

# THE SYSTEM OF HALACHAH – PART V

## The Chain of Torah Transmission

Whether I am a student at Oxford, a trader on Wall Street, or a violinist for the Vienna Philharmonic, what does a Book (albeit an all-time bestseller) that my distant relatives received at Sinai have to do with me? The distance in time from when the Jewish people received the Torah may leave us either unaware or confused about our connection to it. The goal of this class is to show how the Written and Oral Torahs now in our hands have been passed on intact, through a direct chain from God via Moshe Rabeinu (Moses our Teacher), for 133 generations (over 3300 years) until today. This information will give us a keen understanding of how Jewish philosophy and law is vitally relevant to every moment in our life. This class explores the dynamic process of the Torah transmission.

In the first two Morasha classes on the System of Halacha, we learned that both the Written Torah and Oral Torah were given to the Jewish nation at Mount Sinai, and then subsequently taught by God to Moshe in its entirety two more times over the next forty years – in the Ohel Moed and at Aravot Moav. Before Moshe Rabeinu passed the mantle of leadership to Yehoshua (Joshua), Moshe wrote thirteen Torah scrolls, entrusting one to each of the Twelve Tribes, and placed the thirteenth in the Aron HaBrit (Ark of the Covenant), along with the tablets of the Ten Commandments. The accuracy of the transmission of the Written Torah scrolls themselves is addressed in the Morasha class, Evidence for Torah M'Sinai II.

Since we established in the previous Morasha class the mechanisms which ensured the integrity and accuracy of the transmission of the Oral Torah, we can now explore the dynamics and pathways of the actual chain of transmission. As such, we will be addressing the following questions:

- ❧ How was the Oral Torah transmitted from one generation to the next?
- ❧ If the Sages of the Mishnah and Talmud were really the bearers of an ancient tradition, why don't we have a written record prior to their formal publication?
- ❧ How were the Mishnah and Talmud composed?
- ❧ Did the chain of oral tradition end with the publication of the Talmud?

## Class Outline:

- Introduction. A Daily Workout with Great Personal Spiritual Trainers
- Section I. Overview – The Many Unbroken Chains of Transmission
- Section II. The Biblical Period
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## INTRODUCTION. A DAILY WORKOUT WITH GREAT PERSONAL SPIRITUAL TRAINERS

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The chain of Torah transmission is the antithesis of a passive experience. The Jewish people are identified by their passionate engagement in the totality of Jewish living, including lively Torah study, which is one of the foundations of Jewish life. The chain of Torah transmission is not only the careful passing of the Jewish tradition from one generation to the next; it is also a *daily* dynamic process where we meet, engage and debate great Jewish scholars of previous generations to help crystallize the understanding of Judaism. It is in this spirit that we relate to Jewish law, philosophy and life.

*The Jew of the Mesorah (tradition) has to live in retrospection. Revelation and tradition erase the bounds of time. Distance in time is rendered irrelevant for him. Thousands of years have elapsed, but he walks back and forth from antiquity to modern times. The primary success of Jewish education lies in the spirit of synthesis of a vibrant past and a dynamic immediate present, and an optimistic future.*

*For the Jewish people, Abraham is not a mythical figure but an ever-present inspiration. They experience his tribulations and wanderings. They travel with him from Syria to Canaan. They feel the fear and trembling of Isaac during the Akeida (the binding). They escape with Jacob to Haran. They are imprisoned with Joseph in the pit and rejoice in his ascent to high office and fame. They lead the Jews with Moses through the desert of Sinai. They sing with David and are exalted by the Prophets. They eagerly join the rebellion against Rome with Rabbi Akiva and mourn the tragedy which befell his twenty-four thousand students. They meditate with the Rambam and are privileged to have Rashi as a companion in the study of Chumash (Pentateuch). These figures are not dead or historical "has-beens" but dynamic living heroes bringing instruction, inspiration, and hope.*

*Upon this phenomenon of an historical continuum was founded the strength of the mesorah, conceived as an historic*

*stream of Jewish spirit whose tributaries of past, present, and future merge into each other...*

*A teacher is seated and sees before him rows of young beaming faces, clear eyes radiating the joy of being young. For the moment the teacher is gripped with pessimism, with tremors of uncertainty. He asks himself, "Can there be a dialogue between an older teacher and a young student, can there be a connection between a contemporary society and early Jewish personalities?" The teacher starts the class uncertain as to how it will proceed.*

*Suddenly the doors open and an old man, much older than the teacher enters – he is the grandfather of the teacher, Rabbi Chaim Brisker (1853-1918). His Talmudic method is very modern and equals if not surpasses most contemporary forms of logic, metaphysics, or philosophy. The door opens again and another man comes in. He is older than Reb Chaim for he lived in the 17<sup>th</sup> century. His name is Rabbi Shabatai Cohen, known as the Shach, who must be present when civil law, Dinei Mamonot, is discussed. Many more visitors arrive – some from the eleventh, twelfth, and thirteenth centuries and others harking back to antiquity – Rabeinu Tam, Rabad, Rashba, Rabbi Akiva and others. These scholarly giants of the past are bidden to take their seats.*

*The teacher introduces the guests to his students and the dialogue commences. The Rambam states a Halacha; the Rabad disagrees sharply as is his wont. Some students interrupt to defend the Rambam and they express themselves harshly against the Rabad, as young people are apt to do. The teacher softly corrects the students and suggests more restrained tones. The Rashba smiles gently. The teacher tries to analyze what the students meant, and other students intercede. Rabeinu Tam is called upon to express his opinion and suddenly a symposium of generations comes into existence. Young students debate earlier generations with an air of daring familiarity, and a crescendo of discussions ensues. All speak one language; all pursue one goal; all are committed to a common vision; and all operate with the same categories. A mesorah (tradition) collegiality is achieved, a friendship a comradeship of old and young spanning antiquity, the middle ages, and modern times. (Man of Faith in the Modern World, Adapted from the Lectures of Rabbi Joseph B. Soloveitchik, by Avraham Besdin, Ktav Publishers, pp. 21-23.)*

## SECTION I. OVERVIEW – THE MANY UNBROKEN CHAINS OF TRANSMISSION

If we want to fully assess the reliability of the transmission of the Torah, we must investigate how it was transmitted. This class focuses on the transmission of the Oral Torah. (The transmission and authenticity of Written Torah scrolls is addressed in the Morasha class, Evidence for Torah M'Sinai II, which highlights the remarkable conformity of Torah scrolls worldwide, even after more than thirty-three hundred years, including two thousand years of scattered exile!)

Is there a clear link from the time of Moshe until the time of the publication of the Oral Torah in the form of the Mishnah? As this class will demonstrate, the chain of Torah transmission from the time of the revelation at Sinai until our own is anything but a broken telephone. Jews today can trace their knowledge and observance of the Torah back to Sinai itself. And not just through one chain of transmission, but through countless unbroken chains of transmission.

### 1. **Mishnah, Avot 1:1 – The chain of tradition stretches from Moshe, who received it from God, through the Prophets until the Men of the Great Assembly.**

Moshe received the Torah from Sinai and gave it over to Yehoshua (Joshua). Yehoshua gave it over to the Elders, the Elders to the Prophets, and the Prophets gave it over to the Men of the Great Assembly...

משה קבל תורה מסיני ומסרה ליהושע ויהושע לזקנים  
וזקנים לנביאים ונביאים מסרו לאנשי כנסת הגדולה...

The Mishnah in Avot teaches us about the chain of tradition – the distinct stages of transmission from Sinai until the Sages of the Mishnah: first from God to Moshe, then from Moshe to Yehoshua, Yehoshua to the Elders, the Elders to the Prophets, and then from the Prophets to the Men of the Great Assembly. The Mishnah itself goes on to record the leaders of each generation throughout the period of the Mishnah. In all, there were forty generations from the giving of the Torah until the composition of the Mishnah.

**2. Rambam, Introduction to Mishnah Torah – The chain of tradition includes forty generations from Moshe to Rav Ashi, the author of the Talmud.**

Thus, there were forty generations from Rav Ashi back to Moshe, our teacher, of blessed memory.

נמצא מרב אשי עד משה רבינו עליו השלום ארבעים דורות.

The reason we talk of a chain of transmission is because in each of these forty generations there was a leader who took direct responsibility for ensuring the transmission of the Oral Torah. However, they were hardly the only ones of their generations to master the entire Oral Torah.

**3. Maharal, Derech Chaim, Commentary to Mishnah, Avot 1:1 – Even though countless people were taught the Oral Torah in each generation, there were designated individuals responsible for the accurate transmission of the tradition.**

Even though Elazar the Priest (the son of Aharon) received the tradition from Moshe, he is not to be listed in the chain of tradition since he was not specifically designated for this role as Yehoshua was. As such, his receiving of the tradition is considered incidental. Moshe taught the Torah to all of Israel as well, but their reception of it is incidental and is therefore not called a true reception, since (as far as the tradition is concerned) no one guaranteed that it had been received by them accurately.

