YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TORAH STUDY**

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**Shiur #07: The Relationship between the Written and Oral Torah**

**The Corpus of Torah**

Torah study, of course, encompasses both its Written and Oral sections, *Torah she-bikhtav* and *Torah she-be’al peh* respectively. In previous *shiurim,* we raised the overarching question of the purpose of *talmud Torah*, and now we will explore the nature of the relationship between the two domains. Is one part of Torah somehow more “essential” than the other?

Broadly speaking, it would appear that the more we hold that *talmud Torah* is meant to facilitate practical halakhic knowledge, the more we would prefer the study of the Oral Law. Similarly, if Torah study is focused on cultivating within the learner a halakhic ethos, a case may be made for the primacy of the Oral Law. By contrast, to the extent that the focus of *talmud Torah* is on loving God or clinging to Him, we might suggest that the Written Torah, whose source is more immediately divine, takes precedence. Of course, there is room to argue that the Oral Torah as well plays a unique role in facilitating *deveikut*; we will consider this possibility in the course of our discussion.[[1]](#footnote-1)

**Sources Underscoring the Importance of *Torah she-bikhtav***

A series of sources underscores the importance of studying *Torah she-bikhtav*, also referred to as *Mikra*. As we will see, these sources convey two motifs: a) to study *Mikra* is to directly encounter God’s word, lending its study unique significance; b) as *Mikra* constitutes the foundational document of our faith, exposure to this canonized text is particularly formative. This is especially true for a person first being exposed to the story of the Jewish people, for whom *Mikra* serves as a narrative frame for one’s religious identity. Bearing in mind these two dimensions, let us explore a series of relevant sources.

*Berakhot* 11a discusses which Torah texts require the recitation of *Birkhot Ha-Torah*:

R. Huna says that for the reading of *Mikra,* it is necessary to say a blessing; but for the study of Midrash, no blessing is required. R. Elazar, however, says that for both *Mikra* and Midrash a blessing is required, but not for Mishna. R. Yochanan says that for Mishna a blessing is also required, [but not for Talmud]. Rava says that for Talmud also it is necessary to say a blessing. R. Chiya bar Ashi said: “Many times I stood before Rav to repeat our section of the *Sifra* of the School of Rav, and he used to first wash his hands and say a blessing, and then go over our section with us.”

The *sugya* here has a series of striking ideas concerning which texts require *Birkhot Ha-Torah*. The common denominator is *Mikra*, as it is obvious to all that studying this requires a blessing; as one gets further away from the verses, it is less evident that a blessing is required. This assumption requires explanation, as no one would doubt for a moment that studying Midrash or Talmud is a fulfillment of the obligation of Torah study.

This passage raises some questions. Practically speaking, the *sugya* clearly does conclude that all forms of *talmud Torah* requires *Birkhot Ha-Torah*. Indeed, Rambam (*Hilkhot Tefilla* 6:10) and the Mechabber (*OC* 47:2) rule accordingly. Still, the reasoning for this conclusion is open to interpretation. Rashi (s.v. *Af*) explains that one recites *Birkhot Ha-Torah* on Talmud study because “it is the primary part of Torah, for halakhic rulings derive from it.” Rashi here seems to adopt a position shared by numerous Rishonim (see his own comments elsewhere, e.g. *Vayikra* 26:3, s.v. *Ve-et*; and [*shiur* #3](http://etzion.org.il/en/shiur-03-purpose-talmud-torah-part-1) in this series), that the primary function of Torah study is to serve as a basis for halakhic rulings. Thus, it is evident that studying Talmud requires a blessing. For Rashi, then, it seems that the *sugya*’s conclusion moves away from the assumption that *Mikra* occupies a unique status vis-a-vis this blessing. Talmidei Rabbeinu Yona (Rif 5b, s.v. *Rabbi Yochanan*), however, hold that we recite the blessing over Talmud “because the Talmud also explains the primary biblical verses.” This formulation suggests that even at the end of the passage, Talmud’s status is rooted in its connection to *Mikra*.

How are we to explain the *sugya*’s initial assumption, as well as its conclusion according to the interpretation of Rabbeinu Yona? In a classic passage, Rav Chayim Soloveitchik (cited by Rav Aryeh Pomeranchik, *Emek Berakha*, p. 5) proposes that *Birkhot Ha-Torah* are not recited upon the *mitzva* of *talmud Torah* but upon the encounter with “the object of Torah.” While one equally fulfills the obligation of Torah study by learning any text from the Oral or Written Torah, *Mikra* does possess a unique status in regard to the encounter with Torah. It is for this reason that the *sugya* suggests that it is more obvious that one must recite *Birkhot Ha-Torah* over biblical texts.

