

The Last Words of Moses





Micah Goodman

THE LAST WORDS
OF MOSES

TRANSLATED BY

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The Last Words of Moses

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*In loving memory of Irving and Beatrice Stone,
who dedicated their lives to the
advancement of Jewish education.
We are proud and honored to continue in their legacy.*

*Their Children, Grandchildren, Great-Grandchildren
and Great-Great-Grandchildren
Jerusalem, Israel
Cleveland, Ohio USA*



Author's Dedication

This book is dedicated to
my beloved Mom and Dad
Maggie and Jerry Goodman





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Preface

THE DISAPPEARANCE OF MOSES

The ancient Egyptian pharaohs did not die. Their sons continued their dynastic line. Their bodies were mummified and preserved in pyramids, burial tombs of enormous proportions and magnificent appointments. These were not places where the dead lay, but where they lived on. Death was defeated by the cult of death.¹

Moses was raised as an Egyptian prince, but his death could not have been less Egyptian.² His body was not preserved, and the site of his grave remains a mystery to this day.³ Moses's death is a rejection of the

1. Edward F. Wente, "Egyptian Religion: Afterlife," *ABD* 2: 410–411. Also see the documentation from the tomb of Sety I in Bojana Mojsov, "The Ancient Egyptian Underworld in the Tomb of Sety I: Sacred Books of Eternal Life," *The Massachusetts Review* 42, no. 4, Egypt (Winter 2001–2002): 490–493.
2. A. H. Gardiner, *The Attitude of the Ancient Egyptians to Death and the Dead* (Cambridge, 1935); A. J. Spencer, "Ancestor Worship," *Death in Ancient Egypt* (Harmondsworth, UK: Penguin Books, 1982), *ABD* 1: 240.
3. "So Moses the servant of the Lord died there, in the land of Moab, at the command of the Lord. He buried him in the valley of the land of Moab, near Beth-Peor, and no one knows his burial place to this day" (Deut. 34:5–6). The ancient Jewish Sages cite these verses in discussing why the burial place of Moses is not disclosed. There are various original answers proposed, including the following: "And no one knows' – R. Hama bar Hanina said: Why was Moses's burial place kept a secret from human beings? Because it was known to the Holy One, blessed be He that the Temple would one day be destroyed and Israel would be exiled from its land; lest people flock to Moses's grave and cry and plead with Moses, and lest he stand up then and there and avert the decree, because the righteous are more beloved unto God when they are

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Egyptian cult of death. There was no mummified corpse, no pyramid, no heirs. His death was his disappearance. Even in his last moments, the man who took the Jews out of Egypt sought to eradicate all traces of Egypt from the Jews.

But Moses did not really vanish. Just before he died, he delivered his life's greatest oration, full of ideas that were new, even revolutionary. He wrote down this parting address and it became a book, Deuteronomy, the fifth book of the Bible. It was the last words of Moses that immortalized him.⁴

The Bible famously relates that God commanded Moses to speak to a rock and ask for water, but instead of using words he struck it with a stick, and on account of this disobedience he was denied entry into the Land of Israel. Moses's downfall is prefigured at the very beginning of his leadership career, in his encounter with God at the burning bush. There he was initially reluctant to accept the mantle of leadership on the grounds that he had a speech impediment. Moses said that he had "uncircumcised lips" and a "heavy mouth," insisting that he was "not a man of words." In the end, though, he overcame his fears and accepted the position of leader. The Egyptians were defeated and the children of Israel were redeemed from bondage. However, Moses's mission was not completed. He had always expected to bring the nation through the desert and into the Promised Land, but he was fated to remain outside its borders. Moses's "heavy mouth" did not prevent him from embarking on his mission, but it did prevent him from completing it.

This irony is even more striking in light of the content of Moses's final address, in which he expresses his dying wish not to remain on the eastern side of the Jordan but rather to be present among the people of

dead than when they are alive" (Sota 13a). For more on the rabbinic understanding of Moses's death, see Bezalel Landro, "The Death of Moses Our Teacher" [Hebrew], *Maḥanaim* 116 (5727). Also see Y. Blidstein, *The Sadness of Nevo: The Death of Moses in Rabbinic Midrashim* [Hebrew], 5768. George Coats argues that these verses serve to make Moses even more heroic. See G. W. Coats, *Moses: Heroic Man, Man of God*, *JSOT* 57 (Sheffield, 1988): 152, n. 12. See introduction below, note 12, where he quotes Wildavsky.

4. As discussed below, Deuteronomy is Moses's book, a claim the text itself attests. For more detail, see the appendix at the end of this book.

Israel once they cross into the land. The measure of the success of his address lies in the enduring nature of his words. Again and again, Moses enjoins the people to continue to invoke his address. They are commanded to write parts of it down on one of the stones on Mount Ebal when they enter the land. And when they appoint a king, it is incumbent upon that king to write down this speech and consult it throughout his reign. Furthermore, every seven years the nation is required to come together and listen to a public reading of Moses's final address. In the end, Moses did not enter the land. His speech entered in his stead.

The entry into the land is also an entry into the dynamics of power. After entering the land, conquering it, and establishing a secure foothold, the weak nation of slaves that left Egypt is transformed into a ruling power in the land of Canaan. Moses seeks to prepare the people for this reality – to teach them how to defend themselves from the moral and spiritual danger inherent in the transition from weakness to strength.

Success can inflate the ego and cripple the conscience. This was Moses's concern, and it remains relevant in our own day as well: Can we attain power and also maintain our sensitivity? The book of Deuteronomy envisions a society that has material abundance but is not materialistic, a powerful society that is not drunk on power. Moses does not lead the people into the land, but the message he instills in their consciousness is intended to guide them on the challenging journey from weakness to strength.

RELIGION AND POWER

Religion is as ancient and universal as humanity itself. Religious scholars refer to humankind as “homo religiosus.” Spinoza saw religion's enduring hold as a manifestation of humanity's deepest fears. The future, uncertain and largely uncontrollable, is frightening and threatening.⁵ Religion is a response to fear. In ancient Egypt, religion promised control not only over life, but over death as well. By contrast, what was revealed to Moses not only offered no such sense of control but shattered the illusion of

5. Baruch Spinoza, *A Theologico-Political Treatise*, trans. C. Warshavsky (Jerusalem: Magnes, 5722), 1–3.

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control altogether. The book of Deuteronomy heralded a new religious and spiritual consciousness.

