

About this week's sidra and essay:

The fifth and final book of the Torah, Devarim, opens this week with the parasha of the same name. Mishne Torah, "Torah Review," is the other name for this chumash—for it comprises little in the way of new history or mitzvot. Instead, Devarim records the clarifications and exhortations that Moshe presented to the nation before his death.

Our opening parasha promises new understanding: Moshe began explaining this Torah, saying. . . (1:5), but instead it seems to ramble desultorily through history, following no apparent order, reaching no conclusions, and offering no "explanations." FrameWorks this week takes a closer look at these final words of Moshe, and discovers through them a new understanding of Torah learning and culture.

An Authentic Man of Words

Devarim is a book unlike any other in the Torah.

Nowhere in this book does it say things like, "God spoke to Moshe saying: Command the Israelites. . . ." or "Speak to the children of Israel and command them. . . ."

Ramban, Introduction

Instead, Devarim records the words of Moshe.¹ It is his own *Mishne Torah*, his "Review of the Torah," the chronicle of his parting message to the Jewish people.

On the first of the eleventh month in the fortieth year, Moshe spoke to the children of Yisrael. . . (1:3,5) – For thirty-six days, from the first of Shevat to the sixth of Adar, Moshe explained the entire Torah. . . .

Seder Olam Rabba, 10:1

The parasha arouses great expectations for lucidity and plain talk: *Moshe began to explain this Torah, saying. . . (1:5)*. Only one problem – he never *does* get around to explaining the Torah, at least not in this parasha.² Even *Kabbalat haTorah* and the Ten Commandments receive no mention until chapter five. Instead, Moshe begins a meandering historical recapitulation of the years in the desert, starting from a year *after* the giving of the Torah, when *God spoke to us at Horeb saying, "You have stayed around this mountain too long." (1:6)*. Even that history seems confused, for in the very next verse Moshe backs up again, and begins with the events that *preceded* the giving of the Torah.³

The chronology is merely confusing, but the locations are downright baffling:

Between Paran and Tofel and Lavan... (1:1) – Said R. Shimon bar Yohai: We have reviewed the entire text of the Torah and could find no mention of a place with the name "Tofel" or "Lavan"! These must hint instead at Moshe's rebuke to Yisrael about how they maligned (*toflu*) the manna which was white (*lavan*).

Rashi⁴, *Sifrei*, Devarim, 1

Along the same lines, every last coordinate of the parasha is found (in *all* midrashic compilations) to hint at something entailing censure of Yisrael. Hint follows hint, from doubts at the Red Sea (an intimation of *Suf*) to worship of the golden calf (*Di Zahav*), from serving Pe'or (*Arava*) to the rebellion of Korach (*Hazerot*), following no chronological order. As unlikely as that explanation appears to be, it is an outgrowth of the only possible consistent approach to this parasha: Moshe is interested here not in elucidation, but in *tochaha*, reproach. And he is also trying to be gentle. . . .

Because these are words of rebuke, and he [Moshe] listed here all of the places where they had angered God, he obscured his words and spoke only in suggestions, out of concern for the honor of Israel. . . .

Rashi 1:1

Yet Moshe seems anything but gentle elsewhere in our parasha:

"How am I supposed to handle on my own all your badgering, your harassment, and your contention?" (1:12) –

"Badgering"—this teaches us that Yisrael was a real pain. If someone would sense that litigation was not going his way, he would say, "I have more witnesses. . . I have new evidence. . . I want to appeal. . . ."

"harassment"—this teaches us that they were *apikorusim*. If Moshe went out early they would say, "Now, why do you think Ben Amram is up early today? Maybe things aren't great at home. . . ." If Moshe would go out late they would say, "Now, why do you think Ben Amram is so late today? Obviously, he is figuring out another scheme to make life hard on us. . . ."

"contention"—this teaches us that they were belligerent.

Sifrei, Devarim, 12

Why is he so outspoken about this, but gentle about things that seem much more significant than hassling?

Besides, is this not the book of *Mishne Torah*—the review of the *Torah*? Why should this be the place for historical censure? Perhaps the rebuke comes by way of a preamble to the *Torah* explanations that are to follow:

Before [Moshe] began the explanation of the *Torah*, he began to rebuke them and to remind them of their iniquity, the extent of their disloyalty in the desert, and how tolerant God was towards them. . . . This preamble goes on for quite some time, concluding only [in the middle of the next parasha].

Ramban, Introduction and 1:1

Quite a preamble! But if that is all it is, why would *this* parasha commence by announcing proudly that Moshe was about to “begin explaining this *Torah* to all Israel,” when he never does? And even after we seem to be getting to the real meat at last, in *next week’s* parasha: “And now, listen Yisrael to the laws and statutes. . . .” (4:1), it turns out to be just a tease again, continuing *every man who followed Ba’al Pe’or was wiped out from within you by God (4:3)*—more rebuke!

