

## Why Is Parshas Mishpatim Inserted in the Midst of the Narrative of Matan Torah

This week we read parshas Mishpatim. We wish to focus on the opening passuk of the parsha (Shemos 21, 1): **“ואלה המשפטים—אשר תשים לפניהם—that you shall place before them.** We find the following elucidation from Chazal in the Midrash (S.R. 30, 9):

“ואלה המשפטים, הדא הוא דכתיב מגיד דבריו ליעקב, אלו הדברות, חוקיו ומשפטי ישראל, אלו המשפטים... לא נתתיה לאחד מן עובדי כוכבים אלא לישראל, שכיון שעמדו ישראל ואמרו כל אשר דיבר ה' נעשה ונשמע, מיד נתנה להם, הוי מגיד דבריו ליעקב חוקיו ומשפטי ישראל, לא עשה כן לכל גוי, אלא למי, ליעקב, שבחרו מכל העובדי כוכבים.”

**“And these are the ordinances.” This is the implication of that which is written (Tehillim 147, 19): “He relates His words to Yaakov”—these are the Dibrot; “His statutes and His judgments to Yisrael”—these are the judgments . . . I did not give them to any of the idolatrous nations but only to Yisrael. When Yisrael stood and proclaimed (Shemos 24, 7): “Everything that Hashem has said, we will do, and we will obey!”—it was given to them immediately. This is why: “He relates His words to Yaakov, His statutes and His judgments to Yisrael. He did not do so for any other nation.” Except for whom? For Yaakov, whom He chose instead of all the idolaters.**

We will endeavor to explain why the Midrash expounded this in relation to the passuk: **“ואלה המשפטים”—i.e., that HKB”H gave them to Yisrael and not to the goyim. In reality, HKB”H did not give the goyim any part of the Torah, neither the “chukim”—the statutes—nor the “mishpatim”—the**

**judgments; He only gave them the “sheva mitzvos bnei Noach”—the seven Noahide laws. In truth, this same question can be asked concerning the passuk cited by the Midrash: “He relates His words to Yaakov, His statutes and His judgments to Yisrael. He did not do so for any other nation; such judgments, they know them not.”**

The commentaries ask an obvious question: The passuk begins by stating that HKB”H gave Yisrael His **“chukim” and “mishpatim”**; yet it concludes by stating that only the **“mishpatim”** did He not make known to the goyim. This implies that the **“chukim”** were made known to them, even though we know that HKB”H did not give the goyim any of the statutes of the Torah.

Furthermore, the Midrash insinuates that the **“mishpatim”** possess a special, unique status apart from the other parts of the Torah; for, Yisrael received the Torah exclusively in the merit of the **“mishpatim.”** This is evident from the following Midrash (ibid. 23):

“ואלה המשפטים, הדא הוא דכתיב ועוז מלך משפט אהב. אמר להם משה לישראל, הרי נתן לכם הקב”ה את תורתו, אם אין אתם עושין את הדינין נוטל תורתו מכם, למה שלא נתן לכם הקב”ה את התורה אלא על מנת שתעשו את הדינין, שנאמר ועוז מלך משפט אהב.”

**“These are the ordinances.” This is the implication of that which is written (Tehillim 99, 4): “Mighty is the King Who loves justice.” Moshe said to Yisrael, “Behold, HKB”H gave you His Torah. If you do not abide by the laws, He will take His Torah away from you. Why?**

**Because HKB”H only gave you the Torah on the condition that you would abide by the laws.” As it states: “Mighty is the King Who loves justice.”**

We will endeavor to explain Moshe’s comment to Yisrael: **“HKB”H only gave you the Torah on the condition that you would abide by the laws.”** Obviously, HKB”H gave Yisrael the Torah with the expectation and understanding that they would abide by its statutes and judgments. This, in fact, is evident from their famous declaration: **“Everything that Hashem has said, we will do, and we will obey (hear)!”—“na’aseh v’nishma.”** So, what makes the “mishpatim” more special and unique than the rest of the mitzvos of the Torah?