Moses offers a new approach to religion, and to politics as well. Religion and politics are intimately connected. Some thinkers maintain that religion was created by political forces in order to enable the few to govern the many. According to this view, religion offers nearly limitless power to those who know how to manipulate it.⁶ Is the purpose of religion to provide people with a sense of control, as Spinoza held, or to control them? Perhaps both are true.

In the book of Deuteronomy, however, Moses divorces religion from power. The religion that Moses proposes to the people is not about control. And the politics he proposes are disassociated from religion. But what kind of religion does not promise a person control over his life? And what kind of politics limits the power of those who rule? Deuteronomy is about the power of limited power. It is about a new kind of religion and a new kind of politics. These are Moses's two revolutions.

THE STRUCTURE OF THIS BOOK

Moses's two revolutions are the subject of the first part of this book, in which I will present the central ideas of the new religious-spiritual consciousness that Moses describes in his final address. These ideas have their roots in the first four books of the Bible, but they achieve their full flowering in Deuteronomy. We will then consider how these two revolutions both stem from an even larger and more fundamental idea about the nature of God.

In the second half of this book, we will turn from the philosophical to the practical. We will discuss Moses's painful realization of how difficult, if not impossible, it would be to achieve what he proposed in his address. As a prophet, Moses was able to foresee that success would become the occasion for failure. The conquest of the land would confound the consciousness of the people. While in part one we will discuss a religion that does not offer the promise of control, in part two we will

6. See, for instance, Paul Radin, *Primitive Religion* (New York: The Viking Press, 1937), 52. For a clear articulation of the cynical interpretation of religion, see Robert Wright, *The Evolution of God* (New York: 2010), 39–45.

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discuss how having control undermines the religious mindset. Part one is theological, focusing on a new idea about the nature of God. Part two is psychological and deals with the nature of humankind and its way of coping with the challenge of success.

Part three traces the impact of Moses's final address in the days and years after it was delivered. Were the significant and sophisticated ideas he put forth accepted and realized in biblical times? We will examine the legacy of the address by closely studying two of Moses's successors: Joshua, who fulfilled its dictates, and King Solomon, who abrogated them. In the end, we will ask: Can these two revolutions be realized in modern Israel?

This book regards the book of Deuteronomy as a human document authored by Moses whose inclusion in the Bible lends it divine authority. But most rabbinic commentators challenge the assumption that the book has a human rather than a divine author, and most academic scholars challenge the assumption that the book was authored by Moses, attributing it instead to one of the sages of the First Temple period. And so both the rabbis and the academics reject the notion that Deuteronomy is Moses's book, a claim that Deuteronomy itself asserts. My goal is to understand the book as it seeks to be understood. For a more detailed explanation of this exegetical choice in light of the rabbinic and academic alternatives, and further discussion of whether Moses did indeed write the book of Deuteronomy, see the appendix. Until then, we will accept what the book itself asserts – that Deuteronomy is Moses's actual words.

My approach is not academic, but it is not the approach of classical rabbinic commentators either. I am not focusing on the historical sources of the book of Deuteronomy or its later midrashic interpretations. The questions that drew me to Deuteronomy are primarily philosophical. I was interested in the religious, psychological, and political ideas it contains – ideas which I have spent the better part of a decade attempting to hone and articulate. Like my previous two books, *Maimonides and the Book That Changed Judaism* and *The Dream of the Kuzari*, this is a book about a book – an attempt to demystify some aspects of Deuteronomy's profound but also cryptic message.

My curiosity about the book of Deuteronomy began with reading Moshe Weinfeld's *Deuteronomy and the Deuteronomistic School*,

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which considers Deuteronomy's religious outlook.⁷ I experienced Deuteronomy as a sort of introduction to biblical philosophy, and a window through which to survey the biblical worldview more generally.

I realized that Deuteronomy is also a window to Israeli society, particularly its religiosity and politics. But in the book of Deuteronomy, I found something for myself as well. The great sixteenth-century mystic known as the Ari, Rabbi Isaac Luria, said that every Jew has his own letter in the Torah. In various sections of Deuteronomy, I found my letter, and perhaps my book as well.

The Last Words of Moses is dedicated to all those who seek to peer through the window that Moses opened to biblical philosophy. It is also dedicated to anyone who wishes to understand, through Deuteronomy, the challenges of modern Israel.

This book may be read on two levels. There is the text that you are reading now, which includes the primary discussion, namely the philosophical story I seek to tell. And then there are the footnotes, which I employed in order to keep the book's main argument free of digressions and interruptions. Some of the ideas I will present in this book are original, and some were put forth by others before me. Some are controversial; others are authoritative. Anyone who is interested in these details is welcome to delve into the footnotes. My writing here is intended to allow for a smooth reading experience, and it includes, by its nature, some generalizations. Qualifications and clarifications may be found in the notes.

I am grateful to the many individuals who helped in the course of my work on this book. First, thank you to my dedicated research assistant, Dror Yaakov, whose fingerprints are visible both in the footnotes and appendix. Friends and scholars read various drafts of the manuscript and eliminated errors, added clarity, and bolstered my claims. Professor Uriel Simon, Professor Alexander Rofé, Dr. Dror Bondi, Dr. Roni Megidov, Dr. Shraga Bar-On, Efrat Shapira Rosenberg, Noam Zion, Rav Avia HaCohen, Dr. Yoshi Fargeon, Dr. Hillel Mali, and Yivniya Kaploun – I am

7. Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972).

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This book is dedicated to my parents, with great love.



Introduction

Moses on Moses

THE HUMAN IN THE DIVINE

The book of Deuteronomy is the fifth and final book of the Torah, and the Torah – according to Jewish tradition – is divine. The book of Deuteronomy, however, presents itself as a human document. Most of the book is comprised of three addresses which complement one another, all delivered by Moses.

Moses speaks in first person. He tells the nation its story through the lens of his own personal perspective. Up until the book of Deuteronomy, Moses is a hero of the Torah. In the final book, he becomes a narrator. This is one of the great enigmas in the Bible. How is it possible that the last book of the divine Bible is a humanly created document?¹

One answer was proposed by the Portuguese Jewish philosopher Don Isaac Abrabanel, who lived during the Renaissance. According to Abrabanel, Moses wrote the book of Deuteronomy, but then God included it in the Bible.

