

# PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

## PARSHAT EKEV

### Lashon Tzivui vs. Lashon Sippur – Imperative Form vs. Narrative Form

וְלַעֲבֹדוֹ בְּכָל לִבְבְּכֶם

*And to serve Him with all of your heart (Devarim 11:13)*

#### The Source for the Mitzvah of Tefillah

Anyone who is asked the question, “What is the source for the mitzvah of *tefillah* in the Torah?” will probably respond by quoting three words from our *Parsha* (11:13), “וְלַעֲבֹדוֹ בְּכָל לִבְבְּכֶם— *and to serve Him with all your heart,*” adding the comment of the *Sifrei* (*Devarim, siman 41*): “This refers to *tefillah*.” To support this teaching we would cite the words of the Gemara in *Masechet Taanit* (2a), “איזו היא עבודה שבלב? זו תפילה — *what is ‘avodah of the heart’? This is tefillah.*” However, when we consult the words of the **Rambam** in this matter, we will see that while the abovementioned sources may give us the **definition** of the mitzvah, they do not constitute a Torah **commandment** to fulfill the mitzvah.

The Rambam (*Hilchot Tefillah 1:1*) says:

*It is a positive mitzvah from the Torah to pray every day,<sup>1</sup> as it says (Shemot 23:25), “וְעַבַדְתֶּם אֶת ה' אֱלֹהֵיכֶם — You shall serve Hashem, your God.” Through tradition we have learned that the “avodah” here refers to tefillah, as it says, “וְלַעֲבֹדוֹ בְּכָל לִבְבְּכֶם,”*

<sup>1</sup> This is as opposed to the opinion of the Ramban, who does not count the mitzvah of tefillah in the list of the Taryag.

and the Chachamim explained (Taanit 2a) that this refers to tefillah.

Rav Yosef Karo, in his *peirush Kesef Mishneh*, asks a question:

*Why did the Rambam not write that the source of the mitzvah is from the words “וְלַעֲבֹדוּ בְּכָל לְבַבְכֶם,” which explicitly refers to the mitzvah of tefillah?*

In other words, the question is, why did the Rambam mention the *pasuk* of “וְלַעֲבֹדוּ,” which does not refer explicitly to *tefillah*, and then bring another *pasuk* that clarifies that the *avodah* here is in the heart, i.e., *tefillah*, when he could have simply just brought the *pasuk* of “וְלַעֲבֹדוּ בְּכָל לְבַבְכֶם” itself, which would have told us everything?

The *Kesef Mishneh* answers:

*The reason is because the pasuk of “וְלַעֲבֹדוּ” is not a mitzvah — a commandment, but rather sippur devarim — a narration; “וְהָיָה אִם שָׁמַעַתְּ תִשְׁמְעוּ ... לְאֱהָבָה אֶת ה' אֱלֹהֵיכֶם ... וְנָתַתִּי מָטָר אֲרֻצְכֶם ... וְלַעֲבֹדוּ — If you will listen ... to love Hashem your God and to serve Him ... and I will provide rain for your land ... “*

The fundamental principle we are being taught here is that a mitzvah of the Torah can only be derived from a *pasuk* that is phrased as a **commandment**.

This is something that Rambam has set forth in the eighth of the fourteen *shorashim* with which he prefaced his *Sefer HaMitzvot*:

*It is not possible to introduce a commandment [that is to say, a positive mitzvah] within a pasuk of narrative ... and similarly, a prohibition will not appear within a narrative.*

## The Sefer HaChinuch

In a similar vein, the *Sefer HaChinuch* (mitzvah 3) takes great care in explaining to us how to read the *pasuk* regarding the prohibition of *Gid Hanasheh* (*Bereishit* 32:33), “עַל כֵּן לֹא יֹאכְלוּ” — *Therefore, B'nei Yisrael shall not eat the gid hanasheh ... until this day.*” These are his words:

*Not to eat from the gid hanasheh, as it says “therefore, B'nei Yisrael shall not eat the gid hanasheh.” These words “לֹא יֹאכְלוּ” — they shall not eat” were not said as a narrative, as if to say that since this episode happened to the father, the children refrain from eating the gid; rather, they are Hashem’s commandment that it not be eaten.*

The *Sefer HaChinuch* asserts, regarding the source of the mitzvah in *Torah SheBichtav*, that

these words are a commandment<sup>2</sup> and not a narration.<sup>3 4</sup>

Faithful to his approach, the *Sefer HaChinuch* writes regarding the mitzvah of *Milah*:

*Parshat Lech Lecha contains one mitzvah, namely, the mitzvah of milah, as it says (Bereishit 17:10), “זאת בריתי אשר תשמרו ביני וביניכם ובין זרעך אחריו המול לכם כל זכר — this is My covenant that you shall uphold between Me and you and your descendants after you, every male among you shall be circumcised,” and [this mitzvah] was repeated in Parshat Tazria (Vayikra 12:3), “וביום השמיני ימול בשר ערלתו” — and on the eighth day the flesh of his orlah shall be circumcised.” Many mitzvot are repeated in numerous places in the Torah, each time for a purpose, as our Chachamim, ז”ל, have explained them.*

