

“Did I conceive this entire nation? Did I give birth to them?” (Bamidbar 11:12)

Besides teaching the Torah to the Children of Israel in his role as our teacher, when it became necessary to pray on their behalf, Moshe compared his having to take care of the nation to the role a mother. Therefore, for the first Yahrzeit of my mother, שרה בת אשר יהודה ע"ה (Susan Kramer, a"h), I am presenting, in her memory and for her merit, my attempt to resolve one of the more confusing aspects of Moshe's prayer on behalf of the nation after the sin of the golden calf.

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Chapter One: CONFLICTING NARRATIVES

1.1 – The Problem

There are two times in the Torah where the story of the golden calf is told; in Sefer Sh'mos, when it occurred, and in Sefer D'varim, when Moshe spoke to the nation shortly before his death and recapped what had happened over the nation's 40 years in the desert. However, the details of the narrative do not completely match.

The primary difference between the two narratives is when Moshe asked G-d not to destroy the nation. According to the narrative in Sefer Sh'mos it was before he descended from Mt. Sinai and broke the Luchos – the stone tablets into which the text of the “Ten Commandments” were engraved – whereas in Sefer D'varim it was afterwards.

1.2 – The Verses

וידבר ה' אל משה, לך רד, כי שחת עמך אשר העלית מארץ מצרים. סרו מהר מן הדרך אשר צויתם, עשו להם עגל מסכה, וישתחוו לו ויזבחו לו, ויאמרו, אלה אלהיך ישראל אשר העלוך מארץ מצרים. ויאמר ה' אל משה, ראיתי את העם הזה והנה עם קשה ערף הוא. ועתה הניחה לי, ויחר אפי בהם ואכלם, ואעשה אותך לגוי גדול. ויחל משה את פני ה' אלקיו, ויאמר, למה ה' יחרה אפך בעמך אשר הוצאת מארץ מצרים בכח גדול וביד חזקה. למה יאמרו מצרים לאמר, ברעה הוציאם להרוג אותם בהרים ולכלתם מעל פני האדמה, שוב מחרון אפך, והנחם על

הרעה לעמך. זכר לאברהם ליצחק ולישראל עבדיך, אשר
נשבעת להם בך, ותדבר אליהם, ארבה את זרעכם ככוכבי
השמים, וכל הארץ הזאת אשר אמרתי אתן לזרעכם, ונחלו
לעלם. וינחם ה' על הרעה אשר דבר לעשות לעמו. (שמות לב, ז-
יד)

ויפן וירד משה מן ההר, ושני לחת העדת בידו. (שמות לב, טו)

“And G-d spoke to Moshe: ‘go descend, for your nation which you brought up from Egypt has become corrupted. They have quickly strayed from the path that I have commanded them; they made for themselves a calf-figure, and they prostrated themselves before it and they brought offerings to it, and they said, ‘this is your god, Israel, which brought you up from Egypt.’ And G-d said to Moshe, ‘I have seen this nation and behold they are a stiff-necked nation. And now, let Me be, and My anger will rage against them and I will destroy them, and I will make you into a great nation.’ And Moshe beseeched HaShem his G-d, and said, ‘why, G-d, will [You let] Your anger rage against Your nation, which You brought out of Egypt with great strength and a strong arm. Why should the Egyptians claim, saying, ‘with evil intent He brought them out to kill them in the mountains and to wipe them off the face of the earth’? [Rather,] turn back from the wrath of Your anger, and relent from the evil [You speak of doing] to Your nation. Remember Avraham, Yitzchok and Yisroel Your servants, to whom You swore in Your own self and told them, ‘I will increase your offspring [to be as numerous] as the stars of heaven,

and this entire land that I have been speaking of I will give to your offspring, and they will inherit it forever.' And G-d relented [from doing] the evil that He had spoken of doing to His nation” (Sh'mos 32:7-14)

“And Moshe turned, and he descended from the mountain, with the two Luchos of Testimony in his hand.” (Sh'mos 32:15)

From the verses in Parashas Ki Sisa it seems quite apparent that Moshe asked G-d not to destroy the Children of Israel, and that this prayer was accepted, before he even descended from Mt. Sinai after the first 40-day period, which ended on the 17th of Tamuz, 2448¹. However, the verses in Parashas Eikev, when Moshe reminded the nation that they had angered G-d numerous times in the desert, present things as if Moshe's prayer was not made until after he descended from Mt. Sinai:

ויהי מקץ ארבעים יום וארבעים לילה, נתן ה' אלי את שני לוחות האבנים, לוחות הברית. ויאמר ה' אלי, קום רד מהר מזה, כי שחת עמך אשר הוצאת ממצרים, סרו מהר מן הדרך אשר צויתם, עשו להם מסכה. ויאמר ה' אלי לאמר, ראיתי את העם הזה והנה עם קשה ערף הוא. הרף ממני ואשמידם, ואמחה את שמם מתחת השמים, ואעשה אותך לגוי עצום ורב ממנו. ואפך וארד מן ההר, וההר בער באש, ושני לוחות הברית על שתי ידי.
(דברים ט, יא-טו)

¹ See Rashi on Sh'mos 18:13 and D'varim 9:18.

“And after 40 days and 40 nights, G-d gave me the two stone tablets, the Luchos of the Covenant². And G-d said to me, ‘arise; descend from this this mountain, for your nation which you took out of Egypt has become corrupted, they have quickly strayed from the path which I have commanded them, they made for themselves a [calf]-figure.’ And G-d said to me, ‘I have seen this nation and behold they are a stiff-necked nation. Let Me be and I will destroy them, and I will erase their names from under the heaven, and I will make you into a nation mightier and larger than it is.’ And I turned and I descended from the mountain, and the mountain was burning with fire, and the two Luchos of the Covenant were on my two arms.” (D’varim 9:11-15)

These verses are almost an exact mirror image of how things were described in Parashas Ki Sisa, with one glaring difference. Here, Moshe descends from the mountain without first praying on behalf of the nation. Instead, only after he descends and breaks the Luchos does he pray for them:

ואתפש בשני הלחת, ואשלכם מעל שתי ידי, ואשברם לעיניכם.
ואתנפל לפני ה' כראשונה, ארבעים יום וארבעים לילה, לחם לא
אכלתי ומים לא שתיתי, על כל חטאתכם אשר חטאתם לעשות

² Interestingly, Moshe called them the “Luchos of the Covenant” even though the text in Ki Sisa refers to them as the “Luchos of the Testimony,” perhaps to emphasize the covenant aspect that the nation had just violated by worshipping the golden calf.

הָרַע בְּעֵינַי ה' לְהַכְעִיסוֹ. כִּי יִגְרַתִּי מִפְּנֵי הָאֵף וְהַחֲמָה אֲשֶׁר קִצַּף
ה' עֲלֵיכֶם לְהַשְׁמִיד אֶתְכֶם. (דברים ט, יז-יט)

“And I took hold of the two Luchos and I threw them from on my two arms and I broke them before your very eyes. And I fell [in prayer] before G-d like the first time, [for] 40 days and 40 nights, and I did not eat nor drink because of the entirety of your sin, to do what is evil in G-d’s eyes to anger Him. For I was taken aback by the extent of the anger and rage with which G-d became upset at you, to destroy you.” (D’varim 9:17-19)

Aside from the fact that Moshe’s prayer is first referenced after he had already descended from Mt. Sinai and broke the Luchos, the prayer referenced here took 40 days and 40 nights. Since the nation didn’t sin until the very last day of the first set of 40 days, this 40-day prayer could not have been offered with just moments left in the first 40-day period.

1.3 – Was it the Same Prayer?

An easy way around this issue would be to say that this was a totally separate prayer from the one described in Parashas Ki Sisa, with Moshe offering that prayer before descending from Mt. Sinai and this one afterwards³. However, since G-d relented after that first prayer and

³ Although we would still need to explain why the first prayer is omitted in Parashas Eikev and the prayer described in Eikev omitted in Parashas Ki Sisa.

agreed not to destroy the nation, why would Moshe ask Him a second time not to destroy them?

Not only that, but the prayer described in Parashas Eikev is remarkably similar to the one in Parashas Ki Sisa:

ואתנפל לפני ה' את ארבעים היום ואת ארבעים הלילה אשר התנפלתי, כי אמר ה' להשמיד אתכם. ואתפלל אל ה' ואמר, ה' אלקים, אל תשחת עמך ונחלתך אשר פדית בגדלך, אשר הוצאת ממצרים ביד חזקה. זכר לעבדיך, לאברהם ליצחק וליעקב, אל תפן אל קשי העם הזה ואל רשעו ואל חטאתו. פן יאמרו הארץ אשר הוצאתנו משם מבלי יכלת ה' להביאם אל הארץ אשר דבר להם, ומשנאתו אותם הוציאם להמיתם במדבר. והם עמך ונחלתך, אשר הוצאת בכחך הגדל ובזרעך הנטויה. (דברים ט, כה-כט)

“And I fell [in prayer] before G-d for the 40 days and the 40 nights that I [prayed], for G-d had said He would wipe you out. And I prayed to G-d and I said, ‘HaShem [Who is the Only True] G-d, do not destroy Your people and Your inheritance whom You redeemed by showing Your greatness, whom You took out of Egypt with a strong arm. Remember Your servants, Avraham, Yitzchok and Yaakov. Do not let the stiff-necked nature of this nation, or its wickedness or its sin, be the deciding factor, lest the land that You took us out from say that G-d lacked the ability to bring them to the land that He spoke of to them, and out of His hatred for them He took them out to kill them in the desert. And they are Your nation and Your

inheritance, whom You took out with Your great strength and with Your outstretched arm.” (D’varim 9:25-29)

From the text of the prayer it is evident that Moshe had to ask G-d not to destroy the nation because that’s what He would have otherwise done. And the arguments Moshe presented as to why G-d shouldn’t destroy them seem to be the same ones as in Parashas Ki Sisa: He took them out of Egypt; what the Egyptians would say; and the merits of our forefathers. Therefore, it certainly seems as if the prayer described in Parashas Eikev is the same one described in Parashas Ki Sisa, i.e. the prayer offered by Moshe before G-d relented from wiping them out.

Why, then, is this prayer presented in Ki Sisa as if it was offered before Moshe descended after the first set of 40 days, and in Eikev presented as if it was offered afterwards, during the second set of 40 days?

Chapter Two: CONFLICTING OPINIONS

2.1 – Ibn Ezra’s Approach

Because of this apparent contradiction between Parashas Ki Sisa and Parashas Eikev, Ibn Ezra⁴ writes:

יש אומרים כי זאת התפילה היא הנזכרת בפרשת והיה עקב. וזו התפילה היתה ראויה להכתב אחר שוב משה אל ההר, על כן וינחם ה' (שמות לב, יד) אחר שהתפלל והתנפל ארבעים יום. ואם נחם על הרעה בראשונה, מה טעם לומר אולי אכפרה בעד חטאתכם (שמות לב, ל)? כי ירד ושרף העגל והרג עובדיו, אז שב להתפלל אל ה' בעד ישראל ובעד אהרן שהיה הסיבה. ואחרים אמרו כי תפילת אל תשחת עמך (דברים ט, כו) איננה זאת הנזכרת במקום הזה. ולפי דעתי, כי טעמי התפילה שוים כאשר אפרש. כי איך יחלה פני ה' לפני שרוף העגל וישק את בני ישראל ויהרוג עובדיו? רק ה' רמז לו שיתפלל אחר רדתו ויסיר העגל, על כן כתוב אולי אכפרה בעד חטאתכם אחר שהסיר החטאת, כאשר כתוב ואת חטאתכם אשר עשיתם את העגל (דברים ט, כא). והנה בעבור שה' אמר לו ועתה הניחה לי (שמות לב, י) הזכיר התפילה שהתפלל בהתנפלו לפני ה'. וזאת הפרשה היתה ראויה להכתב אחר וישב משה אל ה' (שמות לב, לא), ואין מוקדם ומאוחר בתורה, רק רצה לדבק דבר מי אשר חטא לי (שמות לב, לג) עם ועתה לך נחה את העם (שמות לב, לד), וכתוב ויגוף ה' את העם (שמות לב, לה).

“There are those who say that this prayer (in Parashas Ki Sisa) is the same one mentioned in Parashas Eikev, and should have been written after Moshe returned to the mountain, since G-d relented after [Moshe] prayed for 40 days. For if G-d had already relented (before this 40-day period), why would Moshe say (before offering the 40-day

⁴ In his long commentary to Sh'mos 32:11.

prayer) ‘perhaps I will achieve atonement’? [Rather,] he descended (on the 17th of Tamuz) and burned the [golden] calf and killed those who had worshipped it, and then returned in order to pray on behalf of Israel and on behalf of Aharon, who was the cause. And others say that the prayer (in Parashas Eikev) of ‘do not destroy your nation’ is not the same one mentioned here⁵. But my opinion is that the meaning behind the words is the same, as I will explain. For how can Moshe beseech G-d (asking for forgiveness) before burning the [golden] calf and making the Children of Israel drink [the water mixed with its ashes] and killing those who had worshipped it? [Instead,] G-d’s hint to him was only that he should pray after he descends and removes the [golden] calf, which is why [his saying] ‘perhaps I will achieve atonement for your sin’ is written after he removed the sin, as it says, ‘and your sin which you made, the calf, [I took and I burned it, etc.]’⁶ And behold, because G-d had told Moshe to let Him be,⁷ [the Torah] mentions the prayer he offered when he (eventually) fell [in prayer] before G-d. And this section (the prayer) really belongs after Moshe returned to the mountain, but the Torah is not written in chronological order, rather it wanted to connect G-d saying ‘he that sinned against me’

⁵ Because the wording isn’t exactly the same.

⁶ D’varim 9:21. Ibn Ezra is referencing the parallel verse in Parashas Eikev to show that Moshe worked to fix the problem before he asked G-d not to destroy the nation.

⁷ Sh’mos 32:10, which was how Moshe knew to pray in order to save the nation (see Rashi).

(Sh'mos 32:33) with 'and now go lead the people' (32:34) [and with] 'and G-d smote the nation' (32:35)."

In other words, Ibn Ezra is of the opinion that the prayer in Parashas Ki Sisa is the same exact prayer as the one written in Parashas Eikev. As far as why the prayer is written in different places, Ibn Ezra says that the narrative in Parashas Ki Sisa was not written in chronological order, as this prayer was not offered before Moshe descended on the 17th of Tamuz, but afterwards, during the middle set of 40 days.

Aside from addressing the issues raised above, Ibn Ezra makes the powerful argument that Moshe could not possibly have asked G-d to forgive the nation while they were still actively sinning. Only after he stopped the idol worship and repaired whatever damage he could did it make sense to return to Mt. Sinai to ask for forgiveness.

Although Ibn Ezra tries to explain why the prayer was written as if it was made before Moshe descended on the 17th of Tamuz rather than in chronological order, it is a less than satisfying explanation. Nevertheless, when confronted with options that are problematic, the one that is least problematic is chosen, and Ibn Ezra prefers the prayer being written out of order in Parashas Ki Sisa to any other compromise that would have to be made in order to explain everything else. Still, there are additional issues with Ibn Ezra's approach that must be resolved, including why, if the prayer in Parashas Eikev is the same one as in Parashas Ki Sisa, and therefore the first one made by Moshe after the

sin of the golden calf, Moshe said⁸ that G-d “also” listened to him after that prayer, indicating that there was an earlier one.⁹

2.2 – Ramban’s Approach

Ramban (Sh’mos 32:12) agrees that they are the same prayer, but takes the opposite approach:

נראה באמת כי זאת התפילה היא אשר הזכיר במשנה תורה ואתפלל לפני ה' ואומר ה' אלקים אל תשחת עמך (דברים ט, כו), כי ענין התפילה שוה בשניהם. והנה הזכיר כאן התפילה קודם רדתו מן ההר ושם הזכירה אחרי רדתו מן ההר. ודעת ר"א כי משה לא התפלל בעד ישראל כל זמן שהיתה ע"ז ביניהם, אבל כאשר אמר לו הרף ממני ואשמידם (דברים ט, יד) התבונן כי הדבר תלוי בו וירד וביער העגל ושב להתפלל בארבעים יום, ואין מוקדם ומאוחר בתורה. ואין דעתי כן בעבור שהתפילה שעשה בשובו היא אשר יספר אנא חטא העם הזה חטאה גדולה (שמות לב, לא), ואם הכל תפילה אחת שעשה בארבעים יום אחרי שובו להר, למה יחלק אותה ויזכיר כאן מקצתה ואחרי הירידה יזכיר המקצת האחר? אבל הן שתי תפילות. ולכן נראה כי כאשר אמר לו הניחה לי ויחר אפי בהם (שמות לב, י), מיד חלה פני השם ולא אחר כלל, כי היה ירא פן יצא הקצף מלפני ה' ויחל הנגף לכלותם כרגע, ומיד אמר למה ה' יחרה אפך בעמך (שמות לב, יא). וכן מצאתי באלה שמות רבה (מב, א): אמר משה אם מניח אני את ישראל וארד לי, אין לישראל תקומה בעולם, אבל איני זז מכאן עד שאבקש עליהם רחמים, מיד התחיל משה ללמד עליהם סניגוריה, וכו'.

והנה התפלל עליהם ונחם ה' על הרעה אשר דיבר להרוג אותם ולכלותם, לא שנתרצה להם, רק שאמר נחמתי, לא אעשה כלה. וכיון שהיה לו פנאי,

⁸ D’varim 10:10. See Ibn Ezra and Chizkuni for their explanation of the word “also.”

⁹ There are additional difficulties as well, but these also apply to other approaches, and will be discussed later.

ירד משה ושרף את העגל והרג עובדיו, ואחר כן אמר לעם אעלה אל ה'
 אולי אכפרה בעד חטאתכם (שמות לב, ל) שימחול לכם. אבל במשנה תורה
 סיפר הענין בסדר אחר, כי אחרי דבר ה' שאמר הרף ממני ואשמידם
 (דברים ט, יד) אמר ואפן וארד (ט, טו), והטעם לפי שהיה משה מסדר להם
 שם כל חטאיהם והטורח שטרח עליהם, והנה סיפר מה שעשו בחורב
 בעגל ושהוצרך הוא לשבר הלוחות ולהתפלל עליהם ארבעים יום
 וארבעים לילה, וגם על אהרן, ושטרח לשרוף את העגל, וסיפר מה שעשו
 בתבערה ובמסה ובקברות התעבה ובשלח אותם מקדש ברנע, ואחרי
 שהשלים ממרים הייתם עם ה' מיום דעתי אתכם (דברים ט, כד), חזר אל
 ענין תפלותיו אשר הזכיר, וסידר את שתי התפלות ואמר ואתנפל לפני ה'
 את ארבעים היום ואת ארבעים הלילה אשר התנפלתי כי אמר ה' להשמיד
 אתכם, ואתפלל אל ה' ואומר ה' אלקים אל תשחת עמך ונחלתך וגו' (שם
 כה-כו), כאומר הוצרכתי להתפלל לפני ה' בעבורכם ארבעים יום, כי
 מתחילה אמר ה' להשמיד אתכם עד שהתפללתי אליו אל תשחת עמך, ולא
 הוצרך להזכיר התפלה השנית, כי כבר אמר ארבעים יום התנפל עליהם,
 כי גם כאן (בפרשת כי תשא) לא הזכירה, כי מי יוכל לכתוב כמה תחנונים
 ובקשות אשר התנפל עליהם ארבעים יום.

