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MISHPATIM I | משפטים א

LIKKUTEI SICHOS, VOLUME 26, P. 153FF.

Adapted from a *sichah* delivered on *Shabbos Parshas Mishpatim*, 5743 [1983]

Introduction

There are times when a *sichah* focuses on an obvious anomaly in the Torah's text, clarifying a question in the Torah's wording or a sequence that cries out for explanation. Other *sichos* communicate a thought-provoking Chassidic insight that provides a deeper understanding of a well-known subject. And there are times, like the *sichah* to follow, where both of these objectives are achieved in a single work.

The Torah begins describing the preparations for the Giving of the Torah in *Parshas Yisro* (*Shmos*, ch. 19). That Torah reading (*Shmos*, ch. 20) continues, relating the details of the revelation at Sinai and the Giving of the Ten Commandments (*Shmos* 20).

The next Torah reading, *Parshas Mishpatim*, commences with the enumeration of the Torah's civil laws. It goes on to describe briefly the observance of the festivals and to convey a promise of Divine assistance in the conquest of *Eretz Yisrael* (*Shmos*, ch. 21-23). Afterwards (*Shmos*, 24:1), the Torah seemingly returns to a description of the preparations for the Giving of the Torah.

And so the question arises: Why does the Torah depart from the chronological order when relating these passages?

In resolution, the Rebbe refers to a well-known *Midrash*:¹

To what can the matter be likened? To a king who made a decree: the inhabitants of Rome shall not descend to Syria, and the inhabitants of Syria will not ascend to Rome.

In a similar way, when G-d created the world, He decreed,² "The heavens are the heavens of G-d, and earth He has granted to man." When He desired to give the Torah, He nullified this initial decree, saying the lower realms will ascend to the higher realms, and the higher realms will descend to the lower realms.

Thus, the Giving of the Torah accomplished two objectives: a) the revelation of G-dliness from Above and b) the elevation of the lower realms.

The first theme began with the revelation of the Ten Commandments in *Parshas Yisro* and continued with the communication of the Torah's laws at the beginning of *Parshas Mishpatim*. This showed how the revelation from Above permeated the everyday elements of the Jews' worldly experience.

Afterwards, from the beginning of ch. 24 onward, the Torah begins to describe the second purpose of the Giving of the Torah, the elevation of the lower realms through the designation of the Jewish people as a holy nation. Therefore, it describes the covenant into which the Jews entered before the Giving of the Torah through their circumcision, their offering of sacrifices, and by making the commitment "We will do and we will listen."³

1. *Shmos Rabbah* 12:3.

2. *Tehillim* 115:16.

3. *Shmos* 24:7. The description of the

The Torah reading concludes by describing G-d’s command to Moshe to receive the Tablets on which were inscribed the Ten Commandments – “the Tablets of the *Covenant*.”⁴ This theme is continued in the subsequent Torah readings that describe the building of the Sanctuary as a dwelling place for G-d on earth, as it is written, “They shall make a Sanctuary for Me and I will dwell among them,”⁵ and more particularly, to establish a specific resting place for the Divine presence, the Ark, as it is written,⁶ “I will commune [with you there.]”

It is through the syntheses of these two objectives that the Jews fulfill the ultimate Divine purpose in Creation – the establishment of a dwelling for Him in this material realm.⁷

PARSHAH	CHAPTER AND VERSE	SUBJECT MATTER	DATE ACCORDING TO RASHI	DATE ACCORDING TO RAMBAN
Parshas Yisro	Chapters 19-20	The preparations for the Giving of the Torah, the revelation at Sinai, the commandments given in its aftermath, including commandments regarding the altar	Sivan 1 to Sivan 6 (or 7) ⁸	Sivan 1 to Sivan 6
Parshas Mishpatim	Chapters 21-23	Civil laws, the promise of <i>Eretz Yisrael</i>	Sivan 7 to Tammuz 17	Sivan 6
	Ch. 24:1-11	The establishment of a covenant between the Jews and G-d ⁹	Sivan 4-5	Sivan 6-7
	Ch. 24:11-18	Moshe’s ascent to Mt. Sinai to receive the Tablets	Sivan 7 ¹⁰	Sivan 7

chronology in this introduction follows *Rashi’s* understanding of these passage. The *sichah* contrasts that understanding with that of *Ramban*. For an overview of these two perspectives, see the chart below.

4. *Devarim* 9:11.

5. *Shmos* 25:8.

6. *Ibid.* 25:22.

7. *Tanya*, ch. 36.4. *Devarim* 9:11.

5. *Shmos* 25:8.

6. *Ibid.* 25:22.

7. *Tanya*, ch. 36.

8. There is a difference of opinion among our Sages whether the Torah was given on Sivan 6 or 7. See *Shabbos* 87a, *Rashi* (*Shmos* 19:15).

9. According to *Rashi*, this covenant was established in preparation for the Giving of the Torah.

According to *Ramban*, this covenant was established after the Giving of the Torah.

10. See *Rashi*, *Shmos* 24:16, which states that there is a difference of opinion regarding the chronology of the verses 16-18.

Two Stories of Sinai

A Question of Chronology

1. At the conclusion of this week's Torah reading – after the passage containing many laws governing civil matters² and the passage relating that G-d told Moshe, “Behold, I am sending an angel...”² – the Torah retells the story of the revelation at Mount Sinai, beginning,³ “And to Moshe, He said, ‘Ascend to G-d....’”

Commenting on the words, “And to Moshe, He said, ‘Ascend...,’” *Rashi* explains that: “This passage was related before the Ten Commandments were given. On the fourth of Sivan, G-d told Moshe, ‘Ascend...,’” i.e., this passage is not related in chronological order.

Many of the commentators⁴ who interpret the Torah according to its straightforward meaning understand the sequence otherwise, maintaining that the passages are related in chronological order. According to these commentators, this passage was related after the Giving of the Torah and describes Moshe's ascent to G-d after the Giving of the Torah, when he stayed

א. בסיום הסדרה - נאך דעם ווי די תורה פארענדיקט “פּרשת דינין” (און די פּרשה “הנה אנכי שולח מלאך גו”²) - דערצײלט די תורה: “וְאֶל מֹשֶׁה אָמַר עֲלֵה אֵל ה' גו”³.”

שְׁטעלט זיך רש"י אויף די ווערטער “וְאֶל מֹשֶׁה אָמַר עֲלֵה” און איז מפרש: “פּרשה זו נאמרה קודם עשרת הדברות ובד' בסיון נאמרה לו עלה”. דאס הייסט אז די פּרשה שטייט דא שלא במקומה.

דער הכרח אין פשוטו של מקרא צו זאגן אז “פּרשה זו נאמרה קודם עשרת הדברות” - און ניט (ווי עס לערנען פמה וכמה פשוטי המקרא) אז די פּרשה איז געזאגט געווארן (במקומה) נאך מתן תורה און זי

1. *Rashi*, *Shmos* 21:1.

2. *Shmos* 23:20ff. This passage does not appear to be part of the opening passage that describes the Torah's laws, but a separate matter coming primarily to describe in a general manner G-d's promises to the Jewish people and His warnings of the consequences if they do not conduct themselves according to His will. See *Rashi* (*Shmos* 23:20), who comments at the beginning of that passage, “Here, they were apprised...” See footnote 62 below.

Ramban (*Shmos* 24:1), however, understands this passage as continu-

ing and concluding the instruction regarding the *mitzvos* related previously: “G-d began by reiterating the warning against worshipping false deities *Shmos* 20:20.... He then commanded Moshe, ‘And these are the judgments...,’ and then concluded by warning against the worship of false deities that would be found in *Eretz Yisrael* and their adherents.”

3. *Shmos* 24:1.

4. Ibn Ezra, *Shmos* 24:1 (and also *Shmos* 20:21), *Rashbam*, *Ramban*, *Abarbanel*, *Or HaChayim* (who states that this is the implication of the verses), *et al.*, on *Shmos* 24:1.

Similarly, the beginning of the *maamar* entitled *Vayeired Havayah*, 5643, states that *Targum Yonason* implies* that this passage was related after the Giving of the Torah.

* This is the wording in the published texts of that *maamar* and also in the Rebbe RaShab's manuscript. Some analysis is required, since it is not merely implied by *Targum Yonason*. Rather that text explicitly states in that Moshe was told to ascend to G-d on the seventh of Sivan. According to that source (see *Targum Yonason*, *Shmos* 19:16), the Torah was given on the sixth of Sivan.

on Mount Sinai for 40 days and nights. Nevertheless, some of the commentaries explain that, according to the straightforward understanding of the Torah,⁵ *Rashi* and others⁶ were compelled to posit that “This passage was related before the Ten Commandments were given,”⁷ because:

a) The wording of the verse, “And to Moshe, He said, ‘Ascend to G-d...’” rather than “G-d told Moshe, ‘Ascend...’” as is common in many other places, implies that it is not describing the beginning of a new event, but was “related before the passages immediately preceding it,” i.e., it was the continuation of a story begun beforehand.⁸

b) The passage’s content – the description of the covenant into which our ancestors entered with G-d⁹ – is a matter that logic dictates was accomplished before receiving the Torah and in preparation for it.¹⁰

5. *Rashi’s* commentary is sourced in the *Mechilta* (*Shmos* 19:11; see *Rashi’s* commentary there). There are also several passages in the Talmud and *Midrashim* (see *Torah Shleimah* to *Shmos* 24:1 and supplements there, section 27; see the sources cited there) that indicate that this passage was related before the Giving of the Torah. The discussion in the main text above focuses on showing that this is the simple, straightforward meaning of Scripture, for the intent of *Rashi’s* commentary is to present such an understanding.

6. Note that *Chizkuni* interprets the passage as *Rashi* does. *Rabbeinu Bachya* also writes that, according to the straightforward meaning of the Torah, the passage describes events that preceded the Giving of the Torah.

