

## *Ein Ma'avirin al HaMitzvot*

### You have only one day out of jail.

### When should you take it? What should you do?

#### **Pesachim 64b**

#### **Teacher's Guide**

Imagine a Jew imprisoned in a hostile country, but granted by the authorities **one day a year** out of jail to express his Jewish identity. Which day should he choose? And what should he do on that day?

As we explore the answers to these questions we will uncover meta-principles of Torah law – *halachah* – relating to the timing of mitzvot (Torah instructions) and the choice between them.

This *Thinking Gemara* shiur is about **making choices** – not choices between good and bad, which we are perhaps more familiar with, but rather between good and good – between two mitzvah acts.

Our journey opens in 20th century Communist Russia, goes back to 16th century Egypt, works its way forward two centuries, and then on to more modern times in 19th century Lithuania.

Here are some of the key questions this class will address:

---

#### **KEY QUESTIONS**

- If a Jew is granted only one day out of jail, which day should he choose?
- What are the halachic principles underlying the answer to this question?
- What is the philosophical approach behind the Torah's guidelines for choosing between one good act and another?
- What are some common applications of the principles behind choosing between mitzvot?

---

#### **CLASS OUTLINE**

##### **Introduction.**

**Section I. The Case of the Jewish Prisoner (Rabbi David b. Zimra, Egypt, 1479-1573)**

**Section II. Debate Across the Generations (Rabbi Zvi Ashkenazi, Germany, 1658-1718)**

**Section III. The Case of the Jewish Soldiers (Rabbi Avraham Danzig, Lithuania, 1747-1820)**

**Section IV. Understanding the Dispute**

**Section V. Common Applications of "Ein Ma'avirin al HaMitzvot"**

**Afterword: Relating to Mitzvot; Relating to God**

**Note:** This shiur is not intended as a source of practical *halachic* (legal) rulings. For matters of halachah, please consult a qualified *posek* (rabbi).



---

**INTRODUCTION You are given one day out of jail: When should you take it?*****Imagine the following scenario:***

*In Communist Russia of 1970, Alexei Shimonovich, a teacher of Judaism and fifteen-year refusenik ("refused" permission to emigrate to Israel), was tracked by the KGB, tried and convicted for alleged subversion and espionage. He was sentenced to a thirty-year jail sentence in a high-security Soviet prison. His arrest and incarceration sparked a wave of protests by activists from the movement to release Soviet Jewry. After high-level foreign diplomats exerted pressure on the Soviet government, Shimonovich was made an extremely strange offer. He would be allowed **one day out of jail a year; he could choose the day.***

*Shimonovich, a devoutly religious Jew, managed to smuggle out a message requesting that someone contact a leading halachic authority to instruct him which day out of the year he should choose.*

**If, God forbid, you were in his tragic position, which day would you choose and why?****Here is a list of possibilities:**

- Yom Kippur – the holiest day of the year.
- Purim – the day on which Jews worldwide celebrate the victory over Haman and the thwarting of his plot to annihilate the Jewish people.
- Rosh Hashanah – the day that the shofar is sounded.
- Pesach (Passover) – the holiday commemorating the Exodus of the Jews from Egyptian slavery and oppression.
- Simchat Torah – the joyous holiday on which the Torah is completed and begun anew, a day especially embraced by Soviet Jewry.
- Shabbat – the weekly commemoration of God's resting after creating the world.

**Where would you find the answer to such a question?**

## SECTION I The Case of the Jewish Prisoner

This question was raised some 500 years ago, and sent to Rabbi David ben Zimra (1479-1573), among the leading authorities of the time. Radbaz, as he is commonly known (“Radbaz” being an acrostic for his name), served as Chief Rabbi of the Egyptian Jewish community and later as one of the sages of Tzefat, where he spent the last twenty years of his life.

Here is the question, exactly as it was asked:

### 1. Shut Radbaz 4:13 – Which day should I choose?

Question: Reuven was imprisoned in jail and was not able to leave to pray with [a minyan (quorum) of] ten nor to fulfill other mitzvot. He beseeched the minister or governor yet was not granted permission, other than for one day a year – a day of Reuven's choice. Let the teacher instruct us: Which day of all the days of the year should Reuven choose to go to the Beit Hakneset (synagogue)?

שאלה: ראובן היה חבויש בבית  
האסורים ולא היה יכול לצאת  
להתפלל בעשרה ולעשות המצות.  
והתחנן לפני השר או ההגמון ולא  
אבה שמוע להניחו, זולתי יום אחד  
בשנה איזה יום שיהפוי. יורה  
המורה איזה יום מכל ימות השנה  
יבחר ראובן הנזכר ללכת לבית  
הכנסת?

His answer is short, to the point, and surprising.

### 2. Ibid. – Radbaz initially quotes another rabbi's answer but then rejects it.

Answer: I have seen that one of the wise men of our generation responded to this question. He dived into deep waters but brought up a pottery shard, and he built his construction upon shaky foundations. At first he said that Yom Kippur is the best [day to choose]. Then he switched it for Purim, because of the Megillah reading and publicizing of the miracle, which requires [a quorum of] ten. It is not fitting to rely on his words.

תשובה: הנה ראיתי אחד  
מחכמי דורנו בתשובה דבר זה  
צ'לל במים אדירים והעלה חרס  
ב'דו ועל יסוד רעוע בנה יסודו.  
בתחלה פתב דעדיף יום  
הכפורים ואחר כה החליפו  
ביום הפורים משום מקרא  
מגילה ופרסומי נסא דבעינן  
עשרה, ואין ראוי לסמוך על  
דבריו.

### 3. Ibid. – The Radbaz himself answers: Don't pass up the opportunity to perform any mitzvah!

Yet, the ruling that one should rely on is based on the principle, “Ein ma'avirin al hamitzvot – We may not pass up mitzvot.” There is no opposition to this principle; therefore, the first mitzvah he encounters that cannot be fulfilled while imprisoned takes precedence. We do not pay attention to whether the first mitzvah he

אבל מה שראוי לסמוך עליו  
הוא דאנן קיימא לן דאין  
מעבירין על המצות ואין  
חולק בזה כלל הלכה המצוה  
הראשונה שתבא לידו שאי  
אפשר לעשותה והוא חבויש  
בבית האסורים קודמת ואין

encounters is a “light” or a “weighty” one, for one cannot know the reward of mitzvot. This is very obvious to me.

