

והיית לנו לעינים

“...and you *shall be* as eyes for us...”

a view from a *GER*

יונתן נח בן אברהם

yonason noach *BEN AVRAHAM*

*Parashas RE'EH*

In our *parasha* we have the *passuk* that the Rambam utilizes to show that HaShem’s Torah is Eternal, and will never be altered. The Rambam states (*Hilchos Yesodei HaTorah* 9:1): ‘It is clear and explicit in the Torah that it is [G-d’s] commandment, remaining forever (לעולם ולעולמי עולמים) without change, addition, or diminishment, as [*Devarim* 13:1] states: “Whatever I command you, take care to do it; *you shall not add to it, nor diminish from it,*” and [*Devarim* 29:28] states: “The **secret things** belong to the Lord our God; but ***those things which are revealed belong to us and to our children forever, that we may do all the words of this Torah.***” This teaches that we are commanded to fulfill all the Torah’s directives forever.’

In this *D’var* Torah we will examine the Rambam’s Principle regarding the Immutability of HaShem’s Torah, the ramifications of the Principle, plus examine a “seeming” challenge to that Principle.

### The 9<sup>th</sup> of the Rambam’s Thirteen Principles,

(“*The Immutability of HaShem’s Torah*”)

### The *Or HaChayim*, *Bereshis* 49:28, *Bamidbar* 3:45,

(“...the privileges of the firstborn will be restored to them in the future”)

(“*Even though Chazal say that the avodah is destined to return to the firstborn...*”)

**And the natural inclination to understand a phrase literally, even when to do so presents *Yiddishkeit* with an “Apparent” *Machlocus Gedolah***

**ABSTRACT:** This treatise contains: The “genesis” of the author’s question; the reactions of most *Yidden* to his question, indicating that the vast majority of Jews take the *Or HaChayim*’s words at face value – thus setting up (at least to this author) an irreconcilable contradiction between the Rambam and the *Or HaChayim*; initial research that indicated a true contradiction was presenting itself; an enlightening teaching from the Rambam that opened this *ger*’s eyes to the multi-faceted dimensions of HaShem’s Torah; and – lastly – a *chiddush* that this author believes reconciles, clarifies, and teaches a valuable lesson regarding the mandate presented by the Rambam, incumbent on all Jews, to understand his Thirteen Basic Principles of *Yiddishkeit* so that erroneous understandings can be limited in number, scope, and severity.

There are several NOTES, ADDENDUMS, etc., following the main body of this treatise, which contain further evidence of not only the *kashya* presented by this author, but also complementary pieces of Torah that support not only the correctness, but the demand for his *chiddush/teretz*.

**NOTE:** This author apologizes that he is unable to make his point in three paragraphs that can be fit onto one page of paper, but the subject matter contained herein, he believes, contains serious

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ramifications for the correct understanding of HaShem's Torah, and the dangers of a literal understanding when a literal understanding would presents serious *hashkafic* problems. We will, however, present our chiddush on how the "Apparent" *Machlokes* between the Rambam and the *Or HaChayim* can be resolved BEFORE we go into the details of both the "*machlokes*" as well as its resolution.

## Our Chiddush

We posit the following understanding of the *Or HaChayim* on ***Bereshis 49:28*** and ***Bamidbar 3:45***:

***Or HaChayim, Bereshis 49:28*** – “When we look at the way Jacob censured Reuben [*Gloss: his “first born son”*], we are reminded of the *Sifri* in *Beha’aloscha*, according to which, the privileges of the firstborn will be restored to them in the future. Inasmuch as Jacob called Reuben **his firstborn**, **this was an encouragement for all the firstborn to look forward to the future when they would again be allowed to function as priests**. [*Gloss: The Or HaChayim here is alluding, with a mashal, to Israel as HaShem’s “firstborn son,” as we know from Shemos 4:22, “And you shall say to Pharaoh, Thus said the Lord, Israel is My son, My firstborn.” And we know that we are currently in exile and disfavor with HaShem, due to our sins (the Tochachah Perakim, Vayikra 26, Devarim 28, et al), much as Reuven was in disfavor with Ya’akov Avinu due to the situation with Bilhah. But the Or HaChayim alludes to the return of His “first born son,” Israel, to their place of prominence as His emissaries to the world as we know was their intended avodah from Shemos 19:6. And you [Israel] shall be to me a kingdom of Kohanim.*] **It was on account of that future that Jacob was so intent to acquire the birthright from Esau at the time. The idea that there would come a time when Esau would perform the service in the Holy Temple was anathema to Jacob.** [*Gloss: Again, through a mashal, the Or HaChayim alludes to present day, when Israel is in exile, and when the nations are (l’havdil) “learning” about HaShem’s Torah through the descendants of Esav, the Christians. To Ya’akov and his descendants – the true purveyors of HaShem’s Torah, HaShem’s Truth – this is intolerable; thus just as Ya’akov was determined to acquire the status of being “firstborn” from Esav, we must do everything in our power to reassume the mantle of being the true firstborn, the true teachers of HaShem’s Torah, which include learning and teaching the true lessons of the Bais HaMikdash and the animal sacrificial system which have been so misinterpreted by Esav’s spiritual descendants. (See Rambam, Hilchos Melachim 11:4)*] **This does not mean that in the future these privileges will be denied to the Levites. At the time envisioned both the firstborn and the Levites will share equally in those functions that were performed by the Levites when the Temple was standing....** [*Gloss: We know that the Levi’im were separated away from the remainder of the shavatim after the Sin of the Golden Calf and were assigned tasks associated with the Mishkan that were unique to them; we also know that the Kohanim (Aaron and his sons) were separated away from the remainder of the Levi’im, and given tasks in the Mishkan also unique to them. We also know that there are several mitzvos lo sa’aseh that precludes any non-Levi from performing their tasks, as well as any non-Kohain from performing their tasks. Thus the “privileges/functions” that the Or HaChayim is referring to must be tasks that are available to both the Levi’im, as well as the firstborn of the other shavatim (we are to understand through the Or HaChayim’s mashal that those firstborn are ALL of HaShem’s “firstborn”), and the task that was special to the Levi’im and Kohanim, which will become common to all of Israel, is to take our place as a Mamleches Kohanim, a Kingdom of Priests, a Kingdom of Teachers to whom the nations will turn in the End of Days to learn about HaShem and His Torah. This vision of L’asid Lavo is made clear to us in Zechariah 8:23 “...In those days it shall come to pass, that ten men from the nations of every language, shall take hold of the robe of a Jew, saying, We will go with*

