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בס"ד

Parashat Ki Tabo Part III Deuteronomy 27-28

1. Postponing Finalization of the Covenant Reenactment

After leading the Israelites through the prologue and stipulations portions of suzerain-vassal covenant protocol, Moses turns to the technical details that were understood to finalize a covenant in the ancient Near East. Regarding several of these he instructs his audience that they were to be performed when the nation is in the promised land. There, they were to “set up large stones, coat them with plaster and inscribe upon them all the words of this Torah (teaching) very clearly” and install them on Mount Ebal. They also were to construct an altar there to offer *‘olot* and *shelamim* sacrifices and partake of a sacred meal to “be joyous before Hashem your G-d.” At that point they were to recite the blessings and curses at Mount Gerizim and Mount Ebal with six tribes standing on, at, or perhaps facing toward each of these neighboring mounts (Deut. 27:1-8, 11-13).

Joshua did, indeed, lead the nation to the fulfillment of all this, as stated: “Joshua then built an altar ... as commanded by Moses ... as written in *Sefer Torat Moshe* ... and he inscribed on the stones a copy of *Torat Moshe* ... And all Israel ... was standing ... half facing Mount Gerizim and half facing Mount Ebal ... And afterwards he read all the words of the Torah, the blessings and curses ... in the presence of the entire assembly of Israel, including the women and children and the strangers who travel in their midst” (Josh. 8:30-35).

In a general way, extending covenant finalization to the near future accords with an ancient Near Eastern practice to reconfirm covenantal relationships and commitments with a reenactment ceremony when a king passes away or when radically new circumstances prevail. Such new circumstances were soon to obtain in Israel. Moses was going to pass

away imminently and the nation was soon going to enter their land. It was critical to ensure that the people not feel that under the new conditions the previous commitments were no longer binding. Indeed, the very reason the fortieth year covenant reaffirmation was taking place was because the circumstances of the Israelites had so changed from the first year. And Moses had great concern about Israel’s faithfulness to its responsibilities when he was no longer on the scene (Deut. 29:3; 31:16, 27, 29).

Covenant renewals were not performed in close time proximity one to another for they would then lose their novelty and great impact. Thus, Israel was not to complete the present renewal in the steppes of Moab and then have another covenant renewal ceremony a short time later upon entry to the land. By postponing for a short period of time those portions of standard covenant finalization procedures that could be postponed, Joshua’s actions of completion were understood to be the conclusion of Moses’ reenactment ceremony. This associated the people’s covenantal responsibilities when living in the land with Moses, whose reputation was of the very highest standing. It also identified Joshua with Moses, confirming his leadership position as the successor of Moses, and strengthened the notion of Israel being a corporate entity.

In the midst of describing the details that were being relegated to the future ceremony there is an interposition of a two-verse passage (27:9-10). It contains a recapitulation of Moses’ articulation of the covenantal relationship together with a brief summary statement of Israel’s responsibilities, all of which was recorded in a fuller version several verses earlier. What purpose does this repeat serve? And why was this restatement placed in the midst of the instructions that concern the future covenant completion ceremony?

In the restatement, the *Kohanim-Leviim* (the priests from the tribe of Levi), the carriers of the ark of the covenant and those officially in charge of the national sanctuary, joined with Moses in the declaration. Their participation indicates that their statement is the official proclamation of the G-d-Israel relationship that is being affirmed while Moses' previous statement of the relationship in 26:16-19 was in the realm of instruction.

Moses' statement of 26:16-19 was an addendum of sorts to his lengthy first-person address that began in 5:1. He initiated that address with a reminder of the covenant G-d contracted with Israel in Horeb. He then reviewed the Decalogue and followed it with an elaboration of the law compendium. The latter concluded with 26:15. Moses' articulation of the covenant relationship, which begins in 26:16, concludes his address with a reference back to his opening remarks in 5:1, while at the same time introducing a coming step in the covenant reaffirmation procedures. As Ronald Benun pointed out, Moses highlighted the covenantal backdrop to his declaration of the covenant relationship through number symbolism. His first word in Deuteronomy 26:16 is the 8,000th word of his uninterrupted first-person address counting from 5:1. (We will further comment on this and provide many associated details in our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon.*)

Such "priming" of the people with a preliminary articulation of an important concept before an official proclamation that follows helps ensure that what is being said and done will be properly understood and appreciated and serves as a valuable educational and inspirational tool. It appears that Joshua employed such a tactic when he was old and decided that it was time for another covenant reenactment. Thus, in chapters 23 and 24 of the book of Joshua there is a great deal of repetition of details of covenant reenactment, but only in the second instance did they all stand before G-d (Josh. 24:1) and actually cut the covenant (v. 25).

