**PARASHAT HASHAVUA**

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**PARASHAT DEVARIM**

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**“These are the Words that Moshe Spoke”**

**What did Moshe wish to receive at the beginning of**

**his grand oration?**

**By Prof. Yonatan Grossman[[1]](#footnote-1)**

**Introduction: Moshe’s Oration**

The book of *Devarim* is unique in many ways. Many ideas arise in it, including some that have no precedents in the first four books of the Torah. This change may be due to the fact that the book is in fact an oration delivered by Moshe – a documentation, as it were, of the words that Moshe spoke to the children of Israel in the plains of Moav before they entered the Promised Land.

The Abravanel, in his introduction to the book of *Devarim*,asks how it is possible, with all due respect to Moshe's greatness, that the words of flesh and blood have become Torah. The Abravanel suggests that a distinction be made between content and validity. According to him, Moshe did not decide on the truth of his words, but merely determined how the content would look. Moshe chose to present the final messages himself. What this means is that the book is not the product of Moshe's own thinking; rather, it reflects Moshe's didactic decision to choose when to present one matter and when to present another.

R. Tzadok Ha-Kohen of Lublin, in his book *Pri Tzadik* at the beginning of our *parasha*, takes Abravanel's words one step further. According to him, the book of *Devarim* may be likened to the kabbalistic *sefira* of Kingship (*Malkhut*). According to Kabbala, the *sefira* of *Malkhut* is the final stage of the descent of the Divine abundance and its crystallization in our world of action.[[2]](#footnote-2) R. Tzadok proposes that Moshe represents the *sefira* of *Malkhut*. In other words, Moshe is a conduit of abundance connected to God; Moshe's humanity constitutes a Divine manifestation, as it were, in flesh and blood. The profundity of R. Tzadok's words allow us to see a revelation of the Divine even in human action, when a man is as purified in his soul to the degree that Moshe was.

According to R. Tzadok, we are not dealing merely with didactic judgment, as was suggested by the Abravanel. Rather, what we have here is a far-reaching spiritual statement that human action, when it comes from a person as pure as Moshe, is itself Divine and even worthy of entering the Torah.

**The Structure of the Book**

It is customary to say that *Devarim* is divided into three parts: 1) a historical introduction; 2) an oration concerning the *mitzvot*; 3) concluding chapters that are largely a look into the future in anticipation of Israel's entry into the Promised Land.

We will attempt to take a different path, in which we will follow the "deviations" in the wording of the text. When I speak of "deviations," I refer to the places where Scripture speaks not in second person, but in third person – when it is clear that the speaker is not Moshe, but an external editor.

In the book of *Devarim*,we find many different phenomena through which the editor attests to a change in atmosphere.[[3]](#footnote-3) The first "deviation" in the text appears in *Devarim* 4:41:

Then Moshe separated three cities beyond the Jordan toward the sun-rising. (*Devarim* 4:41)

It is clear that Moshe would not speak of himself in the third person. Thus, we have here an indicator that marks the first division of the book of *Devarim*.

After this deviation, Scripture dedicates four verses to talk about the setting aside of cities of refuge. Beginning with verse 44, there is an introduction to the next unit:

And this is the law that Moshe set before the children of Israel; these are the testimonies, and the statutes, and the ordinances, which Moshe spoke unto the children of Israel when they came forth out of Egypt. (*Devarim* 4:44-45)

After these introductory verses a new topic begins in chapter 5:

And Moshe called unto all Israel, and said unto them: Hear, O Israel, the statutes and the ordinances which I speak in your ears this day, that you may learn them, and observe to do them. (*Devarim* 5:1)

From here onward there is no editorial comment in the third person until chapter 27:

And Moshe and the elders of Israel commanded the people, saying: Keep all the commandment which I command you this day. (*Devarim* 27:1)

This means that the text from the beginning in chapter 5 and continuing until the end of chapter 26 constitutes a single unit. An examination of the contents of the unit teaches us that this unit itself is divided into two sections: 1) a historical oration, until chapter 11; 2) an oration concerning the *mitzvot*, until chapter 26.

