



# The Talmud, Torah and Mishna in context

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## Abstract

Torah primarily refers to the first section of the Tanakh—the first five books of the Hebrew Bible, but the term is sometimes also used in the general sense to also include both of Judaism's written law and oral law, encompassing the entire spectrum of authoritative Jewish religious teachings throughout history, including the Mishnah, the Talmud, the Midrash, and more. Although there are two Talmuds, they are not really separate. The Rabbis of Babylon had access to the Jerusalem Talmud while they were working on their text. But if there is dispute between the two Talmuds, the Babylonian Talmud is followed. Both because Babylonian Talmud is considered more authoritative and the Jerusalem Talmud is more difficult to study, Jewish students pouring over the Talmud in yeshiva are using chiefly the Babylonian Talmud. The Talmud is more than just an application of the details of the Jewish law as expounded in the Mishnah. It's the encyclopedia of all Jewish existence. This article to a limited extent unpacks the terms Talmud, Midrash and Gemara.

**Keywords:** Torah, Talmud, Mishnah, Rabbinic teaching, sacred texts

## Introduction

Given that the Talmud is very important in traditional Jewish life and thought, noteworthy Jewish groups and individuals have forcefully opposed it. The Karaite sect in Babylonia, in the 8th century, rebutted the oral tradition and condemned the Talmud as a mere creation of rabbis. In medieval times, some Jewish mystics avowed that the Talmud is nothing more than a facade covering the hidden sense of the written Torah. A wide range of dissenting messianic Jewish sects of the 17th and 18th centuries absolutely rejected the Talmud had any value whatsoever. The pivotal setback to Talmudic authority occurred in the 18th and 19th centuries when the Haskala (a Jewish Enlightenment drive) and later Reform Judaism, secularized Jewish life. It was considered to be far too legalistic and indeed unspiritual.

The Hebrew term Talmud (“study” or “learning”) generally denotes a compilation of ancient teachings regarded as blessed and normative by Jews from the time it was collected until modern times. Essentially, the Talmud is a collection of books comprising of the Mishna (repetitive study), the Gemara (completion), and some supplementary resources. The Mishna is an assortment of formerly oral laws augmenting rigid scriptural laws. The Gemara is an assortment of annotations on and amplifications of the Mishna, and currently however, Talmud refers only to the resources customarily called the Gemara. The term Midrash can refer to either a method of biblical interpretation as found in the Talmudic literature, or it may refer to a distinct body of commentaries on Scripture using an interpretative mode.

## The Talmud

The Talmud (*talmūd* -instruction, learning), is a fundamental text in Rabbinic Judaism and it is first and foremost a legal compilation. It is traditionally also mentioned as the *Shas* a Hebrew ellipsis of *shisha sedarim*, the "six orders". The term 'Talmud' also generally denotes the Babylonian Talmud, even though there is also an former collection called the Jerusalem Talmud. The first part of the Talmud is the Mishnah (משנה, c. 200 CE), which is the the written compilation of Judaism's Oral Torah or "Instruction". The Oral Law is a legal



commentary on the Torah which elucidated on how commandments were to be dealt with in daily life. Oral tradition was required to go together with the Written Law, because the Torah despite having 613 commandments, was considered to be inadequate in guide a Jew's life. The second part is termed the Gemara (500 CE), and this is an explication of the Mishnah and the associated Tannaitic writings. The term *Talmud* can thus refer to either the Gemara alone, or the Mishnah and Gemara as united composition. Thus according to Jewish Tradition, the Torah revealed to the Israelites comprised both a written text, the Pentateuch, and an oral tradition. The latter explains the that former.

Rabbinic Judaism or Rabbinism (Hebrew: יהדות רבנית *Yahadut Rabanit*) was the conventional form of Judaism from the 6th century CE. This was after the codification of the Babylonian Talmud. Rabbinic Judaism was based on the acceptance of the notion that at Mount Sinai, Moses received from G-d the Written Torah (Pentateuch) and this was in addition to an oral elucidation, the "Oral Torah," that Moses conveyed to the Jews. Jewish scholarship was at the outset oral in nature and Rabbis explicated and discussed the Torah and deliberated upon the Tanakh without the advantage of written works except of course, for the Biblical books. This is similar to the later writings of the Christian gospel writers (Travers Herford, 2007).

