

The 10 RashiYomi Rules

Their presence in Rashis in MiShPaTiM

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GOALS

The goal of the Weekly Rashi Digest is to use the weekly Torah portion to expose students at all levels to the ten major methods of Rashi's commentary. Continual weekly exposure to these ten major methods facilitate the acquisition, familiarity, and facility with the major exegetical methods.

Hi

This issue continues our exploration of commandments in each parshah. This week is Mishpatim which forms the basis for all of civil law. We take this opportunity to show how certain very simple principles are used to derive the law from the biblical text.

Russell Jay Hendel, President, Rashiyomi

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Parallelism *Rashi Newsletter* Ex21-12a,b Thur-Fri Feb 8-9th, 2018

Background: There are two verses, one in this weeks Parshah, and one in a Parshah in Vayiqrah, indicating that murder is punishable by death. As we place these verses in parallel we begin to see differences and nuances which generate laws.

Biblical and Rashi Text: The biblical text is indicated in italics in the table below. The Rashi on each pair of phrases is indicated underneath. The narrative after the table explains more fully the underlying principles.

	Subject: Who is doing it	Verb: Activity	Object: To whom it is done	Adverbial clause (What type of hit)	Punishment
Ex21-12a,b	<i>Who so</i>	<i>hits</i>	<i>A man</i>	<i>And he dies</i>	<i>He will be put to death</i>
Lv24-17	<i>A man</i>	<i>That hits</i>	<i>Any human soul</i>		<i>He will be put to death</i>
Rashi	<u>Whoso+man:</u> So any adult (man or woman) is liable for death penalty (but not a minor)		<u>Man+any soul:</u> So you are liable for murder if you kill a man, woman, minor but not a fetus	Not every hit that results in death is punishable by death. The hit has to be assessed as lethal: So a lethal hit with death results in a death penalty	

Let us carefully go over this table. This will enable the reader (You!) to understand how parallel verses generate Halacha. The general rule is that the Bible uses Parallelism to give a very restrictive and very broad term to indicate something in the middle. Let us see how this applies here.

- **Ex21-12** says *whoso hits* while **Lv24-17** says *a man that hits*.

- Clearly *man* is restrictive: Man: not minor and not woman.
- Contrastively, *whoso* is expansive and includes all. *Whoso* would include a minor also.

By using the two verses *whoso+man* we indicate *man or woman* but not minor. In other words we make *man* a little broader so that it includes any adult and we make *whoso* a little more restrictive.

- **Ex21-12** speaks about hitting *a man* while **Lv24-17** speaks about hitting *any human soul*.
 - Again: *man* is restrictive. It could exclude minors and woman
 - *Human soul* is expansive and would include anyone (even unborn)

By including both terms we arrive that kidnapping any adult or minor is punishable but not kidnapping a fetus. That is *man* loses some of its restrictiveness while *human soul* loses some of its expansiveness.

- **Ex21-12** speaks about a *hit with death* while **Lv24-17** speaks about *a hit*.
 - A *hit* is expansive and would include any hit (even one that does not kill)
 - A *hit with death* is restrictive and only includes hits where there person dies.

The Bible will use this style: Two parallel verses, one with an extra attribute and one with omission, to indicate emphasis and highlight. So only when you hit someone *lethally* (And he dies), does the law apply.

Parallelism *Rashi Newsletter* Ex21-16a,b Dt24-07a,b Sat-Tue Feb 10-13th, 2018

Background: There are two verses, one in this weeks Parshah, and one in a Parshah in Devarim, indicating that kidnapping is punishable by death. As we place these verses in parallel we begin to see differences and nuances which generate laws.

Biblical and Rashi Text: The biblical text is indicated in italics in the table below. You have to read the columns vertically to see the text. The Rashi on each pair of phrases is indicated in the right hand column. Notice that Rashi does not explain all laws. Where Rashi omits a law we cite the Rambam who in fact cites the verse and pinch hits for Rashi. The narrative after the table explains more fully the underlying principles.

	Ex21-16a,b	Dt24-07a,b	Rashi: Rambam
		When it is found	Found= Found by two witnesses who warn the person
Who?	Who so	A man	Whoso+man: So the prohibition applies to any adult.
Activity?	Steals	Stealing	
To whom?	A man	A soul	Man-soul: So the death penalty applies to kidnapping an adult or minor but not a fetus
Attributes of to whom		From his brothers From the Jews	Death penalty for kidnapping does not apply to kidnapping slaves (It is prohibited but no death penalty). The person has to be a (free) Jew.
Activity attributes	and sells him	and he uses him and sells him	Liability for death penalty for kidnapping requires i) kidnapping ii) bringing victim home iii) using him and iv) selling him
	And it is found on him		Kidnapping death penalty does not apply if one kidnaps a dependent (who is already "on him") or a teacher who kidnaps a student (These people are not "found on him" but already there)
	He receives a death penalty	He receives the death penalty	

Again, we go through the table in a narrative fashion. Some of these laws are found in Rashi. Some are found in the Rambam (Chapter 9 of laws of theft) and some are found in both places. The underlying concept is two parallel verses.

We start with the principle mentioned previously: *The bible will use two parallel phrases, one with restrictive words, one with expansive words, to indicate a compromise between the restrictive and expansive meaning.*

- **Ex21-16** says *whoso kidnaps* while **Dt24-07** says *when a man kidnaps*. The word *whoso* is general and broad. The word *man* is specific and restrictive. The Bible uses both of them to indicate any adult, man or woman but not a minor.
- **Ex21-16** speaks about *kidnapping a man* while **Dt24-07** speaks about *kidnapping a soul*. Clearly *man* is specific and restrictive while *soul* is broad and expansive. By combining both of them we

see that the laws in these verses apply to anyone living, man, woman, minor but not to an unborn fetus.

