

גליון לידיעת מצוות השבוע

והערב

ב"ב-כ"ח ניסן (מכות י"ב-י"ח) תשפ"ה לפ"ק

פרשת שמיני

ב"ה ובס"ד

המצוה																							מקור בתנ"ך			רמב"ם			רמב"ם										סמ"ג	רא"ם	רמב"ן	מאמר השכל	החינוך	סמ"ק	זוהר הרקיע	חפץ חיים	רבנן	נוהג	זכר	נקבה																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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נקבה		זכר	נוהג	רבנן	חפץ חיים	זוהר הרקיע	סמ"ק	החינוך	מאמר השכל	רמב"ן	רא"ם	סמ"ג	רמב"ם		יראים	ר' שלמה גבירול	ר' יצחק ברגליוני	ר' אליהו הזקן	רס"ג	בה"ג	מקור בתנ"ך			המצוה
																					פרשה	פרק	פסוק	
																200			159		40	11	Shmini	Laws of impurities when transporting any dead animal
✓	✓	✓	World		97	191	218	162	130	178	418	131	Forbidden Foods	176	70		83		76	74	41	11	Shmini	Not to eat non-kosher creatures that crawl on land
✓	✓	✓	World		100			163			417		Forbidden Foods	178							42	11	Shmini	Not to eat worms found in fruit on the ground
✓	✓	✓	World		99		220	164	131		420	132	Forbidden Foods	179	72	169		177			43	11	Shmini	Not to eat creatures that live in water other than fish
✓	✓	✓	World														84	198	78	75	43	11	Shmini	Not to impure oneself with eating shratzim
✓	✓	✓	World								421				73		85		77	76	43	11	Shmini	Not to loathe the body
✓	✓	✓	World		98			165			419		Forbidden Foods	177							44	11	Shmini	Not to eat insects that get created from sweat
✓	✓	✓	World												434	157	86	109		155	44	11	Shmini	Sanctify himself and do the commandments wholeheartedly

נקבה	זכר	כל העולם	ארץ ישראל	בית המקדש
9	13	7	0	2
18	20	17	0	1
10	15	7	0	2
12	16	7	0	2
10	12	10	0	0
7	9	7	0	0
14	17	13	0	4
12	14	11	0	3
6	8	5	0	3
7	8	8	0	0
14	17	13	0	4
16	19	16	0	3
12	14	11	0	3
8	9	7	0	2
7	7	7	0	0
0	0	0	0	0
14	15	15	0	0

שיטות	פרשה	עונש	עשה	לא תעשה	סך הכל
(757-) 4517-	2	2	1	8	13
(882- 942) 4642-4702	0	2	12	7	21
(939-) 4699-	4	2	2	7	15
(1013-) 4773-	5	2	1	8	16
(1040-) 4800-	0	2	7	4	13
4875-4958 (1115-1198)	0	2	1	6	9
4894-4964 (1134-1204)			6	11	17
4960-5020 (1200-1260)			6	8	14
4954-5030 (1194-1270)			0	8	8
4954-5030 (1194-1270)			2	6	8
4975-5053 (1215-1293)			6	11	17
(1240-) 5000-			8	11	19
(1240-) 5000-			6	8	14
5121-5204 (1361-1444)			3	6	9
5598-5694 (1838-1933)			0	7	7
			0	0	0
			5	10	15
מצות בזמן הזה לפי כל השיטות	0	0			

A Kohen must not enter the Temple with long hair

Priests Entering the Holy Temple with Unkempt Hair
Negative Commandment 163

The 163rd prohibition is that kohanim are forbidden from entering the Temple grounds with disheveled [long] hair like those in mourning, who do not set or arrange their hair.

The source of this prohibition is G-d's statement¹ (exalted be He) [to Aaron and his sons,] "Your heads al tifrau." The Targum translates, "Do not grow your hair." In Ezekiel,² this is further explained — "Do not allow your hair to grow long."

So too, G-d's statement³ (exalted be He), regarding the leper, "His head shall be farua," is explained in Sifra, "he must grow his hair."⁴

The Sifra [explains our mitzvah in the same way], "The phrase, 'Your heads al tifrau,' refers to not growing it long."

This prohibition is repeated regarding the kohen gadol in the verse,⁵ "He may not allow his hair to grow long." The reason for this repetition is so one would not think that the commandment to Elazar and Isamar,⁶ "Do not grow your hair long" ("Your heads al tifrau") was only because of the death [of their brothers Nadav and Avihu, and that growing their hair was prohibited because otherwise people would think they were mourning]; but if one did so without mourning, then it is allowed. Therefore it explains regarding the kohen gadol that his hair must be cut for the Temple service [even when he is not mourning].

