

Chapter Four

The Oral Torah and “Fences around the Torah”

Judaism does have a highly developed code of law. It extends into so many volumes that it makes a fully stocked study look like a lawyer's library. I visited such a study at a synagogue once and it was quite imposing. Where did this come from? This is not the place for an in-depth history of the development of the Oral Torah. For that, I recommend another work¹. The short version is that the rabbis and sages of Israel determined that the written Torah was not enough. There were too many unanswered questions of halacha², the Jewish understanding of how to “walk out” their faith.

These leaders taught that Moses was given the written Torah but also was given an Oral Torah by God. This Oral Torah was allegedly given to include “laws, rules of inference and interpretations”. This body of Oral instruction was also allegedly passed down by word of mouth. In the tractate called the “wisdom of the fathers” titled Pirke Avot 1:1 from the Mishnah³ it is

claimed that Moses “transmitted it to Joshua, Joshua to the Elders, the Elders to the Prophets and the Prophets transmitted it to the Men of the Great Assembly. They said three things: Be deliberate in judgment, raise up many disciples, and **make a fence around the Torah.**”

In Yeshua's time, it was known as the **Tradition of the Elders**, as recorded in Matthew 15:1-6 and Mark chapter 7. The idea of having an authoritative resource to answer the many questions of how to walk out our faith is understandable. God, however, never endorsed such a concept. Could God have spoken more to Moses than is recorded? Of course! That is probably likely, but it remains to be proven that this was intended to be a source of authority for others.

Consider Noah and his understanding of what God required of him. It is recorded in Genesis 7 that Noah knew the difference between clean and unclean animals which is why he brought a male/female pair of all unclean animals and seven pairs of clean animals into the ark. It is not recorded that God told him this, but it is inferred from his subsequent actions. More on this later.

It is likely that God spoke many things to Adam, Noah, Abraham, Isaac, Jacob, Joseph, Moses, and others that are not recorded in written form. But the Torah itself reveals that God never intended us to govern our lives and interpretations of His

Word by any supposed Oral Torah or to accept word-of-mouth teachings as authoritative. How do we know this?

Deuteronomy 4:2 says: “You shall not add to the word which I command you, neither shall you take away from it, that you may keep the commandments of the LORD your God which I command you.” That seems pretty clear and unambiguous. The concept is repeated in Revelation 22:18,19. Both ends of the Bible are consistent in this. It raises the question of why so many modern theologians think it is their job to read the Word of God to you and then proceed to tell you that it does not mean what it plainly says. More on this later.

Deuteronomy 17:14-20 states the following: “When you have come to the land which the LORD your God gives you, and possess it and dwell in it, and say, “I will set a king over me, like all the nations that are around me,” you shall surely set him whom the LORD your God chooses as king over yourselves. You shall set as king over you one from among your brothers. You may not put a foreigner over you, who is not your brother. Only he shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he may multiply horses; because the LORD has said to you, “You shall not go back that way again.” He shall not multiply wives to himself, that his heart not turn away. He shall not greatly multiply to himself silver and gold. It shall be, when he sits on the throne of his kingdom, that **he**

shall write himself a copy of this law in a book, out of that which is before the Levitical priests. It shall be with him, and **he shall read from it all the days of his life**, that he may learn to fear the LORD his God, **to keep all the words of this law and these statutes**, to do them; that his heart not be lifted up above his brothers, and that he **not turn away from the commandment to the right hand, or to the left**, to the end that he may prolong his days in his kingdom, he and his children, in the middle of Israel.”

It is critical to see that the King of Israel was to write his own copy of the written Torah and govern his life and rule of Israel by it. It was the written Word that God intended to have this level of authority. God never mentioned any so-called Oral Torah as having this level of authority.

In 2 Kings chapters 22 and 23, it was the written Torah, not the Oral Torah, that was the basis of the massive reform led by the godly King Josiah.

