

Mishpatim: We Can Find Some Verses of Comfort Even in this Parasha
Rabbi Eliot Malomet February 22, 2025 24 Shvat 5785



The return of the savagely murdered hostages elicited a great outpouring of grief in Israel and from Jews throughout the world. Experts positively identified 84-year-old Oded Lifshitz as well as the two boys, Ariel and Kfir Bibas, whose images, together with their terrified mother Shiri, have been seared into our souls. But grief turned to rage when the fourth body was determined to be someone other than Shiri. That, together with Hamas' cheerful parading of the dead, the locking of the coffins, the placement of Hamas propaganda inside them, brought Hamas' barbaric cruelty to new depths. That there are sympathizers for these monsters in and around our communities is unfathomable. With more hostages and victims to be returned in the days and weeks ahead, there is plenty of relief and anguish ahead of us. Mishpatim is mostly a parasha of laws. But can we find comfort in it?

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לִפְנֵיהֶם. (שמות כא:א)

And these are the statutes that you are to place before them. (Exod. 21:1)



Human cruelty, as we have just seen, knows no bounds. Life can be chaotic and we draw comfort and meaning from systems that order human behavior. In the broadest sense, a code of laws demonstrates that human societies need to operate with a set of rules. But sometimes, even rules

can seem random and arbitrary. There is nothing more frustrating than having to adhere to rules that seem to have no basis in reality or have no explanation. Human beings exhibit paradoxical tendencies: we desire order and defy order at the same time. God recognizes this tension. The way to mediate that tension is through education, explanation and study. Therefore, God instructs Moses to *place these rules before the people*. Moses was to act as *teacher-in-chief*. The rabbis tell us that Moses' job here was *to show the face of the law*, or to disclose its

essence, not simply to legislate. The task of an educator is to engage the learner and enable the learner to assimilate material in their own way. Based on the words *אֲשֶׁר תָּשִׂים לִפְנֵיהֶם*—*that you shall place before them*, the rabbis derive that Moses gave structure and meaning to the laws. Rashi: *כְּשֶׁלַחַן הָעֵרִיד וּמוֹכֵן לְאָכַל לִפְנֵי הָאָדָם*—*(Moses placed the laws out) like a table, fully set before a person, ready to eat*. There is comfort in having an orderly system of laws and in knowing that its meaning is accessible to us. These laws emphasize human dignity and demonstrate a profound revulsion against human cruelty. That is comforting as well.

אִם עָנָה תִּעֲנֶה אֹתוֹ כִּי אִם צָעַק יִצְעַק אֵלַי שְׁמַע אֲשַׁמַּע צָעֲקָתוֹ. (שמות כב:כב)

Oh, if you afflict, afflict them...! For [then] they will cry, cry out to me, and I will hearken, hearken to their cry. (Exod. 22:22)

This verse addresses the vulnerability of widows and orphans. Without a primary breadwinner or protector, they are susceptible to all forms of abuse. People are likely to conclude that this family suffered its loss because God has abandoned it. It is easy prey to cruel people. But the law serves as a warning and a promise. God: *Despite what you think about them, I hear them. And I will act on their behalf. If you oppress them, I will render you in the same condition*. But does God really hear those who cry out? That is where faith comes in. The poetry of this verse gives it its power. The *doubling of the verbs* expresses intensity or desire. God's promise is that the intensity of a widow or an orphan's suffering will be met with the intensity of God's response. There is comfort in that. And that is our faith.

שֵׁשֶׁת יָמִים תַּעֲשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִּשְׁבֹּת לַמַּעַן יָנוּחַ שׁוֹרְךָ וַחֲמֹרְךָ וְיִנְפֹשׁ בֶּן אִמְתֶּךָ וְהָגֵר. (שמות כג:יב)

For six days you are to make your labor, but on the seventh day, you are to cease, in order that your ox and your donkey may rest and the son of your handmaid and the sojourner may pause-for-breath. (Exod. 23:12)

Even the word Shabbat is comforting to us. The knowledge that there is an oasis in time, a sanctuary in which it is possible to find refuge from the tumult of the world is a source of great comfort. In other formulations of Shabbat law, we invoke creation (Exod. 20:10) or redemption from slavery in Egypt. (Deut. 5:14). Shabbat is framed as both a reenactment of God's creation and a celebration of human freedom. But in this formulation of the law, both of those rationales are absent. *Here, you are to rest on Shabbat in order not to exploit or exert power over other creatures, namely your beasts of burden, and the*



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vulnerable people who exist in your domain. In the bluntest terms, if you cease being cruel for one day, it might make a difference. Shabbat in other words, signals hope for humanity. There is comfort in knowing that.

