

Mishpatim: Na'aseh Before Nishma

- Nisson Shulman.

The Tzeduki who criticized saying Naase before Nishma, Rava's answer. A revolutionary concept that actions create feelings... The sequence of the Torah reading as explained by Rav Soloveitchik, zt"l. To prove that seemingly logical laws are given by Hashem as well. The "James-Lang theory". Does faith lead to action or do actions deepen faith? Readiness to sacrifice for faith, Sanhedrin next to Mizbeach. Mishpatim next to Altar because readiness to sacrifice needs training. If Nishma came first, and justice and righteousness depends on our own value judgment, it would depend on our own individual and personal value judgments. Hitler's philosophy, and what he thought of the Ten Commandments.

MISHPATIM: NAASE BEFORE NISHMA

(This selection can be a sermon or a shiur. The connection between Mishpatim and Yitro was emphasized by Rabbi Joseph B. Soloveitchik zt"l at the beginning of a shiur at the Yeshivat Rabbenu Yitzchok Elchanan, given to a group of students studying Chumash with him during weekly evening parsha shiurim in 1981. I audited the Mishpatim shiur, but my tape is unfortunately inaudible. I cite one thought from that shiur. The "James Lang Theory" is discussed in William James' "Talks to Teachers on Psychology and Some of Life's ideals", and I am indebted to Avi Mori, Harav Moshe Yitzchok Shulman, zt"l, for pointing it out to me. The book described in the footnote, and a much longer quote by Rauschnig which I will one day, be'ezrat Hashem, share with you, was about to be discarded from the library of the Naval Training Center at Great Lakes, Illinois, when I "rescued" it. [NES])

"Darash Rabi Simai: Beshaa shehikdimu Yisrael 'naase' le 'nishma', ba'u shishim ribo shel malachei hasharet lechal echad ve'echad miYisrael kashru lo shnei ketarim, echad keneged 'naase' veechad keneged 'nishma'..."

"Amar Rabbi Elazar, Besh'a shehikdimu Yisrael 'naase' le'nishma', yatzeta Bat Kol ve'amra lahen: 'mi gila lebanai raz ze shemalachei hasharet mishtamshin bo?' Dichtiv, 'Barchu Hashem malachav giborei koach osei devaro lishmoa bekol devaro', bereisha 'osey' vehadar 'lishmoa'" (Tehilim 103:20).

"Hahu tzeduki dehazyei leRava deka me'ayen bishmaata, veyatva etzbeata didei tutei karah, veka mayitz behu, veka mab'an etzbeateh dama" (Because of the intensity of his concentration, he clenched his fingers under his legs so strongly that they oozed blood) – "Amar lei, 'Ama peziza atun, dekadmitu pumeichu le'udnaichu, akati bepachazuteichu kaymitu! Bereisha iba'ya lechu lemishma, ei metzitu kablitu, ve'ei lo, lo kablitu!"

"Amar lei, ... 'ketiv ban "tumat yesharim tanchem'" (Pesachim 88a-b).

The Talmud tells of a conversation between an early tzeduki in this case, probably an anti-Semite who tried to missionize the Jews, and the sage Rava. When the tzeduki saw Rava struggling over a particularly difficult passage of Torah, he began to mock and said: "Ama peziza atun!"

Deakdimu pumaichu leudnaichu!" Said Rava, "tumat yesharim tanhem", "the righteous are guided by their Faith". Isn't the tzeduki right? Shouldn't we first study, then accept? Don't you read a contract before signing it?

Furthermore, our rabbis saw a great new achievement, a revolution in religious thought, in this answer. "Mi gala raz ze lebanay, lashon shemalachey hasharet mishtamshin bo!" "Who revealed this secret to my children, an expression that the angels of heaven themselves use.... And so the angels crowned us with Sinai with two crowns, one for naase, one for nishma!" What secret are we talking about? Why the reward? What is it?

Let us examine our Torah portion to see if we can find an answer. A number of questions become apparent.

1. Rashi discusses the first word of our portion, Vav: Why begins with Vav? His answer is that Mishpatim is connected to what went before, to the end of the portion of Yitro. This must be understood.
2. The sequence of reading, too, must be understood. Last week's portion, followed by today's portion, then next week's portion, gives you the following:
 - a. What happened at Sinai; the Ten Commandments;
 - b. The commandment to build an altar;
 - c. Mishpatim, the whole gamut of Jewish law, 48 commandments that actually represent all 613 commandments of Torah. For Rashi should really be understood to mean that Mishpatim is connected to Yitro as an explanation of that entire portion, not only what went immediately before; (This thought was expressed at the beginning of the shiur in 1981. The rest is inaudible.)
 - d. The Torah then reverts back to the Maamad Har Sinai, and describes it in brief, telling us how the Sanhedrin saw it;
 - e. Then the response by all the people of Naase Venishma;
 - f. And finally, next week, we begin reading about building the Sanctuary.

Is there any reason for this sequence? Why does the Torah go back to Sinai after Mishpatim? Why is the altar commandment in the middle, and only after everything else comes the commandment to build the Sanctuary? Isn't the altar part of the Sanctuary?

