

Parashah and Politics: How Torah Changed the World

Parashat Shemini, Leviticus, Chapters 9-11 | April 6, 2024

By Rabbi Meir Soloveichik

Scalia vs. Polonius

In 1988, Supreme Court Justice Antonin Scalia spoke at his son's high school graduation. Noting that most speeches at such occasions are enormously boring and uninspiring, the justice announced that he would be adopting an unusual rhetorical approach: he would list the "platitudes" that were usually pronounced at commencement addresses and explain why they were wrong. One such platitude finds its source in Shakespeare, as advice given by Polonius to his son Laertes in *Hamlet*:

This above all: to thine own self be true . . .

Scalia chose to target this famous phrase. One platitude constantly heard, he explained,

can be variously delivered as "Follow your star" or "Never compromise your principles" or (quoting Polonius in *Hamlet*—who people forget was *supposed* to be a silly man) "To thine own self be true." Now this can be very good or very bad advice, depending. Indeed, follow your star—if you want to head north and it's the North Star. But if you want to head north and it's Mars, you had better follow somebody else's star.

Scalia then went on to note that evil individuals also sought to be true to themselves and that therefore,

to thine own self be true—depending upon who you think you are.

The point, for Scalia, was profound:

It is a belief that seems particularly to beset modern society that believing deeply in something, and following that belief, is the most important thing a person can do. Get out there and picket, or boycott, or electioneer, or whatever, show yourself to be a "committed person." (That is the fashionable phrase.) I am here to tell you that it is much less important how committed you are than what you are committed to. If I have to choose, I will undoubtedly take the less dynamic, indeed even the lazy person, who knows what's right, than the zealot in the cause of error. He may move slower, but he's headed in the right

Parashah and Politics

Shemini | April 6, 2024

direction. Movement is not necessarily progress. More important than your obligation to *follow* your conscience—or at least prior to it—is your obligation to form your conscience correctly. . . .

In short, it is your responsibility, men and women of the Class of '88, not just to be zealous in the pursuit of your ideals, but to be sure that your ideals are the *right* ones—not merely in their ends but in their means. That is perhaps the hardest part of being a good human being. Good intentions are not enough. Being a good person begins with being a wise person. *Then* when you follow your conscience you will be heading in the right direction.

To become wise, we must be formed by tradition, by faith, by the wisdom of the past. To make a virtue out of charting one's own course for the sake of individualism itself is not only *not* to be admired: it endangers the very traditions that are so essential to character formation.

We bear Scalia's message in mind as we look at our own reading, which begins with a tragic tale, one that is mysterious, and difficult to understand.

For seven days, Moses sanctifies the Tabernacle, and prepares Aaron and his sons for the priesthood. On the eighth day, the sanctity of the site is made miraculously manifest:

And Moses and Aaron went into the tent of meeting; and when they came out they blessed the people, and the glory of the Lord appeared to all the people. And fire came forth from before the Lord and consumed the burnt offering and the fat upon the altar; and when all the people saw it, they shouted, and fell on their faces. (Leviticus 9:23–24)

At this moment, two sons of Aaron are seemingly infused with a spiritual enthusiasm and attempt to engage in a cultic rite—the bringing of incense—that is apparently intended to ensure greater intimacy with the Almighty. Yet ritual in the Tabernacle and Temple is highly regulated, and at that moment, no such incense offering was called for. Tragedy results:

Now Nadab and Abihu, the sons of Aaron, each took his censer, and put fire in it, and laid incense on it, and offered unholy fire before the Lord, such as he had not commanded them. And fire came forth from the presence of the Lord and devoured them, and they died before the Lord. (Leviticus 10:1–2)

The Torah immediately makes clear that these two priests were not wicked, and that their motivations were spiritually sincere. It is possible, as some suggest, that this is to be seen simply as a tragic result of their coming too close to the Sacred. Yet what is emphasized in this enigmatic account—what is made clear amid an otherwise mysterious passage—is that the ritual in which these righteous priests engaged was “not commanded.” There would be many opportunities to offer incense in the future, at the appointed place and time, but that, for these sons of Aaron, did not suffice.

