



MISHPATIM

OUT OF THREE, ONE

Unity and Love within—Not above—Division

PARSHAH OVERVIEW

Mishpatim

Following the revelation at Mount Sinai, G-d legislates a series of laws for the people of Israel. These include the laws of the indentured servant; the penalties for murder, kidnapping, assault, and theft; civil laws pertaining to redress of damages, the granting of loans, and the responsibilities of the “Four Guardians”; and the rules governing the conduct of courts of law in administering justice.

Also included are laws warning against mistreatment of foreigners, the

observance of the seasonal festivals, and the agricultural gifts that are to be brought to the Holy Temple in Jerusalem, the prohibition against cooking meat with milk, and the mitzvah of prayer. All together, the *parshah* of *Mishpatim* contains fifty-three *mitzvot*: twenty-three imperative commandments and thirty prohibitions.

G-d promises to bring the people of Israel to the Holy Land and warns them against assuming

the pagan ways of its current inhabitants.

The people of Israel proclaim, “We will do and we will hear all that G-d commands us.” Leaving Aaron and Hur in charge in the Israelite camp, Moses ascends Mount Sinai and remains there for forty days and forty nights to receive the Torah from G-d.



Imagine you're totally not interested in sports, and your friend has dragged you to a game. What can you do to get yourself more excited about the experience?

QUESTION 1

How can we make our performance of the *mitzvot* more meaningful?

TEXT 1A

Isaiah 29:13

וַיֹּאמֶר ה', יַעֲזֹב כִּי נִגַּשׁ הָעָם הַזֶּה, בְּפִיו וּבִשְׂפָתָיו
כְּבֹדוֹנִי וְלִבּוֹ רַחֵק מִמְּנִי, וַתְּהִי יִרְאַתְכֶם אֵתִי מִצְּוֹת
אֲנָשִׁים מְלֻמָּדָה.

And G-d said, “Because this people approaches; with their mouth and with their lips they honor Me, but their heart they’ve draw far away from Me, and their fear of Me has become a social obligation, learned by rote.”

