

Onnes Rachmana Patrei — Hashem Exempts One Who Is Coerced

Part I – Understanding Free Will

1. Appreciating the Significance of Free Will

The Rambam¹ writes about the centrality and critical importance of free will:

Free will is granted to all men. If one desires to turn himself to the path of good and be righteous, the choice is his. Should he desire to turn to the path of evil and be wicked, the choice is his...Man can, on his own, with his knowledge and thought, know good and evil, and do what he desires. There is no one who can prevent him from doing good or bad.

This principle is a fundamental concept and a pillar [on which rests the totality] of the Torah and *mitzvot* as it says,² “Behold, I have set before you today life [and good, death and evil].” Similarly, it says,³ “Behold, I have set before you today [the blessing and the curse]” since the choice is in your hands.

Anything which a person desires to do, he may, whether good or evil...The Creator does not compel or decree that people should do either good or bad.

Rather, everything is left to their [own choice].

[If not], what place would there be for the entire Torah? According to which judgement or sense of justice would retribution be administered to the wicked or reward to the righteous?

The *Ramchal* writes similarly in *Derech Hashem*⁴

It was necessary that man be created with free will. Man’s inclinations are therefore balanced between good and evil, and he is not compelled toward either of them. He has the power of choice, and is able to choose either side, knowingly and willingly, as well as to possess whichever one he wishes. Man was therefore created with both a *yeitzer tov* (positive inclination) and a *yeitzer hara* (negative inclination). He has the power to incline himself in whichever direction he desires.

2. Free Will has been Challenged from the Beginning of History

As essential as free will is, its reality has been challenged from the very beginning of human history. The *Medrash* tells us that even *Kayin*, the first murderer in the history of the world, actually blamed G-d for his murder of his brother Hevel:

Kayin said [to G-d], “I killed him? You created an evil inclination within me! You watch everything, and You allowed me to kill him. [So,] You [really] killed him. [Plus,] if You would have accepted my sacrifice as You accepted his, I would not have [even] been jealous of him.”

While denial of free will was always a problem, it is much more of an issue today. Rav Wolbe writes:⁵

¹ *Hilchot Teshuva* 5:1,3,4

² *Devarim* 30:15

³ *Devarim* 11:26

⁴ Part One, ch. 3, *Man*

⁵ *Alei Shur*, vol. II, p. 41

Of all the heresies that have arisen throughout the ages, our era has reached a low point. The heresy of our generation is denial of freedom itself...In secular courts, there is a tendency to exonerate terrible murderers from responsibility if there is a psychological issue related to their actions. This perspective has entered into our world as well. Who among us believes that a person is not compelled to transgress? Who believes that it is possible to go from Yom Kippur to Yom Kippur without transgression? In fact, who even thinks a single day can go by without transgression?

If only we would leave Yom Kippur with the clear conviction that we are truly free to arrange our lives in a manner that we will not stumble in transgression...We must know that the foundation of man and the foundation of Torah is choice...Particularly in our time, preceding the coming of *Mashiach*, we need to greatly strengthen our clear conviction that we are capable of overpowering our *yeitzer*, we are responsible for our actions, and we will ultimately be held accountable for them.

Rabbi Netanel Wiederblank explains:⁶

According to Rav Wolbe, a central challenge to our growth as people is our subliminal questioning of the extent of our freedom. Scientific evidence bears this out. Psychological studies show that people who believe they have free will tend to act with a greater sense of moral responsibility than fatalists and determinists, who deny their ability to control their destiny. For example, people who believe that their self-control is nearly unlimited, tend to be much more successful at fulfilling resolutions than people who believe that we are all born with a limited amount of self-control...This accentuates the grave danger we face when we are exposed to a society that keeps on denying our freedom, and highlights the need to consider the Torah's response to these challenges.

3. Understanding the Nature of Free Will

Rav Wolbe⁷ qualifies what free will is, and what it is not:

A child from his very first days feels pleasure and pain. And his will is evident even from when he is an infant. This, however, is different than *bechira* (free will), which is not at all a function of instinct, but rather requires thought. Therefore, without awareness and maturity, there is no *bechira*. If a child knows that he will be punished if he takes a candy, but he still wants it, there is a battle between two different aspects of *negiot* (biases) — a longing for pleasure and a fear of punishment. The *negiah* that is strongest in his heart will be decisive in this battle. This overpowering of one instinct by another, however, is not called *bechira*.

Let's think about ourselves as mature adults. How frequently do we use the power of *bechira*? Our nature, education, habits, and *negiot* rule over us with a virtually complete control from youth until old age. It is actually possible for a person to go through all of his years without [ever] resorting to the power of *bechira*. A person with a pleasant nature, who never deviated from the education of his parents — his *mitzvot* will be habitual, and his *negiot* will strengthen him on his way...He will be able to go through his years with a good name, but without ever having chosen his way with any independent thought.

⁶ *Illuminating Jewish Thought*, p. 8, which was extremely helpful for this presentation

⁷ *Alei Shur*, vol. I, p. 156

This is an extreme example. But when we think about ourselves, we find that we very rarely utilize the quality of *bechira*. While, as the Rambam writes, *ha'reshut n'tuna* (the permission [of free will] is given), our actions are generally controlled by our nature, education, habits, and *negiot* (biases), whether in terms of the fateful decisions of our lives, or the small everyday choices. Where then is *bechira*? *Rabeinu Yona* resolves this problem, as he writes,⁸ “Realize that the elevated aspects [of life] are given to us in various *mitzvot aseï* (positive obligations). For example, the quality of *bechira*, as it says — ‘*u'bacharta bachaim*’ the quality of *talmud Torah*, to walk in the ways of Hashem, to contemplate the greatness of Hashem, the recognition of His kindness, and understanding it, sanctity, Divine service, awe, love, and clinging to G-d, and many different levels within every one of them.”

It is clear from this that *bechira* is not at all a part of the daily spiritual schedule of a person. It is among the elevated qualities which can only be acquired through much hard work...We are, however, able to attain *bechira*, and therefore we are held responsible to acquire it. After all, *bechira* is the basis of *s'char v'onesh* (positive and negative consequences for our behavior).

The early great philosophers established *bechira* as the foundation for the whole Torah and for the entire service of man, and no intelligent person argues on this. As a result of this, however, it has become understood among the simple Jews of our nation that every person has complete freedom to choose, in any situation whatsoever. This is a complete mistake. Furthermore, we should not rely on our *bechira* by putting ourselves into a *nisayon*...

The ultimate level of *bechira* is *devekut*, meaning a constant *lishmah* — [choosing] G-d's will, which will take us beyond habituation, to be able to fulfill “*u'bacharta bachaim*” — choosing life.”

4. Limitations of Free Will with Character, Environment, and Astrology

As remarkable and powerful as *bechira* (free will) is, our classical Torah sources tell us that it has many very significant limitations. We all have different starting points in life, in terms of our character traits, environment, and even our astrological influences.

The Rambam⁹ tells us:

Each and every person possesses many character traits. Each trait is very different and distant from the others.

One type of man is an angry person, who is constantly angry. In contrast there is the calm individual who is never moved to anger or, if at all, he will be slightly angry, [perhaps once] every few years.

There is the arrogant person and the one who is extremely humble. There is the man ruled by his appetites who will never be satisfied from pursuing his desires, and conversely, the very pure of heart, who does not desire even the little that the body needs.

There is the greedy man, who will not be satisfied with all the money in the world...[In contrast] there is the man who is satisfied with even a little, which is

⁸ *Shaarei Teshuva* 3:17

⁹ *Hilchot De'ot* (1:1–4, 6:1), loosely translated as The Laws of Character Traits

not [even] enough for his needs, and he does not bother to pursue and attain what he lacks.

There is [the miser], who torments himself with hunger, gathering [his money] close to himself. Whenever he spends a penny of his own, he does so [only] with great pain. [Conversely], there is the one who knowingly wastes his fortune. All other traits follow this same pattern [of contrast].

The *Malbim* also speaks about every person having a particular nature:

“According to the work of man he is compensated, and *according to the nature of man* he will find.”¹⁰ A person is rewarded or punished based on his *nature*. One who gets angry but was born with an angry temperament is treated differently than someone who gets angry but was not born with the same handicap.

The *Gra* states a remarkable fact on the *possuk*¹¹ — “Educate a child according to his way” — that a person *cannot change* his [basic] nature.

