

Parshiot Behar – Bechuchotai 5778, 2018:

And These Are the Commandments

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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 Yecheiel, sister, Shulamit bat Menachem, Chaim Mordechai Hakohen ben Natan Yitzchak, Yehonatan Binyamin ben Mordechai Meir Halevi, Avraham Yechezkel ben Yaakov Halevy, Shayna Yehudit bat Avraham Manes and Rivka, and HaRav Raphael ben HaRav Ephraim, the *refuah shlaimah* of Devorah bat Chana, Yitzhak Akiva ben Malka, Yekutiel Yehudah ben Pessel Lifsha, Yakir Ephraim ben Rachel Devorah and Shoshana Elka bat Etel Dina, and the safety of our brothers and sisters in Israel and around the world.

The concluding verse of Parashat Bechuchotai, and of *Sefer Vayikra*, contains a phrase that is crucial for a holistic understanding of the Torah: “These are the commandments (*aleh hamitzvot*) that the L-rd commanded Moses to [tell] the children of Israel on Mount Sinai.” (This and all Bible translations, *The Judaica Press Complete Tanach*) Rabbinic literature contains passage after passage that analyze the expression “*aleh hamitzvot*,” and nearly all of them state: “There is no prophet who has permission to create new [*mitzvot* or changes in the Torah] from this point [onwards].” (See for example, *Talmud Yerushalmi, Megillah 1:5, Talmud Bavli, Shabbat 104a and Megillah 2b*) The phrase, *aleh hamitzvot*, therefore, is exclusionary in nature and essentially denotes that the 613 commandments that were given to “the children of Israel on Mount Sinai” are the only *mitzvot* forevermore.

In his *Commentary on the Mishnah*, the Rambam (Maimonides 1135-1204) counts the unchanging nature of the Torah as the ninth of his celebrated 13 Principles of Faith:

And the Ninth Pillar of Faith is that of non-nullification. This means that Moses’ Torah will never be annulled, and that there never will be another Torah from Hashem except for this one. Moreover, it may never be added to nor subtracted therefrom – neither in written form nor by explication. As the Torah states: “Everything I command you that you shall be careful to do it. You shall neither add to it, nor subtract from it.” (*Sefer Devarim 13:1, Commentary on the Mishnah translation my own*)

The Talmudic exposition of *aleh hamitzvot*, i.e. “There is no prophet who has permission to create new [*mitzvot* or changes in the Torah] from this point [onwards],” is hinted at in this passage. In the *Mishneh Torah*, however, the Rambam explicitly cites this in juxtaposition to the Torah’s expression, “*Lo b’shamayim he*” (It, i.e. the Torah, is not in Heaven):

It is clear and explicit in the Torah that it is [G-d’s] commandment, remaining forever without change, addition or diminishment, as [*Sefer Devarim* 13:1] states: “All these matters which I command to you, you shall be careful to perform. You may not add to it or diminish from it” ... This teaches that we are commanded to fulfill all the Torah’s directives forever. It is also said: “It is an everlasting statute for all your generations,” and [*Sefer Devarim* 30:12] states: “*Lo b’shamayim he*.” This teaches that a prophet can no longer add a new precept [to the Torah]. (*Hilchot Yesodei HaTorah* IX:1, translation, Rabbi Eliyahu Touger, underlining my own)

Based on this passage, it appears that the Rambam formulated the principle of the eternity of the Torah in consonance with the following celebrated Talmudic narrative wherein the phrase, “*Lo bashamayim he*” forms the crux of the argument:

On that day R. Eliezer brought forward every imaginable argument [in a highly technical dispute regarding ritual purity and impurity], but they [the other sages] did not accept them... [Said Rabbi Eliezer:] “If the *halachah* agrees with me, let it be proved from Heaven!” Whereupon a Heavenly Voice (*bat kol*) 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: “*Lo bashamayim he!*” 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 (*bat kol*), because You [Hashem] have long since written in the Torah at Mount Sinai (*Sefer Shemot* 23:2), “After the majority must one follow.” (*Talmud Bavli, Baba Metzia* 59b, translation, *The Soncino Talmud* with my brackets and emendations)

The above-cited Talmudic passage is nothing less than amazing. In one fell swoop, it denies any possibility of a post-Sinaitic Revelation. Moreover, it demonstrates that imperfect human reason, in conjunction with the accepted principles of Torah exegesis and majority rule, are the sole determinants in any halachic dispute – even when one of the disputants is a *bat kol!*

In our own time, the unlimited authority of man to determine the *halacha* (Jewish legal decisions) was given powerful voice by Rav Moshe Feinstein *zatzal* (1895-1986), widely recognized as the greatest *posek* (halachic decisor) of the 20th century:

The Holy One blessed be He gave the Torah to the Jewish people to act according to that which they will understand of the Written Law, and that which was given to them orally (*ba'al peh*) at Mount Sinai – based upon [the limits of] their comprehension. Moreover, the Holy One never explained nor determined the actual practice of the laws of the Torah, since “*lo bashamayim he;*” instead, He agreed from the outset to the understanding and explanations of the Torah Sages... even if this was possibly not in accord with the Holy One blessed be He’s understanding. (*Iggerot Moshe*, Introduction, translation, brackets and underlining my own)

Rav Feinstein’s words are reminiscent of the very next lines of our above-cited Talmudic passage:

R. Nathan met Elijah and asked him: “What did the Holy One, Blessed be He, do in that hour?” [I.e. when R. Joshua arose and exclaimed “*Lo bashamayim hi!*”] — He laughed [with joy and] replied, saying, “My children have defeated Me, My children have defeated Me!”

Clearly, as King David declared, “The law of the L-rd is perfect, restoring the soul...” (*Sefer Tehillim* 19:8). Yet, while the Torah is perfect, it is now in the province of the Jewish people and, in particular, under the jurisdiction of *Chazal*. With Hashem’s help, may we continue to ever guard the beauty and authenticity of our holy Torah, whose words are “our life and the length of our days, and about them we will meditate day and night.” (Evening Prayer Service, translation, ArtScroll Siddur) *V’chane yihi ratzon*.

Shabbat Shalom

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They may also be found on <http://www.yutorah.org/> using the search criteria of Etengoff and the parasha’s name.

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 <mailto:rdbe718@gmail.com>.

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*** I have posted 164 of [Rabbi Soloveitchik's](#) English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link.