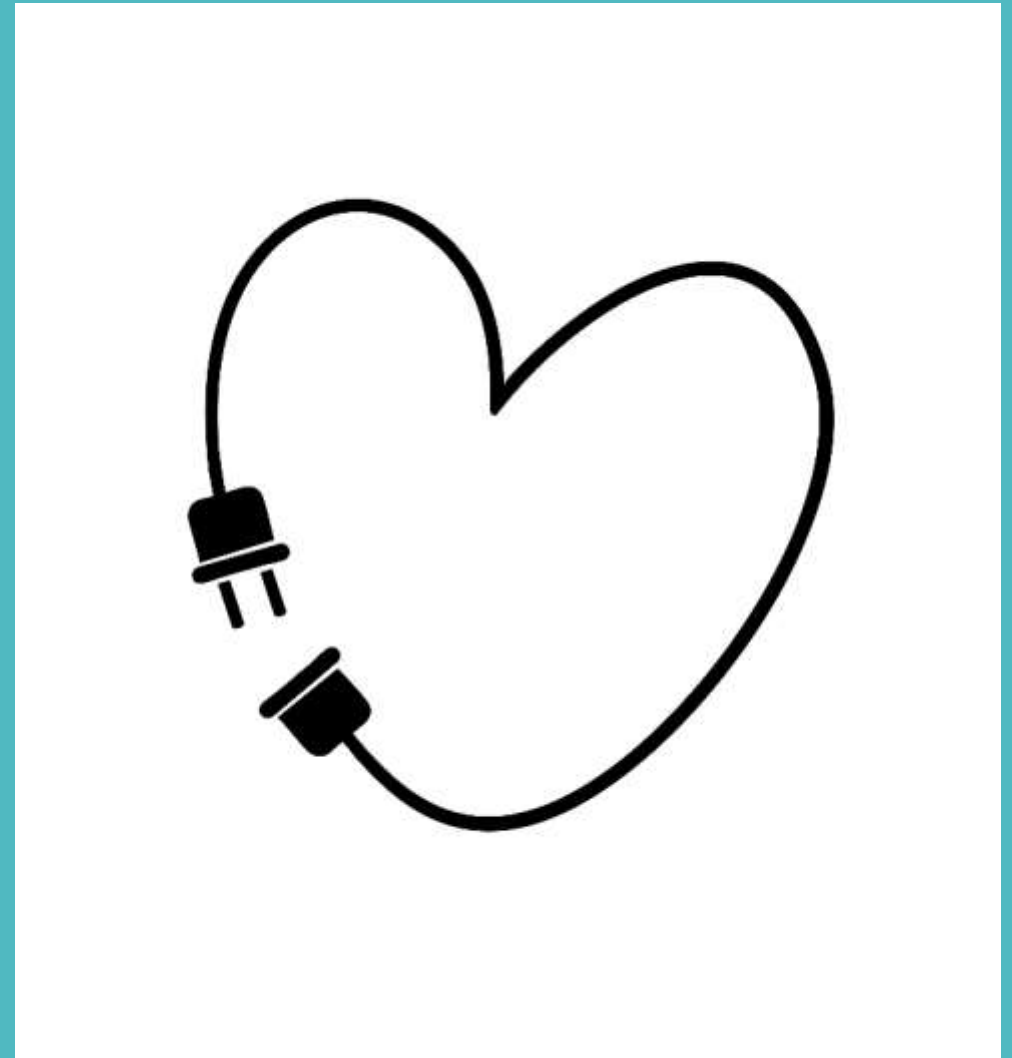
TEXT 1B

*Rabbi David Altschuler,
Metzudat David, ad loc.*

בעבור כי העם הזה נגש אלי להתקרב בדיבור הפה,
וכבדוני בשפתיו ולא בלב ידברו, כי לבו רחק ממני.

“For the people approach Me, to draw near to Me with the words of their mouths and to honor Me with their lips, but they don’t speak from the heart, for they’ve distanced their hearts from Me.”

The Jews' actions and words were but “lip service”:
flattering words to appear G-d-fearing, while in truth their hearts were disengaged.



TEXT 2A

Psalms 78:36–37

לו. וַיַּפְתּוּהוּ בְּפִיהֶם וּבְלִשׁוֹנָם יִכְזְבוּ לוֹ.
לז. וְלִבָּם לֹא נָכוֹן עִמּוֹ וְלֹא נֶאֱמְנוּ בְּבְרִיתוֹ.

36. They deceived Him with their speech, and lied to Him with their words.

37. Their hearts were inconstant toward Him, and they were untrue to His covenant.

TEXT 2B

*Rabbi David Altschuler,
Metzudat David, ad loc.*

"ויפתוהו". אבל לא היה בלב שלם, רק חשבו לפתות את ה' בפיהם וכזבו לפניו בלשונם.

“They deceived Him.” There was no wholeheartedness; they only sought to flatter G-d with their mouths, and they deceived Him with their tongues.

TEXT 2C

*Rabbi David Altschuler,
ibid.*

"ולבם". אבל לבם לא היה נכון עם ה'.

“And their hearts.” But their hearts were not aligned with G-d.



It's important to bridge the gap between our hearts and minds, and infuse more heartfelt meaning into the *mitzvot* we do.

TEXT 3

Exodus 24:1–45

א. וְאֵל מֹשֶׁה אָמַר: עֲלֵה אֵל ה', אַתָּה
וְאַהֲרֹן נָדָב וְאִיִּהוּא וְשִׁבְעִים מִזְקֵנֵי
יִשְׂרָאֵל, וְהִשְׁתַּחֲוִיתֶם מֵרָחֹק.

ב. וַיִּגַּשׁ מֹשֶׁה לְבַדּוֹ אֵל ה' וְהֵם לֹא יִגָּשׁוּ,
וְהָעָם לֹא יַעֲלוּ עִמּוֹ.

ג. וַיָּבֵא מֹשֶׁה, וַיְסַפֵּר לָעָם אֵת כָּל דְּבָרֵי ה'
וְאֵת כָּל הַמִּשְׁפָּטִים, וַיַּעַן כָּל הָעָם קוֹל אֶחָד
וַיֹּאמְרוּ: כָּל הַדְּבָרִים אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה.

ד. וַיִּכְתֹּב מֹשֶׁה אֵת כָּל דְּבָרֵי ה', וַיִּשְׁכַּם
בַּבֹּקֶר וַיָּבֵן מִזְבֵּחַ תַּחַת הַהָר, וַיִּשְׁתִּים
עֹשָׂרָה מִצֵּבָה לְשִׁנַּיִם עָשָׂר שְׁבִטֵי יִשְׂרָאֵל.

