**PARASHAT HASHAVUA**

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**PARASHAT KI TAVO**

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**The Covenant in the Plains of Moav**

**By Prof. Yonatan Grossman**

**Introduction**

In *Parashat Ki-Tavo*, the central unit of the book of *Devarim* containing Moshe's oration concerning the *mitzvot* comes to an end. After the oration concerning the *mitzvot*, Scripture begins to deal with the renewed covenant that Moshe enters into with the people of Israel. This unit opens with introductory verses, a point that is unclear according to the division of the book into chapters (which considers this section as the conclusion of the previous unit):

**Today** the Lord your God commands you to do these statutes and ordinances; you shall therefore observe and do them with all your heart, and with all your soul. You have avouched the Lord **today** to be your God, and that you would walk in His ways, and keep His statutes, and His commandments, and His ordinances, and hearken unto His voice. And the Lord has avouched you **today** to be His own treasure, as He has promised you, and that you should keep all His commandments; and to make you high above all nations that He has made, in praise, and in name, and in glory; and that you may be a holy people unto the Lord your God, as He has spoken. (*Devarim* 26:15:19)[[1]](#footnote-1)

The word "today" is not only a keyword in these opening verses, but throughout the lengthy unit concerning the covenant, in which this word appears repeatedly as a guide word. The consistent use of this word continues until *Parashat Nitzavim*. This word reflects the novelty of this covenant; something is happening "today" that has not happened until now. From this perspective, Moshe emphasizes the change in the status of Israel and in their standing before God in this covenant.

At the same time, throughout this unit one can sense how Moshe relied on the covenant of Sinai. This is reflected in various ways, but it is sufficient to look at the following verses: "And the Lord has avouched you this day to be His own treasure;"[[2]](#footnote-2) "to make you high above all nations."[[3]](#footnote-3) These formulations echo God's words on the eve of the revelation at Mount Sinai: "Now therefore, if you will hearken unto My voice indeed and keep My covenant, then you shall be My own treasure from among all peoples; for all the earth is Mine" (*Shemot* 19:5). We will dedicate this week's *shiur* and especially next week's *shiur* to the change that accompanies the covenant in the plains of Moav and to the continuity that it nevertheless reflects.

Before turning to this discussion, let us pay attention to the special way in which the reciprocity between God and Israel is presented in the covenant through the double use of the rare verb *ha'amara*, translated above as "avouch": "You have avouched [*he'emarta*] the Lord today… And the Lord has avouched [*he'emirkha*] you today…" The commentators have adopted two main approaches to explain this verb.

The Rashbam proposes that the word *ha'amara* is derived from the root *alef-mem-resh*, "say" – that is, to say something that will appease another party and cause him to do something. God caused Israel to agree to be His people, and Israel caused God to agree to be their God. According to this explanation, this verse emphasizes the deep acquiescence that underlies the covenant: It was not God who asked to be Israel's God; rather, Israel requested this of Him until He agreed. And it was not Israel who asked to be God's treasured people; rather, it was God who wanted this, and Israel accepted.

The most accepted interpretation among the commentators is to understand *ha'amara* in the sense of singling out and amplifying, related to *amir*, the top of a tree. The people of Israel magnifies God in the world, and in return God magnifies the people of Israel. This interpretation sees the verse as focusing on the results of the covenant in which both sides are elevated and their names become enhanced in the world.

In any event, using the same (rare) verb to present the relationship between God and Israel is striking, and were it not stated, it would have been impossible to say: That which God does to Israel, Israel does to God! The twofold use of the same verb reflects the reciprocity that Moshe fashions in his oration. The covenant into which Israel is about to enter is a covenant to which both sides commit themselves, each side being *ma'amir* the other.

### Where was the Covenant Made?

As we mentioned in the first *shiur* in our series of *shiurim* on the book of *Devarim*, the covenant entered into in the plains of Moav in chapter 27 constitutes the crowning glory of the book. Moshe's orations up until this point – both the historical oration and the oration concerning the *mitzvot*,which relies on the account of the revelation at Mount Sinai – were merely a prelude to the covenant itself.