### **Surprisingly HKB”H Inserted Parshas Mishpatim in the Midst of the Narrative of Matan Torah**

We will begin this discussion by focusing on the two midrashim presented above. It appears that both are aimed at reconciling a conspicuous difficulty: Why did HKB”H choose to insert parshas Mishpatim in the midst of the narrative of the epochal revelation of Matan Torah? For, the phenomenal events related to Matan Torah are described at length in parshas Yisro beginning with the passuk (Shemos 19, 1): **“בחדש השלישי לצאת בני ישראל מארץ מצרים ביום הזה באו מדבר: סיני—in the third month from the exodus of Bnei Yisrael from the land of Mitzrayim, on this day, they arrived in Midbar Sinai.** The narrative concludes after Bnei Yisrael were privileged to hear the Aseres HaDibros from HKB”H with the passuk (ibid. 15): **“וכל העם רואים את הקולות ואת הלפידים: ואת קול השופר ואת ההר עשן וירא העם ויגעו ויעמדו מרחוק—and all the people could see the sounds and the flames, the sound of the shofar and the smoking mountain; the people saw and they moved and they stood from afar.**

After the narrative describing the revelation of Matan Torah, HKB”H gave us the laws pertaining to the mizbeiach (ibid. 21): **“מזבח אדמה תעשה לי וזבחת עליו את עולותיך ואת שלמיך את צאנך ואת בקרך... ואם מזבח אבנים תעשה לי לא תבנה אתהן גזית כי חרבך הנפת עליה ותחללה, ולא תעלה במעלת על מזבחי אשר לא תגלה ערותך עליו.”** **You shall make for Me a mizbeiach of earth, and you shall slaughter near it your olah-offerings and your shelamim-offerings, your flock and your cattle . . . And if you make Me a mizbeiach of stones, do not build them hewn, lest you**

**wave your sword over it and defile it. You shall not ascend with steps upon My mizbeiach, so that your nakedness will not be uncovered upon it.** This is how parshas Yisro concludes. Then parshas Mishpatim begins: **“ואלה המשפטים אשר תשים לפניהם—and these are the judgments that you shall place before them—**detailing all of the laws pertaining to judgments between man and his fellow man.

After concluding the laws of the “mishpatim,” the Torah resumes and completes the narrative of the revelation at Sinai. The completion of the narrative begins as follows (ibid. 24, 1): **“ואל משה אמר עלה אל ה’—to Moshe He said, “Go up to Hashem . . .”** Rashi comments: **This passage was said prior to the Aseres HaDibros. On the 4<sup>th</sup> of Sivan, it was said to him (Moshe), “Go up to Hashem.”** Thus, we learn many more fascinating details related to Matan Torah in this completion of the narrative, such as the sprinkling of the blood of the covenant from the olah and shelamim offerings; half was sprinkled on the people of Yisrael, and half was sprinkled on the mizbeiach.

Notwithstanding, the greatest chiddush found in parshas Mishpatim related to the revelation at Har Sinai was Yisrael’s praiseworthy declaration of “na’aseh v’nishma”—declaring that they would do before they even heard. Here is the pertinent passuk (ibid. 7): **“ויקח ספר הברית ויקרא באזני העם: ויאמרו כל אשר דיבר ה’ נעשה ונשמע—he took the Book of the Covenant and read in earshot of the people, and they said, “Everything that Hashem has said, we will do, and we will obey!”** Regarding this laudable declaration, we learn in the Gemara (Shabbas 88a): **“בשעה שהקדימו ישראל נעשה לנשמע: יצתה בת קול ואמרה להן, מי גילה לבני רז זה שמלאכי השרת משתמשין בו—when Yisrael pronounced “na’aseh” prior to “nishma,” a heavenly voice went out and said to them, “Who revealed to My children the secret employed by the ministering angels?”** We commemorate this historic declaration in the zemirot we sing on Shabbas (Yonah Matz’ah): **“ובאו כולם בברית: יחד נעשה ונשמע אמרו כאחד—and they all entered a covenant together and proclaimed “na’aseh v’nishma” as one.**

Astonishingly, this incredible, praiseworthy declaration is not even mentioned in parshas Yisro along with the major details of Matan Torah and the Aseres HaDibros. There, the narrative simply says (ibid. 19, 8): **“ויענו כל העם יחדיו ויאמרו כל: אשר דיבר ה’ נעשה—and all the people answered together**

and said, “Everything that Hashem has spoken ‘na’aseh’ (we shall do)!” Thus, it is incumbent upon us to explain why HKB”H chose to interject the passages of the “mishpatim” in the middle of the narrative of Matan Torah—which begins in parshas Yisro and concludes at the end of parshas Mishpatim. What is the significance of this sequence?

