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בס"ד

Deuteronomy Chapters 1-3: Part I

1. Overview

At the close of the Book of Numbers the Israelites were encamped in the Plains of Moab*, on the eastern bank of the Jordan River, poised to cross into the Promised Land (Num. 25:1; 33:50; 35:1). G-d had already told Moshe to ascend the mount to view the land He was giving to Israel and “be gathered to your kin as was Aharon your brother” (Num. 27:12-13). Joshua had been officially designated as the new leader and Moshe had “placed his hands upon him and instructed him” (Num. 27:23). At the time that G-d commanded Moshe to avenge Israel from the Midianites, He added, “then you shall be gathered to your kin” (Num. 31:1).

When the war with Midian was successfully completed the reader expects the account of Moshe’s death to be imminent. Indeed, from the perspective of narrative framework, the closing of the Book of Numbers appears to be approaching the conclusion of the Torah that was given to Moshe, merely lacking the necessary final few verses concerning Moshe’s actual passing away such as are found at the end of Deuteronomy.

However, it turns out that an important procedure pertaining to strengthening the basic identity of the Israelites as a people covenanted with G-d had yet to be addressed, namely, the reaffirmation of the G-d-Israel Covenant with the new generation. True, the covenant G-d had enacted with the Israelites shortly after the Exodus was understood to carry over to their children. But the general practice concerning suzerain-vassal covenants of the ancient Near East (the proximate model for the G-d-Israel Covenant) was that when a new leader was installed or conditions were radically altered, as was then soon to be the case with Israel’s circumstances, the parties executed a covenant renewal. In large part it is to this purpose that the Torah’s fifth Book is formally directed.

As we shall see in coming studies, Moshe fulfilled a substantial portion of this objective with a grand oration to the nation that he presented as his valedictory address (a widespread custom of prominent leaders of the ancient Near East and elsewhere when they were close to death). While complying with the essentials of contemporary covenant renewal protocol, this oration included history, moral and theological instruction, exhortations, inspirational “sermons,” a major law compendium, a definition of Israel’s relationship with G-d and a section of Blessings and Curses. It extends over the great majority of the *Sefer* (through 28:68).

At the conclusion of his oration, Deuteronomy describes the “cutting” of the covenant and the performance of several attendant details (Deut. 29 ff.). An important ceremony associated with finalization of covenant renewal was described but its fulfillment was postponed until the nation would actually be in the Promised Land and the new leader installed. Thus, Joshua’s writing the teaching on large stones and the recital of the blessings and curses in the presence of all the Israelites shortly after entry into the land (Josh. 8:30-35) was virtually a continuation and completion of the ceremony enacted by Moshe before his death. As we shall see in our study *The G-d-Israel Covenant: On Meaning and Format*, all substantial components of ancient Near East covenantal format were duly included in Deuteronomy.

Before closing, Deuteronomy includes a solemn poem (the *Song of Ha’azinu*) that is designated as a witness to provide an ongoing appeal to popular memory to remain committed to G-d followed by Moshe’s blessings to the individual tribes.

Moshe’s oration touches upon many narrative details and laws that are also found in the other books of the Torah. Consequently, the *Sefer* has colloquially, including rabbinically, been called “*Mishneh Torah*,” in the sense of “repetition of the Torah,” in accordance with one meaning of the word “*mishneh*.” It should be stressed, however, that by no means is Deuteronomy a repetition of the other Books, and its narratives that

parallel those of the other Books often contain significant variations and many of its laws are not found in the other four Books.

Moshe employed the term “*Mishneh Torah*” once, when speaking of the obligations of a possible future king. He stated that the king must write for himself “*mishneh haTorah hazot*” (Deut. 17:18). Despite several *halakhic midrashim* that took the term to be referring to the king’s obligation to write a copy of the whole Torah, as well as some views that it required him to write a specific portion of Deuteronomy, in popular usage its application to the whole of Deuteronomy persisted. Consistent with this colloquial name, the Septuagint translated “*mishneh Torah*” as “this second Law,” understood to mean that Deuteronomy was a “repetition.” It is from there that the Book’s Greek name derived followed by the English “Deuteronomy.” But considering that Deuteronomy contains many narrative details and laws that are not found in the other Books and vice versa, the correct translation of “*mishneh haTorah hazot*” appears to be as rendered by *Targum Onqelos*, namely, “a copy of this teaching.” Joshua wrote on the stones “*mishneh Torat Moshe*,” that is, “a copy of the teaching of Moshe” (Josh. 8:32). Thus, there is no Biblical basis to call Deuteronomy “Mishneh Torah.”

The most popular Hebrew name for the Fifth Book is *Debarim*, based on its opening phrase אֵלֶּה הַדְּבָרִים.

2. The Introduction

Moshe begins his address on the first day of the eleventh month of the fortieth year from the Exodus, a matter of five weeks at most before his passing away and Joshua’s assumption of leadership. The exact date of Moshe’s death is not provided (probably to discourage memorial ceremonies that may lead to deification, perhaps the reason the Torah made a point (Deut. 34:6) that his burial spot is unknown). But based on other specified details it appears that his death could not have occurred later than the seventh day of the twelfth month but very possibly earlier, a matter impossible to determine from the text. The Israelites crossed the Jordan on the tenth day of the first month of the forty-first year (Josh. 4:19). This was preceded by a thirty-day mourning period for Moshe (Deut. 34:8) and probably also by at least the three days that transpired until the two spies Joshua

sent to Jericho returned (Josh. 2:22; 3:2), a mission that does not appear to have been carried out during the mourning period.

