

## PARASHAT KI-TAVO

### The Covenant on Both Sides of the Jordan

By Rav Elchanan Samet

#### A. THE "DIVREI HA-BERIT"

The composition of chapters 27-30, which span the majority of our parasha and all of Parashat Nitzavim, raise many difficulties, some of which I will address. One point, however, can be made about these chapters with certainty: they describe a covenant between God and Israel. The underlying reason for this covenant, and even its basic content, is the mitzvot, the presentation of which to Benei Yisrael has only now been completed, with the conclusion of Moshe's monologue. Where was this covenant established? The Torah tells us explicitly in 28:69:

"These are the terms of the covenant which the Lord commanded Moshe to conclude with the Israelites IN THE LAND OF MOAV, in addition to the covenant which He had made with them at Chorev."

Earlier, we find allusions to the covenant into which Benei Yisrael would enter with God, such as in the "festive" section with which Moshe ends his speech of mitzvot (26:16-19). In addition, we may detect an allusion to the covenant in Moshe's call to the people, "Silence! Hear, O Israel! TODAY YOU HAVE BECOME THE PEOPLE OF THE LORD YOUR GOD" (27:9). But the clearest characteristic of the covenant established in the land of Moav is the "divrei ha-berit" – the terms of the covenant, the blessings and curses described just prior to the covenant as a means of reinforcing it. The covenant at Sinai was also reinforced by a detailed presentation of blessings and curses (to which our parasha refers: "in addition to the covenant which He had made with them at Chorev"). The blessings and curses at Chorev were not written until the end of Sefer Vayikra (Parashat Bechukotai – Vayikra chapter 26), in order for them to apply to the mitzvot issued by God in the Tabernacle and written in Sefer Vayikra.

What are the "terms of the covenant which the Lord commanded Moshe to conclude with the Israelites in the land of Moav"? It is commonly assumed that this refers to chapter 28 (1-68), the section that precedes this verse. Verse 69 thus comes to establish the function of the blessings and curses that precede it. The blessings and curses thus serve as "divrei ha-berit," the terms of the covenant made at Moav, and they correspond to the previous "divrei berit" that were introduced at Mount Chorev: the blessings and curses in Parashat Bechukotai.

Rav Yitzchak Abarbanel, however, suggests a different interpretation:

"It has already entered my mind that the curses [in chapter 28] are not called a 'covenant,' but rather the 'warnings of the punishments,' and the blessings, the 'warnings of God.' The text said, 'These are the terms of the covenant which the Lord commanded Moshe to conclude with the Israelites in the land of Moav' not about the curses mentioned in Parashat Ki-Tavo, but rather about the covenant it mentions immediately thereafter, in Parashat Nitzavim [chapter 29]."

I will not discuss the relative merits of each suggestion. But the very possibility of interpreting verse 69 as a summary of what precedes it or an introduction to what follows points to a difficult problem that requires explanation. In chapter 29, we find an additional speech typical of a covenant, which warns of severe punishment for the violation of the covenant made here in Arvat Moav, as in the following verses:

"You stand THIS DAY, all of you, before the Lord your God... to enter into the covenant of the Lord your God, with its sanctions, which the Lord your God is concluding with you THIS DAY; to the end that He may establish you THIS DAY as His people and be your God... Perchance there is among you some man or woman... whose heart turns away today from the Lord our God to go and worship the gods of those nations... The Lord will never forgive him; rather will the Lord's anger and passion rage against that man, till every sanction recorded in this book comes down upon him, and the Lord blots out his name from under heaven."  
(29:9-20)

Later, these "divrei ha-berit" elaborate on the calamity that will befall the entire country and the entire nation as a result of their violation of the covenant:

"... they will see the plagues and diseases that the Lord has inflicted upon that land, all its soil devastated by sulfur and salt... just like the upheaval of Sedom and Amora... And they will ask... 'Wherefore that awful wrath?' They will be told, 'Because they forsook the covenant that the Lord, God of their fathers, made with them... They turned to the service of other gods and worshipped them... So the Lord was incensed at that land and brought upon it all the curses recorded in this book. The Lord uprooted them from their soil in anger, fury, and great wrath, and cast them into another land, as is still the case.'" (29:21-27)

This warning parallels the curses of chapter 28, which also conclude with the nation's exile from their land:

"You shall be torn from the land that you are about to enter to possess. The Lord will scatter you among all the peoples... " (28:63-64)

The covenant speech of chapter 29 concludes by foretelling a similar calamity, only in different words. Why, then, are two speeches of admonition required? Why does Moshe repeat the "divrei ha-berit" in such great detail in two adjacent chapters?