The earliest chronicled oral Torah was in the midrashic form, in which halakhic arguments are structured as exegetical annotation on the Pentateuch. Another type, organized by subject matter in its place of biblical verse, became the leading type in roughly 200 CE, when Rabbi Yehudah Hanassi redacted the Mishnah (משנה). For many centuries, Judaism's rabbis had fought against writing down the Oral Law.

By teaching the law orally, the rabbis believed they were obliging students to uphold close associations with their teachers, and they held the view that teachers, were the best means via which the Jewish traditions could be spread for posterity. However, given that many teachers were killed during botched revolts, Rabbi Judah was clearly apprehensive that the Oral Law would be overlooked unless it was written down for people to carefully read and re-read. In excess of a million Jews were killed in the uprisings, and this included the leading yeshivot and many thousands of their rabbinical intellectuals and students. This was thus a methodical categorization of the halachic (i.e. practical directives for religious conduct) main body of the traditions which was developed over time.

The concept that the destruction of the Temple and ensuing disturbances led to the committing of Oral Law into writing was first clarified in the Epistle of Sherira Gaon and often repeated as such (Grayzel, 1984: 193). This condition altered radically due to the destruction of the Jewish commonwealth and the Second Temple in the year 70 CE. It was exacerbated by the resultant upheaval of Jewish social and legal customs and rules. Rabbis had to face a new authenticity without a Temple. Which served as a teaching and learning facility. Oral scholarship could not be upheld and so the Rabbinic treatises began to be chronicled in writing (Grayzel, 1984; Strack, 1945). The rabbinic view of G-d was that he was a biblical G-d who acted in history, and he is the creator and source of life and was universal, and in total unity, and direct involvement with creation. His immanence and transcendence were stressed and he was the father to whom every being could turn through prayer so that one's needs could be met. his needs.

The Orthodox Jews, consider the Talmud to be a means by which one enters the world of the working of the Ruach (Holy Spirit) and by which one can be close to the Divine Presence itself. Torah, in its Talmudic sense, denotes religious and ethical teachings passed down through generations via tradition. The rabbis accepted that G-d created the Torah long before the world was formed. The Torah encompassed the perpetual divine recipe for the world's impending workings and consequently had all the answers to all



problems and for all times and all peoples. G-d is portrayed as studying the Torah, since even he is unable to make pronouncements regarding the world that challenge it.

The entire Talmud consists of six principal sections, or orders 63 tractates, and is over 6,000 pages in length. It is written in Tannaitic Hebrew and Aramaic and contains the wisdoms and sentiments of very many rabbis on a diversity of subjects. These comprise holy things, purity laws, social structures, the role of women, agriculture, Halakha (law), damages, the Judaistic way of life, sacred times, personal status, customs, history, ethics, folklore and many other topics such as inter alia, magic, proverbs, natural sciences, mathematics, medicine, metaphysics and theology. There are two Talmuds but they are not really detached from one another. The fact is that Rabbis of Babylon had access to the Jerusalem Talmud while they were occupied on their separate text. However if there is an apparent disagreement between what the two Talmuds state, the Babylonian Talmud is the one that is followed since it is considered to be in a sense more authoritative and the Jerusalem Talmud (Strack, 1945). The Talmud is much more than merely an application of the details of the Jewish law as expanded in the Mishnah and it is viewed as an compendium of all Jewish being (Steinsaltz, 1976).

The Talmud includes many agadata or stories that are meant to exemplify significant points in the Jewish worldview which are the fundamental cognitive orientation of individuals and Jewish society incorporating the whole of the individual's or Jewish society's knowledge and point of view. These stories thus comprise a wealth of information on a vast range of subjects (Strack, 1945). Such information was important to the Jewish people because Jewish law was never applied by reading a sentence in the Torah and executing it to the letter. The Talmud then offered the written and oral tradition in an organized manner. The Talmud is generally then the basis for codes of Jewish law. It is very often heavily referred to in rabbinic literature.

