

PARSHAT MISHPATIM

PART I - QUESTIONS FOR THE 'SHABBOS TABLE'

FROM SUFFERING TO SENSITIVITY

1. As you review the numerous mitzvot in Parshat Mishpatim, note how often the topic of "eved" [servant / slave] appears in relation to either the law itself or the reason to keep it.

[If you need assistance, be sure to note 21:1-11; 21:20-21; 21:26-27; 21:32; and especially 22:20 and 23:9!]

Considering that this is the first set of detailed laws that Bnei Yisrael receive after the Ten Commandments (and the Exodus), can you suggest a logical reason why this topic would appear so often? In your opinion, do these laws appear to 'encourage' Bnei Yisrael that they should take slaves, or do these laws come to 'protect' the basic rights of slaves/servants?

[See Chizkuni on 21:2!]

2. Based on 22:20 and 23:9, what lesson does God expect Bnei Yisrael to learn from their experience as slaves in Egypt? How will [should] their experience in Egypt affect the type of society that they now plan to create in the Promised Land (and hence the laws that God gives them in Parshat Mishpatim)?

Relate your answer to the concept of an "am kadosh" - a nation designated to represent God - as discussed in Bnei Yisrael's covenant with God, which they accepted at Har Sinai (see 19:5-6)?

Note as well also the reason for why Bnei Yisrael must keep Shabbat according to Devarim 5:13-15. Similarly, note this similar refrain of "v'zacharta ki eved ha'yita..." in Devarim 24:17-22 (and 16:12); explain how these commandments (and this refrain) reflect a similar theme with the laws of Mishpatim!

In your opinion, how do the laws of Parshat Mishpatim relate to the laws in Sefer Devarim? Can you explain why?

3. Finally, review Vayikra 19:33-37, while looking for a theme similar to Shmot 22:20 & 23:9. Can you explain why these laws are found in Parshat Kedoshim as well as Parshat Mishpatim?

Relate your answers to all the above questions to the process of redemption that takes place in the first half of Sefer Shmot, and to God's original 'forecast' to Avraham Avinu that his offspring will suffer 'bondage in a foreign land' at "brit bein ha'btarim" (see Breishit 15:13-18).

WHAT HAPPENED TO CHUR?

1. In 24:14, Moshe Rabeinu leaves instructions to the elders concerning **who** they should turn to while he is gone should any problems arise. Review Shmot 17:10-12, noting how Chur seems to have been in a leadership position (at the time of Yetziat Mitzraim). How does this explain why Moshe left both Aharon and Chur in charge?

To the best of your recollection, is Chur ever mentioned again, i.e. after 24:14? Does Chumash ever explain what happened to him?

In what manner does his 'mysterious disappearance relate to the famous Midrash that Chur was killed when he refused Bnei Yisrael's request to make an 'egel'?

[In your opinion, is this pasuk the 'source' for this Midrash, or does it simply provide support for a historical tradition that had been passed down?]

'ORDER' IN THE COURTROOM

1. More specifically, as you study the laws of damages in chapter 21 (i.e. 21:12-36), see if you can identify a pattern that explains the internal order of this wide range of cases.

As you attempt to determine the underlying logic of its progression, relate to who [or what] is doing the damage; the severity of the damage; and the severity of the punishment.

PART II - QUESTIONS FOR PREPARATION (for weekly shiur)

THE PROGRESSION OF MITZVOT IN MISHPATIM

1. As you may have noticed, not all of the mitzvot in Chumash are given at the same time. Instead, there are different groups of mitzvot, some in Sefer Shmot, some in Vayikra, etc.

Note how the Ten Commandments are the first 'set' of mitzvot that we find in Chumash. Afterward, Parshat Mishpatim forms yet another set. Later on, we find other set of laws, e.g. how to build the Mishkan (chapters 25 thru 31), laws about "korbanot" in Sefer Vayikra, etc., and numerous other sets of laws in Bamidbar & Devarim.

