**S.A.L.T. – PARASHOT BEHAR – BECHUKOTAI**

**By Rav David Silverberg**

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**This week's SALT shiurim are dedicated in memory of  
David Moshe ben Harav Yehuda Leib Silverberg z"l,   
whose yahrzeit is Sunday 18 Iyar, May 14**.

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Motzaei Shabbat

Parashat Bechukotai begins by describing the blessings and rewards that God promises to bestow upon *Benei Yisrael* if they faithfully observe His commands. Many commentators have noted a jarring sentence included among these magnificent promises: “*ve-lo tig’al nafshi etkhem*” – “I will not be repulsed by you” (26:11). It seems peculiar, at first glance, that God would promise not to be “repulsed” by *Benei Yisrael* as He speaks of the great rewards they will receive for complying with His laws. This promise becomes especially striking when we consider the immediately preceding phrase, in which God promises, “I will make My dwelling among you.” If *Benei Yisrael* have reached the level at which God wishes to “reside” among them, do we need to be told that He will not be “repulsed”?

Rav Shimon Schwab, in his *Ma’ayan Beit Ha-sho’eiva*, suggests that this promise reflects the challenge posed by the great blessing of closeness. Sensing that we are in God’s presence can be an intimidating feeling, as we recognize our many faults and deficiencies, and realize that God is carefully observing and keenly aware of everything we do. Indeed, one of the impediments to embracing Torah observance is the fear of the immense pressure and anxiety that comes with a close relationship with God. Many people prefer simply distancing themselves from God, rather than live with this constant awareness of His presence and close involvement in their lives, which can result in a great deal of stress and anxiety. God therefore assures us that even as He resides among us, “*ve-lo tig’al nafshi etkhem*” – He will not be “repulsed” by our mistakes and faults. Aware of the human being’s innate state of imperfection, God promises to continue loving and cherishing us and our relationship with Him, as long as we are sincerely trying to serve Him properly. When we work to be worthy of His presence, then He assures us that this close relationship will be one of joy, fulfillment and comfort, and not one characterized by tension and anxiety.

(See also Rabbi Yaakov Horowitz’s [“A Comforting Blessing”](http://www.rabbihorowitz.com/Parsha/5765/9%20--%20Parshas%20Bechukosai%20Dvar%20Torah%205765.htm))

Sunday

The Torah in the final verses of Parashat Bechukotai (27:32-33) introduces the obligation of *ma’aser beheima*, which requires offering one-tenth of one’s animals each year as sacrifices. The animals designated as *ma’aser beheima* would be brought to the *Beit Ha-mikdash*, where their blood and fats would be offered on the altar, after which the owner would partake of the meat.

The Mishna in Masekhet Bekhorot (53a) establishes that the *mitzva* of *ma’aser beheima* applies both in the Land of Israel and outside the land, and irrespective of whether the *Beit Ha-mikdash* is standing. This means that after the Temple’s destruction, one must, in principle, designate one-tenth of his animals as *ma’aser beheima*, and those animals then become forbidden for any sort of use, including as meat, for labor, and for leather or wool. If such an animal develops a disqualifying *mum* (physical defect), then it may be slaughtered and eaten, though before slaughtering it remains forbidden for any sort of use.

Practically speaking, the Gemara (there in Bekhorot) comments that *ma’aser beheima* is not observed after the Temple’s destruction. The Sages suspended this *mitzva* out of concern for violations that could be unwittingly violated if animals were consecrated without any possibility of offering them as sacrifices. Rashi explains that one might forgetfully shear the wool of a sheep designated as *ma’aser beheima*, or slaughter it, in violation of the grave prohibition forbidding slaughtering sacrifices outside the *Beit Ha-mikdash*. To avoid these pitfalls, *Chazal* saw fit to suspend the *ma’aser beheima* obligation.

