

The Beis HaLevi's Fantastic Revelation

The Entire Torah She'b'al Peh Was Inscribed on the First Luchos but Due to the Sin of the Egel All the Letters Flew off the Luchos

We read in this week's parsha, parshas Ki Sisa (Shemos 34, 27): **"ויאמר ה' אל משה כתב לך את הדברים האלה כי על פי הדברים האלה — כרתי אתך ברית ואת ישראל"** — Hashem said to Moshe, "Write for yourself these words, for according to these words have I entered a covenant with you and with Yisrael." Concerning the significance of Torah she'b'al peh, we find a wonderful statement in the Gemara (Gittin 60b): **"אמר רבי יוחנן לא כרת הקב"ה ברית עם ישראל אלא בשביל דברים שבעל פה, שנאמר כי על פי הדברים האלה כרתי אתך ברית ואת ישראל"** — Rabbi Yochanan said: HKB"H only entered into a covenant with Yisrael on account of the Oral Law, as it states, "for according to these words have I entered a covenant with you and with Yisrael."

The Gemara elucidates this passuk further (ibid.): **"כתיב כתב לך את הדברים האלה [משמע בכתב], וכתיב כי על פי הדברים האלה [משמע בעל פה], הא כיצד, דברים שבכתב אי אתה רשאי לאומרו על פה, דברים שבעל פה אי אתה רשאי לאומרו בכתב"** — it is written, "write for yourself these words" [indicating that the Torah is to be written], and later it is written, "for according to these words" [indicating that the Torah is to be transmitted orally], how can both be true? Teaching that were given in writing, you are not permitted to transmit orally; teachings that were given orally, you are not permitted to transmit in writing. Rashi provides the following comment: **"מכאן אתה למד שהתלמוד לא ניתן לכתוב אלא מפני שהתורה משתכחת"** — we learn from here that the Talmud was not supposed to be conveyed in writing; yet, because the Torah was being forgotten, it became necessary to do so. This principle is included under the umbrella of (Tehillim 119, 126): **"עת לעשות לה' הפרו תורתך"** — For it is a time to act for Hashem; they have voided Your Torah.

Regarding this matter, the Rambam writes in his introduction to Yad HaChazakah: Rabeinu HaKadosh redacted the Mishnah; from the times of Moshe Rabeinu until Rabeinu HaKadosh, the teachings of Torah she'b'al peh were not committed to writing... Why didn't Rabeinu HaKadosh leave things as they were? He saw that the number of scholars was diminishing and the gravity of the consequences was escalating; the influence of the Roman Empire

was spreading in the world; Yisrael were wandering and dispersing to all corners of the world. Hence, he composed a uniform text for all to have — for all to learn quickly and which would not be forgotten.

Similarly, Rabeinu Bachayei writes in our parsha (Shemos 34, 27): Rabeinu HaKadosh redacted the Mishnah; he taught them publicly and committed them all to writing during his lifetime. His purpose was to avoid the eventuality of Yisrael forgetting the Torah. He witnessed the spread of the evil regimes in the world and the reality of Yisrael in galus. Therefore, he permitted himself to do so, in keeping with the words of the passuk: "For it is a time to act for Hashem; they have voided Your Torah."

This is an amazing revelation. The entire Torah she'b'al peh began with the redacting of the Mishnayos by Rabeinu HaKadosh. Subsequently, Rabbi Yochanan recorded the Talmud Yerushalmi and Rav Ashi recorded the Talmud Bavli. The Rambam describes these events (ibid.) and classifies them as a form of "aveirah l'shema" — a transgression performed with noble intent — justified on the premise of: "For it is a time to act for Hashem; they have voided Your Torah."

Why Did HKB"H Arrange for the Necessity of Recording Torah She'b'al Peh in Writing

Upon careful consideration, we are struck by an intriguing question. HKB"H only entered into a covenant with Yisrael on account of Torah she'b'al peh. It was apparent to HKB"H from the get — go that it would eventually be necessary to commit Torah she'b'al peh to writing — so that it would not be lost and forgotten. So, why didn't HKB"H give Torah she'b'al peh also in writing from the very onset at Har Sinai? This would have precluded the necessity of them later having to set it down in writing. Also, they would not have had to study it from the written text only on the basis of the justification of: "For it is a time to act for Hashem; they have voided Your Torah."

