
THE SYSTEM OF HALACHAH

≈ JEWISH LAW I ≈

The Revelation of the Torah

The Torah could rightly be called a record of the history of revelation. Beginning with the creation of the first man, the Torah relates his conversation with God. Then we are introduced to the forefathers, leading to the formation of the Jewish people. The Torah then culminates with the Children of Israel's experiences in the Sinai Desert, where they heard God speak and were taught the Torah by Moshe (Moses). And even after Moshe's death, God continued to communicate with mankind through His prophets until the Second Temple.

These revelations form the basis of all Jewish law, and therefore this first class in the Morasha series on the System of Halachah must clearly lay out the history of these revelations. Starting with Adam himself, we will trace the record of God's communication with mankind and explain how these revelations developed into Halachah, Jewish law.

As such, we will seek to address the following questions:

- Who were the first people cognizant of God's will for mankind?
- Did our Forefathers practice what we call Judaism?
- How was the Torah revealed to the Jewish people and to Moshe?
- How is the Book of Devarim (Deuteronomy) different from the rest of the Torah?
- What role do the Prophets that followed Moshe play in revealing Jewish law?

Class Outline:

Section I.	The Heritage of Humanity Part A. Noachide Laws Part B. The Yeshiva of Shem and Ever
Section II.	The Avot (Forefathers)
Section III.	The Exodus and Buildup to Mount Sinai
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Section VI.	The Book of Devarim (Deuteronomy) Part A. Moshe's Role Part B. The Last Eight Verses
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SECTION I. THE HERITAGE OF HUMANITY

It is well-known that Avraham (Abraham) was the first Jew. However, even a cursory reading of the Torah shows that he was not the first person with whom God spoke. God communicated directly with Adam and Chava (Eve), the first people, and their son, Kayin (Cain). In addition, Noach (Noah) was "righteous in his generation," and God spoke with him.

As the Talmud points out, one purpose of God's communications with early mankind was to teach them universal laws of morality. There are seven mitzvot that are commanded to all mankind, each accompanied by its own body of law.

PART A. NOACHIDE LAWS

Originally, God taught Adam six universal ("Noachide") commandments and then a seventh to Noach. These were the first mitzvot practiced by mankind. (The mitzvah to Adam and Chava not to eat from the Tree of Knowledge of Good and Evil was specific to them.)

1. Talmud Bavli, Sanhedrin 56a – God taught seven universal commandments that were established for Noach's descendants.

Our Rabbis taught: seven precepts were commanded to the descendants of Noach:

תנו רבנן: שבע מצוות נצטוו בני נח: דינין, וברכת השם, עבודה זרה, גילוי ערויות, ושפיכות דמים, וגזל, ואבר מן החי.

to refrain from: blasphemy, idolatry, adultery, bloodshed, robbery, and eating flesh cut from a living animal.

Once the seventh commandment, prohibiting eating flesh cut from a live animal, was added for Noach, all seven of the universal laws were referred to by his name – the seven Noachide laws.

2. **Rambam, Hilchot Melachim 9:1 – Adam was given six out of the seven Noachide laws.**

Six precepts were commanded to Adam ... Even though we have received all of these commands from Moshe and, furthermore, they are concepts which intellect itself tends to accept, it appears from the Torah's words that Adam was commanded concerning them.

The prohibition against eating flesh from a living animal was added for Noach, as Bereishit (Genesis) 9:4 states: "Nevertheless, you may not eat flesh with its life, which is its blood." Thus there are seven mitzvot.

These matters remained the same throughout the world until Abraham.

על שישה דברים נצטווה אדם הראשון... אע"פ שכולן הן קבלה בידינו ממושה רבינו, והדעת נוטה להן, מכלל דברי תורה יראה שעל אלו נצטווה.

הוסיף לנח אבר מן החי שנאמר אך בשר בנפשו דמו לא תאכלו, נמצאו שבע מצוות.

וכן היה הדבר בכל העולם עד אברהם.

These seven Noachide laws branch out into an entire system of law that was known to the ancients.

3. **Talmud Bavli, Avodah Zarah 14b – The Noachide prohibition against idolatry included a vast code of law.**

We have a tradition that our forefather Avraham had 400 chapters in his [tractate] dealing with [the laws pertaining to] idolatry, whereas we only have five.

גמירי, דעבודת כוכבים דאברהם אבינו ד' מאה פירקי הויין, ואנן חמושה תנן.

PART B. THE YESHIVA OF SHEM AND EVER (EBER)

At the helm of teaching these laws to the general public were the descendants of Noach – Shem and Ever. These men not only received a tradition from Adam, but they were prophets in their own right.

1. **Seder Olam 1 – The Torah hints to the prophecy of Noach's descendant, Ever.**

Rabbi Yossi said: Ever was a great prophet, for he named his son "Peleg" by Divine inspiration, as it says, "for in his days the world was divided (*niflaga* – from the same root word as Peleg) [after the Tower of Babel]" (Bereishit 10:25).

אמר רבי יוסי נביא גדול היה עבר שקרא שם בנו פלג ברוח הקודש, שנאמר כי בימיו נפלגה הארץ וגו' (בראשית י:כה).

2. **Bereishit Rabbah 52:11 – Shem and Ever were the guardians of morality in their time.**

When the nations of the world sought to depart from the ways of God, He arranged that two of their great ancestors, Shem and Ever, would rise and chastise them.

בשעה שבקשו אומות העולם לתעות מדרכיו של הקב"ה העמיד להם שני גדולים משל בית אבא שם ועבר והיו מתרים בהן.

Talmudic literature often mentions *yeshivot* (Torah academies) and *batei-din* (courts) set up by these early prophets.

3. **Rambam, Moreh Nevuchim 2:39 – The early prophets established academies and courts.**

There were prophets before Moshe, such as the patriarchs, Shem, Ever, Noach, Metushelach (Methuselah), and Chanoch... Our Sages, when speaking of prophets before Moshe, used such expressions as: The bet-din (court of justice) of Ever, the bet-din of Metushelach, and in the academy of Metushelach; although they were prophets, they taught their fellow-men in the manner of lecturers, teachers, and rectifiers...

מי שקדם למרע"ה מן הנביאים, כאבות, ושם, ועבר, ונח, מתושלח, וחנוך ... וכן תמצא החכמים אומרים במי שקדמוהו מן הנביאים בית דינו של עבר, בית דינו של מתושלח, מדרשו של מתושלח, כלם ע"ה אמנם היו נביאים ילמדו בני אדם על תכונת דורשים ומלמדים ומיישרים...

The Forefathers of the Jewish people were amongst the student body of these early academies.

4. **Bereishit 25:22 with commentary of Rashi (citing Bereishit Rabbah) – When Rivka (Rebecca) was pregnant, she asked Shem to explain the strange goings-on in her womb.**

But the children clashed inside her, and when this occurred, she asked, "Why is this happening to me?" She went to seek counsel from God.

Clashed – When she would pass the entrance of the Torah academy of Shem and Ever, Yaakov (Jacob) would wriggle around desiring to rush to out. When she would pass the entrance of idol-worship establishments, Eisav (Esau) would squirm to come out.

She went to seek – To the academy of Shem.

ויתרצצו הבנים בקרבה ותאמר אם כן למה זה אנכי ותלך לדרש את יקוק:

ויתרצצו: כשהיתה עוברת על פתחי תורה של שם ועבר יעקב רץ ומפרכס לצאת, עוברת על פתחי עבודה זרה עשו מפרכס לצאת.

ותלך לדרוש - לבית מדרשו של שם:

5. **Bereishit 37:3 with commentary of Rashi – Yaakov taught what he learned from Shem and Ever to Yosef (Joseph).**

Israel loved Yosef more than any of his other sons, since he was the child of his old age. He made [Yosef] a long colorful coat.

Child of his old age – Onkelos translates it: "He was a wise son to him," [because] all that he [Yaakov] had learned from Shem and Ever, he transmitted to him [Yosef].

וישראל אהב את יוסף מכל בניו כי בן זקנים הוא לו ועשה לו כתנת פסים:

בן זקנים - ואונקלוס תרגם בר חכים הוא ליה כל מה שלמד משם ועבר מסר לו.

KEY THEMES OF SECTION I.

- ⌘ Avraham was not the first to communicate with God. Originally, God taught Adam six universal (“Noachide”) commandments and then a seventh to Noach.
- ⌘ Prior to Avraham, there had been at least one academy for the teaching of God’s laws.

SECTION II. THE AVOT (FOREFATHERS)

While the rest of mankind had knowledge of only the seven Noachide laws, the forefathers of the Jewish people not only knew about but actually observed the entire Torah.

1. Bereishit 26:5 – God promises to bless Yitzchak (Isaac) on account of Avraham observing the Torah.

All this is because Abraham obeyed My voice and kept My charge, My commandments, My decrees, and My laws.

