

## **Oral Torah**

### ***Divinely Inspired Truth or Rabbinic Myth***

In a world far removed from first century daily life, ignorance of Oral Torah's origins has led to its anachronistic use to errantly exegete the Apostolic Scriptures. What is Oral Torah and how did this post gospel myth of the third century CE come to be regarded as divinely inspired Scripture? Oral Torah's definition and importance is dependent upon whom one asks. A quick survey of various Jewish voices, through the centuries and into the present time, reveal even the peoples of the Jewish faith do not agree upon its definition nor its importance in their faith commitment. Ultimately, it is to modern scholarship we must turn to discover the correct historical context of Oral Torah. In doing so, it can then be determined what place, if any, it has in the study of the Apostolic Scriptures and how to avoid any consequences reaped by using it for such.

My first introduction to the idea of Oral Torah was during my time fellowshiping within the Hebrew Roots movement. There were taught simultaneously two things concerning Oral Torah: first, it held the same weight and authority as the Scriptures, and second, all the places in the Apostolic Scriptures where Yeshua is rebuking Pharisees, Scribes, and other Jewish leaders of the First Century was at times He encountered them observing Oral Torah. These are conflicting ideas: if it is Scripture, why is Yeshua rebuking anyone for observing it? Any belief requires a step of faith and something to base that faith upon. For me, truth is found in the divinely inspired and God breathed Holy Scriptures comprised of the 66 book canon. This is what ungirds my faith and lays a foundation for my beliefs. All other beliefs, ideas, and writings must be tested against

the Scriptures. This began my quest to understand what exactly Oral Torah is and its value within my own faith commitment.

Oral Torah is an idea, an invention, of third century Rabbinic Judaism and not a true reflection of the Judaisms of the first century. It has more to do with identity than with truth; which is not to say, it does not contain truth. The point of all stories is for the teller to be understood, to be seen and to be heard. Stories that are repeatedly shared eventually come to have a self-defining identity and history all their own. Often times, stories are handed down through the generations in order to preserve an identity of a people group. If I use the term Oral Torah it is immediately identified with the Jewish faith, but not necessarily Rabbinic Judaism; the same is true if I use the term Apostolic Scriptures or New Testament which is equated with Christianity instead of a continuation of the Tanach. And because we are so far removed from the historical context of both writings, we make false assumptions when we see similarities, skewing the true meaning of the texts involved. Even within the Jewish faith, there is disagreement as to Oral Torah's definition. In texts such as the Epistle of Sherira Gaon, it is described as divinely inspired; in Mishnah Avot and Maimonides Mishneh Torah, it is described as divinely given at Sinai and handed down from Moses to the Rabbis. In contrast, the Karaites opposed Rabbinic Judaism's Oral Torah and defended the Tanach as the only source of divine law, and the modern movement of Reform Judaism considers it to be nothing more than an historical account and reflection of each generations encounter with God. So how do we define it? How do we understand its origins and purpose? It is the goal of this paper to determine answers to these questions so Oral Torah can be appreciated for what it is within its own culture and context in order to prohibit misusing it to interpret texts it was never meant to explain.

## **Jewish Voices throughout the Centuries**

H. L. Strack says this concerning Oral Torah, “The idea of ‘oral Torah’ is a basic concept of Rabbinic Judaism: God’s revelation at Mount Sinai includes not only the ‘written Torah’ recorded in the Bible, but also an equivalent complex set of traditions. Only by means of the latter can the Bible become fully applicable and the divine rule of life appropriate to each particular situation.”<sup>1</sup> The idea originates in the Mishnah, completed about 200 C.E. with authorship attributed to Rabbi Yehudah ha-Nasi. In the opening lines of Mishnah Avot it reads,

Moses received the Law from Sinai and committed it to Joshua, and Joshua to the elders, and the elders to the Prophets, and the Prophets committed it to the men of the Great Synagogue. They said three things: Be deliberate in judgement, raise up many disciples, and make a fence around the Law.

