

MESHECH CHOCHMAH

Parshas Shemini

Moshe, Aharon and the Burned Chatas Offering

וְאֵת שְׂעִיר הַחַטָּאת דָּרַשׁ דָּרַשׁ מֹשֶׁה וְהִנֵּה שָׂרָף וַיִּקְצַף עַל אֱלֻעֶזֶר וְעַל אִיתָמָר בְּנֵי אֶהֱרֹן הַנּוֹתָרִים לֵאמֹר. מַדּוּעַ לֹא אָכַלְתֶּם אֶת הַחַטָּאת בְּמָקוֹם הַקֹּדֶשׁ... אֲכֹל תֹּאכְלוּ אֹתָהּ בְּקֹדֶשׁ כַּאֲשֶׁר צִוִּיתִי.

וַיְדַבֵּר אֶהֱרֹן אֶל מֹשֶׁה... וַתִּקְרָאנָה אֹתִי כְּאֵלֶּה וְאָכַלְתִּי חַטָּאת הַיּוֹם הַזֶּה הֲיֵיטֵב בְּעֵינַי ה'.

Moshe inquired regarding the goat of the sin-offering and behold, it had been burnt, and he was angry with Elazar and Itamar, Aharon's remaining sons, saying, "Why did you not eat the sin-offering in a holy place?... You should have eaten it in the holy (place) as I commanded!"

Aharon spoke to Moshe, "... now that such things befell me, were I to eat this day's sin-offering, would it be good in Hashem's eyes?" (10:16-19)

BACKGROUND: THE CHATAS OFFERINGS OF "THE EIGHTH DAY" AND THEIR OUTCOMES

According to the opinion of R' Nechemiah, as cited by the Toras Kohanim¹ and the Gemara,² the reason the *chatas* (sin offering) was burnt was on account of the fact that Aharon and his sons were in the category of *onein* (bereavement) due to the deaths of Nadav and Avihu,³ and the Torah forbids *korbanos* to be consumed by a kohen who is an *onein*.

In all, three *chatas* offerings were offered that day:

- ▶ The *chatas* which was part of the special *korbanos* offered on the opening day of the Mishkan, as mentioned in the beginning of the parsha⁴.
- ▶ Nachshon's *chatas*, as part of the *korbanos* offered by the *nesi'im* on the first

1 2:8.

2 Zevachim 101a.

3 As described in pasuk 1-2.

4 9:3.

- ▶ twelve days of the Mishkan's operation.⁵
- ▶ The *chatas* of Rosh Chodesh.⁶

Of these three *chatas* offerings:

- ▶ The first two are in the category of *kodshei sha'ah* – korbanos specifically offered on that occasion.
- ▶ The third is in the category of *kodshei doros* – korbanos that are to be offered on an ongoing basis, since every Rosh Chodesh has a goat offered as a *chatas*.

Indeed, the first two *chatas* offerings were consumed by Aharon and his sons. It was specifically the third *chatas* which was burned, and concerning which Moshe and Aharon has their exchange.

In pasuk 18, Moshe states, "You should have eaten it in the holy as I commanded." Moshe had received a direct command from Hashem, as expressed in pasuk 13, that even though Aharon and his sons were *oneinim*, they nonetheless should consume the *chatas*. Aharon's response to this was to say that this command related only to the *chatas* offerings (no's 1 and 2) that were *kodshei sha'ah* – which they had indeed consumed. However, with regards to *kodshei doros* (no 3), the normal rule applied that it could not be consumed by an *onein*, and hence they burned it.

The perek concludes by saying that "Moshe heard this and it was good in his eyes," i.e. he concurred although he had not made the distinction between *kodshei sha'ah* and *kodshei doros* regarding the command to consume the *chataos* as an *onein*, that distinction was indeed correct.

WHEN WAS THE COMMAND TO CONSUME THE CHATAOS GIVEN?

The Meshech Chochmah is troubled by the notion that Moshe would receive a special command from Hashem relating to a specific situation and yet not understand to which korbanos that command applied. Rather, he suggests that upon closer inspection, we can see that there *was no such special command*.

Moshe refers to the command to consume the korbanos with the words "כי כן צויתני" – for thus I have been commanded.⁷ If the ruling regarding consuming the korbanos was issued at that time (i.e., following the deaths of Nadav and Avihu), Moshe would have introduced it with the appropriate words "זה הדבר אשר צוה ה' – This is the matter that Hashem has commanded," as he did regarding the korbanos of the day in the beginning of perek 9!⁸

Yet if this command was not given at that time, when, then, was it given? Indeed, *how* could a command be given regarding Aharon being in a state of *aninut* before he entered that state? Was Moshe being informed before the fact that Aharon would be bereaved and this halachah would apply to him?!