1. And to Moses He said, “Come up to G-d, you and Aaron, Nadab and Abihu, and seventy of the elders of Israel, and prostrate yourselves from afar.

2. “And Moses alone shall approach G-d, but they shall not approach, and the people shall not ascend with him.”

3. So Moses came and told the people all the words of G-d and all the ordinances, and all the people answered in unison and said, “All the words that G-d has spoken we will do.”

4. And Moses wrote all the words of G-d, and he arose early in the morning and built an altar at the foot of the mountain and twelve monuments for the twelve tribes of Israel.

QUESTION 2

This was before the Torah was given, even before the Ten Commandments were uttered. So what “words of G-d” did Moses tell over to the people and subsequently write down?

Does the Torah record the events in chronological order?

THE FRENCH SAGES:

The Torah is not in chronological order, which means we can suggest that the events of chapter 24 occurred *before* the Torah was given in chapters 19–20.

THE SPANISH SAGES:

The Torah is in chronological order, which means we can suggest that the events of chapter 24 occurred *after* the Torah was given.

TEXT 4

*Rabbi Don Yitzchak
Abarbanel, Exodus, ad
loc.*

נחלקו המפרשים בדיבור הזה, מתי נאמר. ואמרו חכמי
צרפת כי זה נאמר קודם מתן תורה כשהגביל את העם,
אבל חכמי ספרד קיימו וקבלו שהיה זה אחר מתן תורה,
כסדר הפרשיות.

The commentators disagree regarding when the events described here occurred. The sages of France assert that this occurred before the Giving of the Torah when Moses separated the people, while the sages of Spain maintain that this happened after the Giving of the Torah, as they chronologically appear in the Torah.

TEXT 5A

Rashi, Exodus, ad loc.

"וַאֵל מֹשֶׁה אָמַר". פֶּרֶשָׁה זוֹ נִאֲמָרָה קִדְּם עֲשֵׂרֶת
הַדְּבָרוֹת, בְּד' בְּסִיּוֹן נִאֲמָרָה לוֹ עֲלֶה.

“And to Moses G-d said.” This portion was spoken prior to the Ten Commandments; Moses was told on the fourth of Sivan to “ascend.”

TEXT 5B

Rashi, ibid.

"וְאֵת כָּל הַמִּשְׁפָּטִים." שֶׁבַע מִצְוֹת שֶׁנֶּצְטוּ בְּנֵי
נֹחַ, וְשִׁבַּת וְכַבּוּד אָב וְאִם, וּפְרָה אֲדָמָה, וְדִינֵי
שְׁנֵיתָנוּ לָהֶם בְּמָרָה.

“And all the ordinances.” These are the Seven Noahide Laws, keeping Shabbat, honoring your father and mother, the red heifer, and laws that were given to them at Marah.

ANSWER 2

In Rashi's explanation of verse four, he explains that similarly, the laws that were written down were laws that were given from the beginning of time.

TEXT 5C

Rashi, ibid.

"וַיִּכְתֹּב מֹשֶׁה" . מִבְּרֵאשִׁית וְעַד מֵתֵן תּוֹרָה,
וְכָתַב מִצְוֹת שֶׁנִּצְטְווּ בְּמַרָּה.

“And Moses wrote.” He wrote the *mitzvot* from the beginning of Genesis until the Giving of the Torah. He also wrote the commandments that were commanded at Marah.

QUESTION 3

What prompted Moses to transmit and record these laws now?

Was the Torah transcribed piecemeal or all at once?

RABBI YOCHANAN:

Each segment of the Torah was documented shortly after its occurrence.

REISH LAKISH:

No transcription took place until the end of forty years, when the entire Torah was recorded as a single entity.

TEXT 6A

Talmud, Gitin 60a

אמר רבי יוחנן משום רבי בנאה: תורה מגילה מגילה ניתנה, שנאמר: "אז אמרתי, הנה באתי במגילת ספר כתוב עלי" (תהלים מ, ח). רבי שמעון בן לקיש אומר: תורה חתומה ניתנה, שנאמר: "לקוח את ספר התורה הזאת" (דברים לא, כו).

