

The Transmission of *Torah MiSinai*

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Shavuot commemorates the initial revelation at Sinai and the transmission of the *Aseret Hadibrot*. Understanding the nature of the revelation at Sinai, as well as the process by which the Torah was given and recorded beyond the date of the sixth of Sivan, leads to a deeper appreciation of *Hag Hashavuot* and of the principle of *Torah miSinai* in general²³. The giving of the *Aseret Hadibrot* is a transformative historical moment, both because of the content of the *Aseret Hadibrot* themselves and because of the experience of mass revelation that *Matan Torah* represents²⁴. Rashi writes:

*All six hundred and thirteen mitzvot are included within the Aseret Hadibrot, and Rabbeinu Saadya explained in the Azharot that he established for every one of the dibrot the mitzvot that are dependent on it*²⁵.

Rashi Shemot 24:12

את לחת האבן והתורה והמצוה אשר כתבתי להורתם - כל שש מאות ושלוש עשרה מצות בכלל עשרת הדברות הן, ורבינו סעדיה פירש באזהרות שיסד לכל דבור ודבור מצות התלויות בו:
רש"י שמות כד:יב

In other words, Rashi writes that the *Aseret Hadibrot* form a microcosm of the entire corpus of *halakha*. Not only do the *Aseret Hadibrot* set forth fundamentals of Jewish ethics, but they also conceptually encompass all *mitzvot*. In addition to the broad-reaching halakhic significance of the *Aseret Hadibrot*, moreover, the experience of mass revelation that occurred on the sixth of

²³ Important background to this topic is found in *Gittin* 60a. The Gemara explains that there is a *mahloket* as to whether the Torah was recorded by Moshe gradually over the course of the forty years in the desert (“*megillah megillah*”) or all at once, at the end of the fortieth year (“*hatumah*”). According to either approach, the Torah in its totality was written down in the fortieth year; the point of controversy is whether Moshe wrote the *parshiot* of the Torah as he learned them, or whether he learned them by heart and wrote them down all at once at the end of the fortieth year. Ramban, in his *Hakdamah Lesefer Bereishit*, writes that the entire corpus of *halakha* was given to Moshe at Sinai, in addition to the narrative sections of the Torah that occurred from the time of Creation until the building of the *mishkan*, and that the *mahloket* of *megillah megillah* versus *hatumah* does not concern the nature of the revelation at Sinai, but only whether Moshe wrote down the contents of the revelation immediately or during the fortieth year.

²⁴ *Rishonim* disagree as to the mechanism by which the *Aseret Hadibrot* were transmitted. According to Rashi, the first two *dibrot* were heard directly by *Bnei Yisrael*, while the last eight were given to Moshe (Rashi Shemot 19:19). By contrast, Ramban writes that all of the *dibrot* were given to Moshe and relayed by him to *Bnei Yisrael* (Ramban Shemot 19:19) and Ibn Ezra writes that all ten were given directly to *Bnei Yisrael* (Ibn Ezra Shemot 20:15).

²⁵ R. Eliyahu Mizrahi, in his supercommentary on Rashi, explains that the words “*asher katavti*” lead Rashi to interpret “*luchot ha’even vahaTorah vehamitzvah*” as referring to the *Aseret Hadibrot*, because Hashem is the subject of “*asher katavti*” and Hashem wrote down the *Aseret Hadibrot*, but not the rest of the Torah. This reading of the *pasuk* leads Rashi to assert that “*haTorah vehamitzvah*”—in other words, all *mitzvot*--can be traced to a source in the *Aseret Hadibrot*.

Sivan has significant philosophical ramifications. For example, R. Yehuda Halevi, in *Sefer Hakuzari*, famously asserts that the revelation at Sinai is a proof for the Torah's authenticity; the fact that *Matan Torah* was experienced by an entire nation rather than by an individual prophet is a testimony to the historical accuracy of the story. Thus, the revelation of the *Aseret Hadibrot* set the stage for and substantiated the more comprehensive revelation that Moshe experienced in the forty days that he spent on *Har Sinai* immediately after the giving of the *Aseret Hadibrot*. Since all of *Bnei Yisrael* experienced the initial stage of revelation and believed in its truth, they also accepted the truth of the subsequent revelation that Moshe received.

