**S.A.L.T – PARASHAT SHEMINI**

**By Rav David Silverberg**

Motzaei Shabbat

Over the last two days we have discussed the question of whether one may count the *omer* during the period of *bein ha-shemashot* – the period between sunset and nightfall – when it is uncertain whether or not the obligation of counting has already set in. Some *Rishonim* permitted counting during this period, as counting nowadays constitutes a rabbinic obligation, regarding which we may apply the principle of “*safeik de-rabbanan le-hakel*,” allowing us to rely on the lenient possibility in cases of uncertainty when a rabbinic provision is at stake. Others, however, maintained that this principle applies only after the fact, but does not allow us from the outset to knowingly place ourselves in a situation where we need to rely on one of two uncertain possibilities.

This debate likely revolves around the broader question as to the reason and nature of the principle of “*safeik de-rabbanan le-hakel*.” Conceivably, we could explain this rule in one of two ways. The simpler and more intuitive approach is that this rule reflects a lower level of severity. Violating a law enacted by our Sages is certainly a grave matter, by virtue of the authority which the Torah invests in them to enact provisions and safeguards, but it is less severe than transgressing a law introduced by the Torah itself. In cases of uncertainty, then, the stakes are lower, so-to-speak, when dealing with a rabbinic provision, and thus *Halakha* permits relying on the lenient possibility. If so, then it is certainly conceivable that the rule of “*safeik de-rabbanan le-hakel*” applies only after the fact. Although violating rabbinic ordinances is not as severe a religious offense as violating a Torah law, they certainly must not be treated lightly, and thus it stands to reason, or it is at least very possible, that one optimally ought to be stringent in situations of uncertainty even when a rabbinic law is at stake. It is only when a mistake was made that the rule of “*safeik de-rabbanan le-hakel*” allows for leniency.

A different approach, however, appears in a famous passage in the Ramban’s critique to the Rambam’s *Sefer Ha-mitzvot*. At the very beginning of the *Sefer Ha-mitzvot*, the Rambam asserts that all the laws enacted by *Chazal* must be obeyed by force of the Torah prohibition of “*lo tassur*” (Devarim 17:11), which forbids disobeying the nation’s leading body of rabbinic authority. The Ramban, in his critique, raises the question of why, according to this perspective, *Halakha* treats rabbinic laws differently from Biblical laws. If every rabbinic law must be obeyed by force of the Torah prohibition of “*lo tassur*,” then there should be no reason for greater leniency in situations of uncertainty regarding a rabbinic provision than in those involving Torah law. The Ramban suggests defending the Rambam’s position by postulating that *Chazal* from the outset enacted their provisions to apply only in situations of certainty. Meaning, the rule of “*safeik de-rabbanan le-hakel*” is based not on the lower level of severity of rabbinic enactments, but rather on the fact that *Chazal* initially intended for their rules to be followed only when they are definitively applicable. Thus, although transgressing a rabbinic law amounts to a violation of the Torah law of “*lo tassur*,” rabbinic laws are treated more leniently in situations of uncertainty because this is how they were formulated from the outset.

According to this understanding, it seems reasonable to assume that the rule of “*safeik de-rabbanan le-hakel*” applies even “*le-khatechila*” (optimally), and not just after the fact. If *Chazal* from the outset enacted their laws to apply only in situations of certainty, when they are definitively relevant, then in cases of uncertainty one need not be concerned at all with the law in question. This perspective, then, would likely underlie the view among the *Rishonim* permitting counting the *omer* during *bein ha-shemashot*, despite the uncertainty involved.

(See also Rav Asher Weiss’ [extensive article on this topic](https://www.torahbase.org/%D7%A1%D7%A4%D7%99%D7%A8%D7%AA-%D7%94%D7%A2%D7%95%D7%9E%D7%A8-%D7%91%D7%99%D7%9F-%D7%94%D7%A9%D7%9E%D7%A9%D7%95%D7%AA-%D7%AA%D7%A9%D7%A2%D7%93/).)

Sunday

The *Shulchan Arukh* (O.C. 226), based on the Gemara (Berakhot 43b), codifies the obligation of *birkat ha-ilanot*, to recite a *berakha* upon the sight of budding fruit trees during the springtime. This *halakha* is formulated as a requirement to recite *birkat ha-ilanot* upon seeing budding trees “*bi-ymei Nissan*” – “during the days of Nissan.”

