

Parshat Kedoshim

No 1064:

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STARTING POINT

Two Levels in the List of Mitzvot - by Rabbi Amnon Bazak

Chapter 19 of Vayikra, in this week's Torah portion, includes a long list of mitzvot, with the general heading, "You shall be holy" [19:2]. One important point about this list is that the final verses (19:30-37) serve as a summary of the main themes earlier in the chapter. For example, the verse "Observe my Shabbat" [19:30] is a repeat of the command given in 19:3. In addition, the verse, "Do not turn to the 'ov' and the 'yidoni,' do not attempt to become contaminated with them, I am your G-d" [19:31], is similar to the earlier verse, "Do not turn to idols, and do not make idolatrous masks for you, I am your G-d" [19:4]. Why is this summary necessary?

Evidently, the summary is not simply a repetition but rather an extension of the mitzvot that appeared in the main list. Let us begin with one of the examples given above: In 19:4, it is explicitly forbidden to turn towards idols, but the later verse, 19:31, adds specific new elements involving sorcery. Similar considerations apply to the two verses, "Do not curse a deaf person, and do not place a stumbling block in front of a blind person, and you shall fear your G-d, I am G-d" [19:14], and what appears in the summary, "Rise up before an elderly person, and give honor to an old person, and you shall fear your G-d, I am G-d" [19:32]. The two verses are linked not only by the repeated phrase with which they end, a phrase which appears only in those verses, but also by their contents. Once again, the effect is the same as described above: In the first verse we are commanded not to cause harm to weak people, while the second verse contains a command to show respect for elderly people.

Another example of this approach appears further on. In the summary, we are taught, "If a stranger lives with you in your land, do not upset him. The stranger who lives among you should be like a citizen among you, and you shall love him like yourself, for you were strangers in Egypt, and I am your G-d." [19:33-34]. This can be compared to, "Do not hate your brother in your heart, rebuke your colleague and do not bear any sin because of him. Do not take revenge or bear a grudge against people of your nation, and you shall love your colleague as yourself, I am G-d." [19:17-18]. While the first command refers only to "a brother," the second one expands this to include love for a stranger and the proper attitude towards him.

The list of mitzvot ends with, "Do not perform any injustice in a trial, with respect to measurements, weights, and liquid measures" [19:35]. This can be compared to a verse in the main group of mitzvot, "Do not perform any injustice in a trial, do not raise up a poor man and do not give honor to a great man,

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judge your colleague righteously" [19:15]. Once again, the command has been extended, from doing injustice in the framework of a court of law to a prohibition relevant to every man in his day-to-day business dealings.

Evidently, this two-stage technique has two objectives. First, it shows the desired trend, continuously striving for refinement in the observation of the mitzvot, keeping in mind that there are different levels of fulfillment possible. In addition, by this device the Torah teaches the proper sequence in observing the mitzvot: First one should determine the basic principles, and these should then serve as the basis for adding the pertinent details later on.

POINT OF VIEW

Love of the Land - by Rabbi Yisrael Rozen

"And you shall observe my laws and my rules and fulfill them, so that the land will not expel you... And I will give it to you as a heritage, a land flowing with milk and honey..." [Vayikra 20:22-24.]

In this week's Torah portion, as in many other places in the Torah, the greatest expression in the Tanach of the love for Eretz Yisrael appears: "A land flowing with milk and honey." This is the fifth time that this phrase appears in the Torah, starting with the revelation to Moshe at Mount Sinai in the event of the burning bush, where it appears twice (Shemot 3:8, 3:17). A computer search shows that the phrase appears fifteen

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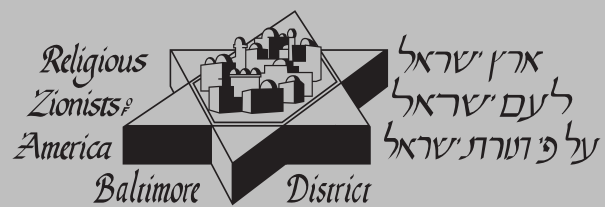
לז"נ

מרת הנא בת ר' מרדכי מנדל אלינער

ר' עוזר בן ר' שאול אלינער

הרב שמעון בן ר' זכריה סמנער

And by the



times in the Torah and another five times in the prophets – twenty times in all!

