

LETTER THIRTY-ONE

THE THREE ASPECTS OF
TORAH STUDY

The key to mastering middos is chok: the unequivocal acceptance of the Torah's injunction against negative character traits, and the realization of their gravity and the severity of their punishment — as Chazal have underscored in numerous places.

BEN SORER U'MOREH

THE TALMUD (*Sanhedrin* 71a) STATES, “There never was a *ben sorer u'moreh* [lit. ‘stubborn and rebellious son’], nor will there ever be one.ⁱⁱ If so, why was it [the topic] written [in the Torah]? So that one should study it and receive reward.” This is absolutely astonishing! Even if a person were to live for a thousand years, there is enough content in the remaining sections of the Torah for him to occupy himself with their study and receive reward!

THE GOLDEN CALF

In order to understand this, let us first turn to another enigmatic passage, this one in the Midrash (*Yalkut Shemoni, Shimini* 521).¹ “[Chazal query,] And what did the people of Israel discern [that motivated them] to bring more [sacrifices] than Aharon?² Rather, He [Hashem] said to them, ‘You

¹ In discussing the repercussions of the incident with the golden calf, the midrash relates that Aharon was commanded to bring a calf-offering as an atonement for his involvement in that sin. The rest of the people, however, were commanded not only to bring a calf-offering, but a goat-offering as well.

² In truth, the language of this midrash is somewhat perplexing, as it was not that the

have [a transgression] in your hand from the beginning' [of the Jewish people's formation, as it says (*Bereishis* 37:31),] 'And they slaughtered a young goat' [referring to the brothers selling Yosef]; 'and you have one in your hand in the end' [i.e., they themselves, who sinned with the golden calf, as it says (*Shemos* 32:8),] 'Make for them....'"

This text is also astounding! Didn't Aharon also have a transgression "in the beginning" [for Levi, his ancestor, also participated in the sale of Yosef], as well as the end, as the verse states (*Devarim* 9:20), "Hashem became exceedingly angry with Aharon..." [for his error in the sin of the Golden Calf] ? [Why, then, did he not require expiation for both the sale of Yosef and the sin of the golden calf, in the same way as the rest of the people?]

MISHPAT AND CHOK

Perhaps we can answer this question as follows: The Talmud states (*Sanhedrin* 27b), "It is written, '[Hashem] visits the transgression of the father upon the children...' (*Shemos* 20:5). This applies when [the sons] embrace the sinful deeds of their fathers...." It seems logical that this is only when the negative quality of the son's deeds are equal in severity to those of the father, and not when the transgressions of the father were greater in severity than those of the son. In yet another Talmudic passage, we read (*Yoma* 67b): "The verse states (*Vayikra* 18:4), 'Perform My laws (*mishpatim*) [referring to laws that would be dictated by logic even if they were not written in the Torah]' — concepts that even if they were not written, it would be proper to write them. For example, idolatry, immorality, robbery, etc. 'And safeguard. My statutes (*chukim*) [referring to decrees of the Torah that defy reason — concepts that the satan ridicules. For example, the prohibition against eating unclean animals, wearing *sha'atnez*, etc.'" (The *satan* ridicules them because their rationale does not enter the realm of human logic. Rather, we observe ; them because, as the passage concludes: 'I am Hashem' — I, Hashem, promulgated them [chakaktim], and you do

Jewish people discerned anything; it was that the Almighty commanded them! This is not the place to analyze why Chazal phrased the midrash in the way that they did. However, we can say that they meant to ask as follows: "What was the reason the Almighty had the Jewish people bring a goat-offering and a calf-offering, while He only required Aharon to bring a calf-offering?"

not have permission to question, them.) Logic dictates that it is far more severe to transgress a *mishpat* than to transgress a *chok*.³

We read further in the Talmud (*Yoma* 85b): “The Torah declares: ‘Profane one Shabbos so that you may observe many Shabboses.’”⁴ We derive from this that even though the prohibition against idolatry is a *mishpat* (as per the aforementioned Talmudic passage), the injunction to give up our lives rather than worship idols is a *chok*.⁵

AHARON VIOLATED A CHOK

With this in mind, we are now in a position to answer the question of why Aharon was not held culpable for the sin of selling Yosef as the rest of the people were. The Talmud teaches (*Sanhedrin* 7a), “The verse states, [regarding the sin of the Golden Calf]: ‘And Aharon saw’ (Shemos 32:5). What did Aharon see? That Chur was murdered [for chastising the people over the deed they wished to commit. Subsequently, they approached Aharon to enlist his support.] He [Aharon] said: ‘If I do not listen to them, they will do to me as they did to Chur, and the verse “Could a priest or prophet be murdered in the Sanctuary of Hashem?” (*Eichav* 2:20) will be fulfilled through me.’ “It thus transpires that Aharon violated a *chok* [the injunction to give up his life rather than submit to idol worship]. Therefore, the Torah does not consider him as one who “embraced the sinful deeds of his fathers” (and he was not held culpable for the brothers’ transgression selling of Yosef) — “and they slaughtered a young goat” — which constituted the breach of a *mishpat*.⁶

³ This is because the breach of a *mishpat* goes against the grain of our conscience, and we are aware of the deed’s inherent corruption. However, since the underlying meaning of a *chok* is incomprehensible to the human mind, we do not grasp its significance. Therefore, the culpability for transgressing a *mishpat* is greater than that for transgressing a *chok*.

