

Ki Tavo: A Yahrzeit Shiur of the Rav zt"l

- Brachot uklalot of Devarim are read before Rosh Hashana, according to Ezra, but we read Nitzavim instead. Why? Two kinds of sanctity derivd from keritat brit twice. The first at Sinai, the second, by each and every generation. The first is in Behukotai, the second in Ki Tavo. It continues with the kraitat brit in Nitzavim. The Rav analyzed the two covenants and what they mean to each Jew individually, and to the nation. He connected this explanation to Rosh Hashanah.

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Ezra enacted a rule that we should read the Brachos U'Klalos of Vayikra (Parshas B'Chukosai) prior to Shavuot and Brachos U'Klalos in Devarim (Parshas Ki Tavo) before Rosh Hashonah (Megila 31b). The Rav asked: 1) according to our order of reading the Torah, Bamidbar is always read the Shabbos prior to Shavuot and Nitzavim is always read the week prior to Rosh Hashonah. Why do we deviate from the Takanas Ezra? 2) The Gemara distinguishes between the Brachos U'Klalos in Toras Kohanim and Mishne Torah (for example, in the Brachos U'Klalos of Toras Kohanim, one person reads the entire set, while the Brachos U'Klalos in Mishne Torah may be subdivided among several people). Why is there a distinction between them?

The Rav explained based on a Rashi (Devarim 14:2). Ki Am Kadosh Ata L'Hashem Elokecha etc. Rashi explains Ki Am Kadosh Ata as Kedushas Atzmecha M'Avosecha, you possess inherited sanctity from your forefathers. However there is another type of sanctity that Moshe mentions, U'Bcha Bachar Hashem Elokecha L'hiyos Lo L'Am Segula. Rashi describes an amazing principle, that a Jew has 2 forms of sanctity, Kedushas Yisrael through Yichus M'avos. There is a second individual Kedusha granted to each Jew, Kedushas Atzmecha, based on our selection Bnay Yisrael Hashem.

The Rav asked what is the status of Meshumad? Does he retain complete Kedushas Yisrael or not? On the one hand there are sources in the Gemara that he remains a complete Jew (for instance his Kedushin is valid, see Yevamos 47b). On the other hand, there are other sources that exclude him from various religious tasks (Shechita, Kiesivas Stam and others, see Gittin 45b). (The Rav said that something held him back from saying that a Yisrael Meshumad retained full Kedushsa Yisrael.) Which Kedusha does the Meshumad lose? The Rav said that the inherited Kedusha of a descendant of the patriarchs is irrevocable. However, the Rav felt that a Meshumad forfeited the second Kedusha that is based on the selection of the Jewish nation as the chosen people. A convert has both Kedushos, as the Halacha says he recites the Parshas Bikurim and he says Elokaynu V'elokay Avosaynu based on Abraham being called the father of a multitude of nations, Av Hamon Goyim. He has an inherited Kedusha from Abraham and he acquires the Kedushas Yisrael when he converted.

If there are 2 Kedushos by Jews, and every generation has these 2 Kedushos, they must be based on 2 separate Krisas Bris. Kedusha is based on the obligation to fulfill Mitzvos. The Rambam

(Hilchos Mlachim 9:1) describes the observance of Mitzvos among the generations prior Mattan Torah as the historical map of sanctity among the Jewish people. Each higher level of sanctity could be attained only through the acceptance of additional Mitzvos. Even though they underwent Milah and Tevila in Egypt prior to the Korban Pesach and the Exodus, Bnay Yisrael needed an additional Tevila at Sinai. The Rambam says that since they attained new Mitzvos at Sinai, they had to undergo another conversion process. In short, Mizvos are built upon Krisas Bris.

A Jew has two distinct sources of obligation. The first is based on the original Bris at Mount Sinai that derived from the patriarchs and expressed through Moses. This covenant obligates all successive generations, through our lineage connection, Yichus, to fulfill the Mitzvos. There is a second Krisas Bris that is based on individual Kedusha and is entered into by each and every generation.

Where do we find these two covenants? The first KB is in Bchukosay and the second is in Ki Tavo. Why do we need both covenants? [Really there were 3 covenants, with the third at Mount Grizim. But that was a different type of covenant based on Arayvus, acceptance of mutual responsibility for fellow Jews.] Parshas Nitzavim is the continuation of the Bris in Ki Tavo (according To Rabbeinu Nissim Gaon). At Mattan Torah, Moshe read the Sefer HaBris while the Jews stood at Mount Sinai. What did Moshe read to them? Chazal tell us that he read the Torah from Breishis through the story of the exodus. The Sinaitic covenant was built on the exodus that was in turn built on the covenant with the patriarchs. In Toras Kohanim Hashem mentions that He will recall the original covenant with Jacob, Isaac and Abraham. In other words, the entire Sianitic covenant is based on, and is the continuation of, the covenant of the forefathers and transfers from generation to generation.

