

**SEFER DEVARIM – Introduction**

What is Sefer Devarim?

Most everyone would answer - a review or repeat of Chumash, just as its 'nickname' - '**Mishneh Torah**' - seems to imply.

Is this really so?

As we now demonstrate, it won't take more than a minute to show how that popular answer is simply incorrect!

Let's quickly review the first four books (of Chumash), noting which of their primary topics are either included or missing from Sefer Devarim:

- **Sefer Breishit:** Sefer Devarim makes almost no mention of any of its stories - be it the story of Creation, the Flood, the Avot, or the brothers, etc.
- **Sefer Shmot:** We find only scant details of the Exodus, and not a word about the mishkan; even though we do find the story of Ma'amad Har Sinai & chet ha-egel.
- **Sefer Vayikra:** Here again, Sefer Devarim makes almost no mention of any of its mitzvot or stories, aside from a few laws that 'ring a bell' from Parshat Kedoshim, and some kashrut laws; but hardly a summary.
- **Sefer Bamidbar:** Indeed Sefer Devarim does tell over the stories of the 'spies' and the defeat of Sichon & Og (with some major 'minor changes'). However, there is barely a mention of the remaining stories found in Bamidbar (and there are many), nor do we find a review of any of its mitzvot (e.g. nazir, sota, challa, etc.).

Furthermore, Sefer Devarim contains numerous mitzvot that had **never** been mentioned earlier in Chumash! Certainly, if the book was a summary, then we should not expect for it to contain totally new material.

[To clarify this point, simply imagine that you are a teacher who assigns the class to summarize the first four books of Chumash. How would you grade a student who handed in Sefer Devarim as his assignment? ]

Even though it took us only a few minutes to prove that Sefer Devarim is **not** a review of Chumash - it will take us much longer to explain what Sefer Devarim **is**, and why Chazal refer to it as "Mishneh Torah".

**INTRODUCTION**

Like many good books, Sefer Devarim can only be fully understood **after** you have read it. So for those of you who are not patient enough to read the entire book first (and analyze it), the following shiur will 'spill the beans'.

As usual, our shiur will focus on identifying its structure and theme. It is recommended that you study this shiur carefully, as its conclusions will provide the basis for our entire series on Sefer Devarim (in the weeks to follow).

**A BOOK OF SPEECHES**

The key to understanding Sefer Devarim lies in the recognition that it contains a very important (albeit long) speech delivered by Moshe Rabeinu, prior to his death; as well as several 'shorter' speeches; one which introduces that 'main speech', and others that form its conclusion.

Therefore, the first step of our shiur will be to identify those speeches. To do so, we must first note how the style of Sefer Devarim is unique, as it is written almost entirely in the **first** person - in contrast to the first four books of Chumash, which are written in '**third** person'.

[Recall (from when you studied grammar) that speeches are recorded (or quoted) in first person, while narrative (stories) are usually written in third person.]

Therefore, to determine where each speech begins (and ends), we simply need to scan the book, noting where the narrative changes from third person (i.e. the regular 'narrator mode' of Chumash) to first person (i.e. the direct quote of Moshe Rabeinu, as he speaks).

If you have ample time (and patience/ and of course a Tanach Koren handy), you should first try to do this on your own. On the other hand, if you are short on time - you can 'cheat' by reading at least 1:1-7, 4:40-5:2, 26:16-27:2, 28:69-29:2, & 30:19-32:1, noting the transition from third person to first person, and hence where and how each speech begins.

**IDENTIFYING SPEECH #1**

For example, let's take a quick look at the opening psukim of Sefer Devarim (1:1-7). Note how the first five psukim are written in **third** person:

"These are the **devarim** (words / speeches) which Moshe spoke to all of Israel... In the fortieth year on the first day of the eleventh month... in Arvat Mo'av, Moshe began to explain this Torah saying..." (see 1:1-5);

This introduces the speech that begins (in the next pasuk) with the first sentence of Moshe Rabeinu's speech:

"God, **our** Lord, spoke to **us** at Chorev saying..." (see 1:6).

[Note how this pasuk, and those that follow are written in first person.]

Then, scan the psukim that follow, noting how this speech continues from 1:6 all the way until 4:40 (i.e. the next four chapters). This entire section is written in first person, and hence constitutes Moshe's opening speech.

