

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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MITZVA BO – PERSONAL PERFORMANCE OF MITZVOT

Two different *gemarot* (*Kiddushin* 41a and *Shabbat* 1191) introduce the concept of an ideal method for *mitzva* performance known as "*mitzva bo yoter mi-be-shelucho*," (the command is incumbent upon him (the performer) more than on a messenger.) Many *mitzvot* do not allow for delegation to a *shalaich*; they are personally binding upon each individual. For example, *tefillin* must be donned by each man and *matza* must be personally ingested by each individual. There are several exceptional situations in which a *mitzva* may be delegated to an agent. These *gemarot* assert that even in these circumstances personal performance is still superior to delegation to a messenger.

This issue raises an interesting structural question: is personal performance merely an opportunity to display appropriate attitude toward *mitzvot* in general? Personal involvement does not alter the texture or grade of the *mitzva* but broadcasts a message of general evaluation of *mitzvot*. Dispatching an agent would signal disinterest or indifference, while individual attention demonstrates interest and enthusiasm. The "moment" of performing a *mitzva* grants the opportunity to exhibit a general attitude toward *mitzvot*.

Alternatively, the manner of performance may impact the actual caliber of the *mitzva*. We may envision a personally performed *mitzva* as intrinsically SUPERIOR to a delegated one. By performing the *mitzva* personally, it is almost as if an entirely different grade of *mitzva* were attained.

An interesting test case or *nafka mina* may be a situation in which personal performance of a *mitzva* is COUPLED with delegation. Is the ideal of *mitzva bo yoter mi-be-shelucho* achieved if a person personally attends to only part of a *mitzvah* and delegates the rest?

In *Siman* 434, the Magen Avraham struggles to reconcile the ideal of personal performance with several *gemarot* in *Pesachim* which imply the

validity of delegating the *mitzva* of *bedikat chametz*. Several *Acharonim* suggest that by performing PART of *bedika*, subsequent delegation is no longer disrespectful to the *mitzva*. A similar debate surrounds the popular *minhag* of inviting others to write a letter in a *Sefer Torah*. Wouldn't it be superior to complete the entire *mitzva* in a personal fashion? If, however, partial performance is sufficient to satisfy the principle of *mitzva bo yoter mi-be-shelucho*, this custom can be reconciled.

The issue of partial personal performance may be linked to the original structural question. If personal involvement is necessary to display interest in the *mitzvot*, perhaps partial involvement would suffice. By including a personal element, I demonstrate interest and commitment. Alternatively, if the actual caliber of a *mitzva* is dependent, at least in part, upon who performs it, we may require full personal attendance to a *mitzva* in order to attain the higher grade.

An interesting debate surrounds the possibility of repeating a *mitzva* in order to realize the ideal of *mitzva bo yoter mi-be-shelucho*. The *gemara* in *Kiddushin* (41a) applies the *mitzva bo yoter mi-be-sheluco* ideal to the process of marrying a woman. According to many opinions, the act of marriage is a Biblical *mitzva* and personal performance is superior based on the "*mitzva bo*" ideal.

The Tashbatz cites a situation in which the original *kiddushin* was executed by an agent. Can or should the husband REPEAT *kiddushin* at the moment of *nisuin* in order to achieve the ideal of "personal involvement"? The Tashbatz allows this while the Rivash harshly rejects this notion since the second *kiddushin* is halakhically worthless. Once the woman becomes his wife through the *shaliach*-brokered *kiddushin*, a subsequent act of *kiddushin* is halakhically impotent. The Rivash certainly presents a compelling case.

In defense of the Tashbatz, we may view *mitzva bo* as a general demonstration of interest in *mitzvot*. The principle does not affect the actual grade of a *mitzva* and can be exhibited even when unanchored to an actual *mitzva* or action of any halakhic import. By repeating this skeleton *kiddushin*, a person is demonstrating personal commitment to *mitzvot* in general. Even though the process contains no halakhic substance, it may still be demonstrative.

A different issue pertains to the type of agent to whom a *mitzva* is delegated. All agents are not created equal and, consequentially, not all delegations are equivalent. For example, a slave or permanent hired worker may represent a person more powerfully than a typical *shaliach*. He may be empowered to certain *halakhic* opportunities that are withheld from classic agents. A well known *Machaneh Efrayim* actually allows someone to recite a *berakha* upon a *mitzva* performed by a hired worker. Halakha considers the action as having been executed by the person himself through his hired worker. Would the ideal of *mitzva bo* be realized by delegating to this type of "super- *shaliach*?" Or would the principle still mandate personal involvement?

If the actual grade of the *mitzva* is enhanced by personal performance, we may always prefer such involvement, even over special delegation. If, however, personal involvement is intended only to demonstrate overall evaluation of *mitzvot* and avoid conveying disinterest, a person may assert those values by fulfilling a *mitzva* through a personal or paid agent. The very decision to designate a *mitzva* to a special agent may broadcast general interest in *mitzvot*.

Perhaps the most important consequence of this question would be the value of *mitzva bo* when it clashes with a different gradient of *mitzvot*. For example, the Chayei Adam questions whether it is proper to delegate a *mitzva* to a *shaliach* if that party can execute the *mitzva* in a superior fashion. This would directly impact the *mitzvot* of writing a *Sefer Torah* and *mila* (circumcision), since both presumably require expertise which commoners do not possess.

Similar questions are raised regarding a potential clash between the issue of *zerizin* and the principle of *mitzva bo yoter mi-be-shelucho*. If personal attendance will delay the performance, should it still be prioritized? Clearly, if the principle of *mitzva bo* is merely an extrinsic message delivered through personal involvement, it would not apply at an actual cost to a *mitzva*'s quality. If adhering to the principle would delay the *mitzva* or yield an inferior performance it should not obtain. On the other hand, if personal involvement affects the actual grade of the *mitzvah*, we may demand it even at the cost of delaying the *mitzva* or even allowing the *mitzva* to be slightly aesthetically inferior to a "professional performance." Personal attendance enhances the *mitzva* and displaces alternate enhancing elements of a *mitzva* performance.

There is a final issue whose logic may pivot upon our issue. There is great debate surrounding the scope of this *halakha*. The *gemara* cites the principle regarding preparations for Shabbat (*kavod Shabbat*) and marriage. Most opinions assume that the principle applies to all *mitzvot*, while some notable exceptions (Rav Chayim the son of the Ohr Zarua being the earliest recorded dissenting opinion) limit the principle to the two stated instances of Shabbat and marriage. Ultimately, if the principle of *mitzva bo* is merely intended to display general interest in *mitzvot*, it is unlikely that it would be limited to particular *mitzvot*. Presumably, however, if we view personal involvement as an intrinsic quality of a *mitzvah*, we may gauge different *mitzvot* and possibly locate unique qualities to certain *mitzvot* that demand an upgrade through personal involvement. The positions that limit the concept would almost certainly be forced to view the ideal as a structural element of a *mitzva* and not an independent display of religious enthusiasm.