Therefore Shavuos, the holiday of Mishne Torah, is associated with the Brachos U'Klalos in Bchukosay that were given at Mount Sinai. Even though the Brachos U'Klalos are recorded in Bchukosay, they are referred to and are connected to Parshas Mishpatim, when Moshe sprinkled the people and read the Sefer HaBris to them. These Brachos U'Klalos were part of the Bris enacted with the patriarchs. We read Parshas Bamidbar prior to Shavuos, because the entire concept of Yichus, Jewish lineage, is based on Parshas Bamidbar. The entire concept of counting the people derives from the sanctity of the patriarchs and the lineage of the 12 tribes who trace that lineage back to Abraham. As it says in the Parsha, Lmishpichosam UIBays Avosam, Vayisyaldu Al Mishpichosayhem. Chazal say that each one brought his lineage documentation proving that he descended from the patriarchs and their children.

The different levels of sanctity attained by each of the twelve tribes was derived from their connection to the Kedushas Avos of the previous generations. This is the Kedusah of Ki Am Kadosh Ata L'Hasehem Elokecha. In Bris Atzeres read on Shavuos, we find the fulfillment of the statement Ki Am Kadosh Ata L'Hashem Elokecha, the sanctity of each Jew based on his lineage. The Midrash says on the verse Zeh Kayli V'anvayhu, that Moshe emphasized that the Kedusha did not begin with me, but rather it began long ago with my forefathers, Abraham, Isaac and Jacob, as expressed in Elokay Avi V'Aromemenhu. This is the essence of Shavuos, Mattan Torah and Brachos U'Klalos of Bchukosay. Ezra established that they should read about this covenant, the covenant that mentions the patriarchs and the exodus from Egypt that led to Kabbalas

HaTorah at Sinai, before Shavuos each year. How do I know that this covenant extends to subsequent generations? I would not know it from Parshas B'Chukosay alone. The Yichus, lineage described in Parshas Bamidbar teaches that the covenant also extends to me based on that Yichus.

The covenant based on Brachos U'Klalos in Nitzavim was not only given to the generation that stood before Moses prior to his death. Rather, this set of Brachos U'Klalos was, and is, given to each and every individual generation. We are not bound to this covenant through lineage, or through the patriarchs. It is our own responsibility. As Rashi explains U'Bcha Bochar Hashem Elokecha, Hashem has selected you and endowed each generation with a Kedusha that is separate and distinct from the KedUshas Avos. Rashi explains the verse V'Es Asher Ay'nenu Po Imanu Omayd Hayom that the oath obligates the future generations of Klal Yisrael. Targum Yonasan Ben Uziel says explicitly that it binds all future generations. All succeeding generations stood before the Ark and Moses and accepted the oath to observe the Mitzvos of Hashem. Therefore Rosh Hashonah is a Yom Zikaron for Bris, not only for the Bris Avos but also for the Bris that Hashem makes with each generation. Brachos U'Klalos in Mishne Torah must be read prior to Rosh Hashonah, however the story would be incomplete without also reading Parshas Nitzavim, since the connection to each generation, Lo Itchem L'Vadchem Anochi Korays HaBris Hazos, is not found in Ki Tavo, but rather in Nitzavim. Therefore reading Nitzavim prior to Rosh Hashonah is in complete agreement with Takanas Ezra, as it is the continuation of the Brachos U'Klalos in Mishne Torah.

The Sinaitic covenant that was built on the patriarchs was a covenant created with the entire Am Yisrael. Everyone, each and every Yachid, is included and responsible, because each of us belongs to the Am, to the Rabim. Ki Am Kadosh Ata, the basis of the sanctity is the Am, the Rabim. That's why the Brachos U'Klalos in B'Chukosay are written in Lashon Rabim, plural, as it was given to the entire nation. However the Krisas Bris in Nitzavim was given in the singular form, to each and every Yachid. It is not just a Krisas Bris with each successive generation, but rather it is a covenant with each and every individual within those generations. Each of us stood before Moshe and the Ark and we accepted the oath administered by Moshe. Moshe is talking about each individual who might say in his heart Shalom Yihye Li, I will go my own way. Moshe warns that individual, that the retribution for such a sin will be great. He is talking to each and every Jew, throughout all the generations.

The Gemara has a concept Mushba V'Omayd M'Har Sinai (regarding Shavua Chal Al Shavua). We were bound by an oath at Sinai. What oath are we referring to? When the judges administer an oath to a litigant, they do so in the same way that Moshe administered an oath to Bnay Yisrael. This oath is given Al Daati V'Al Daas HaMakom (Nedarim 25a), as it says V'Lo Itchem L'Vadchem. We see in the Gemara that Moshe's oath was not based on the Krisas Bris at Chorev, but rather on the Krisas Bris at Har Moav. Yet the term is still Mushba V'Omayd M'Har Sinai. Why? Because we are obligated to observe what we were given at Sinai. An oath can only be administered to an individual, the Klal can't take an oath. If ten people take an oath, they do so as ten individuals not as a group. The Torah says Nefesh Ki Tishava, a Yachid takes an oath. That's why even though we refer to it as Mushba M'Har Sinai, it can only refer to the oath that was taken at Har Moav, where each individual accepted the oath to observe that which was given us at Sinai.

