

מֹשֶׁה קִבֵּל תּוֹרָה מִסִּינַי וּמִסָּרָה לִיהוֹשֻׁעַ
וַיְהוֹשֻׁעַ לְזִקְנִים וְזִקְנִים לְנְבִיאִים וְנְבִיאִים מִסָּרָה
לְאַנְשֵׁי כְנֶסֶת הַגְּדוֹלָה. הֵם אָמְרוּ שְׁלֹשָׁה דְבָרִים
הָיוּ מִתּוֹנִים בְּדִין וְהֵעֲמִידוּ תַלְמִידִים הֶרְבֵּה וַעֲשׂוּ
סֵג לַתּוֹרָה:

משנה מסכת אבות פרק א משנה א

Moses received the Torah from Sinai and transmitted it to Joshua; Joshua to the elders; the elders to the prophets; and the prophets handed it down to the men of the Great Assembly. They said three things: Be deliberate in judgment, raise up many disciples, and make a fence around the Torah.

משה קבל תורה מסיני

“*Moshe received Torah from Sinai,*” begins our Mishnah. This is curious. Why does it say that he received it from Sinai? Hadn’t he gotten it from the *Kaddosh Baruch Hu*?

It might be that this wording alludes to the famous midrash that tells of the highest mountains in Eretz Yisrael coming from afar to claim for themselves the rights to have the Torah given upon them. (According to the midrash, this illustrates the verse in Proverbs, “*A man’s haughtiness will humble him.*”) Came along Mount Sinai. It said, “I am very lowly.” Because of Sinai’s having said this, Hashem decided that this would be the mountain upon which He would rest His glory. This was the mountain upon which He would give the Torah. This illustrates the second part of that verse, “. . . *but one of humble spirit will grasp honor.*”

This taught Moshe Rabbeinu a lesson. “Look at this mountain. It’s nothing but soil and rock. Whatever it does, it will receive neither reward nor punishment. Yet, despite this, it humbled itself before the Creator. Personally, I am commanded to be modest. If I succeed, I am rewarded. If not, I’m punished. Compared to that mountain, how much more so must I humble myself before Hashem.”

That’s why the mishnah is worded, “*Moshe received the Torah from Sinai.*” It teaches us that just as Sinai merited to have the Torah given upon it because of *its* great humility, so did Moshe merit being chosen as the receiver of Torah due to *his* great humility.

The wording “Moshe received the Torah from Sinai” further hints to this idea by the fact that it says that he received it from “Sinai,” rather than “Mt. Sinai.” Mountains, of course signify great height. Great height signifies haughtiness. Omitting the “Mt.” from that name further suggests the absence of haughtiness.

This is therefore a fitting introduction to Avoth. For it includes the elements thematically central to this tractate: Proper Conduct and Acquisition of Torah. We learn that we cannot expect to properly acquire Torah except through humility. This we see from the juxtaposition of Moshe and Sinai.

Moshe received the Torah from Sinai and transmitted it to Joshua.

Why does the mishnah only say that Moshe “received” the Torah, whereas Joshua, and all the teachers of the following generations had the Torah “passed on” to them?

We might explain the difference in language this way: the recipient of a gift receives it completely intact, but afterwards, if that recipient bequeaths it to an heir, it may not be fully intact. Similarly, when a *rav* teaches Torah to a student, the student will retain only as much as his intellect allows him to comprehend. Since the student’s wisdom has a lesser scope than his *rav*’s wisdom, the student cannot be said to have received all the Torah that the *rav* possesses.

The mishnah, then, is teaching us that although Joshua was faithful to his task and taught all the Torah he had learned to the leaders of the next generation, he did not have the same capacity as Moshe Rabbeinu and could not receive it in the same perfect form as Moshe himself received it, directly from the Kadosh Baruch Hu. Thus the Torah that he passed on to the Elders was not quite the whole Torah that was originally in the Kadosh Baruch Hu’s possession.

