

**PARSHAT DEVARIM**

[shiur revised 5768]

Why are there so many details in Parshat Devarim that appear to contradict what was written earlier in Chumash?

[For example, whose idea it was to send the "meraglim" (Devarim 1:22 vs. Bamidbar 13:1); or whose idea it was to appoint the judges (Devarim 1:12-18 vs. Shmot 18:13-26).]

In contrast to the 'heretical' solutions offered by the Bible Critics - in the following shiur - we suggest a very simple and logical reason for these discrepancies - based on our understanding of the overall theme and structure of Sefer Devarim, as discussed in our introductory shiur.

[If you didn't read that shiur, it is available on the web-site at [www.tanach.org/dvarim/dvarint.pdf](http://www.tanach.org/dvarim/dvarint.pdf) .]

**INTRODUCTION**

In our introductory shiur, we explained how the focal point of Sefer Devarim is Moshe Rabeinu's lengthy speech (from chapters 5 thru 26), where he reviews a complete set of laws that Bnei Yisrael must keep in the Land of Israel (see 5:1 & 6:1). Even though he first received (and taught) these laws forty years earlier at Har Sinai, he now teaches them one last time in Arvot Moav (before his death) - as the new generation now prepares to conquer the Land.

[Due to its content, this 'main speech' is commonly referred to as "ne'um ha'mitzvot" - the speech of commandments].

Prior to that 'main speech', Moshe Rabeinu delivers an introductory speech in chapters 1 thru 4, which contains a review of many events that transpired in the desert, such as the story of the spies (1:22-40), the appointment of the Judges (1:12-18), and the conquest of Transjordan (chapters 2 & 3). Therefore, this 'first speech' is commonly referred to as the 'historical speech', as it contains lots of history. However, it is specifically this assumption which leads to so many problems, for many of the details of that history in this 'first speech' appear to contradict earlier accounts of those same events.

In the following shiur, we will show Moshe Rabeinu's primary goal in this first speech is NOT to review history; rather it is to inspire the nation to rise to the challenges of this renewed historic opportunity to conquer the Land. Hence this speech will contain a very selective review of earlier events, to remind the people how and why the first generation failed - in the hope that this new generation will not repeat those mistakes. This context will allow us to explain the reason for these apparent discrepancies.

**A SUMMARY OF THE FIRST SPEECH**

Before we begin our shiur, let's use the following outline to review the main sections of this first speech, and its primary topics.

**A) INTRO**

1:1-5 Opening narrative explaining background of the main speech. (what, when, where, etc.).

**B) FROM HAR SINAI TO ARVOT MOAV**

The reason for the 40-year delay.

1:6-11 The original trip from Har Sinai to Eretz Yisrael, What should have happened back then (instead of only now).

1:12-18 Moshe's leadership shared with the elders etc. (these appointees will judge the people, based upon these laws)

1:19-40 "Chet ha'Meraglim" - the REASON why that generation did not enter the Land, and why forty years have passed.

2:1-23 The journey from Kadesh, around Har Seir until Nachal Zared. The death of "Dor HaMidbar" (2:14-16)  
 Explaining why Edom, Moav & Amon were not trespassed. [Edom, Moav, and Amon were not attacked due to a divine command and NOT because Bnei Yisrael were not able to fight them!]

2:24-30 Challenging Sichon to battle, God's involvement /2:30)

2:31-3:22 The war against Sichon, and Og King of Bashan, Conquest of most of Transjordan, Inheritance of Reuven and Gad, and Menashe, and their promise to assist in the conquest of Canaan. [Note God's assurance to assist the people, based on these events in 3:20-22.]

3:23-29 Moshe's final request to see the Land.

**C) INTRODUCTION TO THE MITZVOT OF THE MAIN SPEECH**

4:1-24 General principles regarding mitzvot in forthcoming speech, i.e. not to add or take away, their purpose- to be a example for other nations, not to worship God through any type of intermediary after Moshe dies.

4:25-40 a 'mini- tochacha', your punishment should you not follow these forthcoming mitzvot, and the eternal option to do 'teshuva'.

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Let's begin our study of Parshat Devarim itself, by identifying how and where the first speech begins, to show why the first speech should indeed relate to the theme of the main speech.

**THE OPENING LINE**

In our introductory shiur, we explained how the first four psukim of Parshat Devarim (1:1-4) introduce the 'main speech' - even though that speech itself doesn't begin until chapter five. Then, the fifth pasuk introduces the first speech in a very interesting manner: "In Transjordan in Moav, - "ho'eel Moshe" - Moshe BEGAN explaining "ha'torah ha'zot" - this TORAH, saying:..." (See 1:5, and Rashi! Note that 1:6 begins 'first person'.)