How can the parasha be viewed as nothing but a preamble to *Mishne Torah* when the *Sifrei* defines the nature of the *entire* book of *Devarim* by the rebuke implied in the word “*devarim*” itself.

These are the words (devarim) that Moshe spoke to all of Yisrael. . . .(1:1) Surely these were not the only words that Moshe spoke—after all, he spoke the *entire Torah*! But it means “these are the words of rebuke (“*tochaha*”) that Moshe spoke.” That is precisely what “*devarim*” implies when used by Amos. . . Yermiahu. . . David. . . Kohelet. . . , words of *tochaha*, rebuke.

Sifrei, *ibid*.

Apparently, then, we must appreciate the *entire* book of *Devarim* as something of a “last will and testament.” In that case we seem to have two different books here, so completely interwoven that it is difficult to be sure where one begins and the other leaves off—*Mishne Torah*, the *Torah* commentary, and *Devarim*, the book of *tochaha*, Moshe’s final opportunity to set the nation upon the straight and narrow:

He rebuked them only when he was near death—he learned this from Ya’akov, who rebuked his sons only on his deathbed. . . .

Why is *tochaha* given only near death?

- (a) To avoid a situation of repetitive *tochaha*;
- (b) So that the recipient will not be embarrassed every time he sees the author of the *tochaha*;
- (c) So that the recipient will not harbor resentments. . . .

You find the same pattern with Shmu’el. . . with Shelomo. . . .

Sifrei, 2

But can we take seriously the proposition that Moshe, the “faithful shepherd,” whose entire life was a tableau of teaching, edifying, gentle chiding and stern reprimand, waited until the last days of his life to chasten the Jewish people? This is not only insupportable on the evidence of the *Torah* itself, it contradicts the words of this same *Sifrei* just a few pages earlier!

You might think that Moshe had chastened Yisrael only at the beginning of each journey, how do we know that between journeys he also rebuked them?

The text stresses “*between Paran and Tofel*. . .”

Moshe rebuked them numerous times and in varied locations, of which no fewer than eleven are alluded to in these verses. . . .

Sifrei, 1; commentary by *Malbim*

I think that here lies the key to the *entire Devarim*: the halacha recognizes two completely different classes of *tochaha* and we are confusing the two:

One who sees his friend transgressing, or on a path that is not proper, is commanded to turn him back to good and to tell him that he is sinning against himself by his evil deeds, as it says, *You must surely reprove (tochiah) your friend. . . .(Vayikra 19:17)*.

Rambam, *Mishne Torah, Hilchot De’ot*, 6:7

Obviously, this halacha does not provide for waiting forty years before offering *tochaha*, and Moshe never hesitated to persuade, scold, and teach the people as necessary not to “sin against themselves,” and to travel the path of truth and good.

But there is another *tochaha* that is completely *personal*, touching only upon the relationship between two people:

If one man sins against another, he must not resent him and remain quiet. . . he is commanded to apprise him [of the situation] and tell him, “Why did you treat me such and such a way? Why did you sin against me in this thing?” The *Torah* says, *You must surely reprove (tochiah) your friend. . . .(Vayikra 19:17)*.

Rambam, *Mishne Torah, Hilchot De’ot*, 6:6

The former *tochaha* addresses the *self*-destruction of sin: “he is sinning *against himself*.” The latter *tochaha* is focused on the hurt to another: “Why did you sin against *me*?”

One of the most important insights that Rambam offers here is that *tochaha* is *not* an attempt to rehabilitate another’s religiosity, to make him more devout. *Tochaha* is an attempt to help a friend who is damaging his

relationship to his inner self, or abusing his relationship with you. *Tochaha* is one of the *halachot* of relationship, which is why it appears in *Hilchot De'ot*, “Laws of Character,”⁵ following the mitzva of “loving your neighbor as yourself.” The *tochaha* of *Devarim* revolves entirely around Moshe and the way Yisrael treated *him*, personally. The issues between Yisrael and God are mentioned gently in passing, but the treatment of Moshe – that is what needs to be brought out piercingly and in great detail.

