

THE ROAD TO MITZVOS IS PAVED WITH CHUKIM

by Rabbi Yitzchok Adlerstein

"The Bnei Yisrael went and did as Hashem commanded Moshe and Aharon, so did they do."^[2] This teaches that even Moshe and Aharon did so.^[3]

There have always been those who balked at performing the *chukim* of the Torah. They prided themselves on rejecting what they found to be irrational and unacceptable, while praising *mishpatim*, the Torah precepts they laud as rational and ethical. Experience has shown, however, that their embrace of *mishpatim* is shallow. When obstacles to observance present themselves, or they believe that their misdeeds will not be discovered by others, or they find themselves in the company of like-minded individuals – those who discard *chukim* do the same to *mishpatim*. Without observance of the *chukim*, the entire system of halachah falls apart.

Here are some of the last lines in Malachi, the final book of prophets,^[4] according to the way Chazal understand them: "Should a person steal from G-d as you steal from Me? You say, 'How have we stolen from You?' [You have stolen] *maaser* and *terumah*! You are cursed with a curse, yet you [continue to] steal from Me!" Remarkably, the verse puts *maaser* ahead of *terumah*, even though they are generally separated from the crop in reverse order. This anomaly plays out even more pointedly in a gemara^[5] that wistfully compares previous generations with newer ones. In the past, say Chazal, people were so eager to fulfill the mitzvah of *maaser* that they found ways to obligate themselves when they were really exempt. Later, however, they turned the tables, and used halachic loopholes to exempt themselves from giving what they really should. Note that Chazal speak exclusively of *maaser*, and don't mention *terumah* at all – even though those loopholes exempted them from *terumah* as well as *maaser*.

We could simply explain the *maaser* was much more of an issue with the new minimalists, because it took a bigger bite out of the bottom line. The *terumah* obligation can be fulfilled with a token amount; *maaser* took a full ten percent.

Yet, here too our experience points to a difficulty. People rarely simply drop their observance of parts of the Torah without offering some rationalization. We could surmise that the great loophole-creators of the later generations thought like those in our opening paragraph. They cheered the "rational" commandments, while turning their backs on the "irrational" ones. They applauded the system of mandatory gifts, seeing them as a progressive form of national charity. The Leviim, in their

minds, deserved to be on the public dole, since they alone were a landless class.

This came to an abrupt halt, however, in the time of Ezra (who, according to R. Yehoshua ben Karcha,^[6] was none other than Malachi!), who penalized^[7] the Levi'im for not joining him in reclaiming the Land by denying them rights to their previous privilege. Nonetheless, he did not exempt everyone else from giving *maaser*, but made the Kohanim the new recipients. Why Kohanim, mused the discontents? They had, after all, managed until now on *terumah* alone. They therefore found ways to opt out of the mitzvah of *maaser*, which they now regarded as a *chok*.

While their lax observance began with *maaser*, eventually they dropped *terumah* as well. Those who rationalize their laxity about *chukim* eventually give up *mishpatim* as well. Therefore, Malachi mourns the non-observance of the mitzvos of "*maaser* and *terumah*" – in that order!

So far we have worked with Chazal's rendering of קבע in Malachi as "steal." Having come this far, we could read the *pasuk* without moving away from the simple *pshat* of the word, which is to fix, or delimit. Chazal teach^[8] that the Land's bounty is linked to the mitzvah of *maaser*. Failure to fulfill its obligation would result in a drastic drop in productivity. When the Bnei Yisrael tightened their belts regarding *maaser*, they in effect limited, *kivayachol*, Hashem's *berachah* to them. We could read the *pesukim* this way: Should a person limit G-d as you limit Me? You say, 'How could we possibly limit You?' The answer is that by non-compliance with the mitzvos of *maaser* and *terumah*, you have limited, as it were, My ability to bestow *berachah* upon you and the Land!

The *navi* continues: "Bring all the *maaser* into the storage houses." I.e., even if *maaser* is no longer given to the Leviim, do not abandon the mitzvah altogether. Bring it to the central places for distribution. Separating *maaser* is a mitzvah, quite apart from directing it to its original intended recipients! "Test Me, if you will....says Hashem...[See] if I do not open up for you the windows of the heavens and pour out upon you blessing without end."^[9]

We should see the Evil Son of the *haggadah* the same way. He asks, "What is this *avodah* – the ritual part of the observance, still practiced by the old, benighted generation – to you?" We tell him that by excluding himself from the communal observance, he has crossed the line into heretical rejection of the entire Torah. In his mind, he rejects only what he finds irrational; in reality, he will reject everything.

The generation of the Exodus had its share of such doubters. While Chazal tell us in the *haggadah* that the Bnei Yisrael "were distinctive" in Egypt, this was clearly not true of everyone. Not everyone distinguished themselves through their dress and language. Many adopted Egyptian ways, becoming virtually indistinguishable from the Egyptians. Some thought that they could avoid the curse of slavery and the contempt of their neighbors if they "passed" for Egyptians.

What would happen to them in the final chapter of the long stay in Egypt? Hashem did not want

them to remain. On the other hand, they were not likely to fulfill the *avodah* of the *korban Pesach*. They would not daub its blood on their doorposts – a sign that HKBH very much wanted displayed, so that it would be absolutely clear that He spared only those who did His bidding.

R. Yosi HaGelili^[10] says that these Jews were slated for destruction, until Aharon concluded their offering of the *korban*. In other words, for the first time, they found it in their hearts to participate in anything Jewish! The *avodah* of the *korban Pesach* was the life-preserver flung to many Jews who were drowning in their spiritual mediocrity.

The difficulty with the *avodah* has now morphed into something quite different. Perhaps, says the Evil Son, those distant from the community needed such a practice. What does that have to do with you? You are among the traditionalists and loyalists! You don't need such an empty ritual!

In fact, in Egypt as well, those who excelled, who distinguished themselves in maintaining their Jewish ways and Jewish exteriors, could have argued that they did not need the *avodah*. The Egyptians would have no difficulty recognizing that Hashem saved those who had been loyal to Him. Chief among them were Moshe and Aharon. They were the iconic Jews in the eyes of the Egyptians. Why did they need to participate in the *korban*?

The Torah tells us, according to our opening passage, that “*this teaches that even Moshe and Aharon did so.*” They easily could have concluded that there was no rational reason for their own participation in the mitzvah. They understood, however, that while it may be permissible or laudatory to explore the reasons for the mitzvos, this search should have no impact on observance. Even when the reason for a mitzvah is withheld from us, we must fulfill its demands nonetheless – just as Moshe and Aharon did.

1. Based on HaMedrash V'HaMaaseh, Bo, by R. Yechezkel Libshitz zt”l.
2. Shemos 12:28.
3. Mechilta Shemos 12:28.
4. Malachi 3:8-9.
5. Berachos 35B.
6. Megillah 15A.
7. Yevamos 86B.
8. See Rashi, Berachos 63A.
9. Malachi 3:10.
10. Mechilta, Shemos 12:27.