7. *Rabbi Eliyahu Mizrahi*, *Devek Tov*, and others only explain why it is necessary to say that the passage was related on the fourth of Sivan (and not on the third or fifth). However, they do not explain the necessity for *Rashi* to explain that the passage “was related before the

Ten Commandments.”

8. *Rabbi Ovadiah of Bartenura*. See also *Ramban*, who differs with *Rashi* and feels the need to explain, “The reason the verse states, ‘And to Moshe, He said...’”

9. *Rashi*, *Shmos* 24:6.

10. *Baer Yitzchak*. See also *Abarbanel* to *Shmos* 24:1 (the eighth question) who asks: “What need was there for this ascent...? They did not receive any prophecy there at all. Perhaps *Rashi* writes that this passage was related before the Giving of the Torah for this reason.” See the commentary of *Sifsei Kohen* to *Shmos* 24:3.

Baer Yitzchak also raises the following questions according to the opinion that the judgments were conveyed after the Giving of the Torah:

Why did Moshe have to ascend Mount Sinai twice after the Giving of the Torah? And what is the difference between the several judgments that the Holy One, blessed be He, commanded him to convey immediately to the Jews after descending the first time and those that he did

רעדט וועגן עליית משה אל ה' נאך מתן תורה - איז, ווי מפרשים זאגן:

(א) פון לשון הכתוב - “ואל משה אמר עלה אל ה'”, ניט “ויאמר ה' אל משה כמנהג הכתוב בשאר המקומות” - איז משמע, אז “אמר כבר קודם אלו הפרשיות דלעיל”.

(ב) פון תוכן הפרשה - דער ענין פון “נכנסו אבותינו לברית”, וואס ווערט דערציילט אין דער פרשה, איז א זאך וואס דער שכל איז מחייב אז מען האט עס געטאן איידער מען האט באקומען די תורה אלס הכנה דערצו.

not convey until after his second ascent to Mount Sinai?

Nevertheless, there are difficulties with *Baer Yitzchak’s* arguments:

a) His question, “Why did Moshe have to ascend Mount Sinai twice...?” is appropriate only according to his interpretation that the command, “And to Moshe, He said, ‘Ascend...’” was given before the laws in *Parshas Mishpatim* were conveyed. (According to his understanding, it is for that reason Moshe was commanded to ascend – to receive the commandments conveyed in *Parshas Mishpatim*.)

Ramban, however, specifically states that the verses “And to Moshe, He said, ‘Ascend...’ Moshe approached...” refer to Moshe’s ascent described in verses 24:9-12. (This is also the understanding of the other commentaries mentioned in footnote 4.) This commandment was given to Moshe while he was on Mount Sinai on the day of the Giving of the Torah, after he heard all the commandments given at the end of *Parshas Yisro* and the first

Nevertheless, clarification is still required: Although here and in a number of places *Rashi*¹¹ states the general principle, “There is no sequence of earlier and later events in the Torah,” nevertheless, it is self-evident that this principle is applied only when there is no other alternative, and that there must be a reason for the deviation from the chronological order.¹² For example, after explaining in his commentary on the verse,¹³ “And Terach died in Charan...,” that Terach died after Avram left Charan,¹⁴ *Rashi* asks:¹⁵ “Why did Scripture tell of Terach’s death before speaking of Avram’s departure?”

Explanation is similarly necessary regarding the matter at hand: Why is the passage, “And to Moshe, He said, ‘Ascend...’” – which was actually related on the fourth of Sivan before the giving of the Ten Commandments –

עס איז אַבער שׁווער: אַף על פּי אַז רש"י ברענגט (ובכמה מקומות) דעם קל"א או "אין מוקדם ומאוחר בתורה", איז אַבער פאַרשטאַנדיק, אַז מען זאָגט דאס נאַר - וואו ס'איז ניטא קיין ברירה, און אז עס דאַרף זיין עפּעס א טעם אויף דעם שינוי הסדר.¹² און ווי מען געפינט אין פירוש רש"י וילדוגמא אויפן פסוק "וימת תרח בחרן", אז נאך דעם ווי רש"י איז מבאר אז מיתת תרח איז געווען "לאחר שיצא אברהם מחרן וכו'", איז ער ממשיך ומקשה¹³ - "ולמה הקדים הכתוב מיתתו של תרח ליציאתו של אברהם כו".

דאַרף מען פאַרשטיין בנדון דיין: פאַרוואס זאל די פּרשָה "ואל משה אמר עלה" - וואס איז געזאָגט געוואָרן "קודם עשרת הדברות ובד' בסיון" - שטיין שלא

portion of *Parshas Mishpatim*. At that time, G-d told him that after he descends and conveys all these commandments to the Jews, he should “ascend to G-d” again.

b) *Baer Yitzchak*’s second question, “And what is the difference between the several judgments” (i.e., the commandments mentioned in *Parshas Mishpatim*) “and those that he did not convey until after his second ascent to Mount Sinai,” applies even according to *Rashi*. (*Rashi* maintains that the passage beginning, “And to Moshe, He said, ‘Ascend...’” was stated before the Ten Commandments,) for *Rashi* explicitly states (*Shmos* 31:18; see footnote 29, below) that during the first 40 days that Moshe abided on Sinai, G-d studied with him only “the statutes and judgments in the *parshah* that begins *VeEleh HaMishpatim*.”* Therefore, it must be said that there is a difference between these judgments and others. See *Rashi* and the supercommentaries to *Rashi*, *Shmos* 21:1.

* This does not contradict *Rashi*’s

statement (*Vayikra* 25:1) that “Both the general concepts and the details... of all the *mitzvos*... were related at Sinai,” for *Rashi*’s intent there is not that they were conveyed to Moshe during the 40 days he stayed on Mount Sinai, but rather they were conveyed to him in the Tent of Communion (i.e., the Sanctuary) in the Sinai Desert. (*Rashi* is, as reflected in his later statements in that source, negating the supposition that these *mitzvos* were conveyed to Moshe in the plains of Moab, in the fortieth year of the Jews’ journey in the desert, as explained in another source (*Likkutei Sichos*, Vol. 17, p. 280ff.).

By contrast, in his commentary to *Shmos* 21:1, in the phrase, “Just as the first commandments, i.e., the Ten Commandments, were given at Sinai, also these i.e., the laws stated in *Parshas Mishpatim* were given at Sinai,” Sinai refers to Mount Sinai, where, “the first commandments, i.e., the Ten Commandments were given. See the supercommentaries to *Rashi*, *loc. cit.* This is not the place for further discussion of the matter.

11. Regarding the matter at hand, see *Rashi*, *Shmos* 19:11. *Rashi* also mentions this principle in several other places, e.g., *Bereishis* 6:3, 35:29 *et al.*

12. See *Likkutei Sichos*, Vol. 23, pp. 64-65, and the sources mentioned there; *Sichas Shabbos Parshas Bo*, 5743 *Toras Menachem* 5743, Vol. 2, p. 867ff., *et al.*

13. *Bereishis* 11:32.

14. Some clarification is necessary because, in *Rashi*’s commentary to that verse (and in several other places), *Rashi* does not quote the principle, “There is no sequence of earlier and later events in the Torah,” although he is explaining that the verses do not follow chronological order.

15. *Rashi* asks this rhetorical question even though doing so involves adding the word, “why,” instead of, as he does in several other places, using more concise wording, e.g., “Scripture tells of... before.” (By doing so, he highlights that the change of chronological order is a matter which raises a question and requires explanation.)

mentioned out of chronological sequence, only at the end of *Parshas Mishpatim*?¹⁶

In particular, the question is germane here, because according to this explanation the sequence of the story of the Giving of the Torah and the preparations for it is very problematic.¹⁷ *Parshas Yisro* describes the preparations for the Giving of the Torah carried out on “the second day”¹⁸ (the second of Sivan), “the third day,”¹⁹ and some of those of “the fourth of the month,”²⁰ including G-d’s command to refrain from intimacy and set borders around Mount Sinai,²¹ as it is written,²² “He sanctified the people... and he told the people, ‘Be prepared... do not approach a woman.’” *Parshas Yisro* then describes the Giving of the Torah on the sixth (or seventh)²³ of the month and concludes with G-d’s statements to Moshe delivered afterwards.²⁴

After including several chapters that focus on the Torah’s civil laws and other subjects, at the end of *Parshas Mishpatim* the Torah backtracks and, according to *Rashi*,²⁵ refers to the events of the fourth of Sivan – that Moshe told the Jews the command to refrain from intimacy, set borders around Mount Sinai,²⁵ and “all the laws,” i.e., the Seven Universal Laws Commanded to Noach and his Descendants, the laws of *Shabbos*, and other commandments given to them at *Marah*²⁵ – and it also refers to the events of the fifth²⁶ of Sivan.

במקומה, ערשט בסוף פרשת משפטים?¹⁶

ובפרט, אז לויט דעם קומט אויס אז דער המשיך הסיפור וועגן מתן תורה והכנות לזה איז לכאורה באופן תמוה מאד:

אין פרשת יתרו ווערט דערציילט וועגן די הכנות צו מתן תורה פון “יום השני”¹⁸ (ב' סיון), פון “יום שלישי”¹⁹, און א טייל פון “רביעי לחודש”²⁰ (כולל - דער ציווי ה' אויף “פרישה והגבלה”²¹: ויקדש את העם גו' ויאמר אל העם היו נכונים גו' אל תגשו גו”²²), און דערנאך - וועגן מתן תורה ביום ששה (או שביעי)²³ בחודש; און וועגן אמירת ה' צו משה'ן נאכדעם²⁴.

און אין סוף פרשת משפטים קערט זיך אום די תורה צוריק צו מאורעות פון ד' סיון [אז משה האט דערציילט אידן “מצות פרישה והגבלה”²⁵, און “את כל המשפטים - ז' מצות כו' ושבת כו' שניתנו להם במרה”²⁶] און צו חמשה¹⁶ בסיון!?