Rav Chayim utilizes this theory to account for an unusual position of the Mechabber regarding women’s obligation in *Birkhot Ha-Torah*. Generally speaking, the Mechabber rules in accordance with Rambam’s view that women are not permitted to recite *birkhot ha-mitzva* over commandments from which they are exempted, as the word “*ve-tzivanu*” (“and He commanded us”) is inapplicable. Nonetheless, the Mechabber (*OC* 47:14) rules that women are permitted, indeed obligated, to recite *birkhot Ha-Torah*. Is this not an outright contradiction? After all, women are exempt from studying Torah; how can they legitimately say “*ve-tzivanu*?” Rav Chayim explains that the blessings over Torah are unlike other *birkhot ha-mitzva,* which are recited over the fulfillment of a specific action. *Birkhot Ha-Torah,* on the other hand, focus on the experience of Torah study. Women, while exempted from the obligation of study, are equally capable of encountering the Divine through *talmud Torah*. Thus, they too recite the blessing over study just like men. This demonstrates the first unique element of *Torah she-bikhtav*: the study of the Written Torah is unique inasmuch as it involves a more direct encounter with the Giver of the Torah.

This perspective is amplified by a number of additional sources. It fits particularly well with Ramban’s view (*Introduction to the Torah*) that the Torah comprises the mystical names of God. It also fits nicely with the status of the Written Torah as evidenced in the laws concerning proper respect for *sefarim*. While a Torah scroll has unique sanctity, even printed volumes of *Mikra* are to be placed on top of works of *Torah she-be’al peh* (*YD* 282:19). Finally, the notion that *Mikra* is unique because it represents a more direct encounter with the Divine may also be reflected in a classic ruling of *Shulchan Arukh Ha-rav* which we cited in a previous *shiur* (#4). R. Shneur Zalman (*Hilkhot Talmud Torah* 2:12-13) rules that whereas one who studies the Oral Torah without understanding it fulfills no *mitzva*, one who studies the Written Torah fulfills the *mitzva* of *talmud Torah* even without understanding the words’ meaning. This works well if we are to view the encounter with *Torah she-bikhtav* as an intrinsically significant encounter with the Divine.

The second element, namely the importance of the Written Torah as the formative text of Jewish history and identity, is underscored by a *sugya* in *Kiddushin*. The Gemara (30a) rules that a father must teach his son *Mikra*. Rishonim dispute whether this refers only to the Pentateuch (Rashi ad loc. s.v. *Torah*; *Yad Rama* s.v. *Ad heikhan*) or to the rest of *Tanakh* as well (Rambam, *Hilkhot Talmud Torah* 1:7). Rama suggests that the Gemara refers specifically to the instance of a parent who cannot afford to pay for additional study, but the core obligation is for a father to ensure that his son studies *Torah she-be’al peh* as well. Whichever interpretation we adopt, we may ask: why is the Written Torah paramount in education? One possibility is that a young child is capable of studying the Written Torah only, which is, at least on a basic level, more accessible than the intricate areas of *Torah she-be’al peh*. Alternatively, *Torah she-bikhtav* is the foundational text of what it means a Jew. It frames the core narrative of Jewish identity. Thus, its study must come first.

One additional rabbinical source may capture both themes we have identified regarding *Mikra* study. In a stimulating passage to which we will return shortly, Tractate *Soferim* compares *Mikra* to water, Mishna to wine and Talmud to spiced wine. The comparison between *Mikra* and water indicates that *Mikra* is somehow more fundamental to religious living than Mishna or Talmud, in the sense that it is closer the Source of life. The comparison to water may also indicate that *Torah she-bikhtav*, as previously suggested, is a more foundational text *than Torah she-be’al peh*, as important as the latter may be.

**The Importance of *Torah She-be’al Peh***

Having outlined the importance of studying *Torah she-bikhtav*, it is worthwhile reviewing the substantial body of evidence indicating that the Oral Torah is superior in other crucial respects. We will note three major distinctions that are associated with the study of *Torah she-be’al peh*.

First, some sources indicate that the study of Talmud is unique simply due to its greater complexity. Granted, this assertion may depend on the methodology one employs in studying both *Torah she-be’al peh* and *Torah she-bikhtav*, as well as what one studies. Still, anyone who has studied the laws of lending with interest or other similarly intricate areas can appreciate the argument being made.

As an example, we may cite a famous ruling of Rambam. In *Hilkhot Talmud Torah* 1:13), he draws a distinction between the Written and Oral Torah in regard to women’s learning. After describing women’s study of the Oral Torah as “frivolity,” Rambam comments: “This only applies to the Oral Torah. However, regarding the Written Torah, one should preferably not teach it, but if one does, it is not like teaching frivolity.” As Rambam maintains that women are barred from study of the Oral Law due to their limited intellectual capacity (we need not endorse this perspective to consider its impact), it follows that the ban against the study of *Mikra* is lighter due to its relatively accessible nature.

In a moving, lengthy passage, *Midrash Tanchuma* (*Parashat Noach* 3) maintains that the compulsory acceptance of the Torah at Sinai (“He turned the mountain over them like a barrel”) refers solely to the Oral Torah, because of the toil and self-sacrifice required to master it.