One who transgresses this prohibition and performs the service with long hair is punished by a [Divine] death sentence. Those [who perform the service] with long hair are listed⁷ among, "these are punished by death," the source being the verse,⁸ "otherwise you will die."

If, however, one enters the Temple grounds with long hair without performing any service, he transgresses this prohibition but is not punished by death.

FOOTNOTES

1. Lev. 10: 6.
2. 44: 20.
3. Lev. 13: 45.
4. Although there the mitzvah is the opposite, i.e. to grow the hair, we nevertheless can learn the meaning of the word, farua.
5. Lev. 21: 10.
6. Ibid., 10: 6.
7. See Tosefta, Kerisus, Ch.1 and Zevachim Ch.12; Sanhedrin 83a.
8. Lev. 10: 6

A Kohen must not enter the Temple with torn clothes

Priests Entering the Holy Temple Clad in Torn Clothes
Negative Commandment 164

The 164th prohibition is that kohanim are forbidden from entering the Temple grounds when their garments are torn.

The source of this prohibition is G-d's statement,¹ "Your garments lo sifromu; otherwise you will die." The Sifra explains, "The phrase, 'Your garments lo sifromu,' means 'Do not tear your garments.' "

This commandment is also repeated regarding the kohen gadol in the verse,² "He may not tear his garments."

You should be aware that the kohen gadol may not tear his clothing in mourning [as others do] even when not performing the Temple service. This is the reason for the repetition. The Sifra says,³ "If his relative dies, 'he may not grow his hair long and he may not tear his garments,' i.e. in the same way that others grow their hair and tear their clothing when one of their relatives dies. How [is the tearing done]? The kohen gadol tears from the bottom [of the garment] and a regular kohen from the top [as is regularly done]."

One who performs the Temple service with torn garments is punished by a [Divine] death sentence, since the same law applies to both long hair and torn garments. [Therefore,] if one enters the Temple grounds in this condition, he [merely] transgresses a prohibition [but is not punished by death].

Only the kohen gadol is forbidden from growing his hair long and tearing his garments at all times, even without entering the Temple grounds. In this law, this is the difference between him and a regular kohen.

FOOTNOTES

1. Ibid.
2. Ibid., 21: 10.
3. Emor 2: 3.

A Kohen must not leave the Temple during service

A Priest Leaving the Holy Temple Mid-Service
Negative Commandment 165

The 165th prohibition is that the kohanim are forbidden from leaving the Temple when they are in the middle of performing the Temple service.

The source of this prohibition is G-d's statement,¹ "Do not go out from the entrance of the Communion Tent (pesach ohel moed)." The prohibition is repeated in reference to the kohen gadol in the verse,² "He may not leave the Temple."

In the words of the Sifra: "From the phrase 'from the entrance of the ohel moed' I would think that the prohibition applies regardless of whether or not the Temple service was being performed. The verse,³ 'He may not leave the Temple in order that he not profane' [the

A Kohen must not leave the Temple during service

Temple service] teaches that the prohibition applies only when the Temple service is being performed. [What is the significance of the conclusion of the verse] 'because G-d's anointing oil is upon you'? One might think that the death penalty for one who leaves while in the middle of the Temple service is only for Aaron and his sons — who were anointed with this special oil. What is the source to apply this law for all kohanim and for all generations? This verse 'because G-d's anointing oil is upon you.' "

This law contains an extra stringency for a kohen gadol in that he may not [leave the Temple even to] attend the burial [of a close relative]. This is the meaning of the verse, "He may not leave the Temple." This is explained in the second chapter of Sanhedrin,⁴ which clearly derives the law that he may not attend a relative's burial from this verse, "He may not leave the Temple."

From here we learn that he may perform the Temple service even on the day of the relative's death. To quote the statement of our Sages from tractate Sanhedrin: 5 "The verse states, 'He may not leave the Temple in order that he not profane' [the Temple service] — however there is someone else who would profane the Temple service if he would not leave [and instead continue the Temple service]." This refers to a regular kohen, who may not perform the Temple service when an onen. This law which prohibits an onen from performing the service is derived as mentioned above. This principle that a regular kohen is not allowed to perform the service when an onen, while a kohen gadol is allowed is explained in the end of tractate Horios.⁶

It⁷ has been made clear that the phrase *v'lo y'chalel* ("he may not leave the Temple] in order that he not profane") is a statement that something will not happen [sh'lilah] rather than a prohibition, because his service is not profaned although he is an onen.⁸

On the simple level, the phrase *v'lo y'chalel* [has another interpretation: it] gives the reason for the prohibition which immediately precedes it — "He may not leave" in order that "he not profane." According to both interpretations⁹ this phrase is not counted as a separate commandment, as is clear to all who understand the principles which were given as the introduction to this work.¹⁰

We have explained that these three prohibitions — not to grow long hair, wear torn clothing, or leave the Temple — are repeated regarding the kohen gadol in order to convey a particular idea. This is similar to the verses which prohibit [a kohen from marrying] a divorcee, chalalah, or zonah, which are repeated [in reference to the kohen gadol] in order to convey a particular idea.