⁴ For example, a critically ill person is permitted to violate Shabbos in order to be cured, so that he can observe future ones. This ruling is consistent with human logic. Hence, the injunction to abrogate a Torah law in order to save our lives so that we can observe future mitzvos is a *mishpat*.

⁵ We have already concluded that it is logical to violate a commandment in order to save a life. Therefore, when the Torah commands us to submit to death rather than engage in idolatry, this is perforce a *chok*. As we explained, a *chok* is a commandment that does not conform with the tenets of the human intellect.

⁶ When the brothers sold Yosef, they violated a commonly accepted ethical principle — a *mishpat*. On the other hand, Aharon’s decision to participate in the sin of the golden calf rather than submit to death was the violation of a *chok*. Since Aharon merely violated a *chok*, his sin was considered as being less severe than that of his ancestors, who trans-

SAFEGUARD AND PERFORM

Let us now turn to the verse in *Vayikra* (18:4): “Perform My *mishpatim* and safeguard My *chukim*.” It is important to note that there is a variation of language in this verse. First, it exhorts us to perform the *mishpatim* — which implies the fulfillment of a positive commandment. Then it cautions us to safeguard the *chukim*, which implies the avoidance of transgressing a negative one.⁷ There is also a variation between this verse (18:4), and the following one (18:5): “You shall safeguard My *chukim* and *mishpatim*.” In the former, *mishpat* precedes *chok*, whereas in the latter, *chok* precedes *mishpat*. Moreover, in the first verse, “performance” is employed in relation to *mishpat*, while in the second verse, “safeguarding” is used.

MERITS AND TRANSGRESSIONS

The reason for this difference is as follows: The Rambam writes (*Hilchos Teshuvah* 3:1-2), “Each and every human being has merits and transgressions. One whose merits exceed his transgressions is a *tzaddik*, while one whose transgressions exceed his merits is a *rasha*. [One who has] half [transgressions] and half [merits] is a *beinoni*.... This determination is not made according to the relative number of merits and transgressions, but rather according to their respective magnitude. There are individual meritorious acts that outweigh several transgressions, as it says, ‘Something good...has been found in him’ (*Melachim* I 14:13), and there are single transgressions that outweigh several meritorious acts, as it says, ‘But a single rogue can ruin a great deal of good’ (*Koheles* 9:18). These assessments are made only in the mind of the One Who Knows All, and He knows how to evaluate the merits, against the transgressions.”

gressed a *mishpat*. Therefore, his involvement with the golden calf did not render him accountable for his ancestors’ sin. The rest of the Jewish people, however, violated a *mishpat* when they worshipped the golden calf, and as a result, they were rendered accountable for their forebears’ sin.

In light of this, whereas Aharon was only required to bring one offering — to atone for violating the *chok* — the people were required to bring two offerings: one to atone for violating the *mishpat* that prohibits idol worship, and another to atone for the sin of their ancestors’ selling of Yosef. Their violation of the *mishpat* prohibiting idolatry was comparable to their ancestor’s violation of a *mishpat* in selling Yosef. Therefore, they, the sons, were held culpable for the sin of their fathers. Ray Yisrael is revealing a frightening principle: if the descendants repeat the same sin of their ancestor, they reawaken the accountability of the misdeed. If that happens, they are obligated to make atonement both for their own sin, as well as the sin of their father.

⁷ See *Menachos* 36b for the source of this definition of “perform” and “safeguard.”

ASSUMING IGNORANCE

Now, there are numerous factors that contribute to the heightened significance assigned to a particular meritorious act or transgression. Here, however, we will only focus on one of them. We read in Tanach: “Many designs are in a man’s heart, but the counsel of Hashem, only it will prevail” (*Mishlei* 19:21). Consider a person who sets his heart to examine his ways and discerns that there is a certain transgression that he frequently commits (and he imagines that he is unable to abstain from it). Moreover, he does not familiarize himself with Chazal’s discussions about this transgression, assuming that his general ignorance will render him an unintentional sinner and not a purposeful one, which reduces his level of culpability. Indeed, this idea is discussed by Chazal (*Devarim Rabbah, Parashas Ki Savo*): “One who studies Torah but does not fulfill it, is punished more severely than one who never studied at all.” This attitude, however, does not reflect a Torah perspective, and such a person can be considered as enwrapping his wickedness in a mantle of righteousness. As Chazal comment (Talmud *Yerushalmi, Chagigah* 2:1), “The verse states, ‘You push man to the crushing point, and You say, ‘Repent, O sons of man’” (*Tebillim, 90:3*). [This means] to the point where his life is leaving him.”⁸

