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AN INEXTINGUISHABLE FLAME

By Rabbi David Nachbar

The Mishnah in Masechet Avot (5:5) lists among the ten miracles that occurred regularly in the Beit Ha'Mikdash, the inability of rain to extinguish the fire atop the Mizbei'ach (see Yoma 21a regarding this miracle's inclusion in the actual text of the Mishnah). The miraculous nature of this occurrence was due to the placement of the outer Mizbei'ach in the courtyard of the Beit Ha'Mikdash, a location that was wide open and exposed to the elements (Rambam, Peirush HaMishnayot Avot 5:5). Despite the fire's exposure and vulnerability, it burned unremittingly without ever being extinguished.

The importance of a continuous fire atop the Mizbei'ach is underscored at the beginning of Parashat Tzav when the Torah commands - "*VeHa'Eish Al HaMizbei'ach Tukad Bo Lo Tichbeh*", "And the fire upon the altar shall burn thereupon, it shall not be extinguished" (Vayikra 6:5). Remarkably, the Torah seems to reiterate the very same point in the following Pasuk when it repeats, "*Eish Tamid Tukad Al HaMizbei'ach Lo Tichbeh*", "A continual flame shall be kept burning upon the altar, it shall not be extinguished" (Vayikra 6:6). In the reiteration, however, the Torah adds the characterization of the fire as an "*Eish Tamid*," a continual one (Ibn Ezra 6:6, s.v. *Eish*). Rashi (6:6 s.v. *Lo*) interprets the Torah's reiteration as adding an additional negative commandment; rather than violate one commandment alone, an individual who extinguishes the fire would violate two negative commandments.

Ramban (6:2 s.v. *Ve'eish*), in contrast, believes that the Torah's repetition seeks to address different audiences. The first Pasuk addresses every member of the Jewish people and issues a command to refrain from extinguishing even a single coal from the fire upon the Mizbei'ach. The second Pasuk, which describes the fire as an "*Eish Tamid*," addresses the Kohanim specifically and enjoins them to diligently arrange abundant firewood atop the Mizbei'ach to ensure that the fire has the capacity to burn perpetually throughout the day and night. The Kohanim's laziness or negligence in this

regard would result in their violation of both a positive and negative commandment.

The Sefer HaChinuch (Mitzvah 132) renders the definition of "*Tamid*," in this context, as consistent, and it obligates the kohanim to replenish the wood supply every morning and every afternoon. The Minchat Chinuch (Mitzvah 132:1) infers from the Sefer HaChinuch that the Kohanim would bear no responsibility to rekindle the flame should it go out in the middle of the day or evening. His understanding of the Rambam (Hilkhos Temidin 2:1), though, interprets the word "*Tamid*" as constant, and, consequently, obligates the Kohanim to ensure that not even a single moment would pass without a fire kindled atop the Mizbei'ach.

Against this backdrop, the miraculous protection of the Mizbei'ach's fire against torrential rains is curious. It is unclear what degree of responsibility the Kohanim would even bear toward the extinguished flame, certainly if it occurred due to extenuating circumstances and natural conditions rather than to any act of negligence on their part. Rav Chaim of Volozhyn (Ruach Chaim, Commentary on Avot) as well as Rav Avraham Yitzchak HaKohein Kook (Olat Reiya'h, Commentary on Avot) both interpret the miracle in symbolic terms and identify a religious imperative embedded within it.

Geshem is a symbol for Gashmiyut, the physical bounty of this world and the abundant produce of the land that is nourished by rain. "*Eish*," on the other hand, is a symbol for spirituality, the religious spirit of man, and the specific enterprise of Talmud Torah (see Devarim 33:2). The miracle's religious and moral instruction to the Jewish people is to safeguard the spiritual aspirations of the Jewish soul, to nurture religious growth throughout life, and to continuously supply additional firewood of Torah study and insight to perpetuate the inner flame from being extinguished as one progresses throughout life, assumes additional responsibilities, and pursues "*Gishmei Berachah*." Consciousness of mind, careful carving out of time and space, as well as a good measure of divine assistance are all vitally important to maintain an "*Eish Tamid, Lo Tichbeh*" in our spiritual lives.

