

D'var-Parshat Mishpatim-Feb. 2, 2019 *The morning after the night before!*

Parshat Mishpatim presents what I would call a “morning after the night before” experience. In the words of my teacher Rabbi Art Green, “It’s as though we all woke up after sleeping off the great “high” of Sinai, and there was someone calling out: ‘Okay folks; here’s what you signed up for last night!’” (Teaching Torah vol.1, p. 213)

Last week the Israelites experienced Sinai. They heard the voice of the Divine accompanied by all the audio and visual drama. This week we encounter *tachlis*; the nitty gritty laws for everyday life. Torah includes two covenants. These laws are the *second covenantal relationship* between God and Jewish people. The first is the Genesis covenant given to Abraham and his descendants. The Genesis covenant is essentially a brit between God and a family. Abraham’s descendants are included simply by having been born into the family. It includes an unconditional promise of land and progeny. It is ever-lasting, ancient and authentic. It is about *belonging*. It is *not* about content and conduct.

The Exodus covenant is about *becoming*. It is given to Moses and the Israelites at Sinai. It *is* about content *and* conduct. Its laws are directed to an ancient people who have traveled only a short distance in time and space from having been enslaved; an emerging people with no experience making decisions and certainly no knowledge of how to establish a just, moral and productive society. The liberation of the Hebrew slaves marked the beginning of the Jews as a people. With that liberation God had a new task. It required a new covenant; one through which the Israelites would establish a new life, in a foreign land, occupied and settled by foreigners. Upon entering the land that God promised to our ancestors, the Israelites were to become “*mamlechet kohanim v’goy kadosh*,” a kingdom of priests and a holy nation (Ex. 19:6), That could happen *only* if they conducted their lives according to the Exodus covenant, the Torah, received *and accepted*, by Moses and the Israelites, at Sinai.

Parashat Mishpatim offers a striking contrast to the grandeur of the revelation at Sinai. At the outset of the *parsha*, we experience an abrupt transition from the majestic to the mundane. *V'eleh hamishpatim asher tasim lifneihem*. "And these are the laws which you should set before them," said God to Moses. What follows is a list of divinely inspired rules governing every area of human interaction. These laws were necessary to create a workable, equitable, fair and productive society.

To us, the list appears to be somewhat tedious. Most of the laws are seemingly irrelevant to our lives. I can almost hear the word "why", silently reverberating in the sanctuary. Why do we need to read *parshat Mishpatim* today? What does offer *us*? We are told every word of Torah has meaning *and* we know that each word is open to a myriad of interpretations. I offer the commentary of Rabbi Shefa Gold to address those questions.

Reb Shefa as she is known, writes: "*Mishpatim* blesses us with the power of discernment as we attempt to live our lives in balance with Divine justice and love. [It blesses with] the holy task of being present, vigilant and kind..."¹ She understands the word *mishpatim* to mean 'impeccability'; being scrupulous and upright. "Every day" Reb Shefa writes, "we must remember the importance of staying alert"..... "[All] actions have consequences and we must consider how *our* actions will benefit or harm generations to come."² (close quote)

The laws in *Mishpatim* are the thread that brings God and the slaves who are emerging into the people Israel, together. As irrelevant as they may seem to us, they are a tangible example of God's love for humankind, always. We read this list of civil laws year after year, reminding us that just as God loves us, we must love each other. Understood in that way, *parshat Mishpatim* can help us comprehend

¹ Torah journeys, p. 81

² ibid

that the sacred can be found anywhere, with anybody, at any time, even in our 21st century lives, when we are vigilant and kind *and*...**IF** we pay attention.

It is the “*IF* we pay attention” about which my heart wants to speak today. Bear with me as I repeat my own words: *Parshat Mishpatim helps us comprehend that the sacred can be found anywhere, with anybody, at any time, even in our 21st century lives, if we are vigilant and kind and*...**IF** we pay attention.

