

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

Excavating the history of words can sometimes be as revealing as excavating the ruins of an ancient city. Take the English word “enthusiasm”. Today we see this as something positive. One dictionary defines it as “a feeling of energetic interest in a particular subject or activity and an eagerness to be involved in it.” People with enthusiasm have passion, zest and excitement, and this can be contagious. It is one of the gifts of a great teacher or leader. People follow people of passion. If you want to influence others, cultivate enthusiasm.

But the word did not always have a favourable connotation. Originally it referred to someone possessed by a spirit or demon. In the seventeenth century England, it came to refer to extreme and revolutionary Protestant sects, and more generally to the Puritans who fought the English Civil War. It became a synonym for religious extremism, zealotry and fanaticism. It was looked on as irrational, volatile and dangerous.

David Hume (1711-1776), the Scottish philosopher, wrote a fascinating essay on the subject¹. He begins by noting that “the corruption of the best things produces the worst”, and that is especially true of religion. There are, he says, two ways in which religion can go wrong: through superstition, and through enthusiasm. These are quite different phenomena.

Superstition is driven by ignorance and fear. We can sometimes have irrational anxieties and terrors, and we deal with them by resorting to equally irrational remedies. Enthusiasm is the opposite. It is the result of over-confidence. The enthusiast, in a state of high religious rapture, comes to believe that he is being inspired by G-d himself, and is thus empowered to



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¹ David Hume, “Of Superstition and Enthusiasm”, in *Essays Moral, Political, and Literary* (1742-1754).

disregard reason and restraint.

Enthusiasm “thinks itself sufficiently qualified to approach the Divinity, without any human mediator.” The person in its grip is so full of what he takes to be holy rapture that he feels able to override the rules by which priestly conduct is normally governed. “The fanatic consecrates himself and bestows on his own person a sacred character, much superior to what forms and ceremonious institutions can confer on any other.” Rules and regulations, thinks the enthusiast, are for ordinary people, not for us. We, inspired by G-d, know better. That, said Hume, can be very dangerous indeed.

We now have a precise description of the sin for which Nadav and Avihu, the two elder sons of Aaron, died. Clearly the Torah regards their death as highly significant because it refers to it on no less than four occasions (Lev. 10:1-2, 16:1, Num. 3:4, 26:61). It was a shocking tragedy, occurring as it did on the day of the inauguration of the service of the Mishkan, a moment that should have been one of the great celebrations in Jewish history.

The sages themselves were puzzled by the episode. The text itself merely says that “they offered unauthorised fire [esh zarah] before the Lord, that He had not commanded. So fire came out from the presence of the Lord and consumed them, and they died before the Lord.” Evidently the sages felt that there must have been something else, some further sin or character flaw, to justify so dire and drastic a punishment.

Putting together clues in the biblical text, some speculated that they were guilty of entering the Holy of Holies²; that they had given a ruling of their own accord without consulting Moses or Aaron; that they had become intoxicated; that they were not properly robed; that they had not purified themselves with water from the laver; that they were so self-important that they had not married, thinking no woman was good enough for them; or that they were impatient for Moses and Aaron to die so they could become the leaders of Israel.

Some speculated that the sin for which they were punished did not happen on that day at all. It had occurred months earlier at Mount Sinai. The text says

² This is based on the statement in Lev. 16:1, that the two sons of Aaron died when “they drew near before the Lord”, implying that they had come too close, i.e. they had entered the Holy of Holies.

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that Nadav and Avihu along with seventy elders ascended the mountain and “saw the G-d of Israel” (Ex. 24:10). G-d “did not raise his hand against the leaders of the Israelites; they saw G-d, and they ate and drank” (Ex. 24:11). The implication is that they deserved punishment then for not averting their eyes, or for eating and drinking at so sacred an encounter. But G-d delayed the punishment so as not to cause grief on the day He made a covenant with the people.³

These are all midrashic interpretations: true, valid and important but not the plain sense of the verse. The text is clear. On each of the three occasions where their death is mentioned, the Torah says merely that they offered “unauthorised fire”. The sin was that they did something that had not been commanded. They did so, surely, for the highest motives. Moses said to Aaron immediately after they died that this is what G-d had meant when he said, “Among those who are near me I will be sanctified” (Lev. 10:3). A midrash says that Moses was comforting his brother by saying, “They were closer to G-d than you or me.”⁴

The history of the word “enthusiasm”, though, helps us understand the episode. Nadav and Avihu were “enthusiasts”, not in the contemporary sense but in the sense in which the word was used in the seventeenth and eighteenth centuries. Enthusiasts were people who, full of religious passion, believed that G-d was inspiring them to do deeds in defiance of law and convention. They were very holy but they were also potentially very dangerous. David Hume in particular saw that enthusiasm in this sense is diametrically opposed to the mindset of priesthood. In his words, “all enthusiasts have been free from the yoke of ecclesiastics, and have expressed great independence of devotion; with a contempt of forms, ceremonies, and traditions.”