What is the significance of this phrase, beyond the pleasant pastoral scene that it brings to mind? Why is this better than other complimentary phrases, such as "A land of rivers, springs, and underground water" [Devarim 8:7], and "A pleasant and broad land" [Grace After Meals]? I did not have the time to study the sources in detail about this matter, and I would appreciate suggestions by my readers. Perhaps the special property of milk and honey is related to the fact that for both substances, "sweetness has come forth from strength" [Shoftim 14:14], or that something pure is extracted from an impure source (honey comes from bees, see Bechorot 7b, while milk comes out of meat, which seems to be a contradiction). Possession of Eretz Yisrael is often the result of convoluted and ambiguous processes, extracting the sweetness from something that is bitter...

The concept of "love of the land" represents a value that is collective and nationalistic, similar to the concept of patriotism. Are we truly dedicated to this concept? Does it continue to beat in the hearts of our children and grandchildren? The values of love of the land and patriotism were the driving force behind the birth of the State of Israel. Has this quickly grown old, having lost its energy at the age of 57, or will it be renewed even after it has lost its initial vigor?

I am not one of those who constantly look to the past with the belief that it will be possible to return to the "early days" of the State of Israel. Life evolves, and circumstances change. We should not expect the youth movements of today to organize nighttime hikes to Massada, something that was common in the past. We cannot demand from the IDF that its soldiers march in tune with the heritage of the Palmach, to the sounds of the military bands of the past. Every generation pours its own meaning into the eternal values and adjusts them to its own needs. The sages taught us, "What was on Avraham's coin? It had an old man and an old woman on one side, and a young boy and girl on the other." [Bava Kama 97b]. To me, this means that the changing generations have their own approach, but in reality they are two sides of the same coin.

So the question is, are we guided by the "love of the land" that is appropriate for this year, 5765? There is no better time to raise this question than the week of Yom Haatzmaut.

Starting with Disgrace...

There can be no doubt that there are elements in our society for which are currently unencumbered by this important value, the "love of the land". This is true not only with respect to the newest immigrants but also with respect to people who were born and raised in this land. It is impossible to become attached to "love of the land" through cable television or broadband communication lines. This feeling can only be achieved during field trips and by wandering around sites of scenery and heritage, it is absorbed from songs of the homeland and from traditions.

As far as I know, a very large fraction of the population of Israel has never visited Jerusalem. Many of these people, living in "the north" and the suburbs of greater Tel Aviv, have never trekked across a wadi or visited a waterfall, and they have never watched the sun rise or set at the end of a long hike. Many of those raised in Israel do not listen to Israeli folk songs and do not identify with them. Many of the children in Israel only participate in tourist-type school outings, and their only contact with the earth of the homeland is during a Yom Haatzmaut barbecue. The popularity of Eilat as a site for visitors is related to "attractions," air conditioned restaurants, and the undersea aquarium. I have heard rumours that some teenagers refuse to leave their tour bus because they do not want to miss the action in the video being shown on the bus...

However, why should we be upset with these young people. Those who wrote the "ethical code" of the IDF, and our wise men of academia, have neglected the importance of the "love of the land" in their educational planning? Evidently, this value is too nationalistic for them, and it is not suited to the "personal freedoms" that are the goals of modern times. Let us at least appreciate the efforts of the former chief of education in the IDF, currently the commander of personnel, who managed to return the element of "love of the land" in a new document on the basic values of the IDF.

...And Ending with Praise

Notwithstanding my general pessimism there are signs that a "love of the land" remains a persistent and enduring phenomenon – and not only among the people in the sector of the knitted kippa. Hebrew songs are heard more and more, in the communications media and at social gatherings, and the fact that several of its main practitioners recently passed away was an occasion for national mourning. There are some youths who are searching for end-of-the-road challenges inside Israel, and not in South America or the Far East. The nonreligious military prep schools – which are geared more to social leadership than to the army – have managed to lead a revolution in this area. In some ways, they have taken over the role played in the past by the children of the kibbutzim and the moshavim, enhancing the love for the land, and I salute them for this.