David son of Shlomo ibn Avi Zimra

מְשִׁיחִין אִם הַמִּצְוָה שְׁפָגְעָה  
בו תְּחַלֶּה הִיא קְלָה אוֹ חֲמוּרָה  
שְׂאֵי אֶתָּה יוֹדֵעַ מִתֵּן שְׂכָרְךָ שֶׁל  
מִצְוֹת וְזֶה פְּשׁוּט מְאֹד אֲצִלִּי.  
דָּוִד בֶּן שְׁלֹמֹה וְאָבִי זִמְרָא:

The principle on which Radbaz bases his ruling is that it is wrong to pass up one mitzvah for the sake of fulfilling a different mitzvah. One should perform the first mitzvah he encounters, even if this means that he will not be able to fulfill a different mitzvah. Thus, somebody offered a day out of prison should arrange his release for the very first opportunity to do a mitzvah that he is unable to perform in prison.

A cryptic passage in the Gemara (Moed Katan 9a and 9b, based on Rashi) supports Radbaz's approach. The context is as follows: Rabbi Shimon bar Yochai encouraged his son to receive a blessing from two great men. The son, following his father's advice, finds the two rabbis in the middle of an esoteric discussion:

#### 4. Moed Katan 9a-9b – Two great rabbis resolve a contradiction between verses.

He (Rabbi Shimon bar Yochai's son) found them pointing out a contradiction between two biblical verses. One verse (Mishlei/Proverbs 4:26) says, “Assess the path of your feet, and all of your ways will be proper.” Yet, in another verse (Ibid. 5:6) it is written, “Lest you assess the path of life.” They resolved the contradiction: One is referring to a mitzvah that can be fulfilled by someone else, and the other to a mitzvah that cannot be fulfilled by someone else.

אֲזַל אֲשַׁכְּחִינְהוּ דְקָא רְמוּ קְרָאִי  
אֶהְדִּי: כְּתִיב (מְשָׁלִי ד:כו)  
”פְּלִס מַעְגַּל רַגְלֶךָ וְכָל דְרָכֶיךָ  
יִכּוֹנוּ”, וְכִתִּיב (מְשָׁלִי ה:ו) ”אֲנַחַח  
חַיִּים פֶּן תִּפְלִס”. לֹא קִשְׁיָא:  
כֵּאן בְּמִצְוָה שְׂאֵי אֲפֻשֵׁר לַעֲשׂוֹתָהּ  
עַל יְדֵי אֲחֵרִים, (עֲמוּד ב') כֵּאן  
בְּמִצְוָה שְׂאֵי אֲפֻשֵׁר לַעֲשׂוֹתָהּ  
עַל יְדֵי אֲחֵרִים.

How do these verses contradict one another, and how is the contradiction resolved?

#### 5. Rashi's Commentary on Moed Katan 9a and 9b – Rashi unlocks this cryptic Gemara.

“Assess the path of your feet” – That is to say, measure the mitzvot, discern which is the greatest and fulfill it.

Yet it is written, “Lest you assess the path of life.” – This implies that you should do every mitzvah that comes your way, whether it is great or small, and that you should not pass up a small mitzvah to perform a greater one.

A mitzvah that can be done by others – You should “assess the path of your feet,” and do the

פְּלִס מַעְגַּל רַגְלֶךָ - כְּלוּמַר שְׂקוּל  
מִצְוֹת וְעֵינֵי בְּהוֹ, אִיזוּ מִצְוָה  
גְּדוּלָה, וְעֵשֶׂה הַגְּדוּלָה:

וְכִתִּיב אֲרַח חַיִּים פֶּן תִּפְלִס -  
דְּמִשְׁמַע כָּל מִצְוָה שֶׁתִּבְּא לְיָדֶךָ  
עֲשֵׂה אוֹתָהּ, בֵּין גְּדוּלָה בֵּין  
קְטַנָּה, וְאֵל תִּנְיִחַ קְטַנָּה מִפְּנֵי  
הַגְּדוּלָה:

מִצְוָה שְׂאֵי אֲפֻשֵׁר לַעֲשׂוֹתָהּ עַל יְדֵי  
אֲחֵרִים - תִּפְלִס, פְּלִס מַעְגַּל

greater mitzvah, and your friends will do the smaller one.

רְגֵלְךָ, שֶׁתַּעֲשֶׂה אֶתְּהָ הַגְּדוּלָה,  
וְחֻבְרִיךָ יַעֲשׂוּ קִטְנָה:

**A mitzvah that cannot be done by others** – You should not assess. Rather, whatever mitzvah comes into your hands, whether great or small, you should perform.

וּבְמִצְוָה שְׂאִי אִפְשֵׁר לַעֲשׂוֹתָהּ  
עַל יְדֵי אֲחֵרִים - אֵל תִּפְלִים,  
אֲלֵא מִצְוָה שְׂבֵא לְיָדְךָ, בֵּין  
גְּדוּלָה בֵּין קִטְנָה עֲשֵׂה:

Rashi, like Radbaz, teaches us that one should perform the first mitzvah one encounters, not taking into account whether it is a “weighty” or “light” mitzvah.

### **Radbaz bases his halachic position on two pillars:**

**A.** “Ein ma'avirin al hamitzvot” – a Talmudic principle whereby “We may not pass up mitzvot.”

**B.** “We cannot know the reward of mitzvot” – One mitzvah might appear less important than another, yet we cannot know their true reward. Although Rashi (Source 5) notes that a person can choose a “greater” mitzvah over a lesser one, this choice cannot be absolute – we cannot be sure of the actual “worth” of any individual mitzvah (see below, Source 8).

### **A. Ein Ma'avirin al HaMitzvot**

Let us first address the principle:

#### **6. Yoma 33a – What is the Radbaz's Talmudic source?**

Reish Lakish says, “We may not pass up mitzvot.”

אָמַר רִישׁ לָקִישׁ: אֵין מַעְבִּירִין  
עַל הַמִּצְוֹת.

Rashi (in his commentary to the Gemara) explains that the source for this principle is rooted in a Midrash about matzah.

#### **7. Mechilta Parshat Bo, Parsha 9 – What is the source for this principle?**

“You should guard the matzot (and prevent them from leavening)” (Shemot/Exodus 12:17). Rabbi Yoshiah said, “Do not (only) read this Hebrew word as it is voweled (*matzot* – referring to unleavened bread), but read it as *mitzvot*, meaning that “You should guard the *mitzvot*.” Just as you should not cause matzah to leaven (by leaving the dough to rise) so you should not cause the mitzvot to “leaven” (by delaying them). Rather, whenever you encounter any mitzvah, do it immediately.

וְשִׁמְרֵתֶם אֶת הַמִּצְוֹת. ר' יוֹשִׁיָּה אָמַר אֵל תִּקְרִי בֵּן אֲלֵא וְשִׁמְרֵתֶם אֶת הַמִּצְוֹת. כְּדָרְךָ שְׂאִין מִחְמִיצִין אֶת הַמִּצְוָה, כִּדְ אֵין מִחְמִיצִין אֶת הַמִּצְוָה. אֲלֵא, אִם בָּא מִצְוָה לְיָדְךָ עֲשֵׂה אוֹתָהּ מִיָּד.

