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בס"ד

## Parashat Nisabim Part II

### 1. Regarding “The Concealed” (הַנְּסֻתָּוּת)

Moshe’s description of the retribution that would ensue to Israel if it violated the Covenant included depiction of a land so devastated that it would astonish onlookers. The retribution would include expulsion of the nation from its homeland. He concluded these remarks with a verse whose precise intent has been the subject of much dispute – הַנְּסֻתָּוּת (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 cite the classical commentators on the first clause of this verse.

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

**Rashbam:** Concealed sins” trigger the 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:** Sins concealed even from the perpetrator himself (sins committed unconsciously) are to G-d alone and not included in the oath that brings punishment for Covenant violations. In support he cites Psalms 19:13: שְׂגִיאוֹת מִי יָבִין (“Who can be aware of unintentional transgressions?”), מְנַסְתָּרוֹת נִקְנִי (“clear me of the hidden acts”).

**Yom Kippur Mahzor:** Following the particulars of the 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 הַנְּסֻתָּוּת (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 original category, whether performed with or without intention.

**Ibn Ezra:** His personal view is similar to Rashi’s. He cites an opinion that parses the verse differently, translating, “the concealed acts are in Hashem’s domain as are also the revealed ones.” That means to say that punishment for all transgressions is up to Him. The next portion of the verse, לָנוּ וּלְבָנֵינוּ עַד עוֹלָם לְעֲשׂוֹת אֵת כָּל דְּבָרֵי הַתּוֹרָה then states: “As for us and our sons, forevermore, it is our responsibility to fulfill the laws of this Teaching.” (We should concern ourselves with fulfillment of the laws and not with the issue of reward and punishment.) Ibn Ezra rejects this interpretation because he claims it does not fit the context. The Hertz Humash commentary cites such an explanation favorably without acknowledging Ibn Ezra’s objection.

The *hanistarot* statement does not clearly articulate any of the concepts proposed in these explanations, a matter reflected in the very varied nature of the commentators’ 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** adds two possibilities:

1) “The concealed matters” refers to future events, a partial, prophetic glimpse of which G-d made available to Moshe, which he described in the previous seven verses, namely, the destruction that

would result as a consequence of the nation's sins. That these concealed matters are לה' אלקינו means that the future is known only to Him. "Revealed matters" refers to historical events, specifically G-d's past doings on behalf of Israel, which 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 second of these explanations is unacceptable for several reasons, besides the fact that it runs counter to the ancient tradition of reading "*hanistarot*" and "*haniglot*" in the plural, not the singular "*hanisteret*" and "*haniglet*," which this interpretation requires. (There is nothing unusual in there being an omitted "vav" in each word, as Torah words are commonly written in the grammatically "defective" mode.) At this point the Torah was not yet written and assigned and bringing up the matter of two copies of it here (even if covenant protocol) does not at all fit the context. In the following verses Moshe continues with his focus on the future. In addition, if Moshe was referring to two copies of the Torah it is inconceivable that the first time he does so he would prescribe such an important responsibility in such a vague manner, employing abstract nouns.

As regards the first explanation, we may note the following: After seven verses of vivid portrayal of the future retribution in store for covenant violation, it does not appear that this is the occasion to state that the future is hidden, known only to G-d. True as it may be, in this case He revealed a significant degree of what the consequences would be so that the relevant future is no longer so "concealed."

Furthermore, the meaning of "*nistarot*" is "concealed matters" not "future matters," and may very well refer to the deep interpretation of whatever the subject may be. In this case it seems to refer to an aspect of what was described of the possible future, its incomprehensibility. Why is the future destruction that had just been portrayed so calamitous and comprehensive? That was the question asked by the

strangers who came from another land upon seeing it (v. 23 of our passage).

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 *hanistarot* 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]") and על מה (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 אשר עזבו את ברית ה' ("because they abandoned the Covenant with Hashem") followed by ויילכו ויעבדו אלהים אחרים ("and they went and served other gods"). In Jeremiah it is: על עזבם את תורת וגו' ("because they abandoned my Teaching") followed by ויילכו אחרי שררות לבם ואחרי הבועלים ("and they went after the willfulness of their hearts and after the *ba'alim*"). The עזב ("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 idiom שררות לבם (willfulness of their hearts) is obviously connected to the Deuteronomy phrase בשררות לבי אלך (v. 18), rare usages in Scripture; the הלך stem is attached to both, one speaking of the sinner's intention, the other of his having actualized his decision. In Jeremiah, the punishment includes לענה and מי ראש (wormwood and poison weed potion, v. 14); in Deuteronomy, the evil-doers are described

with the term *רָאשׁ וְלִעֲנָה* (v. 17). The idolatry transgression 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 significant than merely another correspondence. The Deuteronomy description of the future idolatry as “that they did not know” presents it as having been introduced after a period of faithfulness to Hashem; the passage in Jeremiah, reflecting the historical reality of a past already long idolatrous, substitutes “that their fathers taught them” for “that they did not know” and transfers “that they did not know,” together with “they and their fathers” to the exile. Punishing them with something “new” corresponds to the “new” worship of the Deuteronomy text. Looking at the fuller clauses, Jeremiah’s “[idolatry] that their fathers taught them” corresponds to Deuteronomy’s “[had forsaken] the Covenant of the G-d of their fathers.” \*

