

The Contents of the Oral Torah

So far we have explained the meaning of the term “Oral Torah” and how the Oral Torah came to be written down. Now we will present a more detailed explanation of the content of the Oral Torah. This class will discuss both the legal components of the Oral Torah and the *Aggadic* (philosophic) components. We will see that there are five categories of the Oral Law and give examples of each. In addressing the philosophical component of the Oral Torah, we will seek to understand why the *Aggadata* appear so obscure. Finally, the class will summarize the published compilations of the Oral Torah.

This class will address the following questions:

- What does the Oral Torah contain?
- Talmudic tales often seem very fanciful. Why are the philosophical elements of the Oral Torah so obscure?
- Which written works are codifications of the Oral Torah?

Class Outline:

- Section I. Legal Component of the Oral Torah
 - Part A. Explanations Received and Transmitted by Moshe Relating to the Text of the Torah
 - Part B. Halachah LeMoshe MiSinai – Laws Transmitted Orally (Not Based in Text)
 - Part C. Laws Derived by Interpretive Rules and Talmudic Reasoning
 - Part D. *Gezeirot* (Decrees) enacted by the Prophets and Sages to Safeguard Torah Laws
 - Part E. Legally Binding *Minhagim* (Customs) and Rabbinic *Takanot* (Amendments) for the Benefit of the People
- Section II. Philosophic Component of Oral Torah – *Aggadata*
- Section III. The Oral Torah in Writing
 - Part A. The Mishnah
 - Part B. The Talmud
 - Part C. Gaonim and Rishonim
 - Part D. The Beit Yosef, Shulchan Aruch and Beyond

SECTION I. LEGAL COMPONENT OF THE ORAL TORAH

In the introduction to his commentary on the Mishnah, Rambam (Maimonides) identifies five elements of the Oral Torah as it was ultimately preserved in the Mishnah and Talmud. These categories are organized according to the sources from which these laws derive: received directly from God at Sinai, derived through interpretive tools given at Sinai, or legislated by the Sages with the Torah's authority.

PART A. EXPLANATIONS RECEIVED AND TRANSMITTED BY MOSHE RELATING TO THE TEXT OF THE TORAH

The first category identified by Rambam is the explanation of the text of the Written Torah. Every language has its subtleties and various possible interpretations. The Oral Torah relays the accurate tradition of the correct reading of the Written Torah and the translation of its words in the way God taught Moshe when He gave it to him.

1. Rambam, Introduction to Commentary on the Mishnah – The Oral Torah contains the tradition regarding the correct reading of the Torah.

The first section [of the wisdom of the Oral Torah] contains the explanations received through Moshe that are alluded to in the verses or can be derived from the written words using the traditional methods. It is not possible to challenge or refute these teachings; once it is established that someone has received such a tradition [all the way back to Moshe], all grounds for debate have been dispelled.

החלק הראשון, הפירושים המקובלים ממושה שיש להם רמז בכתוב או שאפשר ללמודם באחת המדות, וזה אין בו מחלוקת כלל, אלא כל זמן שיאמר אדם קבלתי כך וכך מסתלק כל וכו'.

An example of such a tradition is the mitzvah of using an *etrog* (citron) fruit on Sukkot. The Torah does not identify by name the specific fruit to be used in performing this mitzvah. It just says to use a *pri etz hadar*, the fruit of a beautiful tree (Vayikra/Leviticus 23:40). That description might mean many different species, but we know by oral tradition from Moshe that the Written Torah refers specifically to the *etrog*, citron fruit.

Note: Rambam explains that although the Talmud (Sukkah 35a) discusses the derivation of the words *pri etz hadar* as referring to the *etrog*, this does not imply that the meaning of the verse was ever doubted. The Talmud is simply demonstrating how the accepted interpretation fits logically in the words themselves.

PART B. HALACHAH LEMOSHE MISINAI (LAWS TRANSMITTED ORALLY TO MOSHE FROM SINAI)

God taught Moshe a number of laws that have no source within the text of the Written Torah. These are referred to as "Laws to Moshe from Sinai" (*Halachah leMoshe miSinai*). These laws were carefully preserved from generation to generation, and for this reason the Sages of the Talmud never disputed them.

1. Rambam, Ibid. – The Oral Torah contains legal information that has no reference in the Written Torah.

The second category includes laws referred to as "Halachah leMoshe miSinai," which have no

החלק השני, הם הדינים שבהם אמרו שהם הלכה למשה מסיני, ואין עליהם ראיה כמו שאמרנו, וגם זה

[scriptural] source of the sort we described above. These halachot remain uncontested, as well.

ממה שאין בו מחלוקת.

A prime example of this category of halachah is the description of the making of a Torah scroll: the type of parchment, the type of ink and other details pertaining to Torah scrolls. These details are not referred to in the text of the Written Torah but were transmitted orally from the time of Moshe. (See Talmud Yerushalmi, Megillah, Perek I, Halachah 9).

PART C. LAWS DERIVED THROUGH INTERPRETIVE RULES AND TALMUDIC REASONING

Besides the laws themselves, Moshe also received the rules for deriving laws from the Written Torah. Rambam writes that the majority of the laws in the Oral Torah – the details of how to perform the 613 mitzvot – fall into this category. The laws derived by the Sages of the Mishnah and Talmud using these rules have the authority of actual Biblical law, not Rabbinic law (see Sanhedrin 99a and Sefer HaMitzvot of Rambam, Shoreshe Sheini). Likewise, laws that the Sages derive by applying their own logic without basis in the text of the Torah are considered Biblical law.

i. Interpretive Rules

1. Sifra 1a – There are thirteen main rules of exegesis for deriving laws from the Torah.

Rabbi Yishmael says: Through thirteen rules is the Torah elucidated:

- 1) Through a conclusion inferred from a lenient law to a strict one (a fortiori), and vice versa;
- 2) Through tradition that similar words in different context are meant to clarify one another;
- 3) Through a general principle derived from one verse and a general principle derived from two verses;
- 4) Through a general statement limited by a specification;
- 5) Through a specification broadened by a general statement;
- 6) Through a general statement followed by a specification followed, in turn, by another general statement – you may only infer whatever is similar to the specification;
- 7) When a general specification requires a specification or a specification requires a general statement to clarify its meaning;
- 8) Anything that was included in a general statement but was then singled out from the general statement in order to teach something, was not singled out to teach only about itself but to apply its teaching to the entire generality;

רבי ישמעאל אומר בשלש עשרה מדות התורה נדרשת בהן
(א) מקל וחומר,
(ב) מגזירה שוה,

(ג) מבנין אב מכתוב אחד, מבנין אב משני כתובים,

(ד) מכלל ופרט

(ה) מפרט וכלל,

(ו) מכלל ופרט וכלל אי אתה דן אלא כעין הפרט,

(ז) מכלל שהוא צריך לפרט ומפרט שהוא צריך לכלל.

