

PARASHAT NITZAVIM-VAYELEKH

"Hak'hel:" The Septennial National Assembly

By Rav Elchanan Samet

a. Why is the Mitzva of Hak'hel not Included in the Speech of the Mitzvot?

In our parasha, the long speech of the mitzvot is over; the "words of the covenant... in the land of Moav" are completed. Moshe, the faithful shepherd, who has been exhorting the people of Israel since the first day of the month of Shevat, has reached the day of his departure from them - the day of his death, when he offers his final words:

(31:1-2) "Moshe went and spoke these words to all of Israel. He said to them: I am a hundred and twenty years old today; I can no longer go out and come in, and God has said to me: You will not cross over this Jordan."

The Ramban comments on the words "Moshe went" in verse 1 as follows:

"When he completed all his words, all those who had stood before him - and the children and the women – went to their tents... after accepting the covenant... The text tells us that now Moshe left the Levite camp (where he was stationed while declaring the covenant) for the Israelite camp, to pay his respects to them, LIKE ONE WHO WISHES TO TAKE LEAVE OF HIS FRIEND, AND COMES TO ASK HIS PERMISSION."

In these parting words, close to the very end of the entire Torah, another mitzva appears:

(31:9) "Moshe inscribed this Torah and gave it to the kohanim, the sons of Levi, who carried the Ark of God's Covenant, and to all the elders of Israel.

(10) Moshe commanded them, saying: At the end of seven years, at the time of the Shemitta year on the festival of Sukkot,

(11) when all of Israel come to present themselves before the Lord your God at the place which He will choose,

you shall read this Torah before all of Israel, in their ears.

(12) Gather the nation – the men, the women and the children, and the strangers who are among you

in order that they may hear and in order that they may learn to fear the Lord your God, and observe to perform all the words of this Torah.

(13) And their children, who have not known, will hear and learn to fear the Lord your God

all of the days that you live upon the land which you are passing over the Jordan to possess."

Why does Moshe teach this mitzva specifically here, in his parting words? Why is it not included among the many mitzvot listed in chapters 12-26?

The answer arises from the verses themselves. This mitzva (named "hak'hel," gather, because of the opening word of verse 12), which entails reading the Torah before all of Israel at the end of every seven years, at the time of the Shemitta year, on the festival of Sukkot, is connected to the Sefer Torah that Moshe has written and has just handed over to the kohanim and the elders (9). These kohanim and elders are the addressees of Moshe's next words: (10) "And Moshe commanded THEM saying...", and the mitzva itself concerns reading "THIS Torah" – the Torah that has just been handed over to them. The completion of the writing of the Torah could not have been achieved until Moshe's last day, for it had to include his previous speeches, and therefore on that same day he commands that "this Torah" be read every seven years.

The connection between verse 9, describing the inscription of the Sefer Torah and its transmission to the kohanim and elders, and the mitzva of hak'hel which follows immediately afterwards (10-13) is even stronger. In the mishna describing the fulfillment of the mitzva of hak'hel (Sota 7:8), we are told:

"At the end of the first day of the festival of Sukkot, at the beginning of the eighth year [the seventh year having just ended], they make him [the king] a wooden podium in the courtyard [of the Temple] and he sits upon it... The chanter of the Great Court takes a Sefer Torah and gives it to the head of the Court, and the head of the Court gives it to the deputy Kohen Gadol, and the deputy Kohen Gadol gives it to the Kohen Gadol, and the Kohen Gadol gives it to the king, and the king stands and receives it and reads...."

The commentators and halakhic authorities debate the source of the custom that it is the king who reads the Torah before the nation – mentioned nowhere in the actual Torah text. We may further ask, what is the meaning of the ceremonial passing of the Sefer Torah from one functionary to the next? The Seforno finds a source for this dual passing in verse 9, which precedes the mitzva of hak'hel:

"And Moshe inscribed this Torah and gave it over to the kohanim, the children of Levi' – from whose hands the king receives it to read, as we learn [in the mishna], 'The deputy gives it to the Kohan Gadol, and the Kohen Gadol to the king.'

'And to all the elders of Israel' – from whose hands the kohanim receive the Torah at hak'hel, as we learn, 'The chanter of the Great Court gives it to the head of the Court, and the head of the Court to the deputy.'"

