



Torah From Heaven

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Parashat Eikev 5779

In Parashat Eikev, Moshe's narration arrives at Sinai. Moshe describes the time that he ascended the mountain in order to receive the Torah:

דברים ט:ט

בַּעֲלֹתִי הַהָרָה לְקַחַת לְוַחַת הָאֲבָנִים לְוַחַת הַבְּרִית אֲשֶׁר כָּרַת ה' עִמָּכֶם וְאֲשַׁב בְּהָר אֲרָבָעִים יוֹם
וְאֲרָבָעִים לַיְלָה לֶחֶם לֹא אָכַלְתִּי וּמַיִם לֹא שָׁתִיתִי:

Devarim 9:9

When I went up the mountain to take the stone tablets of the covenant that God had established with you, I sat on the mountain for forty days and forty nights. I didn't eat bread and I didn't drink water.

This description raises a serious midrashic question about our connection to the Torah and our rights to it:¹ If the Torah is meant for us and belongs to us, then why does Moshe have to scale a mountain and fast for forty days and nights in order to receive it? If we are ultimately going to conclude that the Torah is not in heaven,² why does it start out there? What do we learn about the nature of learning Torah and integrating the Torah into our lives from the fact that Moshe had to go to heaven in order to learn it?

¹ One way in which Rabbinic literature struggles with the question of whether or how *Benei Yisrael* came to deserve the Torah is by asking why it is that the gentiles did not receive the Torah. See for example Talmud Bavli Avodah Zarah 2b, Pirkei DeRabbi Eliezer 41.

² Devarim 30:12. See Talmud Bavli Bava Metzia 59b.



When Moshe ascends the mountain, he goes up alone. And although he was indeed isolated from other human beings, once he reaches the summit, Moshe is no longer alone. The heavens are quite populated by angels and Moshe is imagined as being in sustained and heated argument with them:

תלמוד בבלי שבת פח:-פט.

ואמר רבי יהושע בן לוי: בשעה שעלה משה למרום, אמרו מלאכי השרת לפני הקדוש ברוך הוא: "רבנו של עולם! מה לילוד אשה בינינו?!" אמר להן: "לקבל תורה בא." אמרו לפניו: "חמודה גנוזה שגנוזה לך תשע מאות ושבעים וארבעה דורות קודם שנברא העולם אתה מבקש ליתנה לבשר ודם? מה אנוש כי תזכרנו וכן אדם כי תפקדנו? ה' אדנינו מה אדיר שמך בכל הארץ אשר תנה הודך על השמים!" אמר לו הקדוש ברוך הוא למשה: "החזיר להן תשובה!"... אמר לפניו: "רבנו של עולם, תורה שאתה נותן לי מה כתיב בה? אנכי ה' אלהיך אשר הוצאתיך מארץ מצרים." אמר להן: "למצרים ירדתם? לפרעה השתעבדתם? תורה למה תהא לכם? ...! שוב מה כתיב בה? זכור את יום השבת לקדשו. כלום אתם עושים מלאכה שאתם צריכין שבות? ...! שוב מה כתיב בה? לא תרצח לא תנאף לא תגנב.³ קנאה יש ביניכם יצר הרע יש ביניכם?" מיד הודו לו להקדוש ברוך הוא, שנאמר ה' אדנינו מה אדיר שמך בכל הארץ!...

Talmud Bavli Shabbat 88b-89a

And R. Yehoshua ben Levi further said: When Moshe ascended to the heavens, the ministering angels said [to] the Holy Blessed One, "Master of the Universe! What is one born of woman doing among us?!" [God] said to them, "He came to receive the Torah." They said back to Him, "A beloved treasure that has been stored for You for 974 generations before the world was created and You want to give it to a person of flesh and blood?! **What is a person that You should remember him, a human being that You should take him into account? Our master, God, what glory could be brought to Your name in the earth? You should place Your splendor [in] heaven!**"⁴ The Holy Blessed One said to Moshe, "Respond to them!" [Moshe] said [to God], "Master of the Universe! The Torah that You are giving to me, what is written in it?" **I am HaShem your God who has taken you out of the land of Egypt.** [Moshe said to the angels], "Did you go down to Egypt? Were you enslaved by Pharaoh? Why would the Torah be for you?!... Further, what is written in it? **Remember the day of Shabbat to sanctify it.** Do you do any labor that you would need a rest?!... Further, what is written in it? **Do not murder, do not commit adultery, do not steal.**"⁵ Is there jealousy among you? Is there an evil inclination among

³ In his argument, Moshe goes through most of the ten commandments. The verses correspond to Shemot 20:2-13.

