

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING
PROJECT

The Noahide Laws – Lesson Four



**Written by Rabbi Avraham Chaim
Bloomenstiel**

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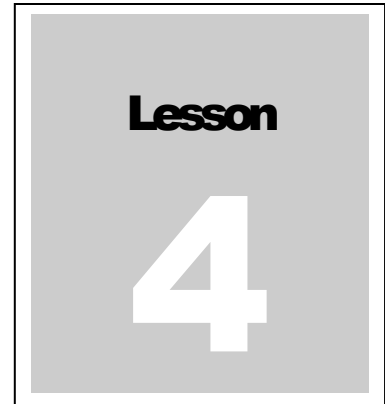
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**164 Village Path, Lakewood NJ 08701 732.370.3344
164 Rabbi Akiva, Bnei Brak, 03.616.6340**

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Interpreting the Torah



The Uniqueness of the Torah Tradition

In the next several lessons, we are going to study the seven Noahide laws, how they are derived, and how they structure and shape the Divine vision for mankind. Since this exploration will be rooted in the ancient texts that make up Torah thought and theology, we should first introduce these texts and explain their purpose and how they work.

Although the seven Noahide laws have their origins in Adam and Noah, God chose to transmit and preserve them via Moses and the giving of the Torah at Sinai. This placed the Seven *Mitzvos* within the structure and system of Torah study and learning. Therefore, the seven Noahide laws must be interpreted and understood within the context of the Torah.

This point cannot be stressed enough: Jewish, and therefore Noahide, study and interpretation of the Torah is unique and unlike the study of any other religious texts.

The uniqueness of the traditional approach to Torah interpretation cannot be emphasized enough. Jewish biblical interpretation exists in a completely different universe than non-Jewish modes of biblical interpretation. In fact, they overlap so little that no amount of background in biblical studies can prepare one for the unique approach that has been used by the Jewish people for centuries since the Torah's giving at Sinai.

As we shall see in this lesson, the term “Torah” encompasses far more than what could ever be put into writing. At Sinai, Moses received not only the Torah, in all

of its various forms, but he also received a divinely ordained method of study and interpretation.

This larger conception of the Torah, along with its method of study, forms the basis of the two true religious paths ordained for mankind: Judaism, and Noahism.

The Jewish View of *Tanakh* (Scripture)

In many non-Jewish (by implication, non-Noahide) religions, the *Tanakh*,¹ the Torah, Prophets and Writings, are all treated with equal authority. Some even treat the later prophets with greater authority than the Torah itself.

This is not how Torah is viewed by those of Jewish, and by extension, Noahide faith. We view the Torah, Prophets, and Writings as hierarchical – there is an order of greater and lesser authority.

At the pinnacle of this hierarchy are the five books of the written Torah – the *Chumash*.² They are the final, permanent, crystallization of God’s will for mankind. The Torah will never be replaced or superseded by any other future covenant or revelation.

In the textual realm, the Torah is the primary text for deriving law and practice for both Jews and Noahides.

The Prophets & Writings

If the Torah is the ultimate revelation of God’s will, then what is the need for later prophecy?

The main purpose of prophecy was to correct the people when they strayed from proper conduct or allegiance to the Torah. Therefore, the prophets and writings contain a treasure trove of moral inspiration and contemplation.

As for their practical interpretation, the prophets and writings do not come to, God forbid, alter or emend the Torah; The Torah is eternal and perfect. Rather, the Prophets and Writings play a supporting role. They are often used to clarify

¹ The complete Hebrew Bible is referred to as the *Tanakh*. The word is an acronym for *Torah* (Five Books of Moses), *Neviim* (Prophets), and *Kesuvim* (Writings).

² The word *Chumash* is the common term for the Five Books of Moses. It is a Hebrew word that means “fifths” – a reference to the five books.

the meanings of certain proper nouns that occur in the Torah. They are also used as support, yet not proof, of Rabbinic laws, customs, and interpretations.