The three areas prohibited by these three laws are the same ones referred to in the verses, "Your heads al tifrau," "Your clothing lo tifromu," and "Do not go out from the entrance of the ohel moed." Moshe Rabbeinu, may he rest in peace, gave them over to Elazar and Isamar, saying, "in spite of your shock over this frightening event [i.e. the death of Nadav and Avihu], those things which are normally forbidden to you do not become permitted. Rather, you remain forbidden from doing all the things you were forbidden from doing beforehand, i.e. allowing the hair to grow long, wearing torn clothing, and leaving the Temple during the Temple service."

The repetition in reference to the kohen gadol teaches that the prohibition applies [only] at the time that the Temple service is being performed, and that only at such a time is the [Divine] death penalty in effect. This is similar to the way that the commandment, "Do not go out from the entrance of the ohel moed" is explained by the verse, "He may not leave the Temple."¹¹

Although each repetition of these prohibitions in reference to the kohen gadol is used to derive an additional law, as explained above, nevertheless, they do not increase the total number of mitzvos — as is understood by anyone who understands our introduction.¹² This is because each repeated verse is used to teach you that the act is prohibited specifically during the time of the Temple service. One should understand this well.

FOOTNOTES

1. Lev. 10: 7.
2. Ibid. 21: 12.
3. Ibid.
4. 18a.
5. 84a.
6. 12b.
7. The Rambam now proves that the phrase "he not profane" does not count as a separate prohibition, i.e. to not profane the Temple service.
8. Therefore, the verse means to say, "He may not leave the Temple, and may continue to perform the Temple service, and he still does not profane the service, although he is an onen."
9. 1 — that it is a sh'lilah; 2 — that it gives the reason.
10. See Principle 8.
11. See Sifra, beginning of this mitzvah.
12. See the Ninth Introductory Principle.

A Kohen must not enter the Temple intoxicated

Serving While Inebriated
Negative Commandment 73

The 73rd prohibition is that we are forbidden from either entering the Temple grounds or giving a legal decision in any law of the Torah when intoxicated.

The source of this prohibition is G-d's statement¹ (exalted be He), "You [and your descendants] may not drink wine or any other intoxicant when you enter the ohel moed ...or when you render legal decisions for the Jewish people...." In the words of the Talmud,² "If he drank a revi'is,³ he may not render a decision."

The punishment for violating this commandment varies according to the circumstances. One who drank wine may not enter the area between the entrance hall (ulam) and the altar or into the sanctuary itself (heichal); if he did so, the punishment is lashes. If he performed the Temple service when intoxicated, he receives misah bidei Shamayim (a Heavenly death sentence). If he drank something intoxicating other than wine⁴ and performed Temple service, his punishment is lashes rather than death. One who offers a legal decision when intoxicated also violates this prohibition, whether he is a kohen or non-kohen; whether intoxicated from wine or some other intoxicant.

A Kohen must not enter the Temple intoxicated

The Sifra [states this distinction in punishments]: "From the words 'You may not drink wine' I know only that wine is forbidden. What is the source for prohibiting other intoxicants? It is the word v'sheichar ['or any other intoxicant']. If so, why is wine mentioned separately? [To indicate that it has a different punishment —] for wine one is punished by death, and for other intoxicants it is only a prohibition [punished by lashes]."

There [in the Sifra] our Sages also say, "What is the source for the law that one is punished [by death] only when performing the Temple service? It is the verse,⁵ 'You and your descendants [may not drink wine or any other intoxicant] when you enter the ohel moed [— otherwise you will die.]' "⁶

There [in the Sifra] our Sages also say, "You might think that non-kohanim are punished by death for rendering legal decisions [when intoxicated] — therefore the verse says that 'You and your descendants...otherwise you will die.' You and your descendants [i.e. kohanim] are punished by death [for performing service], but non-kohanim are not punished by death for rendering legal decisions [while intoxicated]."

