

PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

PARSHAT SHEMINI

“Before and After” in the Teachings of the Seforno—Maachalot Asurim

זאת החיה אשר תאכלו

These are the living creatures that you may eat (Vayikra 11:2)

A “General” Mitzvah in Torat Kohanim

The topic of *Maachalot Asurim*—forbidden foods—is the first mitzvah mentioned in *Chumash Vayikra* that has no direct connection to matters of korbanot. The idea of “general mitzvot” being mentioned in connection with the *Mishkan* should not come as a surprise, seeing as one of the primary roles of the *Mishkan* was that of a place where Hashem could transmit mitzvot to Moshe. This role is explicitly mentioned in the *pasuk* where Hashem says that He will communicate with Moshe “from between the two *Keruvim*” (*Shemot* 25:22).

There is a fundamental *machloket* among the Tannaim (*Zevachim* 115a) as to how to understand what was transmitted in the *Mishkan* relative to what had been transmitted at Har Sinai. According to R' Akiva, the taryag mitzvot along with all their details were transmitted at Sinai, and were transmitted again in the *Mishkan*. According to R' Yishmael, the general principles of the mitzvot were transmitted at Sinai, while the details were transmitted in the *Mishkan*. Nevertheless, the role of the *Mishkan* as part of the process of *Matan Torah* is agreed upon by all opinions in *Chazal*.

Moreover, the transmission of Torah was not a peripheral aspect of the *Mishkan*, but rather, along with the offering of *korbanot*, it was one of its primary functions. In this respect the *Mishkan* differed greatly from the *Batei Mikdash*, whose function revolved entirely around matters pertaining to *korbanot* and *Avodah*, with no element of *Matan Torah* present at all. For indeed, after the period in the *Midbar*, no mitzvot could subsequently be added on to the Torah. It is interesting to note in this regard that the first specific item mentioned in connection with the *Mishkan* was the Aron (*Shemot* 25:10), underscoring the primacy of *Matan Torah* within the overall function of the *Mishkan*. In contrast, when the Rambam discusses the *Beit Hamikdash* in his *Mishneh Torah (Hilchot Beit HaBechirah)*—which he introduces as “a place where *korbanot* can be offered and the people can assemble three times a year”—the first component he mentions is the *Mizbeach*, upon which *korbanot* are offered.

The Seforno’s Approach

Returning to the topic of *maachalot asurim*, a most noteworthy approach among the *mefarshim* regarding the location of this mitzvah in *Chumash Vayikra* can be found in the writings of the Seforno (*Vayikra* 11:2, s.v. *zot hachayah*). As we will see, his approach goes beyond the specific mitzvah of *Maachalot Asurim* and addresses the general question of the locations of different mitzvot throughout the *Chumashim*:

*After Yisrael were stripped of their spiritual ornaments which they had attained at the time of Matan Torah¹ and through which they were deemed worthy that the Shechinah would dwell in their midst without the need for an intermediary, as it says (Shemot 20:21), “בְּכֹל הַמָּקוֹם אֲשֶׁר אֶזְכִּיר אֶת שְׁמִי אָבוּא אֵלֶיךָ וּבֵרַכְתִּיךָ — In every place where I allow My Name to be mentioned I will come to you and bless you,” [and which will again pertain in the future, as it says, (Vayikra 26:11) “וְנִתַּתִּי מִשְׁכְּנִי בְּתוֹכְכֶם — I will place My dwelling among you,”] Hashem refused to have the Shechinah dwell among them at all,² as it says (Shemot 33:3) “כִּי לֹא אֶעֱלֶה בְּקִרְבְּךָ — For I will not ascend in your midst.” Through his tefillah, Moshe Rabbeinu achieved a partial rectification that the Shechinah would reside among them through the medium of the *Mishkan*, its vessels, its attendants (servants), and offerings,³ so that they merited and attained (the level described as) “וַיֵּרָא כְבוֹד ה' אֶל כָּל הָעָם — Hashem’s Glory appeared unto the People” (*Vayikra* 9:23), and to the fire descending from Heaven (*ibid.*, pasuk 24).*

Therefore,⁴ (Hashem) saw fit to rectify their (bodily) constitution so that it would be able to be illuminated with the light of everlasting life. This would be through the

1 See *Shemot* 33:1, “וַיִּתְנַצְלוּ בְנֵי יִשְׂרָאֵל אֶת עֵדִים.” These ornaments reflected the lofty spiritual level that Yisrael had attained at *Matan Torah*.

