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ON WHAT BASIS DOES G-D COMMAND? MATT EISENFELD MEMORIAL ESSAY 5780

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The concept of commandedness is at the heart of halakhic Judaism. We are fond of pointing out that *mitzvot* are commands, and that we are commanded, *metzuvin* and *metzuvoth*. But translations are almost always misleading. What does the word *tzivui* actually mean?

Rabbi Mordechai Feinstein, a few of whose writings are published in *Igrot Moshe* volume 8, proposed the fascinating idea that commandedness is a condition that precedes any actual commands. All human beings are born into the world in a state of being *metzuveh* or *metzuva*. G-d then assigns each of us a specific set of *mitzvot*.

This explains how Tosafot can suggest that (according to Rabbi Yehudah) blind Jews are Biblically exempt from all *mitzvot* and yet bound by Rabbinic legislation. Doesn't the authority of Rabbinic legislation derive from the Biblical commandment "Do not stray from all they tell you, right or left?" The answer is that the verse "Do not stray" is not a commandment, but rather a transfer to human beings of G-d's inalienable authority to command.

I suggest that a further qualification is necessary. There is a fundamental difference between the *mitzvot* that the Torah assigns to Jews, and those that are assigned to humanity as a whole. The Torah is binding on Jews only because we accepted it, because we took an Unbreakable Vow at Sinai. The *mitzvot* of humanity are binding just because.

It seems likely to me that Biblically exempt Jews can be bound by Rabbinic legislation only because they are considered to have taken the Vow. (One could instead argue that the Rabbis have the authority to impose their legislation on Gentiles as well as Jews, but followed G-d's example in choosing not to.)

This raises a further question. Is G-d's inherent authority to command humanity unlimited? Could He have legitimately imposed the Torah on humanity, but chose not to? The perhaps radical alternative is that G-d's inherent authority is narrower than the Torah. The Torah is a representation of His will, but *retzon Hashem* per se is not binding. However, forming an intimate relationship with Him involves voluntarily accepting it as binding. (Perhaps the only way to fully accept *retzon Hashem* as binding is if one does not know in advance the content of that *retzon*, i.e. via "na'aseh v'nishma.")

It is possible to read Sanhedrin 56b as presenting a fundamental dispute about this issue. Genesis 2:16-17 tells us

וַיִּצַו ה' אֱלֹהִים עַל-הָאָדָם לֵאמֹר
מִכָּל עֵץ-הַגָּן - אֲכַל תֹּאכֵל:
וּמֵעֵץ הַדַּעַת טוֹב וְרָע - לֹא תֹאכֵל מִמֶּנּוּ
כִּי יוֹם אֲכַלְךָ מִמֶּנּוּ - מוֹת תָּמוּת.

Hashem Elokim imposed a tzivui on Adam, saying:

From all the trees of the Garden you may surely eat.

But from the Tree of Knowledge, Good and Evil – you must not eat from it because on the day of your eating from it – you will surely become mortal.

What *tzivui* did G-d impose? One might say simply: "Not to eat the fruit of the Tree," but Chazal understood the verse as encoding a series of commandments. According to Rabbi Yochanan, the first word, *vayetzav*, refers to the obligation to create functioning legal systems, whereas Rabbi Yitzchak understood it as referring to the prohibition against *avodah zarah*.

This dispute may reflect fundamentally distinct underlying conceptions.

For Rabbi Yitzchak, the right-to-command humanity emerges from G-d's status as the only source of value. The core of obligation is that we must worship Him and Him alone, because that is the only way for anything we do to have meaning. All obligations are fundamentally the same.

For Rabbi Yochanan, by contrast, humanity can be commanded involuntarily only for its own sake, only to the extent necessary for its survival and perhaps its flourishing. *Avodah zarah* is prohibited because worship of a single G-d, i.e. belief in a single source of value, is prerequisite for civic virtue. Perhaps Rabbi Yochanan believes that the fact of our having been created is sufficient to demonstrate that our survival and flourishing has value.

Various midrashei halakhah and midrashei aggada record a different conversation about the meaning of the word *tzivui*. The version in *Yalkut Shimoni* (*Shemot* 377) states that the opening verse of Parshat Tetzaveh imposed an immediate obligation to bring the oil for the Mishkan, whereas *Vayikra* 24:2, which contains a *tzivui* with the same content, extends it to all generations. Rabbi Yishmael then comments:

היה רבי ישמעאל אומר
הואיל ונאמרו צוואות בתורה סתם,
ופרט לך הכתוב באחת מהן שאינו אלא מיד בשעת מעשה ולדורות,
אף פורטני בכל הצוואות שבתורה שלא יהו אלא בשעת מעשה
ולדורות.