5 See Bamidbar 7:16.

6 The opening day of the Mishkan was Rosh Chodesh Nissan.

7 Pasuk 13.

8 Pasuk 5.

THE PUNISHMENT OF NADAV AND AVIHU

The Meshech Chochmah explains that in fact, the only command regarding consuming the korbanos was issued at the beginning of the day. However, Moshe understood that *contained within it* was a command to consume them even in a state of *aninut*! Chazal⁹ inform us that Nadav and Avihu were scheduled to die on this day based on a liability they had already incurred earlier, at Sinai, were one said to the other, “When will these two elders (Moshe and Aharon) die and you and I will lead the congregation?” As such, if Hashem – knowing that Nadav and Avihu would die on that day – nevertheless commanded Moshe that the korbanos were to be consumed, He was effectively commanding that they be consumed by Aharon and his sons *even in a state of aninut*!

To this Aharon responded: Hashem’s command at the beginning of the day referred to the korbanos that were exclusive to that day – *kodshei sha’ah*. However, the obligation to consume *kodshei doros* derives from *the general mitzvah* stated regarding them and hence, would not override the fact that Aharon and his sons were *oneinim*.

“MOSHE HEARD AND IT WAS GOOD IN HIS EYES”

The Torah records Moshe’s reaction to Aharon’s words by saying, “וַיִּשְׁמַע מֹשֶׁה וַיֵּיטֵב בְּעֵינָיו” – Moshe heard and it was good in his eyes.”¹⁰ The simple meaning of these words is that upon hearing Aharon’s argument, Moshe concurred with it. However, the Meshech Chochmah explains that there is a deeper level of understanding why Aharon’s words were “good in Moshe’s eyes.”

As the Gemara¹¹ explains, the halachah that an *onein* is forbidden to consume meat of korbanos is not stated by the Torah explicitly, but is derived from a *kal vachomer* argument. The pasuk states that an *onein* may not partake of *maaser sheni*;¹² hence, if this is true of *maaser sheni*, whose laws are generally less stringent than korbanos, then it is certainly true that an *onein* may not partake of korbanos.

Why would these words be “good in Moshe’s eyes”? Because Moshe had a special relationship with the idea of a *kal vachomer*...

The Gemara¹³ states that Moshe did three things “מִדַּעְתּוֹ – of his own initiative,” with which Hashem subsequently concurred:

- ▶ He added a day of preparation for *matan Torah*.
- ▶ He separated from his wife.
- ▶ He broke the *luchos*.

Of these three things, the latter two were based on a *kal vachomer* argument:

- ▶ If Bnei Yisrael were told to separate from their wives as part of their

9 Toras Kohanim sec. 21.

10 Pasuk 20.

11 Zevachim ibid.

12 See Devarim 26:14.

13 Shabbos 87a.

preparation of receiving the Torah from Hashem then Moshe,¹⁴ who stood to receive communication from Hashem on an ongoing basis, should certainly be separated from his wife.

- ▶ If an idol-worshipper is barred from the one mitzvah of partaking of the korban Pesach,¹⁵ then Bnei Yisrael who worshipped avodah zarah with the *Egel Hazahav* should certainly be barred from receiving the *luchos* which contain the entire Torah.

Tosafos¹⁶ raise the question: *kal vachomer* is an established way of expounding the Torah. If so, then why are Moshe's actions called "of his own initiative"? If the *kal vachomer* arguments he advanced are cogent, then this is simply a matter of expounding the Torah correctly!

R' Meir of Posen, in the Introduction to his sefer *Beis Meir*,¹⁷ responds simply that at the time Moshe propounded these arguments, the principle of *kal vachomer* had not yet been presented as a means of expounding halachah. As such, Moshe essentially *intuited* the concept of *kal vachomer* and hence his decisions are referred to as "of his own initiative"!¹⁸

Thus, we see that Moshe has a special relationship with the principle of *kal vachomer*. Therefore, says Meshech Chochmah, when he heard Aharon's argument regarding onein and korbanos, which was based on a *kal vachomer*, Moshe derived a special satisfaction from it – "Moshe heard, and it was good in his eyes"!

14 See Shemos 19:15.

15 See *ibid.* 12:43.

16 *Shabos loc. cit. s.v. u'mah.*

17 *Even Ha'ezer.*

18 The Meshech Chochmah notes that the *Beis Meir* was preceded in this explanation by the *Sefer Hayashar* of Rabbeinu Tam (sec. 268).