

“Greater is the One Commanded” – A New Perspective on an Old Dispute

On the Imperative of Living in the Land of Israel

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Introduction

“And you shall inherit the land and you shall dwell therein, for unto you have I given the land and you shall inherit the land which I swore unto your forefathers”
(Bam. 33:53).

Nachmanidies (“the Ramban”) understood this verse to be the source of a Biblical commandment to settle the land of Israel. Maimonidies (“the Rambam”) was not so compelled by this or any other verse in the Torah and thus omitted the act of settling the land of Israel from his count of the 613 Biblical commandments.¹ The Ramban made due note of this omission in his commentary to the Rambam’s *Sefer HaMitzvot*², bringing additional Biblical verses and Talmudic statements to support his position. Thus began the great dispute over whether *yishuv haaretz* is a Biblical commandment; a dispute that, with the establishment of the State of Israel, has moved from the realm of the academic to that of the practical.

Later commentators took various positions on the Rambam’s omission. R. Isaac de Leon (c. 1450), in his *Megillat Ester* commentary on the Rambam’s *Sefer HaMitzvot*, affirmed the Rambam’s position based on the reasoning that

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1. The concept of 613 biblical commandments is found in the Gemara (*Shabbat 87a*, *Makoth 23b-24a*), numerous places in Midrash Rabba, Midrash Tanhuma, Mechilta, and elsewhere. The first attempts to list the commandments began in the Gaonic period starting with R. Shimon Kaira (c. 750) in his *Halachot Gedolot*. However, it was the Rambam (1138-1204) who turned the endeavor into a rigorous one by introducing well-defined principles for deciding what qualify as Biblical commandments. (See R. Chavel, *The Commandments*, [Soncino, London, 1984], Vol. 1, Forward).
 2. Hashmatot, Positive Commandment no. 4.

once the Temple was destroyed the obligation to settle the land is no longer in effect.³ R. Avraham Bornstein (1839-1910), in his responsa *Avnei Nezer* (Yoreh Deah, 454), rejected the *Megillat Ester*, arguing that the Rambam indeed held the act of settling the land to be a command⁴ but for technical reasons, based on his principles for counting the mitzvot, did not include it in his 613 listing.⁵ R. Chaim Hezekiah Medini (1833-1904), in his *Sdei Hemed* responsa expressed the opinion that, though the Rambam did not consider *yishuv haaretz* to be a Biblical commandment, he did believe it to be a Rabbinic commandment.⁶

Analysis

Explanations aside, the fact is that the Rambam did not include it as a Biblical commandment, and as such, one attempting to fulfill the act of living in Israel, important as it may be, will be found in the position of one "not commanded."⁷ That is to say, one will be performing an act adjudged to be beneficial, but nevertheless one not explicitly commanded by God. This might not have been of great concern were it not for the fact that the Gemara, on two distinct occasions (*Kiddushin* 31a, *Baba Kamma* 38a⁸), quotes R. Hanina as stating unequivocally, "Greater is the one commanded and does than the one not commanded and

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3. So too the *Minhat Elazar*, quoted in R. Hershel Schachter, *The Mitzvah of Yishuv Eretz Yisrael*, The Journal of Halacha, Vol. 8, p. 17. Similarly Torah Temimah (Dev. 12, n 114).
 4. The reference to *yishuv haaretz* as a "command" in the Torah yet not included in the accepted count of 613 Biblical commands can be explained to mean that *yishuv haaretz* is "the will of God" as expressed in the Torah – indeed we will take specifically this position further on. In this vein we can explain similar usages in R. Y. S. Teichtal's *Eim Habanim Semeichah*, Jerusalem, 5760, p.238.
 5. So too R. Y. D. Blumberg, "Mitzvat Yeshivat Eretz Yisrael" (Vilna, 1898) quoted in *Eim Habanim Semeichah*, p.230. Also R. Ovadia Yosef, quoted in R. J. David Bleich, *Contemporary Halakhic Problems* [KTAV, NY, 1977], Vol.1, p.4. See also *Eim Habanim Semeichah*, p.240 who brings others who reject the *Megillat Ester*.
 6. *Maarechet Eretz Yisrael*; also *Ar'ah DeRabannan* quoting Radvaz (in R. Hershel Schachter, "The Mitzvah of Yishuv Eretz Yisrael," The Journal of Halacha, Vol. 8, n. 11).
 7. Though we are using the Rambam as the basis for this position, there were others who maintained similar opinions. The Rashbam (*Baba Batra* 91a) held *yishuv haaretz* to be a *hechsher* mitzvah. R. Hayim Kohen is quoted in *Tosafot* (*Ket.* 110b) as being of the position that the mitzvah is not obligatory due to the dangers and difficulties involved. As such, our conclusions herein will be pertinent to all who do not explicitly count *yishuv haaretz* as a Biblical commandment.
 8. *Avoda Zara* 3a is the same as *Baba Kamma* 38a.

does.” Thus, it would seem, the simple deed of wearing tzitzit⁹ in Nome, Alaska is an act greater than the involved venture of settling the land of Israel.¹⁰

Greater is the One Commanded and Does

R. Hanina’s statement is found in the context of the following story:

R. Eliezer was asked, “How far does the mitzvah of honoring one’s parents extend?” He told them, “Go and learn from what an idol worshipper named Dama ben Netinah did for his father in Ashkelon. The Rabbis offered to purchase from him precious stones for the ephod at a profit to him of 600,000 [gold dinars]¹¹ (R. Kahana taught: at a profit of 800,000). However, the key [to the safe] was under his [sleeping]¹² father’s head, and he did not trouble him. The following year God gave [Dama] his reward in that a Red Heifer was born in his herd. The Rabbis came to him [to buy it] and he said to them, “I know that if I request from you all the money in the world you would pay me; however I only request the same sum that I lost due to honoring my father.” Said R. Hanina, “If one who is not commanded and

