

TALMUD TORAH 3:4

by Rabbi Yitzchak Etshalom

4: If he was faced with the option of performing a[nother] Mitzva or TT; if it was possible for the Mitzva to be performed by someone else, he should not interrupt his study. If not, he should perform this Mitzva and return to his study.

Q1: Stylistic question: R would normally begin a statement like this (exemplifying a previous Halakha) with the *Keitzad* (How so?). Why is it missing here?

YE: One possibility is that he ISN'T exemplifying the previous Halakha, rather introducing a new Halakha. In that case, the previous Halakha should be understood as follows: TT takes precedence over action in every situation (not "in all cases") - meaning, if we need to support one or the other (e.g. financially) or to promote one or the other - TT takes precedence. This is more a public policy statement and one of education than a practical directive.

The other possibility is that it really is an example of the "precedence" mentioned in the previous Halakha; however, since that precedence has many ramifications, only one of which is this *d'hiya* (one overriding the other) - he didn't want to term it as a *Keitzad* - which might narrow the scope of the Halakha. In other words, *Keitzad* is used when a given Halakha has one general application and the *Keitzad* is used to present an example. This Halakha, the precedence of TT over Mitzvot, has many theoretical applications (support, education) along with *d'hiya* - practical precedence. By avoiding the use of *Keitzad*, R leaves open the other applications as possibilities.

Q2: Why does R need to add on that after interrupting for the Mitzva which can be done by no one else, we return to study. Isn't that obvious?

HH: It isn't obvious to me. Many people dedicate their whole lives to action and never return to study.

CN ([Charlotte Nusberg](#)): Perhaps the answer lies in that the allure of action and the sense of power that results from performing an action effectively may become so much more attractive than the act of mere studying that one needs a reminder to return to a less action-oriented realm.

JB: Fundamental in R's "granting" of permission to leave learning is the understanding that it is a brief pause (a hafsaka), not an excuse to stop altogether. In other words, one may not say, "well, the people of Hawaii need more Jews to help out in community projects." It may be a mitzvah, but that's not "worth the trade". What he is condoning is a situation where someone approaches you and says,

"excuse me, my ox fell into a pit." (As a matter of fact, I'm just getting back from an ox raising.) If there is nobody around, a brief stop is no problem. Because when it comes down to it, certain mundane situations have time limits and restrictions. Torah is fluid and does not suffer from a short delay as would our friend the ox. Which ties into the next question... R isn't trying to encourage delinquency in the performing of mitzvot. God gave us mitzvot like Biur Chametz for a reason, symbolic or otherwise. The Torah is filled with mitzvot that we could, hypothetically, push onto other people. I believe that R is really addressing mitzvot that are more utilitarian than ceremonial. The concept of doing it yourself rather than an agent is for the fulfillment of the person doing it. Bringing a korban, for example, can be done by a shaliach (in some cases), but can you imagine the personal "vibes" you'd get from participating?

Q3: Which sort of Mitzvot fall into this category? Does this also imply that, where possible, it is better to appoint an agent (*Shaliach*) to perform a Mitzva for you (as in *Bi'ur Hametz* - cleaning out the Hametz before Pesach), in order to allow you to continue learning? What of the principle (BT Kiddushin 41a) *Mitzva bo yoter mib'shulcho* - (It is a greater fulfillment of the Mitzva when done by the obligated one, as opposed to an agent)?

YE: We can first categorize Mitzvot into two: *Mitzvot Aseh* (Mitzvot of commission) and *Mitzvot Lo Ta'aseh* (Mitzvot of omission). Examples of MA (Mitzvot Aseh) are: Giving Tzedaka, studying Torah, bringing certain offerings to the altar, eating Matza on Pesach night etc. Examples of MLT (Mitzvot Lo Taaseh) are avoiding the mixture of milk and meat, not doing certain kinds of work on Shabbat, avoiding killing people and avoiding forbidden sexual liaisons.

Clearly, R is only referring to MA - no one would suggest that you may kill someone or eat pork just because you are studying - plus, it wouldn't fit the concept - the problem is one of interrupting study in order to commit an act of Mitzva - not to avoid certain things (which are easiest avoided by continuing to learn!)

Within MA, there is another important categorization - *Hovat haGuf* (personal obligation) and those which are not *Hovat haGuf*. For example, Tefillin is a Hovat haGuf - I am obligated to tie the Tefillin onto my own arm etc.; similarly, shaking the Lulav on Sukkot, reading Megilla on Purim etc. The Mitzva in these cases is not just that these actions be done - and not just that I do them - but that I do them and am personally involved in their fulfillment. It is for this reason that I cannot appoint an agent to put on Tefillin - on his arm - for me. Clearly, again, Mitzvot which are Hovat haGuf are not ignored or even delayed due to the study of Torah. No one suggests that we are exempt from Tefillin, eating Matza on Pesach night, shaking Lulav etc. just because we are studying (with the exceptions noted of those few super-devoted students in the times of the Mishna - see BT Shabbat 10a).

An example of a Mitzva which is not a personal obligation is building a parapet around the roof (or, as R delineates in Hilkhhot Rotzeach, Ch.11, fortifying any dangerous area on your property). There is no

reason that I cannot appoint an agent to build that fence around my rooftop etc. (As a matter of fact, this Mitzva is probably fulfilled in the most ideal way when done by a professional). There is no obligation for me to personally be involved in the building - rather, it is my obligation TO MAKE SURE THAT IT IS DONE. This is quite distinct from the *Hovat haGuf* mentioned earlier. Another example is *Kibbud Av va'Em* - honoring parents. If father asks me to get a glass of water, and I am able to send the waiter, or my own daughter to bring it to him, this is a full accomplishment of the Mitzva. Agency works here, because the main concern is that the goal (protecting the roof, taking care of father and mother's needs) is accomplished. This is, by the way, probably true about most Mitzvot which are interpersonal *Bein Adam laHavero* - the main concern is not that I help the older lady across the street, but that she make it safely.

These are the Mitzvot about which R is likely applying the rule of "If it can be done without your interrupting your study, that's ideal..."

Now, the principle of *Mitzva bo Yoter mib'Shlucho* - it is a greater Mitzva when done by the obligated one than by an agent - specifically applies to these Mitzvot - the ones which could be done by an agent. It seems that R's whole point here is that this "advantage" of fulfilling a Mitzva on your own as opposed to using an agent - is lost when it comes at the cost of TT. Otherwise, this entire Halakha becomes impractical. Since the only situation where R could possibly be suggesting that you should keep studying and let someone else do the Mitzva is those which can be done by another - obviously he prefers study to the "plus" of personal involvement in those Mitzvot.

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