

Ask The Rabbi – December 14, 2021

Question:

How are we to view the Talmid and thus what is identified as the Oral Law, from a Messianic perspective?

Is the Oral Law authoritative and thus binding?

Response:

Silence Of The Scriptures

In a previous paper, responding to the subject matter based on the course by Dr. Michael Brown regarding Messianic Prophecy Objections, I focused on the “Silence from the Sages” in respect to certain Scriptures that are identified as being Messianic, yet the vast amount of writings based on the Hebrew Scriptures generated by the Sages produced silence in relation to correctly identifying these Scriptures to Messiah in general and Yeshua specifically.

This paper, focusing on traditional Jewish objections will look at Silence from another perspective. Silence in relation to the Sages and Messianic prophecy conveyed to the Jewish community the illegitimacy of Yeshua being Messiah based on Messianic Prophecy. The premise being, “if the Sages were silent, it wasn't relevant”. Conveying this same premise by the Rabbis regarding silence and applying it to traditional Jewish objections should produce the same conclusion, that being the illegitimacy of the oral law. Further presentation of material provided by Dr. Brown and other information will substantiate a much different conclusion than one would expect, based on the conclusions reached in a different matter relating to Messiah.

If there is validity regarding the Oral Law, the Hebrew Scriptures would have documented something about it. Using this premise, I will focus on what Scripture says in relation to the Oral Law.

There are vast amounts of material generated by the Sages over the centuries substantiating the Oral Law, yet

what do the Hebrew Scriptures say about it? Adonai Himself states that for anything to be truly valid, there must be two or three witnesses.

Deu 19:15 "One witness alone will not be sufficient to convict a person of any offense or sin of any kind; the matter will be established only if there are two or three witnesses testifying against him.

Over the centuries, many Sages have conveyed the validity of the Oral Law, that it was given to Moshe at Sinai, whom was instructed not to write it down. The Sages further convey there is an “unbroken chain” connecting us back to Sinai when it was supposed given. The unbroken chain is transmitted as follows:

- Moshe to Joshua
- Joshua to the Elders
- The Elders to Prophets
- The Prophets to men of the great Synagogue (Ezra / Nehemiah)
- The Prophets to the Zugot (pairs) – two key people as transmitters (Hillel and Shammai). Up until the time of Yeshua.

After the destruction of the Temple and the establishment of Rabbinic Judaism transmission would be as follows:

- Tannaim (up to 200 CE) = “teachers” (Mishnah – first written compilation of the oral law)
- Amoraim (until 500 CE) = “to say” (relate oral traditions back to the Bible)
- Saboraim (until 600 CE) = “the reasoners” (editors of the material from the amoraim) Babylonian Talmud the product of this time. Explanations of traditions
- Gaonim (until 1000 CE) = “genius” (Babylonian Yeshiva leaders scholars) No major new work but

answering of additional unanswered questions.

- Rishonim (until 1500 CE) = “the former ones” - Rashi, law codes Maimonides, major commentaries – in writing but each generation is being developed and clarified
- Achronim (current) = “later ones”, new commentaries, law codes

This is the “unbroken chain” as conveyed by the Rabbis that they believe substantiates the validity of the Oral Law. But, does it hold up to the Hebrew Scriptures? Certainly there must be something in the Tanakh that will substantiate this enormous effort to protect something that has come to establish Jewish identity today, more so, than Torah itself. Would so many people for so long a period of time convey such a position without substantiation of Torah?

Today, 10% of the Jewish community comprises those who identify themselves as being Orthodox. These are the people who strongly teach and defend the validity of the Oral Law. Yet 90% of the community does not follow these teachings, yet are strongly influenced by them, in having adopted the Jewish identity produced by it. One need look no further than the Rabbi's teaching in relation to Kashrut or the wearing of kippahs. The majority of the Jewish community is either secular or Reform, meaning that there is limited knowledge of the Hebrew Scriptures. As a result, more is taught about “our traditions” that identify us as Jewish, than Torah itself.

