

וישכב יחזקיהו עם אבתיו. ויקברוהו במעלה קברי בני דוד, וכבוד עשו לו במותו כל יהודה וישבי ירושלים. וימלך מנשה בנו תחתיו (דברי הימים ב:לב:לג)

Chizkyah rested with his ancestors. They buried him in the high section reserved for the Sons of David. He was honored in death by all Judah and all the residents of Jerusalem. His son Menasheh reigned in his stead.

"וכבוד עשו לו במותו" - מלמד שהושיבו ישיבה על קברו.

פליגי בה ר' נתן ורבנן - חד אמר שלשה, וחד אמר שבעה, ואמרי לה שלשים. (בבא קמא טז: - יז.)

"He was honored in death" – this teaches that they established an academy at his gravesite.

Regarding this R. Natan and the Rabbis disagreed – one said for three days, and one said for seven, and some say for thirty.

ת"ר: בשעת פטירתו של רבי, אמר: "לבני אני צריך." נכנסו בניו אצלו.

אמר להם: "הזהרו בכבוד אמכם; נר יהא דלוק במקומו, שולחן יהא ערוך במקומו, מטה תהא מוצעת במקומה. יוסף חפני, שמעון אפרתי - הם שמשוני בחיי והם ישמשוני במותי" . . .

אמר להן: "לחכמי ישראל אני צריך." נכנסו אצלו חכמי ישראל.

אמר להן: "אל תספדוני בעיירות, והושיבו ישיבה לאחר שלשים יום. שמעון בני חכם, גמליאל בני נשיא, חנינא בר חמא ישב בראש."

"אל תספדוני בעיירות" - סבור מינה משום טרחא הוא דקאמר. כיון דחזי דקספדי בכרכים וקאתו

כולי עלמא, אמרו: שמע מינה, משום יקרא הוא דקאמר.

"הושיבו ישיבה לאחר שלשים יום" - דלא עדיפנא ממשה רבינו, דכתיב "ויבכו בני ישראל את

משה בערבות מואב שלשים יום [ויתמו ימי בכי אבל משה]" (דברים לד:ח)

תלתין יומין ספדין ביממא וליליאך מכאן ואילך ספדו ביממא וגרסי בליליא או ספדו

בליליא וגרסי ביממא, עד דספדי תריסר ירחי שתא. (כתובות קג. - קג:)

On his deathbed, Rebbe said: "I need my sons". They came in to him.

Hi said to them: "Be very careful of your mother's honor; let the candle stay lit as it has been, the table be set as it has been, the bed made as it has been. Yosef Chafni and Shimon Efrati – they served me in life and will serve me in death" . . .

He said to them: "I need the Sages of Israel". They came in to him.

He said to them: "Do not eulogize me in the towns, and resume the academies after thirty days. My son Shimon will be chakham, my son Gamliel will be Prince, Chanina bar Chama will sit at the head."

"Do not eulogize me in the towns" – they thought this was so as not to trouble people. When they saw the eulogies in the cities, and that all the townspeople were attending them, they said: We understand now that he said this because it led to greater honor.

"Resume the academies after thirty days" – because I am preferable to Moses, about whom it is written "And the Children of Israel cried over Moses for thirty days in the Plains of Moav [and the days of crying and mourning Moses ended]" .

For thirty days they eulogized him day and night. Thereafter they eulogized him during the day and learned Torah at night, until they had eulogized him for twelve months.

When King Chizkiyah of Judah died, the community of Israel mourned him by establishing a yeshivah at his gravesite. Increasing Talmud Torah was the greatest means of honoring the dead (כבוד) they could imagine. Yet when Rabbi Yehudah the Nassi died, the community of Israel honored him in contradictory fashion; they closed the yeshivot for thirty days. Which is the ideal כבוד המת, Talmud Torah or foregoing Talmud Torah (ביטול תלמוד תורה)?

I think that our practice (מנהג) of studying the complete Mishnah during the thirty days following burial (שלשים) is a compromise (פשרה). The Mishnah-study commitment distracts us from our regular learning routine (סדרים), and thus detracts from the intensity of our Talmud Torah and certainly from our joy in Talmud Torah (שמחת תלמוד תורה). At the same time we learn the Mishnah at odd moments of the day that would otherwise have gone to waste, thus increasing our Talmud Torah.

But it is not, in general, an emotionally satisfying compromise; it lacks both the soul-affliction (עיניו נפש) of true ביטול and the satisfaction of ideal Talmud. For the שלשים of my grandfather, R. Shlomo Klapper of blessed memory, though, both שמחת תלמוד תורה and the עיניו נפש caused by ביטול תלמוד תורה were necessary elements of כבוד המת, as I hope will be clear at the end of this shiur.

