

“Oral Law”

Talmud & Mishna

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*.

During the centuries following Rabbi Judah's editing of the Mishna, it was studied exhaustively by generation after generation of rabbis. Eventually, some of these rabbis wrote down their discussions and commentaries on the Mishna's laws in a series of books known as the Talmud. The rabbis of Palestine edited their discussions of the Mishna about the year 400: Their work became known as the *Palestinian Talmud* (in Hebrew, *Talmud Yerushalmi*, which literally means "Jerusalem Talmud").

More than a century later, some of the leading Babylonian rabbis compiled another editing of the discussions on the Mishna. By then, these deliberations had been going on some three hundred years. The Babylon edition was far more extensive than its Palestinian counterpart, so that the Babylonian Talmud (*Talmud Bavli*) became the most authoritative compilation of the Oral Law. When people speak of studying "the Talmud," they almost invariably mean the *Bavli* rather than the *Yerushalmi*.

The Talmud's discussions are recorded in a consistent format. A law from the Mishna is cited, which is followed by rabbinic deliberations on its meaning. The Mishna and the rabbinic discussions (known as the *Gemara*) comprise the Talmud, although in Jewish life the terms *Gemara* and Talmud usually are used interchangeably.

The rabbis whose views are cited in the Mishna are known as *Tanna'im* (Aramaic for "teachers"), while the rabbis quoted in the *Gemara* are known as *Amora'im* ("explainers" or "interpreters"). Because the *Tanna'im* lived earlier than the *Amora'im*, and thus were in closer proximity to Moses and the revelation at Sinai, their teachings are considered more authoritative than those of the *Amora'im*. For the same reason, Jewish tradition generally regards the teachings of the *Amora'im*, insofar

Among religious Jews, talmudic scholars are regarded with the same awe and respect with which secular society regards Nobel laureates. Yet throughout Jewish history, study of the Mishna and Talmud was hardly restricted to an intellectual elite. An old book saved from the millions burned by the Nazis, and now housed at the YIVO library in New York, bears the stamp THE SOCIETY OF WOODCHOPPERS FOR THE STUDY OF MISHNA IN BERDITCHEV. That the men who chopped wood in Berditchev, an arduous job that required no literacy, met regularly to study Jewish law demonstrates the ongoing pervasiveness of study of the Oral Law in the Jewish community.