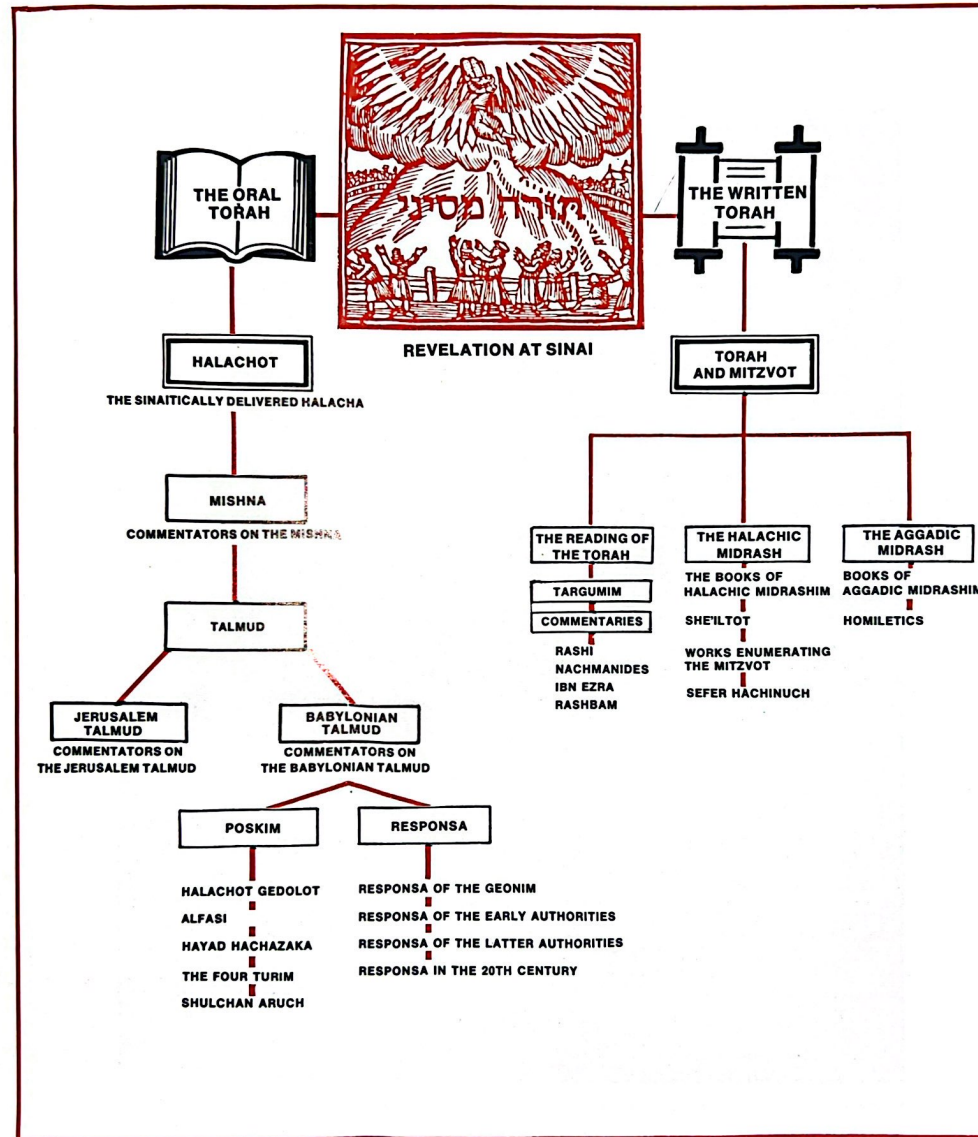


A Classification of Torah Literature



Chapter One

The Chain of Transmission

Moses received the Torah from Sinai and transmitted it to Joshua, and Joshua to the Elders, and the Elders to the Prophets, and the Prophets transmitted it to the Men of the Great Assembly (Avos 1:1).

I. From Moses through the Prophets

Moses

Moses received the Torah from Sinai, which means he received both the Written Law [תורה שבכתב] and the Oral Law [תורה אלה] ^[1] as *Sifra* comments on the verse אלה החקים והמשפטים ... שהתורה ... *These are the decrees, judgments, and teachings that HASHEM established between Himself and the Children of Israel on Mount Sinai by the hand of Moses (Leviticus 26:46):* חקים, *statutes*, refers to those laws which are not clearly stated in Scripture, but are hermeneutically derived (see ch. 13); משפטים, *judgments*, to the explicitly stated laws; and the plural term תורות, *teachings*, indicates that the Jews received two Torahs — one written and one oral; on *Mount Sinai by the hand of Moses* teaches us that the entire Torah — including all its laws, nuances and interpretations — was given to Moses on Sinai.

The Talmud (*Berachos 5a*) expounds the verse, *And I shall give you the Tablets of Stone, and the Law, and the Commandment which I have written, to teach them (Exodus 24:12)*, as follows: *Tablets* refers to the Ten Commandments; *the Law* means the

1. [As will be evident from the verses adduced below, the term *Oral Law* includes all teachings of the Torah that are not stated explicitly in Scripture.]

