

DIVINELY COMMANDED, NOT HUMANLY INSPIRED

by Rabbi Aron Tendler

Logic vs Dogma

The underlying support for the Torah's judicial system is the belief that G-d rewards and punishes, and that nothing escapes the inevitable consequences of His absolute knowledge and control. Our responsibility is to overcome the instinctive need to be in control of our own destinies and accept that G-d is the one truly in charge. The focus of this week's Parsha is to extend the acceptance of G-d's absolute control to all areas of social and religious law.

The difference between our laws and all other legal systems is that our laws are divinely commanded, not humanly inspired. As Rabbi Hirsch explained in many of his essays, the Torah was given in a wasteland prior to entering the land of Israel. All other legal systems are the byproduct of an equation made up of the land, the people, and their unique history. These factors come together to formulate laws and statutes that best accommodate the needs of the people in their chosen homeland and the specific circumstances of their histories. Therefore, all legal systems are subject to change as the needs and perceptions of the people inevitably change. The Torah, on the other hand, was entirely presented to the people in the desert before the interaction of nation, land, and history of the nation's interaction with the land. Therefore, the Torah is not a historically or circumstantially biased document that is subject to the changes of time or circumstance.

One method for classifying the 613 Mitzvos involves dividing them between the logical, common sense Mitzvos, and the dogmatic, seemingly illogical Mitzvos. In fact, our unique challenge is to accept all the Mitzvos as being divinely ordained and beyond our limited, logical justification or rationalization. For example, we aim to give Tzedaka because we are commanded to do so; not because we feel compassion or pity for the plight of the poor. Yes, we are supposed to feel compassion and pity; however, the only guarantee that charity will always be given, and be given properly, is if we accept the obligation to do so, regardless of our feelings or moods. Parshas Ki Seitsei presents a series of laws that underscore this unique aspect of our Halacha - legal system.

Starting with Perek 22, Pasuk 1, follow the sequence of laws presented in this week's Parsha.

(1) The law of returning a lost object is detailed. Clearly, this is a legal issue worthy of note. Questions of ownership and proof, personal responsibility for each other as well as our own belongings, are all part of this legal discussion. It makes sense that the Torah would include these fundamental

concerns within the legal code of the nation.

(2) The Torah continues to detail our responsibilities for the care and well-being of each other's property in the law of helping the stumbling ox or donkey. These first two laws are socially oriented and could be classified as logical and commonsense.

(3) The law against cross-dressing; and the need for clearly delineated modes of dress between men and woman is commanded.

(4) The law of the Kan Tzipor - sending away the mother bird before taking the eggs or the young birds, is commanded. Many might argue that these two laws are more dogmatic than rational. Our modern and liberal society certainly feels that dress is a personal issue that is not subject to the whims and concerns of religious instruction. Dress should be a matter of circumstance dictated by comfort and need. There are no definitive laws of modesty that are above and beyond the challenges of convenience or desire.

However, the Torah feels differently. Men and women must accept their differences and reflect those differences in the dignity of their dress and behavior.

Regarding the case of the Kan Tzipor, the Talmud presents this seemingly compassionate Mitzvah as the classic example of a law that must be performed because G-d commanded it, not because of our sense of compassion or pity.

(5) The obligation to build a guard rail around an accessible roof (or pool) is detailed, followed by, (6) the prohibition against Kilayim - planting mixtures of seeds or plants; (7) the laws against harnessing an ox and donkey together for the purpose of threshing grain; and (8) the law of shatnez - not mixing wool and linen threads in the same garment, followed by (9) the mitzvah of Tzitzit.

Law #5 makes sense to all of us, and we wonder why the Torah would even have to command such an obvious law. Law #7 might also have a rational explanation dealing with the mannerisms of two different domesticated animals. However, laws # 6, 8 and 9 are far from logical or rational. They are clearly symbolic or theological having no obvious impact on the interactions of society or justice! (the key word is "obvious") Yet, the Torah presents all these laws, mixed together in the course of 12 consecutive verses!

The intent of the Torah is clear. Mitzvos are the commandments of G-d directed to us, His mortal and limited creations. We trust the Commander to know why He commands the laws He does. Our responsibility is to follow His laws, regardless of time, circumstance or reason. We attempt to understand G-d's intent because it brings us closer to understanding what it means to have been created in His image. However, we accept that our understanding is secondary to the performance of G-d's laws.

Good Shabbos.

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