**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**midrash on the Parasha**

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**Parashat Nitzavim:**

**The Three Covenants**

**The triad of covenants**

In the framework of this *shiur*, we will not discuss the words of the *Sifrei*, because the *Sifrei* on *Parashat Nitzavim* deals with verses from *Parashat Vayelekh* concerning the transfer of leadership from Moshe to Yehoshua (which deserves a *shiur* in its own right).

We will therefore occupy ourselves with the words of the Tannaim found in a different Midrashic work: *Midrash Tannaim* on *Devarim*. This work was lost to us for generations, but was reconstructed from other works by Rav David Tzvi Hoffmann at the end of the nineteenth century. Shortly thereafter, following the discovery of the Cairo Geniza, a copy of this work was found, the reading of which was close to the version that Rav Hoffmann had restored.

Let us examine *Midrash Tannaim* on *Devarim (Mekhilta* 23, 1-3):

"And it shall come to pass, when the Lord your God shall bring you," etc. (*Devarim* 11:29).

God entered into three covenants with Israel: one at Chorev, one at the Plains of Moav, and one at Mount Gerizim and Mount Eival.

What covenant did He make with them at Chorev?

That the book of the covenant was established,

"And he [took the book of the covenant, and] read in the hearing of the people" (*Shemot* 24:7).

He read in their hearing from "In the beginning" to "in the sight of all Israel"; these are the words of Rabbi Yosa be-Rabbi Yehuda.

Rabbi [Yehuda Ha-nasi] said: Until "I am the Lord your God."

Rabbi Yuda said: The commandments about which they were commanded at Mara...

Rabbi Shemuel bar Nachmani said in the name of Rabbi Yishmael:

At the beginning of the matter, what does it say?

"And the Lord spoke to Moshe in Mount Sinai, saying: When you come into the land which I [give you]," etc. (*Vayikra* 25:1).

[These are the passages of] sabbatical years, jubilee years, blessings and curses.

At the end of the matter, what does it say?

"These are the statutes and ordinances and laws,” etc. (*Vayikra* 26:46)…[[1]](#footnote-1)

What covenant did He make with them at the Plains of Moav?

As it is stated: "You are standing this day all of you… your little ones, your wives," etc. (*Devarim* 29:9).

For what reason?

"That you should enter into the covenant of the Lord your God" (*Devarim* 29:11).

What covenant did He make with them at Mount Gerizim and Mount Eival?

As it is stated: "That you shall set the blessing upon Mount Gerizim," etc. (*Devarim* 11:29).

Blessing and curse are stated here,

Blessing and curse are stated at Chorev,

And blessing and curse are stated at the Plains of Moav.

Just as the blessing and curse stated below is with a covenant,

so the blessing and curse stated here is with a covenant.

This source weaves the period of Israel's forty-year sojourning in the wilderness into a single tapestry. It portrays an ongoing process in which God forges a covenant with Israel to accept and observe the Torah, upon three different occasions. The first event takes place at the beginning of this period at the time of the Giving of the Torah at Mount Sinai, the middle event takes place at the end of the forty years shortly before Moshe's passing, and the last event takes place when the Jewish people enter the Promised Land and stand before Mount Gerizim and Mount Eival. These assemblies are seen as events at which a covenant is made between God and the people of Israel. Emphasis is placed on the element common to each of the covenants — the system of blessings and curses.

Let us now examine how the verses are intertwined into a pattern of "three covenants," each of which includes blessings and curses:

