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Rambam as Biblical Commentator **Rabbi Adam Frieberg**

Most of my learning has come from YU/RIETS Roshei Yeshiva or those who have semichah from RIETS, and hardly a class goes by without mention of the Rambam. To be fair, Rambam was, by all accounts, one of the most prolific medieval sages; he wrote books of law and philosophy, as well as many famous letters addressing the most pressing issues of his day. In our day, the Brisker style of learning has become widespread and with it the popularity of Rambam.

In recent years, Rabbi Dr. Mordechai Z. Cohen's book, *Opening the Gates of Interpretation; Maimonides' Biblical Hermeneutics in Light of His Geonic-Andalusian Heritage and Muslim Milieu*, has brought another aspect of Rambam to light. Rabbi Cohen argues that in addition to all of his other contributions, Rambam contributed extensively to the world of *parshanut ha'mikra*, biblical exegesis. Unlike Rashi or Ramban, Rambam did not write a line-by-line commentary on any of the books of the Bible. Nonetheless, argues Rabbi Cohen, Rambam was not only a student of the Geonic-Andalusian *peshat* tradition (of which Rabbi Saadya Gaon was a champion), but he was actually a key contributor to its development in the twelfth century.

To illustrate this point, let us look at the Talmud's famous line "*Ein mikra yotzei midei peshuto* - A verse does not leave the realm of its simple meaning." This idea was understood and applied differently by different exegetes, who all had the goal of reading the Torah according to its simple meaning.

Rambam presented a revolutionary

version of *peshat*, the simple meaning of the text, in his introduction to Sefer HaMitzvot. There he lists his principles for enumerating the 613 commandments. In his first principle, Rambam states that all commandments counted as part of the 613 must be biblical in origin. In his second principle, Rambam explains what is considered to be biblical, and what is viewed as rabbinic. It is here that he invokes the important phrase, "A verse does not leave the realm of its simple meaning." Rambam states that the simple meaning of the verse can be a biblical mitzvah, while anything derived through midrash, including the thirteen *middot* (midrashic hermeneutical rules) of Rabbi Yishmael, is rabbinic. While this may sound logical, it is radically different from the way that the thirteen *middot* are usually viewed.

One of the more remarkable cases in which Rambam follows through on his principle is in the laws of mourning for a relative, found in our parshah. Typically, there are seven close relatives for whom one is required to mourn, based on a verse delineating which deceased relatives a kohen may become impure for. The kohen's wife is not explicitly stated in the verse, but the Talmud interprets the word *she'eiro* (which Rabbi Avraham Ibn Ezra defines as "blood relative") to refer to one's wife. Rashi follows the Talmudic reading. Ibn Ezra first explains that he initially would have interpreted *she'eiro* as a general heading for the various blood relatives listed after it. However, he goes on to say that since the rabbis transmitted a tradition that a kohen may become impure to bury his wife, his original reading is nullified.

This displays Ibn Ezra's unwillingness to cross a line that Rambam does cross.

In his Mishneh Torah (Hilchot Avel 2:1,6-7), Rambam explains that the laws of mourning are learned from this verse, and it is a biblical requirement. However, he says that permission to bury only six relatives is *deorayta*, and a rabbinic law permits a kohen to become impure for his wife. Rambam makes this distinction because the wife is not mentioned explicitly in the verse, in line with the second principle introducing his Sefer haMitzvot.

Rambam's ruling is problematic; it seems to say that the rabbis permit something that was forbidden by the Torah! Rambam solves this by stating that the rabbis viewed the wife like a *meit mitzvah*, a special halachic case of a corpse with no one to bury it. In such a case even a kohen must become impure, to ensure its speedy and proper burial. Rambam says that no one would be as motivated to bury her as her husband would. Thus, Rambam varies from the traditional understanding, codifying only that which is explicit in the Torah as a biblical law.

While this brief presentation about Rambam as a commentator omits much nuance, hopefully it will whet your appetite to delve further into this fascinating realm of study.

[Special thanks to my wife, Sara, for developing these ideas with me.]

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Who is the prophet of our haftorah?

Yechezkel, son of Buzi, was a priest who was exiled from Eretz Yisrael before the destruction of the first Beit HaMikdash. Some suggest that "Buzi" is actually Yirmiyahu. His book begins, "I am in exile, on the K'var River", and in his prophecies he speaks to his fellow exiled Jews. However, the first half of the book (until Chapter 24) consists mainly of rebukes issued before the destruction of the Beit HaMikdash, as Yechezkel battles the sins and corruption of the Jewish nation.