Now to *הַנִּסְתָּרָת*. 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 those who proffer the explanation for the devastation accurately declare that it was punishment for forsaking the Covenant, the passage continues with the “*hanistarot*” phrase, furnishing 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, so that no person can fully fathom it. It is a matter in G-d’s domain (as the corresponding verse in Jeremiah indicated), and that appears to be what the phrase *הַנִּסְתָּרָת לֵה' אֱלֹהֵינוּ* is saying. An observer of the

situation will invariably be awed and be puzzled as to the explanation. Thus, we have an explicit Biblical statement expressing the fundamental theological principle so pivotal in religious tradition.

The continuation of the *Parashat Nisabim* 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” constitute our responsibilities, namely, to fulfill the terms of the Covenant.

## 2. Deuteronomy 30

Following the threat of punishment that may include exile for non-compliance with covenant stipulations, the first part of Chapter 30 (vv. 1-10) treats a subject that is a major Torah innovation in the realm of religious thought. Moshe 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). Moshe 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 Hashem, even after being exiled for their sins, Hashem will be receptive to sincere repentance. When and if exile occurs, if the nation truly repents He will return it 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 surely 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 that one who violates his wishes has the right to repent and be restored to good favor. Of course, one could beg a king or deity for forgiveness, and such was often done, but it always involved more than a decision in one’s heart and the response was understood to be capricious and limited.

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

Next, Moshe assures Israel that fulfillment of “this misvah 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 לַעֲשׂוֹהוּ*, “in your mouth and in your heart to fulfill.” What does this phrase mean?

Some have taken the singular “this misvah” to be referring to the entirety of the Law. However, it appears strained to suddenly use the term “this misvah” 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 hamisvah hazot* (“For this misvah”) 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, 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 Moshe “commanding” Israel about repentance; it described how repentance would work in the event of a possible future backsliding. Perhaps the *teshubah* passage was formulated in a descriptive manner to foster optimism, to help assure that it would indeed occur (Ramban). But it does not appear that Moshe’s statement in the passage following, “for this misvah that I am commanding you this day,” which obviously refers to a “misvah” already articulated, is that of *teshubah*. This is especially the case since Moshe is commanding them “this misvah this day,” at a time that they have not yet committed any of the major sins to which the previous passage refers and cannot be asked to repent for them. The *teshubah* Moshe 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 “misvah” to which Moshe refers is the core element of the Covenant, namely, commitment and loyalty to G-d, which Moshe articulates throughout his discourse. It is here

expressed in the singular, since at this point Moshe refers to it as the foundation of everything. This is consistent with the meaning of “*misvot*” 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 Hashem. In the singular it refers to the basic commitment to G-d.

However, on some level, interpretation of our passage as referring to repentance – not through understanding *ki hamisvah hazot* (“For this misvah”) 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 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” to Him, “praying” and seeking Him “with all your hearts.”

Thus, immediately after elaborating on repentance, Moshe informs the assembly as well as future generations that “this misvah,” the primary element of the Covenant – commitment to Hashem – which he has been highlighting throughout, is always close at hand, *בְּפִיךָ וּבְלִבְךָ לַעֲשׂוֹהוּ*.

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 observe the law that had been transgressed. The Rambam’s codification of law reflects this concept. He writes that the law of repentance is that, “when one repents, he should recite a confession of his sins” (MT *Hilkhot Teshubah* 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 Moshe’s 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 Hashem.

### 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), Hashem speaks about coming days when He will punish certain nations מִיָּל בְּעֶרְלָה, 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,

Moshe, in envisioning the future restoration, states: וּמַל ה' אֶלְקֵיךָ אֶת לְבַבְךָ וְאֶת לְבַב זְרַעְךָ (“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 ב-ש stem is the word שְׁבוּתָךְ (Deut. 30:3). Although it may qualify to be counted as a ב-ש attestation on alliterative grounds alone, Shadal maintains that its derivation is from שׁוּב (return, referring to repentance, as rendered by *Targum Yonatan*) 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 Hashem’s ingathering of the exiles, it appears likely that it was intended to be understood in both senses.

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