### The Laws Pertaining to Man and His Fellow Man Connect and Uphold the Receiving of the Torah

Thus, it appears that our blessed sages, in the second Midrash cited above, intended to address this surprising sequence. Let us present the Midrash once again: .” **“These are the ordinances.” This is the implication of that which is written: “Mighty is the King Who loves justice.” Moshe said to Yisrael, “Behold, HKB”H gave you His Torah. If you do not abide by the laws, He will take His Torah away from you. Why? Because HKB”H only gave you the Torah on the condition that you would abide by the laws.” As it states: “Mighty is the King Who loves justice.”**

Here Moshe Rabeinu explains to Yisrael why HKB”H departed from the narrative of the revelation of Matan Torah to interject the laws of “mishpatim.” He intended to emphasize the fact that Matan Torah will only be complete, if Yisrael scrupulously abide by the “mishpatim.” For, HKB”H is a King Who loves and values justice. Hence, Moshe cautions Yisrael: **“If you do not abide by the laws, He will take His Torah away from you. Why? Because HKB”H only gave you the Torah on the condition that you would abide by the laws.”**

This explains very nicely why HKB”H interrupted the narrative of Matan Torah with parshas Mishpatim. He is teaching us that the laws of judgments unite all the components of Matan Torah. As such, the failure to uphold the laws of “mishpatim” annuls, chas v’shalom, the entire revelation at Har Sinai—**“because HKB”H only gave you the Torah on the condition that you would abide by the laws.”**

It appears that we can elaborate on this by introducing another Midrash that teaches that the laws of dealings between man and his fellow man, if conducted according to the precepts of the Torah, propitiously promote shalom among men. Here is the passage from the Midrash (ibid. 30, 1):

“ואלה המשפטים, הדין הוא דכתיב ועוז מלך משפט אהב, העוז [הוא] של מלך מלכי מלכים הקב”ה, והוא אוהב את המשפט ונתנו לישראל שהם אוהביו... שעל ידי המשפטים שנתת להם, הם עושים מריבה זה עם זה, ובאין לידי משפט והם עושין שלום.”

**“These are the ordinances.” Thus, it is written: “Mighty is the King Who loves justice” . . . Strength belongs to the supreme King of Kings, HKB”H. He loves justice and gave it to Yisrael, His beloved . . . For through the ordinances You have given them, when they quarrel with one another, they submit to judgment and make peace.**

### The Torah Only Endures if Shalom Exists among Torah Scholars

Now, we find numerous statements of Chazal scattered throughout Torah she’b’al peh teaching us that it is impossible to merit and acquire Torah if shalom and ahavah do not exist among man and his fellow man. For, Torah and shalom are intimately related to one another. As it is written (Mishlei 3, 17): **“דרכיה דרכי נועם וכל נתיבותיה שלום”—her (Torah) ways are ways of pleasantness, and all her paths are shalom.** This point is made explicitly by the sacred statement found at the end of Maseches Berachos (64a), which we recite every morning at the conclusion of the Shacharis service:

“אמר רבי אלעזר אמר רבי חנינא, תלמידי חכמים מרבים בשלום בעולם, שנאמר וכל בניך למוזדי ה’ ורב שלום בניך, אל תקרי בניך אלא בוניך, שלום רב לאוהבי תורתך ואין למו מכשול, יהי שלום בחילך שלום בארמנותיך, למען אחי ורעי אדברה נא שלום בך, למען בית ה’ אלקינו אבקשה טוב לך, ה’ עוז לעמו יתן ה’ יברך את עמו בשלום.”