- **Dt24-17** has the extra phrase *from his brothers from the Jews*. This phrase is absent in Ex21-16. The bible will use this style, one verse with an extra attribute and one verse with omission to indicate emphasis. The law only applies if kidnapping a *brother Jew*. So the law does not apply to kidnapping a non free person like a slave.
- **Ex21-16** uses the phrase *and sell the kidnapped person*; **Dt24-07** speaks about *using the kidnapped person and selling him*. Again we have the *attribute-omission* style. The law is that the kidnapping penalties only apply is the thief i) kidnaps, ii) brings the kidnapped home, iii) uses him/her, iv) sells him.
- There are two clauses left. One is the introductory clause in **Dt24-07** *When a man is found...kidnapping*. Rashi explains that this introductory phrase sometimes does occur and sometimes does not occur in the Bible. When it does occur it indicates a requirement of *being caught in the act by witnesses who warn him that he is doing a crime*. There can be no punishment in Jewish law without warning and acceptance.
- The other phrase, *and the kidnapped person is found in his hand* occurs in **Ex21-16** but not in **Dt24-07**. This is an unusual phrase that does not follow any standard pattern in other biblical verses. Interestingly, Rashi does not comment on it (Rashi comments on items that are rule-based and can be found in other verses). However, the Rambam (**Theft, Chapter 9**) explains: *Kidnapping carries a penalty only when the kidnapped is found on the person*. If the kidnapped is always around the person – for example, teacher-student, household owner-dependents – there is no penalty for kidnapping.

We hope you have enjoyed these two examples of parallelism in today's weekly digest. They illustrate fundamental techniques by which the Torah indicated law. Now that you understand them you can more fruitfully understand Rashi.

THE 10 RASHI RULE CATEGORIES / THE 30 RASHI RULES

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I-REFERENCE: Dt26-05d *We went down to Egypt with a few people* explained by Gn46-27: with 70 people

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II-MEANING / Lexicography / Dictionary: EXAMPLE (Connectives) KI means IF,PERHAPS,RATHER,BECAUSE,WHEN,THAT (Rashi on Gn18-15a Gn24-33a) **EXAMPLE (Nuances):** YDA

means FAMILIAR, not KNOW (eg Dt34-10a) eg Gn04-01 Adam was FAMILIAR with his wife **EXAMPLE (Idioms)** ON THE FACE OF means DURING THE LIFETIME (Rashi on Nu03-04a Gn11-28a Ex20-03c Dt05-07a) **EXAMPLE (Synonyms)** *Marchesheth* means pot; *Machavath* means frying pan (Lv02-05a, 07a) **EXAMPLE (Hononyms)** SHAMAH can mean listen, hear, understand: (Gn42-23a) *They didn't appreciate that Joseph understood them* (Note: They knew he was listening) **EXAMPLE (Metonymy)** (Lv02-11a) *Don't offer ...any honey as sacrifices* RASHI: *honey* includes any *sweet fruit juice*

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III-GRAMMAR: EXAMPLE: BA-ah means CAME;ba-AH means COMING(Gn46-26a)
EXAMPLE: Hitpael conjugation has different rules if 1st root letter is Tzade (Gn44-16a)

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IV-PARALLELISM: (Ex20-04) Dont **POSSESS** the gods of others Dont **MAKE** idols RASHI: So both **POSSESSion & MAKING** of idols are prohibited

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V-CONTRADICTION: (Nu04-03, Nu08-24a)Levites start Temple work at 25; Levites start temple work at 30. RASHI: They apprentice at 25 but start actual service at 30.

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VI-STYLE: RABBI ISHMAEL RULES: EXAMPLE: (Simple verses should be generalized): (Rashi Pesachim 6) (Dt25-04a) *Dont MUZZLE an OX while THRESHING* RASHI: Dont STOP any WORKING ANIMAL from eating

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VII-FORMATTING: EXAMPLE (BOLD indicated by Repetition): Ex12-09c COOK COOK it in water (So COOKED-COOKED is understood the same way bold is understood by modern reader) RASHI: Preferred to COOK it in water; But COOK it at all costs(Even if you don't have water) **EXAMPLE: (BULLETS indicated by Repeating keywords)** (Ex03-11a) Who am I - **THAT** I should go to Pharaoh - **THAT** I should take the Jews out of Egypt RASHI: Repeated word **THAT** creates BULLET effect - Pharaoh was a difficult king (Bullet one) - Jews were not yet ready for freedom (Bullet two) **EXAMPLE (Climax assumed in any Biblical list):** (Dt19-11a) *If a man HATES, SPIES, CONFRONTS & KILLS.* RASHI: Bible identifies 4 stages to murder(indicated by capped words)

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VIII-DATABASE: EXAMPLE: *God spoke to Moses to say over* introduces about 7 dozen biblical commandments; *God spoke to Aaron to say over* only introduces 2 commandments. RASHI: (Lv10-03b) Aaron was silent when his sons died because they served in the Temple drunk; hence he merited that the commandment prohibiting priests to work in the Temple drunk, was given to him

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IX-NON VERSE: EXAMPLE: (Use of Algebra)(Ex38-26b) *Temple donations of silver were 100 Kikar and 1775 Shekel from 630,550 half-shekels* RASHI: So one Kikar of silver = 3000 Shekel.

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X: SYMBOLISM: EXAMPLE: (Use of puns) Moses made a copper snake for people to look up to when bitten by snakes (so they should pray and recover) RASHI: (Nu21-09a) The Hebrew root for copper and snake are identical (Cf. The English *copperhead*) Moses made the metal snake copper colored to symbolize the snake