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you; for we have heard that God is with you.” (Cf. Or HaChayim, Vayikra 26:5. Cf. Yishayahu 60:10) (See Rav Hirsch, Vayikra 4:3)]

The *Or HaChayim*, Bamidbar 3:45 “...and the Levites will belong to Me, I am the Lord.” The reason the Torah adds the words “I am the Lord,” is to tell us that although according to *Yalkut Shimoni* 364 there will come a time when the firstborn will once again be performing the priestly functions in the Holy Temple, [Gloss (See our glosses to Bereshis 49:28, but also): Our Sages teach us (Menachos 110) that if one has learned the halachos regarding a particular korban, it is as if he had actually brought that korban. (Cf. Or HaChayim, Vayikra 26:3; Bamidbar 4:3, 8:24 with Rashi) Thus when we are in the midst of the End of Days, when the nations will gladly perform the mundane actions of life that support Klal Yisroel, we will be free as a nation to perform our primary avodah, learning and teaching HaShem’s Torah. And as for the performance of the “functions in the Holy Temple,” this has been clarified before the Or HaChayim even before he wrote this comment by our Sages in the Mussaf Shemoneh Esrei of Pesach/Shevuos/Succos, “Restore the Kohanim to their avodah and the Levites to their song and music; and restore Israel to their dwellings...” We must not understand the Or HaChayim “literally,” in that if he were understood to be advocating the actual firstborn of each household being restored to the role explicitly given to Aaron and his sons by HaShem in His Torah, that would place the Or HaChayim (chas v’shalom) in the category of (Yoma 85b) He who interprets Torah contrary to the Mesorah has no share in the World to Come, and this cannot be. (Cf. Rambam, Introduction to Perek Cheilek; Hilchos Melachim 11:3-4; Hilchos Yesodei HaTorah 9:1.)] **the Levites will not therefore be demoted and cease to belong to G-d. The very expression “וְהָיוּ לִי” indicates that just as G-d’s name is eternal, so is the appointment of the Levites to their task.** [Gloss: The Or HaChayim is teaching us here that even though HaShem’s “firstborn,” Klal Yisroel, will all share in the main avodah of learning and teaching Torah, that the Levi’im (including the Kohanim) will still be separated from the remainder when it comes to their specifically assigned tasks in the Bais HaMikdash Shelishi.]

If the reader is in agreement with this not literal, but absolutely necessary eisegesis of these two teachings of the *Or HaChayim*, great! But if there are doubts about any part of this author’s *chiddush* regarding these two pieces of Torah, please feel free to read further.

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## The “genesis” of this Treatise

Around the time of *Pesach* 5765 (the spring of 2005), this author heard in a *D’var Torah* the phrase, “The firstborn will eventually return to doing the *avodah* in the Thirst Temple.” This sentence set “bells and whistles” off in his mind. In my preparations for the *mikvah*, I had studied the Rambam’s Thirteen Principles over and over. I had also read the Rambam’s *Sefer HaMitzvos* several times. I knew that the firstborn, according to Rashi (Shemos 19:22; Shemos 24:5; Bamidbar 8:7), were intended to be the *Kohanim*, but that they had lost the privilege when they worshipped – but more specifically – when they arose early<sup>86</sup> to make offerings to the Golden Calf (*Shemos* 32). I understood that the Torah was never to be abrogated or altered, and I also knew that several of the *mitzvos*, as listed by the Rambam, dealt specifically with the separation of the *Levi’im* from the remainder of the twelve tribes, as well as the separation of the *Kohanim* from the remainder of the *Levi’im*. All of this suggested to me that the phrase I had heard was problematic. When I inquired about what I had heard (if I had heard correctly, if I had understood what I had heard) I was told that I had heard correctly. When I asked the source of this teaching, the initial response was, “*Chazal*.” I continued inquiring and researching (to make sure that I had not *mislarned* the Rambam), I eventually was told that the source of this teaching was the *Or HaChayim*, and the basic reaction to my questioning a teaching of the *Or HaChayim* was, “**Stop! Don’t! You have no right to question a sage of the caliber of the *Or HaChayim*.**” But, being a “stiff-necked” *ger* (thus, it would seem, a “true” *Yid*) I continued questioning and researching<sup>87</sup>.

<sup>86</sup> In *Bereshis* 22:3 Avraham is depicted having “*rose up early in the morning*” to go about fulfilling HaShem’s command that he offer Yitzchak as an offering. Rashi (quoting *Pesachim* 4a) cites this as an example of hastening to perform a command. In *Bamidbar* 22:13 we read that Balaam “*rose up in the morning*” to go to Balak because he desired to curse the Israelites. Rashi, *Bamidbar* 22:21, notes that Balaam’s hatred of the Israelites led him to *rise early*, and saddle his own donkey. And that HaShem said, “Wicked one ... Avraham has already preceded you ... ‘*Avraham rose in the morning*, and saddled his donkey.’” Which of these examples did the firstborn follow when (*Shemos* 32:6) “*And they* [the firstborn of the eleven tribes, but not the Levites] *rose up early on the next day, and offered burnt offerings, and brought peace offerings...*” Rashi tells us that “*they arose early*” through the rousing of the Satan “*so that they would sin*.” But it was not just that they sinned, but it was the gusto with which they went about it. This is confirmed by Moshe’s reaction to seeing what was going on in the camp (*Shemos* 32:19). HaShem had already told Moshe what had occurred (*Shemos* 32:8), but seeing *geshmach* with which they worshipped the Golden Calf... This is why the firstborn lost their privileges, and as Torah teaches us throughout, actions have ramifications, even when we do *t’shuvah* after the fact.

