

TORAH MIETZION

New Readings in Tanach

DEVARIM

EDITORS

Rav Ezra Bick &
Rav Yaakov Beasley

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Parashat Devarim

Devarim's Opening Verses and the Structure of the Book

Rav Mordechai Sabato

1. These are the things that Moses told to all of Israel on the other side of the Jordan, in the desert wilderness facing Suf, between Paran and Tofel and Lavan and H̄atzerot and Di-Zahav.
2. It is a journey of eleven days from H̄orev, via Mount Se'ir, to Kadesh Barnea.
3. In the fortieth year, in the twelfth month, on the first of the month, Moses spoke to *Benei Yisrael* according to all that God had commanded him for them;
4. After he had slain Sihon, King of the Emori, who dwelled in H̄eshbon, and Og, King of Bashan, who lived in Ashtarot in Edre'i;
5. On the other side of the Jordan, in the land of Moav, Moses began to declare this Torah, saying...

With this preamble, the Torah introduces Deuteronomy and informs us that we are about to read Moses' words as addressed to the nation of Israel in the land of Moav, close to the end of the fortieth year. No such introduction exists for any other book; this is an indication of

Deuteronomy's uniqueness. We shall attempt to address the significance of these introductory verses and their connection to the structure and content of Deuteronomy.

Let us begin with a brief overview of the structure of the book. Deuteronomy may be divided into three parts:

1. The "historical" speech (1:1–4:40)
2. The "mitzvot" speech and its appendices (4:40–chapter 30)
3. Moses' farewell to the nation (chapters 31–34)

The difference between the first two speeches is immediately apparent. The first includes a historical overview (chapters one to three) and the conclusion that arises from that overview (chapter four). This speech contains no commandments. The second speech, much longer than the first, conveys – for the most part – commandments.

This overview of Deuteronomy's structure is very general; its brevity is achieved at the expense of accuracy. At this stage, it shall suffice and we can return to Deuteronomy's introductory verses. Later on we shall return to clarify further details related to the structure.

The introductory verses present several difficulties:

- A. The second half of verse 1 ("in the desert...and Di-Zahav") makes mention of several different places. The syntactical and informational function of these place names is unclear.
- B. Verse 2 in its entirety appears out of place. It is unrelated to the time or place of Moses' speech. The journey from Horev to Kadesh Barnea took place during the second year in the desert; they are now in the fortieth year, encamped on the plains of Moav. What, then, is the purpose of a verse describing the length of the journey from Horev, via Mount Se'ir, up to Kadesh Barnea?
- C. Verse 3 repeats that we are about to read Moses' speech. All of this was made clear already in verse 1; its repetition therefore demands explanation.
- D. Verse 5 repeats – for the third time – the fact that we are about to read Moses' words as uttered on the other side of the Jordan. Once again – why all this repetition?

A number of different explanations have been proposed. Rashi writes, “‘These are the things’ – Since this is a rebuke and [the text] lists all the places where they angered God, therefore he makes his words opaque and merely hints at them, out of respect for Israel.” He continues and explains each place-name in the verse as referring to a different location where the Jews had sinned during the forty-year journey.

To Rashi’s mind, the second part of verse 1 – “In the desert ... and Di-Zahav” – is meant to hint at Moses’ rebuke of Israel for various sins that the nation had committed thus far. Verse 2 is similarly regarded by Rashi as a veiled criticism of Israel. He sees verses 3–4 as a comment on the speech of rebuke – a comment determining the time of its delivery. His commentary on verse 5 indicates that he views this verse as a new introduction that relates not to the speech of rebuke, but rather to the explanation of the Torah that follows it.

As the text’s simple meaning, it is difficult to regard the list of places mentioned in verse 1 as hinting at otherwise unmentioned rebukes. For this reason, Rashbam offers a different interpretation. He explains that the end of verse 1 defines the exact location of Moses’ speech, such that each successive place further delimits and defines the previous one. Therefore, the whole of verse 1 describes the exact place where Moses delivered his speech to Israel, and it seems that this indeed is the most accurate literal interpretation of the text.

