



Sha'arei Eliyahu

פרשת שמעוני

Table Talk

Please Hashem Save Us.

This week's Parasha begins ויחי. Our sages tell us that every time a Parasha begins with this word it means tragedy. As we know when we read further in the Parasha two of Aharon's sons die. This is why our Parasha begins with an ominous note. Aharon HaKohen had 4 sons Nadav, Avihu, Elazar & Itamar. The Midrash says that when Nadav and Avihu were walking behind Moshe and Aharon one said to the other "when will these old men go so that we can take their place?" the other brother sat quiet. From here our sages learn that when one person speaks Lashon Hara or something evil about a person and the one that hears doesn't stop him and

SHABBAT SCHEDULE

Mincha	7:00 PM
Candle Lighting	7:23 PM
Shacharit	8:30 AM
Shabbat Derasha	5:45 PM
Mincha	7:00 PM
SUNSET	7:42 PM
Aravit (Shabbat Ends)	8:26 PM
Rabbenu Tam	8:55 PM

SHORT & SWEET

This week's parasha, Shemini, talks about kosher and not kosher species of birds. One of the not kosher species of birds is a stork whose Hebrew name is Hasida, rooting from the Hebrew word Hasid. A Hasid is one who is pious and acts one step further than prescribed. If the stork is not a kosher animal than why does the Torah name it with such an important name? Rashi sites a Gemara (Chullin 63b) which says that שעושה - Because it does kindness (חסידות) with its fellow birds [by sharing] its food. So seemingly it should be kosher. However our sages tell us that it shares with only its own kind and no other species. This teaches us a great lesson in life: A Jew is a Jew. One shouldn't differentiate amongst types of Jews when one does Hesed. It's true that Hesed starts at home but eventually that Hesed needs to reach outside ones walls as well.

~ R' Yosef Akilov

keeps quiet he is as guilty as the one speaking. This Midrash seems very intriguing.

How can it be that Nadav and Avihu would say something so cold? To bring support to this question we look further on when Moshe went to console Aharon he told him that Nadav and Avihu were greater than Moshe and Aharon, and were to replace the two after they left this world. Furthermore Hashem said regarding Nadav and Avihu, through My close ones I make Myself Holy. How can it be that the people that are considered close enough to Hashem that He makes Himself Holy through say something so cruel against Moshe and Aharon?

This shows that Nadav and Avihu said no such statement against the two leaders. Instead what really happened was that they wanted to fix the sin of Adam HaRishon and bring the world back to a state before the sin. So they went into the Mishkan to bring an offering to fix the sin. But there was a few problems, aside from the fact that they weren't married and the fact that they were drunk, they also entered without the permission of Moshe & Aharon. By them entering without the consent of the elders of the generation their souls were taken from them when the fire entered their nostrils as they were offering the Korban.

This is why the midrash says that they said when will these old people die so we can replace them. Because their actions showed that that didn't need Moshe and Aharon. For that reason their Neshamot were taken.

Later on in the Torah when Zimri cohabits with Kozbi, Pinkhas asks Moshe if he can take action against Zimri to stop the plague and further punishment of the people. Why did Pinkhas ask instead of just acting? In order to rectify the mistake of Nadav and Avihu who couldn't enter Gan Eden until Pinkhas corrected their mistake.

The death of the two sons of Aharon cleanse the Nation on a yearly basis, and when we add Pinkhas who is also Eliyahu we have three advocates that come to our aid on a weekly basis every Motzei Shabbat when we read Ana Ado-nai Hoshiana. Because Ana stand for Avihu, Nadav & Eliyahu. May they continue to protect us with their zechuyot Amen.

~ R' Yosef Akilov



Shabbat Shalom U'Mevorach



1. Which Jews will get to eat from the delicious *Leviathan* fish and the *Shor Habor* in the future?
2. Which Jews were required to make Kiddush by using bread instead of wine?
3. How did Moshe comfort Aharon over the passing of his extraordinary pious sons, Nadav and Avihu?
4. Who should really be a vegetarian and not eat any meat?

