

Thoughts on Shavuot

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Catastrophic Transmission Failure

Rav Yehudah said in the name of Rav: When Moshe our teacher was about to enter Gan Eden, he said to Yehoshua, "Ask of me any doubts that you have." Yehoshua replied, "My master, did I leave you for even one moment? Is it not written in the Torah 'And his servant, Yehoshua the son of Nun, did not depart from the midst of the tent (Shemot 33:11)'" Immediately, Yehoshua's powers weakened, he forgot three hundred laws. Three hundred doubts arose in his mind, and all of Israel rose against him to kill him. At this the Holy One, Blessed be He, said to him, "To tell you is impossible; go and busy them with war [to turn their attention away from you]... (Mesechet Temurah 17a)

I. Yehoshua's failure

Yehoshua succeeded Moshe as the leader of the Jewish people. The Talmud explains that before Moshe departed, he invited his student, Yehoshua, to pose to him any questions he had concerning the Torah. Yehoshua reminded Moshe, his teacher, that he had not departed from his side even for a moment. To Yehoshua's surprise, he suddenly forgot three hundred laws. The people were so disappointed and angry with Yehoshua that they wished to kill him.

Yehoshua turned to Hashem. Hashem explained to Yehoshua that He could not restore to him, through prophecy, the laws he had forgotten. The Torah was given to Moshe through prophecy, but subsequent scholars must rely upon their knowledge and wisdom to interpret and establish

the laws. Prophecy cannot be employed to resolve questions of Torah law. Hashem advised Yehoshua to proceed with the conquest of the Land of Israel and divert the people's attention and anger from his failure.

Why did the people conclude that Yehoshua deserved to be put to death for his failing? By what standard did they presume that he deserved this most severe punishment? Rav Yitzchok Zev Soloveitchik (GRIZ) addresses this issue. The first step in understanding his response is to consider another issue discussed by GRIZ.

II. The transmission of the Oral Law

The Torah was given to Moshe at Mount Sinai. It consists of two components the Written Law – the five books of the Torah – and the Oral Law. The Oral Torah expands upon and interprets the Written Law. Moshe recorded the Written Law. He created the first Sefer Torah. The Oral Law was transmitted from teacher to student. It was forbidden to record it. This process continued until the time of Ribbi Yehudah HaNasi. He determined that the Oral Law could no longer be preserved as a strictly oral tradition. He edited the Mishne and initiated a process of converting the Oral Law into written form. Ravina and Rav Ashi continued this process and created the Talmud.

In the introduction to his code of Torah law, the Mishne Torah, Rambam – Maimonides – records the Sages of each generation who were recipients of the Oral Law from their teachers. He traces the passage of the Oral Law from Moshe to Ravina and Rav Ashi. Oddly, he provides two accounts of this

chain of transmission. These two accounts differ in two respects. The following excerpts illustrate these differences:

Account 1:

Elazar, Pinchas, and Yehoshua – these three received [the Oral Law] from Moshe. To Yehoshua, who was the student of Moshe, our master, he transmitted the Oral Law....

Account 2:

From Rav Ashi to Moshe, our master, there are forty people. They are Rav Ashi [who received the Oral Law] from Rava. [Rava received the Oral Law] from Rabah...

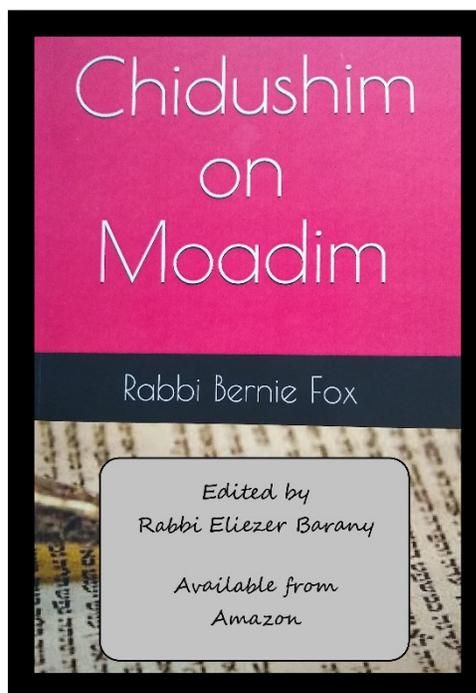
- The first account begins with Moshe and concludes with Ravina and Rav Ashi. The second is presented in the reverse sequence. It begins with Rav Ashi and follows the chain of transmission back to Moshe.
- The first account is more extensive. It includes the major scholars of each generation who were the recipients of the Oral Law from their teachers of the previous generation. The second account identifies a single scholar in each generation who is the link between the previous and subsequent generations.

Why are these two accounts needed and how can their differences be explained?

Moshe received the Torah at Sinai. He transmitted it to Yehoshua. Yehoshua [transmitted it] to the Elders. The Elders [transmitted it] to the Prophets. The Prophets [transmitted it] to the Members of the Great Assembly. (Mesechet Avot 1:1)

III. Participants in the transmission

A comment of GRIZ provides an answer. He notes that Moshe had three primary students – Elazar – Aharon's son, Elazar's son, Pinchas, and Yehoshua. The above text is the opening Mishne of Mesechet Avot. It explains that Moshe transmitted the Oral Law to Yehoshua. Why does the Mishne identify only Yehoshua as the recipient of Moshe's teachings? He had three primary students. Why are Elazar and Pinchas not listed with Yehoshua as recipients of the Oral Law?



