



To Offer Rather Than Obey

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According to Rabbinic tradition, the first people who kept and studied the Torah were *not* the Jewish people after the revelation at Sinai. Even our earliest ancestors were described as being engaged with the Torah and, in fact, following the Torah. In Bereishit 26:5, God blesses Yitzhak with his father Avraham's blessing:

בראשית כו:ה

עֲקֵב אֲשֶׁר שָׁמַע אֲבְרָהָם בְּקוֹלִי וַיִּשְׁמַר מִשְׁמֶרֶתִי מִצְוֹתַי חֻקֹּתַי וְתוֹרֹתַי

Bereishit 26:5

As a consequence of Avraham's listening to My voice. He kept my observances, commandments, laws, and teachings.

In the Talmud Bavli (Yoma 28b), Rav reads this verse hyper-literally, claiming that it proves that Avraham actually observed the Torah's observances, commandments, laws, and teachings. Ya'akov, his grandson, is seen as having studied the Torah and as having kept its commandments as well.¹ Is this just a retrojection of rabbinic mores onto our biblical forebears? Why imagine that our forefathers kept or studied a Torah that—according to the text of the Torah—we know wasn't given yet? The answer to this question can illuminate what it means to be a student of the Torah and a servant of God. It can enable us to understand what it means to be in a relationship with God that is defined not by what God demands, but by what we want to offer.

¹ See Midrash Tanhuma (Warsaw) Lekh Lekha 11.



The Maharal² addresses the plausibility of the claim that our forebears obeyed the Torah. He acknowledges not only the historical unlikelihood of this idea, but also the textual evidence that our ancestors violated biblical law! For example, Ya'akov was married to two sisters, which is expressly prohibited, yet he is included among those who studied and scrupulously obeyed the Torah!³

The Maharal distinguishes between two types of practices in regards to eating meat: ritually slaughtering the animal, *shehitah*, and not eating the sciatic nerve, the *gid hanasheh*.⁴ He argues that, before the receipt of the Torah, people who wanted to serve God appropriately would indeed slaughter animals in a ritual manner, but would not be careful to avoid eating the sciatic nerve. He explains that these two practices were treated differently because they participate in different modes in the service of God: positive and negative *mitzvot*. Slaughtering an animal is performing a commandment, a positive *mitzvah*, but refraining from eating a part of that animal is observing a prohibition, a negative *mitzvah*. He suggests that these two modes are paradigmatic of the ways in which we serve God and that only one—performing positive commandments—is relevant to what it means to serve God before the Torah was given:

ספר חדושי אגדות חלק רביעי עמוד קה - מסכת חולין

דודאי מצות עשה שהם עבודת המקום שעושה בפועל, ודבר זה נקרא עבודת המקום שאם לא כן במאי עובדו, ועוד כי מצות עשה הם לקבול שכר, ודבר כזה היו מקיימים האבות אע"ג שלא נצטוו. דהא אע"ג דגדול המצווה ועושה, מ"מ מצוה איכא אף שלא נצטוו ויש לעשות. אבל מצות לא תעשה אם האדם פטור מן מצות לא תעשה, אין על זה שום שכר אם מקיים אותם... תדע שהרי יעקב נשא ב' אחיות ועמרם דודתו וא"כ מצות עריות לא קיימו ואיך קיימו מצות שחיטה, אלא בודאי על כרחך מצות עשה קיימו ומצות לא תעשה לא היו צריכים לקיים.

Sefer Hiddushei Aggadot Part 4, 105: Massekhet Hullin

For certainly [those who lived before the Sinaitic covenant were performing] positive commandments which are service of God through doing a positive action. This is called the service of God. For if [they did no *mitzvot*]²—with what did they serve Him? And further, the positive commandments are for the receipt of reward, consequently the forefathers would keep something like it even if they weren't commanded to. Even though it is greater for the one who is commanded to do it to perform the *mitzvah* [than one who is not commanded to do so], nevertheless the *mitzvah* still exists even if they weren't commanded. There is still what to do. But for prohibitions, if a person is exempt from a

² Judah Loew ben Bezalel, d. 1609, Prague.

³ See VaYikra 18:18.

