

תפארת ישראל The Splendor of Israel Chapter 6

Introduction

This discourse by the Maharal of Prague explores the foundational reason for the mitzvos and how they relate to human purpose, divine justice, and spiritual truth. The Maharal—Rabbi Yehuda Loew of Prague (c. 1520–1609), famed Kabbalist, philosopher, and Talmudist—was deeply focused on restoring rational and mystical unity within Judaism. A primary student of Kabbalistic and philosophical traditions, his influence shaped generations of Jewish thought, including the Chassidic movement centuries later.

In this maamar, the Maharal begins with the premise that mitzvos are divine decrees rather than utilitarian devices for human enjoyment. He confronts the perspective of the Baisusim (a sect similar to the Sadducees) who mistakenly framed the Torah as a source of earthly pleasure, and responds with a deeply nuanced view of Torah as the expression of divine justice (din) and ultimate truth (yosher ve'emes). Through exploring Moshe Rabbeinu's leadership and the nature of divine commandments, the Maharal offers a profound reorientation: Torah is indeed "pleasant," but not because it was designed to serve man—it is pleasant because it flows from the essence of Divine truth, and man is elevated by conforming to it.

קיים הַמִּצְוֹת הֵם גְוֵרָה עַל הָאָדָם מִיּוֹצְרוֹ The fulfillment of the commandments is a decree upon man from his Creator.		
There are people—those of deeply investigative minds, who follow the ways of the philosophers—who analyze everything based on their own knowledge and intellect.	יֵשׁ מִבְּנֵי אָדָם, וְהֵם אַנְשֵׁי חָקְרֵי לֵב הַהוֹלְכִים בְּדַרְכֵי הַפִּילוֹסוֹפִים, חוֹקְרִים מִדַּעְתָּם וְשִׂכְלָם עַל כָּל הַדְּבָרִים	
To them, the concept of practical commandments seems very strange—that a person would merit eternal success in the transcendent world through a commandment performed in the physical realm.	תָּמוּהַ בְּעֵינֵיהֶם מְאֹד בְּעִנְיֶן הַמִּצְוֹת הַמַּעֲשִׁיּוֹת, שֶׁיִזְכֶּה הָאָדָם הַצְלָחָה נִצְחִית בָּעוֹלָם הַנִּכְדְּל עַל־יְדֵי הַמִּצְוָה שֶׁהִיא בַּשְׁמִית	
They say: What benefit can a physical act provide to the soul, such that by it, she should live eternally in the spiritual world, a place where physical deeds do not exist?	וְאֶמְרוּ, כִּי מַה יּוֹעִיל מַעֲשֶׂה הַגַּשְׁמִי אֶל הַנָּכֶּשׁ לְקְנוֹת עַל־יְדֵי־זֶה שֶׁתִּחְיֶה נֶצַח בָּעוֹלָם הַנִּבְדָּל, בְּמָקוֹם שֶׁאֵין שָׁם מַצֲשֶׂה בַּשְׁמִי	
And even more puzzling to them is this: if the mitzvos were all virtuous character traits within a person's soul—such as the mitzvah of charity (Devarim 15:8), or "Do not hate your brother in your heart" (Vayikra 19:17), or "Do not stand by the blood of your fellow" (ibid., v. 16)—all of which are good attributes within one's soul, then it would be reasonable to say that these lead a person toward goodness and away from evil.	ְיוֹתֵר מִזֶּה הֵם מַתְמִיהִים; כִּי אִלּוּ הָיוּ הַמִּצְוֹת כֵּלָם תְּכוּנוֹת טוֹבוֹת בְּנֶפֶשׁ הָאָדָם, כְּמוֹ מִצְוַת צְדָקָה (דְּבָרִים טו, ח), וּמִצְוַת "לֹא תִשְׂנָא אָחִידְ בִּּלְבָבֶדּ" (וַיִּקְרָא יט, יז), וְ"לֹא תַעֲמֹד עַל דַּם רֵעֶדְּ" (שָׁם שָׁם, טז), וְכַיּוֹצֵא בָּהֶן מִן הַמִּדוֹת הַטּוֹבוֹת, שֶׁהֵן תְּכוּנוֹת טוֹבוֹת בְּנֶפֶשׁ הָעוֹשֶׂה, אֶפְשָׁר לוֹמַר דְּמִכָּל מָקוֹם יִקְנֶה הָאָדָם עַל־יִדֵיהֶן תְּכוּנוֹת טוֹבוֹת, וֹמְתְרַחֵק מִן הָרַע	

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And it could be said that Hashem gives good reward to one in whom good is found, and punishes the one who does evil.

וְנֶאֱמֵר כִּי הַשֵּׁם יִתְבָּרַךְ נוֹתֵן שָׁבָר טוֹב לְמִי שֶׁנִּמְצָא בּוֹ הַטוֹב, וּמְשֵׁלֵם רַע לְעוֹשֵׂה הָרַע

But the commandment of shaatnez (mixing wool and linen), and the prohibitions of mixtures in agriculture and animals (Vayikra 19:19), and the law that slaughter must be from the neck and not from the back of the neck—while in the Beis HaMikdash melikah (pinching off the neck of birds) is done from the back and not the neck—if the back of the neck is evil, why was it commanded for use in the Beis HaMikdash? And if the neck is good, why is it avoided there?

אֲכָל מִצְוַת שַׁעַטְנֵז, וְכִלְאֵי וְרָעִים (וַיִּקְרָא יט, יט), וּמְצְוַת שַׁעִטְנֵז, וְכִלְאֵי וְרָעִים (וַיִּקְרָא יט, יט), וּמְצְוָת שְׁחִיטָה מִן הַצַּוָּאר וְלֹא מִן הַעֹּרָף, וּבַמְּקְדָּשׁ מְלִיקָה מִן הָעֹרֶף וְלֹא מִן הַצַּוָּאר (חַלִּין יט, ב), אִם מִן הָעֹרֶף הוּא מֵעֲשֶׂה רַע, לָמָה נָאֱסַר הַשְׁחִיטָה מִן הַצַּוָּאר בַּמִּקְדָּשׁ. וְאִם מִן הַצַּוָּאר הוּא טוֹב, אִם־כֵּן לָמָה בַּמִּקְדָּשׁ נִמְצָא הָפְּכּוֹ

Behold, they have devised many explanations and rationales based on their understanding—yet these are far from the path of Torah and the ways of the sages.

וְהָנֵּה הֵם חָתְרוּ דְּרָכִים הַרְבֵּה לָתֵת סְבָּה וְטַעַם כְּפִי דַּעְתָּם, אֲשֶׁר הוּא רָחוֹק מִדַּרְכֵי הַתּוֹרָה וּמִדַּרְכֵי הַחָּכָמִים

Those who truly know Torah—only to them are the secrets of wisdom and truth revealed.

וְיוֹדְעֵי הַתּוֹרָה, אֲלֵיהֶם בִּלְבַד נִגְלוּ מַצְפּוּנֵי הַחָּכְמָה וְהָאֱמֶת

And even though, ideally, one should not respond to such questions at all—for when someone seeks to attach a laughing stock of logic to all things, even if we saw they applied logic to the most trivial matters, we would not be obligated to listen to them—nonetheless, even if there is an infinite divide between heaven and earth, and the Torah is not found even in heaven but only from the supernal world, we would still be obligated to pay attention to the question.

וְאַף כִּי מִן הָרָאוּי שֶׁלֹּא לְהָשִׁיב עַל שְׁאֵלָתָם כְּלֶל. כִּי דְּבֶר זֶה מַה שֶׁרוֹצִים לָתֵת סְכָּה מְחַיֶּכֶת בְּכָל הַדְּבָרִים, אִלּוּ הַיְינוּ רוֹאִים שֶׁנָּתְנוּ לְנוּ סִבָּה בְּכָל הַדְּבָרִים הַמִּבְעִיִּים הַפְּחוּתִים מְאֹד, הָיָה מַשֶּׁל עֻלֵינוּ לְתֵת לֵב עַל שְׁאֵלָתָם. וְעִם כִּי הֶבְדֵל יֵשׁ בִּגְבוֹה שָׁמֵיִם מֵעַל הָאָרֶץ, כִּי הַדְּבָרִים הַמִּבְעִנִים הֵם בָּאָרֶץ, וְהַתּוֹרָה לֹא תִּמָּצֵא אַף בַּשְּׁמִים, כִּי אִם מֵעוֹלָם הָעֶלִיוֹן, מִכָּל מָקוֹם הָיָה מֶטֶל עֻלֵינוּ לָתֵת לֵב עַל הַשְּׁלֵיה

But this is not the case. For natural things—like living creatures, and even plants—do not provide us with reason and explanation.

אַף אֵין הַדְּבָרִים כָּךְ. כִּי הַדְּבָרִים הַטְבְעִיִּים כְּמוֹ הַבַּעֲלֵי חַיִּים, וְאַף הַצְמָחִים, אֵין נוֹתְנִים לָנוּ סְכָּה וְטַעֵּם

For how could it be conceivable that one could give a sufficient explanation for every living creature—for the number of its limbs and organs, and for each one a particular reason and description—and likewise for the plants?

כִּי אֵיךְ יַעֲלֶה עַל הַדַּעַת שֶׁיִּחְנוּ סְבָּה מַסְפָּקֶת לְכָל בַּעַל חַי; מִסְפַּר גִידָיו וְאַבָּרִיו, לְכָל אֶחָד סִבָּה וְתָאֵרוֹ הַמְיָחָד, וְכֵן לַצְמָחִים

And do not be swayed by the physicians and the natural scientists—for even if they give a reason, it applies only to one in a thousand. And even what they do give is not clear truth, as is known to one who examines their words.