THE DEED AND THE INDIVIDUAL

How can we help a person to “chop off branches with an ax” (*Yeshayahu* 10:33) how can we help him to uproot this notion,⁹ and what is the instrument for him to utilize in this task?¹⁰ Let him consider the following: The Almighty analyzes a person’s every act according to two criteria: the essential deed itself and who the individual is. As regards the deed, each positive act yields reward in relation to the results engendered in its wake — the more “fruits” that the act generates, the more the perpetrator is blessed; the more the fruits multiply (even though they are

⁸ The Talmud there records an exchange between Rabbi Meir and his teacher Elisha ben Avuya, who had become a heretic long before. Elisha was near death, and Rabbi Meir was telling him that it is never too late to repent. As proof for his assertion, Rabbi Meir adduced the above quoted verse, which states that Hashem cries for a person to repent even when his life is leaving him. Rav Yisrael’s point is, if so, how can a person possibly refrain from repenting by claiming that it is better to remain an ignorant and inadvertent sinner than to become a purposeful one?

⁹ The notion that he will be considered an unintentional sinner if he deliberately withholds himself from learning the halachah.

¹⁰ The task of teaching him that he cannot hide behind ignorance.

now detached from their original foundation and exist independently), the more is his reward increased. Chazal discuss this concept in the Talmud (Kiddushin 40a): “A meritorious act has a principle and a dividend... whereas a transgression has a principle, but no dividend.”¹¹ This being the case, how do I interpret the verse: “They [the wicked] will eat the fruit of their way, and will be sated with their own schemes’ (*Mishlei* 1:31)?”¹² The answer is that a transgression which ‘bears fruit’ [i.e., which influences others to adopt negative behavior], has fruit [i.e., is punished both for the act and the negative effect], whereas a transgression which does not bear fruit [i.e., which does not negatively influence others], has no fruit [i.e., is not punished more than the inherent wickedness of the act].” Accordingly, the Almighty’s desire to bestow good (which far exceeds His imperative to mete out punishment) guarantees that when a person performs a mitzvah yielding “fruits” [i.e., that positively influences others], he will in turn be rewarded with copious and abundant dividends.

FOOTNOTE OF RAV YISRAEL: With this idea in mind, we can answer a question posed by Tosafos on the following passage in the Talmud (*Shabbos* 55a): “The Almighty said to Gavriel, ‘Go and mark a *taf* [a Hebrew letter] of ink upon the foreheads of the righteous so that the destroying angels will not have power over them, and a *taf* of blood upon the foreheads of the wicked so that the destroying angels may have power over them.’ Rav said: (*Taf* stands for “you shall live” (*tichyeh*); *taf* stands for “you shall die” (*tamus*).’ Shmuel said: ‘It denotes that the merit of the *avos* [patriarchs] will “be exhausted” (*tamah*).’ “ Further on, Rabbi Yehoshua ben Levi and Rabbi Yochanon [and others] offer their opinions of exactly when the merit of the *avos* was exhausted. Tosafos queries, “We constantly invoke the merit of the patriarchs in our prayers. To what purpose do we do so, if it has been exhausted?”

According to what we said above, we can say that there are two aspects relating to this matter. The first is the merit of the *avos* that was engendered by the awesome deeds that they themselves

¹¹ In his commentary to the Gemara, Rashi explains this as meaning that a meritorious act is granted reward in excess of its inherent level of goodness, while a transgression is not punished in excess of its inherent level of wickedness.

¹² Rashi explains that they will eat the fruit (i.e., dividend) of their misdeeds in this world, while the principle remains intact for punishment in the World to Come.

performed; even though these ended when they passed away, the light they generated would continue to shine on their descendants — if not forever, then at least for a fixed amount of time that would only come to an end after many generations. In the Gemara, the Amora'im debate over when this fixed time was.

The second aspect is the merit that the patriarchs gain through the deeds of their children, for the patriarchs are the foundation and true source of every good deed performed by their progeny. The merit of their offspring creates continuous dividends, without boundary or limit. It is impossible for this aspect of the patriarchs' merit to be exhausted, because "Israel is not widowed" (*Yirmeyahu* 51:5), and righteous people are to be found in every generation. Moreover, "Even the transgressors of Israel are full of mitzvos like a pomegranate [has seeds]" (*Erwin* 19), and the actions of later generations — which derive from the power of the patriarchs — help to increase the patriarchs' own merits. [This merit is, therefore, always available to protect their children.]

We find a similar idea reflected in the following Talmudic passage (*Arachin* 16a): "*Nega'im* [a skin disease] come on account of seven sins: for *lashon hara*.... Can this be so? But Rabbi Anani bar Sasson said, 'Why is the [Torah] section concerning the priestly garments placed next to the section concerning sacrifices? To tell you that just as sacrifices procure atonement, so do the priestly garments procure atonement ... the robe procures atonement for *lashon hara*....' There is no contradiction: This one results when his actions were effective [i.e., when the *lashon hara* which he spoke resulted in strife], the other when they were not effective. If his actions were effective, *nega'im* come upon him; if his actions were not effective, the robe procures atonement." Although the speaking of *lashon hara* is equal in both cases, nevertheless there is a great distinction between them: namely, the resultant consequences. When the act is effective, thereby increasing the *lashon hara's* power, it requires additional atonement. The same holds true concerning a positive deed. If a person's action is effective and bears fruitful produce, then the merit of the act's source [the *avos*] will be increased. It is for this reason that we continually invoke the patriarchs' merit, which is forever aroused through the acts of their descendants.

