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בס"ד

## על צורת הברית בין ה' לישראל

### COVENANT FORMAT IN THE TORAH

#### I. Antecedents

To more properly understand the meaning and placement of many passages in the Torah and to more fully appreciate many nuances concerning the G-d-Israel Covenant, it is helpful to be familiar with ancient Near Eastern treaty format and procedures. Many examples of such treaties have been discovered during the past century.

Among the particularly relevant cases are the Hittite treaties of the 14th-13th Centuries B.C.E., shortly before the time of Moshe Rabenu, when the Hittite kingdom was a major power in northern and central Syria and many small states of the region were Hittite vassals. The form and enactment procedures of these treaties differed according to whether equal treaty partners were involved or a suzerain-vassal relationship was being transacted, such as was the case when the treaty related to subject nations or when a king formalized his relationship with his nationals. In the latter cases the treaty was in large part an expansion of a loyalty oath to the king.

The main elements of Hittite suzerain-vassal treaties are succinctly described in the Harper's Bible Dictionary (1985) p. 190:

.... 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.

The outward format of the two G-d-Israel covenants narrated in the Torah - the Sinai Covenant elaborated in Exodus (and continued through Leviticus) and the Plains

of Moab Covenant depicted in Deuteronomy - are strikingly similar to the above characterization. It is not merely the Decalogue pronouncements and those few passages explicitly relating to the Covenant that are the extent of Covenant import, but a significant portion of the Torah, including the law codes, is directly subsumed into the Covenant structure as we shall soon see.

It is noteworthy that besides the case of the Torah, not a single ancient covenant has been discovered, or is referred to in the world's literature up to that time, reputed to be between a deity and a nation. Israel's national covenant experience 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 G-d-Israel Covenant? Nahum Sarna theorizes that as the substance of the Torah Covenant was so innovative and unique in many ways, it was preferable to utilize a known form of treaty to make the new concepts more intelligible. Only against the background of the classical treaty model - when the people would have an 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). This would also facilitate the other nations understanding what was going on in Israel. It should be added that the Torah often utilizes previously established forms even in the sphere of religious worship and reworks them in accordance with its new philosophy (see our study Maimonides on Sacrifices.)

Commenting on the Torah's use of a contemporary political pattern, Moshe 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 to Deuteronomy, AB pp 8-9).

## II. Exodus-Leviticus

In introducing the Sinai experience in the Book of Exodus, just prior to the narration of that great event, G-d transmitted to the people a brief prologue to the Covenant, a motivational statement to foster allegiance. He briefly recounted the saving act He performed for Israel to “bring you to Me”, He described the positive relationship that may ensue between Him and the nation and projected the glorious future awaiting them contingent upon loyalty to the Covenant: “You have seen what I did to Egypt, that I carried 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.... a kingdom of priests and a holy nation” (Ex. 19:4- 6).

Exodus 20 contains the Decalogue proclamation, which in the larger picture of covenant format begins the “stipulations” section. The Decalogue formulation itself accords with the most substantial covenantal elements and apparently should be viewed as a miniature, stand-alone, covenant digest. It begins with G-d identifying Himself attached to a brief historical statement in which He recalls His redemption of Israel from slavery, followed by His demands for fulfillment of basic precepts. It includes the threat of punishment for disloyalty to Him and reward for obedience.

Regardless, the major law code that follows (Ex. 21-23), introduced by ואלה המשפטים (“these are the ordinances”), is a continuation of the stipulations. Moshe’s subsequent writing and recital of “The Book of the Covenant”, the sprinkling of blood on altar and people and the ceremonial meal (all in Chapter 24) are further elements of covenant format. The witnesses - of course only symbolic witnesses were available - were the twelve pillars representing the twelve tribes that Moshe then built in the midst of his flurry of

activities fulfilling technical covenant specifications (Ex. 24:4). In the Yaaqob-Laban treaty - although it appropriately reflects the older Western Mesopotamian model - we read: “this mound shall be witness and this pillar shall be witness” (Gen. 31:52).

The major statement of Blessings and Curses does not appear until the end of Leviticus as the subject matter until there is basically an “enrichment” attached to the Covenant. Exodus 25, with instructions for construction of the sanctuary, began a new and relatively lengthy section that expanded and fortified the Covenant with addition of the Leviticus purity and holiness program, calling upon each individual of Israel to live life with the constant consciousness of G-d’s presence, above and beyond what would have been understood as basic covenantal requirements prior to Leviticus. Sanctuary, priest and ritual became key vehicles in implementing the expanded program and transmittal of their relevant instructions was appended to the Yitro-Mishpatim stipulations. The so-called “ritual decalogue” of Parashat Ki Tissa (Ex. 34:17-26), promulgated at the time of the Covenant restoration after the golden calf apostasy, repeating certain ritual laws from Exodus 23:10-19, is the first manifestation of this new emphasis. The holiness program with preparatory legislation extends through the Leviticus prescriptions concerning sanctuary sacrificial service, priestly consecration and the laws of purity leading to the Holiness Code. (A major school of thought among the Sages views the entire sanctuary section as having been added *in toto* as a corrective program in consequence of the Covenant annulment represented by the golden calf apostasy.)

Finally, in Leviticus 26, upon conclusion of the enriching “interposed” material, the Blessings and Curses appear, in accordance with and concluding the basic covenant structure. (Leviticus 27, concluding the Sefer, is in the nature of an addendum.)

Some view the first part of the Book of Exodus (Ch. 1-18) as the historical prologue to the Covenant, as its main purpose appears to be to furnish the record of G-d’s faithfulness to His Covenant with the forefathers and the manifestation of His kindness to their children by intervening in history to redeem them from slavery, in order to enter into a covenant with them. As the primary theme of the Book of Genesis was the development of G-d’s covenant with the forefathers as the forerunner of the covenant with their progeny, in a

way, it too, may be understood to be part of the historical prologue to the Covenant.

