

# SEPHARDIC INSTITUTE

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בס"ד

## Parashat Emor Part II Distancing the Priesthood From the Dead

### 1. A New Approach

At the beginning of *Parashat Emor* the Torah states regarding a priest, אִם יָמַת כֹּהֵן אֶל לְוִיִּם. (Although awkward, we will translate literally because of a point the sages expounded that we will discuss shortly: “For a [dead] person he shall not become defiled among his people” [Lev. 21:1]). By declaring contact with the dead defiling and forbidding the *priest* to become defiled the Torah legislated a radical departure from the culture of the surrounding nations. In ancient Egypt and Mesopotamia, recital of priestly prayers and performance of rituals in the presence of the departed were deemed mandatory; it was also common for priests to engage in worship of the dead in their presence. These services were accompanied by magical invocations and superstitious rites deeply embedded in idolatrous beliefs.

In Egypt, gravesites were popular centers for elaborate religious ceremonies led by the priests. For countless centuries, based on society’s deepest fears of the unknown, a prodigious amount of human and material resources were devoted to the dead. Consider the more than a millennium of pyramid construction, those vast structures built by Egyptian monarchs to serve as their residences after death. All these practices associated with death, linked with an elaborate, idolatrous mythology, were totally inimical to the Torah’s monotheistic program and its focus on affirming life. This was not an area of law that could be “sanitized,” allowing priestly involvement after modifications and restrictions, analogous to what was done in certain other areas of Torah law. The priest had to be completely disassociated from contact with the dead and a totally new religious culture had to be established.

By excluding the only class of sanctioned ritual officiant from preparation of a dead body for burial and from participating in funeral and cemetery

services, the Torah greatly downgraded the religious importance of such rituals. This is especially the case given that the Torah did not mandate alternate options. It essentially proclaimed such services to have little if any value to the departed and fundamentally redirected priestly function from what had previously been the norm. This greatly bolstered the national focus toward purity and life. While respecting the departed, a mourner was thus encouraged not to wallow in the past or in mysticism or vain rituals, but to move on with his life and look toward his needs and the future.

It may also have been a concern of the Torah that the rituals attached to death and burial, with their attendant beliefs, glamorized life in the hereafter, downplaying its this-worldly value. This tended to stifle the common people’s drive to seek improvement of their situation and to oppose their harsh treatment and exploitation at the hands of often selfish and unfair rulers. Belief in a blissful hereafter was often manipulated to promote acceptance of the status quo and the powers that be, allowing rulers to maintain their power, privileges and practices. This is not to say that the rulers did not believe in the system. Some Egyptian kings even arranged that at the time of their death a number of their intimates and valuable ministers would be put to death to be buried with them – a fate sometimes calmly accepted, if the findings of recent scientific examinations hold up – so as to be available to serve them in the hereafter. Unfortunately, misuse of religion has existed throughout history until the present day.

### 2. Discussion of Reward and Punishment

Perhaps it was due to similar considerations that the Torah does not speak explicitly about reward after death or directly refer to any aspect of it. Although an inscrutable subject, this much may be said. In general, the belief in an ultimate redemption from death, in one

form or another, without entering into details, is there. Some such belief was widespread in the ancient Near East long before the Torah came on the scene. Trust in the justice, goodness and meaningfulness of G-d's creation and His promises are much more comprehensible when assuming an abiding dimension of existence. The same may be said as regards an appreciation of man's reality, with his free will, his great potential for good, and the frequent call upon him for self-sacrifice. Man's ultracomplex mental activity as well as his many achievements and experiences seem to indicate a "spiritual" element at his core, however it be defined, which also points in that direction.

But it is ever-mysterious and inexplicable and not to be emphasized or highlighted lest it serve as a distraction and disincentive to man in his mission to strive toward bettering his condition and that of his children and society. Certain events and literary snippets are found in Tanakh that reveal a world view that embraces conviction of ultimate rescue from death, in one manner or another.\*

In their struggle with the problem of theodicy and in their intensely honest deliberations, the prophets on occasion contended with G-d, expressing the view that His justice should be understandable by man living in his present context. They did not so much as hint at invoking the afterlife in resolving their dilemma. Life in this world was eminently worthy of consideration and present pain and suffering for the innocent was extremely troubling to them. Thus, Jeremiah asks G-d: צְדִיק אַתָּה ה' כִּי אָרִיב אֵלֶיךָ אֵךְ מִשְׁפָּטִים אֲדַבֵּר אוֹתָךְ מִדּוֹעַ דְּרָךְ צְדִיק אַתָּה ה' רְשָׁעִים צִלְחָה לְמָה תִּבְיֵט בּוֹגְדִים תִּחְרִישׁ בְּבִלְע רְשָׁע לְמָה תִּבְיֵט בּוֹגְדִים תִּחְרִישׁ בְּבִלְע רְשָׁע (‘‘Righteous are You, Hashem, when I contend with You, yet I shall present charges to You: Why does the way of the wicked prosper?’’ [Jer. 12:1]). Habakuk asks: לְמָה תִּבְיֵט בּוֹגְדִים תִּחְרִישׁ בְּבִלְע רְשָׁע לְמָה תִּבְיֵט בּוֹגְדִים תִּחְרִישׁ בְּבִלְע רְשָׁע (‘‘Why do You countenance the treacherous, remain silent while the evil person devours the one more righteous than he?’’ [Hab. 1:13b]). In the book of Job, in the Psalms, in Qoheleth, and more subtly elsewhere in Tanakh, a similar attitude was expressed.

