

LESSON



## THE JEWISH PEOPLE AND THE TALMUD

Why Jewish life orbits a book of law

*Jewish law's ultimate record is the Talmud, but what is Jewish law? Explore its nature, scope, and roots in the written Torah and Oral Law—and see learning's central role in Jewish practice and culture.*

**SABBATH AFTERNOON**  
Moritz Daniel Oppenheim,  
oil on canvas, Frankfurt,  
Germany, 1866

## I. THE TREASURE OF THE JEWISH NATION

The Talmud is an enormous compendium of ancient Jewish teaching, dozens of volumes in size. However, it is much more than mere inked words. Rather, it is the very basis of the Jewish religion, it has been the source of unique Jewish delight for millennia, and it has preserved our people—against all odds—through thousands of years of tumultuous exile. Today’s study explores the nature and role of the Talmud, with a focus on the outsized role this compendium has played in Jewish practice, thought, and survival.



**REGENERATION**  
Yossi Rosenstein, oil  
on canvas, Israel, 1999



## TEXT 1

## Burned Treasure

Rabbi Meir of Rothenburg, *Shaali Serufah Ba'esh*,  
*Kinot* of Tishah Be'Av

אֹרִיד דְּמָעוֹת  
 עֲדֵי יְהִיו כְּנַחַל  
 וַיִּגִּיעוּ לְקִבְרוֹת  
 שְׁנֵי שָׂרֵי אֲצִילָה  
 מִשָּׁה וְאַהֲרֹן בְּהַר הָהָר  
 וְאַשָּׁאֵל  
 הַיֵּשׁ תּוֹרָה חֲדָשָׁה  
 בְּכֵן נִשְׂרָפוּ גְּלִילָהּ . . .  
 אֶתְמָה לְנַפְשִׁי  
 וְאִיךָ יַעֲרֵב לְחַפֵּי אֶכּוֹל,  
 אַחֲרֵי רְאוֹתֵי  
 אֲשֶׁר אָסְפוּ שְׁלָלָהּ  
 אֶל־תּוֹךְ רְחוּבָה כְּנִדְחָת,  
 וְשָׂרְפוּ שְׁלַל עֲלִיוֹן.

I will shed tears

Until they surge like a stream

### RABBI MEIR OF ROTHENBURG C. 1220-1293

Halachic authority. Born in Worms, Germany, Rabbi Meir studied under the famous Tosafist scholars in Germany and France. Settling in Rothenburg, Germany, Rabbi Meir became the leading Halachic authority for Ashkenazi Jewry. After attempting to flee increasing persecution of the Jews in Germany, Rabbi Meir was imprisoned, heroically refusing to be ransomed for an exorbitant price and dying in captivity. Hundreds of his Halachic responsa are collected in *Shu"t Maharm Mirothenburg*, and his rulings helped shape Halachah and define Ashkenazi custom.

That will reach the graves

Of Your two noble princes

Moses and Aaron

On the mountain of Hor

And I will inquire [of them]:

*Will a new [version of the] Torah [be given]?*

*Is that why your columns were*

*[permitted to be] burned? . . .*

My soul is astonished!

Can edibles ever taste sweet to my palate

Now that I have watched

How they gathered Your treasure

Into the city square—

Like [the penalty of] a [Jewish] city

that strayed [to idolatry]—

And burned the supernal treasure!



## TEXT 2

## The Delight of Torah

Psalms 119:92–93

לוֹלִי תוֹרַתְךָ שְׂשׂוּעָי, אֲז אֶבְדָּתִי בְּעִנְי.

לְעוֹלָם לֹא אֶשְׁפַּח פְּקוּדֶיךָ, כִּי בָם חִיֵּיתִנִּי.

Had Your Torah not been my delight,  
I would have perished in my suffering.

I will never forget Your precepts, for  
through them You preserved my life.

### PSALMS

Biblical book. The book of Psalms contains 150 psalms expressing praise for G-d, faith in G-d, and laments over tragedies. The primary author of the psalms was King David, who lived in the 9th century BCE. Psalms also contains material from earlier figures. The feelings and circumstances expressed in the psalms resonate throughout the generations, and they have become an important part of communal and personal prayer.



BUBBY RECITING  
TEHILLIM (PSALMS)

Elie Benzaquen, oil on canvas,  
Ottawa, Canada, 1999



## TEXT 3

## Home in a Book

Cecil Roth, *A Short History of the Jewish People*  
(London: East and West Library, 1948), p. 132

The importance in Jewish life of the Talmud is not by any means purely academic. It comprises the accumulated wisdom of the Jewish people over many generations. . . .

The period of its redaction coincided with the growth of independent centers of life in far-distant regions, cut off politically and linguistically from the former nuclei. The Jewish people was about to enter on an entirely different phase of its being, in countries of which their fathers had never heard . . . in the face of difficulties hitherto unimaginable. But they possessed, to bring with them into their new existence, a code, not merely of religion or of law, but of civilisation. . . .

[The Talmud] gave [the Jew] a fatherland which he could carry about with him when his own land was lost. And, if he was able to maintain his identity in the course of the long centuries to come, under conditions such as no other people has ever been able to surmount, it is with the Talmud, above all, that the credit lies.

### CECIL ROTH 1899-1970

British Jewish historian. Dr. Roth was a professor of Jewish studies at Oxford University and later served as visiting professor at Bar-Ilan University in Israel and at the City University of New York. A prolific author, he wrote more than 600 historical works on Jewish topics, such as the Dead Sea Scrolls and Jewish art. Roth served as editor of the *Encyclopedia Judaica* from 1965 until his passing.



## II. WHAT IS THE TALMUD?

The Talmud is a vast treasury of information and covers an astonishing variety of topics. The immediate concern of the bulk of its material is on preserving a record of Halachah, Jewish law, through reporting the deliberations over its many particulars. These laws cover literally every facet of Jewish life.



