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## The Divine and the Human in Torah

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By Yanki Tauber



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# **Shavuot** With **Chabad.ORG**

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# 1. The Divinity of Torah

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What is Torah? The various definitions and characterizations that appear in the Torah itself and in the teachings of the sages give rise to a fundamental paradox regarding its essential nature and function. This fundamental paradox forms a cornerstone of the Rebbe's approach to the study and understanding of Torah.

In his formulation of the thirteen principles of the Jewish faith, Maimonides writes:

The eighth principle is the divinity of the Torah. That is: We believe that this entire Torah which we now have is the one given by Moses our teacher, and is entirely from the mouth of the Almighty . . . There is no difference between the verses, "The children of Ham: Kush and Mitzrayim and Phut and Canaan,"<sup>1</sup> "The name of his wife was Mehetabel the daughter of Matred,"<sup>2</sup> or "Timna was a concubine,"<sup>3</sup> and the verses, "I am Gd your Gd"<sup>4</sup> or "Hear O Israel, Gd is our Gd, Gd is one."<sup>5</sup> For it is all from the mouth of the Almighty, all Gd's Torah—whole, pure and holy.<sup>6</sup>

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Maimonides also emphasizes that not only the “Written Torah” (i.e., the five books transcribed by Moses) is divine, but also the “Oral Torah”—the entire body of interpretation and exposition which accompanies it.<sup>7</sup> In the words of the Talmud:

***Scripture, Mishnah, Talmud and Agadah, even what a proficient pupil is destined to innovate, was already said to Moses at Sinai.***<sup>8</sup>

Rabbi Schneur Zalman of Liadi writes:

***The Torah is the wisdom and will of Gd . . . For it arose in His will that when, for example, Reuben will argue such-and-such, and Simeon will argue such-and-such, the verdict as between them should be such-and-such. Even if this particular case never was and will never be . . . nevertheless, since it has arisen in the wisdom and will of the Holy One, blessed be He, that if this one argues such, and the other argues such, the ruling should be such, then the person who understands and apprehends with his mind this ruling as a law that is presented in the Mishnah or the Talmud or the works of the halachic authorities—that person apprehends and grasps and encompasses within his mind the wisdom and will of Gd, which no thought can grasp except when they are clothed within the laws that have been presented to us . . .***<sup>9</sup>

On the most basic level, defining the Torah as “the wisdom and will of Gd” establishes its absolute veracity and immutability.<sup>10</sup> A prevalent theme in the Rebbe’s teachings is that the divinity of Torah also implies that the finite and mortal human mind is incapable, in and of itself, of apprehending it. Rather, Torah must be *given* to us. It is only because Gd has chosen to “clothe” His infinite and essentially supra-rational wisdom and will “within the laws that have been presented to us” that we are capable of studying and understanding Torah. R. Abahu in *Shemoth Rabbah* cites the verse (Exodus 31:18) “He gave to Moses, when He finished speaking with him on Mount Sinai, the two tablets of testimony . . .” and expounds:

For the entire 40 days that Moses was above, he would learn Torah and forget. Said he to Him: “Master of the world! I have spent forty days, and I do not know a thing!” What did Gd do? He gave him the Torah as a gift, as it says, “He *gave* to Moses . . .”<sup>11</sup>

Thus, throughout the writings of the sages, the revelation at Mount Sinai is referred to “the giving of the Torah.” We acknowledge this in the “blessing on the Torah” recited each morning: “Blessed are You, Gd our Gd, sovereign of the world, who has chosen us from all the nations and has given us His Torah; blessed are You, Gd, who gives the Torah.”<sup>12</sup> The Talmud declares: “Why was the land lost? Because they did not recite the blessing which precedes the study of Torah.”<sup>13</sup> The failure to recite the blessing that acknowledges the “Giver of the Torah” is no minor infraction of law and custom, but

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one that goes to the very heart of what Torah is: a divine gift rather than a human achievement.<sup>14</sup> The finite and mortal human mind is incapable, in and of itself, of apprehending the divine wisdom

Accordingly, the Rebbe would often emphasize, a most important prerequisite for the study and acquisition of Torah is *bitul*, or self-abnegation.<sup>15</sup> The Talmud states: “Why are the words of Torah compared to water? To tell you that just as water forsakes a high place and travels to a low place, so do the words of Torah endure only in one who is of a humble mind.”<sup>16</sup> “An empty vessel can retain” that which is poured into it; “a full vessel cannot retain.”<sup>17</sup> The study of Torah requires its student to engage the faculty that is the crowning glory of the human being—the intellect; yet an equally crucial requirement is that the person empty himself of the arrogance and pretension that a human mind—even the most astute and accomplished of human minds—is capable of apprehending the infinite and supra-rational mind of Gd. The knowledge of and understanding of Torah is a divine gift, bestowed on those who approach its study with the humility and the commitment to “conceive, understand, listen, learn, teach, keep and do”<sup>18</sup> that which Gd desires of us.

The Talmud notes that the Torah begins with the letter *ב* (*beit*)—the *second* letter of the Hebrew alphabet. Would it not have been more appropriate to begin with the first letter, *א* (*aleph*)? A number of answers are given by the sages of Talmud as well as by the later commentaries.<sup>19</sup> The Rebbe analyzes a number of these explanations and points to their common denominator: that the study of Torah is predicated on an awareness of its divine source. Before we read the very first letter of the text of the Torah, we acknowledge the unseen *aleph* that precedes its opening *beit*—a reality higher than intellect, a truth beyond what can be expressed in letters and words.<sup>20</sup>

The *Al Hanisim* prayer, which summarizes the story of Chanukah, describes the Hasmonean revolt against the Greeks as a battle with those who sought “to make them forget Your Torah, and to make them transgress the statutes of Your will” (להשכיחם תורתך ולהעבירם מחוקי רצונך). The wording of this key phrase, says the Rebbe, is significant, and is fundamental to understanding the history, miracle and observances of Chanukah:

The objective of the Hellenist decrees was to make the Jewish people forget *Your Torah*—the divinity and supra-rationality of Torah. They had no objection to Jews studying the intellect and wisdom of Torah; all they wanted was that this study should be devoid of any sense that this is *Gd’s* Torah. Similarly, they sought to eradicate *the statutes of Your will*—that Jews should not fulfill the “statutes” (*chukim*), the Torah commandments that are supra-rational,<sup>21</sup> and which are fulfilled out of simple obedience, solely because they are “Your will,” the will of Gd.<sup>22</sup>

The Rebbe also applies this concept to explain a mysterious passage in the Talmudic account of the giving of the Torah. The Talmud<sup>23</sup> examines the verses (Exodus 19:1–16) which describe the events An

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empty vessel can retain that which is poured into it, a full vessel can not leading up to the revelation at Mount Sinai, deducing from these verses what transpired each day from when the children of Israel arrived in the Sinai Desert on the first day of the month of Sivan until the giving of the Torah on the sixth (or seventh<sup>24</sup>) day of that month. On each of these days there were specific divine communications, and/or specific actions undertaken by the people, in preparation for their receiving of the Torah from Gd. Regarding the first day of Sivan, however, the Talmud states that on this day Moses “did not say anything at all to them, because of the weariness of the journey.” This is most puzzling, in light of the fact that from the time that they left Egypt, six weeks earlier, the people were in a state of heightened anticipation for the giving of the Torah. They literally counted the days, and devoted each day to the refinement of another aspect of their character in preparation for the event that would constitute the fulfillment and purpose of their liberation from Egyptian slavery (a count and process of self-refinement which we reenact each year with the 49-day “counting of the Omer” from Passover to Shavuot). One would expect that the day on which they arrived at the site at which the Torah would be given to them would be a day of heightened activity and preparation.

The Rebbe explains that Moses’ silence and the seeming non-activity of the people on the first of Sivan were in fact a crucial preparation for the giving of the Torah. This was a day devoted to stilling the ever-active, ever-assertive human mind and transforming it into a *recipient* of Torah. This is the “wearying journey” of which the Talmud speaks: not the short trek from Rephidim to Sinai,<sup>25</sup> but the spiritual and intellectual journey of making the most achievement-oriented of human faculties—the mind and intellect—into the “empty vessel” that can apprehend the essentially supra-rational truths of Torah.<sup>26</sup>

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## Footnotes

1. Genesis 10:6.
2. *Ibid.* 36:39.
3. *Ibid.* 36:12.
4. The first of the Ten Commandments (Exodus 20:2).
5. Opening verse of the Shema (Deuteronomy 6:4).
6. Maimonides' commentary on the Mishnah, introduction to Perek Chelek.
7. See Maimonides' introduction to Mishneh Torah, and the opening chapters of his introduction to his commentary on the Mishnah. For more on the "Written Torah" and the "Oral Torah" and how these two aspects of Torah relate to the paradox under discussion in this chapter, see chapter 5 below, "The 'Written Torah' and the 'Oral Torah.'"
8. Jerusalem Talmud, Pe'ah 2:4; see footnote # 10 in chapter 6 below. Cf. Talmud, Megillah 19b: "Gd showed Moses the expositions of the Torah, the exposition of the sages, and that which the sages are destined to innovate."
9. Tanya 1:4.
10. As articulated in the eighth and ninth of Maimonides' "Thirteen Principles."
11. Shemoth Rabbah 41:6.
12. See also text of the Kidush and the Amidah prayers for the festival of Shavuot; Talmud, Berachoth 5a; Bereishith Rabbah 6:5; et al.
13. Talmud, Nedarim 81a, based on Jeremiah 9:11–12.
14. Likutei Sichoth, vol. 15, p. 3, based on Bach, Orach Chayim 47.
15. Likutei Sichoth, vol. 15, pp. 324–330, et al.
16. Talmud, Taanit 7a.
17. Talmud, Berachot 40a.
18. From the blessing preceding the reading of the Shema.
19. I.e., that the ב of בראשית "In the beginning . . .," is preceded by, and subservient to, the א of אני ה' אלקיך "I am Gd your Gd . . ." (R. Acha in Bereishith Rabbah 1:10); that the Torah speaks to the realm of בריאה, "creation," the second "world" of the seder hishtalsheluth, antecedent to which is the realm of אצילות, "emanation" (Ari, Likutei Torah, Bereishith); that the account of creation with which the Torah opens addresses the plurality of the created reality—the letter ב signifying the number 2—whereas the Torah as given by Gd embodies the divine unity expressed by the letter א (Maharal, Tifereth Yisrael 34).
20. The Rebbe, Likutei Sichoth, vol. 15, pp. 1–6.
21. The commandments of the Torah fall under three general categories: a) mishpatim, rationally self-evident "laws"; b) eidoth, comprehensible "testimonials"; and c) chukim, supra-rational "statutes."
22. Likutei Sichoth, vol. 3, p. 815, et al.
23. Shabbat 88a.
24. As per the two opinions cited in the Talmud, *ibid.*
25. The Rebbe notes that according to the Talmud's calculations, the day that the children of Israel arrived in Sinai was a Sunday or a Monday, and they had already been commanded not to travel on the Shabbat (see Exodus 16:29).
26. Likutei Sichoth, vol. 28, pp. 7–14. Also see footnote #6 in chapter 3 below.



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## 2. The Human Element

There is, however, another characterization of Torah which seems inconsistent with, and even contrary to, the Torah's characterization as "the wisdom and will of Gd."