A further principle Rashbam emphasizes is that the Torah generally makes mention of a place where commandments were given to Israel. He regards verse 1 as an introduction to the commandments speech, rather than as a historical overview. Apparently Rashbam understands the verse thus on the basis of verse 5, “Moses began to explain this Torah” – and the word “Torah” in the text always refers to commandments. It should be pointed out that, in contrast to Rashi, who separates verse 1 from verse 5, Rashbam views verses 1 and 5 as a single unit.

How, then, does Rashbam understand the relationship between the two speeches, and why does the Torah present the introduction to the commandments speech prior even to the historical speech? His opinion on this question may be deduced indirectly from his commentary on chapter four, verse 41: “He spoke at length up to this point; now he begins to explain the commandments – how this Torah should be

explained.” From this formulation we understand that Moses’ purpose from the start was really to deliver the commandments speech, but he began with a historical overview as a sort of preparation for it. The historical overview is not an independent entity; it is meant merely to serve as an introduction to the commandments speech. Some support for this interpretation is to be found in a comparison between the language of the introduction to the conclusion of the first speech and the language of the introduction to the commandments speech:

Now, Israel, hear the statutes and the judgments which I teach you, to perform. (4:1)

Hear, Israel, the statutes and the judgments which I speak to you this day, and learn them and observe them to perform them. (5:1)

The obvious similarity between these two verses points to a connection between the end of the first speech and the beginning of the second.

Attention should be paid to the fine distinction between the “hearing” of chapter four (“*shema el*”) and that of chapter five (“*shema et*”). We may perhaps interpret this difference as follows. In chapter four, what Moses wants is for the nation to conclude, on the basis of the historical review, that it is essential that they “listen to” (*lishmo’a el*) the statutes and judgments – i.e., obey them. In chapter five, which introduces the commandments speech itself, Moses asks the nation to hear (*lishmo’a et*) the contents – the statutes and judgments. Before Moses begins the commandments speech, he tries to persuade Israel of the necessity of obeying the laws.

In light of Rashbam’s explanation, the introduction preceding the commandments speech is therefore quite natural and necessary. If so, why does the Torah repeat again a very similar introduction prior to the commandments speech in chapter four, verses 44–49? From his commentary on verse 1, we may perhaps deduce his answer: “Thus it mentions [the place] and then repeats this matter when Moses comes to explain these commandments.” In his view, the text is indeed repeating the introductory verses before embarking on an explanation of the

commandments. The reason for this is the length of the historical review and the consequent distance between the commandments speech and the verses that originally served to introduce it.

Let us now address the purpose of verse 2, according to Rashbam:

“Eleven days from Horev” – Who is wise to understand this – that this verse was written only because, as it says, “We traveled from Horev and walked this entire, great, terrible desert, via the mountain of the Emorites, and came to Kadesh Barnea” – close to *Eretz Yisrael*. For it was from Kadesh Barnea that they sent the spies, and ended up staying there for forty years. Therefore, [Moses] explains here that when they journeyed from Horev via Mount Se’ir, they could have proceeded straight into *Eretz Yisrael* on the eleventh day from Kadesh Barnea. But since they sinned, they wandered around Mount Se’ir for a long time – even forty years, etc. And this is the reason why [Moses] tells us, “We traveled from Horev...and came to Kadesh Barnea” – in just a few days, for this is a mere eleven-day journey. But from Kadesh Barnea I sent out spies, and you ended up staying put for forty years because of your sins.

To understand what Rashbam is saying here, we must take a look at the historical speech. One of the principal aims of this speech is to show the nation what a lengthy postponement resulted from the sin of the spies: “The time that we walked from Kadesh Barnea until we crossed over Wadi Zered, was thirty-eight years” (2:14). The significance of this postponement must be measured relative to the time that it took the nation to get from Horev to Kadesh Barnea. For this reason the Torah mentions this detail as part of the introduction: “A journey of eleven days...up to Kadesh Barnea.” Now the reader has a better understanding of the significance of the forty years that it took from Kadesh Barnea up until the entry into the land.