ולא היה ראוי להכניס בקבלה אלעזר הכהן אע"פ שגם הוא היה מקבל ממושה... כיון שלא היה מיוחד לזה כמו יהושע נחשב קבלתו שהוא במקרה... וגם מסר משה התורה לכל ישראל, אבל היה להם הקבלה במקרה ולא נחשב זה קבלה כלל כי אפשר שיקבלו ואפשר שלא יקבלו וזה לא נחשב קבלה...

**4. Kuzari 3:65 – The leaders were backed by courts of seventy who were themselves chosen from among hundreds of potential applicants.**

In addition to the famous individuals and in addition to the multitude of Sages, the Kohanim and the Levites, whose sole occupation was Torah study, these generations had a continuously operative Sanhedrin of seventy Sages... There were hundreds of Sages lower in rank, and there were in turn thousands who stood at a level under that of the hundreds...

ובאלה הדורות זולת אלו המפורסמים וזולת המון החכמים וזולת הכהנים והלויים שהיתה תורתם אומנותם, לא פסקו השבעים סנהדרין וחכמתם... ונמשכים אחר השבעים מאות שלא היו כמותם, ונמשכים אחר המאות אלפים...

In addition to the leaders, judges, and rabbis of every generation since the time of Moshe, the Oral Torah is also confirmed through the millions of chains consisting of the individuals, families, and communities throughout Jewish history, each of whom has faithfully observed the Torah's mitzvot according to dictates of the Oral Torah. Further proof of the veracity of the Oral Torah is the universal contemporary halachic observance. Such observance has continued in an unbroken chain until today. The following represents just one of many possible chains of transmission from the time of Moshe Rabeinu to our own.

5. **Rabbi Lawrence Kelemen, [www.lawrencekelemen.com](http://www.lawrencekelemen.com) - One of the many unbroken chains of transmission from the time of the revelation at Sinai until our own.**

Moshe	Mar Chanan Me-Ashkaya (608)	R' Shmuel ben Meir (Rashbam) (1174)
Yehoshua	Rav Mari	R' Yaakov ben Meir (Rabbenu Tam) (1171)
Pinchas	Rav Chana Gaon	Eliezer Me-Metz (1175)
Eli	Mar Rav Rava	Rokeach (1238)
Shmuel	Rav Busai (689)	R' Yitzchak of Vienna (Ohr Zaruah)
David	Mar Rav Huna Mari	Rav Meir of Rothenberg (1293)
Achiah	Mar Rav Chiyah Me-Mishan	R' Yitzchak of Duren (Shaa'arei Durah)
Eliyahu	Mar Ravyah	R' Alexander Zusiein HaKohen (Agudah) (1348)
Elishah	Mar Rav Natonai	Meir Bar Baruch Halevi (1390)
Yehoyada	Mar Rav Yehuda (739)	R' Yaakov Moelin (Maharil) (1427)
Zechariah	Mar Rav Yosef (748)	R' Yisroel Isserlein (Trumas Hadeshen) (1460)
Hoshea	Mar Rav Shmuel	R' Sholom of Neustadt
Amos	Mar Rav Natroi Kahana	R' Tavoli
Yeshayahu	Mar Rav Avrohom Kahana (761)	Rabbi Yaakov Margolies (1501)
Michah	Mar Rav Dodai	Rabbi Yaakov Pollak (1530)
Yoel	Rav Chananya (771)	Rabbi Sholom Shachna (1558)
Nachum	Rav Malka (773)	Rabbi Moshe Isserles "Rama" (1572)
Chavakuk	Mar Rav Rava	Rabbi Yehoshua Falk Katz (1614)
Tzefaniah	Mar Rav Shinoi (782)	Rabbi Naftoli Hirsch ben Pesachya (1650)
Yirmiyohu	Mar Rav Huna Mar Halevi (788)	Rabbi Moshe Rivkas - "Be'er Hagolah" (1671)
Baruch	Mar Rav Menasheh (796)	Rabbi Avraham Gombiner (1682)
Ezra	Mar Rav Yeshaya Halevi (804)	Rabbi Moshe Kramer (1688)
Shimon HaTzadik (310 B.C.E.)	Mar Rav Kahanah Gaon (797)	Rabbi Eliyahu Chasid (1710)
Antignus of Socho (305 B.C.E.)	Mar Rav Yosef	Rabbi Yissachar Ber (1740)
Yosi ben Yoezer and	Mar Rav Ibomai Gaon (814)	Rabbi Shlomo Zalman (1765)
Yosef ben Yochanon (280 B.C.E.)	Mar Rav Yosef	Rabbi Eliyahu Kramer - "Vilna Gaon" (1797)
Yehoshua ben Prachya and	Mar Rav Avrohom	Rabbi Chaim Voloziner (1821)
Nitai of Arbel (243 B.C.E.)	Mar Rav Yosef (834)	Rabbi Zundel of Salant (1866)
Yehuda ben Tabai and	Mar Rav Yitzchak (839)	Rabbi Yisroel Salanter (1883)
Shimon ben Shetach (198 B.C.E.)	Mar Rav Yosef (841)	Rabbi Simcha Zissel Ziv Broide (1889)
Shmaya & Avtalyon (140 B.C.E.)	Mar Rav Poltoi (858)	Rabbi Nosson Zvi Finkel, the Alter of Slabodka (1927)
Hillel & Shammai (40 B.C.E.)	Mar Rav Achai Kahana	Rabbi Isser Zalman Meltzer (1953)
Rabban Shimon (10 B.C.E.)	Mar Rav Menachem (860)	Rabbi Elazar Menachem Man Shach (2001)
Rabban Gamliel Hazaken (20 C.E.)	Mar Rav Matisyahu (869)	
Rav Shimon ben Gamliel (50)	Mar Rav Abba	
Rabban Gamliel (90)	Mar Rav Tzemach Gaon (891)	
Rabban Shimon (140)	Mar Rav Hai Gaon (897)	
Rabbi Yehuda Hanasi (180)	Mar Rav Kimoi Gaon (905)	
Rav, Shmuel, and Rabbi	Mar Rav Yehuda (917)	
Yochanan (230)	Mar Rav Mevasser Kahana Gaon (926)	
Rav Huna (270)	Rav Kohen Tzedek (935)	
Rabbah (310)	Mar Rav Tzemach Gaon (937)	
Rava (340)	Rav Chaninah Gaon (943)	
Rav Ashi (420)	Mar Rav Aharon Hacohen (959)	
Rafram (443)	Mar Rav Nechemiah (968)	
Rav Sama B'rei d'Rava (476)	Rav Sherirah Gaon (1006)	
Rav Yosi (514)	Meshulam Hagadol	
Rav Simonia	Rav Gershom Meor Hagolah (1040)	
Rav Ravo Me-Rov (589)	Rav Yaakov ben Yakar (1064)	
Mar Rav Chaninah Gaon Kahana (785)	Rav Shlomo Yitzchaki - "Rashi" (1105)	

## KEY THEMES OF SECTION I.

- ≈ The Jewish people can trace the source of our knowledge back to the Revelation at Sinai 3300 years ago through the leaders of every generation.
- ≈ These leaders were hardly the only ones to carry the tradition through the ages; they were buttressed by a host of other knowledgeable sages and the religiously observant masses of the Jewish people throughout our history.

## SECTION II. THE BIBLICAL PERIOD

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In this section we will show how the Torah was transmitted through various periods in Jewish history, from Moshe until the beginning of the period of the Mishnah.

### PART A. FROM MOSHE TO YEHOSHUA

Having explained in detail the revelation to Moshe from God in our first class in this Morasha series, we will now explain the significant developments in Jewish history that mark the various stages of transmission identified by the Mishnah in Avot cited above. First, from Moshe to Yehoshua. The Torah tells us that subsequent Prophets would not be at the same level as Moshe.

#### 1. Devarim (Deuteronomy) 34:10 – Moshe Rabeinu achieved the highest level of prophecy.

Never again would a prophet arise among the Jewish people like Moshe who knew God face to face.

ולא קם נביא עוד בישראל כמושה אשר ידעו יקוק פנים אל פנים.

Nevertheless, while the prophecy that continued until the Second Temple might have been at a lower level comparative to Moshe Rabeinu's, it still clearly conveyed God's will to mankind.

#### 2. Yehoshua 1:1-2, 6-8 – Leaders after Moshe Rabeinu are responsible for ensuring the reliability of the Torah.

Now it came to pass after the death of Moshe the servant of God, that God spoke to Yehoshua the son of Nun, Moshe's assistant, saying, "Moshe My servant is dead, now therefore arise, cross this Yarden (Jordan), you, and all this people, to the land which I give to the Children of Israel ...