Understanding the Interruptions

2. There is another point regarding the order of

ב. נאך א תמיהה אין סדר

16. Although *Gur Aryeh* and, similarly, *Alshich* offer explanations for the deviation, in all humility, it must be said that those explanations do not reflect the simple meaning of the Torah at all.

17. See *Abarbanel, loc. cit.*, who states that the straightforward meaning of the verses and their sequence does not at all fit *Rashi*'s interpretation. Similarly, *Ramban*

says, “According to this interpretation, the passages do not flow in sequence, nor do they follow their simple implication.”

18. This is the wording used by *Rashi, Shmos 19:3*.

19. *Ibid.* 19:8.

20. *Ibid.* 19:9.

21. See *Rashi, Shmos 24:3*.

22. *Shmos 19:14-15*.

23. See *Rashi, Shmos 19:15*, which mentions the two opinions that exist among the Sages regarding the day on which the Ten Commandments were given.

24. *Shmos 20:19ff*.

25. *Rashi, Shmos 24:3*. See also sec. 2, below.

26. *Rashi, Shmos 19:1, 24:4*.

the passages that raises a question according to *Rashi's* interpretation. The other commentators (mentioned above) maintain that the passage beginning “And to Moshe, He said, ‘Ascend...’” was related after the Giving of the Torah, and they interpret the verse,²⁷ “Moshe came and related to the people all the words of G-d and all the judgments,” as referring to the judgments and laws related in this Torah reading, *Parshas Mishpatim*. They were conveyed to Moshe on the day of the Giving of the Torah,²⁸ and Moshe related them to the Jews immediately thereafter.

Rashi,²⁹ by contrast, maintains that “the statutes and judgments in the Torah reading that begins *VeEleh HaMishpatim*” were related to Moshe later, during the first 40 days he stayed on Mount Sinai. According to *Rashi's* interpretation, the Torah interrupts between the two narratives describing the preparations for the Giving of the Torah undertaken until the fifth of Sivan, inserting not only the description of the preparations for the Giving of the Torah on the sixth of Sivan and the Giving of the Torah itself, but also many different matters that G-d conveyed to Moshe during the following 40 days.³⁰

Furthermore, after relating all the laws and judgments detailed in *Parshas Mishpatim* and

הַפְּרָשִׁיּוֹת לְוִיט פִּירוּשׁ רַשִׁי:

דִּי פִּשְׁטָנִים הִנֵּן לְ (וְעֵלְכֶע לְעֹרְנֵעַן אֲזֵי דִּי פִּרְשָׁה אִיז גְּעֹזְאָגֵט גְּעוֹוְאָרְן נֶאָךְ מִתֵּן תּוֹרָה) זָאָגֵן, אֲזֵי דָאָס וָוֵאָס עֵס שְׁטִיט וּוְיִטְעֵרִי “וַיָּבֵא מֹשֶׁה וְיִסְפֵּר לְעַם אֶת כָּל דְּבָרֵי ה' וְאֵת כָּל הַמִּשְׁפָּטִים” בְּאַצִּיט זִיךְ צוֹ דִּי מִשְׁפָּטִים וְדִינִים פֿון דְּעֵר סִדְרָה (פֿרִשְׁת מִשְׁפָּטִים), וְעֵלְכֶע זִינֵעַן אָנְגֶעזְאָגֵט גְּעוֹוְאָרְן צוֹ מִשְׁה'ן “בּוֹ בִּיּוֹם” פֿון מִתֵּן תּוֹרָה²⁸ (און מִשְׁהָה האַט זִי גְּלִיךְ דְּעֵרְנֶאךְ אִיבְעֵרְגֶעגֶעבֵן צוֹ אִידִן).

אַבְעֵר רַשִׁי בְּפִירוּשׁוֹ עַל הַתּוֹרָה אִיז מְפִרְשֵׁט, אֲזֵי “הַחֻקִּים וְהַמִּשְׁפָּטִים שֶׁבּוֹאֵלָה הַמִּשְׁפָּטִים” זִינֵעַן גְּעֹזְאָגֵט גְּעוֹוְאָרְן צוֹ מִשְׁה'ן אִין דִּי אַרְבַּעִים יוֹם (הֶרְאִשׁוֹנִים) וְעַן עֵר אִיז גְּעוֹוְעַן בְּהֵר -

וּלְפִי פִירוּשׁוֹ זֶה קוֹמֵט אִוִּים, אֲזֵי צְוִיִּשׁן דִּי צְוִיִּי סִיפּוֹרִים (וְעֵגֵן דִּי הַכְּנוֹת בִּיז חֻמְשָׁה בְּסִינֵן) צוֹ מִתֵּן תּוֹרָה אִיז דִּי תּוֹרָה מְפָסִיק גִּיט נֶאָךְ מִיט דִּי הַכְּנוֹת צוֹ מִתֵּן תּוֹרָה פֿון שְׁשָׁה בְּסִינֵן וּמִתֵּן תּוֹרָה, נֶאָךְ אִוִּיךְ מִיט פִּילְעַ עֵנִינִים וָוֵאָס דְּעֵר אִוִּיבְעֵרְשִׁטְעֵר האַט גְּעֹזְאָגֵט מִשְׁה'ן בְּמִשְׁךְ אַרְבַּעִים יוֹם שְׁלֹאֲחֵרִי זֶה!

נֶאָךְ מְעֵר: נֶאָךְ דִּי אֵלְע דִּינִים וּמִשְׁפָּטִים (פֿון פֿרִשְׁת מִשְׁפָּטִים) און נֶאָךְ דְּעֵר

27. *Shmos* 24:3.

28. See *Ramban*, *Shmos* 24:1, “The term, ‘related’ is appropriate only when speaking about something new,” i.e., new laws that the people had not heard before, in contrast to *Rashi* who interprets it as referring to matters that had already been made known to them. See the super-commentaries to *Rashi*, *Shmos* 24:3.

29. *Rashi*, *Shmos* 31:18.

Rav Elyahu Mizrachi, *Shmos* 21:1 (see also *Levush HaOrah* to that verse), explains that, according to *Rashi*, the laws mentioned at the be-

ginning of *Parshas Mishpatim* were conveyed to Moshe on the day the Torah was given, before he ascended to the mountain for 40 days. *Rashi's* statement in *Shmos* 31:18 follows the opinion of Rabbi Yehudah (see *Mechilta*, *Shmos* 21:1) and does not accord with the opinion that the judgments were given at Sinai.

(Consult Rabbi Elyahu Mizrachi's commentary to both verses. Rabbi Elyahu Mizrachi thus maintains that *Rashi* cites two contradictory opinions when interpreting these verses.

In addition to the questions raised

by *Gur Aryeh* and others regarding his thesis, there is a more basic question. As explained on many occasions, *Rashi* intended to present the simple, straightforward meaning of the Torah's verses in his commentary. How, then, can the simple, straightforward meaning of one verse contradict that of another? See also the gloss of *Maskil LeDavid* on *Shmos* 21:1.

30. Moreover, according to *Rashi's* commentary in *Parshas Yisro* (*Shmos* 18:13), Moshe did not convey these matters to the Jewish people until after Yom Kippur.

after the passage beginning,³¹ “And to Moshe, He said, ‘Ascend to G-d...,’” the Torah states at the end of the reading,³¹ “And G-d said to Moshe, ‘Ascend the mountain to Me and abide there, and I will give you the stone tablets.... Moshe arose... and ascended... the mountain. Moshe stayed on the mountain for 40 days and 40 nights.” As *Rashi*³² states, this also took place directly after the Giving of the Torah.

Thus, according to *Rashi*, even the events that took place after the Giving of the Torah, i.e., Moshe’s ascent of Mount Sinai after the Giving of the Torah and his forty-day stay there are not presented in their chronological order. Instead, the narrative is interrupted with the recounting of a prior event. First, the Torah relates the statutes and laws that G-d conveyed to Moshe during the 40 days he was on the mountain.³³ Then, it makes an interruption and includes the passage that begins, “And to Moshe, He said, ‘Ascend...,’” which describes the preparations for the Giving of the Torah. Afterwards, the Torah continues with the command, “Ascend the mountain to Me” to receive the Tablets, and concludes by relating that Moshe carried out this command.

What Sinai Accomplished

3. It is possible to explain all these difficulties based on the following conception. The Giving of the Torah accomplished two transformative objectives:

- a) G-d gave the Torah – its *mitzvos* and laws – to the Jewish people.
- b) The Jewish people’s identity underwent a metamorphosis; as a result, they became servants

פְּרָשָׁה “וְאֵל מֹשֶׁה אָמַר עֲלֵה אֵלַי ה'” וְעַתָּה בְּסִיּוּם הַסְּדֵרָה דְּעֲרַצְיִילֵט³¹ “וַיֹּאמֶר ה' אֵל מֹשֶׁה עֲלֵה אֵלַי הַהָרָה וְהָיִה שְׁמִי וְאֶתְנֶה לְךָ אֶת לוחֹת הָאֲבָן גו' . . וַיִּקַּם מֹשֶׁה . . וַיַּעַל . . אֶל הַהָר וַיְהִי מִשָּׁה בַּהָר אַרְבָּעִים יוֹם וְאַרְבָּעִים לַיְלָה. וְזֶה דָאס אִיז שׁוֹיִן וְיִדְעַר גְּעוּוֹעֵן (ווי רש"י³² זאגט) תִּיכַף “לְאַחַר מִתֵּן תּוֹרָה.”

