



Intention alone, or even a verbal statement of one's intention to buy or sell, is normally not strong enough to trigger a change in ownership. Only an action or Ma'aseh will have the fortitude to affect one's mindset and 'complete one's Daas' in order to activate the Halachic mechanism, which in turn will transfer ownership of land or moveable property from one owner to another.

Gmiras Daas, literally 'the completion of one's mindset' or the intention to complete a transaction, should not be confused with Ratzon, or the 'desire' to buy or sell something. The Gemara (Brachos 5a) explains that it is human nature for a seller to have remorse when selling an object of great value. As Rashi explains, the unhappiness stems from a feeling of being coerced by one's dire financial situation. Although one may not 'desire' to part with the object for the money received, there is certainly a Gmiras Daas, an absolute intention to sell.

The Rosh Yeshiva zt"l defended the opinion of the Maharam by explaining that normally an action, such as receiving money from the buyer, would be needed to consummate the Gmiras Daas of the seller, especially in a case where the seller is being coerced. However, it is possible to say that when one verbally agrees to sell something in order to prevent his death, the absolute intention to sell has been achieved, even without an accompanying action. Nevertheless, this approach is limited to sales and purchases of assets.

In regards to acquiring the Torah, which involves accepting obligations to perform Mitzvos and accountability for their violation, it is not enough to have full intent to acquire or Gmiras Daas, rather one must have an absolute desire, a full Ratzon, to make oneself subservient to Hashem and acquire the yoke of the Mitzvos. This is why the Gemara presented by the Mishnah L'Melech would not pose a difficulty to the Maharam. Since Bnei Yisroel did not accept the Torah wholeheartedly, but due to fear of eminent death, their acquisition of the Torah Sh'B'Al Peh was incomplete, and accordingly their accountability was limited.

*Now that we have understood the principle of the Rosh Yeshiva zt"l regarding Kinyanim acquisitions, and the distinction between Gmiras Daas and Ratzon, we can use this understanding to address our original questions about Shavuos*

What emerges is that our complete desire to accept the Torah Sh'Be'Al Peh was lacking at Matan Torah, leaving Hashem no choice but to present his ultimatum, since it is inconceivable for one to accept Torah Sh'Bichtav without the accompanying Torah Sh'B'Al Peh (see Shabbos 31a). Therefore, our objective each year on Shavuos is to rectify this error at Matan Torah and demonstrate a strong desire to accept the Torah Sh'B'Al Peh as well.

This is why even according to the opinion (Pesachim 68b) that Simcha on Pesach and Succos could theoretically be fulfilled solely through the spiritual endeavors and Torah study of 'L'Hashem', one must express Simcha in a 'Lachem' manner via eating meat and drinking wine. If one is completely 'L'Hashem' on Shavuos, one may experience internal Simcha or demonstrate a commitment to the Torah after the fact, but this would not project an outward happiness of receiving the Torah it in the first place. By commemorating the sixth of Sivan with festive meals and the types of Simcha identified by the category of 'Lachem', we demonstrate in a very clear way our joyful acceptance of all we received at Matan Torah.

Furthermore, I would suggest that this is exactly what Rashi is indicating with his comment on this Gemara, "That we also require 'Lachem: that we should rejoice on it (Shavuos) with food and drink in order to demonstrate that on this day – the day the Torah was given – *is comfortable and acceptable* to (Klal) Yisroel". By stressing the words 'comfortable and acceptable', Rashi seems to be aligned with our approach of rectifying the squeamishness and lack of desire to accept the Torah Sh'B'Al Peh.

Perhaps this also explains why there are no Mitzvos specific to Shavuos as we find by Pesach and Succos. One can perform Mitzvos under duress without any desire to fulfill the Mitzvah, as the Gemara (Rosh Hashana 28a) states, one who is forced to eat Matzah on Pesach against his will has nevertheless fulfilled the Mitzvah. On Pesach we commemorate Yitziyas Mitzrayim and on Succos we commemorate the period in which we travelled through the desert. However, in commemoration of Matan Torah at Har Sinai, Hashem wants us to achieve something beyond the fulfillment of an annual Mitzvah. On Shavuos, he wants us to eat, drink and learn Torah as we normally do each day, but do so with an outward display of Simcha that demonstrates our 'comfortable acceptance' of the events of Matan Torah. Even though Torah Sh'B'Al Peh is seemingly infinite and requires tremendous toil and effort for us to acquire, on Shavuos we should commit ourselves to doing so with joy and happiness

I would suggest that this is also the basis for the custom of Tikun Leil Shavuos attributed to the Arizal. Aside from devoting an evening to learning Torah Sh'Bichtav as well as Torah Sh'B'Al Peh, we demonstrate our anticipation and excitement to receive the Torah the next morning via our 'inability to sleep', thus rectifying our past unwillingness at Matan Torah

Furthermore, our approach also explains why Shavuos is called the 'Day of the Giving of the Torah' as opposed the 'Day of Receiving the Torah'. Although the Torah was 'given' to us, our desire to 'receive' the Torah was lacking on that day, and we were unable to 'acquire' the Torah completely as we should have. Thus, on the future festivals of Shavuos commemorating that day, it is our duty each year to receive the Torah anew with joy and happiness. May we merit achieving this objective on Shavuos this year. Amen.