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PARASHAT HASHAVUA

PARASHAT ACHAREI MOT - KEDOSHIM

Day and Night
By Rav Meir Spiegelman

HALAKHIC "DAY"

In our day-to-day halakhic life, we are accustomed to the fact that "the day begins at night": Shabbat enters at sunset and concludes at nightfall, as do the festivals. Similarly, the days of the Omer are counted at the conclusion of the evening service in the synagogue.

However, there are areas of Halakha in which the day actually begins in the morning. In the context of the Mikdash (Temple), it is clear that the day precedes the night; "a day" begins in the morning and continues until the next morning. Hence, the remnants of sacrifices may be burned even at night following their offering, and it is permissible to eat sacrificial meat during the night following the offering of the sacrifice.

How is this possible? Can it be that a day in Halakha sometimes consists of a night followed by a day, and at other times of a day followed by a night? It turns out that this situation is made possible owing to the "inferior" status of the night. In general, the mitzvot and halakhic obligations are not commanded to be performed at night, and therefore the night may be considered simply an addendum to the day. This being so, it may be attached either to the day preceding it or to the one following it.[1]

A "DAY" ACCORDING TO TORAH

Having established that there are two parallel systems of dating in Halakha, let us clarify which is used by the Torah: does the Torah employ the system of the Mikdash, in which the day precedes the night, or that of the rest of Israel – in which the night comes first? We find that there is evidence to support both possibilities. Since the Torah was conveyed to Moshe in the Mishkan (Tabernacle), we may claim that it identifies with the dating system pertinent to the Mishkan. On the other hand, since the Torah was given to Israel, we may also say that it was written in accordance with the dating system that applies to Bnei Yisrael. As we shall see below, this question has several ramifications.

From a study of the verses of the Torah, it appears that the day almost always precedes the night. Concerning a thanksgiving offering, for example, we read: "And the flesh of his peace offering for thanksgiving – it shall be eaten on the day that it is offered; none of it shall be left until the morning" (Vayikra 7:15). From the formulation of this verse, it is clear that "the day that it is offered" begins in the day and concludes only the next day.

A similar idea exists in parashiot that do not concern Halakha: the Flood lasted "forty days and forty nights," Moshe ascended Har Sinai and remained there "forty days and forty nights," and after the Flood God promises: "So long as the earth remains, sowing and harvest, cold and heat, winter and summer, and DAY AND NIGHT shall not cease" (Bereishit 8:22).[2] In all of these, the day precedes the night.

Several more examples are to be found in the Torah, all presenting the day as preceding the night. One place where we find the opposite is in Megillat Esther (4:16): "Fast for me; do not eat or drink for three days – NIGHT AND DAY." This exception

serves only to demonstrate that the Torah could have formulated its words in the opposite fashion, but in fact chose – in almost every instance – to mention the day before the night.

"AND IT WAS EVENING AND IT WAS MORNING"

The question under discussion here actually forms the basis for a debate among the Rishonim – between Rashbam and Ibn Ezra. In the story of the Creation, each day ends with the statement, "and it was evening and it was morning." The accepted interpretation of these verses is that night precedes day; a "day" begins at night and concludes at sunset the following day.

However, the Rashbam explains the verse in the opposite fashion:

"And it was evening and it was morning' – The Torah does not say here 'it was night and it was day,' but rather 'it was evening' – for the first day was coming to an end, the light was setting, 'and it was morning' – the end of the night, for the dawn was breaking. And thus the first of the six days, mentioned by God in the Ten Commandments, was completed. And then began the second day... The Torah does not mean to teach us here that evening and morning constitute a day, for we need only understand how there were six days: DAYBREAK CAME AND THE NIGHT WAS FINISHED; HENCE ONE DAY ENDED AND THE SECOND DAY BEGAN." (Rashbam, Bereishit 1:5)

Likewise, at the end of the second day, he writes:

"And it was evening and it was morning, a second day' – the day became evening, and then 'it was morning' - of the second day. Thus ended the second of the six days mentioned by God in the Ten Commandments, AND NOW THE THIRD DAY BEGAN IN THE MORNING." (1:8)

According to Rashbam, God created the world by day; at the end of each day night fell, and when the next day began – the previous day was finished.