I have already mentioned the IDF, which has chosen not to ignore the "tradition of the homeland" and which tries to teach at least a trace of this value to everybody who passes through its ranks. But what can be done for about 30% (!) of the people of draft age who are not conscripted, in addition to another 8% who are freed before the end of their first year in the IDF because of mental unsuitability? I have no answer for this question.

The word "mechorah," a dwelling place, has returned to the Hebrew lexicon (the source is from the verse, "Your dwelling place and your birthplace stem from the Land of Canaan" [Yechezkel 16:3]). It can be heard in the stirring folk song, "Zemer lach" – "My song is for you, my dwelling place / Your mountains will show joy / At the time when the circle of the Hora will storm / A thousand flowers will suddenly appear / They will cover the springs of the desert.

TORAH, SOCIETY, AND GOVERNMENT

What Should be Done with Meat that has Become Unkosher? - by Rabbi Uri Dasberg

In every slaughterhouse, some of the meat is found to be unkosher and unfit to be eaten. It may be that a significant portion of this unfit meat finds its way to the markets and is sold at a relatively low price, and that the general public is the victim of fraud. It has therefore been suggested that such unkosher meat should be processed in a special way, using clearly marked packaging, and sold in stores meant especially for the population of Gentiles who live among us.

However, a company involved in such a product will be doing regular business with unkosher food, which seems to violate a direct halacha, "Everything that is prohibited by Torah law... may not be used for commerce" [Shulchan Aruch, Yorah De'ah 117:1]. In addition, how can we guarantee that only non-Jews will enter such special stores? After all, selling unkosher meat to Jews would be a violation of the command, "Do not place a stumbling block in front of a blind person" [Vayikra 19:14].

With respect to the prohibition of commerce, we have already been taught that this is permitted for somebody who happens to come into possession of unkosher food by accident, not as something planned in advance. (This would include, for example, a fisherman who caught crabs or snails in his net.) In the specific case of meat in a slaughterhouse, it should also be noted that most of such meat is not definitely unkosher but rather of a doubtful status.

In addition, if the stores where such products are sold will be managed not by Jews but by Gentiles, the commerce will be indirect, providing an additional reason to permit the sale. This will also help alleviate the problem of the violation of a "stumbling block." According to the Talmud, we are not prohibited from a "second level" stumbling block (lifnei d'lifnei), such as when one Gentile offers something prohibited that he received from us to another Gentile (see Avoda Zara 14a). In stores such as what has been suggested here, the non-Jewish worker will usually not physically give the unkosher products to the customer but will make them available on a shelf. In addition, we usually interpret any possible violation of "stumbling blocks" in the most lenient possible way, assuming if at all possible that no violation has occurred. It is therefore permitted to lend a person suspected of violating the laws of Shemitta a sieve for flour, on the assumption that he will use it for permitted grain and not Shemitta products. This would mean that we can assume the unkosher meat will be sold to Gentiles and not to Jews.

Rabbi S.Z. Auerbach suggested an additional reason for leniency in his book, "Minchat Shlomo." With respect to a "stumbling block," he points out that what is relevant is not only the act performed itself but also the whole framework. This implies that if by establishing such a network of stores for unkosher food we can save most people from a serious violation, the lesser violation of the "stumbling block" itself can probably be ignored. The danger of unkosher food being sold

in regular stores is much more serious than the problems involved in selling unkosher food in special stores.

However, for the time being any Gentile asking for the address of the nearest store of this type will be disappointed, for such stores have not yet been opened. The discussions about the halachic validity of the above considerations have not yet been decided.

Reference: Rabbi Zev Veitman, "Techumin," volume 25, pages 315-327

MOUNT MORIAH

The Dedication of the Tabernacle - by Rabbi Yitzchak Levy, Yeshivat Har Etzion

The Torah describes the dedication of the Tabernacle in three different places: Shemot, Vayikra, and Bamidbar. In Shemot, The emphasis is the on revelation of the Shechina, in Vayikra it is on the service of the Kohanim, and in Bamidbar the main emphasis is on the link between the nation of Yisrael and its leaders with the Tabernacle.

