

Torah Before Mount Sinai

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# Introduction

In this paper I would like to examine the existence of the Torah before it was presented to Israel, by Moses, on Mount Sinai. There are many who believe that the Torah is to be obeyed only by the Jews. If there is clear evidence that the Torah was observed and taught before Mount Sinai and before there were Jews, then this should end the matter.

The Midrash asserts that although they lived long before the Torah was given to us at Mount Sinai, our forefathers kept all the mitzvot (Divine commandments) that the Torah would command their descendants in the future. This idea is reiterated by Chazal in many other places.[[1]](#footnote-1)

The patriarchs taught these mitzvot to their children, the twelve tribes. They, in turn, also kept all of the mitzvot of the Torah.[[2]](#footnote-2) And not only were our forefathers mindful of future *biblical* commands, they even heeded future *rabbinic* ordinances.[[3]](#footnote-3)

HaShem revealed to our forefathers the mitzvot that he was going to give to the Jews at a later time. The forefathers, out of their profound love to do the will of HaShem, voluntarily accepted upon themselves to perform these mitzvot "ahead of schedule". It is an accepted principle that even if one is not subject to a given commandment, it is nevertheless considered meritorious for him to observe that mitzvah.[[4]](#footnote-4) He is even rewarded for doing so.[[5]](#footnote-5)

The Hebrew word for *commands* is *mitzvot* (plural). The word *mitzvot* means more than *commands*, it also carries the meaning of *good* *deeds*. In other words, when we obey the mitzvot we are performing the work of HaShem, which, by definition, is always a good deed.

# The Torah was given to us on Mt. Sinai

So let’s begin our study of the mitzvot that our forefathers kept. I would like to work backwards from Mount Sinai. Let’s start by establishing when the Torah was given on Mount Sinai:

***Shemot (Exodus) 19:1-17*** *In the third month after the Israelites left Egypt--on the very day--they came to the Desert of Sinai. After they set out from Rephidim, they entered the Desert of Sinai, and Israel camped there in the desert in front of the mountain. Then Moses went up to God, and HaShem called to him from the mountain and said, "This is what you are to say to the house of Jacob and what you are to tell the people of Israel: 'You yourselves have seen what I did to Egypt, and how I carried you on eagles' wings and brought you to myself. Now if you obey me fully and keep my covenant, then out of all nations you will be my treasured possession. Although the whole earth is mine, You will be for me a kingdom of priests and a holy nation.' These are the words you are to speak to the Israelites." So Moses went back and summoned the elders of the people and set before them all the words HaShem had commanded him to speak. The people all responded together, "We will do everything HaShem has said." So Moses brought their answer back to HaShem. HaShem said to Moses, "I am going to come to you in a dense cloud, so that the people will hear me speaking with you and will always put their trust in you." Then Moses told HaShem what the people had said. And HaShem said to Moses, "Go to the people and consecrate them today and tomorrow. Have them wash their clothes And be ready by the third day, because on that day HaShem will come down on Mount Sinai in the sight of all the people. Put limits for the people around the mountain and tell them, 'Be careful that you do not go up the mountain or touch the foot of it. Whoever touches the mountain shall surely be put to death. He shall surely be stoned or shot with arrows; not a hand is to be laid on him. Whether man or animal, he shall not be permitted to live.' Only when the ram's horn sounds a long blast may they go up to the mountain." After Moses had gone down the mountain to the people, he consecrated them, and they washed their clothes. Then he said to the people, "Prepare yourselves for the third day. Abstain from sexual relations." On the morning of the third day there was thunder and lightning, with a thick cloud over the mountain, and a very loud trumpet blast. Everyone in the camp trembled. Then Moses led the people out of the camp to meet with God, and they stood at the foot of the mountain.*

The Torah was given on the sixth day of the third month, the month of Sivan in the year 2448AM. We can discern this by counting the days, in the above passage, from the first day of the third month, Sivan one. Sivan six is exactly fifty days after Passover. Passover occurs on the fifteenth day of the first month, the month of Nisan. Because the Torah was given fifty days after Passover, Sivan six is one of the Lord's feasts, and is known in Hebrew as Hag Shavuot, and in Greek as Pentecost. Nisan is the first month, Iyar is the second month, and Sivan is the third month.

# In Adam’s Day

***Tehillim (Psalms) 94:10*** *Could it be that He gave the Torah to His people, and when they sin, they are not rebuked? Did not HaShem teach knowledge to the first Adam?*

There were two trees in Gan Eden: The tree of the knowledge of good and evil along with the tree of knowledge. Both of these trees are associated with Torah.[[6]](#footnote-6)

When the Torah scroll is returned to the ark, we recite the following prayer:

*It [the Torah] is a tree of life to those who cling to it, and its supporters are happy. Its ways are pleasant ways, and all its paths are peace. Return us, Ad0nay, and we will return. Renew our days as before.*

This prayer is a paraphrase of Mishle:

***Mishle (Proverbs) 3:13-18*** *Happy is the man that findeth wisdom, and the man that obtaineth understanding. For the merchandise of it is better than the merchandise of silver, and the gain thereof than fine gold. She is more precious than rubies; and all the things thou canst desire are not to be compared unto her. Length of days is in her right hand; in her left hand are riches and honour. Her ways are ways of pleasantness, and all her paths are peace.* ***She is a tree of life*** *to them that lay hold upon her, and happy is every one that holdest her fast.*

Considering that the tree of life is the Torah, it only makes sense that the tree of knowledge (knowledge par excellence!) of good and evil would also be Torah.

