



Giving Up One's Life for Kiddush Hashem

*The Higher Perspective of the Mitzva of V'chai Bahem - 'And you shall live by them'.
(Danger to life overrides all of the sins in the Torah)*

'The river shall swarm with frogs, and they shall ascend and come into your house and your bedroom and your bed, and into the house of your servants and of your people, and into your ovens and into your kneading bows' (Shemos 7:28)

It's well known that in Torah law wherever there is danger to human life we override all of the sins in the Torah (apart from the three gravest ones - murder, idol worship and immorality). This law is derived by the Gemara (Yoma 85b) from the Passuk in Vayikra (18:5) that states *'and you shall guard my statutes and my laws, that man shall perform and live by them, I am Hashem'*. The words *'and you shall live by them'* (V'chai Bahem) imply that one should live through the performance of Mitzvos *'and not die due to (performing) them'*.

In this essay we shall try and attain a deeper understanding of this concept by examining the topic of giving up one's life for a Kiddush Hashem. The subject has its source in a lesson from this week's Parsha.

The Gemara in Pesachim (53b) writes as follows:

*This was also expounded by Tudus Ish Romi: Why did Chanaya, Mishael and Azarya see fit to give up their lives for Kiddush Hashem, allowing themselves to be cast into a fiery furnace? They did so because they applied a Kal Vachomer to themselves from the case of the frogs that struck the Egyptians. The frogs were not commanded to create a Kiddush Hashem yet the Torah (Shemos 7:28) says 'and they (the frogs) shall ascend and come into your house' etc. 'and **into your ovens and into your kneading bows**'. When are kneading bowls found in proximity to the oven? Surely when the oven is already hot. (We see therefore that the frogs jumped into the burning ovens thus sacrificing themselves in order to make a Kiddush Hashem by doing Hashem's bidding.) Chananya, Mishael and Azarya therefore reasoned that 'we who are in fact commanded in the Mitzva of Kiddush Hashem should certainly sacrifice ourselves in fulfilling the will of Hashem.'*

Tosfos ad. loc. comments:

Why did Chanaya, Mishael and Azarya see fit... Rashi explained that the Gemara's question of 'why did they see fit' was in fact a question as to why Chanaya, Mishael and Azarya didn't derive from the words 'and you shall live through them' (V'chai Bahem) to be saying 'and not die due to performing them'.

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But Rashi's interpretation is problematic for the case of Chanaya, Mishael and Azarya took place in the public view. The Gemara in Sanhedrin (74a) concludes that in the event that one has the choice between doing a sin and giving up one's life then if one is in the public view all agree that one need give up one's life for any Mitzva. (The law of 'V'chai Bahem' is therefore irrelevant.)

Rabbeynu Tam therefore explained that the form that Nevuchadnetzer created (and which he bid Chananya, Mishael and Azarya to bow to) was not a true idol but just a statue that he had fashioned to honor himself. And the understanding of the Gemara's question 'Why did Chanaya, Mishael and Azarya see fit...' is 'why did they not flee?' For they were able to flee before the episode took place, just like Daniel had successfully done previously...

In other words, Tosfos are troubled by the Gemara's question - 'Why did Chanaya, Mishael and Azarya see fit to give up their lives for Kiddush Hashem?' Surely, argue Tosfos, it is an obligation to give up one's life for a Kiddush Hashem?

Tosfos offer two answers to this question. Firstly, they suggest, this form was not a true Avodah Zarah but a mere statue. Therefore, as much as their act of refusal to bow to it, was considered a Kiddush Hashem, it is nonetheless difficult to understand why they did it seeing as there is a Mitzva of 'V'chai Bahem'. Secondly Chananya, Mishael and Azarya had in fact an opportunity to escape Nevuchadnetzer before this event. Why then did they prefer to give up their lives?

According to Tosfos, the Gemara's answer that Chanaya, Mishael and Azarya learnt to give up their lives from the conduct of the frogs of Mitzrayim has to be saying that those frogs in fact entered the hot ovens when they could have chosen to frequent other places. Since they did not hesitate to do so and sacrificed themselves in order to make a Kiddush Hashem, Chanaya, Mishael and Azarya decided that they too would give up their lives, despite having the option to go elsewhere and escape the danger.