In order to answer this question, let us note three differences between these two chapters.

- A. Chapter 29 makes no mention of any blessing as reward for upholding the covenant. Immediately following the description of the covenant itself (in verses 9-14), the threat of punishment for its violation begins (15-17): "Well you know that we dwelt in the land of Egypt... and you have seen their detestable things... Perchance there is among you some man or woman... whose heart turns away today from the Lord... " Chapter 28, by contrast, consists of both a blessing – "Now, if you obey the Lord your God" (1-14) – and a curse – "But if you do not obey the Lord your God" (15-68).
- B. The calamity described in chapter 28 is slow and gradual, and only at the very end does it reach its apex – destruction and the nation's exile and dispersion among all peoples on earth. The punishment described in chapter 29, by contrast, is total and immediate. This is true both of the predictions concerning an individual or group – "till... the Lord blots out his name from under heaven" (verse 19) – as well as, and especially, with regard to the entire nation. The Torah mentions no intermediate stage of the nation's destruction; rather, we find that immediately the land is devastated and the people exiled.
- C. Chapter 28 deals with the entire nation's retribution, without dealing at all with the sins of individual members of the nation. Chapter 29 begins with the breach of the covenant by an individual or group of individuals, and their ensuing punishment:

"Perchance there is among you SOME MAN OR WOMAN, OR SOME CLAN OR TRIBE, whose heart today turns away from the Lord... He may fancy himself immune, thinking, 'I shall be safe, though I follow my own willful heart'... The Lord's anger and passion will rage AGAINST THAT MAN... till... the Lord blots out his name from under heaven.'" (29:17-19)

Only from verse 21, without any explicit transition, does the Torah begin discussing the punishment that will befall the entire nation for its violation of the covenant: the land's destruction and the people's exile to other lands.

All these differences, as well as perhaps others, share a common root. The blessings and curses in chapter 28 come as a result of the fulfillment or neglect of the entirety of the Torah's mitzvot, whereas the speech in chapter 29 deals with a single transgression: idolatry.

This is the reason why chapter 29 contains no blessing for the fulfillment of the terms of the covenant. Simply refraining from idolatry, without observing the commandments, does not render a person or the nation worthy of blessing.

This also explains the rapid and devastating calamity described in chapter 29. Violation of the prohibition against idolatry amounts to a complete rejection of God's covenant, and it therefore allows no room for gradual stages of deterioration; correspondingly, the calamity, too, is swift and total, without any intermediate stages. This is not the case with regard to the general violation of mitzvot: this process always unfolds gradually, and therefore the ensuing punishment likewise surfaces in stages.

Finally, the particular gravity of idolatry requires a specific threat of severe retribution directed even towards the individual or groups of individuals within the nation.

The need for two different covenant speeches thus evolves from two distinct dangers of the covenant's violation: first, widespread religious deterioration affecting the nation's fulfillment of mitzvot in general, and secondly, the lure of idolatry.

In my discussion of Parashat Re'eh several weeks ago, I addressed the significant difference between Moshe's speeches in chapters 5-11, in which he warns primarily against idolatry, and his speeches in chapters 12-26, in which he mentions many different mitzvot, specifically excluding the sin of idolatry. It turns out, then, that the two different covenant speeches in chapters 28 and 29 belong to the two sections of Moshe's major address in Sefer Devarim. The "divrei ha-berit" of chapter 28 conclude the enumeration of mitzvot in chapters 12-26, and the covenant applies to these mitzvot. The "divrei ha-berit" of chapter 29 conclude the group of speeches spanning chapters 5-11, which deals with the nation's basic fidelity to its God, the absence of which is manifest in the violation of but a single transgression – idolatry.