Thus we learn that the giving over of the written Torah by Moshe to the kohanim and the elders is itself part of the mitzva of hak'hel. The receivers of the Torah for safekeeping – the kohanim and elders – are therefore the ones commanded by Moshe ("and Moshe commanded THEM") to transmit the Torah in their trust to the person who is destined to replace Moshe as leader of the nation, namely, the king. Indeed, the special status of the king in the mitzva of hak'hel as Moshe's successor is almost explicit in the words of the Rambam: "The king is the agent who gives voice to God's words."

This connection that we have just discovered – between the completion of the writing of the Torah and the mitzva of reading it for all generations every seven years – explains the real reason why the mitzva of hak'hel appears right at the end of the Torah. This is a general mitzva that is meant to reinforce the KNOWLEDGE OF THE ENTIRE TORAH and the OBSERVANCE OF ALL ITS MITZVOT, as the Torah itself teaches:

(12-13) "In order that they will hear and in order that they will learn... and to observe to perform all the words of this Torah... all the days that you live upon the land..."

b. The Reason for Hak'hel According to Rambam

What is the reason for the mitzva of hak'hel? The question seems redundant, since the Torah itself explains the reason at length:

(12) "Gather the nation – the men, the women and the children, and the strangers who are in your midst,

in order that they may hear and that they may learn to fear the Lord your God, and they will observe to perform all the words of this Torah.

(13) And their children who have not known – they will hear and will learn to fear the Lord your God

all the days that you live upon the land which you are passing over the Jordan to possess."

Fascinatingly, aside from this overt and explicit reason, the Rambam (Hilkhos Chagiga 3:5-6) hints at another, special reason:

"The reading and the blessings are intoned in the holy tongue, as it is written, 'And you shall read THIS Torah' – in its original language.

Even though there may be natives of other lands and strangers who are not familiar with the holy tongue, they must ready their hearts and listen with their ears, to hear with fear and awe, and tremulous joy, LIKE THE DAY WHEN THE TORAH WAS GIVEN AT SINAI.

Even great sages, who know the entire Torah, are [nevertheless] obligated to listen, with great and intent concentration.

One who is not able to hear – he concentrates inwardly on this reading, which the Torah establishes solely for the purpose of strengthening the true faith.

HE SHOULD REGARD HIMSELF AS THOUGH HE HAS JUST NOW BEEN COMMANDED, AND FROM THE MOUTH OF GOD HIMSELF, FOR THE KING IS AN AGENT TO MAKE GOD'S WORDS HEARD."

There is no doubt that Rambam regards the mitzva of hak'hel as a ceremony of renewal of the covenant of Sinai. He says this twice: "They must ready their hearts and listen with their ears... LIKE THE DAY WHEN THE TORAH WAS GIVEN AT SINAI," and "he should regard himself as though he has just now been commanded, and from the mouth of God Himself, for the king is an agent to make God's words heard." The king who reads the Torah is like Moshe, who declares God's words to the people, and the entire experience is therefore a sort of return to the giving of the Torah at Sinai.

This perception of the mitzva of hak'hel has one fundamental ramification: presence at the hak'hel gathering IS NOT MEANT TO INCREASE KNOWLEDGE, BUT RATHER TO DEEPEN THE EXPERIENCE. The experience does not necessarily require an understanding of the words being read by the king, but rather a psychological preparation and internalization of the great significance of the occasion itself.

c. Hak'hel and the Covenant on the Plains of Moav

What is unique to the mitzva of hak'hel is the requirement that the entire nation be gathered – men, women and children, as well as the strangers. There is no other mitzva that involves such all-inclusive attendance.

The value of the Torah study that takes place at that occasion cannot be sufficient explanation for this mass assembly. There will, of necessity, be several groups among the population whose learning will not increase in any way from this event: firstly, the children (see Chazal's teachings

in this regard); secondly, those who do not understand Hebrew; and thirdly, those who stand at a great distance from the place where the Torah is being read (and some people of necessity will stand at a great distance because of the very demand that the entire nation attend). Thus, we are forced to admit that this mitzva must have a reason that relates to the actual gathering of the entire nation for the purposes of reading the Torah.