The following battery of questions will help you understand what is special about the set of laws in Parshat Mishpatim:

To begin, undertake a quick review the general topics of the various laws in Parshat Mishpatim, attempt to identify a common theme, and suggest a reason **why** specifically this set of laws was given immediately after the Ten Commandments, and before all the other laws.

Now, we will take a 'closer look'.

A. IDENTIFYING THE UNITS OF MA'AMAD HAR SINAI

1. Recall how chapters 19->24 form a distinct unit - which we refer to as Ma'amad Har Sinai. Carefully review the events that take place within this unit, i.e. from the time that Bnei Yisrael arrive at Har Sinai (see 19:1) until Moshe Rabeinu ascends Har Sinai to receive the 'luchot' (at the end of Parshat Mishpatim / see 24:12-18). Note as well how 20:19 introduces a very lengthy unit (the 'ko tomar' unit), which includes a series of mitzvot.

Make a list of each of the major units and topics within this entire Ma'amad Har Sinai section. Then, analyze your list and attempt to organize it into an outline. [Carefully define the headers for each sub-section.]

Make sure that you can follow the flow of events.

Attempt to determine where the topics flow in a logical manner, and where they may be some 'sticky' points.

2. Parshat Mishpatim includes a lengthy list of mitzvot. Based on your outline, when were these mitzvot given to Moshe Rabeinu, and when did Moshe teach them to Bnei Yisrael?

As you answer this question, answer the following questions as well:

- Where do the set of laws that begins with "ve-eileh ha-mishpatim" end?
- Are these "mishpatim" part of a larger set of laws? If so identify this 'larger set' (i.e. where does it begin and end, etc.)

Is there any time in Chumash when a set of mitzvot are presented which are not first introduced by either "va-yomer Hashem el..." or "va-yedaber Hashem el..." or a similar type of introduction? If not, explain why not. If yes, bring an example.

Does Parshat Mishpatim have such an introduction? If so, where do we find a similar short narrative introducing how these laws were given to Moshe?

Based on your answer, where does the set of mitzvot which include "ve-eileh ha-mishpatim" really begin?!

Where does this unit end?

[In other words, how does the first pasuk of Parshat Mishpatim (21:1) connect to the last set of psukim in Parshat Yitro (20:19-23)?]

Does this unit contain **only** mitzvot? If not, what else is included? Can you explain why?

Are the mitzvot in this unit only 'mishpatim'? Is there a difference between the word 'mishpat' and 'mitzva'?

Based on this parsha, attempt to define a 'mishpat'.

Who is responsible to execute these 'mishpatim'?

[See Ramban on "asher tasim l'fneihem" (21:1).

3. Does the Torah ever tell us when Moshe told over the mitzvot in Parshat Mishpatim to Bnei Yisrael? If so, where is this story located?

In your answer, relate to 24:3-4 in relation to the entire story in 24:1-11 (and in relation to God's commandment back in 20:19)

[See also Rashbam on 24:1!]

Based on your analysis of the content of 20:19 thru 23:33, what do the phrases "divrei Hashem" and the "mishpatim" (mentioned in 24:3) refer to? Similarly, what does the phrase "divrei Hashem" in 24:4 refer to?

4. Next, review the entire story in 24:1-11, noting how it describes a very important national gathering and ceremony.

In your opinion, in what manner does this gathering and ceremony relate to the mitzvot of Parshat Mishpatim (and/or the Ten Commandments). Why are the elders of Israel instructed to ascend the mountain to bow down to God, and what is the significance of sprinkling the blood on everyone who proclaimed "na'aseh v'nishma"?

B. BRIT NA'ASEH VE-NISHMA - BEFORE or AFTER?

5. Read 24:1-11 once again, and see if you can find any reason that might lead you to the conclusion that this entire story took place at an earlier time (i.e. before Matan Torah). If so, explain those reasons.

