

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

By: Rav Moshe Taragin

This shiur is dedicated in loving memory of my grandfather - Harav Shmuel Tzvi Halevi Vitsick zt"l whose first yahrzeit is 14 Kislev. For upwards of 50 years he served as a Rov in Baltimore, USA, and he dedicated his entire life to talmud Torah and tzorchei tzibbur. In addition, he founded a Yeshiva in Yerushalayim in memory of his wife's grandfather Harav Hagaon Rav Zelig Reuven Bengis - the former Av Beis Din of the Eidah Hacharedis in Yerushalayim. My zeidey continually inspired me with his ahavas Torah and his unending hasmadah, while his lifestyle reflected the princely dignity which Torah conveys. Zecher tzaddik v'kadosh livracha.

SHIUR #8: HONORING A GRANDPARENT

The pasuk describes Yaakov's journey to Mitzrayim upon discovering that Yosef was alive. Prior to descending, Yaakov sojourns at Be'er Sheva and offers sacrifices to "the God of his father, Yitzchak." From the fact that he did not sacrifice "to the God of his grandfather, Avraham," the Midrash (cited by Rashi) induces that a person has a greater responsibility to honor his father than to honor his grandfather. The implication of this Midrash is, of course, that a person must also honor his grandfather, though not to the same degree as his father. This in fact is the pesak of the Rema in Yoreh De'ah (240:24).

Despite the Midrash and the resulting pesak of the Rema, several Poskim denied this obligation of kavod zekeino (honoring a grandfather). Most prominent amongst these poskim was the Maharik (siman 44), who ruled against the existence of an actual mitzva. In truth, despite the Midrash, there are two gemarot which imply that in fact no mitzva exists.

The gemara in Makkot (12a) discusses the obligation/ability of the relative of a person who was negligently murdered to avenge his death - the halakha of

go'el hadam. The gemara rules that a child may not serve as a go'el hadam 'against' his father (for the accidental murder of his brother) but may serve against his grandfather (due to the accidental murder of his father). Rashi himself (s.v. hakhi garsinan) writes, "A person is not commanded to honor his grandparent." This gemara, then, seems to clearly suggest the absence of a chiyuv of kavod zekeino!! What is troubling is the acquiescence of Rashi to this position. Didn't he himself (in his commentary to the Torah) cite the Midrash which implies an obligation of kavod zekeino??

Apparently, there are extenuating circumstances, such as in the situation described in Makkot, which eliminate the mitzva. Though in general Rashi asserts the presence of a mitzva, under the conditions of Makkot (12) this mitzva is canceled. In some fashion, the death of the father (by the hands of the grandfather) suspends the mitzva of kavod zekeino. One approach is to view the mitzva of kavod zekeino as an extension of the mitzva of kibud av ve-eim. Part of my obligation to honor parents is to honor their parents (whom they themselves must honor). In this respect, we might view this mitzva as structurally similar to the mitzva to honor a step-mother. Though I possess no personal relationship with her, I am commanded to honor her insofar as she is my father's wife. We might lodge the same claim regarding kavod zekeino: it must be seen as an extension of kibud av ve-eim proper. If so, then the mitzva would cease once the parent dies. No longer obligated to honor the deceased parent, I cannot be commanded by extension to honor a grandparent. In Makkot, once the father has been killed (by anyone, and certainly by the grandfather himself), the mitzva of kavod zekeino is terminated.

This position is premised on the notion that the mitzva of kibud av ve-eim does not continue after a parent's death; hence, neither can the extension of this mitzva - honoring a grandparent. The gemara in Kiddushin (31b), however, implies that kibud av ve-eim exists even after the death of a parent. The gemara obligates referring to a deceased parent in certain respectful terms ("hareini kapparat mishkavo"), seemingly extending the mitzva even posthumously. If so, then supposedly the mitzva of honoring a grandparent would continue despite the death of the parent. We would then be forced to search for a different solution to Makkot.

A different approach would suggest that since the grandparent negligently killed the parent, the child must serve as *go'el hadam* 'against' the grandparent as part of his obligation to honor his parent. Serving as *go'el hadam* is part of one's obligation of *kibbud av ve-eim* (especially if this mitzva continues after death). The original Midrash already established that *kibud av* is more important than *kavod zekeino* and in this case would therefore override the latter mitzva. In this instance, the son must honor his deceased parent by taking revenge from the grandparent, thereby prioritizing *kibud av* above *kavod zekeino*. Under normal circumstances, in the absence of this conflict, a person is certainly responsible to honor a grandparent.

