

- 4 *Practice My social ordinances and keep My statutes, in order to walk in them; I, God, am your God.* ד אֶת־מִשְׁפָּטַי תַּעֲשׂוּ וְאֶת־חֻקֹּתַי תִּשְׁמְרוּ לְלַכֵּת בְּהֵם אֲנִי יְהוָה אֱלֹהֵיכֶם:
- 5 *Keep My statutes and My social ordinances, which a man shall do and live thereby; I am God.* ה וְשִׁמְרֶתֶם אֶת־חֻקֹּתַי וְאֶת־מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אִתְּם הָאָדָם וְחֵי בְהֵם אֲנִי יְהוָה: ם שְׂשִׁי

4–5 את משפטי and חוקים — and Mine alone — shall govern your social and moral life. As a rule, Scripture mentions חוקים or חוקות before משפטים and other classes of *mitzvos*. Here, however — in the introduction to the holiest and most important of the חוקים — Scripture mentions the משפטים first! Apparently, this is to teach us that the social order, too, stands on the moral order. The משפטים, upon which God establishes His human society, can be upheld only by those people whose conception and birth, education and life, are under the regimen of His חוקות concerning sexual and family morality.

*Toras Kohanim* states that משפטים are לא נכתבו שאלו לא נכתבו בתורה שאילו לא נכתבו בתורה, “matters that are written in the Torah and that would have deserved to be written even had they not been written,” whereas חוקים are “matters against which our sensual nature and the non-Jewish world object.”

The truth is that both — the משפטים as well as the חוקים — are expressions of Divine wisdom and justice. But since the matters and relationships governed by the משפטים are in the realm of social relations of people and things, they are readily grasped by the human mind — in so far as their nature, justification, and purpose in society are concerned. The matters and relationships governed by the חוקים are different. Take, for example, the bodily and spiritual natures of man’s נפש, the character of the sensual life that develops from them and its relationship to the spiritual and moral calling of man. These are not clear to man, and are apparent only to God Who created them. Hence, the reasons for the משפטים are easily understood; the חוקים, on the other hand, appear to be without meaning or purpose — in the superficial judgment of Jewish and non-Jewish thinkers.

Therefore, there is great significance to the statement in *Toras Kohanim* noting that verse 4 first assigns עשייה to משפטים, and שמירה to חוקים, whereas verse 5 then combines חוקים and משפטים and assigns שמירה and עשייה to both. Let us elaborate:

Previously, we mentioned רז"ל's view regarding שמירת התורה (see Commentary, *Bereshis* 2:15 and 26:5; *Shemos* 15:26). The very first obligation of שמירה is "learning" — studying the Torah devotedly and grasping it clearly and comprehensively. For, Torah that is left on the shelf and is without those who study it and understand it is bereft of the very first condition for its fulfillment.

Now, at first glance one would think that the study of the משפטים is less essential, and perhaps entirely unnecessary. After all, these are the מצוות that are called שכליות — which one recognizes, after a little thought, as self-evident. On the other hand, in the fulfillment of the משפטים one must be exceedingly careful (and perhaps this fulfillment alone — without study — suffices); for the social harm caused by their non-fulfillment is obvious.

With the חוקים, it is exactly the opposite. At first glance it is evident that the study of the חוקים is absolutely necessary. For these are the מצוות that are called שמעיות — whose origin is in revelation alone and which can never be discovered by the human mind. On the other hand, there will be those who will content themselves with studying the חוקים, but will not be careful about fulfilling them; for the advantage of fulfilling them, and the harm in neglecting them, are not at all obvious.

Hence, Scripture does say first of all את משפטי העשו (v. 4); for *to some extent* one can fulfill God's laws of justice, even before one has studied the revealed laws. Every man whose inner being has not been corrupted has a general consciousness of justice, and his mind tells him what one man owes another. This general consciousness of justice is also the voice of God. However, *those* משפטים from which alone salvation shall blossom forth for human society — *justice as God sees it* — these require study of the revealed Word, no less than do the חוקים: חוקים: משפטי: חוקים.