Rabbi Solomon D. Sassoon, in his *Reality Revisited*, presented a most important consideration on this issue:

It is often complained that the Pentateuch, by stressing the material blessings of peace and prosperity that will accrue to the nation and its

future generations if it practices the ‘‘ways of G-d,’’ namely, generosity, love and selflessness, presents us with a much more materialistic motive than those who stress the bliss to be enjoyed in after-life, which it is claimed provides a much more spiritual motive. In truth, however, the second motive is a much more self-centered one, namely the pleasure which the ego will enjoy. Now this is actually a motive which undermines the very result it sets out to realize. For a self by acting so as to have enjoyment in paradise in after-life is actually distancing itself from the non-ego level which alone bestows immortality. On the other hand, the Pentateuch by stressing blessings to future generations is stimulating motives which are future directed and therefore less ego-centered – a form of motivation which taken to its limits actually succeeds in hitching the will on to the non-ego and thus securing immortality...

The approach by way of material and spiritual blessings for future generations stimulates the altruistic instincts and as such leads the will to identify with the non-ego...For the will directed and locked onto the Divine will must acquire a timeless nature which is the equivalent of immortality.

*Reality Revisited*, Abacus Press pp. 203-204 (Reprinted by Feldheim Publishers)

The sages lived in a totally dissimilar age, subsequent to the Hellenistic onslaught on traditional outlooks and beliefs, and so took a different approach. New problems were on the scene and new religious responses were developed. They were no longer greatly concerned about the negative consequences of explicitly citing the afterlife as were the prophets; they discussed it often and unambiguously, usually in a philosophically simplistic manner.

### 3. Additional Considerations

Another consideration that may have played a role in the Torah's distancing the priests from contact with the dead is that priestly involvement with the dead had frequently been linked with the priestly quest for power, often involving exploitation of vulnerable mourners. This offered a ready pathway to corruption. Even in Israel, with safeguards, the priesthood has often been a center of corruption. Consider the case of Hophni and Phinehas, sons of Eli the high priest. They

continually abused their exalted position in order to sexually engage the women who congregated in the sanctuary precinct and imposed their will on the sacrificing public, illegally seizing their choice portions from the offerings (1 Sam. 2:12-17, 22). How much more would the exploitation be if they dealt with funerals and burials?

As the Torah disconnected the priest from contact with the dead, so too the sanctuary was disassociated even from the purification rites that one defiled by contact with the dead was required to undergo. Thus, preparation and storage of the red heifer ashes were to be outside the camp as well as the sprinkling of the water of lustration (Num. 19). And purification did not require a sacrifice as was the case with the three other major categories of impurities (the parturient, leper, and the instances of abnormal genital discharges) since a sacrifice would have required the sanctuary.

Why were the regulations concerning defilement by contact with the dead (and the relevant purification procedures) not prescribed in Leviticus with the other cases of major defilements, where they appear to naturally belong? This surely requires an explanation. Perhaps the intent was to emphasize priestly disengagement from the dead by reflecting it in another way. Even the regulations that concern such defilement and purification were distanced from the book that most concerns sanctuary and priests.

#### 4. Regarding the Exceptions

The Torah permitted an ordinary priest to become defiled in the capacity of a mourner grieving for the loss of a member of his immediate family; indeed, he is directed to do so. (In speaking of his unmarried sister, the Torah states *וְהָיָה לָהּ כִּי יִטְמָא*, “for her he becomes defiled” [21:3], implying that he should do so.) In such instances the natural, human response requiring funerary participation was recognized as overriding other considerations. The circumstances ensure that such exceptions will not lead to compromising the objective of the basic law.

The high priest, however, was not permitted defilement even in such a case. His responsibility to represent the nation before the Deity at all times, a function that required purity and presence in the sanctuary, was to take precedence over personal

needs. Nevertheless, a manifestation of grief for the death of an immediate family member short of defilement was expected even from him. Aaron, the high priest, on the occasion of his bereavement of his two sons Nadab and Abihu, articulated this principle to Moses (Lev. 10:19-20). After the tragedy, although he had not become defiled, he refrained from eating from the *חֹטֵאת* sacrifice, despite the fact that normally it was a requirement to do so. He reasoned that doing so on the day he suffered such a loss would not be pleasing in G-d’s eyes and Moses assented to his position (see Rambam *MT Laws of Mourning* 1:1).\*\*

The sages declared that there is a particular emergency situation in which the law of the Torah forbidding a priest to become defiled for a dead person is set aside. This is the case when a priest comes upon a corpse and there is no one to attend to the burial – in talmudic parlance *מֵת מְצֻנָה* (a phrase coined for this circumstance). If there is nobody else to take care of the burial he is not to abandon the corpse but is required to attend to the burial himself. A human corpse lying around with no one attending to it is a desecration of G-d’s glory, given that the reflection of the “image of G-d” is manifest on it (see Deut. 21:23). The clause *אִישׁ יִטְמָא בְּעַל קְרֵעָיו* (“a *ba’al* should not become defiled among his people” [Lev.21:4]), which speaks about a priest, was interpreted to be a qualification addressing this situation. Only when among people is he forbidden to become defiled, thereby permitting his defilement when there were not other people around to attend to the corpse.

#### Endnotes

\* Gen. 5:24; 2 Kings 2:11; Ps. 48:15; 49:16; 73:24; Prov. 12:28; and elsewhere. Cases or statements of G-d’s resurrecting from death, mostly unconnected with the topic at hand but a concept often intertwined with the overall issue, are also found in Tanakh: Deut. 32:39; 1 Sam. 2:6; 1 Kings 17:22; 2 Kings 4:34-35; 13:21; Ezek. 37; Dan. 12.

\*\* Previously, in his *Book of the Commandments* (#37) the Rambam had cited our Leviticus 21 passage that instructed priests to become defiled for immediate family relatives as the proof-text of there being a biblical obligation of mourning. Each of these citations has had authorities on both sides of the issue.

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