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PROPHETS AND PROPHECY IN TALMUD AND MIDRASH

III. THE PROPHETS AND THE LAW

ACCORDING to R. Huna¹ in the name of Resh Lakish (Lev. R. xix. i.):

The Torah preceded the Creation of the Universe by 2,000 years since it is said: "Then I was by him, as one brought up with him, and I was daily his delight, rejoicing always before him" (Prov. viii. 30); and the day of the Holy One, blessed be He, is one of a thousand years, as is said: "For a thousand years in Thy sight are but as yesterday when it is past" (Ps. xc. 4).

We need not take too seriously such calculations of just how long before creation the Law pre-existed; what is significant is that what was originally applied to Hokhmah ("Wisdom") is appropriated by the Midrash for Torah ("Law"). Hokhmah for the Rabbis could only mean Torah; likewise prophecy is swallowed up in Torah. Let us remember that, whereas the critic tends to think of the Law and the prophets as on the whole mutually antagonistic, to Talmudic Rabbis the Bible was a complete whole. They were right in seeing a relationship between Law and prophets, though they carried this too far in reading the Law and nothing but the Law into the prophets. Then they could not hear the prophets speak plainly for themselves.

According to the Rabbis the Law was given at Sinai in all its complete ramifications; cf. Eccles. R. i. 9, 1:

"Is there anything whereof it may be said: See, this is new?" (Eccles. i. 10). It is written: "And the Lord delivered unto me two tables of stone written with the finger of God; and on them was written according to all the words which the Lord spake with you" (Deut. ix. 10). R. Joshua b. Levi² said: "(The text has not) 'on them' but 'and on them', (not) 'all' but 'according to all', (not) 'words' but 'the words', (not) 'the commandment' but 'all the commandments'. This is to teach you that Scripture, Mishnah, halakoth, oral laws not included in the Mishnah, homiletical expositions, and the decisions to be hereafter given by eminent scholars already existed and were communicated as a Law to Moses from Sinai. Whence do we know this? From what is written: Is there a thing whereof it may be said: See this is new?—were a scholar to maintain this, behold his colleague can prove to him, 'It hath been already'."

¹ Ben Abia, fourth-generation Palestinian Amora, pupil and tradent of Jeremiah and Aha, resided for a time in Babylonia: his principal pupil was Tanchuma bar Abba.

² First-generation Palestinian Amora, first half of third century, noted for his occupation with Haggada.

This view can be paralleled throughout the Talmud and is to a great extent an underlying principle of the Talmud (cf. Bacher, *Tradition und Tradenten*, on *Halachoth le-Mosheh mis-Sinai*). But it was not only what the Rabbis taught or might teach which had been said at Sinai. Everything that the prophets said had been said there too. If we could believe such a view, then the Rabbis indeed put prophecy into action. Eccles. R. i. 10 tells us:

If you have heard Torah from the mouth of a scholar let it be in your estimation as if your ears had heard it from Mount Sinai, but also each of the Sages that arose in every generation received his (wisdom) from Sinai, for so it says "That is what the prophet rebukes the people for when he tells them (Isa. xlvi. 16): 'Come ye near unto me, hear ye this; I have not spoken in secret from the beginning; from the time that it was, there am I'" [i.e. the prophet was figuratively present at Sinai when the Torah was revealed and consequently he was not delivering a new message]. Then they said to him "(If you were present at the Revelation) why have you not told us (this teaching before)?" He replied to them, "Because chambers (for the reception of prophecy) had not been created within me, but now that they have been created within me, 'now the Lord God and His Spirit hath sent me'."

His prophecy was from the days of Moses, but he had to wait for the appointed time to deliver it.¹

Another explanation of "And God spoke all these words, saying" is given by R. Isaac.² He said:

The prophets received from Sinai the messages they were to prophesy to subsequent generations: for Moses told Israel: "But with him that standeth here with us this day, before the Lord our God, and also with him that is not here with us this day," etc. (Deut. xxix. 15). It does not say "that is not here standing with us this day," but just "with us this day", these are the souls that will one day be created, and because there is not yet any substance in them the word "standing" is not used with them. Although they did not yet exist still each one received his share (of the Torah): for so it says: "The burden of the Lord to Israel by Malachi" (Mal. i. 1). It does not say "in the days of Malachi", but "by Malachi", for his prophecy was already with him, since Sinai, but hitherto permission was not given him to prophesy. So Isaiah said: "From the time that it was there am I" (xlvi. 16). Isaiah said: "I was present at the revelation on Sinai whence I received this prophecy, only—'And now the Lord God and His Spirit hath sent me'" (ibid.): for hitherto no permission was given to him to prophesy. Not only did all the prophets receive their prophecy³ from Sinai, but also each of

¹ Ex. R. (*Yithro*) xxviii. 6; cf. also for parallel the Midrash *Tanchuma*, *Parashah Yithro* 96 (Warsaw, 1879).

² Palestinian Amora, third generation, pupil of Johanan, and prolific Haggadist, though prominent also as a Halakist.

³ Actually the desert origin of Prophecy raises a point worth noticing. It would seem to have been sanctioned by Elijah's commission at Sinai (yet he had been known as a prophet before). But could the spirit of prophecy come on a man in a foreign land? Despite the fact that it is frequently declared that the prophets were all in the spirit with Moses at Sinai, yet it would seem that, fairly early, others thought prophecy could not come on a man in a foreign land (cf. *Mek. Bo*. i.; *Targ. Ezek.* i. 3); cf. *M.K.* 25a, where

the Sages that arose in every generation received his (wisdom) from Sinai, for so it says: "These words the Lord spake unto all your assembly with a great voice; and He added no more" (Deut. v. 22).¹ R. Johanan said: "It was one voice that divided itself into seven voices and these into seventy languages." R. Simeon said: "(It was the voice) from which all the subsequent prophets received their prophecy." The Sages said: "It had no echo."

Besides, it was only natural that Prophecy should be traced back to the formative Wilderness period, when all the other characteristic institutions of Israel are said to have originated there. So we find in Cant. R. iii. 6, 1:

The Torah came from the wilderness, the Tabernacle from the wilderness, the Sanhedrin from the wilderness, the Priesthood from the wilderness, the service of the Levites from the wilderness, royalty from the wilderness, as it says, "Prophecy was from the wilderness ('And ye shall be unto me a kingdom of priests')". Thus Israel's elevation was from the wilderness.