While standing in the most sensitive and sacred space thus far experienced in Jewish history—and having been vouchsafed one of the most sacred positions of leadership in Judaism—these two men sought to worship God



Parashah and Politics

Shemini | April 6, 2024

in a way that appeared inspiring *to them*, though, as the Torah emphasizes, it was not commanded. They were seeking, to paraphrase Polonius, to be sincerely true to their own selves. For Rabbi Samson Raphael Hirsch, the pointed use of the possessive pronoun—“each took *his* censer”—emphasizes how individualistic the act was, telling us that the vessels utilized were not even those dedicated to the Sanctuary. Rabbi Hirsch builds on the comments of the Mishnaic sage Rabbi Akiva in offering his interpretation:

The offering itself appears in every way illegal. The censers as well as the fire and the incense were all against the law. All the utensils must belong to the congregation and be holy. By giving his offering over into a national vessel of the Sanctuary, the bringer, together with his offering, enters within the framework of the national sanctuary of the Torah, and thereby gives himself up to all its demands, to the exclusion of any decisions made according to his own ideas. But the censers of Nadav and Avihu were each *his own*; they approached God, not with the vessels of the Sanctuary, but with their own, without self-renunciation. They put a fire in the censer, more precisely an alien fire, from their own hearths, as Rabbi Akiva explains—not fire from the altar.

And, finally, the incense itself. Incense was the one sacrificial substance which was not permitted to be brought as a voluntary donation by the community nor the individual. The bringing of incense was to remain restricted exclusively to that which was prescribed for the community daily and for the high priest on Yom Kippur.

The ritual was one that was meant to be communal and commanded, and in a terrible mistake, the sons of Aaron each became a priestly Polonius, each individualizing the ritual for himself. Rabbi Zvi Shimon of Yeshivat Har Etzion, citing Rabbi Hirsch, notes that other exegetes read the story slightly differently, but also see the mistake here as expressing what Rabbi Shimon calls “hyper-individualism.” Rabbi Hirsch, as he also notes, goes on to argue that such an approach to ritual undoes the very meaning of the Tabernacle:

The Pagan brings his offering in an attempt to make the god subservient to his wishes. The Jew, with his offering, wishes to place himself in the service of God; by his offering he wishes to make himself subservient to the wishes of his God. So that all offerings are formulae of the demands of God, which the bringer, by his offering, undertakes to make the normal routine for his future life. So that self-devised offerings would be a killing of just those very truths which our offerings are meant to impress upon the bringers, would be placing a pedestal on which to glorify one’s own ideas, where a throne was meant to be built for obedience, and obedience only. . . . Not by fresh inventions even of God-serving novices, but by carrying out that which is ordained by God has the Jewish priest to establish the authenticity of his activities.

Judaism, of course, has a profound role for individuality. As we have quoted the great historian Paul Johnson as saying to Rabbi Jonathan Sacks: one of the great achievements of Jewish history was the balance struck in covenantal community between the collective and the individual. But for the Torah, the individual finds his or her own unique form of contribution and expression as part of the larger whole, formed by the duties of our tradition and faith. For Rabbi Hirsch, an act of individualistic expression at one of the most communal moments in Jewish history violated the sanctity of the Tabernacle itself.



We can now appreciate what follows. The sons of Aaron are mourned by all—except by their own family, the surviving priests, who find themselves in the midst of the Tabernacle inauguration and bear collective responsibility for the people. The sacred service must continue; at this moment, they cannot express their individual grief, as much as it would otherwise be expected. Moses commands Aaron:

Do not let the hair of your heads hang loose, and do not rend your clothes, lest you die, and lest wrath come upon all the congregation; but your brethren, the whole house of Israel, may bewail the burning which the Lord has kindled. (Leviticus 10:6)

The mussing of hair and the rending of clothes are traditional forms of mourning; in a heart-wrenching scene, Aaron and his surviving sons honor their obligation to the people in a moment where individual mourning would otherwise be both expected and appropriate, thereby reminding the people of the role that the Tabernacle, and the spiritual leadership of the priesthood, would play communally in forming every Israelite as an individual.

“[F]or the Torah, the individual finds his or her own unique form of contribution and expression as part of the larger whole, formed by the duties of our tradition and faith.”

