

PARASHOT NITZAVIM-VAYELEKH

Torah and Song, Heaven and Earth

By Rav Amnon Bazak

A. WHAT IS THE "TORAH"?

In parashat Vayelekh we read of the writing of the Torah: "Moshe wrote this TORAH and gave it to the kohanim, the sons of Levi" (31:9). The word "Torah" is repeated over and over in the closing chapters of Sefer Devarim, and the question arises – what does "this Torah" include? Looking at the literal text, it is very difficult to posit that the reference here is to what we call the Pentateuch – for the writing of the "Torah" is described before the end of Sefer Devarim, so it could not logically include the final chapters of the book.

Juxtaposed to the description of the writing of the Torah by Moshe, quoted above, we find the commandment to read the entire Torah at the "Hak'hel" ceremony:

"And Moshe commanded them, saying: At the end of seven years, at the appointed time of the Shemitta year, on the festival of Sukkot, when all of Israel come to present themselves before the Lord God at the place that He will choose, you shall read this TORAH before all of Israel, that they may hear." (31:10-11)

From the Mishna in Sota (41a) we learn what is included, in this context, in "this Torah:"

"He should read from the beginning of Devarim until 'Shema,' then 'Shema,' 'Ve-haya' (the second paragraph of the Shema), 'You shall surely tithe...', 'When you finish tithing...', the section dealing with the king and the blessings and curses, until the end of that section."

In other words, this ceremony involves reading non-consecutive extracts from Sefer Devarim. However, it is difficult to find any basis for this explanation in the literal text.

Based on the text, it would seem that the word "Torah" has a more limited scope, referring in fact to the "speech of the mitzvot," which is the central portion of Sefer Devarim (chapters 5-26). In the introduction to this speech we read: "This is the TORAH that Moshe placed before Bnei Yisrael. These are the testimonies and the statutes and the judgments that Moshe spoke to Bnei Yisrael when they came out of Egypt" (4:44-45).

This would imply that the "Torah" is a list of the testimonies, statutes and judgments that follow immediately thereafter.

We can understand the verses immediately following the "speech of the mitzvot," at the beginning of chapter 27, in a similar way. Moshe commands Bnei Yisrael: "It shall be, on the day when you pass over the Jordan, to the land which the Lord your God gives you, and you erect for yourselves great stones, and paint them with lime, then you shall write upon them all the words of THIS TORAH when you pass over" (27:2-3). The commentators have difficulty understanding how the entire Torah – from Bereishit to Devarim - is to be written upon stones, and they propose various interpretations.[1] But if the text indeed refers to the "speech of the mitzvot," the problem diminishes somewhat.

In the chapters that follow the "speech of the mitzvot," too, the word "Torah" refers to this speech, as in the following verses: "Cursed is he who does not uphold the words of this TORAH" (27:26); "If you will not observe and fulfill all the words of this TORAH that are written in this book, to fear this elevated and awesome Name - the Lord God, then God will strike you with wonders..." (28:58). From here it would seem that even the command to the king to write "a copy of THIS TORAH" refers to the "speech of the mitzvot:"

"When he sits upon his royal throne, he shall write himself a copy of THIS TORAH upon a scroll, before the kohanim and the leviim. And it shall be with him and he shall read it all the days of his life, in order that he may learn to fear the Lord God, to fulfill all the words of THIS TORAH and these statutes, to perform them." (17:18-19)

From these verses it arises that there are at least two Books of the Torah – that written by Moshe, and the one that remains with the king; for this reason the latter is called a "copy of the Torah."

B. THE "SONG"

Aside from the writing of the Torah, there is another text that our parasha commands us to write – the "song." Following the command to read the Torah, God tells Moshe that the Nation of Israel is destined to sin, and for this reason they must be given the song:

"God said to Moshe: Behold, you are going to lie with your forefathers. This nation is going to arise and go astray after the foreign gods of the land into which they go to be among them; they will leave Me and violate My covenant which I made with them. My anger will burn against them on that day, and I will abandon them and hide My face from them, and they will be devoured; many evils and troubles will overtake them. On that day they will say, 'Is it not because God is not among us that these troubles have overtaken us?' But I shall surely hide My face on that day because of all the evil that they have done, for they will have turned to other gods. And now, write for yourselves THIS SONG and teach it to Bnei Yisrael; put it in their mouths." (31:19)

Here the reference seems relatively simple – the song of "Ha'azinu," which follows immediately after this chapter; it begins with the words, "Moshe spoke in the ears of all the congregation of Israel the words of THIS SONG, until its end" (31:30), and concludes: "Moshe came and spoke all the words of THIS SONG in the ears of the nation – he and Hoshea bin Nun" (32:44). The purpose of this song is well defined:

"In order that this song be for Me a WITNESS to the Children of Israel. For I am bringing them to the land which I promised to their forefathers, flowing with milk and honey, and they shall eat and be satisfied and grow fat, and turn to other gods and serve them, and provoke Me and violate My covenant. And it shall be that when many evils and troubles find them, this song shall answer before them AS A WITNESS, for it shall not be forgotten from the mouths of their descendants. For I know their inclination, what they do this day, before I bring them to the land which I have promised." (31:19-21)

The song is meant to function as a "witness," which is meant to remain with Bnei Yisrael even during their periods of sinning and punishment. It is promised that the song will not be forgotten by their descendants.

