

Parsha Ponders

Acharei Mos / Kedoshim | April 28, 2020 | 5 Iyar 5780

Ordinances and statutes¹

את-משפטי תעשו ואת-חקתי תשמרו ללכת בהם אני יקוק אלקיכם

Perform my ordinances and safeguard my statutes, to walk in them; I am Hashem your G-d²

There's a fundamental question regarding how to relate to *mitzvos* and personal inclinations³. What's greater: a person who has a natural desire to break a prohibition, and overcomes their inclinations by listening to the Torah? Or someone who has no desire towards such prohibitions. It would seem from the words of our Sages⁴ that the former is more meritorious. Someone who doesn't desire to break the Torah isn't as accomplished as someone who does yet overcomes their challenge. However, there are philosophers that say the opposite. They consider it lowly to desire to do evil, and meritorious to only desire to do good. However, this doesn't have to be a dispute.

The Rambam suggests⁵ that the Sages and philosophers are discussing different topics. There are two different types of *mitzvos*. One type is *mitzvos* that are highly logical⁶. Even if the Torah hadn't commanded them, they would have been proper to follow⁷. These types of *mitzvos*, due to their inherent morality, would be repugnant to want to transgress. These logical prohibitions include murder, theft, overcharging, and damaging others' property. There's nothing lofty about wanting to kill someone, yet overcoming one's baser desires and holding back. Of course it's better to not want to kill. This is what the philosophers were discussing.

Our Sages on the other hand were discussing *mitzvos* that are not inherently logical. If the Torah hadn't prohibited them, we wouldn't have thought of them on our own. These are often referred to as *Chukim*, or decrees of Hashem. The Sages go as far as to say⁸ that a person shouldn't say "I'm disgusted by eating pig"⁹, rather they should say "I desire to eat pig, but my Creator forbids it". The same with the prohibition against wearing forbidden mixtures. There's nothing wrong with desiring to wear them, as

¹ Based on Sefer Apiryon by Rav Shlomo Gantzfried, the author of Kitzur Shulchan Aruch, to Leviticus 18:4

² Leviticus loc. cit.

³ Shemoneh Perakim by the Rambam, Chapter 6

⁴ As evident by Sukkah 52a, which says ממנו יצרו גדול מחברו יצרו גדול ממנו, the greater a person is the greater their temptations. As well, the more temptations, the more reward for overcoming them (Avos 5:23)

⁵ Loc. cit.

⁶ Some call them מצוות שכליות. For a sampling of sources that address this type of *mitzvah*, see Aruch HaShulchan Orach Chaim 1:13 and Yoreh Deah 240:12, who addresses why Hashem commanded מצוות שכליות if they were self-understood, Dor Reviv Chullin Pesicha Kolleles § 2 s.v. עוד משל אחת, who feels מצוות שכליות could sometimes even take precedence over explicit prohibitions, and Chavos Yair § 166, who says the rule that the Heavenly court doesn't punish under the age of twenty (see https://parshaponders.com/pesach-5780/#_ftn12) only applies to מצוות שכליות, but not to prohibitions that are explicit in the Torah. As well, see the following sources which say that even non-Jews are obligated in all מצוות שכליות: Rav Nissim Gaon Introduction to Shas (printed at the beginning of Berachos), Rabbeinu Bachaye to Genesis 18:20, and the Netziv's approbation to Ahavas Chesed, all brought by Minchas Asher Bereishis § 40. See also Makkos 9b, which shows that מצוות שכליות, even though they're not explicit in the Torah, warrant punishment, even for non-Jews (this is also brought by the Chavos Yair)

⁷ Yoma 67b

⁸ Toras Kohanim to Leviticus 20:26, brought by Rashi ad. loc.

⁹ Chazal as we have it say pig, but the Rambam loc. cit. quotes it as milk and meat. He must have had a different version. He also quotes it from Rabban Shimon ben Gamliel, whereas we have it quoted from Rabbi Elazar ben Azariah. Rashi loc. cit. quotes it the way we have it, although we have לאכיל בשר חזיר and he quotes it as נפשי קצה בבשר חזיר

they're not obviously immoral¹⁰. Once we know that Hashem commands against them, it's meritorious to listen.

This division of *mitzvos* can be very readily gleaned from a verse in this week's *parsha*. The Torah says *את מפשטי תעשו*, perform my *Mishpatim*, and *חקתי תשמרו*, safeguard my *Chukim*. *Mishpatim* are often translated as ordinances, and *Chukim* are often translated as statutes. More specifically, *Mishpatim* are the first category of *mitzvos* that we've discussed. They are *mitzvos* that are self evident why they were commanded. They are more obvious that they are moral. *Chukim* on the other hand are the second category of *mitzvos*. Their reasoning is not apparent to us, and we follow them because Hashem said so. Why does the Torah use the word *תעשו*, perform, when it comes to *Mishpatim*, and *תשמרו*, safeguard, with regards to *Chukim*?

Consider for a moment the following scenario: A merchant asks his friend to purchase for him some merchandise. If the merchant explicitly says, "Go here and buy this particular item", and the friend complies, it's not reasonable to attribute the purchase to the friend. He didn't decide to purchase something; he merely followed his friend's orders. Now, if the merchant were to instead say, "Go and buy merchandise", then the purchase could be considered something the friend performed. It was enough of his own action to give him credit.

With this scenario in mind, we can have a fuller appreciation of the verse from our *parsha*. The *Mishpatim*, the *mitzvos* that are self-evident, are described as something to **perform**. This is because they are considered a *mitzvah* whose performance is attributed to us, because we would have done them anyways. As opposed to the *Chukim*, the non-logical *mitzvos*, which are described as something to **safeguard**. Their performance is not attributed to us, similar to the friend performing the merchant's command. They're simply to be dutifully followed¹¹.

Good Shabbos

¹⁰ The [Rambam loc. cit.](#) also lists forbidden relations (ערייות) as an example of *Chukim*. What's surprising is [Yoma loc. cit.](#), the source for the [Rambam](#) regarding מצוות שכליות, lists ערייות as something self-evidently prohibited! See [Rav Kapach's](#) commentary to the [Rambam](#) who suggests the [Rambam](#) didn't have ערייות in his version of the *gemarra*. The problem is I was told by my friend [R' Ari Deifik](#) that eight manuscripts/versions of the Talmud in our possession have the word ערייות, and it is quoted by many *Geonim* and *Rishonim* as is. For another approach, see the [Maharsha ad. loc.](#) Although he has a different understanding of the *gemarra* than the [Rambam](#), the way the [Maharsha](#) reads it, we don't see ערייות being classified as one of the מצוות שכליות. In any event, the [Rambam](#) is simply coming from [Toras Kohanim loc. cit.](#), which as we have it lists ערייות as one of the *Chukim*. It would seem then to be a dispute between these two sources. One possible resolution is to suggest that the ערייות in either passage are referring to different types. See [Moreh Nevuchim](#) 3:49, where the [Rambam](#) finds the prohibition of a man with his daughter to be more obviously prohibited than a man with his mother-in-law. Perhaps [Yoma](#) is discussing the former, whereas [Toras Kohanim](#) is discussing the latter

¹¹ [Sefer Apiryon](#) points out that [Yoma loc. cit.](#) specifically uses our verse to distinguish between the two types of *mitzvos*. It could have used many other verses which speak of משפטים and חוקים (for example, [Leviticus](#) 19:37 and [Deuteronomy](#) 4:14). He suggests that it is because it was bothered by this distinction between *תעשו* with משפטים and *תשמרו* with חוקים that specifically our verse uses