Despite the great importance of the covenant, there are several essential elements in the covenant that are insufficiently clear and regarding which the text maintains a certain ambiguity for some reason. This is especially true with regard to the question of where exactly Israel entered into this renewed covenant. Was it really in the plains of Moav?

The opening verse of the covenant gives the impression that the covenant is about to be made in the plains of Moav:

And Moshe and the elders of Israel commanded the people, saying: Keep all the commandment which I command you today. (*Devarim* 27:1)

The use of the term "today" connects us to an event that is taking place in the present, i.e., in the plains of Moav. A similar message is found also at the end of the next chapter:

These are the words of the covenant which the Lord commanded Moshe to make with the children of Israel in the land of Moav, beside the covenant which He made with them in Chorev. (*Devarim* 28:69)

Surprisingly, however, we get a different impression when we examine the details of the commandments regarding the making of the covenant:

And Moshe and the elders of Israel commanded the people, saying: Keep all the commandment which I command you this day. **And it shall be on the day when you shall pass over the Jordan** unto the land which the Lord your God gives you that you shall set you up great stones, and plaster them with plaster. And you shall write upon them all the words of this Torah, when you are passed over; that you may go in unto the land which the Lord your God gives you, a land flowing with milk and honey, as the Lord, the God of your fathers, has promised you. 

**And it shall be when you are passed over the Jordan that you shall set up these stones, which I command you this day, in Mount Eival,** and you shall plaster them with plaster. And there shall you build an altar unto the Lord your God, an altar of stones; you shall lift up no iron tool upon them. You shall build the altar of the Lord your God of unhewn stones; and you shall offer burnt-offerings thereon unto the Lord your God. And you shall sacrifice peace-offerings, and shall eat there; and you shall rejoice before the Lord your God. And you shall write upon the stones all the words of this Torah very plainly.[[4]](#footnote-4) (*Devarim* 27:1-8)

The unit opens with the command to erect large stones and write the words of the Torah upon them on the day that Israel crosses the Jordan River. According to the simple understanding, writing the Torah on the stones is part of making the covenant and must be done after Israel has crossed the Jordan.

Moreover, in the middle of the unit there is another leap that shifts the making of the covenant to Mount Eival, and until Israel reaches Mount Eival, more days will certainly have passed from the time that Israel crosses the Jordan River. Matters are further complicated in the continuation of the verses, which refer once again to the covenant as occurring in the plains of Moav:

And Moshe and the priests the Levites spoke unto all Israel, saying: Keep silence, and hear, O Israel; today you are become a people unto the Lord your God. You shall therefore hearken to the voice of the Lord your God and do His commandments and His statutes, which I command you this day. (*Devarim* 27:9-10)

The repeated use of the word "today" brings us back once again to the event taking place in the plains of Moav. The demand made in these verses – "You shall therefore hearken to the voice of the Lord your God, and do His commandments" (*Devarim* 27:10) – connects these verses to the continuation of the oration concerning the covenant, the blessings and the curses that immediately follow these verses:

And it shall come to pass, **if you shall hearken diligently unto the voice of the Lord your God, to observe to do all His commandments** which I command you **today,** 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 unto the voice of the Lord your God.** (*Devarim* 28:1-2)

The feeling is that the blessings and the curses respond to the covenant that was made "today" in the plains of Moav. But other verses that describe the covenant support the view that it will only be made some time in the future at Mount Gerizim and Mount Eival:

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 Yissachar, and Yosef, and Binyamin; and these shall stand upon mount Eival for the curse: Reuven, Gad, and Asher, and Zevulun, Dan, and Naftali. And the Levites shall speak and say unto all the men of Israel with a loud voice. (*Devarim* 27:11-14)

How can this strange phenomenon be explained? Beyond the concrete question regarding where the covenant was made, we have before us an interpretive question: Why did the Torah see fit to present the matter in such a vague manner, so that sometimes it seems that the covenant was made in the plains of Moav, while at other times it appears that it will only be made after Israel crosses the Jordan?

