



The Fascinating Connection between Parshas Ki Seitzei and Chodesh Elul

During Chodesh Elul HKB”H Purifies Yisrael to Be Fit to Be a “Klaf” for Torah She’b’al Peh

This week’s parsha, parshas Ki Seitzei, is read annually on one of the first Shabbasos of the month of Elul, the month designated for teshuvah. To establish the fascinating connection between this parsha and the month of Elul, let us refer to a passuk in the parsha (Devarim 25, 2): **”והיה אם בין הכות הרשע והפילו: —and it shall be, if the guilty one has incurred the penalty of lashes, that the judge shall make him lean over and flog him in front of him, commensurate with his crime, in number. He shall flog him with forty; he shall not exceed.**

Although the Torah states explicitly that he shall receive **forty lashes**, Chazal teach us that he only receives thirty-nine lashes—forty minus one. This is taught in the following Mishnah (Makkos 22a): **”כמה מלקין אותו, ארבעים חסר אחת, שנאמר במספר ארבעים, מנין שהוא סמוך לארבעים.”** How many lashes is he given? Forty minus one, since it says **”במספר ארבעים”**, implying a count close to forty. Rashi explains that this refers to **a count that completes the total of forty, that causes one to count forty after it, namely, thirty-nine.**

We find an intriguing statement in the Gemara related to this Rabbinical teaching (ibid. 22b): **”אמר רבא, כמה טפשי שאר אינשי, דקיימי מקמי ספר תורה ולא קיימי מקמי גברא רבה, דאילו בספר תורה כתיב: ארבעים ואתו רבנן בצרו חדא.”** Rava said: How foolish are those people who stand up in the presence of a sefer Torah but do not stand in the presence of a renowned Torah-scholar. After all, in a sefer Torah, it is written **”he shall flog him**

forty”; yet the sages came and decreased it by one—making the official number of lashes only thirty-nine.

I would like to propose a wonderful explanation for why Rava categorized people who prioritize the kavod due a sefer Torah over the kavod due a renowned Torah scholar as foolish. We will refer to what the Shev Shematita presents (Introduction)—based on the profound understanding of the Maharal of Prague (Tiferes Yisrael, Chapter 68)—an explanation of the following teaching in the Gemara (Gittin 60b): **”אמר רבי יוחנן, לא כרת הקב”ה ברית עם ישראל אלא בשביל דברים.”** Rabbi Yochanan said: **HKB”H only entered into a covenant with Yisrael on account of the Oral Law, as it states (Shemos 34, 27): “For on account of these words have I entered a covenant with you and with Yisrael.”**

The Maharal explains that just as Torah she’b’chsav must be written on a “klaf” (parchment); so, too, Torah she’b’al peh must be written on some sort of “klaf”—namely, the mouth of the scholar who engages in the study of Torah she’b’al peh. Now, from a sefer-Torah inscribed on a parchment prepared from an animal’s hide the covenant and unique bond that exists between Yisrael and their Heavenly Father is not so apparent. From Torah she’b’al peh, however, that was given to Yisrael to be studied and transmitted orally, this relationship is ever so apparent. For a Jew’s mouth becomes so pure and refined that it is elevated to serve as a “klaf” for Torah she’b’al peh. For this

reason: **"HKB"H only entered into a covenant with Yisrael on account of the Oral Law."**

This helps us illuminate Rava's statement regarding the foolishness of those who stand up out of respect for a sefer Torah but do not have the common sense to afford a prominent Torah scholar the same respect. After all, even though a sefer Torah is written on the hide of an animal, it attains a special level of kedushah. How much more so should this be true of a renowned Torah scholar who clarifies the meaning of obscure issues in Torah she'b'chsav, whose body becomes a "klaf" for Torah she'b'al peh! Clearly, his body attains the kedushah of a sefer Torah.

Now, seeing as HKB"H only entered into a covenant with Yisrael for the sake of Torah she'b'al peh, it stands to reason that the kedushah of his body surpasses the kedushah of a sefer Torah. Therefore, those who prioritize the kedushah of a sefer Torah—inscribed on the hide of a kosher animal—over the kedushah of Torah she'b'al peh—inscribed on the human "klaf" of a prominent Torah scholar—is a fool for having failed to appreciate this profound distinction.

