

# ALSHICH

## INSIGHTS FOR THE SHABBOS TABLE

ספר שמות

פרשת משפטים

SERIES 1: ISSUE 18

## INTRODUCTION TO THE LAWS OF MISHPATIM

### Chapter 21

1) *And these are the laws that you shall place before them.*

א) וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִּׂים לִפְנֵיהֶם.

### Consider the following questions:

1. The phrase "*These are the laws*" seems to suggest that there is something unique about these laws as opposed to any other laws. In what way are they unique?
2. In *Gittin 88b*, our Sages learn from the words "*before them*" that it is forbidden to bring a case before a non-Jewish court, even if they will render the same decision as the *beis din*. Why is this?

A person should not say to himself, "The main purpose of the Torah laws that regulate the dealings between one person and another is only to ensure that there is harmony between them by resolving any conflicts that arise. If we make use of a rational system of laws which successfully manages people's monetary interactions, that should also be acceptable, even though it is not based on the Torah. Why should Hashem prevent us from using such a legal system if the end result is the same?"

A person who thinks that way is making a terrible mistake, and we should convince him of the falsity of his view. The Torah of the Jewish people cannot be compared in any way to a legal system that is based merely on human reason. Such a legal system contains within it no more than what is apparent from the outside, since it has no inherent sanctity. A person who has studied secular law and applied it will not gain any holiness or spiritual refinement from this. But a person who applies himself to the laws of the Torah will become spiritually elevated, since whoever attaches himself to the Torah attaches himself to God. Moreover, every mitzvah and every law has its source in the highest spiritual realms, and whenever a person performs a mitzvah or fulfills one law, he causes that spiritual source that is attached to God to give light to the world.

Furthermore, in *Avos 1:18* we are taught that one of the three things that supports the entire world is rendering correct legal decisions. It is clear that legal decisions based purely on human reasoning without any holiness cannot possibly support the entire world; only legal decisions that come through the Divine laws of the Torah can do so. As mentioned above, their fulfillment arouses their source of holiness in the higher worlds. This brings down a powerful *shefa* of *kedushah* which gives life to the worlds, just as the soul gives life to the body.

This introduction helps us understand better the comment of our Sages on the beginning of our *parashah*: "*And these are the laws that you shall place **before them** — before judges of the *beis din* and not before the non-Jews.*" By this they meant that it is forbidden to bring a case before non-Jewish courts, even if those courts would render the same decision as the Jewish court. This applies even if the non-Jews are not idolaters.

The reason for this is as we explained above. When a Jewish judge adjudicates according to the holy statutes of Hashem's Torah, he acts as a type of spiritual conduit bridging the gap between our world and the worlds above it. This is because he contains within him four levels: his physical body, and the three ascending levels of soul – *nefesh*, *ruach*, and *neshamah*. These levels correspond to four different worlds: our lowly physical realm, the world of the *mazalos*, the angelic world, and the highest spiritual realm. Through the true Torah judgment that the judge renders, he connects the four worlds, enabling the *shefa* to descend from the highest realm right down to our lowly physical realm, thus supporting the entire world.

The nations of the world, on the other hand, are only under the jurisdiction of their spiritual guardians (שְׁרִיטִים) and therefore have no way of bringing down such a spiritual outpouring from the higher worlds. Furthermore, if the non-Jews rendering judgment are idolaters, not only will they prevent a *shefa* of goodness coming into the world, they will bring destructive forces into it. This is what the Torah means when it says (*Devarim 32:31*), *Their rock is not like our Rock*. Indeed, even if they are not idolaters, our Rock is the Master and Creator of the universe Who gives light to the entire world and its inhabitants, transmitting a potent *shefa* down through the worlds, while their "rock" (i.e., their guardian angel) has nothing to give of its own.

Moreover, will there be true judgment connecting the highest and lowest worlds if *our* [non-Jewish] *enemies judge us*, as the verse in *Devarim* continues? And all this is so if the non-Jewish judges are not idol worshippers; it is even more true when, as the following verse says of such idolaters, *their vine is the vine of Sedom ... and their grapes are poisonous grapes*. Then that [judgment] which is sucked out of them and poured upon us will only be a source of bitter suffering – as indeed has befallen us because of our sins. **[This answers Question 2.]**

How fortunate is the person who follows the laws of Hashem as outlined in this *parashah* (i.e., the monetary laws). He will acquire sanctity through the holy verses of the Torah that set out these laws, and through every *halachah* that he fulfills, he will acquire for himself an angelic being who will advocate on his behalf in Heaven (as stated in *Avos 4:11*). This is not something that happens with man-made laws based on human wisdom and reason. This is what our verse is hinting at when it says, *And these are the laws that you shall place before them: These are not plain laws of justice but are the laws of Hashem*. **[This answers Question 1.]**

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### THE ALSHICH AND HIS COMMENTARY

The Alshich (1508–1600), was one of only five famous rabbis in Jewish history universally known by the title "HaKadosh" (the holy one). He served on the same Beis Din as Rabbi Yosef Caro, author of the *Shulchan Aruch*. The Alshich is most noted for his monumental Tanach commentary.

The Alshich uses his creative insight and encyclopaedic knowledge of Tanach, Talmud, and Midrash to weave together his profound interpretations. He simultaneously focuses on the text as well as the context of a series of verses by listing a range of questions and then answering them all with one or two concepts.

These sheets, distributed in memory of Yental *bas* Yitzchok, have been drawn from either the Alshich on *Avos* or Alshich on the Torah, published by Feldheim. They seek to expand the spectrum of readers who can appreciate the Alshich's true greatness.

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