Joshua’s instructions to the people to prepare provisions, “for in three days” they were to cross the Jordan River (Josh. 1:11), must also be taken into account. Those days, the account of which is not in chronological order with the spy episode, did not coincide with the days the spies were away, for Joshua would have awaited their report before making such an announcement.

Deuteronomy opens with a five-verse introduction (that we will discuss in detail in our coming study) formulated in the third person. Immediately following it Moshe begins his extensive oration. This is comprised of several discourses, all recorded in first person, which, with few exceptions (some introductory phrases and several narratives concerning Moshe’s last days, mostly at the end of the *Sefer*), continues through all of Deuteronomy. This is in sharp contrast to the Torah’s other four Books that are wholly set in the anonymous “narrator” mode. As a valedictory address, Moshe reviews the major events that occurred under his charge in order to encourage the nation to maintain its trust in G-d and commitment to His laws. Far more than elsewhere in the Torah, Moshe vigorously asserts the monotheistic principle and emphasizes the importance of loyalty to G-d. He portrays the righteous, just and humanitarian society that Israel is called upon to establish and transmits numerous laws, many mentioned for the first time in the Torah.

In the larger structure of the Book, *Parashat Debarim* and the first part of *Parashat Va’ethanan* (from the beginning through 4:40) comprise a two-part prologue to what follows. Until the end of Chapter 3 the discourse is within the framework of the itinerary of the forty years from the Exodus to the present moment. In Chapter 4 the emphasis is changed into a powerful motivational thrust to prepare the Israelites for a review of the Decalogue, the highlight of the Covenant renewal. In accordance with prologues of the contemporary covenants transacted between a superior king and his vassal, in which the former invariably introduced his demands with a recounting of benefactions that he provided the latter**, Moshe’s prologue cites a number of G-d’s benefactions on Israel’s behalf.

In Chapter 1 verse 6 Moshe begins his review of key events of Israel’s history of the past forty years. He commences from the point when the nation was still

stationed at Horeb (the site that parallels Sinai of the Book of Exodus), subsequent to the Lawgiving, when G-d instructed the Israelites to proceed to the Land of Canaan. He stresses G-d's commitment to them as well as His interest in settling them in the land that He promised to their forefathers. Indeed, G-d is portrayed as anxious to have the nation move forward; the first of His words quoted are, "It is long enough that you have dwelt at this mountain, direct yourselves and travel and get to the hill country of the Amorites... get there and possess the land..." (Deut. 1:6-8). Moshe emphasized that the long delay to the present moment was the result of Israel's sinfulness, contrasting the previous generation's faithlessness with G-d's faithfulness and His favorable plans for the new generation.

Moshe raised the nation's hopes for successful entry into the land by pointing out that G-d had already granted the neighboring nations – Edom, Moab and Ammon, all relatives of the forefathers – their patrimony. He enabled them to dispossess the previous inhabitants of their lands, mighty as they were. This signifies that it is now time for Him to give Israel its due. By retelling the story of the great recent military victories over the mighty kings Sihon and Og, he demonstrated how G-d cared for Israel and fostered confidence in His ongoing providence. An underlying principle that runs through Moshe's words is that the nation controls its destiny; obedience to G-d will bring it success.

The first item that Moshe raised after mentioning G-d's instructions to begin traveling was that "at that time" he (Moshe) had complained to the people that they had become so numerous that he was no longer able to bear their burdens alone. Of course he prayed that G-d should greatly further increase their numbers but given their many troubles and quarrels he insisted a change had to be made (1:9 ff.). That problem led to the implementation of a comprehensive judiciary system, the outlines of which Moshe briefly describes. Perhaps he began with this subject because it acknowledges G-d's fulfillment of His promise to the patriarchs to greatly multiply their descendants, understandably bringing with the blessing commensurate increase in the complaints and disputes that inevitably arise

in daily life. (Moshe's statement that he had said to the people, "here you are today numerous as the stars in the sky" (Deut. 1:10) corresponds to G-d's multiple citations of that metaphor to the patriarchs (Gen. 15:5, 22:17, 26:4), "softening" his complaint by pointing to fulfillment of the blessing.)

In addition, beginning with the judiciary had great symbolic value. It emphasized G-d's great concern to assure justice and fairness for all and foreshadows a primary goal of the law code that follows. Moshe's review for his present audience of the instructions he gave the judges, to be righteous and courageous in judgment (Deut. 1:16-17), was an opportunity to buttress this message.

Some have seen Moshe's beginning with an expression of his inability to cope with the situation alone as a manifestation of his exceedingly great modesty; he informs his audience that from the beginning he required help from many others.

Why did Moshe begin his historical survey from a point following the Lawgiving? Why did he not start with that momentous event, the high point of Israel's history? Judging from the following portion of his oration (Ch. 4) it appears that his intention was that upon bringing his narrative up-to-date he would backtrack and provide a dramatic and elaborate discussion of that unique event to serve as the conclusion of the prologue. In this way he would more effectively prepare his audience for the presentation of G-d's demands, which would begin with recalling the Decalogue (Ch. 5). The setting and background would segue into that proclamation.

Endnotes

* Based on the Numbers 21 narratives, this appears to be the land that Israel had recently conquered from Sihon that the latter had previously conquered from Moab, not necessarily impinging on Moab's present territory. The "Plains of Moab" appellation remained even after Sihon's conquest.

** See our study *The G-d-Israel Covenant: On Meaning and Format*.