The details of this mitzvah are explained in the 4th chapter of tractate Kerisus.⁷

FOOTNOTES

1. Lev. 10: 9-11.
2. Nazir 78a.
3. Approximately 86 milliliters.
4. See Hilchos Bi'as HaMikdash 1: 2.
5. Lev. 10: 9.
6. The Sifra adds that this verse shares the phrase, "enter the ohel moed," with the verse regarding a kohen serving in the Temple without washing his hands and feet (Lev. 30: 20). Since that verse states specifically, "when he serves," the Sifra derives that here too it is referring to when he performs the Temple service. See P24.
7. 13b. In our versions, the 3rd chapter

To examine the signs of animals to distinguish between kosher and non-kosher

Inspecting Animals for Kosher Signs
Positive Commandment 149

The 149th mitzvah is that we are commanded regarding the signs of beheimos and chayos [animals¹]. They must chew their cud and have split hooves, and only then may they be eaten. It is a positive commandment that we examine them for these signs.

The source of this commandment is G-d's statement,² "These are the animals that you may eat...."

The Sifra says, "The phrase,³ '[Among mammals, any one that has split hooves that are cloven and that brings up its cud —] that one you may eat,' teaches that only that kind may you eat, and you may not eat one which is non-kosher." This means that from the law that it may be eaten if it has these signs, we imply that it may not be eaten if it lacks these signs. And according to the principle already explained,⁴ a prohibition which is implied from a positive commandment is counted as a positive commandment. Therefore, after the passage quoted above, the Sifra continues, "This teaches us the positive commandment; what is the source of the prohibition? The verse,⁵ '[these are the ones that you may not eat...]' The camel..." as explained in the section dealing with the prohibitions.⁶

This shows that the statement, "That one you may eat," constitutes a positive commandment. The mitzvah, as previously mentioned, is that we are commanded to inspect every beheimah and chaya for these signs; and only then may it be eaten. This law is itself the mitzvah.

The details of this mitzvah are explained in tractates Bechoros and Chullin.

FOOTNOTES

1. The primary difference between these two categories of animals is that chayos have splintered horns or antlers, whereas beheimos do not. Beheimos and chayos are sometimes referred to as "tame" and "domestic" animals.
2. Lev. 11: 2.
3. Ibid. 11: 3.
4. See P38.
5. Lev. 11: 4.
6. See N172.

Not to eat non-kosher animals

Non-Kosher Mammals
Negative Commandment 172

The 172nd prohibition is that we are forbidden eating from a non-kosher beheimah or chaya.

The source of this prohibition is G-d's statement,¹ "Among the animals that bring up their cud...there are some that you may not eat. These include the camel, the hare, the hyrax...and the pig."

Other non-kosher animals, however, are not listed explicitly; it is from the verse,² "This you may eat every animal that has a true hoof...and which brings up its cud" that we know that without both these signs together, it may not be eaten. However, it is a prohibition which is implied from a positive commandment, which, as we have explained, is counted as a positive commandment. The general principle is that a prohibition which is implied from a positive commandment is counted as a positive commandment, and one is not punished by lashes.

However, from a kal va'chomer³ we learn that there is a direct prohibition against eating other non-kosher beheimos and chayos, and that one who does so incurs lashes. [The kal va'chomer is:] If one receives lashes for eating a pig or a camel, each of which has one sign of a kosher animal — certainly one receives lashes for eating another animal which has no kosher sign whatsoever.

Not to eat non-kosher animals

Listen to what the Sifra says about this subject: "The verse 'This you may eat,' teaches that only that kind may you eat, and you may not eat one which is non-kosher. This teaches us the positive commandment; what is the source of the prohibition? The verse,⁴ 'These are the ones that you may not eat from among the cud-chewing [hoofed animals: the camel... the hyrax...the hare...the pig...].'¹ This teaches only these particular species; what is the source for other non-kosher species? It is a logical inference: 'if there is a prohibition against eating these animals, which have one sign of being kosher, certainly there is a prohibition against eating other animals which have no kosher sign whatsoever.'

"In summary, the camel, hare, hyrax and pig are prohibited by an explicit verse, and the other non-kosher animals are prohibited by a kal va'chomer. Therefore the positive commandment is derived from the verse, and the prohibition from a kal va'chomer. This kal va'chomer, however, is to reveal the existing law, as we explained regarding [the prohibition of incest with] a daughter," as explained in the appropriate place.⁵

Therefore, one who eats a kezayis of meat from any species of non-kosher beheimah or chaya receives lashes by Biblical law. Keep this in mind.

