

PARASHAT HASHAVUA

This Parasha series is dedicated Le-zekher Nishmat HaRabbanit Chana bat HaRav Yehuda Zelig zt"l.

This parasha series is dedicated in honor of Rabbi Menachem Leibtag and Rabbi Elchanan Samet.

This shiur is dedicated in memory of
Dr. William Major z"l.

In memory of Naftali Hertzke ben Mayer Eliezer v'Gitel z"l,
Nathaniel "Harry" Leiderman whose 9th yahrzeit fell on the 11th day of Tammuz.
Dedicated by Ira Leiderman & Mindy Smith
and their children Eric (currently on Ramah Seminar) & Cara, Englewood, NJ.

In honor of the birth of our daughter, Maya Margalit,
שנוכה לגדלה לתורה, לחופה ולמעשים טובים
-David and Shifra Waxman

Bei'ur Ha-Torah By Rav Yehuda Rock

Sefer Devarim begins with three different statements, each one of which may be viewed as an introduction. These statements occupy the first five verses of the *sefer*. In this *shiur*, we will focus principally on the third introductory statement, which will lead us to an understanding of the purpose of Moshe's first speech in *Sefer Devarim*, as well as a broader perspective on the message of the Torah as a whole.

Sefer Devarim opens as follows:

- (1) These are the matters of which Moshe spoke to all of Israel on the other side of the Yarden, in the wilderness, in the Arava, facing Suf, between Paran and Tofel, Lavan, Chatzerot and Di Zahav.
- (2) Eleven days from Chorev, via Mount Se'ir, to Kadesh Barne'a.
- (3) And it was, in the fortieth year, in the eleventh month, on the first of the month, that Moshe spoke to the Israelites according to all that God had commanded him for them.
- (4) After he had defeated Sichon, king of the Emori, who dwelled in Cheshbon, and Og, king of the Bashan, who dwelled in Ashtarot, in Edre'i.

(5) On the other side of the Yarden, in the land of Mo'av, Moshe undertook to expound this Torah, saying: (6) "Lord our God spoke to us at Chorev, saying: 'You have dwelled long enough at this mountain.'"

The first monologue of *Sefer Devarim* starts here, at verse 6, and it continues until 4:40. Then, in the next three verses (41-43), the Torah recounts that Moshe sets aside three cities of refuge on the eastern side of the Yarden. Then we read (4:44-46, 5:1-2):

And this is the Torah which Moshe placed before the Israelites. These are the testimonies, statutes and judgments which Moshe spoke of to the Israelites when they came out of Egypt. On the other side of the Yarden, in the valley, facing Beit Pe'or, in the land of Sichon, king of the Emori, who dwelled in Cheshbon, whom Moshe defeated – with the Israelites – when they came out of Egypt...

And Moshe called to all of Israel and he said to them: "Hear, Israel, the statutes and judgments which I speak in your ears today; and you shall learn them, and you shall observe them to keep them. Lord our God forged a covenant with us at Chorev..."

The second (middle) speech of *Devarim* occupies most of the *sefer* – from 5:2 all the way until the end of Chapter 26.

Let us begin by taking a closer look at the opening verses of the *sefer*, in order of their appearance. As noted, the *sefer* opens with three statements that may be regarded as introductions. The first consists of the first two verses: "These are the matters... to Kadesh Barne'a." Much has been written concerning the significance of these two verses. We shall not discuss them here at length; suffice it to note that they represent a general introduction to Moshe's monologues in *Devarim*, and perhaps an independent statement as well.

The second opening sentence starts at verse 3. This introduction seemingly pertains to the middle monologue of the *sefer*, or to both monologues together; it is not specifically related to the first speech. The basis for this assertion is the fact that the middle monologue includes a great number of laws, and it is introduced with the words, "These are the testimonies, statutes and judgments... 'Hear, Israel, the statutes and the judgments...'" This suits the language of verse 3: "according to all that God had **commanded** him for them." The first monologue, in contrast, includes Moshe's description of past events (Chapters 1-3) and words of rebuke and guidance (Chapter 4), and there is no hint of his being commanded by God to convey this.

Verse 4 and the first part of verse 5 serve as an orientation in time ("after he had defeated...") and place ("on the other side of the Yarden, in the land of Mo'av"). The question arises: is this orientation meant to complement v. 3 – i.e., describing the time and place of the speech mentioned in v. 3, or is it a prelude to the second part of v. 5 – i.e., describing the time and place where "Moshe undertook (*ho'il*) to expound this Torah"? Another possibility, obviously, is that the description of time relates to v. 3, while the description of place pertains to the second part of v. 5. From the use of the verb "*ho'il*," rather than the more common form "*va-yo'el*," in the

second part of verse 5, it would appear that the verb is not meant to serve as the beginning of the sentence. In that case, the location, at least, belongs to this sentence: "On the other side of the Yarden, in the land of Mo'av, Moshe undertook to expound this Torah."

