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PARSHAS MISHPATIM

תשפ"ד PARSHAS MISHPATIM RAV BRAZIL

TRANSFER OF POWER FROM NATION TO NATION

Chazal tell us that before *Yisrael* received the Torah, Hashem took it to the nation of *Aisav* and asked them if they were interested to obtain it. They asked what is in its contents and Hashem replied the prohibition of murder. They responded it is not for us, give it rather to *Yisrael*. Then Hashem went to the nation of *Yishmael* and inquired from them if they were interested to acquire the Torah and they too asked what is written inside and Hashem answered the *issur* of committing adultery. They responded that this was overwhelmingly difficult for them to observe it, rather give it to *Yisrael*. When Hashem asked *Yisrael* the same question they responded with the words *נעשה ונשמע* we will comply and fulfill the demands of the Torah and will listen to what it prescribes. Because of their devoted response Hashem gifted *Am Yisrael* the Torah accompanied by two crowns, one for *נעשה* and the other for *נשמע* which were placed on their heads by the *malachim*.

There are many questions that arise from this *Aggadah*. What changed from their initial response of *נעשה* ה' אשר דבר ה' (Shmos 19,8) that on the second occasion (Shmos 24,7) they added *נעשה ונשמע*? Furthermore, in their first response it says *נעשה יחדו* *נעשה* in contrast to their second response the word *יחדו* together, was omitted? *Chazal* state that in the second response of *נעשה ונשמע* they preceded the word of *נעשה* of committing themselves to observe the Torah even prior to their hearing its contents. Because of this supreme *madraigah* they received two crowns placed on their heads. Why is that any different from their commitment of *נעשה* alone which intrinsically means that they committed to do whatever Hashem tells them unconditionally?

Let us delve into this *Chazal* and reveal the deeper meaning of what transpired with the giving of the Torah. Hashem asked the nation of *Aisav* and *Yishmael* if they desired the Torah. Who did Hashem address with his inquiry? Did they have prophets of which we are unaware? Did He reveal Himself to them as He did to *Am Yisrael*? The *sefarim* tell us that Hashem went to the angel of the *nation* who represents their essence *and* posed the question. The angel of *Aisav* was the *סמאל* and the angel of *Yishmael* was *רהב*.

Now let us examine closely the names of the nations *עשו* and *ישמעאל*. The name *Aisav* symbolizes action and a finished product. That was the reason why he was called the name of *עשו* for he was born with a mature and developed body, already "made". *Yishmael* symbolizes the sense of hearing *שמע* and Avraham's *tefillah* in the naming his son was *שמע* אל Hashem should listen to the cries of *tefillah*. Each of the two nations possessed their

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unique *maalah* and spiritual arsenal that could have enabled them to accept the Torah. They are the power to hear the words of Hashem and to fulfill them. However, these inner strengths were blocked from coming into fruition for they refused the offer. In describing their names *Chazal* state שמותיהם נאים ומעשיהם מכוערים their names are pleasant however their derogatory deeds are despicable.

Upon *Aisav* and *Yishmael's* refusal to accept the Torah even though they possessed these two strengths of שמיעה ועשייה, *Am Yisrael* received these strengths from them (some meforshim learn that the two malachim gifted it to them for receiving the Torah instead of them). This transfer of *kochos* ושמיעה ועשייה is manifested in *Yisrael's* own declaration of נעשה ונשמע. Not that without the nations' gifts of נעשה ונשמע they would not have accepted the Torah on their own. They already declared נעשה in the first scenario which includes this supreme commitment of total unconditional subjugation to the Torah. Their נעשה includes their נעשה. Rather, these attributes of *Aisav* and *Yishmael* were given to *Yisrael* in order to fortify and supercharge their commitment to fulfilling and perpetuating the Torah.

The crowns that were placed on the heads of *Yidden* were the crowns, the spiritual attributes that these *malachim* possessed representing their nations, עשייה ושמיעה.