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9. The Gemara (*Avoda Zara* 3a) uses the mitzvah of Sukkah as an example of an “easy” mitzvah because there is little cost involved; however, in today’s non-agrarian society where such booths are not readily available, there is quite an expense involved in fulfilling this mitzvah. Torat Hayim (on *ibid.*, s.v. *mitzvah*) explains that Sukkah was chosen because it is an “easy” mitzvah which is also said to be equivalent to all the mitzvot (though after a thorough search all of “*Safrut Hazal*” in the Bar Ilan Shu”t CD, the mitzvah of Sukkah is nowhere equated to all the mitzvot). Be that as it may, he explains that while there are several mitzvot deemed equivalent to all the mitzvot (e.g., Shabbat, Mila, Tzitzit), they all require more effort and expense than Sukkah. Tzitzit is considered difficult due to the great effort required to obtain the hillazon and the attendant expense of its dye for tekhelet (see esp. Sfat Emet on *Men.* 44a). Today however, with the advent of sophisticated fishing equipment, the hillazon is readily attainable and the expense of its tekhelet strings, compared to other mitzvot, is within reason. As such, the mitzvah of tzitzit is an exemplary easy mitzvah due to the sheer simplicity of the act – i.e., merely putting on what amounts to an undershirt. Indeed, the Gemara (*Men.* 44a) uses tzitzit as the example of an easy mitzvah.
 10. Two points of import to note:
 - (a) Though there is a Midrashic statement (*Sifrei Ekev* 43) which initially implies that the only true observance of the mitzvot is in the land of Israel, the same Midrash (*Sifrei Ekev* 44) declares that in fact all the non-land related mitzvot (i.e., *mitzvot haguf*) are obligatory, in the fullest sense, everywhere in the world (See also Ramban [Dev. 11:18]).
 - (b) Though we are not to prioritize mitzvot, for we know not which is more dear in the eyes of God (*Avot* 2:1), the statement of R. Hanina clearly gives ascendancy to a commanded person over one not commanded.
 11. Rashi (*ibid.*, s.v. *beishishim*).
 12. Rashi (*ibid.*, s.v. *tahat*).

does is thus [rewarded], how much more so the one who is commanded and does." For R. Hanina said, "He who is commanded and does is greater than he who is not commanded and does."

Kiddushin 31a

R. Hanina articulates his principle in reaction to the great reward bequeathed by Heaven upon one who performed a righteous act without being so commanded. The story, it must be emphasized, does not provide a validation or proof of the veracity of his principle. Indeed, following this story the Gemara goes on to demonstrate that R. Hanina's principle is not necessarily intuitive.

R. Yosef [who was blind]¹³ said, "Originally I thought that if anyone would tell me that the halacha accords with R. Yehuda – i.e., that a blind person is exempt from the mitzvot – I would make a banquet for the Rabbis [in celebration of the fact that] I am not obligated yet I fulfill them [and thus have greater merit]. Now, however, that I have heard R. Hanina's dictum that he who is commanded and does is greater than he who is not commanded and does; [so] on the contrary, if anyone should tell me that the halacha does not accord with R. Yehuda, I would make a banquet for the Rabbis.

*Kiddushin 31a*¹⁴

R. Hanina's principle might even be considered counter-intuitive since generally greater merit is placed on personal initiative, on the free exercise of the will without compulsion. Indeed, this seems to be borne out by the fact that R. Yosef "originally" thought that performing a righteous act without being commanded was of greater merit. Nevertheless, R. Hanina's principle is brought yet again elsewhere in the Gemara as a truism without dissent.

God exempted the descendants of Noah – i.e., non-Jews – from even the seven commandments they originally accepted since they later rejected them. But should they benefit from their rejection [i.e., be free of culpability simply through rejecting obligation]? If so, this is like a sinner profiting

13. Rashi (*Baba Kamma* 87a, s.v. R. Yosef; *Shabbat* 109a, s.v. *afilu ledidi*).

14. Similarly *Baba Kamma* 87a.

from his sin! Mar berei deRabana said, “[Certainly they are not free of culpability, but rather the statement only means that]¹⁵ even if they were to fulfill these commandments [they now rejected] they would not receive reward.” Would they not? But it has been taught: R. Meir used to say, “From where can we learn that even when a gentile occupies himself with the study of Torah he equals [in status] the High Priest? It states, “which if a man do he shall live by them” (Vay. 18:5) – it does not say “Priest, Levi, Israel” but rather “a man”, which shows that even if a gentile occupies himself with the study of Torah he equals [in status] the High Priest. [Mar berei deRabana] said, “I meant [in saying that they would receive no reward] that they will receive reward not like those having been commanded, but like those not having been commanded. For R. Hanina said, “He who is commanded and does is greater than he who is not commanded and does.”

Baba Kamma 38a¹⁶

As in the previous Talmudic citation of R. Hanina’s principle, the Gemara does not seek to prove the principle’s veracity; on the contrary, it is employed axiomatically in order to solve a particular quandary. This being the case, further investigation is imperative to understand why an act done under compulsion is held unequivocally to be of greater value than one done free of coercion.