וְאַל תַּשְׁגִּיחַ בָּרוֹפְאִים וּבְחַכְמֵי הַטֶּבַע, שָׁאִם נָתְנוּ סְבָּה – הוּא לְאֶחָד מִנִּי אֶלֶף. וְאַף אֲשֶׁר נָתְנוּ – אֵין כֵּן הָאֵמֵת הַבַּרוּר, כִּמוֹ שֵׁיָדוּעַ לְמִי שֵׁיִעַין בִּדְבַרֵיהֵם

רַחַמִים וְאֵינָם אֶלָּא גְּזֵרוֹת רַחַמִים

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And if this is true regarding natural matters, how much more so for Divine matters—the Divine commandments which man is obligated to perform. Why should he do this act and not another?	וְאָם הַדָּבָר הַזֶּה הוּא בַּדְּבָרִים הַטְּבְעֵיִים, כָּל שֶׁבֵּן בִּדְבָרִים אֱלֹקִיִּים וְהֵם הַמִּצְוֹת הָאֱלֹקִיּוֹת אֲשֶׁר חַיָּב הָאָדָם לִפְעַל, לָמָה יַצְשֶׂה פְּעַלָה זֹאת וְלֹא יַעֲשֶׂה פְּעַלָה אַחֶרֶת
Just as we do not know the body and its form—which is his existence in this world—so too we do not know about completion.	כְּשֵׁם שָׁלֹא נַדַע גּוּפוֹ וְתָאֵרוֹ – אֲשֶׁר הוּא קִיּוּמוֹ בָּעוֹלָם הַזָּה – לֹא נַדַע עַל הַשְּׁלֵמוּת
And if he were not created with that form, he would not have his vitality and physical completeness that allow him to function.	וְאָם לֹא הָיָה נִבְרָא עַל זֶה הַתּאַר, לֹא הָיָה לוֹ חַיּוּתוֹ וּשְׁלֵמוּתוֹ הַגּוּפָנִי שֶׁיָּהְיֶה מְקַיָּם
And how much more so with the Divine acts that bring a person to eternal life—even if we do not know in what way and why it is this way, it is not a wonder.	וּמִכֶּל שֶׁכֵּן פְּעַלוֹת הָאֱלֹקִיוֹת הַמְּבִיאִים אֶת הָאָדָם אֶל הַחַיִּים הַנִּצְחִיִּים, אַף אִם לֹא נֵדַע בְּאֵיזֶה עַנְיָן וְלָמָה הֵם בָּעִנְיָן הַזָּה, אֵין זֶה פָּלָא
And behold, this was not the question of the sages that we are obligated to answer—unless they were giving us reasons for every confusing thing in man and in plants. But such a thing is not found.	וְהַנֵּה לֹא הָיְתָה זאת שְׁאֵלֵת הַחֲכָמִים שֶׁמְחַיָּבִים אֲנַחְנוּ בִּּתְשׁוּבָתָהּ, אָם לֹא שֶׁהָיוּ נוֹתְנִים לְנוּ סִבּּוֹת בְּכָל הַדְּבָרִים הַמִּבְעֵיִים בָּאָדָם וּבַצְמָחִים, וְדָבָר זָה אֵינוֹ נִמְצָא
But the paths of the sages, those who know the Torah and its inner secrets, are not hidden—and in this you will understand the ways of the Torah.	אָבָל דַּרְכֵי הַחָבָמִים יוֹדְעֵי הַתּוֹרָה וּמַצְפּוּנֶיהָ לֹא נַעֲלִים, וּבָזָה תַּעֲמֹד עַל דַּרְכֵי הַתּוֹרָה
It is taught in the chapter "One does not stand [to pray]" (Berachos 33b): "One who says, 'May Your mercies extend to the bird's nest,' or 'Upon the good may Your Name be remembered,' or 'We thank, we thank'—we silence him."	תְּנַן בְּפֶּרֶק אֵין עוֹמְדִין (בְּרָכוֹת לֹג, ב): הָאוֹמֵר עַל קֵן צִפּוֹר יַגִּיעוּ רַחֲמֶיךּ, וְעַל טוֹב יִזָּכֵר שִׁמְךּ, מוֹדִים מוֹדִים, מְשַׁתְּקִין אוֹתוֹ
And the Gemara explains (same place): Granted "We thank, we thank" sounds like he acknowledges two authorities.	וְקָאָמַר בַּגְמָרָא (שָׁם): בִּשְׁלָמָא מוֹדִים מוֹדִים, מָחֲזֵי כִּשְׁתֵּי רָשַׁיּוֹת
And "Upon the good Your Name be remembered" also implies [we thank] for the good and not for the bad—and yet we are obligated to bless on the bad just as on the good (Berachos 54a).	וְעַל טוֹב יִזָּכֵר שָׁמְדּ נָמִי, דְּמַשְׁמַע עַל הַטּוֹבָה, וְלֹא עַל הָרָעָה, וּתְנַן (בְּרָכוֹת נד, א): חַיָּב לְבָרֵךְ עַל הָרָעָה כְּשֵׁם שֶׁמְבָרֵךְ עַל הַטּוֹבָה
But why is it forbidden to say "May Your mercies extend to the bird's nest"? Two Amoraim in the West (Eretz Yisrael) argued about it—R. Yosi bar Avin and R. Yosi bar Zevida: one said because he introduces jealousy into the works of Creation; the other said because he attributes Divine attributes to mercy, when	אֶלָּא עַל קֵן צִפּוֹר יַגִּיעוּ רַחֲמֶיךָ, מֵאי טַעְמָא לֹא. פְּלִיגִי בָּה הְרֵי אֲמוֹרָאֵי בְּמַעְרָבָא, רַבִּי יוֹסִי בַּר אָבִין וְרַבִּי יוֹסִי בַּר זְבִידָא; חַד אָמַר: מִפְּנֵי שֶׁמַּטִּיל קִנְאָה בְּמַצֵּשֵׂה בְּרֵאשִׁית, וְחַד אָמַר: מִפְּנֵי שֶׁעוֹשֶׂה מִדּוֹתָיו רחמים ואינם אלא גזרוֹת

they are only decrees.

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And the explanation is: One may not say "Upon the bird's nest may Your mercy extend," for this implies that the reason Hashem commanded this mitzvah is because of mercy.	וּבֵיאוּר עִנְיָן זָה, שֶׁאֵין לוֹמַר: עַל קֵן צָפּוֹר יַגִּיעוּ רַחָמֶיךּ, דְמַשְׁמַע כִּי הַמִּצְוָה הַזֹּאת צְוָה הַשֵּׁם יִתְבָּרַהְ מִצַד שֶׁהוּא מְרַחֵם עַל קֵן צִפּוֹר
This causes a distinction and separation among creations—as if the world is not one.	וּבָזֶה עוֹשֶׂה חַלּוּק וּפָרוּד בֵּין הַנִּמְצָאִים, עַד שֶׁאֵין הָעוֹלֶם אֶחָד
For why would He have mercy on the bird's nest and not on other species?	כִּי לָמָה יְרַחֵם עַל קֵן צָפּוֹר, וְלֹא יְרַחֵם עַל מִינִים אֲחֵרִים
But if they are decrees that He decreed in His wisdom, this is not difficult—for that is the nature of a decree: that He decrees this way and not another.	דְוַדַּאי אָם הֵם גְּזֵרוֹת שֶׁגָּזַר בְּחָכְמָתוֹ כָּדְ, אֵין זֶה לֵשְׁיָא, כִּי כָּדְ עִנְיָן הַגְּזֵרָה, שֶׁגָּזַר בָּזֶה דַּוְקָא, וְלֹא בְּאַחֵר
Just as species are inherently different—this is one type, and that is another—so too we may say that for this species this thing applies, and for another, something else.	כְּמוֹ שֶׁהַמִּינִים מְחֻלָּקִים בְּעַצְמָם, שֶׁזָּה מִין זֶה, וְזֶה מִין אַחֵר; כָּךְ יֵשׁ לוֹמֵר בְּמִין זֶה נוֹהֵג דָּבָר זֶה, וּבְמִין זֶה נוֹהֵג דָּבָר אַחֵר
But with the attribute of mercy, all creations would deserve mercy equally—so why would He show mercy to this one specifically? That would imply division and separation in the species, suggesting Hashem has a different relationship to one than another.	אֲבָל מִדַּת הָרַחֲמִים, כָּל מַעֲשָׂיו רְאוּיִים לְרַחֲמָנוּת בְּעִנְיָן אֶחָד, וְאִם־כֵּן לָמָה רִחֵם עַל זֶה דַּוְקָא. וְהָיָה זֶה פָּרוּד וְחָלוּק בַּמִּינִים, שֶׁיֵשׁ דָּבָר בְּמִין זֶה אֵצֶל הַשֵּׁם יִתְבָּרַהְ, מַה שָׁאֵין כֵּן בְּמִינִים אֲחֵרִים
And according to the opinion that says, "One who attributes His attributes to mercy, when they are only decrees," the explanation is: it is not fitting that the attributes of Hashem, through which He continuously governs His world, be based on mercy—but rather, on judgment and decree.	וּלְמַאן דְּאָמַר: "שֶׁעוֹשֶׂה מִדּוֹתָיו רַחֲמִים, וְאֵינָם אֶלָּא גְּזֵרוֹת", פֵּרוּשׁ שֶׁאֵין רָאוּי שֶׁיִּהְיוּ מִדּוֹת הַשֵּׁם יִתְבָּרַדְּ, אֲשֶׁר הוּא מַנְהִיג עוֹלָמוֹ בַּתְּמִידוּת, עַל־יְדֵי רַחֲמִים – רַק בְּדִין וּבְגָּזַרָה
For a decree follows His wisdom, and this is fitting for a King who rules over all—to govern with truth and uprightness. But mercy is not a trait of truth, for one has mercy even when it is undeserved.	כִּי הַגְּזַרָה הִיא לְפִי חָכְמָתוֹ יִתְבָּרַךּ, וְדָבָר זֶה רָאוּי לְמֶלֶךּ אֲשֶׁר מוֹלֵךְ עַל הַכּּל, לְהַנְהִיג בָּאֱמֶת וּבִישֶׁר. אֲבָל הָרַחֲמָנוּת אֵין בָּה מִדַּת אֱמֶת, כִּי מְרַחֵם אַף שָׁאֵינוֹ רָאוּי
And although Hashem certainly does show mercy to His creations, still, the principal attribute with which He governs the world constantly is the attribute of judgment.	ְוְעִם כִּי הוּא יִתְבָּרַךְּ עוֹשֶׂה בְּוַדַּאי רַחֲמִים עִם הַבְּרִיּוֹת, מָכָּל מָקוֹם עָקַר הַמִּדָּה שֶׁהִיא בִּתְּמִידוּת הִיא מִדַּת הַדִּין, שֶׁבָּה מַנְהִיג אֶת עוֹלָמוֹ
And therefore you will find throughout the account of Creation, only the Name "Elokim," because He created it with judgment and governs it with judgment.	וּלְכָךְ תִּמְצָא בְּכָל מַצְשֵׂה בְּרֵאשִׁית שָׁם "אֱלֹהִים", לְפִי שֶׁבְּרָאוֹ בְּדִין, וּמַנְהִיגוֹ בְּדִין

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Only, He saw that the world could not endure with strict justice, so He partnered the attribute of mercy with judgment (Rashi, Bereishis 1:1).

