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TALMUDIC METHODOLOGY  
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**Shiur #04: Zerizin**

Two different *gemarot* (*Pesachim* 4a, *Yoma* 28b) point to the quality of *zerizut* – alacrity - as an ideal that upgrades the performance of a *mitzva*. Based upon the example of Avraham awakening early to ascend to the *akeida*, the *gemara* recognizes that rapid performance of *mitzvot* is an ideal. For example, although the entire eighth day is suitable for a circumcision, the principle of *zerizut* encourages us to perform the *brit* as early as possible.

What happens if the value of *zerizut* conflicts with an alternative value? For example, the *Terumat Ha-deshen* (*siman* 35) inquires about someone who views the new moon on a weeknight fairly early in the current month. Should he immediately execute the *mitzva* of *Kiddush levana* as a "zariz" or should he delay until *motzei Shabbat*, when his Shabbat attire and hygiene may enrich the *mitzva*? Can *zerizut* be suspended in favor of a different manner of upgrading the *mitzva*? The *Terumat Ha-deshen* rules that *zerizut* can be waived under certain conditions.

Though this logic is attractive, a *gemara* in *Yevamot* (39a) indicates otherwise. Having established that performance of *yibbum* (levirate marriage) is preferable to *chalitza* and that involvement of an older brother is more desirable than that of a younger brother, the *gemara* questions a situation in which an older brother offers *chalitza* while a younger one promises to perform *yibbum* – but only after he matures past 13. Should we expedite the process by choosing the *chalitza* of the older brother or should we wait until the younger brother matures, thereby facilitating a superior performance of *yibbum* as opposed to *chalitza*? It would appear that we are faced with a conflict between *zerizut* diligence and a different ideal, the preference for *yibbum*, which may campaign against early expedition.

The *gemara* is clear that "*shihu mitzva lo meshahinan*" - we will not delay the *mitzva* - and immediate *chalitza* is demanded. This *gemara* seems to prioritize *zerizut* even at the cost of choosing an inferior *mitzva*

performance! This would seem to contradict the theory of the *Terumat Ha-deshen* that *zerizut* may be suspended for the sake of enhancing the *mitzva*.

To defend the *Terumat Ha-deshen*, it is necessary to differentiate between a general instance of clashing ideals and the example from the *gemara* in *Yevamot*. One strategy suggests a hidden reason for the *gemara's* rushing of *chalitza*. The *Shevut Yaakov* (Rabbi Jacob ben Joseph Reischer, a 17<sup>th</sup> century Rabbi) claims that the *gemara* is more concerned about the potential for *iguna*, that a woman will remain unable to remarry, than it is about general alacrity in *mitzvot*. Under normal circumstances, *halakha* allows a delay in performance if it serves to upgrade a *mitzva* as the *Terumat Ha-deshen* assumed. In this particular instance, given the frightening prospect of *iguna*, the *gemara* preferred a quick solution, although inferior. In general, *zerizut* may be superceded by other *mitzva* enhancing factors, but in this particular case, we "rush" to avoid a difficult situation.

This approach, which limits the *gemara's* policy to *iguna* and maintains the *Terumat Ha-deshen's* general allowance for *mitzva* delay, seems to counter the simple reading of the text, which makes no allusion to *iguna* and asserts its policy in global terminology.

A different tactic is proposed by the *Terumat Ha-deshen* himself. The example posed by the *gemara* is not "pure." It does not constitute an unadulterated contest between alacrity and an alternate preference. Perhaps the preference for immediate resolution in the *yibbum* case is driven by the fear that DELAY will cause NEGLECT. For example, the brother who is a minor, while currently in favor of *yibbum*, may reconsider when an adult. Alternatively, he may disappear before performing *yibbum*. Based on these fears, the *gemara* endorsed immediate and imperfect *chalitza* over delayed but preferable *yibbum*. In a situation in which delay may not yield to neglect, perhaps we *should* delay in order to upgrade the caliber of the *mitzva*.

Based on this reading, the *Terumat Ha-deshen* proposed that if there remain multiple opportunities for *kiddush levana* even after *motzei Shabbat*, the *mitzva* should be deferred. Even if it is not recited on *motzei Shabbat*, it can still be performed subsequently. However, if the duration of *kiddush levana* recital (until the 15<sup>th</sup> of the month) will expire soon after *Shabbat*, the *mitzva* should not be delayed even until *motzei Shabbat*, because in this instance, as in the *gemara* in *Yevamot*, a delay may indeed lead to omission.

