A] THE CHAIN OF TORAH SHEB’AL PEH

1. The first Mishna in Pirkei Avot teaches that the Mesorah was passed down from Moshe to Yehoshua and on through the generations to the end of the Second Temple period.

<table>
<thead>
<tr>
<th>No.</th>
<th>Event/Person</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Moshe</td>
<td>Passes down the Mesorah to Yehoshua</td>
</tr>
<tr>
<td>2</td>
<td>Yehoshua</td>
<td>Passes down the Mesorah to his descendants</td>
</tr>
<tr>
<td>3</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
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<td>4</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
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<td>5</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
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<td>6</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
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<td>7</td>
<td>(Generations)</td>
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<td>8</td>
<td>(Generations)</td>
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<td>9</td>
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<td>10</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
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<tr>
<td>11</td>
<td>(Generations)</td>
<td>Continuation of the Mesorah</td>
</tr>
<tr>
<td>12</td>
<td>Moshe</td>
<td>Continuation of the Mesorah</td>
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HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

195 - PROPHETS, GREEKS AND RABBIS
CHANUKAH AND THE ORAL LAW
OU ISRAEL CENTER - WINTER 2020/21

To download more source sheets and audio shiurim visit www.rabbimanning.com
Moshe Rabbeinu
- Special prophecy Torah Min HaShamayim - see below
Yehoshua
- Regular prophecy - Lo Bashamayim Hi - see below
Zekeinim
- Judges
Nevi'im
- In what capacity?
Anshei Knesset HaGedola
- c. 370-312 BCE - Ezra/ Great Sanhedrin of 120
  - Tanach is closed
  - 2nd Temple constructed
  - Purim story - 353 BCE
Shimon Hatzadik
- Greek Era
- Meeting Alexander the Great - 312 BCE
Antigonus of Socho
- (280 BCE)
- Septuagint - translation of Tanach into Greek: 245 BCE
- Emergence of Sadducees
Yosei ben Yoezer and Yosei ben Yochanan
- (243 BCE)
- Yosei ben Yoezer executed by Greeks and Hellenists.
Yehoshua ben Prachya and Nitai of Arbel
- (243 BCE)
- Chanukah Story and Hasmonean Dynasty
Yehuda ben Tabai and Shimon ben Shetach
- (198 BCE)
- Alexander Yannai/Shlomtzion Hamalka
Shmaya and Avtalyon
- (140 BCE)
- Jewish Civil War between Hyrcanus and Aristobulus
- Romans conquer Jerusalem under Pompey - 63 BCE
Hillel and Shammai
- (40 BCE)
- King Herod - 35 BCE

B] MOSHE’S PROPHECY VS LATER PROPHETS

1. דָרוּ בָּה כָּל מַלְשֶׁה פָּנָי אֶל פָּנַי כָּאֵשׁ דָּבָר אֲשֶׁר יָשָׁע אֱלֹהֵי מַעְרֵיהָ בְּחַג וַיִּשָּׁע אֱלֹהִים מַעְרֵי הָאָדָם

God spoke to Moshe ‘face to face’. Yehoshua’s role was as Moshe’s faithful assistant. Yehoshua was not a Navi on the same level as Moshe.

2. שְׁמֹת לְגַנִי

Yehoshua WAS however a Navi and received prophecy.

3. יִשְׁמַע אֲשֶׁר

Moshe experienced Nevua with a clear vision ‘through a clear glass’. Other Nev'i'im experienced an occluded vision

4. יְכָל מַלְשֶׁה נְצַחֲכֵם בְּאָסָפְסֶקְלִיִּים שְׁאֵנִים מְאֹדֶרֶת, מְשַׁה רְבֵית נְצַחֲכֵם בְּאָסָפְסֶקְלִיִּים מְאֹדֶרֶת

The comparison of Moshe’s and Yehoshua’s prophecies was as the sun to the moon.¹ Moshe generated light but Yehoshua only reflected it.

5. בַּגַּם בַּגַּם

This Gemara explains how God refused to communicate Torah to Yehoshua - as a Navi - in the way he had to Moshe. Instead, God told him to ‘go to war’ - literally, and perhaps also metaphorically in the ‘war of Torah’ - ie intellectual derivation of God’s will

¹ Note however that, although the light of the moon is a reflection of the sun, the moon does not look identical to the sun, but has its own unique contours. So too, each generation reflects the light of those before, but has their own relationship with and perspective on Torah.