Are there any details in this story that appear to be similar to the events that transpire in chapter 19?

For example, who are the 'kohanim' mentioned in 19:22, and how do they relate to the leadership group mentioned in 24:1 and 24:9-11?

In what manner is 24:3 similar to 19:3-8? Similarly, in what manner is 24:7 similar to 19:3-8?

How does God's commandment to Moshe in 19:20-25 seem to relate to what transpires in 24:9-11, and the group mentioned in 24:1-2?

6. See Rashbam on 24:1. How does he relate to the above questions? See also Ibn Ezra, Seforno, & Chizkuni on this pasuk, who follow a similar direction.

7. Then see Rashi on 24:1. Can you explain what leads Rashi to this rather amazing conclusion (that these events took place before Matan Torah)?

[For a more detailed discussion, see Parshanut section.]

Then see Ramban on 24:1, noting how and why he disagrees (and explains why it makes more sense to keep these events in chronological order).

8. According to this Rashi, why can't the 'divrei Hashem' and 'ha-mishpatim' (in 24:3-4) refer to the laws in Parshat Mishpatim? Based on chapter 19, what most likely are these two phrases referring to? [See Rashi on 24:3-4.]

In your opinion, are the 'divrei Hashem' which are 'written down' (in 24:4) the same 'divrei Hashem' which Moshe conveyed to them in 24:3?

In either case, why are they being written down?

In your answer, relate to 24:7!

9. What seems to be the purpose of the covenantal ceremony that is described in 24:4-8, according to both Rashi & Ramban?

In what manner is 24:9-11 connected to this 'brit'?

In what manner is 24:12-13 connected to this 'brit'?

C. A SIGNIFICANT PROGRESSION

10. Scan the mitzvot from 20:20 until 23:33 [noting how and why these psukim constitute a complete **unit**] and attempt to organize them in an outline.

Can you detect any sort of a logical progression or any special order - or do the mitzvot appear to be random?

In your answer, relate to the types of mitzvot, such as:

- 'bein adam le-chavero' / 'bein adam la-Makom';
- Laws written in the 'causative' style (if... then...)
and/or 'absolute' style (do.../ don't...);

- Laws that 'beit din' (a Jewish court) must enforce
- Laws that 'beit din' does not or cannot enforce
- Psukim which are **not** laws (explain what they are!).

11. As you probably noticed, most (but not all) of the mitzvot in Parshat Mishpatim are 'bein adam le-chavero' [between man and his fellow man].

Did you notice how 22:17-19 appear to 'not belong' within this unit? Explain why they don't belong, and attempt to suggest a reason why they may have been included nonetheless.

12. Hopefully, you also noticed how 22:20 (and the laws that follow) are written in a very different style than the laws in 21:1 thru 22:16. Be sure that you can identify and define the different style of presentation in these two sets of laws.

Attempt to relate the content of these laws that begin with 22:20 to the manner in which they are presented.

13. As you review the laws from 22:20 thru 23:9, can you identify any laws that seem to be addressed to the members of the court system?

Do the laws of this section need to be enforced by the court system (like the laws in 21:1-22:19), or do they seem to be simply guidelines for the individual? Explain your answer.

In general, which section of the laws found in Parshat Mishpatim belong in "choshen mishpat", and which laws belong in "yore deya"? [The question assumes that you are familiar with the four sections of SHULCHAN ARUCH. If you are not, then please ask your 'local rabbi' for a quick explanation.

14. Do any laws in this section seem to fall under the category of 'between man & God'? If so, can you identify which ones, and can you explain why they are included in this section?

15. Note how the mitzvot in 23:10-19 appear to 'break' this pattern overall pattern of 'bein adam la-chavero', as they are primarily 'bein adam la-Makom'.

Can you suggest a logical reason for this progression?

Can you identify a certain aspect of 'bein adam le-chavero' in the mitzvot of 23:10-19 as well? If so, explain what that is.