But apart from a possible desire to claim a desert origin for prophecy, there is real ground for this statement in Cant. R. iii. 6, 2 (especially if the whole Pentateuch is regarded as entirely by Moses), for Moses is regarded by the Rabbis as a prophet. Was not then the revelation to Moses at Sinai the first prophecy? Elsewhere of course we find the patriarchs as prophets. Actually the Lawgiver figures almost exclusively as a prophet in Rabbinic writing despite the priestly act of the covenant in Ex. xxiv. In fact Esther R., Proem. 10, speaks of Aaron the first of priests, Moses the first of prophets.² But the stress on Moses' prophetic function is not more surprising than the emphasis on the equality of Aaron the priest with Moses, cf. Cant. R. iv. 5, 1:

"Thy two breasts": these are Moses and Aaron. Just as the breasts are the beauty and the ornament of a woman, so Moses and Aaron were the beauty and

it is said in the case of Ezekiel that the spirit of prophecy would not have come upon him in a foreign land, if he had not started prophesying in Palestine; Elijah would be a similar case. While this statement regarding Ezekiel shows the nationalist particularistic attitude, it would be rash to say that the upholders of the desert origin of Prophecy were universalistic. The latter were merely stressing the unity of Law and prophetic revelations; the former, dealing with Ezekiel's case, are stressing that prophecy is a Palestinian Israelite phenomenon. Both are primarily particularistic. Neither are stressing various aspects of the same thing, and they could probably have agreed to both statements.

Judah Ha-Levi (*Cuzari* i. 95) confines prophecy to Palestine and Israel, the one land and the one people respectively of prophecy: Abraham, he says, (*ib.* ii. 14) had to settle in Palestine before he could prophesy. Ha-Levi is aware of the objection just made by us that Moses had the prophetic gift without entering Palestine; Ha-Levi therefore postulates a greater Palestine to include the Sinaitic peninsula.

¹ That is to say, all prophets and Sages received their messages from that voice at Sinai, since it went on no more—implying the cessation of prophecy before it began.

² Whereas the emphasis on Moses as the greatest of the prophets is not unlike the Samaritan position, yet there Aaron and Moses are not compared as equals.

the ornament of Israel. Just as the breasts are the charm of a woman, so Moses and Aaron were the glory and pride of Israel. Just as the breasts are full of milk so Moses and Aaron filled Israel with Torah. Just as whatever a woman eats helps to feed the child at the breasts, so all the Torah that Moses our master learned he taught to Aaron, as it is written, "And Moses told Aaron all the words of the Lord" (Ex. iv. 28). The Rabbis say: "He revealed to him the ineffable name. Just as one breast is not greater than the other, so it was with Moses and Aaron: for it is written, these are that Moses and Aaron" (Ex. vi. 27) [Moses mentioned first]; and it is also written: "These are that Aaron and Moses" (vi. 26), showing that Moses was not greater than Aaron nor was Aaron greater than Moses in knowledge of Torah. R. Abba¹ said they were like two fine pearls belonging to a king which he put in a balance finding that neither weighed down the other. So were Moses and Aaron just equal."²

In one or two cases the bias may be in favour of Aaron. Not only is his action in making the golden calf whitewashed, as in Lev. R. x. 3, where Aaron was afraid that the people, having already killed the prophet Hur, and like to kill him the priest if he refused, would thereby instantly fulfil against themselves Lam. ii. 20 ("Shall the priest and the prophet be slain in the sanctuary of the Lord?"), and Israel would immediately be liable for exile; but Aaron is even exalted almost at the expense of Moses. Lev. R. xxx. 12 tells us the view of R. Judai (4th generation Palestinian Amora, pupil of Abba II) that Aaron's sin was as grievous to God as the breaking of the tables, while in Lev. xiii. 2 Aaron's sons the priests are definitely set above Moses. R. Samuel b. Nahman said of the words, "I will be sanctified in them that come nigh Me" (Lev. x. 3):

This utterance was addressed to him until the occurrence happened, when Moses said to Aaron, "My brother, at Sinai I was told that I would sanctify this House and through a great man would I sanctify it and I thought that either through me or through you would this House be sanctified, but now (I see that) your two sons are greater than you or I." When Aaron heard that his sons had been God-fearing, he remained silent and was rewarded for his silence. Whence (do we know) that he held silence? Since it is said, "And Aaron held his peace" (*ib.*). Whence do we know that he received a reward for his silence? From the fact that he was privileged to have the divine utterance addressed to him alone, as it is said: "And the Lord spake unto Aaron" (Lev. x. 8).

In view of the generally accepted view at the present time that the Rabbis were anti-priestly in their attitude, and Rabbinism of the Mishnaic and Talmudic periods is prophecy in action, it is interesting to see that the priestly prototype Aaron is not considered inferior to Moses, whereas his sons, priests also, are

¹ Palestinian Amora, 3rd generation, pupil of R. Huna, really a Babylonian, but after repeated visits settled in Palestine.

²Cf. also Lev. R. xxxvi. 1.

elevated above either. Cf. *Pirke Aboth* (i. 12), according to which Hillel said: "Be of the disciples of Aaron, loving peace and pursuing peace, loving thy fellow-creatures and bringing them near to the Torah." That this honouring of Aaron's sons was due in large measure to their priestly office is clear when we consider Num. R. vi. 1, where there is discussion of the precedence of high priests before prophets.

A High Priest takes precedence over a prophet, for it says: "And let Zadok the priest and Nathan the prophet anoint him there" (1 Kings i. 34). Zadok is mentioned before Nathan. R. Huna in the name of R. Hanina said: "A prophet must bend his hands and feet and sit before a High Priest [i.e. in submissive discipleship]." [On the other hand to be a prophet was honourable; cf. the promise to pious brides in *Meg.* 10b.] What reason is there for saying so? Because it is written: "Hear now, O Joshua, the high priest, thou, and thy fellows that sit before thee" (Zech. iii. 8). You might think they were ordinary folk. It is therefore stated, for they are men that are a sign [A.V. "men wondered at"]; and the expression "sign" can only refer to prophecy, for it says: "And he (the prophet) giveth thee a sign or a wonder" (Deut. xiii. 1) [cf. P.T. *Ber.* 3b for a sign and wonder as seal of prophecy].

