**PARASHAT HASHAVUA**

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**PARASHAT SHOFTIM**

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IN LOVING MEMORY OF

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לע"נ

יהודה פנחס בן הרב שרגא פייוועל

כ"ב אב תשכ"ח – י' אב תשע"ב

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**“To Him You Shall Hearken”**

**The Obligation to Listen to a Prophet**

**Rav Elchanan Samet**

**I. Soothsayers and Diviners of the Gentile Nations as Opposed to the Prophet in Israel**

The orations concerning the *mitzvot* that are included in *Parashat Shofetim* have a common denominator: They deal with various personalities who will fill leadership positions in the people of Israel when they will dwell in their land. Some of the *mitzvot* under discussion are *mitzvot* of a distinctly public nature, and through them the areas of leadership of these personalities are expressed.

The first leaders discussed in our *parasha* are the judges: At the beginning of the *parasha* (16:18-20), we find the mitzvato appoint judges and officers "in all your gates," as well as the mitzva falling upon the judges to judge righteously and not accept bribes. Later in the *parasha* (17:1-7), we find the mitzvaupon the judges to judge and punish one about whom two witnesses have testified that he worshipped foreign gods.[[1]](#footnote-1) And the end of the oration that opens our *parasha* (17:8-13) discusses the subordination of the judges "in your gates" to the judges who sit "in the place that the Lord shall choose" and decide every question, every uncertainty, and every dispute that arises "at your gates." One must act in accordance with their rulings and not stray from them.

The next oration (17:14-20) includes the mitzvaof a king: under what circumstances may (or must) a king be appointed, what are the limitations on the appointment process, and what are the special *mitzvot* that apply to the king while he is sitting on his royal throne.[[2]](#footnote-2)

This is followed by a discussion of the status of the priests and the Levites in Israel (18:1-8) – their being deprived of a territorial inheritance and their enjoyment of the right to receive priestly gifts from the people of Israel and to stand and serve before God in the place that He shall choose.

Then a new oration begins:

18:9: When you come into the land that the Lord your God gives you, you shall not learn to do after the abominations of those nations.

The verses that follow contain a detailed list of professions, which are performed by "one that uses divination, a soothsayer, or an enchanter, or a sorcerer, or a charmer, or that consults a ghost or a familiar spirit, or a necromancer" (18:10-11), the purpose of which is to reveal the unknown and predict the future.

What is the connection of the ban on turning to such magicians and practicing their professions to the theme of the previous orations, which deal with the various leaders of Israel while they dwell in their land?

The Chizkuni sees a contrasting connection:

"When you are come into the land" – After writing about the priests and the king **to whom you are obligated to listen** [to whom we may add the judges], He writes about those **to whom you are forbidden to listen.**

Fortune-tellers of all kinds enjoyed elevated status among the peoples and served as part of the governmental establishment, as is stated in our *parasha*: "For these nations that you are to dispossess hearken to soothsayers, and to diviners" (v. 14). Israel is permitted to borrow from the nations modes of leadership, as is stated in the section dealing with the king: "And you shall say: I will set a king over me, like all the nations that are around about me" (17:4), for the institution of the monarchy in itself can be adapted to the special requirements of the Torah. However, magical rites as part of the leadership of the people is defined three times in our *parasha* as an abomination of the nations, "and because of these abominations the Lord your God is driving them out from before you."[[3]](#footnote-3) Therefore, the Torah disqualifies any possibility of preserving the status of diviners and fortune tellers among the people of Israel that dwell in their land.

The Ibn Ezra explains the connection between these verses and the previous sections in a different manner. Before we present his explanation, let us examine the structure of the oration in the framework of which these verses were stated, and the issues discussed therein.

This oration is included in the Masoretic section that opens at 18:9 and closes at the end of chapter 18, in v. 22.[[4]](#footnote-4)

In the first part of this oration, in verses 9-13, the people of Israel living in their land are forbidden all of the magical professions that are designated as "the abominations of the nations." This section concludes with the positive commandment:

13: You shall be whole-hearted with the Lord your God.[[5]](#footnote-5)

At the center of the oration, in verses 14-18, Moshe, speaking in the first person, offers the fitting alternative to all those fortune-tellers working among the nations:

14: For these nations that you are to dispossess hearken to soothsayers, and to diviners; but as for you, the Lord your God has not suffered you so to do.

15: A prophet will the Lord your God raise up to you from the midst of you, of your brothers, like to me; to him you shall hearken.

In what follows in this section, Moshe recounts, still in the first person, the circumstances in which the institution of prophecy was "born" for future generations:

16: According to all that you did desire of the Lord your God in Chorev in the day of the assembly, saying:

Let me not hear again the voice of the Lord my God, neither let me see this great fire any more, that I die not.

17: And the Lord said to me: They have well said that which they have spoken.[[6]](#footnote-6)

18: I will raise them up a prophet from among their brothers, and he shall speak to them all that I shall command him.

In the last part of the oration, in verses 19-22, Moshe continues with the citation of God's words at Chorev, which include the laws concerning a prophet and the various obligations imposed upon Israel in relation to him.

It turns out, then, that this oration is divided into three parts, with the middle section, which is longer than the other two, serving as the "central axis" that mediates between the other two parts that surround it.[[7]](#footnote-7) The greater part of the oration – the entire last part (vv. 19-22) and a considerable part of its central axis (vv. 14-18) – are dedicated to a prophet's role and status in Israel. The first part (vv. 9-13) constitutes a “negative background” to the discussion appearing in the continuation of the oration.

Based on this, the Ibn Ezra in his commentary to v. 9, explains how this oration is connected to the previous orations:

And when he finished mentioning the matters pertaining to a judge and to a priest [and, it may be added, to a king], He mentioned the matter of a prophet.

The prophet in Israel is another leader that the people of Israel will eventually need, along with judges, a king, and priests. His job is to serve as God's "spokesman" in relation to Israel: "And I will put My words in his mouth, and he shall speak to them all that I shall command him" (v. 18).