**THE TRANSMISSION  
OF MEMORIES**  
Walter Spitzer (1927  
[Cieszyn, Poland]-2021  
[Paris, France]),  
oil on canvas



FIGURE 1.1

## Ten Useful Facts about the Talmud

1.	The Talmud is a combination of two books, the Mishnah and the Gemara, with the latter styled as a commentary, elaboration, and analysis of the former.
2.	The Mishnah was composed around 200 CE, in northern Israel.
3.	There are two versions of the Gemara. The first is the Jerusalem Talmud ( <i>Talmud Yerushalmi</i> ) and the second is the Babylonian Talmud ( <i>Talmud Bavli</i> ).
4.	The Jerusalem Talmud was completed in the mid-4th century, in northern Israel. The Babylonian Talmud was completed in the 5th century, in Babylonia ( <i>Bavel</i> , located in the region of modern-day Iraq).
5.	The Mishnah compiles the teachings of approximately 120 sages, referred to as the <i>tana'im</i> .
6.	The Gemara compiles the teachings of approximately 800 sages, referred to as the <i>amora'im</i> .
7.	The Talmud is divided into 63 sections or books, referred to as <i>masechtot</i> , “tractates.”
8.	Every tractate contains teachings of the Mishnah, but not every tractate features the teachings of the Gemara.  Some tractates are treated in the Babylonian Talmud, some in the Jerusalem Talmud, some in both, and some in neither.
9.	The universal standard print of the Babylonian Talmud is the 19th-century “ <i>Vilna Shas</i> ,” which includes several primary commentaries and fills 2,711 double-sided pages (folios).
10.	Talmudic citations in English writings typically include 1) a tractate name; 2) a folio number; and 3) a letter indicating the folio side (“a” or “b”). For example, the citation “Pesachim 99b” indicates that the passage cited is sourced in the tractate entitled Pesachim, on the reverse side of its 99th folio.  Unless otherwise specified, all such references refer to the heavily studied Babylonian Talmud, and not the Jerusalem Talmud, the study of which is more limited.





## KEY TERM 1.1

HEBREW TERM	הלכה
TRANSLITERATION	<i>Halachah</i>
PRONUNCIATION	Ha-LA-khah
LITERAL MEANING	<b>way or path</b>
MEANING	Jewish law



## TEXT 4A

## Time for Matzah

Talmud, Pesachim 99b

עֲרֵבֵי פְסָחִים סְמוּנָה לְמִנְחָה, לֹא יֵאָכֵל אָדָם עַד שֶׁתְּחָשֶׁה.

On the eve of Passover, we may not eat from close to the time of Minchah until it is dark [to ensure a hearty appetite for eating matzah at the Passover *sefer* later that night].



## TEXT 4B

## Right to Gripe

Talmud, Bava Metzi'a 75b

הַשּׂוֹכֵר אֶת הָאֲמִנִּין וְהִטְעוּ זֶה אֶת זֶה, אֵין לָהֶם זֶה עַל זֶה אֶלָּא תְרֻעֻמָּת.

If one hires skilled workers, and they deceived each other, they have only a right to complain [but not to pursue a financial claim].

### BABYLONIAN TALMUD

A literary work of monumental proportions that draws upon the legal, spiritual, intellectual, ethical, and historical traditions of Judaism. The 37 tractates of the Babylonian Talmud contain the teachings of the Jewish sages from the period after the destruction of the 2nd Temple through the 5th century CE. It has served as the primary vehicle for the transmission of the Oral Law and the education of Jews over the centuries; it is the entry point for all subsequent legal, ethical, and theological Jewish scholarship.



TEXT 4C

## Immersion Times

Talmud, Yoma 6a

כָּל חַיִּיבֵי טְבִילוֹת טְבִילְתָּן בַּיּוֹם, גְּדוּה וְיִוְלַדְתָּ טְבִילְתָּן בַּלַּיְלָה.

All who are obligated to ritually immerse must do so during the day, with the exception of [a woman who is] a *nidah* or a *yoledet* (post-menstruation or post-birth), who must ritually immerse at night.



TEXT 4D

## A Place for Everyone

Talmud, Sanhedrin 90a

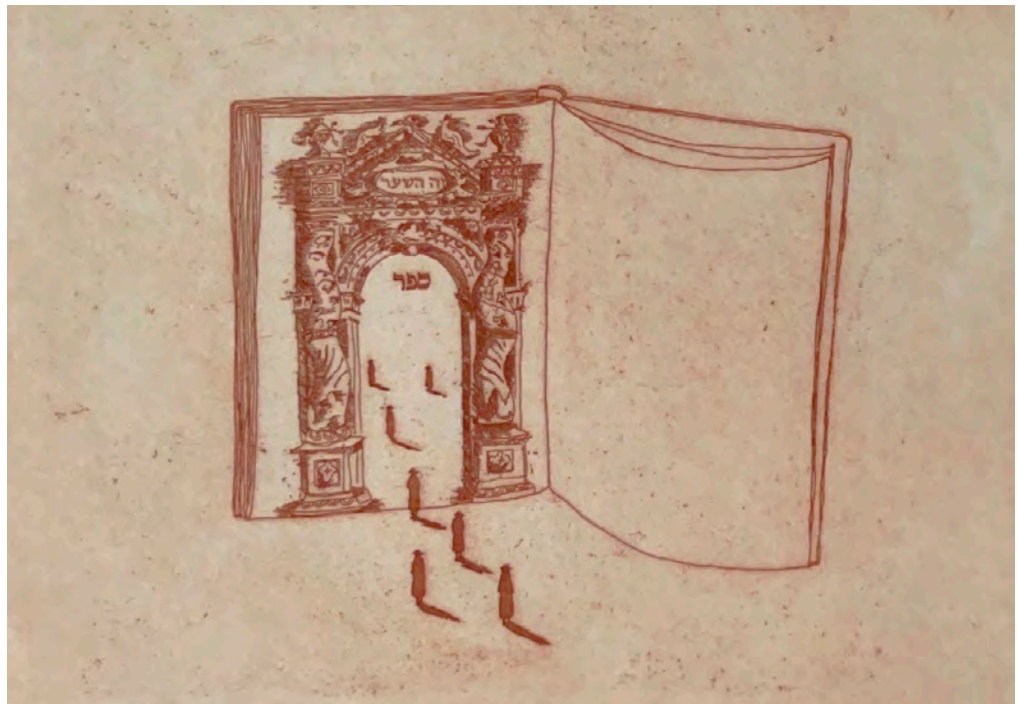
כָּל יִשְׂרָאֵל יֵשׁ לָהֶם חֵלֶק לְעוֹלָם הַבָּא, שְׁנֵאמַר: וְעַמּוֹ כּוֹלֵם צְדִיקִים לְעוֹלָם יִרְשׁוּ אֶרֶץ, גִּצָּר מִטְעֵי מַעֲשֵׂה יָדַי לְהַתְּפָאֵר.