Such a gathering already took place once before, at Mount Sinai (Shemot 19:2-3): "And Israel encamped facing the mountain... Thus shall you say to the House of Jacob, and tell to the children of Israel." But the entire nation is mentioned again, in more specific form, at a slightly different ceremony – the forging of the covenant at the plains of Moav, which represented a renewal of the covenant of Chorev, and was made by Moshe:

(29:9) "You are all of you standing today before the Lord your God: Your leaders, your tribes, your elders and your officers, EVERY MAN OF ISRAEL.

(10) YOUR CHILDREN, YOUR WIVES AND THE STRANGERS who are in the midst of your camp, from the hewers of wood to the drawers of water.

(11) That you may enter into the covenant of the Lord your God, and into His oath which the Lord your God made with you this day."

At the covenant of the plains of Moav, the same four types of people are mentioned that appear in the mitzva of hak'hel:

"the men" – "every man of Israel"

"the women" – "your wives"

"the children" – "your children"

"the stranger who is in your gates" – "the stranger who is in the midst of your camp."

Thus, the mitzva of hak'hel is also a return to the covenant of the plains of Moav, and both of these are a return to the covenant of Chorev.

This explanation of the mitzva of hak'hel provides an additional reason for its location after all the speeches of the covenant made in Moav, in chapters 27-30. The mitzva of hak'hel must come after the forging of the covenant on the plains of Moav because it is meant to bring the nation back, for all eternity, to the forging of that covenant.

d. Hak'hel and Moshe's Description of the Revelation at Chorev

In chapter 4 of Sefer Devarim (1-40), we find Moshe's second speech of this Sefer, and in verses 9-15 of that speech we find a section dealing entirely with the Revelation at Chorev and the obligation to remember it. There is an obvious similarity between the description of the events at Chorev in that section and the mitzva of hak'hel. Let us compare them:

Parashat Vaetchanan (4:10) – Chorev

"GATHER to me THE NATION, THAT I MAY MAKE THEM HEAR My words
that they may LEARN THEM, TO FEAR ME
ALL THE DAYS THAT THEY LIVE UPON THE LAND
And they will TEACH THEM TO THEIR CHILDREN."

Parashat Vayelekh (31:12-13) – "hak'hel"

"GATHER THE NATION... in order that THEY MAY HEAR
and in order that THEY MAY LEARN TO FEAR GOD your God...
AND THEIR CHILDREN... will hear AND WILL LEARN to fear...
ALL THE DAYS THAT YOU LIVE UPON THE LAND..."

This interesting parallel teaches us that the gathering for the revelation of Chorev was itself carried out by a hak'hel command, and likewise that the aims of the revelation at Chorev were the same as those of reading the Torah at the hak'hel gathering. The focus was not so much the actual words that would be spoken on these occasions, but rather the formative experience that they entailed, bringing the participants to a fear of God.

e. Why is Hak'hel No Longer Observed or Commemorated?

The mitzva of hak'hel, in its proper form, is connected to the Temple, to which the nation of Israel makes its pilgrimages: "When all of Israel come to present themselves to the Lord your God, at the place that He will choose." It may also be related to the proper observance of the Shemitta year: "At the time of the Shemitta year." From the words of the Sages, we learn that the king plays a central role in the fulfillment of this mitzva. The lack of one or more of these components dictates that the mitzva no longer applies.

Until the end of the Second Temple period, this mitzva was performed properly, as described in the Mishna in Sota:

"King Agrippas stood and received it and read while standing [although, strictly speaking, he could have sat while reading], and the Sages praised him. And when he reached the verse, 'You shall not place upon yourselves a gentile man,' his eyes flowed with tears [for he was a descendant of Herod, the Edomite]. They said to him: Fear not, Agrippas, you are our brother, you are our brother."

Since the destruction of the Second Temple, and the loss of Israelite sovereignty over the land, this mitzva has not been observed.

Why did the Sages not enact some law that would commemorate the mitzva of hak'hel after the Destruction? In the next sections, we shall explore the thesis that the profound impression made by the mitzva of hak'hel on Jewish customs and lifestyles has lasted from the Second Temple times until today.

f. The Diverse Customs of Torah Reading

The custom of the Jews of Babylonia was to complete a cycle of Torah reading every year, while the communities of Eretz Yisrael completed it every three years (Megilla 29b). It seems that this custom went back to the most ancient times. Indeed, various sages brought support for it from the Mishna and from the Tosefta, which were composed in Eretz Yisrael.