⁴ My translation follows the midrashic reading here, not the straightforward translation of the verse. The NRSV translation reads: **O Lord, our Sovereign, how majestic is your name in all the earth! You have set your glory above the heavens.**

⁵ Rabbinically, this commandment is understood to refer to the stealing of human beings, kidnapping.



you?” Immediately they agreed with God (in His decision to give humans the Torah) as it says, **Our Master, God, what glory could be brought to Your name in the earth!**⁶

This passage assumes that the Torah existed for many generations before there were any human beings, let alone Moshe himself to receive it. Therefore the angels are accustomed to having it as a heavenly treasure which they are responsible to guard. The angels correctly identify that human beings are fallible and giving the Torah to human beings almost guarantees that the Torah will be ignored, violated, and devalued. God encourages Moshe to respond to them, which he does by going through the commandments and illustrating to the angels that the Torah is not relevant to them. The Torah is particular to Jewish history and human needs. Moshe does not argue that the Torah will be “safe” with *Benei Yisrael* and that all of its laws will be observed, but he does forcefully convince the angels that without humanity, the Torah can never be kept or practiced in a full and meaningful way.

However, Moshe’s arguments are so solid, so obviously winning that they beg the question: Why did Moshe have to retrieve the Torah from the top of a mountain? Why was the Torah in the heavens at all? Why would the angels ever have stewardship over it if it is designed for and reflective of exclusively human needs?

The answer to this question is embedded in Moshe’s own description of what he was doing when he was up on the mountain of Sinai. First, though Moshe, of course, never says that he was fighting for the Torah, he does use the interesting verb *lakahat*, “to take” the Torah, rather than *lekabeil*, “to receive” the Torah. This provides support for the *midrash*’s idea that Moshe’s experience in heaven involved his wresting the Torah away from those who had it before. It was not simply “given” to him. Second, Moshe describes not eating and drinking as a core experience of his learning and taking the Torah. According to *Shemot Rabbah*, when Moshe was not eating food and drink, what he was eating was the Torah itself. There was something about his not eating which was instructive in the ways of the Torah:

⁶ In the first half of the story “*mah*, what” is treated as a straightforward interrogative and a challenge: **What glory could be brought to Your name in the earth?!** In this reading, *mah* is used in the same way as it is used in the other verse that the angels cite: **What is man that You would remember him?** In the second half of the story *mah* is changed into an exclamation: **What glory could be brought to Your name in the earth!** parallel to the way that *mah* is used in a different verse in Tehillim (104:24) **מָה רַבּוּ מַעֲשֵׂיֶיךָ ה' בְּלֶם בְּחָכְמָה עָשִׂיתָ מְלֶאֶה הַאֲרֶץ קִיְנִינָה. הַאֲרֶץ קִיְנִינָה. How great (*mah rabu*) are Your works God, You have made them all with wisdom and the earth is full of Your creations!**



שמות רבה מז:

מאין היה אוכל? מן התורה, שנאמר: בן אדם את אשר אתה תמצא אכול, ואכלה [ותיה בפי כדבש למתוק] (יחזקאל ג:א,ג). למה? שהתורה מתוקה, שנאמר: ומתוקים מדבש ונפת צופים (תהלים יט:יא).

Shemot Rabbah 47:7

From what did [Moshe] eat? From the Torah. As it says: **Human being, eat what you will find... and I ate it and it was in my mouth as sweet as honey.**⁷ Why? Because the Torah is sweet. As it says, **and they⁸ are sweeter than honey and the drippings of [honey]combs** (Tehillim 19:11).