An approach that is fundamentally different from that adopted by the classical commentators is to be found in the Vilna Gaon’s work, *Aderet Eliyahu*. He writes:

Know that [all the verses] from “These are the things” up to “HaShem our God” are the introduction... therefore these verses include three mentions of Moses speaking: “These are the things which Moses spoke”; “Moses spoke to *Benei Yisrael*”; and “Moses began.” [The reason for this is] because this book has three parts: from the beginning of the book up to “Moses called out,” preceding the Ten Commandments, teaching “*musar*”; then, from “Moses called out” up to the blessings and the curses in *Parashat Ki Tavo*, teaching the commandments; and from then on [the section] dealing with the blessings and the curses and the other matters. Therefore prior to “Moses called out” the text says, “These are the testimonies and the statutes” and thereafter it begins, “Moses called out” – which is all the same subject. Likewise before the blessings it says, “he explained well,” and thereafter, “Moses spoke.”

And these three [matters] represent all of the Torah, and the Torah also consists of three books – *Shemot*, *Vayikra*, *Bemidbar*. *Bereshit* is the root of all of the Torah. And therefore the Midrash is also divided into three parts: *Sifra*, *Sifrei* and *Mekhilta*. And this is the meaning of the teaching, “He gave a three-part teaching” (*Shabbat* 88a), meaning three books. And the three parts of Deuteronomy correspond to the three books of Torah. In other words, “These are the names” (Ex. 1:1) corresponds to “These are the things”; “And He called out” (Lev. 1:1) corresponds to “Moses called out”; and “*Bemidbar*” (Num. 1:1) corresponds to “Moses spoke (*vayedaber*).”

In this teaching, the Vilna Gaon combines the level of *peshat* (the literal text) with the levels of *remez* and *sod* (more hidden and esoteric meanings). We shall not involve ourselves here with hidden matters; we shall focus only on those points in the Vilna Gaon’s commentary here that relate to the literal level. His principal innovation is the proposal that these verses not be regarded as forming a single introduction (as, for example, Ramban views them), but rather as three separate introductions, each of which stands on its own. The first introduction is verse 1, the second is verses 3–4 and the third is verse 5. To the Vilna Gaon these

three introductions parallel the three sections of Deuteronomy. The first section of Deuteronomy corresponds to what we have referred to above as the historical speech; in the Vilna Gaon's terms this section discusses matters of "*musar*," and it corresponds to the Book of Exodus. The second section of Deuteronomy corresponds to what we have referred to as the commandments speech, including its introductory verses. The Vilna Gaon agrees that this section deals with the commandments, but he does not include the blessings and the curses in this section. This is introduced by verses 3–4. The third section starts with the blessings and the curses in chapters twenty-seven and twenty-eight and includes all the chapters up to the end of the book. This section, by the Vilna Gaon's definition, deals with "the blessings and curses and the other matters." Corresponding to this section is the third introduction, in verse 5. He points to a hint at this understanding in the fact that verse 5 mentions the verb "*be'er*" (elaborated, explained), which appears again in 27:8 – "*ba'er heitev*" (explained well).

The Vilna Gaon's first point – i.e., that the text presents three independent introductions – seems to me to be the most appropriate explanation of the *peshat*. The opening of verse 3 indicates quite clearly a new beginning. The same applies to verse 5. But his second point – that these three introductions correspond to the three sections of the book – is difficult to accept as a literal interpretation, for two reasons:

1. We have already said above that to our understanding, although the commandments speech ends in chapter twenty-six, chapters twenty-seven to thirty still look like appendices to it. As we see it, the third section starts only in chapter thirty-one. It is difficult to see the connection between chapters twenty-seven to thirty and chapters thirty-one to thirty-four; even the Vilna Gaon refrains from giving them an overall title, but rather refers to this section as "the blessings and curses and the other matters."
2. It is difficult to accept the assertion that verse 5 corresponds to the third section of Deuteronomy. Verse 5 states explicitly, "Moses began to explain this Torah" – and the term "Torah" always refers to commandments. Hence we are forced to conclude that this verse corresponds to the second section of Deuteronomy, which

deals with the commandments, rather than to the third section, which addresses “the blessings and curses and the other matters.” The connection between “*be’er*” in 1:5 and “*ba’er*” in 27:8 must therefore be explained in a different way.

