

דברים פרק א:א-ה

אלה הדברים אשר דבר משה אל כל ישראל בעבר הירדן במדבר בערבה מול סוף בין פארן ובין תפל ולבן וחצרת ודי זהב:

אחד עשר יום מחרב דרך הר שעיר עד קדש ברנע:

ויהי בארבעים שנה בעשתי עשר חדש באחד לחודש דבר משה אל בני ישראל ככל אשר צוה ה' אתו אלהם:

אחרי הכתו את סיחן מלך האמרי אשר יושב בחשבון ואת עוג מלך הבשן אשר יושב בעשתרת באדרעי:

בעבר הירדן בארץ מואב הואיל משה באר את התורה הזאת לאמר:

דברים פרק כז:ט-י

וידבר משה והכהנים הלויים אל כל ישראל לאמר הסכת ושמע ישראל היום הזה נהיית לעם לה' א-להיך:

ושמענת בקול ה' א-להיך ועשית את מצותו ואת חקיו אשר אנכי מצוך היום: ס

דברים פרק כט:א-ג

ויקרא משה אל כל ישראל ויאמר אלהם אתם ראיתם את כל אשר עשה יקוק לעיניכם בארץ מצרים לפרעה

ולכל עבדיו ולכל ארצו:

המסות הגדלת אשר ראו עיניך האתת והמפתים הגדלים ההם:

ולא נתן ה' לכם לב לדעת ועינים לראות ואזנים לשמע עד היום הזה:

דברים פרק לא

(א) וילך משה וידבר את הדברים האלה אל כל ישראל:

(ב) ויאמר אלהם בן מאה ועשרים שנה אנכי היום לא אוכל עוד לצאת ולבוא ויקוק אמר אלי לא תעבר את

הירדן הזה:

(ט) ויכתב משה את התורה הזאת ויתנה אל הכהנים בני לוי הנשאים את ארון ברית ה' ואל כל זקני ישראל:

(יד) ויאמר ה' אל משה הן קרבו ימיך למות קרא את יהושע והתיצבו באהל מועד ואצוננו וילך משה ויהושע

ויתיצבו באהל מועד:

(טז) ויאמר ה' אל משה הנך שכב עם אבתיך וקם העם הזה וזנה אחרי אלהי נכר הארץ אשר בא שמה

בקרבנו ועזבנו והפר את בריתי אשר כרתי אתו:

(כב) ויכתב משה את השירה הזאת ביום ההוא וילמדה את בני ישראל:

(כג) ויצו את יהושע בן נון ויאמר חזק ואמץ כי אתה תביא את בני ישראל אל הארץ אשר נשבעתי להם ואנכי

איהיה עמך:

(כד) ויהי ככלות משה לכתב את דברי התורה הזאת על ספר עד תמם:

(כה) ויצו משה את הלויים נשאי ארון ברית ה' לאמר:

(כו) לקח את ספר התורה הזאת ושמתם אתו מצד ארון ברית ה' א-להיכם והיה שם בך לעד:

(ל) וידבר משה באזני כל קהל ישראל את דברי השירה הזאת עד תמם: פ

אבן עזרא דברים פרק לא פסוק טו

ודבור "ואצוננו" (יד) זהו "ויצו את יהושע בן נון" (כג) במצות השם יתברך, על כן אמר "אשר נשבעתי להם",

ואחר כך פרשת "הנך שוכב עם אבותיך" (טז), ואין מוקדם ומאוחר בתורה,

וכן פרשת "ויהי ככלות לכתוב" (כד), דבקה עם "ויכתוב משה את התורה הזאת" (ט):

רש"י דברים פרק כט פסוק ג

"ולא נתן ה' לכם לב לדעת" - להכיר את חסדי הקב"ה ולידבק בו:
"עד היום הזה" - שמעתי שאתו היום שנתן משה ספר התורה לבני לוי,

כמו שכתוב (לקמן לא, ט)

"ויתנה אל הכהנים בני לוי" -

כאן כל ישראל לפני משה ואמרו לו: 'משה רבינו, אף אנו עמדנו בסיני וקבלנו את התורה ונתנה לנו, ומה אתה משליט את בני שבטך עליה, ויאמרו לנו יום מחר: "לא לכם נתנה, לנו נתנה!"

ושמח משה על הדבר,

ועל זאת אמר להם "היום הזה נהיית לעם וגו'" (לעיל כז, ט) -

היום הזה הבנתי שאתם דבקים וחפצים במקום:

ילקוט שמעוני תורה פרשת כי-תבא רמז תקלח

"וידבר משה והכהנים הלויים" -

מה דברים היו שם?