**IDENTIFYING SPEECH #2 [the 'main speech']**

In a similar manner, note how the first pasuk of chapter five introduces Moshe's next speech. Here again, the opening pasuk begins in third person, but immediately changes to first person, as soon as the speech begins:

"And Moshe called together all of Israel and **said to them** [third person] - Listen to the laws and rules **that I tell you** today... - [first person]" (see 5:1).

Where does this second speech end? If you have half an hour, you could scan the next twenty some chapters and look for its conclusion by yourself; otherwise, you can 'take our word' that it continues all the way until the end of chapter 26!

This observation (even though it is rarely noticed) will be the key towards understanding Sefer Devarim - for this twenty chapter long 'main speech' will emerge as the primary focus of the book!

After this 'main speech', in chapters 27-30 we find two more short speeches that directly relate to the main speech. Finally, from chapter 31 thru 34, Sefer Devarim 'returns' to the regular narrative style of Chumash, as it concludes with the story of Moshe Rabeinu's final day.

The following table summarizes the division of Sefer Devarim into its four speeches:

SPEECH #1	Chaps. 1-4	Introductory speech
SPEECH #2	Chaps. 5-26	Main speech
SPEECH #3	Chaps. 27-28	Tochacha & Covenant
SPEECH #4	Chaps. 29-30	Teshuva

## THE MAIN SPEECH

As this table indicates, Speech #2 is by far the longest, so we'll begin our study by trying to figure out its primary topic. [Afterward, we will show how Speech #1 actually introduces this main speech.]

To help us identify the primary topic of the main speech [without the need to read it in its entirety], let's assume that Moshe Rabeinu will employ the 'golden rule' for an organized speech, i.e. he will:

- (1) 'Say what you're gonna say' -
- (2) 'Say it' - & then
- (3) 'Say what you said.'

[We'll soon see how Moshe Rabeinu beautifully follows this golden rule in this speech.]

Let's take a careful look at how Moshe's begins this main speech, noting how he explains to the people what to expect: "Listen Israel to the **chukim & mishpatim** which I am teaching you today, learn them and keep them..." (5:1).

This 'opener' immediately tells the listener that this speech will contain **chukim & mishpatim** [laws and rules] that must be studied and observed; and indeed that is precisely what we will find (when we will study the content of this speech).

However, these laws - that we now expect to hear (based on 5:1) - don't begin in the next pasuk. Instead, Moshe Rabeinu uses the first section of his speech (chapter five) to explain **how** and **when** these laws (that will begin in chapter six) were first given.

In other words, instead of beginning his speech immediately with this set of laws, he will preface these laws by first explaining why everyone is obligated to keep them (5:2-5), followed by the story of how he first received them at Har Sinai forty years earlier (5:20-30).

To appreciate this introductory chapter, and to understand why it contains a 'repeat' of the Ten Commandments, let's carefully review its flow of topic.

## INTRO TO THE MAIN SPEECH - OBLIGATION & COVENANT

As his first point, Moshe emphasizes how these laws (that he is about to teach) were given as an integral part of the covenant between God and Bnei Yisrael at Har Sinai:

"Hashem made a **covenant** with us at Chorev. **Not** [only] with our forefathers did God made this covenant, but [also] **with us** - we, the living - here today..." (5:2-3).

Even though (and because) most of the members of this new generation were not present at Ma'amad Har Sinai, Moshe must first remind Bnei Yisrael that their obligation to keep these laws stems from that covenant at Har Sinai (forty years earlier)!

Recall as well how God had spoken the Ten Commandments directly to Bnei Yisrael as part of that covenant.

[Hence - the two tablets upon which they were inscribed are known as 'luchot ha-**brit**' - i.e. tablets of the Covenant.]

It is for this reason that Moshe Rabeinu first reviews the Ten Commandments (in 5:6-19), before he begins his teaching of the detailed 'chukim 'mishpatim' - for they form the key guidelines of this "brit" between God and His nation. Note however that the Ten Commandments are presented as part of the story of '*how the laws were given*' - the detailed laws, referred to in 5:1, don't begin until chapter six (and continue thru chapter 26).

