PARASHAT DEVARIM

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

Dedicated in honor of the engagement of Russie Siegal (daughter of Yitzchok and Barbara Lehmann Siegel) and Jeffrey Berger (son of Frank and Magda Berger).. may they be zoche to build a bayit ne'eman b'yisrael.

"These Are the Words" Ray Tamir Granot

A. Uniqueness of the Sefer – Introductory Note

This week we begin reading and studying *Sefer Devarim*. Endless commentary has attempted to understand the status and special role of this fifth book of the Torah in relation to its predecessors. Most of the *Sefer*, up until the beginning of *Parashat Vayelekh*, is not a direct continuation of the preceding Books, which for the most part are set out based on the chronological order of events and revelations. *Sefer Bamidbar* ends with the story of the division of the land and the command to settle it. In *Sefer Devarim*, the flow of time and events is halted to make way for a lengthy speech – or perhaps several speeches, which appear consecutively – by Moshe. From this perspective, *Sefer Devarim* is closer in character to the Books of the later prophets, and less similar to the style of the Torah and the early prophets. In other words, *Sefer Devarim* represents a literary genre that is different from the one that has become familiar to us through the first four Books, where we encountered narratives of events, chapters of laws, notes (e.g., the vessels of the *Mishkan* and the order of the sacrificial service), chronicles (e.g., the stations along the journey), etc.

At the same time, Moshe's speech in *Sefer Devarim* — in both its legal and narrative aspects — does not introduce subjects that are different from those addressed thus far, but rather returns to the same themes (especially those treated in *Sefer Shemot* and *Sefer Bamidbar*). Owing to the unique "monologue" character of the *Sefer*, it is referred to as "*Sefer Devarim*" — the "Book of Words." And because it comes back to subjects discussed in the previous Books, it is also known as "*Mishneh Torah* — Deuteronomy," literally, "repetition of the law."

The third special characteristic of this *Sefer* is the fact that it is presented as the words of a man – admittedly the most wondrous of men, Moshe Rabbeinu himself – but not as the words of God, like the other Books of the Torah. The expressions, "And God spoke" or "God said," so ubiquitous in the other Books, are absent here. The prevalent style here is speech in the first person, uttered by Moshe, the speaker; it is he who describes and he who commands. From this point of view, *Sefer Devarim* is especially deserving of the title, "*Sefer Torat Moshe*."

To summarize, then, study of *Sefer Devarim* and an understanding of its uniqueness require that these three points be considered:

- 1. Nature of the *Sefer*: a monologue, rather than prose, a book of laws, or a chronicle.
- 2. Content of the *Sefer*: repetition.
- 3. Source of the *Sefer*: uttered by Moshe, not by God.

Below I offer some thoughts on *Sefer Devarim* with reference to these three points. The *shiur* is based mainly on the classic commentary by Abarbanel, in his introduction to *Sefer Devarim*, as well as on the introduction to the *parasha* in the commentary of Rabbi Tzaddok ha-Kohen of Lublin (*Peri Tzaddik*). The former represents a study on the level of *peshat* (the plain meaning of the text), while the latter is drawn from the level of "*sod*" (the esoteric, mystical reading). To my mind, both interpretations lead back to the same essential source.

B. Confusion

The confusion regarding the status and role of *Sefer Devarim* is expressed clearly by Abarbanel. He asks: if all of *Sefer Devarim* is God's word, then what need is there for another *Sefer* which, for the most part, repeats matters that have been treated at length in the preceding *Sefarim*? And if one should argue that new material and new details are introduced in *Sefer Devarim*, while in some cases things that are written in the other *Sefarim* are omitted here, then the question only becomes more perplexing: why is each matter not treated in its entirety in one place (be it *Sefer Shemot* or *Sefer Bamidbar*), in all its detail and with nothing added or removed? What is the point of an author leaving previous chapters of his work "unfinished," so as to return to them only at the end, to "fill in" that which was mistakenly forgotten or deliberately left out?

If, on the other hand, we propose that the *Sefer* is authored by Moshe, as its style suggests, then what place does it have in the Torah? What place can mortal words have amidst God's Torah? The crowning glory of Moshe's prophecy is that it is like a "transparent mirror," conveying God's word with no change or processing. Now, suddenly, we are presented with a "*Sefer Torat Moshe*" – a Book of Moshe's Torah, rather than God's Torah. What can a mortal – even such a unique, unparalleled mortal as Moshe – add to the words of the King of the universe?