R. Meir Shapiro, the Lubliner Rav and my grandfather's beloved Rebbe, asked the following question at a festive meal celebrating the completion of the study of the Mishnah (סיום משניות). He noted that the Talmudic Sages appended to the Mishnah tractate Ethics of our Fathers (פרקי אבות) a chapter in praise of Talmud Torah ending with the words "ברוך שבחר בהם ובמשנתם" – "Blessed be He Who chose them and their mishnah" – when this summary sentence should appear after tractate Uktzin, at the end of the Mishnah. Only after finishing the Mishnah should one be able to say with full confidence "ברוך שבחר בהם ובמשנתם". He answered that the phrase "בהם ובמשנתם" emphasizes

the integral connection in Torah between personality and teaching – in Torah we should grant no authority to one who says “Do as I say, not as I do”. This connection is emphasized in **פרקי אבות**, which contains the Torah teachings (**דברי תורה**) of the Mishnaic Rabbis (**תנאים**) that epitomized their personalities. Thus the Talmudic Sages chose to place “**ברוך שבחר וכו**” after **פרקי אבות**. This shiur is designed to express through Torah some aspects of my grandfather’s personality.

The Lubliner based his insight on a dialogue found in the Tosefta (Yevamot 8:7; also Breishis Rabbah 34 and Talmud Yevamot 63b):

תניא: רבי אליעזר אומר: כל מי שאין עוסק בפריה ורביה - כאילו שופך דמים, שנאמר "שופך דם האדם - באדם דמו ישפך", וכתוב בתורה "ואתם פרו ורבו" (בראשית ט:ו-ז). רבי יעקב אומר: כאילו ממעט הדמות, שנאמר "כי בצלם אלהים עשה את האדם", וכתוב בתורה "ואתם פרו וגו'".
בן עזאי אומר: כאילו שופך דמים וממעט הדמות, שנאמר "ואתם פרו ורבו".
אמרו לו לכן עזאי: יש נאה דורש ונאה מקיים, נאה מקיים ואין נאה דורש, ואתה נאה דורש ואין נאה מקיים!
אמר להן בן עזאי: ומה אעשה, שנפשי חשקה בתורה? אפשר לעולם שיתקיים על ידי אחרים.

A non-Mishnaic Tannaitic text (**ברייתא**): Rabbi Eliezer says: Anyone who does not engage in procreation – it is as if he sheds blood, as it says “Who sheds the blood of a human – by a human will his blood be shed”, followed immediately by “and you – be fruitful and multiply!”.

Rabbi Yaakov says: It is as if he diminishes the Representation, as it says “because He made humanity in the image of the Lord”, followed immediately by “and you – be fruitful and multiply!”.

The **ברייתא** lists a number of supplementary homilies (**דרשות**) on the importance of the commandment to procreate (**מצות פרו ורבו**). The last of these is offered by Ben Azzai. The other Rabbis (in some versions, R. Elazar ben Azariah) question Ben Azzai’s seeming hypocrisy, for Ben Azzai himself, as we know from elsewhere in the Talmud never had marital relations (Sotah 4a; note that one possibility cited there is that he was married but separated before having children). Ben Azzai’s reply is “What can I do, as my soul yearns for the Torah? The world can be built by others.”

In analyzing Ben Azzai’s statement, we must first note Kiddushin 29b, which states that if one who feels marriage will distract from learning is allowed to delay marriage.

ת"ר: ללמוד תורה ולישא אשה - ילמוד תורה ואח"כ ישא אשה, ואם א"א לו בלא אשה - ישא אשה ואח"כ ילמוד תורה.
אמר רב יהודה אמר שמואל: הלכה נושא אשה ואח"כ ילמוד תורה.
ר' יוחנן אמר: ריחיים בצוארו ויעסוק בתורה?
ולא פליגי: הא לן, והא להו.

The Rabbis taught a **ברייתא**: Learning Torah and marrying – let him learn Torah and marry afterward. But if he cannot remain unmarried – let him marry and afterward learn Torah.

Said R. Yehudah said Shmuel: The law is that one marries and afterward learns Torah.

R. Yochanan asked: With a millstone around his neck he will learn Torah?!

But they are not arguing: R. Yehudah is ruling for residents of Babylon, R. Yochanan for residents of Israel.

