

Parshiot Matot-Masei 5784, 2024:

The Torah Revolution on the Plains of Moav

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Sefer Vayikra concludes with the *pasuk*: “These are the *mitzvot* that Hashem commanded Moshe to [tell] *b’nai Yisrael* on *Har Sinai*.” (27:34, all Bible translations, *The Judaica Press Complete Tanach*) In contrast, the final verse of *Sefer Bamidbar* states: “These are the *mitzvot* and *mishpatim* (the ordinances) that Hashem commanded *b’nai Yisrael b’yad Moshe* (through Moshe) *b’Arvot Moav* (on the Plains of Moab), by the Jordan at Jericho.” (36:13) A careful comparison between our two *pasukim*, reveals that the latter verse adds the words, “*mishpatim*” and “*b’yad Moshe*,” and replaces *Har Sinai* with *Arvot Moav*. The singular import of these changes cannot be overstated, and is reminiscent of Rashi’s (1040-1105) celebrated comment on the first *pasuk* of the Torah, “*ain hamikra hazeh omare elah darshani*” (“this text says to us, interpret me!”).

In his Torah commentary, *Ha’emek Davar*, HaRav Naftali Tzvi Yehudah Berlin (the Netziv, 1816-1893) examines these textual variations and sheds new light upon their meaning. He notes that *Sefer Vayikra* contains many instances of *dinei mamonot* (monetary laws) that are included under the rubric of *mishpatim*; this category of *halacha*, however, is not mentioned in the *sefer*’s concluding *pasuk*. The Netziv therefore concludes that *Sefer Bamidbar*’s use of the term “*mishpatim*,” in its final *pasuk*, is not referring to the class of laws entitled *mishpatim*, but rather to “the analyses that are derived from the 13 principles of exegetical interpretation (*yud gammel*

middot). These, opines the Netziv, were decidedly something new for the vast majority of the Jewish people, since “on *Har Sinai* this manner of analysis was revealed solely to Moshe and his immediate followers, as we find in *Talmud Bavli, Nedarim* page 38.”

The Netziv now suggests that this new category of *mishpatim* is a major turning point in the history of our people:

For it was only in *Arvot Moav* that Moshe began to interpret the entire Torah according to logical arguments (*pilpul*) and analyses [derived from the *yud gammel middot*], as is explained in the beginning of *Sefer Devarim* [1:5]. Therefore, here, on *Arvot Moav*, wherein they [these kinds of *mishpatim*] were first stated, it is written, “and the *mishpatim* [logical analyses],” since Hashem had already commanded [the Jewish people] regarding both the *mitzvot* and *mishpatim*.

At this juncture, the Netziv suggests that although this is not the Torah’s first instance of the phrase, “*b’yad Moshe*,” its use in the concluding verse of *Sefer Bamidbar* enables us to perceive Moshe as the authentic *rebbe* of *klal Yisrael*. This is the case, since at this moment in time, *b’yad Moshe* refers “to matters that Moshe received [from the Almighty] which were not spoken to him on a face-to-face basis, but rather through the divine flow of Heavenly aid.” In other words, until now, Moshe had acted solely as the Almighty’s *shaliach* to bring His exact words to the world. At *Arvot Moav*, however, Moshe found his own unique voice, and with the support of Heaven, created his own words of Torah, that is *Torah She’beal Peh* (Oral Law), derived from *pilpul* and the *yud gammel middot*, to his beloved nation. In sum, in the view of the Netziv, Moshe’s Torah on *Arvot Moav* represents the transition from *Torah She’Bichtav* (Written Law) to *Torah She’beal peh*. This, in turn, emerges as the additional *brit* to which the Torah refers in Parashat Ki Tavo: “These are the words of the *brit*, which Hashem commanded Moshe to make with *b’nai Yisrael* in the land of *Moav*, in addition to the *brit* that he made with them in Horeb. (Horeb = Mount Sinai, *Sefer Devarim* 28:69)

My rebbe and mentor, Rabbi Joseph B. Soloveitchik *zatzal* (1903-1993), known as “the Rav” by his students and followers, expands upon the Netziv’s approach regarding the *brit Moav* in this manner:

... *Sefer Devarim* contains for the most part repetition of *mitzvos* that were previously enumerated, but with additional explanation... Originally *Sefer Devarim* was given as Mishnah, as *Torah She’beal peh*, the Oral Law. Only later, on the last day of Moses’ life, do we read that Moses *finished writing the words of this Torah in a scroll, until their very completion* (31:24). *Sefer Devarim*, which to that point had the status of *Torah She’beal Peh*, became incorporated into *Torah Shebichsav*, the Written Law... *Sefer Devarim* thus has the double sanctity of both *Torah Shebichsav* and *Torah She’beal peh*. (*Chumash Mesoras HaRav*, with commentary based upon the teachings of Rabbi Joseph B. Soloveitchik, *Sefer Devarim*, edited by Dr. Arnold Lustiger, pages 2-3, underlining my own)

In this this crucial passage cited from the *Yarchei Kallah* (Rabbinic Convocation) of 1977, the Rav underscores the notion that *Sefer Devarim*, which begins with the phrase, “these are the words which Moses spoke to all Israel on that side of the Jordan in the desert, in the plain opposite the Red Sea [that is, *Arvot Moav*] ...” was originally *Torah She’beal peh* that became *Torah Shebichsav* only upon the final day of Moses’ life. This crucial idea differentiates *Sefer Devarim* from the preceding four books of the Torah in the sense that it, and it alone, is endowed with the “double sanctity of both *Torah Shebichsav* and *Torah She’beal peh*.”

Based upon the illuminating insights of the Netziv, and the Rav’s powerful analysis, the final verse of *Sefer Bamidbar*, and the entire *Sefer Devarim*, portray Moshe’s transition from *Har Sinai*, wherein he served as Hashem’s loyal prophet and repeated the Creator’s words, to the Moshe of *Arvot Moav* where he acted as *Moshe Rabbeinu*, the ultimate creative *talmid chacham* who brought the *Torah She’beal peh* to *klal Yisrael*.

Shabbat Shalom

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*** I have posted 164 of [**Rabbi Soloveitchik's**](#) English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link.