In my shiur on Parashat Nitzavim in 5760, I showed that the section dealing with repentance in 30:1-20 continues and concludes the section of the blessings and curses in chapter 28. Why does this repentance section not appear immediately following the presentation of curses in chapter 28, similar to the verses of redemption that immediately follow the description of curses in Parashat Bechukotai?

In light of what we have seen, the answer now becomes perfectly clear. The section of repentance and redemption is intended to serve as a comforting conclusion to the "divrei ha-berit" of chapter 29, as well. Even the calamity that will befall the nation and the land on account of the people's idolatry – "So the Lord was incensed at that land... The Lord uprooted them from their soil in anger, fury, and great wrath, and cast them into another land" – is but a temporary calamity. Ultimately, the nation will repent in exile and return to its land, rebuild it, and prosper there.

In any event, were the section of repentance and redemption to have been placed adjacent to chapter 28 as that chapter's conclusion, it would have been very strange to then begin a new covenant speech thereafter, once again threatening destruction and exile. By necessity, then, the Torah had to separate the section of repentance from the chapter to which it belongs from both a stylistic and a conceptual standpoint.

## A. THE NEED FOR A COVENANT IN ARVOT MOAV

At the beginning of his commentary to our parasha, Rav Yitzchak Abarbanel poses the following question:

"These are the terms of the covenant which the Lord commanded Moshe to conclude with the Israelites in the land of Moav, in addition to the covenant which He had made with them at Chorev.' Why did Moshe need to establish a covenant with Israel [now, at Arvot Moav], and why did God command him in this regard, once he had already established a covenant with them with regard to heeding and observing the Torah? For the terms of the covenant are not commandments that Moshe would have to clarify [as he did in his speech, in which he explained to Israel various mitzvot that required clarification]. And although that generation had not been present at the initial covenant [for the majority of those who stood at Sinai perished in the wilderness], it was not necessary for each and every generation to make a new covenant; the initial covenant that their fathers accepted would have sufficed."

This question is a critical one for understanding the covenant described in chapters 27-30. What led to this covenant (including both its facets, as discussed above)? Does it not merely repeat the covenant of Sinai – as clearly emerges from the explicit equation drawn between them in verse 69, and from the simple fact that this covenant, too, relates to the mitzvot given to Benei Yisrael?

The answer provided by Abarbanel to his question in his commentary to verse 69 seems inadequate. However, in his commentary to Parashat Nitzavim, this same commentator gives a different, more acceptable response. Abarbanel there deals with the issue of how the covenant established by a given generation can remain binding for all generations thereafter:

"God acquired Israel for Himself... perhaps because He took them... from the house of bondage in Egypt... as it says, 'For it is to Me that the Israelites are servants; they are My servants, whom I freed from the land of Egypt' (Vayikra 25:55). Because He acquired their bodies like Canaanite slaves, and He acquired their souls, as well, having granted them spiritual completion by giving [them] His Torah, He therefore brought them into the first covenant when He took them from Egypt. That covenant was effected through the blood that Moshe cast upon them (Shemot 24:8), to demonstrate that both their bodies and souls – 'it is the blood, as life, that effects expiation' – are entirely subjugated to Him... SINCE GOD NOW WANTED TO DO THEM ANOTHER KINDNESS, NAMELY, GIVE THEM THE HOLY LAND, THE NEED AROSE FOR THEM TO ENTER INTO A NEW COVENANT; FOR THE FIRST INVOLVED THE SUBJUGATION OF THEIR BODIES AND SUBMISSION OF THEIR FAITH, WHILE THE SECOND HAD TO DO WITH THE INHERITANCE OF THE LAND. The concept and meaning behind this covenant was that they would not inherit the land by the sword, nor would they inherit it from their fathers; rather, God gave it to them – not as a gift, but as a loan, as it says, 'But the land must not be sold beyond reclaim, for the land is Mine'

(Vayikra 25:23). And they will be obligated there to serve the Lord of the land, and they may not serve any other god besides Him, as this would amount to a rebellion and grave conspiracy against Him. The need for this covenant and its purpose thus become clear ... as well as the quality of the chosen land that they received from Him, obligating them to dwell within it and give bikkurim, teruma and tithes and [observe] the other mitzvot associated with the land. Undoubtedly, they are like foreigners and alien residents with our God, and they, as well as their children for all time, are obliged to dwell in this land and repay the debt which they initially agreed with the Lord of the land to pay – namely, the mitzvot they took upon themselves at the time they entered His service."