Rabbi Yochanan said in the name of Rabbi Benaah, "The Torah was given in sections, scroll by scroll, as it is stated, 'Then I said: Behold, I come; in the scroll of the book it is written concerning Me'" (Psalms 40:8). Rabbi Shimon ben Lakish said, "The Torah was given complete and sealed, as it is stated, 'Take this book of the law'" (Deuteronomy 31:26).

TEXT 6B

Rashi, ad loc.

"מגילה מגילה ניתנה". כשנאמרה פרשה למשה היה כותבה, ולבסוף מ' שנה כשנגמרו כל הפרשיות חיברן בגידין ותפרן.

"חתומה ניתנה". לא נכתבה עד סוף מ' לאחר שנאמרו כל הפרשיות כולן. והנאמרות לו בשנה ראשונה ושניה היו סדורות לו על פה עד שכתבן.

“The Torah was given section by section.” When a portion was spoken to Moses, he would write it down. And at the end of the forty years, when all the portions were completed, he connected them with threads and sealed them.

“It was given complete and sealed.” It was not written until the end of the forty years after all the sections were spoken to him. Those which were spoken to him in the first and second years were transmitted orally until he wrote them down.

QUESTION 4

How does Reish Lakish explain the verse “And Moses wrote the words of G-d” if he is of the opinion that no transcription took place until the end of forty years?

TEXT 7

Tosafot, *ad loc.*

"תורה חתומה ניתנה". תימה, דכתיב: "ויקה ספר הברית ויקרא באזני העם" (שמות כד, ז), ופירש רש"י בפירוש חומש דהיינו מבראשית ועד כאן.

“The Torah was given complete and sealed.” How could this be? Scripture states explicitly, “And he took the Book of the Covenant and read it in the ears of the people” (Exodus 24:7). Rashi explains in his commentary there that this means from Genesis until this point.

TEXT 8

*Rabbi Shlomo ben
Aderet, ad loc.*

אפילו ריש לקיש לא אמר אלא שלא היה כותב כל פרשה
ופרשה כמו שנאמרה לו אלא סודרה על פה עד גמר התורה,
אלא פרשיות שהיו צריכות לשעה היה כותבן, כדי שיראו
וילמדו מתוך הכתב.

Even according to Reish Lakish, he only meant that Moses did not write every portion as it was spoken to him. Rather, he orally transmitted it in order until the completion of the Torah. But still, those sections that were necessary at the time for whatever reason were written down so that they could be seen and learned from the written text.

ANSWER 4

The Rashba explains that Reish Lakish acknowledges that there were indeed certain exceptions to the idea that the Torah was transcribed in one sitting. However, he maintains that the bulk of the Torah was written down at the conclusion of the forty years.

The “Book of the Covenant” was an independent mitzvah to document certain precepts for the purpose of strengthening the bond between the Jewish people and G-d.



TEXT 9

*Rabbi Yehudah Loew,
Gur Aryeh, Exodus 24:3*

ולמאן דאמר בפרק הניזקין "תורה חתומה ניתנה", פירוש שלא ניתנה התורה לישראל רק חתומה, הכא לא היה נתינת התורה להם, אלא שיהיה זה ספר הברית, כדפירש בבראשית רבה, ואחר כך בסוף ארבעים כתב כל התורה ביחד.

According to the opinion that maintains that the Torah was given complete and sealed, that is limited to the Torah scroll as a whole. Over here, this wasn't about giving over the Torah, but rather an independent "Book of the Covenant," as explained in the Midrash. Indeed, later, at the conclusion of forty years, the entire Torah was recorded.



TEXT 9

Rabbi Yehudah Loew,
Gur Aryeh, *Exodus 24:3*

וכי למאן דאמר תורה חתומה ניתנה אין כותבין מגילת סוטה? אלא שאני
התם דהיינו מצותה (במדבר ה, כג). והכי נמי, היינו מצותה להיות ספר
הברית. ואילו לא היה כאן מצוה וכתב מגילה - היה קשה, אבל השתא
שהיה זה צורך מצוה - לא יקשה כלל.

Think about it: Would our allegiance to the notion of “the Torah was given complete and sealed” hold us back from writing out the scroll for a *sotah*? Of course not! That is an independent mitzvah defined by writing those verses. Here, as well, the mitzvah was defined by writing down these particular verses. If there was no explicit instruction from G-d to do so, and Moshe went ahead and wrote this scroll, it would indeed be troubling. But that wasn't the case, for G-d did give such an instruction, so there's no question at all.