Every Jewish individual has a share in the World to Come, as it is stated, “Your people are all righteous—they will inherit the land forever; [they are] the branch of My planting, the work of My hands, in which I take pride” (ISAIAH 60:21).



## KEY TERM 1.2

HEBREW TERM	אַגָּדָה
ARAMAIC	אַגְדָּתָא
TRANSLITERATION	<i>agadah or agadeta</i>
PRONUNCIATION	ah-GAH-dah / ah-gah-deh-TAH
LITERAL MEANING	<b>retelling or relating</b>
MEANING	Nonlegal sections of the Talmud. Topics covered include records of historical and contemporary events; homiletic interpretations of biblical texts; and ethical, spiritual, medicinal, and practical teachings and advice.



## SEFER

Mark Podwal, aquatint color print on paper, New York, 1980

### III. THE ORAL LAW

The extensive presentations and clarification of Jewish law that the Talmud records is referred to collectively as “the Oral Law.” As its name suggests, this information was not explicitly recorded in the Five Books of Moses (referred to by contrast as “the Written Law”). A large portion of this material was legislated by sages who lived several or many generations after Moses. Judaism views the entire body of the Oral Law as binding upon us as an integral part of our biblical covenant with G-d.\*



**THE ORAL TORAH**  
Loren Hodes, charcoal on paper,  
Johannesburg, 2004

\*Throughout this book, “G-d” and “L-rd” are written with a hyphen instead of an “o” (both in our own translations and when quoting others). This is one way we accord reverence to the sacred Divine name. This also reminds us that, even as we seek G-d, He transcends any human effort to describe His reality.



## TEXT 5

## Written and Oral

Maimonides, *Mishneh Torah*, introduction

כָּל הַמִּצְוֹת שֶׁנִּתְּנוּ לּוֹ לְמֹשֶׁה בְּסִינַי - בְּפִרוּשָׁן נִתְּנוּ.

שֶׁנֶּאֱמַר: "וְאֶתְּנָה לְךָ אֶת לְחֹת הָאֲבֹן, וְהַתּוֹרָה

וְהַמִּצְוָה" (שְׁמוֹת כד, יב): "תּוֹרָה", זוֹ תּוֹרָה

שֶׁבְּכֹתָב; וְ"מִצְוָה", זֶה פִּירוּשָׁהּ.

וְצִוּנוּ לַעֲשׂוֹת הַתּוֹרָה עַל פִּי הַמִּצְוָה. וּמִצְוָה

זוֹ, הִיא הַנִּקְרָאת תּוֹרָה שֶׁבְּעַל פֶּה.

All of the commandments that were given by G-d to Moses at Mount Sinai [and recorded in the Five Books of Moses] were presented to Moses along with their [detailed] explanations [that were not recorded in those books].

The Torah itself refers to this in its statement, "I will give you the tablets of stone, and the Torah, and the *mitzvah*" (EXODUS 24:12). In this context, the phrase "the Torah" refers to the Written Law. The phrase "the *mitzvah*" refers to the explanation [of the Written Law].

G-d commanded us to fulfill "the Torah" in accordance with "the *mitzvah*." It is the latter instructions that we refer to as the Oral Law.

**RABBI MOSHE  
BEN MAIMON  
(MAIMONIDES, RAMBAM)  
1135-1204**

Halachist, philosopher, author, and physician. Maimonides was born in Córdoba, Spain. After the conquest of Córdoba by the Almohads, he fled Spain and eventually settled in Cairo, Egypt. There, he became the leader of the Jewish community and served as court physician to the vizier of Egypt. He is most noted for authoring the *Mishneh Torah*, an encyclopedic arrangement of Jewish law; and for his philosophical work, *Guide for the Perplexed*. His rulings on Jewish law are integral to the formation of Halachic consensus.



TEXT 6

## Legal Authority

Deuteronomy 17:8–11

כִּי יִפְּלֵא מִמֶּנּוּ דָבָר לְמִשְׁפָּט, בֵּין דָּם לְדָם בֵּין דִּין  
לְדִין וּבֵין נִגְעָה לְנִגְעָה דְבַר־י רִיבֵת בְּשַׁעֲרֶיהָ, וְקִמְּתָהּ  
וְעָלִיתָ . . . אֶל הַשֹּׁפֵט אֲשֶׁר יִהְיֶה בְיָמֶיךָ הַהֵם,  
וְדַרְשָׁתָּ וְהִגִּידוּ לָךְ אֶת דְּבַר הַמִּשְׁפָּט.

וְעָשִׂיתָ עַל פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ . . .  
וְשִׁמְרָתָהּ לַעֲשׂוֹת כְּכֹל אֲשֶׁר יִוָּדָה.

עַל פִּי הַתּוֹרָה אֲשֶׁר יִוָּדָה וְעַל הַמִּשְׁפָּט אֲשֶׁר יֵאמְרוּ לָךְ  
תַּעֲשֶׂה, לֹא תִסּוּר מִן הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ יָמִין וּשְׂמֹאל.

If, regarding matters of dispute within your [local] courts, a case is too baffling for you to decide, be it a controversy over blood, civil law, or lesions, you must rise up and ascend . . . to the supreme judge in that era. You should inquire, and they must inform you of the [correct] verdict in the case.

You must carry out the verdict that is announced to you . . . observing scrupulously all their instructions to you.

You must act in accordance with the instructions they give you and the ruling handed down to you. You must not deviate to the right or to the left from the rulings that they announce to you.





TEXT 7

## Matzah Date

Exodus 12:18

בְּרֵאשִׁית בְּאֶרְבָּעָה עָשָׂר יוֹם לַחֹדֶשׁ בְּעֶרְב׃ תֹּאכְלוּ מַצֹּת.

In the first [month], on the fourteenth day of that month, in the evening, you shall eat *matzot*.



