

Darosh Darash | vbm haretzion

A.

Parashat Shemini contains within it the puzzling episode of the deaths of Nadav and Avihu, Aharon's sons. Yet, despite the lack of clarity concerning their transgression, the basic outline of the story is clear. At the climax of the descent of the Holy Presence onto the *mishkan*, the two sons of Aharon initiated an improper incense, an *eish zara*, within the newly dedicated tabernacle, and that led to their deaths. The general consensus of many commentators is that, whatever the precise nature of the *eish zara* was, the story is warning against excess unbridled individual initiative in approaching God. The priests are meant to follow the rules that God has set down for approaching Him and serving Him. This undoubtedly lies behind the explicit connection drawn by the Torah between the deaths of Nadav and Avihu and the detailed rules for entering the sanctuary laid out in parashat Acharei Mot (16,1ff).

In the immediate aftermath of their fiery death, we find an incident involving Moshe and Aharon that appears to be incomprehensible. Not only is the exact nature of the conversation between them unclear, but it is even more unclear what is the meaning of the entire incident. It is clear that something of the nature of a halakhic dispute is taking place, but we are given no hints what the importance of these halakhot are in the context of the story. Let us first examine the *pshat* level of the incident, as retold in the story, beginning with 10,12.

1. Moshe commands **Aharon, Elazar, and Itamar** to eat the remainder of the meal-offering (*mincha*). (12).
2. He adds that they are also to eat parts of the animal sacrifices, though it is not explicit which sacrifices are meant (13-15).
3. Moshe investigates and discovers that the sin-offering goat (*seir ha-chatat*) has been burnt. He is incensed and rebukes **Elazar and Itamar** for not eating it (16-18).
4. **Aharon** asks Moshe whether it would be acceptable to God had he eaten a sin-offering under similar circumstances (19).
5. Moshe "hears and it was good in his eyes" (20).

Sections 1-3 tell a clear tale, although we do not actually understand why Moshe is so angry. Sections 4-5 are simply a riddle. We do not understand what is the subject of the conversation, and especially do not understand the nature of Moshe's enigmatic reaction. But above all, we do not understand the significance of the entire incident and what is its relation to the dedication of the *mishkan* and the deaths of Nadav and Avihu.

B.

We have a natural tendency when examining a story in the Torah to gloss over the halakhic details that may be included in the story, on the assumption that the two distinct areas, the narrative and the halakha, are to be treated separately. In this case, that is impossible, as the very nature of the narrative is based on a halakhic discussion. It is not that some incident occurred in connection with a halakha taught by Moshe; rather the incident is precisely the halakha itself, and the debate-discussion that takes place between Moshe and Aharon. We therefore must first understand the halakhic issue.

Rashi summarizes for us the understanding of the issue as explained by Chazal ([Zevachim 101](#)). The underlying halakha is that an *onen*, one who has suffered the death of a close relative, is forbidden to eat *kodashim*, meat that has been sanctified. This halakha has not been stated as of yet in the Torah; and, in fact, is derived from a verse concerning the eating of *maaser sheni* by an *onen* that appears only at the far end of the Torah, in parashat Ki Tavo ([Devarim 26,14](#)). Chazal assume that both Moshe and Aharon were aware of this halakha. Moshe tells Aharon that this halakha does not apply to him or his sons at this time, and hence they are to eat the *mincha* and other portions left over from the sacrifices of the "eighth day." In other words, the command in section 1-2 above is an exception, a temporary revoking of the usual halakha. In fact, the sacrifices are eaten by the sons of Aharon. However, one sacrifice, identified in verse 16 (section 3 above) as a *chatat*, a sin-offering, is not eaten but is burnt. Moshe is upset at this apparent breach of his instruction. However, Aharon argues (in section 4) that the exceptionary rule of section 1 is meant to apply only to the special sacrifices that were brought as part of the dedication ceremony of the *mishkan*. These are not regular sacrifices and therefore it is plausible that special rules apply to them. However, there was also a *korban musaf rosh chodesh*, a musaf sacrifice that was brought at the same time because the "eighth day" was the new moon. Aharon argued that the exception to the prohibition of an *onen* eating from a sacrifice applies only to the exceptional one-time sacrifices (*kodshei sha'a*), but not to a regular permanent sacrifice (*kodshei olam*). The sin-offering that was burnt rather than eaten is identified by the Sages as the *musaf Rosh Chodesh*, and that explains why Aharon ruled that it should not be eaten by those who were *onen*. Moshe accepts this explanation.

So, it turns out that the subject of the discussion was whether the kohanim were supposed to eat all the sacrifices brought on that day, despite being *onenim*, or was one of those sacrifices, the *chatat* of Rosh Chodesh, not included in that command and therefore subject to the permanent halakhic rule that meat of a sacrifice may not be eaten by an *onen*.

Does this explain the parasha? I do not think so. It explains the details of the discussion, but that only raises more forcefully the question, what is the real nature of this dispute? Why is Moshe so upset? What is the connection between these halakhic questions and the death of Nadav and Avihu? In other words, what is the connection between these arcane halakhic matters and the narrative, the story, which is the real framework of the parasha?