The Tree of the knowledge of good and evil seems to be more than it seems. Food connects the soul to the body, which is obvious to anyone who is starving. Food goes inside of us and becomes a part of us, just like Torah. (Now, this food had no ‘waste’ product – it was all absorbed. What could be a more fitting symbol of Torah?) Daat, knowledge refers to intimacy, but it is also much more. Daat is knowledge of life itself. What could be a more fitting symbol of Torah?

Clearly when Adam walked with HaShem in the garden He taught Adam the whole Torah.

The Zohar speaks about the connection between studying Torah and prayer. “The Torah is a ‘tree of life for those who desire it’. He who desires that his prayers be accepted should learn Torah before praying”.[[7]](#footnote-7)

# In the Days of Cain and Abel

At the dawn of time, Cain and Abel demonstrated that HaShem had clearly communicated the Torah's sacrificial requirements:

***Bereshit (Genesis) 4:1-7*** *Adam lay with his wife Eve, and she became pregnant and gave birth to Cain. She said, "With the help of HaShem I have brought forth a man." Later she gave birth to his brother Abel. Now Abel kept flocks, and Cain worked the soil. In the course of time Cain brought some of the fruits of the soil as an offering to HaShem. But Abel brought fat portions from some of the firstborn of his flock. HaShem looked with favor on Abel and his offering, But on Cain and his offering he did not look with favor. So Cain was very angry, and his face was downcast. Then HaShem said to Cain, "Why are you angry? Why is your face downcast? If you do what is right, will you not be accepted? But if you do not do what is right, sin is crouching at your door; it desires to have you, but you must master it."*

Here we see several parts of the Torah revealed. We see that both Cain and Abel *knew* that they were to bring offerings to HaShem. We also see that Cain *knew* that his offering was not correct because HaShem clearly indicated this. We also see that *sin* is an understood concept in the days of Cain and Abel. Remember the definition of sin:

***I Yochanan (John) 3:4*** *Everyone who sins breaks the law; in fact, sin is lawlessness.*

The sacrifice that Abel brought, corresponds with what the Torah will command as the proper sacrifice for Passover! This also gives us a clue as to what was wrong with Cain's sacrifice: It was brought one day too early. Firstfruits are to be brought, beginning the day AFTER Passover.

Here, at the dawn of time, we see that the Torah was being obeyed. The Torah will not be given to Moses for more than two thousand years.

Since there were no *Jews* before Jacob, then we can see that we have several examples of the Torah being understood and obeyed, before there were any Jews. To put it another way: Cain, Abel, Noah, Abraham, Lot, and Isaac were Gentiles who obeyed the Torah before it was given to God's people on Mount Sinai. If Gentiles obeyed the Torah before it was given on Mount Sinai, how much more should they obey this same Torah, since it has been written?

# In Noach’s Day

In the year 1656 AM, God brought a worldwide flood which killed all the animals and all of corrupted mankind. The only survivors were Noach and his waife, and Noach’s three children and their wives.

A hundred years before the flood and more than a thousand years before the Torah was given, HaShem was grieved because men were greatly disobeying the Torah:

***Bereshit (Genesis) 6:5-8*** *HaShem saw how great man's wickedness on the earth had become, and that every inclination of the thoughts of his heart was only evil all the time. HaShem was grieved that he had made man on the earth, and his heart was filled with pain. So HaShem said, "I will wipe mankind, whom I have created, from the face of the earth--men and animals, and creatures that move along the ground, and birds of the air--for I am grieved that I have made them." But Noah found favor in the eyes of HaShem.*

*Evil* and *wickedness* have no meaning unless HaShem had already revealed His Torah to the people. Clearly antediluvian man understood his obligations to HaShem, else God would never have destroyed them. This knowing was inside of him. It had become a part of him. His rebellion against this knowledge spelled his doom. Thus, we know that the Torah was known more than fifteen hundred years before it was revealed to Moses on Mount Sinai.

Further, God commanded Noach to bring a pair of each unclean animal and seven pairs of each clean animal.

***Bereshit (Genesis) 7:1-3*** *And HaShem said unto Noah: 'Come thou and all thy house into the ark; for thee have I seen righteous before Me in this generation. Of every clean beast thou shalt take to thee seven and seven, each with his mate; and of the beasts that are not clean two [and two], each with his mate; of the fowl also of the air, seven and seven, male and female; to keep seed alive upon the face of all the earth.*

After the flood, Noach demonstrated knowledge of Torah, and obedience to it:

***Bereshit (Genesis) 8:18-21*** *So Noach came out, together with his sons and his wife and his sons' wives. All the animals and all the creatures that move along the ground and all the birds--everything that moves on the earth--came out of the ark, one kind after another. Then Noach built an altar to HaShem and, taking some of all the clean animals and clean birds, he sacrificed burnt offerings on it. HaShem smelled the pleasing aroma and said in his heart: "Never again will I curse the ground because of man, even though every inclination of his heart is evil from childhood. And never again will I destroy all living creatures, as I have done.*

HaShem will command His people to bring *burnt offerings*, when He gives His Torah to Moses in about a thousand years, from the days of Noach. Yet, a thousand years before the Torah was given, Noah is obeying it! Notice that Noach even knows about the requirement to offer *clean* animals. This is another requirement which the Torah will spell out in a thousand years.

