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Considering the Priestly Prohibition Against Imbibing Following Tragedy

Rabbi Drew Kaplan

In this week's Torah portion, we not only encounter a very direct prohibition against drinking, but also the very first appearance of beer in the entirety of the Bible, all in the same verse (Lev. 10:8-11):

And The LORD spoke to Aaron, saying: "Drink neither wine nor beer, you or your sons, when you enter the Tent of Meeting, that you may not die. This is a law for all time throughout the ages, for you must distinguish between the sacred and the profane, and between the impure and the pure; and you must teach the Israelites all the laws which The LORD has imparted to them through Moses."	וידבר ה' אל־אהרן לאמר: יין ושכר אל־תשת אתה ובניך אתה בבאכם אל־אהל מועד ולא תמתו חקת עולם לדורותיכם: ולהבדיל בין הקדש ובין החל ובין הטמא ובין הטהור: ולהורת את־בני ישראל את כל־החקים אשר דבר ה' אליהם ביד־משה
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The Prohibition

If we were to break down this down into the 5 Ws and H, this yields the following:

- Who = Aharon and his sons (Lev. 10:9);
- What = Drinking neither wine nor beer (Lev. 10:9);
- When = Entering the Tent of Meeting...for all time throughout the ages (Lev. 10:9)
- Where = The Tent of Meeting (Lev. 10:9);
- Why = To distinguish between the holy and normal & the pure and impure (Lev. 10:10-11);
- How = Don't drink [in order to not die] (Lev. 10:9).

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How Quickly to Drink the Four Cups? Rabbi Drew Kaplan

Following-up from last week's column on how much wine to drink from each of the four cups, I realized that the abbreviated fashion with which I dealt regarding the specific matter of how much time to drink the wine needs its own separate treatment.



Medieval Introduction of Consideration of Limiting

The notion of an upper limit of how much time it takes to drink each of the four cups of wine was introduced in the early 13th century. Rabbi Eleazar of Worms (1176-1238) was the first to introduce a concern about delaying the completion of drinking of each cup that it would not be in fulfillment of the requirement to consume these cups of wine, as quoted by Rabbi Yosef Karo (1488-1575) (בית יוסף או"ח תע"ב):

Rabbi Eleazar of Worms wrote in §283 "the Tosefta states: 'One who drank them in פוסין has not fulfilled [one's obligation]', explaining that one who delays a long time between them [has not fulfilled one's obligation]."	כתב הרוקח בסימן רפ"ג בתוספתא שתאן בפוסין לא יצא פי' ששהה שעה גדולה ביניהם
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While this statement does not appear in the Tosefta, perhaps it may have been in a version of the Talmud Yerushalmi, which states (yShekalim 3:2):

May one drink them with interruptions? They said that he should drink to feel differently, not that he should get drunk. If he drinks them with interruptions, he will not become drunk.	מהו לשתותן בפסיקין. כלום אקרו שישתו לו כד' שישתנה ולא ישתכר. אם שתה בפסיקין אף הוא אינו משתכר
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While our version of the Talmud Yerushalmi may differ from what Rabbi Eleazar of Worms had in front of him, perhaps there, nevertheless, remains a concern for taking too long to consume an individual cup of wine at the Seder.

16th Century Rabbis

Following Rabbi Karo's publishing of quoting Rabbi Eleazar of Worms' understanding of that text, this then leads to Rabbi Moshe Isserles (1530-1572) (popularly known as the Rema) writing (מפה לשו"ע או"ח (ח) (תע"ב):

One needs to drink the amount of wine [whether a quarter-log or a majority of a quarter-log] without a big delay between sips.	צריך לשתות השיעור שלא בהפסק גדול בנתיים
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{Priestly Prohibition from previous page}

While there is no blanket prohibition against drinking in the Torah, we do read of one here that is a limited prohibition. It is limited both temporally and demographically, as it does not affect all Jews, only the descendants of Aharon, known as the kohanim. Not only that, it does not affect kohanim at all times, rather only when going to serve in the Tent of Meeting. Basically, this is a Divine prohibition against Kohanim drinking on the job, as God wants Kohanim to maintain a clear head while serving, especially in order to preserve the necessary distinctions of holy/unholy and pure/impure. Clearly, there is a lot at stake while serving and God does not want mistakes to be made.