1. The halakhic tradition reflects an internal hierarchy within the Tanakh, with the Torah (*Humash*) at the pinnacle. According to the rabbinic Sages, this hierarchy is reflected in the laws about which books may be placed on top of others. *Humashim* may be placed on top of volumes of the Prophets or the Writings. But volumes of the Prophets or the Writings may not be placed on *Humashim*. See *Mishneh Torah, Sefer Ahava, Hilkhos Tefillin UMezuza VeSefer Torah* 10:5.

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Because Moses himself spoke these words, and the Divine Wisdom, may it be blessed, saw fit to command that it be written as a book along with the other parts of the Torah.²

The book of Deuteronomy was included in the Torah, and thus it became the human section of the divine Torah.

Deuteronomy repeats much of what was already said in the biblical books that precede it. It reviews the laws that were previously promulgated and the stories that were previously told. But it is not an exact repetition. The stories that are retold in Moses's final address are not identical to the original versions. There are fundamental differences – some quite significant – between the versions that appear in the book of Deuteronomy and the versions that appear in the previous books. The human reconstruction of the divine Torah refashions this text and interprets it anew. The last book of the Torah is also the first commentary on it.

In Akira Kurosawa's film *Rashomon*, a single event is narrated from different, conflicting perspectives. When the perspective shifts, the story changes as well. The first four books of the Torah are narrated from God's perspective, but in the book of Deuteronomy, the same story is narrated from the perspective of a human being, namely Moses. The Torah was complete only once these two perspectives were both included.

This is how Rabbi Abraham Joshua Heschel articulated this notion:

The Pentateuch consists of five books. The *Shulhan Arukh* consists of only four books. Where is the missing part of the law? Answered Rabbi Israel of Rushin: The missing part is the person. Without the living participation of the person, the law is incomplete.³

2. Abrabanel attributes the narrative of Deuteronomy to Moses, but he attributes the laws directly to God. See Abrabanel's commentary on Deuteronomy 1:1.

3. Abraham Joshua Heschel, *God in Search of Man* (New York: Farrar, Straus & Cudahy, 1955), 311.

MOSES ON THE STORY OF MOSES

Moses narrates the nation's history in his address. He tells of the Exodus from Egypt, the challenges of the wilderness, and the Revelation at Sinai, and he details the nation's sins and chronicles its wars. How does Moses tell the story of Moses? By barely mentioning himself at all. Here is one example:

Remember the long way that the Lord your God has made you travel in the wilderness these past forty years, that He might test you with hardships to learn what was in your hearts – whether you would keep His commandments or not. He subjected you to the hardship of hunger and then gave you manna to eat, which neither you nor your fathers had ever known, in order to teach you that man does not live on bread alone, but that man may live on anything that the Lord decrees. The clothes upon you did not wear out, nor did your feet swell these forty years. Bear in mind that the Lord your God disciplines you just as a man disciplines his son. Therefore, keep the commandments of the Lord your God. Walk in His ways and revere Him. (Deut. 8:2–6)

In Moses's narrative, it is God who takes the Jews out of Egypt and leads them through the desert. Where is Moses? Moses, the hero of the story, avoids any mention of his role.⁴

Moses emphasizes two central events when retelling the nation's history: the enslavement in Egypt and the journey through the wilderness. Each consists of a challenge. In Egypt there is the challenge of

4. The story of the waters of Meriva appears three times in the Torah: Exodus 17:1–7, Numbers 20:1–13, and Deuteronomy 8:15. In the first two accounts, it is Moses who extracts water from the rock: "Then the Lord said to Moses...I will be standing there before you on the rock at Horeb. Strike the rock and water will issue from it, and the people will drink.' And Moses did so in the sight of the elders of Israel" (Ex. 17:5–6); "And Moses raised his hand and struck the rock twice with his rod. Out came copious water, and the community and their beasts drank" (Num. 20:11). But in the book of Deuteronomy, Moses says: "Who led you through the great and terrible wilderness with its seraph serpents and scorpions, a parched land with no water in it? Who brought forth water for you from the flinty rock?" (8:15).

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dealing with an enslaving civilization, and in the wilderness there is the challenge of an absence of civilization. The Jewish people must confront both. After escaping Egypt, they must survive in the barren expanse of the wilderness.

Moses does not just narrate the people's story; he also teaches them how to tell their story to future generations. And in this version, too, he excises himself from the narrative.

You shall say to your children, "We were slaves to Pharaoh in Egypt and the Lord freed us from Egypt with a mighty hand. The Lord wrought before our eyes marvelous and destructive signs and portents in Egypt, against Pharaoh and all his household, and us He freed from there, that He might take us and give us the land that He had promised on oath to our fathers. (Deut. 6:21–23)

Anyone who has read the Passover Haggada closely has surely noticed that Moses is hardly ever mentioned. But the sages who removed Moses from the Haggada were not the first to do so. The first person to excise Moses from the Exodus narrative was Moses himself.⁵

This is an interesting and important paradox: The book of Deuteronomy is the sole human book in an otherwise divine Torah. And it is specifically the human book that does not glorify man, but exalts God instead.

And it is not just God's role that is emphasized. Moses shifts the focus from himself so that the people assume a more significant role. This is evident, for instance, when Moses retells the story of appointing chiefs for each of the tribes:

Thereupon I said to you, "I cannot bear the burden of you by myself. The Lord your God has multiplied you until you are today as numerous as the stars in the sky. May the Lord, the God of your fathers, increase your numbers a thousandfold,

5. At all of the points in the story when Moses recounts the Exodus from Egypt, he never makes any reference to himself. Only God takes the Israelites out of Egypt. See Deuteronomy 4:20, 37; 5:14; 6:21–23; 8:14; 9:26; 11:3–4; 15:15; 20:1; 24:18; 26:8.