Conquering the Self

Tosafot (*Avoda Zara 3a*, s.v. *gadol*) reason that the one commanded always has to overcome his “*yetzer hara*”, his natural tendency to resist external demands¹⁷; for this psychological effort expended, the act is commensurately more meritorious.¹⁸ Similarly the Ritva (*Kid. 31a*, s.v. *d’amar*) notes the greater

15. Rashi (*ibid.*, s.v. *lomar she’afilu*).

16. Similarly *Avoda Zara 3a*.

17. This translation of “*yetzer hara*” will be supported further on.

18. Elsewhere Tosafot (*Kid. 31a*, s.v. *gadol*) bring an additional, yet substantially different, psychological aspect that bears on the one commanded: the apprehension that if one is unsuccessful in his performance of the command he will have violated an obligation, whereas the one not commanded has no such concern. The Shach (*Yoreh Deah 246:7*) quotes Tosafot and explains that the fear of punishment causes increased psychological pressure (“*yitzro mitgaber*”). To understand this I suggest that it must not be that fear of punishment *per se* is the driving factor – for that clearly indicates a low motivation of performance – but rather that punishment, or negative consequence in general, emphasizes the importance of the act in question. As a result, coping with the increased psychological pressure attendant to obligations of import accrues to one’s credit.

psychological effort involved when one is commanded and consequently invokes the famous adage, *"l'fum tzara agra"* – according to the effort is the reward.

It is instructive to see the words of the Ritva:

Our Rabbis, z"l, explicated the reason for [R. Hanina's dictum] in that the Satan accuses the individual who is commanded whereas the Satan does not so accuse the one not commanded; thus *"l'fum tzara agra"* – according to the effort is the reward. And so explained Rabbeinu HaGadol z"l¹⁹, that the commandments were not given for the benefit of God but rather for our benefit; and he who is commanded has so fulfilled the decree of the king and therefore his reward is greater than he who [by not being commanded] did not fulfill the decree of the king, though even he is nevertheless deserving of reward for he acted out of the goodness of his heart and benevolence and so brought himself to perform the command of God...

The Ritva's first point, as mentioned, is that the greatness of the one commanded is due to the effort involved in overcoming the Satan, i.e., one's negative psychological tendencies. He then makes another point by way of analogy to servants of the king. He explains that anyone who fulfills the decree of the king is greater than one who acts not in fulfillment of the king's command but out of "the goodness of his heart." The emphasis here is not on the act itself, for that is done by both, but rather on the fulfillment of the decree of the king. It is the obedience itself that is of inestimable value.

This point is alluded to by 19th century philosopher M. Lazarus in his "The Ethics of Judaism"²⁰ wherein he writes, "The idea underlying [R. Hanina's] principle is to contrast between the Autonomy of the Will and the Law of God as the Authority of Man. The moral act finds its sure basis only when it is conceived as prompted by the command of God; when man acts in obedience thereto the merit is greater."

19. This appears to be a reference to the Ramban, who was the teacher of the Ritva's teachers.

20. Quoted in the Soncino Talmud (*Avoda Zara* 3a, n. a1).

When man is confronted with a choice of action, there rages within him a great struggle whether to choose according to his reason or according to an external dictate. This is the struggle between the “Autonomy of the Will” versus the “Law of God”. Lazarus explains that for a moral act to be carried out unwaveringly, it must be done with the understanding that the act is a command from God. Only thus will man’s actions be free of personal agenda, subjective rationale and egocentric rationalizations by which man justifies his actions though they may conflict with a command.

The Gemara (*Yoma* 67b) explains that the commandments of the Torah can be divided in to two general categories: *mishpatim* – “commandments that should have been written down even if they had not been transcribed in the Torah” due to their harmony with natural morality, and *hukkim* – “commandments with which the *yetzer hara* and the heathen find fault” due to their falling outside the purview of human reason. R. Soloveitchik taught that ultimately all the commandments, even those that we see as having a rational basis, must be viewed as *hukkim*, performed solely because they were commanded by God.²¹ He writes:²²

A *mishpat*, even when it is based on reason, must be accepted as a *hok*; otherwise, even rational social and moral laws may be corrupted or distorted, as is often demonstrated by our modern secularized society.²³ The *hok* differs from the *mishpat* only in the degree of its intelligibility; both, however, need the Divine imperative to sustain their religious fulfillment.

And so, to reiterate Lazarus, each command finds its “sure basis” – i.e., is more assured of being carried out – “when it is conceived as prompted by the command of God.” This is due to the fact that the individual will have put

21. R. Besdin, *Reflections of the Rav*, Vol. 1, [KTAV, N.J., 1993], pp. 99-106.

22. *Reflections of the Rav*, Vol. 1, p. 110.

23. Here the Rav refers to an earlier explanation of his: “We have assumed that *mishpatim* are prompted by reason. Yet, in our modern world, there is hardly a *mishpat* which has not been repudiated. Stealing and corruption are the accepted norms in many spheres of life; adultery and general promiscuity find support in respectable circles; and even murder, medical and germ experiments have been conducted with governmental complicity. The *logos* has shown itself in our time to be incapable of supporting the most basic of moral inhibitions” (*Reflections of the Rav*, Vol. 1, p. 105).

aside his own personal agenda, his own self-interests, or in the words of the Rabbis, his own *yetzer hara*. Indeed, it is precisely this setting aside of personal interest that engenders merit, for the great "merit" inherent in obedience to the will of God is the overcoming of the Autonomous Will in deference to the Will of God.

Transcendence

This great merit is not some ethereal reward to be enjoyed in another plane of existence, but rather very tangibly benefits man "here and now", as can be understood from the words of the Ritva²⁴: "And so explained Rabbeinu HaGadol z"l, that the commandments were not given for the benefit of God but rather for our benefit."

