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Sequence and Structure

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MOSHE WROTE

In his commentary on the verse (toward the end of our *parshah*),¹ "Moshe wrote all the words of Hashem," Rashi quotes the words, "Moshe wrote," and comments: "From '*Bereishis*'² until *Matan Torah*.³ He {Moshe} also transcribed the mitzvos commanded {to the Jewish people} in Marah."

As discussed frequently, Rashi's Torah commentary aims to clarify *pshat*.⁴ We need to understand: What Scriptural evidence, based on *pshat*, does Rashi have to prove that Moshe wrote all the words of Hashem "from '*Bereishis*' until *Matan Torah*" (despite that most of the content in this section of the Torah is written in the style of a narrative, and not as "the words of Hashem") and also that Moshe transcribed the mitzvos commanded in Marah? Perhaps the phrase "Moshe wrote" refers to part of this section or other words of Hashem?

Moreover, our verse says, "Moshe wrote **all the words of Hashem.**" The **same** diction is used in an earlier verse,⁵ "Moshe came and told the nation **all the words of Hashem.**" There, on the words "all the words of Hashem," Rashi comments: "The mitzvos to separate and to set boundaries." Why does Rashi explain the clause, "Moshe wrote all the words of Hashem" in this verse differently than in the previous one?

Even were we to presume that the mitzvos to separate and set boundaries were given then as a one-time occurrence, it would still not make sense that the phrase "Moshe wrote" refers to these mitzvos (only), since for Moshe to transcribe the words of Hashem certainly indicates that the words are relevant

¹ Shemos 24:4.

² {Bereishis 1:1.}

³ {The Giving of the Torah, *Shemos*, ch. 20.}

⁴ {The plain meaning of Scripture. In his commentary on *Bereishis* 3:8, Rashi says: "I have come only to explain the plain meaning of Scripture." Though Torah interpretations have a variety of depths, Rashi adopts the straightforward approach.}

⁵ Shemos 24:3.

⁶ {A few days before *Matan Torah*, the Jewish people were instructed to separate from their wives. During the time around *Matan Torah*, the Jewish people were not allowed to pass beyond the boundary set around the mountain.}

for the future or reflects some eternal statutes. Nevertheless, we still could construe that what "Moshe wrote" encompasses the mitzvos of boundaries and separation and all the statements related by Hashem to the Jews as part of their preparation for *Matan Torah* but which are also relevant to the Jews in the future. [As it was taught (by *Rabbeinu Bachayei*,7 "Moshe wrote all the words of Hashem" refers to:) "The preconditions {given by Hashem}: 'and if you will harken to My voice and safeguard My covenant…."]⁸

2.

THE MECHILTA

The matter is even more puzzling:

The *Mechilta*⁹ says something **similar** to Rashi — but Rashi **deviates** from the wording of the *Mechilta*. Consequently, Rashi's explanation corresponds to none of the opinions!

The Mechilta cites three opinions:

Rabbi Yose ben Rabbi Asi says: From the beginning of "Bereishis" until here. Rebbi says: The mitzvos commanded to Adam, the mitzvos commanded to the descendants of Noach, and the mitzvos commanded to the Jewish people in Egypt, Marah, and all the other mitzvos. Rabbi Yishmael says: What is written at the beginning of the subject?¹⁰ "The land shall rest a Shabbos year to Hashem. Six years shall you sow your field…" — Sabbatical years, Jubilee years, blessings and curses. What is written at the end?¹¹ 'These are the statutes, the ordinances, and the teachings…." Concerning all of these, the Jewish people declared, "We take it upon ourselves…."

Rashi, however, combines the first two opinions in the Mechilta.

⁷ On *Shemos* 24:4.

⁸ Shemos 19:5.

⁹ Mechilta on Shemos 19:10.

¹⁰ Vayikra 25:2-3

¹¹ Vayikra 26:46.

Perhaps Rashi understands the *Mechilta* as follows: Rebbi's opinion does not contradict the first opinion. Rebbi simply adds to the first opinion. Meaning, in addition to writing everything in the Torah "from the beginning of '*Bereishis*' until here," according to Rebbi, Moshe also transcribed, "the mitzvos commanded to Adam." However, we still cannot suggest that Rebbi's opinion, as explained above, is the source of Rashi's interpretation. After all, Rebbi does not mention only the mitzvos commanded in Marah (as Rashi does). Instead, Rebbi mentions **all** the other mitzvos (even those **not** cited by Rashi).