The discussion of the status of the prophet, which appears incidentally to the ban on consulting soothsayers and diviners, gives the impression that his role is only to serve as a fitting substitute for those fortune tellers. This is the way the *Sifrei* (*Shofetim* 10) explains the transition between the two topics discussed in our *parasha*, a transition that begins in vv. 14-15:

"For these nations… hearken to soothsayers, and to diviners" – Lest you say: They have somebody to ask, but I have not! Therefore, the verse states: "But as for you, the Lord your God has not suffered you so to do."[[8]](#footnote-8)

But this impression expresses only a partial truth. Already in the first presentation of the prophet that God will raise up for Israel in place of the fortune-tellers of the nations, there are deep differences between them, and it is clear that the purpose of the prophet in Israel is not only to be "asked" about the future:

1. 15: A prophet will the Lord your God raise up to you, from the midst of you, of your brothers, **like to me**

 Surely Moshe led the people, judged them, and transmitted to them the word of God. It stands to reason that the prophet who will stand in his place will fill similar roles – roles that do not pertain to divination and the revelation of hidden matters.

2. To him you shall hearken.

These words seem to stand in contrast to what was stated in the previous verse about the Gentiles, who "**hearken** to soothsayers and to diviners." But this contrast is imprecise. The nations' hearkening to their diviners stems from the fact that they turn to them and ask about their future, and they hearken – they receive their answers. However, the words, "to him you shall hearken," are formulated as an imperative. To the prophet **you are obligated** to hearken – to obey! This is so not only when you pose a question to him, but even when he turns to you on his own initiative.

3. These differences stem from the essential difference between the source of the prophet's action and that of the soothsayers and the diviners. Their words are based on their magical-professional knowledge. They are essentially "technicians" who supposedly possess hidden knowledge about how to get their “sources” to reveal the secrets of reality.

The prophet, in contrast, is God's agent:

18: I will raise them up a prophet… and I will put My words in his mouth, and he shall speak to them all that I shall command him.

Therefore, both the prophet himself and the people of Israel, to whom he is sent, are obligated to a system of commandments that regulate his mission and his standing among Israel.

These commandments appear in the words of God in vv. 19-22 and are summarized in a *baraita* in tractate *Sanhedrin* 89a:

Our Rabbis taught: Three are slain by man, and three by heaven: He who prophesies what he has not heard or what has not been told him [even if it was told to his fellow prophet], and he who prophesies in the name of an idol are slain by man.[[9]](#footnote-9)

But he who suppresses his prophecy, or disregards the words of a prophet, and a prophet who transgresses his own words are slain by Heaven.[[10]](#footnote-10)

**II. A Prophet Who Commands Violation of the *Mitzvot***

As stated, the relationship between a prophet and the people of Israel is founded on the positive commandment, "To him you shall hearken." This requirement is reinforced by the punishment to be imposed on one who disobeys the prophet: "And it shall come to pass, that whoever will not hearken to My words which he shall speak in My name, I will require it of him," which the Halakha has explained as death at the hand of God.

Are there limits to this requirement that one listen to a prophet? Are there things concerning which one must **not** obey him?

An entire halakhic section of the Torah is devoted to this issue in chapter 13:

13:2: If there arise in the midst of you a prophet or a dreamer of dreams, and he gives you a sign or a wonder

3: and the sign or the wonder comes to pass, whereof he spoke to you, saying:

Let us go after other gods, which you have not known, and let us serve them

4: **you shall not hearken to the words of that prophet** or to that dreamer of dreams;

for the Lord your God puts you to proof, to know whether you do love the Lord your God…

6: And that prophet or that dreamer of dreams shall be put to death; because he has spoken perversion against the Lord your God…

According to the Halakha, this prophet speaks in the name of God,[[11]](#footnote-11) and it is explicitly stated in verses 2 and 3 that he confirms that he is a prophet by way of a sign or a wonder that comes to pass.

Ostensibly, the condition stipulated in our *parasha* is met:

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…

In *Parashat Re'eh*, the prophetsaid something in the name of God and the matter came to pass, and so it would seem that with respect to this prophet the people of Israel are bound by the obligation: "To him you shall hearken"!

This, however, is not the case. Since the content of his prophecy is an attempt to convince his listeners to worship foreign gods, **"You shall not hearken** to the words of that prophet." His success with the sign or the wonder is but a test with which God is testing Israel, and they must execute the prophet who has spoken perversion against God.

We now ask: What law applies to a person who speaks in the name of God, after having established himself as a prophet, and rather than commanding that the people go out and worship idols, commands them "only" to violate some other mitzvain the Torah, one that is not at all connected to idolatry? Is this case included in the section dealing with a prophet in chapter 13, in which it is stated: "You shall not hearken to the words of that prophet," or is it perhaps included in the section dealing with a prophet in chapter 18, in which it is stated: "To him you shall hearken"?

The *gemara* in *Sanhedrin* (90a) brings the opinion of the *Amora* R. Hamnuna (which is supported there by Rava) that the section dealing with a prophet who leads the people astray to idolatry in chapter 13 includes also the case of a prophet who seduces them to violate a different mitzvain the Torah that he claims has been absolutely uprooted.

The opinion of R. Hamnuna is based on the rationale for killing this prophet, which is found at the end of the section in chapter 13:

6: And that prophet or that dreamer of dreams shall be put to death;

because he has spoken perversion against the Lord your God… to draw you aside out of the way which the Lord your God commanded you to walk in.

A *baraita* that is brought there expounds the last words:

"To walk" – this is a positive precept; "in" – this is a negative precept.

The implication is that a prophet is liable for the death penalty if he tried to convince people not to keep a positive commandment or a negative commandment, even if they are unrelated to idol worship.

Nevertheless, the *gemara* distinguishes between idol worship and other *mitzvot*. in the case of idol worship, even if the prophet confirms part of the prohibition and cancels another part – e.g., if he said: “Worship the idols today, but not tomorrow” – he is liable for the death penalty. In contrast, regarding all other *mitzvot*, he is liable for the death penalty only if he permanently uproots the mitzva.