Moshe therefore chooses his moment, waiting for the time to be most effective, to heal forever the rift between himself and the people of Yisrael:

Tochaha should be given only near death. . . so that one can depart from his friend reconciled – for we find that *tochaha* always leads to reconciliation...as we find by Yitzchak, who said to Avimelech, “*Why do you come to me – you hate me, and sent me away!*” and in the end we find, *...and they left him in peace (Bereishit 26:27,31).*

Sifrei, 2

Moshe opens his detailed analysis with a single historical event, from which he traces all the decline and suffering which follow. It is an event that we could easily have overlooked, an event that hardly seems to matter much (which is why its placement here was so confusing to us) – yet to Moshe it was the root cause of destruction and introduces the history of *Devarim*:

At that time I told you. . . “How am I supposed to handle on my own all your badgering, your harassment, and your contention? Select yourselves men who are wise, understanding, and known to your tribes and I will appoint them as your leaders.”

And you answered me and you said, “That is an excellent thing you suggested to do!” (1:9,12-14) –

You should have exclaimed, “Our teacher, Moshe! From whom is it gratifying to learn – from you or from your students!?”

[And you even added the words] “...to do” – If I did not pursue it right away you said, “Do it – fast!”

Sifrei, 14

So consequential was this rejection of Moshe, that it is introduced using the same word with which we mourn the destruction of the Temple: *Eicha*– “How. . .” In many congregations, this sentence is actually sung during the Torah reading with the same tune as the *Book of Lamentations*, the book called *Eicha*, providing an introduction to the *Tisha B'av* fast.

איכה אשא לבדי טרחכם ומשאכם וריבכם...
איכה היתה לזונה קריה נאמנה...
איכה ישבה בדד העיר רבתי עם...

There were three who prophesied with the word *Eicha*–Moshe, Yeshayahu, and Yirmiah. Moshe said, “*How (eicha) am I supposed to handle on my own all your badgering, your harassment, and your contention?*” Yeshayahu said, *How (eicha) did the faithful city become a harlot. . . (Yeshayahu 1:21).* Yirmiah said, *How (eicha) does the city once filled with people sit alone. . . (Lamentations 1:1)*

Eicha Rabba, 1:1

Now, if the breakdown of Yisrael can be traced to the loss of relationship with “Ben Amram” and if the review of the Torah demands a review of our treatment of Moshe Rabeinu, then we can only conclude that the nature of our personal relationship to Moshe ultimately defines the nature of our relationship to Torah itself. Which means that this *tochaha* and the explanation of the Torah are one and the same: Aspects of “*Devarim*” and of “*Mishne Torah*” are not just interwoven – they are synonymous! “*Moshe began to explain this Torah, saying. . .*” means precisely what it says: that the words of *tochaha* which follow are indeed the very words that “*explain this Torah.*”

The truth is that the word *tochaha* does not mean “to chasten”–it means to *prove*, to provide a new perspective that leads to truth. In English, the closest word is to *re-prove* (literally, reviewing and substantiating), just about the meaning of “*Mishne Torah*”! So *tochaha* is not just the communication of emotions, it is the provision of a new way of looking at things– “Try to look at this from my perspective.” But why is such a perspective important for Torah itself, why can’t the facts of Torah speak for themselves, *mocheah* (prove) themselves?

This is the crux of *Devarim* – that Torah is not information, not data, not a list of facts, any more than language is a list of words. Torah is a rich, complex, infinitely subtle culture, and is at least as difficult to acquire as any human culture with all its subconscious currents of ideas, loaded meanings, interwoven assertions and insinuations, delicate use of history and weltanschauung. Acquiring Torah through Torah “courses,” reading Torah books or hearing Torah cassettes without relationship to the *person* of Torah, is about as likely as becoming Japanese through college courses on Japanese history and culture, or a child acquiring language through listening to the reading of a dictionary.

Even one who has read and learned, but has not served the wise, is an *am ha'arez*, an ignoramus. . . a boor. . . a Cuthite. . .

Sotah, 22a

Once, someone died who had studied halacha, *Sifrah*, *Sifrei*, and *Tosefta*. They notified Rav Nachman and asked him to deliver a eulogy. He said, “How shall I eulogize him—shall I say, ‘Oh dear! Those shelves full of books are now lost!?’ ”
Megila, 28b

Data is infinitely malleable, tractable to any cultural or intellectual bias, conscious or otherwise. But a living culture is an entity that cannot be fabricated to specifications, and only a living representative can provide access to the richness of authenticity. Humans desire authenticity, pay millions for authenticity, because only authenticity *lives*, only authenticity provides the context for all the subtlety of the work in hand. There is only one authentic Torah, and that Torah is *Torat Moshe*, the Torah of Moshe:

זכרו תורת משה...

Remember the Torah of My servant Moshe which I commanded him at Horeb. . . . (Malachi 3:23)

Moshe is the only individual who lived the Torah in its authentic milieu – the summit of Mount Sinai, together with God, sitting and sharing Torah together.

He was there with God for forty days and forty nights, he ate no bread, drank no water....(Shemot 34:28)– He lived the culture of that region. . . .

