

Parashat Bechukotai 5774, 2014:

The Eternality of the Torah and Shavuot

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister-in-law, Ruchama Rivka Sondra bat Yechiel, sister, Shulamit bat Menachem, Chaim Mordechai Hakohen ben Natan Yitzchak, Yehonatan Binyamin ben Mordechai Meir Halevi, Shmuel David ben Moshe Halevy, and the refuah shlaimah of Yosef Shmuel ben Miriam and Devorah bat Chana.

The phrase, “*aleh hamitzvot asher tzivah Hashem et Moshe*,” (“these are the commandments that Hashem commanded Moshe”) begins the closing verse of both our *parasha* and *Sefer Vayikra*. Contextually, it references the complete and final body of law that G-d revealed to Moshe on Mount Sinai. The *Talmud Yerushalmi, Megillah* 1:5 notes the use of “*aleh*” in our verse, and concludes that it connotes the following crucial idea:

“These (*aleh*) are the commandments that Hashem commanded Moshe.” Consequently Moshe taught us: “There will never be a future prophet who will have the power to create something new [i.e. laws in the Torah] from this point and henceforth.”

This concept is stated even more explicitly in *Midrash Rabbah Rut* 4:5:

“These are the commandments that Hashem commanded Moshe” – “These” (“*aleh*”) teaches us that one is not allowed to add or to detract [from this corpus of law]. Moreover, no prophet will ever be allowed to promulgate a new matter [i.e. a Torah law] from this point onward.

Maimonides (Rambam, 1135-1204) articulated this notion as the Ninth Principle of Faith in his *Commentary on the Mishnah*, Introduction to the 10th Chapter of Tractate Sanhedrin:

The Ninth Principle of Faith is that of [non-] nullification. This means that the Torah of Moshe will neither be nullified nor will there ever be another Torah in addition to it from G-d. It [i.e. the Torah] will never be added thereto nor be detracted therefrom, neither in writing nor via explanation. As is stated in the Torah: “You shall neither add to it, nor subtract from it.” (*Sefer Devarim* 13:1)

This, in turn, was popularized as the Ninth Principle of Faith in the anonymous hymn

known as the “*Ani Ma’amin*”:

ט
אני מאמין באמונה שלמה שזאת התורה
לא תהי מחלפת ולא תהי
תורה אחרת מאת הבורא יתברך שמו:

9
I believe with perfect faith that this Torah
will not be changed, and that there will never be
any other Law from the Creator, blessed be his Name.

In addition to the earlier mentioned sources, the Rambam based his formulation of this principle of faith on the following famous Talmudic passage that concerns itself with a highly technical *machloket* (dispute) regarding ritual purity and impurity:

On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: “If the *halachah* agrees with me, let this carob-tree prove it!” Thereupon the carob-tree was torn a hundred cubits out of its place — others affirm, four hundred cubits. “No proof can be brought from a carob-tree,” they retorted. Again he said to them: “If the *halachah* agrees with me, let the stream of water prove it!” Whereupon the stream of water flowed backwards — “No proof can be brought from a stream of water,” they rejoined. Again he urged: “If the *halachah* agrees with me, let the walls of the schoolhouse prove it,” whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: “When scholars are engaged in a halachic dispute, what have you to interfere?” Hence they did not fall, in honor of R. Joshua, nor did they resume the upright position, in honor of R. Eliezer; and they are still standing thus inclined. Again he said to them: “If the *halachah* agrees with me, let it be proved from Heaven!” Whereupon a Heavenly Voice cried out: “Why do you dispute with R. Eliezer, seeing that in all matters the *halachah* agrees with him!” But R. Joshua arose and exclaimed: “It is not in heaven.” (“*Lo bashamayim he*,” *Sefer Devarim* 30:12) What did he mean by this? — Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because You have long since written in the Torah at Mount Sinai (*Sefer Shemot* 23:2), “After the majority must one incline.” (*Talmud Bavli, Baba Metziah* 59b, translation, *The Soncino Talmud* with my emendations)

The above-cited Talmudic passage is amazing, to say the least. In one fell swoop, it repudiates any possibility of a post-Sinaitic Revelation. Moreover, it demonstrates that definitionally imperfect human reason, in conjunction with the accepted principles of Torah exegesis and majority rule, is the determinant in any halachic dispute – even when one of the disputants is “a Heavenly Voice” (“*bat kol*”)!