GRIZ responds that Elazar and Pinchas were Moshe's students but they were not selected to be the *Ba'alai Mesorah* – those responsible for the

preservation and transmission of the Oral Law to the following generation. This responsibility was assigned only to Yehoshua.¹

With this insight Rambam's two lists can be explained. Rambam's first list includes the major scholars of each generation who received the Oral Law from their teachers of the previous generation. They transmitted these teachings to the next generation. From among the scholars of each generation, one was selected. He bore the responsibility for the preservation and transmission of the Oral Law to the subsequent generation. His

¹ Rav Yitzchak Zev Soloveitchik, *Chidushai HaGRIZ on T'NaCH and Aggadah*, chapter 136 (Pinchas).

colleagues participated and supported his efforts, but this lone scholar was the one who carried ultimate responsibility. Rambam's second list enumerates these select scholars.

This understanding of the two lists explains their differences. In his first list, Rambam identifies all the prominent scholars of each generation who received the Oral Law from the previous generation's scholars. This list is arranged in chronological order from the beginning of the process of transmission and concludes with the recording of the Talmud. The second list affirms the legitimacy or pedigree of the Oral Law that is recorded in the Talmud. It traces the Oral Law from Rav Ashi back to Moshe. It demonstrates that Rav Ashi's record of the Oral Law can be traced back to Moshe through an unbroken chain of selected scholars – each selected to preserve and transmit the Oral Law. Before presenting GRIZ's explanation of the nation's anger with Yehoshua, one more text must be understood.

Ribbi Doustai the son of Yanai, in Ribbi Meir's name said: Anyone who forgets any element of his studies is considered by the Torah as liable with his life. (Mesechet Avot 3:8)

IV. Forgetting one's studies

The above is a remarkable statement made by Ribbi Doustai. He asserts that one who forgets an element of his Torah studies is liable with his life – he deserves to be executed. Ribbi Doustai words are carefully selected. He is not saying that the courts should carry-out this penalty. He is saying that the wrongdoing is so great, that this extreme penalty is deserved. Ribbi Doustai moderates his assertion. He explains that this penalty does not apply if he is overcome by his studies. The penalty

is deserved only if there is an element of negligence or carelessness in his forgetfulness.

Rabbaynu Yonah explains Ribbi Doustai's statement more fully:

[He refers to] one who does not consider that forgetting is common among people and [therefore,] he should review the law many times and consider it all day and night until it cannot be forgotten. If he did not do this, then he is liable with his life. [This is because] he will teach the law based upon his [incomplete] memory... and he will prohibit that which is permitted and permit that which is prohibited. Consequently, he will cause harm... [However] if his forgetting is the result of advanced age or another factor beyond his control, then he is not liable.²

According to Rabbaynu Yonah, Ribbi Doustai's message is that one must be diligent in the study of the Torah. One must be cognizant of two concerns. First, to properly apply the Torah's laws one must have fluency and familiarity with them. Second, we easily forget information. Because of these considerations, we must intensely apply ourselves to Torah study.

IV. Forgetting – a serious lapse

Rav Chaim Volozhin offers an alternative interpretation of Ribbi Doustai's teaching. He explains that it applies to the generations from Moshe to Rav Ashi. During these generations the Oral Law was not recorded or recorded only in the most minimal manner. Students of the Oral Law were repositories of this knowledge. Ribbi Doustai intended to communicate to these scholars the full significance of their studies and the solemnity of their duty to faithfully transmit the Oral Law to the next generation.³

² The popular text reads, "the Torah exempts one whose failure is the result of factors one cannot control." The above amendment is suggested by Rav Moshe Feinstein.

³ Rav Asher HaKohen, *Keter Rosh* note 66.

This interpretation suggests a subtle change in our understanding of Ribbi Doustai's condemnation of the forgetful student. It suggests that Ribbi Doustai's declaration that the forgetful student deserves death is not an exaggerated expression employed for emphasis. The scholar who jeopardizes the transmission of the sacred Torah to the next generation has committed a grave sin.

V. The seriousness of Yehoshua's failure

GRIZ explains that this interpretation of Ribbi Doustai's teaching accounts for the nation's response to Yehoshua's loss of three hundred laws. He was not only one of Moshe's primary students. He was the single scholar selected by Moshe to be responsible for the transmission of his teachings. The chain of transmission to future generations depended upon his flawless teaching of the Oral Law to his students. Yehoshua failed in this most critical task. The people understood the irreparable consequence of Yehoshua's failure. This realization provoked their intense response.⁴

VI. Our remarkable legacy

This discussion expresses the attitude of our Sages to our Oral Law and its transmission. We are the blessed recipients of a legacy transmitted through the generations from Moshe. The accurate and comprehensive transfer of this tradition was viewed by our Sages as a sacred and awesome duty. When we study a page of the Talmud or consider a comment of Rashi in the Chumash we are accessing this unbroken chain. We are not just studying a book; we are studying with Moshe, our master.

Banner art: The Jewish people before Mount Sinai

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⁴ See Rav Y. Hershkowitz, *Torat Chaim on Pirke Avot*, pp. 11-12. The material presented here is based upon Rav Hershkowitz's work. His presentation is based upon a combination of sources. Those that are available to me, I have cited.