- קומט אויס (לויט פֿירוש רש"י), אַז אויך דער הַמִּשְׁךְ הַעֲנִינִים פֿון דעם זמן - עֲלִיית מֹשֶׁה לְהָר נֶאֱדָר מִתֵּן תּוֹרָה (און זײַן זײַן דָּארט אַרְבָּעִים יוֹם) וְעַתָּה אִין דְּעַר תּוֹרָה אִיבְעֶרְשֶׁטֶר מִיט אַן עֲגִין פֿון א זמן מוֹקֵדִים: פֿרִיעַר דְּעֲרַצְיִילֵט דִּי תּוֹרָה וְעִגֵּן דִּי חוֹקִים וּמִשְׁפָּטִים וְזֶה דְּעַר אוֹיבְעֶרְשֶׁטֶר הָאֵס גְּעוּזָאָט מִשָּׁה'ן אִין דִּי אַרְבָּעִים יוֹם בְּהָר³³, און דְּעֲרַנָּאָךְ (נֶאֱכָן מִפְּסִיק זײַן מִיט דְּעַר פֿרָשָׁה - פֿון פֿאַר מִתֵּן תּוֹרָה - “וְאֵל מֹשֶׁה אָמַר עֲלֵה”) - דעם ציווי “עֲלֵה אֵלַי הַהָרָה” צו באַקוּמֵן דִּי לוחֹת, און ווי מֹשֶׁה הָאֵס מְקַיֵּם גְּעוּוֹעֵן דעם ציווי.

ג. וַיֵּשׁ לומר הַבִּיאור בְּזֶה:

בִּי מִתֵּן תּוֹרָה הָאֲבָן זִיךְ אוֹיבְעֶטָאן צוֹוִי עֲנִינִים: (א) דְּעַר אוֹיבְעֶרְשֶׁטֶר הָאֵס גְּעִגְעֵבֵן תּוֹרָה - דִּי מְצוּוֹת וְהִלְכוֹת הַתּוֹרָה - צו אִידֵן. (ב) אִידֵן זײַנען דורך דעם גְּעוּזָאָרֵן עַבְדֵי ה', וְכִמוֹ שֶׁנֶּאֱמַר³³ “תַּעֲבֹדוּן

31. *Shmos* 24:12-13, 18.

32. *Rashi, Shmos* 24:12. Note Rabbeinu Bachya, *Shmos*, *op. cit.*, who posits that this passage was also related before the Giving of the Torah.

33. By contrast, according to *Ramban* and the commentaries mentioned in footnote 4, this portion of the Torah reading also follows in chronological order, because he maintains that the

passage beginning, “There are the judgments,” was conveyed to Moshe before he ascended the mountain to receive the Tablets, as explained in the main text.

of G-d, as implied by the verse,³⁴ “You will serve G-d on this mountain.” To use *Rashi’s* words,³⁵ through the Giving of the Torah, the Jews became G-d’s subjects.

G-d highlighted both these objectives immediately in His first words to Moshe in the Sinai Desert on the second of Sivan,³⁶ in preparation for the Giving of the Torah,³⁷ “So shall you say to the house of Yaakov... ‘You saw... and now, if you heed My voice and keep My covenant, you shall be a treasure to Me.’” This verse underscores that two things were asked of the Jewish people: a) “heed My voice,” i.e., to carry out G-d’s commands, and b) “and keep My covenant,” interpreted by *Rashi*³⁸ to mean the covenant that “I will establish with you regarding the observance of the Torah.” The Jews’ obligation to observe the *mitzvos* was instituted as a covenant, binding the Jews to G-d and making them His subjects.

This constitutes the difference between the two Torah readings – *Parshas Yisro* and *Parshas Mishpatim* – that describe the preparations for the Giving of the Torah.

Parshas Yisro describes primarily³⁹ the Giving of the Torah’s *mitzvos*, in particular, the Ten Commandments. (Similarly, “the passage concerning the altar”⁴⁰ that follows the Ten Commandments flows in direct sequence from the Giving of the Torah, as the verse relates,⁴¹ “You have seen that I have spoken.... Do not make images.... Make an altar of earth....”) Because of that focus, the narrative in *Parshas Yisro* that describes the Jews’ preparations for the Giving of the Torah

אֶת הָאֱלֹקִים עַל הַהָר הַזֶּה, וּבְלִשׁוֹן רַשִׁי״ה אִזּוֹ אֵינֶן זִיָּעֵנָה גְּעוּוֹאֲרָן מְשׁוּעֲבָדִים לִי.”

און די בייִדע פֿרטים האט דער אויבערשטער מדגיש געווען גלייך אין דעם ערשטן דבור צו משה׳ן ״בְּמִדְבַּר סִינַי״ (בְּשֵׁנִי בְּסִינַי) - ״כֹּה־לִי תֹאמַר גּוֹ׳. אַתֶּם רְאִיתֶם גּוֹ׳ וְעַתָּה אִם שָׁמוֹעַ תִּשְׁמְעוּ בְּקוֹלִי וּשְׁמַרְתֶּם אֶת בְּרִיתִי וְהִייתֶם לִי סִגּוּלָה גּוֹ׳״; אַז פֿון אֵינֶן מֵאַנְט זיך: (א) ״שָׁמוֹעַ תִּשְׁמְעוּ בְּקוֹלִי - אויספאלגן די ציוויי ה׳. (ב) ״וּשְׁמַרְתֶּם אֶת בְּרִיתִי (שְׁאֲכָרוֹת עִמָּכֶם עַל שְׁמִירַת הַתּוֹרָה״) - אַז דָּאס איז אֵינֶן אַן אױפֿן פֿון בְּרִית. אֵינֶן הָאָבֶן זיך געבונדן מיטן אויבערשטן, ״מְשׁוּעֲבָדִים לִי״.

און דאס איז דער תוכן החילוק צווישן די ציוויי פֿרשיות (וועגן די הַכְּנוּת לַמִּתֵּן תּוֹרָה) - פֿרֶשֶׁת יִתְרוֹ און פֿרֶשֶׁתֵּנוּ:

אין פֿרֶשֶׁת יִתְרוֹ רַעֲדַת זֵיךְ (בְּעִיקְרָהּ) וועגן נְתִינֹת (מִצּוֹת) הַתּוֹרָה - עֲשֵׂרֶת הַדְּבָרוֹת, [עַל דֶּרֶךְ זֶה ״פֿרֶשֶׁת מְזֻבַּח״⁴² - וואס איז אַ הַמִּשְׁבֵּחַ יֵשֶׁר צו מִתֵּן תּוֹרָה, ווי דער פֿסוק זאגט״ ״אַתֶּם רְאִיתֶם גּוֹ׳ לֹא תַעֲשׂוּן אֹתִי גּוֹ׳ מְזֻבַּח אֲדָמָה תַעֲשֶׂה גּוֹ׳״]. און דערביבער, אויך אין דעם סיפור הַהַכְּנוּת צו מִתֵּן תּוֹרָה

34. *Shmos* 3:12.

35. *Rashi*, *Shmos* 20:2. See *Vayikra* 25:42, which states that the Jews are “My servants.” See *Rashi’s* commentary to that verse. A similar statement is made in *ibid.* 25:55, see *Rashi’s* commentary there. The latter verse is cited by *Rashi* in his commentary to this week’s Torah reading (*Shmos* 21:6), which speaks of the piercing of a Jewish servant’s

ear, as *Rashi* states, “The ear that heard at Mount Sinai, ‘For the children of Israel are servants to Me.’”

36. See *Rashi*, *Shmos* 19:3.

37. *Shmos* 19:3-5.

38. *Rashi*, *Shmos* 19:5.

39. As mentioned before, on the second of Sivan, G-d stated both objectives to be achieved by the

Giving of the Torah. That statement, included in *Parshas Yisro*, served as a preparation for the Giving of the Torah as a whole, including both these aspects. Aside from that verse, *Parshas Yisro* is associated principally with the first objective.

40. This is *Rashi’s* wording, *Shmos* 21:1.

41. *Shmos* 20:19-21.

speaks primarily about the commandments G-d gave the Jews in preparation for that event – the commandments to refrain from intimacy and to set borders around Mount Sinai. The passage therefore emphasizes that G-d had instructed Moshe regarding these commandments and, when Moshe conveyed them to the Jews, he underscored that these commandments were given to prepare for the revelation from Above.

By contrast, *Parshas Mishpatim* highlights the second dimension of the Giving of the Torah, the covenant established between G-d and the Jews through which they became His subjects. That covenant was established through the specific activities mentioned in this passage:⁴² the Jews' acceptance of the Torah, making the commitment,⁴³ "All the words that G-d has spoken we will do" and "We will do and we will listen,"⁴⁴ the composition of the Book of the Covenant,⁴⁵ building the altar, bringing sacrifices, and sprinkling the blood on the Jewish people.⁴⁶ The commandments to refrain from intimacy and set borders around Mount Sinai are again alluded to here⁴⁷ only because of a new dimension that is highlighted⁴⁸ – that the Jews made the commitment, "We will do," accepting G-d's command and expressing their willingness and obligation to carry out His word, redefining their identity by becoming G-d's servants.

רעדט זיך (בעיקר) וועגן די מצוות וועלכע דער אויבערשטער האט געגעבן אידן אלס הכנה צו מתן תורה - מצוות פרישה והגבלה [און דערפאר איז דערביי מודגש ווי דער אויבערשטער האט אנגעזאגט משה'ן אויף די מצוות, ועל דרך זה ווי משה האט זיי איבערגעגעבן צו די אידן].

מה שאין כן אין פרשת משפטים רעדט זיך וועגן דעם צווייטן ענין אין מתן תורה - דער כריתת ברית צווישן דעם אויבערשטן מיט די אידן, דורך וועלכן אידן זיינען געווארן "משועבדים לי". וואס דאס איז געווארן דורך די פֿרטים (פעולות) וואס ווערן דערצייילט דא⁴²: אַמירת נַעֲשֶׂה⁴³ (און נַעֲשֶׂה וְנִשְׁמָע) - די קבלה פון אידן, כתיבת ספר הברית, בנין מזבח און הקרבת קרבנות, הַזָּאת דָּמַי⁴⁴. [און אויך די "מצוות פרישה והגבלה" וואס ווערט דא איבערגענוממען, איז בשביל דבר שנתחדש בה⁴⁵, דער פֿרט פון אַמירת נַעֲשֶׂה" - די קבלה פון אידן, אז זיי זיינען מוכן ומשועבד צו אַננעמען אויף זיך "דברי ה'"].

