

Shlomo Riskin

# TORAH LIGHTS

DEVARIM: MOSES BEQUEATHS LEGACY,  
HISTORY AND COVENANT

Ohr Torah Stone  
Maggid Books

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# Devarim

## Whose Book is This?

*These are the words which Moses spoke to all Israel, on the other side of the Jordan... And it came to pass in the fortieth year, in the eleventh month, on the first day of the month, that Moses spoke unto the children of Israel, according unto all that Hashem had given him in commandment unto them; after he had smitten Sihon the king of the Emorites, who dwelt in Heshbon, and Og the king of Bashan, who dwelt in Ashtaroth, at Edrei; beyond the Jordan, in the land of Moab, took Moses upon him to expound this law, saying...*

DEUTERONOMY 1:1-5

**T**

here are two important issues which must be studied when approaching this week's Torah portion, the first theological and the second textual.

The theological question strikes us from the moment we open this fifth book of the Bible: Moses is speaking with his voice to the



people of Israel. Each of the other four biblical books is written in the third person, in God's voice, as it were, recording the history, narrating the drama and commanding the laws. This fifth book is written in the first person. Does this mean that the first four books are God's Bible and the fifth Moses' Bible?

The fifteenth-century Spanish biblical interpreter and faithful disciple of Maimonides, Don Isaac Abarbanel, queries "whether Deuteronomy was given by God from heaven, containing words from the mouth of the Divine as the rest of the Torah, or whether Moses spoke this book by himself... what he himself understood to be the intent of the Divine in his elucidation of the commandments, as the biblical text states, 'And Moses began to elucidate this Torah'" (Deut. 1:5).

The Abarbanel concludes that whereas the first four books of the Bible are God's words written down by Moses, this fifth book of the Bible contains Moses' words, which God commanded the prophet to write down. In this manner, Deuteronomy has equal sanctity with the rest of the five books, (Abarbanel, *Introduction to Deuteronomy*).

Perhaps the Abarbanel is agreeing with a provocative interpretation of the verse, "Moses will speak, and the Lord will answer him with a voice" (Ex. 19:19), which I once heard in the name of the Kotzker Rebbe, who asked: "What is the difference whether God speaks and Moses answers Amen, or Moses speaks and God answers Amen?!"

The second issue is textual in nature. The book of Deuteronomy is Moses' long farewell speech. Moses feels compelled to provide personal reflections on the significance of the commandments as well as his personal spin on many of the most tragic desert events.

From the very beginning of Moses' monologue, he cites God's invitation to the Israelites to conquer the Land of Israel. This would be the perfect introduction to a retelling of the Sin of the Scouts whose evil report dissuaded the Israelites from attempting the conquest. Indeed, he does begin to recount, "But you all drew near to me and said, 'Let us send out men before us, and let them scout out the land and report to us on the matter...'" (Deut. 1:22). But this retelling comes fourteen verses after God's initial invitation and these intervening fourteen verses are filled with what appears to be recriminations against a nation which Moses "is not able to carry [bear] alone" (1: 9). Only after this excursus

from the topic at hand does Moses discuss the failed reconnaissance mission. Why the excursus? How does it explain the failed mission?

From God's initial approach to Moses at the burning bush, Moses was a reluctant leader. The reason was clear: Moses called himself "heavy of speech." I have previously explained this on the basis of an interpretation of the *Ralbag*, to mean that Moses was not given to "light banter"; he was so immersed in the "heavy" issues, that he had neither the patience nor the interest to convince an ungrateful and stiff-necked people to trust in God and conquer the Promised Land. Moses spent so much time in the companionship of the Divine that he lost the will – and ability – to consort with regular humanity.

Moses knew himself. The verses leading up to the Sin of the Scouts are hardly an excuse. They explain his failure to give proper direction to the delegation of tribal princes, his inability to censure their report, his unwillingness to convince them of the critical significance of the conquest of the land. He could not bear the burden, the grumblings, of a nation which was too removed from God to be able to follow Him blindly.

Back to theology. Maimonides explains that even at Mount Sinai, the entire nation only heard a sound emanating from the Divine, a *kol*; each individual understood that sound in accordance with his specific and individual spiritual standing, while Moses was the only one able to "divine" the precise will of God within that sound – the words of the Ten Commandments (*Guide to the Perplexed*, 11:32–33). Moses internalized the will of God and thereby produced the words of the four books of the Bible. God's words were internalized and written by Moses, the greatest prophet of all. Moses communicated with God. Moses may not always have spoken successfully to his own generation; but he did write, for us and for Jewish eternity.

But Moses also had a legacy to leave and an interpretation to give. In the book of Deuteronomy, he spoke to his people, telling them not God's words but his own, and God commanded him to write down the words of this book as well for all eternity. God was granting the divine imprimatur of Torah to Moses' book of Deuteronomy – and making it His (God's) book as well. Moses spoke and God answered Amen.