<sup>87</sup> This author recently heard a *Pirkei Avos Shir* during which the speaker made reference to an “unanswerable question” that was posed by Rabbi Akiva Eiger. The speaker said that the question was famous in that there seemed to be no way to answer it satisfactorily. Then, one day, a young yeshiva student devised an answer that seemed to actually answer the “unanswerable question.” The Yiddish world was abuzz! The Question that could not be answered seemed to have been answered! Some Yidden went to Rabbi Akiva Eiger with [it would seem (*this author still has to research the source of this story*)] both the student and his answer. Rabbi Akiva Eiger listened to the answer, then looked upon the student, and said, “**But look at him! He didn’t answer my *kashya* with joy. Despite the fact that he may have answered my question, he will amount to nothing.**” And, it seems, the student eventually went off the *derch*.

**This Author cites this story in order to say the following:** “First of all, this author – while extremely proud of having converted to Torah Observant *Yiddishkeit* – has no illusions of being the “game changer” that will lead us into the Redemption. This author is but a grasshopper compared to our Sages, both past and present, let alone HaShem. So the thought that he will amount to “something,” is not even in the offing. However, each of HaShem’s creations has something to offer the world, and this author has learned, and learned, and contemplated the Rambam’s Thirteen Principles as well as their ramifications. Thus he feels that if he has anything to “something” about, it is his “expertise” in this area. That being said:

There is not a smile on this author’s face as he writes this, and there has not been a smile on his face the entire time he has contemplated this seeming *machlokes* between two of our greatest sages. For the most part (with

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About a month later, I approached a learned-rabbi (who was aware of my concern) and asked, “I can’t be the only one to have ever asked this question? Isn’t there a *sefer* of questions and answers that might be able to shed some light on my dilemma?” A short while later I was told that indeed my question had been asked to the Brisker Rav, Rav Velvel Soloveitchik, and that his response was that, **“there can be no such *Chazal* (that would indicate that the firstborn would eventually return to doing the *avodah*).”** With this in hand I approached several rabbis to discuss my question. It was in their responses and reactions that I know that the *Or HaChayim* was being taken literally by these rabbis. These responses included the phrases:

“Great question, and if it were anyone else but the *Or HaChayim* I would agree that you’re on to something, but...”

“Rav Velvel was NOT the *Or HaChayim*.”

“The *Or HaChayim* was one of our greatest sages, and if he says that the firstborn are going to return to doing the *avodah*, that he must know what he is talking about, and you have no right to even question him.”

Dear reader, please consider the following Torah teachings/understandings of both the Rambam and the *Or HaChaim*, and (hopefully), when being confronted with the evidence you will not only understand this author’s question, but you will (hopefully) see why a resolution to an apparent contradiction was needed in order to NOT come to the conclusion that either the Rambam, or the *Or HaChayim* had made a mistake in their reasoning.

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a few notable exceptions), this author has received nothing but grief regarding this issue. He has received “brush-off answers;” he has been all but hung-up upon by a Rosh Yeshiva with whom he attempted to discuss this issue; he has been all but told to ‘go sit in the corner, and let the sages of today do YOOR thinking for YOU!’”

The very fact that most *Yidden* when presented these offerings from the *Or HaChayim*, don’t even recognize that there is a potential machlokes. Once it has been pointed out to them, the usual response is something along the lines of, “Well, the *Or HaChayim* is a great sage, and must know what he’s talking about,” and thus the Rambam’s warnings from his Introduction to *Perek Cheilek* have come to fruition. This author has been told that our sages thought and wrote under “Divine Guidance,” and thus a mistake or unclear language is not even possible. Again (in this author’s opinion), the warning from the Rambam! [Regarding the correct understanding of “Divine Guidance” has to be considered in light of *Bamidbar* 15:22-26 “... **if anything is committed by ignorance without the knowledge of the congregation, that all the congregation shall offer one young bull for a burnt offering, for a sweet savor to the Lord ... and it shall be forgiven them; for it is ignorance; and they shall bring their offering, a sacrifice made by fire to the Lord, and their sin offering before the Lord, for their ignorance ... it shall be forgiven all the congregation of the people of Israel, and the stranger who sojourns among them; seeing all the people were in ignorance.**” If our sages all operate under the auspices of “Divine Guidance,” then this would certainly protect the Sanhedrin, thus this Torah Portion would not be necessary!]

All of this has left this author with a concerned frown upon his face (as opposed to smile of joy), and it all points to (again, in his opinion) a severe lack of knowledge of the Fundamental Principles and Texts of *Yiddishkeit*. Just as one has to master the lower mathematical principles before tackling doctorate level theories, this *Yid* believe that today’s *Yidden* must acquaint themselves with the *p’shat* of Torah and *Nach* (as seen through the eyes of our sages), the lessons of the Siddur, as well as the Rambam’s *Hilchos Yesodei HaTorah* and his Thirteen Principles. In other words, if one isn’t even aware of an apparent contradiction, one cannot begin to devise an answer. Just a suggestion.

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## The Evidence of a “seeming” *Machlokes*

The Rambam states (*Hilchos Yesodei HaTorah* 9:1): ‘It is clear and explicit in the Torah that it is [G-d’s] commandment, remaining forever (לעולם ולעולמי ועולמים<sup>88</sup>) without change, addition, or diminishment<sup>89</sup>, as [*Devarim* 13:1<sup>90</sup>] states: “What ever I command you, take care to do it; *you shall not add to it, nor diminish from it,*” and [*Devarim* 29:28] states: “The secret things<sup>91</sup> belong to the Lord our God; but those things which are revealed belong to us and to our children forever, that we may do all the words of this Torah.” This teaches that we are commanded to fulfill all the Torah’s directives forever<sup>92</sup>.