But in a composition from the period of the Geonim – "The Differences between the Easterners and People of Eretz Yisrael" – we find a slightly different testimony concerning the custom prevalent in Eretz Yisrael (Margaliot ed., p.88):

"The easterners (=communities of Babylonia) celebrate Simchat Torah every year, while the communities of Eretz Yisrael celebrate it once in THREE AND A HALF years."

These sources seem to point to a lack of uniformity in the custom of Eretz Yisrael. The length of a Torah-reading cycle was somewhere between three years and three-and-a-half years, with no uniformity between the different areas, and with different parashot being read on the same Shabbat in various locations.

The testimonies that have since been added from ancient archives, concerning the division of Torah readings, confirm this strange situation. Some sources indicate that the Torah was divided into 167 "sedarim," while other sources count 154 "sedarim." Issachar Joel found a source that mentioned a division into 141 readings.

This state of affairs has led most scholars of recent years to the problematic conclusion that there was no binding rule pertaining to the custom of reading the Torah among the communities of Eretz Yisrael. Complete anarchy ruled over this important sphere of communal and synagogue life.

This is most surprising: how could the Tanaim and Amoraim who lived in Eretz Yisrael, as well as the Sages who succeeded them, allow such a lack of uniformity, while in other areas rules were made and customs established to regulate synagogue activities? More perplexingly, parallel to the custom of Eretz Yisrael there was the firmly established, regular and systematic Babylonian reading custom. Could the sages of Eretz Yisrael adopt the principles of the Babylonian system and adapt them to a three-year reading cycle?

g. Two Torah-reading Cycles in a Single Shemitta Cycle

In his article, "Sidrei Keriat ha-Torah be-Eretz Yisrael: Iyun Mechudash" (Tarbiz 67, 5758, pp. 167-187), Prof. Shelomo Naeh proves that the picture painted by the scholars is inaccurate. The Eretz Yisrael reading custom was attached to fixed times in the calendar, and was comprised of two reading cycles that together made up seven years – a single Shemitta cycle. Naeh writes:

"It appears that these divisions of the parashot do not present different systems of Torah reading, but rather different components of a single custom, adapted to the needs of different years... There could be only one purpose of such a system: to adapt the reading cycle to an event – or to events – in the calendar. In other words, the cycle is geared towards a certain point on the calendar, and in order to reach that point with precision, it was necessary in certain years to add to or diminish from the number of 'sedarim' to be read on Shabbatot."

Further on, Naeh presents us with the fact that there is a fixed ratio between the number of sedarim in each of the three reading systems: the difference between 141 and 154, and between 154 and 167, is 13:

"It seems, therefore, that these were not three separate systems, but rather just two (which were really one and the same): in one system a complete reading cycle comprised two sets of 154 readings, while in the other the greater cycle was composed of a set of 141 sedarim, in the first round, followed by a set of 167 sedarim in the second round."

In Eretz Yisrael the custom was to interrupt the regular weekly readings not only on a festival that fell on Shabbat (which was customary in Babylon, too), but also on a Shabbat that was Rosh Chodesh, on the Shabbatot of Chanuka and Purim, and on the Shabbatot when the four special parashot were read. Naeh makes some calculations and discovers that "the total number of special Shabbatot that can fall in a single year is, at most, twelve, and, at least, eight" – according to the custom of Eretz Yisrael, obviously. According to his calculation:

"It turns out that the numbers 154 and 141 are precisely suited to the maximal number and minimal number of 'sedarim' that may be read in two cycles within seven years... The obvious question, then, is where the system of 167 'sedarim' fits into this seven-year system..."