In his answer, Abarbanel draws a distinction between the issues of origin and

authority. The **origin** of *Sefer Devarim* lies with Moshe; its **authority** comes from God. He explains that Moshe did indeed utter a lengthy monologue of his own initiative and composition before Bnei Yisrael prior to his death, in which he reminded and reproved them, explained and commanded, and God approved his words and commanded him to write them exactly as he had spoken them. In other words, Moshe created the substance of the book of his own will, but it was transcribed and included as one of the Books of the Torah by God's command. God commanded that Moshe preserve the original character of the material – i.e., in the first person, and in the order and formulation uttered by Moshe – because his words were worthy of being included as words of Torah.

Rav Mordekhai Sabato argues that *Sefer Devarim* includes both the description of a monologue delivered by Moshe and the writing of the Torah in a Book ("This is the Torah which Moshe placed before Bnei Yisrael," meaning, he wrote it down and gave it to them).1[1] To his view, the is also the meaning of the words at the beginning of the *Sefer*: "...Moshe began to declare this Torah." The word "declare" (*be'er*) here means to cut into or engrave upon stone, just as a well (*be'er*) is dug into the ground. This interpretation conforms with Abarbanel's understanding of the Book as a monologue that was eventually written down.

However, we are still left with two major problems:

- 1. Why did Moshe feel that it was necessary to add his speech with its repetition of the Torah which he had already given to the nation?
- 2. Why are there matters that appear in *Sefer Devarim* especially in the chapters of laws and the details of specific commandments that do not appear in the preceding Books of the Torah?

Concerning the first question, both Abarbanel and other Rishonim have offered several different explanations: Moshe wanted to strengthen Bnei Yisrael and to admonish them prior to their entering the land, or he wanted to review the Torah with them, or to leave his personal mark before his death, etc.

Abarbanel attempts to answer the second question by asserting that *Sefer Devarim* actually offers nothing that is fundamentally new; everything has already been said before; Moshe merely elaborates or explains. He maintains that even the seemingly new commandments that appear here have their source in other parts of the Torah.

It seems that we must agree with Abarbanel's assertion that the source of *Sefer Devarim* is the speech delivered by Moshe at his own initiative and of his own freewill, and which was eventually written down at God's command. However, it is difficult to accept his perception of this *Sefer* in relation to the others. The differences between *Sefer Devarim* and the other Books of the Torah extend to every level and dimension. The style is different, the structure is different, the historical perception is different, the details of events are different, the theology is different, and even the values that are placed at its center are different. Moreover, the system of commandments of *Sefer Devarim* is

^{1[1]} See his *shiur* in the VBM archives:

dramatically different from the systems presented in the other books (and Abarbanel, obviously, is aware of this). On one hand, *Devarim* contains no laws of concerning ritual impurity, no obligatory sacrifices, and the body of subjects treated in *Parashat Mishpatim* is also missing. On the other hand, many new commandments appear here, especially inter-personal commandments, and some laws that have appeared before are mentioned here in a very different way, in terms of both style and content. For all of these reasons, it is difficult to accept the view of those commentators who maintain that *Sefer Devarim* is merely a "repetition" and elaboration or reinforcement.2[2]

The answers that are proposed to the first question face us with the following fundamental problem: it is not enough that we understand why Moshe said what he said, why he changed the details of the stories or their order, or why he gave greater emphasis to certain laws than to others. All of the answers to these questions satisfy us only when we examine the Torah within the limited time and historical context in which the events took place. These answers may indeed resolve the questions of "why Moshe did such-and-such at the time." However, we wish to understand the Torah not only within history, but also from a perspective that goes beyond history. Why does the eternal Torah include maters whose importance for their specific time may be understandable, but which seem to contribute nothing to the eternal dimension of the Torah? The real problem is not why Moshe said these things then, but rather why these things are part of God's Torah now and forever. In the terms of Abarbanel's commentary, why did God command Moshe to record in the Written Law that which he had conveyed orally?