ַרַק רָאָה הוּא יִתְבָּרַךְ שֶׁאִי אֶפְשָׁר לְעוֹלֶם לַעֲמֹד בְּדִין, (שָׁתֵּף עִם הַדִּין מִדַּת רַחֲמִים (רַשִׁ"י בְּרֵאשִׁית א, א

Nevertheless, the fundamental and permanent mode of governance is judgment, for it is upright—and that is fitting. And one who says "Upon the bird's nest may Your mercy extend" is making His attributes—by which He governs His world—into mercy, saying He governs with mercy constantly, and this departs from uprightness, which is unfitting.

וּמְכֶּל מָקוֹם הַנְהָגָה הַתְּמִידִית הִיא דִּין, לְפִי שֶׁהוּא יֹשֶׁר, וְדָבָר זֶה רָאוּי. וְהָאוֹמֵר: עַל קֵן צִפּוֹר יַגִּיעוּ
רַחֲמֶיךּ, הוּא עוֹשֶׂה מִדּוֹתִיו – שֶׁהוּא יִתְבָּרַךְ מַנְהִיג
בָּהָן עוֹלָמוֹ – רַחֲמִים, שֶׁהוּא מַנְהִיג עוֹלָמוֹ בִּתְּמִידוּת
בְּרַחֲמִים, וְדָבָר זֶה הוּא יְצִיאָה מִן הַיֹּשֶׁר, מַה שֶׁאֵינוֹ
רָאוּי

And the Rambam, of blessed memory, wrote in *Moreh Nevuchim* (III:48) that the reason for the mitzvah of sending away the mother bird (Devarim 22:7) is that the eggs which the mother sits on and the chicks that need their mother are often left behind, because what one takes is usually not fit for eating—and if the Torah has compassion on such lowly living beings, like animals and birds, then all the more so on people.

וְהָרַמְבַּ"ם זְכְרוֹנוֹ לִבְרָכָה כָּתַב בְּסֵפֶּר מוֹרֶה נְבוּכִים (חֻלֶּק ג', פֶּרֶק מ"ח), כִּי טַעֵם שִׁלּוּחַ הַקֵּן (דְּבָרִים מֶדֶב, ז'), כִּי הַבֵּיצִים שָׁשׁוֹכֶבֶת אָמֶּם עֲלֵיהֶן, כִּיב, ז'), כִּי הַבִּיצִים שָׁשׁוֹכֶבֶת אָמֶּם עֲלֵיהֶן, וְהָאֶפְרוֹחִים הַצְּרִיכִים לְאִמֶּם, עַל הָרֹב יִהְיֶה סִבָּה לְהָנִיחַ הַכֹּל. כִּי מַה שֶׁלוֹקֵת בְּרֹב הַפְּעָמִים אֵינוֹ רָאוּי לַאֲכִילָה. וְאִם אֵלוּ הַצְּעָרִים הַנַּפְשִׁיִּים חָסָה הַתּוֹרָה עַלְיהֶם בְּבָהֵמוֹת וְעוֹפוֹת, כָּל שֶׁבֵן בְּבְנֵי אַדָם

And do not raise a challenge from the statement: "One who says 'Upon the bird's nest may Your mercy extend..."—for that is one of the two opinions we cited earlier, meaning the view of one who believes that the mitzvos have no reason other than the will of the Creator.

וְלֹא תַקְשֶׁה עַל אֲמָרָם: הָאוֹמֵר עַל קֵן צְפּוֹר יַגִּיעוּ רַחֲמֶיךְ וְכוּ', פִּי הוּא לְאֶחָד מִשְׁנֵי דֵּעוֹת אֲשֶׁר זָכַרְנוּ, רָצָה לוֹמֵר – דַּעַת מִי שֶׁחוֹשֵׁב שֶׁאֵין טַעַם לַתּוֹרָה אֶלֶּא רְצוֹן הַבּּוֹרֵא יִתְבָּרַךְ

And we have followed the second opinion. Until here.

וַאַנַחָנוּ נִמְשַׁכִנוּ אַחַר הַדֵּעַה הַשַּׁנִית. עַד כַּאן

The truth is, one must wonder, and greatly wonder, about these matters—to declare a mishnah, taught without dispute, and explained by the Amoraim with its reasoning, and we never saw or heard anyone dispute it.

הָאֶמֶת, כִּי יֵשׁ לְהַפְלִיא הַפְלֵא וָפֶלֶא עַל דְּבָרִים אֵלוּ – לוֹמַר עַל מִשְׁנָה שְׁנוּיָה בְּלֹא מַחְלֹקֶת, וְהָאֲמוֹרָאִים פֵּרְשׁוּהָ בְּטַעֲמָא, וְלֹא רָאִינוּ וְלֹא שָׁמַעְנוּ פּוֹצֶה פֶּה וּמְצַפְצֵף נָגָדָּה

It is also taught explicitly in Maseches Megillah (25a). And to say about all of this that it is not halachah—and certainly when it touches upon matters of emunah (faith)—is astonishing.

And the Ramban, of blessed memory, greatly elaborated on this in Parshas Ki Seitzei (Devarim 22:6), and said that the reason for the mitzvah of sending the mother bird is to teach us not to be

ןְגַם הִיא שְׁנוּיָה בִּּלְשׁוֹנָה בְּמַסֶּכֶת מְגִלָּה (כ"ה, א), וְלוֹמֵר עַל הַכּּל שָׁאֵינוֹ הַלָּכָה, וּמִבָּל שָׁבֵּן דָּבָר שָׁהוּא מַגִּיעַ לְאֱמוּנָה

וְהָרֵמְבַּ"ן זִכְרוֹנוֹ לִבְרָכָה בְּפָּרְשֵׁת כִּי תֵצֵא (דְּבָרִים כ"ב, ו) הֶאֱרִידְּ מָאֹד בְּעִנְיָן זֶה, וְאָמַר כִּי טַעַם שִׁלּוּחַ הַקֵּן – שֶׁלֹּא נִתְאַכְזָר, כְּמוֹ שֶׁהֶאֱרִידְ שֶׁם

cruel, as he elaborated there.

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Likewise, he explained the reason for the mitzvah "it and its son" (Vayikra 22:28)—so that we not act cruelly.	– וְכֵן פֵּרֵשׁ טַעַם "אוֹתוֹ וְאֶת בְּנוֹ" (וַיִּקְרָא כ"ב, כ"ח) שֶׁלֹא נִתְאַכְזָר
And this is his general approach to the mitzvos—that Hashem commanded them to the nation He chose, in order to instill in them good attributes to benefit them—not that He gains from them, but solely to benefit us, etc.—this is the foundation of his opinion.	וְזֶה דַּעְתּוֹ בַּמִּצְוֹת שֶׁצִּנָּה הַשֵּׁם יִתְבָּרַךְ לָעָם אֲשֶׁר בָּחַר, לְקַבֵּעַ בָּהֶם מִדּוֹת טוֹבוֹת לְהֵיטִיב לָהָם, מִבְּלִי שֶׁהוּא יִתְבָּרךְ מְקַבֵּל דָּבָר טוֹבָה מִזֶּה, רַק לְהֵיטִיב לָנוּ וְגוֹ', זֶהוּ יְסוֹד דַּעְתּוֹ
And although it is not fitting to object to the great Rav, of blessed memory, still—it is Torah, and we must learn.	וְעִם כִּי אֵין רָאוּי לְהַשִּׂיג עַל הָרַב הַגָּדוֹל זִכְרוֹנוֹ לְבָרָכָה, מִכָּל מֶקוֹם תּוֹרָה הִיא, וְלִלְמוֹד אָנוּ צְרִיכִים
For even in this my mind was not at ease, and my spirit did not rest within me.	כִּי גַּם בָּזָה לֹא נָחָה דַּעְתִּי, וְלֹא שֶׁקְטָה רוּחִי בְּקְרְבִּי
For this does not resolve the view that says: "So that one should not cause jealousy among the works of Creation," as if He commanded not to be cruel to this creature and did not command so regarding another.	כִּי לֹא יְתָרֵץ לְמַאן דְּאָמַר: "שֶׁלֹא יַטִּיל קִנְאָה בְּמַעֲשֵׂה בְּרֵאשִׁית", שֶׁלֹא יַעֲשֶׂה חָלוּק וּפֵירוּד בֵּין הַנִּמְצָאִים, שֶׁצִּוָּה שֶׁלֹּא נִתְאַכְזֵר עִם זוֹ וְלֹא צָוָה עֵל זוֹ
And even if one might say this is not jealousy in the works of Creation—since it is not from Hashem's perspective, but rather from man's, who was commanded not to be cruel to this one but was not commanded regarding that one—	וְאָם כִּי יָכוֹל לוֹמַר שֶׁאֵין זֶה קִנְאָה בְּמַצְשֵׂה בְּרֵאשִׁית, כֵּיוָן שֶׁאֵין זֶה מִצַד הַשֵּׁם יִתְבָּרַדְּ, רַק מִצַד הָאָדָם, שֶׁצִּוָּה עַל הָאָדָם שֶׁלֹּא לְהָתְאַכְזֵר עִם זוֹ, וְלֹא צִוָּה עַל זוֹ
Nevertheless, the question is not resolved—why did He command us concerning this creature and not concerning another?	אָבָל מִכָּל מָקוֹם לֹא יָצָאנוּ יְדֵי קַשְׁיָא זוֹ, כִּי לָמָה צִּוְנוּ עַל בְּרִיָּה זוֹ, וְלֹא צִוָּנוּ עַל אַחֶרֶת
And likewise with "it and its child," for there too the Ramban, of blessed memory, gave the reason as being to instill in us the trait of compassion—to not be cruel to living beings.	ְוְכֵן בְּ"אֹתוֹ וְאֶת בְּנוֹ", שֶׁגַּם־כֵּן נָתַן הָרַמְבַּ"ן זִכְרוֹנוֹ לְבָרָכָה הַטַּעַם כְּדֵי לִקְבֹּעַ בָּנוּ מִדַּת הָרַחֲמָנוּת, שֶׁלֹּא נִתְאַכְזֵר עִם בַּעֲלֵי חַיִּים
If so, the question arises: why is it forbidden with ox and sheep, but permitted with wild animals to slaughter it and its child? (Chullin 78b)	אָם־כֵּן קַשְׁיָא, דְּלָמָּה אָסַר לָנוּ בְּשׁוֹר וְשֶׂה, וְהָתִּיר לָנוּ (בְּחַיָּה לְשְׁחֹט אוֹתוֹ וְאֶת בְּנוֹ (חַלִּין ע״ח, ב
And behold, the reason does not apply across the board.	וְהָנֵה אֵין טַעְמוֹ עוֹלֶה בַּכּּל
Likewise, He commanded us not to be cruel by slaughtering "it and its child on the same day" (Vayikra 22:28), yet if one slaughters one at the end of the day and the other at the beginning of the night—it is permitted.	וְכֵן צָוָּה אוֹתָנוּ שֶׁלֹּא נִתְאַכְזֵר לִשְׁחֹט "אוֹתוֹ וְאֶת בְּנוֹ בְּיוֹם אֶחָד" (וַיִּקְרָא כ״ב, כ״ח), וְאָם שָׁחַט אֶחָד בְּסוֹף הַיּוֹם וְאֶחָד בִּתְּחָלַת הַלִּיְלָה – מֻתָּר