The remaining parts of the first chapter continue the genealogy of transmission ending with Rabban Simeon b. Gamliel.

From the Middles Ages, there are two texts we can reference for a definition of Oral Torah: The Epistle of Sherira Gaon written in 986 or 987 CE and Maimonides’ Mishneh Torah written between 1178-1180 CE.

Sherira Gaon was the head of a rabbinic academy at Pumbeditha. In the tenth century, he crafted a response to answer the questions posed of Jewish individuals and communities, with the most numerous populous being in North Africa and Spain, concerning the origins of ancient rabbinic traditions and writings. It is a composition of approximately 15,000 words and covers a

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1. H. L. Strack and Gunter Stemberger *Introduction to the Talmud and Midrash* (Fortress Press, 1996) p 31

variety of subjects. Although the majority of inquiries concerned talmudic exegesis and issues of practical halakhah, the epistle is notably apologetic and polemical at times. Robert Brody writes,

Sherira goes to considerable lengths to present an idealised portrait of the state of rabbinic learning during the Second Temple period, which is described as a golden age of nearly ideal consensus and widespread knowledge, while the manifold disputes which are such a characteristic element of rabbinic literature are said to reflect a process of decline. Even if Sherira's questioners were untroubled by Karaite critiques of rabbinic tradition and authority, Sherira was sensitive to the threat presented by the Karaite challenge and took this opportunity to engage in tacit polemics.<sup>2</sup>

Concerning Oral Torah, Sherira considered it to be divinely inspired. Tayla Fishman notes,

Indeed, writes Sherira, the teachings of the Mishna approximated divine thought: “And in the days of Rabbi, matters were aided such that the words of our Mishna were as if they had been said from the mouth of the Almighty. And they seemed like a sign and a wonder. And Rabbi did not compose these from his heart.”<sup>3</sup>

However, Jacob Neusner is quick to point out that Sherira, even though he believes Oral Torah to be divinely inspired, never makes a claim its origins hail from Sinai. Which sets him apart on this point from Maimonides.

Maimonides was a Sephardic Jewish philosopher and Torah scholar, an advocate of Oral Torah, who comprised a fourteen volume work entitled *Mishneh Torah*, which even in our present era bears canonical authority as talmudic law. He expounds upon the words of Rabbi's Mishnah. In the first verse, he defines Oral Torah:

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2. Robert Brody, “The Epistle of Sherira Gaon” in Goodman and Alexander, eds. *Rabbinic Texts and the History of Late-Roman Palestine* (Oxford University Press, 2001) p 259

3. Talya Fishman, “Claims about the Mishna in the Epistles of Sherira Gaon: Islamic Theology and Jewish History” in Friedenreich and Goldstein, eds. *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World* (University of Philadelphia Press, 2011) p 67

All the commandments that were given to Moshe at Sinai were given together with their interpretation, as it is written “and I will give thee the Tables of Stone, and the Law, and the Commandment” (Exodus 24:12). “Law” is the Written Law; and “Commandment” is its interpretation: We are commanded to fulfill the Law according to the Commandment. And this Commandment is what is called the Oral Law.

The Karaites were founded in eighth century Baghdad by Anan Ben David because he was in opposition to the Geonim’s halakhic authority. In Hebrew, they are called the Kara’im or Bne Mikra, meaning “People of the Scriptures.” Their established tenet set forth was, “Search thoroughly in the Torah and do not rely on my opinion.” which is first quoted in a commentary by Japhet ben Eli in tenth century Jerusalem and became the accepted foundational truth governing Karaite halakhah. Eventually, the Karaites wrote their own legal text of traditions entitled the Burden of Inheritance. In the fifteenth century, Eliyahu Basyatchi, the codifier of the text, clarified the difference between the Burden of Inheritance and Oral Torah was specifically the status granted of divine sanctity to the latter. Basyatchi explains,

