



Peshat, Midrash and Halakhah II

Marty Lockshin, Torah in Motion 5781

Leviticus 21

וַיֹּאמֶר ה' אֶל מֹשֶׁה אָמַר אֶל הַכֹּהֲנִים בְּנֵי
אַהֲרֹן וְאָמַרְתָּ אֲלֵהֶם לִנְפֹשׁ לֹא יִטְמָא
בְּעַמִּיּוֹ. **ב** כִּי אִם לְשִׂאֲרוֹ הַקָּרֵב אֵלָיו לְאִמּוֹ
וּלְאָבִיו וּלְבָנוֹ וּלְבִתּוֹ וּלְאָחִיו. **ג** וּלְאֶחְתּוֹ
הַבְּתוּלָה הַקְּרוּבָה אֵלָיו אֲשֶׁר לֹא הִיְתָה
לְאִישׁ לָהּ יִטְמָא. **ד** לֹא יִטְמָא בַּעַל בְּעַמִּיּוֹ
לְהַחֲלוֹ.

The Lord said to Moses: Speak to the priests, the sons of Aaron, and say to them: None shall defile himself for any [dead] person among his kin, ²except for the relatives (שִׂאֲרוֹ) that are closest to him: his mother, his father, his son, his daughter, and his brother; ³also for a virgin sister, close to him because she has not married, for her he may defile himself. ⁴ בַּעַל shall not defile himself, and so profane himself.

לֹא יִטְמָא בַּעַל בְּעַמּוֹ לְהַחֲלוֹ

NIV: He must not make himself unclean for people related to him by marriage, and so defile himself [or “*unclean as a leader among his people*”].

ERV (=Easy-to Read Version): But a priest must not make himself unclean if the dead person was only one of his slaves.

KJV: But he shall not defile himself, being a chief man among his people, to profane himself.

Old JPS (1917): He shall not defile himself, being a chief man among his people, to profane himself.

NJPS: But he shall not defile himself as a kinsman by marriage, and so profane himself.

RSV: But he shall not defile himself as a husband among his people, and so profane himself.

Sifra, Emor I (Lev. 21)

"כי אם לשארו הקרוב אליו", אין
שארו אלא אשתו

"[None shall defile himself for any
dead person among his kin,
except for שְׂאָרוֹ: שְׂאָרוֹ means his
wife.

Maimonides, *Evel*, chapter 2

הלכה א: אלו שאדם חייב להתאבל עליהן דין תורה, אמו ואביו בנו ובתו ואחיו ואחותו מאביו, ומדבריהם שיתאבל האיש על אשתו

הלכה ו: כמה חמורה מצות אבל--שהרי הכוהן נדחית לו הטומאה מפני קרוביו, כדי שיתעסק עימהן ויתאבל עליהן: שנאמר "כי, אם לשארו הקרוב אליו: לאימו ולאביו . . . לה ייטמא" ([ויקרא כא, ב-ג](#)), מצות עשה--שאם לא רצה להיטמא, מטמאין אותו בעל כורחו.

הלכה ז: אשתו של כהן מתטמא לה על כרחו ואינו מטמא לה אלא מדברי סופרים.

1. These are the relatives for whom a person must mourn according to Torah law: mother, father, son, daughter, and a fraternal brother or sister. Following rabbinic law, a man must also mourn for his wife.

6. See how stringent the mitzvah of mourning is! For the prohibition against ritual impurity is superseded so that a priest can tend to his relatives' burial and mourn for them. . . . [He quotes our verses.] This is a positive commandment; if he does not desire to become impure, we force him to become impure against his will.

7. A priest must defile himself for his wife (i.e. attend her funeral) even against his will. The basis for this rule is rabbinic [i.e. it is not Torah law].

Kesef Mishneh commentary on Maimonides

(Rabbi Joseph Karo, 1488-1575)

וא"ת מאחר שרבינו סובר דמדין קרובים
שהכהן מיטמא להם למדנו שמתאבלים
עליהם כמ"ש בתחלת הלכות אלו ואשתו
כתובה באורייתא לענין טומאת כהן
דכתיב כ"א לשארו הקרוב אליו . . .
והיינו ודאי מדאורייתא . . . וא"כ למה
כתב שאינו מתאבל עליה מן התורה

Should you ask: since Maimonides feels that we derive the list of the relatives for whom we mourn from the laws about which relatives a *kohen* attends their funeral, and about attending a funeral "wife" is written in the Torah, as it is written *לְשָׂאָרוּ* . . . and so the rule about a *kohen* attending his wife's funeral certainly is Torah law . . . So why does Maimonides write that, according to Torah law, he does not mourn for his wife?

