



## PARSHAS VAYEIRA – “BIKUR CHOLIM - IMITATION OF THE DIVINE OR SOCIAL DUTY?”

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Chazal derived from the beginning of this Parsha that we have an obligation to visit the sick; we find that Hashem appeared to Avrohom on the third day after his Bris Milah, as is brought also by Rashi, “levaker es hacholeh -to visit the sick”. The Gemorah learns out this obligation from two verses; the first is in parshas Yisro where Moshe Rabeinu is exhorted by his father-in-law to make known to the people the path in which they should go and Chazal comment that the word “go” alludes to bikur cholim. The second verse is in parshas Reeh where we are commanded “you shall go after the Lord your God”. The Gemorah asks how it is possible for a person to follow the Shechinah when it is said that Hashem is a consuming fire. The Gemorah answers that the meaning is to imitate His ways, just like He visited the sick, as we find with Avrohom, as mentioned above, so should we visit the sick.

The fact that the Gemorah learns out the obligation of bikur cholim from verses in the Torah gives rise to the question whether this renders it an individual specific commandment of the Torah or whether it is in truth only a Rabbinic commandment which Chazal supported by the verses quoted - known as an *asmachtah*. This question is the subject of differing opinions between two of the major compilers of the list of the mitzvos, Rabbi Shimon Kayyara, who lived in the ninth century and wrote the *sefer Baal Halochos Gedolos* (known for short as “the Behag”) on the one hand and the Rambam on the other. The Behag includes bikur cholim as a mitzvah of the Torah, quoting the verse in Yisro above referred to. The Rambam, in the first of his “*sheroshim*” (literally roots, which consider the criteria for a mitzvah to qualify as one of the 613) rejects the view of the Behag stating that bikur cholim is within the commandment of *Veohavtoh lerayachoh komochah*, loving one’s neighbour as oneself. Indeed in his *Yad Hachazokoh* in the laws of mourning, the Rambam includes bikur cholim as a Rabbinic commandment along with six other good deeds including burying the dead. The Rambam points out an apparent contradiction in the view of the Rambam; the eighth positive mitzvah listed by the Rambam is to imitate the ways of Hashem. As we have seen from the Gemorah mentioned above this includes visiting the sick. Accordingly, how can the Rambam write that bikur cholim is not a mitzvah of the Torah? This apparent difficulty is considered in the *Sefer “Chavazeles Hasharon”* and his answer is that mitzvos involving good deeds towards one’s fellow man have a dual character. On the one hand there is the aspect of self improvement, refining one’s character by imitating the ways of Hashem. On the other hand there is the very important matter of actually benefiting one’s fellow man. The Rambam considers that the Divine element encompasses all good deeds and accordingly one cannot count each good deed as a mitzvah of the Torah in its own right. Looking at the mitzvah of the Torah in isolation, a person could choose whether to do one good deed or another as either will put him on the road to self refinement by imitating the ways of Hashem. Similarly from the aspect of helping his fellow man, visiting the sick is a part of the generic mitzvah of loving one’s neighbour and one could find a different good deed to do with that element. However the Rabbis commanded him specifically to visit the sick, bury the dead and perform the other five good deeds mentioned by the Rambam in the laws of mourning.

The Gemorah states that a positive mitzvah, the primary purpose of which is to benefit a fellow man, does not fall within the general principle of *aseh docheh lo saaseh*, that a positive mitzvah overrides a negative commandment of the Torah; thus a Cohen standing outside a cemetery who spots a lost item is not allowed to enter the cemetery for the sake of performing the mitzvah of returning the item to its owner. What would be the *din* in the case of bikur cholim? Admittedly, extending the principle of the Cohen in the cemetery, he should not be allowed to visit a sick person in a hospital wherein lies a dead body for the reason of *gemilas chesed*. However, should he not be allowed for the reason of imitation of the ways of Hashem which, as we have seen, the Rambam includes as a positive mitzvah of the Torah, the purpose of which is for his own self-improvement, not for the benefit of his fellow?

The *Chavazeles Hasharon* answers that the aspect of Divine imitation renders the action itself to be only a *hechsher mitzvah*, the preparation of a mitzvah, not a mitzvah in itself; he points out that the Rambam makes clear that the objective is to instil good attributes in oneself so that they become second nature and that actions are only a means to this end. While, as the *Turei Even* demonstrates, even the preparation for a positive mitzvah is capable of overriding a negative mitzvah (breaking the bone of the *Korbon Pesach* to be able to eat the marrow within it would have been in order but for other factors mentioned in the Gemorah) that is only when the mitzvah (in that case of eating all of the *Korbon Pesach*) cannot be performed in any other way. In the case of the Cohen he could follow the path of self refinement by other good deeds, not involving the transgression of any commandment.