

## Moshe's Interpretation of the Torah

By Rav Yair Kahn

### I. Senior Moments?

*Sefer Devarim* contains the parting speeches delivered by Moshe 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 Yisrael to enter the land of Canaan. However, when comparing Moshe's version, with the Torah's original description, we are confronted with a number of troubling discrepancies.

Moshe begins with the journey from Har 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' " (1:9). This is a clear reference to the incident that followed *kivrot hata'ava*, three days after leaving Har Sinai, when Moshe complained that he felt inadequate to deal with the entire nation: "I am not able to bear all this people alone, because it is too difficult for me" (*Bamidbar* 11:14). In response, Hashem tells Moshe to gather seventy elders to receive the divine spirit and subsequently join Moshe in bearing the burden of the nation.

However, in *Devarim*, Moshe doesn't mention the seventy elders. Instead, he describes the establishment of a hierarchal 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 Moshe was overworked and that the people's needs were not adequately addressed. He therefore suggested the establishment of the court system (see *Shemot* 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 Moshe's speech?

Moshe continues to describe the *cheit ha-meraglim*. Here again we are faced with significant discrepancies. According to Moshe's version, the initiative to send the spies came from the people, while *Parashat Shelach* begins with the divine imperative to send *meraglim*. Perhaps, of greater significance, according to Moshe, the report of the *meraglim* was a positive one, but the people nevertheless refused to continue on their journey towards Eretz Yisrael. In the original account, the *meraglim* themselves were actively involved in spreading fear amongst the people, which eventually led to their refusal to continue. According to Moshe, he personally tried to convince the people that with the help of Hashem, Canaan can be conquered. In the original account, only the counter-arguments of Yehoshua and Calev are recorded.

The commentators suggested various ways of unifying these two seemingly disparate versions. We are nonetheless left with an uneasy feeling, especially in light of the discrepancies we noted concerning the appointment of the judges.

After the account of the *meraglim*, Moshe recalls the interaction with various surrounding nations - Edom, Moav, Amon and the two Emorite kings, Sichon and Og. In *Parashat Chukat*, the Torah records the encounter with Edom. Moshe sends the following message to the king of Edom:

"Thus says your brother Yisrael: 'You know all the travail that has befallen us. How our fathers went down into Egypt ... behold, we are in *Kadesh*, a city on your outer border. Let us pass through your land; we will not pass through field nor vineyard, neither will we drink of the water of the wells; we will go along the main highway, we will not veer to the right nor to the left, until we have passed your border.' And Edom said to him: 'You shall not pass through me, lest I come against you with the sword' " (*Bamidbar* 20:14-18).

Moshe appeals to feelings of brotherhood and sympathy, but all his overtures are rejected. The encounter ends with the threat of war and Yisrael turns away to circumvent Edom.

In *Parashat Devarim*, Yisrael are prevented from attacking Edom, Amon and Moav due to a divine decree; Hashem awarded a specific inheritance to these nations, which Yisrael is barred from. Instead, Yisrael purchase food and drink from these nations.

There is no explicit mention of this divine decree in *Sefer Bamidbar*. The straightforward reading of the narrative indicates that Yisrael turned away from Edom because of the threat, "You shall not pass through me, lest I come against you with the sword." In *Sefer Devarim*, on the other hand, there is no mention of the threat. In fact, Moshe records the following message that he sent to Sichon:

"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 Esav that dwell in Se'ir and the Moavites that dwell in Ar did unto me, until I shall pass over the Yarden into the land which Hashem our God gives us" (2:27-29).

The impression is that Edom (the children of Esav) 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 Moshe's speech. The entire nation was aware of the inaccuracy of Moshe's version. What did they think when Moshe 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. Moshe Mipi Atzmo

Consider the following Gemara in *Megila* (31b):

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

The gemara asserts that Moshe did not receive the curses in *Sefer Devarim* from Hashem. Independently, Moshe told the people what would happen to them if they violated the *mitzvot*. Tosafot modifies this statement and adds that Moshe's version of the curses is based on *ruach ha-kodesh* (divine inspiration). Nevertheless, Tosafot must admit that *ruach ha-kodesh* lacks the clarity usually associated with Moshe's unique prophecy. "And never did another prophet arise in Yisrael that Hashem addressed face to face" (*Devarim* 34:10).

