

PARASHAT HASHAVUA

PARASHAT MISHPATIM

In memory of Sondra Schwartz (ז"ל שבע שיינדל בת דוד)
dedicated by her son Dr. Avi and Sara Schwartz

STRUCTURE

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The Laws Governing a Manservant and a Maidservant¹

Parashat Mishpatim, as we will see, is not a direct continuation of "the laws of a holy nation" found at the end of *Parashat Yitro*. Rather, it opens a new unit within the *parashiyot* dealing with the covenant at Sinai.

There is a clear connection between the Ten Commandments and the laws, ordinances, and commandments that follow them. Indeed, these laws are expansions and derivatives of the Ten Commandments.²

Since the beginning of *Parashat Mishpatim* opens a new unit, the Torah anchors the beginning of the ordinances in the beginning of the Ten Commandments. The first of the Ten Commandments is "I am the Lord... who brought you out... of the house of bondage" (20:2), and its derivatives are the laws governing a manservant and a maidservant. This is indicated by the expressions: "He shall go out free for nothing" (21:2) and "she shall not go out as the menservants do" (21:7). The expressions of leaving slavery ("free") and "as the menservants do," which appear in the context of the grand idea of leaving

slavery for freedom – the central idea of the exodus from Egypt – prove the connection between the laws governing a manservant and a maidservant and the first of the Ten Commandments. This is written explicitly in R. Sa'adya Gaon's commentary to the beginning of *Mishpatim*.³

The laws of a manservant and a maidservant are followed by the laws governing execution and flogging, which are clearly derivatives of "You shall not kill." Afterwards come the laws of damages, trusteeship and theft, in which "You shall not kill" and "You shall not steal" meet. (Armed robbery, for example, is liable to end in death – the law governing the *ba ba-machteret*, a thief found breaking in; *Shemot* 21:37-22:3.) From here we see that the order of the Ten Commandments does not precisely determine the order of the derivative commandments. We see this further in the derivatives of the prohibitions of idolatry and the commandment of Shabbat, which appear in the midst of the civil ordinances.

The Ordinances and the Laws of a Holy Nation⁴

In *Parashat Mishpatim*, we find dramatic transitions between the various units. After the introduction – "Now these are the ordinances which you shall set before them" (21:1), and after we have become accustomed to the wording of the conditional ordinances (phrased as, "ki" or "ve-im," "when" or "if), the Torah shifts all at once to absolute commands, to cases in which God is the judge and to statutes concerning the offering of sacrifices on the altar – laws similar to those found at the end of *Parashat Yitro*. There is no new introduction, and there isn't even a new *parasha*; all the laws appear in succession.

At first glance, this is difficult to understand, but if we view the units from a more comprehensive perspective, beginning with the revelation at Mount Sinai and the Ten Commandments, we find that they are arranged in chiasmic order:

1. From conditional ordinances (in this case > this law) [21:2-22:19] →
To absolute ordinances ("You shall not do") [22:20-22:26]
2. Absolute ordinances →
Laws of a holy nation [22:27-30] →
Absolute ordinances →
Laws of a holy nation →
3. Review of the Ten Commandments – on the way to the land of Israel.
4. Return to Mount Sinai – the covenant and the book of the covenant, "we shall do and we shall hear," the revelation of the glory of God – Moshe's ascent to Mount Sinai.

1. The transition from conditional ordinances to absolute ordinances (*Shemot* 22:19-26) is emphasized by the parallelism in both language and content to the first Commandments, in chiasmic order:

¹ Abridged from *Mikra'ot Le-Farashat Mishpatim*, p. 117.