# In Avraham’s Day

More than two hundred years before the Torah was given on Mount Sinai, the following event was recorded in scripture:

***Bereshit (Genesis) 26:2-6*** *HaShem appeared to Isaac and said, "Do not go down to Egypt; live in the land where I tell you to live. Stay in this land for a while, and I will be with you and will bless you. For to you and your descendants I will give all these lands and will confirm the oath I swore to your father Abraham. I will make your descendants as numerous as the stars in the sky and will give them all these lands, and through your offspring all nations on earth will be blessed, Because Abraham obeyed me and kept my requirements, my commands, my decrees and my laws." So Isaac stayed in Gerar.*

More than two hundred years before Sinai, Abraham is obeying all of HaShem's requirements, commands, decrees and laws. This is the first time we see mitzvot being obeyed when it is not apparent when HaShem revealed His mitzvot. We do not know whether He made a special revelation to Abraham, or whether Abraham was taught by someone else. The Talmud also noticed that Abraham kept the whole Torah:

***Yoma 28b*** *Rab said: Our father Abraham kept the whole Torah, as it is said: Because that Abraham hearkened to My voice [kept My charge, My commandments, My statutes, and My laws].[[8]](#footnote-8) R. Shimi b. Hiyya said to Rab: Say, perhaps, that this refers to the seven laws?[[9]](#footnote-9) — Surely there was also that of circumcision![[10]](#footnote-10) Then say that it refers to the seven laws and circumcision [and not to the whole Torah]? — If that were so, why does Scripture say: ‘My commandments and My laws’?*

*Raba or R. Ashi said: Abraham, our father, kept even the law concerning the ‘erub of the dishes,’[[11]](#footnote-11) as it is said: ‘My Torahs’:[[12]](#footnote-12) one being the written Torah, the other the oral Torah.[[13]](#footnote-13)*

**The** Talmudteaches **that** Avraham **kept the entire Torah before it was given to the** Jewish **People at** Sinai**. The** Midrash **says that** Yitzchak **kept the** laws **of shchitah (**kosher **slaughtering), and** Yaakov **the** laws **of** Shabbat**, before the giving of Torah at** Sinai**. Truthfully,** Yitzchak **and** Yaakov **kept *all* of Torah, just as** Avraham **did.**

**Why, then, is only** Avraham **mentioned as having kept all 613** mitzvot**? Torah's goal is to create a** world **of *chesed*, a** world **of giving and of kindness.** Avraham**'s defining character trait was the same: loving-kindness (chesed).**

**Things being so,** Avraham **had an innate** connection **to Torah.** Avraham**, by his nature, was closer, more similar, to the** laws **of Torah than were the other Patriarchs.** Avraham**, specifically, was bound to Torah, in a way that left him alike** one **commanded to keep all of Torah.**

HaShem **appreciates more a** mitzva **accomplished by a person commanded to fulfill that** mitzva**, than when accomplished by someone *not* so instructed. [The reason** HaShem **instructs the person that He does, *is because He more*** *desires* ***that person's doing it!*] Thus,** Avraham**'s observance of Torah was of more significance than its being kept by** Isaac **or** Yaakov**. And thus:** Avraham**, specifically, is mentioned as having kept all of Torah!**[[14]](#footnote-14)

# In Lot’s Day

Nearly four hundred years before the Torah was given on Mount Sinai, Lot was judging the inhabitants of Sodom for not obeying it:

***Bereshit (Genesis) 13:13*** *Now the men of Sodom were wicked and were sinning greatly against the HaShem.*

In addition, Avraham and Lot both kept Passover! Notice the unleavened bread in the following passage:

***Bereshit (Genesis) 19:2-7*** *"My lords," he said, "please turn aside to your servant's house. You can wash your feet and spend the night and then go on your way early in the morning." "No," they answered, "we will spend the night in the square." But he insisted so strongly that they did go with him and entered his house. He prepared a meal for them, baking bread without yeast, and they ate. Before they had gone to bed, all the men from every part of the city of Sodom--both young and old--surrounded the house. They called to Lot, "Where are the men who came to you tonight? Bring them out to us so that we can have sex with them." Lot went outside to meet them and shut the door behind him And said, "No, my friends. Don't do this wicked thing.*

How could Lot say that sodomy was *wicked* unless he knew that HaShem had commanded the people not to commit sodomy? How could HaShem say that the men of Sodom were *sinning* unless the standard for sin had already been laid down? It is therefore apparent that the Torah was known before it was given to Moses on Mount Sinai.

