

מדריגת נבואת משה הרב שרגא נויברגר

At the end of this week's *parsha*, the Torah tells us about the *lashon hara* on Moshe Rabbeinu pertaining to his *perishus* from Tzipora. I would like to share a few *ha'aros* on this *inyan*.

The Gemara in פתח דברי ר' שמעון בן לקיטא says that Moshe Rabbeinu did three things on his own and the *Eibishter* was *maskim* with him. He decided to add one more day until *Matan Torah*, he was *poresh* from Tzipora, and he broke the *Luchos*. The Gemara continues on to explain his reasoning: He made a *derasha* on the word "היום" to include the next day, and pushed off *Matan Torah* an extra day. Regarding his *perishus* from Tzipora, he made his own *kal vachomer*; if Klal Yisroel was *poresh* for three days in preparation to experience the *Shechina* for one hour, then he must be *poresh* for Hakadosh Boruch Hu could call upon him at any moment. We know that Hakadosh Boruch Hu was *maskim* because He told Moshe to send the people back to their wives and families, but (?!-)- "וְיָאָתָה פֶּה עִמּוֹד עַמְדִּי" - Moshe was to stay there with Hashem. The Gemara also explains why he broke the *Luchos*.

Interestingly, the same Gemara appears in יבמות סב. However, there it uses the *lashon* of, "הסכימו... דעתו לדעת המקום" Over here, it sounds like Moshe Rabbeinu was *maskim* to the Hakadosh Boruch Hu, not the other way around. The Chida is *me'orer* this in כסא רחמים on the Mishna in נתן פרק ב' where this Chazal is brought. He gives the *pshat* that since Hakadosh Boruch Hu already knew what Moshe was going to do, it is therefore described as Moshe having been *maskim* to דעת המקום. I would like to suggest a different approach, in which I will explain several other questions.

The Gemara on the bottom of פתח דברי ר' שמעון בן לקיטא has a *derasha* that everyone is in agreement Rosh Chodesh Sivan was on Shabbos and, as well, everyone is in agreement that the Torah was given on Shabbos. The *machlokes* is whether the Torah was given on *Vav Sivan* or *Zayin Sivan*. The Pnei Yehoshua asks how it could be learned from a *derasha* that the Torah was given on Shabbos if Moshe Rabbeinu unilaterally added a day of preparation, which then caused *Matan Torah* to take place on Shabbos?

A third question on this, touched upon by the Maharal in חידושי גור אריה שבת פז, is if Moshe Rabbeinu had an ongoing conversation with the Ribono Shel Olam freely, why did he have to add the day by himself? Why couldn't he ask the Ribono Shel Olam first? He could've have also asked about being *poresh* from Tzipora.

Getting back to the Gemara which explains Moshe Rabbeinu's reasons for doing these things, the Gemara uses the *lashon* of "מה דריש". Tosafos points out that the *derasha* of "היום למחר" is not a real *derasha*, because if it was then it would really have been from דעת הקב"ה, דעת משה, not דעת משה. Even the *kal vachomer*, the next Tosafos explains, wasn't a full *kal vachomer* for the same reason. Rather, *Luchos* themselves required a *perisha* by Klal Yisroel but that wouldn't necessarily mean that Moshe Rabbeinu needed a continuous *perisha*. (This last *nekuda* in and of itself is a fascinating *inyan* which deserves its own discussion.) Tosafos also says that Moshe's *kal vachomer* for *sheviras Luchos* was not a real *kal vachomer*.

I think that we have to *shtell-tzu* the famous Ritva in ראש השנה טו over here. (I think it is also *mashma* like this from the Rashba in our Gemara in מס' שבת.) The Ritva says on the Gemara's statement, "אמר לפני" "מלכויות זיכרונות ושופרות", that *מלכויות* are only *מדרבנן*, so how could it be that Hakadosh Boruch Hu told us to say them? He explains that it is an *אסמכתא*, and the *pshat* in *אסמכתא* is a *rayuh* from the *posuk* means that it is *רצון ה' יתברך* to make such a *takana*. That is to say, Chazal saw a *remez* in a *posuk* to show them what *רצון ה'* is. He adds that it is *מינות* to suggest that *אסמכתא* is merely a way to remember and not *גילוי משמים*.

However, it seems from the Rambam's *hakdomo* to *Zeraim* he does indeed understand that alternative *mehalech* in *אסמכתא*. This is supported by R. Avraham ben haRambam in the *hakdomo* printed in Ein Yaakov.

