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בס"ד

Parashat Niṣabim Part II

1. “Concealed Matters” (*Hannistarot*)

Moses’ description of the retribution against Israel that would ensue if it violated the covenant included depiction of a land so devastated that it would astonish onlookers. He concluded these remarks with a verse whose precise intent has been the subject of much dispute – הַנְּסֻתָּרֹת לַיהוָה אֲלֵקֵינוּ וְהַגְּלוֹת לָנוּ וְלִבְנֵינוּ עַד (Deut. 29:28). NJPS translates: “Concealed acts concern the Lord our God; but with overt acts, it is for us and our children ever to apply.” We will first cite the classical commentators on the first clause of this verse.

Rashi (based on *b. Sanh.* 43b): The “concealed sins” of an individual do not precipitate the punishments of the oath; such violations are in G-d’s domain and He will punish the perpetrator exclusively. The punishment here referred to concerns “public sins.” If the authorities do not punish the perpetrators of transgressions that are committed in public, punishment will befall everybody.

Rashbam: “Concealed sins” trigger G-d’s punishments of the oath upon the perpetrators; “revealed sins” are in the domain of the human court to mete out punishment to the perpetrators.

Ramban: “Concealed sins,” those concealed even from the perpetrator himself (sins committed unconsciously), are to G-d alone; they are not included in the oath that brings punishment for covenant violations. In support he cites Psalm 19:13: שְׁגִיאוֹת מִי יָבִין (“Who can be aware of unintentional transgressions?”), מִנְּסֻתָּרוֹת נִקְיֵי (“Cleanse me of the concealed acts”).

Yom Kippur Mahzor: Following the particulars of the על־הַטָּעָה confessional is the formula: “What is revealed to us we have recited ... what is not

revealed to us is revealed to You, as stated הַנְּסֻתָּרֹת (citing our verse). This is an interpretation similar to but not identical with that of the Ramban, for “concealed sins” here refers to all that the sinner is presently unaware of, regardless of their origin, whether performed with or without foreknowledge.

Ibn Ezra: His personal view is similar to Rashi’s. He cites an opinion that parses the verse differently, as follows: “The concealed acts are in Hashem’s domain as are also the revealed ones.” In other words, retribution for both types of transgression is up to Him. It is not for us to be concerned with the issue of reward and punishment. The next portion of the verse informs us what we should be concerned with: לָנוּ וְלִבְנֵינוּ עַד (Deut. 29:28) (“As for us and our sons, forevermore, it is our responsibility to fulfill the laws of this teaching”). Ibn Ezra rejects this interpretation because he claims it does not fit the context. The Hertz Humash commentary however, cites such an explanation favorably without acknowledging Ibn Ezra’s objection.

The *hannistarot* statement does not clearly articulate any of the concepts proposed in these explanations, a matter reflected in the very varied nature of the views. In addition, the lengthy description of devastation and exile does not flow smoothly into a brief three-word summary phrase according to any of the above explanations.

Olam HaTanakh suggests two possibilities:

1) הַנְּסֻתָּרֹת לַיהוָה אֲלֵקֵינוּ should be translated “Concealed matters are to Hashem our G-d” and should be understood as referring to future events. In the previous seven verses G-d had made available to Moses a partial, prophetic glimpse of what the future retribution would be if the nation

sinned. An awesome destruction would result. But these “concealed matters” are to G-d, which means that the future is known only to Him. “Revealed matters” are historical events, which should be understood as G-d’s past doings on behalf of Israel. They should serve as a motivational factor for Israel to fulfill its obligations.

2) In accordance with covenantal format, “the concealed” refers to the copy of the Torah placed by the side of the ark (Deut. 31:26) and “the revealed” refers to the nation’s copy, available to all the people, to serve as their ongoing guide. The two key words should be read in the singular, *hannisteret* and *hanniglet*, rather than the traditional plural.

Regarding the first of these explanations, after nine verses of vivid portrayal of the future retribution that is in store for covenant violation, this is not the occasion to state that the future is hidden, known only to G-d. True as that statement is, in this case He revealed a significant degree of what the consequences for sinning would be so that the relevant future is no longer so concealed. The intention was to cast fear into the Israelites by revealing the relevant future to them, the more revealed the better. Furthermore, the basic meaning of *nistarot* used alone does not seem to mean “future matters” despite the fact that the future is unknown, but concealed matters in regard to the deeper meaning and interpretation of whatever the subject may be, a notion we will develop shortly.

