

“And these are the judgments that you shall place before them”

Rashby Enigmatically Associates This Passuk with Reincarnation

This week's parsha, parshas Mishpatim, opens with the words (Shemos 21, 1): **“ואלה המשפטים אשר תשים לפניהם”**—and these are the judgments that you shall place before them. Targum Onkelos renders this passuk as: **“ואלין דיניא די תסדר”**—**“קדמיהון”**—and these are the laws that you should present before them in an orderly fashion. The simple and straightforward understanding of the Targum is that he is referring to the laws and guidelines mentioned in this parsha. In the Zohar hakadosh (Mishpatim 94a), however, the divine Tanna, Rabbi Shimon bar Yochai, reveals an entirely different and novel interpretation of the Targum's words. According to the Zohar, he is referring to the order of judgments and punishments that dictate the reincarnation of neshamos—each person receiving his proper due. This interpretation has perplexed the commentaries. Where do we find in this passuk an allusion to the punishment of reincarnation? Furthermore, what order—“seder”—of reincarnation is he referring to?

To Teach Them the Reasons and the Meanings

Let us begin by presenting Rashi's explanation based on the Mechilta and the words of the Tanna, Rabbi Akiva: **“ואלה המשפטים אשר תשים לפניהם - אמר לו הקב"ה למשה, לא תעלה על דעתך לומר, אשנה להם הפרק וההלכה ב' או ג' פעמים, עד שתהא סדורה בפיהם כמשנתה, ואיני מטריח עצמי להבינם טעמי הדבר ופירושו, לכך נאמר—אשר תשים לפניהם, כשלחן הערוך ומוכן לאכול לפני האדם”**—in other words, Moshe Rabeinu is instructed to not merely teach Yisrael the raw halachot pertaining to the mitzvos but also the reasons underlying the mitzvos. The mitzvos should be presented to them like a table set with food—ready to be eaten.

We can suggest that Rabbi Akiva's elucidation is founded on the well-known fact that the word “chukim” refers to mitzvos that seemingly are not based on reason; whereas, “mishpatim” refer to sensible, logical mitzvos based on reason. [See Rashi's commentary to Vayikra 18, 4.]

Seeing as our passuk states: “and these are the ‘mishpatim’ that you shall place before them,” Rashi deduced Rabbi Akiva's intent; here Moshe was instructed to teach Yisrael the rationales behind the mitzvos, as well, so that they would be comprehended like “mishpatim.” We can also suggest that this is the source for the Rambam's statement (Hilchos Meilah 8, 8): **“ראוי לאדם להתבונן במשפטי התורה הקדושה ולידע סוף עינים כפי כוחו”**—it is appropriate for a person to explore the “mishpatim” of the holy Torah and comprehend them as thoroughly as possible based on one's abilities. He specifically employs the term “mishpatim” alluding to our passuk.

Notwithstanding, it behooves us to explain why Rabbi Akiva compared the command to teach Yisrael the underlying reasons for the mitzvos to a table set and ready for man to eat from. If he intended to compare the reasons underlying the mitzvos to food delicacies which possess many flavors, then he should have compared them to the food itself and not to the set table. [Translator's note: The Hebrew word “ta'am” means taste or flavor and also means the reason for something.] So, what difference does it make if the delicacies are arranged on a set table or somewhere else?

In truth, this question can also be asked regarding what we have learned in the Gemara (Berachos 55a): **“כל זמן שבית המקדש קיים מזבח מכפר על ישראל, ועכשיו שלחנו של אדם מכפר עליו”**—while the Beis HaMikdash stood, the “mizbeiach” provided Yisrael with atonement; now, a man's table provides atonement for him. It is curious why our blessed sages describe the act and service of eating as: **“שלחנו של אדם”**—a person's table—upon which the edible delicacies are placed. It would have seemed more likely to describe this act and service as “a person's meal,” or something similar. Additionally, what is the deeper connection between “a person's table”—which provides atonement—and the “mizbeiach”—upon which sacrifices were offered?

Man Is Comprised of Four Basic Elements: Fire Wind Water and Earth

Let us begin our enlightening journey by referring to what Rabbi Chaim Vital writes in Shaar HaKavanos in the name of his teacher, the Arizal: **“ענין השלחן ראיתי למורי ז”ל שהיה חושש ומקפיד מאד—וזהיר לאכול בשלחן של ד’ רגלים כדוגמת שלחן שבבית המקדש”**—I saw that my blessed teacher was very careful to always eat off of a table with four legs, resembling the “shulchan” in the Beis HaMikdash. It seems that the notion of a four-legged table is based on an important principle posited by Rabbi Chaim Vital in Shaarei Kedushah (1, 1) in the name of the Arizal.