There is broad consensus among *Rishonim* that Moshe received the entire corpus of *halakha* on Sinai. Rashi famously states that all of *halakha*, including details as well as principles, were revealed to Moshe *Rabbeinu* at *Har Sinai*:

What is the relevance of shemittah to Har Sinai? And weren't all of the mitzvot said at Sinai?! Rather, just as shemittah was said with its principles and details at Sinai, so too were all mitzvot said with their details at Sinai. This is how it is taught in Torat Kohanim.

Rashi Vayikra 25:1 s.v. behar

בהר סיני - מה ענין שמיטה אצל הר סיני,
והלא כל המצות נאמרו מסיני, אלא מה
שמיטה נאמרו כללותיה ופרטותיה ודקדוקיה
מסיני, אף כולן נאמרו כללותיהן ודקדוקיהן
מסיני, כך שנויה בתורת כהנים
רש"י ויקרא כה: א ד"ה בהר

Similarly, Rambam states in his Introduction to the *Mishneh Torah*:

All of the mitzvot which were given to Moshe at Sinai were given together with their interpretations, as it says: 'And I will give you the tablets and the Torah and the mitzvah' (Shemot 24:12). 'The Torah' refers to Torah shebikhtav, 'and the mitzvah' refers to its interpretation. And He commanded us to fulfill the Torah in accordance with 'the mitzvah.' This mitzvah is what is called Torah she-be-al peh.

כל המצות שניתנו לו למשה בסיני
בפירושן ניתנו. שנאמר ואתנה לך
את לוחות האבן והתורה והמצוה.
תורה זו תורה שבכתב. והמצוה זו
פירושה. וצונו לעשות התורה על
פי המצוה. ומצוה זו היא הנקראת
תורה שבעל פה.

In other words, Rambam agrees that all of the details of *halakha* that are found in *Torah she-be-al peh* were revealed at Sinai. However, the belief that all of *halakha* was revealed to Moshe at *Har Sinai* gives rise to a conceptual difficulty. If all of *halakha* was taught to Moshe *Rabbeinu* at *Har Sinai*, how do we make sense of the *mahlokot* that abound throughout *halakha*? Given that we identify the revelation at Sinai as the moment at which the totality of Jewish law was taught to Moshe directly by Hashem, why is *Torah she-be-al peh* replete with controversy and differing views on halakhic issues which must have been included within the revelation²⁶?

Three primary approaches to this question can be found in *divrei Hazal*.

Said R. Jose: Initially there was no controversy in Israel; but there was the court of seventy in the Hall of Hewn

אמ' ר' יוסי כתחלה לא היתה מחלוקת בישראל
אלא בית דין של שבעים ואחד היה בלשכת הגזית

²⁶ I wish to thank Rabbi Nir Knoll, whose paper "The Process of Transmission and the Emergence of Controversy in Jewish Law" addresses this issue from the perspective of both Rabbinic and medieval literature, and provided many of the following sources.

Stone, and the other courts of twenty-three were in the towns of the land of Israel . . . If one needs a court, he turns to the court in his town; if there is no court in his town, he goes to a court near his town. If they [the court] heard [a tradition], they told it to them [i.e., the litigants]; if not, [the initiator of the action] and the most eminent member of the court go to the court on the Temple Mount. If they heard, they told it to them; and if not, he and the most eminent of them go to the court on the Rampart. If they heard, they told it to them; and if not, these and others go to the court in the Hall of the Hewn Stone. . . If they heard, they told it to them; and if not, they stand up for a vote. If the majority is for impurity, they declare it impure; if the majority is for purity, they declare it pure. From there the law originates and is disseminated in Israel. When there multiplied the students of Shammai and Hillel who did not serve their teachers sufficiently, controversies multiplied in Israel and the law because like two sets of law.

Tosefta (Hagiga 2:9)

ושאר בתי דינין של עשרים ושלושה היו בעיירות שבארץ ישראל שני בתי דינין של שלושה שלושה היו בירושלם אחד בהר הבית ואחד בחיל נצרך אחד מהן הולך אצל בית דין שבעירו אין בית דין בעירו הולך אצל בית דין הסמוך לעירו אם שמעו אמרו להן ואם לאו הוא ומופלא שבהן באין לבית דין שבהר הבית אם שמעו אמרו להן ואם לאו הוא ומופלא שבהן באין לבית דין שבחייל אם שמעו אמרו להן ואם לאו ואלו באין לבית דין שבלשכת הגזית אע"פ שהו של שבעים ואחד אין פחות מעשרים ושלושה נצרך אחד מהן לצאת רואה אם יש שם עשרים ושלושה יוצא ואם לאו אין יוצא עד שיהו שם עשרים ושלושה היו יושבין מתמיד של שחר עד תמיד של בין הערבים ובשבתות ובימים טובים באין לבית המדרש שבהר הבית נשאלה הלכה אם שמעו אמרו להם ואם לאו עומדין במנין אם רבו המטמאין (א) [טימאן] רבו המטהרין טיהרו משם הלכה יוצא ורווחת בישראל משרבו תלמידי שמאי והלל שלא שימשו כל צרכן הרבו מחלוקות בישראל ונעשו שתי תורות