Whether Huna's proof for the pre-eminence of priest over prophet is convincing or not, it is significant that he can suggest such a thing. The priest had a different function¹ from the prophet and in the last resort the prophet and his prophecies were not indispensable; on the other hand the Tannaim and Amoraim never abrogated the sacrificial system (though it was in involuntary desuetude) nor priestly privileges, and they looked to a day when priestly duties could be completely carried out in a rebuilt temple.

Prophecy was in any case according to one view really the result of Israel's sins; the rebukes in the Prophets and Hagiographa because of Israel's wrongdoing would have been unnecessary had they been righteous (cf. *Ned.* 22b). Had Israel been righteous, there would have been no need for prophecy. It really gives one more to labour to perform: on the other hand one need not only make the best of a bad job, for studying prophecy and performing the prophets' precepts carried with it an additional reward (Eccles. R. i. 13). R. Huna related this verse to the Prophets and Hagiographa, for if the Israelites had been worthy they would have received the Pentateuch alone and the Prophets and Hagiographa were only given to them to labour in these as well as in the Pentateuch and to perform the

¹ Jos. *Ant.* X. 5.2 points out that Jeremiah and Ezekiel, though prophets, were both priests by birth.

precepts and righteous acts so as to receive a good reward. The Rabbis say: "Nevertheless (Scripture says), 'to be exercised therewith,' which intimates that they reserve a reward for them as for the Pentateuch." On the other hand, the Midrash *Tanchuma* (ed. Buber), after stressing that there can be no other Law, for the Divine Law has already been received at Sinai, thereby denying any progressive revelation, continues:

The rebellious of Israel say that the prophets and the Holy Writings are not Torah [cf., e.g., the Samaritans]; and we do not believe in them, as it is said of them: they "have not hearkened to the voice of the Lord our God to walk in his Law which He gave before us by the hand of his servants the prophets" (Daniel ix. 10). Behold, the prophets and the writings are the Law, as it is said (Ps. lxxviii. 1): "Hearken, my people, to my Law" (*Parashah Ra'ah*).

These two latter statements stress the unity of the Law and the prophets, the prophets being part of the Law. Neither of the two preceding statements really differs in essence, but only in formation, whereas the first statement is put negatively, the second and third are put positively. But in none is there any idea that the prophets added anything new or anything contradictory of the Law. The following narrative from *Taanith* 9a illustrates that there is nothing in the rest of the Bible not in the Law. R. Johanan met the young son of Resh Lakish sitting and reciting the verse: "The foolishness of a man perverteth his way: and his heart fretteth against the Lord" (Prov. xix. 3). R. Johanan thereupon exclaimed in amazement: "Is there anything written in the Hagiographa to which allusion cannot be found in the Torah?" The boy replied: "Is then this verse not alluded to in the Torah, seeing that it is written 'And their heart faileth them, etc.' (Gen. xlvi. 28)?" Nor is there in the prophetic writings anything contradictory to the Law, for R. Judah in *Shab.* 13b tells us that that was why the book of Ezekiel, which was thought to be contradictory, was almost excluded. It is a theological principle held by the Rabbis that there could not have been a later revelation from God contradicting the first. Such a revelation or prophecy which did clash with the Law could not be divine. It was a belief in divine consistency to which the Rabbis clung—divine consistency, however, expressed in such a way as to leave no room for progress. This doctrine was probably hardened by Christian teaching on the new covenant, and so Ezekiel had to be squared with the

Law even by a *tour de force*, or Ezekiel was outside the Canon.
R. Judah said in Rab's¹ name

"In truth, that man Hananiah son of Hezekiah [1st generation Tanna] by name is to be remembered for blessings: but for him, the Book of Ezekiel would have been hidden² for its words contradicted the Torah." What did he do? Three hundred barrels of oil were taken up to him and he sat in an upper chamber and reconciled them [i.e. Ezekiel and the Torah].

Actually, however, *Meg.* 14a does claim that the prophets did add something.

Our Rabbis taught: "Forty-eight prophets and seven prophetesses prophesied to Israel and they neither took away from nor added aught to what is written in the Torah, save only the reading of the Megillah."

It is interesting that the Megillah (i.e. the book of Esther) endures while some prophecies (cf. *Meg.* 14b) do not. Interesting too is the fact that Esther is the most nationalistic book in the Bible. Even this statement, made to uphold the importance of the Megillah, can only claim it as an exception which proves the rule. Even though this claim for the authority of the innovation of reading the Megillah is made, no such claim is made for the Megillah itself. In fact *Meg.* 7a tells how the Rabbis themselves were chary of writing it down until they could convince themselves that it had been commanded in the Pentateuch. R. Samuel ben Judah tells us that Esther sent to the Hakamim demanding that they commemorate her for future generations. Their answer shows that the Rabbis of a later time, if not the Hakamim of Esther's time, were aware of the very nationalistic tone of the Megillah. "You will incite the ill-will of the nations against us." Esther replied that no harm would be done by their doing so, as she was already recorded in the chronicles of the Kings of Media and Persia. Another version of the story is given by Rab and R. Hanina. The Hakamim in answer to R. Johanan and R. Habiba (or R. Jonathan) said: "Have I not written for thee three times Esther's demand?" (*Prov* xxii. 20—three times and not four)—the three times being (1) *Ex.* xvii. 8, 16, (2) *Deut.* xxv. 17, 19, (3) *i Sam.* xv., passages dealing with Amalek. Haman was supposed to be a descendant of Amalek. And they refused, until they found a verse written in the Torah, "Write this memorial in a book" (*Ex.* xvii. 14, the war against

¹ Abba Arika, died A.D. 247; Babylonian Amora of 1st generation, but studied in Palestine: this great Halakist was founder and first principal of Sura in A.D. 219.

² Put in the Genizah and made apocryphal.

Amalek). "Write this" was taken by them as meaning what is written in Exodus here, "memorial" was taken as referring to the verses on Amalek (in 1. Sam. xv. 2f.) in the Prophets. "A Book" or "Roll" they understood as referring to the Megillah and as thereby sanctioning the writing of it. A similar attempt to find reference to, and authority for, the Megillah was given by the Tanna R. Eliezer of Modiim (second-generation Tanna, about the time of the Hadrianic War), though R. Joshua did not agree. Not all Amoraim regarded the Megillah of Esther as canonical; for example, Samuel, the important Amora, demurs, but lest his statement be regarded as implying that Esther was not composed under the inspiration of the Holy Spirit, his words are later taken only as implying that Esther was meant to be kept oral and not written down.