עקב אשר שמע אברהם בקלי וישמר משמרת מצותי חקות ותורת:

2. Talmud Bavli, Kiddushin 82a – God told Yitzchak that Avraham had observed all the mitzvot.

We see that our forefather Avraham fulfilled all the mitzvot of the Torah even before it was given, as the verse states (Bereishit 26), “Because Abraham obeyed My voice and kept My charge, My commandments, My decrees, and My laws.”

מצינו שעשה אברהם אבינו את כל התורה כולה עד שלא ניתנה, שנאמר (בראשית כו) עקב אשר שמע אברהם בקולי וישמר משמרת מצותי חקות ותורות.

Perhaps Avraham only observed the seven Noachide commandments?

3. Talmud Bavli, Yoma 28b – Avraham kept the entire Oral Law as well as the Written Law.

Rav said, “Avraham fulfilled all the mitzvot of the Torah, as it says, ‘Because Abraham obeyed My voice and kept My charge, My commandments, My decrees, and My laws.’ Rabbi Shimi bar Chiya said to Rav, “Maybe he observed the seven [Noachide] mitzvot only? [However] there is the mitzvah of Brit Milah (circumcision) as well.” Rav replied to him, “Perhaps he observed the seven plus that one.” Rava (others say it was Rav Ashi) answered, “Avraham fulfilled even the rabbinical institution of *Eiruvei Tavshilin* (a very specific rabbinic law regarding cooking food on holidays to be used on Shabbat), as the verse states, ‘My Torahs,’ i.e. the Written Law and the Oral Law.”

אמר רב: קיים אברהם אבינו כל התורה כולה, שנאמר (בראשית כו) עקב אשר שמע אברהם בקולי וגו'. אמר ליה רב שימי בר חייא לרב: ואימא שבע מצות? - הא איכא נמי מילה. ואימא שבע מצות ומילה? - אמר ליה: אם כן מצותי ותורותי למה לי? אמר (רב) [רבא] ואיתימא רב אשי: קיים אברהם אבינו אפילו עירובי תבשילין, שנאמר תורותי - אחת תורה שבכתב ואחת תורה שבעל פה.

(Where it appears as if the Avot did not fulfill at least some of the mitzvot since the Torah had not yet been

given at Sinai, see Ramban to Bereishit 26:5; Rema, Responsa Chapter 10; Maharal, Gur Aryeh to Bereishit 46:10; and Rabbi Yehudah Rozanes, Parashat Derachim).

The Midrash goes on to say that Avraham taught the Torah to his children as well. (Rabbi Yaakov Kamenetsky in Emet l'Yaakov (Bereishit 28:11) calculates that Yaakov Avinu had studied Torah until fifteen years of age with Avraham, and until sixty-three years old with Yitzchak before traveling to Charan.) The Torah states that God commanded certain mitzvot to the Jewish people even before the Torah was given. For example, circumcision was given to Avraham, and Yaakov was commanded not to eat any animal's sciatic nerve (*gid hanasheh*).

The question remains, however, as to how Avraham became privy to Torah before the Revelation at Sinai.

4. Bereishit Rabbah 95 – Avraham discerned and learned Torah on his own.

From where did Avraham learn the Torah?...
Rabbi Levi said: He figured Torah out on his own...

ומהיכן למד אברהם את התורה? ... רבי לוי אמר
מעצמו למד תורה...

To see how this concept applies to us today, see Rabbi Shlomo Wolbe, Aley Shur I, pp. 172-173.

KEY THEMES OF SECTION II.

∞ Avraham fulfilled the mitzvot of the Torah and taught it to his son and grandson, Yitzchak and Yaakov. Avraham first came to understand Torah through his own intellectual investigation.

SECTION III. THE EXODUS AND BUILDUP TO MOUNT SINAI

PART A. EGYPT

Even before Mount Sinai, when Moshe was about to lead the Jewish people out of Egypt, God introduced the first mitzvah commanded on a national scale: the sanctification of Rosh Chodesh (pronouncing the advent of a new month) (Shemot [Exodus] 12:2). Additionally, mitzvot related to the Pesach sacrifice were commanded prior to leaving Egypt.

PART B. MARAH

The Torah states that the Jewish people crossed the Reed Sea, journeyed three days in the desert and did not find water (Shemot 15:32). The Talmud (Baba Kama 82a) explains that water is a symbol of Torah study; just as a person cannot survive without drinking water, Torah study is essential for Jewish existence. The Jewish people then arrived at Marah, a location with bitter water, at which time God showed Moshe how to make it potable. At Marah, God commanded three mitzvot: Shabbat, the laws of the Red Heifer and civil ordinances.

1. Shemot 15:25 – God commanded certain mitzvot at Marah.

And [Moshe] cried out to God, and God showed

ויצעק אל יקוק ויורהו יקוק עץ וישלך אל המים וימתקו

him a piece of wood; he threw it into the water and the water became sweet. At that location He imposed on [the nation] a decree and an ordinance, and there He tested [the nation].

המים שם שם לו חק ומשפט ושם נסהו:

2. Rashi to Shemot 15:25 – Three mitzvot were given at Marah to learn.

At Marah God gave them certain sections of the Torah to study: Shabbat, the Red Heifer, and [the Torah's] civil laws.

במרה נתן להם מקצת פרשיות של תורה שיתעסקו בהם, שבת ופרה אדומה ודינין:

(See also Talmud Bavli, Sanhedrin 56b and commentary of Gur Aryeh on Rashi above for an explanation for a varied listing).

Why were these three mitzvot specifically commanded at Marah?

3. Maharal, Gur Aryeh, Shemot 15:25 – The study of these three mitzvot best prepared the Jewish people for three central qualities of Torah learning.

Once they had gone three days without (learning) Torah, as our Sages have expounded on the verse, “and they traveled for three days without water” – and it is impossible to be without Torah – that was when they were given these three sections, because they contain many detailed laws. As we know, Shabbat has a myriad of detailed laws. And even though the Red Heifer does not contain many laws, its single law is “deep, so deep who can figure it out” (Kohelet [Ecclesiastes] 7:24).

And as far as social laws are concerned, they are the epitome of wisdom, as our Sages have said, “One who wants to become wise should occupy himself with the laws of monetary affairs, for the law changes with every slight variation in the case” (Bava Batra 175b). Hence, there are three qualities being displayed here: depth for its own sake as in the Red Heifer, volume of laws as per Shabbat, and precise distinctions as are found in the social laws of the Torah.

This all came to accustom them in the learning of Torah for its study requires penetrating depth; sometimes it demands making calculated distinctions, as are found in monetary cases that can turn on the slightest detail; and it also necessitates amassing a lot of legal information. These three qualities are not found anywhere as much as they are found in the Red Heifer, Shabbat, and social laws.

כאשר הלכו שלשת ימים בלא תורה כמו שדרשו ז"ל על פסוק: "וילכו שלשת ימים במדבר ולא מצאו מים" ואין להיות בלא תורה לכך נתן להם אלו שלשה פרשיות לפי שהם הלכות גדולות מאוד. כמו שידוע מהלכות שבת כי יש לו הלכות רבות מאוד לשבת. ופרה אדומה אף על גב שאין לה הלכות רבות הלכה אחת שלה "עמוק עמוק מי ימצאנו".

ודינין – הדינין של תורה יש בהם חכמה כמו שאמרו חכמים הרוצה שיחכים יעסוק בדיני ממונות, לפי שבקל משתנה הדין וגו' ושלשה דברים יש כאן: אם העמוק מצד עצמו כמו פרה אדומה, או מצד רבוי ההלכות שיש בשבת או מצד הבדל חילוקים שיש בדיני התורה.

ולהרגיל אותם בלמוד התורה כי צריך הוא בתלמוד תורה להעמיק בה. ולפעמים לתת הבדל בין דבר לדבר כמו שהוא בדיני ממונות שהדין משתנה בחלוק קטון. וגם צריך ללמוד רבוי הלכות. ולא תמצא בכל מצות התורה דברים אלו רק בשלשה מצות דהיינו פרה אדומה שהיא עמוקה ושבת יש לה רבוי הלכתא, ודיני ממונות יש בו חלוקים הרבה.

The thirst for Torah is a hallmark of the Jewish people as illustrated by the ubiquitous commitment to Torah study throughout the world! (See the Morasha class, Torah Study.)

PART C. AT THE FOOT OF THE MOUNTAIN

Just before the revelation at Sinai, Moshe wrote everything that had transpired up until that point, as the verse states, “Moshe wrote all of God's words” (Exodus 24:4). Before completing the covenant, he read aloud this section of the Torah, as it states, “[Moshe] took the Book of the Covenant, and read it to the people. They said, ‘All that God has spoken, we will do and we will listen’” (Exodus 24:7).

1. **Shemot 24:1,4 with Commentary of Rashi – Before the revelation at Mount Sinai, Moshe wrote down everything that had happened until that point.**

[God] said to Moshe, “Go up to God along with Aharon (Aaron), Nadav and Avihu, and seventy of the elders of Israel. [All of] you must bow down at a distance...” Moshe wrote down all of God's words (Rashi: everything from Bereishit until the giving of the Torah, as well as the mitzvot that were commanded at Marah) ...

