

Mishpatim: The Ten Commandments vs. The Covenant Ceremony
Rabbi Eliot Malomet February 14, 2026 27 Shvat 5786 Shabbat Shekalim

The words **נַעֲשֶׂה וְנִשְׁמָע** *na'aseh ve-nishma-we will do and we will obey* are deeply embedded within Jewish religious consciousness. We tend to overlook that they are part of a Covenant Ceremony (a kind of seder) that takes place after the declaration of the Ten Commandments (during which the people of Israel were so scared that they probably did not even hear them) and the tragic episode of the Golden Calf. Let's examine the seder of Covenant Ceremony* carefully:

וַיָּבֹא מֹשֶׁה וַיְסַפֵּר לָעָם אֶת כָּל דְּבָרֵי ה' וְאֵת כָּל הַמִּשְׁפָּטִים וַיַּעַן כָּל הָעָם קוֹל אֶחָד וַיֹּאמְרוּ כָּל הַדְּבָרִים אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה.
1. Moses came and recounted to the people all of the statements of God and all of the statutes. The people answered in one voice and said, All the things that God has stated, we will do.
וַיִּכְתֹּב מֹשֶׁה אֶת כָּל דְּבָרֵי ה'
2. And Moses wrote down all of the statements of God.
וַיִּשְׁכֶּם בַּבֹּקֶר וַיְבִינן מִזְבֵּחַ תַּחַת הָהָר וּשְׁתֵּים עָשָׂר מִצְבָּה לְשִׁנָּיִם עֶשֶׂר שְׁבָטֵי יִשְׂרָאֵל.
3. Moses rose early in the morning and built an altar at the base of the mountain and built twelve monuments for the twelve tribes of Israel.
וַיִּשְׁלַח אֶת נְעָרֵי בְנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ זִבְחִים שְׁלָמִים לַה' פָּרִים.
4. Moses dispatched the young men of the children of Israel and they offered burnt offerings and they sacrificed peace offerings to God consisting of cows.
וַיִּקַּח מֹשֶׁה חֲצִי הַדָּם וַיָּשֶׂם בְּאַגָּנוֹת וְחֲצִי הַדָּם נָזַק עַל הַמִּזְבֵּחַ.
5. Moses took half the blood and put it in basins, and half the blood he sprinkled on the altar.
וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע.
6. Moses took the covenant document and read it into the ears of the people. And the people declared: All that God has spoken we will do and will obey.
וַיִּקַּח מֹשֶׁה אֶת הַדָּם וַיִּזְרֹק עַל הָעָם וַיֹּאמֶר הִנֵּה דָם הַבְּרִית אֲשֶׁר כָּרַת ה' עִמָּכֶם עַל כָּל הַדְּבָרִים הָאֵלֶּה.
7. And Moses took the blood and sprinkled it on the people, and he declared, This is the blood of the covenant that God has made with you on all of these things.

To summarize: the seder of the Covenant Ceremony can be divided into seven discreet stages:

1. The "First" Reading (of the Covenant Code) and Response.
2. The Ceremonial Writing of the Covenant Document.
3. The Preparation of the Covenant Site.
4. The Sacrifices.
5. The Apportioning of the Blood of the Sacrifices.
6. The "Second" Reading (of the Covenant Code) and Response.
7. The Sprinkling of Blood on the People and Final Declaration.

Seven Observations: **1. Seven.** We should not be surprised that there are seven stages in this ceremony. Seven echoes creation, signifies wholeness, and acts as a structuring frame that is a divine signature. **The very structure of this ceremony points to God.** **2. Blood.** Sacrificial blood has already played, and will continue to play, a crucial role in the life of the people. By daubing their doorposts and lintels with the blood of the Passover sacrifice, the people consecrated and protected their homes. They also transformed their homes into family altars. **Here the sprinkling of blood consecrates the people and binds them to God.** This will be among the roles of blood in Israel's sacrificial system.