What makes the act of obedience – regardless of the particular act itself – of great benefit can be more profoundly understood by what Victor Frankl writes on self-transcendence:

[M]an is responsible and must actualize the potential meaning of his life. ... The more one forgets himself – by giving himself to a cause to serve or a person to love – the more human he is and the more he actualizes himself. What is called self-actualization is not an attainable aim at all, for the simple reason that the more one would strive for it, the more he would miss it. In other words, self-actualization is only possible as a side effect of self-transcendence.²⁵

Victor Frankl teaches the notion that if one wants to actualize the self, he is doomed to failure by making such his goal. The reason is that by looking inward, looking at oneself, at one's personal agenda, one thereby limits himself to the potential that he sees "in the mirror", so to speak. In contrast, if one looks outward, at a cause external to himself, giving himself over to it, his being will correspondingly rise to the demands of that cause and he will thus transcend his own self-perceptions, including his own self-perceived limitations. As

24. Quoted above, see *Kiddushin* 31a, s.v. *d'amar*. See also fn. 19.

25. Victor Frankl, *Man's Search for Meaning* [New York, 1985], p.133.

a consequence of his self-transcendence he will achieve self-actualization – quite probably one that he could not have imagined. Indeed, he will have achieved “greatness”.

The Meiri (Avot 1:2) explains that man’s perfection is the purpose of creation. He qualifies this, however, by noting that really one cannot say that anything but performing the will of the Creator is “the purpose of Creation”. Nevertheless, if one acts in order to fulfill that Will, he will in so doing bring himself to actualize the greatness of his potential.

Greatness in Obedience

This then is the greatness of acting in obedience to the command of the Creator. When one acts in accordance with one’s personal agenda or, as the Ritva stated, “out of the goodness of one’s heart”, one is acting out of self-actualization, and is thus necessarily limited. However, when one acts out of obedience to the king, one transcends oneself and is only limited by the cause, in this case, the very will of the king – in our case, the Creator Himself.

This idea, that greatness is achieved when one overcomes his self-centered desires in favor of obedience, is alluded to in the words of the Ritva. He explains that the greatness referred to by R. Hanina is in overcoming “the Satan”, which the Ritva then links to the greatness of fulfilling the decree of the King. That is, the greatest psychological barrier one must overcome in fulfilling a command is to do it simply because it is commanded. Man’s innate tendency, “the Satan”, his “*yetzer hara*”, if you will, is to rationalize the command to fit his worldview, and if that is impossible, to reject the command outright.²⁶

26. We are not herein arguing that there is great merit in following the irrational simply because it is irrational – to do so would be to abdicate responsibility as thinking human beings. What we are suggesting is that upon accepting God as the Creator and ultimate authority, after all it is His creation, one must strive to fulfill the Creator’s every word, whether one has a rationale or not. Indeed, the argument being made here is that the greatest level one can hope to achieve is the acceptance of the Creator so wholly that one performs His will unquestioningly. It is only at this point of total acceptance that one in fact abdicates one’s reasoning as a reflection of his commitment. R. Soloveitchik (*Reflections of the Rav*, Vol. 1, p. 101) explains, “Obviously, only an absolute faith in God as the Legislator of the *hok* would motivate such [irrational] acceptance.” This level of faith is one that is to be developed, as demonstrated, for example, by the “test” of the Manna which, according to many commentators, was to provide the children of Israel a method of building faith in God (see Rashbam [Shm. 16:4], Ramban [Shm. 16:4], Rambam [Guide, III:24]).

Thus the “*yetzer hara*” referred to here is not some petty selfish tendency, but rather the ultimate psychological drive with which man contends. It is precisely this drive that Adam and Eve encountered when they confronted the choice between following God’s irrational command, “from the tree of knowledge of good and evil do not eat” (Ber. 2:17) versus following their own rationale, “for the tree is good to eat, and desirous to the eyes” (Ber. 3:6).²⁷ And it is precisely this drive that Avraham demonstrated²⁸ could be overcome when he chose to put his son on the altar despite his rationale.²⁹ It is the drive, which ever counsels rational man to refer solely to his own sense to determine action, that man must ultimately overcome and make the commitment of faith necessary to do what God commands – if he is to transcend his self.³⁰

Committed is Commanded

R. David Sperber (1875-1962) wrote on this subject in his responsa *Afarkashta D’anya* (Part II, Yoreh Deah 109), wherein he analyzes the implications of the Gemara (*Baba Kamma* 38a) cited earlier that discusses the reward gentiles receive for performing the seven Noahide commandments. He quotes the Rambam (Hil. Mel. 8) who explains that if a gentile performs a Noahide