In order to understand what Moshe learned from the Torah by not eating and drinking, it is helpful to understand why it is that Moshe did not consume any traditional bodily nutrition during his stay on the mountain. As Shemot Rabbah explains:⁹

שמות רבה מזה:

ויהי שם עם ה' (שמות לד:כ). וכי אפשר לו לאדם להיות ארבעים יום בלא מאכל ובלא משתה? רבי תנחומא בשם רבי אלעזר בן רבי אבין בשם רבי מאיר אומר: המשל אומר - אזלת לקרתא הלא בנימוסיה! למעלה, שאין אכילה ושתייה, עלה משה ונדמה להם. למטה, שיש אכילה ושתייה, ירדו מלאכי השרת ואכלו ושתי, שנאמר: והוא עמד עליהם תחת העץ ויאכלו (בראשית יח:ח)...

Shemot Rabbah 47:5

Moshe was there with God... (Shemot 34:20). And is it possible for a person to last for forty days without eating and drinking? R. Tanhuma in the name of R. Elazar son of R. Abin said in the name of R. Meir: The saying goes—if you go to a city abide by its norms!¹⁰ Above, where there is no eating or drinking, Moshe ascended and he made himself like them. Below, where there is eating and drinking, the ministering angels descended and they ate and drank, as it says, **And [Avraham] was standing upon [the angels] beneath the tree and they ate** (Bereishit 18:8).

According to R. Tanhuma quoting R. Meir, the reason why Moshe did not eat and drink on Mount Sinai is that he was in the society of angels and it would be impolite of him to do so. “When in heaven, do as the angels do.” And we also learn that the angels shared this same sense of propriety when they were guests in Avraham’s home. The angels ate and drank

⁷ In the verse, what Yehezkel is being asked to eat is a scroll of prophecy, though not the Torah itself.

⁸ God’s laws and instructions. See Tehillim 19:9-10.

⁹ A parallel teaching is found in Talmud Bavli Bava Metzia 86b.

¹⁰ This is the Aramaic equivalent of “when in Rome, do as the Romans do.”



politely, just as Moshe refrained from eating and drinking. This *midrash* teaches us that, in a certain sense, the angels are just like us: They have a society with norms which parallels our own society.

What we learn from this is that the Torah was not given to Moshe in a vacuum. Moshe did not receive or learn the Torah directly from God; Moshe took the Torah from the angels, and he learned from the angels as well. He saw the way that they conducted their angelic society, how they praised God, and how they worked with one another. This, no less than the particular dicta of the Torah, is what Moshe learned on the mountaintop. The Torah came from one community directly to and for another community. It did not come as an abstract set of laws and values, but as something that was held and valued and lived, albeit to an angelic extent.

This notion, that a proper society and its norms are necessary for the true implementation and understanding of the Torah, is reflected in a *midrash* in VaYikra Rabbah:

ויקרא רבה ט:ג

דאָמער רבי' יִשְׁמַעֵאל בֶּר רַב נַחֲמָן עֲשָׂרִים וְשֵׁשׁ דּוֹרוֹת קִדְמָה דְּרַב אֶרְךָ אֶת הַתּוֹרָה, הַדָּא הוּא דְכָתִיב: לְשׁוֹר אֶת דְּרַב עֵץ הַחַיִּים (בראשית ג:כד), דְּרַב, זוֹ דְּרַב אֶרְךָ, וְאַחַר כֵּן עֵץ הַחַיִּים, זוֹ תּוֹרָה.

VaYikra Rabbah 9:3

As R. Yishmael son of Rav Nahman said: Good manners (*derekh erez*) preceded the Torah by twenty six generations. In line with what is written: **to guard the way (*derekh*) of the tree of life** (Bereishit 3:24). **The way**, *derekh*, is *derekh erez*, good manners, and only subsequently **the tree of life**, which is Torah.

Just as the Torah existed for many generations before it was bequeathed to human beings (according to the Talmud in Shabbat), so too the notion of good manners, an appropriately run society, existed before the Torah itself. Behaving properly is primary. It needs to undergird how we approach our learning and our engagement with *mitzvot*. First we must understand what it means to be people and then we can learn how to be servants of God and students of the Torah. We learn these norms from each other, we learn these norms in community. This is where they are born and this is where they are adopted. We see that not only does the Torah create a good society, it also reflects a good society.¹¹

¹¹ This notion of “natural law” is also reflected in a statement of R. Yoḥanan that we would be able to learn basic morality/standards of comportment from observing animal behavior. See Talmud Bavli Eruvin 100b.