There is a great disparity between God's justice and all the laws of human political creation. The latter stem mostly from external, utilitarian considerations. Often they are nothing but legal curtailments of rights — applied with moderation and judiciousness. They seek to sustain the social community through the driving force of expediency. By contrast, משפטי ה', God's laws of justice, אמת, are the absolute truth of

matters and relationships; they spring from the inner essence of things. Hence, צְדָקוֹ יַחְדּוֹ (*Tehillim* 19:10): They do not alternately curtail the rights of one person for the benefit of the other. Rather, they are always fair to each person. They grant each person *that* standing and require of him *that* effort which are appropriate to his essence and condition. God's justice is nothing else but the practical application of truth. Hence, the Psalmist says of the nations — in contrast to the people of God's Torah — that not only חוקים but even מְשַׁפְּטִים בְּלִי־דָעוּם (ibid. 147:20).

Similarly, although Scripture here (v. 4) first states ואת חקתי תשמרו — the חוקים first require שמירה, penetrating and constant study; for had they not been revealed by God's Word, man would not have been aware of them — it immediately adds: ללכת בהם. For the purpose of the שמירה and the study is the fulfillment. לא המדרש עיקר אלא המעשה, “The main thing is not study, but practice” (*Avos* 1:17); or as *Toras Kohanim* puts it: תשמרו ללכת בהם לא המשנה נגוד אלא המעשה נגוד, “Your goal (נגוד from נגוד, the goal that lies before you) is not the study, but the performance.” מביא לידי מעשה, Torah study is of such great value because it is מעשה, it leads to practice (*Kiddushin* 40b). Moreover, one can attain true knowledge of the Torah, only if he studies in order to practice: שכל טוב – ללמודיהם לא נאמר אלא לעושיהם (*Berachos* 17a). An understanding of what is good is reached only by those who not only study the Divine Torah, but practice it.

Scripture then (v. 5) combines חוקים and משפטים and requires שמירה and עשייה for both. For only if both enlighten the spirit, and both are realized in the life of the individual and the society, can the ultimate aim — human perfection — be attained.

*Toras Kohanim* says further in regard to Torah study: עשם – ללכת בהם – עיקר ואל תעשם טפלה; ללכת בהם – שלא יהא משאך ומתנך אלא בהם, שלא תערב בהם דברים אחרים בעולם, שלא תאמר למדתי חכמת ישראל אלמד חכמת אומות העולם, ת"ל ללכת בהם אינך רשאי ליפטר מתוכן. The aim of your endeavors shall be in them; they shall be your goal, the absolute, and shall not become secondary or conditional. Your mind should absorb them and create through them; you shall not mix with them alien matter. You shall not say to yourself: I have already learned Jewish knowledge; I shall now also acquire the knowledge of other nations. Therefore it says ללכת בהם, you must not depart from their sphere.

It appears that the opening sentence of this statement — עשם עיקר — is designed to keep us from a misunderstanding. We

should not understand — from the subsequent sentences of the statement — that we must completely ignore all knowledge gained from non-Jewish sources; that we must abstain from any knowledge that has no direct bearing on Torah. For עשם עיקר ואל תעשם טפלה implies that we are permitted to occupy ourselves with other realms of knowledge also — only that we should make the Torah our principal concern, and the knowledge we gain from the Torah should be regarded as absolute and unquestionable.

Other disciplines are to be regarded as auxiliary; they are to be studied only if they are capable of aiding Torah study and are subordinated to it as the טפל to the עיקר. The Torah's truths must remain for us what is absolute and unconditional, the standard by which to measure all the results obtained in other branches of knowledge. Only that which accords with the truths of the Torah can be accepted by us as true. The Torah should be our sole focus: All that we absorb and create intellectually should be considered from the perspective of the Torah and should proceed along its paths. Accordingly, we will not adopt ideas that are not in consonance with this perspective; we will not accept conclusions derived from other premises and mix them with words of Torah.

