

HaKtav V'HaKabbalah: The Unconditional Renewal Of The Covenant

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1. **Rabbeinu Bachyeh ben Asher** [1255 – 1340, Spain], **Rabbeinu Bachyeh**, **Devarim 29:28** [Translation by R' Eliyahu Munk]
ושמעתי בשם הרמב"ם ז"ל בפירוש פסוק זה, הנסתרות לד' אלקינו, יאמר: סודות התורה הנסתרים וטעם המצות לשם יתעלה הם, ואם יזכה אדם שיקח אזנו שמץ מנהם בידעת שרש המצוה ועקרה בנסתר שבה אל יפטר בכך מן הנגלה שלא יעשה המצוה בענין גופני, אין לו להמנע מזה, שהרי הנגלות לנו ולבנינו לעשות. והפירוש הזה בעצמו שהם יקר וספיר, אבל אינו בענין הפרשה.

I have heard it said in the name of Maimonides about this verse that that the words הנסתרות לד' אלקינו refer to the fact that mystical dimensions of the Torah, such as the true reason behind the various commandments, are the exclusive domain of the Lord; if man succeeds in revealing even a small portion of such reasons, this does not excuse him from fulfilling the respective commandment in accordance with what the Torah has revealed about it in the text. It is our duty to perform all the commandments as written, even if we are certain that seeing we know the true reason for them this would make performance redundant in our eyes. This is the meaning of והנגלות לנו ולבנינו עד עולם, i.e. "and what has been revealed we are duty bound to fulfill forever more." While this is a wonderful and profound explanation, it has nothing to do with the text in our paragraph.

Ralbag – One may think that failing to understand the mitzvot and their hidden rationale is itself a sin. Our verse comes to teach us otherwise. Additionally, this verse teaches us that it is incorrect for a person to think, "Since the point of mitzvah X is to bring us to level Y or to distance us from Y, I have achieved this on my own and it doesn't matter if I ignore this mitzvah."

2. **R' Baruch Gigi** [1957 - , Morocco, Israel], <https://www.etzion.org.il/en/alei-etzion-15>

Though the Tannaim (Sanhedrin 43b) disagree whether arevut took effect before the Jews crossed the Jordan or afterwards, many Acharonim believe that mutual responsibility already existed when the covenant was made at Sinai. This idea appears in two possible formulations:

1. Arevut was already in effect at Sinai, but was nullified with the sin of the golden calf. There was therefore a need to renew the covenant in the Plains of Moav before entering the Land of Israel.
2. At Sinai, arevut had the status of a vow (neder) that Israel willingly and voluntarily accepted upon themselves based on their understanding of the need for mutual responsibility. Later on, the covenant made at the Plains of Moav gave it the force of law that would be binding on future generations.

3. **R' Yosef Karo** [1488 – 1575, Spain, Israel], **Maggid Mesharim**, **Nitzavim**

There is room to wonder why it was necessary to make the nation take an oath again, they had already sworn [obedience to the Torah] at Sinai!?! Furthermore, we see that Moshe said, "So that you pass into the covenant (Devarim 29:11)," but we don't see any response from Israel. If you suggest that ostensibly they did respond and accept the Torah, but the Torah merely conveyed the story in a shortened manner – if so, what is the meaning of the Sages' statement that this is, "a substantial caveat to the obligation to fulfill the Torah," for He "overturned the mountain above the Jews like a barrel" (Gem. Shabbat 88a)? Furthermore, the Gemara's response that they reaccepted the Torah in the days of Achashverosh is also subject to the same caveat since the Jews were on verge of being wiped out. Additionally, how can it be said that they only accepted the Torah at Sinai due to duress [of having the mountain held over them], do we not see clearly that they accepted it in good will when stating *Naaseh V'Nishma* (Shemot 24:7)? The resolution is that even though they said *Naaseh V'Nishma*, even this was under duress as they were out in a barren wilderness, didn't know which direction to travel in [without assistance from G-d], and they had no source of sustenance other than the manna. This in and of itself is equivalent to having a mountain held over their heads! Therefore, now at the end of the forty years and Israel had the ability to choose of their own volition, Moshe wanted to repeat the covenant since one might think that the first acceptance [at Sinai] was conditional. This is the meaning of the words, "Lest there should be among you man, or woman[, or family, or tribe, whose heart turns away this day from the Lord our G-d, to go and serve the gods of these nations; lest there should be among you a root that bears gall and wormwood; (Devarim 29:17)]." That is, G-d forbid to think that such a thing about all of them, but it is impossible to know it about each individual[, hence,] "man, woman." They did not respond to him at all since, "Silence is equivalent to admission/acceptance." Nevertheless, since it is still possible that "Silence is *not* equivalent to admission/acceptance," and their acceptance was again only conditional, they again accepted it willingly in the time of Achashverosh.