Matzah is a paradigm for all mitzvot. In order to prepare matzah, one has to move fast and not delay. The leavening process will kick in (even if you do not add any

yeast) if the dough sits idle without constant kneading, possibly rendering it *chametz* (leavened) and unfit for consumption on Pesach. Similarly, we must not let the opportunity to do a mitzvah pass us by.

**Timing is of the essence.**

**Strike while the iron is hot.**

**Do not pass up the opportunity to do something good.**

This principle is plugged into the details of mitzvah life. For example, the Seder Plate is arranged so that one will not need to pass up mitzvot, and even the placement of challot at the Friday Night meal reflects the principle (see Section V).

Going beyond the principle of not passing up mitzvot, Radbaz establishes that one should not even pass up on a “minor” mitzvah in order to perform a “great” one. The prisoner, therefore, should not wait until one of the “important” days of the Jewish calendar arrives.

## B. Light and Weighty Mitzvot

Radbaz thus added: “We do not pay attention to whether the first mitzvah he encounters is a ‘light’ mitzvah or a ‘weighty’ one, for you cannot know the reward of mitzvot.” He refers to a Mishnah in Pirkei Avot (Ethics of the Fathers).

### 8. Pirkei Avot 2:1 – Be careful about all mitzvot.

Be as careful about a “light” mitzvah as you would a “weighty” one, for you do not know the reward of mitzvot.

וְהוּי זָהִיר בְּמִצְוָה קְלָה  
כְּבַחֲמוּרָה, שְׂאִין אֶתָּה יוֹדֵעַ  
מִתְּוֹ שֶׁכֶּרֶן שֶׁל מִצְוֹת.

This teaches us a powerful and fundamental lesson about mitzvot and Divine service.

### 9. Rabbi Binyamin Blech, *Understanding Judaism: The Basics of Deed and Creed*, pp. 7-8 – Radbaz’s approach: Let God choose for you.

God alone knows what weight to give every action in the cosmic scheme of reality. For us, every mitzvah must be equal simply because each one shares its source in the Divine imperative. Each is to be observed because God said so. That is true for the simplest act, and it is true for the most demanding one as well.

It is here that a profound point begins to emerge. If we were to give preference to one mitzvah over another for whatever reason, it is then we who become final arbiters of the purpose of commandments. To rank one law above another might not seem a crime, but whenever we call one thing more important than the next, we also diminish the one not chosen for highest priority.

Treat all mitzvot equally, because to do otherwise is to say I think that this particular law is not so important. If I like the ethical parts of the Torah, but

do not feel constrained by the rituals, then of course I will say the former is what God really cares about. Do I find rituals rich in symbolism, pageantry, and beauty, but laws restricting me in my business practices too confining? Then obviously God only meant to be taken seriously when He told me to pray to Him, but He was not serious when He insisted I not prey upon my fellow man.

Selectivity is the transgression that allows us to pick and choose from the law and hence to redefine it...That is the point of the Mishnah that the Radbaz used as the basis for his response to the Jew forced to “select” a day of religious observance. Choose the first day so that you don't in fact choose, but rather God chooses for you. Choose the first day, because if you are granted the freedom to practice your religion on any one day, you dare not defer it to another and thereby declare that you are “looking for something better.”

The “incommensurability of mitzvot,” as established by the Mishnah (Source 8), emerges from the fact that the Torah entirely avoids the subject of reward for particular mitzvah observance – with two notable exceptions:

#### 10. Devarim (Deuteronomy) 5:16 – What is the reward for honoring parents?

Honor your father and your mother as the Lord, your God, has commanded you, so that your days should be lengthened and so that it will be good for you upon the land that the Lord, your God, has given you.

כְּבֹד אֶת אָבִיךָ וְאֶת אִמְךָ כַּאֲשֶׁר צִוָּה ה' אֱלֹהֶיךָ, לְמַעַן יֵאָרְכּוּ יָמֶיךָ וְלִמְעַן יִיטֵב לָךְ עַל הָאֲדָמָה אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ:

#### 11. Ibid. 22:6-7 – What is the reward for chasing away the mother bird?

When you chance upon a bird's nest before you, on the way, upon a tree or on the ground – chicks or eggs, and the mother is sitting on the chicks or eggs – do not take the mother along with the offspring.

(ו) כִּי יִקְרָא קוֹן צִפּוֹר לְפָנֶיךָ בַּדֶּרֶךְ בְּכֹל עֵץ אוֹ עַל הָאָרֶץ אֶפְרָחִים אוֹ בִּיציִים וְהָאִם רֹבֶצֶת עַל הָאֶפְרָחִים אוֹ עַל הַבִּיציִים לֹא תִקַּח הָאִם עִם הַבָּנִים:

You shall surely send away the mother, and take the offspring for yourself, in order that it should be good for you, and you will have long days.

(ז) שְׁלַח תְּשַׁלַּח אֶת הָאִם וְאֶת הַבָּנִים תִּקַּח לָךְ לְמַעַן יִיטֵב לָךְ וְהָאֲרָכָת יָמִים.

Here we have two mitzvot that the Torah, in fact, tells us their reward, and the reward for both is the same: God will grant you long life and prosperity! Both for honoring parents – a seemingly “weighty” mitzvah, far-reaching and often challenging – and for sending away the mother bird – a seemingly “light” mitzvah, easy to perform and only obligatory if you chance upon it – the Torah promises the same reward.

**KEY  
THEMES  
OF  
SECTION  
I**

- According to Radbaz, the prisoner should take off the first available day.
- His basis is “ein ma'avirin al hamitzvot” – a Talmudic principle (Yoma 33a) forbidding one to pass by a mitzvah opportunity.
- He sharpens his approach. Even if on a later day the prisoner will have an opportunity to do a more “weighty” mitzvah (like participating in the Yom Kippur prayers, hearing the shofar or listening to the Megillah), he should opt for the first available mitzvah opportunities, as “light” as they might seem. For instance, this might be the chance to learn a little Torah while out of jail, or participating in daily prayers – whatever comes up first.
- The principle underlying this ruling is summarized in a Mishnah in Pirkei Avot: We cannot know the reward for (positive) mitzvot.

**SECTION II Debate Across the Generations**

Fast-forward Jewish history two-hundred years, going from the Radbaz's Egypt and Israel to Western Europe, and we meet a voice that questions his predecessor. Rabbi Zvi Ashkenazi, a prominent Torah scholar who served as rabbi in Amsterdam, London, and Emden (Germany), was the author of the important collection of responsa, Chacham Zvi.

Rabbi Ashkenazi opens section 106 of his work by citing the Radbaz's position. On the one hand, he notes that the passage from Moed Katan we quoted above (Sources 4 and 5) supports Radbaz's position concerning the Jewish prisoner – he should perform the first mitzvah he encounters. However, based on another Talmudic passage, Rabbi Ashkenazi raises a difficulty with Radbaz's approach.

