**PARASHAT HASHAVUA**

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**PARASHAT NITZAVIM**

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**Where Does the Account of the Covenant of Moav Begin?**

**By Prof. Yonatan Grossman**

*Parashat Nitzavim* opens in the middle of a unit that began at the end of *Parashat Ki-Tavo*:

These are the words of the covenant that 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)

This verse, which follows the long series of curses of the covenant in Moav, is conventionally viewed as the closing verse of the entire unit dealing with the covenant.

The Abravanel proposes a different reading, according to which this verse is in fact the opening verse of the section dealing with the covenant. According to this interpretation, the verses containing the blessings and the curses, which preceded this section in chapters 27-28, are **not** the covenant; they are either an introduction to the covenant that begins in 28:69 or a description of the covenant ceremony that will one day take place on Mount Gerizim and Mount Eival.

 The Abravanel adduces support for his explanation, arguing that the term "covenant" does not refer to blessings and curses. The proof for this is the covenant of Sinai, which does not include blessings and curses:

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.” (*Shemot* 24:7)

The Abravanel's proof is not particularly strong; it might certainly be that what is described in *Shemot* 24 as the book of the covenant is in fact the blessings and curses that are recorded at the end of the book of *Vayikra* in *Parashat Bechukotai* (26:3 and on).

 According to the Abravanel, however, his interpretation is also how *Chazal* read our *parasha*. He cites a *midrash* that states that the blessings and curses in *Parashat Bechukotai* were pronounced by Moshe in the name of God, whereas the blessings and curses in *Parashat Ki-Tavo* Moshe said on his own. What this *midrash* means, argues the Abravanel, is that Scripture's account of the covenant itself begins in *Devarim* 28:69. Thus, that verse should not be read as a conclusion, but as followed by a colon:

These [the following] are the words of the covenant that 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**:** And Moshe called unto all Israel, and said unto them: “You have seen all that the Lord did before your eyes in the land of Egypt unto Pharaoh, and unto all his servants, and unto all his land…” (*Devarim* 28:69-29:1)

 Although we have rejected the Abravanel's first proof, we nevertheless maintain that his reading – that this is the beginning of the account of the covenant – is in fact the plain meaning of the text.

 One might argue that it is difficult to accept the Abravanel’s reading because if he is correct, the long section of the blessings and curses comes to a sudden end, with no verses of summary and conclusion. That section concludes with very harsh curses, and it is difficult to accept that the Torah allowed these verses to create the lasting impression of the section. We will follow the Abravanel's suggested reading that *Devarim* 28:69 is the opening verse of the account of a new covenant, but in addition we will argue that the section of the blessings and the curses does not actually end here, but rather continues again in *Devarim* 29:21.

 Since we wish to view 28:69 as the opening verse of the section dealing with the new covenant, we must first prove that we are in fact dealing here with a description of a covenant. After proving this, we will discuss the unique nature of the account of the covenant found here, and finally we will deal with the question of why the Torah saw fit to stop here and divide the section dealing with the blessings and the curses, inserting in the middle an account describing another covenant.

### Another Description of the Covenant Ceremony

These are the words of the covenant that 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. And Moshe called unto all Israel, and said unto them: You have seen all that the Lord did before your eyes in the land of Egypt unto Pharaoh, and unto all his servants, and unto all his land, the great trials which your eyes saw, the signs and those great wonders. But the Lord has not given you a heart to know and eyes to see and ears to hear until **today**. And I have led you forty years in the wilderness; your clothes are not waxen old upon you and your shoe is not waxen old upon your foot. You have not eaten bread, neither have you drunk wine or strong drink; that you might know that I am the Lord your God. And when you came unto this place, Sichon the king of Cheshbon and Og the king of Bashan came out against us unto battle, and we smote them. And we took their land and gave it for an inheritance unto the Reuvenites, and to the Gadites, and to the half-tribe of the Menashites. Observe therefore the words of this covenant, and do them, that you may make all that you do to prosper. (*Devarim* 28:69-29:8)

 At the beginning of the section, we find the words: "You have seen all that the Lord did before your eyes in the land of Egypt unto Pharaoh, and unto all his servants, and unto all his land" (v. 1), which reminds us directly of a similar formulation in the covenant of Sinai: "You have seen what I did unto the Egyptians, and how I bore you on eagles' wings and brought you unto myself" (*Shemot* 19:4).