FIGURE 1.2

## The Parts of Jewish Law

	WRITTEN	RECEIVED	DERIVED	LEGISLATED
DEFINITIONS	Laws recorded in the Torah's text—the “lecture notes.”	Laws <i>received</i> by Moses together with the Torah's text—the “full lecture.”	Laws <i>derived</i> by the sages subsequent to Moses, directly from the Torah's text using the received hermeneutical methods.	Laws <i>legislated</i> by the sages throughout Jewish history, relying on their own initiative.
EXAMPLES	Eat matzah on the night of Passover.	A minimum of an olive-sized quantity of matzah must be eaten.	Passover matzah can only be baked from types of flour that can possibly turn into leavened bread.	On the night of Passover, the matzah must be eaten while reclining.



TEXT 8

## Observing the Covenant

Exodus 19:5, 8

וְעַתָּה אִם שָׁמוּעַ תִּשְׁמָעוּ בְּקוֹלִי וּשְׁמַרְתֶּם אֶת  
 בְּרִיתִי, וְהִיִּיתֶם לִי סֻגָּלָה מִכָּל הָעַמִּים . . . וַיַּעֲנוּ כָּל  
 הָעָם יַחְדָּו וַיֹּאמְרוּ, כֹּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה.

If you listen to My voice and carefully observe  
 My covenant, you will be a treasure to Me  
 from among all the nations. . . . All the people  
 responded in unison, and they proclaimed,  
 “All that G-d has spoken, we will do!”



**MATAN TORAH**  
 Art by Abishi, digital  
 painting, 2023

#### IV. WHY DO JEWS STUDY SO MUCH LAW?

The study of the Torah has always been a central feature of Jewish life. For the past two millennia, the lion's share of that study has traditionally been dedicated to the study of Jewish law as presented in the Talmud. In part, this is because Judaism places primary focus on action; consequently, the parts of the Torah devoted to clarifying that action are heavily prioritized.

##### PLEADING BEFORE THE RABBINIC COURT

Artist unknown, oil on canvas, c. 1900, Vienna, Austria (Photo Credit: Menachem Adelman)





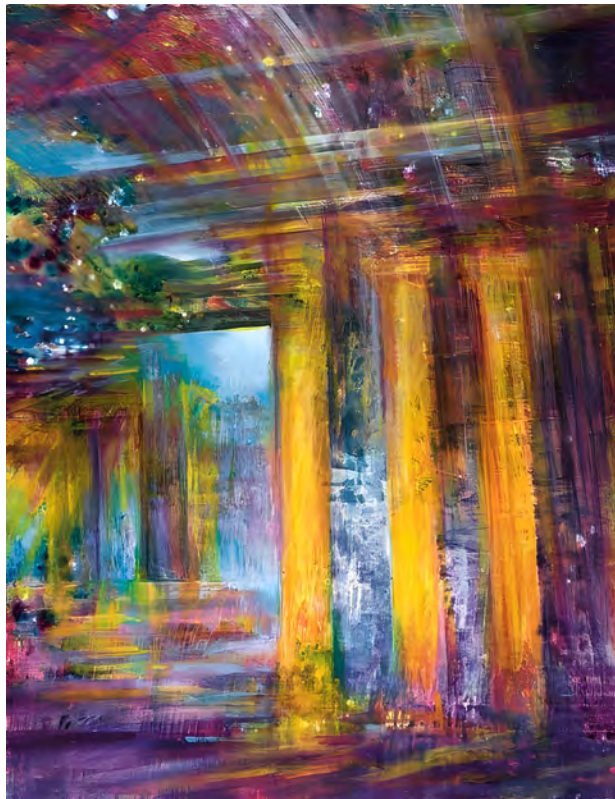
TEXT 9

## Tripart Foundation

Mishnah, Avot 1:2

שְׁמֵעוֹן הַצַּדִּיק הָיָה מְשִׁירֵי כְּנֻסַת הַגְּדוּלָּה. הוּא  
הָיָה אוֹמֵר: עַל שְׁלֹשָׁה דְּבָרִים הָעוֹלָם עוֹמֵד, עַל  
הַתּוֹרָה וְעַל הָעֲבוֹדָה וְעַל גְּמִילוּת חֶסֶדִים.

Shimon the Righteous was one of the last surviving figures of the Men of the Great Assembly. He used to say, “The world stands upon three things: the Torah, the [Temple] service, and acts of lovingkindness.”



**THREE PILLARS**  
Yoram Raanan (b. 1953),  
acrylic on canvas, Israel

**EXERCISE 1.1**

Identify the last three efforts you made to study material that was not from the Torah or other Jewish learning: perhaps an educational book, video, or course. In the following chart, briefly summarize (a) the nature of the material, and (b) your purpose in pursuing that information.

TOPIC	PURPOSE



TEXT 10

## Study Plan

Maimonides, *Mishneh Torah*, Laws of Torah Study 1:11

וְחֵיב לְשַׁלֵּשׁ אֶת זְמַן לְמִדְתּוֹ.

שְׁלִישׁ בַּתּוֹרָה שְׂבִכְתָּב, וְשְׁלִישׁ בַּתּוֹרָה שְׂבַעֲלִ פֶּה, וְשְׁלִישׁ  
 יָבִין וְיִשְׁכִּיל אַחֲרֵית דְּבַר מְרַאשֵׁיתוֹ, וְיוֹצִיא דְּבַר מְדַבֵּר,  
 וְיִדְמֶה דְּבַר לְדְבַר וְיָבִין בְּמַדּוֹת שֶׁהַתּוֹרָה נִדְרָשֶׁת בָּהֶן,  
 עַד שֶׁיֵּדַע הַיֵּאֶף הוּא עֵקֶר הַמְדּוֹת וְהַיֵּאֶף יוֹצִיא הָאֶסּוּר  
 וְהַמְּתָר וְכִיּוֹצֵא בָּהֶן מְדַבְּרִים שֶׁלְּמַד מִפִּי הַשְּׂמוּעָה.

וְעֵינָן זֶה הוּא הַנִּקְרָא גְמָרָא.

The time allotted to study should  
 be divided into three parts:

A third should be devoted to the Written Law; a  
 third to the Oral Law; and the last third should  
 be spent in reflection, deducing conclusions  
 from premises, developing implications  
 of statements, comparing statements, and  
 studying the hermeneutical principles by which  
 the Torah is interpreted, until one knows the  
 essence of these principles and how to deduce  
 what is permitted and what is forbidden  
 from what one has learned by tradition.

The latter topic is called *Gemara*.





TEXT 11

## Primacy of Action

Mishnah, Avot 1:17

!לא המְדַרְשׁ עָקוֹר, אֶלָּא הַמַּעֲשֵׂה.