Shemot

In the description of the dedication of the Tabernacle in the Torah portion of Pekudai, Moshe is the main character. He receives the Divine command and passes it on to the people, and he supervises the construction. The Kohanim and the people are not directly involved in this description of the events. The high point occurs when "the cloud covered the Tent of Meeting, and G-d's glory filled the Tabernacle" [Shemot 40:34]. In this passage, the goals of the Tabernacle are Divine revelation, meeting with Moshe, and talking to the community of Yisrael from between the two Keruvim.

The utensils of the Tabernacle are an integral part of the House of G-d. The Ark is in the Holy of Holies, and it contains the Tablets, the shattered pieces of the first tablets, and a Torah scroll. The Table with the holy bread, the Menorah with its shining lamps, the small Altar for the burning of incense, and the large Altar where the sacrifices are brought are in the holy courtyard. As it were, this describes the "house" of G-d, where He dwells.

With this approach, the Tabernacle can be viewed as a direct continuation of the momentous events at Sinai. The covenant that was signed between the Almighty and the community of Yisrael as a one-time event has been extended with the existence of the Tabernacle in the camp of Bnei Yisrael. Here is the way this is described in the Midrash: "This can be compared to a king who had an only daughter, and another king came and married her. When he wanted to take her to his own land, the king said, this woman that I have given you is my only daughter. I am not able to withstand being separated from her, and I cannot prevent you from taking her away, since she is your wife. However, I will ask you for one favor. Wherever you go, make me a small room where I can stay, because I am not able to leave my daughter. And that is what the Almighty said to Yisrael: I have given the Torah to you. I am not able to be

separated from it, and I cannot prevent you from taking it away. However, wherever you go, make me a house where I can dwell, as is written, "They shall make a Tabernacle for me" [Shemot 25:8]." [Shemot Rabba 33]. The objective of the Tabernacle is Divine revelation, and in this way the Almighty is always among us.

Vayikra

In the dedication described in the Torah portion of Shemini, the main characters are Aharon and his sons. The main ceremony in this description is the dedication of the Altar. "And a flame came out from before G-d and consumed the Olah sacrifice and the fats on the Altar" [Vayikra 9:24]. And this is the reason that the dedication of the Tabernacle in Vayikra is preceded by the laws of the sacrifices and the seven-day dedication ceremony, whose objective is to prepare the Kohanim for their service.

Thus, from this point of view, the mission of the Tabernacle is to perform the rituals of the sacrifices. The Ark is not mentioned at all. This corresponds well with the general image presented by the book of Vayikra – the book of holiness – with details of the mitzvot related to the Temple and the sacrifices, together with the laws pertaining to the sanctity that is revealed in the land and in the nation.

The nation participated in the dedication of the Tabernacle by seeing the glory of G-d revealed on the Altar. This is parallel to what happened at Sinai, "The image of G-d was like a devouring flame at the top of the mountain, in front of the eyes of Bnei Yisrael" [Shemot 24:17.]

Combining the Two Approaches

During the dedication of the Tabernacle, the glory of G-d was revealed to the entire nation only after Aharon blessed the Kohanim and after Moshe and Aharon entered the Tent of Meeting. The entry of Moshe and Aharon into the Tabernacle and their joint blessings of the people serve to show us how to combine the above approaches to the Tabernacle. Moshe represents the revelation of the Shechina, the way that G-d speaks to His nation and meets with them. Aharon, on the other hand, represents the work of human beings in the Tabernacle. Moshe symbolizes the way that the Tabernacle is a continuation of the events at Sinai, according to the original plan, while Aharon symbolizes the way that the Tabernacle was built in order to atone for the sin of the Golden Calf.

The Torah summarizes these two aspects of the Tabernacle in several verses in the book of Shemot: "... where I will meet you to talk to you, and I will be revealed there to Bnei Yisrael" [29:42-43] – this refers to the Divine revelation of the book of Shemot. "And it will become holy in my honor. And I will sanctify the Tent of Meeting and the Altar, and I will make Aharon and his sons holy, to be priests for me" [29:43-44] – this refers to the priestly service described in the book of Vayikra. "And I will dwell within Bnei Yisrael, and I will be G-d for them" [29:45] – this is the partnership of the nation in the Tabernacle in the book of Bamidbar.