2 As a result of the *Chet Ha'Egel*.

3 In this regard, the Seforno concurs with Rashi who understands that Hashem’s command to Moshe regarding the construction of the *Mishkan* (mentioned in *Parshat Terumah*) occurred after the *Chet Ha'Egel* (which is mentioned in *Parshat Ki Tisa*). As the Seforno writes, prior to the *Chet Ha'Egel* the *Mishkan* wasn’t necessary to provide a means through which the *Shechinah* would dwell among B’nei Yisrael. See *Parshat Beshalach*, Chapter 40.

4 I.e., in addition to requiring B’nei Yisrael to construct a *Mishkan* through which the *Shechinah* would dwell in their midst, Hashem also commanded that they avoid foods which would render them incapable of “absorbing” the *Shechinah*.

*regulation of foods they may consume and the laws regarding procreation.*⁵ Therefore, Hashem forbade foods which defile the soul in terms of behavioral traits and ideas, as it says (11:43) “וְלֹא תִטְמְאוּ בָהֶם וְנִטְמַתֶּם בָּם” — *Do not contaminate yourselves through them, lest you become contaminated through them.*”

In *Parshat Noach*⁶ we saw how, according to the *Seforno*, certain major sins affected the nature of mankind generally. In our parsha we see that he adopts the same approach regarding B’nei Yisrael specifically. According to the *Seforno*, the reason why *Maachalot Asurim* appear in the Torah after the parshiyot dealing with the *Mishkan* is because they are part of the same process — rectifying the state of B’nei Yisrael which resulted from the *Chet Ha’Egel!*

Chazal state that “ישראל אורייתא וקודשא בריך הוא חד” — *Yisrael, the Torah, and Hashem are one.*⁷ Therefore, a significant change in the fundamental makeup of B’nei Yisrael will bring about a corresponding change in the mitzvot which allow them connect with Hashem.

According to the *Seforno*, the process of the transmission of *taryag mitzvot* began with Har Sinai, continued through the period of the *Ohel Moed*, and culminated in *Arvat Moav*.⁸ It was only at the end of those three formative stages, when all *taryag mitzvot* had been transmitted, that we invoke the idea that no more mitzvot can be added to the mitzvot of the Torah, neither an entire mitzvah nor a detail thereof.

The approach of the *Seforno*, which we refer to as “Before and After,” is one which we will discuss again in several later chapters.⁹ It is worthwhile noting already at this stage that this approach of the *Seforno* appears to be in direct conflict with the opinions of the Tannaim mentioned in the beginning of the chapter. Both R’ Akiva and R’ Yishmael concur that all *taryag mitzvot* were given to Moshe at Sinai, with the only difference between them being whether the details of those mitzvot were also transmitted at Sinai, or just their general principles. The approach of the *Seforno*, on the other hand, seems to be that certain mitzvot were not yet appropriate for B’nei Yisrael in the state that they were in at Har Sinai, and only became so later on in the *Midbar*. This question is certainly in need of an answer, and is one that we will discuss *b’ezrat Hashem* in a later chapter.¹⁰

5 These latter laws are mentioned in the beginning of *Parshat Tazria* and the end of *Parshat Metzora*.

6 Chapter 5.

7 Zohar Hakadosh Parshas Acharei Mos.

8 The Plains of Moav, where Chumash Devarim was transmitted by Moshe to B’nei Yisrael.

9 See *Parshat Acharei-Mot*, Chapter 67; *Parshat Shelach*, Chapter 83; and *Parshat Pinchas*, Chapter 92.

10 See *Parshat Shelach*, Chapter 83. An alternative approach would be to say that these mitzvot were given at Sinai in anticipation of Bnei Yisrael subsequently entering a state which made these mitzvot necessary and appropriate. This approach would touch on the question of reconciling Hashem’s foreknowledge (which in this instance found expression in the form of transmitting certain mitzvot to Moshe) and people’s free will.