

The late Thomas Kuhn incisive argued that philosophers (and Briskers) tend to overread texts with a form of excessive intellectual generosity. Because their interest is in ideas rather than in history, they assume that the author of a text was aware of all logical challenges to his/her ideas, and interpret them in a way that takes those challenges into account, even if those challenges are explicitly recorded for the first time centuries later.

This week's text, Ramban's defense of BHG's failure to count the opening sentence of the Aseret haDibrot among the 613 commandments, is likely familiar, but I return to it regularly because of my uncertainty as to whether I overread it. Ramban suggests, as do contemporary scholars of ancient Hittite vassal treaties, that "I am Hashem your G-d" is a preamble rather than a command, a statement of sovereignty that grounds and whose acceptance is a necessary precondition for all subsequent commands.

To a contemporary philosopher, ever sensitive to reflexive loops and a passionate partisan of autonomy, the position Ramban articulates (although not his own position) is tantamount to a conscious recognition that belief cannot be commanded, and accordingly that there can be no justification for religious coercion against agnostics, and no blame for those whose failure to uphold halakhic commitments stems from denial of the premise that G-d commands us, or even of the premise that G-d commands us to observe Halakhah.

However, these conclusions seem a difficult fit for Ramban in historical context, and I think that a close reading of his words yields no clear indication that his argument goes beyond the technical claim that *metamitzvot* can be excluded from the number 613. One can evade the historical issue by suggesting that he merely attributes this position to BHG, and thereby legitimates it, but himself does not believe it – but I find that approach unconvincing. One can also argue that he legitimates the position, and we are then free to draw our own implications from that position, but that only begs the question of whether the implications are necessarily legitimate.

But perhaps it is disrespectful to Ramban to read him as missing what seems to me such a clear implication of his argument? I would be hard-pressed to accept such a contention in any other area of Rabbinic discourse.

Shabbat shalom
Aryeh Klapper

השגות הרמב"ן לספר המצוות מצות עשה א

כתב הרב:

המצוה הראשונה - שנצטוינו באמונת האל-הות
והוא שנאמין שיש עלה וסבה הפועל כל הנמצאות
והוא אמרו יתעלה "אנכי י"י אל-היך".

ובסוף גמר מכות אמרו:

תרי"ג מצות נאמרו לו למשה בסיני.

מאי קראה?

"תורה צוה לנו משה".

והקשו: "תורה" שש מאות ואחד עשר הוו!?

"אנכי" ו"לא יהיה לך" מפי הגבורה שמעום.

הנה נתבאר לך ש"אנכי" מכלל תרי"ג מצות, והיא מצוה באמונה, כמו שביארנו:

אמר הכותב:

האמונה הזאת בדבור הזה - לא נפלאה היא ולא רחוקה היא,
וכן בדברי רבותינו ז"ל מפורש שהוא קבלת מלכותו יתע',
והיא אמונת האל-הות.

אמרו במכלתא:

"לא יהיה לך אלהים אחרים על פני" למה נאמר?

לפי שהוא אומר "אנכי י"י אלהיך".

משל:

למלך שנכנס למדינה.

אמרו לו עבדיו: גזור עליהם גזרות!

אמר להם: לאו - כשיקבלו מלכותי, אגזור עליהם גזרות, שאם מלכותי אינן מקבלים,

גזרותי היאך מקיימין!?

כך אמר המקום לישראל: ("אנכי י"י אלהיך . . . לא יהיה לך אלהים אחרים על פני") -

אני הוא שקבלתם עליכם מלכותי במצרים?

אמרו: הן.

כשם שקבלתם מלכותי, קבלו גזרותי ("לא יהיה לך").

ועם כל זה ראיתי לבעל ההלכות

שלא ימנה אותה מצוה בכלל תרי"ג,

ובדבור "לא יהיה לך" מניעות רבות: "לא יהיה לך", "לא תעשה", "לא תשתחוה להם", "ולא תעבדם",

ואם כן, יהיה מפי הגבורה חמש, ומפי משה שש מאות ושמונה, לא מניין תור"ה!?

והנראה מדעתו של בעל ההלכות

שאין מנין תרי"ג מצות אלא גזירותיו יתע' שגזר עלינו לעשות או מנענו שלא נעשה,

אבל האמונה במציאותו יתע', שהודיע אותה אלינו באותות ובמופתים ובגילוי השכינה לעינינו, הוא העיקר

והשורש שממנו נולדו המצות, לא ימנה בחשבונן,

והוא מאמר החכמים אמרו לו גזור עליהם גזרות אמר להם לאו כשיקבלו מלכותי אגזור עליהם

גזרות. - עשו קבלת המלכות עניין בפני עצמו, והמצוות הנגזרות מאתו יתעלה מענין אחר.

ועוד - כי אין הפרש בין הדיבור הזה ובין מה שאמר ית' בצדוק המדות (קדושים יט) "אני י"י אל-היכם אשר

הוצאתי אתכם מארץ מצרים",

והוא ירצה לומר: הואיל וקבלתם מלכותי מיציאת מצרים, קבלו גזירותי.
ואם תהיה בכל מקום מצוה שיאמר "דעו והאמינו שאני י"י שהוצאתי אתכם מארץ מצרים ועשו מצותי", עם
כל זה לא יבא בחשבון המצות, כי הוא העיקר והן התולדות, כאשר פירשתי.

