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בס"ד

Parashat Va'ethannan Part III The G-d-Israel Covenant: On Meaning and Format

1. Introduction

The Torah describes Israel's relationship with G-d as based upon a covenant between them, the *berit*. G-d had established individual covenants with the patriarchs concerning their progeny, that they would become a great nation and inherit the land of Canaan (as narrated in the book of Genesis). However, the covenant directly contracted with the descendant nation was of a different order. It was actual, no longer subject to the doings of individuals that may have voided it, and much more detailed. G-d's expectations and "hopes," as well as the consequences for compliance and noncompliance, were now immediately relevant. As recounted in the book of Exodus, the covenant was established at Mount Sinai shortly after G-d redeemed the Israelites from Egypt; it was transacted in association with His revelation to the Israelites and His proclaiming of the Ten Commandments to them. It was promptly followed by the transmission of a major law code.

In the fortieth year from the Exodus, shortly before his death, Moses led the Israelites to a covenant reaffirmation as described in the book of Deuteronomy. Indeed, most of the fifth book is devoted to the overarching subject of covenant reaffirmation, as we demonstrate in our Deuteronomy studies.

The G-d-Israel covenant is the essential factor that defines the nation as well as each individual Israelite and accords them their unique identity. The key features of this relationship include the following:

- G-d's election of the Israelites, as the offspring of the worthy patriarchs, for a critical role and responsibility in the world. They were to become "a kingdom of priests and a holy nation" (Exod.

19:6) in order to bring blessing to the nations of the world (Gen. 12:3; 18:18) through fulfillment of the covenant stipulations

- His granting Israel the land of Canaan as the arena in which it would fulfill its destiny
- His providential care and concern for the nation
- His pledge to judge it by the degree of compliance or noncompliance with the covenant stipulations
- His guarantee of the possibility of repentance and restoration after possible backsliding and attendant retribution, even after exile from their land

G-d's desire as presented in the biblical corpus is to see man establish a compassionate, just and righteous society on earth (see Jer. 9:23). Although man's free will is a given, a principle established in the garden of Eden, at times G-d will intervene in human affairs to make an adjustment in the world, setting it up in a manner more conducive for man to fulfill His goal. The Torah describes His previous interventions with the Flood and with confounding the builders of the Tower of Babel. After the Flood, G-d had established a covenant with the righteous Noah on behalf of all creation that provided for a future for mankind, with regularity in nature. At that point He officially demanded of Noah that he and his progeny fulfill the most basic laws, primarily respect for life, particularly human life (Gen. 9:4-6). He designated the rainbow as the sign of the covenant.

At a later point in human affairs, G-d intervened with the builders of the Tower to redirect man in a more acceptable path. Subsequently, with the selection of Abraham, He intervened with a new strategy. He established a covenantal relationship with Abraham because of that extraordinary individual's merit,

especially his commitment to improve the world by promulgating the way of G-d. The expectation was that through Abraham and his descendants “all the nations of the earth shall be blessed” (Gen. 12:3; 18:18). G-d would now work with a nation designated for the task of helping uplift and improve humanity; He would nurture it through history. Abraham’s merit is illustrated by his example of upright and compassionate behavior and his dedication to teach righteousness and justice (see Gen. 18:19).

After Abraham, G-d transmitted His covenantal commitment, with its vision for the future, to Isaac and then Jacob, concluding the period of the patriarchs. Eventually, their offspring, burgeoning into an incipient nation, were living in bondage and affliction in Egypt. At some point G-d recalled His covenant with the patriarchs, perhaps when the children had come to deeply appreciate the suffering of the oppressed and exploited. They were then ready to be receptive to the lawgiving, which would require them to forever be sensitive to the plight of the downtrodden, a primary purpose of the law. G-d redeemed the slaves and transformed the covenant with individuals into a national covenant, charging the Israelites with their responsibility.