Let us attempt to propose a different way of understanding these verses – an approach based on the Vilna Gaon’s assumption that they do indeed represent three independent introductions, but one which explains their function in a different way to the one adopted by the Gaon. We have mentioned above the close scrutiny of the verses that leads Rashbam to conclude that these verses serve as an introduction to the commandments speech. Now, armed with the assumption that we are dealing with three independent introductions, we must pay attention to which exact verses serve as the basis for their conclusion. The main point is the word “Torah,” in verse 5. To this we must add Rashbam’s assertion that whenever the Torah presents a section of commandments, the text notes where these commandments were given. A description of the place is given both in verse 1 and in verse 5. Ramban also points out the use of the phrase “*all of Israel*” – an expression that occurs in verse 1. None of these details occurs in the introduction in verses 3–4. This leads us to the conclusion that the first introduction in verse 1, as well as the third introduction in verse 5, are both directed towards the commandments speech. I propose that the second introduction, in verses 3–4, is directed not at the commandments speech, but rather at the historical speech.

We have already said that the principal speech deals with the commandments, while the historical overview serves as a preamble to it. For this reason, the Torah places the two introductory verses to the commandments speech at the beginning of the introduction (verse 1) and at the end (verse 5). In between these two introductions, the Torah inserts an additional introduction which relates principally to the historical overview. The reason for this is that this speech, although it serves as a preamble to the commandments speech, is nevertheless worthy of being treated on its own merits – both in terms of its length and its content and significance. Even had Moses not intended to give the commandments speech, it would be appropriate to review the past

and to learn lessons concerning observance of the commandments for the future. Support for this assertion may be brought from the conclusion of this speech – it concludes not only with the exhortation, “And now, Israel, hear the statutes and the judgments,” which leads into the first part of chapter four, and which serves as a preparation for the commandments speech, but also includes another section (4:25–40). This section is unmistakably a concluding section, but with its own independent thematic content. We shall mention only two significant ideas that it includes. First, even after lengthy settlement in the land, exile may occur as punishment for corruption (verses 25–28); and secondly, that every exile offers the possibility of repentance and redemption (verses 29–31). These two points are not related to preparation for the commandments speech; they unmistakably represent a conclusion, with substantial thematic importance. These two points are also repeated at the end of the second section of the book, in chapters twenty-eight (exile), thirty (repentance and redemption), and in expressions similar to those that appear in chapter four.

Additional support for this assumption may be brought from the introduction to the commandments speech – “Moses called out to all of Israel and said to them” (5:1). Had the historical speech been meant exclusively as a preparation for this discourse, what would be the point of calling to all of the nation over again? They would have been standing in front of Moses all along.

In summary, the historical speech plays a dual role. On one hand it serves as preparation for the commandments speech; on the other hand it stands alone. This dual nature is discernible in Deuteronomy’s introductory verses. Despite the fact that the historical speech is the first speech, the Torah both begins the general introduction and also concludes it in reference to the commandments speech – to show that this speech is the major one, while the first speech is of secondary importance. On the other hand, the Torah does not forego an introduction to the historical speech, to show that the historical speech is important in its own right.

Support for the assumption that verses 3–4 serve as an introduction to the historical speech may be brought from their content. These verses – in contrast to the other two introductions – make no mention

of place, since they do not introduce the commandments speech, but they do include a dual indication of time. The first indication – “And it was in the fortieth year, in the twelfth month, on the first of the month”; the second – “after he had defeated Sihon ... and Og.” If we examine the content of the historical speech we see that these two indications of time are clearly connected to the content of the speech. We have already said that the main point of this speech is Moses’ emphasis that it was the sin of the spies that led to the lengthening of their journey to the Promised Land, from eleven days (the time it should have taken) to forty years (the time it ended up taking). For this reason it is necessary to note in the introduction that this speech is uttered in the fortieth year. Likewise, in this speech Moses emphasizes the victories over Sihon and Og and the conquest of their land (2:31–3:11). For this reason the Torah notes in the introduction that this speech was delivered after these victories.

Let us now turn our attention to the question of why two separate introductions are required for the same commandments speech. In order to explain this, we must look at the introductory verses that are repeated again prior to the commandments speech:

This is the Torah that Moses set before *Benei Yisrael*.