Meg. 2b tries to square references regarding reading of the Megillah and regulations thereon and makes those applying to unwalled towns mean towns which were unwalled at the time of Joshua.

Prophecy was not a continuous gift to Israel; cf. I Macc. ix. 27: "And there was great tribulation in Israel, such as was not since the time that no prophet appeared unto them." Prophecy ceased with the death of Haggai, Zechariah and Malachi, for then the Holy Spirit departed from Israel (cf. *Sota* 48b). Nevertheless we are told they made use of the *Bath Kol*, the Heavenly Echo, a much more spasmodic occurrence than prophecy when Israel had the Holy Spirit. Here, in *Sota* 48b, we have too probably in its fullest form an oft-recurring Baraitha that on occasions some Rabbis were sitting in the upper chamber of a house in Jericho when a *Bath Kol* from heaven announced, "There is among you one man who deserves that the Shekinah should rest upon him, but his generation is unworthy of it". This man was Hillel the elder. (In *B.B.* 134a it is said that out of eighty disciples of Hillel, thirty deserved that the divine presence should rest upon them as it did on Moses our teacher. Presumably they, as well as Hillel, would have been prophets had they lived in better times.) Yet, as we have seen above, the prophets of the Old Testament times were recognised as much exercised by the sins of their own day and generation, and gave their prophecies for Israel to labour in for their sins, if not indeed also for the rewards' sake. Prophecy is here considered a sign of divine favour, not a permanent gift like the Law. True, written

prophecies may remain for future generations, but one has the impression that even written prophecies, when fulfilled, come to an end, reminding us of St. Paul's "but whether there be prophecies, they shall fail". Neither *Sota* 48b nor *B.B.* 134a, nor yet *Sukk.* 28a, says that the Rabbis were the successors of the prophets, or that Pharisaism is prophecy in action, or that on the cessation of prophetic revelation a more rational approach was adopted for knowing the will of God: the *Bath Kol* was hardly that. *Sota* 48b tells us of the cessation of prophecy and says that some Rabbis deserved to have the Holy Spirit but suffered in not getting it because of the unworthiness of their lives.

The Law is, however, absolutely unchangeable. We may take a faint representative statement. R. Alexandri b. Haggai and R. Alexandri the hymnologist said (*Lev. R. xix. 2*): "If all the nations of the world should gather together to make white one wing of a raven, they would not be able to accomplish it; even so should all the nations of the world gather together to uproot one word of the Torah, they would be powerless to accomplish it." This story follows: that Solomon sought to uproot one letter of the Torah. An accusation against him was made, according to R. Joshua b. Levi (an eminent Palestinian Amora of the first generation) by the smallest letter *yodh* (י). R. Simeon held that the Book of Deuteronomy went up before God and said that Solomon had invalidated her by seeking to uproot the letter *yodh* out of her—the point being that Solomon had multiplied (רְבָה) horses for himself and multiplied (רְבָה) wives for himself and greatly multiplied (רְבָה) silver and gold, whereas Deut. xvii. 16 lays down that a King should not multiply (יַרְבֵּה) either horses, wives or silver and gold for himself. God replying to Deuteronomy assured her that Solomon would be eliminated and a hundred like him, but not even a single *yodh* in the Law would ever be made void. This may be taken as a somewhat fantastic story¹ but the principle behind it is clear enough. *Sanh.* 99a preserves a Baraita on the words "Because he hath despised the word of the Lord" (*Num. xv. 31*):

This refers to him who maintains that the Torah is not from Heaven. And even if he asserts that the whole Torah is from Heaven excepting a particular

¹ Cf. *Zad. Frag.* vii. 5, 6, 7: "And as to the prince it is written: 'He shall not multiply wives unto himself.' But David read not in the Book of the Law that was sealed, which was in the Ark, for it was not opened in Israel from the day of the death of Eleazar and Joshua and the Elders, who served Ashtaroth. And it was hidden (and was not) discovered until Zadok arose." The divine origin of every word of the Law is likewise emphatically declared.

verse which he maintains was not uttered by God but by Moses himself, he is included in "because he hath despised the word of the Lord". And even if he admits that the whole Torah is from Heaven, excepting a single point, a particular *ad majus* deduction or a certain *Gezerah shawah*—he is still included in "because he hath despised the word of the Lord".

In view of the condemnation of Moses referred to earlier,¹ for using certain expressions in rebuking Israel—expressions now in the Law and therefore divinely inspired—one may not be able to accept these statements of the immutability of the Law as much more than doctrinaire pronouncements. But one would be unwise to minimise their import. In fact one is faced with two irreconcilable views—on the one hand, the immutability of the Law, divinely inspired in every letter; and on the other, a less logical but very understandable view, which without jettisoning divine inspiration, allows one to ascribe certain statements not pleasing to our mind as mere human additions or insertions. Every modernist can sympathise with this latter view; every fundamentalist, probably albeit unconsciously, does the same as the "Rabbins" and has his canon inside the canon. *Meg.* 32a deals with the manner of reading the verses in Leviticus and Deuteronomy. A Tanna taught that the reader commences reading a verse before the curses and finishes his reading a verse after them. *Abaye*,² however, held that this rule was only laid down for the curses in Leviticus, but with the curses in Deuteronomy a break can be made. The reason for this, we are told, is that in the curses in Leviticus Israel are addressed in the plural, and Moses uttered the curses on the behalf of God; whereas in the curses in Deuteronomy Israel are addressed in the singular, and therefore it is obvious that Moses merely uttered them in his own name. We need not take this as supplying the real reason for the change from plural in Leviticus to the singular in Deuteronomy, but rather as an example of how the Rabbis could whittle down the scope of the wholesale condemnation pronounced in *Sanh.* 99a, quoted above, on him who despiseth the word of the Lord.

Makkoth 23b–24a is very important in any discussion of the relation of the Law to the prophets and *vice versa*; here the Rabbis of the Amoraic period recognise the essentially ethical teaching of the Prophets, and without allowing in the

¹ THE EVANGELICAL QUARTERLY, July 1950, p. 213.