A LESSON FOR THE CHILDREN

Against the Advice of the Experts - by Rabbi Yikhat Rozen, Merkaz Neria, Kiryat Malachi

"It will be impossible," one of the participants said. "This is completely crazy. We must wait longer, until the proper time comes," another added.

This was a secret meeting, where the leaders of the Jewish community gathered, before Israel was established. The people knew that the British Mandate government would soon end, and they met to discuss whether to immediately declare the establishment of a Jewish state or to wait for a more opportune moment.

The heads of the security forces at the time, such as the Haganna and the Palmach, participated in the meeting. They made it clear that if a state would be declared millions of Arabs would immediately begin a war of destruction against several hundred thousand Jews in Eretz Yisrael. The cruel way that the Arabs fought was well known, and the situation became even more frightening in view of the descriptions of the plans of the Arabs. The forces were completely unequal. Not only were there many more Arabs than Jews, they also had better and more modern weapons, including vehicles and airplanes, among other things. The possibility of conquering these armies was almost nonexistent. That is the picture that was painted by the military advisors.

A message arrived from the United States: "Listen to the advice of your greatest friend. Do not declare a state. You will not succeed." Similar messages arrived from most of the friendly nations around the world. Of course, they not only sent messages, they put heavy pressure on the Jews to listen to their "friendly advice." It is true that these nations had voted in the United Nations to establish a Jewish state, but now was not the proper time. Perhaps tomorrow, or the day after – perhaps another year or two, it was yet to be seen. Wait for the Arabs to calm down a bit, wait for the Jews to become stronger. When the time is ripe, you should make your move. When will that be? Only G-d knows...

Many of the Jewish leaders felt exactly the same. It was necessary to wait. This was not the right time. We would never be able to win such a harsh war. The Jewish dream of two thousand years would soon be shattered and once again put aside for many more years, as a result of the terrible military defeat and the great destruction to follow.

However, David Ben Gurion had made up his mind otherwise. Let us rise to the challenge, we will be able to win. The Jews of many generations of the past stand behind us, and we will prevail. The end of the Mandate presents us with an opportunity that will never return, who knows when we will have another similar opportunity?

The decision passed with a small majority of six against four, and the State of Israel was established. This was a moment in history when the Almighty gave mankind the strength to rise up above momentary considerations. The State of Israel came into

existence with G-d's help, it miraculously won time after time in its struggles against its enemies, it absorbed millions of refugees from all the different exiles, it established a modern army and police force, and it established many institutions of Torah and general education. Who can tell how far these accomplishments will take us in the future?

Let us be happy that we have been privileged to achieve all of this. Let us hope and pray that we will soon be part of the full redemption.

THE WAYS OF THE FATHERS (Pirkei Avot)

Chapter 6 Mishna 4 - by Rabbi Yehuda Shaviv

"Here is the way of Torah: Eat bread and salt, drink measured amounts of water, sleep on the ground, live a life of suffering, and put your effort into the Torah. If you do this, 'You will be happy, and it is for your own good' [Tehillim 128:2]. You will be happy, in this world; It is for your own good, in the world to come. Do not seek a high status for yourself and do not covet honor. Do more than your learning, and do not have any desire to be at a royal table, for your table is greater than theirs, and your crown is greater than theirs. He who is in charge of your labors can be trusted to pay the reward for your actions".

In the previous Mishna, we were taught that the word "tov," good, refers to the Torah. This is certainly true, but it does not mean that studying Torah and enjoying this world are completely equivalent. Rather, this Mishna implies that perhaps the opposite is true: "This is the way of Torah... live a life of suffering." Rashi softens the picture somewhat, and he writes, "That is, even if a person has nothing else but bread and salt to eat and has no pillow or cover for the night and is forced to sleep on the ground, he should not refrain from studying. In the end, he will study in wealth." Perhaps Rashi is basing his interpretation on the words of Rabbi Yonatan, "Anybody who observes the Torah out of poverty will in the end observe it in wealth" [Avot 4:11]. However, this Mishna moves the reward much further away, in that it promises the ultimate reward of good in the world of the future.