The difference between Moshe Rabbeinu and Joshua bin Nun was that only Moshe ascended to a higher plane to learn Torah and bring it down to this earth. He did not eat or drink for forty days and nights; he was removed from material existence. Nearly all the gates of understanding were opened for him, such that he became almost Divine, as it were, as our Sages learned from the *pasuk*, “And You made him only a little less than G-d” (*Tehillim* 8:6; see *Rosh HaShanah* 21b). The Midrash says that “from the middle up” he was Divine, and that is a level that no man ever reached, a level higher than that of the ministering angels, as the Kadosh Baruch Hu Himself testified, “Mouth to mouth I shall speak to him, through vision and not through riddles, and he will behold the image of Hashem,” and nowhere do we find such statements about the angels.

Thus, Moshe was able to receive the Torah in its entirety, exactly as it was, directly from the Kadosh Baruch Hu, and therefore it is called by his name (see *Shabbat* 89a), or as the *pasuk* says, “Remember the Torah of Moshe My servant” (*Malachi* 3:23), for even his body was a spiritual entity and was able to take in the spiritual essence of the Torah.

None of the sages who came after him, however, received the Torah in this manner. They did not ascend to supernal heights, removing themselves completely from the material world; they could only learn the Torah insofar as the capacity of their human intellect enabled them.

The full spiritual essence of Torah cannot possibly enter a mind that is bound to a physical brain. Thus the Tanna did not write that Joshua “received” the Torah from Moshe, because he did not truly receive it; rather, Moshe passed it on to him to the extent that he was capable of comprehending it, and the process was repeated with all those who were entrusted with the tradition in every subsequent generation.

Likewise, the Tanna does not say that Moshe “gave” the Torah to Joshua, and Joshua gave it to the Elders. Torah is not a gift that can simply be given, nor can it be inherited. Only those who toil over it can understand it. Moshe Rabbeinu toiled for it for forty days on Mount Sinai, neither eating nor drinking. He learned Torah and forgot it, until it was given to him as a gift (*Nedarim* 31a). Similarly, in the Gemara (*Eruvin* 54a) the Sages expounded on the Torah’s words, “And from the desert, a gift” (*Bemidbar* 21:18): “One who makes himself like a desert, to him the Torah is given as a gift,” but the Torah cannot be received as a gift without toil.

In the Gemara (*Niddah* 30b) the Sages said that a fetus in its mother’s womb is taught the entire Torah, but at birth, an angel comes and taps it on its mouth, causing it to forget all its Torah. What is the point of teaching it Torah if it is all going to be forgotten? The point is that we should know that everyone has the ability to learn the entire Torah, but it is not given as a free gift; if one toils for it, it is granted. If not, it will not be his.

Moshe received the Torah from Sinai and transmitted it to Joshua.

The question posed in the previous *derashah* can be answered in another way, as well, which I derived from the laws of marriage.

When a man wished to consecrate a woman as his wife, he must deliver an item of a certain value, known as the *kiddushin*, to her (typically a gold ring). He may give it to her directly, or he may appoint a messenger to bring it to

her. Likewise, the woman may appoint a messenger to receive it from him on her behalf. But there is a difference between these two messengers: when the prospective husband sends the *kiddushin* to his bride through a messenger, she is not consecrated to him until the messenger actually delivers the *kiddushin* to her, and the bridegroom can cancel the marriage any time up until the *kiddushin* comes into her hand.

If, on the other hand, the bride appoints someone to accept the *kiddushin* on her behalf, the *halachah* says that “the messenger’s hand is equivalent to the woman’s hand,” and she is consecrated to her husband as soon as the messenger receives the *kiddushin*. At this point the marriage cannot simply be called off, and if the husband does not wish to go ahead with it he must give his bride a bill of divorce (the details of these laws are found in *Shulchan Aruch, Even HaEzer, siman 35-36* and 141).

Now, when the Jewish nation stood at Mount Sinai, the Kadosh Baruch Hu consecrated them to Him as a man consecrates a woman as his bride (see *Taanit 26b, Devarim Rabbah 3:12, Kolbo siman 62*). We find in the Torah that Israel said to Moshe Rabbeinu, you speak to us and we will hear; let G-d not speak to us (*Shemot 20:15*). In other words, they appointed Moshe as their messenger to receive the Torah on their behalf. Thus, the moment he received it from the Kadosh Baruch Hu, it was theirs.

It now becomes difficult to understand how Moshe permitted himself to break the Tablets before presenting them to the people. The Tablets belonged to them, not to him. Furthermore, the Kadosh Baruch Hu had appointed him as His messenger as well, and his task was to bring the Tablets to the people of Israel. Instead, he broke them!

