

Drash on Mishpatim (Ex. 21:1-24:18)

Ahavat Yeshua DC Service

January 29, 2022

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Parashat Mishpatim begins about two thirds of the way through the second Book of the Torah, Sh'mot (Exodus in English). The Jewish name of the book means *The Names Of* and the English name means *The Mass Departure* with etymology from the literal Greek for *Road Out* (that's the noun *road*, not the verb *rode*). This Book chronicles the history of the Jewish people from the waning of Joseph's influence in Egypt through ADONAI's arrival in the newly completed Wilderness Tabernacle.

The name of this parashat is derived from the second Hebrew word which, according to the Wikipedia article on [Mishpatim](#), means *laws*. Wait a minute. As in The Law? Well, yes and no. The Septuagint translated *mishpatim* into the Greek word *dik-ah'-yo-mah* which fortunately has Strong's Greek Dictionary number 1345 and the singular form is defined as (1) *an ordinance*, (2) *a sentence of acquittal or condemnation*, and (3) *a righteous deed*. Thus other English translations of *mishpatim* are *ordinances* and *judgments*—context matters.

According to that Wikipedia article:

The parashah sets out a series of laws, which some scholars call the [Covenant Code](#). It reports the people's acceptance of the [covenant](#) with [God](#).

From the perspective of Maimonides' 613 commands, let's consider this Covenant Code (also called *Book of the Covenant* and *Scroll of the Covenant*). Parashat Mishpatim contains 53 of these commands, 23 positive and 30 negative. If you divide 613 by the number of parashats in the annual cycle, you get eleven or twelve. Thus this parashat contains almost *five times* the average number of Torah commands per parashat. This was probably the impetus for drawing the lines around this parashat where they are, in order to emphasize this parashat is about these ordinances and even ensures its title is *Ordinances*.

Note this Covenant included much if not all of what ADONAI said directly to Moshe after the Israelites had arrived at Mount Sinai in the previous parashat, *Yitro*, and especially what ADONAI had thunderingly said directly to all the Israelites—the Ten Commandments. However, these ordinances are intentionally distinguished from the primary covenant terms, and are effectively a set of By Laws of The Covenant.

Warning: I will be quickly presenting much food for thought in this drash for you to consider without necessarily recommending what you should do with it. Take any questions you have to The Spirit and let your conscience be your guide.

Now we are prepared for the reading from The Torah. Yah-a-mod, Jasmine bat Vernon. Jasmine will read for us Exodus chapter 24 verse 3 and the first sentence of verse 4 in Hebrew and the Complete Jewish Bible translation:

³ Moshe came and told the people everything Adonai had said, including all the rulings. The people answered with one voice: "We will obey every word Adonai has spoken." ⁴ Moshe wrote down all the words of Adonai.

All the rulings, as the Complete Jewish Bible translated *hamishpatim*, are explicitly mentioned as part of everything ADONAI had said. After Moshe had spoken all the words that ADONAI had finished speaking at that time, all the people accepted the terms of The Covenant by unanimously declaring together, "We will obey every word ADONAI has spoken." Remember in Exodus chapter 19 verse 8 they had already answered as one, "Everything ADONAI has said, we will do," in response to the offer of establishing a covenant. Legally, then, they could not refuse to accept the terms of that covenant, but we hope they were not suffering from buyer's remorse.

Then comes a highly interesting piece of history and what I perceived The LORD wanted this drash to focus upon. Moshe wrote down all the words of ADONAI. As the next sentence tells us Moshe arose early the next morning and began directing the activity that ratified this covenant via sacrificial blood, it seems ludicrous he might have written down *everything* ADONAI had ever said since the third verse of The Torah in the time available, which did not include the time he spent sleeping that night. So what he wrote were just the words of the previous day which are designated the Scroll of the Covenant as recorded in verse seven:

He took the Scroll of the Covenant and read it in the hearing of the people. Again they said, "All that ADONAI has spoken, we will do and obey."

So three times the people promised to do The LORD's Will, having heard twice within twenty-four hours all the terms including all the ordinances. The ordinances included observing the three annual *moadim*, although the second is only called the feast of the Harvest. Like *Pesach*, the initial occurrence of *Shavuot* was happening that very year (fifty days after the Angel of Death had visited Egypt), indeed that very day if not the day before, while the people were affirming they would obey the terms of The Covenant. The third feast is likewise merely said to be a harvest feast called *Ingathering* and hasn't happened yet. Three *moadim*—one past, one present, and one yet to come. The written details about *Shavuot* and *Succot*, such as how long they last, await the Book of Leviticus, although it seems likely Moshe had been or would be told precisely when and how the first *Succot* was to first be observed, possibly after he returned with the second set of tablets, necessitated by the destruction of the first set when Moshe saw the people, including Aaron, had not done and obeyed the first two commandments. However, since all the *moadim* are agricultural celebrations, their observance may have been deferred until the people had entered the Promised Land.

What is highly interesting about that writing verse is this is the first appearance in the Torah of that verb in past tense. Further, the only previous appearance of any form of this verb or noun in The Torah is very recent, only two parashats back, in Exodus chapter 17 verse 14 after the Jewish forces have destroyed the Amalek forces while Aaron and Hur were holding up Moshe's arms (Complete Jewish Bible):

Adonai said to Moshe, "Write this in a book to be remembered, and tell it to Y'hoshua: I will completely blot out any memory of 'Amalek from under heaven."