FOOTNOTES

1. Deut. 14: 7-8.
2. Ibid. 14: 6.
3. One of the 13 rules of Torah interpretation, that one can generalize from a less obvious case to a more obvious one.
4. Lev. 11: 4.
5. N336. The Torah lists a grand-daughter among the incestual prohibitions, but not a daughter

To examine the signs of fish to distinguish between kosher and non-kosher

Inspecting Fish for Kosher Signs
Positive Commandment 152

The 152nd mitzvah is that we are commanded regarding the signs of fish. These signs are explained in Scripture in G-d's statement,¹ "This is what you may eat of all that is in the water."

Our Sages said explicitly in Gemara Chullin,² "One who eats a non-kosher fish transgresses both a positive commandment and a prohibition." This is because the statement "this you may eat" implies that other things you may not eat, and that a prohibition which is implied from a positive commandment is counted as a positive commandment. This shows that the phrase, "This is what you may eat" constitutes a positive commandment.

As mentioned previously, when we say that this is a positive commandment, we mean that we are commanded to judge according to these signs and declare "this may be eaten" and "this may not be eaten." This is clear from the verse,³ "You must separate out the clean animals and birds from the unclean," and this distinction can only be made through [examining] the signs. Therefore, each of these four categories of signs — those of beheimos and chayos, of birds, of grasshoppers, and of fish — constitutes a separate mitzvah. We have already quoted the language of our Sages where each is called a separate positive commandment.

The details of this mitzvah — regarding the signs of fish — are explained in the third chapter of tractate Chullin.

FOOTNOTES

1. Lev. 11: 9.
2. 66b.
3. Lev. 20: 25.

Not to eat non-kosher fish

Non-Kosher Fish
Negative Commandment 173

The 173rd prohibition is that we are forbidden from eating non-kosher fish.

The source of this commandment is G-d's statement¹ regarding those species of fish [that do not have both fins and scales], "They shall be repulsive to you. You must avoid them by not eating their flesh."

The punishment for eating a kezayis [about 1 oz.] of their meat is lashes.

FOOTNOTES

1. Lev. 11: 11

Not to eat non-kosher fowl

Non-Kosher Birds
Negative Commandment 174

The 174th prohibition is that we are forbidden from eating a non-kosher bird.

The source of this prohibition is G-d's statement regarding those species,¹ "These are the flying animals that you must avoid. Do not eat [the following:]. "

One who eats a kezayis of their meat also receives lashes.

The details of this mitzvah — along with the previous two² — are explained in the third chapter of Chullin.³

Not to eat non-kosher fowl

FOOTNOTES

1. Lev. 11: 13.
2. N172 and N173.
3. 59a.

To examine the signs of locusts to distinguish between kosher and non-kosher

Inspecting Grasshoppers for Kosher Signs

Positive Commandment 151

The 151st mitzvah is that we are also commanded regarding the signs of grasshoppers. These signs are explained in Scripture as knees which extend above the feet.

This mitzvah is similar to the preceding ones, the relevant verse being,¹ "The only flying insects [with four walking legs] that you may eat are...."

The details of this mitzvah are explained in the third chapter of tractate Chullin.

FOOTNOTES

1. Lev. 11: 21.

Observe the laws of impurity caused by the eight shratzim

Ritual Impurity of Sheratzim

Positive Commandment 97

The 97th mitzvah is that we are commanded regarding the tumah of the eight types of sheratzim.¹ This mitzvah includes tumas sheretz and all its laws.²

FOOTNOTES

1. See Lev. 11: 29-38. Kaplan (The Living Torah, 1981) translates them as the weasel, mouse, ferret, hedgehog, chameleon, lizard, snail, and mole.
2. See Hilchos Shaar Avos HaTuma'os, Chapter 4.

Observe the laws of impurity concerning liquid and solid foods

Ritual Impurity of Food and Drink

Positive Commandment 98

The 98th mitzvah is that we are commanded to rule according to the appropriate laws regarding the tumah of food and drink.¹ This mitzvah includes all the laws of tumas ochlin u'mashkin.²

FOOTNOTES

1. Lev. 11: 34.
2. See Hilchos Ochlin 1: 1-4.

Observe the laws of impurity caused by a dead animal

Ritual Impurity of an Animal Carcass

Positive Commandment 96

The 96th mitzvah is that we are commanded regarding the tumah of neveilah. This mitzvah includes tumas neveilah and all of its laws.¹

I will now give an introduction you should remember all through the following discussion of the various types of tumah. When we count each category as a separate positive commandment, this does not mean that one is commanded to become tameh with this form of tumah, nor that one is forbidden from becoming tameh with it, as if it is a prohibition. Rather, the Torah's statement that anyone who touches a certain category is tameh, or that a certain category conveys tumah in a certain way to one who comes in contact with it — this itself is the positive commandment. This means that the law we are commanded to follow — that if one touches a certain object in a certain way he becomes tameh, but in another way, he does not — is itself the mitzvah.

