

# Parshat Ki Tavo:

---

## The Second Covenant

“And Moses 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 that you shall cross over the Jordan into the land which the Lord your God gives you, thou shall set up great stones, and plaster them. And thou shall write upon them all the words of this law, when thou have passed over; that you may go in into the land which the Lord your God gives you, a land flowing with milk and honey, as the Lord, the God of thy fathers, has promised you...”

And Moses charged the people the same day, saying: ‘These shall stand upon mount Gerizim to bless the people, when you have crossed over the Jordan: Simeon, and Levi, and Judah, and Issachar, and Joseph, and Benjamin; and these shall stand upon mount Ebal for the curse: Reuben, Gad, and Asher, and Zebulun, Dan, and Naphtali. “ (27:3-11)

The majority of our parsha is taken up with details of a ceremonial national assembly to take place at Mt. Eval<sup>1</sup> in the Land of Israel. This event and its blessings and curses is detailed in but a few lines, but it is quite evidently an happening of great national importance. When we talk about the ceremony at Mt. Eval and Mt. Gerizim, we are not dealing with an assembly that was staged merely as an impressive spectacle, although it must have been quite breathtaking. No! What we are witnessing here is the solemn undertaking of a covenant, a public ceremony of commitment between God and his people. The Mt. Eval convocation represents a critical moment in which the entire nation solemnly entering into a covenant with God.

This week, we are going to try to:

1. To understand the organization of the parshiot regarding this event.
2. Understand a little more regarding the covenantal status of this ceremony

### Chavruta Study

1 Read the pesukim about the ceremony: DEVARIM 27

\* Divide the chapter up into its three paragraphs. Give a title or a brief description to each paragraph.

#### 2. The Twelve Stones:

- What role do the stones play in this ceremony?
- What visual message might these stones evoke within the general context of this ceremony?
- See the argument between Rashi and Ibn Ezra as to what was written upon the stones

#### See Shemot 24:2-7.

- When does this event take place? (mefarshim are useful)

- List the similarities that are evident between the two rituals?
- Why the similar imagery between the two places? Is one ceremony meant to reflect the other? Is there some connection between the historic happenings that these ceremonies are marking?
- Relate this to Rashi on 27:26 (in Devarim) and to the passuk quoted above: 28:69.

3 See also the opening pesukim of Parshat Re'eh: DEVARIM 11:26-32.

- What is the “blessing” and what is “the curse”? (The Ramban is helpful here)

- According to these pesukim, what is the significance of the assembly at Mt. Eval?

### The Shiur

#### HAR SINAI - NA'ASEH VENISHMA.

The parallels between this ceremony of entry into the Land, and the covenant that immediately followed the revelation at Sinai - *Matan Torah* - are striking. Chapter 24 in Shemot describes the events of the morning after Maamad Har Sinai. Let us explain. On the day of the Revelation at Mt. Sinai God spoke to the people “face to face” and related the Ten Commandments to them. This is the day we call *Ma'amad Har Sinai*. However the next day was of enormous significance as well. The next day there was a ceremony of national commitment. This was the famous day of “*Na'aseh Venishma*” when the nation took upon itself the commitments, restrictions and benefits of Judaism. (According to Rashi, these events actually preceded the day of revelation, but once again, the central theme is consistent. This ceremony was a moment when Am Yisrael accepted God and his Law: *Na'aseh V'nishma*.)

Let us list some of the similarities between the two occasions:

1. At Mt. Sinai just as with Mt. Eval, the mountain provides the backdrop for the covenant.
2. In both cases, twelve stones were set up as monuments.
3. In both ceremonies an altar is built and the korbanot of Olah and Shelamim were offered as part of the procedures.
4. A written covenant: In Shemot, they read aloud the “book of the covenant”. In our parsha we have the Torah written not on a scroll but rather on the monuments.
5. The reading of the covenant: In both cases the covenant is read to the nation
6. Audience response: The statements of “*arur*” - the curses here - demand a response from the audience. The people must respond “amen” here, just as they responded with “*Na'aseh venishma*” at Sinai.