² Babylonian Amora of the 4th generation, lived c. 280–338, was head of Pumbeditha for some time.

first place any contradiction between the prophets and the Law, maintain that the Law has been summarised and epitomised by them. This we may admit is true so far as the ethical teaching of the Law is concerned. Actually, as we shall see, the Tannaim did not consider that the main function of the prophets, if we may judge from references from the Tannaitic works. There are 613 precepts in the Law, 365 negative precepts and 248 positive. But *argumentum a silentio* is dangerous. R. Hamnuna (Babylonian Amora of the 3rd generation) tells us (*Makkoth* 23) that David reduced the 613 precepts to eleven principles summed up in Psalm xv. The Psalm ends, "He that doeth these things shall never be moved (or fall)". R. Gamaliel (Tanna, possibly Gamaliel III, son of Rabbi Judah ha-Nasi) was always moved to tears on reading this Psalm because, as he said: "only he who practises all these things shall not fall, but if he falls short in one of the eleven principles he shall fall." His colleagues took a more comfortable view. They said:

It does not read, "doeth all these things", but "these things", meaning that if he practises only one of these things "he shall not fall". For if this is not the case, how are we to interpret the similar passage "Defile not yourselves in all (A.V. "any of")these things" (Lev. xviii. 24)? Does it mean that only one who has contact with all these things is contaminated, but if only with one, is not contaminated? As it can only mean that if a man has contact with any one of these evil things, so likewise then here, if a man practises just any of these virtues set out in the Psalm he will not fall.

Gamaliel's colleagues then in effect reduced the required minimum demanded to observance of any one of the verses of Ps. xv. But their discussion may have been purely academic.

Makk. 24a tells us that Isaiah reduced the 613 precepts of the Law to six principles, to be found in Isaiah xxxiii. 15-16:

(1) He that walketh righteously; (2) that speaketh uprightly; (3) that despiseth the gain of oppressions; (4) that shaketh his hands from holding of bribes; (5) that stoppeth his ear from hearing of blood; (6) and shutteth his eyes from looking upon evil: he shall dwell on high.

As in the statement of the summing up of the Law by David, so here in the ascription of this epitome of the Law to Isaiah, the Talmud not only sees no conflict between the prophetic idea and the Law, but has come very near the heart of the matter. When it comes to comment on Isaiah's separate prescriptions in his epitome, it falls somewhat short of the prophetic spirit, for surely "and speaketh uprightly" meant for Isaiah somewhat

more than "not putting an affront on his fellow in public". Likewise "that stoppeth his ear from hearing of blood" is interpreted as applying to the small world, the only one the Rabbis knew—that the person "that stoppeth his ear from hearing of blood" is one who hears not aspersions made against a rabbinic student nor remains silent without defending him, as once did R. Eleazar son of R. Simeon (4th-generation Tanna). Evil is surely somewhat narrowly comprehended when "he who shutteth his eye from looking upon evil" is explained as by R. Hiyya ben Abba (5th-generation Tanna, friend of Rabbi): "This refers to one who does not peer at women as they stand washing clothes" (cf. *B.B.* 57b); cf. also the Pharisee (one of the seven types enumerated in *Sota* 22b) who knocked his head against walls rather than look at a woman.

Micah next came and reduced the 613 laws to three principles: "(1) to do justly, (2) to love mercy, (3) to walk humbly before thy God" (*Micah* vi. 8). The effect is somewhat spoiled by the Talmudic comment that walking humbly before thy God means "walking in funeral and bridal processions". (It is true it adds a rider to this: "And do not these facts warrant an *a fortiori* conclusion that, if in matters that are not generally performed in private the Torah enjoins walking humbly, it is ever so much more requisite in matters that usually call for modesty?") Again came Isaiah and reduced the law to two principles: (1) Keeping justice and (2) doing righteousness (*Isa. lvi. 1*). Amos came and reduced the 613 precepts to one principle: "Seek ye Me and ye shall live" (*Amos* v. 4). But there was not unanimity in Amos's achievement. R. Nahman ben Isaac¹ suggested that "Seek ye Me and live" might mean "Seek Me by observing the whole Torah and live". We are told, too, that it was Habakkuk who came and based them all on one principle: "The righteous (A. V. "just") shall live by his faith" (*Hab. ii. 4*). These epitomes of the Law remind us of Hillel's answer of what constituted the law²—the rest being commentary and necessary (a view like R. Nahman's interpretation of Amos's work). Here in *Makk.* 23–24, however, there is no mention that the prophets who reduced the law to a few principles thought the observance of the other 611 or so at the same time necessary, to say nothing

¹ Babylonian Amora, 4th generation, d. 356; on the death of Raba he was for some time head of Pumbeditha.

² In *Shab.* 31a "That which is hateful to thee do not do to thy neighbour. This is the whole Law. All the rest is commentary on it. Go and learn it all". (Lit. "go and complete").

of the multitudinous precepts of the oral Law. These Rabbanim responsible for *Makk.* 23, 24 ought to get great credit for having at least glimpsed at the prophetic moral and religious ideal and its scant patience with ritual observances. The interpretations, however, of the prophetic principles are somewhat disappointing as showing lapses into externalism. They are illuminating as showing, however, how wrong we would have been had we thought the Amoraim interpreted the prophets and their principles exactly as we do.

In the second part of our discussion (in the July number) we saw how the prophets could incur, according to the Rabbis, condemnation of both God and Israel for accusing Israel's sons before God. We saw there how when the prophet spoke, God had to take action in condemning Israel. Here we have several cases cited in *Makk.* 24a of the prophets annulling four adverse sentences against Israel uttered by Moses, himself a prophet it is true, but forming part of the Torah. In effect the prophets in these four cases annul a part of the Law, every word of which, as we have seen above according to *Sanh.*, must be accepted as divine or else one has no share in the future life. Yet the prophets reverse the sentences, and God approves. It is interesting that the Rabbis realised that the prophets not only epitomised the Law as they thought, but did even annul some parts of it. (It at least points to a realisation of progress in Revelation.) However, although they admit that here in principle, yet when we examine the sentences which they reverse, we find that they are only those which the Rabbi's nationalism wished had not been in the Law. Our authority for this tradition in *Makk.* 24a is R. Jose b. Hanina.¹ He tells us "Our master Moses² pronounced four adverse decrees in Israel, but four prophets came and revoked them". The first sentence is found in Deut. xxxiii. 28. R. Jose ben Hanina introduces it and the three other sentences with "Moses said". "And Israel dwelleth in safety, alone, at the fountain of Jacob." Amos, he tells us, came and revoked that. "Then said I, O Lord God, cease, I beseech Thee: how shall Jacob stand (alone)? for he is small." R. Jose says that the Lord

¹ Jose ben Hanina, Palestinian Amora of the 2nd generation, older pupil of Johanan. Jose's most promising pupil was Abbahu.