The *Gra*¹² even speaks about differences in the quality of people’s souls:

There could be a person whose *nefesh* is good in its nature and *middot* (character), but he could still be a *rasha*...Although it would be very easy for him to do good, he may [simply] not want to...[And then, there could be] someone whose *nefesh* is bad, in other words, very physical, with negative character traits. [If, however,] he has a positive *ruach* (spirit), he will still be able to conquer the *nefesh* to his [positive] direction. This is [one understanding of] *tzadik v’ra lo*, since it is very difficult for him to be in control. His desires are very great due to his [negative and physical] *nefesh*. He realizes that his actions may stem from his physical *middot*, or from his [positive] *ruach* (spirit), and he has a constant battle with his *yeitzer* (desires). [We, therefore, say,] “*l’fum tza’ara agra* — according to the effort is the accomplishment.” And even if he sometimes stumbles in transgressions, G-d forbid, *Hakadosh Baruch Hu* (the Holy One Blessed be He) deals with him *lifnim mishurat hadin* (beyond the letter of the law).

Rav Yechezkel Levenstein writes¹³ that there are some people who need special help from G-d to be saved from doing negative things.

One who has a small blemish...will have a difficult time not doing a particular *aveirah*. It is even possible that he is more of a *tzadik* in other matters than other people are, and his elevation is greater than theirs. However, since he has this small blemish in this particular area, he will need some extra protection not to do this action.

The Rambam¹⁴ discusses the power of our environment:

The nature of people is to be drawn after the character traits and actions of one’s friends and associates, and to behave like the people of their country.

And, finally, in terms of the astrological impact of the stars, the *Gemara*¹⁵ says:

¹⁰ *Iyov* 34:11

¹¹ *Mishlei* 22:6

¹² *Even Shleimah* 1:8, based on the *Tikunei Zohar* 109a

¹³ *Ohr Yechezkel, Darchei HaAvodah*

¹⁴ *Hilchot De’ot* 6:1

¹⁵ *Shabbat* 156a

He who is born under [the sign of] Mars (which is red and associated with blood) will be a shedder of blood...[and] one who is born under Jupiter (the astrological sign of *Tzedek* — righteousness) will be a righteous person.

5. We All Need Divine Protection to Avoid Transgressing.

The *Gemara*¹⁶ tells us –

Rav Yitzchak says – the [evil] inclination of a person strengthens itself against him every day... Rebbe Shimon ben Lakish says – A person's [evil] inclination [tries to] overpower him every day and seeks to kill him... And if *HaKadosh Boruch Hu* (the Holy One, Blessed be He) didn't help him, the person would be unable to [be saved from it].

The *Gemara*¹⁷ discusses how to be saved from the *yeitzer hara*:

Torah is compared to a life-giving drug...Hashem says to Israel, "I created the *yeitzer hara* and I created Torah as its antidote. If you are involved in Torah, you will not be given into its hand...but if you are not involved in Torah, you will be given into its hand..." Rav Yitzchak says, "The [evil] inclination of a person renews itself against him every day..." Rav Shimon ben Levi says – "A person's [evil] inclination [tries to] overpower him every day and seeks to kill him...and if *Hakadosh Baruch Hu* (the Holy One, Blessed be He) didn't help him, the person would be unable to [be saved from it]."

The *Maharsha* and *Iyun Yaakov* point out that this *Gemara* is referring to a righteous person who truly wants to do the right thing. Even so, the evil inclination may be so powerful that he will be unable to overcome it without G-d's help.

The *Gra*¹⁸ explains that people do not have the ability to complete the work in the fight against the *yeitzer* [on their own], but only with the spirit from above and *siyata d'Sh'maya* (help from Heaven). However, Hashem helps only once the person has begun the battle and done everything in his power to do. Only once one has reached the situation of — "Without G-d's help we could never beat the *yeitzer hara*," then Hashem helps him. And that is the explanation of the verse, "Hashem will never abandon him." Therefore, the *Gemara* uses the language of *ozro* (Hashem *helps* him) and not *matzilo* (Hashem *saves* him). And this is why a person merits to receive *s'char* (spiritual benefit) when he succeeds against the *yeitzer hara*, since he had done everything which was in his power to do.

The *Gra*¹⁹ also discusses the *possuk* in the Torah about *bechira*²⁰ — "Realize that I am giving (*notein*) before you today *bracha* and *klala*."

He points out that the verse says "*notein*" (giving) and not "*natati*" (I gave). If it would have said "*natati*," then we could have thought that the *bechira* which was given to a person to go on the good path was specifically at the beginning of his *bechira*. And [in a case where] one [initially] chose a bad path, there would then be no way to fix this, even if the person afterwards [wanted to] choose a good path. Therefore, the verse says "*notein*" in the present tense. Hashem tells us,

¹⁶ *Sukkah* 52ab

¹⁷ *Kiddushin* 30b

¹⁸ *Kol Eliyahu* on this *Gemara* in *Kiddushin*

¹⁹ *Kol Eliyahu*

²⁰ *Devarim* 11:26

“All of your days, until they are finished, you have the choice to choose the good path, even up until the day of death.” A person may say, “What solution is there for me if I have been evil until now?”; “What can I do with the *aveirot* I have done?”; “I have no remedy!” Therefore, the verse says — “*hayom* — today,” since the *baal teshuva* is like a newborn infant. One only needs to do *teshuva* and go on the good path from this point forward. And, additionally, if a person will say, “What can I do with the *yeitzer hara* which forced me?” — therefore the verse says, “*Anochi* — I,” meaning that I (Hashem) will be with you, and [therefore] don’t be afraid of the *yeitzer*.²¹

The *Chafetz Chaim*²² also stresses that we should not become discouraged, even if the *yeitzer hara* sometimes defeats us. [We need to remember that the *yeitzer*] is continually strengthening itself, and, therefore, we always need G-d’s help to defeat it. However, it needs to be understood that only if the person himself girds his strength, will he then receive Divine assistance. We see this from the *mitzvot* (obligations) of *te’ina* and *prika* (helping someone to load and unload his animal) which the Torah commands us. If, however, the owner of the animal says that he will sit comfortably, since we [are the ones who] have this *mitzvah*, we are no longer obligated. [Just like] the *mitzvah* is [merely] to help him, that is how Hashem treats people.²³

The *Ramchal*, at the end of the second chapter of *Mesillat Yesharim*, states emphatically that we all need Divine protection to avoid transgressing. He writes:

It is obvious [!] that even if a person monitors himself, he will not have the power to save himself if Hashem doesn’t help him. For the *yeitzer hara* is very powerful... Therefore, if one does oversee himself, then Hashem will help him and he will be saved from the *yeitzer hara*. And if one does not monitor himself, then Hashem will certainly not monitor him. For if one does not care about himself, then who should care about him? This is the same concept as what our Sages of blessed memory say — “Whoever does not have awareness, we should not have mercy on him.” And this is also what they said²⁴ — “*Im ein ani li, mi li* — If I am not for myself, then who will be for me?”

²¹ Notes from *Metivta* on *Kiddushin* 30b

²² *Tehillim*

²³ Notes from *Metivta* on *Kiddushin* 30b

²⁴ *Pirkei Avot* 1:14

Part 2 – The *Yetzer Hara* (Negative Inclination) can Sometimes be Overwhelming

1. The Power of the *Yetzer Hara*

The *Gemara*²⁵ speaks about the enormous power of the *yetzer hara*, even with great *Talmidei Chachamim* (Torah scholars):

Some women [who had been redeemed] from captivity were brought to Neharda'ah, put in [the attic inside] the house of Rav Amram the *Chassid*, and the ladder [to the attic] was taken away. As one of the women passed by [the opening], a light shone through that opening [into the house]. Rav Amram took the ladder, which even ten men could not lift, all by himself, and began going up [to the attic]. When he reached the middle of the ladder, he shouted, "There is a fire in the house of Rav Amram!" The Rabbis came there and said, "You have embarrassed us!" He replied to them, "It is better that you should be embarrassed in the house of Amram in this world, and not be embarrassed about him in *Olam Haba*!" [Rav Amram] asked the *yetzer hara* to leave him, and it left him as a column of fire. [Rav Amram] then said [to the *yetzer hara*], "Although you are fire and I am only flesh, I am still stronger than you."

Rebbe Meir used to make fun of transgressors [since he thought, as Rashi explains, that one can easily overcome the *yetzer hara* if one merely desires to do so]. One day, the *Satan* appeared to [Rebbe Meir] as a woman on the other side of a river. There was no ferryboat, so he grabbed onto a rope [which stretched across the river] and began to cross over. When he reached the middle of the rope [i.e., he was halfway across], the *Satan* let him go. [The *Satan* then] said [to Rebbe Meir], "Had they not proclaimed in Heaven to be careful with Rebbe Meir and his Torah, I would have made your life worth two *ma'ah* (i.e., worthless)."

Rebbe Akiva [also] used to make fun of transgressors. One day, the *Satan* appeared to [Rebbe Akiva] as a woman on top of a date palm. He grabbed the palm tree and began going up [to the top]. When he reached the middle of the tree [i.e., he was halfway up], the *Satan* let him go. [The *Satan* then also] said [to Rebbe Akiva], "Had they not proclaimed in Heaven to be careful with Rebbe Akiva and his Torah, I would have made your life worth two *ma'ah* (i.e., worthless)."

