

# PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

## PARSHAT BEHA'ALOTECHA

### The “Megillot” of the Chumash

וַיִּשְׁמַע מֹשֶׁה אֶת הָעָם בֹּכֵה לְמִשְׁפְּחֹתָיו

*Moshe heard the people weeping in their family groups (Bamidbar 11:10)*

In the present chapter we will be discussing of one of the fundamentals of *emunah*, namely, the Divine origin of the Torah, to which we refer with the terms “*Torah min HaShamayim*” and “*Torah MiSinai*.” As we have noted numerous times throughout this *sefer*, it is important to distinguish between these terms, for they refer to two distinct areas of Torah.

- ▷ “*Torah min HaShamayim*” refers to the dictation of *Torah SheBichtav* “from Hashem’s mouth to Moshe’s ear” (to use the terminology of the Ramban in his Introduction to his *peirush* on the Torah). As we shall see, not all of this dictation took place at Sinai.
- ▷ “*Torah MiSinai*” refers to the transmission of *Torah SheBaal Peh*, as discussed in the opening Mishnah of *Pirkei Avot*, “משה קיבל תורה מסיני” — *Moshe received the Torah at Sinai*.” Here, the reference is not to the text of the *Chumash*, but rather to the contents of the *Taryag Mitzvot*.

## An Unusual Weeping — In Pshat and Midrash

In his *peirush* to our *pasuk*, **Rashi** quotes an explanation of Chazal in the *Sifrei*. The problem in terms of *pshuto shel mikra* is quite obvious: what is the meaning of the people crying “in their family groups,” something which we do not encounter either before or after, in any of the episodes where they complained?

ורבותינו אמרו, “למשפחותיו” — על עסקי משפחות, על העריות הנאסרות להם

*Our Rabbis explained (the word) “למשפחותיו” — in their families” as a reference to family-related matters, i.e. the arayot relationships that were now forbidden to them.*

According to the *Sifrei*, the people were reacting to the various restrictions imposed on them by the Torah forbidding them to marry certain family members. Regarding this comment of Chazal, **Rabbeinu Eliyahu Mizrachi**, the foremost among the *mefarshei Rashi*, raises a very basic question:

*I do not understand why they only reacted now, upon journeying from Har Sinai, crying over the Torah’s having forbidden them marry these arayot. Many months had passed since the Torah forbade these relationships to them, for from the time Moshe descended the Mountain on the day after Yom Kippur, he did not ascend again, for the whole Torah had already been transmitted to him!*

### From Hashem to Moshe — and From Moshe to B’nei Yisrael

The question of the **Mizrachi** is quite straightforward. B’nei Yisrael journeyed from Har Sinai on the twentieth of *Iyar* in the year after leaving Mitzrayim, over seven months after Yom Kippur when Moshe had already received all the mitzvot. Why, then, did they only react to these prohibitions now? The **Mizrachi** answers:

*Perhaps we may answer, that although the entire Torah had been transmitted to Moshe, it was not (immediately) said in its entirety to Yisrael; rather, each mitzvah in its appropriate time and place.*

The **Mizrachi** is distinguishing between the Torah being transmitted by Hashem to Moshe, and it being transmitted by Moshe to B’nei Yisrael. The very fact that Moshe already had the Torah transmitted to him by a certain time (Yom Kippur) does not necessarily mean that he had likewise transmitted it to Yisrael at that time. That transmission took place over a longer period. This being the case, there is no longer any basis for looking at B’nei Yisrael crying over the *arayot* forbidden to them as a “delayed reaction.” It may well be that the reason B’nei Yisrael only cried at this point over these matters is because they only heard about them now!