## WHY MOSHE IS TEACHING THE LAWS

Now comes the key story in this introductory section, for Moshe (in 5:20-30) tells the story of how Bnei Yisrael immediately became fearful after hearing the 'Dibrot' and asked Moshe that he become their intermediary to receive the remaining laws. As we shall see, this story explains when and how the laws (that Moshe is about to start teaching) were first given.

To clarify this, let's carefully study these psukim, for they will help us understand the overall structure of the main speech:

"When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me... and said... Let us not die, for this fearsome fire will consume us... **you go closer and hear all that God says**, and then **you tell us** everything that God commands, and we will willingly do it..." (5:20-26).

[Keep in mind that from this pasuk we can infer that had Bnei Yisrael not become fearful, they would have heard additional mitzvot directly from God, immediately after these first Ten Commandments.]

Note how God grants this request (that Moshe should act as their intermediary) by informing Moshe of His 'new plan: "Go, say to them: 'Return to your tents.' But you remain here with Me, and I will give **you** the **mitzvah, chukim & mishpatim**... for them to **observe in the land** that I am giving them to possess..." (5:27-28).

Read this pasuk once again, for it is key towards understanding how the 'main speech' first came about. The mitzvot that Moshe will now teach (in this speech) are simply the same laws that God had first given to him on Har Sinai, after Bnei Yisrael asked him to become their intermediary.

In fact, Moshe himself states this explicitly in the next set of psukim that clearly introduce this set of laws:

"And **this** ('ve-zot') is the **mitzvah, chukim & mishpatim** that God has commanded me to **teach you** to be observed in the **land** you are about to enter..." (see 6:1-3).

Recall from 5:28 that God told Moshe that he should remain on Har Sinai to receive the **mitzvah, chukim & mishpatim**. This pasuk (6:1), explains how Moshe's lecture is simply a delineation of those mitzvot.

## THE ELEVENTH COMMANDMENT

Based on this introduction (i.e. 6:1-3), we conclude that these laws (that begin with 6:4) are simply those mitzvot that God had given to Bnei Yisrael - via Moshe Rabeinu - as a continuation of the Ten Commandments at Ma'amad Har Sinai. If so, then the first mitzvah of this special unit of laws is none other than the first parshia of 'kriyat shema':

"Shema Yisrael, Hashem Elokeinu Hashem Echad, **ve-ahava**... ve-hayu ha-**devarim** ha-eileh..." (see 6:4-7).

[This can help us appreciate why this parsha is such an important part of our daily prayers - to be discussed in our shiur on Va'etchanan.]

This first parshia of kriyat shema begins a lengthy list of mitzvot (and several sections of rebuke) that continues all the way until Parshat Ki Tavo (i.e. chapter 26).

[That is why this speech is better known as 'ne'um ha-mitzvot' - the speech of commandments. Just try counting how many mitzvot are indeed found in these 21 chapters - you'll find plenty!]

Note as well that after the first two cardinal mitzvot - belief in God and the commandment to love Him with all your heart - we find a statement that serves as yet another introduction to the mitzvot that will now follow:

"ve-hayu ha-**devarim** ha-eileh..." - And these words [clearly, this refers to the laws that will now follow in the speech] that I am teaching you today must be kept in your heart - (see 6:6-7)

We will soon return to discuss this pasuk in greater detail; however, we must first clarify an important point. Even though the core of this speech consists of the mitzvot that Moshe initially received at Har Sinai, it is only natural that Moshe Rabeinu will add some comments of his own, relating to events that have transpired in the interim. [See, for example, chapters 8->9.] Nonetheless, the mitzvot themselves were first given forty years earlier.

Furthermore, as the psukim quoted above explain, these mitzvot share a common theme - for they all apply to Bnei Yisrael's forthcoming entry into the Land of Israel (see 5:28 & 6:1). [In next week's shiur we will discuss how these mitzvot divide into two distinct sections, the **mitzva** section (chapters 6 thru 11) and the **chukim u-mishpatim** section (chapters 12 -26).]

### WHEN THIS SPEECH WAS FIRST GIVEN

So when did Bnei Yisrael first hear these mitzvot?

If they were given at Har Sinai, then certainly Moshe should have taught them to the people at that time.