The Torah famously declares that "it is not in heaven."<sup>1</sup> In addition to being a statement on the accessibility of Torah to each and every individual,<sup>2</sup> this is also understood to mean that the process of understanding, interpreting and applying the laws and principles of Torah is a rational-logical one, entrusted wholly and exclusively to the rational processes of the human mind. The Talmud illustrates this principle with the following account of a dispute between Rabbi Eliezer and the other sages on a point of Torah law. The debate concerned whether a certain type of oven is susceptible to ritual impurity or not:

***On that day Rabbi Eliezer brought them all sorts of proofs, but they did not accept them. Said he to them: "If the law is as I say, let this carob tree prove it!" Thereupon the carob tree was uprooted a hundred cubits out of its place; others say, four hundred cubits. Said they to him: "One cannot bring proof from a carob tree."***

***Responded he to them: "If the law is as I say, let the water channel prove it!" The water channel began to flow in reverse. Said they to him: "One cannot bring proof from a water channel."***

***Responded he to them: "If the law is as I say, let the walls of the study hall prove it!" The walls of the study hall inclined to fall. Rabbi Joshua scolded them, saying to them: "If Torah scholars are combating one another in a matter of Torah law, what have you to interfere?" The walls did not fall, in deference to Rabbi Joshua, nor did they straighten, in deference to Rabbi Eliezer; and they are still standing thus inclined.***

***Again he said to them: "If the law is as I say, may it be proven from heaven!" There then issued a heavenly voice which proclaimed, "What do you want of Rabbi Eliezer—the law is as he says..."***

***Rabbi Joshua stood on his feet and said: "It is not in heaven!"***

***What is the meaning of the statement, "It is not in heaven"? Said R. Yirmiyah: "We take no notice of heavenly voices, since You, Gd, have already, at Sinai, written in the Torah to follow the majority opinion."<sup>3</sup>***

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**Rabbi Nathan subsequently met Elijah the prophet and asked him: "What did Gd do at that moment?" [Elijah] replied: "He smiled and said: 'My children have triumphed over Me, My children have triumphed over Me.'"**<sup>4</sup>

The Talmud also relates:

**It was being debated in the Academy of Heaven: If the white patch precedes the white hair,<sup>5</sup> it is impure; if the white hair precedes the white patch, it is pure; but what if there is doubt (as to which came first)?**

**The Holy One, Blessed be He, said: "It is pure."**

**The entire Academy of Heaven said: "It is impure."**

**Said they: "Who shall decide it for us? Rabbah bar Nachmeini!" For Rabbah bar Nachmeini had declared: "I am singularly knowledgeable in the laws of tzaraat"... They dispatched a messenger [to bring him to heaven]... Said Rabbah: "Pure! Pure!"**<sup>6</sup>

In his Mishneh Torah,<sup>7</sup> as well as in his introduction to his commentary on the Mishnah, Maimonides discusses the role of prophecy in the Jewish faith. While "it is a fundamental principle of the religion that Gd communicates to man through Torah exegesis is entrusted wholly and exclusively to the rational processes of the human mindprophecy," the role of the prophets is not to establish or to explain the laws of the Torah, or to institute new laws and ordinances.<sup>8</sup> That was exclusively the province of the first and greatest prophet, Moses. After the divine communication of the Torah and of the methodologies of Torah exegesis through Moses, the interpretation and application of Torah is entrusted exclusively to the Torah sages of each generation, who employ the tools of rational deduction to reveal the divine wisdom and will implicit in the Torah. A prophet can also be a Torah sage, but his opinions on Torah law are informed solely by his own reason and logic. Therefore,

If one thousand prophets, all on the level of Elijah and Elisha, have one opinion on a matter of Torah law, and one thousand and one sages have an opposite opinion, we must "follow the majority" and the ruling is according to the opinion of the sages, not the prophets... Similarly, if a prophet testifies that Gd has revealed to him that the law regarding this commandment is such-and-such, or that the opinion of a certain sage is the correct one... he is a false prophet... as it is written, "It is not in heaven." Gd has not allowed us to learn Torah from prophets, but from sages basing themselves on logical arguments and opinions.<sup>9</sup>

It is the inherently finite and fallible human intellect, rather than divine revelation, that is the vehicle by which Torah is expounded and applied.

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## Footnotes

1. Deuteronomy 30:12.
2. The full text reads: "For this commandment which I command you this day, it is not hidden from you, neither is it far off. It is not in heaven, that you should say, 'Who shall go up for us to heaven, and bring it to us, that we may hear it and do it?' Nor is it beyond the sea, that you should say, 'Who shall cross the sea for us, and bring it to us, that we may hear it, and do it?' Rather, the thing is very near to you, in your mouth, and in your heart, that you may do it" (Deuteronomy 30:11–14). In the words of the Talmud (Kidushin 66a), "The Torah sits in a corner; anyone who wishes to come and learn it can come and learn it." As R. Shimon bar Yochai declares: "The Torah was given to the people of Israel in the ownerless desert. For if it were given in the Land of Israel, the residents of the Land of Israel would say, 'It is ours'; and if it were given in some other place, the residents of that place would say, 'It is ours.' Therefore it was given in the wilderness, so that anyone who wishes to acquire it may come and acquire it" (Mechilta d'Rashbi, Exodus 19:2).
3. Exodus 23:2.
4. Talmud, Bava Metzia 59a-b.
5. See Leviticus, chapter 13.
6. Talmud, Bava Metzia 86a. See Likutei Sichoth, vol. 12, pp. 64–69.
7. Hilchoth Yesodei ha-Torah, chapters 7–10.
8. Rather, prophets are sent by Gd to call upon the people to live a righteous life by observing the Torah's laws and statutes, and to admonish them on their transgressions; to foretell or warn of future events; to instruct on national or communal matters such as whether to go to war or to build a fortification; etc. A prophet may also convey an instruction from Gd to temporarily suspend one of the Torah's laws for a specific purpose; but if he claims that Gd has instructed to abrogate or add even a single word of the Torah, he is by definition a false prophet.
9. Maimonides's introduction to the Mishnah. In this context Maimonides quotes the Talmudic sage R. Ami, who declared regarding a point of Torah law, "Even if I heard it from the mouth of Joshua the son of Nun (Moses' disciple and the second link in the chain of the Torah's transmission through the ages), I would not accept it!" if it contradicts his own understanding of the law.

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# 3. The Phenomenon of Machaloketh

Perhaps the most emphatic expression of the human component of Torah exegesis is the phenomenon of *machaloketh*, or disputes between the sages on *Machaloketh* is the product of the limitations and imperfections of the human mind matters of Torah law. In a *machaloketh*, two or more sages, or two or more groups of sages, will reach differing and even opposite conclusions regarding a Torah principle or law. Yet the Talmud declares that “these and these are both the words of the living Gd.”<sup>1</sup> In the words of the Jerusalem Talmud:

***R. Yanai said: If the Torah would have been given cut and dried, we would not have a foot on which to stand. What is the meaning of this? “Gd spoke to Moses...” Said Moses before Him: “Master of the world! Tell me how the law should be!” Said Gd to him, “Follow the majority. If the majority says he is innocent, they have made him innocent. If the majority is says guilty, they have made him guilty.” Thus, the Torah is expounded in forty-nine ways that deem an object impure, and forty-nine ways that deem it pure.***<sup>2</sup>

Similarly, the Talmudic sage R. Elazar ben Azariah declares:

***Torah scholars sit in numerous groups and study the Torah. One group deems a thing impure, and another deems it pure; one group forbids a deed and another permits it; one group disqualifies something and another renders it fit. Should a person then ask: How, then, might I study Torah? Therefore we are taught, “All was received from a single pastor.”<sup>3</sup> One provider said them from the mouth of the Master of all works, as it is written, “Gd spoke all these words.”<sup>4</sup> So make your ears as a hopper and acquire a perceptive heart to understand the words of those who deem impure and the words of those who deem pure, the words of those who forbid and the words of those who permit, the words of those who disqualify and the words of those who render fit.***<sup>5</sup>

The phenomenon of *machaloketh* is itself the product of the limitations and imperfections of the human mind. In the words of the Talmud, “When the number of insufficiently developed disciples of Shammai and Hillel grew, disputes increased within Israel.”<sup>6</sup> And yet, it is regarding those selfsame disputes that the Talmud declares that “these and these are both the words of the living Gd.” To again quote Maimonides:

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***If two people are equal in their intelligence, in the depth of their study and in their knowledge of the principles from which the logical arguments are to be derived, there will be no disagreement between them; and if even if there would, their differences will be minor, such as we find in the case of Shammai and Hillel themselves, who differed only on a few laws... But when their disciples' diligence in wisdom slackened and their logical prowess diminished in comparison to those of Hillel and Shammai their masters, they fell in dispute over the understanding of many issues, as each one's conclusions were based on his own intellect and on the extent of his own comprehension of the principles.***

Yet we are not to fault them in this, as we do not compel two debating sages to debate with the minds of Joshua and Pinchas.<sup>7</sup> Nor do we impugn the validity of their arguments, since they are not on the level of Hillel and Shammai or those greater than them, and Gd did not command us to insist on this in our service of Him. Rather, he commanded us to heed the sages of the generation, as He said, "If there a rise a matter that is beyond you to judge... you shall come... to the judge who shall be in those days."<sup>8</sup> It is along these lines that halachic disputes arise—not because they erred concerning the laws [handed down from Sinai], or because one is saying the truth and the other is saying a falsehood...

The Mishnah (Ethics of the Fathers 5:17) states:

***Any dispute that is for the sake of Heaven is destined to endure; one that is not for the sake of Heaven is not destined to endure. Which is a dispute that is for the sake of Heaven? The dispute between Hillel and Shammai. Which is a dispute that is not for the sake of Heaven? The dispute of Korah<sup>9</sup> and all his company.***

The obvious question arising from the text of this *mishnah* is: Why would it be desirable for any dispute, albeit one that is for the sake of Heaven, to endure? Should not the objective be to *resolve* the dispute and discover which is the correct opinion? But in the case of the Torah *machaloketh*, "these and these are both the words of the living Gd." Both opinions are the product of the human mind applying the divinely given Why would it be desirable for any dispute, albeit one that is 'for the sake of Heaven,' to endure? principles of Torah exegesis to the divinely given words of the Written Torah, which incorporate within them "49 ways of deeming and object impure, and 49 ways of deeming it pure." So both are Torah, even if only one of them is selected—using these selfsame principles—as the one that is followed in actuality. The dispute endures, as both opinions guide our lives, whether as practical instruction or as spiritual insight. Furthermore, as we shall see, in Torah the opposing views of a *machaloketh* inform and reinforce one another, so that the "dispute" itself expresses a deeper truth which underlies and incorporates them both, and adds depth and meaning to each.

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*Machaloketh* may be a feature of the limitations and deficiencies of human mind, but it is the human mind which, in partnership with divine revelation, generates Torah. The human mind does not achieve this despite its limitations and deficiencies; rather, these limitations and deficiencies are themselves integral to the process by which Torah is generated.<sup>10</sup>

## Footnotes

1. Talmud, Eruvin 13b.

2. Jerusalem Talmud, Sanhedrin 4:2. Also see Midrash Tehilim 12:4: "Everything that Gd would say Moses, He would tell him forty-nine sides of purity and forty-nine sides of impurity."

3. Ecclesiastes 12:11.

4. Exodus 20:1.

5. Talmud, Chagigah 3b. Also see Gitin 6b, which records a machaloketh between R. Evyathar and R. Yonathan, and then relates: "R. Evyathar encountered Elijah. Said he to him: 'What is Gd doing?' Said he to him: 'He is studying the matter of the Concubine at Gibeah.' 'And what does He say?' 'Evyathar My son says thus, and Yonathan My son says thus.' Said he to him, 'Can there be doubt before Gd, Heaven forbid?' Said he to him, 'These and these are both the words of the living Gd.'"

6. Talmud, Sanhedrin 88b. Indeed, where the divine aspect of Torah dominates, machaloketh has no place. Thus, regarding the first day of Sivan—the day that the people of Israel arrived at Mount Sinai—it is written, "Israel encamped there, opposite the mountain" (Exodus 19:2). The verb *vayichan*, "he camped," appears here in the singular form, rather than in the plural "they camped" (*vayachanu*) which describes all

other encampments of Israel. Rashi explains that the Torah wishes to inform us that "they camped as a single person, with a single heart, unlike all other encampments, which were accompanied by dissent and dispute." The Rebbe posits that the "dissent and dispute" which characterized all other encampments need not be understood only in the negative sense, but also in the positive sense of the dialectical nature of Torah study as pursued by a plurality of minds and intellects. The first of Sivan, however, was the day on which the human mind abnegated its individualistic and contentious nature, remaking itself as an "empty vessel" receptive to the divinely gifted aspect of Torah (see closing paragraphs of chapter 1 above). On this day, there was no machaloketh. (Likutei Sichoth, vol. 28, pp. 7–14.)

