabbi Judah apparently feared that the Oral Law would be forgotten unless it were written down. In the Mishna, the name for the sixty-three tractates in which Rabbi Judah set down the Oral Law, Jewish law is systematically codified, unlike in the Torah. For example, if a person wanted to find every law in the Torah about the Sabbath, he would have to locate scattered references in Exodus, Leviticus, and Numbers. Indeed, in order to know everything the Torah said on a given subject, one either had to read through all of it or know its contents by heart. Rabbi Judah avoided this problem by arranging the Mishna topically. All laws pertaining to the Sabbath were put into one tractate called Shabbat (Hebrew for "Sabbath"). The laws contained in Shabbat's twenty-four chapters are far more extensive than those contained in the Torah, for the Mishna summarizes the Oral Law's extensive Sabbath legislation. The tractate Shabbat is part of a larger "order" called Mo'ed (Hebrew for "holiday"), which is one of six orders that comprise the Mishna. Some of the other tractates in Mo'ed specify the Oral Laws of Passover (Pesachim); Purim (Megillah); Rosh haShana; Yom Kippur (Yoma); and Sukkot. The first of the six orders is called Zera'im (Seeds), and deals with the agricultural rules of ancient Palestine, particularly with the details of the produce that were to be presented as offerings at the Temple in Jerusalem. The most famous tractate in Zera'im, however, Brakhot (Blessings) has little to do with agriculture. It records laws concerning different blessings and when they are to be recited. Another order, called Nezikin (Damages), contains ten tractates summarizing Jewish civil and criminal law. Another order, Nashim (Women), deals with issues between the sexes, including both laws of marriage, Kiddushin, and of divorce, Gittin. A fifth order, Kodashim, outlines the laws of sacrifices and ritual slaughter. The sixth order, Taharot, contains the laws of purity and impurity. Although parts of the Mishna read as dry legal recitations, Rabbi Judah frequently enlivened the text by presenting minority views, which it was also hoped might serve to guide scholars in later generations (Mishna Eduyot 1:6). In one famous instance, the legal code turned almost poetic, as Rabbi Judah cited the lengthy warning the rabbinic judges delivered to witnesses testifying in capital cases: "How are witnesses inspired with awe in capital cases?" the Mishna begins. "They are brought in and admonished as follows: In case you may want to offer testimony that is only conjecture or hearsay or secondhand evidence, even from a person you consider trustworthy; or in the event you do not know that we shall test you by cross-examination and inquiry, then know that capital cases are not like monetary cases. In monetary cases, a man can make monetary restitution and be forgiven, but in capital cases both the blood of the man put to death and the blood of his [potential] descendants are on the witness's head until the end of time. For thus we find in the case of Cain, who killed his brother, that it is written: 'The bloods of your brother cry unto Me' (Genesis 4:10) that is, his blood and the blood of his potential descendants.... Therefore was the first man, Adam, created alone, to teach us that whoever destroys a single life, the Bible considers it as if he destroyed an entire world. And whoever saves a single life, the Bible considers it as if he saved an entire world. Furthermore, only one man, Adam, was created for the sake of peace among men, so that no one should say to his fellow, 'My father was greater than yours.... Also, man [was created singly] to show the greatness of the Holy One, Blessed be He, for if a man strikes many coins from one mold, they all resemble one another, but the King of Kings, the Holy One, Blessed be He, made each man in the image of Adam, and yet not one of them resembles his fellow. Therefore every single person is obligated to say, 'The world was created for my sake'" (Mishna Sanhedrin 4:5). (One commentary notes, "How grave the responsibility, therefore, of corrupting myself by giving false evidence, and thus bringing [upon myself the moral guilt of [murdering] a whole world.") One of the Mishna's sixtythree tractates contains no laws at all. It is called Pirkei Avot (usually translated as Ethics of the Fathers), and it is the "Bartlett's" of the rab

challenges we have today? How can Judaism of the past answer questions of the future?) 8. Why should I listen to the Rabbis (Chazal): They did not know anything about my situation as a Jew living in the 21st Century. They did not know about cars and movies and the internet. In their day there was no electricity, no megacities nor running water, and the average person lived poorly and simply. How could they begin to understand what our lives and challenges are? (top) First read the answer to the previous question, which is the background to this one. The mandate of the Sages comes from the Torah itself. It is the Torah which tells us to listen to the Sages and to the legislation which they might make, thereby giving G-ds legitimacy to any of the decrees of the Sages. The Sages were enormously brilliant and insightful people who were masters not only of all of the Torah wisdom but of 70 languages and much other secular wisdom besides. There were many, many prophets amongst them. They were critically aware of the fact that they were making legislation for times and circumstances in the future when things might be different. They were profoundly careful not to make any legislation which might become dated or which might not apply to any set of circumstances. They therefore looked very deeply at universals