

## INTRODUCTION

### **The Foundation of the Noahide Code: The “Written Torah” and the “Oral Torah”**

*by Rabbi J. Immanuel Schochet*

*Any Gentile who accepts the seven commandments and is careful to observe them is of the “pious of the nations of the world” and will have a portion in the World to Come. This is so provided that one accepts them and observes them because the Holy One, blessed be He, commanded them in the Torah and informed us through Moses our teacher that the descendants of Noah were originally commanded about them. But if one observes them only by virtue of common sense, he is not a Ger Toshav (Gentile “Resident,” the Written Torah’s term for one who takes on the Noahide Code), or one of the “pious of the nations of the world,” but rather, one of their wise people.<sup>1</sup>*

The first five books of the Hebrew Bible (Genesis, Exodus, Leviticus, Numbers and Deuteronomy) – are the very essence and substance of the “Written Torah.” They are also referred to as the “the Teaching of Moses,” and in the vernacular as the “Five Books of Moses,” as the Jewish people have an unbroken historical tradition to the very time of Moses that he is their author. Moses wrote these five books by Divine dictation: every word in them was dictated to Moses by G-d Himself.

The belief in Moses as the ultimate and supreme prophet of G-d, and therefore of the Divine origin of the Torah, is not based on claims by Moses or others, nor on the fact that Moses performed manifest miracles, supernatural signs and wonders. The authenticity of Moses is based on the public revelation at Sinai: G-d revealed Himself to the entire nation of Israel, at least three million people, and proclaimed before them the Ten Commandments.

The entire Jewish people personally experienced that revelation, each individual in effect becoming a prophet, and each one verifying the experience of the other. With their own eyes they saw, and with their own ears they heard, as the Divine voice spoke to them, and also

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<sup>1</sup> Rambam (Maimonides), *Laws of Kings* 8:11.

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they heard G-d saying, “Moses, Moses, go tell them the following ...” They did not receive the occurrence of that event and accept it as some claim or tradition of an individual, but they experienced it themselves. That public revelation, therefore, authenticated the *bona fide* status of Moses as a prophet of G-d, and the Divine origin of the instructions he recorded in the Torah. That, and that alone, is the criterion for the belief in, and acceptance of, Moses and his teachings, as G-d said to him, “I will come unto you in a thick cloud that the people may hear when I speak with you and will also believe in you *forever*” (Exodus 19:9).

The “Written Torah” of the Five Books of Moses, however, which contains all the Divine precepts, presents a “problem,” so to speak. Practically all of the precepts, the commandments and prohibitions, appear non-understandable. Their practical applications are neither defined nor explained in the text. Consider, for example, these Jewish commandments:

There is a commandment of “circumcision,” but one will not find an explanation in the Written Torah of what “circumcision” means – the where, what and how. Likewise there is a prohibition of “working” on the Sabbath, but there is no definition as to what constitutes forbidden tasks. There are commandments of fringes on four-cornered garments, and phylacteries placed on hand and head, but there is no explanation of how these are to be produced or how they are to be worn. There is also a mandate of ritual slaughter that renders *kosher* species of animals permissible for Jewish consumption, but there are no instructions for how this is to be performed. In fact, Deuteronomy 12:21 states, “slaughter ... as I have commanded you,” yet nowhere in the Written Torah do we find the details of that command.

Moreover, the current division of the Pentateuch into chapters is a very late (medieval and non-Jewish) innovation. Indeed, this chapter-division is often blatantly inconsistent with the actual text. The fact that these divisions have become accepted universally is no more than a practical convenience for purposes of reference. The original text, to this day in all Torah-scrolls, is divided only into two kinds of sections or paragraphs, but without any written punctuation to separate the 5,845 verses from one another. Also, the Hebrew text consists of consonants only; there are no written vowels. Words without vowels are clearly ambiguous; they could be read in many different ways with altogether differing meanings.

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It follows that even with acceptance of the Mosaic origin of the Torah, the written Hebrew text before us is altogether incomprehensible. On the other hand, as the Torah has always been the primary text for knowing and practicing G-d's teachings and commandments, from the very days of its composition, it is clear that the Jewish people must have been informed from the outset as to how to read it, the meanings of its statements, and the definitions of its precepts. How so? By an oral tradition. This tradition was revealed to Moses and transmitted by him to the nation, and thereafter passed on from generation to generation. It is called the "Oral Torah," and it was specifically *not* recorded in formal written texts until much later, in the Talmudic and Midrashic writings.

The "Oral Torah" includes the specific explanations of the "Written Torah." In reality, though, as the Torah is Divine Wisdom, it reflects the infinity of G-d: "Its measure is longer than the earth and wider than the sea" (Job 11:9). Its teachings and meanings are innumerable, ranging from the traditional simple meaning of the actual text to the most profound mystical insights. Moreover, the teachings of the Torah apply to all circumstances and conditions, at all times and in all places. Thus it would be impossible to contain this infinity in any finite depository. To this end the Almighty revealed to Moses a set of rules for valid hermeneutical interpretation, to draw legitimate conclusions from the established principles. These rules underlie the Rabbinic analysis and discussions in the Talmud and later writings that explain how practical codifications and rulings are in accordance with G-d's will.

The Talmud recalls an incisive anecdote to illustrate the significance and centrality of the tradition known as the "Oral Torah:"

A Gentile came to the famous sage Hillel, and stipulated that he could believe only in the "Written Torah," rejecting *a priori* the "Oral Torah." Hillel patiently accepted the challenge and started teaching him the letters of the Hebrew alphabet: "This is an *aleph*, this is a *bet*, this is a *gimmel*, this is a *dalet*," and so forth. The following day he taught him the letters in reversed order. The Gentile protested: "This is not what you taught me yesterday!" Hillel responded:

"Obviously you must rely on me to know the truth. So, too, you must rely on me with respect to the 'Oral Torah'."

