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Weekly Parsha

VaYetze

RABBI BERNARD FOX

"And Yaakov went forth from Beer-Shava, and he went to Haran." (Beresheit 28:10)

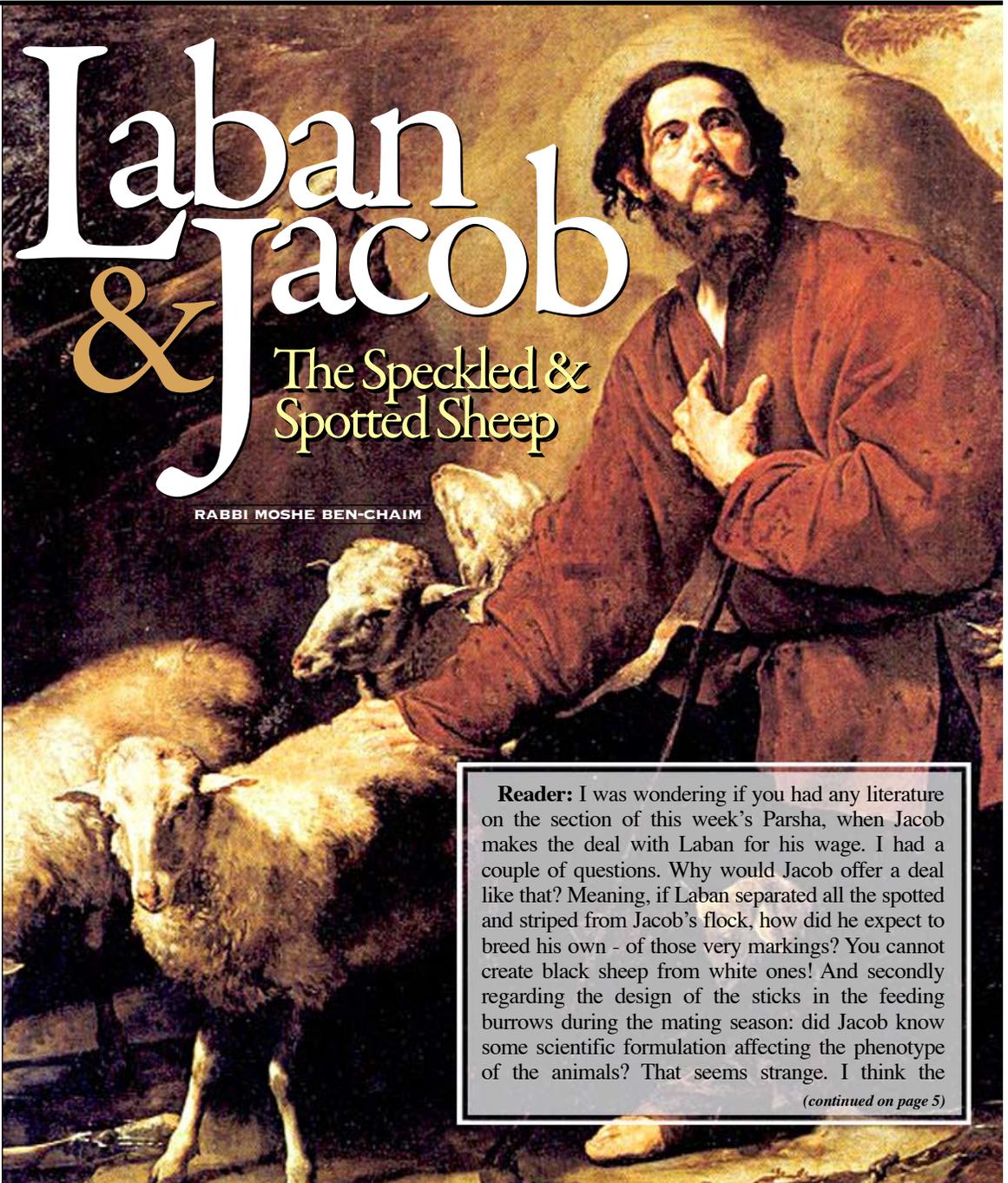
The Chumash is divided into section – parsheyot. Generally, a blank space in the Torah separates parsheyot. The various parsheyot are separated by a blank space. In

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Laban & Jacob

The Speckled & Spotted Sheep

RABBI MOSHE BEN-CHAIM



Reader: I was wondering if you had any literature on the section of this week's Parsha, when Jacob makes the deal with Laban for his wage. I had a couple of questions. Why would Jacob offer a deal like that? Meaning, if Laban separated all the spotted and striped from Jacob's flock, how did he expect to breed his own - of those very markings? You cannot create black sheep from white ones! And secondly regarding the design of the sticks in the feeding burrows during the mating season: did Jacob know some scientific formulation affecting the phenotype of the animals? That seems strange. I think the

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(VaYetze cont. from pg. 1)

Weekly Parsha

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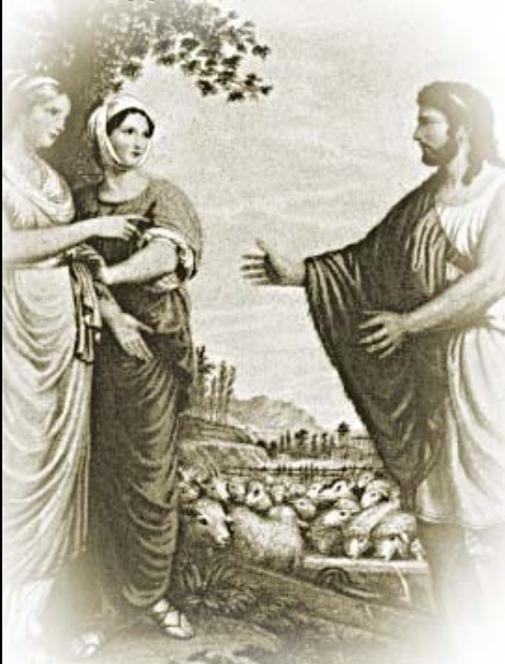
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most cases, the blank space is created by beginning a parasha on a new line. However, in a few cases, a blank space is inserted in the middle of a line. In other words, in such instances, one parasha ends, there is a blank space, and the new parasha begins on the same line. This less-common model is used to separate Parshat VaYaetzai from the preceding Parshat Toldot.