The Maharsho ad. loc. offers an answer for Rashi (whom Tosfos seemingly refuted). Really and truly, he writes, it could be suggested that Chanaya, Mishael and Azarya were not in fact obligated to give up their lives because there may not have been ten Jewish people in attendance at that time. If so then this wouldn't be considered a public event and they therefore weren't commanded to give up their lives. And even though they were able to fulfill the Mitzva of Kiddush Hashem by voluntarily giving up their lives, they should have been bound by the Mitzva that applies in all area of Torah law of 'V'chai Bahem'. This was the intent of the Gemara's question of 'why did they see fit?'

The Maharsho continues:

However the Kal Vachomer (wrought by Chanaya, Mishael and Azarya from the frogs in Mitzrayim as a reason to give up their lives) is flawed. For the frogs, as much as they weren't commanded to create a Kiddush Hashem, they nevertheless did successfully and rightly create one seeing as they were not bound by the law of 'V'chai Bahem'. But Chananya and his friends, even though they would have been obligated to make a Kiddush Hashem had the episode in question taken place in public,

now that it took place in private they were not obligated. They therefore should still have not given up their lives since they were bound by 'V'chai Bahem'.

The Acharonim (such as the Pri Chadash in Sefer Halikkutim p241) ask another question. According to Rabbeynu Tam (cited above) who said that the object in question was not an actual Avodah Zarah, why then were they permitted to give up their lives to make a Kiddush Hashem by not bowing to it? While the opinion of Tosfos (to Avodah Zarah 27b s.v. Yochol) is that it is permitted for a person to give up his life even for the sake of ordinary Mitzvos, the opinion of the Rambam (Yesodey Hatorah 5:4) is that it is forbidden.

A similar question can be asked regarding the explanation of the Ri (also cited above). The Ri said that Chanaya, Mishael and Azarya would have been able to escape Nevuchadnetzer before their lives were placed under threat. If that was the case then why in fact did they not do so? It is surely obvious that if a person is being forced to serve Avodah Zarah on pain of death and is able to escape and save his life, then he is surely obligated to do so!

In order to comprehend the approach of Chanaya, Mishael and Azarya, we need to understand the basic concept of 'V'chai Bahem'. We also need to appreciate why it is that the prohibition of Avodah Zarah is not overridden even where there is a danger to life.

The Essence of the Value of 'V'chai Bahem'

There are two contradictory powers at work in our world. The first of these is 'life' which is the power of holiness. The second is 'death' which is the power of impurity. Holiness bestows life, growth and permanence. Impurity brings about decay and death. Holiness exists in the world through the performance of Mitzvos.

Man is obligated to perform the Mitzvos and the purpose of so doing is to bring upon himself and the entire world a force of life and flourishing. For this reason, the Mitzvos will never become a decree of death upon a person. This is the basis of the idea of 'these are the Mitzvos that a person shall do and live through them' - 'V'chai Bahem' and 'not die through them'.

This idea is also apparent in the words of the Rambam in Hilchos Shabbos who delineates the law of 'V'chai Bahem' as follows:

When we perform these acts we don't have them performed by non-Jews, nor by minors, slaves or women because we don't want Shabbos to become inconsequential in their eyes. Rather they shall be performed by the great people of Klal Yisrael and the Sages. It is forbidden to hesitate in desecrating Shabbos for a dangerously sick person, for it says in the Possuk 'that a man will do and live through them' - 'V'chai Bahem' and 'not die through them'. We learn from this that

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the laws of the Torah were not given to be vengeful upon the world but rather as concepts of mercy, kindness and peace for the world. Those apostates who claim that these acts are a desecration of Shabbos and are forbidden – the Torah says about them 'I have also given you, statutes that aren't good, and laws that they shall not live through them'.

Based on this understanding, the law of 'V'chai Bahem' is not a manifestation of a *limit* on a person's obligation to perform Mitzvos. Rather it marks the deep, underlying purpose of those Mitzvos which is *an abundance of the force of life*. In the words of the Gemara; '*desecrate one Shabbos for him*' (a person in danger) '*in order that he be able to observe many other Shabbosos*'.

The purpose of life is the ultimate fulfillment of the Mitzvos and that itself in order to increase life. For this reason certain sins can be overrode in order to enable man to fulfill more Mitzvos and strengthen the power of holiness and of life, in the world. Being that holiness desires life, it follows that in life itself there is holiness. Sins will then be pushed aside in some cases in order to safeguard the holiness of life.

