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Toras Aish

Thoughts From Across the Torah Spectrum

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Covenant & Conversation

Alongside the holiness of place and person is the holiness of time, something parshat Emor charts in its deceptively simple list of festivals and holy days (Lev. 23:1-44). Time plays an enormous part in Judaism. The first thing God declared holy was a day: Shabbat, at the conclusion of creation. The first mitzvah given to the Jewish people as a whole, prior to the Exodus, was the command to sanctify time, by determining and applying the Jewish calendar (Ex. 12:1-2).

The prophets were the first people in history to see God in history, seeing time itself as the arena of the Divine-human encounter. Virtually every other religion and civilisation before and since has identified God, reality and truth with timelessness.

Isaiah Berlin used to quote Alexander Herzen who said about the Slavs that they had no history, only geography. The Jews, he said, had the reverse: a great deal of history but all too little geography. Much time, but little space

So time in Judaism is an essential medium of the spiritual life. But there is one feature of the Jewish approach to time that has received less attention than it should: the duality that runs through its entire temporal structure.

Take, for instance, the calendar as a whole. Christianity uses a solar calendar, Islam a lunar one. Judaism uses both. We count time both by the monthly cycle of the moon and the seasonal cycle of the sun.

Then consider the day. Days normally have one identifiable beginning, whether this is at nightfall or daybreak or – as in the West – somewhere between. For calendar purposes, the Jewish day begins at nightfall ("And it was evening and it was morning, one day"). But if we look at the structure of the prayers – the morning prayer instituted by Abraham, afternoon by Isaac, evening by Jacob – there is a sense in which the worship of the day starts in the morning, not the night before.

Years, too, usually have one fixed beginning – the "new year". In Judaism, according to the Mishnah (Rosh Hashanah 1:1), there are no less than four new years. The first of Ellul is the new year for the tithing of animals. The fifteenth of Shevat (the first according to Bet Shammai) is the new year for trees. These are specific and subsidiary dates, but the other two are more fundamental.

According to the Torah, the first month of the year is Nissan. This was the day the earth became dry after the Flood (Gen. 8:13)[1]. It was the day the Israelites received their first command as a people (Ex. 12:2). One year later it was the day the Tabernacle was dedicated and the service of the priests inaugurated (Ex. 40:2). But the festival we call the New Year, Rosh Hashanah, falls six months later.

Holy time itself comes in two forms, as Emor makes clear. There is Shabbat and there are the festivals, and the two are announced separately. Shabbat was sanctified by God at the beginning of time for all time. The festivals are sanctified by the Jewish people to whom was given the authority and responsibility for fixing the calendar.

Hence the difference in the blessings we say. On Shabbat we praise God who "sanctifies Shabbat". On the festivals we praise God who sanctifies "Israel and the holy times" – meaning, it is God who sanctifies Israel but Israel who sanctify the holy times, determining on which days the festivals fall.

Even within the festivals there is a dual cycle. One is formed by the three pilgrimage festivals: Pesach, Shavuot and Sukkot. These are days that represent the key historic moments at the dawn of Jewish time – the Exodus, the giving of the Torah, and the forty years of desert wandering. They are festivals of history.

The other is formed by the number seven and the concept of holiness: the seventh day, Shabbat; the seventh month, Tishri, with its three festivals of Rosh Hashanah, Yom Kippur and Sukkot; the seventh year, Shemitah; and the Jubilee marking the completion of seven seven-year cycles.

These times (with the exception of Sukkot that belongs to both cycles) have less to do with history than with what, for want of a better word, we might call metaphysics and jurisprudence, ultimate truths about the universe, the human condition, and the laws, both natural and moral, under which we live.

Each is about creation (Shabbat, a reminder of it, Rosh Hashanah the anniversary of it), divine sovereignty, justice and judgment, together with the human condition of life, death, mortality. So on Yom

[1] Although this is the subject of an argument in Gemara Rosh HaShana 11b (quoted by Rashi Bereishit Chapter 8:13) between Rabbi Yehoshua who says this occurred in Nissan and Rabbi Eliezer who says it happened in Tishrei.

Kippur we face justice and judgment. On Sukkot/Shmini Atzeret we pray for rain, celebrate nature (the arba minim, lulav, etrog, hadassim and aravot, are the only mitzvah we do with unprocessed natural objects), and read the book of Kohelet, Tanakh's most profound meditation on mortality.

In the seventh and Jubilee years we acknowledge God's ultimate ownership of the land of Israel and the children of Israel. Hence we let slaves go free, release debts, let the land rest, and restore most property to its original owners. All of these have to do not with God's interventions into history but with his role as Creator and owner of the universe.