(ח) כל דבר שהיה בכלל ויצא מן הכלל ללמד לא ללמד על עצמו יצא אלא ללמד על הכלל כלו יצא,

- 9) Anything that was included in a general statement but was then singled out to discuss a provision similar to the general category, has been singled out to be more lenient rather than more severe;
- 10) Anything that was included in a general statement but was then singled out to discuss a provision not similar to the general category, has been singled out both to be more lenient and more severe;
- 11) Anything that was included in a general statement but was then singled out to be treated as a new case cannot be returned to its general statement unless Scripture returns it explicitly to its general statement;
- 12) A matter elucidated from its context, or from the following passage;
- 13) Similarly, two passages that contradict one another – until a third passage comes to reconcile them.

(ט) כל דבר שהיה בכלל ויצא מן הכלל למען טוען אחד שהוא כענינו יצא להקל ולא להחמיר,

(י) כל דבר שהיה בכלל ויצא מן הכלל למען טוען אחר שלא כענינו יצא להקל ולהחמיר,

(יא) כל דבר שהיה בכלל ויצא מן הכלל לידון בדבר חדש, אי אתה יכול להחזירו לכללו, עד שיחזירנו הכתוב לכללו בפרוש

(יב) דבר הלמד מענינו, ודבר הלמד מסופו,

(יג) וכן שני כתובים המכחישים זה את זה, עד שיבוא השלישי ויכריע ביניהם.

Additionally, Rabbi Yossi HaGalili composed a list of thirty-two rules of exegesis. One can find this list printed as an appendix to the Talmud Bavli, tractate Brachot.

2. **Rambam, Introduction to Commentary on the Mishnah – The rules of exegesis comprise the Rambam's third category of the Oral Torah.**

The third category includes laws extracted through one of the rules of exegesis...

החלק השלישי, הם הדינים שנלמדו באחת המדות...

An example of a law derived through one of the rules of interpretation is the one that prescribes how to position Tefillin on the head. The verse in the Torah tells us that they should be “placed between your eyes.”

3. **Shemot (Exodus) 13:9 – The Torah says to place Tefillin “between your eyes.”**

[These words] must also be a sign for you on your arm and a reminder between your eyes so that God's Torah may be in your mouth; for with a strong hand God took you out from Egypt.

והיה לך לאות על ירך ולזכרון בין עיניך למען תהיה תורת יקוק בפידך כי ביד חזקה הוצאך יקוק ממצרים:

This may sound straightforward enough, and indeed groups that do not follow the Oral Law have actually worn Tefillin literally between their eyes. However, the Sages of the Oral Law understood by virtue of a tool called “Gezeirah Shavah” that the actual place to put Tefillin is further up on the head. This tool makes use of similar language found in two areas of law to derive rules, one from the other.

4. **Talmud Bavli, Menachot 37b – “Between your eyes” refers to a place on the head, not literally between the eyes.**

[Head Tefillin are placed] on the high part of the head – how is this derived? The Sages have

גובה שבראש מנלן? דת"ר: בין עיניך - זו גובה שבראש; אתה אומר: זו גובה שבראש, או אינו אלא בין

taught: “Between your eyes,” this refers to the high part of the head. You say it refers to the high part of the head, but maybe it really means literally between the eyes? [Answer:] It says here (Devarim/Deuteronomy 11:18) [regarding Tefillin] **between your eyes**, and it also says there (Devarim 14:1) [regarding the prohibition of self-mutilation] “do not make a bald patch **between your eyes** as a sign of mourning.” Just as there it is referring to the high part of the head where a bald patch can be made, so too here it refers to the high part of the head where a bald

עיניך ממש? נאמר כאן (דברים יא:יח) בין עיניך ונאמר להלן (דברים יד:א) לא תשימו קרחה בין עיניכם למת, מה להלן בגובה שבראש מקום שעושה קרחה, אף כאן בגובה של ראש מקום שעושה קרחה.

Someone unfamiliar with Talmudic studies might feel that the use of the rules of exegesis to extract halachah is far-fetched, since it often seems so different than the literal meaning of the verses. The truth is, however, that the exegesis is not bound to the literal meaning, as long as it does not contradict it. The Sages always sought to maintain both the literal and the interpreted meaning, stating as a principle: *ein mikra yotzei midei peshuto* (the literal meaning of a verse cannot be disregarded). In this case, while the Halachah requires the Tefillin to be placed on the high part of the head, it still teaches that the proper place is above the space between the eyes. For a further example of this principle see Sukkah 2a with Rashi (s.v. *Lema'an*).

It also should be noted that when studying the Talmud, it is not always apparent whether a particular interpretation is actually a method of proving the halachah in question or if it is being brought merely to corroborate a previously known halachah, like the methods offered for deriving etrog from the words *pri etz hadar*.

II. SEVARAH – TALMUDIC REASONING

Yet other laws derive from none of the categories mentioned so far. They are not explanations of Biblical verses, they are not unwritten laws passed down from Sinai, and they are not derived through Biblical exegesis (*derash*). Rather, they are laws founded on principles of logic according to the astute minds of the Sages, called by the Talmud “*Sevarah*.” (See the sixth class in this series, Rabbinic Authority, for the criteria that enable an individual to qualify as a Sage).

1. Rabbi Tzvi Hirsch Chajes, Mevo LaTalmud, Chapter 4 – Talmudic reasoning is on par with exegesis.

We also find that there are many cases in the Oral Law that do not belong to any of the previously mentioned three categories (i.e. neither accepted explanation, oral tradition from Sinai, nor *derash*). Rather their basis is *Sevara*, Talmudic human reasoning. These laws also carry the same force as Biblical laws, as is stated in the beginning of the tractate of Zevachim (2a), “If you prefer I can derive the law from Talmudic reasoning, or if you prefer I can derive it from a verse.” We see therefore that Talmudic reasoning is of equal weight to a verse. That which originates in

עוד יש לנו הרבה ענינים בתורה שבעל פה אשר לא באו אלינו אופנים, רק דרך סברא משקול דעת האדם. וכחן של הלכות אלו גם כן דין תורה ממש להם כמו דאמרין ריש זבחים אי בעית אימא סברא ואי בעית אימא קרא. ראינו דקרא וסברא שניהם שקולים הם. הדברים הנטבעים בשכל אנושי ובהקש הדעת שוים בדרכי הלמוד והמתלמד כאלו נלמדו מקראי.

human reason or logical inference is as authoritative as that which is derived from a verse, as if it itself were derived from a verse.