Ben Azzai’s self-justification seems to be a logical extension of that halakhah; if one never reaches a spiritual condition (**מדריגה**) at which marriage will not interfere with learning, then one need never marry.

However, Rambam’s citation of Ben Azzai in Hilkhot Ishut 15:2-3 seems to understand him differently.

האיש מצווה על פריה ורביה אבל לא האשה.
ומאימתי האיש נתחייב במצוה זו? מן שבע עשרה.
וכיון שעברו עשרים שנה ולא נשא אשה, הרי זה עובר ומבטל מצות עשה.
ואם היה עוסק בתורה וטרוד בה, והיה מתירא מלישא אשה כדי שלא יטרח במזונות ויבטל מן התורה, הרי זה מותר להתאחר, שהעוסק במצוה פטור מן המצוה וכל שכן בתלמוד תורה.

מי שחשקה נפשו בתורה תמיד ושגה בה כבן עזאי ונדבק בה כל ימיו ולא נשא אשה, אין בידו עון - והוא שלא יהיה יצרו מתגבר עליו, אבל אם היה יצרו מתגבר עליו חייב לישא אשה, ואפילו היו לו בנים, שמא יבוא לידי הרהור.

Men are commanded to procreate, not so women.

From when does a man become obligated to fulfill this commandment? From age 17

If he has lived twenty years without marrying, he is in violation of and foregoing a positive commandment.

If he was involved in and absorbed by Torah, and feared to marry lest he have to expend effort earning a livelihood and thus forego Torah, it is permitted for him to delay marriage, for a person involved in one commandment is exempt from another - all the more so if the first commandment is Talmud Torah.

One whose soul yearns for Torah and is continually immersed in it like Ben Azzai, so that he cleave to Torah all his days and never marries, has no sin on his hands – so long as his desire does not overcome him, but if his desire overcomes him, he must marry, even if he already has children, lest he come to have improper thoughts.

Almost every element of Rambam's presentation of Ben Azzai is difficult to sustain.

- 1) Rambam says that one can delay marriage because "One involved in performing a commandment is exempt from other commandments" (**העוסק במצוה פטור מן המצוה**). But Rambam himself, on the basis of several explicit Talmudic statements, rules in Hilkhhot Talmud Torah 3:3-4 that

אין לך מצוה בכל המצות כולן שהיא שקולה כנגד תלמוד תורה, אלא תלמוד תורה כנגד כל המצות כולן, שהתלמוד מביא לידי מעשה. לפיכך התלמוד קודם למעשה בכל מקום. היה לפניו עשיית מצוה ותלמוד תורה - אם אפשר למצוה להעשות ע"י אחרים, לא יפסיק תלמודו, ואם לאו, יעשה המצוה ויחזור לתלמודו.

There is no commandment equal to Talmud Torah, for Talmud Torah equals the other commandments combined. Therefore learning always takes precedence over acting.

If he before him a commanded action and Talmud Torah – if the commanded action can be done by others, he should not interrupt his learning, but if it can't be, he should perform the action and return to his study.

We see here explicitly that involvement in Talmud Torah is not an exemption from commandments that require personal physical performance (**מצוות שבגופו**), a category that includes procreation!

- 2) Rambam changes the standard of dedication necessary for exemption when he moves from discussing pushing off commandments (**דיחוי**) to discussing never doing them. For **דיחוי** one needs only be involved in and absorbed by Torah, but for never-doing one needs to be constantly yearning for and immersed in Torah. Why, if the second halakhah is just a logical extension of the other?
- 3) Rambam omits Ben Azzai's self-justification that "the world can be built by others". Indeed, Rambam does not say that Ben Azzai was justified, merely that he wasn't culpable – "there is no sin in his hands".

The best answer I know of to the first question is given by R. Aharon Lichtenstein Shlita (in the anthology **K'vod Harav**). His answer builds on an approach developed by R. Elchanan Wasserman (in **Kovetz Hearot**). R. Lichtenstein argues that **מצוות שבגופו** supersede Talmud Torah not because they are more important – indeed, Rambam himself says explicitly in that same halakhah that "there is no commandment among the commandments as great as Talmud Torah; rather, Talmud Torah is equal to all other commandments combined"! Rather, they do so because Talmud Torah must be done **על מנת לעשות** (with intent to perform), meaning that if one doesn't perform the commandments obligatory upon oneself, one's Torah is diminished. However, this is only if one irrevocably turns down the opportunity to perform a commandment. So long as one merely delays the performance, but the opportunity still exists, one is not "making a statement" that one's Torah is not **על מנת לעשות**.