The *Chinuch* has taken pains to distance us from the misconception that the source for the mitzvah of *milah* is from *Parshat Tazria* (“after *Matan Torah*”), and not from *Parshat Lech Lecha* (“before *Matan Torah*”). This is simply not so! *Parshat Tazria* is not “after *Matan Torah*,” but rather “after *Parshat Yitro*.” Similarly, *Parshat Lech Lecha* is not “before *Matan Torah*,” it is simply “before *Parshat Yitro*.” Both of these *parshiyot* are part of *Matan Torah*, and both were transmitted, in the words of the Ramban in his introduction to *Bereishit*, “from Hashem’s ‘Mouth’ to Moshe’s ear.” It is indeed true that the background to *Parshat Lech Lecha* is historical in nature, and therefore we could not learn the mitzvah of *milah* from the (narrative) *pasuk* (*Bereishit* 17:23), “וימל את בשר ערלתם — and he [Avraham] circumcised the flesh of their orlah.” Nevertheless, an expression of *Tzivui* will obligate, even if the background is one of *sippur*, in the same way that an expression of *sippur* within a halachic section of the Torah (for example, “ויעלו עלת” — and they offered burnt-offerings,” at the end of *Parshat Mishpatim*, 24:5) does not result in a mitzvah. We should note that there are numerous *pesukim* in that section of *Parshat Lech Lecha* that contain commands regarding *milah*. The *Sefer HaChinuch* clearly chose *pasuk* 10 as his source, since it is the first *pasuk* in that section that contains a commandment.

## Building the Beit Hamikdash

Based on this principle, the *Kesef Mishneh* similarly explains why the **Rambam** (*Hilchot Beit HaBechirah* 1:1) derived the mitzvah of building the *Beit Hamikdash* from the *pasuk* “ויבנו מקדש — they shall make Me a Mikdash” (*Shemot* 25:8), which was written within the context of the making the *Mishkan* in the desert, and not from the *pasuk* “והיה המקום אשר יבחר ה’ — it shall be the place that Hashem your God shall choose to cause His Name to dwell there” (*Devarim* 12:11), which refers explicitly to the *Beit Hamikdash* in Eretz Yisrael. In fact, the *Sefer Mitzvot Gadol* (*mitzvat aseh* 163) mentions this second *pasuk* as the source for this particular mitzvah! However, the Rambam did not quote the *pasuk* in *Devarim*, since it is not written in the form of a commandment but rather describes the *Beit Hamikdash* as

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2 [Reflected in the translation of the words “*lo yochlu*” as “*shall not eat*.”]

3 [In which case, the words “*lo yochlu*” would translate as “*will not eat*.”]

4 In our humble opinion, it may still be possible to explain the words “*lo yochlu*” as a narrative on the level of *pshat*, while the halachah explains it as a commandment, so that there is not necessarily a contradiction between the two *peirushim*.

the setting for the bringing of korbanot. The Rambam quotes the *pasuk* in *Shemot*, which is stated as a commandment.<sup>5</sup>

A similar idea is found in the *peirush* of the **Ritva** to *Masechet Yoma* (24b), explaining how the Gemara states that lighting the Menorah is not considered an *Avodah* of the *Mikdash*, and even a non-Kohen is qualified to light. This seems difficult in light of what is said clearly in the *pasuk* (*Bamidbar* 8:2) “**דַּבֵּר אֶל אַהֲרֹן וְאָמַרְתָּ אֵלָיו בְּהַעֲלֹתְךָ אֶת הַנֵּרוֹת**” — *Speak to Aharon, and say to him, ‘when you kindle the lights’*”!

To this the Ritva answers:

*It is possible to suggest that it is for this reason the Torah did not express this as a **commandment**, i.e., “Speak to Aharon and **he will** kindle the lights,” in order to teach us that it is not an *Avodah* for which a nonKohen would incur liability if he performed it.*

We find this idea discussed among the *Acharonim* as well. Thus, for example, **Rav Meir Simcha HaKohen of Dvinsk**, author of the *Meshech Chochmah* (*Shemot* 40:2), writes that the correct source for the halachah that building the *Beit Hamikdash* must be done by day and not by night (*Masechet Shevuot* 15b) is the *pasuk* “**בְּיוֹם הַחֹדֶשׁ הָרִאשׁוֹן ... תִּקְיָם אֶת מִשְׁכַּן אֹהֶל**” — *on the day of the first month ... you shall set up the Mishkan*” (*Shemot*, *ibid.*) and not the *pasuk* “**וּבְיוֹם הַקָּיָם אֶת הַמִּשְׁכָּן**” — *and on the day the Mishkan was set up*” (*Bamidbar* 9:15), as the first *pasuk* is written in the form of *tzivui*, while the second *pasuk* is written in the form of *sippur*.

From all these examples we can see clearly that the way the Torah chooses to write something determines whether it obligates on a *d’oraita* level. *Pesukim* are deemed to be mitzvot only if they are written as commandments.

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<sup>5</sup> See, however, Rashi’s comments to that *pasuk* (s.v. *v’hayah*); “*Build for yourselves a Beit Hamikdash in Yerushalayim.*” Nonetheless, it appears that Rashi’s intent is not to emphasize the mitzvah of building, but rather the place where it should be built, i.e., Yerushalayim.