

**Rosh Yeshiva**

Rabbi Yitzchak Berkovits

Rosh Yeshiva

Rabbi Dovid Rosman

Chief Executive Officer

Rabbi Steven Burg

Executive Director

Rabbi Ben Gonsher

Founder

Rabbi Noah Weinberg zt"l

Board of Governors

Jake Aronov

Steven Bram

Allen Isaac Gross

Andrea Dan-Hytman

Dr. Stuart Hytman

Jerry Lieberman

Louis Mayberg

David Moore

Sandra Schiff

Henry Siegel

Dan Family Aish World Center

One Western Wall Plaza

Old City, Jerusalem

POB 14149, Israel 9114101

02-628-5666

US Headquarters

915 Clifton Avenue

Suite #4

Clifton, NJ 07013

973-833-3313

aish.com

Chazal teach us that Moshe was given the entire Oral Law at Sinai.

What form was the Oral Law in? Was it an early form of Mishna? Of Midrash? Perhaps a running commentary on the Chumash? Was it a list of rules or perhaps a conversation?

We don't really know.

And you know something? We don't really care!

The "original" would be irrelevant at best, and probably misleading.

Rav Shrirah Gaon seems to suggest that the Oral Law is comprised of abstract concepts that are communicated by way of case and story. Not unlike secular law, the best way to communicate abstract principles is by a comparative study of cases. It was the responsibility of every teacher to come up with the appropriate scenarios that would best illustrate the underlying principles.

The prohibition of writing down the Oral Law was understood not as merely outlawing putting the words down on paper (or parchment.) Any attempt to create a sacred text even to be memorized and recited by heart would equally be prohibited. With cultural and technological changes, the very same situation could translate differently in one generation than it did generations before, resulting in an inaccurate understanding of the halachic principles.

In fact, the flexibility of the medium is the most effective means by which to preserve the accuracy of the message. Were we to be studying scenarios out of daily life in Egypt the odds are we would totally miss the principles.

The establishment of Mishnah and Talmud as standardized texts for the transmission of the Oral Law only came in response to the many discrepancies in defining the principles that arose towards the end of the second temple era and the generations that followed.

But the Talmud contains much more than the principles that make up the Oral Law. It also incorporates rabbinical law, age old custom, and the secrets of character development. Not always is there agreement or clarity over what is Oral Law dating back to Sinai and what is rabbinical. What is rabbinical interpretation of the Oral Law and what is rabbinical ordinance.

And then comes the question of just how we are to determine halacha where different opinions are cited.

Rabbi Shmuel Phillips has compiled a comprehensive, well researched work to help clarify different approaches in deciphering what is behind the multitude of discussions and stories of the Talmud and the process of deriving halacha from them. This work should help clarify and provoke discussion among those who seek to understand all of these issues and more. It is scholarly, interesting and clear and I am sure so many will benefit from reading it.



May HaSHem Give him the means to continue to produce high quality informative works to clarify important aspects of Judaism to the masses.

Bivracha,

Yitzchak Berkovits

Rosh Yeshiva

Rabbi Yitzchak Berkovits

Rosh Yeshiva

Rabbi Dovid Rosman

Chief Executive Officer

Rabbi Steven Burg

Executive Director

Rabbi Ben Gonsher

Founder

Rabbi Noah Weinberg zt"l

Board of Governors

Jake Aronov

Steven Bram

Allen Isaac Gross

Andrea Dan-Hytman

Dr. Stuart Hytman

Jerry Lieberman

Louis Mayberg

David Moore

Sandra Schiff

Henry Siegel

Dan Family Aish World Center

One Western Wall Plaza

Old City, Jerusalem

POB 14149, Israel 9114101

02-628-5666

US Headquarters

915 Clifton Avenue

Suite #4

Clifton, NJ 07013

973-833-3313

aish.com