# In Yehuda ben Yaaqob’s Day

More than two hundred years before the giving of the Torah on Mount Sinai, Judah was obeying a part of that Torah, notice:

***Bereshit (Genesis) 38:6-10*** *Judah got a wife for Er, his firstborn, and her name was Tamar. But Er, Judah's firstborn, was wicked in HaShem's sight; so HaShem put him to death. Then Judah said to Onan, "Lie with your brother's wife and fulfill your duty to her as a brother-in-law to produce offspring for your brother." But Onan knew that the offspring would not be his; so whenever he lay with his brother's wife, he spilled his semen on the ground to keep from producing offspring for his brother. What he did was wicked in HaShem's sight; so he put him to death also.*

How did Judah know it was Onan's *duty* to lie with his brother's wife to produce offspring? Who taught him this portion of the Torah? Notice the words that the Torah uses to describe this command:

***Devarim (Deuteronomy) 25:5-6*** *If brothers are living together and one of them dies without a son, his widow must not marry outside the family. Her husband's brother shall take her and marry her and fulfill the duty of a brother-in-law to her. The first son she bears shall carry on the name of the dead brother so that his name will not be blotted out from Israel.*

So, in a couple of hundred years, from Judah's time, the Torah will use Judah's word *duty* to describe what Judah asked Onan to do.

Notice also, in Bereshit (Genesis) 38:6-10, that what Onan did was wicked in the HaShem's sight, so He killed Onan. This would not be very fair if Onan did not already know that it was wicked for him to do such a thing. Thus we see that HaShem had revealed His Torah to Judah and to Onan more than two hundred years before the Torah was revealed to Moses.

# In Yitzchak ben Avraham’s Day

Isaac knew the Torah that was given to Moses more than two hundred years before Moses. We see this in his command to his son Jacob:

***Bereshit (Genesis) 28:1*** *So Isaac called for Jacob and blessed him and commanded him: "Do not marry a Canaanite woman.*

Moses quoted HaShem when he gave a similar command, some two hundred years later:

***Shemot (Exodus) 34:14-16*** *Do not worship any other god, for HaShem, whose name is Jealous, is a jealous God. "Be careful not to make a treaty with those who live in the land; for when they prostitute themselves to their gods and sacrifice to them, they will invite you and you will eat their sacrifices. And when you choose some of their daughters as wives for your sons and those daughters prostitute themselves to their gods, they will lead your sons to do the same.*

Thus we see that Isaac had Torah insight more than two hundred years before the Torah was given.

# In Moshe’s Day

Moses taught HaShem's laws and decrees days before the Torah was give on Mount Sinai:

***Shemot (Exodus) 18:13-16*** *The next day Moses took his seat to serve as judge for the people, and they stood around him from morning till evening. When his father-in-law saw all that Moses was doing for the people, he said, "What is this you are doing for the people? Why do you alone sit as judge, while all these people stand around you from morning till evening?" Moses answered him, "Because the people come to me to seek God's will. Whenever they have a dispute, it is brought to me, and I decide between the parties and inform them of God's decrees and laws."*

Moses is telling the people about HaShem's laws and decrees before the written Torah is given. The written Torah will be given in Exodus chapter 20, in a few days from this passage.

One of the mitzvot that our forefathers kept before the Torah was given on Mount Sinai was the mitzva of Shabbat:

***Shemot (Exodus) 16:1-30*** *The whole Israelite community set out from Elim and came to the Desert of Sin, which is between Elim and Sinai, on the fifteenth day of the second month after they had come out of Egypt. In the desert the whole community grumbled against Moses and Aaron. The Israelites said to them, "If only we had died by HaShem's hand in Egypt! There we sat around pots of meat and ate all the food we wanted, but you have brought us out into this desert to starve this entire assembly to death." Then HaShem said to Moses, "I will rain down bread from heaven for you. The people are to go out each day and gather enough for that day. In this way I will test them and see whether they will follow my instructions. On the sixth day they are to prepare what they bring in, and that is to be twice as much as they gather on the other days." So Moses and Aaron said to all the Israelites, "In the evening you will know that it was HaShem who brought you out of Egypt, And in the morning you will see the glory of HaShem, because he has heard your grumbling against him. Who are we, that you should grumble against us?" Moses also said, "You will know that it was HaShem when he gives you meat to eat in the evening and all the bread you want in the morning, because he has heard your grumbling against him. Who are we? You are not grumbling against us, but against HaShem." Then Moses told Aaron, "Say to the entire Israelite community, 'Come before HaShem, for he has heard your grumbling.'" While Aaron was speaking to the whole Israelite community, they looked toward the desert, and there was the glory of HaShem appearing in the cloud. HaShem said to Moses, "I have heard the grumbling of the Israelites. Tell them, 'At twilight you will eat meat, and in the morning you will be filled with bread. Then you will know that I am HaShem your God.'" That evening quail came and covered the camp, and in the morning there was a layer of dew around the camp. When the dew was gone, thin flakes like frost on the ground appeared on the desert floor. When the Israelites saw it, they said to each other, "What is it?" For they did not know what it was. Moses said to them, "It is the bread HaShem has given you to eat. This is what HaShem has commanded: 'Each one is to gather as much as he needs. Take an omer for each person you have in your tent.'" The Israelites did as they were told; some gathered much, some little. And when they measured it by the omer, he who gathered much did not have too much, and he who gathered little did not have too little. Each one gathered as much as he needed. Then Moses said to them, "No one is to keep any of it until morning." However, some of them paid no attention to Moses; they kept part of it until morning, but it was full of maggots and began to smell. So Moses was angry with them. Each morning everyone gathered as much as he needed, and when the sun grew hot, it melted away. On the sixth day, they gathered twice as much--two omers for each person-- and the leaders of the community came and reported this to Moses. He said to them, "This is what HaShem commanded: 'Tomorrow is to be a day of rest, a holy Sabbath to HaShem. So bake what you want to bake and boil what you want to boil. Save whatever is left and keep it until morning.'" So they saved it until morning, as Moses commanded, and it did not stink or get maggots in it. "Eat it today," Moses said, "because today is a Sabbath to HaShem. You will not find any of it on the ground today. Six days you are to gather it, but on the seventh day, the Sabbath, there will not be any." Nevertheless, some of the people went out on the seventh day to gather it, but they found none. Then HaShem said to Moses, "How long will you refuse to keep my commands and my instructions? Bear in mind that HaShem has given you the Sabbath; that is why on the sixth day he gives you bread for two days. Everyone is to stay where he is on the seventh day; no one is to go out." So the people rested on the seventh day.*