² This idea appears for the first time in *Vayikra Rabba* 24:5 (ed. Margoliot, p. 557) on *Parashat Kedoshim*:

R. Chiyya taught: This *parasha* [*Kedoshim tihayu*] was said to the entire congregation, because most of the essential parts of the Torah depend upon it. R. Levi said: Because the Ten Commandments are included in it: "I am the Lord your God" – and it is written here, "I am the Lord your God." "You shall have no other gods" – and it is written here, "Make not to yourselves molten gods." "You shall not take the name of the Lord your God in vain" – and it is written here, "And you shall not swear by My name falsely." "Remember the day of the Sabbath" – and it is written here, "And you shall keep My Sabbaths." "Honor your father and your mother" – and it is written here, "You shall fear every man his mother and his father." "You shall not murder" – and it is written here, "You shall not stand idly by the blood of your neighbor." "You shall not commit adultery" – and it is written here, "Both the adulterer and the adulteress shall surely be put to death." "You shall not steal" – and it is written here, "You shall not steal." "You shall not bear false witness" – and it is written here, "You shall not go as a talebearer among your people." "You shall not covet" – and it is written here, "And you shall love your neighbor as yourself."

See also R. Prof. Ezra Zion Melamed, "*Zakhor Ve-Shamor Be-Dibbur Echad Ne'emru*," in B. Tz. Segel, *Aseret Ha-Dibrot Be-Re'i Ha-Dorot* (Jerusalem, 1986), pp. 158-160.

³ *Peirush Rav Sa'adya Gaon Le-Sefer Shemot*, ed. Y. Ratzhavi (Jerusalem, 1998), p. 108.

⁴ Translation of *Mivneh Ha-Parshiyot – Mikra'ot Mishpatim*, pp. 416-420 (*Shemot* 21-23).

I am the Lord...
 who brought you out of the land of Egypt –
 You shall have no other gods before Me...
 (20:2-3)
 ||
 He that sacrifices to the gods shall be utterly
 destroyed
 save to the Lord only –
 And a stranger shall you not wrong, neither shall you oppress
 him;
 for you were strangers in the land of Egypt. (22:19-20)

The differences between the conditional ordinances (21:1-22:19) and the absolute ordinances (22:20-27 and 23:1-9) is reflected in the imperative wording, this being the wording of the Ten Commandments: "And a stranger shall you not wrong, neither shall you oppress him" (22:20). Even when a command opens with a conditional term ("If you lend money to any of My people, even to the poor with you," 22:24), what follows is not the law in the case described, but rather an absolute command of God: "You shall not be to him as a creditor; neither shall you lay upon him interest" (22:24).

The fundamental difference between "the ordinances that you shall set before them" – that is, before the judges – and the absolute ordinances, which draw from the wording of the Ten Commandments, lies in the situations in which God's judgment involves direct intervention.

These situations are those cases that will never reach a human court. Strangers, widows, orphans, and poor people in general do not have the strength, money, and help necessary to reach the judicial system, and therefore their cry (like that of Sodom) rises up before "the judge of all the earth" (*Bereishit* 18:21-25).

Anyone who remembers the plagues of Egypt and the exodus from Egypt must be terrified by the situations in which the judicial system is incapable of saving the truly weak. When their cries rise up before God, the most awful judgment will be revealed, in the form of calamities that will befall those who could have saved them, but failed to do so.

You shall not afflict any widow or fatherless child.
 If you afflict them in any way, for if they cry at all to Me, I will surely hear their cry;
 My wrath shall wax hot, and I will kill you with the sword;
 and your wives shall be widows, and your children fatherless.
 If you lend money to any of My people, even to the poor with you,
 you shall not be to him as a creditor;
 neither shall you lay upon him interest.
 If you at all take your neighbor's garment to pledge,
 you shall restore it to him by that the sun goes down;
 for that is his only covering, it is his garment for his skin;
 wherein shall he sleep?
 and it shall come to pass, when he cries to Me,
 that I will hear; for I am gracious. (22:21-26)

R. Yishmael expounded⁵ that the introduction to the prohibition of taking interest – "If you lend money to any of My people, even to the poor with you..." – does not indicate an optional activity, but rather an obligation. In other words, you are obligated to lend money to the poor among your people. Even

though this obligation does not follow clearly from the wording of "if," it fits the spirit of the plain meaning of the verse, which arises from the context. This introductory condition was not stated in the framework of the conditional ordinances (in this case > this law), but in the heart of the absolute ordinances. Indeed, the obligation to lend money fits in well with the prohibition of interest and with the prohibitions to oppress "the poor with you," "any widow or fatherless child," and the stranger, "for you were strangers in the land of Egypt" (22:20-21).