A SHALSHELET OF COMPLETION

By Ezra Sepowitz ('20)

The Torah's fourth and final usage of the *sui generis* Shalsholet note is found in the sixth Aliyah of Parashat Tzav (8:23), on the word "*VaYishchat*," "And he slaughtered." This is strange, as the normal context of a Shalsholet is a tense standoff, not a sacrificial

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procedure. The Midrash (Sifra Mechilta DeMilu'im 1:21 s.v. *VaYishchat*) explains that the reason for this seemingly unfitting usage is to distinguish between the "*Sheloshah Damim*," "Three bloods," described in this section. However, Rabbeinu Bachya (8:23 s.v. *VaYitein*) claims that the Shalsholet is prevising the end of the Pasuk, which states: "*VaYitein Al Tenuch Ozen Aharon HaYemanit, Ve'Al Bohan Yado HaYemanit, Ve'Al Bohan Raglo HaYemanit*," "[Moshe] put [the blood] on the ridge of Aharon's right ear, and on the thumb of his right hand, and on the big toe of his right foot." Rabbeinu Bachya believes that these three procedures correspond to the three different universes: the spiritual world, the cosmological world, and the terrestrial world. The right ear and head area relate to the spiritual world, the right thumb relates to the cosmological world, and the right big toe relates to the terrestrial world.

Furthermore, the name of the Korban which Aharon is commanded to slaughter in this passage is the "*Eil HaMilu'im*," "The inauguration ram." Rashi (8:22 s.v. *Eil HaMilu'im*) explains that the root of the word "*Milu'im*" is M.L.A., which means to fill or complete. Rashi suggests that the offering of this Korban "*Memalim UMeshalmim Et HaKohanim BeKehunatam*," "Fills and completes the Kohanim in their priesthood." By bringing this 'completing' Korban and placing its blood on the extremities of the body, the entirety of the Kohein is sanctified. Rabbeinu Bachya and Rashi thus believe that the message Hashem is trying to invoke is that all parts of the body are sacred and important; only if one devotes their whole essence to service of the Ribbono Shel Olam can he or she fulfill the Avodah to its fullest extent.

ADAR ALEF, ADAR BET, AND ADAR STAM

By Ephraim Helfgot ('20)

One unique feature of the lunisolar calendar system is the intercalation of a full leap month, rather than the leap day of fully solar calendars or the seasonal drift of fully lunar calendars. In the Jewish calendar specifically, Adar is repeated every second or third year, at a rate of seven leap years per nineteen years total. But unlike the relatively simple problem of when to celebrate a February 29th birthday, serious halachic implications arise from the doubling of the month of Adar, both in monetary areas and in ritual ones. Which month is the true Adar, and how much does that matter?

The *locus classicus* for the discussion of Adar Aleph versus Adar Sheini is found in Megillah 6b, in the first of the famed 'Ein Bein' Mishnayot. The Mishnah states, "*Ein Bein Adar HaRishon Le'Adar HaSheini Ela Keriyat HaMegillah*

UMatanot La'Evyonim," "There is no difference between the first Adar and the second Adar, except for the reading of the Megillah and [the giving of] gifts to the indigent" (ibid.). The Tanna'im dispute whether the Megillah must be reread in Adar Bet if it was read in Adar Aleph, but none argue that Adar Aleph should be the sole temporal domain of Mikra Megillah. As the Stam Mishnah answers the point of contention in the affirmative, the Rambam (Hilchot Megillah 1:12), the Tur (Orach Chaim 688), and the Beit Yoseif (ibid.) all rule that Adar Bet is a sine qua non for Megillah.

But this is not conclusive proof for Adar Bet as Adar Stam. The rationale provided by Rabbi Tavi to explain Rabban Shimon Ben Gamliel's opinion on the matter (Megillah 6b), which is accepted as halachically binding (Beit Yoseif Orach Chaim 688, see Bedek HaBayit ad loc.), is, "*Mismach Ge'ulah LeGe'ulah Adif*," "Juxtaposing redemption to redemption is preferred", which implies that the timing of Mikra Megillah is based on factors external to the debate over the true Adar. While it can be argued that Adar is intrinsically defined by Mikra Megillah, on the basis of the Yerushalmi (Megillah 1:1), which states, "*Kol HaChodesh Kasheir LiKriyat HaMegillah*," "The entire month is fit for the reading of the Megillah," this is certainly not a self-evident conclusion. As such, the status of Adar Aleph vis-a-vis Adar Bet is still unclear.

