



A PROJECT OF CHICAGO COMMUNITY KOLLEL

PARSHA ENCOUNTERS

16 Iyar 5767 / May 4, 2007

Parshas Emor ✍️ Rabbi Zvi Feiner

Getting Ready

The mitzvah of Sefiras Haomer, contained in this week's parsha, is always read as we are in the midst of actually fulfilling the mitzvah. It is thus highly appropriate for us to focus on and deepen our understanding of the mitzvah of Sefiras Haomer.

The Torah commands us, "You shall count for yourselves..... you shall count fifty days, and you shall offer a new mincha to Hashem." This posuk is followed by the korbanos that we are obligated to then bring and the prohibition against work that we associate with the Yom Tov of Shavuos.

Many meforshim, perhaps most notably the Sefer HaChinuch (mitzvah 306) clearly define the mitzvah of Sefiras HaOmer as counting toward Kabolas HaTorah and incorporating the necessary preparations for receiving the Torah. However, there is no mention of this connection in the Torah's discussion of this mitzvah- neither during the period of "counting the omer" nor during its culmination in a Yom Tov.

Indeed, the Rivash (Teshuvos, 96) concludes that there is no intrinsic connection between the counting of the omer and the giving of the Torah. Nor is the yom tov of Shavuos intrinsically connected to Matan Torah! Rather, he suggests, Shavuos is simply the culmination of the counting of the omer and the bringing of a korban from the new flour.

What makes the aforementioned correlation between Sefiras Haomer and Matan Torah even more challenging is the fact that the Torah was not given on the fiftieth day of the Omer, but rather on the fifty-first! (This is a point which the Magen Avrohom (O.H., 494, intro.) remarks as quite striking (See Chok Yaakov, ibid.))

Perhaps, though, therein lies our explanation. The final day of our counting- the culmination of our seven weeks of preparation is the day **before** the greatest event in Jewish History. What we are celebrating on Shavuos and what we are striving toward, is to be worthy recipients of the Torah. This level was attained on the last day of prisha and hagbalah when we appeared before Hashem as a nation worthy and ready to receive this most cherished possession.

This is why, according to some, we can recite in the Haggadah "If Hashem would have brought us close to Har Sinai and would not have

given us the Torah it would have been enough." The elevated level of kedusha and tahara that we attained at Har Sinai is itself cause for celebration and a goal worth working towards.

This avodah is aptly represented in the transformation of the korban omer which was made of barley flour, animal food, to the mincha chadasha of two loaves of bread. We must count seven "shabbosos". Seven days of counting (as by a Zav, Nidah, tumaas meis) is the minimum requisite period of tahara (purification). Shabbos, of course, represents the complete devotion of all our work toward avodas Hashem. (See R' S.R. Hirsch who elaborates on this.)

By using the period of Sefiras HaOmer to elevate ourselves, focusing our strength towards Avodas Hashem and channeling our efforts toward prisha and tahara, we too can ensure that we will be worthy and ready to be mekabel the Torah.

Rabbi Feiner, an alumnus of the kollel, gives shiurim at the kollel regularly.

CHICAGO COMMUNITY KOLLEL

is pleased to announce

A Special Shabbos Hakhel

with

HARAV EPHRAIM WACHSMAN

PARSHAS BEHAR-BECHUKOSAI

MAY 11-12

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ONEG SHABBOS:

9:15 pm at the home of Rabbi & Mrs. Sidney Glenner

SHABBOS AFTERNOON:

5:00 pm at Kehillas Tiferes Yisroel

Hosted by Mr. & Mrs. Asher Kohn

SHALOSH SEUDOS following Mincha

7:00 pm At the Kollel sponsored by Mr & Mrs. Joel Klein

MELAVE MALKA

10:00 pm at the home of Mr. & Mrs. Avi Goldfeder

# HALACHA ENCOUNTERS

## “Machil Biyodayim”

Rabbi Avi Weinrib

This week's parsha begins with the *issur* for a *Kohen* to come into contact with a *meis*—a corpse. The *issur* applies either through direct contact with the *meis*, or even by being in the same building as the *meis*. The *Gemora* in *Yevomos* (114.) learns from an extra word in this *posuk* that not only are adult *kohanim* forbidden to come into contact with a *meis*, but they are also responsible to ensure that their children avoid contact with a *meis*. This is one of the sources for the concept called “*machil biyodayim*” the *issur* to cause a child of any age to commit an *aveira*, even if the child is too young to be aware of what he is doing. Therefore, a *kohen* is forbidden to cause his child to come in contact with a *meis* because of “*machil biyodayim*”. This *issur* is not limited to *Tumah*, but would apply to other *issurim* as well. To feed a child a forbidden food or even to tell him to do a *melacha* which is forbidden on Shabbos, would be some other examples of “*machil biyodayim*”. For instance, telling even a very young child to turn on or off a light on Shabbos is *ossur*. Even merely placing the child in front of the light and encouraging him verbally or non-verbally to shut the light would be classified as “*machil biyodayim*”. The *poskim* do permit one to place a very young child in front of a light without encouraging him in any way to turn it off, and allow him to turn the light off on his own (provided that he is unaware that the adult wants the light off). [See M.B. 640-5, *Igros Moshe* Y.D. 2-8, *Chanoch Lina'a'r* 6-3]. However, this would only apply to a child who cannot be made to understand that certain acts are wrong or unacceptable. Once a child can be taught this concept, then one would actually have to teach the child not to do any act which would be *assur*. The age that a child can reach this level of understanding is somewhat subjective, but many *poskim* suggest that it would be around four years old. Furthermore, in regard to forbidden food, even a very young child should not be allowed to eat such food. This is because forbidden food is *mitamtem haleiv*—it dulls the heart and causes an evil nature to develop in the person who eats it [See Y.D. 81-7].

There is a fascinating discussion as to whether or not there would be an issue of “*machil biyodayim*” if the action is permitted for the adult, but not for the child. For example, would a non-*kohen* be permitted to bring a *kohen* child into contact with a *meis*? Could a wife of a *kohen* who is not forbidden to come into contact with a *meis* bring her son into such a situation? The *Shu"t Bin-yan Tziyon* [117] brings a proof from the *Rokeach* [quoted by the *Shach* Y.D. 371-1] who questions whether the wife of a *kohen* can enter a room with a *meis* while she is expecting a child. His conclusion is that it would be permitted because of a *sfek sfeika*—a double doubt. Firstly we are unsure if she will carry to term, and secondly we are unsure if the child is a boy or a girl. It is clear that although she herself has no *issur* of coming into contact with a *meis*, without the *sfek sfeika* she would not be allowed to bring even her unborn child into contact with a *meis*. This raises a very relevant question as to whether the wife of a *kohen* may enter a hospital while carrying a child for a check-up or any other purpose. Furthermore, may she give birth in a hospital, and assuming the child is a boy remain there afterwards as well? It seems that it is preferable that she not find out the gender of the child, and she can then rely upon the *sfek sfeika* of the *Rokeach* [See M.B. 343-3 and *Nishmas Avrohom* O.H. 343-2 and Y.D. 371-1]. If the newborn baby is a boy, he may remain in the hospital if there would be a danger to him leaving. However, once the doctor feels it is safe to be discharged, the child should leave. Outside of *Eretz Yisroel* where the majority of the people in the hospital are non-Jews, this concern is much less of an issue. There is a dispute if a non-Jewish *meis* has the same status as a Jewish *meis*, in terms of a *kohein* being allowed into a house where he is. Although in general one should be stringent [See Y.D. 372-2], in this case, where the child is certainly a *choleh shein bo sakanah*, one can be lenient and stay on in the hospital even for a longer period of time. [See *Nishmas Avrohom* O.H. 343-2]

Rabbi Weinrib, *manhig ruchni* of the *Agudas Yisroel* of West Rogers Park, is the community *Maggid Shiur* for the *kollel*.