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## Parashat Debarim Part II Deuteronomy 1–3 Continued

### 1. The Five-Verse Heading (1:1-5)

Deuteronomy begins with a five-verse heading that presents many difficulties. The first two verses (Deut. 1:1-2) may be translated literally as follows:

1. These are the words that Moses spoke to all Israel on the other side of the Jordan, in the wilderness, in the plains, opposite Suph, between Paran and Tophel, and Laban and Hazeroth and Di-zahab.
2. Eleven days from Horeb by the Mount Seir route to Kadesh-barnea.

What is verse 1 saying in regards to Moses having spoken “these words” at the specific locations cited? And how does the fact that it is an eleven-day journey from Horeb to Kadesh-barnea connect with it? Horeb is where the lawgiving took place and Kadesh-barnea – on the southern border of the promised land (Num. 34:4) – is the station from which the spies were sent (Deut. 9:23). At the time Moses was speaking the Israelites were encamped on the eastern (“other”) side of the Jordan River in Moab (Deut. 1:5).

The NJPS translation is unusual. It divides the first verse into two, construing the first place-name, namely, “on the other side of the Jordan,” as the sole object of the opening clause, “These are the words Moses spoke to all Israel,” with a note: “The rest of this verse and verse 2 are unclear.” It takes the following place-names as linked to the statement in verse 2, meaning that traveling through them from Horeb to Kadesh-barnea is an eleven-day journey. This is not a straightforward translation and appears to violate the rules of biblical language usage (see Tigay, JPS Deut. Commentary, p. 344, ch. 1 note 3.).

Rashi (following the Targumim and some sages) interprets the place-names as references to the multiple cases of the Israelites’ sinful behavior for which Moses was then admonishing them. These episodes were referred to in a camouflaged manner so as not to bring public dishonor to the nation. It was assumed that place-names unattested elsewhere in Scripture were coined for a purpose associated with the context (see *Pesiqta Zutarta* on Deut. 1). However, although the Torah surely employs allegory, and undoubtedly even for place-names, the mere presence of some place-names unattested elsewhere in Scripture does not prove such usage. This is especially the case when the names are within a cluster that includes several known place-names and when the interpretation in context is not convincing. Furthermore, Moses reprimands Israel explicitly and at great length in his discourse, so there is no need for obscure hints here.

Rashbam took all these place-names as referring to the Israelites’ location at the time Moses began his address, furnishing detail within detail. Geographic studies, however, have shown this not to be the case. Ramban thought that Kadesh-barnea was directly adjacent to where the Israelites were then stationed in Moab, but that also is not the case. Kadesh-barnea is near Edom, south of Moab.

Ibn Ezra is of the opinion that the verse 1 statement, “These are the words [laws] that Moses spoke to all Israel on the other side of the Jordan, in the wilderness, etc.,” does not refer to Moses’ exhortations and moral lessons recorded in the early chapters of Deuteronomy. Rather, they refer to the upcoming section of laws (Deut. 12–26) which begins with the statement: “These are the statutes and ordinances that you are to be careful to fulfill in the land that Hashem the G-d of your fathers has given you to inherit” (12:1). The early chapters of Deuteronomy are a type of introduction to the laws.

Deuteronomy's opening verse informs us that Moses had previously taught these laws to the Israelites in the places mentioned in the verse.

The second verse informs us, according to Ibn Ezra, that it was during the eleven days of traveling from Horeb (Sinai) to Kadesh-barnea, from whence the spies were sent, that he had taught these laws. After the decree associated with the spies, G-d did not provide any further instruction to Israel for the duration of the thirty-eight years that the nation remained in the wilderness. The statement in verse 3, that on the first day of the eleventh month of the fortieth year Moses spoke to the Israelites "in accordance with all that Hashem had instructed him [to transmit] to them," means that he now taught what Hashem had instructed him to transmit many years before. He is now presenting those teachings for the first time to the new generation.

In the Numbers narratives the journey from Sinai to Kadesh-barnea in point of fact took more than eleven days. Two days were spent gathering quail (Num. 11:32) and seven days waiting for Miriam (12:15), not to consider the time the Israelites spent complaining. According to Ibn Ezra, however, Moses taught G-d's laws only when Israel was in G-d's good graces.

