

# Maamarei Mordechai

הסבר לפי ממש פשוט

Parshas Mishpatim 5784

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After giving Bnei Yisroel His torah, Hashem tells Moshe to teach its laws to them.

**וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לְפָנֵיהֶם:**

“And these are the rules that you shall place before them.” (Shmos 21:1).

These rules follow the ten utterances. Are they the most important of the mitzvos? Instead of saying “teach them” or “speak to them” it says simply, “place them.” This phrase sounds like a choice. Place it before Bnei Yisroel and they can choose to take it or leave it. How can that be? Negating a single law, rule, or ordinance, let alone an entire section, of the Torah is like disregarding the entirety. How can it be so casually “placed” before Bnei Yisroel as if a choice?

The Midrash on this pasuk says that the laws should not be taught and repeated a few times, by rote, in the hopes the people get it. Instead, it should be put before them like a set table, a *Shulchan Aruch*. (Mechilta d’Rabbi Yishmael 21:1). The rules should be taught to Bnei Yisroel in the same manner one serves a dinner banquet. They should be presented in an appetizing manner and then spoon fed to them.

In preparation to receiving the Torah on Har Sinai, the Torah says, וַיָּבֹא מֹשֶׁה וַיְקַרְא לְזִקְנֵי הָעָם וַיִּשֶׂם לְפָנֵיהֶם אֵת כָּל-הַדְּבָרִים הָאֵלֶּה אֲשֶׁר צִוָּהוּ ה': “And Moshe came to the elders of the nation, and he placed before them all these things, that Hashem had commanded him.” (Shmos 19:7). “These things” refers to the promise Hashem made to Moshe that He will give them His Law, and if they keep it, then they will be a nation of Kohanim and His treasured nation. (Ibid 19:5-6). The entire nation heard what Moshe said to the elders (the elders repeated what was said to them and conveyed it to each individual shevet) and the people said “All that Hashem as spoken we will do.” (Ibid 19:8). Thus, the concept of keeping the Torah was already placed before the elders and relayed before the entire people.

On that pasuk, about putting before the entire nation the concept of keeping the Torah, the Midrash does not say that Moshe “placed it before them” like a *Shulchan Aruch*. Instead, the Midrash says, “he enlightened their eyes.” (Mechilta d’Rabbi Yishmael 2:17). Why didn’t Moshe set that before the people like a banquet table and spoon feed it to them? Instead, it sounds a lot like he placed that before them like a choice? He gave it to the elders who had to explain it to the masses. This was another layer of people who could convince the people to accept the Torah. Also, the Torah says, וַיַּעֲנוּ כָל- וַיִּשְׁמְעוּ יְהוָה וַיֹּאמְרוּ כֹּל-אֲשֶׁר-דִּבֶּר יְהוָה וַיַּעֲשׂוּ כְּכָל-אֲשֶׁר-צִוָּהוּ יְהוָה: “And the entire people responded together.” (Ibid 19:8). They “answered” meaning, they had a choice and they gave their response to that choice. If they were told to keep the Torah then they would have “said” that “we will do.” Instead, “they responded” because there was a question, a choice for them to make. And they chose, “All that Hashem speaks we shall do.” (Ibid).

How could Moshe so haphazardly leave the choice of keeping the Torah to the people? What if they rejected it? How can he place the same choices in regards to the civil and criminal laws? It is irresponsible to leave it up to the people. Further, why does the Midrash say that when it comes to the civil and criminal laws, that has to be spoon-fed but all other laws are “say,” “speak,” or “command?”

“Place” and “place before them” does not literally mean a choice in either context. When the Torah says **וַיִּצַח** “You shall place” it means put something that is deliberate and obviously useful. Noach was told to put a doorway in the teva (ark). (Bereishis 6:16). Yosef told his courtesans to put the goblet in the opening of Binyamin’s sack along with the procurements. (Ibid 44:2). The door had a specific purpose in the ark and the goblet did in Yosef’s plans. The Torah also says, when the entire nation wants a king to unify it, then they can “place” a king over them that Hashem chooses. (Devarim 17:15). The king is not a free choice. It is only if (1) the entire people want it, (2) to be one king over all the people (ibid 17:14), and it must be (3) a king of Hashem’s choosing, and they must only (4) place a king that is a member of the people (Ibid 17:15). The “placing” is very specific. Further, the Torah says, when building a house, build a parapet around the roof so that guilt-blood should not be “placed” in the house. (Ibid 22:8). Every time the Torah says “place” it means something deliberate and helpful. It is not free choice.

Further, when the Torah says “place before” it means establish something permanent. Yaakov “placed” Ephraim “before” Menashe. (Bereishis 48:20). The gold mizbeach had to be “placed before” the curtain in the Kodosh of the Mishkan. (Shmos 40:26). That was its location through every Mishkan and Beis HaMikdash. Moshe then took some matzoh, oil-based cake bread, and a wafer and “placed them” on Aharon’s and his sons’ right thighs. (Vayikra 8:26). This was the procedure to establish the kahuna priesthood for eternity in Aharon’s family. This term is similarly used when Shmuel anointed Shaul as the first king of Yisroel. (Shmuel I 9:24).

Using this understanding, the pesukim have a better meaning. When telling the elders about Hashem wanting to give His Torah to the people, “Moshe...placed before them all these words that Hashem commanded him.” (Shmos 19:7). Clearly, Hashem commanded Moshe and there was no choice to take it or leave it. Moshe placed it before the elders, something obvious and something useful. He placed the promise that just as they saw what Hashem did to the Egyptians and how Hashem bore them as if on eagle’s wings (ibid 19:4), then if they will listen to Hashem’s voice and guard His covenant (keep the Torah) they will be His treasured nation (ibid 19:5), and a nation of kohanim (ibid 19:6). Moshe placed it, he gave it to them. Not a choice but an obviously useful gift.

Further, after just hearing Hashem teach them the ten utterances, Moshe was to “place before them” these rules. He had to establish them before the people for all time. It was something that would be permanent. These rules and all the mitzvos of the Torah that followed were to be established. The rest of the Torah is a continuum of this “placing before them.” It was like a set banquet. Bnei Yisroel would, parabolically, come and partake of the parts it desired then, and when it craved other foods, it would come and eat of those. The Torah is there, forever a set table, ready for Bnei Yisroel to come and partake of it, whenever life circumstances make a given mitzvah relevance.