

PARASHAH: Mishpatim (Rulings)
ADDRESS: Sh'mot (Exodus) 21:1-24:18
READING DATE: Shabbat
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(Note: all quotations are taken from the Complete Jewish Bible, translation by David H. Stern, Jewish New Testament Publications, Inc., unless otherwise noted)

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Let's begin with the opening blessing for the Torah:

***“Baruch atah YHVH, Eloheynu, Melech ha-‘Olam,
asher bachar banu m’kol ha-amim,
v’natan lanu eht Torah-to.
Baruch atah YHVH, noteyn ha-Torah.
Ameyn.”***

(Blessed are you, O' LORD, our God, King of the Universe,
you have selected us from among all the peoples,
and have given us your Torah.
Blessed are you, LORD, giver of the Torah.
Ameyn.)

Our portion this week is known as **Mishpatim**. This word is quite adequately translated as "rulings." It actually stems from the root word "shaphat," which means, "to establish, reduce, bring, ordain, set on." We gain a few other familiar Hebrew words from this stem also: "shophat," which means, "judge"; its plural is "shoftim"; and the name Jehosaphat (Y'hoshafat) is a combination of this root word, and one of the Hebrew names for God "Yah"). It is important, as we study the Torah, to realize where different words stem from. Knowing the root word can better help us to determine the correct meaning of subsequent words. I encourage you to invest in a good biblical concordance, or lexicon. These are study aids, which provide the root words to the text as we have it translated.

Our parashah follows four separate chapters. Accordingly, we shall examine each chapter individually for its spiritual nourishment. The dramatic shift in the text, from narrative to verbal imperative, signals the "end of the honeymoon" so to speak. Our family of ex-slaves has witnessed the thunders (voices), lightning, smoke and fire of the Holy One, received the initial Ten Words (Ten Commandments), and is now ready to receive the rest of the Torah.

The change is dramatic, for we go from simple, somewhat general instructions, to very specific guidelines that are meant to shape the people into a nation. In a way, this marks the beginning of the Torah as a "National Constitution." Truly, these next few chapters could be called "Law." For this reason, I have included a detailed excursus on "The Law" at the end of this commentary.

Before I delve into each chapter, I want to briefly restate one of the primary functions and purposes of the giving of the Torah to 'Am Yisra'el:

It is crucial for us to understand theologically, that the primary purpose in HaShem's giving of the Torah, as a way of making someone righteous, only achieves its goal when the person, by faith, accepts that Yeshua is the promised Messiah spoken about therein. Until the individual reaches this conclusion, his familiarity of the Torah is only so much intellectual nutrition. Only by believing in Yeshua will the person be able to properly understand HaShem and, consequently, his Word.

I really want this to be internalized by you the reader as we continue our ongoing study of the weekly portions. It is easy to lose site of this fact, as the text takes the form of various "do's" and "don'ts." The Torah is to be understood as a whole, bringing the child of HaShem into the full knowledge and understanding of the Father, through the Son. To this end, many of the various "do's" and "don'ts" serve to safeguard us as we walk out our relationship with our Holy God. Allow me to elaborate.

Before we came into the full knowledge of the redemption provided by our Messiah Yeshua, we were probably living a life devoid of any spiritual nourishment. Many former believers were not raised in a Christian home where the name of God was mentioned frequently. Consequently, the Torah was probably a stranger to us. Such is the case in Western Civilization today. Often, our formative years were spent watching TV, playing video games, hanging out with our friends, and generally having fun. This was not the case in the average home of the ancient Isra'elite.

HaShem masterfully designed his Torah to permeate every single facet of human existence, from birth, to the grave. His people were to saturate themselves with his rich mercy, grace, loving-kindness, forgiveness, and judgment, as they carefully followed each and every mitzvah (command) of the Torah. Being raised in such a "Torah-Community" had its definite advantages. This type of community produced a positive atmosphere, whereby the children grew up immersed in the truths of God's ways, as they observed the rest of the community. They participated in the feasts and holy convocations year after year as a family. This instilled in them godly principles, which formed the seedbed for the life of faith and witness that HaShem called them to perform.

This lifestyle did not save them. This lifestyle served to prepare them to meet the true "Teacher," the Messiah, as they reached the age of accountability. In this way, the New Covenant teaches that the Torah acted as a custodian, or a "schoolmaster" (read Galatians 3:24-25). Once we reached the age where a conscious decision could be made, the Torah should have presented us with the

proper framework to make the right decision: trusting faithfulness in HaShem, as demonstrated through our dependency in his means of provision—namely his Son Yeshua! This faithful lifestyle is magnificently portrayed in the covenants that the people had experienced thus far. The following quote will develop this concept further.