Ibn Ezra (in Iggeret HaShabbat) rejects Rashbam's interpretation strenuously, since – to his view – it contradicts the foundations of Judaism (for Halakha, obviously, rules that Shabbat begins in the evening). Ibn Ezra proves his point from two verses, establishing explicitly that Pesach and Yom Kippur begin in the evening:

"In the first month, on the fourteenth day of the month IN THE EVENING shall you eat matzot, until the twenty-first day of the month IN THE EVENING." (Shemot 12:18)

"It is a Shabbat of Shabbatot to you, and you shall afflict your souls, on the ninth of the month in the evening; FROM EVENING UNTIL EVENING shall you commemorate your Shabbat." (Vayikra 23:32)

It is patently obvious that Rashbam, too, observed Shabbat from the evening. However, he believed that observance of Shabbat was dependent on the definition of day in Israel, rather than on the definition of day in the Mikdash. Indeed, the verses that the Ibn Ezra enlists as support for his view would seem to substantiate the opposite position: if the "day" began at night, it would be impossible for the Torah to stipulate that Yom Kippur begins "on the ninth of the month in the evening," for the evening preceding the tenth of the month would already be considered the tenth of the month! It is specifically because the day does NOT

begin at night that the Torah must emphasize that Yom Kippur and Pesach begin on the preceding evening.

COMMEMORATION OF PESACH

Naturally, the discrepancy between the two parallel systems of dating will have some effect on those instances in which the Torah notes historical events that took place at night. The best example of such an event is the Plague of the Firstborn, which took place on the night preceding the 15th of Nissan. Keeping in mind what we have said above, this plague took place on the 15th of Nissan according to the accepted dating system, and on the 14th of Nissan according to the system employed by the Torah (in which night follows day). This fact has critical implications for the laws of Pesach, including the eating of the Pesach sacrifice, the bringing of the Omer offering, and license to eat of the new produce.

a. Eating the Pesach sacrifice

In contrast to all of the peace offerings (which may be eaten for two days and one night) and thanksgiving offerings (which may be eaten for a day and a night), the Pesach sacrifice may be eaten only on that night.[3] Since the Pesach sacrifice must be eaten on the day upon which God passed over the houses of Bnei Yisrael, it cannot be eaten while still day, since – according to the dating system of the person who brings the sacrifice – the date of Pesach has not yet arrived. At the same time, it is also impossible to eat it the next day, since – according to the dating system of the Mikdash – that day is already over. Therefore, we have no choice but to eat the Pesach sacrifice on the night between the 14th and the 15th of Nissan.[4]

b. Bringing the Omer offering and license to eat of new produce

Bnei Yisrael left Egypt "on the day after the Pesach" (Bamidbar 33:3) – on the 15th of Nissan. Assuming that the words, "on the day after the Shabbat," mentioned in connection with the Counting of the Omer, refer to the day after the Pesach sacrifice is offered, we must then bring the Omer on the 15th of Nissan. Indeed, we read in Sefer Yehoshua:

"And they ate of the produce of the land on the day after [offering] the Pesach [sacrifice] – matzot and parched corn, on that very day." (Yehoshua 5:11)

However, the date defined as "the day after the Pesach" depends on the date of Pesach, and – as we have seen – this differs in accordance with the two systems of dating. According to the dating system of Israel, the Omer should be brought on the 16th of Nissan, while according to the date of the Mikdash, it should be brought on the 15th (the day following the 14th of Nissan).[5]

Clearly, Halakha requires that the Omer be brought on the 16th of Nissan, despite what is written in Sefer Yehoshua. According to our explanation above, we may say that Sefer Yehoshua uses a different dating system from the one employed by the Torah. Sefer Yehoshua is written from the point of view of Bnei Yisrael, while the Torah is written in accordance with the dating system of the Mikdash. Therefore, "the day after the Pesach" mentioned in Sefer Yehoshua refers to the 16th of Nissan – the day after the 15th.

Here attention should be paid to the fact that the Torah does not stipulate that the Omer must be offered "on the day after the Pesach," but rather "on the day after the Shabbat." Perhaps this formulation is meant to emphasize that the Omer is to be offered on the day after the festival, which lasts from evening to evening, rather than "on the day after the Pesach" – which concludes at the end of the 14th of Nissan.[6]

EATING PEACE OFFERINGS

In our parasha, the Torah teaches that peace offerings may be eaten over two days:

"When you offer a peace offering to God – you shall offer it for your favor. On the day when it is offered it shall be eaten, and on the next day, and whatever remains until the third day shall be burnt with fire." (Vayikra 19:5-6)

In practice, this obligation is interpreted as license to eat of the peace offering for two days and during the night between them. But this halakha is difficult to understand, for – as we have seen – in the Mikdash night follows day, so why may the peace offering not be eaten also on the second night?

