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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

It is written: *And they stood by the foot of the mountain.* Rav Avdimi bar Chama bar Chasa said: This teaches us that the Holy One, Blessed be He, covered the mountain over their heads like an overturned vat, and said to them: If you accept the Torah, all will be well; if not, there shall be your burial.

Rav Acha bar Yaakov observed: This furnishes strong grounds for a notification of coercion with respect of their acceptance of the Torah. [*It provides an excuse for not observing the Torah, since it was forcibly imposed in the first place.*]

Rava said: Yet even so, they accepted it again in the days of Achashverosh, for it is written: *the Jews established and accepted.* This means that they established (*then*) that which they had accepted long before.

Chizkiyah said: It is written: *From Heaven you made judgment heard, the earth trembled and became calm.* If the earth trembled, why was it calm, and if it was calm, why did it tremble? Rather, at first it trembled (*for perhaps the Jews would not accept the Torah*), and subsequently (*when they agreed to observe the Torah*) it became calm. The Gemora explains: And why did it tremble? It is in accordance with Rish Lakish, for Rish Lakish stated: What is the meaning of this verse: *And there was evening and there was morning, the sixth day.* Why is there an extra “*hey*” in *ha-shishi*? It teaches us that Hashem made a condition with the works of Creation, saying: If the Jewish people accept my Torah it will be well, but if not, I shall return you to a state of emptiness.

Rabbi Simai expounded: When the Israelites gave precedence to ‘we will do’ over ‘we will hear’ (*indicating that they were prepared to obey God’s commands even before hearing them*), six hundred thousand ministering angels came and set

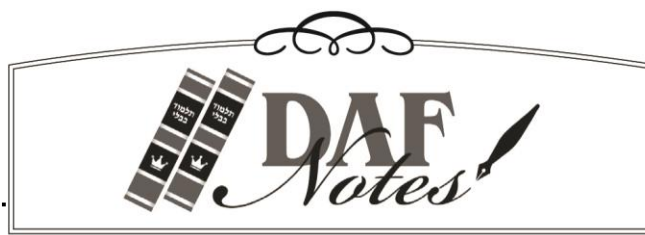
two crowns upon each and every Jew, one corresponding to ‘we will do,’ and the other corresponding to ‘we will hear.’ But as soon as Israel sinned (*with the Golden calf*), one million two hundred thousand destroying angels descended and removed them, as it is written: *And the children of Israel were stripped of their ornaments from mount Chorev (Sinai).*

Rabbi Chama the son of Rabbi Chanina said: At Chorev they loaded them (*the crowns*) on (*the Jewish people*), and at Chorev they removed them. At Chorev they loaded them on, as we have stated. At Chorev they removed them, for it is written: *And the children of Israel were stripped, etc.*

Rabbi Yochanan said: And Moshe merited and received them all, for in proximity to the other verse, it is written: *And Moshe took the tent.* Rish Lakish said: Yet the Holy One, Blessed be He, will return them to us in the future, for it is written: *and the redeemed ones of Hashem shall return and come to Zion with singing and everlasting joy upon their heads* – the joy from long ago shall be upon their heads.

Rabbi Elozar said: When the Israelites gave precedence to ‘we will do’ over ‘we will hear,’ a Heavenly Voice went forth and exclaimed to them: Who revealed to My children this secret, which is employed by the Ministering Angels, as it is written: *Bless Hashem, O angels of his; the mighty in strength that do His bidding, to hear the voice of His word.* First they do, and then they hear!

Rabbi Chama the son of Rabbi Chanina said: What is meant by that which is written: *As the apple tree among the trees of the forest, etc.?* Why were the Jewish people compared to an apple tree? It is to teach you that just as the fruit of the apple tree precedes its leaves, so did the Jewish people give



precedence to 'we will do' over 'we will hear.' [Tosafos observes that this is untrue of the apple tree, which grows like all other trees; consequently, they explain that the Gemora refers to the esrog tree. Just as the esrog remains on the tree from one year to the next, at which time the tree sheds its' leaves of the previous year, the fruit may be said to precede the leaves.]

The Gemora relates: There was a certain Sadducee who saw Rava engrossed in his studies while the fingers of his hand were under his feet, and he crushed them down (without realizing, for he was preoccupied with his studies), so that his fingers spurted blood. He exclaimed: "You impulsive people, who gave precedence to your mouths over your ears; you still persist in your impulsiveness. First you should have heard (the commandments) if they were within your powers to accept; and if did not (hear them at first), you should not have accepted." Rava said to him, "We who walk with complete faith, of us it is written: *The perfect faith of the upright shall lead them.* But of others, who walk in perversity, it is written: *but the perverseness of the faithless shall destroy them.*

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: What is meant by that which is written: *You have captured my heart, my sister, my bride; you have captured my heart with one of your eyes?* In the beginning (when you accepted the Torah), with one of your eyes (you attract me); when you fulfill the Torah, with both of your eyes (you attract me).

