

**YESHIVAT HAR ETZION  
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**TALMUDIC METHODOLOGY**

By: Rav Moshe Taragin

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"Beloved and pleasant in their lives, and in death they were not separated..."

Dedicated in memory of Yaron and Efrat Unger z"l, who lost their lives this week in a terrorist attack.

We join in the sorrow of the Unger and Dasberg families and pray for the welfare of their two young children, Dvir and Yishai.

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**MECHILAT KAVOD**

The gemara in Kiddushin (30b-32b) discusses various individuals who are deserving of our kavod (respect, honor). The list includes parents, rebbeim, the nasi, and the king. In general, kavod must be furnished even when it is not outright requested. There exists, however, the possibility of mechila, by which the deserved recipient waives his rights to kavod. The gemara (32a) affirms that according to all positions a parent can surrender his or her right. Regarding a rebbi, however, the gemara presents a machloket between R. Chisda who contends that a rebbi may not relinquish his rights and R. Yosef who asserts that he may. At this stage, R. Yosef's position is clearly the logical one since he equates parents and rebbi with each possessing the ability to be mochel. We will thus begin by examining the less obvious position - that of R. Chisda who differentiates between rebbi and parent. If a parent can be mochel why cannot a rebbi?

At this stage, the gemara introduces Rava who interprets the machloket and provides a rationale for R. Chisda. Though we witness Hashem Himself (the ultimate Rebbi and more) being mochel on His kavod by traveling in front of the Jewish camp through the desert, we cannot extrapolate from Him to a rebbi. Hashem can be mochel because it is truly His kavod. A rebbi, however, isn't being honored for personal reasons, but rather for the Torah which he teaches - a Torah which is God's and which he merely transmits. Since he is merely the RECIPIENT and not the POSSESSOR or PRIME CAUSE of the kavod he does not have the option of being mochel. Rava has in this manner provided us with a logic to support R. Chisda which, intuitively, was the less apparent position. In the wake of Rava's explanations arises the reverse question. If indeed the rebbi isn't the prime cause of kavod and is merely an agent who conveys Hashem's Torah, how then can R. Yosef allow mechila?

Theoretically, the key to R. Yosef lies in rejecting either of the assumptions latent in Rava's explanation. In defining R. Chisda, Rava assumed that:

- 1) a rebbi, since he does not own the Torah, cannot be viewed as the prime cause of kavod but merely its recipient, and
- 2) in order to be mochel kavod, one must be defined as the possessor or prime cause of kavod.

Rava himself proceeds to offer an explanation for R. Yosef which rejects his first assumption. Though in many respects we acknowledge Torah as belonging to Hashem, we also endeavor to personalize it as our own. Each individual brings to Torah his own style, intuition, and inspiration (see afterword). Seen in this light, the Torah actually belongs to the rebbi and he deserves his own kavod for its transmission. Therefore, as the possessor and prime cause of kavod it is within his rights to be mochel.

It is, however, possible to suggest an alternative reading of R. Yosef. [It is crucial to note that neither R. Yosef nor R. Chisda amplifies the reason behind his respective position; they merely state their views. Rava offers his own independent reading and elaborates their underlying logic. Recognizing the discreteness of these two "layers" affords us the opportunity to suggest our own analysis of the machloket.] Thus, we might accept that the rebbi is not the possessor of kavod and still believe that he has the right to be mochel.

