

# The Meaning of Torah in Ancient Times

Malka Z. Simkovich

Class 3: The Expanded Torah; The Oral Torah

## I. The Expanded Torah

### 1. Jubilees 1:1–11:

In the first year of the Exodus of the children of Israel from Egypt, in the third month on the sixteenth day of that month, the LORD spoke to Moses, saying, “Come up to me on the mountain, and I shall give you to stone tablets of the Law and the commandment, which I have written, so that you may teach them.” And Moses went up to the mountain of the LORD. And the glory of the LORD dwelt upon Mount Sinai, and a cloud overshadowed it for six days. And he called to Moses on the seventh day from the midst of the cloud. And the appearance of the glory of the LORD was like fire burning on top of the mountain. And Moses was on the mountain forty days and forty nights.

And the LORD revealed to him both what (was) in the beginning and what will occur (in the future), the account of the division of all of the days of the Law and the testimony. And he said, “Set your mind on every thing which I shall tell you on this mountain, and write it in a book so that their descendants might see that I have not abandoned them on account of all of the evil which they have done to instigate transgression of the covenant which I am establishing between me and you today on Mount Sinai for their descendants. And thus it will be, when all of these things happen to them, that they will know that I have been more righteous than they in all their judgments and deeds. And they will know that I have truly been with them.

“And you, write for yourself all of these words which I shall cause you to know today, for I know their rebelliousness and their stubbornness before I caused them to enter the land which I swore to their fathers, Abraham, Isaac, and Jacob, saying, ‘I will give to your seed a land flowing with milk and honey.’ And they will eat and be satisfied, and they will turn to strange gods, to those who cannot save them from any of their affliction. And this testimony will be heard as testimony against them, for they will forget all of my commandments, everything which I shall command them, and they will walk after the gentiles and after their defilement and shame.

### 2. Philo of Alexandria

#### 2a: *On Abraham*, 4-6

These (patriarchs) are such men as lived good and blameless lives, whose virtues stand permanently recorded in the most holy scriptures, not merely to sound their praises but for the instruction of the reader and as an inducement to elicit emulation; for in these men we have laws endowed with life and reason, and Moses extolled them for two reasons. First he wished to show that the enacted ordinances are not inconsistent with nature; and secondly that those who wish to live in accordance with the laws as they stand have no difficult task, seeing that the first generations before any at all of the particular statutes was set in writing followed the unwritten law with perfect ease, so that one might properly say that the enacted laws are nothing else than reminders of the life of the ancients, preserving to a later generation their actual words and deed. For they were not scholars or pupils of others, nor did they learn under teachers what was right to say or do: they listened to no voice or instruction but their own: they welcomed conformity with nature, holding that nature itself was, as indeed it is, the most venerable of statutes, and thus their whole life was one of happy obedience to law.

#### 2b: *On Abraham*, 274–276

So, then the man of worth is elder and first, and so must he be called; but younger and last is every fool who pursues the ways which belong to rebellious youth and stand lowest in the list. So much for all this, but to

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these praises of the Sage, so many and so great, Moses adds this crowning saying ‘that this man did the divine law and the divine commands’. He did them, not taught by written words, but unwritten nature gave him the zeal to follow where wholesome and untainted impulse led him. And when they have God’s promises before them what should men do but trust in them most firmly? Such was the life of the first, the founder of the nation, one who obeyed the law, some will say, but rather, as our discourse has shown, himself a law and an unwritten statute.

### 3. The Testaments of the Twelve Patriarchs Levi

#### 3a. T. Levi 10:1

Therefore, observe now whatever I command to you, children: because whatever things I heard from my fathers, I declared to you.

#### 3b. T. Levi 13:1–4

And now, my children, I command you: Fear the Lord your God with your whole heart, and walk in generosity according to all His law. <sup>2</sup> And you also ought to teach your children letters, that they may have understanding all their life, in order to read the law of God without ceasing. <sup>3</sup> Because anyone who will come to know the law of the Lord, he will be honored, and will not be a stranger wherever he goes. <sup>4</sup> He will gain many more friends than his parents, and many people will desire to serve him, and to hear the law from his mouth.

### 4. 4 Ezra

#### 4a. 12:35–38:

This is the dream that you saw, and this is its interpretation. And you alone were worthy to learn this secret of the Most High. Therefore write all these things that you have seen in a book, and put it in a hidden place; and you shall teach them to the wise among your people, whose hearts you know are able to comprehend and keep these secrets.