### Why is the Torah Ambiguous?

The Torah's wording is rather confusing, and the innocent reader will find it difficult to understand exactly where the renewed covenant was made. There seems to be deliberate ambiguity regarding the location of the covenant, and this should be seen as a literary technique that contributes to the aim of the text.

It seems that in this case the use of ambiguous language stems from a double "constraint" placed on the Torah, which seeks to realize two different values that in this case cannot co-exist:

1) **Moshe's exclusivity with regard to the delivery of the Torah:** On the one hand, it is necessary that the second covenant also be made by Moshe. The Rambam goes to great trouble to emphasize the superiority of Moshe's prophecy over that of all the other prophets, as the basis for the fact that the Torah was given by Moshe alone and that no one after him has the right to proclaim new Torah commandments. Not only the Rambam notes this point; this principle can be traced back to the Torah itself. It is Moshe who gave Israel the Torah and its validity rests on his exceptional prophetic stature. This is especially true in the book of *Devarim*, and for this purpose Moshe begins with an account of the revelation at Mount Sinai and his role as an intermediary. Therefore, it is Moshe who must deliver the oration concerning the covenant and serve as the people's representative before God and God's representative to the people. It is the prophet with whom God spoke face to face who brought the word of God at the covenant at Sinai, and it is he who brings the word of God at the covenant at the plains of Moshe. This way it is clear that we are not dealing with an alternative covenant, but rather with a second story that does not replace the previous covenant, and thus we are ensured that this renewed covenant will not be challenged. Regarding this covenant as well, Moshe served as a mediator.

2) **The need for a renewed covenant:** Abravanel, in his commentary on *Devarim*, raises the basic question of why it was necessary to establish a renewed covenant. The shift in generations in itself cannot justify a new covenant, since it is clear that the fathers who committed themselves to the covenant obligated their sons as well. It stands to reason that entering the Land of Israel required another covenant, or at least a reaffirmation of the old covenant. As long as the people of Israel were not yet in their land, they were just a collection of individuals, but from the moment that the people entered their own land, they underwent an essential change in their very definition and identity. In addition to the technical aspect of transitioning from private individuals into a nation and an army, along with the division of the land into tribal territories, the people were now defined as a single national entity, with a unique culture and a distinct role in relation to the other nations. As we shall see, the covenant made in the plains of Moav focuses precisely on this point, and from this perspective it is especially appropriate for the Land of Israel.

This, however, is the problem. The combination of these two needs – that the covenant be made by Moshe and that it be made after the people enter the Land of Israel – creates a built-in contradiction, because Moshe did not enter the land. Splitting the text in the manner mentioned above allows us to hold the rope at both ends: What we have here is a drawn-out covenant. The contents are explained by Moshe, but its closing ceremony will be conducted by Yehoshua in the land of Canaan. Had Scripture crudely separated between these two stages, it would have created the impression that we are dealing with two separate matters. For this reason, Scripture is worded in an ambiguous manner, and it seems that it was on the basis of the content that Moshe related to the people that the closing ceremony of the covenant was conducted on Mount Eival. It was by virtue of Moshe that the covenant was made, even if he himself was no longer present. The keyword in the section – "today" – is thus a complex term alluding to a drawn-out day that began at a certain point, but continued far beyond the limits of an ordinary day.

The importance of renewing the covenant specifically on Israel's national territory is reflected in the doubling found in the command regarding the covenant ceremony that was to be held after Israel entered the land.

### Where Did They Set Up the Stones?

In the account of the ceremony relating to the covenant and the setting up of the stones as it is related in chapter 27, we find a fundamental redundancy:

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| Keep all the commandment which I command you this day. | |
| **Setting up the stones in the Jordan (*Devarim* 27:1-3)** | **Setting up the stones on Mount Eival (*Devarim* 27:4-8)** |
| And it shall be on the day when you shall pass over the Jordan unto the land which the Lord your God gives you, | And it shall be when you are passed over the Jordan, |
| that you shall set you up great stones, and plaster them with plaster. | that you shall set up these stones, which I command you this day, in Mount Eival, and you shall plaster them with plaster. |
|  | And there shall you build an altar unto the Lord your God, an altar of stones; you shall lift up no iron tool upon them. You shall build the altar of the Lord your God of unhewn stones; and you shall offer burnt-offerings thereon unto the Lord your God. And you shall sacrifice peace-offerings, and shall eat there; and you shall rejoice before the Lord your God. |
| And you shall write upon them all the words of this Torah, when you are passed over; | And you shall write upon the stones all the words of this Torah very plainly. |