“It seems evident that this prayer is the same one mentioned in [Parashas Eikev, i.e.] ‘and I prayed before G-d and said, HaShem [Who is the Only True] G-d, do not destroy Your nation’ (D’varim 9:26), for the prayer is the same for both of them. And behold here the prayer is mentioned before he descended from the mountain, and there it is mentioned after he descended from the mountain. And Ibn Ezra’s opinion is that Moshe did not pray on Israel’s behalf as long as the idol that was worshipped was still there. Instead, when G-d told him ‘leave Me be and I will destroy them’ (D’varim 9:14), [Moshe] understood that it is up to him [to fix things], so he descended and destroyed

the [golden] calf and returned to pray for 40 days, and [even though it is written in Ki Sisa as if Moshe prayed immediately,] there is no chronological order in the Torah. But this is not my opinion, because the prayer that was made when he returned [to the mountain] was the one that is relayed [later in Parashas Ki Sisa], ‘please, this nation has committed a grave sin’ (Sh’mos 32:31), and if this was all one prayer that was made over 40 days after he returned to the mountain, why was it split up, with part of it mentioned here and the other part mentioned after he descended? Rather, they¹⁰ are two [separate] prayers. It would therefore seem that when [G-d] said to him ‘let Me be so that My anger can rage against them’ (Sh’mos 32:10), [Moshe] immediately beseeched G-d and did not delay at all, because he was afraid that G-d’s anger would strike and the plague would begin to destroy them instantly. And he immediately said, ‘why, G-d, would You let Your anger rage against Your nation?’ (Sh’mos 32:11). And this approach is also found in Sh’mos Rabbah (42:1): Moshe said ‘if I leave Israel alone (by not praying for them right away) and I descend, Israel will never have the ability to recover (and survive); rather, I will not move from here until I ask [G-d to have] mercy on them.’ Immediately, Moshe began to try to defend them, etc.¹¹ And behold [Moshe] prayed for them, and G-d relented [from doing] the evil He had spoken of, [namely] to kill them and to finish them off. Not that He forgave them, only that He said

¹⁰ The two prayers mentioned in Ki Sisa.

¹¹ The “etc.” indicates the end of Ramban’s quoting of the Midrash, which continues beyond what he quoted.

He relented and would not wipe them out. And since Moshe now had some time¹², he descended and burned the [golden] calf and killed those who had worshipped it, and after that he said to the nation 'I will go up to G-d, perhaps I can attain atonement for your sin' (Sh'mos 32:30) so that He will forgive you. In [Parashas Eikev], on the other hand, the situation is relayed in a different order, as after G-d told him "leave Me be' (D'varim 9:14), Moshe said, 'and I turned and I descended' (ibid, 9:15),¹³ and the reason for this is that there¹⁴ Moshe was laying out before them all of their sins and how much effort he had to expend over them, and behold he relayed to them what they did at Choreiv regarding the calf and that he had to break the Luchos and pray for them for 40 days and 40 nights, and for Aharon as well, and that he had to burn the calf, and he relayed to them what they had done in Tav'eira and Masa and in Kivros HaTa'ava and when he sent them from Kadesh Barneya. And after he concluded [listing the incidents where they had angered G-d by saying], 'you have been rebellious with G-d from the day I met you' (D'varim 9:24), he went back to [discussing] the prayers that were [previously] mentioned, and laid out the two [separate] prayers, and said, 'and I fell [in prayer] before G-d for those 40 days and 40 nights that I fell [in prayer], for G-d had said He would wipe you out, and I prayed to G-d and said, ' HaShem [Who is the Only True] G-d, do not destroy Your people and Your inheritance, etc.' (9:25-26), as if to

¹² Because immediate destruction was no longer going to happen.

¹³ Without mentioning that Moshe prayed before descending.

¹⁴ In Parashas Eikev.

say 'I had to pray to G-d on your behalf for 40 days because G-d had originally said He would wipe you out until I prayed to Him'¹⁵ 'do not destroy Your nation.' And there was no need to mention [to them] the second prayer, for [Moshe] had already said that he fell [in prayer] for 40 days for them; even here (in Parashas Ki Sisa) he did not mention [the second prayer], for who can write the many supplications and requests that he made for them over the 40 days?''

Ramban agrees with Ibn Ezra that the prayer presented in Parashas Ki Sisa as having been offered before Moshe descended on the 17th of Tamuz is the exact same prayer as the one in Parashas Eikev. However, instead of being offered during the middle set of 40 days, Ramban says it was offered at the end of the first set of 40 days, as stated in Parashas Ki Sisa. And even though in Parashas Eikev it is presented as if it was offered over the middle 40-day period, the main point being made is that Moshe had to pray for such an extended period; what the prayer consisted of is secondary.¹⁶ It was G-d's anger that Moshe was

¹⁵ Earlier.

¹⁶ Ramban presents two reasons why the details of the second prayer, the one offered for 40 days that resulted in G-d telling Moshe to carve new stone tablets to replace the ones he had broken, were not shared in the Eikev narrative. One of them, that it was too long to be written out in the Torah, also applies to the narrative in Ki Sisa. The other reason he gives is that the actual wording of the 40-day prayer was not relevant to the point Moshe was trying to make. From Ramban's wording, it would seem that the length of the prayer was the reason it was not shared in Parashas Ki Sisa, while not needing to share its details was the reason it wasn't stated in Parashas Eikev – even

focusing on, and because of that anger he had to first convince G-d not to destroy the nation, which was accomplished in the prayer presented in both Parashiyos, then he had to spend 40 days and 40 nights beseeching G-d to forgive them, a prayer whose details were not shared in either narrative.

Just as Ibn Ezra minimized the issue of the prayer being presented, in Parashas Ki Sisa, as if it was offered before Moshe descended at the end of the first set of 40 days in order to better explain the other issues, Ramban chose to minimize the issue of it being presented in Parashas Eikev as if it was offered over the middle 40-days in order to better explain everything else. Aside from leaving us less than satisfied with either compromise, there are numerous aspects of Ramban's approach that need to be discussed further, discussions that can hopefully help us better understand all of the issues that need to be dealt with.

though its length should have been enough to prevent it from being shared there either. Interestingly, in Parashas Eikev (9:26) Ramban only mention its length as the reason the second prayer was not described, without mentioning that the details of this prayer were not relevant to the point Moshe was making.

Chapter Three: HOW MANY PRAYERS?

3.1 – Prayers Made During the Middle 40 Days Were Mentioned in the Torah

Ramban mentions two prayers, one offered on the 17th of Tamuz before Moshe descended (which, according to him, is described in both narratives), and the 40-day prayer offered over the middle set of 40 days, which (he says) was too long to be included in either narrative. However, there are prayers that Moshe offered during the middle set of 40 days, i.e. after he descended from Mt. Sinai on the 17th of Tamuz (when the first set of 40 days ended) and before Rosh Chodesh Elul (when he went back up for the third set of 40 days) that are described in the Torah:

ויהי ממחרת, ויאמר משה אל העם אתם הטאתם חטאה גדולה, ועתה אעלה אל ה' אולי אכפרה בעד חטאתכם. וישב משה אל ה' ויאמר אנא חטא העם הזה חטאה גדולה ויעשו להם אלהי זהב. ועתה, אם תשא חטאתם, ואם אין, מחני נא מספרך אשר כתבת. (שמות לב, ל-לב)

“And it was on the next day,¹⁷ and Moshe said to the nation ‘you have committed a huge sin, and now I will go up to G-d, perhaps I can attain forgiveness for your sin.’ And Moshe returned to G-d and said, ‘this nation has

¹⁷ After Moshe broke the Luchos, ground up the golden calf, made the nation drink water mixed with its powder, and instructed the Levi'im to execute (via the court system) those who had sinned publicly despite being warned.

committed a huge sin and made for themselves a god made of gold. And now, please bear their sin, and if not, erase me right now from Your book which You have written.” (Sh’mos 32:30-32)

Moshe’s request that G-d “bear their sin” was certainly made during the middle set of 40 days, and yet it was written in the Torah.¹⁸ Nevertheless, this prayer could have just been Moshe’s initial attempt to attain forgiveness (which, based on G-d’s response, that “whomever sinned against Me will I erase from My book,” was unsuccessful), and not considered part of Moshe’s “40-day prayer.” Ramban himself (Sh’mos 33:7) implies as much:

ביום רדתו בי"ז בתמוז שרף העגל ודן עובדיו, ויהי ממחרת אמר להם שיעלה אל ה' לכפר עליהם, ועלה אל ההר ששם הכבוד, וזהו וישב משה אל ה' (שמות לב, לא), והתפלל תפלה קצרה אנה חטא העם הזה (שם) והשם ענה אותו מי אשר חטא לי (לב, לג) ועתה לך נחה את העם (לב, לד) והחל בהם הנגף (לב, לה) וצוה לו לך עלה מזה אתה והעם (לג, א) והוא הגיד זה לישראל ויתאבלו (לג, ד) ויתנצלו את עדים (לג, ו), אז ראה משה כי הדבר ארוך מאד ולא ידע מה יהא בסופו.

“On the day that he descended, on the 17th of Tamuz, he burned the [golden] calf and prosecuted those who had worshipped it, and on the next day he said to them that he will go up to G-d to [attempt to] atone for them, and he ascended the mountain, which is where [G-d’s divine] honor was, and this is [what is referred to when it says]

¹⁸ Which would seem to contradict Ramban’s assertion that the Torah didn’t, and couldn’t, include the prayers Moshe offered during the middle set of 40 days.

‘and Moshe returned to G-d’ (Sh’mos 32:31), and he offered a short prayer, [namely] ‘please, this nation has sinned’ (ibid), and G-d answered him ‘whomever has sinned against Me’ (Sh’mos 32:33) [as well as] ‘and now, go lead the nation’ (Sh’mos 32:34), and the plague began (Sh’mos 32:35), and He commanded him ‘go, arise from here, you and the nation’ (Sh’mos 33:1), and [Moshe] told this to Israel and they mourned (Sh’mos 33:4) and their ornaments were removed from them (Sh’mos 33:6), at which point Moshe saw that this process would be a long one and he didn’t know what the outcome would be.’

This prayer is described by Ramban as being “a short one,” so it must have been separate from his 40-day prayer. It was only afterwards, when Moshe saw that attaining forgiveness was not going to be an easy task, that he had to offer the long, urgent prayer referred to in Parashas Eikev.

3.2 – Another Prayer Offered During that Period is Included in the Torah

But this wasn’t the only prayer Moshe made during the middle set of 40 days that the Torah relates:

ויאמר משה אל ה', ראה אתה אמר אלי העל את העם הזה ואתה לא הודעתני את אשר תשלה עמי, ואתה אמרת ידעתוך בשם וגם מצאת חן בעיני. ועתה, אם נא מצאתי חן בעיניך, הודיעני נא את דרכך ואדעך, למען אמצא חן בעיניך, וראה כי עמך הגוי הזה. ויאמר, פני ילכו והנחתי לך. ויאמר אליו, אם אין פניך הלכים אל תעלנו מזה. ובמה יודע אפוא כי מצאתי חן בעיניך

אני ועמך, הלא בלכתך עמנו, ונפלינו אני ועמך מכל העם אשר
על פני האדמה. (שמות לג, יב-טז)

“And Moshe said to G-d, ‘take notice of what You said to me, [namely] ‘take this nation up,’ but You haven’t informed me who You will send with me despite having said to me ‘I will know you by name’ and also ‘you have found favor in My eyes.’ And now, if I have presently found favor in Your eyes, inform me of Your ways so that I can know You, so that I can find favor in Your eyes, and take notice that these people are Your nation.’ And [G-d] said, ‘My Face shall go, and I will let you be.’ And [Moshe] said to Him, ‘if Your Face is not going, do not bring us up from here. And how will I know, regardless, that I have found favor in Your eyes, [both] me and Your nation? Is it not by Your going with us, thereby distinguishing me and Your nation from every other nation that is on the face of the earth?!” (Sh’mos 33:12-16)

Putting aside (for now) the deep meanings behind this confusing exchange between Moshe and G-d, the requests described were made by Moshe before he was told to carve out a second set of Luchos and ascend Mt Sinai (ibid, 34:1-3), and therefore must have been made before the end of the middle set of 40 days. Nevertheless, as with the prayer/request made at the beginning of this 40-day period, it can be suggested that the prayers/requests described here were not part of Moshe’s 40-day long prayer either. Rather, they were additional prayers offered after the long prayer

had concluded.¹⁹ However, Ramban's own words tell us otherwise:

ויאמר משה אל ה' ראה אתה אומר אלי (שמות לג, יב). היה זה בהר סיני בעלותו שם בי"ט בתמוז.

“And Moshe said to G-d, ‘take notice of what You said to me’ (Sh’mos 33:12). This occurred on Mt. Sinai when he went up on the 19th of Tamuz.”

Ramban cannot have considered this prayer/request to have been made after the 40-day prayer if he says it was made on the first day that he went back up, at the beginning of the middle set of 40 days. Nevertheless, it could be suggested that this was also only a prelude to the 40-day prayer, the text of which, according to Ramban, does not appear in the Torah. For this to work, though, some rearranging and conceptual sorting becomes necessary in order to make it fit with the verses, as well as with Ramban's own commentary on Parashas Eikev.

¹⁹ According to this line of thinking, after Moshe thought his long prayer had accomplished all that it could, which would be G-d agreeing to let the nation continue its mission albeit without His dwelling in their midst, he began a new, separate prayer to try to convince G-d to lead the nation directly rather than having an angel lead them. If none of the prayers described in the Torah were part of the prayer that took “40 days and 40 nights,” Ramban's assertion that the 40-day prayer prayer was not, and could not have been, mentioned in the Torah is not contradicted by the text of other prayers offered during the middle set of 40 days being included in the Torah.

3.3 – Reconstructing the Timeline (Temporarily)

After Moshe's request that G-d "bear their sin" was rebuffed (32:33), G-d told him to "go lead the nation to the place I have spoken to you of," most likely referring to the Promised Land²⁰, and informed him that "behold My angel will go before you, and on the day that I punish [them for other sins] I will punish them for this sin [as well]."²¹ The paragraph ends after we are told that G-d sent a plague to punish the nation for making the golden calf (32:35), indicating that this communication has ended. As the Ramban quoted above²² stated, this occurred on the 18th of Tamuz²³. It was at this point that Moshe moved his tent outside the encampment²⁴, so he must have descended from Mt. Sinai again before going back up on the 19th of Tamuz²⁵. This must be when, according to Ramban, the 40-day prayer started, with Moshe's opening requests²⁶ not

²⁰ Although interestingly, the exact destination was not mentioned by name until a couple of verses later; see footnotes 133 and 191.

²¹ Sh'mos 32:34, see Rashi and Ramban.

²² From his commentary on Sh'mos 33:7.

²³ Which is the day after the 17th.

²⁴ Sh'mos 33:7, see the continuation of Ramban's commentary there, beyond what I quoted above. The request that G-d Himself lead the nation rather than an angel comes after the paragraph discussing Moshe moving his tent.

²⁵ This would explain why sometimes, in various sources, Moshe is said to have gone back up on the 18th and other times, even in those same sources, is said to have gone back up on the 19th. When the middle set of 40 days and nights began and ended is a long discussion in and of itself, beyond the scope of this piece. Nevertheless, suggestions made to address that issue can (and will) be applied to ours.

²⁶ Sh'mos 33:12-16.

being considered part of that prayer²⁷. If so, the goal of the 40-day prayer was to convince G-d to lead the nation Himself rather than an angel leading them. However, in Ramban's commentary on Parashas Eikev (D'varim 9:19), he says that the goal of this prayer was to remove G-d's anger:

כי מפני האף והחמה אשר קצף ה' מתחילה עליכם להשמיד אתכם יגורתי גם עתה, כי עדיין יש עליכם להשמיד אתכם מן הקצף הגדול ההוא, אע"פ שכבר נחם ה' על הרעה אשר דבר לעשות לעמו, על כן חזרתי והתנפלתי עליכם ארבעים יום וארבעים לילה עד ששמע אלי גם בפעם ההיא כאשר שמע בפעם הראשונה קודם שירדתי.

“For it was because of the anger and wrath with which G-d was originally upset at you, [threatening] to destroy you, that I was so afraid now as well. For the level that G-d was upset at you was so great that He still wanted to destroy you, even though He had already relented from doing the evil He had spoken of. Therefore I returned²⁸ and I fell [in prayer] on your behalf for 40 days and 40 nights until G-d accepted my prayer that time as well, just as he accepted my prayer the first time, before I descended.”

No mention is made of asking G-d to lead the nation instead of an angel, which, on its surface, indicates that

²⁷ If none of the 40-day prayer was included in either narrative.

²⁸ Based on the above, this should refer to Moshe returning on the 19th (when Ramban says the 40 day prayer started), even though he had previously returned on the 18th. In the continuation of his commentary on this verse, however, Ramban says Moshe couldn't have asked for this before he destroyed the golden calf, and his ascension on the 18th was also after he had destroyed it, making the 18th a possible date for this “return.”

only after Moshe successfully removed G-d's anger did he ask Him to accompany them.²⁹ And if Moshe didn't ask G-d to accompany the nation until after his 40-day prayer successfully removed G-d's anger, the requests Ramban says took place on the 19th of Tamuz had to have been made at least 40 days later. Nevertheless, it is theoretically possible that the two prayers were offered concurrently, with Moshe asking G-d to no longer be angry with the nation so that He can accompany them.

No matter how we explain Ramban's opinion that the 40-day prayer was not included in either narrative, it seems clear that there were other prayers/requests made, aside from the prayer at the end of the first set of 40 days not to destroy the nation, the 40-day prayer offered during the middle set of 40 days, and the prayers/requests made during the third set of 40 days³⁰.

²⁹ It makes sense that Moshe would not have the audacity to ask G-d to accompany them while He was still so upset with them.

³⁰ According to the Vilna Gaon (Sh'mos 33:7, quoted by HaK'sav v'HaKabbalah on Sh'mos 33:7 and 33:12), the 40-day prayer referenced in Parashas Eikev was offered during the third set of 40 days. This suggestion has its own issues, which will be discussed later (7.3), but according to this approach, the 40-day prayer referenced in Parashas Eikev, or at least part of it, is included in Parashas Ki Sisa, and is not a separate prayer.

Chapter Four: WAS IT A SECRET?

4.1 – Why the Misdirection?

Although Ramban provides an explanation for how the prayer in Parashas Eikev³¹ could have been the one made at the end of the first set of 40 days – that it was unnecessary to include the actual text of the 40-day prayer as long as they knew Moshe had to pray for 40 days, but important to share the text of the (earlier) prayer that convinced G-d not to destroy them – it doesn't fully explain why this prayer is presented as if it was the one offered during the middle 40 days. True, the words “and I prayed” as well as “and I said” (D'varim 9:26) could technically mean that he had done so at an earlier time (namely at the end of the first 40 days), nevertheless the verses still read as if it was during the middle set of 40 days.

This is especially true since the same points – that G-d was so angry that He wanted to destroy the nation and that a 40-day prayer was necessary – could have been made just as effectively had the text of the prayer appeared a few verses earlier³², such as:

כי יגרתי מפני האף והחמה אשר קצף ה' עליכם להשמיד אתכם, ואתפלל אל ה' ואמר, ה' אלקים, אל תשחת עמך ונחלתך (וכו'), וישמע ה' אלי.³³

³¹ “Do not destroy the nation,” etc.

³² In the middle of 9:19.

³³ I took out the expression “גם בפעם ההיא” because we would now be discussing the first prayer, not a subsequent one. This expression, which appears in this narrative twice, will be discussed at length (8.5).