The second distinguishing characteristic of *Torah she-be’al peh* is simply that one may derive countless *halakhot* from its study. According to the view that the primary purpose of Torah study is the derivation of halakhic knowledge, it appears self-evident that while the study of the Written Torah is an essential building-block toward halakhic knowledge, learning *Torah she-be’al peh* is more immediately relevant to the establishment of the overwhelming majority of *halakhot*.

Thus, *Bava Metzia* 33a give us a three-tiered ranking, wherein Mishna is superior to *Mikra* and Gemara superior to Mishna: “There is no virtue greater than this.” The continuation of the *sugya* implies that this is because familiarity with Gemara allows one to issue precise rulings. Tractate *Soferim* (15:5) cites the “virtue” *bon mot* and then explains that Talmud is preferable only for “one who has studied and been apprenticed.” Only a student who has been a scholar’s apprentice will accurately derive the practical *halakhot*.

*Kiddushin* 30a, which we mentioned earlier, cites the ruling of Rav Safra in the name of Rabbi Yehoshua ben Chananya that one’s study should be split into three, one-third each for *Mikra*, Mishna and Talmud. As many Rishonim observe, this would seem to contradict the standard course of yeshiva study, in which the bulk of the day is focused on the last of these, particularly *Talmud Bavli*, the Babylonian Talmud. Rabbeinu Tam (Tosafot ad loc.) claims that since the *Bavli* incorporates all three (as in *Sanhedrin* 24a), our Talmud study fulfills this requirement.

Rambam (*Hilkhot Talmud Torah* 1:11-12) takes a slightly different approach, indicating that this division is for beginners.

However, when a person’s knowledge increases and one does not have the need to read the Written Law or engage in the Oral Law constantly, one should study the Written Law and the oral tradition at designated times. Thus, one will not forget any aspect of the laws of the Torah. [However,] one’s attention should be focused on Gemara as the primary pursuit, according to one’s ambition and ability.

Rambam’s distinction may be understood in accordance with either of the two themes we have outlined regarding *Torah she-be’al peh*. Perhaps Rambam prioritizes Talmud study because of its vastness and complexity. Alternatively, if the primary goal of Torah study is to arrive at practical rulings, one should spend as much time as possible studying Talmud, which (at least, in Rambam’s view, prior to the publication of *Mishneh Torah*) is the most effective means of arriving at such practical rulings.

A final dimension characterizes the Oral Torah. Above all, *Torah she-be’al peh* is the focal point of the *brit*, the unique covenant forged between God and the Jewish people. Thus, in the context of the ruling that the Oral Torah, in typical circumstances, may not be set down in writing, Rabbi Yochanan (*Gittin* 60a) teaches: “The Holy One, Blessed be He, made a covenant with the Jewish people only for the sake of the matters that were transmitted orally [*al peh*], as it is stated: ‘For on the basis of [*al pi*] these matters I have made a covenant with you and with Israel’ (*Shemot* 34:27).”

While the Talmud does not explicate why *Torah she-be’al peh* is the focus of the covenant, the answer seems clear. The Written Torah is widely accessible and is claimed as sacred scripture by other religions as well. The Oral Torah, by contrast, distinguishes the Jews from alternative sects. It helped to create a distinctive post-Temple Rabbinic Judaism, and it is exclusively in the domain of the Jewish people.

This differentiation fits nicely with a position adopted by a number of prominent Acharonim regarding the subject of non-Jews’ Torah study. The Talmud (*Sanhedrin* 59a) rules that a non-Jew may not learn Torah. Maharatz Chayot (*Sota* 35b), Yehuda Ya’aleh (*OC* 1:4) and Netziv (*Meshiv Davar* 2:77) rule that this prohibition is limited to a non-Jew who studies the Oral Torah. Presumably, the reasoning for this ruling runs as follows: the basis for the prohibition against teaching Torah to non-Jews is rooted in the unique relationship Jews enjoy with the Torah. This is particularly true of the Oral Torah, the focus of the covenant. Therefore, it is logical to postulate that the prohibition against teaching Torah applies only to the Oral Torah.

Finally, it is worth noting that these three motifs regarding *Torah she-be’al peh* — its difficulty, its importance for establishing halakhic rulings and its covenantal significance — may be interrelated. The aforementioned *Midrash Tanchuma* in fact ties together all three motifs, suggesting that it is due to the difficulty associated with establishing the proper ruling regarding “the details of lenient and stringent laws,” to the point that one must engage in physical self-sacrifice to acquire the Torah, that God forges His covenant over the Oral Torah. For the *Tanchuma*, it is the nexus of these three motifs that distinguishes *Torah she-be’al peh*.

1. Indeed, the exchange between R. Chayim Volozhin and his Chasidic interlocutors regarding the relative weight of *Tehillim* versus obscure tractates seems to highlight precisely this difference of opinion. [↑](#footnote-ref-1)