Priests understand the power, and thus the potential danger, of the sacred. That is why holy places, times and rituals must be guarded with rules, the way a nuclear power station must be protected by the most careful insulation. Think of the accidents that have

³ The seventy elders were punished later. See Rashi to Ex, 24:10.

⁴ Midrash Aggadah (Buber) ad loc.

occurred when this has failed: Chernobyl, for example, or Fukushima in Japan in 2011. The results can be devastating and lasting.

To bring unauthorised fire to the Tabernacle might seem a small offence, but a single unauthorised act in the realm of the holy causes a breach in the laws around the sacred that can grow in time to a gaping hole. Enthusiasm, harmless though it might be in some of its manifestations, can quickly become extremism, fanaticism and religiously motivated violence. That is what happened in Europe during the wars of religion in the sixteenth and seventeenth centuries, and it is happening in some religions today. As David Hume observed: “Human reason and even morality are rejected [by enthusiasts] as fallacious guides, and the fanatic madman delivers himself over blindly” to what he believes to be Divine inspiration, but what may in fact be overheated self-importance or frenzied rage.

We now understand in detail that the human brain contains two different systems, what Daniel Kahneman calls “thinking fast and slow”. The fast brain, the limbic system, gives rise to emotions, particularly in response to fear. The slow brain, the prefrontal cortex, is rational, deliberative, and capable of thinking through the long term consequences of alternative courses of action. It is no accident that we have both systems. Without instinctive responses triggered by danger we would not survive. But without the slower, deliberative brain we would find ourselves time and again engaging in destructive and self-destructive behaviour. Individual happiness and the survival of civilisation depend on striking a delicate balance between the two.

Precisely because it gives rise to such intense passions, the religious life in particular needs the constraints of law and ritual, the entire intricate minuet of worship, so that the fire of faith is contained, giving light and a glimpse of the glory of G-d. Otherwise it can eventually become a raging inferno, spreading destruction and claiming lives. After many centuries in the West, we have tamed enthusiasm to the point where we can think of it as a positive force. We should never forget, however, that it was not always so. That is why Judaism contains so many laws and so much attention to detail – and the closer we come to G-d, the more we need. ©2016 Rabbi Lord J. Sacks and rabbisacks.org

RABBI SHLOMO RISKIN

Shabbat Shalom

"And it happened on the eighth day, that Moses called Aaron and his sons, and the elders of Israel” (Lev. 9:1) One of the most moving rituals of the Jewish week, at the advent of the eighth day, is the havdalah (“separation”) ceremony, when we intone a sweet-sad melody to the chant, “Behold, the Lord of my salvation in Whom I trust and thus I do not fear,” as we bid a sorrowful farewell to the warm

comfort of the fleeting Shabbat amidst wine, spice and fire. Perhaps the feelings we experience as we go through this act of 'separation' (dividing the Sabbath from the rest of the week) require the wine and the sweet-smelling fragrances to refresh and re-invigorate our spirits when we sense the leave-taking of the Sabbath Queen.

As we intone the blessing over the fire—recalling the teaching of our Sages that fire was created by Adam on that first, primordial Saturday night—we customarily look at our fingernails. Why our fingernails?

The most rational explanation is that we can see, in the reflection of the light on one side of our fingers and not on the other, the actual power of light to provide enhanced vision. The early commentator Rabbi Menahem Meiri (citing the Gaonim) suggests that when Adam was first created, his entire body was covered with the same strong substance of the fingernails as a protective coat. Subsequently, when the forbidden fruit of knowledge of good and evil was eaten, this protective coat was removed—with only the finger-nails serving as a reminder of his earlier more protected and invincible state. Since we are about to intone the prayer for the speedy arrival of Elijah the Prophet, herald of redemption, at the end of the havdalah ceremony, we are in effect requesting a return to the more exalted and guarded human estate in Eden.

