



Keeping New Year's Resolution

By Eitan Barenholtz (23)

This week's Parashah, Parashat Nitzavim, is the continuation and aftermath of last week's Tochachah. Bnei Yisrael are frightened about their future after hearing the horrible curses. Moshe Rabbeinu, therefore, gathers them on the final day of his life and comforts them, telling them they are "נצבים," still standing before Hashem, and they haven't been destroyed even after everything they did to anger Hashem (Rashi Devarim 29:12 s.v. והוא יהיה לך לאלקים). Moshe then proceeds to renew their covenant with Hashem, with a special emphasis on Avodah Zarah. Moshe Rabbeinu warns about the person who thinks he can worship Avodah Zarah without consequences because, ultimately, there will be consequences from Hashem. The Torah presents this person's thought process: "והיה בשמעו את־דברי האלה הזאת: "And it will be that when he hears the words of this curse, he will bless himself in his heart, saying, 'Peace will be with me, though I walk as my heart sees fit'" (ibid. 29:18). What does the Torah mean when it says peace will be with him?

There are two primary opinions in the Mefarshim about this meaning: Rashi and Ibn Ezra have one opinion, while the Ramban, Sforno, and Or HaChaim think differently. Rashi writes that the subject of the Pasuk believes he will still be blessed even though he goes against the curse's warning and worships Avodah Zarah. Ibn Ezra mostly agrees and says that he thinks bad things only happen to others but not to him. Rashi and Ibn Ezra suggest that this person isn't taking Hashem's word seriously, so he almost attempts to call Hashem's bluff, even though Hashem obviously never bluffs.

Ramban articulates a similar idea but then offers another: the Pasuk means that the person doesn't even

accept being part of the agreement with Hashem in the first place! The person thinks he can excuse himself from Hashem's covenant with Bnei Yisrael and do whatever he wants. Sforno explains that at first, such a person accepts the covenant to receive the undeniable privilege Hashem grants the Jewish people. However, once he receives what he wants, he wants to cancel his agreement because he reasons the covenant was only lip service, but he never accepted it in his heart. Finally, Or HaChaim explains that this person tries to find a way out of the covenant by invoking up Gemara (Shavuot 26b), which says if someone makes a promise, their heart and mouth have to agree, and if they don't, the promise is invalid. This person argues that in his heart, he never agreed, so he is not obligated to follow the Torah.

These Mefarshim all explain the Pasuk to mean that the person tries to extract himself from the covenant.

The person described in the Pasuk said what he was expected to say, but because he didn't take the covenant seriously. In the end, he sinned, and Hashem holds him accountable. Or HaChaim's explanation (a person needs to have the right intention in his words and heart) fits in perfectly with Eitan Katz's famous song, Ki Karov, based on another Pasuk in this week's Parashah, "כי־קרוב אליך הדבר מאד בפיך ובלבבך לעשתו" "No, the thing is very close to you, in your mouth and in your heart, to observe it" (30:14). To make progress, a person needs to be committed to everything they do, in both their mouth and their heart. As Rosh HaShanah approaches, we can all take some extra effort to internalize what we say during Selichot and Rosh HaShanah and Yom Kippur davening, so the service is not just lip service but also services to guarantee that our vices are a thing of the past.

Teshuvah Mei'Ahavah and Kabbalat HaTorah

By Rabbi Daniel Fridman

In a celebrated series of Pesukim in Parashat Nitzavim¹, Moshe encourages the Jewish people that “this mitzvah” that he is commanding them on that very day, is not beyond their individual or collective spiritual powers. It does not reside in the celestial realm, לא בשמים היא, that one might be required to ascend into those realms so as to possess it, nor is it across the far reaches of the sea, such that one might require an extended maritime voyage to acquire it. On the contrary, Moshe Rabbeinu concludes, ‘the thing’ is indeed very close to you, ‘in your mouth and in your heart to perform it.’