The fact that we are dealing with two accounts is striking to the eye, seeing that Scripture formulates both of them in almost the same language:

1) In the two accounts, the Jordan River is mentioned in very similar terms. Since the second command is to erect stones on Mount Eival, it would appear that the reference to time, "And it shall be when you are passed over the Jordan," should be understood as "after you are passed over the Jordan," for it is reasonable that it would take some time for the people of Israel to reach Mount Eival. In contrast, from the first command it follows that shortly after they pass over the Jordan ("on the day"), Israel must set up the stones.

2) In both accounts, there is a command to set up stones and plaster them. It is interesting that in the first command it says that they must take "great" stones, whereas in the second command this requirement is absent.[[5]](#footnote-5)

3) Both accounts conclude with the command to write on the stones "all the words of this Torah."

What is the meaning of this doubling?

Following in the footsteps of *Chazal*, Rashi teaches us that the doubling in this section expresses two separate commands that are merely written one alongside the other. One command requires that stones be set up in the Jordan and in Gilgal, while a separate command requires that stones be set up on Mount Eival. According to *Chazal* – and Rashi in their wake – three stone structures must be set up:

"Then you shall set you up" – In the Jordan, and afterwards you shall take out from there others and build an altar of them on Mount Eival. Consequently you must say that there were three sets of stones: **twelve in the Jordan, an equal number in Gilgal, and another twelve on Mount Eival…** (Rashi, *Devarim* 27:2)[[6]](#footnote-6)

Even if we do not adopt Rashi's reading that there were three structures, the verses appear to give a double account of the setting up of stones, so that at least two stone structures emerge already from a reading of the verses before us.

Before we begin to discuss the meaning of this doubling, attention should be paid to the fact that the second command includes also a command to build an altar: "And there shall you build an altar unto the Lord your God, an altar of stones." This altar must be built of "unhewn stones," and it must be erected on Mount Eival. There is no mention of an altar in the first command, which focuses on the Jordan River. Already from this we can sense the difference between the two sets of stones: The first seems to serve merely as a remembrance, whereas the second appears to be part of a religious event that includes an altar and sacrifices. Indeed, the addition of the altar to the setting up of the stones on Mount Eival raises a question regarding the closing command in verse 8: "And you shall write upon **the stones** all the words of this Torah very plainly." To which stones does this command refer? Does it refer to the stones set up on Mount Eival that were mentioned earlier, or does it conclude the command that was just given, and the words of the Torah had to be written on the stones of the altar?

At first glance, it seems that these are the stones that were mentioned at the beginning, since Israel was required to plaster those stones with plaster, apparently in preparation for writing upon them.[[7]](#footnote-7) According to this, it was necessary to write the Torah on the stones that Israel set up on Mount Eival, next to the altar (which was also of stone), upon which sacrifices were offered. On the other hand, it is possible to read the passage in an entirely different manner, equating the two stone structures, so that the command to set up an altar is a continuation of the command to set up the plastered stones. In other words, this is a command to build the altar from the stones that had originally been set up on Mount Eival. According to this proposal, the command to build "an altar of stones" relates to the stones mentioned in the previous verse, "you shall set up these stones," and upon those stones the Torah was to be written.

