

Kindly take a moment to study MISHNAS CHAYIM in the merit of
Frunit *bas* Yeshayahu a”h
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of her *neshamah*

Anticipating Fraud

PARSHAS SHOFTIM 5776

Well known to all are the “*Yud-Gimmel Ikkarim*,” the Thirteen Principles of Faith, which form the cornerstone and basis for all of Judaism. These were written by the Rambam (in his commentary to Mishnayos) to elucidate the Mishnah in Sanhedrin (10:1), which states:

כָּל יִשְׂרָאֵל יֵשׁ לָהֶם חֵלֶק לְעוֹלָם הַבָּא, שֶׁנֶּאֱמַר וְעַמְּךָ כָּל־מִצְוָתָי יִשְׁמְרוּ וְיִרְשׁוּ אֶרֶץ נָצָר מִטְּעֵי מַעֲשֵׂה יְדֵי לְהַתְּפָאֵר. וְאֵלוֹ שְׂאֵין לָהֶם חֵלֶק לְעוֹלָם הַבָּא, הָאוֹמֵר אֵין תְּחִיַּת הַמֵּתִים מִן הַתּוֹרָה, וְאֵין תּוֹרָה מִן הַשָּׁמַיִם, וְאִפְיֻקְרוּס.

“All Yisrael have a share in the World to Come, as it states (*Yeshayah 60:21*): ‘And Your nation are all righteous and shall forever inherit the land; a branch of My planting, they are the work of My hands wherein to be glorified.’ But the following do not have a share in the World to Come: One who claims that the Resurrection of the Dead is not sourced in the Torah; or that the Torah did not originate from Heaven; and a heretic.”

Clearly, the Mishnah underscores the importance of *emunah* (belief), as one’s access to the World to Come depends upon it. Thus, the Rambam elaborates upon the subject, spelling out the principles that one must accept to be considered a member of standing within the nation of Yisrael and to merit the World to Come.

In any event, there are two principles that center specifically on Torah. These are (in the concise “*Ani Ma’amin*” version): אֲנִי מֵאֲמִין בְּאַמוּנָה שְׁלֵמָה שֶׁכָּל הַתּוֹרָה הַמְּצוּיָה עִתָּהּ בְּיַדֵּינוּ הִיא הַנִּתְּנָה לְמֹשֶׁה רַבֵּנוּ עָלֵינוּ הַשְּׁלוֹם. אֲנִי מֵאֲמִין בְּאַמוּנָה שְׁלֵמָה שֶׁזֹּאת הַתּוֹרָה לֹא תִּהְיֶה מְחֻלָּפֶת, וְלֹא תִּהְיֶה תּוֹרָה אַחֶרֶת מֵאֵת הַבּוֹרָא יִתְבָּרַךְ שָׁמוּ – “I believe with a complete faith that the entire Torah that we have at present is the one that was given to Moshe our master, may peace be unto him. I believe with a complete faith that this Torah shall never be exchanged, nor shall there ever be another Torah granted by the Creator, blessed is His Name.”

As we shall see, these two tenets manifest themselves in our *parshah* in a most interesting way.

Loss and Restoration

The Gemara relates a dramatic episode that occurred in the aftermath of Moshe’s passing:

“3,000 *halachos* of the Torah were forgotten during the days of mourning for Moshe. The people implored Yehoshua: ‘Ask (of Heaven to reveal them)!’ But he answered them: ‘*It is not in Heaven*’ (*Devarim 30:12*) All Yisrael stood against him to kill him (for not transmitting the laws to them) ... Nevertheless, Osni’el ben Kenaz was able to restore (the *halachos*) by way of his erudition” (*Temurah 16a*).

The narrative is obviously a testament to Osni’el’s scholarly prowess. He was able to “extract” the lost laws from the text of the Torah by applying to it the thirteen rules of Scriptural exegesis (contained in the Beraisa of “*R’ Yishmael Omeir*,” which is incorporated into the daily prayers).

Thereby, the tempest passed, and the *halachos* were preserved.

Osni'el's tremendous feat notwithstanding, the Alshich (*parshas Shoftim*) wonders why it was necessary; wasn't there a far simpler way for the issue to be resolved? After all, Yehoshua had prophetic abilities; why didn't Hashem simply communicate the laws to him, in the same manner that laws were communicated to his master, Moshe? The Gemara's account seems to imply that this was a non-option, as Yehoshua himself declared: "*Lo baShamayim hi*" – It is not in Heaven. The implication seems to be that Heaven would not become involved under any circumstances. But this makes matters even more perplexing and sobering. What would have happened if Osni'el had not risen to the occasion and was unable to restore the *halachos*? Then they would have been permanently lost! Why, then, wouldn't Heaven intervene and simply inform Yehoshua, leader of Yisrael, of what the laws had been?

Safeguarding Authenticity

The Alshich accounts for Heaven's calculations, revealing a fundamental principle in the process. He explains that Hashem was taking into account what He knew would transpire in future generations. At some point, some figure or figures would arise bearing a most novel claim. They would assert that they were "visited" by G-d, who allegedly informed them of the nullification of the Torah of Yisrael and of its replacement by a "new" writ. Therefore, in anticipation of such falsehoods, Hashem saw fit to set a precedent here. After the time of Moshe Rabbeinu, no permanent laws whatsoever could be transmitted via prophets and prophecy – certainly not "new" ones and not even the restoration of "old" ones. Once the Torah was delivered through Moshe Rabbeinu, it remains the sole source for deriving *halachos* – as Osni'el successfully demonstrated.

It was thus clearly established – for then and for all time, for Yisrael and the whole world to know – that the Torah was given once and once only. The only Torah is that which was given to Moshe Rabbeinu; that is the Torah we still have in our hands, and it will never be abrogated or changed. He will not even remind a prophet of forgotten laws; certainly, He won't secretly communicate to someone that the Torah no longer applies, *chas v'Shalom!*

The Alshich further elucidates a passage in this week's *parshah* based on this idea. Moshe Rabbeinu instructs the people of the procedure to follow in the instance that there arises a question of law: *כי יפלא ממך דבר למשפט... ובאת אל־הכהנים הלויים ואל־השופט... ודרשת והגידו לך את* – "When a matter of judgment shall be elusive from you... you shall come to the Kohanim, the Levites, and to the judge... and you shall inquire, and they shall relate to you the matter of judgment. And you shall act in accordance with the ruling that they shall tell you" (*Devarim 17:8-10*). Now, this passage seems to open with a somewhat superfluous term: "*Ki yipalei mim'cha* – When it shall be elusive **from you**." What is the significance of this emphasis on "you" specifically?

The Alshich understands that Moshe is referring to the matter discussed above. That is, he himself serves as the "cut-off" period. It is only Moshe who had the option of receiving dictates directly from Hashem. But "*mim'cha*" – meaning, from *you* and forward (i.e., succeeding generations), there is only one recourse: to abide by the ruling the scholars and leaders shall derive from the Torah itself. As the verse continues: *על־פי התורה אשר יורוּך* – "According to the Torah that they shall teach you" (*ibid. v. 11*).