Rav Yosef Dov Soloveitchik zt"l wrote similarly:

This Halacha is the code of Judaism... The words of the Torah do not oppose the laws of nature and reality. For were the Torah's words to be at odds with this world and were they to diminish the value of physical existence – physiological and biological – then they would not contain directives of kindness, mercy and peace but rather only anger and vengeance... From laws such as these there emerges a value of earthly life from the Jewish perspective. These laws highlight the emphasis and priority that the Torah places on life in this temporary world. Through these laws of the Torah, life in this temporary world is transformed into eternal life, sanctified by the holiness of eternity.

In this context the special nature of the law of 'V'chai Bahem' can be readily understood. The Gemara in Yuma, which outlines several sources for the law that one may desecrate Shabbos for somebody who is in danger, clearly favors the Passuk of 'V'chai Bahem' asserting that only it can teach that one desecrates Shabbos in a case where the danger to the person is doubtful. (See Maharam Chaviv - Tosfos Yom Hakippurim ad. loc. and Minchas Chinnuch, Mitzva 296).

If the law of 'V'chai Bahem' would merely be a lesson in limiting ones duty to fulfill the Mitzvos, it would be far from clear why it is a superior teaching to the others recorded by the Gemara. But if we assume the understanding that 'V'chai Bahem' comes to teach us a positive tenet; the establishment of positive value to the holiness of life - a value that goes hand in hand with the value of Mitzvos and does not oppose them at all then this tenet can easily be extended to encompass even instances where the danger to life is in doubt. In that light will conclude that all sins in the Torah be

permitted when acting to save man from any possible danger just so as to ensure the continuing materialization of the holiness of life.¹

The inherent value of the holiness of life, enshrined within the command of 'V'Chai Bahem' remains true for a person unless he faces a situation in which he must serve Avodah Zarah or die. According to the Arizal (Ta'amey Ha'Mitzvos, Parshas Yisro) Avodah Zarah is dubbed as 'Zivchey Meissim' – 'sacrifices of the dead', because it has no life or continued existence. In those circumstances where man is bidden to choose between the Avodah Zarah or his life, he has the opportunity to bring his own life to its climax through dying 'Al Kiddush Hashem'. When he sacrifices himself in refusing to serve the Avodah Zarah, he is in fact choosing life – elevated and holy life that has not even a speck of approval for Avodah Zarah. As he stands in front of the Avodah Zarah and prefers to offer up his life rather than approach it, this becomes the very pinnacle of his life. He cannot possibly reach a higher point than this.

Offering oneself up for Kiddush Hashem – based on this understanding

The Gemara in Brachos (16a) relates a story of Rabban Gamliel who was reciting Krias Shema on the first night after his marriage. He did so despite being exempt from the Mitzva. Rabbon Shimon Ben Gamliel in fact said in this regard 'not everyone who wishes to take on the mantle (of being one who can concentrate upon Kri'as Shema in all circumstances), may do so'.

His students asked him: Didn't Rabbeynu teach us that a Chassan is exempt from Kri'as Shema? Said Rabbon Gamliel in reply 'I will not listen to you to remove the Kingdom of Heaven from myself for even one moment'.

The Sefer Kol Mevasser brings a marvelous explanation of this Gemara. Then based on that explanation he proceeds to explain the entire approach of Chanaya, Misha'el and Azarya in a way that very much reflects the concepts that we have outlined above:

It is said in the name of the holy Admor Rav M"HRShB Mi'Peshischa zt"l. Rabbi Shimon Ben Gamliel who said 'not everyone who wishes to take on the mantle may do so', was speaking of a

¹ This perspective of 'V'chai Bahem' being a positive value that partners the fulfillment of Mitzvas helps explain why there is no such concept for non-Jews. (See Tosfos to Sanhedrin 74a). Were V'chai Bahem to be an expression of limiting the duty a person has to fulfill the Mitzvas then it would be equally applicable to a non-Jew and the seven Mitzvas that he has. But based on our understanding of 'V'chai Bahem' being an expression of the value of holiness of life that stems from our ability to fulfill Mitzvas it can be well understood why it does not apply to a non-Jew. For a non-Jew has no affiliation to this lofty value. Based on this distinction the Minchas Chinuch argues that a non-Jew may only contravene one of his seven Mitzvas in a case of definite danger life, not in a case of doubt.

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person who wishes to be stringent with himself. Such a person must be certain that such conduct is fitting for him.

