

MESHECH CHOCHMAH

Parshas Emor

Sanctifying the Kohen

וְקִדְשְׁתוּ כִּי אֵת לֶחֶם אֱלֹהִים הוּא מִקְרִיב קֹדֶשׁ יִהְיֶה לָּךְ

You shall sanctify him (the kohen), for he offers the food of your God; he shall be holy to you (21:8)

A “KOHEN’S MITZVAH” FOR THE JEWISH PEOPLE

The beginning of Parshas Emor deals with the special mitzvos that apply to the kohanim, such as the restrictions regarding who they may marry and their coming into contact with a dead body. Our pasuk informs us that the special status of the kohanim translates into a mitzvah for the Jewish people as well: “You shall sanctify him,” i.e. accord him special status in keeping with his sanctity. Moreover, commenting on this mitzvah, the Gemara states¹ that it applies “even against his (the Kohen’s) will,” i.e. he cannot waive the sanctity that comes with his status as a Kohen.

HONORING THE KOHEN

One expression of this mitzvah is that one may not “use” the Kohen, i.e. have him perform a task or service. However, the Rema² qualifies this by saying that if the Kohen chooses to forego his honor and perform the service nonetheless, he may do so. The background to this qualification is in a discussion found in one of the Rishonim, the Mordechai:³

*An incident happened where someone who was a Kohen washed Rabbeinu Tam’s hands. Another student who was present objected to this, for it is forbidden to make use of a Kohen!... Rabbeinu Tam remained silent. However, another student, Rabbeinu Petter, responded that although the Kohen has sanctity, nonetheless, **he may choose to forego his honor and perform a service for someone else.***

1 Yevamos 88b.

2 Orach Chaim 128:45.

3 Hagahos Mordechai, Gittin sec. 401.

The obvious question is: We have quoted the drasha of the Gemara that the mitzvah to sanctify the Kohen applies even against his will! How, then, can the Mordechai state that the Kohen can choose to forego his honor?

TWO BRANCHES OF THE MITZVAH

A classic explanation of the Mordechai's position, provided by numerous later commentators, is based on the fact that this command is mentioned twice in the pasuk, for the mitzvah comprises two elements, as indicated in Rashi's commentary:

- ▶ *"You shall sanctify him"* – See to it that he observes the mitzvos that apply to him, as mentioned in our perek.⁴
- ▶ *"He shall be holy to you"* – Accord him honor in keeping with his sanctified status. For example, honoring him with leading birkas hamazon or reciting the opening bracha on the Torah reading.⁵

We should note that the Gemara's drasha of "even against his will" was expounded on the opening word of our pasuk (אפילו בעל כרחו – "וְקִדְשֵׁתוֹ"). As such, the aspect of enforcement was stated only with regards to that branch of the mitzvah which relates to him keeping his mitzvos.⁶ The second branch of the mitzvah – of according him honor – contains no such aspect of coercion and hence, regarding that element, the Kohen may indeed forego his honor, as stated by the Mordechai and the Rema.

RAMBAM'S POSITION

However, the Meshech Chochmah points out that not all authorities agree with this position. The Vilna Gaon, commenting the ruling of the Rema, notes briefly: "This is not like the Rambam in the Sefer Hamitzvos." The Meshech Chochmah explains that the reference is to positive mitzvah 32, where the Rambam writes:

We have been commanded to honor the descendants of Aharon, to glorify and elevate them... and even if they object (to this honor), we should not listen to them, for this honor is entirely toward Hashem. Thus, the pasuk says "You shall sanctify him" (וְקִדְשֵׁתוֹ), the explanation of which is to give him precedence regarding every sanctified matter; and the Sifra⁷ comments "you shall sanctify him – (even) against his will," as if to say: This is a matter in which we are commanded, and it is not subject to the consent of the Kohen.

We see that the Rambam clearly holds that the aspect of coercion applies not only to ensuring that the Kohen observes his mitzvos, but also to according him honor. The question this arises: Must we conclude that the Rambam is thereby in dispute with Rabbeinu Tam, who allowed a Kohen to wash his hands?

4 Based on Yevamos 88b.

5 Based on Gittin 59b.

6 The application of this idea would rest predominantly to the beis din, so that, for example, if the Kohen has married a woman who is forbidden to him, they would force him to divorce her.