The Many Facets of Torah

The Five Books of Moses (the *Chumash*) is the most succinct possible written expression of Torah. However, the written Torah is only a gateway, an entry point into the larger world of Torah. The Torah is so vast, so all encompassing, that it is impossible to be entirely captured in writing.

Committing ideas to writing has many advantages – it creates permanence and a basis for interpretation. However, certain things cannot be expressed effectively in writing. For example, learning to sew, or paint from text alone is virtually impossible. One must be taught by someone with greater knowledge than himself. He must also be shown examples and have certain techniques demonstrated.

The situation is no different when trying to capture the infinite will of God in the finite language of man. A close reading of the Torah reveals many ambiguous, unclarified statements and terms. For example:

- *And it shall be for a sign upon your hand, and as totafot between your eyes; for with a mighty hand did the LORD bring us forth out of Egypt.* – Exodus 13:6
 - The word *totafot* occurs in two similar passages (Deuteronomy 6:8 and 11:18), yet is not defined nor does it have any helpful Hebrew cognates.
- Similarly, The Torah writes: *...When you shall say 'I want to eat meat'... you shall slaughter of your herd and flock, according to how I have commanded you.*” – Deuteronomy 12:20-21
 - The Torah is referring to some method of slaughter commanded by God; however the Torah nowhere records this method.
- *This month shall be for you the first of the Months* – Exodus 12:2.
 - What month is being referred to? Egyptian months (where the Jews lived), or Chaldean months (where Avraham came from). Is the Torah talking about Lunar or Solar months?
- *Let no man leave his place on the seventh day* – Exodus 16:29.

- What “place” may man not leave on the Sabbath? His home? His City? His recliner?
- Jethro instructed Moses to appoint judges and to: *enjoin upon them the laws and the teachings, and make known to them the way they are to go and the practices they are to follow.* – Exodus 18:20.
 - If the written Torah is complete and the only guiding force, then what is left for Moses to instruct? As well, the phrase: *...make known to them the way they are to go...*, informs us that there is some system or method by which judges are to rule.

Despite all of these ambiguities, the Psalms refer to the Torah as perfect:

*The Torah of God is perfect, restoring the soul...*³

How can a perfect text contain so many ambiguities? The answer is that *Torah* is not merely the text of the Torah. There is an orally transmitted, experiential component to the Torah, one which clarifies the ambiguities and, in combination with the written text, is called *perfect*.⁴

The Torah itself explicitly alludes to this larger conception of the Torah in Leviticus 26:46: *These are the statutes and the ordinances, and the Toros [plural of Torah] that God has given...*

If the written Torah was the only expression of Torah, then the verse would simply read: *This is the Torah that God has given!* However, the verse refers to much more: the multiple facets of the Torah.

***Torah She-Baal Peh* – The Oral/Experiential Torah**

The Oral law exists for a number of reasons:

- It explains concepts that cannot be fully captured in writing,

³ Psalms 19:8.

⁴ [Albo](#), *Sefer HaIkkarim* III: 23. For other proofs to the necessity of an orally transmitted component of the Torah, see [Kuzari](#) 3:35; [Moreh Neruchim](#) I:71; [Rashbatz](#) in *Mogen Avos Chelek HaFilosofi* II:3; [Rashbash Duran](#) in *Milchemes Mitzvah*, *Hakdama* I. See also [Rashi](#) to *Erwin* 21b s.v. *VeYoser*; [Gur Aryeh](#) to *Shemos* 34:27.

- It defines unusual or rare terminology,
- Most importantly, it provides a system of interpretation. This system of interpretation is crucial because it gives us three things:
 - 1) It guides us in the application of the Torah to new situations and new scenarios,
 - 2) It gives us standards and guidelines by which we can evaluate the legitimacy of interpretations and applications of the Torah, and
 - 3) It provides a means by which we can reconstruct any details of correct observance should it become blurred or forgotten due to exile and oppression.

***Mesorah* - Transmission**

The most important element in validating interpretations of the written and oral Torah is the concept of *Mesorah*. *Mesorah* is the greatest proof to the authenticity of any concept, practice, or interpretation.