A number of *Rishonim* raised the question of how to reconcile this discussion with the Gemara’s description elsewhere, in Masekhet Shabbat (54b), of Rabbi Elazar ben Azarya’s wealth. Rabbi Elazar is said to have had so much cattle that he would designate 12,000 calves as *ma’aser beheima* each year. Tosefot in several places note that Rabbi Elazar ben Azarya lived after the Temple’s destruction, when the law of *ma’aser beheima* was no longer practiced. As we know from the famous story told in Masekhet Berakhot (27b) of his appointment as head of the academy of Yavneh, Rabbi Elazar received this appointment at the young age of eighteen, succeeding Rabban Gamliel. Rabban Gamliel himself succeeded in this position Rabban Yochanan ben Zakai, who founded the academy of Yavneh following the destruction of the Second Temple. Accordingly, Tosefot note that Rabbi Elazar could not have been more than a young child when the Temple was destroyed, and thus it was clearly after the destruction when he amassed a fortune of cattle. Why, then, did he consecrate one-tenth of his animals as *ma’aser beheima*, if the Sages suspended this obligation after the Temple’s destruction?

Numerous answers have been given to this question. Tosefot in Masekhet Bekhorot (53a) suggest what is perhaps the simplest explanation, namely, that the suspension of *ma’aser beheima* was not enacted immediately after the fall of the Second Temple. The *mitzva* was still observed for a number of years after the destruction, and it was only later, at some point during or after Rabbi Elazar ben Azarya’s lifetime, when the observance was suspended.

Another possibility is proposed by Tosefot in Masekhet Shabbat, where they suggest that perhaps the Gemara there refers to Rabbi Elazar’s childhood, when the Temple still stood. It is possible that he owned property as a child which was governed by an *apotropus* (legal guardian), and it was his *apotropus* who would designate one-tenth of the animals as *ma’aser beheima*. As noted by Tosefot in Bekhorot, however, this possibility seems strained and difficult to accept.

Tosefot there in Shabbat cite Rabbenu Elchanan as suggesting another possibility, namely, that the Gemara refers not to *ma’aser beheima*, but rather to a ten-percent tax levied by the government at the time. Indeed, the obligation of *ma’aser beheima* had already been suspended, and the Gemara speaks of the huge amount of animals that Rabbi Elazar ben Azarya needed to pay the government as tax due to his immense wealth.

Rabbi Akiva Eiger (in *Gilyon Ha-Shas*), references in the context of Rabbenu Elchanan’s answer the comments of the *Mishneh Le-melekh* in Hilkhot Bekhorot (6:3). The *Mishneh Le-melekh* there cites a discussion in the Rashba’s commentary to Masekhet Chulin (136) regarding the question of whether *kohanim* are included in the obligation of *ma’aser beheima*. The Rashba drew proof that a *kohen* is obligated to offer *ma’aser beheima* from the account of Rabbi Elazar ben Azarya’s offering. The Gemara in Berakhot tells that Rabbi Elazar ben Azarya was a descendant of Ezra, the leader of the Jews at the beginning of the Second Commonwealth, and we know from Sefer Ezra (7:1-5) that Ezra was a *kohen*, a descendant of Aharon’s grandson, Pinchas. If Rabbi Elazar observed the requirement of *ma’aser beheima*, then, we have proof that the obligation applies even to *kohanim*. Rabbi Akiva Eiger’s reference to this discussion was likely intended to demonstrate that this proof can be refuted by Rabbenu Elchanan’s reading of the Gemara’s account. If Rabbi Elazar did not designate one-tenth of his herds as *ma’aser beheima*, but was merely paying his taxes to the government, then we of course have no proof that *kohanim* are included in the *ma’aser beheima* obligation.