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A classic example is Eliyahu on Har Carmel, where he permitted bringing a sacrifice outside the Temple.

Even up to the time of Shmuel the people were asking for halachic guidance by prophecy and were told that this is no longer the way to derive halacha. The Torah is not in heaven and cannot be accessed in the manner that Moshe did.

We see the beginnings of the process of the Jewish people engaging in the halachic process in the time of Otniel.

We have seen a number of references to שיחת - literally ‘forgetting’, although we will below that this expression actually represents something more profound in the development of the halachic process.

C] PROPHECY AND THE HALACHIC PROCESS

C1] RAMBAM - PROPHECY MAY NEVER BE USED IN THE HALACHIC PROCESS

The Rambam’s position is that prophecy may not be used as a means to derive halacha.

An important exception to this is that a Navi IS allowed to make a hora’at sha’ah - a temporary dispensation to break even a Torah law provided this is not instituted on a permanent basis. 2 Nevertheless, in a regular halachic debate, they carry NO more weight than a talmid chacham, even were they to be as great as Eliyahu Hanavi.

Furthermore, a Navi who attempts to use his powers of prophecy to decide on halachic matters is a false Prophet and is liable to the death penalty!

C2] THE KUZARI - ONGOING REVELATION OF HALACHA THROUGH PROPHECY

The Kuzari’s position is that the prohibition to add to the Torah did NOT apply to prophecy. As such, a bona fide Navi was able to contribute to the halachic process. In that sense the process of revelation which began at Sinai was ongoing.

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2. A classic example is Eliyahu on Har Carmel, where he permitted bringing a sacrifice outside the Temple.
3. The expression teku appears hundreds of times in the writings of Chazal. It indicates that the matter has been ruled halachically as a ‘safek’ which cannot be resolved with certain halachic implications. The expression teku, which literally means ‘let it stand’ has traditionally been translated as an acrostic for - the Tishbi (Eliyahu) will [in future] resolve difficulties and questions. ‘Tishbi’ is a reference to Eliyahu in his halachic capacity as a Rav. Only in such a capacity may he resolve halachic problems. (See Tosfor Yom Tov Mishna Eduyot end of Chap 8). However, when there is a question of fact (as opposed to law) which must wait for Eliyahu to resolve, he is always referred to as Eliyahu (in his prophetic capacity). See Bava Metzia 3a as to unidentifiable lost property which must be set aside until Eliyahu HaNavi can determine who it belongs to.
12. All the days of the prophets ..... there was no need to obey the Sages. It seems likely that, even though it is true that there is no place for prophecy as far as the study and knowledge of Torah, as it is written "[The Torah] is not in Heaven" etc .... [this rule] applies to knowledge of the laws of the Torah and its general rules, but there is ample room [for knowledge acquired by means of] prophecy [as far as] the details of their performance at any particular time, as Maimonides describes at length in his Introduction to the Commentary on the Mishna: as a temporary expedient the prophet has the power to suspend the commandments of the Torah

Rav Tzadok HaCohen, Zikaron Larishonim 8-12

18. It goes without saying that in doubtful instances they [the people and the Sages] were required to obey the prophet, and many prophets arose [in] Israel [to] command action in particular situations. ..... Therefore the general leadership of the[se] generations was in the hands of the prophets, who were the leaders of the[se] generations as far as the affairs of [each] generation [were concerned]

Rav Tzadok HaCohen, Zikaron Larishonim 11

D] THE END OF PROPHECY

19. Chagai, Zecharia and Melachi were the last of the prophets.

20. Melachi is also identified by Chazal with Mordechal!
Fascinatingly. Seder Olam Rabba places a specific date on the very end of prophecy - the reign of Alexander the Great.

E] THE SECOND TEMPLE THE PARADIGM SHIFT OF PROPHET TO SAGE

E1] PURIM AND THE RENEWED ACCEPTANCE OF TORAH

The Jewish People’s acceptance of Torah at Sinai was to some degree forced. Only later in the time of Purim were they able to accept it willingly.