After G-d's decision to destroy the Beit HaMikdash, Yechezkel turns to the surrounding nations and prophesies their own destruction as a punishment for the suffering they have inflicted upon the Jewish nation. Then, from Chapter 33 to the end, Yechezkel focuses mainly on consolation for the devastated Jews, predicting their redemption and salvation. Our haftorah, from Chapter 44, belongs to the consolation part of the book.

What is the message of our haftorah?

Our haftorah describes who qualifies to be a kohen in the future Beit HaMikdash, and what his status, laws and roles will be.

As to who is qualified for the service, Yechezkel spends the verses leading up to our haftorah (Yechezkel 44:5-14) stressing that the kohen should be an individual who remained loyal when the

rest of the nation removed themselves from G-d and began worshipping idols. Yechezkel mentions the house of Tzadok as a family who kept from going astray.

The kohanim that will serve in Beit Hamikdash, Yechezkel explains, will stand apart from the rest of Am Yisrael. For example: according to the laws we read in our parshah, a kohen is allowed to marry a widow whose late husband had not been a kohen, but future kohanim will avoid that. (44:22)

In addition to their role in the Beit HaMikdash, the kohanim will have an educational role – teaching Torah and instructing halachah, as well as judging and enforcing the laws of Shabbat and festivals. (44:23-24)

However, although the kohanim serve both in the Beit HaMikdash and in general society, they must observe boundaries between their roles. The clothes they wear in the Beit HaMikdash must be kept there, and are not permitted outside, lest they inappropriately mingle different types of sanctity. (44:17-19)

What is the link to our parshah?

The obvious connection between the parshah and haftorah is that both delve deeply into the laws of kohanim. However, there is a subtle contrast between the descriptions of the kohanim in the parshah and haftorah.

In the parshah, the kohanim are not separated entirely from the people; in an example we cited above, they are allowed to marry the widow of a non-kohen. Furthermore, when Moshe Rabbeinu gives the kohanim their laws, he addresses the nation as a whole. (Vayikra 21:24) Our sages explain that the courts, which are not necessarily populated by kohanim, should enforce observance of the laws of the kohanim. In other words, according to our parshah, the kohanim are serving the Jews, and being supervised by them.

In our haftorah, the message seems to differ. The kohanim are chosen because they were able to separate themselves from the people when the latter sinned, and this separation remains, as represented in the new laws of marriage and the laws of clothing that were mentioned earlier. Here, the kohanim supervise the Jews, and not vice versa.

The message of this seeming contradiction, which corresponds to the famous question (see Nedarim 35b) of whether the kohanim are our delegates to G-d, or His delegates to us, is beyond the scope of this article – but it is worth thinking about, as we read Yechezkel's vision for the future Beit HaMikdash.

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613 Mitzvot: #378**Birkat Kohanim**

Mitzvah 378 instructs the kohanim to bless the Jewish people, using the specific blessing outlined in the Torah, in Bamidbar 6:22-27. This is called *Birkat Kohanim*. Explanations of the mechanics of *Birkat Kohanim* abound; one idea is that the kohanim, who devote their lives to the service of G-d in the Beit haMikdash, possess special merit and employ that merit to call upon G-d to benefit the Jewish people.

Rabbi Yosef Albo (Sefer haKkharim 4:51) explained the three passages of the biblical blessing as a united message: G-d will bless you with material benefits and guard them for you; G-d will shine the illumination of Torah upon you, with its spiritual benefits; G-d will create shalom between your material and spiritual drives, so that you will be able to achieve completion.

The kohanim raise their hands when issuing this blessing. We are taught not to look at their hands, to remember that when this blessing was given in the Beit haMikdash, G-d's influence was visible upon the hands of the kohanim. To gaze upon it would have been disrespectful. (Shulchan Aruch Orach Chaim 128:23, and see Mishneh Berurah 128:89)

As part of our performance of *Birkat Kohanim*, we employ a *makri*, whose job is to feed the words to the kohanim before they recite them. The *makri* appears in midrash (Bamidbar

Rabbah Naso 11:4), based on Bamidbar 6:23, in which G-d tells Moshe to speak the words of the blessing to Aharon and his sons. The position of *makri* is codified by Rambam (Hilchot Tefillah 14:3) and Shulchan Aruch. (Orach Chaim 128:22) Some explain that the *makri* is a technical position, meant to avoid error by the kohanim. (Beit Yosef) Others explain that the *makri* performs a functional role; the *makri* blesses the kohen, and the kohen can then bless us. (Rabbeinu Bechayye)