Formalizing a relationship or agreement with a covenant was a matter of great significance throughout the ancient Near East. It was understood to include or was equivalent to a most solemn oath, requiring a full measure of diligence to fulfill all conditions. It invoked dreadful divine retribution upon the party that violated its commitment. In addition, a covenant in any matter of substance would forge a deep bond between all those who were included or chose to join the covenanted group. In the case of Israel, the covenant promoted a deeper sense of cohesiveness and mutual responsibility among the members of the national group than might otherwise have been the case. This increased the possibility for the nation to endure through the vicissitudes of life that would inevitably arise, threatening to erode its unity and identity. It provided great hope for renewal and national restoration when relevant.

The primary signs of G-d’s covenant with Israel are circumcision of eight-day-old males and observance of the Sabbath. The former is an ongoing reminder of the responsibility to sanctify life beginning in the most

basic sphere of holiness. The drive for self-gratification is the major force that tempts man away from fulfilling G-d’s will; the sign of the covenant in circumcision is a call for the antidote, self-discipline. The Sabbath suffuses into the nation a large measure of commitment to social justice and sets the tone for compassion and equity in society on the foundation of dedication to the Creator. Together, these two statutes serve to maintain an elevated level of consciousness of the covenant and attendant responsibilities among the Israelites.

The literary structure of the Torah is replete with symbolic references to the covenant, detectable on the surface without manipulation of the text. It is so prevalent that the sensitive reader cannot lose sight of it, a matter we will expand upon in an excursus *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon*.

The narratives dealing with the G-d-Israel covenant and its details are elaborated through a major portion of the Torah. To more properly understand the meaning and placement of many passages and particulars in the Five Books it is helpful to be familiar with covenant format and protocol of the ancient Near East in times prior to and roughly contemporaneous with the lawgiving. Numerous nuances in the text become more comprehensible in the light of such knowledge.

2. Antecedents

Many examples of ancient Near Eastern covenants have been discovered during the past century. Among the more relevant cases are the Hittite treaties of the 14th–13th centuries B.C.E., shortly before the time of Moses. The Hittite kingdom was then a major power in northern and central Syria and many small states of the region were Hittite vassals. The form and enactment procedures of their covenants differed according to whether equal partners were involved or a suzerain-vassal relationship was being transacted. It is the latter form that is relevant to us. Such covenants were not only made with subject nations but also when a king formalized his relationship with his nationals. A large part of such covenants was an expansion of a loyalty oath to the king, who obligated himself to protect and provide for his subjects. The neo-Assyrian treaties of the 8th-7th centuries B.C.E.,

though not identical, were essentially of similar format to the Hittite ones.

Harper's Bible Dictionary (1985, p. 190) succinctly summarizes the main elements of Hittite suzerain-vassal treaties as follows:

Identification of the treaty-maker (i.e., the great king); a historical introduction (prior beneficial acts done by the great power on behalf of the smaller one); the stipulations (the primary demand is for loyalty); a list of divine witnesses; and blessings and curses. The treaty was recited, a ceremonial meal eaten, and the treaty deposited at the feet of the idol.

It should be added that it was usual to make a commitment to periodically recite the covenant, and, when circumstances significantly changed, such as upon the death of a king, to conduct a full-fledged renewal.

Some of these details are commonsense components of a treaty, but specific terminology and usage, sequence of components and overall format, as well as the reduction to writing of most of these elements in a single document, were a sure sign that standard covenant protocol was being followed. That being said, some variation was common.

3. In the Torah

Two covenants between G-d and Israel are narrated in the Torah, the Sinai covenant contracted shortly after the Exodus and the covenant of the steppes of Moab, enacted near the end of the fortieth year from the Exodus. The latter was actually a renewal of the earlier transaction despite a significant amount of new stipulations. The changed circumstances of the nation with the emergence of a new generation, the impending death of Moses and the upcoming entry into the promised land prompted a renewal. The description of the Sinai covenant is begun in the book of Exodus and concluded near the end of the book of Leviticus, while the steppes of Moab covenant extends through virtually the whole book of Deuteronomy. A significant portion of the Torah is directly subsumed into its covenant structure, as we shall soon see.

Although not identical in outward appearance, the two covenant descriptions are strikingly congruent in that both contain a full measure of covenant elements that are characteristic of the ancient Near Eastern suzerain-vassal treaties.