Transforming "לא אנחנו עמו" into אלול"ל during "לו אנחנו עמו"

We will now proceed to explain how this notion relates to the month of Elul by referring to what we presented in last week's essay on parshas Shoftim. The Sefas Emes (Elul 5632) brought down in the name of his elder, the distinguished author of the Chiddushei HaRim, zy"a, an allusion inherent in the name of the month of teshuvah—אלול. It is based on the passuk (Tehillim 100, 3): **"דעו כי ה' הוא אלקים הוא עשנו ולו אנחנו עמו וצאן מרעיתו"**—**know that Hashem, He is G-d; it is He Who made us and we are His—His nation and the sheep of His pasture.** Tradition dictates that the word **"v'lo"** in this passuk is written as **"ולא"**, with an aleph; yet it is read as **"ולו"**, with a vav.

He explains how the two versions complement each other. With an aleph, the passuk suggests that we acknowledge that we are unworthy and inadequate to be His people—**"ולא אנחנו עמו"**. With a vav, it indicates that we can merit being close to Him by means of complete, sincere teshuvah and become the

people of HKB"H—**"ולו אנחנו עמו"**. These two perspectives are alluded to by the name of the month **אלול**, which combines the words **ל"א** and **ל"ו**—the way the word is written and the way it is pronounced. This is the goal of the teshuvah we perform in the month of Elul—to combine the two. First, we must acknowledge our numerous sins—**"ולא אנחנו עמו"**; having done that, we can proceed to make amends thoroughly by means of wholehearted teshuvah—**"ולו אנחנו עמו"**.

As a loyal servant in the presence of his master, I would like to embellish this sacred idea. In the Derashos Chasam Sofer (Part 2, p. 411), he explains Rav Ashi's rationale for concluding the Talmud Bavli with the teaching (Niddah 73a): **«תנא דבי אליהו כל השונה הלכות בכל יום מובטח לו שהוא בן עולם»**. **The Academy of Eliyahu taught: He who studies "halachos" every day is assured that he will be an inhabitant of Olam HaBa, as it states: "The ways ('halichot') of the world are His (ל')"**. This statement alludes to the fact that the world exists—**"halichot olam"**—and endures in the merit of the study of the **ל"ו** (36) masechtos of Torah she'b'al peh—**"הליכות עולם לו"**.

Additionally, let us introduce what the Bnei Yissaschar writes (Sivan 6, 2) in the name of the great Rabbi Pinchas of Koritz, zy"a. Everything in the world has an intermediate stage that connects its two polar extremes. The monkey represents the intermediate stage between the animal kingdom and human beings possessing the power of speech. The **"kri u'chtiv"**—the way the Torah is actually written and the way it is read—represents the intermediate stage between Torah she'b'chsav and Torah she'b'al peh. **"Tosefes Shabbas"**—the extension of Shabbas—represents the intermediate stage between Shabbas and the weekdays. The neshamos of **"gerim"**—converts—represent the intermediate stage between Yisrael and the nations of the world.

This enlightens us with regards to the **"kri u'chtiv"** of the passuk: **"ולו אנחנו עמו"**. The way it is written represents Torah she'b'chsav. The word **"lo"** is written with an **"aleph"** to teach us that a person who studies Torah she'b'chsav without the clarifications of Torah she'b'al peh is not considered part of the people of HKB"H. For, as we have learned, HKB"H only entered

into a covenant with Yisrael on account of Torah she'b'al peh. The way a word is read and pronounced represents Torah she'b'al peh. Hence, we read the word “lo” as if it is spelled with a “vav,” indicating that in the merit of learning the ל”ו (36) masechtos that comprise Torah she'b'al peh, we merit becoming the people of HKB”H.

The Letters Flew Off the Luchos Making Them Too Heavy for Moshe to Carry

Continuing on our sacred journey, we will now explain how the crucial task of transforming “ולא אנחנו עמו” with an “aleph” into “ולא אנחנו עמו” with a “vav” relates to the month of אלול, whose name is a combination of the letters ל”ו and א”ל. We will refer to a fascinating explanation from the brilliant Rabbi Yoshe Ber of Brisk, zy”a, toward the end of the responsa Beis HaLevi (Drush 18) regarding the difference between the first and second luchos.