We can answer, however, that as Israel’s appointed messenger, as soon as Moshe received the Torah on their behalf, it was as if he had brought it to them, since “the messenger’s hand is equivalent to the woman’s hand.” Thus he had already fulfilled his mission, and if he now saw fit to break the Tablets, he could do so. The Kadosh Baruch Hu approved of his decision, as we find in the Talmud (*Shabbat 87a*). And since the Tablets had been in Israel’s possession already, the Kadosh Baruch Hu could not simply cancel His arrangement with the Jewish people. They would remain consecrated to Him until such time as He formally divorced them. But as the prophet Yeshayah says, “This is not a bill of divorce with you” (50:1); in other words, the Jewish nation remains consecrated to G-d (see *Sanhedrin 105a; Eichah Rabbah 1:3*).

Accordingly, the Tanna wrote, “Moshe received Torah from Sinai,” since he was the messenger appointed to receive it for the whole Jewish people. Only the initial receipt of the Torah was effected in this way, however; afterwards Moshe and the leaders of all subsequent generations had to teach Torah to every Jewish individual, so that the people should not think that the obligation of Torah study rests only upon the sages of the generation, and that the rest of the people can rely on them without studying or praying. Thus, immediately after giving the Torah, the Kadosh Baruch Hu said to Moshe, “And these are the statutes which you shall place before them” (*Shemot* 21:21). He was to teach them to the people over and over again, explaining until everyone understood them (*Eruvin* 54b).

Nevertheless, the Tanna does not say that Moshe handed the Torah over to every Jew, but that he passed it on to Joshua, and Joshua to the Elders, who passed it on in turn to the greatest scholars who came after them, and so on it every generation up to the present time (see Rambam’s preface to his commentary on the Mishnah), so that every Jew should accept the authority of the Torah sages and not rely on his own wisdom, for if he does he will inevitably make mistakes in *halachah*.

Moshe received the Torah from Sinai and passed it on to Joshua.

In the episode of the war with Midian, the Torah says, “And Elazar the Kohen said to the soldiers... everything that comes in contact with fire, pass it through fire and it will be pure” (*Bemidbar* 31:21-23). The Gemara explains that Elazar, not Moshe Rabbeinu, taught these laws to Israel, for Moshe had forgotten the *halachos* of purifying vessels because he had come to anger, and anger causes one’s wisdom to depart from him (*Pesachim* 66b). But why did Elazar substitute for Moshe in this case, rather than Joshua, Moshe’s closest disciple and attendant?

The answer might be that if Joshua had been the one to teach them, the people would have thought that the time for Moshe Rabbeinu’s passing had come, and that since he had forgotten the laws of *hag’alah*, he must have forgotten the whole Torah, especially after the Kadosh Baruch Hu had already informed Moshe that his passing was imminent (*Bemidbar* 31:2), and after Joshua had already been declared their next leader. Furthermore, Eldad and Meidad had been prophesying for a long time that Moshe would die in the wilderness and Joshua would bring them into the Land of Israel (*Sanhedrin* 17a). This would cause them to lose respect for Moshe Rabbeinu.

Joshua, therefore, summoned up all his humility and self-control and did not speak, until finally Elazar the Kohen was forced to teach the people instead. Since Elazar was not Moshe's most prominent disciple, they thought nothing of it. And because Joshua acted with humility and put his own honor aside for his master's honor, he merited taking the crown of leadership after Moshe's passing, for he was similar to him in the quality of humility.

Our Sages said that “service of Torah is greater than studying it” (*Berachot* 7b), regarding the importance of close attendance upon a Torah scholar. Going even further, they said that “one who studies and reviews, but has not attended upon Torah scholars, is an utterly ignorant person.” In other words, the student gets more from his *rav* by waiting upon him and observing his behavior closely, than by just listening to his teachings. Joshua bin Nun had both of these advantages; he waited upon Moshe Rabbeinu as well as being his student, as the *pasuk* says, “And his servant Joshua the son of Nun, a youth, would not depart from the tent,” from which our Sages inferred that he never left Moshe for a moment (*Temurah* 16a).