Rashi: This section was related before the giving of the Ten Commandments; He was told to climb [Mt. Sinai] on the Fourth of Sivan.

ואל משה אמר עלה אל יקוק אתה ואהרן נדב ואביהוא
ושבעים מזקני ישראל והשתחויתם מרחק: ... ויכתב
משה את כל דברי יקוק (מבראשית ועד מתן תורה,
וכתב מצות שנצטוו במרה – רש"י)

רש"י: פרשה זו נאמרה קודם עשרת הדברות,
ובארבעה בסיון נאמר לו עלה:

SECTION IV. REVELATION AT SINAI

To whom did God give the Torah at Mount Sinai? Most people reply, "God gave the Torah to Moshe."

And what were the Jewish people doing while Moshe was receiving the Torah? "Worshipping the Golden Calf."

Seemingly correct answers -- but NOT according to the Bible.

The above answers come from Cecil B. DeMille's classic film, "The Ten Commandments." The impact one movie can have on the Jewish education of generations of Jews is amazing. It's a great film, but DeMille should have read the original.

The version found in the Torah is quite different. The Torah teaches that the entire people heard God speak at Mount Sinai, experiencing nationwide revelation. God did not just appear to Moshe in a private rendezvous; He appeared to everyone, some 3 million people. (from "Did God Speak at Sinai?" by Rabbi Nechemia Coopersmith and Rabbi Moshe Zeldman, www.aish.com)

PART A. THE EVENT

On the sixth day of the Hebrew month Sivan in the year 1312 BCE, God revealed His glory to the entire Jewish nation and spoke the words of the Ten Commandments. The Torah speaks of this revelation in many places. We will cite one passage and make reference to the rest.

1. Devarim 4:9-14 – At Sinai, God revealed Himself to the entire Jewish nation.

[Moshe said,] “Only take heed and guard yourself very carefully, lest you forget the things that your eyes saw. Do not let [this memory] leave your hearts all the days of your lives. Teach your children and your children’s children about the day you stood before God your Lord at Sinai. It was then that God said to me, ‘Congregate the people to Me, and I will make them hear My words. This will teach them to be in awe of Me as long as they live on earth, and they will teach their children as well. You came close and stood at the foot of the mountain. The mountain was burning with fire up to the heart of heaven, and there was darkness, cloud and fog.’

“Then God spoke to you out of the fire. You heard a spoken voice, but you saw no image; there was only a voice. He announced to you His covenant that He commanded you to fulfill, the Ten Commandments, and He wrote them on two stone tablets. At that time God commanded me to teach you statutes and laws, so that you will keep them in the land to which you cross, to possess it.”

רק השמר לך ושמר נפשך מאד פן תשכח את הדברים אשר ראו עיניך ופן יסורו מלבבך כל ימי חיך והודעתם לבניך ולבני בניך: יום אשר עמדת לפני יקוק אלהיך בחרב באמר יקוק אלי הקהל לי את העם ואשמעם את דברי אשר ילמדון ליראה אתי כל הימים אשר הם חיים על האדמה ואת בניהם ילמדון: ותקרבו ותעמדון תחת ההר וההר בער באש עד לב השמים חשך ענן וערפל:

וידבר יקוק אליכם מתוך האש קול דברים אתם שמעים ותמונה אינכם ראים זולתי קול: ויגד לכם את בריתו אשר צוה אתכם לעשות עשרת הדברים ויכתבם על שני לחות אבנים: ואתי צוה יקוק בעת ההוא ללמד אתכם חקים ומשפטים לעשותכם אתם בארץ אשר אתם עברים שמה לרשתה:

(See also Shemot 19:9-20; Ibid. 20:1-14 [the Ten Commandments]; Devarim 4:32-35; Ibid. 5:2-4; Ibid. 9:10; Ibid. 10:4.)

Following the Revelation, Moshe went back up to Mount Sinai and remained there for forty days to receive the Tablets of the Covenant. While there, he was taught the entire Torah – both the Written Law and the Oral Law. After this period, Moshe descended with the first set of Tablets with the Ten Commandments etched thereon. However, the Jews had built the Golden Calf, an idol, having presumed that Moshe died, since he had not returned according to schedule (in fact, they had simply miscalculated the day he was meant to descend). When Moshe returned and saw the Golden Calf, he smashed the Tablets. Moshe again ascended the mountain for another forty days to pray for forgiveness on behalf of the Jewish people. Moshe was then called up a third time to receive the second set of Tablets. He descended forty days later on Yom Kippur with the second set of Tablets and thus the Jewish people and God became reconciled.

2. Rashi, Devarim (Deuteronomy) 9:18 – Moshe ascended Mt. Sinai three times. The second ascent was on the 18th of Tammuz to seek forgiveness for the Golden Calf. The third ascent was on *Rosh Chodesh* (the first day of the month of) Elul, and he descended on Yom Kippur with the Second Tablets, when God forgave the Jewish people.

“I petitioned before God as [I did] the first time, for forty days” – As it says, “And now I will go up to God, maybe I will receive atonement” (Shemot 32:30). This [second ascent on Mt. Sinai] began on the eighteenth of Tammuz and [Moshe] remained there for forty days, which ended on the twenty-ninth day of Av. On that day, God

ואתנפל לפני ה' כראשונה ארבעים יום - שנאמר ועתה אעלה אל ה' אולי אכפרה באותה עלייה נתעכבתי ארבעים יום נמצאו כלים בכ"ט באב שהוא עלה בי"ח בתמוז בו ביום נתרצה הקדוש ברוך הוא לישראל ואמר למשה פסל לך שני לוחות עשה עוד מ' יום נמצאו כלים ביום הכפורים.

forgave the Jewish people and said to Moshe, “Hew for yourself two Tablets ...” [Moshe ascended Mt. Sinai a third time on Rosh Chodesh Elul] and remained an additional forty days which ended with his return on Yom Kippur.

On that day God forgave the Jewish people wholeheartedly and said to Moshe, “I have forgiven you as you requested,” and therefore Yom Kippur was established as a day of pardon and forgiveness.

בו ביום נתרצה הקב"ה לישראל בשמחה ואמר לו
למשה סלחתי כדברך לכך הוקבע למחילה ולסליחה.

PART B. WHAT DID THE JEWISH PEOPLE HEAR AT SINAI?

The popular term “Ten Commandments” is used here for convenience as a translation of the Torah’s *Aseret HaDibrot*, which literally means “the Ten Statements.” Actually, these ten statements contain more than ten mitzvot, but are nonetheless referred to as the “Ten Commandments.”

Originally when the Jewish people heard the sound of God’s voice, it came to them in the form of an unintelligible reverberation of the entire Ten Commandments being said at once. After this initial revelation, God then proceeded to spell out each of the commandments.

1. Rashi to Shemot 20:1 (from Mechilta, Mesechta DeShirah, Parsha 8) – God first said *all the commandments at once and then repeated them individually*.

God spoke **all** these words, saying:

All these words – This teaches that God said the Ten Commandments in one utterance, something that is impossible for man to do. If this was so, then why does the Torah repeat: “I am God...” and “You must not have...”? Because He explicitly repeated each and every command separately.

וידבר אלהים את כל הדברים האלה לאמר:

את כל הדברים האלה - מלמד שאמר הקב"ה עשרת הדברות בדבור אחד, מזה שאי אפשר לאדם לומר כן. אם כן מזה תלמוד לומר עוד אנכי ולא יהיה לך, שחזר ופירש על כל דבור ודבור בפני עצמו.

What was the purpose of issuing an unintelligible revelation of all the Commandments at once? Maharal, in Gur Aryeh, explains that this teaches us that the entire Torah is one unified whole, not to be dissected for scrutiny by mortal minds.

How many of the actual Ten Commandments did the Jewish people hear directly from God? This matter is a subject of dispute in the Midrash (Shir HaShirim Rabba 1:13). The Sages maintain that all Ten Commandments were heard, while Rabbi Yehoshua ben Levi, followed by most commentators, adopts the opinion that they only heard the first two.

2. Shemot 19:19 with Rashi – The Jewish people heard the first two Commandments from God while the rest they heard from Moshe.

The sound of the shofar grew continually much stronger. Moshe would speak, and God would reply with a Voice.

ויהי קול השופר הולך וחזק מאד משה ידבר והאלהים יענו בקול:

Moshe would speak — Moshe spoke and *transmitted* the commandments to the Jewish People, for all they heard from the Almighty was only [the first two commandments:] “I am...” and “Thou shall not have...” God assisted him to give him the strength to make his voice powerful and audible.

משה ידבר - כשהיה משה מדבר ומשמיע הדברות לישראל שהרי לא שמעו מפי הגבורה אלא (שמות כ:ב) אנכי ולא יהיה לך והקב"ה מסייעו לתת בו כח להיות קולו מוגבר ונשמע:

Although when one reads the Torah simply, it may appear that all Ten Commandments were spoken directly by God to the Jewish people, we have a tradition that in reality this is true only of the first two. The text hints to us as such in that only these two commandments are uttered in first person, as if God is speaking directly to the Jewish people. The rest of the Ten Commandments are related in the third person, indicating that Moshe was in fact speaking these words. The Talmud finds support for this view in the very name of the Torah itself.