The following source demonstrates the principle that Talmudic reasoning is as compelling as a verse and provides us with an example of this principle.

2. **Talmud Bavli, Bava Kamma 46b – It is logical that burden of proof should rest on the plaintiff.**

Rabbi Shmuel bar Nachmani said: From where can we derive that the burden of proof falls on the plaintiff? It is stated [Shemot/Exodus 24:14], “Whoever has a problem can go to them [the Elders],” implying that it is up to him to bring evidence before them. But Rav Ashi challenged (the need for a biblical source) saying: Do we really need a verse to tell us this? Is it not logical that “the one who has the pain goes to the doctor”?

א"ר שמואל בר נחמני: מנין להמוציא מחבירו עליו הראיה? שנאמר: [שמות כד:יד] מי בעל דברים יגש אליהם, יגיש ראייה אליהם. מתקיף לה רב אשי: הא למה לי קרא? סברא הוא, דכאיב ליה כאיבא אזיל לבי אסיא!

The logic demanding that the plaintiff bring proof of damages is that since he is the one with the problem, he must be the one to make the effort to rectify that problem. Rav Ashi's challenge – “the one that has the pain” – implies that in this sense the role of a judge is similar to that of a doctor. Just as a patient must point out his pain to the doctor and not simply make the doctor guess what is wrong with him, so too must the plaintiff prove to the judge that the defendant caused him a loss (see *Shitah Mikubetzet* in the name of Rabbi Yehonatan).

A practical application of this principle would be the following case: if my associate were to deny my claim that he owes me \$500, I would need to produce in court a signed note of debt from my associate. My verbal claim alone would be meaningless. The responsibility for me to bring proof to extract the \$500 is derived from logic and does not require a source in the Torah. This is called *Sevarah*.

PART D. GEZEIROT (PROTECTIVE ENACTMENTS)

The first three categories of the Oral Law as described above include those halachot that have the authority of Biblical law. The next two categories of law in the Oral Torah include halachot that were instituted by Torah Sages: *gezeirot* (protective enactments) and *takanot/minhagim* (amendments/customs). Generally, a *gezeirah* is a law that restricts or prohibits certain acts, while a *takanah* is an institution calling for the fulfillment of an act.

The Prophets and Sages enacted *gezeirot*, safeguards, to prevent people from transgressing the laws of the Torah.

1. **Rambam, *ibid.* – Since the Torah empowers Jewish leaders to make protective legislation, the rabbinic enactments are also part of the Oral Torah.**

The fourth category includes the laws enacted by the Prophets and Sages decreed in every generation as a “protective fence” around the

והחלק הרביעי הם הדינים שקבעו הנביאים והחכמים שבכל דור ודור על דרך הגדר והסייג לתורה, והם שצוה ה' לעשותם באופן כללי באמרו ושמרתם את

laws of the Torah (i.e. to distance people from coming to transgress Biblical prohibitions). God ordered the Sages to institute such measures with a general command, "And you shall safeguard what I wish to be safeguarded" (Vayikra 18:30). Tradition teaches that this means "institute a safeguard for those things that I wish to be protected" (Yevamot 21a). The Sages called these decrees *gezeirot*.

משמרת, ובא בקבלה עשו משמרת למשמרת. והם שקוראים אותם חז"ל גזרות.

One example of such a protective enactment is the prohibition of eating fowl together with dairy products – a safeguard distancing people from transgressing the Biblical prohibition of eating beef or lamb cooked with milk (see Talmud Bavli, Chulin 114b, Shulchan Aruch – Yoreh Deah 87:3)

2. **Rambam, ibid. – The prohibition of poultry with dairy is a rabbinic enactment that cannot be repealed.**

For example, the prohibition of eating fowl together with dairy products is a *gezeirah* enacted by the Sages to distance people from transgression. Whereas the Torah itself forbids only the mixing of dairy products with meat of a kosher domesticated mammal (i.e., beef or lamb), the Sages prohibited the mixture of dairy with fowl to distance people from that which is truly forbidden...

Once the Sages agree to enact such a *gezeirah*, no one may disobey it under any circumstance. Once the enactment becomes widely accepted among the people of Yisrael, it is impossible to repeal the *gezeirah*. Even Prophets are powerless to nullify such an enactment.

הלא תראה שבשר עוף בחלב הוא גזרה מדרבנן להרחיק מן העבירה, ואינו אסור מן התורה אלא בשר בהמה טהורה, ואסרו חכמים בשר עוף כדי להרחיק מן הדבר האסור ...

וכשתהיה הסכמת הכל על אחת מגזרות אלו אין לעבור עליה בשום פנים. וכל זמן שפשט איסורה בישראל אין דרך לבטל אותה גזרה, ואפילו נביאים לא יוכלו להתירה.

PART E. MINHAGIM (CUSTOMS) AND TAKANOT (AMENDMENTS)

Many rabbinical institutions (*takanot*) are included in the Oral Torah. Some of them were enacted by Moshe himself, such as the institution of public Torah readings on Mondays, Thursday, and Shabbat (see Rambam, Hilchot Tefillah 12:1). Likewise, many widespread practices of the Jewish people in relation to mitzvah observance were eventually incorporated into the body of Halachah in the Oral Torah.

1. **Rambam, ibid. – Customs and social amendments become binding as law.**

The fifth category includes laws instituted by the Sages upon discovering that they would be beneficial for the Jewish people. This includes (a) civil practices regarding people's interrelationships; these are unconnected to mitzvah observance and do not add to or

והחלק החמישי הם הדינים שנעשו בדרך העיון להסדרת הענינים שבין בני אדם, דבר שאין בו הוספה על דברי תורה ולא גרעון, או בענינים שהם מפני תקון העולם בעניני הדת, והם שקוראים אותם חכמים תקנות ומנהגות. ואסור לעבור עליהם בשום פנים הואיל והסכימה עליהם כל האומה.

subtract from the Torah's mitzvot, and (b) rules that improve the observance and fulfillment of the mitzvot. These rules are called *minhagim* (customs) and *takanot* (institutions). It is forbidden to transgress them once they have been universally ratified by the nation.

The *takanot* are amendments issued by Prophets and Sages over the course of Jewish history. The holidays of Hanukah and Purim are two well-known examples of these *takanot* (see Megillah 7b and Shabbat 21b). Other *takanot* pertain to what Rambam calls "civil practices," or interpersonal matters. For example, whereas the Torah invalidates the testimony of a thief, the Sages extended that invalidation to infractions that are not technically theft, such as gambling and usury (see Talmud Bavli, Sanhedrin 24b).