Beer's Introduction in the Bible

Part of this prohibition includes the first Biblical appearance of beer, which is only surprising that beer had not been previously mentioned.

However, it makes great sense that God would make beer off-limits for serving on-duty, as it, too, is alcoholic, just like wine. Moreover, if wine were the only prohibited beverage, perhaps beer could be consumed, either while on the job or before going to work. This may be beer's most notable appearance in the Torah, as it only appears several further times (Num. 6.3 (x2) & 28.7 and Deut. 14.26 & 29.5), although one of them includes the Nazir's swearing-off from beer or wine, which is not dissimilar from the prohibition in our parashah. While we do not typically associate beer with being a



While there is no blanket prohibit Biblical beverage, archaeological evidence of it in the land of Israel goes back even further than the earliest archaeological evidence of wine.

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In the subsequent century, Rabbi Abraham Abele Gombiner (1635-1682) (popularly known as the author of the Magen Avraham) commented on that (מגן אברהם או"ח תע"ב:י"ב):

...It seems to me that if one delayed more than the amount of time it takes to eat a half-loaf of bread, one has not fulfilled one's obligation of drinking that cup of wine, even after the fact, and one needs to re-drink that cup, even for the latter cups. And, if one delayed in enough time that it takes to drink a quarter-log, then, it would be questionable with the first two cups, then one should re-drink.... Ideally, one should drink a majority of a quarter-log in one gulp....	וני"ל דאם שהא יותר מאכילת פרס אפי' בדיעבד לא יצא ... וצריך לחזור ולשתות אפילו בכוסות אחרונות ואם שהה כדי שתית רביעית א"כ הוי ספיקא בשני כוסות ראשונות יחזור וישתה וע"ש מ"ש ס"ז בהג"ה ולכתחלה ישתה רוב רביעית בבת אחת
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What's fascinating about what Rabbi Gombiner introduces here is that these are pre-existing amounts of time for consumption in halakhah. However, it is not particularly clear how long they are. While the amount of time to eat a half-loaf is typically considered around four minutes, that would mean that the amount of time it takes to drink a quarter-log (discussed last week to be roughly 3-5 ounces). This does not sound particularly crazy, but it does create a question: is this meant to be a regular drinking of this quantity of wine or is it meant to be how quickly one can throw it all down one's throat.

While there is clearly an advantage to using these pre-existing measurements of time in that they already exist, do these actually constitute "a long amount of time"?

19th Century Rabbis

Clearly, simpler take is shared by Rabbi Yisrael Meir ha-Kohen Kagan (1838-1933) (popularly known as the author of the Chofetz Chaim) (מ"ב (תע"ב:ל"ד):

Ideally, one should be careful to not delay the drinking of the majority of a cup in more time than it takes to drink a quarter-log.... Nevertheless, after the fact, if one delayed [too much time] amidst the latter two cups, one should not re-drink them..., but with the first two cups, one should re-drink them. Ideally, it is proper to drink the majority of a quarter-log in one gulp.	לכתחלה יש לזוהר שלא לשהות בשתיית רוב הכוס יותר מכדי שתיית רביעית לחוש לדעה ראשונה המבואר בסימן תרי"ב ע"ש ומ"מ בדיעבד אם שהה בשתי כוסות אחרונות לא יחזור וישתה וכעין המבואר לעיל בס"ז בהג"ה ע"ש. ובשתי כוסות ראשונות יחזור וישתה. ולכתחלה נכון לשתות רוב הרביעית בבת אחת
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This idea of gulping down one's glass of wine is echoed by Rabbi Yechiel Michel Epstein (1829-1908) (popularly known as the author of the Arukh HaShulhan), who wrote (ערוך השלחן או"ח תע"ב:י"ג):

One needs to drink the amount (whether a quarter-log or a majority of a quarter-log) in one gulp, but, at the very least, without a major interruption. And one should drink in the manner of drinking a quarter-log. After the fact, one has fulfilled one's obligation if they drank with an interruption/delay of up to the amount of time it takes to eat a half-loaf of bread. But if one delayed beyond this amount of time, one has not fulfilled one's obligation. If one drank it within the amount of time, one has fulfilled one's obligation.	וצריך לשתות השיעור בבת אחת, ולכל הפחות שלא בהפסק גדול. וישתה כדרך שתיית רביעית. ובדיעבד יצא כשתה בהפסק עד כדי אכילת פרס. ואם שהה יותר משיעור זה - לא יצא, וצריך לשתות כוס אחר. אבל בפחות מזה - יצא
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KFP Tequilas List