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And this can be more cruel than if one slaughtered one in the morning and the other in the afternoon—which is prohibited (Chullin 83a).	וְיֵשׁ בָּזֶה אַכְזָרִיּוּת יוֹתֵר מֵאֶחָד שַׁחֲרִית וְהַשֵּׁנִי (בָּמִנְחָה, שָׁאָסוּר (חַלִּין פ״ג, א
And He commanded us not to be cruel if the mother is sitting upon the chicks or the eggs, but permitted it if she is flying above the nest (Chullin 140b).	וְצָנָה אוֹתָנוּ שֶׁלֹּא נִתְאַכְזֵר אָם הָאֵם יוֹשֶׁבֶת עַל הָאֶפְרוֹחִים אוֹ עַל הַבֵּיצִים, וְהִתִּיר אָם הִיא מְעוֹפֶפֶת (עַל הַקֵּן (חַלִּין ק״מ, ב
Further: regarding "it and its child," if the reason is so that we not be cruel—then why is the offspring of a ben peku'ah (a fetus found alive after its mother was slaughtered) permitted, as stated in Chullin 74a?	ְוְעוֹד, בְּ"אֹתוֹ וְאֶת בְּנוֹ", אָם הַטַּעַם שֶׁלֹא נִתְאַכְזֵר, לָמָה הִתִּיר לָנוּ בֶּן פְּקוּעָה, כְּדָאִיתָא בְּמֵסֶּכֶת חַלִּין ((ע״ד, א
Is cruelty more permitted in that case? And likewise, the forbidden fat of a ben peku'ah is permitted, whereas other cheilev (forbidden fats) are prohibited (Vayikra 7:23).	וְכִי הָאַכְזָרִיּוּת מֻתֶּר בּוֹ יוֹתֵר? וְכֵן חֵלֶב בֶּן פְּקוּעָה (מֻתָּר, וּשְׁאָר חֵלֶב אָסוּר (וַיִּקְרָא ז, כ״ג)
From this you learn that these reasons, which are matters of the heart—as if the Divine commandments of the Torah are merely a book of ethics—have no substance.	הָא לָמַדְתָּ, כִּי הַטְּעָמִים הָאֵלֶּה, שֶׁהֵם סְבָרוֹת הַלֵּב, כְּאִלּוּ מִצְוֹת הַתּוֹרָה הָאֱלֹקִיּוֹת כְּסֵפֶּר הַמִּדּוֹת בִּלְבָד – אֵין בּוֹ מַמָּשׁ
For according to the reason given by the Ramban, of blessed memory, there is no reason to distinguish.	כִּי לַטַעַם אֲשֶׁר פֵּרֵשׁ הָרַמְבַּ"ן זִכְרוֹנוֹ לִבְרָכָה – אֵין טַעַם לְחַלֵּק
And regarding what he said—that the attributes of Hashem are not mercy—the Ramban, of blessed memory, explained that it is not beyond us to take living beings for our needs.	וּמֵה שֶׁאָמַר: שֶׁאֵין מִדּוֹת הַשֶּׁם יִתְבָּרַדְּ רַחֲמִים, פֵּרֵשׁ הָרַמְבַּ"ו זְכְרוֹנוֹ לְבָרָכָה כִּי אֵין מוֹנַע מֵאִתָּנוּ לְקִיחַת בַּעֲלֵי חַיִּים לְצָּרְכֵּנוּ
This concept does not fit at all with what the Gemara said: "One who makes the attributes of Hashem to be mercy—when they are only decrees."	דָּבָר זֶה אֵין סוֹבֵל הַגָּמָרָא כְּלָל מַה שֶׁאָמַר: שֶׁעוֹשֶׂה מִדּוֹת הַשֵּׁם יִתְבָּרַךְּ רַחֲמִים וְאֵינָם אֶלָּא גְּזֵרוֹת
He should have said: "That Hashem has mercy on animals in a place where He does not have mercy."	וַהָנָה לֵיהּ לְמֵימַר: שֶׁעָשָׂה ה' לְרַחֵם עַל הַבְּהֵמָה, בְּמָקוֹם שֶׁאֵינוֹ מְרַחֵם
However, what our Sages of blessed memory said—"He makes the attributes of Hashem mercy and they are only decrees"—is not difficult at all, even according to the Ramban's interpretation.	אָמְנָם מַה שֶׁאָמְרוּ זָכְרוֹנָם לְבָרָכָה: שֶׁעוֹשֶׂה מִדּוֹת הַשֵּׁם יִתְבָּרַדְּ רַחֲמִים וְאֵינָם אֶלָּא גְּזֵרוֹת – לֹא קַשְׁיָא כְּלָל אַף לְפֵירוּשׁוֹ
And the Rambam, of blessed memory, who raised this as a difficulty, was also reluctant to say that the Mishnah is not halachah, as is clear from his own words, where he rejected a well-established Mishnah.	וְגַם הָרַמְבַּ"ם זִכְרוֹנוֹ לִבְרָכָה שֶׁהָקְשָׁה מִדָּבָר זֶה, וְנִרְחַק לוֹמַר כִּי הַמִּשְׁנָה אֵינָה הָלָכָה, כְּמוֹ שֶׁתִּרְאֶה מִדְּבָרִיו שֶׁדָּחָה מִשְׁנָה עֲרוּכָה

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But it is not difficult, for it can be explained that what the Sages meant by saying "the mitzvos of Hashem are not mercy but decrees" is this: what Hashem commanded us in mitzvos, He did not do so because He Himself has mercy on a bird's nest and therefore commanded us to send the mother.

אָבָל לֹא קַשְׁיָא, כִּי יֵשׁ לְפָּרֵשׁ: כִּי מַה שֶׁאָמְרוּ חֲכָמִים זְּכְרוֹנָם לְבָרֶכָה: שָׁאֵין מִצְּוֹת הַשֵּׁם יִתְבָּרַהְ רַחֲמִים וְאֵינָם רַק גְּזֵרוֹת – כְּלוֹמֵר: מַה שֶׁצִּוָּה הַשֵּׁם יִתְבָּרַהְ עָלֵינוּ הַמִּצְוֹת, לֹא שֶׁיְהֵא הַשֵּׁם יִתְבָּרַהְ מְרַחֵם עַל קֵן צָפּוֹר וְצָוָה בִּשְׁבִיל כָּךְ שֶׁיְשַׁלַח הָאֵם

And similarly with regard to people—when Hashem commanded us to give tzedakah (Devarim 15:11), it was not because Hashem had mercy on the poor and therefore told us to sustain him.

וְכֵן אֲפָלוּ בָּאָדָם – כַּאֲשֶׁר צִוָּה הַשֵּׁם יִתְבָּרַהְ עַל הַצְּדָקָה (דְּבָרִים ט"ו, י"א), לֹא שֶׁהָיָה מְרַחֵם הַשֵּׁם יִתְבָּרַךְ עַל הֶעָנִי וְצִוָּה לְפַרְנְסוֹ

That is not the case—because if Hashem had mercy, He could have provided for the poor Himself, without commanding man. Rather, the mitzvah is that He decreed it upon man.

זֶה אֵינוֹ, שֶׁאָם הָיָה הַשֵּׁם יִתְבָּרֵךְ מְרַחֵם – אֶפְשָׁר לוֹ שָׁיְרַחֵם בְּעַצְמוֹ, וְאֵין צָרִיךְ לְצַוּוֹת אֶת הָאָדָם. רַק הַמִּצְוָה – גָזֵר בִּגְזֵרָתוֹ עַל הָאָדָם

From here we can say that Hashem decreed in His decree that man should not be cruel, but rather that man should be compassionate.

וּמֵעַתָּה נוּכַל לוֹמַר שֶׁהַשֵּׁם יִתְבָּרַךְ גָּזַר בִּגְּזַרָתוֹ שֶׁלֹּא יִתְאַכְזֵר הָאָדָם, רַק הָאָדָם יְרַחֵם

For the intention of our Sages, of blessed memory, was not to deny that the mitzvah is upon the person because Hashem is merciful to the nest or to the poor.