ללמדך שבאו ישראל ואמרו למשה: 'נטלת את התורה ונתת לכהנים!'

שנאמר "ויכתוב משה את התורה הזאת ויתנה אל הכהנים".

א"ל משה: 'רצונכם שיכרתו לכם ברית שכל מי שמבקש ללמוד תורה לא יהא נמנע?'

א"ל: 'הן!'

עמדו ונשבעו שאין אדם נמנע מלקרות בתורה,

שנאמר "אל כל ישראל לאמר" -

א"ל משה: 'היום הזה נהיית לעם':

מדרש תנאים לדברים פרק א פסוק א

[א"ל הדברים אשר דבר משה אל כל ישראל" - נ"ל שדרשה זו באמת שייך לדברים לא: א.א. אדק]

וכי לא דבר משה אל כל ישראל אלא אלה בלבד? והלא כל התורה כתב משה,

שנ' (לא ט) ויכתב משה את התורה הזאת ויתנה אל הכהנים בני לוי!

וכי תורה אחת כתב? והלא שלוש עשרה תורות כתב, שתים עשרה לשנים עשר שבטים

ואחת לשבטו שללוי, שאם ביקש אחד מן השבטים לעקור דבר אחד מן התורה, יהא שבטו

שללוי מוציא תורתו ומגיהה מתוכו! . . .

פתרון תורה פרשת וילך עמוד 294

אמ' ר' חלבו: אותו היום שבשבעה באדר בתחלה קודם שנכנס לעולמו כתב שלוש עשרה תורות, שלח משה

חמשה ספרים ועדן לא הגיע חצי היום וקרא להם לישר' ונתן תורה לכל שבט ושבט ואמ' להם הזהרו בספר

התורה הזה שאני נותן לכם, ואותו ספר תורה המברך שבכולם הלך משה והניחו בצד ארון ברית ה',

שנ' לקח את ספר התורה הזה וג'.

ויש אומ' ירד גבריאאל ונטלה מידיו של משה והעלה למרום כדי שיהא מודיע צדקתו לפמליא שלו

ולא עוד אילא שנשמתם של צדיקים היו קורות בה בשני ובחמשי ובשבתות ובמועדים.

שו"ת נודע ביהודה מהדורה קמא - יו"ד סימן עא ד"ה (א) כתיב

והנה לא היה להם אז לכל ישראל בכלל רק ס"ת אחת,

שכן כתיב (דברים ל"א ט) "ויכתוב משה את התורה הזאת ויתנה אל הכהנים".

מהרב חזקי' פייבל פלויט

אבל רז"ל במס' ב"ב אמרו כי י"ג ספרים כ' משה באותו יום, ונתן א' לכל שבט ושבט, וצ"ע

Devarim 1:1-5

These are the matters with Mosheh spoke to all Israel in . . .

It was in the 40th year, in the twelfth month, one the first of the month, that Mosheh spoke to all the Children of Israel in accordance with all that Hashem has commanded him regarding them.

Devarim 27:9-10

Mosheh and the kohanim-who-were-Levites spoke to all Israel, saying:

Devarim 29:1-3

But Hashem had not given you a heart to understand, eyes to see, and ears to hear, until this very day.

Devarim 31:1-2, 9, 14, 16, 22-26

1) Mosheh went, and he spoke these matters to all Israel.

2) He said to them: I am 120 years old today . . .

9) Mosheh wrote this Torah and gave it to the kohanim Sons of Levi, who carry the Ark of the Covenant of Hashem, and to all the elders of Israel . . .

22) Mosheh wrote the words of this *shirah* on that day . . .

24) It was when Mosheh finished writing the words of this Torah on a scroll, until their end.

25) Mosheh commanded the Levites, who carried the Ark of the Covenant of Hashem, as follows:

26) “Take this Torah scroll and place it beside the Ark of the Covenant of Hashem your G-d, and it will be there for you as a testifier.

30) Mosheh spoke to the ears of all the community of Israel the words of this *shirah* until their end.

Ibn Ezra Devarim 31:15

The statement “and I (Hashem) will command him” in verse 14 is the antecedent of “And he (Mosheh) commanded Yehoshua Bin Nun”, because Moshe was acting at the command of Hashem the Blessed in verse 23, which is why verse 23 continues “that I (Hashem) swore to give them”.