Rabbaynu Yosef ibn Kaspi explains the significance of these two different methods of separating parsheyot. Parsheyot are designed as sections of roughly equal length. Ideally, each parasha should be delineated by a change in subject matter. When a new parasha begins, with a change in the topic, the objective of creating sections of roughly equal length is achieved in the ideal manner. In these instances, the new parasha begins on a new line of the Torah. In some cases, it is impossible to adhere to the ideal. To avoid an overly long parasha, a break must be inserted within a single topic. In this less-common case, the new parasha begins on the same line as the previous parasha. The topic of Parshat VaYaetzai is directly related to the end of Parshat Toldot. For this reason, the new parasha begins and Parshat Toldot ends on the same line.[1]



“And he also married Rachel and he loved Rachel more than Leya. He worked with him for another seven years. Hashem saw that Leya was despised. He made her fertile and Rachel was barren.” (Beresheit 29:30-31)

These passages introduce the rivalry between Rachel and Leya. Each sought to be

the mother of Yaakov's children. These passages are difficult to understand. First, the passages seem to be contradictory. Initially, the Torah tells us that Yaakov preferred Rachel over Leya. Later, the Torah states that Yaakov despised Leya. Second, why did Yaakov dislike Leya? Third, why did the Almighty intervene of Leya's behalf and cause her to conceive? Finally, how did Leya's fertility earn her Yaakov's love and appreciation?

Rabbaynu Yonatan ben Uziel offers a simple answer to the first question. He explains that the Torah does not intend to indicate that Yaakov despised Leya. The term used in the Torah to describe Leya is s'nuah. This term can be translated as “despised”. However, it can also indicate a preference. In this instance, the term s'nuah describes a preference. In other words, the Torah is not telling us that Yaakov hated Leya. It is saying that he favored Rachel over Leya. Nachmanides points out another instance in which the term s'nuah is used in this fashion. The Torah describes a man with two wives. One is loved the second is a s'nuah. The s'nuah has a son and then the beloved wife has a son. The son of the s'nuah is the firstborn and is entitled to inherit a double portion of the father's possessions. The father may not transfer this right to the son of the preferred wife.[2] Nachmanides points out that in this context the Torah is clearly describing a relative preference. One is favored over the other. The term s'nuah refers to the less favored wife. The term does not seem to indicate a despised wife.[3] This supports Rabbaynu Yonatan ben Uziel's interpretation of our pasuk.

This interpretation answers the first question. However, it does not answer our other questions. Nachmanides offers another approach to these passages. This approach provides a more comprehensive explanation. He begins with the first question. He comments that Yaakov favored Rachel over Leya. This preference existed even prior to their marriage. However, beyond this innocent partiality, Yaakov actually had negative feelings towards Leya. Lavan had secretly substituted her for Rachel. This deception had required Leya's complicity. Yaakov felt that Leya had acted dishonestly towards him.

Nachmanides explains that Yaakov was wrong in his assessment of Leya. She recognized Yaakov's righteousness. She wanted to marry this tzadik. This was her sole motivation for participating in Lavan's deception. This explains the Almighty's response to Leya's plight. Hashem knows the inner

(continued on next page)

Students

Yosef's
Column

YOSEF ROTH

Yaakov's
Anger

In this weeks Parsha Rachel tells Yaakov “give me children” and Yaakov gets angry, saying back to her “am I instead of God that I can give you children.” Why is Yaakov getting angry: Yitzchak prayed for Rivkah so why couldn't Yaakov just pray for Rachel?

I believe an answer may lie in the fact that Rachel didn't ask Yaakov to pray to God, but rather, made the request to Yaakov. Yaakov realized that Rachel thought that it was in his power to cause God to give her a child. Yaakov thought this was a bad idea. Even a tzaddik of the highest level who prays to God for something, does not automatically receive his request. It still depends on Gods will. This is the lesson that Yaakov was trying to teach Rachel. ■

(VaYetze cont. from pg. 2)

Weekly Parsha

motivations of every human being. He recognized that Leya was judged harshly and her sincerity was not appreciated. Hashem responded by granting Leya children and refusing Rachel.

Sforno offers the most comprehensive explanation of the pesukim. He begins with the same approach as Nachmanides. But he explains that Yaakov had a specific theory that explained Leya's complicity in Lavan's deception. Yaakov observed that his marriage to Leya was not followed by her conceiving. He suspected that Leya was barren. This would account for her cooperation with Lavan. She was afraid that her barren condition might be discovered. She was desperate to marry before this occurred. Therefore, she followed Lavan's directions and deceived Yaakov.