The Sages also gave legal weight to customs adopted by the Jewish people. In this instance the term "custom" does not mean the practice of an individual or even of a community. It means when the entire Jewish people followed a certain custom that was subsequently ratified by the Prophets or Sages as proper and beneficial (see Rambam, Hilchot Mamrim 1:2).

An example of a popular practice that was later ratified by the Sages and became legally compulsory in Halachah is the observance of the second day of Yom Tov (Jewish festival day – Pesach, Shavuot, and Sukkot) in the Diaspora. This practice began during the era when the day of each new month was determined by the Sanhedrin in Jerusalem. Jewish communities in the Diaspora could not be notified of the announcement of the new month in sufficient time to know when Yom Tov was to be observed. They therefore adopted the practice of observing two days of Yom Tov to make sure that they observed the correct day. Even after the Jewish calendar became fixed by mathematical calculations and this doubt no longer existed, the Sages insisted that this practice continue to be observed in case the need for it would arise again in the future. And so the custom became law.

2. Talmud Bavli, Beitzah 4b – The Sages ratified the custom to observe two days of Yom Tov in the Diaspora.

Now that we know the exact date of each new month, why do we observe two days? Because they sent a message from [the land of Israel]: Be sure to perpetuate the custom of your ancestors, since a time might arise when the non-Jews will forbid the practice of Halachah and people will lose track.

והשתא דידעינן בקביעא דירחא מאי טעמא עבדינן
תרי יומי? - משום דשלחו מתם: הוהרו במנהג
אבותיכם בידיכם, זמנין דגזרו המלכות גזרה ואתי
לאקלולי.

History has borne this out. There were times, such as in Nazi Germany and Soviet Russia, when Jewish calendars were forbidden and people were unable to ascertain the dates of the Jewish holidays.

Below is a chart summarizing the five legal components of the Oral Torah:

Summary of the Legal Component of the Oral Torah

Type of Law

1. Explanations Received and Transmitted by Moshe Relating to the Text of the Torah

Example

Pri Etz Hadar = Etrog

Type of Law	Example
2. Halachah leMoshe miSinai	The Laws of a Torah Scroll
3. Laws Derived by Rules of Exegesis or Logic	Placement of Tefillin and the Plaintiff's Burden of Proof
4. Gezeirot enacted by the Prophets and Sages to Safeguard Torah Laws	Prohibition of Eating Fowl and Dairy Together
5. Legally Binding Minhagim and Rabbinic Takanot for the Benefit of the People	Second Day of Yom Tov in the Diaspora and the Holidays of Hanukah and Purim

Note: In the sixth class in the Morasha series of the System of Halachah, entitled “Rabbinic Authority,” we will explore the mandate of the Sages in their roles as: **1) carriers of tradition** (“Explanations Received and Transmitted by Moshe Relating to the Text of the Torah” and “Halachah leMoshe miSinai”), **2) interpreters of the Torah’s text** (“Laws Derived by Rules of Exegesis”), and **3) legislators of rabbinical institutions** (“Gezeirot enacted by the Prophets and Sages to Safeguard Torah Laws” and “Legally Binding Minhagim and Rabbinic Takanot for the Benefit of the People”).

KEY THEMES OF SECTION I.

- ≈ The legal component of the Oral Law has five main subdivisions: interpretations of Biblical text, laws passed down completely orally from Sinai, laws derived through rules of exegesis, and rabbinical decrees and enactments.
- ≈ The Oral Law contains explanations of verses that resolve ambiguities in the written text and teach us how to read it correctly.
- ≈ Derived laws are often based on non-literal readings of the Torah’s text. They nevertheless represent valid expressions of Biblical law.
- ≈ Rabbinical law protects Jews from transgressing Biblical law and it advances social and religious concerns as understood by the Sages.

SECTION II. PHILOSOPHIC COMPONENT OF ORAL TORAH – AGGADATA

Alongside the legal component of the Oral Torah, there is also an Aggadic component filled with ethical teachings, historical lessons, expositions upon Biblical narratives, and mystical insights. These teachings are found in the Talmud, Midrash and Zohar. The source of Aggadah is the same as that of the legal component: some of it is handed down by tradition, some of it is derived using the rules of interpretation, and some of it was created by the Sages.

1. **Rambam, Introduction to Commentary on the Mishnah, Chapter 7 – The Aggadic section of the Talmud contains deep wisdom veiled in metaphor and allusion.**

The Aggadic passages of the Talmud are not to be taken lightly, nor may anyone think that they have little value. On the contrary, they are profoundly beneficial, since they include allusions to deep concepts and wondrous matters. If someone will research the meaning of these passages thoroughly, he will come to understand the greatest and most absolute goodness, and likewise concepts of the Divine and deep matters will be revealed. These teachings are issues which men of wisdom have previously concealed (due to their importance), and philosophers in every generation grasped only after tireless efforts.

הדרש שהובא התלמוד, אין לחשוב שהוא קל
חשיבות, או שתועלתו מעטה, כי הוא לתכלית גדולה
מאד, במה שהוא כולל מן הרמזים העמוקים והענינים
הנפלאים. לפי שאם יעוין עיון מעמיק באותם
הדרשות, יובן מהם מהטוב המוחלט מה שאין למעלה
ממנו, ויתגלו מהם מן הענינים האלקיים וענינים
אמתיים ככל אשר הסתירו אנשי המדע וככל אשר כלו
בו הפילוסופים דורותיהם.

The Oral Torah records the ethical teachings of many of the greatest Sages of the Jewish people; it also contains sections that expound upon verses in the Torah, the lives of Biblical figures, and historical accounts of post-Biblical events. The style of the Aggadah can be difficult to comprehend, although it tends to use the same rules of interpretation as the legal component. The true intent of many of the teachings of the Aggadah is shrouded in obscurity.

2. **Rabbi Aharon Feldman, The Juggler and the King, pg. xxii – The Aggadah must not be taken at face value.**

[W]hereas Halachic discussions are rigorously logical, Aggadata is often noticeably obscure. This obscurity is intentional: in Aggadah the message – often some of the most basic ideas of Judaism – is garbed in what appears to be parables, riddles or even practical advice without apparent religious content. In line with this, one great authority writes that the dictum that a verse never departs its plain meaning applies only to the Torah's verses and not to Aggadic statements; in fact, he writes, the plain meaning of Aggadah is rarely its true meaning.

3. **Rambam, Introduction to Commentary on the Mishnah – The Sages purposely disguised their wisdom in riddles for a number of reasons: to sharpen minds, confuse fools, and teach the masses.**

When you look at [the Aggadah] at face value, you might find things that seem to be the height of absurdity. [The Sages] did this for profound reasons.

