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COMMANDEDNESS AND OBLIGATION: A PHILOSOPHIC PILPUL

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Thank you to the wonderful 2018 MWBM Fellows! This week's devar Torah is rooted in our study of the meaning of commandedness.

The Torah's *real* beginning is in this week's parshah. This is the position Rashi apparently endorses in his opening comment to Torah. "This month shall be for you the head of months" – Exodus 12:2 contains the first *mitzvah* given to the Jewish people, and that's where Torah should begin. All the preceding narratives of genesis and exile are just background.

Rashi's radical position must be based in a deep commitment to a vision of the Torah's essential nature and purpose.

One possibility is that he understands Torah as a book of law. On this understanding, his question really is why there are any narratives in the Torah, whether before or after the first Jewish mitzvah.

A second possibility is that he understands Torah as a book about the Jewish nation, and the Jewish people are constituted as a nation by being given a collective commandment. Subsequent narratives are thus essential parts of Torah; Rashi only questions why prenatal narratives or laws, such as the story of Creation or the obligation to circumcise males, are included.

"The month shall be" is the ideal first mitzvah because it is not given to all individual members of the Jewish people as individuals; rather, it is a mitzvah that is incumbent on the nation as a whole, and according to the Rav, it was implemented by the Sanhedrin in their role as the symbolic representative of the nation. Moreover, the establishment of a new calendar is historically a common method of declaring cultural independence.

Ramban famously takes with great seriousness a midrashic statement that all mitzvot are essentially applicable only in the Land of Israel; G-d obligates us to keep them while in Exile only so that they will not seem unfamiliar when we are redeemed. Possibly this means that *all* mitzvot are at core given to the nation as a whole, rather than to individuals, and therefore have meaning only when and where the Jewish people have full national existence. Law and nationhood are intertwined; Israel is constituted by the commandments, and the commandments are made possible by the existence of the nation.

However, Ramban also adopts the position that the Avot kept the mitzvot before the Torah was given – but only when they were in the Land of Israel. This suggests that mitzvot have value independent of nationhood, and also that the significance of the Land of Israel resides in something other than its being our national home.

Rav Elchanan Wasserman (Kovetz Shiurim Kiddushin 1:71) explains Ramban as follows:

Every mitzvah has two components:

a) the reason for which sake we were commanded to do this.

This reason made it proper to fulfill the mitzvah even before it was commanded, as was done by the Avot

b) once we have been commanded, we must fulfill the command of Hashem. However, this is true only in the Land, but outside the Land there is merely a command to act in accordance with the personal obligation, because the reasons for mitzvot apply only in the Land, and therefore the Avot did not fulfill the Torah outside the Land.

Rav Wasserman contends that mitzvot have rationales, or intrinsic meaning, for all individuals. He further contends that these rationales apply only in the Land of Israel, but does not seek to explain why this is so. Here we must note that for Ramban the Land of Israel is not necessarily a physical location rather than a state of consciousness. For our purposes, the key outcome is that the fact that mitzvot are commanded creates an obligation to fulfill them even where the rationale for the commandment does not apply. Why should this be so?

Rav Aharon Lichtenstein held that the essence of Judaism is the construction of a commander-commanded (*metzaveh-metzave/ab*) relationship between G-d and human beings. Thus mitzvot fulfill a purpose even when they have no purpose. However, Rav Lichtenstein strongly resisted Professor Yeshayahu Leibowitz's contention that mitzvot have no purpose other than establishing such a relationship. Rav Wasserman would hold like Professor Leibowitz outside the Land, and like Rav Lichtenstein inside.

Rav Lichtenstein's position further explains why mitzvot have to be commanded even inside the Land – it is the fact of commandedness that establishes the desired relationship. Following the mitzvot because they are the right thing to do, or because G-d wants you to do them, or because they are the right thing to do and G-d wants you to do the right thing, would not generate a commander-commanded relationship.

But (why) is such a relationship the ideal?

