

5780 - Leviticus 9-11 - Shemini (Eighth)

The *parasha* represents the climax of the long narrative begun in Exodus 25 with the command to construct the Sanctuary. It celebrates the day its service was begun. What should have been a joyous occasion turns into tragedy when two of Aaron's sons die after having brought "strange fire." The *parasha* continues with an account of the dietary laws, specifically what animals, fish, and birds may be eaten.

In the essays that follow, the first looks at the opening phrase of the *parasha*, "on the eighth day," and suggests that it is part of a large pattern in the Torah in which the eighth day represents human creativity following the divine creation of the universe. The second and third are about the tragedy of the deaths of Nadav and Avihu, Aaron's sons, on the day the service of the Sanctuary was consecrated. The fourth is about the poignant scene between Moses and Aaron after Nadav and Avihu die, a moment that encapsulates the tension between the public face and the private grief of a leader.

The fifth is about the dietary laws. What is their logic? The essay suggests that the existence of restrictions on what we may eat and what we may kill for food has to do with the integrity of nature and the fact that **we, as humans, are not owners but guardians of the universe**. The dietary laws are thus part of the ecological dimension of the Torah, rediscovered in our time.

*The Integrity of Nature*¹

The second half of Exodus and the first part of Leviticus form a carefully structured narrative. The Israelites were commanded to construct a sanctuary. They carried out the command. This is followed by an account of sacrifices to be offered there. Then, in the first part of this *parasha*, the priests are inducted into office.

What happens next, though, is unexpected: the dietary laws, a list of permitted and forbidden species, animals, fish, and birds. What is the logic of these laws? **Why are they placed here? What is their connection with the Sanctuary?**

The late Rabbi Elie Munk offered a fascinating suggestion.⁽¹⁾ As we have mentioned before, the Sanctuary was a human counterpart of the cosmos. Several keywords in the biblical account of its construction are also keywords in the narrative of creation at the beginning of Genesis. The Talmud compares God's joy on seeing the Sanctuary completed to His joy when heaven and earth were made.⁽²⁾ The two are parallel: **the**

universe is the home God made for man. The Sanctuary was the home human beings made for God.

Rabbi Munk reminds us that **the first command God gave the first human was a dietary law**. "You are free to eat from any tree in the garden, but you must not eat from the tree of the knowledge of good and evil, for when you eat of it you will surely die" (Gen. 2:16-17). The dietary laws in *Parashat Shemini* parallel the prohibition given to Adam.

1. **17 thou shalt not eat.** Man's most sacred privilege is freedom of will, the ability to obey or to disobey his Maker. This sharp limitation of self-gratification, **this 'dietary law,' was to test the use he would make of his freedom**; and it thus begins the moral discipline of man. Unlike the beast, man has also a spiritual life, which demands the subordination of man's desires to the law of God. The will of God revealed in His Law is the one eternal and unfailing guide as to what constitutes good and evil—and not man's instincts, or even his Reason, which in the hour of temptation often call light darkness and darkness light.²

thou shalt surely die. i.e., thou must inevitably become mortal (Symmachus). While this explanation removes the difficulty that Adam and Eve lived a long time after they had eaten of the forbidden fruit, **it assumes that man was created to be a deathless being**. A simpler explanation is that in view of all the circumstances of the temptation, the All-merciful God mercifully modified the penalty, and they did not die on the day of their sin.

a. Romans 5:12-17

¹²Therefore, just as sin entered the world through one man, and death through sin, and in this way **death came to all people, because all sinned ...** ¹⁷**For if, by the trespass of the one man, death reigned through that one man, how much more will those who receive God's abundant provision of grace and of the gift of righteousness reign in life through the one man, Yeshua the Messiah!**

As then, so now, **a new era in the spiritual history of humankind, preceded by an act of creation, is marked by laws about what one may and may not eat.**

Why? As with sex, so with eating: these are the most primal activities, shared with most other forms of life. Without sex there is no continuation of the species. Without food, even the individual cannot survive. These, therefore, have been the focus of radically different cultures.

1 Rabbi Jonathan Sacks, *Covenant & Conversation: Genesis*, (Maggid Books & The Orthodox Union), pp. 157-161.

2 Dr. J. H. Hertz, C.H. *The Pentateuch and Haftorahs* (Soncino Press), p. 8.

On the one hand, there are hedonistic cultures in which food and sex are seen as pleasures and pursued as such. On the other are ascetic cultures—marked by monastic seclusion—in which sex is avoided and eating kept to a minimum. The former emphasise the body, the latter the soul.