In this section, Scripture repeatedly emphasizes the word "today." Something is happening today, something that did not happen from the time of the exodus from Egypt until now. Up to this point, the people of Israel were missing a most significant element, which only now is being repaired: "But the Lord has not given you a heart to know and eyes to see and ears to hear until today" (*Devarim* 29:3). This bit of information is surprising; it is hard to imagine that the people of Israel did not understand what it had agreed to at the covenant of Sinai!

You are standing **today** 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 unto 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 **today**; that He may establish you **today** unto Himself for a people, and that He may be unto you a God, as He spoke unto you, and as He swore unto your fathers, to Avraham, to Yitzchak, and to Yaakov. Neither with you only do I make this covenant and this oath; but with him that stands here with us **today** before the Lord our God, and also with him that is not here with us **today**. (*Devarim* 29:9-14)

"You are standing today all of you before the Lord your God…" (v. 9): It is important to Moshe to emphasize the full presence of the people of Israel, including the women and children, at the covenant assembly. All of Israel gathered together in order "that you should enter into the covenant of the Lord your God" (v. 11). If until now there was still any doubt, now we can say with full confidence that before us is another account of the covenant of Moav.

The purpose for the general assembly of all of Israel is "that He may establish you today unto Himself for a people, and that He may be unto you a God, as He spoke unto you" (v. 12). This verse also surprises the reader. How can it be said that the people of Israel was only now being established in the plains of Moav and that throughout the period of the wilderness they were not defined as a single unit?

"And also with him that is not here with us today" (v. 14): The commentators onverses 13-14 disagree about how a covenant made at a specific time can obligate future generations. The Abravanel rejects the accepted understanding that all of the souls of Israel were present at Sinai, because, as he puts it, it is impossible that the covenant was made "not with bodies."

Before we relate to the Abravanel's resolution of this difficulty, we will consider two significant matters that arise in our section dealing with the covenant.

### The People of Israel Solidifying into a Nation

In light of what was stated above, it may be argued that the difference that distinguishes the covenant of Moav from the covenant of Sinai lies in the change of Israel's status from a set of individuals into a nation. When seen from a comprehensive perspective on the entire oration concerning the *mitzvot* that continues until the beginning of *Parashat Ki-Tavo*, all of the *mitzvot* presented were intended to advance this change:

1. **Centralized worship.** As we noted elsewhere, the Torah's new tendency in the book of *Devarim*,which prohibits all sacrificial activity outside the Temple, intensifies the sense of mutual responsibility and partnership of all of Israel. They are no longer individuals serving God, but a nation that that worships God in a centralized manner in one place.

2. **The laws of the regime. A**lmost of the laws governing the regime and the community appear for the first time in the book of *Devarim*, and this requires explanation. How is it that such important laws waited until now for the introduction to the covenant of Moav? The answer is that this follows from the objective of the long oration, which we have argued serves as an introduction to the covenant assembly in which the children of Israel will solidify into a nation and into a single spiritual unit.

The uniqueness of the covenant of Moav lies, then, in the fact that in this covenant the people of Israel transform into a whole unit, legally and spiritually; they are no longer merely a collection of individuals.