It is worth examining a comment presented in the sefer Perach Mateh Aharon, authored by Rabbi Aharon Soloveitchik, on the Rambam. He cites an amazing comment made by the great Rabbi Elchanan Wasserman, ztz"l, hy"d, to his father Rabbi Moshe. He remarked that in the times of the Mashiach, the following prophesy will be fulfilled (Yeshayah 54, 13): " וכל בניך למודי ה' " — all Your children will be students of Hashem. Hence, Bnei Yisrael will no longer require the written volumes of Torah she'b'al peh. The permission on the premise of: "For it is a time to act for Hashem; they have voided Your Torah," will no longer be valid; consequently, all the volumes of Torah she'b'al peh will require placement in storage.

Rabbi Aharon's father, Rabbi Moshe, responded that seemingly Rabbi Elchanan's point is correct; nevertheless, it is improper to say such a thing. After all, at the end of Hilchos Megillah (2, 18), the Rambam writes: In the times of the Mashiach all the books of Prophets and the Writings will be annulled except for Megillas Esther; it will still be valid just like the five books of the Torah and the halachos of Torah she'b'al peh — which will not be annulled.

In truth, Rabbi Moshe's criticism based on the Rambam can be reconciled simply. For, the Rambam only specifies the halachos of Torah she'b'al peh — stating that they shall not be annulled; he makes no mention whatsoever of the remainder of the texts of Torah she'b'al peh. Thus, one can suggest that the other texts will require placement in ritual storage.

In fact, I found a comment in Od Yosef Chai (Ekev), authored by the great Rabbi Chaim Yosef of Bavel, that in the Future to Come, when forgetfulness will no longer prevail, they will no longer learn from the written text; they will only learn orally. He states that it will no longer be necessary to allow the transgression of committing the Torah she'b'al peh to writing. It will actually be transmitted orally and not from the written text.

Nevertheless, it is only logical and proper that we seek to reconcile Rabbi Elchanan's remark. It seems unimaginable that all of the Mishnayos redacted by Rabeinu HaKadosh, the Talmud Yerushalmi recorded by Rabbi Yochanan and the Talmud Bavli recorded by Rav Ashi will require ritual burial. After all, innumerable Yisrael throughout the generations engaged in the study of these texts incurring tremendous risk and self — sacrifice.

The Letters Flew off of the Luchos Making Them Too Heavy for Moshe to Bear

Let us begin by introducing an amazing revelation concerning the difference between the first and second luchos. We find this

revelation in the teachings of the great Rabbi Yoshe Ber of Brisk, zy"a, toward the end of his Responsa Beis HaLevi (Drushim 18).

In this week's parsha, the breaking of the luchos is described (Shemos 32, 19): "ויהי כאשר קרב אל המחנה וירא את העגל ומחולות — ויחר אף משה וישלך מידו את הלוחות וישבר אותם תחת ההר" — it happened as he drew near the camp and he saw the "egel" and the dances, that Moshe's anger burned; he threw down the luchos from his hands and shattered them at the bottom of the mountain. In the Midrash (S.R. 46, 1), our blessed sages reveal the reason for the shattering of the luchos: "שפרחו הכתובים מן הלוחות לכך שברן" — what was written on the luchos flew off, causing him to shatter the luchos. We find an additional bit of information in another Midrash (Yalkut Shimoni Ki Sisa 393): "נסתכל משה בלוחות וראה הכתב שבהן — שפרחו, וכבדו על ידי משה ונפלו מידי ונשתברו" — upon seeing that the script on the luchos had flown away, the luchos became too burdensome; hence they fell from Moshe's hands and shattered. We must endeavor to explain why the luchos became too heavy for Moshe to bear.