These are the testimonies and the statutes and the judgments that Moses spoke to *Benei Yisrael* when they came out of Egypt. On the other side of the Jordan, in the valley facing Beit Pe’or, in the land of Sihon, king of the Emori, who dwelled in Heshbon, whom Moses smote, and *Benei Yisrael*, when they came out of Egypt. And they took possession of his land and the land of Og, king of Bashan – the two kings of the Emorites on the other side of the Jordan, on the east. From Aro’er which is on the bank of Wadi Arnon, up until Mount Sion, which is Hermon. And all of the Arava on the other side of the Jordan eastwards, up to the sea of the Arava, under the slopes of Pisga. (4:44–49)

An examination of these verses reveals that here, too, there are two separate introductions. One is in verse 44, the other in verses 45–49. Verse 44 parallels verse 45, word for word: “This” vs. “these”; “the Torah” vs. “the testimonies and the statutes and the judgments”; “that Moses

set” vs. “that Moses spoke”; “before *Benei Yisrael*” vs. “to *Benei Yisrael*.” What is the purpose of this repetition?

If we pay attention to all the discrepancies that we have noted, we arrive at a clear conclusion: verse 44 describes the commandments speech not as a verbal address but rather as a written Torah which Moses places before the nation. The expression “Torah,” as opposed to “testimonies, statutes and judgments,” indicates a single consolidated unit. The expression “set before” implies the placing of a physical object – the written collection of laws which Moses places before Israel. Verses 45–49, in contrast, indeed relate to the speech as a verbal one, delivered before Israel at a certain place and at a certain time. For this reason the text there says “spoke to” rather than “set before.”

A study of the commandments speech demonstrates unequivocally that there are two aspects to it: it is both a verbal speech and a written Torah. The fact that it is a verbal speech is borne out by its opening and may also be deduced from the style of the speech. However, we see that the commandments speech also has the status of a written “Torah” that is set down before the nation. Thus, for example, we see in the *parasha* of the king: “It shall be when he sits upon his royal throne that he shall write for himself a copy (*‘mishneh’* – see Ibn Ezra) of this Torah in a book, before the Priests and Levites” (Deut. 17:18). Likewise in the *parasha* of the curses we find, “If you do not observe to fulfill all the words of this Torah which are written in this Torah” (28:58). The reference appears to be to the commandments speech, which defines itself at the outset as “the Torah which Moses set before *Benei Yisrael*.”

Now we can explain the repetition in the book’s introductory verses. Verse 1 – “These are the things which Moses spoke to all of Israel” – undoubtedly relates to the speech as a verbal one. Verse 5 – “on the other side of the Jordan, in the land of Moav, Moses began to explain (*be’er*) this Torah” – relates to the speech as a written Torah. The verb “*be’er*” is mentioned in Tanach in only two other places. The first is in Deuteronomy 27:8 – “You shall inscribe on the stones all the words of this Torah, clearly (*ba’er heitev*)”; the second is in Habakkuk 2:2 – “Write the vision and inscribe (*ba’er*) upon the tablets, in order...” It is difficult to understand the verb “*be’er*” in these verses as a synonym for “explain.” Linguists conclude that the primary meaning of this verb is to dig, or

inscribe. This verb is related to the noun “*be’er*” (a well), which needs to be dug out or “engraved” in the ground.

The relationship between verse 5 and verse 1 of chapter one therefore parallels the relationship between verse 44 and verses 45–49 of chapter four. “On the other side of the Jordan, in the land of Moav, Moses began to explain this Torah” parallels “This is the Torah that Moses set before *Benei Yisrael*”; and “These are the things which Moses spoke to all of Israel” parallels “These are the testimonies and the statutes and the judgments which Moses spoke to *Benei Yisrael*.” It should further be pointed out that this parallel is chiasitic and this, too, is characteristic of biblical style.

In summary, the complex structure of the opening verses of Deuteronomy are a precise and exact reflection of the complex structure of the book as a whole. These verses reflect both the complex relationship between the historical speech and the commandments speech, and the dual nature of the commandments speech itself, which is simultaneously both an oral teaching and a written Torah.

Hence the Torah goes on to command not only that the nation hear, listen, heed the commandments uttered by Moses before the nation, but also that they study the Torah written by Moses and placed before them. Indeed, this is exactly what God tells Joshua immediately after Moses’ death (Josh. 1:6–7):

Only be very strong and courageous to observe and perform all of the Torah which Moses, My servant, commanded you; do not deviate from it to the right or to the left, in order that you may be successful in all that you undertake.

Let this Book of the Torah not depart from your mouth; meditate over it day and night, in order that you will observe to fulfill all that is written in it, for then you will prosper in your ways and have success.