C. God's Torah, and Man's Torah as God's Torah

We shall not be able to arrive at a satisfying answer to these questions without studying the whole of *Sefer Devarim*, in general and in its details, so as to derive clues from individual cases to answer overall questions, and inversely — to apply the general principles to the specific issues discussed. However, over the course of the *Sefer* there are certain key junctions which allow us a view of the *Sefer* as a whole. The most important of these, to my mind, is the forging of the covenant, in *Parshiyot Ki-Tavo* and *Nitzavim*, representing in many respects the climax of the *Sefer*. Great importance is also attached to the description of the revelation at Sinai and the sections introducing the chapters of laws, as well as the laws that discuss the "place which God will choose," among others.

I hope to address all of these issues in the *shiurim* on *Sefer Devarim*, following the order of the weekly *parshiyot*. The discussion below is aimed at laying the foundations for an interpretation of the *Sefer* – a sort of system of necessary basic assumptions upon which the future layers can be built. The basic assumptions arise from the attempt to understand the unique aspects of *Sefer Devarim* and the fundamental difficulties in understanding its status and role, as discussed so far.

We shall seek our answers in the teachings of Rabbi Tzaddok – who, as noted, offers an interpretation in accordance with the "hidden Torah," but it illuminates the plain

^{2[2]} We have already noted above the view offered by Rabbi Sabbato that the word "bi'ur" as used in the Torah may not mean explanation, as in its modern usage, but rather writing or inscribing.

meaning of the text as well.

Rabbi Tzaddok dwelled at length, in his writings, on the concept of Torah, and especially the relationship between the Written Torah and the Oral Torah. Some of his fundamental ideas in this sphere are to be found in his commentary on the beginning of *Sefer Devarim*. He identifies in the title of the *Sefer* – "*Eleh Ha-devarim*" ("These are the words...") – its two most central characteristics (for the sake of the fluency of reading, we shall explain the concepts he uses in our footnotes):

"The reason why it says, 'These are the words,' is that this parasha contains two matters: one is that this is a repetition of the Torah, and it is the beginning of the Torah of Moshe Rabbienu, which represents the Oral Torah, as it is written (Megilla 31b), 'Moshe uttered them [these words] from his own mouth, '3[3] and as it is written, 'Moshe began to declare this Torah,' and as Rashi explains: 'He explained it to them in seventy languages.'4[4] And so we learn: 'She [wisdom] has hewn out her seven pillars' – this refers to the seven days of Creation (*Sanhedrin* 38a). These are the seven lower attributes, 5[5] and as it is written in the Holy Zohar (*Tosefet* to Parashat Beha'alotekha 151a), with the seventh attribute corresponding to the Queen Shabbat,6[6] or malkhut (kingship) - the mouth; it is called the Oral Law.7[7] And so it is taught (Shabbat 116a): 'She has hewn out her seven pillars – these refer to the seven Books of the Torah.'8[8] This Book is the seventh Book, corresponding to the attribute of malkhut... And this is the reason why this Sefer includes the Ten Commandments for a second time, as it is written (Shemot Rabba, parasha 47): 'Now that you are contrite, I shall give you laws, midrash, and agadot, etc."'9[9]

Rabbi Tzaddok explains that *Sefer Devarim* is the beginning of the Oral Law – it "represents the Oral Law," as he puts it. The Gemara in *Massekhet Megilla*, which Rabbi Tzaddok regards as a primary source for his interpretation, asserts that the law (in the Mishna) which prohibits any halt during the reading of the curses, applies only to the curses in *Sefer Vayikra*, which were transmitted through Moshe from God, but it is permissible to pause in the middle of the curses in *Sefer Devarim*, which were uttered by Moshe. Rashi explains as follows:

"'Moshe uttered them from the mouth of God' – he became the messenger, as if to

^{3[3]} The Gemara cited here discusses the curses, and it comes to explain the difference between the curses in *Sefer Vayikra* and those in *Sefer Devarim*. Rabbi Tzaddok expands the idea to the whole of *Sefer Devarim*.

^{4[4]} In other words, there is a dimension here that goes beyond the Written Law.

^{5[5]} The "attributes" here refer to the Divine *sefirot* (manifestations); the reference is to the seven *sefirot* from *chessed* to *malkhut*.