The second of these explanations, besides running counter to the ancient tradition of reading *hannistarot* and *hanniglot* in the plural (there being nothing unusual in the omitted *vav* in each word, as Torah words are commonly written with “defective” spelling) is extremely problematic. At this point the Torah was not yet written and transmitted to the priests to be kept in the ark (see 31:9). In addition, bringing up the matter of two copies of it here (even if a feature of covenant protocol) does not in any way fit the context. In the following verses Moses continues with his focus on the future. Finally, if Moses was referring to two copies of the Torah it is highly improbable that he would prescribe this responsibility

in such a vague and cryptic manner, employing abstract nouns.

2. Another Explanation

It seems that “The concealed matters are to Hashem our G-d” refers to an aspect of what was graphically described in the previous verses of the possible future devastation: its incomprehensibility. Why is that destruction so calamitous and comprehensive? That was the question the strangers who came from another land asked upon seeing it: “For what (reason) has Hashem done this to this land? What (is the reason) for this great burning anger?” (v. 23).

In this regard we should consider certain expressions found in the prophecies of Jeremiah. On a number of occasions this prophet replicates the format of the verses that precede the *hannistarot* clause of our Deuteronomy passage and paraphrases the thought they express. They essentially constitute an assertion of astonishment framed as a question with an answer provided (Jer. 5:19; 9:11-12; 16:10-11; 22:8-9; also cf. 1 Kings 9:8-9). The Jeremiah 9 passage is the one with the most literary associations with our Deuteronomy section and we will focus on it, although some of the other aforementioned citations also possess significant correspondences with it.

The imagery of enormous destruction and exile for violating the covenant, structured in a similar format of a question of astonishment with an answer, is common to both Deuteronomy 29 and Jeremiah 9. In both contexts the question opens similarly – על מה (“For what [reason]”) in Deuteronomy and על מה in Jeremiah (the *segol-kamatz* variation on the *mem* results from a grammatical consideration). The answer in both cases is of similar structure with the use of several identical words as well as several synonyms. Specifically, in Deuteronomy the answer is: על אֲשֶׁר ה' עָזְבוּ אֶת בְּרִית ה' וַיֵּלְכוּ וַיַּעֲבְדוּ אֱלֹהִים אֲחֵרִים (“Because they abandoned the covenant with Hashem”) followed by וַיֵּלְכוּ וַיַּעֲבְדוּ אֱלֹהִים אֲחֵרִים (“and they went and served other gods”). In Jeremiah it is: על עֲזַבְתֶּם אֶת תּוֹרַתִי וְגו' (“Because they abandoned My teaching”) followed by וַיֵּלְכוּ אַחֲרַי שְׁרָרוּת לִבָּם וְאַחֲרַי הִבְעֵלִים (“and they went after the willfulness of their hearts and after the *ba'alim*”). The ע-ז-ב (“abandoned”) stem is in both contexts; “My Torah” parallels *berit Hashem*; “that I placed before them” parallels “that He transacted with them”; the *ba'alim*

are *elohim aherim*. Indeed, Jeremiah 9:12-13 reads as a parallel to Deuteronomy 29:24-25.

Jeremiah's clause וַיֵּלְכוּ אַחֲרֵי שְׂרָרוֹת לְבָבָם ("and they went after the willfulness of their hearts") is obviously connected to Deuteronomy's בְּשִׂרְרוֹת לְבַי אֲלֶיךָ ("in the willfulness of my heart I will go" [v. 18]). These are rare usages in Scripture, not attested in any other book besides Deuteronomy, Jeremiah and Psalms. In Jeremiah, the punishment includes מִי רֹאשׁ וְלַעֲנָה and מִי רֹאשׁ וְלַעֲנָה ("wormwood and poison weed potion" [v. 14]); in Deuteronomy, the evildoers are described with the term רֹאשׁ וְלַעֲנָה (v. 17). The transgression of serving other gods in Deuteronomy is described as אֲשֶׁר לֹא יָדְעוּם ("that they did not know"); the exile punishment in Jeremiah is termed אֲשֶׁר לֹא יָדְעוּ ("that they did not know" [v. 15]).