Likewise, every evil act incurs punishment in relation to the results that follow in its wake. The more “bitter fruits” that the act produces, the more its evil will be magnified, and the greater will be the intensity of the perpetrator’s punishment.

KEEPING THE AWARENESS

Often, a person can still guard his path even if he does not have a naturally strong propensity to overcome his desires¹³ — if he sees clearly that his deed will burst forth in destruction [by adversely affecting others] like an arrow, which cannot be retrieved after being shot. The key is to insure that the obligation to be vigilant with oneself — which is engendered by detailed examination of our Sages’ dictums — is not extinguished from the soul. This being the case, how can a person propagate the delusion of this falsehood within his soul — that his transgression will be considered unintentional (when in truth, this is only so in his imagination, for the Talmud tells us [*Bata Metzua* 33b] that when a person makes a mistake based on faulty Torah study, it is accounted as intentional) — in such an inferior manner,¹⁴ when he can distance himself from it in such a lofty and exalted fashion?¹⁵

THE DIFFICULTY OF RESTRAINT

Let us now turn from the deed itself to the second aspect: who the vidual is. A good deed is accorded reward in relation to the quality of its undertaking, as measured by how difficult it is for the act to be performed. As Chazal state (*Avos* 5:26): “The reward is in proportion to the exertion.” Likewise, an evil act is punished according to how hard it is to refrain from committing it. The more this difficulty is increased, the more a transgression’s severity is diminished. As Chazal tell us (*Menachos* 43b), “Rebbi Meir said: [In the mitzvah of *tzitzis*,] the punishment for not wearing white threads is greater than for not wearing blue ones.”¹⁶ To what may this be likened? To a king who spoke to two of his two servants, saying to one, ‘Bring me a seal of clay,’ and to the other, ‘Bring me a seal of gold.’ Both were negligent and did

¹³ See last paragraph of Letter Seventeen. [See Endnotes to this document.]

¹⁴ Inferior, because even assuming this claim (that he thought ignorance is considered unintentional) has any validity whatsoever, it still wouldn’t count for much, because after all is said and done, the person had the ability to study Chazal’s admonitions and thereby prevent himself from sinning in the first place.

¹⁵ Again, by studying the Sages’ words, and thereby distancing himself from sin even if he doesn’t have a naturally strong propensity to do so.

¹⁶ This is due to the fact that the white threads are readily available, whereas the blue ones are made from a rare dye.

not bring it. Which received a more severe punishment? We must say, the one he told, 'Bring me a seal of clay,' but did not bring it."

NEVER DESPAIR

This being the case, it is incumbent upon man to keep watch on all of his ways, without falling into the clutches of despair. As long as he is sensitive to the possibility of evil within himself, he can rest assured that [at least] when temptation is not pressing hard upon him, he will guard himself. As a result, he will be saved from a significant measure of sin and punishment.¹⁷ Is there a fool who could be so enamored of folly as to bless himself in his heart (cf. *Devarim* 29:18) and say, "It's good for me to close the eyes of my understanding"? Such a one believes he can minimize the severity of his transgression through dubious classification as an inadvertent sinner, blithely abandoning the more exalted level of observance of distancing oneself from sin.

SUBCONSCIOUS ROOTS

This idea is consistent with the aforementioned assertion of the Rambam, that man is not endowed with the ability to know the consequences of his deeds, to clarify the value of *mitzvos* or transgressions according to what they will bring in their wakes. Likewise, he is unable to calculate the value of any difficulty involved in fulfilling and observing the *mitzvos*. The reason for this is because man's emotional forces progress from the antecedent to the resultant; from the innermost depths of the heart, to the revealed. There are abundant external stimulants that can amplify and expose a given latent force, which, if not awakened, is comparatively weak in relation to the other proclivities in one's subconscious¹⁸ In light of this, when a person attempts to trace the antecedent back from the resultant, he will make ponderous errors in trying to determine the subconscious roots that engender pain in transgression avoidance or pleasure in mitzvah

¹⁷ If a person is careful not to transgress in areas where his desire is not stimulated, then when he does sin, *chas v'shalom*, it will only be in an area in which it is difficult for him to refrain. Therefore, his punishment will be less severe.

¹⁸ For example, a person might live under circumstances that stimulate his anger, and as a result, this trait will be revealed and grow stronger within him. On the other hand, he may have a much stronger proclivity for gluttony, but the setting in which he lives does not give this trait cause for expression. Based on his conduct, he will automatically conclude that he has a much greater problem with anger than with gluttony, when in truth, the exact opposite is the case. It turns out that anger comprises a relatively insignificant component of his makeup, but external factors conspire to draw the majority of his attention to it.

observance. As long as an emotional force is hidden in its root, it will remain concealed from man's understanding. Moreover, it will continue to influence his actions, for he is not even aware of its existence.¹⁹ Therefore, it is not within man's grasp to accurately define and evaluate the level of difficulty in fulfilling and observing the Almighty's Torah. Only He knows the true measure of these hardships, as Chazal teach (*Avos* 4:29): "He is the One Who understands."