^{6[6]} The *sefira* of *malkhut* corresponds to the Shabbat Queen, while each of the other six *sefirot* corresponds to one of the six days of Creation.

^{7[7]} The ten *sefirot* correspond to ten parts of the body; the *sefira* of *malkhut* corresponds to the mouth, since speech is the essence of *malkhut* (kingship).

^{8[8]} Since the verses of "And it was, when the Ark traveled..." constitute an independent unit, the five Books of the Torah may actually be counted as seven, with *Sefer Devarim* being the seventh.

^{9[9]} According to the Midrash, parts of the Oral Law were conveyed along with the second set of tablets (which were formulated as recorded in *Sefer Devarim*).

say: 'So the Holy One told me,' for they are formulated in the first person ('I have given,' 'I have appointed,' 'I sent'), referring to He Who possesses the ability to act thus. But in the *Mishneh Torah* (*Sefer Devarim*) it is written, 'God will strike you'; 'God will attach to you'; Moshe uttered these [curses] himself [as if to say,] If you transgress the commandments, He [God] will bring upon you..." (*Rashi*, *Megilla* 31b).

In the curses in *Sefer Vayikra*, God speaks through Moshe. Moshe is the "medium" of revelation, a mouthpiece for the Master of the universe. The words issue from his mouth, but his mouth here is nothing but a conduit for God's words. The curses in *Sefer Devarim*, on the other hand, are uttered by Moshe; God is mentioned here in the third person. It is not the Divine Presence that speaks here through Moshe's throat, but rather Moshe himself who is speaking about the Divine Presence.

A talmid chakham, a learned Torah scholar who creates Oral Law, asks himself: what does God want? What would He say, as it were? A chiddush (a novel insight) or a halakhic ruling is each an attempt to determine what God would want or say concerning a certain subject. The endless debates recorded in the Oral Law are the result of this perception of the issue at stake. Every scholar asks himself the same question: what would God want; what does the Torah say? But the same question is processed in a different way by each questioner; in each case the answer is influenced by the individual and his unique makeup. The answers that different people give to the same question may differ. Even a great Torah scholar is not altogether transparent to Torah. He is active in its creation; he is a tangible presence in the process of the coming-into-being of the Oral Law. This dimension of the creation is represented, in kabbalistic terminology, by the sefira of malkhut, which is also called "ani" — I. The matter in question is not purely objective; there is also a subjective aspect: there is involvement of the human elements, such as imagination and emotion, which do not belong to the absolute that lies beyond man, but rather to the inner dimension which exists within himself.

Thus, *Sefer Devarim* — as its name implies — deviates from the "absolute-ness" of the Written Law, in the direction of the speech of a human "I," in the form of the Oral Law. It is for this reason, according to the Gemara, that *Devarim* is the seventh book, corresponding to the seventh *sefira* — *malkhut* — wherein the Torah and reality as a whole find their completion and perfection.

The quality represented by the *sefira* of *malkhut* is not merely one of the characteristics through which Divinity is manifest in the world. God is manifest in loving kindness, strict justice, victory, and splendor, but He is not manifest in *malkhut* – kingship – in the same sense. *Malkhut* is a different entity; it is the "beloved woman." According to kabbalistic tradition, *malkhut* is always feminine; it is always the bride. Therefore Shabbat is *malkhut*: "*Lekha dodi likrat kala*." The congregation of Israel is also referred to as *malkhut*, because God's Kingship is revealed through it and by it. The following analogy may be proposed: I may say, concerning a certain person, that he is revealed to me through his goodness, his strength, his actions and his thoughts; all of these are his outward manifestations. At the same time, I may say that I met this person's wife, and he is revealed

to me through her. A person may come to be known through his wife, but in a different sense than the way in which he comes to be known through his qualities or actions. I encounter the person through the way in which he is projected, influences, and is recognized in his wife. Similarly, a rabbi comes to be known through his disciples who, through their lifestyles or their way of thinking, tell us about the teacher who educated and molded them.