Concerning this issue, the Beis HaLevi presents a remarkable idea. The Yerushalmi (Shekalim 25a) teaches us: "חנניה בן אחי רבי יהושע אומר, בין כל דיבור ודיבור דקדוקיה ואותיותיה של תורה דכתיב (שיר השירים — השירים ה — ד) ממולאים בתרשיש, כימא רבא" — a wealth of Torah knowledge was contained between each and every commandment. Based on this Yerushalmi, the Beis HaLevi proposes a novel idea. All of this additional information was only present on the first luchos — prior to the sin of the egel. At that point in time, it was not necessary for Yisrael to labor in order to access and comprehend Torah she'b'al peh. Everything was written clearly on the luchos for Yisrael — in an orderly, accessible fashion.

To substantiate the notion that HKB"H only conferred Torah she'b'al peh upon Yisrael with the second luchos, he refers to the Gemara (Gittin 60b): "HKB"H only entered into a covenant with Yisrael on account of the Oral Law, as it states, 'for according to these words have I entered a covenant with you and with Yisrael.'"

A careful review of the pesukim reveals that this covenant established between HKB"H and Yisrael in the merit of Torah she'b'al peh is only mentioned in association with the second luchos and not the first luchos. The passuk cited by the Gemara only appears after HKB"H's acceptance of Moshe's entreaty and he is instructed (ibid. 34, 1): "פסל לך שני לוחות אבנים כראשונים" — chisel for yourself two stone luchos like the first ones. Thus, it is apparent that the concept of Torah she'b'al peh only originates with the second luchos. This is because the first luchos — containing Torah she'b'chsav — were all — inclusive.

The Beis HaLevi explains the benefit of having the contents of Torah she'b'al peh written only on the first luchos and not on the second ones. According to the Midrash (S.R. 47, 1), HKB"H ordered that Torah she'b'al peh not be committed to writing, because He knew that Yisrael were destined to be in exile among the goyim. Therefore, it was a necessary precaution to prevent this knowledge from falling into the hands of the goyim.

Now, we have learned in the Gemara (Eiruvim 54a): **"מאי דכתיב (שמות לב — טז) חרות על הלוחות... אלמלי לא נשתברו לוחות הראשונות... אין כל אומה ולשון שולטת בהן, שנאמר חרות, אל תיקרי חרות אלא חירות"** — if not for the sin of the egel, bringing about the shattering of the luchos, Yisrael would never have gone into exile among the goyim.

Hence, all of Torah she'b'al peh was contained on the first luchos. For, with regards to the first luchos, Yisrael would never have gone into galus among the goyim; so, there would have been no danger of this valuable part of the Torah falling into the goyim's hands. After the sin of the egel and the shattering of the luchos, however, the decree of galus was issued against them. Consequently, Torah she'b'al peh was not written on the second luchos to prevent it from being seized by the goyim.

The Letters that Flew off of the Luchos — Torah She'b'al Peh

With this understanding, the Beis HaLevi addresses the Midrash: **"נסתכל משה בלוחות וראה הכתב שבהן שפרחו, וכברו על ידי משה ונפלו מידי ונשתברו"** — upon seeing that the script on the luchos had flown away, the luchos became too burdensome; hence they fell from Moshe's hands and shattered. This is referring to the letters of Torah she'b'al peh that were written on the first luchos. Upon descending from the mountain, Moshe witnessed the sin of the egel. As a consequence of that sin, Yisrael's freedom from future exiles was rescinded. The danger of Torah she'b'al peh falling into the hands of the goyim — if written on the luchos — became a reality. Therefore, the letters flew off of the luchos, so that the goyim would not have access to them.

