

MOSES ON TRIAL

DISCLAIMER—MOSES GREAT PROPHET DON'T MEAN TO BE DISRESPECTFUL OR IN ANY WAY DIMINISH HIS IMPORTANCE OR HIS LEGACY.

May it please the court, ladies and gentleman of the jury, and opposing counsel.

My name is Heather Schlozman and on behalf of the prosecuting attorney's office for the City of Cairo, Egypt, I've been assigned the difficult task of prosecuting Moses, one of the greatest prophets of the Jewish people. Well, to be clear, I was not assigned the task. Stewart was kind enough to let me pick my side, and I picked prosecution. Let me tell you why. First, I've always liked a challenge, and I'm sure people are going to be reluctant to convict Moses of anything. But hear me out on this folks--, I've always been sort of troubled by this story, which we read every year in our seders. I mean, doesn't it bother anyone else that Moses just up and killed the Egyptian overseer, hides the body, and then runs away? Isn't there some middle ground between killing the guy and intervening to stop the beating? This story has always bugged me, ever since I was a kid, and we learned it right here in Beth Shalom's Hebrew school? Anyhow, it's my job today, to show you why the story has always bothered me, and see if I can get you to see the story a little differently.

So before we start talking about the facts, I want you to promise me that you'll think about this case not as Moses, the guy who got the Hebrew slaves out of slavery, got the 10 commandments, and got everyone to the promised land. I mean, he was like the original civil rights attorney! He freed people from slavery! He argued for the civil rights of the Hebrews!

No don't think about all of that. Instead, I want you to promise to think about him just as some guy—a guy who looks to see if there are any witnesses, kills a man, hides the body, and then runs away when his actions become known. And ask yourselves, shouldn't there be some consequence for what he did?

So let's talk about what we know about Moses. Well, we all know the story of his childhood, right? We know he was saved by his fast thinking mother who tucked him into a basket, floated him down the Nile, and hoped someone would find him. The Pharaoh's daughter went swimming and she found him. She had always wanted to be a mother, so she called the Egyptian child and family services and hired a social worker, who began the process for adoption. After many interviews, a home study, and an appropriate waiting period, she adopted the baby boy. But like all princesses, she did not want to be changing diapers and the like, so she hired a nanny for the boy, who weirdly, looked a little bit like him (because she was his sister). So Moses was raised in the palace. He was the Prince of Egypt! And then, at some point, when he was an adult, he learns the truth about his heritage. He wasn't really an Egyptian prince. He was a Hebrew slave

who had been raised in the palace. And, well, you know how the story goes and why we are all together today. He goes out in the field, sees an Egyptian overseer hitting a slave whom he identifies with, looks around to see if there are witnesses, and when he realizes the coast is clear, he kills the overseer, and hides the body.

So let's look at the jury instructions—what do we have to prove to get you to convict Moses? Well, for you to convict Moses, you have to agree with me that murdering the Egyptian overseer was not necessary to save the life of the Hebrew slave or even to save him from serious harm. Now, don't get me wrong. No one is saying that Moses should not have intervened to help the Hebrew slave. But there's simply nothing in the evidence that suggests that Moses had to kill the overseer to save the slave from serious harm or death. To the contrary, there's ample evidence to suggest that Moses did not even try to use words or do anything to try to get the guy to stop hitting the slave before he killed him. Nope, if you look at the text, all we know is that he saw the Egyptian beating the Hebrew and he looked around and confirmed there were no witnesses, so he killed the guy and then hid his body. Those are not exactly the actions of someone with a clean conscience! Also, there is ample evidence in the record to suggest that Moses had some anger management issues and impulse control problems. So let's talk about the evidence. It's a little known fact that Moses was a frequent user of social media. In fact, he had one of the earliest twitter accounts known to the world, and what with the excellent wifi signal at the palace, he tweeted frequently.

Well, as you saw in the trial, our paralegals went through Moses' twitter feed and found some instructive tweets. Let me show you prosecution exhibit A.



Moses

@dontmesswithmemoses



Follow

My motto? Shoot first and ask questions later #amanofaction



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Tweet: Talk is Cheap.



Moses

@dontmesswithmemoses



Follow

Talk is cheap. I like action
#toocoolforwords



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So what do we know from these texts? Well, we know that Moses knows he acts on impulse. And you can see that Moses prides himself on being a man of action. I mean, that's even his hashtag in one of his tweets.

