

## OVERVIEW of the Daf

### 1) The day the Torah was given (cont.)

Further attempts are made to prove one side of the dispute between Rabanan and R' Yosi concerning whether the Torah was given on the sixth or seventh of Sivan.

### 2) Matan Torah

A person from Galil pointed out how the number three played a central role concerning the events of Matan Torah.

R' Avdimmi bar Chama bar Chasa taught how the Jews were compelled to receive the Torah. Although this coercion would constitute grounds to release the Jewish People from responsibility, they nevertheless accepted the Torah again in the time of Achashverosh.

Chizkiyah taught that before the Torah was given the earth became afraid and in the end it was calm.

R' Simai taught that when the Jews declared נעשה ונשמע they were given two crowns. Following the sin of the Golden Calf the crowns were removed. Reish Lakish stated that in the future the crowns will be returned.

More teachings regarding the declaration נעשה ונשמע are recorded.

A verse in Shir HaShirim is used to describe the sin of the Golden Calf.

Additional points regarding Matan Torah are noted.

### 3) Teachings of R' Yehoshua ben Levi

R' Yehoshua ben Levi expounds upon a number of verses in Shir HaShirim.

As each statement emerged from Hashem's mouth, the Jews lost their souls and had to be revived.

The narrative between Hashem, the Angels and Moshe Rabbeinu is recorded concerning the debate over who should possess the Torah. ■

## REVIEW and Remember

1. What day of the week was the fifteenth of Nissan the year the Jewish people left Mitzrayim?
2. Explain the convergence of threes concerning Matan Torah?
3. Who was surprised when the Jewish people declared נעשה ונשמע, and why?
4. Why did the Angels claim that they should keep the Torah?

## Distinctive INSIGHT

### In the Third Month

ברוך רחמנא דיהב אוריין תליתאי לעם תליתאי על ידי תליתאי ביום תליתאי בירחא תליתאי

The Torah teaches (Shemos 19:1): "In the third month after Bnei Yisrael had gone forth out of the land of Egypt, on the same day, they came into the wilderness of Sinai."

The Or HaChaim points out a surprising contrast. When Eliezer set out to find a wife for Yitzchak, the road miraculously compacted, and Eliezer traversed the entire distance from Beer Sheva to Charan in that one day (see Bereshis 24:42, Rashi ad loc.) He suddenly found himself in Charan, and he was able to complete his holy mission in an expedited fashion. In our parasha, we find the entire Jewish nation which had left Egypt headed towards Har Sinai. This journey took a month and a half. Why did Hashem allow them to travel the entire path step by step, albeit accompanied by the clouds of glory? Why was this segment of travel not advanced in a miraculous fashion in order to bring the exalted nation closer to its destiny more swiftly?

One lesson which we can derive from this situation is that the crown of Torah is not acquired by means of shortcuts. There is no method to hasten the process of deliberate and dedicated devotion to the study of Torah. "The words of Torah are only found by one who commits his very life to its pursuit" (see Berachos 43b) This can only be achieved through a step by step approach, and not by the utilization of shortcuts. ■

## HALACHAH Highlight

### Issues regarding voiding coerced transactions

ויתעצבו בתחתית ההר. אמר רב אבדימי בר חמא בר חסא: מלמד שכפה הקדוש ברוך הוא עליהם את ההר כגיגית, ואמר להם: אם אתם מקבלים התורה – מוטב, ואם לאו – שם תהא קבורתכם. אמר רב אחא בר יעקב: מכאן מודעה רבה לאורייתא

And they stood at the foot (literally: at the underside) of the mountain. Rav Avdimi bar Chama bar Chasa said that this teaches us that Hashem held the mountain over their heads like an overturned vat, and said to them: If you accept the Torah – fine, and if not, this will be your burial place. Rav Acha bar Ya'akov said that this serves as a notification of coercion regarding the acceptance of the Torah.

Rashi<sup>1</sup> explains the last section of this passage as follows: if Hashem will summon the Jewish people to judgment for non-compliance of our obligations as dictated in the Torah, the Jews will be able to respond that they were compelled to accept

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the Torah as described in this episode, and as such the agreement is vacated.

This passage is questioned based upon the law regarding forced sales. The Gemara<sup>2</sup> states that if someone was subjected to duress in order to force him to sell an item, and finally he succumbed to the distress and sold the item, the sale is considered valid. The rationale provided<sup>3</sup> for this law is that the combination of the distress and the receipt of the monies is sufficient to convince the person to genuinely approve the sale since in the end he loses nothing. Accordingly, how could the Jews possibly claim duress and desire to void the covenant? After all, due to the distress of being forced they accepted?