3. **Talmud Bavli, Makkot 23b-24a – Moshe taught “Torah,” i.e. 611 commandments; the first two were heard from God Himself.**

Rabbi Simlai expounded: 613 mitzvot were told to Moshe – 365 prohibitions, corresponding to the days in a (solar) year, and 248 positive commandments, corresponding to the number of limbs in a person's body. Rabbi Hamnuna said: What verse supports this? “Moshe commanded us ‘Torah,’ a heritage...” (Devarim 33:4). The word “Torah” has the numerical equivalent (*gematria*) of 611, while we all heard [two commandments – “I [am the Lord, your God]” and “You shall have no other [gods before me]” directly from God.

דרש רבי שמלאי: שש מאות ושלוש עשרה מצות נאמרו לו למשה, שלש מאות ושישים וחמש לאוין כמנין ימות החמה, ומאתים וארבעים ושמונה עשה כנגד איבריו של אדם. אמר רב המנונא: מאי קרא? (דברים ל"ג) תורה צוה לנו משה מורשה, תורה בגימטריא שית מאה וחד סרי הוי, אנכי ולא יהיה לך מפי הגבורה שמענום.

The question begs to be asked: Why stop at two? Why didn't God deliver the rest of the Ten Commandments directly to the Jewish people? The answer is that the experience of a direct revelation of the Divine was simply too much for the Jewish people to handle. After hearing two Commandments they asked Moshe to take over.

4. **Talmud Bavli, Shabbat 88b – The Jewish people were overpowered by the revelation of the Commandments.**

And Rabbi Yehoshua ben Levi said: With every word which went forth from the mouth of the Holy One, blessed be He, the souls of Israel departed, for it is said, “My soul went forth when He spoke” (Shir HaShirim [Song of Songs] 5:6). But since their souls departed at the first commandment, how could they receive the second? – He brought down the dew with which He will resurrect the dead, and He revived them...

ואמר רבי יהושע בן לוי: כל דיבור ודיבור שיצא מפי הקדוש ברוך הוא יצתה נשמתן של ישראל, שנאמר (שיר השירים ה) נפשי יצאה בדברו. ומאחר שמדיבור ראשון יצתה נשמתן, דיבור שני היאך קיבלו? - הוריד מל שעתיד להחיות בו מתים, והחיה אותם...

According to the opinion of Rabbi Yehoshua ben Levi cited above, after this overwhelming, spiritual

experience had consumed them, the Jewish people asked Moshe to act as an intermediary for them to receive the rest of the Ten Commandments and the Torah.

5. **Shemot 20:16 and Devarim 5:21-24 – The Jewish people ask Moshe to intervene.**

They said to Moshe, “You speak to us, and we will listen. But let God not speak with us anymore, for we will die if He does.”

[The Jewish people] said, “It is true that God our Lord has shown us His glory and greatness, and we have heard His voice out of the fire. Today we have seen that when God speaks to man, he can still survive. But now, why should we die? Why should this great fire consume us? If we hear the voice of God our Lord anymore, we will die! What mortal has heard the voice of the living God speaking out of fire as we did and has survived? You approach God our Lord, and listen to all He says. You can transmit to us whatever God our Lord tells you, and when we hear it, we will do it.”

ויאמרו אל משה דבר אתה עמנו ונשמעה ואל ידבר עמנו אלהים פן נמות:

ותאמרו הן הראנו יקוק אלהינו את כבודו ואת גדלו ואת קלו שמוענו מתוך האש היום הזה ראינו כי ידבר אלהים את האדם וחי:ועתה למה נמות כי תאכלנו האש הגדלה הזאת אם יספים אנחנו לשמע את קול יקוק אלהינו עוד ומתנו: כי מי כל בשר אשר שמע קול אלהים חיים מדבר מתוך האש כמונו ויחי: קרב אתה ושמע את כל אשר יאמר יקוק אלהינו ואת תדבר אלינו את כל אשר ידבר יקוק אלהינו אליך ושמענו ועשינו:

PART C. TEN COMMANDMENTS, OR 613?

Many people may be surprised to learn that instead of only Ten Commandments in the Torah, there are actually 613. If the Torah is full of so many mitzvot, what then is so significant about what we call the Ten Commandments? While the actual revelation was not of the entire text of the written Torah, nevertheless the entire Torah is alluded to within the Ten Commandments.

1. **Bamidbar Rabbah 13:15 – All the mitzvot were revealed at Mount Sinai.**

The 613 mitzvot are included in [the Ten Commandments].

תרי"ג מצות כלולות בהן

2. **Rashi to Shemot 24:12 – Each one of the Ten Commandments is a general category encompassing many mitzvot in the Torah.**

All 613 mitzvot are included in the Ten Commandments, as Rabbi Saadya Gaon has composed a list of all the mitzvot explaining which of them fit into each one of the Ten Commandments.

כל שש מאות ושלוש עשרה מצות בכלל עשרת הדברות הן, ורבינו סעדיה פירש באזהרות שיסד לכל דבור ודבור מצות התלויות בו:

Note: Even according to Makkot 23b above, that the Jewish people only heard the first two commandments, it can still be claimed that what they heard encompassed the entire Torah. Every positive mitzvah is represented by “I am the Lord, your God,” and every prohibition is represented by “You shall have no other gods before me.”

PART D. A NEW RELIGION AND A NEW WAY OF LIFE

The final authority for all the commandments was their revelation at Sinai, even though many of the commandments were known at earlier stages in history. As soon as the Jewish people entered into this covenant with God, they were bound by the Torah only as revealed to Moshe. Therefore, although the Torah embodied earlier laws, and was not completely written until forty years after the revelation at Mt. Sinai, all the commandments became binding at the instant that the people accepted them at Sinai. As a religion, therefore, Judaism did not evolve in stages, but came into being all at once with the revelation at Sinai.

1. Rabbi Yehudah HaLevi, *The Kuzari* 1:81 – Judaism did not evolve; it came into existence fully developed.

Only rational creeds that are developed by human minds are formed in a gradual process. Then, once the founder succeeds, he claims that he was aided by the Creator, that he was taught by a god or something like that. But the religion that originated genuinely from God, arose instantaneously. God said, "Let it be..." and it became, just like the creation of the universe.

לא יקום ויגדל על הדרך הזה אלא הנימוסים השכליים אשר התחלתם מן האדם, וכאשר יגבר ויעזר יאמר כי הוא נעזר מן הבורא ומלומד והדומה לזה, אבל הנימוס אשר התחלתו מהבורא, הוא קם פתאום יאמר לו. היה ויהיה, כבריאת העולם.

The Talmud explains (Sanhedrin 59a) that those mitzvot that were given to the Noachides and repeated at Sinai are understood to be even more universal, applying to Jew and non-Jew alike.

KEY THEMES OF SECTION IV.

- ⌘ During the revelation at Sinai, the entire Jewish people heard God declare the Ten Commandments, or at least the first two of the Ten Commandments. According to the latter view, the remaining eight were then spoken by Moshe.
- ⌘ These statements communicated to the entire nation alluded to the entire spectrum of the 613 mitzvot.
- ⌘ All Jewish law has its root in what was taught at Sinai. It was then that Jewish law became binding and Judaism was born as a religion.

SECTION V. FORTY YEARS IN THE DESERT

The entire Torah was revealed to the Jewish people in the form of the Ten Commandments; it was further revealed in all its detail to Moshe when he went up Mount Sinai for forty days. But the actual text of the Written Torah was given to Moshe in two intervals: The first part was given during the year after the Exodus; the rest was given to him shortly before Israel crossed the Jordan at the end of the 40 years in the desert. Between these two periods, there was a hiatus of 38 years during which no portion of the Written Torah was given.

PART A. *OHEL MOED* (THE TENT OF MEETING)

The first stage of revelation to Moshe after his descent from Mount Sinai was in the *Ohel Moed*, Tent of Meeting.

1. Bamidbar (Numbers) 7:89 Commentary of Rashi (citing Sifri 7:164) – God spoke to Moshe from within the Ohel Moed.

Whenever Moshe came into the Ohel Moed to speak with [God], he would hear the Voice speaking to him from above the cover that was upon the Ark of Testimony, between the two cherubs. [God] thus spoke to him.

Rashi: You might suggest that the Voice was quiet. The Torah therefore writes, “the Voice” – it was the same [powerful] Voice that spoke to him at Sinai. But when it reached the entrance, it ceased and did not carry out of the tent.

ובבא משה אל אהל מועד לדבר אתו וישמע את הקול מדבר אליו מעל הכפרת אשר על ארן העדת מבין שני הכרובים וידבר אליו:

רש"י: וישמע את הקול - יכול קול נמוך, תלמוד לומר את הקול, הוא הקול שנדבר עמו בסיני, וכשמגיע לפתח היה נפסק, ולא היה יוצא חוץ לאהל.