The halakhic authorities debate the question of whether this reference to the month of Nissan should be taken literally as establishing the time-frame within which the *berakha* must be recited. Rav Yaakov Chagiz, in his *Halakhot Ketanot* (2:28), takes the Gemara’s formulation at face value, and rules that the *berakha* may be recited only during the month of Nissan. And thus even if a person sees a budding fruit tree earlier, during Adar, or later, during Iyar, he may not recite the *berakha* at that point. The *Mishna Berura* (226:1), however, based on earlier *Acharonim*, writes that the Gemara mentioned Nissan only because trees normally blossom during that month, and not to restrict the requirement to Nissan. According to this view, one may recite *birkat ha-ilanot* anytime he sees blossoming fruit trees, regardless of whether or not this occurs during Nissan.

This issue is discussed at length by Rav Tzvi Pesach Frank, in his [*Har Tzevi* (O.C. 118)](http://hebrewbooks.org/pdfpager.aspx?req=20947&st=&pgnum=122), where he suggests qualifying the position of the *Halakhot Ketanot*. Rav Frank notes a passage in the Ritva’s commentary to Masekhet Rosh Hashanah (11b), where the Ritva writes that the Gemara did not intend to require reciting the *berakha* specifically during Nissan, but rather, the *berakha* is recited “in each and every place, according to when it blossoms.” The Ritva implies not that the *berakha* may be recited whenever one sees the blossoming of a tree, but rather during the predominant blossoming season in one’s geographic location. Rav Frank suggests explaining the ruling of the *Halakhot Ketanot* on this basis. In and around the Land of Israel, most blossoming generally occurs during the month of Nissan, and thus the *berakha* must be recited during that month. Even if one sees blossoming prior to Nissan – such as if one sees the blossoming of almond trees, which begins well before the onset of Nissan – or later in the spring, the *berakha* is to be recited during Nissan, the month when most blossoming occurs in most years. In other geographic locations, however, where blossoming occurs at other times, the *berakha* must – according to the *Halakhot Ketanot* – be recited during the month when most of the blossoming takes place.

Rav Frank applies this analysis to the question of whether the *Halakhot Ketanot* would classify the obligation of *birkat ha-ilanot* as a *mitzvat asei she-ha’zman gerama* – a time-bound obligation, from which women should therefore be exempt. At first glance, one might assume that since the *berakha* is limited to a particular calendar period – the month of Nissan – it falls under the category of *mitzvot asei she-ha’zman gerama*. Seemingly, then, according to the view that women’s exemption from time-bound *mitzvot* applies even to obligations enacted by *Chazal*, women would – in the view of the *Halakhot Ketanot* – be exempt from *birkat ha-ilanot*. However, Rav Frank dismisses this argument, in light of his analysis of the *Halakhot Ketanot*’s position. As we have seen, Rav Frank understood the *Halakhot Ketanot* as requiring reciting *birkat ha-ilanot* during Nissan not because it is intrinsically linked to the month of Nissan – like the obligation of *shofar*, for example, is intrinsically bound to the first of Tishrei – but because Nissan is when trees generally blossom in *Eretz Yisrael*. This requirement applies not a particular calendar date, but rather in a particular circumstance – the month when most trees blossom in one’s geographic area – and thus even according to the *Halakhot Ketanot*, women would be obligated to recite *birkat ha-ilanot*, as it does not fall under the formal category of *mitzvot asei she-ha’zman gerama*.

Monday

Yesterday, we saw the debate among the halakhic authorities as to whether *birkat ha-ilanot* – the *berakha* which one must recite over the sight of blossoming fruit trees in the spring – must be recited specifically during the month of Nissan. The Gemara (Berakhot 43b) and the *Shulchan Arukh* (O.C. 226) specifically mention the month of Nissan as the time for reciting this *berakha*. While many *Acharonim* (as noted by the *Mishna Berura* 226:1) understood that Nissan is mentioned here only because most trees blossom during Nissan, but in truth the *berakha* may be recited at any time one sees blossoming, the *Halakhot Ketanot* (2:28) disagreed. In his view, the *berakha* must be recited during the month of Nissan. As we saw, Rav Tzvi Pesach Frank, in his [*Har Tzevi* (O.C. 118)](http://hebrewbooks.org/pdfpager.aspx?req=20947&st=&pgnum=122), suggested a different reading of the *Halakhot Ketanot*, but the straightforward reading of the *Halakhot Ketanot* indicates that he established an ironclad rule that *birkat ha-ilanot* may be recited only during Nissan, and not at any other time of year.