On the sixteenth day of Iyar, the second month, HaShem began sending His people the bread from heaven. As part of His provision, HaShem commands His people to rest on the Sabbath, and not to collect the manna. This Sabbath mitzva was given more than two weeks before the Torah was given on Mount Sinai.

Three weeks before the manna was given with the mitzva of Sabbath, another interesting incident occurred:

***Shemot (Exodus) 15:22-26*** *Then Moses led Israel from the Red Sea and they went into the Desert of Shur. For three days they traveled in the desert without finding water. When they came to Marah, they could not drink its water because it was bitter. (That is why the place is called Marah.) So the people grumbled against Moses, saying, "What are we to drink?" Then Moses cried out to HaShem, and HaShem showed him a piece of wood. He threw it into the water, and the water became sweet. There HaShem made a decree and a law for them, and there he tested them. He said, "If you listen carefully to the voice of HaShem your God and do what is right in his eyes, if you pay attention to His commands and keep all his decrees, I will not bring on you any of the diseases I brought on the Egyptians, for I am HaShem, who heals you."*

The crossing of the Red Sea took place on Nisan twenty-one, seven days after Passover. Again we see HaShem giving His people laws and decrees before the giving of the Torah on Mount Sinai. This event took place forty-two days before the Torah was given on Mount Sinai.

Before the events at Marah, HaShem gave a very special mitzva to His firstborn, His people. HaShem gave His people the mitzva of Passover:

***Shemot (Exodus) 12:1-12*** *HaShem said to Moses and Aaron in Egypt, "This month is to be for you the first month, the first month of your year. Tell the whole community of Israel that on the tenth day of this month each man is to take a lamb for his family, one for each household. If any household is too small for a whole lamb, they must share one with their nearest neighbor, having taken into account the number of people there are. You are to determine the amount of lamb needed in accordance with what each person will eat. The animals you choose must be year-old males without defect, and you may take them from the sheep or the goats. Take care of them until the fourteenth day of the month, when all the people of the community of Israel must slaughter them at twilight. Then they are to take some of the blood and put it on the sides and tops of the doorframes of the houses where they eat the lambs. That same night they are to eat the meat roasted over the fire, along with bitter herbs, and bread made without yeast. Do not eat the meat raw or cooked in water, but roast it over the fire--head, legs and inner parts. Do not leave any of it till morning; if some is left till morning, you must burn it. This is how you are to eat it: with your cloak tucked into your belt, your sandals on your feet and your staff in your hand. Eat it in haste; it is HaShem's Passover. "On that same night I will pass through Egypt and strike down every firstborn--both men and animals--and I will bring judgment on all the gods of Egypt. I am HaShem.*

We don't know the exact day that this mitzva was given, but we know that it took place in Nisan some time before the tenth day of the month. This is more than fifty-five days before the Torah was given on Mount Sinai.

Joseph demonstrated that he knew and obeyed the Torah more than two hundred years before it was given to Moses:

***Bereshit (Genesis) 39:7-9*** *And after a while his master's wife took notice of Joseph and said, "Come to bed with me!" But he refused. "With me in charge," he told her, "my master does not concern himself with anything in the house; everything he owns he has entrusted to my care. No one is greater in this house than I am. My master has withheld nothing from me except you, because you are his wife. How then could I do such a wicked thing and sin against God?"*

Since sin is defined as disobedience to the Torah, we know that Joseph and Potiphar's wife were both aware that adultery was forbidden; and this was known more that two hundred years before the Torah was given to Moses.

# In the Days of the Amorites

This same logic also applies to the Amorites:

***Bereshit (Genesis) 15:12-16*** *As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then HaShem said to him, "Know for certain that your descendants will be strangers in a country not their own, and they will be enslaved and mistreated four hundred years. But I will punish the nation they serve as slaves, and afterward they will come out with great possessions. You, however, will go to your fathers in peace and be buried at a good old age. In the fourth generation your descendants will come back here, for the sin of the Amorites has not yet reached its full measure."*

It would not be fair for HaShem to judge and punish the Amorites for *sin* unless they had already been told the requirements of the Torah. We see, again, that the Torah was known more than four hundred years before it was given to Moses on Mount Sinai.