(1) One reason was to encourage the student to apply himself seriously to understand it.

(2) Also, it glazes the eyes of the fools whose hearts will never be enlightened. If the truth would be laid out before them, they would misinterpret it because of their intellectual deficiency...

וכשתביט בהם בפשוטם תמצא בהם נגד המושכל מה
שאין למעלה ממנו. ועשו כך לענינים נפלאים,

האחד לעורר הבנת הלומדים,

וגם לשוע עיני הכסילים אשר לא יוארו לבותיהם
לעולם, ולו תוצע לפניהם האמת היו סוטים מעליה כפי
חסרון טבעם...

(3) Also, when teaching the public, it must be done through parable and metaphor...so that when their minds mature they will be able to understand the metaphors...

For these reasons, the Sages (peace be upon them) spoke of Divine matters through allusion. Therefore, when a person comes across a teaching that does not make sense to him, it is only fitting for him to attribute the deficient understanding to his own intellect and not to the teaching itself.

ועוד שהלמוד לרבים לא יתכן אלא בדרך חידה ומשל... כדי שכשתגיע דעתם לשלמות ידעו ענין אותם המשלים ...

ומשום כך דברו חכמים ע"ה בענינים האלקיים ברמז. ולכן ראוי לאדם שאם נזדמן לו מדבריהם דבר שהוא נגד המושכל לפי דעתו שלא ייחס החסרון לאותם הדברים אלא ייחס החסרון לשכלו.

The following is an example of just such an obscure teaching that occurred on Purim – a seemingly peculiar account that conceals a profound lesson.

4. **Talmud Bavli, Megillah 7b – The Talmudic Sage Abaye receives a sixty-course meal on Purim.**

Abaye said: When I left [Rabbah's] house (to go to Mari), I was satiated. Yet when I arrived there, they brought me sixty plates with sixty types of cooked food, and I ate sixty portions. The last dish they gave me they called pot roast, and after eating it I wanted to eat the plate. Abaye commented on this incident: This illustrates the common saying, "a poor person might be starving, but he does not realize it." Alternatively, it bears out the popular saying, "There's always room for something sweet."

אמר אביי: כי נפקי מבי מר הוה שבענא, כי מטאי להתם קריבו לי שיתין צעי דשיתין מיני קדירה, ואכלי בהו שיתין פלוגי. ובישולא בתרייתא הוו קרו ליה צלי קדר, ובעאי למיכס צעא אבתרה. אמר אביי: היינו דאמרי אינשי: כפין עניא ולא ידע. אי נמי: רווחא לבסימא שכיח.

Now this passage certainly strikes one as bizarre and exaggerated. What's more, it seems completely irrelevant and devoid of any lesson. What purpose could the Talmud have for recording such a passage?

As we have said, the plain meaning of Aggadah is rarely its true meaning. Here is one interpretation of this incident and its practical lesson for us.

5. **Rabbi Moshe Sofer, Derashot Chatam Sofer 37: Adar – Abaye realizes his own ignorance and the depth of the Torah.**

When Abaye left Rabbah's home (his teacher), he felt "satiated" with Torah and figured that he had received his full measure of study, and he was as happy as one usually feels on Purim day – for this is the utmost happiness for a Torah scholar. But after Abaye arrived at Mari's home, "they brought me sixty plates with sixty types of cooked food," meaning that they engaged with him in debate regarding the sixty tractates that comprise the entire Talmud, called "plates," for they are the framework within which their contents lie. "And I ate sixty pieces," meaning that he learned

אביי כי הוה נפיק מבי רבה הוה שבע בדברי תורה וחשב שכבר מילא כרסו ומצא כדי מדתו, והיה שמח וטוב לב ביום הפורים כי זה כל עיקר שמחת הת"ח, וכי מטא להתם קריבו לי שיתין מיני' בשולא בשיתין צעא הרצון שפלפלו עמו בשיתין מסכתות שהוא ש"ס כולו וכל מסכתא נקרא צעא וקערה למה שבתוכו ואכל מיני' שיתין פליגי פירוש למד ממנו בכל מסכתא דבר חדש מה שלא ידע עדיין, ואירע לו מקרה שהמסכתא האחרונה שפלפלו בה היה מסכתא פסחים סוגי' דצלי קדר ...

something new regarding each tractate, concepts that he had never known before. The last tractate was that of Pesachim, dealing with the topic of roasting (the Passover sacrifice)...

So what he meant by saying that he was “satiated” when he left Rabbah’s house was for one of two possible reasons: it was either because he was lacking in comprehension (despite his stature) and therefore thought that he knew things while he really did not, or because the Torah is so deep that it is not possible to conceive of knowing more. When both these reasons exist, it is doubly likely to be the case [feeling satiated]. When he compared his situation to the saying, “a poor person might be starving but he does not realize it,” he meant that someone poor in intelligence does not even realize that he is lacking. Or alternatively, because of the depth and virtue of the Torah, “there is always room for something sweet.”

והנה מה דאמר כי הוה נפקא מבי מר הוה שבענא הוא לא' משתי סבות או לקוצר המשיג אשר על כרחך חושב שיודע אעפ"י שאינו יודע או לעומק המושג כי התורה עמוק עמוק מי ימצאנו, ומכש"כ בצירוף שניהם קוצר המשיג ועומק המושג, ע"כ אמר היינו דאמרי אינשי כפין עניא ולא ידע לקוצר המשיג אינו מבין כי עדיין צריך להרבה דברים שנעלמו ממנו, ואי נמי לעומק וחשיבות המושג התורה היינו רווחא לבסימא שכיחא.

KEY THEMES OF SECTION II.

- ⌘ The non-legal component of the Oral Torah is the Aggadah. It is concerned with ethical, philosophical, historical, and mystical teachings.
- ⌘ The teachings of the Aggadah are purposely obscure and therefore should not be taken at face value.
- ⌘ These lessons are written ambiguously in order to sharpen the student’s mind and beguile the uninitiated. Furthermore, they are taught often by way of parable so that the less educated can also glean lessons from them when they mature.

SECTION III. THE ORAL TORAH IN WRITING

So far we have been discussing the various types of laws and lore passed on by word of mouth as the Oral Torah. Eventually this body of knowledge was written in the form of the Mishnah, Talmud, Midrashim, and their commentators, as well as in legal codes and anthologies of case law. How this came to happen and how these texts function on a legal basis will be discussed in future classes in this series (see Class V – The Chain of Transmission of the Torah, and Class VIII – The Halachic Process).

For now, since we are on the topic of the content of the Oral Torah, we will not examine their origin or function but will explain the content of these works.