Such a suggestion demands a closer look at the mechanics of mechila. To be sure, if mechila entails cancellation of the student's "chiyuv," (obligation) it might only be executed by the individual to whom the chiyuv is owed. However, there might be an alternate manner in which to understand mechila. If a parent doesn't enjoy broccoli (an example only), offering a plateful would certainly not constitute kavod. The parent could refuse it without abolishing the child's responsibility. The parent is merely determining the manner and fashion in which the chiyuv will express itself. In the same vein, if a rebbi forgoes his students' standing up for him, he isn't canceling their chiyuv but altering the manner in which it may be expressed. This formulation can take various forms, such as: he is declaring that standing up is not considered kavod in his eyes; or he is not requesting kavod at this juncture and kavod must be furnished only upon request, actual or assumed; or he considers it as if the kavod has already been bestowed (note the parallel to mechilat chov (debt forgiveness) in which the malveh (lender) can consider the loan already repaid through his mechila). Either way you state it (and there might be subtle differences), the chiyuv isn't being CANCELED but merely QUALIFIED in terms of the manner and time of expression. The important factor is that such qualification can be effected by the rebbi. Even though he does not possess the principal chiyuv, he nonetheless is the human recipient of kavod (indeed as a representative of Hashem) and our kavod to him must reflect his subjective human likes and dislikes. The question as to whether one who is not the primary source of a chiyuv can be mochel that chiyuv is at its root a question of how to understand the mechanism of mechilat kavod.

#### SUMMARY:

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The inability of a rebbi to be mochel kavod according to R. Chisda, is based upon the fact that he merely receives kavod that ultimately belongs to Hashem; hence he cannot waive the chiyuv. R. Yosef, who allows mechila either disputes the issue of whether the Rebbi owns his Torah and hence his kavod, or alternatively he redefines mechila to justify the fact the recipient can be mochel. At this stage, then, two distinct versions of mechilat kavod emerge:

- 1) cancellation of the chiyuv
- 2) redefinition/qualification of the manner in which it is to be expressed.

The continuation of the gemara provides us with a possible *nafka mina* (practical difference) between these two options. The gemara relates two episodes in which Chazal were *mochel* their *kavod* by serving as waiters during a festive gathering. In each case, however, the respective Chazal were displeased that their *talmidim* who were attending did not rise when they entered. The gemara wonders what obligation the *talmidim* were neglecting if their *rebbeim* had already been *mochel* (by dint of their waiting on their students). The gemara replies that despite the yielding of their *kavod* the students were still obligated to give "*hiddur*" (which Rashi interprets as "nodding of the head or moving of the body, signaling the intention of standing"). Essentially the gemara suggests that even post-mechila there remains a residual *chiyuv* upon the student to acknowledge his *rebbei's* entry by nodding or stirring. If indeed *mechila* has abolished the pupil's *chiyuv* entirely, one would not expect any remaining obligation. Alternatively, if *mechila* has not affected the integral *chiyuv* but has merely modified the manner of its expression one can explain as follows: Most displays of *kavod* are subjective and subject to the whims of the recipient; *mechila* can qualify the appropriateness of the display. There are however some forms of behavior which are such basic and universal demonstrations of honor that they are above the personal wishes of the recipient. These must be conferred in all contexts. An individual *rebbei* can determine that having *talmidim* stand fully erect for him isn't *kavod* or that he doesn't desire such honor presently. However, basic acknowledgment that a *rebbei* has entered is an objective show of *kavod* independent of the *rebbei's* particular feelings. Even if *mechila* has been granted, certain minimal forms are still obligatory.

At this stage let us turn our attention to a familiar analytic pattern: if a *halakha* is either "A" or "B" it can also take the form of "A and B, depending upon the context." The pressure to devise an alternate track of *mechila* stemmed from the *machloket* regarding a *rebbei* and the notion that quite possibly the *rebbei* isn't receiving *kavod* which is his but rather accepting *kavod* as a mere representative. In the case of parents such issues were never considered - presumably because they personally deserve credit and honor for their efforts at raising children and, as the possessors of the *kavod*, can engage in outright cancellation of the *chiyuv*. This might generate the following situation: Even according to R. Yosef who maintains that a *rebbei* can be *mochel*, his *mechila* might operate differently from the *mechila* of a parent. The parents' *mechila* might be an outright repeal of the child's *chiyuv*, whereas the *rebbei*, unable to nullify a *chiyuv* which isn't directly his, may only redefine and qualify how the *talmid* should express that *chiyuv*.