The Gemara in Masechet Nedarim addresses the double Adar dilemma in its discussion of a case in which one stipulated that a vow would last until Adar. The following Machloket Tanna'im is cited: "*Adar HaRishon Koteiv Adar HaRishon Adar HaSheini Koteiv Adar Stam Divrei Rabbi Meir Rabbi Yehudah Omeir Adar HaRishon Koteiv Adar Stam Adar HaSheini Koteiv Tinyan*," "The first Adar-- he writes [in a legal document as] 'First Adar', the second Adar-- he writes 'Adar' plain, according to Rabbi Meir; Rabbi Yehudah says, the first Adar-- he writes 'Adar' plain, the second Adar-- he writes 'second'" (Nedarim 63a).

This Machloket Tanna'im should be subject to Rabbi Yochanan's rules of Pesak, one of which states: "*Rabbi Meir VeRabbi Yehudah Halacha KeRabbi Yehudah*," "[In an argument between] Rabbi Meir and Rabbi Yehudah, the Halacha accords with Rabbi Yehudah" (Eiruvin 46b). Indeed, Rabbeinu Nissim Geroni rules, "*Naktinan DeStama De'Adar Rishon Mashma*," "We hold that plain Adar means the first [Adar of a leap year]" (Ran ibid. s.v. *ULe'Inyan Halacha*). But the Rambam disagrees, ruling instead, "*Ve'Im Yada SheHaShana Me'Uberet VeNadar Ad Rosh Adar Assur Ad Rosh Adar Sheini*," "And if he knew that the year was a leap year, and took a vow [for the time period] until the start of Adar, he is forbidden [to violate the terms of the vow] until the start of the second Adar" (Hilchot Nedarim 10:6). Ra'avad (ibid.), echoing Ran, takes issue with Rambam on the grounds of the primacy of Rabbi Yehudah's opinion; Tosafot (Nedarim 63a s.v. *Rabbi Yehudah Omeir* et al.), Ramban (Hilchot Nedarim LeRamban 20b), Ritva (ibid. s.v. *VeKayma Lan* et al.), and Rosh (Piskei HaRosh Nedarim 8:2) all subscribe to the opinion of Rabbi Yehudah as well.

Hard-pressed to defend Rambam, the Kesef Mishneh (ibid.) writes that Rambam must have interpreted the flow of the Gemara (Nedarim 63a-b) as dispositive in Rabbi Meir's favor. The Mishnah (whose text is itself a matter of dispute) is first posited to accord solely with Rabbi Yehudah; Abayei provides an elucidation of the Mishnah according to Rabbi Meir, explaining that Adar, if mentioned in a vow, only refers to Adar Aleph when the one who took the vow did not know that the year was to be a leap year. A Beraita is then adduced to support this reading of the Mishnah. The Kesef Mishnah reasons that, according to the Rambam, the plain Mishnah is in accordance with Rabbi Meir, and as such his opinion trumps Rabbi Yehudah's position, mentioned in a Beraita but unenumerated in the Mishnah.

The battle lines drawn across the Rishonim are clear: a vast majority concord with Rabbi Yehudah, while Rambam, explained but not endorsed by the Kesef Mishneh, stands as somewhat of a Da'at Yachid-- though what a Yachid!-- in support of Rabbi Meir. The Shulchan Aruch addresses the topic of Adar Stam in four locations, and arrives at a split decision of sorts. The Mechabeir quotes Rambam verbatim in his discussion of Nedarim, without any dissension from Rama (Yoreh Dei'ah 220:8); he sides with Rambam again on the issue of a Yahrtzeit for a parent who died in Adar during a non-leap year, ruling that it should be commemorated in Adar Bet of a leap year, while the Rama disagrees (Orach Chaim 568:7); he cites Rabbi Yehudah's diametrically opposed opinion in the context of Shetarot (Choshen Mishpat 43:28); and finally, the Mechabeir is silent upon the issue as it relates to Gittin (although Rama writes that a Get dated to Adar, with no specification of which Adar, is only valid if it was signed in Adar Rishon; the Mechabeir seems to believe that a Get marked with plain Adar, issued during a leap year, is invalid; Even Ha'Ezer 126:7). A further perplexity is the Mechabeir's insistence, in the selfsame Se'if of Choshen Mishpat in which he accords with Rabbi Yehudah, that the halachah is identical in cases of Shetarot and Nedarim, where he cites Rabbi Meir's opinion alone.