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and bless you as He promised you. How can I bear unaided the trouble of you and the burden and the bickering? Pick from each of your tribes men who are wise, discerning, and experienced, and I will appoint them as your heads.” You answered me and said, “What you propose to do is good.” So I took your tribal leaders, wise and experienced men, and appointed them heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes. (Deut. 1:9–15)

The appointment of the chiefs is first described in the book of Exodus (18:13–26), in *Parashat Yitro*. But there the story is very different. In the book of Exodus, the sage advice to decentralize the judicial system is offered by Yitro, Moses’s father-in-law, after he witnesses Moses’s struggle to manage on his own. Moses accepts his advice and imposes a new system of government on the people. But the book of Deuteronomy describes a very different reality. Moses recognizes his limitations on his own. Only then does he seek out advice, not from Yitro, but from the people. He institutes a system of chiefs after consulting with the people and receiving their consent: “You answered me and said, ‘What you propose to do is good’” (Deut. 1:14).

This is the case, too, when Moses retells the story of the spies sent to scout out the land of Canaan:

Then all of you came to me and said, “Let us send men ahead to reconnoiter the land for us and bring back word on the route we shall follow and the cities to which we shall come.” I approved of the plan, and so I selected twelve of your men, one from each tribe. (Deut. 1:22–23)

According to the account in the book of Numbers (chapters 13–14), where we first encounter the spies, they are sent to scout out the land in accordance with God’s explicit instructions. But when Moses revisits the story in the book of Deuteronomy, it seems that it was the people’s idea to scout out the land. As in the account of the appointment of chiefs of the tribes, here too, in the story of the spies, the decision is made by

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Moses in consultation with the people. And here too, Moses accepts the people's advice: "I approved of the plan" (Deut. 1:23).

That is, Moses recasts the events of the past. He depicts a period in which the children of Israel did not have a dominant leader imposing his decisions upon them, but rather someone who consulted with them – not a distant leader who received instructions from God and then told the people what to do, but a figure attentive to their wishes and needs. It was not a true democracy, but the major decisions were all made in unison.

What emerges from the Torah is reminiscent of the Rashomon effect, with God's perspective on the human story and then the human perspective on God's Torah. Removing himself from the center of the story of the miraculous journey through the wilderness, Moses makes more room for God. By diminishing his role in the political story about the appointment of chiefs, he makes more room for the people.

As we will now see, Moses tries even further to narrow the gap between him and the people when he presents the people as also having prophetic powers.

MOSES'S PROPHECY AND THE PEOPLE'S PROPHECY

The prophet has often been regarded as someone with a unique spiritual constitution.⁶ But Moses believed that all people are equal. As he saw it, prophecy is not a reflection of any fundamental difference between the prophet and the rest of humanity. There is no metaphysical gulf between the prophet and his audience.

At least, this is the conclusion that emerges from the way Moses tells the people the story of how he became the nation's prophet. It all began at Sinai, where God revealed Himself to the entire people. Everything that we might expect would have happened to the prophet alone, and everything that would otherwise distinguish him, happened to the entire nation at Sinai. God spoke to the people and passed on His laws directly, without mediation. The nation's response was dramatic:

The Lord spoke those words – those and no more – to your whole congregation at the mountain, with a mighty voice out of

6. See Goodman, *The Dream of the Kuzari* [Hebrew] (Dvir: 2012), part 2.

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the fire and the dense clouds. He inscribed them on two tablets of stone, which He gave to me. When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me, all your tribal heads and elders, and said, “The Lord our God has just shown us His majestic presence, and we have heard His voice out of the fire. We have seen this day that man may live though God has spoken to him.” (Deut. 5:19–21)

This collective and egalitarian Revelation seems to suggest that there is no fundamental distinction between the prophet and the nation. Everyone can be a prophet. Moreover, the collective Revelation is not supposed to be a onetime event, but rather to continuously unfold. However, as the Torah goes on to relate, the people feel that they cannot bear the force of God’s direct Revelation, and they ask for relief. They request that Moses put an end to this egalitarian arrangement and switch to a different model:

You go closer and hear all that the Lord our God says, and then you tell us everything that the Lord our God tells you, and we will willingly do it. (Deut. 5:24)

It is the people who ask not to hear the voice of God directly any longer. Instead, they ask Moses to convey God’s words to them, and God obliges:

The Lord heard the plea that you made to me, and the Lord said to me, “I have heard the plea that this people made to you; they did well to speak thus.” (Deut. 5:25)

This is an interpretation of the idea that first appears in the book of Exodus regarding the nature of Moses’s prophecy:

“You speak to us,” they said to Moses, “and we will obey, but let not God speak to us, lest we die.” (Ex. 20:16)⁷

7. Compare Deuteronomy 5:19–6:3. Scholar Jeffrey Tigay contends that according to the account in the book of Deuteronomy, the revelation at Horeb was a parallel event to the Revelation at Sinai. In other words, the Torah contains two parallel stories of

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Moses in Deuteronomy is not God's messenger to the people, but the people's messenger to God.

At the beginning of Deuteronomy, Moses reports to the people on a revelation that was not described previously in the Torah. Moses relates that after a long wait at the foothills of Mount Sinai, God revealed Himself to the people once again: "The Lord our God spoke to us at Horeb, saying, 'You have stayed long enough at this mountain. Start out and make your way to the hill country of the Amorites'" (Deut. 1:6–7). According to the plain meaning of the text, God revealed Himself to the entire nation: "The Lord our God spoke to us at Horeb." But there is a problem with this understanding, because this revelation took place after the Revelation at Sinai, that is, after the collective revelation had already been replaced by a private revelation to Moses alone, per the people's request. To whom exactly did God reveal Himself this time – to the entire people, or just to Moses? The book of Deuteronomy does not seem to distinguish between Moses's prophecy and the people's prophecy. Deuteronomy does not attend to the specifics of just *who* heard God's word. Revelation to Moses was revelation to the entire people.

When it comes to his own prophetic career, Moses's address omits salient autobiographical details. He does not tell of his childhood, his Egyptian period, or his personal revelation at the burning bush, which was arguably the most formative moment of his life. According to the account that the people hear during Moses's last days, Moses took on the role of prophet at Sinai. From Sinai on, all the roles are reversed: Exodus relates that God revealed Himself at the burning bush and sent Moses to the people in order to convey His will. But according to the revised account in Deuteronomy, the nation sent Moses as an intermediary to convey God's will to them. Moreover, according to the theology that Moses presents in Deuteronomy, all the men and women of Israel can prophesy. Moses is no different from the rest of the nation. The fact

revelation: one at Sinai (Exodus), and one at Horeb (Deuteronomy). According to Tigay, Moses waited forty years until his parting address, and only then passed on to the people the laws he had heard at Horeb. See the introduction to the JPS edition of Deuteronomy, p. xiv. Also see Baruch Y. Schwartz, "The Torah: Its Five Books and Its Four Accounts" [Hebrew], in *Biblical Literature: Introductions and Studies*, ed. Tzipora Talshir (Jerusalem: Yad Ben Zvi, 5771), 209–210.

that he is a go-between is not an indication of any qualitative difference between him and the nation. It simply reflects the fact that he was chosen by the people to act as their representative.

