

In פרשת כי תבא, Moses presents the people with the Blessings (ברוך) and Curses (ארור) that were to be proclaimed at Mount Grizim and Mount Ayval. Rashi quotes the Gemara (Sotah 36) that the nation was divided into two groups of six tribes, with each group ascending one of the two mountains. The Levites pronounced each proclamation in the form of a blessing when facing Mount Grizim and in the form of a curse when facing Mount Ayval. In both cases, the people answered אמן.

Why did the Torah specify these 11 (or 12, depending on how one counts) sins as the ones that were to be proclaimed? Is there a common denominator between them? Ibn Ezra (27:14) says that the common thread between the Curses is they involve sinning surreptitiously. Indeed, the Torah uses the word בסתר very frequently in this section, to underscore the clandestine nature of these transgressions. See for example the מקלה אביו ואמו associated with ארור, belittling and disrespecting one's parents, and the set of ארור proclamations associated with idolatry.

Other commentaries are of the opinion that these 11 or 12 proclamations are universal precepts that apply to Jew and בן נח, a non-Jew, alike. They all can be classified among the 7 *Noahide* laws a non-Jew is commanded to fulfill. [Note this does not apply to the final ארור for one who does not keep the laws of the Torah, which is a general admonition and does not refer to a *Ben Noah*.] It would appear that according to this opinion, the obligation to honor one's parents applies to a non-Jew as well. This obligation would be subsumed under the general and broad category of דינים, civil law including torts and damages, which require non-Jews as well to live a moral and civilized life. In this context then, the prohibition against accepting bribes or giving misleading advice would fit under the category of דינים, even though these sins are not subsumed under the category of stealing.

According to Ibn Ezra, the Torah emphasized through this covenant the importance of avoiding hypocrisy. It was forbidden to appear to behave according to Torah Law in public, but to violate that law in private, בסתר. This is the concept of גנבת דעת, misleading and deceiving someone else.

Maimonides, in his Guide to the Perplexed, cites the lone scriptural reference to גנבת דעת, from Isaiah (66:17): "They that sanctify themselves and purify themselves to go unto the garden, one after another in the midst, those who eat swine's flesh and the detestable things and the rodent, shall perish together, thus says the L-rd". The prophet admonishes those who eat swine flesh in private, while in public, in the gardens, they appear sanctified and pure. They present

themselves as צדיקים, righteous people. These words of Isaiah, דברי קבלה, provide our lone source that there is a separate prohibition of גנבת דעת in addition to the base prohibition and sin, in this case eating swine flesh.

In summary, these 11 (or 12) items are singled out because:

- 1) they apply universally, to Jew and non-Jew alike;
- 2) they admonish the Jew not to act as a hypocrite; to be pious in public and a sinner in private, against his fellow Jew and Gd.

Why did the Torah omit אמן as a response for each of the ברוך, similar to the אמן required after each ארור? In many places the Talmud uses the term מושבע ועומד מהר (our obligation stems from our original oath taken at Mount Sinai). While we are obligated to keep the Torah because it is the will of Gd, we also took an oath to keep the Torah. Where does the Torah mention this oath? Proclaiming נעשה ונשמע at Mount Sinai did not constitute an oath to keep the Torah in perpetuity. Rather, the oath to observe the Torah in perpetuity was administered by Moses and accepted by the people on the last day of Moses' life, as recorded in פרשת נצבים (29:9-14).

The word אלה is used in conjunction with the covenant the people entered into at the end of Moses' life. אלה means an oath, as for example, the *Sotah* must take an oath regarding her fidelity to her husband. The oath Moses administered to the people at the end of his life bound that generation as well as subsequent generations to adhere to the Torah, (דברים כט:יג-יד) את אשר ישנו פה ואת אשר איננו פה. That oath was imposed by Moses on the people.

There are many oaths that can be imposed on a person. For example there are oaths taken regarding the veracity of one's testimony (שבועת עדות), or regarding the safekeeping of an entrusted object (שבועת הפקדון) These imposed oaths fall under the category of מושבע מפי אחרים, accepting an oath administered by others, even against one's own personal preference. The one obligated to take such an oath does not even have to answer אמן to indicate acceptance of the oath.

The people were forced to accept the oath administered by Moses as recorded in פרשת נצבים, as the Torah says לעברך בברית ד' אלקיך, you will pass through the covenant of Gd and accept the responsibility to keep His Torah. We find a similar situation at Sinai, where Gd suspended the mountain above their heads, כפה עליהם הר כגיגית, pending their acceptance of the Torah. Such coerced acceptance falls under the category of מושבע מפי אחרים.

The ברכות וקללות at Mounts Grizim and Ayval and the אמן response by the Jewish People occurred after Moses' death. The people had to answer אמן to show their acceptance of the covenant of their own volition. The response of אמן to an oath taken of one's own accord, is characteristic of מושבע מפי עצמו, one who willingly takes an oath. Gd wanted the Jews to accept the covenant of their own accord. The goal of the ceremony at Mounts Grizim and Ayval was for the Jewish nation to accept עצמן, of their own free will, that which they had previously accepted under coercion, either at Sinai or immediately prior to Moses' death. Uncoerced acceptance of this oath had to take place after Moses' death and after they entered the land of Israel to ensure that the land was included as a party to the oath.

In the context of מושבע מפי עצמו, the אמן response is critical. ארור does not mean curse in this context. It means "I accept as an oath". In the jargon of נדרים, laws pertaining to oaths and vows, ארור indicates accepting an oath to refrain from something, for example, the self-imposed restriction from eating something.

We now understand why the Torah emphasized the ארור aspect and not the ברוך aspect in פרשת כי תבא. Gd promised the Jewish People many times they would receive His blessings if they comply with the Torah. From the perspective of ברכה, not keeping the Commandments could be viewed as simply nullifying the reciprocal relationship that rewards *Mitzva* observance. Lack of observance would mean retaining the status quo, no reward but no punishment either. The introduction of ארור added a new and very important dimension to the obligation. By answering אמן to the prohibitions of ארור, they were no longer only מושבע מפי אחרים (from Gd and Moses), they were now obligated as עצמן, accepting the Torah of their own volition, and they were now bound to the consequences of not keeping its laws. As Rashi comments (דברים כז:כו) אשר לא יקים – כאן כלל את כל התורה כולה וקבלוה עליהם באלה ובשבועה. At Mounts Grizim and Ayval the people accepted on their own and without any coercion, all the commandments of the Torah, מצוות לא תעשה and מצוות עשה.

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