In parashat Tzav, the Torah formulates the obligation of eating of the peace offerings in a most peculiar way:

"And the flesh of the sacrifice of his peace offering for thanksgiving – it shall be eaten on the day when it is offered; he shall not leave any of it until the morning. But if the sacrifice that he offers is a vow or a voluntary offering, it shall be eaten on the day when it is offered and on the next day what remains of it shall be eaten. And what remains of the flesh of the sacrifice on the third day shall be burnt with fire." (Vayikra 7:15-17)

The Torah establishes that flesh of peace offerings left over on the second day is considered "notar" (remains, which generally are not to be eaten), but nevertheless it may be eaten.[7] This is most difficult to understand: if the peace offerings on the second day are "remains," why is it permissible to eat of them? And if they may be eaten, why are they defined as "notar"?

In light of what we have said above, there is quite a simple explanation for the parashiot concerning the peace offering. This is a special sacrifice, since it is offered in the Mikdash but may be eaten anywhere in Jerusalem (not only within the precincts of the Mikdash). Because it belongs to the Mikdash, it may be eaten only during the day when it is offered and in the night following that day. But because it may be eaten at night, it must also be permissible to eat it outside of the Mikdash precincts also during the following day, for a "day" outside of the Mikdash begins at night. Hence, the peace offering may be eaten outside of the Mikdash on the second day, even though it is by then already defined – in the Mikdash – as "notar". Indeed, the parts of the peace offering that are burned upon the altar must be burned during the day and the night that follows; they may not also be burned on the next day.

DAY AND NIGHT IN THE SIN OF THE GOLDEN CALF

When Moshe ascended Har Sinai, the nation thought that he would not return and therefore they made the golden calf. From the text it is clear that the mistake arose from the calculation of just one day. When they demand that Aharon fashion a calf for them, he does so and tells them, "Tomorrow is a celebration to God," and the next day – during the celebration – Moshe descends.

We may understand the mistake of Bnei Yisrael in light of our discussion above. Bnei Yisrael expected that Moshe would descend in the evening, at the end of the fortieth day. When they saw that he was delayed, they made the calf. Aharon understood their mistake, and therefore held them off until the next day in the hope that Moshe would arrive before the celebrations could begin. Bnei Yisrael, however, arose early, enthusiastic to worship the calf, and Moshe arrived only when the debacle was already in progress.

DAY AND NIGHT IN LAWS OF RITUAL PURITY AND IMPURITY

We are left with one difficult problem arising from the definitions of day and night as described above. In a number of places, the Torah rules that a person who is ritually impure remains with that status until the evening. The laws of ritual purity and impurity would seem to belong squarely within the sphere of

the Mikdash, and we would therefore expect that a state of impurity would extend until the morning, rather than until evening.

Parenthetically, it should be emphasized that when it comes to the laws related directly to the Mikdash, this is indeed the case – the situation continues until morning. Therefore, people who are impure for seven days and who must then bring an offering (zav and metzora) are forbidden from entering the Mikdash until the morning of the eighth day. The problem that we have noted exists principally with regard to those who are impure for only a single day and are purified at sunset, and those who become impure through contact with a corpse, who are purified on the evening of the eighth day.

In order to understand the solution to this problem, let us study the prohibition of eating sacrificial meat while in a state of ritual impurity. In parashat Emor, the Torah forbids the kohanim from eating kodashim (sanctified items) while in a state of impurity, and then adds:

"And when the sun sets he shall be purified, and thereafter he may eat of the kodashim, for it is his bread." (Vayikra 22:7)

It would seem that in the expression "it is his bread," the Torah is explaining why the state of impurity lasts only until the evening. In principle, it would seem that the kohen should be forbidden to eat kodashim until the morning, since the sacrificial meat belongs to the sphere of the Mikdash. Nevertheless, the Torah permits him to eat it in the evening, for it is considered "bread" – staple food – for the kohen. The sacrificial meat does not belong exclusively to the sphere of the Mikdash; it is also part of the kohen's diet, and therefore he may eat of it already by evening.