Elazar the Kohen, too, effaced himself before Moshe Rabbeinu. He did not teach the laws to the people in his own name, as if he himself had heard them from the Kadosh Baruch Hu. Rather, he said, “This is the law of the Torah which Hashem commanded Moshe” (*Bemidbar* 31:21), emphasizing that he was merely relaying what Moshe Rabbeinu had heard from Hashem — and it was this humility that made him worthy to teach Torah to the Jewish nation.

Be deliberate in judgment, raise up many disciples, and make a fence around the Torah.

Why are these three precepts brought together in one statement? What is the connection between them?

We might find a connection by examining the story in the Gemara (*Shabbat* 31a) that tells about several gentiles who wished to convert and join the Jewish people. Each of them asked a Tanna to teach him Torah, but only on some apparently whimsical condition. They came before the Tanna Shamai, and he turned them away. When they came before Hillel, however, he accepted them as converts, and patiently explained to them all they wanted to know, despite their peculiar demands. Some time later, the converts met one another and said, “Shamai's stern approach nearly uprooted us from the world; Hillel's unassuming ways brought us to shelter under the wings of the *Shechinah*.” This

illustrates how the world is upheld by the willingness to take one's time and not judge hastily.

Training many students to become teachers in their own right is itself a way of safeguarding the Torah, for without rabbis to instruct the people in the details of the Law, the Torah would become a free-for-all, like an unguarded city. Thus we find many places in the Talmud where the Sages found a breach in the law and repaired it by adding restrictions as a safeguard. This is the duty of the rabbis and *dayanim* of every generation, whenever they see lapses in Torah observance, to make *takanot*, rulings designed to protect the integrity of the Law. Our leaders have always made such rulings for the Jews of their time: Moshe Rabbeinu, Joshua bin Nun, the Prophets, the Talmudic Sages, and the Geonim who came after them. Some of the most famous *takanot* were made by Ezra the Scribe and Rabbeinu Gershom; many others have been made at various times by the leaders of communities throughout the Diaspora, and some of these *takanot* were codified in the *Shulchan Aruch*.

Another connection can be found between the three precepts stated by the Men of the Great Assembly. Teaching students with patience, taking the time to answer their questions thoroughly, will ensure many successful students, for as we are warned in the next chapter (mishnah 5), a short-tempered person cannot teach. Yet a teacher must command respect, otherwise his students might become overly familiar with him, and therefore he should set boundaries, making it clear when they've gone too far in interjecting their own opinions. As it says in *Ketubot* (103b), "Cast bile on the students." So on the one hand a *rav* must teach his students with patience and a pleasant manner, but on the other hand he must set boundaries to preserve their respect for him, in order not to lose his effectiveness as a teacher.

And if he trains many students, his Torah learning will continue even after his death, for his students will transmit what they heard from him to their students. As the Talmud says (*Berachot* 64a), *talmidei chachamim* have no rest, neither in this world nor in the next world. And just as this teacher had no rest in this world, for all his time was taken up with patiently explaining the Torah to his students until they understood it well, so he will have no rest in the next world, because, as Rabi Yochanan said, even in the grave, his lips will utter words of Torah whenever his teachings are repeated by his students (see *Yevamot* 36b), and thus he will live both in this world and the next.

This also sheds light on why the Hebrew word *aseifah* — "gathering" — is so often used to describe the death of the righteous, as it says of Moshe Rabbeinu

and many other *tzaddikim*, “And he was gathered unto his people.” Our Sages explain that *aseifah* is linguistically related to *hosafah*, “adding,” and the expression is meant to indicate that we shouldn’t think that when *tzaddikim* leave this world, nothing more is added to their Torah. The truth is that since they toiled over the Torah all their lives, and added restrictions in order to safeguard mitzvah observance, and also trained many students, their Torah continues to increase even after their passing, and their souls are elevated to higher planes in the next world when their students repeat their teachings and derive new interpretations from them.

Be deliberate in judgment.

This could be understood as an allusion to the ruling found in *Shulchan Aruch* (*Choshen Mishpat* 14:4), that if a *dayan* sees that one of the litigants suspects him of making a biased decision against him, he must explain the halachic basis of his ruling to the litigant, even if the litigant hasn’t requested it. The *Rema* adds that this obligation is even more incumbent on the *dayan* if the litigant explicitly asks for a written explanation.

