As we begin reading the fifth and final book of the Torah, I would like to discuss three questions. First, why does the book of Devarim have the structure it does: a mix of history, law, recollection and anticipation?

The sages knew that Devarim had a clear structure. Elsewhere in the Torah some rabbis used the principle of semikhut haparshiyot – that we can learn something from the fact that passage Y occurs immediately after passage X. Others however did not, because there is a rule, Ein Mukdam Umu'achar BaTorah, meaning, the Torah does not always follow a strict chronological sequence. So we cannot always attach significance to the fact that the passages are in the order they are. However, everyone agrees that there is precise order and structure in the book of Devarim (Berakhot 21b). But what is the order?

Second: the sages originally called Devarim Mishneh Torah, a “second law”. Hence the Latin name Deuteronomy, which means, the second law. But in what sense is Devarim a second law? Some of the laws Moses states in the book have appeared before, others have not. Is it a repetition of the laws Moses received at Sinai and the Tent of Meeting? Is it something new? What exactly is the meaning of Mishneh Torah?

Third: what is the book doing here? It represents the speeches Moses delivered in the last month of his life to the generation who would cross the Jordan and enter the Promised Land. Why is it included in the Torah at all? If the Torah is a history book, then we should proceed directly from the end of
Bamidbar, the arrival of the Israelites at the banks of the river Jordan, to the book of Joshua, when they crossed the river and began their conquest of the land. If the Torah is a book of law, then Devarim should just be a collection of laws without all the historical reminiscence and prophecy it contains. What kind of book is Devarim and what is its significance to the Torah as a whole?

A number of relatively recent archeological discoveries have however thrown new light on all these questions. They are the engraved records of ancient treaties between neighbouring powers. Among them are the “Stele of the Vultures” commemorating the victory of Eannatum, ruler of Lagash in southern Mesopotamia, over the people of Umma, and that of Naram-Sin, king of Kish and Akkad, with the ruler of Elam. Both date from the third millennium BCE, that is to say, before the time of Abraham.

The treaties are of two kinds: between parties of roughly equal power (“parity treaties”) and those between a strong one (a precursor of the modern idea of a superpower) and a weak one. These latter are known as “suzerainty treaties”, suzerain meaning the dominant power in a particular region.

Another name for treaty is, of course, brit, or covenant, and we now see their significance for an understanding of Judaism. Covenant was the basic structure in the ancient Middle East of treaties between neighbouring powers. Abraham, for example, makes a brit with Avimelech, king of Gerar, at Beersheva (Gen. 21:27-32). So does Isaac (Gen. 26:28). Jacob does so with Laban (Gen. 31:44-54).

What the newly discovered treaties show is the precise form of ancient covenants. They had six parts. [1] They began with a preamble, establishing the identity of the person or power initiating the covenant. This was followed by [2] a historical prologue, reviewing the history of the relationship between the two parties to the covenant. Then came [3] the provisions of the covenant itself, the stipulations, which were often stated in two forms, [a] general principles, and [b] detailed provisions.

There then followed [4] a provision for the covenant to be deposited in a sacred place, and read on a regular basis. Next came [5] the sanctions associated with the covenant, namely the blessings that would follow if it was adhered to, and the curses that would occur if it is broken. Lastly there is [6] a statement of the witnesses to the agreement – usually the gods of the nations involved. The entire book of Devarim is structured as an extended covenant, on precisely these lines.

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This is how it works:
In other words, apart from Moses’ song and blessing of the tribes, with which the book and Moses’ life come to an end, the entire book of Devarim is a covenant on a monumental scale.

We now see the extraordinary nature of the book. It has taken an ancient political formula and used it for an entirely new purpose.

What is unique about the covenant in Judaism is, first, that one of the parties is God himself. This would have been unintelligible to Israel’s neighbours, and remains extraordinary even today. The idea that God might bind himself to human beings, linking their destiny to His, making them His ambassadors – his “witnesses” – to the world, is still radical and challenging.

Second, the other party to the covenant is not, as it was in the ancient world, the king or ruler of the relevant nation, but the people as a whole. Every Israelite, as we saw in Exodus 19 and 24, and throughout Deuteronomy, is party to the covenant, and co-responsible with the people as a whole for its being kept.

From this flows the idea of Kol Yisrael Arevin Zeh Lazeh, “all Jews are responsible for one another”, as well as the much later American idea of “We, the people.” This transformation meant that every Jew had to know the law and teach it to his or her children. Every Jew had to know the story of his or her people, reciting it on Pesach and when bringing first-fruits to Jerusalem.

This is covenant politics, a unique form of political structure based not on a hierarchy of power but on a shared sense of history and destiny. It is a moral politics, dedicated to creating a just and
gracious society that honours the dignity of all, especially the downtrodden, the poor, the powerless and the marginal: the widow, the orphan and the stranger.

The structure of the book is now clear. It follows precisely the structure of an ancient suzerainty treaty between a strong power, God, and a weak one, the Israelites. Politically, such treaties were well known in the ancient world, but religiously this is unique. For it means that God has taken an entire nation to be His “partners in the work of creation,” by showing all humanity what it is to construct a society that honours each individual as the image of God.

We now understand what Mishneh Torah means. It means that this book is a “copy” of the covenant between God and the people, made at Sinai, renewed on the bank of the Jordan, and renewed again at significant moments of Jewish history. It is the written record of the agreement, just as a ketubah is a written record of the obligations undertaken by a husband toward his wife.

We now also understand the place of Devarim in Tanakh as a whole. It is the axis on which all Jewish history turns. Had the generation who left Egypt the faith and courage to enter the promised land, all Jewish history would turn on the revelation at Sinai. In fact, though, the episode of the spies showed that that generation lacked the spirit to do so. Therefore the critical moment came for the next generation, when Moses at the end of his life renewed the covenant with them as the condition of their inheritance of the land. The four previous books of the Torah lead up to this moment, and all the other books of Tanakh are a commentary to it – an account of how it worked out in the course of time.

Devarim is the book of the covenant, the centre-point of Jewish theology, and the project it defines is unique. For it aims at nothing less than the construction of a society that would moralise its members, inspire others, and serve as a role model of what might be achieved were humanity as a whole to worship the one God who made us all in His image.

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Shabbat Shalom