"Be strong and courageous for it is you who will cause this people to inherit the land that I have sworn to their fathers to give to them. Only be strong and very courageous, to observe and do according to the entire Torah which Moshe My servant commanded you; do not turn from it to the right or to the left, so that you may have success wherever you go. This book of the Torah

ויהי אחרי מות משה עבד ה' ויאמר ה' אל יהושע בן נון משרת משה לאמר. משה עבדי מות ועתה קום עבר את הירדן הזה אתה וכל העם הזה אל הארץ אשר אנכי נתן להם לבני ישראל...

חזק ואמץ כי אתה תנחיל את העם הזה את הארץ אשר נשבעתי לאבותם לתת להם. רק חזק ואמץ מאד לשמר לעשות ככל התורה אשר צוך משה עבדי אל תסור ממנו ימין ושמאול למען תשכיל בכל אשר תלך. לא ימוש ספר התורה הזה מפניך והגית בו יומם ולילה למען תשמר לעשות ככל הכתוב בו כי אז תצליח את דרכך ואז תשכיל.



shall not depart from your mouth; you shall meditate on it day and night, so you may observe all that is written in it; for then you shall make your ways prosperous, and then you will act wisely.”

### 3. **Mechilta 21:1 – Moshe taught the Oral Torah that God taught him.**

Rabbi Akiva asked why the following verse was said: “These are the laws [that you shall set before them]”: (Shemot/Exodus 21:1) Because from the verse, “Speak to the Children of Israel and say to them,” I would only know that [Moshe] did this once. But from where would I know [that it was taught] a second, third, and fourth time until they understood? Thus the Torah states, “and teach it to the Children of Israel” (Devarim 31:19). One might understand this to imply teaching it but not reviewing it, hence the Torah states (ibid.) “place it in their mouths.” One might still think that they reviewed it but did not understand it; hence the Torah states, “These are the laws etc.,” teaching that you (Moshe) must arrange the laws before them like a set table, as it says, “To you it was shown so you will understand” (Devarim 4:35).

רבי עקיבא אומר, ואלה המשפטים למה נאמר, לפי שהוא אומר דבר אל בני ישראל ואמרת אליהם, אין לי אלא פעם אחת, מניין שנה ושלוש ורבע עד שילמדו, תלמוד לומר (דברים לא:יט) ולמדה את בני ישראל, יכול למדין ולא שונין? תלמוד לומר שימה בפיהם; יכול שונין ולא יודעין? תלמוד לומר ואלה המשפטים וגו', ערכם לפניהם כשלחן ערוך, כענין שנאמר (דברים ד לה) (אתה הראית לדעת).

## PART B. FROM YEHOSHUA TO THE ELDERS

Yehoshua passed the tradition on to the Elders, the wise men of his generation.

### 1. **Rabbi Simchah ben Shmuel of Vitry, Machzor Vitry 424 – The responsibility for handing down the tradition passed from one leader to the next throughout the period of the Judges.**

And Yehoshua to the Elders – the tradition was transmitted by Yehoshua to the Elders. They were the Judges that led the Jewish people until King Shaul (Saul – the first Jewish king) ruled. They were called Elders for such is the custom to appoint Elders to lead the community. We see that Yehoshua passed the tradition on to the Elders who were the leaders and enforcers of the people, as it is written, “and the nation served God all the days of Yehoshua and all the days of the Elders who succeeded him.” And those Elders passed the tradition on to the Judges that arose after them. Each one of the Elders and Judges taught the Torah to his colleague.

ויהושע לזקנים: ועל ידי יהושע נמסרה לזקנים. הם שופטים שעמדו לישראל עד שמלך שאול וקורא אותם זקנים, שכן דרך למנות זקנים על הציבור. דכתיב אשר ידעת כי הם זקני העם ושוטרי. ומצינו שיהושע מסרה לזקנים שהיו רודים ושוטרים את ישראל. כדכתיב ויעבדו העם את ה' כל ימי יהושע וכל ימי הזקנים אשר האריכו וגו'. ואותם זקנים מסרוה לשופטים שאחריהם שהיו זקנים. וכל אחד מהזקנים והשופטים מסר לחבירו:

## PART C. FROM THE ELDERS TO THE PROPHETS

Why does the Mishnah differentiate between two periods, the Elders and the Prophets, when clearly the Elders were also Prophets and the Prophets also Elders? Historically, the divisions are quite clear. The Children of Israel were led by Judges or Elders until the days of Shmuel (Samuel), at which time there was a switch of power to the Kings. The Prophets, though, retained their role as spiritual if not political leaders. In terms of politics, there was a clear distinction between who was leading the people. But in terms of Torah, what difference was there between the period of the Judges, before Shmuel, and the period of the Prophets? The distinction is not so obvious.

### 1. Rabbi Matatya Hitzhari, Commentary on Avot 1:1 – Several possibilities might explain the difference between Elders and Prophets, even though essentially they were very similar.

There are perhaps three reasons (for the distinction between Elders and Prophets). It might be because before Shmuel's time, prophecy was not prevalent, as the verse states regarding the beginning of his prophecy, "vision was not widespread" (Shmuel I, 3:1). Or perhaps until this time the prophecies were not recorded because they were not relevant to future generations, as is expressed by the Talmud in tractate Megillah 14a. Or perhaps the Prophets at this time were of such great stature that they did not need to isolate themselves from the populace in order to achieve prophecy through their meditation. Hence they were called Elders. But from the time of Shmuel and thereafter, either due to their own deficiency or that of their generation, they would have to separate from the people in order to prepare themselves for prophecy, and so they were then called "Prophets."

ואחשוב בזה אחד משלשה טעמים. אם שלא נפרצה הנבואה בזמנם עד שבא שמואל שנאמר בהתחלת נבואתו אין חזון נפרץ (שמואל א ג, א). או שלא נכתבה נבואתם לפי שלא הוצרכה לדורות כדאיתא בפ"ק דמגילה (יד ע"א). או אחשוב שהיתה מעלתם כל כך גדולה, שלא היו צריכים להתפרד משאר האנשים בעבור התבודדותם לנבואה ולזה תארו בשם זקנים. ואולם משמואל ואילך אם לחסרון מזגם אם לחסרון דורם היו צריכים להתפרד מהם להכין נפשם לנבואה, ולזה יתוארו כנביאים.

## PART D. FROM PROPHETS TO SAGES

While the Oral Torah was always the method of interpreting and applying the Written Law, nevertheless there was a clear turning point in Jewish history when the written Bible was completed and the Sages of the Mishnah became the main focus of Torah study. That is, at some point in time, prophecy stopped being the main avenue for knowledge of God's Will, and it was replaced with the wisdom of the Sages. Historically speaking, this transition occurred around the beginning of the Second Temple period, fifth century BCE.

### 1. Seder Olam Rabba 30 – Prophecy ceased in the beginning of the Second Temple Period (Fourth Century BCE).

Alexander the Great ruled [over Israel] for twelve years. After that time, no one was endowed with the holy spirit anymore.

הוא אלכסנדרוס מוקדון ששלט י"ב שנה. עד כאן היו הנביאים מתנבאים ברוח הקדש.

The cessation of prophecy coincided with the systemization of the Oral Tradition. It was at this time that the



Sages of the Mishnah came to the fore. A new phase in the history of the Jewish people began as the Sages, beginning with the Men of the Great Assembly, replaced the Prophets.

## 2. Talmud Bava Batra 12a – The Torah Sage is greater than the Prophet.

Rebbi Avdimi of Haifa said: From the day that the Temple was destroyed, prophecy was taken from the Prophets and given to the Sages. But aren't the Sages themselves Prophets?! What he meant is: Even though it [prophecy] was taken from the Prophets, it was not taken from the Sages. Ameimar said: A Sage is greater than a prophet.

אמר רבי אבדימי דמן חיפה מיום שחרב בית המקדש נטלה נבואה מן הנביאים וניתנה לחכמים אטו חכם לאו נביא הוא הכי קאמר אע"פ שנטלה מן הנביאים מן החכמים לא נטלה אמר אממר וחכם עדיף מנביא.

This statement seems a bit confusing. Why does it say that prophecy was taken from the Prophets if the Sages themselves ascended to the level of Prophets?

## 3. Ramban, Bava Batra 12a – While the path of prophecy ceased, the path of wisdom remained intact.

This is what [the Talmud] meant: Even though the way the Prophets experienced prophecy – through visions – was taken away, the form of prophecy used by the Sages, attained through their wisdom, was not taken away. They recognized the truth through the Divine Spirit within them.

הכי קאמר אע"פ שנטלה נבואת הנביאים שהוא המראה והחזון, נבואת החכמים שהיא בדרך החכמה לא נטלה, אלא יודעים האמת ברוח הקדש שבקרבם:

## 4. Rabbi Yom Tov Asevilli, Chidushei Ritva, Bava Batra 12a – The “prophecy” of the Sages is a supernaturally enhanced intellect.

[In other words], the Sages knew intellectually things that ordinary human intellect is not capable of grasping.

פי' שיש שישיגו בשכלם דברים הרבה שאין כח בשכל הטבעי להשיגם.