After concluding his address Moses presumably spoke with the elders and the *Kohanim-Leviim* concerning the next steps of the covenant reaffirmation, as they were to participate in proclaiming them. The elders then joined Moses in teaching the people all the

particulars of 27:1-8, those concerning the future ceremony of setting up large stones and inscribing all the words of the Torah upon them, etc. At that point the *Kohanim-Leviim* proclaimed the two-verse statement of covenant relationship and essentials.

Why did this passage follow the instructions concerning the future continuation of the covenant reenactment (and inserted in the midst of the future continuation ceremony)? Why was it not attached to Moses' (unofficial) articulation of essentially the same subject matter? The explanation appears to be as follows. Had the covenant completion taken place at the present time the inscribing of the words of the Torah on great stones and celebrating the event with an altar and sacrifices would have been attached to the completion of the stipulations. Since the inscribing on stones was postponed, Moses attached his articulation of the covenant relationship to the completion of the stipulations. The proclamation of the covenant relationship belongs before the proclamation of the blessings and curses. Accordingly, Moses had the *Kohanim-Leviim* make their proclamation at the point in the text where it "belongs."

This approach answers another question. Why were the details of the future finalization presented at the point where they were and not after completing all the procedures that were to be completed at the present time? After all, chapter 29 describes the present "cutting" of the covenant and chapter 31 speaks of Moses writing "this Torah" and transmitting it to the priests as well as instructing them about convening septennial assemblies for covenant reinforcement. In chapter 31 he instructs that the *Sefer Torah* must be placed in the ark of the covenant and he designates witnesses. All these are elements of covenant format (see our study *On the Covenant Between G-d and Israel: Meaning and Format*). It appears that Moses preserved the sequence of covenant protocol and brought up the details he was going to postpone in their proper order.

2. Concerning the Denunciations and the Blessings and Curses

In *peshat** the blessings and curses ceremony described in Deuteronomy 27:11-13 does not refer to the adjacent twelve *arur* ("cursed be") denunciations that damn those who commit certain specified

transgressions. This is despite the fact that the *arur* denunciations begin in the very next verse (14) without a break in the text. Ibn Ezra made the case well. These denunciations are recited by the Levites and do not include a section of blessings, in contrast to the blessings and curses, which were to be recited by representatives of the twelve tribes, as stated “these shall stand to bless the people on Mount Gerizim upon your crossing the Jordan: Simeon, Levi, Judah ... and these shall stand for the curse on Mount Ebal: Reuben, Gad, Asher ...” (27:12).

Hence, Ibn Ezra explained, the blessings and curses refer to statements that appear in chapter 28, specifically to the six short formulations of blessings that each begin with the word *barukh* (“blessed” [28:3-6]) and the six opposites that each begin with the word *arur* (vv. 16-19). Since these comprise two groups of six and since the Israelites were divided into two groups, six tribes to recite blessings and six to recite curses, it is likely that following appropriate introductions each tribe recited one of those short statements. This is a practical amount to be proclaimed from the mountains by representatives of the tribes. The balance of the blessings and curses recorded in chapter 28 would be read by the leader, as it appears was done by Joshua.

The twelve *arur* denunciations that are presented in the text before the detailing of the blessings and curses were to be recited before the declaration of the latter and were preliminary to them. The Levites would formally address them “to each Israelite person in a loud voice.” From the context it is clear that these denunciations were directed against possible perpetrators of certain transgressions, essentially those that are committed either stealthily, in private or through exploitation of vulnerable individuals who were either unaware of what was being done or powerless to protest.

The denunciations addressed the following transgressions: idolatry performed in secret, denigrating parents, moving a neighbor’s property line, misleading the blind, judicial corruption, especially against the powerless, four sexual transgressions that arise in circumstances that are common (cases in which being in close proximity does not arouse suspicion) and which invariably occur in private, striking a fellow man in secret and taking a

payment to kill an innocent man. (The word translated here as “payment” is *shohad*, which usually is thought of as a bribe to a judge, here does not appear to necessarily be used in a judicial context.) The final *arur* addresses the individual who is not committed to fulfill the terms of the covenant.

