

**Rabbi Elchanan Shoff**  
PARSHAS SHEMINI

Using the Calf as an Atonement for the Golden Calf

**Take for yourself a bovine calf (Lev. 9:2).** Rashi writes that this calf was to serve as an atonement for the sin of the Golden Calf. However, this seems to contradict another well-known principle: The Talmud says that the Kohen Gadol should not enter the Holy of Holies on Yom Kippur wearing his golden vestments because gold was used in the sin of the Golden calf, so gold cannot be used for achieving atonement on Yom Kippur. This idea is expressed as “an accuser cannot become a defender”. Accordingly, Rabbi Eliyahu Mizrachi and the *Sifsei Chachamim* ask why do we not apply to this situation the rule that “an accuser cannot become a defender” which means that something used for committing a sin cannot then be used for performing a *mitzvah*? How can Rashi say the calf serves to atone for the sin of the Golden Calf, if a calf was itself used in the sin of the Golden Calf?<sup>1</sup> The Maharal of Prague explains in *Gur Aryeh* that there is a difference between atoning for the sin itself and serving as an atonement in general. Something used for a sin cannot be used for helping achieve a general atonement; this is why the Kohen Gadol should not wear his golden clothes when entering the Holy of Holies on Yom Kippur in search of a general atonement for the Jewish People. However, when one seeks atonement for a specific sin, then it is not only appropriate, but optimal, for him to rectify his sin with whatever he used in committing his sin. For this reason, when seeking atonement for the sin of the Golden Calf itself, sacrificing a calf is indeed appropriate.

Lift up your hands...

**And Aaron lifted his hands to the nation and he blessed them (Lev. 9:22).** *Agra Dikallah* points out that the word “hands” (יָדַי) is written in the Torah as though it is in singular form (“hand”), even though it is read in the plural (“hands”). He explains that this is because the Priestly Blessings require the Kohen to lift both hands together. See also *Zohar* 3:146a which teaches that when a Kohen gives the Priestly Blessings, he should raise his right above his left hand, see also *Shulchan Aruch (Orach Chaim 128)*.

The Sin of Silence

**And a fire came out from before Hashem and consumed them, and they died before Hashem (Lev. 10:2).** The Talmud (*Sanhedrin* 52a) explains why Nadav and Avihu were killed. It was because Nadav said to Avihu, “When are these two old men [i.e. Moshe and Aharon] going to die so that we will have the opportunity lead the generation?” In response, Hashem ensured that they would die before Moshe and Aharon. This passage implies that only Nadav

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<sup>1</sup> Rabbi Chaim Ibn Attar (*Ohr HaChaim*) discusses this question, and Rabbi Mendel Kasher in *Torah Sheimah* here 12 speaks about it at great length.

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was actively guilty, and Avihu simply went along with him. The Chida (*Pesach Einaim* to *Sanbedrin* 52a) cites a Midrash which says that when Job saw the death of Nadav and Avihu, he became frightened. Chida explains that the Talmud elsewhere (*Sotah* 11b) says that Pharaoh had three advisors with whom he consulted about making decrees against the Jews: Yisro opposed such decrees and ran away, Bilaam encouraged such decrees, and Job was quiet. Until the death of Nadav and Avihu, Job thought that his silence would not be used against him, because he did not do or say anything maleficent to the Jews. However, when he saw the Avihu died even though Avihu did not say anything wrong, but was simply silent in repose to Nadav's egregious comment, he saw that even somebody who was silent when he should have spoken up can be implicated and punished, so he was frightened for his own well-being. (The Chida also cites the Midrash Tanchuma which differs from the Talmud in that it actually says that both Nadav *and* Avihu made the abovementioned remark about the two old men dying.)