“Cursed be he who will not uphold the terms of this Torah and observe them - And the people shall say, Amen.” (27:26)

These similarities should not be surprising. Both events are “commitment ceremonies” whereby the nation collectively expresses its allegiance to God and Torah. The covenant at Sinai signified the beginning of the road, the initial commitment. Now on the verge of the Promised Land, the Israelites are instructed to “repeat” the Sinai covenant. The parallel that we have outlined is clearly indicated in the concluding lines of our parsha:

“These are the words of the covenant which the Lord commanded Moses to conclude with the Israelites in the land of Moav, **in addition to the covenant which he had made with the at Horeb**” (Devarim 28:69)

Every carefully planned detail of the ceremony at Mt. Eval points to this event as a renewal ceremony, a re-run of *Kabbalat Hatorah*. We are commanded to take twelve monuments and write the Torah on them. You will have seen how the *mefarshim* argue as to whether they wrote down the entire written Torah, or even the Torah in seventy languages, or simply the headings and principles, maybe the listing of the 613 mitzvot. It seems to me that the details are not of the essence here when one views the wider thrust of the occasion. The objective of these twelve pillars is to create a national monument that represents Torah, the totality of God's law. Whether the text on the stones be an accurate word for word account or a general listing of the mitzvot, these twelve stones - “corresponding to the twelve tribes of Israel” (Ex 24:4) - create a powerful visual symbol. They broadcast a clear message. They proclaim that the twelve tribes of Israel commit themselves to God's law.

And so we have a perfect parallel of these two ceremonies<sup>2</sup>. The covenant ceremony at Mt. Eval, followed by a series of blessings and curses mirrors the Sinai covenant quite precisely. The first is an act of acceptance. The second is the renewal of that acceptance.

## WHY A SECOND TIME?

Why was there a need for a renewal of the covenant? Why enact this covenant a second time? After all, there is no indication that this ceremony be repeated for each and every generation throughout history. Why did this particular generation need to express their allegiance in this manner?

## TIMING

The timing here is of crucial significance. Twelve stones are to be initiated, unveiled on “the day that you cross the Jordan,” indeed these stones are lifted from the riverbed of the Jordan. We replay the ceremony at an auspicious juncture in our history, as our national history takes a bold stride forward. At the moment in which we become a nation “like all other nations” - we have a land, agriculture, a government, army, judiciary etc. - we proclaim our commitment to Torat Hashem. A connection is being made between Torah and our tenure in the Land of Israel. Our prosperity and peace, or our ruin and desolation are both predicated upon the fulfilment of the covenant. The conquest of the land is at stake here and our entire national fortune.

The monument that we put up on that historic day of *k'nissa la'aretz* tells us that it is by virtue of the Torah that we enter the land. “Write the words of the Torah **as you cross over** so that you will indeed enter into the land which God gives you” (27:3).

But I think that there is a further dimension to all this.

When one reads the Book of Joshua and the account of the Israelites entry to the land, one is struck by certain events which would appear to mirror the Exodus<sup>3</sup>.

1. The most prominent is the crossing of the Jordan River which happens by splitting the Jordan (rather than by, for example building a bridge. The Jordan is not so wide that they could not have used a non-miraculous method.)
2. The fear of the gentile nations is described in the same manner as with *Yetziat Mitzrayim*. (cf. language of 2:10-11 with 5:1)
3. The juxtaposition of Pesach and Mila (Ch.5) with the entrance to Israel is the same as with the Exodus (see Shemot ch.12.) In truth, the very fact that the entry into the land happens at the very same calendar date as the events of the Exodus from Egypt, is, I believe, not coincidental. (Taking the lamb on the 10<sup>th</sup> – the same day as the crossing of the Jordan)
4. The notion of remembrance for children: “And it shall come to pass when your son asks you ...” (Joshua 4:6)
5. The ceremony at Mt. Eval, which mirrors the giving of the Torah at Sinai.

Why does the entry into the land of Israel need to be a re-run of the Exodus from Egypt? Why does the form of one need to mirror the other?

I think that the answer is very simple but immensely powerful, and this answer explains greatly the need for a second “Mt. Sinai.”