Not only do we see here that even great people struggle with the *yetzer hara*. The implication of this *Gemara* is that they may actually have more protection from transgressing than regular people do.

Even more remarkable, the *Gemara*²⁶ seems to say that there are some situations where one is actually unable to avoid transgressing. Despite the *Gemara*²⁷ telling us that "Chananya, Misha'el, and Azariya were all *tzadikim gamurim* (completely righteous),"

²⁵ *Kiddushin* 81a

²⁶ *Ketubot* 33b

²⁷ *Ta'anit* 18b

who were fitting to have a miracle done on their behalf (when they survived being thrown into a fiery furnace rather than bow down to the idol of Nevuchadnezer), nevertheless, the *Gemara*²⁸ says something remarkable about them:

Had Chananya, Misha'el, and Azariya been tortured [as opposed to being threatened with death], they *would have* bowed down to the idol.

Some *Rishonim*, including the Ramban, and the Rashbah in the name of Rashi, explain that the *Gemara* is not literal, and they never would have actually worshipped an idol. However, we certainly see that torture is very severe, even more so than death. As the *Gemara*²⁹ itself says, there is no comparison between pain which has an endpoint to pain which has no endpoint.

The *Gemara*³⁰ tells us that a number of great individuals actually accused G-d of being responsible for transgressions:

And Rebbe Elazar says — Eliyahu flung words upward [towards Hashem], as it says, “And You turned the hearts [of the Jewish nation] backwards.”³¹ Rebbe Shmuel bar Rebbe Yitzchak says — From where [do we see] that *HaKadosh Boruch Hu* returned and acknowledged this to Eliyahu? As it says, “and the one [i.e., the Jewish nation] that I [Hashem] *caused* to be evil.”³²

Rebbe Chama the son of Rebbe Chanina says — Were it not for the following three verses, the feet of the enemies of Yisrael (i.e., the Jewish people) would stumble:

“And the one that I caused to be evil”³³;

“Behold, like clay in the hand of the potter, the house of Yisrael are also in My hand”³⁴;

“And I will remove the heart of stone from your flesh, and will give you a heart of flesh.”³⁵

Therefore, [Rashi explains,] we now have a justification that Hashem caused us [to transgress], since he created the *yeitzer hara*.

The *Maharsha* points out that the intention of this *Gemara* certainly cannot be that this is a complete claim to being able to get a positive judgment. Hashem created the Torah as an antidote to the *yeitzer hara*³⁶ and gave *bechira* to man. But rather, without this claim we would stumble completely in judgment. At this point, therefore, mankind has an opening and a small defense, since the *yeitzer hara* caused them to transgress.

The *Ben Yehodaya*³⁷ explains that without this claim, even *teshuva* wouldn't help. But rather the *nefesh* that transgressed would die. This claim, therefore, causes *teshuva* to work, so that the *nefesh* can receive a *kaparah*.

²⁸ *Ketubot* 33b

²⁹ *Ketubot* 33b

³⁰ *Brachot* 31b–32a, Rav Dessler discusses this in *Michtav M'Eliyahu* (4:105-7)

³¹ *Melachim Aleph* 18:37

³² *Michah* 4:6

³³ *Michah* 4:6

³⁴ *Yirmiyahu* 18:6

³⁵ *Yechezkel* 36:26

³⁶ *Kiddushin* 30b

³⁷ *Yechezkel* 18:4

In the Academy of Rebbe Yannai they said — Moshe said to *Hakadosh Baruch Hu*, “*Ribono shel Olam* (Master of the Universe), because of the silver and gold that You lavished upon Israel, until they said, ‘enough,’ that is what caused them to make the [Golden] Calf!”

In the Academy of Rebbe Yannai they said — A lion does not roar from a basket of straw, but rather from a basket of meat...

Rebbe Chiya bar Abba said in the name of Rebbe Yochanan — This is like a person who had a son. He bathed him and anointed him, gave him food and drink, hung a purse (full of money) on his neck, and sat him down at the entrance to [a house of] ill repute. What should the son do so that he will not transgress? Rav Acha the son of Rav Huna said in the name of Rav Sheishis — This is what people say, “Filling the stomach is one of the types of evil, as it says, ‘they became satiated...their hearts became arrogant; therefore, they have forgotten Me.’”³⁸

And the Rabbis say from here — “And he will eat, be satiated, grow fat, and turn [to other gods].”³⁹

Rebbe Shmuel bar Nachmani said in the name of Rebbe Yonasan — From where [do we see] that *Hakadosh Baruch Hu* returned and acknowledged this to Moshe? As it says, “And I increased silver for her (the Jewish people) and gold, but they used it for *Baal* (i.e., an idol).”⁴⁰

The *Maharsha* writes that G-d admitted that this was only a mitigating consideration, not a complete defense.

2. There is Even a Point where the Negative Action is No Longer Viewed as Wrong

The *Gemara*⁴¹ discusses a case which is described as *t’chilatah b’onnes v’sofa b’ratzon* — one was initially forced to participate in an act that became willful at the end. The conclusion of the *Gemara* is that *t’chilatah b’onnes v’sofa b’ratzon* is completely exempt. What is the reason? The *yeitzer* clothed (i.e., overwhelmed) the person with desire.

The *Medrash*⁴² gives an example of this. If a person dipped his finger into honey and [forcefully] put it into another person’s mouth on Yom Kippur, it may be that the coerced person would end up enjoying the taste of the honey.

The point is that the pleasure at the end was a natural reaction to the physical stimulus the person was forced to experience, not an agreed-upon willingness. And the entire focus of the Torah is on choice and will, not on nature and pleasure.⁴³

This exemption of “being clothed by the *yeitzer* with desire” is from all penalties, including bringing an offering in the *Beit HaMikdash*. This shows us that there is not even a need for a *kaparah* (atonement) with this normally prohibited action.

³⁸ *Hoshea* 13:6

³⁹ *Devarim* 31:20

⁴⁰ *Hoshea* 2:10

⁴¹ *Ketubot* 51b

⁴² *Medrash Rabba*, *Naso* 9:10

⁴³ *Peirush Maharazu*

Furthermore, the Rambam⁴⁴ points out that the logic of this exemption is so clear that it applies to all of *dinei Torah*.

3. A Remarkable Ruling with Resisting Temptation and Transgression

The *Gemara*⁴⁵ tells us:

Rebbe Abahu says in the name of Rebbe Chanina, “It is better for a person to transgress in private and not profane the Name of Heaven [by doing it] publicly.”

Rebbe Ilai HaZakein says, “If a person sees that his *yeitzer hara* is overpowering him, he should go to a place where no one recognizes him, clothe and wrap himself in black, and do whatever his heart desires, but not profane the Name of Heaven openly.”

Both *Rashi* and *Tosfot* take the *Gemara* at face value — since he is unable to avoid transgressing, it is better that he should do it privately and not profane G-d’s Name. Rabbeinu Chananel disagrees with this and explains that the foreign place and the black clothing will help him to be able to control his desires.

A different *Gemara*,⁴⁶ however, tells us that a prominent Torah scholar followed the ruling of Rebbe Ilai HaZakein very literally and had illicit relations even though he had dressed himself in black in the different place:

Rav Yosef says — There were rumors about a particular *talmid chacham* that he had had illicit relations. After a debate, Rav Yehuda put him into *nidui*...After Rav Yehuda died, this *talmid chacham* came to the *Beit Medrash* to try to be released from the *nidui*, but was not successful.

Neither the *Rif* nor the *Rosh pasken* like Rebbe Ilai. Rather, although the *yeitzer* of a person may overpower him, he is still obligated to fight his *yeitzer*, as we see from the *Gemara*⁴⁷ — “All is in the hands of Heaven except for the fear of Heaven.”

The *Meiri* writes that anyone who is unable to subdue his *yeitzer* is better off doing [the transgression] in secret and not profaning the name of Heaven publicly...Once one has gone to a place where he is not particular about his personal *kavod* (honor), perhaps this will humble his heart. But if this does not end up humbling him, then at least when he is doing whatever his heart desires, he won’t be violating any other *issur*. And, at least, there won’t be a *chilul Hashem*, since no one recognizes him.

Rav Elchanan Wasserman⁴⁸ says that this is very puzzling, since it appears from the words of Rebbe Ilai that he is arguing on the concept of “All is in the hands of Heaven except for the fear of Heaven.” And yet, this is the *yesod* (foundation) of the entire Torah!