**Or HaChayim, Bereshis 49:28** – (The *Or HaChayim* begins his commentary on this *passuk* with discussing exactly how the number of tribes is twelve, especially since Ephraim and Manasseh are to be counted<sup>93</sup>. Is Levi included in the number twelve, even though he was denied a blessing from Ya’akov? (It seems not.) Why were Reuben and Shimon included in the twelve, when they too were denied a blessing? The *Or HaChayim* notes the phrase, “he (Ya’akov) blessed them each according to his special blessing...” And the commentary continues:) “...[W]hat their father told them when he blessed them.” Although we note that Jacob bestowed no blessing on either Reuben, Shimon or Levi, the Torah makes the point that the very harsh comments Jacob made to these three sons were their blessings. This is why the Torah employs the expression “(דבר) *deber*,” [“spoke”] an expression reserved for harsh words or a harsh tone. The Torah adds “(ויברך אותם) *vivarech osam*,” “he blessed them,” to make certain we do not misunderstand.

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<sup>88</sup> **Just after the *Shema* each morning we acknowledge:** “HaShem your G-d is true... and certain, established, and enduring, fair, faithful, beloved, cherished, desirable, pleasant, awesome, powerful, correct, accepted, good, and beautiful is this affirmation to us forever and ever (לעולם ועד). True – the G-d of the universe is our King; the Rock of Jacob is the Shield of our salvation. Generation after generation He endures and His Name endures and His Throne is well established; His sovereignty and faithfulness forever endure. **His Words (Torah!)** are living and enduring, faithful and desirable forever and to all eternity (לעד ולעולמי ועולמים); for our forefathers and for us for our children and for our generations, and for all generations of the offspring of Israel Your servant.” **It seems that all three of the elements of this *b’rachah* are forever: HaShem, His Torah (Words), and Israel, His people.**

Also, in *Uva L’Tzion*, just after we say, “*HaShem shall reign for ever and ever*,” we have the Aramaic explanation from *Targum Onkelos*:

“*HaShem, His kingdom stands forever and to all eternity* (לעולם ולעמי עולמיה).”

Is it unreasonable to assume that Just as HaShem’s kingdom if for all eternity, for all “worlds,” so too will be His Torah? How could this point have been made any clearer by either *Chazal* in the *Siddur* or the Rambam in the *Yad*?

<sup>89</sup> ***Hilchos Megillah* 2:8.** “All the books of the prophets and sacred writings will ultimately be nullified in *Yemos HaMashiach*, with the exception of *Megillas Ester*. It will remain forever, like the Five Books of Moses and the statutes of the Oral Law.”

<sup>90</sup> See *Hilchos Mamrim* 2:9

<sup>91</sup> Cf. *Yishayahu* 45:19. I have not spoken **in secret**, in a dark place of the earth; I do not say to the seed of Jacob, Seek me in vain; I, the Lord, speak righteousness, I declare things that are right.

Cf. *Yishayahu* 48:16. Come near to me, hear this; I have not spoken in secret from the beginning; from the time that it was, there am I; and now the Lord God, and his spirit, has sent me.

<sup>92</sup> See *Hilchos Melachim* 11:3 (re: *Yemos HaMashiach*): “*This Torah, its statutes and laws, are everlasting. We may not add to them or subtract from them*”

<sup>93</sup> ***Bereshis* 48:5.** “And now your two sons, Ephraim and Manasseh, who were born to you in the land of Egypt before I came to you to Egypt, are mine; as Reuben and Simeon, they shall be mine.”

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“When we look at the way Jacob censured Reuben, **we are reminded of the Sifri in Beha’aloscha, according to which, the privileges of the firstborn will be restored to them in the future. Inasmuch as Jacob called Reuben his firstborn, this was an encouragement for all the firstborn to look forward to the future when they would again be allowed to function as priests. It was on account of that future that Jacob was so intent to acquire the birthright from Esau at the time. The idea that there would come a time when Esau would perform the service in the Holy Temple was anathema to Jacob. **This does not mean that in the future these privileges will be denied to the Levites. At the time envisioned both the firstborn and the Levites will share equally in those functions that were performed by the Levites when the Temple was standing....”****

The *Or HaChayim*, *Bamidbar 3:45* “...and the Levites will belong to Me, I am the Lord.” The reason the Torah adds the words “I am the Lord,” is to tell us that **although according to *Yalkut Shimoni 364* there will come a time when the firstborn will once again be performing the priestly functions in the Holy Temple,**<sup>94</sup> the Levites will not therefore be demoted and cease to belong to G-d. The very expression “והיוֹלֵלִי” indicates that just as G-d’s name is eternal, so is the appointment of the Levites to their task.”

The source for the *Or HaChayim*’s claim regarding the firstborn is found in the *Sifrei* in *Beha’aloscha* 11:16, which is very similar in language to *Vayikra Rabbah* 2:2. The text of this Midrash reads:

*Vayikra Rabbah 2:2* – Is Ephraim a precious son unto Me’ (*Yirmiyahu* 31:19<sup>95</sup>). Wherever ‘unto Me’ [כי לִי] [or ‘Mine’] is said, ***it refers to something that shall never cease either in this world or in the World to Come.*** Of the priests it is written, ***That they may minister unto Me*** in the priest’s office (*Shemos* 40:15<sup>96</sup>). Of the Levites it is written, ***And the Levites shall be Mine*** (*Bamidbar* 8:14<sup>97</sup>). ***Of Israel*** it is written, ***For unto Me the children of Israel are servants*** (*Vayikra* 25:55<sup>98</sup>). Of the ***heave-offering*** it is written, ***That they take unto Me an offering*** (*Shemos* 25:2<sup>99</sup>). ***Of the firstborn it is written. For all the firstborn are Mine*** (*Bamidbar* 3:13<sup>100</sup>). Of the ***Sanhedrin*** it is written, ***Gather unto Me***

<sup>94</sup> *Eliyahu Munk* [whose translation of the *Or HaChayim* was utilized in this piece] *comments: “I have not found a reference in the Yalkut to the firstborn being reinstated as priests in the future.”*

<sup>95</sup> *Yirmiyahu 31:19.* Is Ephraim my dear son [a precious son to me]? Is he a darling child? For whenever I speak of him, I earnestly remember him still; therefore my inward parts are troubled for him; I will surely have mercy upon him, says the Lord.