Abarbanel proposes that the imminent entry into the Land is what necessitated the establishment of a new covenant. The entirety of Sefer Devarim – all of Moshe's speeches in his final days – serves only as preparation for Benei Yisrael's entry into the Land. Even the extensive list of mitzvot in this speech is geared towards life in the Land. The entry into the Land, then, forms the context of the renewal of the covenant of Sinai. This entry must be accompanied by a mutual commitment between God and Israel, one which will be based upon the fulfillment of Torah and mitzvot in the Land, and the nature of Benei Yisrael's lifestyle there.

## B. THE COVENANT ON BOTH SIDES OF THE JORDAN

The "divrei ha-berit" – of both chapter 28 and chapter 29 – thus appear following the conclusion of Moshe's major address, which spans chapters 5-26. This speech contains a large number of mitzvot, which become part of the renewed covenant of Arvot Moav regarding the fulfillment of the mitzvot, just prior to the nation's entry into the land.

Though we find it mentioned explicitly that this covenant's establishment took place in Arvot Moav (28:69; 29:1-14), nowhere are we given a description of a covenantal ceremony, as we find regarding the covenant made at Sinai (Shemot 24:1-11). Rashi, in explaining the clause, "LE-OVREKHA bi-vrit Hashem" ("TO ENTER into the covenant of the Lord"), describes the conventional procedure for making a covenant:

"By passing through ['ha'avara' – as implied by the word 'le-ovrekha']. This is how they would make a covenant: they make a wall on one side and a wall on the other side, and pass in between them, as it says, 'the calf which they cut in two and passed between the halves' (Yirmiyahu 34:18)."

However, these chapters make no mention whatsoever of this passage between two walls, and it is doubtful whether we can conclude that such a ceremony took place based purely on the expression, "le-ovrekha bi-vrit Hashem."

Let us turn to yet another difficulty. In between the conclusion of Moshe's speech of mitzvot and the "divrei ha-berit" (the blessings and curses in chapter 28), stands chapter 27. In this chapter, we find Moshe issuing a series of commands relevant to events that will occur after the nation's crossing of the Jordan River, when Moshe will no longer be with the people. Why is this chapter situated between the conclusion of the mitzvot speech and the covenant made regarding those mitzvot, in chapters 28-29? Does it not disrupt an otherwise coherent textual progression?

Furthermore, a glance at the composition of chapter 27 itself raises considerable difficulty. We may divide this chapter into four distinct commands:

- A. (1-8) Various actions to be performed at Mount Eival: the inscription of the Torah on large stones erected there, the building of an altar and offering of sacrifices upon it.
- B. (9-10) Moshe and the kohanim's address to the people: "Silence! Hear, O Israel! Today you have become the people of the Lord your God. Heed the Lord your God and observe His commandments and His laws, which I enjoin upon you today."
- C. (11-13) The division of the tribes into two groups: six tribes that will stand on Mount Gerizim to bless the nation, and the six that will stand on Mount Eival for the curse.
- D. (14-26) The enumeration of the twelve transgressions regarding which the curse is applied. The Levi'im must proclaim these curses to the entire nation, which then responds, "Amen." It appears that this ceremony takes place at the same event described in the previous verses – in between Mount Gerizim and Mount Eival.

The difficulty concerns the placement of "B" among the other commands. The other three groups of verses deal with actions to be performed in the future, after Benei Yisrael cross the Jordan, in the area of the city of Shekhem. The remarks of Moshe and the kohanim recorded in "B" do not at all relate to future events. They address Benei Yisrael here, in Arvot Moav, and make a comment very relevant for this moment, regarding the covenant into which they must prepare to enter. Why, then, is this unit sandwiched among the others in this chapter?