תוספתא הגיגה ב:ט

The position of this Tosefta is that there was originally no *mahloket* in matters of *halakha*, because halakhic knowledge was based on the revelation that Moshe *Rabbeinu* experienced at *Har Sinai* and that was passed down through the generations. In other words, there was originally a monolithic *halakha*, based on Hashem's comprehensive revelation of *halakha* to Moshe, and the existence of *mahloket* in *Torah she-be-al peh* is due to the breakdown of the chain of transmission, either because of the disbanding of the Sanhedrin or because the students of Hillel and Shammai did not sufficiently serve their teachers.

This approach to the origin of halakhic *mahloket* finds later expression in the works of several Geonim. For example, Rav Saadya Gaon cites the Tosefta in his *Hakdamah to Sefer Haemunot Vehadeot*, writing:

The sages of Israel said about one who is not complete in wisdom that from the time that the students of Hillel and Shammai increased, and did not sufficiently serve their masters, disagreements multiplied. We learn from this that if the students had fully mastered their studies, there would have been no controversies or arguments among them.

ואמרו חכמי ישראל במי שלא השלים ענייני החכמה, משרבו תלמידי שמאי והלל שלא שמשו כל צורכן רבו המחלוקות. (סנה' פ"ח) ולמדנו מזה כי התלמידי' כשהם משלימים הלמוד, לא תהיה בניהם מחלוקות ולא ערבוב

Rav Saadya Gaon accepts the view that controversy within *halakha* is the result of a breakdown in the chain of transmission, that *mahloket* results from the unfortunate fact of human forgetfulness. This position is found in other Geonic works as well, including the *Iggeret* of Rav Sherira Gaon. The logical corollary of this position is that, when Hazal quote *pesukim* in making

limudim, they are not attempting to actually derive halakha from the pesukim, but are merely finding hints in the Torah to halakhic traditions that were received at Sinai.

A second understanding of the origin of *mahloket* can be found in other Rabbinic sources.

R. Abba stated in the name of Shmuel: For three years there was a dispute between Beit Shammai and Beit Hillel, the former asserting that 'the law is in agreement with our views,' and the latter contending that 'the law is in agreement with our views.' A bat kol came forth, announcing, 'Both are the words of the living God, but the law is in agreement with the rulings of Beit Hillel'.

Eruvin 13b

אמר רבי אבא אמר שמואל: שלש שנים נחלקו בית שמאי ובית הלל, הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו. יצאה בת קול ואמרה: אלו ואלו דברי אלהים חיים הן, והלכה כבית הלל.
ערובין יג.

The implication of the famous phrase “*elu v'elu divrei Elokim hayim*” is that *mahloket* is not the unfortunate result of a breakdown in the chain of transmission, but that differing views all constitute revelations of Hashem's word. A similar approach is taken by the Yerushalmi.

Even that which a seasoned student will declare before his teacher was already said to Moshe at Sinai.

Yerushalmi Hagiga 1:8

אפילו מה שתלמיד ותיק עתיד להורות לפני רבו כבר נאמר למשה בסיני
ירושלמי חגיגה א:ח

According to these and other rabbinic sources, the variety of approaches within *Torah she-be-al peh* were all contained within the revelation at Sinai; the nature of the revelation was such that the range of opinions found within *Torah she-be-al peh* were all spoken by Hashem. This approach is echoed by the Ritva, quoting the *Baalei Hatosafot*:

The French Rabbis asked: How is it possible that these and those should be as living words of God, when one permits and the other prohibits? They answered that when Moshe ascended to heaven in order to receive the Torah, he was shown, with respect to each and every matter, forty-nine facets for prohibition and forty-nine facets for license. He asked Hakadosh Barukh Hu about this and he was told that the matter would be handed over to the sages of Israel in each and every generation, and it would be resolved as they would determine. This is correct according to the derash speculation, but at the mystical plane, there is an arcane explanation.