|  |  |  |
| --- | --- | --- |
| **The covenant at Chorev** | **The covenant at the Plains of Moav** | **The covenant at Mount Gerizim and Mount Eival** |
| And to Moshe He said: Come up to the Lord, you, and Aharon, Nadav, and Avihu, and seventy of the elders of Israel; and worship you afar off; and Moshe alone shall come near to the Lord; but they shall not come near; neither shall the people go up with him. And Moshe came and told the people all the words of the Lord, and all the ordinances; and all the people answered with one voice, and said: All the words which the Lord has spoken will we do. And Moshe wrote all the words of the Lord, and rose up early in the morning, and built an altar under the mount, and twelve pillars, according to the twelve tribes of Israel. And he sent the young men of the Israelites, who offered burnt-offerings, and sacrificed peace-offerings of oxen to the Lord. And Moshe took half of the blood, and put it in basins; and half of the blood he dashed against the altar. And he took the book of the covenant, and read in the hearing of the people; and they said: All that the Lord has spoken will we do, and obey. And Moshe took the blood, and sprinkled it on the people, and said: Behold the blood of the covenant, which the Lord has made with you in agreement with all these words.(*Shemot* 24:1-8)And the Lord spoke to Moshe at Mount Sinai, saying: Speak to the Israelites, and say to them: When you come into the land which I give you, then shall the land keep a sabbath to the Lord.(*Vayikra* 25:1-2)If you walk in My statutes, and keep My commandments, and do them… But if you will not hearken to Me, and will not do all these commandments… These are the statutes and ordinances and laws, which the Lord made between Him and the Israelites at Mount Sinai by the hand of Moshe.(*Vayikra* 26:3, 14, 46) | And it shall come to pass, if you shall hearken diligently to the voice of the Lord your God, to observe to do all His commandments which I command you this day, that the Lord your God will set you on high above all the nations of the earth. And all these blessings shall come upon you, and overtake you, if you shall hearken to the voice of the Lord your God… But it shall come to pass, if you will not hearken to the voice of the Lord you God, to observe to do all His commandments and His statutes which I command you this day; that all these curses shall come upon you, and overtake you…(*Devarim*  28:1-2; 15)These are the words of the covenant which the Lord commanded Moshe to make with the Israelites in the land of Moav, beside the covenant which He made with them in Chorev… Observe therefore the words of this covenant, and do them, that you may make all that you do to prosper. You are standing this day all of you before the Lord your God: your heads, your tribes, your elders, and your officers, even all the men of Israel, your little ones, your wives, and your stranger that is in the midst of your camp, from the hewer of your wood to the drawer of your water;  that you should enter into the covenant of the Lord your God, and into His oath, which the Lord your God makes with you this day; that He may establish you this day to Himself for a people, and that He may be to you a God, as He spoke to you, and as He swore to your fathers, to Avraham, to Yitzchak, and to Ya’akov. Neither with you only do I make this covenant and this oath…(*Devarim* 28:69; 29:8-13) | And it shall come to pass, when the Lord your God shall bring you into the land where you go to possess it, that you shall set the blessing upon Mount Gerizim, and the curse upon Mount Eival.(*Devarim* 11:29)And Moshe charged the people the same day, saying: These shall stand upon Mount Gerizim to bless the people, when you are passed over the Jordan: Shimon, and Levi, and Yehuda, and Yissakhar, and Yosef, and Binyamin; and these shall stand upon Mount Eival for the curse: Reuven, Gad, and Asher, and Zevulun, Dan, and Naftali. (*Devarim* 27:11-13) |

The first covenant, the covenant of Chorev, joins what is stated in *Shemot* 24 to *Parashat Behar* and *Parashat Bechukotai* in the book of *Vayikra*, which are stated, in contrast to the rest of the *parashiyot* in that book, at Mount Sinai.[[2]](#footnote-2) This covenant is comprised of many elements: the people's acceptance of the Torah, the construction of the altar, the reading from the book of the covenant, the sprinkling of the blood and the declaration concerning the meaning of this ceremony as an act of making a covenant, *mitzvot*, and blessings and curses. The verses in *Shemot* describe an event that takes place, whereas the verses in *Vayikra* do not describe an event.

The second covenant, called "the covenant at the Plains of Moav," is identified by the *Midrash Tannaim* with what is stated at the beginning of *Parashat Nitzavim*:

What covenant did He make with them at the Plains of Moav?

As it is stated: "You are standing this day all of you… your little ones, your wives,” etc. (*Devarim* 29:9).