The next unit involves the renewal of the covenant in the plains of Moav (chapters 27-28). The unit that follows includes an account of the one of the great innovations of the book of *Devarim* – namely, repentance (chapters 29-30). The concluding chapters of the book (chapters 31-34) deal with various issues connected to the death of Moshe and the rise of Yehoshua in his place.

What we have then is the following structure:

1) A historical oration (1-4:40)

2) The separation of the cities of refuge and the introduction to the oration concerning the *mitzvot* (4:41-49)

3) The oration concerning the *mitzvot* (5-26)[[4]](#footnote-4)

4) The covenant made in the plains of Moav (27-28)

5) Repentance (29-30)

6) The stories of the death of Moshe and the rise of Yehoshua

Schematically, we can say that we have before us a three-part structure: a historical oration – an oration concerning the *mitzvot* – the renewed covenant and appendices.

One of the broad implications of this structure, which we will discuss in greater detail in later *shiurim*, is that we clearly see how all the themes of the book – including the oration concerning the *mitzvot*,which constitutes the main part of the book – draw us to the covenant made in the plains of Moav, which is perhaps the book's high point.

Our main concern in the present *shiur* will be Moshe's first oration, the first oration concerning the *mitzvot* (1-4:40). Because of the length of the chapters and the matters discussed therein, we will not be able to touch on all the issues arising in this unit. We will suffice with a discussion concerning the accounts of the appointment of the judges and the incident involving the spies that appear in chapter 1.

According to the division that we have just proposed, Moshe's first speech requires clarification. For in the second section as well, in chapters 5-11, there is a historical oration. What is the meaning of this duplication? We will attempt to answer this question through a comprehensive examination of the opening chapters of the book.

We will first examine the opening verses of the oration, and then we will examine the oration itself.

**“These are the words that Moshe spoke”**

These are the words that Moshe spoke unto all Israel beyond the Jordan; in the wilderness, in the Arava, over against Suf, between Paran and Tofel, and Lavan, and Chatzerot, and Di-Zahav. It is eleven days journey from Chorev unto Kadesh-Barnea by the way of Mount Seir. And it came to pass in the fortieth year, in the eleventh month, on the first day of the month, that Moshe spoke unto the children of Israel, according unto all that the Lord had given him in commandment unto them; after he had smitten Sichon the king of the Amorites, who dwelt in Cheshbon, and Og the king of Bashan, who dwelt in Ashtarot, at Edre'i; beyond the Jordan, in the land of Moav, took Moshe upon him to expound this law, saying. (*Devarim* 1:1=6)

According to Jewish tradition, Moshe died on the seventh of Adar. Scripture here locates us on the first of Shevat, a month and a week before Moshe's passing. The lengthy introduction, even before we get to the content, indicates that it is not logical to assume that the entire purpose of the oration is merely to tell us what Moshe said. We will offer three possible explanations for this introduction:

1) The book of *Devarim* as a book of the covenant between God and the people of Israel. The first possibility is to say that what we have here is a very precise description of the place, as is customary in contracts. To this day we find in a woman's *ketuba* a precise description of the place and the date, which provides formality to the contract. Similarly, we can argue that there is no official purpose for the sequence of geographical events. The book of *Devarim* is a contract, a book of the covenant between God and Israel, and therefore special importance is attached to the place where the covenant was made.[[5]](#footnote-5)

2) Words of rebuke. Rashi reads the geographical places mentioned in the introduction to Moshe's oration as allusions to words of criticism directed at the people of Israel:

"These are the words" – Because these are words of reproof and he is enumerating here all the places where they provoked God to anger, therefore he suppresses all mention of the matters in which they sinned and refers to them only by a mere allusion contained in the names of these places out of regard for Israel. "In the wilderness" – They, however, were not in the wilderness, but in the plains of Moav. What, then is the meaning of "in the wilderness"? He reproved them on account of that wherein they had provoked Him to anger in the wilderness… "In the plain" – He reproved them regarding the plain: that they had sinned through Ba'al Pe'or… "Over against Suf" – He reproved them regarding that in which they had shown themselves rebellious at the Sea of Suf… "Between Paran and Tofel and Lavan" - … He reproved them because of the calumnious statements they had made regarding the manna, which was white… and because of what they had done in the wilderness of Paran through the spies… "And Chatzerot" – Regarding what they had done at the insurrection of Korach… "And Di-Zahav" – He reproved them on account of the Golden Calf which they had made in consequence of the abundance of gold which they had…

We can certainly hear the critical tone that arises in these verses, such as "eleven days' journey from Chorev" when the people of Israel are now forty years down the road.