2. The next transition, from ordinances to sacrifices, is very surprising. What are the laws concerning *terumat*, firstborn animals, being "people of holiness," and the prohibition of flesh that is torn of beasts in the field doing here in the middle of the civil ordinances?

If, however, we read all of the passages after the Ten Commandments as one system, then the beginning is found not in *Parashat Mishpatim*, but rather in the laws intended for "a kingdom of priests and a holy nation" (19:6), which we find after the Ten Commandments. There, mention is made of the laws governing an altar of earth and an altar of stones. Just as those laws open with laws of the altar (after the Ten Commandments), so too, after the conditional ordinances, we return to laws concerning sacrifices, *terumat*, and firstborns at the beginning of the unit of absolute ordinances.

If we read the verses of the laws and the absolute ordinances (22:19-30) as a continuation of the laws of a holy nation, we find that they display a coherent and logical order content-wise:

An altar of earth you shall make to Me... And if you make Me an altar of stone... (20:21)
 He that sacrifices to the gods shall be destroyed, save to the Lord alone (22:19)
 You shall not delay to offer of the fullness of your harvest, and of the outflow of your presses. The firstborn of your sons... (22:28)
 And you shall be holy men to Me... (22:30)

The two passages are also formulated in the first person, from the mouth of God, as a continuation of God's words from heaven to "the kingdom of priests and the holy nation."

You yourselves have seen that I have talked with you from heaven. You shall not make with Me...
 An altar of earth you shall make to Me...
 In every place where I cause My name to be mentioned I will come to you and bless you... (20:19-21)
 For if they cry at all to Me, I will surely hear their cry...
 If you lend money to any of My people...
 And it shall come to pass, when he cries to Me, that I will hear; for I am gracious...
 The firstborn of your sons shall you give to Me... And you shall be holy men to Me... (22:22-30)

It is clear, then, that the passages concerning the ordinances are integrated into a comprehensive structure; they do not stand alone. The entire structure opens with the revelation at Mount Sinai, moves to the Ten Commandments, begins to detail the laws of a holy nation, moves on to the (conditional) ordinances, and then completes the laws of a holy nation, returns to the Ten Commandments, and then concludes with a return to Mount Sinai and a description of the covenant that was made there.

⁵ *Mekhilta Mishpatim, parasha* 19: "Every instance of *im* and *ve-im* in the Torah is an option, except for this one and another two..."

This structure of "the laws of a holy nation" (which precede the ordinances and then continue after the conditional ordinances) becomes clearer and stronger when we read its continuation – the transition from the absolute ordinances (23:1-9) to the laws of the Sabbatical year and Shabbat, and especially to the three pilgrim festivals, with the laws of pilgrimage, the Paschal offering, firstfruits and the prohibition of "a kid in its mother's milk" (23:1-9). The completion of the "laws of a holy nation" after all the ordinances is the elaboration needed for the Commandment of Shabbat, whose derivatives are, of course, the Sabbatical year, Shabbat, and the laws of the three pilgrimage festivals.

In this way, the opening of the "laws of a holy nation" at the end of *Parashat Yitro* becomes clarified: "And the Lord said to Moshe: Thus you shall say to the children of Israel: You yourselves have seen that I have spoken to you from heaven" (20:18). This is a far too festive opening for such a short passage. But if we read in immediate succession the laws of a holy nation that are found after the conditional ordinances (the laws regarding sacrifices, *terumat*, and firstborns), and after them the Sabbatical year, Shabbat, and the pilgrimage festivals, until "You shall not cook a kid in its mother's milk" (23:19), it becomes obvious that this introduction fits the entire collection of laws of a holy nation – from the laws governing the altar to the laws governing the pilgrimage festivals. This collection of laws is integrated in the Torah into the ordinances, both conditional and absolute. All of them together provide a full detailing of the Ten Commandments, and according to many commentators, they are the essence of the "book of the covenant."