The latter point is more than merely another correspondence. The Deuteronomy description of the future idolatry presents it as having been introduced after a period of faithfulness to Hashem: "[They served] gods that they did not know." The Jeremiah passage, reflecting the historical reality of a past already long idolatrous, substitutes "[the *ba'alim*] that their fathers taught them" for Deuteronomy's "gods that they did not know" and utilizes the clause "that they did not know," together with "they and their fathers," to the exile (v. 15). Punishing them with something "new" for the "new" worship projected in the Deuteronomy text. In addition, Jeremiah's "[the *ba'alim*] that their fathers taught them" also refers to Deuteronomy's "[had forsaken] the covenant of the G-d of their fathers," which refers to what their fathers were *supposed* to teach them.*

Now to הַנְּסִתָּרָת. In Jeremiah, the request for an explanation for the great devastation is introduced with a rhetorical question indicating the profundity of the matter – "Who is the man so wise that he understands this; to whom has Hashem's mouth spoken that he can explain it?" (Jer. 9:11). And, indeed, it is Hashem Himself who provides the answer, confirming that comprehending divine retribution is a very profound matter, beyond the ability of the wisest of men to explain.

In our Deuteronomy passage, although people do proffer an answer to explain the devastation and accurately declare that it was punishment for

forsaking the covenant, the passage continues and concludes with the *Hannistarot* verse, which furnishes a brief commentary on the answer. There is a difference between stating the reason in general terms and actually comprehending it. Often, to human eyes, the people so severely punished do not appear deserving of their fate, especially when compared to other people. G-d's system of governing the world, of meting out reward and punishment, is to a great extent hidden from human beings. No person can fully fathom it. It is a matter in G-d's domain (as the corresponding verse in Jeremiah indicates), and that appears to be what the phrase הַנְּסִתָּרָת לֵה' אֲלֵקֵינוּ is saying. An observer of the situation will invariably be awed by the destruction and be puzzled as to the explanation. Thus, we have an explicit biblical statement that expresses the fundamental theological principle so pivotal in religious tradition.

The continuation of the *hannistarot* verse completes a statement of covenant mutuality. The "concealed" is G-d's realm in which He acts in accordance with His covenant pledges, while the "revealed" comprises our responsibilities, namely, to fulfill the terms of the covenant.

3. Deuteronomy 30

Following the threat of retribution for noncompliance with covenant stipulations, the first part of chapter 30 (vv. 1-10) deals with a subject that is a major Torah innovation in the realm of religious thought. Moses had commented on this topic previously in his discourse (Deut. 4:25-40), and our passage shares a great deal of imagery and terminology with that earlier formulation. The topic was also addressed in the Leviticus chastisements (26:40-45). Moses now expands on it. He informs Israel that in the event of even the most serious violation of the covenant, regardless of how faithless the nation was to G-d, even after being exiled for their sins, G-d will be receptive to sincere repentance. When and if exile occurs, if the nation truly repents, He will accept the repentance, return the nation to its land and lead it to ever-greater heights.

Of course, the standard suzerain-vassal treaty upon which Deuteronomy is patterned never contained anything of the sort; such a provision would tend to lessen the vassal's incentive to adhere to the

stipulations in the first place. And pagan religions could not conceive of a deity having an established policy such that one who violates his wishes has the right to repent and be restored to good favor. Undoubtedly, one could beg a king or deity for forgiveness, and such was often done, sometimes with favorable results; but it always involved more than a decision in the sinner's heart and the response was understood to be capricious and limited, never guaranteed.

The key stem in the passage is clearly *ש-ב*, “turn,” used in accordance with various of its nuances. Consistent with covenant symbolism there are eight attestations of *ש-ב* usages in the passage.**

Next, Moses assures the Israelites that fulfillment of “this *mišvah* that I am commanding you this day” is truly within their grasp (vv. 11-14). It is not in heaven or across the sea but it is *בְּפִיךָ וּבְלִבְךָ לַעֲשׂוֹתוֹ*, “in your mouth and in your heart to fulfill.” What does this phrase mean?

Some have taken the singular, “this *mišvah*,” to be referring to the entirety of the Law. However, it appears strained to suddenly use the term “this *mišvah*” in such a manner. And it does not appear justified to claim about the entirety of the Law that it is “in your mouth and in your heart to fulfill.” In addition, as an opening clause to a new subsection, *ki hamišvah hazzot* (“For this *mišvah*”) would not then be well connected to the previous passage.

Others have maintained that since this passage immediately follows the statement regarding repentance, it should be taken as detailing that particular theme. It would be pointing out that *teshubah* (repentance) is always accessible – “in your mouth and in your heart to fulfill” – merely requiring a decision of the heart and appropriately should also include a verbal declaration of confession.

