

# Consent and Coercion at Sinai

The most iconic image associated with matan Torah is surely the one described in the Gemara (*Shabbat* 88a):

ויתיצבו בתחתית ההר א"ר אבדימי בר חמא בר חסא מלמד שכפה הקב"ה עליהם את ההר כגיגית ואמר להם אם אתם מקבלים התורה מוטב ואם לאו שם תהא קבורתכם.  
*"And they stood bi-tahtit of the mountain" (Shemot 19:17). Rav Avdimi son of Hama son of Hasa said, "This teaches us that The Holy One, Blessed be He, suspended the mountain over them as a vat (gigit) and said to them, 'If you accept the Torah, good. But if not, there will be your burial place.'"*

Rav Avdimi interprets the unusual word *tahtit* as if it were *tahat*, meaning "under," probably influenced by a verse later in the Torah where that image is explicitly indicated, "And you approached and stood under (*tahat*) the mountain" (*Devarim* 4:11). In this view, at matan Torah, the Jews stood, literally, *under* Har Sinai and were presented with an ultimatum: either you accept the Torah or you will die.

This vision of the ultimatum offered the Jews under the mountain at the moment of Revelation is also found elsewhere in rabbinic literature. In describing how the Nations of the World will seek reward from God at the End of Days, the Talmud (*Avodah Zarah* 2b) records that their claim will be rejected because they refused to accept the Torah even after being offered it by God. Their retort, in the words of the Sages, will be, "Master of the Universe, did You suspend the mountain over us as a vat as you did to



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Israel and we [still] declined to accept it?," and, in support of this argument the Talmud cites this statement of Rav Avdimi son of Hama. Similar descriptions can be found elsewhere in rabbinic literature,<sup>1</sup> with the most pointed and powerful formulation appearing in *Midrash Rabbah Shir ha-Shirim* (8:1:5):

דרש פלסיון איש רומי ואמר נתלש הר סיני ונצב בשמי מרום, והיו ישראל נתונים תחתיו ... אמר הקב"ה אם אתם מקבלים עליכם תורת מוטב ואם לאו הריני כובש עליכם ההר הזה והורג אתכם.

*Paltion, a man of Rome expounded, "Har Sinai was uprooted and stood in the height of the heavens and [the people of] Israel were placed under it ... The Holy One, Blessed be He, said, 'If you will accept My Torah upon yourselves, good, and if not I will press the mountain down upon you and kill you.'"*

Simply put, the Jews were forced to receive the Torah; indeed, there is no coercion greater than the threat of death.<sup>2</sup>

But at the same time, rabbinic literature presents an entirely different scenario of Revelation, highlighting the love and joy experienced by the Jewish people at that most transcendental moment. The *Mekhilta de-Rabi Yishmael* states that, "When they [the people of Israel] all stood before Mount Sinai to receive

the Torah, they all made up their minds alike to accept the kingship of God with joy," and goes on to note that "God appeared on Mount Sinai like an old man full of mercy."<sup>3</sup> This very different sentiment is also reflected in a number of other rabbinic texts as well.<sup>4</sup>

For me the most compelling expression of this perspective is found in the comment of *Mekhilta de-Rabi Yishmael* on the verse, "And they stood *bi-tahtit* of the mountain" (*Shemot* 19:17):

מלמד שנתלש ההר ממקומו, וקרבו ועמדו תחת ההר, שנאמר ותקרבו ותעמדון תחת ההר עליהם מפורש בקבלה יונתי בחגי הסלע.

*It teaches us that the mountain was uprooted from its place and they [the people of Israel] came near and stood under it, as it is said, "And you approached and stood under the mountain" (Devarim 4:11). Of them it is declared in the traditional sacred writings, "O my dove in the clefts of the rock" (Shir ha-Shirim 2:14)."*<sup>5</sup>

This verse in *Shir ha-Shirim*, invoking the image of the Jews under the mountain at Revelation like a dove is found in the clefts of the rock, is also found in *Mekhilta de-Rabi Shimon ben Yohai* and *Midrash Rabbah Shir ha-Shirim*.<sup>6</sup>

Why is a dove found in the clefts of the rock? It is fair to assume that

it is seeking protection from the elements rather than continuing to feel vulnerable to them; resting under the outcropping of the rock enables the bird to feel safe and secure. Now imagine the Jews standing at the foot of Mount Sinai exposed to the merciless heat of the summer sun in the desert. How uncomfortable they must have felt. How unpleasant and even painful the experience must have been for them! Who can concentrate on hearing the words of Moshe, or even God Himself, in such a distressed position? And so, sensing the aggrieved state of the Jewish people, God lifted the mountain over them to provide shade for them, to protect them from the sun, like the dove is protected by finding shelter in the clefts of the rock. Now, as a result of God's kindness, they were in a much better position to focus on what they were hearing. Yes, the image is the same. The Jews were, indeed, under the mountain, but gone is the sense of ultimatum, coercion, compulsion or duress. In its place we have God's love, God's sensitivity, God's protection. We can now better appreciate a different statement in the Midrash,

אני חבצלת השרון, אני היא וחביבה אני, אני היא שהייתי חבויה בצל של סיני.