A single solution answers all the questions posed in this section (as well as many others not mentioned). The significance of all the actions Moshe commands to perform at Mount Gerizim and Mount Eival lies in the fact that it is there that Benei Yisrael must conduct the ceremony establishing the covenant regarding the fulfillment of the mitzvot. The concept of a covenant established with regard to the fulfillment of the Torah is not at all foreign to these chapters, but rather forms the subject of this entire unit - chapters 27-30, including all of chapter 27.

In several respects, the covenantal ceremony at Mount Eival resembles the covenantal ceremony at Sinai, described in Shemot chapter 24 (as noted by Rav Yitzchak Abarbanel):

- A. Both occur after the presentation of mitzvot to Benei Yisrael by Moshe. At Sinai, the ceremony follows the mitzvot conveyed in Parashot Yitro and Mishpatim – "Moshe went and repeated to the people all the commands of the Lord and all the rules" (Shemot 24:3). At Mount Eival, the command to conduct the covenantal ceremony comes immediately following the mitzvot speech of Parashot Re'eh, Shoftim and Ki-Tetze.

- B. Both entail the writing of mitzvot: in Shemot – "Moshe then wrote down all the commands of the Lord" (24:4); at Mount Eival – "inscribe upon them [the stones] all the words of this Teaching" (27:3).
- C. Both include the building of an altar: at Sinai – "Early in the morning, he set up an altar at the foot of the mountain" (24:4); at Mount Eival – "You shall build there an altar to the Lord your God" (27:5).
- D. In both instances, "olot" and "shelamim" (burnt offerings and peace offerings) are required: in Shemot – "and they offered burnt offerings and sacrificed bulls as peace offerings to the Lord" (24:5); at Mount Eival – "You shall offer on it burnt offerings to the Lord your God, and you shall sacrifice there peace offerings... " (27:6-7).
- E. Stones play a role in both contexts: in Shemot – "and twelve monuments for the twelve tribes of Israel" (24:4); at Mount Eival – "you shall set up these stones... on Mount Eival" (27:4).
- F. Both ceremonies feature eating and drinking: at Sinai – "they ate and drank" (24:11); on Mount Eival – "you shall eat there and rejoice" (27:7).

Not only are the events at Mount Eival connected to the covenantal ceremony, but so are the events that occur in between Mount Eival and Mount Gerizim. Here the Levites declare the blessings and curses, characteristic components of a covenant. What were these blessings and curses? The Mishna (Sota 32a) gives the following description:

"They turned their faces towards Mount Gerizim and declared the blessing: 'Blessed be anyone who does not make a sculptured or molten image;' these and these [both groups of tribes] answered 'Amen.'

They then turned their faces towards Mount Eival and declared the curse: 'Cursed be anyone who makes a sculptured or molten image'; these and these answered 'Amen.'

[This continued] until they completed the blessings and curses [according to the sequence of twelve curses listed in the parasha]."

Ibn Ezra, however, explains differently:

"According to the straightforward reading, the blessing is 'Blessed shall you be in the city' (28:1), and the curse – the opposite [namely, the curses of chapter 28]. The proof is in Sefer Yehoshua."

Ibn Ezra refers here to the description of this covenantal ceremony in the eighth chapter of Yehoshua, where it says, "After that, he read all the words of the Torah, the blessing and the curse, just as it written in the Book of the Torah. There was not a word of all that Moshe had commanded that Yehoshua failed to read in the presence of the entire assembly of Israel" (Yehoshua 8:34-35). These verses imply that both the blessing and the curse are actually written in the Torah. According to Chazal, however, the "blessing" refers to the reversal of the curses



listed in chapter 27 – but the Torah there records only the curses, not the corresponding blessings.

According to Ibn Ezra's explanation, the blessings and curses of chapter 28 were proclaimed as they appear in the Torah after the Levites read the curses listed in chapter 27. What function, then, do the curses of chapter 27 serve? The commentators struggled to explain why specifically these twelve transgressions were selected for the Levites to proclaim in this ceremony. I will not discuss this issue, but it is hard not to sense the similarity between this declaration of curses before all of Israel and the Ten Commandments proclaimed at Sinai. A careful examination of the contents of the Ten Commandments and these twelve curses reveals several points of resemblance between them.