We see, then, that the mitzvaof "to him you shall hearken" does not include listening to a prophet who comes to uproot a mitzvain the Torah. On the contrary, such a prophet is a prophet who leads astray and is liable for the death penalty.

But what is the law regarding a prophet who instructs the people to transgress a mitzvain the Torah (that is not connected to idol worship) temporarily and for some necessary purpose? We have already seen that this case is not included in the case of a prophet who leads astray, who is liable only if he permanently uproots the mitzva. But should we listen to him and violate the mitzvabecause of the command in our *parasha*, "to him you shall hearken"? This is what we are taught in a *baraita* in *Yevamot* 90b (and in the parallel text in *Sifrei*, *Shofetim* 175):

"To him you shall hearken" – Even if he says to you: Transgress any of all the commandments of the Torah, as in the case, for instance, of Eliyahu on Mount Carmel [who offered sacrifices on a *bama* when *bamot* were prohibited], obey him in every respect for the hour!

What is the meaning of the words "for the hour" in the *baraita*?

The Rambam (*Hilkhot Yesodei Ha-Torah* 9:3) appears to have understood that this phrase means "temporarily," the opposite of absolute uprooting, for he writes there as follows:

If any [other] prophet commands us to transgress for a limited time, it is a mitzva to listen to him. If, however, he says that the mitzva has been nullified forever, he is liable for execution by strangulation…

However, the *Tosafot* (*Sanhedrin* 89b, s.v. *Eliyahu* *be-har ha-Carmel*) write:

For the hour – this means all for **the need of the hour.**

In other words, the manifest circumstances justify the prophet's instruction to transgress a Torah mitzva, since it is clear that this is required because of the needs of the hour.

It would seem that there is no disagreement here. Even the Rambam agrees that listening to a prophet to transgress a Torah mitzvais conditioned on overt circumstances that justify doing so, as he writes in his introduction to the Mishna:[[12]](#footnote-12)

If the prophet's prophecy is proven true… if he commands to cancel one of the positive commandments or to transgress one of the negative commandments, one is obligated to obey his commands in all this, with the exception of idol worship… but on condition that he not make it into a permanent command and say that God commanded that this be done forever. Rather, he must issue the command **in accordance with the situation, in that specific time… similar to what a court does with a ruling for the hour.**[[13]](#footnote-13)

And, of course, even the *Tosafot* accept the condition of a limited time (which is clearly implied by the *gemara* in *Sanhedrin* 90a), for without it, the prophet would be adding to the *mitzvot* or detracting from them, but because this was so obvious, they did not mention it.

This *halakha*, which was taught in a *baraita*, appears again in the words of the *Amora’im* in tractate *Sanhedrin* (90a):

R. Abahu said in the name of R. Yochanan: In every matter, if a prophet tells you to transgress the commands of the Torah [Rashi: Because of the needs of the hour, such as Eliyahu at Mount Carmel], obey him, with the exception of idolatry; should he even cause the sun to stand still in the middle of the heavens for you [as proof of Divine inspiration], do not hearken to him.

This is the way that the Ramban (in his commentary to *Devarim* 13:4, s.v., *ve-ta'am ki menaseh Hashem*) summarizes the relationship between the two sections dealing with a prophet in our book regarding a prophet who instructs people to transgress a Torah commandment:

The entire section deals with one who prophesies to worship idols, but one who prophesies in the name of God to change something in the Torah, our Rabbis expounded regarding him that if he came to uproot some matter from the Torah, e.g., to permit pig or one of the forbidden sexual relationships – this judgment must be done to him [one must not listen to him and he must be executed]. But if he permits this for a short period of time as a ruling for the hour,[[14]](#footnote-14) such as Eliyahu at Mount Carmel, we are obligated to hearken to him and to do whatever he commands.

**III. Eliyahu on Mount Carmel and Other Prophets Who Issued Instructions to Transgress a Torah Mitzva**[[15]](#footnote-15)

"For instance, Eliyahu on Mount Carmel" – this is the example brought by the *baraita* in *Yevamot* (90b), and frequently cited by *Chazal* and in the words of the *Rishonim*, to illustrate the rule that the mitzvaof "to him you shall hearken" applies even when the prophet issues a command to transgress a Torah mitzva*.*

In I *Melakhim* 18, there is an extensive account of the test that Eliyahu conducted on Mount Carmel against the prophets of the Baal and in the presence of all the people, in order to put an end to the people's vacillation between serving God and serving the Baal:

21: if the Lord be God, follow Him; but if Baal, follow him.

He proposes to the people:

23: Let them therefore give us two bullocks;

and let them choose one bullock for themselves, and cut it in pieces, and lay it on the wood, and put no fire under;

and I will dress the other bullock, and lay it on the wood, and put no fire under.

24: And call you [the prophets of the Baal] on the name of your god, and I will call on the name of the Lord;

and the God that answers by fire, let him be God.

The people agree to the proposal, and the plan advances to the stage of action. After the extended failure of the prophets of Baal from the morning until the time of the offering of the evening offering to receive an answer from the Baal, Eliyahu turns to the people and invites them to participate with him in the preparations for the sacrifice:

30-33: … and all the people came near to him. And he repaired the altar of the Lord that was thrown down.

And with the stones he built an altar in the name of the Lord… and he cut the bullock in pieces and laid it on the wood.

At the time of the offering of the evening offering, Eliyahu begins to pray to God:

36: And he said: O Lord, the God of Avraham, of Yitzchak, and of Israel, let it be known this day that You are God in Israel, and that I am Your servant, and that I have done all these things at Your command.

37: Hear me, O Lord, hear me, that this people may know that You, Lord, are God, for You did turn their heart backward.

38: Then the fire of the Lord came down…

39: And when all the people saw it, they fell on their faces; and they said: The Lord, He is God; the Lord, He is God!

Slaughtering a sacrifice and burning it on an altar outside the Temple courtyard are actions that are forbidden by the Torah. In the book of *Devarim*, *Parashat Re'eh*, this prohibition is repeated several times:

*Devarim* 12:13: Take heed to yourself that you offer not your burnt-offerings in every place that you see;

14: but in the place which the Lord shall choose in one of your tribes, there you shall offer your burnt-offerings, and there you shall do all that I command you.