“For I was taken aback by the wrath and the anger with which G-d was upset at you, [intending] to destroy you, and I prayed to G-d and I said, ‘do not destroy Your nation (etc.), and G-d listened to me.”

The sense of the anger is at least as great, that Moshe needed to pray for 40 days after this prayer could still be mentioned beforehand and afterwards (the way it is now³⁴), and Moshe mentioning that he destroyed the עגל would now be in chronological order (after the text of the prayer that he said before he descended).

Another advantage would be telling us that Moshe’s prayer was accepted immediately after the prayer is stated, as opposed to having to rely on Moshe having said so earlier³⁵.

³⁴ 9:18 and 9:25, with the list of the other instances where the nation angered G-d stated before the latter.

³⁵ Despite being told in Parashas Ki Sisa that “G-d relented from doing the evil He had spoken of doing to His nation,” this is missing in Parashas Eikev. Although Moshe did tell them that “G-d listened to me then as well” (9:19), with the “as well” referring to G-d having answered Moshe’s first prayer (the one whose text is stated here), meaning that they were told that G-d answered both his 40-day prayer and his earlier one, it is a bit awkward that this isn’t stated after the text of the prayer itself. [Even though, based on the previous chapter (that here were other prayers offered during the middle 40 days), saying this earlier could be misleading, as the previous prayer could have been the short prayer said before the long 40-day prayer (and that short prayer wasn’t answered!), since Moshe didn’t share this with the nation, they didn’t know there were other prayers made before the 40-day prayer, and wouldn’t be misled.] Not saying that G-d answered the prayer whose text is stated in Parashas Eikev, or at

Therefore, if the prayer detailed in Parashas Eikev was said on the last day of the first set of 40 days, there must be another reason why it is presented in a way that makes it seem as if it was said over the middle 40 days.

4.2 – 20/20 Hindsight

We know³⁶ that this prayer was actually said before Moshe descended because of the narrative in Parashas Ki Sisa, but when Moshe was speaking to the nation (the narrative in Parashas Eikev), they didn't have this text yet, since the ספר תורה that contains the earlier narrative wasn't given to them until right before he died³⁷. The only way they could have possibly known that Moshe had prayed before he descended – and that even before he destroyed the עגל and went back up to ask for forgiveness G-d had already said He wouldn't destroy them – is if Moshe told them himself. However, not only would it have been uncharacteristic of Moshe to publicly (or even privately) pat himself on the back by telling the nation that he had just saved their skin, it would have been counterproductive.

least its awkward placement and being stated indirectly, is problematic for Ibn Ezra's approach too, and will be discussed later.

³⁶ According to Ramban, at least. Obviously, Ibn Ezra (et al) would say otherwise.

³⁷ D'varim 31:9. Significantly, not only didn't the nation have the text of Parashas Ki Sisa yet, but at that point in time Moshe wasn't planning to ever give it to the entire nation, only to the לויים (see Rashi on D'varim 29:3). It was only after the other שבטים demanded a copy of the Torah for themselves that they were able to read in Parashas Ki Sisa that Moshe had successfully prayed to save them even before he broke the Luchos and destroyed the עגל.

Moshe did everything he could to try to repair the damage done by the golden calf incident, including asking G-d to “erase him from His book” if He doesn’t “bear their iniquity” (Sh’mos 32:32); motivating the nation to repent would have been very high on his list. Telling them that G-d had already relented from His original intention to destroy them could undermine this, as they would know that no matter how severe the consequences might be, being destroyed wasn’t one of the possibilities. If, on the other hand, Moshe didn’t tell them about his earlier prayer, keeping them in the dark about G-d having already relented from doing what He had originally intended, and the nation therefore feared that they might be wiped out because of what they had done³⁸, they would be much more motivated to repent, and the chances of fixing what was damaged would be that much greater.

4.3 – Breaking it to them Gently

With this in mind, it seems highly unlikely that the nation was even aware that Moshe had prayed for them before he descended. Instead, they were under the impression that it was only because of what Moshe did afterwards – including breaking the Luchos, destroying the עגל, punishing those who had worshipped it, getting the rest of the nation to repent and praying to G-d for 40 days – that things were reversed, enabling the original mission (and

³⁸ Bear in mind that they had just witnessed what G-d had done to the Egyptians, as well as what He had done to 80% of the nation during the plague of darkness (see Rashi on Sh’mos 14:18), killing those who weren’t committed to following G-d’s instructions.

covenant) to be reinstated. Now, though, when Moshe was repeating what had happened decades earlier, he couldn't leave out the fact that G-d was so angry with them that He would have destroyed them, nor could he avoid admitting that his prayers on their behalf played a major role in reversing G-d's anger. But that doesn't mean he had to tell them explicitly that the way things really happened was not the way they thought they happened. Rather, he referred to his first prayer, or at least when it was offered, indirectly.

When referring to his 40-day prayer, he said that G-d "also" listened to that one, hinting that this wasn't the first time he had prayed for them after this sin. But in order to remain ambiguous, when he shared with them the text of that earlier prayer, he purposely presented it in a way that could be understood as if it was the prayer said during the middle set of 40 days rather than a heretofore unknown prayer said before he descended at the end of the first set of 40 days.

Would some pick up on Moshe's nuances, and now realize that he had successfully prayed for them even before he had descended on the 17th of Tamuz, while the sinning was still taking place? Absolutely. But those who did³⁹ would likely also understand why Moshe hadn't shared this with them until now. The bottom line, though, is that there might be a very good reason why the prayer

³⁹ Which would eventually include anyone who studies Parashas Ki Sisa, but Moshe was only taking his live audience into consideration, see footnote 37.

Moshe offered at the end of the first set of 40 days was presented in Parashas Eikev as if it was offered during the middle set of 40 days.

Chapter Five: CONFLICTING MIDRASHIM

5.1 – Midrashic Support for Ibn Ezra

Ramban quotes Midrash Rabbah (42:1) to support his opinion that Moshe prayed for the nation right away, before he descended from Mt. Sinai, even though the sin was still being committed. And there is no doubt that this Midrash does say this⁴⁰. However, later in the same Midrash (44:1⁴¹) the opposite opinion is stated:

בשעה שעשו ישראל אותו מעשה עמד [משה] ולמד עליהם זכות מ' יום ומ' לילה ולא נענה, אלא כיון שהזכיר את המתים מיד נענה, שנאמר זכור לאברהם ליצחק ולישראל, מה כתיב, וינחם ה' על הרעה.

“When Israel did that [terrible] thing⁴², [Moshe] stood up and defended them for 40 days and 40 nights without any success, until he mentioned [the merits of our forefathers], at which point he was immediately answered, as it says, ‘remember Avraham, Yitzchok and Yisrael.’ What does it say [the response was]? ‘And G-d relented from the evil.’”

From the wording of the prayer quoted – with Yaakov being referred to as “Yisrael,” as he is in Parashas Ki Sisa, rather than as “Yaakov,” which is how he is referred to in Parashas Eikev – as well as from the fact that

⁴⁰ Although that doesn't mean it was the same prayer described in Parashas Eikev, and if we can find a way to resolve the issues surrounding it being a separate prayer, this Midrash would not contradict such an approach.

⁴¹ See also 44:2.

⁴² The sin of the golden calf.

in response to this prayer G-d relented from doing the evil He had threatened to do, it is quite apparent that according to this Midrash the prayer Moshe offered for 40 days and 40 nights was the one in the Ki Sisa narrative – even though it is positioned there as if it was said before Moshe descended on the 17th of Tamuz⁴³, exactly as Ibn Ezra suggests.⁴⁴

5.2 – Parsing the Midrash

This Midrash seems confusing, though, as its main point is that זכות אבות, the merits of our forefathers, is so great that as soon as Moshe mentioned their names he was answered, so it must have been the very last thing he mentioned⁴⁵. Yet, in the parallel prayer in Parashas Eikev, זכות אבות is *not* the last thing mentioned! Nevertheless it can be suggested that when Moshe related this prayer to the nation, he did not maintain the actual order of his prayers.

⁴³ And unlike the earlier Midrash, which contradicts Ibn Ezra's approach but does not necessarily support Ramban's contention that the prayer in Parashas Eikev is the same exact prayer as described in Ki Sisa, this Midrash not only contradicts Ramban's approach, but it supports Ibn Ezra's.

⁴⁴ Ramban was obviously aware of this Midrash too. The reason he quoted the earlier one was not to prove that he was right and Ibn Ezra was wrong (as they both had Midrashic support), but to counter Ibn Ezra's contention that Moshe could not have prayed while the sin was still being committed; the earlier Midrash proves Moshe could have prayed then too.

⁴⁵ Just as when we lose something it is always in the last place we look because once we find it we stop looking for it, so too זכות אבות must have been the last part of Moshe's prayer, as after he mentioned it he was answered.

In order to drive home the point that they are G-d's "nation and inheritance" who were taken out of Egypt through His divine intervention, Moshe mentioned this to both open and close the details of the prayer, and once he was not repeating the prayer in order, he put זכות אבות before what the Egyptians would say because it was a much stronger argument (as evidenced by it being the reason G-d relented).

Aside from going against Ramban's opinion regarding when this prayer was offered, this Midrash also undermines his argument that the 40-day prayer was too long to be included in the Torah. Not only because the Midrash says the 40-day prayer was actually included, but because if זכות אבות wasn't mentioned until the very end of the 40-day period⁴⁶, then the words stated in the Torah as being Moshe's prayer must have been just the bullet points, not the full version of the arguments Moshe used to try to convince G-d to relent. And if the text of the prayer that appears in the Torah is just a list of the topics Moshe covered, while the actual prayer (or each stage of it) included extensive details and extended reasoning for why each one, in its own right, should be enough to change G-d's mind, the amount of time it took for the full prayer to be said would not prevent a summary of that prayer from being included in the Torah.

⁴⁶ As opposed to it being the same prayer Moshe offered day after day.

5.3 – And Then There Were Three

In any event, the issues raised by Ibn Ezra and Ramban are dealt with in the Midrashic literature too, with no clear outcome as to what actually happened. As a matter of fact, there is a third Midrashic approach, one with more issues to resolve than those already quoted:

ואימתי נאמר לו למשה לעשות את המשכן? ביום הכפורים. לפי שעלה משה להר ג' פעמים ועשה שם מאה ועשרים יום משה בסיון שעלה לשם עד יום הכפורים שהוא עשרה בתשרי. ואותו היום נאמר וינחם ה' על מעשה עגל. אותו היום אמר לו סלחתי כדברך. ואותו היום נאמר לו ועשו לי מקדש. ובו ביום אמר לו וסלחת לעוונינו ולחטאתינו ונחלתנו. היום הזה תנחילנו סליחה לדורות. ובו ביום אמר לו הקב"ה כי ביום הזה יכפר עליכם. (מדרש תנחומא, פקודי יא)

“And when was Moshe told to make the Mishkan? On Yom Kippur. For Moshe ascended the mountain three times, and was there for 120 days, from the 6th of Sivan⁴⁷ until Yom Kippur, which is the 10th of Tishray. And on that day it was said that ‘G-d had relented’ regarding the [golden] calf. That day [G-d] said to him ‘I have forgiven as you requested.’ And on that day it was said to him ‘make for Me a sanctuary.’ And on that very day he said to Him ‘and You shall pardon our iniquities and our sins and You shall cause us to inherit.’ This day You shall cause us to inherit

⁴⁷ Apparently following the opinion that the Torah was given on the 6th of Sivan, not the 7th, and counting that day as the first of the first set of 40 days.

*being pardoned for [all] generations*⁴⁸. And on that day G-d said to him *'for on this day atonement will be upon you.'* (Midrash Tanchuma, P'kuday 11)

If we focus on just the issues this Midrash raises pertaining to our subject matter, the first thing that stands out is that “And G-d relented from doing the evil,” which was the response to Moshe’s first prayer in Parashas Ki Sisa, and positioned in the text at the end of the first set of 40 days⁴⁹, is understood by the Midrash to have been said on Yom Kippur, at the end of the third set of 40 days. This is problematic for many reasons, including Moshe not being told the answer right after his prayer⁵⁰, which means he was left hanging, not knowing that his prayer had been answered, for either 40 or 80 days. How could Moshe have insisted that G-d lead them instead of an angel if he thought they were still slated to be wiped out? How could Moshe be told to carve out new Luchos, indicating that the covenant with the nation was still valid, if he didn’t know yet whether they would even survive?

⁴⁸ The Midrash is explaining Moshe’s request that G-d cause us to inherit something, with that “something” being the ability to be pardoned for our sins each and every year. Which explains the next line, as G-d agrees to do just that.

⁴⁹ According to the second Midrash in Sh’mos Rabbah and Ibn Ezra, it occurred at the end of the second set of 40 days, but according to them it’s not just the response that was moved; the prayer that this was the response to was moved, with the response therefore moved with it.

⁵⁰ Whether it was at the end of the first set of 40 days or at the end of the second set.

There are several ways to try to explain this Midrash⁵¹, but taken at face value, we now have three different Midrashic opinions as to when G-d relented; at the end of the first set of 40 days, at the end of the second set of 40 days, and at the end of the third set of 40 days.⁵²

⁵¹ Based on other issues that can be raised with it. For example, the words “סלחתי כדבר־ך” were not said regarding the golden calf, but the sin of the spies (Bamidbar 14:20), yet are often quoted as if G-d said them in response to Moshe’s prayer after the golden calf. It is therefore possible that including the words “And G-d relented” as something that happened on Yom Kippur doesn’t literally mean that this is when it actually occurred; it may have been quoted here to convey the idea that this was when full forgiveness was achieved. Similarly, the verse “כי ביום הזה יכפר עליכם” which is presented as if G-d said it on the 10th of Tishray 2449 (assuming the year changed from 2448 to 2449 in Tishray), was not really said until after Aharon’s sons died during the inauguration of the Mishkan (Vayikra 16:30; see 16:1), almost six months later. It was likely presented this way because Moshe’s request for future forgiveness, which was made on Yom Kippur, led to this statement being made months later, after the 1st of Nisan, 2449. It could therefore also be said that G-d’s relenting from destroying them, which had actually occurred 80 (or 40) days earlier, was finalized on Yom Kippur (see D’varim 19:10).

⁵² Because of the difficulties with this Midrash, it would be difficult to say that it really means that G-d didn’t relent, or didn’t inform Moshe that He had relented, until Yom Kippur.

Chapter Six: TWO SEPARATE PRAYERS?

6.1 – Rashi’s Opinion

In the narrative in Parashas Eikev, a 40-day period is mentioned five times. The first two (D’varim 9:9 and 9:11) are clearly referring to the first set of 40 days, when Moshe received the first Luchos. The third and fourth times (9:18 and 9:25) refer explicitly to the 40 days when Moshe “fell in prayer,” while the context of the fifth (10:10) indicates that it is referring to the third set of 40 days⁵³. Rashi clears up any possible confusion regarding the fourth mention⁵⁴:

אלו הן עצמם האמורים למעלה, וכפלן כאן לפי שכתוב כאן סדר תפילתו, שנאמר ה' אלקים אל תשחת עמך וגו'.

“These are the very same [40 days] that are referred to above (9:18), and they are mentioned again here because the prayer [Moshe offered] is written here, as it says, ‘G-d, do not destroy Your people,’ etc.”

Obviously, Rashi is of the opinion that the prayer described in Parashas Eikev was offered during the middle set of 40 days. As tempting as it may be to just say that he shares the same opinion as Ibn Ezra, his silence in Parashas Ki Sisa indicates that he had no reason to explain those verses any differently than their straightforward, simple

⁵³ Which is how the commentators explain the verse. Because of a difficulty this raises, this last mention of 40 days will be discussed at greater length.

⁵⁴ So that we don’t think it refers to the third set of 40 days.

meaning, that the prayer written there was offered at the end of the first set of 40 days. In other words, despite the similarity between the prayer in the Ki Sisa narrative and the one in Eikev, they were two separate prayers, offered at separate times. However, as mentioned earlier, since G-d had already relented after the first one, why would Moshe still need to ask G-d not to destroy the nation in the second prayer?⁵⁵

6.2 – Similar, but not the Same

Although both Ibn Ezra and Ramban had said that the similarity between the two prayers indicated that they were one and the same, Abarbanel (D'varim 9:25-29) says their similarity doesn't prove anything:

לפי שגם כן מצינו רוב הדברים שזכר בתפלה הזאת שאמרם גם כן על עון המרגלים, והוא המורה שהוא עליו השלום אמרם בפעם הראשונה, קודם רדתו מן ההר, ושחזר לאמרם בפעם השניה כשעלה על ענין הכפרה. וכן בענין המרגלים, אשר להיותם דברים צדיקים וטובים וטענות חזקות היה מרצה בהם השם יתעלה בכל עת צרה.

“For we also find that most of the things mentioned in this prayer were also said [in the prayer after] the sin of the spies, and this teaches us that [Moshe] said them the first

⁵⁵ I would be remiss if I didn't mention that according to the simple reading of the Midrash Tanchuma quoted above, G-d didn't relent (or didn't tell Moshe He had relented) until the end of the third set of 40 days, in which case we can understand why Moshe kept asking G-d not to destroy the nation. Again, though, this raises too many difficulties to be understood that way, and is not consistent with other Midrashim or commentators.

time, before he descended from the mountain, and that he repeated them the second time when he ascended to [try to] attain atonement. And so it was regarding the spies. Since they are righteous and good things [to say], and strong arguments [against severe punishment], [Moshe] would use them to appease G-d whenever there was trouble.”

6.3 – A Different Destruction

As far as why Moshe would ask G-d not to destroy the nation if He already said He wouldn't, Abarbanel continues (writing as if Moshe was speaking):

שעם היות שניחם ה' מהכליה כרגע כשהתפללתי בפעם הראשונה קודם הירידה מן ההר, הנה לא כפר להם אז בהחלט, אבל היה רצונו להשמיד אתכם. וההשמד ההוא, לסלק מכם שכינתו והשגחתו, ושתמותו במדבר, כמו שהיה בדור המרגלים. ועל זה הוצרכתי אני להתפלל לפניו יתעלה כדי שלא ישמידכם גם באותו אופן, וישוב מחרון אפו בהחלט וכפר לכם.

“Even though when I prayed the first time, before descending from the mountain, G-d relented from completely wiping [the nation] out, behold He did not fully absolve you then, but still intended to destroy you. And that destruction⁵⁶ [referred] to removing His Divine Presence and [direct] involvement from you, [which would result in] you perishing in the desert, which is what happened with the generation of the spies⁵⁷. And for this reason it was

⁵⁶ Since He had already relented from doing the original form of destruction.

⁵⁷ What he means by this is not clear. Does he mean what G-d intended to do to the generation of the spies before Moshe's prayers

necessary for me to pray before Him, so that he doesn't destroy you in that manner [either], and [so that] the wrath of His anger subsides completely and He can forgive you."