This identification is not self-evident, for it is possible to see the "blessings and curses" in *Parashat Ki Tavo* (*Devarim* 28) as "the covenant at the Plains of Moav" which stands on its own and ends with the words: "These are the words of the covenant that the Lord commanded Moshe to make with the Israelites in the land of Moav, beside the covenant which He made with them in Chorev" (*Devarim* 28:69). Also the end of the statement: "Blessing and curse are stated here, blessing and curse are stated at Chorev, and blessing and curse are stated at the Plains of Moav," implies that "the covenant of the Plains of Moav" includes blessings and curses. This means that we ought to understand Chapter 28 (the blessings and curses) in its entirety, as well as the last eight verses of *Parashat Ki Tavo* (29:1-8) and the first twenty verses of *Parashat Nitzavim* (29:9-28), as a single unit of “the covenant at the Plains of Moav,” which includes blessings, curses and the forging of a covenant.[[3]](#footnote-3)

Like the blessings and curses in *Bechukotai*, so too this second covenant is not presented by the Torah as a specific event that takes place at a particular time and in a particular place. Thus, the words of the Torah "You are standing this day... that you should enter into the covenant of the Lord your God" may be understood in their plain sense as relating to the spiritual reality in which every member of Israel is personally obligated to the covenant made with God.

The third covenant mentioned in the *Midrash Tannaim* on *Devarim* is presented twice in the book of *Devarim* (end of Chapter 11 and in Chapter 27) as a future event concerning which Israel is commanded with their entry into the land (as brought above in the table), but there no covenant is mentioned. By way of a verbal analogy to the covenant at the Plains of Moav — "just as the blessing and curse stated below is with a covenant, so the blessing and curse stated here is with a covenant” — the assembly at Mount Gerizim and Mount Eival (which takes places in the end of Chapter 8 of *Yehoshua*) is awarded the status of a covenant.

**Additional mentions in the Midrash**

 The existence of a triad of covenants concerning the Torah and its acceptance is derived in other ways as well. Thus, we find in the *Midrash Tannaim* on *Devarim* 14:

Rabbi Yishmael said:

Why is it stated: "You shall not cook a kid in its mother's milk" in three different places?

This corresponds to the three covenants that God made with Israel,

One at Chorev, and one at the Plains of Moav, and one at Mount Gerizim and Mount Eival.

Rabbi Yishmael was a contemporary of Rabbi Akiva. From this we learn that the idea of three covenants existed in the schools of the Tannaim already from their time.[[4]](#footnote-4)

In Tosefta *Sota,* there is yet another mention of the three covenants:

Those blessings and curses that Israel said when Israel crossed the Jordan…

How did Israel say the blessings and the curses?

Six tribes ascended to the top of Mount Gerizim and six tribes ascended to the top of Mount Eival…

They turned their faces toward Mount Eival, and opened with a blessing:

Blessed be the man that does not make a graven or molten image, an abomination to the Lord, the work of the hands of the craftsmen, and does not set it up in secret.

And these and those answered and said: Amen.

They [then] turned their faces toward Mount Eival and opened with a curse:

"Cursed be the man that makes a graven or molten image…" (*Devarim* 27:15).

And these and those answered: Amen.

They then turned their faces toward Mount Gerizim, and opened with blessings:

Blessed be he that confirms the words of this law.

[They then turned their faces] toward Mount Eival, and opened with curses:

"Cursed be he that confirms not [the words of this law]" (*Devarim* 27:26).

Blessed concerning the collective, blessed concerning the individual.

Cursed concerning the collective, cursed concerning the individual.

To learn, and to teach, to keep and to do.

Four and four is eight.

Eight and eight is sixteen.[[5]](#footnote-5)

And three covenants with each one of them –

forty-eight covenants.

And similarly at Mount Sinai, and similarly at the Plains of Moav.

(Tosefta *Sota* 8:1; 9-11)

This *baraita* is cited in the Gemara *Sota*, with an additional proof of the existence of three covenants:

And similarly at Sinai, and similarly at the Plains of Moav,

As it is stated: "These are the words of the covenant which the Lord commanded Moshe [to make with the Israelites in the land of Moav, beside the covenant which He made with them in Chorev]" (*Devarim* 28:69).

And it is written: "Observe therefore the words of this covenant" (*Devarim* 29:8).

(BT *Sota* 37a)[[6]](#footnote-6)

The verses cited in the Babylonian Talmud appear after the blessings and curses, but before the opening of *Parashat Nitzavim*. Between them, the word "covenant" appears three times:

These are the words of the **covenant** which the Lord commanded Moshe to make with the Israelites in the land of Moav, beside the **covenant** which He made with them in Chorev.

And Moshe called to all Israel, and said to them: You have seen all that the Lord did before your eyes in the land of Egypt to Pharaoh, and to all his servants, and to all his land…

Observe therefore the words of this **covenant,** and do them, that you make all that you do to prosper.