With the reference to that singular expression, it is not in the heavens, our minds are instinctively drawn to a series of rabbinic statements concerning the proprietary relationship between the Jewish people and the Torah, on one level, and the process of Torah study on the other. In what is undoubtedly the most famous utilization of the term, R. Yehoshua demands that the Heavenly intercession in support of R. Eliezer’s permissive view concerning the tanur shel achna’i be disregarded as Halakhic discourse is now the sole province of the Jewish people². A parallel passage, demonstrates that R. Yehoshua’s prerogative, while correct, is only one side of the coin, and that ‘it is not in the heavens’ is as much a responsibility as it is a privilege, thus precluding Yehoshua from recovering the Torah lost in the aftermath of Moshe’s demise through the medium of prayer³. Finally, our Sages note the significance of the expression for the process of acquiring Torah, noting that humility is a prerequisite for mastery of Torah, as it is not found in those whose conduct is marked by pretentiousness and intellectual self certainty⁴.

¹ Devarim 30:11-14.

² Bava Metziah, 59a.

³ Temurah 16a.

⁴ Eiruvin 55a. There is a slight nuance between Rava’s presentation (ad loc.), לא תמצא במי שמגביה דעתו עליה כשמים, connoting arrogance in the process of Torah learning, and R. Yochanan’s, רבי יוחנן אמר: לא בשמים היא - לא תמצא בגסי רוח, connoting an arrogant personality more generally. My presentation reflects Rambam’s ruling (Hilkhos Talmud Torah 3:8) in accordance with the latter’s view.

And yet, these Rabbinic statements, magnificent as they are, seem far from the simple reading of the verse. As noted by Ramban⁵, in the context of the antecedent verses in Parshat Nitzavim, there can be little doubt whatsoever that the specific Mitzvah which is being referred to in these Pesukim is the obligation to repent. Indeed, the use of the dual mechanism, ‘in your mouth and in your heart to perform it,’ as noted by Ramban, is a reference to the dual character of repentance⁶, which requires confession in the mouth and a profound emotional movement in the heart. Why then do Chazal so insistently and repeatedly interpret these verses as relating to the Torah writ large, and to the process whereby it is acquired?

II.

Perhaps two further questions can help illuminate our first query. As we find ourselves in the midst of the forty day period of repentance which commences with Rosh Chodesh Elul and concludes with Yom Kippur, we know that we are doing so in accordance with a forty day period observed by Moshe Rabbeinu at Mount Sinai.

And yet, of the three successive forty day periods which Moshe Rabbeinu observed on Sinai, from the day following the giving of the Torah through Yom Kippur, it seems strange that the forty day period we observe does not align with the middle forty days, during which Moshe Rabbeinu was pleading with the Almighty for the Jewish people, hoping to spare them from destruction. Indeed, we mark our period of repentance in accordance with the final forty day period of the triad, the one in which Moshe received the entirety of the Torah for a second time. Are we not, if we wish to capture the spirit of Moshe’s paradigmatic moment of repentance, quite simply observing the wrong time of year?

Finally, we know very well, and it is relevant to the invalidation of a shofar from a cow, of the principle of Ein Kateigor Na’Aseh Saneigor, that elements which are reminiscent of the sin of the Golden Calf can play no role in atoning for the Jewish people, at least in the context of

⁵ Commentary to Devarim 30:11

⁶ Of course, this dual character of teshuvah is more commonly associated with Rambam (see the introduction to Hilkhos Teshuvah, Sefer Ha-Mitzvot 73, Hilkhos Teshuvah 1:1, Hilkhos Teshuvah 2:1-3, 7-8), and has been the subject of wide ranging discussion regarding the precise role of *vidui* and *teshuvah* in the general mitzvah, beyond the scope of this essay.

the Kodesh Kodashim, the sanctum sanctorum⁷. How, then, as our Sages teach us, could the first set of Luchot have been kept in the Ark⁸? Were they not the ultimate reminder of the sin of the Golden Calf, and its aftermath, when Moshe, rightly, smashed the tablets? While it is true that the Talmud limits the scope of this principle, Ein Kateigor Na'Aseh Saneigor, to elements which are designed to bring atonement⁹ to the Jewish people, Rabbeinu Tam's¹⁰ inclusion of the silver poles which rested in the Aron as subject to this principle, at minimum, raises the question with respect to the first Luchot, which are indubitably a far more direct link to the Golden Calf than the mere use of gold. At minimum, even if one does not concede that there is a technical violation of Ein Kateigor Na'Aseh Saneigor at risk, one can still wonder, in a more general sense, what the smashed Luchot were doing there altogether?

