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ON THE DETERMINATION OF NON-HALAKHIC REALITY (A MODEL FROM THE PROPHETS)

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Introduction

An involvement with Torah reflects the attempt of a human being to live with truth. The recognition that man can act in accordance with God's will and the desire to live accordingly is, in fact, man's attempt to cleave to absolute truth. However, any attempt to maximalize one's living in accordance with God's will, must of necessity recognize and come to grips with an overwhelming contradiction. Torah does not seem to give man a method by which to recognize the "truth" in every case.

If we are to divide all human action into *halakhic* and non-*halakhic* categories, the extent of the dilemma becomes clear. The methods of *halakhic* determination are known,¹ and, as a result, it may be assumed that the demands of *halakha* are, by definition, a reflection of the "truth." What, then, of the questions which do not neatly fit into standard *halakhic* categories? Can we act in accordance with God's will when there does not seem to be any clear *halakhic* point at issue?

Men of faith have always assumed that "spirituality" was a reality, and that it is a variable quantity. Different people have attained varying degrees of closeness to God, to the "truth." However, it is clearly one thing to have ideas of "the holy" and another to become consciously aware of it as an "operative reality," intervening actively in the phenomenal world.²

Even if we were to accept that all people who have "ideas of the Holy" also recognize that it must be a reality in some context, is it also true that the recognition of this reality implies a reduction of uncertainty in the mind of the beholder? If I recognize spirituality in a fellow human being, can I reduce my doubt about the determination of a non-*halakhic* question by simply accepting his determination? Does philosophical speculation, for example, become transformed into quasi-*halakhic* categories when that speculation is done by the spiritual personality? Does spirituality produce a non-*halakhic* determination just as the majority in a *Bet Din* can produce *halakhic* determination?

The Methodological Question

That *halakhic* questions can be determined is a given within the system. There are, in effect, no questions that cannot be determined within the context of the pre-existing regulations. As for non-*halakhic* questions, the process of determination is not clear, but there seems to be several recognized possibilities.

Assuming a uniformity of ideas within Judaism, one can take any set of statements made at any time by an authority (usually determined by his *halakhic* authority), and assume that his position is the valid one for Judaism. An alternate but related position holds that the ideas are static but the formulation of the ideas has a certain dynamism which renders the most recent statements more authoritative.

Conversely, one might assume a plurality of ideas within Judaism and conclude that the analysis of any position determined to be authoritative is a valid reflection of a "Jewish" position. Naturally, such a stand is not essentially different from a non-authoritative position, claiming that there are no authoritative non-*halakhic* positions within Judaism.

Finally, there exists the position which holds that in spite of the plurality of positions and notions that Jews have held on any one of a variety of positions, there exists in certain matters a "drift" of ideas which reflects an authoritative position within Judaism. This last position, while attractive as stated, has never to my knowledge actually been tested. Unfortunately, we live in a time when knowledge is compartmentalized by the technical or methodological problems it presents, and not by the ideas which it reflects. For example, the study of Bible today is kept distinct from the study of Rabbinics, reflecting the differing techniques used in interpreting the texts, and not because the ideas discussed therein do not interrelate. It is unfortunate that the differentiation of techniques has produced a compartmentalization of intellectual effort in matters of philosophical and theological significance.

In spite of the obvious need to interrelate matters of consequence within the sphere of ideas, there is still a need for careful analysis of particular problems within a particular stage of Jewish thought. Such analysis certainly relates to the overall problem (although it does not necessarily give a true grasp of the "drift") and deserves to be considered even as a part of the greater question.

The Question: A Restatement

I propose to deal with the question of the spiritual person as the determiner of a non-*halakhic* reality in light of information supplied in the *Tanakh* about prophecy. The prophet was clearly a spiritual person of significance who, in most cases, offered information about how to deal with a specific set of events or circumstances in the present. The prophet in every case offered to determine non-*halakhic* questions by the force of his "operative" spiritual reality. The people of Israel were faced with the problem of acceding to the dictates of this "operative" reality; either recognizing its inherent significance, or rejecting it, and with it, their relationship to the spiritual base. They invariably chose to reject, though there is no indication that they specifically lacked any feeling for spirituality.