...that you rely mostly on the Kaballah (tradition, i.e. Oral Law), giving it Divine sanctity, saying that you have heard and received it from God, whilst we have only our holy father’s teachings, and their holiness is like that of law books and of our Sages. A rule in our tradition that is shown to be wrong on the basis of the written text, will not be accepted any more for it is not considered as possessing Divine sanctity.<sup>4</sup>

The Karaite’s view was that rabbinic halakhah broke the commandment is found in Deuteronomy 4.2 which states, “You shall not add to the word which I am commanding you, nor take away from it, that you may keep the commandments of the Lord your God which I command you.” In addition it was the opinion that sages were free to expound upon Torah, but

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4. Michael Corinaldi, “Karaite Halakhah” in Hecht, Jackson, Passamaneck, Piatelli, Rabello, eds. *An Introduction to the History and Sources of Jewish Law* (Clarendon Press, 1996) p 254

Talmudic rules were not authoritative nor divine. In Aderet Eliyahu, Seder Tefilah, ch.1, p.85b, it states,

The interpretation of our divine Torah rests on its text and not on any external source, unlike the view of the upholders of tradition who maintain that their tradition constitutes an interpretation of our Torah, but in fact is at times in conflict with it.

The reformation movement came to Judaism, beginning in Germany in the mid nineteenth century, in an attempt to harmonize Judaism with western culture. It embraces a liberal and progressive mindset emphasizing ethics over ritual. Reform Jews see the Hebrew Scriptures as Divinely inspired, but not Divinely authored. It is the general consensus the Hebrew Scriptures are a representation of an Ancient Near Eastern culture and reflect merely the best understanding of the authors concerning God's intentions for His people then, but no longer speak to present and modern times. While rabbinic literature is viewed as a legal code and a moral guide, it is not prescribed Divine sanctity. While Reform Jews affirm the core concepts and tenets of Judaism, there is a parallel acknowledgement that Judaism must be fluid, adapting and changing with the flow of time.

### **The Verdicts of Modern Scholarship**

If we look to modern scholarship to define Oral Torah, evidence does not support the narrative of a divinely inspired truth. In fact, we find quite the opposite. In Jacob Neusner's book, *Method and Meaning in Ancient Judaism*, he explains that we must look beyond the authoritative voices of the Rabbis to find the evidential claim within Rabbinic Judaism's writings. When we do, we find that the phrase Torah shebe'al peh or *torah on the mouth* doesn't emerge until the

Babylonian Talmud where we find the terms ‘written torah’, ‘oral torah’, and ‘whole torah,’ although they are quite infrequent in their use. As I previously stated, when one hears the term Oral Torah, most often it is equated to the whole of Judaism and not specifically rabbinic literature. If one were to randomly inquire of people uneducated in matters of rabbinic literature to define Oral Torah, most would consider it inclusive of not only the Mishnah, but also the Talmuds. Neusner explains this is an errant view. Only Mishnah was fashioned in a mnemonical style for the purposes of oral transmission. He says this: “Put simply: Mishnah is Oral Torah.”<sup>5</sup> He quotes Alexander Guttman,

While an authoritative written text takes on a static character with fixed norms and conventions, the method of oral transmission has a certain natural flexibility which remains with it even when later on it is reduced to writing.<sup>6</sup>

All cultures have stories that define them. Ancestral stories of where a people came from or how they came to be. Some evolve becoming so embellished with details as they are handed down through time that new stories may be born altogether. These stories are not deceitful in and of themselves with a malicious intention of misleading, but more of a shifting narrative, an adaptation of self-perceived truth for reasons specific to the people of that time and place. And through the ages, as the stories are repeated and shared, they begin to have a history and life all their own. During this process they come to have a self-evident meaning creating an identity marker of that specific people group. Martin Jaffee, in his book *Torah in the Mouth*, refers to this as text- interpretive tradition.