In Joshua 8:31-35 we find the following: “Then Joshua built an altar to the LORD, the God of Israel, on Mount Ebal, as Moses the servant of the LORD commanded the children of Israel, **as it is written in the scroll of the Torah of Moses**: an altar of uncut stones, on which no one had lifted up any iron. They offered burnt offerings on it to the LORD and sacrificed peace offerings. **He wrote there on the stones a copy of**

Moses' law, which he wrote in the presence of the children of Israel. All Israel, with their elders, officers, and judges, stood on both sides of the ark before the Levitical priests, who carried the ark of the LORD's covenant, the foreigner as well as the native; half of them in front of Mount Gerizim, and half of them in front of Mount Ebal, as Moses the servant of the LORD had commanded at the first, that they should bless the people of Israel. Afterward, he **read all the words of the law**, the blessing and the curse, **according to all that is written in the scroll of the Torah. There was not a word of all that Moses commanded** which Joshua didn't read before all the assembly of Israel, with the women, the little ones, and the foreigners who were among them."

We learn that in the covenant renewal ceremony performed by Joshua, his source of authority was "that which was written" with no mention of a so-called Oral Torah. Furthermore, it clearly states that "there was not a word of all that Moses commanded which Joshua didn't read before all the assembly of Israel. Not a word that Moses commanded was missing but the source of this was "that which was written". The conclusion is that all that Moses commanded as authoritative was "that which was written", not an Oral Torah.

Another concept that needs to be examined is the idea of creating "fences around the Torah". What does this mean? In the

usual sense, a fence is seen as a protective measure or boundary marker. We know where our property line is by means of a fence. We have all heard the quote from the poet Robert Frost, “Good fences make good neighbors”. When we live within our boundaries, we are less likely to cause turmoil or harm to our neighbors. The rabbinic understanding of “building fences around the Torah” is a bit different. The sages reasoned that since violation of the Torah was such a significant issue that customs and traditions needed to be established that would protect people from even getting close to violating the actual commands of the Torah. On the surface, the concept appears to have a righteous intention.

The Torah itself addressed a practical side to building fences. Deuteronomy 22:8 states, “When you build a new house, then you shall make a railing around your roof so that you don’t bring blood on your house if anyone falls from there.” This is a rather practical, common-sense approach to safety. This was obviously to be done to prevent a serious accident from a person falling. The rabbis have extrapolated from this text to imply the need for a fence (tradition) to protect from a “spiritual falling” referring to a violation of the Torah. So many traditions were developed that someone would have to break perhaps a number of traditions before they actually violated the Torah. On the surface, this may make sense and we can’t fault the end result

ethic they were seeking. However, there are several problems with this approach.

First, it is a direct violation of Deuteronomy 4:2 which prohibits adding to the Word of God. The rabbis would insist that they are not technically “adding” to the Word but merely establishing protective measures to safeguard it. This bit of “wordsmithing” may satisfy some, but the overall effect was the same. The problem is they never stopped adding traditions and safeguards. Furthermore, their traditions were given almost the same authority as the Torah. This has only resulted in adding confusion and ambiguities to understanding the Torah.

Moreover, the issue is compounded by the practice of approaching the Torah and the traditions with a legalistic mindset. This mindset, prevalent in Judaism and Christianity, seeks a “performance-based acceptance” before God. It reduces His Words of gracious instruction to a set of legal and moral codes by which a person seeks to attain and/or maintain their status before God. This is a significant distortion of His Word, and its ramifications include many theological errors that are infecting the body of Messiah to this day. By creating such a treadmill of “works righteousness”, the seeker after God is destined to wear out trying to measure up.

Consider two extremes: The person who is not particularly good at “rule keeping”, perhaps not out of outright defiance

but a simple lack of natural ability. He or she falls by way of giving up and feels depressed, unworthy, and hopeless. Another person is especially meticulous and gifted at adhering to the most intricate minutiae and thereby falls from the sin of pride as he looks down with disdain on those “below him”. Neither can find the acceptance they are seeking through such legalism. One falls from guilt, the other from pride.

The fact is, the Torah was never given as a “works righteousness”, performance-based document. It was given as God’s instructions on how a redeemed people are to live. By perverting the very nature and purposes of the Torah, the rabbis have circumvented God’s Word and replaced it with the traditions of men.

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1. See Chapter Six of “Torah Rediscovered” Fifth Edition by Ariel and D’vorah Berkowitz at www.torahresourcesinternational.com or Amazon. One of my absolute favorite books.
 2. Halacha is related to the Hebrew root for Halach which is the verb which refers “to walk”.
 3. The Mishnah means “study by repetition”. It is an edited record of a complex body of oral traditions.