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27. R. S. R. Hirsch explains, “God had left it for him to decide, of his own free will, whether he would **defer to the Will of God** in determining what was good, and what bad, and thereby tread the path of life, or **decide himself** what was good or evil and thereby have to be fated to death” (Ber. 3:22, p.91 – emphasis added).
28. See R. David Shapiro (“The Book of Job and the Trial of Avraham,” *Tradition*, Vol. 4, No. 2, Spring 1962) who explains that the “test” of Avraham is really a “banner” (i.e., “test” and “banner” being linguistically related to the root “*ness*”) in that Avraham’s act stands as a banner – a demonstration to the world that Man is worthy of creation.
29. These two events—the Eating of the Tree of Knowledge and the Akeidah—are seminal events in the development of man. The Ramchal (*Derech Hashem* 2:4) explains that after Adam and Eve’s fall, humanity failed to rise to that initial challenge until Avraham proved himself worthy through the Akeidah. The Vilna Gaon (*Kol Eliyahu*, Vayera 17) explains that the greatness of Avraham’s “command performance” was that Avraham acted to fulfill God’s will against his own nature. So too Abarbanel (on Ber. 22:3). R. M. Leibtag (YHE, VBM) derives this idea from the call to Avraham to stop, which he translates as: “Stretch not your hand toward the boy, nor do even the slightest thing to him, for now I know – *ki y’rei Elokim ata* – ‘**even though**’ you are moral person, you have not withheld your only son from me” (Ber. 22:12).
30. Indeed it is this commitment that was made by the Jews in accepting the Torah at Sinai. R. Yosef Dov Ber Soloveitchik explains that “by saying, ‘we will do’ before ‘we will listen’ [they undertook to perform the mitzvos out of blind obedience...” (*Beis HaLevi*, Shemos, [Targum, Israel, 1991], p. 189). He then explains that the sin of golden calf was a result of their abandoning this commitment, choosing to follow their “intellect” over the will of God.

commandment due to its being a command of God, and not due to his own rationale, then and only then, is he considered a righteous gentile and has a place in the world to come. The reason, explains R. Sperber, is because the altruistic acceptance of the commandment moves the individual from the category of "not commanded" to that of "commanded."³¹ He writes:

One who is exempt from an act, yet accepts upon himself to do it because it is a command of God in His Torah, even if the individual himself is not so commanded, if he undertakes the obligation, not based on his rationale but because it is a commandment of the Torah ..., he too is then included in the rubric of "one commanded and does". ... And "one not commanded and does" is specifically an individual that does not accept upon himself the act based on its being a commandment of the Torah.

R. Sperber goes on to explain that the question as to whether or not one falls in to the category of "commanded" revolves around, as Tosafot stated, the overcoming of the "*yetzer hara*" – i.e., the innate tendency to reject, not only that which is commanded, but more profoundly, that which does not conform to one's rationale. If one acts in order to fulfill the will of the Creator because it is such, he is then subject to the psychological battle inherent in such a decision – for he thus pits the Autonomy of the Will against the Law of God. This is precisely the same battle one wages when "commanded" and thus, by definition, the person who selflessly chooses to do the will of God falls in to the category of "commanded".

Similarly, R. Moshe Feinstein (*Igrot Moshe*, Yoreh Deah, Part I, 6) wrote:

R. Hanina's principle does not apply to all commands, since for those decrees of the Torah that are given without reason there is no distinction [between one commanded and one not commanded] as it is clear that they are performed only because they are the command of God and this itself is a great thing. For regarding the need to do the will of God, indeed everyone is considered "commanded", and it makes no difference what

31. He actually quotes M.R.A. Hazan quoting *Vashav Haohen*.

specific act is the will of God, it is considered that the individual's intent is to fulfill the will of God who commands. However, an act for which there is a rational reason, it is not clear if the act is being done to fulfill the will of God, since it is possible that one does it for its rationale.

The point, again, is that performing the "will of God" – because it is such – places one under the rubric of "commanded" since one's intent is the same as when altruistically fulfilling an explicit "command" of God. Thus R. Hanina's dictum, "greater is the one commanded and acts than the one not commanded and acts", might be more plainly translated as: Greater is the one who acts out of obedience to command, than the one who acts out of personal motivations.³²

Freedom through Obedience

This then resolves R. Yosef's "original" thought – which really reflects our own intuition – that there is greater value in acting out of the free exercise of the will than acting out of compulsion. That is, clearly man's greatness is in the free exercise of the will,³³ such an individual being on an incomparably higher plane of existence than one whose every move is compelled.³⁴ But R. Hanina does not come to contrast the compelled man to the free man, two obviously polar states of being; rather, he is referring solely to the free man who can contemplate and judge, reflect on motive and take action as a consequence. R. Hanina comes to say that if the free man, of his own free will, acts based on personal motivations or self-interest, even out of "the goodness of his heart", his act is simply not on the pure, transcendental level as that of the free man who, of his own free will, acts selflessly out of recognition, and consequently obedience, to a higher authority.

And indeed it is in this act of choosing obedience to God, and only in this act, that one truly exercises free will, as noted elsewhere in the Gemara by none other than R. Hanina himself: "Everything is in the hands of Heaven except

32. Thus, for example a woman who performs a commandment, without personal rationale but because it is the command of God, even though she is exempt from the act, is adjudged of *greater* merit than the man who is explicitly so commanded but performs the act out of personal rationale.

33. Rambam (Hil. Teshuva 5).

34. Indeed this notion is reflected in the daily blessing one recites, "Thank You God for not making me a slave."

for the awe (*yirah*) of Heaven" (Ber. 33b).³⁵ Thus R. Hanina's two seemingly disparate dictums can be seen as corollaries, the one coming to inform the other. That is, the greatness of the individual who acts out of obedience to the will of God is due to his applying his free will in the battle between the "Autonomy of the Will" versus the "Will of God," – the ultimate struggle of the *yetzer hara* – which is really the only arena wherein man truly has expression of free will.