7. The primary Torah authorities in the second and third generations after Moses.

8. Deuteronomy 17:9.

9. See Numbers 16.

10. See Bartenura and Midrash Shmuel to Avoth 5:17; Mikdash Melech to Zohar 1:17b; R. Schneur Zalman of Liadi, Likutei Torah, Korach 54b–c; The Rebbe, Beurim le-Pirkei Avoth 5:17.

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# 4. Human “Ownership” of Torah

The role that the human mind plays in processing and producing Torah is a recurring theme in many of the sayings of the sages. The Talmudic sage Rava cites Psalms 1:2, which describes the righteous person as one who “only in the Torah of Gd is his desire, and his Torah he utters day and night,” and notes that in the first part of the verse the Torah is referred to as “the Torah of Gd,” but in the latter part it is called “his (i.e., the scholar’s) Torah.” “Originally, it is called Gd’s Torah,” deduces Rava. “In the end, it is called his.”<sup>1</sup>

This same duality can be discerned in the prayer in which we ask of Gd, “Grant us our portion in Your Torah.”<sup>2</sup> We do not ask for “a portion in Your Torah,” nor do we seek “our portion in the Torah”; rather, we pray for the ability to acquire “our portion in *Your* Torah.” We acknowledge that it is *Your* Torah—the divine wisdom and will; and at the same time, we ask that we merit the acquisition of Torah in the ultimate sense, where a divine commodity becomes fully assimilated and “owned” by its human recipient.<sup>3</sup>

The idea that a student of Torah acquires ownership of Torah has actual legal implications, as evidenced from the following Talmudic discussion:<sup>4</sup>

***Said R. Yitzchak bar Shila in the name of R. Matanah, in the name of R. Chisda: If a father forgives an affront to his honor, it is considered forgiven. But if a Torah master forgives an affront to his honor, it is not forgiven. R. Yosef said: Also a Torah master who forgives an affront to his honor, it is considered forgiven. As it is written, “Gd went before them by day...”***<sup>5</sup>

***Said Rava: What is the comparison? In that case, the world is Gd’s, and the Torah is Gd’s; so He can abdicate His honor. But here (i.e., in the case of the Torah scholar), is the Torah his? Subsequently Rava said: Indeed, the Torah is his, as it is written, “...and his Torah he utters day and night.”***<sup>6</sup>

This mirrors another statement by Rava, who also declared:

***How foolish are those people who rise in deference to a Torah scroll, but do not rise before a great person! For in the Torah scroll it is written “forty,” and the sages came and subtracted one...!***<sup>7</sup>

Rava is referring to the rabbinic interpretation of the Torah’s laws of *malkoth* (“lashes”). In Deuteronomy 25:2–3, the Torah rules that in the case where a person is guilty of a crime whose punishment is

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lashes, “the judge shall cast him down and strike him, before him, according to his wickedness, by a count. Forty he shall strike him; he shall not add.” Although the plain meaning of the text is that forty lashes are to be administered, the sages interpret the phrase “by a count (of) forty” to mean not exactly forty, but one less than forty (i.e., thirty-nine).<sup>8</sup> This exemplifies how the authority of the sages, who are entrusted with the task of interpreting and applying Torah, is equal to—and in a sense, greater than—that of the text inscribed in the Torah scroll.

The ultimate precedent for the human “ownership” of the Torah that a person Our relationship with the Torah is described as an inheritance, an acquisition, and a gift receives and processes is the first recipient of Torah—Moses. The prophet Malachi enjoins, “Remember the Torah of Moses My servant.”<sup>9</sup> But isn’t it Gd’s Torah? The explanation given is: “Because Moses gave his life for the Torah, it is called his.”<sup>10</sup>

Accordingly, says the Rebbe, we find our relationship with the Torah described in three different, and seemingly conflicting, ways:

- 1) As an inheritance, as in Deuteronomy 33:4, “The Torah that Moses commanded us is the inheritance of the congregation of Jacob.” This implies that the Torah is the birthright of every Jew, regardless of how much toil and talent he or she has invested to study it.
- 2) As a “purchase” and an “acquisition,” implying an ownership commensurate with the degree of the person’s investment and achievement.<sup>11</sup>
- 3) As a gift (as in the citations quoted in chapter 1 above).

Our relationship with the Torah, explains the Rebbe, cannot be fully described by any single model, as it encompasses all three: certain elements of that relationship are analogous to an “inheritance,” other aspects to a “purchase” and others to a “gift.” The first two relate to the human aspect of Torah—the manner in which we assume ownership of Torah by virtue of who we are,<sup>12</sup> and by virtue of what our mind and intellect accomplish with it. The third, or “gift,” aspect of Torah describes its divine element—the manner in which it transcends human reason and reach, and our apprehension of it is wholly a bestowal from Above.<sup>13</sup>



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## Footnotes

1. Talmud, Avodah Zarah 19a.
2. Avot 5:20.
3. Likutei Sichoth, vol. 13, pp. 118–119; Torath Menachem 5748, vol. 3, p. 381; based on Shaloh, Masecheth Shavuoth, 192a.
4. Talmud, Kidushin 32a–b.
5. Exodus 13:21. The full verse reads: “Gd went before them by day in a pillar of cloud to guide them in the way, and at night in a pillar of fire to illuminate for them, to travel day and night.” Thus Gd abdicates His honor to go before His people as a servant walks before his master.
6. In contrast, a king does not have the authority to forgive an affront to his honor, as an insult against his sovereignty constitutes an insult against the entire nation, and is not something that is “his” to forgive (Talmud, Kidushin 32b; Mishneh Torah, Hilchoth Melachim 2:3. See Tosafoth, Sanhedrin 19a, s.v. “Yanai”; Chatham Sofer to Esther 1:16; and Meshech Chochmah to Deuteronomy 22:22).
7. Talmud, Makoth 22b.
8. The particular form of the Hebrew word *be-mispar* indicates that it is joined to the following word, *arba'im* (“forty”). So although *be-mispar* is the last word of 25:2 and *arba'im* is the first word of the next verse, the two words are read together as the phrase “by a count of forty”—implying that the intention is not the number 40 itself.
9. Malachi 3:22.
10. Shemoth Rabbah 30:4; The Rebbe, Maamar Ve-Hayah Ki Thavo 5744.
11. See Proverbs 4:2; Shemoth Rabbah 33:1; Ethics of the Fathers 6:6. It is regarding this aspect of our relationship with Torah that the Mishnaic sage R. Yosei goes so far as to say—in apparent contradiction with the above-cited verse from Deuteronomy—“Perfect yourself for the study of Torah, for it is not an inheritance for you” (Ethics of the Fathers 2:12).
12. See concluding paragraphs of chapter 6 below.
13. Likutei Sichoth, vol. 13, pp. 115–117.

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# 5. The “Written Torah” and the “Oral Torah”

This dual characterization of Torah—Torah as the “given” wisdom and will of Gd, and Torah as the product of the human mind that receives it and processes it—parallels the Torah’s division into two primary components: the “Written Torah” and the “Oral Torah.”<sup>1</sup>

From its very beginnings as a divine communication to mankind, the Torah was comprised of these two distinct entities. When Gd declares that the first Jew, Abraham, “kept My charge, My mitzvoh, My decrees and My Torahs,”<sup>2</sup> the Talmud explains the plural “Torahs” as denoting “the Written Torah and the Oral Torah.”<sup>3</sup> Maimonides opens his introduction to his codification of Torah law, *Mishneh Torah*, with the statement (based on Talmud, *Berachoth* 5a): “All the mitzvoh that that were given to Moses at Sinai were given with their explanation. As it is written,<sup>4</sup> ‘I will give the tablets of stone, and the Torah, and the mitzvah.’ ‘The Torah’—this is the Written Torah. ‘And the mitzvah’—this its explanation. And He commanded us to fulfill the Torah in accordance with the mitzvah. This ‘mitzvah’ is what is called the Oral Torah.” Indeed, the two are inseparable, as no text can have any authoritative meaning without an accompanying tradition as to what it means and what are the principles that govern its interpretation.<sup>5</sup>

The “Written Torah” was transcribed by Moses “from the mouth of the Almighty”<sup>6</sup> and is contained within the Torah scroll. The “Oral Torah” incorporates the traditions handed down from Sinai but not (initially) put in writing,<sup>7</sup> as well as the interpretations and rulings formulated by the sages of each generation. Specifically, Maimonides enumerates five categories of teachings and laws which the “Oral Torah” includes: 1) The traditional meaning of the text of the Torah as taught by Moses and handed down through the generations. 2) Laws and principles not contained within the text, but taught by Moses as part of the oral tradition. 3) Interpretations and expositions of the text that are logically derived by the sages using the traditional rules and methods of Torah exegesis, with differences of opinion (*machaloketh*) amongst the sages decided by majority view. 4) Ordinances enacted by the sages of each generation as “safeguards” for the laws of the Torah, in accordance with the authority vested in them by the Torah. 5) Other ordinances enacted by the sages of each generation, in accordance with the authority vested in them by the Torah, for the sake of the common good or in response to the specific needs and circumstances of the time.<sup>8</sup>

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The divinity of Torah is expressed via the Written Torah, and its human element in the deliberations of the Oral Torah

On a most basic level, the Written Torah represents the divine aspect of Torah, while the Oral Torah embodies its human element. But as we have seen—and as will be further discussed below—the Oral Torah is equally “the words of the living Gd.” And the human element, as we shall see, is not exclusive to the Oral Torah, but has its roots in the Written Torah. Thus, it would be more correct to say that the symbiosis of divine wisdom and human intellect characterizes the whole of Torah, both its written-textual part as well as its oral-expositional part, but with each element finding its primary expression in its respective part: the divinity of Torah is most explicitly expressed via the words of the Written Torah, and its human element is most pronounced in the teachings and deliberations of the Oral Torah.

## Footnotes

1. *Likutei Sichoth*, vol. 31, p. 137.
2. Genesis 26:5.
3. *Talmud*, Yoma 28b.
4. Exodus 24:12.
5. *The Talmud (Shabbat 31a)* illustrates this point with the following story: “Once a gentile came before Shammai and asked him: ‘How many Torahs do you have?’ Said he to him: ‘Two, the written Torah and the oral Torah.’ Said he to him: ‘I believe you regarding the written Torah, but not with regard to the oral Torah. I wish to convert to Judaism, with the stipulation that you teach me only the written Torah.’ Shammai scolded him and cast him out with a rebuke. He then came before Hillel, who converted him. On the first day, Hillel taught him the letters aleph, beith, gimel and dalet. On the next day, he reversed them (calling the aleph a beith, etc.). Said he to him: ‘But yesterday you taught me otherwise!’ Said Hillel to him: ‘In the same way that you accept what I say regarding the significance of the letters, accept my word regarding the oral Torah.’”
6. See citation from Maimonides at the beginning of chapter 1.
7. Originally the Oral Torah was in fact oral, handed down from teacher to disciple without being officially put in writing. That changed when R. Yehudah haNasi, foreseeing the expansion of the Jewish diaspora and the end of a single, centralized Sanhedrin (the council of sages which served as the highest authority on Torah law in each generation) to preserve the oral tradition, redacted the Mishnah in approximately 189 ce. The process was repeated some 300 years later when R. Ashi and Ravina redacted the Talmud in the 5th century. In the centuries since, the Torah sages of each generation wrote and published their commentaries, responsa and codifications of Torah law as their contributions to the constantly evolving Oral Torah.
8. Maimonides’ introduction to the Mishnah.

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# 6. The Torah Expositions of the Sages: Extraction or Innovation?