One way of seeing the difference between the first cycle and the second is to compare the prayers on Pesach, Shavuot and Sukkot with those of Rosh Hashanah and Yom Kippur. The Amidah of Pesach, Shavuot and Sukkot begins with the phrase "You chose us from all the peoples." The emphasis is on Jewish particularity.

By contrast, the Amidah for Rosh Hashanah and Yom Kippur begins by speaking of "all You have made, all You have created". The emphasis is on universality: about the judgment that affects all of creation, everything that lives.

Even Sukkot has a marked universalist thrust with its seventy sacrificial bulls representing the "seventy nations". According to Zechariah 14, it is the festival that will one day be celebrated by all the nations.

Why the duality? Because God is both the God of nature and of culture. He is the God of everyone in general, and of the people of the covenant in particular. He is the Author of both scientific law (cause) and religious-ethical law (command).

We encounter God in both cyclical time, which represents the movement of the planets, and linear-historical time, which represents the events and evolution of the nation of which we are a part. This very duality gives rise to two kinds of religious leader: the prophet and the priest, and the different consciousness of time each represents.

Since the ancient Greeks, people have searched for a single principle that would explain everything, or the single point Archimedes sought at which to move the world, or the unique perspective (what philosophers call "the view from nowhere") from which to see truth in all its objectivity.

Judaism tells us there is no such point. Reality is more complicated than that. There is not even a single concept of time. At the very least we need two perspectives to be able to see reality in three dimensions, and that applies to time as well as space. Jewish time has two rhythms at once.

Judaism is to the spirit what Niels Bohr's complementarity theory is to quantum physics. In physics light is both a wave and a particle. In Judaism time is both historical and natural. Unexpected, counter-intuitive, certainly. But glorious in its refusal to simplify the rich complexity of time: the ticking clock, the growing plant, the ageing body and the ever-deepening mind.

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RABBI SHLOMO RISKIN

Torah Lights

"And the Lord said to Moses, Speak to the priests, the sons of Aaron, and say to them…" (Leviticus 21:1) What is the major task of a religious leader, a community rabbi or the dean of a day school?

This is a question that plagues every search committee as well as every practicing "professional" religionist, because, while satisfying everyone's desires and expectations is a virtual impossibility, establishing priorities and setting clear goals is an absolute necessity. We will attempt to provide some general direction derived from the priestly functions described in this Torah and haftara reading, bearing in mind Rabbi Yisrael Salanter's adage that if everyone is satisfied, you are not a proper rabbi, and if no one is satisfied, you are not a proper mentsch (sensitive human being).

The Kohen was the priest-educator during the biblical and Temple periods. The very first – and unique – commandment concerning him is that he not defile himself by contact with the dead; this is an especially telling limitation when we remember that the primary responsibility of priests of all religions is to aid their adherents to "get to the other world" – that the Bible of ancient Egypt was called the Book of the Dead. In effect, the Torah is teaching us that our religious leadership must deal with the living and not the dead: must spend its time teaching Torah and accessing Jewish experiences, rather than giving eulogies and visiting cemeteries; must be dedicated primarily to this world rather than the world-to-come.

Second, the high priest (kohen gadol) wore a head-plate upon which was written "holy unto God" and a breast-plate upon which were engraved the twelve tribes of Israel. I believe that the symbolism is quite clear: The religious leader must dedicate his mind to the divine and his heart to his people; his thoughts, plans and machinations must always be purely in line with the God-endowed principles of ethical conduct, and his feelings must be informed with love, concern and commitment to the welfare of each and every Jew. His primary task must be not so much to elevate himself to God as it is to bring God to his people; and the unique characteristics of each of the twelve tribes remind him that there are at least twelve different gates through which the divine can be sought after and encountered. The true leader helps many different individuals discover his/her pathway within Torah, his/her roadway to approach God's tent.

Third, the prophet Ezekiel (44:24) adds a phrase which we read in the haftara but which is based on many biblical verses: "And my directions (torot) and my statutes, all of my festivals, shall they guard (yishmor)." The Bible as well as our liturgy is replete with the necessity to "guard" the Torah and its commandments; from a linguistic perspective, it is fairly easy to understand the necessity to study Torah and perform the commandments, but whence comes the notion of guarding Torah and commandments? What does this verb shamor (to guard – usually mistranslated as to observe) actually mean in context?

There is a well-known midrash, cited in the Jerusalem Talmud, that Rav Ashi visited a Jewish town for the first time and asked to see the "guardians of the city" (neturei karta). When the townsmen brought out the policemen and firemen, the rabbinical sage rejected them; the true guardians, he insisted were the teachers of the children in the city.