C.

In order to understand what is really going on here, we must examine more closely the conversation between Moshe and the kohanim, Aharon and his sons.

First, the command to eat the portions of the sacrifices.

Moshe spoke to Aharon, and to Elazar and Itamar his remaining sons: Take the meal-offering that remains from the sacrifices of God, and eat it unleavened (*matzot*) beside the altar; for it is holiest of the holy (*kodesh kodashim*).

And you shall eat it in a holy place, for it is your allotment and the allotment of your sons from the sacrifices of God; for thus I am commanded.

And the breast that is waved and the shoulder that raised shall you eat in a pure location, you, your sons, and your daughters with you, for they have been given as your allotment and the allotment of your sons, from the sacrifices of the peace-offerings of the Israelites. (11-13)

Aside from the actual command to eat the portions of the sacrifice, what is emphasized in these verses? Two

things. First, that the portions eaten are "your allotment" (*chakkha*) from the sacrifices of God; and secondly, that they must be eaten in a "holy place," by the side of the altar, or a "pure loca."

The second point is reemphasized, by contrast, when Mthem fornot eating the *chatat*.

Why have you not eaten the sin-offering **in the holy place**, for it is holiest of the holies, and He gave it to you to bear the iniquity of the congregation, to atone for them before God. (17)

Remember that the *chatat* had been burnt, so the problem was not where it had been eaten but the fact that it had not been eaten at all. It is clear that the eating in the holy place is a crucial detail in the command and the rebuke of Moshe.

I think the parasha is readily understandable if we view it against the backdrop of the tension inherent in the dedication of the *mishkan*. Several months earlier, the Jews had built the golden calf. The tent of meeting had been moved out of the camp, and they were effectively banished from God's presence. For the last few months, they had been building the *mishkan*, based on God's promise that He would rest His presence among them when it was completed. All this time, the entire question of the future of the relationship between God and Israel is in doubt, despite God's promise to Moshe. In fact, according to one midrash, a minor moment of tension had taken place at the very completion of the dedication ceremony, when there was seemingly no response from God (see Rashi 9,23). And then, immediately after the fire descended from heaven (9,24), the shocking deaths of Nadav and Avihu! The situation is eerily similar to Moshe's descent from Mt. Sinai, the two tablets in his arms, only to have the dream dashed - and the tablets smashed - by the golden calf. Will the "foreign fire" of Nadav and Avihu prevent the resting of the Holy Presence in the *mishkan*?

I propose that Moshe's **anger** is a sign of his anxiety. He interprets their not eating the *chatat* as a sign that they think that the sanctuary has not been sanctified; i.e., that the Presence has not come down to dwell in their midst. In other words, the entire massive effort of the last six months will have been in vain. In this respect, there is an important difference between the other sacrifices and the *chatat rosh chodesh*. The other sacrifices were part of the dedication ceremony. They were brought before the Presence was expected to descend into the sanctuary. They are not a normal part of the day-to-day operation of the *mishkan*. The crucial test is not in them, but in the first sacrifice to be brought after the completion of the dedication, as part of the regular, post-dedication, ritual of the *mishkan*, which was the *chatat rosh chodesh*. Moshe had specifically instructed them to eat the sacrifices in **the holy place**. The "holy place" was the *mishkan* **after** it would achieve its full status; in other words, after the Presence of God would be manifest in it. When he saw that they had not eaten the *chatat*, he feared the worst, that they had decided that the *mishkan* had not been sanctified, and that was the reason that the sacrifice was burnt.

That Moshe saw the *chatat rosh chodesh* as the crucial sign of success, rather than the other sacrifices, is indicated by the strikingly unusual verb form of verse 16: "And the sin-offering goat, Moshe thoroughly investigated (*darosh darash*), and behold, it was burnt." Moshe does not find out about the non-eating of the *chatat* by chance, having assumed that of course it would be eaten pursuant to his commands. Rather, he initiated a special investigation. The double verb form (*darosh darash*) indicates special emphasis, an investigation on top of an investigation, as it were. Moshe, after conveying the command to eat the sacrifices in the holy place, initiated a special, intense, investigation to see what had happened with the *chatat*. The reason, I am suggesting, is that the *chatat* was *kodshei olam* and not *kodshei sha'a*, it was a sacrifice belonging to the regular service of the *mishkan*. Moshe desperately wanted to make sure that the erection and dedication of the *mishkan* had been successful, not in the architectural sense but in the sanctification, in the agreement of God to dwell His Presence therein. It was precisely for the *chatat rosh chodesh* that he was

waiting. Imagine his chagrin to find it burnt, discarded. His frustration is expressed as anger - *vayiktzof* indicates **extreme** anger - as he confronts the kohanim who have not eaten the sacrifice as he expected.

Darosh darash is also the exact midpoint of the Torah, as measured in words (the gloss in printed editions of the Torah reads, "*darosh* on one side, *darash* on the other"). This moment, while Moshe wonders if the entire enterprise is about to go up in smoke (literally, the fire which consumed Nadav and Avihu), is the crossroads, from where the basic story of the Torah will continue in either one direction or the opposite other.