This is a problematic interpretation. Is it likely that Moses desisted from teaching G-d's laws during the thirty-eight years? A hiatus concerning new prophecy is one thing, but it is hard to imagine that Moses related to the people, especially the new generation, in such an aloof manner. On the contrary, it is logical to assume that one of the reasons G-d chose the form of punishment He did was so that the new generation might be raised in a different manner than was the previous one. The new generation would mature under Moses' long-term nurturing and guidance from early on.

Furthermore, is it likely that the eleven days of travel, here treated distinctly from the more than eleven months that Israel had just before dwelled at Sinai, were the occasion for transmitting laws not taught at Sinai? There is not a hint of this in the relevant narrative sections. And did not the many Sinaitic laws that were taught before the Israelites began to travel also require presentation to the new

generation? Finally, it surely is not *peshat* to explain that the verse 1 phrase "these are the words that Moses spoke" does not also refer to the words he spoke in chapters 1–11, which are the foundation of the G-d-Israel covenant.

Sforno views verse 1 as informing us of the many places and times Moses spoke to the Israelites during the previous thirty-eight years. Verse 2 comprises the pithy essence of the message he delivered on those occasions. It was a bitter refrain of chastisement pointing out that from the site of the lawgiving to the promised land was merely an eleven-day journey but because of the Israelites' lack of trust in G-d, it has taken all these years to accomplish. Continuing this line of thought, S. D. Luzzatto adds that the following verses might be saying that on this occasion, after defeating Sihon and Og, and the Israelites believed that entry to the land was imminent, Moses was able to be more explicit. The implication is that previously he had to convey his message in a subtle and oblique manner so that his audience would not be repulsed by repetition of the same basic sardonic message.

The fact that verse 1 includes Hazeroth, an encamping station before the sin of the spies, is not a problem for Sforno's explanation. Since there was a seven-day delay there because of Miriam's transgression, Moses' supposed chastisement of verse 2 would have referred to it also.

In any event, the statement in verse 1 surely appears to be citing the various places at which Moses spoke to Israel, but the Sforno-Luzzato explanation and the connection to verse 2 is not convincing.

The most natural interpretation of verse 2, utilizing an element of Sforno's interpretation, appears to be that it is a lament the Torah interposed in the narrative flow with a parenthetical-type statement, not necessarily representing a remark made by Moses. After verse 1, which alludes to Israel's having been in the wilderness a lengthy period of time, and before verse 3, which introduces the goings-on at the present moment in the fortieth year, the narrative itself provides a sorrowful comment on the reality. Its meaning is that the journey from Horeb to the entrance-point of the promised land took an unnecessarily long time; it need not have been more than eleven days, saying, in essence, "What a shame!" With the appropriate tone and accentuation the

irony gets across very well. The beginning of the next verse, “And it was in the fortieth year,” reinforces the point.

The intent of verses 3-5 may be that Moses is now reviewing and elaborating all that he had taught the nation in the places mentioned in verse 1. But as many of the laws of Deuteronomy are not mentioned elsewhere in the Torah, it should be understood that he is now transmitting laws “in accordance with all that Hashem had instructed him for them” (v. 3). This obviously includes laws that were never taught to the Israelites before. He may not have had the opportunity to transmit certain laws previously, while he may not have received some laws before the present time, particularly those that were most fitting to transmit just before entry into Canaan.

Modern commentators have seen a conflation of two distinct introductions (possibly three) in these five verses. They base their views on linguistic variations, such as the two different expressions for the number “eleven” in successive verses (אָחַד עָשָׂר in verse 2, עֶשְׂתֵּי עָשָׂר הָדָשׁ in verse 3), wordiness, redundancy and apparently differing implications that mark these verses.\* Both were included in the Torah as each contributed unique details to a fuller understanding of the material; each constituted *kitbe qodesh* (Holy Writ). G-d’s transmission of a prophetic message is not dictation; it allows the prophet a degree of literary license and style in channeling the divine message into writing. Accordingly, it also does not negate the prophet’s integrating discretely formulated material into a formulation, perhaps including “drafts.”