The analogy goes much deeper. In the realm of torts, or civil monetary law, the Bible (Exodus 22:6–14) and the Talmud (Tractate Bava Metzia) delineate four prototypical guardians (shomrim), and the extent of their respective responsibility for the objects in their custody for safekeeping. First and foremost, they must understand that while the object may have been placed in their possession to guard for a certain period – if the owner was going on vacation, for example – the guardian dare not use it up in any way; much the opposite, the guardian or shomer must restore it, whole and intact, to its true and initial owner. Consequently, if the rabbi and educator is entrusted with "guarding Torah," the guardian or shomer Torah must understand that although the teaching is in his/her possession, its ultimate owner is God; in effect, the Almighty has deposited it as a sacred trust with the religious leaders of the community. Thus, this Torah dare not be altered or compromised; it is to be transmitted but not transmuted, taught but not tampered with. To be sure, the Torah may be interpreted and applied within the accepted rules of explication, but only by those qualified to do so and only in accordance with its own rules and regulations.

Now the analogy may be taken still further. In the realm of torts, there are those guardians who receive no payment for their guardianship (shomer hinam), and they are only responsible for willful neglect (peshiya). Similarly, there are Torah scholars who teach gratis, for the sake of the "mitzva." However, since the Torah itself commands that "you shall be involved therein by day and by night," (Joshua 1:8), one might legitimately argue that if a Torah guardian made himself "unavailable" when needed by a fellow Jew, whatever time it may have been by day or by night, he may well be guilty of neglect! A true guardian of Torah must understand that he/she must always be "on call" to properly dispense the obligation of the guardianship.

The guardians who do receive payment (shomrei sakhar) have a heightened responsibility in Jewish civil law: not only are they culpable of willful neglect, but they are also culpable if the object in their custody is lost or stolen. Continuing our analogy to Torah, a "professional" Jewish leader cannot escape the tragic truth that our Torah is being lost to countless Jews who have never ever been exposed to the rich treasures of their tradition. Jewish ignorance which leads to assimilation is an advanced stage of Jewish Alzheimer's, a dreadful case of "losing it" – "it" being the essence of our history, the very bedrock of tradition upon which our future must be built. The guardians of Torah must tirelessly pursue the initiation and implementation of ideas such as "Birthright" and the creation of Jewish institutions such as outreach synagogues, day schools, summer camps, and seminars which can restore the lost treasure to its rightful owners, the Jewish people. And even if false ideologies and perversions attempt to "steal" the true Torah – such as Jews for Jesus or other Christian missionary movements attempting to capture Jews under false pretenses – it is incumbent upon the guardians of Torah to prove the falseness of such claims and to restore the pure traditions to their rightful owners.

However, it is the third level of guardianship, the borrower (sho'el), who is the most analogous to our Jewish leadership. In the realm of Jewish civil law, one who borrows an object for his/her own use while it is in his/her possession assumes responsibility not only for willful neglect, loss or thievery, but even for unforeseen tragedies which may threaten the existence of the object, such as fire or flood (onsin). Our tradition is replete with Torah teachers who continued to transmit this message, to impart their sacred trust under the most tragic of circumstances: Rabbi Akiva, who taught Torah while in prison and even while being tortured to death with iron combs under the Hadrianic persecutions; Maimonides, who continued to study, teach and write while fleeing the Almohad Muslim persecutors; Rabbi Oshry who answered religious questions and gave religious direction in the midst of the horrors of the concentration camps.

And the necessity to "guard" the Torah even under what seem to be impossible conditions may well be considered our legitimate responsibility – because Torah teachers themselves certainly use, or "borrow," their subject matter every day for personal satisfaction and enjoyment in addition to the times when they are involved in transmitting it, or restoring it to others. Indeed, the heroic activities of transplanting Torah in alien environments, the many rabbis and teachers who must organize, direct the efforts to build and fundraise for a synagogue or day school it, or to maintain teachers' wages and student lunches, are all involved in discharging this almost impossibly difficult and thankless responsibility of the guardian-borrower.

The examples of such heroic guardians of Torah

are legion, even in our times. Rabbi Aharon Kotler, the fiery and uncompromising Torah giant who felt that he was snatched from the claws of the Holocaust only in order to recreate the European Torah model in America, would never take any of his students along with himself on his frequent fundraising missions on behalf of the Lakewood Yeshiva: "I want my students to also build institutions of Torah, he would say, and so I don't want them to become discouraged when they see the degradations (bizyonot) I must suffer."

During the three summers I spent with my family in Miami Beach, Florida in the early 1970s, I got to know, appreciate and love Rabbi Sender Gross, of blessed memory, the founder and dean of the Hebrew Academy of Miami Beach, the individual who is credited as being the pioneer who first brought Torah to Florida. I learned from him, up close, what it really means to be a Torah-guardian and to discharge one's responsibility with total dedication, completely devoid of self-interest or self-aggrandizement.