in human psychology and makeup, and drew on deep principles that would be applicable for all time. In this, they were operating at a level called Ruach Hakodesh, a phenomenally high spiritual level, which allows access to a much higher plane of understanding. Despite operating at such a high level, still the sages were very wary of making any decree. Many hundreds and often thousands of Sages would discuss each and every point, before a decree would be made. Sometimes, such discussion would continue for decades, sometimes over many generations. To understand what the Sages were up to, imagine an extremely valuable, crystal-glass bowl lying at the edge of a table. Although it is firmly on the table, yet it can still be knocked off very easily. What the Sages did was to take the bowl and put it in the middle of the table. Now, even if the table gets knocked, the bowl still will not fall off. Our commandments are so precious that the sages ensured that even if we should bump something over (transgress), we will still have the commandments intact, safely guarded in the middle of the table by the edicts and decrees of the Rabbis. (See also But how could the Torah know about the challenges we have today? How can Judaism of the past answer questions of the future?) [BACK TO FAQS MAIN MENU] [1] : ... ... ((:) , . ( ) () [2] There are many other reasons for the Oral Law. See the Ner LeElef book, the Oral Law. [3] ( ): , . [4] The following 10 cannot be deduced from any scriptural source even indirectly: (a) The must be written with black ink;(b) They must be written on parchment that comes from the outer side of the animals inner skin;(c) The boxes and the stitching should be squared;(d) There must be a on both sides of the ;(e) The should be wrapped with animal skin;(f) They should also be wrapped with animal hair;(g) The should be sewn shut with thread made from an animals sinew;(h) There should be an opening on the side of the for the strap to pass through;(i) The should be painted black;(j) The of the should be knotted so as to form a . In addition the following laws are part of the Oral Tradition: (a) There should be 4 on each one of the . (Supported by the that .(:)(b) The should be placed on the hairline. (A in .)(c) The should be placed on the left arm. (A on the extra of , meaning the weaker arm - .)(d) The animal to be used must be a .(Learned from the verse: - ( ) (.))(Taken from /Gateway to the Talmud - Meir Zvi Bergman.) [5] The Torah does mention two categories of work, carrying and lighting a fire. But clearly these were never meant to comprise an exhaustive list. Indeed, each of these is brought for a special reason. [6] :: . [7] a) Death Penalty - does not specify details;b) - - not described;c) Marriage - only 4 words (:) [8] The complexity and wisdom of the Hebrew language is such that it could not have been invented by human beings. The internal logic and interconnectedness of the letters and the words are vastly superior to any other language on earth. The fact that we were given and still have the in (Torah in its original Holy Language) is further proof of the Divine origins of the (Torah). The Hebrew language is the vehicle through which all s (G-ds emanations) are filtered. Therefore it is called (the Holy Tongue/Language). Other languages are languages by convention, i.e. by the common decision of a group of people to agree to use certain sounds (words) to represent certain things . Hebrew, however, is intrinsic, i.e. the words actually reflect the reality of a particular object at a certain level. Since the world was created by G-d using Hebrew words (/), were we to trace any object back up its spiritual trajectory, we would, at some stage get to the word. The word then, is the reality of the object at a higher level. This is how (the first Man) knew what the names of the animals were. He did not name them, rather, : And whatever Man understood to be each animals name, that was indeed its name. (:) The (name) of something is its thereness, its - ness . The word, therefore, actually sustains the physical reality it produced. Man, who is an (microcosm of the world) is made up of all 22 letters (). The kabbalistic work which deals with how words are the building blocks of the world is which, according to the ( ), was written by Abraham . The letters are considered the bricks, the words the rows of bricks which comprise the buildings. Letters and words are precise in all their dimensions: They can therefore be analyzed by their shape, their numerical value, their sound, and their relationship to other letters and words. Because they represent complete realities, they translate not only into the physical reality of matter, but also of time (each month reflects a letter), and of the Jewish nation itself (each tribe) ( ). [9] Rabbi S. R. Hirsch said that the way other religions, including Reform, choose to interpret the Torah is not scientific. Analyzing the Torah very specifically, you have to come up with a specific interpretation. Rarely is this interpretation how one would have translated the verse at first glance. In several places (Rashi) says that the verse is . Rabbi Biberfeld says that this implies that in all the other places, is not . If you go through (Rashis commentary), he has a very specific (question/difficulty) , and what (Rashi) is telling you is the intended meaning of the verse based on the grammar of the verse, the redundancies, the order of the words, and why a particular word was chosen. Rav Hirsch says, by looking at the general categories of letters that the words belong to we can understand both the general class of meanings to which the words belong and the specific meaning of this particular