How is one to hack through this thicket? An attractive possibility, *prima facie*, is to regard the Mechabeir's true position as one of Safeik, which would necessitate stringent rulings on Torah-level prohibitions and lenient rulings on Rabbinic matters. The Rambam's opinion in Nedarim is a Chumrah, as it requires one who took a Neder until a certain date in Adar to wait an extra month; the writing of "Adar Aleph" or "Adar Bet" specifically on a Get, which the Mechabeir seems to require, is another Chumrah. The Mechabeir's position with regard to Shetarot-- that Adar Stam is considered to be Adar Rishon-- is another Chumrah, as documents are valid when post-dated but not when pre-dated (Choshen Mishpat 43:7,12), and to regard a simple "Adar" as equivalent Adar Aleph would lead more documents to be disqualified as Shetarot Mukdamim. But with regard to the issue of Yahrtzeit, in which deciding between Adar Rishon and Adar Bet would not render a

Chumrah or a Kulah, the Mechabeir reveals his true colors: without the crutch of Safeik De'Oraita LeChumrah, he chooses Adar Bet.

A problem arises with this approach from the issue of Shetar Mukdam. While the Mechabeir's position is a Chumrah, the invalidation of a Shetar Mukdam is a Rabbinic penalty (Choshen Mishpat 43:7), which should be subject to the rule of Safeik DeRabbanan LeKula. Yet this challenge can be deflected, as all monetary cases touch on De'Oraita matters; for example, one who took an object which he had acquired through a Shetar Mukdam would violate the De'Oraita prohibition of Geneivah (or Gezeilah, depending on the circumstances). Accordingly, it is a viable solution to state that the Mechabeir rules that Adar Aleph and Adar Bet qua Adar Stam is a case Safeik, with a slight preference for Adar Bet should the rules of Safeik De'Oraita and Safeik DeRabbanan not apply. Rama, meanwhile, holds a preference for Adar Aleph, and to a stronger degree than the Mechabeir does Adar Bet (as Rama regards a Get, dated "Adar" in Adar Aleph, to be Kasheir BeDi'eved).

But this analysis is based on one interpretation of the Mechabeir's words on the issue of Nedarim. It is also possible to read the Mechabeir's presentation of Rambam as that of a dissenting view, rather than an accepted view on a slightly altered case (now reading the start of Yoreh Dei'ah 220:8 as referring to a case in which the party knew that the year was to be intercalated, rather than our previous assumption that this referred to one who did not know). The Vilna Ga'on (Hagahot HaGra Yoreh Dei'ah 220:8 et al.), indeed, writes that the true opinion of the Mechabeir is in accordance with Rabbi Yehudah and his myriad supporters among the Rishonim.

This interpretation of the Mechabeir lends itself to a different solution. In matters of human statement-- Nedarim, Shetarot, Gittin, and the like-- the Mechabeir (and Rama) rule in favor of Rabbi Yehudah, defining Adar Stam as Adar Aleph (the case of Gittin, as it touches on issues of Ervah and Mamzeirut, being subject to higher scrutiny). But in matters of ritual law, the Mechabeir regards Adar Bet as Adar Stam, while Rama holds consistent on Adar Aleph. There is a logical basis for the Mechabeir's distinction: humans experience life chronologically, and thus regard Adar as the month after Shevat, while the halachic calendar, anchored by Nissan, regards Adar as the month before Nissan.

This view of the calendaric system is happily compatible with the Megillah-centric halachot, which, as noted above, apply in the month of Adar juxtaposed to Nissan. Rashi (Megillah 29a s.v. *MiSheNichmas Adar*) explains the requirement to increase one happiness in the month of Adar with the rationale that, "*Yemei Nisim Hayu LeYisrael Purim VePesach*," "They were days of miracles for Israel, Purim and Pesach", thus providing yet another example of the Purim-Pesach, Adar (Bet)-Nissan linkage upon which the Mechabeir's position is based. Rama, meanwhile, can protest that this idea of Purim-Pesach juxtaposition should only apply to

matters directly motivated by Ge'ulah or Nisim; it is for this reason that he views Yahrtzeit as squarely within the realm of Adar Aleph.