<sup>96</sup> *Shemos 40:15.* And you shall anoint them, as you did anoint their father, that they may minister to me in the priest’s office; for their anointing shall surely be an everlasting priesthood throughout their generations.

<sup>97</sup> *Bamidbar 8:14.* Thus shall you separate the Levites from among the people of Israel; and the Levites shall be mine. 15. And after that shall the Levites go in to do the service of the Tent of Meeting; and you shall cleanse them, and offer them for an offering. 16. For they are wholly given to me from among the people of Israel; instead of those who open every womb, instead of the firstborn of all the people of Israel, have I taken them to me. 17. For all the firstborn of the people of Israel **were mine**, both man and beast; on the day that I struck every firstborn in the land of Egypt I sanctified them for myself. 18. And I have taken the Levites **instead of** all the firstborn of the people of Israel.

<sup>98</sup> *Vayikra 25:55.* For to me the people of Israel are servants; they are my servants, whom I brought forth out of the land of Egypt; I am the Lord your God.

<sup>99</sup> *Shemos 25:2.* Speak to the people of Israel, that they bring to me an offering; from every man that gives it willingly with his heart you shall take my offering.

<sup>100</sup> *Bamidbar 3:13.* Because **all the firstborn are mine**; for on the day that I struck all the firstborn in the land of Egypt I consecrated to me all the firstborn in Israel, both man and beast; mine shall they be; I am the Lord.

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seventy men (Bamidbar 11:16<sup>101</sup>). Of the **Land of Israel**, For the land is **Mine** (Vayikra 25:23<sup>102</sup>). Of **Jerusalem**: The city which I have chosen **unto Me** (Melachim Alef 11:36<sup>103</sup>). Of the **royal house of David**, For I have provided **unto Me** a king among his sons (Shmuel Alef 16:1<sup>104</sup>). Of the **Sanctuary**: And let them make **unto Me** a sanctuary (Shemos 25:8<sup>105</sup>). Of the **altar**: An altar of earth you shall make **unto Me** (Shemos 20:21<sup>106</sup>). Of the **sacrifices**: Ye shall observe to offer **unto Me** (Bamidbar 28:2<sup>107</sup>). Of the **oil of anointing**: This shall be a holy anointing oil **unto Me** (Shemos 30:31<sup>108</sup>). **Thus, wherever 'unto Me' [or 'Mine'] is said, it is of something that shall never cease either in this world or in the World to Come.**

It seems to this author that this *Midrash* is referring to **things that remain constant**. It is not referring to a “change” that might take place in the future, but rather to things that have been and will always be. [NOTE: The only times when all of the above things enumerated in the midrash were in existence at the same time was when we dwelt in The Land, had a king of flesh and blood, and had an actual Bais HaMikdash. We know from the Gemara (Sanhedrin 38a) “The Temple was erected in the four hundred and eightieth year from the Exodus out of Egypt, and it stood for four hundred and ten years,” that this was many centuries after the Sin of the Golden calf.] It is not that the firstborn will regain their place as the one’s to perform the *avodah*, as the *avodah* is the sole proprietary of the *Kohanim*.<sup>109</sup> But rather **it is the constancy of the Torah that is being taught here. If one looks at the**

<sup>101</sup> **Bamidbar 11:16.** And the Lord said to Moses, Gather to me seventy men of the elders of Israel, whom you know to be the elders of the people, and officers over them; and bring them to the Tent of Meeting, that they may stand there with you.

<sup>102</sup> **Vayikra 25:23.** The land shall not be sold forever; for the land is mine; for you are strangers and sojourners with me.

<sup>103</sup> **Melachim Alef 11:36.** And to his son will I give one tribe, that David my servant may have a lamp always before me in Jerusalem, the city which I have chosen to me to put my name there.

<sup>104</sup> **Shmuel Alef 16:1.** And the Lord said to Samuel, How long will you mourn for Saul, seeing I have rejected him from reigning over Israel? Fill your horn with oil, and go, I will send you to Jesse the Bethlehemite; for I have provided me a king among his sons.

<sup>105</sup> **Shemos 25:8.** And let them make to me a sanctuary; that I may dwell among them.

<sup>106</sup> **Shemos 20:21.** An altar of earth you shall make to me, and shall sacrifice on it your burnt offerings, and your peace offerings, your sheep, and your oxen; in all places where I cause my name to be pronounced I will come to you, and I will bless you.

<sup>107</sup> **Bamidbar 28:2.** Command the people of Israel, and say to them, My offering, and my bread for my sacrifices made by fire, for a sweet savor to me, shall you observe to offer to me in their due season.

<sup>108</sup> **Shemos 30:31.** And you shall speak to the people of Israel, saying, This shall be a holy anointing oil to me throughout your generations.

<sup>109</sup> **Shemos 29:33.** And they shall eat those things with which the atonement was made, to consecrate and to sanctify them; but **a stranger shall not eat of it**, because they are holy. (**Vayikra 22:10**)

**Shemos 30:33.** Whoever compounds any like it, or whoever puts any of it upon a stranger, shall be cut off from his people.

**Bamidbar 1:51.** And when the tabernacle is to set forward, the Levites shall take it down; and when the tabernacle is to be pitched, the Levites shall set it up; and **the stranger who comes near shall be put to death**.