### III. Deuteronomy

Deuteronomy is virtually wholly structured around one overarching theme - the renewal of Israel's Covenant with G-d, as stated at the conclusion of the Covenant recitation, "These are the words of the Covenant that Hashem commanded Moshe 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 generally covered the future and included the children (ibid. 29:14). However, considering that the human spirit does not long tolerate restrictive agreements entered into under a set of conditions that may be perceived as no longer applicable, it was the widespread practice in the ancient Near East to rekindle motivation toward covenants by undergoing periodic renewals particularly when a leadership transition took place (or was approaching) or when a new generation with changed circumstances came upon the scene. Moshe's impending death would be viewed as a most appropriate occasion for such reenactment, especially as a great deal had transpired during the previous 40 years. The misvah of "Haqhel", the national seventh year assembly (ibid. 31:10-13), clearly is a periodic covenant reaffirmation ceremony although it appears that it did not contain a full-fledged covenant reenactment as was the case at various critical moments in the nation's history, such as we read regarding King Josiah, who led the nation to re-contract their Covenant with G-d (2 Kings 23:3).

Most of the first four chapters of Deuteronomy comprise a historical prologue in which Moshe cited G-d's oath to the forefathers and recounted His kindnesses to Israel. In Chapter 4, using the experience of Revelation for the prologue's conclusion, the historical survey is transformed into a powerful priming force preparing Israel for the Covenant renewal. In this chapter Moshe touched on most of the key Covenant elements: G-d's Revelation and identification; His relationship with Israel; benefactions; major demands; calling heavens and earth as witnesses and consequences of compliance or non-compliance. After a short third person digression (4:41-49), the next covenant phase begins in Chapter 5, that of the stipulations, with recital of the Decalogue.

Perhaps this priming relationship between Deuteronomy 4 and 5, in the manner of a rehearsal before a very important ceremony, is 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, a clear sign that only on this latter 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, Moshe launched his extensive and eloquent discourse leading Israel through a comprehensive Covenant renewal. After reviewing the circumstances attendant upon establishment of the original Covenant at Horeb, he recited a complete quotation of the Decalogue as proclaimed by G-d 40 years previously. He continued with moral instruction, interlaced with accounts of G-d's care for Israel and His loyalty to the Covenant with the forefathers, several statements of consequences for compliance or non-compliance and the presentation of a great law code that extended through 26:15. This latter comprises the Covenant stipulations section.

Immediately upon conclusion of the "stipulations" comes the actual Covenant-relationship formula (beginning with "hayom hazeh", 26:16-19). It articulates the significance of the occasion with a proclamation of mutual relationship and reciprocal commitments and highlights the glorious potential for the nation (one notes correspondence with Exodus 19:4-6).

Attached to this Covenant-relationship declaration is the call to continue the reenactment process upon entering the Promised Land. Israel is to write "this Torah" on stones upon crossing the Jordan River, build an altar, perform relevant sacrifices, partake of a ceremonial meal and recite blessings and curses (all in Ch. 27). The contemporary renewal is blended with the call for a continuation of the process after Moshe's death and upon entering the land. This was indeed done by Joshua (Josh. 8:30-35) "as commanded by Moshe ... as written in Sefer Torat Moshe" (ibid. v. 31). Deuteronomy 28 contains the Blessings and Curses relevant to the contemporary renewal. The national

Covenant-enactment assembly is described in Chapter 29. Subsequently, various witnesses are invoked: 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 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.

Thus, the various aspects of the Covenant formula directly govern the substance and sequence of most of Deuteronomy. In addition, the Decalogue appears to govern the order of the large subsections within the Deuteronomy law compendium - the misvot, huqim and mishpatim (see our Va'ethanan Part I study). To some extent it even appears that the sequence of individual laws follows Decalogue sequence, a matter we hope to cover in later Deuteronomy studies.

#### IV. Word Counts

Support for viewing the Covenant as underpinning the Book of Deuteronomy may be adduced from some remarkable word counts (repeated here from our study on Parashat Debarim.)

Rabbi S. D. Sassoon a"h has marshaled a great deal of evidence that the digit eight and its decimal multiples are symbolic of the Covenant, while the number 13 (representing in his opinion, in accordance with its gematria,

Hashem אהה) and its decimal multiples are symbolic of a related concept (see our study *On Number Symbolism in the Torah From the Work of Rabbi Solomon D. Sassoon.*)

He pointed out that the heading of Deuteronomy is comprised of 79 third-person words, making Moshe's first word - Hashem - the 80th word, placing a Covenantal setting at the opening of the Sefer. Moshe's first-person talk concludes at 4:40 and picks up again after an interposition of 130 third-person words. The last seven of the 130 words are after a petuha break in the text (5:1), making Moshe's first word of his second discourse (שמע) the eighth word of the section. He continues with the "stipulations" without a genuine third person break through 26:15, at which time he proclaims the covenant relationship between G-d and Israel. (The two-verse interposition of 10:6-7 bringing in the death of Aharon is framed in third person, but that is a parenthetical note introduced to link Aharon's death - which occurred much later - to the golden calf episode and therefore Moshe used a different format.) R. Benun pointed out that the first word of the Covenant proclamation in 26:16 (היום) is the 8000th word of Moshe's discourse that began in 5:1 word 8. And from the first word following the Covenant proclamation (ויצו of 27:1), through the last word of the Blessings and Curses (קנה of 28:68) is 1300 words.