

BINYAMIN TABORY

THE  
WEEKLY  
MITZVA



Binyamin Tabory

THE  
WEEKLY  
MITZVA

Yeshivat Har Etzion  
Maggid Books

# Contents

*Foreword by Rabbi Aharon Lichtenstein* xv

*Preface* xix

## **SEFER BERESHIT**

*Bereshit* 3

Peru URevu

*Noah* 6

Noahides' Obligation to Honor Their Parents

*Lekh Lekha* 10

Circumcision Performed by a Non-Jew

*Vayera* 13

Visiting the Sick

*Hayei Sara* 17

Birkat Eirusin: The Blessing on Betrothal

*Toledot* 21

A Blind Person's Duty to Fulfill Mitzvot

*Vayetzeh* 25

*Arvit*: Obligatory or Not?

*Vayishlah* 29  
Pride and Humility

*Vayeshev* 33  
Yibbum in Ancient Israel

*Miketz* 37  
Is It Permissible to Sell Oneself as an *Eved Ivri*?

*Vayigash* 41  
Learning Torah While Driving

*Vayehi* 45  
Aveilut

### **SEFER SHEMOT**

*Shemot* 51  
Jewish Language and Clothing

*Va'era* 55  
Arba Kosot

*Bo* 60  
Matza

*Beshallah* 65  
Lehem Mishneh

*Yitro* 69  
Kibbud Av VaEm

*Mishpatim* 73  
Wife and Family Support

*Teruma* 77  
Lehem HaPanim

*Tetzaveh* 81  
The Priestly Garments

*Ki Tissa* 85  
The Half-Shekel

*Vayak'hel* 89  
Punishment on Shabbat

*Pekudei* 93  
Washing Hands (and Feet) for Avoda

**SEFER VAYIKRA**

*Vayikra* 99  
Asham Taluy

*Tzav* 103  
“A Mitzva Is Precious When Performed at Its Proper Time”

*Shemini* 107  
Consuming Human Flesh

*Tazria* 110  
Performing a Brit Mila on Shabbat

*Metzora* 113  
Tumat Metzora

*Aḥarei Mot* 117  
Affliction on Yom Kippur

*Kedoshim* 120  
Awe of Parents, Awe of the Temple, and Awe of Shabbat

*Emor* 124  
Ḥol HaMoed

*Behar* 128  
Fraud and Aggravation

*Behukkotai* 132  
Valuations

**SEFER BEMIDBAR**

*Bemidbar* 137  
Giving Pidyon HaBen to a Woman or Minor

*Naso* 141

Birkat Kohanim

*Behaalotekha* 145

Simḥa on Shabbat

*Shelah* 149

The Obligation to Wear Tzitzit

*Korah* 153

Maḥaloket

*Ḥukkat* 157

Tahara and Tuma

*Balak* 163

Cursing

*Pinḥas* 167

Inheritance

*Mattot* 171

Annulment of Vows

*Masei* 175

Living in the Land of Israel

### **SEFER DEVARIM**

*Devarim* 183

“You Shall Not Fear Any Man”

*Va’ethanan* 187

Writing and Affixing a Mezuzah

*Ekev* 192

Birkat HaMazon

*Re’eh* 196

Tzedaka

*Shofetim* 200

Appointing a King

<i>Ki Tetzeh</i>	204
Kiddushin	
<i>Ki Tavo</i>	208
Mutual Responsibility	
<i>Nitzavim</i>	212
Teshuva	
<i>Vayelekh</i>	216
<i>Hak'hel</i> : The Torah Reading of the King	
<i>Haazinu</i>	219
Birkhot HaTorah	
<i>Vezot HaBerakha</i>	224
Temple Service by a Disqualified Kohen	
<i>About the Author</i>	229

## Preface

The history of this book began years ago, when my father, Rabbi Binyamin Tabory, began a series of *shiurim* in Yeshivat Har Etzion entitled “The Mitzva of the Week.” Each *shiur* focused on a topic in halakha connected to that week’s *parasha*.

A few years later, Rabbi Uri Dasberg z”l, editor of the weekly Torah pamphlet *Shabbat BeShabbatto*, asked my father to contribute a weekly column. These columns, written in Hebrew, later formed the basis for an English-language course posted on Yeshivat Har Etzion’s Israel Koschitzky Virtual Beit Midrash (VBM).

This book presents these articles in a new format. One of my father’s unique qualities is that every *shiur* he gives speaks to both scholars and laymen alike. It is our hope that these weekly discussions will succeed in conveying classic concepts of *lomdus* (traditional halakhic analysis) in a manner that is both comprehensible and engaging to a broad audience.

Unfortunately, due to illness, my father is unable to write the introduction to this book. Nevertheless, I have tried to imagine the people he would like to thank.



## Preface

Debra Berkowitz, the VBM's office manager, devotedly typed up the *shiurim*. In addition to the articles reproduced here, Rabbi Ezra Bick encouraged my father to write additional articles and lectures for the VBM, as well as to record several series of shiurim on the VBM's audio branch. (These can be found, respectively, on [etzion.org.il](http://etzion.org.il) and [kmtt.libsyn.com](http://kmtt.libsyn.com).) Of course, our thanks also go to Matthew Miller, Rabbi Reuven Ziegler, and the staff at Maggid Books for bringing this book to print. Special thanks as well to Rabbi Alan Haber for editing the text and David B. Greenberg for proofreading it.

