**S.A.L.T. – PARASHAT SHEMINI**

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Motzaei Shabbat

The Torah in Parashat Shemini introduces the prohibition against performing the *avoda* in the *Beit Ha-mikdash* in a state of intoxication. After issuing this prohibition, the Torah adds that this law was established “to teach the Israelites all the statutes which the Lord spoke to them through Moshe” (10:11). Rashi, based on *Torat Kohanim* and the Gemara (Keritut 13b), comments that this verse extends the prohibition to include “instruction” – meaning, halakhic decision-making. Meaning, just as it is forbidden for *kohanim* to enter the Temple and perform the service after drinking wine, it is similarly forbidden for a scholar to issue halakhic rulings after drinking wine, as this can distort his judgment and reasoning.

Interestingly, the Gemara (there in Keritut) draws a distinction in this regard between teaching Torah generally and issuing halakhic rulings. Although it is forbidden to reach a practical halakhic ruling under the influence of alcohol, one may study and teach theoretical Torah material in such a state. The Gemara noted that despite this distinction, Rav would not teach Torah at all after drinking wine. The reason, the Gemara explains, is that given his stature of rabbinic authority, any Torah he taught was regarded as a practical halakhic ruling. Accordingly, the Rambam (Hilkhot Bi’at Ha-mikdash 1:4), rules that a “*chakham kavu’a le-hora’a*” – a scholar who holds an official position as a halakhic decisor – may not teach Torah at all after drinking wine, “because his teaching is practical instruction.”

How might we understand this distinction between the theoretical study of Torah and practical halakhic rulings? After all, if *Halakha* is concerned that the influence of wine will distort a scholar’s mental faculties and cause him to err, what difference does it make whether he studies practical *halakha* or theoretical material? Shouldn’t a scholar be discouraged from reaching erroneous conclusions regarding Torah even when engaging in theoretical study?

Rav Zalman Sorotzkin, in [*Oznayim La-Torah*](http://hebrewbooks.org/pdfpager.aspx?req=39723&st=&pgnum=161), explains that wine can actually be beneficial in Torah study, as it broadens the mind and allows it to conceive of ideas and concepts that could not be considered in a state of sobriety. Alcohol has the effect of loosening the shackles that normally restrain our mental faculties and keep our thinking process from veering beyond narrow limits of accepted and conventional lines of reasoning. As such, study after drinking wine is specifically not discouraged, because a scholar in such a state can, potentially, be more creative and arrive at insights that otherwise he might not have considered. Halakhic rulings, however, cannot be reached without first thoroughly questioning and challenging one’s ideas to ensure they are sound. In a state of intoxication, a person is capable of creative thinking, but he has limited critical abilities. He can thus arrive at new insights, but will not likely be able to raise potential challenges and objections to test them and ensure their validity. For this reason, Rav Sorotzkin writes, although a scholar may study and teach after drinking, he is prohibited from issuing halakhic rulings, which may not be reached before they are first subject to thorough review and critique.

Sunday

The Torah in Parashat Shemini tells of the tragic death of Nadav and Avihu – Aharon’s older two sons – after they brought an unwarranted incense offering on the day of the *Mishkan*’s consecration. Midrashic sources attribute various different misdeeds to Nadav and Avihu, including the fact that they refused to marry. The Midrash (*Vayikra Rabba* 20:10) tells that many suitable women were eager to marry Nadav and Avihu, but they insisted that there were no women worthy of being their wives. Being the sons of Aharon and nephews of Moshe, they saw themselves as belonging to an elite class into which nobody was worthy of joining by marrying them.

[The Klausenberger Rebbe](http://hebrewbooks.org/pdfpager.aspx?req=36050&st=&pgnum=281&hilite=) elaborates on the Midrash’s description, suggesting that Nadav and Avihu’s arrogant rejection of prospective marriage partners actually resulted from their high stature of piety. Having ascended to such a lofty level, other people’s slight flaws and deficiencies seemed to them intolerable. The Rebbe draws a comparison to the famous story of Rabbi Shimon bar Yochai and his son who spent twelve years hiding in a cave learning Torah, and after they emerged from their hiding place, they could not bear the sight of people engaging in mundane, worldly pursuits. Similarly, Nadav and Avihu were generally righteous men whose piety led them to look disdainfully upon others who had not achieved their spiritual levels, and this was their mistake.

