

Cohen goes on to state:

We recognize the Biblical Law as interpreted by the rabbis and elaborated by the successive legal writers, as the ultimate authority for Jewish ritual and civil practice. Now laws are necessarily framed in general terms, while circumstances vary in each particular with time and place, so that it is beyond the capacity of the legislator to state the law for every future contingency. This gave rise to the need of tribunals to apply and interpret the law in a given instance. The earliest precedent for such an authority is found in Deut. 17:11, where we read: "According to the terms of the law which they teach you, and according to the verdict which they tell you, you shall do; you shall not turn aside from the word which they declare to you, to the right or the left" While the activity of the court was originally conceived of as interpreting the law, in course of time it assumed the powers of law-making under the guise of interpretation. The rabbis invoked this verse in support of such powers. (pp. 32-33)

George Foot Moore, in volume one of his two-volume work Judaism, states:

The whole revelation of God was not comprised in the sacred books. By the side of Scripture there had always gone an unwritten tradition, in part interpreting and applying the written Torah, in part supplementing it. The existence of such a tradition in all ages is indubitable. The priests' traditional knowledge of details of the ritual, for instance, is constantly assumed in the laws in the Pentateuch on the substance of sacrifice. The rules for the private burnt offering and peace offering in Lev. 1 and 3 are formulated with expert precision, but in the actual offering of even such simple sacrifices they require at every step to be supplemented by a customary practice. The law requires a lamb as a burnt offering every morning and evening, with the accompanying quantum of flour, oil, and wine (Exod. 29:38-42), but gives no further particulars . . . For the performance of the solemn piacula of the Day of Atonement the directions in Lev. 16 are altogether inadequate; the actual conduct of the complicated rites must always have been directed by priestly tradition. Doubtless in the course of time the ritual developed in practice by that tendency to enrichment which is strong in all liturgies, or was revised by recurrence to the prescriptions of the Law; but whatever it was, it rested on tradition and was embodied in tradition. These instances may serve to illustrate what was true of the whole ritual and ceremonial law.

Nor was the Scripture by itself more sufficient in the field of civil and criminal law . . . The Pentateuch directs the appointment of judges in cities and towns (Deut. 16:18), but says little or nothing about the constitution or procedure of the tribunals.

The law in Deut. 24:1-4, on the remarriage of a divorced woman, presumes that a legal divorce demands a certificate of repudiation (sefer keritut) given to the woman by the man as evidence that she was free to marry again. There is however no law prescribing such a writing nor any direction concerning its form . . . In many other things enjoining in the religious law, e.g., the payment of the taxes for the support of the priesthood and other ministers of worship, the obligatory offerings, the observance of holy days, the mode of fulfilment must have followed custom which had the force of