3. Moses' Declaration. The climax of the ceremony is **not** the people's declaration **נַעֲשֶׂה וְנִשְׁמָע** but Moses' declaration **הִנֵּה דָם הַבְּרִית** *this is the blood of the covenant. This makes the covenant official.* **4. Setting.** The sacrifice takes place at the base of the mountain where the people remained during God's revelation at the mountaintop. **The base of the mountain is, therefore, the Israel-zone, not the God-zone.** God "comes" to them, in the form of Moses' words, and they do not ascend to God. They were too scared.

5. Their Ritual State. Sanctification was a prerequisite for the Ten Commandments, but not here. This teaches us that **the covenant is binding on us whatever state of sanctity we are in.** **6. Young Men.** Why does Moses choose young men to perform the sacrifices? A few conjectures: a) They are at the precise moment of identity formation in their lives. This ceremony would be imprinted on their lives forever. b) Since they are not sexually mature, there is no need to demand sexual abstinence from them, and therefore, they could be easily consecrated to this task.

c) What better agents for a collective rite of passage than a cohort of young men, who would be marking their own rite of passage into adulthood (like a bar mitzvah) with this act. This sacrifice marks the movement of the people from its non-covenantal state to its covenantal state. **7. Putting it in Writing.** Making an oral statement into a written document is a profound human act.¹ This also occurs with the Ten Commandments. Let's compare and contrast the giving of the Ten Commandments with the Covenant Ceremony:

THE TEN COMMANDMENTS	THE COVENANT CEREMONY
God declares the Ten Commandments to the people. The people do not answer and tremble out of fear.	Moses declares the covenant commandments to the people. The people answer enthusiastically: we will do.
God writes the commandments on tablets.	Moses writes the covenant laws in a document (presumably parchment).

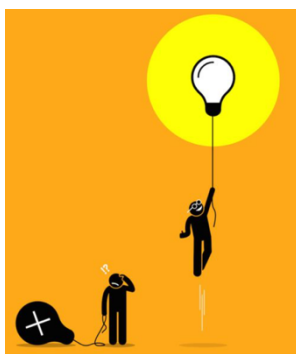
*Exod. 24:3-8, which follows the Covenant Code, all the laws.

¹ Writing renders that which is said into a thing. The text becomes an object of study. It is a snapshot in time. And while it privileges the literate over the non-literate, it can become

potentially accessible to everyone. By placing the commandments in writing, it makes the covenant accessible to all of Israel's descendants and to the entire world.

Moses goes up the mountain to get them.	Moses writes it at the base of the mountain .
Moses stays on the mountain for forty days.	Moses stays with the people . Moses arises early to prepare the covenant sacrificial site .
The people approach Aaron to fashion for them a Golden Calf, which he does.	Moses dispatches the young men and they begin sacrificing burnt offerings and peace offerings .
The people declare the Calf to be their God, and Aaron prepares the sacrificial site .	Moses apports the blood into two parts: one part for the altar and one part for the people.
The people arise early to sacrifice burnt offerings and peace offerings ; they eat and drink and engage in licentious behavior.	Moses reads the covenant and the people ratify it with נִשְׁמָע וְנִשְׁמָע na'aseh venishma-we will do and we will obey .
God wants to destroy the people and Moses intercedes. Moses shatters the tablets, burns the calf, crushes it to dust, sprinkles it on water, and makes the people drink it.	Moses sprinkles the blood on the people and consecrates them. The most startling contrasts between the larger Ten Commandment ceremony and the shorter Covenant Ceremony, are at the end. We note that

while *Moses rose early* to perform the covenant ceremony, the *people arose early* to initiate worship of the Golden Calf. At the penultimate stage of the Covenant Ceremony, Moses reads the covenant code and elicits their declaration of acceptance. At the penultimate stage of the Ten Commandments, the people eat and drink and engage in "mixed dancing." The climax of the covenant ceremony is when Moses sprinkles blood on the people to consecrate and protect them; the climax of the Ten Commandments ceremony is when Moses smashes the tablets, burns the calf, grinds it up into dust, and sprinkles the dust into water,



and makes everyone drink it. The message couldn't be clearer: at the Covenant Ceremony the people become holy and are attached to God. At the Golden Calf they become defiled and dis-attached from God. *The sprinkling of blood on them during the Covenant Ceremony is a symbol of permanence. Drinking the Golden Calf potion is a symbol of transience. They will excrete it.* When God declared the