In other words, the *dayan* should not be concerned with saving face. He should not refuse to explain his reasoning in order to preserve his dignity, but should take the time to demonstrate to the litigant that his decision is founded in *halachah*. This, even though it is hard to explain the intricacies of the law to someone who is not an accomplished Torah scholar, and despite the fact that a layman’s point of view tends to be diametrically opposed to the Torah’s understanding. Nevertheless, the *dayan* should try his best to explain his decision patiently in order to foster amicable relations between people.

If he conducts himself in this way, both G-d and his fellow man will be pleased with him, and many upright young scholars will come to learn from him, and they will not come out improperly trained. Thus the Torah will be safeguarded, and peace will prevail because the rulings of the *beit din* will be accepted. This can only be achieved if the *dayan* keeps an even temper. Rather than turning away litigants who are dissatisfied with his decision, he should draw them near with his right hand while keeping them at a distance with his left — a considerate manner should take precedence over a firm demeanor.

This may also help to explain why Rabbeinu HaKadosh, in compiling the Mishnah, chose to cite this particular statement by the Men of the Great

Assembly, out of thousands of sayings. For surely they made a great many wise statements, for they were 120 sages (see *Megillah* 17b, and Rambam's preface to *Hilchot Deot*). But the idea that Rabbeinu wanted the Jewish nation to retain was that the world's very existence depends on truth in judgment.

This idea is explained in the *Tur* in the name of Rabbeinu Yonah (*Choshen Mishpat* 1). He cites two *mishnayot*, both from the first chapter of *Avot*, which seem to contradict each other, and seeks to resolve the contradiction: in mishnah 2, Shimon HaTzaddik states that the world stands upon Torah, service of G-d, and deeds of kindness, whereas in the last mishnah of this chapter, Rabban Shimon ben Gamliel states that the world exists upon truth, judgment, and peace.

Rabbeinu Yaakov, author of the *Tur*, expounds at length on the different intent of these two statements. The first statement, he explains, comes to tell us that the world was *created* for the sake of Torah, service of G-d, and acts of kindness, whereas the second statement means that once the world was created, its continued existence depends upon truth, judgment, and peace, and especially upon judges who render their judgments truly. Accordingly, our Sages say (*Shabbat* 10a) that every judge who judges with pure truth is considered by the Torah as a partner with the Kadosh Baruch Hu in His act of creation, for by virtue of his true judgments the Kadosh Baruch Hu's creation can endure.

And therefore, out of thousands of sayings by the Men of the Great Assembly, Rabbeinu, the redactor of the Mishnah, chose this particular one in praise of *dayanim* who take care in their judgments, for this ensures truth in judgment and perpetuates the world's existence. Later, he brings the statement by Shimon HaTzaddik that the world was created for Torah, service of G-d, and acts of kindness; and at the end of the chapter, he brings the statement by Rabban Shimon ben Gamliel, who explicitly says that without true judgment the world could not go on existing.

Rabban Shimon ben Gamliel's words are brought later because he was among the latter Tanna'im, and he is quoted together with the other sages of his generation. But since Rabbeinu, the redactor of the Mishnah, wished to allude to this essential idea at the very beginning of *Masechet Avot*, he brought this statement from the Men of the Great Assembly, from which the crucial importance of truth in judgment may be inferred, as we have explained.

This same idea underlies our Sages' *derash* in the Talmud (*Sotah* 22a) on the *pasuk*, "And many are the dead that she has killed" (*Mishlei* 7:26). This, said the

Sages, refers to a *talmid chacham* who is qualified to give instruction and does not instruct, for he has the ability to contribute to the world's continued existence by giving true judgments, and since he does not do so, Scripture says of him, "And many are the dead that she has killed...." The world needs *dayanim*, and if there are no upright *dayanim*, corrupt *dayanim* will take over, and then there will be no protective fence for the Torah, for corrupt *dayanim* who take bribes break down the walls of Torah.

It is forbidden to stand before a *dayan* who is in his position for money, and it is a mitzvah to disregard him (*Shulchan Aruch, Choshen Mishpat* 1:1). In the Gemara our Sages said, "Whoever establishes a *dayan* that is not upright, it is as if he planted an *asherah* (a tree of idolatry) among the Jewish people." Thus, for a Torah scholar who is qualified to give rulings, it is obligatory to give them, and to render judgment according to the Torah.