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5. Jacob Neusner, *Method and meaning in Ancient Judaism* (Scholars Press, 1979) p 60

6. Jacob Neusner, *Method and meaning in Ancient Judaism* (Scholars Press, 1979) p 59

Preceding this are two other traditions: oral literary and oral performative. The former are stories which have purpose and meaning beyond everyday speech and daily conversation; the latter are how those stories are recalled from memory and delivered in a variety of public settings. He says this,

“In the culture of Second Temple Jewish scribal groups, Oral Performative Tradition was a common medium for sharing written texts.”<sup>7</sup>

But it must not escape our attention that Oral Performative Tradition would have been practiced by Yeshua and His disciples.

Israel Jacob Yuval, in his article (The Orality of Jewish Oral Law: from Pedagogy to Ideology), suggests that the Christians had an oral tradition of their own. He makes the argument that the words of Yeshua, and Paul, form a word of mouth tradition until they were written down into what now comprises the Apostolic Writings. Yeshua tells parables to his disciples and these parables and lessons are handed down from the disciples to the disciples they create, and eventually we have Paul writing letters to churches and communities with instructions based upon the words of Yeshua which are founded in the Tanach. This parallels with what we find in the Jewish scribal groups who passed down oral versions of their own teachings based upon the Tanach which eventually is redacted into the Mishnah, which includes a created history and genealogy of the origin of Oral Torah. There is one key difference: the Apostolic Writings can be supported by the words found in the Tanach; the myth of Oral Torah's origins can not. Yuval further states that until the emergence of Christianity, Judaism was the only monotheistic

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7. Martin S. Jaffee, *Torah in the Mouth* (Oxford Press, 2001), p 8



religion and that fact set it apart from the other people groups in history. But not only did Christianity claim to also be monotheistic, they also used the same text as the Jews - the Tanach. One aspect that can not be ignored is that certain Jews wanted to distinguish themselves from the Christians. One of the most important identity markers of the Jewish faith was the Temple in Jerusalem. After the destruction of the Temple in 70 C.E., the desire to not only have an identity apart from the temple, but to be able to legitimate authority as the sole interpreters of Torah, preserving their identity to future generations was imperative to their culture. And claiming to have secret knowledge the Christians could not obtain nor interpret, aided in painting the picture of authority to the community, and the creation of the myth of Oral Torah and its claim of originating from Sinai did that very thing.

### **The Mark 7 Conundrum**

But why does Oral Torah's history matter? Because lack of understanding of what Oral Torah is and its origins has led to abuse of the text in anachronistically and errantly interpreting passages in the Apostolic Scriptures.

In the Second Temple period, there were groups of Jews concerned with purity outside of the Temple. Two of these groups were the Essenes and the Havarah. One of the main concerns of the Essenes was purity which is evidenced not only through their writings, but also through the number of mikvahs found at Qumran. The Havarah was a group of Pharisees who brought the Temple practices of ritual purity and tithing to the community, practices of which made navigating daily life burdensome because it dictated with whom one could interact.

Yair Furstenburg presents an interesting theory concerning the interpretation of Mark 7:1-15, which is often considered a text that supports Yeshua rejecting Oral Torah because people consider Oral Torah to be equated with the phrase “traditions of men.” This passage also deals with hand washing and what makes a person clean or unclean. It shows Yeshua rebuking the Pharisees and the Scribes for neglecting the commandments and holding to traditions. In short, we have a presentation of multiple issues complicated by improper use of texts and misunderstanding of historical context to discern meanings of this passage. Modern translators have gone so far as to claim Yeshua made all foods clean which would transgress the commandments of Torah. One important misunderstanding concerns the rituals surrounding hand washing and the proper order of such.

Romans were known for holding symposiums, feasts centered around debating and celebrating, feasting and drinking. In Greco-Roman culture, prior to the wine being poured, hands were to be washed. Furstenberg argues that in all Tannaitic sources are translations of Greek and Latin idioms where the servant “gives water to the hands” and the diner “takes water to the hands.”<sup>8</sup> Specifically in mBerachot 8.2-4 discussion takes place concerning the integration of hand washing at specific times during meals.