The answer to this question is found in Parshat Ki Tisa. There, in the story of how Moshe descended from Har Sinai with the second luchot, the Torah informs us:

"And it came to pass, when Moshe came down from Mount Sinai with the two tables of the testimony in his hand... and afterward all the children of Israel came near, and he [Moshe] **commanded them all of the laws that God had spoken with him on Mount Sinai.**

(See Shmot 34:29-32)

Clearly, Moshe had already taught these laws to Bnei Yisrael when he came down from Har Sinai. Yet, Sefer Shmot only tells the story of when Moshe first taught them, but doesn't record all of the actual laws that he both received and taught at that time. Instead, the Torah prefers to record some of those laws in Sefer Devarim, others in Sefer Bamidbar, and others in Sefer Vayikra.

In other words, Moshe Rabbeinu reviews an entire set of laws in Sefer Devarim; laws that he had already taught to the first generation when they were encamped at Har Sinai. Hence, the laws in Sefer Devarim are indeed a review of a set of laws that Bnei Yisrael had already received. However, they are not a review of the laws that Chumash had already recorded.

[This point clarifies why so many people misunderstand what is meant when Sefer Devarim is referred to as a 'review of laws'. It is indeed a review of laws that Moshe Rabbeinu had already taught Bnei Yisrael, but it is not a review of the first four books of Chumash.]

One could also suggest a very logical reason for why the Torah preferred to record these laws in Sefer Devarim, rather than in Sefer Shmot. As we shall see, these mitzvot will focus on how Bnei Yisrael are to establish their nation in the Land of Israel (see 5:28 and 6:1/ 'la'asot ba-aretz' - to keep **in the land**). Hence, the Torah prefers to record them as they were taught by Moshe to the **second** generation - who would indeed enter the land; and not as they were given to the **first** generation - who sinned, and hence never entered the land.

This background will now help us understand why Chazal refer to this Sefer as "Mishneh Torah", and why this name is so commonly misunderstood. While doing so, we will also explain the 'simple meaning' of the famous psukim of kriyat shema that we recite every day.

### MISHNEH TORAH

Let's return to the opening psukim of kriyat shema (6:4-8), which form the opening set of commandments that Moshe first received on Har Sinai (to relay to Bnei Yisrael) - soon after the Ten Commandments were given to the entire nation.

Moshe begins this set of laws with an opening statement that reflects a tenet of faith:

"shema Yisrael Hashem Elokeinu Hashem Echad" (6:4)

This is followed by the most basic mitzva regarding attitude, which in essence is a way of life for every Jew:

"ve-ahavta ..." - to love God with all your heart... (see 6:5),

Then, Moshe introduces the laws that he now plans to teach in a very interesting manner:

"ve-hayu ha-**devarim** ha-eileh...

- And these words [i.e. laws that will now follow]

that I am teaching you today must be kept in your heart -

**ve-shinantam** - and you must **repeat** them (over and over) to our children and speak about them constantly, when at home, when you travel, when you lie down and when you get up..." (see 6:5-8).

Note the Hebrew word '**ve-shinantam**' - which means more than simply to teach, but rather to 'repeat' [from the 'shoresh' (root) - 'leshanen' [sh.n.n.]]. Moshe instructs the nation that these forthcoming laws (i.e. the laws of the main speech of Sefer Devarim), need not only to be taught, but they also require **constant repetition!**

Thus, the word 'mishneh' - in the phrase "mishneh Torah" also stems from this same root - "lshanen" - to repeat. Hence, the name "Mishneh Torah" implies a set of laws that require **constant repetition!**

This explains the confusion in regard to the meaning of this alternate name for Sefer Devarim. Mishneh Torah does not imply that Sefer Devarim is a repeat (or review) of what has been **written** in Chumash thus far; rather, it refers to a special set of laws that requires constant repetition - i.e. when we sit in our homes etc. / see 6:6-7,

In other words, the mitzvot of the main speech of Sefer Devarim are special, insofar as they must be constantly repeated and taught ('ve-shinantam'), as its name - Mishneh Torah - implies. In fact, we fulfill this mitzva each day by reciting the first two parshiyot of kriyat shema.

Further proof of this interpretation is found in the sole pasuk in Sefer Devarim that contains the phrase mishneh Torah, in regard to the King in Parshat Shoftim:

"And when the King is seated on his royal throne, he must write this **mishneh ha-torah** in a book... and it must be with him and he must **read from it every day** of his life, in order that he learns to fear God..." (see 17:18-19).