**12. Menachot 49a – Which sacrifice takes precedence?**

Rav Chiya son of Avin asked Rav Chisda: If the community did not have [enough animals to offer both] the *tamid* (twice daily) sacrifice and the *mussaf* (additional sacrifice brought on Shabbat or holidays) – which takes precedence? What is the case [Rav Chiya was asking about]? If you say it was [a choice between] today's daily offering and today's additional offering, the answer is obvious. The daily offering is clearly preferable because it is both frequent [and frequent mitzvot take precedence over others] and holy [because it is being offered on a holiday] – whereas the additional sacrifice, though still especially holy, is not as frequent. Rather, the question he asked was about having to choose between tomorrow's (a normal day's)

בָּעָא מִיְיָ ר' חִיָּיא בְּר אָבִין מֵרַב  
חֲסָדָא: צְבוּר שְׂאִין לְהֵם תְּמִידִין  
וּמוֹסָפִין אִי זָה מְהוּ קוּדְם? הִיכִי  
דְּמִי? אִילִמָּא תְּמִידִין דְּיוֹמִיה  
וּמוֹסָפִין דְּיוֹמִיה, פְּשִׁטָּא תְּמִידִין  
עֲדִיפִי דְּהוּ לְהוּ תְּדִיר וּמְקַדָּשׁ,  
אֲלָא תְּמִידִין דְּלְמַחֵר וּמוֹסָפִין  
דְּהָאִדְנָא, תְּמִידִין עֲדִיפִי שְׁכֹן  
תְּדִיר, אוּ דְּלְמָא מוֹסָפִין עֲדִיפִי  
דְּהוּ לְהוּ מְקַדָּשׁ?

daily offering and today's (Shabbat's) additional offering. Does the daily sacrifice take precedence because it is more frequent, or is the additional sacrifice preferred because it is more holy?

Shave away all the superficial differences between Rav Chiya bar Avin's question in the Gemara and the question of the prisoner. Both involve a choice between doing two different mitzvot, one I confront immediately and another that will come up later but is either greater or weightier. The Gemara's only question is whether the characteristic of *tadir* (frequency) makes tomorrow's daily offering greater, or whether *mekudash* (sanctity) makes today's additional offering greater. But what we find is that whereas Radbaz employs the Talmud's "We may not pass up mitzvot" principle, the passage in Menachot totally ignores it.

The conclusion of the Talmud, as Rambam (Maimonides) summarizes, is as follows:

### 13. Rambam, Mishneh Torah Hilchot Temidin Umusafin 8:20 – How do we rule?

If they only found two sheep – and if they were to offer them for today's *musaf* there would not be enough for tomorrow's *tamid* – both options are equally valid. If they offered them for today's *musaf*, it is valid, and if they wanted to leave them for tomorrow's *tamid* offerings, they could do so.

לא מציאו אלא שני כבשים,  
אם יקריבו אותן למוסף  
היום אין להן תמידין למחר.  
הרי הדבר שקול - אם  
הקריבום למוסף היום  
הקריבו, ואם רצו להניחם  
למחר לתמידין יניחו:

Since the respective virtues of frequency and sanctity are considered equally important, the community is open to choose which one they want to offer. But why is this not an open-and-shut case of "ein ma'avirin al hamitzvot"? Why is pushing off the animal for tomorrow's sacrifice even an option?

Due to this question, Rabbi Ashkenazi remains ambivalent about the Radbaz's ruling.

## KEY THEMES OF SECTION II

- The Gemara in Menachot deals with a dilemma conceptually similar to that of the prisoner choosing which day to be released, yet does not mention the argument employed by the Radbaz of "we may not pass up mitzvot."
- The Gemara discusses a community with limited resources that must make a choice between offering sacrifices whose precedence is their holiness and sacrifices whose precedence is their frequency. The choice is between **today's** holier *musaf* and **tomorrow's** more frequent daily *tamid*. However, there is a glaring omission: the Gemara does **not** say, "Do not pass by today's mitzvah."
- Because of this source, Rabbi Zvi Ashkenazi (the Chacham Zvi) suggests that the principle whereby one must not pass over mitzvot does not apply to a choice between two mitzvot, but only to passing over a mitzvah without the purpose of performing another mitzvah.

- Rabbi Ashkenazi himself notes that the passage in Gemara Moed Katan with Rashi's commentary (see Sources 4 and 5 above) seems to support the Radbaz's decision.

### SECTION III The Case of the Jewish Soldiers

Chayei Adam (Rabbi Avraham Danzig zt"l, Vilna, 1748-1820, born thirty years after the Chacham Zvi passed away) points out (68:1) that a passage from Tosafot's commentary on the Talmud shows they disagree with the Radbaz.

#### 14. Tosafot Yoma 33a – When does the principle not apply?

Reish Lakish's principle (that you may not pass over mitzvot) only applies where you have to do both, and it instructs you to give precedence to the one you encounter first. But the principle does not apply where a person can only fulfill one of the two. Under such circumstances, one should perform the more frequent one and not the less frequent one.

דלא שייקא דריש לקיש אלא  
היכא דבעינן למעבד תרווייהו  
שייש להקדים ההוא דפגע ביה  
ברישא אבל היכא דלא עבדינן  
אלא חד לא גמרינן מיניה  
ונעביד לתדיר לחודיה ולא  
נעביד לשאינו תדיר:

Once again, we see from Tosafot that the principle of not passing up mitzvot cannot decide between two mitzvot where only one of them will be performed. The principle teaches us that where two mitzvot are to be fulfilled, one should not pass up the first that comes one's way, but rather perform them in the order they arrive. Likewise, one should make sure to do an individual mitzvah at the first possible opportunity. But when it comes to deciding between two mitzvot of which only one can be fulfilled, the principle does not apply.

In a chapter outlining meta-principles relating to mitzvah performance, Rabbi Danzig summarizes this exception to the principle (he lists two other exceptions):

#### 15. Chayei Adam 68:1 – When does the principle not apply?

[Exceptional cases where the rule against passing up mitzvot does not apply:]

A. The principle of not passing over mitzvot only applies where one means to perform two mitzvot, for instance putting on both a tallit and tefillin. In this case, one must perform whichever one he encounters first [and then perform the other]. But if one does not have the opportunity to do both of them, the principle does not apply. On the contrary, we would then prefer the more severe mitzvah. For instance, when the choice is between tzitzit or tefillin – one or the other – one should

א) דלא שייך דלא מעבירין  
אלא כשרוצה שתי מצות, כגון  
שרוצה להניח טלית ותפלין  
דבאיזה שיפגע תחלה צריך  
לעשות. אבל אם אין לו פנאי  
לקיים שניהם רק אחד, לא  
שייך בזה אין מעבירין, אלא  
אדרבה אזלינן אחר המצוה  
החמורה, כגון ציצית ותפלין,  
תפלין חמורה שהיא קדושה  
ביותר וגם חובת הגוף ...  
ואפילו יש לפניו מצוה

prefer tefillin because of their greater sanctity and also because their obligation applies to the body itself (whereas tallit applies to clothing) ... Even if one has a biblical-level mitzvah to do today, but its fulfillment will preclude the fulfillment of another, more stringent, biblical mitzvah tomorrow – tomorrow's mitzvah takes precedence.