For more on the transition from prophecy to wisdom, see the Morasha class on Prophecy II, Section III.

## KEY THEMES OF SECTION II.

- ≈ Yehoshua was the first leader of the Jewish people to be responsible to pass on all that Moshe had taught him. But unlike Moshe, Yehoshua could not receive any new laws beyond the 613 mitzvot.
- ≈ The Elders – political and spiritual leaders of the Jewish people – passed on the tradition to their own generations and the ones to follow. Eventually, the Jewish people adopted kings for rulers, but Prophets remained crucial to the process of Torah transmission.
- ≈ As prophecy faded, it was replaced with an intellectual Divine inspiration that enhanced the Sages' Torah wisdom. In the generation of this transition, the Men of the Great Assembly began to organize the teachings of the Oral Torah.

## SECTION III. THE TALMUDIC PERIOD

How did the Oral Torah come to be written down in the form of the Mishnah and Talmud as we have it today?

### PART A. THE MISHNAH

The process of committing the Oral Torah to writing stretched over several centuries. The Men of the Great Assembly (the leaders of the nation at the time of the construction of the second Temple) realized that with the end of prophecy, no books could be added to the Written Torah. One of their tasks was to choose which of the existing books were eligible to be canonized as part of Tanach (what's known as the Hebrew Bible). At the same time, they codified much of the Oral Torah in a system that facilitated its memorization. They began organizing the halachot into treatises and chapters.

This oral tradition had to be handed down word for word, exactly as it had been taught, although at this point the Mishnah had still not been published as a literary work. The text of many of the halachot that later became part of the Mishnah existed long before they were written down, from the era of the First Temple and even beforehand. As it had always been, the Torah scholars of each generation reviewed these halachot countless times. Towards the end of the Second Temple era, the Sages who authored, edited and systematically codified these halachot were known as *Tanna'im*. This word comes from the Aramaic word *tana*, meaning "one who reviews." The teachings of the early Tanna'im were learned, reviewed, and passed on to their students.

1. **Mishnah, Eiduyot 1:3 – Once the halachot were organized in a formal text, the student became responsible for transmitting it exactly as it was taught to him.**

A person is obligated to relay what he was taught using the same text used by his teacher.

אדם חייב לומר בלשון רבו.

Although the Oral Torah was meant to be transmitted by word of mouth, students were permitted to keep personal records. Therefore, many individuals would write down personal notes of what was taught in the academies. Similarly, the heads of the academies would keep written notes in order to accurately preserve the traditions in their own memories. However, since none of these notes could be made public, they were known as "hidden scrolls" (*megillot setarim*).

2. **Rambam, Introduction to Mishnah Torah – Even before the Mishnah was published, students of the Oral Torah would keep written notes of what they had learned.**

From the time of Moshe to Our Holy Rabbi [Yehudah HaNasi], no one composed a written work with which to teach the Oral Torah in public. Rather, in each generation, the head of the court, or a prophet who lived then, wrote down notes on the traditions he had heard from his teachers, for his private use, but he taught in public from memory.

In the same way, each one wrote down, to the best of his ability, the explanations that he had heard about the Torah and its laws, as well as the

ומימות משה רבינו ועד רבינו הקדוש לא חיברו חבור שמלמדין אותו ברבים בתורה שבעל פה. אלא בכל דור ודור ראש בית דין או נביא שהיה באותו הדור כותב לעצמו זכרון השמועות ששמע מרבותיו והוא מלמד על פה ברבים.

וכן כל אחד ואחד כותב לעצמו כפי כחו מביאור התורה ומהלכותיה כמו ששמע. ומדברים שנתחדשו בכל דור

new matters that developed in each generation, which had not been received by oral tradition, but had been deduced using one of the Thirteen Principles for Interpreting the Torah, and had been ratified by the Supreme Rabbinical Court. This was the system until the time of Our Holy Rabbi [Yehudah HaNasi].

ודור בדינים שלא למדום מפי השמועה אלא במדה משלש עשרה מדות והסכימו עליהם בית דין הגדול. וכן היה הדבר תמיד עד רבינו הקדוש.

The system of the halachot was edited over time, especially by Rabbi Akiva (1-121 CE).

### 3. **Rashi to Gittin 67a s.v. Otzar, citing Avot de-Rabbi Nata2n – Rabbi Akiva gave a structure to the method of teaching the Oral Torah.**

To what can Rabbi Akiva be likened? To a pauper who takes his sack and goes out into the fields; he finds barley, harvests it and puts it into his sack, he finds wheat and places it into his sack – so too with beans and lentils. When he arrives home, he separates each species. In the same way Rabbi Akiva heard Scripture from his teachers, and then Midrash, and then Aggadah. He then concentrated on reviewing and memorizing them until he was thoroughly fluent in them. He did not say to himself, “I’ll study Scripture as one subject and Midrash as another subject.” When he became a great Sage, he organized all the Torah into separate texts, creating the Midrash, the Sifri and the Sifra as distinct works. He then taught each of them separately to his students; the Halachot individually and the Aggadah individually.

למה היה ר' עקיבא דומה? לעני שנטל קופתו ויצא לשדה מצא שעורים קצר ונתן בה מצא חטין נתן בה וכן פולים וכן עדשים וכשבא לביתו בירר כל מין ומין לעצמו כך ר"ע כשלמד מרבوتיו שמע דבר מקרא מרבותיו ואחריו הלכה ואחריו מדרש ואחריו אגדה נתן לבו לחזור עליהן ולגורסן עד שהיו סדורין בפיו ולא אמר אלמוד מקרא לעצמו מדרש לעצמו אבל כשנעשה חכם גדול עשה כל התורה מטבעות מטבעות סידר מדרש סיפרי וסיפרא לבדן ושנאן לעצמן לתלמידיו והלכות לעצמן ואגדות לעצמן.

The final, most precise and authoritative redaction of the halachot was engineered by Rabbi Yehudah HaNasi (Judah the Prince). This is the Mishnah that we have today, the basis of the Talmud. This work was completed in 3948 (188 CE). God orchestrated history so that Rabbi Yehudah enjoyed relative peace and cooperation with the governing Romans. This allowed him to convene all existing contemporary Sages and to compare their versions of the Oral Torah. In compiling his work, Rabbi Yehudah and his colleagues made use of the earlier versions of the halachot, filtering out extraneous material and deciding among various disputed opinions and unresolved questions. The Sages of his time unanimously concurred with his decisions and ratified his edition, which he named Mishnah.

### 4. **Sefer Mitzvot Gedolot, Introduction to Negative Commandments – Rabbi Yehudah HaNasi had the political influence to ensure that the Mishnah would be as broadly based as possible.**

In the days of our holy Rabbi [Yehudah HaNasi], who is called simply “Rabbi” in the Mishnah, God enabled him to find favor in the eyes of the Roman Caesar Antoninus. He (Rabbi) gathered all the Sages of the provinces and founded the six Orders of the Mishnah according to tradition.

ובימי רבינו הקדוש הקרוי רבי בלשון משנה שנתן לו הקדוש ברוך הוא חן בעיני אנטינוס מלך רומי וקיבץ כל חכמי הארצות ויסד ששה סדרי משנה על פי הקבלה.

The following is an overview of the structure of the Mishnah:

5. **Rabbi Mordechai Becher, Gateway to Judaism, pp. 481-482 – The Mishnah is structured into six categories of law.**

The Mishnah was redacted during the second century C.E. Following are the six sections, known as *sedarim* (orders).

**1. Seeds – Zerayim**

The first tractate (*masechta*) of this order is Brachot, “Blessings,” containing the laws of blessings, prayers and the synagogue service. The other ten tractates discuss the agricultural laws that apply in the Land of Israel, as well as some that apply outside of Israel.

**2. Times – Moed**

This order deals with the Jewish calendar. It contains 12 tractates discussing Shabbat, festivals, the High Holidays, the Jewish calendar and the fast days.

**3. Women – Nashim**

This order deals with marriage, married life and divorce. Its seven tractates discuss the laws of marriage and divorce, the marriage contract (*ketubah*), incest and adultery, vows and their annulment, and levirate marriages (*yibum* and *chalitzah*).

**4. Damages – Nezikin**

This order deals with civil laws governing a person’s property. Its nine tractates discuss: compensation for damages, returning lost objects, business ethics and trade laws, property and inheritance, jurisprudence, government and the monarchy, laws of bearing testimony, corporal and capital punishments, the prohibition of idol worship, and a court’s responsibilities for its rulings.

**5. Consecrated Property – Kodashim**

Kodashim contains eleven tractates. It discusses the laws of the sacrificial offerings in the Holy Temple; the laws concerning firstborn people and livestock, donations to the Temple treasury and the laws of kosher slaughter and other dietary restrictions.

**6. Purity – Taharot**

Taharot deals with the laws of spiritual purity and impurity (*tumah v’taharah*). Its twelve tractates discuss the laws of family purity, impurity caused by death or *tzara’at* (commonly called leprosy), and the various methods of purifying people and objects. The laws, structure and purpose of the mikveh are also detailed.