Our Biblical portion of Shemini opens, "And it happened on the eighth day." Rashi comments, "the eighth day of the consecration ceremonies of the Sanctuary, the first day of the month of Nissan, the very day on which the Sanctuary was erected." And it was on this very same eighth day—in the midst of the exultant celebration following the descent of a Divinely-sent fire which consumed the offering on the altar as a sign of heavenly acceptance—that Nadav and Avihu were also consumed by a Divine fire! What occasioned such Divine wrath, and what is the significance of the eighth day, which gives the Biblical portion its name?

The "eighth day" is indeed fraught with significance. Let us return to the initial seven days of creation, when the Almighty created the heavens and the earth, and all of their hosts. On the sixth day He created the human being and placed him—Adam together with his wife Eve—in the Garden of Eden. The first couple sinned by plucking the fruit of Knowledge of Good and Evil from off the tree and eating it, severing good and evil from their Divine source, thereby reducing morality into a subjective experience, relative to the 'flavor of the day.' From that moment in the garden, good and evil were no longer rooted in a Divine objective morality created by G-d; good and evil became whatever the human being believed is good for him/her, and or evil for him/her. That is why our mystical literature refers to Adam's sin as his having "severed the plantings" (*kitetz banetiyot*), removing the

seed from its source. And so Adam and Eve were banished from the Garden of Eden.

Then came the first Sabbath Day, the specific span of time when each individual can find refuge and comfort under the wings of the Divine Presence, the day when the Almighty especially extends His 'arms' to embrace the penitent. Indeed the Midrash (*Bereishit Rabbah*) teaches us that Adam recited the Psalm for the Sabbath Day for the first time, genuinely uplifted by the understanding that there truly existed a road back to Eden and that it was paved with stones of repentance and repair.

And then came the first Saturday night, the beginning of the first eighth day. "This was the first time that darkness began to descend upon the world.... And the Almighty prepared two flint stones for Adam; Adam rubbed them together and there emerged fire." (*Bereishit Rabbah* 11,2). Hence the first 'eighth' day is parallel to the very first day: on the first day G-d created light (*ohr*) for the world, and on the eighth day Adam created light and warmth (*eish*) for the world.

But it goes much deeper than that. On the seven days of creation, G-d created a world for the human being to live in; on the eighth day Adam discovered—through fire—how he could repair and improve that world, re-create that world as a true picture of the Divine. If on the primordial seven days of creation, G-d made a world for humanity, on the eighth day of the consecration of the Sanctuary, the Israelites made a Sacred Space—an improved world—in miniature, in which G-d could dwell together with humanity: "They shall make for a Sanctuary so that I may dwell in their midst." (*Exodus Trumah*).

Fire is the human response to G-d's light. But fire is a double-edged sword; it can strengthen and purify, or it can subvert and petrify; it can bring light and warmth, or it can bring cannon fire and nuclear destruction. The blessing over fire, which attributes fire to its ultimate Divine source, must remind us that we must serve G-d in accordance with His Divine laws, that we dare not remove our creativity from its Divine direction. To do so would be a repetition of Adam's original sin.

G-d sent down His Divine light and fire as a sign that He accepted our Sanctuary, the work of human hands—which carried out to perfection the Divine architectural directions. Then Nadav and Avihu came along with "a strange fire, which they had not been commanded to bring (*Lev. 10:1*)."

Yes, we must use our creativity in the service of G-d to perfect ourselves and our world—but only in accordance with His will, in accordance with the limits He has placed on Divine Service, so that we never fall into the trap of bringing the strange fires of Moloch (*Deut. 18:10*) and the immoral wars of Jihad (which also involves the sacrifice of children). Human hands created fire—but human hands must use that fire to recreate and not to

destroy. And therefore we look at our fingers as we make the blessing over fire every Saturday night, the beginning of our weekly “eighth day.” We are telling ourselves that everything—the entire future of our lives and our world—lies in our own hands! ©2016 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

The temptations of power are great. When one achieves notoriety, success and exalted public service there is always a danger that hubris and unnecessary behavior will take over. This is true even regarding great, noble and holy people. The adage that power corrupts has remained one of the truisms of all of human behavior throughout the ages.

When the Torah describes the death of the two sons of Aaron because they substituted their own judgment for G-d's explicit commandment, we should not be overly surprised at the incident. Granted the privilege of the priesthood, a privilege that at that time was restricted to only five individuals, Nadav and Avihu followed their natural human instinct to “improve” on G-d's word and to fashion a service more in line with their own desires and values.