That was commanded probably less than a month before today's parashat was unfolding. We are not told Moshe wrote anything as commanded at that time, but it clearly was recorded in the Book of Sh'mot.

No written communication between Moshe and Pharaoh is mentioned in The Torah. Nowhere in Beresheet (Genesis) is writing or documents mentioned, even when Joseph was governing Egypt. Most scholars are currently persuaded Egyptian hieroglyphs were developed into a mature writing system contemporaneously with Abraham, around 2000 BCE, and it is probable Joseph needed to develop command of that system, but The Scriptures say nothing about Joseph's literary side. All the covenants discussed in The Scriptures prior to the speaking of the Ten Commandments were apparently established solely verbally. For example, Abraham's purchase of a burial plot was verbally conducted with many witnesses. When Isaac transferred everything due the holder of the family birthright to the one he believed was entitled to it, he executed an irrevocable verbal transaction. Was there just no need to mention things written before The Exodus? While that might seem unlikely in this day and age and place where literacy is high and we have a proverb, "If it isn't written, it never happened," back then the spoken word predominated even when writing may have been possible—the spoken words were what mattered. After all, what written language has ever preceded its verbal counterpart (computer languages excepted, obviously)?

That chicken-and-egg point is a reasonable argument if one is a proponent of macro evolution and believes humans invented language by committees of cavemen somehow deciding, for example, "Ug" will mean a club and "Arg" will mean fire, etc. But the first book of The Torah describes something very different. ADONAI simply employs language from the very beginning. He speaks commands and somehow they are implemented. He speaks to Adam after creating him from dirt and Adam comprehends. Adam, too, speaks, defining all the kinds within the animal kingdom, including the eloquent quotation he uttered upon encountering his recently created wife, who also comprehends and later has a conversation with a serpent that was actually one of a multitude of angels who were all capable of speech. This language humans had built-in was satisfactory for expressing complex relationships and abstractions. Cain was apparently the first human to learn a mother tongue from other humans. Genesis also tells us some time after The Flood, ADONAI confused human speech by changing the one universal language into numerous people-group languages that immediately prevented mankind from accomplishing anything they wished via everybody's cooperation.

So was reading and writing of languages in our realm available from the beginning as was spoken language? That's a subject of conjecture as the Scriptures do not illuminate the matter. We must therefore look for artifacts of early writing, strive to correctly date and translate them, and attempt to explain the history of written communications as our knowledge grows. This exploration has, for example, proven the existence of Sodom and Gomorrah and where they were located once the Cuneiform tablets of Elba were discovered in the late 20th Century and the pertinent ones had been translated. Some of these tablets have been dated as early as 2500 BCE—five centuries prior to the life of Abraham, during which these cities ceased to exist. More intriguing are the symbols employed by the various written languages. They suggest an evolution from using pictographic representations of spoken words to establishing small sets of alphabetic symbols representing phonetic sounds that could be assembled to represent the spoken words of the language, with Semitic languages apparently in the forefront of this transition. Thus spelling was born. Or so most academics are currently persuaded.

Every Shabbat we reaffirm the command not within the Covenant Code to write the commands upon the doorposts of our houses and upon our gates. Is it significant that no particular language is prescribed? Does this command imply there can be no illiteracy among the people of ADONAI, or is it compliant to allow the scribes to do the writing for those who cannot? Some translations *do* use the verb *afix* for this command, and that certainly seems to be how just about everyone currently performs this *mitzvot*.

Yeshua does not seem to have been much of a writer. He was fond of the phrase “*but I say unto you,*” however. Nevertheless, when He was tempted by H’Satan in the wilderness, He refused to comply, saying “*it is written*” about a command that revealed the unrighteousness of each temptation. Was this a commentary upon the authority of what was not written; i.e., the Oral Tradition, which remained unwritten for many decades after Yeshua’s resurrection?

Synchronizing the timelines of The Bible with the timelines of modern scientific disciplines is problematic prior to the life of Abraham, worsening more the earlier in history one considers. The tablets of Elba could not predate The Flood. Cuneiform and/or Egyptian hieroglyphs must have shown up after construction of the Tower of Babel ended (I say and/or as one *might* have been the pre-Babel universal language). Many Bible scholars have carefully counted years from Adam based upon the genealogical and historical information within the Bible, but is it certain there are no gaps or unmentioned ancestors? Where do The Scriptures state that to be so? Perhaps the missing books contain important data. If there are gaps, that makes room for the extra centuries the scientific timelines need to dovetail with the Scriptural timelines. While it would be nice if the Bible told us everything; alas, it does not, nor does it pretend to. It only tells us what ADONAI thought we need to know for the time being. Likewise, the accuracy and certainty of dating techniques such as measuring the decay of carbon-14 isotopes must be proven to the satisfaction of all. Reason demands there must be a way to reconcile the facts of both approaches if all the scholars maintain the integrity and rigor of their disciplines while remembering new data can always invalidate current understanding. In some aspects the data for both points of view are currently insufficient, thus there is basis for mutual

tolerance and even respect. It certainly doesn't help if each side dogmatically disallows the validity of the other's data.

What language did ADONAI use to write the Covenant tablets? Paleo-Hebrew and Cuneiform are currently the front-running candidates. Moshe could read the tablets, but could we? Perhaps one day the Ark of The Covenant will be revealed and it may be possible to answer these questions. What a discovery that would be for all the scholars I have been discussing, as well as everybody else on the planet.

The next parashat is *T'rumah* which spans Exodus chapter 25 verse 1 through chapter 27 verse 19.