## **Conclusion**

What we have in Oral Torah is an ideology created to defend and preserve the identity of certain Jewish groups to “legitimate authority” to future generations after the destruction of the Temple in 70 CE. If Furstenburg’s theory is correct, this adds weight to the idea of the seeking of

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8. Yair Furstenberg, “Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7:15,” *New Testament Studies* 54 (2008), p 192

identity in a post-temple world. The Greek world had long blurred the boundaries between the Jewish people and their own culture. But where the Jews may have viewed the Christians as borrowing from their culture by claiming Torah as their own, the Jews in turn can be found borrowing from Greco-Roman culture. Not only do we invent stories, but we borrow from other cultures and use those borrowed stories to shape our own identity.

In all the ways we seek to define ourselves, to be unique in this world, we seem to forget the most important fact: we are divinely created, made in the image of a holy God and set-apart for His good purposes. In Torah, He has given us every good instruction, which when followed, define and identify us into a unique people. All the authority we seek to assert and the stories we invent are incapable of accomplishing this task. Anything else creates labels that divide bringing disunity amongst God's created. It breeds exclusivity, pitting us against one another in an arrogant stance of one being better than another.

What we find are assumptions are dangerous and invented ideologies even more so for they remove us from Scripture's truth, which ought to be the only authority in any believer's life. Literature outside of Scripture is valuable as long as it is used within its proper context. In order to do so, it is imperative to establish the history of such literature, including its sources and its motives to determine its proper place and use. Only then can any extra biblical writing be of the utmost value in our edification of Scripture.

## Bibliography

Brody, Robert. "The Epistle of Sherira Gaon" in *Rabbinic Texts and the History of Late-Roman Palestine* edited by Martin Goodman and Philip Alexander, Proceedings of the British Academy 165, 253-264. Oxford University Press.

Corinaldi, Michael. "Karaites Halakhah" in *An Introduction to the History and Sources of Jewish Law* edited by N.S. Hecht, B.S. Jackson, S.M. Passamaneck, D. Piattelli, A.M. Rabello, 251-269. Oxford: Clarendon Press, 1996.

Danby, Herbert. *The Mishnah*. Oxford: Clarendon Press, 1933

Fishman, Talya. "Claims about the Mishna in the Epistle of Sherira Gaon: Islamic Theology and Jewish History" in *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World* edited by David M. Freidenreich and Miriam Goldstein, 65-77. Philadelphia: University of Philadelphia Press, 2011.

Furstenberg, Yair . "Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15" in *New Testament Studies*, 54(2), 176-200. United Kingdom: Cambridge University Press, 2008.

Jaffee, Martin S., *Torah in the Mouth*. New York: Oxford University Press, 2001.

Maimonides, "Mishneh Torah." Mechon Mamre. Accessed October 16, 2019. <http://www.mechon-mamre.org/p/p0000.htm>

Nuesner, Jacob, *Method and Meaning in Ancient Judaism*. Missoula: Scholars Press, 1979.

Reform Judaism General Article, no author listed, "What is Reform Judaism?" Reform Judaism (cited 30 November 2019). [www.reformjudaism.org/what-reform-judaism](http://www.reformjudaism.org/what-reform-judaism)

Scheinerman, Rabbi Amy, "How do Orthodox and Reform Practices Differ?" Reform Judaism (cited 30 November 2019). [www.reformjudaism.org/how-do-orthodox-and-reform-practices-differ](http://www.reformjudaism.org/how-do-orthodox-and-reform-practices-differ)

Strack, H. L. and Gunter Stemberger. *Introduction to the Talmud and Midrash*. Minneapolis: Fortress Press, 1996.

Yuval, Israel Jacob. "The Orality of Jewish Oral Law: from Pedagogy to Ideology, in Judaism, Christianity, and Islam" in *The Course of History: Exchange and Conflicts*, edited by Lothar Gall, Dietmar Willoweit, 237–260. Berlin, Boston: De Gruyter Oldenbourg, 2011.