Concerning this introductory passage, Ibn Ezra comments: “If you apprehend the esoteric elucidation (סוד) of the twelve [presumably an allusion to Deuteronomy’s twelve closing verses pertaining to Moses’ demise and its immediate aftermath including Joshua’s succession] and of ... [he here cites several phrasal snippets of traditional exegetical difficulty], you will discern the truth.” Addressing serious readers, he thus signifies that he deems this heading – doubtlessly at least partially owing to its third-person setting – among the instances of posteriority in the Torah.

Rabbi Solomon D. Sassoon pointed out that the third-person heading is comprised of seventy-nine words, making Moses’ first word – the Tetragrammaton – the eightieth word. Thus, a covenantal symbol that also highlights G-d’s name was placed at the very opening of the book in Moses’ first word. Moses’ first person talk continues through 4:40 and resumes after an interposition of 130 third-person words that begin with 4:41 (אֵזָא יִבְרָכֶיךָ מִשָּׁה). This is consistent with Rabbi Sassoon’s explanation of the symbolism of the numbers eight and thirteen and their multiples, as well as with their extensive deployment in tandem, all compelling signals of biblical prophetic writing. The last seven of the 130 words follow a *petuha* break in the text (before 5:1), thus making the first word of Moses’ next discourse (עָמַע) the eighth word of its section. (See our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon.*)

Moses continues in first person, closing his prologue and introducing the Decalogue (ch. 5), followed by a lengthy expounding of the *misvot*, *huqim* and *mishpatim* (the various types of law) without an actual third-person break through 26:15. At that point he proclaims the covenant relationship between G-d and Israel. (The two-verse “interposition” of 10:6-7 that speaks of several of Israel’s travels and of Aaron’s death is in the third person, but it nevertheless is Moses speaking, using a third-person format.) Ronald Benun, applying Rabbi Sassoon’s methodology, has pointed out that the first word of the covenant proclamation in 26:16 (הַיִּיִם) is the 8,000th word of Moses’ discourse, which began in 5:1 with word eight (עָמַע). And from the first word after the covenant proclamation passage (וַיֵּצֵא of 27:1), through the last word of the blessings and curses (קָנָה of 28:68), which concludes that section, is 1,300 words.

## 2. On a Prominent Variation

Many of Moses’ descriptions of events in Deuteronomy are at variance – at least on the surface – with what appears to be a corresponding narrative account in other books of the Torah. We have discussed a number of these variations in previous studies. Here, we will focus on Moses’ account of implementing the new judicial order. We will first note the literary and conceptual similarities between it and the system initiated upon the advice of Moses’ father-in-law Jethro in Exodus 18.

In both passages it is recognized that responsibility for judging the Israelites was too great a burden for Moses to bear alone, as had been the case before the change. In both accounts, “chiefs of thousands, chiefs of hundreds, chiefs of fifties and chiefs of tens” are appointed over the people; routine matters were to be adjudicated by these judges while the difficult questions were to be brought to Moses. The quotations of Moses’ complaints in Deuteronomy and Jethro’s cautionary phrases in Exodus are strikingly similar. Moses’ words: לֹא אֹכֵל לְבַדִּי שָׂאתָ אֶתְכֶם (“I cannot by myself carry you” [Deut. 1:9]) and אֵיכָה אֶשָּׂא לְבַדִּי (“How can I carry you alone” [1:12]), while Jethro states: לֹא תוּכַל עֲשֹׂהוּ לְבַדְךָ (“you cannot do it alone” [Exod. 18:18]) and וַיִּשְׂאוּ אִתְּךָ (“and they will bear with you” [18:22]).

However, in the Deuteronomy account, Moses complained to the people (or to a group among the people) and initiated the idea of a change while Jethro is not mentioned. The selection of judges was made according to tribes and chieftains and apparently by the people. And Moses’ criteria for judges were based on intellectual ability: they were to be “wise, understanding and knowledgeable men” (Deut. 1:13). In Exodus, Moses did not complain but only explained what he did; Jethro initiated the idea of change and prescribed all details. Jethro’s criteria for judges were all character-related: they were to be “men of valor, G-d fearing, men of truth, who hate unjust gain” (Exod. 18:21). The selection of judges was conducted by Moses and on a national basis. Moses “listened to his father-in-law’s voice and did all he said” (Exod. 18:24).