**Rabbi Elazar said on behalf of Rabbi Chanina: Torah scholars increase shalom in the world, as it is stated (Yeshayah 54, 13): “And all your children will be disciples of Hashem, and abundant will be the shalom of your children.” Do not read “your children” (“בניך”), but rather “your builders” (“בוניך”).** (Tehillim 119, 165) **“There is abundant shalom for the lovers of Your Torah, and there is no stumbling block for them.”** (ibid. 122, 7) **“May there be shalom within your wall, serenity within your palaces. For the sake of my brethren and comrades, I shall speak of shalom in your midst. For the sake of the House of Hashem, our G-d, I will request your good.”** (ibid. 29, 11) **“Hashem will give might to His people, Hashem will bless His people with shalom.”**

Similarly, at Matan Torah, we find that the Torah was not given to Yisrael until they were all united as one person with one heart. As it is written (Shemos 19, 2): **“וַיִּחַד שָׁם יִשְׂרָאֵל נֹגַד הַהָר—**and Yisrael encamped there opposite the mountain. Rashi comments in the name of the Mechilta: **As one man with one heart.** It is precisely for this reason that the Arizal in Sha’ar HaKavanos advises us to adopt an attitude of “Ahavas Yisrael”—love for one’s fellow Jew—prior to davening. He adds that this applies especially to fellows who study Torah together:

**Before a person is ready to begin his tefilah in the Beis Kenesses, from the passage of the Akeidah and onward, he should accept upon himself the mitzvah of (Vayikra 19, 18): “You shall love your neighbor as yourself”—and he should have in mind to love every Jew as himself. For, in this manner, his tefilah will ascend as part of all the tefilos of Yisrael. Thus, it will be able to ascend upwards and produce results. In particular, there should be love among friends who study Torah together. Every individual must include himself as if he is one limb of his body of friends.**

This now enlightens us as to why HKB”H chose to interrupt the narrative of the revelation at Har Sinai—beginning in parshas Yisro and concluding in parshas Mishpatim—with the laws in parshas Mishpatim. He wished to teach us that the laws of the Torah related to man and his fellow man—which portend and promote shalom among fellows—ensure that the goal of Matan Torah will become a reality. Without shalom, however, the Torah cannot endure. This is the message Moshe conveyed to Yisrael at the beginning of parshas Mishpatim: **“Behold, HKB”H gave you His Torah. If you do not abide by the laws, He will take His Torah away from you. Why? Because HKB”H only gave you the Torah on the condition that you would abide by the laws.”**

### **The Chasam Sofer Explains the Juxtaposition of the Passage of the Mizbeiach with Parshas Mishpatim**

It is with immense pleasure that we will now explain why HKB”H introduced the laws pertaining to the mizbeiach at the end of parshas Mishpatim. Thus, the laws of the mizbeiach were

juxtaposed to parshas Mishpatim: **“You shall not ascend with steps upon My mizbeiach, so that your nakedness will not be uncovered upon it. And these are the judgments that you shall place before them.”** Together, these two passages interrupt the narrative of Matan Torah—beginning in parshas Yisro and concluding in parshas Mishpatim.

We will introduce an explanation from the Chasam Sofer in Toras Moshe (end of parshas Yisro); he relies on Rashi’s comment: **“So that your nakedness will not be uncovered”—These words imply a “kal va’chomer.” If these stones that do not have the capacity to care about their humiliation, the Torah says: “Since there is a need for them, do not treat them in a humiliating manner;” in the case of your fellow man, who is created in the image of your Creator, how much more so.** In other words, we learn from the stones of the mizbeiach that it is necessary to concern ourselves with the respect of others.

This then explains the juxtaposition of the two passages: **“You shall not ascend with steps upon My mizbeiach, so that your nakedness will not be uncovered upon it,”** so that you do not demean and disrespect the stones of the mizbeiach, even though they are inanimate and lack feelings. Then, the text continues: **“These are the judgments”** of the stones of the mizbeiach **“that you shall place before them,”** so that they will learn by dint of a “kal va’chomer” how important it is not to demean and belittle a human being, who has feelings and sensitivities. Clearly, this lesson belongs in parshas Mishpatim that deals with the ordinances of the Torah related to the dealings of man with his fellow man.