As far as what is known today, not a single ancient covenant has been discovered reputed to be between a deity and a nation besides the case of the Torah. Israel's national covenant is unparalleled and revolutionary even in conception.

Why would the Torah utilize a model employed by other nations in a political context for so critical an item as the covenant between G-d and Israel? Nahum Sarna answers that since the substance of the Torah covenant was so innovative and unique in many ways, it was preferable to employ a known form of treaty to make the new concepts more intelligible. Only against the background of the classical treaty model – when the people (at first, primarily the leaders and the educated class) would have a clear idea of what was being accomplished – could the “originality and independence,” the “wholly new creation” of the Torah covenant and its contents be adequately appreciated (*Exploring Exodus* p. 136).

In addition, employing the standard model would facilitate the other nations' understanding of what was transpiring in Israel. It should be added that the Torah often utilizes previously established forms, in some cases even in the sphere of religious worship, and reworks them in accordance with its new philosophy (see our study *Maimonides on Sacrifices Part I*).

Commenting on the Torah's use of a political pattern replicating what was the contemporary model, Moses Weinfeld states: “The religious use of this pattern was especially possible in Israel, for only the religion of Israel demanded exclusive loyalty to the God of Israel ... who would suffer no rival ... [and] precluded the possibility of dual or multiple loyalties ... So the stipulation in political treaties demanding exclusive loyalty to one king corresponds strikingly to the religious belief in one single, exclusive Deity.... Because of the concept of the kingship of God, relations between the people and their God had to be patterned after the conventional model of relations between a king and his subjects, a written treaty.” (*Commentary on Deuteronomy*, AB pp. 8-9).

4. Exodus-Leviticus

In introducing the Sinai experience in the book of Exodus, G-d transmitted to the people through Moses a brief motivational statement designed to foster widespread and deep allegiance to Him and the covenant. He briefly recounted the saving acts He performed for Israel to “bring you to Me,” He described the positive relationship that would ensue between Him and the nation and projected the glorious future awaiting it, all contingent upon loyalty to the covenant. He said, “You have seen what I did to Egypt, that I bore you on eagles’ wings to bring you to Me; Now, if you hearken to My voice and keep My covenant you shall be My treasured possession among all the peoples ... you shall be to Me a kingdom of priests and a holy nation” (Exod. 19:4-6).

The people assented, preparations of purification and sanctification were made and the Decalogue followed.

In the larger picture, the Decalogue precepts begin the “stipulations” section of covenant format. But as a compact statement that contains the core elements of G-d’s demands of Israel and transmitted to the nation directly by Him, the Decalogue was itself structured in covenant format. Its formulation focuses on the most substantial covenantal components and should be viewed as a miniature, stand-alone, covenant digest. It begins with G-d’s self-identification and a statement of the relationship between Him and Israel. A brief historical statement in which He recalls the major benefaction He provided the nation in having redeemed it from bondage is attached. This is followed by His demands for fulfillment of the most basic precepts. It includes the threat of punishment for disloyalty to Him in the event of having another god besides Him and reward for loyalty to Him.

Covenant stipulations continue with the extensive law code that follows (Exod. 21–23), introduced by וְאֵלֶּה הַמִּשְׁפָּטִים (“and these are the ordinances”). Subsequently, the people reaffirm acceptance of the laws, Moses writes and recites “The Book of the Covenant,” sacrifices are offered, Moses sprinkles from the blood on the altar and the people, and the ceremonial meal is eaten (Exod. 24:3-11). The witnesses – of course, symbolic – were twelve pillars that Moses set up for the twelve tribes (v. 4). (In the Jacob-Laban treaty, which appropriately reflected the

older Western Mesopotamian model of treaties between equals, we note in Genesis 31:52 the express designation of stones as symbolic witnesses: “This mound [of stones] shall be witness and this pillar shall be witness.”) Following the flurry of activity in fulfilling the “technical” details of covenant protocol, G-d calls Moses to ascend the mountain so that He may present him with the stone tablets, the permanent record of the Decalogue.