*The idea that teachings expounded by later sages are also the word of Gd is illustrated by the following Talmudic account:*

*When Moses ascended on high, he found Gd attaching coronets to the letters of the Torah. Said Moses to Gd: “Master of the world! Why have You need for these?”*

*Said Gd to him: “There will be a man some generations hence, whose name is Akiva the son of Joseph, and he will expound mounds upon mounds of laws from each and every tittle.”*

*Said Moses: “Master of the world, show him to me.”*

*Moses was sitting behind eight rows (of R. Akiva’s disciples) but he did not understand what they were saying, and he was despondent. Until they reached one teaching, and R. Akiva’s disciples said to him, “Master, from where do you know this?”*

*Said R. Akiva to them, “It is the law given to Moses at Sinai.” And Moses’ mind was eased.<sup>1</sup>*

But if Moses was not cognizant of—and was even unable to understand—the teachings expounded by R. Akiva, how could these selfsame teachings be “the law given to Moses at Sinai”? By the same token, what is the meaning of the statement<sup>2</sup> that “...even what a proficient pupil is destined to innovate, all was already said to Moses at Sinai” when that same statement refers to the new teaching as an “innovation” (*chidush*)—i.e., something that was not previously known?

The most basic explanation is that given by *Shemoth Rabbah*:

*Did Moses then learn the entire Torah? It is written in the Torah: “Longer than earth is its measure, and broader than the sea”<sup>3</sup>—and Moses learned it in forty days?! Rather, Gd taught Moses the general principles.<sup>4</sup>*

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In other words, “all was given to Moses” in potential form, since all subsequent explanations, interpretations and extrapolations by the sages of later generations are extracted from the general principles given to Moses.<sup>5</sup>

Thus we have an expansion of Torah through historical time. The later biblical books of the *Nevi'im* (“Prophets”) and *Kethuvim* (“Scriptures”) are expositions of the laws and principles transcribed by Moses in the Chumash. If Moses was not cognizant of the teachings expounded by R. Akiva, how could these selfsame teachings be ‘the law given to Moses at Sinai?’ (“Five Books”).<sup>6</sup> The Mishnah codifies the laws extracted from the biblical text; the Talmud extrapolates laws and principles from Mishnah; the *rishonim* (“early commentaries”) expound and deduce from the Talmud; and the *acharonim* (“later commentaries”) expound and deduce from the *rishonim*. Each generation and era reveals new facets and genres of Torah learning, yet all was “already said to Moses at Sinai” in potential form.

Shaloh takes this a step further, explaining how also the “safeguards” and “ordinances” instituted by the sages (categories 4 and 5 in Maimonides’s enumeration cited above) are included within the divine revelation at Sinai. Shaloh notes that the blessing recited before studying Torah concludes with the words “Blessed are You, Gd, who gives the Torah” (*nothein hatorah*)—in the present tense:

***In truth, Gd has already given us the Torah (at Mount Sinai); yet we refer to Gd as one who still perpetually gives the Torah. This matter requires some elaboration.***

***It is written: “These words Gd spoke to your entire congregation at the mountain... a great voice which did not cease.”<sup>7</sup> Rashi explains the meaning of the words “did not cease” (velo yasaf) in accordance with the translation by Onkelos—it did not stop, for it is a powerful voice which endures forever. Rashi also offer a second interpretation of the words velo yasaf—“it did not any more,” i.e., that Gd did not again speak so openly and publicly as He did at Sinai.***

***There is a profound significance in these two interpretations, as they are simultaneously true. The divine voice spoke the Torah at Sinai and “did not any more,” as all the subsequent laws and edicts instituted by the sages throughout the generations were not explicitly commanded by Gd. At the same time “it did not cease,” for everything was included, in potential form, within that voice. It is only that “for everything there is a time and season,”<sup>8</sup> and the time had not yet come for that potential to emerge into actuality; for that depends on the initiative of those down here below, in accordance with their nature and their abilities, and in accordance with the qualities of the souls of each generation. Following the revelation at Sinai, the sages of each generation were roused to actualize from that potential in accordance with the time and season. Thus, the sages did not invent anything from their own minds, Gd forbid, but rather actualized the divine intent.<sup>9</sup>***

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Neither of these explanations, however, fully explains the Talmud's use of the term *chidush*—which literally means “new thing” or “innovation”—when it declares that “even what a proficient pupil is destined to innovate was already said to Moses at Sinai.”<sup>10</sup> Indeed, the concept or ruling is “new” in the sense that it has been newly discovered and revealed, having previously existed solely in potential form. Nevertheless, the true meaning of the term *chidush* is something that is entirely new.

This prompts the Rebbe to suggest another, deeper explanation for how the “innovations” of later Torah scholars were “already said at Sinai.” The Rebbe's explanation is predicated on the principle, widely discussed in Kabbalah and in chassidic teaching, that the souls of Israel are rooted in the deepest recesses of the “mind” of Gd. The source of this principle is the midrashic teaching A concept conceived by the soul of the Torah scholar becomes part of the Torah's inception in the mind of Gd that both the Torah and the souls of Israel preceded the creation of the world. The Midrash then asks, “Still, I do not know which preceded which?” and concludes: “The thought of Israel preceded everything.”<sup>11</sup>

Time is part and parcel of the natural creation,<sup>12</sup> meaning that all which “precedes” creation exists beyond the realm of time. Within historical time, the Torah unfolds from the general to the particular and from potential to actuality; Moses receives the “general principles” at Sinai, and the “proficient pupils” of each generation extract from these principles specific ideas, laws and applications. But all parties to this process—Gd, the soul of the Torah scholar, and the Torah itself—are “pre-creation” realities. This means that the dynamic between them also transpires beyond historical time—indeed, beyond time itself. On this level, the “new” concept is conceived by soul of the Torah scholar, as that soul is rooted within Gd, Giver of the Torah, making the concept an integral part of Torah from the Torah's very inception in the mind of Gd.<sup>13</sup>

The Oral Torah, then, is the product of the collaboration of divine revelation and human intellect. This collaboration takes place on two levels. On the exoteric level, in a process unfolding through linear time, the human intellect unpacks concepts and laws from their potential state within the divinely revealed general principles. On a deeper, esoteric level, the process runs in the reverse: the soul innovates in Torah using the human intellect as its tools, but because it is rooted in the divine essence, wherein the past and the future are undifferentiated, it in effect imparts these “innovations” retroactively to the divine communication at Sinai.<sup>14</sup>

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## Footnotes

1. Talmud, Menachoth 29b.
2. Cited in the beginning of chapter 1 above.
3. Job 11:9.
4. Shemoth Rabbah 41:6. Also see Maharal, Chidushei Agadot to Menachoth 29b. See, however, an alternate explanation given by Ari, Shaar Maamarei Chazal to Bamidbar Rabbah 19.
5. Likutei Sichoth, vol. 19, pp. 252–253, and vol. 29, p. 176.
6. Thus the Talmud (Taanith 9a) states: “Is there anything that is written in the scriptures that is not alluded to in the Torah?” Rashi explains: “For the Chumash is the foundation of the Nevi’im and the Kethuvim, and in all that these contain, there can be found a support from the Torah.” See the example cited by the Talmud there—how the idea expressed in Proverbs 19:3 is derivable from Genesis 42:28.
7. Deuteronomy 5:19.
8. Ecclesiastes 3:1.
9. Shaloh, Beith Chochmah (II), 25a.
10. There are, in fact, a number of different versions of this saying by the sages. The standard version in the Jerusalem Talmud, Pe’ah 2:4, reads, “...what a proficient pupil is destined to instruct...”; in other source texts the phrase is “what a pupil will ask his teacher” (Shemoth Rabbah 47:1), or “what a proficient pupil is destined to say.” According to Gra, however, the correct version in the Jerusalem Talmud is “to innovate” (le-chadesh), and in many early sources that cite this saying, this is indeed the wording that is quoted (as, for example, in the saying from Megilah 19b, cited in footnote #8 in chapter 1 above). See Likutei Sichoth, vol. 19, p. 252, footnote 21.
11. Bereishith Rabbah 1:4; Tana d’Vei Eliyahu Rabba 14; Zohar 2:119b; R. Dov Ber of Mezheritch, Ohr Torah 2c-d.
12. Perushei R. Saadiah Gaon la-Mikra (Ratzabi), Genesis 1:1; Likutei Sichoth, vol. 10, pp. 176–177 and sources cited there.
13. Sefer ha-Sichoth 5752, pp. 507–510.
14. This parallels the Rebbe’s explanation of a key passage in the Zohar, “There are three bindings that are bound to each other: Gd, the Torah, and Israel—each consisting of a level upon a level, hidden and revealed. There is the hidden aspect of Gd, and the revealed aspect; Torah, too, has both a hidden and a revealed aspect; and so it is with Israel, which also has both a hidden and a revealed aspect” (Zohar 3:73a; see the Rebbe’s note on page 61 of Sefer haMaamarim 5700). The basic meaning of this passage is that Israel’s bond with Gd is via the Torah: Gd invests His essence (in the form of His wisdom and will) in the Torah; and the people of Israel study the Torah and fulfill its commandments, thereby uniting their minds and lives with the divine essence it contains. But this describes a dynamic consisting of two “bindings” (Gd’s bond with the Torah, and the Torah’s bond with Israel). The Zohar, however, speaks of “three bindings that are bound to each other.” This, says the Rebbe, denotes that on the more hidden plane, the links between these three entities run in the other direction: the souls of Israel are rooted in the essence of Gd, and they infuse the divine essence into the Torah through their study and implementation of the divine wisdom and will. (Likutei Sichoth, vol. 18, p. 408; Sefer haSichoth 5750, vol. 2, p. 422; et al.)

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# 7. The Role of Moses in the Transmission of the Written Torah

In contrast, the “Written Torah” is traditionally understood to be wholly and exclusively divine. A human being—Moses—was the vehicle for its transmission; yet Moses is described as a “messenger” and a “funnel,” speaking and transcribing the words which Gd spoke to him without contributing anything of own.<sup>1</sup> In the words of Maimonides:

***The Torah, in its entirety, was transmitted to Moses from Gd in a manner which we call “speech,” although we cannot comprehend the manner of its transmission, only Moses, to whom it was transmitted; he was like a scribe to whom a text is read and he writes it down... So, one who maintains that the Torah is not from Gd, even a single verse, or a single word—if he says that that Moses said it from his own mouth—he denies the Torah...<sup>2</sup>***

Thus, not only is the content of the Written Torah divine, but its actual words and letters are also regarded as having been communicated directly by Gd. This distinction between the Written Torah and the Oral Torah has halachic implications: the law is that a person who speaks the words of the Written Torah fulfills the mitzvah of learning Torah even if he does not understand what he is saying, since the words themselves are divine—as opposed to the Oral Torah, where understanding the meaning of the words is a requisite part of the mitzvah.<sup>3</sup>

At the same time, however, the Rebbe demonstrates that human element is present within the articulation process of the Written Torah as well. In fact, it is the Written Torah that establishes the human mind as a partner in the generation of Torah.