Ulla said: A bride who is unfaithful under her wedding canopy is "aluvah" – "shameless." [This is alluding to the Jewish people, who made the Golden Calf at Mount Sinai itself.]

Rav Mari, the son of Shmuel's daughter, says: What does the verse mean when it says: *Until the king is in his (wedding) party, my perfume, etc.?* [This again is referring to the sin with the golden calf.] Rav says: He still favors us, as is indicated by the fact that the verse says, "it gave off," not that "it putrefied."

The Gemora cites a braisa: Those who are insulted, but do not insult back, and those who hear their shame, but do not

respond, and those who do God's will out of love and are happy even while they suffer, concerning them it is written: *But they who love Him shall be as the sun going forth in its might.*

Rabbi Yochanan said: What is meant by that which is written: *Hashem made a declaration, the heralds are a mighty host?* Every single word that went forth from the Holy One, Blessed be He, was split up into seventy languages (for every nation heard it in their own language).

The academy of Rabbi Yishmael taught a braisa: *And like a hammer that breaks the rock in pieces.* Just like the hammer breaks into many pieces, so too every single word that went forth from the Holy One, Blessed be He, split up into seventy languages.

Rav Chananel the son of Pappa said: What is meant by that which is written: *Hear, for I will speak princely things.* Why are the words of the Torah compared to a prince? It is to tell you that just as a prince has power of life and death, so too have the words of the Torah the power of life and death. The Gemora notes: That is what Rava said: To those who grasp it (the Torah) with their right hand, it is a medicine of life; to those who grasp it with their left hand, it is a deadly poison. Another interpretation: Princes denotes that on every word which went forth from the mouth of the Holy One, Blessed be He, two crowns were tied to it.

Rabbi Yehoshua ben Levi said: What is meant by that which is written: *My beloved is unto me as a bundle of myrrh that lies between my bosom?* The congregation of Israel spoke before the Holy One, Blessed be He, "O Master of the Universe, although my beloved has distressed and embittered me (by removing our jewelry after the sin of the Golden calf), yet my beloved lies between my bosom.

My beloved is to me as a cluster of henna in the vineyards of Ein Gedi. This means: He to Whom everything belongs shall make atonement for me for the sin of the kid (the Golden calf) which I heaped up (karme) for myself. Where is it implied that this word 'karme' connotes heaping? Mar Zutra the son of Rav Nachman said: It is as we have learned in a Mishna: A



launderer's stool on which clothing is heaped up (*kormin*).

And Rabbi Yehoshua ben Levi said: What is meant by that which is written: *His cheeks are as a bed of spices*? With every single word that went forth from the mouth of the Holy One, Blessed be He, the whole world was filled with spices (*fragrance*). And since it was filled from the first word, where did the fragrance of the second word go? The Holy One, Blessed be He, brought forth the wind from His storehouses and drove each one away in order, as it is written: His lips are as flowers (*shoshanim*), dropping flowing myrrh. Do not read it as *shoshanim*, but *sheshonim* (*they repeat*). [*The wind repeatedly drove the fragrance away.*]

And Rabbi Yehoshua ben Levi said: At every word which went forth from the mouth of the Holy One, Blessed be He, the souls of the Jewish people departed, for it is written: *My soul departed when He spoke*. Now, since their souls departed at the first word, how could they receive the second word? He brought down the dew with which He will resurrect the dead (*in the future*) and revived them, as it is written: *You, O God, did send a plentiful rain; when your heritage was weary You established it firmly.*

And Rabbi Yehoshua ben Levi said: At every single word which went forth from the mouth of the Holy One, Blessed be He, the Jewish people retreated twelve *mil*, and the ministering angels tottered them back, as it is written: *The hosts of angels totter, they totter*. Do not read it as 'they totter,' but rather, 'they help others to totter.'