However, the previous passage did not speak about Moses “commanding” Israel about repentance; it described how repentance would work in the event of a possible future backsliding. Perhaps that repentance passage was formulated in a descriptive manner in order to foster optimism, to help ensure that it would indeed occur (Ramban). But it does not appear that Moses' statement in the passage that follows, “for this *mišvah* that I am commanding you this day,” which

obviously refers to a *mišvah* already articulated, is that of *teshubah*. This is especially the case since Moses is commanding them “this *mišvah* this day,” at a time that they have not yet committed any of the major transgressions to which the previous passage refers, and thus cannot be asked to repent for them. The *teshubah* Moses is supposedly referring to would accordingly have to be construed as theoretical, not relevant to the present moment and therefore not smoothly fitting such a specific context.

It appears likely that the *mišvah* to which Moses refers is the core element of the covenant, namely, commitment and loyalty to G-d, which Moses articulated throughout his discourse. It is here expressed in the singular, since at this point Moses refers to it as the foundation of everything. This is consistent with the meaning of this key word in the *misvot huqim u-mishpatim* phrase (see our *Parashat Va'ethanan Part I* study), which, in the plural, includes the whole constellation of precepts of the heart and responsibilities that directly focus on one's commitment to G-d. In the singular it refers to the basic commitment to Him.

However, on some level, interpretation of our passage as referring to repentance – not through understanding *ki hamišvah hazzot* (“For this *mišvah*”) as itself explicitly meaning repentance – also appears to be valid. In a Jeremiah passage in which Hashem expresses His positive plans for an exiled Israel, He states that when they call Him and pray to Him and seek Him with all their hearts, He will restore their fortunes, gather them and return them to their land (Jer. 29:12-14). Those verses are both linguistically and conceptually reminiscent of the first passage of our chapter, but they also appear to connect with our chapter's second passage, taking *בְּפִיךָ וּבְלִבְךָ* as referring to “calling” Him, “praying” to Him and seeking Him “with all your hearts.”

Thus, immediately after elaborating on repentance, Moses informs the assembly as well as future generations that “this *mišvah*,” the primary element of the covenant – commitment to Hashem – which he has been highlighting throughout, is always close at hand, “in your mouth and in your heart to fulfill.”

Concerning repentance, there is no special statute mandating it; the identical obligation to fulfill the law

that existed before the transgression exists afterwards. Repentance is “turning back” to fulfill the law that had been transgressed. The Rambam’s codification of law reflects this concept. He writes that the law of repentance is such that, “when one repents, he should recite a confession of his sins” (Mishneh Torah *Hilkhos Teshuvah* 1:1). This implies that repentance itself is not considered its own precept, for obviously the original command remains incumbent on the previously transgressing individual who is required to “return” by dint of that original obligation.

Deuteronomy 30 concludes (vv. 15-20) with Moses’ penultimate appeal for the Israelites to be committed to the covenant, using the most direct and intense language. He insists that “life and death,” and “blessing and curse,” are placed before them and entreats them to choose life. This formulation explicitly highlights the monumental principle of man’s free will and his ability to choose the path of commitment to G-d.

Endnotes

* Another interesting correspondence between *Parashat Nisabim* and Jeremiah 9 concerns circumcision of the heart. In Jeremiah 9, in the continuation of the verses we are discussing (vv. 24-25), G-d speaks about coming days when He will punish certain nations מִיַּל בְּעֵרְלָהּ, concerning circumcision of the foreskin. He states: “For the other

nations are uncircumcised, but the house of Israel is uncircumcised of heart.” This follows the earlier call in Jeremiah 4:4 to “circumcise yourselves to Hashem and remove the foreskin of your hearts,” meaning to become more sensitive and receptive to Him and His commands. In *Parashat Nisabim*, a few verses into the passage following the one we have been discussing, Moses, in envisioning the future restoration, states: וְמַל ה' אֶלְקֵינוּ אֶת לְבָבֵנוּ וְאֶת לְבַב בְּנֵינוּ (“Hashem will circumcise your heart and the heart of your children” [Deut. 30:6]). This follows the earlier Deuteronomy call to “circumcise the foreskin of your hearts and do not stiffen your necks any longer” (10:16). It is noteworthy that these are the only four explicit scriptural references to circumcision of the heart.

** One of the eight attestations of the ש-ב stem is the word שְׁבוּתָךְ (30:3). Although it may qualify to be counted as a ש-ב attestation on alliterative grounds alone, S. D. Luzatto maintains that its derivation is from the root שׁוּב (“return,” referring to repentance, as rendered by Targum Jonathan) and that it does not mean “your captivity” (as translated by Onqelos). He points out that it is also used in contexts where there definitely was no captivity, such as in Job 42:10. However, as the verse continuation speaks of G-d’s ingathering of the exiles, it appears possible that it was intended to be understood in both senses.

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