### The Struggle Against “Secret Things”

For you know how we dwelt in the land of Egypt and how we came through the midst of the nations through which you passed; and you have seen their detestable things, and their idols, wood and stone, silver and gold, which were with them. **Lest there should be among you man, or woman, or family, or tribe, whose heart turns away today from the Lord our God,** to go to serve the gods of those nations; lest there should be among you a root that bears gall and wormwood. And it will come to pass, when he hears the words of this curse, that he bless himself in his heart, saying: I shall have peace, though I walk in the stubbornness of my heart, that the watered be swept away with the dry; the Lord will not be willing to pardon him, but then the anger of the Lord and His jealousy shall be kindled against that man, and all the curse that is written in this book shall lie upon him, and the Lord shall blot out his name from under heaven; and the Lord shall separate him unto evil out of all the tribes of Israel, according to all the curses of the covenant that is written in this book of the law. (*Devarim* 29:15-20)

The Torah shifts its attention from the people as a whole to rebellious individuals who do not feel threatened by the curses: "Lest there should be among you a root that bears gall and wormwood…" (verses 17-19).

According to R. Yoel Bin-Nun, and so it seems is the simple reading, after verse 20 Scripture returns to the section of the blessings and the curses. Only in the last verse in the chapter – "The secret things belong unto the Lord our God; but the things that are revealed belong unto us and to our children forever, that we may do all the words of this law" (v. 28) – does the text return to sins performed in secret.

It is evident that Scripture takes “outlying” people seriously. As long as the people of Israel were only a set of individuals, there was no need to deal with marginal phenomena. One who sinned was punished, and the matter did not affect the people of Israel as a nation:

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…

And the Levites shall speak, and say unto all the men of Israel with a loud voice: Cursed be the man that makes a graven or molten image…. (*Devarim* 27:9-10; 14-15)

The Ibn Ezra notes that all of those upon whom a curse is pronounced are people who sin in secret. Were they to sin in public, the people would know how to deal with them. But when people practice idolatry in secret, it is a national problem because it is hard for the people to deal with individuals who sin in this manner. *Chazal* learn the concept of mutual responsibility from the convent of Moav; if the people constitute a single entity, then an individual who worships idols is a national problem.

You are standing today 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 unto the drawer of your water. (*Devarim* 29:1-2)

Seven social strata are mentioned here.[[1]](#footnote-1) The number seven in the Bible attests to the wholeness of Israel, which is found now at the covenant assembly. The entire people are present at the assembly, and owing to that full attendance, the people of Israel can enter into the covenant. Verse 12 ("that He may establish you today unto Himself for a people") unites all of Israel into a people, which leads us to verse 13 ("Neither with you only do I make this covenant and this oath").

The Abravanel argues that the obligation of the future generations is based on the people's bondage to God; because their ancestors agreed to be God's slaves, the future generations are also obligated to be God's slaves, just like the children of slaves belong to their master. The difficulty with the Abravanel's explanation is clear; reference to slavery is not found anywhere in the section.

In light of what we have suggested above, we wish to propose a different explanation: It was not each individual who entered into a covenant with God. Rather, it was the nation as a whole that made a covenant, and since the later generations also belong to the nation, they too are obligated to keep the covenant. On this day, a nation was formed that can make a covenant with God and obligate thereby even the later generations.

### Returning to the Section of the Blessings and the Curses

And the generation to come, your children that shall rise up after you, and the foreigner that shall come from a far land, shall say, when they see the plagues of that land, and the sicknesses wherewith the Lord has made it sick; and that the whole land thereof is brimstone, and salt, and a burning, that it is not sown, nor bears, nor any grass grows therein, like the overthrow of Sedom and Gomora, Adma and Tzevoyim, which the Lord overthrew in His anger, and in His wrath; even all the nations shall say: Why has the Lord done thus unto this land? What means the heat of this great anger? Then men shall say: Because they forsook the covenant of the Lord, the God of their fathers, which He made with them when He brought them forth out of the land of Egypt; and went and served other gods, and worshipped them, gods that they knew not, and that He had not allotted unto them; therefore the anger of the Lord was kindled against this land, to bring upon it all the curse that is written in this book; and the Lord rooted them out of their land in anger, and in wrath, and in great indignation, and cast them into another land, as it is today. (*Devarim* 29:21-27)

These verses take us back to the curses pronounced against the community as a whole and to the reaction of the gentile nations who see the destruction that will come in the wake of these curses: "Why has the Lord done thus unto this land? What means the heat of this great anger?" (ibid. v. 23).