This is how Moses describes the way prophecy worked in the past, and this is how he shapes the way it will work in the future. After his death, there will be other prophets who will also speak to God in the name of the people. Moses describes these future prophets in clear, simple terms: “The Lord your God will raise up for you a prophet from among your own people, like myself; him you shall heed” (Deut. 18:15). Every prophet will be comparable to Moses. Just as, according to Moses, at Sinai there was no difference between him and the rest of the nation, in the future every prophet who arises will be like him.⁸

What then is the source of the traditional belief in the fundamental superiority of Moses’s prophecy to all others? Why is there such a widespread belief that Moses’s prophecy was one of a kind, both unprecedented and unmatched? The source of this notion is also in the book of Deuteronomy, but not in Moses’s words. The final verses of the book are spoken about Moses, but not by Moses. They tell us something about Moses that he never said himself: “Never again did there arise in Israel a prophet like Moses.”⁹

That is, there is a stark disparity between what Moses says in the book of Deuteronomy and what the final verses have to say about him.¹⁰ According to Moses, the humblest of all men, every prophet will be like

8. Moses already intimated in Numbers that he wished that there were no distinction between himself as prophet and the rest of the nation: “Would that all the Lord’s people were prophets, that the Lord put His spirit upon them!” (Num. 11:29).

9. Deuteronomy 34:10.

10. According to the tannaitic midrash on this verse, the author of the final verses of Deuteronomy was Joshua: “So Moses the servant of the Lord died there’ – Moses wrote until this point, and Joshua wrote the rest.” Also see Bava Batra 15a, where this idea is cited in the name of R. Yehuda or R. Nehemya. This gave rise to medieval halakhic debates about the permissibility of reading these final verses without a minyan, i.e., a quorum of ten. For more on the history of this debate, see Abraham Joshua Heschel, *Heavenly Torah: As Refracted Through the Generations*, trans. Gordon Tucker (Bloomsbury, 1996).

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him. But according to the final verses of the Torah, there will never be a prophet of his equal.¹¹

SHAPING THE PAST FOR THE FUTURE KING

Why does Moses excise himself from the story of the Exodus from Egypt and the journey through the wilderness? Why does he downplay the differences between himself and the nation? Why does he blur the distinction between his prophecy and theirs? We can suggest two possible explanations, one political and one psychological.

Very often, the rewriting of the past is not about the past but about the future. Perhaps Moses wants to diminish the role of future leaders. When Moses describes the future king to the people of Israel, he does not depict an autocratic ruler but rather a leader who is subordinate and faithful to the law:

Let it [the Torah] remain with him [the king] and let him read it all his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this Torah as well as these laws. Thus he will not act haughtily toward his fellows or deviate from the commandment to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel. (Deut. 17:19–20)

Submission serves to temper the arrogance of a king. The ruler will not feel exalted above everyone else if he himself is ruled by the law: “Thus he will not act haughtily toward his fellows.”

I will consider Deuteronomy’s idea of monarchy as part of the discussion of the book’s political outlook. For the time being, I will just point out that Moses seeks to cultivate leadership that is not separate

11. In contrast to Joshua’s response, Moses believes in the possibility of other prophets like himself arising. This is the impression that emerges from Moses’s words to Eldad and Medad: “A youth ran out and told Moses, saying, ‘Eldad and Medad are prophesying in the camp!’ And Joshua son of Nun, Moses’s attendant from his youth, spoke up and said, ‘My lord Moses, restrain them!’ But Moses said to him, ‘Are you wrought up on my account? Would that all the Lord’s people were prophets, that the Lord put His spirit upon them!’” (Num. 11:27–29).

and distant from the people. A king who is subject to the law will be less apt to elevate himself above his subjects. Instead, he will remain at their side, as one of them.

Moses needed to rewrite his own role, too, as the political leader of the people during their journey through the wilderness. Because he wanted to shape the image of the future leader as someone who is not exalted above the nation, he depicts himself in the same way. In order to shape a certain political future, he depicts a past in which society was not hierarchical, a past whose leader was modest.¹²

This is a political explanation. By contrast, the psychological explanation for the alternative history that Moses writes has to do with an open wound: the sin of the Golden Calf.

THE TRAUMA OF THE GOLDEN CALF

The rabbinic Sages described the sin of the Golden Calf in pained and pointed imagery. They likened the behavior of the nation to “a bride who committed adultery beneath her wedding canopy” (Gittin 36b). The nation had just received the Torah, sealed a covenant with God – and then violated that covenant. The sin of the Golden Calf is a collective betrayal of God, and in response to that betrayal, God threatens to destroy the people. Only Moses’s urgent and persuasive intervention saves the people from annihilation.

Why are the people unfaithful so soon after receiving the Torah? The answer appears in the biblical text itself. Moses has disappeared up the mountain: “For that man Moses, who brought us up from the land of Egypt – we do not know what has happened to him” (Ex. 32:1). The Israelites become convinced that Moses will not return, and they

12. These conclusions may be compared to those of Aaron Wildavsky in his book *Moses as Political Leader* (Jerusalem: Shalem Press, 2005), 2nd ed., which deals with the question of why Moses did not enter the Land of Israel. According to Wildavsky, one of the reasons was to forge a people that can learn and teach words of Torah on its own, and that can build a society based on Torah without depending on a leader to tell them how to act and what to do. Another reason is in order to preclude or uproot the belief in the divinity of Moses or any future leaders. This discussion extends through the fifth chapter of his book. See especially pp. 182–189.