 This is not the only time that the Bible tells of a prophet who issues instructions to transgress a Torah commandment. In I *Melakhim* 20, it is related:

35: And a certain man of the sons of the prophets said to his fellow by the word of the Lord: Smite me, I pray you. And the man refused to smite him.

36: Then he said to him: Because you have not hearkened to the voice of the Lord, behold, as soon as you are departed from me, a lion shall slay you.

And as soon as he was departed from him, a lion found him and slew him.

37: Then he found another man, and said: Smite me, I pray you. And the man smote him, smiting and wounding him.[[16]](#footnote-16)

The reluctance on the part of the prophet's fellow to strike the prophet certainly follows from the fact that hitting another person without cause is perceived by the Torah as the deed of a wicked man.[[17]](#footnote-17) However, the instructions issued by the prophet obligates the person receiving them even when they contradict a Torah mitzva, as long as it is "for the hour," and such was the prophet's instruction to his fellow.[[18]](#footnote-18) God punished the prophet's fellow for failing to obey him, and he was slain by a lion, as was foretold by the prophet.

In II *Melakhim* 3, Elisha commands Yehoshafat king of Yehuda and Yehoram king of Israel, whose armies are about to attack Moav:

19: And you shall smite every fortified city, and every choice city, **and shall fell every good tree,** and stop all fountains of water, and mar every good piece of land with stones.

This is indeed what Israel did, as is described later in the chapter, in verses 24-25.

Elisha's instructions seem to contradict a Torah mitzva found in our *parasha*:

20:19: When you shall besiege a city a long time…

you shall not destroy the trees thereof by wielding an axe against them; for you may eat of them, but you shall not cut them down…[[19]](#footnote-19)

It should be noted that of these three stories, only in the middle story is the tension felt between the prophet's directive and the Torah's mitzva, as it stands to reason that it was this tension that underlay the reluctance of the first recipient of the prophecy to strike the prophet. In the other two stories, there is nothing in the stories themselves that expresses the fact that the prophet's instruction contradicted a Torah mitzva. In the story about Eliyahu, *Chazal* highlighted the contradiction, while in the story about Elisha, this was pointed out by the medieval commentators, as well as by the Rambam in his introduction to the Mishna.[[20]](#footnote-20)

**IV. A Temporary Ruling to Transgress a Mitzva – A Prophecy from God or at the Prophet’s Initiative?**

Were the directives of the prophets discussed in the previous section stated in a prophecy from God, or were they instructions issued by the prophets themselves, acting at their own discretion?

Let us examine these three stories in reverse order of their appearance in the previous section (in which they appeared in chronological order and in their order in Scripture).

Elisha's instruction to the kings of Yehuda and Israel was stated in the framework of a prophecy from God and close to the time that it was received. This is what is stated there (II *Melakhim* 3:15 and on):

The hand of the Lord came upon him. And he said:

Thus says the Lord:…

You shall not see wind, neither shall you see rain, yet that valley shall be filled with water…

And this is but a light thing in the sight of the Lord; He will also deliver the Moavites into your hand.

And you shall smite every fortified city… and shall fell every good tree…

We see, then, that Elisha's instruction was stated in a prophecy from God.

Regarding the directive issued by one of the sons of the prophets to his fellow, it is explicitly stated that it was "by the word of the Lord," and when his fellow refused to strike him, the prophet said to him (I *Melakhim* 20:36):

Because you have not hearkened to the voice of the Lord.

Eliyahu was commanded by God:

I *Melakhim* 18:1: Go, show yourself to Achav, and I will send rain upon the land.

As for the many actions that Eliyahu performed between his appearing before Achav and the sending of the rain upon the land, however, it would appear that Eliyahu performed them on his own initiative, without having being commanded to do so. These actions include assembling the people on the Carmel and bringing the prophets of the Baal there; proposing the test to the people; repairing the altar that had been thrown down and slaughtering the bullock on it in anticipation of the fire coming down from heaven; and, of course, the prayer in the wake of which the fire came down and the slaughter of the prophets of the Baal afterwards.

It turns out, then, that the decisive action with respect to the subject of this study – the offering of the bullock on the altar (*bama*) – was performed without an explicit command of God, but rather at the initiative of the prophet, and Eliyahu included the people in this action and asked them to do certain things in connection with it.[[21]](#footnote-21) This action is used as the basis for the words of *Chazal* in the *baraita* in *Yevamot*: "'To him you shall hearken' – even if he says to you: Transgress any of all the commandments of the Torah, as in the case, for instance, of Eliyahu on Mount Carmel, obey him in every respect for the hour." Can we conclude from this that the mitzva of "to him you shall hearken" applies even to an instruction issued by a prophet on his own, without an explicit command from God?

Although the impression received from the description of Eliyahu's actions is that these actions were performed on his own initiative, one sentence in Eliyahu's prayer led several commentators to explain that he was acting on the word of God, on an explicit command that is not recorded in the story. This sentence is:

36: Let it be known this day that You are God in Israel, and that I am Your servant,

**and that I have done all these things at Your word.**

*Chazal* in *Yerushalmi Ta'anit* 2:8 (65d) and in parallel sources[[22]](#footnote-22) expound as follows:

Did Eliyahu offer sacrifices when *bamot* were forbidden? R. Simlai said: A [Divine] utterance spoke to him; "I have done [all these things] at Your word [*u-ve-devarkha*]" – I have done [all these things] at Your utterance [*u-ve-dibburkha*].

Rashi, in his commentary to this verse, follows in the footsteps of R. Simlai:

"I have done [all these things] at Your word" – that I offered a sacrifice when *bamot* are forbidden.

It seems that according to this opinion, a prophet is not permitted to transgress a Torah mitzva, nor to instruct others to do so, on his own initiative. Only when God commands him to do so does the mitzva of "to him you shall hearken" apply.

However, some of the commentators who focus on the plain meaning disagreed with Rashi's interpretations (in the wake of R. Simlai's exposition), or at least contended with this issue.

