YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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UNDERSTANDING AGGADA

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Shiur #10: Freedom, Coercion, and the Nature of the Covenant

"They gathered at the foot of the mountain" (*Shemot* 19:17). Rav Avdimi bar Hama bar Hasa said: "This teaches us that God suspended the mountain above them like a barrel and said, 'If you accept the Torah, good. If not, there will be your burial place.'"

Rav Aha bar Yaakov said: "From here emerges a great protest about the Torah" [i.e., since the people were coerced into the covenant, they are not responsible for the agreement]. Rava said: "Nonetheless, they reaffirmed their acceptance in the days of Achashverosh, as it says: 'The Jews established and accepted,' (Esther 9:27). They established what they had already accepted." (*Shabbat* 88a)

The wordplay that generates Rav Avdimi's idea is quite clear. Instead of understanding "*be-tachtit ha-har*" as "at the foot of the mountain," he translates the phrase as "underneath the mountain." However, Rav Avdimi's theological motivation remains much cloudier. Rav Avdimi seems to introduce a shocking shift into the biblical account of this story. The version in *Sefer Shemot* portrays the Jews as freely choosing to enter into the covenant at Sinai. In fact, *Chazal* praise the Jews of that time for affirming their acceptance even before hearing all the details of the *mitzvot*. Why detract from that praise by introducing an element of coercion into the story? Furthermore, does Rav Avdimi truly think that the Jews were not accountable for their religious observance until the Purim story? After all, Jews were punished throughout the period of the First Temple for their religious shortcomings.

One approach to this question if to try to minimize the impact of the gemara. Ritva argues that Rav Avdimi is not seriously making this claim, but is merely making a rhetorical point, to counter critics. In other words, even those who think that the Sinai covenant was accepted under duress should realize that the Jews subsequently accepted it of their own free will.

Rav Soloveitchik (*The Lonely Man of Faith*, Doubleday edition, p. 45) also affirms that the Jews freely accepted the Torah at Sinai. Based on a Tosafot, he suggests that the coercive component related only to the implementation of the agreement, but not to the initial foundation of the covenant.

Along similar lines, R. Yaakov Kaminetsky (in his *Emet le-Ya'akov*) sees God's threat with the mountain as a necessary supplement to the free acceptance which proceeded it. As he sees it, the talmudic account strives to combine the twin components crucial for religious life: fear and love. Without the mountain hanging overhead, the formative covenantal experience would consist only of a loving agreement. As religious success sometimes depends on fear of God as well, R. Avdimi introduced a more intimidating element into the story to provide the proper balance.

*Midrash Tanchuma* states that the written law was freely accepted, but that the oral law required coercion. Apparently, there is something frightening about *Torah she-be'al Peh.* This could be because the oral law expands the parameters of what Halakhademands. Alternatively,the need for human interpretation and initiative generated a certain amount of reluctance and resistance. One can imagine the people saying, "Give us a definitive written Torah, but do not make us responsible for utilizing our intellect in order to understand it."

Another approach accepts that the covenant had a coercive element, but understands the gemara in a non-literal fashion. R. Meir Simcha HaCohen from Dvinsk explains (*Meshekh Chokhma* on *Shemot* 19:17) that the awesome experience of revealed divinity at Sinai made it essentially impossible not to accept the covenant. According to R. Meir Simcha, the mountain may have been figurative, but the coercion was very real. This returns us to our second question: Weren't Jews punished for their sins long before the events of Purim occurred? R. Meir Simcha answers that the Jews were responsible for the Seven Noachide Laws even without a special Sinaitic covenant. He notes that the First Temple was destroyed for sins included in the Noachide laws, such as idolatry and murder.

Yet it remains a radical idea to suggest that Jews were not responsible for violating *Shabbat* or *Shemitta* prior to the Persian exile. Indeed, the Spanish school of *Rishonim* found this idea unacceptable. Beginning with Ramban (see his commentary on *Shabbat* 88a), they discovered a way to concede that Sinai had a coercive element, but still see the *mitzvot* as binding. Ramban explains that receiving the land of Israel comes with certain conditions. In other words, the rental agreement for living in Israel includes a commitment towards a life of religious observance. Since the Jewish people lived in Israel during the time of the First Temple, they needed to keep *mitzvot* if they did not want to be evicted from the land.

The end of the gemara works beautifully with Ramban's interpretation. Until the Babylonian exile, the Jewish people remained committed, at least in theory, to Torahand *mitzvot* as part of the deal enabling residence in Israel. When they were first driven into exile, the ongoing relevance of religious observance was called into question. The Purim episode, taking place during that first exile, included a communal decision that the covenant should continue despite the exile. This idea gives an added dimension to the significance of Purim.

*Chiddushei ha-Ran* echoes this interpretation, but adds a novel reading of a particular phrase from our gemara. God says: "If not, there will be your burial place." Ran emphasizes the word *sham*, there. If you choose not to accept the Torah, you forfeit entry into Israel and will be buried in the desert. God is not so much threatening them as explaining the nature of the lease to the land.

Although we have seen a number of fine interpretations, I believe that the Maharal (*Gur Aryeh* on *Shemot* 19:17) provides the most profound of them all. He explains that the gemara does not refer to threats, intimidation, or coercion. Rather, this gemara tries to instruct us about the nature of Torah and the gravity of our choices. Maharal understands that the Jewish people did indeed freely choose to accept the Torah. At the same time, it was crucial for the world that the Torah be accepted, and rejection of the Torah was sure to have catastrophic consequences. "Here will be your burial place" is not a quote of God threatening immediate punishment, but rather a statement about the seriousness of the choice and the potential consequences for humanity if the wrong choice occurs.

This idea may have special resonance for modern man. Today, people value free choice, and sometimes believe even that whatever the individual chooses is the best choice for him. According to Maharal, we should take the first step, but reject the second. Judaism greatly values free choice, and methods of coercion should be employed only sparingly. At the same time, this does not mean that our choices are comparable to selecting a particular flavor of ice cream. We can recognize our freedom of choice even as we also affirm the ultimate significance and the weighty ramifications of our choices. Rather than being dismayed at the gravity of our choices, we can find joy in the ability of our decisions to change the world.

Note: This *shiur* does not address the question of why a Divine command should need human agreement to begin with. We certainly could argue that God can command whatever He wants, irrespective of human consent. Since this particular gemara apparently views the human consent as crucial, we have followed that path and avoided this broader theological question. *Ve-od chazon la-moed*.