## *Moses' Final Farewell: The Bible Begins and Concludes with the Command to be Just*

*How so (Eikha) can I bear alone your  
contentiousness, your burdens, and your quarrels?*

DEUTERONOMY 1:12

**T**he portion of *Devarim*, the introductory portion of the fifth book of the Pentateuch (Five Books of Moses), also known as *Devarim*, always falls on the Sabbath immediately preceding the solemn fast day of Tisha B'Av, commemorating the destruction of both Holy Temples; hence this opening biblical portion and the fast of Tisha B'Av are inextricably intertwined, coming together as they do year after year.

The very first verse begins with Moses addressing the entire nation on the bank of the Jordan. We are given the precise time of this address – the first day of the eleventh month in the fortieth year of their desert sojourn following their freedom from Egypt – as well as the precise place wherein this “swan song” or valedictory was delivered (Deut. 1:1 – remember Abraham Lincoln’s “Gettysburg Address,” also linked to place).

Moses then reminds the people of God's words at Horeb regarding the route they would be taking toward the Promised Land, and the boundaries of that land: "Behold, I have set the land before you. Go in and possess the land that God swore He would give to your fathers Abraham, Isaac, and Jacob, and to their descendants after them" (1:8).

After this introduction about possessing the land, the text suddenly, and inexplicably, leaves the subject of land. Moses complains that he "cannot bear [the people of Israel] alone" (Deut. 1:9) and begins addressing the subject of judges and justice: "Judge righteously between a man and his brother, and the stranger that is with him. You shall not play favorites in judgment, you shall hear the small and great alike, you shall not be afraid of any man, for the [ultimate] judgment is God's" (1:9–17).

And then, just as suddenly and inexplicably, what follows these nine verses is a flashback to the issue of possessing the land, verses 19 and 20 referring to the route taken in the wilderness after departing from Horeb, and the following verse, which is an almost exact parallel of what we read thirteen verses earlier: "Behold God your Lord has set the land before you, go up, take possession" (Deut. 1:21). Why the seemingly disjointed intrusion of the subject of justice in the midst of two passages regarding the conquest of the Land of Israel?

Furthermore, the passage concerning the importance of righteous judges and moral justice features the same word – "*eikha*," "wherefore" – which opens the Scroll of Lamentations; the biblical reader of our portion *Devarim* is also commanded by time-honored custom to chant the verse which begins *Eikha* and is cited above (Deut. 1:12) with the familiar, haunting cantillation melody of Tisha B'Av when he reads this verse. What does all of this signify?

Remember that at the very dawn of Jewish history, when God elected Abraham as the first Hebrew, the patriarch of a great, covenantal nation through which "all the families of the earth will be blessed" (Gen. 12:3), God explained that He initially chose and loved Abraham because he is commanding his future household to do acts of compassionate righteousness and moral justice, *tzedaka* and *mishpat* (18:19).

The message resonates with our prophetic reading for the Ninth of Av:

Let the wise not glory in his wisdom, let the strong not glory in his strength, let the rich not glory in his riches. But let him who glories glory in this: Understand and know Me, that I am God who exercises benevolence, compassionate righteousness, and moral justice on the earth, for in these things do I delight. (Jer. 9:22–23)

The centrality of this verse from Jeremiah in Judaism is attested to by the fact that Maimonides chose to cite it as the conclusion of the last of his great works at the end of his life, the *Guide to the Perplexed*; this teaching, teaches Maimonides, is the quintessence of Judaism!

Working our way backwards from the *Guide to the Perplexed*, to Jeremiah, to our portion about judges and justice wedged in between the two exhortations to possess the land, and then to the passage in Genesis concerning Abraham, the circle is closed and the biblical mandate for the Abrahamic vision becomes indubitably clear: “Justice, justice shall you pursue, in order that you may live and inherit the land which the Lord your God gives to you” (Deut. 16:20). Only if we establish a just society based upon compassionate righteousness and moral justice can we expect to inherit – and continue to possess – the Promised Land; only thus can we fulfill our purpose as God’s covenantal nation, chosen to bring blessing to the world. Immorality, inequity, and oppression can only lead to destruction, exile, and mourning for the descendants of Abraham – and for all of humanity as well!

Now we can understand even more clearly the very first comment of Rashi in Genesis, in which he asks why the Torah begins with the creation of the world when it should have started with the first commandment given to Israel, the command that the month of Nisan, the date of the Exodus from Egypt, is to be the first of the months. Rashi’s prophetic explanation is that the day will come when the nations of the world will accuse Israel of having stolen the Land of Israel from the seven Canaanite indigenous nations; at that time (which is now!), the beginning of the Bible will provide the best possible answer: “All the land on earth belongs to God; He created it and doles it out to he who is *yashar* in His eyes” (Rashi, Gen. 1:1). Rashi is usually understood to mean that God – the Creator – can dispense the land to whichever nation He wishes. However, the Hebrew word “*yashar*” actually means

righteous or just. Rashi is therefore informing us, in his very first comment, that built into the very fabric and ground rules of creation is that the Almighty will grant us sovereignty over Israel only if our righteous and just acts make us worthy of having sovereignty. Jerusalem is known as the City of Peace (Jeru-Salem) and the City of Righteousness, *tzedek* (Is. 1:27), as in “Righteousness, righteousness shall you pursue in order that you may live and inherit the land.” Our right to Israel is not so much a promise as it is a challenge.