The Radak writes in his commentary to I *Melakhim* 18:21:

As for the test that Eliyahu conducted, it is possible that he did so on his own, trusting that God would not leave him empty-handed and that He would sanctify His name publicly… or it is possible that He told him [to do so], even though Scripture does not report this… **But the first [possibility] is more convincing,** for if God told him to do so, what need was there for a prayer [in vv. 36-37]?

The Ralbag, in his commentary to v. 32, also raises these two possibilities, and he too inclines to the first one, whereas the Abravanel decides the matter in accordance with the first possibility owing to the argument advanced by the Radak – Eliyahu's prayer.

How do these commentators and those who follow in the footsteps explain Eliyahu's words: "And that I have done all these things at Your word"?

In our study, "Was Eliyahu Commanded about his Actions in our Story?" (see note 15), we brought various explanations of Eliyahu's words.[[23]](#footnote-23) Here we will bring only one explanation, that of the Ralbag:

"And that I have done all these things at Your word" - … Even if we assume that he was not commanded about this, it is possible for him to say that he did this "at His word," **because He had told him to show himself to Achav and He will send rain upon the land** (v. 2). And it would have been wrong to send rain upon the land while they were still holding on to their wicked ways… Thus, it was necessary for him to first perform an action that would cause them to return to the good path, however that is possible…

Eliyahu was not commanded to perform the specific actions that he performed – those he did on his own initiative, by choice and at his discretion. But his actions were a realization of what was alluded to him in the words of God – that he must cooperate with Achav in order for God to send rain upon the land, when Israel will repent. Since Eliyahu's actions in our story, which were done on his own initiative, were meant to fulfill God's command, in accordance with its spirit and intention, it can be said about them that they were done "at God's word," even if God did not explicitly command him to perform them.

This is also the way to understand Eliyahu's prayer: "Let it be known this day" – when You answer my prayer by sending fire down on the sacrifice that I prepared – "that You are God in Israel and that **I am your servant"** – that all of my actions were performed as "Your servant," that is to say, in the framework of my being a servant of God who stands before You at all times to do Your will. This being the case, it will also become clear "that I have done all these things **at Your word"** – when I did all these things at Mount Carmel, I was acting as a servant whose master relies on his judgment and entrusts him with the administration of his affairs, and therefore all of the servant's actions are a fulfillment of his master's words and intentions.[[24]](#footnote-24)

According to this approach of the Ralbag and the other plain-meaning commentators who explain Eliyahu's actions in this manner, we come back to the surprising conclusion that the mitzvaof "to him you shall hearken" is binding even when the prophet issues instructions to transgress a Torah mitzva not based on an explicit Divine command, but based on his own judgment, for the time being, "like Eliyahu at Mount Carmel."

Do the early authorities on Jewish law agree with this conclusion?

**V. The Opinion of the Tosafot Regarding “A Prophet Who Acted on His Own”**

In section II above, we cited the words of the *baraita* in *Yevamot*: "Even if he says to you: Transgress any of all the commandments of the Torah… obey him." The *Gemara* there discusses the authority of a court to uproot something from the Torah and the limitations placed on that authority. In the framework of a search for a source for that authority, the *gemara* brings this *baraita* relating to a prophet's authority to do this. The *gemara* wishes to prove from here that a court enjoys similar authority, but it rejects this proof:

There it is different, for it is written: "To him you shall hearken." Then let it [the court's authority] be deduced from it! The safeguarding of a cause [Rashi: To erect a fence and a repair like there, where he brought them back thereby from idol worship] is different.

It is possible to learn from a prophet's authority to issue instructions to temporarily transgress a Torah mitzvathat the same applies to a court, but only when that instruction comes "to safeguard a cause."

The *Tosafot* discuss the meaning of our *baraita* and its context in two places: in the place where it appears (*Yevamot* 90b, s.v. *ve-ligmar minei*) and in *Sanhedrin* (89b, s.v. *Eliyahu Be-Har ha-Carmel*). In these two places the *Tosafot* start with the assumption that Eliyahu did what he did on Mount Carmel based on a Divine command. This leads them to ask:

It may be asked: What is the meaning of the *gemara*'s question there: "Then let it [the court's authority] be deduced from that"? Since he prophesied based on a Divine utterance, how can one learn from there about transgressing by way of a Rabbinic enactment not based on a Divine utterance?

As a result of this difficulty, and for other reasons, the *Tosafot* in *Sanhedrin* retract their original assumption and explain the *baraita* in its plain sense and based on its context (although in *Yevamot* they retain their original assumption):

Rather, surely the *baraita* understands that the verse is dealing with a prophet who acted on his own.

But the change in their premise in relation to Eliyahu's connections does not sit well with the *Tosafot* with respect to the plain meaning of the verse:

However, the verses imply that he acted based on a Divine utterance, as it is written: "And I have done [all those things] according to Your word." And Rashi, Illuminator of the Diaspora, explained in his commentary to the Prophets: "'And I have done [all those things] according to Your word' – that I offered a sacrifice when *bamot* are forbidden."

This seems to have been Rashi's understanding, apparently under the influence of R. Simlai's exposition. But the plain-meaning commentators – the Radak, the Ralbag, and Abravanel (and other commentators) – disagreed with Rashi, and explained the verse, "And I have done all those things at Your word," in accordance with what appears from the story as a whole – that Eliyahu acted in this instance on his own and not based on a Divine utterance.[[25]](#footnote-25) An analysis of the passage in *Yevamot*, as was done by the *Tosafot*, leads to the conclusion that the *gemara*'s view in this place is like that of the plain-meaning commentators – that Eliyahu acted on his own.

**VI. Different Views Among the *Rishonim***

 The words of the *Tosafot* thus contain two conflicting views regarding the matter under discussion: In *Yevamot*, they maintain that only when the prophet issues his instructions to transgress a Torah mitzva in the name of God does the obligation of "To him you shall hearken" apply, whereas in *Sanhedrin* they adopt the opposite position – that this obligation applies even when the prophet speaks in his own name.

Other *Rishonim* also voiced their opinions on this matter.