**PART B. THE TALMUD**

After the grace period enjoyed by Rabbi Yehudah Hanasi, the Jews’ state of security deteriorated rapidly, and they began to disperse all over the world. The concise nature of the Mishnah was not sufficient to guarantee the survival of the Oral Torah. The Gemara, or Talmud, contains the discussions and interpretations of the Sages on the Mishnah during the three centuries following the redaction of the Mishnah. In the end, Rav Ashi (352-427 CE), together with his academy in Babylonia, undertook to collect all these discussions and set them into writing. Once again, Rav Ashi enjoyed a period of relative peace and prosperity, enabling him to spend most of his life on this project together with his colleague Ravina and thousands of other scholars. After his death, his son, Mar bar Rav Ashi continued the final editing along with Mereimar.

The Babylonian Talmud (*Talmud Bavli*), as it is called, was published in the year 4265 (505 CE). The Sages of the Talmud are called *Amora’im*, which comes from the Aramaic word *meimra*, statement.

1. **Sefer Mitzvot Gedolot, Introduction to Negative Commandments – As things became progressively less stable, the Talmud, which explains the Mishnah, had to be written down as well.**

After [the writing of the Mishnah], the Jews were subjected to terrible persecution. The Sages became dispersed, their intellectual capacities became limited and their questions about the Mishnah became increasingly difficult to resolve. The Amora'im [Sages of the Talmudic era] – Rav in Babylonia and Rav Yochanan in Israel, as well as their students after them – arose and clarified the explanations of the Mishnah and the rationale behind the disparate views presented therein. As time passed, the people were scattered throughout the world and the Sages of each land were not able to find common ground in explaining the Mishnah. Finally, Rav Ashi arose 358 years after the destruction of the Temple...

Rav Ashi was the head of the yeshivot in the exiled Jewish community. Since the time of Rabbi [Yehudah HaNasi], no other individual had enjoyed such a combination of enormous material wealth and Torah erudition (Sanhedrin 36a, Gittin 59a). God gave him favor in the eyes of the Persian king and he convened all the Sages of Israel from each country and they compiled the certified explanation of the Mishnah. This is what is called the Babylonian Talmud, and it was composed with the unanimous consent of all the Sages of that generation.

ואחרי כן עמדו צרות רבות ונתפזרו חכמי הדורות ונולדו ספיקות בביאור המשנה מפני שנתמעטו הלבבות. ועמדו אמוראים, רב בבבל ורבי יוחנן בארץ ישראל, ותלמידיהם אחריהם, וביארו טעמי המשנה ומחלקותיה כאשר האריך הזמן מפני הפיזור הגדול ולא היו חכמי הארצות בדעה אחת ובהסכמה אחת בפירוש המשנה עד שעמד רב אשי בשלש מאות ושמונה וחמשים שנה אחר...

האיש ההוא רב אשי היה ראש ישיבות גליות ישראל, ומימות ר' עד רב אשי לא מצינו תורה וגדולה במקום אחד (סנהדרין לו, א גיטין נט, א), ונתן לו הקדוש ברוך הוא חן בעיני מלך פרס ושלח וקיבץ כל חכמי ישראל שבכל הארצות והעמידו פירוש המשנה על מתכונתו, והוא הנקרא תלמוד בבלי, וסדרוהו בהסכמת כל חכמי הדור.

2. **Rambam, Introduction to Commentary on the Mishnah – The purpose in writing the Talmud was to more fully complete the picture of the Oral Torah in four different ways.**

(1) To explain the Mishnah and all the unresolved disputes over the Mishnah, presenting the valid arguments of each side, recording the claims of each one against his colleague, and determining which argument is accepted as the correct one. This was his foremost goal.

(2) To present halachic decisions wherever the Sages of the Mishnah disputed the halachah, wherever the Mishnah's interpretation is disputed, wherever a halachah deduced from the Mishnah is disputed or wherever there is a dispute whether or not a particular halachah is the same as the rule of the Mishnah.

האחד, ביאור המשנה וכל הפירושים השונים שנאמרו על לשונות המשנה שאין להם הכרע, וטענת כל מפרש על חברו, ובירור הטענה הצודקת, וזו היא המטרה העיקרית במטרותיו.

והשני, פסק הלכה כדברי אחד החולקים שנחלקו במשנה, או בפירושה, או במה שנלמד ממנה, או במה שדמוהו לדברי המשנה.

(3) To record the new applications that the Sages of each generation derived from the Mishnah, explaining the principles and proofs upon which these applications were based, and connecting them to the words of the Mishnah's authors, the Tanna'im. Also, the Talmud includes the *gezeirot* (decrees) and *takanot* (halachic institutions) that were instituted after the time of Rabbi (Yehudah HaNasi) and up to his (Rav Ashi's) time.

(4) To record the teachings of the Aggadata appropriate for the topic of each chapter.

והשלישי, בחדושים שחדשו מן המשנה חכמי כל דור, וביאור הכללים והראיות שלמדו מהם, והסמיכם לדברי התנאים שדברו במשנה, עד שנקבע מדבריהם מה שנקבע, והגזירות, והתקנות, שנעשו מאחר רבינו הקדוש עד זמנו.

והרביעי, דרשות המתאימות לענין כל פרק שיזדמן שראוי בו הדרש.

The Babylonian Talmud was accepted unanimously by all Israel as the binding authority in all questions of religion and law. All subsequent codifications of Torah law are binding only insofar as they are based on the Talmud and concur with its teachings. The sealing of the Talmud marked the end of an era – no longer would it be possible for any Torah scholar or group of scholars to impose any halachic institution that would be binding on the entire Jewish nation.

### 3. **Rambam, Introduction to Mishnah Torah – The legislation recorded in the Talmud was adopted by the entire Jewish people.**

Ravina and Rav Ashi and their colleagues were thus the last of the great Torah scholars of Israel who transmitted the Oral Torah in its entirety. They were also the last to enact *gezeirot* and *takanot* or to introduce binding customs. The *gezeirot*, *takanot* and customs that they instituted became law for all the people of Israel wherever they lived. After this period when the court of Rav Ashi composed the Talmud and his son completed it, the people of Israel were dispersed far more than they had been until then.

After the sealing of the Talmud, any rabbinical court in any city that instituted a *gezeirah*, a *takanah* or a custom and imposed it on that city or a number of cities could not possibly be ratified by the entire Jewish nation. People lived too far away and travel was dangerous. Furthermore, the rabbinical court of any particular town has the status of an individual; the institution of Sanhedrin, a court consisting of seventy-one members, had ceased to function a number of years before the Talmud was composed.

נמצא רבינא ורב אשי וחבריהם. סוף גדולי חכמי ישראל המעתיקים תורה שבעל פה. ושגזרו גזירות והתקינו התקנות והנהיגו מנהגות ופשטו גזירותם ותקנותם ומנהגותם בכל ישראל בכל מקומות מושבותם ואחר בית דין של רב אשי שחיבר הגמרא וגמרו בימי בנו נתפזרו ישראל בכל הארצות פיזור יתר

וכל בית דין שעמד אחר הגמרא בכל מדינה ומדינה וגזר או התקין או הנהיג לבני מדינתו או לבני מדינות רבות לא פשטו מעשיו בכל ישראל מפני רחוק מושבותיהם ושבוש הדרכים. והיות בית דין של אותה המדינה יחידים ובית דין הגדול של שבעים ואחד בטל מכמה שנים קודם חיבור הגמרא.

A second Talmud was also codified, beginning at about the same time as the Talmud Bavli; this took place in the Land of Israel. Rav Yochanan compiled the Yerushalmi (Jerusalem Talmud), followed by Rav Mana



and Rav Yosi bar Bun in 350 CE. The Yerushalmi contains explanations of the Mishnah and the discussions, questions and decisions of the Torah academies in Israel. Agricultural laws in the Land of Israel are explored in detail. Neither the Talmud Yerushalmi nor Bavli covered the entire Mishnah. Where laws are discussed in both, the Halachah is usually followed according to the Bavli, although occasionally the Rambam follows the Yerushalmi.

4. **Artscroll Talmud Yerushalmi, Brachot, Volume I, Preface, pg. xxiv – The foreign occupation of Israel prevented the proper redaction of the Talmud Yerushalmi.**

The Talmud Yerushalmi is one of the fundamental components of the Oral Law...From about 200-350 CE, roughly five generations of Talmudic Sages flourished in the Galilee, the northern part of the land of Israel...Their task was never easy. They lived under brutal Roman occupation and there were periodic episodes of pogrom and persecution. But Torah is the lifeblood of the nation, and with stubborn courage and unfathomable dedication, they persevered, until finally, ruthless anti-Semitism decimated the lands' yeshivot, and the voice of Torah in the land of Israel was silenced. Their teachings lived on, however, in the Talmud Yerushalmi.