Of course, this was not the case. Leya did not marry Yaakov in order to capture a husband. She recognized Yaakov's unique righteousness. Hashem responded to Leya's predicament. She had been misjudged. He granted Leya a son. This proved that she had not been barren. Yaakov's suspicions were disproved. The cause for his negative feelings was removed.[4]

“And he placed a distance of three days between himself and between Yaakov. And Yaakov shepherded remaining sheep of Lavan.” (Beresheit 30:36)

Yaakov works for Lavan as a shepherd. He decides that the time has come to leave Lavan. Lavan realizes that his flocks have flourished under Yaakov's care. He asks Yaakov to remain as his shepherd. Yaakov can specify his own wage. Yaakov asks Lavan to enter into an unusual arrangement. He will tend Lavans' flocks in exchange for ownership of all spotted or marked lambs and goats born from this day onward. All other sheep and goats will remain Lavan's. He further tells Lavan to remove from the flock any sheep or goats which have these markings. This will assure that any marked members of the flock were born subsequent to the agreement and are clearly Yaakov's.

Yaakov's deal seems odd. He was left with only solid colored sheep and goats. It was likely that they would produce similarly solid colored offspring. How did Yaakov expect this flock to produce the marked offspring that would be his compensation?

It is true that Yaakov initiated a remarkable program that did result in the flock producing marked lambs and goats. However, Yaakov later explained, to his wives, that this plan only succeeded through Hashem's

intervention.[5] It seems unlikely that Yaakov was relying on this intervention when he entered into the agreement with Lavan!

Gershonides explains that our pasuk provides the answer. Yaakov told Lavan to remove the marked animals from the flock. Yaakov wanted to be certain that Lavan would not claim that marked animals born into the flock were not Yaakov's. Yaakov expected that Lavan would separate these animals from the flock. Lavan might count them and turn them over to the care of his own sons. The two flocks would still graze in the same general area. They would mingle at times. They would breed together. This process would cause solid colored goats and sheep to give birth to spotted offspring. Yaakov would have his compensation.

Lavan did remove the marked animals and handed them over to his sons. However, Lavan then took a further step. He sent these animals to a new location three-days from the main flock. Yaakov had not suggested or anticipated this step. This forced Yaakov to devise his unusual program designed to cause solid animals to produce marked offspring. Yaakov had not originally assumed he would need to resort to extraordinary means to secure his compensation. Lavan's subterfuge forced Yaakov to devise this plan.[6]

“I never brought you an animal that had been attacked. I took the blame myself. You made me responsible whether it was stolen in the day or by night.” (Berseheit 31:39)

Yaakov confronts Lavan over his dishonesty. He contrasts Lavan's ethics with his own. Yaakov served Lavan as a shepherd. He fulfilled his duties diligently. In contrast, Lavan arbitrarily changed Yaakov's compensation. He also held Yaakov responsible for all losses. This included losses that were beyond the responsibility of a shepherd.

Rabbaynu Avraham ben HaRambam explains that Lavan demanded that Yaakov repay him for animals attacked and killed by wild beasts. This is not a reasonable responsibility. A shepherd can justly be held responsible for protecting his flock from smaller animals. However, in some cases the shepherd cannot be expected to drive off the marauding attackers. Lavan did not distinguish.

Second, the shepherd can be held accountable for an animal stolen during the day. However, he cannot reasonably be expected to prevent theft during the night. Lavan demanded that Yaakov make restitution for all stolen animals.[7]

(continued on next page)

(VaYetze continued from page 3)

Weekly Parsha

Yaakov clearly maintained that Lavan had required an inappropriate level of accountability from his shepherd. How did Yaakov determine the appropriate standard for a shepherd's liability? True, the Torah deals with this issue and establishes clear rules for the conduct and responsibility of the shepherd. But the Torah had not yet been revealed. Furthermore, even if Yaakov was aware of the Torah standards, through prophecy, this would not bind Lavan.

Rabbaynu Avraham ben HaRambam deals with this issue. He explains that the standards for a shepherd's responsibilities pre-existed the Torah. These standards were generally accepted. Yaakov referred to these standards in critiquing Lavan's ethics. The Torah did not create these standards. Instead, the Torah provided strict legal definition and codification of the existing standards.

Rabbaynu Avraham explains that this is not the only instance in which the Torah codified an existing practice or custom. The practice of yibum also predates the Torah. This practice applies to a married woman, whose husband died without male offspring. The prevalent practice was to require the wife to marry the brother of the deceased. Any children, resulting from the new union, would be regarded as offspring of the deceased. This practice was incorporated into the Torah as a mitzvah. [8]

This thesis explains another incident in the Torah. Yehudah's oldest son married Tamar. He died, without children. Yehudah arranged for Onan, his next to eldest son, to marry Tamar. This is yibum.[9] According to Rabbaynu Avraham it is not necessary to assume that Yehudah was aware of the Torah requirement. Instead, he was following the practice that already existed. ■

[1] Rabbaynu Yosef ibn Kaspi, Mishne Kesef, Part 2, Parshat VaYaetzai.

[2] Sefer Devarim 21:16-17.

[3] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Commentary on Sefer Beresheit 29:30.

[4] Rabbaynu Ovadia Sforno, Commentary on Sefer Beresheit, 29:31.

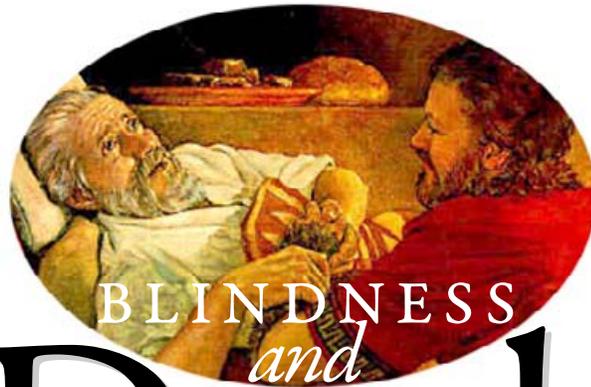
[5] Sefer Beresheit 31:4-12.