Return to the Ten Commandments (23:20-33) and the Covenant at Mount Sinai (24)

Is the continuation and end of chapter 23 (verses 20-33) a continuation of the elaboration and expansion of the Ten Commandments in the laws of a holy nation, like the *pasuk* of "You shall not cook a kid in its mother's milk"?

The themes and the content of this section, as well as the first-person style, might suggest that there is continuity here, but several indications in the language of the Torah show that there is a return to the Ten Commandments themselves, and in particular to the first Commandments.

The expression, "Behold, I..." (23:20) returns us to the beginning of the Ten Commandments, "I am the Lord your God" (20:2), and even completes it. There, God said, "... who brought you out of the land of Egypt, out of the house of bondage," and now – "Behold, I send an angel before you, to keep you by the way, and to bring you into the place which I have prepared..." (*Eretz Yisrael*).

The warning, "Take heed of him, and hearken to his voice... for he will not pardon your transgression; for My name is in him" (23:21) is formulated in exactly the same way as the third Commandment: "You shall not take the name of the Lord your God in vain; for the Lord will not hold him guiltless that takes His name in vain" (20:7).

The warning concerning idol worship in *Eretz Yisrael* opens with the same wording as the second Commandment: "You shall not bow down to their gods, nor serve them..." (23:24).

Therefore, this unit should be seen not as a continuation of the laws of a holy nation, but as a return to the beginning of the Ten Commandments. But why must the Torah return here, at the end of the laws and the ordinances, to the beginning of the Ten Commandments?

The severe warnings against idol worship appear in the Ten Commandments in the context of the exodus from Egypt, which means, of course, leaving the pagan culture of Egypt. The arrival of the Israelites in "the land of the Canaanites" will require a different confrontation with the Canaanite gods, and the method of going out into the wilderness will be of no use in *Eretz Yisrael*.

It is necessary to establish a comprehensive and deep barrier between the Israelites and the Canaanite gods, and this is the essence of the passage, "Behold, I send an angel before you": "You shall not bow down to their gods, nor serve them, nor do after their doings; but you shall utterly overthrow them, and break in pieces their pillars" (23:24)... "You shall make no covenant with them, nor with their gods... for they will be a snare to you" (23:32-33).

The return to the Ten Commandments completes the struggle against idolatry, transitioning from the Egyptian context of the exodus from Egypt to the Canaanite context expected in *Eretz Yisrael*, which will be more difficult because of the separation that will be necessary from the culture of the land to which God will bring His people, as He had promised.

4. The return to the Ten Commandments also illuminates for us the concluding chapter (24), which returns to Mount Sinai for the covenant ("And to Moshe he said, Come up to the Lord..." [24:1]). What we have here is a parallel-complementary account between the revelation at the beginning and the covenant at the end.

The Book of the Covenant⁶

What is the book of the covenant (24:7), and what was written in it?

One thing is clear – "the book of the covenant" at Mount Sinai was not comprised of the five books of the Torah, most of which relate to events that had not yet occurred. Clearly, then, it was a book that included only the covenant at Sinai. The Ten Commandments were inscribed on "the tablets of the covenant" (31:18; 32:15-16; 34:1, 27-28), but "the book of the covenant" is mentioned at the assembly that led to the covenant (according to the order of the Torah), and this took place **before** the forty days and nights and **before** the tablets were given to Moshe.

The simple understanding is that the "book of the covenant" refers to the commandments and ordinances from the end of *Parashat Yitro* until the end of *Parashat Mishpatim*, which are an elaboration upon and expansion of the Ten Commandments. These were recorded in the "book of the covenant" along with the Ten Commandments. Accordingly, the passage of the "book of the covenant" concludes the *parashiyot* dealing with the revelation at Mount Sinai. Thus, the "book of the covenant" relates to everything that Moshe had written before that point, as well to the *mishpatim*:

Moshe came and told the people all the words of the Lord and all the ordinances, and the entire people answered with one voice and said, "All the words which the Lord has spoken will we do." Moshe wrote all the words of the Lord, and rose up early in the morning, and built an altar under the mount, and twelve pillars, according to the twelve tribes of Israel. (24:3-4)

And he took the book of the covenant and read in the hearing of the people; and they said, "All that the Lord

⁶ From *Mikra'ot Mishpatim*, pp. 549-555.

has spoken will we do, and obey." And Moshe took the blood, and sprinkled it on the people, and said, "Behold the blood of the covenant, which the Lord has made with you in agreement with all these words." (24:7-8)

Most of the classical commentators who are committed to the simple meaning of the text – Rashbam, Ibn Ezra, and Ramban – follow this approach. Similarly, most modern biblical scholars see the book of the covenant as consisting of the Ten Commandments and the commandments and ordinances in *Parashat Mishpatim*.

Here, however, rises the issue of chronology in the Torah. When did the covenant and the reading of the book of the covenant take place? Did they occur in accordance with the order found in the Torah – after the Ten Commandments and the law of *Parashat Mishpatim*? Or did they perhaps take place **before** the great assembly described in *Parashat Yitro* (as was understood by Rashi)?

Why would one think that these events took place earlier than what is suggested by where they are found in the Torah? The primary reason is that after hearing the Ten Commandments, Moshe "drew near to the thick darkness where God was" (20:17). According to the simple understanding, this refers to Moshe's ascent to Mount Sinai for forty days and nights (24:12-18). Accordingly, the parallels between chapters 19 and 24 were interpreted as a clear allusion to the fact that the covenant that is described in the end actually took place in the beginning, in the first days after the Israelites reached Mount Sinai, before the revelation and the Ten Commandments:

And Moshe came and called for the elders of the people and set before them all these words which the Lord commanded him. And all the people answered together, and said, "All that the Lord has spoken we will do..." (19:7-8)

And Moshe came and told the people all the words of the Lord **and all the ordinances**; and all the people answered with one voice, and said, "All the words which the Lord has spoken will we do." And Moshe wrote all the words of the Lord... (24:3-4)

The Ramban adheres to the Torah's chronology. He resolves the problem by suggesting that Moshe's nearing the thick darkness took place at the foot of the mountain where the Ten Commandments were received, and it is not identical with Moshe's ascent for forty days and nights. The addition of the word "ordinances" in the parallel verse at the end proves, in his opinion, that the writing and the covenant took place at the end, after "all the ordinances" of *Parashat Mishpatim*.

Rashi, on the other hand, prefers to move the covenant earlier, and he therefore explains that "all the ordinances" refers to what came before Sinai – "the seven Noachide laws, and Shabbat, honoring one's father and mother, and the red heifer, and the laws that were given to them in Mara" ("There He made for them a statute and an ordinance;" 15:25).

From this, Rashi reaches a seemingly surprising conclusion: "The book of the covenant" includes all that preceded the revelation at Sinai, from *Bereishit* to the end of the exodus from Egypt. How are we to understand the entire Torah from the beginning as "a book of the covenant"?

Thinking about modern contracts may help us understand the words of Rashi. The preamble in such a contract includes the names of the parties, their addresses, and the

purpose of the transaction (to buy or sell, to lease or rent) regarding a particular property. Following this, it is customary to open the agreements between the parties with a general clause that states: "The preamble to this contract is an inseparable part of the agreement." Similarly, the story in the Torah from *Bereishit* is intended to describe the parties to the covenant. The giver of the Torah is the Creator of the world, who chose the Patriarchs and their descendants, and brought the Israelites out of the land of Egypt; the recipient is the children of Israel, who left Egypt and are now camping at Sinai, and they wish to receive all the words of God and do them. The book of the covenant includes the whole preamble, which constitutes an inseparable part of the covenant relating to the giving of the Torah at Sinai.

The great difficulty with this understanding is that the reading of the whole Torah from the beginning of *Bereishit* to the end of *Beshalach*, in a public assembly made up of the entire people, would have had to last several days, and this seems impossible. This is in addition to the forced explanation of the "all the ordinances" as referring to something other than *Parashat Mishpatim*.