3) Words of apology on the part of Moshe. A third approach that may be suggested, one that we will adopt in the continuation, is that the entire purpose of this description is precisely to emphasize that this is taking place in Transjordan and not in *Eretz* *Yisrael*. Our approach will be to demonstrate the extent to which Moshe explains to the people "how we have gotten to this point," but no further.[[6]](#footnote-6) These verses, and similarly the lengthy account until the end of the first unit, do not constitute an essential element of Moshe's "oration concerning the *mitzvot*" in chapters 5-26, but rather Moshe's personal address to the people of Israel.

We have suggested that chapters 1-4 constitute Moshe's personal address to the people of Israel. We will have to substantiate this claim by way of a careful examination of the rest of the first unit and see how that theme pulls the entire unit forward. Because of the length of the unit, we will examine in detail only the first chapter, but we will discuss the rest of the chapters in the unit briefly as well.

Before approaching the verses themselves, let us further preface that our unit, after the introductory verses that we have just seen, can be divided into two parts, the first part beginning in 1:6 and the second in 2:2:

|  |  |
| --- | --- |
| 1:6-7 | 2:2-3 |
| The Lord our God spoke unto us in Chorev, saying: “**You have dwelt long enough in this mountain;****turn you, and take your journey,** and go to the hill-country of the Amorites…” | And the Lord spoke unto me, saying: “**You have compassed this mountain long enough; turn you northward.”** |

The two parts describe two periods of the people of Israel in the wilderness: The first part describes the first and second years, whereas the second part describes the people of Israel in the fortieth year.

**An Oration of apology and Summarization**

As was mentioned at the beginning of the *shiur*, the book of *Devarim* is primarily Moshe's attempt to prepare Israel for a renewed covenant; most of the chapters in the book are dedicated to this goal. One might have expected that the renewal of the covenant between Israel and God would take place in *Eretz* *Yisrael* and not in the plains of Moav. Moshe, as we know, does not enter into the land, and therefore he tries, over the course of his first oration, to explain to the people why the covenant will be made in the plains of Moav and not in *Eretz* *Yisrael*. According to this understanding, the purpose of the oration is not to transfer a certain body of knowledge, but rather to transmit Moshe's apology to the people of Israel.

In addition to this point one must consider the fact that Moshe delivers his oration at the end of his life. In light of this insight, the chapters of the oration should be viewed as Moshe's summary of his life's work. The advantage of such a summary lies in the ability to contemplate all of the events in a broad and comprehensive manner. In hindsight, old events can be seen in a way that is altogether different than the way that they were interpreted in their times.

It turns out then that the oration before us consists of two different matters: 1) A sort of apology and explanation for why the new covenant was being made in the plains of Moav and not after the people entered into *Eretz* *Ysrael*; 2) A summary of Moshe's life, a summary that to a great extent constitutes Moshe's perspective on the project of entering *Eretz* *Yisrael*.

**The Appointment of Judges**

The Lord our God spoke unto us in Chorev, saying: “You have dwelt long enough in this mountain; turn you and take your journey, and go to the hill-country of the Amorites and unto all the places nigh thereunto, in the Arava, in the hill-country, and in the Lowland, and in the South, and by the sea-shore; the land of the Canaanites, and Lebanon, as far as the great river, the river Euphrates. Behold, I have set the land before you; go in and possess the land which the Lord swore unto your fathers, to Avraham, to Yitzchak, and to Yaakov, to give unto them and to their seed after them.” (*Devarim* 4:6-8)

The natural continuation of this narrative is verse 19, which reads: "And we journeyed from Chorev, and went through all that great and dreadful wilderness which you saw…." In fact, however, in the middle of the sequence of Israel's travels, we suddenly find an account of the appointment of leaders, which was squeezed into the narrative:

And I spoke unto you at that time, saying: “I am not able to bear you myself alone; the Lord your God has multiplied you, and, behold, you are this day as the stars of heaven for multitude. The Lord, the God of your fathers, make you a thousand times so many more as you are, and bless you, as He has promised you! How can I myself alone bear your cumbrance, and your burden, and your strife? Get you, from each one of your tribes, wise men, and understanding, and full of knowledge, and I will make them heads over you.” And you answered me, and said: “The thing which you have spoken is good for us to do.” So I took the heads of your tribes, wise men and full of knowledge, and made them heads over you, captains of thousands, and captains of hundreds, and captains of fifties, and captains of tens, and officers, tribe by tribe. And I charged your judges at that time, saying: “Hear the causes between your brethren, and judge righteously between a man and his brother, and the stranger that is with him. You shall not respect persons in judgment; you shall hear the small and the great alike; you shall not be afraid of the face of any man; for the judgment is God's; and the cause that is too hard for you, you shall bring unto me, and I will hear it.” And I commanded you at that time all the things which you should do. (*Devarim* 1:9-18)

What is the account of the appointment of leaders doing in the middle of the story of the journey to *Eretz* *Yisrael*? The Abravanel (ad loc.) suggests that the appointment of leaders is part of the conquest of the land. Even though this sounds reasonable, it is difficult to accept the Abravanel's suggestion given that we are not dealing here with military leaders but rather with judges, who do not belong to the military wing.

We would like to present a different approach. First, note that from a didactic point of view, one might have expected that the oration should start with the Divine mission: "The Lord our God spoke unto us in Chorev …." As in any oration, the opening words have dramatic meaning; Moshe had to open with these words in order to influence the rest of the oration. Why, among all the possibilities open to him, did Moshe chose to open his oration with the appointment of judges?

It seems that it was Moshe's desire to legitimize the appointment of the leaders who would be under him. This appointment is significant close to Moshe's death, when he hands over the scepter of leadership to the people. Moshe tells the people of Israel that it is perfectly acceptable to have more leaders under him. However, later in the book Moshe will tell the people of Israel that the appointment of Yehoshua to bring the people of Israel into the Promised Land was already made against his will.

An obvious question that will be addressed at some later point is how to understand the omission of Yitro's role in the whole story of the appointment of the judges. As we know from the book of *Shemot,* it was not Moshe, but Yitro who came up with the idea of appointing judges. In brief, we can say that after forty years, it is less significant whose idea it was to appoint judges. Moshe is not lying to the people; he is merely reporting the essentials, without getting into the minor details. What is important for our purposes is that from Moshe's perspective, the appointment of judges enjoys full legitimacy, something that will be entirely absent when we come to the question of Yehoshua's appointment in place of Moshe.

**The Account of the Spies**

And we journeyed from Chorev, and went through all that great and dreadful wilderness which you saw, by the way to the hill-country of the Amorites, as the Lord our God commanded us; and we came to Kadesh-Barnea. And I said unto you: “You are come unto the hill-country of the Amorites, which the Lord our God gives unto us.  Behold, the Lord your God has set the land before you; go up, take possession, as the Lord, the God of your fathers, has spoken unto you; fear not, neither be dismayed.”

And you came near unto me every one of you, and said: “Let us send men before us, that they may search the land for us, and bring us back word of the way by which we must go up, and the cities unto which we shall come.” And the thing pleased me well; and I took twelve men of you, one man for every tribe; and they turned and went up into the mountains, and came unto the valley of Eshkol and spied it out. And they took of the fruit of the land in their hands, and brought it down unto us, and brought us back word, and said: “Good is the land which the Lord our God gives unto us.”

Yet you would not go up, but rebelled against the commandment of the Lord your God; and you murmured in your tents, and said: “Because the Lord hated us, He has brought us forth out of the land of Egypt, to deliver us into the hand of the Amorites, to destroy us. Whither are we going up? Our brethren have made our heart to melt, saying: The people is greater and taller than we; the cities are great and fortified up to heaven; and moreover we have seen the sons of the Anakim there.”

