

COMPLETING THE SET

by Nechama Stamper

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And these are the ordinances that you shall place before them.

Rashi: Wherever the Torah uses "these," it means to detach the topic discussed from the earlier items; when it uses "and these" - as it does here - it means to enlarge or add on to the first items. Why does the Torah juxtapose the section of civil laws to the parshah of the altar? To tell you to locate the Sanhedrin near the altar.

Maharal: What is Rashi's point in telling us that the parshah of Mishpatim was given at Sinai? How is it different from any other section of the Torah? Rashi himself² elsewhere underscores that all mitzvos, in all their detail, were given at Sinai.

R. Eliyahu Mizrachi takes Rashi to mean that Mishpatim was given to the people in the same manner as the Aseres HaDibros - accompanied by the overwhelming sounds and thunderbolts of Revelation. Furthermore, it was given to the nation still assembled at the base of the mountain, before permission was granted to "return to your tents."³ In these ways Mishpatim adds on to the earlier section.

Using this approach, the Mizrachi goes on to explain the order of arguments within our selection from Rashi. If Rashi were simply concerned with the positioning of Mishpatim, we would have expected him to pose his familiar question about the juxtaposition of two unlike parshiyos: "Why does section A follow section B?" We might also question whether such a question is appropriate in our case! Why shouldn't Mishpatim be found where it is? It belongs somewhere! Rashi (and Chazal) only question the placement of a parshah when it appears in a position different from when it occurred. That is not the case here.

The Mizrachi explains, however, that Rashi first establishes that Mishpatim was given to the entire people within the framework of the Aseres HaDibros, meaning in the same manner as they were given, as explained above. Only once he establishes the organic link between the Dibros and Mishpatim, he immediately is faced with a question: why is Mishpatim then joined to the section of the construction of the altar - the few verses that follow the Dibros, but precede Mishpatim - rather than to the Ten Commandments themselves, which is where it belongs!

Two objections, however, must be raised against the Mizrahi's reading of Rashi. First of all, he does not speak of limiting or enlarging upon the Aseres HaDibros, but about the "first items." That phrase would seem to include the altar section along with the Ten Commandments. He treats them as a single unit. If so, there is no reason for Mishpatim to be placed before the section of the altar, and no room for Rashi's question! Secondly, Rashi should have stressed "just as the first items were given with sounds and thunderbolts," so was Mishpatim, rather than speak of the first having been given at Sinai, which misses the salient point. Lastly, a pasuk later on⁴ implies that it was the Ten Commandments and nothing more that were given to the people assembled for the Revelation. We find no support for the contention that Mishpatim was given to them at the same time and in the same manner.

Here is a different approach, and a different reading of Rashi. All mitzvos were indeed given at Sinai. In that regard, there is nothing remarkable about Mishpatim. Not all mitzvos are equal, however, in their link to Sinai. Some are there as part of the primary purpose of Hashem's descent to the mountain, while others come along for the ride.

Let us enlarge upon this. Chazal tell us that all mitzvos were given at Sinai, repeated from the Ohel Moed, and repeated once more in the plains of Moav. While this would seem to assign equivalent roles to all mitzvos, this cannot be the case. Why does the Torah emphasize the Sinaitic nature of some - but not all - mitzvos? Why does it tell us about some - but not all - that they were given from the Ohel Moed?

We see that Hashem had reason to attach certain mitzvos to particular locations. The long inventory of the various offerings in the Mishkan belong especially to the Ohel Moed, the place from which revelation continued to come once the Shechinah had taken up residence with the Jewish camp.

The Torah, however, is an indivisible and non-subdividable entity. "Hashem's Torah is perfect."⁵ A perfect entity cannot be divided and partitioned. Therefore, all the mitzvos of the Torah were revisited anew in the course of the Ohel Moed communication.

HKBH had two goals in commanding mitzvos upon His people. The first was simply to bring them, as it were, into His domain and control. The Dibros impressed upon the people that their role for all time would be faithful servants, ready and eager to do the bidding of their Creator and Commander.

A second goal was to perfect each individual. The rest of the mitzvah system - the vast majority of mitzvos of the Torah - support this goal. The process began at Sinai; the purpose of Hashem's descent upon the mountain was to launch the program with a number of specific commandments: the ones identified in some manner as specific to Sinai. These mitzvos were presented to the people at a mountain still enveloped in the presence of the Shechinah; other mitzvos waited for a later time. Because of the essential oneness of Torah, however, all the other mitzvos were also became part of the package. They were not the reason for which the Shechinah descended, but they were included because the Torah is a unified entity. More accurately, they were given by way of allusion and hint,

but not explicitly. And they were given to Moshe alone. It would not be till later that the people would learn of their demands.

Mishpatim are included among the mitzvos that were part of this mitzvah launch. That is what Rashi means to tell us. Just as the Aseres HaDibros were part of the Sinai experience, and just as the short parshah of the altar also part of it, so was Mishpatim.

Dinim, civil laws, point to an element that is not necessarily apparent or present in other mitzvos. In a sense, mitzvos like tzedakah are made for humans. They tug at human emotions, and they don't require absolute precision to be effective. Dinim are much the opposite. Justice demands finding the absolute point of propriety, without any deviation in any direction. We quickly realize that humans cannot attain this goal. Such perfection can only be found within Hashem. It is for this reason that the Torah attributes mishpat to Hashem ("Judgment belongs to Hashem" ⁶), unlike any other mitzvah.

The narrative just before matan Torah describes the queues waiting for Moshe to adjudicate disputes. Revelation is thus part of a Mishpatim sandwich, with sections about law surrounding the "filling" of the Aseres HaDibros.

The reason should be clear. Just as true mishpat can only be found in Hashem, the Aseres Hadibros - and the entire mitzvah system that it symbolizes - is much more a product of the Divine than the possession of the human. It belongs to a higher place, and should not be seen as simply a guide to proper living.

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1. Based on Gur Aryeh, Shemos 21:1; Tiferes Yisrael, chap. 35, 46
 2. Vayikra 25:1
 3. Devarim 5:27
 4. Devarim 5:19
 5. Tehillim 19:8
 6. Devarim 1:17
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