Monday

Yesterday, we noted the question raised by several *Rishonim* regarding the Gemara’s account in Masekhet Shabbat (54b) of Rabbi Elazar ben Azarya designating animals as *ma’aser beheima* – the annual cattle tithe, which is introduced by the Torah in Parashat Bechukotai (27:32-33). The Gemara tells that Rabbi Elazar was so wealthy that his tithe consisted of 12,000 calves, and the *Rishonim* raise the question of how to reconcile this account with the Gemara’s comment in Masekhet Bekhorot (53a) that the obligation of *ma’aser beheima* was suspended after the Temple’s destruction. *Chazal* did not want a situation where animals would be consecrated without the possibility of offering them as sacrifices, and so they used their authority to suspend the requirement to consecrate one-tenth of one’s herds. The question thus arises as to why Rabbi Elazar ben Azarya (who was, at most, a young child at the time of the Temple’s destruction) consecrated animals as *ma’aser beheima*.

The Ritva, in his commentary to Masekhet Shabbat, offers several answers, including the possibility that despite the exemption, Rabbi Elazar ben Azarya nevertheless decided to tithe his cattle and give the tithe to the *kohanim*. He did this, the Ritva explains, because he did not want to appear as though he was keeping for himself the portions that the Torah required giving to the *kohanim*.

The Ritva’s comments become startling, and difficult to understand, in light of several sources indicating that the *kohanim* did not receive any portion of *ma’aser beheima*. Animals consecrated as *ma’aser beheima* were offered as sacrifices in the *Beit Ha-mikdash*, and after the blood was sprinkled on the altar and the animals’ fats were placed on the fire of the altar, the meat was eaten by the owner. The Tosesfta (Zevachim 5:3) states explicitly that *kohanim* received no portion of *ma’aser beheima*, and this is mentioned also by the *Sifrei* in Parashat Naso (in explaining Bamidbar 5:10). The Rambam codifies this *halakha* in Hilkhot Bekhorot (6:4). The Ritva, however, refers to *ma’a’ser beheima* as one of the priestly gifts, and explains on this basis Rabbi Elazar’s noble desire to tithe his cattle despite the halakhic exemption that was enacted after the Temple’s destruction.

It is possible that the Ritva’s comments here lend support to a theory advanced by Netziv, in his *Ha’amek Davar* commentary (Bamidbar 5:10). Netziv cites a verse from Sefer Divrei Hayamim II (31:6) which appears amidst the description of King Chizkiyahu’s successful efforts to reinstate the service of God in the *Beit Ha-mikdash*, as well as the various required gifts to the *kohanim* and *Leviyim*. We read that the people responded favorably to his call to bring these gifts, and the verse tells that among the gifts they brought to the *kohanim* was the cattle tithe. Netziv infers from this account that it was customary to give the animals of *ma’aser beheima* to *kohanim*. He explains that generally, the meat of one’s sacrifices which he is entitled to eat should specifically not be given to a *kohen*, as giving it to a *kohen* would mean forfeiting his *mitzva* to partake of sacrificial meat. However, Netziv writes, *ma’aser beheima* marks an exception to this rule, as it may be given to a *kohen*, and, as implied by the verse in Sefer Divrei Hayamim, it was in fact customary to do so.

This theory is perhaps reflected in the comments of the Ritva, who spoke of *ma’aser beheima* as a gift given the *kohanim*, which Rabbi Elazar admirably refused to deny the *kohanim* despite the halakhic exemption enacted after the Temple’s destruction.

It should be noted that the Ritva’s comments are difficult to understand for an additional reason, as well. As mentioned yesterday, Rabbi Elazar ben Azarya was himself a *kohen*. Hence, there was no reason for him to be concerned about denying the *kohanim* what should be given to them, as he was fully entitled to keep the tithed animals for himself, even before the suspension of the *ma’aser beheima* requirement. The Ritva’s comments, therefore, seem very difficult to understand.

(See Rav Chaim Shaul Kaufman’s [*Mishchat Shemen*, vol. 1, p. 167](http://hebrewbooks.org/pdfpager.aspx?req=47336&st=&pgnum=331).)