The lesson to be learned from the Mishna is that a person from Yisrael must remain attached to the Torah even if doing so does not carry with it a promise of good things and pleasure. This applies not only at the physical level but also at the spiritual one. The requirement is, "put your effort into the Torah." This effort is required even if there is no promise of physical pleasure. It is true that a person cannot be expected to work hard without some expectation of a reward in the end, and this has indeed been promised, "You will be happy, and it is for your own good".

HOLY AND SECULAR

Rabbi Yosef Dov Soloveitchik - by Rabbi Amichai Gordin

When the Zionist movement was founded, and later on when the State of Israel was established, very few Torah giants of the generation openly supported the movement and the new country. The great majority of the prominent religious leaders

either openly opposed the Zionist movement or refrained from voicing a clear position. It is important to note that in the previous generation, the religious Zionist movement relied on two prominent Torah scholars: Rabbi Avraham Yitzchak Kook and Rabbi Yosef Dov Soloveitchik.

During Pesach we marked twelve years of the passing of Rabbi Soloveitchik. Next week we will celebrate the fifty-seventh year since the State of Israel was established. It is symbolic that the date of the death of this prominent rabbi is between the Seder night and Yom Haatzmaut, since he felt that Israel is "on the path leading to Mount Moriah" ["Five Lectures," page 32.]

Rabbi Soloveitchik had all the reasons in the world to object to Zionism. His grandfather, the famous Rabbi Chaim of Brisk, was one of the leaders of the struggle against the Zionist movement. Rabbi Soloveitchik, who grew up following his grandfather's footsteps, naturally joined Agudat Yisrael, where he became prominent. In 1941, Rabbi Soloveitchik was appointed to the Moetzet Gedolei HaTorah of Agudat Yisrael in the United States, and he was chosen as the chairman of the central committee of Israeli Agudat Yisrael in the United States. His change of heart with respect to Zionism did not take place in a single day. In his book "Five Lectures" he describes the change that took place:

"I was not born into a Zionist home. My ancestors, my own home, my teachers, and my colleagues, were all far removed from Mizrahi... My connection with Mizrahi developed gradually. I had many doubts about the truth of the Mizrahi approach... If I now identify with Mizrahi, against the traditions of my family, it is because, as I indicated earlier, I feel that the Divine guidance has ruled in favor of Yosef as opposed to his brothers, and that the nonreligious Jews have been sent to perform a Divine mission to carry out great plans with respect to the holy Eretz Yisrael... I have built an altar where I have brought my sacrifices of sleepless nights and many doubts... Jews like me and others, who are rooted in the ancient soil of Abayei and Rava but who have joined this movement can be compared to Yosef, in that they have been forced to sacrifice their own peace of mind and their relationships with colleagues and friends".

Rabbi Soloveitchik's revolution was not a simple matter. He paid a very high personal price for what he did. There is no doubt that if he had not changed his outlook he would have achieved a great position of honor in the Chareidi world. When he became a Zionist, he was forced to struggle with becoming an outcast in the Chareidi community, where he grew up, and which he saw as his home, and he had to withstand waves of slander and mudslinging. This author was a witness to some of the lies and slander against the rabbi, even after he had passed away.

"What prominent rabbis agree with you?" a Chareidi rabbi once taunted me. And I answered, "We indeed have great rabbis. For example, there is Rabbi Yosef Dov Soloveitchik. You are certainly aware that the Rabbi of Brisk said that there is no greater Torah scholar in all of the United States, and that Rabbi Ruzinsky, one of the leaders of the Ponoviz Yeshiva, said in wonder that there is nobody as sharp in our generation".