Two incidents I witnessed personally: When the yeshiva high school he had started was in danger of closing because of lack of funds, and when all of its fundraising efforts proved unsuccessful, he took out a personal mortgage on his home in order to keep the yeshiva going; and at the end of his life, when the school bus drivers went on strike, he personally picked up the students and drove them to the Hebrew Academy so that their Torah study would not be interrupted.

Such is the dedication of a true Torah guardian, who understands that his responsibility is not only to teach Torah to those interested in hearing it, but it is rather to preserve Torah, to transmit and instill it within the hearts and minds of the next generation, no matter how insurmountable the obstacles for doing so may appear to be. And our sages guarantee that in accordance with the commitment will come the ultimate reward. *The above article appears in Rabbi Riskin's book Bereishit: Confronting Life, Love and Family, part of his Torah Lights series of commentaries on the weekly parsha, published by Maggid. © 2024 Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

The beginning part of this week's parsha refers to the special laws and status regarding kohanim – the descendants of Aharon. It is common knowledge that a study based on the DNA samples of many current day kohanim reveals a common genetic strain amongst a considerable number of those who participated in the study. This strain is found to be common even amongst people who live in different areas of the world, separated by thousands of miles and centuries of differing ethnicities.

The jury is still out whether these DNA findings have any halachic validity and as to what exactly these findings prove. Over the centuries of Jewish life, the kohanim have fiercely protected their lineal descent from Aharon and zealously guarded their status of legitimacy as being kohanim. Kohanim are held in high regard in the Jewish world and are entitled to certain special privileges and honors in the Jewish religious society.

Though it seems that it is permissible for a kohein to waive some of those privileges if he so wishes, preferred behavior dictates that he not do so. The status of the kohein is to be preserved as a remembrance of their special role in the Temple services in Jerusalem. But in a deeper sense, it is to be preserved to remind us of their special mission "to guard with their lips knowledge and to teach Torah to those who request it."

They are to be a blessing to the people of Israel and they are commanded to, in turn, bless the people of Israel. Blessed are those that are commanded to bless others. Thus the status of a kohein is representative of all that is noble and positive in Jewish life and tradition – knowledge, Torah, grace, security and peace. The question of ersatz kohanim is discussed widely in connection with halachic decisions. Not every person who claims to be a kohein is really a kohein. Since true pedigrees are very difficult to truly ascertain today, the halacha adopts a position that who is really a kohein is a matter of doubt. Great rabbinic decisors, especially in the United States, have often, in cases of dire circumstances, "annulled" the kehuna of an individual.

In the confusion of immigration into the United States at the end of the nineteenth and the beginning of the twentieth centuries, there were people who disguised themselves as kohanim in order to earn the monies of pidyon haben – the redemption of the first born son from the kohein. These people were charlatans, but many other simple Jews assumed that they were kohanim as well, without any real proof of the matter. Even tombstones that declared that one's father was a kohein were not to be accepted as definitive proof of the matter. Therefore, the DNA results are most interesting and provocative.

The halacha has not yet determined with certainty the trustworthiness of DNA results in matters that require halachic decision. Therefore, it is premature to speculate whether DNA testing will ever be used as a method of determining one's true status as a kohein. Meanwhile the kohanim should retain their tradition of pedigree to the best of their abilities. *© 2024 Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com*

RABBI JONATHAN GEWIRTZ

Migdal Ohr

"For acceptance, [it must be] an unblemished male of cattle, sheep, or goats. (Vayikra 22:19)

Parshas Emor speaks a lot about what Hashem

desires, and how it preempts what man desires. It begins with the Kohanim who lose a loved one. The Torah precludes them from contaminating themselves for the corpses of all but the closest relatives. Though they may desire to show their grief, Hashem says their service to Him takes precedence.

Here, we are told that when we wish to bring korbanos, there are guidelines to what we can bring. Though we are speaking of voluntary offerings, one cannot simply do whatever he feels like. There is a structure put in place by Hashem and if you want to bring Him a sacrifice, there's a specific way to do it so that He will accept it.

Indeed, Rashi and others explain that the first word in this posuk, which would seem to mean, "According to your wishes," actually means, "What will be desirable to Hashem and therefore beneficial for you." In other words, if you want to get out of the korban what you hope to, you need to make sure Hashem gets what He wants.

If a person decides to offer a blemished animal, he may not do so, because it is not desirable to Hashem. Even if he has a reason which seems special to him, (e.g. "this animal is a fighter, who survived even though he lost a limb, and so, too, do I wish to fight for Hashem,") it is unacceptable. Why then does the Torah use a word which, at face value, means, "according to your will"?