A SUMMARY OF THE PURPOSES OF THESE TWO COVENANTS (the following explanation was taken from **Torah Rediscovered**, Ariel and D'vorah Berkowitz, FFOZ Publications):

'A person cannot appropriate the full blessings of the covenant with Moshe (the Torah) unless he **first** enters into the covenant with Avraham. The latter is done by faith and faith alone. The covenant of promise (through Avraham) gave Israel the physical promises. Not only are these physical promises a reality; they are also pictures of the **spiritual** relationship we have with HaShem. Moreover they are illustrative of the spiritual promises of inheritance obtained by **all** believers through faith in **Yeshua**.

'For those who trust HaShem for the promises, the proper order for faith and obedience is set by the sequence in which the covenants were given. In other words, **faith must precede obedience**. But the kind of faith accepted by HaShem is one that naturally flows into obedience. True obedience never comes before faith, nor is it an addition to faith. It is always the result of true biblical faith. To rephrase this in terms of the covenants: the covenant of promise (Avraham) must come **before** the covenant of obedience (Moshe). *If we were to put Moshe first, attempting to secure those promises by obedience, we would be going against HaShem's order.* (This, by the way, is the key to unlocking the difficult midrash used by Sha'ul in Galatians 4:21-31.) All we could hope for would be a measure of physical protection and a knowledge of spiritual things. *But we could not receive justification or a personal relationship with the Holy One through obedience to the Torah; it all had to start with faith.* Avraham came before Moshe, but Moshe did not cancel out Avraham! The two complemented each other—as long as they came in the proper order.¹

What does this mean for the Jew as well as the Gentile? Apart from a being well reasoned theological argument for combating legalism, the concept taught here **defines our identity**, as, not only being grounded in the Torah—but **it is who we are in Messiah!** If the blood of the Sinless One has redeemed us from sin and unrighteousness, then we now have been clothed in his holiness! We now have a new identity—the righteousness of HaShem! The old man has died with the death of our Messiah; the new man has been raised unto life everlasting just

¹ Ariel and D'vorah Berkowitz, *Torah Rediscovered* (FFOZ, 1996), p. 32-33

like him (2 Corinthians 5:17-21)! And all of these promises are secured for us within the pages of God's Torah!

Having established that foundation, we are ready to get our first glimpse at some of the Torah's very first official "do's" and "don'ts," as they are spelled out to the community. Space does not permit me to comment on each and every ruling; I will instead focus on primarily a few within each chapter, pausing long enough to provide Messianic commentary:

Chapter 21 – Verses 22-27 speak about restitution in the event of accidental injury. We are familiar with the saying, "An eye for an eye; a tooth for a tooth." We remember that our LORD Yeshua made a comment about this in the B'rit Chadashah book of Mattityahu 5:38-42. We often feel that his comments reflect the right, enacted by this particular Torah passage, to go out and take "revenge" on the individual who took our "eye" or "tooth." In Yeshua's estimation (we suppose), revenge is not the correct course of action, and instead, we should seek to forgive our brother. Actually, these verses of our current parashah establish justice in such a situation. For instance, if indeed your brother accidentally (or maliciously) takes your "eye" or "tooth" (these are symbols of your precious commodities), then the ruling says that you are entitled to an equal share of recompense—but not more! This ruling sets the order so that greed and unforgiveness don't become rife in the community. But Yeshua, realizing that the person wronged is owed an "eye" or "tooth" for his compensation, challenges his audience to seek forgiveness instead of compensation. He does NOT contradict the Torah here, rather he establishes its true intent.

Chapter 22 – Verses 21-27 show us the compassionate heart that God has towards those less fortunate in our community. The widow, orphan, stranger, and the poor have always held a special place in our Heavenly Abba's eyes. We are challenged with establishing a communal system that will meet their needs. Indeed, Yeshua also challenged us when he stated that the poor would always be with us. What this means is that we should never degenerate to the condition that we cease to care for these special citizens of the community. This is not just a call for civil fortitude. This is to be an extension of the genuine heart of justice and mercy that our Father has demonstrated on our behalf! In another parable, he instructed us that our treatment of the widow, orphan, stranger, and poor actually demonstrated our genuine commitment to him (read Mattityahu 25:31-46).

