The Transmission of Torah MiSinai

Mrs. Rivka Kahan  
Faculty, Maayanot Yeshiva High School for Girls

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 it25.  
Rashi Shemot 24:12

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 megilah”) 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 megilah megilah 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. Elyahu Mizrahi, in his supercommentary on Rashi, explains that the words “asher katavti” lead Rashi to interpret “luchot ha’even vehaTorah 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

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.

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 revelation?

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

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

---

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.
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.*

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 Shammasi 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

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

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

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” (Yivov 11) and Moshe learned it in forty days?! Rather, Hakadosh Baruch taught Moshe general principles.

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.
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.
SPEND YOUR SUMMER with YESHIVA UNIVERSITY

THE SUMMER LEARNING INITIATIVES...

• Bring the resources of Yeshiva University into your own backyard.
• Feature rigorous Torah learning and daily shiurim which serve as an incubator for Torah scholars.
• Include a full array of community classes taught by master educators.
• Offer participants formal and informal workshops with top educators, physicians, psychologists, and other professionals on a wide variety of topics with which Rabbis and communal professionals are confronted.

For more information, please visit www.yu.edu/cjfl

The Summer Learning Initiatives are a project of Yeshiva University Center for the Jewish Future – Rabbi Isaac Elchanan Theological Seminary

TEANECK SUMMER KOLLEL
Congregation Keter Torah

LOS ANGELES SUMMER KOLLEL
Congregation Beth Jacob

ISRAEL SUMMER KOLLEL
Yeshiva University Israel Campus

DENVER SUMMER KOLLEL
East Denver Orthodox Synagogue & DAT Minyan

MANHATTAN BEIT MIDRASH FOR WOMEN
Lincoln Square Synagogue

The Marcos and Adina Katz
YUTorah.org
A Project of Yeshiva University Center for the Jewish Future

Daily Shiur • Daf Yomi • Parshat HaShavua • Halacha • History • Machshava • and much more!

Over 25,000 shiurim and articles and growing every day. All materials available for download completely free. Subscribe to a podcast or e-mail subscription of your favorite speaker or series. There’s something for everyone on the largest web site for Jewish learning online.