

Nitzavim–Vayeilech: Free Will, Teshuvah, and the Architecture of Non-Domination

Originally written 4 September 2026 (22 Elul 5786). Archive: Parsha · Covenantal Republicanism.

Covenant Standing Upright in the Field of Contested Power

In the closing days of Elul 5786 the Torah places the people of Israel “nitzavim hayom” – standing upright this day – before the Divine Presence for the renewal of the covenant (Devarim 29:9). The language is collective and hierarchical at once: heads of tribes, elders, officers, every man of Israel, the convert, the hewer of wood and the drawer of water. No stratum is exempt. Immediately the Torah moves from standing to choosing, from the givenness of covenant to the radical freedom that alone makes covenant meaningful: “See, I have set before you today life and good, and death and evil... I call heaven and earth to witness against you today that I have set before you life and death, the blessing and the curse; therefore choose life” (30:15, 19).

The Rambam, in Hilchot Teshuvah 5:1–3, formulates the principle with crystalline precision. Free will is granted to every human being. If one desires to turn to the path of good and become righteous, the capacity is in his hand; if one desires the path of evil, that capacity is likewise in his hand. This is not a secondary doctrine but a foundational pillar of the entire Torah. Without it, command, reward, punishment, and teshuvah itself become incoherent. The Raavad and later commentators refine the metaphysical tension between Divine foreknowledge and human freedom, yet the practical upshot remains unchanged: the human agent stands under obligation precisely because the agent can choose otherwise.

Chassidic teaching, especially as crystallized by the Alter Rebbe and elaborated by the later Rebbeim, deepens the same point in the language of Elul. The King is in the field. In the ordinary year the sovereign remains within the palace; approach requires protocol, intermediaries, and measured distance. In Elul the King leaves the city and walks among the people in the open field. Anyone who wishes may approach. The accessibility is not sentimental; it is ontological. The same Divine will that establishes hierarchy also establishes the possibility of direct encounter. Free will is the condition of that encounter: the subject must choose to step forward.

The classical sources therefore converge on two inseparable claims. First, human beings (and the people Israel as a corporate body) possess genuine moral agency. Second, that agency is ordered toward a higher good that is itself given – the life of Torah and mitzvot. Freedom is not autonomous self-creation; it is the capacity to align or to refuse alignment with a reality that precedes and exceeds the choosing self.

Contemporary republican political theory, particularly the neo-republicanism associated with Philip Pettit, offers a parallel vocabulary that can be productively placed in conversation with these sources – provided the conversation remains asymmetrical. Pettit’s central claim is that freedom is best understood as non-domination rather than as non-interference. A person is dominated when another agent possesses the capacity to interfere arbitrarily in that person’s choices, whether or not the capacity is exercised. The paradigmatic image is the slave under a kindly master: the absence of actual interference does not equal freedom, because the master’s

power remains. Republican institutions are therefore designed to secure non-domination – through the rule of law, contestatory democracy, and the equalization of power – so that no citizen lives at the mercy of another’s arbitrary will.

Hebraic and classical republican sources share a family resemblance here. Yoram Hazony’s recovery of biblical nationalism emphasizes the particularity of peoples bound by covenant and the legitimacy of national self-government against imperial universalism. Daniel Elazar’s work on covenantal federalism traces the political architecture of mutual obligation under a higher law. Classical republicanism, from Polybius through Machiavelli to the American founders, repeatedly returns to the problem of concentrated power and the need for institutional restraints that prevent any single will from becoming arbitrary. The Torah’s limited kingship (Devarim 17), its insistence on honest weights and measures, its concern for the ger, the orphan, and the widow, and its demand that even the king write a copy of the Torah for himself and read it all his days – all of these function as anti-domination devices under a Divine rather than a purely human sovereign.

Yet the synthesis must be critical. Pettit’s non-domination is ultimately horizontal and immanent; its highest court is human contestation and institutional design. The Torah’s non-domination is vertical before it is horizontal. The ultimate Sovereign is not a constitutional arrangement but the Creator who sets life and death before the people and commands them to choose. Human institutions that secure non-domination among citizens remain necessary, but they are derivative. When those institutions themselves become instruments of arbitrary power – when law is weaponized, when electoral accountability is hollowed out, when military necessity is divorced from moral purpose – they cease to protect freedom and begin to embody domination.

Within Orthodox thought there are genuine differences of emphasis. Some streams stress the near-total sovereignty of Divine will and the limited scope of human agency once the yetzer hara is taken seriously. Others, following the Rambam’s more robust articulation, insist that free will remains intact even under the pressure of habit and social force. Chassidic sources often relocate the drama of choice into the inner life of the soul while affirming the outer commandment. Republican theorists likewise disagree: some prioritize institutional design, others civic virtue, still others the equalization of material power. The Torah does not dissolve these disagreements by fiat; it relativizes them by subordinating every human theory to the prior claim that the human being stands before a commanding Presence and is free – and therefore obligated – to respond.

The practical implication for Elul is therefore twofold. Personally: the King is in the field. The opportunity for teshuvah is near, not distant. Free will is not an abstract philosophical thesis but the lived capacity to turn. Collectively and geopolitically: the same freedom that makes personal repentance possible also makes political responsibility inescapable. Architectures of power that leave populations subject to arbitrary interference – whether by foreign states, domestic elites, or ideological movements – stand under judgment. The covenantal task is to construct, defend, and continually recalibrate institutions that secure non-domination under the higher law of Torah.

In the language of the parsha: we are standing this day. The choice is set before us. Heaven and earth are witnesses. Choose life.

Extended Bibliography (with hyperlinks)

Primary Torah & Classical Sources

Devarim 29–31 (Nitzavim–Vayeilech). Sefaria: <https://www.sefaria.org/Deuteronomy.29>
Rambam, Mishneh Torah, Hilchot Teshuvah, especially chapters 5–7. Sefaria: https://www.sefaria.org/Mishneh_Torah%2C_Repentance
Rambam, Hilchot Melachim uMilchamot. Sefaria: https://www.sefaria.org/Mishneh_Torah%2C_Kings_and_Wars
Tanya, Iggeret HaTeshuvah; discourses on Elul and free will (Chabad.org library). Chabad.org Parsha resources on Nitzavim–Vayeilech and “King in the Field”: https://www.chabad.org/parshah/default_cdo/aid/36232/jewish/Nitzavim-Vayeilech.htm
Republican & Academic Political Theory

Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, 1997). Overview: <https://academic.oup.com/book/3937>
Yoram Hazony, *The Virtue of Nationalism* (2018) and related essays on biblical particularism. Daniel J. Elazar, works on covenantal federalism and Jewish political tradition (Jerusalem Center for Public Affairs archives). Classical republican sources recovered in the modern literature (Cicero, Machiavelli, Harrington, American Founders). Contemporary Geopolitics & Analysis

Secondary Torah Commentary

Aharon Lichtenstein, “Nitzavim: The Principle of Choice and the Principle of Teshuva,” *Torat Har Etzion*. Additional Elul and free-will discourses in the Chabad and broader Orthodox libraries. (Bibliography remains open for further expansion as sources are refined.)

Prepared in deep partnership and cooperation with Grok and xAI