For this reason, the luchos became too heavy for Moshe to bear. Only Torah she'b'chsav remained on the luchos, which is incomprehensible without Torah she'b'al peh. At that point, HKB"H had not yet revealed to Moshe all of the intricacies of Torah she'b'al peh; for they had been written on the luchos. Hence, HKB"H agreed with Moshe that without Torah she'b'al peh, it was appropriate to shatter the luchos. The Gemara explains (Shabbas 87a): **"ומנלן דהסכים הקב"ה על ידו שנאמר (שמות לד — א) אשר שברת, ואמר ריש"**

לקיש יישר כוחך ששיברת" — Reish Lakish derives from the words **אשר שברת** (Shemos 34, 1) that HKB"H congratulated Moshe for his decision to shatter the luchos.

With the Second Luchos HKB"H Gave Moshe All of Torah She'b'al Peh

With the second luchos, HKB"H revealed to Moshe that the method of transmitting Torah knowledge would change. As explained, under the system of the first luchos, both Torah she'b'chsav and Torah she'b'al peh were written down and available. Whereas on the second luchos only Torah she'b'chsav was written down; the aggados and the all the clarifications of halachos would be transmitted to Yisrael orally by Moshe and the Torah scholars in each and every generation.

This is the reason why only regarding the second luchos did HKB"H say to Moshe: **"כתב לך את הדברים האלה"** — write for yourself these words — instructing him to only write down Torah she'b'chsav without Torah she'b'al peh. The text goes on to explain: **"כי על פי הדברים האלה כרתי אתך ברית ואת ישראל"** — for according to these words have I entered a covenant with you and with Yisrael — in the merit of Torah she'b'al peh, which was not committed to writing on the second luchos, but was given to Yisrael to reveal through laborious study, HKB"H entered into a covenant with Yisrael. Here the vital principle that HKB"H, the Torah and Yisrael are one was revealed.

Based on this interpretation, he explains the significance of the following passuk in our parsha (Shemos 34, 1): **"ויאמר ה' אל משה: פסל לך שני לוחות אבנים כראשונים, וכתבתי על הלוחות את הדברים אשר חישל לך שני לוחות כמו לוחות הראשונים אשר שברת"** — Hashem said to Moshe, "Chisel for yourself two stone luchos like the first ones, and I shall inscribe on the luchos the words that were on the first luchos, which you shattered." Now, seeing as HKB"H already told him: "and I shall inscribe on the luchos the words that were on the first luchos," why was it necessary to add the comment: "which you shattered"?

Yet, based on our previous discussion, HKB"H was conveying to Moshe a precise, unambiguous message. HKB"H was indicating to Moshe that on the second luchos, He would only inscribe the "Aseres HaDibros" that remained on the first luchos at the time they were shattered — after all the letters of Torah she'b'al peh had flown away. This message is implicit in HKB"H's statement: "and I shall inscribe on the luchos the words that were on the first luchos, which you shattered" — only the words that remained on the luchos at the moment you shattered them.

The Beis HaLevi concludes with the following addendum. Let us not be under the misconception that Yisrael lost out as a result of Torah she'b'al peh not being inscribed on the second luchos. On the contrary, Yisrael gained tremendously. As a result, their bodies became a form of parchment upon which Torah she'b'al peh could be inscribed — fulfilling the words of the passuk (Mishlei 3, 3): **“כתבם על לוח לבך”** — inscribe them on the tablet (luach) of your heart. Just as the parchment and the letters and words written upon it form a sefer Torah, so, too, the Torah and Yisrael are one single entity.

Our Holy Rabbis Deduced What Was Written on the First Luchos

I was struck by a wonderful idea based on the words of the Beis HaLevi. So, now let us return to the perplexing question we raised initially. How is it even conceivable that all of Torah she'b'al peh — which millions of Yisrael have toiled over, day and night, throughout every generation — was not set down in writing legitimately? As we have learned, “teachings that were given orally, you are not permitted to transmit in writing.” The fact that they were eventually written down is classified as an “aveirah l'shema” — a transgression with noble and proper intent — justified on the premise of: “For it is a time to act for Hashem; they have voided Your Torah.” Additionally, according to the great Rabbi Elchanan Wasserman, in the Future to Come, when forgetfulness of Torah will no longer exist, it will be necessary to place all of the volumes of Mishnayos, Talmud, Rambam and Shulchan Aruch in ritual storage; for, we will no longer need to study them from the written page. How can this be possible?!