Chapter 23 – Verses 10-33 form one complete unit of instructions that center on provision and blessing during the "resting years" that the Land is to experience. HaShem tells the people to grant unto the land a time period of rest (shabbat) so that the soil can replenish itself and provide a healthy crop on the eighth year after its rest. Consequently, during this time of supernatural provision, HaShem knew that some people would be inclined to doubt the providence of his Mighty Hand, and would be tempted to imitate the pagan society around them. The

entire section is given over to HaShem assuring them of his provision and blessing despite the fact that no crops will be sown for an entire year! It has been discovered that some of the pagan practices involved worship of the elements of the earth. This worship took the form of offering sacrifices to the gods of the sun, earth, wind, sky, rain, and consequently, the produce of the earth—both crops and beasts! This is why ancient pagan civilizations depicted such adoration for these particular objects in their wall paintings and such. It was during this time that an ancient Kena'ani (Canaanite) practice involving a beast of burden (an ox, cow, or goat of some sort) was killed, and its body seethed (boiled, stewed, i.e. cooked) in its own mother's milk (a symbol of the animal's fertility). This ceremony invoked the powers of both the agricultural gods, as well as the fertility gods. The pagans believed that this sacrificial ceremony would appease these gods into blessing them with health, offspring, and abundant crops. As 'Am Yisra'el observed these foreign practices it was tempting during their own time of "doing without" to be enticed into experimenting with this pagan ritual. This is why HaShem forbids them in verse 19 not to imitate this practice! Indeed, unless we establish the context of this seemingly odd mitzvah, we are left to speculation as to what it means. Unfortunately, the sages of old, without the proper guidance of the Ruach HaKodesh (Holy Spirit), did just that. Not only did the people engage in gross idolatrous practices, but also our sages completely misunderstood the instructions, and turned the mitzvah into some nonsense involving the prohibition of eating milk and meat products in the same meal! This conclusion of theirs is totally out of context with the surrounding verses! Understood correctly I want to emphatically state that I believe that it is not forbidden to eat milk and meat products together. In fact, to prove my point, I cite the passage found in a previous portion (Genesis 18:1-8) where the argument from silence is that Avraham served milk and meat products in the same passage. Genesis 18 neither proves a prohibition, nor advances a freedom of mixture.

What is my understanding of these p'sukim according to the facts presented? Based on the partial ambiguity and difficulties that the thrice-repeated pasuk presents, I do not personally adhere to a universal application of this mitzvah (the prohibition of mixing milk and meat) among Messianics (the key word is "universal"). I cannot speak for the rabbinic camp. However, not only do I respect those who feel led to make this a part of their service to HaShem and his dietary restrictions (both the Messianic and non), I personally keep such a halakhah. Presently I find neither harm nor advantage in separating milk from meat.

Chapter 24 – our portion concludes with Moshe, Aharon, and the elders having a meal with the God of Isra'el! In this magnificent revelation they actually see a form! Present during this meal is the presence of the atoning blood, splashed upon all the articles of the covenant—including the people themselves! What are we to make of all of this imagery? As we have read in other places of the Torah,

the God of the universe is an invisible God! He cannot be seen! So what are the people seeing? Allow me to use material from one of my haftarah commentaries:

No man has seen the fullness of HaShem at any time and lived to tell about it, despite what some passages seem to be saying! Yet this is one of those exceptional moments, when HaShem actually comes very close to revealing his complete, glorious nature to his created subjects. What is actually taking place here, as well as the many other times when frail man encounters the Supernatural, is that our senses detect just what HaShem allows them to detect and record. This encounter is then imprinted upon our conscious in such a way as to cause us to proclaim, "I've seen the LORD!" But according to the Torah, our God is invisible, and cannot be seen! What did Moshe actually see and record?

I want to offer an explanation that is somewhat subjective, yet is based on Scripture. It is my own explanation of what is going on in situations like this one. I will use a midrash (homiletic explanation of the text) to prove my point.

When we humans gaze at our own sun, we may not be aware that we are not actually viewing the surface of the sun, much the same way that we might view any other physical body. In reality, because of the great distance from the earth that the sun actually is, we are really seeing a "delayed image" of the sun. Scientist have shown that since our sun is about 93 million miles away from the earth, that if it were to go supernova (explode) the light would take approximately 8 minutes to reach earth based observers. That means that what I see right now (if I were to go outside and look at the sun) isn't even really the full revelation (represented by the surface) of the sun itself!