Outlining the Sequence

4. On this basis, it is possible to resolve the questions regarding the sequence of the passages and events related in these Torah readings quite straightforwardly. First, in *Parshas Yisro* and the first portion of *Parshas Mishpatim*, the Torah details the particulars relevant to the first theme of the Giving

ד. דערמיט איז פֿארענטפֿערט בַּפְּשׁוּטוֹת דער המשך סדר הפרשיות והענינים אין די סדרות:

פֿריער שטייט אין תורה דאס וואס איז שייך צום ערשטן ענין

42. *Ibid.* 24:3ff.

43. *Ibid.*

Parshas Yisro (*Shmos* 19:8) records the Jews making a similar commitment. As reflected by footnote 39, that commitment was made on the second of Sivan because, as

mentioned, at the outset, the Torah highlights both of the themes associated with the Giving of the Torah.

44. *Shmos* 24:7.

45. *Rashi, Shmos* 24:7, interprets this as referring to the Torah from its beginning until the passage describ-

ing the Giving of the Torah, and the *mitzvos* given at Marah.

46. See *Rashi, Shmos* 24:6, 8.

47. See *Rashi, Shmos* 24:3.

48. Cf. *Rashi, Shmos* 13:5, *et al.*

of the Torah in their entirety – conveying the Torah’s *mitzvos* and laws. Thus, it describes the commands that served as preparation for the Giving of the Torah (refraining from intimacy and setting the borders around Mount Sinai), the Giving of the Torah (the Ten Commandments), the passage concerning the altar, which follows directly after the Giving of the Torah, as mentioned above, and the passage beginning *VeEleh HaMishpatim*, “And these are the judgments,” which mentions the laws that G-d taught Moshe during the 40 days he stayed on Mount Sinai.⁴⁹

After the Torah concludes setting forth the first theme of the Giving of the Torah, it begins detailing the events and activities associated with the second theme of the Giving of the Torah,⁵⁰ the establishment of the covenant.

This also explains why the Torah divides the narrative of Moshe ascending Mount Sinai after the Giving of the Torah at the end of *Parshas Mishpatim* into two parts, as discussed above.⁵¹ The reason is that the 40-day period when Moshe abided on Mount Sinai also had two themes:

- a) G-d taught Moshe “the statutes and judgments included in this Torah reading which begins with *VeEleh HaMishpatim*,” as mentioned above.
- b) “I will give you the Tablets of Stone”⁵² on which the Ten Commandments were engraved. The purpose of giving the Tablets was obviously

אין מתן תורה ובשלימות - נתנית מצוות ודיני התורה: די מצוות אלס הקנה צו מתן תורה (מצוות פרישה והגבלה); מתן תורה (עשרת הדברות); “פרשת מזבח” (וואס קומט גלייך נאך מתן תורה כנ”ל), און “ואלה המשפטים” - די הלכות התורה וואס דער אויבערשטער האט געלערנט מיט משה’ן בהר אין די ארבעים יום⁵⁰.

און נאך דעם ווי די תורה פארענדליקט דעם ערשטן ענין אין מתן תורה, הויבט אן די תורה מפרט זיין דאס וואס האט א שייכות צום צווייטן ענין אין מתן תורה⁵¹ - די כריתת ברית.

על פי זה איז אויך פארענטפערט פאר וואס די תורה צעטיילט דעם סיפור וועגן עליית משה בהר נאך מתן תורה (כנ”ל סוף סעיף ב) - ווייל אויך אין די ארבעים יום ווען משה איז געווען בהר זיינען געווען די צוויי ענינים:

(א) דער אויבערשטער האט געלערנט מיט משה’ן “החוקים והמשפטים שבואלה המשפטים” (כנ”ל). (ב) “ואתנה לך את לוחות האבן גר”מ”, וואס די מטרה פון נתנית הלוחות איז בפשטות (גיט

49. *Rashi, Shmos* 21:1, explains the reason why the passage relating these laws follows in sequence to the passage concerning the altar. Were the reason *Rashi* gives not significant, the Torah would not have deviated so drastically from the chronological order of events and would have concluded the narrative with a description of the events that transpired in direct proximity to the Giving of the Torah, i.e., the events mentioned at the conclusion of *Parshas Mishpatim*, instead of

interposing the passages beginning, “And these are the judgments,” that were related during the 40 days that followed while Moshe abided on Mount Sinai.

Nevertheless, the Torah links the description of civil laws mentioned at the beginning of *Parshas Mishpatim* with the passage about the altar since the reason that *Rashi* mentions in his commentary to *Shmos* 21:1 is significant.

In that way, the passages that com-

municate the first theme of the Giving of the Torah follow one another even though it causes a break in the Torah’s chronological order.

50. See *Rashi, Shmos* 6:29-30, which explains why the Torah interrupted the conceptual flow of the subjects there.

51. See the end of sec. 2, above.

52. *Shmos* 24:12.

not to study from them, but for them to serve as “the Tablets of *Testimony*”⁵³ and “the Tablets of the *Covenant*.”⁵⁴ They served as testimony to the covenant that G-d established with the Jewish people at the Giving of the Torah and the Jew’s commitment to observe it.

On this basis, it can be understood why the passage that describes the first theme of Moshe’s 40 days on Sinai, i.e., when he received the laws beginning, *VeEleh HaMishpatim*, “And these are the judgments,” is related in sequence with the Ten Commandments and the passage concerning the altar, while the charge, “Ascend the mountain to Me... and I will give you the Tablets of Stone,” is mentioned in connection with the second theme of the Giving of the Torah, the establishment of the covenant.

The Beginning of a New Motif

5. It is possible to say that this distinction is underscored by *Rashi* in the precise wording he chooses, “And to Moshe, He said, ‘Ascend...’ – This passage was related before the Ten Commandments were given.”

Two questions arise:

a) Why does *Rashi* include the word “ascend” in the heading of this commentary? On the surface, it would have been sufficient to cite the words “And to Moshe, He said...,” or even just “And to Moshe...” since *Rashi* continues, “This passage was related...”⁵⁵

b) Why does *Rashi* use the words “before the Ten Commandments”⁵⁶ and not “before the Giving of the Torah”? Moreover, in his commentary to

בְּכַדִּי צוֹ לְעֹרְנֵנּוּ אֵין זַי, נְאֻר) דָּאס וְוָאס זַי זַיִנְעֵן “לוחות העדות”⁵⁶, “לוחות הברית”⁵⁷: זַי דִּינְעֵן וְוִי אָן עֵדוֹת אוֹיף דְּעַר בְּרִית וְוָאס דְּעַר אוֹיבְּעֶרְשֶׁטֶר הָאט כּוֹרֵת גְּעוֹנְעֵן מִיט אִידֵן בְּמַתַּן תּוֹרָה (אוֹיף שְׁמִירַת הַתּוֹרָה).

און דְּעַרְמִיט אִיז מוֹבֵן וְוָאס דְּעַר עֶרְשֶׁטֶר עֲנִין הַנִּל (אִין די אַרְבַּעִים יוֹם) – וְאֵלֶּה הַמִּשְׁפָּטִים גּו' – וְעֵרְשֶׁר דְּעַרְצִיִּילֶט בְּהַמְשָׁךְ צוֹ די עֵשְׂרֵת הַדְּבָרוֹת וּפְרִשֶׁת מְזַבַּח; און דְּעַר עֲנִין פּוֹן “עֲלֵה אֵלַי הַהָרָה גּו' וְאֶתְנֶה לְךָ אֶת לוחות הָאֶבֶן גּו'” – בְּשִׁיבוֹת צוֹם צוֹוִיִּטֵן עֲנִין אִין מַתַּן תּוֹרָה (די כְּרִיתַת בְּרִית).

ה. וְיֵשׁ לֹמֵר, אָז דְּעַם חִילוֹק הַנִּל דִּיִּטְעַט רַשִׁי “אָן בְּדִיּוֹק לְשׁוֹנוֹ – וְאֵל מֹשֶׁה אָמַר עֲלֵה, פְּרִשֶׁה זֶה נְאֻמָּה קוֹדֵם עֵשְׂרֵת הַדְּבָרוֹת”, דְּלְקֹאֲרָה:

(א) פֶּאָרוֹוָאס אִיז רַשִׁי מֵעֵתִיק אִין דְּעַם דִּיבוֹרֵי הַמַּתַּחִיל אוֹיף דְּעַם וְוָאָרֶט “עֲלֵה”? עַס וְוָאֶלֶט לְקֹאֲרָה גְּעוֹנְעֵן גְּעוֹנָג צוֹ מֵעֵתִיק זַיִן “וְאֵל מֹשֶׁה אָמַר” (אָדְּעַר נְאֻר – “וְאֵל מֹשֶׁה” – וְוִיבְאֵלֶד עַר אִיז מִמְשִׁיךְ “פְּרִשֶׁה זֶה”, און “נְאֻמָּה”)?

(ב) וְוָאס אִיז דְּעַר טַעַם וְוָאס עַר נוֹצֵט דְּעַם לְשׁוֹן “קוֹדֵם עֵשְׂרֵת הַדְּבָרוֹת” און נִיט “קוֹדֵם מַתַּן תּוֹרָה”? נְאֻךְ מְעַר: בְּפִירוּשׁוֹ עַל

53. *Ibid.* 31:18, 32:15, 34:29, et al.

54. *Devarim* 9:9, 11, 15. See *Shmos* 34:27-28, which states, “Inscribe for yourself these words, because according to these words I established a covenant with you.... he inscribed

upon the Tablets the words of the covenant.”

55. I.e., since *Rashi* indicates that he is referring to the passage as a whole, seemingly, mentioning the first words would have been sufficient.