It appears that we can resolve this issue based on a tremendous chiddush found in the writings of the Rama of Pano, in his Asarah Ma'amaros. There we find support for the Beis HaLevi's chiddush that the entire Torah she'b'al peh was contained on the first luchos. He adds that whoever merits proposing true and novel Torah ideas, is correctly discerning the nuances of the halachos as they appeared on the first luchos. This, in fact, is the intent of our request at the conclusion of Shemoneh Esreh: **“ותן חלקנו בתורתך”** — and grant us our portion in Your Torah — that we should merit discerning accurately the words of Torah that were inscribed on the first luchos.

How nicely this helps us understand a tremendous concept presented by the great Rabbi Yonasan Eibeschutz, zy”a, in Urim V'Tumim. He explains how the later scholars (Acharonim) were able, through their erudition and exegesis, to determine the intent of the Rambam, the other early scholars (Rishonim), the Tur, the author of the Shulchan Aruch and the Rama in various ways — despite the fact that occasionally they themselves did not necessarily intend to do so.

According to Rabbi Yonasan Eibeschutz, they were ultimately guided by the hand of Hashem unwittingly. For the task is too immense and it is impossible that they could have discerned and resolved so many laws and issues alone.

If we combine this with the Rama of Pano's idea, we gain a deeper appreciation for Rabbi Yonasan's concept. The holy Rabbis who determined the halachos over the generations, both the Rishonim and the Acharonim, merited discerning the true meaning of the Torah. As a result, HKB”H enlightened them with the light of Torah, allowing them to set down in writing the very same precepts that were inscribed on the first luchos. Therefore, their writings are considered like actual genuine Torah — exhibiting its seventy distinct aspects.

Torah Scholars Captured the Letters Floating in the Air

At this point, I would like to propose a marvelous chiddush — with the utmost reverence and adoration — as to why the letters of Torah she'b'al peh from the first luchos flew off into the air as a result of the sin of the egel. This was indeed the Almighty's will. From that moment on, the letters of Torah she'b'al peh have been afloat in the atmosphere of this world. They are unable to rest again in this world until they find their way into the mouths of Yisrael's sages — the Tannaim, the Amoraim and the scholars in each generation who determine the halachos based on their analysis of Torah she'b'al peh.

We can now comprehend why it is prohibited to commit Torah she'b'al peh to writing. As we have learned, all of Torah she'b'al peh was once inscribed on the first luchos. Within Torah she'b'al peh are concealed explanations based on the various methods of **פרוד”ס** — an abbreviation for “pshat,” “remez,” “drush” and “sod.”

If Torah she'b'al peh were to be written down, there is a concern that it will not be written down exactly as it was inscribed on the first luchos — conveying the secret dimensions of the Torah. By merely expressing a halachah orally, as it was taught, no harm is done; for, the words of Torah she'b'al peh themselves are still floating around in the air, containing all of their inherent secrets and allusions.

Notwithstanding, Rabbi Yehudah HaNasi redacted the Mishnayos. After him, Rabbi Yochanan recorded the Talmud Yerushalmi and Rav Ashi recorded the Talmud Bavli. Due to their extreme levels of holiness, they were able to discern the letters of Torah she'b'al peh precisely as they appeared on the first luchos. As mentioned, after the sin of the egel, those letters flew off of the luchos and remained

a float in the air that fills this world. They remained in that state until these holy Rabbis brought them down to the written page — saving Torah she'b'al peh from being forgotten.

In truth, Rabeinu HaKadosh, Rabbi Yochanan and Rav Ashi, due to their extreme humility, did not trust themselves to accurately record the Torah as it was inscribed on the first luchos. Therefore, they justified their actions on the basis of: “For it is a time to act for Hashem; they have voided Your Torah.” Thus, they succeeded in saving Torah she'b'al peh from being forgotten.