**The meaning of the covenant**

It is clear from the three sources cited here that the existence of the three covenants is a matter of consensus among the Sages, and they find support for it in the Torah. The following question arises: What do the Sages see in the creation of a system of three covenants? Another question is the following: What is the nature of this system? That is to say, what is the nature of the connection between the different covenants?

Making a covenant creates mutual obligation on the part of the parties to the covenant alongside cooperation and common goals. A covenant is built on the foundation of personal responsibility and it reveals the Divine causality that operates in the world (blessings and curses). Repetition of the act of making the covenant reinforces and internalizes the very existence of the covenant and its meanings. Thus, in a *derasha* dealing with the stubbornness of Israel throughout history, *Devarim Rabba* characterizes the consciousness of Israel before the three covenants and after them:

Rabbi Meisha the son of Rabbi Yehoshua ben Levi opened…

"You heard not" (*Yeshayahu* 48:8) — at Sinai.

"You knew not" (ibid.) — at Chorev.

"From of old your ear was not opened" (ibid.) — at the Plains of Moav.

But now, you hear, and you know, and you open your ear.

From one covenant to another, their discernment advances from simple knowing to "hearing" which is the first step toward internalization, toward a process of deeper internalization, "the opening of ears." Like the halakhic concept of *chazaka*, presumption, here too we can apply the rule: "And a threefold cord is not quickly broken" (*Kohelet* 4:12).[[7]](#footnote-7)

In a parallel to the *derasha* in the *Midrash Tannaim* in the later *Tanchuma* literature (7th-8th century in Eretz Israel), we find an explicit reference to the need to make another covenant concerning the Torah over the course of Israel's stay in the wilderness:

"That you should enter into the covenant of the Lord your God, and into His oath" (*Devarim* 29:11).

The Holy One, blessed be He, made three covenants with Israel.

One when they went forth from Egypt,

And one when they stood before Mount Sinai,

(And one in Chorev)[[8]](#footnote-8)

And one here [= the Plains of Moav].

And why did He make a covenant [with them] here?

Because the one that He had made with them they annulled and said: "This is your God, O Israel" (*Shemot* 32:4).

Therefore He made another covenant with them in Chorev, and attached a curse to him who goes back on his words.

(*Midrash Tanchuma* [Buber], *Nitzavim* 6-8)

The framework of the covenants in the *Tanchuma* is slightly different from what we have seen in the previous sources. The need for a covenant in the Plains of Moav stems from the cancellation of the covenant in the wake of the Sin of the Golden Calf. During the formative period of the nation, from the dawn of its existence and until its entry into the land, there are low points and crises that demand repair. This line of thinking regarding the need for a covenant in the Plains of Moav is found also in the commentary of Rabbeinu Bachya on the covenant of *Nitzavim*:

"You are standing this day all of you before the Lord your God: your heads, your tribes, your elders, and your officers, even all the men of Israel" (*Devarim* 29:9). All of Israel assembled here for a second covenant, just as they had assembled for the first covenant at Mount Sinai. Since the first covenant at Sinai was annulled when they said: "This is your God, O Israel" (*Shemot* 32:4), therefore once again here in the land of Moav He made another covenant with them, and they accepted it upon themselves with a promise and an oath, and for this reason Moshe said to them: “You are standing this day all of you before the Lord your God,” that is to say, this assembly, in which you are all standing before God in this covenant, just as your fathers did at Mount Sinai at the first covenant, means that you should enter into a covenant with God and accept it with a promise and an oath, something that was not done at the time of the first covenant.

(Rabbeinu Bachya, *Devarim* 29:9, s.v. *Atem*)

Admittedly, the *derasha* in the *Tanchuma* does not explicitly address the need for the multiple covenants before the covenant at the Plains of Moav, and it is not clear from it what their role is.[[9]](#footnote-9)

Three biblical commentators — Abarbanel, the Radbaz and the *Keli Yakar —* go in a different direction and point to different meanings of the covenant in the Plains of Moav. Abarbanel sees in this covenant a transition from receiving the Torah under coercion to receiving it by choice.[[10]](#footnote-10) The Radbaz sees it as a covenant concerning the new *mitzvot* in the Book of *Devarim*, whereas the *Keli Yakar* points to the principle of mutual responsibility that is introduced in it.[[11]](#footnote-11) Common to all of them is that they relate to the process that takes place in receiving the Torah and in the nation's identification with its goals.