Moreover, the Toras Kohanim learns from here that a communal offering cannot be forced; it must be voluntarily desired. Again, it seems that our desire does play a role. Yet, the general consensus seems to be that it is Hashem's desire we are concerned with.

We'd like to suggest that the Torah, here, is teaching us a key lesson in life. In Pirkei Avos, Rabban Gamliel, son of R' Yehuda HaNasi, says one should do Hashem's will as if it was his own will, so Hashem would do that person's will as if it was His will. He continues that one should set aside his own desires for Hashem's desires, and then the desires of others will be set aside for his.

What this Mishna, as well as our posuk, are teaching us, is that when we seek to satisfy Hashem, we are ultimately satisfying ourselves. By unifying our wants to those of Hashem, it is for our benefit, and will be what we truly want – in this case, acceptance of our korban.

Rabbeinu Bachya offers an enlightening explanation of the word 'ratzon,' desire, found in the verse, "Poseach es Yadecha… You open your hand and satisfy the desire of each creature." Ratzon, he says, is what we would want, if we knew what was best for us. That is what we always get, though we may not realize it at the time.

However, if we align our desires to those of Hashem, we will enjoy life and always "get our way," because if Hashem sends it to us, it is what we would want, if only we saw the big picture. This is how to live our lives in the best way possible.

A Chosid invited a guest to his home for Seudas Shabbos. His whole family joyously prepared for the meal because they loved hosting guests. However, the person making arrangements for the guest didn't realize the Chosid had invited him, and sent him elsewhere for the Seudah.

When the Chosid finished Davening on Friday night, the guest was nowhere to be found. He finally got to the bottom of the story and when he returned home without the guest, his family was greatly disappointed. The Chosid said, "Yes, we enjoy guests, but is a guest our personal property to do business with? The main thing is that he should have a place to eat and enjoy Seudas Shabbos. What is the difference if this is done in our house or by someone else?" © 2024 Rabbi J. Gewirtz & Migdal Ohr

RABBI AVI WEISS

Shabbat Forshpeis

The fifty days between Passover and Shavuot are commonly known as Sefirat Ha'omer (Leviticus 23:15, 16). From a biblical perspective, these days relate to the barley offering brought on the second day of Passover and the wheat offering brought on the festival of Shavuot. These are days of hope that the produce from the ground grow fruitfully and plentifully.

Not coincidentally, the Hebrew for fifty is chamishim, which recalls the word chamsin, the hot, often destructive wind prevalent during that time of year. We pray that it not harm the successful reaping of the crop.

In addition, this period of time relates to the counting of time from Passover, the holiday marking our physical exodus from Egypt, to Shavuot, the holiday commemorating the giving of the Torah. For this reason, we count up and not down from Pesach to Shavuot, spiritually reaching higher and higher as we approach that moment in history when the Torah was given.

It is fitting that we count up to forty-nine. This is because the number seven in Judaism symbolizes completion, wholeness, and spirituality – the number of Shabbat. Forty-nine is seven sets of seven; therefore the omer period is the ultimate completion of the completion, the holiest of the holiest.

As Jewish history progressed, though, these joyous days became sad ones. Between Passover and Shavuot, the students of Rabbi Akiva died. According to tradition, this occurred because these learned men were involved in endless dispute (Yevamot 62b).

Too often, Torah scholars become so engrossed in their understanding of Torah that they begin to believe that their approach is the only correct one. They often cannot see the truth in any other opinion. It would be beneficial for all of us to remember that different views are recorded in the Talmud to teach that, while one should continue to focus and deepen one's view of Torah, doing so should not lead to tunnel vision. People

with different outlooks should listen to one another.

And so, the days of the omer, which were originally joyous, became days of mourning. In fact, the Aruch Hashulchan notes that the most intense attacks against the Jewish People during the Crusades occurred during Sefirat Ha'omer (Orach Chayim 493:1). Indeed, Dr. Yaffa Eliach implored children of survivors to be especially kind to their parents between Pesach and Shavuot, as the Nazis – aware of the importance of these holidays to Jews – were particularly brutal during this time of year.