Rav Tzadok HaKohen of Lublin speaks explicitly⁴⁹ about a person being unable to avoid transgressing:

⁴⁴ *Hilchot Issurei Biah* 1:9

⁴⁵ *Kiddushin* 40a and *Chagiga* 16a

⁴⁶ *Moed Katan* 17a

⁴⁷ *Brachot* 33b

⁴⁸ *Kovetz Maamarim*

⁴⁹ *Tzidkat HaTzadik* #43

A person can sometimes stand in a challenge so great that he will not be able to avoid transgressing, as it says in the *Gemara*⁵⁰ [with the *mashal* of the boy who was placed at the entrance to a house of ill repute with a purse of money hung around his neck] — What should that boy do so he will not transgress? In this situation, he will be considered *onnes gamur* (completely exempt) where Hashem will exempt him [from any punishment]. Also, when the incitement of the *yeitzer* is so strong that it cannot be defeated, it is relevant to speak about *onnes* (coercion)...

See the *Gemara*⁵¹ where we [also] say that one is exempt in a case of *t'chilatah b'onnes v'sofa b'ratzon* — the beginning was forced but the end was willful. What is the reason? The *yeitzer* clothed the person with desire... This is considered *onnes gamur* even though it was willful [at the end]. In any case, a *yeitzer* this big would be impossible for a person to control, and would therefore be an *onnes gamur*. There would be no *onesh* (retribution), even if the person did an *issur* (transgression), since it was an *onnes*. But, [Rav Tzadok cautions us], a person is not able to testify about himself with this, since perhaps he did have the strength to control the *yeitzer*.

Rav Tzadok continues:⁵²

One who has a great longing for bodily desires should not be saddened by this, thinking how flawed he is, since he has such a strong longing. On the contrary, [having such a strong desire shows that] he is a vehicle which is prepared for the greatest love, longing, and pursuit of the truth.

Rav Hutner⁵³ also discusses *aveirot* which he characterizes as being “beyond a person’s *bechira*.” But even so, based on a *possuk*,⁵⁴ it seems that there could be an *onesh* for these types of *aveirot*, which Rav Hutner writes — “is very puzzling.”

He first clarifies that a person will certainly not be punished for *aveirot* beyond his *bechira*. But, similar to what Rav Tzadok says, a person cannot know which *aveirot* fall into this category. And since a person can never be sure that he was truly not responsible, he must do *teshuva* for every *chet*, since the violation may, in fact, have been willful. To not do *teshuva* would express a lack of appreciation for the seriousness of transgression, which would itself be deserving of an *onesh*.

And Rav Avigdor Miller⁵⁵ tells us that *bechira* itself can sometimes be removed, in very specific circumstances:

We learn a great fundamental of *bechira* from the *possuk*,⁵⁶ “And I will harden the heart of Paro,” plus⁵⁷ “And I will strengthen the heart of Paro.” We see that Hashem sometimes removes the power of *bechira* from a person to some degree, even while he is still alive... Here we have a person who is still walking among the living, but in terms of *bechira*, in some aspect, it is like he is already

⁵⁰ *Brachot* 31a–32b

⁵¹ *Ketubot* 51b

⁵² *Tzidkat HaTzadik* #44

⁵³ *Pachad Yitzchak, Iggerot u’Ktavim* #9

⁵⁴ *Melachim Aleph* 8:46

⁵⁵ *Lev Avigdor, Shaar HaBechira* — 43

⁵⁶ *Shemot* 7:3

⁵⁷ *Shemot* 14:4

dead. [As an example,] it says in *Pirkei Avot*,⁵⁸ “Whoever causes the masses to transgress is not given the opportunity to do *teshuva*.” And there are more examples like this that demonstrate the fundamental that Hashem sometimes removes *bechira* from a person.

Part III – We Can Affect the Parameters of our Free Will

1. We have Free Will to Direct our Various Starting Points in Life

Despite all of these sources which discuss limitations on our free will, there is much to affirm its applicability and relevance, even so.

First of all, as Rabbi Weiderblank⁵⁹ points out, intuitively, we feel free. Many times each day, we see before us two paths and must choose our course. We grapple to figure out what is right, and we struggle to make the virtuous choice. Sometimes we emerge victorious, and other times we fail. We feel confident, however, that the choice is ours. We can imagine choosing the other option, and frequently we do.

And, of course, society has not accepted the various challenges to free will. Our legal system is based entirely on the presumption of free will. Separate from the rare cases of legal insanity, we do not exonerate a murderer simply because he says he had no choice but to commit the crime.⁶⁰

And even in an evil country like Nazi Germany, where the social pressure to participate in the evil was massive, the Nuremberg trials established the principle of full legal culpability.

The Gra fully recognized and acknowledged this fact that everyone is born with a distinctive orientation. This explains why he put such a great emphasis on the verse,⁶¹ “Educate a child according to *his way*; even when he grows older, he will not turn away from it.” This teaches us that every child must be educated in terms of his unique nature.

However, even though he understood — “A person cannot change his [basic] nature...”, everyone still has —

“the freedom to direct it in the way he sees fit, to become a *tzadik*, a *rasha*, or a *beinoni* (neutral). This can be seen from the passage in the *Gemara*⁶² —

“Someone who is born under [the astrological sign of] Mars will be a shedder of blood. Rav Ashi observed: Either a murderer, a slaughterer, or a circumciser.” It mentions these three examples because they demonstrate all three options; the circumciser who uses his orientation to do a *mitzvah* is a *tzadik*, the butcher is a *beinoni*, and the murderer, of course, is a *rasha*.”

⁵⁸ 5:21

⁵⁹ *Illuminating Jewish Thought*, p. 4

⁶⁰ *Illuminating Jewish Thought*, p. 5, footnote #5

⁶¹ *Mishlei* 22:6

⁶² *Shabbat* 156a

In addition to this, Rabbi Weiderblank⁶³ writes that many of the masters of the Mussar movement urged that a person should not simply accept his nature as a given. Changing a negative character trait, while exceedingly difficult, is certainly within man's reach. Rav Yisrael Salanter famously remarked that it is easier to master the entire Talmud than to change one negative character trait. However, all thinkers likely agree that a person *need not* attempt to change his basic nature. All traits (even the attraction to blood) are morally neutral, insofar as they can be used for good. Rather, one's job is to overcome the negative manifestations of these traits (such as arrogance). Accomplishing this is indeed more difficult than mastering the entire Talmud.

The Rambam⁶⁴, as well, after he writes about the various character traits every person has, including from birth, spells out the obligation we all have to make significant changes within them:

If a person finds that his nature leans towards one of the extremes or adapts itself easily to it, or, if he has learned one of the extremes and acts accordingly, he [can and] should bring himself back to what is proper, and walk in the path of the good (men). This is the straight path.

Therefore, the early Sages instructed a man to evaluate his traits, to calculate them and [perhaps most importantly] to direct them along the middle path, so that he will be sound [of body].

And, finally, the *Meir*⁶⁵ writes explicitly that we all have the freedom to direct our inborn inclinations in positive, negative, or neutral ways:

Among the foundations of our religion is the belief that freedom is in the hands of man in all of his actions to do as he sees fit. Even if it is known through the ways of wisdom that stars have an effect on the acquisition of character traits...we nevertheless must believe that this does not limit freedom and does not cause a person to be considered compelled. Rather, if he transgresses, it is with his own freedom and will, *since G-d gave him the freedom to compel his nature that he was born with, and the bounds of religion will return him from his nature to control himself so he will not follow the tendencies he was born with*, because he can choose another way.

2. We have Free Will to Widen or Limit Our Free Will Choices.

The *Chasid Ya'avetz*, in his commentary on *Pirkei Avot*, speaks about the ability of free will to overcome one's starting point in life:

The *Mishnah*⁶⁶ says — "*Hakol tzafui v'hareshut n'tuna* — Everything is foreseen, but the permission [to choose] (i.e., free will) is given." There is no doubt that the structure of a person, his temperament, and the time when he is born (i.e., astrological influences) have a great impact on his actions, as the *Gemara*⁶⁷ says, "He who is born under Mars (i.e., red and associated with blood) will be a shedder of blood...One who is born under Jupiter (the astrological sign of *Tzedek* — righteousness) will be a righteous person. Rav Nachman says he will be righteous with *mitzvot* [i.e., particularly the mitzvah of *tzedaka*]."

⁶³ *Illuminating Jewish Thought*, p. 202

⁶⁴ *Hilchot De'ot* 1:1–3,4

⁶⁵ *Gemara Shabbos* 156a

⁶⁶ *Pirke Avot* 3:19

⁶⁷ *Shabbat* 156a

But, even so, in terms of the soul of the person, which is above the planets [and their influence], he is able to subdue his physical [nature] and to choose the straight path. And this is certainly true for one who has been enlightened through toiling in Torah.

However, *rov ha'anashim nisharim al tivam* — most people remain with their [inborn] nature and operate according to what they received. There are some who complete themselves through their choices in terms of what they were born with. There are some who consciously add to what they were given. There are those who change what they were given from good to bad. And there are those who do the opposite — their *yeitzer tov* (good inclination) conquers their *yeitzer hara* (negative inclination). But [all of] these are few in number...