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In short, the “Written Torah” and the “Oral Torah” are inseparable. There is total inter-dependence between them. This affects not only Jewish Torah Law and practice, but also the Torah’s Noahide Code.

In the “Written Torah” there are only three explicit verses containing precepts addressed to Noah and his descendants: Genesis 9:4-6. Even these three require the traditional interpretation to extract their precise meanings. Without the “Oral Torah” tradition, it is equally impossible to have a codex of the universal precepts relating to Gentiles.

To be sure, the prescriptions of the Noahide Code are, on the surface, self-evident principles required for appropriate (i.e. civilized) conduct. Common sense would seem to be sufficient to dictate their observance. Any rational person will readily concede that murder, stealing, illicit sexual relationships, and the absence of an authoritative legal system, and so forth, are harmful to human survival. It is impossible to have a society based on anarchy, with all people acting as they please. Thus from time immemorial, in places where the Noahide Code was forgotten, all groups of humans, from the most primitive to the most sophisticated, still devised some legal code of rules to define acceptable and unacceptable behavior for internal governance.

Those man-made systems, however, were – and are – no more than convenient social contracts to safeguard self-preservation. Individuals or societies that adopt them are indeed wise, for they serve practical or utilitarian purposes. They do not constitute, however, a sense of enduring morality, and they are most certainly devoid of any true religious significance.

This, then, is the substance of the ruling by Rambam (Maimonides) cited above to introduce our theme. Piety, repentance, righteousness, and reward of a hereafter are religious concepts. They have meaning in a religious context only.

The very idea of a Noahide Code *per se*, then, presupposes acknowledgment of both the “Written Torah” and its inseparable corollary of the tradition of the “Oral Torah.” Without these there is no authentic Noahide Code. Without the foundation of a firm belief in the Revelation at Sinai of both the written text of the Torah and the authentic tradition of its explication, there is no code prescribing a truly moral or religious system for mankind. Proper observance and understanding of the details of the Noahide commandments, therefore, presupposes implicit acceptance of both the “Written Torah” and the “Oral Torah.”

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**Editor's note:** There was a chain of transmission of the Oral Torah after the revelation at Mount Sinai, with a great spiritual leader and Sage in each generation who would lead a court of Sages to whom he taught the Oral Torah. In addition, they and their thousands of disciples taught the Oral Torah to the Jewish people in each generation. (See Rambam's Introduction to his *Mishneh Torah*.) These leaders who ensured the transmission of the Oral Torah were:

From the Lord G-d to:

- (1) Moses our teacher, greatest of all Prophets
- (2) Joshua, along with Elazar (son of Aaron)
- (3) Phinehas (or Pinhas, son of Elazar and High Priest)
- (4) Eli the Judge and High Priest
- (5) Samuel the Prophet
- (6) King David
- (7) Ahiyah the Prophet
- (8) Elijah the Prophet
- (9) Elisha the Prophet
- (10) Yehoyada the High Priest
- (11) Zehariah the Prophet
- (12) Hosea the Prophet
- (13) Amos the Prophet
- (14) Isaiah the Prophet
- (15) Micah the Prophet
- (16) Joel the Prophet
- (17) Nahum the Prophet
- (18) Habakkuk the Prophet
- (19) Zephaniah the Prophet
- (20) Jeremiah the Prophet
- (21) Baruh the Scribe
- (22) Ezra the Scribe, whose court included the Prophets Haggai, Zehariah, Mala'hi and Daniel, as well as Hananiah, Misha'el, Azariah, Nehemiah, Mordehai, Zerubavel and Shimon the Righteous.
- (23) Shimon the Righteous, High Priest and Sage
- (24-34) The main receivers of the Oral Torah in the following eleven generations are listed, for example, by Rambam in his Introduction to the *Mishneh Torah*.

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(35) In generation 35, Rabbi Yehudah the Prince, a direct patrilineal descendant of King David, wrote down the Oral Torah in a brilliant abbreviated form, called the Books of the *Mishnah*, for widespread public use. Before this time, the Prophets and Sages who received the Oral Torah in each generation kept private notes on what they learned as oral lessons from their teachers. In the words of Rambam: "He (Rabbi Yehudah) gathered together all the traditions, all the enactments, and all the explanations and interpretations that had been heard from Moses or that had been deduced by the courts (of Prophets and Sages) of all the generations in all matters of the Torah; and he wrote the Book of the *Mishnah* from all of them. And he taught it in public, and it became known to all Israel; everyone wrote it down and taught it everywhere, so that the Oral Law would not be forgotten from Israel." See footnote 13 above for the societal challenges that prompted Rabbi Yehudah to undertake this challenge to preserve the Oral Torah.

(36-39) In the 36th generation, Rabbi Yoĥanan wrote down the Jerusalem Talmud in the Land of Israel about three hundred years after the destruction of the Second Temple. In the 39th generation (100 years later), the Sage Rav Ashe wrote down the Babylonian Talmud.

This historically well-known sequence proves that the Oral Torah, as recorded in the *Mishnah* and the Talmud, was transmitted orally from one leading Sage to another in an unbroken chain, as continually studied by hundreds of thousands of Jews in every generation, and that the conclusions in these and other books of the Oral Torah are the Word of G-d – this being the Oral Torah that was given to Moses at Mount Sinai. (See Rambam, *loc. cit.*)