Firstly, there is the fact that unlike the first two of the Ten Commandments (“I am Gd your Gd...” and “You shall have no other gods before Me...”), which the entire people heard directly from Gd at Mount Sinai, the bulk of the Written Torah was transmitted by the agency of Moses. Thus, the Talmud cites the verse (Deuteronomy 33:4), “The Torah that Moses commanded us...,” and notes that the Hebrew word *torah* has a numerical value of 611, referring to the 611 of the 613 commandments of the Torah which Gd communicated to us through Moses.<sup>4</sup>



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In fact, Moses was reluctant to assume the role of transmitter of Torah, believing that the people should receive it directly from Gd. It was the people who approached Moses (as related in Exodus 20:15–18, and in more detail, in Deuteronomy 5:19–30) with the request that he serve as the agent of the divine communication. As Moses recounts to the children of Israel:

***These words<sup>5</sup> Gd spoke to your entire congregation at the mountain, from within the fire, the cloud and the fog, a great voice that did not cease; and He wrote them on two tablets of stone, and He gave them to me.***

***And it was when you heard the voice from within the darkness, and the mountain burning with fire, that you approached me, all your heads of tribes and your elders. And you said: “Here Gd our Gd has shown us His glory and His greatness, and His voice we heard from within the fire; today we saw that Gd speaks to man, and he lives. And now, why shall we die, as this great fire consumes us? If we continue to hear the voice of Gd our Gd any more, we will die... You approach, and hear all that Gd our Gd will say to you. And you will speak to us all that Gd our Gd will speak to you, and we will hear and we will do.”<sup>6</sup>***

The commentaries note that when Moses recounts the people’s request, “and you will speak to us all that Gd our Gd will speak,” he uses the feminine, or weaker, conjugation for the word “you,” instead of the appropriate masculine form. Rashi explains that this is Moses’ way of expressing his disappointment with the people’s request:

***You caused my strength to weaken, like a female; for I was aggrieved over you, and you slackened my hand, since I saw that you are not anxious to draw near to Him out of love. Would it not have been better for you to learn from the mouth of the Almighty, rather than to learn from my mouth?<sup>7</sup>***

Yet, as Moses goes on to relate, Gd was pleased with the people’s request, and instructed Moses to do as they ask:

***Gd heard the voice of your words as you spoke to me. And Gd said to me: “I heard the voice of the words of this people which they spoke to you. They did well in all that they spoke. If only they would have this heart, to fear Me and to keep all My commandments, all the days, in order that it be good for them and for their children forever.***

***“Go and say to them: ‘Return you to your tents.’ And you stand here with Me, and I will speak to you all the commandments and the statutes and the laws which you shall teach them...”<sup>8</sup>***

This raises the question: Did Moses misjudge the people’s capacity for divine revelation? The Rebbe categorically discounts the notion that Moses was simply making an error which the people needed to correct. Rather, says the Rebbe, there is there a more fundamental dynamic at play in this dialogue

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at the foot of Mount Sinai. Moses and the people are advocating two different approaches—both valid and tenable—to the manner in which the Torah should be communicated to man.<sup>9</sup> Moses did not overestimate his people when he advocated that they should receive the Torah directly from Gd; on the contrary—he perceived their true and ultimate potential and, as a true leader, he endeavored to actualize it. In Moses’ eyes, the people of Israel were capable of assimilating the divine revelation; and under his leadership, they could actually have achieved this.

But the people did not wish to relate to Gd on this level. They wanted to receive the Torah with their own, *self-actualized* faculties, not with the sublime powers that Moses could summon forth from the core of their souls. They wanted that their experience of Torah should be true to how they are to themselves, rather than to how Moses sees them. This, explains the Rebbe, is the “weakening” and “slacking” of Moses’ prowess of which Moses speaks: that instead of lifting the people to his own level in apprehending the divine communication, he was being called upon to lower himself, and the divine communication, to their level.

In this debate between Moses and the people, Gd agreed with the people. After having been exposed to the divine essence of Torah (as contained within the first two commandments), they would receive the Torah not as a supernal “voice from Heaven,” but as channeled via the mind, mouth and pen of Moses. The Torah—even the Written Torah, in which also the words and letters are wholly of divine origin—must not be an “otherworldly” revelation to the people’s everyday selves, but a communication that is formulated in human language and communicated to them by a fellow human being.<sup>10</sup>

## Footnotes

1. See *Talmud, Menachoth 30a*; *Rashi to Talmud, Megilah 31b*; *Nachmanides’ introduction to his commentary on Torah*; *Bechayei to Deuteronomy 33:4*; *Abarbanel to Deuteronomy 34:5*; et al.
2. *Maimonides’ introduction to Perek Chelek, The Thirteen Principles, Principle 8*; *Mishneh Torah, Hilchoth Teshuvah 3:8*; *ibid., Hilchoth Tefilah 13:6*.
3. *R. Schneur Zalman of Liadi, Hilchoth Talmud Torah 2:12–13, based on Magen Avraham to Orach Chayim 50*; *Likutei Sichoth, vol. 29, p. 176*.
4. *Talmud, Makoth 23b–24a*; *Rashi to Exodus 19:19*.
5. *I.e., the Ten Commandments, which Moses reiterates in the previous verses (Deuteronomy 5:6–18). As noted above, according to the Talmud the people heard only the first two commandments directly from Gd, following which they approached Moses with the request that they hear the rest from Moses.*
6. *Deuteronomy 5:19–24*.
7. *Rashi to Deuteronomy 5:24. Zohar goes even further, stating that “had Israel not distanced themselves, had they all heard the words (directly from Gd) as they had in the beginning, the world would not have been able to be destroyed after that, and they would have endured for all generations” (Zohar 3:261a–b).*
8. *Deuteronomy 5:25–28*.
9. See discussions by *Nachmanides, Alshich, Keli Yakar, Malbim* and other commentaries, who also offer explanations as to as the different approaches advocated by Moses and the people, and the pros and cons of each.
10. *Likutei Sichoth, vol. 16, pp. 204–206*; also see *ibid., vol. 13, pp. 119–120*.

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# 8. The Book of Deuteronomy as the Nexus of the Written and Oral Torahs

Even more significant is the paradox of the fifth book of the Torah, the book of Deuteronomy. In a series of essays,<sup>1</sup> the Rebbe explores the unique characteristics of the book of Deuteronomy and its place in the divine communication of Torah.

The Talmud and Zohar differentiate between the first four books of the Torah and the fifth book, stating that the first four were transmitted by Moses “from the mouth of the Almighty,” whereas the book of Deuteronomy was spoken by Moses “from his own mouth.”<sup>2</sup> Indeed, many of the Both the divine and the human aspects of Torah attain full expression, without obscuring each other commentaries note that first four books of the Torah are written in the third person (e.g., “Gd spoke to Moses, saying...”), whereas in the book of Deuteronomy we hear Moses’ voice in first person (“At that time Gd said to me...,” etc.).<sup>3</sup>

Yet the book of Deuteronomy is part and parcel of the Written Torah, whose every word and letter are considered to be of divine origin.<sup>4</sup> Various explanations are given by the commentaries to resolve this contradiction, the crux of which is that while the divine communications contained in the book of Deuteronomy were “processed” through the mind and speech of Moses, these very words and letters constitute the unadulterated word of Gd.<sup>5</sup> Rabbi Schneur Zalman of Liadi explains that this was possible due to degree of *bitul* which Moses achieved. Moses had so totally abnegated his ego to the divine will that “the divine presence spoke from his throat”—Moses’ own words are also Gd’s own words.<sup>6</sup>

Thus, says the Rebbe, the book of Deuteronomy acts as a bridge between the Written Torah and the Oral Torah. In the first four books of the Written Torah, the divine element dominates, in that its every aspect, from the core principle to the specific formulation of the words, is manifestly divine; here, the human contribution is limited to the fact that a human soul and mind served as the channel through which the communication passed, essentially unchanged. In the Oral Torah, the reverse is the case:

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the human contribution is most pronounced, while the divine aspect is manifested primarily in the concepts and principles which drive the human intellect's arguments and formulations. But in the book of Deuteronomy, both the divine and the human aspects of Torah attain full expression, each without obscuring the other. The divine idea is processed by the mind of Moses, so that it emerges as Moses' own words; yet such is Moses' identification with the divine wisdom and will that his own words are completely in harmony with their divine essence—so much so, that they are no less Gd's words than the words which Gd dictated in the first four books.

The Rebbe concludes:

***Based on all of the above, we can say that the reason that it was necessary that within the Written Torah there should be such a phenomenon—i.e., that the revelation of the divine words should come about in such a way that they were first processed in the mind and intellect of Moses—is because this is the foundation and precedent for the phenomenon of the “Oral Torah.”***

***This is because in there is a fundamental paradox in the very nature and definition of the Oral Torah. On the one hand, the Oral Torah (with the exception of those laws revealed to Moses at Sinai and handed down by tradition) is revealed by the people of Israel through their study of Torah, in a process that enlists the intellect and understanding of the Torah scholar. On the other hand, the entire purpose of Torah learning is to reveal the word of Gd. The resultant ruling is not a product of human logic, but of the divine will. For Torah, in essence, is the divine wisdom; it is only that Gd gave it to the people of Israel that they should reveal it through their study and understanding.***

***And since everything about Torah is rooted in the Written Torah, this too—i.e., the fact that ideas generated by the mind and intellect of a mortal human being should be deemed “Torah” and divine instruction—must exist within the Written Torah. Hence the Written Torah includes the book of Deuteronomy, which incorporates both extremes, being the word of Gd as it is processed by the mind and intellect of Moses. By virtue of this precedent being part of the Five Books of Moses, it then extends, more broadly, to the Oral Torah as a whole.<sup>7</sup>***

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## Footnotes

- 1.** *Likutei Sichoth*, vol. 4, pp. 1087–1091; vol. 19, pp. 9–14; and vol. 36, pp. 38–44.
- 2.** *Talmud, Megilah 31b*; *Zohar 3:261a*; also see *Shach al ha-Torah*, beginning of Deuteronomy; *Maharal, Tif'ereth Yisrael 43*; *Ohr ha-Chayim* to Deuteronomy 1:1; et al.
- 3.** See *Nachmanides'* introduction to his commentary on *Torah*; *Abarbanel*, introduction to Deuteronomy.
- 4.** See opening paragraphs of chapter 7 above, and sources cited there. Indeed, many of the mitzvot (divine commandments) are original to the book of Deuteronomy.
- 5.** See *Zohar 3:7a*; *Tosafoth to Talmud, Megilah 31b*; *Abarbanel*, introduction to the book of Deuteronomy. Also see discussion in *Torah Sheleimah*, vol. 19, "Kuntres Kethivath Sefer Torah," chapters 1–2.
- 6.** *Likutei Torah, Bechukothai 50a*.
- 7.** *Likutei Sichoth*, vol. 36, p. 43. Also see *Maharal, Tif'ereth Yisrael 43*; *Megaleh Amukoth 246*; *The Rebbe, Maamar Lo Thihyeh Meshakeilah 5712*, and sources cited there.

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# 9. The Jethro Precedent

Taking these concepts a step further, the Rebbe shows that also the *process* of the Oral Torah—i.e., the manner in which the laws and principles revealed to Moses at Sinai are applied to everyday life situations by the sages of each generation—has an important precedent within the Written Torah itself. Namely, the precedent of the “addition” to the Torah made by Jethro, the father-in-law of Moses.

The use of the term “addition” to describe Jethro’s contribution to the Torah is not incidental. *Shem-oth Rabbah* states:

***Why was he called Yithro (“his addition”)?... Because he added a chapter to the Torah—[the chapter] “You shall discern from all the people...”<sup>1</sup>***

The Rebbe understands the designation of this chapter of Torah as an “addition” as carrying dual implications. On the one hand, it implies that the Torah was complete without this section, and Jethro *added* something to it. On the other hand, it implies that as a result of Jethro’s initiative, this section became added to the Torah, and now forms an integral part of it.<sup>2</sup>

What was Jethro’s “addition” to the Torah? The 18th chapter of the book of Exodus describes the arrival of Jethro, Moses’ father-in-law, in the Israelite camp at the foot of Mount Sinai. It then relates:

***It was in the morning, and Moses sat to adjudicate for the people; and the people stood upon Moses from the morning to the evening.***

***The father-in-law of Moses saw all that he was doing for the people. And he said: “What is this thing that you are doing for the people? Why are you sitting by yourself, and all the people are standing upon you from the morning to the evening?”***

***Moses said to his father-in-law: “Because the people come to me to seek Gd. When they have a matter, they come to me, and I adjudicate between a man and his fellow; and I make known the statutes of Gd and His teachings.”***

***The father-in-law of Moses said to him: “It is not good, this thing that you are doing. Wither shall you wither, also you, also this people who are with you. For the thing is weightier than you; you will not be able to do it alone.***

***“Now, hear my voice, I will advise you, and Gd will be with you. You be for the people opposite Gd, and***

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***you shall bring the matters to Gd. You shall enjoin them regarding the statutes and the teachings, and make them know the way in which they shall go and the deeds which they shall do.***

***“You shall discern from all the people able men, those who fear Gd, men of truth, who abhor profit. You shall set them over them as captains of thousands, captains of hundreds, captains of fifties and captains of tens.***

***“They shall adjudicate for the people at all times; and it shall be that the great matters they shall bring to you, and the minor things they shall arbitrate themselves. It will be eased for you, and they will bear with you. If you do this thing, and Gd will instruct you, you will be able to endure; and also this entire people shall come to their place in peace.”***

***Moses listened to the voice of his father-in-law, and he did all which he said.***

We have already discussed the Rebbe’s understanding of the debate between Moses and the people of Israel regarding the revelation at Sinai (see The Role of Moses in the Transmission of the Written Torah, chapter 7 above). Here, too, the Rebbe insists that Jethro’s advice could not possibly have been in response to a misjudgment on the part of Moses regarding his own capacities and his ability to meet the people’s needs. Furthermore, if Jethro was merely identifying a technical problem (i.e., Moses’ insufficiency of time and stamina to personally deal with every individual’s needs for instruction and adjudication) and proposing a technical solution (that a hierarchy of leaders and jurors be appointed to alleviate the burden), then we would not regard his proposal as an “addition to the Torah,” which, as explained above, implies that there was no lack or deficiency in Torah prior to this “addition.”