# In Abimelech’s Day

Abimelech also knew the Torah before it was given:

***Bereshit (Genesis) 20:3-7*** *But God came to Abimelech in a dream one night and said to him, "You are as good as dead because of the woman you have taken; she is a married woman." Now Abimelech had not gone near her, so he said, "Lord, will you destroy an innocent nation? Did he not say to me, 'She is my sister,' and didn't she also say, 'He is my brother'? I have done this with a clear conscience and clean hands." Then God said to him in the dream, "Yes, I know you did this with a clear conscience, and so I have kept you from sinning against me. That is why I did not let you touch her. Now return the man's wife, for he is a prophet, and he will pray for you and you will live. But if you do not return her, you may be sure that you and all yours will die."*

HaShem could not accuse Abimelech of *sinning* unless he knew the Torah which defines sin. He also obviously realized that the sin, in this case, was the sin of sleeping with another man's wife, that is adultery. Abimelech lived more than three hundred years before the Torah was given to Moses.

# Thoughts from Rabbi Mordecai Kornfeld:

[Yaakov] sent Yehudah ahead to Yosef in Egypt, to "teach" ("L'horot") before Yakov's arrival, to Goshen. [Bereshit (Genesis)] 46:28

"He sent Yehudah before him" -- to set up a House of Study before Yakov's arrival, where Yakov would teach the words of the Torah and where his twelve sons and their families could study the Torah. This teaches us that wherever Yaakov went he studied the Torah, just as his fathers had. The Torah had not yet been given, yet we are told concerning Avaraham, "He kept My safeguards, My commandments, My decrees and My teachings" [Bereshit (Genesis)] 26:5. [Avraham] kept all the minutiae of the Torah, teaching them to his children as well, as it says, "I chose him because he will command his children and his household after him to follow in the ways of HaShem; to carry out righteousness and justice"[[15]](#footnote-15)

Upon further investigation, however, there would seem to be scriptural and Midrashic evidence that contradicts the assertion that our forefathers kept all the mitzvot of the Torah. In the specific area of marital laws, it would seem that they did not keep the laws of the future Torah:

Rashi tells us in Bereshit (Genesis) 46:10, that Shimon married his sister Dinah. This marriage would seem, in fact, to contravene not only the laws of the Torah given to the Jews, but even Noachide laws! This system of law, which the Torah expects *all* human beings from the beginning of time to adhere to, includes laws against incest. There is, however, an opinion[[16]](#footnote-16) that asserts that the Noachide laws against incest do not prohibit marital relations with a sister. Apparently, the Midrash that Rashi quotes is also of that opinion. However, our original question -- that as one who observed the mitzvot of the future Torah, Shimon should not have married Dinah -- remains.

Another Midrash[[17]](#footnote-17), posits that all of the twelve tribal ancestors were born with twin sisters, whom they susbequently married. This presents the same problem as the previous question. If the sons of Yaakov kept the Torah of the future, how could they have married their own sisters?

The Torah tells us specifically[[18]](#footnote-18) that Amram married his father's sister -- Yaakov's granddaughter. This is an explicit violation of Torah law[[19]](#footnote-19). Although a *Gentile* may marry his father's paternal sister[[20]](#footnote-20), how could the Midrash assert that the forefathers kept the laws of the future, *Jewish*, Torah.

As Rashi explains[[21]](#footnote-21), Yehudah married his daughter-in-law Tamar. Even if such a relationship is permitted for a Gentile, isn't this is a violation of Torah law for Jews?[[22]](#footnote-22)

Yaakov married two sisters[[23]](#footnote-23), which is in violation of Torah law[[24]](#footnote-24). We find, in fact, in the words of Chazal [our Sages] in various places that Yaakov's marriage of two sisters is frowned upon[[25]](#footnote-25).

Why didn't our ancestors keep the future marital laws of the Torah in the above-mentioned cases? This question has been raised by numerous commentators throughout the ages.[[26]](#footnote-26) Many commentators have discussed, at length, possible ways to deal with these difficulties. Let us take a brief look at some of their suggestions.

The Ramban is among the earliest of the commentators to address this issue. In his commentary on the Torah[[27]](#footnote-27), the Ramban suggests the following rule. The Midrash only means to assert that our forefathers kept all the mitzvot of the Torah while they were in Eretz Yisrael. Out of Eretz Yisrael, however, they did not make a point of keeping all the mitzvot of the future Torah. Yaakov's marriage of two sisters took place in Charan, which was outside of Eretz Yisrael. Similarly, Amram married his aunt in Egypt.[[28]](#footnote-28)

My rebbi, Hagaon Rav Yisroel Zev Gustman of blessed memory, explains the Ramban's reasoning in his work "Kuntresei Shiurim" on Gemara Kiddushin (20:6):