56. This is the wording used in several commentaries. See Rabbeinu Bachya, Abarbanel (when referring to *Rashi*’s commentary), *Ramban* later in his discussion of the verse, Ibn Ezra (*Shmos* 20:21), et al.

the Talmud,⁵⁷ *Rashi* does, in fact, use that phrase in his comment beginning, “And to Moshe, He said...” There, he states that this passage “was related before the Giving of the Torah.”

These two questions become even more pronounced when the wording *Rashi* uses in the explanation of this verse is compared with the wording he uses in explanation of the subsequent verse,⁵⁸ “And G-d said to Moshe, ‘Ascend the mountain to Me.’” *Rashi* interprets that verse, “And G-d said to Moshe – after the Giving of the Torah.” In this commentary, *Rashi* does not include the word “ascend” in the heading, and uses the phrase “after the Giving of the Torah,” and not “after the Ten Commandments were given.”⁵⁸

Based on the previous explanations, it can be said that, by phrasing his commentary in this manner, *Rashi* indicates that this passage begins the description of the second theme of the Giving of the Torah. This concept is emphasized by the words, “This passage was related before the Ten Commandments were given.” *Rashi* is not merely pointing out the relevant chronology, he is also highlighting that the passage beginning, “And to Moshe, He said, ‘Ascend...,’” and its intent were communicated⁵⁹ before the first theme of the Giving of the Torah – the revelation of G-d’s laws, as expressed in the Ten Commandments – began.⁶⁰

Rashi therefore also includes the word “ascend” in his heading because that highlights the intent of the entire passage, that Moshe ascended to G-d. Similarly, the subsequent verses mention the theme of ascent, as the passage continues,⁶¹ “Moshe, Aharon, Nadav, Avihu, and 70 of the elders of Israel ascended and they had a vision of the

הש"ס"נ"אגט טאקע רש"י דעם ל'שון
"ואל משה אמר עלה וגו' . . קודם
מתן תורה נאמרה."

די צוויי דיוקים הנ"ל זיינען נאך
מער בולט, בשעת מען פארגלייכט
ל'שון רש"י אויף דעם פסוק מיטן
ל'שון רש"י אויפן ווייטערדיקן פסוק"
"ויאמר ה' אל משה עלה אלי ההרה"
- דארט זאגט רש"י: "ויאמר ה' אל
משה - לאחר מתן תורה: (א) רש"י איז
דארט ניט מעתיק "עלה", (און ב) זאגט
"מתן תורה", ניט "עשרת הדברות":

על פי הנ"ל קען מען זאגן: דערמיט
דייטעט אן רש"י אז מיט דער פרשה
הויבט זיך אן דער סיפור פון דעם
צווייטן ענין אין מתן תורה; און דאס
איז רש"י מדגיש "פרשה זו נאמרה
קודם עשרת הדברות": דערמיט
מיינט רש"י צו זאגן ניט נאר ווען
דאס איז געזאגט געווארן, נאר אויך"
צו זאגן אז די פרשה - "ואל משה
אמר עלה" (ותוכנה) איז געזאגט
געווארן נאך איידער עס האט זיך
אנגעהויבן דער ערשטער ענין הנ"ל
אין מתן תורה - עשרת הדברות.

און דערפאר איז רש"י אויך
מעתיק (אין דיבור המתחיל) דעם
ווארט "עלה" - ווייל דאס איז דער
תוכן פון "פרשה זו", ווי משה האט
"עולה" געווען "אל ה'".

[און על דרך זה איז אויך דער
ווייטערדיקער המשך הדברים -
"ויעל" משה ואהרן נדב ואביהוא
ושבעים מזקני ישראל. ויראו את

57. *Gittin* 88b, s.v., *lifneihem*.

58. Significantly, *Midrash Lekach Tov* uses the phrase “the Ten Commandments” in both sources.

59. On this basis, it is understood

why *Rashi* felt it necessary to state “before the Ten Commandments were given,” instead of merely stating that the passage was related on the fourth of Sivan.

60. The intent is that at the very out-

set, G-d placed the focus on the new relationship between the Jews and G-d that would begin at the Giving of the Torah.

61. *Shmos* 24:9-10.

G-d of Israel.” Similarly, the following passage states, “And G-d said to Moshe, ‘Ascend the mountain to Me...’ and Moshe ascended...”

This is the second objective of the Giving of the Torah: that through establishing a covenant, the Jews will ascend and bond with G-d – as indicated by the verse,⁶² “You shall be a treasure to Me” – connecting and elevating themselves to G-d, thereby lifting themselves above the natural order.

Continuing the Sequence

6. According to the above explanations of the order of the Torah readings that describe the Giving of the Torah, it is also possible to explain the order of the subsequent Torah readings. According to *Rashi’s* commentary,⁶³ G-d’s commands to build the Sanctuary – as related in the Torah readings of *Terumah*, *Tetzaveh*, and the beginning of *Ki Sissa* – were communicated after the Sin of the Golden Calf, but written earlier in the Torah, following the general principle,¹¹ “There is no sequence of earlier and later events in the Torah.” As explained above,⁶⁴ there must be a reason why the Torah deviates from the proper chronological sequence. Why, then, does the Torah relate G-d’s command to build the Sanctuary before the Sin of the Golden Calf when the actual command to do so came afterwards?

The question can be resolved based on the above explanations. As *Rashi* states at the beginning of this week’s Torah reading, the conclusion of *Parshas Yisro* shares a connection with the beginning of *Parshas Mishpatim*. Similarly, the Torah seeks to juxtapose the Torah readings communicating G-d’s commands to build the Sanctuary with the conclusion of this Torah reading⁶⁵ because they

אֶלְקֵי יִשְׂרָאֵל גּו', און אַזוי אויף די פּרָשָׁה שְׁלֹאֲחֶרֶיָהּ - "וַיֹּאמֶר לֵה' אֵל מֹשֶׁה עֲלֶה אֵלַי גּו' וַיַּעַל מֹשֶׁה גּו'".

וואס דאס איז דער תוכן פון דעם צווייטן ענין אין מתן תורה, אז דורכן כריתת ברית זיינען אידן "עולה" און ווערן צוגעבונדן צום אויבערשטן ("והייתם לי סגולה גו'"), התקשרות און "עליה" אל ה', 'ורוממתנו'.

ו. לויטן ביאור הנ"ל אין דעם סדר הפרשיות פון מתן תורה, קען מען אויך מסביר זיין דעם טעם פון דעם סדר הפרשיות שלאחרי פרשתנו:

לשיטת רש"י בפירושו על התורה" איז דער ציווי ה' אויף מלאכת המשכן - די סדרות פון תרומה און תצווה (און התחלת פרשת תשא) - געזאגט געווארן לאחרי מעשה העגל, נאר אין תורה איז עס כתוב פריעה, ווי דער כלל "אין מוקדם ומאוחר בתורה".

- על פי הנ"ל (סעיף א) דארף מען דאך האבן א הסברה: פארוואס איז די תורה מקדים שרייבן דעם ציווי אויף מלאכת המשכן פאר מעשה העגל?

איז דאס מובן לויטן ביאור הנ"ל: די תורה וויל מסמך זיין די פרשיות פון ציווי מלאכת המשכן צום סיום פון אונזער סדרה" [על דרך ווי רש"י זאגט בתחלת הסדרה, אז סיום פרשת יתרו האט א (סמיכות און) קשר מיט התחלת פרשת משפטים], וואו עס רעדט זיך וועגן דעם צווייטן

62. *Ibid.* 19:5. See sec. 3, above.

63. *Shmos* 31:18, 33:11.

64. See sec. 1, above.

65. See also *Ramban*, *Rabbeinu*

Bachya, *Rabboseinu Baalei Ha-Tosafos*, et al., on the beginning of *Parshas Terumah*.

Based on the above, it is also possible to understand why the passage

beginning, “And to Moshe, He said, ‘Ascend...’” was not related before the passage beginning, “Behold, I am sending an angel...” Even if one would say that the latter passage

both emphasize the second theme of the Giving of the Torah, as reflected in the verse, “And to Moshe, He said, ‘Ascend to G-d...’” The conclusion and the consummation of this dimension of the Giving of the Torah – the covenant and the bond between the Jews and G-d – was brought about through building⁶⁶ the Sanctuary,⁶⁷ as reflected in the verse,⁶⁸ “They shall make a Sanctuary for Me and *I will dwell among them.*”⁶⁹

עֲנֵן אֵין מִתֵּן תּוֹרָה - “וְאֵל מֹשֶׁה אָמַר עֲלֶה אֵל ה’.” וַיֵּלֶךְ דָּעַר גְּמֹר וּשְׁלִימוֹת פּוֹן דַּעַם עֲנֵן אֵין מִתֵּן תּוֹרָה - דָּעַר בְּרִית וְקִשָּׁר צְוּיִשׁוֹן אֵידוֹן מִיִּטָּן אוֹיבְעֶרְשָׁטָן - אֵיזוֹ גְּעוֹוֹאֲרָן דּוֹרָךְ עֲשִׂיתִי^נ הַמִּשְׁכָּן^נ, “וְעִשׂוּ לִי מִקְדָּשׁ וְשָׁכַנְתִּי בְּתוֹכְכֶם”^ס.

A Spiritual Turning Point

7. To explain the inner dimension of the above concepts: The *Midrash*⁷⁰ relates that the Giving of the Torah brought about two innovations:

a) The upper realms descended to the lower

ז. דָּעַר בִּיאוֹר בּוֹהַ בְּפִנְיִמוֹת הָעֲנָנִים:

עַם שְׁטִיט אֵין מְדַרְשׁ^כ, אוֹ בְשַׁעַת מִתֵּן תּוֹרָה הָאֲבָן זִיךְ אוֹיפְגֶעֱטָאן צְוּיִי עֲנָנִים: “הָעֲלִיּוֹנִים יָרְדוּ לַתְּחִתּוֹנִים”

is not part of the passage describing the laws that begins *VeEleh HaMishpatim*, “And these are the judgments...”, which was juxtaposed with the passage describing the altar (at the end of *Parshas Yisro*) – see *Rashi, Shmos 24:1* and footnote 2 – it could be said that the passage beginning, “And to Moshe, He said, ‘Ascend...;’” was related at the end of *Parshas Mishpatim* to juxtapose it with *Parshas Terumah*.