1. Jewish people who are careful not to eat *trif* (not-kosher) will merit tasting from the delicious meat of two gigantic creatures, the *Leviathan* and the *Shor Habor* in the future. There will be a special banquet celebrating Moshiach's arrival and there will be great honor bestowed upon the *Tsaddikim* of each generation. {*Vayikra Rabbah* 13-32}

2. It seems that Kohanim of the Beit Av who were on duty were not allowed to partake in wine even for Kiddush. Also a *Nazir* could not make Kiddush on wine. These people made Kiddush on bread instead. {*Mishna Taanit* 2-7}

3. Moshe comforted Aharon by telling him that Nadav and Avihu were even greater than Moshe and Aharon as they were chosen to atone for all of Klal Yisrael. {*Rashi Zevachim* 115b, *Vayikra Rabbah* 12}

4. The Gemara tells us, that technically, *Amel HaAretz* (unlearned Jews who are anti-Torah) should not be entitled to eat meat. Hashem feels that they are not better than animals, so why should they be permitted to kill animals and eat them? {*Pesachim* 49b}

Can Women Count the Omer?

It is well-known that women are exempt from any Mitzvah which is time-bound (meaning any positive commandment that is assigned to a specific time, such as Tzitzit which are only worn during the day or Lulav which is only taken on Sukkot etc.) besides for certain Mitzvot which women are obligated to perform for special reasons, such as lighting Chanukah candles and hearing the reading of Megillat Esther which women are obligated in for they were also part of those miracles. In general, however, women are exempt from time-bound Mitzvot. For this reason they are exempt from the Mitzvah of counting the Omer for this a positive commandment that is time-bound, for the Omer is only counted during a specific time of the year. Just like most members of the Jewish nation are exempt from Mitzvot pertaining to Kohanim and Leviyim, for most Jews are not Kohanim and Leviyim, similarly women are exempt from these kinds of Mitzvot since they were not commanded by Hashem to fulfill them.

Nevertheless, the Poskim write that there are certain Mitzvot that although women are exempt from, if they wish they may perform them, such as counting the Omer and the like. Such is the custom of many women that they perform the Mitzvah of sitting in the Sukkah as well as other time-bound Mitzvot, although they are exempt from these Mitzvot.

However, there is seemingly a question on this custom from the words of our Sages (Yerushalmi Tractate Shabbat Chapter 1, Halacha 2) that “if one is exempt from something and does it anyway, he is called a fool”. If so, it would seem that women should not fulfill Mitzvot that they are exempt from. This is especially difficult according to some of the great Rishonim including Rabbeinu Tam (Rosh Hashanah 33a), Ramban, Ra’ah, and others who have written openly that women may in fact perform Mitzvot which they are exempt from. It would seem that this contradicts the edict of our Sages that one who does so is considered a fool?

Maran Harav Ovadia Yosef Shlit”a writes to defend the opinion of the Rishonim with the words of the Meiri in his novellae on Tractate Rosh Hashanah (33a) who writes that the only time our Sages meant to dub someone who performs a Mitzvah he is exempt from as a fool is only when one performs a Mitzvah that everyone is exempt from. This is not the case regarding time-bound Mitzvot, which men are obligated to perform, and a woman is not considered foolish for performing them. (The Ramban and others write similarly.) It is thus understood why women may perform time-bound Mitzvot, for they are not performing Mitzvot which no one is obligated to perform, rather men are obligated to perform these kinds of Mitzvot.

We can deduce from here regarding the Mitzvah of counting the Omer that women are absolutely permitted to perform this Mitzvah if they please, just like other Mitzvot. However, they may not recite the blessing before counting the Omer, as we hold like Maran HaShulchan Aruch (Chapters 17 & 589) who rules that women may not recite a blessing over Mitzvot that they are exempt from, and if she does so, she is entering the realm of blessing in vain. (This is not so according to the Rama and the custom of many Ashkenazim that a woman may in fact recite a blessing on a Mitzvah that she is exempt from.)

In any case, we must note that according to the Mekubalim, it is preferable for women not to count the Omer at all, even without reciting a blessing, as there is a Kabbalistic reason for them to abstain from doing so. Therefore, our custom is that women do not count the Omer at all.

The Mitzvah of Counting the Omer

The Torah states (Vayikra 21, 15): “And you shall count for yourselves, from the day following the Shabbat, from the day the waved Omer offering is brought, seven complete weeks shall they be.” Our Sages (Menachot 65b) had the tradition that the “day following the Shabbat” refers to the day following the first day of Pesach which is a holiday. (This is what is meant by the words, “the day following the Shabbat”, i.e. the day following the first day of Pesach which is a holiday, also known as, “Shabbaton”. Therefore, on the night following the first day of Pesach following Arvit, we immediately begin counting the Omer.) It is a Torah commandment to count the Omer beginning from the sixteenth of Nissan until the end of seven weeks, which is forty-nine days.

