

ברכות וקללות (blessings and curses referred to also as the Tochecha) are found in Vayikra (פרשת בחוקות) and Devarim (פרשת כי תבוא). The Gemara (Megilla 31b) comments that when reading these sections of the Torah, one is permitted to pause in the middle of the ברכות וקללות in כי תבוא while one may not do so when reading the ברכות וקללות in פרשת בחוקות. The Gemara explains that the ברכות וקללות in פרשת בחוקות were given to כנסת ישראל in the plural form and Moses repeated them to the people as relayed to him מפי הגבורה, via a direct transmission from Gd. The ברכות וקללות in כי תבוא were given in the singular form and Moses stated them on his own, מפי עצמו. Tosfos immediately comments that מפי עצמו means that they were given through רוח הקודש.

Why distinguish between parts of the Torah to say that this part came מפי הגבורה while the other part came מפי משה? All of Torah is מפי הגבורה, divinely given by Gd, so why distinguish between the sources of both sets of the ברכות וקללות? How was Moses' role different in פרשת כי תבוא relative to פרשת בחוקות?

In the section of rebuke, תוכחה, in פרשת בחוקות, Moses was given the ברכות וקללות as the representative, as well as a member, of כנסת ישראל. Moses' role was that of a messenger, to transmit the message from Gd to בני ישראל. Hence the plural form is used to include all of בני ישראל, including himself. In פרשת כי תבוא, Gd wanted Moses to speak to the people in his own name and warn them of the consequences of their actions if they do not follow the Torah. However, in both פרשת בחוקות and פרשת כי תבוא, the ברכות וקללות were authored by Gd.

Two parties were involved in the covenant in פרשת בחוקות: Gd and כנסת ישראל, and there was one messenger who was also a member of the second party: Moses. In the covenant of פרשת כי תבוא, Moses' role changed. That covenant was established with each individual of בני ישראל. For example it says והיית משוגע (and you will become depraved) in singular form. Gd wanted Moses to be the משביע, the one who administers the oath, to בני ישראל. In פרשת כי תבוא, there were 3 parties associated with the covenant: Gd, Moses and כנסת ישראל.

Why was Moses' role different in each of the sets of ברכות וקללות? The first תוכחה was given by Gd to Moses prior to the breaking of the first לוחות הברית. In פרשת משפטים, Moses sprinkled blood on the people and said that Gd made a covenant with בני ישראל on all these things, על כל הדברים האלה. This covenant included the reading of the ברכות וקללות from פרשת בחוקות. According to Rashi, this ceremony took place right before בני ישראל received the Torah at Sinai, on the fourth day of Sivan. That is why we read פרשת בחוקות prior to הג שבועות, as its contents were part of the covenant that Gd made with כנסת ישראל at Sinai. The second set of ברכות

was given after the breaking of the first set of לוהות and the receipt of the second לוהות, in fact 38 years later in plains of Moab. What changed in this time?

The Bais Halevi says that prior to the breaking of the first set of לוהות, there was to be no difference between תורה שבכתב and תורה שבעל פה. תורה שבעל פה was supposed to be a written portion of תורה שבכתב. The breaking of the לוהות was the event that changed the character of תורה שבעל פה from a written format to one that was to be handed down via the Mesorah. When Moses delivered the ברכות וקללות in פרשת כי תבוא, the difference in format between תורה שבעל פה and תורה שבכתב had already been established. It is interesting to note that in the covenant in פרשת משפטים that revolves around the ברכות וקללות that are mentioned in פרשת בחוקותי, the Torah uses the phrase על כל הדברים while in פרשת דברים, it uses the phrase על פי הדברים. The difference is that in פרשת משפטים, תורה שבכתב and תורה שבעל פה were to be transmitted in the same way, hence the use of the word כל, all. In פרשת כי תבוא, where תורה שבעל פה had already been established as an oral tradition, the Torah uses the phrase על פי to indicate that תורה שבעל פה, as a unique entity, was included in this covenant. After the breaking of the לוהות, תורה שבכתב alone was to be written, while תורה שבעל פה was נמסרת למשה, given to Moses and he was charged with the responsibility of transmitting it to בני ישראל, hence the term Mesorah.

We can now explain the role of Moses in each set of ברכות וקללות. In פרשת בחוקותי, where everything was to be included as part of תורה שבכתב, Moses role was limited to that of a simple messenger, he was not yet considered רבן של ישראל, teacher of Israel. Gd alone was the משביע, the One who administers the oath, to בני ישראל. Hence the Gemara says that Moses said these ברכות וקללות מפי הגבורה. However with the second לוהות, תורה שבעל פה was given exclusively to Moses, תורת משה. He became רבן של ישראל, teaching it to each and every member of בני ישראל and was rewarded with the קרני אור, rays of light that shone from his face. Therefore the Gemara says that Moses said the second set of ברכות וקללות מפי עצמו, to indicate that he was the משביע of בני ישראל and the second covenant, that he was a party to, obliged בני ישראל to follow תורה שבכתב and תורה שבעל פה.

The Rambam asks (on the verse לא קם נביא עוד בישראל כמשה) that in פרשת וארא, Gd told Moses that He appeared to Avraham by a different name. The Midrash comments that Gd said that the patriarchs were on a higher level than Moses. The Rambam explains that Moses must be looked at from 2 perspectives: before and after the breaking of the לוהות. Indeed, prior to the breaking of the first לוהות, the patriarchs were on a higher level than Moses. Though Moses was the messenger charged with the task of relating the first set of ברכות וקללות and serving as the intermediary for the first covenant between Gd and the people, this did not, in and

of itself, raise him above the patriarchs. Only with the second לוחות, did Moses become the אדון הנביאים, the greatest of all prophets. Essentially, Moses became a part of Torah. This greatness was expressed through Moses role as teacher of Israel, transmitter of תורה שבעל פה and the משביע of בני ישראל obligating them to keep for all time the תורה שבעל פה that he taught them. The covenant entered into in תורה, תורת משה, תורה שבכתב and תורה שבעל פה was different in that it included both תורה שבעל פה פרשת כי תבוא and תורה שבעל פה.

It is because of this elevated status of Moses, that not believing in Moses as the אדון הנביאים (and תורת משה) is tantamount to not believing in Gd. The Gemara's statement of משה מפי עצמו means that Moses relayed them to בני ישראל in his role of teacher and משביע.

The parties to the ברכות וקללות in פרשת בחוקותי were Gd and בני ישראל, and that covenant embraced what was to be a more extensive תורה שבכתב, referred to as מפי הגבורה. The ברכות וקללות in פרשת כי תבוא is a covenant forged between Gd, Moses and בני ישראל that embraced the תורה שבכתב as well as תורת משה, תורה שבעל פה, referred to as מפי עצמו.

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