If indeed there truly are different forms of *mechila* we might expect a *halakhic* difference as well. For this possibility we return to our previous example of *hiddur*. We mentioned that the existence of a residual *chiyuv* of *hiddur* post-*mechila* indicates a *mechila* not of cancellation but qualification. What about a parent who is *mochel*? Does the child still retain a *chiyuv* of *hiddur*? The *Ritva* (*ad locum*) equates all cases and concludes that any figure who waives his *kavod* must still be honored in this nominal fashion. From the *Rambam*, however, the signals are much different. In *Hilkhos Talmud*

Torah 5:11) he writes of a rebbi's mechila and mentions the residual chiyuv of hiddur. Yet in Hilkhhot Mamrim 6:8 when he describes the parental mechila, he fails to mention the lingering chiyuv of hiddur. The same discrepancy is present in the Shulchan Arukh. Evidently the Rambam discriminated between mechilat ha-rav which by nature isn't cancellation but only qualification and leaves in its wake a chiyuv of hiddur, and mechilat av ve-eim which actually cancels the chiyuv leaving no need for hiddur. Here we have an instance of "sometimes A and sometimes B."

### Methodological Points

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A. Notice again the need to isolate the multiple assumptions behind a position. The opposing view is explained by debating any of the assumptions.

B. Carefully discriminate between different layers of the talmudic text. Here, the principal machloket carried no explanation with it. Rava furnished his own explanation. We are therefore free to suggest an alternative (especially if it is substantiated by the continuation of the gemara).

C. Whenever a halakha applies in several cases but not equally, search for two dimensions/tracks of the halakha. In this case according to the Rambam, mechila (according to R. Yosef) applies to both parents and rebbeim - unequally. In the case of rebbi, hiddur is still obligatory, while in the case of a parent it isn't. Possibly this ONE halakha of mechila contains TWO strands - one for parents and one for rebbi; hence the discrepancy.

### General points of interest

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A. The gemara's discussion as to whether it is our Torah or Hashem's is a critical theological/religious dilemma. As in all such cases, there is greater religious meaning in the sustainment of the dilemma than in its solution (See R. Soloveitchik zt"l's Halakhic Man). On the one hand, we must recognize that it is Hashem's Torah which we are privileged to partake of. The Rav zt"l likened birkhat ha-torah to birkhat ha-nehenin; in either case we are "matir," acquiring permission to partake of something which isn't ours. We must appreciate the infinity of Torah as the closest approximation of the essence of Kudsha Berikh Hu (Hakadosh Barukh Hu ve-orayta chad hu - See Likutei Tanya chapter 4). "Ki im BETORAT HASHEM cheftzo!" On the other hand, our quest in life is to master and conquer Torah and make it truly ours, bearing our own imprint and possessing the special quality of our own personality. "U-VETORATO yehegeh yomam va-laila." Neither reality must negate its counterbalance.

B. Notice the Rambam who requires that a parent not only be mochel on his kavod but also be mit'alem - to occasionally look aside. What is the difference between the two? If a parent makes a big deal about his kavod and his munificence in being mochel is that

just as uncomfortable for his child as if he weren't mochel? How does it compare to looking the other way and being quietly unobtrusive?

C. The entire premise of the shiur assumes that the principal purpose of kavod is to bestow honor upon the recipient - for the prestige of that recipient. Surely mechila in this light is reasonable. There exists a second dimension to kavod - the reflexive aspect. Part of our own spiritual and moral development demands that we condition ourselves to honor those to whom we feel gratitude or those who epitomize Torah. Quite independent of their needs, it remains a personal exigency; it also habituates us in the respect of Hashem. This sheds new light on mechila in general and on the residual chiyuv of hiddur in particular. In general this slant is somewhat foreign to our generation which was raised in an environment which scoffed at, and ridiculed authority. Certainly most of the political and social authorities we have been exposed to often deserve our disdain, but we must preserve our ability to revere the authorities which halakha recognizes - again if not for their sake, for our own.

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