66. Note that the commands to build the Sanctuary in these Torah readings also include those at the end of *Parshas Tetzaveh* regarding the order of sacrificial worship to be carried out during the days of the Sanctuary’s dedication, and the inauguration of Aharon and his sons into the service of the Sanctuary.

67. See the commentary of *Rabbo-seinu Baalei HaTosafos* to *Shmos 25:1*:

This passage... was related... following the Giving of the Torah.... G-d commanded that a Sanctuary be constructed... including the Ark. There, the Divine Presence would rest. Israel would camp around it like

the angels around the Throne of Glory.... Concerning this can be applied the verse (*Tehillim 82:6*): “I said that you would be like the angels, that you are all like the sublime beings,” for My presence will be among you.

To note: The *sichah* was published in 5744 (1984), the 82nd year of the Rebbe’s life. As mentioned in the letter of the Rebbe Rayatz printed in *Kovetz Tehillim* and in his *Igros Kodesh*, Vol. 10, p. 53, it is customary to recite the chapter of *Tehillim* that corresponds to the years of one’s life. See the note appended to the *Igros Kodesh* of the Rebbe Rayatz, Vol. 4, Letter no. 1069, p. 429, which states that it is customary for chassidim to recite the Rebbe’s chapter as well as their own.

68. *Shmos 25:8*. See also *ibid.* 25:22, “I will commune with you there.” See *Ramban, Shmos 25:1*, “The primary Divine intent for the Sanctuary was... that the resting place for the Divine presence, the Ark, as it is written, ‘I will commune with you there.’”

This also reflects a connection to Moshe’s ascent of Mount Sinai to

receive the Tablets as related at the conclusion of *Parshas Mishpatim*, for “There was nothing in the Ark other than the Tablets placed there... when G-d established a covenant with the Children of Israel” (*I Melachim 8:9, II Divrei HaYamim 5:10*).

69. On this basis, it is possible to explain the verses (*Shmos 24:16-17*) “And the glory of G-d rested... and the appearance of the glory of G-d,” even according to the opinion (cited by *Rashi, Shmos 24:16*) that this occurred in the days preceding the Giving of the Torah. (See the elaboration in *Baer Yitzchak, Shmos 24:1, 16*.) This dimension of the Giving of the Torah – the revelation of the Divine presence to the Jewish people – relates primarily to the second theme of the Giving of the Torah, the establishment of a covenant between the Jewish people and G-d and their bond with Him. Therefore, the Torah briefly recalls it again here to associate it with the following passage that focuses on building the Sanctuary, through which, as G-d promised, “I will dwell among them.”

70. *Shmos Rabbah 12:3; Midrash Tanchuma, Parshas Vaeira*, sec. 15.

realms; “G-d descended on Mount Sinai...,”⁷¹ i.e., there was a revelation of G-dliness from Above.

b) The lower realms ascended to the higher realms; “And to Moshe, He said, ‘Ascend to G-d...,’”⁷³ i.e., lowly beings of this material realm would begin elevating themselves to the spiritual.

This represents the difference between the two Torah readings describing the Giving of the Torah, *Parshas Yisro* and *Parshas Mishpatim*. *Parshas Yisro* primarily describes the Giving of the Torah as associated with the descent of the higher realms, “G-d descended on Mount Sinai...,” and “G-d spoke...,” giving the Ten Commandments.

Parshas Mishpatim, by contrast, focuses primarily on the aspects of the Giving of the Torah that relate to the Jews as they exist in the lower realms. It mentions that Moshe was commanded, “Ascend to G-d...,”⁷² and that the Jews made a commitment to accept the Torah, by saying,⁷⁴ “We will do and we will listen,” promising “We will do” before “we will listen,”⁷³ and also building the altar, offering the sacrifices,⁷⁴ and establishing of the covenant.

To highlight the difference between these two dimensions of the Giving of the Torah: The awesome revelation from Above that occurred at the Giving of the Torah – that was accompanied by the descent of the Throne of Glory (G-d’s chariot), and the Jews’ hearing the Ten Commandments from the mouth of the Almighty – was temporary. By contrast, the ascent of the lower realms (the Jewish people) achieved at the Giving of the Torah –

- “וַיֵּרֶד ה’ עַל הַר סִינַי”⁷¹, די התגלות אלקות מלמעלה למטה; און “הַתְּחַתּוּנִים יַעֲלוּ לְעֵלְיוֹנִים” - “וְאֵל מֹשֶׁה אָמַר עֲלֶה אֶל ה’”, עֲלִיית הַתְּחַתּוּנִים לְמַעְלָה.

און דאס איז דער חילוק צווישן די צוויי פרשיות וועגן מתן תורה - פרשת יתרו און פרשת משפטים: אין פרשת יתרו רעדט זיך בעיקר וועגן מתן תורה ווי דאס איז מצד “העליונים” - “וַיֵּרֶד ה’ עַל הַר סִינַי”, וַיְדַבֵּר אֱלֹקִים גו’ - עֲשֶׂת הַדְּבָרוֹת כו’: בְּפָרְשֵׁתְנוּ רַעַדְתָּ זֶיךָ (בעיקר) וועגן מתן תורה ווי דאס איז מצד די “תחתונים” - “עֲלֶה אֶל ה’”⁷³: הַקְּדַמְתָּ נַעֲשֶׂה לְנִשְׁמָע, בְּנִיית הַמִּזְבֵּחַ וְהַקְּרִבַת קְרִבְנוֹת⁷⁴, כְּרִיתַת בְּרִית כו’.

דער חילוק צווישן די צוויי ענינים במתן תורה איז: די התגלות העצומה (מלמעלה) בשעת מתן תורה: יַרְדַּ כְּסֵא הַכְּבוֹד (מְרֻכָּבָה), שְׁמִיעָה מִפִּי הַגְּבוּרָה וכו’ איז געווען לפי שעה; מה שאין כן די עליית התחתון (איין) וואס האט זיך אויפגעטאן בשעת מתן תורה

71. *Shmos* 19:20

72. True, *Parshas Yisro* also mentions Moshe’s ascent to G-d [*Shmos* 19:3, 8-9 (see *Rashi* to those verses), 20]. Nevertheless, the name of G-d mentioned there is *Elokim*, the dimension of G-dliness associated with the natural order. At that time, Moshe ascended only to that lesser dimension of G-dliness.

By contrast, the name of G-d used when speaking of Moshe’s ascent in *Parshas Mishpatim* is *Havayah*,

which reflects the transcendent dimension of G-dliness. The ascent of the lower realms to the higher realms highlighted in *Parshas Mishpatim* relates to this dimension. (See the beginning and the end of the *maamar* entitled *Vayeired Havayah*, 5643.)

This explanation resolves the question raised by *Maharzav* in his gloss to *Shmos Rabbah*, *loc. cit.* Nevertheless, in that *maamar*, the *Midrash* is interpreted – as indeed the simple

understanding of the wording of the *Midrash* indicates according to the interpretation not of *Rashi*, but of *Ramban* – that the verse “And to Moshe, He said, ‘Ascend to G-d...’” was related after the Giving of the Torah.

73. See *Shabbos* 88a.

74. By contrast, the conclusion of *Parshas Yisro* mentions G-d’s command to build an altar and offer sacrifices, but not the Jews’ actual fulfillment of that command.

i.e., that the Jews became servants of G-d and were uplifted – is eternal. Since this was achieved through the actions of people on the lower realms themselves, it was eternally ingrained within the inner dimension of their being.

The latter point also explains the connection between the passages relating the commands to build the Sanctuary and the second dimension of the Giving of the Torah, the command, “And to Moshe, He said, ‘Ascend to G-d...’” The new dimension characterizing the manifestation of the Divine presence in the Sanctuary that differed from the manifestation of the Divine presence at the Giving of the Torah has been clarified at length on a different occasion as follows:⁷⁵

The manifestation of the Divine presence in the Sanctuary resulted from the Jews’ efforts in response to the command, “They shall make a Sanctuary for Me...”⁷⁶ As a result, the holiness was permanently vested in the very physical substance of the Sanctuary. By contrast, after the Giving of the Torah, Mount Sinai returned to its previous state; the holiness did not remain. Accordingly, G-d said, “After the sounding of the ram’s horn” – interpreted by *Rashi* as the sign of the withdrawal of the Divine presence – “they may ascend the mountain.”⁷⁷

The construction of the Sanctuary thus continues the motif of the lower realms ascending to the higher realms that began at the Giving of the Torah. The consummation of this dimension of the Giving of the Torah augments the revelation of G-dliness from Above, enabling the manifestation of the Divine presence – achieved through the Jews’ fulfillment of the command, “They shall make a Sanctuary for Me...” – to be permanent and eternal.⁷⁸

75. See *Likkutei Sichos*, Vol. 21, p. 150ff.

76. *Shmos* 25:8. Similarly, when speaking about the details of the Sanctuary and its utensils, the Torah repeatedly commands, “They

shall make;” “You shall make,” and the like.

77. *Shmos* 19:13 and *Rashi*’s commentary.

78. The Rebbe is alluding to the fact

– וואס אידן זיינען געווארן עבדי ה' און דערמיט דערהויבן געווארן, “וּרְמַמְתֵּנוּ” – איז אן ענין נצחתי: וויבאלד דאס איז געקומען מצד די תחתונים גופא, איז דאס אין זיי נקבע געווארן אין א פנימיות.