The Rebbe adds that this might also underlie Nadav and Avihu’s decision to offer incense on the altar. Citing the Rashbam, the Rebbe claims that Nadav and Avihu brought this offering before God’s revelation through fire in the *Mishkan*, which is described in the previous verse (9:24). He explains that when Nadav and Avihu saw that God’s fire did not immediately descend to consume the sacrifices that Aharon had just offered, they instinctively concluded that this was due to the people’s low spiritual stature. As such, they reasoned, it was up to them to bring a special offering. And so this mistake, too, resulted from their arrogance.

In a similar vein, the Rebbe explains the Gemara’s account of how Nadav and Avihu saw Moshe and Aharon walking with “all of Yisrael behind them,” and they expressed to one another their anticipation of the day when Moshe and Aharon would die and they would assume the mantle of leadership. When Nadav and Avihu looked at the people – whom they look upon with disdain – following Moshe and Aharon, it angered them that Moshe and Aharon tolerated and lovingly tended to people of such lowly stature. They felt that Moshe and Aharon were too indulgent and did not do enough to banish sinners and keep the nation in line, and they therefore looked forward to the time when they would be the leaders.

According to the Rebbe’s approach, the Midrashic accounts of Nadav and Avihu warn against the arrogance and condescension that can often result from spiritual growth. Achievement does not give us license to look with contempt upon those who have not reached the level we feel we have reached. Part and parcel of piety from *Chazal*’s perspective is looking kindly and favorably upon those who are not as pious as we think they should be. Truly righteous people act humbly and patiently towards others and are able to respect people for their qualities despite their shortcomings.

Monday

The Torah in Parashat Shemini tells of a tense exchange that took place between Moshe and the newly-anointed *kohanim* – Aharon and his sons – on the final day of the *Mishkan*’s consecration (10:16-20). Rashi, based on *Chazal*, explains that the exchange resulted from the fact that two different kinds of sacrifices were offered that day: the special sacrifices that God commanded to be offered specifically in honor of this occasion, and the Rosh Chodesh *musaf* sacrifice, which was sacrificed because this event occurred on the first of Nissan. As Aharon’s two older sons died on that day, he and his remaining sons were forbidden to partake of the meat of the Rosh Chodesh sacrifice, given the prohibition against eating sacrifices in a state of *aninut* (the day of a family member’s death). The other sacrifices, however, which were not standard offerings and were required only to mark this once-in-history occasion, were to be eaten despite Aharon and his remaining sons’ state of *aninut*, as Moshe explicitly told them earlier (10:12-15). The controversy arose when Moshe saw that the *musaf* sacrifice was burned on the altar and not eaten by Aharon and his sons. For reasons that are unclear, Moshe forgot or did not realize that the *kohanim* could not eat this sacrifice due to their status, and so he angrily berated Aharon’s remaining sons for failing to eat this meat. Aharon then defended his and his sons’ decision not to eat the sacrifice, explaining that as *onenim* they were halakhically prohibited from partaking of the *musaf* sacrifice even though they were required to eat the other sacrifices offered that day.

Rashi (10:16), citing *Torat Kohanim*, notes that Moshe directed his anger specifically to Elazar and Itamar – Aharon’s remaining sons – and not to Aharon. Despite the fact that all three, apparently, were guilty in Moshe’s mind of neglecting their responsibility with respect to the *musaf* sacrifice, he expressed his displeasure only to Aharon’s sons. Rashi explains, “Out of honor for Aharon he turned his face to the sons and expressed anger.”

Rav Chaim Elazary, in his [*Netivei Chayim*](http://hebrewbooks.org/pdfpager.aspx?req=42861&st=&pgnum=102&hilite=), notes the practical lesson that emerges from Rashi’s comments: even when expressing anger is justified, causing embarrassment is not. As mentioned, it seems that the mistake which Moshe wrongly attributed to his nephews was made, in his mind, by his brother, as well. Yet, he directed his remarks specifically to Elazar and Itamar because reprimanding his older brother would cause him shame. Expressing anger is warranted under some circumstances, but not if it causes the person embarrassment. *Chazal* drew a clear distinction between the two – appropriate criticism and censure, on the one hand, and, on the other, humiliation – and urged us to likewise make this distinction in our interpersonal relations.

We might add that *Chazal*’s remark becomes especially significant when we consider two aspects of this particular incident: it involved a conflict among family members, and it involved a question regarding proper halakhic observance. These two contexts – family affairs, and matters of religious import – are ones in which people often allow themselves greater liberties in expressing protest and disapproval. Among family members, the sense of closeness and familiarity often makes us feel more at ease to express our emotions and voice criticism than we do outside the family context. And when it comes to religious matters, of course, the ostensibly noble cause and the importance we rightfully afford to proper observance can lead us to feel justified in embarrassing those who we feel act improperly. Rashi’s comments remind us of the importance of protecting the dignity of even those who we believe deserve criticism, under any circumstance. Even when criticism is warranted and appropriate, embarrassing another person is not – even within the family, and even when dealing with vitally important religious matters.