The study is not the principal goal,  
but rather, the action.

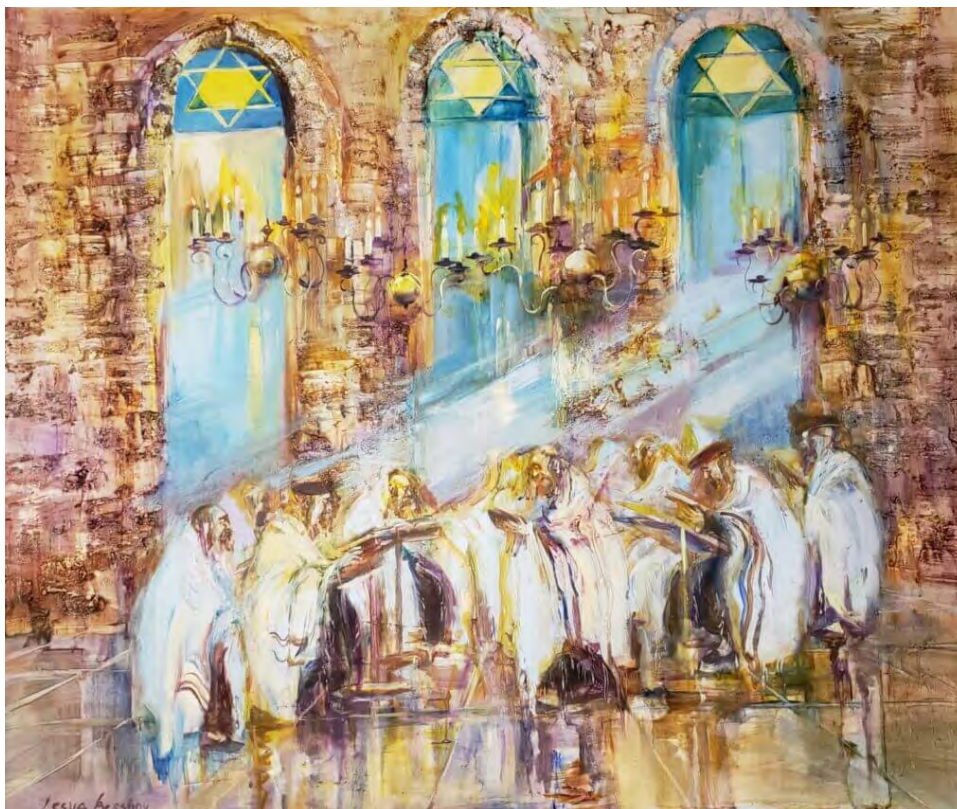


WALKING TO  
THE SYNAGOGUE

Zvi Malnovitzer, oil on canvas,  
Benei Berak, Israel, 2005

## V. THE SPIRITUAL BENEFITS OF TALMUD STUDY

Judaism views the Torah's laws as beyond merely informing our activity and choices. Rather, they are cherished as direct manifestations of G-d's will and wisdom. We therefore value the study of the Talmud for facilitating a profound connection with G-d and delivering G-d's holiness into the elements of our lives that are governed by the specific laws we study.



**TORAH STUDY**  
Lesya Bershov (b. 1975, Ukrainian,  
Israeli), oil on canvas, Israel



## TEXT 12

## Double Service

Rabbi Shneur Zalman of Liadi, *Igrot Kodesh*, p. 210

מָה שֶׁנִּקְרָא בְּלָשׁוֹן רוּסְיָה דְּמְדִינַתֵּינוּ "בָּאֵהָא מְאִלְיָא",  
 עֲנֵינוּ זֶה נִחְלָק אֶצְלָנוּ כְּלָל הַיהוּדִים לְשָׁנֵי עֲנֵינִים  
 עֲנֵינוּ א' לִימוּד וְקִרְיָאָה בְּתַנּוּן הַיְתְּלָמוּד וּמְדַרְשֵׁים  
 וּמְפָרְשֵׁיהֶם, וּבַפּוֹסְקִים הַמְּקַצְרִים דִּינֵי הַתְּלָמוּד . . .  
 עֲנֵינוּ ב' הִיא הַתְּפִלָּה.

That which we refer to in our Russian language as *Boga malizia* (Divine service) is divided by all of us Jews into two parts:

The first is the reading and studying of the Scriptures, Talmud, Midrashim, and their commentaries—as well as the study of the legal codes that summarize the laws of the Talmud. . . .

The second aspect is the concept of prayer.

**RABBI SHNEUR  
 ZALMAN OF LIADI  
 (ALTER REBBE)  
 1745–1812**

Chasidic rebbe, Halachic authority, and founder of the Chabad movement. The Alter Rebbe was born in Liozna, Belarus, and was among the principal students of the Magid of Mezeritch. His numerous works include the *Tanya*, an early classic containing the fundamentals of Chabad Chasidism; and *Shulchan Aruch HaRav*, an expanded and reworked code of Jewish law.



TEXT 13

## Knowing the Unknowable

Rabbi Shneur Zalman of Liadi, *Tanya, Likutei Amarim*, ch. 5

הַלְכָה זֶה, הִיא חֻקֵּי וְרִצּוֹנוֹ שֶׁל הַקְּדוֹשׁ בְּרוּךְ הוּא,  
שֶׁעֵלָה בְּרִצּוֹנוֹ, שֶׁשָּׂאֵיטְעוֹן רְאוּבֵן כָּךְ וְכֵן דָּרוֹךְ מִשָּׁל  
וְשִׁמְעוֹן כָּךְ וְכֵן - יִהְיֶה הַפֶּסֶק בִּיגִייהֶם כָּךְ וְכֵן.