Nevertheless, since the Torah also states (Devarim 16, 9), “You shall count for yourselves seven weeks, from when the sickle begins to strike the stalks shall you begin to count these seven weeks”, which means from the time the Omer offering was harvested, and unfortunately nowadays the Bet HaMikdash is destroyed and we have neither the harvesting of or bringing of the Omer offering, thus, this Mitzvah of counting the Omer is only Rabbinic in nature in commemoration of the services performed in the Bet HaMikdash. Therefore, in the “Leshem Yichud” text customarily recited before counting the Omer, one should omit the phrase, “As the Torah states, ‘And you shall count for yourselves’ etc.”, for the Mitzvah of counting the Omer is no longer a Torah commandment. (Although according to the opinion of the Rambam and the Ra’avya there is no correlation between the Mitzvah of counting the Omer and the harvesting the Omer and according to them the Mitzvah of counting the Omer is a Torah commandment even nowadays, nonetheless we do not rule this way and the Halacha in this matter follows Maran HaShulchan Aruch, whose rulings we have accepted, who has ruled that counting the Omer is only a Rabbinic commandment nowadays, for this is indeed the opinion of Rav Hai Gaon, Tosafot, Rosh, Itur, Rashba, Ran, and others.)

The Mitzvah of counting the Omer is a Mitzvah during every single day of the counting period, and for this reason we recite a blessing on it before counting every single day. However, according to the opinion of the Ba’al Halachot Gedolot, if one has forgotten to count the Omer on one day during the counting period he can no longer continue to count the Omer since it is not possible to count by skipping (for if one counts one, two, four, he has counted incorrectly; thus, if one missed counting one day he can no longer rectify this and what he counts from now on is not considered counting at all). Halachically, we hold that even if one forgot to count one day of the Omer, he may in fact continue to count the rest of the days for every day is a separate Mitzvah regardless of the other days. Nevertheless, since we always follow the great rule of “when in doubt, do not bless”, regarding the blessing we are concerned with the opinion of the Ba’al Halachot Gedolot. It comes out that if one forgot to count one day of the Omer, he should continue to count the rest of the days as usual; however, from now on he should not recite the blessing before counting.

The appropriate time for counting the Omer is at night, however, if one forgets to count at night, he may count during the day without reciting a blessing before counting, in which case he may continue counting on all subsequent nights with reciting a blessing.

More Mourning Customs Pertaining to the Omer Counting Period

It has become customary among the Jewish nation to refrain from taking haircuts during the Omer counting period: according to the Ashkenazi custom, until the 33rd day of the Omer and according to the Sephardic custom, until the morning of the 34th day of the Omer (as we have already explained regarding getting married during the Omer). Some Sephardic individuals act leniently with regards to haircuts in accordance with the Ashkenazi custom, i.e. taking haircuts beginning from the 33rd day of the Omer. Those who act leniently in this regard (even Sephardic individuals) have on whom to rely. Those who are truly G-d-fearing customarily abstain from shaving their beard during the Omer period as well. However, there are those who rule leniently for individuals who are truly distressed as a result of not shaving their beard, for the Radbaz writes regarding such matters which are not actual obligations as a result of an edict of our Sages and is merely a custom, in a case of such distress, there is room for leniency. Nevertheless, it is indeed correct and proper to follow this custom which was observed by our ancestors for many generations with regards to refraining from shaving one’s beard during the Omer period (it is especially worthy to be stringent until Rosh Chodesh Iyar).

Women are not included in the prohibition of taking haircuts during the days of the Omer, for even with regards to actual mourning for a relative who has passed away (for which a male mourner must abstain from taking a haircut for the entire thirty-day mourning period), Maran HaShulchan Aruch rules that women are not included in this prohibition and are permitted to take haircuts during the thirty-day mourning period. If so, this would certainly apply to the mourning customs observed during the Omer period in that a woman need not abstain from taking a haircut. The same would apply to the three week period between the Seventeenth of Tammuz and the Ninth of Av that the prohibition to take haircuts applies to men alone, but women are permitted to take haircuts.