[6] Rabbaynu Levi ben Gershon (Ralbag / Gershonides), Commentary on Sefer Beresheit, (Mosad HaRav Kook, 1994), p 187.

[7] Rabbaynu Avraham ben HaRambam, Commentary on Sefer Beresheit 31:39.

[8] Rabbaynu Avraham ben HaRambam, Commentary on Sefer Beresheit 31:39

[9] Sefer Beresheit 38:6-8.



Death

Reader: In this week's Parsha G-d identifies Himself to Jacob as "The L-rd, the G-d of Abraham your father, and the G-d of Isaac". Rashi says that G-d does not "associate His Name with that of the righteous during their lifetimes", but in this case He did so with Isaac because Isaac was blind, and being confined in the house, "he was like a dead person, the yetzer hara (evil inclination) having ceased from him (Tanchuma Toledoth 7)."

Why would a blind person be considered as dead, and what relationship exists between being able to see and having an active yetzer hara?

Thanks,
Hector

Mesora: A blind person lacks the use of the most central of human senses. He is also dependent, and immobile, for fear of endangering his journeys with vehicles, cliffs, wild beasts, and other dangers avoidable through vision. Blindness also severs one's tie to others...he does not know if, or who is around him. Others who approach him initiate his relationships, he cannot. This integral, social need and interaction is severely compromised. Vision is also the primary tool for observing the world, and gaining knowledge through examination. In essence, a blind person is removed from primary features of life: both psychological and intellectual. He shares these traits with the dead. Why is a deaf or mute person not also considered dead? One who is deaf or mute, merely lacks a communication tool, but still enjoys independence of movement, personal interaction, seeing a

friend's smile, and beautiful scenery. Primary aspects of life are not lost when deaf or mute.

Why is a blind person not overpowered by his yetzer hara, his instincts, as is a person with vision? This is expressed in the Shema: "And you shall not stray after your heart and after your eyes". We learn that man's instincts may be aroused through internal thoughts (heart) and external impetuses (eyes). But when vision is lost, that stimulus to stray after one's eyes is absent, and therefore we may correctly state his instincts have ceased from him, although if he desires, he can still sin like anyone else. ■



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commentaries also suggest that there was Divine providence involved. If that's the case, did Jacob know that for sure, or was he just relying on it? And if it was Divine providence, why did he have to design the elaborate breeding with the streaked rods, let the Divine providence take charge, and forget the whole streaked rods procedure? If you had time I think that there is definitely some interesting idea underlying this section- it seems too strange not to!

Thanks, *Daniel*

Mesora: Let's place your questions into context: After Jacob had already worked 14 years for both of Laban's daughters, and after Joseph's birth, Jacob desired to take leave of Laban. Jacob asked Laban for his wages. Laban, resorting to standard business tactics, did not want to be the first one to suggest Jacob's wages. Jacob understood his conniving father-in-law, and then suggested that he would herd the flocks, taking for his wage all future speckled and spotted lambs and goats, and brown sheep.

The Torah then reads, "I will pass over your entire flock, removing from there, every speckled and spotted lamb, every brown sheep, and the speckled and spotted goats, and this will be my wage." (Gen. 30:32) Jacob stated this, but the meaning is unclear. What is his wage: these flocks, or only their offspring, or both? According to one view, Jacob told Laban to remove these from the current flock so as to eliminate any claim Laban might make later, saying, "These were already there from before and are mine - they are not the 'future' flocks you spoke of." To avoid this anticipated trickery, Jacob agreed that Laban might separate for himself, all of the speckled and spotted lambs and goats, and brown sheep. However, according to Rashi, it was not Jacob who took the speckled and spotted flock: this was Laban's own move to eliminate any chance of Jacob's success. Thus, according to Rashi, Jacob's plan was to take for himself the speckled and spotted flock alone, as a means to enrich his own flock. This makes more sense, as where would Jacob obtain speckled and spotted flock if he had none from which to reproduce? But Laban agreed to allow Jacob to separate these flocks, but then undermined Jacob's true intent, and in other words said, "Yes Jacob, good idea. Separate those flocks". But the less shrewd Jacob assumed Laban took the meaning as Jacob intended. So Jacob separated them, but only to discover that Laban then said, "Now give them to me." This was not Jacob's intent. But Laban twisted his words in his favor. Jacob was now left with less than he intended.

We then read that Laban cheated Jacob again: Laban took the "ringed" goats too. This was not part of the agreement. Laban lessened Jacob's prospects by removing more than what they had agreed to. Chizkuni states this deceit justified Jacob's streaked rods tactic. Ramban disagrees, suggesting that one has the right to manipulate the flocks any way he sees fit. This was not trickery on Jacob's part according to Ramban. But according to all views, the Torah clearly teaches that Laban took more than what was agreed.

Laban then took the greedy precaution of placing a three-day journey between his separated, speckled and spotted flocks, and Jacob's flocks. Laban wanted to eliminate any chance of Jacob's flock mating with the patterned flocks, which would increase Jacob's flocks.

Jacob was now left with his commitment to accept as his specified share, the speckled and spotted flocks. He had fewer prospects, as Laban also wrongly removed the ringed flocks. Jacob had counted on the ringed flocks to contribute to his projections of patterned offspring. Jacob devised a plan: he placed streaked rods in the watering troughs, and when the animals were heated, the rods' patterns were somehow absorbed by the flocks, and they reproduced in the patterns of these rods. Jacob successfully reproduced his flock in the patterns Laban agreed would be his.