וְאִי אִם לֹא הָיָה וְלֹא יִהְיֶה הַדָּבָר הַזֶּה לְעוֹלָם, לְבֹא לְמִשְׁפָּט  
עַל טְעָנוֹת וּתְבִיעוֹת אֱלֹהִים, מִכָּל מְקוֹם, מֵאַחַר שֶׁכָּךְ עָלָה  
בְּרִצּוֹנוֹ וְחֻקֵּי שֶׁל הַקְּדוֹשׁ בְּרוּךְ הוּא, שֶׁאִם יְטַעוֹן זֶה כָּךְ  
וְזֶה כָּךְ, יִהְיֶה הַפֶּסֶק כָּךְ, הֲרִי כְּשֶׁאָדָם יוֹדֵעַ וּמְשִׁיג בְּשִׁכְלוֹ  
פֶּסֶק זֶה כִּהְלָכָה הָעֵרוּכָה בְּמִשְׁנָה אוֹ גְמָרָא אוֹ פּוֹסְקִים,  
הֲרִי זֶה מְשִׁיג וְתוֹפֵס וּמְקִיף בְּשִׁכְלוֹ רִצּוֹנוֹ וְחֻקֵּי שֶׁל  
הַקְּדוֹשׁ בְּרוּךְ הוּא, דְּלִית מַחְשְׁבָה תְּפִיסָא בִּיהַּ וְלֹא בְּרִצּוֹנוֹ  
וְחֻקֵּי שֶׁל, כִּי אִם בְּהַתְּלַבְּשׁוֹתָם בְּהַלְכוֹת הָעֵרוּכּוֹת לְפָנֵינוּ.

Halachah is G-d's wisdom and will. For so it  
arose in G-d's will that if, for example, Reuben  
pleads in one way and Simeon in another,  
the verdict should be such and such.

Now, it is possible that this particular litigation  
never occurred in reality. Nor is it ever destined  
to be presented for judgment as these precise  
disputes and claims. Nevertheless, G-d's will and  
wisdom has determined that in the event of a person  
pleading this way and the other litigant pleading  
that way, the verdict shall be such and such.

Accordingly, when we [study and] understand, and properly comprehend with our intellect the details of such a scenario in accordance with the law presented in the Mishnah, Gemara, or *poskim* [later codes], we have thereby comprehended, grasped, and encompassed with our intellect the will and wisdom of G-d!

We have effectively understood something of the One Whom no thought can grasp, and Whose will and wisdom are beyond understanding—until they are invested within the laws that have been set out for us.



## TEXT 14

## Butchers and Scholars

Rabbi Shneur Zalman of Liadi, *Torah Or* 94c

קָצַב הַמִּתְעַסֵּק בְּנִתּוּחַ אֲבָרֵי הַבְּהֵמָה לְנִתְחִים וּבְבִנְיַי  
 מַעֲשִׂים וְכוּ' הוּא קָצַב. אִךְ הַמִּתְעַסֵּק לִידַע כָּל פְּרִטֵי הַלְכוֹת  
 הַתְּלוּיִן בְּאֲבָרֵי הַבְּהֵמָה לְהַבְדִּיל בֵּין טְרֵפָה לְכֹשֶׁרָה . . .  
 מִתְגַּלֶּה וּמִתְבָּרַר רְצוֹן הָעֶלְיוֹן וְחֻקְמֹתוֹ יִתְבָּרַךְ.

A butcher who chops an animal's limbs into pieces and processes its innards is nothing more than a butcher. By contrast, someone who occupies themselves with understanding the specific details of Jewish law associated with the limbs of the animal, laws that facilitate the ability to distinguish between an animal that is kosher for consumption and one that is disqualified (*terefah*) . . . that person is revealing and clarifying the Divine will and wisdom!