Moreover, in general, to suggest that Rashi's explanation comes from (or is based on) the *Mechilta* here is problematic. This is because the *Mechilta* does not explain the verse, "Moshe wrote," but rather, the *Mechilta* explains the verse, "He took the Book of the Covenant and read it in the ears of the nation," and the *Mechilta* begins, "but from the Torah, we do not know from where Moshe **read** in their ears." Meaning, the *Mechilta* is not discussing Moshe's **writing** (what Moshe **transcribed** in the book), but rather, his **reading** (from this book) "in the ears of the nation." Thus, this *Mechilta* offers no proof regarding what "Moshe wrote." Conceivably, Moshe wrote more than what he read (as is evident from the nuanced wording of the *Mechilta*, "but from the Torah, we do not know **from where** [in the book] he read").

At any rate, it is difficult to understand: What evidence, **based on** *pshat*, does Rashi see to indicate that "Moshe wrote, "from '*Bereishis*' until *Matan Torah*... mitzvos commanded in Marah"?

¹² Shemos 24:7

REPEAT

Later {in the *parshah*}, on the verse, "He took the Book of the Covenant and read it in the ears of the nation," Rashi quotes the words, "the Book of the Covenant," and explains: "from '*Bereishis*' until *Matan Torah* and the mitzvos commanded in Marah."

The reason Rashi needs to explain the words, "the Book of the Covenant," is obvious: Earlier in Scripture, it does not say that what Moshe wrote was called, "the Book of the Covenant." Rashi, therefore, needs to let us know that this is the same book.

But we need to clarify: Why does Rashi need to repeat all the details (that he already gave when commenting on the words "Moshe wrote") "from 'Bereishis'¹³ until Matan Torah and the mitzvos commanded in Marah"? Rashi should have just stated that this is the book that Moshe wrote, similar to the wording of Rashbam: "The Book of the Covenant — regarding which it says above, 'Moshe wrote...."

Perhaps we can answer: Rashi needed to spell all this out because the verse says, "He took the Book of the Covenant and read it in the ears of the nation," but the verse does not specify what and how much Moshe read (as the Mechilta mentioned above says, "but {from the Torah} we do not know from where he read"). Therefore, Rashi advises us that Moshe read "from 'Bereishis' until Matan Torah and the mitzvos they were commanded in Marah" — the **entire** Book of the Covenant.

But this answer does not withstand scrutiny: On this basis, Rashi should have quoted the words "and read it in the ears of the nation" and should have commented **on this** (that "he read" refers to) from *Bereishis*.... But Rashi quotes the words "the Book of the Covenant." Moreover, Rashi does not even add the

¹³ {*Bereishis* 1:1.}

¹⁴ {Bereishis 1:1.}

word "etc." (to allude to the continuation of the verse). This indicates that Rashi aims to explain (not what Moshe read, but rather) which book Scripture refers to when it says, "**The Book of the Covenant**."

Thus, our original question returns: Why does Rashi repeat his earlier interpretation in detail?

4.

FORGING THE COVENANT

We will clarify this issue by prefacing it with an explanation of another nuance in Rashi's earlier comments (discussed above): "Moshe wrote — from 'Bereishis'¹⁵ until Matan Torah. **He also transcribed** the mitzvos commanded in Marah." Seemingly, this phrase, "He also transcribed," is redundant. Rashi is commenting on the words, "Moshe wrote." Surely it would have sufficed to simply use the connective vav prefix, meaning "and" — "(from 'Bereishis' until Matan Torah) and the mitzvos commanded in Marah." We would have understood that all this is part of what Moshe wrote.

The explanation is as follows:

Regarding this whole section ("and to Moshe He said, 'Come up to Hashem..."), there is a disagreement among the Torah commentators regarding when this section was said and when the events discussed in this section occurred.