The Sages forced to leave the land of Israel joined the Sages already living in Babylonia to continue to teach the Talmud. The period of the Babylonian Talmud lasted for another 150 years, which made it possible for the Babylonian Talmud to be redacted and edited. Its text was refined and its halachic rulings clarified. This had not been possible for the Yerushalmi. In a sense, its sun had set at midday, before it could be put into final form.

Rabbi Yitzchak Alfasi (Rif) who codified the laws of the Talmud Bavli in the Eleventh century writes that the Bavli is viewed as more authoritative:

5. **Rabbi Yitzchal Alfasi (Rif), Sefer HaHalachot to Talmud Bavli, Eruvin 35b – Talmud Bavli was finalized after the Yerushalmi and is viewed as more reliable.**

Although (in this case under discussion) the Talmud Yerushalmi ruled that this is forbidden, we pay no attention to it since our Talmud (the Bavli) ruled that it is permitted. We rely on the rulings of our Talmud since it was edited and written later [than the Yerushalmi]. The Amora'im of the Bavli certainly understood what the Talmud Yerushalmi means better than we do. If they had not been certain that the ruling found in the Talmud Yerushalmi is unreliable, they would not have ruled that this is permitted.

ואנן לא סבירא לן הכי דכיון דסוגיין דגמרא דילן  
להתירא לא איכפת לן במאי דאסרי בגמרא דבני  
מערבא דעל גמרא דילן סמכינן דבתרא הוא ואינהו הוי  
בקיאי בגמ' דבני מערבא טפי מינן ואי לאו דקים להו  
דהאי מימרא דבני מערבא לאו דסמכא הוא לא קא  
שרו ליה אינהו.

Besides the Mishnah and Talmud, the Midrashim and Zohar are other principal compositions of the Oral Torah.

6. **Rabbi Mordechai Becher, Gateway to Judaism, pp. 483-484 – Midrashim were written by many of the same Sages found in the Mishnah and Talmud; the Zohar was codified by the students of Rabbi Shimon bar Yochai.**

**Midrash**

Midrash is a generic term for any of approximately 60 collections of commentaries, stories, metaphors and ethical essays organized according to the Books of the Torah, Prophets and Writings, and it includes commentaries on the letters of the Hebrew alphabet. Most midrashim were composed during the era of the Mishnah and Gemara. Many authors of the Midrash appear in the Mishnah or Gemara.

The central concepts and commentaries of the Midrash are part of the Oral tradition from Sinai. The most famous collections are Midrash Rabba, Midrash Tanchuma, Sifri, Sifra, Mechilta and Yalkut Shimoni.

Regarding Midrash, the Maharal of Prague wrote that, “Most of the words of the Sages were in the form of metaphor and the analogies of the wise...unless they state that a particular story is not a metaphor, it should be assumed that it is a metaphor. Therefore, one should not be surprised to find matters in the words of the Sages that appear to be illogical and far from sensible” (Be’er Hagolah, Fourth Be’er p. 51).

### **Zohar**

The Zohar was composed by the students of Rabbi Shimon bar Yochai, who transcribed his teachings circa 170 C.E. in the Land of Israel. It discusses the concepts of Creation ex nihilo, Divine Providence and its mechanisms, the metaphysical meaning of the commandments of the Torah and the connection between the physical and the spiritual. Its text is in Aramaic, it follows the order of the Five Books of Moshe. The Zohar is the primary text of the Kabbalah, the Torah’s mystical teachings.

There were additional statements of Oral law known as *Breita* and *Tosefta* that also have legal weight, but do not have the elevated status of Mishnah, and were recorded separately from the Mishnah. These teachings are also found throughout the Talmud. See the third class in this series for more on the content of the Oral Torah.

## **7. Rabbi Yitzchak Berkowitz, The Jerusalem Kollel, Klalei Hora’ah, [www.thejerusalemkollel.com](http://www.thejerusalemkollel.com) – The close of the Talmud Bavli ended the era of deriving laws for the entire Jewish people.**

Moshe Rabeinu received the Thirteen Principles with which to approach Torah. We, however, no longer use these principles in an innovative way. In fact, the use of these principles to derive halachah from the written Torah ended with the closing of the Gemara by Ravina and Rav Assi (502 CE). Furthermore, the closing of the Talmud was also the end of the ability of the Sages to promulgate decrees and statutes that would be binding on the entire Jewish nation. After the closing, the Jews were dispersed throughout the Diaspora and there was a general breakdown of communication. Each community became its own island, often having little or no contact with other Jewish communities for years at a time. The decrees and Minhagim (customs) of those communities therefore remained local and not national.

### **KEY THEMES OF SECTION III.**

- ≈ The Men of the Great Assembly began the organization and standardization of the teachings of the Oral Torah. This early text of the halachot was fluid and unfixed. No written text was available to the public, although individuals could write personal notes for their own use.
- ≈ The deteriorating situation of the Jews in Israel necessitated the formalizing of the text of the Oral Torah in its entirety and its transcription in the most concise form possible.
- ≈ During the days of Rabbi Yehudah HaNasi, the Jewish people were enabled to gather and redact all extant versions of the halachot. Eventually, he and his colleagues organized and codified the entire Oral Torah. This work, named Mishnah, was completed around 188 CE.
- ≈ The Mishnah is divided into six orders dealing with the full gamut of Jewish law. As the condition of the Jews in exile deteriorated, the written Mishnah was insufficient to protect the Oral Torah from being forgotten by many. This was remedied by the publication of the Talmud.

- ≈ The Talmud elucidates the rulings recorded in the Mishnah, including many debates regarding these interpretations and a great deal of related information.
- ≈ The Talmud was ratified unanimously by all the Sages of its time and received universal recognition as the most authoritative halachic work of Oral Torah.
- ≈ During this era many other works were compiled. These works complemented the Talmud and included the balance of the Oral Torah, thus ensuring its existence for posterity. Among these are the Jerusalem Talmud, the Midrash and the Zohar.

## SECTION IV. THE POST-TALMUDIC PERIOD

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The chain of transmission of the Oral Torah does not end with the sealing of the Talmud. The Oral Torah was still passed on orally, together with the written Talmud Bavli and other texts, from teacher to student in its entirety. The first generations of scholars following the publication of the Talmud are known as the *Savora'im* (6<sup>th</sup>-8<sup>th</sup> centuries). They were succeeded by the *Gaonim*, the heads of the great Torah academies in Babylon (8<sup>th</sup>-11<sup>th</sup> centuries). After the decline of the community in Babylon, the torch of Torah scholarship shifted to scholars in Europe known as the *Rishonim* (11<sup>th</sup>-15<sup>th</sup> centuries).

### PART A. THE RISHONIM (MEDIEVAL HALACHIC AUTHORITIES)

*Jewish history works in strange and surprising ways. A perfect example is how the Diaspora spread from Babylonia to North Africa and Spain. Oddly enough, it began with a kidnapping.*

*For centuries, the yeshivas of Babylonia, the birthplace of the Talmud, were the center of Jewish life. At the end of the 8th century, however, they faced a serious economic crisis, as yeshivas are wont to do. They therefore adopted the time-honored formula of sending fundraisers overseas. And because the situation was so desperate, they did not just send out any collectors. They sent the heads of the yeshivas themselves, along with their wives and families. The names of three of them are known to us: Rabbi Shmaryahu, Rabbi Chushiel, and Rabbi Moshe. The fourth man has remained anonymous.*

*The four great rabbis set out together, but in those times, the Mediterranean was a dangerous place. Aside from the storms and the uncertain fate of ships, pirates abounded. And not only did these pirates look for booty, they looked for people whom they could kidnap and sell on the slave market.*

*The pirates knew that if they could capture Jews, especially prominent Jews, they could collect a great ransom...Aware of this, the pirates were always on the lookout. They had spies, informers who told them, "This-and-this ship is sailing from this-and-this port with these-and-these people." The pirates got wind of the fact that there were four great rabbis on this ship, and two or three days out of port, the rabbis were captured.*

*The rabbis were brought to the slave markets in Alexandria, where Rabbi Shmaryahu was ransomed. But the pirates were unable to get a high enough price for all four rabbis, so the remaining captives were brought west to the slave markets of Tunis and Fez.*

*Back then, Tunis and Fez were like the Western frontier. There were Jews there, but they were never able to attract great rabbinic leadership. So now they saw a golden opportunity, and they struck a deal. They told the pirates, "Before we bid on the rabbis, we'd like to talk to them." Then they made the rabbis an offer. They would ransom them, but they wanted them to stay and build up a thriving Jewish community.*

*Rabbi Chushiel and his son Rabbi Chananel agreed. Rabbi Moshe was ransomed in Spain, though according to the legend, his wife, unfortunately, threw herself into the Mediterranean and drowned rather than submit to the advances of the pirate leader. The fourth rabbi was sold off in Sicily.*

*From these rabbis grew strong Jewish communities, and that is how the scene began to shift. It only takes a few great people to make a difference. The four rabbis built yeshivas, and eventually students emigrated to come and learn with them. They set a standard that changed the entire complexion of Jewish life so that within 50 to 80 years, North African Jewry no longer felt subservient to Babylonian rule. And that is how the west opened up. Jewish history develops through unexpected twists and turns. (From Rabbi Berel Wein, Jewishhistory.org)*

The spread of Torah wisdom that resulted from this incident sparked the age of the Rishonim. This period saw a proliferation of Torah scholarship throughout the Jewish world. We have a vast array of writings from this period.