The **Mizrachi** proceeds to adduce proof for his approach from the words of Chazal themselves:

*For indeed, in the Gemara Gittin (60a) it is stated that eight parshiyot (sections) of*

*Torah were said on the day the Mishkan was inaugurated: The parsha of Kohanim, of Levi'im, of the sending out of those who are tamei etc. This clearly indicates that although these parshiyot had already been transmitted to Moshe at Sinai, he did not transmit them to Yisrael until Rosh Chodesh Nissan, the day of the inauguration of the Mishkan. If so, perhaps the arayot were similarly not said to them until shortly before they journeyed from Har Sinai.*

## Concurrence in the Maharal

A similar idea to that of the Mizrachi, distinguishing between the transmission of the Torah to Moshe and its transmission to Yisrael, is stated by the *Maharal* in his *peirush Gur Aryeh*, *Shemot* 21:1.

Commenting on the fact that *Parshat Mishpatim* begins with the letter *vav* — "ואלה," Rashi quotes the explanation of Chazal in the *Mechilta*:

כל מקום שנאמר "ואלה," מוסיף על הראשונים : מה ראשונים מסיני, אף אלו מסיני

*Whenever the word "ואלה — and these," is said, it comes to add to that which was previously stated. (The meaning here is) just as the earlier ones (i.e. the Aseret HaDibrot) are from Sinai, so, too, these (the mitzvot of Parshat Mishpatim) are from Sinai.*

The question, once again, is obvious. Are not all the mitzvot "from Sinai"? If so, what is so special about the mitzvot in *Parshat Mishpatim* that we need to be specifically told they were said "from Sinai"? The *Gur Aryeh* (s.v. *kol makom*) answers:

*The meaning is, in the same way the Aseret HaDibrot were said to B'nei Yisrael at Har Sinai, so, too, the mitzvot of Parshat Mishpatim (were said to B'nei Yisrael at Har Sinai). However, all the other mitzvot were said to Moshe at Sinai, but were not transmitted to Yisrael until the (the period of) Ohel Moed<sup>1</sup> or until (the period when they had reached) the Plains of Moav.<sup>2</sup>*

## Transcribing the Parshiyot of Torah

We return now to the Mizrachi. As we have seen, based on the words of Chazal, the Mizrachi has stated that Moshe himself received the Torah in its entirety at Sinai. He now proceeds to address himself to another statement in Chazal which seems to imply that even Moshe received the Torah in stages: The Gemara (*Gittin* 60a) records a *machloket* between two Amoraim:

ר' יוחנן אמר תורה מגילה מגילה ניתנה, ור' שמעון בן לקיש אמר תורה חתומה  
ניתנה

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1 [Beginning in Nissan of their second year in the Midbar .].

2 [In their fortieth year in the Midbar.].

R' Yochanan said ... the Torah was given scroll by scroll, while R' Shimon ben Lakish said, the Torah was given as a (finalized) sealed document.

Rashi (*peirush* to *Gittin*, *ibid.*) explains the meaning of each of these views:

**Scroll by scroll** — when each section was said to Moshe he would write it down, and at the end of the forty years he joined them together and sewed them with sinews.

**A (finalized) sealed document** — nothing was written until the end of the forty years when all the *parshiyot* were completed.

What both of these views have in common is that they both indicate that Hashem “said” — i.e. transmitted — the *parshiyot* of the Torah to Moshe either in installments during the time B’nei Yisrael were in the *Midbar*, or perhaps only at the end of the forty years there! How is this reconciled with the idea that Moshe received the entire Torah at Sinai? The **Mizrachi** explains:

*This machloket does not relate to the stage when the mitzvot were originally said to Moshe, for they had all been said to him in both their general principle and specific details at Sinai, as is taught in the Torat Kohanim (beginning of Parshat Behar)<sup>3</sup> and cited in the Gemara Zevachim (115b). Rather, the meaning is, when a parsha was said to Moshe to transmit it to B’nei Yisrael, he would write it down. That is, originally Moshe was taught the entire Torah at Sinai, and subsequently Hashem told it to him again to tell B’nei Yisrael, each parsha in its time, at which point he would write it down.*

According to the Mizrachi, the point in time which marked the transition of a mitzvah (or group of mitzvot) from being purely *Torah SheBaal Peh* to being comprised of *Torah SheBichtav* and *Torah SheBaal Peh* was the point when Hashem instructed Moshe to transmit that section to B’nei Yisrael.