Consistently in Sefer Devarim, the phrase "ha'torah ha'zot" (or its alternate form "zot ha'torah") is used in reference to the main speech (see 4:8, 4:44, 17:18, 27:3, 27:8 and 31:12.). Therefore, this pasuk informs the reader that the speech that will now follow (beginning in 1:6) - serves as Moshe's introduction to the main speech (that won't begin until chapter 5).

Let's read now the opening lines of this speech to see why this makes so much sense:

"Hashem spoke unto us in Chorev [=Har Sinai] saying: 'You have dwelt long enough in this mountain; "turn you, and take your journey, and go to the hill-country of the Amorites and unto all the places... the land of the Canaanites, as far as the great river, the river Euphrates. "

See, I am giving you the land: **go in and possess this land**, which Hashem swore unto your forefathers..." (see 1:6-8)

Recall how the 'main speech' contains a set of laws, first given at Har Sinai, that Bnei Yisrael were to keep as they conquer and establish a nation in the Land. Had Bnei Yisrael not sinned, these laws would have been applicable immediately afterward. Therefore, Moshe Rabeinu begins his introductory speech by explaining how these laws could (and should) have been fulfilled forty years ago (later in this speech, he will explain what went wrong).

**DEJA - VU**

As the first generation has passed away, and the new generation now prepares to enter the land, Moshe's primary fear is

that history may repeat itself. Surely, he must teach these laws one last time; but beforehand, he must make every effort to ensure that the new generation will not become fearful of that conquest.

This clearly explains why the speech begins with a re-cap of how forty years earlier, the nation had studied all the necessary laws at Har Sinai and stood ready to begin their conquest of the land (see 1:6-8). This also neatly explains why the story of the spies emerges as the primary topic of chapter one (see 1:19-45) - for that sin was the principal reason for this forty year delay. [If Sefer Devarim was a simply a review of Chumash, then there are many other stories that Moshe should have mentioned beforehand!]

However, this does not explain the short digression in 1:9-18, where Moshe retells how and why he appointed the judges, which at first glance, appears to be rather unrelated and hence superfluous.

To explain why that story is included, we must consider the connection between the appointment of Judges, and the laws of the 'main speech'.

### WHAT DO JUDGES HAVE TO DO WITH ALL THIS?

Review 1:6-22, noting how it would have made much more sense for Moshe to go from 1:8 directly to 1:19 (please verify this on your own). Nonetheless, this more logical flow is 'interrupted' by what appears to be an unrelated statement:

"And I spoke unto you 'at that time', saying: 'I am not able to lead by myself...' (1:9)

Even though this statement appears to be alluding to a complaint, the next two psukim certainly counter that first impression:

"Hashem has multiplied you, and, behold, you are this day a multitude as the stars of heaven. Hashem, the God of your fathers, should make you a thousand times so many and bless you, as He promised you! (1:10-11)

[btw, note the parallels to Breishit 15:5-7!]

It appears that Moshe wants to explain to the people why he himself could not judge everyone, for their numbers had multiplied (and rightly so - as it was a fulfillment of a divine blessing) to such an extent that surely no one person could handle all their complaints. Indeed, 1:12 ["eicha asa l'vadi..."] alludes to Moshe's unhappiness with the nature of their complaints, however the rest of the psukim focus on the establishment (and the people's acceptance) of an organized judicial system.

But what is the thematic connection between the appointment of these judges and the laws of the main speech?

### JUDGES AND/OR TEACHERS

The answer to this question lies in the final pasuk of this short 'digression':

"And I commanded **you** [the people] 'at that time' - et kol ha'DEVARIM - all the things which you should do." (see 1:18)

Pay attention to the phrase "va'atzave **etchem**" - which must be referring to the **people**, and not to the judges.

[You can prove this by simply comparing "v'atzave **et shofteichem**" in 1:16, to "v'atzave **etchem**" in 1:18!]

This short pasuk, even though it is often 'overlooked', connects everything together. Moshe explains in these introductory remarks to the new generation, that at that same time, i.e. after appointing the judges as Bnei Yisrael first prepared to leave Har Sinai (see 1:9 - "b'et ha'hi", compare with 1:18), he had commanded the people in regard to all the - DEVARIM - which they must do.

But what does the word 'DEVARIM' refer to?

