

## HIT OR MISS: THE ROLE AND NATURE OF הידור מצוה

In the *הים*, we have the very famous פסוק of "זה א-לי ואנוהו"<sup>1</sup>. The identifies this גמרא<sup>2</sup> as the source for the concept of הידור מצוה, beautification of the מצוה. What this means is not so clear. The גמרא gives some examples of this concept, such as having a nice אתרוג or ציצית. What is interesting is that all of the examples listed in the גמרא are objects. Is there such an idea of a הידור in the מעשה מצוה? We know there is an איסור to eat on פסח ערב starting from למנחה, a half hour before מנחה קטנה. One reason given for this איסור is so that the מצוה can be eaten in a state of הידור.<sup>3</sup> Many ראשונים take issue with this explanation, yet Rav Yonasan Sacks<sup>4</sup>, among others, point out that we do indeed have such a precedent for having a הידור in the מעשה מצוה. Ideally, one should be answering to דברים שבקדושה such as קדושה or קדיש. However, if one is davening עשרה שמונה, we say he can rely on כעונה. Yet, תוספות<sup>5</sup> emphasize the fact that there is indeed a הידור to answering, which is only a מעשה מצוה.

Another point of discussion in the סוגיא of הידור מצוה is how the הידור impacts the מצוה; is the הידור an unrelated bonus, or is it part in parcel of the מצוה itself? Let us illustrate with the following example: suppose שמעון and ראובן both have an אתרוג. While ראובן has an אתרוג that is כשר, it is not מהודר. Yet, שמעון has a really nice אתרוג. Do we say that they both fulfilled the same מצוה of אתרוג, and שמעון also fulfilled the ענין of הידור מצוה, or do we say that שמעון's מצוה of אתרוג is of a better quality than that of ראובן? This question can be answered with the following גמרא<sup>6</sup>: הידור חיוב of הידור is to spend an extra third of the price. The גמרא is מסופק about how to calculate the third. One way to calculate a third is how we would normally do it. Suppose it costs 30 dollars to buy an אתרוג that is כשר, without any הידורים. We would say  $\frac{1}{3}$  of 30 is 10, so one would be חייב to spend 40 dollars on an אתרוג מהודר. This method of calculation is known throughout the גמרא as מלבר, externally. The other way to calculate a third is מלגיו, internally. In our example, we would determine the third as being a third of the total. To do that, we would actually add a half. Therefore, we would add 15 dollars to the base 30, arriving at the total of 45 dollars. The 15 we added was  $\frac{1}{3}$  of the end result of 45. In the end, the גמרא leaves this question unanswered.

רי"ב סאלאווייצ'יק<sup>7</sup> explains that if you hold that the הידור is part and parcel of the מצוה itself, then you would use the calculation of מלבר, i.e. the \$40 אתרוג in our example. This is because the third is determined based on the מצוה, which in our example was 30. On the other hand, if you were to understand the הידור as an independent ענין, then you would use the מלגיו calculation, i.e. an אתרוג מהודר would cost \$45. The 15 dollars that is the third does not come from anywhere specific. As רי"ב

<sup>1</sup> שמות טו.ב

<sup>2</sup> שבת קלג:

<sup>3</sup> משנה פסחים צט: ורש"י ורשב"ם שם

<sup>4</sup> חזון לימים על פסחים ה"ב עמ' נז

<sup>5</sup> תוספות ברכות כא: ד"ה "עד"

<sup>6</sup> בבא קמא ט-ט:

<sup>7</sup> רשימות שיעורים בבא קמא ט: ד"ה "גמ' בהידור מצוה"

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puts it, it is a unique שיעור that is not שייך to the המצוה. I was thinking about this, and I came up with another example that uses the מלגיו calculation that I think illustrates this point. If someone eats תרומה by mistake, he has to give back the value of the food to the כהן (since he was מזיק his property), as well as a חומש, i.e. a fifth. This "fifth" is what we would call a fourth, since it uses the מלגיו calculation. This חומש is meant to be a כפרה, and is therefore irrelevant to the קרן which is just replacing what he stole. In fact, while the כהן can be מוחל on the קרן (since it is his money), he cannot be מוחל on the חומש.

What is behind this מחלוקת of the nature of הידור מצוה? To answer this question, we have to see another גמרא.<sup>8</sup> When it comes to ברית מילה, there are pieces of skin, which the גמרא calls ציצין. Some of these ציצין are מעכב the מילה, while others are not. Yet, removing the שאינן מעכבין ציצין is a הידור מצוה. The גמרא tells us that as long as the מוהל is עוסק in the מילה, he has to remove the ציצין המעכבין, and he can still remove the שאינן מעכבין ציצין. Yet, once he stops the action, he has to go back and remove the המעכבין ציצין, but is not חוזר for the שאינן מעכבין ציצין. There is a big מחלוקת in the ראשונים and the פוסקים as to what circumstance the גמרא is talking about. רש"י understands the גמרא to be specifically talking about שבת. While a ברית itself is שבת, דוחה הידור is not. Therefore, if you are still doing the ברית, you can do the הידור and remove the שאינן מעכבין ציצין. However, once you stop, there is no more מצוה, and removing the שאינן מעכבין ציצין will cause the מוהל to be שבת מחלל.