Divine punishments for teenagers

***And a fire came out from before Hashem and consumed them, and they died before Hashem (Lev. 10:2).*** The Chida (*Chomas Anach Shemini* 5) notes that Nadav and Avihu had not yet reached the age of 20 years old, which is the age from which one can be liable for Divine punishments. Based on this, he asks, how can they have been punished in this way, if they were too young to receive Divine punishments? Chida answers by pointing to a similar case—that of Er and Onan, the sons of Yehudah—who were punished at a young age with the Divine punishment of death. In that context, the commentators explain that even though they were below the age of 20, they were still punished because their intellect was as mature as a 20 year old's intellect. Here too, explains Chida, while physically Nadav and Avihu were below the age of 20, their mental capacities were fully developed and more was expected of them. The *Zera Berach* (vol. 3, *Parshas Vayera*) explains that according to one opinion in Chazal, Nadav and Avihu were killed because the Jewish people claimed that the *shechina* never came down to them, so Hashem showed that the *shechina* did indeed come down by punishing Nadav and Avihu in this divine way. Basing himself on an idea proposed by Rabbi Menachem Azaria of Fano, the *Zera Berach* explains that when the *shechina* remains above and does not come down to This World, then Hashem only punishes people from the age of 20 and up. However when the *shechina* comes down to This World, then the Heavenly Court becomes like the Earthly Court and metes out punishments starting from the age of 13. Accordingly, the fact that Nadav and Avihu died through this Divine punishment while under the age of 20 showed the Jewish People that indeed the *shechina* had come down to This World. With this said, we can answer a famous question posed by the Maharal of Prague. He asked how could a teenager between the ages of 13 and 20 ever bring a sin-offering, if a sin-offering is only brought when somebody mistakenly does the type of sin that if he did it on purpose, he would receive *kares*. The punishment of *kares* is a Divine punishment, and as such can only be meted out if the

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offender has reached the age of 20. If he has not yet reached the age of 20, then the punishment of *kares* is inapplicable to him, even if he sinned on purpose. How then can such a person bring a sin-offering for doing that sin by mistake? Rabbi Tzvi Ashkenazi in his responsa *Chacham Tzvi* 49 and Rabbi Yair Chaim Bachrach in responsa *Chavos Yair* (166) discuss this question,<sup>2</sup> but the *Zera Berech* gives another answer based on what he wrote above. He explains that whenever the *shechina* is down here in This World, then the Divine court punishes even those less than 20. Accordingly, when we are talking about bringing a sin-offering, we must be talking about a time that the *shechina* is down in This World (because there is a Holy Temple), if so then it makes sense that if he did this sin on purpose he can get *kares*, so if he does it by mistake, he can bring a sin-offering.

#### More on Divine punishments under the age of 20

There is a famous verse which reads, “The sins of my youth and my iniquities do not remember, in accordance with Your kindness, You shall remember for me, for the sake of Your good, O Hashem”. Radak explains that the sins of youth are called a *chet* because man’s

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<sup>2</sup> The *Chacham Tzvi* gives four answers: <sup>1</sup>) The notion that Hashem does not mete out divine punishments to those less than 20 years old is only an Aggadic statement and is not meant to be applied practically. <sup>2</sup>) It means that somebody less than 13 years old will never get punished even with a divine punishment, while somebody above the age of 13, but below the age of 20 might sometimes get punished. <sup>3</sup>) Hashem will not Divinely punish somebody less than 20 years old in This World, but would punish them in the Next World, while somebody less than 13 will not even be punished in the Next World. <sup>4</sup>) Somebody less than 20 years old will not get his divine punishments immediately, but unless he repents his sin, he will eventually get punished in the end. The *Chavos Yair* answers that somebody less than the age of 20 will only be punished for sins that are explicitly found in the Torah, but if the sin is not explicitly in the Torah, then he will not be punished for it under the age of 20. The *Noda BeYehudah* (*Yoreh Deah Tinyana* 164) writes that it doesn’t make sense to say that Hashem will not punish somebody who sins when he is less than 20 years old, because if there is no accountability what is to stop somebody from murdering his friend without witnesses and not getting any punishment? Rather, he explains that Hashem won’t punish such a sinner while he is still alive, but once he dies, he is held accountable for everything he did in his lifetime. [Rabbi Eliyahu Dovid Rabinowitz-Teomim, known as the Aderes, similarly writes in *Seder Parshiyos* (*Chayei Sarah*) that even though Hashem does not punish somebody with *kares* if he is less than 20 years old, but the moment that he turns 20, then he becomes retroactively liable for all the sins he did since the time he was 13!]. Rabbi Yosef Engel (*Gilyonei HaShas*) brilliantly answers the question at hand by writing that the sin-offering is not actually in place of the punishment of *kares*, but rather any sin which is so severe that it bears a punishment of *kares* if done on purpose under normal circumstances, also obligates one to bring a sin-offering if done by mistake, even if he is the type of person who if he did it on purpose would not receive *kares*. Rabbi Chaim Vital (*Etz HaDaas Tov*, 212) writes that Hashem only refrains from punishing sins that were committed out of lust when the person is less than 20 years old, but sins done to spite God are punished at even the youngest age.