By prudently laying out different sentiments regarding Jewish law, the Talmud tends to present itself more as a case-book of law. In many ways, the Talmud teaches that while it is indispensable for a person to obtain a work related skill so as to provide for one's material needs and those of one's family and the poor, one should not spend much time on this but focus more on the law aspects. Talmud study continued not only to develop appreciation of the Jewish Tradition, but also expanded the instructive ethos of debate and discussion. Consequently, in all generations additional commentaries and sections were added to the wide-ranging body of Talmud study. Thus, today, the Talmud is studied together with a huge collection of works of other rabbinic commentaries (Rosen, 2001).

It was indeed believed that Divine revelation ought to be studied in order to be really known (Joshua 1, 8) but religious study is analogous to the understanding of Divine revelation and so even if study does lead one to correct religious behavior, it is still an act of worth in and of itself. The Talmud includes much debate and descriptions that have very little practical relevance even to all the instructions and guiding principles of Jewish observance. While most aspects of the Talmud which are theoretical, there are no characteristics of Jewish daily life that are not dealt with and the successive codes of Jewish practice that are grounded upon it. The Talmud is primarily an important legal compilation which comprises constituents that incorporate virtually the entire scope of subject matter explored in antiquity.

The Midrash was initially a philological method of interpreting the literal meaning of biblical texts. It gradually became an erudite interpretive system that reunited ostensible biblical contradictions, and it established the scriptural basis of new laws. Midrashic inventiveness reached its ultimate in the schools of Rabbi Ishmael and Akiba. These had two different hermeneutic methods and the first was primarily rationally focused and made extrapolations based on the similarity of content and similarity (Rosen, 2011). The second was based



mainly on textual scrutiny, and it anticipated that words and letters that seem redundant do in fact teach about something which is covert and not openly identified in texts.

The Talmud (i.e., the Gemara) quotes copiously from the Midrashic collections and simultaneously uses all the guidelines engaged by both the rational and textual schools. In fact Talmudic interpretation of the Mishna is in itself an variation of the Midrashic process. The Talmud deals with the Mishna in the same way that the Midrash treats Scripture. Illogicalities are elucidated through basic reinterpretation and novel problems are solved logically by means of making analogies superfluity (Jacobs, 1999).

Talmudic study today and reactions to it are miscellaneous, reflecting the multiplicity of reactions to modernism (Carmell, 1986). In some cases there is speedy integration and divestiture of Jewish tradition. In others there is a withdrawal from any interaction with the outside world in response to the threats faced for the safeguarding of Jewish tradition. The extreme response is referred to as ultra-Orthodoxy or "Hassidism". In contemporary Orthodoxy, Talmudic study is an essential component of an authentic Jewish identity, though not for the purpose of excluding the world but rather as the value system through which one is able to relates to it. Talmudic study has less value for the contemporary Jew (Travers Herford, 2007).

The oldest entire Talmud dates to 1342 CE and is called the Munich Talmud (Cod. hebr. 95). These terms, Mishnah and Gemara are the ones commonly used by way of reference to the body of the Oral Tradition. The word Talmud is infrequently used to label the text. It is normally used is as part of the educational term "Talmud Torah", i.e. the study of Torah, and Divine teaching.

### **The Theology Maimonides**

Moses ben Maimon, also known as Maimonides is also known under the acronym Rambam, was a mediaeval Sephardic Jewish theorist who became one of the most fruitful and influential scholars of the Torah. Maimonides as a Jewish intellectual, developed a close acquaintance not only with Arab Muslim philosophy, but also with the classical Greek doctrines of Aristotle which he tried to reconcile with the teachings of the Torah (Maimonides, 1998). He was born in Cordoba, Spain, on the 14th of Nissan (the eve of Passover) of the year 4895 (1135 C.E.1). His father was Maimon, a direct descendant of King David, and he was a judge in the city's rabbinical court. His mother passed away when he was yet a small child.

Maimonides admired the neo-Platonist commentators and this directed him to doctrines which the later Jewish scholars refuted. Maimonides was an supporter of "negative theology" ("Apophatic theology") in which one endeavors to describe G-d via only negative characteristics. For example, one should not say that G-d subsists in the customary sense of the term but rather, G-d is not non-existent. One should not say that "G-d is wise"; but rather that "G-d is not ignorant". Thus one needs to advance and define knowledge of G-d by describing what G-d is not, instead of describing what G-d is (Robinson, 2018). Maimonides' magnum opus was his codification of Jewish law, which he named Mishneh Torah, or "second to the Torah." This was a fourteen volume work set out in logical systematic codification of Jewish law.