And Rabbi Yehoshua ben Levi said: When Moshe ascended to the Heaven, the ministering angels spoke before the Holy One, Blessed be He: "Master of the Universe! What business has one born from a woman amongst us?" Hashem said to them: "He has come to receive the Torah." They said before Him: "That coveted treasure, which has been hidden by You for nine hundred and seventy-four generations before the world was created, You desire to give to flesh and blood?" *What is a mortal that you should remember him or the son of man that you shall recall him? Hashem, our Lord, how excellent is your Name in all the earth that You should set Your glory (the Torah) upon the Heavens!*" The Holy One, Blessed

be He, said to Moshe: "give them an answer." Moshe said before Him: "Master of the Universe, I fear lest they consume me with the (*fiery*) breath of their mouths." Hashem said to him: "Hold on to the throne of My Glory, and return them an answer." As it is written: *He allows him to hold on to the face of the throne, and He spreads His cloud over him*, and Rabbi Nachum observed: This teaches that the Almighty spread some of the radiance of His Shechinah and cast His cloud over him. Moshe spoke before Him: "Master of the Universe! The Torah which You give me, what is written in it? *I am Hashem, you God, Who brought you out of the Land of Egypt.*" Moshe said to the angels: "Did you go down to Egypt; were you enslaved to Pharaoh? Why then should the Torah be yours? What is written further in the Torah? *There shall not be to you gods of others*. Do you dwell among nations that engage in idol worship? What is written further in the Torah? *Remember the day of Shabbos, to sanctify it*. Do you then perform work that you need to rest? What is written further in the Torah? *You shall not take [the Name of Hashem in vain]*. Are there any business dealings among you (*where you might be compelled to take an oath in vain*)? (88a – 89a)

INSIGHTS TO THE DAF

Forced Consent

In Meseches Bava Basra, the Gemora rules that if a person is subjected to threats of violence, and forced to sell his land against his will, his sale is nevertheless valid, since in the end he conceded to sell and accepted payment for his land. This is the accepted halacha in Choshen Mishpat. In the context of our own sugya of Kabbalas HaTorah, this ruling has great relevance.

The Gemora relates the following discussion of the Amoraim. R' Avdimi said that when Hashem presented the Torah to Bnei Yisrael, He lifted Har Sinai above their heads like a giant barrel and declared, "If you accept the Torah – good. If not, here will be your burial place." R' Acha bar Yaakov added that since the Jewish people were forced to accept the Torah, they are not obligated to abide by its laws. Rava then added that although the Kabbalas HaTorah at Har Sinai may not be binding, the Jewish people renewed their commitment in the days of Mordechai and Esther, and once again accepted the



Torah – but this time, they accepted it with love and gratitude for their miraculous salvation.

The Rishonim explain that this Gemora should not be interpreted literally. If the Jewish people were indeed exempt from the Torah until the time of Mordechai and Esther, why were they punished for their aveiros and exiled from their Land? Various explanations have been offered to clarify this enigmatic sugya. In this article, we will focus on R' Acha's assumption that forced concessions have no halachic legitimacy.

The first argument against R' Acha's assumption, is that we receive reward for the mitzvos we perform. This is similar to the case of a person who is forced to sell his land, and accepts payment from the buyer. Although he was coerced, by accepting the money he shows that he conceded to the sale. So too in the case of Kabbalas HaTorah; by accepting reward for our mitzvos, we show that we conceded to the "forced sale" of the Torah.

Coercion for future commitments: R' Shlomo Lifshitz zt"l, Rav of Warsaw and author of Chemdas Shlomo, answered this question by distinguishing between coercion for present transactions, and coercion for future commitments. His discussion came in response to the practical question that was placed before him: if someone is forced to agree to receive a service and then pay for it in the future, need he honor his commitment? Ostensibly, this is similar to the case above, of a person who is forced to sell his land. However, the Chemdas Shlomo suggests that a forced concession is valid only in regard to an immediate sale. At the present moment, like it or not, he agreed to the sale. However, in regard to a future obligation, his commitment is not binding.

The explanation for this is quite simple. When a person is forced to sell his land, his agreement is not wholehearted. Therefore, in order to lend halachic validity to the sale, he must complete it immediately by accepting the money. His verbal agreement alone is not binding. In regard to future commitments, since the transaction is not completed immediately, it is not binding.

Proof for this conclusion can be found in our sugya of Kabbalas HaTorah. Bnei Yisrael were forced to accept the Torah, a future commitment to observe Hashem's mitzvos. Since the "transaction" was not completed immediately, it was not binding.

Two kinds of compromise: Based on this distinction, the Chemdas Shlomo resolves a perplexing contradiction between two rulings of the Shulchan Aruch. In one place, the Shulchan Aruch rules that if a litigant is threatened by his counterpart, and forced to compromise, his concession is not binding and he can return to court for a fair trial. Elsewhere, the Shulchan Aruch rules that a forced compromise is binding.

The Chemdas Shlomo explains that the Shulchan Aruch's two rulings refer to two different circumstances. In the first case, the Shulchan Aruch refers to a future commitment. In the meantime, the forced party had time to reconsider and regret his agreement, therefore it is not binding. The second case refers to an immediate sale or transaction. Since the forced party completed the transaction immediately after his agreement, it is halachically binding.