As the Torah points out to us, their sin was that they brought a strange fire on G-d's altar, “which they were not commanded to do.” The age-old question of whether the Temple service, and in our times the prayer service, is meant to fashion G-d or humans is brought into sharp focus by the events described in this week's Torah reading.

In bringing this strange fire on G-d's altar, Nadav and Avihu may have thought that they were making the service in the Mishkan/Tabernacle more attractive and appealing. The nature of humans always is that we second-guess our Creator, mostly to our detriment if not even disaster.

Judaism has always found itself in constant struggle and tension regarding the nature of its ordained, ritual service on one hand and its relevance and appeal to the masses of Jews on the other. This is certainly true in our time with the pressures of modernity, rapidly changing social mores and conventional correctness.

Traditional Judaism has always been wary of change, especially sudden, culturally driven radical change to its prayer structure and value system. It is obvious to all that over the centuries the modes of prayer service that have evolved would enable a Jew of the eleventh century, were he to be alive today, to recognize the basic prayer structure, but he would certainly notice changes in content and form that developed in the Jewish world over the past millennia.

The decisions to accept, modify or reject any changes in the prayer service lay not so much in the hands of the rabbinic scholars as it did in the general

consensus of the masses of Jews who prayed daily in the synagogues. This is certainly true regarding the changes in prayer – content, form and behavior – brought about by the rise of the Chasidic movement in the eighteenth and nineteenth centuries.

However, all adjustments and changes were always within the framework of halacha and never meant to be a departure from tradition and/or a “new” Judaism. The motivation for all of the current discussion regarding prayer services, women's issues and other societal factors should be closely examined. We should never again make the mistake that the Torah records for us in this week's reading regarding the sons of Aaron. ©2016 *Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com*

RABBI AVI WEISS

Shabbat Forshpeis

In some circles, it is assumed that the laws of kashruth, the dietary laws, are related to health. By abstaining for example, from the consumption of swine, one is protected from trichinosis. A cursory glimpse of our portion indicates otherwise. The Torah states that the reason for kashruth is kedusha. In the words of the Torah, “You shall be kedoshim for I am kadosh.” (Leviticus 11:45)

In fact, every time the Torah discusses the dietary laws, it gives as its underlying reason -- kedusha. (See, for example, Deuteronomy 14:21) An analysis of this term can give us a deeper understanding of the dietary laws.

On one level, kedusha means “separation.” Thus, when someone contributes something to the Holy Temple, the Beit Hamikdash, it is called “hekdesh” for it can be used for no other purpose other than the Temple. From this perspective, kashruth forces the Jews to identify him or herself as the Torah insists that the everyday activity of eating has the stamp of Jewishness.

Another approach to kedusha comes to mind through considering what many deem as the three major Jewish rituals – the Sabbath, the laws of family purity and the dietary laws. It is not a coincidence that these rituals correspond to the three major physical drives of the human being—the desire to be powerful, the desire to engage in sexual relations and the desire to eat.

In each case, the Torah does not insist that we abstain from these fundamental human drives. Rather, it channels the fulfillment of these desires in a way that gives them more meaning and purpose. The Torah understands the human quest to be powerful, but asks that on the Sabbath we abstain from all work, allowing for time to evaluate the purpose of this quest and to

recognize that our creative powers come from G-d. In a similar fashion, the Torah sees the sexual encounter in a positive light. Indeed, sexual pleasure, onah, is a cornerstone of the marital encounter. Here again, however, the Torah asks that we commit ourselves to the laws of family purity as a way of ensuring that the physical act does not become the sole expression of a couple's love. Finally, the Torah wants people to enjoy food. Through such laws as humane slaughter of animals, the laws of kashruth lift the eating process to a higher plain.

No wonder the word kadosh surrounds each of these rituals. Shabbat is referred to as Shabbat kodesh. The very word that begins the marital relationship is kiddushin. And the way we eat is likened to the service of the Holy Temple (Beit Hamikdash).

Thus, the word kadosh is a term that embraces human physicality, but asks that the physical act be elevated and, in fact, sanctified. Observance of Jewish ritual is not solely an act that connects us to G-d. It is a means through which human life can be ennobled; it is nothing less than a pathway to an ethical and kadosh existence. ©2016 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

RABBI SHLOMO RESSLER

Weekly Dvar

The Gemara (Tractate) in Pesachim (3a) quotes: "A person should not speak in a negative way, as we see the Torah itself" went out of its way to speak nicely regarding the animals entering the Ark, describing the non-kosher animals as specifically that -- non-kosher. It doesn't call them Tamei (Impure). The Torah "wastes" words in order to teach us the importance of speaking nicely. From this week's Parsha, Shemini, we have a problem with this Gemara. The Torah continually refers to non-kosher animals as Tamei (11:4 and others). What happened to speaking nicely?