Why were the prophets unable to convince their listeners as to the correctness of their position? Why were the prophets unable to present the simple equation: "We are endowed with significant spiritual force, therefore, information which we are disseminating is probably correct!"? Let us understand that the failure of the prophets was apparently complete. There were no movements created and no public support evinced which would enable us, in retrospect, to claim that they were successful, even in part. The prophets were a failure in their time; of that there is no doubt. How are we to understand the total lack of relationship between the prophet and his people?

A comment may be appropriate here. *Hazal* maintain that the prophets, whose word we received in writing, taught a message which was timeless. On the other hand, those prophets whose words were left unrecorded were significant for their time only. This position reflects an accurate assessment of written prophecy. The writing-teachings of the prophets did prove to be of ultimate concern to the Jewish people as a whole, and the future of the people was shaped and in many ways determined by the prophets. However, when we point out that the prophets failed, reference is being made to their immediate goal — *teshuvah* (repentance), and

turning the tide of the great destruction. In this goal there is no doubt that they were unsuccessful, and it is specifically to this point which we refer.

It is my contention that the failure of the prophets to present a convincing position to the people of Israel hinges on their failure to differentiate themselves from the false prophets of their time. In a face to face confrontation with a false prophet, the true prophet apparently had no clear way of indicating his superiority and the superior truth of his message. It is this point specifically which has reference to our question.

A study of the relationship between the true and false prophets as we know them in the *Tanakh* goes beyond the scope of this paper. However, we may gain insight which will aid in the resolution of our problem by the careful analysis of one specific case: Yirmiyahu's confrontation with Hanania Ben Azur.

Hanania ben Azur ((Jeremiah (Yirmiyahu) Chapter 28))

Hanania ben Azur appears in the house of God on the fourth year of the reign of Zedkiya to announce that the yoke of Babylon will be broken and the redemption will begin in two years (verses 1, 2). The redemption will include the return of the Temple vessels — implying the rebuilding of the Temple (3). Also Yekhanyia will be returned from exile — implying the reestablishment of the monarchy. (Although Zedkiya was the king in Judah, the deposed king, Yekhanyia, symbolized the continuing monarchy of the house of David). These two factors: the rebuilding of the Temple and continuity of the house of David as legitimate monarch are the main points of all *nehama* (consolation) prophecy. Yirmiyahu, hearing the statement of Hanania — prophesying about the immediate future in a way which in effect denied his own prophecy — does not react harshly. Instead, he faces Hanania in the presence of the priest and all the people in the House of God and says: "Amen, let the Lord do so" (5, 6). In fact Yirmiyahu adds his personal prayer and hopes that "God will establish your words, which you prophesied, to return the vessels of the house of God as well as all the exile from Babylon to this place". Yirmiyahu hopes that this prophecy — and he clearly thinks that Hanania is a prophet — will be fulfilled. But he adds an interesting warning: "The prophet who prophesies peace, when his words come to pass, then shall it be known that the Lord has truly sent the prophet." Yirmiyahu does not deny that Hanania is a true prophet, but incidentally points out that the test of true prophecy is only in its realization. Even though he considers Hanania a true prophet, since prophecy can only be recognized as being true *de facto* — even by Yirmiyahu who was certainly a prophet — doubt remains. In other words certainty about the future does not exist. If this is true, even for an extremely spiritual person for whom spiritual categories are an "operative reality", how much more confused will the common man become while listening to the words of another person in a higher spiritual prophet category.

Yirmiyahu can do no more than hope that the future will develop as Hanania claims. Apparently, he has no way of determining whether the words he hears are true or not, although his reaction seems to indicate that he would like to think that they will come to pass.