This covenant served as a precursor to the forthcoming Giving of the Torah. By the time the Torah was given, a significant bond had already been formed between the Jewish people and G-d.

TEXT 10

*The Rebbe, Rabbi
Menachem Mendel
Schneerson, Likutei
Sichot 21, p. 141*

ענינו פון א ברית איז צו פארשטארקן דעם קישור וחיבור צווישן די וועלכע זיינען זיך משתתף אין דעם ברית, ובנדון דידן — אידן מיט תורה (וואס דורך דער תורה וואס דער אויבעשטער האט זיי געגעבן ווערן זיי פארבונדן אויך מיטן אויבערשטן).

לפי זה איז מובן, אז לויט רש"י אז דער ברית איז געווען פאר מתן תורה, איז דער ברית אויף און דורך די ענינים וואס דער אויבערשטער האט געגעבן די אידן פאר מתן תורה. . . . און דער ברית איז געווען אלס הכנה והקדמה צו מתן תורה.

The idea of a treaty is to fortify the connection and bond between the two parties entering into the treaty, which in our case are G-d and the Jewish people. Through the G-d-given Torah, we are able to connect with G-d.

As such, in light of Rashi's opinion that the treaty was before the Torah was given, the covenant was regarding whatever G-d had instructed the Jewish people beforehand. . . . The purpose of this treaty was as a preparation and introduction to the Giving of the Torah.

