

# מוסדות אור שמח מרכז טננבאום ע.ה. 58-

00-21343-00

רח' שמעון הצדיק 22-28 ירושלים ת.ד. 18103

טל: 02-581-0315

## Michtav Bracha

Adar 5783

Rambam in his introduction to Perek Chelek describes three approaches to aggada-one approach is maintained by God-fearing people who believe that every midrash or aggada must be true and truth is defined by literal factuality. These are the pious misguided. A second group simply treats aggada as false and regard the sages as either fools or liars. This group denies the authenticity of the mesorah. Rambam concludes that both extremes are incorrect. All of the teachings of Chazal express fundamental truth but in many cases (not all!), the meaning of that truth is metaphorical and spiritual, not always meant absolutely literally.

In many ways, we have the same groupings with respect to understanding the Talmud, i.e., both Mishna and Gemara. There are well meaning sincere Jews who assert that every word of these texts was transmitted by Hashem to Moshe and passed down orally from generation to generation until the traditions had to be written down due to the dangers of forgetfulness, a position that reduces R. Akiva, Rav, Shmuel and all of the tannaim and amoraim to actors reading a script (of course, what script would they be reading from if nothing was in writing yet?) having no input into the process other than saying over whatever was received. Anyone reading the give and take, the flow of discussion, the questions, answers and refutations within any sugya should readily see how absurd this understanding is. But, at the other extreme, some look at Talmud as an entirely man-made construct with all claims relating to the Divine nature of the Oral law as nothing more than lies to bolster rabbinic authority.

So pick your poison - foolish naivete or pernicious heresy. But the truth is more complex and nuanced. It comprises two truths that stand in dialectical tension: on one hand, the Divinity of the Torah Sheba'al Peh is a fundamental principle of the Jewish religion. God gave Moshe not only the text of what is known as the Chamisha Chumshei Torah but the oral interpretations of how those commandments were to be carried out. On the other hand, the repository of that same Oral Law was very much a human document recording debates and discussions of hundreds of scholars over hundreds of years. How can both these truths exist? How

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does one synthesize the literary creation of the Talmud which implicitly incorporates a great deal of human creativity with the Divine authority of an immutable Torah Sheba'al Peh?

Rabbi Shmuel Phillips tackles this fundamental question along with many others. In *Talmud Reclaimed*, he discusses in great detail the nature of the Oral Law, rabbinic authority, the role of drasha as either a source of new law or confirmation of older preexisting traditions, the distinction between rabbinic interpretation and rabbinic legislation, the nature of machlokes, the authority of Sanhedrin and how the halachic system operates in the absence of a Sanhedrin.

He draws on a wide variety of sources: the various statements in the Talmud itself, the famous introductions of Rambam to the Mishna, Mishna Torah and Perek Chelek; the earlier Iggeres of R. Sherira Gaon; the pioneering 19th Century books of R. Tzvi Hirsch Chayes - one of the rare gedolim who devoted much time and effort to elucidating these problems. He also incorporates useful insights from academic literature when those insights do not contradict the principles of our mesorah. In that respect, he follows in the footsteps of gedolim such as R. Dovid Tzvi Hoffman and R. Yechiel Yaakov Weinberg who in turn are following Rambam's directive of Kabel Ha'emes mimi sheamro. In addition to these fundamental questions, Rabbi Phillips offers fascinating discussions of how the Talmud was studied over the centuries, how different styles of interpretation were developed, and how this led to different halachic practices among Ashkenazim and Sefardim.

All in all, this is a very impressive work on many levels. It is well written, well organized, extensively researched, scholarly but absolutely faithful to the mesorah. It addresses important questions in a way that will be helpful both to the novice and to the seasoned talmid chacham. It should be noted that Rabbi Phillips has already authored a masterful book *Judaism Reclaimed* which received wide acclaim. He has in my judgment surpassed himself with this book and we can eagerly look forward to seeing more of the fruits of his Torah scholarship ad meah v'esrim v'od.

With Admiration and Gratitude,

Yitzchak A. Breitowitz  
Rav, Kehillas Ohr Somayach

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Yerushalayim