"I [the Jewish people] am a rose of Sharon (Shir ha-Shirim 2:1). I am the one and beloved am I. I am she who was hidden in the shadow of Sinai."<sup>7</sup>

God's arranging for the Jewish people to be in the shadow of Sinai was, indeed, a most clear indication of how beloved they were by Him.

So which is it? Were the Jewish people forced into accepting the Torah or did they accept it voluntarily, with great joy? Was God being coercive or was God being kind? This is the subject of much discussion but I would suggest that, ultimately, both are true. On

the one hand, it is imperative that we submit to God's will and devote ourselves to following what we believe to be His commandments. We should experience our commitment to Torah and mitzvot as if we were coerced into observing them, as if we have no choice in the matter at all. And, at the same time, we should appreciate the gift that God kindly bestowed upon us by granting us the opportunity to live our lives blessed by the warmth and the specialness of Jewish life and Jewish living. To borrow from Rabbi Joseph B. Soloveitchik's description of what he learned from his mother, "Judaism expresses itself not only in formal compliance with the law but also in a living experience. She taught me that there is a flavor, a scent and warmth to mitzvot."<sup>8</sup> Judaism is both, requiring compliance and providing warmth.

On this holiday of Shavuot, then, when we invoke the image of our ancestors under Har Sinai at the great moment of Revelation, we reaffirm that our observance of mitzvot is motivated by these two dimensions. We do so, one, because we have no choice, and two, because we appreciate how meaningful they are for our lives. Indeed, we would choose to observe them even were we not obligated to do so.<sup>9</sup>

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It is my pleasure to contribute to this collection of essays in honor of Yeshiva University President Richard Joel as he completes his tenure as the leader of our institution. Reflecting upon his many very significant contributions, I want to conclude with an insight on this Talmudic passage that I heard from my father, Rabbi Herschel Schacter z"l.

There is one word that is out of place in this rabbinic formulation. In the

view of Rav Avdimi, God held the mountain over the Jewish people at Sinai and said, "If you accept the Torah, good. But if not, *there* will be your burial place (*sham tehei kevuratkhem*)."<sup>10</sup> *There* will be your burial place? Should He not have said, "*Here* will be your burial place?" Would it not have made more sense for the text to have read, "If you will not accept the Torah, I will drop the mountain on top of you and you will die *right here*"? True, it is interesting to note that the version of this statement in the *Mekhilta de-Rabi Shimon ben Yohai* does in fact read, "If you accept upon yourselves the Torah [good], and if not *here* (*kan*) will be your burial place."<sup>10</sup> What is the significance of the "*there* (*sham*)" in the Talmudic version?

The answer lies in understanding the particular choice of the "*kafah aleihem har ki-gigit*" image adduced here. *Gigit* means vat or "something arched, roofing, a huge vessel, tub, tank (for brewing beer)."<sup>11</sup> *Kafah*, similar to *kipah*, or dome, gives the impression that the Jews were not *under* the vat or mountain, but *in* the mountain, surrounded on all sides by the mountain. The Maharsha, in his commentary on this passage in *Shabbat* uses the phrase "*betokh ha-tahtit*." Perhaps, then, we can understand the choice of the word *sham*. Imagine trying to kill a fly not by hitting it but by trapping it inside a glass. It will live for a while but, soon, it will tire and die. So too the Jewish people, suggested my father z"l. God was telling them, "If you accept the Torah, good. But if you will not do so, you will continue to live for a while just like all the other nations around you, the Hiti, Hivi, Yevusi, Emori, and Girsashi. They too will continue to exist without the Torah. But *sham*,

there, in the future, down the long road of history, *tihiyeh kevratchem*, you will be buried. You will not be able to sustain eternal existence without the Torah. At some point I guarantee you that you will disappear, just as all those other nations will disappear.”<sup>12</sup>

Torah assures the eternity of the Jewish people. Creating, sustaining and nurturing institutions of Torah assures the future of the Jewish people. And here we are in President Joel's debt. He has devoted a lifetime of service to the Jewish people, culminating in the last fourteen years at the helm of our institution. We are deeply grateful to him for all his accomplishments on our behalf, and we wish him good health to enjoy with his exceptional family and many years of continued service to Klal Yisrael.

## Endnotes

1 *Midrash Tanhuma*, Parshat Noah 3; *ibid.*, Parshat Shoftim 9; *Mekhilta de-Rabi Shimon ben Yohai*, Yitro 19:17 (David Zevi Hoffmann, ed., *Mekhilta de-Rabi Shimon ben Yohai* [Frankfurt a. M., 1905], 100). For a later version, from the writings of Pirkoi ben Baboi in the eighth-ninth century, see B. M. Levin, “*Mi-Seridei ha-Genizah*,” *Tarbiz* 2:4 (1931): 395.

2 The Talmud itself is sensitive to this assessment because it immediately wonders (*Shabbat*, *ibid.*) why any Jew can ever be faulted for not observing the Torah since it was originally accepted only under duress.