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intellect has not yet been developed then. By contrast, the word *pesha* denotes a more wanton and willful sin of rebellion, which refers to the sins of a person once he has reached the age of 20 and understands Hashem better. The Machzor Vitri and Rabbi Ovadiah Bartenura writes that this is the meaning of the Mishnah (Avos Ch. 5) that says that the age of twenty is the age of chasing. This means that beforehand, he does not receive divine punishments.

Rabbi Yehuda Bassan (responsa *Lachmei Todah* 5) writes that because a person who converts to Judaism is like a newly-born child, then he does not receive divine punishments until after 20 years from his conversion. He writes that the same is true of a sage, a groom, and a king all of whom have a Divine reprieve and are not punished until 20 years after they have attained their respective statuses.

Why did Hashem punish Adam for eating from the Tree of Knowledge, if Adam was less than 20 years old when this happened? The Midrash (*Kobeles Rabbah* 14:7) says that when Hashem created Adam and Eve, He created them as 20 year old adults. Accordingly, when they sinned on the day of their creation, they were already considered more than 20 years old.

#### Aharon's Silence

**And Aharon was quiet (Lev. 10:3).** *Damesek Eliezer* (12) cites a Midrash which asks why the Torah stresses that Aharon was silent, what would we have expected him to say? The Midrash answers that we would have expected him to say, "And on the eighth day, you shall circumcise the flesh of his foreskin" (Lev. 12:3). The Maharam Schick (*Maharam Schick Al HaTorah, Shemini* p. 62) explains that the Midrash means to allude to the reason as to why the Torah commands that circumcision be performed on the eighth day of a baby's life and not immediately upon birth. The ceremony of the circumcision is supposed to be a festive occasion, yet if the circumcision would take place during the first seven days after childbirth, then the mother will still be ritually impure and thus forbidden to her husband. Because it would be unfair for the father and mother to be sad (because they are forbidden to one another), while the other attendees would be celebrating, the Torah pushed off the commandment of circumcision until the eighth day when the mother could already be pure. When Hashem killed off Nadav and Avihu during the inaugural celebrations of the Tabernacle, Aharon could have complained to Him for causing him to be in distress over the loss of his sons, while the rest of the Jewish People celebrated. Aharon could have argued that Hashem should have pushed off Nadav and Avihu's punishment until after the inauguration, but still Aharon was silent. This showed Aharon devotion to Hashem, and because of this, he merited a special portion in the Torah which speaks about the prohibition of entering the Holy while drunk which was transmitted directly to Aharon, not just via Moshe. *Damesek Eliezer* offers a similar explanation in the name of Rabbi Yehonasan Eyebchutz. Rabbi Eliyahu HaTzarfati

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explains that the point of saying that Aharon was silent was to teach that he did not even have any second thoughts about the situations, as the term “said” can also refer to thoughts (like it says in Esther 6:6 “Haman said in his heart” or in Ps. 4:5 “Say in your hearts”).

