

שמות פרק לא:ח

ויתן אל משה ככלתו לדבר אתו בהר סיני שני לחת העדת לחת אבן כתבים באצבע אלהים

שמות רבה (וילנא) פרשה מא ד"ה ו ד"א ויתן

ד"א "ויתן אל משה" –

אמר ר' אבהו:

כל מ' יום שעשה משה למעלה היה למד תורה ושוכח.

א"ל: רבון העולם, יש לי מ' יום ואיני יודע דבר!

מה עשה הקב"ה?

משהשלים מ' יום, נתן לו הקב"ה את התורה מתנה, שנאמר "ויתן אל משה".

וכי כל התורה למד משה? כתיב בתורה (איוב יא) "ארוכה מארץ מדה ורחבה מני ים", ולארבעים יום למדה משה!?

אלא כללים למדהו הקב"ה למשה - הוי "ככלותו לדבר אתו".

מנחות כט:

אמר רב יהודה אמר רב: בשעה שעלה משה למרום, מצאו להקב"ה שיושב וקושר כתרים לאותיות.

אמר לפניו: רבש"ע, מי מעכב על ידך?

אמר לו: אדם אחד יש שעתידי להיות בסוף כמה דורות ועקיבא בן יוסף שמו, שעתידי לדרוש על כל קוץ וקוץ תילין תילין של הלכות.

אמר לפניו: רבש"ע, הראהו לי.

אמר לו: חזור לאחורך.

הלך וישב בסוף שמונה שורות, ולא היה יודע מה הן אומרים; תשש כחו.

כיון שהגיע לדבר אחד, אמרו לו תלמידיו: רבי, מנין לך?

אמר להן: הלכה למשה מסיני.

נתיישבה דעתו. חזר ובא לפני הקב"ה, אמר לפניו: רבוננו של עולם, יש לך אדם כזה ואתה נותן תורה ע"י?

אמר לו: שתוק! כך עלה במחשבה לפני.

אמר לפניו: רבוננו של עולם, הראיתני תורתו, הראני שכרו.

אמר לו: חזור [לאחורך].

חזר לאחוריו, ראה ששוקלין בשרו במקולין.

אמר לפניו: רבש"ע, זו תורה וזו שכרה?

א"ל: שתוק, כך עלה במחשבה לפני.

רש"י מנחות כט:

נתיישבה דעתו של משה הואיל ומשמו אומר אע"פ שעדיין לא קיבלה

תלמוד בבלי מסכת שבת דף פט עמוד א

ואמר רבי יהושע בן לוי בשעה שעלה משה למרום מצאו להקדוש ברוך הוא שהיה קושר כתרים לאותיות אמר לו משה אין שלום בעירך אמר לפניו כלום יש עבד שנותן שלום לרבו אמר לו היה לך לעזרני מיד אמר לו (במדבר יד) ועתה יגדל נא כח ה' כאשר דברת

Shmot 31:18

He gave to Mosheh *kekhaloto* (as he finished speaking with him) in Mount Sinai two tablets of stone . . .

Shmot Rabbah 41:6

Another interpretation: "He gave to Mosheh" –

Said R. Avahu:

All 40 days that Mosheh was On High, he would learn Torah and forger it.

He said to Him: Master of the Universe, I have spent 40 days and I know nothing!

What did the Holy Blessed One do?

When the 40 days were complete, He gave Him the Torah as a gift, as Scripture says: "He **gave** to Mosheh".

Did Mosheh learn all the Torah? The Torah writes (reflexively): "Broader than the land its measure, and wider than the sea, and Mosheh learned it in 40 days?"

Rather – The Holy Blessed One taught him principles = *kelalim* – thus "*kekhaloto*".

Menachot 29b

Said Rav Yehudah in the name of Rav: When Mosheh went On High, he found The Holy Blessed One tying crowns onto letters.

He said before Him: Master of the Universe, who is preventing you (from giving the Torah as is)?

G-d replied: There will be a man, Akiva son of Joseph by name, who will derive from each point of these crowns heaps and heaps of laws.

He said before Him: Master of the Universe, show him to me.

G-d replied: Turn around.

He went and sat at the end of the eighth row, and had no idea what they were saying, so he grew faint.

When they hit a certain matter, R. Akiva's students asked him: Rebbe, where do you get this from?

He said to them: It is a Law from Mosheh at Sinai.

This settled his mind.

He returned to The Holy One Blessed Be He and said before Him: Master of the Universe, You have such a man and yet You give the Torah through me?

G-d replied: Be silent! Thus it came up in My Mind.

He said before Him: Master of the Universe: You have shown me his Torah – show me his reward!

G-d replied: Go backward.

He went and saw R. Akiva's flesh being weighed in baskets in the marketplace.

He said before him: Master of the Universe, this is Torah and this is its reward?!

G-d replied: Be silent! Thus it came up in My Mind.