Pentateuch (see Rashi ad loc.); *Commandment* is the *Mishnah*^[2], which *I have written* denotes the Prophets and Hagiographa [כתובים]; and *to teach them* means the *Gemara*.^[3] The verse teaches us that every facet of Torah was given to Moses on Mount Sinai.

The Talmud (*Megillah 19b*) further states that the verse, *And on them was written according to all the words which HASHEM spoke with you on the Mount (Deuteronomy 9:10)*, teaches us that God showed Moses fine points of Biblical exegesis,^[4] in addition to the later Sages' interpretations of the teachings of their predecessors.

Regarding this verse, we are also taught that Scripture, Mishnah, Talmud and Aggadah – even that which an accomplished student will expound before his teacher – all were previously told to Moses at Sinai (*Yerushalmi to Peah 2:4*). Even the ethical teachings in Tractate *Avos* were revealed to Moses at Sinai (*Rav to Avos 1:1*).

Many commandments in the Written Torah are incomprehensible without the explicit elucidation provided by the Oral Law. Regarding *tefillin* (phylacteries) it is stated: *and as טטפות, frontlets, between your eyes (Deut. 6:18)*. Without the oral tradition stemming directly from Moses, we would not understand Scripture's intention at all.

In addition, we find that the Torah openly hints at the existence of a parallel body of law, as in the verse וּזְבַחְתָּ מִבְּקָרְךָ, *and you may sacrifice from your herd ... כַּאֲשֶׁר צִוִּיתִיךָ, as I have commanded you (Deut. 12:21)*. Although the commandment of *shechitah* (ritual sacrifice) is explicitly mentioned in the Written Law, the halachic particulars of its execution are not. The phrase, *as I have commanded you*, obviously suggests the existence of a tradition of comprehensive Oral Law.

Even the commandments which our forefathers fulfilled before the Giving of the Torah were reiterated to Moses at Sinai. All that we abstain from or do today is only because of God's commandment through Moses, and not because the Holy One revealed His will to

2. [The Talmud consists of two sections: the *Mishnah*, which is the collection of laws compiled by Rabbi Judah the Prince; and the *Gemara*, which explains the *Mishnah* (see ch. 2).]

3. The *Gemara* contains the analysis of the *mishnayos* from which the *Halachah* is derived (*Rashi ad loc.*).

4. That is, the rule that the terms אַךְ (a preposition without parallel in English) and גַּם, *also*, indicate that something else is to be included; and that the terms אֲךָ and אֲךָ (both meaning *but* or *only*) indicate that something is excluded.

prophets who lived before Moses. That we do not eat flesh from a living animal is not because God prohibited it to Noah, but because Moses taught us at Sinai that God proscribed this practice. Likewise, we do not circumcise our sons because Abraham circumcised himself and the males in his household, but because God commanded us through Moses to perform the precept of circumcision, just as Abraham did. The same holds true for the prohibition of eating the גיד הנשה (a sinew located in the thigh), which was originally issued to Jacob; yet we are enjoined through Moses' commandment. For, indeed, it is said that six hundred and thirteen *mitzvos* were told to Moses at Sinai (*Makkos* 23b), and those enumerated above are certainly included in that figure (*Rambam Commentary to Chullin* 7:6).

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A total of 613 commandments were told to Moses — 365 prohibitions, equaling the number of days in the solar year [which intimates that on each day of the year they warn us not to transgress them (*Rashi*)], and 248 positive commandments, paralleling the number of limbs and organs in the body [hinting that each of a Jew's limbs and organs tells him to perform the commandments (*Rashi*)]. The word תורה, *Torah*, in the verse, *The Torah which Moses commanded us* (*Deut.* 33:4), has a numerical value of 611.⁵ Add to this number the first two of the Ten Commandments which the Jews heard directly from the Almighty Himself, and the figure 613 is reached (*Makkos* 23b).

Tosefos Yom Tov writes in his introduction: Even though Moses transmitted the Oral Law to Joshua clearly and thoroughly, nevertheless, in every subsequent generation novel interpretations are expounded. This statement does not contradict the *Gemara* in *Megillah* (cited above), which states that the Holy One showed Moses even Biblical interpretations that scholars of later generations would make, since Moses never taught these interpretations to anyone else. This solution is apparent from the *Gemara's* wording, which tells us that God *showed* these to Moses, rather than *taught* or *transmitted* them to him. In either of the latter cases Moses would have been obligated to teach these future interpretations to Joshua, inasmuch as Moses was extremely generous toward his disciple, for

5. [According to *gematria*, the system of numerology in which each letter of the Hebrew alphabet is assigned a numerical value, ת=400; ו=6; ר=200; ה=5, thus the word תורה equals 611.]

when he was commanded to rest one hand on Joshua in transferring his mantle of Torah greatness, Moses in fact rested both (see *Deut.* 34:9). Thus, the *Gemara* tells us that God only *showed* Moses, but He did not give him these interpretations as a legacy for Joshua.