Rabbon Gamliel however who replied to his students 'I will not listen to you ...' meant to say that there was absolutely no possibility that it would even occur to him not to recite Krias Shema and remove the Kingdom of Heaven from himself for even one moment.

Somebody who feels that as far as he is concerned there is no earthly possibility that he will not recite Krias Shema, is automatically permitted to recite it even in circumstances in which others would be exempt. He has no need to evaluate whether this conduct is fitting for him be he the most humble person there could be.

This same concept can be said about all aspects of self-sacrifice. Even in circumstances when a person is exempt from giving up his life and about which the Torah stated 'V'Chai Bahem', nevertheless if he feels within himself that he cannot under any circumstances commit the sin, we do not then apply 'V'Chai Bahem' to him for this man feels no feelings of life unless he is fulfilling the Mitzvos. If he G-d forbid were to commit a sin his life would feel worthless to him. For that reason he is permitted to give up his life, even in private, and for all types of sins – even those that are not one of the three gravest ones.

And this, as an idea, was obvious and clear to Chanaya, Mishael and Azarya. They needed however to find a source for it in the Torah before acting as such. It therefore says that they learnt to do so from the frogs in Mitzrayim. The frogs despite not being commanded in the Mitzva of Kiddush Hashem, and in spite of them almost always being found in water – the opposite medium to fire they nevertheless went towards the fiery ovens and were burnt.

From this Chanaya, Mishael and Azarya learnt that when a person feels within himself that he has no life other than fulfilling Mitzvos, then such a feeling is legitimate and is based on the Torah. And if that feeling brings about the circumstances that he will be forced to throw himself into the fire rather than transgress, then that act will not be considered as wrongly giving himself over to death. On the contrary, this act will become the seminal act of his life. He in fact cannot act otherwise.

A marvelous example of this idea can be found when examining the conduct of Rebbi Akiva in his final moments:

At the time that they (the Romans) were taking Rebbi Akiva out to be executed it was time to recite Krias Shema. The Romans were scraping Rebbi Akiva's flesh with iron combs and he was accepting upon himself the yoke of the kingdom of Heaven (by reciting Krias Shema).

His students said to him 'Rabbeynu, is this the extent to which one must go?' Rebbi Akiva replied: 'All of my days I would be distressed by the Passuk that says that one must love Hashem 'with all of ones

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soul' meaning that one must love Him 'even if He takes your soul'. I would say 'when will the opportunity to do so come to my hand?' 'Now that that opportunity has indeed come to my hand shall I not fulfill it?' He was elongating the word Echad in the Krias Shema until his soul left him during that word Echad.

A Heavenly voice then called out and said 'fortunate are you Rabbi Akiva, for your soul left you at the word Echad'.

Said the ministering angels to Hakadosh Baruch Hu. 'This is Torah, and this is its reward?' 'Those who die by your hand Hashem...' (Tehillim 17:14). (In other words the angels were asking 'can this possibly be the reward for Rabbi Akiva – to be one of those who die?')

Said Hakadosh Boruch Hu to them 'their lot is with life'²

What was the intent of Rabbi Akiva's Talmidim when they asked him 'is this the extent to which one must go?' Why shouldn't Rabbi Akiva give up his life for Krias Shema?

The Maharsho explains that even in Rabbi Akiva's circumstances there was no obligation for him to give up his life Al Kiddush Hashem. He however had decided to be stringent:

And perhaps it was this that his students were saying to him when they said 'is this the extent to which one must go?' They were asking 'is one in fact obligated to give up ones life for all of the other Mitzvos?' And he replied 'all of my days I was distressed...' 'and it is my will to be stringent and give up my life even for the sake of keeping the other Mitzvos'.

Rebbi Akiva thus explained to his students that the moment of sacrificing his life was not a moment of death at all. It was rather a moment that was the pinnacle of his life; a moment that continued the route that he had traveled upon his entire life. 'All of my days I would be distressed by the Passuk... I would say 'when will the opportunity to do so come to my hand?'

There is no contradiction, in acts such as these, to 'V'Chai Bahem'. On the contrary, they are its very realization. And it was this that Hakadosh Baruch Hu replied to the ministering angels who could not believe that Rabbi Akiva's lot was to be amongst those who die a cruel death. His reply was that 'their lot is for life' – Rabbi Akiva's sacrifice was entirely one of life. There was no element of death in it at all.

² This is the conclusion of that same Passuk in Tehillim.