ואר' ליום) שבת פ' נצבים איכא למידק אמאי איצטריך למהדר לאעלא יתהון בקיומא הא כבר עלו בסני בקיומא ותו דחזינא דמרע"ה אמר לעברך בברית וגו' ולא חזינ' דישאל אתיבו מידי וכ"ת דמסתמא אתיבו ליה מלתא וקבלוה אלא שהכתוב קצר קשה דא"כ מאי האי דאמרו רבנן מכאן מודעה רבא לאוריית' דכפה עליהם הר כגיגית וכי הדור קבלוה בימי אחשורוש נמי איכא למימר דהוה בה מודעה שהרי היו מסורים להשמיד להרוג ולאנד. ותו היכא אפשר לומר דלא קבלו אורייתא בהר סיני אלא מגו אונסא דכפה עליהם הר כגיגית דהא הוינן דברצון טוב קבלוה עלייהו והקדימו געשה לנשמע אבל תירוצ' דמלתא דבסני אע"ג דהקדימו געשה לנשמע היו אנוסים לפי שהיו במדבר שמש ולא היו יודעים שום דרך ולא היה להם שום מוזן כי אם המן והוה דוגמת כפיות ההר כגיגית ומ"ה השתא דהוה בסוף הארבעים והיו בבחירתם רצה מרע"ה להעבירם בברית משום דהוה אפשר למיסק אדעת' למהוי מודע' רבא בקבלה קמיית' והיינו דאמר להו פן יש בכם איש או אשה וגו' כלומר ח"ו מלחשוב כי האי מלתא על כולהו אבל אי אפשר למיסק אדעתא כי האי מלתא הוא איש או אשה וגו' ואינן לא איהדרו ליה מידי משום דשתיקה כהודאה דמי ואכתי הוא מודעה דאיכא למימר דשתיקה לאו כהודאה דמיא ומשום הכי הדר וקבלוה בימי אחשורוש ;

4. R' Yaakov Tzvi Mecklenburg [1785 - 1865, Poland], HaKtav V'HaKabbalah, Devarim 29:19 [Translation by R' E. Munk, edited]
ולולי דמסתפינא הייתי אומר כי מאמר פסוק זה הנסתרות וגו', הוא מאמר המקלה (קאהר), והיא תשובת ישראל אל משה, ובזה קיימו עליהם ועל זרעם אחריהם דברי הברית הזאת באמנם. הנסתרות לד' אלקיננו, והנגלות וגו', ומי שיעבור בסתר יהיה משפטו בידי ד' לבדו היודע תעלומות לב, ואין אדם יודע טומנתו של חברו, אבל אם תהיה בגלוי יהיה חוב לנו ולבנינו לבער הרע מקרבנו, ואם לא נעשה בהם דין יענשו הרבים על פשעי היחיד. ובזה אין המקרא יוצא מידי פשוטו ובא על מקומו הראוי אחר חתימת משה את דברי הברית.

If I were not afraid to go against my revered predecessors, I would suggest that the very words of our verse are the commitment which Rabbi Karo failed to see in the text of the Torah. These words in our verse must be understood as having been spoken in a choir by all the people present to Moshe. With this statement they accepted up themselves and all future generations to uphold the words of this covenant. "Concealed acts concern the LORD our G-d; but with overt acts, it is for us and our children ever to apply all the provisions of this Teaching] - If someone would violate G-d's commandments in secret, G-d would deal with him; if someone were to violate these precepts in public, the judiciary would deal with them as having broken a sacred commitment. If the judiciary of the would fail to deal with people who publicly desecrated the laws of the Torah, G-d would be entitled to punish the people for failing to uphold these laws. When we view our verse in this way, there is no problem as to the text referring to something which had either been said so many verses previously that it does not seem relevant to our verse, nor is the question of renewing an existing covenant with one which was not confirmed by the people themselves to such a tenuous answer as the Rabbinical principle of "Silence is equivalent to admission/acceptance]. Accordingly, the verse comes in its appropriate place - after Moshe finishes reciting the words of the covenant.