This is Yirmiyahu's attitude in spite of the fact that Hanania's prophecy is in direct opposition to Yirmiyahu's own position about the relationship between Israel and Babylon. In Chap. 29:10–11, Yirmiyahu states clearly that the exile will be seventy years in duration, not two years as Hanania prophesied. Nevertheless, he seems to express hope publicly that Hanania's two year prophecy will in fact come to pass.

All of this is the more remarkable in light of Yirmiyahu's wearing of the yokes. In Chap. 27 we are told that God commanded Yirmiyahu to wear yokes and act as a living symbol that the yoke of Babylon on Israel will remain and not be broken. Yirmiyahu apparently wore these yokes as he walked the paths of Jerusalem, in order to remind all those who saw him of his prophecy. While Hanania was speaking, Yirmiyahu is standing before him wearing his yokes — certainly a strange sight. The prophecy being spoken is directly opposed to the symbolic state in which Yirmiyahu finds himself. In other words, by his very existence, he is contradicting Hanania's prophecy, but he does not seem to be aware of the fact. This point demands further clarification as it reflects significantly on our discussion. The prophet does not act out his prophecy simply in order to clarify his words. The prophetic act is part of the prophecy itself and does not come only for emphasis. The yokes worn by Yirmiyahu were not a reflection of the words of his prophecy, but a prophetic act in itself. The fact that he is straining under the weight of the yokes is itself the prophecy. Therefore at the very moment that Hanania was speaking, Yirmiyahu was *prophecying* against him. Nevertheless, Yirmiyahu remains a passive prophet and does not raise his voice against Hanania.

All of this did not escape Hanania, who understood exactly what Yirmiyahu was doing. He takes the yokes from Yirmiyahu's back and breaks them (10). Sensing *prophetic conquest*, Hanania turns to the people assembled, and says, "this is the word of the Lord; in this way shall I break the yoke of Nebukadnezer, King of Babylon in two years, from the necks of all the nations." At last, Hanania's prophecy stands alone. By breaking the yokes, he has effectively managed to indicate that Yirmiyahu's competitive prophecy no longer has force. At this point we expect to hear of Yirmiyahu's active reaction and opposition. After all, Hanania has questioned his authority, indicated that his prophecy has been usurped and moreover, has in an actual physical confrontation indicated that Yirmiyahu, the prophet as well as the prophecy, were puerile and insignificant. It is reasonable to expect that a prophet so insulted, certainly a prophet whom we know to have been a "true prophet," and who knew his own spiritual credentials as well as possible, would react quickly and violently. Yirmiyahu, however, sulks away; "and Yirmiyahu, the prophet, went on his way" (11). One would think that in this action he is actually agreeing with everything Hanania has said and done. Yirmiyahu joins Hanania in this denial of self. One might draw the lines more harshly and say that the truth has failed to recognize and react to falsehood.

Is it possible that Yirmiyahu could not recognize the truth, even when it was his own truth? Perhaps he hadn't spoken the truth, and Hanania was in fact the greater authority? Did Yirmiyahu, after years of preaching and seeing that his prophecy was being fulfilled, decide that he had been mistaken? These questions are answered immediately in the new prophetic intelligence which Yirmiyahu receives:

12. After Hanania had broken the yoke which had been on Yirmiyahu's neck, the word of the Lord came to Yermiyahu: Go and say to Hanania, these are the words of the Lord.

13. You have broken bars of wood; in their place you shall get bars of iron.

14. For these are the words of the Lord of Host the God of Israel; I have put a yoke of iron on the necks of all these nations, making them serve Nebuchadnezzar, king of Babylon. They shall serve him and I have given him even the beasts of the field.

Fortified by this prophecy, Yirmiyahu turns once again to Hanania and says:

15. Then Yirmiyahu said to Hanania, Listen Hanania. The Lord has not sent you and you have led this nation to trust in false prophecies.

16. Therefore, these are the words of the Lord; Beware I will remove you from the face of the earth, you shall die within the year, because you have preached rebellion against the Lord.