² *Trembling* is denoted by the verb **נִשְׁמָע** *nun-ayin-heh*. *Answering* is denoted by the verb **אָמַר** *ayin-nun-heh*. Even the order of the letters in the two verbs are inversions of each other!

Ten Commandments, he wanted the people to ascend the mountain and listen to him intently. It was a failure. But by every measure, the Covenant Ceremony was a success. Let's compare the two and see why:

FAILURE: THE TEN COMMANDMENTS	SUCCESS: THE COVENANT CEREMONY
Very complex instructions.	Very simple instructions.
Terrifying.	Not terrifying.
Did not involve sacrificial food.	The people ate meat.
Predominant senses: sound and sight - the lightning and the shofar blasts.	Predominant senses: smell and touch - the smoke and the blood.
Passive and non-participatory.	Active and participatory.
Abstract principles and generalities.	Concrete laws and specific situations.
וַיֵּרֶד מֹשֶׁה אֶל הָעָם וַיֹּאמֶר אֲלֵהֶם <i>And Moses descended to the people and spoke to them</i> (19:25). When Moses descends it represents movement from a high level to a low level, making the people subjects of God and subordinate to Moses.	וַיָּבֹא מֹשֶׁה וַיְסַפֵּר לָעָם אֶת כָּל דְּבָרֵי ה' וְאֵת כָּל הַמִּשְׁפָּטִים <i>And Moses came to the people and relayed to them all the things of God and all the statutes.</i> (24:3) When Moses comes to the people places him at the same level, making them partners with God and elevating them to Moses.
וַיִּתְּנוּ וַיַּעֲמֵדוּ מֵרָחֹק <i>The people trembled and stood from afar.</i> (20:14) The people are a disheveled group, standing and trembling. ² נִשְׁמָע <i>nun-ayin-heh</i>	וַיַּעֲנוּ כָּל הָעָם קוֹל אֶחָד <i>The entire people answered in one voice.</i> (24:7) The people are a united group, speaking resolutely in one voice, as one. אָמַר <i>ayin-nun-heh</i>
The commandments instill fear. They would have asked themselves: <i>How will we live our lives with such fear?</i>	The statutes engage imagination. They would have said to themselves: <i>Imagine the life that awaits us in our new land.</i>
The people fear God.	The people love God. ³

Both the Ten Commandments and the Covenant Ceremony command our attention. The Covenant Ceremony comes after a whole code of 53 laws, the Covenant Code, upon which several large tractates of Talmud are based. These are pillars of Jewish life. The Ten Commandments symbolize God breaking through to humanity, but they scare us still because of the Sinai experience and its aftermath. The Sinai experience failed to meet its objectives. But the Covenant Ceremony was a success at every stage. At its conclusion we made a pledge to uphold those laws and obey them: **נִשְׁמָע וְנִשְׁמָע**. That pledge inspired generations of Jews and, evidently, it is still holding up to this very day! **Shabbat Shalom!**

This parsha sheet is sponsored by John and Martha Kovac and family to commemorate the yahrzeit of John's mother, Susan Kovak, z'l.

³ I admit, I don't have a clear textual proof for this. This is pure intuition. However, there is a very deep relationship between **שָׁמַע** *hear* and **אָהַבְתָּ** *love*. See Deut. 6:4-5:

שָׁמַע יִשְׂרָאֵל ה' אֱלֹהֵינוּ ה' אֶחָד. וְאָהַבְתָּ אֶת ה' אֱלֹהֶיךָ...