

DIMENSIONS IN CHUMASH

PARSHAS MISHPATIM

Dimensions in Rashi

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לִפְנֵיהֶם

And these are the judgments that you shall place before them.¹

Commenting on these words, Rashi writes:

כל מקום שנאמר "אלה" פסל את הראשונים, "ואלה" מוסיף על הראשונים, מה הראשונים מסיני אף אלו מסיני. ולמה נסמכה פרשת דינים לפרשת מזבח? לומר לך שתשים סנהדרין אצל המזבח

Whenever it says "אלה – these," it denotes detachment from that which was stated previously; "ואלה – and these" adds to that which was stated previously. [In our instance, the word "ואלה" teaches]: Just as the earlier section [i.e. the Aseres Hadibros] are from Sinai, so, too, these [commandments of Mishpatim] are from Sinai.

And why was the section dealing with judgments juxtaposed with the section dealing with the mizbeyach (altar)? To tell you that you should place the Sanhedrin near to the mizbeyach.

SOME QUESTIONS

Rabbeinu Eliyahu Mizrachi, the foremost commentator of Rashi, raises a number of questions here which are fascinating, not only for the light they shed on this particular comment of Rashi, but on Rashi's methodology and approach in general:

1. As a rule, when Rashi comments on the matter of *semichus parshiyos* – the juxtaposition of two sections in the Torah – it is his first comment in that parsha. Indeed, this makes perfect sense, as this is a general type of comment, which should thus be made before proceeding to deal with more particular matters in the verse. Here, Rashi begins by discussing the significance of the letter *vav* in the opening word and only then goes on to discuss *semichus parshiyos*. Why does he reverse the order in which he normally addresses these things?

¹ Shemos 21:1.

2. Rashi's goal in his commentary is not to provide information, it is to resolve *pshat* issues in the verse. As such, he only ever discusses why one section is juxtaposed with another if there is reason to expect that these two *should not have been* juxtaposed, e.g. if we know that the sections were transmitted or the events they describe occurred in a different order to the one in which they are written. If so, in our case, why does Rashi feel the need to explain why the parsha of judgments was written next to the parsha of the *mizbeyach*? What reason do we have for thinking that this was not simply the order in which they were given, whereby one should naturally be written after the other?
3. Regarding the first part of Rashi's comment, why do we need a special message – in this case the letter *vav* – to inform us that Parshas Mishpatim is also from Sinai? Rashi famously informs us in the beginning of Parshas Behar² that all the mitzvos of the Torah were given at Sinai – both their general principles and their particular details!
4. Given that our parsha follows on from Har Sinai, with no indication whatsoever of the people having moved away from there, we should naturally assume that its contents are from Sinai even without the letter *vav*!

All of these questions beckon us to take a closer look at this opening Rashi.

“SO TOO, THESE ARE FROM SINAI”

The Mizrachi explains that when Rashi states that the Mishpatim are “from Sinai,” he does not mean only to indicate that they were transmitted from Sinai. This, as we have noted, is something that is true for all the mitzvos of the Torah. Rather, the meaning is that, like the *Aseres Hadibros*, the Mishpatim were transmitted at the time of *maamad Har Sinai* – the revelation at Sinai! This is in contrast to the other mitzvos, which were transmitted to Moshe during the forty days he spent on Har Sinai after the revelation.

However, in light of this idea, we now need to consider the final section of Parshas Yisro, which begins with Hashem's message to the people: “You have seen that I have spoken to you from heaven.” These words clearly indicate that this section was said to the people after the revelation. As such, we will now realize that it has been written *out of chronological order* – for it divides between two parshiyos that were both said on the same occasion by presenting something that was said afterwards! Naturally, we are moved to ask: Why is this so?

Actually, says the Mizrachi, someone has already asked this for us, for this is, in fact, Rashi's second question. When Rashi asks: “*And why was the section dealing with judgments juxtaposed with the section dealing with the mizbeyach?*”, it is because we would not expect these two sections to be together – and now we know the reason why. Since the *Aseres Hadibros* and Mishpatim were said during the same event, we would not expect the later section – which concludes with the laws of building a *Mizbeyach* – to be written in between them! Hence, this question of Rashi, as with all his questions in matters of juxtaposition, is motivated by *pshat* concerns.

However, at the same time, we understand why this question regarding juxtaposition could not be Rashi's opening comment. Prior to addressing the message of the opening letter *vav*, we have no notion that any of these sections are written out of order, and hence no meaningful reason to involve ourselves in why one was written after the other. It is only after we have learnt from the *vav* that Mishpatim were said together with the *Aseres Hadibros*, prior to the section with the laws of the *mizbeyach*, that we now ask why that section was juxtaposed with the beginning of our parsha!

² Vayikra 25:1.