² Though of course the Rabbi's stress at the moment is on Moses the prophet, not Moses the lawgiver, it could be argued that R. Jose is not pointing out that the prophets contradict the Law, but is, by putting the emphasis on "Moses said", actually seeking to do the very opposite, namely to clear away any contradictions between Law and prophets. However, the contradiction between prophet and prophet would remain, and the prophetic revelation was also part of the Sinaitic, as we have seen above.

repented concerning this: "This also shall not be, saith the Lord God" (Am. vii 5-6). The second adverse decree of Moses is Deut. xxviii 65: "And among those nations thou shalt have no repose" (if this is in the Deuteronomic curses, then ascribing it to Moses only is backed by the other case cited earlier). R. Jose tells us that Jeremiah came and said: "Thus saith the Lord, The people that were left of the sword found grace in the wilderness, even Israel, when I went to afford him rest" (Jer. xxxi. 2). Moses' third decree against Israel is found in Ex. xxxiv. 7, and is parallel to the words of the Second Commandment in Ex. xx. 5. Moses said: "The Lord visiteth the iniquity of the fathers upon the children and upon the children's children, unto the third and fourth generation." Ezekiel, Jose points out, came and declared that "the soul that sinneth, it shall die" (Ezek. xviii. 4). Elsewhere we saw how Ezekiel just got into the canon after a laborious attempt to reconcile it with the Law. Here it is the Law that gives way, at least on this point, to Ezekiel. The fourth decree of Moses against Israel is Lev. xxvi. 38: "And ye shall perish among the nations." Isaiah, Jose tells us, came and said: "And it shall come to pass in that day that the great trumpet shall be blown; and they shall come that were ready to perish in the land of Assyria, etc." (Isa. xxvii. 13). The decree of Moses that is reversed here, however, comes from the curses in Leviticus, which elsewhere are ascribed to God's authorship and not to Moses', as were those in Deuteronomy.

In *Meg.* 31a R. Johanan said:

"Wherever you find mentioned in the Scriptures the power of the Holy One, blessed be He, you also find His gentleness mentioned. This fact is stated in the Torah, repeated in the Prophets and stated a third time in the (Sacred) Writings. It is written in the Torah, 'For the Lord your God, He is the God of gods and Lord of lords' (Deut. x. 17); and it says immediately afterwards (verse 18), 'He doth execute justice for (A.V. 'the judgment of') the fatherless and widow.' It is repeated in the Prophets: 'For thus saith the High and Lofty One that inhabiteth eternity, whose name is holy'; and it says immediately afterward, 'I dwell with him that is of a contrite and humble spirit' (Isa. lvii. 15). It is stated a third time in the (Sacred) Writings as it is written (Ps. lxviii. 4): 'Extol him that rideth upon the skies whose name is the Lord'; and immediately afterward it is written, 'A father of the fatherless and a judge of the widows' (verse 5)."

This is a declaration of the unity of the doctrine of God to be found in Law, Prophets and Hagiographa, which is expressed here more clearly and unequivocally than probably anywhere

else. But not only is there a unity in ethical and theological teaching, which we may term Haggadic teaching, between the Law and the prophets; there is also from the elders who succeeded Joshua a continuity through them down to the Great Synagogue and the Rabbis of the Halakic tradition and lore. This is early plainly expressed in *Pirke Abot* i. 1:

Moses received the Law from Sinai and committed it to Joshua and Joshua to the elders and the elders to the prophets and the prophets committed it to the men of the Great Synagogue. They said three things: "Be deliberate in judgment, raise up many disciples, and make a fence around the Law."

The last of the prophets too are supposed to have taken part in the Great Synagogue; cf. *Meg.* 17b, where we have a Baraitha to this effect:

Simeon the Pakulite formulated eighteen blessings in the presence of Rabban Gamaliel [2nd generation Tanna, 90–130] in the proper order in Jabneh. R. Johanan said (others report it was stated in a Baraitha): "A hundred and twenty elders, among whom were many prophets, drew up eighteen blessings in a fixed order."

But not only were the later prophets, Haggai,¹ Zechariah and Malachi, the prophets of the Second Temple, interested in liturgical matters, but in ritual matters in general; whether they instituted certain innovations with the force of the law or merely sanctioned the growth of new customs which they felt would be beneficial and not harmful, is a debated point among the early Amoraim; and no wonder, for if the prophets introduced new laws, and this were granted, it would endanger the dogma of the Sinaitic origin of the whole Law, oral as well as written. *Sukkah* 44a tells us that on the question of the authority of the rite of the willow branch, R. Johanan and R. Joshua b. Levi differed. One held that the rite of the willow branch is an *institution* of the prophets (Haggai, Zechariah and Malachi); the other holds that the willow branch is a *usage* of the prophets. This statement is not clear and the Gemara concludes it was R. Johanan who said "It is an *institution* of the prophets", since R. Abbahu² stated in the name of R. Johanan, "The rite of the willow-branch is an *institution* of the prophets". This is conclusive. For the Rabbis,

¹ Especially to Haggai is a considerable amount of *Takkanoth* accredited: e.g. the intercalation of the month of Adar (*R.H.* 19b), regulations regarding wood offerings, the 24 courses of priests (*Tos. Taan.* 3), and the decision that sacrifices could be brought whether the Temple was in existence or not (*Zeb.* vi. 2; *PT. Naz.* ii. 7). *Yeb.* 16a mentions his sitting as lawmaker. But so little had Haggai of the old prophetic spirit that it is understandable that such a function and such laws should be accredited to him.

² Third-generation Palestinian Amora, one of the later pupils of Johanan and of Jose ben Hanina.

this discussion had a practical application, for only if the above-mentioned rite was a law was a Benediction said over it.