Based on our introductory shiur, the answer should be obvious! These are the same '**devarim**' that the opening pasuk of Sefer Devarim refers to ("eyleh **ha'devarim**...") /see 1:1), and that "v'hayu **ha'devarim** ha'eyleh" refers to in 6:6 - which are simply the laws of the main speech of Sefer Devarim! [See Ibn Ezra & Chizkuni on 1:18.]

This makes perfect sense, for that special set of laws (that

require constant repetition /"mishne Torah") relates to what Bnei Yisrael will need to keep when they enter the land. Therefore, when Bnei Yisrael first left Har Sinai forty years earlier, Moshe had taught the people these laws - **with the help of these judges**; and now forty years later, he reminds the people of those events, as he is about to teach them those laws one last time.

As it is the responsibility of the appointed judges to assist with the teaching of these laws (see Devarim 27:1-8) and their implementation (see Devarim 16:18-20!), Moshe includes those events at the beginning of his introductory speech.

Unfortunately, the first generation (and their judges) failed. It is now Moshe's hope [and goal], that this generation and its judges will fare much better.

As Moshe's introductory speech focuses on Bnei Yisrael's need to be prepared for their conquest of the land, and their need to study the relevant laws, it actually makes sense that he mentions the appointment of judges first - for they will be the key towards the success of this endeavor.

Finally, this interpretation of the word "devarim" in 1:18, explains why Moshe now continues his speech by returning to the story of their journey from Chorev to Kadesh Barnea in 1:19. Based on our understanding that 1:2 describes how the laws of the main speech were taught and studied during the eleven day journey from Chorev to Kadesh Barnea (see Ibn Ezra), then the detail in 1:18-19 refers to this very same point!

### WHERE'S YITRO?

This interpretation can also explain why Yitro himself is not mentioned in this speech. Even though Devarim 1:15-17 may sound very similar to Shmot 18:14-22, the purpose of Moshe's speech is not to give a complete historical review of every event that transpired in the desert. Instead, it focuses on this special set of laws that Moshe is about to teach.

Therefore, there is no need to mention (at this time) whose original idea it may have been to set up this hierarchal judicial system. Instead, it is important to know that the judicial system that has been set up is there to serve the people, and it will facilitate their ability to establish themselves as God's nation in the land. [See again 27:1-8, noting again the parallel to Bamidbar chapter 11.]

Furthermore, the phrase "b'et ha'hi" [at that time] in 1:9, based on its context in relation to 1:6-8, must be referring to what took place at the time when Bnei Yisrael first left Har Sinai - as recorded in chapter 11 in Sefer Bamidbar - and not to the events in Parshat Yitro, which took place a year earlier.

To support this, note that we find almost that identical wording in a statement (in Parshat Bhaalotcha) that Moshe had made precisely 'at that time':

"lo uchal anochi l'vadi la'set et kol ha'am..." - I myself am not able to lead this nation... (see Bamidbar 11:14, compare 1:9)

In response to Moshe's 'complaint' at that time (as they left Har Sinai), God commanded Moshe to share his leadership with the 'seventy elders' (see Bamidbar 11:16-29). That response is reflected in Moshe next statement in his speech in Sefer Devarim, explaining how his burden of leadership was alleviated by the appointment of judges, in a hierarchal system of leadership:

"How can I alone bear your cumbrance, and burden, and disputes? [Therefore,] Get you, from each one of your tribes, wise men, and understanding, and full of knowledge, and I will make them heads over you... So I took the heads of your tribes, wise men, and full of knowledge, and made them heads over you, captains of thousands, and captains of hundreds, and captains of fifties, and captains of tens, and officers, tribe by tribe. And I charged your judges at that time, saying: 'Hear the causes between your brethren, and judge righteously between a man and his brother, and the stranger that is with him... and the case that is too hard, you shall bring unto me, and I will hear it'. (See 1:12-17.)

[Note that even though this may sound like a similar account Parshat Yitro (see Shmot 18:13-26), based on the context, the primary parallel is to Bamidbar chapter 11. See also Ibn Ezra (and Rashi) in Shmot 18:13, who

explain that this story of the appointment of judges actually took place after the Torah was given, and hence, that chapter is out of place. Note as well how Shmot 18:27 may be parallel to Bamidbar 10:29-33!]

### WHO SENT THE SPIES?

Moshe continues his speech with the story of the "meraglim" [the spies]. As we explained, his purpose is to explain to the new generation why the first generation failed, in hope that they will fare better. Therefore, Moshe retells those events from that perspective, blaming the **people** (more so than their leaders) for the failure of that generation - for he wants to make sure that the **people** do not become fearful again (as their parents did).