Abarbanel is suggesting that G-d didn't relent (the first time) from wiping the nation out, only from doing so in the manner He had originally planned. As is often the case, he is building upon Ralbag's approach (Sh'mos 34:12):

והנה זאת התפילה היתה סבה אל שניחם השם על הרעה אשר דבר לעשות לעמו, ולא הסכים לכלותם מפני שהיה הענין קשה בעיני משה. והוא מבואר כי משה לא בקש בכל דבריו אלה אלא שלא יכלם. ולזה נשאר קצף על ישראל להביא עליהם רע באופן אחר, ומפני זה הוכרח משה לשוב להתפלל אל השם יתעלה שישא חטאתם כמו שנזכר אחר זה. ואחר שהשיג משה מהשם יתעלה שלא יכלם, פנה וירד מן ההר כמו שצוהו השם יתעלה, והשתדל לתקן את אשר עותו בכל הפנים שאפשר, כדי שיוכל אחר זה להשיג מהשם יתעלה שישא חטאתם, כי לא יתכן שישא חטאתם בעוד שהם מחזיקים בו.

reversed things, or the fact that the generation of the spies did actually die out. (Either way it was not accomplished, nor threatened to be accomplished, by G-d removing His Divine Presence and letting them die naturally from the harsh desert conditions.) Conceptually, there is a major difference between killing everyone right away and letting them die out slowly, over an extended period of time, and the latter did happen to the generation of the spies. But their children survived, thereby keeping the nation (as a whole) alive, whereas Moshe's prayer (in Parashas Eikev, which includes the nation reaching the Promised Land) indicates that G-d's intention was still to wipe them out completely, without allowing there to be a next generation.

“And behold this prayer⁵⁸ was the cause for G-d relenting from doing what He had said He would do to His nation, and He did not follow through with wiping them out because of how difficult this would be for Moshe⁵⁹. And it is apparent that in this prayer Moshe only requested that they not be wiped out. And therefore the anger towards Israel remained, whereby He could bring upon them a different kind of punishment⁶⁰. And because of this, Moshe had to return to ask G-d to bear their sin, as is mentioned afterwards. After Moshe was able to accomplish that G-d would not wipe them out [completely], he turned and descended from the mountain as G-d had commanded him to, and he worked to fix what they had damaged in any way that he could so that afterwards he could try to convince G-d to bear their sin, for it was not reasonable that He would bear their sin while they were still holding on to it⁶¹.”

⁵⁸ At the end of the first set of 40 days, before Moshe descended with the first Luchos.

⁵⁹ Ralbag had previously explained that Moshe’s prayer on behalf of the nation was effective because of how their demise would impact him, so even though they weren’t worthy of being spared (especially since they were still sinning at the time), Moshe was worthy of being spared the distress that wiping them out would have caused him.

⁶⁰ Literally, “evil” (רע), which refers to their punishment, just as it (“הרע”) was used to describe the punishment G-d had relented from.

⁶¹ Ralbag spells out how Ramban would answer Ibn Ezra’s question; even though asking for forgiveness was not possible while they were still sinning, asking G-d not to punish them just yet, or at least not to punish them as severely, was possible.

Nevertheless, Ralbag never says that the prayer offered when Moshe returned was the one stated in Parashas Eikev; it is quite possible, even likely, that he agrees with Ramban that the prayer in Parashas Eikev is the one Moshe offered before he descended, as described in Parashas Ki Sisa. All he says is that a different punishment was still possible. In any case, Abarbanel's suggestion that this "different" punishment would have destroyed the nation (if not for Moshe's additional prayer) is difficult, for if the end result is the same, what difference would this difference make?⁶²

6.4 – The Same Prayer, Offered Again and Again

A similar approach is suggested by Panim Yafos (D'varim 9:17) to explain the conflicting narratives:

נראה כי בכל הארבעים יום התפלל תפילה זו בכל עת, וז"ש ואתנפל לפני ה' וגו' אשר התנפלת (דברים ט, כה), פירוש כי התפלה זו אשר התפלל בראשונה התפלל כן כל ארבעים יום, ואף כי בתפילה ראשונה כתיב (שמות לב, יד) וינחם ה' על הרעה, אפ"ה היה מתירא מפני האף והחימה, אף שניחם על הרעה הראשונה, אשר דיבר לכלות אותם עד העולם, כדכתיב (שם, שם, י) ואעשה אותך לגוי גדול, מ"מ היה מתירא מפני האף והחימה שלא יענשו המה או זרעם, שהרי גם במרגלים שאמר ה' סלחתי

⁶² Especially if the reason the prayer worked was because of how the nation's demise would have impacted Moshe. Even though Ralbag indicates that G-d relented only from complete and immediate destruction because that's all Moshe had asked for, since their demise in any manner would cause Moshe the same distress, it would be difficult to say that a second prayer was needed to ask G-d to relent from other forms of destruction as well.

כדבריך (במדבר יד, כ) אפ"ה נענש אותו הדור, לכך התפלל כל מ"ם יום עד ששב ה' מחרון אפו והוא בר"ח אלול שהם ימי רצון.

“It would seem that on all 40 [of the middle set of 40] days [Moshe] offered this prayer⁶³ all the time, and this is what is meant by ‘and I fell [in prayer] before G-d the 40 days and 40 nights that I fell [in prayer]’ (D’varim 9:25), meaning that this prayer⁶⁴, which Moshe offered the first time⁶⁵ he also offered all 40 days. And even though after the first prayer it says that G-d relented from the evil, nevertheless [Moshe] was afraid of the wrath and the anger, even though He had relented from [doing] the first evil, when He spoke of wiping them out forever, as it says, ‘and I will make you into a great nation’ (Sh’mos 32:10), still he was afraid that because of the wrath and the anger they, or their descendants, would be punished, for G-d had said “I have forgiven you as you as spoken’ (Bamidbar 14:20) after the sin of the spies as well, and yet that generation was punished. Therefore, [Moshe] prayed all 40 days until G-d’s anger subsided, which occurred on Rosh Chodesh Elul, which [begins] the period of good will⁶⁶.”

Like Abarbanel, Panim Yafos is suggesting that even though G-d had already relented after Moshe’s first prayer, since His anger was still there, a different punishment was still possible, thereby necessitating additional prayers by Moshe. The main difference between

⁶³ The one in Parashas Eikev.

⁶⁴ Which is about to be described there, in Parashas Eikev.

⁶⁵ Before he descended on the 17th of Tamuz.

⁶⁶ Referring to the third set of 40 days.

the two is that according to Abarbanel the prayer in Parashas Eikev is similar to, but not exactly the same prayer as, the one in Parashas Ki Sisa, whereas according to Panim Yafos they are the exact same prayers, said over and over again.

Suggesting that they were the exact same prayers, said before Moshe descended and afterwards, brings with it an additional issue. If G-d had already relented from “the evil” He had planned on doing to His nation (Sh’mos 32:14) after the first time this prayer was offered, why would Moshe keep asking G-d to relent from “the evil” (32:12)? That he should ask G-d not to inflict any punishment is understandable, but the word “הרע” (“the evil”) implies the same one specific evil that was originally intended, which G-d had already agreed not to inflict. Abarbanel’s approach, that the prayers offered over the 40 days were similar to, but not exactly same as, the one offered before he descended on the 17th of Tamuz, is therefore less problematic.⁶⁷

Another issue with Panim Yafos’ approach is his comparison to the punishment of the generation of the spies despite G-d saying He had forgiven them (somewhat). True, in both instances G-d had threatened to wipe them out completely before Moshe convinced Him not to. However, the actual punishment they received was not total destruction, but a slow dying out of that generation, which

⁶⁷ It is possible that this is what Panim Yafos really means, but his words imply otherwise.

allowed a new generation to take its place. If Moshe's prayers were the same before G-d relented and afterwards, then he was still asking G-d not to destroy them totally, not just to not kill out one generation.

Either way, whether the difference between the two narratives is based on the same or similar prayers being offered both before Moshe descended on the 17th of Tamuz and afterwards, there should be no reason for Moshe to keep asking G-d not to destroy His nation, since He had already agreed not to. That there are multiple ways to destroy them should not be relevant if the outcome is the same.

There is also another issue that Abarbanel and Panim Yafos have to deal with, but this one Ibn Ezra and Ramban have to deal with as well. Its resolution, or at least an attempt to resolve it, will require a detour or two, but we can gain much in the process.

Chapter Seven: WHEN DID G-D RELENT?

7.1 – Still Angry After All These Prayers

I have shared several approaches to explain why Moshe is described as having asked G-d not to destroy His nation during the middle set of 40 days, if we are told that “G-d had relented from doing the evil He had planned to do to His people” before Moshe descended from Mt. Sinai on the 17th of Tamuz, at the end of the first set of 40 days. According to Ibn Ezra, G-d didn’t relent until the end of the middle set of 40 days. According to Ramban, Moshe didn’t ask G-d not to destroy them during the middle set of 40 days. And according to Abarbanel and Panim Yafos, G-d didn’t relent from any and all types of destruction, so Moshe had to keep asking. The one common denominator between all of these approaches is that by the end of the second set of 40 days, Moshe had successfully removed G-d’s anger, and G-d was no longer going to destroy them. However, a verse at the end of the narrative in Parashas Eikev (D’varim 10:10) seems to tell us otherwise:

ואנכי עמדתי בהר כימים הראשונים, ארבעים יום וארבעים לילה, וישמע ה' אלי גם בפעם ההיא, לא אבה ה' השחיתך.

“And I stood on the mountain like [I did] the first days, 40 days and 40 nights, and G-d listened to me that time as well; He did not want to destroy you.”

From this verse, which is referring to the third 40-day period, it would seem that G-d still wanted to destroy

the nation until the end of the third set of 40 days. If Moshe's 40-day prayer over the middle set of 40 days had successfully removed His anger, why would Moshe say that G-d was still angry until the end of the third set?

7.2 – Moving Away from the Middle

Earlier, I quoted a Midrash Tanchuma (P'kuday 11) that, taken at face value, says that G-d didn't relent after the first set of 40 days, or even after the second set of 40 days. It was not until Yom Kippur, the last day of the third set of 40 days, that G-d relented. Although it would be difficult to take this Midrash at face value⁶⁸, it would be consistent with this verse. But this isn't the only approach that would work well with the implication that G-d was angry until Yom Kippur; the same can be said for the Vilna Gaon's approach⁶⁹:

ומה שנאמר בפרשת עקב (דברים ט, יח) ואתנפל לפני ה' כראשונה ארבעים יום כו' לחם [לא אכלתי] כו', זו היתה בארבעים יום האחרונים. ומה שנאמר כאן (שמות לג, יב) ויאמר משה כו' ראה אתה [אומר אלי אעל את העם הזה] כו', הכל היה אחר עלותו להר, וביום הכיפורים נתרצה לו ויעבור על פניו (שמות לד, ו), והבטיח לו כל ההבטחות.

“And when it says in Parashas Eikev (D'varim 9:18) ‘and I fell [in prayer] before G-d like the first time, for 40 days, etc., [I did not eat] bread, etc.,’ this refers to the last set of 40 days. And when it says here (Sh'mos 33:12) ‘and Moshe

⁶⁸ See Chapter Five (5.3), and footnote 51.

⁶⁹ Sh'mos 33:7, quoted by HaK'sav v'HaKabalah on Sh'mos 33:7 and 33:12.

said, etc., look [closely at what] You [said, that I should take this nation up], etc., ' this was all after he ascended the mountain⁷⁰, and on Yom Kippur [G-d] was appeased, and He passed before him (Sh'mos 34:6)⁷¹ and made all of the assurances⁷². ”

If the 40-day prayer was offered during the third set of 40 days rather than the second, and the purpose of the prayer was to appease G-d's anger, it wouldn't have been until the completion of that 40-day prayer, at the end of that third set of 40 days, that G-d no longer wanted to destroy the nation.

7.3 – Solving One Issue, But Creating Others

Although moving Moshe's 40-day prayer from the middle set of 40 days to the third and final set of 40 days successfully explains why G-d was still angry until the end of the third set, it brings with it other issues instead. First of all, it doesn't deal with the conflicting narratives directly, and has the same shortcomings as the other approaches. Was the prayer whose text is in Parashas Eikev said during

⁷⁰ For the third set of 40 days.

⁷¹ Interestingly, he says that G-d was appeased before mentioning that He passed before Moshe (which was when Moshe said the מִדּוֹת ג'י); I would have expected Moshe's prayer of the מִדּוֹת ג'י to have come first.

⁷² Sh'mos 34:10. According to the Vilna Gaon's approach, though, this would also include G-d leading the nation (Sh'mos 33:17), since this reversal occurred during the third set of 40 days as well.

those last 40 days?⁷³ If it was, the same question as to why Moshe would have to ask G-d not to destroy the nation after He had already relented applies.⁷⁴ If it wasn't, but was the prayer Moshe offered during the middle 40 days⁷⁵, was

⁷³ It should be noted that what the Vilna Gaon wrote in his commentary to Seder Olam (6) cannot fully inform us about his opinion on this prayer, since he is explaining the Seder Olam as it appears in our text, and this text of the Seder Olam clearly says that Moshe's 40-day prayer was offered during the middle set of 40 days. In his commentary on Sh'mos (not all of which I quoted), the Vilna Gaon (because he is so convinced the 40-day prayer must have been offered over the third set of 40 days) writes that he thinks there is an error in the text of the Seder Olam.

⁷⁴ And if G-d hadn't relented yet, or Moshe wasn't told that He had, some of the same issues facing that Midrash Tanchuma apply as well, such as how G-d could have told Moshe to carve out new Luchos, indicating that the covenant was back on, if He was still angry with the nation, to the point of still wanting to destroy them. (Alternatively, why didn't this make Moshe realize that G-d had already relented, so he didn't need to ask Him not to destroy them?) [The issue of Moshe having the audacity to ask G-d to lead the nation rather than an angel doesn't apply, as according to the Vilna Gaon he didn't ask until after G-d had already told him to carve out new Luchos, so he knew things would be somewhat back to the way they had been before the sin, and asked that it go all the way back.]

⁷⁵ As will be discussed in the next chapter, the Vilna Gaon is of the opinion that Moshe did not stay atop Mt. Sinai for the entire middle set of 40 days, but went up every day to pray on behalf of the people, and then returned to the camp to help them repent. This prayer might have been what Moshe offered when he went back up each day of those 40 days, although that would mean there were two 40-day prayers, this one and the one offered over the last 40 days. [If it was just one of the prayers offered on one of those trips up Mt. Sinai during the middle set of 40 days, why was it the only one Moshe shared with them? Was it because it matched the prayer he offered at

that the same prayer mentioned before he descended at the end of the first days? Either way, the questions we have with Ramban's approach⁷⁶ or with Ibn Ezra's apply here as well.

As the Vilna Gaon himself writes, if the 40-day prayer was offered over the third set of 40 days, the chronology of the discussions between G-d and Moshe would not match the order in which they are written in the Torah. According to the text, Moshe told G-d that he wasn't informed which angel would be accompanying them, but would prefer that G-d does so Himself (Sh'mos 33:12-13). The conversation then continues with a discussion about whether or not G-d will accompany them⁷⁷. After G-d agrees to do so, Moshe asks Him to "show me Your honor" (33:18), with G-d's response being that He will only partially do so, by passing before Moshe while he is inside a crevice in the rock and letting him see G-d from the back (33:19-23). G-d then tells Moshe to carve out new Luchos and ascend Mt. Sinai (34:1-2), which Moshe does (34:4),

the end of the first set of 40 days so closely, and could therefore be presented ambiguously?]

⁷⁶ Except for G-d still wanting to destroy the nation until Yom Kippur, which, after all is said and done, might be the most difficult question on his approach. If not for the other issues with the Vilna Gaon's approach, combining it with Ramban's works quite well. Ramban himself (at the end of his commentary on Sh'mos 33:7) dismisses the possibility that the 40-day prayer was offered over the third set of 40 days.

⁷⁷ Included in this conversation is Moshe asking G-d to inform him of His ways; what connection this might have with G-d accompanying them will be discussed later.

followed by G-d teaching Moshe the *י"ג מדות* (34:5-7), Moshe's prayer (34:8-9), G-d's response (34:10) and a reiteration of the covenant (34:11-26). If these all occurred in chronological order, the first two discussions (33:12-23) took place before Moshe was told to carve out new Luchos, and must have therefore occurred during the middle set of 40 days. According to the Vilna Gaon, though, they didn't occur until after Moshe had returned to Mt. Sinai for the third set of 40 days, which was obviously after Moshe had followed G-d's previously-issued instructions to carve out new Luchos. Although theoretically possible, it is a bit awkward for the Torah to have taught us this out of order⁷⁸.

The 40 days between Rosh Chodesh Elul and Yom Kippur are traditionally considered “ימי רצון,” days when our relationship with G-d is in a good place. This is based on the third set of 40 days, because Moshe had already been told to carve another set of Luchos, indicating that the covenant between us and G-d was back on. During those days, Moshe was able to repair the relationship even further, to the point that on Yom Kippur, the last of those 40 days, the second set of Luchos were given back to him, engraved (by G-d) with the text of the “Ten Commandments.” Since the purpose of the 40-day prayer referred to in Parashas Eikev was to remove G-d's anger⁷⁹, it must have still been raging. How could these days be

⁷⁸ And no reason is given for why it would.

⁷⁹ The text (D'varim 9:25) states explicitly that Moshe fell in prayer before G-d for 40 days and 40 nights because G-d had said He would destroy them, associating the prayer with G-d's anger.

considered ימי רצון if G-d still intended to wipe them out (or if the anger that caused Him to want to wipe them out was still there)?⁸⁰

It is therefore very problematic for the 40-day prayer referenced in Parashas Eikev to have been offered over the third set of 40 days. Which brings us back to our question of why the verse (D'varim 10:10) says that only after the third set of 40 days did G-d no longer want to destroy the nation, since Moshe's 40-day prayer – which was offered over the middle set of 40 days, and was accepted by G-d – was designed to remove G-d's anger.⁸¹

⁸⁰ This is similar to the issue of G-d telling Moshe to carve out new Luchos while still angry at them, which would apply here as well.

⁸¹ Although it is true that full atonement was not attained until Yom Kippur, the atonement achieved over the third set of 40 days allowed for a closer relationship between G-d and His nation (how that manifested itself is a matter of discussion; it could refer to G-d resting His Divine Presence on the nation, the "clouds of glory," and/or the Mishkan being commanded), but was not what led to G-d not destroying the nation. The removal of G-d's anger, and therefore Him no longer wanting to destroy them, was what the 40-day prayer, offered over the middle set of 40 days, was supposed to accomplish. And if G-d "listened to [Moshe] that time as well," His anger should have been successfully removed before Moshe went back up to get the second Luchos.

Chapter Eight: THE MIDDLE 40 DAYS

8.1 – Why can't the Verse be Referring to the 2nd Set Instead of the 3rd?

The question posed in the previous chapter is based on the premise that the 40-day period after which G-d no longer wanted to destroy the nation was the third set of 40 days⁸². If, however, the period being referred to was the middle set of 40 days, there wouldn't be an issue, as after Moshe's 40-day prayer G-d's anger had calmed, and He no longer wanted to destroy them. Therefore, let's take a closer look at why it is assumed that this verse is referring to the third set of 40 days rather than the second.

8.2 – Where's the Third Set?

As previously mentioned, a period of 40 days is mentioned five times in the Eikev narrative. The first two refer to the first set of 40 days, when Moshe went up to receive the first set of Luchos (and was taught the Torah). The 3rd and 4th mentions refer to the middle set of 40 days, during which Moshe offered his 40-day prayer⁸³. The 5th mention, the one under discussion, is assumed to be referring to the third set of 40 days. If it actually refers to the middle 40 days rather than the third set, there would be

⁸² Which is how almost everyone understands them. The only exception I have come across is in a piece on the Gush Etzion website (VBM), and I assume the reason he goes against the other traditional commentaries is this very issue.

