

בס"ד

THE RASHI OF THE WEEK

Week of

Parshas Mishpotim

1 Adar I, 5784 – February 10, 2024

Compiled from the works of
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The Lubavitcher Rebbe

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**An Outline of the Rebbe's Explanation of Rashi
Parshas Mishpotim**

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Rashi in His Own Words

שמות כ"ד – א': וְאֶל־מֹשֶׁה אָמַר עֲלֶה אֵלַי אַתָּה וְאַהֲרֹן נָדָב וַאֲבִיהוּא וְשִׁבְעִים מִזִּקְנֵי יִשְׂרָאֵל וְהִשְׁתַּחוּיִתֶם מֵרֶחֶק:
רש"י ד"ה ואל משה אמר עלה: פרשה זו נאמרה קודם עשרת הדברות, ובארבעה בסיון נאמר לו עלה:

Shemos 24: 1: And to Moshe He said, "Come up to Hashem, you and Aharon, Nodov and Avihu, and seventy of the elders of Israel, and prostrate yourselves from afar."

Rashi Heading - And to Moshe, He said, "Come up...": "This section was *before* the Ten Commandments (were given). On the fourth of Sivan, "Come up" was said to him (Moshe).

Synopsis

In last week's Torah Portion, Yisro, we read of the giving of the Torah. Our Parshah, Mishpotim, continues this theme by teaching many Torah laws. Following this, near the end of our Portion, the Torah tells us that Hashem told Moshe to¹ "Come up to Hashem, you and Aharon, Nodov, and Avihu, and seventy of the elders of Israel, and prostrate yourselves from afar." Rashi explains that this occurred on the fourth of Sivan, i.e., before Mattan Torah. The Torah is added to the description of the preparations before the giving of the Torah. This means that the preparations for receiving the Torah span two Torah readings. Dividing these preparations into two separate portions must serve some purpose. Just what is this purpose?

The giving of the Torah accomplished two things: 1.) Hashem gave us the Torah, and 2.) he entered into a covenant with us to keep His Mitzvos. As a result of this covenant, the Jews became His servants.

Parshas Yisro deals primarily with Hashem giving us the Torah; hence, the preparations deal with commands that Hashem gave us to prepare for Mattan Torah. Parshas Mishpotim discusses the covenant that we made because we received the Torah. It discusses our preparation to give ourselves to G-d and become His servants.

Rashi's Explanation

Last week's Torah Portion told us of the preparations leading up to the giving of the Torah. At the

1. Our Parshas, Shemos 24:1.

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end of *this* week's Parshah, Mishpotim, the Torah tells us that Hashem told Moshe to² "Come up to Hashem, you and Aharon, Nodov, and Avihu, and seventy of the elders of Israel, and prostrate yourselves from afar." Rashi explains that Hashem said these words on the fourth of Sivan, i.e., before Mattan Torah. In other words, it continues the preparations for Mattan Torah, which Hashem commanded us in Parshas Yisro.

Parshas Yisro described most of the preparations leading up to Hashem's giving us the Torah. Our Parshah, Mishpotim, continues this description. In other words, the Torah tells us of the preparations for receiving the Torah in Parshas Yisro and Mishpotim.

Difficulties in Understanding Rashi

Rashi explains that Hashem told Moshe to "come up to Hashem" at the end of our Parshah on the fourth day of Sivan, i.e., before the Ten Commandments. This is not easy to understand. The previous Torah Portion, Yisro, described the preparations leading up to the giving of the Torah. It then describes Mattan Torah. Our Parshah begins by telling us the laws Hashem gave us at Sinai. According to Rashi, the end of our Parshah reverts to teaching us more of the preparations we started in the previous Parshah. In other words, the Torah divides the preparations for receiving the Torah into two separate Torah readings. We need to understand the reason for this unusual sequence.

Other commentaries differ from Rashi and explain that Hashem called Moshe to ascend to Mount Sinai again after the Torah's giving³. However, this explanation does not seem to fit with Peshat. When Hashem speaks to Moshe, the Torah generally says just that; "Hashem spoke to Moshe, saying." Here, the Torah introduces its words by saying, "And to Moshe He said." This unusual expression seems to imply that Hashem spoke to Moshe earlier.

Furthermore, in our Parshah, Rashi tells us that⁴ "our Sages learned that our ancestors entered the covenant." It is only logical to assume that we entered a covenant before the giving of the Torah. The above implies, as Rashi says, that according to Peshat, what happened at the end of our Parshah actually took place before Mattan Torah.

There are times that Rashi says that the Torah is not (necessarily) in chronological order; "there is

2. Ibid., ibid., ibid.

3. Among these commentaries are the Rashbam, the Ramban, the Abarbanel, the Ohr Hachaim, and others.

4. Our Parshah, Shemos 24:6.

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no sequence of earlier and later incidents in the Torah⁵." However, Rashi only uses this explanation when there is no other alternative. According to Peshat, there must be a good reason to say that the verses are not in chronological order. Here, there does not appear to be any such reason.