## JOINING THE MEGILLOT TOGETHER

It is worthwhile pointing out that the process referred to by Rashi as “*joining the Megillot together*” at the end of the forty years was not merely a technical matter of compiling the *Megillot* into one *sefer*. Rather, in some cases, there were additions that needed to be made to the *Megillah* before it was incorporated into the *sefer*. Let us mention one such example.

In the end of the *parsha* dealing with the manna (*Shemot* 16:35), the *pasuk* states, “וּבְנֵי יִשְׂרָאֵל אָכְלוּ... עַד בּוֹאֵם אֶל קְצֵה אֶרֶץ כְּנָעַן — *B’nei Yisrael ate the manna for forty years ... until their arrival at the border of the Land of Canaan.*” It would not have been possible to write this *pasuk* in the original *Megillah*,<sup>4</sup> as the “*forty years*” being referred to came as a result of the *Chet*

3 [Quoted by Rashi in his *peirush* to *Vayikra* 25:1.].

4 Which comprised from *Parshat Bereishit* until the *parsha* of *Matan Torah*; see Rashi to *Shemot* 24:7, s.v. *sefer*.

*HaMeraglim*, and foreknowledge of that *Chet* on the part of B'nei Yisrael<sup>5</sup> would have conflicted with their free will. Indeed, the Sifrei (*Parshat Beha'alotecha*) cites this *pasuk* as an example of the principle that *אינן מוקדם ומאוחר בתורה* – the order in which things are written in the Torah does not necessarily reflect the order in which they occurred. The implications for our discussion are that this *pasuk* was not part of that *Megillah* as it was originally written; rather, it was dictated to Moshe when he joined the *Megillot* together to form the complete *Sefer Torah* at the end of the forty years.

The same is true regarding the two *pesukim* in that *parsha* which describe Hashem telling Moshe to take a flask of manna and place it in the *Ohel Moed* – the *Mishkan* (ibid. 33–34). At that stage, the *Mishkan* did not yet exist, nor had it been commanded to be built. Rather, those *pesukim* were stated later on once the *Mishkan* had been built, and added in to the appropriate *parsha*, as pointed out by Rashi (*pasuk 33*, s.v. *vehanach*).<sup>6</sup>

## The Chazon Ish

A pertinent discussion concerning the timing of the transmission of mitzvot to B'nei Yisrael and the transcription of the *parshiyot* of *Torah SheBichtav* may also be found in the *chiddushim* of the **Chazon Ish** (*Moed* sec. 125), who writes:

*It is clear from the words of Chazal that all of taryag mitzvot were transmitted to Moshe during those forty days,<sup>7</sup> and according to R' Akiva (Chagigah 6a) the details of those mitzvot were also transmitted to him, and Rashi explains similarly in the beginning of Parshat Behar ....*

*Now, Moshe had **not yet been commanded to write (the mitzvot) down, nor to transmit them to B'nei Yisrael**, with the exception of those mitzvot which he was explicitly commanded to transmit. Nonetheless, according to the opinion that the Torah was given “sealed” (חתומה), there was no command to write anything down.<sup>8</sup>*

*When the Mishkan was set up, that which was said to him at Sinai was repeated to him in the Ohel Moed, and indeed, there is room to inquire whether all the taryag mitzvot were repeated in the Ohel Moed, or rather only those which he was commanded to transmit to B'nei Yisrael at that time.*

*In Arvat Moav, the Torah was said to him (Moshe) a third time, and the Shechinah spoke from within his throat, and he was commanded to write (the mitzvot) down using **the exact same words with which each parsha was transmitted to him***

5 For as we have seen, the writing of a *parsha* as a *megillah* in *Torah SheBichtav* coincided with the transmission of that *parsha* to B'nei Yisrael.

6 Interestingly, Rashi comments regarding the *Ohel Moed* mentioned in *pasuk 33*, but does not comment similarly in *pasuk 35* which describes B'nei Yisrael eating the manna for forty years.

7 I.e. the first set of forty days immediately following *Matan Torah*, when Moshe ascended Har Sinai to receive the Torah.

