

And these are the ordinances that you shall place before them. (21:1)

Hashem commanded Moshe *Rabbeinu* to present a clear picture of Jewish civil law, teaching the people not only the letter of the law, but also its spirit – underlying principles and reasoning. This way they would develop a deeper understanding of the law, thus allowing for greater application. It is a desecration of Hashem's Name for a Jew to bring litigation before a secular court, because, by inference, it indicates that their system of justice is superior to ours. (In certain instances, the power of a secular court is necessary to deal with a recalcitrant litigant. With Rabbinical approval, one may employ the services of a secular court.)

Furthermore, a fundamental difference exists between secular law and Torah law. Secular law is based upon human logic and rationale, considering that which society needs in order to function properly. Since society is ever-changing, its laws are not concrete and given to change with the flow of societal needs. The United States Supreme Court, which is the final arbiter of the American judicial system, changes its interpretation of the law with the understanding of the majority of its justices. For decades, it may swing to the liberal needs of its populace, and then, when the majority changes, it will become conservative. A law that is subject to human interpretation is not much of a law. [With regard to the debates found in *Mishnah, Talmud, Gaonim*, etc., *Rav Shrira Gaon* explains; when the *Bais Hamikdash* was destroyed, the Rabbinic leadership moved to Beitar. Once Beitar was destroyed the sages were scattered in every direction. As a result of the confusion, persecutions and uncertainties of that era, the disciples did not learn sufficiently and the number of disputes increased. *Iggeres Rav Sherira Gaon*.]

Torah law and its fulfillment are based upon the concept of compliance with the *ratzon*, will, of Hashem. *Mitzvah* observance hones the Jewish ethical character, and it refines the soul through the individual's complete subservience to Hashem. Our laws are the *dvar*, word, of Hashem, not a justice who is a servant of the people. Hashem's laws contain no iniquity. Can we say the same for secular law? As *Horav Mordechai Gifter, zl*, observes, *David HaMelech* expresses this concept (*Tehillim* 147:19), *Maggid devaro l'Yaakov*... "He relates His word to Yaakov, His statutes and judgments to Yisrael. He did not do so for any other nation; such judgments, they know them not. In order to accept Torah law, one must accept Torah and live a life of commitment to its precepts.

Rav Gifter presents a glimpse of how Torah law differs from human-generated law. We have a *mitzvah* to return, at the end of each day, a garment that serves as a *mashkon*, security, for a loan. The rationale for this *mitzvah* is compassion: Without his garment (blanket, etc.), the borrower will have difficulty sleeping at night. This is the manner in which one who has no other knowledge of Torah, Written or Oral Law, would view this law. However, *Rashi*, quoting *Midrash Tanchuma*, reveals to us a different compelling insight: "The Torah makes you repeat the act of taking and returning security, even if you must do so many times, as a lesson that may be learned from the manner in which Hashem treats us. It is as if Hashem says, 'Consider how indebted you are to

Me! Every night your *neshamah*, soul, ascends to Heaven, gives Me an account of itself, and is understandably found to be indebted to me. Nonetheless, I return it to you each morning.' Therefore, you too take collateral and return it, take it and return it – again and again – even if you must do so many times." Now, can we even begin to compare Divine rationale to human thought? They are worlds apart. To fully appreciate this, one must be committed to Torah and its Divine Author.

The *Rosh Yeshivah* explains that since Torah is Divine, it is well above human cognition. Every aspect of Torah, even its morals and ethics, are above our comprehension. In a reference to *Pirkei Avos*, a section of the Oral Law exclusively dedicated to ethics and morals, *Rav Gifter* prefaces that we must be conscious of the fact that we are different. When the Jew says, *Hamavdil bein ohr l'choshech, bein Yisrael l'amim*; "He Who makes a distinction between light and darkness, between *Klal Yisrael* and the nations," he thereby declares a similarity between these two distinctions. Clearly, light and darkness are not differences in degree, but in kind. Likewise, *Klal Yisrael* and the nations are different in kind, not in degree. We are literally not the same, not on the same page, with no point of contact between the two. This is neither an expression of elitism, nor an implication that we are better, but rather, that we are different. Our approach to all problems is that of Torah – and Torah alone (How does the Torah view this problem?), while the approach of the nations rests on a completely different foundation.

The basic distinction is to be observed in the blessings pertaining to *chochmah*, wisdom. Upon seeing a non-Jewish *chacham*, scholar, wise man, *halachah* dictates that we recite: "Who has given of His wisdom to flesh and blood," while upon seeing a Torah scholar, one blesses, "Who has apportioned of His wisdom to those who fear Him." The *Taz* (*Orach Chaim* 224:6) observes two distinctions to be gleaned herein. The wisdom of the Torah is never totally disassociated from Hashem. He apportions it to Torah scholars. Furthermore, *chochmah* and *chachamim*, wisdom and scholars, are defined by *yireiav*, those who fear Him, as opposed to ordinary flesh and blood. One who is G-d fearing and studies Torah receives an element of Hashem's wisdom. He is guided by the Almighty. This is his uniqueness.

The *Bartenura* explains that the ethics and morals taught in *Pirkei Avos* are not the product of human intellectual endeavor which the sages of the Talmud originated; rather, they are all principles of ethics transmitted to us from *Har Sinai*. With this in mind, we understand that the ethics and morals presented in *Pirkei Avos* are not examples of proper etiquette, but rather, the word of Hashem. We are not learning what is socially acceptable, proper and moral. We are learning what Hashem deems correct and what is the Torah's perspective on ethics and morals. The barometer is not societal norms, but Hashem's transmission to us concerning what is ultimately appropriate and what is not. Hashem is the barometer, not man.