און דאס איז אויך דער ביאור אין דער סמיכת הפרשיות פון ציווי מלאכת המשכן צום צווייטן ענין הנ"ל אין מתן תורה, “וְאֵל מֹשֶׁה אָמַר עֲלֵה אֶל ה'” – ווייל דער אויפטו פון דער השראת השכינה אין משכן לגבי השראת השכינה בשעת מתן תורה איז (ווי גערעדט אמאל בארוכה^ס):

די השראת השכינה אין משכן איז געקומען דורך “וַיַּעֲשׂוּ לִי מִקְדָּשׁ”, על ידי עשיית בני ישראל. און וויבאלד אז די השראת השכינה איז געקומען דורך עשיית האדם, איז די קדושה נקבע געווארן אין דער חפצא (גשם) המשכן [ניט ווי ביי מתן תורה וואס “במשוך היובל – סימן סילוק שכינה – המה יעלו בהר”^ס, ווייל הר סיני איז צוריק געווארן ווי פריעה, חול].

און דער ענין (פון עשיית המשכן) איז א המשך צום “התחתונים יעלו לעליונים” פון מתן תורה, וואס זיין שלימות איז, אז עס טוט אויף אויך אין דער התגלות אלקות מלמעלה למטה, אז דער “וְשָׁכַנְתִּי בְתוֹכְכֶם” וואס ווערט דורך “וַעֲשׂוּ לִי מִקְדָּשׁ” איז אין אן אופן פון קביעות, נצחיות.

(משיחת ש"פ משפטים תשמ"ג)

that through man’s service of elevating the material realm, he enhances and brings out a new dimension in the revelation from Above, enabling that revelation to permeate and become internalized within the world.

- (א) לשון רש"י ריש פרשתנו.
(ב) כג, כ ואילך - ולכאורה אינה בכלל "פרשת דינין" כי אם ענין בפני עצמו, ובעיקר - הבטחות ואזהרות כלליות כו' (וראה רש"י בתחלת הפרשה ההיא (כג, כ):) כאן נתברשו כו'. וראה לקמן הערה 57. אבל ראה רמב"ן (כד, א) דמשמע שזהו המשך וסיום להמצות שלפני זה, ש"התחיל לחזור ולהזהיר על עבודה זרה. וזוהי אותו ואלה המשפטים. והשלים באזהרת העבודה זרה שימצאו בארץ ובעובדיה".
- (ג) כד, א.
(ד) כה שמקורו במכילתא יתרו (יט, יא. וכן הוא בפירושו רש"י שם), וכן מוכח מכמה מקומות בש"ס ומדרשים (ראה תורה שלמה פרשתנו כאן ובמילואים שם סכ"ו, ושם נסמון) שהיה לפני מתן תורה - הרי ענינו של פירוש רש"י על התורה הוא לפרש "פשוטו של מקרא".
- (ה) ברא"ם, דבק טוב ועוד כתבו רק ההכרח שהיה בד' בסיון (ולא ג' או ה'), אבל לא - מנא ליה לרש"י בכלל ש"נאמרה קודם עשרת הדברות".
- (ו) רבא"ע (וכן בראב"ע יתרו כ, כא), רשב"ם, רמב"ן, אברבנאל, אור החיים (שכן הוא "משמעות הכתובים") ועוד כאן. "וכן משמע* מתרגום יונתן. . שהיה אחר מתן תורה" (ריש ד"ה יורד ה' תרמ"ג).
- * כן הוא הלשון שם (וכן הוא בגוף כתב יד קודש). וצריך עיון קצת, שהרי מפורש בתרגום יונתן "אמר. . בשביעאה לירחא" (ולדעתו מתן תורה היה בו' סיון - יתרו יט, טז). ולהעיר שגם החזקתי פירש כדעת רש"י. ובבחי' כאן: על דרך הפשט זו קודם מתן תורה.
- (ח) רע"ב כאן. - וראה גם רמב"ן כאן "ועתה אל משה אמר כו".
- (ט) באר יצחק כאן. ובאברבנאל כאן (ב"שאלה הח") שקשה "מה צורך היה בעליה הזאת. . כיון שלא הגיעה אליהם שם נבואה כלל, ואולי שבעבור זה כתב רש"י שהפרשה הזאת קדמה למתן תורה". וראה ש"ך על התורה לקמן פסוק ג.
- בבאר יצחק מקשה גם כן (להדיעה שנאמרה לאחר מתן תורה): "מה היה צורך בבי' עליות אחר מתן תורה ומה נשתנו מקצת משפטים שצוהו הקב"ה
- לירד תיכף ולאמרן לישראל ומקצתם לא אמרם עד עלותו להר שוב שנית". אבל: (א) קושייתו "מה היה צורך בבי' עליות כו" היא רק לפירושו הצינוי "ואל משה אמר עלה" היה קודם אמירת פרשת משפטים (ועל זה נצטווה "עלה" - לקבל הצינויים דפרשת משפטים). אבל ברמב"ן מפורש דמה שנאמר כאן "ואל משה אמר עלה גו' ונגש משה גו" היא העליה דלקמן פסוקים ט"ב (וכן הוא לשאר המפרשים שבהערה 6), וצינוי זה היה עוד בהיותו בהר ביום מתן תורה לאחר ששמעו כל הצינויים דסוף פרשת יתרו ופרשת משפטים, שאין לומר שלאחרי שיצוה כל זה לבני ישראל אזי "עלה אל ה'".
- (ב) גם: שאלתו "מה נשתנו מקצת משפטים כו" (היינו הצינויים דפרשת משפטים) היא גם על פירוש רש"י (שפרשה זו נאמרה קודם עשרת הדברות), שהרי מפורש בפירוש רש"י (תשא לא, יח. וראה לקמן הערה 29) שהקב"ה למד עם משה בארבעים יום (רק) "החוקים והמשפטים שבואלה המשפטים"* ועל כן צריך לומר ש"נשתנו" משפטים אלו. וראה רש"י פרשתנו ובמפרשי רש"י שם.
- * ואין זה סותר מה שפרש רש"י (ריש פרשת בהר) "כל המצוות. . נאמרו כללותיהן ודקדוקיהן מסיני", כי כוונתו שם לאהל מועד שבמדבר סיני (ושולל בזה "עברות מואב", כהמשך לשונו שם), כמו שנתבאר במקום אחר (לקו"ש ח"ז ע' 280 ואילך). מה שאין כן בפירוש רש"י ריש פרשתנו "מה ראשונים מסיני אף אלו מסיני" - הכוונה להר סיני (כה'ראשונים"). וראה מפרשי רש"י שם. ואין כאן מקומו.
- (י) לשון רש"י לקמן פסוק ו.
- (יא) בענינו - יתרו יט, יא. ובכמה וכמה מקומות בפירוש רש"י: בראשית ו, ג. וישלח לה, כט. ועוד.
- (יב) ראה לקו"ש ח"ג ע' 645, ושם נסמן. שיחת ש"פ בא תשמ"ג. ועוד.
- (יג) סוף פרשת נח.
- (יד) וצריך עיון קצת שלא הובא ברש"י שם (וכן בעוד מקומות בפירוש רש"י) הלשון "אין מוקדם ומאוחר בתורה" - אף שתוכן פירושו הוא שאין הכתובים על הסדר.
- (טו) שוהי הוספת תיבה "ולמה" (הקדים) - ולא קיצר וכתב (כסגנונו בכמה מקומות): והקדים.
- (טז) ומה שכתוב בגור אריה כאן לפי עניות דעתי אינו על דרך הפשט כלל. וכן ביאור האלשיך כאן.
- (יז) ראה אברבנאל שם "שפשט הכתובים וסדרם לא יסבלו הדעת הזה" (פירוש רש"י). ועל דרך זה ברמב"ן: ואין הפרשיות באות כסדרן ולא כמשמען כלל.
- (יח) פירוש רש"י יתרו יט, ג.
- (יט) פירוש רש"י שם, ח.
- (כ) פירוש רש"י שם, ט.
- (כא) לשון רש"י פרשתנו כד, ג.
- (כב) יתרו שם, יד.טו.
- (כג) כב' הדיעות שהובאו ברש"י שם, טו.
- (כד) יתרו כ, יט ואילך.
- (כה) רש"י פרשתנו שם. וראה לקמן בפנים ריש סעיף ב.
- (כו) פירוש רש"י - יתרו יט, יא. פרשתנו שם, ד.
- (כז) כד, ג.
- (כח) ראה רמב"ן כאן: ולא יאמר ויספר אלא בחדשות כו'. וראה מפרשי רש"י כד, ג.
- (כט) תשא לא, יח. - ברא"ם ריש פרשתנו (וראה גם לבוש שם) שלפי פירוש רש"י (פרשת משפטים נאמרה למשה ביום מתן תורה (לפני עלייתו להר), ופירוש רש"י תשא שם "הוא על דעת רבי יהודה" ולא כהמאן דאמר ד"אף אלו מסיני" (עיין שם. וכן כתב בתשא שם). אבל (נוסף על מה שהקשו עליו בגור אריה ועוד) קשה (כמדובר כמה פעמים) - דאיך אפשר שפשוטו של מקרא אחד יסתור מקרא שני?! וראה גם משכיל לדוד שם.
- (ל) ושמשה אמרם לישראל (לפירוש רש"י יתרו יח, יג) לאחר יום הכפורים!
- (לא) לקמן פסוק יב ואילך.
- (לב) שם. - ולהעיר שבבחי' שם מפרש ש"גם פרשה זו קודם מתן תורה נאמרה". עיין שם.
- (לג) מה שאין כן להרמב"ן כו', שפרשת משפטים נאמרה לו לפני עלייתו לקבל הלוחות, כנ"ל בפנים.
- (לד) שמות ג, יב.
- (לה) יתרו כ, ב. וראה בהר כה, מב: עבדי הם (ובפירוש רש"י שם). ועל דרך זה שם, נה (ובפירוש רש"י) - הובא בפירוש רש"י פרשתנו (כא, ו): און ששמעה