Ritva Eruvin 13b

שאלו רבני צרפת ז"ל היאך אפשר שיהו שניהם דברי אלהים חיים וזה אוסר וזה מתיר, ותירצו כי כשעלה משה למרום לקבל תורה הראו לו על כל דבר ודבר מ"ט פנים לאיסור ומ"ט פנים להיתר, ושאל להקב"ה על זה, ואמר שיהא זה מסור לחכמי ישראל שבכל דור ודור ויהיה הכרעה כמותם, ונכון הוא לפי הדרש ובדרך האמת יש טעם וסוד בדבר.
רישב"א ערובין יג.

Thus, the Ritva adopts the approach that the original revelation of *halakha* at Sinai encompassed a multiplicity of approaches to points of *halakha* rather than a uniform halakhic truth.

A third approach to the origin of *mahloket* in *halakha* can be found in *Shemot Rabbah* 41:6:

Did Moshe learn the whole Torah? It is written "It is longer than the land and wider than the sea" (Iyov 11) and Moshe learned it in forty days?! Rather, Hakadosh Baruch taught Moshe general principles.

וכי כל התורה למד משה כתיב בתורה (איוב יא) ארוכה מארץ מדה ורחבה מני ים ולא רבעים יום למדה משה אלא כללים למדהו הקב"ה למשה

According to this approach, what was transmitted to Moshe *Rabbeinu* at *Har Sinai* was not the detailed points of *halakha*, but the principles and methodology by which *halakha* is derived.

Rambam combines the first and third approaches in his understanding of the origin of mahloket. In the *Hakdamah* to his *Perush Hamishnah*, he identifies five types of halakhot: halakhic interpretations of the Biblical text that were transmitted by Moshe, halakhot transmitted by Moshe which cannot be derived from the Biblical text, halakhot derived from application of logic and exegetical principles, *gezerot*, and *takkanot*. According to Rambam, no mahloket exists with regard to any halakha that falls within the first two categories. For example, it has always been universally accepted that the term “*peri etz hadar*” refers to an *etrog*; this, according to Rambam, is an example of a halakha that falls within the first category. Mahlokot exist only with regard to halakhot in the third category. Thus, Rambam includes within his understanding of halakhic transmission categories of halakha that are based on a universally accepted tradition (in line with the first view we saw of mahloket in halakha) as well as a category of halakha that is based on application of principles. He dismisses the Geonic view that human forgetfulness resulted in mahlokot about halakhot that were transmitted by Moshe, since he thinks this view impugns the *hakhamim* in each generation who were charged with transmitting the *mesorah*.

We have seen that, while there is unanimity that the halakha contained within *Torah she-be-al peh* was given to Moshe at Sinai, there are divergent views as to what exactly that means. These views run the gamut in their approaches to this question: perhaps *pesak halakha* was transmitted to Moshe, perhaps Moshe learned a multiplicity of *piskei halakha*, or perhaps he was given a methodology of learning and deriving halakha that he taught to the succeeding generations. Rav Aharon Lichtenstein, in his article *Torat Hesed and Torat Emet*, writes:

There is a Torah, firm and sharp, its outlines single-mindedly defined, hewn from the rock of truth and limned in granite, its message emblazoned as meridian sun and lucid as polar night. And there is a Torah, flexible and subtle, its frontiers boundless and shifting, supple as an infant's flesh and luxuriant as an equatorial forest. *Torat emet* bespeaks unitary truth. It denotes a definitive and static entity, an impenetrable and impregnable fortress, impervious to the vicissitudes of time and culture, ante-historical and meta-historical. It is, in the words of the midrash, identified with that which a person has received from his masters . . . *Hesed*, on the other hand, suggests dynamic centrifugal thrust. The term is associated with expansive *hitpashtut*, even excess . . . *Torat hesed* is therefore marked by vitality and growth, by the opening of new chapters and the breaking of fresh ground.

Perhaps we can apply the images of *Torat hesed* and *Torat emet* to the views of revelation that we have seen. Revelation can be understood as the transmission of a monolithic, fully formulated truth, and it can also be understood as enabling and inviting human creativity in the halakhic process. Through the process of *Talmud Torah*, we receive the *mesorah* of previous generations at the same time that we forge new links in the chain of *mesorah*. In internalizing the eternal, unchanging truth of the Torah, we also recognize its vibrancy and the contributions of individual creativity in each generation. In commemorating the giving of the *Aseret Hadibrot* on *Shavuot*, we reenact the moment of the original revelation, while simultaneously delving into *Talmud Torah* and seeking revelation in our own days.

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