From what we have seen, the concept of the covenant can be viewed from different perspectives, as a point of return to the true rather than the imaginary essence (such as the Golden Calf), or as an assembly that points to and directs progress to an even higher stage.

It would seem that a new covenant today would bring great benefit to the people of Israel — a return to ourselves and an ascent to the next stage.

I wish a happy new year to our readers and to the entire House of Israel!

Tziporah

(Translated by David Strauss)

1. The text is truncated ("And what does the verse come to teach, 'And he took' [*Shemot* 24:8]"), and appears to have been cut off in the middle of the passage. [↑](#footnote-ref-1)
2. The rest of the *parashiyot* in the Book of *Vayikra* are stated in the Tent of Meeting; see *Vayikra* 1:1. [↑](#footnote-ref-2)
3. Following *Chazal*, Rashi and the Ramban in their commentaries point to *Parashat Nitzavim* as depicting an event that is taking place. See the Ramban (ad loc.):

"You are standing this day before the Lord your God” — you are standing ready before God to enter into His covenant. For [the Israelites] had gathered to [Moshe] to receive the Torah with its explanation. Alternatively, they were standing before the Ark. Now the covenant involves the promise and the oath which are mentioned [in v. 11]: “That you should enter into the covenant of the Lord your God, and into His oath.” It is possible that he further made a covenant with them like the first covenant that he made with them at Mount Sinai (*Shemot* 24:5-8), at which he offered a burnt-offering for them and took half the blood to sprinkle on the altar, and half of the blood he sprinkled on the people. [↑](#footnote-ref-3)
4. Rabbi Yishmael's statement may be understood as the source of the idea of three covenants or as support for an idea that exists already in the biblical text. [↑](#footnote-ref-4)
5. See Rashi's explanation of the count in his commentary to BT *Sota* 37a. [↑](#footnote-ref-5)
6. See Rashi (ad loc.):

After the curses and blessings, it is written: “Beside the covenant,” etc. This implies that like the covenant in the Plains of Moav with blessings and curses, so was the covenant at Chorev. For regarding Mount Gerizim and Mount Eival it is not necessary to bring a verse, for it is referring to and discussing that. “Observe therefore the words of this covenant” should be omitted here.

The *Semag*, Positive #27, and Rambam, *Hilkhot Berakhot* 2:4, cite the verse: "That you should enter into the covenant of the Lord your God" (*Devarim* 29:13), instead of the verse: "Observe therefore the words of this covenant." [↑](#footnote-ref-6)
7. Despite the process that they undergo along the way, the Jewish people choose to turn their backs on God and His Torah; see the *derasha* in its entirety. This *derasha* relates to a system of covenants concerning the Torah that does not include the covenant at Mount Gerizim and Mount Eival, and it counts Sinai and Chorev as two separate covenants. In the continuation of the Tosefta brought earlier in the *shiur*, we find a statement of Rabbi Shimon that creates a different triad of covenants: "Rabbi Shimon excludes that of Mount Gerizim and Mount Eival, and includes that of the Tent of Meeting." The term "Chorev" refers at times to Sinai and at times to the Tent of Meeting. [↑](#footnote-ref-7)
8. The words "and one in Chorev" appear in parentheses, and are apparently a mistake. See note 7 above. [↑](#footnote-ref-8)
9. It is not clear what the nature of the covenant of Egypt is here, but this is not the forum in which to expand upon the matter. The Ramban, in his commentary to *Vayikra* 25:1, follows the conceptual direction of the *Midrash Tanchuma*, not in relation to the Plains of Moav, but in relation to the covenant of the Tent of Meeting made between God and Israel in the wake of the Sin of the Golden Calf. He appears to follow the view of Rabbi Shimon in the Tosefta, see there. [↑](#footnote-ref-9)
10. See his commentary to *Devarim* 28:69. [↑](#footnote-ref-10)
11. *Responsa Radbaz*, part 6, no. 2143; *Keli Yakar*, *Devarim* 29. [↑](#footnote-ref-11)