The second option is the less comfortable alternative, but it is the one that is realized in the book of *Yehoshua* (according to the reading of R. Yosi in the *Yerushalmi*, *Sota* 7:5):

Then Yehoshua built an altar unto the Lord, the God of Israel, in Mount Eival, as Moshe the servant of the Lord commanded the children of Israel, as it is written in the book of the Torah of Moshe, an altar of unhewn stones, upon which no man had lifted up any iron; and they offered thereon burnt-offerings unto the Lord and sacrificed peace-offerings. And he wrote there upon the stones a copy of the Torah of Moshe, which he wrote before the children of Israel. (*Yehoshua* 8:30-32)

It might be possible to identify the stones upon which the words of the Torah were to be written based on a comparison between the covenant entered into here and the covenant made at Mount Sinai:

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 children of Israel, who offered burnt-offerings, and sacrificed peace-offerings of oxen unto 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. Then went up Moshe, and Aharon, Nadav, and Avihu, and seventy of the elders of Israel; and they saw the God of Israel; and there was under His feet the like of a paved work of sapphire stone and the like of the very heaven for clearness. And upon the nobles of the children of Israel He laid not His hand; and they beheld God, and did eat and drink. And the Lord said unto Moshe: Come up to Me into the mount and be there; and I will give you the tables of stone and the Torah and the commandment that I have written, that you may teach them. (*Shemot* 24:4-12)

There are many points of comparison between the covenant at Sinai and the covenant on Mount Gerizim and Mount Eival:

1) **Setting up of stones and building an altar.** Both at the Sinai covenant (*Shemot* 24:4) and at Mount Eival there is a process of building an altar and setting up stones.

2) **Offering sacrifices and eating before God.** At Mount Sinai, it was necessary to offer sacrifices and even to eat them (*Shemot* 24:11: "And they beheld God, and did eat and drink"), similar to what emerges from the plain meaning of our verses.

3) **Writing the Torah on stones.** In both stories the Torah is written on stones. Here we see a certain measure of difference, which we will further address in next week's *shiur*. At Mount Sinai, God plays an active role, writing the Torah and giving it to Israel; whereas at the new covenant it is the people of Israel who write the Torah. This fits in with other discrepancies between the two covenants which will be discussed next week. One very clear difference is that at the covenant at Sinai the Torah was written on portable tablets, whereas at the plains of Moav the command is to set up stones that will remain in place. This difference is explained in light of the historical situation: In the period of the wilderness Israel transported the tablets in ark which they carried on their shoulders, and therefore tablets were necessary, whereas the Torah that was written on the stones at Mount Eival was never meant to move from there, which required that stones be "set up."

4. **The prohibition of using an iron tool on the stones of the altar.** Chapter 20 in the book of *Shemot* records the prohibition to raise an iron tool upon the altar. There it says that an altar was to be built either of earth or of stones, but not of hewed stones.[[8]](#footnote-8)Here too, Moshe emphasizes that "you shall lift up no iron tool upon them," and that the stones should be unhewn, though here mention is made only of the possibility to build an altar of stones, but not an altar of earth. Similar to what was suggested above, it is reasonable that this difference also stemmed from the change experienced by Israel from the book of *Shemot*,in which Israel is encamped around a mobile *Mishkan*, to the assembly at Mount Eival, where it was necessary to build an altar that would remain in place forever, and thus an altar of earth was inappropriate.

In light of this comparison, it seems that it was important that the Torah be written on stones, apart from the command regarding the altar, and that these two commands are not connected one to the other. This is similar to what happened at Mount Sinai, where the Torah was written on stone tablets and there was a separate command to build an altar.

According to what emerges from the book of *Yehoshua* – that the stones of the altar were the very stones upon which the Torah was written – the connection between the stones and the stones of the altar becomes self-evident, but even if we adopt what appears to be the simpler reading of our passage, according to which two stone structures were to be built on Mount Eival, the connection between them is clear from the very integration of the one with the other. The writing process (setting up the stones – setting up the altar – writing on the stones that had been set up at the outset) paints the altar with the colors of the stones that constitute a sort of frame. Since the Torah was to be written on the stones that were set up and sacrifices were to be offered on the altar, what we have here is the Torah and the sacrificial service standing side by side, hearing the word of God alongside the ceremony of entering the covenant.

### The Difference Between the Two Stone Structures

What, then, is the relationship between the two descriptions in the verses before us? What is the relationship between the stones that were to be erected after crossing the Jordan and the stones that were to be erected on Mount Eival?