Rashi maintains¹⁶ that "this section was actually said before the Ten Commandments were given. On the fourth of Sivan, 'Come up' was said to him." This means that "Moshe wrote" was also on the fourth day, and the other events, such as "he built an altar," occurred on the fifth of Sivan.¹⁷

¹⁵ {*Bereishis* 1:1.}

¹⁶ Shemos 24:1.

¹⁷ As Rashi states in his commentary on Shemos 24:4, s.v. "va'yashkeim baboker."

According to *Ramban*¹⁸ and others, all these events occurred after the Ten Commandments were pronounced, that is, after *Matan Torah*.

This disagreement about when this section was said results in different interpretations of the verse, ¹⁹ "So Moshe came and told the people all the words of Hashem and all the ordinances." ²⁰

According to Rashi, "all the words of Hashem," as discussed above, refers to the mitzvos to set a perimeter and to separate, and "and all the ordinances" refers to "the seven commandments that the Noahides were commanded to observe, Shabbos, honoring one's father and mother, the laws of the red heifer, and the laws given to them in Marah."

According to *Ramban* and others, this ("all the words of Hashem") refers to what Hashem said **after** *Matan Torah*, "You have seen that from the heavens...," and ("all the ordinances") refers to the whole of *parshas Mishpatim* up until and including the section, "and to Moshe, He said...."

This difference between these two opinions also leads to a different understanding of the nature of the "Covenant":

The point of a covenant is to bolster the bond and connection between the two parties participating in the covenant.²¹ In our context, the two parties were the Jewish people and the Torah. (And through the Torah given by Hashem, the Jewish people also connect with Hashem.) ²²

On this basis, it follows that according to Rashi, since the covenant was made **before** *Matan Torah*, the covenant was made concerning and through the things that Hashem gave the Jewish people before *Matan Torah*, and precisely

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¹⁸ Shemos 24:1.

¹⁹ Shemos 24:3.

²⁰ {The verse concludes, "all the people answered in unison and said, "All the words that Hashem has spoken we will do."}

²¹ See Rashi, Bereishis 15:10; Devarim 29:11.

²² In our context, this concept was demonstrated by sprinkling half the blood on the Altar and half on the people (as stated in *Ramban* on *Shemos* 24:1). See also *Chizkuni* on *Shemos* 24:8 and *Abarbanel* there. Additionally, see *Likkutei Sichos*, vol. 36, p. 117 ff.

those things that could strengthen (the connection) the covenant. For example, "the power of His actions, He told His nation" — from 'Bereishis' until "this month." This covenant thus served as a **preparation** for and **introduction** to *Matan Torah* (the Ten Commandments, etc.). However, according to *Ramban* and others, this covenant was associated primarily with the commandments and instructions Hashem gave the Jewish people after *Matan Torah*.

On this basis, we can appreciate that when the verse says, "Moshe wrote," — Moshe wrote the book the covenant (the book associated with the covenant, as the *parshah* continues to discuss) — according to Rashi, this means that he wrote, "all the words of Hashem" that had been said to the Jewish people until that point, that is, "from '*Bereishis*' until *Matan Torah* and the mitzvos they were commanded in Marah."

Moshe wrote it not (only) to later read it "in the ears of the nation," but writing it down itself was (also) part of the process of forging the covenant: transcribing the covenant further strengthens its ratification; the Jewish people become more forcefully obligated to keep and connect with the covenant.²⁵

5.

MITZVOS IN AND OUT OF TORAH

On this basis, we can suggest that the reason why Rashi divides what Moshe wrote into two clauses — from 'Bereishis' until Matan Torah," and "the mitzvos they were commanded in Marah" (by inserting the phrase, "He also transcribed"): He does so because these are two different types of writing.

²³ {Tehillim 111:6.}

²⁴ {*Parshas HaChodesh*, *Shemos* 12:1-20.} Based on Rashi on *Bereishis* 1:1. {In that source, Rashi quotes Rabbi Yitzchak, who cites the verse "the power of His actions, He told His nation," to explain why the Torah begins with the section of "*Bereishis*" rather than the section concerning the laws about a new month. By prioritizing the narrative of Creation, Hashem's authority over the entire world is underscored, refuting the allegations of theft leveled by the nations against the Jewish people. Simply put, the refutation is that the land of Israel was a divine gift to the Jewish people.}

²⁵ This is akin to a verbal agreement that is later documented in a contract.