Tuesday

Yesterday, we noted the incident related in Parashat Shemini (10:16-20) where Moshe criticized the *kohanim* – Aharon and his two sons – for failing to eat the meat of a certain sacrifice, and burning it on the altar, instead. Aharon explained to Moshe the halakhic reasoning behind his decision, and Moshe conceded that Aharon was correct.

Rashi, commenting to Parashat Matot (31:21), includes this incident in his list of three occasions when Moshe was punished for becoming angry. Specifically, Rashi writes that in all three instances Moshe was punished by experiencing a mental lapse of sorts as a result of his anger. The other occasions noted by Rashi are *Mei Meriva* – when Moshe was angry at the people for complaining, and then mistakenly hit the rock instead of speaking to it – and after the battle against Midyan, when Moshe angrily berated the generals for their mistake and then forgot the laws relevant to the utensils taken from Midyan.

Upon considering these three incidents, we immediately recognize a clear distinction between the account here in Parashat Shemini and the other two. At *Mei Meriva* and after the war with Midyan, Moshe made a mistake after becoming angry. As Rashi writes, “Since Moshe came upon anger, he came upon a mistake.” This does not appear to be the case, however, in Parashat Shemini. Here, Moshe’s anger did not result in a mistake, but to the contrary, his mistake is what caused him to be angry. He overlooked the fact that Aharon and his sons were forbidden to partake of the sacrificial meat due to their state of bereavement, and so he angrily criticized them for what he perceived as their failure to comply with God’s instructions. This is very different from the other two situations, where Moshe was punished for his anger by making a mental mistake. Why, then, does Rashi group all three incidents together, as examples of how “since Moshe came upon anger, he came upon a mistake”?

Rav Yitzchak Pinchas Goldwasser, in his [*Mei Zahav* (Parashat Matot)](http://hebrewbooks.org/pdfpager.aspx?req=46472&st=&pgnum=494), suggests (while acknowledging that this answer is given “*be-dochak*”) that Rashi refers here to the fact that Moshe’s anger prevented him from recognizing his mistake. True, it was his mistake that led to his anger; however, his anger, in turn, blinded him such that he did not realize that he, and not Aharon and his sons, had erred. And thus this incident, too, is an example of anger leading to a mistake – in the sense that it prevented Moshe from recognizing his mistake. It turns out, then, that Rashi in his comments points to two similar phenomena: mistakes made as a result of anger, and mistakes that lead to anger, which in turn prevents a person from recognizing and conceding his error.

Wednesday

The Torah in Parashat Shemini introduces the law forbidding eating the meat of animals that do not feature two specific characteristics: it chews its cud, and has split hooves (11:3). In the subsequent verses, the Torah makes it clear that an animal must feature both properties for its meat to be permissible for consumption; an animal with one characteristic but not the other is forbidden.

A number of *Acharonim* addressed the conceptual question as to how these two characteristics are to be viewed. Namely, are these features themselves the reason why an animal is permissible, or do they merely reflect this status? The first approach contends that a cow, for example, is kosher because it chews its cud and has split hooves; according to the second approach, a cow is kosher for some other, perhaps unknown, reason, and these two properties are simply indicators of the animal’s permissible status.

Rav Menachem Zemba, in *Zera Avraham* (14:24), notes that this question likely hinges on a debate among the *Tanna’im* recorded in Masekhet Bekhorot. The Mishna (5b) establishes the rule that “*ha-yotzei min ha-tahor tahor*” – the offspring of a kosher animal is permissible for consumption, even if it has the physical properties of a non-kosher animal. For example, if a cow gave birth to a creature which looks like a donkey, the meat of that offspring is permissible, even though it does not have the physical properties required of a kosher animal. Since it was born to a cow, it is considered a member of a kosher species and is thus permissible for consumption, despite its physical properties. The Gemara (6b), however, cites Rabbi Shimon as disputing this ruling. In his view, an animal that does not feature the two characteristics of a kosher animal may not be eaten, regardless of its biological origins. The same is true in the reverse case, where a non-kosher animal, such as a horse, delivers a child resembling a kosher animal, such as a cow. According to the majority view, the offspring may not be eaten, since it was born to a non-kosher animal, whereas Rabbi Shimon would permit eating this animal, since it features the characteristics of a kosher animal.

