

## CHAPTER VII

## THE TORAH — THE DIVINE INSTRUCTION

1. During the Babylonian Exile the prophetic word became the source of comfort and rejuvenation for the Jewish people. Now in its place Ezra the Scribe made the Book of the Law of Moses the pivot about which the entire life of the people was to revolve. By regular readings from it to the assembled worshipers, he made it the source of common instruction. Instead of the priestly Law, which was concerned only with the regulation of the ritual life, the Law became the people's book of instruction, a Torah for all alike,<sup>1</sup> while the prophetic books were made secondary and were employed by the preacher at the conclusion of the service as "words of consolation."<sup>2</sup> Upon the Pentateuch was built up the divine service of the Synagogue as well as the whole system of communal life, with both its law and ethics. The prophets and other sacred books were looked upon only as means of "opening up" or illustrating the contents of the Torah. These other parts of

<sup>1</sup> On the term Torah see Smend: *Lehrb. d. alttest. Religionsgesch.*; Stade: *Bibl. Theol. d. Alt. Test.*, Index s. v. Torah; W. J. Beecher: *Jour. Bibl. Lit.*, 1905, 1-16; "Thora a Word Study in the Old Testament." For Torah as Law, see Neh. VIII, 1; Joshua I, 7, and throughout the Pentateuch; as moral instruction, see Hos. IV, 6; VIII, 1; Is. I, 10; V, 24; XXX, 9; LI, 4; Mic. IV, 2; Jer. XXXVI, 4 f.; XXXI, 32; Ps. XVI, 8; Prov. VI, 22; VII, 2; Guedeman: *Quell. z. G. d. Unterrichts*, at the beginning; Claude Montefiore: *Hibbert Lectures*, 1892, p. 465 f.

<sup>2</sup> *Nehematha*, which means the Messianic hope; see Kohut: *Aruch V*, 328 and Appendix 59.

the *Mikra* ("the collection of books for public reading") were declared to be inferior in holiness, so that, according to the Rabbinical rule, they were not even allowed to be put into the same scroll as the Pentateuch.<sup>1</sup> Moreover, neither the number, order, nor the division of the Biblical books was fixed. The Talmud gives 24, Josephus only 22.<sup>2</sup> Tradition claims a completely divine origin only for the Pentateuch or Torah, while the rabbis often point out the human element in the other two classes of the Biblical collection.<sup>3</sup>

2. The traditional belief in the divine origin of the Torah includes not only every word, but also the accepted interpretation of each letter, for both written and oral law are ascribed to the revelation to Moses on Mt. Sinai, to be transmitted thence from generation to generation. Whoever denies the divine origin of either the written or the oral law is declared to be an unbeliever who has no share in the world to come, according to the Tannaitic code, and consequently according to Maimonides<sup>4</sup> also. But here arises a question of vital importance: What becomes of the Torah as the divine foundation of Judaism under the study of modern times? Even conservative investigators, such as Frankel, Graetz, and Isaac Hirsch Weiss, not to mention such radicals as Zunz and Geiger, admit the gradual progress and growth of this very system of law, both oral and written. And if different historical conditions have produced the development

<sup>1</sup> See B. B. 13 b; Meg. III, 1; IV, 4; comp. Ned. 22 b; Taan. 9 a; Shab. 104 a; *Sifra* Behukothai at end; Eccl. R. I, 10; Ex. R. XXXVIII, 6. Zunz: *Gottesd. Vortr.*, 46 f., and art. *Canon and Bible* in the various encyclopedias. As to Torah for the whole Bible, see Mek. Shira 1; Sanh. 37 a, 91 b; Ab. Zar. 17 a; M. K. 5 a; comp. I Cor. XIV, 21; John X, 34; XII, 34; XV, 25. For Torah as Nomos, or Law, see II Macc. XV, 9.

<sup>2</sup> Bousset, l. c., 128-129.

<sup>3</sup> On the divine origin of the Torah, see Sanh. 99 a; *Sifra* Kedoshim 8; Behar 1; Behukothay 8. Regarding the meaning of *metammin eth ha yadayim* in the sense of taboo for the holy writings, see Geiger: *Urschrift*, p. 146.

<sup>4</sup> Sanh. 99 a; Maim. H. Teshubah III, 8.

of the law itself, we must assume a number of human authors in place of a single act of divine revelation.<sup>1</sup>

3. But another question of equal importance confronts us here, the meaning of Torah. Originally, no doubt, Torah signified the instruction given by the priests on ritual or juridical matters. Out of these decisions arose the written laws (*Toroth*), which the priesthood in the course of time collected into codes. After a further process of development they appeared as the various books of Moses, which were finally united into *the Code* or *Torah*. This Torah was the foundation of the new Judean commonwealth, the "heritage of the congregation of Jacob."<sup>2</sup> The priestly Torah, lightly regarded during the prophetic period, was exalted by post-exilic Judaism, so that the Sadducean priesthood and their successors, the rabbis, considered strict observance of the legal form to be the very essence of religion. Is this, then, the true nature of Judaism? Is it really — as Christian theologians have held ever since the days of Paul, the great antagonist of Judaism — mere nomism, a religion of law, which demanded formal compliance with its statutes without regard to their inner value? Or shall we rather follow Rabbi Simlai, the Haggadist, who first enumerated the 613 commandments of the Torah (mandatory and prohibitive), considering that their one aim is the higher *moral law*, in that they are all summed up by a few ethical principles, which he finds in the 15th Psalm, Isaiah XXXIII, 15; Micah VI, 8; Isaiah LVI, 1; and Amos V, 4?<sup>3</sup>

4. All these questions have but one answer, a reconciling one. Judaism has the two factors, the priest with his regard for the law and the prophet with his ethical teaching; and the Jewish Torah embodies both aspects, law and doctrine.