It turns out, then, that according to Ibn Ezra's approach, chapters 27-28 deal with the covenant of Mount Gerizim and Mount Eival. This theory, however, appears very difficult to accept. The Torah specifically states at the end of the blessings and curses of chapter 28, "These are the terms of the covenant which the Lord commanded Moshe to conclude with the Israelites IN THE LAND OF MOAV" (28:69)! This question does not arise if one accepts Abarbanel's interpretation of this verse, namely, that it introduces the covenant speech of chapter 29. Perhaps Ibn E indeed adopts this interpretation.

In truth, however, even those who explain this verse differently from Abarbanel can easily resolve this difficulty. The covenant in the land of Moav and the covenant at Mount Gerizim and Mount Eival are, at their core, one and the same. The first part was conducted by Moshe himself on the eastern banks of the Jordan River, in Arvot Moav, just prior to the nation's entry into the land. The second covenant occurred after the crossing of the Jordan, in the valley of Shekhem, at the impressive ceremony where Benei Yisrael "passed" through one of the gates of entry into Eretz Yisrael to form a covenant with God: "A wall on one side, a wall on the other side [the mountains of Gerizim and Eival, which stand on either side of the narrow valley between them], and they pass in between."

Rav Yitzchak Abarbanel offers the following, beautiful explanation of the significance behind the inscription of the Torah on stones as part of the covenant of Mount Gerizim and Mount Eival:

"They thereby fulfilled the commandment of, 'You shall write them on the doorposts of your home and your gates.' He therefore commanded that when they cross the Jordan, they should inscribe the Torah on the stones, as this resembles a doorpost in the entrance gate. It thus becomes clear from this that the commandment of the stones is included in the covenant, like the curses he commanded to declare on Mount Gerizim and Mount Eival... The curses are declared there since all this constitutes part of the covenant and its very concept.

"The point and meaning of the verses is that if Israel would act as warriors arriving to seize a territory not theirs, they undoubtedly would erect large stones upon crossing the Jordan and entering that land they wish to capture ... and write upon

them a record as a testament and commemoration... that they came into that land with great force and a mighty hand in such-and-such year during such-and-such month, as the Romans would do. When the Romans came into a country not theirs, they would erect markers... for their fame and glory... Our teacher Moshe instructed Israel that this same procedure, which is standard for warriors, they shall perform as a mitzva and for the honor of God, rather than for the sake of arrogance, for salvation belongs to God, and not by the sword will they seize the land."

Furthermore, the writing of the Torah on the stones after the crossing of the Jordan parallels the oral presentation of the Torah by Moshe in Arvot Moav. A covenant was established on both sides of the Jordan regarding both the written Torah and the oral Torah. Within the framework of this covenant, the "divrei ha-berit," the blessings and curses of chapter 28, were declared.

Clearly, between these two covenants (Arvot Moav and the two mountains near Shekhem), the latter constitutes the primary covenant, as it consists of an actual covenantal ceremony. The covenant of Arvot Moav serves as merely a preliminary reflection of the second covenant: the very command to conduct the covenant in the Land, and Moshe's articulation of the "divrei ha-berit," themselves become the "covenant in the land of Moav." However, this was not just a pale reflection, but an actual establishment of a covenant. Therefore, Moshe could interject between the instructions concerning the future covenant a comment about the importance of "today" – the day of the establishment of the covenant in Arvot Moav: "Today you have become the people of the Lord your God" (27:9). And on the basis of this covenant Moshe also conveys the "divrei ha-berit" of chapter 29: "You stand today, all of you, before the Lord your God... to enter into the covenant of the Lord your God and in his oath... to the end that He may establish you today as His people and be your God" (29:9-12).

The common denominator of the two covenants on the two sides of the Jordan is effectively formulated in the verses in Tehillim (105:44-45):

"He gave them the lands of nations; they inherited the wealth of peoples, that they might keep His laws and observe His teachings."

(Translated by David Silverberg.)

The unabridged Hebrew version of this shiur is archived at the VBM site and also appears on HaTanakh.com.

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