

PARSHAS NETZAVIM

by Rabbi Dr. Meir Tamari

"Not with you only do I make this Covenant and this Oath; but with those that stand here with us this day and also with those who are not here with us this day" (Devarim, 29:13-14). How are we to understand that this obligates not only the generation that stood at Har Sinai when Hashem made His Covenant and Israel said *Naseh Ve Nishmah*, but also with all the future generations of Israel? How are we to understand that they swore an irreversible acceptance of the *Tochacha* in the name of unborn generations?

Firstly, how can one generation obligate another without the second one being able to reconsider any agreement and renounce it if they deem it right to do so? According to the halakhah, a person can be judged innocent or not liable even not in his presence but cannot be so obligated (Gittin 11: Ketubot 11). We know that a father cannot bequeath an oath that he has made to his sons and obligate them accordingly (Shevuot 47).

Fathers share physical and bodily qualities and characteristics with their descendants. However, these become more and more marginal as the generations pass, so that this constantly diminishing influence and power cannot be powerful enough to obligate all the future and distant descendants. We may imagine that it is the father's *nefesh* and spiritual power that his descendants inherit from him, that could obligate them to keep the Covenant and so make them liable for the punishments foretold for any non-observance or revolt. Yet, the fathers have no connection or partnership with the *nefesh* of their children that would obligate blind adherence and a non-questioning behavior on their descendants. Even as the prophet Yechezkel says, "How long will you continue O House of Israel to say 'The fathers have eaten unripe grapes and the teeth of the sons will be set on edge? [Yet the Lord says] The soul that sins, it shall die; the sons shall not bear the iniquities of the fathers nor shall the fathers bear the iniquities of the sons. The righteousness of the righteous shall be upon him and the sin of the wicked shall be upon him (Yechezkel 18:20). All the souls belong to Him, so that the *nefesh* of the father and of the son are equal before Him. This means that the fathers cannot obligate the sons let alone the far distant generations. One who is converted while still a minor, the *Bet Din* immerse him in the *mikveh* together with the adults. However, minors have the right to reject the conversion when they reach adulthood (Ketubot 11).

Furthermore, it is difficult to understand at face value that because all the souls of Israel were present at Har Sinai when we accepted the Torah, therefore all the future generations should be obligated to keep the *mitzvot*. After all, the *mitzvot* are all meant to be observed by the bodies

and not by the souls. [The Shem Mi Shmuel also points out that souls come pure from Heaven and are returned pure. It is only the body that needs to be sanctified and purified by us and therefore only the body that needs and observes the mitzvot for that purpose]. Therefore, it would have been necessary for all the future bodies in Israel to have been present at Sinai; the presence of their souls alone would not have been sufficient to obligate the future generations in observance of the mitzvot.

It would that all these difficulties in understanding logically and legally our verse and its concept of those present at Sinai obligating all the future generations of Israel are solved when we realize that the root of the obligation lies in the Exodus from Egypt prior to the Covenant at Sinai, that Divine Redemption that is recalled at the very beginning of that Covenant (Shmot 20:2).

Now a father can borrow money and his sons become liable for the repayment, when they were not even born at that time, by the same rights and law whereby they inherit all of his assets when he dies. So too, the obligations for the benefits and gifts that our forefathers received on their way, become obligations of their heirs. The fathers have the legal right to bequeath the children of an eved Canaani that they had to their sons and future generations as the Torah writes. Hashem acquired us as slaves when He redeemed us from Egypt: "For unto Me the Children of Israel are slaves; they are My slaves that I took out of the land of Egypt" (Vayikrah, 25:55). Furthermore, as His servants, our ancestors received sustenance from G-d during all the years of their wanderings before they came to Eretz Yisrael. Thereby, all the generations of Israel become obligated with their bodies as the descendants of His slaves. In the same way He acquired our souls when He transformed us spiritually by giving us His Torah and its Divine wisdom. Then Moshe cast the blood of Neseh ve Nishmah on us (Shmot, 24:7-8) since the blood is the nefesh. Since our fathers were acquired by Him as slaves and agreed to keep His mitzvot, their descendants too are obligated as the descendants of slaves are in perpetuity. The Covenant in Netzavim was made concerning Eretz Yisrael, the obligation of Israel to keep His commandments and their punishment for non-observance, and Hashem's promise never to desert His People. That Land was a loan as it is written: "And the Land shall not be sold in perpetuity for the Land belongs to Me" (Vayikrah, 25:23) by Him to our forefathers, for which we became obligated for all the generations to pay homage to the Lord of that Land. We became liable to bring Bikkurim and the mitzvot teluyot ba'aretz as a debt to that Owner.

Every one in Israel is obligated to keep His Torah since Har Sinai, because then they entered His Service, they and all their generations; obligated with their bodies, their souls and Eretz Israel. "Thus says the Lord, If these ordinances depart from before Me then the seed of Israel also shall cease from being nation before Me for ever" (Yirmiyahu 31: 36).

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