The danger of separating Torah from its human and communal context is articulated in Massekhet Berakhot:

תלמוד בבלי ברכות סג:

הסכת (דברים כז:ט). עשו כתות כתות ועסקו בתורה, לפי שאין התורה נקנית אלא בחבורה. כדר' יוסי ברבי חנינא דאמר: ... מאי דכתיב **חרב (על) הבדים ונואלו** (ירמיה נ:לו)? חרב על שונאיהם של תלמידי חכמים שיושבים בד בבד ועוסקים בתורה. ולא עוד אלא שמתפשים! כתיב הכא **ונואלו** וכתיב התם **אשר נואלנו** (במדבר יב:יא). ולא עוד אלא שחוטאים, שנאמר **ואשר חטאנו**.

Talmud Bavli Berakhot 63b

Pay attention¹² (*hasket*, Devarim 27:9). Divide yourselves into groups (*katot*) and engage in the Torah, since the Torah is only acquired through fellowship. Like R. Yosi son of R. Hanina, who said:... What does the verse teach as written **a sword on the diviners (*badim*) and they will be found foolish** (Yirmiyahu 50:36)? A sword against “the enemies of” Torah scholars (that is, Torah scholars themselves—DW) who sit in isolation (*bad b'vad*) and engage in Torah. And not only that, but they become foolish! As it says here **and they will be found foolish**, and it is written there **that we have acted foolishly** (BeMidbar 12:11). And not only that, but they will sin, as it says [in the continuation of the verse], **and we have sinned**.

The Torah has to be learned in community and with other people because that is the only way to learn it properly. Any other way of approaching the Torah is foolish at best, sinful and dangerous at worst. When a person studies alone there is no one there to tell her that her ideas are incorrect, but perhaps more importantly, there is no one there to show her that her ideas are impractical, inhuman, or inhumane. The proper way to learn how to honor one's parents is by being in a society of people who treat those who raised them with gratitude, respect, and sensitivity. If we learn how to honor our parents by reading and memorizing a list of dos and don'ts, we have not really learned anything about how one should honor. One can't learn how to pray from reading the Siddur or know the value of Shabbat, what it feels like to keep Shabbat, from reading the laws of forbidden labor in the Shulhan Arukh.

¹² It is also often translated as “be quiet” from the word *has*. This word only appears once in the entire Torah, a hapax legomenon. One way that the Rabbis tend to address the phenomenon of rare or loan words is to divide them into smaller, more recognizable words. This is how the concept of *katot*, groups is derived from the verse. The second half of the word *has-ket* can be pronounced as *has-kat*.



What Moshe taught the angels is that the Torah is meant to be lived by people with challenges, people with bodies, people with history. But what Moshe learned from the angels is that the way to learn *how* to live a life of Torah is to be in community with other people who are living a life of Torah values, living an angelic life of respect for one another and service to God. We need to learn to live and love Torah mimetically and together. And we need to appreciate one another as sources of what it means to be God's people.

Moshe continues his narration of his time on the mountain saying:

דברים ט:

וַיִּתֵּן ה' אֵלַי אֶת שְׁנֵי לוחֹת הָאֲבָנִים כְּתוּבִים בְּאֶצְבַּע אֱלֹהִים וְעַלֵּיהֶם כָּל הַדְּבָרִים אֲשֶׁר דִּבֶּר ה' עִמָּכֶם
בְּהַר מִתּוֹרַה הָאֵשׁ בְּיוֹם הַקֹּהֵל:

Devarim 9:10

God gave me the two tablets of stone, written by God's finger. And upon them were all of the things that God spoke to you on the mountain from inside the fire on the day of congregation.

Moshe's receiving of God's teaching, from God's own hand and written with God's own finger is contextualized as happening **on the day of congregation**. Moshe took the Torah from the society of angels and brought it to the society of people. When we learn Torah, we should strive to learn not only from the text itself, but from the people who value Torah and practice Torah. If we want to live a life of Torah, we need to learn a living Torah, a breathing Torah, and a Torah for human beings.

Wishing you a Shabbat of learning from one another.

Shabbat Shalom.