Then I said unto you: “Dread not, neither be afraid of them. The Lord your God who goes before you, He shall fight for you, according to all that He did for you in Egypt before your eyes; and in the wilderness, where you have seen how that the Lord your God bore you, as a man does bear his son, in all the way that you went, until you came unto this place…” And the Lord heard the voice of your words, and was wroth, and swore, saying: “Surely there shall not one of these men, even this evil generation, see the good land, which I swore to give unto your fathers, save Kalev the son of Yefuneh, he shall see it; and to him will I give the land that he has trodden upon, and to his children; because he has wholly followed the Lord.”

Also the Lord was angry with me for your sakes, saying: “You also shall not go in thither; Yehoshua the son of Nun, who stands before you, he shall go in thither; encourage you him, for he shall cause Israel to inherit it. Moreover your little ones, that you said should be a prey, and your children, that this day have no knowledge of good or evil, they shall go in thither, and unto them will I give it, and they shall possess it. But as for you, turn you, and take your journey into the wilderness by the way to the Sea of Suf.” (*Devarim* 1:19-40)

A number of difficult questions arise here, but we will not be able to address all of them. If, for example, we skip over all kinds of discrepancies and focus on Kalev and Yehoshua, we clearly see how Kalev enters the land in the wake of the story of the spies, whereas Yehoshua enters as Moshe's successor, and not because of his role in the story of the spies. This strengthens the argument that we have been presenting – that Yehoshua is Moshe's successor, and not just one of the spies. Moshe did not lie when he omitted Yehoshua from the story of the spies; what we have here is a conscious refusal on the part of Moshe to present Yehoshua as his successor regardless of his role in the story of the spies. The medieval commentators to the book of *Devarim* argue that Moshe was not lying; he merely emphasized certain things and ignored things that did not serve his purpose. This purpose is the sole goal of the oration that we are trying to understand.

Let us go back to analyzing the story of the spies as it is presented in our book. No one questions the necessity of the story of the spies in Moshe's introductory oration, for it was solely for that reason that the people of Israel wandered in the wilderness for forty years. If we examine the story of the Golden Calf on the historical level, we reach the conclusion that in the end, despite all the severity of what happened, the matter had no practical ramifications upon Israel's sojourning in the wilderness.

There are a great number of differences between the two versions of the story. Why is the story of the spies told here in a way that is so different from the manner in which it was told in the book of *Bamidbar*?

Here are some of the main differences between the two versions of the story of the spies:

1) Who initiated the dispatch of the spies: In the book of *Bamidbar*, God initiates the mission: "And the Lord spoke unto Moshe, saying: Send you men, that they may spy out the land of Canaan, which I give unto the children of Israel" (*Bamidbar* 13:1-2). In our book, it is the people who initiate the sending of the spies, and it is Moshe who confirms the mission: "And you came near unto me every one of you, and said: Let us send men before us, that they may search the land for us and bring us back word of the way by which we must go up and the cities unto which we shall come. And the thing pleased me well" (*Devarim* 1:22-23).

2) The response of the spies and the relationship between Moshe and the people. The spies' response to the people as it is presented in the book of *Bamidbar* is that the land is more bad than good: "And they told him, and said: We came unto the land whither you sent us, and surely it flows with milk and honey; and this is the fruit of it. However the people that dwell in the land are fierce, and the cities are fortified, and very great; and moreover we saw the children of Anak there. Amalek dwells in the land of the South; and the Chittite, and the Yevusite, and the Amorite, dwell in the mountains; and the Canaanite dwells by the sea, and along by the side of the Jordan" (*Bamidbar* 13:27-29). In the book of *Devarim*,the picture is completely different; the spies are portrayed as people who only speak in praise of *Eretz* *Yisrael*, and it is the people who do not want to enter the land: "And [the spies] brought us back word, and said: Good is the land which the Lord our God gives unto us. Yet you would not go up, but rebelled against the commandment of the Lord your God; and you murmured in your tents, and said: Because the Lord hated us, He has brought us forth out of the land of Egypt, to deliver us into the hand of the Amorites, to destroy us" (*Devarim* 1:24-27).

3) Moshe's punishment. In the book of *Bamidbar*,we saw that Moshe received the punishment that he would not enter *Eretz* *Yisrael* because of his sin at Mei-Meriva. Here the description is altogether different; Moshe's being barred from entering the land was a consequence of the sin of the spies.