דאורייטא לעשות היום, רק  
כשיעשנה היום לא יוכל למחר  
לעשות מצוה דאורייטא  
אחרת שהיא חמורה מזו,  
מצוה דלמחר עדיף.

### The Cantonists

Rabbi Danzig, like Radbaz three centuries earlier, notes practical ramifications of the principle of ein ma'avirin al hamitzvot – sometimes in tragic applications.

For instance, in his time Jewish youth were involuntarily conscripted into the Czar's army, where keeping Torah mitzvot was extremely difficult. These soldiers, referred to as Cantonists, were forcibly snatched by the authorities for army service (the problem was most acute during the reigns of Alexander I and Czar Nicolai, between 1801 and 1856). Most of the boys were between the ages of twelve and eighteen; some were as young as eight or nine. They were forced to serve for twenty-five (!) years after their eighteenth birthday. Simultaneously, they were victims of aggressive attempts to convert them to Christianity. Rarely did these soldiers succeed in maintaining a lifestyle of traditional Jews. However, in exceptional cases, and through tremendous self-sacrifice, these soldiers were able to retain Jewish belief and practice.

Rabbi Danzig addresses one of their very unfortunate halachic dilemmas.

### 16. Chayei Adam 68:1 – When should Jewish soldiers return to their posts?

Concerning the matter of Jewish soldiers – it seems to me that if he must go to his post on the day before Yom Kippur, so that he will not be able to put on tefillin that day (the day preceding Yom Kippur), yet, on the other hand, he will be able to fast the next day, on Yom Kippur... we do not say, “do not pass up mitzvot.”

ולכן נראה לי באנשי חיל  
יהודים שצריכים לילך על משמר  
שלו בערב יום כפור וכיוצא בו  
אלא דאז לא יכול להניח תפילין  
באותו יום, ולעומת זה יכול  
למחר ביום הכפורים  
להתענות ... לא אמרינן אין  
מעבירין על המצוות.

Once again, the principle is that where two mitzvot are in competition with one another, and only one of them can be fulfilled, we rely on other halachic principles to decide which to prefer. The concept of “not passing up mitzvot” does not apply.

**KEY  
THEMES  
OF  
SECTION  
III**

- Rabbi Avraham Danzig (**Chayei Adam**) does not agree with Radbaz; rather, he sides with Tosafot's opinion whereby the principle of ein ma'avirin al hamitzvot does not apply to the choice between two mitzvot.
- It follows that the prisoner will not have to choose the day of the first available mitzvah, but rather the day in which he can fulfill the most stringent or "weighty" mitzvah.
- Chayei Adam thus ruled that a Jewish soldier in the Russian army – faced with a tragic dilemma similar to the Jewish prisoner in the Egyptian jail (Sources 1-3) – should opt for Yom Kippur over a "normal day" if he has some maneuvering room in scheduling his army service.

## SECTION IV Understanding the Dispute

We now have two possible answers to the question we opened with. If, God forbid, a Jewish prisoner is offered one day out jail to do express his Jewish identity, when should he take it?

**Radbaz** rules that he should pick the first available day – one should not pass up mitzvot; **Chayei Adam** however rules that he should pick Yom Kippur, the holiest day of the Jewish calendar.

According to **Radbaz** (Source 3) the principle of ein ma'avirin al hamitzvot applies, forbidding the prisoner to pass up the first mitzvah opportunity. **Chayei Adam** (Sources 15-16), however, based on a comment by Tosafot in Yoma (Source 14), says that the principle of ein ma'avirin al hamitzvot does not apply to choosing between one of two mitzvot. Therefore, the prisoner (or Jewish soldier) should choose the mitzvah option that takes precedence.

As to Rabbi Binyamin Blech's critique (Source 9), whereby leaving the choice up to us will imply a subjective approach to mitzvah performance, Rabbi Danzig would point out that the choice between mitzvot is not made based on whim, convenience, or emotional preference. **Rather, the Torah itself guides us and gives us Divinely ordained criteria to make choices between mitzvot.**

Here is one example, from a Mishnah. The Mishnah presents a principle of precedence, but **quotes a biblical source** to support it.

### 17. Mishnah Zevachim 89a – Frequency creates precedence.

Any [mitzvah] that is more frequent than others takes precedence. The daily sacrifices precede the musaf (additional) sacrifices; the musaf of Shabbat precedes the musaf of Rosh Chodesh (the first day of the Jewish month); and the musaf of Rosh Chodesh precedes the musaf of Rosh Hashanah (the first of the year). This is based on the verse

כָּל הַתְּדִיר מִחִבְרוֹ, קוֹדֵם אֶת חִבְרוֹ. הַתְּמִידִים קוֹדְמִים לְמוֹסְפֵינִי, מוֹסְפֵי שַׁבָּת קוֹדְמִין לְמוֹסְפֵי רֹאשׁ חֹדֶשׁ, מוֹסְפֵי רֹאשׁ חֹדֶשׁ קוֹדְמִין לְמוֹסְפֵי רֹאשׁ הַשָּׁנָה, שְׁנֵאמַר (במדבר כח), "מִלְבָּד עֲלֵת הַבֶּקֶר אֲשֶׁר

(Bamidbar/Numbers 28:23): “You should do these [other sacrifices] besides [here implying ‘after’] the daily burnt offering.”

לְעֵלֶת הַתָּמִיד תַּעֲשׂוּ אֶת אֵלֶּה:”

Three common examples of this principle are:

- A.** putting on a tallit (that is worn every day of the week) before tefillin (which are not worn on Shabbat);
- B.** reading the Torah portion for Rosh Chodesh (which is read once a month) before that of Chanukah when the two coincide (on Rosh Chodesh Tevet);
- C.** counting the Omer (which is done for 49 days of the year) only after praying the (daily) Maariv service.

Even Tosafot (Source 14) and the Chayei Adam (Sources 15-16), who would argue with the Radbaz (Source 3) about which day a prisoner should choose to come out of jail (Tosafot – the most important day; Radbaz – the first available day), will maintain that only **Torah-based criteria** can be the basis of the choice.

