

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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SHIUR #09: HONORING A KING

Several *gemarot* for example Ketuvot (17a), describe the mitzva to honor a Jewish king as "non-negotiable." Although a father may waive his honor to his son, a king may not excuse another Jew from displaying honor to him.

Rashi in *Ketuvot* (17a) asserts a novel concept to explain this non-negotiability. The Torah articulates the appointment of a king with a dual verb, "*som tasim*," (*Devarim* 17:15) implying (according to Rashi's reading) that successive appointments are necessary. This dictates that our submission to a king is "ongoing" and cannot be interrupted. Some have suggested an intriguing logic to sharpen Rashi's assertion: Although a king may actually waive his status and the resultant honor, his Jewish subjects continue to be obligated to REAPPOINT him and reinstitute his honor. Essentially, the waiving of title and honor yields a vacuum that must be filled through reappointment.

Tosafot (*Sanhedrin* 19a) suggest a very different logic to explain the non-voidability of the honor of a king: this honor is not directed at HIM as a person and is not his to alter. A parent deserves honor on a PERSONAL level and is empowered to renounce that honor; the king, in contrast, is not the RECIPIENT of the honor, but is rather simply the REPRESENTATIVE of Divine authority. Honoring the king demonstrates honor to *Ha-Kadosh Barukh Hu*. As the honor is not meant for him, he cannot release it.

Essentially, Rashi and Tosafot debate the reason that a king cannot dissolve the mitzva to honor him. Does this limitation indicate that the honor is not his personal honor or is there an external factor (the regenerating obligation implied by the double language) that limits his ability to waive the honor, which indeed is personally due him?

One interesting consequence of this question relates to whether a king can waive his honor in the performance of a mitzva. Two *gemarot* imply that he can. The *gemara* in *Sanhedrin* (19b) cites R. Yehuda, who allows a king to perform *chalitza* even though the process is intended to embarrass the uncooperative brother (by, among other things, spitting in his direction and removing his shoe). Even though the widow is dishonoring the king in this

fashion, he can waive his honor in the performance of a mitzva. Similarly, the *gemara* in *Sota* (41b) describes that King Agripas stood in front of the audience while reading from the Torah even though a king is typically permitted to sit while those around him stand, and should ideally do so. Since Agripas was performing the mitzva of honoring the Torah, this conduct was permissible. These two *gemarot* strongly imply that ANY mitzva is just cause for a king to waive his right to honor.

However, Tosafot in *Yevamot* (41b) dispute this principle. A standard mitzva would in fact not license a king to waive his rights. As proof, they cite a *gemara* in *Ketuvot* (17a) which describes a Jewish king who ceded "right of way" to a wedding procession. In questioning this behavior, the *gemara* does not instinctively reply that a mitzva (celebrating the *chatan* and *kalla*) justifies waiving honor, but rather explores an alternate explanation for why it was permissible. Evidently, Tosafot claims, mitzva performance per se does not justify waiving the rights of a king. Since, according to Tosafot, the king's honor is a result of honor to *Ha-Kadosh Barukh Hu*, only *mitzvot* which primarily display honor to *Ha-Kadosh Barukh Hu* validate waiving monarchical honor. Standing while reciting from the Torah is a mitzva that displays honor to Hashem. Similarly, engaging in the act of *chalitza* reflects fulfilling His will. In contrast, celebrating with a bridal party – while legally a mitzva – displays PRIMARY honor to the bride and groom, and does not license waiving of the king's honor. A legal mitzva is not justifiable reason to waive the king's honor; a mitzva that directly demonstrates *kavod* only to *Ha-Kadosh Barukh Hu* is required in order to override the mitzva to honor a king.

Potentially, these two positions about the scope of the "mitzva-override" concept reflect the aforementioned debate between Rashi and Tosafot as to why a king generally cannot waive his honor. If Rashi is correct, the king is in fact the personal subject of the honor, but he is typically restrained from waiving HIS honor. However, if ANY mitzva applies, that restraint is overruled and the honor can be annulled. According to Rashi, it would be difficult to discriminate between different types of *mitzvot*.

Tosafot, in contrast, developed a very different reason that a king cannot waive his honor – it isn't personally directed at him. As a result, a mitzva per se does not justify or license him to relinquish that which isn't his. The only license would emerge if the performance of the mitzva ACTUALLY displays honor to *Ha-Kadosh Barukh Hu*. In that instance, the king is not waiving honor, but is merely reconstituting and redirecting it. Typically, Hashem is honored by maintaining the honor of a king, but in certain instances, He is honored by suspending the honor of the king in the performance of a mitzva. A generic mitzva would be insufficient to REDIRECT this honor; a mitzva whose primary effect is honoring Hashem would create the "redirect effect."

R. Elchanan Wasserman explores an additional implication of the question as to why a king cannot waive his honor. The *gemara* in *Ketuvot* (17a), in questioning the actions of King Yannai in ceding right of way to a wedding procession, articulates the question in a very peculiar fashion. The *gemara* asks whether Yannai was allowed to cede passage; by doing so HE violated the principle that a king's honor cannot be waived. Read literally, this implies that the king HIMSELF violates the prohibition. This would seem to be inconsistent with Rashi's previously stated opinion. Rashi maintains that the king is the personal recipient of the honor, but there is a technical block preventing his voiding of that honor. According to this view, the king would not violate any prohibition if he did, in fact, void it and people dishonored him. By contrast, Tosafot's theory may yield a prohibition for the king himself to invite dishonor. He is prevented from waiving his honor because the honor shown him is directed to *Ha-Kadosh Barukh Hu*; it isn't his personal possession. By waiving his rights and inviting dishonorable treatment, he has in effect violated the mitzva to honor *Ha-Kadosh Barukh Hu*. Ironically, the king can be in violation of the very mitzva to honor HIMSELF. Since the ultimate target of the mitzva is *Ha-Kadosh Barukh Hu*, HE is also obligated not to violate this mitzva.

A Tosafot in *Ketuvot* (17a) asserts another interesting qualification which may be influenced by the debate as to why a king cannot waive his honor. Tosafot wonder about applying the mitzva of honoring a king to Yannai, who reigned during the period of the Second Temple but who was not legally considered a king because he did not descend from the Davidic dynasty. Tosafot's statements may indicate that the mitzva can apply to a person who is TREATED as a king even though he lacks the halakhic status of one. This bold assertion would very much coincide with Tosafot's logic that the honor is not directed at the persona of the king. If this were true, it would be difficult to apply the obligation legally to a non-halakhic king. However, if the honor is directed to *Ha-Kadosh Barukh Hu* THROUGH THE INSTITUTION OF THE MONARCHY, perhaps ANY ACTING KING represents that institution and honor is due him as a representative of the Divine monarchy. Once the honor is depersonalized, it can be more easily applied to a representative of the monarchical institution who may not be legally considered a king.