

Geulas Yisrael #89

Moshe Taragin

Mishpatim: The Renewed Covenant

Har Sinai was the ultimate moment of divine command. Hashem descended from Heaven and delivered His will to a submissive human audience waiting on the mountain below. The midrash depicts Hashem hoisting the mountain above us, threatening that if we didn't accept His Torah we would be buried alive. Har Sinai and the delivery of Torah were unilateral and hierarchical: Hashem commanded, and we obeyed, Hashem delivered, and we received.

Yet, at some point during the week of Har Sinai, we also joined Hashem in a mutual brit or covenant, mediated by Moshe. Twelve monuments were constructed, and sacrifices were offered. The blood from these sacrifices was divided, with half of the blood sprinkled either upon the people or upon their representative mizbei'ach. This symmetrical division of blood is characteristic of a bilateral covenant between two equal parties. Our earliest historical Covenant – the brit bein habetarim between Avraham and Hashem- was finalized by walking between evenly divided animals. Splitting animals or splitting blood evokes a mutual covenant in which two counterparts agree to terms.

The Book

This Covenant of Sinai concludes with Moshe reading from a book called the ספר הברית or the book of the covenant. The content of this book depends largely upon the chronology of this covenant. The Ramban asserts that this ceremony occurred the day *after* matan Torah, after several sections of Torah law had already been delivered to the broader population. The final section of parshat Yitro describes the post-matan Torah warnings against paganism. After being sternly warned against fashioning idols, we were immediately taught the moral and social laws of parshat Mishpatim. Together, these two sections formed a sefer habrit, which Moshe read the day after Har Sinai.

Two Pillars of Jewish Identity

Professing monotheism and modeling morality are the cornerstones of Jewish identity and form the foundation of the brit at Sinai. Ultimately,

Hashem would forge a broader covenant surrounding general mitzvah observance: if we adhere to mitzvot we will be rewarded with prosperity in our homeland of Israel. If we betray mitzvot we will be punished and exiled. This general covenant surrounding the entire roster of mitzvot would be stipulated in parshat Bechukotai and Ki Tavo, after the overall list of mitzvot have been commanded.

At Sinai, before delivering the full catalogue of mitzvot, Hashem established a mini-brit founded upon two seminal elements of Jewish identity- theology and ethics. Though full halachik compliance is demanded of every Jew, Hashem knew that, sadly, throughout the fluctuations of Jewish history, many would veer from a fully obedient lifestyle. Unfortunately, in our modern world we have witnessed the majority of our people abandoning classic halachik behavior. The Sinai brit establishes a minimum baseline for Jewish identity. Even without full observance, belief in Hashem and moral behavior form the kernel of Judaism and Jews who uphold these pillars of Jewish identity are still engaged in a brit with Hashem. Thankfully most secular Jews, especially Israelis, though severed from full halachik compliance, still maintain this mini-brit, professing belief in Hashem and behaving morally.

Repeating the Covenant

Rashi disagrees and claims that this covenant ceremony occurred *prior* to Sinai. Even though the covenant is documented in the end of Mishpatim, chronologically, it occurred in the days leading up to Har Sinai. Given Rashi's timeline, which places the covenant before Sinai, the sefer habrit could not possibly have contained mitzvot delivered afterward at Sinai. Evidently, the Sinai brit served an entirely different function.

Rashi claims that sefer habrit at Sinai reviewed the events of Breishit and Shemot, up until Sinai. The book retold the story of our avot and *their* covenant with Hashem, as well as the saga of their descendants who were enslaved in Egypt and miraculously redeemed. The sefer habrit did contain a smattering of a few mitzvot which appear in Bereishit as well as selected trial mitzvot delivered at the Marah encampment a few weeks before Sinai. However, the dominant part of the sefer habrit, was not a list of mitzvot or commandments but a review of past Jewish history, centered upon the earlier covenant with our avot.

Why were these stories repeated as part of the Sinai covenant? The avot had already established a historical covenant with Hashem in Bereishit. What had changed to warrant a new brit based upon the same terms as the old brit?

National Covenant

Hashem wants our relationship with Him to be based upon our human interactions. Even though Hashem is different from us, we are expected to overlay human experience and human emotions onto our relationship with Him.

For this reason, our covenant with Hashem is based upon human covenants and more specifically, upon the most important human covenant, our marriage. Bereishit details the marriages of our avot because they served as a template for their covenant with Hashem. The marital loyalty of our avot stood in stark contrast to the sexual promiscuity of their surrounding societies. In these unrestrained cultures, desire for many women paralleled their obsession with many gods. Sexual lawlessness reflected theological infidelity. The loyal marriages of our avot symbolized their loyalty to a one G-d. Bereishit introduced the concept of a covenant between man and G-d built upon the model of marriage.

The Sinai brit proposes a bold new idea - that Hashem forms a covenant with *an entire* nation, and not just with individuals. A covenant between an entire people and a one G-d is unlike the covenant of marriage between two individuals. This updated form of covenant required a renewal of the brit of Bereishit.

Different Lifestyles

There is second reason to update the covenant of Bereishit. In Bereishit we were tasked with representing Hashem in a world of theological confusion and moral mayhem. Courageously we spoke of a one God, responsible for all reality, whose moral will permeated our world. Though we broadcasted a new and different message, our lifestyle and culture were not dramatically different from that of our contemporaries. We had yet to be commanded in 613 mitzvot and our daily routine was roughly similar to that our of neighbors.

Though Chazal assert that the avot fulfilled mitzvot, it isn't entirely clear how detailed their mitzvah observance was. Even if they did perform all mitzvot, their behavior was optional and not mandatory and the *experiential* gap between Jew and non-Jew wasn't sizeable.

At Har Sinai mitzvot became normative and our lives would now be strictly regulated by a comprehensive system of divine laws. Our lifestyle and culture would become drastically different from that of other nations. After Sinai we would not just model monotheism and morality but also would showcase the experience of commandments and religious commitment. We would not just become a *chosen* nation but also a *different and separated* nation. Mitzvot would ultimately compound the complexity of our historical mission. As a *different* nation, with a completely different culture regulated by mitzvot, we would often be subjected to suspicion and hatred. People are suspicious of the stranger, and we would always be the stranger.

As the dynamics of our historical mission of Bereishit were about to become more complicated, the brit of Bereishit was reinstated.

Historical context of Torah

Not only does the delivery of Torah redistill the historical brit of Bereishit, but the brit of Bereishit serves as background and context for the delivery of Torah. We were chosen to receive the word of Hashem at Sinai because we had previously accepted the historical mission described in Bereishit. In a confused world we alone discovered Hashem and we alone agreed to the historical challenge of drawing him into an often-resistant world. For this reason, Hashem delivered His word to us at Sinai, so that we could better understand him and better represent Him in this world. The brit of Bereishit is repeated not only because the delivery of Torah updated the brit but because the brit of Bereishit provides the background for Sinai. Prior to receiving the Torah at Sinai, we were reminded of our grand historical mission of Bereishit. Without historical consciousness the Torah at Sinai would be incomplete.

