

Parashat Mishpatim 5777, 2017:

*The Sefer Habrit and Naaseh v'Nishmah*

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Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister-in-law, Ruchama Rivka Sondra bat Yecheil, sister, Shulamit bat Menachem, Chaim Mordechai Hakohen ben Natan Yitzhak, Yehonatan Binyamin ben Mordechai Meir Halevi, Avraham Yechezkel ben Yaakov Halevy, Shayna Yehudit bat Avraham Manes and Rivka and the refuah shlaimah of Devorah bat Chana and Yitzhak Akiva ben Malka, and the safety of our brothers and sisters in Israel and around the world.

*Naaseh v'nishmah* (we will do and we will hear - understand) are arguably two of the most famous words that appear in our *parasha*. When the Jewish people uttered this expression at the unique moment of *kabbalat haTorah* (the receiving of the Torah), they acted like Heavenly Angels and adopted an entirely new paradigm of interaction with Hashem. These ideas are presented in a well-known passage in the *Talmud Bavli*:

R. Simla lectured: When the Israelites gave precedence to “we will do” over “we will understand,” [*Sefer Shemot* 27:4] six hundred thousand Ministering Angels came and set two crowns upon each man of Israel, one as a reward for “we will do,” and the other as a reward for “we will understand”...

R. Eleazar said: When the Israelites gave precedence to “we will do” over “we will understand,” a Heavenly Voice went forth and exclaimed to them, “Who revealed to My children this secret, which is employed by the Ministering Angels, as it is written, ‘Bless the L-rd, you angels of His. You mighty in strength, that fulfill his word, that hearken unto the voice of His word’ [*Sefer Tehillim* 103:20]: first they fulfill and then they understand?” (*Shabbat* 88a, translation *The Soncino Talmud* with my emendations)

R. Simla’s emphasis is upon the *malachai hasharet* (Ministering Angels), who rewarded our forebears with two crowns of glory, one for “we will do” and one for “we will understand.” The essential factor for this sage was our loyalty to Hashem and His Torah, as reflected in our willingness to temporarily suspend intellectual judgment and whole-heartedly serve Hashem with the essence of our beings.

In contrast, R. Eleazar maintained that G-d, in all of His Divine glory, recognized this unprecedented proclamation of the nascent Jewish people as a powerful attempt at achieving authentic spiritual intimacy. Thus, the Almighty exclaimed via "...a Heavenly Voice... 'Who revealed to My children this secret, which is employed by the Ministering Angels [?]'” The Holy One’s question was, in truth, a declaration of joy and happiness at our having discovered this secret of the angels.

In order to enhance our understanding of the over-arching power and significance of this Talmudic passage, let us turn to the contemporary work of Avivah Gottlieb Zornberg. In my view, her skillful utilization of a musical metaphor enables us to better grasp the full power of the faith-gesture inherent in the words “*naaseh v’nishmah*,” and their explanation in our Talmudic passage:

In saying, “We shall do and we shall hear! [the literal translation of *nishmah*]” the Talmud implies, the people assume some of the virtuosity of the angels, who are capable precisely of such a brilliant power of action. Like the virtuoso musician, whose skill makes movement seem to happen before thought (“hearing”) can intervene, the people discover a genius for generous and decisive commitment. All the hesitations that beset the amateur have long been resolved: the fingers fly faster than the eye or ear can observe. In the case of the musician, however, this angelic condition is the fruit of much practice and years of experience. In the case of the [Jewish] people’s response, it is spontaneous, unpracticed.... (*The Particulars of Rapture: Reflections on Exodus*, page 303, brackets my own)

In sum, for Zornberg, the Jewish people emulated “the virtuosity of the angels” and their “brilliant power of action.” This was manifested by their spontaneous “generous and decisive commitment” to G-d and His Torah for all time. Clearly, *naaseh v’nishmah* became the foundation for a fundamentally different and deeper relationship between G-d and our nation.

My rebbi and mentor, Rabbi Joseph B. Soloveitchik *zatzal* (1900-1993), believed that the concept of man’s unique nature was best expressed by the *mekubalim* (Masters of the Kabbalah)

who suggested that man's "... *ratzon elyon* (higher will) constitutes the singular endowment which distinguishes him from the rest of creation." How are we to understand the nature of this "*ratzon elyon*?" The Rav suggested the following interpretation:

This will makes decisions without consulting the intellect. It is in the center of the spiritual personality and constitutes man's real identity. Man's pragmatic intellect, which weighs pros and cons, is of subordinate stature in man's personality and is called *ratzon tahton*, the lower, practical will. (*Reflections of the Rav: Lessons in Jewish Thought* adapted from Lectures of Rabbi Joseph B. Soloveitchik, Rabbi Abraham R. Besdin, editor, page 91)