The fitting approach according to a person's nature, what he was given, and when he was born, was not diminished at all. Rather, *bechira* was given into the hands of a person to control everything, to nullify what he was given, to act against it, and to prevent the evil from expressing itself...And this is the meaning of the *Gemara*⁶⁸ — *Hakol biyedei Shamayim chutz mi'yirat Shamayim*. And it [also] says, "*Tzadik mosheil yirat Elokim* — the *tzadik* rules over the fear of G-d." [Hashem says,] "I rule over My world, and who rules over Me? The *tzadik*, since I (Hashem) make a *gezeirah*, and he (the *tzadik*) can nullify it..." *Bechira* is always given over to man to do evil or to do good...Hashem gave *bechira* to man and that is how he creates his own world.

Rav Dessler's well-known concept called the *nekudat habechira*, or exact point of free choice, speaks explicitly about one either raising or lowering the range of his free will choices:

Everyone has free choice at his "*nekudat habechira* — point of free choice," but the position of the "*nekudat habechira*" itself is determined by various factors. This may be affected by one's own previous choices, which may have raised or lowered his "*nekudat habechira*." Or it may be affected by factors outside of his control. Divine Providence may have placed him from childhood in a certain environment, higher or lower as the case may be.

There is thus no free choice except at the "*nekudat habechira*"...But there are no outside factors which can affect the act of choice itself. Here the human being himself reigns supreme.

Everyone has free choice at the point where truth meets falsehood. But the majority of a person's actions are undertaken without any clash between truth and falsehood taking place. [One's education and environment play an enormous role with this.] Many of a person's actions may happen to coincide with what is objectively right because he has been brought up that way and it does not occur to him to do otherwise, and many bad and false decisions [also due to external factors like upbringing] may be taken simply because the person does not realize they are bad. In such cases, no truly free choice has been made. Free will is exercised and a valid choice is made only on the borderline between the forces of good and the forces of evil within that person.

It must be realized that this "point of free choice" does not remain static in any given individual. With each good choice successfully carried out, the person rises higher in spiritual level; that is, things that were previously in

⁶⁸ *Brachot* 33b

the line of battle are now in the area controlled by the positive inclination, and actions done in that area can be undertaken without struggle and without choice. In this sense we can understand the saying that “one *mitzvah* leads to another.”⁶⁹

And so, in the other direction. Giving in to the negative inclination pushes back the frontier of the good, and an act which previously cost one a struggle with one’s conscience will now be done without free will at all. The positive inclination is no longer functioning effectively in that area. And so, we have learned “one *aveirah* leads to another,”⁷⁰ and “as soon as one has committed an *aveirah* twice, it no longer [seems to him to be] an *aveirah*.”⁷¹

So, we see that education and environment cannot in any way change the essential act of free choice, but only the location at which it takes place — the position of the point of free choice on the moral scale. Every human being possesses the power of perceiving the truth available to him at his particular level, clinging to it, and refusing to be deflected from it by the seductive illusions of falsehood. In this there is no difference at all whether his upbringing raised or lowered his “point of free choice.” The ability to adopt the truth as he knows it is equal in all situations.

Rav Dessler⁷² then explains the fundamental *Gemara*⁷³ that — “Everything is in the hands of Heaven except for the fear of Heaven”:

“All is from Heaven” — all that befalls a person, everything that determines where his choice shall take place, the level of his choice as well as the kind of test to which he will be subjected — all this is from Heaven. The only thing in man’s hands is “the fear of Heaven,” which is the sense of responsibility to the truth which he can either adopt or reject as he wills. The fear of Heaven — whether the fear of material consequences, or fear and awe on higher levels — is essential to prevent one being deflected from the truth. This is the essence of free choice.

The *Sefer HaChinuch*, on the prohibition of following after the thoughts of the heart and what the eyes see, ⁷⁴ explains that running after physical cravings will limit our freedom:

This mitzvah is actually a great foundation of the religion, since negative thoughts are the source of impurity, and the actions are their offspring...

One should become accustomed to say what our Sages taught,⁷⁵ “*Aveirah goreret aveirah, u’mitzvah goreret mitzvah* — one transgression leads to another transgression, and one mitzvah leads to another mitzvah.” If you decide to fulfil your evil craving even one time, you will be drawn after it many times. And if you manage to be strong enough to conquer your passions and to shut your eyes from seeing evil one time, it will [then] seem easier to do this many more times.

⁶⁹ *Pirkei Avot* 4:2

⁷⁰ *Pirkei Avot* 4:2

⁷¹ *Yoma* 86b

⁷² *Illuminating Jewish Thought*, p. 200, footnote #28

⁷³ *Brachot* 33b

⁷⁴ #387

⁷⁵ *Pirkei Avot* 4:2

Every person who becomes accustomed to desires and frequently gives in to them — his *yeitzer hara* will overpower him every day. And if one refrains from them, he will be happy with his portion constantly, every day.

Rav Aharon Soloveichik⁷⁶ writes that, according to the *Sefer HaChinuch*, this mitzvah prohibits a person from taking drugs, since it forbids “running after physical cravings [which] will limit our freedom.”

Rav Moshe Feinstein directly addresses drug use:⁷⁷

It is simple, from many fundamental laws in the Torah, that this is prohibited. Firstly, it damages and ruins the body. And even if one finds healthy people who are not damaging themselves [physically] so much, they are still damaging the mind since they are no longer able to understand a matter correctly. This is actually more serious than simply holding oneself back from learning Torah properly. It also prevents one from *tefillah* and fulfilling the *mitzvot* of the Torah, since doing [these things] without proper awareness is akin to not doing them at all. Furthermore, one is causing a great *taavah* (desire), which is greater than the *taavah* to eat and similar things which one needs for their sustenance. And there are some who will be unable to control their *taavot*. This is a severe prohibition, as it says about the *Ben Sorer u'Moreh* (the rebellious son) who had a much greater desire for eating, even if it was for kosher food. All the more so is it forbidden to bring oneself to a much greater *taavah*, and to a matter which has no purpose whatsoever... There is also the prohibition of the *mitzvat ase* of “*kedoshim te'hiyu* — be holy,” according to the explanation of the Ramban. They will additionally be violating many more prohibitions besides these. The end of the matter is that it is simple and clear that this is among the most serious prohibitions, and one needs to try with all of one's ability to remove this *tumah* from the Jewish people, and particularly for those who are learning in *yeshivot*.

In other words, the mitzvah of the *Ben Sorer u'Moreh* (the rebellious son) prohibits forming addictive behaviors that have negative consequences. We, therefore, see that a significant aspect of our free will is to determine whether and how much to have free will.

One will also directly limit his own *bechira* by habituating himself to transgressions. The *Gemara*⁷⁸ tells us: Once a person commits a transgression and repeats it, it then becomes permitted to him. The *Gemara* asks incredulously: Can you imagine that it [really] becomes permitted to him? Rather, it *seems to him* that it is permitted.

In a similar manner, the *Ramchal*⁷⁹ points out just how destructive it is to live our lives habitually:

“[Merely] following our routine like a blind man in the dark...is one of the tactics of the *yeitzer hara*...to burden people's minds constantly with its toil, until they are left with no free time to contemplate and examine which path they are traveling on.

⁷⁶ “*Torah Tzniut* versus New Morality and Drugs,” *Tradition* (Fall 1972)

⁷⁷ *Igrot Moshe* (Yoreh Deah 3, # 35 — *Issur Ishun Samim* — The Prohibition Against Smoking Drugs)

⁷⁸ *Kiddushin* 40a

⁷⁹ *Mesillat Yesharim*, ch. 2

In other words, without introspection, we are essentially hardening our own hearts and limiting our freedom.

Rav Avigdor Miller⁸⁰ speaks about how terrible it is for a Jewish slave to choose to extend his servitude:

We need to pay attention to the case of an *eved ha'nirtzah* (the slave who has his ear pierced since he chose to remain an *eved*)...

Rebbe Yochanan ben Zakai⁸¹ explained this verse harshly:

Why among all of the different limbs of the body is it specifically the ear which should [be pierced]? Hashem says, "The ear which heard My voice on Har Sinai, when I said, 'The Jewish people should be servants to Me,' and not servants to servants (i.e., other people), but then he went and acquired a [human] master for himself, should [have his ear] pierced"...According to the normal procedure, he should have been sent away by the master [after a few years] to be free to serve Hashem. But instead, he is punished by remaining imprisoned to his master without the ability to leave until the *Yovel*.⁸² This principle teaches us that negative choices cause our *bechira* to be limited. And, even more so, when we [directly] choose to limit our *bechira* [like the *eved nirtzah*], we are punished by our *bechira* being diminished even more than we chose.