In passing, we may refer to the testimony of two non-rabbinic but Jewish works, the Zadokite Fragment and 2 Maccabees, on the relation between prophets and prophecy and the Law. Zad. v. 1-3 seems to point to God's confirming His Covenant with the faithful through fresh Revelations; e.g. Zad. v. 6: "He confirmed His covenant with them through Ezekiel" (Ez. xliv. 15 is quoted, but the confirmation is the Zadokite priesthood). Zad. vi. 9 quotes Isaiah xxiv. 17: "And during all these years Belial shall be let loose against Israel, as God spake through Isaiah the prophet, the son of Amoz, saying, 'Fear and the pit and the snare are upon thee, O inhabitant of the land'." This means the three nets of Babel: "The first is fornication, the second is the wealth (of wickedness), the third is the pollution of the Sanctuary." The first and the third are treated in some detail and provide the Zadokite *halakah* on these points. (Cf. also the quotation from Amos v. 26-7 in Zad. iv. 5 ff.; and Zad. xxix. 31 where Ezek. xxii. 20 is likewise manipulated to mean something different, here to mean ecclesiastical punishments, where in Ezekiel's original text divine and final punishments are meant.)

In 2 Macc. ii. 1-8 we have the story of how Jeremiah the prophet commanded the exiles to preserve some of the fire from the altar, and how

the prophet charged them that were carried away, after giving them the law, that they should not forget the statutes of the Lord, neither be led astray in their minds, when they saw images of gold and silver and the adornment thereof. And with other such words exhorted he them that the law should not depart from their heart.

Of course it can be disputed as to how law is to be interpreted here; but it is likely to be in a developed ritualistic sense, for we are next told how Jeremiah,

warned by God, commanded the tabernacle and ark to accompany him, and that he went away to the mountain which Moses had climbed to view the inheritance of God. On reaching it Jeremiah found a cavernous chamber in which he placed the tabernacle, and the ark, and altar of incense; and he made fast the door. And some of his followers drew near in order to mark the road, but they could not find it. Now when Jeremiah came to know of this he blamed them saying, "Unknown shall the spot be until God gather the people¹ again together,

¹ Cf. Ben Sira xlvi. 10f. on Elijah who as forerunner of the Messiah will come to turn the heart of the fathers unto the children, and to restore the tribes of Israel.

and mercy come; then indeed shall the Lord disclose these things, and the glory of the Lord shall be seen, even the Cloud as in the days of Moses it was visible, and as when Solomon prayed that the Place might be consecrated with solemn splendour."

As Charles says, "legend had no scruple in transforming a prophet who was radically indifferent, if not hostile, to the ritual of the temple into a pious conservative". Yet the prophets could be credited by rabbis with having instituted new laws. However, *Sukk.* 44a goes on to tell us that R. Ze'era¹ said to R. Abbahu,

"Did then R. Johanan say so? Did not R. Johanan in fact state in the name of R. Nehunya of the Plain of Beth Hawartan that 'the law of the ten plants, the willow branch and the water libation were given to Moses on Mount Sinai'?" (The other) was appalled for a while, and then he answered: "They were forgotten and the prophets reinstated them."

An interesting explanation as showing how the Rabbis got over difficulties in tradition. One will not saddle the later prophets with responsibility for annulling the use of the Urim, for according to *Sota* ix. 12 the Urim and Thummim just ceased of itself on the death of the first prophets. In any case in the days of David they were not always successful; cf. *Sota* 48b, and the Gemara thinks here that certainly by Uzziah's day the prophet was used instead to declare the divine will. (Here only David, Samuel and Solomon are allowed as the former prophets.) The later prophets and presumably the earlier prophets were regarded by the Tannaim as a strong link in the Halakic chain back to Sinai; cf. *Peah* ii. 6:

Nahum the Scrivener (1st-generation Tanna) said: I have received a tradition from R. Measha (pre-Tannaitic), who received it from his father, who received it from the Zugoth, who received it from the Prophets as Halakah given to Moses from Sinai, that if a man sowed his field in two kinds of wheat and made them up into one threshing floor, he grants one Peah; but if two threshing floors he must grant two Peahs.

Even so it is recognised that even the first prophets made innovations; cf. *Taan.* iv. 2, which tells us that it was the first prophets who ordained the twenty-four courses of priests and levites and the numbers for each (cf. also *Meg.* 2b). In *Shab.* 104a R. Jeremiah (4th-generation Babylonian Amora), or (according to the other tradition) R. Hiyya b. Abba (Tanna of

¹ Third generation Palestinian Amora, with no predilection for Haggada, who could say: "The Haggada may be turned hither and thither and we learn nothing (for practice) therefrom" (P.T. Maas. iii. 51a.)

5th generation) or Hiyya II bar Abba (3rd-generation Palestinian Amora) ascribes the final forms of the letters to the watchmen (i.e. seers) and prophets. The Gemara comments:

But is that reasonable? Surely it is written, "These are the commandments" (Lev. xxvii. 34), teaching that a prophet may henceforth (after Moses) make no innovations. Rather they were in existence, but it was not known which were to be used medially and which finally the Watchmen came and fixed (the mode of their employment). But [the Gemara continues], this would have meant a limited innovation. But still the expression "These are the commandments" (teaches) that a prophet may henceforth make no innovations? Rather then they had forgotten them, and they (the Watchmen) reinstated them.

The above view is what the Rabbis would have liked to believe. It is doctrinaire. When they get down to detailed legislation the doctrine of no innovations is set aside. M. *Yad.* iv. 3 plainly assumes that there have been innovations, and not only by the prophets; the question is the respective authority of an innovation of the prophets (there, the giving of poor men's tithe in the seventh year) and of the elders, as a ground of justifying an innovation.

(The rule touching) Egypt is a new work; (and the rule touching) Babylon is an old work; and [says R. Joshua, defending an innovation by R. Tarfon] the argument before us is new work: let us argue concerning a new work from a new work, but let us not argue concerning a new work from an old work. (The rule touching) Egypt is the work of the elders; but (the rule touching) Babylon is the work of the prophets; and the argument before us is the work of the elders; let us argue concerning a work of the elders from a work of the elders, but let us not argue concerning a work of the elders from a work of the prophets.

The important thing for us is that the prophets were believed to introduce halakic innovations.

Closely associated with this is the use of statements in the prophets as *asmakta* or support or to help to draw inference from the statements in the Law; cf. *Hag.* 10b:

Why then does it say: As mountains hanging by a hair? (Because) no inference may be drawn concerning statements of the Torah from statements of the prophets.