⁴ See Bereishit 32:33.



prohibition there is no reward for him if he fulfills it... Know that indeed Ya'akov married two sisters, and Amram married his aunt, and if so, they did not fulfill the *mitzvot* of prohibited sexual relationships. How could they keep the *mitzvah* of *shehitah*? Rather it must be that they fulfilled the positive commandments, but they did not have to fulfill the negative commandments.⁵

First, the Maharal resolves the contradiction between the Rabbinic assertion that the Avot, our forefathers, kept the Torah and the clear textual evidence to the contrary. Although we do know that the Avot transgressed what would eventually become prohibitions, at the time that these acts transpired, they were not yet forbidden! The Avot were living in a time before the Torah was given and therefore before any Jew was obligated in any way by its laws. Why *would* they refrain from doing an action if it is not morally wrong and if no one had requested that they not do it? If you ask me to save the green M&M's for you, and I indeed refrain from eating them, then I am doing a kindness for you, and I am respecting your wishes. There is nothing inherently *wrong* about eating green M&Ms, therefore not eating them only becomes meritorious once I am made aware of your preference. After God asks His people not to eat the sciatic nerve, not to wear wool and linen together, not to light fires on Shabbat—Jews can show their commitment to God by respecting those boundaries. Before the Torah was given, none of these ritual prohibitions had any reality and obeying them had no meaning.

However, the Avot did serve God in a way that was meaningful even before the Torah was given. They observed the positive commandments, which are meaningful even absent the command. If I give to you, if I am kind to you, that is valuable and inherently good even if you have not asked me for anything. Even if you and I have never met.

This technical solution that the Maharal proposes opens up a new definition of what it could mean to keep the Torah. It does not refer to what we refrain from but rather to the positive acts that we choose to do. We often talk about religious life in terms of what requirements we do or do not keep, what violations we may or may not be guilty of, whether or not we are “bad Jews.” But the Maharal suggests that there is a more primary form of service of God. There exists a way of being in relationship with God that is about love and service, not fear of retribution. A way of being inspired by our own motivations without focusing on external

⁵ Surprisingly, despite his successful efforts resolve the idea that the forefathers kept the Torah and the contradictory biblical evidence, the Maharal closes his comments here with a literal reading of the Rabbinic tradition. He concludes by saying that Avraham and Ya'akov also kept the negative commandments even though their contemporaries did not.



demands. Serving God in your own way with what you have, with what you can, not with what you must.

We now live in a post-Sinai, post-covenant world, and the Torah does outline certain expectations of us. Still, it is critical to remember the Torah that we kept first, this fundamental Torah. We need to remember and understand that refraining from prohibitions is not necessarily the most important aspect of what it means to serve God. It is certainly not exhaustive. In fact, focusing too much on the prohibitions can keep you from focusing on what is personally meaningful to you in God's service. It can distract you from the ways in which you are uniquely inspired and equipped to excel religiously. When you worry only about not transgressing, you don't encourage yourself to identify and develop what it is you want to bring to God.

Ask yourself: What about Torah and *mitzvot* is most meaningful to you? What positive ways do you have to grow and grow closer to God? Maybe you will excel in prayer, maybe you will excel in kindness. Maybe you want to work on a more creative Pesach Seder or a more beautiful *sukkah*. Maybe you want to invest more time, effort, and money in honoring Shabbat. Our ancestors lived in a world where closeness to God was not defined by "thou shalt not," and God loved them no less than God loves us.

According to R. Moshe Cordovero⁶ in his exploration of God's attributes, the Tomer Devorah, God takes a similar approach with us. Even though we are living in a time that postdates the giving of the Torah, and even though we are in a covenant wherein God has expectations of us that we do not meet, God chooses to focus on the positive. Even though we can be overwhelmingly disappointing, God wants to be in relationship with us so He focuses on the small bits of goodness we contribute. And in doing so, God models how we should focus on the positive in our interpersonal relationships as well:

תומר דבורה, הו' - כי חפץ חסד הוא

יש בהיכל ידוע מלאכים ממנים לקבל גמילות חסד שאדם עושה בעולם הזה, וכאשר מדת הדין מקטרגת על ישראל, מיד אתם המלאכים מראים החסד ההוא והקדוש ברוך הוא מרחם על ישראל מפני שהוא חפץ בחסד, ועם היות שהם חייבים אם הם גומלים חסד זה לזה - מרחם עליהם... והטעם מפני מדה זו כי חפץ חסד הוא רוצה במה שישאל גומלים חסד ואותו צד מזכיר להם עם היות שאינם קשורים בצד אחר.

⁶ 1522–1570, Eretz Yisrael.