As we know, HKB”H created man out of four basic elements: fire, wind, water and earth—aish, ruach mayim, afar. These four elements correspond to the four letters of the name Havaya. Had man not sinned with the Tree of Knowledge, his body and soul would have existed in perfect harmony with regards to the four elements; and he would have lived forever. When he sinned, however, the four elements were infused with a mixture of good and evil. Consequently, it was decreed that man must die due to the separation of the elements from one another.

He goes on to explain how all of the human attributes stem from the four basic elements. The negative attributes stem from the evil portion contained in the four elements; while the positive traits emanate from the good in them. He describes this as follows:

“דע כי כל המדות הרעות מושרשות בארבע מדרגות נפש היסודית מצד הרע והקליפה אשר בה, ולכן כל המדות הרעות נחלקות לארבעה מינים וזה פרטם:

יסוד האש, ממנו נמשכת הגאווה הנקראת גסות הרוח... ובכללה הכעס... יסוד הרוח, ממנו נמשך דיבור הנקרא שיחה בטילה... יסוד המים, ממנו תאוות התענוגים, כי כן המים מצמיחין כל מיני תענוג... יסוד העפר, ממנו מדת העצבות בכל פרטיו. ותולדתה אחת, והוא העצלות לקיים התורה והמצוות...

והפכם הם ארבע מדות טובות, נמשכות מארבעה יסודות הטוב שבנפש היסודית, והם הענוה שהיא תכלית השפלות... [תיקון יסוד האש שממנו הגאווה]. והשתיקה כאלם לא יפתח פיו לבד בעסק תורה ומצוות... [תיקון יסוד הרוח שממנו הדיבור]. והמיאוס בכל תענוגי הגוף ומותריו המוכרחים, [תיקון יסוד המים שממנו התאוה]. והשמחה התדירית בחלקו, כי כל דעבדין מן שמיא לטב, וגם לזרז עצמו בתכלית השמחה בעבודת קונו, [תיקון יסוד העפר שממנו העצבות], וכמו שכתוב [התלים קיט-קסב] שש אנכי על אמרתך כמוצא שלל רב.”

It follows, therefore, that all of the negative attributes can be divided into four categories. For example, haughtiness and anger stem from the evil aspect of “aish.” Idle speech stems from the negative aspect of “ruach.” Earthly cravings and desires sprout forth from the negative aspect of “mayim.” The negative aspect of “afar” gives rise to all forms of sadness—resulting in one’s laziness and indifference toward Torah observance and the performance of mitzvos.

The converse is similarly true; the good, positive attributes originate from the good aspect of the four elements. Humility stems from fire—correcting the tendency toward haughtiness. Being silent and mute except when occupied with Torah study and mitzvos corrects the negative aspects of wind—the source of speech. Disgust for physical delights and excesses corrects the negative aspects of water. Being happy and content with one’s lot—knowing full-well that everything from above is aimed at our well-being—is the correction and tikun for the negative aspects of earth, the source of sadness. This includes motivating oneself to serve Hashem with joy and eagerness.

The Purpose of Offering a “Korban” Is to Correct the Four Basic Elements

With this introduction, we can begin to appreciate the explanation of the Tikunei Zohar (Tikun 24, 139b) regarding sacrifices. The purpose of offering a korban is to make amends for the damage one’s transgressions have caused to the four basic elements: “aish,” “ruach,” “mayim,” and “afar.”

He writes that causing a defect in the four elements is tantamount to inflicting a wound in one’s soul. This affliction causes the four elements to separate from one another; simultaneously, the elements of fire separate from the elements of water; and the elements of wind separate from the elements of earth. The result of this separation is conflict and lack of harmony. This causes the name of Hashem to abandon them—allowing the yetzer hara (known as Samael and Satan) to enter. For, Hashem does not dwell where there is conflict and disharmony. To remedy the situation necessitates the bringing of a korban from the elements that have been impaired. When harmony is restored among the elements, HKB”H returns immediately and the Satan flees. If he does not flee, he is consumed by the fire of the “korban”—as it is written (Vayikra 6, 5): “the fire on the mizbeich shall remain aflame in it.”