In searching the Hebrew Scriptures and listening to Dr. Brown's lectures there is no substantial Scriptural support towards the validity of the Oral Law. The best the Rabbi's can do is teach that Torah hints towards an Oral Law. In all, the Rabbi's have produced a total of 5 Scriptures from Torah that hint towards the Oral Law being given at Sinai to Moshe:

- Exodus 24:12
- Exodus 34:27

- Numbers 31:21
- Deuteronomy 12:21
- Deuteronomy 30:11 – 14

These are all the Scriptures the Rabbi's can produce that may speak towards the Oral Law being given at Sinai. Yet, the material produced over the centuries is many times greater than Torah, yet only 5 passages of Scripture that only “hint” towards its validity. Given the restrictions of this paper, I will only look at one of the above references in greater detail.

Deuteronomy 30:11 – 14:

Deu 30:11 For this mitzvah which I am giving you today is not too hard for you, it is not beyond your reach.

Deu 30:12 It isn't in the sky, so that you need to ask, 'Who will go up into the sky for us, bring it to us and make us hear it, so that we can obey it?'

Deu 30:13 Likewise, it isn't beyond the sea, so that you need to ask, 'Who will cross the sea for us, bring it to us and make us hear it, so that we can obey it?'

Deu 30:14 On the contrary, the word is very close to you - in your mouth, even in your heart; therefore, you can do it!

How is this passage of Torah understood by the Rabbis?

According to traditional Jewish interpretation, these verses are understood as follows:

- 1) The Torah is no longer in heaven, meaning that it is wrong to seek divine revelation for matters relating to Torah observance
- 2) The Torah is now in our mouths and hearts , meaning, it is to be passed on orally.

The “hint” regarding the Oral Law is emphasized in verse 14, whereby the word being in your mouth conveys

oral transmission. Dr. Brown provided a well known Talmudic passage – Bava Mesia 59b that conveys...

“...where a legal ruling through a heavenly voice is rejected because “the Torah is no longer in heaven” and, instead, the voice of the majority of rabbis is to be followed.”

Is this really what Moshe is telling Israel?

The book of Deuteronomy itself rules out the possibility of these verses in 30: 11– 14 speaking of the Oral Torah, since in the very next chapter, Deuteronomy 31:9 – 13, Moshe reiterates the fact that God’s commandments were to be passed on in written form and that it was the Written Torah that was to be read and followed:

Deu 31:9 Then Moshe wrote down this Torah and gave it to the cohanim, the descendants of Levi who carried the ark with the covenant of Adonai, and to all the leaders of Isra'el.

Deu 31:10 Moshe gave them these orders: "At the end of every seven years, during the festival of Sukkot in the year of sh'mittah,

Deu 31:11 when all Isra'el have come to appear in the presence of Adonai at the place he will choose, you are to read this Torah before all Isra'el, so that they can hear it.

Deu 31:12 Assemble the people — the men, the women, the little ones and the foreigners you have in your towns — so that they can hear, learn, fear Adonai your God and take care to obey all the words of this Torah;

Deu 31:13 and so that their children, who have not known, can hear and learn to fear Adonai your God, for as long as you live in the land you are crossing the Yarden to possess."

When we read this Scripture (30:11 - 14), it is clear. However, when we support these verses with 31:9 – 13, the meaning becomes extremely clear, yet it is the subjective interpretation in order to support a position that is

most certainly biased, that being the notion of Torah on our lips, in essence attempts to support the Oral Law, when in reality we are instructed to speak of Torah. Furthermore, we are not to offer “lip service” but as 30:14 conveys, it is on our hearts as well. These passages are consistent with other passages such as Deuteronomy 6:4 – 9, the Sh'ma and Vahaftah, regarding instruction and that our following of them should be from the heart.

Another premise used to substantiate the validity of the Oral Law has to do with the term torot.

Based on the previous Scriptures referenced that are used and can only convey a “hint” as to the validity for the Oral Law, another premise used to convey two laws (Written and Oral) stems from the term torot, plural for torahs.

The noun torah , which means “teaching, instruction, law,” occurs roughly 220 times in the Tanakh, including eleven times in the plural form torot. The plural form has often been pointed to as evidence that the Tanakh spoke of two torahs, one written and one oral.