It is possible to adopt Rashi's approach and move the covenant earlier, but to still view the beginning of the book of the covenant as God's first words to Moshe at Mount Sinai, which explicitly mention a covenant:

Thus shall you say to the house of Yaakov, and tell the children of Israel:

You have seen what I did to the Egyptians, and how I bore you on eagles' wings, and brought you to Myself.
Now therefore, if you will hearken to My voice and keep My covenant, then you shall be My own treasure from among all peoples; for all the earth is Mine; and you shall be to Me a kingdom of priests, and a holy nation.

These are the words which you shall speak to the children of Israel. (19:3-6)

After this opening, which includes the key clause that mentions a "covenant" ("if you will hearken to My voice and keep My covenant"), and after the heading of "these are the words" (*eleh ha-devarim*), it is fitting to find the Ten Commandments (*aseret ha-devarim*). We are still dealing with a concise summary, which can be read to the nation in a festive ceremony, similar to the familiar summary of the passages of *Shema* in the book of *Devarim*.

Another passage that is fit to be written in the book as a summary suitable for such a reading is the one that concludes the "ordinances" before the "covenant," which completes and summarizes the first Commandments in the context of the time when the people will come and take possession of *Eretz Yisrael*:

Behold, I send an angel before you, to keep you by the way...
For My angel shall go before you, and bring you in to the Amorite, and the Hittite, and the Perizzite, and the Canaanite, the Chivite, and the Yevusite; and I will cut them off.
You shall not bow down to their gods, nor serve them, nor do after their doings; but you shall utterly overthrow them, and break in pieces their pillars.
And you shall serve the Lord your God, and He will bless your bread, and your water; and I will take sickness away

from the midst of you.

...

You shall make no covenant with them, nor with their gods.

They shall not dwell in your land, lest they make you sin against Me,
for you will serve their gods,
for they will be a snare to you. (23:20-33)

In this passage, as in the book of *Shemot* in general, there are no descriptions of troubles or curses, or what will happen "if you do not hearken." In *Mara* (15:26), mention is made only of the good that will come "if you hearken," and this is true also in the introductory passage to the revelation at Mount Sinai (cited above) as the opening of the covenant: "Now therefore, if you will hearken to My voice, and keep My covenant, then you shall be My own treasure from among all peoples... a kingdom of priests, and a holy nation" (19:5-6).

But the severe end of the concluding passage, "For you will serve their gods, for they will be a snare to you" (23:33), invites a continuation and an elaboration upon what will happen "if you do not hearken," if you will enter into a foreign covenant instead of the covenant with God. But such an elaboration does not appear in the book of *Shemot*, and this is not by chance. The negative possibility of "if you will not hearken" is only hinted at, but not explicitly mentioned; only blessings are mentioned here, without curses, disasters or failures.

At the end of the book of *Vayikra*, the Torah returns to Mount Sinai (*Vayikra* 25:1; 26:47; 27:34), and there we find the opposite situation – the blessings are brief, whereas the curses are long and detailed. They are introduced by a phrase that is only alluded to in the book of *Shemot* – "And if you will not hearken" (*Vayikra* 26:14). This is also the case in the book of *Devarim* (28) in the covenant of Arvot Moav.

This may lead us to different conclusions, one of them being the opinion of R. Yishmael that "the book of the covenant" at Mount Sinai included "the blessings and the curses" at the end of *Vayikra* (*Mekhilta*, *Yitro*, *massekhta Be-Chodesh*, *parasha* 3). The blessings and the curses at the end of *Vayikra* are an inseparable part of "the book of the covenant" – a necessary complement.

We thus find three possible understandings of "the book of the covenant" and what was written in it:

1. According to the order of the Torah: The Ten Commandments, together with the commandments and ordinances in *Parashat Mishpatim*, the Ten Commandments being the well-known summary that was also (later) inscribed on the "tablets of the covenant."