C. "BY THE WORD OF TWO WITNESSES... A MATTER SHALL STAND"

Following a description of the command to write the "song" and an explanation of its purpose, the parasha returns to the "Torah," concerning which Moshe declares:

"It happened, when Moshe finished writing all the words of this Torah on the scroll, until the end, that Moshe commanded the Leviim who bore the Ark of God's Covenant, saying: Take this book of the Torah and place it next to the Ark of the Covenant of the Lord your God; it shall be there for you as a WITNESS. For I know your rebelliousness and your stiff neck; even while I am still alive with you this day you rebel against God – what, then, shall be after my death?" (verses 24-27)

Further on, Moshe seems to return to the matter of the song:

"Gather to me all the elders of your tribes and your officers, and let me speak in their ears these things; I make the heavens and the earth witnesses. For I know that after my death you will become corrupt and turn aside from the path that I have commanded you. And evil will come upon you at the end of days, for you will do evil in the eyes of God, to make Him angry with the work of your hands." (verses 28-29)

In any event, Moshe repeats here God's words that referred to the song, according to which Bnei Yisrael are destined to sin and to be punished; here, too, the certainty as to Bnei Yisrael's future sinning is based upon their negative behavior even prior to entering the land.[2] But Moshe "appoints" as the "witness" not the song, but rather the Book of the Torah. What is the meaning of this?

It appears that Moshe understood that both the song and the Torah would have to serve as witnesses, since it is by the word of two witnesses that a matter stands. However, the two witnesses are not alike, and each has its own function. The function of the "Torah" is to serve as a sort of promissory note, which is signed by Bnei Yisrael, attesting that they accept upon themselves everything written in the document. The Torah will serve as a witness during the fateful times for Bnei Yisrael; it will remind them that if they wish to live in peace and quiet in their promised land, they must fulfill all the obligations listed in the contract. Indeed, after reading the song, Moshe returns to the "Torah" (32:45-47):

"Moshe finished speaking all of these things to all of Israel. And he said to them, Give heart to all the things that I testify before you this day, that you shall command them to your children, to observe and fulfill all the words of this TORAH. For it is not an empty thing for you; it is your life. By this thing you shall lengthen your days upon the land which you pass over the Jordan to possess."

Observance of the Torah is the only way to lengthen life in Eretz Yisrael. This "promissory note" is entrusted to the children of the tribe of Levi, as God's representatives.[3]

The song, on the other hand, has a more active role. It is not placed in a special location, like a document in the archives of the creditor, but rather is studied by heart by Bnei Yisrael: "Place it IN THEIR MOUTHS." Like any song, structured with a certain meter, it is easier to memorize than a prose text. In this way, the song remains engraved in the inner consciousness of Bnei Yisrael, even during their years of sin and exile. Some day, so God promises, the song will burst forth from the collective subconscious of the sinful nation, and penetrate their innermost consciousness: "It shall be, when many evils and troubles beset them, then this song shall answer before them as a witness, for it shall not be forgotten from the mouths of their descendants." The song is the guarantee that ultimately Bnei Yisrael will arrive at recognition: "On that day they will say: Is it not because God is not in our midst that these evils have befallen us?"

The difference between the Torah and the song finds expression in the status of Yehoshua, who is mentioned in these chapters only in relation to the song, while in every mention of the Torah, Moshe stands alone. This is especially evident in the verses following the song of Ha'azinu:

"Moshe came and said all the words of this SONG in the ears of the nation, HE AND YEHOASHUA BIN NUN. And Moshe finished speaking all of these words to all of Israel, and he said to them: Give heart to all the things that I testify to you this day, that you should command them to your children, to observe and perform all the words of this TORAH."

The difference is clear: the Torah is a document of obligation, uttered and then recorded in writing by Moshe, as an expression of the one-time covenant made over it through Moshe's agency. It was Moshe who decided that the Torah, too, would serve as a witness.

The song, on the other hand, will actively accompany Israel throughout their history, and therefore the next leader is also directly connected to it.

The Torah and the song are surprisingly interrelated in chapters 31-32. The following represents the structure of these chapters in terms of their reference to these two texts:

1. The Torah – its writing; the command to read it at the 'hak'hel' ceremony – 31:9-13
2. The song – its writing; its status as a "witness" and its significance – 31:16-23
3. The Torah – its location; its status as a "witness" – 31:24-27
4. The song – introduction, the reading, conclusion – 31:28-32; 44
5. The Torah – warning as to the obligation to observe it – 32:45-47

This structure expresses clearly the fundamental connection between the two witnesses, despite the difference between them. The elementary obligation to a one-time event must be accompanied by an experiential aspect in order to ensure its continuity in the long term. The experience of the song is meaningless if it is not bound up with assuming the obligations upon which it is based. The combination of these two factors is what ensures that "MY SPIRIT which is upon you, and MY WORD which I have placed in your mouth, will not depart from your mouth and from the mouths of your descendants and from the mouths of their descendants in turn, says God, from now and forever" (Yishayahu 59:21).