Not only are the curses of *Devarim* the words of Moshe, but most of the *sefer* is a record of speeches that Moshe gave *mipi atzmo*. The *sefer* begins: "These are the words which Moshe spoke unto all Yisrael" (1:1). This surprising assertion must be evaluated in light of what the Rambam wrote in *Hilkhot Teshuva* (3:8): "One who says that the Torah is not from Hashem, even if he merely claims that one *pasuk* or one word was said by Moshe *mipi atzmo*, behold he is *kofeir ba-Torah* (a heretic who denies the Torah)."

The Ran in *Megila* explains; that although Moshe was the source of much of *Sefer Devarim*, Hashem subsequently commanded that these words of Moshe be included in the Torah. Therefore the ultimate source is Hashem, not Moshe. It is the Torah that introduces Moshe's speech: "These are the words which Moshe spoke" and therefore *Sefer Devarim*, which contains the words of Moshe, enjoys the status of *Torat Hashem*.

## III. The Meaning of *Mishneh Torah*

Even though *Sefer Devarim* is titled *Mishneh Torah*, it is not a repetition of Torah, but rather an interpretation. *Sefer Devarim* begins: "Beyond the Yarden, in the land of Moav, Moshe took upon himself to interpret this Torah, saying" (1:5). In his introduction to *Sefer Devarim*, the Ramban writes: "This *sefer*, whose idea is known that it is *Mishneh Torah*, in which Moshe our teacher will explain most of

the *mitzvot* necessary for Yisrael to the generation entering the land."

Accordingly, the term "*Mishneh Torah*" in this context is not based on the word "*sheni*," "two," indicating repetition. Rather it is derived from the term "*shinun*," which means to study (similar to the term "*mishna*"). These two alternatives of explaining "*Mishneh Torah*" are noted by Rashi regarding the *mitzva* that a king write a *mishneh Torah* (17:18): "Two Torah scrolls ... However Onkelos translated as '*patshegen*.' He interpreted '*mishneh*' as *shinun* and speech."

If Moshe is not repeating the Torah, but rather interpreting and explaining it, how are we to approach a halakhic section in *Devarim* that seems repetitive? Perhaps we should pay special attention to nuances and details that differ from the original, in attempt to discover what Moshe had added. Perhaps details that seem to be at odds with the original description are actually arrows pointing in the direction of Moshe's interpretation.

## IV. An Invitation to Study

When Moshe begins to review Yisrael's travels in the wilderness, was he teaching them history? When we listen to Moshe's version of past events, do we expect no more than a factual survey? Moshe 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 Moshe's version?

Perhaps that is how Yisrael reacted to the "inaccuracies" of Moshe's account. Even the smallest discrepancy was noted as a point that had to be studied. By slightly changing certain historical facts, Moshe was able to highlight deeper truths.

What can we learn from the fact that Moshe imported the appointment of judges from *Parashat Yitro* and placed it at the beginning of the journey towards Eretz Yisrael? Perhaps Moshe is trying to tell us that setting up a judicial system is a prerequisite to settling Eretz Yisrael. (We will *b"n* expound on this idea in our *shiur* on *Parashat Shoftim*).

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

It is instructive to read Moshe's previous account of the *meraglim*. Just a few months earlier, when the tribes of Gad and Reuven requested portions to the East of the Yarden, Moshe placed the blame on the *meraglim* themselves in order to warn Gad and Reuven not to repeat the error of the *meraglim*. (See *Bamidbar* chapter 32). From here it is

clear that Moshe focuses on different perspectives as the educational need varies.

But why does Moshe, who is most modest, erase the counter arguments of Calev and Yehoshua and record himself as the one trying to convince the people? Perhaps, Moshe is trying to separate the factual aspect of the report of the *meraglim* from their editorial. Regarding the facts, the *meraglim* reported that the land was good and then added their opinion that Yisrael would not be able to conquer the land. This opinion is valid only if the battle for Canaan is to be based upon military prowess. However, after *yetziat* Mitzrayim, Yisrael should have realized that they have nothing to fear, for Hashem will battle for them as He did at Yam Suf. From their perspective, the "opinion" of the *meraglim* should have been totally irrelevant. The fact that they had actually been to Canaan and seen the fortified cities and giants is meaningless.

