



How Far Must You Go? *Tircha* and *Mitzvos*

The first *Mitzva* that we were commanded to observe is *Pru uRevu* – procreation. There are two important disputes with regard to *Pru uRevu*, both recorded in the Mishna in *Maseches Yevamos* (6:6). Firstly, *Beis Shamai* and *Beis Hillel* disagree as to how many children a person must have in order to fulfill the *Mitzva*: According to *Beis Shamai*, it is two sons; according to *Beis Hillel*, a son and a daughter. The Halacha is in accordance with *Beis Hillel* (*Shulchan Aruch, E.H. 1:5*).

Secondly, there is a dispute between the *Chachamim* and *R' Yochanan ben Beroka* as to whom is obligated in the *Mitzva*: According to the *Chachamim*, only men are obligated. According to *R' Yochanan ben Beroka*, women are obligated as well. The Halacha follows the *Chachamim* (*ibid. 13*).

A person is obligated to endeavor greatly to fulfill the *Mitzva* of *Pru uRevu*, as is the case with all *Mitzvos Asei*, and must expend both money and effort as needed. The question is whether there is a **limit** to the degree of effort that is required.

Regarding **monetary expense**, the Poskim rule that unlike the obligation to sacrifice all of one's material wealth in order to avoid transgressing a *Lo Sa'asei*, one does not need to spend an enormous fortune in order to fulfill *Mitzvos Asei* (see the *Rema, O.C. 656:1 & Y.D. 249:1*).

Regarding the degree of **effort** one must exert **or physical pain** one need endure, *haGaon Rav Asher Weiss Shlit"á* (*Minchas Asher Mahdura Tinyana, Bereishis 59*) adduced proof from the Gemara in *Yevamos* (72a). The Gemara discusses a "*Mashuch*" – a person whose foreskin covers the top of his penis such that circumcision poses the risk of rendering him a "*Krus Shafcha*". *R' Yehuda* ruled that a *Mashuch* is exempt from *Bris Mila* even though a *Bris* would not endanger his life. This implies that great distress or physical injury exempts a person from a *Mitzva*.

Rav Asher agreed that there is a distinction between a permanent injury and a temporary illness or transient pain. In fact, irreversible damage to one's health or permanent disability could itself be considered a matter of *Sakana*. On the other hand, perhaps *Mitzvos* that are recurring obligations are temporarily superseded by health or *Pikuach Nefesh* concerns because a person will have future opportunities to



fulfill that *Mitzva* (e.g. *Mitzvas Sukka*¹). However, there are some *Mitzvos* that must be performed once in a person's lifetime but are a lifelong obligation until they are fulfilled (e.g. *Mila*). Deferring the performance of the *Mitzva* means that he will never fulfill that *Mitzva*, and there may be greater reason to require someone to tolerate pain or injury. The *Acharonim*, in fact, obligate a person to spend a great deal of money to fulfill a *Mitzva* of this sort².

Rav Asher concludes that a person is certainly exempt from performing a *Mitzva* that would cause the loss of a limb or permanent injury or disability. In fact, doing so might even be a sin, as a person is forbidden to deliberately damage his body (*Bava Kama* 91b), and no dispensation was given for the sake of performing *Mitzvos*. However, if a person will merely suffer or fall lightly ill, it is certainly a "*Midas Chasidus*" (matter of piety), and there may even be an obligation to perform the *Mitzva*.

We have discussed the extent to which a person must invest his monetary resources or subject himself to pain or injury in order to fulfill a *Mitzva*. But to what extent must a person subject himself to "*Tircha*" (bother or difficulty) for the sake of *Mitzva* performance?

Rav Asher discusses this question at length; noting that, unlike a financial outlay, where it is possible to define the extent of one's obligation to invest in a *Mitzva*, and unlike injury or sickness where there are clearly established degrees of "*Choleh*"³, setting parameters for the degree of *Tircha* that one is obligated to undertake is far more difficult due to the lack of objective definitions. However, he asserts that while *Chaza"l* discourage a person from spending too much money on a *Mitzva*, and indeed forbid him from acting in a manner that is damaging to his health, there is certainly nothing stopping a person from undertaking an enormous amount of *Tircha* for the sake of a *Mitzva*, even if he is not absolutely obligated to do so.

Having reviewed these concepts, let us turn our attention to an important question:

Generally, if a person is unable to perform a *Mitzva* due to medical reasons he is exempt due to *Ones*. However, one's medical condition can often be improved by

¹ For example, if a person believes that sleeping in the Sukka will cause him to become ill and refrains from doing so, he will have multiple opportunities to sleep in the Sukka in the future.

² See *Avnei Nezer, Even haEzer* 1:8

³ E.g. *Choleh sheYeish bo Sakana, Choleh sheAin bo Sakana, Sakanas Eiver, Nafal l'Mishkav, Meichush b'Alma*, etc.



medications or through treatment. Is a person obligated to undergo treatment in order to resolve the issue that is preventing him from fulfilling a certain *Mitzva* improve their medical state and to restore his obligation?

For example, if somebody has a disease that has caused him to suffer a temporary loss of hearing, he is exempt from *Mitzvas Shofar*. However, if he is able to undergo treatment and thus regain his hearing before Rosh Hashana, is he obligated to do so? Does his current state of *Ones* absolve him from any efforts to fulfill the *Mitzva*?⁴

Likewise, if an elderly person has not fulfilled the *Mitzva of Pru uRevu* and is now impotent, is he obligated to take medications to treat his condition and restore his ability to procreate?

This is a question that warrants a great deal of discussion. In the following paragraphs, we will attempt to adduce proof from a Gemara in *Maseches Shabbos* (110b).