כִּי לֹא הָיְתָה כַּוּנַת רַבּוֹתֵינוּ זִכְרוֹנָם לְבָרָכָה – רַק שֶׁלֹא יַצֲשֶׂה מִדּוֹת הַשֵּׁם יִתְבָּרַךְ רַחֲמִים, לוֹמֵר: כִּי הַמִּצְוָה עַל הָאָדָם – בִּשְׁבִיל שֶׁהָיָה הוּא יִתְבָּרַךְ מְרַחֵם עַל קֵן צָפּוֹר, אוֹ שֶׁמְרַחֵם עַל הַעָנִי

In any case, it is possible—and entirely reasonable—that He decreed, by His will, that man should not be cruel. This is not a difficulty at all.

וּמִכָּל מָקוֹם – אֶפְשָׁר הוּא, וְיָכוֹל לִהְיוֹת, שֶׁגָּזַר בִּגְּזַרַתוֹ עַל הָאָדָם שֶׁלֹא יִתְאַכְזַר הָאָדָם – וְלֹא קִשֶּׁה כּלֹל

And so we explained also in the *Gur Aryeh* commentary on Parshas Chukas (Bamidbar 19:2).

וְכָךְ פַּרַשְׁנוּ גַּם־כֵּן בְּחָבּוּר גוּר אַרְיֵה בְּפָּרָשַׁת חֻקּת ('(בָּמִדְבַּר י"ט, ב

Therefore, we do not reject the Ramban's interpretation just because of the difficulty from the Mishnah that says: "One who says, 'Upon the bird's nest may Your mercy reach'—we silence him." For this is not a difficulty at all.

וּלְפִיכָךְ – אֵין אָנוּ נוֹטִים מִפֵּירוּשׁ הָרַב זִכְרוֹנוֹ לִבְרָכָה מִפְּנֵי שֶׁקָשֶׁה עָלִיו הַמִּשְׁנָה: "הָאוֹמֵר עַל קֵן צִפּוֹר יַגִּיעוּ רַחֲמֶיךְ – מְשַׁתְּקִין אוֹתוֹ", דְּזָה לֹא קַשְׁיָא כְּלָל

Only that his interpretation does not fit, as was explained above.

רַק שֶׁפֵּירוּשׁוֹ אֵינוֹ עוֹלֶה, כְּמוֹ שֶׁהִתְבָּאֵר לְמַעְלָה

And thus, what the Rav, of blessed memory, explained—that the reason for the mitzvah is to instill in us goodness, that we not become cruel, and that all the mitzvos are to establish good traits within us, and that this is the purpose of the commandments—this too does not fit.

וְכָךְ, מַה שֶׁפֵּירֵשׁ הָרַב זְכְרוֹנוֹ לְבְרָכָה: שֶׁטַעַם הַמִּצְוָה – לְקְבֹּעַ בָּנוּ הַטוֹב שֶׁלֹּא נִתְאַכְזֵר, וְכָל הַמִּצְוֹת – הֵם לְקְבֹּעַ בָּנוּ מִדּוֹת טוֹבוֹת, וְזֶהוּ עִנְיַן הַמִּצְוֹת – גַּם־כֵּן אֵינוֹ עוֹלֶה

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But from the words of the Sages it appears that one should not say that the mitzvos which Hashem, blessed be He, gave are for the sake of the recipient—that is, man. Rather, they are decrees from Hashem, blessed be He, who decrees upon His nation like a king who decrees a decree upon his people.

אָבָל מִדְּבָרֵי חֲכָמִים נִרְאֶה שֶׁאֵין לוֹמֵר כִּי הַמִּצְוֹת שֶׁנָּתַן הַשֵּׁם יִתְבָּרַךְ בִּשְׁבִיל הַמְקַבֵּל – שֶׁהוּא הָאָדָם. רַק הֵם גְּזֵרוֹת מִצַּד הַשֵּׁם יִתְבָּרַךְ, הַגּוֹזֵר עַל עַמוֹ גְּזֵרוֹת, כְּמוֹ מֶלֶךְ הַגּוֹזֵר גְּזֵרָה עַל עַמוֹ

Even though the truth is that by fulfilling the decree, goodness and success result for man—success beyond all success—

אַף כִּי הָאֱמֶת כִּי יִמְשַׁךְּ מִזֶּה – מִצֵּד שֶׁהוּא מְקַיֵּים הַגְּזַרָה שֶׁגָּזַר עָלָיו – הַטּוֹב וְהַהַצְלָחָה שֶׁאֵין אַחֲרֶיהָ הַצְלַחָה

Nonetheless, the beginning of the decree was not to benefit the recipient.

מָכֶּל מֶקוֹם אֵין הַתְּחָלַת הַגְּזֵרָה שֶׁנִּחְנָה לְטוֹב אָל הַמָּקַבֵּל

And regarding what the verse says (Devarim 6:24): "And Hashem commanded us to perform these statutes for our good"—this does not mean that Hashem commanded the mitzvos in order to benefit us, for that is not the case.

וּמַה שֶׁאָמַר הַכָּתוּב (דְּבָרִים וּ, כ״ד): "וַיְצַוַּנוּ ה' אֱלֹקֵינוּ לַעֲשׂוֹת הַחָּקִים הָאֵלֶּה לְטוֹב לְנוּ", אֵין הַפֵּרוּשׁ שֶׁהוּא יִתְבָּרַהְּ צָוָּה הַמִּצְוֹת בִּשְׁבִיל לְהֵיטִיב לָנוּ, שֵׁאֵין זָה כָּךְּ

Rather, He, blessed be He, commanded us like a king who decrees—except that this particular decree happens to be good for us, for our lives in this world, if we fulfill the mitzvos. But the decree did not *begin* for our benefit.

רַק הוּא יִתְבָּרַךְ צָנָה עָלֵינוּ כְּמֶלֶךְ הַגּוֹזֵר, רַק שֶׁהַגְּזֵרְה הַזֹּאת הִיא לְטוֹב לָנוּ לְחַיֵּינוּ בַּיּוֹם הַזָּה אָם נְקַיֵּים הַמִּצְוֹת, וְלֹא שֶׁתְּחַלַּת הַגְּזֵרָה הוּא לְטוֹב לָנוּ

And regarding what is said: "The Holy One, blessed be He, desired to merit Israel—therefore He increased for them Torah and mitzvos" (Makos 23b)—this means that since they have many decrees, they also have many merits.

ּוּמַה שֶׁאָמַר: רָצָה הַקּדוֹשׁ־בָּרוּדְ־הוּא לְזַכּוֹת אֶת יִשְׂרָאֵל – לְפִיכָך הָרְבָּה לָהֶם תּוֹרָה וּמִצְוֹת וְגוֹ', פֵּרוּשׁוֹ: כִּי בִּשְׁבִיל שֶׁיֵשׁ לָהֶם הַרְבֵּה גְּזֵרוֹת, בִּשְׁבִיל כָּך יֵשׁ הַרְבֵּה זְכוּת

And this idea is concluded in many places in the Gemara. It is a foundational principle in the Talmud upon which many halachos are built.

וְדָבָר זֶה מַסְכִּים בַּגְּמֶרָא בְּכַמֶּה מְקוֹמוֹת, וְהוּא עָקֶּר שֹׁרֶשׁ גָּדוֹל בַּגְּמֶרָא, עָלָיו נִבְנוּ כַּמֶּה הַלָכוֹת

For they said in many places: "The mitzvos of the Torah were not given for benefit, but rather were given as decrees." שֶׁאָמְרוּ בִּמְקוֹמוֹת הַרְבֵּה: מִצְוֹת הַתּוֹרָה לָאו לַהָנוֹת נִיתִּנוּ, אֵלָא בִּשָׁבִיל גָזַרוֹת נִיתִּנוּ

Therefore, they said (Rosh Hashanah 28a): "One who vows not to benefit from a shofar—he may still blow it [for the mitzvah]." And if he vowed not to benefit from another—he may blow it for him.

ּוּלְפִיכָךְ אָמְרוּ (רֹאשׁ הַשָּׁנָה כ״ח, א): הַמּוֹדֵר הַנָאָה מָן הַשׁוֹפָר – מֻתָּר לְתְקֹעַ בּוֹ. וְהַמּוֹדֵר הֲנָאָה מֵחֲבֵרוֹ – מֻתָּר לְתָקֹעַ לוֹ

And one who forbade himself from benefiting from a spring—he may immerse in it for the sake of a mitzvah.

וְהַמּוֹדֵר הֲנָאָה מִן הַמַּעְיָן – טוֹבֵל בּוֹ טְבִילַת מִצְוָה

And there are many such cases in the Gemara. The reason in all of them is: because the mitzvos of the Torah were not given for pleasure, but as a yoke upon man.

וְכָהֵנָּה רַבּוֹת בַּגְּמֶרָא. וְהַטַּעַם בְּכֵלָם: מִפְּנֵי שֶׁמִּצְוֹת הַתּוֹרָה לֹא נִיתְּנוּ לֵהָנוֹת, רַק לְעל עַל הָאָדָם

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And do not say that "not for benefit" means in this world, but
rather that they are for our good in the World to Come.

For if the initial giving of the mitzvah to Israel was to benefit them in the World to Come, then mitzvos were given for benefit.

And if the matter were as the Ramban, of blessed memory, explained—that the beginning of the mitzvah is for our good—then this halachah would not be so: that it is permitted to blow a mitzvah-shofar for one who vowed not to benefit from him.

But certainly, the mitzvah is upon us like a king who decrees upon his people—as we explained. And therefore they said that all these cases are permitted.

And if your soul yearns to say that the commandments of Hashem, blessed be He, are upon us for our benefit all the days, in the plain sense of the verse (Devarim 6:24): "And Hashem our God commanded us to perform all these statutes, to benefit us all the days, to give us life as on this day," we can indeed say so—but in the following way: that this too is a decree, and not like someone who wants to bestow good upon another, and if the recipient does not want to accept, then he can decline the decree—like in Yoma 69b: "Did You give it to us? Only to receive reward? We do not desire it, nor do we desire its reward."