While רש"י understands this גמרא to be talking about שבת, the גמרא itself never actually indicates any such notion. This lead the רמב"ם<sup>10</sup> to say that this גמרא applies in all circumstances. According to this logic, once the מוהל is no longer doing the מילה, the opportunity to do a הידור is gone. Yet, the רמב"ם repeats this הלכה in the context of שבת as well,<sup>11</sup> meaning the difference between שבת and חול is that while during the week there is no purpose to go back and remove the שאינן מעכבין ציצין, on שבת it would actually be אסור to remove them.<sup>12</sup> However, some suggest that it may even be אסור on a weekday, as any unnecessary removal of skin can constitute חבלה. This clearly indicates that according to the רמב"ם, the הידור is connected to the מצוה itself, whereas רש"י holds that the הידור is independent of the מצוה. It would thus follow that רש"י would require you to buy the אתרוג worth 45 dollars, while the רמב"ם would only require the one worth 40 dollars.

This מחלוקת between רש"י and רמב"ם has practical ramifications in other areas of הלכה as well. By חנוכה, we know the basic מצוה is גר איש וביתו, every house lights one candle each night. Yet, we do a special הידור מצוה known as מהדרין מן המהדרין, where we light candles corresponding to the night and to everyone in the household. Suppose it is the third night of חנוכה, and there are 5 people in the house. In total, 15 candles will be lit. However, it is a מחלוקת as to how those candles are lit. According

<sup>8</sup> שבת קלג:

<sup>9</sup> רש"י שם ד"ה "המל" וד"ה "על שאין מעכבין"

<sup>10</sup> רמב"ם הלכות מילה ב.ד. וחסף משנה שם

<sup>11</sup> שם הלכה ו

<sup>12</sup> חסף משנה שם

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to our פסק, the father lights his 3 candles, and then each kid lights their 3 candles. Yet, הרמב"ם holds that the father would light all 15. Why is that? Based on what we've been saying, there is no opportunity for הידור once there is a pause in performance of the מצוה. Once the first candle is lit, the father can keep going. Once he stops, the kids lighting their candles accomplish nothing. Yet, if the father doesn't stop, he can fulfill the הידור to the extent intended by the רבנן.<sup>13</sup>

Another time we see this הרמב"ם שיטת play out is by סוכות. You have 2 אתרוגים in front of you. One is a regular אתרוג that is כשר. The other is an אתרוג מהודר, but there is a פסול. Which one should you take? אתרוג מהודר רב חיים סאלאוויצ'יק<sup>14</sup> says you should take the מהודר. If you were to take the כשר one and it turned out that the פסול was really כשר, you lost out on the chance of a הידור מצוה. Yet, if you take it and it turned out it was actually פסול, you can immediately pick up the other one, and there is no problem. Clearly, this פסק of רב חיים is based on the הרמב"ם שיטת. I think that perhaps we can suggest that רש"י would say to take the כשר one even at the expense of the הידור, since הידור מצוה is a separate ענין that is not a part of the מצוה. However, I have not seen anything that would indicate such, thus I leave it as merely a suggestion.

To conclude with some מחשבה דברי, we know that when we first observe a new דין or concept, we look to its source to tell us what the scope of this דין or concept is. I think the source gives us an insight as to the purpose behind הידור מצוה in a realm beyond הלכה and למדות. We mentioned that the source of הידור מצוה is from the שירת הים, which בני"י sang as a שבח to הקב"ה after סוף קריעת ים סוף. Why did the גמרא choose to learn this concept specifically from here? I once heard that ים סוף קריעת was full of many small miracles that הקב"ה performed for us because He loves us. To name just one, even after the sea split, the seabed which the Jews walked across was completely dry. This miracle was completely unnecessary, but הקב"ה did it out of His love for His people. So too, when we do a הידור מצוה, it is not necessary. Even the הרמב"ם would agree that if I did a מצוה without a הידור, I still accomplished the basic מצוה. Yet, we go above and beyond for הקב"ה because we love Him, and even if it may cost us a bit extra, we are happy to do it.

Additionally, many wonder why the הרמב"ם completely leaves out the דין of הידור מצוה. Rav Asher Weiss<sup>15</sup> suggests that the הרמב"ם wrote his work as a ספר of פסקי הלכה. Yet, we learn הידור מצוה from שירת הים. Nobody commanded the Jews to sing שירה. They did it solely because they were inspired. Not only did they sing, but they took upon themselves a קבלה of הידור מצוה to apply for all future generations. Inspiration is but a fleeting moment. To make it last, you need to concretize the experience into something tangible. When you're inspired, act upon that inspiration, and take upon a small קבלה. Every time you do that קבלה, you will then think about that initial inspirational moment. Even if sometimes it may be hard, and you may not want to do whatever it is that you committed to, the inspiration will be there to push you forward. אם ירצה השם, we should be זוכה to make our

<sup>13</sup> חידושי מרן ר"ז הלוי הלכות חנוכה ד.א.

<sup>14</sup> הובא במנחת אשר כללי המצוות ו.ה.

<sup>15</sup> מנחת אשר כללי המצוות ו.ב.

הידור מצוה

בס"ד

ניסן תשפ"א

אפרים אליעזר גרשון קליין

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inspiration last, and truly become better people from it, and one day be זוכה to sing the ultimate שירה in ירושלים.