There are two facets to the fulfillment of any mitzvah in the Torah, Rav Gustman explains. The first is, that we benefit directly from keeping the mitzvot. We derive personal gain, whether physical or spiritual in nature, or both, from the performance of each and every mitzvah. The second aspect to keeping the mitzvot, is that we have obeyed a Divine commandment -- an order decreed by HaShem which we must follow, regardless of any benefit derived.[[29]](#footnote-29)

The Midrash tells us that when we are outside of Eretz Yisrael, we keep the mitzvot only "in order to retain our familiarity with them so that we may perform them as prescribed when we eventually return to Eretz Yisrael".[[30]](#footnote-30) The Ramban[[31]](#footnote-31) explains this to mean that the main purpose of the mitzvot is accomplished only in Israel. What that means is that outside of Israel, the first aspect of the mitzvot is lacking. The spiritual or physical benefit that we have from the mitzvot accrues only through performing them in Eretz Yisrael. Nevertheless, we are certainly *obligated* to perform the mitzvot even outside of Israel, since HaShem has commanded us to keep the mitzvot there too -- even if He did so only so we should "retain our familiarity with them"[[32]](#footnote-32). Thus, all that is left to the observance of mitzvot outside of Eretz Yisrael is the other facet of mitzvah observance -- the fact that they are commandments of HaShem, which must be obeyed.

In the days of our forefathers, there was not yet any Divine commandment to keep the mitzvot of the Torah. Their observance of the Torah was only in order to reap the great spiritual benefits that come from mitzvah observance. Hence, when they were outside of Eretz Yisrael there was no longer any point at all in their following the Torah's commandments. The first aspect -- that of personal benefit -- does not apply outside Israel according to what we have explained, while the second aspect -- that of following the decree of God -- did not apply before the Torah was given at Sinai.

A number of early commentators suggest another approach to our question[[33]](#footnote-33). These commentators were actually preceded in this suggestion by the Radbaz [14th cent. Spain] in his responsa, vol. 2, #696).

In Chagigah 3a, the Gemara refers to Avraham as "the first proselyte." This can be understood in a figurative sense -- Avraham was not technically a proselyte and he never underwent any formal process of conversion. The Gemara merely means to say that Avraham severed his ties with idol-worship and idol-worshippers, and began to serve HaShem[[34]](#footnote-34). However, it is also possible to take the comment of the Gemara literally, and to assert that Avraham was considered to be a proselyte in the strict sense of the word.

According to Jewish law, when a proselyte adopts the Jewish religion he is considered to have been "born afresh" at that time. He is no longer considered to have familial ties with his former, non-Jewish, family, at least as far as marital laws are concerned. He may therefore marry his own biological mother, sister, or daughter, if they later convert to Judaism[[35]](#footnote-35).

With this in mind, we can understand how the forefathers married what would seem to have been forbidden relatives according to Jewish law. The two "sisters" that Yaakov married were actually not sisters at all. After they adopted Yaakov's way of life (which they certainly did before Yaakov married them), they were halachically considered to be converts.They thus became "reborn," losing all familial relationships that they had previously had.

Similarly, Yaakov's sons and their sisters were technically not related to each other. Before the giving of the Torah, each individual had to accept upon himself the service of HaShem on his own, even if his father already had done so. Thus, the sons and daughters of Yaakov were themselves considered to be converts, and to have lost all familial ties to each other in the process. Amram's aunt was not prohibited to him because of their familial relationship, either. (Problem [3], of Yehudah marrying his daughter-in-law, is not resolved by this approach. Tamar presumably "converted" before marrying Yehudah's son, so she was by any account his full, halachic daughter-in-law.)

Some commentators suggest that the Midrash does not mean to say that the forefathers kept all the mitzvot of the Torah *unequivocally*. Rather, that they did so *in general* -- provided that there were no circumstances that called for them to refrain from keeping them. For instance, when Shimon married Dinah, Rashi[[36]](#footnote-36) explains that there were very specific reasons that compelled him to do so. Because of these reasons, he was willing to forego his usual habit of observing all the future mitzvot of the Torah. The same may perhaps be said of the other cases in question.

What circumstances prompted the other *transgressions* of Jewish marital law? Some commentators suggest that Yaakov, and perhaps his children too, had Kabbalistic reasons for marrying the people they married[[37]](#footnote-37). Alternatively, perhaps when it came to finding partners in marriage, they did not accept upon themselves to necessarily adhere to the mitzvot of the future Torah. Appropriate mates are always difficult to find (and they were especially so at that point in time), so once a fitting wife was found they could not afford to pass up the opportunity to marry her[[38]](#footnote-38).