As with the past couple of years, The Greater Phoenix Va'ad HaKashruth has released its annual list of kosher for Passover

KFP TEQUILAS, MEZCAL, & SOTOLS

tequilas, noting that these are silver/blanco-only tequilas, silver/blanco mezcal, and sotols, "even when KFP status is not indicated on the bottle". This list is organized by manufacturer and comes to



2024

them courtesy of Supervisores en Calidad Kosher. This list is available at JewishDrinking.com/KFPTequila2024 to help you in your Passover preparations 😊

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Midrashic Association with Aharon's Sons' Deaths

Inasmuch as it is tempting to consider this prohibition in a vacuum, it is hard to ignore its literary context. Coming on the heels of the death of two sons of Aharon (Lev. 10:1-7), the question arises as to why this prohibition is being placed here, intimating that there may be a connection to that tragic story in which two of Aharon's sons die while performing service in the Tent of Meeting.

As such, there are numerous midrashim which make this connection, such as Rabbi Yishmael saying in the early second century (ויקרא רבה) (י"ב:ב):

Rabbi Yishmael taught: The two sons of Aaron died only because they entered intoxicated with wine... תני רבי ישמעאל לא מתו שני בניו של אהרן אלא מפני שנכנסו שתויין

Similarly, we read of Rabbi Shimon in mid-second century also sharing this view (ויקרא רבה) (י"ב:א):

Rabbi Shimon taught: Aaron's sons died only because they entered the Tent of Meeting intoxicated with wine. תני רבי שמעון לא מתו בניו של אהרן אלא על שנכנסו שתויין ללאהל מועד

We then read of a third-century midrash that provides fascinating imagery to further describe this connection (ibid.):

Rabbi Pinḥas said in the name of Rabbi Levi: "This is analogous to a king who had a loyal servant. He found him standing at the entrance to taverns. He beheaded him quietly, and appointed another servant in his stead. We do not know for what reason he killed the first. However, from what he commanded the second, saying: 'Do not enter the area at the entrance to the taverns', we know that it was for that reason that he killed the first. So too, 'fire emerged from before the Lord and consumed them' (Lev. 10:2), but we do not know why they died. However, from what he commanded Aaron, saying to him: 'Wine or beer you shall not drink' (Lev. 10:9), we know that they died only due to the wine. That is why the verse showed affection to Aaron and directed the divine speech to him alone, as it is stated: '[The Lord spoke to Aaron saying]: "Wine or intoxicating drink you shall not drink' (Lev. 10:8-9)."

רבי פנחס בשם רבי לוי אמר משל למלך שהיה לו בן בית נאמן, מצאו עומד על פתח חגיזות, והתז את ראשו בשתיקה, ומנה בן בית אחר תחתיו, ואין אנו יודעים מפני מה הרג את הראשון, אלא ממה שמצוה את השני ואמר לא תכנס בפתח חגיזות, אנו יודעין שמתוך כך הרג הראשון, כך (ויקרא ט, יב): ויצא אש מלפני ה' ויתאכל אותם, ואין אנו יודעים מפני מה מתו, אלא ממה שמצוה את אהרן ואמר לו (ויקרא ט, ט): ויין ושכר אל תשת, אנו יודעין מתוך כך שלא מתו אלא מפני היין, לכך חבבו הכתוב לאהרן ויחד אלו הדבור בפני עצמו, שנאמר: ויין ושכר אל תשת

Alternative Midrashic Explanations for Nadav & Avihu's Deaths

However, is it really so clear that it was on account of their sacrificing under the influence? We read of a few third century rabbis who provided some alternative possibilities (ויקרא רבה כ"ט):

Rabbi Manei of She'av, Rabbi Yehoshua of Sikhnin, and Rabbi Yohanan in the name of Rabbi Levi said: "Due to four matters Aaron's sons died, and death is written regarding all of them:

1) Because they were intoxicated with wine, and death is written in its regard, as it is stated: 'You shall not drink wine or intoxicating drink, [you, nor your sons with you, upon your entry into the Tent of Meeting, that you not die]' (Lev. 10:9).