D. "OR BY THE WORD OF THREE WITNESSES SHALL A MATTER STAND"

In conclusion, it should be noted that there are additional witnesses in these chapters:

"Gather to me all the elders of your tribes and your officers, that I may speak in their ears these things AND MAKE THE HEAVENS AND THE EARTH WITNESS TO THEM. For I know that after my death you shall surely BECOME CORRUPT and turn aside from the path that I have commanded you..." (31:28-29)

Indeed, like any other witnesses – who must be present at the time of the assumption of obligation – here, too, the song of Ha'azinu is named after its introduction, which addresses the witnesses: "Listen (ha'azinu), heavens, and I shall speak; hear, earth, the utterances of my mouth" (32:1). This is not the first time that the heavens and the earth have served as Moshe's witnesses. At the end of the first speech in Sefer Devarim, Moshe declares:

"When you bear children and grandchildren and grow old in the land AND BECOME CORRUPT, and you make any type of image and perform evil in the eyes of the Lord your God, to make Him angry, THEN I MAKE WITNESS to you today THE HEAVENS and THE EARTH that you shall surely perish quickly from the land which you are passing over the Jordan there to inherit; you shall not lengthen your days upon it, for you shall surely be annihilated." (4:25-26)

Here, too, the context is the anticipated corruption of Bnei Yisrael. Again, at the end of parashat Nitzavim, we read:

"I MAKE WITNESS to you today THE HEAVENS and THE EARTH: I have placed life and death before you, the blessing and the curse; choose life, in order that you may live, you and your descendants." (30:19)

Why is there a need for all these "witnesses"? Rashi writes:

"Why does he make the heavens and the earth witnesses for them?

Moshe says: I am mortal; I am destined to die. If Israel will say, 'We did not accept the covenant upon ourselves,' who will come and refute them?

Therefore he made the heavens and the earth witnesses to them – witnesses that exist forever.

Moreover, if they are worthy, the witnesses will come and reward them: the vine will give its fruit, the earth will yield its produce, the heavens will give dew. If they are guilty, the witnesses will be the first to punish them: 'He will stop up the heavens and they will not give rain, and the earth will not give its produce;' thereafter, 'You will perish quickly' – by the hands of the nations."

In last week's parasha, we discussed the dual covenant that Moshe makes with Bnei Yisrael: first, through the list of the "cursed," expressing acceptance of the commandments simply by virtue of the obligation to accept the yoke of heaven; second, through the list of the blessings and the curses, expressing the connection between observance of the commandments and the behavior of the natural world. This distinction would seem to apply to the different witnesses, too. The first two witnesses – the Torah and the song – represent the contract between God and Am Yisrael. But the latter two – the heavens and the earth – express the way of the world, which behaves in accordance with the conduct of Bnei Yisrael. Even if there existed some possibility that the song would be forgotten and that the Sefer Torah would disappear, there would still remain the heavens and the earth. These represent the approach to religion that views observance of the mitzvot as the way to live a life of blessing in the world.

NOTES:

[1] Ibn Ezra (27:1) brings an interpretation according to which the text refers here to the limited list of commandments. Ramban (ibid., 3) adds: "Perhaps the stones were very large, or that [the fact that the whole text could be written on them] was a miracle."

[2] It is interesting to note that Moshe expresses his knowledge that Bnei Yisrael are going to sin in the future as a prophetic message from God, in which this fact is stated

explicitly, but rather as a logical deduction: "Behold, while I am still alive among you this day, you rebel against God – what, then, will be after my death?" Possibly, the reason for this is that God's own words on the subject are based on the same reasoning: "For I know their inclination, what they are doing this day, even before I bring them into the land which I promised." As Ibn Ezra notes: "Even if I did not know the future, I would know what they have done to date." In other words, God, too, knew based on logical reasoning that Bnei Yisrael would sin, even without "making use" of His knowledge of the future. Ramban explains, based on this, the very fact that there is such clear mention of future sins:

"If Bnei Yisrael had not sinned in the desert, and their actual inclination had not been known, it would not have been fair to make the song a witness to them, saying, 'It is clear to God that you will sin, and I make witness to you that many evils and troubles will befall you.' Rather, it would have been proper to give them the Torah with a neutral view: 'If you come and listen, you will eat of the good of the land; if you refuse and you rebel – you will be consumed by the sword.' But now that their evil inclination and wandering heart is known even to them, he tells them all that will happen to them."

[3] Last week we discussed the fact that the tribe of Levi represents God at the ceremony of the blessings and the curses, too, and it is they who declare before the nation, "Cursed is he who does not fulfill the words of this TORAH" (27:26).

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