

SEPHARDIC INSTITUTE

511 Ave. R Brooklyn, NY 11223-2093 718 998 8171 Fax: 718 375 3263
Rabbi Moshe Shamah, Director Rabbi Ronald Barry, Administrator

בס"ד

Parashat Vayelekh Part I Deuteronomy 31

1. Covenant Completion and Beginning of the Epilogue

Deuteronomy 31 begins with an unusual clause: “Moses went and spoke” (וַיֵּלֶךְ מֹשֶׁה וַיְדַבֵּר) the ensuing words to all Israel, but we are not told where he went or from where he left. One wonders what is so special about this talk that it was given this unique introduction. The subjects he spoke about concerned his imminent death and the forthcoming transition of leadership to Joshua. Ibn Ezra assumes that Moses went to each of the tribes to speak in a more personal manner as he addressed the anxiety the Israelites undoubtedly felt in facing the future without him. His talk placed the relevant matters in their proper perspective.*

He begins by mentioning that he is one hundred and twenty years of age and no longer able to “go and come,” a locution that connotes his inability to any longer provide military or other active leadership. He thus comforted Israel with the fact that he had a full life while indicating the need for a new leader. He then refers to G-d’s decree that he is not to enter the promised land. It seems that he is pointing out that the decree does not deprive them of his leadership since in any event he is no longer able to “go and come.” He assures the people of G-d’s continued leadership, confident that He will be with them and battle on their behalf. He also assures them that appropriate temporal leadership is in place in the person of Joshua. He reminds them of the recent victories over Sihon and Og, promoting an optimistic outlook and encouraging them to be courageous.

Ibn Ezra, employing the principle that Torah passages are not necessarily in chronological order (אין מקדמם), is of the opinion that this וַיֵּלֶךְ מֹשֶׁה passage was the occasion in which Moses transmitted to each tribe his בְּרָכָה blessings of chapter 33.

The blessings were placed later in the text, we may suppose, so that the Torah would conclude on a positive note for Israel, a poetic high point (excluding of course the necessary brief narrative of Moses’ passing away at the end).

The Ramban interpreted Ibn Ezra’s reason for positing that Moses transmitted those blessings earlier than their placement in the text to be in order that they should be included in the *Sefer Torah* that Moses wrote. The Ramban assumes that the verse in our chapter that states “And it was, when Moses completed writing the words of this Torah in a *sefer* until completion” (Deut. 31:24), means that he then wrote the whole Torah from the beginning of Genesis until the end. (The Song of chapter 32 is referred to in our passage and chapter 33 comprises the blessings. The concluding narrative of Moses’ expiration [chapter 34] is a separate discussion.) The key words the Ramban cites are “until completion” (עַד תְּמִימָם).** However, this has not been considered a *peshat* explanation; it does not account for the incorporation of Moses’ activity in the very passage that describes his writing of “this Torah,” as well as several other subsequent passages before the end of Deuteronomy. In addition, the word Torah technically translates as “teaching,” not originally referring to the totality of the Pentateuch as it later did. As Ibn Ezra states in his introduction to his commentary on the Torah, Scripture does not comment on this matter, which is known from tradition.

The substantive elements of the G-d-Israel covenant had already been completed in earlier sections of Deuteronomy (prologue citing benefactions, identification of the treaty-maker, stipulations, articulation of the relationship, the call for finalization of the reenactment to be in the promised land and invocation of blessings and curses). The national assembly was convened and the time had arrived for

sealing the covenant. The technical details were now to be executed. These included the confirmation of the new leader (when relevant); commitment of the covenant to writing; transmittal of the original copy to the priests for safekeeping and its deposit in the sanctuary; provision for periodic reminders of the essentials and designation of witnesses (of course in our case, symbolic ones). Through such use of a prevailing Near Eastern format, the Israelites could more easily grasp the revolutionary significance of what was being accomplished.

Moses publicly confirms Joshua as his successor (Deut. 31:7-8), and G-d signals His agreement by the appearance of the pillar of cloud at the Tent of Meeting while Moses and Joshua are there together (vv. 14-15). Moses writes down the teaching, transmits it to the priests and elders (v. 9), provides for its periodic reading (vv. 10-13), instructs that it be deposited in the sanctuary next to the “ark of the covenant of Hashem your G-d” and designates it as a witness (v. 26). He calls for a gathering of elders and leaders in order to speak “these words” to them; he invokes heavens and earth as witnesses (v. 28).

G-d then calls for the writing of “this Song” (cited without an introduction) and the thorough teaching of it to the Israelites so that He would have it available as a witness (vv. 19, 21). The idea is that in a future time of adversity the Song, “which will not be forgotten from the mouths of their descendants,” will “testify” to Israel (v. 21) that G-d has always related justly with the nation and that its afflictions result from its violation of the covenant. Such a witness serves, in the first instance, as a measure to encourage compliance before violation while also being a vehicle to motivate Israel concerning its responsibilities after possible violation.