Rav Efraim Zalman Margalios<sup>4</sup> of Brody discusses this topic. He cites the view of Rav Algazi who writes that the transaction is considered valid only when the monies are paid<sup>5</sup>. Thus, being that<sup>6</sup> שכר מצוה בהאי עלמא ליכא (there is no reward for the performance of the Mitzvos tendered in this world), the transaction is not valid without payment, and as such the Jews would have recourse by claiming that they were coerced. Rav Margalios challenges this resolution. He explains that the need to have the monies paid is because man is not always trustworthy, and notwithstanding the most sincere assurances, the person may never actually be able to provide the funds. Therefore, without the value of the item being presented, the transaction is void. However, this does not apply to Hashem, who is totally reliable to pay the reward, אנני הי' – נאמן לשלם שכר (I am Hashem, dependable to pay the reward)<sup>7</sup>. Therefore, Hashem's pledge to pay is as good as payment itself.

Rav Margalios himself suggests a different resolution<sup>8</sup>. He addresses the underlying reasoning for the law that coercion doesn't invalidate a sale if the monies were paid. The reason provided in the Gemara is that the person will accept the transaction due to the distress and payment. However, is that always true? Are there not individuals who would prize their possession over monetary recompense, and not agree to the transaction?

Rav Margalios references the concept<sup>9</sup> of דברים שבלב אינם דברים (matters which are only thoughts, and are not verbalized, have no Halachic standing).

He explains that this is true only when the thoughts are localized and specific to a person, thus when unspoken, can not be considered a legitimate element of a transaction. However, if the thoughts are such that they would be evident to all, even when they are unspoken, then they do have legal status. Thus, when it comes to coercion, being that most would accept the transaction upon receiving the payment, even though there are some who would not truly accept the transaction, this remains unspoken matters of the heart, and as such they lack the ability to nullify the agreement. However, this is true only in regards to man, who do not have the ability to divine the unspoken word, but in regard to Hashem who knows all of man's thoughts, this limitation does not exist, and even the unspoken thought is tantamount to a clearly articulated statement. Therefore, if the Jews claim coercion, the unspoken thoughts of the moment of coercion are equivalent to clearly expressed statements and have the ability to annul the transaction. Thus, the Jews would have the ability to claim nullification of the agreement.

It should be mentioned that other responses to this question are presented<sup>10</sup>. ■

1. רש"י כאן (ד"ה מודעא רבה)
2. ב"ב (דף מז ע"ב)
3. ב"ב (דף מח ע"א)
4. שו"ת בית אפרים (הקדמה לחאה"ע ד"ה אך באותה, דף ע"א)
5. שו"ת חו"מ (סי' רה ס"א)
6. קידושין (דף לט ע"ב)
7. ע"י רש"י עה"ת (שמות ו ב, ויקרא יח ה, יח ו, יט טז, כב לג, כו ב, במדבר טו מא. וע"י ויקרא כג כב)
8. שם בהקדמה (ד"ה ואמנם נלפענ"ד, דף ב' ע"ד) ע"פ משי"כ הוא בתשובה שם בחאה"ע (סי' קכב) וע"י בשו"ת מנחת יצחק ח"ו (סי' קז ד"ה והנה זה) שהביא דברי בבית אפרים אלו. ע"ש
9. קידושין (דף מט ע"ב) ומעילה (דף כא ע"א)
10. ע"י בשו"ת מנחת יצחק שם וכן ראה שבו"ת צ"ץ אליעזר ח"ד (סי' כא אות ה', דף קח רע"ב) בשם שו"ת פרח מטה אהרן. ועוד. ■

## Gemara GEM

*We will do and we will hear*

נעשה ונשמע

Maharal explains that the saying of נעשה ונשמע was a tremendous merit for the Jewish People, as it indicated their belief in the goodness of the Torah, because of their absolute belief in the goodness of G-d. The great reward the Jews received: each Jew received two crowns from Hashem, one for na'aseh

and one for nishmah. A separate angel was dispatched to give out each crown, because the Midrash (Bereshis Rabbah 50:2) teaches that "one angel cannot do two missions simultaneously". Yet, wasn't the act of giving the crowns to the Jews one general mission? Why were separate angels needed for each person, and for each crown?

The answer lies in appreciating the importance of each person in the Jewish Nation. If a population of no less than 600,000 men (or family units) was needed to form our identity as a nation, then

each individual in that group was clearly an indispensable part of that nation. Clearly, each member added his own dimension to the national character.

Each Jew is immeasurably unique. Therefore, each statement of "we will do and we will hear" was said from a unique perspective and outlook. Each reward, then, would have to be unique too, to correspond exactly to the action done. Thus, no angel could give more than one crown to one person, as the giving of each crown was indeed a different mission. ■