In verses 26-27, we see the direct connection of the people to the land:

Therefore the anger of the Lord was kindled against this land, to bring upon it all the curse that is written in this book; and the Lord rooted them out of their land in anger, and in wrath, and in great indignation, and cast them into another land, as it is today.

According to the covenant of Moav, as long as the people have not entered the land, even if they are considered a nation, they are considered a nation with an essential deficit. At the covenant of Moav, it is emphasized that in punishment for their evil actions, the wicked will be cast out of the land.

Verse 28 returns to the matter of "secret things":

The secret things belong unto the Lord our God; but the things that are revealed belong unto us and to our children forever, that we may do all the words of this law. (ibid. v. 28)

In the plains of Moav, the secret things are referred to only in general terms, and they belong to God alone. Much has been said about these "secret things." *Chazal's* comments to the verse are particularly incisive, for they say that a person must relate only to matters that have been revealed to him; it is as if God had said to the people of Israel that He will deal personally with those who sin in secret. As we have already noted, such a verse could not have been uttered at the covenant at Sinai, where each individual was commanded: "You shall not murder."

Based on this, let us offer an intermediate summary of the meaning of the covenant at Moav. What emerges from these chapters is that the Torah deems it important to emphasize that the people of Israel are in fact signed on two covenants: a personal covenant (the covenant of Sinai) and a national covenant (the covenant of Moav). When we talk about the covenant of Moav we are not talking merely about renewing the covenant of Sinai, and nothing more; what we have here is a cognitive expansion of the people of Israel into a nation.

This has spiritual meaning even for the individual: On the one hand a person stands before God as an individual, while on the other hand he stands before Him as part of a whole nation.

**Splitting the Section of the Blessings and the Curses**

 Now that we have come to a deeper understanding of the covenant of Moav, we must deal with the question: Why did Scripture bring the section of the blessings and the curses to an abrupt stop? Before we attempt to answer this question, let us turn to chapter 30, which is known as "the chapter of repentance" and which constitutes a direct continuation of the section of the blessings and the curses.

### The Historical Significance of the Chapter of Repentance

The closing verses of chapter 28 describe a tragic ending of the covenant should Israel behave improperly:

And the Lord shall bring you back into Egypt in ships, by the way whereof I said unto you: You shall see it no more again; and there you shall sell yourselves unto your enemies for bondmen and for bondwoman, and no man shall buy you. (*Devarim* 28:68)

This ending is difficult to read, especially in comparison to *Parashat Bechukotai*, where the Torah does not end the section with a curse, but rather on a positive note:

Then will I remember My covenant with Yaakov, and also My covenant with Yitzchak, and also My covenant with Avraham will I remember; and I will remember the land. (*Vayikra* 26:42)

Following Israel's punishment, God will remember the covenant that He made with the Patriarchs and He will redeem Israel despite their sinful deeds. In the book of *Devarim* the section of the curses ends without any consolation. The explanation for this, as was suggested above, is that we must skip to 29:21, and from there continue to read the chapter of repentance. The chapter of repentance, according to the new context of the section of blessings and curses, provides a solution to the problem concerning the conclusion of the section of curses.

The connection between the two units can be demonstrated in several ways:

1. **Use of a similar linguistic formula.** The opening verse of the chapter of repentance, "And it shall come to pass, when all these things are come upon you, the blessing and the curse" (30:1), connects to the verse: "And all these blessings shall come upon you" (28:2), and also to: "that all these curses shall come upon you, and overtake you" (28:15) in the section of the blessings and curses.
2. **The similar wording regarding the scattering and ingathering of Israel.** In the section of the blessings and curses, it says: "And the Lord shall scatter you **among all peoples,** from the one end of the earth even unto the other end of the earth" (28:64), and similar wording is used in the section of repentance: "And He will return and gather you **from all the peoples,** whither the Lord your God has scattered you" (30:3). The removal to the peoples in the verses containing the curses and the return in the section of the repentance of Israel are formulated in a strikingly similar fashion. The verse expands and emphasizes: "If any of yours that are dispersed be in the uttermost parts of heaven, from there will the Lord your God gather you, and from there will He fetch you" (ibid. v. 4). The text in the section of repentance describes the ingathering in a more positive manner than the way the dispersal had been described in the verses of curses. This accords with the saying of *Chazal*: "Greater is the measure of goodness than the measure of calamity."