R' Mordechai Kamenetzky answers that the difference is that the story of the Ark is a narrative, which is when people should be careful to tell it over in a nice way, refraining from Lashon Hara (slander) or negativity of any sort. In our Parsha, however, the Torah describes the nitty-gritty laws of what one may eat. In our case, it's important to give a resounding "TAMEI!" when discussing these matters, as the consequences are much graver. It should be the same when dealing with children and others around us who may not know better. We speak softly in order to get them to understand history, reasons and customs of Judaism. However, as the metaphor of food may hint at, if they are in imminent danger of internalizing negative influences, it's time to fearlessly admonish them. When dealing with clear right and wrong, the

Torah tells us that sometimes it's necessary to boldly speak where no one has spoken before. ©2016 Rabbi S. Ressler and LeLamed, Inc.

RABBI DOV KRAMER

Taking a Closer Look

"Rabbi Levi said, 'eight sections were said on the day that the Mishkan was put together (i.e. on the "Eighth Day," see Rashi on Vayikra 9:1): the section regarding Kohanim; the section regarding Levi'im; the section regarding those who are ritually impure; the section regarding sending those who are ritually impure out [of the camps]; the section in Acharay Mos; the section regarding those who drink wine; the section regarding the lights [of the Menorah]; and the section regarding the red heifer.' Which sections the Talmud (Gittin 60a-b) is referring to is a matter of discussion, including why they were taught on the first day of the Mishkan's full operation.

The Sifre Zuta (7:11, see also Mishnas Rebbe Eliezer 6) says that G-d spoke to Moshe 15 times that day, and lists the 15 communications. Bear in mind, though, that the context of the Talmud is why the Torah is called a "M'gilla" if the entire text was given (in writing) to the nation at one time, at the end of the 40 years in the desert, with Rabbi Levi's list used to show that some sections were written down earlier. Therefore, some of what's listed in the Sifre Zuta may not be in Rabbi Levi's list precisely because they weren't written down then. Nevertheless, a closer look at these 15 might shed some light on the eight listed in the Talmud.

For the 1st, "when a human brings an offering" (Vayikra 1:2), Moshe is told explicitly to "speak" to the nation, so he may not have been allowed to write it down for them, and/or had no need to, especially the Kohanim took care of the offerings, not the rest of the nation. The 2nd, "command Aharon" (Vayikra 6:2, regarding the offerings) was not taught to the nation either, so was not written down for them. [Rabbi Levi may also be of the opinion that this was taught earlier, on Mt. Sinai (see 7:37-38 and <http://tinyurl.com/jv5v5ld>), rather than in the Mishkan, so was not taught on that same day.] It was necessary to teach these two when the Mishkan became operational so that the offerings could be offered properly. The 3rd, "take for yourself a calf" (9:2), refers to the offerings Aharon brought on the "Eighth Day," a one-time event, so there was no reason to write it down until it was included with the rest of the Torah. Since these offerings were brought that day, they had to be taught then.

The 4th (drinking wine) is included in Rabbi Levi's list, as is the 9th (those ritually impure being sent out), the 13th (lighting the Menorah), the 14th (the Levi'im) and the 15th (the red heifer). Why lighting the Menorah, which only Kohanim could do, and includes

the instructions that Moshe “speak” to Aharon (18:2), is included on Rabbi Levi’s list will be discussed below, as will why each of these were taught that day.

The 5th, “any man of the House of Israel who slaughters” (Vayikra 17:3), which prohibits slaughtering animals anywhere but the Mishkan, also was to be “spoken” (and “said”), not written down. Obviously, until there was a Mishkan, this prohibition couldn’t have existed, and was enacted as soon as it was up, so it was taught on that first day. The 6th, “doing what the Egyptians do” (18:3) and 7th, “you shall be holy” (19:2) are also prefaced with the instructions to “speak” to the nation, as opposed to writing them down, but it is unclear why these had to be taught that day. Perhaps the intent is that all the laws taught between 17:1 (which is the 5th on this list) and 21:1 (which begins the 8th), were taught together (including the 8th), because they are one unit (see Tanchuma Emor 2/3), so even if not everything within the unit was needed on that first day of the Mishkan, since the beginning and end were, the entire unit was taught. And since there was a new “and G-d spoke to Moshe” for each of these, the Sifre Zuta lists them as separate “communications.”