Moses' Interpretation of the Torah

Rav Yair Kahn

I. SENIOR MOMENTS?

Deuteronomy contains the parting speeches delivered by Moses to *Benei Yisrael*. The first section, known as the historical speech, reviews various events that occurred during the forty years in the wilderness, with an eye on preparing Israel to enter the land of Canaan. However, when comparing Moses' version with the Torah's original description, we are confronted with a number of troubling discrepancies.

Moses begins with the journey from Mount Sinai. He records his sense of inability to lead the people by himself, "And I spoke unto you at that time, saying: I am not able to bear you alone" (Deut. 1:9). This is a clear reference to the incident in Numbers that followed *Kivrot Hata'ava*, three days after leaving Mount Sinai, when Moses expressed his frustration with the nation: "I am not able to bear all this people alone, because it is too difficult for me" (Num. 11:14). In response, God tells Moses to gather seventy elders to receive the Divine Spirit and subsequently join Moses in bearing the burden of the nation.

However, in Deuteronomy, Moses doesn't mention the seventy elders. Instead, he describes the establishment of a hierarchical court system, with judges responsible respectively for one thousand, one hundred, fifty and ten. The establishment of the court system refers to

a different incident recorded at the beginning of *Parashat Yitro*. Yitro noticed that Moses was overworked and that the people's needs were not adequately addressed. He therefore suggested the establishment of the court system (see Exodus 18).

How are we to relate to this strange historical mix-up? How did *Benei Yisrael*, some of whom were old enough to remember the original events, react to Moses' speech?

Moses continues to describe the sin of the spies. Here again we are faced with significant discrepancies. According to Moses' version, the initiative to send the spies came from the people, whereas *Parashat Shelah* begins with the divine imperative to send spies. Perhaps of greater significance, Moses describes the spies' report positively, but the people nevertheless refused to continue on their journey towards *Eretz Yisrael*. In the original account, the spies themselves were actively involved in spreading fear amongst the people, which eventually led to their refusal to continue. According to Moses, he personally tried to convince the people that with God's help Canaan could be conquered. In the original account, only the counter-arguments of Joshua and Kalev are recorded.

The commentators suggested various ways of reconciling these two seemingly disparate versions. We are nonetheless left with an uneasy feeling.

Moses then recalls the interaction with various surrounding nations – Edom, Moav, Ammon and the two Emorite kings, Sihon and Og. In *Parashat Hukat*, the Torah records the encounter with Edom. Moses sends an appeal to the king of Edom to traverse his land peacefully, based on feelings of brotherhood and sympathy. However, all his overtures are rejected, and the encounter ends with the threat of war and Israel turns away to circumvent Edom.

In *Parashat Devarim*, however, Israel are prevented from attacking Edom, Ammon and Moav due to a divine decree; God awarded a specific inheritance to these nations, from which Israel is excluded. Instead, Israel purchase food and drink from these nations.

There is no explicit mention of this divine decree in Numbers. The straightforward reading of the narrative indicates that Israel turned away from Edom because of the threat, "You shall not pass through me, lest I come against you with the sword." In Deuteronomy there is

no mention of the threat. In fact, Moses records the following message that he sent to Siḥon:

Let me pass through your land, I will go along by the highway, I will turn neither right nor left. You shall sell me food for money, that I may eat, and give me water for money, that I may drink; only let me pass through on my feet. As the children of Esau that dwell in Se'ir and the Moabites that dwell in Ar did unto me, until I shall pass over the Jordan into the land which HaShem our God gives us. (2:27–29)

The impression is that Edom (the children of Esau) agreed to the request.

As opposed to the previous examples, in this case we are dealing with an event that took place a few months before Moses' speech. The entire nation was aware of the inaccuracy of Moses' version. What did they think when Moses delivered his “distorted” address? What are we supposed to think when studying it?

Paradoxically, the fact that inaccuracies occur so consistently, directs us towards a possible solution. The “distortions” appear to fit into a pattern and therefore should not be viewed as haphazard memory lapses, but rather as intentional deviations. Armed with this insight, let us continue.