ולדעת הזו, מה שאמרו בתשובת השאלה "תורה" שש מאות ואחד עשר הוי!?! "אנכי" ו"לא יהיה לך"
מפי הגבורה שמעום,

לומר שיש בדיבור "לא יהיה לך" שתי מצות ישלימו לשש מאות ושלוש עשרה,
והם המניעה בצלמים – "לא יהיה לך" ו"לא תעשה לך" עניין אחד;
והמניעה בעבודה זרה – "לא תשתחוה להם" ו"לא תעבדם" מצוה אחרת;
הודיעו

כי עד כאן הדברות מפי הגבורה מובנות לכולם,
כאשר הם בלשון מדבר על עצמו "אנכי י"י", "על פני", "כי אנכי",
ושאר הדברות בלשון נביא מתרגם ביניהם,
אבל הכונה

מפני מצות הדבור השני שהן משלימות המניין.
וכן מנה בעל ההלכות במצות לא תעשה עובד עבודה זרה אחת, ומנה בלאוין שבמלקות "לא יהיה לך" אחת,
שהיא אצלו מניעה בצלמים, ולא הזכיר לאו אחר בעשייתן.
ומצאתי ראיה לדבריו:

שאמרו במכילתא:

"לא יהיה לך אלהים אחרים" למה נאמר?

לפי שנאמר "לא תעשה לך פסל וכל תמונה", אין לי אלא שלא יעשה, העשוי כבר מניין
שלא יקיים?

תלמוד לומר "לא יהיה לך",

וזהו דעת בעל ההלכות, ויש לו פנים.

אבל עוד במצות לא תעשה (סי' ה) אבאר המתחוויר לי יותר:

Ramban's objections to Rambam's Sefer Hamitzvot Mitzvot Aseh 1

Rambam wrote:

The first commandment – that we have been commanded in faith in G-dness, meaning that we must believe that there is a cause and motive that drives all existents which is the meaning of His saying “I am Hashem your G-d”.

At the end of Makkot they say:

613 commandments were said to Mosheh at Sinai.

What verse generates this?

“Torah was commanded to us by Mosheh”.

They challenged: “Torah” is numerically 611?!

“I (am Hashem your G-d”, and “There must not be for you etc.” they heard directly from the mouth of the Almighty.

So it has been made clear to you that “I am” is included in the 613 commandments, and is the commandment of faith, as we have clarified.

Ramban writes:

This faith referred to in this statement – it is not too wonderful nor is it distant (see Devarim 30:11),

and indeed it is explicit in the words of our Teachers that it refers to acceptance of His kingdom, and this is faith in G-dness.

They said in Mekhilta:

“There must not be for you other gods before Me” was said to teach what?

Because it says “I am Hashem your G-d”.

A parable.

Compare this to a king who entered a province.

His servants said to him: “Decree decrees upon them!”

He said to them: No - when they accept my kingship, I will decree decrees upon them, because if they do not accept my kingship, how will they uphold my decrees?!

Similarly the Omnipresent said to Israel: Am I He Whose kingdom you accepted upon yourselves in Egypt?

They said: Yes.

(He said:) Just as you accepted My kingship, accept My decrees.

But despite all this I have seen that Halakhot Gedolot does not count “I am” as a commandment among the 613.

Also, the statement “There must not be for you” contains many injunctions: “There must not be”, “You must not make”, “You must not bow to them”, “and you must not serve them”, and if so, there would be five commandments heard directly from the mouth of the Almighty, and only 608 from the mouth of Mosheh, which does not equal “Torah”!?

So what seems to be the opinion of Halakhot Gedolot is:

That the set of 613 commandments includes only His decrees that He decreed upon us to do or enjoins us against doing,

whereas faith in His existence, which He made known to us via signs and demonstrations and Revelation of the Presence before our eyes, this is the essence and root from which the commandments are generated, and therefore is not included when their number is calculated, which is the meaning of the Sages' saying His servants said to him: “Decree decrees upon them!” He said to them: No - when they accept my kingship, I will decree decrees upon them – they made acceptance of the Kingdom a separate category, and the commandments that are decreed by Him a separate category.

Furthermore – there is no difference between this statement (“I am”) and His saying with regard to the obligation to maintain honest weights and measures “I am Hashem your G-d Who took you out of the land of Egypt”,

which intends: Since you accepted My kingship from the time you left Egypt, accept My decrees. But if “I am” is nonetheless a commandment saying “Know and have faith that I am Hashem Who took you out of the land of Egypt, so do My commandments”, nonetheless it would not be included in the calculation of the number of the commandments, because it is the essence and they are the derivations, as I have explained.

According to this opinion, when they said in response to the question “Torah” is numerically 611?! that “I (am Hashem your G-d”, and “There must not be for you etc.” they heard directly from the mouth of the Almighty, meaning that the statement “There must not be for you” includes two commandments that complete the set of 613,

namely the injunction against “representations” (*tzelamim*) – so “There must not be for you” and “You must not make” are a single category;

and the injunction against “excluded service” (*avodah zarah*) – so “You must not bow to them” and “You must not serve them” are one category,

they conveyed

that up to there were the statements from the mouth of the Almighty that were understood by all Israel,

as evidence by their being in first person – “I am Hashem”, “before Me”, “because I am”,

whereas the other statements are grammatically in the voice of a mediating prophet,

but they specifically intended to say

that the commandments contained in the *second* statement complete the set of 613.

Similarly Halakhot Gedolot counts among the ‘Do not’s’ one prohibition against “excluded service”, and among the “Do not’s” whose violation generate lashes he counts “There must not be for you” as one, but does not list a separate “Do not” for making representations.

I have found evidence for his opinion,

as They said in Mekhilta:

“Why is ‘There must not be for you other gods before Me’ said?

Because it says ‘You must not make yourself a relief or any portrait’, I would know only that you must not make them, but how would I know that you must not maintain possession of those already made?

So this is the teaching of “There must not be for you”,

which is the very opinion of the Halakhot Gedolot, and it is plausible,

but in my section on the “Do not’s” I will clarify what seems more compelling to me.