Verse 23 is followed chronologically by verse 16, “Behold you will lie with your forefathers”, as the Torah’s narrative is not chronological.

Similarly, verse 24, “When Mosheh finished writing” is connected to verse 9, “Mosheh wrote this Torah”.

Rashi to Devarim 29:3

“But Hashem did not give you a heart to understand” – to recognize Hashem’s acts of grace and cleave to him.

“until today” – I have heard that on the very same day that Moshe gave the Torah scroll to the Sons of Levi,

as Scripture says “and He gave it to the kohanim Sons of Levi”, all of Israel came before Mosheh and said to him: “Mosheh our Teacher! We too stood at Sinai and received the Torah and it was given to us, so why are you giving the people of your tribe power over us, so that they will say to us tomorrow: ‘It was not given to you; it was given to us.’? Mosheh rejoiced about this, and it was about this that he said to them “This very day you have become a nation etc.” – this very day I have understood that you cleave to and are desirous of a relationship with the Omnipresent.

Yalqut Shim’oni Ki Tavo 938

“Mosheh and the kohanim Sons of Levi spoke” –

What was spoken there?

This comes to teach you that Israel came and said to Mosheh: “You have taken the Torah and given it to the kohanim!”

as Scripture says: “And Mosheh wrote this Torah and gave it to the kohanim”. Mosheh said to them: Do you wish them to establish a covenant with you that no one who seeks to learn Torah will be prevented from doing so?”

They said to him: “Yes!”

They stood and swore that no person would be prevented from reading the Torahm

as Scripture says: “to all Israel, saying” -
Mosheh said to them: “Today you have become a nation”

Midrash Tannaim to Devarim 1:1 (ADK – more likely 31:1 is intended)

“These words” –

Were these the only matters Mosheh spoke to all Israel? Didn’t Mosheh write the entire Torah, as Scripture says: “Mosheh wrote this Torah and gave it to the kohanim Sons of Levi”?! And did Mosheh write (only) one Torah? He wrote 13 Torahs, 12 for each of the 12 tribes and one for his own tribe, Levi, so that if one of the tribes sought to uproot a matter from the Torah, the tribe of Levi would take out its Torah and copyedit from it?! . . .

(Note: Devarim Rabbah and others have “*lezayef*”, “to forge” instead of “*laakor*”, “to uproot”)

Pitaron Torah (midrash) (the translation involves some speculative emendation)

Said R. Chelbo: On that day, namely 7 Adar, before entering his World, he wrote 13 Torahs. Mosheh send the scrolls with all 5 books before noon, then called in Israel and gave a Torah to each tribe and told them “Be careful with this Torah that I am giving you”, and that scroll which was most ? Mosheh went and put next to the Ark of the Covenant of Hashem,

as Scripture says: “Take this Torah scroll etc.”
But some say: (The angel) Gabriel came and took it out of Mosheh’s hands and brought it up to Heaven so as to show Mosheh’s righteousness to his familiars, and not only that, but the souls of the righteous read from it on Mondays and Thursdays and Shabbatot and holidays.

Responsa Noda B’Yehudah 1:YD:71

But at that time all Israel had only one Torah,
as Scripture says: “Moshe wrote this Torah and gave it to the kohanim”.

Comments of R. Feivel Floit to Noda B’Yehudah 1:YD:71

But the Sages said in Tractate Bava Batra that Mosheh wrote 13 Torahs and gave one to each tribe!? This requires investigation.

Do rabbis and scholars have any privileged authority to interpret Torah, or is Torah, like many areas of science in the 19th century, a field in which talented amateurs have equal standing? This question is threatening to fragment the observant community today, and deserves intense and probing study and discussion. This week's dvar Torah is an attempt to begin such, although we will get there by a somewhat circuitous route.

Devarim 1:3 apparently dates the book's beginning to 1 Adar 40 AE (After Exodus). As Mosheh is reasonably supposed to have died on 7 Adar of that year, it follows that the speeches mostly comprising Devarim were delivered over a period of no longer than a week. But we can even argue that in fact they were all given on that one day¹.

Now Ibn Ezra suggests that the book does not report Mosheh's speeches and actions in the order that they happened/were delivered, but rather intercuts them in rather dizzying fashion. He has a strong case, although reassembling the chronological day – the raw footage from which Devarim was cut – is a daunting task even if one accepts his basic exegetical arguments.