Judaism, by contrast, sees the human situation in terms of integration and balance. We are body and soul. Hence the Judaic imperative, neither hedonistic nor ascetic, but transformative: we are commanded to sanctify the activities of eating and sex. From this flow the dietary laws and the laws of family purity (*nidda* and *mikve*), two key elements of *kedusha*, the life of holiness.

2. Leviticus 18:19

¹⁹"Do not approach a woman to have sexual relations during ... her monthly period.

a. Leviticus 15:19ff

^{19ff}"When a woman has her regular flow of blood, the impurity ... will last seven days ... (and then she must) bath with water...

We can go further. Genesis 1 is not the only account of creation in Tanakh, the Hebrew Bible. There are several others. One is contained in the last chapters of the book of Job. It is this that deserves close attention.

Job is the paradigm of the righteous individual who suffers. He loses all he has, for no apparent reason. His companions tell him that he must have sinned. Only this can reconcile his fate with justice. Job maintains his innocence and demands a hearing in the heavenly tribunal. For some thirty-seven chapters the argument rages, then in chapter 38 God addresses Job "out of the whirlwind." God offers no answers. Instead, for four chapters, He asks questions of His own, rhetorical questions that have no answer: "Where were you when I laid the earth's foundation? Have you journeyed to the springs of the sea or walked in the recesses of the deep? Does the rain have a father? From whose womb comes the ice?"

God shows Job the whole panoply (array) of creation, but it is a very different view of the universe than that set out in Genesis 1-2. **There the centre of the narrative is the human person.** Man and woman were created last, made in God's image, given dominion over all that lives. **In Job 38-41 we see not an anthropocentric, but a theocentric, universe.** It is as if we were not on earth but in heaven. Job is the only person in Tanakh who sees the world, as it were, from God's point of view.

Particularly striking is the way these chapters deal with the animal kingdom. **What Job sees are not domestic animals, but wild, untameable creatures, magnificent in their strength and beauty, living far from and utterly indifferent to humankind:**

Do you give the horse his strength or clothe his neck with a flowing mane?

Do you make him leap like a locust, striking terror with his proud snorting?

3. Jeremiah 8:15-16

¹⁶**The snorting of the enemy's horses is heard from Dan; at the neighing of their stallions the whole land trembles.**

Does the hawk take flight by your wisdom and spread his wings towards the south?

Does the eagle soar at your command and build his nest on high?

Can you pull in the Leviathan (Heb: "*serpent, sea-monster, dragon*") with a fishhook or tie down his tongue with a rope?

Can you put a cord through his nose or pierce his jaw with a hook?

Nothing on earth is his equal—a creature without fear. He looks down on all that are haughty, he is king over all that are proud. (Job 39:19-41:34)

This is the most radically non-anthropocentric³ passage in the Hebrew Bible. **It tells us that man is not the centre of the universe, nor are we the measure of all things. Some of the most glorious aspects of nature have nothing to do with human needs, and everything to do with the divine creation of diversity.** One of the few Jewish thinkers to state this clearly was Maimonides:

I consider the following opinion as most correct according to the teaching of the Bible and the results of philosophy, namely that **the universe does not exist for man's sake**, but that each being exists for its own sake, and not because of some other thing. Thus we believe in creation, and yet need not inquire what purpose is served by each species of existing things, because we assume that **God created all parts of the universe by His will; some for their own sake, and some for the sake of other beings.**⁽³⁾

And again:

Consider how vast are the dimensions and how great the number of these corporeal (physical) beings. If the whole of the earth would not constitute even the smallest part of the sphere of the fixed stars, what is the relation of the human species to all these created things, and how can any of us imagine that they exist for his sake and that they are instruments for his benefit?⁽⁴⁾

³ Considering human beings as the most significant entity of the universe, interpreting or regarding the world in terms of human values and experiences.

We now understand what is at stake in the prohibition of eating certain species of animals, birds, and fish, many of them predators like the creatures described in Job 38-41. **They exist for their own sake, not for the sake of humankind.** The vast universe, and earth itself with the myriad species it contains, has an integrity of its own. Yes, after the Flood, God gave humans permission to eat meat, but this was a concession, as if to say: Kill if you must, but let it be animals, not other humans, that you kill.