And this prophecy is in fact fulfilled within the year:

17. The prophet Hanania died that same year in the seventh month.

This is the reaction we had hoped for. This is the position we had expected Yirmiyahu to assume when he heard the words of Hanania at first. But why the delay? Why was it necessary to renew the prophecy in order for Yirmiyahu to react to the lie?

Yirmiyahu understood perhaps as well as any other prophet the overwhelming problems involved in validating prophecy and in relating to it as truth. On the one hand, he tells Hanania (vs. 9) that the ultimate proof of the true prophecy is in its verification. On the other hand, he is aware of the contradiction between the truth of a particular prophecy and the dynamic situation in which the prophet speaks. A prophecy of doom never denies *Tshuva* (repentance), while a prophecy of consolation does not deny free will. Therefore, a prophet speaking the truth at moment "X" cannot be sure that the cosmic reality has not changed at moment "Y", thereby making his prophecy irrelevant. The prophet cannot know if yesterday's truth is still in force when today he hears a conflicting prophetic statement.

Yirmiyahu stands with the yokes on his shoulders, indicating a particular prophetic position, listening to the words of another prophet (vs. 1). This prophet speaks words which perplex Yirmiyahu and he answers: "perhaps, but only time will tell" (vs. 9). Hanania, wishing to justify his prophecy, breaks the yokes, and it would seem that Yirmiyahu saw this as a proof that a new prophecy had replaced the old. Only a renewed prophetic inspiration, which does not really contain any new information save that Hanania is a false prophet, brings Yirmiyahu into conflict with this lie. At this moment Yirmiyahu needed reassurance that his truth was still in force and had not been surpassed by the words of Hanania. This reassurance came with the renewed prophecy.

The prophecy had a tremendous effect on Yirmiyahu to the point of rendering him unable to react to Hanania. This was not due to the fact that he was more impressionable than others. However, he had a heightened sense of the relative truth which is the very nature of prophecy. There is no way to determine with any finality whether yesterday's prophecy is still effective today. There was no effective way to know whether Hanania was telling the truth or not. Not even the fact that Yirmiyahu was wearing the yokes of his prophecy was an absolute guarantee; perhaps Hanania would smash them. After smashing the yoke, Yirmiyahu's personality dissolves and he steals away. The false prophet became a significant force in Israel because the listener could never be certain that the prophecy was false. (In fact it seems that false information can be the result of true prophetic inspiration, as Mikhaybu b. Yimla teaches us (1 Kings 22:23).)

A careful reading of Jeremiah Chapter 28, brings us to a conclusion which is clearly reflected in the portion on the false prophet in Deuteronomy.

The False Prophet

The Torah has recorded specific instruction for recognizing the false prophet (Deuteronomy Chapter 12):

- 2. If there rise among you a prophet, or a dreamer of dreams, and he gives you a sign or wonder, and the sign or wonder come to pass, of which he spoke to you saying, Let us go after other gods, which you have not known, and let us serve them.

If the prophet makes an anti-*halakhic* statement (idolatry), then regardless of what ability he displays as a spiritual person, through unnatural acts, magic, etcetera, he is clearly not to be believed:

- 4. You shall not hearken to the words of that prophet or that dreamer of dreams: for the Lord your God puts you to the test, to know whether you love the Lord your God with all your heart and with all your soul.

(The distinction made in the verse between the prophet and the dreamer is not significant for our discussion).

In a second section the Torah again specifies that the true prophet must be followed and the false prophet spurned:

Deuteronomy 18:

- 18. I will raise them up a prophet from among their bretheren, like unto thee, and will put my words in his mouth; and he shall speak unto them all that I shall command him.
- 19. And it shall come to pass, that whosoever will not hearken unto my words which he shall speak in my name, I will require it of him.
- 20. But the prophet, that shall presume to speak a word in my name, which I have not commanded him to speak, or that shall speak in the name of other gods, even that prophet shall die.

