

CURRENT TALMUD PASSAGE

Posted June 20, 2002 by Rabbi Judy Abrams. Please refer to Maqom's home page for information about previous passages.

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Exciting Developments in Long-Term, Intensive Talmud Study at Maqom!

About one year ago, I offered those who study Talmud with Maqom the option of working with me on a one-on-one basis to do research and create articles about rabbinic literature that would be posted [here](#) at Maqom. With this article, that project is bearing its first fruit. I hope you enjoy reading Rabbi Louis Rieser's research and the papers that have yet to come.

--Rabbi Judith Z. Abrams, Ph.D.

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HALAKHAH: EXPLORING AN IDEA'S EVOLUTION

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The idea that halakhah, Jewish law, stems from rabbinic literature is so ingrained in our consciousness that we might never ask the question, "When did the idea of halakhah begin and in what documents can it be found?" When we do ask the question, the answers are surprising.

The word halakhah does not occur in the Tanakh at all. In all of the Mishnah the word halakhah, "a way" (not *the* way, as it is so often translated) occurs only 16 times. Three of those mentions are in the phrase "halakhah l'Mosheh miSinai", "A ruling of Moses from Sinai" (M. Peah 2:6, M. Eiduyot 8:7, M. Yadayim 4:3). This phrase is used to fortify rulings that have no true justification. It is the equivalent of a parent saying, "Just do it because I told you so."

Of the 13 citations that are left, we find that the term "halakhah" in the Mishnah does not mean "law". Rather, it means "a traditional teaching". Over the next several weeks, we'll look at the meaning of the term "halakhah" in the Mishnah, Midrash collections, Tosefta, Yerushalmi and Bavli. Was halakhah an issue for the composers of rabbinic literature? And if it was not, when did it become a concept of "authoritative law"? And who instituted that change? I look forward to some great discussions with you.

The one time that the Mishnah does use the word "the law" is in this text:

One who prophesies in the name of idolatry and says: Thus says idolatry, even if he intended to uphold the tradition of [declaring] what is ritually impure to be ritually impure and [declaring] ritually pure as ritually pure [he is guilty and liable to strangulation]. (M. Sanhedrin 11:6)

This is the one and only time that the term "halakhah", i.e., "the way" is used in all of rabbinic literature. The rest of this mishnah (the last in the entire tractate of Sanhedrin) considers other cases in which someone is doing something wrong and deserves death, such as committing adultery and bearing false witness. So the first case in this mishnah is about a person who observes the traditions of ritual purity but commits a cardinal sin by idol worship.

The word "halakhah" here seems to suggest "traditions" since there are a massive number of rules about ritual purity in the Mishnah.

Discussion Questions:

1. How does knowing that halakhah is "a way" and not "the way" affect your interpretation of it?
2. Often, the last mishnah in a tractate is more homiletical than philosophical. What might the composers of Mishnah tractate Sanhedrin have wanted to convey by ending this tractate about criminal law with this mishnah? (The order of chapters 10 and 11 in the Mishnah of Sanhedrin is reversed in the Bavli.)