Jethro’s suggestions may have occurred before the lawgiving, in accordance with the sequence of Torah passages in Exodus (see our study *Parashat Yitro Part I*). In Deuteronomy, Moses described his complaint as having been “at that time,” apparently following the lawgiving which was referred to in the several previous verses. On this matter, however, speaking of an event thirty-nine years past, one does not necessarily have to be strictly chronological; “at that time” may be speaking of that general time frame and may be construed as preceding the lawgiving.

The Ramban suggests three possible explanations as to why Moses omitted mention of Jethro in Deuteronomy:

- 1) In his modesty he did not want to boast about his father-in-law
- 2) He did not want to remind the new generation of his wife, who had been a source of criticism, or
- 3) Since he received confirmation from the Deity, he acted on that basis.

Nevertheless, how could Moses take credit for an idea that Jethro gave him? Would not some in his audience know of Jethro’s advice (those who had been under twenty years of age at the time of the spies’ transgression were still alive) and thus question Moses’ credibility, possibly creating a major problem? What about the indications that Jethro or his son remained with Israel? Regarding the Ramban’s third explanation, neither does Moses mention G-d’s confirmation of Jethro’s proposal (a matter not explicit in the text). Is not accuracy in detail a cherished value?

Abarbanel, who interpreted the passage of Jethro’s advice as having preceded the lawgiving, assumes that implementation of his plan came after his departure as well as after the lawgiving. The selection of many officials for many positions cannot be accomplished in a short time. When it came to implementation of the plan, Moses did so according to his personal judgment, not according to Jethro’s counsel, thus explaining a number of variations. The Exodus statement that “Moses listened to his father-in-law’s voice and did all he said” (Exod. 18:24), according to Abarbanel, means that while his father-in-law was present Moses showed him respect and did not disagree with him despite having his own plans. The verses of the Exodus passage stating that Moses established the judicial system refer to a time after the lawgiving – אֵין מִקֵּדָם וּמֵאַחֵר בְּתוֹרָה – (“There is no earlier or later concerning the order of Torah passages”). The Exodus verses describing Moses’ implementation of the new system, although referring to a later time, were incorporated in that passage to complete the subject.

However, why would the Torah relate Jethro’s advice at the great length that it did if it was not the prescription that was followed? Moreover, the clause that states Moses listened to Jethro is immediately followed (in the same verse) by the statement that “and he did all that he [Jethro] had said” (Exod. 18:24). The criterion of Moses’ selections in Exodus – אֲנָשֵׁי חַיִל (“men of valor”)

– was in accordance with Jethro’s advice, a quality not mentioned in Moses’ Deuteronomy statement.

Another approach to this problem is to assume that Moses had already complained to Israel before Jethro had arrived and had received the public’s approval to establish a new system, but had not as yet implemented it. When Jethro proffered his advice it was a private matter between him and Moses; out of respect for his father-in-law and personal modesty, Moses did not inform him that he had already planned some similar changes. In implementation, he incorporated some elements of Jethro’s counsel. However, the problem remains that in Exodus it states that Moses implemented all of Jethro’s advice. We will return to this point later in the study.

Regarding the variations in qualifications for the judges, the differences may be more apparent than real. Both Jethro’s and Moses’ formulations comprise invaluable criteria for judicial positions and both are needed. It is likely that this is a matter merely concerning which criteria were explicitly mentioned and which were implicitly understood. Men whom Moses would consider wise and discerning would necessarily be G-d-fearing and men of truth. In Deuteronomy, immediately following the account of the selection of judges, Moses instructs the inductees of the importance of those characteristics that reflect the criteria Jethro had specified (Deut. 1:16-17).

In Numbers 11, shortly after Israel departed from Sinai (almost one year after the lawgiving), Moses protested to G-d that he could not carry the burden of the nation alone. His words there, *לֹא אוּכַל אֲנֹכִי* (“I cannot by myself bear this whole people” [Num. 11:14]) are strikingly similar to his statements in our Deuteronomy passage, *לֹא אוּכַל לְבַדִּי שָׂאת אֶתְכֶם*, (“I cannot by myself bear you” [Deut. 1:9]) and *אֵיכָה אֶשָּׂא לְבַדִּי* (“How can I bear you alone” [1:12]). G-d’s words in Numbers upon Moses’ selection of the seventy elders, *וַיִּשְׂאוּ* *אֹתָךְ בְּמִשְׁאֵל הָעָם וְלֹא תִשָּׂא אֹתָהּ לְבַדְּךָ* (“And they shall bear with you in the burden of the people and you shall not bear by yourself” [Num. 11:17]), sound like Jethro’s words in Exodus and are also a fit response to Moses’ Deuteronomy complaint.