The 8th, “say to the Kohanim” (21:1) is on Rabbi Levi’s list as well. Even though Moshe was told to “say it” to them, which I have been suggesting precludes writing it down, it was “said” to the Kohanim, but had to be written down for the nation, so they could know that Kohanim were not allowed to become ritually impure, etc. (21:16), could not marry certain women even though others were allowed to (21:7 and 14) and that a Kohain with a blemish could not serve in the Mishkan (22:17-23, see Rashi in Gittin). The 10th, “so shall you bless” (Bamidbar 6:23), i.e. Birkas Kohanim, was only relevant for the Kohanim to know, and Moshe was told to “speak” to them, as opposed to writing it down. This blessing was made on that first day as well (see Rashi on Vayikra 9:22), so was taught right away.

The 11th, “take from them” (7:5), referring to the wagons donated by the Tribal Chiefs, and the 12th, “one Tribal Chief per day” (7:11) were only relevant that one time, so didn’t need to be written down.

With only six “sections” overlapping, we now have another issue to explain; why the other two mentioned by Rabbi Levi (Parashas T’mayim and Parashas Acharay Mos) were excluded by the Sifre Zuta. Let’s try to go through his list, to see what we can find.

(1) **Parashas Kohanim:** As previously mentioned, Rashi tells us that this refers to the additional prohibitions that apply to Kohanim, which the nation had to be made aware of now that the Kohanim started functioning in their new role in the Mishkan. It corresponds to the 8th item on Sifre Zuta’s list.

(2) **Parashas Levi’im:** Rashi says this refers to Bamidbar 8:6, when the Levi’im were “separated” from the rest of the nation, and the process that gave them

their elevated status. He dismisses the opinion that this refers to Bamidbar 18:26, that the Levi’im must give a tithe to the Kohanim from the tithe given them, because that wasn’t relevant yet, and would be called “Parashas Ma’aser” rather than “Parashas Levi’im.” He then says that the Levi’im being “separated” from the rest of the nation was necessary once the Mishkan was operational because they had to sing while the offerings were brought. Sifre Zuta, which quotes the first few words of each verse, quotes the verse from the section Rashi says Rabbi Levi is referring to. It should be noted, though, that Bamidbar 18:2-24 is very relevant from the first day the Mishkan was operational, as the Levi’im were charged with guarding it. Nevertheless, this wouldn’t be needed to be written down right away unless the nation needed proof that G-d assigned this role to the Levi’im, nor would it be needed to explain why they were given the nation’s tithes (as compensation for guarding the Mishkan) until there were tithes to give. Besides, these sections were taught in Parashas Korach, in response to the nation’s concern that it was too easy to get too close to the Mishkan (17:27-28), so it is unlikely for them to have been written down months earlier.

As far as why the process of making those from the Tribe of Levi into “Levi’im” had to be written down, the non-Levi’im were involved in the process too (8:20), and written documentation could be referenced if anyone ever doubted their new role. [The same can be said for when the Kohanim took on their new role, but even if this didn’t happen at Sinai (see Z’vachim 115b), it had already occurred before the seven days of training, a week before the “Eighth Day,” so couldn’t be included in what was taught/written that day.]

(3) **Parashas T’mayim:** According to Rashi, this refers to those who were “tamay” (ritually impure) and couldn’t bring the Passover offering, so were taught about the “Second Passover” offering, which they could bring a month later (Bamidbar 9:6-14). It was taught then because that’s when they were told to bring a Passover offering (9:1-4), and having also been taught that those who were “tamay” couldn’t be near the Mishkan (see #4) so couldn’t bring the offering, asked what they could do instead. [The fact that this is included, but the commandment to bring the Passover offering is not, even though Rashi says explicitly that it was taught that same day, supports the theory that only those things that were written down were included in Rabbi Levi’s list; since Passover had already been taught at Sinai (see Rashi on Bamidbar 9:4, see also Sh’mos 23:15 and 34:18), and only the “Second Passover” was added here, this section would not have been written down because of the regular Passover offering. Nevertheless, why the Second Passover was written down now, as well as why it’s called “Parashas T’mayim” rather than “Parashas Pesach Sheini,” is unclear. It is also unclear why this section is listed

before “Parashas Shiluach T’mayim” if that one was what led to this one.