⁸³ Except according to the Vilna Gaon.

no mention of the third set anywhere in the narrative.⁸⁴ Nevertheless, since Moshe's focus was on how the nation had angered G-d, it would not be so strange if the set of 40 days that occurred after G-d's anger had already been removed was omitted.⁸⁵

8.3 – Chronological Context

After sharing the text of the prayer presented as having been offered during the middle set of 40 days, Moshe told the nation that G-d had instructed him to carve out a second set of Luchos (10:1), which was the result of his 40 days of praying. This indicates that his discussion about the middle set of 40 days was complete. If so, the next mention of a 40-day period must be referring to the third set. Nevertheless, before this 40-day period is mentioned, Moshe also tells the nation that he descended

⁸⁴ The Vilna Gaon's approach has a similar issue, as if the 40-day prayer was offered over the third set of 40 days, there would be three mentions of the third set and none of the middle set. However, according to him, the middle set is much less significant, making it less problematic if it was not mentioned (see next footnote).

⁸⁵ Applying this to the Vilna Gaon's approach, Moshe was trying to highlight the fact that he had to pray on their behalf for 40 days, non-stop, so didn't discuss the 40 days he spent (mostly) in the camp with them. Alternatively, even though there were three 40-day periods, the two where Moshe spent 40 days and 40 nights, uninterrupted, atop Mt. Sinai, and received Luchos at the end of the period, have much more significance than the middle set, so the omission of the middle set is not really so noteworthy. [In fact, part of the Vilna Gaon's approach to the timing of the three 40-day periods (see his commentary on Seder Olam 6) is that only the first and third had to have 40 nights to go along with the 40 days. Obviously, then, the middle one did not have the same significance as the others.]

from Mt. Sinai with the second Luchos (10:5) and put them in the ark he had made (which G-d had commanded him to), all of which happened after the third set of 40 days was over. Obviously, Moshe is not repeating everything in this narrative chronologically. Not only that, but other things that occurred much later (such as Aharon's death) are mentioned before the narrative returns to the time period under discussion, when he tells the nation about the לויים being chosen to serve G-d (10:8). Although the actions done by the לויים to merit this occurred during the middle set of 40 days (Sh'mos 32:26-29), they were "separated" (D'varim 10:8) to serve G-d during the third set of 40 days, so the 40-day period mentioned afterwards could (from this perspective) refer to either the second or third one.

Interestingly, the same expression, בעת ההיא ("at that time") is used to introduce the לויים being chosen and Moshe being told to carve out new Luchos (10:1), perhaps indicating that both happened at the same time, i.e. at the end of the middle set of 40 days. The bottom line, though, is that even if, at first glance, this 5th mention of a 40-day period refers to the third one, from the flow of the verses it could refer to either the second or third.

8.4 – Did Moshe Stay on Top of Mt. Sinai the Entire Middle Set of 40 Days?

In Pirkay d'Rebbe Eliezer (46), a basic outline of what occurred during the middle set of 40 days is given:

ולאחר ארבעים יום לקח את הלוחות וירד אל המחנה, ובשבעה עשר בתמוז שבר את הלוחות והרג את ליטי ישראל, ועשה ארבעים יום במחנה

עד ששרף את העגל וכתתו כעפר הארץ והרג את כל אשר נשק לעגל
והכרית עבודה זרה מישראל והתקין כל שבט במקומו.

“And after 40 days⁸⁶, [Moshe] took the Luchos and descended to the encampment. On the 17th of Tamuz he broke the Luchos and killed the cursed of Israel⁸⁷, and spent 40 days in the encampment until he had burned the [golden] calf and ground it into dust and killed all those who had kissed the [golden] calf and ended idol worship from Israel and fixed every Tribe in their location.”

It is clear from this synopsis of what Moshe accomplished during the middle set of 40 days that he did not spend them atop Mt. Sinai, but in the camp below, working to fix what had been damaged. Chizkuni (Sh'mos 32:11; see also D'varim 9:18) also says that these 40 days were not spent on Mt. Sinai:

וכל אותם הארבעים יום שניים לא עלה משה אל הר סיני אלא התפלל עליהם באהל שנטה לו מחוץ למחנה.

“And for the entire second [period of] 40 days, Moshe did not go up to Mt. Sinai, but prayed on their behalf in his tent, which he had set up outside the camp.”

As far as Pirkay d'Rebbe Eliezer saying that Moshe spent the middle 40 days “in the camp” while Chizkuni

⁸⁶ Referring to the first set of 40 days.

⁸⁷ Referring to those who had worshipped the golden calf. Two stages of killing are mentioned; this one refers to those killed by the לויים via the court system, while the second refers to those who died after drinking the water mixed with the ground up golden calf.

says they were “outside the camp,” this could be a result of the differing opinions about when Moshe set up (and/or used) his tent outside the camp⁸⁸. More likely, it’s just semantics, as the point is that he was not on Mt. Sinai; that he was technically “outside the camp” rather than “in the camp” is not significant enough (in this context) to be concerned with such exact accuracy. We can see this from the words of Rav Yaakov Emden⁸⁹, who agrees not only that Moshe did not spend the middle 40 days atop Mt. Sinai, but that this was when Moshe put his tent outside the camp (and used it), yet refers to Moshe being “in the camp” at the time:

עתה אומר את אשר הריאני מן השמים בזה, כי באמת אין סתירה בין הפרקי דרבי אליעזר הנ"ל למ"ש חז"ל שהיה גם מ' יום אמצעיים בהר, אבל הכל אחד. גם הפסוקים מסייעים ומכריחים אמתתו, שהרי בפירוש נאמר באמצעיים ומשה יקח את האהל וגו' והיה כל מבקש ה' יצא אל אהל מועד וגו' (שמות לג, ז) והביטו אחרי משה וגו' (לג, ח) ושב אל המחנה (לג, יא), וכל הפרשה מכרזת ואומרת שהיה משה בפרק ההוא במחנה כדרכו, רק שהיה הולך להר אל מקום שכינה כשהזקק לדבור, ומיד שב ביום או ביום שלאחריו, וכמנהגו לפני מתן תורה... ולא שהה בשום פעם מ' יום בהר, רק בקבלת לוחות ראשונות ושניות... אכן מ' יום ומ' לילות רצופים היה ההתנפלות כמפורש בכתוב (דברים ט, יח/כה), אבל לא נזכר שעמד בהם בהר כענין שכתוב בראשונות ואשב בהר (ט, ח) ובאחרונים ואנכי עמדתי בהר (י, י), שאין ישיבה ועמידה זו אלא לשון עכבה, כלומר ששהה שם בהר מ' יום ומ' לילות בלי ירידה בנתיים, ולא היה לו עסק עם

⁸⁸ See Ramban on Sh'mos 33:7, although that discussion may not be relevant if Moshe was not atop Mt. Sinai for the middle set of 40 days.

⁸⁹ In his commentary on Seder Olam (6).

בני אדם למטה כלל, משא"כ באמצעיים שהיה הולך להר וחוזר לישראל, לא נתעכב בהר לגמרי בכל אותן מ"י ומ"ל שהתנפל בהן.

גם נראה שהתנפלותו לא היה בהר, כי לא נזכר כלל אצל ב' פעמים שכתוב ואתנפל שהיה בהר ... [אלא] היה מתנפל ומשתטח ומתפלל פעם או פעמים ביום וכן בלילה בכל אותן מ' רצופים, ולא הפסיק התנפלותו עד שנשמעה תפלתו, אבל לא כל היום וכל הלילה עמד בתפלה, ולא היה בהר בתוך הענן בעת התנפלותו, אלא באהלו היה עושה תפלתו והתנפלותו.

“I will now say over what they showed me from heaven on this issue, because in truth there is no contradiction between the Pirkay d’Rebbe Eliezer I just quoted⁹⁰ and our sages, of blessed memory, who said that the 40 middle days were also on the mountain, but they are one and the same. The verses themselves support and prove its truth, for it says explicitly regarding the [40] middle days⁹¹, ‘and Moshe took the tent,’ etc. (Sh’mos 33:7), ‘and they gazed after Moshe,’ etc. (33:8), ‘and he returned to the camp’ (33:11), and the entire section is announcing and saying that Moshe was in the camp during that period of time⁹², as he usually was⁹³, except that he would go to the mountain, to the place where the Divine Presence was, whenever he had

⁹⁰ Which is the same one I quoted above.

⁹¹ It’s not really explicit that this occurred during the middle set of 40 days, except for its placement in the narrative. Those who say that this part occurred after Yom Kippur (e.g. Rashi on Sh’mos 33:11) would say this is another instance where the Torah is not written in chronological order.

⁹² The middle set of 40 days.

⁹³ From this sentence we see that Moshe can be considered “in the camp” even if technically he was in his tent “outside the camp.”

to have a divine communication, and he immediately returned [to the camp] on that day or the day after it, as he had done before the Torah was given⁹⁴ ... And he did not stay for 40 days on the mountain at any time except when he received the first and second Luchos⁹⁵ ... Nevertheless⁹⁶, the falling [before G-d in prayer] did cover 40 consecutive days and nights⁹⁷, as is stated explicitly in the verses (D'varim 9:18/25), but it does not say that he was atop the mountain for the [middle set of 40 days] the way it does for the first [set of 40 days, where it says], 'and I sat⁹⁸ on the mountain' (9:8) and for the last [set of 40 days, where it says], 'and I stood on the mountain' (10:10), for this expression of 'sitting' and 'standing' can only mean staying there, as if he said [explicitly] that he remained there on the mountain for 40 days and 40 nights without

⁹⁴ When he ascended and descended numerous times without staying on Mt. Sinai for an extended period. Rav Emden then quotes verses to show that this is what happened before the first set of 40 days. I have omitted parts of what he wrote to stick with what's relevant to the points I'm trying to bring out.

⁹⁵ I.e. the first and third sets of 40 days.

⁹⁶ Even though Moshe did not stay atop Mt. Sinai for the middle set of 40 days.

⁹⁷ The issue Rav Emden is addressing, which has puzzled the commentators (and why he considers his finding a resolution something that was "shown to him from heaven"), is how each of the three sets of 40 days could have 40 complete days and 40 complete nights, which would require additional days between each set (as otherwise at least one of the sets would not be complete), if there aren't 122 days from the time Moshe went up before the first set until he descended after the third set.

⁹⁸ The word "sat" in this context usually means "stayed" or "dwelled," a point he is about to make.

descending during [those days]. And [during the first and third sets of 40 days] he had no dealings with anyone below at all, as opposed to the middle set, when he would go to the mountain and return to Israel⁹⁹, as he did not stay only on the mountain during those 40 days and 40 nights during which he fell [in prayer].

It would also seem¹⁰⁰ that his falling [in prayer] was not on the mountain, as the two times when his falling [in prayer] is discussed, it never mentions that he was on the mountain... Rather, he would fall and spread himself out [in prostration] and pray once or twice a day, and also at night, during those 40 consecutive days, and he didn't stop¹⁰¹ his falling [in prayer] until his prayer was answered. But he didn't pray all day and all night, and he wasn't on the mountain inside the cloud when he fell [in prayer], but did his praying and falling [before G-d] in his tent."

Rav Emden presents two possibilities. In both, Moshe did not spend the entire middle set of 40 days atop Mt. Sinai¹⁰²; either he went up and down the mountain

⁹⁹ The nation, not the country.

¹⁰⁰ Meaning it is also possible.

¹⁰¹ Meaning he would continue doing this day after day, not that he didn't take a break from praying, as he is about to say explicitly.

¹⁰² Which explains how there could be three sets of 40 days and 40 nights in only 120 days, as for the middle set of 40 days (and more specifically for the first and last days of that set), he didn't need to be on top of the mountain, and the partial days (where some time was also spent on the mountain) also counted towards the 40.

every day (and night)¹⁰³, or stayed in the camp the whole time, offering the 40-day prayer from his tent. Although the Torah says explicitly that Moshe went back up to Mt. Sinai after breaking the Luchos and burning the golden calf (Sh'mos 32:30-31), this could refer only to that first time, when Moshe asked G-d to either forgive the nation or erase his name from His book but was denied (32:31-34); after that, though, he prayed from his tent rather than going back up Mt. Sinai.

In any case, if Moshe was not on top of Mt. Sinai for entire 40 days and 40 nights, non-stop, the verse that says Moshe stood there for 40 days and 40 nights cannot be referring to the middle set of 40 days. Nevertheless, others¹⁰⁴ are of the opinion that Moshe spent the entire middle set of 40 days atop Mt. Sinai, in which case this verse could be referring to those 40 days.

ישמע ה' אלי גם בפעם ההיא - 8.5

Aside from saying that Moshe was on top of the mountain for that entire 40 day period, and that by the end of that period G-d no longer wanted to destroy the nation, the verse includes words that appeared earlier in the narrative:

וישמע ה' אלי גם בפעם ההיא.

¹⁰³ The Vilna Gaon, in his commentary on Seder Olam (6,) also says Moshe was in the camp during the middle set of 40 days, and that Moshe went up every day but then descended.

¹⁰⁴ See Rashi on Sh'mos 18:13 and 33:11, Tosfos on D'varim 10:10, Ramban on Sh'mos 33:7 and Rosh at the end of the 4th chapter of Rosh Hashanah.

“And G-d listened to me that time as well.”

If the 40-day period in this verse is referring to the third set of 40 days, then Moshe was telling the nation the following:

“Not only did G-d listen to my prayers at the end of the middle set of 40 days, but He also listened to my prayers at the end of the third set of 40 days.”

If, on the other hand, the verse is referring to the middle set of 40 days, then Moshe would be saying something a little different:

“Not only did G-d listen to my prayers at the end of the first set of 40 days, but He also listened to my prayers at the end of the middle set of 40 days.”

In and of itself, this wouldn't be problematic. However, this exact expression was said earlier in the narrative (9:19), and the “also” in that verse also¹⁰⁵ means that not only did G-d listen to the prayer Moshe had previously offered but He also listened to this one. If the second “also” tells us that G-d listened to Moshe's prayers during the first and second sets of 40 days¹⁰⁶, which prayers were Moshe referring to the first time he said this? Was Moshe just repeating himself, telling us twice that G-d had listened to him both times, at the end of the first set of 40 days and at the end of the second? Why would he repeat the

¹⁰⁵ Pun intended.

¹⁰⁶ As we are avoiding any reference to the third set in this narrative.

same information in the same narrative? It therefore makes more sense for the 40-day period referred to in the second verse to be the third set of 40 days. This way, the first time Moshe was saying that G-d listened to him at the end of the second set of 40 days just as He had listened to him at the end of the first one, and the second time he was saying that G-d listened to him at the end of the third set just as He had listened to him at the end of the second.¹⁰⁷

Nevertheless, according to those who say no prayer was offered during the first set of 40 days¹⁰⁸, this same issue applies even if the second verse is referring to the third set of 40 days. The 40-day period in the first verse must be the second setoff 40 days (when Moshe offered his first prayer), yet the verse still says “also,” meaning that G-d had also accepted Moshe’s earlier prayer – even though, according to this opinion, no prayer had been offered during the first set. In order to deal with this issue, Ibn Ezra writes (D’varim 9:19):

גם בפעם ההיא, כי כבר התפלל בעדם בהיותם על הים. והעד, מה תצעק אלי (שמות יד, טו). ועוד, ויצעק אל ה' ויורהו ה' עץ (שמות טו, כה).

“And also at that time, for [Moshe] had already prayed on their behalf when they were at the [Red] Sea. And this is evidenced by [G-d having said to Moshe there], ‘why are you crying out to Me?’ (Sh’mos 14:15). And another [instance where Moshe had previously prayed on their

¹⁰⁷ Which is how Ramban explains the verses.

¹⁰⁸ Such as Ibn Ezra.

behalf was when they were thirsty, in Marah, where it says], ‘and he cried out to G-d and He showed him a tree’ (Sh’mos 15:25).”

Since, according to Ibn Ezra, there was no prayer at the end of the first 40-day period for G-d to have listened to, the “also” in the first verse must be referring to prayers Moshe had offered even before the sin of the golden calf. And he brings examples of prayers that Moshe had previously offered.¹⁰⁹

Chizkuni (ibid) has the same approach, but adds one more example:

גם בפעם ההיא, שהרי כבר התפלל עליהם בים ובמרה ובמסה.

“And also at that time, for [Moshe] had already prayed for them at the sea and at Marah and at Masah.”

Besides referencing the two prayers mentioned by Ibn Ezra¹¹⁰, Chizkuni adds a third, Masah (also known as R’fidim), where the nation was thirsty for water and “Moshe cried out to G-d” (Sh’mos 17:4).¹¹¹ In other words,

¹⁰⁹ Interestingly, if Moshe was referring to his prayer by the ים סוף, and he was saying that G-d had answered his 40-day prayer just as He had answered his prayer at the ים סוף, then G-d saying “why are you crying out to Me, speak to the nation and [tell them] to travel” must be considered G-d having answered his prayer!

¹¹⁰ Including the first one, where it is not clear that Moshe’s prayer was answered rather than being brushed aside (see previous footnote).

¹¹¹ Ibn Ezra may have omitted this prayer because it wasn’t really made *on behalf of* the nation, which would have meant asking G-d to

the “also” in the first verse doesn’t necessarily refer to G-d answering Moshe’s prayers at the end of the first and second sets of 40 days, as according to Ibn Ezra and Chizkuni it refers to G-d having answered Moshe’s prayers prior to this incident and the prayer he offered during the second set of 40 days. If so, we can apply this line of thinking to those who say Moshe had offered a prayer at the end of the first set of 40 days.

Moshe was telling the nation how taken aback he was by the level of G-d’s anger, as He was planning to destroy them. If Moshe’s first prayer was made at the end of the first set of 40 days, this would have also been when G-d relented, after which He no longer planned to destroy them. As Ramban explained, Moshe had to pray for 40 days and 40 nights¹¹² because of how angry G-d had been; He was so angry that if not for Moshe’s first prayer, G-d would have wiped them out. “And G-d listened to me that time as well,” meaning that “G-d also listened to me at the end of the first set of 40 days and didn’t destroy you, just as He had listened to me previously, at the sea, at Marah and/or at Masah.”

give them water, but *about* them, with Moshe asking G-d how he should deal with them, as “anything more and they will stone me” (which would explain Chizkuni’s change from Ibn Ezra’s “on behalf of them” to “about them”). Nevertheless, Chizkuni may have considered it to be an answered prayer, since G-d did provide them with water, thereby alleviating the problem that led to Moshe’s prayer. This may be significant for our verses, as Moshe considering a prayer to have been answered even if G-d didn’t address the request directly could apply to requests made after the sin of the golden calf as well.

¹¹² During the second set of 40 days.

Once the first verse can be referring to previous prayers, with G-d listening to Moshe at the end of the first set of 40 days just as He had listened to him previously, the second verse can be referring to the middle set of 40 days, with G-d listening to Moshe at the end of the second set just as He had listened to him at the end of the first set. And if the second verse is referring to the middle set of 40 days rather than the third one, G-d wanting to destroy the nation until the end of that period is not problematic.

Based on my earlier suggestion, that until Parashas Eikev Moshe didn't tell the nation about the prayer he had offered at the end of the first set of 40 days, there's another possibility. Even if that prayer had been a secret, the prayer he offered during the middle set of 40 days was not. First of all, he told them he was going back up to G-d to try to attain forgiveness for them (Sh'mos 32:30). Secondly, they knew that after his 40-day prayer G-d had told him to carve out new Luchos, so it must have been successful. By telling them that G-d had also listened to that prayer, he was telling them (or at least hinting to them) that the 40-day prayer was not his first prayer on their behalf after the sin of the golden calf.