The actual decision to become tameh or not, however, is optional. If one wants, one is allowed to become tameh, and if one doesn't want, he doesn't have to. The Sifra says, "From the verse,² 'Do not touch their neveilah,' I might think that one who touches neveilah receives 40 lashes — the Torah therefore says,³ 'To these you will become tameh.' I might think that if one sees neveilah he must go and become tameh from it — the Torah therefore says, 'Do not touch their neveilah.' How is this possible? It is optional."

Therefore the mitzvah is the actual ruling regarding these laws, that we are commanded that anyone who touches a certain object becomes tameh and is bound by all the obligations of those who are tameh — to go outside the machaneh Shechinah, not to eat or touch sacrificial food, etc. This itself — that he becomes tameh through touching or some other connection⁴ — is the mitzvah.

You should remember this principle throughout all the categories of tumah.

FOOTNOTES

1. See Hilchos Shaar Avos HaTuma'os, Chapters 1-3.
2. Lev. 11: 8.
3. Ibid., 11: 24.
4. Such as carrying it without touching, such as in the case of neveilah, or entering under the same roof, as with tumas meis

Not to eat non-kosher creatures that crawl on land

Not to eat non-kosher creatures that crawl on land

Creeping Land Creatures
Negative Commandment 176

The 176th prohibition is that we are forbidden from eating insects [that breed] on the ground, such as worms, beetles, and benas vardan.¹

The source of this commandment is G-d's statement,² "Every small creature which breeds on land is repulsive to you. It may not be eaten."

The punishment for eating any of them is lashes.

FOOTNOTES

1. The Arabic name for a type of beetle known to live in damp places.
2. Lev. 11: 41.

Not to eat worms found in fruit on the ground

Insects that Develop inside Fruit or Seeds
Negative Commandment 178

The 178th prohibition is that we are forbidden from eating creatures that come into existence within seeds and fruit. [They are prohibited only] after they emerge and crawl on the surface of the seed or fruit. Even if they are found later within the food,¹ they may not be eaten, and the punishment for eating them is lashes.

The source of this commandment is G-d's statement,² "All small creatures which breed on land may not be eaten, for they are repulsive."

In the words of the Sifri, "This comes to include [an insect that] emerged to the ground³ and then returned."

FOOTNOTES

1. I.e. after emerging once, the insect returned to its original place.
2. Lev. 11: 42.
3. I.e. from inside the food to the surface.

Not to eat creatures that live in water other than fish

Creeping Creatures or Insects
Negative Commandment 179

[From the beginning of this mitzvah until the words "However, this is not a proper explanation," the Rambam explains the mitzvah according to an opinion he rejects. This mitzvah, he later concludes, prohibits eating a water insect. When quoting such an opinion, the Rambam usually hints at the outset that he disagrees. Kapach (5731, note 88) suggests that this first part was an early draft, and the Rambam later changed his mind.]

The 179th prohibition is that we are forbidden from eating any insect whatsoever, regardless of whether it flies (sheretz ha'of), breeds in the water (sheretz hamayim) or on land (sheretz ha'aretz).

The source of this prohibition is G-d's statement,¹ "Do not make yourselves disgusting [by eating] any small creature that breeds. Do not defile yourselves with them, because it will make you spiritually insensitive."

This constitutes a separate prohibition punishable by lashes, and resembles an issur kolel (inclusive prohibition). Therefore, one who eats an insect which breeds on the ground (sheretz ha'aretz) receives two sets of lashes: once for the prohibition,² "Every small creature which breeds on land is repulsive to you. It may not be eaten," and once for the prohibition, "Do not make yourselves disgusting [by eating] any small creature that breeds." Similarly, one who eats a flying insect (sheretz ha'of) receives two sets of lashes: once for the prohibition,³ "All flying insects are unclean to you. They may not be eaten," and once for the prohibition, "Do not make yourselves disgusting [by eating] any small creature that breeds." And if one eats a single insect which both flies and breeds on the ground, and therefore qualifies both as a sheretz ha'of and a sheretz ha'aretz, he receives four sets of lashes. If this same insect also breeds in the water (sheretz hamayim), one would receive six sets of lashes. The fifth set is because of the prohibition against eating a non-kosher fish, regarding which it is written,⁴ "Do not eat from their flesh," and the sixth set because of [this prohibition], "Do not make yourselves disgusting [by eating] any small creature that breeds," since it also includes insects which breed in water (sheretz hamayim) and it is the only verse which prohibits such insects.