Tuesday

Earlier this week, we noted the question addressed by a number of *Rishonim* as to whether *kohanim* are included in the obligation of *ma’aser beheima* – the annual cattle tithe, which requires offering one-tenth of one’s animals as sacrifices (Vayikra 27:32). The *Sefer Ha-chinukh* (360) and Rambam (Hilkhot Bekhorot 6:3; commentary to the Mishna, Bekhorot 36b; *Pe’er Ha-dor*, 60) maintain that *kohanim* are no different from other members of *Benei Yisrael* in this regard, and are fully obligated in the *mitzva* of *ma’aser beheima*. By contrast, Rabbenu Chananel, as cited by several *Rishonim* (Rashba, Ritva, Ran to Chulin 136b), maintained that *kohanim* are excluded from this obligation, and do not need to tithe their cattle.

The *Mishneh Le-melekh* (Hilkhot Bekhorot 6:3) challenges Rabbenu Chananel’s position in light of the Gemara’s discussion in Masekhet Bava Kama (110b) regarding the law of *gezel ha-ger* – a repentant thief who stole from a convert who has since died. Generally speaking, when a penitent thief wishes to return the items he had stolen from somebody who died after the crime was committed, he returns them to the victim’s inheritors. A convert, however, loses all legal familial relationships upon his conversion, and thus unless he married and begot children after his conversion, he will have no relatives to whom a thief can return items stolen from the convert. In such a case, if the convert has no halakhic inheritors, the Torah (Bamidbar 5:8) requires the thief to pay the money – plus an additional 20% penalty – to a *kohen* (and to bring a special atonement sacrifice). The Gemara raises the question of whether the Torah simply awards the *kohen* these goods, or assigns the *kohen* the status of the convert’s inheritor. Is this payment a gift given to the *kohen* like other gifts which the Torah requires donating to *kohanim*, or does the Torah name the *kohen* the convert’s inheritor, such that he receives the payment by right of inheritance? The Gemara explains that this question would have ramifications for the case of a *kohen* who receives ten animals as a *gezel ha-ger* payment. If we view this payment as a gift awarded to the *kohen*, then the *kohen* is not required to offer one sheep as a sacrifice to fulfill the obligation of *ma’aser beheima*. The Mishna (Bekhorot 55b) states explicitly that one is not required to tithe cattle that he receives as a gift; the obligation of *ma’aser beheima* applies only to cattle born in one’s possession, or received via inheritance rights. The Gemara therefore raised the question of whether a *kohen* receives *gezel ha-ger* as a gift, in which case cattle received as *gezel ha-ger* would be exempt from *ma’aser beheima*, or as his inheritance, in which case he would be required to tithe the cattle. This question clearly works off the assumption that the *kohen* is, in general, included in the *ma’aser beheima* obligation. The Gemara wondered whether *gezel ha-ger* meets the criteria for *ma’aser beheima*, but never questioned the premise that this obligation applies to *kohanim*.

Many later writers refuted this proof, noting a distinction between cattle born in a *kohen*’s possession and cattle which the *kohen* receives from somebody else. Rabbenu Chananel, presumably, absolved a *kohen* from tithing animals born in his possession, as he is excluded from the *ma’aser beheima* obligation, but would concede that animals born to a non-*kohen* would be subject to this obligation even after coming into a *kohen*’s possession. Once an animal is born into the herd of a non-*kohen*, it becomes subject to the requirement of *ma’aser beheima*, and does not lose this status even after being transferred to the *kohen*’s possession through halakhic inheritance. Therefore, the Gemara’s discussion about *gezel ha-ger* does not prove that a *kohen* is included in the *ma’aser beheima* obligation.

(See Rav Chaim Shaul Kaufman’s [*Mishchat Shemen*, vol. 1, p. 312](http://hebrewbooks.org/pdfpager.aspx?req=47336&st=&pgnum=332).)