**Bamidbar 3:10.** And you shall **appoint Aaron and his sons**, and they shall keep their priest’s office; and **the stranger who comes near shall be put to death**. (**Bamidbar 3:38**)

**Bamidbar 18:1.** And **the Lord said to Aaron, You and your sons and your father’s house with you shall bear the iniquity of the sanctuary**; and you and your sons with you shall bear the iniquity of your priesthood. 2.

And your brothers also of the tribe of Levi, the tribe of your father, bring with you, that they may be joined to you, and minister to you; but you and your sons with you shall minister before the Tent of Testimony. 3. And they shall keep your charge, and the charge of all the Tent; only they shall not come near the utensils of the sanctuary and the altar, that neither they, nor you also, die. 4. And they shall be joined to you, and keep the charge of the Tent of

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**Midrash in reverse order, one will see that those things that will be in the World to Come are those things that are with us today.** But we are getting ahead of ourselves.

### **Evidence in support of the Rambam’s 9<sup>th</sup> Principle**

This author has examined the entire Tanakh for any sign that the firstborn would return to their previous tasks in the *Bais HaMikdash* – tasks they lost with the Sin of the Golden Calf. But he has found pieces of evidence upon pieces of evidence (including the above *Chumash* and Rashi) all of which point to the permanent separation of the *Levi'im* from the other eleven tribes, as well as the *Kohanim* from the remainder of the *Levi'im*. [There are about 200 pages of notes regarding this issue on this author’s computer, and he has taken great efforts to dwindle those pages down to this Essential Understanding of a Major (apparent) Contradiction.]

When attempting to determine the correct understand of the Or HaChayim, as understood through the prism of the Rambam’s Thirteen Principles, please consider:

**Bamidbar 8:6.** Take **the Levites** from among the people of Israel, and cleanse them... 10. And you shall bring **the Levites** before the Lord; and the people of Israel shall put their hands upon **the Levites**; 11. And Aaron shall offer **the Levites** before the Lord for an offering of the people of Israel, that **they** [the Levites] may execute the service of the Lord... 14. Thus shall you separate **the Levites** from among the people of Israel; and **the Levites shall be Mine**. 15. And after that shall the Levites go in to do the service of the Tent of Meeting; and you shall cleanse them, and offer them for an offering. 16. For **they** [the Levites] are wholly given to me from among the people of Israel; **instead of those who open every womb, instead of the firstborn of all the people of Israel**, have I taken **them** [the Levites] to me. 17. For all the firstborn of the people of Israel **were mine**, both man and beast; on the day that I struck every firstborn in the land of Egypt I sanctified them for myself. 18. And [now] I have taken the Levites instead of all the firstborn of the people of Israel.

**Bamidbar 8:17.** For all the firstborn of the people of Israel **were mine**, both man and beast; on the day that I struck every firstborn in the land of Egypt I sanctified them for myself. 18. And I [now] have taken the Levites instead of all the firstborn of the people of Israel.

**Rashi, Bamidbar 8:17 – For all the firstborn... were Mine** – The firstborn **were Mine** by right, for I protected them among the Egyptian firstborn, and I took them for Myself—until they erred through the golden calf; so **now** “I have taken the Levites” (verse 18<sup>110</sup>) [**Bamidbar 8:18.** And I have taken the Levites instead of all the firstborn of the people of Israel.].

“**For all the firstborn... were Mine**” ArtScroll Note (*Mizrachi; Sifsei Chachamim*)<sup>111</sup>: Verbs of being in the present are generally not stated explicitly in the Hebrew language. The phrase [כִּי לִי כָּל בְּכוֹרֵי] which has no explicit verb in it, would therefore be understood “**for every firstborn ...**

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Meeting, for all the service of the Tent; and a stranger shall not come near you. 5. And you shall keep the charge of the sanctuary, and the charge of the altar; that there should be no anger any more upon the people of Israel; 6. And I, behold, I have taken your brothers the Levites from among the people of Israel; to you they are given as a gift for the Lord, to do the service of the Tent of Meeting. 7. Therefore you and your sons with you shall keep your priest’s office for everything that concerns the altar, and inside the veil; and you shall serve. I have given your priest’s office to you as a service of gift; and the stranger who comes near shall be put to death.

<sup>110</sup> **ArtScroll Note (*Mizrachi; Sifsei Chachamim*):** Verse 18. By saying, “*but now*,” Rashi indicates that “*I took the Levites*” does not refer to the same time that “*I sanctified them* [the firstborn] *for myself*” of the preceding verse. Rather, it refers to the immediate past.

<sup>111</sup> We have the commentary by **R’ Eliyahu Mizrachi** (1455/1525 CE) as well as the *Sifsei Chachamim* (1641-1718 CE) who agree with this understanding by Rashi. All of these sages [Rashi, Rambam, Mizrachi, and Sifsei Chachamim] predate the Or HaChayim (b. 1696 CE).

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is Mine.” But this would imply that the first born still play a special role in the Temple service. Therefore, Rashi explains that *the implicit verb of being* here is in the past tense. The verse means, “...for every firstborn ... was/ were Mine.”

The Rambam, in *Sefer HaMitzvos* lists these (amongst other *mitzvos*) that are specific to the *Levi'im* and *Kohanim*:

#23) (Upon the Levites alone) **To perform specific services in the sanctuary** – (*Bamidbar* 18:23. But *the Levites shall do the service of the Tent of Meeting*, and they shall bear their iniquity; it shall be a statute forever throughout your generations, that among the people of Israel they have no inheritance.) See *Arachin* 11: Only the Levites sing the *Tehillim* in the Temple (*Devarim* 18:7. Then he shall minister in the name of the Lord his God, as all his brothers *the Levites* do, who stand there before the Lord.)]

