

Parsha Ponders

Nitzavim | September 3, 2021 | 26 Elul 5781

Angels and repentance¹

כי המצוה הזאת אשר אנכי מצוך היום לא-נפלאות הוא ממך ולא רחקה הוא
For this *mitzvah* that I command you is not beyond you, nor is it far from you²

The subject of this verse is a matter of dispute. Rashi says³ that it's referring to the Torah, its fulfillment and study. Ramban however says⁴ it's referring to something very apropos to the time period we are in. It's referring to the *mitzvah* of *teshuva*, repentance⁵. There's an interesting *Midrash* about this verse⁶. It says that "this *mitzvah*" is not removed from us, but it is removed from the Angels. At first glance⁷, this would sound more like Rashi's interpretation. The Torah was given to humans and not the Angels, so it is in a sense "removed from them"⁸. Is there any way to understand this *Midrash* according to the Ramban, that "this *mitzvah*" is referring to *teshuva*?

Our Sages describe⁹ the dramatic scene that occurred when Moshe went up to the heavens to receive the Torah. The Angels initially didn't want to let humans have the Torah, and threatened to burn Moshe alive. Hashem protected him, and told him to refute the claims of the Angels on the Torah. Moshe asked them if they felt jealousy, such that they would be commanded against murder. He asked if they had desires, such that they would be commanded against theft. We could imagine Moshe asking them about practically all of the negative prohibitions in the Torah. They would fail to justify why they should keep the Torah for themselves¹⁰. Moshe's was triumphant in his debate, and brought down the Torah to the Jewish people.

However, this doesn't explain everything. One could have argued that the Torah be divided into two: the positive *mitzvos* and the negative ones. The positive *mitzvos* would be given to the Angels, and the

¹ Based on Derashos Chasam Sofer III p. 8b s.v. כי

² Deuteronomy 30:11

³ See v. 12 and 14

⁴ V. 11

⁵ The Ramban understands this verse to be a command. Cf. Rambam in Mishneh Torah Hilchos Teshuva 7:5 who understands this to be a prophetic promise that the Jews in the future will repent for their sins. Some understand that the Rambam doesn't hold there's a *mitzvah* of *teshuva* (Minchas Chinuch 364:2; HaEmek Davar to v. 11; Meshech Chochmah to Deuteronomy 31:17), as he writes *ad. loc.* 1:1: כשיעשה תשובה וישוב מחטאו חייב להתודות. It sounds like there's a *mitzvah* of *vidui*, confessing one's sins, but not *teshuva* itself. This also seems apparent from his Sefer HaMitzvos Aseh § 73. He also cites Leviticus 5:5 as a source for the *mitzvah*, which discusses *vidui* when bringing one's offerings. Nevertheless, many hold that there is indeed a *mitzvah* of *teshuva*, such as this Ramban, Sha'arei Teshuva 1:1 and 4:17, and Semak § 53. However, some say that the Rambam agrees that there is a *mitzvah* of *teshuva*, as we see from his words at the beginning of Hilchos Teshuva: מצות עשה אחת והוא שישוב החוטא מפניו ה' ויתודה. This could also explain why the Ramban doesn't include a *mitzvah* of *teshuva* in his own list of the 613 *mitzvos*. Perhaps he understood the Rambam included this in his *mitzvah* of *vidui*. See L'Dofkei BaTeshuva to Hilchos Teshuva 1:1:10 for various approaches on how to resolve the phraseology and opinion of the Rambam

⁶ Devarim Rabbah 8:2

⁷ In the original it is written ולפי, but in newer editions it is suggested it should say ולכאורה

⁸ To be honest I'm not entirely sure why the Chasam Sofer initially says it sounds more like Rashi. This is my best guess as to his intention

⁹ Shabbos 88b

¹⁰ See Teshuvos Radvaz III § 643 (אלף ס"ח), Chasam Sofer's Toras Moshe I to Deuteronomy 32:3, and Beis HaLevi to Exodus Chapter 19 s.v. להבין for interesting explanations for why the Angels wanted the Torah in the first place

negative ones be given to the Jews. However, what is written towards¹¹ the end of the Torah? The positive *mitzvah of teshuva*. This *mitzvah* is only relevant for someone with a *yetzer hara*, an evil inclination. Since Angels aren't prone to sin, we found a positive *mitzvah* which has no relevance to them¹². As well, since the Torah couldn't be subtracted in any way, there was no choice but to give the entire Torah to the Jewish people.

We can now understand what *Chazal* meant when they said that "this *mitzvah*", namely *teshuva*, isn't removed from us, but is removed from the Angels. It's something that is not in their realm of possibility. For us, not only is it possible, but the Torah attests that, "it is something that is very close to you, in your mouths and in your hearts, to perform"¹³.

Good Shabbos and *Chasima Vechasima Tovah*; have a blessed, sweet new year.

¹¹ The Chasam Sofer writes שתם שהיא עשה של תשובה. He can't mean literally as there are still a few *parshiyos* remaining with their own set of *mitzvos*

¹² The Chasam Sofer didn't need to go so far to find a positive *mitzvah* which didn't apply to them. The *gemarra* itself lists two positive *mitzvos* that Moshe mentioned: אנכי ה' אלקיך אשר הוצאתיך מארץ מצרים, and the Angels didn't leave Egypt. As well, Angels don't have parents with which to honor

¹³ Deuteronomy 30:14