

revealed, and became part of the Mosaic tradition

Many rules of the unwritten law were found, by more penetrating exegesis or by combination with other passages in the Pentateuch or elsewhere in the Scriptures, to be implicit in the written law. It was assumed that these were made known to Moses, to whom the whole twofold law was revealed; but it was not necessary to suppose that they had been handed down in continuous tradition like the Mosaic rules from Sinai. Many which were delivered by Moses to his contemporaries were forgotten even in the first generation. In the days of mourning for Moses, it is said, grief caused no less than three thousand thus to fall into oblivion; Joshua himself forgot three hundred as a punishment for his self-sufficiency; and neither was he nor were the priests and prophets who came after him able to restore them. Many hundreds of exegetical proofs were also forgotten, but these the acumen of Othniel rediscovered. Evidently, scholars in later times could do the same thing, if they were acute enough. Akiba, in particular, by a more subtle hermeneutic and a fabujous ingenuity in the exercise of it, found in the written law many rules for which before him there had been only the traditional authority of Moses from Sinai. We have seen that in Sifre on Deut. 11:22 the words, 'all this commandment,' are understood to include juristic exegesis (midrash), formulated rules (halakot), and practical religious and moral application (haggadot), as well as the text of Scripture itself. . . . The explicit prohibition in Deut. 4:2, 'Ye shall not add unto the word which I command you, nor shall ye take aught from it,' was easily got over by the exegesis of the schools: in Deut. 17:11 they found implicit confidence in the courts of each generation and obedience to them prescribed, and they extended the same authority to the decisions and decrees of the rabbinical bet din.

Nor were these deliverances confined to laying down the proper way of fulfilling the requirements of the law under changing conditions, or to protecting the law from infringement by a thickset hedge of prohibitions more stringent than the letter. When the exigencies of the time seemed to them to demand it, the rabbis in council or individually did not hesitate to suspend or set aside laws in the Pentateuch on their own authority, without exegetical subterfuges or pretense of Mosaic tradition

The unwritten law, as we have seen, was in no wise inferior in authority to the law written in the Pentateuch, both being God's revealed will. The covenant at Sinai, the Magna Charta of Judaism, was made upon both. As in other religions where it is thus raised to an equal rank with Scripture, tradition, as the living work, interpreting, supplementing, adapting, applying, the written word, asserts its superior authority, and its claims are wont to be more strongly expressed if its authority is questioned either in general or on a particular point. So it was in Judaism. . . . (pp. 251-262)

Louis Ginzberg, in his book On Jewish Law and Lore, states:

No student of the post-biblical literature of the Jews can fail to be struck by the fact that it is predominantly interpretive and commentative. At first sight this seems to be rather strange, for Israel's classic literature, the Bible, with all its richness and variety of literary forms, contains not the slightest trace of the form most favored by the writers of later periods. The literature