And, on the positive side, Rav Miller⁸³ tells us that our good choices actually increase our *bechira*:

In all of the cases [in Jewish history where people made positive choices] we see that the one who made the proper choice received the benefit of then being able to make even greater choices, as we say,⁸⁴ "*s'char mitzvah mitzvah* — the benefit of a mitzvah is another mitzvah." Aharon [who chose properly] was given many *mitzvot* of the *Kehuna*, the *Levi'im* were given the task of teaching the Jewish nation and the service [in the *Beit HaMikdash*], and *Dovid HaMelech* was given the mitzvah of shepherding the flock of Hashem. The one who fulfills the Torah from poverty — i.e., with a limited *bechira*, will fulfill it in the end from wealth — with an enhanced degree of *bechira*. And whoever does not choose properly, will be given a diminished *bechira*, with only a fraction of what is possible to choose.

Rav Miller⁸⁵ emphasizes that there is no benefit in this world like the opportunity to fulfill unlimited *bechira*, and there is no greater negative than the loss of the opportunity to make choices. [In fact,] the essential bitterness of death is due to the loss of *bechira*, which is the greatest misfortune.

And, finally, Rav Miller⁸⁶ writes:

Once we see that the foundation of man and his success in life is *bechira*, the intelligent person understands that there is a heavy obligation to guard his freedom of choice...This is [exactly] the claim the Torah makes against the *eved*

⁸⁰ *Lev Avigdor, Shaar HaBechira* 43

⁸¹ *Kiddushin* 22b

⁸² 50th year

⁸³ *Lev Avigdor – Shaar HaBechira* – 53

⁸⁴ *Pirkei Avot* 4:2

⁸⁵ *Lev Avigdor – Shaar HaBechira* – 45

⁸⁶ *Lev Avigdor, Shaar HaBechira, siman* 3

ivri [the Jewish slave who wants to extend the period of his slavery] — “But the Jewish people are [really] subjugated to Me,” so how can this one (i.e., the *eved ivri*) go and acquire a master for himself?⁸⁷

The *Gemara*⁸⁸ tells the remarkable story of a man whose desire for a particular woman was so great that his life actually became endangered.

The *sefer Margalioth HaYam* writes:

This man was responsible for the [danger to his life] since he caused the *yeitzer hara* to come upon himself [as the *Gemara* put it — “*he set his eyes upon this woman*”] until it overpowered him. In other words, he was the one who directly limited his own *bechira*.

People will sometimes even embrace one forbidden behavior to allow themselves to engage in a different prohibited action. The *Gemara*⁸⁹ tells us that Yisrael knew there was no reality to idolatry. They worshipped idols only in order to justify public immorality for themselves.

⁸⁷ *Kiddushin* 22b

⁸⁸ *Sanhedrin* 75a

⁸⁹ *Sanhedrin* 63b–64a

Part IV – Understanding *Onnes Rachmana Patrei*

1. When is it relevant to apply the exemption of *Onnes Rachmana Patrei*?

Rav Moshe Shmuel Shapiro, *Rosh Yeshiva* of *Be'er Yaakov*, explains:⁹⁰

We have all been influenced by the heretical psychological poison [which surrounds us]. In today's world, after every murder or spilling of blood which, according to Torah law, would be the greatest degree of evil and cruelty, the press quickly describes this as a psychological problem of the murderer. And, of course, they speak about various difficulties the murderer went through during his childhood. Very soon this murderer ends up appearing as the one who deserves compassion, more so than the person that he killed. However, in the eyes of the Torah, he is a lowly murderer who deserves to be executed, since he violated one of the three most serious transgressions, which one should rather be killed for than violate.

According to our exalted Torah, in the end, every single person has free will. Even one who had a difficult childhood has equal ability to choose good or bad. And even one who was given every advantage in his upbringing and received a wonderful education, still has the ability to, G-d forbid, choose evil. And, while there is certainly a mitzvah of *chinuch* (education) on the parents to give the best tools to the child, at the end of the day, the child still has an equal ability to choose.

Rav Moshe Shapiro, the well-known Rav and speaker,⁹¹ explains in a *shiur* which was given to a group of Rabbis and therapists:

It is incumbent upon the therapist to show the patient the degradation and the damage he caused to his very humanity through his actions. This will return him to being a person again, in terms of being able to choose and be responsible. The *da'at* is the chooser, as we say, "*b'tzelem Elokim asah et ha'adam* — man was made in the image of G-d" — this is the power of *bechira*. When someone says, "I am not able to stand up to this," we need to show him that he is *b'tzelem Elokim*...And if he would not have the ability to choose, then he would not be *b'tzelem Elokim*. It is not possible for a person to willfully and consciously forgo their *tzelem Elokim*.

⁹⁰ *HaTorah HaHagasah v'Hashkafasah — U'Barchartah B'Chaim — Odot Shitot HaPsikologia*

⁹¹ *Shiur Pesicha Gimmel — Takanas Cholei HaNefashos — Koach HaBechira*

We need to explain and emphasize that a person is required to choose constantly, in all cases and in all situations. And it is always forbidden to destroy the possibility of choice. There is no reality or situation where a person loses *bechira* unless he is a *shoteh* (“legally insane”) or [literally an] *onnes* (compelled). There is no possibility, therefore, to hide behind the pitiful excuse — “I didn’t choose this,” or “I am not capable of choosing.” Since the responsibility is constantly upon us, we can’t escape from it.

And, therefore, the guidance needs to be in this direction, when a person complains that his actions are being compelled, and he is unable to avoid bad behavior. We need to explain the simple truth to him that in *Beit Din*, he could be lashed for [negative behavior]. And even though we lack the (judicial) power today, the therapist may still be required to directly confront him with a vision of how he appears. This will awaken his self-respect, which is the essential element within a person’s internal reality. This will help him to accept personal responsibility for his actions and to [begin] behaving like a normal person.

This is the power of [what is called] “tough love,” as the verse⁹² says – “The one who spares the rod *hates* his child, while the one who loves him gives regular corrective discipline.” This keeps a person in his place, by showing him the full impact that his errors had on him. This will straighten out his ways and help him return to the full awareness of making choices in his life. [After all,] making choices in life is the true meaning of a human being who was created *b’tzelem Elokim*... [These words are based on the Rambam and the *Radvaz*.⁹³]

Rav Moshe Meiselman, *Rosh HaYeshiva* of *Torat Moshe*, explains:⁹⁴

If someone was, G-d forbid, abused or molested when he was a child, he obviously cannot be blamed for acting out due to the deep psychological scars that he received. But as time goes on and the person matures, he needs to realize that his entire life cannot be defined by his victimhood. At some point he has to realize that he can be strong enough to take his life into his own hands, and move on to live life in the way that he chooses, despite what has been done to him. There are tools that have been designed for victims of trauma and abuse to regain control of their lives and become responsible for their behavior. At that point, if he uses his molestation as a child as an excuse for simply doing whatever he wants, he is responsible. Only Hashem knows when a child victim or an addict has reached that point. But the person himself knows it, too.

2. Understanding the Exemption of *Onnes Rachmana Patrei*

Rav Asher Weiss⁹⁵ discusses the concept and parameters of *Onnes Rachmana Patrei* (One Who Is Compelled Is Exempt)

Aleph — B’makor HaPatur

⁹² *Mishlei* 13:24

⁹³ *Hilchot Mamrim* 6:10

⁹⁴ From a question-and-answer session and featured in a publication from *Toras Moshe*

⁹⁵ *Minchat Asher, Ki Teitzei, Siman* 57

1. The essential source that one is exempt from all actions which were coerced is the *possuk*,⁹⁶ “*Ul’naarah lo ta’aseh davar* — Do nothing [whatsoever] to the girl” who was raped. Based on this *possuk*, therefore, the *Gemara*⁹⁷ states the principle, *Onnes Rachmana Patrei* – One Who Is Compelled Is Exempt.
2. Interestingly, the Rambam actually codifies this as a *mitzvat lo ta’aseh*⁹⁸ — “We are prohibited from punishing those who were forced to transgress, since their actions were coerced.”
3. And he writes:⁹⁹
Whoever is coerced to do something which would [normally be] liable for *mitat Beit Din* (capital punishment), is not killed by the *Beit Din*, even if it was a *mitzvah sh’yehareig v’al ya’avor* (a mitzvah one was required to be killed for and not violate). Even if this person profaned G-d’s Name [by violating and not being killed], he is not put to death, since he was forced.
4. And he adds:¹⁰⁰
Every case where it says — *yehareig v’al ya’avor* (be killed and don’t violate) — but one [wrongly] *does* violate and is *not* killed, he has profaned G-d’s Name... However, since he was forced to violate, he is not lashed, and certainly not killed by *Beit Din*, even if he was forced to kill. [This is because] we give lashes or death only to one who transgressed willfully, plus with witnesses and a warning. The source for this is,¹⁰¹ “*V’samti ani et panai b’ish hahu* — And I will place My face against that man.”
5. Rav Weiss points out that we see there are two different sources for this principle of *onnes Rachmana patrei* — “*Ul’naarah lo ta’aseh davar* — Do nothing [whatsoever] to the girl,” and “*V’samti ani et panai b’ish hahu* — And I will place My face against that man.”
6. If we only had the verse of “*Ul’naarah lo ta’aseh davar*,” we might have imagined that the *onnes* was only *patur* from *Beit Din*, but the person would still be *chayav* (liable) in *Shamayim*. The second verse, “*V’samti Ani et panai b’ish hahu*,” therefore teaches that the *onnes* is *patur* even in terms of *Shamayim*.