In fact, the *Terumat Ha-deshen's* position is commonly implemented when performing a *brit* - ironically one of the *mitzvot* about which *Chazal* advanced the principle of *zerizut*. We routinely delay a *brit* from the early morning hours of the eighth day to allow more people to attend and achieve a

situation of *be-rov am hadrat melech* (a larger attendance at the *mitzva*). This decision is based upon the calculus of the *Terumat Ha-deshen*, that *zerizut* may be suspended in favor of other *mitzva* enhancing factors.

We can explain the *gemara* in *Yevamot* in an additional manner. We may be permitted to delay a *mitzva* and perform it subsequently under more propitious conditions, but we cannot pass entirely on a *mitzva* and choose a different one – even if it is superior. The *gemara* in *Yevamot* explores a case in which we may chose between two *different mitzvot* - one superior and one inferior – each of which accomplish a similar task. Once presented with an opportunity to fulfill *chalitza*, *zerizut* does not allow us to ignore the moment simply to wait for the emergence of a *yibbum* option. In contrast, we may be able to delay recital of *kiddush levana* or *mila* to allow performance of the *same mitzva* later on under more preferable conditions.

A different distinction concerns the different role of *zerizut* when reciting *kiddush levana* as opposed to performing *chalitza*. The source of the principle of *zerizut* is either the early rise of Avraham to perform the *akeida* or his rise to pray after Sedom was destroyed. In both instances, Avraham arises to encounter *Ha-Kadosh Barukh Hu*. In this particular context, *zerizut* flavors that encounter with an eagerness that alters the fabric of the Divine human interaction. The *Torah Kohanim* in *parashat Tazria* applies *zerizut* to *brit mila*, which again consists of an opportunity to accelerate toward an encounter or covenant with *Ha-Kadosh Baruch Hu*. From this standpoint, we may limit the entire rule of *zerizut* to prayer and other forms of *mitzvot* (*mila*, *kiddush levana*) that entail some encounter with *Ha-Kadosh Barukh Hu*. Many *gemarot* in *Yoma* apply *zerizut* to the *avoda* in the Mikdash, which may further corroborate its limited scope to Human-Divine encounters.

An apparent problem with this theory arises from the *gemara* in *Pesachim*, which applies *zerizut* to the Rabbinic scheduling of *bedikat chametz*. Presumably, this *mitzva* does not facilitate an audience with *Ha-Kadosh Barukh Hu* any more than any other *mitzva* entails a general mentality of serving *Hashem*. By extending *zerizut* to *bedikat chametz*, we clearly stretch the concept beyond "encounters" with *Hashem*. However, even if we embrace *zerizut* for *bedikat chametz*, the idea of *zerizut* may only apply to *mitzvot bein adam la-Makom* – which, in a general sense, capture the sense of encounter.

*Yevamot* speaks of the process of releasing the childless widow through one of two *mitzvot*, which also transform her status. This cannot be compared to *mitzvot* which incorporate a Divine encounter, nor even to *mitzvot bein adam la-Makom*. Perhaps the notion of *zerizut* would *not* apply in such a case. In fact, the *gemara* uses a different formula - "*shihu mitzva lo*

*meshahinan*" (we do not delay *mitzvot*) – as opposed to "*zerizin makdimim le-mitzvot*." Perhaps this different syntax implies a different process. We are not accelerating the encounter with *Hashem* through performance of a *mitzva*, but rather exercising good logic in diligently performing *mitzvot* and avoiding procrastination. This speaks more about personal responsibility, conditioning, and religious integrity and less about the caliber of our encounter with *Hashem*.

Since *Yevamot* is driven by a factor parallel to, but distinct from, *zerizut*, it may be governed by different criteria. The religious conditioning that diligent alacrity provides may NOT be overridden by alternate concerns. When faced with an opportunity to condition religious integrity by hurrying a *mitzva*, as in the *yibbum* case, I do not have the right to pass on that opportunity to acquire a different religious trait in the form of superior *mitzva* performance. However, *zerizut* in the world of *bein adam la-Makom* fundamentally affects the nature of my encounter with *Hashem*. When given the opportunity to enrich that encounter through alternate means, I may choose them even at the cost of *zerizut*.

*Zerizut* is not merely an opportunity to build religious discipline. It animates the encounter with *Hashem* that certain *mitzvot* enable. Upgrading that encounter by inviting more people to a *brit* (*be-rov am*) or by waiting until *motzei Shabbat* to recite *Kiddush levana* (finer personal hygiene) are not displacements of *zerizut*, but enrichments of the encounter through superior ALTERNATE means.