TWO LEVELS OF REWARD AND PUNISHMENT

In general, there are two levels of reward and punishment relating to the performance of positive precepts and abstinence from negative acts. Under circumstances that make it difficult to fulfill a mitzvah or refrain from a transgression, a person will be richly rewarded for success but not unduly punished for failure. On the other hand, if circumstances make it easy for a person to perform a mitzvah or avoid a sin, then the respective reward will be milder and the punishment more severe. Therefore, the performance of a *mishpat* (specifically, one that is a positive commandment) and the observance of a *chok* (referring to one that is a negative precept) are equivalent.²⁰

Theoretically, *mishpatim* [which are apprehensible to the intellect] are easier for us to observe than *chukim* [which transcend logic]. The Torah's phraseology reflects this two-staged dichotomy, as it states, "You shall perform My *mishpatim* and you shall observe My *chukim*" (*Vayikra* 18:4). The fact that *mishpatim* are mentioned first indicates that they are the first tier of our approach. In practical observance, however, almost the exact opposite

¹⁹ For example, financial duress may awaken stinginess within a person. Due to the stimulus that provokes it, this negative force is easy for him to detect. On the other hand, there is another subconscious force at work that influences him to neglect his health. Since this force influences him with no external stimulation, it is not detectable. However, its hidden influence is as negative as stinginess and even more dangerous, because it is unconscious.

²⁰ With this, Rav Yisrael answers the question he raised above, about why the Torah mentioned *mishpat* in connection with positive precepts and *chok* in connection with negative ones. He answers that the Torah is thereby showing that they share a commonality. Namely, the performance of a *chok* is more difficult than that of a *mishpat*. Therefore, the reward for performing the former is greater than that for the latter. Conversely, the violation of a *mishpat* is more severe than violation of a *chok*. Hence, the punishment for the former is more severe than that for the latter. This is why the Torah exhorts us both to perform the *mishpat* and to not to violate the *chok*, showing that the reward for performing a *mishpat* is proportional to the punishment for violating a *chok*.

is the case, for there are numerous factors that can actually make *mishpatim* more difficult to observe than *chukim*.²¹ As a result, *chukim* quite often serve as the rungs upon which one ascends to the tier of *mishpatim*. This is particularly true concerning *middos*, which, despite being *mishpatim*, cannot be properly rectified and perfected no matter how much toil and energy a person invests in them on this level.²² His only resort is to get in tune with the intellectual side of his makeup, which has a natural love of uprightness and abhorrence of distortion (even without the Torah's admonitions). This is accomplished through profound contemplation of this aspect of his nature. Otherwise, the traits that are stamped into his very being are likely to control him, despite all his efforts to improve them, for human beings are intrinsically inclined to follow their emotions.

PLUMB THE DEPTHS OF HIS HEART

Let us take the example of a person who is predisposed to excessive irritability and is easily aroused by the mildest of provocations. Suppose he repeatedly recites the statement of Chazal (*Nedarim 22a*), "A person who gets angry is afflicted by all types of Gehinnom," until it is burned into his consciousness and always before his eyes. Unfortunately, however, as soon as he is given cause for anger, his heart is not with him and he is transformed into a different person. All of the beautiful images that he worked so diligently to acquire are immediately forgotten, and they vanish into thin air. Such a one has no remedy unless he sets his mind to plumb the depths of his heart and its roots. He must seek comprehension of the general forces that drive him, which are liable to be aroused by the slightest external stimulation.²³ He will then be able to "pour waters of understanding" (cf. *Tzefanyah 3:8*) upon them and somewhat dampen them, so that they won't be so hastily and fiercely aroused. Eventually, he will have the power to completely master his spirit.

²¹ For example, the injunction to not eat blood is a *chok*, while the injunction not to hurt others is a *mishpat*. Theoretically, it should be easier not to do the latter than the former. However, when a person is overwhelmed with fury at another, at that moment it is easier for him not to eat blood than to not injure the subject of his grievance.

²² Meaning, on the level of *mishpat*. Even though proper conduct and virtuous character traits are founded on ethical principles that are consistent with logical tenets, nevertheless, it is often difficult to act in accordance with them. For example, even though we recognize how reprehensible the trait of anger is, we may find it difficult to restrain our temper when we are irritated.

²³ In other words, even though the result of the stimulation is anger, he must probe deeper to see if the anger itself stems from a more fundamental subconscious force, such as arrogance.