<sup>1</sup> Comp. Kohler: *Hebrew Union College Annual*, 1904, "The Four Ells of the Halakah."

<sup>2</sup> Deut. XXXIII, 4.

<sup>3</sup> Mak. 23 b.

These two elements became more and more correlated, as the different parts of the Pentateuch which embodied them were molded together into the one scroll of the Law. In fact, the prophet Jeremiah, in denouncing the priesthood for its neglect of the principles of justice, and rebuking scathingly the people for their wrongdoing, pointed to the divine law of righteousness as the one which should be written upon the hearts of men.<sup>1</sup> Likewise, in the book of Deuteronomy, which was the product of joint activity by prophet and priest, the Law was built upon the highest moral principle, the love of God and man. In a still larger sense the Pentateuch as a whole contains priestly law and universal religion intertwined. In it the eternal verities of the Jewish faith, God's omnipotence, omniscience, and moral government of the world, are conveyed in the historical narratives as an introduction to the law.

5. Thus the Torah as the expression of Judaism was never limited to a mere system of law. At the outset it served as a book of instruction concerning God and the world and became ever richer as a source of knowledge and speculation, because all knowledge from other sources was brought into relation with it through new modes of interpretation. Various systems of philosophy and theology were built upon it. Nay more, the Torah became divine Wisdom itself,<sup>2</sup> the architect of the Creator, the beginning and end of creation.<sup>3</sup>

While the term Torah thus received an increasingly comprehensive meaning, the rabbis, as exponents of orthodox Judaism, came to consider the Pentateuch as the only book of reve-

<sup>1</sup> Jerem. XXXI, 32.

<sup>2</sup> Comp. Schechter, *Aspects*, p. 120-136, and see Ben Sira, XXIV, 8-23; XVII, 11; Baruch III, 38 f.; Apoc. Baruch XXXVIII, 4; XLIV, 16; IV Esdras VIII, 12; IX, 37; Philo: *Vita Mosis*, II, 3, 9; Gen. R. I; P. d. R. El. III.

<sup>3</sup> This apotheosis of the Torah is put in a wrong light by Weber, *Juedische Theologie*, 157 f., 197, but is stated better in Bousset, l. c., 136-142.

lation, every letter of which emanated directly from God. The other books of the Bible they regarded as due only to the indwelling of the holy spirit, or to the presence of God, the *Shekinah*. Moreover, they held that changes by the prophets and other sacred writers were anticipated, in essentials, in the Torah itself, and were therefore only its expansions and interpretations. Accordingly, they are frequently quoted as parts of the Torah or as "words of tradition."<sup>1</sup>

6. Orthodox Judaism, then, accepted as a fundamental doctrine the view that both the Mosaic Law and its Rabbinical interpretation were given by God to Moses on Mt. Sinai. This viewpoint is contradicted by all our knowledge and our whole mode of thinking, and thus both our historical and religious consciousness constrain us to take the position of the prophets. To them and to us the real Torah is the unwritten moral law which underlies the precepts of both the written law and its oral interpretation. From this point of view, Moses, as the first of the prophets, becomes the first mediator of the divine legislation, and the original Decalogue is seen to be the starting point of a long process of development, from which grew the laws of righteousness and holiness that were to rule the life of Israel and of mankind.<sup>2</sup>

7. The time of composition of the various parts of the Pentateuch, including the Decalogue, must be decided by independent critical and historical research. It is sufficient for us to know that since the time of Ezra the foundation of

<sup>1</sup> *Dibre Kabbalah*, R. h. Sh. 7 a, 19 a; Yer. Halla I, 57 b; see Levy, W. B., s. v. *Kabbalah*.

<sup>2</sup> The personality of Moses was at first exalted to almost superhuman height; see *Ben Sira*, XLV, 2; *Assumptio Mosis*, I, 14; XI, 16; Philo: *Vita Mosis*, III, 39; Josephus: *Antiquities*, IV, 32 b; Bousset, l. c., 140 f. In contrast to the Church view of Jesus the rabbis later emphasized the human frailties of Moses: "Never did divine majesty descend to the habitations of mortal man, nor did ever a mortal man such as Moses and Elijah ascend to heaven, the dwelling-place of God," taught Rabbi Jose (Suk. 5 a).

Judaism has been the completed Torah, with its twofold aspect as *law* and as *doctrine*. As *law* it contributed to the marvelous endurance and resistance of the Jewish people, inasmuch as it imbued them with the proud consciousness of possessing a law superior to that of other nations, one which would endure as long as heaven and earth.<sup>1</sup> Furthermore, it permeated Judaism with a keen sense of duty and imprinted the ideal of holiness upon the whole of life. At the same time it gave rise also to ritualistic piety, which, while tenaciously clinging to the traditional practice of the law, fostered hair-splitting casuistry and caused the petrification of religion in the codified Halakah. As *doctrine* it impressed its ethical and humane idealism upon the people, lifting them far above the narrow confines of nationality, and making them a nation of thinkers. Hence their eagerness for their mission to impart the wisdom stored in their writings to all humanity as its highest boon and the very essence of divine wisdom.

<sup>1</sup> See Deut. IV, 6-8; Jer. XXXI, 34-35; Philo: *Vita Mosis*, II, 14; Josephus: *Apion*, II, 277.