As stated above, *Chazal* (and Rashi in their wake) understood that we are dealing here with two separate sets of stones. Even if we accept this understanding, it is clear that the Torah creates a connection between the two commands, and the parallel writing that intertwines the two commands alludes to an essential connection between them. As I have already noted above, the first stones that were to be erected immediately after crossing the Jordan should apparently be understood as memorial stones, whereas the setting up of the stones on Mount Eival should be understood as part of the covenant ceremony, and therefore it is precisely there that we find also a command regarding an altar and sacrifices.[[9]](#footnote-9) However, the connection that intertwines the two commands indicates that even the first set of stones was part of the covenant. It seems that the connection between the two stone structures should be explained in a manner similar to what we suggested above regarding the ambiguity regarding the place where the covenant was made. Just as the covenant had to be made in the Land of Israel but its content portion was advanced to the plain of Moav, the covenant ceremony had to take place on Mount Eival, in the Shechem area, but it had to begin immediately upon crossing the Jordan.

There are various possible reasons to choose the Shechem area as the appropriate place for making a covenant. Cassutto may have been right when he said Israel's journey in the Land of Israel was similar to that of Avraham; just as his first stop was in the area of Shechem – and there he built an altar, so Israel had to conduct the covenant ceremony precisely in that place, alongside their altar.[[10]](#footnote-10) In that way they would testify to the merit of the forefathers which stood by them and to the fulfillment of God's promise to those forefathers. Alternatively, my friend Tani Feintuch might be right when he said that the covenant ceremony had to be conducted in the tribal territory of Yosef and of the leader of Israel, Yehoshua.[[11]](#footnote-11)

Either way, the essence of the ceremony had to be done in the Shechem area. Indeed, the Torah connects the memorial stones that were to be set up in the Jordan with the covenant, owing to the deep connection between entering the land and the covenant. As we said above, the entire covenant was part of the process of inheriting the land, God's inheritance to His people. Immediately upon entering the land, the people of Israel were to set up stones that, even if they are not yet the stones of the covenant ceremony, allude to those stones. In this way, the Torah once again holds the rope from both ends: Immediately upon crossing the Jordan, the people of Israel were to set up stones and write the Torah upon them (as they were to do with at the covenant ceremony), but they were to repeat this action in the main place designated for this purpose – on Mount Eival in the area of Shechem, in the place where Avraham built his first altar. Now his descendants follow in his footsteps and conduct the covenant ceremony in the plains of Moav.

(Translated by David Strauss)

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1. Unless specified otherwise, references to verses relate to *Devarim* 27, and references to chapters relate to the book of *Devarim*. [↑](#footnote-ref-1)
2. Compare *Devarim* 7:6. [↑](#footnote-ref-2)
3. Ibid. v. 7. [↑](#footnote-ref-3)
4. This apparently means that the words must be engraved on the stones in a clear manner. [↑](#footnote-ref-4)
5. The word "Torah" in the book of *Devarim* refers to the book of *Devarim*, and "great stones" are needed even for writing this book. This requirement attests not only to the stability of the structure, but also to the quantity of material that had to be written on the stones. [↑](#footnote-ref-5)
6. Compare his comment on *Sota* 35b, the source that Rashi quotes here with changes. [↑](#footnote-ref-6)
7. This is as opposed to the Ibn Ezra, who understood that the purpose of the plaster was to preserve the stones. [↑](#footnote-ref-7)
8. "And if you make Me an altar of stone, you shall not build it of hewn stones; for if you lift up your tool upon it, you have profaned it. Neither shall you go up by steps unto Mine altar, that your nakedness be not uncovered thereon" (*Shemot* 20:21-22). [↑](#footnote-ref-8)
9. Similar to the twelve stones that Moshe erected at Mount Sinai. [↑](#footnote-ref-9)
10. M. D. Cassutto, *Sefer Bereishit U-Mivneihu*, pp. 246-248. [↑](#footnote-ref-10)
11. Y. Feintuch, "*Berit Moav U-Berit Har Gerizim Ve-Har Eival* – *Iyun Be-Devarim* 27," *Megadim* 34 (2002), pp. 67-84. [↑](#footnote-ref-11)