a) Regarding the section "from *Bereishis* until *Matan Torah*," the narrative of all the events, etc., from the creation of the world until *Matan Torah*: Moshe wrote (most of) this in the style and format as they appear in the Torah we possess.²⁶ (After all, what basis is there to suggest that Moshe changed it, and why would he have changed it? Additionally, Rashi's words somewhat imply this: "from '*Bereishis*' until *Matan Torah*.") Thus, this action had the halachic status of writing "sections" of the Torah.

b) "He also transcribed the mitzvos they were commanded in Marah." This refers to the mitzvos concerning Shabbos, honoring parents, the red heifer, and laws. Regarding these mitzvos, he could not write them as they appear in the Torah because (for example) regarding the red heifer, the Torah says, "This is the law of the **Torah**," "You shall give it to Elazar the *kohen*." Thus, presumably, Moshe wrote them **not** (in the style and manner in which they would **later** be written in the Torah) as "sections" of the Torah. Rather, he wrote them in a manner that expresses the nature and substance of the **mitzvos** (as Rashi puts it, "**He also transcribed the mitzvos**"). This writing did not have the halachic status of writing "sections" of the **Torah**; rather, it had the halachic status of transcribing the mitzvos.

Along the same lines is the difference between whether "Moshe wrote" before *Matan Torah* or (according to some opinions) afterward.

Before *Matan Torah*, Torah "sections" and those mitzvos commanded in Marah constituted two distinct categories. Thus, when Moshe transcribed them, he did so in two different class formats, as discussed above — writing "sections" of Torah and writing **mitzvos** (commanded in Marah) not as a part of the "sections" of Torah.

²⁶ I.e., until the end of the *parshas Beshalach* [excluding verse 16:33 (according to Rashi there). We must conclude that according to Rashi, the subsequent verses 34-35 were also excluded, even though Rashi's wording is "this verse was not stated" — for it is obvious that the subsequent verses were not said then]. This also includes part of *parshas Yisro*, from "In the third month" (19:1) until verse 16. However, the beginning of *parshas Yisro*, or at least from verse 18:13 until "In the third month," was not written (as Rashi [18:13] states, "for 'It was on the following day' was not stated until the second year").

²⁷ {*Bamidbar* 19:2 ff.}

²⁸ And he did not say, "He also transcribed the "sections "of the Torah they were commanded in Marah."

²⁹ Including the mitzvos stated in those "sections" of the Torah.

After *Matan Torah*, however, there was no reason to differentiate. "He wrote it" all in the same way. Even the mitzvos (*mishpatim*) were written by Moshe as "sections" of the Torah (containing mitzvos).

6.

ANSWERING THE REPETITION

On this basis, we can also appreciate why, when Rashi came to the verse, "he took the Book of the Covenant," he had to explain what comprised the Book of the Covenant:

We learned earlier that Moshe transcribed two different types of texts, in two different classes of writing formats. But here, the verse says "the Book of the Covenant" in the singular. Rashi, therefore, must clarify that the Book of the Covenant comprised the two very same classes: "from 'Bereishis' until Matan Torah, and the mitzvos they were commanded in Marah." By pointing this out, Rashi clarifies that the covenant with the Jewish people included both classes:

- a) Torah and Torah study in general, by writing the "sections" of Torah "from 'Bereishis' until Matan Torah."
- b) The fulfillment of mitzvos, by writing "the mitzvos they were commanded in Marah."

On this basis, we can appreciate why, after Moshe read the Book of the Covenant "in the ears of the nation," the Jewish people declared: "Everything that Hashem has said **we will do and we will listen**":³⁰

"We will do" — this was said concerning "the **mitzvos they were commanded** in Marah" that Moshe read to them. "We will listen" — this was said concerning the reading of the "sections" from *Bereishis* until *Matan Torah*. This all constituted a preparation for, and introduction to, the Torah study and

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³⁰ {Shemos 24:7.}

mitzvah observance that the Jewish people accepted upon themselves from then on. By their two-fold acceptance and in the manner of a **covenant**, they then became worthy to receive the Torah.

7.