THE HAMMER OR THE STONE

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The *Gemora* expounds the verse, "uch'Fatish Yefotzetz Sala" (Yirmeyahu 23:29), which describes the words of Hash-m. D'Vei Rebbi Yishmael derives from this verse that "just as a hammer divides into many sparks, so, too, one verse teaches many lessons."

The subject and object of the verse are unclear. Do the words "uch'Fatish Yefotzetz Sala" mean that Hashem's words are "like a hammer that shatters a stone into many fragments," with the stone the object which is shattered by the hammer, or does the verse mean "like a hammer that is shattered to pieces when it strikes the hard stone," with the hammer the object that is shattered by the stone?

(a) **TOSFOS** (DH Mah Patish) quotes **RABEINU SHMUEL** who



explains that the Girsá of our text of the *Gemora* is incorrect. Our text reads that the hammer is "Mis'chalek." This form of the word means that the hammer *itself* becomes broken into pieces. Rabeinu Shmuel says that d'Vei Rebbi Yishmael means that the *stone* is shattered into many pieces, not the hammer. The correct text is that the hammer is "Mechalek" the stone into many pieces. (See also **RASHI** to Shabbos 88b, DH Mah Patish.)

Tosfos questions this explanation. According to Rabeinu Shmuel, the main point of the *Gemora's* metaphor is the shattering of the stone, not the function of the hammer. The *Gemora* should say that just as the *stone* shatters into many parts, from one verse many lessons can be derived. Why does the *Gemora* focus on the *hammer* which shatters the stone, if the main point is the division of the stone, and not that the hammer that shatters it? Moreover, a similar statement is made by the *Gemora* in Shabbos (88b), which also uses the word "Mis'chalek." There, too, the *Gemora* should focus on the stone that is shattered, and not on the hammer that shatters it.

(b) Tosfos quotes **RABEINU TAM** who explains that the *Gemora* indeed means that the *hammer* itself shatters when it hits a strong stone. Rabeinu Tam cites supports for this explanation from the Midrash Rabah in Eichah. The Midrash relates that a person sought to check the sturdiness of a piece of sapphire. He placed the stone onto an anvil and hit it with a sledgehammer. The anvil split, the sledgehammer broke, and the sapphire remained intact. The Midrash says that this is the meaning of the verse, "uch'Fatish Yefotzetz Sala." Accordingly, the translation of the verse is "like a hammer that the hard stone shatters." (See the **ARUCH LA'NER** who quotes other verses which are written in a similar manner.)

Tosfos in Sukah (52a, DH Im Barzel) questions Rabeinu Tam's explanation from the *Gemora* in Ta'anis (4a). Rav Ashi there says that any Talmid Chacham who is not as tough as a stone (that is, he is not able to rebuke his constituents; see **CHIDUSHEI HA'GE'ONIM** in **EIN YAKOV**) is not a Talmid Chacham, as the verse says, "uch'Fatish Yefotzetz Sala." The *Gemora* there seems to compare the Talmid Chacham to a hammer which must be strong and capable of breaking

stones. How does Rabeinu Tam reconcile his explanation of the verse (that the hammer itself breaks) with the *Gemora* in Ta'anis which clearly implies that the stone breaks?

The Aruch la'Ner in Sukah answers that the dispute between Rabeinu Tam and Rabeinu Shmuel is actually a dispute in the *Gemora* itself. Rav Ashi in Ta'anis (4a) disagrees with d'Vei Rebbi Yishmael (and with the Midrash in Eichah), who understands that the verse refers to a hammer that splits a rock, and not to a hammer that is split by a rock. Indeed, the *Gemora* in Shabbos records other Amora'im who derive from other verses the idea of d'Vei Rebbi Yishmael, which implies that they also do not agree with his Derashah from this verse, presumably because they understand that this verse refers to a hammer that splits a stone, and not a stone that splits a hammer.

DAILY MASHAL

Disgraced but did not Respond

The *Gemora* cites a *braisa*: Those who are insulted, but do not insult back, and those who hear their shame, but do not respond, and those who do God's will out of love and are happy even while they suffer, concerning them it is written: *But they who love Him shall be as the sun going forth in its might.*

The Chidah in his seforim relates the following incident several times: There was once a very wealthy and powerful man who humiliated a Torah scholar. The Rav of the city told the Torah scholar that he should forgive the man. The scholar told him that he immediately forgave him, for it is written in the Zohar HaKadosh that the sins of the Jewish people cause the *Shechinah* much pain, Heaven forbid, and if he would not forgive him, it would be regarded as a grave sin for the wealthy person. He, therefore, immediately forgave him, for this way, the *Shechinah* will not be pained.

The Chidah concludes that he wrote this over numerous times, for it is of tremendously important and extremely precious and words of *mussar*, such as these, must be constantly reiterated in order to inspire people to fear Hashem properly!