8 [I.e. even though the mitzvot themselves were being transmitted to B'nei Yisrael over the course of the forty years in the *Midbar*, nothing was written down until the end of those forty years.]

*when he was commanded to transmit it to B'nei Yisrael. Thus, there were mitzvot which were written with the words that were said to him at Sinai, and mitzvot which were written with the words that were said in the Ohel Moed, and others in the way they were said at Arvot Moav.*

Although the *Chazon Ish* is discussing the view that the Torah was given “חתומה” — in which case none of the mitzvot were written down until the end of the forty years — nevertheless, he clearly states that **the transmission of the mitzvot to B'nei Yisrael** was a process which took place over those forty years.

## **When were the mitzvot “activated”?**

Having mentioned the *kabbalah* (tradition) received from Chazal, that all of the *taryag mitzvot* were transmitted to Moshe at Sinai, the *Chazon Ish* proceeds to discuss a number of things which were apparently not transmitted at that time:

*Now, there were certain matters, such as the punishment for chillul Shabbat,<sup>9</sup> the punishment for one who blasphemes Hashem's Name<sup>10</sup> and the halachot of precedence regarding inheritance<sup>11</sup> that were not said at Sinai. The reason, as Chazal have explained, is that the righteous people in those episodes were given the merit of being the conduit through which the Halachah became known (מגגלין זכות על ידי זכאי). Nevertheless, this does not represent a lack in the transmission of the Taryag Mitzvot at Sinai, for these were specific details (of the mitzvot).<sup>12 13</sup> Additionally,<sup>14</sup> perhaps Moshe did not have permission to rule based on something he had received at Sinai unless he had already been commanded to transmit it to B'nei Yisrael.*

With these final words, the *Chazon Ish* has highlighted yet another difference between the stage when the mitzvot had been transmitted to Moshe Rabbeinu and when they had been transmitted to B'nei Yisrael. No practical ruling could be issued based on Moshe's knowledge of a certain mitzvah until he had been instructed to transmit that mitzvah to B'nei Yisrael. In terms of our discussion we would like to suggest that until Moshe was told the words with which to present the mitzvah to B'nei Yisrael — and with which it would later be written in the Torah — the essence of the mitzvah was not sufficiently expressed in a way that would allow him to issue a halachic ruling regarding it. For the way in which a

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9 A matter which came up in the *parsha* of the *Mekoshesh*, see *Bamidbar* 15:32–36.

10 A matter which came up in the *parsha* of the *Megadef*, see *Vayikra* 24:10–14.

11 A matter which came up in the *parsha* of the daughters of *Tzelafchad*, see *Bamidbar* 27:1–11.

12 [This would still seem to represent a departure from the rule for R' Akiva, according to whom the details of the mitzvot were also given at Sinai.].

13 Interestingly, the *Chazon Ish* does not mention another mitzvah which was apparently also unknown to Moshe — *Pesach Sheini* (see *Bamidbar* 9:6–14). This is indeed something remarkable, especially as, unlike the other cases mentioned, this mitzvah is not a detail within another mitzvah, but one of the *taryag mitzvot* in its own right! Perhaps the *Chazon Ish* understands this mitzvah in accordance with the view of the Ramban in *Bamidbar* 7:13 (s.v. *solet*). The reader is referred to *Parshat Naso*, Chapter 78, where the approach of the Ramban is discussed at length.

14 [An alternative explanation as to how to reconcile the idea that Moshe had received all of the mitzvot at Sinai with the fact that he had to enquire as to what the halachah was in these particular cases.].

mitzvah is written in the Torah reveals its nature and essence.

It is indeed fitting that the mitzvah achieves its final formulation in terms of the division between *Torah SheBichtav* and *Torah SheBaal Peh* when it is transmitted to B'nei Yisrael, for they are the nation chosen by Hashem to receive and fulfill His Torah.

ישראל, אורייתא וקודשא בריך הוא — חד הוא!  
*Yisrael, the Torah and Hashem — are one!*