#### Hearing the Secret

***Wine and beer do not drink—you and your sons with you—when you enter the Tent of the Meeting, and you will not die; [this is an] everlasting statute for your generations (Lev. 10:9).*** Rabbi Ephraim Lunshitz (*Kli Yakar*) writes that this alludes to the Talmudic proposition that “When wine enters, the secret leaves” (*Sanhedrin* 70b). Because of this, Hashem specifically spoke to Aharon as though He was a king who was revealing to His servant a secret that He did not want revealed to others. That secret is that the only way that somebody get closer to Hashem and become “in” on the secret is to approach Hashem without drinking wine, such that He will “trust” him to keep that secret. Rabbi Elchanan Chefetz of Posen writes in *Kiryas Chono* (to Avos 1:5) that when the Mishnah says, “And drink with thirst their [the rabbi’s] words” this means that the proper way to digest the words of Torah is to do so out of thirst. He explains that if one is quenched from his desire to drink wine (i.e. he becomes drunk) the secrets of the Torah which has acquired will leave him and he will forget them. But if a person studies Torah out of thirst (i.e. he abstains from drinking wine), then whatever secrets of the Torah he learns will stay with him. This is alluded to in the verse, “Lest he drink and he will forget the lawgiver” (Prov. 31:5).

#### Names of Fish

***Anything that has fins and scales... (Lev. 11:9).*** The Chida writes in *Chomas Anach (Shemini* 10) that the commentators point out that there are no names for the different types of fish in the Hebrew Language. Rabbi Meir Dan Plotzki (*Kli Chemdah, Bereishis* 20) points to Rabbi Eliyahu HaKohen of Izmir’s anthology Midrash Talpiyos (.s. **אדם הראשון**) which cites in the name of *Sodi Raza* (from the Rokeach) that aquatic creatures are not susceptible to ritual impurity because their names were not given to them by Adam. This makes sense given that in the Hebrew language, there are no names for different types of fish. (However, see *Tosafos* to *Chullin* 66b who write in one of multiple explanations that Adam even gave names to the fish of the sea.)

#### The Kind Bird

***And the Chassidah (Lev. 11:19).*** The commentators say that this non-Kosher bird is called a *Chassidah* because it performs *chesed* (“kindness”) to its friends. Why then is this bird not Kosher? Maimonides writes in his Guide for the Perplexed, that the reason for the prohibitions concerning eating certain birds is those birds have certain undesirable character traits which pass on to the one who eats them, yet the *Chassidah* seems to be a kind and altruistic bird, so why is it forbidden? [See the interesting sources cited by Rabbi David Sears

in his book *A Vision of Eden* p 134, that a person who eats insects will be reincarnated as an insect.] The answer they say is that the *Chassidab* is not really so kind and altruistic, because the *Chassidab* only acts kindly to “its friends” but not to others. In Maimonides’ view, this undesirable attitude could be the reason why the Torah forbids consumes the *Chassidab*. Rabbi Shmuel Vital writes in *Sbaar HaKavanos* (at the end of the 22<sup>nd</sup> introduction) in the name of a Kabbalist other than the Arizal that one who engages in intimacy with his sister will be reincarnated as a *Chassidab* bird. Lying with one’s sister is described by the Torah as a *chesed* (Lev. 20:17), so his punishment is to become a *Chassidab*. One who is intimate with his own family rather than with others is remarkable similar to the Chassidah bird who is only kind to those close to her, but not others.

### Desiring Abominations

***For I am Hashem who took you up from the Land of Egypt to be for you a God, and you shall be holy, because I am holy (Lev. 11:45).*** Rashi cites the Midrash in which a Tanna from the School of Rabbi Yishmael teaches that if Hashem would have just taken the Jews out of Egypt so that they keep the laws requiring them not to eat impure insects like other nations do, that would have been enough. This statement seems somewhat bizarre. How can we say that the entire purpose of the Exodus was just to ensure that the Jews not become impure to dead insects, aren’t there other reasons for the Exodus, like the fact that the Egyptians were steeped in licentiousness and Hashem wanted to take the Jews out from there? In fact, the Torah itself seems to say that there were other considerations in why Hashem brought about the Exodus: “For you know that we dwelled in the Land of Egypt... and you saw their abominations and their disgusting thing, wood and stone, silver and gold which they have with them...” (Deut. 29:15). Rashi (there) explains that the “abominations” refer to their idols which are as abominable as insects, and their “disgusting things” refer to their idols being foul like excrement. If idols are so disgusting and abominable, then why does the Torah bother warning us to stay away from them? Would anybody in their right mind follow such repulsive idols?