It seems, Rav Zemba writes, that these two views reflect the question of whether the properties of a kosher animal should be viewed as a *siman* – an indicator of its kosher status – or a *siba* – the reason for this status. The majority opinion likely views these properties as merely indicators of a kosher species. As such, once we know that an animal was born to a member of a kosher species, its own physical properties are irrelevant. After all, these properties are not inherently required for an animal to be deemed kosher; they are needed only to determine the animal’s status. And so if this status can be determined based on the animal’s mother, we have no need to examine its own properties. Rabbi Shimon, however, appears to have understood that the properties of a kosher animal are the reason for an animal’s permissible status. As such, according to Rabbi Shimon, an animal must feature these characteristics for it to be deemed kosher, and its biological origins are irrelevant.

*Halakha* follows the majority view, that the offspring of a kosher animal is kosher, and the offspring of a non-kosher animal is not kosher, regardless of the child’s physical properties (*Shulchan Arukh*, Y.D. 79:2).

A possible modern application of this issue would be genetically modified organisms. If scientists modify the genes of the fetus of a kosher animal such that it does not feature the properties of a kosher animal, it would, at first glance, be permissible, in line with the accepted view that the determining factor is an animal’s biological origins, and not its own physical characteristics. Conversely, if the offspring of a non-kosher animal is modified such that it chews its cud and has split hooves, it would, presumably, nevertheless be forbidden for consumption, as it was born to a non-kosher animal. (Needless to say, this issue requires a far more comprehensive discussion.)

Thursday

Yesterday, we noted the question addressed by several *Acharonim* concerning the conceptual underpinnings of the *simanei tahara* – the two characteristics which the Torah designates as signifying a kosher species of animal (split hooves, and an animal’s chewing its cud). We can view these properties either as the reasons why an animal is deemed kosher, or merely as indicators of a species’ kosher status. According to the first reason, an animal is kosher because it features these properties, whereas according to the second, an animal with these properties is kosher for some other reason, and these properties simply serve as indicators, signs by which we can determine a given species’ status.

Among the contexts where this issue arises is the Gemara’s discussion in Masekhet Bekhorot (10a) concerning the law of *tum’at okhelin* – the ability of food to contract *tum’a* (ritual impurity). The Torah in Parashat Shemini (11:34) establishes that food is susceptible to *tum’a*, and the Gemara discusses this law’s application to non-kosher meat. Specifically, as the Gemara cites from the Mishna in Masekhet Uktzin (3:3), a distinction is drawn between the meat of a kosher animal and the meat of a non-kosher animal. The meat of a kosher animal has the formal halakhic status of food, and is thus susceptible to *tum’a*, even if the animal died without proper *shechita* and its meat is therefore forbidden. Since the animal is inherently kosher, its meat, by default, is halakhically regarded as food. By contrast, a non-kosher animal’s meat is not halakhically treated as food unless one specifically intended to use its meat as food (such as to feed it to a non-Jew). Without this clear intent, the meat is not considered food and hence it cannot contract *tum’a*. (The practical significance of a non-kosher food’s status of *tum’a* lies in the fact that it can then transfer this status to kosher food through contact, as Rashi explains in Masekhet Bekhorot 9b.)

The Mishna (there in Uktzin) then cites Rabbi Shimon as making a seemingly peculiar exception to this rule. Namely, the meat of a camel, pig or hare, despite these being non-kosher species, is considered food even if one does not specifically intend to use it as such. Curiously, Rabbi Shimon treats these species as kosher animals with respect to *tum’at okhelin*, even though they are not kosher. The reason, as the Gemara in Bekhorot cites, is because these three animals have one of the two characteristics of kosher species. The camel and hare chew their cud, and the pig has split hooves. The fact that these animals feature one kosher characteristic, according to Rabbi Shimon, renders them “somewhat” kosher, so-to-speak, which – in Rabbi Shimon’s view – suffices for the law of *tum’at okhelin*. Therefore, with respect to this law, they are treated as kosher animals, and their meat is susceptible to impurity regardless of whether it is intended to be used as food.