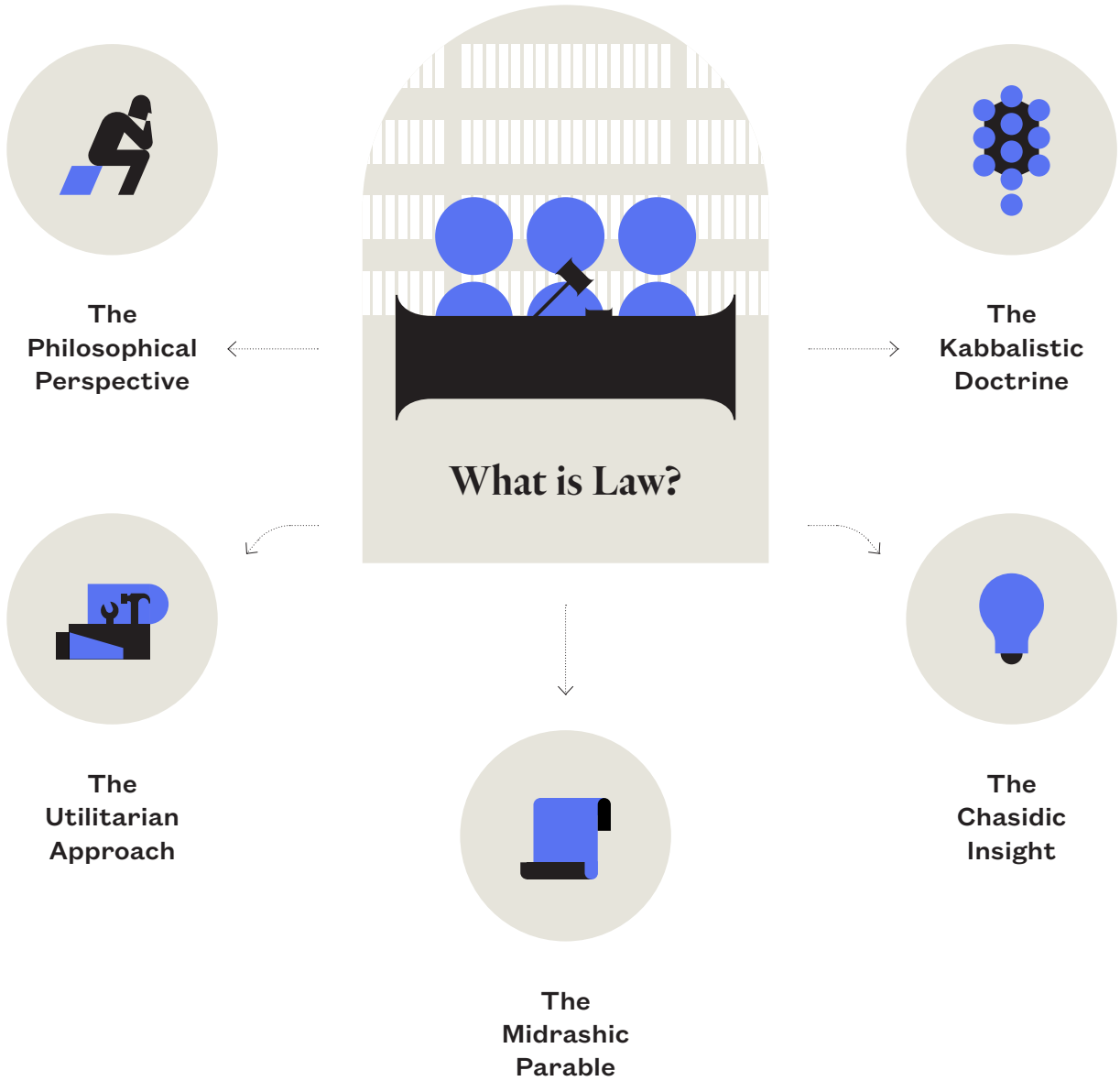
## KEY POINTS

- 1 The Talmud has influenced every facet of Jewish culture. Its study has been, and remains, a source of joy for Jewish communities worldwide. One historian suggested that the Talmud is responsible for the Jews having survived their long exile.
- 2 The Talmud is primarily a record of Halachah, Jewish law, which covers every facet of Jewish life, thereby allowing Jews to connect with G-d in whatever they are doing.
- 3 Although the Written Torah is the source of Jewish law, the vast majority of Jewish law is not explicitly recorded in it. G-d taught these laws orally to Moses when He gave us the entirety of the Torah at Mount Sinai.
- 4 In addition to laws received by Moses directly from G-d, the Oral Law contains laws that were derived by the sages from the Torah's text as well as laws legislated by the sages over the generations.
- 5 The famous Jewish devotion to learning is rooted in the tremendous spiritual significance attributed to Torah study—to the extent that it is considered one of the three pillars on which the world stands. Although most Jews are not lawyers or judges, the study of Talmud—Jewish law—occupies a large portion of traditional Jewish study.



- 6 Jews view the study of law as a mode of religious worship because the laws are the will and wisdom of G-d. When we absorb a Torah law with our minds, we are bonding with a sliver of the Divine mind.
- 7 When we study a Torah law on a given subject, we bring the Divine wisdom contained in that law into contact with that subject. And since Jewish law's scope is so broad that it encompasses every facet of our lives, studying Halachah brings holiness into every facet of our lives.







## The Philosophical Perspective



*True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting. It summons to duty by its commands, and averts from wrongdoing by its prohibitions. . . . It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times.*

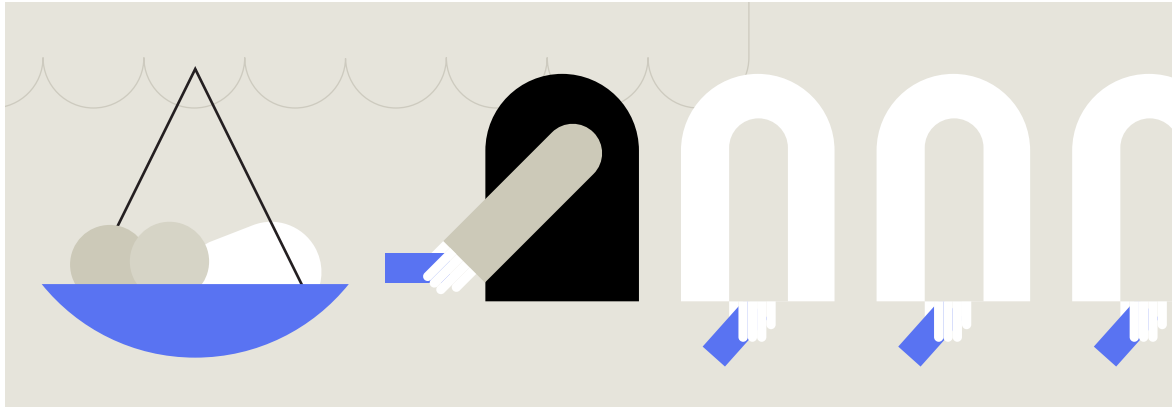
Cicero (*De re publica*, Book III, section 22)

### SUMMARY

This perspective is often called the “natural law theory.” It posits that morality is intrinsic to human nature. The laws that people and societies create to promote good actions and prohibit bad actions derive from our inherent sense of right and wrong.



## The Utilitarian Approach



*When mankind increased in number, craft, and ambition, it became necessary to entertain conceptions of more permanent dominion; and to appropriate to individuals not the immediate use only, but the very substance of the thing to be used. Otherwise innumerable tumults must have arisen, and the good order of the world been continually broken and disturbed, while a variety of persons were striving to get the first occupation of the same thing, or disputing which of them had actually gained it. As human life also grew more and more refined, abundance of conveniences were devised to render it more easy, commodious, and agreeable; as, habitations for shelter and safety, and raiment for warmth and decency. But no man would be at the trouble to provide either, so long as he had only an usufructuary property in them, which was to cease the instant that he quitted possession; if, as soon as he walked out of his tent, or pulled off his garment, the next stranger who came by would have a right to inhabit the one, and to wear the other.*

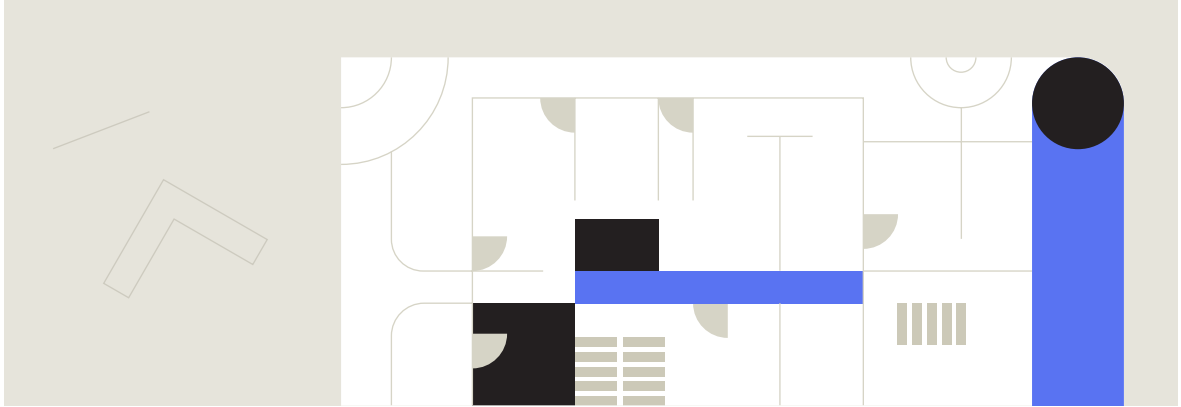
William Blackstone (*Commentaries on the Laws of England*, vol. 2, ch. 1)

### SUMMARY

Laws are created simply for practical reasons. For example, if there were no laws governing ownership and forbidding theft, people would be fighting all the time, and no one would bother to build a house or sew a garment if anyone could just come and take it from them.