Aharon, according to the explanation of Chazal, answers that the *chatat* was not burned because of a deficiency in the mishkan, but because of the personal status of the kohanim as *onenim*. This factor completely reverses the relationship between the dedicatory sacrifices, *kodshei sha'a*, and the regular sacrifices, *kodshei olam*. Precisely because the *chatat* is a regular sacrifice, whose eating symbolizes the dwelling of the Holy Presence within Israel, it cannot be eaten by an *onen*. Death, apparently, destroys the ability of a man to commune closely with God. (In the words of my teacher, Rav Yosef B. Soloveitchik zt"l, death of a close one impugns the image of God inherent in Man. The possibility of Man being the sanctuary of God is based on his being created in the image of God.) This does not indicate a problem with the mishkan, but with the kohen. In fact, not eating the sacrifice by an *onen* might be taken as a sign that the sacrifice does indeed have full sanctity. Hence, not only does Moshe accept this answer but it "was good in his eyes," he is reassured and his mood changes from anger and frustration to pleasure. The goal has, in fact, been accomplished.

D.

Now, you might ask one very basic question on this view of the parasha. It is still not clear why Moshe is so upset that Aharon and his sons have not eaten the sacrifice. Even if they did so because they thought that the death of Nadav and Avihu had defiled the sanctuary, or interfered with its dedication, that does not mean that it is so. It simply means that they had made a mistake. Moshe would have to explain their mistake to them, and might even have been upset with them, but he would have no reason to be exceedingly wroth and angry. The fact that Aharon had mistakenly not eaten the *chatat* would mean that he had **mistakenly** thought that the mishkan had not achieved its destiny, but it still could be that God's Presence had indeed entered the sanctuary, as indicated by the descent of the fire from heaven, and the appearance of the "glory of God before the people" (9,23-24).

The answer is that eating the sacrifice in the holy place is not just a consequence of sanctification of the *mishkan*, but a cause of it as well. This is clearly indicated by Moshe in his rebuke.

Why have you not eaten the sin-offering in the holy place, for it is holiest of the holies, and He gave it to you **to bear the iniquity of the congregation, to atone for them before God.**

Moshe is not angry that they have not eaten the sacrifice as an act of transgression on their part, but rather that in not doing so, they have damaged Israel by not atoning for them. This statement of Moshe is the basis for the conclusion of the Sages that "the kohanim eat and the owners (of the sacrifice) achieve atonement," as indicated by Rashi on the spot.

The idea being expressed here is that a sacrifice, brought to God, is eaten, at least in part, by Man. The portion eaten by the kohanim is called in these verses "chok," which I translated above as "allotted portion." This word usually means law, but in this context it means the allotment, the portion set aside **by God** from the sacrifice to be shared by the kohanim. It implies that the kohanim have a portion in the sacrifice, even though by definition the sacrifice belongs to God. This is not merely a gift to the kohanim **after** the fulfillment

of the sacrificial ritual, but is an integral part of the ritual itself, for it expresses the idea of G's indwelling among the people. The kohanim share a meal on God's table. It is not the giving to God that atones, but the giving back by God that atones, for the atonement is not a result of sacrifice but of the indwelling. The Holy Presence comes down to the sanctuary because men eat at the table of God and share the meal.

Therefore, Moshe was genuinely worried that the absence of eating for the *chataf* would not only indicate that Aharon thought that there was a flaw in the Holy Presence, but that it would itself constitute that flaw. Hence his anger, for the eating was the culmination of the process of God "dwelling in their midst." The inaugural sacrifices were not themselves indicative of this, precisely because they were inaugural, prior to the full sanctification. Moshe was crucially interested in the regular sacrifice that would immediately follow the dramatic inauguration, to see if a permanent state of indwelling could be maintained.

Twice in this parasha, when Moshe addresses the sons of Aharon, he is said to be speaking to Elazar and Itamar "the **remaining** sons of Aharon." There are commentators, at least in the second case (v. 16), where Moshe is incensed at them, who interpret this reference as an implied threat - if they are not careful to properly fulfill the ritual, they could meet the fate of their brothers. I find this difficult; after all, there is no reason to think they deliberately chose to act in a "foreign" manner, like Nadav and Avihu. If they had made a halakhic mistake, there is no reason to assume that they faced death. In any event, this reasoning would not apply to the first appearance of the phrase "the remaining sons," which is when Moshe innocently tells them to eat the sacrifices.

I think that "remaining" here is an expression of Moshe's anxiety. The success of the endeavor of building a mishkan depends on the eating of the kohanim, on their sharing the table of God. Of the original four kohanim who were sons of Aharon, only two are left. Everything depends on them, and Moshe's insistence is magnified by the fact that they are all that is left, that they are the "remnant." It is not a threat, but an exhortation - please do it right, because everything depends on you, and only you.

The idea that lies at the base of Moshe's dispute-discussion with Aharon, that God is present in our midst when we literally bring him into our bodies, and that Man and not only the physical building can and must be the seat of God's Presence, is, of course, one which is not limited to the kohanim in the mishkan or beit ha-mikdash. By extension, it applies to the relationship between God and Israel as a whole.