Clearly, in this context, the term "Mishneh Torah" does not refer to a repeat of earlier laws, but rather to a set of laws that **need to be repeated.**

[Similarly, the word 'mishna' (as in Torah she-ba'al peh) has the same meaning. The mishnayot require 'shinun'; they must be repeated over and over again - hence they are called Mishna.]

### BACK TO PARSHAT DEVARIM

This interpretation can help us understand the opening psukim of Sefer Devarim - which otherwise appear to be rather cryptic. Before we continue, it is suggested that you read Devarim 1:1-2, noting the difficulty of its translation.

"These are the **devarim** that Moshe spoke to Bnei Yisrael in Transjordan, in the desert, in the Arava, opposite Suf, between Paran and Tofel, and Di Zahav" (1:1).

First of all, what does the word **devarim** refer to:  
the entire book? - the first speech? - all the speeches?

It's not clear. Secondly, what is the meaning of this long list of places?

The location of 'ever ha-yarden' [Transjordan] makes sense, for Bnei Yisrael are now encamped there (see 1:5); but the remaining list of places - ba-midbar, ba-arava, mul suf, bein paran u-tofel etc. - seems to be totally disjoint from the first half of this pasuk.

Are these many places, or just one place? What happened at all of these places? Again, it is not clear.

The next pasuk is even more enigmatic!

"Eleven days from Chorev, via Mount Se'ir, until Kadesh Barnea" (1:2).

This pasuk doesn't even form a complete sentence. What does it describe? What does it have to do with the previous pasuk?

Nonetheless, the next pasuk appears to be quite 'normal', and could easily have been the opening verse of the book:

"And it came to pass in the fortieth year on the first day of the eleventh month, Moshe spoke to Bnei Yisrael in accordance with the instructions that God had given him for them [after he had defeated Sichon...]" (1:3-4).

This third pasuk seems to form an introduction to Moshe's speech. But this only strengthens our questions on the first two psukim. Why doesn't the Sefer just begin with the third pasuk?

Indeed, one who never studied Sefer Devarim should find himself terribly confused when reading these psukim. However, based on our shiur, it is possible to suggest a very simple explanation (that will find support in Ibn Ezra and Ramban as well).

## A SUPER INTRO

Recall how the main speech (i.e. ne'um ha-mitzvot / chapters 5-26) forms the focal point of Sefer Devarim, including a lengthy set of mitzvot that Bnei Yisrael must keep as they enter the Land of Israel. As we explained, Moshe had first taught these mitzvot to Bnei Yisrael when he came down from Har Sinai with the second luchot (see Shmot 34:32). However, since these laws require constant repetition [**mishneh torah**], it would only make sense that Moshe would have taught them numerous times.

Recall as well that the Torah uses this very same word '**devarim**' to introduce the mitzvot of the main speech / see 6:6 '-ve-hayu ha-**devarim** ha-**eileh** asher anochi metzaveh...'

Therefore, one can assume that the phrase 'eileh ha-**devarim**' (in 1:1) refers to the same mitzvot that 've-hayu ha-**devarim**' refers to in 6:6) i.e. to the mitzvot of the main speech!

If so, then the first pasuk of the Sefer introduces this main speech! Hence, the first two psukim of Sefer Devarim can be understood as follows:

"These are the **devarim** [i.e. the mitzvot of the main speech] that Moshe delivered in Arvat Mo'av, [just as he had already delivered a similar speech in] the **midbar**, and **arava**, opposite **suf**, between Paran and Tofel, and at Di-zahav. [Furthermore, these mitzvot were also taught by Moshe to Bnei Yisrael during] their eleven day journey from Har Chorev to Kadesh Barnea." [Then] in the fortieth year... Moshe taught these laws (one last time) after the defeat of Sichon..." (see Devarim 1:1-4)

[See commentary of Ibn Ezra on 1:1-2.]

This explanation fits in beautifully with both Ibn Ezra's & Ramban's interpretation of the word "devarim" in the first pasuk of Sefer Devarim, as both commentators explain that the word "devarim" refers specifically to the **mitzvot** that Moshe will teach **later** in the main speech.