A second gemara which seems to support the Maharik is located in the gemara in Sota (49a). Rabbi Acha bar Yaakov raised his daughter's son, Rabbi Yaakov. When he asked him for a glass of water the grandchild responded, "I am not your child" – and presumably am not obligated to serve you. In this instance, as well, Rashi (s.v. bar) writes, "I do not have to honor you as a son," again implicating Rashi as someone who denies a mitzva to honor a grandparent.

Possibly, we might deflect this proof by distinguishing between a paternal grandparent and a maternal one. Yaakov Avinu may have been was obligated to honor his grandfather, Avraham – his father's of his father. Rabbi Yaakov, however (in Sota), was not obligated to honor Rabbi Acha – his mother's father.

This distinction may be further explained in several ways. The Gr'a in Shulchan Arukh (240) cites a Midrash in Bereishit Rabba (94:6) which appears to draw a genetic distinction: your sons' children are considered your children, whereas your daughters' children are not considered your children. Though the Midrash does not attach any halakhic implications to this difference (but merely invokes it to explain a pasuk in Vayigash), the Vilna Gaon sensed that it could be applied to the mitzva of *kavod zekeino*. From a purely 'formal' standpoint, children of daughters do not carry the title of children the same way that children of sons do.

A different strategy for this difference may be drawn from a gemara in Kiddushin (30b) which excuses married women from *kibud av ve-eim*. If a

mother is legally excused from the mitzva, consequently her children would also be excused from honoring her parent, especially if we view the mitzva of kavod zekeino as an extension of the mitzva to honor parents. I must honor a grandparent only if my parent is obligated to honor them. Once the parent's obligation ceases, mine is canceled, as well.

This position is also premised upon a disputable claim - that indeed a married woman is excused from honoring a parent. An alternate way to read the gemara in Kiddushin is that a married woman still possesses her legal obligation but must practically defer to the wishes of her husband, to whom her primary obligation currently exists. In fact, the Shakh (Yoreh De'ah 240:19) asserts that if the husband allows, the wife must continue to honor and serve the needs of a parent. A married woman was never fundamentally exonerated from the mitzva of honoring her parents. Halakha merely decided that in cases of conflict between kibud av ve-eim and marriage, the latter should be prioritized. Even while married, a woman still possesses the mitzva to honor a parent, and presumably this mitzva generates - by extension - a mitzva upon her children to honor her parents. As the children are not married, they are fully able to execute the mitzva of honoring grandparent. From this standpoint, it would be difficult to distinguish between a father's parent and a mother's parent. Even though the mother cannot practically serve her parent's needs, her child would still be obligated to do so.

Yet a third solution to the gemara in Sota might be based on a gemara in Kiddushin (30a) which obligates a person to teach Torah not only to his children, but to his grandchildren, as well. This obligation is based on the pasuk in Parashat Vaetchanan, "Ve-hodatam livanekha ve-livnei vanekha." In fact, many poskim (see the Kessef Mishna, Talmud Torah 1:2 and the Shakh, Yoreh De'ah 245:1) rule that a grandfather who is unable to personally teach his grandchild must hire a teacher in the same manner that he must hire a teacher for his own child. Is the mitzva of honoring a grandparent in any way related to the mitzva for a grandparent to teach his grandchild Torah? Are the two obligations reciprocal? If they are, we would perhaps excuse the child of a daughter from honoring the grandparent, since a maternal grandparent is excused from teaching his daughter's child Torah. Presumably, just as a person is not obligated to teach Torah to his daughters, he is not obligated to teach his

daughter's children. If he is excused from teaching them Torah, they might be excused from honoring him.

Conceivably, this answer, as well, might be refuted by questioning its basic assumption – that a grandfather is excused from teaching Torah to his daughter's children. By severing the mitzva of teaching grandchildren from the mitzva to teach children, we might excuse the grandfather from teaching a daughter but obligate him to teach her son.

In fact, the aforementioned Shakh explores the possibility that a grandfather might be obligated to hire a teacher for his daughter's son, even though he is not obligated as far as his daughter is concerned.

To summarize, we have isolated three possible approaches toward differentiating between a maternal and a paternal grandparent. Yaakov Avinu might have been obligated to honor Avraham, but Rebbi Yaakov was not obligated to honor Rebbi Acha because:

1. Sons of daughters do not enjoy the same legal status as do sons of sons do.
2. As a mother's obligation to HER father might be suspended during marriage, her children's obligation MIGHT be affected
3. A grandfather is obligated to teach his son's son and this obligates that grandchild in kavod zekeino. The same MIGHT not apply to the son of a daughter.