Daniel J. Feder wrote an article entitled: “Being Present in a World of Distractions”. In it he writes: “In a world of distracted people and shortened attention spans, there is a verse in *Mishpatim* that helps us regain our focus.” This easily overlooked verse is Exodus 24:12:

יֵאמֶר יְהוָה אֶל-מֹשֶׁה, עֲלֵה אֵלַי הַהָרָה--וְהִיָּה-שָׁם. It is usually translated: “The Eternal One said to Moses, ‘Come up to Me to the mountain and wait there.’” That translation is straightforward and easy to comprehend. However, it is not accurate. The verb וְהִיָּה does not mean “wait”. It comes from the root of the word להיות which means “to be”: “And God said to Moses, ‘Come up to me to the mountain and *be there*.’” The Sefat Emet, one of the last great masters of Polish Hasidism, writes: this phrase means that Moses was transformed into a new being....”³

The word וְהִיָּה, *to be*, is composed of the same letters that spell God’s name: YaHWeH-Yud-hey-vav-hey, only in a slightly different order. Earlier in Exodus, when God told Moses to tell the people that the God of Abraham, Isaac and Jacob had seen their oppression and... would come to rescue them, Moses asked God: “When they ask your name, what shall I tell them?” (? Ex. 13:4)

³ The language of Truth, The Torah commentary of the Sefat Emet, Rabbi Yehudah Leib Alter of Ger, p. 113/ד

וַיֹּאמֶר אֱלֹהִים אֶל-מֹשֶׁה And God said to Moses: אֶהְיֶה אֲשֶׁר אֶהְיֶה , “I will be what I will be”. Again, the same root letters that we saw in God’s instruction in *Mishpatim*: ‘Come up to Me to the mountain’ וְהָיָה-שָׁמָּה -and “be there”.

Why did God tell Moses to go to the top of the mountain and “be there.” Perhaps God was worried that Moses, who had so many responsibilities, would be physically present but emotionally and spiritually elsewhere. (I’m told that sometimes happens to congregants when rabbis give sermons.) So, God reminded Moses: “‘Come up’ and ‘be’ fully present, and totally available to Me.

The Patriots have provided multiple, superb examples of being totally present. Their January win over the Kansas City Chiefs for the AFC championship was the most recent.

They were on the road with no home field advantage. In fact, they’d never won at the Chief’s home stadium.

The Pats fell behind in the 4th quarter. Brady led an incredible, steady march down the field, and they scored a touchdown with 3-1/2 minutes to go. They were ahead by 7 points.

Thirty seconds later, *with 3 minutes left*, a flag is on the field! NE is the object of a questionable pass interference call. Kansas City takes advantage of the opportunity and shortly, they lead 28-24 with *2 minutes left*. What is remarkable is that the Pats stayed focused. They were totally present and scored a TD with *39 seconds left* in the game, putting them ahead 31-28.

Under most circumstances, that would have been the game, but KC, equally as present and determined as the Pats and with their fans, loudly cheering them on, made an incredible run down the field to set up a 39 yd field goal. The game was tied with *11 seconds left*. They went into overtime, essentially, starting from scratch. There was the coin toss. The Pats call heads and won the toss. They maintained laser focus; they took the ball down field for a TD and the AFC championship.

And remember Superbowl 2017? At the beginning of the 4th quarter the Patriots were down by 25 points; a separation *unprecedented* in Superbowl history. It would have been totally understandable, if they foresaw defeat and gave up. There were many viewers who did exactly that: Turned off their televisions in disgust. “Oh, ye of little faith,” I say. Tom Brady would not be distracted. He was able to get each member of his team to *be present*, physically, psychologically and emotionally, totally present. They had ascended the mountain but that was not enough. In the words of the Kotzker Rebbe, “[it] is not the ascent [that counts] but *being* there, and only there.”⁴ On that Superbowl Sunday, we witnessed an extraordinary example of what it means to be deeply and totally present.

Most of us are not celebrities, however. The successes we achieve by being fully present and paying astute attention, are quiet and humble. They don’t appear to be heroic-though they certainly are.

Mishpatim is an enabler for all of us who stand on this side of Sinai. It introduces us to the Torah, the post-Genesis covenant. It contains a detailed recipe for our most precious and powerful tools; to heal what is broken in our world and to create what will sustain us. The tiny phrase: **להיות שם**; to “be there”, offers us opportunity. It implores us to be available; to embrace our role as co-creators with God; and to open our hearts and deepen our compassion for “the other” who stands before us. It leaves us with what must be an ever-present question: Are we ready to accept the mitzvah of fulfilling the commandment of the One Creator, to love our neighbor as ourselves? To which the only appropriate answer is “yes”.
Shabbat shalom

⁴ Aharon Yaakov Greenberg compiled *Torah Gems, Itturei Torah* (Tel Aviv: Y. Orenstein "Yavneh" Publishing House, Ltd., 1998), p.165