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promptly fill the void with a golden calf. As Maimonides put it, “They were seeking another Moses.”¹³

Forty years later, Moses stands before the people and informs them of his imminent departure. He will disappear again, never to return; he will not enter into the land with them. Informed by past experience, he becomes fearful that after he is gone, the people will soon abandon their faith in God:

For I must die in this land; I shall not cross the Jordan. But you will cross and take possession of that good land. Take care, then, not to forget the covenant that the Lord your God concluded with you, and not to make for yourselves a sculptured image in any likeness, against which the Lord your God has enjoined you. (Deut. 4:22–23)

When the people were merely anxious about the possibility that Moses had left them, they violated the covenant. What would happen when Moses truly left forever? The verse suggests that Moses fears that the sin of the Golden Calf will be repeated. In that story, the children of Israel are described as having been “quick to turn aside from the path.... They have made themselves a molten calf.”¹⁴ Moses warns about what must be avoided, what will bring not blessing but curse:

If you do not obey the commandments of the Lord your God, but turn away from the path that I enjoin upon you this day and follow other gods, whom you have not experienced. (Deut. 11:28)

Moses does not just caution the people about what *may* transpire. At the end of the book – both the end of his speech, and the end of his life – he also foretells that the terrible scenario *will* happen:

For I know that, when I am dead, you will act wickedly and turn away from the path that I enjoined upon you. (Deut. 31:29)

13. Maimonides, *Commentary on the Torah* 32:1.

14. Exodus 32:8.

The trauma is real and the fear is palpable.

And so, in his final words, Moses tells a story whose purpose is to enable the people to survive their separation from him. He refashions national memory in a way that puts him on the sidelines, as if he had never been the dominant figure in the life of the nation. Moses minimizes his own role in the drama of the Exodus from Egypt and the wilderness journey, perhaps out of a sense that in order to become independent of him, the people need to be convinced that they were never really dependent on him in the first place.

The story of the Golden Calf suggests that the real sin was not the worship of the calf, but the worship of Moses. The people say, “For that man Moses, who brought us from the land of Egypt – we do not know what has happened to him” (Ex. 32:1). Perhaps this is the root cause of their sin:¹⁵ not the absence of the man who had taken them out of Egypt, but the belief that Moses and not God had liberated them. Moses needs to move the people out from the shadow of his commanding presence. In order to do so, he tells a new story. And he reinforces that story by creating a new ritual for the period after he has died.

A RITUAL WITHOUT MOSES

The relationship between the nation of Israel and God is based on a covenant: First Noah made a covenant with God,¹⁶ and then Abraham

15. Rabbeinu Bahya (Spain, 1255–1340) alludes to this idea in his commentary on Exodus 10:7. “How long shall this be a snare to us’ – they said this for the sake of Moses, and similarly it is written, ‘For that man Moses’ (Ex. 32:1), because it was his hands that brought the plagues that were ensnaring them.... And the text has revealed to us, through the use of this language, that the people had turned to total heresy.” Elsewhere, Rabbeinu Bahya tempers his view and explains that the children of Israel mistook Moses for an angel, not a god: “They held that Moses was an angel of the Holy One, blessed be He, not concerned with physical matters or human affairs. As proof, see what they say in his absence: ‘For that man Moses, who brought us out of the land of Egypt.’” See Rabbeinu Bahya’s commentary on Numbers 20:16, *Vayishlah malakh*.

16. Genesis 9:8–17. In this episode, God makes a covenant with humanity and with “every living thing” (v. 10). The rainbow is a sign of this covenant, ensuring that God will not forget His promise. A similar motif appears in the story of the Mesopotamian flood. Following the flood, Ishtar held up her necklace of lapis lazuli and declared

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did,¹⁷ and then the entire nation of Israel did the same. “Covenant” is a political term that is familiar from the literature of the ancient Near East. It is most commonly used to express the system of relationships between strong empires and weak vassal states, whereby the leader of an empire commits to protect the vassal state, and the vassal state in turn pledges complete loyalty to the leader of the empire. Scholars of the Bible and the ancient Near East have argued that the biblical covenant was a refashioning of the ancient vassal treaty.¹⁸ This insight hones our understanding of

that just as she would not forget her necklace, nor would she forget the calamity of the flood. See *The Epic of Gilgamesh*, tablet 11, lines 162–165; *The Epic of Atrahasis*, tablet 3, column 6, lines 2–4.

17. The first covenant between Abraham and God is known as the Covenant between the Pieces (Gen. 15), in which God first promised to give the land of Canaan to Abraham’s descendants and Abraham was instructed to cut up various animals. Until this point, the promise was stated in the future tense, but at the Covenant between the Pieces it was expressed in the past perfect tense: “I have given this land to your descendants” (Gen. 15:18). That is, by means of the covenant, God has given the land. There were other ancient Near Eastern covenants, too, that involved the promise of a region of land as well as the segmentation of animals. In the covenant at Mari, a goat and calf were used, alongside other young animals. The way in which the rite was carried out was also similar. The one who received the gift was the one responsible for laying out the animals, the symbol of the covenantal promise; if one side did not fulfill its promise, it would end up like the animals. This is also what we find in Jeremiah 34:18–19, where the people who promise to free their slaves must pass between the pieces. See Abraham Melamet, “The Ritual of Making Covenants in Mari and in the Bible” [Hebrew], *Beit Mikra*, vol. 40, booklet 2 (Tevet–Adar 2) (Bialik Institute, 5755): 153–155. The second covenant that Abraham made with God was the covenant of circumcision described in Genesis 17:1–14, in which God pledged to be the God of Abraham and his descendants.
18. In the first half of the twentieth century, scholars of the Bible and the ancient Near East first discerned that the biblical covenant, especially the covenant in the book of Deuteronomy, is based on Hittite and Assyrian covenants. In 1954, American scholar George Mendenhall found that the fundamental elements of ancient Hittite covenants are the same as those of the biblical covenant. See George E. Mendenhall, “Covenant Forms in Israelite Tradition,” *The Biblical Archaeologist*, vol. 17, no. 3 (September 1954): 49–76. Two years later, scholars discovered the treaty of Esarhaddon the son of Sennacherib, from the seventh century BCE, which also bore striking resemblance to the covenant in Deuteronomy. See Erica Reiner, “The Vassal Treaties of Esarhaddon,” *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed., ed. J. B. Pritchard (Princeton University Press, 1969), 534–541. For an English translation of the covenant from Sefire, which contains a list of curses strikingly

the Bible's innovation – it was not the idea of a covenant that was novel, but rather the way it was used. For the first time, a covenant was sealed to systematize the relationship not between two nations, but between a nation and God. And so the covenant that had political significance in Assyria takes on theological significance in the Torah.¹⁹