Accordingly, every scholar who merits to conceive a true and original interpretation in the Torah is regarded as though he brought down a part of Torah from the heavens.⁶¹

Nevertheless, every detail and original thought was included in the Torah that Moses brought down from heaven, as we are taught regarding the verse לֹא בַשָּׁמַיִם הִיא, *It [the Torah] is not in the heavens* (*Deut.* 30:12). Moses said to Israel, 'Do not say that another Moses will bring us another Torah from heaven, for I am informing you: *It is not in the heavens* – that is, nothing of Torah has been left behind in the heavens!' (*Midrash Rabbah* *ibid.*).

In the introduction to his *Commentary on Mishnah*, *Rambam* writes that prophecy is not effective in interpreting the Torah and extracting the details of *mitzvos* with the thirteen hermeneutical principles. Rather, what the prophets like Joshua and Pinchas must do in the matter of analysis and logic is precisely what the Talmudic sages, Ravina and R' Ashi, do (i.e., interpret the Torah without the benefit of prophecy).

Already in his lifetime Moses began to promulgate decrees and regulations (*Shabbos* 30a). He did so not in his capacity as a prophet, but on his own initiative, in order to safeguard the Torah, as it says וְשָׁמַרְתֶּם אֶת מִשְׁמַרְתִּי, *And you shall keep that which I have*

6. This explanation will resolve the difficulty posed by *Ramban* in *Sefer Hamitzvos* (*Shores* 1): in one place (*Megillah* 19b) the *Gemara* says that God showed the precept of reading the *Megillah* to Moses, while in another place (*Shevuos* 39a) it refers to the *Megillah* reading as one of the commandments to be promulgated in the future, after the giving of the Torah.

See also *Ohr Hachayim* to *Leviticus* 13:37, who seeks to reconcile the contradictory statements of the *Gemara*, which in one place (*Megillah* *ibid.*) says that Moses was given the knowledge of the entire Torah, including even the interpretations of future sages, while elsewhere (*Menachos* 29b) it states that Rabbi Akiva expounded what was unknown to Moses. He proposes the following resolution:

It is true that all Torah knowledge was bestowed upon Moses and that no other sage can know more than he, and that there will be no original Torah thought from the time of the giving of the Torah until the Messianic age that Moses did not know. Nevertheless, there is one qualification. God taught Moses both the Written and Oral Laws, and with His infinite wisdom implanted the Oral Law within the Written Law. Although Moses knew the entire Oral Law, he was not informed of where each

entrusted you to guard (Lev. 18:30), which the Sages interpret as an admonition to take measures to protect the Torah's precepts from being violated (*Yevamos* 21a). Among his decrees that are known to us: to remove and distance the Nesinites^[7] from the main body of the Jewish people (ibid. 79a), and not to sprinkle the *מי תטאח*, water of purification, on the Sabbath (*Pnei Yehoshua* to *Rosh Hashanah* 29b).

Included among Moses' regulations are: (1) the seven days of nuptial festivities [during which the *sheva berachos* (seven blessings) are recited] and the seven days of mourning (*Yerushalmi* to *Kesubos* 1:1; *Rambam*, *Hilchos Avel* 1:1); (2) the first blessing in *Bircas Hamazon* [Grace after meals] (*Berachos* 48b); (3) the public reading of the Torah on the Sabbath, Monday and Thursday (*Bava Kamma* 82a); (4) the study of the laws of each festival during that festival (*Megillah* 32a); (5) the division of the *Kohanim* (priests) into eight ministering groups (*Taanis* 27a).^[8]

Joshua

... and transmitted it to Joshua, as it is written, *And you shall put some of your glory upon him* (*Numbers* 27:20). Our Sages teach us (*Temurah* 16a) that when Moses was about to depart to Paradise, he said to Joshua, 'Ask me (to explain) all the uncertainties you have (in matters of halachah).' He replied, 'My teacher, have I ever left you — even for an hour? [I.e., 'I have no uncertainties' (*Rabbeinu Gershom*

of its details was alluded to in the Written Torah. Thus, it became the task of great future sages to pinpoint the sources of these laws in Scripture, giving rise to the books *Toras Kohanim*, *Sifrei*, etc. (see ch. 3). Therefore, when the *Gemara* relates that R' Akiva discovered interpretations unknown to Moses, it does not mean to imply that Moses lacked such knowledge, since — in fact — all Torah came from him. Rather, it means that he did not know the source in Scripture for every law of the Oral Torah.

7. [The Nesinites (Gibeonites) were Canaanites who disguised and presented themselves to Joshua as a foreign nation in order to avoid destruction at the hands of the invading Jewish army. For deceiving Joshua, they were made into hewers of wood and drawers of water for the congregation and the Altar (*Josh.* 9:27). Their descendants were forbidden to intermarry with Jews (see *ArtScroll Kiddushin*, p. 86).]

8. *Rambam* (*Sefer Hamitzvos*, *mitzvas aseï* 36) explains that although the concept of separate groups of ministering *Kohanim* is from the Torah, it was Moses who divided them into eight groups.