This coincides beautifully with what we have explained above. HKB”H interrupted the narrative of Matan Torah with the passages of the mizbeiach and the “mishpatim” to emphasize the importance of shalom among human beings and to teach us that it is the foundation of the entire Torah; without shalom, there can be no Torah.

### **The Right Tablet Contains Commandments between Man and G-d the Left Tablet Contains Commandments between Man and His Fellow Man**

Let us embellish this thought by introducing the commentary of the Ramban in parshas Yisro (Shemos 20, 13):

**Thus, of the Aseres HaDibros, there are five that relate to the glory of the Creator and five that relate to the welfare of man. For, (the fifth commandment) “Honor your father” refers to the honor of G-d, since it is for the honor of the Creator that He commanded that one honor one’s father, who participates in the formation of the child.**

Let us explain. The five “dibrot” on the right tablet all relate to mitzvos between man and G-d: לא יהיה... לא ילקיך... לא תשא את שם ה' אלקיך לשוא... זכור את יום השבת לא תרצה, לא תנאף, לא תגנוב, לא תענה ברעך עד שקר, לא תחמוד בית רעך... לקדשו... כבוד את אביך ואת אמך” For, as the Ramban explains, even the commandment to honor one’s parents is included in the mitzvos between man and G-d. In the words of the Gemara (Kiddushin 30b): “השוה הכתוב כיבוד אב ואם לכבוד המקום”—the Torah equated honoring one’s parents with honoring the Omnipresent. The “dibrot” etched on the left tablet, on the other hand, relate exclusively to mitzvos that deal with interactions between man and his fellow man: לא תרצה, לא תנאף, לא תגנוב, לא תענה ברעך עד שקר, לא תחמוד בית רעך—do not murder, do not commit adultery, do not steal, and so on.

The great, holy author of the Chafetz Chaim, ztz”l, in Shemiras HaLashon (Part II, Chapter 27), applies this concept to interpret the passuk in parshas Ki Sisa (Shemos 31, 18): ויתן אל משה ככלותו לדבר אתו בהר סיני שני לחת העדות לחת אבן כתובים באצבע אלקים—He gave to Moshe, when He finished speaking with him on Har Sinai, the two luchos of the Testimony, luchos of stone, inscribed by the finger of G-d. Rashi notes that the word “לחת” is written without a “vav” to teach us that the two luchos were equally important. His source is the Midrash (S.R. 41, 6). In other words, it comes to teach us that it is imperative to observe both mitzvos between man and G-d and mitzvos between man and his fellow man equally; there is no difference between them; they are both equally important.

In keeping with this point, we find a fantastic allusion presented by the great Mahari of Komarna, zy”a, in Zohar Chai (Shemos part 2, page 164). The mitzvah commanding us to love Hashem (Devarim 6, 4): “ואהב”ת א”ת הוי”ה אלהי”ך”—possesses the exact same gematria as the mitzvah to love your fellow Jew (Vayikra 19, 18): “ואהב”ת לרע”ך כמו”ך אני הוי”ה”. This implies that mitzvos between man and G-d and mitzvos between man and his fellow man are equally important. Furthermore, it is impossible to truly love G-d without loving one’s fellow Jew.

We have now achieved a better understanding of the subject at hand. First, HKB”H teaches us about the revelation of Matan Torah, when He voiced the Aseres HaDibros to Yisrael. As explained, they are divided into mitzvos between man and G-d and mitzvos between man and his fellow man. Next, HKB”H interjected the passages of the mizbeiach and the “mishpatim” that deal with mitzvos between man and his fellow man, before concluding the narrative of Matan Torah. Thus, He conveyed to us that to receive the Torah ideally and completely, it is imperative to be equally diligent in mitzvos between man and his fellow man as we are in mitzvos between man and G-d.

### Yaakov Avinu Loves Shalom Eisav Hates Shalom

Following this line of reasoning, we will now proceed to reconcile the elucidation in the Midrash. Our passuk says: **“And these are the judgments that you shall place before them.”** They expound: **“He relates His words to Yaakov, His statutes and His judgments to Yisrael. He did not do so for any other nation; such judgments, they know them not.”** The commentaries wonder why David HaMelech only mentions that the goyim do not know the “mishpatim”; yet he does not mention the “chukim,” which also were not transmitted to them.