To be sure, the energy being burned off by our sun is too powerful for my naked eye to withstand. I don't recommend anyone staring at the sun without some sort of eye protection. But because the sun is known to our naked eye by its "sunlight," I do receive all of the revelation needed to sustain my life here on earth. I personally don't need to see the surface of the sun to enjoy its warmth and life-giving light; its radiant energy-giving rays will suffice.

How does this figure into the Torah? I believe that when man encountered Holy God, that HaShem gave them a "veiled" revelation of himself, lest feeble man be consumed in the Holiness of an unfathomable God! HaShem has used a variety of ways to "manifest" his holiness among men. These include: an Angelic representative, a burning bush, a pillar of a cloud, a pillar of fire, thick darkness, a thunderous voice, etc. All of these manifestations are known in Hebrew thinking as "Sh'khinah," coming from the root word "shakhan" meaning "to dwell."

When HaShem decided to manifest himself to his people, he needed to "conceal" himself in such a way as to not actually kill the individual receiving the revelation. Although Moshe and the leaders catch a glimpse of his holiness here in our parashah (verses 9-11), the best and most complete revelation of HaShem still remains to be in the person and life of Yeshua his Divine Son! To be sure, John tells us that the Word (God) was made flesh and "dwelled" among us. That term "dwelled" shares the exact same root word as "Sh'khinah" above.

In our current portion, everything was sprinkled with blood. The book of Hebrews informs us that, in accordance to the Torah, almost everything is purified with blood. This ceremony was performed on the earthly copies; Yeshua's is that effectual, atoning blood sprinkled on the heavenly originals! To be sure, Hebrews goes on to say that without the shedding of blood there is no forgiveness of sin! How could Moshe and the elders be in the presence of the Sinless One without a covering? The blood was their covering!

If you want a "revelation," and need to be cleansed, come into the presence of the Living God of Isra'el! But be warned: You cannot experience his Glorious Presence without a "covering" of some sort! What covering am I referring to? The sinless blood of his Son, of course! Today, if you will receive the gift of the Son, the Spirit of HaShem will write the Torah of HaShem upon the doorposts of your heart! If you place your trusting faithfulness in the fullest, complete, visibly manifested presence of HaShem, that is his Son, then you will also receive a "revelation" of him who is the Living Torah!

And you WILL be cleansed!²

Excursus: The Written Law

The term "Law" in the English Bible derives from the Greek word "nomos," and nomos itself is a translation of the Hebrew word "torah." In the Hellenistic period that extended from the third century B.C. to the first century B.C. onward, the original Hebrew word Torah was rendered by nomos, which was the Greek word for "Law." The Septuagint (usually represented by the Roman numeral LXX) is the most important Greek version of the Hebrew Bible coming from the Hellenistic period, and it constantly translates the word Torah as nomos. Because the early Greek-speaking Jews and Christians used the Septuagint as their Scriptures, its impact on Jewish and Christian Greek documents is beyond description.

² Ariel ben-Lyman HaNaviy, *Haftarah Yitro* (Tetze Torah Ministries, 2006), p. 1-2

The Law also meant the "Law of the LORD" (Luke 2:23, 24, 39). It is the will of the LORD; the Law is not simply a legal code but a totality of the revelation of HaShem. It gives the people of God instructions on how they should live justly and how they should carry on their ordinary lives by showing mercy to their neighbors. Among other functions, the Law was designed to provide detailed instructions about how the ancient Isra'elites should prepare and offer sacrifices to their God. It also showed them how to make distinctions between clean and unclean foods and other things, and it taught them how to deal with criminal justice in their community. Moreover as Yeshua summarized so well, "The weightier matters of the Law" are "justice and mercy and faith" (Matt 23:23). Of course the Pentateuch does contain legal codes. What is more, they are to be understood as the Will or Teachings of HaShem. "She-b'ktav" refers to "that which was written."

When we look back into the history of the Bible, it is evident that the Scriptures have had a long process of development. Judaism makes reference to the entire corpus of ancient Scriptures by use of a moniker called the "TaNaKH" (an acronym formed from the three Hebraic sections of the "Old Testament," namely "Torah," "Nevi'im," and "K'tuvim," viz "Law," "Prophets," and "Writings." First the Torah came into existence; the prophetic writings and then the rest of the TaNaKH books, technically referred to as the Hagiographa, followed the Torah. The Torah was recognized as Scripture much sooner than the Prophets and the Hagiographa. At the time of Yeshua the last section of the TaNaKH did not yet enjoy canonical status; it was only late in the first century A.D. that we Jewish people recognized the Hagiographa as part of our Scriptures.