3 *Masekhta de-ba-Hodesh*, Yitro, Parshah 5, beginning (Isaac Hirsch Weiss, ed., *Mekhilta* [Vienna, 1865], 73b; Jacob Z. Lauterbach, ed., *Mekhilta de-Rabbi Yishmael: A Critical*

*Edition*, vol. 2 [Philadelphia, 2004], 314).

See also the similar formulation in *Midrash Tanhuma*, Parshat Yitro 13; *Mekhilta de-Rabi Shimon ben Yohai*, Yitro 19:19 (Hoffmann edition, p. 101).

4 *Midrash Rabbah Shir ha-Shirim* 1:2:2; 1:2:3; *Pirkei de-Rabi Eliezer*, Chapter 41; *Mekhilta de-Rabi Yishmael, Masekhta de-ba-Hodesh*, Yitro, Parshah 6, beginning (Weiss edition, p. 74b; Lauterbach edition, p. 319). See too Rashi, Shemot 19:9, *s.v. et divrei ha-am*.

5 *Mekhilta de-Rabi Yishmael, Masekhta de-ba-Hodesh*, Yitro, Parshah 3, end (Weiss edition, p. 72b; Lauterbach edition, p. 307).

6 *Mekhilta de-Rabi Shimon ben Yohai*, Yitro 19:17 (Hoffmann ed., p. 99); *Midrash Rabbah Shir ha-Shirim* 2:14:4.

It is interesting to note that it appears that Rashi conflates both of these sources (the Talmud in *Shabbat* and the *Mekhilta de-Rabi Yishmael*) in his commentary to the verse, “And they stood *bi-tahtit* of the mountain” (Shemot 19:17). He writes, “According to the simple meaning (*lefi peshuto*) [it means] at the foot of the mountain. And its midrashic interpretation [is] that the mountain was uprooted from its place (*she-nitlash ha-har mi-mekomo*) and was held over them like a vat (*ve-nikhpah aleihem ki-gigit*).” Notice that the source Rashi gives for this second interpretation is a midrash and not a Talmudic text. Indeed, the first half of his comment, the words “*she-nitlash ha-har mi-mekomo*,” appear in the midrash (*Mekhilta de-Rabi Yishmael*) and not in the Talmud. The second half, “*ve-nikhpah aleihem ki-gigit*,” invokes language found in the Talmudic passage and not in the midrash. I thank my son-in-law, Corey Tarzik, for drawing this interesting point to my attention many years ago. See too Rashi, Devarim 32:10, *s.v. yesovevenhu*.

7 *Midrash Rabbah Shir ha-Shirim* 2:1:1.

8 Joseph B. Soloveitchik, “A Tribute to the Rebbetzin of Talne,” *Tradition* 17:2 (1978):77.

9 I was introduced to this dual appreciation

of the Jews' experience under Har Sinai many years ago when I read Gerald J. Blidstein, “In the Shadow of the Mountain: Consent and Coercion at Sinai,” *Jewish Political Studies Review* 4:1 (Spring 1992):41-53. My thanks to Professor Blidstein for first bringing this most interesting conflicting set of understandings to my attention. See, in addition, *idem.*, “*Kafah Aleihem Har Ki-Gigit – Mekorot Hadashim*,” *Bar Ilan: Sefer ha-Shanah* 26-27 (1995):131-34; Yosef Heinemann, *Agadot ve-Toldoteihen* (Jerusalem, 1974), 170-74; Avraham Kurman, *Yezi'at Mizrayim u-Matan Torah* (Tel-Aviv, 1978), 354-61. There is a large body of literature relevant here. For example, see *Tosafot, Shabbat* 88a, *s.v. Kafah aleihen*; Maharal, *Tiferet Yisrael*, chapter 32; Menahem M. Kasher, *Torah Shleimah*, vol. 15 (New York, 1953; repr. Jerusalem, 1992), 102-04; Shlomo Goren, *Torat ha-Mo'adim* (Tel-Aviv, 1964), 374-76; Ephraim E. Urbach, *The Sages* (Cambridge, 1975, 1979), 327-28; Joseph B. Soloveitchik, *The Lonely Man of Faith* (Northvale and London, 1997), 45-46.

For a different interpretation of the image of “*yonati be-hagvei ha-sela*,” see Eliyahu Katz, “*Kafah Aleihem Har Ki-Gigit*,” *Shema'atin* 39 (1974):56-57.

I have dealt with the contemporary challenge of experiencing submission to God's commandments while at the same time seeking to make them personally meaningful and resonant in my article, “Halakhic Authority in a World of Personal Autonomy,” in Michael J. Harris, Daniel Rynhold and Tamara Wright, eds., *Radical Responsibility: Celebrating the Thought of Chief Rabbi Lord Jonathan Sacks* (New Milford and Jerusalem, 2012), 155-76.

10 See above, n. 1.

11 Marcus Jastrow, *A Dictionary* (New York, 1950), 234. Rashi, *Shabbat* 88a, *s.v. gigit*, translates it as “a vessel in which beer is placed.”

12 I am reminded of the formulation of the Rambam (*Hil. Melakhim* 5:4) in connection with The Seven Nations, “their memory has already been lost (*u-kevar avad zikhram*).”



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