**Question:** Do you think the Radbaz would agree with the following ruling of Terumat Hadeshen (Rabbi Yisrael Isserlein, Austria, 1390-1460)? The ruling relates to postponing the performance of a mitzvah (in this case, the blessing over the new moon), for the sake of an enhanced performance (of the same mitzvah) at a later date.

### 18. Terumat Hadeshen Responsum 35 – Can you delay Kiddush Levana – the blessing over the moon?

**Question:** One who sees the moon at its renewal (after it reappears following the new month) during a weekday, but wishes to wait to say the blessing over it until *Motza'ei Shabbat* (Saturday night) – is this proper practice?

**Answer:** It seems that this depends on *Motza'ei Shabbat* being only a few days into the month, such as when it occurs on the seventh or eighth of the month. Under such circumstances, even if it is cloudy on *Motza'ei Shabbat* there will still be three, four, or five days left to make the blessing, up to the end of the fifteenth day. It is then correct to wait until *Motza'ei Shabbat*, for the *Or Zarua* has written that we make the blessing over the renewing moon specifically on *Motza'ei Shabbat*, when we are in good spirits and in our best clothing...

שְׂאֵלָה: הַרְוָאָה לְבִנְהָ בְּחֻדוֹשׁ בְּיָמֵי הַחֹל, וְאוֹמֵר נִמְתִּין לְבָרַךְ עַל חֻדוֹשׁ עַד לְמוֹצָאֵי שַׁבָּת יָפֵה הֵם עוֹשִׂין אוֹ לֹאוּ?

תְּשׁוּבָה: יִרְאֶה דַּיִשׁ לְחַלֵּק בְּדָבָר, הֵיכָא דְלִיל מוֹצָאֵי שַׁבָּת הֵבֵא בְּקָרוֹב, אֵינּוּ לַיְלוֹת הַרְבֵּה בְּחֻדוֹשׁ, כְּגוֹן ז' אוֹ ח' בְּחֻדוֹשׁ, שְׂאֵפִילוֹ אִם יֵהָא מְעַנְן בְּמוֹצָאֵי שַׁבָּת, וּב' וְג' אוֹ ד' לַיְלוֹת אַחֲרָיו, עֲדִין יֵשׁ זְמַן לְבָרַךְ עַד סוֹף לַיִל ט"ו, כִּי הָאֵי גְּוֹנָא יָפֵה לְהִמְתִּין עַד מוֹצָאֵי שַׁבָּת. דְּכָתֵב אוֹר זְרוּעַ: דְּאֵין מְבָרְכִין עַל הַיָּרֵחַ אֶלָּא בְּמוֹצָאֵי שַׁבָּת, כְּשֶׁהֵן מְבוֹשְׂמִין וּבְכֵלִים נְאִים...

Provided it is “safe” to do so (there are several days remaining to recite the blessing, in case Saturday night cloudiness conceals the moon), Terumat Hadeshen rules that it is correct to wait until Saturday night to make the blessing.

Would Radbaz, who maintains that one cannot pass up a mitzvah today in favor of a “greater” mitzvah tomorrow, agree that it is permissible to delay **one** mitzvah in order to do that **same** mitzvah later in a better way?

The answer to this question will emerge from a basic question: What is wrong with passing a mitzvah by? What is the basis of the principle that one must not pass over mitzvot?

This question was asked by Rabbi Zvi Chanoch Levin, a renowned Torah scholar and the son-in-law of Rabbi Yehudah Arye Leib Alter, the renowned “Sefat Emet.”

### 19. Kovetz Torani Merkazi Sivan 5744 p. 23 – What underlies the principle of not passing up mitzvot?

We need to know the reason that it is forbidden to pass up mitzvot. What is the rationale behind this? It seems that there are two possible reasons: Either it is considered a disgrace to a mitzvah to leave a mitzvah and take another in its stead – that is a disgrace to the first mitzvah. Alternatively, we might suggest that the reason is that we must perform mitzvot with zest at the first possible time and place.

דְּהֵינָה הָא דְּאִין מְעַבְרִין עַל  
הַמִּצְוֹת טַעְמָא בְּעֵי מַה זֹאת?  
וְנִרְאָה דִּישׁ לֹמַר שְׁנֵי טַעְמִים  
בְּזָה, אִו דְּהֵי בְּזֵי מִצְוָה, דְּמִנִּיחַ  
מִצְוָה זֹו וְלֹקַח עֲצָמוֹ לְשִׁנְיָה הֵי  
בְּזֵי מִצְוָה הַקּוֹדֶמֶת, אִו דִּישׁ  
לֹמַר מִשּׁוֹם דְּזֵרִיזִין מְקַדְּמִין  
לְמִצְוֹת בְּזֵמַן וּבְמָקוֹם, וְלָזָה אִין  
מְעַבְרִין.

There are two ways of understanding the conceptual principle of ein ma'avirin al hamitzvot:

- A.** It is an affront to the mitzvah, whether Divine or rabbinic, to pass it up; or
- B.** Out of enthusiasm for mitzvot, they should be done as soon as possible, and therefore they should not be passed up.

Based on approach A, we can suggest that if an opportunity to perform a mitzvah is passed up for the sake of performing it later in a more enhanced manner, no disgrace is involved. Passing up a mitzvah without good reason, or for the sake of a different mitzvah, disgraces the first mitzvah; passing it up for its own sake, however, is a different story.

Thus, Radbaz might agree with Terumat Hadeshen's ruling to wait until Saturday night to perform Kiddush Levanah, even though it could be performed earlier.

It is possible, moreover, that the dispute between Radbaz and others (concerning the prisoner question) hinges around these two rationales. The Radbaz will side with approach A – the mitzvah is disgraced by passing it up, even if this is for the sake of performing a different mitzvah. Therefore, a prisoner with a one-day option for furlough should take the first available option.

Tosafot, however, will side with approach B, whereby mitzvot should be performed as soon as possible. The urgency of mitzvah fulfillment might not apply where a person has to choose between a present yet lesser mitzvah and a future yet greater mitzvah. Under such circumstances, it is correct to leave aside the present mitzvah for the sake of fulfilling the future, greater one. Thus, the prisoner should wait until Yom Kippur (where relevant) for his day of leave.

#### KEY THEMES OF SECTION IV

- Although Radbaz rules that ein ma'avirin al hamitzvot applies even to choosing a mitzvah that comes first over a "weightier" mitzvah that comes later, he might agree that one can delay a mitzvah in order to enhance its performance later on.
- Terumat Hadeshen explicitly rules that it is proper to delay *Kiddush Levanah* until *Motza'ei Shabbat*, because this will enhance the mitzvah. He qualifies this ruling with the condition that there should be several days beyond Saturday Night when it would still be possible to make the blessing, in case that night is cloudy.
- Chayei Adam, based on the opinion of the Tosafot (who say that ein ma'avirin al hamitzvot does not apply to choosing between two mitzvot), rules that when these tragic choices come up, one must pick the weightier mitzvah.
- In making these choices we must employ Torah-based criteria. Frequency and holiness are two examples of criteria which the Torah itself uses for determining precedence.
- Radbaz and Tosafot might have different views on what is conceptually problematic with passing over a mitzvah. Radbaz may see it as a disgrace or affront to the mitzvah, and therefore the principle would apply even to passing up one mitzvah for the sake of another. Tosafot, however, might see the principle as ensuring that we do each mitzvah at the earliest possible time and in the first place we encounter it. It might therefore not apply to choosing between two mitzvot, even where this involves passing one of them up.