The Four Basic Elements in the Offering of the “Korban”

It appears that we can reinforce this concept by suggesting how offering a korban might rectify the four basic elements. The element of “aish” is rectified by the fire on the mizbeiach that consumes the korban. The element of “ruach,” which is the source of speech, is rectified by the confession that the sinner made verbally in association with the korban. The element of “mayim” was rectified by the salt that was offered with the korban. Rashi (Vayikra 2, 13) explains that a covenant was made with salt from the six days of creation; the earthly waters were promised that they would be offered on the mizbeiach in the form of salt and the water libation on Succot. The element of “afar” was rectified by the mizbeiach itself, which was built from earth—as it is written (Shemos 20, 21): “מזבח אדמה תעשה לי”—you shall build Me a mizbeiach of earth. This is the explanation of Rashi’s comment concerning the creation of man from the earth (Bereishis 2, 7): “וייצר ה' אלקים את האדם עפר מן האדמה - נטל עפרו ממקום שנאמר 'בו מזבח אדמה תעשה לי, הלואי תהא לו כפרה ויוכל לעמוד'—Hashem took soil from the place of the future mizbeiach hoping that it would atone for man and allow him to endure.

This coincides beautifully with what the Kedushas Levi writes (Shemini) concerning the Gemara (Pesachim 96a): “טעון ביקור” ארבעה ימים קודם שחיטה—a korban must be inspected for four days prior to the slaughter to insure that it does not have any flaws. He explains that during these four days a person was required to prepare himself—to sanctify his four basic elements and to elevate them from the status of an animal to that of a human being.

This enlightens us to some minor degree as to why our teacher, the Arizal insisted on eating specifically on a four-legged table—like the “shulchan” in the Beis HaMikdash. As pointed out, man’s table today atones for him in place of the mizbeiach. We have also explained that a korban was offered to rectify all four basic elements. Therefore, a person’s table—which is in lieu of the mizbeiach—should have four legs—alluding to man’s four basic elements which require tikun and atonement.

The Purpose of Learning the Reasons for the Mitzvos Is to Rectify the Four Elements

Taking the high road, let us apply what we have learned to better comprehend Rashi’s comment citing the words of Rabbi Akiva: “ואלה המשפטים אשר תשים לפניהם - אמר לו הקב"ה למשה, לא תעלה על דעתך לומר, אשנה להם הפרק וההלכה ב' או ג' פעמים, עד

שתהא סדורה בפניהם כמשנתה, ואיני מטריח עצמי להבינם טעמי הדבר ופירושו, לכך נאמר אשר תשים לפניהם, כשלחן הערוך ומוכן לאכול לפני HKB”H instructed Moshe not only to teach Yisrael the halachot and to review them several times but also to make sure that they understood the rationales behind them. The reasons underlying the mitzvos are compared to a set table—“shulchan aruch”—ready for man to eat off of.

We can suggest that at first glance it might seem preferable for a person to fulfill the mitzvos without any regard for their underlying reasons—performing them simply because the King commanded him to do so—like “chukim.” Nevertheless, we have learned that the purpose of the mitzvos is to rectify and sanctify the four basic elements which comprise a human being—“aish,” “ruach,” “mayim,” and “afar.” Hence, it is imperative that a person examine the reasons underlying the mitzvos, so that he will recognize which elements he must rectify with a particular mitzvah. It is for this very reason that HKB”H commanded Moshe to teach Yisrael the rationales behind the mitzvos.

In fact, we have learned this vital principle from the Rambam (Hilchos Temurah 4, 13). He teaches us that it is worthwhile to examine the reasons for the Torah’s commandments in order to acquire proper perspective and act appropriately. Here is what he writes:

“אף על פי שכל חוקי התורה גזירות הם ראוי להתבונן בהן, וכל מה שאתה יכול ליתן לו טעם תן לו טעם, הרי אמרו חכמים הראשונים שהמלך שלמה הבין רוב הטעמים של כל חוקי התורה... וכל אלו הדברים כדי לכוף את יצרו ולתקן דעותיו, ורוב דיני התורה אינן אלא עצות מרחוק מגדול העצה, לתקן הדעות וליישר כל המעשים.”

Even though all the laws of the Torah are decrees, it is still necessary to explore them; anything you can find a reason for, you should do so. It is said that Shlomo HaMelech ascertained the reasons for most of the “chukim” in the Torah. This is necessary in order to overcome the yetzer and to achieve proper perspective. Most of the laws of the Torah are merely good advice and guidelines from above to help us acquire proper perspective and act appropriately.