God would call Moshe to the Ohel Moed to dictate the Torah to him. God dictated each passage of the Torah to Moshe, and Moshe repeated it aloud before writing it down. (See the Morasha class on the System of Halacha II which explains that both the written and oral Torahs were taught to Moshe in the Ohel Moed. He subsequently taught them both to the entire nation [Eruvin 54b]). There is some disagreement, however, as to when Moshe wrote the passages of the Written Torah.

2. Talmud Bavli, Gittin 60a – When did Moshe write down the Torah?

Rabbi Yochanan said in the name of Rabbi Bana'ah: The Torah was given (to the people in written form) piecemeal, in separate scrolls (i.e., Moshe would write down each passage of the Torah when it was related to him; then at the end of the forty years, when all the sections were completed, he sewed them together with sinew thread – Rashi), as it says, “Then I said, ‘I have now come, with the Scroll of the Book that is written for me’” (Tehillim/Psalms 40:8).

Rabbi Shimon ben Lakish said: The (written) Torah was given in complete form (i.e., nothing was written until all passages had been related, at the end of the forty years. The passages told to him in the first and second years he memorized until he wrote them down – Rashi), as it says, “Take this book of the Torah” (Devarim 31:26).

א"ר יוחנן משום רבי בנאה: תורה - מגילה מגילה ניתנה (כשנאמרה פרשה למשה היה כותבה ולבסוף מ' שנה כשנגמרו כל הפרשיות חיברן בגידין ותפרן - רש"י), שנא': תהלים מ' או אמרתי הנה באתי במגילת ספר כתוב עלי.

ר"ש בן לקיש אומר: תורה - התומה ניתנה (לא נכתבה עד סוף מ' לאחר שנאמרו כל הפרשיות כולן והנאמרות לו בשנה ראשונה ושניה היו סדורות לו על פה עד שכתבן - רש"י), שנאמר: (דברים ל"א) לקוח את ספר התורה הזאת.

This passage seems to suggest that according to Rabbi Shimon ben Lakish, Moshe did not write any of the Torah until the last day of his life. But as explained above (Section III, Part C), the Torah states that even before the revelation at Sinai, Moshe had written the part of the Torah recounting the events from Creation until that time, and that he recited it for the people. This would seem to accord only with the opinion of Rabbi Yochanan in the name of Rabbi Bana'ah and refute that of Rabbi Shimon ben Lakish.

Several Talmudic commentators seek to resolve this discrepancy by slightly altering our understanding of the view that the Torah was given “in its entirety.” We will cite one such resolution.

3. **Rabbi Shlomo ben Aderet, Chiddushi HaRashba to Gittin 60a – Even according to the opinion that the entire Torah was written at the end of the forty years, Moshe wrote some sections that needed to be written earlier.**

It is possible that even Rabbi Shimon ben Lakish meant only that Moshe did not write down each passage when it was told to him but rather memorized them until the Torah was complete. However, if a certain passage needed to be written for some temporary purpose, he did write it earlier, so that people could see the written words and study them.

ואולי נאמר דאפילו ר"ל לא אמר אלא שלא היה כותב כל פרשה ופרשה כמו שנאמרה לו אלא סודרה על פה עד גמר התורה אלא פרשיות שהיו צריכות לשעה היה כותבן כדי שיראו וילמדו מתוך הכתב.

PART B. THE HIATUS

A year after the Exodus from Egypt, the Jewish people sent spies to scout the Land of Israel. The spies returned and slandered the Land, instigating the people's refusal to go forward and conquer it. As a result of this transgression, God decreed that all men of that generation would have to die in the desert before the Jewish people would be allowed to enter the Land. From the time of that event until shortly before Moshe's death, God ceased communication with him on the profound level necessary to transmit the Torah. It was a thirty-eight year hiatus from such exalted prophecy.

1. **Talmud Bavli, Taanit 30b – Not until the entire generation of the Spies died did God again communicate with Moshe.**

God did not speak (again) to Moshe until all those of the desert died, as it says, "It was at this time that all the men of war among the people finished dying. God then spoke to me..." (Devarim 2:16-17); i.e., only then did He speak to me.

עד שלא כלו מתי מדבר לא היה דבור עם משה, שנאמר (דברים ב') ויהי כאשר תמו כל אנשי המלחמה למות וידבר ה' אלי, אלי היה הדבור.

PART C. ARAVOT MOAV (THE PLAINS OF MOAV)

The second phase wherein God dictated the Written Torah to Moshe was in *Aravot Moav*, the Plains of Moav, just before Moshe's death and the Jewish people's subsequent entrance into the Land.

1. **Talmud Bavli, Sotah 37b – The Torah was taught in three locations: Sinai, the Tent of Meeting, and the Plains of Moav.**

Rabbi Yishmael said: The general principles [of the mitzvot] were said at Sinai, and the details [of each were taught] in the Tent of Meeting. Rabbi Akiva said: The principles and the details were both taught at Sinai; they were repeated in the Tent of Meeting, and reviewed again at the Plains of Moav.

רבי ישמעאל אומר: כללות נאמרו בסיני ופרטות באהל מועד; ר' עקיבא אומר: כללות ופרטות נאמרו בסיני, ונשנו באהל מועד, ונשתלשו בערבות מואב.

(See Rashi on Vayikra 25:1 and Chazon Ish, Orach Chaim Simon 125:1-3; see also Ramban on Vayikra 25:1.)

2. Devarim 29:13-14 and Commentary of Rashi – The covenant sealed at Aravot Moav included future generations of the Jewish people.

But it is not with you alone that I am making this covenant and this oath. I am making it both with those who are standing here with us today before God our Lord, and with those who are not [yet] here with us today.

and with those who are not [yet] here with us –
Even with the future generations.

ולא אתכם לבדכם אנכי כרת את הברית הזאת ואת האלה הזאת: כי את אשר ישנו פה עמנו עמד היום לפני יקוק אלהינו ואת אשר איננו פה עמנו היום:

ואת אשר איננו פה - ואף עם דורות העתידים להיות:

Rashi is teaching us that this third repetition of the Torah at Aravot Moav is to strengthen the Jewish nation's commitment to the covenant made at Har Sinai, including those in future generations. This commitment to the covenant was also re-affirmed by the Jewish people after Yehoshua (Joshua) led them into the Land of Israel at Har (Mount) Grizim and Har Eival (see Devarim 27:11-26 and Devarim 11:29-31).

The following source summarizes the various stages of the revelation of the Written Torah to Moshe:

3. Moshe ben Yosef di Trani (Mabit), Beit Elokim, Shaar HaYesodot 32 – A summary of the periods in which the Torah was related to Moshe by God.

It appears that the entire Book of Bereishit and everything that was said to Moshe until the end of the Book of Shemot was relayed between 1 Nissan while Moshe was in Egypt until 1 Nissan of the following year at Mount Sinai when the *Mishkan* (Tabernacle) was first erected. During that second Nissan, the entire Book of Vayikra was taught [to him]. And, the Book of Bamidbar [was taught] during the period beginning on Rosh Chodesh Iyar of that year and ending at the end of Tevet in the fortieth year. And if [it is true that] Moshe did not receive any Torah communication during those thirty-eight years, as mentioned above, then [this book] must have been taught between Rosh Chodesh Iyar and 8 Av of the second year and continued from 15 Av of the fortieth year until the end of Tevet, for a total of nine months minus eight days. The Book of Devarim was relayed from Rosh Chodesh Shevat until 7 Adar, for a total of thirty-seven days.

נראה כי ספר בראשית וכל מה שנדבר למושה עד סוף ספר ואלה שמות היה מר"ח ניסן במצרים ובהר סיני עד ר"ח ניסן של שנה שניה שהוקם המשכן. ובאותו החדש מתחלה ועד סוף נאמר כל ספר ויקרא, וספר במדבר סיני מראש חדש אייר של אחריו עד סוף טבת של שנת הארבעים, ואם לא נאמר לו שום דיבור בל"ח שנים כמו שכתוב למעלה היה זמן נתינת ספר זה מר"ח אייר עד ח' באב של שנה שניה, ומט"ו באב של שנת המ' עד סוף טבת תשעה חדשים פחות ח' ימים, וספר ואלה הדברים מר"ח שבט עד ז' באדר ל"ז יום.

KEY THEMES OF SECTION V.

- ∞ The Written Torah was taught to Moshe in various stages during the forty years following the Exodus from Egypt. First at Sinai, Moshe was taught all that had transpired until then. After the Revelation at Sinai, God taught the Torah to Moshe in the Tent of Meeting. After the Sin of the Spies, God ceased this unparalleled communication with Moshe until shortly before Moshe's death.

- ⇒ Hence the entire Torah with all its details was taught to Moshe, and by Moshe to the people, three times. First at Sinai, then in the Ohel Moed, and finally it was repeated again in the Plains of Moav.