הנה אנכי שלח מלאך לפניך לשמרה בדרך ולהביאך אל המקום אשר הכנתי. (שמות כג:כ)

Here, I am sending a messenger before you to protect you on the way, to bring you to the place that I have prepared. (Exod. 23:20)

After their stay at Mount Sinai, the people are to embark on their journey towards the **the place that I have prepared**. Homelessness is a physical and spiritual condition. The promise of home instills hope. But here, the promise of an angel providing divine protection offers comfort as well. Is this an actual angel? A prophet, such as Moses? God himself? Commentators offer a variety of opinions. But the main idea is that the people will be protected. That gives us comfort. **A person of faith feels protected when praying for divine protection** even when we suffer at the hands of cruel monsters. Throughout these months we have been reciting Psalm 121 with these words: **ה' שמרנו ה' צלנו על יד ה' שמרנו ה' צלנו על יד** *The LORD is your guardian, the LORD is your protection at your right hand*. They give us comfort and protection, and a sense that God is near to us.

ויקח ספר הברית ויקרא באזני העם ויאמרו כל אשר דבר ה' נעשה ונשמע. (שמות כד:ז)

Then he took the record of the covenant and read it in the hearing of the people. They said: All that the Lord has spoken, we will do and we will hearken! (Exod. 24:7)

נעשה ונשמע-we will do and we will listen (or obey, or understand), is the people's formulaic response to the reading of the Covenant. They are the functional equivalent of **I do** in the traditional secular wedding vow: **Do you take ... to be your lawfully wedded? I do**. Theoretically, a short, mantra-like vow offers the possibility for husbands and wives to constantly remind themselves of their mutual commitments, especially during periods of marital stress. Likewise, the phrase **נעשה ונשמע** reminds us of our ancestors' commitment to God and enables us to re-enact that commitment by periodically reciting it, especially when we take on mitzvot. It signifies our commitment and is a great source of comfort as well.

ויאמר ה' אל משה עלה אלי ההרה והנה שם... (שמות כד:יב)

Now God said to Moshe: Go up to me on the mountain and **be** there... (Exod. 24:12)

משה לא יכול לעלות להר ומיד לקבל את הלוחות. לא, קדם הוא צריך 'להיות'. (אלהים קורא לו רק ביום השביעי). הדרשה האלהית ממשה מרגשת אותי, כי מה יותר קשה בחיים האלה מ"להיות". "להיות" על אמת. ברגע עצמו. יאיר אגמון

Moses could not go up to the mountain and just get the tablets right away. No, he has to **'be'** there first. (God calls him only on the seventh day of his **'being'** there). This divine request of Moses moves me, for what is more difficult in this life than **"being"**. Truthfully **"being"**. **"Being"** in the moment itself. Yair Agmon (Israeli writer and director).

The midrashic tradition and classical commentators focus on different aspects of this detail. They say that Moses had to wait for God to appear. Moses had to prepare himself. Spiritually, mentally, even physically. What is refreshing about Yair Agmon's comment is the idea that the only prerequisite for Moses to receive the Torah is to **"be"**. **To be present**. On the mountain. In the cloud. No breathtaking views. No and awesome vistas. **He simply has to be present**. We don't know about Moses' inner state at the time he goes up the mountain but that doesn't matter. If he is at peace with himself, he receives the Torah in that state; if he is in turmoil, he receives that Torah in that state. The Torah will be communicated to him in whatever his state of being is at the time. There is something comforting about that.

The prerequisite for receiving the Torah is simply to be, to be present.

וישכן כבוד ה' על הר סיני ויכסהו הענן ששת ימים ויקרא אל משה ביום השביעי מתוך הענן. (שמות כד:טז)

...the Glory of God took up dwelling on Mount Sinai. The cloud covered it for six days, and he called to Moshe on the seventh day from amidst the cloud. (Exod. 24:16)

According to the rabbis, **the Torah was given to Israel on Shabbat**. If that is the case, then the covenant ceremony took place on the next day, during which, Moses went up the mountain. He stayed there that day, through to the sixth day of the week. And on the seventh day, God called him from the cloud. That day was Shabbat. God invited Moses to the summit on Shabbat. God wanted to spend Shabbat with Moses on the mountain. Compare this with another case of sequestration in the Torah. Just before the inauguration of the Sanctuary in Vayikra, the kohanim spend seven sequestered days occupied with preparatory rituals. The inauguration of the sanctuary **is to take place on the eighth day**. The kohanim experienced their re-"creation" in that seven-day period, by themselves, and commenced their new life on the eighth day. Moses on the other hand, spends six days alone on the mountain, and completes his re-"creation", his renewal, not on his own, but together with God. And it's reciprocal: God experiences a "renewal" of sorts with Moses. Why is the Torah given on Shabbat? According to the Sfat Emet (the Gerrer Rebbe, R. Yehudah Aryeh Leib Alter, 15 April 1847 – 11 January 1905) it's because:

שהוא היום שמוכן האדם לשמע ולקבל דברי תורה לכן בו הברכה. (Shabbat) it is the day when a person is ready to hear and receive the words of Torah. Which is why it is blessed.

What was true for Moses is also true for us. And that, in its own way, is comforting as well. Shabbat Shalom.

Today is Day 505. We pray for the survival of hostages who are released and those who remain. May God protect them. May God comfort the families of those murdered in captivity. May God heal the wounded and shield Israel from terror.

This parasha sheet is sponsored by Gittel Footerman and family to commemorate the Yahrzeits of her mother Mollie Gruman and her sister Ruth Leah Rothman z'l.