Rabbi Tzaddok explains, then, that while in the first four Books of the Torah God reveals Himself through Himself – i.e., through His actions, His speech, His commandments, in *Sefer Devarim* He reveals Himself by means of and through Moshe. In the first four Books, Moshe nullifies himself completely in the face of his mission, as if testifying to the statement, "The man Moshe was exceedingly humble." In *Sefer Devarim*, the Torah is Moshe's Torah. The point of it is not to teach us about Moshe, but rather about God's Torah, which is revealed from the midst of Moshe's Torah. To put it in more general terms: this is the Torah of man which reveals, from its midst, the Torah of God.

From this perspective, *Sefer Devarim* is indeed altogether like the whole of the Oral Law. This leads us to the question: why does this book then merit the status of being included within the Written Law? The simple answer is that, ultimately, the person who reveals God's Torah here is not just a person, but rather the "faithful shepherd"; the only person whose relationship with God was "face to face."

What this means is that *Sefer Devarim* should be read as the reflection of God's Torah within man's Torah. In the first four Books of the Torah, we receive God's Torah through a prism that is altogether transparent. In *Sefer Devarim* we look in the mirror and see God's Torah in it. Here the Torah is not conveyed directly, but rather is viewed in a mirror that is held up to it. Moshe is that clear mirror – the clearest and most spotless mirror that a mortal can hold up to the Divine Law.

If we study *Sefer Devarim* with this perspective in mind, we discover that its unique contents and emphases arise, for the most part, from this very point. We shall seek to find, in *Sefer Devarim*, the human perspective on God's will or God's manifestation. We shall encounter the social view, and human morality; more emphasis will be placed on the obligation of human kindness, and less on the demands of Divine law; and history will be presented principally from the human, national angle, rather than from the direct, Divine perspective. These concepts are not neutral to the revelation of God; rather, they are the way in which God is revealed within and through the human dimension.

D. Writing that is Heard as Speech

As we recall, Rabbi Tzaddok discovers two elements in the title of the *Sefer*, "These are the words," and thus far we have discussed the first of them. The second element concerns the "quality of dialogue" in the *Sefer*. R. Tzaddok recounts a legend about "the holy Jew" - R. Yaakov Yitzchak of Peshiskha:

"According to what is said in the name of the Holy Jew, of blessed memory, who

studied some verses from the Book of *Mishneh Torah* [Sefer Devarim] every day, he said it was his book of *mussar*. Why specifically Sefer Devarim? After all, there are many books of *mussar*. But according to what is written in Sefer ha-Tanya, there is a difference between moral admonition that one learns from books, and that which one hears from a live authority, since while he speaks his words emerge from his heart, and thus they enter the heart [of the listener]. The expression, 'These are the words' ('Eleh ha-devarim') is like 'this is the word/matter,' only there it is in the singular, while here it is in the plural. And according to what is written in the Sifri (Parashat Matot, cited by Rashi): 'Moshe added to them, for he prophesied with the words, This is the matter.' In other words, at the time when Moshe Rabbeinu, of blessed memory, said this, this was the very matter that issued then from the mouth of the Holy One, blessed be He; it was the Divine Presence speaking from his throat. It was not like the prophecy of the other prophets, who would say something like, 'So says God,' conveying that which the blessed God had told them.

The same idea is indicated by the expression 'These are the words that Moshe spoke' – that this is the power of the words of *Sefer Devarim*, that for one who reads them it is like hearing them right now from Moshe's mouth; these very words are being spoken by Moshe at this moment through the mouth of the reader. And Moshe's words are, 'This is the word/matter which God has commanded..,' as discussed above, and it is written, 'So it shall be – My word which has emerged from My mouth shall not return to Me empty'; rather, it enters the heart [of the listener] and faithfully has its effect.

This is the special quality of the admonition of *Sefer Devarim*, as it is written, 'These are the words' – that one who reads them hears, at that moment, these things which are being spoken by Moshe through the mouth of the reader."

R. Tzaddok describes here the unique quality of *Sefer Devarim*, whereby reading or hearing it makes the same impression on us as if they were spoken by Moshe right now.

The first four Books of the Torah convey what was. If we had only these books, we would live today with a Torah that was written **then**, with a truth that was uttered then, with a law that was conveyed then - in the desert.

In *Sefer Devarim*, "then" becomes "now": "These things which I command you today shall be upon your hearts" – literally, today. This is not the "today" of the time when these words were spoken; rather, every day is its own "today." As we utter this verse in *Shema* every morning and evening, we are not repeating words that were spoken then; rather, we hear Moshe's voice and the echo of the Divine Presence speaking with us right now.