So keep that in mind as you make your decision!

And let's look at the text of the parsha itself—here it is for you to look at:

Look at verse _____. So what else do we know about Moses. Well, we know he did not want to get caught after he killed the Egyptian. We know he looked around to see if anyone was there who could report him.

And we know he hid the body. Like I said before, those aren't exactly the actions of someone with a clean conscience!

Ask yourselves—is there anything in the parsha to suggest that Moses even attempted something short of murder to stop the beating?

Show parsha

Moses' Killing of the Egyptian

Source Sheet by David Glickman

1.

שמות ב': י"ט-י"ו

(י) ויגדל הילד ותבאהו לבת־פרעה ויהי־לה לבן ותקרא שמו משה ותאמר כי מן־המים משיתהו: (יא) ויהי א בַּיָּמִים הָהֵם ויגדל משה ויצא אֶל־אֶחָיו וירא בְּסִבְלָתָם וירא אִישׁ מִצְרַיִם מַכֶּה אִישׁ־עִבְרִי מֵאֶחָיו: (יב) ויפן פה וכה וירא כי אין אִישׁ ויך אֶת־הַמִּצְרִי ויטמנהו בקול: (יג) ויצא ביום השני והנה שני־אנשים עִבְרִים נֹצְיִים ויאמר לרשע למה תכה רעה: (יד) ויאמר מי שמך־לאיש עַר וּשְׂפַט עָלֵינוּ הֲלֹהֶיךָ אֵתָּה אָמַר כְּאֲשֶׁר הִרְגִית אֶת־הַמִּצְרִי וירא משה ויאמר אכן נודע הדבר: (טו) וישמע פרעה אֶת־הַדְּבָר הַזֶּה ויבקש להרג אֶת־מֹשֶׁה ויברח מֹשֶׁה מִפְּנֵי פְרֹעֹה וישב בארץ־מִדְיָן וישב עַל־הַבְּאֵר:

Exodus 2:10-15

(10) When the child grew up, she brought him to Pharaoh's daughter, who made him her son. She named him Moses, explaining, "I drew him out of the water." (11) Some time after that, when Moses had grown up, he went out to his kinsfolk and witnessed their labors. He saw an Egyptian beating a Hebrew, one of his kinsmen. (12) He turned this way and that and, seeing no one about, he struck down the Egyptian and hid him in the sand. (13) When he went out the next day, he found two Hebrews fighting; so he said to the offender, "Why do you strike your fellow?" (14) He retorted, "Who made you chief and ruler over us? Do you mean to kill me as you killed the Egyptian?" Moses was frightened, and thought: Then the matter is known! (15) When Pharaoh learned of the matter, he sought to kill Moses; but Moses fled from Pharaoh. He arrived in the land of Midian, and sat down beside a well.

רש"י על שמות ב': י"ב

(יב) ויפן כה וכה. ראה מה עשה לו בבית ומה עשה לו בשדה (שם). ולפי פשוטו כמשמעו:
(יג) וירא כי אין איש. עתיד לצאת ממנו שיתגזר (ת"י):

Rashi on Exodus 2:12

(12) AND HE TURNED THIS WAY AND THAT WAY — he saw what he had done to him in the house and what he had done to him in the field (outside the house. viz., the beating to which he had subjected him) (Exodus Rabbah 1.28). But according to the literal meaning it must be explained in its ordinary sense: he turned this way and that

Nope. There's nothing there. He didn't make any attempt to stop the overseer without killing him. I mean, he's the prince of Egypt! He was living in the palace and the Pharaoh treated him as a grandson! His adopted mother was the princess! That role gave him some gravitas, don't you think? And from the standpoint of palace hierarachy, I think it's safe to say that the prince outranks the overseer. So shouldn't Moses have tried to use some of his influence to order the overseer to knock it off?

In any case, we know that Moses could've taken some intermediate steps. How do we know? Well, it's in the Parsha—there it is:

He sees two Hebrews fighting and he talks to them to try to stop the fight. He does not immediately kill one of them.

I think that's pretty significant. With the Egyptian, he shoots first and asks questions later. With the Hebrews, he gives them a chance to behave properly.