Rav Yosef Tzvi Rimon (in *Sefirat Ha-omer U-virkat Ha-ilanot*, pp. 31-32) proposed that the connection between *birkat ha-ilanot* and the month of Nissan may run deeper than the fact that the trees generally blossom during this month. In *birkat ha-ilanot*, we express gratitude for the renewal of nature, for the trees that return to life in the springtime after the “death” they experienced throughout the cold, harsh winter months. Renewal and rebirth is also one of the themes of the month of Nissan, the month when, according to Rabbi Yehoshua (Rosh Hashanah 11a), the world was created, and the month when *Am Yisrael* came back to life, so-to-speak, after the centuries of bondage and oppression in Egypt. We might also add the fact that the *Mishkan* began operating at Sinai at the beginning of Nissan, marking the spiritual rebirth of *Benei Yisrael* after the devastation wrought by the sin of the golden calf. The month of Nissan signifies the hope of renewal, that a situation can be drastically transformed from the gloomiest darkness to the brightest light, that “death” can be followed by rebirth and renewal. This concept is most tangibly expressed by the spring blossom, when the barren trees begin once again to produce magnificent, colorful flora, as nature springs back to life from the “death” of winter. And thus, according to the *Halakhot Ketanot*, an inherent connection exists between *birkat ha-ilanot*, the blessing of gratitude recited over nature’s springtime rebirth, and the month of Nissan, the month of renewal and resurgence, which teaches us to never despair, and to always remain hopeful about the prospects of positive change even under the darkest circumstances.

Tuesday

Parashat Shemini describes the events that occurred on the eighth and final day of the *Mishkan*’s inauguration, when Aharon and his sons officiated as *kohanim* for the first time. God commanded that special sacrifices be brought in honor of the event – a sin-offering and burnt-offering brought by Aharon himself, and then other sacrifices brought by *Benei Yisrael*. After the animals were prepared, Moshe instructed Aharon, “Approach the altar and perform your sin-offering and your burnt-offering, and atone for yourself **and for the nation**, and perform the nation’s sacrifice and atone for them, as the Lord has commanded” (9:7). Curiously, Aharon’s sacrifice is described as serving the purpose of atoning for both him and the entire nation, despite the fact that the nation brought its own sacrifice, separate and apart from Aharon’s. Why did the nation require its own sacrifice if it earned atonement through Aharon’s offering?

This question was addressed by the Tosafists, in *Da’at Zekeinim*, where they suggest a different reading of the verse. The Tosafists explain Moshe’s instruction to Aharon to mean that Aharon should bring his sacrifice so he can earn atonement and thereby be eligible to earn atonement for the people by offering their sacrifice on their behalf. Moshe was explaining to Aharon that he could not begin officiating in the role of *kohen*, and representing the people before the Almighty to beseech Him on their behalf, until he first atones for himself.

This explanation reminds us of the need to first acknowledge and work to correct our own faults before we can try to influence and inspire others. If we want to make a meaningful impact upon people, and raise their standards of behavior and religious devotion, the first step is to “atone” for ourselves, to honestly introspect and invest the effort needed to raise our own standards. It might be tempting, for many people, to rush right into the work of trying to influence and inspire without undergoing the grueling process of sincere introspection and self-growth. Working to build ourselves is difficult and humbling, whereas working to build others is, very often, exciting and gratifying. But we must ensure not to skip the critical first step of self-improvement, and not to neglect our own flaws and shortcomings before assuming the role of trying to address the flaws and shortcoming of others.

Wednesday

The opening verses of Parashat Shemini tell of Moshe’s commands to Aharon and to *Benei Yisrael* on the day when Aharon and his sons began serving as *kohanim* in the *Mishkan* for the first time. We read that Aharon and *Benei Yisrael* prepared the sacrifices that Moshe had instructed them to offer, and the entire nation then assembled by the entrance to the *Mishkan*. Moshe announced, “This is the thing which the Lord has commanded to do” (9:6). Surprisingly, this announcement is not followed by any specific instructions to the people. Rather, Moshe turned to Aharon and told him to proceed to offer the sacrifices. It is thus unclear what Moshe meant when he announced to the entire nation, “This is the thing which the Lord has commanded to do.”

*Chazal*, in *Torat Kohanim*, offer a surprising explanation of this verse, commenting that Moshe was telling *Benei Yisrael*, “Eliminate this evil inclination from within you.” Moshe’s command, according to *Torat Kohanim*, did not relate to any of the formal requirements of this day, but was rather a general admonition to “eliminate this evil inclination” from within their hearts. To what exactly does this refer? And why would Moshe instruct the people specifically now to “eliminate that evil inclination”?