The description of time in v. 4 likewise seems attached to v. 5, for if it were meant to complete v. 3, then the speech there would have two descriptions of time attached to it: "In the fortieth year...", as well as "After he had defeated..." The former appears at the beginning of v. 3, complementing the phrase, "And it was...", while the latter complements the utterance itself. It would seem more logical, then, for the verse to read as follows: "And it was, in the fortieth year, in the eleventh month, on the first of the month" — "After he had defeated Sichon..." — "that Moshe spoke to the Israelites." Hence it would appear that v. 3, too, is meant to complement v. 5: "After he had defeated Sichon... and Og... on the other side of the Yarden, in the land of Mo'av, Moshe undertook to expound this Torah."

This brings us to the final opening sentence, the focus of this *shiur*. "Moshe undertook to expound (*be'er*) this Torah, saying." What does this verse describe? Does it refer to the first monologue, or the second one, or both? What is the significance of this introduction? What does *bei'ur ha-Torah*, expounding the Torah, mean?

The Ramban asserts that the first five verses of the *sefer* all pertain to the second (main) monologue, beginning at Chapter 5, and that they represent a single, lengthy introduction to that speech. To his view, the first monologue – starting at 1:6 – is a sort of parenthetical speech, serving to introduce the main speech and, therefore, preceding it.

The Ramban's main motive for proposing this interpretation is that "this Torah" must refer to *mitzvot*, and the first speech includes no *mitzvot*; therefore, *bei'ur ha-Torah* cannot refer to the first speech.

Furthermore, the Ramban explains:

Since he elaborates at length in this introduction, the text goes back to the point of digression, at the beginning of the *bei'ur ha-Torah*, to say: "And this is the Torah which Moshe placed before the Israelites. These are the testimonies, statutes and judgments which Moshe spoke of to the Israelites when they came out of Egypt."

In other words, it is stated clearly at the end of Chapter 4 that "the Torah" actually refers to the continuation, starting from Chapter 5. This being the case, we must conclude that the introduction in the opening verses refers to the same speech – the central monologue of *Sefer Devarim*. Since the text in the meantime deviates from this subject and records the first speech, it must resume by repeating the introduction: "And this is the Torah..."

The Ramban's arguments make sense. The problem with his explanation relates to the word "*le-mor*," "saying," at the end of verse 5, implying that the *bei'ur ha-Torah* follows immediately, while the Ramban claims that it appears only in Chapter 5. For this reason the

Ramban asserts that verse 6 should be read as though the word "*va-yomer*," "and he said," appears at its beginning:

The verse that reads, "Lord our God spoke to us" is missing the term "saying"... and the order of the text here is: "These are the matters which Moshe spoke to all of Israel... according to all that God had commanded him for them... Moshe undertook to expound this Torah, saying" — And he said — "Lord our God spoke to us as Chorev, saying: 'You have dwelled too long...'"

Thus, the Ramban severs the word "*le-mor*," which introduces the details of the *bei'ur ha-Torah*, from the first monologue.

However, aside from the forced contrivance of inserting a 'complementary' word here (though the Ramban tries to draw support for this phenomenon from *Bereshit* 41:51, the circumstances there are quite different), the idea of using the word "*le-mor*" here, while the actual content of this "saying" comes only four chapters later, is problematic.

According to Shadal (commenting on verses 1 and 5), the term "*torah*" should be understood as referring to Moshe's words of guidance and rebuke. He cites two such uses of the word to support this interpretation: "Receive, I pray you, *torah* from his mouth" (*Iyyov* 22:22); and "Do not abandon the *torah* of your mother" (*Mishlei* 1:8). Accordingly, he goes on to explain that the *bei'ur ha-Torah* mentioned in verse 5 refers to the first speech, as the use of the word "*le-mor*" suggests. Thus, he counters the main factor motivating the Ramban's explanation. However, aside from the fact that the attempt to establish the meaning of the word "*torah*" here on the basis of its appearances in *Ketuvim* is somewhat questionable, Shadal is also forced to explain the verse at the end of Chapter 4 ("And this is the Torah...") as referring to something entirely different.

Thus, the question that faces us is how to reconcile the tension between the simple meaning of the word "*le-mor*," on the one hand, and the fact that, on the other hand, the content of the first speech does not seem suited to the general heading of *bei'ur ha-Torah*. Indeed, Scripture seems to regard the second monologue (rather than the first) as "the Torah," as suggested by the verse at the end of Chapter 4.