MIDDOS ARE CHUIKIM

Arousing the resolve to subdue unchecked desire by rectifying one's *middos* is a formidable task. From where can man draw the understanding that will enable him to carry out this difficult undertaking? The primary vehicle is the acknowledgement of *chink* — specifically, the acceptance of the Torah's injunction against anger, and the realization of the gravity of this transgression. As the Talmud relates (*Nedarim* 22a), "A person who gets angry is afflicted by all types of Gehinnom."²⁴ Concern over the dire punishment for anger has the power (in direct proportion to the strength of one's anxiety) to sharpen one's intellect (each person according to his abilities) so that he now can fathom that which he was initially unable to contemplate.²⁵

For one example of the effectiveness of this principle, let us consider the positive effect that worry and necessity have on man as regards his business affairs. Concern keeps a person on edge and constantly exercises his intellect so that his mental prowess is heightened to a greater extent than he originally thought possible. This idea holds true with virtually all *middos*: the key to mastering them is *chok*. This involves the unequivocal acceptance of the Torah's injunction against negative character traits, and the realization of their gravity and the severity of their punishment — as Chazal have underscored in numerous places. On the other hand, the cultivation of a virtuous character trait is a sublime mitzvah as Chazal have similarly elaborated on. Therefore, by persistently contemplating the *chok*-like aspect of *middos* and truly grasping the harsh punishment and rich reward they engender, a person will be able to ingrain virtuous traits into his character. At that point, he will be able to relate to them on their true

²⁴ With these words, Rav Yisrael is expanding on the assertion he made two paragraphs earlier, that although *middos* are *mishpatim*, *chitkim* serve as the rungs by which a person ascends to them. In other words, even though *middos* are ultimately *mishpat* (because logic recognizes the virtue of refined character traits), they also contain an element of *chok*. Regarding anger, the specific trait discussed here, the explanation of this is as follows: Even though we realize that anger is a reprehensible trait, we nevertheless find it difficult to believe that we are accountable for feelings of the heart — for how can a person control his emotions? This concept of punishment for negative character traits does not comply with the human intellect. Therefore, the injunction to believe that negative traits are punished is classified as a *chok*.

²⁵ The reason for this is as follows: The new awareness that he cultivates will grant him such profound clarity that it will touch even his heart, and bring his feelings into consonance with the ethical understanding of his mind.

level — as *mishpatim*. This is the reason that *chukim* are mentioned before *mishpatim* in *Vayikra* 18:5.²⁶

GOVERNMENTAL STATUTES

This same idea applies to the observance of governmental statutes. On one hand, they fall into the category of *mishpatim*, for man's intellect directs him to fully and carefully comply with them, even without anyone monitoring his conduct. Nevertheless, they also contain an aspect of *chok*, for both the Written and Oral Law unequivocally exhort us to observe all governmental legislation.²⁷ This grants a person the fortitude to ignore the provocations of desire, so that he can clearly perceive in their true light, and unreservedly commit his allegiance to the rule of his, host country's law.²⁸

OUR ORIGINAL QUESTION

Let us now return to our original question: Since the Torah contains enough practical law to occupy a person for several lifetimes, why does it contain such an arcane topic as the *ben sorer u'moreh*? In order to answer this, we must first determine whether the mitzvah to study Torah is a *chok* or *mishpat*. Logic dictates that even the study of the laws concerning a *chok* considered a *mishpat*.²⁹ The Talmud itself alludes to this idea (*Bava Kama* 17a): “[The verse states,] And they honored him at his death’ “ (*Divrei HaYamim II* 32:33). This refers to Chizkiyahu, the king of Yehudah..upon whose bier they placed a Torah scroll and declared, “This one fulfilled that

²⁶ With this, Ray Yisrael resolves the anomaly he noted above, that the order of these two terms is reversed in *Vayikra*, ch. 18, verses 4 and 5. In his typically brief fashion, he is telling us that verse 5 is not referring to classic *chukim*, such as not eating unclean animals, etc. Rather, the Torah is alluding to the idea we have discussed above, that in order to truly observe even a *mishpat* as a *mishpat*, one must first approach it as a *chok*. By doing so, a person will be able to instill within his nature a love of virtue and a hatred of distortion, which is the only way to rectify those matters which we typically understand as being *mishpatim*. We thus read, “And you shall safeguard My *chukim* [i.e., you should initially understand *mishpatim* as being *chukim*] and My *mishpatim* [i.e., you will then be able to truly relate to them as a *mishpatim*].”

²⁷ The Talmud (*Gittin* 10b and numerous other places) explicitly states this *chok*: “The law of the government is tantamount to Torah Law.”

²⁸ Even though a person may acknowledge the wisdom of obeying the law, his *yetzer harot* - might influence him to disregard it by arguing that the Torah does not obligate him in this matter. The Almighty counters this strategy by making it a *chok* to obey the *mishpat* of submitting to governmental authority.