[Ramban explains that these devarim begin with the Ten commandments (i.e. from chapter 5), while Ibn Ezra explains that they begin with the **chukim & mishpatim** in Parshat Re'eh (see 12:1). The underlying reason for this controversy will be explained in our shiur on Parshat Va-etchanan. The reason why Rashi explains that devarim refers to the 'rebuke' will be discussed in our shiur on Parshat Ekev.]

When we consider this setting, the Torah's emphasis in the second pasuk on the eleven day journey from Har Sinai to Kadesh Barnea becomes quite significant. Recall, that this eleven day journey was supposed to have been Bnei Yisrael's final preparation before conquering the land (had they not sinned)! As such, Moshe found it necessary to teach and review these important laws several times during that journey. [Again, see Ibn Ezra inside.]

Now, in the fortieth year on the first day of the eleventh month, Bnei Yisrael find themselves in a very similar situation - making their final preparations for the conquest of the land. Therefore, Moshe gathers the people in Arvat Mo'av to teach and review these mitzvot **one last time**.

In this manner, the first four psukim of Sefer Devarim actually form the introduction to the main speech (chapters 5-26).

However, before Moshe begins that main speech, he first makes an introductory speech that is introduced by 1:5 and continues until 4:40. That speech will be discussed *iy"n* in our next shiur (on Parshat Devarim).

Until then,

shabbat shalom  
menachem

## FOR FURTHER IYUN

### A. FROM HAR SINAI TO SEFER DEVARIM

In our shiur, we showed how the main body of Sefer Devarim contains the mitzvot that Moshe Rabbeinu originally received on Har Sinai. However, Moshe received many other mitzvot on Har Sinai. Therefore, it appears that even though Moshe received all of the mitzvot on Har Sinai, each book of Chumash focuses on a different category. Therefore, the important question becomes - what characterizes the mitzvot found in other books of Chumash? Or, more directly, on what basis were the mitzvot distributed among the five books?

To answer this question, we simply need to review our conclusions from previous shiurim.

First of all, let's review the main themes of each Sefer that we have found thus far:

- BREISHIT - God's creation of the universe and His choice of Avraham Avinu and his offspring to become His special nation.
- SHMOT - The Exodus of Am Yisrael from Egypt; their journey to Har Sinai; Matan Torah; chet ha-egel, and building the mishkan.
- VAYIKRA - Torat kohanim, the laws relating to offering korbanot in the mishkan, and various other laws that help make Am Yisrael a holy nation.
- BAMIDBAR - Bnei Yisrael's journey from Har Sinai (with the mishkan at its center) towards the Promised Land; and **why** they didn't enter the Land.

With this in mind, let's see how the laws in Sefer Devarim may relate to what we have found thus far.

Recall that God's original intention was to take Bnei Yisrael out of Egypt, bring them to Har Sinai (to receive the Torah), and then immediately bring them to Eretz Canaan, where these mitzvot are to be observed.

At Har Sinai, Bnei Yisrael entered into a covenant and heard the Ten Commandments. As we explained, they should have received many more mitzvot after hearing the first Ten Commandments. However, they were overwhelmed by the awesome experience of Ma'amad Har Sinai and thus requested that Moshe act as their intermediary.

It is difficult to ascertain the exact chronological order of the events following their request. However, by combining the parallel accounts of this event in Sefer Shmot (see 20:15-21:1, & 24:1-18) and Sefer Devarim (see chapter 5), we arrive at the following chronology:

\* On the day of Ma'amad Har Sinai, God gives Moshe a special set of laws, better known as Parshat Mishpatim (i.e. 20:19-23:33), which Moshe later conveys to Bnei Yisrael (see 24:3-4). Moshe writes these mitzvot on a special scroll ['sefer ha-brit' (see 24:4-7)], and on the next morning he organizes a special gathering where Bnei Yisrael publicly declare their acceptance of these laws (and whatever may follow). This covenant is better known as 'brit **na'aseh ve-nishma**'. [See 24:5-11. We have followed Ramban's peirush; Rashi takes a totally different approach. See Ramban 24:1 for a more detailed presentation of their machloket.]