In Numbers, however, Moses was seeking help in a sphere other than that concerning provision of legal justice services. He was confronting the people’s shortcomings in the realm of their passions and desires for earthly pleasures that conflicted with their obedience to the will of G-d. These were matters that became manifest at Kibroth-hattaavah following the Taberah narrative. Moses sensed he required help of a very different nature than that proposed by Jethro; it was necessary to help the people maintain proper discipline and raise their aspirations. The leadership structure of honest and capable judges was unable to contend with the problems.

Jethro’s suggestions recognize that conflicts can be resolved and a society may be successful with a well-administered, justice-dispensing system staffed by honest, G-d-fearing, capable men. Indeed, it is a great achievement for a nation to have such a system in place. Moses’ complaint in Numbers, however, was based on his realization that to more fully address the lofty potential and national aspirations of Israel it was inadequate to merely teach the law and solve problems that arise, even if done in a most efficient and civilized manner that provides a high degree of social justice. The Torah’s fuller agenda is for people to be inspired to conduct their lives in accordance with a deep consciousness of G-d’s will, to live in a sanctified manner deserving of having His presence dwell within their midst. For the nation to eventually reach this higher goal, Moses felt that additional inspired spiritual leaders were required. As things then stood, working virtually alone in this most important sphere, he feared disaster was in store for the people and for him. In the Numbers context, it was in this leadership area that he was convinced he required help.

G-d responded to Moses’ complaint of Numbers 11 with a significant innovation. He had Moses select seventy worthy elders and bring them to the Tent of Meeting where He had an emanation from the spirit that was upon Moses settle upon them. As a result, they experienced a flash of prophecy. This spirit is associated with the facility for an appreciation of the spiritual world (Num. 11:25). These new leaders were not judicial but inspirational; they could relate to Moses’ higher-level responsibilities.

Interestingly, in Numbers 10:29, several verses before the Taberah-Kibroth-hattaavah episodes that prompted

Moses' complaint, Moses' father-in-law (some say brother-in-law) reappears for the first time since we were informed (in Exodus 18) that at some point after having given his counsel he departed to his land. He is here called Hobab ("beloved"), perhaps to highlight Israel's positive feelings toward him. In the Numbers passage there is no mention of his addressing the issue of Israel's leadership system.

Jethro's program for an efficient legal-justice system, important as it is in every society, did not provide the requisite leadership for the next stage of Israel's development. Israel was to be a people whose lifestyle and goals go beyond the achievement of a successful legal-justice system and are to be based on a foundation of prophecy from G-d.

In Deuteronomy, given that Moses is speaking in the fortieth year, long after the two early occurrences of buttressing the national leadership took place, perhaps the following may be assumed. In accordance with the reality of things, implementation of a complex program, even at its initiation, does not always exactly follow the plan. As circumstances change, every system requires adjustment. Since leadership requirements are multidimensional, responsibilities may be redefined and attempts may be made to address newly

recognized problems. Just as different types of problems often merge together, exigencies may bring two types of leadership groups to blend together and overlap. A program that was instituted at one point may, in the course of years, come to resemble a different program.

Moses' valedictory address was not the occasion to provide a detailed history of the establishment of the leadership corps. He was providing a broad overview that was understood by his audience to contain generalities. For such a purpose a conflation of accounts that acknowledges modifications and which in describing one program may allude to what originally had been part of another program, was most acceptable.

### **Endnote**

\* The prime redundancy in these verses is the multiple mention of Moses transmitting his address. Verse 1 begins with, "These are the words Moses spoke to all Israel." Verse 3 has: "It was in the fortieth year ... Moses spoke to the Israelites." Verse 5 includes: "Moses set about to expound this teaching, saying ..." The mention of his audience, the Israelites, twice, goes along with the statement of his speaking. The location "on the other side of the Jordan" is mentioned twice.

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