III.

It seems to me that the lynchpin in answering this series of questions resides with a seemingly quixotic statement of Reish Lakish¹¹ regarding the capacity for teshuvah to, astonishingly, transform previous sins of a deliberate nature, into merits, Zechuyot. While a prior statement of Reish Lakish, that teshuvah can dilute, as it were, intentional sins into unintentional ones is surely novel in its own right, the latter statement almost defies any kind of logic. It is one thing to mitigate the past through serious repentance, but to transform it, to revise one's personal history? This seems almost preposterous.

In internally reconciling Reish Lakish's two statements, the Talmud notes that he reserved the Zedonot to Zechuyot transformation for those who engaged in Teshuvah Me'Ahavah, as opposed to those who were engaged in Teshuvah Mi'Yirah, repentance rooted in fear of the consequences of one's sins. The latter suffices only to mitigate the sin from intentional to unintentional, and yet the stain very much persists. The former, astonishingly, goes two steps further: it not only removes the sin altogether, but it transforms it into a kind of merit.

⁷ Rosh HaShanah 26a.

⁸ Bava Batra 14b, "*luchot v'shivrei luchot munachot ba-aron.*"

⁹ Rosh HaShanah, *ibid*, "*choteh bal yakriv ka'amrinan*". Fascinatingly, Rabbenu Tam (Tosafot Bava Batra 14a) interpreted that line to be referring to elements which are aimed at the telos of kapparah, expiation.

¹⁰ See Tosafot to Bava Batra 14a, s.v. *she-ba'ben amudim omdin*.

¹¹ Yoma 86b.

Perhaps this model can serve as a paradigm for the distinction between the intermediate period of forty days which Moshe observed at Sinai and the final period of forty days, when he received the Torah anew. As is stated explicitly by Moshe Rabbeinu in Sefer Devarim¹², the intermediate period of forty days was marked by profound fear, "כי יגרתי מפני האף והחמה אשר קצף ה' עליכם, ל"השמיד אתכם". In pursuit of this narrow, albeit obviously vital goal, Moshe was successful, "וַיִּשְׁמַע יְקוֹק אֱלֹהִים גַּם בְּפַעַם, וַיִּהְיֶה ה' הַהוּא", the Almighty hearkened to Moshe Rabbeinu's entreaty, and there was no destruction of the Jewish people. Yet, the stain persisted. As noted by Moshe in the succeeding verses, the Calf still required obliteration. At this stage, the shattered Luchot could indeed only be seen as an object of sin, reminiscent of the cataclysm which had transpired.

The final days, however, represented a new phase, something analogous to what the Talmud describes as Teshuvah Me'Ahavah. Love of God is characterized by a desire to be close to Him, to come to understand Him as deeply as is possible¹³, despite the infinite chasm between the Divine and the human. Even the most cursory reading¹⁴ of the final period of forty days, when Moshe ascended Sinai for the third time, reveals that this is precisely what transpired. Moshe Rabbeinu had already saved the Jewish people from destruction. The question had shifted to whether or not the Almighty would make his presence felt in the Jewish camp, or whether he would merely send an angel. Moshe pleads, time and again, for Divine closeness, to know God. It is no accident that in this context that God reveals his thirteen names to Moshe, the ultimate reflection of intimacy and knowledge of the Divine. For Ramban¹⁵, the fact that

¹² Devarim 9:18-19.

¹³ See Rambam's celebrated formulation, *Hilkhot Yesodei Ha-Torah* 2:1.

¹⁴ See Shemot Chapters 33 and 34. Repeatedly, throughout this section, the Almighty notes his withdrawal from the Jewish people, expressing itself in Moshe being forced to remove the *obel mo'ed* from the camp as well, so that those who wished to 'seek God', would actually have to leave the camp.

