

Parashat Bo:

Torah Shebichtav vs. Torah Sheb'al Peh

Throughout the book of Bereshit (Genesis), and the first section of Shemot (Exodus), we become accustomed to the the Torah as a master storyteller. However, this narrative style is only one of the literary genres employed by the Torah. Now, as we reach Chapter 12 in Sefer Shemot, we encounter that other main typology of Torah literature, the legal sections, with their painstaking attention to detail. Much of the remainder of Shemot is composed in this style: The laws of Pesach, the Ten Commandments, the Mishpatim and the Laws of the Mishkan (Tabernacle). The precise legal formulations with their emphasis on instruction and prohibition, measurements and materials, categorization and classification, may lead at times, to a rather technical and dry reading experience. And yet, we remain aware that these sections create entire worlds of Jewish ritual, holy space and time, social justice and ethical living .

As we begin the legal passages in the Torah, we are going to dedicate this *shiur* to thinking about the way in which the Torah teaches us Halakha. We shall raise a fascinating dispute between the Ibn Ezra and the Rashbam regarding the manner in which the written text links to the Halakic normative tradition, the connectedness between Torah Shebichtav and Torah Shebe'al Peh.

A Sign on Your Hand...That You May Know

The passages at the end of parashat Bo are filled with symbolic mitzvot that are designed to preserve and evoke the memory of the Exodus. Time after time,¹ parents are instructed to engage with their children, retelling and transmitting the legacy of the miraculous events in Egypt. One of those particular devices that further the collective and individual memory is depicted here in these pesukim (Shemot 13:7-9):

(ז) מִצּוֹת יֵאָכְל אֶת שִׁבְעַת הַיָּמִים וְלֹא יֵרָאָה לָךְ חֵמֶץ וְלֹא יֵרָאָה לָךְ שָׂאֵר בְּכָל גְּבֻלְךָ: (ח) וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר בְּעִבּוֹר זֶה עָשָׂה יְיָ לִי בְּצֵאתִי מִמִּצְרָיִם: (ט) וְהָיָה לָךְ לְאוֹת עַל יָדְךָ וְלִזְכָּרוֹן בֵּין עֵינֶיךָ לְמַעַן תִּהְיֶה תּוֹרַת יְיָ בְּפִיךָ כִּי בֵּית דִּין תִּזְקֶה הוֹצֵאֲךָ יְיָ מִמִּצְרָיִם:

Matzot shall be eaten for seven days...You shall explain to your son on that day, "It is because of what the Lord did for me when I went free from Egypt." **And this shall serve you as a sign on your hand and as a reminder on your forehead** – in order that the teaching of God may be in your

mouth – that with a mighty hand the Lord freed you from Egypt.

In a reading that would seem quite straightforward, Rashi interprets the phrase of "a sign on your hand and as a reminder on your forehead" as referring to the Mitzva of Tefillin:

Write down these passages and tie them to your head and to your arm.

And indeed, this parshia (Biblical passage) is one of the four texts that are inserted into the boxes of our Tefillin. The Torah mentions this idea of "a sign on your hand and *totafo²* in between your eyes" in three other places³. In the Tefillin that we wear, all four texts are written on parchment and inserted into the leather boxes that are bound to the arm and the head.

The Rashbam's Reading

But the Rashbam reads this command according to the words themselves. The practical instruction delivered by the passuk is read by the Rashbam as symbolic, rather than the Mitzva of wearing Tefillin:

A sign upon your hand: According to the deep peshat, it should be for a constant state of consciousness as if it were written on your very hand, just like the phrase (Shir Hashirim 8:6) "Place me as a seal upon your heart."

The Rashbam suggests that the *peshat* of the passuk requires no actual putting on of Tefillin. It requires a cognitive gesture of awareness, remembering, knowing. If you look at the words, the text talks of a "sign upon your hand and a reminder on your forehead." It is referring to a state of mind that is ongoing, continual, constant. The literal meaning of *the words* does not refer to Tefillin. In this reading, the Rashbam differs significantly from Rashi.

The Ibn Ezra, aware of the "textual" approach that leads to a more symbolic understanding of the phrase, and also aware of Rashi's halakic approach, follows Rashi, adopting a reading that is reflective of halakic practice.

There are two possible readings here: The first is in the manner of "tie them over your heart always; bind them on your neck"⁴ (Mishlei 6:21), and "for a sign" means as a symbol...The second reading would be literally: to make Tefillin for the hand and head. Now that the Rabbis have adopted this (second) explanation, the first is obsolete, for there are no proofs for the first interpretation that compare with the supports for the second. (Short Commentary, 13:9)

But in a later commentary he argues more vociferously:

² Difficult to translate. The philological difficulty is evident in the comments of the commentaries to 13:16.

³ Shemot 13:10-16, Devarim 6 (the Shema) and Devarim 11 (2nd paragraph of the Shema).

⁴ See Mishlei 6:21 and note the striking similarity to Shema.

¹ See Exodus 12:26, 13:9, 13:14.