II. “MOSES SAID BY HIMSELF”

The Gemara in *Megilla* (31b) states:

One does not stop while reading the section of the curses... How should this be accomplished? It says in a *baraita*: When one begins, he should start with the verse before and when one ends, he should end with the verse following. Abaye said: This was only taught regarding the section of curses in Leviticus, but it is permitted to stop while reading the curses in Deuteronomy. What is the reason? These [of Leviticus] ... Moses said directly from the Omnipotent, while these [of Deuteronomy] ... Moses said by himself (*mipi atzmo*).

The Gemara asserts that Moses did not receive the curses in Deuteronomy from God; rather Moses independently told the people what would happen to them if they violated the mitzvot. *Tosafot* modifies this statement and adds that Moses' version of the curses is based on *ruah hakodesh* (divine inspiration). Nevertheless, *Tosafot* must admit that *ruah hakodesh* lacks the clarity usually associated with Moses' unique prophecy: "And never did another prophet arise in Israel that God addressed face to face" (Deut. 34:10).

Not only are the curses of Deuteronomy the words of Moses, but most of the book is a record of speeches that Moses gave *mipi atzmo*. It begins: "These are the words which Moses spoke unto all Israel" (1:1), and this surprising assertion must be evaluated in light of what Rambam wrote in *Hilkhot Teshuva* (3:8): "One who says that the Torah is not from God, even if he merely claims that one verse or one word was said by Moses *mipi atzmo*, behold he is *kofer baTorah* (a heretic who denies the Torah)."

Ran (commentary to *Megilla*) explains that although Moses was the source of much of Deuteronomy, God subsequently commanded that these words of Moses be included in the Torah. Therefore the ultimate source is God, not Moses. It is the Torah that introduces Moses' speech: "These are the words which Moses spoke" and therefore Deuteronomy, which contains the words of Moses, enjoys the status of the Word of God.

III. THE MEANING OF MISHNEH TORAH

Even though Deuteronomy is titled *Mishneh Torah*, it is not a repetition of the Torah, but rather an interpretation. Deuteronomy begins, "Beyond the Jordan, in the land of Moav, Moses took upon himself to interpret this Torah, saying ..." (1:5). In his introduction to Deuteronomy, Ramban writes, "This book, whose idea is known that it is *Mishneh Torah*, in which Moses our teacher will explain most of the mitzvot necessary for Israel to the generation entering the land."

Accordingly, the term "*Mishneh Torah*" in this context is not based on the word "*sheni*" (second), indicating repetition. Rather it is derived from the term "*shinun*," which means to study (similar to the term "*mishna*").

If Moses is not repeating the Torah, but rather interpreting and

explaining it, how are we to approach a halakhic section in Deuteronomy that seems repetitive? Perhaps we should pay special attention to nuances and details that differ from the original, in an attempt to discover what Moses had added. Details that seem to be at odds with the original description are actually arrows pointing in the direction of Moses' interpretation.

IV. AN INVITATION TO STUDY

When Moses begins to review Israel's travels in the wilderness, was he teaching them history? When we listen to Moses' version of past events, do we expect no more than a factual survey? Moses is known as *Moshe Rabbeinu*. He is our teacher, our Rabbi; his account of past events contains a religious message for the future. Might this message be embedded in the tension between the original description and Moses' version? By slightly changing certain historical facts, Moses was able to highlight deeper truths.

Why does Moses import the appointment of judges from *Parashat Yitro* and place it at the beginning of the journey towards *Eretz Yisrael*? Possibly, Moses is trying to tell us that setting up a judicial system is a prerequisite to settling *Eretz Yisrael*.

Let us briefly consider Moses' account of the spies. Moses places Israel at the center; it is the people who ask for the spies, as opposed to *Parashat Shelah* where the God commands to send the spies. Moses suggests that it is the people who refuse to enter Canaan after hearing the positive report of the spies; in the original account, the spies are actively dissuading the people. Moses' agenda seems clear. The spies have already been punished. Thirty-eight years later, Moses is addressing the people in preparation of their entry into Canaan. He must ensure that Israel do not fail again. Therefore, he focuses on Israel, not the spies.

It is instructive to read Moses' previous account of the spies. Just a few months earlier, when the tribes of Gad and Reuven requested portions east of the Jordan, Moses placed the blame on the spies themselves in order to warn Gad and Reuven not to repeat their error (see Numbers 32). From here it is clear that Moses focuses on different perspectives as the educational need varies.