Chazal explain that the people accepted the Written Torah willingly - despite the struggle - but the Oral Torah, which requires so much more effort, love and commitment, was far less popular. It was only later in the Second Temple period that the Jewish people really connected with the Oral Law.

Rav Tzadok HaKohen of Lublin clearly understands that the effective beginning of structured Oral Law as we know it today was the start of the Second Temple period. Until then the people were guided in halacha by the Nevi’im. He sees a clear path from Prophecy through Purim to Halacha as we know it today.

E2] CHANUKAH AND THE FULL PROMINENCE OF RABBINIC AUTHORITY

Chazal ask how we can say that God commanded us to light Chanukah candles when this halacha originated more than a thousand years after Sinai! They explain that the root of Rabbinic authority comes from the Torah itself, specifically the mitzva of Lo Tasur. This anchoring of rabbinic law in the Torah itself is deeply connected with Chanukah.
E3] THE DARKER SIDE OF AUTONOMY

In the period of Ezra, the Torah underwent a change of paradigm - a re-establishment under the supervision of Ezra and the Anshei Kenesset Hagedola.5

The period of Yosei ben Yezer and Yosei Ish Yerushalayim (c. 280 BCE) saw the end of the ‘eshkolot’. With the decline of Nevua and the developments of the Second Temple period, it became clear that Torah would not longer be learnt ‘the way Moshe learnt it’.

Rashi explains the ‘eshkolot’ to be people without duplicity, forgetfulness, and disagreement - all matters which began to increase in the Jewish people at that time.

The Mishna in Chagiga records what Rashi calls the the first ever halachic dispute between the Rabbis! This surfaced at precisely the time of the Chanukah story!

• This also flags the reality of the paradigm shift in a less positive way. With the development of the halachic process in the Second Temple period comes not only Rabbinic authority and halachic autonomy, but also machloket, a lack of clarity and eventually the sinat chinam that lead to the destruction of the Second Temple.

• It is interesting to speculate on how this paradigm shift connects with the idea of an Axial Age (around the time of the Second Temple) when new ways of thinking appeared in Persia, India, China and the Greco-Roman world in religion and philosophy in a striking parallel development without any obvious direct cultural contact between all of the participating cultures.6

F] THE RABBI IS EVEN GREATER THAN THE PROPHET - CHACHAM ADIF MINAVI

Chazal state that when prophecy ceased after the end of the First Temple, the Chachamim remained as an even greater spiritual force. In indeed, the Rabbis were greater than the Nevi’im!

5. Later there were other paradigm shifts - the arrival of Hillel towards the end of the Second Temple period and then arrival of R. Chiya and his family after the codification of the Mishnah. Each of these was a major shift in focus. Hillel gave prominence to the process of Drash and started the formation of the Mishnah, effectively starting the period of the Tannaim. R. Chiya brought in the process of Talmud, effectively starting the period of the Amoraim. Fascinatingly, each of these people started in Chutz Le’aretz and brought the Torah of chuzi’ to Eretz Yisrael. See Ketubot 71a where Abaya suggests that one Sage in Eretz Yisrael is worth more than two in Bavel. But Rava counters that one Sage from Bavel who moves to Israel is worth more than two of their home-grown rabbis!

Rabbi Akiva is presented as having a deeper understanding of some aspects or Torah than Moshe Rabbeinu.

**So too, the Midrash states that matters NOT revealed to Moshe WERE revealed to Rabbi Akiva.**

> The Zohar explains that the status of Chacham is more internal, and perhaps integral, to the person than that of Navi.

Rav Tzadok HaCohen of Lublin explains that Moshe was certainly the greatest prophet, but R. Akiva learnt Torah in a different way - based in logic and intellect, not in prophecy.

Rav Tzadok goes on to explain that this applies to Chazal generally. Although their level was far lower than that of Moshe, this in fact enabled them to see further.

Rav Tzadok also employs the famous metaphor of later generations being dwarves on the shoulders of giants. Each generation leaves behind its achievements and discoveries so that future generations, even if smaller as individuals, can build on these to achieve far more.
Chanukah represents the human production of light in the processing of an natural olive!