How did Jacob know this streaked rod idea would work? Was it really Jacob's own idea? Keep these questions in mind.

Later on, after Jacob's speckled and spotted flocks greatly multiplied, he saw that Laban's countenance towards him decreased due to his success. God instructed Jacob to return and that He would be with him. In Genesis 31:10-13, Jacob then tells his wives that he had a prophecy regarding the flocks wherein the angel informed him that the speckled and spotted flocks would be greatly multiplied. But when did Jacob receive this vision? One of two possibilities exists, either prior or subsequent to Jacob's plan to place the streaked rods in the watering troughs. We must ask: did the angel tell Jacob only 'THAT' the speckled and spotted flocks would increase? Or did the angel also tell Jacob 'HOW' to make these flocks multiply, via the streaked rods?

Ramban: Two Visions

If the first possibility, we must then ask 2 more questions: 1) If Jacob was guaranteed by the angel that these flocks would multiply, what need was there for the streaked rods? To this,

Ramban states that after this vision, Jacob no longer used the streaked rods, he trusted in God. Thus, Ramban holds that Jacob had at least one vision of the he-goats mounting the speckled and spotted flocks 'after' he initiated his streaked rods plan. And once he saw this vision, he ceased from using the rods out of trust in God. 2) If the angel did not inform Jacob of the streaked rods' abilities, how did he know these rods would work? However, since Jacob was the one who selected the speckled/spotted flocks, perhaps he already knew something about animal breeding: environment affects their appearance. Jacob may have observed that in certain regions, those flocks were affected by their surroundings, creating physical markings on their coats. We do see today that in varied regions, one species may bear different markings and colors, while the same species in other global locations appear different. Accordingly, Jacob possessed some zoological knowledge. But had the angel also informed Jacob "how" to increase the flocks via the rods, we may assume less about Jacob's knowledge.

Ramban states that the vision Jacob recounted to his wives was in fact not a single vision. Ramban says that Jacob received the later vision, while he was yet working his initial years for Laban for his two wives, and not during the later time of this deal with the speckled/spotted flocks. Accordingly, this is what occurred: Jacob agrees to work 7 years for Rachel. Jacob is tricked, and Leah is substituted. Jacob agrees to work yet another 7 years for Rachel. During these years, Laban switches his wages numerous times, to secure the greatest wealth for himself, cheating Jacob. Also during this time, Jacob received this vision recorded in Gen. 31:11,12, "And an angel of God said to me in the dream, 'Jacob', and I said, 'Here I am.' And he said, 'Lift up your eyes and see all the he-goats that are mounting the flocks, are ringed speckled and checkered. For I have seen all that Laban has done to you.'" Ramban states Jacob received this vision while he was yet working his 14 years for his wives.

Jacob knew prophetically that these flock types would be numerous. But, did he know they would be his? I am not sure. But if he did, what need would there be for his streaked rods? He had a guarantee! Perhaps, all he knew was that these flocks would greatly increase...the rest remained up to him. In either case, Jacob had a reason to desire them, and asked for these flocks from Laban. If Jacob was not told anything other than the fact that these flocks would increase, we learn that he used the streaked rods to make these flocks his own. Meaning, God gave Jacob just enough knowledge, i.e., that these flock would

(continued on next page)

(Laban & Jacob continued from page 5)

Weekly Parsha



Laban deflecting Jacob's rebuke

increase, leaving the 'acquisition' up to Jacob. Later, Ramban states that Jacob had another vision at the time the flocks were heated, (31:10) "And it was at the time the flocks were heated, and I lifted my eyes and saw in a dream, and behold, the he-goats that mounted the flock were ringed speckled and checkered." At this point, this latter vision came to secure the acquisition, confirming to Jacob that God's providence is granting these flocks to him. Jacob therefore ceased from using the rods any further.

So the sequence of events is that Jacob received one vision in which he learned of the flocks' increase. Years later, during the deal to take the speckled and spotted flocks, Jacob received a second vision securing them to him as his. The verse's words attest to this, as the verse defines 'when' Jacob received one of the visions, as "And it was at the time the flocks were heated...". The second vision he repeats to his wives, omits any date. This would explain why Ramban holds that there were two visions.

One Vision

We understand Ramban's view. Now, let us consider an alternative understanding: the visions were a single prophecy. The verses read as follows: (31:10-12) "And it was at the time the

flocks were heated, and I lifted my eyes and saw in a dream, and behold, the he-goats that mounted the flock were ringed speckled and checkered. And an angel of God said to me in the dream, 'Jacob', and I said, 'Here I am.' And he said, 'Lift up your eyes and see all the he-goats that are mounting the flocks, are ringed speckled and checkered. For I have seen all that Laban has done to you.' Why is Jacob first given the opportunity to see the vision, and only afterwards, addressed by the angel, and at that, instructed to look again at what he already saw? What is added the second time Jacob views the he-goats? It is this, "For I have seen all that Laban has done to you."

When he devised the plan regarding the streaked rods, it was his own thinking. Now, as the flocks became heated, he received this vision. Of his own accord, Jacob attempted to use his knowledge of animal behavior to increase his wealth. Why then was a vision necessary at this point?

By its very definition, a vision means that God is relating to the person individually. Jacob was now being informed that God is providing for him. He need not concern himself that Laban might cheat him anymore. This reasoning makes sense, as this reassuring vision came exactly when Jacob was trying to outwit Laban. Jacob

felt he was on his own, and rightfully so. A righteous person is humble by nature, and does not rely on miracles. However, God informed Jacob through this vision that "all is in God's hands. You need not worry." This is a general rule, which Maimonides teaches at the very end of his Laws of Shmita and Yovale. He states that any person who enters the world, if he desires to take on the life of Torah, abandoning the life of monetary concerns, that he will be given enough to sustain him. God does not give this Torah follower excess finances, as he would not need it, and as Hillel taught, "with increased possessions comes increased anxiety." (Ethics, 2:7) God administered this precise providence for Jacob at this juncture. The message, "For I have seen all that Laban has done to you" means to say, "Despite what Laban has done, I am with you. You will be successful."