The Ramban, in his commentary to verses 21-22 in our *parasha* (s.v. *ve-khi tomar bi-levaveha eikha eida*) says as follows:

With every prophet we wait for the future matter to be as he said, and if not, we know that he is a false prophet who is put to death. If it all comes true, he is believed as a prophet of God, **and we are obligated to listen to him regarding everything that he commands in the name of God,** as it is stated: "To him you shall hearken," and even to transgress the words of the Torah for the need of the hour, as, for instance, Eliyahu at Mount Carmel.

The Ramban explicitly states that the obligation to listen to the prophet is only "regarding everything that he commands in the name of God," and not when he speaks on his own. However, in his commentary to *Parashat Korach* (*Bemidbar* 16:5, s.v., *ve-ta'am ve-yoda Hashem et asher lo*, middle), the Ramban writes:

Now **Moshe himself had this idea [**to conduct the test of the incense], for he saw already with Nadav and Avihu that when they offered a strange incense before God, they were burnt, **and he permitted Aharon to burn it for the need of the hour**… And Moshe trusted that God "confirms the word of His servant and performs the counsels of His messengers" (*Yeshayahu* 44:26).

According to this interpretation, the story in *Parashat* *Korach* is similar to the story about Eliyahu: Both conducted a public test on their own initiative in order to bring the people to repent, and both issued instructions to transgress a similar prohibition (performing the Divine service outside the Temple), trusting that God would answer them and that committing the transgression would help bring the people to repent. But the Ramban's remarks in *Parashat Korach* do not accord with what he says in our *parasha*.[[26]](#footnote-26)

The opinion of the author of *Sefer Ha-Chinukh* (mitzva516) is almost explicit that the obligation to listen to a prophet applies even when he issues his instructions to transgress a Torah mitzva on his own initiative. This follows clearly from the rationale that he offers for the mitzvaof "to him you shall hearken": "Since he is a true prophet **and all of his intentions are for the good,** and everything that he does he does to strengthen the faith and to [bring others to] believe in God, blessed be He." Similarly in his discussion of the "roots" of the mitzva, after describing the personal greatness of one who merits reaching the level of prophecy, he adds: "Therefore, the Torah has commanded us that when one person in the generation reaches this level… we should listen to him regarding everything that he commands, because he knows the true way and will guide us in it, and we must not raise up our souls to disobey and argue with him, because disputing him on any matter is a complete mistake and a lack of knowledge of the truth." If the commandment to listen to the prophet only applies when he issues instructions in the name of God, the rationales of the *Sefer Ha-Chinukh* would be short and simple: Anyone who disobeys him transgresses the command of God that was given by way of the prophet. There would be no need to discuss the good intentions of the prophet or his personal rank. Disobeying him would not be a "mistake," but rather a rebellion against the explicit word of God.

The Rambam's position is especially important, because he dealt with the principles of prophecy and the laws governing the prophet more extensively and in greater depth than any of the other *Rishonim*. For an explanation of his opinion on the subject discussed here, see our book, *Pirkei Eliyahu*, appendix A4, pp. 236-238.

**VII. Summary: What is the Issue in Dispute?**

Eliyahu's actions on Mount Carmel – his offering a sacrifice on a *bama* when *bamot* were prohibited – became the classic example of an important halakhic rule that is brought in the Talmud and in the words of the Rambam: The Torah's mitzvaconcerning a prophet, "to him you shall hearken" (*Devarim* 18:15), applies "even if he says to you: Transgress any of all the commandments of the Torah, obey him in every respect for the hour." Opinions differ as to the meaning of this rule,[[27]](#footnote-27) whether the mitzvato listen to the prophet applies only when he speaks in the name of God or even when he issues instructions on his own initiative, but in the framework of his role as a prophet.

In this controversy, we can identify two conceptions of the role of the prophet: Some see him as a prophet only when he fulfills his role of relaying the word of God. Only then do his words carry greater than usual weight. But some see in a prophet a messenger of God in everything that he does, even when he is not speaking in the name of God. Therefore, when he acts in the framework of his prophetic role, to repair the world and correct the ways of his people, he may issue instructions regarding actions that are to be taken or to be avoided, on his own and at his discretion. Since he was chosen to serve as God's messenger, the Torah commands even then: "To him you shall hearken." Moreover, even if his discretion brings him to issue instructions to transgress a Torah mitzva "for the hour," the circumstances necessitating this according to his understanding, even then "to him you shall hearken" – there is a mitzva to obey him. The prophet, according to this understanding, is a permanent authority in Israel, like the court. And just as the court is authorized, in the areas of action entrusted to it, to act to the best of its understanding for the preservation of the people of Israel and for the preservation of the Torah in Israel, and it is then authorized, with fixed and known restrictions, to deviate temporarily from the Torah's *mitzvot*, the same is true of the prophet, in the areas of action entrusted to him. The realm that is clearly entrusted to the prophet is strengthening Israel's faith in God and returning them to His service. When the prophet sees that to further this end he must act in a manner that involves the temporary violation of certain *mitzvot* in the Torah, as Eliyahu saw on Mount Carmel when he proposed the test that would in the end bring about Israel's repentance, he is permitted, and even obligated, to act in that manner, and even to command others to obey him and transgress a Torah mitzva "for the hour."

R. Natan (at the end of the last *mishna* in *Berakhot*)expounds the verse in *Tehillim* 119:126: "It is time to act for the Lord; they have made void Your law" as follows: "They have made void Your law. Why? Because it is time to act for the Lord." Rashi explains (in his commentary to *Berakhot* 63a):

Those who do His will have made void His law, such as Eliyahu on Mount Carmel, who sacrificed at a *bama* when *bamot* were prohibited, because it was time to make a hedge and a fence for Israel, for the sake of the Holy One, blessed be He.