Preceding Maimonides, in order to recognize Jewish law, one would have to learn the complete Talmud. Given that the Talmud itself at times vacillated, and often incorporated conflicting opinions on Jewish law, it was obligatory to the study the various commentaries, which illuminated on aspects of the final law.



Maimonides was the first one to index the entire body of Oral Law – both Talmuds, the various halachic Midrashim, later works authored by the Geonim, and even kabbalistic texts – and compile it all in a logical and systematic fashion. The laws of Shabbat, for example, are all gathered in the third volume of Mishneh Torah (which is titled Zmanim, "Times," containing all laws pertaining to Shabbat and holidays) in thirty chapters, each divided into bite-sized sub-sections. Maimonides codified the laws of Shabbat, holidays, prayer, dietary laws, and the laws that regulate the Jew's daily life. He also wrote a section on eating healthy, fitness, and mental health—teaching future learners that all our actions should be permeated with holiness and G-dliness. "The health and wellbeing of the body," he writes, "is part of one's service of G-d." (Zaklikowski, 2019)

Maimonides associated the G-d of Abraham to what philosophers discussed as the Necessary Being. G-d is then an inimitable being in the universe, and the Torah gives instructions that one needs to always love and dread G-d (Deuteronomy 10:12). A person should then contemplate G-d's works and wonder at the order and intelligence that went into creation. Once this transpires, one is able to realise how great G-d is. This constitutes the very foundation of the Torah (Kraemer, 2008; Robinson, 2018).

The Talmud's discussions are recorded in a consistent format. A law from the Mishna is cited, which is followed by rabbinic deliberations on its meaning. The Mishna and the rabbinic discussions (known as the Gemara) comprise the Talmud, although in Jewish life the terms Gemara and Talmud usually are used interchangeably. The rabbis whose views are cited in the Mishna are known as Tanna'im (Aramaic for "teachers"), while the rabbis quoted in the Gemara are known as Amora'im ("explainers" or "interpreters"). Because the Tanna'im lived earlier than the Amora'im, and thus were in closer proximity to Moses and the revelation at Sinai, their teachings are considered more authoritative than those of the Amora'im. For the same reason, Jewish tradition generally regards the teachings of the Amora'im, insofar as they are expounding the Oral Law, as more authoritative than contemporary rabbinic teachings. In addition to extensive legal discussions (in Hebrew, halakha), the rabbis incorporated into the Talmud guidance on ethical matters, medical advice, historical information, and folklore, which together are known as aggadata. As a rule, the Gemara's text starts with a close reading of the Mishna. For example, Mishna Bava Mezia 7:1 teaches the following: "If a man hired laborers and ordered them to work early in the morning and late at night, he cannot compel them to work early and late if it is not the custom to do so in that place." On this, the Gemara (Bava Mezia 83a) comments: "Is it not obvious [that an employer cannot demand that they change from the local custom]? The case in question is where the employer gave them a higher wage than was normal. In that case, it might be argued that he could then say to them, 'The reason I gave you a higher wage than is normal is so that you will work early in the morning and late at night.' So the law tells us that the laborers can reply: 'The reason that you gave us a higher wage than is normal is for better work [not longer hours].'" (Telushkin, 1991).

Maimonides believed that there can be no illogicality between the truths which G-d has revealed and the conclusions of the human mind in either science or philosophy. Maimonides principally relied upon the science of Aristotle and the teachings of the Talmud, and he most commonly found a basis in the former for the latter (Kraemer, 2008).

## **The Mishnah**

Throughout the centuries subsequent to the conclusion of the Mishna, the transmission linkages of the Oral law were greatly weakened by the severe economic hardship and



augmented persecution of the Jewish community in Israel which resulted in many Jews, including many rabbis, fleeing for their lives. Many rabbis then emigrated to Babylon in the Persian Empire. The role of the rabbis as the singular central authority of the Jewish people was ending. The devolution of Torah authority and the general absence of accord among the rabbis led to an additional weakening of the transmission practices. It became clear that the Mishnah was no longer solely enough to completely elucidate upon the Oral Law.