We are left with one question: why is Jacob first given the opportunity to see the vision, and only afterwards, addressed by the angel to look again at what he already saw? Seeing twice in a vision also occurs in connection with Abraham. Genesis 18:5 reads, "And he lifted his eyes and he saw, and behold three men standing (waiting) on him, and he saw..." The Rabbis teach that the second "and he saw" implies understanding of the matter, not a redundant viewing. Perhaps here too, Jacob was instructed to 'understand' the vision, after already seeing it. I am not sure why in some cases a person will see a vision once, and why in these cases, a further understanding is required. Perhaps, this emphasizes to the prophet his ignorance of a specific area of knowledge. The angel instructs Jacob to delve deeper, indicating that at first, he was unaware of something. Why is this necessary? Perhaps the emphasis of the prophet's ignorance is to teach him precisely, that he is now attaining knowledge of a new area of God's providence. Had the angel told Jacob to look at the vision, and then Jacob first did so only 'after' the angel's instruction, Jacob would still learn something new, but he may not have acknowledged that this new knowledge partook of a distinctly "new" category of Divine providence. Thereby, Jacob is forced to recognize this vision as entering him in to a new realm of God's providence.

When one sees a new "realm" of knowledge, it affects how he treats this knowledge. He understands that this is not an "instance" of a known category, but it is the tip of the iceberg. Knowing this, a person treats such knowledge differently. He is thereby prompted to explore that new category of knowledge. But if a person looks at new information as merely an instance of his already-learned categories, he will not think that there is greater knowledge subsumed therein. He will treat it as the end of the line. ■

God



God: Goes without Saying

A RESPONSE

Nativ Winiarsky

I read with avid interest and attention your reply to my question. After reading the response a number of times I have fashioned a retort to some of the propositions raised therein, which I believe, are subject to debate, if not doubt. (You didn't think I would go away that easy did you?)

Let me begin by supporting your primary thesis that there is no commandment to know God since by virtue of its manifest nature, it is not something for which a command is necessary. In Job (always a good source for these type of discussions), the prophet exclaims in response to the many recent pitfalls which have befallen him "mi lo yodeah bechol eleh ki yad hashem aseta zot?" ("Who cannot fail to discover that the hand of the Lord is behind all this") (12,9). In furtherance of both this declaration, and your argument, the renowned philosopher Crescas sets forth in his Or Ha-Shem:

"He who includes among the list of positive precepts belief in the existence of God falls into common error. The very character of the

term "mitzvah" indicates by definition, that it can only apply to matters governed by free will and choice. But faith in the existence of God is one of those things, which are not governed by free will and choice. Consequently the term mitzvah cannot apply to it."

Here Crescas seemingly argues that "faith" in God is inherent and innate to mankind. Your citation to Ramban's comments to Rambam's sefer hamitzvot certainly seemingly serves to further bolster your claim.

However before I begin my rejoinder, let me respond to your apparently startling discovery that knowledge of God is something greater than Torah and mitzvot. You did not need to resort to Ramban for this finding nor did you need to make the argument by inference. It is stated rather explicitly in Rambam's famous "parable of the palace" which I will cite in full given its absolute import:

"A king is in his palace, and all his subjects are partly in the country, and partly abroad. Of the former, some have their backs turned towards the king's palace, and their face in another direction; and some are desirous and zealous to go to the palace, seeking "to inquire in his temple," and to minister before him, but have not yet seen even the face of the wall of the house. Of those that desire to go to the palace through the gate, some reach it, and go round about in search of the entrance gate; others have passed through the gate, and walk about in the ante-chamber; and others have succeeded in entering into the inner part of the palace, and being in the same room with the king in the royal palace. But even the latter do not immediately on entering the palace see the king - at a distance, or close by - hear his words, or speak to him. I will now explain the simile, which I have made. The people who are abroad are all those that have no religion, neither one based on speculation nor one received by tradition. I consider these as irrational beings, and not as human beings; they are below mankind, but above monkeys, since they have the form and shape of man, and a mental faculty above of that of the monkey.

Those who are in the country, but have their backs turned towards the king's palaces, are those who possess religion, belief, and thought, but happen to hold false doctrines, which they either adopted in consequence of great mistakes made in their own speculations, or received from others who misled them. Because of these doctrines they recede more and more from the royal palace the more they seem to proceed.

Those who desire to arrive at the palace, and to enter it, but have not yet seen it, are the mass of religious people; the multitude that observe the divine commandments, but are ignorant. Those who arrive at the palace, but go round about it, are those that devote themselves exclusively to the study of the practical law; they believe traditionally in true principals of faith, and learn the practical worship of God, but are not trained in philosophical treatment of the principals of the Law, and do not endeavor to establish the truth of their faith by proof. Those who undertake to investigate the principals of religion have come to the antechamber; and there is no doubt that these can be divided into three grades. But those who have succeeded in finding a proof for everything that can be proved, who have a true knowledge of God, so far as a true knowledge can be attained, and are near the truth, wherever an approach to the truth is possible, they have reached the goal, and are in the palace in which the king lives." (Guide III, 51)

Needless to say, this portion of the Guide did not meet with a pleasant reception by the traditionally inclined. We find Shem Tov ben Joseph ibn Shem Tov, in his Commentary on the Guide to the Perplexed, at III 51 stating:

"Many rabbinic scholars said Maimonides did not write this chapter and if he did write it, it ought to be hidden away or, most appropriately, burned. For how could he say that those who know natural matters (physics) are on a higher level than those who engage in religion, and even more that they are with the ruler in the inner chamber, for on this basis the philosophers who are engaged with physics and metaphysics have achieved a higher level than those who are immersed in Torah."