[Note the REASON given for shabbat & shmitta! Compare this to other reasons for these mitzvot found elsewhere in Chumash.]

16. Attempt to connect the content of these different sections of laws to both "brit Sinai", as detailed in Shmot 19:5-6, as well as to its purpose - based on Breishit 18:18-19!

D. THE FINAL UNIT - A 'CONDITIONAL PROMISE'

17. Read 23:20-33 carefully, especially 23:20-23!

Is this still part of the unit which began in 20:19?

[In other words, is it still the "ko tomar" unit, that Moshe must relay to Bnei Yisrael on behalf of God?]

Explain your answer.

Do these psukim constitute a promise or a 'deal' of sorts?

If so, who is this deal between, and what is its purpose?

How do these psukim relate to the primary themes of Sefer Breishit and Sefer Shmot, i.e. to the purpose of Yetziat Mitzraim?

18. Had it not been for the events of the sin of the Golden Calf, what should have happened immediately after Moshe came down from Har Sinai, and taught Bnei Yisrael the laws that God gave him?

Relate this to the content of 23:20-33.

Relate as well God's promise in 23:20-24, to Bnei Yisrael's request from Aharon to make them an "elokim" - when they reach the conclusion that Moshe is not going to return, as described in Shmot 32:1-4.

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PART III - PARSHANUT

SMICHUT PARSHIOT in Parshat Mishpatim

1. In addition to the laws regarding damages, Parshat Mishpatim also discusses many other categories of mitzvot. As you review chapters 21 thru 23, attempt to find the logic behind the progression from one topic to the next. [Can you identify one unifying topic for all [or most] of these mitzvot; or do they appear to be a random collection?]

When you finish, compare your conclusions to those of Ibn Ezra [which can be found in the Torat Chaim edition - Ibn Ezra ha'katzar - on the first pasuk of the Parsha (21:1).] Note how Ibn Ezra attempts to identify a unifying theme for all of these mitzvot. Relate that theme to the underlying theme of Sefer Breishit in regard to why God chose the Jewish nation.

2. Other commentators find a similarity between the progression of these laws and the Ten Commandments. First, attempt to do this on your own (beginning with where this unit technically began in 20:19 - until chapter 23). Then see Ramban in his commentary to 21:1 and 21:2, where he deals with this parallel in detail!

[Note as well Rashi on 24:12!]

A REASON, or AN INCENTIVE?

1. Review 22:20, noting the apparent 'reason' for this law, that follow the word "ki" - i.e. "ki gerim ha'yitem b'ereitz mitzraim".

Compare this phrase to the parallel law in 23:9.

In your opinion, should this phrase be understood as the reason why one cannot oppress a stranger? If not, then what is the purpose of this phrase. [In your answer, relate as well to what follows in 22:21-26.]

Then see how Rashi on 23:20 ["ki gerim...". Would you say that Rashi understands this phrase as 'good advice' or as a reason for the prohibition?

Next, see Ramban - noting how he first relates to both Rashi and Ibn Ezra's commentary to this pasuk. Be sure you understand why he rejects both approaches. Then, study Ramban's interpretation of this pasuk, noting how it is based on 22:21-26!

EVED IVRI - Jewish or Ivri?

1. In your opinion, does the phrase "eved ivri" mentioned in 21:2 refer to a Jewish slave, or does it include any descendant of Ever (grandson of Shem/ see Breishit 10:24-30)? In your answer, relate to Breishit 14:13, 40:15 & 41:12 and Shmot 5:3.

In either case, is the "eved" referred to in 21:20, 26, & 32 a Jewish slave or a non-Jewish slave? On what do you base your answer?

For a fascinating discussion of this topic, see Ibn Ezra on 21:2 [pirush ha'aroch], noting how he beautifully defends Chazal's interpretation. Note as well how he explains his overall approach to "parshanut" in the opening paragraph of that commentary!

WHEN DID BNEI YISRAEL SAY Na'asse v'Nishma?