1. **Placing the curses on the enemies.** It says in the chapter of repentance that following Israel's repentance: "And the Lord your God will put all these curses upon your enemies and on those who hate you, who persecuted you" (ibid. v. 7). The curses in question are clearly the curses found in the section of the blessings and curses.
2. **Rejoicing.** "For the Lord will again rejoice over you for good, as He rejoiced over your fathers" (ibid. v. 9). In the section of repentance, God rejoices over bestowing good on Israel similar to the way in which he rejoiced at the time of the curses: "And it shall come to pass, that as the Lord rejoiced over you to do you good, and to multiply you; so the Lord will rejoice over you to cause you to perish, and to destroy you" (28:63).

In light of the above, it may be argued that the passage of repentance offers a model of redemption different from the one that appears in *Parashat Bechukotai.* In *Parashat Bechukotai*,Scripture emphasizes that despite the heavy punishment meted out to Israel, the redemption will come in any event owing to God's oath to the Patriarchs. In our *parasha*, the redemption will not come on its own; it falls upon Israel to stir up in repentance, and if they fail to do that the redemption will not come. The Torah presents us with two tracks of redemption – one "in its time," which will take place in the wake of the merit of the Patriarchs, and a second by way of the good deeds of Israel.[[2]](#footnote-2)

### Why is the Section of Repentance Detached from the Blessings and Curses?

 Once we see the direct connection between the section of repentance and the blessings and the curses, the question only becomes stronger: Why stop the section of the curses and focus on the national covenant? Why did the Torah see fit to interrupt the flow with another matter?

1. **Giving threatening force to the curses.** It may be suggested that by abruptly stopping the curses, the Torah enjoys a certain literary benefit, in that the curses will instill an added measure of fear. Bringing the curses to a halt without consolation intensifies the severity of the curses.

2. **Emphasizing the length of the second exile.** The Ramban writes in his commentary that the curses in *Parashat Bechukotai* relate to the exile at the end of the First Temple period, which was a short exile, while the curses in *Parashat Ki-Tavo* relate to "our exile," the exile at the end of the Second Temple period, which is a much longer and more significant exile. R. Samet, who follows the Ramban, suggests that when the Torah stops suddenly in the middle of the passage of the curses, this gives the reader a sense of the length of the second exile.

3. **Seeing repentance as a track of redemption.** Another possibility is to continue in the vein that was suggested above, to see the chapter of repentance as a track for redemption, and thus to understand the difference between the curses in *Bechukotai* and the curses in *Ki-Tavo*. When we speak of redemption following from repentance and not from remembering the covenant with the Patriarchs, it cannot be included in the concept of covenant; repentance is not found in the clauses of the covenant because a person cannot be forced to repent. According to this understanding, the covenant ends with curses, recovery from which is not inevitable. If Israel chooses to repent, the redemption will come, but if not, God forbid, it is possible that the redemption will not arrive.

(Translated by David Strauss)

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1. According to Rashi, "your heads, your tribes" are the leaders of the tribes; "all the men of Israel" are the totality of the upper strata of society; "from the hewer of your wood unto the drawer of your water" are all the lower classes of society who are not strangers, or women, or children. [↑](#footnote-ref-1)
2. When we reach *Parashat Ha'azinu*, we will see yet another model of determinist redemption that is driven by a fear of desecrating the name of God. When redemption comes by way of repentance, it depends on human will. In fact, we find many descriptions in chapter 30 which speak of free will, something that we do not find in *Parashat Bechukotai* or in *Parashat Ha'azinu*. [↑](#footnote-ref-2)