Today, we see a slow reversal, as Yom Ha'atzmaut (Israel's Independence Day) and Yom Yerushalayim (commemorating the liberation of Jerusalem) are joyously celebrated during Sefirat Ha'omer. May the day soon come when God wipes away tears from all faces (Isaiah 25:8), and all days of "mourning turn into dancing" (Psalms 30:12). *Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale*

ENCYCLOPEDIA TALMUDIT

Chadash in the Diaspora

Translated by Rabbi Mordechai Weiss

The mishnah at the end of *Orlah* makes an unequivocal statement about *chadash* (grain from the new harvest, which may not be eaten until the *omer* offering is brought on the sixteenth of Nissan). According to this mishnah, "*Chadash* is biblically forbidden everywhere." This means it is an issue not only in Israel, but in the Diaspora as well. The rule is derived from the verse: "Until that very day, until you have brought the offering of your G-d, you shall eat no bread or parched grain or fresh ears; it is a law for all time throughout the ages **in all your settlements**" (*Vayikra* 23:14). Clearly, this last phrase includes the Diaspora.

Even though *chadash* applies in the Diaspora according to this mishnah, the *omer* offering may not be brought from grain grown in the Diaspora (as the mishnah states in *Menachot* and as the Rambam rules).

This mitzva is more difficult to follow in the Diaspora, since wheat there sprouts before the sixteenth of Nissan, and might be made into flour (which is not the case in Israel). Some rabbinic leaders in the Diaspora used to roam from place to place with their own pots and pans, looking for wheat that was not *chadash.*

However, the mishnah in *Kiddushin* presents, in addition to the view cited above, a lenient view that biblically the law of *chadash* pertains only to the Land of Israel. According to this view, the mitzva of *chadash* is similar to to the offering of the *omer*, in that both are relevant only in the Land of Israel. Thus, we see that in *Kiddushin* the status of *chadash* in the Diaspora is disputed. One would expect that we would follow the explicit ruling in *Orlah*, where only one view is recorded: that *chadash* is forbidden everywhere. But it is not that simple. Which mishnah to follow may depend upon which tractate was written first. If the mishnah in *Orlah* is later than the mishnah in *Kiddushin*, then it seems there was a disagreement followed by an unopposed statement, so we should follow the unopposed statement. (Hence *chadash* would be prohibited even in the Diaspora.) However, if *Orlah* is earlier, then it seems the disagreement continued afterwards in *Kiddushin* despite categoric statement in *Orlah*.

We might assume that *Orlah* must beearlier. After all, it is part of *Seder Zera'im* (the first of the six orders of the Mishnah), while *Kiddushin* is part of *Seder Nashim* (the third order). But it is not that simple. There is a general principle that "The Mishnah is not in order." This means that the order of the Mishnah's tractates is logical, not chronological. It does not necessarily correspond to the time periods in which they were originally taught.

RABBI DAVID LEVIN

Special Times

Emor is one of several different parshiot that discusses the various holidays and other "special times, moadim" of the year. Each different place where these special times are discussed is necessary, because each teaches a different aspect of those days. In Bamidbar (Numbers), parashat Pinchas contains the different animal sacrifices brought on Shabbat, Rosh Chodesh (New Month), Rosh Hashanah, Yom Kippur, and Pesach, Shavuot, and Sukkot, the three pilgrimage festivals. In Devarim (Deuteronomy), parashat R'eh, the Torah discusses the three pilgrimage festivals and the requirement to come to Jerusalem and the Temple to celebrate these holidays together. Since its message is the pilgrimage to Jerusalem, it does not mention Shabbat, Rosh Chodesh, Rosh Hashanah or Yom Kippur when it was not required to travel to Jerusalem. Our section in Vayikra (Leviticus), parashat Emor, discusses which days of each holiday are considered kadosh, holy days, on which no work may be done. Here, only Rosh Chodesh is not mentioned since work is not formally restricted then.

Our section begins with the special day of Shabbat. "Speak to the B'nei Yisrael and say to them, 'Hashem's appointed festivals which you shall designate as "callings of holiness" – these are My appointed festivals. For a six-day period labor may be done, and the seventh day is a day of complete rest, a calling of holiness, you shall not do any work; it is a Sabbath for Hashem in all your settled places.'" It should be noted that only the type of work that was done for the building of the Mishkan, the Temple in the desert, or derived from that work, is considered work according to the Oral Law. HaRav Shamshon Raphael Hirsch explains that although Shabbat is not one of the "festivals," it is

included here because it fits the category of Mikra Kodesh, callings of holiness. These are days in which a particular kind of work is forbidden, the types of work related to the building of the Mishkan.

Once Shabbat had been discussed, a holiday which is not based on the calendar nor governed by the appearance of the New Moon for that month, the holidays that are based on the calendar were discussed in order from the beginning of the "spiritual" year, the month of Nisan. There are two separate calendar years, the physical and the spiritual. The physical year corresponds to the time of the creation of Man, Rosh Chodesh Tishrei. The spiritual year corresponds to the first mitzvah given to the Jewish People, the declaration of the month of Nisan. All the dates involving mitzvot are governed by the spiritual calendar, and are counted from Nisan. This is important to note because, at the time of the Torah, names were not given to the months. They were referred to as the first month, the second month, etc., which could be understood as from Tishrei or Nisan.