Within the framework of seven years, it is difficult to know, in the first few years, how the coming years will fall and exactly how many 'sedarim' will fill them. This is a real problem where the calendar is not fixed and systematic, but rather based principally on sighting of the moon, and it becomes much more difficult if there is no way of predicting when leap years will fall... as was the case in the period of the Mishna and the Talmud... Since the only point to which the cycle as a whole was geared was the end of the seven years, the guiding principle was a pragmatic 'postponement of problems' wherever possible, or – in other words – to concentrate the greatest possible measure of flexibility towards the end of the cycle... Therefore, instead of two cycles of 154 'sedarim,' it was preferable that the first cycle consist of the smallest number of 'sedarim' – 141, with their reading following a completely continuous progression, with no divisions and no joining of 'sedarim,' leaving the possibilities that had not been used up in this round (i.e., dividing some of the 'sedarim' into two) to add to the second round. The second round, in which all the adjustments of the readings to the yearly calendar were made, would therefore have to consist of 167 'sedarim'... The three types of cycles of 'sedarim'... therefore represent two possibilities for reading the entire Torah twice during seven complete years... This is an exact system that is intended to conclude with fixed regularity and at a known date. The cycle takes seven years... Despite the clear integrity of the system, it still allows for differing customs: some will read the Torah in two equal cycles of 154 'sedarim,' while others will read in unequal cycles – 141 'sedarim' the first time and 167 'sedarim' the next time. Clearly, then, the completion of the reading of the Torah after the first round will not take place at the same time for both types of communities, and the 'sedarim' read on each Shabbat will likewise not be the same... What we have here is a discrepancy in the internal arrangement of a single, fixed and universally observed cyclical regularity."

h. Torah Reading on Shabbat, and the Mitzva of Hak'hel

What does the above discussion have to do with our subject – the mitzva of hak'hel? Let us continue together with Naeh:

"The question arises: what is that fixed date when the seven-year cycle of reading is meant to conclude? ... The cycle of Torah reading taking seven years can have only one explanation, which is clear to us from the mitzva in the Torah – the mitzva of hak'hel...

The date of hak'hel is after the last day of the festival of Sukkot in the eighth year, following the Shemitta year. The seven-year reading cycle is therefore meant to conclude – like its one-year counterpart – on the day after the festival of Sukkot: the day of 'Simchat Torah.' Both customs seem to arise from the same parasha in

the Torah, in which Moshe commands that the entire Torah be read once every seven years. It is reasonable to assume that the Sages who adopted this model [a reading over the period of seven years] preferred to spread the reading over the entire seven-year period, in order to fulfill the command, 'In order that they will hear and in order that they will learn....' There is no point in dividing the Torah in such a way that it will be read in a single seven-year cycle, since the portions yielded by such a division are too short; therefore, they chose the system of two cycles that together make up seven years.

... The fact that this cycle is geared towards hak'hel indicates its connection to that ancient Temple custom, and it is therefore proper that we consider the possibility that the source of the Eretz Yisrael reading cycle is extremely old – dating perhaps to the time of the Second Temple itself. If this is so, it seems that we may attribute it to the fact that the fulfillment of the mitzva of hak'hel in its literal sense – i.e., reading the entire Torah on a single day once every seven years ('You shall read this Torah...') - is not a simple matter. It is not far-fetched to suggest that for this reason, and in order to fulfill properly the learning purpose set down for this mitzva in the Torah – 'In order that they shall hear and in order that they shall learn... and observe to perform all the words of this Torah' – there developed, alongside the one-time reading at the hak'hel, a system of continuous Torah reading in regular doses. This system was naturally spread over the Shabbatot of the seven years between one hak'hel and the next.

The Babylonian one-year cycle may also be explained in light of what we have said here. This custom is the counterpart of the seven-year custom, and is likewise born of the ancient mitzva of hak'hel. But the Babylonians, unlike their brethren in Eretz Yisrael, did not preserve the connection to the seven-year hak'hel cycle, choosing instead to arrange the Torah reading in a completely fixed and uniform one-year system. At the same time, the Babylonian communities, too, were careful to preserve the point of attachment to the ancient system of reading. Like the seven-year cycle, the one-year cycle also begins on the Shabbat following the festival of Sukkot... The day of 'Simchat Torah' of the Babylonian communities is therefore a one-year mirror image of the ancient day of hak'hel."

The connection between the mitzva of hak'hel and the enactment of reading the Torah on Shabbat as a complement to that mitzva may serve to illuminate the words of the Yerushalmi (Megilla 4:1):

"Moshe enacted for Israel that they should read the Torah on Shabbatot..."

It is quite fitting that the enactment of Torah reading on Shabbat be attributed to Moshe, if this enactment indeed was to complement the final mitzva commanded by Moshe to Israel, when he completed the writing of the Sefer Torah and gave it over to Israel.

(Translated by Kaeren Fish.)

The unabridged Hebrew version of this shiur is archived at the VBM website and at HaTanakh.com.