This second interpretation of Yoreh Dei'ah 220:8 yields a pleasing logical explanation of the Shulchan Aruch's seeming scatterplot of positions. The Mechabeir differentiates between areas of human-initiated documents and statements, which operate on a chronological scheduling of months, and ritual, divinely-initiated matters, which are tied to Nissan and Pesach as the temporal lodestars of the halachic system. Rama, whose construction of the latter category is stricter, regards Adar Aleph as the legitimate Adar in all cases which cannot be subsumed under the aegis of Mismach Ge'ulah LeGe'ulah. The positions of the Mechabeir and Rama, nuanced, complex, and eminently logical, now stand in sharp relief.

As we pass the midpoint of Adar Bet, we depart the domain of Purim for that of Pesach; "*Sho'alin VeDorshin BeHilchot HaPesach Kodem HaPesach Shloshim Yom*," "We [begin to] inquire and expound upon the laws of Pesach thirty days before Pesach" (Pesachim 6a), corresponding to the 15th of Adar. May we truly experience Mismach Ge'ulah LeGe'ulah, in the halachic as well as the ultimate sense of the term Ge'ulah, and may God fulfill our earnest prayer: LeShanah HaBa'ah BeYerushalayim HaBenuyah.

KASHERING OUR MOUTHS FOR PESACH

By Rabbi Dr. Ephraim Rudolph ('98)

Editors' note: The following article by Rabbi Dr. Ephraim Rudolph is the first part of a series on kashering one's mouth for Pesach.

The Poskim debate whether or not one has to Kasher their mouth before Pesach. The rationale to require such a procedure is that most people have some type of dental work done, such as a silver filling (amalgam), a white filling (composite), or a crown. These items are made out of different materials which, if used for cookware, would require some type of kashering for Pesach. Therefore, the question is: since these materials come in contact with Chametz in the mouth, do they require kashering for Pesach? This issue of Kashering ones mouth also applies to milk and meat. Does one needs to Kasher their mouths in between milk and meat? This question sounds funny because no one is concerned with Kashering their mouths in between milk and meat - it seems rather bizarre - but as we shall see, there may not be so much difference between fillings and pots.

The whole discussion revolves around the halachic concept of Ta'am (taste). When two foods are cooked together, the taste of each one is transferred to the other. Taste is not just transferred between foods; rather, it is also transferred to the Keli (utensil) in which the foods are being cooked. The flavors that get absorbed into other foods and vessels are called Beli'ot. The vessel does not just absorb Beli'ot; rather, it gives off Beli'ot as well. This means previous Beli'ot absorbed in the pot (even if the pot is has been cleaned) are released during a subsequent cooking process and enter the food being

cooked. It is therefore forbidden to cook meat in a milk pot, since the milk Beli'ot will be released by the pot and enter into the meat, rendering the food non-Kosher. Furthermore, the Ta'am of the meat will be absorbed by the pot, making the pot unusable due to the fact that it has a mixture of milk and meat Beli'ot (Yoreh Dei'ah 93:1).

This concern should apply to dental fillings as well. For example, the fillings will absorb the taste of a hot piece of pizza, and then, when the person has some hot chicken soup, the taste of the cheese will be released from the filling and enter the chicken soup. Additionally, the taste of the soup will be absorbed by the filling, making the filling now have meat and milk Beli'ot. Any hot food placed in the mouth thereafter will cause a release of milk/meat (i.e. non-Kosher) Beli'ot. So, at first glance, it appears that fillings should follow the same rules as pots. Why, then, is the common practice to not worry about this issue? Even if there is no reason to be concerned normally, shouldn't we be stricter when it comes to Pesach? And if we should be Machmir, how would we go about kashering our mouths?

Many authorities actually discuss the issue of Ta'am and Beli'ot in the mouth with regards to dentures. Is there a need to Kasher dentures, or have various pairs of dentures for milk, meat, and Pesach? A denture is an appliance that has fake teeth which one wears to replace their missing teeth; it is not fixed into the mouth, but rather can be put in and taken out. Even though the bulk of the discussion revolves around dentures, there are many ideas that are presented in those discussions that apply to permanent fillings as well. Some of the many Poskim who write about this topic are Tzitz Eliezer (9: 25), Minchat Yitzchak (8:37), and Darchei Teshuvah (Yoreh Dei'ah 89:11). We will, for the most part, present and discuss the approaches of Rav Ovadia Yosef in Yechaveh Da'at 1:8 and Rav Shlomo Zalman Auerbach in the Minchat Shlomoh 2: 47. We will begin to discuss these approaches next week.

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