SECTION VI. THE BOOK OF DEVARIM (DEUTERONOMY)

PART A. MOSHE'S ROLE

It is obvious to any reader that the Book of Devarim differs in style from the rest of the Chumash. No longer does the Torah record that “God spoke to Moshe, saying...” Through the great majority of this book, Moshe writes in the first person, as if he was writing his own personal account. In this respect, the style of Devarim resembles that of the writings of the Prophets and differs from the first four books of the Torah. Nevertheless, many mitzvot are taught in Devarim exclusively, and it is clearly considered part of the Torah.

Since the Book of Devarim is most certainly part of the Torah and not one of the books of the Prophets, some explanation is needed to understand Moshe's role in its authorship and how it differs from the other books of the Torah. After all, if Moshe spoke these words through Divine Inspiration and prophecy, what then is the difference between Devarim and the rest of the Torah? Why is its format different?

The change in style is due to the medium through which it was revealed. In other sections of the Torah, God spoke directly to the people through Moshe's mouth. The Book of Devarim, however, was revealed to Moshe through Divine Inspiration. He then repeated the words himself to the people.

1. **Zohar, Part 3, Parashat Va'Etchanan, pg. 261a – The Book of Devarim was said by Moshe of his own accord.**

That which is called “Mishneh Torah” (i.e. the Book of Devarim) was spoken by Moshe himself.

האי דאקרי משנה תורה משה מפי עצמו אמרן.

2. **Talmud Bavli, Megillah 31b with commentary of Tosafot – Devarim was said by Moshe Rabeinu through Divine Inspiration.**

Moshe spoke them himself — through Divine Inspiration.

משה מעצמו אמרם – וברוח הקדש.

The Book of Devarim is different. In teaching the first four books of the Torah, God spoke through Moshe's mouth, and in the Ohel Moed, God's voice emanated from above the Ark [Bamidbar (Numbers) 7:89]. In Sefer Devarim, God first spoke to Moshe through prophecy and then Moshe related the words to the people in his own voice.

3. **Vilna Gaon (cited in Ohel Yaakov, Introduction to Devarim by Rabbi Yaakov Krantz, the Dubno Maggid) – First God spoke, and then Moshe relayed the message.**

The first four books were taught to the people directly from the Blessed Holy One through the mouth of Moshe. This is the special level of prophecy to which only the master Prophet

הנבואות שבארבעת הספרים הראשונים היו נשמעות מהקדוש ברוך הוא בכבודו ובעצמו, והיו יוצאות מפיו של משה רבינו. זוהי אותה בחינה מיוחדת של נבואה אשר היתה רק לאדון הנביאים ואשר עליה אמרו חז"ל

(Moshe) was privileged. Our Sages described this as “God speaking through his throat.” The prophecy of the Book of Devarim was different. It was taught to the nation of Israel in the same manner as the prophecies of the other prophets. God related what he was to teach, and the next day he would relate it to the people of Israel. When he taught his prophecy, therefore, he was disconnected from the Divine Voice, and he spoke with his own voice.

כי “שכינה מדברת מתוך גרונו”. לא כן הנבואה שבספר דברים. אלו נאמרו לעם ישראל כמו אותן נבואות שנאמרו מפי שאר הנביאים. משה רבינו היה מתנבא את אשר יאמר ולמחרת לאחר התנבאותו הלך ומסר את דברי נבואתו לעם ישראל. היינו בעת שאמר נבואתו לעם כבר נעתק ממנו הדיבור האלוקי והיו אלו דברי עצמו.

As we will explore more fully below, there is a fundamental difference between what we call “prophecy” and the lower form of communication from God called “Ruach HaKodesh” - “Divine inspiration.” But within these two types of communication there are many degrees of intensity. The level of revelation in the Book of Devarim involved Moshe more so than the other four books, but that does not mean to relegate it to the level of the other Prophets or the Writings. The Chumash itself testifies about Moshe [Devarim 34:10], “לא קם נביא עוד בישראל כמושה אשר ידעו יקוק פנים אל פנים” Never again has there arisen in Israel a prophet like Moshe who God had known face to face.” While the method of relaying the Book of Devarim was more similar to that of the other prophets than were the first four books, nevertheless it is still a record of the direct communication between God and Moshe. In that sense it is just like the rest of the Torah and fundamentally different from the writings of the Prophets. [See further, Rambam, Commentary on the Mishnah, Sanhedrin 10:1.]

Only Moshe, on his lofty level, was capable of receiving Torah, unlike all other prophets, who were incapable of it. For more on the different levels of prophecy, see the Morasha Class entitled “Prophets and Prophecy I.”

PART B. THE LAST EIGHT VERSES

As we have seen, the entire Torah was revealed to Moshe in various stages. However, when we reach the end of the Torah, we run into a problem. Eight verses before the end, it is stated that Moshe died. It is not possible that he would have written this when it was not yet true. The obvious question is: Who wrote the last eight verses?

1. Devarim 34:5 – The Torah records that Moshe died.

It was there in the land of Moab that God’s servant Moshe died, at God’s word.

וימת שם משה עבד יקוק בארץ מואב על פי יקוק:

If the Torah was revealed to Moshe and written down by him, then who wrote the last eight verses which describe his death? The Talmud addresses this question:

2. Bava Batra 15a – Either Yehoshua (Joshua) wrote the last eight verses, or Moshe himself wrote them with tears.

[It is written in Devarim 34], “And Moshe died there, God’s servant...” Now, is it possible that Moshe was still alive and wrote, “And Moshe died there?” It must be that Moshe wrote until these words, and from this point Yehoshua wrote. This is the opinion of Rabbi Yehudah, or, according to others, of Rabbi Nechemiah. Rabbi Shimon said

(דברים ל”ד) וימת שם משה עבד ה’ - אפשר משה חי וכתב וימת שם משה? אלא, עד כאן כתב משה, מכאן ואילך כתב יהושע, דברי ר”י, ואמרי לה ר’ נחמיה; אמר לו ר”ש: אפשר ס”ת חסר אות אחת? וכתב: (דברים ל”א) לקוח את ספר התורה הזה! אלא, עד כאן הקב”ה אומר ומשה אומר וכתב, מכאן ואילך הקב”ה אומר

to him: Can it be possible that [Moshe left] the scroll of the Torah missing [even] one letter? It is written [Devarim 31], “Take this book of the Torah”! The truth is that until these words the Blessed Holy One dictated and Moshe repeated the words and wrote them. From here on, God dictated and Moshe wrote the words with tears.

ומשה כותב בדמיע.

What does it mean that Moshe “wrote with tears”? We find several explanations in the commentators to the Talmud.

3. **Rabbi Yom Tov Asevilli, (Chidushei HaRitva to Bava Batra 15a) offered two interpretations – The expression “with tears” is understood by some to mean that Moshe wrote the last eight verses with tears instead of ink and by others to mean that he wrote them while crying.**

One version of the text is: “God dictated and Moshe wrote. From here on, God dictated and Moshe wrote with tears.” That is, the difference is that Moshe wrote with ink up to this point and he wrote the final verses with tears. This explanation was offered by Ramah.

Others subscribe to this text: “God dictated and Moshe repeated [the words] and wrote them...” This means that he repeated each verse before writing it, [both] because he was so fond of it and to avoid erring. “From here on, God dictated and Moshe wrote with tears,” meaning that he cried while he wrote, and out of anguish he did not repeat the verses.

יש שגורסין הקב"ה אומר ומשה כותב ומכאן ואילך הקב"ה אומר ומשה כותב בדמיע. פי' וההפרש שביניהם כי הראשונים נכתבים בדיו והאחרונים נכתבים בדמיע, וכן כתב הרמ"ה ז"ל.

ויש גורסין עד כאן הקב"ה אומר ומשה אומר וכותב, כלומר שהיה חוזר הפסוק קודם שיכתבנו מרוב חיבה וכדי שלא יטעה בה, מכאן ואילך הקב"ה אומר ומשה כותב בדמיע, כלומר שהיה כותב ובוכה ולא היה חוזר הפסוק מרוב צער.

The Vilna Gaon points out that both of the opinions in the Talmud are unsatisfactory. The Talmud itself states that if Yehoshua wrote these verses, it contradicts the principle that the Torah is one unit transmitted through Moshe alone. On the other hand, it is very difficult to say that Moshe wrote these verses himself. How could Moshe write that he died when in fact he was still alive?

Thus, both solutions are insufficient. The Vilna Gaon's resolution: both are right!

4. **Vilna Gaon, Kol Eliyahu, Parshat VeZot HaBeracha – Moshe wrote the last eight verses as one strand of letters not separated into words.**

We can explain that both opinions are the words of the Living God, each one explains one aspect of what happened and do not contradict one another ... The meaning of the word *dema* (translated above as tears) is based on its appearance in the verse, “Your ripened produce and mixed produce (*demacha*)” (Shemot 22:28); and in this case it means a jumble of letters. Moshe wrote the final verses with all the words

יש לפרש כי שניהם דברי אלקים חיים ומר אמר חדא וכו' ולא פליגי ... והפי' הוא מלשון מלאכתך ודמיעך, ר"ל מדומע וערבוב אותיות, שהיה כותב מכאן ואילך על פי צירופי תיבות והם שמותיו של הקב"ה ולא היה נקרא כלל וימת שם משה רק תיבות אחרות על פי סודות התורה,

joined together so that they portrayed various forms of God's Names. It could not be read as, "and Moshe died there," but rather as different words according to Torah mysticism.

