

C. The Content of the Oral Law

S. Safrai, writing in Volume 1 of The Jewish People in the First Century, distinguishes three sectors of Jewish literature from the period of the Second Temple until the end of the Talmudic period; the traditional Hebrew (and Aramaic) Scripture, known as the Written Law; the Apocrypha (which in time ceased to form part of Jewish tradition); and Talmudic literature, known as the Oral Law. The main collections of the Oral Law include the Mishnah, the Tosefta¹, the two Talmuds (Palestinian and Babylonian), and the Midrashim² (of various types). (pp. 1-2)

In Volume 2 Safrai states that the different disciplines of the Oral Law were: Halakah, Midrash, and Haggadah. He says:

Halakah was the study and formulation of the Law in mishnaic form without any direct connection with the text of the Bible. Midrash was the study of the biblical text for the purpose of drawing from it according to certain rules, new legal precepts. Or new scriptural bases were sought for existing Halakah. Through Midrash new halakoth were created and ancient halakoth were adapted to contemporary situations. The third discipline, Haggadah, is hard to define precisely since it ranges over a number of areas: theology, religious philosophy, ethics, practical wisdom, historical legend, biblical non-halakic exegesis, speculations on messianic times, etc. In general, it comprises all aspects of the Oral Law which are not Halakah.

Safrai states that there were two other associated disciplines: Astronomy, together with mathematics (together called gemetria) and Mystical and philosophical speculation, which focused upon two biblical passages: the creation of the universe in Genesis 1 (מַעֲשֵׂה בְרֵאשִׁית) and the divine chariot in Ezekiel 1 (מַעֲשֵׂה מֵרֶכֶב בָּהָר). (p. 959)

¹ The Tosefta is a collection of baraitot (גְּזֵרֵי חֵטְא, pl. גְּזֵרֵי חֵטְאִים). Baraita means "external," or "extraneous"; Tosefta means "enlargement."

² The Midrashim are (generally) commentaries on the Scriptures. The oldest are Mekilta (on Exodus), Sifra (on Leviticus), Sifra Numeri (on Numbers), Sifra Deuteronomium (on Deuteronomy), and Midrash Rabba (on the Pentateuch and the five Megillot). The first four are mainly halakic commentaries, the last is a homiletic commentary.

The structure and contents of the Mishnah and Talmud are outlined in the following pages.