

PARASHAT KI TAVO

The Covenant of Arvot Moav

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Our parasha of Ki Tavo is perhaps the most significant in the book of Devarim, with the earlier sections of the book leading up to the events described in this parasha, and the latter sections being the outcome of these events.

This is evident in terms of both content as well as style; although various methods of division for the Sefer have been advanced over the generations, the most straightforward division is suggested by Moshe's words themselves. In our parasha, Moshe's lengthy address comes to a close and the Torah reverts to an objective description in third person: "Moshe and the elders of Israel commanded the people..." (Ch. 27). The last time, in fact, that Moshe is described in third person, occurred in Ch. 5: "And Moshe called all of the people of Israel and said to them..." From that point onwards up to our very parasha, the Torah records a single, continuous address of Moshe. Although containing many elements, it is nevertheless to be regarded as a single unit which comes to a close in our parasha.

In tandem with the stylistic division is a thematic one. Moshe's historic address, which includes various collections of laws beginning with chapter 11, has but one purpose - to introduce the covenant which is about to be enacted at the Plains of Moav. Fittingly, Moshe concludes his remarks with the following words:

"This day Hashem your God commands you to fulfill all of these laws; observe and perform them with all of your heart and soul. You have singled out Hashem this day to be your God... and Hashem has singled you as His treasured people to keep His commandments..." (26:16-19)

These verses are explicit preparation for the covenant about to be sealed, and strongly echo the introductory words at Sinai in Parashat Yitro:

"And now, if you will surely hearken to My words and keep My covenant, you shall be My treasure from among all the nations... a kingdom of priests and a holy nation" (Shemot 19:5-6).

Our parasha, then, describes the purpose of this book - the sealing of the covenant at Arvot Moav.

The obvious question arises: why is it necessary to conclude a second covenant? Wasn't the covenant at Sinai, where Hashem revealed Himself to the people of Israel and they obligated themselves to fulfill His commands, sufficient?

Before dealing with this central issue, I would like to raise another difficulty concerning this covenant. A recurring phrase in this context is "this day." Moshe concludes his words saying, "THIS DAY Hashem your God commands you to do the laws.. and Hashem has singled out you THIS DAY." The remainder of the book, in fact, restates this phrase many times. After all, the covenant of Sinai is being sealed anew at Arvot Moav. Curiously though, the Torah relates that the covenant is to be concluded AFTER entry into the land:

"On the day that you shall cross the River Jordan into the land which Hashem your God will give you, you shall set up large stones and cover them with plaster... you shall record the words of this Torah on those stones.... These tribes shall pronounce the blessing on Mt. Gerizim... and these shall pronounce the curse on Mt. Eval... the levites shall say to the people... if you follow Hashem... all of these blessings shall come to pass... and if not..."

The Torah goes on to describe the blessings and curses associated with the covenant at Arvot Moav, all the while maintaining that this covenant is to be executed AFTER passage of the Jordan at the foot of Mt. Gerizim and Mt. Eval (see Yehoshua ch. 8 for a description of this event).

Of course, it is possible that, in fact, two covenantal assemblies took place, one at Arvot Moav by Moshe, and another one by Yehoshua after entry into the land. However, we fail to find an explicit command to Moshe to conclude a covenant at Arvot Moav. Moreover, immediately after we read about the covenant to be executed in the land of Israel, the Torah concludes the passage by saying that this is the very covenant which Moshe sealed at Arvot Moav!

In order to provide a solution, we must analyze the command concerning the covenantal blessing and curse to be pronounced after entry into the land (see 27:1-8 and contrast with chapter 11). Right away, we notice a seeming repetition within the command:

"On the day that you shall pass the Jordan into the land ... you shall set up large stones and cover them with plaster. You shall record upon them all of the words of this Torah when you go over, in order that you might possess the land which Hashem your God gives you, a land flowing with milk and honey ..." (verses 1-3).

Immediately on the heels of this command, verses 4-8 state:

"When you pass over the Jordan, you shall set up these stones, as I command you this day, at Mt. Eval, and cover them with plaster. You shall build an altar to Hashem your God of stones uncut by iron. You shall use whole stones ... and offer sacrifice to Hashem your God ... you shall rejoice ... and very clearly write upon the stones the words of this Torah."

Twice we read that this command is to be fulfilled "when you pass over the Jordan." Twice we are told to plaster the stones and write upon them "the words of this Torah." What is the meaning of this repetition?