An insightful explanation of *Torat Kohanim*’s comment is offered by Netziv, in his *Ha’amek Davar* commentary. Netziv writes that Moshe speaks here of a specific, and inconspicuous, sinful inclination, one which disguises as altruistic spiritual ambition. According to Netziv, Moshe warns the people of the dangers of unrestrained spiritual zeal and passion, the belief that such enthusiasm allows one to break halakhic barriers and do whatever he wishes in the name of *avodat Hashem*. The desire to serve God in ways which He did not command and of which He does not approve, sincere and genuine as it feels, is a manifestation of the *yetzer ha-ra* – it’s a sinful drive, and an especially dangerous one, as it is cloaked in a veneer of altruism. As *Benei Yisrael* now completed the process of constructing and inaugurating the *Mishkan*, a process which they approached with remarkable fervor and excitement, and they now eagerly anticipated the sight of the *Shekhina* descending into the *Mishkan*, they needed to be warned, “This is the thing which the Lord has commanded to do.” They needed to be reminded that their excitement and fervor should not lead them to step beyond the limits that God had prescribed, that their zeal and enthusiasm must be channeled specifically in the direction that He has charted for them, in strict compliance with His laws and commands.

According to Netziv, then, *Chazal* interpreted this verse as a tragic foreshadowing of the event told later – the death of Nadav and Avihu. After witnessing the dramatic spectacle of a heavenly fire descending to consume the sacrifices on the altar, signifying the arrival of the *Shekhina*, Nadav and Avihu – two of the newly-consecrated *kohanim* – decided to bring an incense offering that God had not commanded. They were instantly killed by fire for this breach of the *Mishkan*’s strict code of law. Various explanations have been given for the precise nature of Nadav and Avihu’s mistake, but it seems likely that they were overcome by religious zeal and passion, and yearned to draw closer to God through their own personal offering. Their sin is precisely the kind of mistake to which Moshe refers in his announcement, “This is the thing which the Lord has commanded to do.” Sincere religious feeling does not justify actions which God forbids. Legitimate and genuine spiritual fervor must be channeled towards the direction shown to us by *Halakha*, and does not provide grounds for sidestepping halakhic requirements and restrictions.

Thursday

In the opening verses of Parashat Shemini, we read of the sacrifices brought by Aharon and by the rest of *Benei Yisrael* on the day when Aharon and his sons began serving as *kohanim* for the first time. *Chazal*, in *Torat Kohanim* (to 9:3), take note of the fact that the sacrifice which God commanded the nation to offer was considerably larger than the sacrifice that Aharon was required to bring on this day. They comment that God told *Benei Yisrael* to offer a more elaborate sacrifice because “you have in your hands [guilt] in the beginning and the end” – meaning, as *Torat Kohanim* proceeds to explain, the people needed to atone for two grave transgressions: the earlier sin of *mekhirat Yosef* (Yosef’s sale as a slave by his brothers), and *cheit ha-eigel* (the sin of the golden calf). Their sacrifice consisted of a goat to atone for the sale of Yosef, when Yosef’s brothers slaughtered a goat to make it appear as though Yosef was attacked by a beast, as well as a calf, to atone for the worship of the golden calf. Aharon was guilty only of participating in the sin of the golden calf, but did not require atonement for the sin of the sale of Yosef, and thus his sacrifice was smaller (and did not include a goat).

*Torat Kohanim*’s comments give rise to several questions. While we understand the need for *Benei Yisrael* to atone for the recent sin of the golden calf, which they had worshipped less than a year earlier, before they could be worthy of having the Divine Presence reside among them in the *Mishkan*, why would they need to atone for *mekhirat Yosef* specifically now? Moreover, why do *Chazal* refer to these two sins with the terms “beginning” and “end,” implying that these two unfortunate incidents somehow form the bookends of some kind of integrated process? Finally, if *Benei Yisrael* collectively required atonement for the sin of *mekhirat Yosef*, why was this not also demanded of Aharon, a descendant of Levi, who is named as one of the two primary culprits of the sale of Yosef (*Midrash Tanchuma*, Vayechi 9; Rashi, Bereishit 49:5)?