The Mishnah (170-200 CE) became a composition of legal thoughts and debates. Statements in the Mishnah are typically concise, recording fleeting opinions of the rabbis debating a subject; or recording only an unattributed ruling representative of a general compromise viewpoint. The rabbis who are recorded in the Mishnah are identified as Tannaim (Jacobs, 1999). The Mishnah then preserved the teachings of earlier rabbis. It underwent selective editing and in its development included selecting numerous traditions that did not “make it” into the Mishnah which were then collected in the Tosefta (appendix, or supplement).

The Mishnah categorized its laws in themes rather than by biblical milieu, and it deliberates on individual themes more systematically when compared to the Midrash. In reality the Mishnah's topical organization became the context of the Talmud however not every tractate in the Mishnah has a matching Gemara (teaching). Additionally, the order in which the tractates in the Talmud are placed diverges in a way from that in the Mishnah. (Steinsaltz, 1976).

After the publication of the Mishnah, those in the know in Judaism began to study the Mishnah and the other traditional teachings. They worked on unpacking the Mishnah's deeper reasoning, and pulled out legal principles from the precise accounts of case law, as found in Holy Scripture, and the connecting declarations found in the Mishnah to traditions that were neglected. Thus diverse volumes emerged. For example, the Talmud Yerushalmi included the Mishnah and also the Gemara produced by the various Israelite advisors. The Oral Law was then codified in the Mishnah and Gemara, and is understood in Rabbinic literature specifying succeeding rabbinic pronouncements and writings. Rabbinic Jewish literature is established on the idea that the Torah cannot be properly understood without recourse to the Oral Law. One of the Mishnah's sixty - three tractates, Pirkei Avot (Ethics of the Fathers) has no laws in it and it records the rabbinical celebrated sayings and proverbs.

Many commandments and conditions delimited to the Torah would be difficult to keep without the Oral Law to help define them (Neusner, 1975). As the deliberation and debates on the Mishnah were sustained in study centers both in the land of Israel and also in Babylon, as stated earlier, two Talmuds (or more precisely Gemaras) were assembled. Nevertheless, while the Babylonian Talmud only covers thirty-six tractates of the Mishnah's sixty three, it is far more valuable and more wide-ranging in its reporting on specific material and it gradually became the foremost normative text for Talmudic study in the entire Jewish world. The Mishnah then has six fundamental segments which deal with six straightforward areas of Jewish law. These are:

Taharot, literally the “pure things,” regarding laws of attaining spiritual purity and what leads to impurity.

Nashim, literally “women,” which scrutinizes the issues between men and women such as relationships, Kiddushin, marriage, divorce, etc.

Zeraim, literally “seeds,” includes all agricultural rules and laws for nutriment as well as benedictions (Brakhot). It details of the crops that could be presented as offerings at the Temple in Jerusalem and also records laws regarding diverse benedictions and when they should be delivered.



Moed, literally, “holiday,” dealing with all the rituals of the Sabbath and all the other Jewish holidays such as Passover (Pesachim), Purim (Megillah), Rosh ha-Shana, Yom Kippur (Yoma), and Sukkot.

Nezikin, literally “damages,” covering aspects of civil and criminal law procedure. Kodshim, literally the “holy things,” regarding the various laws of the Holy Temple.

Kodashim, is the segment which sketches the laws of sacrifices and ritual slaughter.

The Gemara as such illustrated the Mishnah through argument and reference to sources which were not found in the Mishnah. Nonetheless it used the debate as an chance to embrace homiletical accounts, theology, wisdom, myth and individual judgements.

## Conclusion

The rabbinic mode of hermeneutic exegesis—interpretation based on methodical rules or philosophies, developed critical thinking skills and inductive reasoning but it tended to constrain the development of vital independent abstract thinking. The Mishnah was the first written record of what was the Oral Law. The Oral Law was never written down as a formalized text or perpetual record. It was passed on from one scholar to the next, from one generation to the next. The rabbis were clearly bound to manuscripts and never endeavored to frame their thoughts into a unified system as done by Greek philosophers. They simply only approached the abstract through the concrete so that texts or happenings stirred them to formulate concepts which were undefined so that their meanings could alter depending on the context of usage. The Mishnah is then studied because it is part of the canon of Jewish literature and also since it is the foundation of the Talmud. Studying the text of the Mishnah empowers modern-day Jews to reinforce their connection with Jewish history and it helps them to gain a deeper understanding of sacred traditions.

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