We also thank the patrons of this book, who are among my parents' friends from all over the world. Although my father has spent most of his time teaching Torah in Yeshivat Har Etzion, he and my mother have also traveled far and wide to spread Torah and mitzvot. Friends, *talmidim*, and congregants from Los Angeles, Toronto, Cleveland, and London have generously contributed to the making of this book.

Special thanks also go to Ezra Rozenfeld, a close friend of my parents, for all his help.

My father asked me to dedicate this book to my mother. Her commitment, love, and strength have been an inspiration not only to our family but also to our friends and to my father's many students who visit on a regular basis.

In the name of my entire family, I pray that my *abba* continues to see *naḥat* from his children, grandchildren, and *talmidim*. May Hashem bless him with better health and strength as he continues his courageous battle.

Aviad Tabory  
Pesah 5775

## Parashat Bereshit

# Peru URevu

**S***efer HaHinnukh* states that procreation is the first mitzva in the Torah. Bereshit 1:28 reads, “God blessed them and God said to them, ‘Be fruitful and multiply (*peru urevu*).’” The *Sefer Yere’im* (413) says that the Torah commanded us in four different places regarding this mitzva. He cites only two of these, the present verse and the commandment given to Noah when he left the ark (Bereshit 9:7). The commentary *To’afot Re’em* also cites God’s words to Yaakov (Bereshit 35:11), which are written in singular (*pereh ureveh*) as opposed to the plural (*peru urevu*).

There is a dispute among *Tanna’im* (Yevamot 65b) as to whether women are commanded to perform this mitzva. The *tanna kamma* maintains that women are exempt, either because the verse relates procreation to *kibbush*, i.e., conquering or dominion, or because the command was given to Yaakov in singular form, indicating that it applies to a man and not to a woman. The *Tosafot* (ad loc.) point out that the statement to Adam, which is phrased in the plural, should be construed as a blessing given to both man and woman, rather than a mitzva. R. Yoḥanan b. Beroka, however, maintains that the original statement to Adam and Hava is the source of the mitzva; therefore women are equally obligated.

Rambam (*Hilkhot Ishut* 15:2) and the *Shulḥan Arukh* (*Even HaEzer* 13) codify the halakha according to the *tanna kamma*. In *Meshekh Ḥokhma*, Rabbi Meir Simḥa HaKohen suggests that the mitzva given to Adam and Ḥava was indeed incumbent upon both of them. However, the mitzva given to Noah applied only to him and his sons, and similarly Yaakov's mitzva was addressed only to him. The reason for this change may be that God did not command mitzvot that were painful, dangerous, and even life-threatening. Before the sin of eating from the Tree of Knowledge, childbirth was a relatively simple process, and therefore man and woman were commanded equally. However, after the sin, when God mandated that childbirth be accompanied by pain and difficulty, women could no longer be commanded to bear children. Women would desire to have children because of an inherent maternal instinct rather than a divine commandment.

Rabbi Meir Simḥa also gives an additional rationale. Since under biblical law a man is entitled to be polygamous, if his wife is incapable of having children, he does not have to divorce her in order to fulfill the mitzva: he can simply marry a second wife. However, since a woman must be monogamous, if her husband were incapable of siring children, she would need to obtain a divorce from him in order to fulfill the mitzva. This would create an acrimonious situation, and thereby contradict the principle that the ways of the Torah are pleasant (*Mishlei* 3:17). One may also add that this reasoning did not apply to Adam and Ḥava, as they received God's blessing to procreate, and furthermore could not have married anyone else even if the blessing were not realized.

It is obvious that even if women are not obligated to have children, they certainly fulfill the mitzva if they do. Similarly, women can fulfill the mitzva of *kiddushin* (betrothal) even though they are not commanded to marry. The Gemara (*Kiddushin* 41a) says that although a woman could become halakhically engaged by proxy, it is a greater mitzva for her to do so in person. Rishonim raise the obvious question: if women are not commanded to marry and to have children, why does the Gemara state that it is a greater mitzva for them to be personally involved in the betrothal process? The Ran (*ad loc.*) says that a woman fulfills the mitzva since she enables her husband to fulfill his obligation. The Ḥida (*Birkei Yosef*, *Even HaEzer* 1:16) cites an anonymous Rishon according to whom

women fulfill the mitzva even though they are not obligated by it, just as they can fulfill the mitzvot of sukka, shofar, and lulav even though they are not obligated. This Rishon also suggests that although women are exempt from the biblical mitzva, they may be obligated by rabbinic law. This concept, namely, that the Rabbis required women to fulfill a mitzva from which the Torah exempts them, seems to be a novel one.

The mitzva of procreation appears to be independent of any other mitzva, and therefore the Rosh (Ketubbot 1:12) says that if one fathered children with a concubine, he would not have to marry. However, Rabbi Aḥai Gaon (*She'iltot* 165) writes that “the Children of Israel are required to marry, have children, and engage in procreation.” He cites as a proof text Yirmiyahu 29:6: “Marry and have sons and daughters.” Since this source is not from the Torah but from Nevi'im, it does not seem to be a Torah requirement. Yirmiyahu's admonition begins with advice to people going into exile to invest in real estate and work the land, as life will go on. He further adds that they should ensure that their children marry and have children. This is definitely not a Torah requirement (see Kiddushin 29a; Rambam, *Hilkhot Ishut* 20:1). It therefore seems that the verse in Yirmiyahu may indicate a rabbinic commandment. Alternatively, it may merely represent sage advice to marry prior to having children.

*Sefer HaḤinnukh* concludes its discussion of this mitzva by saying that one who negates this mitzva will be sorely punished, as he thus demonstrates that he does not wish to realize God's desire to populate the world.