

towards formulating what might be called, de facto though not de jure, a new code--they created the Mishnah.

To estimate adequately the radical changes that the Mishnah introduced, it is best to compare the mishnaic method of study with the midrashic (exegetical) method of the Soferim. These earlier scholars knew only one subject of study--Scripture; their comments and interpretations were interwoven with the text interpreted and commented upon. The creators of the Mishnah detached the enormous bulk of unwieldy material from the Biblical passages and studied it independently. The new method was not only highly practical, since the numerous laws based on interpretations of Scriptural passages could now be studied in a concise and systematic way, but it also gave the "oral law" an independent existence. Hitherto the laws, practices, and customs that had not scriptural basis could only be studied by being connected in one way or another with some text in Scripture. Yet many of these orally transmitted laws and customs were as old as the Oldest found in Scripture and were no less revered by the people. In the mishnaic method of study, a difference between the written Torah and the oral Torah hardly exists. (pp. 3-5)

Adin Steinsaltz, in his book The Essential Talmud, states:

. . . almost from the first, the oral law, Torah she-be-al-peh, accompanied the written law, Torah she-bi-khtav.

We know very little of the origins and early development of the oral law . . . But from various hints in the Bible, we can ascertain how the oral law evolved to interpret and complement written legislation. It is clear, in principle, that every written code of law must be accompanied by an oral tradition. In the first place, the oral tradition is inherent in the very act of transmitting the use of words . . . every word in the written law must be handed down from generation to generation and explained to the young. Where simple, everyday words are concerned, this occurs automatically, as part of the normal transmission of the living language, but there are always rarer words that call for special elucidation. Furthermore, . . . language evolves and changes and the written documents of one era may be unclear to the next generation. . . . The basic, simple vocabulary was preserved over the centuries and never aroused controversy or misunderstandings. But less common words, for example, nouns denoting objects, plants, animals, and so forth were not always decipherable without the backing of an oral tradition.

. . . The basic task of the oral law, therefore, was to transmit the meaning of words. . . . When the text of the Torah refers to "the boughs of thick trees" (Leviticus 23:40), for example, the term could be applied, linguistically speaking, to a number of botanical species. Thus, it was necessary for the parent or teacher to explain to the student that the reference was to the myrtle tree. . . .

. . . For example, it is stated in the Ten Commandments that "the seventh day is the Sabbath of the Lord thy God; in it thou shalt do no labor" (Exodus 20:10). In every age this has immediately aroused a very practical question: how is labor to be defined? what does the definition encompass and what does it exclude? The Torah explicitly names certain labors that are prohibited on the Sabbath, such as plowing and harvesting, lighting a fire, and cooking and baking.