A covenant rests fundamentally on the agreement of two sides. The covenantal process at Sinai was not complete when God presented His demands to the people. It was complete only after Moses read the

similar to that in Deuteronomy 28:23–35, see Joseph A. Fitzmyer SJ, “The Inscriptions of Bar-Ga’yah and Mat’el from Sefire,” *The Context of Scripture: Monumental Inscriptions from the Biblical World*, vol. 2, ed. William W. Hallow and K. Lawson Younger, Jr. (Leiden, Netherlands: Brill, 2003). For a comprehensive explanation and a full bibliography on the concept of covenant and on notions of loyalty in the ancient Near East, see Haim Tadmor, *Assyria, Babylonia, and Judea: Studies in the History of the Ancient Near East* [Hebrew], ed. Mordechai Kogan (Bialik Institute, 5766), 183–213. For a comparison of ancient Near Eastern and biblical covenants, see Weinfeld, *Deuteronomistic School*, 59–157, especially 116–128. On the concept of covenant in the book of Deuteronomy, see Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: The Jewish Publication Society, 1996), xiii–xv. Scholars have concluded that the covenant in the book of Deuteronomy is essentially an oath of loyalty that God imposes upon Israel, which includes elements of other covenants from other parts of the ancient world. I am grateful to Dror Yaakov for teaching me about this fascinating scholarly discussion.

19. The use of “covenant” to refer to an agreement with God rather than with a king is pertinent to the idea that the ancient Israelite faith related to God as a king. This was the case even before the Israelite kingdom had a human king. See Judges 8:23; I Samuel 8:7, 10:17. And perhaps for this reason, even when the Israelites did have a king, he was regarded as God’s subject. Other ancient Near Eastern faiths also had divine kingdoms, but there were multiple gods and therefore multiple loyalties. By contrast, the Israelite faith was unique in demanding exclusive faith in the God of Israel. The monotheism that emerges in the book of Deuteronomy, along with the notion of God’s kingdom, gave rise to a unique phenomenon in the ancient Near East – a vassal treaty between God and His people.

Biblical scholarship has established that the concept of a divine kingdom originated with Israel and was the basis for the book of Deuteronomy. See part 1 of this book’s appendix. Also see Rofé, “Historiography at the End of the Monarchic Period: The Efrati Composition vs. the Mishneh Torah Composition” [Hebrew], *Beit Mikra* 38 (5753): 14–28. For a comparison between the notion of divine kingdom in Israel and this notion in other ancient Near Eastern peoples, see Y. Kaufmann, *The Religion of Israel* [Hebrew], vol. 2, book 1, 178–181.

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people the “book of the covenant” and the nation responded, “We will do and we will listen” (Ex. 24:7). The people’s consent is what ultimately rendered the covenant with God legally binding.

This is the understanding that emerges from the book of Exodus, but not from the book of Deuteronomy. In Deuteronomy, Moses reads the law to the people and speaks in terms of a covenant with God,²⁰ but the book makes no mention of the nation’s consent.²¹ What happened? The book of Deuteronomy does not document the people’s consent. It instead charges the people to conduct a ceremony in the future to ratify the covenant and grant it legal force. This event is supposed to take place between Mount Gerizim and Mount Ebal, only after the people enter the land.

See, this day I set before you blessing and curse: blessing, if you obey the commandments of the Lord your God that I enjoin upon you this day, and curse, if you do not obey the commandments of the Lord your God, but turn away from the way I command you this day and follow other gods, whom you have not experienced. When the Lord your God brings you into the land that you are about to enter and possess, you shall pronounce the blessing at Mount Gerizim and the curse at Mount Ebal. (Deut. 11:26–29)

20. See the verses quoted below, as well as Deuteronomy 26:17–19, 29:11. The book of Deuteronomy, as we will see below and as we see in Deuteronomy 17:18, is referred to as a *mishneh Torah*, a repetition of the Torah. Biblical philologist Naftali Tur-Sinai explained that the word *mishneh*, which has an Arabic root, can also mean “contract.” See N. H. Tur-Sinai, *The Language and the Book: Fundamental Problems in the Knowledge of Language and Its Sources in Literature* [Hebrew], vol. 2 (Jerusalem: Bialik Institute), 224–226.

21. In this chapter, Moses refers to a covenant, but the text does not describe that covenant. “You have affirmed this day that the Lord is your God” (Deut. 26:17) – this verse sounds like a covenantal formula. It echoes Hosea’s articulation of the covenant (chapter 2). Perhaps the verse is suggesting that one aspect of the covenant dates to Moses’s time – “These are the terms of the covenant which the Lord commanded Moses to conclude with the Israelites in the land of Moab” (Deut. 28:69) – but sealing the covenant dates considerably later, to the ceremony at Mount Gerizim and Mount Ebal.

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These verses, which allude to a major ceremony, are vague and incomplete. They are clarified only sixteen chapters later, when Moses explains what exactly is supposed to happen on Mount Gerizim and Mount Ebal:

As soon as you have crossed the Jordan into the land that the Lord your God is giving you, you shall set up large stones. Coat them with plaster and inscribe upon them all the words of this Torah.... Upon crossing the Jordan, you shall set up these stones, about which I charge you this day, on Mount Ebal, and coat them with plaster. (Deut. 27:2–4)

The text describes a dramatic ceremony that must be orchestrated when the Israelites enter the land. As part of this ceremony, the words of the covenant will be inscribed on a stone, and the priests will read the fundamental tenets of the covenant, concluding with the line “Cursed be he who will not uphold the terms of this Torah and observe them” (Deut. 27:26). Then the people must respond “amen,” marking the moment of consensus. There, between the mountains of Gerizim and Ebal, the people will ratify the covenant presented to them on the steppes of Moab. This ceremony at Gerizim and Ebal is the element missing from Moses’s address to the people in Moab. The book of Deuteronomy describes an event that will continue to unfold: The covenant is heard in Moab, but it will be ratified only in Canaan. The covenant is thus divided in two parts. The first part takes place on the eastern side of the Jordan, and the second half takes place on the western side. The Torah is given in Moab but it is accepted in Canaan, giving rise to a new narrative. The ceremony of accepting the covenant must be performed in the land to which Moses will not be granted entry. The division of the covenant in two thus means that the children of Israel will have to accept the covenant in the absence of Moses, who transmitted it to them originally.