HaRav Yosef Dov Halevi Soloveitchik *zatzal* (1820-1892) is the famous author of the *Beit Halevi*, one of the most prominent Torah analyses within the Lithuanian tradition. In his comments to *Sefer Shemot* 19:5, Rav Soloveitchik builds upon the previously cited Talmudic passage in his explication of the Torah's role in our lives. He explains that the Torah was given to our people so that we would analyze it in accordance with the rules established by our Sages. He further notes that the conclusions that are reached according to this manner of exposition are **the** "Truth," since our Sages were tasked with both the interpretation and application of the Torah. In addition, he maintains, in the light of Rabbi Yehoshua's statement in the above-cited passage from *Baba Metzia*, that since the Torah is "no longer in Heaven" ("*lo bashamayim he*," *Sefer Devarim* 30:12), its truth can only be apprehended via the intense study and analysis of the earthly *beit din* (Court of Law) – who then, perforce, become its arbiters. After all, *lo nitnah haTorah l'malachei hashareit* (the Torah was not given to the Ministering Angels) but rather, to us.

After concluding his argument, Rav Soloveitchik asks a fascinating question: "Why did our Sages call Shavuot '*zeman matan Toratainu*' ('the time of the Giving of **our** Torah') instead of '*zeman matan Torah*' ('the time of the Giving of **the** Torah')?" His answer is mesmerizing: "The reason why Shavuot is called '*zeman matan Toratainu*' and not '*zeman matan Torah*' is because the explanation of '*Toratainu*' is that the Torah became our own. [How did it become our own? This happened] via the Oral Law (*Torah She'ba'al Peh*) and the explanations of the [Torah] that are the product of our people." In other words, while the Torah is the surely greatest gift from G-d to man besides life itself; what made and makes this gift ours forevermore is the Oral Law.

As we continue on our journey toward Mount Sinai and Shavuot, may we always focus upon the eternity of our holy Torah and the great gift it represents to our people. In addition, may we ever remember that we are charged with the noble task of bringing G-d's Torah into practical realization through authentic and heartfelt mitzvah observance. Truly, "*ashreinu mah tov chelkeinu u'mah na'im goraleinu*" ("we are joyous in our portion [possession from G-d] and the pleasantness of our lot [as His chosen people]"). May this thought serve as our watchword as we strive to serve Hashem. *V'chane yihi ratzon.*

Shabbat Shalom

Past *drashot* may be found at my blog-website: <http://reparashathashavuah.org>

The email list, *b'chasdei Hashem*, has expanded to hundreds of people. I am always happy to add more members to the list. If you have family or friends you would like to have added, please do not hesitate to contact me via email rdbe718@gmail.com.

*** My audio *shiurim* for Women on "*Tefilah: Haskafah and Analysis*," may be found at: <http://tinyurl.com/8hsdpyd>

*** I have posted 164 of **Rabbi Soloveitchik's** English language audio *shiurim* (MP3 format) spanning the years 1958-1984. They are available here: <http://tinyurl.com/82pgvfn>.

** Follow new postings on my Twitter accounts: [@theRavZatzal](https://twitter.com/theRavZatzal) and [@Torahtech613](https://twitter.com/Torahtech613).

*** Interested in 21st Century Jewish Education? See my blog and Scoopit.com Pages:

<http://21stcenturyjewisheducation.org>

<http://www.scoop.it/t/educational-technology-yeshiva-edition>

<http://www.scoop.it/t/great-digital-judaic-studies-resources>