But why does Moses, "the most modest of men," ignore the

counter arguments of Kalev and Joshua and record himself as the one trying to convince the people? Perhaps Moses is trying to separate the factual aspect of the report of the spies from their editorial. Regarding the facts, the spies reported that the land was good and then added their opinion that Israel would not be able to conquer it. This opinion is valid only if the battle for Canaan is to be based upon military prowess. However, after the exodus from Egypt, Israel should have realized that they have nothing to fear, for God will battle for them as He did at the Sea. From their perspective, the "opinion" of the spies should have been totally irrelevant. The fact that they had actually been to Canaan and seen the fortified cities and giants is meaningless.

Parashat Shelah records the facts; in reality, some of the spies claimed that Canaan could not be conquered, while Kalev and Joshua argued with them. However, in essence this was not a strategic debate. Among the spies it is a religious debate that has nothing to do with having been a spy. Moses' account goes to the real heart of the issue. Israel still didn't believe that God would battle for them. The counter argument to this is Moses, the ten plagues and specifically *Kriyat Yam Suf*, when Moses declared "HaShem *yilahem lakhem*" (God will battle for you – Exodus 14:14). It was at that point that Israel witnessed the victory of God and believed in God and His servant Moses (14:31). Therefore, in response to the people's fear, Moses inserts his declaration, which was originally pronounced at the time of *Kriyat Yam Suf*, "HaShem... *yilahem lakhem*" (Deut. 1:30).

The *parasha* ends with Moses' account of the interaction with the surrounding nations. In Numbers the confrontation with Edom concludes with a refusal to let Israel pass through, "You shall not pass through me, lest I come against you with the sword" (Num. 20:18). In Moses' account, there are cordial commercial relations between Israel and Edom. However, Israel is prevented from conquering Edom because of a divine decree. What was Moses' agenda in recording this section?

According to Ramban (2:10), Edom, Ammon and Moav all received their portions as part of the land promised to Abraham. This is the source of the divine decree prohibiting Israel from inheriting any of their lands. Moreover, Moses places special stress on the fact that

Edom, Ammon and Moav conquered their respective countries from giants. Moses then describes the victorious battles against Sihon and Og. Unusual detail is used in describing the dimensions of Og. Moses sums up his major point in the closing verses of the *parasha*,

And I commanded Joshua at that time, saying: “Your eyes have seen all that HaShem your God has done to these two kings; so shall God do to all the kingdoms where you go. You shall not fear them; for HaShem your God, *Hu nilham lakhem* (He battles for you).”

In Numbers, the Torah describes the confrontation with Edom as one of the detours forcing Israel to head back towards Egypt before heading on to Canaan. Therefore emphasis is placed on Edom’s refusal. However, in Deuteronomy, Moses is preparing the people for the battle for *Eretz Yisrael*. Therefore, Moses must instill within the people awareness of HaShem *yilahem lakhem*. On the one hand, he uses the paradigm of the battles of Sihon and Og to prove that “HaShem ... *nilham lakhem*.” In addition, Moses enlists Edom, Ammon and Moav, all of whom receive sections of the land promised to Abraham, and who succeeded in conquering those lands from giants in a miraculous way. Therefore, Moses describes proper fraternal relations between Israel and Edom, Ammon and Moav; he ignores the differences and tensions in order to focus on the common past. Just as Edom, Ammon and Moav succeeded in defeating the giants, receiving Abraham’s inheritance, so will Israel do with respect to its land (2:12).

According to this approach, Moses’ account of the spies, as well as his record of the interaction with the surrounding nations, share a common denominator. In both, Moses tries to instill within the people a deep conviction, critical for successfully settling Canaan, that victory against the Canaanites is not a function of military prowess. They must understand that God battles for Israel. Moses reviews the history of Israel in the desert and describes it in a fashion that calls attention to this basic truth. Moses similarly presents the episode of the spies in a way that highlights this issue as the main point of contention. Finally, he

shows how this factor was primary regarding various fraternal nations that attained their portions in Abraham's inheritance. He concludes with the battle against Sihon and Og and sums up the message:

And I commanded Joshua at that time, saying: "Your eyes have seen all that HaShem your God has done to these two kings; so shall God do to all the kingdoms where you go. You shall not fear them; for HaShem... *niḥam lakhem.*" (3:21–22)