Indeed, Prof. Y. Leibowitz explains that it is only through man's voluntary acceptance of a will outside his own that man expresses his freedom:

Willing acceptance of a way of life which does not derive from human nature implies emancipation of man from the bondage of raw nature... [Conversely, m]an activated by his "own" nature is, in effect, nothing but a robot activated by the forces of nature, just like the cattle grazing in the pasture, which are also "free from Torah and Mitzvoth"; that is, from any law externally imposed.³⁶

He explains that that even when one performs mitzvot, but does so based on personal rationale, one does not express his freedom, but simply his subservience to his own needs and desires. It is only when one chooses obedience to the Divine Will that one breaks the bonds of his very nature and thus demonstrates his freedom.³⁷

Living in Israel

We have shown that man expresses his freedom through obedience to Divine Will, and furthermore, one who exercises his free will in deference to said Will, though not explicitly commanded, is considered on the same level as one commanded. Similarly, I propose that living in the land of Israel, though not a commandment according to the Rambam, is nevertheless the express "will of

35. Also *Nidda* 16b, *Meg.* 25a.

36. *Judaism, Human Values, and the Jewish State*, ed. E. Goldman, [Harvard U. Press, Cambridge, 1995], p.21.

37. Rav Kook expressed this idea on a national level based on the *mishpat* of giving charity: "charity practiced not as a natural law but as a divine law, uplifts the Jewish People and takes them beyond the realm of nature" (*In the Desert – A Vision*, ed. B. Naor, [Orot, NY, 2000], p.85).

God", and as such, one living in the land based on this consideration, thus acts out of the same altruistic motives as one fulfilling an explicit command.

That living in the land of Israel is the express will of God can be demonstrated through the many Biblical and Rabbinic statements roundly supporting the notion. What follows here is just a sampling.

Biblical Support:

- "So I have come down to rescue them from the hand of the Egyptians and **to bring them up out of that land into a good and spacious land**, a land flowing with milk and honey – the home of the Canaanites, Hittites, Amorites, Perizites, Hivites and Jebusites" (Shmot 3:8).
- "For ye are to pass over the Jordan to go in to possess **the land which the Lord your God gives you**, and ye shall possess it, and dwell therein" (Dev. 11:31).
- "These are the statutes and the ordinances, which ye shall observe to do **in the land which the Lord, the God of thy fathers, hath given thee** to possess it, all the days that ye live upon the land" (Dev. 12:1).
- "Because He loved your forefathers and chose their descendants after them, He brought you out of Egypt by His Presence and His great strength; to drive out before you nations greater and stronger than you and **to bring you into their land to give it to you for your inheritance**, as it is today" (Dev. 4:37-38).
- "Write them on the doorframes of your houses and on your gates, so that your days and the days of your children may be many in the land that the Lord swore to give your forefathers..." (Dev. 20-21).
- "... **the land upon which the eyes of the Lord are always turned**" (Dev. 11:12) – i.e., special Divine Providence is afforded the land and its inhabitants.³⁸

38. *Taanit* 10a.

Rabbinic Support:

- A non-Jew [though normally not permitted to perform Shabbat labors for a Jew] is permitted to draw up a bill of sale on Shabbat in order for a Jew to acquire property in the land of Israel (*Git.* 8b).
- Whereas in the Diaspora the obligation to affix a mezuzah applies only after 30 days of residing in a particular dwelling, in Israel the commandment is in effect immediately upon taking up residence – thus indicating that such residence is at once considered permanent (*Men.* 44a).³⁹
- One may incur the defilement attendant with leaving the land of Israel only to learn Torah or marry a wife (*Avoda Zara* 13a).
- He who lives in the land of Israel is like one who has a God, and he who lives outside the land is like one who has none (*Ket.* 110b).
- The land of Israel is beloved unto Me above all else... Behold the land is beloved unto Me and Israel is beloved unto Me; I shall cause Israel who is beloved unto Me to enter the land which is beloved unto Me (*Bam. R.* 23:7).
- Residence in Eretz Yisrael is equal in weight to all the mitzvot in the Torah (*Sifrei Reeh* 80).⁴⁰

Regarding the Rambam's position, though he did not include the act of dwelling in the land explicitly in his list of 613 commandments, there is little doubt that even he considered it the "will of God". Indeed, R. N. E. Rabinovitch explains that the Rambam, in accordance with his fifth principle that a "goal" not be counted, omitted *yishuv haaretz* from his list precisely because he believed it to be an explicit goal of God in the Torah.⁴¹

Referring back to the Rambam's super-commentators noted in the introduction, they too held the Rambam to consider *yishuv haaretz* the "will of God". First, though the *Megillat Esther*, et.al, explained that the Rambam omitted *yishuv haaretz* from his list due to the act's inapplicability following the destruction

39. Indeed R. Yosef Karo (*Yoreh Deah* 286:22) writes that this ruling is based on the fact that residence in Israel is considered permanent immediately due to [the importance of] *yishuv haaretz*.

40. Also Tosefta (*Avoda Zara* 4:3); Midrash Tanaim (*Dev.* 12:29); Yalkut Shimoni (*Reeh* 885).

41. "Possession of the Land of Israel," Crossroads, Vol. II, [Zomet, Alon Shvut, 1988], p. 204.

of the Temple, R. Shaul Yisraeli (1909-1995) argues in his *Eretz Hemda* that even those who held as such would agree that the commandment is renewed with the establishment of the modern State of Israel.⁴² Thus, given modern exigencies, even this extreme position holds *yishuv haaretz* to be a reflection of Divine Will. Second, the *Avnei Nezer* explained that the Rambam's omission of *yishuv haaretz* was for technical reasons based on his principles of counting; and thus, though a particular act is not considered one of the 613, it is still a "commandment" – that is, an expression of the will of God.⁴³ Third, the *Sdei Hemed*, et.al.⁴⁴, held that the Rambam considered *yishuv haaretz* to be a Rabbinic commandment, thus again implying the act to be an expression of Divine Will.⁴⁵

And finally, the Rambam's own statements in his *Mishneh Torah* leave no doubt that he believed *yishuv haaretz* to be the will of God:

- "It is forbidden to leave the land of Israel, except temporarily to learn Torah, marry a wife, save someone from the non-Jews, or for business; but to settle there is forbidden unless there is a famine in the land... or because he can't earn a living..." (Hil. Mel. 5:9).
- "The great sages would kiss at the borders of the land of Israel and kiss its stones and roll in its dirt ..." (ibid. 5:10).
- "Anyone who lives in the Land of Israel has his sins forgiven, ...; and even walking in it four amot earns one life in the world to come..." (ibid. 5:11).