One such passage where we find this term is Genesis 26:5:

[Gen 26:5](#) All this is because Avraham heeded what I said and did what I told him to do — he followed my mitzvot, my regulations and my teachings."

My teachings = torot

This verse is used to further convey that even before Moshe, Avraham was keeping both the Written Torah and Oral Law as well, which is even a further stretch than what I am currently addressing. Other verses where torot is used:

- Exodus 18:16
- Exodus 18:20
- Leviticus 26:46

- Isaiah 24:5
- Ezekiel 43:11
- Ezekiel 44:5
- Psalm 105:45
- Nehemiah 9:13

The context of these verses are dealing with various commandments, laws and teachings (torot). In no way do any of these verses support the notion for an Oral Law when the intended context is applied. Therefore, the evidence from the entire Hebrew Scriptures is against the existence of a binding, authoritative Oral Law.

Further we find the influence of the Oral Law during the time of Yeshua to be fully immersed in the culture of Judea. In many instances, Yeshua is addressing the Oral Law as identified as “Traditions of the Elders”, whether it be in relation to Shabbat (Matthew 12 & 13) or in relation to His direct and condemning correction of the Pharisees in Matthew 23. The influence of the Oral Law was quite prevalent at the time of Yeshua but doesn't mean that there was an unbroken chain, thus substantiating it. If anything, Yeshua's responses would indicate the contrary. In looking at one specific example from Mark 7:

Mar 7:1 The P'rushim and some of the Torah-teachers who had come from Yerushalayim gathered together with Yeshua

Mar 7:2 and saw that some of his talmidim ate with ritually unclean hands, that is, without doing n'tilat-yadayim.

Mar 7:3 (For the P'rushim, and indeed all the Judeans, holding fast to the Tradition of the Elders, do not eat unless they have given their hands a ceremonial washing.

The Pharisees (P'rushim) noticed that Yeshua's talamdin did not wash their hands before they ate, in essence,

based on Oral Law were ritually unclean. Verse 3 conveys that this ritual is from the Tradition of the Elders, and not Torah.

On a side note, it is sad when you ask a believer about this verse and what it means, more times than not, they convey that this verse is showing us that Yeshua has freed us from Torah. Yet when you challenge people as to identifying where this ordinance is from, they will say the Law but can't find it there. We see a similar lack of understanding when we look at Galatians 5:1 – 3:

Gal 5:1 What the Messiah has freed us for is freedom! Therefore, stand firm, and don't let yourselves be tied up again to a yoke of slavery.

Gal 5:2 Mark my words — I, Sha'ul, tell you that if you undergo b'rit-milah the Messiah will be of no advantage to you at all!

Gal 5:3 Again, I warn you: any man who undergoes b'rit-milah is obligated to observe the entire Torah!

Where in verse 3, Sha'ul uses the Greek term “holos nomos” and translated by David Stern as entire Torah. Other translations will translate it as “whole law”. Interestingly, this is the only place where Sha'ul uses these two words together. It is further interesting that Sha'ul relates the entire Torah to b'rit-milah, circumcision, a sign of the Covenant. Thus, the issue pertaining to Gentile believers in Galatia was being circumcised, to which Sha'ul is conveying the significance and connection between the two. According to traditional Jewish thought, circumcision as a sign of Covenant, makes you accountable to the entire Torah. Seeing as we are viewing this from the position of tradition, from a Jewish perspective, the entire Torah is not just the 5 books of Moshe, but is also the Oral Law.

So, in many ways, the impact of the Oral Law at the time of Yeshua was significant. Getting back to the passage in Mark, Yeshua's response to the Pharisees is equally significant:

Mar 7:6 Yeshua answered them, "Yesha`yahu was right when he prophesied about you hypocrites — as it is written, 'These people honor me with their lips, but their hearts are far away from me.

Mar 7:7 Their worship of me is useless, because they teach man-made rules as if they were doctrines.'

Mar 7:8 "You depart from God's command and hold onto human tradition.

Mar 7:9 Indeed," he said to them, "you have made a fine art of departing from God's command in order to keep your tradition!