Rashi Menachot 29b

"This settled his mind" – Mosheh's, since R. Akiva was saying it in his name even though he had not yet received it.

Shabbat 89a

Said Rabbi Yehoshua ben Levi: When Moshe went up on High, he found the Holy Blessed One tying crowns onto letters.

Hashem said to him: "Moshe, is there no custom of "Peace" (greeting) in your city"?

Moshe replied: Is it customary for a servant to greet his master first?

He replied: Be with Me to help Me:

Immediately Mosheh said: "Now, let the strength of Hashem grow as You have spoken".

The story of Mosheh in Rabbi Akiva's classroom (Menachot 29b) is often cited as justifying the deliberate interpretation of halakhic precedents in ways that their authors would never have intended, just as Rabbi Akiva interpreted the Mosaic tradition in ways incomprehensible to Mosheh, and therefore clearly not congruent with the tradition that Mosheh passed on to Israel. This reading has always seemed to me incorrect, because as Rashi notes, the story clearly takes place *before* Mosheh receives the Torah – indeed, what Mosheh is asking is why Hashem has not yet given the Torah to him. It therefore cannot tell us anything directly about the relationship between R. Akiva's Torah and the Torah Mosheh received.

What then, is the story about? Why do we care that Mosheh was unable to understand Rabbi Akiva's shiur, and why was his mind settled by being cited, if he could not evaluate the accuracy of the citation?

Let's begin by tracing the history of several elements of the story.

From an exegetical perspective, it seems clear to me that the image of Hashem affixing the crowns is built on the same pun as numerous other midrashim here – “kekhaloto” = like His bride. In addition, there are at least three, and possibly five or six, different broadly attested rabbinic narratives that occur “when Mosheh went On High”, one of which, on Shabbat 89a, also has Mosheh finding Hashem tying crowns to the letters. Several of the others describe Mosheh in open or subtle conflicts with angels, who see him as an unwarranted trespasser come to steal their treasure (cf. Jack and the Beanstalk). Collectively, then, the opening “When Mosheh went up on High” seems intended to emphasize the incongruity – when a human being went where angels tread in awe.

In that light, the expected answer to “who is preventing you from giving the Torah?” is “the angels” – so it is quite surprising, perhaps even amusing, when it turns out that it is instead another human being. But this shifts the incongruity – the question is now not what a human being is doing in Heaven, but rather what **this** human being is doing there. Here it seems to me that the story of Rabbi Akiva's classroom is connected to Shemot Rabbah's description of Mosheh as an inadequate student, who eventually has to receive the Torah as a gift rather than genuinely learning it (the Vilna Gaon reportedly turned down a similar offer).

Now the MaharZu to Shemot Rabbah reads the section above as consecutive, and therefore sees Mosheh's limits as inherent – no human being could comprehend Torah in its infinite details, so he was given it as a finite set of abstractions. But I prefer to see the two elements of the text as alternatives, so that according to the first, Rabbi Akiva could have mastered, and perhaps eventually did, the entire Torah in its details. We are left to wonder why G-d gives the Torah to an inadequate student, but while we might speculate, the text itself claims this is as imponderable as why bad things happen to good people.

Perhaps we can even put all the stories together. Perhaps Rabbi Akiva's capacity to deduce heaps of laws from decorative elements of letters symbolizes the capacity to derive details from principles, so that we understand that giving **him** the Torah in the form of kelalim would not have been partial, in the way it was for Mosheh. The question then becomes why G-d thought it better to give the Torah in a way that left its details undefined, or perhaps even undetermined,

I suggest that the practical legal applications of abstractions are necessarily bound by culture – they cannot be true across all cultures. Making law is the process of reducing discretion, and almost always requires us to behave less-than-ideally in some circumstances for the sake of ensuring that we behave ideally in many others. But it makes a real difference when and where and by whom the details are determined, even if each determiner would do so properly for their own context.

One of the most important tasks of a halakhic leader is to decide which halakhot are best formalized, so that the reality of your own community becomes (or at least you make the claim it ought to become) the governing framework of Klal Yisroel, and which are best left abstract, so that other communities can legitimately practice differently without denying your authority. I, for example, would like signing the halakhic prenup to become a halakhic norm, and not allow communities with different conceptions of the proper distribution of power in marriage to resist it, although this is an ambitious goal when even Modern Orthodoxy has not yet reached the point of universal signing. But I think in many other areas, ranging from kibbud av vaeim to contraception, we may be best off maintaining abstraction for now, for two reasons:

- 1) Sometimes we may not yet have enough factual information, or enough perspective to realize whether our culture is fairly standard or a real outlier.
- 2) It is often – not always, but often – easier to hold a community together when its fights are about abstractions rather than law.

However, it is important to realize that maintaining abstraction does not necessarily mean that all options are permitted – more often, it maintains the practical halakhic status quo, and this of course can be a heavy price to pay.

Shabbat Shalom

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