The answer to this puzzle is to be found in the commentary of Rav David Zvi Hoffman on our verse. He undertakes a precise analysis of the meanings of two expressions: "*be'er*," "expound," and "this Torah." The word "*be'er*" appears frequently in the Torah as a noun, referring to a well of water. As a verb, it appears in only two other places aside from our verse:

- And it shall be, on the day that you pass over the Yarden... and you shall set up for yourselves large stones... And you shall write upon the stones all the words of this Torah very plainly (*ba'er heitev*). (*Devarim* 27:1-2, 8)
- Write the vision and make it plain (*u-va'er*) upon the tablets, in order that he who reads it may run. (*Chavakkuk* 2:2)

Common to both of these instances is the context of writing: clear, permanent writing that is meant to remain, clearly legible, for a long time. Accordingly, Rav Hoffmann explains that in our instance, too, Moshe undertakes to write.

As to the expression "this Torah," Rav Hoffmann builds on its meaning as it appears in *Parashat Vayyelekh* (*Devarim* 31:9-11, 13, 25-26):

Moshe wrote this Torah, and he gave it to the *kohanim*, the sons of Levi, who bore the Ark of God's Covenant, and to all of the elders of Israel. And Moshe commanded them, saying... "When all of Israel come to show themselves before Lord your God at the place that He will choose, then you shall read this Torah before all of Israel, in their hearing... in order that they may hear and in order that they may fear Lord your God and observe to perform all of the words of this Torah..."

And it was, when Moshe finished writing the words of this Torah in a book, until their end, that Moshe commanded the *Levi'im*, who bore the Ark of God's Covenant, saying: "Take this book of the Torah and place it alongside the Ark of the Covenant of Lord your God, that it may be there as a witness for you..."

In other words, "this Torah" refers to the "book of the Torah" that Moshe writes, which is placed alongside the Ark and which is read before the entire nation at the *Hakhel* gathering; thus, it encompasses the Pentateuch. In Rav Hoffmann's view, "the expression, 'this Torah,' [as used] in *Sefer Devarim*, always refers to the entire Torah." Thus, what the verse is telling us is that with these words – the first speech – Moshe begins writing the entire Torah.

What arises from this is that Rav Hoffmann does not mean that Moshe begins the labor of writing at this point, but rather that at this stage he begins to finish the Torah, with *Sefer Devarim* (echoing the view in the Gemara that states, "The Torah was given in separate scrolls" – see *Gittin* 60a, Rashi, ad loc., and the Ramban's *Introduction to Sefer Devarim*). However, if we adopt this view, what is the significance of noting this here? It seems more likely that the literal meaning of the verse is that at this point, on Rosh Chodesh Shevat of the fortieth year of the Exodus, Moshe first approaches the task of writing down the Torah as a book, and he begins with these words, written in Chapters 1-4. Later on, as recounted in *Parashat Vayyelekh*, after the forging of the covenant at the Plains of Mo'av, Moshe completes the work of writing the Torah. Obviously, there are sections that exist in writing from earlier – such as the "book of the covenant" (*Shemot* 24:4-7; see also Tosafot, Tosafot Rosh, and Rashba, *Gittin* 60a). However, these are written as independent documents, not as the beginning of the work of writing the entire *sefer Torah*. Here, for the first time, Moshe undertakes a writing that is meant to end with the completion of an entire *sefer Torah* – a Torah scroll.

We are now in a better position to explain 4:44: "This is the Torah which Moshe placed before the Israelites." Apparently, this is not an introduction to the main monologue, but rather

an independent statement, telling us that this entire work, in which this verse appears, is the book that Moshe gave to Israel. Rav hoffmann explains:

The proper [understanding] is that v. 44 refers to the entire Torah which Moshe Rabbeinu writes (31:9) and which he places before the nation... This written book, in its entirety, is called "the Torah" in v. 44, as well as in many other places.

Still, why is it specifically there, at the end of Chapter 4, that Scripture chooses to record this fact? Rav hoffmann does not address this question, but it seems that the Scripture seeks to dispel a possible misunderstanding. Since the speech covering Chapters 1-4 opens with the words, "Moshe undertook to expound this Torah, saying," one might have thought that this is all that the Torah taught by Moshe consists of. For this reason, Scripture clarifies: this entire Torah is what Moshe placed before the Israelites — not just the words of the preceding chapters.

Let us now return to our verse. As stated, Scripture tells us here that Moshe approaches the writing of the Torah for the first time in these chapters. It should be noted that on the basis of this interpretation, it is not clear whether these chapters are conveyed orally to the Jewish people, along with being inscribed, or whether they are only written, and not uttered at all. Either way, bowing to the generally-accepted perception, we shall continue to relate to this as the first monologue of *Sefer Devarim*.