Mesorah is a hard concept to translate. The closest translation is probably “transmission,” the giving over of information. It refers to an unbroken chain of transmission from the revelation at Sinai until the present time. Authenticity of concepts and practices is strongly based upon *Mesorah*.

For example, the word *totafot* occurs in three similar passages: Exodus 13:6, Deuteronomy 6:8 and 11:18. The oral component of Torah tells us that *totafot* are *Tefillin*, phylacteries, the black boxes containing scriptural parchments which are worn by Jewish men during morning prayers. The oral component also tells us the complicated details of their writing and manufacture. For example: the boxes must be perfectly square and both the boxes and straps must be black. Yet, how do we know this is correct?

First and foremost – we know it is correct because we believe in the correctness of the oral component of the Torah. On top of that though, *Mesorah* tells us it is correct because there has never been a time since the giving of the Torah when *Tefillin* were made or conceived of in any other way.

Another example is kosher slaughter. The Torah tells us that there is a method of correct slaughter (see above and Deuteronomy 12:20-21). Yet, the Torah does not define this method. The oral Torah, though, provides us with great detail on the process, anatomical, and technical requirements for kosher slaughter. We know this to be correct based on the authority of the oral Torah and based on the fact that there has never been a time since Sinai when kosher slaughter was done any other way.

It should be noted here that *Mesorah* carries more weight than even archaeological evidence. Archaeology is concerned with reconstructing forgotten things based upon a minute amount of evidence. *Mesorah* is known information transmitted from generation to generation without having been forgotten. When there is a known break in *Mesorah*, the chain of transmission, and it has a practical effect on observance, we do not attempt to resurrect the *Mesorah* based on archaeological evidence. For example, knowing which cities in Israel were walled in ancient times is important for a number of laws. We rely on *Mesorah*, transmitted knowledge, to determine which cities were walled. Archaeological evidence is insufficient proof.

Writing Down the Oral Law

For much of Jewish History, the oral Torah was not written down. It was part and parcel of the culture of a unified people living in a single location. Its integrity was also maintained by a central authority, the Sanhedrin. However, as the threat of exile loomed large and the Sanhedrin's authority waned under Roman persecution, the Rabbis realized that the transmission of Torah study and *Mesorah* was in danger⁵.

They began to write down as much of the material as possible. Their vision for this redaction was two-fold:

- 1) To create a representative literature of the oral component of Torah in a form that was compact and efficient for study and memorization, and
- 2) Create a statement of the oral law that, by way of study, would teach and preserve the correct method of Torah study and interpretation.

⁵ See *Temura* 14b.

The final product of this effort was the *Mishnah*.

**The Mishnah
(Teaching)**

The *Mishnah*, Teaching, was sealed by [Rabbi Judah the Prince](#)⁶ in about 220 CE. It's almost 600 chapters were divided into 6 orders, and each order into smaller divisions called *Masechtotm*, Tractates. Each tractate was divided into chapters, and each chapter into smaller divisions, called *Mishnyos* – teachings. The Mishnah was quickly accepted as the authoritative representative statement of the oral Torah⁷.

**The Gemorah
(Learning)**

If the *Mishnah* is the Teaching, then the *Gemora* is the Learning. Once the *Mishnah* was complete, the rabbis immediately began teaching it in the academies of study. Their lessons on the *Mishnah* explained the relationship between the oral and the written Torah, the methods of interpreting both, and the practical conclusions. These studies in the *Mishnah* are called *Gemora*, Learning. Eventually, all of the *Gemorah* was collected and written down alongside the Mishnah. The two side-by-side, are called the Talmud. The Talmud was completed between the 5th and 6th centuries.

The Talmud

As mentioned above, the Talmud is a two-part work comprised of the *Mishnah*, a representative statement of the oral Torah, and the *Gemorah*, a vast collection of studies on the *Mishnah*. After the diaspora, the two centers of Torah study were Bavel (modern day Iraq) and, to a much lesser degree, Israel. Each of these centers produced their own editions of the Talmud.