#84) (Upon all Israel) **To sacrifice all of our offerings in the Temple alone** – (*Devarim* 12:13. Take heed to yourself that you offer not your burnt offerings in every place that you see; 14. But *only in the place which the Lord shall choose in one of your tribes, there you shall offer your burnt offerings*, and there you shall do all that I command you.) This is coupled, by The Rambam, with a negative commandment (#89) **The exhortation against offering any sacrifices “outside”** [the Temple court]. (*Vayikra* 17:8. And you shall say to them, *Whoever* there is of the house of Israel, or of the strangers who sojourn among you, who *offers a burnt offering or sacrifice*, 9. *And brings it not to the door of the Tent of Meeting, to offer it to the Lord*; that man shall be cut off from among his people.)<sup>112</sup> And these two commandments can be coupled with negative commandment:

#74) **The exhortation against any *zar* [“stranger”] performing the [priestly] service** (The Rambam writes: “By “*zar*” I mean all who are not of the seed of Aaron.”) – *Bamidbar* 18:4. And they shall be joined to you, and keep the charge of the Tent of Meeting, for all the service of the Tent; and *a stranger shall not come near you*. 18:7. Therefore you and your sons with you shall keep your priest’s office for everything that concerns the altar, and inside the veil; and you shall serve. I have given your priest’s office to you as a service of gift; and *the stranger who comes near shall be put to death*. 18:22. *Neither must the people of Israel henceforth come near the Tent of Meeting, lest they bear sin, and die*. [The Rambam cites *Yoma* 24a as defining exactly what parts of the *avodah* a non-Kohain is liable for the death penalty for performing.]

#126) (Upon all non-Kohanim) **To separate *terumah gedolah*** – (*Devarim* 18:4. The *first-fruit* also *of your grain, of your wine, and of your oil, and the first of the fleece* of your sheep, shall you give him [the Kohain]. 5. *For the Lord your God has chosen him out of all your tribes, to stand to minister in the name of the Lord, him and his sons forever.*) This is coupled with negative commandment:

#133) **The exhortation against any *zar* [“stranger”/“non-Kohain”] eating any *terumah*** – (*Vayikra* 22:10. There shall *no stranger eat of the holy thing*; a sojourner of the priest, or a hired servant, shall not eat of the holy thing.)

There are tens of other *mitzvos* which deal directly with the *Levi'im* and *Kohanim*, thus separating them from the remainder of *Klal Yisroel*. Are these destined to be abridged or annulled? This is the apparent contradiction that troubles this author. The Rambam seems very specific, but how can we understand the *Chazal* referenced by the *Or HaChayim* that seems to suggest some alterations are going to come about. If we interpret both the Rambam and the *Or HaChayim* literally then, this author believes, we have an apparent contradiction that would seem near impossible to reconcile without serious mental gymnastics. Or, on the other hand, is there a way that these two views can be reconciled so that there is

<sup>112</sup> We bring these commandments to forestall anyone who might suggest that the Firstborn might offer sacrifices on private altars in some future world. This, too, would seem to be a “change in the Torah.”

no contradiction, reconciled in a way that utilizes teachings from both the Rambam and the *Or HaChayim* as roadmaps to a solution?

The Rambam, in his *Introduction to Perek Cheilek*, writes:

“...There are three approaches taken concerning statements of our Sages [that appear to contradict the principles of logic]. **The first approach is that of most people whom I have met, whose texts I have seen, and about whom I have heard. They understand [our Sages’] statements literally, and do not attempt to explain them [and extend their meanings] at all. They consider all the things that are logically impossible as what must be absolutely true.**

“They do this only as a result of their inexperience with wisdom and their distance from science. **They have not developed themselves to the point where they feel motivated to seek [a deeper conception] themselves, nor have they found anyone else to motivate them. Therefore, they think that our Sages’ intent in their wise statements was only what these people could themselves perceive – i.e., the simple meaning of our Sages’ words.**

“...The people who follow this approach are truly pathetic – may G-d have mercy on their foolishness. **According to their conception, they are elevating the Sages, while in truth they are denigrating them utterly,**<sup>113</sup> and yet they are unaware of their effects.

“As G-d lives, **this approach destroys the glory of the Torah and dims its radiance. It distorts and perverts G-d’s Torah, causing it to be appreciated in opposition to its intent.** For with regard to the wisdom of His Torah, G-d has said:<sup>114</sup> “When the nations will hear of all these statutes, [and they will say: ‘A wise and understanding people...’].” But when people who follow this approach expound on the literal meaning of our Sages’ words, those who hear them will say: “A foolish and perverse people is this puny nation.”

“**Many of the preachers do this in their attempts to educate the people about that which they themselves do not understand. Would it be that they would be silent, for they do not understand. “O that you would all keep silent. It would be [an act of] wisdom.”**<sup>115</sup> At the very least, they should say: we do not know our Sages’ intent in these statements, or what their meaning is.

“**Instead, they think that they do understand, and place themselves in a position to convey to the people what they understood, but not what the Sages said.** They expound upon the homiletic content of the tractate of *B’rachos*, that of the chapter of *Chelek*, and the like literally, word for word [without seeking to understand or interpret the symbolism the Sages employed].

“...**The third approach** – and indeed, as G-d lives, the number of people who follow it are so few, it can hardly be called a persuasion, just as the sun cannot be called a species, for it is unique – **is followed by people who have been impressed by the greatness of our Sages and the excellence of their wisdom, from having discovered statements that reflect profound truths within their teachings as a whole.**

Although these [truths] are dispersed throughout [our Sages’] texts, they show their personal development and their comprehension of the truth. **Similarly, [these people] have appreciated that certain situations are impossible, and that certain rules always prevail. They appreciate that the Sages did not speak empty words, and they understand that their words contain both a simple**

<sup>113</sup> By ascribing such ideas to the Sages, they are causing people at large to lose respect for the Sages.

<sup>114</sup> *Devarim 4:6* Observe therefore and do them; *for this is your wisdom and your understanding in the sight of the peoples, that, when they hear all these statutes, shall say: ‘Surely this great nation is a wise and understanding people.’*

<sup>115</sup> *Iyov 13:5* Oh that ye would altogether hold your peace! and it would be your wisdom.