Well, ladies and gentlemen, I submit to you that Moses wanted to kill the overseer. He was ticked at the Pharaoh and his world was turned upside down when he realized his life had been a lie of sorts. And so was mad at all Egyptians.

How do I know that? Well, as you know by now, Moses was a frequent user of social media and the palace had great wifi. So I took at a look at his facebook posts from that time to get a sense for his state of mind.

Show facebook post—





MOSES

@dontmesswithmemoses



Follow

Overseer? Ha. More like OVERRATED.
He never saw it coming.
#manofaction



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See that? Moses was having an identity crisis and

The overseer was a symbol to Moses of the whole idea that his life was a lie. Moses looked at the overseer, thought of his hatred of all Egyptians, and well, ladies and gentlemen, he engaged in some racial profiling. He saw an Egyptian and decided the Egyptian was a murderer without even bothering to ask questions. There was no due process, no trial, and no civil rights afforded to the overseer.

Let that sink in for a moment. He gave the Hebrew slaves a chance to explain themselves. But he did not extend that same courtesy to the overseer. No. He made a snap decision about the overseer, and killed him in a fit of rage.

There is no evidence in the parsha to suggest Moses ever considered doing anything other than killing the Egyptian overseer, and, I submit to you, ladies and gentlemen, that that's because he did not. That goes directly to the issue of whether the killing was justified, don't you think? Shouldn't he have at least tried some kind of intervention short of murder?

But he didn't. Instead, he looked around to see if anyone was watching, and when he saw the coast was clear, he killed the guy and hid the body.

Now Rashi says he really didn't look around. That the looking around language was just symbolic either of Moses considering what the overseer had done or of the fact that

he could see the overseer was not destined to become a father, so he knew he could kill the Egyptian without robbing the world of his descendants. Well, let's break that down.

First, all we know is that he looked at what the overseer had done. We don't know that the overseer was going to kill or seriously harm the slave. We all agree there was some kind of beating taking place, but on its face, Rashi's first explanation for what happened doesn't get Moses off the hook because we don't know enough about the beating.

Second, I'm really troubled by Rashi's second interpretation. I mean, even if its true that Moses could see the overseer was not destined to be a father, why does that make his life any less valuable? I mean the whole "thou shalt not kill" is pretty straightforward, isn't it? Is that really who we are as a people?

No, I think you should take the language at face value—Moses looked around, saw that the coast was clear, so he killed the guy and hid the body.

What else do we know about Moses' state of mind after he ran to the desert. Well, he had a great internet provider, so he got a decent signal, even out in Midian, so he continued to keep his twitter account active. He tweeted this:

Exhibit D-- So, it seems that he has conceded that he did not really give much thought to anything other than killing the overseer. He says the overseer never saw it coming! That's good evidence to support the notion that he did not attempt any intervention short of murder.

Also, there's some good evidence to suggest that Moses was pulling away from his Egyptian heritage and feuding with Pharaoh. How do I know that? Well, let's take a look at Pharaoh's twitter feed:



MOSES

@dontmesswithmemoses



Follow

Resistance to Pharaoh starts with ME.
#manofaction



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What else do we know about Moses? Well, we know that later in the story of our people, he has some more anger management issues—we know he smashed the tablets when he came down from the mountain—remember that story? that seems pretty extreme, doesn't it? Couldn't he have just talked to the people and maybe gently set the tablets down to be addressed after he had finished the scolding?

We also know that after wandering the desert for 40 years, God tells him to speak to the rock to get water for the people. But what does he do? He hits the rock! There he goes again with the violence.

This is definitely a man with a temper.

So, ladies and gentlemen, I've put it all out there for you to see. Remember, I'm asking you to think about this story, not as a story about Moses, one of our great leaders and prophets, but as a story of a man who got away with something. A man who should be held accountable for his actions. A man who took the life of another without consequence.

So, we are here today, asking you for a conviction of Moses. And rest assured, if you give us the conviction, I can assure you on behalf of the Egyptian prosecutor's office, we will definitely take into consideration the mitigating circumstances during the penalty phase of the trial. Instead of asking that Moses serve time in Egyptian federal pen, we'll be asking that Moses do some community service (As if Moses could be expected to do any more community service?!) and take anger management classes. Who knows? If Moses got his temper under control, maybe he would have gotten to enter the Promised land.