Since they already knew about the second prayer, and that it had been answered, and, as previously explained, Moshe was telling them how taken aback he was by the

level of G-d's anger, as He was going to destroy them¹¹³, the first verse can be understood to mean "and G-d listened to me then, at the end of the first set of 40 days (which, until now, they were unaware of), just as He listened to me at the end of the second set of 40 days (which they had known about)." And if that's what Moshe's was saying, the second verse, when Moshe ended the narrative by telling them that "G-d listened to me at the end of that second set of 40 days just as he had listened to me at the end of the first one," would not be an exact repetition of the first one.

8.6 – Chapter Conclusion

If there's no issue with the third set of 40 days not being mentioned in the Eikev narrative at all, and mentioning the second Luchos doesn't mean that the next mention of a 40-day period must be the third one, and Moshe did spend the entire middle set of 40 days atop Mt. Sinai, and the first mention of G-d listening to Moshe's prayers "that time as well" doesn't preclude the second mention from referring to the middle set of 40 days, then it is possible that the fifth mention of a 40-day period in the Eikev narrative refers to the middle 40 days, and G-d no longer wanting to destroy the nation at the end of that time period is not problematic.

However, it is much more likely that it refers to the third set of 40 days, which is how (almost) everybody

¹¹³ Which, as previously explained, must refer to what He was planning to do until Moshe's prayer at the end of the first set of 40 days, when G-d relented.

explains it – and not only those of the opinion that Moshe spent the middle 40 days in the camp¹¹⁴. We are therefore left trying to understand why, if Moshe’s prayers regarding not destroying the nation had already been accepted, including his 40-day prayer that diminished G-d’s anger to the extent that he was told to carve out new Luchos, it wasn’t until the end of the third set of 40 days that G-d no longer wanted to destroy them.

¹¹⁴ Although this might be because it’s difficult to explain D’varim 9:19 to be referring to prayers unrelated to the sin of the golden calf, despite Ibn Ezra having no other choice.

Chapter Nine: השחתה vs. השמדה

9.1 – Ramban's Explanation of D'varim 10:10

In order to explain why it was only at the end of the third set of 40 days that G-d no longer wanted to destroy the nation, Ramban writes:

וטעם לא אבה ה' השחיתך, שלא רצה שלא תבאו ותרשו את הארץ,
כטעם ויסף עוד להניחו במדבר ושחתם לכל העם הזה (במדבר לב, טו).

“And the way to understand [Moshe saying] ‘G-d did not want to destroy you’ is that He did not want to not bring you into the land to inherit it¹¹⁵, the same way ‘and He will continue to leave the [nation] in the desert, and you will destroy this entire nation’ (Bamidbar 32:15) is understood.”

In other words, the “destruction” referred to in this verse is not the same destruction as has been referred to until now, which was a total and immediate destruction. Instead, it is the kind of destruction Moshe referred to when he explained to the tribes of גד and ראובן why giving them land east of the Jordan River as their inheritance now, before the Land of Canaan was conquered, was problematic.

¹¹⁵ Using a double negative because he is explaining the term “destruction” as “not bringing them to the Promised Land,” and if G-d no longer wanted to destroy them that way, He no longer wanted to not bring them to the Promised Land.

9.2 – Destruction through Continued Wandering

Moshe's rationale for not wanting to give them the land now was based on what had occurred decades earlier. Just as the report of the spies had caused the nation to be afraid of trying to conquer Canaan, which led to them having to wander in the desert for 40 years, if the two tribes with the best warriors (גִּד and רְאוּבֵן) were to avoid having to conquer Canaan, the nation would again be too afraid to try to conquer it, and G-d would make them wander in the desert even longer, until the next generation came of age. Moshe was telling גִּד and רְאוּבֵן that if the nation would have to wait another generation before being able to enter the Promised Land, it wouldn't survive to even try, but would be "destroyed," i.e. would perish in the desert. Similarly, regarding his prayers during the third set of 40 days, Moshe was saying that only after those prayers did G-d no longer want to keep the nation from entering the Promised Land, which would have led to their destruction.

9.3 – When was the Promised Land back on the Itinerary?

According to this, the prayers Moshe offered during the middle set of 40 days did successfully remove the anger that had caused G-d to want to wipe them out completely. But enough anger still remained to bring about a different type of destruction; leaving them in the desert without entering the Promised Land. This was the anger that Moshe removed during the third set of 40 days. However, this seems to contradict what Ramban had written earlier

(Sh'mos 32:35) regarding the plague G-d sent before Moshe's 40-day prayer:

והמגפה הזאת היתה אחרי שהרג משה העובדים וההתפלל עליהם ואמר
ואם אין מחני נא (שמות לב, לב), כי בעבור שהיה מוסר נפשו עליהם רחם
עליהם הקב"ה, ואמר לו להעלותם אל הארץ ושילח להם מלאך. ורצה
לנכות להן מן העון הגדול כדי שיהיו ראויים לזה, ושלה המגפה הזאת
בהם, או שגזר עליהם כן והחל הנגף. ואחרי זה חזר ואמר עלה מזה אתה
והעם (לג, א), לומר כי המגפה לא תמחה חטאתם לשכני בתוכם.

“And this plague occurred after Moshe killed those who had worshipped [the golden calf] and prayed on behalf of [the others, telling G-d,] ‘and if [You will]not [bear their iniquity], erase me [from Your book]’ (Sh'mos 32:32), for it was because Moshe put himself out on their behalf that G-d had mercy on them and told [Moshe] to bring them up to the [Promised] Land, [adding] that He would send an angel [to lead them]. And [this plague was sent because] He wanted to diminish the [punishment due for the] great sin so that they would be worthy of [being able to go to the Promised Land], so He sent this plague [to strike] them¹¹⁶ or He decreed such against them and the plague started. And after this He returned [to the issue of going to the Promised Land] and said to [Moshe] ‘go up from here, you and the nation’ [to the Promised Land, and I will send an angel before you] (33:1-2), meaning that the plague would not erase the sin [to the extent] that I will dwell amongst you.”

¹¹⁶ Ramban is referring to those who didn't actually worship the golden calf, but pressured Aharon to make it and donated gold for it.

Since this conversation took place before Moshe's 40-day prayer¹¹⁷, G-d must have already agreed to let them go to the Promised Land at the beginning of the second set of 40 days, let alone before the end of the third set. Nevertheless, it is possible that He only allowed them to go because of the mercy He was showing after what Moshe had done, even though He was still angry enough to not let them go. It was only after the third set of 40 days that Moshe was able to successfully remove this anger as well, so it was only then that "G-d no longer wanted to destroy them," with the emphasis on "wanted," since, from a practical standpoint, G-d was already going to let them go to the Promised Land even before these prayers were offered.¹¹⁸

9.4 – Different Terms for Destruction

Changing the definition of what kind of destruction Moshe was referring to in this verse fits very well with the change in the term Moshe used for destruction. Throughout the narrative, the word used was "השמדה"¹¹⁹, whereas the destruction that G-d no longer wanted to do at the end of the third set of 40 days was "השחיתה." However, there is

¹¹⁷ Which, according to Ramban, didn't begin until 33:12; see his commentary there.

¹¹⁸ If so, when Ramban says that the plague enabled them to go to the Promised Land, it must mean that without the plague even Moshe's prayers during the last set of 40 days wouldn't have removed G-d's anger. Otherwise, those deaths ended up being unnecessary.

¹¹⁹ D'varim 9:8, 9:14, 9:19, 9:20 and 9:25.

another place¹²⁰ in this narrative where the word used for destruction is השחיתה, in the text of Moshe's prayer, אל תשחית עמך¹²¹, which Ramban insists refers to the prayer he offered at the end of the first set of 40 days, when G-d was still planning to wipe them out completely and start a new nation from Moshe. If השחיתה refers to a different kind of destruction, namely not bringing them into the Promised Land, wouldn't Moshe have been asking G-d not to do that type of destruction, as opposed to asking that He not wipe them out completely?

9.5 – Shifting the Destruction

What would happen, though, if we applied Ramban's definition of השחיתה to Moshe's prayer of אל תשחית עמך? It would be a completely different prayer than the one in Parashas Ki Sisa, asking G-d to let them enter the Promised Land rather than asking Him not to totally destroy them. And since it appears in Parashas Eikev as part of Moshe's discussion of his 40-day prayer, it would be the prayer that Moshe offered over the middle set of 40 days. With this, most (if not all) of the issues can be addressed.

¹²⁰ Actually two, but the first (D'varim 9:12) is how G-d described the state of the nation because of their sin.

¹²¹ D'varim 9:26.

9.6 – Reconstructing the Timeline (Take Two)

At the end of the first set of 40 days, G-d told Moshe that the nation had sinned¹²², so He was going to wipe them out completely¹²³, and that he shouldn't try to talk Him out of it¹²⁴. Taking G-d's hint that if he prays he can change G-d's mind, Moshe immediately – even before descending and putting an end to the sinning and trying to repair the damage – asks G-d not to follow through with the evil He had spoken of¹²⁵, invoking what G-d had already done for the nation, what the Egyptians would say if He completely wiped out His nation right then and there, and the promise He had made to Avraham, Yitzchok and Yisroel¹²⁶. As a result, G-d “relented from doing the evil He had spoken of doing to His nation.” Moshe's arguments, which were not based on defending, minimizing or mitigating the sin the nation was committing, successfully convinced G-d that no matter how angry He was, wiping them out completely should not be an option.

¹²² Sh'mos 32:7-8 and D'varim 9:12.

¹²³ “ואכלם” in Sh'mos, “ואשמידם” in D'varim. Throughout the Ki Sisa narrative, instead of the word השחתה, the word used is כליה, so they must refer to the same total and immediate destruction. Even though it is possible that כליה refers to all types of total destruction, both immediate and over time, when it parallels the השמדה used in Parashas Eikev it must refer to the same type of destruction.

¹²⁴ Sh'mos 32:10 and D'varim 9:14.

¹²⁵ Sh'mos 32:12. This prayer is not mentioned in Parashas Eikev.

¹²⁶ Sh'mos 32:11-13. Despite the similarity to the prayer in Parashas Eikev, that one is the 40-day prayer Moshe offered during the middle set of 40 days. The significance of the slight differences between the prayers will be discussed shortly.

It didn't lessen the level of G-d's anger one iota, it just removed the possibility of that anger manifesting itself by immediately and completely destroying the nation.

After descending¹²⁷, Moshe broke the Luchos¹²⁸, burned the golden calf, ground it up, mixed it with water from the stream flowing from Mt. Sinai¹²⁹, and did whatever he could to repair the damage done by the sin¹³⁰. He then returned to G-d¹³¹, hoping that his actions were

¹²⁷ Sh'mos 32:15 and D'varim 9:15.

¹²⁸ Sh'mos 32:19 and D'varim 9:17.

¹²⁹ Sh'mos 32:20 and D'varim 9:21. Regarding the stream of water, see Sh'mos 17:6. Moshe made the nation drink this water, which caused those who had worshipped the golden calf privately to perish (see Rashi on Sh'mos 32:20). In D'varim, Moshe did not mention (explicitly) that he made them drink this water because anyone who was in his audience had either survived or was too young to have had to drink it (see next footnote).

¹³⁰ Sh'mos 32:26-29. Since the focus in Parashas Eikev is that the nation caused G-d to become angry, and anyone who was prosecuted and executed was obviously not around when Moshe addressed the nation in Sefer D'varim, that those who actually worshipped the golden calf were punished with death is not mentioned there. Rather, the point was that even after everyone who had actually worshipped the golden calf was punished, G-d was still angry with the rest of the nation for either contemplating joining the sinners (see Ramban on Sh'mos 32:7), for going along with Aharon's plan – including donating their jewelry (see N'tziv on Sh'mos 32:3), for making a graven image even if they didn't intend to worship it (but to use it receive communications from G-d, see Rashbam on Sh'mos 32:4) or for allowing the incident to happen without protesting or trying to stop it (see Abarbanel on Sh'mos 32:30-31).

¹³¹ Sh'mos 32:30-31. These details were left out in Parashas Eikev because they were included in Moshe having to pray for them for 40

sufficient to remove G-d's anger and allow the nation's mission to resume where it had left off, with the covenant intact and their destination still being the Promised Land. Instead, G-d responded by saying that He was still planning to punish the nation¹³², and would not guarantee that they would make it to the Promised Land¹³³. This indicated not only that He was still angry with the nation, but that He might destroy them in a different way, by letting them roam the desert without ever giving them their own homeland. After all, if they couldn't go back to Egypt, and they weren't being brought to the Promised Land, where would they go?¹³⁴ And, as Ramban said, G-d not bringing them into the Promised Land amounted to destroying them.

It was at this point that Moshe began his 40-day prayer, asking G-d not to destroy the nation, meaning that

days and 40 nights; it was because this opening prayer wasn't sufficient that the longer prayer became necessary.

¹³² Sh'mos 32:33 and the end of 32:34.

¹³³ Sh'mos 32:34, telling Moshe to "lead the nation to wherever I tell you," rather than to the Promised Land. Contrast this with what G-d says just two verses later (33:1), where He mentions the Promised Land explicitly.

¹³⁴ This is not exactly the same concern that Moshe shared with דָּן and יְרֵאֻם, because there the concern was that waiting for yet another generation to come of age before bringing them into the Promised Land would allow even more problems to arise, and they would never make it, whereas this concern was that G-d didn't intend to ever let the nation enter, not even the next generation (bear in mind that the sin of the spies, and its consequence of waiting for the generation to die out in the desert before bringing the next generation in, hadn't occurred yet). Nevertheless, the idea that having to remain in the desert amounted to destruction is the same.

He should bring them to the Promised Land rather than having them roam in the desert endlessly. This is the prayer that appears in the narrative in Parashas Eikev.

9.7 – Contrasting the Nuances

Although the prayer in Parashas Eikev is remarkably similar to the one in Parashas Ki Sisa, the slight differences are significant:

- 1) In Parashas Eikev Moshe refers to them not only as G-d's nation, but also as G-d's inheritance, alluding to their being given the Promised Land as an inheritance¹³⁵. As a continuation of this thought, the forefathers, who were promised that the land will be given to their descendants, are mentioned next¹³⁶.
- 2) Only in Eikev¹³⁷ does Moshe ask G-d to ignore the nation's stiff-necked nature and their wickedness

¹³⁵ And, in a sense, the land is really His "inheritance" (see Vayikra 25:23; even after the Children of Israel conquer the Land of Israel it still belongs to Him), given to His nation as an inheritance because they are His inheritance.

¹³⁶ D'varim 9:27, whereas in Parashas Ki Sisa they are mentioned not only after what the Egyptians would say, but after the direct request that G-d change His mind (Sh'mos 32:12).

¹³⁷ D'varim 9:27, the second direct request in this prayer (with the first being not to destroy His nation). In Ki Sisa both direct requests (made in the second half of Sh'mos 32:12) – that G-d calm His anger and that He change His mind – are made back-to-back. Only one of these requests was answered, as G-d's anger was not reversed after this. How Moshe expected G-d to reverse His anger while the nation was

and sin – a reasonable request after steps had already been taken to repair the damage – asking G-d to “close the gap” between what Moshe was able to accomplish and what was still left to accomplish. In Ki Sisa, on the other hand, where Moshe was still atop Mt. Sinai without having had a chance to stop the sinning and try to fix things, such a request could not be made¹³⁸.

- 3) In Ki Sisa, Moshe argues that if G-d wipes the nation out right then and there the Egyptians will say the reason G-d brought them out of Egypt was to totally destroy them in the mountains¹³⁹, whereas in Eikev¹⁴⁰ he argues that they will say G-d was unable to bring them to the land promised to their forefathers, an argument that fits perfectly if the destruction Moshe is referring to is making them roam in the desert rather than bringing them to the Promised Land.

- 4) In Parashas Eikev, when Moshe repeats what seems to be the same argument that he made in Ki Sisa about what the Egyptians will say, rather than

still sinning is quite puzzling. Perhaps Moshe meant that the results of His anger should be reversed, and it was really just one request.

¹³⁸ As Ibn Ezra points out.

¹³⁹ Sh'mos 32:12. The southern part of the Sinai Peninsula, where Mt. Sinai is located (see

<https://rabbidmk.wordpress.com/2016/08/04/parashas-matos-masay-5776/>) is mountainous.

¹⁴⁰ D'varim 9:28.

saying G-d brought them out of Egypt to wipe them out completely¹⁴¹, they would say He brought them out “to kill them,” which works with either definition of destruction.

- 5) Whereas in Ki Sisa Moshe argued that the Egyptians would say G-d wanted to kill His nation “in the mountains,” which alludes it being done at or near Mt. Sinai¹⁴², in Eikev the killing would be “in the desert,” since it could occur¹⁴³ anywhere in the desert, not just in a mountainous area.
- 6) In Ki Sisa, one of the promises to the forefathers that Moshe mentions is that their descendants will be numerous¹⁴⁴, which works well to counter G-d’s threat to completely wipe out the nation and start over with Moshe. Since that threat was removed after Moshe’s first prayer, there was no need to reference this promise in a subsequent prayer.

¹⁴¹ In Ki Sisa, the word “ולכלותם” is used, which, as previously mentioned, is the equivalent of “ולהשמידם” in Eikev. This term would not apply if, by the time Moshe made the prayer in Eikev, “השמדה” was no longer being considered (since G-d had already committed not to do that after Moshe’s first prayer).

¹⁴² See footnote 139.

¹⁴³ And likely would occur, since by the time they perished in the desert (because they didn’t go to the Promised Land) they would have left Sinai many years earlier.

¹⁴⁴ Sh’mos 32:13. It is a bit curious that the promise to give their descendants the land on which they had sojourned is not mentioned in Parashas Eikev, but, as previously mentioned, it was hinted to, twice, by calling the nation “G-d’s inheritance.”

9.8 – Results Despite the Anger Remaining

Despite these differences, there is one “between the lines” aspect that both prayers share; the end result was not that G-d’s anger had subsided because of the prayer, but that each prayer had accomplished what it had set out to do. After the first prayer, G-d relented from the evil He had planned on doing, and despite being just as angry with the nation as He had been before the prayer¹⁴⁵, He was no longer considering completely wiping them out. Similarly, after the 40-day prayer G-d was no longer considering “destroying” them by not bringing them into the Promised Land, even though His anger level was still the same as it had been before the prayer¹⁴⁶.

9.9 – Resuming the Timeline Reconstruction

After the 40-day prayer, then, the original mission was back on track, with the nation heading towards the Promised Land¹⁴⁷, but because G-d was still angry, He wasn’t going to lead them there Himself, sending an angel

¹⁴⁵ Again, the sin was still being committed at the time, so the anger itself could not subside.

¹⁴⁶ Although, because of all the things Moshe had done after he descended, it was less than it had originally been.

¹⁴⁷ Sh’mos 33:1. According to this, the 40-day prayer was offered between the end of Chapter 32 and the beginning of Chapter 33, which would explain why there needed to be a new communication (33:1) telling Moshe to head towards the Promised Land despite similar instructions being issue two verses earlier (32:34).

instead¹⁴⁸. It was only after the third set of 40 days that His anger fully subsided, and He agreed to rest His Divine Presence upon the nation, which included leading the nation to the Promised Land (rather than an angel) and residing in the Mishkan.

Let's see how this fits with the narrative in Parashas Eikev.