The Ramban (Devarim 22, 6) writes something similar while explaining a statement in the Midrash (B.R. 44, 1): “לא ניתנו” המצוות אלא לצרף בהן את הבריות. According to the Ramban, the purpose of the mitzvos is to refine a person’s negative attributes. He writes:

“שאינ התועלת במצוות להקב”ה בעצמו יתעלה, אבל התועלת באדם עצמו למנוע ממנו נזק או אמונה רעה או מדה מגונה, או לזכור הנסים ונפלאות הבורא יתברך ולדעת את השם, וזהו ‘לצרף בהן’, שיהיו ככסף צרוף, כי הצורף הכסף אין מעשהו בלא טעם, אבל להוציא ממנו כל סיג, וכן המצוות להוציא מלבנו כל אמונה רעה ולהודיענו האמת ולזכרו תמיד... כי המצות המעשיות כגון שחיטת הצואר ללמדנו המדות הטובות.”

The purpose of mitzvos is not for HKB”H’s benefit but rather for man’s benefit—to protect him from harm or improper beliefs or negative attributes; they also serve to remind him of miracles and wonders performed by HKB”H and to help us achieve a better understanding of Hashem. Thus, the Midrash employs the phrase **‘לצרף בהן’**. Just as silver is refined to remove its impurities; so, too, mitzvos are intended to refine a person and free him of impurities such as improper beliefs. As a result, we will ultimately perceive the truth and remember Hashem. Ultimately, the mitzvos teach us good midos.

According to what we have learned above, the purpose of the mitzvos is: **“לצרף את הבריות”**—is to refine the four basic elements in man’s makeup. As we learned from Rabbi Chaim Vital, all the midos originate from these four elements. Hence, it is essential to explore the reasons underlying the mitzvos in order to subdue the negative aspects of the particular elements by means of the appropriate mitzvah.

We now stand enlightened and can rejoice at having achieved a better understanding of Rashi’s explanation based on the words of Rabbi Akiva. Moshe was instructed to teach Yisrael the reasons for the mitzvos: **“כשלחן הערוך ומוכן לאכול לפני האדם”**—like a set table and ready for man to eat off of. A set table must have four legs like the “shulchan” in the Beis HaMikdash—alluding to the tikun of the four basic elements by means of a korban or, correspondingly, by means of the delicacies on a person’s table. Similarly, it is necessary to teach Yisrael the reasons underlying the mitzvos so that by performing the mitzvos they will rectify the four basic elements.

The Purpose and Tikun Achieved through Reincarnation

Continuing along this exalted path, let us rise to the occasion and address Rashby’s words at the beginning of our parsha. He associates the first passuk with reincarnation: **“פתח רבי שמעון ואמר, ואלה המשפטים אשר תשים לפניהם, תרגום ואלין דיניא דתסדר קדמיהון, אלין אינון סדורין דגלגולא דינין דנשמתיין, דאתדנו כל חד וחד “לקבל עונשיה”**—he interprets the words of the Targum as stating

that these are the order and rules concerning the reincarnation of souls; each one is judged and punished accordingly. Let us introduce a fascinating concept that everyone should be made aware of. This concept is presented in the sefer Binat Yissachar, authored by the great Rabbi Yissachar Ber Bloch, ztz”l—described as a holy, man of G-d.

It is well-known from the Zohar hakadosh and the kabbalistic literature that HKB”H sends the sinner down to earth several times in various reincarnations. The purpose of these reincarnations is to correct all of the harm and defects one has caused. The Binat Yissachar poses an intriguing question. What is the point of sending man down again as a reincarnation? It is just as likely that not only will he fail to correct the previous damage, he may add additional sins to his resume that were not present in the previous incarnation. In that case, it would seem preferable that the person did not reincarnate.

He provides an answer based on the well-known fact that sins originate from bad midos that are inherent in a person from birth. A person born with the attribute of haughtiness will likely pursue honor and respect and be jealous of anyone that is greater and more important than him. A person born with the trait of stinginess will refrain from acts of tzedakah and kindness. Everyone’s sins are rooted in the bad midos that were inherent in his nature from birth.

The Binat Yissachar concludes, therefore, that HKB”H reincarnates a sinner into a body with midos opposite to the midos of his previous body. For instance, if he previously possessed the trait of miserliness, he will reincarnate into a body possessing the trait of being a spendthrift; or if the person possessed the trait of haughtiness and arrogance, he will reincarnate into a body that is naturally humble and modest. Consequently, the person is more likely to improve his lot by means of reincarnation than to cause further damage.