### SECTION V Common Applications of Ein Ma'avirin al HaMitzvot

The principle applied by Radbaz to the Jewish prisoner's tragic question has a number of common applications. For example, we see the principle ein ma'avirin al hamitzvot, not passing over mitzvot, at work in the following areas:

- A.** how the Passover Seder Plate is set up; and
- B.** how we hold the challah bread as we make the blessing over it on Shabbat evening.

In both instances we set up our mitzvah activities to avoid having to bypass mitzvot.

#### **A. The Seder Plate**

Seder night is a night of mitzvot, including a number of different mitzvah objects – all of them types of foods. Besides wine for the four cups, our list of foods for

the evening includes (in the following order): *karpas* (a vegetable like potatoes or celery), salt water or vinegar to dip the karpas in, matzah (unleavened bread), *marror* (bitter herbs), *charoset* (mixture made of nuts, wine, cinnamon, and apples – to dip the marror in), a hard-boiled egg (often eaten with salt water, reminiscent of a holiday sacrifice that was brought on the day before Pesach), and a shank bone (not eaten on the Seder night).

The Rema writes how these foods should be arranged on the table to ensure we follow the principle of ein ma'avirin al hamitzvot.

## 20. Rema, Shulchan Aruch Orach Chayim 473:4 – Why is the Seder Plate set up as it is?

The Seder Plate should be arranged in a way that will prevent passing over a mitzvah [enabling a person to physically encounter the performed mitzvot in chronological order]. That is, the karpas (vegetable to be dipped in the beginning of the Seder) should be closest (to the person leading the Seder) of all, and the vinegar (salt water) closer to it than the matzah. The matzot should be closer than the marror and charoset, and they should be closer than the meat and egg.

ויסידר הקערה לפניו בענין  
שאינו צריך לעבור על המצות.  
דהיינו - הפרפס יהא למעלה  
מן הכל, והחמץ סמוך לו יותר  
מן המצה, והמצות מן המרור  
והחרוסת, והם יהיו יותר  
קרובים אליו מן הבשר  
והביצה.

Here is how the Seder Plate is arranged, according to the Rema, so that the bottom items, which are taken first, are closest to the leader of the Seder (there are a number of other customs for how to arrange the Seder Plate; the Rema's approach is based purely on ein ma'avirin al hamitzvot):

Meat and Egg

Charoset and Bitter Herbs

Matzah

Karpas and Salt Water

## B. The Shabbat Challah

After making Kiddush over wine on Shabbat evening, we open our meal by making a blessing over two challot, breads specially baked for Shabbat. Every detail of the Shabbat meal, including making the blessings over the challot, is laden with meaning. The mystical tradition, which in this case has become common custom, teaches us to eat specifically the bottom bread on Shabbat evening, and the top one on Shabbat morning.

The Shulchan Aruch and commentators apply the principle of ein ma'avirin al hamitzvot to how the challot are held as we recite the blessing.

### 21. Shulchan Aruch and Rema, Orach Chayim 274:1 – Which challah of the two should you cut?

One recites the blessing over two (whole) loaves. This is done by holding both in his hands and cutting the bottom one. Note [of the Rema]: This refers specifically to Shabbat night (this is the Rema's own approach), but on Shabbat day or Yom Tov night, one cuts into the top challah (Kol Bo and Hagagot Maimoniot, Laws of Chametz and Matzah, Ch. 8). The reason is rooted in the Kabbalah (the Jewish mystical tradition).

בוֹצֵעַ עַל שְׁתֵּי כִפּוּרֹת  
(שְׁלֵמוֹת) שְׂאוּחֵזוּ שְׁתֵּיהֶן בְּיָדוֹ  
וּבוֹצֵעַ הַתְּחִתּוֹנָה: הָגָה וְדוֹקָא  
בְּלִילֵי שַׁבָּת (דַּעַת עֲצָמוֹ) אֲבָל  
בְּיָוֶם הַשַּׁבָּת אוֹ בְּלִילֵי יוֹם  
טוֹב בּוֹצֵעַ עַל הָעֲלִיוֹנָה (כֹּל בּוֹ  
וְהַגְהוֹת מִיַּמּוֹנֵי פ"ח מֵהַלְכוֹת  
חֲמִין וּמִצָּה) וְהַטַּעַם הוּא עַל  
דְּרָדָה הַקְּבֵלָה.

The Mishnah Berurah shows how earlier commentators dealt with the issue of ein ma'avirin al hamitzvot:

### 22. Mishnah Berurah, Orach Chayim 274:5 – How should you hold the challot as you make the blessing?

Bach (Rabbi Yoel Sirkes, author of Bayit Chadash) pointed out the difficulty with cutting the bottom challah, because [passing up the upper challah] contravened the principle of not passing over a mitzvah, ein ma'avirin al hamitzvot [and he therefore ruled that you should always make the blessing over the top challah]. Taz (Rabbi David Halevi, author of Turei Zahav) found a way of circumventing this problem; he had the practice of placing the bottom challah closer to himself than the top one, so he would encounter the bottom one first, and not pass over the top one. Alternatively (the Magen Avraham's solution), one could take the challah that was uppermost at the time of making the Hamotzi blessing, place it below the other challah, and only then cut it (thus, one never "passes over" the top challah).

הַתְּחִתּוֹנָה - הַב"ח תָּמָה  
דְּאִין מַעְבִּירִין עַל הַמִּצְוֹת.  
וְהַט"ז תִּיקֵן זֶה, וְנִהְיָ לְהַנִּיחַ  
הַתְּחִתּוֹן קְרוֹב אֵלָיו יוֹתֵר מִן  
הָעֲלִיוֹן, וְנִמְצָא שְׂפוּגֵעַ תְּחִלָּה  
בַּתְּחִתּוֹנָה. אוֹ לֹקְחִין הָעֲלִיוֹנָה  
בְּשַׁעַת בְּרַבַּת הַמוֹצֵיא, וּמְנִיחִין  
אוֹתָהּ לְמַטָּה וּבוֹצֵעִין עָלֶיהָ.

The Taz's solution is common practice (see Shmirat Shabbat Kehilchata Volume 2, 55:23).