2. The preamble to the covenant as an inseparable part of it: According to the plain meaning of the text, this includes God's first words to Israel at Sinai, in which we find for the first time a condition: "If you will hearken to My voice and keep My covenant..." (19:5-6). Rashi, however, greatly expands this preamble to include the Torah's entire narrative from *Bereishit* to the end of the exodus from Egypt.

3. The blessings that will follow from "If you will hearken," along with the curses that will ensue from "If you will not hearken": The summary in *Shemot* merely alludes to the curses, but at the end of *Vayikra* they are spelled out in full force, and they are included in the words spoken to Moshe at Mount Sinai.

According to all three understandings, we can identify a

short text that represents the full "covenant," like the Ten Commandments or the passages of *Shema*, and is suitable for a brief and concise reading to the people when the covenant was made at Mount Sinai.

These three understandings stood before the *Tanna'im*, and we find a dispute about the matter in the tannaitic *midrashim*, and then later, based on the different positions in the *midrash*, in the words of the classical commentators – Rashbam, Ibn Ezra, and Ramban following the first understanding, Rashi, the second, and the Chizkuni, the third (that of R. Yishmael).

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|--|---|
| 19:7-8: And Moshe came and called for the elders of the people, and set before them all these words which the Lord commanded him. | 24:3: And Moshe came and told the people all the words of the Lord, and all the ordinances; and all the people answered together, and said, "All the words which the Lord has spoken will we do." |
| And all the people answered together, and said, "All that the Lord has spoken we will do." | 24:4,7: And Moshe wrote all the words of the Lord... And he took the book of the covenant, and read in the hearing of the people; and they said, "All that the Lord has spoken will we do, and obey." |
| 19:3-20:17: and Moshe went up. And the people stood afar off; but Moshe drew near unto the thick darkness where God was. | 24:1-2, 13: And to Moshe He said, "Come up to the Lord... and worship you afar off; and Moshe alone shall come near to the Lord..." ...and Moshe went up into the mount of God. |
| 19:15-25: And it came to pass on the third day, when it was morning, that there were thunders and lightnings and a thick cloud upon the mount, and the voice of a horn exceeding loud... Now Mount Sinai was altogether on smoke, because the Lord descended upon it in fire; | 24:15-18: And Moshe went up into the mount, and the cloud covered the mount. And the glory of the Lord abode upon Mount Sinai, and the cloud covered it six days; and the seventh day He called to Moshe out of the midst of the cloud. |
| and the smoke thereof ascended as the smoke of a furnace. And the Lord came down upon mount Sinai, to the top of the mount; | And the appearance of the glory of the Lord was like devouring fire on the top of the mount in the eyes of the children of Israel. And Moshe entered into the midst of the cloud, and went up into the mount; and Moshe was in the mount forty days and forty nights. |
| and the Lord called Moshe to the top of the mount; and Moshe went up... And the Lord said to Moshe, "Go down, charge the people... Go, get you down, and you shall come up..." So Moshe | |

There are various ways⁷ of understanding the precise relationship between these two accounts of the revelation at Mount Sinai, the one that is written in the Torah surrounding the Ten Commandments (in *Parashat Yitro, Shemot* 19 and 20), and the other that is written in *Parashat Mishpatim*, with all their similarities and differences. But first and foremost we must see the closed and overall structure of the *parashiyot* dealing with the revelation, based on the fundamental understanding that after the ordinances and the laws, the Torah returns to the Ten Commandments, and finally it completes the story of the revelation. This is the overall structure of the passages dealing with the revelation:

The revelation at Mount Sinai (19)

 The Ten Commandments (20)

The revelation at Mount Sinai (20:14-17)

 The laws of a holy nation (end of ch. 20)

 The ordinances: The conditional ordinances (21-22:18)

 The laws of a holy nation and the absolute ordinances (22:19-23:9)

 The laws of a holy nation (23:10-19)

 Return to the Ten Commandments with *Eretz Yisrael* (23:20-33)

Return to the revelation at Mount Sinai (24)

Translated by David Strauss

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⁷ See Ramban, *Shemot* 24:1, as opposed to Rashi, ad loc.