PART A. THE MISHNAH

The redaction of the Oral Torah into a formal compilation was first accomplished by Rabbi Yehudah HaNasi (Judah the Prince). This is the Mishnah that we have today, the basis of the Talmud. This work was completed in 3948 (188 CE) in Israel. God orchestrated history so that Rabbi Yehudah enjoyed relative peace and cooperation with the governing Romans. This allowed him to convene all existing contemporary Sages and to compare their versions of the Oral Torah. In compiling his work, Rabbi Yehudah and his colleagues made use of the earlier versions of the halachot, filtering out extraneous material and deciding among various disputed opinions and unresolved questions. The Sages of his time unanimously concurred with his decisions and ratified his edition, which he named Mishnah.

The following is an overview of the structure of the Mishnah:

1. Rabbi Mordechai Becher, *Gateway to Judaism*, pp. 481-482 – The Mishnah is structured into six categories of law.

The Mishnah was redacted during the second century C.E. Following are the six sections, known as *sedarim* (order).

1. Seeds – Zerayim

The first tractate (*masechta*) of this order is Brachot, “Blessings,” containing the laws of blessings, prayers and the synagogue service. The other ten tractates discuss the agricultural laws that apply in the Land of Israel, as well as some that apply outside of Israel.

2. Times – Moed

This order deals with the Jewish calendar. It contains 12 tractates discussing Shabbat, festivals, the High Holidays, the Jewish calendar and the fast days.

3. Women – Nashim

This order deals with marriage, married life and divorce. Its seven tractates discuss the laws of marriage and divorce, the marriage contract (*ketubah*), incest and adultery, vows and their annulment, and levirate marriages (*yibum* and *chalitzah*).

4. Damages – Nezikin

This order deals with civil laws governing a person's property. Its nine tractates discuss: compensation for damages, returning lost objects, business ethics and trade laws, property and inheritance, jurisprudence, government and the monarchy, laws of bearing testimony, corporal and capital punishments, the prohibition of idol worship, and a court's responsibilities for its rulings.

5. Consecrated Property – Kodashim

Kodashim contains eleven tractates. It discusses the laws of the sacrificial offerings in the Holy Temple; the laws concerning firstborn people and livestock, donations to the Temple treasury and the laws of kosher slaughter and other dietary restrictions.

6. Purity – Taharot

Taharot deals with the laws of spiritual purity and impurity (*tumah v'taharah*). Its twelve tractates discuss the laws of family purity, impurity caused by death or *tzara'at* (commonly called leprosy), and the various methods of purifying people and objects. The laws, structure and purpose of the mikveh are also detailed.

There were additional statements of Oral law known as *Breita* and *Tosefta* that also have legal weight, but do not have the elevated status of Mishnah, and were recorded separately from the Mishnah. These teachings are also found throughout the Talmud.

Besides the Mishnah and Talmud, the Midrashim and Zohar are other principal compositions of the Oral Torah.

2. **Rabbi Mordechai Becher, Gateway to Judaism, pp. 483-484 – Midrashim were written down by many of the same Sages found in the Mishnah and Talmud; the Zohar was codified by the students of Rabbi Shimon bar Yochai.**

Midrash

Midrash is a generic term for any of approximately 60 collections of commentaries, stories, metaphors and ethical essays organized according to the Books of the Torah, Prophets and Writings, and it includes commentaries on the letters of the Hebrew alphabet. Most midrashim were composed during the era of the Mishnah and Gemara. Many authors of the Midrash appear in the Mishnah or Gemara. The central concepts and commentaries of the Midrash are part of the Oral tradition from Sinai. The most famous collections are Midrash Rabba, Midrash Tanchuma, Sifri, Sifra, Mechilta and Yalkut Shimoni.

Regarding Midrash, the Maharal of Prague wrote that, “most of the words of the Sages were in the form of metaphor and the analogies of the wise...unless they state that a particular story is not a metaphor, it should be assumed that it is a metaphor. Therefore one should not be surprised to find matters in the words of the Sages that appear to be illogical and far from sensible” (Be’er Hagolah, Fourth Be’er p. 51).

Zohar

The Zohar was composed by the students of Rabbi Shimon bar Yochai, who transcribed his teachings circa 170 C.E. in the Land of Israel. It discusses the concepts of Creation ex nihilo, Divine Providence and its mechanisms, the metaphysical meaning of the commandments of the Torah and the connection between the physical and the spiritual. Its text is in Aramaic, and it follows the order of the Five Books of Moshe. The Zohar is the primary text of the Kabbalah, the Torah’s mystical teachings.

PART B. THE TALMUD

After the grace period enjoyed by Rabbi Yehudah Hanasi, the Jews’ state of security deteriorated rapidly, and they began to disperse all over the world. The concise nature of the Mishnah was not sufficient to guarantee the survival of the Oral Torah and led to the redaction of the Gemara (Talmud). The Gemara contains the discussions and interpretations of the Sages on the Mishnah during the three centuries following the redaction of the Mishnah. Two Talmuds were codified, the *Yerushalmi* (Jerusalem) and *Bavli* (Babylonian). Rav Yochanan compiled the Yerushalmi in the Land of Israel, followed by Rav Mana and Rav Yosi bar Bun in 350 CE. The Yerushalmi contains explanations of the Mishnah and the discussions, questions and decisions of the Torah academies in Israel. Agricultural laws in the Land of Israel are explored in detail.

In Babylonia, Rav Ashi (352-427 CE), with his colleague Ravina and thousands of other scholars, undertook to collect the discussions on the Mishnah and set them into writing. After Rav Ashi’s death, his son, Mar bar Rav Ashi continued the final editing along with Mereimar. The Babylonian Talmud (*Talmud Bavli*), as it is called, was published in the year 4265 (505 CE). Neither the Talmud Yerushalmi nor Bavli covered the entire Mishnah.

1. Rambam, Introduction to Commentary on the Mishnah – The purpose in writing the Talmud was to more fully complete the picture of the Oral Torah in four different ways.

- (1) To explain the Mishnah and all the unresolved disputes over the Mishnah, presenting the valid arguments of each side, recording the claims of each one against his colleague, and determining which argument is accepted as the correct one. This was his foremost goal.
- (2) To present halachic decisions wherever the Sages of the Mishnah disputed the halachah, wherever the Mishnah's interpretation is disputed, wherever a halachah deduced from the Mishnah is disputed or wherever there is a dispute whether or not a particular halachah is the same as the rule of the Mishnah.
- (3) To record the new applications that the Sages of each generation derived from the Mishnah, explaining the principles and proofs upon which these applications were based, and connecting them to the words of the Mishnah's authors, the Tana'im. Also, the Talmud includes the gezeirot and takanot that were instituted after the time of Rabbi (Yehudah HaNasi) and up to his (Rav Ashi's) time.
- (4) To record the teachings of the Aggadeta appropriate for the topic of each chapter.