With all due respect to Shem Tov, he clearly misreads the parable. While it does take some incisive analysis and review, clearly Rambam saw in the study of physics and metaphysics the proper completion of Talmudic training and the members of the fifth class in the parable are Talmudists who go on to master physics and the principals of religion, and not the scientifically trained non-Talmudists, as thought by Shem Tov. Proof of this conclusion can be quite cogently and convincingly presented but is, I believe, not appropriate in this format which fails to allow us to present a particularly thorough analysis.

Suffice it to say that there was no need for Shem Tov's surprise (or yours for that matter) since this parable merely re-emphasis that which Rambam wrote in his Mishne Torah wherein he

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wrote that in Hilchot Yesodei HaTorah (Chapter 4, § 13)

"I maintain that it is not proper for a person to stroll in the Pardes unless he had filled his belly with bread and meat. "Bread and meat" refer to the knowledge of what is permitted and what is forbidden (mitzvah asseh v. mitzvah lo te' asseh) and similar matters concerning other mitzvot. Even though the Sages referred to these as "a small matter" – for our Sages said "A great matter" – this is Ma'aseh Merkvah (metaphysics). A small matter, this is the debates of Abbaye and Ravva – nevertheless it is fitting for them to given precedence, because they settle a person's mind." (Emphasis added)

Traditionally minded authorities were not particularly pleased with this statement either with the Ritba, among others, stating, inter alia, "May God atone him." However, all the Rambam is stating is that the study of physics and metaphysics is the proper completion of Talmudic training (which he boldly seeks to replace with his Mishne Torah e.g. see his introduction to the Mishne Torah wherein he writes "a person should first study the Written Law, and then study my Mishne Torah, and he will thereby comprehend the entire Oral Law from it [the bread and meat] without having to study any other text between the two.) The Rabbis understood his intent to replace the Talmud and the statutory codes with his Mishne Torah and "for that reason the name Mishne Torah is rarely used. Instead the text is commonly referred to as the yad HaChazakah." Touger, pg. 33.

However, the crux of the Rambam's position, to wit, that the supreme and most perfect human being is the philosophically trained talmudists traditional Jew, is made out in the incisive and convincing analysis by Isadore Twersky and there is no point in repeating the analysis here. Twersky "Some Non-Halachik Aspects of the Mishne Torah," A. Altman (ed) Jewish Medieval and Renaissance Studies pg. 161-182.

Thus, your newfound understanding of the primacy of knowledge of God is not really newfound at all but is rather unequivocally and rather unambiguously contained within the many writings of the Rambam. To your credit however, you reached this conclusion without resort to the arguments propounded by the Rambam. Reaching these conclusions utilizing your own individual inductive and deductive analysis should be heartily commended and noted to your favor.

This digression was not without purpose. Returning to the original question as to why Rambam changed his language from "belief" in

Sefer Hamitvot to "know" in his Mishne Torah still remains to be clarified and the propositions presented above certainly assist towards that end.

Before I do that however, allow me to clarify why I found your arguments, however compelling, as not decisive. Specifically, you employed arguments by the Ramban (Rambam's primary protagonist) to support your position. However, that is, respectfully, improper. In order to explicate Rambam's change of language, resort can only be made to Rambam's writings and not to arguments made by others that are wholly contradictory to Rambam's initial position that belief in God is a mitzvah.

Ordinarily, one may conclude that Rambam merely had a change of mind and one work was written years after the initial work and Rambam had exhibited a change of thought (something that is exhibited in other works). This argument is not applicable to the present circumstances since, although the Sefer HaMitvot was written in Arabic, and the Mishne Torah in Hebrew, they were written virtually at identical points in his life with the Mishne Torah following immediately on the heels of the Sefer HaMitvot.

The answer, after much investigation, I believe is something suggested by your article. Specifically, the Sefer HaMitvot was written for the third group contained in the parable. It was written for the laity and these are the mitzvot required to be performed by each and every Jew. In that respect, each Jew is commanded (and Rambam uses the word mitzvah which is a salient point you ignore in your article), at a minimum, to have faith in the existence of God. However, when we speak of the fundamentals of all fundamentals, and pillars of all pillars, i.e. the crux and acme of all human knowledge which is "a proof for everything that can be proved... true knowledge of God" [a level of knowledge which not every person has the capability to grasp {Mishne Torah, Chapter 4, § 11}] than mere faith or belief, is not enough. To that end, knowledge is required. What exactly is the difference you ask? Well, according to the Rambam – none! Knowledge, according to the Rambam, is merely a degree of faith.