Yeshua identifies, what traditional Judaism recognizes as being from God, departing from God's command in verses 8 and 9 with the intention of keeping human tradition. Although prevalent at the time of Yeshua, He in no way supports the premise of an Oral Law given at Sinai.

However, we must also keep in mind that not all traditions are condemned. We look no further than Hanukkah for which Yeshua did not condemn anyone, yet was present, as conveyed by John 10:22:

Joh 10:22 Then came Hanukkah in Yerushalayim. It was winter,

Joh 10:23 and Yeshua was walking around inside the Temple area, in Shlomo's Colonnade.

The issue is when human tradition is elevated over and above the commandments of God. Human tradition as if it were from God is the legalistic observance of Torah that Yeshua ultimately delivered us from.

Based on the evidence presented, there is no support or validation for the Oral Law, being an unbroken chain from Sinai until the present.

Another example to further convey the lack of support for the Oral Law can be found in the recent discovery of

Beta Israel, the Ethiopian Jews. When their existence was made known, an interesting observation was made. It was noticed that as Jews, long since removed from the land, likely prior to the Babylonian exile, they were Torah observant. Yet as Jews, what was absent from their lifestyle was anything that could be related to oral tradition.

One could make the case if the Oral Law were truly part of God's transmission to Moshe, then it would have been part of Beta Israel's lifestyle. Strangely enough, the Oral Law and the traditions that have developed as a result of it are strikingly absent. We could even use the word SILENT.

Based on the manner by which the Sages have written about Messianic Prophecy and to the many aspects in which they were actually silent, either towards the outcome that had already occurred or the aspect regarding future fulfillment in relation to Yeshua, should we not draw the same conclusion based on the matter of silence in relation to the Oral Law?

We have seen that at best the Rabbis/Sages can only provide hints that the Oral Law is identified in Torah. The verses used to support this position are taken out of the context for which they were written, in order to support the premise of an Oral Law. Additionally, other verses have been used to convey two Torahs when in reality the context was not speaking of two Torahs but rather teachings in the plural sense.

It appears that their conclusions are subjective and influenced by bias. We certainly saw this in Yeshua's time and as presented with the example of Mark 7. There was most certainly a bias then, and it most certainly exists now.

In looking at today's legal system regarding the validity of evidence and the chain of custody for that evidence, can we state that the burden of proof has been met? For evidence to be valid for presentation, the chain of custody must be substantiated, so as to not contaminate it. For the Rabbis to convey that there is an unbroken

chain, based on the Scriptural evidence utilized does not meet the minimum requirements to support such a position. In essence, the Hebrew Scriptures are silent to the Oral Law.

Course Summary

Why there is not an unbroken, authoritative, divinely given chain of oral tradition going back to Moses.

1. The Scriptures indicate clearly that God's covenant with Israel was based on the written Word and on the written Word alone;
2. It will be seen that, upon close examination, there are no explicit or even implicit references to the Oral Law within the Torah;
3. We will see that throughout biblical history, not only was there no evidence of an authoritative Oral Torah, but at times there was gross ignorance of the Written Torah;
4. We will underscore that, contrary to many rabbinic traditions, Moses did not receive every detail of the Oral Law on Mount Sinai;
5. The rabbinic writings at times completely violate or twist the plain meaning of the Scriptures, making clear that they cannot represent a valid tradition dating back to Moses;
6. The Oral Law has large, critical gaps in its understanding of the written Word, due to the fact that most of its traditions came into existence centuries after those Scriptures were written;
7. The fact that the rabbinic traditions had to be put in writing, beginning as early as 200 c.e., proves that there could not have been a previous, oral tradition passed down from Moses to the rabbis— meaning roughly fifteen hundred years— without being written down.

On several occasions, the Written Torah makes reference to "Torahs" in the plural, meaning two Torahs. This obviously refers to the Written and Oral Torahs. (Rabbi's conclusion)

Yeshua himself taught in Matthew 23 that his Jewish followers were to submit to the teachers of the Law and the Pharisees— in other words, to follow the Oral Law.