Just as Moshe's prophecy in the other Books (as explained above) is not a narrative in the present about what God said in the past (reported, indirect speech), but rather the living word of God emerging from Moshe's mouth in "real time," as it were, so *Sefer Devarim* is not a story about what was said then, but rather Moshe's word which lives on

and rises up from the text:

"You are standing **today**, all of you... every man of Israel... to pass you into the covenant of the Lord your God and into His oath, which the Lord your God forges with you **today**...but he who is here, standing with us today, and he who is not with us **today**."

Franz Rosenzweig, in his work *Star of Redemption*, explains that the Torah is not a book of laws, and that the concept of the Law is of secondary importance in it. Rather, the nation of Israel has "commandments." What is the difference between a commandment and a law? Law (in Hebrew, "chok") is something that is inscribed ("chakuk") on something, written down in a book of laws, printed in notes, and that which gives it validity is the acquiescence of the nation or the authority of the ruler. A "commandment" – mitzva – is not inscribed. In order for there to be a mitzva, there must be someone who commands – "metzaveh." A mitzva is something that is spoken; it is itself speech. A mitzva is not a section in the *Shulchan Arukh*, but rather God's call and demand in the present, directed towards me and you and every Jew. Hence, while a chok can be a fact in the past which we observe, or commemorate, today, a mitzva can only be in the present; it can only be "today." Only a mitzva, uttered in the present tense, has the ability to be "upon your heart." Sefer Devarim, then, is the transition from chok to mitzva – or, to put it differently, it infuses the laws (chukkim) of the Torah with the quality of mitzvot.

This is also the deeper reason why it is *Sefer Devarim* that is read on the occasion of *Hakhel*. The whole point of the *Hakhel* ceremony is a reliving of the experience of Sinai. God's revelation at Sinai left us with the Book of Torah, and since then we have the object – that which was said. What is missing is the "saying" itself; the echoing of the voice and the impression that the live voice makes on the heart. At "hak'hel" we once again listen to the "voice" of the Torah, and therefore it is specifically *Sefer Devarim* – whose unique quality lies in the fact that it is "speech" and not just a written record – that is read.

On a smaller scale, this is also the function of the Torah reading. Every Jew can read the Torah from a book, but then he encounters content, with a subject, rather than a voice and speech. The function of the public reading is to give voice to the Torah's speech, to cause it to come alive. Among many *tzaddikim* it was – and still is – customary that the Tzaddik himself would be the Torah reader for the congregation. The Admor of Zanz-Klausenberg, for example, is said to have insisted on reading from the Torah himself, with great self-sacrifice, even when he was very ill, so as to enable the congregation to hear, through the reading, the voice of God emanating from the Torah.10[10]

Summary

10[10] I humbly offer my own experience and my custom of listening to the Torah reading without a *chumash*, so as to receive the Torah purely through the auditory mode. The time for study of the Torah from the *chumash* is before and after the reading. Just listening, without the writing in front of one, offers a different experience and allows for a different perception from the one gained through reading and study. Obviously, to facilitate a quality listening experience, it is necessary that the reader perform his reading accurately and clearly, so that his words can be heard without any need to resort to a book; likewise, he should understand and feel what he is reading, not just recite it mechanically. This is not a simple matter, and such a reader is not always available, but I humbly propose this as an ideal to which we can aspire.

The unique qualities of *Sefer Devarim* render it a vital completion of the Torah:

- Up until *Sefer Devarim*, God was revealed to man, but He had not yet been revealed within man and as emanating from him. The contents of this *Sefer* its *mitzvot*, ideas and narratives highlight the human perspective on faith and the Torah.
- The four preceding Books of the Torah record the Book of God's Torah; *Sefer Devarim* eternalizes the speech itself, the Divine voice.
- The preceding Books eternalize the past of God's revelation and of the Torah; in *Sefer Devarim* it becomes a perpetual "present" "today."

In the *shiurim* that follow we shall attempt to apply these fundamental ideas concerning the *Sefer* to its various *parashot* and to understand, in light of these ideas, the new ideas, changes, additions and omissions that characterize the style and content of *Sefer Devarim*.

Translated by Kaeren Fish