The Torah is not to be considered an equivalent of the other sciences, as though the Torah is just one branch of knowledge among others. We should not imagine that just as there is Jewish knowledge and truths, there is also non-Jewish knowledge and truths of equal importance and authority, and that when we absorb our fill of Torah wisdom, we should then turn with the same spirit to the wisdom of the nations. If we do so, placing in our minds one field of knowledge next to the other, truth beside truth, we shall be devoid of uniform convictions and views, and we shall be lost because of the discordance of our ideas and conceptions.

Rather, just as we are sure that the Torah comes from God, and all other branches of knowledge discovered by man are merely human products containing results of man's limited insight into the nature of things, so are we sure that there is only one truth, only one discipline that can serve as our yardstick and evaluator of all the other disciplines, which are valid only conditionally.

Hence, even when we study and occupy ourselves with other fields, we must never abandon the basis of the Torah or depart from its aims. All our intellectual endeavors should be devoted to the words of the Torah — ואינך רשאי ליפטר מתוכן —

אשר תעשו אותם ותחיו **אשר יעשה אתם האדם וחי בהם**. It does not say here **אדם**, but rather, **אשר יעשה אותם האדם וחי בהם**; and it does not say **אדם**, but **האדם**. The inference is that Scripture here refers to anyone who exemplifies the spiritual and moral character implied by the term **האדם** (see Commentary, *Bereshis* 1:26) — an attainment that can be reached only through fulfillment of God's laws. Thus, *Toras Kohanim* infers: מנין אפילו נכרי ועושה את התורה הרי הוא ככהן גדול? ת"ל אשר יעשה אותם האדם וחי בהם; וכן הוא אומר: וזאת תורת הכהנים והלויים וישראל לא נאמר כאן, אלא וזאת תורת האדם ה' אלקים (שמואל ב' ז, זיט); וכן הוא אומר: פתחו שערים ויבואו כהנים ולויים וישראלים לא נאמר, אלא ויבא גוי צדיק שומר אמונים (ישעיה כו, ב); וכן הוא אומר: זה השער לה' כהנים לויים וישראלים לא נאמר, אלא צדיקים יבאו בו (תהלים קיח, כ); וכן הוא אומר: רננו כהנים לויים וישראלים לא נאמר כאן, אלא רננו צדיקים בה' (תהלים לג, א); וכן הוא אומר: הטיבה ה' לכהנים ולויים ולישראל לא נאמר כאן, אלא הטיבה ה' לטובים (תהלים קכה, ד); הא אפילו גוי ועושה את התורה הרי הוא ככהן גדול.

Even a non-Jew who keeps God's Law is the equal of the High Priest; for it says: "... which a *man* shall do and live thereby." Similarly, it says (*Shemuel* II, 7:19): "This is the teaching for *man*" — and does not say "for Priests, Levites, and Israelites." Similarly, it does not say "Open the gates, that Priests, Levites, and Israelites may enter" but: "... that a *righteous* people may enter" (*Yeshayahu* 26:2). Similarly, it does not say "This is the gateway to God; Priests, Levites, and Israelites shall enter through it," but: "... the *righteous* shall enter through it" (*Tehillim* 118:20). Similarly, it does not say "Exult, you Priests, Levites and Israelites," but: "Exult, you *righteous*, in God" (*ibid.* 33:1). Similarly, it does not say "Do good, O God, to the Priests, Levites and Israelites," but: "... to those who are *good*" (*ibid.* 125:4). It follows that even a non-Jew who fulfills God's Law is the equal of the High Priest.

We see, then, that life, the teaching, closeness to God, happiness, and well-being are attained through Torah and *mitzvos* not only by Israel; rather, *any man* who draws his world view and his principles from the Torah, anyone who elevates himself to the heights of pure humanity by fulfilling the Torah's **חוקים** and **משפטים**, is ensured of attaining the highest level of perfection and happiness in nearness to God.