Beit — B’geder Onnes

1. There are two different *gedarim* (categories) of *onnes*.
2. The first is when one’s body is used to do an *aveirah b’al karcho* (against his will). For example, non-kosher food is literally forced down a person’s throat. In this case, he is *patur* even on the action itself, and there is no *aveirah* whatsoever.
3. The second is where someone is compelled to do an action, for example, worshipping an idol or violating Shabbat, due to the fear that if he doesn’t do it, he will be killed. In

⁹⁶ *Devarim* 22:26

⁹⁷ *Nedarim* 27a, *Baba Kama* 28b, *Avodah Zara* 54a

⁹⁸ Torah prohibition #294

⁹⁹ *Hilchot Sanhedrin* 20:2

¹⁰⁰ *Hilchot Yesodei HaTorah* 5:4

¹⁰¹ *Vayikra* 20:5

these cases, it is considered as if he *did* do these actions, but he is not punished, since his actions were compelled. As the Rambam writes,¹⁰² one is *patur* for all cases of *onnes*, including the *gimmel chamurot* (three strictest prohibitions) — where one was obligated to have been killed and not violate.

4. There is a difficulty in the words of the Rambam where he seems to contradict himself. In *halacha daled* [where one was threatened with being killed if he wouldn't violate] he writes that even one who violated and was not killed in a case where he was required to have been killed and not violate — “since he was compelled to violate, he is not lashed, and certainly not killed by the *Beit Din*, even if he killed through *onnes*.” However, in *halacha vav*, he says that if one was critically *ill* and (wrongly) transgressed one of the *gimmel chamurot* in order to live, *Beit Din* does give him the (capital) punishment that was fitting for him. What is the difference between the two cases? With both of them, the person is only violating the *gimmel chamurot* to save his life. So why should the *choleh* be punished more than the one who was forced by another person?

7. Based on a *Gemara*¹⁰³ [which discusses one who reluctantly sold property due to financial pressure], we see a distinction between compulsion of oneself and compulsion from others. The conclusion there is that *compulsion of oneself* [even in a very pressed financial situation] is not considered to be *onnes*, since he is [ultimately] the one who decided to sell his own property to ease his difficulties. But where one was *forced by another person* to sell his property, this a complete *onnes*, and, therefore, [the property being sold is] not acquired by the other person. From this discussion we see the difference between compulsion from others, and one who chooses to do something in order to be released from some particular difficulty himself.

8. [Based on this, Rav Weiss says,] we can explain the words of the Rambam. In a case where someone was forced to worship idols, because if not he would be killed, there is no *ma'aseh issur* (forbidden action). Therefore, the Rambam rules that he is not killed or lashed. However, a *choleh* (sick person) who violates the Torah in order to be healed, was never forced to do this action. This is rather *onnes d'nafshei* (forcing himself). And *onnes d'nafshei* (self-compulsion) is not considered an *onnes* [to exempt one from liability]. Therefore, the Rambam rules that (even) a *choleh* in critical condition, who is healed through idolatry gets whatever he is liable for.

Onnes Rachmana patrei also applies with monetary issues, as we see that the Mishnah¹⁰⁴ discusses cases of what are called *nidrei onsin* (compelled vows).

3. *Shoteh* or Insane

It is important to keep in mind that the Torah has a category known as a *shoteh* — a type of insanity — who is not considered responsible for his actions. And as is well known, the Western world also has an exemption from punishment in cases of what are judged to be legally insane.

A “Not Guilty by Reason of Insanity” plea is entered by approximately 1% of defendants charged with a felony offense. Of those who raise such a defense, 15%–25% are actually found (adjudicated) legally insane in a court of law. Juries

¹⁰² *Hilchot Yesodei HaTorah*

¹⁰³ *Baba Batra* 47b

¹⁰⁴ *Nedarim* 27a

are much less likely to render an insanity verdict than judges...A defendant who is adjudicated “Not Guilty by Reason of Insanity” is technically acquitted of the offense; the court may not punish defendants who are acquitted. Insanity acquittees are not sentenced to prison or probation, as there is an element of punishment in these dispositions. Indeed, the disposition of an insanity acquittee focuses on treatment for the defendant’s mental illness and protection of the public from any risk that the defendant’s mental illness may present. In most jurisdictions, a legal finding of “Not Guilty by Reason of Insanity” results in a referral for commitment to a psychiatric inpatient facility; however, a small number of insanity acquittees are placed on conditional release to the community without psychiatric hospitalization.

History of the Insanity Defense

References to the insanity defence date to biblical times. The Babylonian Talmud¹⁰⁵ refers to the insanity defence in the following statement: “A deaf mute, an imbecile or a minor — contact with them is negative; one who wounds them is liable, [but] if they wound others, they are not culpable.”

Roman law also did not hold children or mentally ill persons responsible for their actions: “...the one is excused by the innocence of their intentions, the other by the fact of their misfortune.”

The first clear-cut acquittal due to insanity occurred in England, in 1505. William Lombard (1536–1601) expressed the sentiment common in the 16th century toward accused children and mentally ill persons when he said, “If a madman or natural fool, or a lunatic in the time of his lunacy, or a child that apparently hath no knowledge of good nor evil do kill a man, this is no felonious act — for they cannot be said to have any understanding will.”

Table 1 — Insanity Standards [over the centuries]

Wild beast test (1724) — A man must be totally deprived of his understanding and memory so as to not know what he is doing, no more than an infant, a brute, or a wild beast.

Irresistible Impulse Test (1840) — If some controlling disease was, in truth, the acting power within him which he could not resist, then he will not be held responsible.

McNaughtan Rule (1843) — A mental disease or defect at the time of the act which caused the defendant not to know the nature and quality or the wrongfulness of the act.

Durham Rule — US (1954) — The accused is not criminally responsible if his unlawful act is the product of a mental disease or defect.

Model Penal Code — US (1955) — A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity to appreciate the wrongfulness of his conduct

¹⁰⁵ *Baba Kama* 8:4

(cognitive arm), or to conform his conduct to the requirements of the law (volitional arm).

Diagnoses such as personality disorders, paraphilias (types of perversions and deviations), and *voluntary* substance intoxication do not usually qualify as mental diseases for the purposes of insanity.¹⁰⁶

4. Emotional Responsibility

Rabbi Jonathan Sacks, in an essay on *Parshat Chukat*, makes a fascinating point about emotions:

Emotions were at one stage called the “passions,” a word that comes from the same root as “passive,” implying that they are feelings that *happen to us* rather than reactions we *choose*. Despite this, the Rambam believed that with sufficient training it is possible for us to overcome our destructive emotions and reconfigure our affective life.

The Rambam¹⁰⁷ tells us very clearly that we are responsible for our character traits, which often include our emotions.

A person should not think that *teshuva* is necessary only for *aveirot* (transgressions) that involve action, such as illicit relationships, robbery, or theft. Rather, just as a person is obligated to return from these, he must [also] search after the evil character traits that he has. He must return from anger, hatred, envy, frivolity, the pursuit of money and honor, the pursuit of gluttony, and the like. He must return from all [of them].

Rav Yosef Beer Soloveitchik¹⁰⁸ also emphasizes our emotional responsibility:

Man, Judaism maintains and insists, is capable of determining the kind of emotional life he wants to live. Man has both actions and emotions at his disposal. Man must never be overwhelmed by his emotions...In the same manner in which man has the freedom to abstain from engaging in an act to which his conscience objects on moral grounds, he can also disown emotions which the same conscience assesses as unworthy of being integrated into his personality. Likewise, he can assimilate such emotions which bear the stamp of moral approval — constructive noble feelings.

Bachya ibn Pakuda wrote a famous book called *Chovot haLevavot* (*Duties of the Heart*), in which he discriminates between *chovot ha'evanim*, the duties of our limbs, and *chovot ha'levavot*, the duties of the heart. But how can one speak about *chovot ha'levavot* if the heart succumbs hysterically to emotions, such as love for a person, object, goal, or idea which is in reality unworthy of one's love and appreciation?