The breaking of the luchos is chronicled in parshas Ki Sisa (Shemos 32, 19): “ויהי כאשר קרב אל המחנה וירא את העגל ומחולות ויחר” —it happened as he drew near the camp, and he saw the “eigel” and the dances, that Moshe’s anger burned; he threw down the luchos from his hands and shattered them at the bottom of the mountain. In the Midrash, our blessed sages reveal why Moshe broke the luchos (S.R. 46, 1): **Because the writing flew off the luchos; that is why he broke them.** We learn in another Midrash (Yalkut Shimoni, Ki Seitzei 393): **Moshe looked at the luchos and saw that the writing on them had flown off; they became too heavy for him to hold; so, he dropped them, and they broke.** Why did the luchos become too heavy for Moshe to carry?

The Beis HaLevi suggests an interesting answer based on a passage in the Yerushalmi (Shekalim 25a):

“חנניה בן אחי רבי יהושע אומר, בין כל דיבור ודיבור דקדוקיה ואותיותיה של תורה, דכתיב ממולאים בתרשים, כימא רבא. רבי שמעון בן לקיש כד הוה מטי הדין קרייה הוה אומר, יפה למדני חנניה בן אחי רבי יהושע, מה הים הזה בין גל גדול לגל גדול גלים קטנים, כך בין כל דיבור ודיבור דקדוקיה ואותיותיה של תורה.”

Chananiah, the son of Rabbi Yehoshua’s brother says that a wealth of Torah knowledge and information was

contained between each and every commandment, as it is written (Shir HaShirim 5, 14): “The tablets, His handiwork . . . **are studded with ‘tarshish’** (commandments precious as gems),” **like a vast ocean . . . Just like there are small waves between the big waves in the ocean; similarly, between each and every commandment, there was a wealth of Torah knowledge and information.**

We learn from this Gemara, that all the clarifications and details provided by Torah she'b'al peh were contained on the luchos between each of the commandments. According to the Beis HaLevi, however, this was only true of the first luchos prior to the “cheit ha’eigel.” At that point in time, Yisrael did not have to labor to attain the knowledge contained in Torah she'b'al peh. Everything was ready and available at their fingertips on the first luchos.

He substantiates this assertion that all of Torah she'b'al peh was contained on the first luchos with the fact that the Yerushalmi cites the passuk (Shemos 32, 15): **מזה ומזה הם כתובים—they were inscribed on this side and on that.** In contrast, Torah she'b'al peh was not contained on the second luchos; instead, it was transmitted to Moshe Rabeinu orally for him to teach to Yisrael. The Beis HaLevi brings strong evidence that this is true from the following teaching in the Gemara (Gittin 60b): **HKB”H only entered into a covenant with Yisrael on account of the Oral Law, as it states: “For on account of these words have I entered a covenant with you and with Yisrael.”** This passuk does not appear in relation to the first luchos but only in relation to the second luchos after HKB”H acquiesced to Moshe’s entreaty. Thus, it seems clear that the concept of Torah she'b'al peh only came into being with the second luchos, since everything was included as Torah she'b'chsav with the first luchos.

Torah She'b'al Peh Was Not Written because of the Galuyos

The Beis HaLevi continues to explain why Torah she'b'al peh was not written on the second luchos. He refers to the teaching in the Midrash that it was known to HKB”H that Yisrael were destined to be in galus among the goyim. Hence, if Torah

she'b'al peh was written down, the goyim would take it. Here is a translation of the Midrash (S.R. 47, 1):

“Write for yourself these matters”. As is written (Hosea 8:12): “I write for him the many teachings of My Torah, but they are regarded as foreign”. When HKB”H revealed Himself at Sinai to give the Torah to Yisrael, He said it to Moshe in the order: Torah, Mishnah, Talmud, and aggadah, as it is stated (Shemos 20, 1): “The Lord spoke all these matters”—even what a student will ask his teacher, HKB”H transmitted to Moshe.