After Moshe's death, Yehoshua wrote these letters again in the manner that he was permitted. As such, the two opinions do not contradict each other, for in truth Moshe did write these words and did not leave the Torah lacking even one letter. Moshe could not write these last eight verses in a revealed manner, however, so he wrote them according to their mystical connotation. This is what *dema* means (mixed). Yehoshua wrote the words in their revealed form, as Rabbi Yochanan stated. Both explanations complement one another; in reality they were written by both Moshe and Yehoshua. Moshe wrote them in their mystical context, and Yehoshua wrote them in their revealed form as it has been written for all generations.

ולאחר מיתתו כתבם יהושע כפי שניתן לו רשות לגלות את התורה, וא"כ שני הדיעות לא פליגי כי באמת כתבן משה ולא חסר אפילו אות אחת, רק כי ח' פסוקים אלו לא היה יכול לכתוב את הנגלה וכתב כפי הצירופים וזהו "בדמע" ויהושע כתבן כפי הנגלה וכדעת ר"י, ושניהם מסכימים לדעה אחת כי נכתבו ע"י שניהם, ע"י משה הנסתר והסוד, ועל ידי יהושע הנגלה, כאשר היא כתובה בידינו לדור דור.

KEY THEMES OF SECTION VI.

- ∞ The revelation of the Torah in Aravot Moav constitutes the Book of Devarim. This book differs in style from the rest of the Torah due to a change in the nature of its revelation.
- ∞ Whereas beforehand, God had spoken directly through Moshe's mouth, here Moshe played a greater personal role in the revelation by relating what God had told him earlier.
- ∞ The last eight verses of the Torah describing Moshe's death were either written by Yehoshua or by a weeping Moshe, or that Moshe wrote them with tears instead of ink. Alternatively, Moshe wrote these verses as one consecutive string of letters, and Yehoshua later separated them into words.

SECTION VII. THE PROPHETS

Tanach is an acronym for Torah, (Five Books of Moses) *Nevi'im* (Prophets), *Ketuvim* (Writings). Together, they are the record of God's communication with mankind. Even after Moshe's death, God still continued to communicate with mankind – but not with the same degree of intensity to which Moshe had been privileged. Many prophets arose within the Jewish nation, people who had reached such a high state of purity and character refinement that they could commune with God. But only a few of these communications with the Creator are recorded in *Nach* – the acronym for *Nevi'im* and *Ketuvim*.

PART A. THE PURPOSE OF THE PROPHETS

1. Talmud Bavli, Megillah 14a – There were many prophets, but only those with a message for future generations were included in Tanach.

There were numerous prophets who served the Jewish Nation – twice the number [of people] as left Egypt [i.e. 1.2 million] ... Those prophecies that were relevant for future generations were recorded [in Scripture]; otherwise they were not recorded.

הרבה נביאים עמדו להם לישראל כפלים כיוצאי מצרים ... נבואה שהוצרכה לדורות נכתבה ושלא הוצרכה לא נכתבה.

The difference between Torah and Nach is not just in the quality of the prophecy; there is a fundamental distinction in the very purpose of these works. The word “Torah” comes from the Hebrew *hora'ah*, meaning instruction. The Torah is a work of law, a guide for life. The main purpose of Nach is to inspire *teshuva* (repentance), teach us the Jewish perspective on history, and guide us in the correct philosophic outlook.

2. Rabbi Samson Raphael Hirsch, *The Nineteen Letters on Judaism* (tran. Jacob Breuer), pg. 127 – The Prophets teach us how to look at the world and history.

[Tanach] should be studied as a foundation of a new science. Nature should be contemplated with the spirit of David; history should be perceived with the ear of an Isaiah, and then, with the eye thus aroused, with the ear thus opened, the doctrine of God, world, man, Israel, and Torah should be drawn from the Bible, and should become an idea, or system of ideas, fully comprehended ... The books of Tanach should become the source of instructions for life, and [people] should learn to hear their message throughout their lives. Their eyes should be opened to seeing the world surrounding them as God's world, and themselves as God's servants in His world; their ears should be opened to perceive history as a process of educating all mankind toward service of God.

PART B. THE STATUS OF THE LAWS OF THE PROPHETS

In addition to providing moral direction for the Jewish nation, the prophets also instituted laws. Whereas the essential status of the mitzvot that were given to the Jewish people from Moshe are known as the 613 *d'orayati* (Torah laws), the laws of the prophets are generally viewed as *Divrei Sofrim* or rabbinic law. Consequently, the purpose of God's continued communication with mankind after Moshe was not to reveal any additional laws, beyond the 613 Torah mitzvot.

1. Vayikra 27:34 – The Torah specifies that only the mitzvot therein are to be considered “Torah” mitzvot.

These are the commandments that God gave Moshe for the Jewish people at Mount Sinai.

אלה המצוות אשר צוה יקוק את משה אל בני ישראל בהר סיני:

2. Talmud Bavli, Shabbat 104a – Prophets cannot institute new Torah mitzvot.

“These are the mitzvot” – because henceforth (after the time of Moshe) no prophet has the authority to make innovations.

ויקרא כז: אלה המצוות - שאין הנביא רשאי לחדש דבר מועתה.

3. **Rambam, Sefer HaMitzvot, Shoresh Aleph – The teachings of the prophets have the status of rabbinic law.**

All the laws which the prophets instituted after Moshe have the status of rabbinic law.

שכל מה שתקנו הנביאים ע"ה שעמדו אחר משה רבנו הוא גם כן מדרבנן.

Although the laws of the prophets are generally regarded as rabbinic (see the Ramban's Glosses to Rambam's Shoresh #2, who maintains some laws of the prophets have the status of Torah law), the laws of the prophets are viewed even more stringently than Torah laws.

4. **Chofetz Chaim, Shulchan Aruch, Aruch Chaim, Shaar Ha'Tzion, 242:1 – Rabbinic law is not taken lightly.**

Rabbinic law is viewed more stringently than Torah law.

שחמורים דברי סופרים יותר מדברי תורה.

This means that the Torah itself commands us to obey the institutions of the rabbis (Devarim 17:11), yet those ordinances have the status of rabbinic law, and the principle of *safek derabanan lekula* (in certain circumstances we are more lenient with rabbinic laws) applies to them. The laws of the prophets codified in the *Sifrei Neviim* (books of the prophets) are called mitzvot *m'divrei kabbalah*, which have a status slighter higher than other rabbinic law.

The prophets instituted laws to strengthen Torah law. For example, the Torah commands sanctifying Shabbat and avoiding "work," but it makes no mention of the concepts of honoring (*Kavod*) or delighting (*Oneg*) in Shabbat. These concepts were instituted by the prophet Yeshaya/Isaiah (58:13-14). Nach thereby serves as a secondary source for learning about Biblical commandments.

Nach can also be used to sharpen our understanding of Biblical laws. For instance, the Torah defines the responsibility for damage caused by one's animals. One of the acts mentioned in the Torah is called *negicha* (Shemot 21:28). From the Torah itself it is not clear exactly what kind of act constitutes *negicha*, but from the use of this word in Nach (Melachim/Kings I 22:11) the Talmud derives that it must be an act of goring with the horns (see Bava Kamma 2b).

PART C. NEVI'IM VS. KETUVIM

We have discussed the difference between the laws in the Torah and in the Books of Prophets that followed it, but what is the difference between Nevi'im and Ketuvim? Prophecy involved a vision experienced by the Prophet while asleep or in a trance, whereas Ketuvim were written on a lower level of Heavenly communication called *Ruach HaKodesh*, Divine Inspiration, granted to a person while he or she was fully conscious.

1. **Rambam, Mishneh Torah, Hilchot Yesodei HaTorah (Fundamental Principles of Torah) 7:2-3 – Prophecy comes through a vision or dream.**

There are many different levels of prophecy. Just as some Sages are wiser than others, although they are each wise, so too some prophets are greater than others, although they all have attained the power of prophecy.

הנביאים, מעלות מעלות הן: כמו שיש בחכמה חכם גדול מחברו, כך בנבואה נביא גדול מנביא.

All of them see their visions of prophecy only in a dream – a vision during the night, or in the day after they fall asleep, as it says, “I connect to him in a vision, through a dream I speak to him” (Bamidbar 12:6).

The things that are told to a prophet in a prophetic vision are told to him in the guise of a parable, while the meaning of the parable is simultaneously engraved in his heart, so that he knows what it is ...

וכולן אין רואין מראה הנבואה אלא בחלום בחזיון לילה, או ביום אחר שתיפול עליהן תרדמה: כמו שנאמר “במראה אליו אתודע, בחלום אדבר בו” (במדבר יב:ו)...