Some (commentators) dispute our holy ancestors (i.e. Chazal—the Rabbinic tradition) when they say that “for a sign... a reminder” is to be understood in the manner of, “They are a wreath upon your head, a necklace upon your throat” (Mishlei 1:9). They also say that “you shall tie them to your arm” (Devarim 6:8) is similar to “tie them to your heart always” (Mishlei 3,3)...All this is incorrect! For at the beginning of the book (of Mishlei) it states: “The parables of Solomon.” All that is mentioned there is by nature of metaphor and parable. But in the Torah it is not written as parable – God forbid! It is to be understood literally. And hence we shall not draw the passuk out of its *peshat* meaning, in that its understanding does not contradict logical thinking....And the way of tradition is strong and needs no strengthening. (Long Commentary, 13:9)

Ibn Ezra and His Complex Approach To Chazal⁵

Ibn Ezra rejects the Rashbam’s “symbolic” reading of the text despite his literal translation. This is interesting, as usually the Ibn Ezra shares the Rashbam’s adherence to literal readings, to *peshat*. It would appear that we have to understand more about the Ibn Ezra’s methodology to fully appreciate what is happening here.

Let us explain. In the narrative sections of Torah, the Ibn Ezra is a fierce advocate of *peshat*, the reading of the text based upon logic, grammar, context, and other linguistic rules. “The human mind is the angel that mediates between man and God,” he writes.⁶ And hence he uses rules of language to interpret the Biblical text. In general he is wary of added, imposed readings attached to the story, even when they find their origin in Midrashic, Rabbinic sources. He prefers to read the text “as is.”⁷ One could say that the Ibn Ezra is a fanatic for the raw text, untouched even by the Rabbinic tradition.

But when it comes to reading Halakhic texts, the Ibn Ezra swings in the opposite direction:

If we find two readings to the text and one accords with the opinion of the Rabbis – who were all righteous – we shall rely upon their truth with no doubts.⁸

⁵ For an excellent article about the Ibn Ezra’s methodology, see Amos Chacham in the journal *Machanayim* from 1993.

⁶ In his introduction to the Torah.

⁷ In the case of famous Midrashim that do **not** clash head on with the text, he frequently concedes them as one possible reading, but only if they are an authoritative tradition. For a few examples, see his commentary to Shemot (long) 15:22, Bereshit 22:4, 11:28.

⁸ From his introduction to his Torah commentary. Here is the poetic Hebrew:

ובעבור הדרש דרך הפשט איננה סרה, כי שבעים פנים לתורה,
רק בתורות ובמשפטים ובחקים, אם מצאנו שני טעמים
לפסוקים, והטעם האחד כדברי המעתיקים, שהיו כולם צדיקים,
נשען על אמתם בלי ספק בידי חזקים. וחלילה לחלילה
מלהתערב עם הצדוקים, האומרים כי העתקתם מכחשת

In other words, whenever it comes to legal matters, even if the *peshat* meaning is stretched somewhat, the Ibn Ezra prefers a reading that accords with normative Jewish Law, and the Halakhic readings of Chazal. In this situation he abandons his pursuit of strict textual rigour and allows a certain fluidity.

A great example to illustrate this⁹ is the verse in Parashat Mishpatim (21:23-5) that issues a directive regarding personal injury: “An eye for an eye, a tooth for a tooth.” The Rabbis interpreted this verse, according to the Torah Shebe’al Peh that the verse required monetary payment exclusively. No physical retribution was to be exacted. And the Ibn Ezra with his tendencies to textual precision is hard pushed reading “an eye for an eye” other than the way it translates – literally! At the end, he says:

The rule is – that we cannot interpret the legal passages of the Torah adequately unless we rely upon the tradition of the Rabbis. **As we received the Torah from our ancestors, we also received the Oral Law**, there is no difference between them. In which case we shall say in explaining “an eye for an eye” that it would be befitting for him to pay an eye for an eye were it not for the monetary compensation.

Now, when we begin to explain Ibn Ezra’s view, we must probe this dichotomy between his approach to narrative and Halakhic Torah passages. Why does he adopt a totally different approach to the two genres of the Torah? I would like to suggest a few possible theories.

Explaining Ibn Ezra

The first relates to the Karaites¹⁰ who were a prominent school of thought in Ibn Ezra’s period and a threat to traditional Judaism and its observance. The Ibn Ezra felt a responsibility to keep their readings at a distance, to delegitimize their understandings of Tanach and he did this by being careful to interpret no verse in a direction that could possibly support Karaite leanings.

A second possibility simply goes to the heart of Jewish Halakhic observance.¹¹ Quite obviously, if the

הכתוב והקדוקים. רק קדמונינו הי' אמת, וכל דבריהם אמת
ד' אלהים אמת ינחה את עבדו בדרך אמת:

⁹ For other examples, see commentary to: Shemot 23:19; Vayikra 1:4; Devarim 25:2. There are many other examples, including the famous *Igeret Hashabbat* where he directly confronts the Rashbam’s interpretation to Bereshit 1:5.

¹⁰ See Note 8 – the underlined section. There he refers to the Tziddukim.