RASHI AND TOSAFOS

Rashi's words contain wondrous halachic insights. One such insight is as follows:

The Gemara³¹ presents a dispute between Rabbi Yochanan and Reish Lakish. Was "the Torah ...given scroll by scroll"? ("After a "section" was conveyed to Moshe, he would record it. At the end of forty years, when all the 'sections' were completed, Moshe bound them with sinews and sewed them" — Rashi.)³² Or was "the Torah ... given as a complete book"? ("The Torah was written only at the end of the forty years after all the 'sections' had been conveyed. Those 'sections' that had been conveyed to him in the first and second year, he remembered by heart until he wrote them down" — Rashi.)33

Tosafos 34 quotes the authority who maintains that "Torah was given as a complete book" and asks: "This is astonishing, because it says, 'He took the Book of the Covenant and read it in the ears of the nation,' and Rashi, in his commentary on Torah, says, 'from Bereishis until here." Tosafos answers, "Perhaps we can answer: The authority who says, 'the Torah was given as a complete book,' does not mean that the Torah was not written down until the end of the forty years. Rather, it was written in order, for some 'sections' were said first, before the 'sections' were written before them. But these 'sections' were only written after the earlier ones were said {and written}, and then the following 'section' was written."

³¹ *Gittin* 60a.

³² Rashi on Gittin 60a, s.v., "megillah."

³³ Rashi on Gittin 60a, s.v., "chasumah."

³⁴ Tosafos on Gittin 60a, s.v., "Torah."

Maharal explains:³⁵ Rashi's opinion in our parshah does not conflict with the authority in the Gemara who maintains that "Torah the was given as a complete book." (Even according to the way Rashi, in his commentary on the Gemara, explains this opinion: "the Torah was not written until the end of the forty years.") This is because writing the Book of the Covenant was "for the sake of {knowing how to perform} a mitzvah." Therefore, "this was not considered {to be a constituent part of} giving Torah; rather, it was considered a part of forging the covenant."³⁶

Based on what was explained above, *Maharal's* explanation is even more palatable: Although Moshe wrote the "sections" from *Bereishis* until *Matan Torah* in the manner of writing "sections" of Torah, nevertheless, it still did not have the actual halachic status of (written) "sections" of Torah. Rather, these "sections" were considered part of the Book of the Covenant, which also transcribed the mitzvos commanded in Marah. These mitzvos were written in an **entirely** different format than the way the "sections" of the Torah were written. And these two formats of writing together comprised **one** Book of the Covenant.

The question raised by *Tosafos* based on Rashi's explanation can be explained as follows: Perhaps *Tosafos* maintains the following: The "sections" that Moshe wrote from *Bereishis* until *Matan Torah* were in no way different from the "sections" written afterward in Torah. (They differed in neither appearance nor wording.) Thus, although Moshe **also combined** the mitzvos they were commanded in Marah together with it in the Book of the Covenant (and these mitzvos were not written in the style of "sections" of Torah), this compilation does not preclude or lessen the fact that the "sections" from

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³⁵ *Gur Aryeh* on the verse, "Moshe wrote."

³⁶ See *Chidushei HaRashbah*, *Gittin* 60a, where he offers an explanation along the same lines: "Perhaps we can explain that Reish Lakish's intent is merely that Moshe did not write each section of the Torah as it was dictated to him, but rather, he remembered it by heart until the completion of the Torah. However, he wrote the sections necessary for the time so the Jewish people could see and learn from the writing." However, some analysis is necessary regarding the applicability of the idea "that they see and **learn** from the writing" to the Book of the Covenant. Perhaps this language is used because it (primarily) pertains to the eight sections written (according to Rabbi Levi); see there. However, the reason writing it was permissible was because, for that time, it was necessary (analogous to what *Gur Aryeh* writes). This explanation is also reflected in *Tzeidah LaDerech*, on *Shemos* 24:4 (quoting *Imrei Shefer*); see there. See an extensive discussion of this topic in *Torah Sheleimah*, vol. 19, addenda, sec. 31, par. 4. **Further elaboration is beyond the scope of our discussion**.

Bereishis until *Matan Torah* inherently had the same character as the writing of the "sections" of Torah.