The reason is that the books of the prophets are regarded as of lesser authority than the Torah. While it is true that in the Talmudic works the prophets are cited far less than the Torah as an examination of the scriptural passages quoted, say in Mishnah or Tosefta, will show, yet fairly frequently a situation from the prophets is used, despite *Hag.* 10b, to make an inference

concerning statements of Torah or to support some halakic point. The latter is the case in *Ned.* iii. 11. The question there discussed is the meaning of "circumcised" in the following vow: "'Konam' if I have any benefit from the circumcised". The Mishnah explains that he is forbidden to have benefit even from the uncircumcised in Israel but that he is permitted to have benefit from the circumcised among the nations of the world, since 'uncircumcised' is but used as a name for the Gentiles, as it is written, "For all the (other) nations are uncircumcised, and all the house of Israel are uncircumcised in heart" (*Jer.* ix. 26). Again it says, "This uncircumcised Philistine" (*1 Sam.* xvii. 36). Again it says, "Lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised triumph" (*2 Sam.* i. 20). Here *Jer.* ix. 26 is used to define the scope of the term "uncircumcised": "All the other nations are uncircumcised." Had it stopped there we might have regarded this merely as an unfortunate infelicitous citation, owing to Jeremiah's strictures on Israel's spiritual uncircumcision. The real sense of Jeremiah's remark is lost on the Mishnah, however, for we have immediately following an enthusiastic panegyric on the value of the rite of circumcision: "R. Eleazar b. Azariah says: Hateful is the uncircumcision whereby the wicked are held up to shame, as it is written, 'For all the nations are uncircumcised'" (the very verse in which Jeremiah says fleshly circumcision is not enough). Rabbi says: "Great is circumcision, for despite all the religious duties which Abraham our father fulfilled, he was not called 'perfect' until he was circumcised, as it is written, 'Walk before me and be thou perfect'" (*Gen.* xvii. 1). Enough has been quoted to show the general tenor of this panegyric which is appended to this citation of *Jer.* ix. 26. The words of the prophets could be used by the Rabbis in a sense very different from that intended by their authors, to support or define Halakic points. In connection with this misinterpretation of *Jer.* ix. 26 and the appended panegyric it is only fair to lay beside it the following Haggadic discussion on spiritual and fleshly circumcision, from *Sota* 52a:

R. Awira or, as some say, R. Joshua ben Levi¹ made the following exposition. "The evil inclination has seven names. The Holy One, Blessed be He, called it 'evil', as it is said, 'For the imagination of man's heart is evil from his youth' (*Gen.* viii. 21). Moses called it 'the uncircumcised', as it is said, 'circumcise therefore the foreskin of your heart' (*Deut.* x. 16). David called it 'unclean', as it is said, 'Create in me a clean heart, O God' (*Ps.* li. 10)—which implies that

¹ Palestinian Amora of the first generation.

there is an unclean one. Solomon called it 'the enemy', as it is said, 'If thine enemy be hungry, give him bread to eat and if he be thirsty give him water to drink (study of Torah). For then thou shalt heap coals of fire upon his head and the Lord shall reward thee' (Prov. xxv. 21, 22); read not 'shall reward thee', but 'will cause it to be at peace with thee'. Isaiah called it 'the stumbling block', as it is said, 'Cast ye up, cast ye up (A.V. prepare), clear the way, take up the stumbling block out of the way of my people' (Isa. lvii. 14). Ezekiel called it 'stone', as it is said, 'And I will take away the heart of stone out of your flesh and I will give you a heart of flesh' (Ezek. xxxvi. 26). Joel called it 'the hidden one', as it is said, 'But I will remove far off from you the hidden one' (A.V. 'the northern army')" (Joel ii. 20).

The citation, though lengthy, shows an acute awareness of the ethical teaching of the prophets; at the same time under the second name for the Evil Inclination, namely "the uncircumcised", it demonstrates that the Rabbis were able to understand Jer. ix. 25f. or any parallel teaching, as in Deut. x. 16. It is not only that the Rabbis in Haggada do not erect a systematic theology, but, as Samuel Ha-Nagid says, each expresses his own opinion, so that one can, as we have attempted in this treatment, merely show trends of Rabbinic teaching and general ideas of the Rabbis on the prophets; but in the statements on the prophets in use in Halakic works, little concern is felt for the original sense of what the prophet wished to convey, so that one phrase torn from its context may be used to support whatever point at the moment it is wished to establish. This tendency, alike in the Haggadic and especially in the Halakic use of the prophets, sometimes can give a very erroneous impression of the Rabbis' appreciation of the plain sense of prophetic statements, but even allowing for that, one is drawn to the conclusion that prophets are seen for the Rabbi mainly through the spectacles of the Law. Since the Law is not without the influence of prophetic teaching they therefore, despite their superior regard for the Law, could never dismiss the prophetic teaching. But since the ritual and legalistic portions of the Law engaged so much attention at the expense of the purely ethical, it is not to be wondered at if the teaching of the prophets, unless it could be used to serve the Law, was somewhat neglected. Of course, as we have seen, the prophets and their writings are often mentioned by the Haggadists, but the Haggadist, though in a different way from the Halakist, was primarily out to glorify the Law. In most cases the Amoraim cited above were primarily Halakists (as Johanan) or equally renowned as Halakist and Haggadist. To those who venerated the Law it was strange to think that the prophets could have

done less than the same. The prophets were seen through Rabbinic eyes to bow in honour of the Torah or their refusal was interpreted as but a clumsy attempt at a bow. With post-exilic prophets this was not so difficult; with post-exilic prophets, even so, it was not so easy. With the eighth-century prophets, it was decidedly difficult to cage their universalism in the Rabbinic particularistic approach to the Law.

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It is perhaps fitting to end this attempted review of the Haggadists' opinions on prophecy on this very note. "Now as to myself, I have so described these matters as I have found them and read them; but if any one is inclined to another opinion about them, let him enjoy his different sentiments without any blame from me" (*Josephus, Antiquities* x. 11. 7). Josephus here argues, on the basis of the fulfilment of Daniel's prophecies, for belief in God exercising providence over human affairs, with an avowal that his opinions are personal interpretations of scripture—an attitude surprisingly in line with that attributed by Samuel ha-Nagid to the Haggadists of Talmud and Midrash.

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