The *pesukim* used by the kohanim are also invoked as blessings for a bride at a *bedecken* before a wedding, and for children on Friday night and Erev Yom Kippur. This might seem problematic, given that the Talmud (Ketuvot 24b) prohibits a non-kohen from invoking *Birkat Kohanim*. Sefer haEshkol explains that the practice is acceptable because one does not recite the formal "*Baruch atah*" opening blessing used by the kohanim. Similarly, Ktav Sofer suggests that the prohibition applies only if one intends to fulfill the Torah's biblical mitzvah with this recitation. However, others suggest that the prohibition applies specifically for non-kohanim who mimic the two-handed blessing offered by the kohanim, and so a non-kohen should only use one hand when offering this blessing. (Maharsha)

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Biography

Rabbi Ovadia Yosef

Rabbi Mordechai Torczyner

Rabbi Ovadia Yosef was born in Baghdad, to a working-class family, on the eleventh of Tishrei, 1920. At the age of four, he moved to Israel with his family; due to their penury, young Ovadia alternated time between studies and work. He studied at the Porat Yosef yeshiva in Jerusalem under Syrian sage Rav Ezra Atiyeh, and was ordained by Sephardic Chief Rabbi Ben Zion Uziel at the age of 20. Beginning in 1945, he served as a judge on rabbinic courts in Jerusalem.

In 1947, at Rabbi Uziel's request, Rabbi Yosef moved to Cairo to serve as Chief Rabbi. The arrangement did not last, though; Rabbi Yosef found himself at odds with the communal leadership regarding halachic matters, particularly kashrut. He returned to Israel in 1950, becoming a judge in Petah Tikvah, and then Jerusalem; in 1965, Rabbi Yosef joined Israel's Supreme Rabbinical Court.

During this time, Rabbi Yosef's responsa and other writings became immensely popular. In 1954 Rabbi Yosef won the Rav Kook Prize for Torah literature, and in 1970 he received the Israel Prize. He became Chief Rabbi of Tel Aviv in 1968, and then Sephardic Chief Rabbi of the State of Israel in 1973.

Rabbi Yosef's responsa address contemporary issues of all kinds, and stand out for the breadth of the works cited in these encyclopedic writings. Rabbi Yosef is also known for political involvement, as the founder and spiritual leader of Israel's highly successful Shas party; he retired from the bench in 1986 because of legal limits on the political activity of the judiciary. His style of public address was that of the study hall, interweaving biblical passages and rabbinic teachings with caustic rebuke and hyperbolic rhetoric; the result sparked frequent controversy, particularly because Rabbi Yosef was one of the leading authorities in Jewish law. On June 13, 2012, Forbes Israel ranked Rabbi Yosef as the "most influential rabbi in Israel". Rabbi Yosef passed away on the 3rd of Cheshvan, 5774 (2013).

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Torah and Translation

A Berachah for Hallel on Yom ha'Atzmaut?

Rabbi Ovadia Yosef, Yabia Omer Orach Chaim 6:41:4

Translated by Rabbi Josh Gutenberg

...ויש להוסיף עוד טעם שאין לברך על ההלל ביום העצמאות, הגם שזכינו בעזה"י לגבור על אויבינו ושונאינו שהיו רבים ועצומים, ומצויידיים במיטב הנשק והתחמושת, ולמרות הכל המה כרעו ונפלו, כי הנה בהגהות מהר"ץ חיות לשבת (כא:) העיר במ"ש בגמרא שם, מאי חנוכה, (ופרש"י, על איזה נס קבעוה), ומייתי הנס של פך השמן שלא היה בו להדליק אלא יום אחד ונעשה בו נס והדליק שמנה ימים. ולכן קבעו מים טובים בהלל ובהודאה.

ולמה לא אמרו שהוא משום נס הנצחון של המעטים כנגד המרובים במלחמה, כמו שאנו אומרים בתפלה, נתת גבורים ביד חלשים ורבים ביד מעטים וכו', אלא הטעם משום שנס זה אינו יוצא מגדר הטבע, שאין אומרים הלל על נסים נסתרים אשר הקב"ה עושה עמנו בכל עת, מה שאין כן נס פך השמן שהוא יוצא מגדר הטבע, ולכן תקנו הלל בימי חנוכה...

ומעתה במלחמת הקוממיות שהנס היה דרך הטבע, כי כזו וכזה אכלה החרב, וכמה נפשות יקרות נפלו במערכות ישראל, אם כי בסופו של דבר תהלות לא-ל יתברך כי לא יטוש את עמו בעבור שמו הגדול, וגבר ישראל, מכל מקום אין הדבר חורג מדרך הטבע ולכן אין לקבוע על זה הלל בברכה.

Note: The following is not offered here as a halachic ruling; please see your Rabbi for practical guidance.