**1. Rabbi Daniel Mann, ed., *Living the Halachic Process*, Introduction, pg. 9 – The Rishonim produced commentaries on the Talmud.**

The Rishonim “opened up” the Talmud and halachah, enabling their students and people in future generations to maintain coherent and organized study on many levels. The early Rishonim were particularly crucial in this regard. Some 950 years ago, Rashi (Rabbi Shlomo ben Yitzchak) wrote one of the first running commentaries on almost all of Talmud Bavli, and it remains the most popular one to this day. In the following generations, scholars from France-Germany developed a method of study and wrote comments dealing with difficult or contradictory passages of the Talmud, and the collection of these comments came to be called Tosafot. Many of the Tosafot’s comments are critiques of Rashi’s work. The commentaries of Rashi and Tosafot frame the Gemara in standard editions of the Talmud. Tosafot is not a running commentary, but it discusses, often in depth, individual aspects of the Gemara where Rashi’s comments had left room for further discussion.

Other Rishonim (to whom we refer according to their acronyms, Rabbi X son of Y) who incorporated the teachings of Tosafot in their writings are (in chronological order) Ramban, Rashba, Ran, and Ritva. Unlike Rashi and the authors of Tosafot, these scholars lived in Spain. The commentaries of these Rishonim – known as *Chidushei* (the novel ideas of) *HaRamban*, *HaRashba* etc. – heavily influenced how practical halachah was determined.

Nevertheless, the most direct and profound impact on the world of halachah was brought about by summarizers and codifiers, not commentators. One of the earliest Spanish Rishonim, Rabeinu Yitzchak Alfasi (Rif) was considered the leading halachic expert of his time. His written work is much like a condensed version of the Talmud, presenting the halachic conclusions without the debates through which the Talmud reaches those conclusions. Some 300 years later, Rabeinu Asher (Rosh) of Germany and Spain wrote a work combining the style of Rif with the teachings of the Tosafot. One of the greatest, and certainly the most famous scholar and personality of the era of the Rishonim, was Rabeinu Moshe ben Maimon (Rambam), who lived during the twelfth century. He wrote *Yad Hachazakah* (or *Mishneh Torah*), unquestionably the most important halachic code of this era.

The significance of these codifications of halachah will be developed more fully in the last class in this series, “The Halachic Process.” At this point, though, our purpose is just to familiarize ourselves with this era of Jewish history and its most important personalities.

**2. Rabbi Mordechai Becher, *Gateway to Judaism*, pp. 484-485 – Among the Rishonim are some of the most influential names in Judaism.**

The period of the Rishonim starts from approximately the 11<sup>th</sup> century C.E. and extends to the 15<sup>th</sup> century. Among the most famous Rishonim are:

**Rashi** (Ra-she) is an acronym for Rabeinu Shlomo Yitzhaki, a French scholar born in 1040. He was a prolific writer and one of the most popular medieval commentators. Rashi wrote commentaries on the Five Books of Moshe, the Prophets, the Writings and the Talmud. His works are such an essential part of Jewish literature, that Jewish tradition now considers it mandatory for every Jew to study the Torah with Rashi's commentary weekly.

**Tosafot** literally means “additions,” and refers to commentaries on the Talmud written by a number of schools of scholars from the 13<sup>th</sup>-15<sup>th</sup> centuries. The scholars lived mostly in France, Germany and England. Several of the major teachers and leaders of these schools were grandchildren of Rashi. These commentaries are found on the page of all standard editions of the Talmud.

**Rif** is an acronym for Rabeinu Yitzchak Alfasi, Rabbi Isaac of Fez (Morocco). The Rif lived from 1013-1103 and wrote one of the earliest Jewish legal tracts. He condensed the Talmud, leaving out much debate and other parts not relevant as law (halachah). His authoritative work is the basis for much of the codification of Jewish Law.

**Rosh** is an acronym for Rabeinu Asher, who lived from 1250-1327. He lived in Germany and eventually became a leader of the Jewish community in Spain. He is best known for his codification of the legal parts of the Talmud in a style that combines the discussions of the Tosafot and the codification of the Rif.

**Maimonides**, or Rabeinu Moshe ben Maimon, or Rambam (RAHMBahm), was one of the first codifiers of Jewish law. His 14-volume Mishneh Torah covers the entire gamut of Jewish law, belief and practice. He was born in Spain in 1135, lived most of his life in Egypt, and died there in 1204 (though he is buried in Tiberias, Israel). His other works include an extensive commentary on the Mishnah, the Book of Mitzvot that enumerates and explains all 613 commandments, the Guide for the Perplexed presenting a reconciliation of Judaism with Greek and Arabic philosophy, as well as many letters and responsa. He was also a famous physician who wrote numerous medical treatises.

**Nachmanides**, Rabeinu Moshe ben Nachman, is also known by his acronym Ramban (rahm-BAHN). He was born in Spain in 1195, where he lived for most of his life, and died in the Land of Israel in 1270 after immigrating there in his later years. Nachmanides wrote commentaries on the Five Books of Moshe, the Talmud, and a number of books of the Tanach. He is considered one of the greatest of the Kabbalists and his commentary on the Torah contains many mystical insights.

**Rashba** is an acronym for Rabeinu Shlomo ben Avraham ibn Aderet, i.e., Rabbi Solomon son of Abraham son of Aderet. The Rashba lived from 1235-1310, and was a disciple of Nachmanides. He wrote a commentary on the Talmud, various works on Jewish law, and authored thousands of responsa to Jews on virtually every subject in Judaism. He lived in Barcelona, and was the leader of all Spanish Jewry.

Hence, the Rishonim, whose traditions are traced to either Rashi or Rambam, are further links in the chain of tradition going all the way back to Moshe Rabeinu himself. The following is an example of the Rishonim tracking their oral tradition back to the Gaonim, who traced their tradition back to the Amora'im of the Talmud.

### 3. **Rabbi Shlomo Luria (1510-1574), Responsa of Maharshal 29 – The Ashkenazi chain of tradition from the Gaonim to the Rishonim, with Rashi as the most vital link.**

Question: Please teach us the chain of tradition of the scholars who have authored books.

שאלה יורנו מורנו סדר היחס בין הגאונים המחברים  
ספרים...

...I will copy what I have found written: Rav Hai [Gaon/the Genius – the title of the generation's Sage] received the Torah tradition from Rav Sherira Gaon, his father, and he was instated as the Gaon when he was twenty years old in 4736 (976 CE). After his tenure the era of the Gaonim came to an end. Rabeinu Gershom, the Light of the Exiles, received the tradition from Rav Hai and he passed away in 4800 (1040)... [Another disciple of Rabeinu Gershom] was Rabeinu Yaakov bar Yakar... Rabeinu Shlomo, known as Rashi, received the tradition from Rabeinu Yaakov bar Yakar...

אעתיק לך מה שמצאתי הועתק רב האי קיבל תורה מרב שרירא גאון אביו וסמכו לגאונות בן עשרים שנה שנת ד' אלפים ותשל"ו לבריאה משם ואילך פסקו הגאונים ורבינו גרשום מ"ה קיבל מרב האי ונפטר שנת ד' אלפים ות"ת.... ומהם ר' יעקב הזקן בר יקר... ורבינו שלמה הנקרא רש"י קבל מרבי יצחק בר יקר

## PART B. THE ACHARONIM (EARLY MODERN HALACHIC AUTHORITIES)

Following the period of the Rishonim is that of the Acharonim, the “later” authorities, who began to flourish in the early modern period (1500-1850). The Torah scholarship that continues to this day still follows the pattern set by these Acharonim. The process of transmission for the Acharonim differed from that of the Rishonim, who continued multiple, parallel lines of Torah transmission from the Gaonim – from teacher to student. The Acharonim did not only have teachers in the chain from the Rishonim, they also received manuscripts collected from among the Rishonim that enabled them to digest and apply the full range of Torah that had progressed up to this time.

1. **Rabbi Yitzchak Berkowitz, The Jerusalem Kollel, Klalei Hora'ah # 7 – The Rishonim had a direct tradition from their teachers going back to Moshe Rabeinu. The tradition of the Acharonim was based both on their teachers and on manuscripts from the Rishonim.**

The Rishonim continued a direct line of tradition from their respective rabbis, from teacher to student, all the way back to Moshe Rabeinu. Moreover, almost all the Rishonim passed on the tradition that they received directly from their teachers without the need for critical challenges. The exceptions are the Rambam who occasionally questioned his father's teacher, the Ri Migash; and the Baalei Tosafot who questioned Rashi.