## The Midrashic Parable



*Architects who build palaces do not do so on their own; they have scrolls and notebooks with which they consult on how to place the rooms, where to set the doors, etc. So, too, G-d looked into the Torah and created the world.*

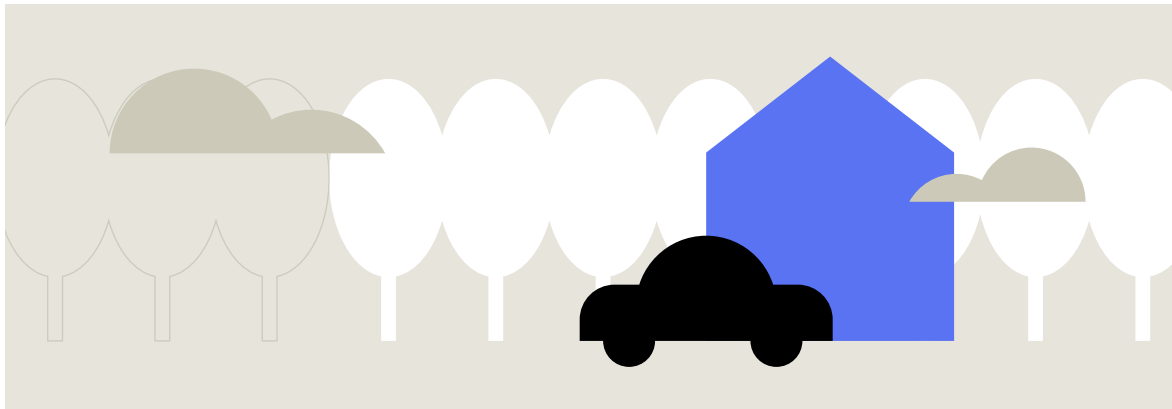
*Midrash, Bereshit Rabah 1:1*

### SUMMARY

Laws are legislated by the Torah, defining how the Creator desires life on earth to be lived. Indeed, the laws of life preceded life itself: first there was the law, embodying the Creator's vision; then came Creation, formed to optimally reflect and implement that vision.



## The Kabbalistic Doctrine



*The soul of a righteous person has 248 limbs, and each limb has many sparks. . . . This is why the righteous cherish their possessions, as these have been bestowed on them from Above. For if this object were not critical [for the person's mission in life] it would not have been given to them by G-d.*

The Arizal, Rabbi Yitzchak Luria  
(Likutei Torah, Vayishlach)

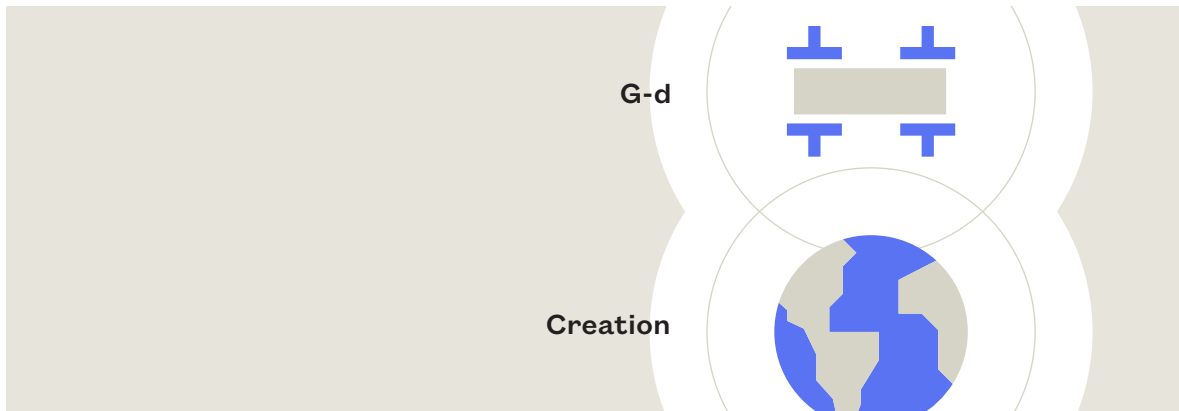
### SUMMARY

The law's function is not just to create legal relationships—for example, to decree that object B belongs to person A—but also to reflect and safeguard deep-seated spiritual truths. Every existence, including inanimate objects, possesses a “soul,” a spark of Divine potential. When an object is owned by particular person, this means that this person has been uniquely entrusted by G-d to develop and “elevate” that spiritual potential, which is in fact a spark of the person's own soul.





## The Chasidic Insight



*Halachah (Torah law) is G-d's wisdom and will. For so it arose in G-d's will that if, for example, Reuben pleads in one way and Simeon in another, the verdict should be thus and thus. Now, it is possible that this particular litigation never occurred in reality. Nor is it ever destined to be presented for judgment as these precise disputes and claims. Nevertheless, G-d's will and wisdom have determined that in the event of a person pleading this way and the other litigant pleading that way, the verdict shall be such and such. Accordingly, when we [study and] understand, and properly comprehend with our intellect the details of such a scenario in accordance with the law presented in the Mishnah, Gemara, or poskim (later codes), we have thereby comprehended, grasped, and encompassed with our intellect the will and wisdom of G-d! We have effectively understood something of the One . . . Whom no thought can grasp, and Whose will and wisdom are beyond understanding—until they are invested within the laws that have been set out for us.*

Rabbi Shneur Zalman of Liadi (*Tanya, Likutei Amarim*, ch. 5)

### SUMMARY

G-d is infinite and perfect, yet He desired to create and enter into a relationship with a finite and imperfect world. So G-d took His infinite, suprarational wisdom and will and invested it within the humanly comprehensible and implementable laws of the Torah. When we study and fulfill these laws, we incorporate their Divine essence as the stuff and substance of our lives.