Aside from these striking parallels, however, there is one glaring difference in the two commands - the altar which appears only in the second command, to be precisely located at Mt. Eval. It seems to me that this altar is the key to understanding the repetition as well as the entire covenantal ceremony.

The language employed to describe the altar at Mt. Eval is highly reminiscent of the covenant at Mt. Sinai. Our parasha records the following pertinent details:

1. You shall build a stone altar to Hashem your God,
2. but do not use stones cut by iron.
3. Offer wholly-burnt sacrifices to Hashem your God, and peace-offering which you shall consume there.

Immediately following the revelation at Mt. Sinai (see Shemot 20:21-22), God commands:

1. You shall offer upon it wholly-burnt offerings and peace offerings.
2. When you shall build an altar of stones,
3. you shall not use stones cut by iron tools, for this shall desecrate it.

It should not surprise us that reservations concerning erecting an imposing, ornamented altar should be voiced here. After all, the danger of ascribing a material form and spatial location to God is particularly acute when a non-mediated and personal revelation takes place, such as at the time of a covenant being sealed. Beyond this, however, the identical command at both events suggests a linkage, returning us to Sinai just as we are reading about the covenant to be sealed in the land of Israel. Significantly, this altar is absent in our parasha from the opening verses of the command, but the other aspects of the covenant are repeated.

Let us briefly recall the covenant at Sinai, described at the end of parashat Mishpatim. There, an altar is built, and sacrifices are offered upon it. These two details appear in our context as well. The third detail linking the two events is most telling. In our parasha, the Torah commands: "Write the words of the Torah upon the stones." The motif of writing appears at the Sinai covenant as well, with one significant distinction: "Hashem said to Moshe: Ascend the mount ... and I shall give you the tablets of stone ... which I have written"

In light of all of the above, it seems obvious that the Torah wants to present this second covenant as being a continuation of the covenant at Sinai! This time, however, the people of Israel assume an active role, not simply being the recipients of the divinely inscribed laws as at Sinai, but being the initiators of the covenant, and transcribers of the words of the Torah.

As the people of Israel journeyed through the wilderness towards their promised land, they could not be described as having attained nationhood. True autonomous nationhood exists only in the context of defined geographic borders and functioning institutions of state. Thus, in the wilderness, the people's responsibilities vis-a-vis the covenant were incomplete. Although they may have obligated themselves in a covenantal sense with the utmost sincerity, in the absence of a state, the national dimension of that obligation was not capable of realization. I do not wish to denigrate the covenant at the wilderness of Sinai, where the people come to realize their complete and utter dependence on Hashem. We understand, however, that the primary responsibility to fashion a nation living by Hashem's laws can only be achieved after entry into the land and national self-definition have occurred.

It seems to me, therefore, that the command concerning the assembly at Mt. Eval is recorded twice, one section recalling Sinai, the other not. This additional covenant attempts on the one hand to strengthen the Sinaitic pact, but also stands independent, as the people actively place upon themselves the laws of the Torah.

If this is indeed the case, then this covenant can only take place after the people of Israel cross the Jordan and enter the land (as indeed the command implies). Why then does Moshe seem to conclude this covenant at Arvot Moav, before the people enter the land?

The contradictions which the text introduces concerning the location of this covenant are deliberate, allowing for a dual reading of the section meant to arrest our attention. Of course, the continuation of the covenant at Sinai must happen in the land of Israel. Moshe, however, who will not enter, cannot be present at that time. If Yehoshua concludes this second covenant completely on his own, the argument could be advanced that this second covenant is, in fact, a REPLACEMENT for Sinai. Yehoshua replaced Moshe, some may argue, and with a change in leadership comes a change in the provisions and conditions of the agreement between Israel and Hashem. In order to completely reject such a reading, the Torah tells us that the very same Moshe who concluded the initial covenant at Sinai, will also enact this one.

How can both requirements be met? On the one hand, the covenant must be concluded in the land - this constituting its ultimate significance to the nation. On the other hand, Moshe himself must be the facilitator since he stood at Sinai - and yet, he will not enter the land!

On a practical level, the solution is simple. Moshe will in fact initiate the covenant at Arvot Moav, on the eve of his death and of the entry of the people into the land. After entering, Yehoshua and the people will assemble at Mt. Eval and conclude the undertaking. The Torah, though, records the details in a manner which is cryptic and bears multiple meanings. The verses describe Moshe sealing the covenant, but the essence of that event is connected to entering the land. This seeming inconsistency actually conveys the double lesson: a covenant of a new nation entering its land to build a state, but at the same time a renewed covenant with only the purpose of strengthening the earlier covenant at Sinai.