In the story of the spies in the book of *Bamidbar*,Moshe is presented as a rather passive figure; he does not initiate the sending of the spies, and his struggle is not with the people, but only with the spies.[[7]](#footnote-7) In the story presented in the book of *Devarim*, Moshe is the initiator, in the wake of the people's request, of the sending of the spies. Moreover, Scripture does not mention that Moshe consulted with God before sending the spies out. In the book of *Bamidbar*,the people play a quite minor role, whereas the book of *Devarim* describes a serious struggle between Moshe and the people.

If we consider all of these points, it appears that the account in the book of *Bamidbar*,which describes primarily a sin between the people and God, is transformed in the book of *Devarim* into a personal argument between Moshe and the people. Moshe tells the people how ungrateful they are; he describes how he agreed to their request to send out spies and how the problem was not with the spies, but with the people themselves – that they did not want to enter the land. He sees in the people's conduct the reason for his being barred from entering *Eretz* *Yisrael*. In this way, the story of the spies turns from an issue between God and the people to a personal matter in the fullest sense.

**Summary**

In this *shiur*, we discussed the basic structure of the entire book of *Devarim*. In our *parasha*, Moshe delivers his first oration, which is an introduction to the central oration that will begin in chapter 5 and continue the length of most of the book. Beginning in chapter 27, we move on to the renewed covenant that Moshe makes with the people of Israel in the plains of Moav, and from there the book continues with additional chapters that close the book. It is clear from the structure of the book as a whole that the purpose of Moshe's orations is to prepare the people for the new covenant.[[8]](#footnote-8)

Moshe's first oration, which begins in our *parasha* and ends in *Parashat Va'etchanan* (4:40), is Moshe's personal introduction to his central oration. The essence of his first oration is twofold: On the one hand, it is intended to explain why the covenant is made not in *Eretz* *Yisrael*, but rather in the plains of Moav; on the other hand, it presents the people with Moshe's perspective on the people's conduct up until this stage. We also noted that the differences that we find between the stories presented in the book of *Bamidbar* and those brought by Moshe in the book of *Devarim* are not lies. Rather, they come to advance the two purposes that we have presented.

(Translated by David Strauss)

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1. **Based upon an oral presentation by Prof. Grossman, transcribed and edited by VBM staff.** [↑](#footnote-ref-1)
2. According to Kabbalah, God's idea to create the world developed as follows: At first there was a primal idea to create the world. This idea occurred at first in the *sefira* of *Keter* (Crown), the highest *sefira*. Afterwards the idea descended by way of the various *sefirot* until it reached the world of *Malkhut*, and there the idea which until that point was only *in potentia* now became real. This is not the forum in which to expand upon the matter. [↑](#footnote-ref-2)
3. The first person to adopt this approach was R. Yoel Bin-Nun. [↑](#footnote-ref-3)
4. As presented above, this is divided into two parts: a historical oration (5-11) and an oration concerning the *mitzvot* (12-26). [↑](#footnote-ref-4)
5. Academic research has uncovered a great number of Chittite contracts that in great measure are similar in structure to the book of *Devarim.* This was noted by Yehuda Elitzur, who argued that this demonstrates the greatness of the Torah, which presents Divine content in human forms. The book of *Devarim* is a classic example of a book of a covenant – not a covenant between two equals, but between the people of Israel and God. [↑](#footnote-ref-5)
6. This reading can explain the double opening in the introductory verses: "These are the words which Moshe spoke… in the eleventh month, on the first day of the month, that Moshe spoke unto the children of Israel, according unto all that the Lord had given him in commandment unto them," and immediately afterwards another account of the journey until the present time: "after he had smitten Sichon the king of the Amorites… and Og… beyond the Jordan… took Moshe upon him to expound this law, saying." [↑](#footnote-ref-6)
7. It may be added that also in the struggle described in the book of *Bamidbar*,Moshe was rather passive; those who played a major role in the struggle were Calev and Yehoshua. [↑](#footnote-ref-7)
8. The reason for this covenant will be discussed in a later *shiur*. [↑](#footnote-ref-8)