...Another reason can be added as to why a blessing should not be recited for the [recitation of] Hallel on Yom Ha'atzmaut, even though we merited, with the help of G-d, to overcome our enemies and foes who were numerous and mighty and were armed with the best weapons and ammunition, and despite this "they bowed down and fell." (Psalms 20:9) For in the notes of Maharatz Chajes (Shabbat 21a), he comments on that which is written in the Talmud: "What is Chanukah" (Rashi explains, "For which miracle was it established")? And the Talmud replies with the miracle of the oil jug, that there was only enough to burn for one day and a miracle occurred and it burned for eight days. Therefore, they established holidays of praise and thanksgiving.

[Maharatz Chajes asks:] Why didn't the Talmud say that [Chanukah was established] because of the miraculous victory of the few against the numerous in the war, as we recite in the prayer ["Al Hanissim"], "You delivered the mighty into the hands of the weak, the numerous into the hands of the few?" The reason is that this miracle did not defy the way of nature, and we do not recite Hallel for hidden miracles which G-d performs for us at all times. This is not the case for the miracle of the oil jug which defied the way of nature and, therefore, Hallel was established on Chanukah...

And now, in the War of Independence, the miracle was in the way of nature, for [people from] both sides were consumed by the sword and many precious souls fell in the legions of Israel. Even though in the end, praise to the blessed G-d, "He did not forsake His nation for the sake of His great name," (Samuel I 12:22) Israel was victorious, nevertheless, the matter was not beyond the laws of nature and therefore we should not establish for this [miracle the recitation of] Hallel with a blessing.

7 Iyar is Wednesday

In November, 1914, the Ottoman Empire joined the Germany, Austria-Hungary and Bulgaria in World War I. They were defeated; hostilities ended on October 30, 1918. Eighteen months later, in late April 1920, the prime ministers of Allied Britain, France, Italy and Japan convened in Sanremo, Italy. One of their missions was to determine the status of the former Ottoman Empire's territory in the Middle East.

The Allied nations agreed to independence for the region of Syria and Mesopotamia, creating League of Nations-authorized mandates for administration until they would be ready for self-government. The region was partitioned into Syria and Lebanon under the French, and Iraq and Palestine under the British.

As part of the British Mandate, over French objections, the San Remo Conference accepted the 1917 Balfour

Declaration. The Declaration favoured a Jewish homeland in Palestine, "it being clearly understood that nothing should be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country." Article 4 of the San Remo Agreement stated, "An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and cooperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country. "

The agreement was debated on Iyar 6 (April 24), 1920, and passed on the following day, Iyar 7. The result was seen as a major triumph for Zionism.

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Highlights for May 3 – May 9 / 3 Iyar – 9 Iyar

Time	Speaker	Topic	Location	Special Notes
SHABBAT MAY 3				
Before minchah	R' Mordechai Torczyner	Daf Yomi	BAYT	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	This week: Asafoetida
SUNDAY MAY 4				
8:45 AM	R' Mordechai Torczyner	Medical Halachah: Genetic Screening	BAYT	With CME credit for medical professionals
8:45 AM	R' Adam Frieberg	Does Israel need Foreign Aid? A Tanach Perspective	Aish Thornhill	With breakfast
9:15 AM	R' Shalom Krell	Kuzari	Zichron Yisroel	With light breakfast
8:30 PM	R' Baruch Weintraub	What is a Jewish State? On-line shiur in Hebrew: http://www.torontotorah.com/online		
MONDAY MAY 5 Yom haZikaron				
10:00 AM	R' Mordechai Torczyner	Chabura: Times of Davening	Yeshivat Or Chaim	University students
7:00 PM	Program for Yom haZikaron/Yom ha'Atzmaut at BAYT			
TUESDAY MAY 6 Yom ha'Atzmaut				
12:30 PM	R' Mordechai Torczyner	Living Midrash	Shaarei Shomayim	
WED. MAY 7				
10:00 AM	R' Mordechai Torczyner	The Jew and Her Food, Wk 1	BEBY	
1:30 PM	R' Mordechai Torczyner	Book of Yehoshua	101 Tangreen Circle	For women only
7:30 PM	R' Mordechai Torczyner	Ethics of Lending	Yeshivat Or Chaim	Community Beit Midrash Night
9:00 PM	R' Yehoshua Weber	Responsa: Cosmetic Surgery		
THU. MAY 8				
8:50 AM	R' Aaron Greenberg	Laws of Shabbat	Yeshivat Or Chaim	Not this week
FRI. MAY 9				
10:30 AM	R' Mordechai Torczyner	Contemporary Halachah	Yeshivat Or Chaim	Advanced

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