The Maharal[[39]](#footnote-39) proposes a very original approach. The forefathers, suggests the Maharal, kept only the positive commandments of the Torah, not the negative ones. The forefathers kept the mitzvot as one who is not commanded to, yet takes it upon himself to keep the mitzvot anyhow. Such a course of action is praiseworthy, and indeed rewarded, only if it is done through positive actions. *Refraining* from transgressing what one is not prohibited from doing, though, is not an act that is rewarded, the Maharal asserts. The laws of marriage that were abrogated by the forefathers were, of course, all negative commandments. Thus, these laws were not relevant to them![[40]](#footnote-40)

\* \* \*

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1. See e.g. Yoma 28b; Rashi to Bereshit (Genesis) 26:5; Rashi to Bereshit (Genesis) 32:5 -- "Yaakov said, 'I dwelt by Lavan, yet I kept all of the 613 Mitzvot'". [↑](#footnote-ref-1)
2. Tanna D'vei Eliyahu Ch. 6 [↑](#footnote-ref-2)
3. Yoma 28b [↑](#footnote-ref-3)
4. *“Mitzvah”* has a nuance beyond “commandment” - its root also means connection or bond *(tzavta* means bond). A commandment bonds the one who commands with the one who obeys.7 If you can hear My command even when it sounds totally unnatural, even when the cost will be the life of your son, you will be lifted out of the natural into another realm. The order of the natural world will cease to bind you; you will create a new order entirely. [↑](#footnote-ref-4)
5. Rambam, Melachim 10:10 [↑](#footnote-ref-5)
6. Robert Mandel gave me this understanding. [↑](#footnote-ref-6)
7. Zohar, Mikeitz 202b [↑](#footnote-ref-7)
8. Bereshit (Genesis) 36:5 [↑](#footnote-ref-8)
9. Obligatory upon ‘The sons of Noah’, i.e., upon all civilized nations and individuals. They include the commandment to promote justice, and the prohibitions of idolatry, immorality, blasphemy, murder, cruelty to animals, and theft. [↑](#footnote-ref-9)
10. Which Abraham observed. [↑](#footnote-ref-10)
11. Lit., ‘mixing of dishes’. One may not prepare food on a holy day, which falls on Friday, for the Sabbath immediately following it. But one may start on the eve of the holy day to prepare such food for the Sabbath, the cooking on the holy day being but a continuation of this weekday work. This provision is not Biblical. [↑](#footnote-ref-11)
12. Taking the word Torah in its sense as the sum-total of Jewish Law. [↑](#footnote-ref-12)
13. The written Law, i.e., the Five Books of Moses; the Oral Law, which Moses received on Sinai, handing it down to Joshua, the latter handing it down to the elders, the latter to the prophets, these to the Men of the Great Synod (Aboth I, 1). [↑](#footnote-ref-13)
14. **Maharal: *Tiferet Yisrael*; Chapter 20.** [↑](#footnote-ref-14)
15. ibid. 18:19, Bereshit Rabba 95:3 [↑](#footnote-ref-15)
16. Sanhedrin 58a [↑](#footnote-ref-16)
17. quoted by Rashi to 46:26 [↑](#footnote-ref-17)
18. Shemot (Exodus) 6:20 [↑](#footnote-ref-18)
19. Vayikra (Leviticus) 18:12, 20:20 [↑](#footnote-ref-19)
20. Sanhedrin 58b [↑](#footnote-ref-20)
21. Bereshit (Genesis) 38:26 [↑](#footnote-ref-21)
22. Vayikra (Leviticus) 18:15 [↑](#footnote-ref-22)
23. Bereshit 29:16 [↑](#footnote-ref-23)
24. Vayikra (Leviticus) 18:18 [↑](#footnote-ref-24)
25. See Pesachim 119a, end of Midrash Ruth Rabbati [↑](#footnote-ref-25)
26. See especially Perashat Derachim ibid.; Pardes Yosef to Bereishit [Bereshit (Genesis) 26:5. [↑](#footnote-ref-26)
27. Bereshit (Genesis) 26:5 and Vayikra (Leviticus) 18:25 [↑](#footnote-ref-27)
28. This approach does not seem to help for problems [1] and [3], however, since Yehudah, and presumably his brothers too, married their wives in Israel. [↑](#footnote-ref-28)
29. See also Kovetz He'arot, Chiddusei Agadot 3:2. [↑](#footnote-ref-29)
30. Rashi to Devarim [Devarim (Deuteronomy)] 11:18 [↑](#footnote-ref-30)
31. Vayikra (Leviticus) 25:10 [↑](#footnote-ref-31)
32. Gur Arye to Devarim (Deuteronomy) loc. cit. [↑](#footnote-ref-32)
33. Yefe Toar on Bereshit Rabba, 16:6; Mizrachi to Vayikra (Leviticus) 20:17; "the opinion of some" quoted by Maharal to Bereshit (Genesis) 46:10; Levush Ha'ora to Bereshit (Genesis) 32:5 [↑](#footnote-ref-33)
34. See Tosafot loc. cit. [↑](#footnote-ref-34)
35. Yevamot 97b [↑](#footnote-ref-35)
36. Bereshit (Genesis) 46:10 [↑](#footnote-ref-36)
37. See Rashba, responsa, vol. 1, #94; Radbaz, responsa, vol. 2, #696; Ohr HaChaim to Bereshit (Genesis) 49:3; Midrash Talpiot, Anaf Yaakov [↑](#footnote-ref-37)
38. Maharal to Bereshit 46:10 [↑](#footnote-ref-38)
39. To Bereshit (Genesis) 46:10 and Vayikra 20:17 [↑](#footnote-ref-39)
40. See also Chidushei HaGriz, stencil edition, Parashat Lech Lecha, for another interesting approach to our subject. [↑](#footnote-ref-40)