- [Talmud Bavli](#) – The Babylonian Talmud. The collection of studies produced just over the border of Israel in Bavel. The greatest of the Jewish scholars had been exiled to Bavel. Their Talmud is considered far more authoritative and reliable than the Yerushalmi Talmud. When people refer to the Talmud, they are usually referring to the Talmud Bavli.

⁶ “The Prince” is an honorific on account of Rabbi Yehudah’s tremendous scholarship and piety.

⁷ There are two other collections of material from the oral Torah that are similar to the *Mishnah*. These collections are called the [Tosefta](#) and [Braisa](#). The *Braisa* are teachings not included in the *Mishnah* because they either did not meet the standards of compactness and pedagogical value, or they did not fit constructively into the overall goals of the *Mishnah*. The *Tosefta* is a collection of supplementary material to the Mishnah. Both the *Braisa* and *Tosefta* carry significant authority.

- [*Talmud Yerushalmi*](#) – The Jerusalem Talmud. The collection produced by the few scholars remaining in Israel after the exile. They suffered terrible privation and hardship and worked under very difficult conditions. Their Talmud is generally considered inferior to its counterpart in Bavel. One problem is that the Jerusalem Talmud is not a universal text. There are numerous versions of the text, many of which contradict each other. Additionally, vast sections of the Jerusalem Talmud have been lost or were never completed.

The Babylonian Talmud is the authoritative text for Torah law and study. Occasionally, when an issue in the Babylonian Talmud is uncertain, the Jerusalem Talmud is used for clarification or to find consensus.

Other Torah Texts

Midrash

The [*Midrash*](#), Exposition, is the oral Torah's interpretations of the non-Legal aspects of the Torah. It includes ethical, theological, moral meditations upon the text of the Torah. It also fills in many missing details of the Torah narrative based on *Mesorah*. **While the *Midrash* may be used to clarify details of Talmudic interpretations, it is important to remember that we do not decide law or practice based upon Midrash.**

Mystical Texts

Mystical, philosophical, and metaphysical *Mesorah* is part and parcel of the Torah. There are a vast number of mystical texts, yet the one that reigns supreme is the *Zohar*, The Book of Splendor. The *Zohar* is a medieval compilation of *Midrashim* from the school of Rabbi Shimon bar Yochai – an early mystic who appears throughout the Talmud.

The *Zohar* is the cornerstone for the *Kabbalistic* (mystical) study of the Torah. The *Zohar* does, to a certain degree, influence the practical observance of *Halakhab* (religious practice and law). However, only the greatest experts in Torah are able to discern when and how mystical concerns affect real practice.

The *Zohar* is an exceedingly difficult text that cannot be understood at face value. It should only be studied under the guidance of one who is an expert in its intricacies or by someone who has sufficient grounding in the rest of Torah literature.

Rabbinic Authority

Experts in the above texts have been given authority to decide issues. This is found in numerous places in the Torah text itself (i.e. Ex. 18:20, Deuteronomy 16:18 and 17:8–13). Not only this, but they have also been given the authority to make decrees to safeguard the laws of the Torah. Their authority is also hierarchical.

Deciding *Halakhah* (Actual Practice)

The system of deciding religious practice, *Halakhah*, is part and parcel of Torah. The system of *Halakhah* exists to preserve the *Mesorah* and to fill in gaps when they occur. Not all rabbis are capable of deciding matters of *Halakhah*. Those who are capable are known as *poskim* (decisors, or singular *posek*) or *Dayanim* (judges – singular *Dayan*). A *posek* or *Dayan* must:

- Be fluent in the hierarchies of Torah authority and rules of derivation and interpretation,
- Have a complete mastery of the source materials,
- Possess sufficient scholarship to understand how a decision in one area will affect the “homeostasis” of the entire *halakhic* system,
- Thoroughly understand the boundaries of *Mesorah* and evaluate decisions in its context.