The major statement of blessings and curses does not appear until near the end of Leviticus, as the subject matter following Exodus 24 until the blessings and curses is essentially an “enrichment” program attached to the covenant. Thus, Exodus 25 begins with instructions for construction of the Tabernacle. This was the portable sanctuary that provided for the divine presence to dwell amidst the nation while it traveled to the promised land (and which perhaps was originally expected to remain serving as the central sanctuary upon settlement in the land). The Leviticus legislation – all promulgated through the Tabernacle – brought reinforcement of the covenant principles taught in Exodus. The purity and holiness laws of Leviticus called upon each Israelite to live life with the constant consciousness of G-d’s presence, above and beyond what would have previously been understood to be the covenantal requirements. Sanctuary, priest and ritual became key vehicles in implementing the expanded program that was appended to the stipulations of Exodus 20–23. The ritual laws taught at the time of the covenant restoration after the golden calf apostasy (Exod. 34:17-26), that repeated certain laws from Exodus 23:10-19, is perhaps an early manifestation of this new emphasis.

The so-called Holiness Code (Lev. 18–25), the goal of Leviticus, required extensive preliminary legislation. The latter extends from the beginning of Leviticus with the prescriptions concerning sacrificial service and the rituals for the dedication of priests and sanctuary through the laws of purity that lead to the holiness legislation. (A major school of thought among the sages views the entire sanctuary section beginning with Exodus 25 as having been added *in toto* as a corrective program in consequence of the covenant annulment represented by the golden calf apostasy and inserted where it is. See our study on *Parashat Terumah Part I.*)

Finally, in Leviticus 26, the blessings and curses appear, concluding the Sinai covenant transaction, as stated in the immediately following verse that closes the chapter: “These are the *huqim*, *mishpatim* and *torot* that Hashem gave between Himself and the Israelites at Mount Sinai ...” (Lev. 26:46). This verse subsumes into the covenant all that transpired from the beginning of the covenant enterprise in Exodus 19 until the point at which it is stated. Leviticus 27, the final chapter in Leviticus, appears after the verse that closed the covenant. This last chapter is a type of appendix that provides the laws that deal with the sources of income that support the sanctuary.

It may be that the first part of the book of Exodus, from the beginning through chapter 18, is also to be viewed as part of covenant format; it constitutes a fuller historical prologue to the covenant. The surface themes that run through this section are G-d exercising His control of the natural order in order to redeem Israel from slavery and to teach Pharaoh and the world of His great power. They serve the more fundamental theme of recording G-d’s faithfulness to His covenant with the patriarchs by intervening on behalf of their descendants in order to enter into a covenant with them. Since the primary theme of the book of Genesis is the development of G-d’s covenant with the patriarchs as the forerunner of the covenant with their progeny, in a way it too may be viewed as part of the historical prologue to the covenant.

5. Deuteronomy

Deuteronomy is virtually wholly structured around the overarching theme of the renewal of Israel’s covenant with G-d, transacted through Moses in the fortieth year shortly before his death. This is summarized in the verse following the Deuteronomy blessings and curses, which concluded recitation of the substantial covenant elements: “These are the words of the covenant that Hashem commanded Moses to contract with the Israelites in the land of Moab, in addition to the covenant He contracted with them at Horeb” (Deut. 28:69).

National covenants invariably covered future times and included the children (Deut. 29:14). However, the human spirit does not usually tolerate restrictive agreements for very long, especially when not personally contracted or when conditions have so

changed that they may be thought to render the original agreement inapplicable. Accordingly, it was the widespread practice in the ancient Near East to rekindle motivation through periodic renewals after the passage of many years or upon leadership change. With a new generation on the scene that was on the threshold of entering its land and with Moses’ impending death, it surely was an appropriate occasion for such reenactment.

The *misvah* of *Haqhel*, the national seventh year assembly (Deut. 31:10-13), prescribes a periodic covenant review and reaffirmation ceremony although it did not call for all the details of a full-fledged covenant reenactment. The latter was the case at various critical moments in the nation’s history, perhaps the most prominent instance described being that performed by King Josiah (2 Kings 23:3).