The Acharonim were different in their reception and analysis of the chain of tradition. The Acharonim received and worked on manuscripts of multiple Rishonim. Many of these manuscripts were collected and distributed by Rabbi Bezalel Ashkenazi known by his work, the Shitah Mekubetzet.

2. **Rabbi Hersh Goldwurm, The Early Acharonim, pp. 15-16 – The major upheavals in Jewish history had a paradoxical effect on Torah scholarship.**

In the fifteenth century drastic changes were beginning to occur. Travel between countries was becoming less difficult and more frequent, and the invention of the printing press made the dissemination of ideas and scholarship easier by far than it had been previously. The expulsion of Spanish Jewry from its fatherland brought the exiles into contact with other Jews in many lands (e.g., Turkey and Italy), and the acceptance of Rabbi Yosef Karo's Shulchan Aruch as “the” authoritative code for Jewish law did much to fuse the two branches of Jewry (Sephardi and Ashkenazi), unifying both within a common religious and scholarly heritage...

Another striking phenomenon about the fifteenth century is the plethora of expulsions it brought for



world Jewry. In addition to the dramatic expulsion of the Jews from the entire Iberian Peninsula, a host of smaller expulsions and persecutions were visited upon the Jews of Germany and Austria. These banishments resulted in far-reaching shifts in Jewish population. The Spanish Jews settled mostly in the countries ringing the Mediterranean Sea, with the greatest number going to Turkey, and with sizable groups settling in Italy, Egypt, and Morocco. The German Jews immigrated in masses to the countries of Eastern Europe – Poland, Bohemia and Moravia.

The impact these mass upheavals had on Torah scholarship is paradoxical. Both in the Sephardic and Ashkenazic groups we find an almost unprecedented sudden surge in Torah scholarship. The fundamental works in both halachah and Kabbalah, which were to have the profoundest impact upon following generations of Jews, were written during this era; the Shulchan Aruch, under the joint authorship of Rabbi Yosef Karo and Rabbi Moshe Isserles, and the Kabbalistic works of Rabbi Yitzchak Luria (the Arizal), Rabbi Chaim Vital, and Rabbi Moshe Cordovero were composed during this period

3. **Rabbi Zechariah Fendel, *The Anvil of Sinai, Volume II*, pp. 485-486 – The Acharonim continued the tradition of clarifying and codifying the works of those who preceded them – namely, the Rishonim.**

The Amoraim saw as their primary function the elucidation and clarification of virtually every word and every letter of the Mishnah, while in a similar vein, the generations which followed the close of the Talmud saw as their primary function the clarification of the complexities and ambiguities of the vast *Yam haTalmud* – the bottomless ocean of Talmudic wisdom.

And so it was now, with the onset of the period of the Acharonim, that almost all of the prolific literary activity revolved around the works of the Rishonim and the early *Poskim* (halachic authorities). There were those who devoted their not inconsiderable talents and energies to codifying the vast array of halachic material of the Rishonim, in lucid, systematic codes. There were those who devoted their efforts primarily to the clarification of the words of Rashi and Tosafot. And then, when the Shulchan Aruch began to gain widespread recognition, there were many who devoted their time and energy to the task of interpreting and elucidating the words of the Shulchan Aruch and the Rema, clarifying their ambiguities, articulating dissenting opinions, and gathering a vast repository of information relevant to the halachic discussions in every chapter of the Shulchan Aruch, from the almost unlimited wealth of responsa material which had emanated from the pens of the greatest Torah scholars of each generation.

4. **Rabbi Mordechai Becher, *Gateway to Judaism*, pg. 486 –The Shulchan Aruch is a systematic codification of Jewish law.**

**Code of Jewish Law (Shulchan Aruch)**

Shulchan Aruch means the “Set Table” because it arranges Jewish law systematically. It contains four sections:

1. Orach Chaim – the laws of daily practice, Sabbaths and festivals
2. Yoreh Deah – the laws of Kashrut, mourning, family purity, vows, circumcision, Torah scrolls and conversion
3. Choshen Mishpat – the laws of business, finance, contracts, jurisprudence, torts and damages
4. Even HaEzer – the laws of marriage and divorce

The Shulchan Aruch was written in Tzfat in approximately 1560 C.E. by Rabbi Yosef Karo, a Sephardic scholar. Current editions also contain the concurrent rulings and comments of Rabbi Moshe Isserles of Krakow, regarding European Jewish customs (Ashkenazic).

5. **Ibid., The major figures amongst the Acharonim are known for their contributions to Jewish law and thought.**

The period of the Acharonim starts from approximately the 15th century C.E. and extends to contemporary times...

In the last 150 years, Torah study and halachic rulings have been enriched by Rabbi Chaim Soloveichik; Rabbi Yisrael Meir Kagan, known as the Chafetz Chaim; and Rabbi Moshe Feinstein, to name just a few. These scholars wrote commentaries on the Talmud and the Written Law, works of philosophy and ethics, and responsa.

Responsa are the responses of Torah scholars to questions of Jewish law posed by both laymen and experts. These scholars apply the law and philosophy of Judaism to the changing circumstances of Jewish life; to technological and social innovations; to medical issues; and to other aspects of contemporary living. Responsa literature provides insight into the workings of Jewish law, and reveals the concerns of Jews around the world and throughout the ages.

#### KEY THEMES OF SECTION IV.

- The Rishonim, who could trace their links back to the Talmud and therefore ultimately back to Moshe, developed Talmudic commentaries and halachic compendia.
- Some of the most well-known authors in Jewish history emerged at this time, including Rashi and Rambam.
- The Acharonim, who followed the Rishonim, carried on the tradition of clarifying and codifying the works of their predecessors.
- The most contemporary of Acharonim are known mainly for their responsa literature – their scholarly answers to halachic questions posed to them.

## CLASS SUMMARY:

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### HOW WAS THE ORAL TORAH TRANSMITTED FROM ONE GENERATION TO THE NEXT?

The Oral Torah was transmitted in its entirety from teacher to student for many generations. While in each generation there was always one leader who assumed responsibility for the proper transmission of the Oral Torah, in reality he was backed by hundreds if not thousands of students who also learned, memorized, and transmitted it.

The Oral Torah was also transmitted in the daily halachic practices of the Jewish people that have continued in uniform fashion for thousands of years.

### IF THE SAGES OF THE MISHNAH AND TALMUD WERE REALLY THE BEARERS OF AN ANCIENT TRADITION, WHY DO WE NOT HAVE WRITTEN RECORD PRIOR TO THEIR FORMAL PUBLICATION?

First of all, we do possess the full Written Torah that the Mishnah and Talmud come to elucidate. In contrast, the Oral Torah was intentionally not written until its formal redaction as the Mishnah and Talmud to ensure the full advantages of the Oral Torah described in the previous class.

The Prophets had always been bearers of the tradition, but when prophecy ceased as a mode of communication from God, the wisdom of the Sages took center stage. Historically speaking, this transition occurred around the beginning of the Second Temple period, fifth century BCE.

In the generation of this metamorphosis, the Men of the Great Assembly began to organize the teachings of the Oral Torah.

### HOW WERE THE MISHNAH AND TALMUD COMPOSED?

The Mishnah developed over time, but its material was first organized by the Men of the Great Assembly and the early Tanna'im, including Rabbi Akiva.

As the physical situation of the Jewish people deteriorated, it became necessary to publish an authoritative text of the entire Oral Torah for posterity. This was done by Rabbi Yehudah HaNasi and his generation of scholars around 188 CE.

Eventually, the Mishnah was no longer enough to maintain the transmission of the Oral Torah. At that time, the Gemara, or Talmud, was published. It elucidates the Mishnah's rulings and adds material left out of the Mishnah.

### DID THE CHAIN OF TRADITION END WITH THE TALMUD?

The chain of tradition did not end with the closing of the Talmud. While the Jewish people continued to spread around the world, the direct line of transmission, from teacher to student, could still be traced among the medieval Jewish scholars.

These scholars produced works – commentaries of the Talmud and codifications of halachah – which are the foundation of Jewish law and learning to this day.

Through this class and the last, we have reviewed evidence for the existence of the Oral Torah, understood its necessity and advantages, clarified its method of transmission, and externally verified its authenticity. In the next class, Rabbinic Authority, we will examine the qualifications of those who transmitted the Oral Torah and still speak in its name today...

## **ADDITIONAL SOURCES:**

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Rabbi Aryeh Kaplan, Handbook of Jewish Thought, Volume 1, Chapters 9 & 12

Rabbi H. Chaim Schimmel, The Oral Torah, Chapter 7

“A Rational Approach to the Divinity of the Oral Tradition” by Rabbi Lawrence Kelemen from [www.simpletoremember.com](http://www.simpletoremember.com)