2. Regarding the Structure of Chapter 31

To a degree perhaps unsurpassed in any other chapter of the Torah, a large portion of Deuteronomy 31 (vv. 7-30) appears constituted of interrupted and noncontiguous passages. Without providing a reason for such an unusual structure, Ibn Ezra links the various parts together:

The statement וְאֶתְּנֶנּוּ לְיִשְׂרָאֵל (G-d’s declaration that He will instruct Joshua [v. 14]) refers to אֶתְּנֶנּוּ לְיִשְׂרָאֵל (G-d’s declaration that He will instruct Joshua [v. 14])

(“He [Moses] instructed Joshua” [v.23]) at G-d’s command (may He be blessed), that is why it could state there, “[the land] that I have sworn to them” (Moses quoting G-d speaking in first person in that same verse). Following that statement comes, “You are about to lie with your fathers” (vv. 16-22), as the Torah is not necessarily in chronological order. The segment beginning, “And when Moses concluded writing the words of this Torah” (v. 24 ff.) is attached to “And Moses wrote this Torah” (v. 9). “And this nation shall rise and stray after idolatry” (v. 16 ff.) cannot be attached to what immediately precedes it [G-d appearing in a pillar of cloud at the Tent of Meeting after Moses and Joshua entered for the purpose of G-d instructing Joshua (v. 15)], for what purpose would that serve?

There must be an explanation for all this apparent disarrangement. We may add that it is not clear if the segment beginning with verse 28 (perhaps with verse 27), which declares the intention to call heavens and earth to be witnesses, is a direct continuation of the preceding verses that speak about the teaching (Torah), or whether it is a shift to the Song in which Moses addresses heavens and earth.

Interposing a statement of G-d informing Moses of the nation’s future idolatry in the midst of the narrative that places Joshua in the Tent of Meeting with Moses, may indicate that this prophecy was also for the new leader’s benefit. Indeed, it would be a valuable message for every national leader of Israel. Those in charge must never become complacent regarding the possibility of spiritual regression and must continuously strive to prevent it. (This assumes we may picture this prophetic communication as being audible such that another individual standing with the prophet may hear it. Of course prophetic matters are depicted in a metaphoric manner. However prophecy is actually conveyed, the portrayal of G-d asking Moses to summon Joshua to stand attentively with him in the Tent of Meeting and then transmitting a message to Moses while Joshua is there, seems to imply that Joshua was privy to that message.)

What was the purpose of G-d informing Moses so close to his death concerning the future backsliding of Israel, especially considering that Moses had referred to such a possibility in his recent oratory? Perhaps it

was to strengthen his resolve as much as possible for his last opportunity to motivate Israel to remain faithful after his death. This theme of future backsliding foreshadows a significant portion of the upcoming Song.

A conjecture that comes to mind regarding the reason this theme is so highlighted in the Song. A future backsliding generation that was severely punished and exiled from its land, crushed and in despair, could be taught an important lesson. G-d knew that the Israelites were not perfect and would one day turn to idolatry. Nevertheless, He chose to proceed with establishing the covenant with them and with giving them possession of the promised land, because there is always the possibility of repentance and return. Such an approach could be valuable in promoting continuity of the nation with repentance and return. (The philosophic question that arises from positing that there will definitely be a backsliding, that means to say the issue of foreknowledge and free will, is not explicitly addressed in the Torah. We will touch on an aspect of this issue in our next study on this *parasha*.)

Separating the account of Moses' writing and handing over the Torah to the priests (v. 9 ff.) from the accompanying instructions regarding it and its designation as a witness (vv. 24-27) creates a great deal of parallelism between it and the Song, which also is designated as a witness. Thus, metaphorically both these witnesses stand together. Such an understanding is supported by the finely crafted chiasm that frames the section (see Tigay, JPS Commentary, p. 289), as follows:

- A. Regarding writing, transmitting and publicly reading the Torah (vv. 9-13)
 - B. The appointment of Joshua (vv. 14-15)
 - X. The upcoming Song – designating it as a witness (vv. 16-22)
 - B'. The appointment of Joshua (v. 23)
- A'. Regarding writing, transmitting and publicly speaking the words of the Torah and designating it as a witness (vv. 24 ff.)

(Ibn Ezra apparently has a different approach to explaining the lack of contiguity within our chapter based on the cryptic comment concerning וַיִּכְתֹּב מֹשֶׁה [Deut. 31:9, 22] that he made in his commentary to Deuteronomy 1:2.)

3. On *Miṣvat Haqhel* (The National Assembly)

Providing for a periodic reading of the Torah before a mass audience was an innovation to contemporary covenant protocol that had far-reaching consequences. In neighboring nations it invariably was the case with their covenants and codes of law that knowledge of the details was the right of the priests and leaders only. Here, consistent with the dignity imparted to each individual by the Torah and the importance placed on the law being the possession of the whole nation, the reading was to be addressed to the public at large.