\* After this ceremony, God summons Moshe to Har Sinai to receive the **luchot** & additional laws ['ha-Torah v-**hamitzva**'; see 24:12-13], and so Moshe remains on Har Sinai for 40 days and nights to learn these mitzvot. It is not clear precisely to what 'ha-Torah ve-hamitzva' refers, but we may logically assume that it is during these 40 days when Moshe receives the mitzvot he later records in Sefer Devarim. [Note the use of these key words in the introductory psukim of Sefer Devarim: **Torah** in Devarim 1:5, 4:44; **ha-mitzva** in 5:28 & 6:1.]

[Moshe most likely received many other mitzvot as well during these forty days, possibly even the laws of the mishkan. (see famous machloket between Rashi & Ramban - and our shiur on Parshat Teruma.)]

\* As a result of **chet ha-egel**, the original plan to immediately conquer the land of Israel requires some modification. Consequently, we never find out precisely which mitzvot were given to Moshe during the first forty days and which were transmitted during the last forty days. Either way, Bnei Yisrael themselves do not hear any of these mitzvot until Moshe descends with the second **luchot** on Yom Kippur (see Shmot 34:29-33). At this point, Moshe teaches Bnei Yisrael all the mitzvot he had received, though they are not recorded at that point in Sefer Shmot (see again Shmot 34:29-33).

\* During the next six months, Bnei Yisrael build the mishkan and review the laws they had just received from Moshe. Once the mishkan is built in Nissan and the korban Pesach is offered (in Nissan & Iyar), Bnei Yisrael are ready to begin their '11 day journey from Har Sinai to Kadesh Barnea', the excursion that was to have begun their conquest of the land. Instead, the people fail with the incident of the meraglim, and the rest is history.

This background can help us appreciate how the mitzvot are divided up among the various sefarim of Chumash, even though most all of them were first given to Moshe at Har Sinai, or at the Mishkan in Midbar Sinai.

Let's discuss them, one book at a time:

### SHMOT

Sefer Shmot records the Ten Commandments and Parshat Mishpatim since they comprise an integral part of Ma'amad Har Sinai, i.e. the covenantal ceremony in which Bnei Yisrael accept the Torah. Although Sefer Shmot continues with the story of Moshe's ascent to Har Sinai, it does not record the specific mitzvot that he received during those forty days! Instead, the remainder of Sefer Shmot focuses entirely on those mitzvot relating to the atonement for chet ha-egel (34:10-29) and the construction of the mishkan (chapters 25-31, & 35-40 / plus the laws of Shabbat which relate to building the mishkan).

The exclusive focus on these laws at the end of Sefer Shmot is well understood. The theme of the second half of Sefer Shmot revolves around the issue of whether or not God's **Shchina** can remain within the camp of Bnei Yisrael. Whereas the mishkan provides a solution to this dilemma, its taking center-stage in the latter part of Sefer Shmot is to be expected. [See Ramban's introduction to Sefer Shmot, ve-akmal.]

What about the rest of the mitzvot transmitted to Moshe on Har Sinai?

As we will see, some surface in Sefer Vayikra, others in Sefer Bamidbar, and the main group appears in Sefer Devarim!

### VAYIKRA

Even though Sefer Vayikra opens with the laws given from the ohel mo'ed (see 1:1), many of its mitzvot had already been presented on Har Sinai. This is explicit in Parshat Tzav (see 7:37-38); Parshat Behar (see 25:1); and Parshat Bechukotai (see 26:46 & 27:34). Certain parshiyot of mitzvot such as Acharei Mot obviously must also have been given from the ohel mo'ed, but there is good reason to suggest that many of its other mitzvot, such as Parshat Kedoshim, were first given on Har Sinai.

So why are certain mitzvot of Har Sinai included in Sefer Vayikra? The answer is quite simple. Sefer Vayikra is a collection of mitzvot dealing with the **mishkan**, **korbanot** and the **kedusha** of Am Yisrael. Sefer Vayikra, better known as **torat kohanim**, simply contains all those parshiyot that contain mitzvot associated with its theme. Some were given to Moshe on Har Sinai, while others were transmitted from the ohel mo'ed. [See previous shiurim on Sefer Vayikra for more detail on this topic.]