Thus the exemption **העוסק במצוה פטור מן המצוה** does not apply to Ben Azzai, who completely forewent the commandment of **ורביה**. But if so, what in fact was his exemption?

R. Wasserman, building perhaps on the raised standard noted earlier, says that Ben Azzai did not choose not to marry – his **חשק התורה** was so strong that he was psychologically incapable of marrying. He was considered **אנוס**, compelled (on this topic generally see my *Crimes of Passion in Jewish Law* at summerbeitmidrash.org). But his behavior was not ideal – his Torah lacked the element of intent to perform.

The highest **מדריגה** is tempered **חשק התורה** (yearning for Torah), a **חשק התורה** that which does not render one incapable of dealing with relationships **בעולם הזה** (in this world). My

grandfather epitomized that – while one knew that he spent every moment pining for learning, he nonetheless was capable of viewing time spent with his family not as **ביטול תורה** but rather as an essential element of Talmud Torah. And as a result, Talmud Torah is a necessary and appropriate expression of **כבוד** for him.

To illustrate the second theme of this derashah I'll use a beautiful insight offered by Rav Yoef Dov Soloveitchik zt"l in his collection of shiurim in memory of his father, R. Moshe Soloveitchik (**שיעורים לזכר אבא מרי ז"ל** vol.1).

A kohen (**כהן**) may not become **טמא מת** (acquire ritual impurity derived from a corpse), with two exceptions: He may become **טמא** to one of the “seven relatives” (wife, son, daughter, brother, unmarried sister, father, mother). or to a **מת מצוה**, one who has no one relatives obligated in burial. The Rav lists a long series of anomalies in Rambam's treatment (insert source) of these two exceptions, among them the following three:

- 1) With regard to relatives, Rambam writes that the prohibition is merely **דחוייה** (pushed aside, superseded), not **הותרה** (vacated, formally declared inapplicable). Therefore, a kohen who becomes **טמא מת** to a relative is still forbidden to become **טמא מת** to any other corpse, even during the burial process (**הלכות אבל ב:טו**). However, a kohen burying a **מת מצוה** may acquire ritual impurity from any source if this is required for the burial (**סברת עצמו על פי הלכות אבל ג:ח**).
- 2) A kohen is obligated to become **טמא מת** to the corpse of a relative even if doing so is not necessary for the burial (**עין אבל ב:ו**). There is no obligation, and indeed no permission, for a kohen to become **טמא** unnecessarily while arranging the burial of a **מת מצוה ג:ח** (**עין הלכות אבלות ג:ח**).
- 3) A kohen may not become **טמא מת** to the corpse of a relative who was executed by a Beit Din (**הלכות אבלות ב:ב**). However, if the executee is a **מת מצוה**, a kohen may become **טמא מת** if doing so is necessary for the burial.

The Rav explained away all these differences with a single **יסוד** (fundamental idea): Regarding **מת מצוה**, the source of the permission to become **טמא מת** is the obligation of burial, whereas regarding relatives the source of the permission is the obligation to mourn (**חיוב אבלות**). Why are mourning and **טומאה** related for kohens? Because kohens who become **טמא** are ineligible to perform the Temple ritual, and the inability to perform commandments is a source of deep sadness.

Thus a kohen may not acquire ritual impurity from the corpse of an executed relative, because it is forbidden to mourn those executed (**עין הלכות סנהדרין יג:ו: הרוגי בית דין אין מתאבלין עליהן**). Thus we compel the kohen to become **טמא מת** to relatives even when this is not necessary for burial, but don't allow any ancillary ritual impurity. Finally, the prohibition against acquiring ritual impurity is **דחוייה** regarding relatives, and not **הותרה**, because if it were **הותרה**, if there were no element of **ביטול מצוה** involved, there would be no fulfillment of the commandment to mourn (**קיום מצות אבלות**).

At the end of his life, my grandfather exemplified this **יסוד** of R. Soloveitchik. I remember how, when as the result of multiple strokes he could no longer learn Talmud, he would regularly break into tears at the memory of learning, at the frustration of not being able to learn. As the Rav taught, **מצוה** at not being able to do a **מצוה** is also a **מצוה**.

I began by saying that our **פשרה** of being **מבטל** our regular learning routine to learn Mishnah was particularly appropriate in my grandfather's memory, and I hope that my meaning is now clear. Talmud Torah commemorated his **חשקת התורה** in his vigor. **ביטול תורה** commemorated the **אבלות** of the last years of his life.

יהי זכרו ברוך, וזכותו יגן עלינו.

May his memory be a blessing, and his merit protect us.