At that juncture, after he (Moshe) learned it from the mouth of HKB”H, He instructed him to teach it to Yisrael. He said to Him, “Master of the universe, I will write it down for them.” He said to him, “I do not wish to give it to them in writing, because it is apparent to Me that idolaters are destined to rule over them, and take it from them, and they will be despised among the idolaters. Rather, I will give them the Torah in writing, and I will give them the Mishnah, Talmud, and aggadah orally, so if the idolaters come and subjugate them, they will be distinct from them.

Now, we have learned in the Gemara (Eiruvim 54a): **מאי דכתיב חרות על הלוחות, אלמלי לא נשתברו לוחות... אין כל אומה ולשון שולטת.** **בהן, שנאמר חרות, אל תיקרי חרות אלא חירות.** **What is the meaning of that which is written (Shemos 32, 16): “Etched on the luchos”? Had the first luchos not been shattered . . . No nation or tongue would have been able to rule over them, for it says: “Charut,” do not read this as “charut”—meaning engraved or etched—but rather “cheirut”—meaning freedom. This means that if not for the “cheit ha’eigel,” which caused the breaking of the luchos, Yisrael would not have gone into galus among the goyim. Therefore, all of Torah she'b'al peh was written on the first luchos. From their perspective, Yisrael would not have ever gone into galus, and there would not have been any concern that the goyim would take this part of the Torah away from Yisrael. After the “cheit ha’eigel,” however, and the breaking of the luchos, Yisrael was sentenced to galus. Therefore, Torah she'b'al peh was not written on the second luchos, so that the goyim would not be able to take it.**

Accordingly, the Beis HaLevi interprets the Midrash: **Moshe looked at the luchos and saw that the writing on them had flown off; they became too heavy for him to hold; so, he dropped them, and they broke.** What flew off the luchos was the letters of Torah she'b'al peh that were written on them. In other words, when Moshe came down from the mountain and witnessed the “cheit ha’eigel,” Yisrael’s freedom and immunity to galus was repealed. Consequently, the concern arose that if Torah she'b'al peh was written on the luchos, the goyim would take it. Therefore, its letters flew off the luchos.

This explains why the luchos became too heavy for Moshe to carry. Without Torah she'b'al peh, the clarification and comprehension of Torah she'b'chsav are absent. At that point in time, HKB”H had not revealed all of Torah she'b'al peh to Moshe, since He had written them on the luchos. So, HKB”H agreed with Moshe that without Torah she'b'al peh, the luchos should be broken. As explained in the Gemara (Shabbas 87a): **“ומנלן דהסכים הקב”ה על ידו שנאמר אשר שברת, ואמר ריש לקיש יישר כוחך ששיברת.”** **And from where do we derive that HKB”H agreed with his reasoning? As it is stated (Shemos 34, 1): “The first tablets which you broke (asher shibarta)”, and Reish Lakish said: Interpret this as “yishar kochacha she’shibarta”—bravo for breaking them! In other words, HKB”H was expressing His approval and commending Moshe.**

HKB”H Transmitted All of Torah She’b’al Peh Orally to Moshe with the Second Luchos

So, when HKB”H gave Moshe the second luchos, He informed him that the mode of transmission of the Torah would be modified. Instead of everything appearing on the luchos, only Torah she'b'chsav would appear on the second luchos. From then on, the clarifications, interpretations, and Aggados would be transmitted to the people orally by Moshe Rabeinu and the Torah scholars in each subsequent generation.

So, only regarding the second luchos did HKB”H instruct Moshe: **«כתב לך את הדברים האלה»—write for yourself these words—i.e., only write Torah she'b'chsav on this set of luchos**

but not Torah she'b'al peh. Then, He explains the reason: **«כי על פי הדברים האלה כרתי אתך ברית ואת ישראל»—for on account of these words have I entered a covenant with you and with Yisrael.** In other words, in the merit of Torah she'b'al peh—which will only be revealed via toil and exertion, since it was not written on the second luchos—HKB”H entered into a covenant with Yisrael. This is the source of the fundamental principle that HKB”H, the Torah, and Yisrael are one!

