

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חירות ואחריות

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"Taking Responsibility for Torah"

I HAVE NEVER BEEN WRONG

(ONCE, I THOUGHT I HAD ERRED, BUT BARUKH HASHEM I WAS MISTAKEN)

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The Torah's narrative of the eight days during which Aharon and his sons were invested as *kohanim* (the *miluim* period) begins in Parashat Tetzaveh, goes on hiatus until the end of Parashat Tzav, and sort of concludes in Parashat Shemini, with an epilogue in Parashat Acharei Mot. This scattered trail makes it very hard to reconstruct exactly what happened when.

We can say with some confidence that a moral of the story is that *kohanim* have a dangerous job. In Vayikra 8:35, Mosheh tells Aharon and his sons not to leave the entrance to the Ohel Moed for seven days "and that way you won't die"; they all survive that period, only for Nadav and Avihu to die on the eighth day. In 10:7, Mosheh warns them not to leave the entrance that day to mourn "lest you die." In 10:9, God tells Aharon directly of a prohibition against consuming alcohol before entering Ohel Moed "and that way you won't die"; and in 16:2 G-d tells Mosheh to tell Aharon not to come at will into the Kodosh "and that way he won't die."

Given the deadly peril awaiting a misstep, it seems only fair for Aharon to have a supremely detailed manual telling him exactly what to do in every circumstance. He should also be able to ask Mosheh for a 'lifeline' whenever a situation not covered by the manual arises.

It's therefore astonishing that Mosheh seems not to have given Aharon instructions about whether to eat sacrifices while in the period of *aninut*, when relatives (such as Nadav and Avihu) have died but are not yet buried. It's even more astonishing that this turns out to be a good thing, because Mosheh Rabbeinu's instructions would have been wrong.

Mosheh expresses impatience/anger/frustration (10:16-18) that one of the *chatat* sacrifices has been burnt rather than eaten. But when Aharon questions whether G-d would have been pleased had he acted differently, Mosheh seems to acknowledge that Aharon acted correctly (10:19-20).

וַיְדַבֵּר אֶהְרֹן אֶל־מֹשֶׁה
הֵן הַיּוֹם הִקְרִיבוּ אֶת־חַטָּאתָם וְאֶת־עֹלָתָם לִפְנֵי יְהוָה
וְתִקְרָאָהּ אֲתִי כְּאֵלֶּה
וְאֶכְלָתִי חֲטָאת הַיּוֹם
הַיֵּיטֵב בְּעֵינֵי יְהוָה:
וַיִּשְׁמַע מֹשֶׁה
וַיֵּיטֵב בְּעֵינָיו:

Aharon spoke to Mosheh:

*Yea, today they have sacrificed their chatat-sacrifice and their wholly-burnt sacrifice before Hashem
and these things happened to me
Had I eaten chatat today
would that have been good in Hashem's eyes?
Mosheh heard
and it was good in his eyes.*

How did Aharon reach his conclusion? Chazal reconstruct a sophisticated halakhic rationale. A *kohen* in *aninut* is generally forbidden to eat sacrifices. However, Mosheh had instituted a special decree (*hora'at sha'ah*) mandating them to eat the *minchah*. Did that decree apply as well to the relevant *chatat*? It turns out that three different *chatats* were brought, two of them for the special circumstance of the *miluim*, and one because the day was *Rosh Chodesh*. Aharon understood that the special decree permitting eating sacrifices while in *aninut* applied only to the special-circumstance *chatats*, whereas Mosheh mistakenly thought that it applied throughout.

This reconstruction plainly assumes many details that are not explicit in the text. Even granting them all, a new problem arises. In 10:12-15, Mosheh instructs Aharon, along with Elazar and Itamar "his remaining sons," to eat the leftovers of the *minchah* offering as well as the *shok haterumah* and *chazeib hatenufah* from the *zivchei shelamim*. Why didn't he give instructions regarding the *chatat* at the same time? The simplest explanation is that it was burnt before he arrived, but a *beraita* on Yoma 5b, as explained by all rishonim I have seen, takes a different approach.

כִּי כֵן צִוִּיתִי, כֹּאשֶׁר צִוִּיתִי, כֹּאשֶׁר צִוָּה ה';
כִּי כֵן צִוִּיתִי - בְּאִינִיּוֹת יֹאכְלוּהָ;
כֹּאשֶׁר צִוִּיתִי - בְּשַׁעַת מַעֲשֵׂה אֹמֶר לָהֶם;
כֹּאשֶׁר צִוָּה ה' - וְלֹא מֵאֵלֵי אֲנִי אוֹמֵר.

(Scripture in this unit of narrative contains three phrases of command):
"Because I have been commanded so," "as I have commanded,"
"as Hashem commanded":
"Because I have been commanded so" – *that they must eat it (=the minchah) even while in aninut*;
"as I have commanded" – *this is what Mosheh said to them when it happened*;
"as Hashem commanded" – *and I do not say this of my own (authority)*

Tosafot HoRosh presents the consensus interpretation:

– "ולא מאלי אני אומר"

כלומר: אל תהיו סבורים שכמו שטעיתי בשעיר של ר"ח,

כך אני טועה בחזה ושוק,

דודאי צוה הקדוש ברוך הוא כך, ולא מאלי אני אומר.