Every seven years, in conjunction with the year of relinquishment (שְׁנַת הַשְּׁמִיטָה), during the Sukkot festival, at the central sanctuary, men, women, children and resident aliens are to be gathered for this purpose. Such occasions were designed to be grand ceremonies that serve as miniature covenant renewals. They foster keen interest on everybody's part as to what is communicated, despite the fact that the public is generally familiar with the material. Undoubtedly, discussions increase the public's knowledge of relevant details. Universal exposure to the teaching produces an enlightened public and "democratizes" the nation. It increases the accountability of the leadership.

The call to gather the people for this occasion is termed *haqhel* (v. 12), linking it with the *haqhel* usage associated with the lawgiving (Deut. 4:10), the day thrice referred to as *yom haqqahal* ("the day of the assembly" [Deut. 9:10; 10:4; 18:16]).

Ibn Ezra took the words מִקֵּץ שְׁבַע שָׁנִים בְּמַעַד שְׁנַת הַשְּׁמִיטָה (NJPS: "Every seventh year, in the year set for letting the land lie fallow, at the Feast of Booths" [31:10]) as referring to the beginning of the seventh year, that of *shemittah* when most agricultural work was prohibited. He understood the law of *haqhel* as designed to take place when the populace was not busy as usual with their land, in this way setting a tone for the whole year to be devoted to pursuits of spiritual uplift. The objective would be similar in kind to one of the expected benefits of the weekly Sabbath.

The Mishnah (*m. Sotah* 7:8), however, teaches that *haqhel* is to be carried out during Sukkot of the eighth year, an apparently problematic translation at first

sight of *bemo'ed shenat hashemittah*. The Talmud, however, interpreted that phrase to mean “at the time that some *shemittah* laws (associated with the harvest) still obtained” (*b. Rosh. Hash. 12b*). Perhaps *bemo'ed* may mean “at about the time of,” including shortly afterwards. This tradition may reflect the intention that for covenantal renewal it is appropriate that the covenant symbolism of the number eight replace the previously prominent number seven, such as is the case with *Shemini Asseret*, with Shavuot, with the Jubilee year and in other cases (see our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon*).

Moses charged the priests and elders with the responsibility for the *haqhel* ceremony; accordingly, some commentators are of the opinion that the high priest does the reading. However, use of the singular locutions “you shall read” (v. 11) and “you shall gather the nation” (v. 12), without specifically mentioning the high priest – who had not been mentioned in that context – does not support that view. Rather, it appears that Joshua – as the national executive leader whom Moses was addressing in the immediately preceding verses and in the midst of whose investiture this passage is placed – is required to do the reading and is ultimately responsible for the convocation. (Perhaps this prevents the ceremony from being viewed as part of the “religious” department of state as opposed to it being recognized as an essential element of the national constitution.) And this was, indeed, the case in the covenant reaffirmation ceremony described in Joshua 8:30-35. In later generations the responsibility devolved upon the king (*m. Sotah 7:8*), as evidenced in 2 Kings 23:1-3. In the absence of a king it would appear that the responsibility lies with whomever the national leader is. (In an assembly convened in response to the needs of the time that was patterned on *haqhel* [Neh. 8:1-8], Ezra, the leader who also was a priest, did the reading.)

The prescribed reading was to be הַתּוֹרָה הַזֹּאת, “this teaching” (Deut. 31:11), in order that the people “will learn to revere Hashem their G-d and be conscientious to fulfill אֵת כָּל דְּבָרֵי הַתּוֹרָה הַזֹּאת” (“all the words of this Torah” [v. 12]). In this context, before the word “Torah” came to be used for the Pentateuch, in its basic meaning of “teaching,” it appears to here refer to the covenant stipulations that Moses had been elaborating through Deuteronomy. The Mishnah, indeed, defines “this Torah” as referring to key selections of Deuteronomy (*m. Sotah 7:8*).

Endnotes

* An ancient variant reading on the opening phrase of our *parasha* (found at Qumran and reflected in the Septuagint) reads וַיִּכַּל מֹשֶׁה לְדַבֵּר (“Moses concluded speaking”) in place of our וַיִּלְךְ מֹשֶׁה וַיְדַבֵּר, exactly like the opening phrase of Deuteronomy 32:45. The following phrase, “these words,” would refer to his previous talk. The verse would be pointing out that only after he concluded his talk on repentance and reward and punishment did he turn to his personal situation. But וַיִּלְךְ מֹשֶׁה וַיְדַבֵּר, although unique, should not be considered strange as shortly afterwards, in 32:44, we read, וַיָּבֵא מֹשֶׁה וַיְדַבֵּר (“Moses came and spoke”) and there is no mention of whence or whither he came.

** The Ramban differentiates between the different attestations of הַתּוֹרָה הַזֹּאת (“this teaching”) in our chapter. Those of verses 9, 11 and 12, all of which are associated with the reading of *haqhel*, which the sages defined as referring to the book of Deuteronomy (or to sections thereof), are of a similar meaning. That of verse 24, however, refers to the complete Torah, as the latter verse uniquely states that he wrote it עַד תִּמְּוֹל (“until completion.” Ibn Ezra points out that as a plural, the word תִּמְּוֹל does not refer to תּוֹרָה but to דְּבָרֵי.