Wednesday

The opening verses of Parashat Bechukotai describe the rewards that God promises *Benei Yisrael* for observing the *mitzvot*, including the promise of abundant fruit: “*ve-eitz ha-sadeh yitein piryo*” – “the tree in the field will produce its fruit” (26:4). Rashi, citing *Torat Kohanim*, surprisingly explains that this refers to *ilanei serak* – trees that do not ordinarily bear fruit. When we properly observe the commands, Rashi explains, then even those trees which do not naturally produce fruit will do so.

*Sefat Emet* offers an insight into the significance of this promise. He writes that just as some trees naturally bear fruit and others do not, similarly, people are naturally inclined to bear “fruit,” to experience enthusiasm and display vigor, in regard to some areas of Torah study and observance, but not in regard to others. Within ourselves, like in nature, there are “*ilanei serak*,” parts of our being that are emotionally “sterile” and incapable of feeling excitement and vitality. *Sefat Emet* interprets *Torat Kohanim*’s comment to mean that if we overcome this natural “sterility,” and succeed in generating “fruit” of enthusiasm even for those areas of Torah and those *mitzvot* which do not at first arouse interest or evoke excitement, then God, in turn, will produce fruits even from trees that are naturally incapable of bearing fruit.

According to *Sefat Emet*’s insight, *Chazal* here allude to the importance of devoting ourselves to, and even generating a degree of passion for, those areas of Torah scholarship and Torah life that are not naturally appealing. There are numerous portions of the corpus of Torah which people tend to find uninteresting, and there are numerous *mitzvot* which we might have difficulty feeling passionate about. *Chazal*, in this passage, urge and challenge us to approach the totality of Torah and the entire range of *mitzvot* with enthusiasm, to feel passionate about every bit of Torah knowledge that we can acquire, and every *mitzva* opportunity that comes our way. Even when we naturally feel like an “*ilan serak*,” incapable of experiencing fervor for a given area of Torah or for a given *mitzva*, which must try to generate interest and excitement, recognizing the great privilege we have to serve our Creator each moment of our lives.

Thursday

The Torah in Parashat Behar (25:17) famously commands, “*Ve-lo tonu ish et achiv*” (“A person shall not mistreat his fellow”), which Rashi, citing *Chazal* (*Torat Kohanim*), interprets as a reference to *ona’at devarim* – causing emotional harm through speech. The verse concludes, “you shall fear your God,” and Rashi explains that the Torah here demands honesty in regard to the prohibition of “*lo tonu*.” It oftentimes happens that we cause emotional distress to another person without any intent, entirely unaware that the words we spoke were harmful. We cannot always foresee the way our words would be interpreted, and we are not always aware of a person’s particular background or orientation which could make him or her emotionally vulnerable. The Torah recognizes our limited ability to recognize the emotional impact of our words upon any given individual, and so it concludes this command by admonishing, “you shall fear your God.” While we are not held accountable for truly innocent mistakes, we must be honest in our social conduct, and make a sincere effort to avoid causing harm through our words. The obligation to “fear your God” means that we must not feign innocence, knowingly causing people emotional distress but pretending that this result was unintentional.

It is interesting to note the contrast between *Chazal*’s interpretation of this command and the simple reading of the verse. The plain meaning of this command is that it refers to the preceding laws, which discuss the transactions of property as they are affected by the observance of *yovel*. The law of *yovel* requires buyers to return bought land to the original owner with the onset of the jubilee year, and the Torah commands taking the eventuality of the land’s return on *yovel* into consideration when setting a sale price for land. The Torah begins this discussion by commanding, “*al tonu ish et achiv*” (25:14), warning against taking advantage of buyers who purchase land before *yovel*. It then later repeats, “*ve-lo tonu ish et amito*,” a repetition which appears to be intended for emphasis, though the Midrashic reading of the verse, as we have seen, interprets it as a reference to *ona’at devarim*.