4. Social Order and Use of Tools in Parts of the Animal World⁴

a. Wolves.⁽¹⁵¹⁾

- 1) Wolves are very social animals—they live and hunt together in groups called packs.
- 2) A wolf pack is really just another name for a family of wolves—a pack is usually made up of an adult male and female wolf and their offspring of various ages.
- 3) Pack sizes range from three to twenty wolves.
- 4) A wolf pack has a definite social structure and rules of conduct.
 - a) The pack leaders are the alpha male and female—these two animals are dominant over all the other wolves in the pack.
 - b) The alpha male and female are the only wolves that breed and produce pups in the pack, and they also get to eat first at kills.
 - c) The social structure of the wolf pack changes from year to year—wolves in the pack move up and down in the “pecking order” or hierarchy.
 - d) A wolf lower down in the pecking order may challenge an alpha wolf for pack leadership—if the alpha wolf loses this challenge, it will likely go off on its own, find another mate, and start a new pack.

b. Elephants.⁽¹⁵²⁾

- 1) Elephants are known for their superior intelligence as well as their structured social order.
 - a) One of the main characteristics of the social order in the herd is that males and females live entirely different and separate lives.
 - b) An average herd of immediate family will comprise of 5 to 15 adult elephants as well as immature males and females.

- c) As the herd grows, some members split to form new herds—in this way, families are divided and allowed to expand outwards.
- d) However, **these members never forget their family roots and commit much time and effort to keeping track of their relatives through vocal and non-vocal communication.**

2) Elephants are a matriarchal society; that is, one that is led by a head cow, who presides over her herd of females.

- a) Each herd is made up of mothers, daughters, sisters and aunts—they are guided by the oldest and largest female of the herd.
- b) This herd sticks closely together, rejoicing at the birth of a calf and mourning at the death of a member.
- c) The insight and intelligence of the elephant is particularly noteworthy in their ability to mourn their dead—this behaviour has only previously been noted in humans.
- d) In fact, recently deceased elephants will receive a burial ceremony, while **those who are already reduced to a skeleton are still paid respect by passing herds.**
- e) The burial ceremony is marked by deep rumblings while the dead body is touched and caressed by the herd members’ trunks.

3) Use of tools.⁽¹⁵³⁾

- a) Like primates, elephant calves will play with objects found in their natural environment, but their use of objects goes beyond playfulness and curiosity.
- b) Elephants use sticks to scratch themselves, shoo away flies, and intimidate enemies.
- c) In captivity, elephants have used large rocks to short circuit electric fences.
- d) Elephants have been observed digging holes to drink water and then ripping bark from a tree, chewing it into the shape of a ball, filling in the hole and covering over it with sand to avoid evaporation—then going back to this spot for a drink.

c. Gorillas.⁽¹⁵⁴⁾

- 1) The Mountain Gorilla is highly social, and lives in relatively stable, cohesive groups held together by long-term bonds between adult males and females.
 - a) Relationships among females are relatively weak.

⁴ Robert R. Gorelik, *Creation, Reconciling Genesis and the Big Bang*, (Eshav Books), pp. 97-100.

- b) These groups are nonterritorial; the silverback generally defends his group rather than his territory.
- 2) Twenty-five distinct vocalizations are recognized, many of which are used primarily for group communication within dense vegetation.
 - a) Sounds classified as grunts and barks are heard most frequently while traveling, and indicate the whereabouts of individual group members—they may also be used during social interactions when discipline is required.
 - b) Screams and roars signal alarm or warning, and are produced most often by silverbacks.
 - c) Deep, rumbling belches suggest contentment and are heard frequently during feeding and resting periods.

3) Use of Tools.⁽¹⁵⁵⁾

- a) Researchers have observed and photographed wild gorillas using sticks and stumps to navigate a swampy forest clearing in the Republic of the Congo—the images provide the first documented use of tools among wild gorillas.
- b) **In one instance, a female gorilla named Leah tried to wade across a pool of water but found herself waist deep after just a few steps.**
- c) **She retreated, grabbed a branch sticking out of the water, and used it to gauge the water's depth before wading deeper.**

d. Dolphins.⁽¹⁵⁶⁾

- 1) Dolphins are often regarded as one of Earth's most intelligent animals, though it is hard to say just how intelligent.
 - a) Comparing species' relative intelligence is complicated by differences in sensory apparatus, response modes, and nature of cognition.
 - b) Furthermore, the difficulty and expense of experimental work with large aquatic animals has so far prevented some tests and limited sample size and rigor in others.
 - c) Compared to many other species however, dolphin behavior has been studied extensively, both in captivity and in the wild.
- 2) Dolphins are social, living in pods of up to a dozen individuals.
 - a) In places with a high abundance of food, pods can merge temporarily, forming a superpod; such groupings may exceed 1,000 dolphins.