The Gospels, therefore, constantly mention "the Law and Prophets" when they refer to the Scriptures. That phrase was synonymous with the Bible at the time of Yeshua. "After the reading of the Law and the Prophets, the officials of the synagogue..." (Acts 13:15), "do not think that I have come to abolish the Law or the Prophets" (Matt 5:17), and "on these two commandments hang all the Law and the Prophets" (Matt 22:40) are just a few examples. There are eight other instances in the B'rit Chadashah where the expression Law and Prophets is used to denote the Bible of that time: Matthew 7:12; 11:13; Luke 16:16; 24:44; John 1:45; Acts 24:14; 28:23; Romans 3:21. Quite often, however, either Law or Prophets is shown to be standing alone and still conveying the same meaning, viz, the Scriptures. For instance, in the New Testament there are passages like "have you not read in the Law that..." (Matt 12:5) and "so that the Scriptures of the prophets may be fulfilled..." (Matt 26:56). Similar instances are also found in Matthew 2:23; 5:18; 12:5; Luke 2:22, 23; 16:29; 18:31; 24:27; and John 6:45.

The purpose and meaning of the Written Law or Torah, now codified in the Pentateuch, emanates from the Ten Commandments, which specify the covenant relationship between God and 'Am Isra'el. The "covenant code" or the "book of the covenant" (Ex. 24:7) immediately follows the giving of the Ten Commandments (Exodus 20). The Covenant Code (Ex. 21:23) generally deals

with civil and criminal laws, and consequently the literary form of the code takes a familiar legalistic structure.

Casuistic and Apodictic

There are two forms in the legal code: casuistic and apodictic. The casuistic form is found in the first section of the Covenant Code (Ex. 21:1-22:17), and the apodictic form is found in the second section (Ex. 22:18-23). The casuistic form first states a condition (the technical term for this is "protasis") and normally begins with words like "if" or "when." The protasis describes the circumstances or conditions that prompt the consequential injunctions. The second part, that is, the injunction, is called "apodosis." It contains a statement of legal consequences that may or may not begin with the word "then." Here are two examples: "When a man sells his daughter as a slave, she shall not go out as the male slaves do" (Ex. 21:7) and "If someone's ox hurts the ox of another, so that it dies, then they shall sell the live ox and divide the price of it" (Ex. 21:35).

The apodictic form, usually found in the second part of the Covenant Code, states commands in the second person "you." It gives commandments or prohibitions in direct forms without any description about circumstances. For example, we read in Exodus 22, "You shall not permit a female sorcerer to live. Whoever lies with an animal shall be put to death" (vv. 18:19) and "You shall not revile God, or curse a leader of your people" (v. 28). This apodictic form is most common in other legal codes like the Priestly and Holiness Codes.

The Priestly Code is another legal document found in parts of Exodus, Numbers, and Leviticus. It specifically deals with matters related to religious concerns and ritual procedures. Perhaps the oldest and most distinct section of this code is the Holiness Code in chapters' 17-26 of Leviticus. The basic theological thrust of this code is stated in the following passage, "You shall be holy, for I the LORD your God am holy" (Lev 19:2).

The book of Deuteronomy, as the name indicates (it means the "second Law"), contains legal codes pertaining to kingship, human relations, family life, and civil and cultic matters. It is a comprehensive guide to every aspect of community life, even though it constantly reminds the readers about the history of HaShem's dealings with Isra'el. The core of this book became the source of King Josiah's reform in 621 B.C. The Written Torah reflects not only the nomadic life before the settlement in the Promised Land, but it also presupposes the social milieu of Isra'el during the times of the kingdoms.

The closing blessing is as follows:

***“Baruch atah YHVH, Eloheynu, Melech ha-‘Olam,
asher natan lanu Toraht-emet,
v’chay-yeh o’lam nata-b’tochenu.***

***Baruch atah YHVH, noteyn ha-Torah.
Ameyn.”***

(Blessed are you O' LORD, our God, King of the Universe,
you have given us your Torah of truth,
and have planted everlasting life within our midst.
Blessed are you, LORD, giver of the Torah.
Ameyn.)

“Shabbat Shalom!”

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