Let no one say, "Ein mukdam umeuchar baTorah". That simply means the Torah is not as much concerned with chronological order as it is with logical order. Ein mukdam simply means that the logical order takes precedence over the chronological. So this makes the question all the stronger. What is the logical sequence of these passages in the Torah?

Apparently the Torah wanted us to clearly understand that all the laws of life and society which we read today and which seem so clearly logical that every government and individual should be able to discover them, were all given at Sinai by God. That is why Rashi emphasizes the connecting Vav linking the two portions together and making them one. Since these laws were given by God at Sinai, we can safely say Naasae Venishma, for it is a measure of our trust in God that all His laws are just. If God gives the laws, we know that they are for our benefit, and we need have no doubt about accepting them. And we study them in order to be better able to perform God's will through them.

But there is something deeper. If we examine this more closely, we can see a basic philosophy of Judaism here expressed, differing from the philosophy of accepted ideologies and faiths and even political systems around us.

We have seen in the past - and even in the present to some degree - the division of the world into ideological camps. Each has a Philosophy to which it adheres with all the zeal of religion. Of course there are religious groups from which we suffer terrorism today, that believe that any means is justified to attain their religious goals; murder is – in their eyes – permitted for the sake of religion.

But setting aside religious fanaticism, which – of course – the Western World rejects, there are also religions of the State. Nazism in its time was called National Socialism. And Socialist states, past and present, believe that a State ordered society can be moral, decent and good, and therefore religion is unnecessary.

The Western World, of course, rejects this. Morality, decency, goodness, justice, righteousness, cannot be forced upon a people by a totalitarian government. A mitzvah that comes through an avara is a mockery of that mitzvah. In today's idiom, "The end does not justify the means." Nor is it always certain that such a government will require that which is moral and decent. On the other hand, the Western World, too, has a philosophy, which Jews reject, and this is less obvious.

The Western World, on the whole, believes that religion should be supported and sustained, because it will lead to morality and ethics. The goal is justice and morality. The means of gaining a life of morality and ethics is religious faith.

We Jews, since the time of Naase Venishma, have reversed the order. We believe that deeds of morality ethics and justice will lead us to stronger faith and enable us to become better people, and not the other way around.

The prophets painted the Acharit Hayamin as a paradise of ethics, of deeds, of naase, and only then does the prophet say, veyadaata et adoshem, the nishma.

That is what the tzeduki could not understand. He felt that only matters of faith were between man and God. All civil laws were outside the realm of revelation. And so, in these areas, he was logical when he said, first you judge whether it is good, and then you accept.

But Rava answered him well, saying, tumat yesharim tanhem. Since we believe that all these laws come from God, we feel God gave them to us to make us better people. Doing the deed will make us better, and by the process of performing the mitzvot we will achieve a feeling that will help us understand in a way we could not before. So first we accept the obligation to perform, and then we proceed to learn from the mitzvah and its performance.

There are several reasons why this must be so.

First, cold intellectual examination alone will not make us ready to sacrifice. Only naase,

commitment to action, will make us ready to make those great sacrifices of the heart that Judaism always required for the sake of our people's survival, for the sake of Torah, for the sake of Israel. That is why, say our sages; the Sanhedrin was placed next to the Bet Hamikdash. That is why, in the sequence of Torah, the mishpatim come next to the portion of the altar, because the readiness to sacrifice needs training, and the constant performance of the mitzvah is that necessary training. The most dedicated soldiers of the army of Israel as well as its most loyal citizens who would never dream of yerida, are those who wear the kipa seruga, the men and women who are dedicated to the performance of mitzvah. It is well known that the best units of the Israeli army are the Yeshivat Hesder students.

Second, because psychologists tell us that action arouses feelings, and not the other way around. There is a famous psychological theory of learning, called the "James Lang Theory", which expresses this philosophy; if a man acts bravely, he will be brave. If a man acts cowardly, he will become cowardly. If you force yourself to appear happy, you will become happy. If you snap to others in your speech and appear grouchy, you will become a grouch. Doing leads to feeling.

And finally, if nishma came before naase, if justice and righteousness depended on our own value judgments as to whether each law is just and valid or not, then we would have a completely subjective and therefore hopelessly uncertain kind of law. For with each person it would change. And with every stage of life it would change.

Consider the tenant who loves rent control, until he becomes a landlord himself. Consider the laborer who loves unions, until he starts his own business and becomes an employer.

Adolph Hitler's philosophy was modeled after Neitsche's and was a glorification of the natural law, as found in the jungle. His major battle with the Jewish people was not because of biology, although that was his excuse, but because of what we represented. In a conversation with his generals he declared that the battle was with the "God of the desert, that crazed, stupid vengeful God of Sinai, who commands man to do the very things his instincts don't want him to do. The human being must trust his instincts, like any beast of the field does. Murder? The stronger must kill the weaker in order to survive. Theft? All life is theft. Honor your father and your mother? Why? Every child revolts and must do so to start his new life. The new order depends on it. It is an immortal law of nature."

We suffer today from enemies fired by those groups within their religion which teach suicide and murder are a great good, a moral teaching. If the world is going to survive, it will do so after learning the great lesson of naase venishma.

(Submitted by Nisson Shulman)