The section continues with an explanation of how to recognize the false prophet.

- 21. And if you say in your heart, How shall we know the word which the Lord has not spoken?
- 22. When a prophet speaks in the name of the Lord, if the thing follow not, nor come to pass, that is the thing which the Lord has not spoken, but the prophet has spoken it presumptuously; you shall not be afraid of him.

Here, the concern is apparently for a non-*halakhic* statement by the prophet which is relevant only in the future. The Torah states specifically that the only test to determine the validity of the prophecy is the test of time. If the prophecy does not vindicate itself the prophet is false.

Even in this short review of the section we must pause to consider the precise interpretation of verse 18. The verb *aqim* can be read in two ways. One, is that God is promising to establish prophecy in Israel. The other, is that the verb reflects the procedure of establishing a prophet in which God participates, but is not necessarily a promise. Note too, that the problem exists in verse 15 as well. Moses states: "The Lord your God will raise up for you a prophet from your midst, of your brethren like unto me; unto him ye shall hearken." (Amos 2:11 refers to an event in the past and does not in any way clarify our problem.)

We will leave the question of whether the Torah considered prophecy to be necessary and an integral part of the functioning of the faith (as was the priest, and perhaps the king) unresolved.

Clearly the opportunities given to man to discern false prophecy of a non-*halakhic* nature are limited to the test of time. Here we have a systematic verification (Torah) of Yirmiyahu's dilemma.

Certainty is man's quest but not his lot. Other than those matters where the Torah has determined a method for achieving a final decision (*halakha*), any decision rests on man's capacity to evaluate a particular situation. That man, as an individual, must enter into the decision making process is apparently a basic part of the notion of free choice. Not even God's spiritual representative, the prophet, was able to effectively remove uncertainty.

A question of some significance arises as a result of our discussion. How is it that the spiritual person (prophet) can mislead. Clearly Hanania possesses spiritual credentials. Otherwise, would Yirmiyahu heed his words?⁴ The answer to this question demands independent study. In our context it will suffice to quote the words of Mikha, the earliest prophet who refers to the false prophets.

Mikha Chapter 3:

- 5. Thus says the Lord concerning the prophets that make my people err, that bite with their teeth, and cry, peace; and he that puts not into their mouths, they even prepare war against him.
- 6. Therefore night shall be unto you, that you shall not have a vision; and it shall be dark unto you, that ye shall not divine; and the sun shall go down over the prophets, and the day shall be dark over them.
- 7. Then shall the seers be ashamed, and the diviners confounded; yea, they shall all cover their lips; for there is no answer of God.

There is no doubt that Mikha is referring to men who are "prophets" but who "lead my nation astray." The punishment which Mikha suggests (vss. 6,7) also seems to reflect the fact that they are prophets. Diminishing prophecy is only possible for one who is a prophet. Apparently, these are men who have been speaking God's word and in the future they will be enjoined from so doing. The punishment itself, in this case a diminished vision, indicates that they had been prophets, and indicates also that fundamentally they are honest. They prophesy today (falsely) because they have vision, and when this vision is diminished they will cease to prophesy. Mikha has presented us with a seemingly contradictory situation: These men are men of vision and so they prophesy; however, their prophecy is false and misleading and so they must be punished by losing their prophetic vision. If they speak through vision, they should speak truth; if they speak falsely and mislead, of what vision do

we speak? Furthermore, we can legitimately ask: If both are prophets how does Mikha ascertain that his is the "true" prophecy, while the others speak falsely?

The prophet Mikha answers this question in vs. 8. In this verse he refers to himself as possessing three qualities: "power, judgment, might." These qualities enable him to "declare unto Jacob his transgression." In other words, prophetic achievement is not sufficient to guarantee that a person will be able to pass on the prophecy as received to the people of Israel. Since these qualities are variables in the particular prophet, they must be personal, and not prophetic qualities. A person who has greater amounts of these human qualities is the greater prophet. The false prophets were prophets. Their ability to relate to the spiritual directive was unique. However, their personal might was a variable, and at times determined whether they would be able to speak prophecy truthfully.