Zohar I:144a⁶

Moshe’s vision of Torah is not a product of data, but of the living experience of a new perspective. *Devarim* as *tochaha* is the opportunity to share that perspective and to draw the Torah from Moshe, and thus from the Holy One Himself. This is why, when Moshe gives *tochaha* for accepting a system that allowed others to come between him and the people, he complained not about their ability to transmit facts, but about the loss of *authenticity*!

And you answered me and you said, “That is an excellent thing you suggested to do!” (1:9,12-14) –

You should have exclaimed, “Our teacher, Moshe! From whom is it gratifying to learn – from you or from your students—not from you who struggled with it!”

Sifrei, 14

The one who would carry on the work of Moshe was not the greatest intellect or the most popular leader of his time—but he was the one who *served* Moshe and learned to bracket himself, to see the world through the different perspective of the summit of Mt. Sinai.

Yehoshua the lad, who served Moshe. . . (Shemot 33:11) –

Said the Holy One to Moshe: Yehoshua has served you well. . . he was the one to come early

and leave late from your study room – many were the benches he moved, the mats he spread out. . . . Because he has served you with all his strength. . . . *Take yourself Yehoshua bin Nun. . . and lay your hand on him. . . (Bamidbar 27:18).*

Bamidbar Rabba, 21:14

Throughout the centuries, Torah greatness has been measured not by accumulation of facts, but by depth of new perspective acquired through *service*.

Greater is service of Torah than its study, as it says, *Here lies Elisha ben Shafat who spilled water over the hands of Eliyahu (II Melachim 3:11)*. Not who “learned from” [Eliyahu], but who washed his hands!

Berachot, 7b

The desiccation of a secularized Torah lies not simply in its coldness and loss of *sanctity*, but most significantly in its complete loss of *authenticity*. It becomes a random collection of facts, amenable to any absurdity, subject to the most preposterous conjectures, conclusions and rationalizations, because it is a Torah perforce without any basis for authentic *judgement* and therefore with no basis for credibility. Authenticity comes only through relationship, through reproof, through learning new perspectives.

To the extent that Torah draws from Moshe, it is authentic, and provides insight into the “mind of God,” into ultimate reality with its wealth of subtlety and meanings within meanings.

We find, then, that from Rav Ami back to Moshe Rabeinu were forty generations such that Rav Ashi received the Torah from Ravah, Ravah from Raba. . . Yehoshua from Moshe Rabeinu, Moshe Rabeinu from the Almighty – thus *all received from God, the Lord of Israel*.

Rambam, Introduction to *Mishne Torah*

The beginning of the end, the roots of *Eicha*, came at the moment that the nation found it acceptable to get the facts instead of the contact. Moshe had argued with Yithro, *They come to me to search for God (Shemot 18:15)*. But in the end it was Yithro who was right – they came not for authenticity and its struggle, but for *answers*. They chose a magical belief in God-given simple solutions instead of the painful growth into a new landscape with a shattering perspective and breadth. Moshe’s own struggle meant nothing to them– “Just the answers, *please*.”

You should have exclaimed, “Our teacher, Moshe! From whom is it gratifying to learn—from you or from your students—surely from you *who struggled with it!*”

Sifrei, 14

Rebuilding and redemption will come only through the rediscovery of reproof. Authentic Torah is as far from abstract “Torah courses” as it is from simple answers, as far from datum-worship as from guru-worship—authentic Torah must *live*, as fully and creatively as all life.

Moshe’s struggles are expressed in this book, entirely and uniquely his own. Here are the heights he achieved in insight, vision, understanding – and in the life-giving relationship with the people who live only through his Torah. Only here, before his death, was he able to express to us his own pain and struggle, and achieve with Yisrael the potential reconciliation that will lead one day to rebuilding, the reconciliation of *tochaha*, the essence of *Devarim*.

The man who once said, *I am not a man of words (devarim)*, is the same individual who now speaks *Devarim*, “*These are the words (devarim) spoken by Moshe to all of Israel. . .*”

Tanhuma, Devarim, 2



endnotes:

- ¹ Cf. Megila 31b; Zohar II:261a
- ² The explanation might possibly begin in 5:1 (as per Ramban, 1:1).
- ³ Ramban 1:9
- ⁴ s.v. *bein Paran*, ד"ה בין פארן
Cf. *Devarim Rabba* 9, Leiberman edition
- ⁵ That is a poor translation, but is the way that people in general think of the word *de'ot*. In truth, the word means “relationship” or “connection” which accounts for its use in a sexual context (e.g. Bereishit 4:17,25) and for its legal determination via puberty alone.
- ⁶ *Tanhuma, Vayera* 11:1