

Parshat Mishpatim 5777

When describing how the Jews accepted the Torah, we see that two different expressions are used.

In Parshas Yisro, when the Jews arrived in Midbar Sinai a few days before receiving the Torah, it says (Shemot 19,8) : **וַיַּעֲנוּ כָּל הָעָם יְחָדוּ וַיֹּאמְרוּ כָּל אִשָּׁר וַיִּשְׁמָעוּ** *And all the people replied in unison and said, all that the Lord has spoken we shall do!* and this same sentiment is repeated in Mishpatim (24:3) **וַיֹּאמְרוּ כָּל-הַדְּבָרִים אֲשֶׁר-דִּבֶּר יְקוֹק נַעֲשֶׂה** *and they said all that the Lord has spoken, we shall do'*

However, only a few verses later in Mishpatim, (Shemot: 24,7) it famously says: **וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל אִשָּׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע** *And he took the Book of Covenant and read it within the hearing of the people, and they said, all that the Lord spoke we will do and we will hear*

Why is there a change in language from 'we will do' to 'we will do and we will hear'? What happened in the space of a few verses which led to this change?

The Shem-Mishmuel quotes the Mechilta which explains what happened. The **סֵפֶר הַבְּרִית** was read to the people before they said **נַעֲשֶׂה וְנִשְׁמָע**. On the 5th of Sivan, the day before Matan Torah, Moshe read part of the Torah to the people. The Mechilta has 3 opinions as to what he read:

1. the whole Torah from Bereishis to that point, or
2. all of the Mitzvos or
3. the dinnim of Shmita, Yovel the Brachos and Klalos.

In response to this reading, the Jews proclaimed 'We accept this upon ourselves', undergoing a process of Kabbalas Ol Malchus Shamayim, accepting the yoke of Heaven and Moshe responded, acknowledging their Kabbalat Malchut Shamayim, by saying 'Behold you are tied and bound, tomorrow come and accept upon yourself all of the Mitzvos'

The Shem Mishmuel explains that the foundation of Kabbalat Hatorah is Kabbalat Ol Malchut Shamayim, accepting what Hashem tells us to do without requiring an explanation or it making sense to us. Just as a servant performs the will of his master even when that will seems illogical or even potentially destructive. It is only this total acceptance of Ol Malchut Shamayim which enables us to try and understand the reasons behind Mitzvot (**נִשְׁמָע**) - as even if, chas veShalom, our analysis may lead us to think a certain Mitzvah is incorrect, inapplicable or destructive, we will remain fully committed to keeping Torah and Mitzvot in the knowledge that this is the right thing to do and accepting that the error lies within our analysis rather than the Mitzvah itself. One who is unable to accept this would be better not trying to understand the Mitzvot at all.

The Shem Mishmuel therefore suggests that before the Bnei Yisrael went through the process of expressing their commitment, they were nervous to say **נִשְׁמָע**. They were afraid that should they hear the reasons behind the mitzvot they would find flaws in them and their commitment would falter. Therefore, at first, they only said **נַעֲשֶׂה**, implying a commitment to keeping Torah and Mitzvot with utter simplicity, without trying to understand the reasons behind them. Once they had committed themselves to the Torah after the reading of the **סֵפֶר הַבְּרִית**, and Moshe had confirmed that they had indeed undergone full Kabbalat Ol Malchut Shamayim, they then had the confidence to know that their commitment was strong enough to accept the Mitzvot wherever their intellectual analysis may lead them. This then granted them the ability to try and understand the Mitzvot.

This explains why the phrase **נַעֲשֶׂה וְנִשְׁמָע** is of such magnitude. In saying it, the Jews were highlighting that they wanted to understand the Mitzvot but that wherever this understanding took them, they would maintain unwavering commitment. This is a step above accepting the Mitzvot as laws but without attempting to understand them.