*Keli Yakar* suggests explaining *Torat Kohanim*’s comment by offering an intriguing and novel approach to the background of *cheit ha-eigel*. He speculates that the golden calf, like the sale of Yosef, was precipitated by envy and competition. Just as Yosef’s brothers envied his special stature and thus decided to eliminate him, similarly, some members of *Benei Yisrael* sought to replace Moshe as the nation’s leader, and thus initiated the idea to introduce a new form of worship. Moshe’s absence, *Keli Yakar* explains, provided an opportunity for his opponents, who convinced the rest of the nation that Moshe had died and would never return. To win the people’s support, these opportunists proposed a new, enticing mode of worship, and they thereby attracted a large and enthusiastic following. *Keli Yakar* draws an interesting parallel between the golden calf worshipped at Sinai and the other instance of this kind of worship – namely, the golden calves fashioned by Yerovam, founder of the Northern Kingdom of Israel. As we read in Sefer Melakhim I (12), after Yerovam led the ten northern tribes to secede from the Israelite Kingdom during the time of King Rechavam, he established two temples with golden calves for worship at the northern and southern boundaries of his new empire. This was done to ensure that his constituents would not visit the *Beit Ha-mikdash* in Jerusalem to worship and offer sacrifices, which would undermine his rule. Yerovam’s lust for power, and his fear of having to share prestige with the competing kingdom, led him to a grave breach of the most elementary and foundational Jewish beliefs, and to construct sites of pagan worship. *Keli Yakar* proposes viewing the golden calf of Sinai in the same light, as the tragic result of political struggle. People who sought to displace Moshe seized the opportunity presented by his prolonged absence, and offered an alternative agenda that had great appeal and aroused the nation’s interest, leading them to worship a graven image.

Accordingly, *Keli Yakar* explains, *Chazal* draw a straight line from the sale of Yosef to the worship of the golden calf. In order to earn the privilege of the *Shekhina*’s residence in the *Mishkan*, the people needed to atone for the golden calf, which was rooted in the same kind of petty jealousy that produced *mekhirat Yosef*. This also explains why Aharon had no need to atone for the sale of Yosef, because, as *Keli Yakar* notes, *Chazal* elsewhere depict Aharon as the paragon of peace and humility, who avoided strife and set an example of harmonious cooperation between people without competition or jealousy. His character, as described by *Chazal*, embodied the antithesis of *mekhirat Yosef*, such that he had already done his share of the collective effort to cleanse the lingering stain of jealousy and competition among *Benei Yisrael*. Hence, although Aharon required atonement for playing a major role in the sin of the golden calf, he did not need any atonement for *mekhirat Yosef*, as he lived a life of peace that inspired the people and thus went a long way towards eliminating strife and contention among the *Am Yisrael* and correcting the ancient sin of fraternal hatred.

Friday

Parashat Shemini begins with Moshe’s instructions concerning the final day of the *Mishkan*’s inauguration, when Aharon and his sons began serving as *kohanim* for the first time. Moshe commanded Aharon to bring certain animals as his sacrifice, and then to have *Benei Yisrael* to bring him other animals which he would offer on their behalf. After the animals were prepared, *Benei Yisrael* assembled by the entrance of the *Mishkan*, at which point Moshe said to them, “This is the thing which the Lord has commanded to do so that the glory of the Lord shall be revealed to you” (9:6). As many commentators noted, this announcement is not followed by any instructions to the people. What, then, was Moshe telling the people to do in order to behold the revelation of God’s glory?

*Keli Yakar* suggests that Moshe was referring to the spirit of unity that prevailed at that moment. The previous verse tells that after the animals were provided for the sacrifices, “the entire congregation approached and stood before the Lord” (9:5). *Keli Yakar* detects within this description a subtle reference to the peaceful joining of hearts that occurred at this time. *Benei Yisrael* “approached” (“*va-yikrevu*”) not merely the entrance of the *Mishkan*, but also one another, eliminating any lingering feelings of envy and ill-will that may have previously been present in their hearts. As we saw yesterday, *Keli Yakar* understood the special sacrifices offered on this day as intended to atone for the people’s jealousy and strife, which has the potential to lead people to irrational conduct and to grave sins, and which, according to *Keli Yakar*, precipitated the sin of the golden calf. *Keli Yakar* thus explains that the people now assembled together in peace and harmony in order to correct the ill of harmful jealousy, and committed to work to eliminate envy and resentment and to join in the unified service of the Almighty. Upon seeing the sight of *Benei Yisrael* assembled together in peace and unity, Moshe instructed the people, “This is the thing which the Lord has commanded to do so that the glory of the Lord shall be revealed to you.” He wanted to impress upon *Benei Yisrael* that their most basic and crucial obligation was to continue assembling together, to maintain peaceful relations among one another. Bringing the divine presence in our midst depends upon, mainly, our ability to achieve “*va-yikrevu kol ha-eida*,” to draw close to one another in unity and friendship, and avoid envy and strife that threaten to undermine the aura of peace and camaraderie that ought to be felt throughout our nation.

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