Rather, says the Rebbe, Moses’ behavior prior to Jethro’s intervention represents a valid—indeed, ideal—approach to the application of Torah to the problems of daily life. Nevertheless, Jethro’s contribution introduced a different approach, which was accepted by Moses—and Gd<sup>3</sup>—and incorporated as a chapter of the Written Torah.

The dialogue between Moses and Jethro bears many similarities to the above-discussed dialogue between Moses and the people following the revelation at Sinai. In fact, it is basically the same debate, albeit in regard to different aspects of Torah. The debate between Moses and the people was regarding the dynamics of the *communication* of the Torah from Gd to man, while the debate between Moses and Jethro was regarding the dynamics of the *application* of Torah to everyday life.

At the core of both debates is the fact that mind and life of Moses, “the most perfect human being,”<sup>4</sup> Also the process of the Oral Torah has an important precedent within the Written Torah itself were on a far loftier level than the people. Yet it is also true that every soul possesses the potential for that greatness, and that as a true leader, Moses had the ability to reveal that potential within his

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people.<sup>5</sup> So the question was: Should Moses raise the people to his level, or should he “lower” himself, and the Torah, to theirs? As we have seen, the people demanded, and Gd agreed, that they should receive the divine revelation of the Torah on their own limited and flawed level, rather than on the elevated level to which Moses might raise them. So they received the entire Torah (with the exception of the all-inclusive first two commandments) as words emerging from the human mouth and pen of Moses, rather than as a transcendent voice from heaven.

Now the issue was: Having received the laws and principles of Torah through the agency of Moses, how were these to be implemented in their daily lives? Who would translate these laws and principles into guidance for raising a child, righting a troubled marriage or resolving a dispute between neighbors?

The obvious choice would be Moses. He received these laws and principles from Gd; his knowledge and understanding of them were absolute. His application of Torah is certain to be the most authentic rendition of the divine wisdom and will. It is true that Moses is infinitely removed from the petty neighbors’ dispute he is being troubled to resolve. But it is also true that the two litigants standing before him are certain to be elevated by the experience: in the presence of Moses, they too are capable of rising above the pettiness of their conflict. Under Moses’ leadership and guidance, they too are capable of relating to the pure principle being expounded, and of applying it to their relations back in their neighborhood.

This was how Torah was taught and applied in the Israelite camp until Jethro came and challenged Moses’ “ideal” approach. Jethro was an outsider—a convert to Judaism who was not even present at the revelation at Mount Sinai.<sup>6</sup> Moses saw the people of Israel from the inside—in the light of their highest potentials, from the perspective of the inner core of their souls as they are one with his own soul within the singular soul of Israel. Jethro saw them from the outside—their everyday selves, their petty cares and conflicts. He saw them as they are apart from Moses, while Moses saw them only as they are in their relationship with himself.

Jethro insisted to Moses that the people of Israel had to learn to govern themselves, to arbitrate their own disputes, to apply the laws and principles of Torah to their own lives. Moses was to remain the sole source of these laws and principles, but their implementation was to be achieved by a multi-tiered body of magistrates and counselors at every level of the community (“captains of tens, captains of fifties,” etc.), so that the divine law would permeate their lives on every level, not only at the apogee of their being.



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This is what Jethro “added” to the Torah. Without his addition, the Torah was complete. Indeed, there was no real need for Jethro’s system, as Moses could always be counted on to raise the lives of his people to the level on which he expounded the word of Gd. But their understanding and practice of Torah would have remained something that Moses had empowered them to attain, not something they had attained on their own. Jethro’s system made the Torah the personal achievement of every individual mind and life.

More significantly, Jethro’s initiative was accepted and Jethro’s “addition” made the Torah the personal achievement of every individual implemented by Moses, *and written into the Torah*. Were it not for Jethro, the Torah would have remained “the Torah of Moses”—a guide to life for Moses-elevated souls. After Moses’ passing, a system such as Jethro’s would have been established, to “bring down” the Torah of Moses to lesser generations with lesser leaders. But Jethro achieved that Moses delegated of his own capacity to interpret the Torah to the sages of his generation, and by extension, to the sages of all generations. Because it was *Moses* who established this system, it was incorporated as a section in the Torah, making it an integral part of the divine communication to man.

We have already seen how in the Oral Torah the deficiencies and shortcomings of the human state are not only incorporated and embraced, but also enlisted to arrive at a deeper and truer understanding of the divine wisdom and will. In the case of “Jethro’s chapter,” this feature of Torah is shown to be rooted in the Written Torah, which the ultimate source for all that constitutes “Torah.”**7**

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## Footnotes

- 1.** *Shemoth Rabbah* 27:8. Also see *Rashi to Exodus 18:1; Likutei Sichoth*, vol. 16, pp. 203–204, footnotes 7 and 8.
- 2.** There are other instances in which individuals other than Moses are given credit for the revelation of a particular law or section in the Torah. For example, *Sifrei* states that the section dealing with laws of the “Second Passover” (Numbers 9:6–14), which came as Gd’s response to a group of Jews who were ritually impure yet refused to reconcile themselves to the fact that they could not participate in the Passover offering, “ought to have been related by Moses, like the rest of the Torah, but these people merited that it should be revealed by their initiative” (*Sifrei*, Numbers 9:8). The same is said regarding the laws of inheritance (Numbers 27:6–11) whose revelation was prompted by the daughters of Tzelaḥad, and regarding the penalty for desecrating Shabbat (Numbers 15:35–36) prompted by the “wood gatherer” (see *Talmud, Bava Bathra* 119a). But as *Sifrei* and the *Talmud* clearly imply, these laws would have been included in the Torah in any case; it was only that instead of being communicated directly by Gd to Moses, certain individuals had the merit to be involved in the process of their revelation. The case of Jethro’s section is unique in that it is referred to as an “addition”—as something that would not have been part of the Torah were it not for Jethro’s initiative.
- 3.** In Jethro’s words to Moses, “if you do this thing, and Gd will instruct you...”
- 4.** Maimonides’ introduction to *Perek Chelek*, *The Seventh Principle*.
- 5.** See *Tanya*, chapter 42: “The *Talmud* (*Berachot* 33b) cites the verse, ‘And now, Israel, what does Gd your Gd ask of you, only to fear Gd your Gd...’ The *Talmud* asks: ‘Is fear of Gd such a small thing?’ The *Talmud* answers, ‘Yes, for Moses it is a small thing.’ On the face of it, the *Talmud*’s answer is not understood, as the verse inquires, ‘What does Gd ask of you’ (i.e., of every individual, not of Moses!). The explanation of the matter is as follows: Each and every soul of the house of Israel has within it an aspect of Moses our Teacher... Moses is referred to as “the faithful shepherd,” as he draws down and feeds the level of *daat* (deep, bonding knowledge) to the community of Israel, to know the One Gd...”
- 6.** Jethro’s arrival in the Israelite camp and his suggestion to Moses are related in the 18th chapter of *Exodus*, while the revelation at Sinai is recounted in chapters 19, 20 and 24. However, Jethro’s suggestion to Moses was made on the 11th of *Tishrei* (the day after the second tablets were given on *Yom Kippur*), more than four months after the revelation at Sinai on *Sivan* 6 of the previous year (according to one opinion, his arrival in the camp was also after the giving of the Torah.) This is in keeping with the rule that “there is no earlier and later in Torah”—i.e., that the Torah does not necessarily recount events in their chronological order (*Mechilta* on *Exodus* 18:13; *Rashi ad loc.*; *Talmud, Zevachim* 116a and *Pesachim* 6b. See, however, *Daat Zekeinim mi-Baalei haTosafot* on *Exodus* 18:13).
- 7.** *Likutei Sichoth*, vol. 16, pp. 203–210.

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# 10. Plurality and Unity in Torah

A prevalent theme in many of the Rebbe's essays and talks is how the two aspects of Torah outlined above—Torah as a divine revelation and gift, and Torah as the product of human study and understanding—are reflected in another duality which Torah incorporates: the duality of multiplicity and diversity on the one hand, and singularity and unity on the other.

As our comprehensive guide to a just, moral and Gdly life, the Torah's function is to particularize and differentiate: to distinguish right from wrong, the permissible from the forbidden, the sacred from the profane. In each of these categories, the Torah differentiates many sub-categories and nuances of distinction—including extremely subtle distinctions which a material eye and mind would not discern.<sup>1</sup> In the language of Kabbalah and Chasidism, Torah guides and empowers our life-mission of *avodath ha-birurim* ("the work of refinement")—the process of extracting the sparks of divine potential which are buried and enmeshed within the material world.<sup>2</sup>

And the Torah is itself a paragon of diversity. It is a composite of many genres of wisdom: historical narrative, ritual law, jurisprudence, ethics, philosophy, mysticism. In the words of the Zohar:

***One who toils in Torah, what is said of him? "For only in the Torah of Gd is his desire, and in his Torah he utters day and night. He shall be as a tree..."<sup>3</sup> Just as a tree has roots, and it has husks, and it has marrow, and it has branches, and it has leaves, and it has blooms, and it has fruits... so, too, the words of the Torah: they have the plain meaning of the verse; exegesis; allusions...; hidden secrets...<sup>4</sup>***

In addition to the four levels of interpretation enumerated by *Zohar*—plain meaning, allusion, exegesis and mystical; or *peshat*, *remez*, *derush* and *sod*—the sages teach that there are "seventy faces to the Torah,"<sup>5</sup> and that every aspect of Torah has 600,000 meanings, corresponding to the 600,000 souls of Israel.<sup>6</sup> And as we have seen, the multiplicity within Torah incorporates not only different but even opposing interpretations, deriving from the fact that each law has "forty-nine sides of purity" and "forty-nine sides of impurity."<sup>7</sup>

On the other hand, Torah is the ultimate unifier. Maimonides writes:

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***The whole of Torah was given to make peace in the world, as it is written:<sup>8</sup> “Its ways are ways of pleasantness, and all its pathways are peace.”<sup>9</sup>***

The Rebbe explains: We experience our own personality, our everyday lives and the world in which we live as a jumble of diverse forces, motivations and entities, each with its own nature and character, each pursuing its own goals and strivings. Torah, as the divine “blueprint for creation,”<sup>10</sup> brings unity to our fragmented self and world, assigning to each element, force and phenomenon its role and purpose in the Creator’s overall goal in creation.<sup>11</sup>

In another essay, the Rebbe writes:

***This is what the Torah and its commandments accomplish: they dissolve the veil and concealment of the natural reality, which presents a face of multiplicity and divisiveness, and transform the world from a “multiplicitous domain” (reshuth ha-rabim) into a “singular domain” (reshuth ha-yachid) that reveals the divine unity.<sup>12</sup>***