The Talmud (*Sanhedrin* 102b) relates a story which highlights our inability to truly understand the ancient drive for idolatry. The Mishnah in Sanhedrin says that three Jewish Kings do not have a share in the World to Come; Yeravam, Achav, and Menasheh.<sup>3</sup> One time, Rav Ashi

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<sup>3</sup> The Talmud discusses why King Solomon—who strayed after a multitude of foreign women does not make it to this list. But the Talmud never entertains the possibility that King David—who strayed after a married woman—does not make it to this list. *Sefer Chassidim* (174) explains that by way of parable: imagine you have two people, one who dresses himself up all nicely so that women will see him and he is constantly thinking about women, and another who does not do so. If these two people sin, which one is a worse offender? Presumably the former, not the latter.

told his students that they will study this Mishnah the next day by saying, “Tomorrow, we will open up with our ‘friend.’” That night Menasheh appeared to Rav Ashi in a dream and called him out on referring to himself as a “friend” of Rav Ashi, by showing that he was actually a greater Torah Scholar than Rav Ashi was. After proving his prowess in Torah scholarship to Rav Ashi, Rav Ashi asked Menasheh that if he is so wise, then why did he worship idolatry. Menasheh responded by telling Rav Ashi that if he lived then, he would have lifted the hem of his cloak in order to run faster to worship idolatry. In other words, Manasseh told Rav Ashi that back then, the desire for idolatry was so strong, and people in the hindsight of later times cannot understand it. The Talmud concludes that the next morning when Rav Ashi began to teach, he opened his lecture by saying, “Let’s open up with our masters.”

The Maharal (*Netzach Yisrael*, ch. 3) explains that Rav Ashi initially thought that the kings in the Bible who strayed after idolatry did so because they were not so intelligent, not because the Evil Inclination’s desires burned strongly within them. Menasheh told Rav Ashi that this is not true. Rather, they were indeed quite wise, but that still their Evil Inclination overpowered them. Indeed, Menasheh told Rav Ashi that if he lived in that generation, he too would not have been able to withstand the Evil Inclination’s onslaughts. The Maharal then explains that when a wise person sins, he is simply submitting the desires of Evil Inclination, but on an intellectual level, he really hopes that something will happen to block him from actually sinning. On the other hand, when a fool sins, if something comes along to impede his sin, he will do all he can to try and get rid of that impediment, because he does not truly understand the severity of sin. Accordingly, Menasheh meant to tell Rav Ashi that if he lived in Manasseh’s generation, he would not have even been considered a wise person; rather he would have lifted the hem of his cloak—which might otherwise impede on his ability to run towards an idol—to run to worship idolatry, and he would not have taken advantage of any possible impediments to stop himself from sinning.

In this we find that there is a level to which a person can stoop in which he is not only totally under the control of the Evil Inclination, but that he seeks out more things to desire. He does not see impediments to sin as Divine aid sent to help from stumbling, but as impediments that block from realizing his desires (see *Sfas Emes* to Num. 11:4 which talks about the Jews’ “desiring a desire”). In light of this, we can now understand what’s going on. An abomination

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Accordingly, he explains that King David was like the second person, because he was innocently strolling about when he came across a naked married lady. Because of this, there was no reason to consider adding King David to the list. On the other hand, his son Solomon set himself up in a way because he married 1,000 wives, which taught his body to have extra desires (see below). Because of this, Solomon is less innocent than his father, so the Talmud had to discuss why Solomon is not listed amongst the kings who lost their portion in the World to Come.

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is indeed a disgusting and reprehensible thing, something that naturally people will want to stay away from. However, a person can nonetheless stoop to such a level that he craves for himself such abnormal desires. If he is so steeped in sin, he can actually bring himself to desiring things which most people consider disgusting.

This idea is already found in the Vilna Gaon's commentary to Prov. 13:25. That verse reads: "And the stomach of the wicked is lacking." We can understand that the wicked are always looking to fill their proverbial stomachs with more items to satisfy their lusts, but the Vilna Gaon notes that this verse says that their "stomach" is lacking, not the contents of their stomach. So the Vilna Gaon explains that this passage means that the wicked not only seek to fill up their "stomachs" with all sorts of illicit indulgences, but that the wicked feel that their "stomach" is too small, and hope to get an even bigger "stomach" to be able to fill with more desires. Again, we see here that there is a level of wickedness in which one not only submits to his desires, but also hopes to have more desires than he already has.

