

THE TESTS OF CHUKIM AND MISHPATIM

by Rabbi Yissocher Frand

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion: Tape # 97, "Ribis": Problems of Interest for the Jew in a Mercantile Society. Good Shabbos!

The Test of Chukim and the Test of Mishpatim

The pasuk [verse] tells us "And you will do (va'Asisem) my 'Chukim' and my 'Mishpatim' you will guard (Tishmoru) and you will dwell securely on the Land" [Vayikra 25:18]. The Torah uses a different verb when referring to Chukim than when referring to Mishpatim.

Chukim are those laws in the Torah we seemingly do not know the reason for, such as the prohibition to wear Shatnez [forbidden mixtures (e.g. wool and linen)] and the prohibition to eat Chazir [pig]. Mishpatim are laws for which we know the reason -- they 'make sense.' Examples are the prohibition of stealing and of taking bribes. These are laws that any normal and decent society would enact and in fact does enact.

Yet, by Chukim, the Torah says "You will **Do** my Chukim" and by Mishpatim the Torah uses the language "My Mishpatim you will **Guard**." Why the change in verb from "do" to "guard?"

The interpretation is that the main test or temptation when it comes to "Chukim" is that they do not seem to make sense. There is no logic, theoretically, to observing the laws of Shatnez or Kashrus. Therefore, the observance of "Chukim," by itself, is the challenge.

However by Mishpatim there is a different test. Everyone knows it is not right to steal or kill. What then is the test? The test is not to go ahead and put parameters on the law based on our own understanding. We should not say "The reason for this law must be such and such. And if in this situation the reason does not apply or should not apply then we don't have to keep it."

Everyone agrees that it is wrong to kill. Society cannot continue to exist with people killing each other. But the Torah says that perhaps there will be a society that will say that in certain situations it is right to go ahead and kill people.

There was recently a case of a husband who was watching his wife suffer and killed her to put her

out of her misery. This is at least a killing that a person could rationalize that maybe it is permitted. Therefore, the Torah says that when it comes to Mishpatim, we must **GUARD** them. Do not tamper with them. Do not say that if the reason does not apply in this situation, the law does not apply. **Guard** them and make sure you do not fall into the trap of speculating on the reason for the command.

Using this concept, we can understand an interesting Medrash. The Medrash says that at the moment when Solomon said, "I can take many (wives) and I will not stray (from the laws of the Torah)" the letter Yud from the word Yarbeh (will take many) came before G-d and complained, "Solomon is making light of me (mevatel o-si), don't let him do it!" The Medrash concludes that in the end Solomon's wives did turn his heart astray.

This Medrash implies that King Solomon was in fact capable of having many wives without their having an effect on him. It was only as a result of the claim of the 'Yud' that G-d made it that Solomon was in fact affected.

The Menoras HaMaor interprets this Medrash as follows: The word "VaYehi" [vov-yud-hay-yud] means "And it was" (past tense). The word "Yehi" [yud-hay-yud] means "Will be" (future tense).

The Yud came before G-d and argued, "Granted that Solomon is capable of withstanding many wives, but if he argues that the laws of the Torah are not applicable to him, what will be in the future?"

If people see Solomon set a precedent of taking a "Mishpat" and analyzing the reason behind the pasuk, saying it does not apply to himself, then ultimately all the Mishpatim in the Torah will be nullified. In the future, everyone will say, "I will do it and it will not effect me. It does not apply to me. This is an exception to the rule..."

The Yud (representing the future tense) came and argued, "What's going to be with me?" -- the future is at stake! For the sake of future generations, that they should not learn from Solomon's precedent of interpreting the reasons for the Mishpatim; but that rather they should **Guard** the Mishpatim, it was necessary to cause the outcome that in the end his wives did cause his heart to turn astray.

The test of the Chukim is the **Doing**. The test of the Mishpatim is the **Guarding**.

Glossary

Shatnez -- forbidden mixtures (e.g. wool and linen)

Chazir -- pork

kashrus -- laws of keeping Kosher

Personalities & Sources:

Menoras HaMaor -- Rav Yitzchak Aboab end of 14th century; Spain.

Transcribed by [David Twersky](#); Seattle, Washington.

Technical Assistance by [Dovid Hoffman](#); Baltimore, Maryland.

This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#97). The corresponding halachic portion for this tape is: "Ribis": Problems of Interest for the Jew in a Mercantile Society. The other halachic portions for Parshas Behar and/or Behar-Bechukosai from the Commuter Chavrusah Series are:

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