This distinction between the *ratzon elyon* and *ratzon tahton* enables us to more profoundly appreciate and understand what transpired when man and G-d encountered one another at Mount Sinai. For Rabbi Soloveitchik, the depth-level contractual commitment into which we entered marked the ascendancy of the *ratzon elyon* in our relationship with the Almighty forevermore:

When G-d offered the Torah at Mt. Sinai, the Israelites did not ask for a sample, to witness a demonstration, or to accept the Torah for a thirty-day trial period. This would have been the calculated, practical thing to do... The Jewish response was *naaseh v'nishmah*, which means "we have decided to commit ourselves and, after that, to understand intellectually." The decision was a leap of faith by the *ratzon elyon*, an intuitive sense of what was valid and imperative. The inner soul of man is capable of such bold visions, to transcend mundane considerations in an heroic embrace of what is or must be. (*Ibid.*, pages 95-97)

Based upon the Rav's analysis, we are now able to understand why *Chazal* (our Sages may they be remembered for a blessing) viewed *naaseh v'nishmah* as the transformative moment in our relationship with the Almighty:

The intellect has boundaries within which it exercises its cognitive powers. The goals of life emanate from within, but the intellect removes inconsistencies, plans implementation, and formulates logical justification. Without the *ratzon elyon*, the Jew could not sustain his commitments to the demanding discipline of *mitzvot* observance and the unshakable faith in our people's future. (*Ibid.*, page 96, underlining my own)

I believe we can learn a great deal from the textual context wherein the religiously revolutionary words “*naaseh v’nishmah*” are found, i.e. at the end of the verse: “And he [Moshe] took the Book of the Covenant (*Sefer Habrit*) and read it within the hearing of the people, and they said, ‘All that the L-rd spoke we will do and we will hear.’” (*Sefer Shemot 27:4*, this and all Bible and Rashi translations, *The Judaica Press Complete Tanach*) A direct reading of this *pasuk* (verse) clearly indicates that the people had gathered together to listen to the reading of the *Sefer Habrit*. This leads us to a fundamental question: “What was the *Sefer Habrit* – i.e. what was of such import that we stood together and declared *naaseh v’nishmah*? ” Like most significant questions in the world of Torah, there is an entire spectrum of responses offered by *Chazal*.

The pre-fourth century sage, Rabbi Yudah, is the champion of the minimalist position. In his view, the *Sefer Habrit* contained the *mitzvot* that were decreed at Marah (*Sefer Shemot 15:25*), and nothing more. (*Midrash Tanaim l’Devarim Mechilta II*) Basing himself on *Talmud Bavli, Sanhedrin 56b*, Rashi (1040-1105) explains that these commandments were limited to “Shabbat, the *Parah Adumah* (Red Heifer) and the laws of jurisprudence.” (*Commentary On Sefer Shemot 15:25*) From this perspective, *naaseh v’nishmah* was the acceptance of a highly circumscribed covenant.

In contrast, the third century master, Rabbi Yehudah, presents the ultimate maximalist explication of *Sefer Habrit*, namely, “the commandments that *Adam Harishon* was instructed to follow, the *mitzvot* with which *b’nai Noach* (sons of Noah) were charged, the directives the Jewish people were given in Egypt and Marah, and all of the other commandments of the Torah.” (*Mechilta d’Rabbi Yishmael Parashat Yitro, Mesechta d’b’Chodesh, parasha III*, translation and underling my own). Within this range of interpretations, a middle-ground approach was offered by the second century Mishnaic period sage, Rabbi Yossi b’Rabbi

Yehudah, and later embraced by Rashi: “from the beginning of *Sefer Bereishit* until this point – i.e. Parashat Mishpatim, [in *Sefer Shemot*].” (*Mechilta d’Rabbi Yishmael, Parashat Yitro, Mesechta d’b’Chodesh, parasha III*).

Each of the varied explications of the term, “*Sefer Habrit*,” reflects the never-ending commitment to Hashem that our ancestors accepted upon themselves at Mount Sinai. As such, when we read our *parasha*, we, too, symbolically stand at the base of that wondrous mountain. With the Almighty’s help, may we join the trans-historical covenantal community in declaring *naaseh v’nishmah* from the innermost recesses of our souls, and may our *ratzon elyon* guide us on the ultimate journey of faith toward an authentic and profound relationship with our Creator. *V’chane yihi ratzon.*

Shabbat Shalom

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They may also be found on [YUTorah.org](http://YUTorah.org) using the search criteria of Etengoff and the parasha’s name.

The email list, *b’chasdei Hashem*, has expanded to hundreds of people. I am always happy to add more members to the list. If you have family or friends you would like to have added, please do not hesitate to contact me via email <mailto:rdbe718@gmail.com>.

\*\*\* My audio *shiurim* for Women on the topics of *Tefilah* and *Megillat Esther* may be found at: <http://tinyurl.com/8hsdpyd>

\*\*\* I have posted 164 of [Rabbi Soloveitchik’s](#) English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link.