Excursus

The Talmud indicates that there are three human qualities which are prerequisite to prophecy: wisdom, wealth and might. Moses possessed all three.⁵ The Midrashic derivation is convoluted, and it is obvious that Hazal preferred to find the source in Moses and not in Mikha where prophetic qualities are clearly stated.⁶ Several other qualities are mentioned in the Talmud, such as humility.

Maimonides, in his Code, mentions the qualities prerequisite to prophecy, and lists:⁷ wisdom, might, physical perfection and correct opinion. Leaving aside the problem of the relationship of the Talmudic statement to Maimonides' reformulation, we are left wondering if in these qualities there is any order in terms of one being more significant than the others, when the prophet actually receives formal prophecy. Which of the qualities which led him to prophesy continues to serve during prophecy? (Intuitively one would rule out wealth and humility, and a careful reading of the Talmudic text leaves one with the same impression.)

In "The Guide to the Perplexed" Maimonides answers this question.⁸

"These two faculties must be very strong in prophets, I mean the faculty of courage and that of divination. And when the intellect overflows toward them, these two faculties become very greatly strengthened so that this may finally reach the point you know; namely, the lone individual having only his staff, went boldly to the great king in order to save a religious community from the burden of slavery, and had no fear or dread, because it was said to him: 'I will be with thee (Exod. 3:12)'".

Here the quality of courage is not that which enables one to become a prophet but the (human) quality which enables him to become a great prophet. The quality of courage continues to determine the stature of the prophet even after receiving prophecy.⁹ Courage enables him — to go "boldly to the great king" — to act in a responsible manner. Following the lead of the Talmud, Maimonides finds his proof verse in the story of Moses, but he might have quoted the words of Mikha for the same purpose. It is Mikha who indicates to us what might happen to the prophet whose courage was lacking. Maimonides explains that courage is both the prerequisite to prophecy, and a function of that prophecy. Prophecy produces courage, and the prophet on the higher level (Moses in this case) will act in a most courageous manner. It is also possible (as Mikha pointed out) that the courage of a specific prophet does not suffice to relate a specific prophecy. This too, is a function of his Prophetic level.

NOTES

1. For example the "rule of majority" in Jewish courts. Maimonides, "Laws of Sanhedrin", Chaps. 8, and 9. It seems that while the rule itself is of Biblical force, it is not clear whether the resultant "truth" (i.e. judgment) is to be considered absolute. In any event the "process" used to arrive at determination is clear to all.
2. R. Otto, *The Idea of the Holy*. 1958.
3. It is possible to claim that there are no non-halakhic problems within Judaism. It is not my intention to debate this position but only to declare that I disagree. It is hard to imagine that Maimonides' *Pardes* or that Nahmanides' dictum, *naval b'reshut ha'Tora* are Halakhic categories.
Halakha is a set of points which is finite at any particular moment and therefore there must be areas of reality not covered by *halakha*.
4. The Talmud, *Sanhedrin* 93a, aware of the problems, tells us that Hanania had previously been a true prophet, so that such a mistake is understandable. cf. also Yerushalmi ad. loc.
5. The reference is *Nedarim* 38a. *Shabbat* 92a for our purposes is secondary. (cf. *Pirkei Avot* Chapter 4:1).
6. There is no Rabbinic exegesis known to me for Mikha 3:8.
7. *Yesodei HaTorah* Chap. 7 paragraph 1.
8. "Guide to the Perplexed" translated by Shlomo Pines, Part II, Chapter 38, p. 376.
9. It is not my intention to prejudice the question of whether Maimonides felt that becoming a prophet was entirely in the hands of man or not. On this question refer to A. Goldman, "Prophecy & Choice" (*Nevua U'bhira*), p. 207–209 in the Mirsky Memorial Volume.