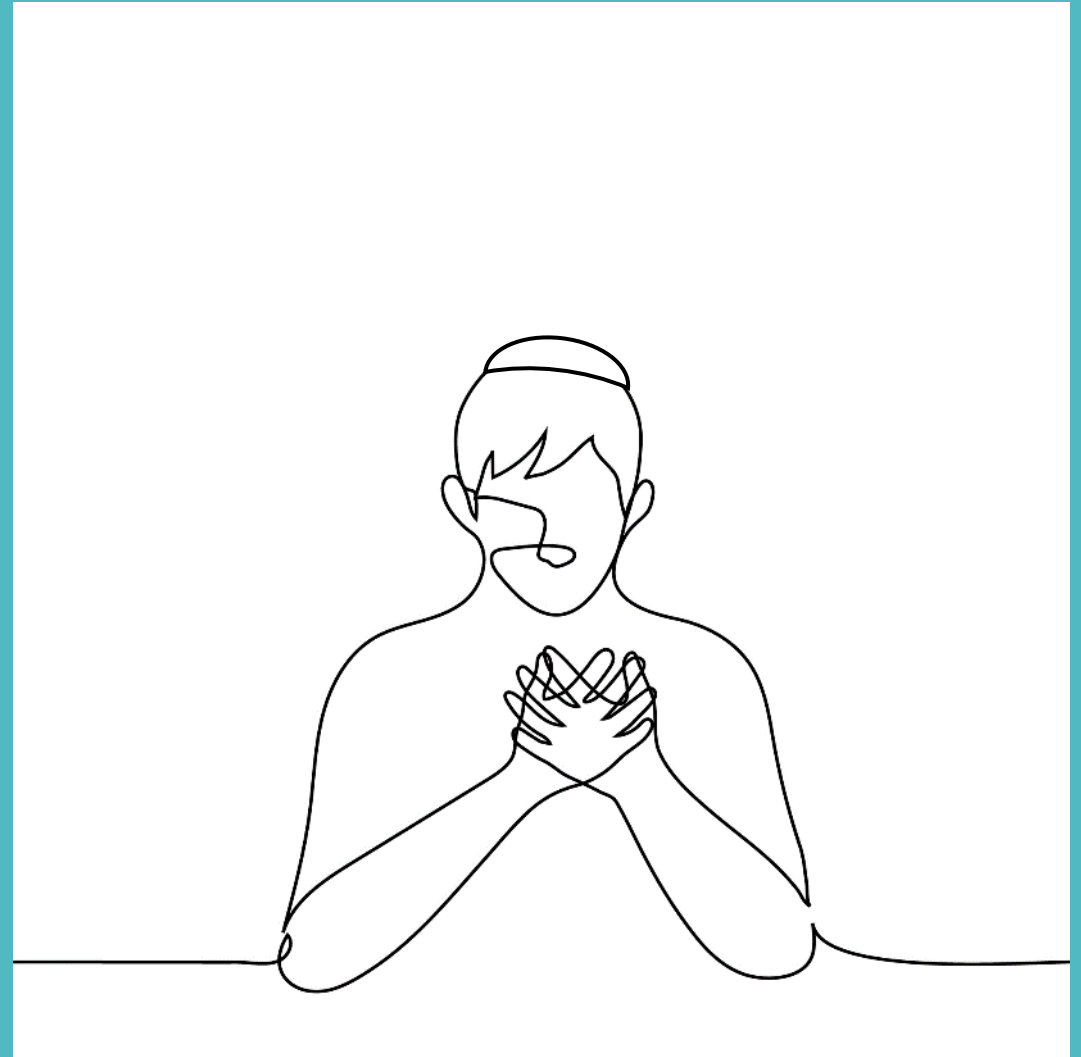
ANSWER 3

Moses transmitted and recorded these laws in a unique 'booklet' before *Matan Torah* to strengthen the Jews' connection with G-d as a lead-up to the event.

QUESTION 5

Why was there a need to establish a bond before the Giving of the Torah? Wasn't that the whole point of giving the Torah in the first place?

The more you invest
in and prepare for
something, the more
meaningful it will
become to you.



TEXT 11

*Rabbi Eliezer Papo,
Pele Yo'etz, Entry for
Hachanah*

צריך לעשות הכנה בדעתו טרם עשותו כל מצוה וקדם ברכו
שום ברכה, ובפרט קדם הזכרת השם הנכבד, שאם יעשה
בפתע פתאום, הרי היא נפסלת ביוצא מחמת חסרון כוונה,
שהוא כגוף בלא נשמה.

It is necessary to prepare in one's mind before performing any mitzvah, as well as before uttering any blessing, especially before mentioning the revered name of G-d. If one were to perform such acts suddenly, without prior intention, the act would be invalidated due to missing intention, which is like a body without a soul.



TEXT 11

*Rabbi Eliezer Papo,
Pele Yo'etz, Entry for
Hachanah*

וידוע מאמר ה' יתברך על ידי ישעיהו הנביא "יען כי נגש העם הזה וכו' ותהי יראתם אותי מצות אנשים מלומדה, לכן הנני יוסיף להפליא וכו'" (ישעיה כט, יג), רחמנא ליצלן . . . יתן אל לבו קודם עשותו כל מצוה וקודם כל תפילה וכל ברכה מה המצוה הזאת ומה טעם יש בה, ואיך ובאיזה אופן צריך לעשותה, ויעשה הכנה והתעוררות בנפשו לעשותה ביראה ואהבה ושמחה רבה, וכדת מה לעשות באופן שיעלו מצוותיו לרצון למעלה.

G-d's statement through the prophet Isaiah is well-known: "Because this people approaches Me . . . , and their fear of Me has become a social obligation, learned by rote" (Isaiah 29:13). . . . So, one must invest emotional energy before performing any mitzvah and before every prayer and blessing: What is this commandment? What is the reason for it? How, and in what manner, should it be performed? One should prepare and arouse their soul to perform it with awe, love, and great joy, in such a way that the mitzvah will rise up before G-d in a pleasing way.

TEXT 12

*Rabbi Yomtov ben
Avraham Asevilli,
Pesachim 7b*

טעם זה שאמרו חכמינו זכרונם לברכה לברך על
המצות עובר לעשייתן, כדי שיתקדש תחילה
בברכה, ויגלה ויודיע שהוא עושה אותה מפני
מצות ה' יתברך.

The reason why our sages stated that one should recite a blessing before performing a mitzvah is to first sanctify ourselves with the blessing. This way, it becomes demonstrably evident that we're performing the mitzvah because of G-d's command.

TEXT 13

*Jerusalem Talmud,
Berachot 9:3*

הַעֲשֶׂה סוּכָּה לְעַצְמוֹ, אֹמֵר: בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ
בְּמִצְוֹתָיו וְצִוָּנוּ לַעֲשׂוֹת סוּכָּה . . . הַעֲשֶׂה לוּלָב לְעַצְמוֹ,
אֹמֵר: בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לַעֲשׂוֹת לוּלָב.

When making a sukkah, recite the blessing,
“Blessed are You . . . Who commanded us to
make a sukkah.” When assembling a lulav, recite
the blessing, “Blessed are You . . . Who
commanded us to make a lulav.”



Chassidut places much emphasis on the importance of making the proper preparations before performing a mitzvah.