¹¹ See the commentary of the Bechor Shor to Devarim 6:9 that this allegorical understanding of Tefillin had given an excuse to many who simply ignored the daily mitzvah of Tefillin. See further the article by Professor Ephraim Kanarfogel entitled “Rabbinic Attitudes to non-Observance in the Medieval Period” pgs. 9-11 where he talks about how in the medieval period in Spain there were widespread lapses in the observance of Mezuzah and Tefillin. The article is in the volume of the Orthodox Forum, “Jewish Tradition and the non-traditional Jew” (Aaronson 1992) edited by Jacob J. Schachter. In the Ibn Ezra’s famous *Iggeret HaShabbat*, he opposes the Rashbam’s

Torah text contradicts or challenges a traditional reading in a **narrative** section, if it is a mere matter of interpretation; no harm is done. However if it engenders incorrect Halakhic observance, that is more severe. It might lead to a weakening of religious norms. And hence the Ibn Ezra was wary and ensured that his commentary did not undermine Halakhic observance in any form.

Of course a third possible approach is theological. If God's revelation is one integrated whole, and that revelation envelops both the written and oral Torah, then no contradictions are possible between the written and oral tradition.¹² Hence, even if the written **text suggests** a particular direction that is divergent with oral law as reflective of the oral law, an interpretive approach that unifies the written tradition with Halakha is preferred, thereby unifying the two "branches" of revelation.

Back to the Rashbam

But let us return to the Rashbam and his metaphorical interpretation. Just to clarify, despite his reading of the text, of course the Rashbam did wear Tefillin. He was not suggesting that one belittle the mitzva of Tefillin. What then is the basis of his explanation?

In our example of the passuk that refers to Tefillin, due to the particular wording of the text, the Rashbam decided that this verse in particular was expressing a metaphor about the inner purpose of Tefillin. Tefillin is worn on the outside, but its intent is to effect the inside. It is to be a reminder, a constant presence. The "sign on the hand" indicates that the message should be before the person at all times, present during their every activity. And the "reminder between the eyes" refers to a constant state of awareness. But was the Rashbam not bothered by the dissonance between the biblical text and the Halakhic tradition? Why would the Torah write something which does not accord with religious practice?

We might suggest that for the Rashbam, there are times when the halakhic-oral tradition contains one understanding, whereas the written-textual tradition presents a complementary but alternative aspect. In this instance, the Halakha talks of Tefillin to be bound upon hand and head, but the deeper philosophical dimension refers to a certain consciousness, awareness, a state of mind, a Kavanna, a powerful impact that the Tefillin will give. The two readings are complimentary, and yet in translating the biblical text, they offer contradictory readings. In the final analysis, the *Torah Shebichtav* has an independent message that is closer to the inner philosophy of the mitzvah, whereas the *Torah Shebe'al*

Peh is concerned more with the Mitzva's pragmatic fulfillment.¹³

In other words, the disparity between the *peshat* of a passuk and its Halakhic application is quite deliberate. Neither may be abandoned for they both reflect a dimension of truth.

Clearly, the Rashbam was capable of making a dividing line to separate the textual reading and his Halakhic practice! Sometimes Torah Shebichtav **should** be read differently than the understandings of Torah Shebe'al Peh.

And so, according to the Rashbam, the dissonance between *peshat* and Halakha is not a problem. It is necessary in order to describe the Mitzva its truest form.

In Conclusion

In our *shiur* this week, we have presented a dispute between two of the great Biblical commentators: the Rashbam and Ibn Ezra. Both commentators are proponents of the "*peshat*" school. This raises a critical question in the understanding of the Torah text. Do we interpret solely on the basis of the text, or do we allow the *Torah Shebe'al Peh*, the Halakhic tradition to influence our reading of the text. Behind the scenes might be a fundamental dispute regarding the nature of revelation through Torah. Does Torah have a single view that is revealed through a uniform *Torah Shebichtav* and *Torah Shebe'al Peh*, or might there be a duality in revelation, a dialogue between two different truths expressed through the two separate channels of revelation: Torah Shebe'al Peh and Torah Shebichtav?

The Ibn Ezra will not tolerate any dissonance between the two; *Torah Shebichtav* and *Torah Shebe'al Peh* must share a single reading. The text must accord with traditional practice. But the Rashbam is willing to countenance a dual reading. *Torah Shebichtav* offers one dimension of God's vision; *Torah Shebe'al Peh* offers a second dimension. And the combination of both is representative of God's truth.

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reading to Bereshit 1:5 out of concern for the proper *observance* of shabbat.

¹² See the quote above from Shemot 21:23: "As we received the Torah from our ancestors, we also received the Oral Law, there is no difference between them."

¹³ Other pesukim in the Shema might allow a similar dichotomy. The phrase, "When you lie down and when you rise up" seemingly – in *peshat* – refers to the fact that the Shema should be the first things on your lips in the day and the last thing at night, as if to say that Torah should be our constant and perpetual topic of conversation. But the Halakha understands this as the obligation to "recite" Shema by morning and evening irrespective of my sleep pattern. Halakhic understanding is at variance with the *peshat* in this instance.