The Gemara (Megila 31b) says that the Brachos U'Klalos in B'Chukosay were given in the plural form and those in Ki Tavo were given in the singular form. (Gittin 60b) Rabbi Yochanan says that Hashem made a separate covenant with Bnay Yisrael to keep the oral law as it says Al Pi Hadevarim Hayleh Karati Itcha Bris V'Es Yisarel (Shmos 34:27). Rabbi Yochanan derives two things from this verse: Ksav Lcha Es Hadevarim Hayleh refers to the written law. Ki Al Pi Hadevarim Hayleh etc. refers to the oral law. Hashem tells Moshe that He will perform miracles that will be seen by the entire nation of which he, Moshe, is a part. When it comes to the written law, Moshe was an individual just like the rest of Bnay Yisrael. There was no separate Krisas Bris with Moshe distinct from the rest of Bnay Yisrael. Moshe had the same obligation to perform Mitzvos just like the rest of Bnay Yisrael.

However with regards to Torah Shbeal Peh, Rabbi Yochanan derived two things. The first is that there was a special Bris with Moshe and the second that there was a separate Krisas Bris with Bnay Yisrael. Why was the oral law, which featured separate Krisas Bris for Moshe and Yisrael, different than the written law, where Moshe was no different than the rest of Bnay Yisrael? Rabbi Yochanan explains that originally the oral law was given only to Moshe. The written law was given to all at once. Moshe was a recipient just like everyone else, he had no greater share than others. Mesorah does not apply to the written law because it was given as one unit to all. However the oral law was given to Bnay Yisrael through Moshe. Zos Hatorah Asher Sam Moshe Lifnay Bnay Yisrael refers to the written law. All had an equivalent share in that Torah. Al Pi Hashem B'Yad Moshe refers to the oral law that was given through the Mesorah of teacher to student.

The Rambam says in the Hakdamah to Mishneh Torah that Pinchas, Elazar and Joshua all received Torah from Moshe however Joshua was his main student who received the tradition of the oral law from Moshe. When Hashem commanded Moshe to take Joshua aside as leader the Sifri says that he was to be given the Mesorah for the oral law. Pinchas received from Joshua, why did he have to receive it from Joshua if he already was a student of Moshe? We see that there is still a distinction among students in that only one is singled out to carry on the tradition. There can be only one Mekabel from Moshe the teacher, that one was Joshua. Joshua subsequently had the right to hand it over to his student, and he transmitted it to Pinchas.

Rabbi Yochanan said that the Mesorah was given to Moshe as the teacher of Israel and the Shalshales HaKabbalah, from generation to generation, started with his turning it over to Joshua. The written law was given to all Bnay Yisrael, including Moshe. However the oral law was given to Moshe as the Rebbe of Bnay Yisrael and he had to hand it over to his students, as it says Al Pi Hatorah Karati Itchem Bris.

The Bris on the written law was consummated at Sinai. When was the Bris of the oral law consummated with the people? At Sinai the Bris for the oral law was only consummated with Moshe. It had not yet included the rest of Bnay Yisrael. When were Bnay Yisrael included? On the last day of Moshe's life, only after he completed his role as rebbe. After all, how could he consummate a Krisas Bris with them until he had given them the complete oral law? The written law is a Mchayev, a Mshabed, (it obligates). There is a direct obligation associated with its completeness that obligates the Jew to fulfill the Mitzvos. However at Sinai, Moshe was the only

one who received the oral law. It would take the rest of his life to teach them the oral law before they could enter the Krisas Bris of Har Moav, the covenant of the oral law.

At Sinai, Hashem was the Daas Makneh for the written law. Hashem was also Kores Bris and Daas Makenh with Moshe at Sinai for the oral law. However 40 years later when Moshe completed his teaching and gave over the oral law, he was the Daas Makneh and the Kores Bris with Bnay Yisrael and each successive generation. That's why Chazal distinguish between the Brachos U'Klalos in Mishne Torah and those in Toras Kohanim. In Toras Kohanim the covenant was between the entire Kahal and related to the written law that was given to all directly by Hashem. Brachos U'Klalos in Mishne Torah are in the singular form because it was the Bris by which Moshe gave over the Mesorah for the oral law, a Bris that he alone had been given 40 years previously.

Rosh HaShonah is the time that nations are judged, V'al Hamdinos Bo Ye'amar Ayzo Lacherev etc. It is also the day that each individual is judged, V'al Habriyos. Therefore we read Brachos U'Klalos in Mishne Torah in Ki Tavo and Nitzavim prior to Rosh HaShonah, to stress the centrality and importance of the Krisas Bris with the individual regarding the oral law as well as the written law.

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(Submitted by Nisson Shulman)