#### 4b. 14:19-48:

Then I answered and said, “Let me speak in your presence, Lord. For behold, I will go, as you have commanded me, and I will reprove the people who are now living; but who will warn those who will be born hereafter? For the world lies in darkness, and its inhabitants are without light. For your Law has been burned, and so no one knows the things which have been done or will be done by you. If then I have found favor before you, send the Holy Spirit to me, and I will write everything that has happened in the world from the beginning, the things which were written in your Law, that men may be able to find the path, and that those who wish to live in the last days may live.”

He answered me and said, “Go and gather the people, and tell them not to seek you for forty days. But prepare for yourself many writing tablets, and take with you Sarea, Dabria, Selemia, Ethanus, and Asiel – these five, because they are trained to write rapidly; and you shall come here, and I will light in your heart the lamp of understanding, which shall not be put out until what you are about to write is finished. And when you have finished, some things you shall make public, and some you shall deliver in secret to the wise; tomorrow at this hour you shall begin to write.”

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Then I went as he commanded me, and I gathered all the people together, and said, “Her these words, O Israel. At first our fathers swelt as aliens in Egypt, and they were delivered from there, and received the Law of life, which they did not keep, which you also have transgressed after them. Then land was given to you for a possession in the land of Zion; but you and your fathers committed iniquity and did not keep the ways which the Most High commanded you. And because he is a righteous judge, in due time he took from you what he had given. And now you are here, and your brethren are farther in the interior. If you, then, will rule over your minds and discipline your hearts, you shall be kept alive, and after death you shall obtain mercy. For after death the judgment will come, when we shall live again, and then the names of the righteous will become manifest, and the deeds of the ungodly will be disclosed. But let no one seek me for forty days.

So I took the five men, as he commanded me, and we proceeded to the field, and remained there. And on the next day, behold, a voice called me, saying, “Ezra, open your mouth and drink what I give you to drink.” Then I opened my mouth, and behold, a full cup was offered to me; it was full of something like water, but its color was like fire. And I took it and drank; and when I had drunk it, my heart poured forth understanding, and wisdom increased in my breast, for my spirit retained its memory; and my mouth was opened, and was no longer closed. And the Most High gave understanding to the five men, and by turns they wrote what was dictated, in characters which they did not know. They sat forty days, and wrote during the daytime, and ate their bread at night. As for me, I spoke in the daytime and was not silent at night. So during the forty days ninety-four books were written. And when the forty days were ended, the Most High spoke to me, saying, “Make public the twenty-four books that you wrote first and let the worthy and the unworthy read them; but keep the seventy that were written last, in order to give them to the wise among your people. For in them is the Spring of understanding, the fountain of wisdom, and the river of knowledge.” And I did so.

5. Josephus, *Antiquities of the Jews*, 13.293–298

Now there was one Jonathan, a very great friend of Hyrcanus, but of the sect of the Sadducees, whose notions are quite contrary to those of the Pharisees. He told Hyrcanus that Eleazar had cast such a reproach upon him, according to the common sentiments of all the Pharisees, and that this would be made manifest if he would but ask him the question, What punishment they thought this man deserved? <sup>294</sup> for that he might depend upon it, that the reproach was now laid on him with their approbation, if they were for punishing him as his crime deserved. So the Pharisees made answer, that he deserved stripes and bonds; but that it did not seem right to punish reproaches with death; and indeed the Pharisees, even upon other occasions, are not apt to be severe in punishments. <sup>295</sup> At this gentle sentence Hyrcanus was very angry, and thought that this man reproached him by their approbation. It was this Jonathan who chiefly irritated him, and influenced him so far, <sup>296</sup> that he made him leave the party of the Pharisees, and abolish the decrees they had imposed on the people, and punish those that observed them. From this source arose that hatred which he and his sons met with from the multitude; <sup>297</sup> but of these matters we shall speak hereafter. What I would now explain is this, that the Pharisees have delivered to the people a great many observances by succession from their fathers, which are not written in the law of Moses; and for that reason it is that the Sadducees reject them and say that we are to esteem those observances to be obligatory which are in the written word, but are not to observe what are derived from the tradition of our forefathers; <sup>298</sup> (13.10.6) and concerning these things it is that great disputes and differences have arisen among them, while the Sadducees are able to persuade none but the rich, and have not the populace obsequious to them, but the Pharisees have the multitude of their side; but about these two sects, and that of the Essenes, I have treated accurately in the second book of Jewish affairs.

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## II. The Oral Torah

### 1. Mishnah Abot 1:1

משה קבל תורה מסיני, ומסרה ליהושע, ויהושע לזקנים, וזקנים לנביאים, ונביאים מסרוה לאנשי כנסת הגדולה. הם אמרו שלשה דברים, הוו מתונים בדין, והעמידו תלמידים הרבה, ונעשו סג לתורה:

Moses received the Torah at Sinai and transmitted it to Joshua, Joshua to the elders, and the elders to the prophets, and the prophets to the Men of the Great Assembly. They said three things: Be patient in [the administration of] justice, raise many disciples and make a fence round the Torah.