It appears that we can reconcile this difficulty based on an elucidation brought down by the Chasam Sofer (Toldos) from the Midrash Shochar Tov on the passuk (Tehillim 120, 6):

**“My soul has had its fill of dwelling with those who hate shalom.” Is there such a person who hates “shalom”? Eisav hates the reality of “shalom.”** Regarding this statement, the Chasam Sofer writes that he heard from his colleague Rabbi Avraham Segal Binga that the name עשו (376) has the same gematria as שלו”ם (376). He is the “shalom” of tumah and is therefore referred to as hating “shalom.” In fact, an earlier source for this numerical association is found in the commentary of the Ba’al HaTurim (Bereishis 25, 25): **The gematria of Eisav is shalom.**

As we are taught by the wisest of all men (Koheles 7, 14): “זה לעומת זה עשה האלקים”—corresponding to every force of kedushah, there is an equal and opposite force of the klipah

and vice-versa. Therefore, just like Eisav HaRasha, the representative of the klipah, **“hates shalom”**; correspondingly, Yaakov Avinu, the representative of kedushah—Eisav’s twin brother, who clashed with him in their mother’s womb—**“loves shalom.”** We find the following elucidation in the Zohar hakadosh (Vayikra 12a) related to the passuk (Iyov 25, 2): **“עושה שלום במרומו, דא יעקב”**—**“He makes shalom in His heights” refers to Yaakov.** It explains that the midah of Avraham is **“chesed”**; the midah of Yitzchak is **“gevurah”**; whereas the midah of Yaakov, **“Tiferes,”** incorporates both **“chesed”** and **“gevurah.”** Thus, as the representative of **“shalom,”** Yaakov tempers the **“chesed”** of Avraham with the **“din”** of Yitzchak, and vice-versa.

This explains very nicely an incident in parshas Vayishlach. Yaakov was on his way, with his entire household, to meet Eisav; he was terrified that Eisav would wage war against him. In the related Midrash, Chazal teach us (B.R. 84, 1): **“תני כינוסו וכינוס בניו הצילו מיד עשו”**—by gathering together and forming a united front, they were saved from Eisav. In other words, the shalom and unity that prevailed among the shevatim saved them from Eisav. This teaches us that the shalom emanating from the realm of kedushah negates the power of Eisav, who **“despises shalom.”**

Accordingly, it is apparent that this is the legacy that Yaakov Avinu bequeathed to all of the generations that

followed him; it is crucial to avoid dispute and to join together in peace, harmony and love. As it is written (Bereishis 49, 1): **“ויקרא יעקב אל בניו ויאמר האספו ואגידה לכם את אשר יקרא אתכם באחרית הימים.”** **Then Yaakov called for his sons and said, “Gather together and I will tell you what will happen to you at the end of days.”** A related Midrash expounds (ibid. 98, 2): **“צוה אותן על המחלוקת, אמר להון תהיו כולכון: אסיפה אחת”**—**he commanded them regarding disputes; he said to them, “You should all be one, united group.”** If you heed my advice, you will be able to overcome the klipah of Eisav, who hates shalom.

We have now shed some light on the profound message of David HaMelech. He said: **“מגיד דבריו ליעקב”**—HKB”H gave the plain, straightforward interpretation of the Torah to the common, simple folk; they are the representatives of **Yaakov**, who emulate his doctrine of shalom. **“חוקיו ומשפטיו לישראל”**—the deeper, more profound aspects of the Torah, HKB”H gave to the Torah-scholars, the representatives of **Yisrael**. However: **“לא עשה כן לכל גוי”**—HKB”H did not give any aspects of the Torah to the goyim. Why? **“ומשפטים בל ידעום”**—because He could not transmit the **“mishpatim”** to them, since the purpose of the **“mishpatim”** is to promote shalom between man and his fellow man, and they are the descendants of **עשׂו** (376), who hates **שלו** (376). Consequently, it would be futile to give them any part of the Torah, since it would not endure without shalom.

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