

# FREE WILL AND BASHERT

*by Shlomo Katz*

## Parshas Vayeitzei

## Free Will and Bashert

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In this week's parashah, Yaakov leaves home in search of a wife. R' David Cohen z"l (1887-1972; the "Nazir") notes that Yaakov struggled to find the right wife, unlike his father Yitzchak, whose match was made with no effort on his part. The fact that some people find their matches easily while others do not is a pattern that has repeated itself throughout history.

R' Cohen adds: We commonly hear of the concept of "bashert" / one's destined spouse. This concept, in fact, has a source in the Gemara. However, Rambam z"l rejected that passage in the Gemara as a minority view. He asks in his work Shemoneh Perakim (Ch.8): How can man's spouse be predestined when the very act of marrying is (or is connected with) a mitzvah? G-d does not decree whether man will or will not perform mitzvot! Rather, Rambam writes, man's free will regarding marriage is unfettered.

Many later commentaries rebutted Rambam's position. Indeed, Rambam's words seem to be at odds with his own teaching about the paradox of man's bechirah / free will and G-d's yedi'ah / knowledge: since G-d knows what choices I will make, how can it be said that I have free will? Rambam answers that this question stems from our inability to understand G-d's "knowledge." If we knew more about G-d, we would know that there is no contradiction between yedi'ah and bechirah. (Zachu Shechinah Bay'nayhem p. 95)

Similarly, G-d's knowledge of who a person is predestined to marry doesn't affect the person's free will. If a person chooses to fulfill the mitzvah of marrying, his bashert is the person he is predestined to marry. But, his free will whether or not to marry remains intact. (Shemoneh Perakim, with commentary by R' Yosef Jacobs shlita)

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"He took from the stones of the place and arranged them around his head, and lay down in that place . . ." (28:11)

"Yaakov arose early in the morning and took the stone that he had placed around his head and set it up as a marker . . ." (28:18)

R' Yosef Shalom Elyashiv z"l (1910-2012) writes: According to one midrash, there originally were three stones, but they fused into one stone. The three stones allude to the three pillars on which the world stands (Avot 1:2): Torah, the Temple service/prayer, and acts of kindness. Some people think that it is enough to choose one of these pillars and to neglect the others; for example, to perform acts of kindness, but not to study Torah. That is wrong, however, as we learn from the fact that the three stones fused into one.

R' Elyashiv adds: When Moshe Rabbeinu came down from Har Sinai and saw Bnei Yisrael dancing in front of the Golden Calf, he smashed the Luchot. It's understandable that he smashed the tablet which bore the commandment not to make idols, since Bnei Yisrael had made an idol. But, why did he smash the second tablet, which bore the commandments between man and his fellow man (for example, "Do not murder")? The answer is as noted above: All parts of the Torah are one unit. They are not separable and a person cannot choose which parts to follow and which parts not to follow. (Kitvei Ha'Grish: Avot)

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"He dreamt, and behold! A ladder was set earthward and its top reached heavenward; and behold! angels of Elokim were ascending and descending on it." (28:12)

Rashi z"l writes: It says first "ascending" and afterwards "descending." Those angels who accompanied Yaakov in Eretz Yisrael were not permitted to leave the Land. They ascended to Heaven, and angels that were to serve outside the Land descended to accompany Yaakov.

R' Zvi Pesach Frank z"l (1873-1960; rabbi of Yerushalayim) cites an alternative explanation in the name of R' Chaim Berlin z"l (1832-1913; rabbi of Moscow and Yerushalayim): People covet seats on the eastern wall in a shul because that's where the aron kodesh is. If the aron kodesh would be moved to the western wall, that would be the most distinguished side. Similarly, verse 13 says that Yaakov dreamt that "Hashem was standing over him." In the words of our Sages, Yaakov became "G-d's Throne." It follows that Yaakov's location was the more distinguished place. When angels traversed the ladder from Heaven to earth, where Yaakov was, they actually were ascending. When the left Yaakov and climbed to Heaven, they were descending. (Har Zvi Ha'shalem Al Ha'Torah)

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"He looked, and behold--a well in the field! And behold! three flocks of sheep lay there beside it . . . and the stone over the mouth of the well was large. When all the flocks would be assembled there they would roll the stone from the mouth of the well and water the sheep; then they would put back

the stone over the mouth of the well, in its place. He said, 'Look, the day is still long; it is not yet time to bring the livestock in; water the flock and go on grazing.' . . . Yaakov rolled the stone off the mouth of the well and watered the sheep of Lavan his mother's brother." (29:2-3, 7, 10)