[And, in fact,] many precepts in the Torah deal exclusively with human emotional attitudes and not physical actions — “Love your neighbor”; “You shall not covet”;

¹⁰⁶ “Insanity Defense Evaluations,” Stephen G. Noffsinger, MD, and Phillip J. Resnick, MD

¹⁰⁷ *Hilchot Teshuva* 7:3

¹⁰⁸ *Aveilut Yeshanah and Aveilut Chadashah* — *Old Mourning and New Mourning*, from *Out of the Whirlwind* — a collection of his essays

“You shall rejoice on your holiday”; “You shall not hate your brother”; “You shall love the stranger,” etc.¹⁰⁹

The *Shulchan Aruch*¹¹⁰ tells us that emotional responsibility is even relevant with the painful feelings of grief when a close relative passes away:

A. On the one hand, “*Ein mitkashin al hameit yoteir midai* — Don't pain yourself excessively for the deceased.”

B. But, at the same time, “*Kol mi sh'eino mitabeil k'mo she'tzivu Chachamim, harei zeh achzari* — Whoever does not mourn as the Sages commanded is considered cruel.”

5. When is *Onnes Rachmana Patrei* Relevant with our Emotions?

As important as emotional balance is when it comes to the grief one feels when losing a close relative, there may, however, be times when one is simply incapable of achieving it. In other words, the concept of *onnes Rachmana patrei* (when one is forced [by the situation], he is exempt) can even apply to our emotions.

Rabbi Wiederblank brings a striking example of this¹¹¹ with the Rambam's personal reaction to tragedy, specifically to the news that his brother David had drowned while traversing the Indian Ocean. In 1177, Rambam wrote the following moving letter describing severe depression over the loss of his brother:

The greatest misfortune that has befallen me during my entire life, worse than anything else, was the demise of the saint, who drowned while journeying in the Indian Ocean. [In addition,] a considerable fortune belonging to us and to others also went down with him...

On the day I received the terrible news I fell ill and remained in bed for about a year, suffering from a sore boil, fever, and depression, and was almost given up. Close to eight years have now elapsed and I still mourn for him, for there is no consolation... My greatest joy was to see him. Now, every joy has been dimmed. He has passed away and left me confounded in a strange land. Whenever I see his handwriting on one of his books, my heart turns upside down and my grief reawakens.

He concludes his recollections of David with the sad note:

Were it not for the Torah that is my delight, and the study of philosophy to divert my grief, I should have succumbed in my affliction.

This idea that man cannot be blamed for excessive anguish is a central theme in the book of *Iyov*. Throughout the book, *Iyov* rails against G-d and denounces the injustice of his travails.

The *Gemara*,¹¹² however, tells us that *Iyov* received no punishment for saying these blasphemous things. Rava, therefore, declares:

¹⁰⁹ *Vayikra* 19:18, *Shemot* 20:14, *Devarim* 5:18, *Devarim* 16:14, *Vayikra* 19:17, *Devarim* 10:19

¹¹⁰ *Yoreh De'ah* 394:1,6

¹¹¹ *Illuminating Jewish Thought*, p. 161–2

¹¹² *Baba Batra* 16b

“*Mi'kan, she'ein adam nitpas b'sha'at tza'aro*” — “From here we see that one is not held accountable [for harsh words spoken] during the time of his pain.”

Rashi explains that this person is not held accountable for having spoken harshly, because he spoke out of *tza'ar* and *yissurim* (pain and difficulties), not from *da'at* (clarity).

While Judaism holds us responsible for our emotions, including even the painful emotions of grief and anguish with the loss of someone close to us, it also recognizes that there may be times when we are simply incapable of living up to that difficult requirement. *Onnes Rachmana patrei*, therefore, tells us that we are never held liable for what is beyond our ability, whether with our actions, or even with our emotions.

6. Conclusion

We saw that the Rambam,¹¹³ refers to free will as a fundamental principle which is the basis of [the entirety of the] Torah and *mitzvot*. Our lives, our legal system, and our society are all based exclusively on the presumption of free will. And yet, it has been challenged on many levels all throughout history.

Rav Dessler makes a fascinating observation which may address this puzzle, at least to some degree. Perhaps one of the reasons why so many doubt or challenge the reality of free will may simply be that they themselves have so rarely experienced its power and scope. He writes:¹¹⁴

Free will is entirely in our hands...and this has been tested and confirmed by anyone who has overcome his desire even one time. This person clearly felt that he distanced himself from that which he had imagined to be good, in favor of the truth.

But someone who never overcame his desires cannot understand this matter, for his experience tells him that every time he wished to do something wrong, he in fact did do it. And therefore, he cannot accept this concept of true freedom, for in his own actions he sees only external causes.

Rav Hutner¹¹⁵ points out:

The *avi avot ha'tumah* (ultimate source of impurity) of our time is the degradation of *tzurat ha'adam* (the stature of man). There is additionally a deep insight regarding this. The essential meaning of *tzurat ha'adam* is the power of *bechira* which is embedded within this *tzura* (form or stature). Hashem promises us in His Torah that in the end of days (*acharit hayamim*) the quality of *bechira* will be nullified. This is how the Ramban explains the meaning of circumcising the foreskin of the heart.¹¹⁶ Of course, there is no intention that this circumcising the foreskin of the heart would nullify the *tzurat ha'adam* at all. Rather, the removal of *bechira*, which will come through the clarity of the end of days, will be an even greater expression of the *tzurat ha'adam*. However, since the power of *bechira* will actually be nullified in the end of days, the greatest heresy which will precede that final period will be a denial of the special quality of *bechira*. And that heresy

¹¹³ *Hilchot Teshuva* 5:3

¹¹⁴ *Michtav M'Eliyahu* I, p. 10

¹¹⁵ *Pachad Yitzchak, Igrot Uk'tavim*, #42

¹¹⁶ *Devarim* 30:6

is what will lead to all of the degradation of the *tzurat ha'adam* which we see today.

Rabbi Avi Tenenbaum,¹¹⁷ explains that, according to Rav Wolbe,¹¹⁸ Jews do not have “free choice” automatically. “Free choice” is something that needs to be learned, and maintained throughout one’s life with *mussar*, *tefillah*, and working on oneself. Therefore, any Jew who has not yet learned free will, will not have the full scope of what free will actually means.

Separate from this, perhaps we could speak about two different dimensions of free will. There is free will in terms of very specific decisions in our lives — whether we will do the right thing or the wrong thing in some particular situation. And then there are more global choices, such as, will I put myself into that challenging situation, or work to remove myself from it? For example, an alcoholic may have limited free will to stop drinking, while at the very same time be obligated to do whatever he can to find a therapist or a recovery program to help him to eventually stop his drinking. It is interesting that this seems to be expressed in two different statements from AA — Alcoholics Anonymous. The first of the 12 steps toward recovery is:

We admitted we were powerless over alcohol — that our lives had become unmanageable.

And yet, some AA advocates also say:

You may be powerless over your addiction but you are responsible for your recovery.¹¹⁹

Perhaps this is also what Rav Avigdor Miller¹²⁰ meant, when he said that it is possible for a Jew to lose free will in one area (i.e., specific decisions) while still having free will in another area (i.e., global types of choices, like seeking help).

And even in the case of Rav Amram, who seemed to be helpless in terms of desire toward the women in his attic, and where he managed to avoid transgressing only at the last minute at the cost of greatly embarrassing himself, he was still able to declare [to the *yeitzer hara*] — “Although you are fire and I am only flesh, I am still stronger than you.” In other words, although he was unable to resist the temptation within his specific situation, he was able to make a global choice to extricate himself from that particular situation.

Separate from all of this, it is obvious that Hashem would always help a Jew who is trying to avoid transgressing. In fact, the *Gemara*¹²¹ tells us this explicitly — “If a person comes to purify himself, he will get help from Heaven.

The well-known *possuk*¹²² tells us, “*Ki sheva yipol tzadik v'kam, u'resha'im yikashlu b'ra'ah* — The *tzadik* falls seven times but gets up, [while] the wicked stumble in evil.” Hashem doesn’t demand or expect perfection. Our responsibility is simply to make our greatest effort to do what is right. And, ultimately, only Hashem knows, and possibly us as well, when we are truly overwhelmed. And then, in that specific case, *Onnes*

¹¹⁷ A religious therapist who was extremely helpful for this whole presentation

¹¹⁸ Basing himself on Rabeinu Yonah and Rav Yisrael Salanter

¹¹⁹ Carnes, “A Gentle Path through the 12 Steps”, p.7

¹²⁰ *Lev Avigdor, Sha'ar Habechira, siman 4*, para. 43

¹²¹ *Yoma* 38b

¹²² *Mishlei* 24:16

Rachmana Patrei gives us the tremendous message of reassurance that we are actually exempt.