



Torah Min Ha-shamayim: The Divine Origin of the Torah
By David Silverberg

Tradition teaches that the festival of Shavuot is celebrated in commemoration of *Matan Torah* – the divine revelation at Sinai, in which the Almighty presented the Torah to *Benei Yisrael*. The Torah portion read on the first day of Shavuot tells that God revealed Himself to the nation to proclaim the Ten Commandments; after this nationwide revelation, Moshe remained atop Mount Sinai where God conveyed to him the rest of His laws (see Shemot 24:12-18).

In honor of this festival, which celebrates God's transmission of the Torah to *Benei Yisrael*, we will study the eighth of the thirteen fundamental articles of faith formulated by Maimonides (Commentary to the Mishna, Sanhedrin, introduction to chapter 10), which affirms the belief in the divine origin of the Torah.

"This Entire Torah That is in Our Possession"

Maimonides begins his presentation of this belief as follows: "We shall believe that this entire Torah that is in our possession today is the Torah that was given to Moshe, and that it was [transmitted] in its entirety directly from the Almighty." Maimonides here speaks of two basic beliefs: the correlation between the Torah currently "in our possession" and that conveyed at Sinai, and the divine origin of the latter (and thus, by extension, of the former). This principle affirms the authenticity of the Masoretic text of the Torah currently in use, and, in addition, of God's having transmitted that entire text to Moshe at Sinai.

Needless to say, both these beliefs constitute critical components of the basic creed of Judaism in general, and the divine origin of the Torah, in particular. It is possible for one to concede that God revealed Himself at Sinai and presented a set of laws, but to deny that prevalent Jewish texts or practice correspond to that doctrine. Conversely, one could accept the precise correspondence between the Torah "in our possession" and the original creed practiced by our Israelite ancestors millennia ago, but to ascribe that creed to man, rather than God. Maimonides therefore includes in this article of faith both fundamental beliefs – the authenticity of the Torah as we have it, and its divine origin.

As Maimonides was undoubtedly aware, the Talmud itself acknowledges a small degree of imprecision in today's Torah scrolls. Vowel sounds in the Hebrew language are generally represented by small symbols that do not appear in the actual Torah scroll, but in some instances, the Hebrew letters *vav* and *yod* are used to represent these sounds. The Talmud states that tradition could no longer definitively ascertain the precise spelling of all words in the Torah, which are spelled with the *vav* or *yod* to represent vowel sounds, and which are not. Nowadays, several minor discrepancies exist between the Ashkenazic and Sephardic Masoretic traditions. For example, the two traditions feature variant spellings of the word *daka* in the Book of Devarim (23:2), with the Ashkenazic version spelling it with the letter *alef*, while the Sephardic text spells it with a *hei*.

Nevertheless, as emphasized by Rabbi J. David Bleich in his work on Maimonides' thirteen principles, *With Perfect Faith* (Ktav Publishing House, 1983), these uncertainties hardly undermine Maimonides' insistence on the authenticity of our Masoretic text. These are the exceptions that prove the rule: the fact that so few discrepancies exist, and that they have no bearing on the precise meaning of the words in question, are testament to the otherwise meticulous transmission of the text throughout so many centuries. Jewish communities that were



geographically separated for generations share the same basic Biblical text, with only very minor differences, thereby confirming the authenticity of our Scriptural tradition.

The Medieval philosopher Rabbi Yosef Albo, in his *Sefer Ha-ikarim* (3:32), seeks to prove the impossibility of distortions in the Scriptural tradition. He begins by raising the historical fact that many governments during the First Commonwealth embraced idolatry and rejected Torah observance. Who is to say, then, that they did not alter the text of the Torah in their attempt to oppose its authority? And if such corruption indeed occurred, then on what basis can we believe that our text corresponds to the original text dictated from God to Moshe? Rabbi Albo dismisses this question out of hand by noting that, as we read in the Book of Melakhim, even during the periods of rampant idolatry, there lived prophets who would have unquestionably militated against and corrected any such distortions. He argues that so long as there were prophets, no permanent distortion of the text could have occurred. This basic premise precludes the possibility of distortions occurring during the Babylonian exile, as well, during which several prophets lived (Yechezkel, Daniel). And, Rabbi Albo adds, when Ezra led the return to Jerusalem under the Persian Empire to establish what would become the Second Commonwealth, the scholarly elite remained behind in Babylonia. It is thus inconceivable that when Ezra established the authoritative text of the Torah that was then copied and disseminated by the Men of the Great Assembly, he altered the traditional text. Any such distortions would have met with harsh criticism from the scholars of Babylonia. Rabbi Albo thus demonstrates that historical logic suffices to confirm the correspondence between Ezra's text and the original text dictated to Moshe.