42. <http://www.torahmitzion.org/eng/resources/show.asp?id=305>

43. See above, fn. 4.

44. See above, fn. 6.

45. Rabbinic commandments are to give expression to the Divine will as mandated by God Himself, "And you shall observe all that they [i.e., the Rabbis] shall instruct you" (Dev. 17:10) – see Rambam (Hil. Mamrim 1:2; Hil. Berachot 1:3), Ramban (Dev. 17:11). Furthermore, this notion is dramatized by the Gemara (*Baba Metzia* 59b) in the famous incident of "Achnai's Oven" which pits R. Eliezer against R. Yehoshua. R. Eliezer employs a heavenly voice to prove the veracity of his position, upon which R. Yehoshua exclaims that the Torah's rulings are "not in heaven", thus arguing that the Divine will is now promulgated according to human reasoning based on accepted principles (e.g., "majority rule"). Following this exchange, God is said to have laughed in satisfaction, "*nitzhuni banai, nitzhuni banai*". Though the literal translation is "my children have won me", the *Maharatz Chajes* (R. Tzvi Hirsh Chayot, 1805-1855) explains (ibid.) that *nitzhuni* is linguistically connected to the word *netzach* (eternity), thus implying that God rejoiced in the Sanhedrin's taking responsibility for halacha by which they made God eternally "alive", as it were, in this world where prophecy cannot continuously be relied upon. See also R. E. Berkovits, *Not in Heaven*, [KTAV, New York, 1983], pp. 78-79, 81.

- “One should always live in the land of Israel, even in a city where the majority are idol worshippers, for anyone who leaves the land of Israel is like worshipping idols ...”(ibid. 5:12).
- “[One spouse can legally force the other] to move from the Diaspora to Israel, even from a nice place to one not nice, even from a place where the majority are Jews to one where the majority are non-Jews ...” (Hil. Ishut 13:19).
- “A slave who wants to move to Israel can force his owner to either move or sell him to someone who is willing to move. If a slave owner wants to leave Israel he cannot take his slave unwillingly. And this rule applies today even when the land is ruled by non-Jews” (Hil. Avadim 8:9).⁴⁶
- “Though the Sabbatical year laws do not apply to the land of Syria, nevertheless, the Rabbis decreed that it is forbidden to work the land there, as in Israel, during the Sabbatical, in order that people will not leave the land of Israel [where they are forbidden to work the land in the seventh year] and go settle there [where they could have worked the land for a profit]” (Hil. Shviit 4:27).

Clearly *yishuv haaretz* is the “will of God”, according to the Bible, according to the Talmud, and even according to the Rambam. As such, there is no difference whether one settles the land because he is explicitly commanded to do so (as the Ramban holds)⁴⁷ or whether one settles the land because he is implicitly directed to do so by the will of God (as the Rambam holds). In either case, if one’s motivation is the fulfillment of the will of God, one has reached the greater level referred to by R. Hanina. Conversely, if one settles the land out of personal motivations, even if it is an explicit command, one cannot be said to be on the greater level referred to by R. Hanina.

Modern Aliyah

Modern aliyah provides for perhaps one of the greatest opportunities to reach this ultimate level of self-transcendence and self-actualization characterized

46. See also Hil. Avadim (8:6-8,10).

47. For the sake of completeness, it should be noted that the Ramban’s position was accepted as authoritative by a great many Rishonim and Aharonim. See especially Pitchei Teshuva, Even HaEzer 75:6.

by R. Hanina as the "greater" level afforded the one "commanded". The reason is threefold. First, there is no other mitzvah in which one's entire existence is totally engaged in its fulfillment.⁴⁸ Second, moving to Israel entails personal sacrifice, as Rashi (Ber. 12:2) explains on God's blessing to Avraham upon his taking up the move to Canaan – moving from one country to another entails a detriment to financial, social, and familial welfare. Consequently, the all-consuming act of making aliyah can be one free of self-interest. Third, the act of aliyah allows one to do something for a good greater than oneself.

The altruistic motivation to make aliyah can be divided into two. On the highest level, one makes the move because he is inspired by the Divine will. Alternatively, one packs his bags because he is motivated by the will to take part in Israel's nationhood. These motivations to settle the land of Israel were referred to by Rav Kook in his Rosh Hashana sermon delivered in the Churvah Synagogue of the Old City of Jerusalem in 1933.⁴⁹

Rav Kook drew parallels between the various motivations for settling the land and three different types of shofars. He explained that ideally one is to use a ram's horn, and lacking this one can use the horn of any kosher animal (except a cow), and finally, if there is no choice one can even use the horn of a non-kosher animal. These parallel the three types of shofars of redemption – large, medium, and small. The liturgy exclaims, "Blow the large shofar of our redemption", representing the ideal way of return to the land of Israel whereby the people are moved by a desire to fulfill God's word in perfect faith. The medium size shofar symbolizes a less ideal, yet still kosher, motivation for settling the land wherein the people come of their own free will to build and settle the nation in the land of their forefathers. Finally, there is a small,

48. R. Harlap, disciple of R. Kook, explained that when a Jew lives in Israel, he has returned to the state of Adam and Eve in the Garden of Eden. For just as Adam and Eve's every act was either a mitzvah (to care for the Garden) or a transgression (to eat from the Tree of Knowledge) – there being no acts of insignificance – so too can the same be said of the Jews living in Israel. Every act one does to maintain life in the land of Israel is considered the fulfillment of the will of God.