Rav Menachem Zemba ([*Zera Avraham* 14:24](http://hebrewbooks.org/pdfpager.aspx?req=1942&st=&pgnum=118&hilite=)) cites a letter by Rav Avraham Loftiver proving from Rabbi Shimon’s position that the *simanei tahara* should be viewed as the reasons for an animal’s kosher status, rather than simply indicators. If they merely indicate an animal’s kosher status, then an animal with one characteristic but not the other should seemingly be no different than animals with neither characteristic. Since these properties are nothing more than signs that the animal is regarded as kosher, any animal without both signs is excluded from the family of kosher species. If Rabbi Shimon views the presence of only one characteristic as significant, even without the presence of the other, then he necessarily perceives the *simanei tahara* as the qualities which actually make an animal kosher. From this perspective, we can understand that the presence of one quality, even though it does not render an animal permissible for consumption, nevertheless suffices to distinguish an animal from those which neither characteristic.

Rav Zemba (as cited by Rav Asher Weiss, *Minchat Asher*, Parashat Shemini, p. 75) noted that Rabbi Shimon here follows consistently his ruling earlier in Masekhet Bekhorot (6b). As we discussed yesterday, Rabbi Shimon maintained that if a kosher animal delivered a child with non-kosher properties, the offspring is considered non-kosher. As we saw, this ruling likely reflects the perspective that the *simanei tahara* are to be viewed as the reasons for an animal’s status, not as indicators of a kosher species. Since they are what make an animal kosher, they must be present for an animal to be deemed permissible, even if we can ascertain through other means that the animal belongs to a kosher species. Consistent with this view, Rabbi Shimon maintains that an animal with one kosher characteristic but not the other differs from animals which have neither characteristic, which similarly reflects this perspective on the *simanei tahara*.

Friday

The Torah in Parashat Shemini establishes that a species of fish is permissible for consumption if it possesses both fins and scales (11:9-10). The Mishna, in Masekhet Nidda (51b), establishes that any fish that has scales also has fins. As such, if we can determine that a given species of fish has scales, it may be eaten even if it is not determined that it has fins.

The Gemara, in discussing the Mishna’s comment, raises the question of why the Torah bothered to mention both fins and scales, if essentially, a fish’s status is determined solely based on the presence of scales. Since in any event a fish with scales definitely has fins, there seems to be no reason for the Torah to specify both properties. The Gemara answered that the Torah mentioned fins “*le-hagdil Torah u-le’ha’adirah*” – simply for the purpose of adding more content to the Torah and thereby glorifying it.

The question arises as to how the goal of “*le-hagdil Torah u-le’ha’adirah*” is achieved through entirely superfluous information. Seemingly, the idea of increasing and glorifying Torah is that we are provided with a large corpus of material to study and analyze. How is this achieved by adding a word which contributes nothing of significance? What value is there to mentioning fins if these are necessarily present in a fish with scales?

Several writers (cited by Rav Shemuel Baruch Deutsch in [*Birkat Kohen*, Parashat Shemini](http://hebrewbooks.org/pdfpager.aspx?req=46205&st=&pgnum=185&hilite=)) explained the Gemara’s comment in light of the question we addressed in our last two editions of S.A.L.T. regarding the nature of the *simanei tahara* – the properties of kosher creatures. As we saw, these characteristics can be viewed either as the reasons for an animal’s kosher status – meaning, as what actually makes a given animal kosher – or as mere indicators of a creature’s status. The question can be formulated as whether an animal is kosher because it has these properties, or for some other reason which is indicated by these properties. The Gemara’s reference to the concept of “*le-hagdil Torah u-le’ha’adirah*” in this context would seem to support the first perspective, namely, that these properties are the reason for a creature’s status. If the significance of fins and scales was merely incidental, as they happen to be the physical indicators of a fish’s status, then, seemingly, there would be no value at all in the Torah’s mentioning fins as one of the properties of kosher fish. The value of mentioning both properties becomes more understandable if we embrace the perspective viewing the *simanei tahara* as the reasons for a creature’s kosher status. If both the fins and scales are the reasons why a fish is kosher, then it is meaningful for the Torah to name both properties, even though, practically speaking, the presence of scales suffices for us to declare a species kosher.

It should be noted that this proof relates specifically to fish. Even if we accept this argument, and prove on the basis of the Gemara’s comment that fins and scales are the reasons for a fish’s kosher status, this does not compel us to accept this approach with respect to animals. We might still insist that the two properties of kosher animals – split hooves and their chewing their cud – are indicators of their status, and not the reason for their status of permissibility. (Indeed, as we saw, *Halakha* accepts the view that an animal born to a kosher species is kosher even if it does not itself feature kosher characteristics, which seemingly reflects the view that the *simanei tahara* are indicators of an animal’s kosher status.)