[On this basis, we can further appreciate why *Tosafos* quotes Rashi's wording, "from *Bereishis* until here," and does not quote the conclusion of Rashi's words, "the mitzvos they were commanded in Marah." That Moshe wrote the mitzvos commanded in Marah is irrelevant to *Tosafos*'s discussion. The question raised by *Tosafos* is based solely on Rashi's remarks, "from *Bereishis* until here," which was a segment written in the format-class of "sections" of Torah.]

However, Rashi believes that since both types of writings were included in one Book of the Covenant, even the "sections" from *Bereishis* until *Matan Torah* are not regarded as written **Torah** "sections." Instead, they all comprise the Book of the Covenant.

8.

THE ADVANTAGE OF GOOD PREP

From the "wine of Torah" in Rashi's commentary here:

A covenant, in general, entails connecting and unifying the parties entering the covenant. In our case, the covenant facilitated the connection and unity of Hashem with the Jewish people. Nonetheless, the nature of the covenant would be different whether it had been forged before *Matan Torah* or after it.

Before *Matan Torah*, there was a decree: "The supernal shall not descend to the terrestrial, and the terrestrial shall not ascend to the supernal."³⁸ It turns out that the covenant forged before *Matan Torah* could have impacted only people, not material objects. Moreover, (before *Matan Torah*) Torah and mitzvos did, in fact, elevate the person and connect him with Hashem. However,

³⁷ {The inner dimension of Torah.}

³⁸ Shemos Rabbah ch. 12, sec. 3; Midrash Tanchuma, parshas Vaera, sec. 15.

this occurred in the manner of "**before** *Matan Torah*." Meaning, the person could never escape the inherent constraints of a ("terrestrial") created being.³⁹

In contrast, according to the authorities who maintain that the covenant was forged after *Matan Torah*, after (a) the decree was annulled; (b) {Hashem declared} "I {representing the "supernal"} will be the first {to descend}"; and moreover (c) the new reality in which — "I {Hashem} placed Myself into this Scripture that I have given you "⁴⁰ — Hashem, so to speak, placed Himself into Torah forever.⁴¹

Thus, we can also appreciate that the unity with the Torah through a covenant engenders an absolute and complete elevation, a complete departure from the boundaries of created beings.

But there is a superior quality to the view (Rashi's opinion) that the covenant occurred before *Matan Torah*. According to this view, even at that time (**before** *Matan Torah*), the Jewish people were "tied, connected, and bound"⁴² with the Torah as it descended to created beings (**before** *Matan Torah*) and with the G-dliness drawn down through Torah. Thus, we can appreciate how, after **this** kind of preparation, the purification and elevation of created beings at the time of *Matan Torah* was so much more complete. As a result, even from the perspective of **their spiritual standing**, they were ready to receive the Torah, which is inherently beyond the boundaries of any created being.

According to the view that the covenant was entered after *Matan Torah*, however, before *Matan Torah*, the Torah had been entirely beyond the Jewish people's spiritual **standing and focus**, and the {giving of the} Torah was primarily prompted by Hashem.⁴³

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³⁹ For before *Matan Torah*, the Torah, and mitzvos could not transform (lower entities to higher ones —) a mundane object to a holy one— see *Likkutei Sichos*, vol. 16, p. 212 ff, and in other sources.

⁴⁰ Shabbos 105a (the version in Ein Yaakov).

⁴¹ See Tanya, "Likkutei Amarim," ch. 47.

⁴² Mechilta, "parshas Yisro," ibid.

⁴³ See Likkutei Torah, "Re'eh," 28b; Sefer HaMaamarim 5643, p. 84; et al.

SEEING TWO OR SEEING ONE

On this basis, we can explain the difference above (discussed in Section 5): According to Rashi, "Moshe wrote," and the covenant included two elements—Torah and mitzvos. But according to the other authorities, it was **one** entity — (a part of) **Torah**.

A distinction between Torah and mitzvos is discernable from the perspective of created beings. As a result, when the Jewish people accepted the Torah, they declared, "We will do" and "We will listen" separately.

But from the perspective of the Creator, no distinction is perceivable. Just as Hashem is absolute, simple Oneness, this same quality is also expressed in the Torah as it is from its perspective Above: It all comprises the singularity of the Torah.

- From a talk delivered on Shabbos parshas Mishpatim 5742 (1982)