***And as the harbinger of the divine unity in the world, the Torah itself is a 613 mitzvot were said to Moses at Sinai... The prophet Habakkuk established them as a single principle paradigm of unity. We have already touched on the Torah’s inclusiveness—how a single verse, word, letter, or even “title” in the Written Torah enfolds the “mounds and mounds of laws” extracted from it by the Oral Torah.<sup>13</sup> But also the particulars of the Written Torah, with its thousands of verses and hundreds of mitzvot (divine commandments), are seen as the details of a more primal and inclusive unity. In the words of R. Simla’i in the Talmud:<sup>14</sup>***

***Six hundred and thirteen mitzvot were said to Moses at Sinai... King David came and established them as eleven...<sup>15</sup> Isaiah came and established them as six...<sup>16</sup> Micah came and established them as three...<sup>17</sup> Isaiah came back and established them as two...<sup>18</sup> Habakkuk came and established them as a single principle.<sup>19</sup>***

***In the same vein, the sages teach that the entire Torah is included within the Ten Commandments.<sup>20</sup> These, in turn, are included within the first two commandments,<sup>21</sup> which are included within the first commandment,<sup>22</sup> which is included within its opening word, אנכי (Anochi, “I Am”),<sup>23</sup> which is contained within the א of אנכי, which is contained within the י that forms the first stroke of that א. <sup>24</sup>***

Mechilta teaches:

***Gd spoke all Ten Commandments as a single utterance—something that is impossible for a human being to articulate—as it is written: “Gd spoke all these words, to say.”<sup>25</sup> If so, what is the meaning of the verses “I am Gd your Gd...,” etc.? These come to teach us that Gd first spoke the Ten Commandments as a single utterance, and then He came back to specify them, each as a separate utterance.<sup>26</sup>***

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Maharsha explains:

***Gd gave us 613 mitzvot, consisting of 365 prohibitions and 248 positive commandments. But this plurality is from the side of the recipient. From the side of the Giver, blessed be He, they are all as a single precept.***

***This is why it says that we heard only the first two commandments, “I am...” and “You shall not have...,” from the mouth of the Almighty (and the other 611 commandments through Moses).<sup>27</sup> This is also why it says in the Midrash that Gd spoke all Ten Commandments as a single utterance... For Gd is one and His commandments are one; from His side, there is no plurality. In the declaration “I am,” which expresses the singular existence of Gd, and its counterpart, “You shall not have...,” which is the principle that one must not attribute to any plurality to Him, are included all prohibitions and positive commandments. However, this is “impossible for a human being to articulate” since, as a physical and time-bound being, man receives this singular truth in the form of a multiplicity of precepts.<sup>28</sup>***

The Rebbe expands on this theme, demonstrating how both the “inclusiveness” and the “particularity” of Torah are integral to its role in uniting creation with its Creator. The divine reality is singular, whereas we inhabit a reality that is characterized by multiplicity and diversity; Torah, however, embraces both realities. That is why Gd communicated the Torah to us in both forms: first He spoke the entirety of Torah as a “single utterance,” and then He re-communicated it to us in the form of multiple laws, precepts and teachings. For in truth, one might ask: Since Gd, in any case, repeated His communication at Sinai as ten distinct precepts, what was the purpose of initially speaking them as a “single utterance”? But Gd desired that we should relate to and implement the Torah not only on our human terms, but also on His terms. He desired that through Torah we should connect to, and reveal within creation, the divine singularity that transcends the bifurcations and fragmentations of a physical existence defined by the particularizations of time and space. For this purpose, even a most inclusive communication of Torah as the two precepts “I am Gd your Gd” and “You shall have no other gods before Me” would not suffice. Rather, at Sinai we were given the Torah also as a “single utterance” within which even the most fundamental plurality of them all—the difference between “yes” and “no”—exists as a singular truth.<sup>29</sup>

G d desired that we reveal the divine singularity that transcends the bifurcations of a physical existence

These two paradigms run as countercurrents through every field of Torah study. A fundamental principle of Talmudic dialectic is the principle of *tzerichutha* (“it is needed”). If two similar laws are cited, the Talmud searches for the differences between them; otherwise, why would both be needed? A

seemingly extra clause or more elaborate wording in the text of a law is also seen as “needed,” and invariably is revealed to be referring to an additional legal scenario, with its own distinct ruling. Yet Talmudic dialectic also includes the principle of *leshitathaihu* (“according to their approach”), meaning that when two different laws are cited, we seek the single principle which they both express. A distinctive feature of the Rebbe’s Talmudic discourses is his integration of both principles. A case in point is the Rebbe’s *Hadran on the Six Orders of the Mishnah*,<sup>30</sup> in which he cites seven different halachic disputations between the House of Shammai and the House of Hillel, shows how they all derive from the same fundamental disagreement, and then proceeds to demonstrate how each of the seven debates represents a distinctive form of the debated principle, so that each is “needed.”

## Footnotes

1. See *Leviticus 11:47*, “To differentiate between the pure and the impure, between the animal that may be eaten and the animal that may not be eaten,” upon which Rashi (citing *Torath Kohanim*) comments: “Need this be said regarding the difference between a donkey and a cow?... Rather, this is to tell us to differentiate between the animal which had half its windpipe cut [during the slaughtering] and the animal which had most [i.e., a hairsbreadth more than half] of its windpipe cut... Need this be said regarding the difference between a wild ass and a deer? Rather, this is to tell us to differentiate between an animal in which there developed a defect which yet leaves it fit to be eaten and an animal in which there developed a defect which renders it unfit to be eaten.” Also see the Rebbe’s analysis of this commentary by Rashi in *Likutei Sichoth*, vol. 7, pp. 65–73.
2. R. Schneur Zalman of Liadi, *Likutei Torah, Re’eh 30b*, and *Sefer haMaamarim 5567*, p. 328; R. DovBer of Lubavitch, *Torath Chayim, Bereishith 32a*; R. Shalom DovBer of Lubavitch, *Yom Tov Shel Rosh Hashanah 5666*, p. 88; et al.
3. *Psalms 1:2–3*.
4. *Zohar 3:202a*.
5. *Zohar ibid.* and *1:47b*; *Bamidbar Rabbah 13:15*; et al.
6. R. Chayim Vital, *Shaar haGilgulim 17*.
7. *The Phenomenon of Machaloketh*, chapter 3 above.
8. *Proverbs 3:17*.
9. *Mishneh Torah, Laws of Chanukah 4:14*.
10. *Bereishith Rabbah 1:2*: “An architect who builds a palace does not do so on his own—he has scrolls and notebooks which he consults how to place the rooms, where to set the doors. So it was with Gd: He looked into the Torah and created the world.”
11. *Sefer ha-Sichoth 5751*, vol. 2, pp. 550–553, et al.
12. *Likutei Sichoth*, vol. 17, p. 412.
13. See chapter 6, *The Torah Expositions of the Sages: Extraction or Innovation?* above.
14. *Talmud, Makoth 23b–24a*.
15. *Psalms 15:1–5*: “A song by David: Who shall sojourn in Your tent, and who shall dwell on Your holy mountain? One who walks with integrity, and does righteousness, and speaks truth in his heart; who does not slander with his tongue, does not do evil to his fellow, and does not tolerate the disgracing of his neighbor; in whose eyes a vile person is despised; who honors those who fear Gd; who takes an oath to his own detriment and does not abjure; who does not put his money in usury, and does not take the most innocent bribe; he who does these shall never fall.”
16. *Isaiah 33:15*: “He who walks righteously, and speaks uprightly; he that despises the gain of oppressions, shakes his hand from the holding of bribes, stops his ears from the hearing of blood, and shuts his eyes from the seeing of evil.”
17. *Micah 6:8*: “What does Gd require of you, but to do justice, love charity, and walk humbly with your Gd.”
18. *Isaiah 56:1*: “So said Gd: Keep justice and do righteousness.”
19. *Habakkuk 2:4*: “The righteous one lives by his faith.” Other Talmudic sages also identified “inclusive” precepts which they

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saw as enfolding the whole of Torah within them. R. Akiva regarded the axiom "Love your fellow as yourself" (Leviticus 19:18) as "a great inclusive principle of the Torah," and Hillel famously declared, "What is hateful to yourself, do not do to your fellow. This is the entire Torah—the rest is commentary" (Jerusalem Talmud, Nedarim 9:4; Talmud, Shabbath 31a). Also see the sayings by Ben Zoma, Ben Nanas, and R. Shimon ben Pazi cited in the introduction to Ein Yaakov.

**20.** Bamidbar Rabbah 13:16; Zohar 2:90b; Targum Yonathan and Rashi to Exodus 24:12. R. Saadiah Gaon writes: "We contemplated with much investigation and great exactitude, and we found that there does not remain any mitzvah... that is not included within the Ten Commandments which our fathers heard at Mount Sinai... And when I labored to categorize them and to join to each Commandment that which resembles it, I found that eighty of them belong to "I am," sixty to "You shall not have," forty-eight to "Do not swear," seventy-five to "Remember the Shabbath day," seventy-seven to "Honor your father and your mother," fifty to "Do not kill," fifty-eight to "Do not commit adultery," fifty-nine to "Do not steal," and fifty-four to "Do not covet"; altogether, six hundred and thirteen." (R. Saadiah Gaon's commentary to Sefer Yetzirah. In his "Azharoth" for the festival of Shavuoth, R. Saadiah enumerates which mitzvoth belong to each of the Ten Commandments.) The Ten Commandments contain a total of 620 letters, corresponding to the 613 biblical mitzvoth and the seven rabbinically instituted mitzvoth (R. Saadiah Gaon, *ibid.*; Baal haTurim to Exodus 20:14; Shaloh 316a).

**21.** "The commandment 'I am Gd your Gd...' contains all 248 positive commandments, and the commandment 'You shall have no other gods before Me...' contains all 365 prohibitions. This is why we heard only these two commandments from the mouth of the Almighty, as the sages teach us, because they include the entire Torah" (Shaloh 315b; Ohr haChayim to Exodus 20:1; Tanya, chapter 20).

**22.** Maharsha, Makoth 23b; R. Dov Ber of Mezheritch, Magid Devarav le-Yaakov 158.

**23.** Zohar 2:85b: "We learned: When the word Anochi was said, all the commandments of the Torah, which are unified with the Holy King... all were included within that word." Also see Zohar 2:25a and Shaloh 316b.

**24.** The Rebbe, Sichoth Kodesh, Purim 5720; see also R. Yaakov Yosef of Polnaah, Ben Porath Yosef 23d.

**25.** Exodus 20:1.

**26.** Mechilta to Exodus 20:1; Rashi *ad loc.*

**27.** See chapter 7, *The Role of Moses in the Transmission of the Written Torah* above.

**28.** Maharsha on Talmud, Makoth 23b.

**29.** Sefer haSichoth 5751, vol. 1, pp. 302–318; Likutei Sichoth, vol. 31, p. 95; et al. Also see Likutei Sichoth, vol. 6, pp. 119–129.

**30.** Published in Sefer haSichoth 5748, vol. 2, pp. 645–668.

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# 11. Two Aspects of the Mitzvah: Divine Decree and Refining Deed

Yet another area where the Rebbe applies the collusion of the divine and the human in Torah is in his exploration of the essence and function of the mitzvot, the divine commandments of the Torah.