אִם כֵּן בְּסֵדֶר זֶה רָאִי לְאָדָם לְהִתְנַהֵג אִף אִם רָאָה שְׂאָדָם עוֹשֶׂה לוֹ רָע וּמִכְעִיסוֹ אִם יֵשׁ בּוֹ צֶדֶק טוֹבָה שְׂמִיטִיב
לְאַחֲרִים אוֹ מִדָּה טוֹבָה שְׂמִתְנַהֵג כְּשׁוֹרָה יִסְפִּיק לוֹ צֶדֶק זֶה לְבַטֵּל כְּעֶסוֹ מִעָלְיוֹ וְיִרְצָה לְבּוֹ עִמּוֹ וְיִחַפֵּץ חֶסֶד
וְיֹאמֶר דִּי לִי בְטוֹבָה זֶה שֵׁיִשׁ לוֹ ...

Tomer Devorah 1:6, He Desires Kindness

In a specific, supernal palace, there are angels who are appointed to collect the kindness that a person does in this world. And so, when the attribute of judgment prosecutes Israel, those angels immediately display that kindness. And the Holy Blessed One has mercy, because He desires kindness. And even if it is the case that they are liable, if they bestow kindness on one another, He has mercy on them... The reason is because **He desires kindness** and is appeased by Israel's bestowing kindness. And He remembers that aspect of them, even if they are unfit in other ways.

If so, it is proper for a person to act like this. Even if he sees that a person has done him wrong and angered him, if [that person] has some good aspect in that he is good to others or has some other good quality with which he acts appropriately, this aspect should be sufficient to nullify his anger and to appease his heart. He should desire kindness and say, "This goodness that he has is sufficient for me."

The Tomer Devorah describes a set of special angels that God appoints. These angels have one job: to remind God of the positive deeds of human beings who have sinned. God chooses to reject a perfectly accurate and holistic assessment of all of our behavior in favor of looking exclusively at the good that we do. God wants to love us and therefore willfully ignores what is hard to love about us. And the Tomer Devorah advocates for taking this same approach with the people in our lives whom we find difficult. Some people may not be kind to you, but they may still have someone whom they are kind to. Some people may have taken from you, but they have given to someone else. He advises you to assess them generously and inaccurately. He asks you to abandon your account of how they have hurt you and to ignore what you think they deserve. He tells you to see what you need to see in order to love them.

According to R. Nahman of Bratzlav,⁷ the courtesy that God extends to us and that we extend to one another should also be shown to ourselves:

ליקוטי מוהר"ן רפב

...ואפי' כשמתחיל להסתכל בעצמו ורואה שאין בו שום טוב, והוא מלא חטאים... אעפ"כ אסור לו ליפול
מזה, רק צריך לחפש ולמצוא בעצמו איזה מעט טוב, כי איך אפשר שלא עשה מימיו איזה מצוה או דבר
טוב...
כי צריך האדם לחפש ולבקש למצוא בעצמו איזה מעט טוב, כדי להחיות את עצמו, ולבוא לידי שמחה

⁷ 1772-1810, Ukraine.

כנ"ל, ועל ידי זה שמחפש ומוצא בעצמו עדיין מעט טוב. עי"ז הוא יוצא באמת מכף חובה לכף זכות ויוכל לשוב בתשובה...

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...And even when he starts to look at himself and sees that he has nothing good and that he is full of sins... Even so he cannot become depressed on this account, rather he needs to search and find a bit of good within himself. For how is it possible that he has never done any *mitzvah* or any good thing?!... For a person needs to search for and seek small goodness inside himself, in order to revive himself and through this come to joy, that he searches and still finds a small goodness inside him. Through this he truly emerges from the side of condemnation to the side of vindication, and he can do *teshuvah*.

R. Nahman warns his readers against self-loathing, against fixating on sins and wallowing in deficiencies. For this is not the path to repentance. The path, he says, is found from beginning with the positive, with focusing on your contributions and building from there.

This is the path of the relationship that the Jewish people have with the Torah. It begins with the Torah of positivity and service, a foundation of success, the merit of our forefathers. Only then does it move to the more difficult stage of evaluation, condemnation, and the possibility of failure. Our forefathers are credited with keeping the Torah even though they didn't succeed in doing everything perfectly. And we are taught: *ma'aseh avot siman lebanim*, the actions of the forefathers are a model for us.

The conclusion to be drawn from the idea that the Avot studied the Torah and followed in its ways is not that the Avot were just like us; the lesson to be learned is that we should not forget that we can be just like them. Even though the expectations of the Torah become more and more complex with each passing generation and each layer of rabbinic sophistication, the core of service to God remains the same. What you *do* do is more important than what you *don't* do, who you are is more important than who you are not.

Wishing you a Shabbat motivated more by the hope for success than the fear of failure.