Kesef Mishneh commentary on Maimonides (cont.)

ואפשר לומר דרבינו אזיל לטעמיה
שסובר שכל דבר שאינו מפורש
בתורה ממש אף על פי שדינו דין
תורה מיקרי מד"ס ואשתו אינה
מפורש בתורה דשאר אינו מוכרח
שיהא פירוש אשתו שהרי אונקלוס
תרגם לשאר לקריביה דקריב ליה:

Perhaps we can answer that Maimonides is consistent with his approach that that rules that are not entirely explicit in the Torah are categorized as *divrei soferim*. [A *kohen* mourning for] his wife is not explicit in the Torah, for the word *שָׂאָרָו* does not *have to* be interpreted as “his wife.” Onkelos, for example, translated it as meaning *קריביה*, his relative.

Rashi (1040-1105)

כי אם לשארו - אין שארו אלא
אשתו

לא יטמא בעל בעמיו להחלו - לא
יטמא לאשתו פסולה שהוא
מחולל בה בעודה עמו.

לשארו: [The expression **לְשָׂאָרוֹ**] “his relative” refers only to his wife.

A husband shall not defile himself for [a wife who causes] his desecration, [while she is] among his people: He may not defile himself for his [deceased] wife who was unfit for him, and by whom he was desecrated while she was with him.

Rashi (cont.)

וכן פשוטו של מקרא לא יטמא בעל
בשארן בעוד שהוא בתוך עמיו, שיש לה
קוברין, שאינה מת מצוה, ובאיזה שאר
אמרת, באותו שהוא להחלו, להתחלל
הוא מכהונתו:

And this is the *peshat* [!] of the verse: “A husband shall not defile himself” for his wife while she is “among his people,” i.e., while she has [non- kohen] relatives who can attend to her burial. She is then not under the category of an unattended deceased. And what “wife” are we dealing with here? [With a wife] “through whom he becomes desecrated (לְהַחֲלוֹ),” i.e., [because she was unfit to marry him,] he subsequently becomes desecrated from his *kehunah*.

Abraham Ibn Ezra (1089/1092-1164/1167)

“כי אם לשארו הקרוב אליו” היה נראה לנו כי פירושו כמו איש איש אל כל שאר בשרו (ויקרא יח, ו) שם כלל, ואחר כן פרט לאמו ולאביו. וטעם “בעל בעמיו” (ד) - שלא יטמא הבעל באשתו.

וכאשר ראינו שהעתיקו רבותינו כי יטמא לאשתו, ושמו “שארו” כדרך אסמכתא . . . ואמרו, כי פי' בעל גדול שהעם ברשותו, כמו בעליו אין עמו (שמות כב, יג), בטל הפי' הראשון.

It used to seem to us [or “it would have seemed to us”] that the phrase, “except for a close relative (שארו),” is a general statement followed by a list of details: mother, father.... And that the meaning of בעל בעמיו, in verse 4, is that a *kohen* should not defile himself when his wife dies.

But when we saw that the rabbis passed on the tradition that a *kohen* does defile himself for his wife.... The first interpretation is cancelled.

Ibn Ezra's Introduction to the second version of his Torah commentary

על דרך הפשט לא נקראה האשה
שאר, כי כתוב: איש איש אל שאר
בשרו [לא תקרבו לגלות ערוה] (ויקרא
יח ו)

Following the *peshat*, the word שאר could not refer to a wife, for it is written (Lev 18:6): None of you shall come near anyone of his own flesh (שֵׁאֵר בְּשָׂרוֹ) to uncover nakedness.

Rashbam (c. 1080 – c. 1165)

לא יטמא בעל בעמיו - שום בעל בעם כהנים
לא יטמא לאשתו: להחלו- שהרי מתחלל
מכהונתו.

ולפי דברי חכמים לא [יטמא] לאשתו פסולה
ומחוללת, אבל מטמא לאשתו כשירה:

NO FROM THE COMPANY [OF
PRIESTS] SHALL DEFILE HIMSELF: No
husband from the company of priests
shall defile himself by [becoming
impure through contact with the dead
body of] his wife, להחלו—for that would
render him unfit for the priesthood.