We also learn from here to correctly assess these **חוקים** and **משפטים**. The **חוקים**, which — from a spiritual and sensual standpoint — govern the life of the individual, and the **משפטים**, which govern the life of the society, are not designed to boost us to extraordinary, superhuman levels. Rather, they are designed to restore to us the *same* human level

which was the original destiny, and remains the destiny, of man who was created in the image of God. The unfolding of this destiny began with the Jewish family of man, and will end with the whole of mankind. This is the whole purpose of God's guidance in history. Hence, the whole sum of all the virtues acquired through the performance of the מצוות and משפטים is capsulized here in the words וחי בהם: nothing more and nothing less than וחי — the highest positive realization of *life!*

The רמב"ן writes beautifully here of the "life" that is gained through the observance of the מצוות:

Know that the life that a man gains through the observance of the מצוות is in accordance with his attitude toward them. He who observes the מצוות not for their own sake, but in order to receive a reward in this world, will indeed receive long life, riches, and honor. Of such observance, it says: "In its left hand are riches and honor" (*Mishlei* 3:16); i.e., to those who observe the Torah in a lefthanded way (not with the right intent), the תורה grants riches and honor. Similarly, those who observe the מצוות in order to attain life in the next world, who serve God out of fear of what otherwise might happen, achieve their purpose — to be spared from the punishments that await the wicked; their souls will remain in well-being in the next world. Those who observe the מצוות out of love, as is fit and proper, while also engaging in worldly occupations — as the תורה depicts in בחקתי: "Your threshing season will extend until the vintage..." (below, 26:5) — will merit a good life in this world and complete bliss in the next. But those who relinquish all matters of this world and pay no heed to it, acting as though they were incorporeal, and all their thoughts are focused solely on their Creator, as in the case of Eliyahu, inasmuch as their souls are attached to God, they will live forever in body and soul, as is clear from the Scriptural account of Eliyahu and as is known by way of tradition ... That is why Scripture, in describing the reward for observance of מצוות, uses expressions such as למען תחיה והארכת ימים, למען יאריכון ימך, for these expressions include all the degrees of life, each as one deserves.

From a halachic standpoint we learn from the words וחי בהם that אין איש עומד בפני פיקוח נפש. One is not only permitted but obligated to violate the Law in order to save a life: ולא שימות בהם – וחי בהם (*Yoma* 85b). We noted this previously, in connection with Shabbos (see Commentary, *Shemos* 31:17). וחי בהם teaches that the first purpose of mitzvah observance is ennoblement and happiness in this world. It is understandable,

6 No one, no one [of you] shall approach any kin of his flesh to uncover [their] nakedness; I am God. וְאִישׁ אִישׁ אֶל-כָּל-שֹׁאֵר בְּשָׂרוֹ  
לֹא תִקְרְבוּ לְגִלּוֹת עֲרוּתָהּ אֲנִי  
יְהוָה: ם

then, that a mitzvah is temporarily set aside in order to save a life that will be rich in *mitzvos*.

The exceptions to this rule are laws pertaining to עבודה זרה גילוי עריות ושפיכות דמים — idolatry, sexual immorality, or murder. These are never set aside — not even to save a life (see Commentary, *Devarim* 6:5 and 22:26). For these are the high points of the duties between man and God, between man and his fellow man, and between man and his own sanctity; hence, in their case, the law is always יהרג ואל יעבור (*Sanhedrin* 74a).

Another exception is where one is pressured to publicly commit a violation, and this pressure is applied out of enmity to the Torah. In such a case, the duty of קידוש השם and the prohibition of חילול השם apply: One is obligated to happily give up his life — and not even a minor mitzvah is set aside because of נפשו (see Commentary below, 22:32).

6 שאר (see Commentary, *Bereshis* 19:1).

לא תקרבו. Although this entire chapter is formulated in terms of the male, the prohibitions are addressed equally to both sexes: both men and women are punishable in the same degree if they transgress any of them (see *Toras Kohanim*).

לגלות ערוה. Any sexual relationship that is forbidden by the Creator has, by definition, lost its moral character and its sanctity as a part of serving God. It is nothing but naked bestiality. Hence the general term for all forbidden sexual unions: גילוי עריות. (Cf. Commentary on *Bereshis* 2:25, 3:7, and 3:21.).

A union of man and woman that is based on moral freedom is the antithesis of the blind instinctual and physical life of the animal. On this freedom God established the pillars of the whole development of the human race — marriage, the family, and society. Hence, when God led the first woman to the first man — woman's calling to be עזר כנגדו