From an examination of all the chapters dealing with Eliyahu, we can learn about the prophet's independence and about how God trusts him to act at his discretion and as needed to accomplish his prophetic mission. He who entrusted the natural reality of His world into the hands of His prophets, and who gave them the power to perform miracles and temporarily change the laws of that reality, also entrusted them with His Torah, for the sake of whose preservation they are authorized to issue instructions to temporarily cancel one of its *mitzvot*. It is for this power of the prophets and for their intentions that we recite the blessing before reading their words in the *haftara*: "Who has chosen good prophets and was pleased with their words spoken in truth."[[28]](#footnote-28)

(Translated by David Strauss)

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1. a. Between the commandment to appoint judges and the law concerning an idol worshipper, there are three verses whose connection to what surrounds them is difficult to understand: "You shall not plant you an Ashera of any kind beside the altar of the Lord… Neither shall you set you up a pillar…" (vv. 21-22); "You shall not sacrifice to the Lord your God an ox or a sheep wherein is a blemish…" (17:1). Various attempts have been made to explain these verses in their context, some according to the plain meaning of the verses and some by way of midrashic exposition; see the commentary of R. Hoffman, pp. 295-296.

b. The section dealing with the punishment of an idolater is ostensibly connected to the oration concerning the *mitzvot* in chapter 13 – the laws governing a prophet who seduces others to worship idols and the laws governing a condemned city – and there are linguistic and substantive connections between them. For the reason that it was inserted here, among the laws connected to judges and the judicial system, see our study for *Parashat Re'eh*, second series, note 20. [↑](#footnote-ref-1)
2. See our study for *Parashat Shofetim*, first series, which is dedicated to the section dealing with a king. [↑](#footnote-ref-2)
3. For the reason for the Torah's intense opposition to magic, see our study for *Parashat Shofetim*, second series, section I. [↑](#footnote-ref-3)
4. The section dealing with the cities of refuge and the laws governing the inadvertent and the intentional murderer (19:1-13) are clearly distinguished in their content from the section under discussion, but their belonging to the set of orations appearing in *Parashat Shofetim*, from beginning to end, is understandable. [↑](#footnote-ref-4)
5. It is clear that this verse commands a positive alternative to occupation in the various magical professions mentioned earlier. But what does it mean?

Rashi: "Walk before Him whole-heartedly, put your hope in Him, **and do not attempt to investigate the future,** but whatever it may be that comes upon you accept it wholeheartedly…

Ramban: "That we must direct our heart toward Him alone and believe that He alone does everything and that He knows the truth about the future, **and through Him alone may we investigate the future** through His prophets or His pious men, that is to say, the Urim and Tumim, and we must not investigate it through astrologers or the like…"

The difference between them is clear, and each explanation has its pros and cons. [↑](#footnote-ref-5)
6. The words of the people and the words of God in response to them are presented in similar language in Moshe's description of the assembly at Mount Chorev inchapter 5 of *Sefer Devarim*:
21: Now therefore why should we die? for this great fire will consume us; if we hear the voice of the Lord our God any more, then we shall die.

24: And the Lord heard the voice of your words, when you spoke to me; and the Lord said to me… they have well said all that they have spoken.

There, however, it is not stated that the people asked God for a prophet, nor do we find there God's words in our passage in verses 18 and on: "I will raise them up a prophet." See the remarks of the Ramban in his commentary to v. 16, where he explains that with the people's words cited in 5:23: "Go you near and hear all that the Lord our God may say; and you shall speak to us all that the Lord our God may speak to you; and we will hear it and do it" – "they then accepted to believe in His prophets and to listen to and do everything that God commands them through them." Similarly, the Ramban understands God's response: "They have well said all that they have spoken": "To believe in My prophets, and so I will do for them for all generations."

Despite the words of Ramban, who tried to include what is stated in our *parasha* in what is stated in chapter 5, we must admit that there is no hint in chapter 5 to God's words in verses 19-22 in our *parasha*, and we are forced to say that these are additional words that were stated at the assembly at Mount Sinai, which Moshe cites only here as needed for his oration. [↑](#footnote-ref-6)
7. In the first part of the oration, the various prognosticators active among the nations are presented in a negative light, and the people of Israel are forbidden to tolerate such a class of people among them. In contrast, the second part of the oration presents the positive role of the prophet in Israel as God's representative among the people. There is no evident stylistic or substantive contrast between the two parts, because the prophet in Israel does not operate in a manner similar to that of the magicians of the nations, whose activity in Israel was forbidden in the first part; he has a different role, as will be explained later in this section.

The transition between the two parts, which creates the contrast between them, takes place in the central axis of the oration, in the words of Moshe spoken in the first person:

14-15: But as for you, the Lord your God has not suffered you so to do. A prophet will the Lord your God raise up to you from the midst of you, of your brethren, like to me; to him you shall hearken."

In these words, the prophet is presented as a positive gift from God to Israel, in place of the soothsayers and diviners whom "the Lord your God has not suffered you so to do." The nations "**hearken** to soothsayers and to diviners," whereas you will receive from God a prophet "like to me; **to him you shall hearken."**

However, the central axis does not see the raising of a prophet in Israel merely as a positive substitute for the fortune-tellers among the nations, but rather as a continuation of the activity of the Moshe in the later generations by way of prophets who will come in his place, and the promise of such is rooted in the assembly at Mount Chorev, in God's explicit words. It turns out that the central axis is explicitly connected both to the first part of the oration and to the third part, and it creates the transition between them. [↑](#footnote-ref-7)
8. A similar link is made by the *Sifra* (*Behar*, *parshata* 6) between the severe restrictions on the enslavement of an Israelite (*Vayikra* 25:39-43) and the laws appearing immediately afterwards concerning a Canaanite slave (ibid. vv. 44-46):

"Lest you say: Since You have forbidden us all these things, what shall we use? Therefore it is stated: 'And as for your bondmen, and your bondmaids, whom you may have: of the nations… of them shall you buy bondmen and bondmaids.'" [↑](#footnote-ref-8)
9. In the *gemara*, Rav learns the source of these three punishments from verse 20 in our section:

"'But the prophet who shall presume to speak a word in My name' – this applies to one who prophesies what he has not heard; 'which I have not commanded him to speak' – implying, but which I did command his neighbor; 'or that shall speak in the name of other gods' – this connotes prophesying in the name of idols. And then it is written: 'Even that prophet shall die,’ and by every unspecified death sentence decreed in the Torah strangulation is meant." [↑](#footnote-ref-9)
10. In the continuation of the words of Rav, the source of these three punishments also appears from verse 19 in our *parasha*: "And it shall come to pass, that whosoever will not hearken to My words which he shall speak in My name, I will require it of him." According to its plain meaning, the verse deals with "one who disregards the words of a prophet" – who doesn't listen to him – and his punishment is that "I will require it of him" – that is, punishment at the hand of God. But the word *yishma* [hearken] can also be understood as if it were vocalized *yashmia*, proclaim, in which case it is dealing with one who suppresses his prophecy. It can also be understood as if it were vocalized *yishamea*, hearken himself, in which case it is dealing with a prophet who transgresses his own words. [↑](#footnote-ref-10)
11. So it would appear from the *gemara* in *Sanhedrin* 89b-90a; see, for example, Rashi, *Sanhedrin* 89b, s.v. *navi she-hidi'ach.*

A prophet who prophesies in the name of other gods is included in the section dealing with a prophet in chapter 18, in v. 20: "Or that shall speak in the name of other gods, that same prophet shall die." His execution is unrelated to the content of his prophecy: "Even if he was in agreement with the Halakha, to forbid that which is forbidden and to permit that which is permitted – he is liable to death by strangulation" (Rashi, ad loc., based on *Sifrei*, *Shofetim*, 177).

It should be noted that according to the Sages in the *baraita* in *Sanhedrin* 89b, the prophet discussed in *Parashat Re'eh,* who seduces the people in the name of God to idol worship, is liable to death by stoning, whereas the prophet discussed in our *parasha*, who prophesies in the name of other gods, is liable, according to all opinions, to death by strangulation. [↑](#footnote-ref-11)
12. *Hakdamot Ha-Rambam La-Mishna* (ed. R. Y. Shilat), pp. 34-35. [↑](#footnote-ref-12)
13. This is implied also in *Hilkhot Yesodei Ha-Torah*. The Rambam writes about Eliyahu's action on Mount Carmel: "If they would have asked Eliyahu: How can we violate the Torah's command: 'Be careful... lest you offer your burnt offerings everywhere'?, he would have told them: We should not say anything, but anyone who offers a sacrifice outside [the Temple] is liable for *karet,* as Moshe said. [The present instance,] however, [is an exception]. I am offering a sacrifice today outside [the Temple] at God's command, **in order to disprove the prophets of Baal."** [↑](#footnote-ref-13)
14. It seems that with these words the Ramban presents two requirements: that the allowance be temporary, for a few days, and that it have a purpose and reason – as an emergency ruling. [↑](#footnote-ref-14)
15. Our remarks in the continuation of this study are based on two studies in the "Carmel" series in our book *Pirkei Eliyahu*: study I (pp. 144-149), "Was Eliyahu Commanded about His Actions in our Story," and on Appendix I, "The Allowance of *Bamot* by Way of the Temporary Ruling of a Prophet" (pp. 232-239). [↑](#footnote-ref-15)
16. See our explanation of these verses in the study, "*Gavi Natati le-Makim*," in our article, "*Ha-Milchamot Ha-Rishonot bein Achav U-Ben-Hadad*: *Iyunim Be-I Melakhim Perek 20*," *Megadim* 16 (Adar II, 5752), pp. 90-95. [↑](#footnote-ref-16)
17. It is said regarding Moshe who goes out to his brothers and sees a Hebrew man striking his fellow: "And he said to the wicked one: Why do you smite your fellow?" The prohibition against striking one's fellow is derived from *Devarim* 25:3: "Forty stripes he may give him [he who is liable for flogging], he shall not exceed; lest, if he should exceed…." [↑](#footnote-ref-17)
18. "For the hour" in the sense of a limited time is clear: smiting the prophet was to be a one-time event; regarding "for the hour" in the sense of "for the need of the hour" – see our explanation in the study mentioned in note 16. [↑](#footnote-ref-18)
19. The series of studies, "The War against Moav," in our book, *Pirkei Elisha*, is dedicated to the story of this war. Study IV, pp. 80-84, deals with the contradiction between Elisha's command and the Torah's mitzva. (It should be noted that according to the Radak and the Ramban, whose words are cited at the end of that study, there is no contradiction.) We discussed the reason for Elisha's command in Study VII3, p. 110. [↑](#footnote-ref-19)
20. See the summary in the study mentioned in the previous note. [↑](#footnote-ref-20)
21. It was the people who provided Eliyahu with the bullocks (v. 23), and it stands to reason that they also helped Eliyahu restore the destroyed altar of God with the twelve stones that were brought to the place (vv. 30-32) and with other matters leading up to the fire descending from heaven. (This is explicit with respect to filling the jars with water and pouring it on the offering – vv. 34-35.) It would seem that it was Eliyahu himself who cut the bullock into pieces and placed them on the wood. [↑](#footnote-ref-21)
22. *Yerushalmi* *Megilla* 1:11 (73c); *Vayikra Rabba* 22:9; *Midrash Tehillim* 27; *Kohelet Rabba* 3:14; *Pesikta Rabbati* 24, end. [↑](#footnote-ref-22)
23. *Pirkei Eliyahu*, pp. 147-149. [↑](#footnote-ref-23)
24. We expanded upon this issue in the introduction to our book *Pirkei Eliyahu*. [↑](#footnote-ref-24)
25. In the end, even the *Tosafot* reach the conclusion that God did not command Eliyahu to do what he did, but their explanation of the verse, "I have done all those things at Your word," is based on a midrashic exposition and is not the plain meaning of the text. [↑](#footnote-ref-25)
26. It should be noted here that our study for *Parashat Korach* and our conclusion in section VIII are very related to the subject matter of the present study. [↑](#footnote-ref-26)
27. It seems that this matter is subject to a disagreement between the *Yerushalmi* and the *Bavli*. [↑](#footnote-ref-27)
28. See what we wrote about this in the introduction to *Pirkei Eliyahu*. [↑](#footnote-ref-28)