

אבל בחד עניינא מאי דמוקדם מוקדם –

However, in one passage; that which is earlier is earlier

OVERVIEW

maintains that in one passage, the תורה is written in a proper chronological order. תוספות will qualify this statement.



comments that this rule of מוקדם מוקדם is valid -

היינו דוקא היכא דליכא דרשה וטעם –

Only specifically where there is no interpretation or reason to change the order. However where there is sufficient reason to change the order, then even עניינא, the rule will remain that מוקדם ומאוחר בתורה.¹

proves his point:

דהא תנן בפרק נגמר הדין (סנהדרין מה,א. ושם) דדחיית הנסקל קודם לסקילתו –

for we learnt in a משנה in פרק נגמר הדין that the pushing, of the one to be stoned, precedes his stoning. When someone is to be stoned by בית דין, he is first pushed off (a two story height) and after he falls down he is then stoned.

אף על גב דסקילה כתיב ברישא דכתיב² כי סקל יסקל או ירה יירה –

Even though that סקילה is written first (before pushing) as it is written; ‘for stoned he will be stoned or casted off he will be casted off’. In this פסוק the סקילה is mentioned before the דחייה, why is the rule that the דחייה precedes the סקילה. These two terms are written in the same פסוק it is definitely עניינא. Why do we not maintain that מאי דמוקדם מוקדם and the סקילה should be performed first³?! This proves that where there is a דרשה וטעם we do reverse the order of the פסוק even עניינא.

explains what is the דרשה וטעם to reverse the order:

היינו משום דכתיב במקום אחר סקילה בגמר מיתה דכתיב⁴ וסקלתם באבנים ומתו:

This is because elsewhere סקילה is written in conjunction with the final stage of dying; as it is written, ‘And you shall stone them with stones and they shall die’. The stoning is the final act that precedes their death; therefore it is to be performed last,

¹ See ‘Thinking it over’ #1.

² יג. This פסוק is actually discussing מתן תורה, where ה' tells משה that anyone who will ascend סיני will be ירה ירה או יסקל יסקל. However the סנהדרין utilizes this פסוק to teach us that the נסקל is pushed off a height of two stories before he is actually stoned (if he survived the fall).

³ See ‘Thinking it over’ # 2.

⁴ דברים (שופטים) יז, ה.

after the casting off. This proves that where there is sufficient reason, we maintain אין מוקדם בחד עניינא even ומאוחר בתורה.

SUMMARY

Even אין מוקדם ומאוחר, if there is sufficient reason; we can still maintain בחד עניינא בתורה.

THINKING IT OVER

1. מוקדם states that if there is a דרשה וטעם then even בחד עניינא there is no מוקדם even if there is ומאוחר בתורה; implying that בתרי עניינא there is no מוקדם. Why would the תורה change the chronological order without a טעם?⁵

2. The discussion whether אין מוקדם ומאוחר בתורה would seem to be in relation to the chronological order in which various occurrences were said and written in the תורה. No one is denying that סקול יסקל was said before ירה יירה; however this should not have any bearing on the הלכה how one is to be stoned. The rules of מצות have separate guidelines how we interpret them in the manner in which they should be performed. It would seem to have no bearing on the issue of אין מוקדם ומאוחר בתורה!⁶

⁵ See מהרש"ל ומהרש"א (הארוך אות ק)

⁶ See ברכת אברהם.