האחד, ביאור המשנה וכל הפירושים השונים שנאמרו על לשונות המשנה שאין להם הכרע, וטענת כל מפרש על חברו, וביורור הטענה הצודקת, וזו היא המטרה העיקרית במטרותיו.

והשני, פסק הלכה כדברי אחד החולקים שנחלקו במשנה, או בפירושה, או במה שנלמד ממנה, או במה שדמוהו לדברי המשנה.

והשלישי, בחדושים שחדשו מן המשנה חכמי כל דור, וביאור הכללים והראיות שלמדו מהם, והסמיכם לדברי התנאים שדברו במשנה, עד שנקבע מדבריהם מה שנקבע, והגזירות, והתקנות, שנעשו מאחר רבינו הקדוש עד זמנו.

והרביעי, דרשות המתאימות לענין כל פרק שיזדמן שראוי בו הדרש.

The ability to legislate laws for the entire Jewish nation ended with the completion of the Talmud. Therefore, the categories of Oral Torah we saw above, such as laws derived through interpretive rules, gezeirot (decrees) and takanot (amendments), can only be found in the Mishnah, Talmud, and the other works from that time.

2. Rabbi Yitzchak Berkovitz, The Jerusalem Kollel, Klalei Hora'ah, www.thejerusalemkollel.com – The close of the Talmud Bavli ended the era of laws for the entire Jewish people.

Moshe Rabeinu received the Thirteen Principles with which to approach Torah. We, however, no longer use these principles in an innovative way. In fact, the use of these principles to derive halachah from the written Torah ended with the closing of the Gemara by Ravina and Rav Assi (502 CE). Furthermore, the closing of the Talmud was also the end of the ability of the Sages to promulgate decrees and statutes that would be binding on the entire Jewish nation. After the closing, the Jews were dispersed throughout the Diaspora, and there was a general breakdown of communication. Each community became its own island, often having little or no contact with other Jewish communities for years at a time. The decrees and minhagim (customs) of those communities therefore remained local and not national.

PART C. GAONIM AND RISHONIM

Through the process of continual analysis of Talmudic precedents and logic and its application to newly developed cases, the content of the Oral Torah continued to expand even after the Talmud was published.

1. Rabbi Aryeh Kaplan, *Handbook of Jewish Thought, Volume 1*, pp. 236-238 – After the closing of the Talmud, the Gaonim carried on the unbroken tradition.

The main work of the Talmud came to an end with the death of Ravina in 4259 (499 CE). This initiated the period of the Savoraim (Rabbanan Savorai), who made some final edits and comments to the Talmud and added a few passages of their own. The period of the Rabbanan Savorai lasted 90 years, until 4349 (589 CE). In some places, they wrote final decisions about halachot disputed in the Talmud. Since the Savoraim headed academies including all the Sages of the time, their decisions are as binding as those of the Talmud.

This was followed by the period of the Gaonim, which lasted until the death of Rav Hai Gaon in 4798 (1038 CE). A Gaon is the head of either of the great academies of Sura and Pumbedita in Babylonia, which had been founded in Talmudic times and were still considered the centers of authority in all matters of Torah law. To qualify, the Gaon had to have absolute mastery over the entire Talmud.

While its authority cannot be disputed, the Talmud nevertheless was not written as an organized reference book of laws. It is very difficult to extract practical halachah from it without complete mastery of it in its entirety. This led over time to the eventual codification of Talmudic law in the Middle Ages by the Rambam and others. The Sages of this later period, up to the publication of the Shulchan Aruch, are called the *Rishonim* (First-Stage Scholars).

2. *Ibid.*, pg. 238 – The Rishonim were the first to organize the legal rulings of the Talmud and Gaonim.

As the great Babylonian academies diminished in stature, there ceased to be any formally acknowledged world center of Torah authority. However, a number of summaries of halachic decisions based on the Talmud and the rulings of the Gaonim were compiled by leading rabbis, and they achieved almost universal recognition. Most noteworthy among these were the works of Rabbi Yitzchak Alfasi (Rif; 1013-1103 CE), Rabbi Asher ben Yechiel (Rosh; 1250-1328 CE), as well as the Mishnah Torah, or Yad HaChazakah, by Rambam (1135-1204 CE). The rabbis of this period are known today as the Rishonim, the “earlier [Torah authorities].”

PART D. THE BEIT YOSEF, SHULCHAN ARUCH AND BEYOND

Rabbi Asher ben Yechiel (Rosh) had a son, Rabbi Yaakov ben Asher (1269-1343 CE), who authored a major treatise of Jewish law organized into four major categories, known as the Arba'ah Turim (Four Rows). Rabeinu Yaakov is also referred to as the Ba'al HaTurim. The Shulchan Aruch (Code of Jewish Law) and subsequent halachic commentaries and responsa are organized according to the Tur's classification system.

1. Rabbi Moshe Mizrahi, HaKeter Institute, Jerusalem – The organization of the Arba'ah Turim.

Rabeinu Yaakov first divided all practical halachah into four sections: a) **Orach Chaim** – an individual's obligations to serve God daily, weekly and on special occasions; b) **Yoreh Deah** – kosher food and guidelines of marital relations and mourning; c) **Eben Ezra** – marriage and divorce; d) **Choshen Mishpat** – civil and financial law. He condensed all the major halachic opinions, organized them into chapters and offered his final rulings.

This work – Arba'ah Turim, Four Columns – soon became the backbone of all halachic studies. Even the Rishonim contemporary to Rabeinu Yaakov referred to it in their works, and certainly those who came afterward. Studying halachah, from then and until today, means to study the Arba'ah Turim and determine the opinion of Rabeinu Yaakov.

There are two major differences between Rambam's work and that of Rabeinu Yaakov. The Mishneh Torah expresses only Rambam's opinion on all issues, whereas the Arba'ah Turim explains all the major opinions. Also, the Mishneh Torah included all the halachot of all the Torah, including all those mitzvot that apply only when the nation is at home in the Land of Yisrael and when the *Beit Hamikdash* (The Temple) is standing and functioning. The Arba'ah Turim includes only those halachot that are in practice during the era of our exile.

It turned out that studying the Arba'ah Turim was not a simple matter. Although the *Tur*, as it is called, is a comprehensive work, the material is presented succinctly, resulting in many ambiguities. Not only that, but Rabeinu Yaakov did not have access to many important compilations of the Rishonim, not to mention the important works that were composed after his time.