Of course, modern Jewish history has reinforced the timeless centrality of this fundamental belief. The theories of Biblical criticism, which Jewish and gentile assailants of traditional Judaism began promulgating in 18th-century Germany, sought to undermine the very foundation upon which the Jewish faith is built – the authenticity and divine origin of the Biblical text. The moment the Bible is reduced to a sloppy compilation of contradictory accounts and codes penned by several different authors, rather than the authentic record of the divine word, the Jewish religion becomes meaningless. It is readily understandable why the opponents of Jewish tradition championed such theories so fervently, and why, in turn, many rabbis responded to the challenge so forcefully and composed monumental works to defend the divine origin of the Biblical text. Several of the invaluable Biblical commentaries of the last two centuries, including those of Rabbi Samson Refael Hirsch, Rabbi Meir Leibush Malbim, Rabbi Yaakov Mecklenberg, and Rabbi David Zvi Hoffman, resulted from the urgent need sensed by traditionalist scholars to refute the challenges posed by the theories of Biblical criticism.

Divine "Speech"

Maimonides writes in explicating this principle of faith that the Torah was given to Moshe in its entirety in a manner "which is referred to metaphorically as 'speech'; only the one to whom it was given, may his memory be blessed, knows the essence of that transmission." Maimonides finds it necessary to emphasize that God did not dictate the Torah to Moshe through the human faculty of "speech" as we know it, and only Moshe, who heard this dictation, could grasp how this transmission took place. Indeed, the concept of Biblical anthropomorphism is an important theme in Maimonides' thought, and he devoted a lengthy section in his *Guide for the Perplexed* (1:46-47) to identifying and explaining the anthropomorphic references to God's behavior in the Bible.

The emphasis in this context on the inscrutable quality of God's "speech" perhaps serves an additional purpose, as well. Maimonides perhaps anticipated the challenge that the very



description of God dictating a text to Moshe negates the possibility of such an occurrence. Earlier, Maimonides had articulated the third article of faith, which affirms divine incorporeality, the impossibility of attributing any physical properties to God. This belief, one may have contended, runs in direct opposition to Maimonides' eighth principle – the belief in God's dictation of the Torah to Moshe. For this reason, it would appear, Maimonides here clarifies that the Torah tells of God "speaking" to Moshe only because "speech" is the mode of direct communication familiar to us as human beings. In truth, however, the nature of this communication differed fundamentally from human speech, and its true essence was known to only Moshe.

"It is All the Torah of God"

Later, Maimonides writes:

There is no difference between "And the sons of Cham were Kush, Mitzrayim, Put and Canaan" (Bereishit 10:6), "And his wife's name was Meheitavel, daughter of Matred" (Bereishit 36:39), or "I am the Lord" (Shemot 20:2) and "Hear, O Israel, the Lord our God – the Lord is one" (Devarim 6:4) – it was all [transmitted] directly from the Almighty, and it is all the Torah of God, complete, pure, sacred and true.

Maimonides here addresses those verses in the Torah which appear, at first glance, bereft of sanctity and perhaps unworthy of having been transmitted by God. The first two verses cited in this passage are selected from genealogical records in the Book of Bereishit which seem to contribute nothing in terms of theological doctrine or normative practice. While it is readily understandable why God would dictate to Moshe the fundamental precept of "Hear, O Israel, the Lord our God – the Lord is one," it is difficult to explain why God would bother to tell Moshe that Cham (a son of Noach) fathered a child named Put. Indeed, as Maimonides comments based on the Talmud (Sanhedrin 99b), the Rabbis branded the wicked Judean king Menashe a heretic specifically due to his denial of the divine origin of seemingly peripheral data recorded in the Torah.

Maimonides applies to skepticism of this sort the Talmud's comment (Sanhedrin 99a) that one who accepts the divine origin of the entire Torah with the exception of a single verse, which he attributes to Moshe's independent initiative, is deemed a heretic. For in truth, he writes, "each letter contained in it [the Torah] contains profound wisdom and wonders for the one whom God has allowed to understand... A person can only pray, as did David.. 'Open my eyes, that I may behold the wonders of Your Torah' (Tehillim 119:18)." Belief in the divine origin of the Torah must extend to the entirety of the Torah, even to those verses which might appear less important or altogether superfluous. Maimonides resoundingly rejects any system of gradation assigning different levels of importance to different verses or sections of the Torah.