In God's masterplan, the plan was to have a **single continuum**, a flow of events: Exodus to Sinai to Eretz Yisrael. It was to have been a single procedure. However, the sin of the golden calf, and the sin of the Spies which both caused severe delays in the progress of Am Yisrael to their promised (and promising!) destination, were not on God's itinerary. No! The plan was that we should leave Egypt amidst the miracles of God, and His “mighty hand.” Next, riding the wave of those wonders and miracles we were to receive the Torah and create “a kingdom of priests and a holy nation.” And this would all naturally flow towards the entry to the land of Israel and the establishment of a society that would reflect the values of holiness, justice and righteousness in Eretz Yisrael.

The generation of the Exodus **should** have been the generation which entered Israel.

But things did not happen this way. After the Spies and the decree of the 40 years, now there is a “generation gap.” The generation who enter Israel did not experience the Exodus. They did not walk through the sea, they did not stand at the foot of Mt. Sinai and answer exuberantly, “*Na'aseh Venishma*.” For them, this is all a memory. It is a vicarious experience, distant and remote. It is second hand, not first hand.

But the plan called for the generation of Eretz Yisrael to experience the Exodus!

Instead, God orchestrates a mini-Exodus. The events of the Exodus are experienced upon the entry to Eretz Yisrael, but in miniature.

It is within this framework that we should view the covenant at Mt. Eval. This is the Har Sinai of the second generation. For the second generation cannot pledge allegiance to the land without first committing to the covenant of Torah, the *bracha* and *k'lala* which are the key to the land, hence the need for a special

covenant for the second generation, a second Sinai.

#### A QUESTION: WHEN DID IT HAPPEN?

But here, I must admit that I have one major question, which I have not yet fully resolved: When exactly did the covenant take place?

Let me explain the question.

On the one hand, we are informed here that the covenant is to take place AFTER the crossing of the Jordan, after the entry into Canaan.

However, it is clear that some sort of covenantal commitment actually transpired at Arvot Moav PRIOR TO the entry into Canaan. Let us focus once again upon the closing line of the Parsha:

“These are the words of the covenant which the Lord commanded Moses to make with the Bnei Yisrael in the land of Moav”

And the opening lines of Parshat Nitzavim are unarguable:

“You stand here this day, all of you, before the Lord your God ... to enter into the covenant of the Lord and its sanctions, which the Lord your God is concluding with you this day. ... I make this covenant ... not with you alone, but both with those who are standing here **today** and with those who are not standing here ...”  
(Devarim 29:9-14)

There is clearly a covenant of Moav. But when did it happen and what exactly was its content?

- Did the ceremony take place in Arvot Moav or in Eretz Yisrael?
- Was it Moses who made conducted the covenantal happening or Joshua?

There is no doubt that the *Tochacha* is a text of a covenantal nature. Is it possible that the covenant was to take place in Israel, but just the instruction was at Arvot Moav? The pesukim themselves lead us in contradictory directions. I guess that it is possible that two ceremonies were enacted, but this suggestion seems strange. A covenant is a one-time ceremony. It is a rite of passage that inculcates a group into a binding contractual relationship. The performance of a covenantal ceremony twice, belittles the significance of the contractual obligation.<sup>4</sup>

#### THE BEST OF BOTH WORLDS

Last year I heard a solution to this problem from a friend and master-teacher of Tanakh, Rav Yoni Grossman. He suggested that in truth, the covenant takes place in Joshua Ch.8. Yes! Joshua enacts the ceremony and it takes place upon the soil of Eretz Yisrael. And yet, the program is stated in painstaking detail in the Torah. Even more problematic - the Torah deliberately leaves us with the impression that the covenant is enacted not by Joshua, but rather by Moses. Why? Very simple!

The Torah given my Moshe remains to this day our exclusive Torah, our sole covenant. If Yehoshua were to have orchestrated

a new covenant upon entry to the land, it might have been perceived not as continuity to the legacy of Moshe, but rather, a new chapter, a revolution, a digression. People would have associated the ceremony at Mt. Eval with a new covenant of Joshua detached and possibly overriding the covenant of Moses.