The Gemara asserts that if a person is suffering from a disease known as "*Yarkuna*" (a type of jaundice), he should drink two cups of "*Kos shel Ikrin*" (a certain solution) as a cure. However, he should be aware that doing so will cause him to become sterile. The Gemara asks that if this is the case, it should be forbidden as there is an *Issur d'Oraisa* to sterilize a human being ("*Sirus*")!

The Gemara suggests that the advice was only applicable to the elderly who are impotent and thus have no prohibition of *Sirus*. However, the Gemara dismisses that notion, citing the case of *R' Yochanan* who at an extremely advanced age took a medication known as "*Kurtami deChuchi*" (see *Gittin* 70a), which restored his ability to bear children. Therefore, the *Issur Sirus* should apply as we learn from the case of *R' Yochanan* that the elderly are not considered sterile.

The Gemara then answers that the advice to imbibe *Kos Shel Ikrin* was only directed to women. *Tosfos* (and other *Rishonim*) explain that this is simply because women have no *Issur Sirus*. However, *Rashi* (and other *Rishonim*) go a step further; arguing that the reason that the *Issur Sirus* does not apply to women **is because they have no obligation of Pru uRevu**.

⁴ Obviously, he has a Torah obligation to treat his illness due to "*v'Nishmartem M'od l'Nafshoseichem*". Our question is whether he is obligated to pursue treatment before Rosh Hashana in order to fulfill *Mitzvas Shofar*, assuming that there is no risk in delaying treatment until afterwards.



Rashi's position appears eminently logical – it stands to reason that a person who has no obligation to procreate should not be bound by a prohibition of *Sirus*. However, the *Acharonim* ask that the *Issur Sirus* also applies to animals (in fact the *Issur Sirus* of humans is derived from that of animals!), who certainly have no *Mitzva of Pru uRevu*! How then can *Rashi* assert that the two are interdependent?

The Gemara challenges the notion that the aforementioned advice applies only to women and argues that it does not take into account the opinion of *R' Yochanan ben Beroka* who holds that women **are obligated in the Mitzva of Pru uRevu**. According to *Rashi*, the Gemara's question is extremely logical – given that the *Issur Sirus* is dependent upon the *Mitzva of Pru uRevu*, and according to *R' Yochanan ben Beroka*, a woman is obligated in *Pru uRevu*, she should also be bound by an *Issur Sirus*. According to *Tosfos*, the Gemara's question must be that although a woman does not have an *Issur Sirus*, there should nevertheless be an *Issur* for her to sterilize herself as she would thereby render herself incapable of fulfilling the *Mitzva of Pru uRevu*.

The Gemara concludes that the advice was intended for a woman who is elderly (i.e. post-menopausal) or already sterile.

According to *Rashi*, the Gemara holds that **if a person is exempt from the Mitzva of Pru uRevu there is no prohibition of Sirus, even if they are capable of reproduction**. For this reason, women do not have an *Issur Sirus*; at least according to the *Chachamim*.

Earlier, the Gemara argued that if an elderly person is impotent he nevertheless has an *Issur Sirus* as it is possible for him to restore his ability by taking *Kurtami deChuchi*. According to *Rashi*, **this must indicate that he has an obligation of Pru uRevu**, as the *Issur Sirus* only applies to those who are obligated in *Pru uRevu*. If he were exempt from the *Mitzva*, he would have no *Issur Sirus*, just like a woman who has no *Issur Sirus* despite the fact that she is **capable** of bearing children.

In light of the above, it would seem that if a person is unable to perform a *Mitzva* due to a medical condition but is able to rectify that by medication or medical treatment, he would be obligated to do so. Therefore, an elderly person would be obligated to take a medication to treat his impotence and a temporarily deaf person would be obligated to attempt to restore his hearing before Rosh Hashana.

However, all of the above was predicated upon the belief that *Rashi's* view is that the *Issur Sirus* is an extension of the *Mitzva of Pru uRevu*. Therefore, **any**



individual who is exempt from *Pru uRevu* due to his own status or circumstances, would have no *Issur Sirus*. But this may not have been *Rashi's* precise intent. Perhaps the argument that the *Issur Sirus* goes hand in hand with the *Mitzva* of *Pru uRevu* is only true of women, **all of whom are exempted by the Torah from *Pru uRevu***. The Gemara therefore asserted that it is likely that the Torah did not forbid them to perform *Sirus*. *However*, a man **who is generally obligated in *Pru uRevu*, may be forbidden to perform *Sirus*, even if he personally is exempt from *Pru uRevu* due to his situation⁵**.

[This approach could be supported by the fact that the Gemara did not suggest that the advice to drink the *Kos Shel Ikrin* applies to a man **who had already fulfilled the *Mitzva* of *Pru uRevu*** (and would thus have no *Issur Sirus*). This implies that men are always forbidden to perform *Sirus*, even in the absence of an obligation of *Pru uRevu*. On the other hand, perhaps the reason that the Gemara did not suggest this as an answer is because if a man's children die he is obligated anew in *Pru uRevu*. Perhaps that would be reason enough to extend the *Issur Sirus* even to someone who had already fulfilled the *Mitzva*.]

HaGaon Rav Asher Weiss *Shlit"a* told us that in his view, if a person is able to recover the ability to perform certain Mitzvos by taking medications, he is obligated to do so. This degree of *Tircha* is certainly expected by the Torah.

⁵ Unless of course, he is already sterile. But if he is merely impotent, he may not perform *Sirus*, as it is possible for him to restore potency through medication or other treatments.