*Rabbi Yishmael would say:
Since the Torah often records tzivuyim plain (i.e., without stating the time to
which they apply),
and the Torah specifies regarding one of them (oil) that it applies immediately
and for all generations,
this teaches me that all tzivuyim in the Torah apply immediately and for all
generations.*

Rabbi Yishmael's comment is followed by three other Tannaim making a statement of the form "... אין צווי בכל מקום אלא / The term *tzivui* as used in Tanakh always means . . ."

- a) Rabbi Yehudah ben Beteirah says that *tzivui* = *zirus*, or encouragement/inspiration to action. His evidence is that in Devarim 3:28, G-d tells Mosheh

וצו את יהושע וחזקה ואמצה

Be metzaveh Yehoshua, and strengthen him and hearten him

There is no command mentioned in this context, and Rabbi Yehudah ben Beteirah probably understands "strengthen and hearten" as defining the term *tzav*. (The parallel to Yeshayah 38:1, where Yeshayah tells Chizkiyah to be *metzaveh* his house because he is dying, suggests that we are referring to an ethical will, what becomes known as a *tzava'ah*.)

- b) Rabbi Shimon bar Yochai says that a *tzivui* always involves a financial loss (here the cost of the donated olive oil; the loss is not as evident in all the examples he brings)
c) Rebbe says that the word *tzivui* refers to an *azharah*, which can mean either a commandment generally or specifically a DON'T. His evidence is G-d's commandment to Adam in Genesis 2:16.

Rebbe's position may accord with that of Rabbi Yitzchak. The word *tzivui* means the same thing when it refers to the Torah and when it refers to general human obligation. Because Rabbi Shimon bar Yochai and Rabbi Yehudah ben Beteirah seek alternative meanings, and settle on ones that fit poorly with Genesis 2:16, it is tempting to suggest that they accord with Rabbi Yochanan.

However, an array of commentators disagree. Their evidence is from the version in Sifra:

צו - אין צו אלא זירוז מיד ולדורות.

אמר ר' שמעון:

ביותר - כל מקום שיש בו חסרון כיס.

Tzav – This means zirus, immediately and for all generations.

Said R. Shimon:

B'yoteir/more – everywhere there is financial loss.

They understand *b'yoteir* as saying that Rabbi Shimon bar Yochai is only adding a nuance, not providing a distinct meaning. Moreover, this version seems to conflate commandedness with *zirus*, and thus deny any distinctiveness to Rabbi Yehudah ben Beteirah as well.

However, what may be a version of Rabbi Yehudah ben Beteirah, found with variations in Sifrei Zuta (27) and Yalkut Shimoni (Bamidbar 775), opens up a new possibility:

– נצוית אותו לעיניהם –

אבל אין אתה יודע הצווי הזה מהוא

נאמר כאן וצוית אותו

ונאמר להלן קרא את יהושע והתיצבו באהל מועד ואצונו (דברים לא יד)
הא אין צווי בכל מקום אלא ד"ת.

You (Mosheh) must be *metzaveh* him (Yehoshua) before their eyes

–
I would not know what this tzivui is.

*Now that it says here you must be metzaveh him,
and it says later (Devarim 31:14) Call Yehoshua, and stand in Ohel
Moed, and I (G-d) will be metzaveh him
therefore tzivui in every context means "words of Torah."*

The argument here is that whenever G-d Himself is *metzaveh*, that means that He is **teaching Torah**. Human beings **translate** that Torah into commands, encouragement (see Rashi to Devarim 31:14: "*azharzenu*"), etc., but the core of the relationship is pedagogic.

If this presumably applies to the initial *vayitzav* in Eden as well, then for the author of this midrash (possibly Rabbi Yehudah ben Beteirah), G-d commands by educating. This might mean that He educates about His will, but more likely, it means that He educates us about the good, and the good is binding independently. Why then is the Torah binding only on Jews? I suggest that many goods can only be achieved in the context of a relationship.

One last possibility. Ramban reads *vaatzavenu* in Devarim 31:14 as meaning "I will make him a *metzaveh*." Perhaps we should read every *tzivui* in Torah not as a direct command, but rather as a grant of authority to interpreters, in the spirit of the Torah not being in Heaven. On this interpretation, commandedness always refers to Rabbi Feinstein's condition of being ready to receive specific commands, with the recognition that such commands will inevitably be subject to human mediation.

If we assume that Ramban is in concert with our midrash, rather than an alternative, we can say that when G-d teaches Torah, He grants authority. This contains two valuable lessons for human teachers of Torah. On the one hand, our efforts – like G-d's – should always be aimed at empowering our students. On the other hand, we cannot ignore that our students – like G-d's – are human, and may be tempted to use their power to control others who have learned less, rather than seeking to educate them.