

# MOSHE'S FINEST MOMENT

by Rabbi Yissocher Frand

*These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 274, Saying Tehilim at Night. Good Shabbos!*

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**Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand**

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## Moshe Rabbeinu: This Was His Finest Moment

I would like to repeat two insights that I heard from Rav Pam, shlit"a.

The Medrash says, "Come and see Moshe Rabbeinu's praise: Aharon and the Elders held onto his arms and he overcame them." The simple reading of the Torah's narrative is that Moshe descended from Mt. Sinai, saw the Golden Calf and its associated activities and smashed the Luchos [Tablets] of the Ten Commandments.

The Medrash, however, relates that it was not such a simple matter. There was a vehement disagreement. Moshe argued that the Jews were worshipping an idol and that they were, therefore, not deserving of the Torah. Moshe felt that he should smash the Tablets. Aharon and the Elders strenuously objected. Not only did they argue with him, but according to the Medrash, they also grabbed onto his arms to prevent him from doing so. But the Medrash concludes that Moshe Rabbeinu persevered and prevailed, not only academically and intellectually, but physically as well, by grabbing hold of the Luchos and smashing them.

It is easy to understand the argument of Aharon and the Elders. This set of stone Luchos was the most unique item in the world. Nothing else in the universe equaled the "Handwriting of G-d". Imagine -- when we see someone lift the Torah after the reading, if the Sefer Torah starts wobbling,

we all know how we react. Instinctively we lunge forward, to try to catch the Holy Torah scroll and prevent it from falling. Now, multiply that scenario by a factor of thousands. As holy as a Sefer Torah is, there are thousands and thousands of them in existence. Furthermore, in the case of Hagbah, the act is not being performed out of anger or on purpose - it is merely a potential accident. But Moshe was about to deliberately break this one of a kind Testimony in G-d's Own Handwriting!

Aharon and the Elders were screaming, "You are wrong, Moshe! True, they are worshipping the Calf. They are wrong, but we can work with them, we can show them the error of their ways. Do not break the Luchos!" However, as the Medrash says, Moshe Rabbeinu persevered and overcame the opposition.

Moshe was against a majority of dissenting opinions. Logic resided with the majority. Emotion resided with the majority. Moshe dismissed it all and broke the Luchos. From where did Moshe get this conviction and audacity?

The Talmud [Shabbos 87a] says that Moshe derived his decision from a Kal V'Chomer [logical argument]: If the Torah states concerning the Passover offering (which is only one of 613 commandments) that a Mumar [one who abandoned Judaism] cannot partake of it (Kol Ben Nechar lo yochal bo [Shemos 12:43]) - then Jews with their Golden Calf, who have the status of Mumrim, certainly cannot receive and partake of the entire Torah.

Tosfos, however, says that this is not an irrefutable Kal V'Chomer. Uncharacteristically, Tosfos asks a question neither on Rashi nor on a Gemarah. Tosfos asks a question on Moshe Rabbeinu himself! Tosfos argues that even if a Mumar is not qualified to eat the Pesach [Passover] sacrifice, that is not a convincing argument that Moshe should not have given them the Tablets.

The reason why that is not a convincing argument is because giving them the Torah might have inspired them to repent. This could have led them to reject their heresy and thus lose the status of Mumrim. Should we suppose that Moshe Rabbeinu never heard of Jewish outreach? Where then is the Kal V'Chomer? This is Tosfos' question.

Rav Pam explains that Tosfos is not really asking a question on Moshe Rabbeinu. It is the statement of the Gemara that is bothering Tosfos. The Gemara states that this incident is one of three things that Moshe did on his own (m'Daato). Tosfos is troubled because if Moshe had a Kal V'Chomer, then the decision should not be called "on his own". A Kal V'Chomer is one of the 13 principles used to interpret the Torah. Anything derived by the 13 Principles is part and parcel of the Torah. It should not be called "m'Daato" since it is not an independent action. Therefore, Tosfos argues that this was NOT a valid Kal v'Chomer. Based on the merits of Halacha, Moshe Rabbeinu would not have had a case here! The Kal v'Chomer is in fact flawed.

So what possessed Moshe Rabbeinu to break the Luchos? Moshe's own, personal, viewpoint. This is known as "Daas Torah" - Torah wisdom. Moshe Rabbeinu did something that everyone else believed was "crazy". Based on strict legal principles, Moshe could not prove that he was right. Moshe felt

intuitively that he needed to break the Luchos, and broke them based on this intuition alone! This is perhaps the prime example in all of Torah of a Jewish Leader taking action solely based on "Daas Torah".

Moshe did not have a proof. He did not have a convincing argument. He could not open up a text and point to his justification. But he did it because his essence and his personality told him that this was the proper thing to do. In the process, he was willing to take on the entire Jewish establishment and tell them "You are wrong and I am right".

In the last verse [pasuk] of the Torah, when G-d wrote Moshe's epitaph - the greatest single deed that Moshe performed, the pasuk says, "...all the strong hand ... that Moshe performed before the eyes of all Israel" [Devarim 34:12]. Rashi interprets this phrase as, "that his heart inspired him to break the Luchos before their eyes". This was Moshe Rabbeinu's greatest moment.

Rav Sholomo Heiman (1893-1944) used to say that when the Rambam writes, "it appears to me" (indicating that he has no Talmudic or Rabbinic source for the law) that this is stronger than any proof that he could bring. Why? Because the expression "it appears to me" indicates that the Rambam is staking his "Daas Torah" on this opinion. The Rambam's Torah intuition can be trusted over any single proof that could be offered. Any single proof might have a counter-proof. But the Rambam's "it appears to me" has all of Torah standing behind it.

Rav Pam's second observation is as follows: Why, in fact, did Moshe break the Luchos? Tosfos appears to be right. Moshe should have chastised them for making the Golden Calf. He should have told them that they were wrong and advised them to start over. These were, after all, the same people who just weeks earlier were categorized as idolaters, just like the Egyptians. ("These worship foreign gods and these worship foreign gods.") Moshe should have had more patience with them, and should not have expected anything different. He should have given them the Torah and hoped that they would improve.

What was Moshe's rationale? Rav Pam offers an amazing insight. A few weeks earlier, when they were still in Egypt worshipping idols, they knew that it was wrong. But here they made an idol and proclaimed "This is your god, oh Israel, who brought you up from the land of Egypt" [Shemos 32:4]. When one takes Judaism and tries to infuse it with Avodah Zarah and say "This is Judaism", this is not merely lapsing back to their old ways. This is a conscious perversion of Judaism. Calling an idol 'God' is impermissible. For such a person or nation there is no hope.

This was the Daas Torah of Moshe that ruled against all of Klal Yisroel and about which G-d congratulated Moshe with a "Yasher Kochacha" [well done] for breaking the Luchos [Rashi - Devarim 34:12].

Transcribed by [David Twersky](#); Seattle, Washington.  
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This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas Ki Sisa are provided below:

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