¹⁵ See his introduction to his commentary on the Torah, as well as the gemara in Brachot 21a, which refers to the process of studying Torah as a form of calling in God's name, *כי שם ה' אקרא*. This passage weighted heavily, and perhaps decisively, in Ramban's ruling that *Birkhot Ha-Torah* were of Torah origin, *Hasagot HaRamban L'Sefer HaMitzvot*, 17.

Moshe learned God's thirteen 'names' during these final forty days is of particular significance in so far as he understands the entirety of the Torah to be composed of Divine names. further establishing the connection between the final forty days and an acceptance of the entire Torah.

Moshe Rabbeinu, during this final phase, receives the entirety of the Torah in the context of unprecedented Divine intimacy and love. It is indeed a return unto God, and his Torah out of a love of Him, Teshuvah Me' Ahavah par excellence.

In accordance with Reish Lakish's view, it is only at this point, following Teshuvah Me'ahavah, that the first set of Luchot no longer reflect sin and consequentially, fracture, but, astonishingly, Zedonot Na'Asot Lo Ki-Zechuyot, they become an embodiment and reflection of the unbreakable bond between the Almighty and His people. Indeed, Luchot V'shivrei Luchot Munachot Ba-Aron.

IV.

In our collective observance of these final forty days, we aspire not to the intermediate days of Teshuvah Mi'Yirah, of simply looking to avoid the calamity of death and destruction, but the far more ambitious aspiration of Teshuvah Me'Ahavah. We are not satisfied by averting a catastrophe alone, but we strive to re-energize and revitalize our entire relationship with Him, through a full embrace of His Torah¹⁶, and not merely by narrowly repenting on those elements in which we may have been in breach.

Undoubtedly, Chazal also knew what the Ramban pointed out, that the specific mitzvah being referenced in this celebrated passage in Nitzavim was the mitzvah of Teshuvah. One cannot, in all candor, read the Pesukim in any other fashion, without a near complete disregard for Peshat.

And yet, in a deeper sense, Chazal could not have been more accurate in their application of these Pesukim to the entirety of the Torah, and the specific process of learning Torah at that. After all, Chazal well understood

¹⁶ The relationship between Ahavat HaShem and Talmud Torah is established by the Sifri commenting to Devarim 6:5-6, and cited by Rambam in Sefer Ha-Mitzvot 3. It is equally the entire basis of Rambam's discussion in Chapter 10 of Hilkhos Teshuvah. In brief, Rambam describes what biologists would term a positive feedback loop, in which study of Torah generates love of God, which in turn, generates the desire to study more Torah, as a means of gaining closer access.

that the paradigmatic Teshuvah were the final forty days, when Moshe Rabbeinu accepted, on behalf of the Jewish people, the entirety of the Torah anew, with a commitment not merely to never repeating the sin of the Golden Calf¹⁷, but, with far greater ambition, a sense of an overwhelming and intensive love of God, a desire for closeness with him, and an instinctive, reflexive commitment not only to rectifying specific sins which were committed, but to embracing the entire corpus of the revealed Divine will, the Torah itself. As Rambam noted¹⁸, the direct outgrowth of fully developed love for Him is an immediate acceptance of all of His commands, ובזמן שיאהוב אדם את ה' אהבה הראויה מיד יעשה כל המצוות מאהבה. Indeed, Ramban¹⁹ himself, if read carefully, seems to have understood precisely this point, as he noted, even in interpreting the mitzvah in question as teshuvah, "וישובו ויבלבבו אל ה', ויקבלו עליהם היום התורה לעשותה לדורות ולעולם." "that they will return in their hearts unto Hashem, and accept upon themselves, on this day, the Torah, to fulfill it in perpetuity." Teshuvah Me'Ahavah, a return to Hashem, motivated by a love of Him, is nothing less than a Kabbalat Ha-Torah, an embrace, now and forever, of His revealed word.

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¹⁷ It should be noted that repudiation of idolatry is, in a certain sense, tantamount to accepting the entire Torah as well. See Chullin 5a, "*kol ha-kofer ba'avodah zarah modeh b'chol ha-Torah kulah.*"

¹⁸ Hilkhos Teshuvah 10:2.

¹⁹ Commentary to Devarim, 30:14.