Two reactions would then be possible. Either Joshua would be rejected as betraying the Moses tradition and establishing his own covenant. Alternatively, the people might follow Joshua with his "new covenant" but this would engender a dangerous weakening in the status of *Torat Moshe*. People would claim that with a new land came a new covenant, a new era, a new reality superseding the past. People would feel that it was time to leave the past behind in the desert.

And so, in order to achieve that sense of continuity and unity of tradition, the Torah deliberately creates an overlap, obscuring the boundary between the covenant of Arvot Moav, and the covenant of Mt. Eval. The covenantal ceremony is to be performed in Eretz Yisrael by Yehoshua, but its instruction is by Moses. Moshe talks as if the covenant is a living reality, as if he is enacting the commitment ceremony, but we know that the finale will be at Mt. Eval. In this way, a sense of continuity and authenticity is generated, while concomitantly generating a covenant organically embedded in the hills and soil of Eretz Yisrael, orchestrated by and presided over by the leader of the new generation, the Israel generation; Yehoshua.

#### A PARTING NOTE: THE PLACEMENT OF THE MT. EVAL COVENANT AND THE STRUCTURE OF SEFER DEVARIM

Many chapters prior to our Parsha – in Devarim ch.12 - the instructions for the ceremony at Mt. Eval have already appeared in the Torah. In the opening lines of Parshat Re'eh, we read:

Behold, I set before you this day a blessing and a curse: the blessing, if ye shall hearken unto the commandments of Hashem your G-d, which I command you this day; and the curse, if you shall not listen to the commandments of Hashem your God... And it shall come to pass, when Hashem your God shall bring you into the land which you are to possess, that you shall set the blessing upon mount Gerizim, and the curse upon mount Ebal... For you are to pass over the Jordan to go in to possess the land ... And you shall observe to do all the statutes and the ordinances which I set before you this day.  
(Devarim 11:26-32)

So we have already seen the command to enact a curse/blessing ceremony at Mt. Eval in Devarim Chapter 12. Now in Chapter 27 it is repeated. Why?" Admittedly, here in Ch.27 we receive the details of the precise content, and the event is staged more clearly, but what is the need to deliver this command twice?

The key to answering this question will be a clearer perception of the structure of Sefer Devarim. As we have clearly noted, the Mt. Eval ceremony appears in Chapter 12 and Chapter 27. Let us add something regarding the content of this ceremony. Its central thrust is a formal public expression of commitment to the commands and instructions of the Torah.

What lies in between Chapter 12 and Chapter 27? Rav

Lichtenstein once described Sefer Devarim in the following way:

Ch. 1-11	-	Mussar
Ch.12-26	-	Mitzvot
Ch. 27-end	-	Mussar

The bulk of "Mishne Torah" – The legal section, Moses' detailed review of the Laws of the Torah - appear in these middle chapters. Chapters 12-26 in Devarim are filled to the brim with an endless string of Mitzvot. The DUAL APPEARANCE of the Mt. Eval covenantal ceremony is not simply repetition. It is there for its effect, as it flanks the legal, "mitzva" section of Sefer Devarim both before and after. At the two endpoints, at the extremes of this detailed account of mitzvot is the ceremony of the covenant itself!

The command to perform a ceremony at Mt. Eval and Mt. Gerizim represents the covenant, the terms of agreement, the conditions. It is the blessing and the curse, life and death. The purpose of this literary structure is very simple! The basic message is this: Mitzva will give you blessing. Ignoring God's command will give you the opposite - the curse. The blessing and curse relate to our national tenure in Eretz Yisrael and our prosperity in the land. It is a very straightforward equation!

Shabbat Shalom!