In accordance with these principles, our Sages said in tractate Makos,⁵ "One who eats a potisa receives four sets of lashes; a n'mala — five sets; a tzira — six sets." Every commentary on this passage — "One who eats a potisa..." — that I have heard or seen explains it in this way.

However, this is not a valid explanation, and requires one to contradict the proper principles which are explained in the Talmud. This means as follows: If you think into that which was written above, you will find that three sets of lashes are given for the single prohibition, "Do not make yourselves disgusting [by eating] any small creature that breeds." And this idea has no merit, as our Sages have explained in tractate Chullin⁶ that one can never receive two sets of lashes for a single prohibition. We have already mentioned and explained this principle many times,⁷ and will bring other examples as well.⁸

The proper explanation, regarding which there is no doubt or objection, is that one who eats a creature which qualifies as a sheretz ha'of and a sheretz hamayim and a sheretz ha'aretz receives only three sets of lashes — once for the prohibition of sheretz ha'of [N175]; once for the prohibition of sheretz ha'aretz [N176]; and once because of the statement, "Do not make yourselves disgusting," since insects which breed in the water are also included in the phrase "any small creature" (kol hashoretz), and therefore in the prohibition, "Do not make yourselves disgusting [by eating] any small creature that breeds."

And if one ate an insect which breeds only on the ground, he receives just one set of lashes, for the prohibition of sheretz ha'aretz. So too if it was [just] a flying insect, he receives only one set of lashes — for sheretz ha'of. And if it breeds only in the water, he receives just one set

Not to eat creatures that live in water other than fish

— because of the verse, "Do not make yourselves disgusting [by eating] any small creature that breeds."

But⁹ just because this prohibition includes a sheretz ha'aretz, one cannot be lashed twice for eating one. The reason is that even if there were a thousand prohibitions — each one specifically prohibiting sheretz ha'aretz — one would still only be lashed once, since they are merely repeating the same prohibition. Even if was repeated, "Do not eat (lo soch'lu) a sheretz ha'aretz," "Do not eat (lo yei'o'cheil) a sheretz ha'aretz" one thousand times, only one set of lashes would be given.

Have you seen those who propose this erroneous principle dictating two sets of lashes for a person who wears shatnez, since there are two¹⁰ prohibitions? I have not seen them say such a thing, and they would consider it strange if anyone else did. But they somehow do not find it strange when they rule that one who eats a sheretz ha'aretz or sheretz ha'of receive two sets of lashes — once for the specific prohibition and once for the prohibition, "Do not make yourselves disgusting [by eating] any small creature that breeds." This is totally clear even to the deaf and dumb.

I will now go back and complete the discussion begun previously.¹¹ If a living creature developed inside any type of seed or fruit, and then emerged to the surface, one who eats it receives one set of lashes even though it never touched the ground.¹² This is because it is covered by a separate prohibition, as explained in the previous commandment [N178].

If this creature reached the ground and crawled (romas¹³) on it, one who ate it would receive two sets of lashes — one for "Do not defile your souls [by eating] any small creature that lives on land" [N178], and one for "Do not defile your souls [by eating] any small creature that lives on land" [N177].

If this creature was also capable of reproducing, one would receive three sets of lashes — two as mentioned above, and a third for, "Every small creature which breeds on land is repulsive to you. It may not be eaten." [N176].

If it was also able to fly, one would receive a fourth set of lashes because of the prohibition, "All flying insects are unclean to you. They may not be eaten" [N175]. If it could swim as well as fly — as we see many such species — one would receive a fifth set of lashes for the general prohibition which includes a sheretz hamayim, "Do not make yourselves disgusting [by eating] any small creature that breeds." If this same creature which developed [from inside the food] was also a bird, one would receive a sixth set of lashes, for,¹⁴ "These are the flying animals that you must avoid. Do not eat..." [N174].

Do not be surprised that a bird could develop from decayed fruit, since we often see birds develop from decaying matter which are larger than a hazelnut.¹⁵ You should also not find it strange that the same creature is considered a non-kosher bird and an insect (sheretz ha'of), since it can have the characteristics of a bird and also display the actions and characteristics of an insect. You see that all the early explanations¹⁶ include in the six sets of lashes the prohibitions of non-kosher fish [N173] and sheretz hamayim (water insects). This is reasonable and I don't disagree, since it is possible for a creature to be both a fish and a sheretz hamayim.

Similarly, the same creature can be both a bird and a sheretz ha'of. This is the potisa, which is a bird, a sheretz ha'of, a sheretz ha'aretz, and a sheretz hamayim, and one therefore receives four sets of lashes for eating one. The n'mala referred to is one which flies, develops from decaying fruit, and doesn't reproduce. For eating it one receives lashes for an insect which came from food [N178], was shoretz on land [N176], was romeis on land [N177], a sheretz ha'of, and a sheretz hamayim. The tzira, which also develops from decayed matter,¹⁷ has the additional quality of being both a bird and a sheretz ha'of.