As far as why the Sifre Zuta omits this from its list, there are several possibilities. First of all, not everyone agrees that the “Eighth Day” was Rosh Chodesh Nissan; some are of the opinion that it was on the 8th of Nissan (see Ibn Ezra on Sh’mos 4:2, which is likely Rabbi Akiva’s opinion in Succah 25b). If this is what the author of this Sifre Zuta held, while still considering the “Eighth Day” the day the Mishkan was completed (and the day of the 15 referenced communications), telling Moshe about the Passover offering on Rosh Chodesh Nissan couldn’t be included. Nor could the response about the Second Passover offering, if those who were “tamay” didn’t realize that they couldn’t bring the Passover offering until Erev Pesach.

Another possibility is that the Sifre Zuta is following the opinion (P’sachim 6a-b) that the laws of the Second Passover were taught on Erev Pesach (whereas according to Rashi Rabbi Levi is following the opinion that laws are only taught two weeks before a holiday, which, in this case, resulted in the Second Passover being taught then as well, see Maharsha). If neither the communication regarding Passover or the one about the Second Passover occurred on Rosh Chodesh Nissan, they couldn’t be included in the list of those that occurred on Rosh Chodesh.

Because Tosfos follows the opinion that the laws of each holiday are taught 30 days prior (so the Second Passover could not have been commanded on Rosh Chodesh Nissan, 45 days prior), they explain “Parashas T’mayim” to be referring to the instructions to the Kohanim not to make anything holy “tamay” (Vayikra 22:1-16). However, we would need to explain why this section, which is addressed only to the Kohanim, was taught on that day (and written down), as opposed to any other section that became relevant once the Mishkan was in operation, especially those addressed to the entire nation (i.e. 22:17-32, which prohibits blemished animals from being offered, as well as other limitations).

Some (see Maharsham, Responsa 2:94) suggest that “Parashas T’mayim” refers to the concept of “tumas ohel” (Bamidbar 19:14) whereby something under the same covering as a corpse becomes “tamay” even without contact. [One of the advantages of this approach is that it can explain why the vessels of the Mishkan did not become “tamay” when Nadav and Avihu died, as this concept wasn’t in play yet, even if ritually impurity via contact was.] The main drawback of this approach is that it seems to be part of “Parashas Para Aduma” (19:1-22), which is why it wasn’t included in the Sifre Zuta. [And if, for some reason, it is considered its own “section,” shouldn’t it have been listed next to that one?]

Others (see Ran and Rabbeinu Krescas) suggest that it refers to the “tumah” caused by dead animals (Vayikra 11:29-43), and continues through the “tumos” caused by childbirth, “tzora’as,” and bodily emissions (12:1-15:32). This applied to the whole nation, and was more relevant once the Mishkan was up, not to mention starting in Parashas Sh’mini and ending before Parashas Emor, a.k.a. “Parashas Kohanim,” making it more likely that they were taught together. And it makes sense to first mention the causes of the “tumah” that leads to having to leave the inner camps. [Sifre Zuta, on the other hand, may have considered this as a continuation of the communication regarding which animals are kosher (11:1-28), which was not more relevant on that day, so wouldn’t have occurred specifically then.]

(4) **Parashas Shiluach T’mayim:** Whomever was ritually impure had to vacate the inner camps (Bamidbar 5:1-4), which applied to the entire nation, and was only relevant after the Mishkan (the innermost camp) was built (see Rashi).

(5) **Parashas Acharay Mos:** The Yom Kippur service, including instructions for how the Kohain Gadol can enter the inner sanctum with out dying the way Nadav and Avihu did. Even though it was said “after their deaths” (Vayikra 16:1) there’s no reason why it had to be taught immediately afterwards (see Tosfos, see also Y’rushalmi Yuma 1:1 and Vayikra Rabbah 20:12), which is likely why it’s not included in the Sifre Zuta. Even if it was communicated to Moshe on the day of their deaths (the “Eighth Day”) so that he can warn Aharon not to enter the inner sanctum any time he wants (see Rashi), it was most relevant for Aharon, who performed the service (and was the most likely to have entered the inner sanctum), as opposed to the entire nation. Additionally, Moshe was told to “speak” to him, which implies not writing it down (yet). Nevertheless, it can be suggested that Aharon was impacted so strongly by his sons’ deaths that he had to be told immediately that he’ll be able to enter the inner sanctum without suffering the same consequences as long as he follows the prescribed process. It can be further suggested that the deaths of two of the most righteous people, spiritual leaders of the nation, affected the entire nation so much that they had to be made aware that their spiritual leader will be able to enter the inner sanctum under the right conditions, and it was therefore written down for them, with the “speak to” implication of not writing it down meaning not to write it down for Aharon, who was taught it orally immediately before it was put on parchment for the nation.

