8th PRINCIPLE: Understanding Rabbinical Laws

Today we will finish our brief explanation about the Oral Tora, and in doing so we will end our presentation of the Eighth Principle, which states that the Written Tora and the Oral Tora are of divine origin.
We mentioned so far three categories of laws, or explanations of Biblical laws: 1. The Perush. 2. Halakha leMoshe MiSinai and 3. Dinim Muflaim (see below).
There are 2 more categories which we will explore today:
4. Gezerot (prohibitions). and 5. Taqanot uMinhaguim (decrees).
These are two rabbinical categories, that is, laws that were enacted by rabbinical courts in the times of Talmud. The main rabbinical court, or Bet Din HaGadol, had the authority to enact new laws, when they saw fit. This Bet Din was like the Supreme Court of the Jewish People. Once the Talmud was closed in the year 500 of the Common Era, this "national" rabbinical court disappeared. Since then and until today, there is no central Court that can legislate new decrees for "all" Am Israel, or revoke decrees issued by those Talmudic courts.
Since the Talmud was closed, the lawmakers Rabbis (or posqim) might rule new cases by deriving or comparing them with Talmudic legal precedents, as it was shown yesterday with the case of *hatsitsa*. However, in the absence of the "Supreme Court of Am Israel", the authority of Rabbis is limited to the confines of their own communities, which is why there are numerous differences in some details of the commandments between the different communities.
Some examples of these two categories:
4. **Gezerot:** the rabbis of the time of the Mishna (10-200 of the Common Era), experienced the exile of the Jews, which began with the destruction of the Bet haMiqdash (68 CE). One of the dangers of this new situation was the risk of assimilation with other nations. The rabbis then decided to limit the interaction with the gentile society in social contexts. And they enacted some restrictions, or "barriers to limit socialization" (in rabbinic Hebrew □□□□□□□ □□□□ □□ □□□□□ □□□□). They banned for example, the consumption of wine produced by non-Jews (□□□□ □□□), homemade bread, and cooking some meals (□□□□□ □□□□□ □□ □□□□), even when all elements were Kosher, etc. All these laws, as we explained, were established to limit socializing with gentile society and remind the Jews in exile that they must make every possible effort to live in peace and behave with great respect with their gentile neighbors, but they must avoid socializing, which could lead to intermarriage.
5. **Taqanot and Hanhagot** (decrees and customs). These are, for example, the Rabbinical "mitsvot" , like lighting candles before Shabbat, reading Megillat Esther on Purim, lighting the Hanuka candles etc. "Customs" means rabbinical decrees which began from the people's practice, and later on were enacted into law by the rabbinical courts. For example, celebrating two days of Yom Tob outside Israel.
A very important point: in Parashat Shofetim the Tora says that when any doubts arise about a Biblical law of any kind, the case must be referred to a Bet Din or rabbinical court. Thus, the Supreme rabbinical court was actually acting as an extension of the Biblical authority, and as such had the authority to interpret the law (Dinim Muflaim) and enact new restrictions (gezerot) and decrees (taqanot). That's why, for example when lighting the Shabbat candles, which is a mitsva established by the Rabbinical Courts, we say the Berakha: "Blessed are You HaShem … that You have commanded us to kindle the Sabbath candles" as if HaShem had commanded us this commandment directly in His Tora. Maimonides explains that the words of this Berakha must be understood in this way: "Blessed are You Hashem … that You have commanded us to 'obey the rabbinical courts which ordered us to' light the Shabbat candles.
We conclude now this brief overview of what is and what covers the Oral Tora,inviting again the avid reader who wishes to know this issue in more detail to study the book MATE DAN, by Rabbi David Nieto

IMPORTANT CLARIFICATION

My son, Rabbi Yaaqob Bitton, wrote yesterday a comment to my brief, and perhaps imprecise, explanation of DINIM MUFLAIM, which I am sure will serve to clarify some doubts that the reader advanced reader might have. See here