#### Endnotes

<sup>1</sup> Rav Hirsch's comment here gives added significance to the very scenery of Har Eval and Gerizim as it reinforces this image of blessing and curse:

"Gerizim and Eval are two peaks of the Efrayim range of mountains which still show a striking contrast in their appearance. Gerizim to the south of Sh'chem presents a smiling green slope rising in fruit-covered terraces to its summit. Eval, on the north side, steep, bare and bleak... The two mounts lying next to each other form accordingly a most instructive picture of blessing and curse. They both rise on one and the same soil, both are watered by the same rainfall and dew ... and yet Eval remains in barren bleakness and Gerizim is clad to its summit in embellishment of vegetation. In the same way, blessing and curse are not conditional on external circumstances but on our own inner receptivity for the one or the other, on our behaviour towards that which is to bring blessing." (Hirsch 11:29)

<sup>2</sup> We have suggested that the ceremony at Har Eval/Gerizzim is a "replay" in some way, of Matan Torah, in that it too is a ceremony of commitment to observance of the Torah.

But at first glance, we should be able to note a very simple objection to this parallel. For at Matan Torah, there was no Tochacha, no list of the awful and horrific tragedies that might befall B'nei Yisrael if they are to fail to follow God. Here in Devarim however, there is an extensive passage which details the penalties for failure to keep the terms of the covenant. The spine-chilling details of exile and persecution are spelled out in technicolor in our Parsha. Why the difference?

Here again, if we look closely, we shall discover that here too is a most basic parallel.

When we turn to the Ramban's commentary to the Vayikra, the Ramban tries to understand the structure of the end of Sefer Vayikra and how it fits in to the history of Bnei Yisrael in the Midbar. There, we find the following comments:

"At the start of the first forty days (on Mt. Sinai), when Moses ascended to receive the first of tablets, Moses wrote a "book of covenant" which contained all the words of God, and included all the Mishpatim that were spoken there. He sprinkled blood on the people."

The Ramban is referring to the events of Shemot ch.24. and the covenantal ceremony which took place there. The Ramban is noting that the Sefer HaBrit – the book of the Covenant – mentioned in ch.24 contained the text of Parshat Mishpatim and that this constituted the text of the covenant at Sinai<sup>2</sup>. The Ramban continues:

"But when the people sinned with the Golden Calf and the tablets were smashed, it was as if the covenant was annulled from God's point of view. And when later God acceded to Moses' pleas and granted the second tablets of stone, he commanded a second covenant, as it states (Shemot 34:10) 'Behold I make a covenant.' There<sup>2</sup> he reviewed the major mitzvot which were given earlier in Parshat Mishpatim ( - compare ch.34 with ch.23).

... God wanted to make the second covenant more severe, binding the covenant with curses and oaths. The content should be identical however. That is why it states at the close of the Tochacha in Devarim: 'These are the statutes, the Judgements and the laws which God gave between Himself and B'nei Yisrael at Mt. Sinai via Moses.' (Vayikra 26:46) It is referring to all the Mitzvot of the first covenant, back on Parshat Mishpatim, all of which are included in this covenant."

The conclusion of this Ramban should make the symmetry between the covenant of Sinai and the Covenant of Arvot Moav all the stronger. The Ramban states clearly that at Sinai, the Tochacha was an integral part of the (second) covenant. Admittedly, had Israel not sinned, the Tochacha would have been unnecessary, however, after the Golden Calf, God integrated the blessings and curses of the Tochacha into the covenant at Sinai. When the covenant was renewed after the Golden Calf, it was renewed with added force and more explicit penalties.

<sup>3</sup> I believe that R. Menachem Leibtag wrote a shiur on this some years ago in a series on Sefer Yehoshua. Check on his website: <http://www.Tanakh.org/navi/navi3.txt> as to whether he has posted his shiurim on Sefer Yehoshua.

<sup>4</sup> It is possible that Parshat Nitzavim is the covenant of Arvot Moav, but what is the meaning of the concluding line of Ch.28?

It is possible that the list of "curses" (27:15-26) are to be recited at Har Eval, but that ch.28 – the Tochachah is the covenant at Arvot Moav. But then, where are the blessings? And even if you follow Rashi, that they took the "curse" clauses of ch.27 and made them into "blessing" clauses (see Rashi 27:12) some of these statements would sound strange as blessings – see the critique of the Ibn Ezra there, which makes the possibility that these are THE blessings and curses unlikely.