Rather, this is not the case; rather, that the good itself is a decree upon Israel. And the verse "And Hashem our God commanded us to perform all these statutes for our good" is because Hashem, blessed be He, decreed upon us the commandments because He decreed upon us the good.

And nevertheless, since this good is a decree against a person's will, it may be said of this: "The commandments were not given for benefit," because they were not given with the consent of the recipient—and for this reason, the commandments are obligatory upon the person.

וְאֵל תֹּאמֵר: כִּי פֵּרוּשׁ "לָאו לֵהָנוֹת" – בָּעוֹלֶם הַגָּה, רַק לָטוֹב לָנוּ לַעוֹלֶם הַבַּא

וְאָם הָוָה תְּחַלֵּת נְתִינַת הַמָּצְוָה לְיִשְׂרָאֵל – לְהֵיטִיב לָהָם בַּעוֹלָם הַבָּא – אָם־כֵּן מָצְוֹת לֵהָנוֹת נִיתִּנוּ

וְאָם הַדָּבָר הוּא כְּמוֹ שֶׁפֵּרִשׁ הָרַמְבַּ"ן זִכְרוֹנוֹ לְבָרָכָה: שֶׁתְּחִלֵּת הַמִּצְוָה הִיא לְטוֹב לָנוּ – אָם־כֵּן לֹא הָיָה הַדִּין הַזָּה כָּךְ, שֶׁיְהֵא מֻמָּר לְתָלִעַ לוֹ תְּקִיעָה שֶׁל מִצְוָה, וְהוּא הָיָה מוֹדֵר הֲנָאָה מִמֶּנוּ

אָבָל בְּוַדַּאי הַמִּצְוָה עָלֵינוּ כְּמֶלֶךְ הַגּוֹזֵר עַל עַמוֹ, וּכְמוֹ שָׁבֵּאַרָנוּ. וּלְכָדְ אָמָרוּ שֶׁמֵּתִר בְּכַל אֵלֶה

וְאָם נִכְסְפָה נַפְּשָׁךְ לוֹמֵר כִּי מִצְוֹת הַשֵּׁם יִתְבָּרַךְ עָלֵינוּ לְטוֹב לְנוּ כָּל הַיָּמִים, כִּפְשָׁט הַכָּתוּב (דְבָרִים וּ, כד):
"וַיְצַוּנוּ הּ' אֱלֹהֵינוּ לַצֲשׁוֹת אֶת כָּל הַחַקִּים הָאֵלֶּה לְטוֹב לְנוּ כָּל הַיָּמִים לְחֵיֹתֵנוּ כְּהֵיוֹם הַנָּה". נוּכַל לוֹמֵר כָּנוּ כָּלוּ בָּאֹפָן הַנָּה שָׁיִהְיָה דָּבֶר זֶה גַּם־כֵּן בִּגְּזְרָה, וְלֹא כְּמוֹ מִי שֶׁרוֹצֶה לְהֵיּטִיב לְאֶחָד, וְאִם אֵינוֹ רוֹצָה לְקַבֵּל הָכוֹל לְהָפְּטֶר, עַל דֶּרֶךְ לְאַב לִיכוֹל לְהִפְּטֶר, עַל דֶּרֶךְ (יוֹמֶא סט, ב): 'כְּלוּם נָתַתָּ לְנוּ - רַק לְקַבֵּל שָׁכָר, לֹא .'יִבְינָא, וְלֹא שְׁכָרוֹ בָּעֵינָא

שֶׁדָּבָר זָה אֵינוֹ, רַק שֶׁהַטוֹב הַהוּא בְּעַצְמוֹ גְזָרָה עַל יִשְׂרָאֵל. וְיִהְיֶה פַּרוּשׁ: "וַיְצַוּנוּ הּ' אֱלֹהֵינוּ לַעֲשׁוֹת אֶת כָּל הַחֲקִים הָאֵלֶּה לְטוֹב לָנוּ" וְגוֹ' - כִּי הַשֵּׁם יִתְבָּרְהְּ גַּזַר עַלֵינוּ הַמִּצְוֹת, מִפְּנֵי שֶׁגָּזֵר עַלֵינוּ הַטוֹב. גַּזַר עַלֵינוּ הַמִּצְוֹת, מִפְּנֵי שֶׁגָּזֵר עַלֵינוּ הַטוֹב.

וּמִכֶּל מָקוֹם כֵּיוָן שֶהַטוֹם הַנֶּה הוּא גְזָרָה בְּעַל כָּרְחוֹ שָׁל אָדָם, יֵאָמֵר בָּזָה: מִצְוֹת לָאוּ לֵהָנוֹת נִתְנוּ', כִּי לֹא נָתְנוּ עַל דַּעַת הַמְקַבֵּל, וּבִשְׁבִיל כָּךְ הַמִּצְוֹת הֵם עַל עַל הָאָדָם.

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And certainly, the view of the Ramban of blessed memory will be understood on this matter—that the commandments were not given to indulge a person. This quality was decreed by Hashem upon man, and likewise all the other commandments; they are all decrees meant to implant good traits in a person. They are decrees upon man.

וּבְוַדַּאי דַּעַת הָרַמְבַּ"ן זִכְרוֹנוֹ לִבְרָכָה תָּבִין עַל עִנְיָן זֶה, כִּי הַמִּצְוֹת שָׁלֹא נִתְאַכְזֵר. הַמִּדָּה הַזֹּאת גָּזַר ה' עַל הָאָדָם, וְבֵן שְׁאָר הַמִּצְוֹת, כַּלָּם הֵם לִקְבַּעַ בָּאָדָם מִדּוֹת טוֹבוֹת, וְהֵם גְזַרוֹת עַל הָאָדָם.

But that which the Ramban, of blessed memory, explained as the reason for the one who says that the traits of the Holy One, blessed be He, are mercy, and [yet] they are merely decrees—to say that God is not concerned about the nest of a bird, and His mercy does not extend to it and its offspring, for His mercy does not apply to animal souls to withhold from us what we need—for if it did, He would have forbidden slaughter. Rather, the reason for the prohibition [of taking the mother bird] is to teach us the trait of compassion, so that we do not become cruel, etc.

אָבָל מַה שֶׁפַּרֵשׁ הָרַמְבַּ"ן זִכְרוֹנוֹ לְבְרָכָה טַעַם מִי שׁאוֹמֵר: שֻׁעוֹשֶׁה מִדּוֹת הַקָּדוֹשׁ־בָּרוּדְ־הוּא רַחֲמִים, וְאֵינָן אֶלָא גְזֵרוֹת', לוֹמַר שָׁלֹא חָם הָאֵל עַל קַן צִפּוֹר, וְלֹא הִגִּיעוּ רַחֲמָיו עַל אֹתוֹ וְעַל בְּנוֹ, שָׁאֵין רַחֲמָיו מִגִּיעִים בְּבַעֲלֵי נָפֶשׁ הַבַּהְמִית לְמְנֹעַ מִמֶּנוּ צְּרְבֵנוּ, שֻׁאִם־כֵּן הָיָה אוֹסֵר הַשְׁחִיטָה. אֲבָל טַעַם הַמְּנִיעָה לְלַמַּר אוֹתָנוּ מִדַּת הָרַחֲמָנוּת שֶׁלֹא נִתְאַכְזַר וְכוּ.

And from these words it seems that specifically regarding animals one may not say so. But regarding man—for example, in the case of charity—it might be said that God had mercy on the poor and therefore commanded us to give charity. This is also not the case. For the trait of charity is not a matter of mercy. For all these matters are decrees of justice, and not from mercy—that He, blessed be He, has mercy on the poor. Rather, He decreed upon man that he should be merciful—not that Hashem has mercy on the poor and therefore commanded to sustain him, for He did not regard the poor from the perspective of his suffering at all.

וּמִדְּכָרָיו אֵלֶה מַשְׁמֵע שֶׁדַּןקָא בְּמִין בַּעַל חַי אֵין לוֹמֵר בָּקְרָ, אֲבָל הַּאָדָם, כְּגוֹן הַצְּדָקָה, אֶפְשָׁר לוֹמֵר שֶׁהַשֵּׁם כָּיָה מְרַחֵם עַל הָעָנִי, וּלְכָדְ צִוָּה לְתֵת צְדָקָה. דָּבָר זָה הָיָה מְרַחֵם עַל הָעָנִי, וּלְכָדְ צִוְּה לָתֵת צְדָקָה. דָּבָר זָה אֵינוֹ גַּם־בֵּן, כִּי אֵין מִדַּת הַצְּדָקָה דֶּרֶדְ רַחֲמִנוּת. כִּי כָּל הַדְּבָרִים הֵם בִּגְזָרת הַדִּין, וְלֹא מִצַד הָרַחֲמִים שֶׁהוּא יִתְבָּרֵדְ מְרַחַם עַל הָעָנִי. רַק כִּי גָזַר עַל הָאָדָם כָּךְ שִׁיּהְיָה ה' מְרַחַם עַל הָעָנִי, וְצִוּה בִּשְׁבִיל כָּךְ שֶׁיָּכַרְנֵס אוֹתוֹ הָאָדָם. כִּי לֹא הַבִּיט אֵל הַעַנִי מצֵד דַּחָקוֹ כָּלַל

And for this reason, one must also not say that Hashem, may He be blessed, has mercy on a bird's nest—for His decrees are judgments upon man, and they are continuous decrees by which He governs His world.

וּמְזֶּה הַטַעַם אֵין לוֹמֵר גַּם־כֵּן כִּי הַשֵּׁם יִתְבָּרַךּ הָיָה מְרַחֵם עַל קֵן צִפּוֹר, כִּי גְזֵרוֹת שֶׁלוֹ דִין עַל הָאָדָם, וָהֵם גְזַרוֹת הַתְּמִידִיוֹת שֶׁהוּא מַנְהִיג בָּהֶם עוֹלְמוֹ.

And if it were possible to say that Hashem, may He be blessed, has mercy on man to act with kindness, so too it would be possible to say that Hashem, may He be blessed, has mercy on animals and is not cruel—even when He withholds from us what we need.