It is interesting to note that Rabbi Yechiel Michel Epstein (Aruch Hashulchan, Orach Chaim 274:6) quotes an approach contending that the principle of ein ma'avirin al hamitzvot should not apply here. This argument is based on Tosafot's approach, as discussed above: Because the intention is to eat only one of the two challot, and not both, the principle does not apply.

**KEY  
THEMES  
OF  
SECTION  
V**

- The Seder Plate, according to the Rema, is arranged based on the principle of ein ma'avirin al hamitzvot. In order to avoid passing over one of the mitzvot of Seder night, we place them on the table so the first one we will do is also the first one we encounter.
- The Rema brings the Kabbalistic custom of cutting into the lower of the two challot on Shabbat evening. Bach rejects this custom because it goes against the Talmudic principle ein ma'avirin al hamitzvot; you would have to pass over the upper challah to cut the bottom one. Common practice is to follow the Taz's strategy to observe both the mystical custom and the halachic principle. He would hold the bottom challah closer to himself as he made the blessing, and would then cut it.

**CLASS  
SUMMARY**
**If a Jew is granted only one day out of jail, which day should he choose?**

This involves a dispute among authorities. Radbaz rules that he should choose the first possible day that will enable him to do mitzvot – any mitzvah – that he could not perform in prison. Hundreds of years later, Chayei Adam, based on the opinion of Tosafot, rules that he should pick Yom Kippur – the most “important day” of the Jewish calendar year. According to Chayei Adam, when faced with a choice between two mitzvot, Torah-based criteria should be used for judging which one is weightier.

**What are the halachic principles underlying the answer to this question?**

The Radbaz bases his ruling on the principle of ein ma'avirin al hamitzvot, which forbids passing up a mitzvah, even in favor of another weightier one. Others claim this principle is more limited, and does not apply to choosing one of two mitzvot, but only to performing a mitzvah at the earliest possible time. It is possible that the dispute hinges on how the principle should be understood – as concern for the “disgrace” of the mitzvah that was passed up, or as a general instruction to perform mitzvot at the first opportunity.

**What is the philosophical approach behind the Torah's guidelines for choosing between one good act and another?**

The mitzvot are God-given (or rabbinic; rabbinic mitzvot are also sanctioned by Divine authority), and only God knows the weight and reward of each individual mitzvah. According to Radbaz, one should thus perform the first available mitzvah, or, for the prisoner question, leave on the first day in which a mitzvah can be performed. Whenever a mitzvah is encountered, it should be performed immediately (see Source 7). Tosafot and others agree that we should not pick and choose mitzvot by whim and subjective preference. Mitzvah observance cannot be guided by convenience or utility. However, just as the mitzvot are Divinely ordained, so there are God-given directives on how to deal with conflicts between them – criteria that determine which mitzvot take precedence over others.

### What are some common applications of the principles behind choosing between mitzvot?

Radbaz applied the principle of ein ma'avirin al hamitzvot, not passing over mitzvot, to the case of the Jewish prisoner. This is, of course, a very extreme application. Yet, the same principle applies to some common cases.

The Seder Plate, according to the Rema, is organized in order to avoid improperly passing over any mitzvah foods. We make sure that the first foods we will eat are the first we encounter. The Rema also rules that on Shabbat evening we make Hamotzi over the lower of two challot. In order to follow the principle ein ma'avirin al hamitzvot, we make sure to hold the challot in such a way that the bottom challah is closer to us. Thus, the first challah we encounter is the one we will make the blessing over.

---

### AFTERWORD Relating to Mitzvot; Relating to God

**“Judaism is not as much a religion as it is a relationship.** It is only through mitzvah observance that man can build a deep, enduring, and meaningful relationship with God” (Rabbi Osher Chaim Levene, quoted in “The Mitzvot & Why They Are So Detailed,” Morasha Syllabus).

This approach, which is bolstered by many primary sources (see Rabbi Aryeh Kaplan's Handbook of Jewish Thought Vol. 1, “The Commandments,” especially footnotes 1-4, 41, 69, 74, 79, 99, 108, and 136), underlies several principles that guide us in mitzvah performance.

Principles like ein ma'avirin al hamitzvot involve **how we connect to the mitzvot**. Whether this principle focuses on doing mitzvot in a timely fashion, at the first possible opportunity, or not disgracing (“insulting”) a mitzvah by passing it by, it involves **relating to the mitzvah** with the proper energy and respect. How we relate to mitzvot is a reflection of how we relate to God – for we connect with God through the mitzvot.

Here are a few other principles (taken from Chayei Adam's summary of mitzvah principles in Chapter 68) that highlight the same point:

**A.** אין עושין מצוות חבילות חבילות – “Mitzvot are not bundled up.” It is wrong to perform two mitzvot at once (“killing two birds with one stone”). Each mitzvah deserves individual attention. For instance, we do not use the same cup of wine for both Birkat Hamazon (the blessing made after meals) and for Sheva Berachot (special blessings made when celebrating a marriage).

**B.** הידור מצוה – “Beautification of mitzvot.” This concept expresses our love for God by making every connection with him an aesthetically beautiful experience. For instance, we pay close attention that everything connected with the Sefer Torah – writing, covering, Aron Kodesh (Holy Ark) – should be beautiful.

**C.** שְׂמֵחָה נֶשֶׁל מִצְוָה – “Performing mitzvot with joy.” We sing at our Shabbat table; likewise, we sing Hallel at our Seder table on Pesach night and as we joyfully hold our four species on Sukkot. “Serve God with joy and come before Him with song”(Tehillim/Psalms 100:2). Joy is integral to mitzvah performance because of the connection with God latent in the mitzvah.

**D.** יַעֲשֶׂה בְּחִבּוּרָה וְלֹא בְּיָחִיד – “Mitzvot should be done in groups and not as individuals.” We approach God not just as individuals, but as the people of Israel. A mitzvah performed communally is all the more powerful. This is especially reflected in prayer with a minyan, learning Torah as a group, and in communal charity and kindness projects.

---

### ADDITIONAL RESOURCES **English**

“Which is the Most Important Mitzvah?” Part 1 of Rabbi Binyamin Blech, Understanding Judaism: The Basics of Deed and Creed, pp. 2-24. Chapter 1, “If You Had to Choose Only One Mitzvah,” deals with the question presented to the Radbaz.

“Not Bypassing Mitzvah Opportunities / Zealotry for Mitzvot,” on Mordechai Torczyner’s WebShas online at <http://www.webshas.org/kelal/mitzvah/maavirin.htm>

This is a list of every place in the Talmud where related material appears.

### **Hebrew**

“אין מעבירין על המצוות,” אנציקלופדיה תלמודית

“אין מעבירין על המצוות,” מנחת אשר בראשית עמודים קמא-קמב

“בית האסורים,” ודברת במ כרך ד, עמודים 16-18