This transference of power is hinted in (Tehillim 68 18)

עלית למרום שבית שבי לקחת מתנות באדם ואף סוררים לשכן יה אלקים

You ascended the mountain (heavens) and took the Torah out of captivity. You took presents with the title of אדם and even the סוררים, the ones who rebelled at the *chait* of the *Aigel* were forgiven, and *Yisrael* were presented with a *Mishkan* in which Hashem will dwell within (Rashi).

What presents did Moshe receive from the *malachim* on Har Sinai? According to the above he received the powers of סמאל the *malach* of *Aisav* that of נעשה, and those of רהב the *malach* of *Yishmael* the power of נשמע. This transfer of the driving force powers was in order to deepen the רצון of *Klal Yisrael* to hear and to fulfill the Torah even more than before. This is alluded to in the *gematriah* of סמאל ורהב which add up to רצון. It was these two *malachim* who infused *Yisrael* with a greater "will" to cleave to Hashem. With this we can interpret the word ואף סוררים in the *passuk*, to refer to the previous words instead of connecting it only to the message that comes after it which is the way Rashi learned. These two *malachim* of סמאל ורהב have the acronym ס"ר. The *passuk* conveys that even the סוררים, these two leadership angels of the seventy nations gave presents to Moshe on behalf of *Klal Yisrael* נעשה ונשמע.

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Now we can answer why the first time *Yisrael* just answered with **נעשה** alone and only further on did they say **נעשה ונשמע**? It was in the second time that *Am Yisrael* introduced the qualities that they **received** as gifts from these separate *malachim* to serve as a supercharge to their initial **נעשה** that they committed on their own.

We can also now understand why when *Yisrael* first said **נעשה** it was accompanied with the word **יחדו** together (Yisro 19,8). This is in contrast to our *parsha* when *Yisrael* said **נעשה** omitting the word **יחדו**. The answer is that when they first said **נעשה** on their own initiative, the Torah also described the unity component as well just as its says **יחן ישראל נגד** and *Chazal* say **כאיש אחד בלב אחד**. This is all in **their** initiative. The second statement of **נעשה ונשמע** was imported from the **סמאל ורהב** of *Aisav* and *Yishmael* where *achdus* amongst themselves is non existent. Therefore to let us know the origin of the second statement and not that *Yisrael* were correcting or adding to their initial statement of **נעשה**, the Torah omitted the *midah* of *achdus* because only *Yisrael* has the true **גוי אחד בארץ**.

This is also the very reason why they said **נעשה** before **נשמע**. It is not because the first **נעשה** did not show that they said **נעשה** without even hearing what they were committing to. The word **נעשה** even without **נשמע** sends the same message. Rather the message of the **נעשה ונשמע** in the second scenario is relating to the gift that was given to them which came in that order. That Hashem first asked *Aisav* and *Aisav* said give it to *Yisrael* for they could use my name sake **עשייה**. Only after *Aisav*, Hashem then went to *Yishmael* and asked him to accept the Torah and with his refusal he gave to *Yisrael* his name sake **שמיעה**. As the *passuk* says Devarim 33,2 **ה' מסיני בא וזרח משעיר למו הופיע מהר פארן**.

One might wonder why did Hashem orchestrate in the first place a transfer from **נעשה** of *Yisrael* to the **נעשה ונשמע** of *Aisav* and *Yishmael*? We can answer this with the question of Tosfos why did Hashem pick up *Har Sinai* over their heads and deliver the ultimatum that if they will not accept the Torah they will perish. Tosfos asks but they already demonstrated their willingness to accept the Torah by saying **נעשה ונשמע** and there was no purpose to coerce them to do so. Tosfos answers that their acceptance was weak and missing a 100% commitment. In the Medrash (Bamidbar Rabba 7,4) *Chazal* write that Hashem told Moshe that their commitment was weak for after only 40 days they will have already worshipped the *Aigel*.

According to this *mamar* we could answer that for this reason alone Hashem orchestrated that *Am Yisrael* should receive a super charge in their **נעשה ונשמע** which was strengthened through the crowns that they were given by these two nations.