HKB”H Limits the Sinner to Three Reincarnations

I was struck by a wonderful idea. Based on this fascinating introduction, I would like to provide an explanation for a concept presented by the kabbalists, originally from the Tikunei Zohar (Tikun 32, 76b). HKB”H subjects the soul of the sinner to three reincarnations and no more. If he fails to accomplish the necessary tikun for his flaws in those three attempts, his only recourse is Gehinom. The Tikunei Zohar finds an allusion to this notion in the passuk (Shemos 21, 11): **“ואם שלש אלה לא יעשה”**

“לה ויצאה חנם אין כסף”—if he fails to perform these three on her behalf, she shall go free without charge.

This is also the message concealed in the passuk (Iyov 33, 29): “הן כל אלה יפעל אל פעמים שלש עם גבר”—all of this, G-d does twice, thrice with man—HKB”H only allows the sinner three chances to correct his defects via reincarnation. Nevertheless, it still behooves us to explain why HKB”H limits a person to three reincarnations. A simple answer might be because something that is repeated three times constitutes a “chazakah”—as we have learned in the Gemara (Shabbas 61b and more).

Yet, according to what we have learned from the Binat Yissachar, we can provide a very nice answer. If we include man’s initial appearance and lifetime on earth and add his three reincarnations, it turns out that he visited this world four times. We can postulate that each visit was meant to rectify one of the four basic elements. Based on the nature of the four elements, we can expect the reincarnations to follow a logical order.

For instance, let us suppose that during man’s first existence on earth the element of “aish” prevailed. Consequently, he exhibited the bad midos that arise from “aish”—such as arrogance, anger and being overly strict. This would compel HKB”H to reincarnate him initially into a body where the element of “mayim” prevails. For “mayim” is the opposite of “aish”; therefore, he would no longer be inclined toward the bad midos stemming from “aish.” Thus, he would be likely to correct the defect and damage caused in his previous existence.

If he successfully corrects the damage and defects from his previous existence, he will merit ascension after his death to his resting place in Gan Eden. Yet, if he fails again during this first reincarnation—falling victim to the bad midos arising from the element of “mayim,” such as lust, coveting and jealousy—HKB”H will reincarnate him a second time. This time he will reincarnate into a body where “ruach” prevails instead of “mayim”—so that he will no longer be drawn toward the bad midos arising from “aish” and “mayim,” which he exhibited during his first two existences.

Now, if he succeeds this time to rectify his flaws from the previous incarnations, all is well. Yet, if he fails once again and succumbs to the bad midos stemming from “ruach”—such as

wasting his time on frivolous endeavors, speaking lashon hara and lies and behaving sacrilegiously—he will necessarily reincarnate a third time. In a third reincarnation, HKB”H will place him in a body personifying the basic element of “afar”—so that he will not be lured toward the bad midos arising from the elements of “aish,” “mayim,” and “ruach.”

Once again, if he successfully corrects the damage wrought in his previous lifetimes—wonderful. If, however, he fails once again; if he is drawn toward the bad midos arising from “afar”—sadness and laziness—there is no purpose in bringing him back for a fourth reincarnation. For, he has already visited this world four times, each time in a different body, personifying one of the four distinct basic elements. Since he was unsuccessful in rooting out and overcoming his bad midos in these four attempts, there is no purpose in returning him to a fourth human form.

At last, Hashem has granted us a small glimpse into the depth of Rashby’s wisdom. Rashby began with the following elucidation: **“אלה המשפטים אשר תשים לפניהם... אליו אינון סדורין דגלגולא דינין דנשמתיין, דאתדנו כל חד וחד לקבל עונשיה”**—the judgments and laws alluded to in the opening passuk of our parsha pertain to the order and process of reincarnation—a method of tikun for neshamos. He followed in the footsteps of his rebbe, Rabbi Akiva, who derived from the passuk: “these are the judgments that you shall place before them”—that here Moshe was commanded to teach Yisrael the reasons underlying the mitzvos; he was to present them to Yisrael like a table with four legs, set and ready to eat off of. This would enable them to rectify the four basic elements man is comprised of.

Hence, Rashby explains that the purpose of teaching Yisrael the reasons underlying the mitzvos is to spare them the orderly process of reincarnations. As we have learned, a person who fails to rectify his four basic elements must necessarily reincarnate three times. With each renewed existence, he is meant to overcome one of the four elements. Thus, we can appreciate the gravity and importance of knowing the reasons underlying the mitzvos. This vital knowledge and tool will allow us to rectify all four basic elements without the need for three reincarnations.

Donated by Dr. Ralph and Limor Madeb

For the Refua shelema of Refael Gavriel Simcha Chaim Ben shulamit

To receive the mamarim by email: mamarim@shvileipinchas.com