"When reading my present treatise, bear in mind that by "faith" we do not understand merely that which is uttered with the lips, but also that which is apprehended by the soul, the conviction that the object [of belief] is exactly as apprehended... For belief is only possible after the apprehension of a thing; it consists in the conviction that the thing apprehended has its existence beyond the mind [in reality] exactly as it is conceived in the mind. If in addition to this we are convinced that the thing cannot be different in any way from what we

believe it to be, and that no reasonable argument can be found for the rejection of the belief or for the admission of any derivation from it, then the belief is true. Renounce desires and habits, follow your reason." (Guide, I,50)

Rambam clearly holds that if no alternative to a belief is possible, and the mind determines that such is the case, the mind can be said to know the proposition. Belief at its acme, belief that is certain, hence coalesces with knowledge. (A similar notion is found in Bachya, Chovot ha-Lavavot 1.2 wherein he describes the four levels of understanding the unity of God starting with mere faith and reaching its summit through proof)

Thus, Rambam is to be read in retrospect as taking the same position in the Sefer HaMitvot as in the Mishne Torah and intimating there too that the first two commandments of the written law are injunctions to believe in the existence and unity of God with the minimal requirement being one of faith and the optimal requirement (the fundamental of all fundamentals and the pillar of all pillars) being true knowledge of God – both forms of belief on two very different grades.

As for whether Rambam holds belief in God to be an inherent notion not deserving of command, your citation to Ramban notwithstanding, Rambam utilizes the word mitzvah and in fact, following the aforementioned quotation by Rambam in the Guide at I,50, specifically states that there do exist "things whose existence is manifest and obvious; some of which are innate notions or objects of sensation...and in fact require no proof if man had been left in his primitive state." Suffice it to say; of the four items listed, knowledge or belief in God is not one of them. Thus, Rambam would argue with your supposition.

Moreover, your citation that Noachides are not required to know God as further "proof" of your argument similarly is wanting since I know by reading your other articles that you are well aware that Rambam requires that Noachides perform their seven (7) mitzvot with knowledge that they were commanded by God which necessarily implies they are thereby commanded to know of him. See Rambam's Hilchot Melachim Chapter 8.

Rabbi, I thank you for your article because as a result of same, which inspired me to do the research which resulted in this response, it "generated a new understanding to myself and I am sure to others."

Tizku L'Mitvot

Respectfully,

Nativ Winiarsky

RABBIS



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RABBI ISRAEL CHAIT

Written by student



The first Mishna in Avos concludes with the dictum: “And make a fence for the Torah”. Rashi, commenting on the Mishna, explains that it means that protections should be created for God’s laws so that one should not come to violate a Biblical commandment. The Rambam in Hilchos Mamrim, of his halachic work Yad Hachazaka, explains that the injunction to follow Rabbinic laws comes from the Biblical commandment of ‘Lo Tasur’, which means that one is not allowed to sway from the words of the Rabbis. Thus, every time our Sages created a law they were placing an additional Biblical prohibition since one who violates the law passed by the Sages will necessarily be in violation of a Torah law as well. At first glance, this would seem to defeat the purpose of ‘making a fence’ for the Torah. If the purpose is to decrease the possibility of violating a Biblical commandment it would seem that every Rabbinic law increases the possibility of violating a Biblical commandment, since one must follow the Rabbinic law because the Torah itself says so! How are the laws of the Sages then going to act as fences for the Torah law?

To understand what is gained by the addition of Rabbinic law, we must contrast the structure of Rabbinic laws and Biblical laws. In general, Biblical laws have a definite conceptual structure so that they are necessarily abstract. This results in a situation where activities may appear to be prohibited, but are not. For example, there exists a Biblical commandment that prohibits the cooking of meat and milk together. However, if one were to “cook” milk and meat in a hot spring, then he would not be in violation of this commandment because the use of a hot spring does not register in the conceptual definition of “cooking”. Though the physical outcome may look the same, in concept there are different processes involved so that the law will differentiate between them.

In general, people are not naturally conceptual thinkers - they tend to view things in a simpler manner, usually following what appears permissible or prohibited. Take the example stated above - most people would assume that if it is permissible to heat milk and meat together in a

hot spring, then actual cooking itself is no different and would be permissible as well. For this reason, our Sages made ‘fences’- laws that would complement the framework and mode of thinking for most people to protect them from violating the Biblical laws themselves. Again in this example, by prohibiting the ‘cooking’ of meat and milk in a hot spring, people would not come to think that real cooking (over fire) is permissible. In this manner, the technical Biblical prohibition would not be violated. By creating such laws, the Rabbis ‘made a protection’ to the Biblical laws. Thus we see a valuable lesson taught in our Mishna. The idea of making a ‘fence’ for the Torah is that people must be afforded the ability to see Torah in their own terms. If people cannot distinguish between the laws of the Torah, it must be spelled out to them in a manner in which they will be able to understand, and uphold.

Another possible answer to the purpose of Rabbinic law can be found by understanding the system of Biblical law on its own. The 613 Torah commandments are part of one whole system, which is structured for perfection. Each specific Biblical commandment has a role in developing individual and national perfection amongst the Jews. The Torah therefore includes a system for Rabbinic laws that would serve to ‘protect’ this system. Thus, although they were adding prohibitions, even if one were to violate a Rabbinic law the underlying system of perfection that the Torah sets up would remain intact.

The second Mishna in the first chapter of Avos states: “Shimon the righteous one said: The world stands on three things: Torah, Avodah (which literally means service), and Gemilut Chasadim (literally, acts of kindness).” The immediate problem that confronts us when studying this statement is how to understand the first phrase of “the world stands on three things”; what does this mean? What is the idea behind “the world stands”? Furthermore, we need to address how these three things make ‘the world stand’.

Rambam, in his commentary on this Mishna, defines the meaning of each of the three things (we will come back to this later) and says that together they “constantly maintain society (tikun haolam) and order the world to be on a perfected path.” From the Rambam, we can derive the framework with which our Mishna is dealing: that of a complete society. Now the phrase “the world stands” becomes meaningful: the Mishna teaches the key factors in maintaining the proper social atmosphere that allows ‘the world to stand’. The next step is to understand what precisely these three factors are and how they work together. To be continued. ■