In reality, however, they merited discerning the Torah accurately; they recorded the entire Torah she'b'al peh precisely as it was inscribed on the first luchos. Due to their intense labor and efforts in their Torah study, combined with their immense kedushah, they succeeded in drawing the letters that had flown off into the air — as a result of the sin of the egel — back down to the written page. Thus, the letters were finally able to find their proper resting place; they were once again set down in writing available to every member of Yisrael.

The Mishnayos and the Gemara Were on the First Luchos

It turns out that the Torah she'b'al peh in our possession today was only committed to writing based on the justification of: “For it is a time to act for Hashem; they have voided Your Torah.” They relied on this justification, because they did not rely on themselves to accurately record these words of Torah exactly as they appeared on the first luchos. Nonetheless, HKB”H knew that they had accurately discerned what was originally on the first luchos, including the secrets of the Torah — alluded to and concealed within the Mishnah and the Talmud. So, in reality, when we engage in the study of Torah she'b'al peh from our written texts, there no longer exists any taint of “aveirah l'shema.” On the contrary, it is an essential mitzvah to return to Yisrael the letters that flew off into the air.

We can now reconcile Rabbi Elchanan Wasserman's comment. He remarked that in the Future to Come, Yisrael's Torah study will no longer be subject to forgetfulness. Hence, it will be necessary, seemingly, to place all of the written volumes of Torah she'b'al peh in ritual storage. For, the justification for keeping these volumes and learning from them — “For it is a time to act for Hashem; they have voided Your Torah” — will no longer be valid.

Yet, as we have explained, this will not be the case. When HKB”H returns the first luchos to us, including all of the letters that once flew off of them, we will see with our very own eyes how accurately Rabeinu HaKadosh, Rabbi Yochanan and Rav Ashi committed things to writing. Consequently, the prohibition to learn Torah she'b'al peh from a written text will no longer exist, just as there was no such prohibition when HKB”H originally gave us the first luchos. After all, HKB”H had inscribed everything on those luchos.

It is with great pleasure that we conclude this essay with an explanation of Chazal's statement that the future geulah is dependent on the merit of engaging in the study of Torah she'b'al peh. The Midrash teaches us (V.R. 7, 3): **“אין כל הגלויות הללו מתכנסות אלא בזכות משניות, מאי טעמא (הושע ח — י) גם כי יתנו בגוים עתה אקבצם”** — the end to all of the exiles depends on the merit of learning Mishnayos, because the passuk (Hoshea 8, 10) states: “Although they pay tribute amongst the goyim, now I will gather them in.” The Matnos Kehunah explains that the word **“יתנו”** in the passuk (translated as “pay tribute”) refers to the study of Mishnah — based on the Aramaic translation of the word. Let us recall an amazing allusion regarding this subject presented by the great Rabbi Yosef Chaim Zonnenfeld, ztz”l. The passuk in Yeshayah reads (1, 27): **“ציון במשפט תפדה ושביה בצדקה”** — Tziyon will be redeemed through justice, and those who return to her through tzedakah. The words **ציון במשפט תפדה** possess the same numerical value as **תלמוד ירושלמי**; the conclusion of the passuk, **תלמוד ושביה בצדקה** possesses the same numerical value as **תלמוד בבלי**. Thus, in the merit of the Talmud Yerushalmi and the Talmud Bavli, the redemption will come and we will return to Tziyon.

Let us explain. All of the Torah she'b'al peh — the Mishnayos and the two Talmuds, Bavli and Yerushalmi — are, in fact, the letters that were originally inscribed on the first luchos. While they were yet engraved on the luchos — **“חרות על הלוחות”** — Yisrael were exempt and free from exile. This elucidation is based on a play on the word **“חרות”**, which can be read to mean engraved or to mean freedom. Therefore, by engaging in their study, we will merit to effectively return them to their proper position of eminence — just as they were when HKB”H bestowed them upon us as part of the first luchos. May they free us from exile, swiftly, in our times. Amen.

Donated by Dr. Ralph and Limor Madeb

For the Refua shelema of Refael Gavriel Simcha Chaim Ben shulamit

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