Note how critical this point is; for if one understands Sefer Devarim as a review of Chumash, then he is confronted with unachievable task of resolving the obvious contradictions between these two accounts. However, once it is understood that Moshe is telling over those events as part of a 'pep-talk', it makes perfect sense that he emphasizes only the details that are relevant to the theme of his speech.

In contrast, when these same events are recorded in Sefer Bamidbar, we find a different perspective, for that book focuses on the theme of leadership. Therefore, Parshat Shelach highlights the fault of the nation's leaders in those events.

Therefore, neither account was written simply as an historical record of what happened; rather each book records the events in relation to its theme. To ascertain what really happened, one would need to 'splice together' the details that are recorded in each book (as Rashi does in his commentary); but recording those events in their entirety was neither the goal of Sefer Bamidbar nor Sefer Devarim!

[You could compare this to two TV cameras filming a football game - one in the end-zone, and one on the sideline). Even though each camera is filming the same game, each one only shows the game for its own angle.]

### THE MAAPILIM

This background also explains why Moshe includes the story of the "maapilim" (see 1:40-45) as the conclusion of the "mergalim" incident. As we explained, Moshe Rabeinu is quite fearful (and rightly so) that the nation may 'chicken out' once again. In fact, realistically speaking, the people have some very good reasons to worry. Let's review them.

First of all, the last time they tried to conquer the land of Israel (see Bamidbar 14:40-45), they suffered a whopping defeat. Now Moshe may have explained that this was because God was not in their midst. However, surely the skeptics among them may have retorted that the very idea of conquering the land of Canaan was futile from the start (see Bamidbar13:31-33).

Furthermore, at the beginning of the fortieth year, the entire Israelite nation was challenged by the army of Edom, demanding that they not dare trespass their land (see Bamidbar 20:14-21). Instead of fighting, Moshe led them along a lengthy 'by-pass road'. Surely, many of the 'right-wingers' among the people viewed this as a sign of weakness. If they couldn't stand up to the threats of Edom, how could they stand up to the threats of all the nations of Canaan!

Finally, it may look a little suspicious that Moshe's encouraging words that the time has now come to conquer the land just so happens to coincide with his announcement of retirement!

Any (or all) of the above reasons may have raised doubts among the people. This background can help us appreciate which Moshe Rabeinu chooses to include in this opening speech - for his primary concern is to allay these fears by explaining the divine reason for those actions:

- 1) The 'maapllim' lost because God was not in their midst (see 1:42)
- 2) We didn't trespass Edom, for 'family' reasons (see 2:4-8)
- 3) We didn't trespass Moav for similar reasons (see 2:9-12)
- 4) We waited forty years because of "chet ha'mergalim" (see 2:13-17)
- 5) We didn't attack Amon for divine reasons as well (see 2:18-23)

After explaining the real reasons for what only appeared to be a military weakness, the next section of Moshe's speech will detail how Bnei Yisrael achieved remarkable success in their military

campaign against Sichon & Og (see 2:24 thru 3:20).

### THE PEP-TALK

Review the story of this war in 2:24 - 3:20 noting how we find many more details than were recorded in the parallel account in Bamidbar 21:21-35. The reason why is simple, for that battle is Moshe's best proof (for this new generation) that God is indeed capable of helping them, and hence - 'no need to fear'.

Even the settlement of the two and half tribes in Transjordan (see 3:12-20) is presented in a positive light, for it provides additional support to Moshe's claim that it is indeed possible to successfully conquer the mighty nations of Canaan. Moshe presents those events to show that battle against Canaan has already begun, and thus far has been quite successful! Crossing the Jordan, and entering the land won't be something 'new', but rather a continuation of the task that has already been partially fulfilled.

Simply note, how Moshe concludes this section of this speech with these words of encouragement:

"And I commanded Yehoshua at that time, saying: '**Your own eyes have seen** all that Hashem has done unto these two kings; so shall the LORD do unto all the kingdoms where you go. You shall not fear them; for the LORD your God, He it is that fights for you.'" (see 3:21-22)

In case you didn't notice, we just reached the conclusion of Parshat Devarim.

In Parshat Ve'etchanan, Moshe will continue this speech, by explaining why he himself will not be coming with them (once again, for divine reasons/ see 3:23-27).

ly'h we will continue this study of Moshe's opening speech in next week's shiur.

Till then,  
shabbat shalom  
menachem