הדברים שמודיעין לנביא במראה הנבואה דרך משל מודיעין לו, ומיד ייחקק בליבו פתרון המשל במראה הנבואה, וידע מזה הוא...

2. **Rambam, Moreh Nevuchim 2:45 – The Ketuvim were written with Divine Inspiration.**

The second level is this: A person feels as if something suddenly possesses him or that a certain power has been infused into him pushing him to speak. He then speaks about wisdoms or God’s praises, or about useful advice, or social or theological issues. This all takes place while he is awake and in full control of his senses. This is what is meant by someone speaking with the Divine Spirit [*Ruach Hakodesh*].

King David composed Tehillim [Psalms], and Solomon the Book of Mishlei [Proverbs], Kohelet [Ecclesiastes], and Shir HaShirim [Song of Songs] with this Spirit; likewise the books of Daniel, Job, Chronicles, and the other Writings were composed using this Divine Spirit. They are called Ketuvim (Writings), meaning they were written through Divine Inspiration. Our Sages stated specifically that the Book of Esther was composed through such Divine Inspiration. In reference to such an experience, King David said, “The Spirit of God spoke through me, and His word is on my tongue” (Shmuel [Samuel] II 23:2), meaning that God’s Spirit brought him to speak these words.

והמדרגה הב' הוא שימצא האדם כאלו ענין אחד חל עליו וכח אחד התחדש וישימהו לדבר, וידבר בחכמות או בתושבחות, או בדברי הזהרה מועילים, או בענינים הנהגיים או אלהיים, וזה כלו בעת היקיצה והשתמש החושים על מנהגיהם, וזהו אשר יאמר עליו שהוא מדבר ברוח הקודש,

ובזה המין מרוח הקודש חבר דוד תהלים, וחבר שלמה משלי וקהלת ושיר השירים, וכן דניאל ואיוב ודברי הימים, ושאר הכתובים בזה המין ברוח הקודש חוברו, ולזה יקראום כתובים, רוצים לומר שהם כתובים ברוח הקודש, ובבאור אמרו מגלת אסתר ברוח הקודש נאמרה, ועל כיוצא ברוח הקודש הזה אמר דוד, רוח השם דבר בי ומלתו על לשוני, ר"ל שהיא הביאתהו לדבר מאלו הדברים.

The Divine Inspiration through which the Ketuvim were authored is a lower level than the full-fledged prophecy through which the Nevi'im were written, and lower still than that of Moshe Rabeinu. Divine inspiration comes to a person while he is awake, pushing him to speak or write. Prophecy is a much more powerful revelation, so that the Prophet cannot remain conscious while receiving it. He is granted a far more distinct message or vision than possible through Divine inspiration.

3. **Rabbi David Kimchi (Radak), Introduction to Commentary on Tehillim – Prophets receive their message while unconscious, while a person can become Divinely inspired while fully conscious.**

I shall explain a bit of the difference between

ונבאר אנחנו מעט מן ההפרש אשר בין הנבואה ורוח

prophecy and Divine Inspiration. Prophecy is granted to a wise person who has perfected his character. The prophecy comes to him [generally] in a dream. When he receives prophecy while he is awake, he loses all control of his body and becomes completely removed from the world around him. Then he sees a prophetic vision, as if a person is speaking with him and saying a particular message. He might see images during this vision. However, he might not see any image but simply hears a voice speaking to him.

Divine Inspiration occurs when a self-perfected person concentrates on Godly matters, while he has all of his faculties and is in full control of them. He is capable of speaking to people as usual, except that a Heavenly Spirit enhances his awareness and he suddenly finds himself speaking praises or thanks to God, or words of wisdom and advice. He might also prophesy about future events with the Divine assistance aiding his speech.

הקודש. כי הנבואה הוא דבר בא על האדם שהוא חכם שלם במדותיו, תבוא לו הנבואה בחלום. ובעת תבואה הנבואה בהקיץ יתבטלו כחותיו ההרגשיים ויהיה מסולק מכל דרכי העולם הזה ויראה במחזה הנבואה כאילו איש מדבר עמו ויאמר לו כך וכך. או יראה דמיונות במראה ההיא, או לא יראה שום תמונה אלא ישמע קול מדבר עמו.

ורוח הקודש הוא שיהיה האדם השלם מתעסק בדברי האלהים, שלם בכל הרגשותיו לא תתבטל אחת מהן, ומדבר מה שמדבר כדרך בני אדם, אלא שמעוררת אותו רוח עליונית ותופיע הדברים על לשונו דברי שבה והודאה לאלהיו, או דברי שכל ומוסרים. גם ידבר על העתידות, בסיוע האלהי על כח המדבר....

An additional difference between the *Nevi'im* and the *Ketuvim* is how the Divine message was initially meant to be expressed. A Prophecy was meant to be first spoken to the Prophet's contemporaries, and afterward it was written down so that it would be available for future generations, if that is warranted. The Divine Inspiration of the *Ketuvim* was meant solely to be written down. However, the Books of the *Nevi'im* and the *Ketuvim* have equal sanctity. One may pile the Books of *Nevi'im* and *Ketuvim* on top of one another in any order whatsoever, in accordance with the laws regarding the hierarchy of sanctity of books. (Rabbi Yizchak Hutner, *Pachad Yitzchak*, *Shavuot*, *Maamar 2*)

Nevertheless, the words of the Books of *Nevi'im* are holier than the words of the Books of *Ketuvim*. For example, the Haftorah of Shabbat is always read from the Prophets and not from *Ketuvim* (*ibid.*). Also, on ordinary weekdays we recite a verse from *Ketuvim* (*Tehillim* 18:51) during *Birkat Hamazon* (Grace after Meals), but on Shabbat and holidays we substitute it with a very similar verse from the *Nevi'im* (*Shmuel II* 22:51). This reflects the exalted state of those days.

The laws derived from the *Ketuvim* are viewed practically as being at the same level as those from the Prophets, as outlined in Part B above. Examples are the eating of special foods on Rosh Hashanah (See *Mishnah Brurah*, *Shulchan Aruch*, *Aruch Chaim* 693:1 based on *Nechamiah*), the redaction of the *Amidah* – *Shemoneh Esrei* Prayer (See *Rambam* – *Hilchot Tefillah* 1:4 based on *Ezra* and *Nechemiah*) as well as the commemoration of the festival of Purim (based on *Megillat Esther*).

KEY THEMES OF SECTION VI.

- ⌘ After Moshe's passing, God continued to make His will known through communication with other prophets. However, the purpose of this communication was mainly to guide the nation in the observance of the laws that had already been given, not to institute new mitzvot.
- ⌘ Nevertheless, the writings of the Prophets do serve as a valuable tool for aiding our understanding

of Jewish law, as we see it practiced and taught by them.

- ⌘ While both Nevi'im and Ketuvim form the part of the overall written Torah known as Tanach, these two components differ in essence from one another. The Nevi'im recorded messages or visions that they received directly from God while in a dream-like state of prophecy. The Ketuvim, on the other hand, were written in full consciousness inspired by the Divine.
- ⌘ Halachically, the laws from both the Neviim and the Ketuvim are viewed as having the same level of compulsion.

CLASS SUMMARY:

WHO WERE THE FIRST PEOPLE COGNIZANT OF GOD'S WILL FOR MANKIND?

From the dawn of mankind, people have been aware of God's laws. Adam and Noah were originally given only seven laws. These are called the Noachide laws and they are binding on all humanity.

HOW WAS THE TORAH REVEALED TO THE JEWISH PEOPLE AND TO MOSHE?

The entire Torah was revealed in the form of the Ten Commandments. The entire nation first heard all Ten Commandments at once in an unintelligible, unified sound. They heard the first two Commandments spelled out, but because the experience was too intense for them, they asked Moshe to step in as an intermediary. The laws taught at Sinai became binding from then on.

The Written Torah was relayed to Moshe in various stages throughout his forty-year stewardship of the Jewish people: First at Sinai, then in the Tent of Meeting, and again in the Plains of Moav after a 38-year hiatus following the Sin of the Spies.

HOW IS THE BOOK OF DEVARIM DIFFERENT FROM THE REST OF THE TORAH?

The Book of Devarim differs from the rest of the Torah in that Moshe relayed it differently. The last eight verses, describing Moshe's death, were written by him in tears or by his main disciple, Yehoshua. Alternatively, each had a hand in the writing, Moshe writing the letters and Yehoshua later forming them into words.

WHAT ROLE DO THE PROPHETS THAT FOLLOWED MOSHE PLAY IN REVEALING JEWISH LAW?

God continued to communicate to His people through the prophets. While this venue was not used to teach new laws, a study of the Prophets gives us a better understanding of Jewish law.

SOURCES FOR FURTHER READING:

Rabbi Aryeh Kaplan, Handbook of Jewish Thought, Volume 1, Chapter 7

Encyclopedia of the Taryag Mitzvot, Introductory Volume: The Ten Commandments, Chapter 2

Encyclopedia Talmudit, Entry: *Divrei Sofrim*