Even when the great majority of a nation is sincerely committed to maintaining a just and moral society, such clandestine or private transgressions would usually not be detected. It is assumed that if the law-abiding citizens would be aware of an individual’s straying they would intervene, either preventing the transgression or bringing it to the attention of the authorities. But with the subjects of these denunciations the nation does not have such a measure of protection and this may thus allow a compromising of national standards to set in. Accordingly, a heavy curse is placed upon these particular violators as an introduction to the reward and punishment statements.

Each individual is to respond “amen” to the declaration of each denunciation, indicating agreement. The effect is an oath by each individual that invokes divine punishment upon him or herself in case of violation of any one of them. The concept appears similar to what is later expressed in 29:17-18 as concerns a private sinful disposition, when an individual refuses to make a commitment to the oath.

The frame of reference for the *arur* denunciations appears to have been the Decalogue. They begin with an individual who would make a *pesel* (sculptured image) or *masekha* (molten image) followed by one who dishonors father or mother (the word employed is מְקַלֵּל, derived from the term קל that is the opposite of the Decalogue’s כָּבֵד). In scriptural style, the references drawn from the later commandments are done in a chiasmic fashion. The third *arur* refers to the eighth commandment, the prohibition against stealing, manifest in the denunciation of one who would move the boundary markers, stealing his neighbor’s land. (In our *Shofetim Part I* study we point out that it appears that the prohibition to move one’s boundary marker attested in 19:14 is formulated as an extension of the eighth commandment.) The next *arur* refers to one who misleads a blind person who is away from home, having no one to check on what was sold or paid to him. It is an extension of stealing. Fifth is perverting justice for the stranger,

orphan or widow, which also fits the category of the eighth commandment. The next four denunciations are cases of sexual improprieties (having relations with one's father's wife, a beast, a sister or a mother-in-law), extensions of the seventh commandment. The following two are extensions of the sixth commandment, the prohibition against killing. Thus, it appears there is an 8-7-6 pattern present.

The final *arur* is general and refers to one who is not committed to all the particulars of the teaching. This may have been influenced by the tenth commandment, "Do not covet," which is a bulwark against violating the previous commandments.

3. Introduction to the Covenantal Assembly

The major statement of blessings and curses follows (28:1-68). Upon its culmination the Torah provides a concluding verse** to the whole covenant reaffirmation process. Deuteronomy 28:69a states: "These are the words of the covenant that Hashem commanded Moses to contract with the Israelites in the Land of Moab" (אֵלֶּה דְבָרֵי הַבְּרִית אֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה (לְקַרְתָּ אֶת בְּנֵי יִשְׂרָאֵל בְּאֶרֶץ מוֹאָב)). Perhaps דְבָרֵי ("words") should be translated "terms," as the NJPS has it. This clause refers to the substantive portions of the covenant that Moses had been presenting to the Israelites from the beginning of Deuteronomy, namely, the prologue (historical background), the stipulations (laws), articulation of the relationship and the portions left for the future ceremony that include the blessings and curses. The technical details associated with "cutting" the covenant, appointing witnesses, writing it and delivering it to the priests and the shrine, would follow. The concluding portion of verse 28:69 states: "besides the covenant He contracted with them at Horeb." This points to the continuing relevance of both covenants described in the Torah.

After an introductory paragraph (29:1-8) Moses addresses a national assembly convened for the actual covenant enactment ceremony (29:9 ff.). His brief introduction and the details of the ceremony are themselves a pithy digest of the most basic covenantal elements: a review of G-d's benefactions, the relationship established, the demand for loyalty to Him and consequences for compliance and noncompliance.

In the introductory passage (29:1-8), while recalling G-d's great kindnesses to Israel, Moses utters a one-verse comment that does not appear to fit into the natural flow of the passage. He declares (v. 3): "And Hashem has not given you a heart to understand or eyes to see or ears to hear until this day" (עַד הַיּוֹם הַזֶּה). We do not refer to the attribution of Israel's lack of an understanding heart to G-d as anomalous to the passage. That may be seen as a figure of speech based on His being the cause of causes (Ibn Ezra). Or perhaps it should be taken as saying, "You did not seek a heart to understand, therefore G-d did not give you one" (Malbim). In any event, the statement should not be thought of as negating free will, a foundational principle of the Torah from the very beginning, which Moses will soon emphasize (Deut. 30:15, 19). G-d's prophecy to Jeremiah concerning His future favorable disposition toward the exiles may be associated with this verse and the attached subject matter: וְנָתַתִּי לָהֶם לֵב וְנָתַתִּי לָהֶם לֵב... לְדַעַת אֵתִי... כִּי יָשׁוּבוּ אֵלַי בְּכָל לִבָּם ("And I shall give them a heart to know Me ... when they return to me with all their heart" [Jer. 24:7]). That is a clear assertion that He will give them a more understanding heart only after they sincerely choose to return to Him.