Aware of the problems inherent in the study of the Arba'ah Turim, Rav Yosef Karo, a Sephardic rabbi, set out to remedy the situation by composing a running commentary on that work, titled *Beit Yosef*. He had three goals in this project: a) to explain each passage of the Arba'ah Turim, presenting its sources and Rabeinu Yaakov's halachic decisions; b) to collect all other opinions of the Rishonim pertinent to the halachah discussed in each chapter; and c) to issue an authoritative halachic ruling in every case, which may or may not concur with Rabeinu Yaakov's rulings.

After completing the *Beit Yosef*, Rav Karo wrote the *Shulchan Aruch* in Safed in approximately 1560 C.E. This is a shorter work containing the conclusions of his halachic decisions. In the introduction to the *Shulchan Aruch*, Rav Karo writes that he hopes that every Jew will be able to study the compendium and become fully knowledgeable of all Jewish law. At the same time, Rabbi Moshe Isserles of Krakow (known as the Remah), codified laws for European Jewish customs (Ashkenazic). The *Shulchan Aruch* became the ultimate code of Halachah, the most comprehensive and authoritative collection of halachic rulings ever published. Current editions of the *Shulchan Aruch* contain the concurrent rulings of both Rav Karo and Rav Isserles.

2. **Rabbi Aryeh Kaplan, Handbook of Jewish Thought, Volume 1, pp. 241-247 – Present-day rabbinic leaders have the authority to decide cases of Jewish law.**

In every generation, there are certain rabbis who, because of their great scholarship and piety, are generally accepted as religious leaders and authorities, as it is written, "You must observe all that they decide for you" (Deut. 17:10). Although this commandment relates specifically to the Sanhedrin, it also applies to the religious leaders of each generation...

The opinions found in any generally accepted code or responsum is considered a binding precedent. Nevertheless, a recognized Torah scholar may dispute such a decision if he has ample Talmudic proof or an unequivocal tradition that a particular decision was not generally accepted. In such cases, it is preferable to follow the rulings of a living authority, as it is written, "You shall come...to the Judge who shall be in those days" (Deut. 17:9).

In the early 20th century, for example, Rabbi Yisroel Meir Kagan, (known as the Chafetz Chaim after a book he wrote on the Laws of Proper Speech), published a modern commentary on the Orach Chaim section of the *Shulchan Aruch*. This compilation, known as the *Mishnah Brurah*, was the fruit of over twenty years of writing. A Sephardic contemporary of the Chafetz Chaim, Chacham Yosef Chaim, is also called after his most famous work, the *Ben Ish Chai*, whose laws and Torah commentaries are studied worldwide. In more recent

times, authorities such as Rabbi Avraham Yeshaya Karelitz (the Chazon Ish), Rabbi Moshe Feinstein and Rabbi Ovadiah Yosef published comprehensive answers to contemporary halachic questions, addressing all areas of life.

KEY THEMES OF SECTION III.

- ≈ The Oral Torah was compiled by Rabbi Yehudah HaNassi during a time of relative calm in which he enjoyed peaceful relations with the ruling Romans. This allowed him to convene all the Sages at that time and to clarify and ratify an authentic compilation of the Oral Torah, the Mishnah.
- ≈ The Mishnah is divided into six sections known as “Orders.” The Talmud, both the Babylonian (Bavli) and the Jerusalem editions, is an elaboration on the debates and rulings in the Mishnah. The Bavli is more authoritative as it was written under politically calm conditions and was also printed later.
- ≈ Other works of the Oral Torah containing law, philosophy, and Kabbalah were also compiled around this time in the forms of Midrash and Zohar.
- ≈ Since the Talmud is not an organized textbook of law, efforts were made to clarify and/or codify it rulings by scholars in the Middle Ages; these scholars were known as the Rishonim.
- ≈ The Shulchan Aruch emerged as the most authoritative organized collection of Jewish law, taking into account the writings and rulings of the Rishonim on every Talmudic topic.
- ≈ Contemporary Torah scholars rely on their knowledge of the Talmud and Shulchan Aruch and their commentaries, applying their Talmudic reasoning and methodology to rule on issues of Jewish law presented to them.

CLASS SUMMARY

WHAT DOES THE ORAL TORAH CONTAIN?

The Oral Torah contains essentially two components: the legal component and the Aggadic component.

The legal component can be divided into five categories: (1) explanations of the written text of the Torah received and transmitted by Moshe, (2) Halachah leMoshe miSinai – laws transmitted orally by Moshe that have no basis in written text, (3) laws derived by the rules of exegesis, (4) *gezeirot* (decrees) enacted by the Prophets and Sages to safeguard Torah laws, and (5) legally binding practices and rabbinical *takanot* (amendments) for the benefit of the Jewish people.

The Aggadic component contains the philosophical, ethical, and narrative teaching of the Sages of Israel.

TALMUDIC TALES OFTEN SEEM VERY FANCIFUL. WHY ARE THE PHILOSOPHICAL ELEMENTS OF THE ORAL TORAH SO OBSCURE?

The Aggadic component is often coded in cryptic style to conceal the depth of their wisdom.

This was done in order to sharpen the student's mind and beguile the uninitiated. They are also taught often by way of parable so that the less educated can also glean lessons from them.

WHICH WRITTEN WORKS ARE CODIFICATIONS OF THE ORAL TORAH?

The concise nature of the Mishnah was not sufficient to guarantee the survival of the Oral Torah and led to the redaction of the Talmud Yerushalmi and Talmud Bavli.

Oral Torah also includes the Midrashim, collections of commentaries, stories, metaphors and ethical essays organized according to the Books of the Torah, Prophets and Writings. The Oral Torah also includes the Kabbalah, the hidden secrets of the Torah.

After the Talmud, the Oral Torah continued to develop, though in a different way than it had before. Now the Talmud itself became the basis of expansion as the Rishonim wrote commentaries and issued rulings based upon it.

The Shulchan Aruch emerged as the most authoritative compilation of Jewish law based on Rabbi Yosef Karo's understanding of the Rishonim. It too has become the basis for many commentaries and halachic rulings.

RECOMMENDED ADDITIONAL READING

Rabbi Tzvi Hirsch Chajes, Mevo HaTalmud or The Student's Guide through the Talmud, translated by Jacob Schachter, Chapters 1-16

Rambam, Hakdama Lefeirush HaMishnayot or Maimonides' Introduction to the Talmud, translated by Tzvi Lampel

H. Chaim Schimmel, The Oral Law

Rabbi Avraham Edelstein, The Oral Law, www.nerleef.com/books/orallaw.pdf