The structure of rabbinic authority in exile is a meritocracy. The greater and more accomplished a scholar, the greater the authority he holds. No scholar today, however, can overrule an accepted decision from an authority in an earlier era of Torah scholarship.

Eras of Torah Scholarship and Authority

Since the destruction of the Temple and worldwide dispersion of the Torah community, there has been a constant global effort to unify and preserve Torah observance in exile. The Torah world has gone through many stages in accomplishing that goal.

The *Gaonim*
(The Respected
or Eminent
Ones)
700 to 1000 CE

From about the 7th until the 11th century (when the Jewish community began to spread beyond the Middle East, settling in Spain, Africa, France, and Germany) the exile communities corresponded frequently with the [*Gaonim*](#), the leaders of the remaining academies of Torah study in the Middle East. The *Gaonim* answered questions and compiled guidelines for them on prayer and holiday observances...

The *Rishonim*
(The Early
Scholars)
1000 to 1500 CE

The Jewish community eventually abandoned the Middle East as the centers of scholarship shifted to Spain, Germany, and France. The scholars in these countries established their own schools and produced producing extensive, foundational commentaries on the Talmud and the Torah. They were known as the [*Rishonim*](#).

***Kovim* (The**
Establishers)
1500 to 1680 CE

The *Kovim* sought to collect and systematize all of the scholarship produced in the diaspora to produce a unified form of Torah observance in the exile. Their work is the basis of all Jewish practice today. The most important of the *Kovim* is [Rabbi Yosef Karo](#) (1488 – 1575). He literally collected, studied, compiled, and systematized every known piece of Torah thought produced since the exile. His magnum opus was the [*Shulchan Aruch*](#), the Set Table - a complete statement of Jewish practice in exile. It is a massive work based upon the thought of thousands of Torah scholars working for over 1000 years. It is the basis of all Jewish practice today.

The *Acharonim*
(The Later
Scholars)
1680 to 2013?

With the *Shulchan Aruch's* acceptance, the rabbinic world now had a launch pad – a universal foundation – from which to work. There was a sudden boom in all areas of Torah scholarship. The generations of scholars following the *Kovim* are known as the [*Acharonim*](#).

With the death of Rabbi Ovadia Yosef in 2013, many believe that we are entering a new era in Jewish scholarship. The nature of this era has yet to be defined.

Summary of the Lesson

1. The tradition of Torah study and interpretation that has been passed down to us from Sinai is unique and unlike the methods of scriptural study used by other non-Jewish and non-Noahide faiths.
2. *Tanakh*, the Hebrew Scriptures, is viewed as hierarchical. The *Chumash*, the 5 Books of Moses, sits at the top of this hierarchy. It is eternal and cannot be changed. Later prophets and writings cannot modify the revelation of Sinai.
3. The Torah cannot be understood without the oral/experiential component to “make it whole.” We know that this component is correct because of *Mesorah* – a chain of transmission – it has been handed down to us in an unbroken chain since the giving of the Torah.
4. Due to regional instability and the impending exile, the Rabbis decided to commit as much of the oral component of the Torah to writing as possible. This compilation, completed about 220 CE, is the *Mishnah* (Teaching). The study and analysis of the *Mishnah* was eventually recorded as well. This is called the *Gemora* (Learning).
5. The *Gemora* and *Mishnah* together, side-by-side, is the Talmud. The two communities of Jerusalem and Bavel each produced their own editions of the Talmud. The Babylonian (Bavel) Talmud is far superior and more reliable than the Jerusalem Talmud. It forms the basis of Talmudic study today.
6. Torah observance and practice is only decided based on the Talmud, the written Torah, and the long tradition of interpretation and study by qualified scholars. The Midrash is the oral law’s exposition on the ethical, philosophical, and homiletic parts of Torah. Practice cannot be decided from Midrash.
7. There are many works on the *Kabbalistic*, mystical aspects, of the Torah. It takes tremendous wisdom and background to understand these works.
8. The Torah grants authority to qualified rabbinic scholars.
9. Torah scholarship has passed through a number of eras in exile as scholars sought to create a unified diaspora observance of Torah.