Maimonides' vehemence in this regard is perhaps most clearly expressed in a famous responsum he wrote condemning the common practice to stand during the congregational reading of the Ten Commandments (printed in *Teshuvot Ha-Rambam*, 263). The Talmud (Berakhot 12a) tells that congregations used to read the Ten Commandments together with the *shema* recitation each day. However, with the advent of heretical groups who argued that only these ten commandments represent the binding law of God, this practice was discontinued. The Rabbis feared that singling out these commandments would lend credence to this heretical claim. Following this example, Maimonides strongly denounces the custom to stand during the reading



of the Ten Commandments, which demonstrates a higher regard for this section of the Bible than for others. At the conclusion of his letter, Maimonides makes reference to his remarks in his commentary to the Mishna, where he emphasizes the divine origin and equal stature of each and every word of the Torah. Recognizing the importance of this precept and the grave danger posed by any indication to the contrary, Maimonides sharply condemns practices that afford greater respect to a specific section of the Torah than to others.

Very often, curricula in school systems and adult education programs are arranged very selectively, prioritizing specific areas of Torah scholarship over others to accommodate time constraints or to draw interest. As a result, many parts of Torah are neglected and rarely studied. While the need for selective study is understandable, Maimonides' vehement insistence on the equal stature of all words of the Torah should warn us not to allow this selectivity to intimate a scale of relative importance and value. Educators must endeavor to impress upon their students the intrinsic value and significance of all areas of Torah knowledge, even those which time constraints and other considerations necessitate their omission from the regular course of study.

***Torah She-be'al Peh* – the Oral Tradition**

In his concluding remarks regarding this principle of faith, Maimonides extends the belief in the Torah's divine origin to the *Torah she-be'al peh*, or oral tradition. The eighth principle demands that we accept the divine origin of not only the five books of the Torah, but also the basic system of the oral tradition. Maimonides mentions as examples the *mitzvot* of *sukka*, *lulav*, *shofar*, *tzitzit* and *tefillin*. The written Torah explicitly requires that we affix "tzitzit" to four-cornered garments (Bamidbar 15:38), but nowhere does it clarify what kind of strings must be used or how they are to be tied to the corners of garments. This information was conveyed orally to Moshe at the time when he received the Torah, and subsequently conveyed from one generation to the next. Similarly, though the Torah indeed contains explicit reference to the obligation to dwell in a *sukka* during the festival of Sukkot (Vayikra 23:42), it provides no guidelines as to how these structures are to be built, or what activities must be performed in the *sukka*. Once again, the written Torah presents merely the generalities of the *mitzva*, whereas the oral tradition outlines the specific details regarding its performance. In his *Code* (Hilkhot Shechita 1:4), Maimonides returns to this point in introducing the laws of *shechita* – the ritual slaughter of animals before partaking of their meat. Here, too, the Torah itself presents the law in very general, ambiguous terms: "You shall sacrifice some of your cattle and sheep... and you shall eat in your gates, as much as you desire" (Devarim 12:21). Only through the oral tradition, Maimonides stresses, do we understand how this "sacrifice" is to occur, the specific procedures required to render animal meat permissible for consumption.

In his introduction to his *Code*, Maimonides elaborates on the divine origins of the *Torah she-be'al peh*. He begins by citing a Scriptural source to the divine origin of both the written Torah and oral tradition, a verse which describes God's summons to Moshe after the Revelation at Sinai: "The Lord said to Moshe: Ascend the mountain to Me, and stay there, and I will give you the stone tablets, and the Torah and the commands that I have written to instruct them" (Shemot 24:12). Maimonides claims that the term "Torah" in this verse refers to the written text of the Torah, whereas the word "*mitzva*" ("commands") refers to the oral tradition. (Ibn Ezra, in his commentary to this verse, cites this interpretation from Sa'adya Gaon.) Accordingly, the Torah explicitly tells that God summoned Moshe to the mountaintop to receive both sections of the divine law – the written Torah and the oral law.