*Mitzvah* means “commandment.” Wherever the Torah contains an instruction from Gd to us—“Remember the day of Shabbath to sanctify it,”<sup>1</sup> “You shall bind then as a sign upon your arm, and they shall be as phylacteries between your eyes,”<sup>2</sup> “Open your hand to your brethren, to your poor,”<sup>3</sup> etc.—this is a mitzvah. As noted above, the sages identify 613 mitzvot in the text of the Written Torah, whose details and particulars are expounded in the Oral Torah. The Kabbalists and the Chasidic masters note that the word *mitzvah* also means “bond” and “connection,” as the act of a mitzvah connects its human actor with its divine commander.<sup>4</sup>

The connection that a mitzvah establishes is only because Gd desired that it should constitute the fulfillment of His will

In a number of essays and talks,<sup>5</sup> the Rebbe presents two perspectives on the mitzvah. The first perspective sees the most significant thing about a mitzvah as the fact that the person performing it fulfills a divine commandment. Viewed in this light, the content and nature of the act are of secondary significance. Gd is infinite, and the human being, and anything he or she does or achieves, is finite; so if the act of a mitzvah establishes a connection between its divine commander and the person who fulfills the command, this is not because of any intrinsic significance that action might possess, but only because Gd desired that it should constitute the fulfillment of His will. In the words of Rabbi Schneur Zalman of Liadi, “Had we been commanded by Gd to chop wood” (i.e., an act devoid of any spiritual utility), it would be no less a fulfillment of a divine desire than the most meaningful and enlightening deed.<sup>6</sup>

From this perspective, there are no essential differences between mitzvot. One mitzvah may entail tremendous sacrifice and many years of spiritual preparation to fulfill, while another mitzvah might



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be carried out with a single, effortless action; ultimately, however, no human accomplishment can be said to be more significant in relation to Gd than any other.<sup>7</sup> What is significant is the fact that this action was commanded by Gd and deemed by Him to constitute the fulfillment of His will—a quality which every mitzvah shares equally.<sup>8</sup>

This essential synonymy of all divine commands is reflected the sayings of the sages, “Be as diligent with a minor mitzvah as with a major one, as you cannot know the rewards of the mitzvah”;<sup>9</sup> and “Do not sit and weigh the commandments of the Torah.”<sup>10</sup> This is also the basis of the halachic rule that “one who is occupied with doing a mitzvah is absolved from a different mitzvah” (for example, one who is caring for a sick person during the festival of Sukoth is not obligated to eat in the *sukah*).<sup>11</sup> Because all mitzvah share a singular essence—fulfillment of the divine will—one who is actively performing one mitzvah need not interrupt it to fulfill another, even if the second mitzvah is ostensibly a “greater” one, since he already is in essence doing it.<sup>12</sup>

But there is also another perspective on the mitzvah: the mitzvah as tools for the perfection and refinement of human life. In the words of Bereishith Rabbah:

***It is written, “Gd, His way is perfect, the word of Gd is refined...”<sup>13</sup> Said Rav: The mitzvah were given in order to refine the human being. For what does Gd care if one slaughters (an animal) from the throat or one slaughters from the nape? But the mitzvah were given in order to refine the human being.<sup>14</sup>***

From this perspective, there are differences between mitzvah; in fact, no two mitzvah are the same. The human being is multifaceted: we have positive traits that need to be developed, and negative traits that need to be curbed and sublimated; we have a spiritual self and a material self; an intellectual life, an emotional life, a family life, a social life, a financial life, a political life. And everything we do is influenced by the particulars of time and space. Because all mitzvah share a singular essence, one who is actively performing one mitzvah need not interrupt it to fulfill another mitzvah. So any program whose purpose is to “refine the human being” must address itself to each of these individual components of human life, to each on its individual terms. Accordingly, the mitzvah of the Torah include positive precepts and negative prohibitions; mitzvah involving thought, mitzvah involving feeling, mitzvah pertaining to speech, and mitzvah requiring action; mitzvah governing diet, dress, marital relations, agriculture, home construction, business and governance; mitzvah pertaining to specific days of the year, mitzvah pertaining to specific times of the day, mitzvah pertaining to specific structures and domains in physical space. Thus, there are 613 mitzvah—248 positive precepts and 365 prohibitions—corresponding to the 248 organs and limbs of the human body and its 365 veins.<sup>15</sup> On this level, there are “major” mitzvah and “minor” mitzvah—just as there are major and minor organs in the human body, and major and minor components to human life—as each mitzvah

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refines and transforms a different aspect of the person who fulfills it.

This, says the Rebbe, is the deeper meaning of the well-known *mishnah*:

***Rabbi Chananya ben Akashia said: Gd wanted to give merit to the people of Israel; therefore He multiplied for them Torah and mitzvot. As it is written (Isaiah 42:21): "Gd desires for the sake of His righteousness; He will make Torah greater and more powerful."***<sup>16</sup>

This *mishnah*, the Rebbe explains, addresses a fundamental question about the Torah and its commandments: why is there such a *multiplicity* of Torah and mitzvot?

Every mitzvah, and every concept in Torah, is different from every other mitzvah or concept, and at times is its very opposite. We have a general distinction between positive mitzvot and negative mitzvot; differences between "testimonials," statutes" and "laws";<sup>17</sup> and finally, we have 613 distinct mitzvot, each with its own characteristics, meanings and purpose... The same is the case with Torah learning. Every idea in Torah has four levels of interpretation—plain meaning, allusion, exegesis and mystical. Each has "forty-nine sides of purity" and "forty-nine sides of impurity." There are "seventy paces to the Torah," and each aspect of Torah has 600,000 meanings.

This requires explanation. The Torah and its mitzvot were given by the One Gd, and their purpose is to draw down and reveal the truth that "Gd is one and His names is one"<sup>18</sup>—the absolute singularity of Gd. Obviously, then, our service of Gd should be permeated with this objective: every mitzvah we do should express the singular goal of achieving the union of the observer of the mitzvah with the absolute singularity of Gd. So, too, with our study of Torah—its purpose is that through studying and comprehending the divine wisdom, we unite with the Giver of the Torah...<sup>19</sup>

Any program whose purpose is to 'refine the human being' must address each of the individual components of human life

So, if the purpose and function of Torah and mitzvot is unity, why are they themselves of such a multiplicitous and diverse format?<sup>20</sup>

The answer, says the Rebbe, lies in the opening words of the *mishnah*, "Gd wanted to give merit to the people of Israel..." The Hebrew word used here for "to give merit," לזכות (*le-zakoth*), also means "to refine." "Gd wanted to refine the people of Israel," the *mishnah* is saying, "therefore He multiplied for them Torah and mitzvot."

Indeed, the Rebbe goes on to explain, the function of the Torah and *mitzvot* is to unite us, and the world in which we live, with Gd. However, there are two distinct ways in which this union is achieved. The first is through "abnegation" (*bitul*), and the second, through "refinement" (*zichuch*).

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“Abnegation,” because the cardinal truth of reality is that “there is none else besides Him”<sup>21</sup> —that Gd is one and only reality. Everything else is but the manifestation of Gd’s desire that it be. Hence the truth that “Gd is one and His name is one”: Gd is the one and only reality, as the entirety of creation is His “one name,” His singular self-expression. The fragmented and multiplicitous reality we experience is a concealment and distortion of this truth. Torah and mitzvot are the means by which we dissolve this concealment and reveal the divine singularity. When the human mind is transformed into a receptacle of divine wisdom, when human life is remade as an exercise in the fulfillment of the divine will, we become one with Gd.

In this sense, studying Torah is an act of “abnegation,” as the human mind and intellect become an “empty vessel” to receive the divine wisdom. Performing a mitzvah is an act of “abnegation,” as the manifold desires and aspirations which constitute the human self give way to the singular goal of fulfilling the divine desire.

Hence the question: Would this objective not be better served if the whole of Torah consisted of one great idea and one great mitzvah, which we would devote our entire being to mastering and fulfilling? In truth, the whole of Torah *is* one idea; all mitzvot are, in essence, a single mitzvah. But this is its deeper, underlying truth. On the surface, Torah is comprised of myriads of ideas, each with myriads levels of understanding, corresponding to the multiple forms that the human intellect assumes and the multiple pathways it follows; and it has 613 mitzvot, corresponding to every aspect of our existence. Why is the Torah conforming to the very concealment and distortion it comes to debunk?

Why is the Torah conforming to the very concealment and distortion it comes to debunk?

This is where the second method of unification comes in. Torah and its commandments unite us with Gd not only by abnegating the multiplicity of the created reality, but also by *refining* it.

With the abnegation approach, human nature is made to naught and thus unites with its Creator. With the refinement approach, we retain our natural characteristics, yet these selfsame characteristics are refined and perfected through our study of Torah and our fulfillment of mitzvot. The divine unity is revealed, not because the multiplicity of the created state has been dissolved, but rather because that selfsame multiplicity has become saturated with and perfected by the divine wisdom and will.

Otherwise stated: With both approaches, Torah and mitzvot unite us with Gd. But with the “abnegation” approach, this unity is achieved on Gd’s terms, so to speak: we surrender all that makes us what we are, in order to allow His reality to permeate our being. With the “refinement” approach, the unity is achieved on our terms: our own multiplicitous existence is enhanced and perfected through its study of Torah and its fulfillment of the mitzvot.<sup>22</sup>

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## Footnotes

1. Exodus 20:8.
2. Deuteronomy 6:8.
3. Deuteronomy 15:11.
4. Shaloh 51b and 239b; R. DovBer of Mezheritch, *Magid Devarav le-Yaakov* 259; R. Levi Yitzchak of Berditchev, *Kedushath Levi to Genesis 18:19*; R. Schneur Zalman of Liadi, *Likutei Torah, Bechukothai* 45c; et. al.
5. *Likutei Sichoth*, vol. 4, pp. 1193ff; vol. 13, p. 69; vol. 15, p. 140; vol. 30, p.151; et al.
6. *Likutei Torah, Shelach* 40a; *Yom Tov Shel Rosh Hashanah* 5666, p. 54.
7. By way of analogy, the number 1,000,000 is one million times greater than the number 1, yet it is no closer to infinity.
8. R. Schneur Zalman of Liadi, *Likutei Torah, Shelach* 39a-40a; R. DovBer of Lubavitch, *Atereth Rosh* 58a ff.
9. *Ethics of the Fathers* 2:1.
10. *Tanchuma, Eikev* 2.
11. *Talmud, Sukah* 25a.
12. *Ragachover Gaon, Tzafnath Paaneach, Kelalei Ha-Torah vaha-Mitzvah*, s.v. "Ha-Osek be-mitzvah patur min ha-mitzvah;" R. Shalom DovBer of Lubavitch, *Yom Tov Shel Rosh Hashanah* 5666, p. 522, and *Be-Shaah she-Hikdimu* 5672, p. 1081; also see Maimonides' commentary to *Avot* 2:1, and *Likutei Sichoth*, vol. 4, p. 1192, footnote 2.
13. *Psalms* 18:31.
14. *Bereishith Rabbah* 44:1.
15. *Zohar* 1:170b; *Bechayei to Exodus* 20:17; also see *Talmud, Makoth* 23b.
16. *Makoth* 3:16.
17. See footnote #21 in chapter 1 above.
18. *Zechariah* 14:9.
19. In the words of Tanya: "When a person knows and grasps in his mind a Torah law... he thereby grasps and holds and encompasses with his mind the divine wisdom and will... while his mind is simultaneously enveloped within them. This makes for a wonderful union, like which there is none other and which has no parallel anywhere in the material world, whereby complete oneness and unity, from every side and angle, is attained... This is the reason that the Torah is referred to as "bread" and "food." For just as physical food nourishes the body by entering into its very innards and becoming transformed into blood and flesh of its own flesh, and thereby vitalizes and sustains it, so it is with the knowledge and understanding of the Torah within the soul of the person who studies it well, with a concentration of his intellect, until the Torah is absorbed by his intellect and is united with it so that they become one. The Torah becomes "food" for the soul and its inner vitality, from the source of all life, the Infinite One, blessed be He, who invests Himself within His wisdom and His Torah" (Tanya, chapter 5). Similarly, regarding the act of performing a mitzvah, "...the [person's] power of action clothes itself within the vitality of the mitzvah-action, and becomes to the divine will as a body to its soul, and is completely nullified to it. In consequence, also the organs and limbs of the person performing the mitzvah—the hand that distributes charity to the poor or performs some other mitzvah; the feet that walk to do a mitzvah; the mouth and tongue which speak words of Torah; the brain that thinks words of Torah, fear of Heaven and the greatness of Gd—... become vehicles of the divine will" (Tanya, chapter 23).
20. *Likutei Sichoth*, vol. 17, pp. 411–412.
21. *Deuteronomy* 4:35.
22. *Likutei Sichoth*, vol. 17, pp. 412–417.