The structure that arises, then, is as follows: verse 3, "And it was, in the fortieth year, in the eleventh month, on the first of the month... for them," is the heading for the main monologue of the *sefer*, which begins in Chapter 5. However, before recording the content of this speech, the Torah tells us that Moshe approaches the task of writing down the Torah with the matters set forth in Chapters 1-4, and after a brief detour into the subject of the cities of refuge (which we shall not discuss here), the text notes that, ultimately, the entire Torah is what is given by Moshe to Israel. Then the Torah comes back to detail the commandments that Moshe tells them, beginning on Rosh Chodesh Shevat of the fortieth year. In order to get back to the subject, the Torah first states another introduction: "These are the testimonies, statutes and judgments which Moshe spoke to the Israelites when they came out of Egypt..."

From the fact that the words of the first speech are recorded in between the first heading of the main monologue, (the monologue setting forth the laws) and the list of laws itself, we deduce that the first monologue serves as a sort of preface and introduction to the main monologue. We still need to clarify the relationship between the two speeches and its significance. We have also not yet explained the importance of Moshe approaching the task of writing the Torah specifically with the words of the first speech. To this end, let us consider its content.

The first speech is clearly divided into two parts: Chapters 1-3 (or, more precisely, 1:6–3:29); and Chapter 4 (up to v. 40). The first part provides a sort of historical review of the events that the Jewish people have lived through during their wanderings in the wilderness. Chapter 4 contains guidance and exhortations to observe the *mitzvot*. The point of contact between the two

parts, at the beginning of Chapter 4, is the word "*Ve-atta*," "And now": "And now, Israel, hearken to the statutes and the judgments which I teach you, to do, in order that you may live and go in and possess the land..." In other words, Chapter 4 is the conclusion drawn from Chapters 1-3. The events in the wilderness establish and indicate the need to observe the *mitzvot*. In Chapter 1, the story of the Spies shows that it will not be possible to take possession of the land while acting contrary to God's will — thus, when the *Mapilim* attempt to conquer the land after God's decree of wandering, they are wiped out. Chapters 2-3 show that when the nation obeys God's will, it is possible to conquer and take possession — as evidenced by the battle against Sichon and Og. At the beginning of Chapter 4, the story of the plague which punishes the worshippers of Ba'al Pe'or shows that those who rebel against God will not live to enter and take possession of the land. Within Chapter 4, the Exodus (vv. 20, 34, 37) and the Revelation at Sinai (vv. 9-19, 32-33, 36) also serve as the basis for the commitment to observing the Torah and the *mitzvot*.

In light of the above, we may understand the importance of the fact that Moshe begins to write down the Torah right here. The first speech of *Sefer Devarim* provides a full perspective of the stories of the Torah in general. The function of these stories is to anchor and strengthen the observance of Torah and *mitzvot*. Moshe, in his speech, speaks explicitly of the central events from the Exodus onwards, but the events of *Sefer Bereshit* may certainly also be viewed in the same light (viz. the Ramban's famous comment on *Bereshit* 1:1). Moshe's words here, coming as an introduction to the commandment speech, show that the narratives possess their own function, supporting the crux of the Torah — the *mitzvot*.

However, when we actually review the other books of the Torah, this perspective appears less clear. Despite the above-mentioned comment of the Ramban, it would seem that *Bereshit* and *Shemot*, especially, include the broader perspective of the relationship between God and the world in general, and Israel in particular. Thus, for example, the first eleven chapters of *Sefer Bereshit* do not pertain to *Am Yisra'el* at all. Likewise, later on, it is difficult to shoehorn all the significant details of the Torah's narratives into the specific context of observing Torah and *mitzvot*. Moreover, the very structure and style of the Torah — that of a long historical epic that includes stories of laws being given, rather than a book of laws that also includes some narrative sections — prove that the essence of the Torah is the entire relationship between God and Israel, with the *mitzvot* representing the main (but not sole) component on Israel's part.

It would seem that the Torah seeks to present two different views. The Torah itself, from an overall perspective, is written objectively — i.e., from God's point of view. From this point of view, God initiates a relationship with the Jewish people, not only in order that they will fulfill the *mitzvot* in practice, but because of the importance of the relationship itself, and because of the Jewish people's role and mission vis-à-vis the rest of the world. From this point of view, God's mercies towards Israel are not only the basis for Israel's reciprocal commitments towards God, but an expression — significant in its own right — of God's love and affection for Israel. Because of this view, the Torah is written as a story about the relationship, and the laws are integrated into it.

The other view is presented in *Sefer Devarim*. Here, the picture is painted from the perspective of the human Moshe, the leader of Israel, who is concerned about their commitment.

From an existential perspective, the crux of our emphasis must be our commitment to God – i.e., reinforcing the observance of the Torah and its *mitzvot*. From this existential perspective, the importance of God's attitude towards us lies mainly in the context of our commitment towards Him. For this reason, the *bei'ur ha-Torah* appears as a preface and introduction specifically to the commandments, statutes and judgments that God has commanded us.

Translated by Kaeren Fish