After advancing this textual proof to the divine origin of the *Torah she-be'al peh*, Maimonides proceeds to delineate very specifically the process of its transmission. He traces the forty generations from Sinai through Rav Ashi, the final redactor of the Talmud, demonstrating how the deliberations in the Talmud stem directly from the oral tradition that originated at Sinai. In addition, Maimonides explains the reason why the oral teachings were ultimately written and compiled into what is now known as the Mishna. He writes that during the time of Rabbi Yehdua Ha-nasi (Judah the Prince), the number of scholars began dwindling, Jewish communities became more dispersed, and the influence of the hostile Roman Empire continued to rise. Rabbi Yehuda Ha-nasi concluded that without a written record of the oral tradition, it could not be sustained. He thus compiled the entire corpus of the oral tradition, including the many debates that arose over the course of the process of transmission, and arranged it into the form we know today as the Mishna.

Maimonides & Karaism

This issue was of crucial importance to Maimonides, who was among the leading opponents of the Karaitic sect of Jews, who accepted the written Torah but denied the rabbinic tradition of Biblical interpretation. This sect, which insisted on complete freedom of interpretation, ridiculing rabbinic exegesis, wielded considerable influence in the Jewish world during the early Middle Ages. It comes as no surprise, therefore, that Maimonides found it necessary to emphasize the divine origin of the oral tradition as part of the belief in the divine origin of Torah generally.

Maimonides addresses the theological origins of Karasim both in the aforementioned responsum and in his commentary to Masekhet Avot (1:3), where he identifies the Karaites as the ideological heirs of the Sadducees and Baytosees. The Talmud the vigorous campaign launched by these groups, particularly the Sadducees, against the rabbinic oral tradition during the time of the Second Temple. According to Maimonides (commentary to Avot), these groups were established by two heretics who denied the concept of reward and punishment. Figuring that no reward awaited them for observance or punishment for violation, they decided to abandon the Torah, and small numbers of followers joined them. These groups realized that they could not attract a large following by promoting such a radically heretical ideology, and therefore formulated and disseminated a philosophy that accepted the written Torah but scorned rabbinic interpretation. The Karaites, Maimonides claimed, simply championed the philosophy of the Sadducee and Baytosi groups.

This historical development may offer us some insight into an importance characteristic of the *Torah she-be'al peh*. It is very revealing that the Sadducees could not attract a large following so long as they rejected the Torah in its entirety, yet became a dominant force in Jewish life once they accepted the written law while denying rabbinic interpretation. Apparently, the rabbinic tradition of the *Torah she-be'al peh* is far less appealing and more difficult to accept than the written Torah. The splinter groups cleverly intuited that a rejection of the oral tradition could be very appealing and win them a large following. Indeed, a famous passage in the Midrash Tanchuma (Parashat Noach) tells that whereas *Benei Yisrael* anxiously accepted the written Torah at Sinai, the oral tradition had to be forced upon them. (This resolves the famous contradiction between the Torah's account of the nation's willful acceptance of the Torah, and the Talmudic tradition that God "suspended the mountain over them like a tank.") For some reason, the concept of a written law is far more easily embraced than that of an oral tradition. The Sadducees



capitalized on this instinct, and drew a very large base of support for their cause, opposing the rabbinic establishment.

What makes the oral tradition less appealing than the Scriptural text? One answer might be that the *Torah she-be'al peh* necessitates the acceptance of rabbinic authority and submission to the decisions and interpretations of the scholars. Once a person accepts the divine origin of the written Torah, submission to its dictates comes naturally. *Torah she-be'al peh*, by contrast, demands submission to the scholars who have mastered the tradition. It calls upon us to accept their interpretations and even their legislation. Submission of this sort is, of course, far less intuitive and runs in opposition to man's instinctive egotism. (See Rabbi Herschel Shachtar, "Why was the Torah Forced Upon Us?" – www.torahweb.org/torah/2004/moadim/rsch_shavuot.html). The Sadducees' claim that the rabbis fabricated laws and enacted unnecessary measures for their own aggrandizement (accusations which continue to be promulgated even today) appealed to the masses' innate drive for equal standing and aversion to authority.

By including the *Torah she-be'al peh* within the rubric of the eighth article of faith, Maimonides emphasizes that the Torah we received on Shavuot consisted of not only the actual Biblical text, but also an interpretative tradition and a system of guidelines for halakhic decision-making and legislation. Although the Almighty did not actually transmit to Moshe the laws of Purim, for example, which obviously came into being only centuries later, He unquestionably did convey to Moshe the guidelines and principles for establishing festivals in response to miraculous events. In effect, then, our observance of this festival, and of all other measures enacted by the Sages, indeed constitutes a direct fulfillment of the Torah conveyed to Moshe at Sinai.