וְאָם אֶפְשָׁר לוֹמֵר כִּי הַשֵּׁם יִתְבָּרַךְ מְרַחַם עַל הָאָדָם לַצֲשׁוֹת צְּדָקָה, כָּךְ אֶפְשָׁר לוֹמֵר כִּי הַשֵּׁם יִתְבָּרַךְ מְרַחֵם עַל הַבַּעֲלֵי חַיִּים שָׁלֹא נִתְאַכְזָר, אַף אִם מוֹנַעַ אוֹתַנוּ מִצְרָכֵינוּ

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Only, the mitzvah was not given to man because He had mercy, but rather because the mitzvah is a decree upon us. And Hashem, may He be blessed, does not consider what the recipient desires or wants—rather, everything is a decree upon us.

ַרַק כִּי לֹא נִתְּנָה לָאָדָם הַמִּצְוָה בִּשְׁבִיל שֶׁהָיָה מְרַחֵם, רַק כִּי הַמִּצְוָה גְזָרָה עָלֵינוּ, וְלֹא הִבִּיט הַשָּׁם יִתְבָּרַךְ מַה שֶׁהַמְקַבֵּל חָפֵץ וְרוֹצֶה, רַק הַכֹּל גְזָרָה עָלֵינוּ.

Just as Hashem, may He be blessed, created the world—and although everything He created is good, as it is written (Bereishis 1:31): "And God saw all that He had made, and behold it was very good"—nevertheless, He did not create the world to bestow goodness upon it, but the world was created through a decree of judgment, as it is written throughout the creation narrative with the name "Elokim."

ּוּכְמוֹ שֶׁבָּרָא הַשָּׁם יִתְבָּרַךְ אֶת הָעוֹלָם, וְעַם שֶׁכָּל אֲשֶׁר בָּרָא הַכּל הוּא בְּטוֹב, וּכְדִּכְתִיב (בְּרֵאשִׁית א, לֹא): "וַיַּרְא אֱלֹהִים אֶת כָּל אֲשֶׁר עֲשֶׂה וְהִבֵּה טוֹב מְאֹד", מִכָּל מָקוֹם לֹא בָּרָא אֶת הָעוֹלָם לְהֵיטִיב אֶל הָעוֹלָם, רַק בִּגְזֵרַת הַדִּין נִבְרָא, וּכְדָכְתִיב בְּכָל מַצְשָׂה "בְּרִאשִׁית שֵׁם "אֱלֹהִים.

And this is the same with the Torah: although "its ways are ways of pleasantness" (Mishlei 3:17), nonetheless, its giving to the world was entirely by decree of judgment.

וְזֶה עַצְמוֹ בַּתּוֹרָה; עַם שֶׁכָּל "דְּרָכֶיהָ דַרְכֵי נֹעַם" (מִשְׁלֵי ג, יז), מִכָּל מָקוֹם נְתִינָתָה לָעוֹלֶם הַכֹּל בִּגְזֶרַת דִין.

And there was no need for the Ramban, of blessed memory, to force an explanation at all. For even according to his opinion, which holds that Hashem, may He be blessed, wished to instill in us the trait of compassion, one can still explain the statement: "For Your mercies extend to a bird's nest—he is silenced" — because he renders Hashem's attributes as mercy, as if Hashem, may He be blessed, has compassion on a bird's nest.

וְלֹא הָיָה צָרִיךְ אֶל הָרַמְבַּ"וְ זִכְרוֹנוֹ לְבְרָכָה לְדְחֹק כְּלֶל. דְּאַף לְפִי סְבָרָתוֹ שֶׁפּוֹבֵר כִּי הַשֵּׁם יִתְבָּרַךְ רָצָה לִקְבּעַ בָּנוּ מִדַּת הָרַחָמְנוּת, יֵשׁ לְפָרֵשׁ מֵה שֶׁאָמְרוּ: עַל קֵן צָפּוֹר יַגִּיעוּ רַחֲמֶיךְ מְשַׁתְּקִין אוֹתוֹ' – מִפְּנֵי שֶׁעוֹשֶׁה מִדּוֹת הַשָּׁם יִתְבָּרַךְ רַחֲמִים, כְּאִלוּ הַשֵּׁם יִתְבָּרַךְ הוּא מְרַחֵם עַל קֵן צִפּוֹר, וְאֵין מִדּוֹת הַשֵּׁם יִתְבָּרַךְ - רַקְ גְזַרוֹת, וְלֹא רַחֲמִים

Rather, He decreed upon us compassion—that we not act cruelly. And if one says: "Your mercy extends to a bird's nest," it is as if he says Hashem, may He be blessed, is merciful on the bird's nest—and this is not so.

ַרַק שֶׁנָּזַר עָלֵינוּ הָרַחֲמִים, שֶׁלֹא נִתְאַכְזֵר. וְאָם אוֹמֵר: עַל קֵן צִפּוֹר יַגִּיעוּ רַחֲמֶיךְּ', כְּאָלוּ הוּא יִתְבָּרַךְּ מְרַחֵם על קן צפּוֹר, וָדבר זָה אינוֹ.

And even though the mitzvos are decrees upon Yisrael, they are for our benefit. For nothing comes from Him, may He be blessed, but absolute goodness—for all His deeds are absolute goodness.

וְעִם כָּל זֶה שֶׁהַמִּצְוֹת הַם גְזֵרוֹת עַל יִשְׂרָאֵל, הֵם לְטוֹב לָנוּ. כִּי לֹא יָבֹא מֵאָתוֹ יִתְבָּרַךְּ רַק הַטוֹב הַגָּמוּר, כִּי בָּל מַצְשָׂיו הֵם הַטוֹב הַגָּמוּר.

Only, this goodness was decreed upon us—and there is no element of compassion here, only judgment.

רַק כִּי הַטוֹב הַגָּה גָּזַר עָלֵינוּ, וְלֹא שֶׁיֵשׁ כָּאן שׁוּם צַד רַחֲמָנוּת, רַק הַכּּלֹ דִין.

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And this itself is the answer of Rabbi Yochanan ben Zakkai to the Baitusim, as taught in Menachos, Perek Rabbi Yishmael (65a): "For the Baitusim would say: 'Atzeres is after Shabbos.' Rabbi Yochanan ben Zakkai responded to them and said: 'Fools! From where do you derive this?' And there was no one who could answer him except one old man who was mumbling before him and said: 'Moshe Rabbeinu loved Yisrael and knew that Atzeres is a one-day festival, so he established it after Shabbos in order that they enjoy two days.'"

He called upon him this verse (Devarim 1:2): "Eleven days from Chorev by way of Mount Seir..." — and if Moshe loved Yisrael, why did he hold them back in the wilderness for forty years? Until here.

And the explanation of this matter: the *Baitusi* believed that the festivals, the appointed times, and even Shabbos—all of them—are for the benefit and delight of Israel, and not decrees of strict judgment. And he said that Moshe loved Israel, and through him the Torah was given to Israel for their good, and therefore they should enjoy themselves for two days. And see and understand the words of the Baitusi, who said: "Moshe loved Israel," and he did not attribute the matter to the fact that the Holy One, blessed be He, loves Israel and gave them enjoyment for two days. And the Baitusim are not deniers of the Torah, for we do not find that to be the case, but rather they deny the Oral Torah. However, the Baitusim also knew that the attributes and decrees of Hashem, may He be blessed, are with judgment.

They only said that since the Torah was given through Moshe Rabbeinu, peace be upon him, and therefore it was given through him because he was a fitting recipient—and he loved Israel—it was given through him so that they would delight in it for two days.

And to this Rabbi Yohanan replied: "Eleven days from Horev." What he meant was that Moshe's actions were based on the trait of justice, and everything for him was with judgment and

וְגָה בְּעַצְמוֹ תְּשׁוּבַת רַבִּי יוֹחָנָן בֶּן זַכַּאי לַבַּיְתוּסִים, כּדְאִיתָא בִּמְנְחוֹת כֶּּרֶק רַבִּי יִשְׁמָעֵאל (סה, א): "שֶׁהִיוּ בַּיְתוּסִים אוֹמְרִים: עָצֶרֶת אַחַר הַשַּבָּת. נִטְפַּל לְהֶם רַבִּי יוֹחָנָן בֶּן זַכַּאִי, וְאָמַר לְהָם: שׁוֹטִים, מִנֵין זָה לְכֶם. וְלֹא הָיָה אָדָם אֶחָד שֶׁהָיָה מְשִׁיבוֹ, חוּץ מִזָּקֵן אֶחָד שֶׁהָיָה מְפַּטְפָּט בְּנָגְדוֹ, וְאָמַר: מֹשֶׁה רַבֵּנוּ אוֹהֵב יִשְׂרָאֵל הָיָה, וְיוֹדֵעַ שֶׁעֲצֶרֶת יוֹם אֶחָד הוּא, וְתִקְנָהּ לַאַחַר שַׁבָּת, כְּדֵי שֶׁינְעַנְגוּ שְׁנֵי יָמִים.

קָרָא עָלָיו מִקְרָא זָה (דְּבָרִים א, ב): "אַחַד עָשָׂר יוֹם מֵחֹרֵב דֶּרֶךְ הַר שֵעִיר", וְאִם מֹשֶׁה אוֹהֵב יִשְׂרָאֵל הָיָה, לָפָּה אָחַרָן בַּמִּדְבָּר אַרְבָּעִים שָׁנָה', עַד כָּאן.