After a recap that parallels Parashas Ki Sisa¹⁴⁹ except for the missing prayer, Moshe told the nation:

ואתנפל לפני ה' כראשונה, ארבעים יום וארבעים לילה, לחם לא אכלתי ומים לא שתיתי, על כל הטאתכם אשר הטאתם לעשות הרע בעיני ה' להכעיסו. כי יגרתי מפני האף והחמה אשר קצף ה' עליכם להשמיד אתכם, וישמע ה' אלי גם בפעם ההיא. (דברים ט, יח-יט)

“And I fell [in prayer] before G-d like the first time¹⁵⁰, 40 days and 40 nights, I did not eat bread or drink water¹⁵¹”

¹⁴⁸ Sh'mos 33:2. Although some (e.g. Rashi on Sh'mos 33:14) say this was reversed before the third set of 40 days, others are of the opinion that it wasn't reversed until the end of the third set. Moshe asking, as part of his prayers during the third set of 40 days (Sh'mos 34:9), for G-d to lead them rather than an angel, is a strong indication that it had not yet been reversed.

¹⁴⁹ D'varim 9:12-17, compare with Sh'mos 32:7-10, 32:15 and 32:19.

¹⁵⁰ Since he didn't pray for 40 days the first time, his intent was either that the length of time was the same (40 days/nights) or that his prayer over those 40 days/nights were said with the same urgency as the prayer he had offered on that last day of the first set of 40 days because G-d's anger was still as strong as it had been before the first prayer (as he is about to say). [Since this was the first time Moshe

because of your sin, having done what is bad in G-d's eyes, which angered Him. For I was taken aback in fear because of the wrath and the rage with which G-d was upset at you, to completely wipe you out, and G-d listened to me that time as well."

As Ramban had explained, Moshe was saying that G-d was so angry that he had to pray on their behalf for 40 consecutive days and nights to try to calm the anger he had witnessed first-hand at the end of the first set of 40 days, an anger so severe that G-d's original intention was to completely destroy them right then and there. And even though that wasn't going to happen anymore because of Moshe's first prayer, G-d's level of anger was the same after that prayer as it had been beforehand, thereby requiring his urgent 40-day prayer. Moshe ends this part of the narrative by telling them that just as his first prayer was successful¹⁵², with G-d agreeing not to completely wipe them out, so too was his 40-day prayer successful. What that prayer was, and what it accomplished, was not explained just yet.

hinted to his first prayer, he had to embed more than one meaning into his words. In this case, he was likely referring to the urgency of his first prayer, but worded so that it could also be understood to be referring to the length of time.] See N'tziv for other possibilities.

¹⁵¹ If the middle set of 40 days were not spent entirely on Mt. Sinai, he didn't eat or drink because he was fasting (see N'tziv).

¹⁵² The most obvious reference to his first prayer, but still worded in a way that could be understood as referring to the prayers he had offered during earlier incidents, i.e. at the Yam Suf, at Marah, and/or at Masah.

After a detour that recaps other instances where the nation had angered G-d¹⁵³, Moshe returned to his 40-day prayer, repeating that it was needed “because G-d had said¹⁵⁴ He would completely wipe you out.” Not that G-d still planned on doing that, but because He had previously, before Moshe’s successful first prayer, threatened to wipe them out completely, and G-d’s anger was still the same even after that prayer, the 40-day prayer was necessary. The text of that 40-day prayer was then shared (D’varim 9:26-29), with a different term for “destruction” used to signify that the point of this prayer was not to convince G-d to relent from completely wiping them out¹⁵⁵, but to convince Him to let the nation go to the Promised Land rather than withering away in the desert.

9.10 – Additional Nuances

Moshe couldn’t state here, immediately after the text of the prayer was shared, that G-d answered this prayer, because he had already stated that G-d agreed not to wipe them out completely¹⁵⁶, and saying that G-d answered this prayer by agreeing to bring them to the Promised Land

¹⁵³ D’varim 9:20-24. Aside from underscoring their history of angering G-d, this diversion allowed Moshe to share the text of his 40-day prayer without misleading those who were able to pick up on the fact that he had already prayed on their behalf at the end of the first set of 40 days, so that they wouldn’t think this was that first prayer.

¹⁵⁴ Past tense, as opposed to a still standing threat.

¹⁵⁵ As that had already been accomplished.

¹⁵⁶ In a way that could have been understood as being accomplished at the end of the second set of 40 days even though it was really accomplished at the end of the first set of 40 days.

would be tantamount to stating explicitly that there had been a successful prayer at the end of the first set of 40 days which had convinced G-d not to destroy them, something Moshe was trying to avoid. Besides, it would not be accurate to say, or even imply, that G-d was no longer angry with them¹⁵⁷, and stating that G-d answered this prayer here would make it seem as if G-d was no longer angry enough to prevent them from entering the Promised Land.

More parallel narrative follows¹⁵⁸, including G-d's instructions to Moshe to carve out new Luchos and bring them up to Mt. Sinai for the third set of 40 days. After another digression, Moshe concludes the narrative by saying, "and I stood on the mountain as I did for the first days, 40 days and 40 nights, and G-d listened to me that time as well, and He did not want to destroy you," adding that G-d told him to get ready for the nation to travel to the Promised Land¹⁵⁹. The progression would therefore be as follows:

¹⁵⁷ Since He still was, and only agreed to bring them to the Promised Land because of the arguments Moshe presented during his 40-day prayer.

¹⁵⁸ D'varim 10:1-5, compare with Sh'mos 34:1-4. One major difference is Moshe being told to make an ark for the new Luchos, which is omitted in Parashas Ki Sisa. Why no ark was mentioned there, as well as why similar instructions weren't given before the first Luchos, are valid topics of discussion.

¹⁵⁹ D'varim 10:10-11. Segueing into the instructions about traveling to the Promised Land adds weight to the notion that the destruction G-d no longer wanted to do was not bringing them there.

- (1) G-d intending to wipe the nation out (before Moshe's first prayer);
- (2) G-d having previously said He would wipe the nation out, but no longer intending to (after Moshe's first prayer);
- (3) G-d intending to destroy them by not bringing them to the Promised Land (after the sinning stopped and those guilty of actual idol worship had been punished);
- (4) G-d agreeing not to do that either (after Moshe's 40-day prayer) even though He was still angry with them; and finally (after the third set of 40 days),
- (5) G-d no longer being angry enough to destroy them that way either, and therefore no longer wanting to.

By changing the type of destruction from complete annihilation, which G-d originally intended on doing (before Moshe's first prayer) to a passive destruction, almost all of the major issues have been resolved. But there are still some issues that need clarification.

9.11 – Finishing Touches

One such issue is when Moshe moved his tent outside the camp. As previously discussed, according to some¹⁶⁰, Moshe offered his 40-day prayer from his tent, which he had moved outside the camp (Sh'mos 33:7).

¹⁶⁰ E.g. Chizkuni, see Chapter Eight (8.4).

Since¹⁶¹ G-d told Moshe to lead the nation to the Promised Land¹⁶² before Moshe moved his tent¹⁶³, if the focal point of his 40-day prayer was to convince G-d to allow the nation to enter the Promised Land, Moshe must have moved his tent after the middle set of 40 days, making it impossible for him to have offered his 40-day prayer from his tent after he had moved it. Nevertheless, not everyone agrees that this is where Moshe offered his 40-day prayer, or that his tent had to be outside the camp at the time¹⁶⁴. Even if it means that he moved his tent outside the camp right before going back up to Mt. Sinai for the third set of 40 days, Moshe may have been unaware that G-d was about to summon him there¹⁶⁵, and thought things could stay the way they were for a while. Additionally, Moshe may have moved his tent outside the camp specifically after G-d said that His Divine Presence can no longer rest on the nation¹⁶⁶ to follow G-d's lead and not dwell with the nation either¹⁶⁷, even if it was for just a short period of time¹⁶⁸.

¹⁶¹ If we follow the text chronologically.

¹⁶² Sh'mos 33:1-3

¹⁶³ Sh'mos 33:7

¹⁶⁴ Either because the text does not have to be chronological, or because the 40-day prayer was offered from his tent before he moved it.

¹⁶⁵ And ask him to bring new Luchos with him.

¹⁶⁶ Which is why He had to send an angel to lead them rather than leading them Himself.

¹⁶⁷ See Rashi on Sh'mos 33:7.

¹⁶⁸ Either way, Moshe would utilize this tent from Yom Kippur, which was the last day of the third set of 40 days, until the Mishkan was up and operating, the next Nissan. It should be noted, though, that if the

Although the previously quoted¹⁶⁹ Abarbanel does not distinguish between “השחיתה” and “השמדה,” he does distinguish between destroying the nation directly by wiping them out and destroying them indirectly by removing His divine protection from them, thereby letting them perish naturally in the harsh conditions of the desert. We can therefore substitute this type of destruction for the destruction caused by not bringing the nation to the Promised Land as the second type of destruction, the one Moshe referred to as “השחיתה.” Using the same numbering system as above for reference, the sequence of events would be as follows:

Originally, G-d was going to wipe them out directly (1); after Moshe’s first prayer reversed that (2), it was only that level of anger that had to be dealt with; then it was G-d removing His divine protection (3) that Moshe reversed (4); followed by his removing the anger that caused G-d to want to remove His divine protection (5).

One advantage of this being the “destruction” Moshe asked G-d not to do in his 40-day prayer is that this prayer no longer has to have been offered before G-d was willing to let the nation travel to the Promised Land, as even if that was where they were headed, they wouldn’t survive without G-d protecting them from the elements.

point of moving his tent outside the camp was to match G-d not resting His Divine Presence on the nation, it would seem that Moshe didn’t have to wait for the Mishkan to be built, and could have moved his tent back into the camp right after Yom Kippur.

¹⁶⁹ In Chapter Six (6.3).

From this perspective, Moshe could have moved his tent outside the camp before offering his 40-day prayer.

9.12 – Why a Different Destruction Makes a Difference

Abarbanel's approach had been rejected because once G-d had relented from destroying the nation, it shouldn't matter what kind of destruction He would use. And this same argument can be made regarding the destruction caused by not letting them go to the Promised Land. Nevertheless, once we are distinguishing between types of destruction because of how they are referred to (השמדה vs. השחיתה), this issue isn't as problematic, as they become more than just different types of destruction; they become different categories of destruction.¹⁷⁰ The words of the *תורה* (Sh'mos 32:14) would seem to be very relevant here:

משה התפלל על ב' דברים, שלא יכלה את ישראל בעברתו ושיקיים
הבטחתו להנחיל להם את הארץ המובטחת. ותפילתו עשתה לע"ע מחצה:

¹⁷⁰ This is especially true if we distinguish between destruction done directly (בידים) and destruction that is allowed to occur passively, such as by removing divine protection or allowing them to wither away over time in the desert (see Ramban on B'reishis 37:22, regarding the difference between the brothers killing Yosef directly or throwing him into a pit where he would die because of the snakes and scorpions in it). However, our case isn't exactly the same, as it was G-d who had brought them out of Egypt and put them into a situation where they would need His divine protection in order to survive, or need to be brought into the Promised Land. Nevertheless, there is a difference between wiping them out directly and not helping them survive, and G-d had only committed to not destroying them directly after Moshe's first prayer.

"וינחם ה' על הרעה." אבל עדיין לא הבטיח לו להעלות את העם אל ארץ כנען, עד מ' יום אשר התנפל לפני ה'.

“Moshe prayed¹⁷¹ for two things, that [G-d] wouldn't wipe out Israel in His anger, and that He would keep His promise to give them the Promised Land as an inheritance. [But] his prayer was only half-successful, as 'G-d relented from doing the evil,' but did not yet promise that the nation would make it to the Land of Canaan,[and wouldn't] until the 40 days that he fell [in prayer] before G-d.”

Although the only two direct requests in Moshe's first prayer¹⁷² were that G-d should “reverse Himself from the wrath of His anger and relent from [doing] the evil to His people” (Sh'mos 32:12), and it would be difficult to equate "reversing from the wrath of His anger" with guaranteeing that the nation will make it to the Promised Land, the אזנים לתורה may be considering the mention of the promise to our forefathers as a request to fulfill that promise. And even though that would mean there were three requests (since Moshe mentioned two promises to the forefathers), the promise to have a large number of descendants would not really be separate from relenting from destroying the nation¹⁷³. And if (only) relenting from

¹⁷¹ Referring to his prayer at the end of the first set of 40 days.

¹⁷² If we are to divide them in two, as opposed to it being one long request (see footnote 137).

¹⁷³ Since wiping them out would severely diminish their numbers. Besides, even if there were now three requests, only one of them was answered, so either way no guarantee of getting to the Promised Land was made at that time.

wiping them out meant that this was the only thing G-d was committing to, with the request to reaffirm His promise to bring them to the Promised Land being denied, it could not be said that the type of destruction caused by not bringing them to the Promised Land was included in G-d relenting from wiping them out.

9.13 – The Missing Prayers

Another issue raised earlier was why, if the prayers in Ki Sisa and Eikev were two separate prayers, each was omitted from the other narrative. Since Moshe was trying to keep that first prayer¹⁷⁴ under wraps, and only hinted about it – for the first time – in his Eikev narrative, we can understand why the text of that prayer is not included (explicitly) there. But what about the 40-day prayer, which we are now understanding to be either a request to bring the nation to the Promised Land or a request that G-d not remove His divine protection from them. Why wasn't that prayer included in Ki Sisa?

דברי תורה עניים במקומן ועשירים במקום אחר. (ירושלמי ראש השנה, פרק ג הלכה ה)

“The words of Torah are poor in their place and rich in other places.” (Yerushalmi Rosh Hashana 3:5)

Generally speaking, something being omitted in one place in the Torah is not considered problematic if it exists

¹⁷⁴ The one in Ki Sisa.

elsewhere in the Torah.¹⁷⁵ It could therefore be suggested that there is no problem with Moshe's 40-day prayer being left out of one narrative, as long as it appears in the other one. However, this concept is usually used to explain certain law details not being taught in one place, since the necessary laws are included elsewhere. It may not apply to missing pieces of narrative.

If we don't want to rely on the Torah filling in the missing piece of one narrative elsewhere, it can still be suggested that the Ki Sisa narrative only included the parts of the conversation between G-d and Moshe that made a permanent difference. The threat to have the nation wither away in the desert was not the originally intended punishment (complete annihilation was). Nor was this threat ever enacted, since Moshe's 40-day prayer reversed that. Therefore, because it was only part of an in-between stage that never materialized, it was omitted in Parashas Ki Sisa. In Parashas Eikev, on the other hand, when Moshe was going through all the times the nation had angered G-d, the anger that could have led to them perishing in the desert was included with the other instances.

¹⁷⁵ This could theoretically apply to us not being told that G-d answered Moshe's 40-day prayer right after the text of the prayer, the way we are told that G-d relented from His plan to destroy the nation right after the text of Moshe's first prayer, since we were told earlier in the narrative that G-d listened to Moshe's 40-day prayer too. Nevertheless, as will be stated shortly, this concept is usually meant to explain why law details aren't taught in a specific location, not why pieces of narrative are omitted in some locations.

At the end of the day, by building upon several pieces from various commentators, including differentiating between categories of destruction – to the extent that even though G-d agreed not to wipe the nation out completely Moshe still had to convince Him to bring them into the Promised Land rather than letting them perish in the desert – we may have found a way to explain how the narratives are not contradictory, but complementary.

Chapter Ten: הודעני נא את דרכך

10.1 – What Was Moshe Thinking?

After G-d told Moshe that He would send an angel to lead the nation to the Promised Land (Sh'mos 33:2), Moshe asked G-d to lead them Himself (33:12-16) instead. However, this request is a bit puzzling considering why G-d was sending an angel:

כי לא אעלה בקרבך, כי עם קשה ערף אתה, פן אנלך בדרך.
(שמות לג, ג)

“For I will not [rest My Divine Presence] in your midst, because you are a stiff-necked nation, lest I wipe you out on the way.” (Sh'mos 33:3)

This was repeated a few verses later, reiterated to explain to the nation, which was upset that G-d wasn't going to lead them Himself, why He couldn't:

ויאמר ה' אל משה, אמר אל בני ישראל אתם עם קשה ערף, רגע אחד אעלה בקרבך וכילתיך. (לג, ה)

“And G-d said to Moshe, ‘tell the Children of Israel [they] are a stiff-necked nation; if I [rest My Divine Presence] in [their] midst even for a moment, I will wipe [them] out.’” (33:5)

The danger of G-d leading them rather than an angel was made very clear to Moshe; if He did, they would be in mortal danger, and the very thing that Moshe had

accomplished with his first prayer, that the nation would not be destroyed, would be reversed. Didn't Moshe believe G-d when He told him (and then them) that He couldn't lead them to the Promised Land because if He did they wouldn't make it there?¹⁷⁶ How could Moshe ask G-d to lead them if doing so was so dangerous?

10.2 – Trying to Understand G-d

It would therefore seem that when G-d hinted to Moshe, on the last day of the first set of 40 days, that even though the nation was still actively sinning, if he prayed on their behalf He would relent and not destroy them, Moshe realized that it is possible for G-d to remain angry and yet not punish those He is angry with. And this is exactly what happened, as G-d's anger was not diminished after Moshe's first prayer, yet He didn't destroy them – even though that is what they deserved. Therefore, when G-d told Moshe

¹⁷⁶ Even though G-d had already relented from wiping them out (and the word used for destruction here is the same word G-d used while they were still worshipping the golden calf, so it must refer to the same kind of destruction), not resting His Divine Presence amongst them so that He won't destroy them was still an issue, for two reasons. First of all, even if His commitment not to wipe them out would prevent Him from doing so, that same commitment would prevent Him from creating a situation where He would have to destroy them, so leading them Himself could not be an option. Secondly, the commitment He made wasn't to never destroy them no matter what, but that He wouldn't destroy them for this sin, and even then, that He wouldn't destroy them while keeping His distance. He never committed to not destroying them even if He rested His Divine Presence amongst them.

that He couldn't lead them because if He did He would¹⁷⁷, or at least might¹⁷⁸, destroy them, Moshe was trying to understand why G-d being in the nation's midst made such a difference. After all, מלא כל הארץ כבודו, G-d's honor fills the whole world, and אין שכחה לפני כסא כבודך, G-d doesn't "forget" anything, so it's not like G-d won't know about or remember their sin if He's (symbolically) farther away.

¹⁷⁷ The words "ורגע אחד אעלה בקרבך וכילתיך" imply that it would definitely happen. If so, this danger should still exist even after the third set of 40 days, as Moshe was only able to attain atonement for that sin, not for any future sins, and with G-d dwelling amongst them, another sin could bring about this same destruction. However, it is possible that the third set of 40 days accomplished more than just atonement for that sin; it set the precedent that atonement is possible for future sins as well (see footnote 48). In that case, there was no longer the same danger of G-d destroying the nation if they sinned, as they would be able to atone for it, thereby restoring the relationship. When speaking to the nation, G-d used terminology that applied then (that they definitely would be destroyed), since there was no atonement, or vehicle for atonement, yet.

¹⁷⁸ As the words "פן אכלך בדרך" indicate, since it only "may" happen, but may not. When speaking with Moshe, G-d did not rule out the possibility that, in the future, sinning while G-d dwelled amongst them would not necessarily mean imminent destruction. This could explain how being a "stiff-necked" people could be given by G-d as reason why He couldn't dwell amongst them and also given by Moshe as a reason why He should; if Moshe was asking not only for atonement for this sin but that atonement be possible for future sins as well, that they were a stiff-necked people, and would likely need atonement again, was a strong argument. Before the request that atonement become possible was made, though, being a stiff-necked people was a valid reason why G-d couldn't dwell amongst them, as it was likely they would sin again, which would, at the time it was said, mean they would be destroyed.