2) Because they were lacking vestments, and death is written in its regard, as it is stated: 'They shall be on Aaron and his sons [whenever they enter the Tent of Meeting...so they will not bear iniquity and die]' (Ex. 28:43). What were they lacking? It was the robe, in whose regard death is written, as it is stated: 'It shall be on Aaron to serve...[and he will not die]' (Ex. 28:35).

3) Because they entered without washing hands and feet, as it is stated: 'They shall wash their hands and their feet, and they will not die' (Ex. 30:21), and it is written: 'When they come to the Tent of Meeting they shall wash in water' (Ex. 30:20).

4) And because they did not have children, and death is written in its regard; that is what is written: 'Nadav and Avihu died before the Lord...and they had no children' (Num. 3:4)."

Abba Hanin says: "It is because they did not have wives, as it is written: 'And atone for himself and for his household' (Lev. 16:6); 'his household' - this is his wife."

רבי מני דשאב ורבי יהושע דסיכנין ורבי יוחנן בשם רבי לוי אמרו בשביל ארבעה דברים מתו בני אהרן, ובכלן כתיב בהן מיתה, על שהיו שתויין, וכן כתוב בו מיתה, שנאמר (ויקרא ט, ט): ויין ושכר אל תשת, ועל ידי שהיו מחסרי בגדים, וכתוב בו מיתה, שנאמר (שמות כח, מג): והיו על אהרן ועל בניו, ומה היו חסרין, מעיל, שכתוב בו מיתה, שנאמר (שמות כח, לה): והיה על אהרן לשרת, ועל ידי שנכנסו בלא רחיצת ידים ורגלים, שנאמר (שמות ל, כא): ורחצו ידיהם ורגליהם ולא ימתו, וכתוב (שמות ל, כ): בבאם אל אהל מועד ירחצו מים, ועל ידי שלא היו להם בגדים, וכתוב בו מיתה, הדיא הוא דכתיב (במדבר ג, ד): וימת נדב ואביהוא. אבא חנין אומר על ידי שלא היו להם נשים, דכתיב (ויקרא טז, ז): וכפר בעדו ובעד ביתו, ביתו זו אשתו.

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{Four cups from previous page}

According to 20th century measurements, the amount of time it takes to eat a half-loaf of bread is roughly 4 minutes; the amount of time it takes to drink a quarter-log is roughly a minute (halachipedia.org).

How Long Does it Take to Drink?

How much time should one consider that it would take to drink several ounces? Is it really only a minute? Is it the amount of time one chugs it down, or is it how long it takes to drink it in the normal manner of drinking? Is chugging on Seder night something we should be aspiring to do?

Is Gulping Appropriate?

I cannot help but think of a text that seems to push back against gulping one's cup at once (Pesachim 86b):

It was taught: One who drinks his cup at אחת בבת כוסו השותה כוסו הרי זה גרגרן, שנים - דרך ארץ, שלשה - מגסי הרוח

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Podcast Appearance

In the latest of my podcast appearances, speaking about Jewish drinking [on other peoples' podcasts], I'm excited to share the newest such appearance. Rabbi Moshe Kurtz had me on his *Shu"t First, Ask Questions Later* podcast recently,

speaking about Rabbi Moshe Isserles' rabbinic responsum #124. Cleverly named "Uncorking the Rema's Censored Wine Responsum", this episode is available on Apple Podcasts and Spotify, as well as viewable on YouTube. You can find links to them at JewishDrinking.com/ShutFirst2024



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Alternative Explanation to Aharon's Sons' Deaths

Nevertheless, there is still something missing in this description of Nadav's and Avihu's deaths. After all, it was a strange fire, so what was going on?

I found the explanation of Rabbi Moses ben Nahman (1194-1270) to be quite fascinating (רמב"ן על ויקרא יט):

The reason why this commandment was given at that time, was in order that the priest should not go astray through the intoxicating effect of wine, and thus come to entertain some improper thought which might cause his death, as happened to [Aharon's] sons. It is possible that when the Rabbis interpreted that Nadav and Avihu died because they entered the Sanctuary whilst intoxicated by wine, they meant to say that it was because of the wine they had drunk that they erred in the matter of the strange fire, but not that their punishment actually was because they had drunk the wine, since they had not yet been warned against it. Rather, their punishment was because they erred with respect to the fire of God, as I have alluded to.