*Parashat Shelach* records the facts; in reality, some of the *meraglim* claimed that Canaan could not be conquered, while Calev and Yehoshua argued with them. However, in essence this was not an internal debate among the *meraglim*; it is a religious debate that has nothing to do with having been a spy. Moshe's account goes to the real heart of the issue. Yisrael still didn't believe that Hashem would battle for them. The counter argument to this is Moshe, the ten plagues and specifically *kriat Yam Suf*, when Moshe declared "*Hashem yilachem lakhem*" (Hashem will battle for you - *Shemot* 14:14). It was at that point that Yisrael witnessed the victory of Hashem, the warrior (*Shemot* 15:3) and believed in Hashem and His servant Moshe (*Shemot* 14:31). Therefore, in response to the people's fear, Moshe inserts his declaration, which was originally pronounced at the time of *kriat Yam Suf* "*Hashem ... yilachem lakhem*" (*Devarim* 1:30).

The *parasha* ends with Moshe's account of the interaction with various nations. As we noted, in *Sefer Bamidbar* the confrontation with Edom concludes with a refusal to let Yisrael pass through: "You shall not pass through me, lest I come against you with the sword" (*Bamidbar* 20:18). In Moshe's account, there are cordial commercial relations between Yisrael and Edom. However, Yisrael is prevented from conquering Edom because of a divine decree. What are we supposed to learn from this revision?

Let us begin with a more basic question; what was Moshe's agenda in recording this section? According to the Ramban (2:10), Edom, Amon and Moav all received their portions as part of the land promised to Avraham. This is the source of the divine decree prohibiting Yisrael from inheriting any of their lands. Moreover, Moshe places special stress on the fact that Edom, Amon and Moav conquered their respective countries from giants. According to the Ramban, this indicates that the victories of Edom, Amon and Moav were achieved in a miraculous fashion. After all "you know and you have heard, who can stand up to giants" (9:2). Moshe then describes the victorious battles against Sichon and Og. Unusual detail is used in describing the dimensions of Og. Moshe sums up his major point in the closing verses of the *parasha*: "And I commanded Yehoshua at that time saying 'You have seen with your own eyes all that Hashem your God did to these two kings. So will Hashem do to all the kingdoms that you are going to. Don't fear them for Hashem your God, *Hu nilacham lakhem* (He battles for you)."

In *Sefer Bamidbar*, the Torah describes the confrontation with Edom as one of the detours forcing Yisrael to head back towards Mitzrayim before heading on to Canaan (see the *shiuron Parashat Chukat*). Therefore emphasis is placed on Edom's refusal. However, in *Devarim*, Moshe is preparing the people for the battle for Eretz Yisrael. Therefore, Moshe must instill within the people awareness of *Hashem Yilachem lakhem*. On the one hand, he uses the paradigm of the battles of Sichon and Og to prove that "*Hashem ... nilcham lakhem*." In addition, Moshe enlists Edom, Amon and Moav, all who receive sections of the land promised to Avraham, and who succeeded in conquering those lands from giants in a miraculous way. Therefore, Moshe describes proper fraternal relations between Yisrael and Edom, Amon and Moav; he ignores the differences and tensions in order to focus on the common past. He concludes that just as Edom, Amon and Moav succeeded in defeating the giants, in order to receive the inheritance of Avraham, so will Yisrael do with respect to its land (2:12).

According to this approach, Moshe's account of the *meraglim*, as well as his record of the interaction with the surrounding nations, share a common denominator. In both, Moshe tries to instill within the people a deep conviction that is critical for successfully settling Canaan. The people must be aware that victory against the Canaanites is not a function of military prowess. They must understand that Hashem does battle for Yisrael. Moshe reviews the history of Yisrael in the *midbar* and describes it in a fashion that calls attention to this basic truth. He presents the episode of the *meraglim* in a way that highlights this issue as the main point of contention. He then shows how this factor was primary regarding various fraternal nations that attained their portions in the inheritance Avraham. He concludes with the battle against Sichon and Og and sums up the message: "And I commanded Yehoshua at that time, saying: 'Your eyes have seen all that Hashem your God has done to these two kings; so shall Hashem do to all the kingdoms where you go. You shall not fear them; for *Hashem ... nilcham lakhem*'" (3:21-22).