49. Brought in R. M. Z. Neriyah, "The Call of Redemption: The Shofar in the Life and Thought of Rav Kook", abridged and translated from *Mo'adei HaRe'iyah* by P. Jaffe, *Jewish Action*, Fall 5751. Note that 1933, the year that this sermon was delivered, was the year of the rise to power of Hitler, *yimach shmo v'zichro*.

unkosher, shofar, which drives the people back to their land – it denotes the sound of war sirens blown by the enemies of the Jews warning them to flee for their very lives.

Similarly, the idea of varying motivations for redemption was also mentioned by the Vilna Gaon⁵⁰ in referring to the Gemara (*San. 97b*) that discusses the possible ways the final redemption will occur: either the people will return to God on their own, or, if the time for such self-motivated return expires, God Himself will cause their return by bringing “a ruler whose decrees are like Haman’s”. The Vilna Gaon explains that the grievous path of suffering a Haman-like ruler can be avoided by actively seeking to bring about the redemption, specifically by settling the land of Israel.

As such, the Jews will come back to God, and by extension, to the land of Israel; the question is only: Why? The great opportunity to settle the land altruistically will not remain forever available. At some point in history, the impetus to return to God and His land will not be self-transcendence but self-preservation.⁵¹

In conclusion, the words of Hillel (*Avot 1:14*) pithily convey the themes presented herein:

If I do not act for myself, who will?

*If I act only for myself, what am I?*⁵²

If not now, when?

First and foremost, one must tap into his own sense of self-worth and aspire to actualize his potential. But then he must realize that such a world-outlook is both unworthy and unattainable; a realization that must bring him to modify

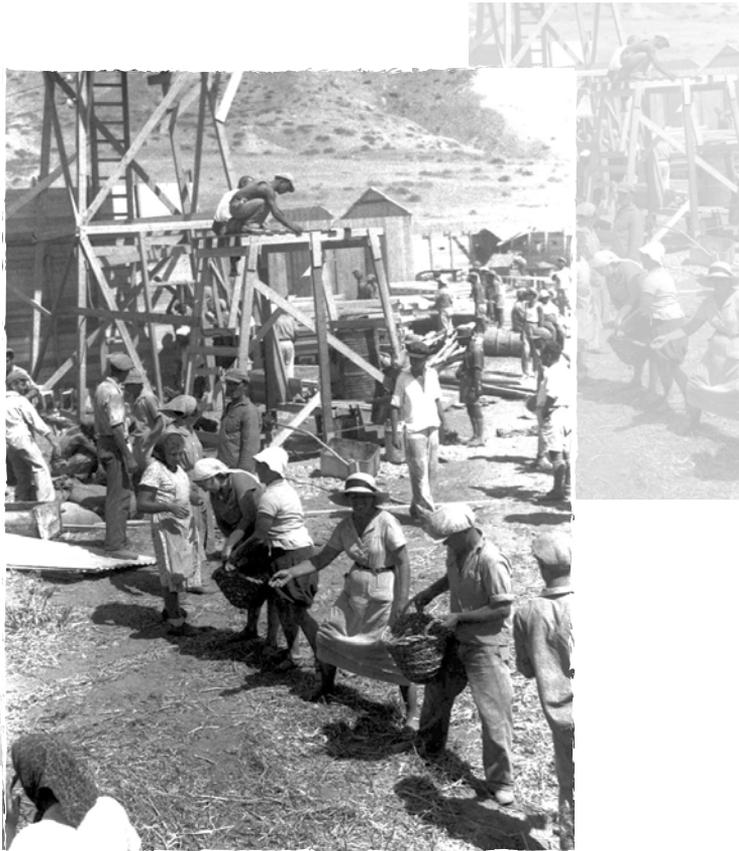
50. *Kol HaTor* quoted in *Torat Eretz Yisrael* [Jerusalem, 1991], p. 269.

51. By “self-preservation” I do not imply that coming to Israel will provide salvation at all times, for the time referred to by the Gemara and the Vilna Gaon is eschatological, when Jewry everywhere, including in Israel, could be threatened. This threat will force (i.e., non-altruistically) the Jews to turn Heavenward for help simply to survive, as the Gemara (*Sotah 49b*) prophesies of those days, “we have no one to rely on but our Father in Heaven.” Of that time R. Moshe Cordovero (on Zohar, Ber. 119a) wrote that it will be a time of distress for Israel, but they will be saved.

52. Victor Frankl adopts this statement to articulate the ethic of self-transcendence (*The Will to Meaning: Foundations and Applications of Logotherapy*, [World Publishing Co. NY, 1968], p.55).

his aspiration to that of self-transcendence. And finally, upon establishing this noble but daunting goal for himself, he must recognize the imperative of time, which is, as in all things in this world, of the essence.

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"Tower & Stockade". In the photo, volunteers helping to establish kibbutz Ein Gev in the Galilee. 1937
Photographer: Kluger Zoltan