### 2. Sifra Behuqotai 2.7

"אלה החקים והמשפטים והתורות": "החוקים" -- אלו המדרשות; "והמשפטים" -- אלו הדינים; "והתורות" -- מלמד ששתי תורות ניתנו להם לישראל; אחד בכתב ואחד בעל פה. אמר ר' עקיבא, וכי שתי תורות היו להם לישראל? והלא תורות הרבה נתנו להם -- "זאת תורת העולה" "זאת תורת המנחה" "זאת תורת האשם" "זאת תורת זבח השלמים" "זאת התורה אדם כי ימות באהל". "אשר נתן ה' בינו ובין בני ישראל" -- זכה משה ליעשות שליח בין ישראל לאביהם שבשמים. "בהר סיני ביד משה" -- מלמד שניתנה התורה הלכותיה ודקדוקיה ופירושיה על ידי משה מסיני.

“These are the statutes (החקים) and ordinances (המשפטים) and laws (והתורות)” (Lev 26:46): “statutes” these are the *midrashim*, “ordinances” these are the deductions, “laws”—this teaches us that two *Torot* were given to Israel, one in script and one in the mouth. Said Rabbi Akiva: were (only) two *Torot* given to Israel? Many *torot* were given to them! As it says: “This is the ritual (literally: torah) of the burnt offering” (Lev 6:2); “This is the ritual (literally: torah) of the sin offering” (Lev 6:14); “This is the ritual (literally: torah) of the grain offering” (Lev 6:7); “This is the ritual (literally: torah) of the sacrifice of the offering of well-being” (Lev 7:11); “This is the law (literally: torah) when someone dies in a tent” (Num 19:14); “This is the torah that the Lord established between himself and the people of Israel on Mount Sinai through Moses” (fused verses from Deut 4:44 and Lev 26:46)—this teaches you that the Torah, halakha, their details and interpretations were given through Moses in Sinai.<sup>1</sup>

### 3. B. Shabbat 31a

תנו רבנן: מעשה בגוי אחד שפא לפני שמאי. אמר לו: כמה תורות יש לכם? אמר לו: שתיים, תורה שבכתב ותורה שבעל פה. אמר לו: שבכתב אני מאמינה, ושבעל פה — איני מאמינה. גיירני על מנת שתלמדני תורה שבכתב. גער בו והוציאו בגזיפה. בא לפני הלל, גייריה. יומא קמא אמר ליה: א"ב ג"ד. למחר אפיף ליה. אמר ליה: והא אתמול לא אמרת לי הכי! אמר ליה: לא עלי דידי קא סמכת? דעל פה נמי סמוך עלי.

The Sages taught: There was an incident involving one gentile who came before Shammai. The gentile said to Shammai: How many Torahs do you have? He said to him: Two, the Written Torah and the Oral Torah. The gentile said to him: With regard to the Written Torah, I believe you, but with regard to the Oral Torah, I do not believe you. Convert me on condition that you will teach me only the Written Torah. Shammai scolded him and cast him out with reprimand. The same gentile came before Hillel, who converted him and began teaching him Torah. On the first day, he showed him the letters of the alphabet and said to him: *Alef, bet, gimmel, dalet*. The next day he reversed the order of the letters and told him that an *alef* is a *tav* and so on. The convert said to him: But

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yesterday you did not tell me that. Hillel said to him: You see that it is impossible to learn what is written without relying on an oral tradition. Didn't you rely on me? Therefore, you should also rely on me with regard to the matter of the Oral Torah, and accept the interpretations that it contains.

4. R. Samson Raphael Hirsch, *The Pentateuch*, Shemot, 21:2:

After all, it was not out of this book that the Law was to have been acquired. This book was to be given into the hands of those who were already well informed in the Law, simply as a means of retaining and reviving ever afresh this knowledge which had been entrusted to their memories... The written Torah is to the orally transmitted Torah like short notes on a full and extensive lecture on any scientific subject. For the student who has heard the whole lecture, short notes are quite sufficient to bring back a fresh to his mind at any time the whole subject of the lecture. For him, a word, a question mark, an exclamation point, and a period, the underlining of a word, etc., is often quite sufficient to recall to his mind a whole series of thoughts a remark etc. For those who had not heard the lecture from the master, such notes would be completely useless. If they were to try to reconstruct the scientific contents of the lecture literally from such notes they would of necessity make many errors.