The development of a tzira or n'mala or other flying or crawling creature from decayed matter or from inside fruit only seems impossible to the uneducated, who are ignorant in natural science.¹⁸ They think it impossible for anything to come into existence except through male-female reproduction, since they see that this is so in the majority of cases.

Remember these principles and understand this subject well, since¹⁹ "Everything is explained in the proper way." I've explained the ways in which to determine that eating one type of creature is punishable by a certain number of sets of lashes, and another type by a lesser number.

It can be understood from the previous quotes that one if eats an entire creature we do not investigate its size and require a kezayis. Even eating a ba'utz²⁰ is punishable by three sets of lashes — for sheretz hashoretz [N176], romeis [N177], and sheretz ha'of [N175].

Our Sages also said,²¹ "One who holds himself in from defecating transgresses the prohibition, 'Do not make yourselves disgusting.' " Similarly, "One who drinks water from a karna d'umna — which is a vessel used for bloodletting — transgresses the prohibition, 'Do not make yourselves disgusting.' " The same applies for eating filth or disgusting things or drinking anything repulsive which most people find revolting — they are all prohibited. One does not receive lashes for them, however, since the plain meaning of the verse refers to insects. One is administered makos mardus.²²

From everything explained above about this verse, "Do not make yourselves disgusting," we see that it comes to prohibit only the a sheretz hamayim, which is not covered by any other prohibition. You should understand this well.

FOOTNOTES

1. Lev. 11: 43.

2. Lev. 11: 41 (N176).

3. Deut. 14, 15 (N175).

4. Lev. 11: 11 (N173).

5. 16b.

6. 102b.

7. See N26, N60, N94, N98, N143, N161, N170.

8. See N195, N318, N319.

9. The Rambam now comes to answer the following claim, which is part of the opinion which he already rejected: Since the phrase kol hashoretz ("any small creature") includes both insects which breed in the water and those which breed on land, one would think that eating a sheretz ha'aretz would merit two sets of lashes — one for being a sheretz ha'aretz and one for kol hashoretz.

10. Lev. 19: 19. Deut. 22: 11.

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11. I.e. the explanation of the passage in Makos, "One who ate a potisa..."
12. Apparently the Rambam explains the phrase, "All small creatures which breed on land," as referring to the surface of the seed or fruit. However, see Hilchos Macholos Asuros 2: 16, where he rules that it is only a doubtful prohibition, and therefore lashes are not given.
13. See N177, where the Rambam explained that the term romeis is used to refer to an insect which comes into existence from decayed matter and cannot reproduce, and shoretz refers to an insect which does reproduce.
14. Lev. 11: 13.
15. See Kapach, 5731, note 97.
16. Of the passage in Makos, quoted above and rejected by the Rambam.
17. Apparently the Rambam means decaying fruit, for otherwise the tzira would also have only five sets of lashes.
18. Some commentaries point out that an insect which is invisible to the naked eye is not considered halachically to exist. For this reason we are allowed to drink tap water even though it is full of microscopic organisms which obviously do not qualify as kosher fish.

For this same reason, an organism which developed from a microscopic stage is not considered by halachah to be an offspring of its "parent," but from the material it came from at the moment it became visible. Some use this idea to reconcile the Rambam's statement with today's scientific views.

19. A paraphrase of Proverbs 25: 11.
20. Arabic for the Hebrew yatush or yavchush.
21. Makos 16a. (b?)
22. Lashes for a Rabbinic prohibition.

Not to eat insects that get created from sweat

Insects that are Born from Decay
Negative Commandment 177

The 177th prohibition is that we are forbidden from eating an insect which is created from decayed matter,¹ even though it is not a particular species and is not created from a male-female relationship.

The source of this commandment is G-d's statement,² "Do not defile your souls [by eating] any small creature that lives on land."

In the words of the Sifri, "The verse, 'any small creature that lives on land' [comes to include an insect] even if it does not multiply."³

This is the difference between the phrase, "a small creature that is shoretz on land," and "a small creature that is romeis [on land]." "A small creature that is shoretz" refers to something that has the ability to produce offspring like itself and reproduces on land. "A small creature that is romeis" refers to something which is created from decayed matter and does not produce a creature like itself.

The punishment for eating any of these is also lashes.

FOOTNOTES

1. See N (and the footnotes) for further discussion of this topic.
2. Lev. 11: 44.
3. I.e. coming from the decaying matter, rather than from a parent insect.