(6) **Parashas Sh’suyai Yayin:** It was forbidden for the Kohanim to perform the service, or even teach, after drinking wine (or anything similar). This was taught immediately after Nadav and Avihu’s death (Vayikra 10:8-11), leading to rabbinic speculation that it

was a causal factor (see Vayikra Rabbah 12:1), but also had to be taught then because it became relevant when the Kohanim started performing the service in the Mishkan (Rashi). And even though it applied most to Aharon and his sons, the entire nation needed to know that the Kohanim weren't allowed to perform their spiritual duties under the influence. Nevertheless, if we are going with the premise that only the most important things were written down then, this wouldn't seem to qualify. Unless Aharon, and the entire nation, were so impacted by the tragedy that they needed to be reassured that there were contributing circumstances that could be, and would be, avoided in the future. By publicly making it known that one of the contributing factors, alcohol, was becoming prohibited from that point forward, there was a measure of reassurance that this tragedy would not be repeated.

(7) **Parashas Neiros:** Besides the construction of the Menorah, there are three times when its lighting is mentioned. The first, Sh'mos 27:20-21, was obviously said to Moshe before the Mishkan was built, so could not be referred to here. The second, Vayikra 24:1-4, parallels the first, with Moshe first being told that he will, in the future, command the Children of Israel to donate pure olive oil for the Menorah, and then being told that now is the time to command them to do so. With the Menorah being lit daily, the oil was now needed, so this "section" might have been what was being referred to. However, every source I have seen (including the Sifre Zuta) says it refers to, Bamidbar 18:2, which is directed at Aharon (not the nation), and is introduced by telling Moshe to "speak to Aharon, and say to him," a double-language of verbal communication that, unless they somehow cancel each other out like a double-negative (which didn't happen with the 5th item on the Sifre Zuta's list), would doubly imply that it should not be written down (yet).

Rashi, paraphrasing Midrash Tanchuma, tells us that Aharon was commanded regarding the Menorah here because he was feeling down about not being included with the other Tribal Chiefs in bringing an offering to help consecrate the Mishkan. Based on what I have suggested above, perhaps the impact the deaths of Nadav and Avihu had on him, and on the nation, came into play here as well. Seeing Aharon excluded from the service after the death of his sons, while the Tribal Chiefs played a major role, reinforced the concern everyone had about Aharon's future role in the Mishkan. Therefore, a very public proclamation was made, and put down on parchment, that Aharon still played the most major role, entering the sanctuary every day to light the Menorah.

(8) **Parashas Para Aduma:** As previously mentioned, this refers to the red heifer used in the purification process, a process which first started the day after the Mishkan was fully operational (see Rashi). No real (additional) controversies to report here,

especially after taking up twice as much of your time this week compared to most weeks. My apologies; I hope it was worthwhile. ©2016 Rabbi D. Kramer

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Tziduk HaDin

*Translated for the Encyclopedia Talmudit
by Rabbi Mordechai Weiss*

On the day following the holiday of Pesach (Israchag) we do not recite the prayer of Tachnun (in fact this applies to the entire month of Nissan). We also don't recite the Tziduk Hadin after the deceased. However in the Encyclopedia Talmudit it is written that "Tziduk Hadin after the deceased is recited together but not in a eulogizing format". Thus there are two ways of reciting the "Tziduk Hadin"; either one person saying it and then everyone repeats it which is not permitted or when everyone recites it together which is permitted.

It would seem that as the generations passed people were unaware of these two ways of reciting this prayer. Therefore in the Sefer Haigur and the Beit Yosef it is stated that "it is the custom to recite it while alone and not in public". This is the reason we do not say the prayer of "Zidkatcha tzedek" at Mincha on Shabbat during the entire month of Nissan for this is in essence the "Tziduk Hadin" for our teacher Moshe who died on Shabbat at Mincha time. Since reciting "Zidkatcha tzedek" is in essence Tziduk Hadin in public we refrain from saying it.

In our portion the two sons of Aharon died and the reaction of Aharon was silence (Vayidom Aharon). Perhaps the "Tziduk Hadin" was accomplished during that silence and perhaps the silence was generated because it was the month of Nissan. ©2016 Rabbi M. Weiss and Encyclopedia Talmudit