TEXT 14A

Rabbi Shimon Sofer,
Responsa Michtav Sofer,
Yoreh De'ah, no. 27

ואם בדורות הראשונים היו צריכין שהיית השעה לתפילה לבד שעיקרה
עבודה שבלב, האידנא שנתמעטו הלבבות, אנו צריכין גם לפני כל המצות
שיהוי איזה זמן, להכין את לבבנו לפניו יתברך מקודם, כי כולם צריכין
כוונת הלב למקום . . .

The Talmud relates that in generations past, the “pious ones would prepare for an entire hour before prayers” (Talmud, Berachos 32b). If that was the case back then, certainly in current times, when our emotional capacity is greatly diminished, we must take the time before every mitzvah to rouse our hearts toward G-d. After all, every mitzvah requires emotional investment. . . .



TEXT 14A

Rabbi Shimon Sofer,
Responso Michtav Sofer,
Yoreh De'ah, no. 27

ויען קמו עתה עוררים שלא לשם שמים פה בקהילתנו בענין איחורי מצות מילה עד אחר הצות, ומלעיזים ומליזים אחרי על דבר זה ומרעישים הקריה, וכל כוונתם נקנטרני כנודע פ"ק שאין להם שום כוונה לשם שמים בזה, הצעתי הדבר דרך שאלה לפני חכמים פה והשיבוני גם כן זהדבר פשוט על פי ההלכה שאין בזה ביטול מצות זריזין מקדימין כאשר יראה בדבריהם. ולמען יסתמו פיות משטיננו ומקטריגנו, אמרתי לכתוב הדבר גם כן לגדולי הדור המפורסמים.

There have been some rabble-rousers in our community who have raised the alarm about my practice of delaying the mitzvah of *milah*. They're up to no good, and they certainly do not have any holy intentions in mind. I made an official inquiry with the elders of our community, and they answered that there is obviously no Halachic concern vis-à-vis the notion of "make sure to do a mitzvah as early as possible," as you will see in their words.

To silence all the dissenters, I figured that I would inquire after the matter with the great people of the generation.

TEXT 14B

*Rabbi Shimon Sofer,
ibid., no. 28*

מכתב קודשו קבלתי אתמול בשבת קודש, והנני היום עט ממהר להשיב כאשר ביקשה נפשו הטהורה להסיר ממנו עיקשות פה כל דובר סרה, הן אמת ויציב שכל המשהה את המצוה כדי לעשותה מן המובחר הרי זה זריז ונשכר, ולשבח הוא נזכר.

I received your letter yesterday on Shabbat, and I have rushed today to answer and remove any anguish from your pure heart. Yes, it is true: anyone who delays a mitzvah so as to perform it more properly is to be praised and is considered the “earliest” and performing with the utmost “alacrity.”

Matan Torah was the culmination of an interaction that we had prepared for by slowly developing and strengthening our connection to G-d.



TEXT 15

Mechilta, *Exodus 19:10*

אמר להם: הרי אתם קשורים ענובים תפוסים,
מחר בואו וקבלו עליכם המצות כולן.

G-d said to them, “Now you are tied with knotted ropes, bound fast; tomorrow, come and accept upon yourselves all the commandments.”

ANSWER 5

When it comes to something as important as connecting with G-d Himself, it takes time and investment. The Jewish people did the wise and appropriate thing to prepare beforehand, taking the steps to deepen that connection and ready themselves for it.

ANSWER 1

The key to making our performance of the *mitzvot* more meaningful is proper meditation and preparation. By investing time, effort, and emotional energy into the experience, it will inevitably become more fulfilling.

KEY POINTS

1. We are enjoined to be emotionally invested in our *mitzvot* and not do them robotically.
2. There are two narratives documented in the Torah surrounding the events of *Matan Torah*—one in Yitro, the other later in Mishpatim.
3. Commentaries debate if the events in Mishpatim are just an expanded version of what happened in Yitro, i.e., they occurred before the Torah was given, or if they're really separate events that occurred thereafter.
4. According to the first opinion, the Jewish people composed a unique *Sefer Habrit* even *before* the Torah was given—as a preparatory step to enhance their emotional investment.

KEY POINTS

5. Preparing for a mitzvah is a serious process, with legal, Halachic weight.
6. Chasidic thought and lifestyle places much emphasis on this process.