word. The and the tell us that they are divided by their sounds. , , , , , where the top of your tongue meets your teeth. , , , , said by closing your lips. Or gutturals, , , . If you were to analyze a word you would have to:1) look at all other places the word was used,2) associate and analyze it in context of its letters. This is a very scientific exercise, not open to everyones interpretation. The (vowels) are Oral Law. [10] Not every aspect of ones daily living is enshrined in Halacha (law). There is a huge area of our lives designated (permission), which is not specifically mandated. Although there are considerably more halachic imperatives in our lives than most of us realize, the period between minyanim has large areas which are open to our own creative decision making and only generally covered by the injunction, . But even that is understood by Rashi, the Ramban and others to be a negative injunction, as the Ramban says that we shouldnt become . However, shows clearly that being has a positive side as well Clearly, when we say in any we have some positive in mind, and not just that the are going to keep us from doing something negative. So too, there is an expectation that the in our lives will produce something positive, and not just keep us out of trouble. Here, the ability of someone to see everything in his life through Torah glasses is essential. We have to deal with work, politics, finances, all sorts of relationships with behavior that is in harmony with the Torah. One could argue that when one acts Toradik in ones area of , one is also bringing the Torah finally into the world, just as when a posek paskens halacha. In this sense, is a part of our just as it is a part of our . One of the areas that give us our Toradik perspective is Agadata (these are stories that are meant to illustrate important points in the Jewish worldview. These stories contain a wealth of information on a huge range of topics. you name it, its in there). Another, according to Rav Hirsch, is the symbolism in the Torah. The Mishkan (Tabernacle), for example, was a symbol of man. The details of the Mishkan give us a clear reading of how we are to construct ourselves. Rav Shimshon Raphael Hirsch held that such symbolism has to emerge from the halachos within each sugya. Symbolic interpretations must not only be consistent with the halachos, the symbolism must emerge from these halachos. (Contrast with the Moreh Nevuchim who claimed that we could not understand the details of the Mitzvah in the context of their Taam.) Another source of a Toradik perspective is the stress and emphasis we give to certain midos, issues and aspects of our lives over others. In addition, many of these great underlying principles, although impacted by halacha, are not entirely halachically proscribed. The of the Rambam was not even articulated in that form before his time (though some of them can be defined as Mitzvos). In fact, Rav Yosef Albo ( ) held that there were only three such principles. The Torah does not explicitly discuss nor . The holds that there is not a to believe in HaShem. It is a of the whole Torah. (Ramban: ,). The Ramban, and most poskim, hold that there is no chiyuv to daven daily to HaShem. It is a chesed HaShem granted us. (:); According to some, the Rambam does not hold that there is a to do ; only to do . The type of chesed we are supposed to do is, with the exception of a few Derabanans such as Bikur Cholim and Hachnasas Kala, left completely open to us. According to Rav Chaim Vital, there is no to work on your midos (though all the demand some application of development) ( ); family and chinuch issues are also loosely proscribed and it is questionable whether a woman is to get married. (,). All this means is that we have to have a way of applying the Torah that is not restricted to purely halachic categories, though which have to be consistent with them. [11] : [12] (-): , , [13] : [- (:)] . (, . . ( ) , . . , . ( ) [14] : ... ... , ... [ ] , ... [15] : , , ( ): , , , , , . , , ( ): ( ) ... , ... , . , ... : (.) The Ritva understands that the Chachamim saw a hint in the Torah of all that they decreed. This was an indication to them that HaSh-m wanted these decrees all along: . (): . The same is true of after the time of : : - [16] The exception to this may be a on . At the beginning of his , the brings the who says in the name of the that the are in fact . (If this were not the case, it would be permissible, , to spend the whole of Shabbos doing business, in contradiction to the whole idea of Shabbos.) However, the were given over to the Sages to define. The only difference between a and a is in the punishment. Lehalacha, however, we apply to the all the of a . For example a is . [17] The following are the enactments of the Sages: (i) A handful of Rabbinic mitzvahs (officially seven: lighting candles Friday night, reading the Scroll, lighting candles on Chanukah, washing hands before eating bread, etc.) (ii) Laws that were Torah laws and will, when the conditions are right again, be Torah laws, which we keep now in order not to forget how to do them; (iii) Enactments protecting the rights and freedoms of the citizen; relationships between neighbors; business enactments; etc. (iv) Many laws that act as a fence around the Torah law, so that, even if one should come to accidentally transgress one of these, one still will not have transgressed the Torah law. This is similar to having a cut glass bowl. Even though it is firmly on the table, when at the edge of the table it may be bumped off. So we make sure that it is in the middle of the table.

Oral and written law. Oral or written. Written law vs. Oral vs written contract. Roman law vs english law.