This is an ingenious inversion of the story at Sinai. In the Golden Calf episode, the people abrogated the covenant when Moses disappeared. But at Gerizim and Ebal, the people will *accept* the covenant when Moses disappears. This is the challenge that Moses sets out before them: they have to postpone the ratification of the covenant until they reach the other side of the Jordan without him.

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It is hard not to be awed by the theological and political drama of Moses's final words. The great prophet and leader does not just remove himself from the story, he also removes himself from the covenant, which will be ratified in his absence. In so doing, he excludes himself both from the past and from the future.

We began this chapter with the double premise that the book of Deuteronomy is a human book, and it was composed by Moses. Now we close the chapter with the double conclusion: Moses's book removes Moses from the story, and the human book of the Bible serves not to celebrate man but to exalt God.

GOD HAS SPOKEN ONCE, TWICE HAVE I HEARD

Anyone who is accustomed to reading the Torah in light of rabbinic midrash finds it difficult to consider the biblical text in its own right. For instance, many readers are convinced that the book of Genesis states that Abraham shattered his father's idols – a story that appears only in the Midrash. Almost without noticing, we read rabbinic midrashim into the text of the Torah. And just as it is difficult to read the Torah without hearing the Sages' Midrash, it is even harder to read any verse from the Torah without considering the preceding chapters and verses. But this is what we will try to do in this book. We will try to read the book of Deuteronomy without reading into it everything we know from Exodus, Leviticus, and Numbers, so as to relate to Moses's final words as a separate literary unit. We will listen to Deuteronomy as it seeks to be understood, as an independent address that Moses conveys to the people before his death.

We will do so because this kind of reading leads to a surprising discovery. The ideas that appear in Moses's final address are very different from those presented in previous books of the Torah. The concept of God is different, the role of religion is different, and the understanding of human beings is different. The ideas contained in Moses's address are more challenging than those that precede it in the Torah. Inevitably, this will be a more disturbing and even off-putting reading experience. After all, while there are many traditional readers who have made their peace with the fact that there are conflicting interpretations

of the Torah, it is much harder to accept that there are contradictions within the Torah itself.²²

Rabbi Amnon Bazak proposes that we regard the differences between Deuteronomy and other books of the Bible as stemming from the different perspectives of their respective authors – Moses and God.²³ But the disparities between the religious ideas in Moses's final address and those in the rest of the Torah are vast, a veritable ideological chasm. Some of the contradictions between the books touch upon the essence of Jewish life. Moreover, the book of Deuteronomy comprises part of the divine Torah, and so Jewish tradition accords it divine status. At the same time, though, it contains first-person statements by Moses that seem to be spoken in the name of God. Moses's address includes verses such as, "I will grant the rain for your land in season . . . I will also provide grass in the fields for your cattle" (Deut. 11:14–15). Who is the speaker in these verses, Moses or God?

Deuteronomy is a human book included in a divine work, and the divine voice bursts forth in a human address. When we consider the ideological tension between what is expressed in Moses's last words and what is in the rest of the Torah, we will have to confront the possibility that there are contradictions in the divine Torah. We may have to accept that our tradition is not just one of conflicting interpretations of the Torah, but of conflicting ideas within the Torah itself.

But can there be contradictions within the Torah? Rabbi Abraham Isaac HaCohen Kook, one of the great Jewish thinkers of the modern age, addressed this theological question:

We as yet do not know the specific nature of prophecy and divine inspiration, nor do we even know if it can be that there are no contradictions in prophetic and divinely inspired sayings, as is the case in well-reasoned lectures, for perhaps the phenomenon which is beyond our comprehension is also beyond our

22. For a discussion of the consensus that has emerged in the academy regarding the contradictions between the book of Deuteronomy and other books in the Bible, see the appendix.

23. Rabbi Amnon Bazak, *To This Very Day* (Jerusalem: Maggid, 2020), 108–121.

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conditions for perfection, and all its contradictions are in harmony on some level, in no need of reasoned solutions. Nature does not fear contradictions, as does science, since it is incalculably greater than science.²⁴

Many Jews believe that the Torah must be an internally consistent text, that it cannot possibly contain contradictions. This view is the basis for the exegetical enterprise of generations of sages, who were motivated by the need to reconcile any apparent contradictions. Rabbi Kook challenges this belief, arguing that faith in the Torah is not the same thing as faith in the internal consistency of the Torah. While absence of internal contradictions is a hallmark of a well-reasoned lecture, the divine Torah need not be evaluated by human criteria. God's Torah extends above and beyond the bounds of human logic, and it may be that God's voice can be best heard as several different and conflicting voices.

Tractate Nedarim of the Jerusalem Talmud (3:2) contains a list of all the internal contradictions in the Torah. At the end of the list there is no attempt to resolve these contradictions; there is simply an acceptance of them. In the words of Psalms, "God has spoken once; twice have I heard" (Ps. 62:12). God's voice is indeed one voice, but it must be heard as a multiplicity.

The assumption that the Torah does not and cannot contain any contradictions or paradoxes does not serve to strengthen God's word, but rather to attenuate it. According to Rabbi Kook, such an assumption reduces the divine word to the equivalent of a human lecture, albeit a superb one. But God's word is too exalted to be subjected to the same criteria by which we evaluate the lectures of human beings. When it comes to the study of God's word, there is a rich exegetical tradition that resolves contradictions and distills from them a single voice. But this fear of contradiction would bias our understanding of Deuteronomy, which

24. Rav A. Y. Kook: *Selected Letters*, trans. Tzvi Feldman (Maale Adumim, Israel: Ma'aliot, 1986), 19. For the original Hebrew, see *The Letters of Rabbi Abraham Isaac HaCohen Kook*, 2 (Jerusalem: 5722), letter 478, p. 108.



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must be read independent of the preceding books of the Torah in order for us to hear its very different message.

Let us try to listen to the unique voice of Moses's parting address, not to gloss over its uniqueness but to highlight its significance. In the next part of this book we will discover that the book of Deuteronomy presents its own version of the ancient Israelite faith, one that will strongly influence the later development of Judaism. This version offers a different approach to religion and a different approach to politics, one that we will seek to understand in the pages that follow.