הטעם בצואה
הזאת עתה שלא
יתנה הכהן
בשכרות היין ויבא
לידי מחשבה
שאינה כהוגן וימות
בה כאשר עשו
בניו ויתכן כי מה
שדרשו (ויק"ר יב
א) שהיו נדב
ואביהוא שתויו יין
לומר כי מפני יינם
טעו באש זרה לא
שיהיה העונש
מפני היין כי עדיין
לא הוזהרו ממנו
אבל עונשם שטעו
באש ה' כאשר
רמזתי

I have found this explanation quite fascinating, as it does not squarely place the problem on Nadav and Avihu for simply having been intoxicated, but rather due to their having offered a strange fire.

Conclusion

While it is unclear precisely what was problematic about the strange fire that Nadav and Avihu brought, it is not entirely clear that they did so while intoxicated. At the same time, it is hard to consider that drinking had not been a part of the equation, as this prohibition is immediately juxtaposed to this tragic story.

Whether or not Nadav and Avihu had engaged in buzzed or drunken sacrificing, clearly, the prohibition against kohanim from drinking on the job was put in place to ensure that priestly duties are carried out appropriately and soberly. Indeed, there is a time and a place for drinking and there is a time and a place for not drinking.

L'chaim 🍷

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However, is this always the case? On that same page, we read (ibid.):

Rabbi Yishmael, son of Rabbi Yosei, happened to come to the house of Rabbi Shimon, son of Rabbi Yosei ben Lakonya.	רבי ישמעאל ברבי יוסי איקלע לבי רבי שמעון ברבי יוסי בן לקוניא.
They gave him a cup of wine to drink. He accepted it the first time it was offered and drank it at one time.	יהבו ליה כסא, קבליה בחד זימנא ושתיה בחד זימנא.
They said to him: "Does our master not hold one who drinks his cup at one time is a guzzler?"	אמרי ליה: לא סבר לה מר השותה כוסו בבית אחת הרי זה גרגרן?
He said to them: "They did not say this rule with regard to your small cup, and your sweet wine, and my wide stomach."	אמר להו: לא אמרי בכוסך קטן וייןך מתוק וכריסי רחבה

Indeed, this later is mentioned by both Rabbi Karo and Rabbi Isserles (שו"ע או"ח ק"ע:ח):

One should not drink one's cup in one gulp; and, if one did, he is a guzzler. Two - this is proper conduct; three - this is haughty. Gloss: However, one is permitted to drink [wine] one's cup in one gulp if it is a small cup. And, similarly, if it is a large cup, one may drink out of it in three or four sips.	לא ישתה כוסו בבת אחת ואם שתה הרי זה גרגרן. שנים דרך ארץ שלשה הרי זה מגסי הרוח: הגה ומיהו כוס קטן מאד מותר לשתותו בבית אחת (ב"י) וכן גדול מאוד בשלשה או ארבעה פעמים
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Clearly, there is already a set of guidelines for appropriate wine-drinking in halakhah, as we read here, so why would they suddenly not apply during the Seder?

Different Rates of Drinking

What is going on when one is delaying a long time while drinking an individual cup? Does one get caught up in conversation and lose sight of the wine they are drinking? Is it that one doesn't remember they are drinking wine? Also, how much does it differ from cup to cup?

Another consideration is that there may be drinking really quickly, drinking in a reasonable time frame, drinking in a leisurely time frame, and then there's taking a long, casual time to drink down a full wine cup. While I can understand the concern that Rabbi Isserles wrote about not delaying a long time, why should we strive to pound these cups of wine down our throats in such a quick fashion?

Conclusion

I am a big believer in enjoying one's drinking. I also believe that, while we begin the Seder as seeing ourselves as slaves, we ultimately turn to see ourselves as if we have departed from Egypt and no longer are enslaved. We are בני חורין, freefolk.

While people can certainly gulp down wine if they choose, there is also something to be said for taking a leisurely approach to drinking the four cups of wine at the Seder. When we consider the typical amount of time it takes to drink a few ounces of wine, how long does it normally take?

Perhaps one way of considering this aspect is take one's time, enjoy the glasses of wine, and appreciate the freedom to do so, as we are not enslaved. Conversely, if we take too much time to do so, there is also a concern that it does not seem to be part of the same experience in one cup.

L'chaim 🍷

This publication is composed by, edited by, and published by Rabbi Drew Kaplan.

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