In contrast to Rav Lichtenstein, some thinkers from both the Mitnagdic and Chassidic worlds appear to present commandedness as a *bediavad*, as a necessary evil or first-step that we should aspire to transcend. In their view, the Avot did not lack anything religiously because they were not commanded. All human beings ideally would intuitively understand G-d's Will and act in accordance with it; they would have no need to be commanded.

This position seems to contradict Rabbi Chanina's maxim that "greater is one who is commanded and does (*metzve/ah veoshe/ah*) than one who is not-commanded and does".

Rabbi Chanina's maxim plays a very complex role in contemporary Orthodoxy. On the one hand, the fundamental theological divide between Orthodoxy and liberal streams of Judaism is about whether heteronomous authority can ever be justified; where Orthodoxy differs is in the profound significance it gives to *tzvui*, commandedness. On the other hand, the existence of mitzvot regarding which men but not women are commanded causes great consternation for those committed to the ontological and axiological equality of the genders, and even for those who simply believe that women have a justice-right of equal access to Heavenly rewards.

Rabbi Barukh Teomim-Frankel (18th century: Chiddushei Barukh Taam to Rosh HaShanah 28a) suggested that autonomous and heteronomous action each have unique virtues, and a Jew should aspire to achieve both. His model is Mosheh Rabbeinu, who sought to enter the Land so that he could become obligated in those mitzvot which halakhically obligatorily, or commanded, only in Israel. Rabbi Teomim-Frankel contends that Mosheh sought thereby to have it both ways – he would be voluntarily becoming commanded, and indeed, G-d responds by promising that he will in any case receive rewards parallel to those of the uncommanded Avot and of the commanded post-Sinai Jews.

This contention should yield a very different attitude toward the aspirations of some women to become obligated in *mitzvot aseh shebazman garman* than is currently regnant in much of Orthodoxy. We could debate whether those aspirations are achievable – Mosheh Rabbeinu was not allowed into Eretz Yisroel – but concede that regardless they are noble.

A different approach within Rav Lichtenstein's framework is to say that the commanded/commanded relationship should be seen holistically rather than as constituted granularly and separately by each individual commandment. The number and extent of commandments is irrelevant, so long as it is more than zero.

One problem with this approach is that it seems to suggest that a human being's relationship to G-d is not enhanced when they convert to Judaism. Why should going from "7" to "613" matter? The likely answer is that the term "mitzvah" has more than one definition, and the Torah is commanded in a different way than the Noachide commandments. The 20th century work Shiurei Rav Shmuel to Makkot 9a even suggests that nonJews can change their relationship to the Noachide commandments by formally accepting them as obligatory.

A potentially intriguing notion is that there are many different kinds of non-commanded relationships to mitzvot. For example, Rabbi Mosheh Feinstein in Igrot Mosheh OC 2:25 suggests that while nonJews are not **commanded** to pray, they are nonetheless **obligated** to pray. This is because prayer is an expression of belief in G-d, and belief in G-d is a necessary condition for commandedness. Therefore, the fact of being commanded about anything depends on a prior obligation to act in accordance with one's belief in G-d.

Rabbi Feinstein opens up the possibility that Jewish mitzvot as well can fulfill religious obligations even when performed by those who are not commanded.

Perhaps the practical difference between "commanded" and "obligatory" is that "commanded" actions can be significant even when performed without specific religious intent, or *kavvanat hamitzvah*, whereas obligatory actions must be performed in the consciousness that they express a core idea.

We can bring this dvar Torah full circle by suggesting that "commandedness" is needed for nation-building. Since it is aimed at interhuman relationships, it requires objective action – everyone doing the same thing – rather than religious intent. "Obligation", by contrast, is wholly individual and aimed at human-Divine relationship, and therefore can be fulfilled only by actions undertaken with religious consciousness.

Much more can be said, and greater halakhic and philosophic rigor would be needed to say anything with confidence. But I hope this brief essay makes a plausible case that there are more ways to conceive of the relationship between Heaven and Earth than you previously thought, or dreamed of.