Why, if G-d can “bear their iniquity”¹⁷⁹ and not destroy them under any set of circumstances, won’t He “bear their iniquity” and not destroy them if He’s dwelling in their midst? Don’t the arguments Moshe made (that they are His people, whom He brought out of Egypt with a strong arm, what the Egyptians will say, and the promises to the forefathers) apply not only when G-d is distant from them, but also when He is close to them?

It is therefore possible that this is precisely what Moshe was asking when he said to G-d “הודעני נא את דרכך,” inform me of Your ways; please explain to me how You run the world. As Rabbi Yochanan said in the name of Rabbi Yosi (B’rachos 7a), explaining what Moshe was asking when He requested to be informed of G-d’s ways:

אמר לפניו, רבש"ע, מפני מה יש צדיק וטוב לו ויש צדיק ורע לו, יש רשע וטוב לו ויש רשע ורע לו?

“[Moshe] said before Him, Master of the universe, for what reason are there righteous people who have a good [life] and righteous people who suffer? Wicked people who have a good [life] and wicked people who suffer?”

The contrast between people who live a good life and people who suffer despite having similar levels of righteousness is one of life’s mysteries¹⁸⁰, and fits into the

¹⁷⁹ Which has the connotation of proceeding despite the stain of the sin still being there, as opposed to removing the stain left by the sin.

¹⁸⁰ Although reasons are given as to why this can occur, perhaps a topic for a future publication.

same category as why the same sin can, under certain circumstances, bring about destruction, while in other circumstances does not. Therefore, in order to understand how G-d could have agreed not to destroy the nation despite still being angry with them, yet say He would destroy them if He dwelled amongst them despite there being no difference in their level of righteousness or wickedness, Moshe asked G-d to teach him how He runs the world.

The connection between Moshe's request to be "informed of G-d's ways" and his 40-day prayer needs one more building block, after which we can attempt to reconstruct how this prayer differed from his first prayer.

Chapter Eleven: ילך נא ה' בקרבנו

11.1 – Not Taking Yes for an Answer

Although it is clear that after G-d told Moshe He would not lead the nation into the Promised Land, Moshe asked Him to reconsider¹⁸¹, and that (eventually) G-d did, it is unclear when this reversal occurred. This lack of clarity is due, in no small part, to a confusing exchange between Moshe and G-d¹⁸²:

ויאמר, פני ילכו והנחתי לך. ויאמר אליו, אם אין פניך הולכים, אל תעלנו מזה. ובמה יודע אפוא כי מצאתי חן בעיניך אני ועמך, הלא בלכתך עמנו, ונפלינו אני ועמך מכל העמים אשר על פני האדמה. ויאמר ה' אל משה גם את הדבר הזה אשר דברת אעשה, כי מצאת חן בעיני, ואדעך בשם. (שמות לג, יד-יז)

¹⁸¹ Although there is no explicit request by Moshe asking G-d to lead the nation rather than an angel until the third set of 40 days (Sh'mos 34:9), G-d's response, quoted here, makes it clear that somehow Moshe's request of נא את דרכך ואדעך was such a request. (How this is so will be discussed in the next chapter.) I will just add that included in G-d's response, when He says He will do what Moshe asked, are the words "ואדעך בשם," indicating that Moshe's request of "ואדעך" was the focal point of the request, and "knowing G-d" is somehow inexorably linked to His dwelling in their midst, which includes leading them.

¹⁸² The conversation began earlier, with Moshe trying to convince G-d to lead the nation rather than an angel (see previous footnote); this quote starts with G-d's initial response.

“And [G-d] said, ‘My Face will go, and I will lead¹⁸³ you.’ And [Moshe] said, ‘if Your Face is not going, do not bring us up from here. And how will I know, in any case, that I have found favor in Your eyes, [both] me and Your nation? Is it not by You traveling with us, and we will [thereby] be distinguished, [both] me and Your nation, from all the nations that are upon the face of the earth.’¹⁸⁴ And G-d said to Moshe, ‘I will also do this thing that you spoke of, for you have found favor in My eyes, and I will know you by name.’ (Sh’mos 33:14-17)

The way the part of the conversation quoted starts, it seems as if Moshe didn’t hear, or at least understand, G-d’s response. G-d says okay, He will go, and lead the nation to the Promised Land, yet Moshe responds as if G-d denied his request, telling Him that if He doesn’t change His mind, he doesn’t want to go at all. There are three basic approaches to explain what seems to be a disconnect between what G-d said and how Moshe understood it¹⁸⁵.

¹⁸³ See Sh’mos 32:34. Alternatively, “leave [you] be,” see Sh’mos 32:10.

¹⁸⁴ At this point, there is a paragraph break, indicating a pause in the conversation, which resumed at a later time with G-d’s answer. The significance of this pause will be discussed shortly.

¹⁸⁵ Theoretically, there are even more, such as understanding prophecy as an experience rather than a conversation, with Moshe continuing to state his case for why G-d should lead them even though G-d already agreed to do so. Had G-d’s answer appeared in the text after Moshe’s complete argument, we might have thought that the entire argument, including Moshe’s insistence that they not go at all if G-d doesn’t go with them, was necessary to convince G-d to go, when

11.2 – Moshe Knew that G-d Said He Would Go

Rashi explains Moshe's response to be a reiteration of what G-d had said:

וַיֹּאמֶר אֵלָיו. בְּזוֹ אֲנִי חֹפֵץ, כִּי עַ"י מַלְאָךְ אֵל תַּעֲלֶנּוּ מִזֶּה.

“And [Moshe] said to Him. ‘This (Your going with us) is what I wanted, because if it would have been with an angel, do not bring us up from here.’”

Moshe understood that G-d had said He would go, but was reiterating how important it was that He did. The bottom line is that G-d agreed to lead the nation rather than sending an angel. The biggest weakness of this approach is that Moshe's request during the third set of 40 days¹⁸⁶ was “please, G-d, travel within our midst” (Sh'mos 34:9); if G-d had already agreed to do so, why would Moshe need to request it again? Rashi seems to address this question:

in reality, the part of Moshe's request already stated (Sh'mos 33:13) was enough. And the three approaches I will describe can be broken down further, but I will leave it as three categories, with most variations falling into one of the three. Each variation deserves a discussion of its own, but I'm sure by now you've had enough of my tedious footnotes, so I'll leave things in a general sense rather than breaking them down even further.

¹⁸⁶ Most likely at the end of the 40-day period, after having said the ג' every day and removing layer after layer (“מעביר ראשון ראשון”) of the stain left by the sin.

ילך נא ה' בקרבנו. כמו שהבטחת מאחר שאתה נושא עון, ואם עם קשה עורף הוא וימרו בך ואמרת על זאת פן אכלך בדרך, אתה תסלה לעונינו וגו'.

“G-d, please travel within our midst. Just as You promised, since You bear iniquity. And if [You are concerned that] they are a stiff-necked nation, and they [might] rebel against You, and You had said about this, ‘lest I destroy them on the way,’ You will forgive our sins [and won’t need to destroy us].”

Now that Moshe’s 40 days of non-stop supplication had brought about the possibility of forgiveness, G-d’s original concern about destroying them if He dwells amongst them should be alleviated, and He can lead the nation Himself rather than sending an angel. However, if before the third set of 40 days it was still dangerous for G-d to dwell amongst them, how could He have agreed to do so?¹⁸⁷ And if He had already agreed to do so (despite the risk, or because He knew there would no longer be such a risk), why would Moshe need to ask that He do so (or ask in a way that makes it seem as if he is asking G-d to do something He has already agreed to do)?

¹⁸⁷ It is possible that G-d wasn’t committing yet to lead the nation, but to creating a situation whereby He could lead them. Knowing that He was about to teach Moshe how to achieve atonement allowed Him to make such a commitment.

11.3 – It was a New Request

The second approach changes the request Moshe made after G-d agreed to lead the nation to something beyond what G-d had already agreed to. For example, Ralbag, noting the change from the singular form to the plural, says that initially G-d agreed to lead the nation for Moshe's sake (33:14), so Moshe asked that He do so not just because of G-d's relationship with him, but because of His relationship with the entire nation (33:15-16). S'fornu differentiates between leading the nation, by traveling in front of them, and dwelling in their midst.¹⁸⁸ The major issue with this approach is that G-d also agreed to this second request before the third set of 40 days (33:17), making Moshe's request at the end of the third set of 40 days superfluous.¹⁸⁹ S'fornu's suggestion is also problematic because there is no change in the language between what G-d agreed to (33:14) and what Moshe responded with (33:15) to indicate that it was a different request.

¹⁸⁸ Other distinctions between what G-d initially agreed to and what Moshe responded with are also suggested, but they will have the same issue(s) to contend with.

¹⁸⁹ Why the original concern that G-d would destroy them if He dwelled among them didn't stop G-d from agreeing to do so now is only an issue because G-d agreed to do so before the third set of 40 days. Here too it can be suggested that G-d only agreed to the additional request based on His commitment to create a situation (i.e. atonement) that would allow it to happen, with Moshe needing to ask for it once that took effect (and the atonement allowed it to happen).

11.4- G-d Hadn't Agreed Yet

The third approach is quoted by the Talmud¹⁹⁰:

פני ילכו והנחותי לך, אמר לו הקב"ה למשה, המתן לי עד שיעברו פנים של זעם ואנייה לך.

“My Face will go, and [then] I will do as you ask; G-d was telling Moshe, ‘wait for Me, until My Face of anger passes, and [then] I will agree to your request.’”

According to this, G-d never agreed to lead the nation before the third set of 40 days. Instead, the conversation went something like this:

Moshe: “G-d, please lead the nation Yourself rather than sending an angel.”

G-d: “I can’t do that while I am still angry; if I do, I might destroy them.”

Moshe: “In that case, please don’t make us start traveling yet, because if You do, we will have to be led by the angel, and we don’t want that. Rather, let us stay here at Mt. Sinai until Your anger dissipates, so that when we do travel You can lead us.”

G-d: “Okay. Here’s the plan; I will let you get to know Me better, and teach you how to calm My anger. After that, we can head to the Promised Land together.”

¹⁹⁰ B’rachos 7a; see also Targum Yonasan and Ibn Ezra’s quote of Rav Saadya Gaon.

Aside from explaining the back-and-forth of the conversation, this explains why Moshe had to ask G-d again, at the end of the third set of 40 days, to travel with the nation; G-d only agreed not to make them travel until He could, or would, go with them. And that didn't happen until the end of that third set of 40 days, after Moshe requested it.

Chapter Twelve: A BETTER ANSWER?

12.1 – Sometimes “No” is Better than “Yes”

One of the things we have seen from our discussion is that G-d didn't always do what Moshe asked of Him. Moshe wanted G-d to “bear their iniquity” (Sh'mos 32:32), but instead of agreeing to do so, “G-d sent a plague against the nation for making the golden calf” (32:35). Not what Moshe wanted to hear, but because it calmed G-d's anger somewhat, it allowed things to progress to the next step – G-d agreeing to let the nation resume their journey to the Promised Land (33:1),¹⁹¹ albeit led by an angel. Moshe wanted G-d to lead the nation instead of the angel, but until His anger had fully dissipated, G-d wouldn't do it, so that He wouldn't destroy the nation with His anger. Was there another request that G-d didn't agree to? Let's recap the story line, based on what we have seen so far.

On the 17th of Tamuz, which was the 40th day of what was supposed to be the only 40-day period, the nation¹⁹² started worshipping the golden calf. G-d tells Moshe about it, and asks him not to pray on their behalf, because He wants to destroy them. Taking the hint, Moshe

¹⁹¹ Before the plague, G-d was either unwilling to let them go there, or too angry to mention the Promised Land by name (see Ramban on 32:34).

¹⁹² Or at least some members of the nation, perhaps only the newly converted “ערב רב.” Nevertheless, the rest of the nation wasn't innocent either, as they donated their jewelry for it, and didn't stop those who worshipped it from doing so.

immediately asks G-d not to destroy them, citing several reasons why doing so would be problematic. Although Moshe doesn't ask G-d to forgive them – because they are still sinning – he does convince G-d that no matter how angry He is, wiping out the nation He took out of Egypt should not be an option. Before Moshe descends, he has already accomplished a lot, buying time to try to repair the damage, and making sure the nation will survive.

After destroying the golden calf and punishing those who committed the most grievous sins, Moshe was hoping he had repaired enough of the breach to resume the nation's mission, picking up where things had been before the sin. Even though he knows things aren't really the same, he goes back to Mt. Sinai, and asks G-d to “bear their iniquity” and allow them to continue to the Promised Land without needing any further punishment, but is rebuffed. Instead, he is told there is still much more punishment to come (“וביום פקדי, ופקדתי עליהם חטאתם”), but at least the nation can resume its journey to the Promised Land. It won't be the same, though, because instead of G-d leading the way and dwelling in their midst, an angel will lead them. Moshe is told that it has to be this way, because G-d is still angry with the nation¹⁹³, and if He were to rest His

¹⁹³ Although not as angry as He had been, as before Moshe's prayer (and even afterwards until the sinners were punished), G-d would have destroyed the nation even if he wasn't dwelling in their midst, while now He would only destroy them if He was dwelling amongst them.

Divine Presence amongst them, he will¹⁹⁴ destroy them. Since He has already agreed not to destroy them, He has to keep His distance from them in order to keep His word.

Upon hearing this, Moshe moves his tent outside the camp, wondering why it makes a difference whether His Divine Presence is amongst them or not. Their sin is the same. G-d knows about it either way. If He can “bear their sin” and not destroy them from a distance, why can’t He do the same while leading the nation? What does G-d “keeping His distance” even mean, since He is omnipresent? Wanting to understand G-d better, as well as desperately wanting Him to dwell amongst them again, Moshe embarks on a 40-day prayer to ask G-d to help him understand Him better, especially how He runs the world, hoping to be able to convince G-d to lead the nation without the risk of destroying them in the process.

This 40-day prayer is two-pronged. Moshe asks G-d why, from a theological perspective, He can’t dwell amongst the nation without destroying it if He is okay with not destroying it from a distance. At the same time, Moshe is also asking G-d, from a practical standpoint, to dwell amongst them, yet not destroy them. After all, the same, or similar, reasons why G-d shouldn’t destroy them no matter what also apply when He is in their midst. Yes, there are slight differences between Moshe’s arguments on the 17th of Tamuz as to why G-d shouldn’t destroy them at all and why He shouldn’t destroy them even if He is within their

¹⁹⁴ Or might.

midst, such as where they would be killed (in the mountains, referring to the area around Mt. Sinai, or in the desert, after they leave Sinai) and whether the Egyptians would only say that He took them out of Egypt to wipe them out or also say that He is unable to bring them to the Promised Land. The bottom line, though, is that G-d cannot destroy this nation, whether He leads them or an angel leads them.

Because this prayer combines the reasons why G-d should not destroy the nation with Moshe's request that He dwell amongst them, it is a very different prayer from the one offered at the end of the first set of 40 days. Moshe didn't include that first prayer in the narrative in Parashas Eikev because he had never told the nation that he prayed for them before descending Mt. Sinai, and didn't want to make it obvious now that he had done so either.

Because Moshe was telling them how angry G-d had been with them, to the extent that G-d had said (before his first prayer) that He would destroy them, and also that he (Moshe) needed to pray for 40 days and 40 nights¹⁹⁵ to try to bring that anger down another level, he shared with them the text of his 40-day prayer; "do not destroy Your nation," even if You are dwelling in its midst¹⁹⁶, and here's

¹⁹⁵ The middle set of 40 days, whether they were spent in the camp or atop Mt. Sinai.

¹⁹⁶ Moshe didn't share the second part of the equation, "even if You dwell in its midst," explicitly because he wanted it to be able to be understood as the prayer that convinced G-d not to destroy them (since he wasn't telling them explicitly about the first prayer). Besides,

why You shouldn't. This prayer is referenced, and quoted, in both narratives. In Ki Sisa, the focus is on his request that G-d lead the nation rather than an angel, as well as the theological aspect of how G-d runs the world ("הודעני נא את" "דרכך"), whereas in Eikev it's on the practical aspect of not destroying them ("אל תשחת עמך") even if He dwells amongst them. Despite it being a different prayer than the first one, it is similar enough to be presented in Parashas Eikev in a way that it can be understood to be the prayer that convinced G-d not to destroy the nation, a prayer purposely omitted there. But because they were different prayers, Moshe purposely used a different term for destruction, "השחיתה," when describing what he had asked G-d not to do in this prayer, rather than the term he had been using to describe G-d's original threat, "השמדה."¹⁹⁷

Moshe's goal, aside from understanding G-d better, was to convince G-d to lead the nation no matter what – even if He was still angry with them – without destroying them. Did Moshe accomplish his goal? Yes, and no. G-d did not give in regarding dwelling amongst them even while He was still angry, which is why it doesn't say

the request to not destroy them while dwelling in their midst even when angry was denied, so there was no need to share this detail with them, at least not here.

¹⁹⁷ If the reason G-d originally said He couldn't lead the nation was because He would destroy them if they sinned any more (as opposed to destroying them because of the sin they had already committed), the change of term for "destruction" could reflect the fact that it wouldn't be an immediate destruction, whereas G-d's original threat was immediate destruction.

directly that this prayer was answered. However, he was given a better answer than the one he was hoping for, that G-d would teach him how to calm His anger so that He could dwell amongst them without risking destruction. In the end, “G-d did listen to him that time as well,” albeit not the way he thought he would be answered.¹⁹⁸

Until Moshe was taught how to calm G-d’s anger, G-d couldn’t commit to leading the nation. Therefore, when Moshe insisted that G-d has to lead them (Sh’mos 33:16), there was no immediate response. The paragraph ends. It was only in a separate communication that G-d told him “I will do this thing for you as well.” Not that He would dwell amongst them even when angry, but that he would answer Moshe’s request to know G-d, and by knowing G-d, he would also learn how to diminish His anger. Then, by diminishing G-d’s anger, G-d would be able to dwell amongst them, which was what Moshe was trying to accomplish.

12.2 – Wrapping it Up

When the middle set of 40 days ended, G-d was still angry, but He had made several commitments. He wouldn’t destroy the nation, something He had committed to at the end of the first set of 40 days. He would make sure the nation reached the Promised Land, which He had agreed to before Moshe’s 40-day prayer. And He would help Moshe

¹⁹⁸ See footnotes 109 and 111, regarding an issue being resolved in a way other than how it was requested still being considered an “answered prayer.”

know Him and understand Him better, which would enable him to diminish G-d's anger, thereby allowing G-d to dwell amongst them and lead them to the Promised Land. Since everything was falling into place, G-d told Moshe to carve out new Luchos, as by the end of the third 40-day session, they would replace the ones Moshe had broken 80 days earlier.

And so it was. G-d taught Moshe what He was all about, as expressed in the *"ג מדות"*, and Moshe was able to remove what was left of G-d's anger. By removing His anger, "G-d no longer wanted to destroy¹⁹⁹ you," even when dwelling amongst them, something that was only accomplished at the end of the third set of 40 days. And once this was no longer an issue, Moshe was able to ask for what he was trying to achieve all along, "יִלֶךְ נָא ה' בְּקִרְבָּנוּ," that G-d would once again rest His Divine Presence on His nation. "וַיִּשְׁמַע ה' אֵלַי גַּם בַּפֶּעַם הַזֶּה," and G-d listened to him that time as well.

¹⁹⁹ Using the same word used for destruction, "השחתה," that Moshe used when describing his 40-day prayer, since it was a request that G-d not destroy them just because He was within their midst.