7 Toras Kohanim Vayikra ibid.

DEFINING HONOR

In fact, says the Meshech Chochmah,⁸ there is no dispute between the Rambam and Rabbeinu Tam. Both agree that honoring a Kohen is enforceable – even against the Kohen’s will. The reason why it was permissible for the Kohen to wash Rabbeinu Tam’s hands is because that did not involve him waiving his honor, for *it was an honor for that Kohen* to wash the hands of the outstanding Torah sage of the generation!⁹ Indeed, it is for this reason Rabbeinu Tam himself remained silent when one of those present voiced their objection to the Kohen washing his hands, as recorded by the Mordechai. In his humility, Rabbeinu Tam did not wish to openly state the reason it was permitted was because washing his hands was an honor for the Kohen. In a situation, however, where performing a service would not itself bring honor to the Kohen, Rabbeinu Tam would concur with the Rambam that he would not be allowed to waive his honor. It thus emerges that the ruling of the Rema, based on the Mordechai, that a Kohen can waive honor due to him, is a matter of dispute among the Rishonim.¹⁰

Counting the Omer

וּסְפַרְתֶּם לָכֶם מִמָּחֳרַת הַשַּׁבָּת... שִׁבְעַת שָׁבָּתוֹת תְּמִימֹת תִּהְיֶינָה... תִּסְפְּרוּ חֲמִשִּׁים יוֹם

You shall count for yourselves from the morrow of the rest-day... seven complete weeks shall they be... you shall count fifty days (23:15-16)

TWO TYPES OF COUNTING

The mitzvah of counting the omer takes the form of verbally counting each day. Tosafos¹¹ raise a basic question: There are other occasions in the Torah where it commands someone to count – such as the *zav* and *zavah* counting seven days of purity¹² – yet we do not find there is a mitzvah to verbalize the count of those seven days. Why are these two situations different?

The Meshech Chochmah explains that the idea of “counting” something – in our instance, days – can take one of two forms:

8 Based on the comments of the Taz Orach Chaim ibid. sec. 39.

9 In this regard, the Meshech Chochmah refers to a comment of Rabbeinu Chaim Kohen, one of the Baalei HaTosafos, who stated (Kesubos 103b s.v. oso yom) that had he been present at the passing of Rabbeinu Tam, he would have attended his levayah, similar to the dispensation given to the kohanim at the time of the passing of R’ Yehudah Hanassi to accord him due honor (Kesubos ibid.)!

10 A related discussion: Enforcing the honor due to a Kohen Gadol by other kohanim – the Tosefta (Sanhedrin chap 3) cites a dispute between R’ Yehuda and the Rabbis regarding whether a Kohen Gadol is permitted to bathe together with other kohanim, forgoing the stipulation made for his honor that others not bathe with him. The Meshech Chochmah explains that the basis of this dispute is whether the parameters stated in regard to the honor due to a Kohen from non-Kohanim are assumed to apply to the honor due to the Kohen Gadol from fellow kohanim.

11 Kesubos 72a, s.v. *ve’safra*.

12 See Vayikra 15:13 and ibid. pasuk 28.

The first type involves ensuring that a certain day (or days) is distinct in nature from other days. This is the case with the days counted by a zav and zavah, who have been impure until that point, and now need to see to it that these seven days are pure. Since these days are “counted” in the sense that they are distinguished from other days, there is no added requirement to count them verbally.

The second type involves days which are themselves similar in nature to other days. In such a situation, if the Torah nonetheless commands us to count them, it means to verbally state how many days have elapsed as part of a process linking two events. This is the case with the days of the omer, and that is why the mitzvah is to count the days verbally.

COUNTING FIFTY DAYS

Taking this idea further, the Meshech Chochmah notes that in fact, the days mentioned in our parsha also contain the first type of counting. The first pasuk states that the mitzvah is to count “seven complete weeks,” i.e. *forty-nine* days, while the second pasuk states “you shall count *fifty* days”! As we know, the fiftieth day is no longer part of the count, for it already the Yom Tov of Shavuot. Why, then, does the Torah include it in the “counted” days?

The answer, says Meshech Chochmah, is that the fiftieth day is also counted! Since the Torah mandates that it is a Yom Tov, there is thereby a mitzvah to ensure that this day is different from the days which both preceded and follow it – the first type of counting! It thus emerges that the fifty days comprise two types of counting: The first forty nine – referred to in the first pasuk – are counted verbally, while the fiftieth is counted by making it a Yom Tov, giving the total of fifty days referred to in the second pasuk.