

Partners in the Covenant: The Meaning of Na'aseh V'Nishmah

I.

As far as moments of unsurpassed spiritual exaltation, it would be hard to eclipse the moment that the Jewish people recited the timeless words, נעשה ונשמע. As Chazal waxed poetic regarding this statement, their clear perception was that this was literally, and figuratively, a crowning moment, one when the ministering angels themselves, who previously had zealously guarded this secret, descended and adorned the people twice over¹.

Moreover, according to a celebrated passage in Mekhilta², this was the moment of differentiation between the Jewish people from other nations that had come forth from Avraham. While the descendants of Esav repudiated the Torah, as did the children of Lot and Yishmael, the Jewish people accepted absolutely unconditionally, נעשה ונשמע.

And yet, much regarding this rarified moment remains enigmatic. First, when the Jewish people are preparing for receiving the Torah in Yitro, the Jewish people collectively respond that they are prepared to adhere to all that the Almighty commanded them, כל אשר דבר ה' נעשה. There is no mention whatsoever of נעשה ונשמע. Second, even in Mishpatim, the Jewish people once again assert their willingness to act in complete fealty to the Divine writ, unanimously declaring their loyalty, ויאמרו כל הדברים אשר דבר יהוה, נעשה ונשמע.

It is only at that point that Moshe creates the first written corpus of the Torah, the ספר הברית, according to Rashi, containing all of the parshiyot of the Torah from Bereishit through the giving of the Torah, as well as the halachot that had been transmitted through Marah. Moshe subsequently builds an altar and twelve *matzevot*, and has sacrifices offered, with blood sprinkled on the altars. Next, Moshe reads the Sefer HaBrit to the Jewish people, whom, at this point and at this point only, utter that signature expression, ויאמרו כל אשר דבר יהוה, נעשה ונשמע. Finally, Moshe sprinkles the remaining sacrificial blood on the Jewish people, noting that they entered the covenant, הנה כרת ה' ברית עמכם על כל הדברים האלה.

II.

¹ See Talmud Bavli Shabbat 88a.

² Mekhilta Yitro 5.

The questions abound. What is the nature of the transition between נעשה and נעשה ונשמע? Why is the former in Yitro and the latter in Mishpatim? This second question is relevant both to Rashi, who assumes that the two presentations of מתן תורה were contemporaneous, but equally for Ramban, who assumes that the Torah, as is his typical doctrine, is presented in chronological order. Most significantly, what is the role of the reading of the Torah and the sprinkling of the blood recorded in Mishpatim, in catalyzing the transition between נעשה and נעשה ונשמע?

To be sure, there were certainly those that did not seem to be nearly as moved with the transition between נעשה and נעשה ונשמע as Chazal did. Rashbam³ simply writes that while the former connotes fealty to that which has already been stated, the latter is prospective, with the Jewish people committing themselves to future fealty to Torah and mitzvot. In a different vein, Netziv minimizes, to an extent, the moment by noting it was only relevant to the spiritual elite.

And yet, others lent far greater significance to these words, consistent with the attention Chazal attached to them. Seforno, understands that these words reflect not merely a willingness to comply with Torah, but a rationale for so doing, not based on any ulterior motive, but simply, because a lifestyle built around Torah is very much its own reward. Ibn Ezra, for another, argues that נעשה ונשמע implies not only adherence and compliance but constant engagement in study. This would appear to be consistent with the image in which the heretic criticizes Rava for being so immersed in Torah study that he did not notice that his fingers were bleeding, which Rava, nonplussed, embraces as an expression of the intensity of Torah commitment expressed through the words נעשה ונשמע. The Beit HaLevi goes still further, arguing that the two crowns depicted by the gemara in Shabbat reflect two distinct covenants of Torah: נעשה, reflecting a commitment to fealty, and נשמע, a commitment to immersive study of Torah⁴. It is this particular school of thought regarding נעשה ונשמע to which I would like to direct our attention.

III.

What is self-evident from the Torah's description itself is that the very words נעשה ונשמע are the words uttered by the Jewish people as they complete their process of conversion⁵, which stretched from their final evening in Egypt until the moment of receiving the Torah. As detailed by Chazal⁶, the archetype which the Jewish people created as far as conversion was concerned- circumcision, ritual immersion, and *hartza'at damim*, the sprinkling of the blood of the Korban, are paradigmatic for all generations. In conjunction with the celebrated passage

³ Shemot 24:7.

⁴ Beit HaLevi assumes the latter covenant applies only to the men. I do not believe it is necessary to make such a distinction, especially in light of the simply wording, implying both men and women,

⁵ See Ramban who makes this point explicitly (Shemot 24:1) in arguing that this was the moment the Jewish accepted the covenant.

⁶ Talmud Bavli Keritut 9a.

in Bechorot, these elements must of course be conjoined to a full acceptance of the entire corpus of Torah, without exception⁷.

The context of gi'ur which is assumed is nothing short of crucial. Prior to their full conversion moment, the Jewish people could only conceive, and therefore, only offer, their unstinting loyalty to the will of Hashem, captured by the word נעשה. What changed, and profoundly so, was now that the Jewish people were converting, Moshe sought, by engaging in public Torah study with them, ויקח ספר הברית ויקרא באזני העם, to illuminate the Jewish people that while fealty and compliance is certainly sine qua non for conversion, it is not the full measure of partnership with Hashem desires.

Torah is not merely an instruction manual. It is surely meant to teach what we may or may not do, and more broadly, how we should behave, ethically and morally, but meant to present us with an opportunity for intensive bonding with our Creator. For, 'even one who sits and learns experiences rendezvous with the Divine presence. Small wonder, then, that Chazal so precisely evoke these words when the heretic saw Rava engrossed in study, and small wonder, then, that these words could only be introduced after the Jews had a public experience of Torah study themselves, תלמוד תורה דרבים.

To comply, to achieve נעשה, they merely must listen to Moshe. To have an intensive relationship with Hashem through Torah, by coming to know the Giver of the Torah through His revealed will, requires a far different level of commitment, one of immersive study. This, of course, is precisely what the Beit HaLevi suggested in arguing that נשמע corresponded to a different covenant altogether, that of immersion in Torah study.

Now, perhaps, we well understand why it would have been impossible to achieve the level of נעשה ונשמע in Yitro. Mishpatim, with its fifty three mitzvot, far eclipses all of the mitzvot in the first seventeen parshiyot of the Torah. Mishpatim provides an opportunity for the Jewish people to begin to understand the full demands, and commensurately, the full opportunities, associated with intensive Torah study, and investing ourselves in trying to understand the inner logic of the Divine norm.

IV.

In bringing the Jewish people into the covenant, Hashem was not merely offering us his protection in return for our fealty. Our relationship defies the mere transactional. What Hashem was looking for were full partners, prepared to take full responsibility for Torah, in the sense of לא בשמים היא, with all of the halakhic responsibility entailed, but no less, to take full advantage of the opportunities of Torah, as far as developing an intensive, bonding relationship with Him.

To be sure, as noted by Mekhilta⁸, immersive study certainly facilitates a higher quality of practice as well- ולא עם הארץ חסיד. And yet, as important as this compliance is, כי הם חיינו

⁷ Bechorot 30b.

⁸ Mekhilta R. Shimon b. Yochai 24

ואורך ימינו, there is still far more. In the inimitable words of Rambam, if our love of Him is dependent on our knowledge of Him, than, once we have established unconditional compliance, נעשה, what is needed, above all, is נשמע, so that our entry into the covenant is no abstract legalism but a torrent rush towards He who revealed Himself at Sinai.