²⁹ Because it is obvious that in order to implement a *chok*, it is necessary to study the laws pertaining to it.

which is written in this.’ [The Gemara asks,] nowadays, we do the same thing, [so what is so special about this? The answer is] ...We place [a Torah scroll the bier], and even declare, ‘He fulfilled [the Torah] ,’ but we do not say, ‘He taught [it].’ [The implication being that by Chizkiyahu, it was stated not only that he fulfilled it, but that he taught it as well.] But did not Mar [lit. “the Master”] say, ‘Great is Torah study, for study engenders deed?’” In explaining) the Gemara’s question, Tosafos, quoting Rabbeinu Tam, comment as follows: “Once we say that a person ‘fulfilled,’ this automatically includes the fact that he studied, for if he did not study, how can he fulfill, since ‘study engenders deed?’”³⁰ We, thus, see that even though a given mitzvah may be a *chok*, the study that is required in order to fulfill it is a *mishpat* — for “if one does not study, how can he fulfill?”

THE DIMENSION OF CHOK IN TORAH

On the other hand, Torah study — even as regards the laws concerning *mishpatim* — is not entirely removed from the dimension of *chok*. This is because Torah study is a mitzvah in and of itself, even if it does not lead to performance. Consider the mitzvah to learn about the *ben sorer u’moreh* (according to the view quoted above that there never has been and never will be an actual case [there is another opinion that this phenomenon can and has happened]). The human intellect rebels against the obligation to study something that has no practical application. Therefore, we learn it only because “I, Hashem, promulgated it” (*Yoma* 67b). The same holds true concerning every section of the Torah —the imperative to study, in and of itself, and distinct from the intention to observe — involves an aspect of *chok*. The only difference [between the essential study of *mishpatim* and *chukim* that have practical application and of *chukim* that are purely theoretical] is a mental distinction.

Perhaps Chazal were alluding to this idea in the phraseology of the mishnah (*Avos* 4:5), saying: “And the one who studies on condition to do,” instead of “And the one who studies in order to do.”³¹ This is because it is

³⁰ The Gemara’s question (tangential to Rav Yisrael’s main point) is thus: What is said nowadays — that a person fulfilled the Torah— is in effect also saying that he studied it (with no distinction being drawn between studying and teaching). Therefore, there was nothing exceptional said about Chizkiyahu that is not said about any other scholar! The Gemara answers by saying that, in fact, there is a difference between studying and teaching — and teaching is a much greater praise. Therefore, by Chizkiyahu, who is considered.

³¹ The implication of the latter being that the study only has value as a vehicle to enable performance. On the other hand, the former implies that the study has its own inherent

appropriate to regard the study itself as a *chok* — an intrinsic mitzvah, even if a deed does not result from it — and not just as practical instruction. This is a more exalted level than “*mishpat*-style” study, wherein one studies solely in order to do. Of course, this “*chok*-style” study should be undertaken on condition that it will consummate with the execution of a deed. Therefore, it must proceed in a fashion that facilitates practical application.³² Namely, one must strive to have a fluent and penetrating grasp of the material, with the highest level of proficiency and precision (each person according to his ability). In of words, one must have a frame of mind that is in keeping with the require condition — the desire to perform the deed.

THEY DID NOT MAKE A BLESSING ON THE TORAH

These words shed light on the following passage in the Talmud (*Nedarim* 81a). The Gemara is discussing why Torah scholars cannot assume it as a given that their children will follow in their scholarly footsteps: [We read in Tanach,] “But Hashem has said: Because of their forsaking My Torah that I put before them: moreover, they did not heed My voice nor follow it” (*Yirmeyahu* 9:12). [Queries the Gemara:] “Is not, ‘They did not heed My voice,’ the same as, ‘nor follow it?’ Rav Yehudah said in the name of Ravi ‘They did not make a blessing on the Torah beforehand.’ “ Rashi explains this. as follows: “When they awoke in the morning, they did not recite the blessings over the Torah before studying.” This illogical attitude stuns all who contemplate it: they weren’t too idle to pursue Torah study, which diminishes a man’s strength, yet they would not make a blessing over it beforehand? (The Ran writes in the name of Rabbeinu Yonah, zt”l: “They were constantly involved in Torah study, but would not recite the blessing over the Torah beforehand. In other words, they did not consider the Torah important enough; to make a blessing over it. This is because they did not study it purely for, Heaven’s sake, and therefore, they made light of the blessing.” This is absolutely incredible! Because their intentions were not pure, they made light of, the Scriptural imperative to make a blessing over the Torah — something that has no negative desire to interfere with it!)

value (for study is a mitzvah even if it is not acted upon), and that it is being undertaken on condition that it will result in action.

³² This is so even if one’s goal is not to perform a deed, or if performance is impossible, such as with the topic of *ben sorer u’rmoreh*.