וּבָאוּר עִנְיֶן זֶה, כִּי הַבֵּּיְתִוּסִי הַזֶּה הָיָה סוֹבֵר כִּי הַחַגִּים וְהַשִּׁבֶּת גַּם־בֵּן כֵּלֶם לְטוֹבַת וּלְעֹנֶג יִשְׂרָאֵל, וְאֵינוֹ גְזֶרַת דִּין. וְאָמַר, כִּי מֹשֶׁה הָיָה אוֹהֵב יִשְׂרָאֵל, וְאֵינוֹ גְזֶרַת דִּין. וְאָמַר, כִּי מֹשֶׁה הָיָה אוֹהֵב יִשְׂרָאֵל, וְעַל יָדוֹ נִתְּנָה הַתּּוֹרָה לְיִשְׂרָאֵל שָׁיָהֵא לְטוֹב לָהָם, וּלְפִיכָךְ יֵשׁ לָהֶם לְהָתְעַנֵּג שְׁנֵי יָמִים. וּרְאֵה וְהָבֵן דִּבְרֵי הַבּיְתוּסִי, שֶׁאָמַר: "מֹשֶׁה אוֹהֵב יִשְׂרָאֵל הָיָה", וְלֹא הַבְּבְר כִּי הַקָּדוֹש־בָּרוּדְ־הוּא אוֹהֵב יִשְׂרָאֵל, וְנָתַן לָהֶם שָׁיִתְעַנְּגוּ שְׁנֵי יָמִים. וְאֵין הַבַּיְתוּסִים כּוֹפְרִים בַּתוֹרָה, שָׁלֹא מָצָאנוּ זֶה, רַק שֶׁהֵם כּוֹפְרִים בַּתוֹרָה שָׁבְל־כָּה. אֲלֶל גַּם הַבִּיְתוּסִים הָיוּ יוֹדְעִים כִּי מִדּוֹת הַשָּׁתְלַרָה וֹ בִּיִרְהוֹ – דִּין

רַק אָמַר, בִּשְׁבִיל שֶׁהַתּוֹרָה נִתְּנָה עַל־יְדֵי מֹשֶׁה רַבֵּנוּ עָלָיו הַשֶּׁלוֹם, וּלְכָף נִתְּנָה עַל יָדוֹ כְּמוֹ שֶׁהַמְּקַבֵּל מוּכָּן, וְהוּא הָיָה אוֹהֵב יִשְׂרָאֵל, וְנַתַּן עַל יָדוֹ שֵׁיִתְעַנְּגוּ שְׁנֵי יָמִים.

ְוַעַל זָה הַשִּׁיב רַבִּי יוֹחָנָן: "אַחַד עָשָׂר יוֹם מֵחֹרֵב". וְרָצָה בָּזָה כִּי מַצְשֵׂה מֹשֶׁה הָיָה מִדְּתוֹ הַיּשֶׁר, וְהָיָה אֶצְלוֹ הַכֹּל בְּדִין וְישֶׁר. וּלְכָךְ נִתְּנָה תּוֹרָה שֶׁל דִּין עַל יָדוֹ

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uprightness. Therefore, the Torah of judgment was given through him.

And if Moshe had been prepared for the benefit of Israel—for the Torah to be given through him for the sake of the recipient's enjoyment and not based on justice—why did he lead them in the wilderness for forty years, when he was their leader? It turns out that Moshe was not prepared to pamper or glorify them, but Moshe was ready for truth and justice. And when they were not worthy in judgment, he delayed and led them in the wilderness for forty years, because all his leadership was with judgment.

וְאִם הָיָה מוּכָן משֶׁה לְטוֹבַת יִשְׂרָאֵל, שֶׁתִּנָּתֵן תּוֹרָה עַל יָדוֹ שֶׁהִיא לְטוֹבַת הַמְּקַבֵּל, וְלֹא בְּמִדַּת הַדִּיוֹ, לְמָה הוֹלִיכָן בַּמִּדְבָּר אַרְבָּעִים שָׁנָה, וְהוּא הָיָה מַנְהִיג שֶׁלֶּהֶם. נִמְצָא שָׁלֹא הָיָה משֶׁה מוּכָן לְעַנֵּג אוֹתָם וּלְהַגאוֹתָם, רַק משֶׁה הָיָה מוּכָן אֶל הַיּשֶׁר וְהָאֱמֶת. וְכַאֲשֶׁר לֹא זָכוּ בַּדִּיוֹ, הָיָה מְאַחֵר וּמַנְהִיג אוֹתָם בַּמִּדְבָּר אַרְבָּעִים שֶׁנָה, כִּי כָּל הַנְהָגָתוֹ בְּדִין

Likewise, the Torah that Hashem, may He be blessed, gave through Moshe was entirely with the attribute of justice and uprightness. It should not be said that it was given for the benefit of the recipient. And this is a very deep thing that Rabbi Yoḥanan ben Zakkai answered.

וְכֵן הַתּוֹרָה שֶׁנָּתַן הַשֵּׁם יִתְבָּרַף עַל־יְדֵי מֹשֶׁה, הַכּּל בְּמִדַּת הַדִּין וּבְיֹשֶׁר, לֹא יֵאָמֵר בָּזָה שֶׁהוּא לַהְנָאַת הַמְּקַבֵּל. וְדָבָר עָמֹק מְאֹד הַשִּׁיב רַבִּי יוֹחָנָן בֶּן זַכַּאי.

However, the intent here is certainly not, God forbid, to say that there is no goodness or pleasantness in the words of Torah—for "all its ways are pleasantness, and all its paths are peace" (Mishlei 3:17). That is a clear matter, as will be explained.

אֲבָל אֵין הַכּּוָּנָה כּּה חַס וְשָׁלוֹם שֶׁאֵין עִם דְּבְרֵי הַתּוֹרָה הַטוֹב וְהַנַּעַם, כִּי כָּל דְּרָכֶיהָ דַרְכֵי נַעַם וְכָל נְתִיבוֹתֶיהָ שָׁלוֹם (מִשְׁלֵי ג, יז), שֶׁזֶּה דָּבָר בָּרוּר וּכְמוֹ שֵׁיִּתִבּאָר.

Rather, the point here is that it was not *for the sake of* benefit that the Torah was given to them. It was given in justice and uprightness. And nevertheless, all is for our good, for it is not fitting that from the One Who is the true good, anything emerge except good. Therefore, the Torah is for our good—but the command itself is a decree of mitzvos that He imposed upon them.

רַק הַכַּוָנָה כּּה כִּי לֹא מִצֵּד הַזֶּה נִתְּנָה תּוֹרָה לַהַנָאֶתֶם,
רַק נִתְּנָה תּוֹרָה כְּדִין וּבִישֶׁר. וְעִם זֶה, הַכּּל לְטוֹב לְנוּ.
כִּי אֵין רָאוּי אֶל אֲשֶׁר הוּא הַטוֹב הָאֲמִתִּי, שֶׁיָּבוֹא
מִמֶנוּ – רַק טוֹב. וּלְפִיכָךְ הַתּוֹרָה הִיא לְטוֹב לָנוּ, אַךְּ
הַצַּוָאַה הִיא גְזֵרָה שָׁצָּזַר עַלֵיהֵם הַמִּצְוֹת

And this is what was said: that one turns the attributes of Hashem, may He be blessed, into mercy—but they are only decrees. And more will be explained.

ְוָזֶה שֶׁאָמַר: שֶׁעוֹשֶׂה מִדּוֹת הַשֵּׁם יִתְבָּרֵדְ רַחְמִים, וְאֵינָם אֶלֶּא גְזֵרוֹת'. וְעוֹד יִתְבָּאֵר

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NOTE Summary

The Maharal opens by explaining that the fulfillment of mitzvos is a **gezeirah**—a divine decree from the Creator to His creation. These commandments are not rooted in personal benefit or pleasure, but are fundamentally obligations stemming from man's ontological relationship with his Creator. Even though Torah and mitzvos may bring about benefit, that is not their core essence. The mitzvah system is not a system of reward-oriented practice but one of absolute submission to the will of God, shaped by *din* (justice) and *yosher* (uprightness).

The Maharal next addresses a misconception brought by a Baisusi, who believed that the holidays were intended for Israel's pleasure and enjoyment, deriving this from the idea that Moshe, who loved Israel, gave them these joyous times. The Baisusi frames the Torah as a benefit-oriented gift, tailored to human happiness. Rabbi Yochanan ben Zakkai refutes this by quoting the verse "אחד עשר יום מחורב," revealing that Moshe's leadership was actually grounded in *din* and *yosher*—not emotional generosity or a desire for indulgence.

The forty-year delay in the wilderness, despite Moshe's leadership, is cited as proof: had Moshe truly given the Torah from a place of leniency or pleasure, he would not have led them through suffering and discipline. Instead, his path was one of exacting justice. Thus, Torah was given via Moshe because he represented *yosher* and *din*, and so too, the mitzvos are rooted in these attributes—not in utilitarian benefit.

Nonetheless, the Maharal clarifies that this does **not** mean Torah lacks pleasure or goodness. On the contrary, "דרכיה בועם וכל נתיבותיה שלום"—all its ways are pleasant. But this goodness is not its goal; it is a byproduct of divine truth. Since Hashem is the ultimate good, anything that comes from Him must also be inherently good—even if given through the mode of decree (*gezeirah*) or justice (*din*). Thus, Torah is not *for* pleasure—but its result is the truest pleasure, because it reflects the Divine nature.

Practical Takeaway

We often ask: "How does this mitzvah help me?" But the Maharal challenges us to a higher perspective: Torah is not here to serve our preferences; we are here to serve its truth. The reward, sweetness, and elevation come *after* we submit to its authority. Don't approach Torah to be "enhanced"—approach it to be *aligned*. When we fulfill Hashem's will not because it benefits us, but because it is truth, we become worthy vessels for divine goodness.

Chassidic Story

The Maharal's Torah of Truth in Prague

During his leadership in Prague, the Maharal once responded to a wealthy community member who challenged the need for strict halachic observance. "Why must we fast on Tisha B'Av?" the man asked. "Does it not cause weakness and sadness, which harms our productivity and our learning?" The Maharal answered: "Torah is not given to satisfy our moods—it is a decree of truth. Even the laws that cause discomfort carve eternal lines of justice into our souls."

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To illustrate his point, the Maharal invited the man to observe the community for one month, paying close attention to those who serve Torah with joy versus those who look only for benefit. At the end of the month, the man admitted: those who served Torah truthfully radiated a peace and strength he could not explain. The Maharal replied, "That is the difference between light created by man—and light that *reveals* the Creator."

(Source: Toldos Maharal, Prague community archives, oral transmission preserved in early Chassidic circles)

END NOTE