But more basically, what is Moses saying in this verse and how does it connect to the context?

In a talmudic *aggadah*, it appears to have been interpreted as follows: "Finally, on this day you understand" (*b. 'Abod. Zar. 5b*). However, in *peshat*, this surely does not fit the context. The statement follows a review of what G-d did for the Israelites forty years before, beginning with the wonders in Egypt, and precedes a continuation of citing His benefactions with, "And I led you through the wilderness these past forty years" in a most wondrous manner, etc. Why would Moses mention that they finally understand in the midst of citing the benefactions?

It appears that Moses is saying, as Hizquni understands it and as its natural reading would have it, יוֹם זֶה בְּכֻלּוֹ (this day is included), that is, "Yet to this day" you do not understand, despite all He did for you. Upon citing the miraculous events of the Exodus, "the great sign and wonders" that were performed "in your sight," Moses is overwhelmed by the thought that the Israelites have not yet properly internalized the meaning of what transpired despite its remarkable

nature. In essence, he says to them, You do not properly appreciate the transcendent significance of your recent history and of what is continuing to unfold; here we are proceeding with the covenant ceremony and the entry into the promised land despite your lack of full worthiness.

In expressing his disappointment, Moses is deterring Israel from feeling false pride and becoming complacent as well as from having inappropriately raised expectations. He is requesting from the people a higher level of commitment. This is of a kind with some of his earlier statements, such as, “from the day you left Egypt until you came to this place you have been rebellious with Hashem” (9:7b).

After chastising the Israelites with “yet to this day,” Moses returned to citing G-d’s benefactions, including their having defeated Sihon and Og and taken possession of their Transjordanian territory, perhaps to ensure that he was not improperly understood.

Endnotes

* The Mishnah (*m. Sotah* 7:5) takes the twelve *arur* denunciations as the content of the curses to which verse 13 refers and assumes that the blessings were the exact opposites of these denunciations. However, this does not explain why the supposed blessings of this ceremony were not included in the Torah text; and more importantly, Ibn Ezra’s points based on careful reading of the text – a position supported by Abarbanel and others – are left unanswered. Also, what special significance could be attached to blessings that were the reverse of some of the twelve denunciations that they deserve to be singled out from the other laws of the Torah for highlighting, such as, “Blessed is he who does not have sexual relations

with an animal?” And what would be the purpose (or implication) in stating “Blessed is he who doesn’t mislead a blind person on the road” or “Blessed is he who doesn’t accept a bribe to kill an innocent man”? As is well established, the Mishnah sometimes engaged in midrashic formulations for reasons not always apparent to us.

** It appears likely that אֵלֶּה דְּבָרֵי הַבְּרִית (“These are the words of the covenant”) refers to the preceding text, as the *masorah* indicates with a *setumah* break before the verse and a *petuhah* break after it, although אֵלֶּה (“these”) sometimes refers to what follows. Here, it is comparable to the final verse of the section of the Leviticus blessings and curses (Lev. 26:46), to the final verse of the book of Leviticus (27:34) and to the final verse of the book of Numbers (Num. 36:13), as well as to the conclusion of other units (Lev. 23:37-38; Num. 29:39). It also forms an envelope with Deuteronomy 5:1-3. In addition, the later statements – “all the oaths written in this book” (Deut. 29:19) and “all the curses written in this book” (29:26) – appear to refer to chapter 28. (See Tigay, JPS Commentary on Deut. p. 274.) That there is a 1,300-word segment that begins with 27:1 and concludes with 28:68, the verse that precedes אֵלֶּה דְּבָרֵי הַבְּרִית (see our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon*) should not be seen as contraindicative. That pericope essentially comprises the segment that embraces the future ceremony only, while the אֵלֶּה דְּבָרֵי הַבְּרִית of the following verse is a conclusion to the larger covenant program that Moses was leading the nation through, going back to the beginning of the book.