Another place in which this is found is in Ecc. 7:29: "The God made man straight, and they sought many considerations". Rashi explains that these "considerations" refer to different plans and thoughts about how to sin. Again, we see that Hashem created man straight—i.e. with only a minimal amount of illicit desires, yet man himself sought out more desires and more ways to sin.

Based on all of this, we can understand that what the Tanna of Rabbi Yishmael's school meant is that Hashem said that if He only took the Jews out of Egypt to teach them this lesson that it's not worthwhile to seek out more desires and more way in which to sin—that would have been enough. That lesson alone would have been worth the entire ordeal.

#### Separating between the pure and impure

***To differentiate between the impure and the pure (Lev. 11:47).*** The Talmud teaches (*Shvots* 18b) anyone who separates himself from his wife close to the time of her menses (i.e. when her period is expected to arrive) will merit to have male children. The Talmud adduces this assertion from the juxtaposition of the passage "To differentiate between the impure and the pure" to the beginning of the next Parashah, "A woman when she sows and give birth to a male..." The Maharam Schick (*Chiddushei HaMitzvos*, Commandment 208, 2, also cited by *Yalkut HaGersbuni* here) explains that the requirement to separate from one's wife close to the time of her menses is derived from the passage, "And you shall warn the Children of Israel from their impurities" (Lev. 15:31). However, other opinions maintain that the requirement to separate from one's wife close to the time of her menses is actually a rabbinic law, and is not sourced in the Bible. Rabbi Yechezkel Landau (*Noda BeYehudah*, *Kamma Yoreh Deah* 55) finds a sort of compromise between these two opinions. He explains that according to Biblical



Law, we do not suspect that after her expected time of seeing her period passes that she already saw. Accordingly, if that time passes without her checking to see if she is bleeding, then she is not presumed to be impure (this follows from the abovementioned view that separating from one's wife close to the time of her menses is only a rabbinic law). However, during the time that a woman expects her period to arrive, she is forbidden to her husband because by Biblical law because we suspect that perhaps she is about to see blood right now (which is in line with the opinion that the aforementioned requirement to separate is rooted in Biblical law).

The Maharam Schick adds another layer of understanding to this discussion. Regarding the kosher and non-kosher animals, the Torah says, “And you shall separate between the animal which is pure and [the animal which is] impure, and between the impure bird and the pure [bird]” (Lev. 20:25). Similarly, the Torah also says, ...”to differentiate between the impure and the pure, and between the wild beast which is eaten, and the wild beast which shall not be eaten” (Lev. 11:47). Based on these two passages, Maimonides (Laws of Forbidden Foods 1:1) rules that there is a positive commandment to know the different signs that determine whether an animal, wild beast, bird, fish, or grasshopper is kosher or not kosher. *Rivash* (Shaalos Uteshuvos Rivash 192) adds that even though without knowing these signs, one could theoretically rely on a majority of kosher animals when applicable, still Maimonides understood that because the Torah uses phrases concerning “separating” and “differentiating” the Torah means that one may not rely on the majority, but must be extra careful. Besides the rule of majority (*rov*), there is another, weaker Halachic mechanism known as *chazakah* (“presumption”). If a *rov* is not enough to rely on whenever the Torah demands “separating” and “differentiating”, then certainly a *chazakah* will not suffice. As we mentioned above, the case of the menstruating woman is also related to creating a separation between the impure and the pure. Accordingly, a presumption of purity based on a *chazakah* that she has not yet seen blood is insufficient, so whenever her period is expected to arrive, she must separate herself from intimacy with her husband by Biblical Law. In light of this, the Mahram Schick writes that we can understand the reason that the Talmud says that her reward is giving birth to male children. As all good sociologists know, there are generally slightly more women in the world than there are men. Accordingly, women make up the majority of the world. However, if somebody is meticulous in this Halacha, he shows that he does not “rely” on the majority (or *chazakah*), such that he is taken out of the rule of majority and will give birth specifically to boys, who make up a minority of the world population.