The first of the three pilgrimage holidays mentioned is Pesach. In the Torah, only the half-day prior to the holiday, the time at which the Korban Pesach was brought, was referred to as Pesach. The holiday which today is called Pesach was called Chag HaMatzot, since the major distinguishing commandment of the holiday was eating matzot for seven days. The Torah declares that the first and last days of the seven-day holiday were called holy, and no work could be done on them. The middle days of the festival, Chol HaMoed, literally the non-holy days of the special time, are subject to a difference of opinion. The Ramban explains that Rashi is of the opinion that they are also governed by the rule prohibiting work, whereas he, the Ramban, holds that this rule does not apply in full. There are still special sacrifices that were brought during Chol HaMoed, but some forms of work could be done.

On the second day of Pesach, the harvest of barley began, and a designated amount of barley, the Omer, was brought to the Temple for a special offering. This offering of the Omer was important for two reasons: (1) it came to permit all grain grown in the previous year (yoshon, old grain) for consumption, since new grain was forbidden, and (2) the bringing of this offering began the count of seven complete weeks until the holiday of Shavuot on the fiftieth day of the count. Shavuot means weeks, and is the only holiday that is not designated by a particular day of a particular month. Only when the calendar was set by the Rabbis after the destruction of the Temple, did we celebrate Shavuot on a permanent day, the sixth of Sivan.

Inserted into the discussion of the Moadim, the special holidays of the year, are a few sentences about laws involved in harvesting. These sentences were inserted here because the Torah had just finished talking about the harvest of the Omer of barley. The Torah specifies the laws of pe'ah, leaving a corner of the field for the poor, and leket, leaving the gleanings of the field for the poor. HaRav Zalman Sorotzkin asks why this section was placed immediately before Rosh Hashanah. He explains that Rosh Hashanah is Yom HaDin, the Day of Judgment. Hashem will judge how well we treat those who are poor and downtrodden. Pe'ah and Leket are only some examples of how we give tzedakah.

The next holidays which are mentioned are Rosh Hashanah and Yom Kippur, neither of which require a pilgrimage to the Temple. These two holidays are included here because they also involve days which are called holy, and require refraining from work and the offering of special sacrifices. The special mention of the shofar here indicates a mitzvah which separates this holiday from all the others. We also find that the word "ach, also" is used with Yom Kippur, which the Rashbam explains comes to limit two types of work that are permitted on other holidays, namely, cooking and carrying from a public place to a private place. Yom Kippur, because it is called a day of suffering, is more restrictive, like Shabbat.

The final holiday mentioned here is Sukkot, the last of the festivals of the year. Here the first day of the holiday is called holy, and an additional day was added to the end of the holiday which was also called holy. This eighth day of what would have been a seven-day holiday is called Shemini Atzeret, the eighth day of assembly. In addition, the special aspects of the holiday which distinguish it from the other pilgrimage festivals are discussed. These include the dwelling in a temporary hut, a sukkah, and the bringing to the Temple the four species, the palm fond, the etrog, the myrtle, and the willow.

We see the significance of our section, and we can understand why the Torah expounded on each of these special times. May we have many more opportunities to observe these holidays with, perhaps, a new understanding of the role each plays in our lives.

RABBI DOV KRAMER

Jewish Geography

Included in the section of the holidays in Parashas Emor is the Omer offering (Vayikra 23:9-13), followed (23:14) by the prohibition against eating the new crops (of the 5 grains that can become Chametz) until this offering is brought (or – when there is no Temple – until the day this offering would have been brought). The connection is simple; the first offering in the Temple that included grain from the new crops was the Omer offering, and it would be inappropriate for us to partake of the new crops before it was offered to G-d (see Sefer HaChinuch 303). Even after the Temple was destroyed, it remains inappropriate to partake of these crops until the offering would have been brought, especially since we hope the Temple will be rebuilt ASAP, and this offering brought again.

Where the grain for this offering (in this case, barley) must come from, and where the prohibition against eating the new crops applies, is a matter of (Talmudic) discussion. The Mishna (Menachos 8:1) says that, with two exceptions, the grain used for Temple offerings can come from anywhere, and can be from both the new ("Chodosh") crops and from the old ("Yoshon") crops. The two exceptions are the Omer offering (brought on the first day of Chol HaMoed Pesach) and the offering of two loaves (brought on Shavuos), whose grain must have grown in Eretz Yisroel and be from the new crops. The Talmud (Menachos 83b-84a) quotes other opinions; one allows old crops even for these two offerings, and another allows grain grown outside Eretz Yisroel even for these two offerings. The Talmud then adds that according to the opinion that even these offerings can come from grain that grew outside Eretz Yisroel, the prohibition against eating the new crops must also apply to crops grown outside Eretz Yisroel.