But according to the rabbis, [the verse
means that] he should not defile
himself by [becoming impure through
contact with the dead body of] his unfit
or disqualified wife. But he may defile
himself by [becoming impure through
contact with the dead body of] his
legitimate wife.

Is My Spouse My
Relative?

Sophocles, *Antigone*

But now, Polyneices,
this is my reward for covering your corpse.
However, for wise people I was right
to honour you. I'd never have done it
for children of my own, not as their mother,
nor for a dead husband lying in decay—
no, not in defiance of the citizens.
What law do I appeal to, claiming this?

Sophocles, *Antigone* (cont.)

If my husband died, there'd be another one,
and if I were to lose a child of mine
I'd have another with some other man.
But since my father and my mother, too,
are hidden away in Hades' house,
I'll never have another living brother.
That was the law I used to honour you.

Song of Songs 5:1

RSV: I come to my garden, my
sister, my bride,

בְּאֶתֶּרִי לְגַנִּי אֲחֹתִי כַלָּה

The Living Bible: I am here in my
garden, my darling, my bride!

NJPS: I have come to my garden,
My own, my bride

Rabbi Yosef Bekhor Shor (late 12th century)

כי אם לשארו - אמרו רבותינו שארו -
זו אשתו. וכן מוכיח סיפא דפרשה, . . .

וכתיב נמי "ולאחותו הבתולה... אשר לא
הייתה לאיש" (להלן, ג) - הא אם הייתה
לאיש, לא יטמא לה; כי אם בעל קוברה
ומטמא לה, ואפילו הוא כהן, דכתיב "והיו
לבשר אחד" (בר' ב, כד) - ואין קורבה
גדולה מזו.

Our rabbis said: **שָׂאָרוּ** means his wife. So one can also see at the end of the section....

Also, the verse says: [He shall make himself unclean] "for his virgin sister who has no husband." So, if she has a husband, [her brother] does not make himself unclean. Rather her husband—even if he is a *kohen*—buries her and becomes unclean. So it is written [about husbands and wives], "they shall become one flesh" (Gen 2:24); there is no kinship relationship closer than that.

Torah Temimah

(Rabbi Baruch Halevi Epstein, 1860-1941)

טרחו רבים בבאור דרשה זו [שארן זו אשתו]
בכלל. אבל לדעתי נראה הבאור פשוט, מכיון
דמצינו כ"פ בלשון התורה שרומז על קורבת
אישות בלשון שאר . . . ומכיון דכתיב כאן לשארן
הקרוב אליו דרשינן על אשתו, משום דאין לך
יותר קירוב באישות במנהג העולם והצניעות
מאשר אשה לבעלה, וכל אלה שטרחו בבאור
דרשה זו גרם להם שחשבו דכונת הגמרא
דשארן פירושו אשתו ממש, אבל באמת לא כן
הדבר, . . . ודו"ק. -

Many struggled to interpret this midrash [שארן means his wife]. To me, the explanation is simple. Since we have found that the Torah often uses the word שאר to refer to a family relationship between people . . . and since here it writes "to his שאר that is closest to him" we interpret this as a reference to his wife, since, following the custom of the world and the ways of modesty, there is no relationship as close as that of husband and wife. All those who had difficulty understanding this midrash made the mistake of thinking that the Talmud was saying that שארן really **means** his wife. That is not the case. . . . Think this through and then all will become clear.

Torah Temimah (cont.)

והנה הרמב"ם בפ"ב ה"ב מאבל פסק
דטומאת כהן לאשתו הוי מדרבנן, דס"ל
דדרשה שארו זו אשתו אסמכתא בעלמא
היא. ונראה דמפרש דפשטות הלשון כי
אם לשארו הוא כעין הקדמה ומבוא
לפרטי הקרובים שחשב אח"כ לאביו
ולאמו וגו', . . . ואמת שהרבה יש להעיר
בדעתו זו, אבל עכ"פ לא רחוק הדבר
שמפרש פשטות לשון הכתוב כמו
שכתבנו.

In the Laws of Mourning (2:2)
Maimonides ruled that the fact that
a *kohen* attends his wife's funeral is a
rabbinic law. He thinks that the
midrash "שארו means his wife" is just
an *asmakhta*. It seems that he
understands that the word שארו is an
introduction to the list of relatives
that is enumerated after that. . . .
There is much to say about this
approach of his; nevertheless, it is
not impossible that he understands
the language of the biblical verse in
the way that I explained.