Furthermore, we need to understand a different matter. The Torah says,⁶ "When He had finished speaking with him on Mount Sinai, He gave Moshe the two tablets of the testimony, stone tablets, written with the finger of G-d." Rashi explains that this refers to the forty days Moshe spent on Har Sinai. What exactly did Hashem speak to Moshe? Rashi says it was "the statutes and the ordinances in Parshas Mishpotim."

It emerges that first, the Torah tells us of the preparations enumerated in Parshas Yisro. Later, it tells us how the Jews prepared in Parshas Mishpotim. It interrupts these two tales by telling us of the forty days on Har Sinai, which took place after Hashem gave us the Torah! The events listed by the Torah appear to be totally out of order.

The Explanation

We can explain this as follows. The giving of the Torah accomplished two things. First, Hashem gave the Torah, its commandments, and laws to the Jewish people. The second was that the Jews entered a covenant with Hashem to keep His Mitzvos. We then became servants of Hashem, as it says⁷, "When you take the people out of Egypt, you will serve⁸ G-d on this mountain." In Rashi's words,⁹ "Our Sages taught that our ancestors entered the covenant."

Hashem emphasized both aspects when He first spoke to Moshe on the second of Sivan¹⁰. "So shall you say... 'You have seen... And now, if you obey Me and keep My covenant, you shall be to Me a treasure out of all peoples...'" He first said, "If you obey Me," i.e., keep My commandments. He then said, "And keep My covenant." This refers to Hashem's covenant with us to keep his Torah¹¹. In other words, our acceptance of the Mitzvos will be in the form of a covenant that will bind us to Hashem eternally.

Based on the above, the order of the Torah Portions is precise. First, the Torah tells us how the Jews prepared to receive the Torah's commandments. The Torah then continues by enumerating and

5. See for example Parshas Yisro, Shemos 19:11, Parshas Bereishis, Bereishis 6:3, Parshas Vayishlach Bereishis 35:29.

6. Parshas Tiso, Shemos 31:18.

7. Parshas Shemos, Shemos 3:12.

8. The Hebrew word "you will serve – תַעֲבֹדוּךְ" is from the root "slave - עֶבֶד."

9. See footnote 4.

10. Parshas Yisro, Shemos 19:3-5.

11. See Rashi Ibid, ibid.:5.

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teaching us these Mitzvos. After telling us these Mitzvos in Parshas Mishpotim, the Torah goes on to the second aspect of Mattan Torah: the Bris, the covenant with Hashem, through which we became his servants.

Why does the Torah tell us the laws that Moshe learned from Hashem during his forty days on the mountain after receiving the Torah? This is because we found these two aspects during Moshe's sojourn on Mount Sinai.

As we said earlier, the Torah tells us¹², "When He had finished speaking with him on Mount Sinai, He gave Moshe the two tablets of the testimony, stone tablets, written with the finger of G-d." Rashi explains that this refers to the forty days Moshe spent on Har Sinai. During those forty days, Moshe learned "the statutes and the ordinances in Parshas Mishpotim." This was the first aspect of Mattan Torah mentioned above; learning the laws we received with the Torah. Then Hashem gave Moshe "the two tablets of the *testimony*." We also call these the tablets of the *covenant*. We did not study Torah from these tablets; they testified to Hashem's covenant.

A Deeper Lesson from Rashi

We discussed the two aspects of the giving of the Torah: 1.) Hashem commanded the Jews to keep His commandments, and 2.) the Jews' covenant with Hashem to keep His Mitzvos. Similarly, the Midrash tells us of two different aspects of Mattan Torah. Based on this Midrash, we can distinguish between Parshas Yisro and Parshas Mishpotim. The Midrash tells us that Hashem's giving us the Torah accomplished two things¹³. The first was that¹⁴ "Hashem descended upon Mount Sinai," meaning that G-dliness came down into this world. The second was that "to Moshe, He said, 'Come up to the Lord...,'" demonstrating man's ascent to G-dliness. Parshas Yisro discusses Mattan Torah, meaning Hashem came down and revealed Himself from Above. Parshas Mishpotim, where Moshe ascended to the mountain, addresses the Torah from the world's perspective.

The difference between the two is that the astounding revelation of Hashem in this world was temporary. This physical world cannot tolerate such a great Divine revelation. However, this world's ascent to G-dliness was permanent. It came about as a result of our hard work. Hence, it could become a lasting part of us.

Based on this, we can also explain why Parshas Terumah immediately follows our Parshah.

12. See footnote 6.

13. Shemos Rabbah, 12, 3 and Tanchumah, Vo'eiro 15.

14. Parshas Yisro, Shemos 19:20.

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Terumah begins with the building of the Tabernacle. Our servitude and devotion to Hashem at Mount Sinai resulted in a lasting Divine revelation. The same was true of our following Hashem's command¹⁵, "And you shall build me a Mishkan." The building of the Tabernacle caused the revelation of a Divine light that would permanently sanctify this Tabernacle. May we merit seeing the Third Bais Hamikdosh with the coming of Moshiach Tzidkainu now!

(Adapted from a talk given on Shabbos Parshas Mishpotim, 5743)

I hope you gained as much by reading this as I did by translating and adapting it.

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15. Parshas Terumah, Shemos 25:8.

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נדפס ע"י הוריהם

הרה"ת ר' מנחם מענדל וחי' מושקא שיחיו מאריס

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