And the rabbi replied, "He is indeed a great Torah scholar, but one is forbidden to follow his rulings. A scholar who does not observe all the mitzvot must not be taken seriously." At this point, in spite of my Polish ancestry, my blood began to boil. "How do you dare to slander one of the greatest men of our time in this way? Only a few minutes ago you explained to me how tiny we are in comparison to the Torah giants." But the rabbi did not blink. He said, "A man close to him did not observe a certain mitzva." To which I replied, "What is this about a 'man close to him'? What should Rabbi Soloveitchik have done? Should he have restrained the man with handcuffs, or should he have refused to have any contact with him? How can you not feel ashamed to talk in this way about a genius within Yisrael? You may give lip service praising the honor due to Torah scholars, but you wield the sword of shame in your hand".

Personally, I learned many things from Rabbi Soloveitchik, both from his books and orally, from his disciple, Rabbi Aharon Lichtenstein. But the most important lesson that I learned from the Rav is without a doubt to remain dedicated to the truth even if to do so requires an extremely high level of personal sacrifice.

THE CHAIN OF HALACHA

Counting the Omer - by Rabbi Yosef Tzvi Rimon, Rabbi of Southern Alon Shevut and a teacher in Yeshivat Har Etzion

Is This a Torah or a Rabbinical Law?

In the time of the Temple, there is no doubt that counting of the Omer was a Torah commandment (see Vayikra 23:15-16). In our times, the Rambam feels that it is still a Torah commandment (Hilchot Temidin U'Musafin 7:22-24), but the Tosafot write that it is a rabbinical ruling (Menachot 66a.)

What is the reasoning behind this argument? According to the RAN, "most of the commentators agree that counting the Omer at the present time, when there is neither a contribution nor a sacrifice, is only due to a rabbinical law, in memory of the Temple." That is, the counting of the Omer depends on the ritual of lifting up a measure of grain. And since this is not done today, the counting itself is only rabbinical law. This would imply that the Rambam does not consider that there is a link between counting the Omer and the ritual of lifting the Omer, and that these are two completely separate mitzvot.

At first glance, the simplest interpretation of the Torah implies that the RAN is right. "You shall count for you from the day after Shabbat, from the day that you bring the Omer to be lifted up, let it be seven full weeks" [Vayikra 23:14]. In reply to this, the Or Hachaim writes, "If the Torah had meant for the command to be valid only while the Temple exists, it would have been written, 'From the day that you bring the Omer, you shall count.' ... However, the Torah commanded us, 'You shall count for you from the day after Shabbat' – while you are in exile – and 'From the day that you bring the Omer' – while you are in the Temple." [Vayikra 23:15]. Thus, the Torah commanded us to begin counting "from the day that you bring

the Omer" and also "from the day after Shabbat" – this teaches us that the mitzva is to be observed even when there is no ritual of lifting the Omer, that is, even if the Temple has been destroyed.

In the Talmud, the rabbis seem to disagree about this very point, whether the counting at present is a Torah or a rabbinical obligation. The Talmud explains that if the counting is a rabbinical law, it is in memory of the Temple (Menachot 66a). One might ask if this means that we want to remember how to perform the count so that we will be prepared for the rebuilding of the Temple, or if the purpose is to keep the destruction of the Temple in mind. It seems that the early commentators disagreed about this point.

The final ruling seems to be that counting in modern times is a rabbinical requirement (Shulchan Aruch 489, and see Bi'ur Halacha). However, one should be wary of the possibility that it is a Torah requirement. This, however, raises a question about what is recited immediately before the count: "[We would like] to observe the positive mitzva, as is written in the Torah..." Doesn't treating a rabbinical decree as if it were a Torah law violate the command of not adding new prohibitions (see Hilchot Mamrim 2)? Because of this question, some rabbis have ruled that the introduction, "to observe the positive mitzva..." should not be recited (see Ovadia Yosef, Kol Sinai, Iyar-Sivan 5731.)

In Responsa Divrei Yatziv, it is written that what should be said is, "to observe the positive mitzva of counting the Omer, AND it is written in the Torah." This breaks the direct link between the two halves of the sentence (Chapter 8). As an alternative, the author suggested that the usual version can be considered as referring to a rabbinical mitzva and not to a Torah commandment.



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May 15, 2005 9.00am

Speakers List (in formation): Rabbi Shlomo Riskin, David Makovsky, Dr. Bernard Lander, Rabbi Dr. Jacob J. Schacter

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