1. Review once again 24:1-11. How does this parshia relate to the unit that was discussed above (i.e. 20:19->23:33)?

[Re: the questions that follow, first try to answer them on your own. Afterward see the commentators, especially Ramban, Ibn Ezra, Rashi, Rashbam, Sforno & Chizkuni.

24:1 - What is difficult about this pasuk?

Who is speaking to Moshe?

Where is Moshe speaking when this is told to him?

Does Moshe fulfill this commandment immediately?

Where does Chumash tell us when it was fulfilled?

What is the purpose of this commandment?

24:2 - Does 24:2 contradict 24:1?

In your opinion, is 24:2 an additional instruction to Moshe (i.e. in addition to the instruction in 24:1) or it is a narrative that explains what Moshe did after God's command in 24:1.

How do 24:1-2 relate to 24:9 and 24:12?

Could these psukim relate to 20:18 as well?

24:3 - How does this pasuk relate to 20:19?

What does "Va-yavo Moshe" mean? Where was he coming from? What are 'divrei Hashem' and the 'mishpatim'?

See Ramban **and** Rashi!

24:4-6 - What specifically do you think are the "divrei Hashem" that Moshe writes down in 24:4? How does this relate to the 'sefer ha-brit' described in 24:7?

How do these psukim relate to 20:21!

24:7 - Should Bnei Yisrael's reply of 'na'aseh ve-nishma' relate to the content of what is written in this 'sefer ha-brit'? If so, how does it? [If 'sefer ha-brit' includes 23:20-22, how would that help you answer this question!]

24:8 - What is the significance of this ceremony? How does it relate to the proclamation in 24:7?

24:9-10 How does this relate to 24:1? In your opinion, what is the purpose of this joint 'ascent' up the mountain?

24:11 - Was it proper or improper for this group to 'see God'? - See the two different approaches suggested by the commentators.

24:12 - What is the purpose of this 'aliya' of Moshe to Har Sinai? According to pshat, what is the 'torah' & and what is the 'mitzva'?

What has Hashem 'written' for Moshe, only the 'luchot', or also the torah & mitzva?

24:16 - When did these six days transpire?

In other words, does Moshe ascend Har Siani to receive the 'luchot' on the **first** of these six days, or does he ascend on the seventh day and enter the 'anan' immediately?

[See mefarshim! How does this relate to our calculation of the date of Matan Torah?]

WHAT TORAH DID MOSHE RECEIVE?

1. Read 24:12. In your opinion, what specifically do the words 'torah' and 'mitzva' in this pasuk refer to?

Note the phrase "asher katavti" [which I wrote]. What does this phrase relate to - the 'luchot ha-even', or **also** the 'torah' & 'mitzva'?

Now, read Ramban very carefully.

How does he answer the above questions?

[i.e. how does he explain this pasuk?]

How does Ramban understand Rashi?

Why does Ramban disagree with Ibn Ezra.

[See Ibn Ezra inside, what is his main point?]

Why does Ramban conclude with "al da'at Raboteinu" concerning when the Torah was **first** given?]

2. Now, see Sforno. How does he answer the above questions? How is his approach different than Ramban's?

Finally see Ibn Ezra, "yeish omrim...", concerning 'Torah she-bichtav' and 'Torah she-ba'al peh'.

What is the significance of this Midrash?

Would you consider this 'pshat' or 'drash'?

3. Recall how in 20:19, God commands Moshe to tell Bnei Yisrael a set of mitzvot. How does this commandment appear to relate to the story that is recorded in 20:15-18?

According to most commentators (Rashi, Ramban etc., or just about everyone except Ibn Ezra) - the story in 20:15-18 took place at an earlier time. Relate those opinions as you answer this question.

Relate also to the parallel (or similar) story that is recorded Devarim 5:20-28. [Take into consideration the machloket Ramban - Ibn Ezra concerning when 20:15-18 took place!]

be-hatzlacha,
menachem