Most of the first four chapters of Deuteronomy comprise a prologue in the form of a historical survey in which Moses cited the oath G-d made to the patriarchs and recounted His faithfulness and kindnesses to the Israelites. In chapter 4, concluding the prologue with details of the revelation experience, the historical survey is transformed into a priming force preparing the Israelites for the forthcoming review of the Decalogue and the transmission of stipulations for the covenant renewal. In this chapter Moses touched on most of the key covenant elements relating to the nation’s bond with G-d: His revelation and identification; His relationship with Israel; benefactions; major demands; calling heaven and earth as witnesses; and consequences of compliance and noncompliance. After a short third person digression (4:41-49), a matter we discuss in our relevant study, chapter 5 begins the next phase of covenant renewal, that of the stipulations. This begins with Moses’ review of the Decalogue.

This “priming” relationship between Deuteronomy 4 and 5, in the manner of a rehearsal before an extremely important ceremony, may be the precedent for a somewhat similar phenomenon found in the book of Joshua. There, in chapter 23, when Joshua was “old and advanced in years,” he assembled Israel’s leaders and presented the essentials of the covenant. In chapter 24 he reassembled the same groups and presented similar points. No extraneous subject matter intervenes between these chapters.

However, in the latter instance it states, “and they stood before G-d” (v. 1), a phrase with no counterpart in the previous chapter, and thus a clear sign that only on the second occasion was the assembly in front of the ark of the covenant and that this was “for real.” In contrast to chapter 23, the people respond, reaffirming the covenant.

In Deuteronomy 5, Moses launched an extensive discourse leading Israel through the stipulations section of covenant renewal. After reviewing the circumstances attendant upon establishment of the original covenant at Horeb (a place-name parallel to Sinai), he recited the Decalogue as proclaimed by G-d almost forty years before. (There are variations from the Exodus version, a topic we address in our study *On Decalogue Variances*). He continued with moral instruction, interlaced with accounts of G-d’s care for Israel and His loyalty to the covenant He established with the patriarchs, several statements of consequences for compliance or noncompliance and the presentation of a great law compendium.

Next comes a definitive covenant-relationship formula (26:16-19) that articulates the significance of the occasion with a proclamation of mutual relationship and reciprocal commitments. It highlights the glorious potential for the nation (one notes the correspondence with Exodus 19:4-6). In the text, Moses’ discourse that began in chapter 5 continues uninterrupted in first person until chapter 27.

Immediately following is the call to continue the reenactment process upon entering the promised land. Moses instructs the Israelites that upon crossing the Jordan River they should write “this Torah” on stones, build an altar, perform the relevant sacrifices, partake of a ceremonial meal and recite the blessings and curses (chs. 27–28). The renewal presently being

performed by Moses is blended with the call for a continuation and finalization of the process after his death, when the nation is in Canaan, thus increasing its impact. This ceremony was, indeed, performed by Joshua (Josh. 8:30-35) “as commanded by Moses ... as written in *Sefer Torat Moshe*” (v. 31).

Deuteronomy 28 contains the text of the blessings and curses. The national covenant-enactment assembly is described in chapter 29. Subsequently, various witnesses are designated: heavens and earth (30:19; 31:28), the Song of *Ha’azinu* (31:19, 21) and the *Sefer HaTorah* (31:26), the latter term being virtually synonymous with the written covenant, if not identical with it. The writing of “this Torah” (31:9), providing for the periodic *haqhel* recital of “this Torah” (31:11) and depositing “this *Sefer HaTorah*” by the side of the ark of the covenant (31:26) conclude the technical procedures associated with covenant enactment.

Chapter 32 is the Song, chapter 33 is Moses’ blessings to the tribes and chapter 34 closes the book with the narrative of Moses’ death. Thus, the various particulars of covenant protocol directly govern the sequence of virtually all of the subject categories of Deuteronomy.

Another feature of Deuteronomy is that the Decalogue structure appears to play a role in the order of large subsections within the law compendium; just as the Decalogue is framed in a *misvot*, *huqim* and *mishpatim* sequence so is the law compendium (see our *Va’ethanan Part I* study). In addition, it appears that the sequence of commandments in the Decalogue was a factor in determining the sequence of individual laws in the law compendium, a matter we plan to discuss in later Deuteronomy studies.

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