Interestingly, Rambam (Hilchos Temidin 7:5) says that the Omer must come from grain that grew in Eretz Yisroel and also (Hilchos Ma'achalos Asuros 10:2) that even new crops grown outside Eretz Yisroel are forbidden until the Omer is brought (or until the day it would have been brought), which goes against the Talmud's implication that if the new crops are forbidden even outside Eretz Yisroel, they can be brought for the Omer offering. This issue is discussed by several Acharonim; Aruch HaShulchan (YD 293:4) suggests that while those who allow the Omer to be brought from grain that grew outside Eretz Yisroel must also be of the opinion that new crops are forbidden even outside Eretz Yisroel, those who require the Omer to be brought from grain grown in Eretz Yisroel need not connect it with the prohibition against eating the new crops, which could therefore be prohibited outside Eretz Yisroel as well.

Whether new crops are in fact prohibited outside Eretz Yisroel has been a major topic throughout the generations, starting with the Mishna and the Gemara (Kiddushin 37a). Until relatively recently, it was rare to find anyone living outside Eretz Yisroel who avoided eating Chodosh, despite it being prohibited by Rambam, Tur and Shulchan Aruch (YD 293). Aruch HaShulchan goes through the various approaches for being lenient, as well as their weaknesses. It is clear that the attempts to justify eating Chodosh were based on the extreme circumstances that would have arisen had a leniency not been found, as otherwise nothing made from wheat or barley (two of the 5 grains included in the prohibition) could be consumed for about half the year, meaning no bread and no beer-like drink (which were their staples). Aruch HaShulchan's suggestion is that since it was considered an extreme need ("שעת הדחק"), we can rely on those Rishonim who followed the Chachamim (in Kiddushin), who allowed Chodosh outside Eretz Yisroel (as opposed to R' Eliezer, who forbade it).

Generally speaking, this "extreme need" no longer applies, as evidenced by the large number of people who currently avoid Chodosh products. Some suggest that the widespread reliance on leniencies over the many decades (when there was a "שעת הדחק") created a "Minhag" that supersedes the Halachic process. Aside from relying on Minhag outweighing Halacha, it's unclear if this qualifies as a real Minhag. Either way, now is a great time to consider avoiding Chodosh, since everything "Chodosh" became permissible over Pesach, and the next "new" crops likely won't hit the market until the end of the summer, leaving plenty of time to stock up on items not easily available later (e.g. pasta and cereals), as well as to research which establishments have Yoshon items all year long.

I recently began reading Yitzhak D. Gilat's "R. Eliezer ben Hyrcanus," and he suggests that R' Eliezer "preserve[d] and reflect[ed] the ancient halakhic tradition of Temple times," which "conflicted with the trends active [in the Sanhedrin] at Yavneh towards moulding the shape of the halakhah, in response to the changes which had set in with the destruction of the Temple." Our editions of the Talmud (in Kiddushin) almost always have the abbreviation ר"א rather than spelling out which Tanna forbade Chodosh everywhere, so it's unclear whether it was actually R' Eliezer (ben Hyrcanus). [Even though our editions do have "R' Eliezer" once, "Eliezer" and "Elazar" have been interchanged often enough not to rely on it.] Nevertheless, the manuscripts of our Gemara consistently have "R' Eliezer" (although they have "R' Elazar" in the Mishna!), and the Mishna (Kiddushin 1:9) also has "R' Eliezer." If it was R' Eliezer ben Hyracunus who insisted that Chodosh was prohibited everywhere, and the Chachamim who argued with him did so because they knew that after the Temple's destruction the nation would be exiled to areas where storing Yoshon grain wouldn't be feasible, the Halachic process worked out well, בס"ד.

Normally, the Halacha follows the majority, which, in this case, would mean that new grain grown outside Eretz Yisroel would be permitted even before the Omer was brought. But the "extreme need" the Chachamim might have been concerned about didn't really apply everywhere, or all the time. The major פוסקים (Rambam, Tur, Shulchan Aruch) followed R' Eliezer – likely because the Mishna in ערלה they based their פסק on reflected the original Halacha – thereby allowing/requiring us to avoid Chodosh when possible, while other פוסקים followed the Chachamim, thereby allowing the masses to have what to eat and drink when Yoshon was not easily available.

Rabbi Dov Kramer has avoided eating Chodosh since late 1984. If anyone wants information or help navigating this biblical prohibition, he can be contacted at RabbiDMK@gmail.com.