That is not my task today, although I hope to return to it. Rather, what I wish to point out is that the chronological problem raised by Ibn Ezra should have ramifications for midrashic narratives as well. Such narratives are generally attached, in our extant collections, to specific Biblical texts, so when they are supposed to have happened should depend on when in the day we locate their base text.

This is a serious oversimplification, however, because many midrashic narratives are attached to *different* prooftexts in different midrashic collections. I mention often that I am impressed by the argument that many of these prooftexts are post facto, in other words that many of these narratives existed as part of the Jewish understanding of Torah long before specific textual details were found to suggest or corroborate them. So it may be that the narratives have a specific chronological location in the narrative, but different prooftexts are chosen based on understandings of where those prooftexts fit chronologically.

Moreover, this means that narratives assigned to different Biblical verses may be in conflict, may be intended to offer competing versions of what happened at a particular time of that day. My argument here, accordingly, is that two narratives never explicitly presented as conflicting may nonetheless present mutually exclusive understandings.

One narrative presents the non-Levite tribes as protesting to Mosheh the special status that Devarim often given Levites with regard to Torah, generally symbolized by Mosheh writing his own Torah scroll and giving it into their safekeeping. The ground of their protest is the fear that at some point the Levites will deny them access to Torah. In response, Mosheh happily offers that he and the Levites will swear never to deny any person access to Torah.

The other narrative has Mosheh writing not one Torah scroll but 13², one for each tribe. However, these narratives make clear that the scroll given to the Levites is authoritative, and describes the need for that authority in striking, even shocking terms: if

¹ The word *hayom*, “this day”, occurs more often in Devarim than in the rest of the Pentateuch, many times more often if one only considers uses that mean “today”, and Mosheh could have spent a week on Mount Nevo before dying.

² I have not yet seen a satisfactory exegetical basis for the claim that Mosheh wrote a scroll for each tribe.

one of the other tribes should seek to uproot a matter in the Torah, or to forge something and present it as Torah, the Levites will have the capacity to produce their scroll and correct all other scrolls to match it. Where does this suspicion come from? And why isn't the Levite scroll as subject to rewriting as those of the other tribes? More strongly, why should the other tribes believe that it is the Levite scroll which has not been rewritten?

I suggest that these narratives represent the eternal tension between the values of access and authority. If scholars (here Levites) are the only ones with access to the text, then one need not fear that intellectually inferior populist interpretations will overwhelm Tradition. On the other hand, most people will have no escape from shallowness, and the temptations to abuse interpretative authority will be powerful. And yet – once the nonscholars are given access to the text, is it safe to presume that they will still defer to traditional or scholarly interpretations, rather than choosing to follow their own?

Rabbinic Judaism (as opposed until recently, for example, to Catholicism) has consistently chosen to assume the risks attendant on giving everyone access to primary sources, not least to the *dvar Hashem* itself. Our first narrative makes this commitment absolute, with Mosheh making the scholars/Levites swear with him that scholars will never deny laypeople/Israelites access to Torah. But our second narrative anxiously seeks nonetheless to privilege the Levite Torah – the scrolls given to the other tribes were subject to constant proofing and censorship by the Levites, and all conflicts must be resolved in favor of the Levite scroll.

Widespread lay Torah education at the equivalent of an undergraduate level is a hallmark of contemporary Modern Orthodoxy³, and the combination of translations, reference works, and electronic search engines have made it easy for laypeople and educated amateurs who focus on a specific topic to produce creative, adequately researched, and reasonable Torah arguments. This phenomenon must be celebrated. At the same time, I believe that the desire to hold such arguments accountable to the bar of broad Torah scholars and experienced halakhic decisors is not a baseless power grab by the rabbinic guild, but rather reflects the truth that psak halakhah, halakic decisionmaking, is an art that can be significantly and irreplaceably improved by more general halakhic knowledge and experience.

We live in an era then, in which every tribe has its own scroll, and many have no interest in checking it against that of the Levites. In this era, the suspicion of the midrash rings true – some of these scrolls seem to contain forgeries, and others have suspicious gaps. But taking back the scrolls is not an option. Our challenge is to find a way to restore both faith and interest in the Levite scroll.

Shabbat shalom

³ Official Charedi Judaism has tried, and thus far largely succeeded, in avoiding this challenge by conceding upfront that it grants Torah authority on the basis of personality rather than on the basis of evidence for specific positions. Regrettably, *laaniyut daati*, this concession itself runs counter to perhaps the most basic conception of Rabbinic Judaism, symbolized by the phrase “not in Heaven”, which is that all religious authority must be accountable to objective critique.