אף על גב דסדר הפסוקים אינו כך - אין מוקדם ומאוחר בתורה.

"and I do not say this to you on my own (authority)":

Meaning: Don't think that just as I erred about (eating) the goat of the Rosh Chodesh sacrifice,

*so too I am erring about the chazeh and shok (of thezivchei shelamim) because the Holy Blessed One **definitely** commanded this, and I do not say this of my own (authority).*

Even though the order of the verses is not this way - there is no 'before' and 'after' in the Torah (= its narratives are not chronologically ordered).

The "order of the verses is not this way" because "as Hashem commanded" occurs in the text before Mosheh errs about the Rosh Chodesh goat. Yet the consensus interpretation reads Mosheh's emphasis on this being Hashem's command as a response to Aharon and his sons losing confidence in him because of that error. It's unclear why they would respond well to this assurance. If he was mistaken last time about what G-d intended, why not again?

Perhaps because of this problem, Netziv reinterprets against all the rishonim. He notes that in Vayikra 7:30, the Torah speaks of waving the *chazeh* but not the *shok*, but that in 9:21, Aharon waves the *chazot* and *shok* "as Mosheh commanded." In 10:15, Aharon waves both *shok* and *chazeh*, and actually doesn't mention eating at all. Netziv in his Torah commentary Haamek Davar concludes that 9:21 describes Aharon as obeying Mosheh because waving the *shok* was then a *hora'at sha'ab*, as suspension of ordinary Torah law. 10:15 makes waving the *shok* ordinary halakhah, "as Hashem commanded."

ונראה דהא דא' ביוםא ד"ה ב' ע"ז המקרא "ולא מאלי אני אומר" -

קאי אתנופת השוק,

ולא כפרש"י שם

שפי' הכל לענין אכילה באנינות,

שהרי לא מיירי בזה המקרא באכילה כלל:

It seems that when Yoma 5b says regarding this verse "and I am not saying this on my own authority" -

it refers to the waving of the shok,

as against Rashi's commentary there

which explains all (three phrases of command) as referring to eating while in aninut,

because this verse is not talking about eating at all.

In his Talmud commentary Meromei Sadeh, however, Netziv shows much greater caution.

ולולא פירש"י

הייתי אומר דקאי

על הא דצוה להניף את החזה יחד עם שוק הימין

If it were not for Rashi's commentary

I would have said that this (= "as Hashem commanded") refers to the command to wave both the chazeh and shok

A search of the Bar Ilan Responsa database reveals that Netziv uses the subjunctive לולא = "If it were not for" this way more than seventy times in Meromei Sadeh, five times in his responsa collection Meishiv Davar, once in the extended notes section of his Torah commentary, called Harchev Davar, and **never** in Haamek Davar. So it seems to me that the difference here reflects something beyond this specific case.

What does "If it were not for" really mean?

A draft article I submitted as a teenager to the RIETS journal Beit Yitzchak contained many iterations of *nir'eh laaniyut da'ati*, "it seems to my impoverished intellect." The editors made me remove them on the grounds that "you don't actually have that many *chiddushim* (-creative points)." I learned that "it seems to my impoverished intellect" marks a claim of originality, and "if it were not for" marks a claim of great originality.

But this cynical approach can't be correct here. Aside from Netziv's character, it can't account for why the same reading is introduced by "were it not" in one of Netziv's books and not another.

A more likely explanation relates to genre. Netziv sees no need to gesture toward authority when the field is Bible commentary, but he does when the field is Talmud commentary.

Maybe that's because Netziv thinks Talmud commentary is generally a fit source for halakhic decisionmaking, whereas Torah commentary is not. (This would explain the uses in Meishiv Davar as well as the use in Harchev Davar, which is often more about Talmud than Torah). A claim that one's creative interpretation is better than the one sanctified by tradition is more destabilizing in the realm of Talmud than in Torah, because a long tradition holds that legal interpretation of Torah is a world unto itself that can ignore or uproot what might be the best literary reading.

If it were not for my predecessors, I would suggest the following. Neither Mosheh nor Aharon was necessarily correct about whether Aharon should have eaten the *chatat*. However, Mosheh had a presumptive interpretation, that it should be eaten. He therefore was upset to find that Aharon had burnt it. But when Aharon offered a reasonable interpretation to justify his behavior, Mosheh's reaction was not to overrule him, but rather to say happily "My brother has defeated me, My brother has defeated me."

Had Mosheh insisted on his own interpretation, he would have won the battle, but lost the war. The point was not to establish his personal authority, which would not outlive him, but rather the authority of Revelation. Mosheh's demonstration of humility and integrity, his recognition that his own interpretation was not the same thing as G-d's Word, established him as utterly trustworthy when he claimed Revelation directly, and thus established the authority of Revelation forever.

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