- b) Individuals communicate using a variety of clicks, whistles and other vocalizations— they make ultrasonic sounds for echolocation.
- 3) Dolphins can establish strong social bonds.
 - a) Dolphins will stay with injured or ill individuals, even helping them to breathe by bringing them to the surface if needed.
 - b) **This altruism does not appear to be limited to their own species however**—the dolphin Mako in New Zealand has been observed guiding a female Pygmy Sperm Whale together with her calf out of shallow water where they had been stranded several times.
 - c) **They have also been seen protecting swimmers from sharks by swimming circles around the swimmers or charging the sharks to make them go away.**
- 4) Dolphins also display culture, something long believed to be unique to humans (and possibly other primate species).
 - a) In May 2005, a discovery in Australia found Indo-Pacific Bottlenose Dolphin teaching their young to use tools.
 - b) They cover their snouts with sponges to protect them while foraging—using sponges as mouth protection is a learned behavior.
 - c) This knowledge is mostly transferred by mothers to daughters, unlike simian primates, where knowledge is generally passed on to both sexes.
 - d) Another learned behavior was discovered among river dolphins in Brazil, where some male dolphins use weeds and sticks as part of a sexual display.

(151) teacher.scholastic.com/wolves/gabout3.htm

(152) www.andrews-elephants.com/social-order.html; <http://www.andrews-elephants.com/elephant-intelligence.html>

(153) www.associatedcontent.com/article/805527/elephant_intelligence_why_elephants.html?cat=47

(154) en.wikipedia.org/wiki/Gorilla_gorilla_beringei#Social_structure

(155) news.nationalgeographic.com/news/2005/09/0930_050930_gorillatool.html

(156) en.wikipedia.org/wiki/Dolphins

With His covenant with the Israelites, God invited humanity to begin a new chapter in history. This was not yet the Garden of Eden, paradise regained. But, with the construction of the Sanctuary—a symbolic home for the Divine Presence on earth—something new had begun. One sign of this is the fact that the Israelites were not permitted to kill any and every

life form for food. Some species must be protected, given their freedom, granted their integrity, left unsubjected to human devices and desires.

The new creation—the Sanctuary—marks a new dignity for the old creation, especially its wild, untamed creatures. **Not everything in the universe was made for human consumption.** In the face of nature ham-
sthere must be reverence and restraint.

(1) Elie Munk, *The Call of the Torah*, vol. 2 (New York: Mesorah, 2004), 99.

(2) Megillah 10b

(3) Maimonides, *The Guide for the Perplexed*, III:13.

(4) Ibid., III:14.

5. Genesis 1:26-28

²⁶... so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground" ... ²⁸Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground."

*Rashi*⁵—"There is in this expression the meaning of dominion and the meaning of subservience. If he [man] if found worthy he has dominion over the beasts and the cattle. If he is not found worthy he becomes subservient before them and the beast rules over him."

a. Job 38:41

Who provides food for the raven ...

b. Psalms 86:9-13

¹⁰For **you are great and do marvelous deeds; you alone are God.**

c. Psalms 147:9

He provides food for the cattle and for the young ravens ...

d. Psalms 104:27

All creatures look to you to give them their food at the proper time.

e. Matthew 6:25-34

²⁶Look at the birds of the air; they do not sow or reap or store away in barns, and yet your heavenly Father feeds them. Are you not much more valuable than they? ...

³⁴Therefore do not worry about tomorrow, for tomorrow will worry about itself. Each day has enough trouble of its own.

⁵ Shlomo Yitzchaki (1040–1105), today generally known by the acronym **Rashi** (RAbbi SHlomo Itzhaki), was a medieval French rabbi and author of a comprehensive commentary on the Talmud and commentary on the *Tanakh*. Acclaimed for his ability to present the basic meaning of the text in a concise and lucid fashion, Rashi appeals to both learned scholars and beginner students, and his works remain a centerpiece of contemporary Jewish study.