“MISHPAT-STYLE” TORAH STUDY

However, according to what we stated above, we can explain as follows. The Talmud states (*Menachos* 42b), “Any mitzvah whose performance constitutes the completion of the mitzvah — such as *bris milah* — requires a blessing. And any mitzvah whose performance does not constitute the completion of the mitzvah — such as the making of tefillin (for the mitzvah is not consummated when they are completed, but when one dons them) — does not require a blessing.” According to this, there is no requirement to make a blessing over *mishpat*-style Torah study, for the mitzvah is not consummated with the study itself, but with the fulfillment of what one learned. This is because the purpose of this mitzvah to study Torah is, so that one will know how to perform the act. Hence, the foundation of the blessings over the Torah rests on the mitzvah of *choke*-style study, wherein the study itself constitutes a mitzvah. Based on this, we might say that the reason the people did not recite the blessings over the Torah was because they were overpowered by the desire to only engage in *mishpat*-style study. As we have noted, human logic justifies the necessity of such study because it enables mitzvah performance. However, the intellect rebels against *choke*-style study, because it doesn’t seem to serve any practical purpose. The *yetzer hara* reinforced this idea within their minds, and convinced them that Torah study purely for its own sake is repugnant. Thus, even though they studied Torah, their intention was solely for *mishpat*-style study. Therefore, they did not regard their study as a complete and independent mitzvah unto itself, and accordingly, did not recite a blessing over it.

It transpires that the reward for Torah study is not confined to the combination of *mishpat*-style study with *choke*-style study [i.e., when a person studies both for the mitzvah of Torah study itself and to acquire practical knowledge for performance]. Rather, the greatest level of reward is reserved for pure *choke*-style study. This is the intention underlying the passage with which we began: “There never was a *ben sorer u’moreh*, nor will there ever be one. If so, why was it [the topic] written [in the Torah] ? So that one should study it and receive reward.” Chazal are referring here to the reward for study that is rooted solely in *choke*, a level that is more sublime than other areas of Torah study, which are founded on *mishpat*. (Of course, the preeminence of “*choke*-style” study only for itself is limited to this one aspect, for since it does not ultimately lead to a deed, its value is diminished in other respects. As the Talmud teaches [*Kiddushin* 40b]: “The Sages

unanimously concurred that Torah study is greater than the deed, for study engenders the deed.”³³

TRANSLATOR’S SUMMARY OF LETTER THIRTY-ONE

1. If the descendants repeat the same sin of their ancestor, they are obligated to make atonement both for their own sin, as well as the sin of their father.
2. The Almighty analyzes every person’s deed according to two criteria: 1) the essential deed itself—i.e., the result of the act; and 2) who the individual, i.e., the level of difficulty.
3. The primary vehicle to facilitate *middos* rectification is the acknowledgement that it is a *chok*.
4. There are two types of *mitzvos*: 1) possible to fulfill, and 2) impossible to fulfill; and three types of study; 1) *mishpat* study, 2) *chok* study 3) combined *chok-mishpat* study.

³³ That is, since other areas of Torah study lead to practical application, their study is on a higher level than that of *ben sorer u'moreh*. On the other hand, in one aspect the study of the latter is more sublime, because since it is entirely theoretical, with no supposition of fulfillment, the intellect rebels against engaging in its study. In summation, there are two different types of mitzvos (relevant to Rav Yisrael's points in this letter), and three different levels of study. The two types of mitzvos are those that are possible to fulfill, such as the four species, and those that are impossible to fulfill, such as *ben sorer u'moreh*. The three types of study are pure *mishpat*-style study, wherein one studies solely for utilitarian purposes; pure *chok*-style study, wherein one studies for the sake of study itself; and combined *chok-mishpat*-style study, wherein one studies to be able to fulfill mitzvos, but also regards the study as an end unto itself. Since, the ultimate purpose of study is to be able to perform the mitzvah, combined *chok-mishpat*-style study is on a very elevated level. On the other hand, the study of a mitzvah that is impossible to fulfill is also exalted in its own unique way, for the intellect.

Endnotes

ⁱ Literally, a ‘stubborn and rebellious son.’

ⁱⁱ “With whom does the following Baraita agree: There never has been a ‘stubborn and rebellious son’, [In the Biblical sense, to be executed.] and never will be. Why then was the law written? That you may study it and receive reward. — This agrees with R. Judah. [Since it is obviously impossible that his father and mother should be so exactly alike.]

Alternatively, you may say it will agree with R. Simeon. For it has been taught: R. Simeon said: Because one eats a *tartemar* [about 3.5 ounces] of meat and drinks half a *log* [about 5.3 ounces] of Italian wine, shall his father and mother have him stoned? But it never happened and never will happen. Why then was this law written? — That you may study it and receive reward. R. Jonathan said: ‘I saw him [a rebellious son who was executed at his parents’ demand.] and sat on his grave.’” (*Sanhedrin* 71a).

ⁱⁱⁱ “[What hope, then, remains for such a person?] There is one insight that can serve to arouse him. Let him consider how the passage of time and changes in circumstances can, due to an insignificant catalyst, transform his nature and cause him to fall into the gravest of transgressions. When he will commit such cardinal sins, he will still retain an intense awareness that he has indeed transgressed, and the read of them will yet be visible on his countenance. [Contemplating] this insight will rouse him to provide a remedy for himself [before reaching this sorrowful stage], by inducing himself to study Heavenly fear and Mussar. Then, his spirit will be awakened so that he is able to act against his own will. [That is, to serve the Almighty even when it is inconvenient and burdensome — against his very nature.] (Last paragraph of *Letter 17: Achieving Spiritual Vitality*.)