I remember that the Rosh Yeshiva, *zt"l*, said we go with the Ritva in this and that it how it should be taught to *talmidim*. (I would like to note as well, the Ritva wrote a whole *Sefer Hazechus* to answer the Ramban's objections to the Rambam, but in this one *inyan* he argued on the Rambam.)

Going with the Ritva's *mehalech*, we can say that Hakadosh Boruch Hu wanted these decisions to be made, but He also wanted Moshe Rabbeinu, after seeing the *remozim*, to make the *takanos* from himself. With this, all three questions are answered. Then, both *leshonos* in the Gemaras on Moshe's decisions are true- Hakadosh Boruch Hu was *maskim* to Moshe because Moshe made the *takanos*, while at the same time he was *maskim* to דעת המקום because the *remozim* were מן התורה and therefore רצון ה'.

According to this, we can answer the Pnei Yehoshua's question by saying that רצון ה' was always to have *Matan Torah* take place on Shabbos. R. Izele Charif, Eimek Yehoshua, and others explain that part of the *matana* of the Torah itself was to give *koach* in the Torah to Klal Yisroel. That is why the *Eibishter* was *meramez* to Moshe Rabbeinu to carry out on his own the רצון ה' of the day for *Matan Torah*. Now it is obvious why Moshe didn't ask Hakadosh Boruch Hu first. He saw that Hakadosh Boruch Hu wanted him to decide on his own, based on the *remez* given to him.

There is a *kushya* on the *inyan* of the end of our *parsha*. The criticism of Moshe Rabbeinu was that he felt he needed to be *poresh* because he was a *navi*, while they too were *Nevi'im* and did not need to be *poresh*. According to the Rambam's י"ג עקרים, there is a separate עיקר about Moshe Rabbeinu's level of *nevua*. The preceding עיקר is about general *nevius* in Klal Yisroel, but then there is a separate one specifically for Moshe's truly unique level of *nevius*. The Rambam explains the differences between the two at length in הלכות יסודי התורה פרק ז'. When he lists them in סנהדרין, the longest (by about double) עיקר described is that of the uniqueness of Moshe Rabbeinu's *nevius*. He writes that to write all the details of its uniqueness even *b'kitzur* would take its own *sefer* of one hundred pages.

The question is how could Miriam question Moshe Rabbeinu's decision if his level of *nevua* was one of the י"ג עקרים? Didn't Miriam know the this עיקר? The common answer given is that this עיקר became clear as an outcome of the story with Miriam's *tzora'as*. Until then they only recognized that Moshe Rabbeinu was a greater *Navi*, but not a totally different סוג altogether which demanded that *perisha*.

R. Leizer Moshe writes in his *hagahos* on מסי שבת that the reason why he knew to make his *perishus* from the *kal vachomer* was because, up until that point (before *Matan Torah*), the *Eibishter* would not come to speak with him while he was with Tzipora. Once the *din* was that Klal Yisroel had to be *poresh* in order to be *mekabel* the Torah, it became clear to him that he must be *poresh* because he could be called upon at any time. He could no longer rely on assuming Hakadosh Boruch Hu would not come to him while he was with Tzipora.

I would like to suggest that even if they knew the uniqueness of Moshe Rabbeinu's level of *nevua*, perhaps they still had a critique. Perhaps there is a different *knaytch*. Tosafos on שבת פז. says from R. Tam that had it been a *tzivuy* to be *poresh*, Moshe would have had to have told them. Rather, it was indeed מדעתו but they suspected that Hakadosh Boruch Hu was *maskim* only by dint of אותו מוליכין אותו. Meaning, that it was not truly רצון ה', rather Hashem was just allowing him to be *noheg* that way if he so chose.

Perhaps one could *shtell-tzu* the following concept to this. Rambam, in הלכות אישות טו, ג, says that if one is *davuk b'Torah* like Ben Azzai is *patur* from פרו ורבו and "אין בידו עונן". The Taz is *medayek* in this *lashon* of the Rambam that it means one should not do so לכתחילה. From Yehoshua bin Nun onwards all *Nevi'im* were married, so even though Ben Azzai was on a lofty *madreiga*, it is still not לכתחילה to remain single because he wasn't bigger than the previous generations.

Maybe Miriam and Aharon looked at Moshe Rabbeinu's *perisha* as "אין בידו עונן" because Hakadosh Boruch Hu did not mandate it. They mistakenly thought that the *haskama* was merely from בדרך שאדם רוצה "לילך...". However, the real *haskama* from Hakadosh Boruch Hu showed that it was indeed לכתחילה. Moshe Rabbeinu's uniqueness in level of *nevua* necessitated his *perishus* from Tzipora. Maybe this can explain why they still had a *taynu* on him even knowing his uniqueness in *nevua*.