It is only with community formation in mind that we can understand the seemingly unconnected subject that comes next. Abruptly, without any transition, the laws of *kashrut* are introduced:

And the Lord said to Moses and Aaron, Say to the people of Israel, These are the living things which you may eat among all the beasts that are on the earth. Whatever parts the hoof, and is cloven-footed, and chews the cud, among the animals, you may eat. (Leviticus 11:1–3)

We are suddenly informed of the criteria for identifying permitted food. Kosher mammals must chew their cud and have split hooves; kosher fish must have fins and scales; only certain birds are kosher; and all insects except some species of locusts are forbidden. If the priests, in the previous chapter, are reminded of their communal role that trumps, at times, individual expression, the Israelites, chosen by God at Sinai as a “nation of priests” must be constantly reminded of their covenantal obligations. And as I have argued in my essay “Locusts, Giraffes, and the Meaning of *Kashrut*,” drawing on the work of Jacob Milgrom and Leon Kass, *kashrut* is a symbolic expression of Jewishness: biblical Israel is commanded to distinguish between kosher and non-kosher animals in order to remind itself, and inform others, of the separation between the Jewish people and the other nations of the world. *Kashrut* is a daily lifestyle that expresses Israel’s covenantal obligations.

Yet as I also emphasize in the essay, the reasons for these particular criteria—scales, split hooves, etc.—remain mysterious, and all attempts in the past to explain them have failed. Even as the Jew is reminded of his or her chosen status, the Jew remains mystified by the method of its expression. In this way, the laws of *kashrut* inspire not arrogance, but humility; for even as Jews are informed that they are the chosen of God, they are reminded



that they are not themselves gods. They are elected, but not omniscient, utterly unlike the Almighty Who chose them. The mystery of *kashrut* testifies to the Jews themselves that they are chosen to be servants of an all-knowing God, Who has separated them in order to serve as His representatives to the world.

[T]he laws of kashrut inspire not arrogance, but humility; for even as Jews are informed that they are the chosen of God, they are reminded that they are not themselves gods.

another unusual speech delivered by Scalia is worth quoting, a eulogy for a fellow lawyer by the name of Morry Liebman. Scalia spoke about his friend in his typical fashion:

Morry Leibman was Jewish. Indeed, with the possible exception of Abraham, God never created anybody more Jewish than Morry Leibman.

Scalia then added words that may appear to embody an insult, but were not intended that way:

I frankly don't know how smart Morry was. He was a spectacularly successful lawyer, of course, but I sometimes suspected that he would maybe have gotten a gentleman's C in Phil Kurland's constitutional law course at the University of Chicago. Now, I don't consider that speaking ill of the dead, because I have never thought that smarts counted for that much. My father used to tell me that brains are like muscles: they can be hired by the hour. It is character and judgment that are not for sale; and for sure Morry had unmatched quantities of those.

One of the most striking aspects of Scalia's life was that one of the most brilliant minds in American jurisprudential history always emphasized that character counted much more than intelligence, that he "never thought that smarts counted for that much." And character, as Scalia further emphasized to his son's graduating class, is formed by wisdom from the past, formed by community, formed by the best moral teachings that have been passed down to us.

Thus as our *parashah* concludes, the covenantal people is reminded, through the mysterious laws of *kashrut*, that the God they serve is ever so much smarter than they will ever be, and that it is the covenantal teachings of the Torah that will form them to lead individual Israelite lives.

Scalia's reflections are worth remembering today. Decades after 1988, so many unwise individuals do indeed seek to be true to their own selves; to paraphrase not Shakespeare but the Bible, we live in an age when so many seek to do what is "right in their own eyes." We pray, however, for an age in which platitudes will be overcome, and in which wisdom will ultimately be embraced.



Parashah and Politics: How Torah Changed the World is generously sponsored by Ivan Kaufman.

Rabbi Soloveichik's podcasts and essays on the Book of Leviticus are generously sponsored by Dr. Michael Schmerin and family in honor of Rabbi Soloveichik, in thanks for his scholarly teaching on Jewish thought, Israel, and Zionism.

This week's episode is generously sponsored by Lillian Oppenheimer.

May the merit of our study together bring a swift victory to the Jewish people.

If you are interested in sponsoring an episode of Parashah and Politics, please contact Director of Strategic Engagement Lauren Shapiro at lshapiro@tikvahfund.org.

Additional Resources

Rabbi Zvi Shimon on Nadav and Avihu, "Playing with Fire," March 29, 2017. [Click here to read.](#)

Rabbi Meir Soloveichik on Why We Keep Kosher, "Locusts, Giraffes, and the Meaning of Kashrut," *Azure*, Winter 2006. [Click here to read.](#)