With this understanding, he interprets the text in parshas Ki Sisa (ibid.): **«ויאמר ה' אל משה פסל לך שני לוחות אבנים כראשונים. וכתבתי על הלוחות את הדברים אשר היו על הלוחות הראשונים אשר שברת.»** Hashem said to Moshe, “Carve for yourself two luchos of stone like the first ones, and I shall inscribe on the luchos (only) the words that were on the first luchos, which you shattered.” Why was it necessary for HKB”H to add the words: **“Which you shattered”?**

In keeping with what we have learned, HKB”H was emphasizing to Moshe that He would only inscribe on the second luchos the “Aseres HaDibros” that remained on the luchos when Moshe broke them—after all the letters of Torah she'b'al peh had flown off.

With the Second Luchos Yisrael Became the “Klaf” for Torah She'b'al Peh

The Beis HaLevi concludes by reassuring us that Yisrael did not lose out by not having Torah she'b'al peh written on the second luchos. On the contrary, they profited, because, as a result, their bodies became virtual parchments—“klaf”—for Torah she'b'al peh. It seems clear that he is referring to the insight of the Maharal of Prague presented above—that by studying Torah she'b'al peh, a Jew’s body becomes a “klaf” for Torah she'b'al peh.

This did not happen with the first luchos. Since all of the Torah was included on the first luchos—even Torah she'b'al peh—it was all a form of Torah she'b'chsav. As such, they did not merit having their bodies serve as a “klaf” for the Torah. This only happened with the second luchos. Since Torah she'b'al peh was not inscribed on them, it became

necessary for Jews to study it with all of their 248 limbs and 365 sinews. Thus, a Jew’s body was transformed into a virtual “klaf” for Torah she'b'al peh. As a result, the bond between Yisrael and HKB”H became a covenant in the merit of Torah she'b'al peh.

This explains very nicely why only in relation to the second luchos did HKB”H say: **«כי על פי הדברים האלה כרתי אתך ברית ואת ישראל»**—on which they expounded in the Gemara: **«לא כרת»**. For, in point of fact, only because of the second luchos did HKB”H establish this covenant for the sake of Torah she'b'al peh, which is inscribed on the bodies of Yisrael.

Finally, we have shed some light on the fascinating relationship between the month of **Elul**—formed from the two words **ל"ו** and **ל"א**—and our sacred mission to transform **“ולא”** with an **“aleph”** into **“ולו אנחנו עמו”** with a **“vav.”** For, HKB”H acquiesced to give Moshe Rabeinu the second luchos during the month of Elul. We have learned that Torah she'b'al peh was not inscribed on those luchos. This necessitated that Torah she'b'al peh be studied by Jews with diligent labor. In the process, their bodies become imbued with the kedushah of a sefer Torah. Thus, during the month of Elul, we transform the way the phrase is written **“ולא אנחנו עמו”** into **“ולו אנחנו עמו”**—the way it is read. The former alludes to the fact that when we only study Torah she'b'chsav, we are not considered HKB”H’s people; the latter alludes to the fact that when we study Torah she'b'al peh, we are HKB”H’s people.

This explains magnificently why Moshe Rabeinu’s countenance shone only after he came down with the second luchos, as it is written (ibid. 29): **«ויהי ברדת משה מהר סיני ושני לוחות: העדות ביד משה ברדתו מן ההר ומשה לא ידע כי קרן עור פניו בדברו אתו.»** **And it was when Moshe descended from Har Sinai—with the two luchos of the Testimony in the hand of Moshe as he descended from the mountain—Moshe did not know that the skin of his face had become radiant when He had spoken to him.** Let us explain. During those last forty days on the mountain, Moshe Rabeinu received only the second luchos, which did not include Torah she'b'al peh. Therefore, HKB”H

learned Torah she'b'al peh with him in such a way that Moshe's body became sanctified with the kedushah of the Torah. Being equivalent to all of Yisrael, this enabled him to extend that kedushah to the entirety of Yisrael.

In summary, our sacred duty during **Elul** is to transform "ולא" into "ולו אנחנו עמו" by committing ourselves to study

Torah she'b'al peh, thereby transforming our bodies into a "klaf" for Torah she'b'al peh. Thus, we will become imbued with the kedushah of the Torah, and in that merit we will make the appropriate preparations for the Yamim HaNoraim and be deserving of a "kesivah va'chasimah tovah" and a year of redemption and salvation—swiftly, in our times! Amen.



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