R' Yaakov Ariel shlita (rabbi of Ramat Gan, Israel) explains: Apparently the well was covered with such a heavy stone because the people of Charan didn't trust each other, and the only way to prevent someone from taking more than his share of water was to cover the well with a stone so heavy that it took all of the shepherds together to move it. However, the shepherds used this as an excuse to lounge around at the well, as if waiting for the other shepherds to gather, thus neglecting their duties and cheating their employers. Yaakov, the man of truth, could not tolerate such behavior. Thus, although he was a stranger in town, he rebuked them. It was that burning desire for truth and honesty that gave Yaakov the strength to single-handedly roll back the stone that covered the well.

R' Ariel continues: Precisely because Yaakov was an exemplary man of truth, he paid dearly for the one time that he spoke misleading words--notwithstanding that he did so with justification and for a good purpose. That was when he said to his father (Bereishit 27:19), "It is I, Esav your firstborn." This could be interpreted as a true statement: "It is I, Esav [is] your firstborn." Nevertheless, Yitzchak was misled. Because of this, Yaakov suffered from Lavan's trickery and, later, he was misled by his sons when they sold Yosef. Halachah permits a person who has a bad dream on Friday night to fast on Shabbat as atonement, but it requires him to fast another day to atone for fasting on Shabbat. Similarly, even though Yaakov acted appropriately, he needed an atonement. (Me'ohalei Ha'Torah)

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## Shemittah

We continue to discuss the halachic controversy surrounding the "hetter mechirah," the sale of the Land of Israel to a non-Jew for the shemittah year. In particular, we discuss one of the earliest halachic objections that was raised and the responses of those who permit the hetter mechirah.

The Torah says (Devarim 7:1-2), "When Hashem, your G-d, will bring you to the Land, to which you come to possess it, and many nations will be thrust away from before you -- the Hittite, the Girgashite, the Amorite, the Canaanite, the Perizzite, the Hivvite, and the Jebusite . . . lo techonaim." The gemara (Avodah Zarah 20a) interprets "lo techonaim" as meaning: "You shall not give them chaniyah/an encampment or resting place in the Land." In other words, one may not transfer land in Eretz Yisrael to non-Jews.

Ever since the hetter mechirah was first conceived 125 years ago, poskim / halachic authorities have debated whether it causes the above prohibition to be transgressed. The questions they discuss include:

(1) The Gemara derives additional prohibitions from the words "lo techonaim." In connection with one of them, the Gemara interprets the word "techonaim" as coming from the root "chinam"/"for no

reason" (as in "sinat chinam"/"baseless hatred"). Could this mean that only transferring Land to a non-Jew for no reason is prohibited, but, if the Jew obtains a benefit, as is the case here, it is permitted?

(2) Does the prohibition apply only if it will result in Jews losing control of the Land? If selling the Land to a non-Jew for the duration of the shemittah will result in strengthening Jewish control in the long-term, can it be permitted?

(3) Is transferring the Land to a non-Jew prohibited only when there is a Jewish buyer? Here, where there is no Jewish buyer, since selling the Land to a Jew could not accomplish the same objective, is it permitted?

(4) The Torah doesn't say, "Do not sell the Land to non-Jews." It says, "Do not give them an encampment in the Land." Is the Torah concerned with the act or with the result? If the Land effectively remains in Jewish hands, is the prohibition transgressed?

(5) To whom does this prohibition apply? The verse appears to prohibit transferring land in Eretz Yisrael only to the Canaanite nations listed in the verse. However, Tosafot (Avodah Zarah 20a) writes that it applies to all idolators. But, does it apply to non-Jews who are not idolators? (Moslems are not idolators in the halachah's eyes. Thus, R' Yitzchak Elchanan Spektor z"l wrote when he issued the first hetter mechirah in 1888, that the Land could be sold only to a Moslem.)

(6) If the non-Jew already lives in Eretz Yisrael--for example, an Arab who lives in Eretz Yisrael already--does the prohibition apply?

(7) Would the prohibition apply if the Land is sold only to the depth of the plants' roots so that the buyer's rights are limited--for example, he has no right to dig a foundation for a house--is the prohibition transgressed?

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