Setting a fair price for land purchases when the law of *yovel* applied is something very specific and clear-cut. As the Torah (25:16) itself explains, the seller is to set the price in accordance with the number of years remaining before *yovel*, which is the number of years during which the buyer will enjoy rights to the property. One avoids taking unfair advantage of the buyer through simple arithmetic – by calculating the benefit that the buyer will receive from this land, which is determined based on the number of years remaining until *yovel*. The command of *ona’at devarim*, however, is precisely the opposite – it requires a certain “sixth sense” and careful consideration. Whereas fair and unfair pricing is something that can be precisely calculated, hurtful speech is very subjective and often difficult to determine. While some forms of *ona’at devarim* are clear and obvious, many times, as Rashi noted, harm can be caused by words spoken innocently without any malicious intent. This contrast perhaps teaches us to try, as much as possible, to be as careful, precise and discerning with our speech as we must be in our financial dealings. While innocent mistakes are bound to happen, the Torah expects us to strive for the same standard of precise calculation in choosing our words as we must be in our commercial affairs, and try, as much as possible, to avoid speech that could have a harmful emotional effect on other people.

Friday

The Torah in Parashat Behar commands, “*ve-lo tonu ish et amito*” (25:17), which forbids “aggrieving” one’s fellow, a prohibition understood by *Chazal* (as cited by Rashi) as referring to *ona’at devarim* – hurtful speech. Rashi gives the example of intentionally offering a person unsound advice, suggesting a course of action that would be detrimental to him.

A number of writers raised the question of how to reconcile Rashi’s comments here with his comments earlier in Sefer Vayikra, in explaining the famous prohibition, “You shall not place a stumbling block in front of a blind man” (19:14). Rashi interprets that prohibition as referring to offering a person unsound advice – the precise same case which Rashi here includes under the prohibition of *ona’at devarim*. The question naturally arises as to why Rashi classifies this prohibition, against offering harmful advice, under two different Biblical prohibitions.

Rav Chaim Shaul Kaufman ([*Mishchat Shemen*, vol. 1, pp. 295-296](http://hebrewbooks.org/pdfpager.aspx?req=47336&st=&pgnum=315)) suggests a possible answer in light of the question addressed by several *Acharonim* regarding the parameters of the prohibition of “*lifnei iver lo titein mikhshol*” (placing a “stumbling block” before a “blind person”). This prohibition also includes leading somebody to sin, and a number of *Acharonim* addressed the question of whether one violates this law if he lures somebody to sin – such as by giving him non-kosher food – but that person resists temptation and avoids wrongdoing. Does one violate “*lifnei iver*” by luring somebody to sin regardless of the outcome, or must the person actually commit the sinful act for the prohibition to be violated? The *Chazon Ish* (Y.D. 62:25) writes that one does not violate *lifnei iver* unless the individual whom he lured indeed committed the forbidden act in question. According to this theory, Rav Kaufman writes, we may perhaps have an answer to the question of why Rashi includes offering unsound advice under two prohibitions. Whereas *lifnei iver* depends on a forbidden act resulting from the unsound advice, and is violated only when a person actually “stumbles” as a result of his fellow’s misleading suggestion, *ona’at devarim* is likely violated irrespective of the outcome. The prohibition of *ona’at devarim* involves hurtful speech, verbally causing a person distress and aggravation. Possibly, then, one violates this prohibition by giving harmful advice even if the individual does not follow it, or if no harm results, because the person experiences distress when he realizes that he was being misled.

We might apply this concept also to the reverse case – to sincere but unsuccessful attempts to help another person. Even if our efforts to help our fellow ultimately prove ineffective, we have nevertheless performed an act of kindness. Just as a person feels hurt by being intentionally misled even when no harm results, conversely, a person feels encouraged and supported when others sincerely try to help, even if their efforts do not yield the desired results. As long as we are sincere in our attempt to help and we do the best we can, we can feel confident that we have done something valuable for the individual, regardless of the tangible results of our efforts.

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