It would seem that we may answer our question above on the basis of what we have said here. A person who has contracted ritual impurity is distanced from the Mikdash precincts. Those who have become impure through contact with a corpse are distanced from the Mikdash as a side-effect of their being distanced from the camp of Israel, and therefore they need bring no special sacrifice in order to be allowed to enter the Mikdash once more; as soon as they are permitted to enter the camp, they may also enter the Mikdash area.[8] In contrast, a zav and a metzora are distanced from the Mikdash without connection to their being distanced from the camp, and therefore they must bring a special offering in order to permit them renewed entry into the Mikdash, after they are already permitted to enter the camp. Therefore, those who are impure through contact with a corpse may enter the Mikdash immediately as evening falls, as the day outside the Mikdash concludes. However, a metzora and a zav are forbidden from entering the Mikdash until the eighth day, when the new date – according to the dating system of the Mikdash – begins.[9]

NOTES

[1] In fact, there exists in Halakha a third system of dates, with the new day beginning at midnight. The Pesach sacrifice, for example, may be eaten until midnight; the mitzva of offering sacrificial fats and organs continues until midnight; etc. The explanation provided by Chazal (Mishna Berakhot 1:1) – "in order to distance a person from sin" – is a further layer of interpretation beyond the idea mentioned above, in keeping with Chazal's way. We shall not elaborate further here.

[2] This verse is constructed in chiasmic form: in the first part sowing and cold appear first, while in the second part summer and day appear first. Summer may be seen as a parallel to day, and winter to night (since the day is long in summer and short in winter). In fact, the debate as to whether the world was created in Tishrei or in Nissan is actually a debate concerning the question of whether day precedes night or vice versa, but a full discussion of this point would require a separate article.

[3] Theoretically, the Pesach sacrifice should in fact also be offered in the night. However, since sacrifices are not offered

at night, it is offered at the end of the day, after the daily afternoon sacrifice, such that it is brought closer, as it were, to the night.

[4] In fact, it seems that the entire structure of the Festival of Pesach is affected by this problem. In Sefer Devarim (16:1-8), it is clear that the festival begins on the 14th of Nissan and continues for seven days, with a festival on the seventh day (but with no special obligation to eat matzot). In contrast, in Sefer Shemot (12:18) we are told explicitly that the Festival of Matzot begins on the 14th of Nissan in the evening, and continues for seven days. Either way, we are obligated to eat matza on the evening of the 21st, and therefore the "Festival of Matzot" always includes the entire day of the 21st (since it is impossible to include only the night). The parasha in Sefer Devarim (as well as the parasha of "Sanctify to Me...") describes God's point of view, and the parasha concerning Rosh Chodesh describes the point of view of the nation.

[5] This may be the reason why the crux of the mitzva of counting the Omer – in contrast to most mitzvot – falls at night, for the night is that part of the "day" that is shared between both dates.

[6] In Sefer Yehoshua (8:29) we find a further example of the accepted dating system. The Torah teaches that it is forbidden to leave a corpse that has been hanged; it must be buried "on that day" (Devarim 21:23). In practice, some commentaries maintain that it is forbidden to leave the corpse hanging until the morning, but it is permissible to leave it throughout the night (Shulchan Arukh Harav 72:2, in contrast to the Ramah, Sanhedrin 46). This parallels the prohibition of leaving sacrificial meat overnight. Nevertheless, Yehoshua takes down the corpse of the king of Ai in the evening.

[7] For this reason, Ramban writes that there is a mitzva to eat peace offerings specifically on the first day (the day when they are offered).

[8] See my Hebrew shiur on parashot Tazria-Metzora, where I elaborated on the difference between the sacrifices offered by the zav, the metzora and the person who is impure through contact with a corpse. The reason for these differences is bound up with what I have said here.

[9] In fact, the purification of a zava may be divided into two stages: she is purified in terms of being permissible to her husband in the evening, but for other purposes she is considered ritually pure only the next morning. Examine carefully the discussion in Nidda 71b, as well as my Hebrew article in Daf Keshet #235 (<http://www.vbm-torah.org/dk/1to899/235daf.htm>).

(Translated by Kaeren Fish)

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