### BAMIDBAR

Sefer Bamidbar, we explained, is primarily the narrative describing Bnei Yisrael's journey from Har Sinai towards Eretz Canaan. As we explained in our shiurim on Sefer Bamidbar, that narrative is 'interrupted' by various parshiyot of mitzvot, which seem to have belonged in Sefer Vayikra. [For example: nazir, sota, challa, nsachim, tzitzit, tum'at meit, korbanot tmidim u-musafim, etc.] These mitzvot were probably first given to Moshe on Har Sinai (or some possibly from the ohel mo'ed, as well). Nonetheless, they are included in Sefer Bamidbar because of their thematic connection to its narrative.

### DEVARIM

Now we can better understand Sefer Devarim. The books of Shmot, Vayikra, and Bamidbar contained only a limited sampling of the mitzvot that God had given to Moshe on Har Sinai, each Sefer recording only those mitzvot related to its theme. Sefer Devarim, as it turns out, is really our primary source of the mitzvot taught to Moshe on Har Sinai. As we explained above, this is exactly what chapter 5 indicates. [Recall that chapter 5 is the introductory chapter of Moshe's main speech, the presentation of the **mitzva, chukim & mishpatim**.]

Expectedly, these mitzvot of Har Sinai recorded in Sefer Devarim are presented in an organized fashion and share a common theme. To identify that common theme, let's take a look once again at the introduction to this collection of mitzvot:

"And **this** ('ve-zot') is the **mitzva, chukim & mishpatim** that God has commanded me to teach you **to be observed in the land which you are about to enter...**" (6:1-3 / see also 5:28).

The mitzvot of Moshe's main speech are simply a guide for Bnei Yisrael's conduct as they conquer and settle the land. [As we study the Sefer, this theme will become quite evident.] Therefore, practically speaking, this speech contains the most important mitzvot that Bnei Yisrael must follow as they enter the Land and establish their society. As these laws are so important, they must be studied 'over and over' again [= **mishneh Torah**].

Hence, it is only logical that Moshe decides to teach these mitzvot at a national gathering (as he is about to die and Bnei Yisrael are about to enter the Land). This also explains why these mitzvot will be taught once again on Har Eival, after Bnei Yisrael cross the Jordan (see Devarim chapter 27), and then again thereafter, once every seven years at the **hakhel** ceremony (see 31:9-13; notice the word **Torah** once again!).

### B. BETWEEN THE NARRATIVES IN DEVARIM & BAMIDBAR

This understanding of the purpose and theme of each sefer helps explain the many discrepancies between the details of various events as recorded in Shmot and Bamidbar, and their parallel accounts in Sefer Devarim. (A classic example is chet ha-meraglim.) Neither book records **all** the details of any particular event; instead, each sefer records the events from the unique perspective of its own theme and purpose.

In the shiurim to follow, this understanding of the nature of Sefer Devarim will guide our study of each individual Parsha. Our shiur on Parshat Devarim (to follow) will be a direct continuation of this shiur. Till then,

### C. TORAH SHE-BA'AL PEH

In the above shiur, we showed how the various mitzvot that Moshe received on Har Sinai are distributed among the various sefarim of Chumash, based on the theme of each Sefer. What about the mitzvot which Moshe received on Har Sinai that, for one reason or other, 'never made it' into Chumash? One could suggest that this is what we call 'halacha le-Mosheh mi-Sinai' in Torah she-ba'al peh (the Oral Law). This suggestion offers a very simple explanation of how the laws that Moshe received on Har Sinai are divided up between the Oral Law and the Written Law. Based on our shiur, that Moshe must have received many other laws on Har Sinai which were not included in any sefer in Chumash is almost pshat!

Obviously, the division between what became the Oral Law and the Written Law was divinely mandated and not accidental. Our above explanation simply makes it easier to understand **how** this division first developed. It also helps us understand why Torah she-ba'al peh is no less obligatory than Torah she-bichtav.

[See also Ibn Ezra to Shmot 24:12, re:"ha-**Torah** ve-**hamitzva**..." which may refer to the Written **and** Oral Laws.]

Furthermore, the prominent view in Chazal that **all** the mitzvot were first given on Har Sinai, repeated from the ohel mo'ed, and then given one last time at Arvot Mo'av. Our discussion shows how this statement actually reflects the 'simple pshat' in Chumash, once one pays attention to the story that Moshe tells as he begins his main speech in Sefer Devarim!