**meaning and deeper secrets.** Thus, whenever [our Sages] made a statement mentioning things that could not possibly have occurred, they understood that these were merely allegories and analogies.

This is the manner in which great sages speak, and therefore the greatest of the wise men opened his book with the statement<sup>116</sup>: “To understand and analogy and a proverb, the words of the wise and their allegories.” And, as is known to the master linguists, the intent of the word “*chiddah*” – allegory or riddle – is a message whose meaning is hidden and is not revealed in its literal meaning, as reflected in the verse,<sup>117</sup> “Let me propose a riddle (“*chiddah*”) for you.”

“...If you, my reader, follow one of the first two approaches, do not pay any attention to my words about this matter, for they will not suit your thinking ... **But if you follow the third approach, and thus, whenever you encounter a statement of [our Sages] that reason rejects, contemplate the matter at length, knowing that it is an allegory or an analogy. Concentrate your energies, both emotional and intellectual, on understanding it. Endeavor to find the path of truth and a straightforward conception, as it is written,**<sup>118</sup> “*To find desirable words and to write the words of truth in a straightforward manner.*” [With this approach,] consider the text, and it will bring you benefit with G-d’s help....” [It MUST be remembered that it is in this same Introduction that the Rambam includes his Thirteen Principles, the 9<sup>th</sup> of which we are taking under consideration in this piece!]

Thus, it would seem, that the Rambam is suggesting that when we read something that is offered by one of our Sages that results in an apparent contradiction – either in common sense, or *halachah/hashkafah* – that we should delve deeper into that sage’s words to try to make sense of things. But are the Rambam’s words really enough to allow us to interpret the *Or HaChayim* in a (seemingly) non-literal way? Or is there something contained within the *Or HaChayim* that all but tells us NOT that interpret him literally?!

There is a concept in Torah exegesis that states that “**Scripture interprets Scripture.**” We would like to suggest that the same be applied to our sages, and we would suggest that “**the Or HaChayim interprets the Or HaChayim.**” Please consider:

*Or HaChayim, Shemos 38:21* – “The Torah uses the word אֱלֹהִים to emphasize that the only true accounts are those following... The only true count on earth was of the components which comprised the Holy Tabernacle... The Torah wished to emphasize that all the materials contributed for the construction of the Holy Tabernacle enjoyed lasting blessing. Normally, G-d objects to headcount; in this instance G-d did not object to a count. On the contrary, every single component contributed and accounted for increased the amount of blessings G-d bestowed on the Holy Tabernacle.

“We may also be able to understand the word אֱלֹהִים as reflecting the advise given to us in *Vayikra Rabbah* 21:5. **We are told there that the remedy for someone who has committed a string of sins is to engage in the performance of a string of מצוות, good deeds... The Torah enumerates all of the components of the Tabernacle, i.e. אֱלֹהִים, thereby pointing at the string of good deeds performed by the Israelites who had previously been guilty of the sin of the golden calf. The reason that the Tabernacle is called מִשְׁכַּן הָעֵדוּת, the Tabernacle of testimony, is that it testified to the fact that G-d had forgiven the sin of the golden calf.**”

“If you will examine the details of the sin of the golden calf, you will find that the Israelites performed מצוות corresponding to each of the parts of that sin when they contributed to and helped erect

<sup>116</sup> *Mishlei 1:6 To understand a proverb, and a figure; the words of the wise, and their riddles.*

<sup>117</sup> *Shoftim 14:12* And Samson said to them, *I will now put a riddle to you*; if you can tell me what it is within the seven days of the feast, and find it out, then I will give you thirty sheets and thirty changes of garments;

<sup>118</sup> *Kohelles 12:10* Kohelles sought to find out acceptable words; and words of truth written in proper form.

the Tabernacle. They had expressed the wish for *a g-d to walk ahead of them* (*Shemos* 32:1<sup>119</sup>), and now they had erected a Tabernacle which would be evidence that the true G-d was in their midst and that His presence would precede them. They had built an altar (*Shemos* 32:6<sup>120</sup>) for the golden calf and offered total offerings on that altar; they had now erected a copper altar for the offering of total offerings...

“*Shemos Rabbah* 51<sup>121</sup> explained that the erection of the Tabernacle represented the atonement for the sin of the golden calf. **We have also been told in Chullin 5<sup>122</sup> that being guilty of the sin of idolatry is tantamount to one having violated all of the commandments of the Torah... [T]he Tabernacle represented all of G-d’s commandments and thereby compensated for the sin of the golden calf....**

“The reason the Torah adds, **עבודת הלויים** ‘*the service of the Levites*’ is, that **we are to remember what happened for all times. We are not to think that seeing that G-d HAD forgiven the sin of the golden calf, the privilege of performing the service in the Tabernacle would revert to the firstborn from whom it had been taken because of their involvement in that sin.**

“In our verse the entire tribe of the Levites is included in the description “priests,” seeing that the priests too are referred to as Levites on occasion, such as in *Devarim* 27:9<sup>123</sup>.

“**The Torah continues, **בִּיד אֵיִתָּמַר, to make it clear that the exclusion of the firstborn from their erstwhile position as priests affected not only their right to offer sacrifices or to carry the Holy Ark, etc., but even the right to perform the tasks over which Itamar presided. These comprised duties involving materials of a relatively minor degree of sanctity such as the beams of the Tabernacle and all that belonged to them**** (*Bamidbar* 4:29-33<sup>124</sup>). **All of this was a reminder that the sin of the golden calf had not been erased in such a way that no trace of it could be detected.** The best proof of this is what G-d said in *Shemos* 32:34<sup>125</sup> that *whenever He has occasion to punish the Jewish people He will add an extra measure of punishment as part of what they had not yet received.*”

<sup>119</sup> **Shemos 32:1.** And when the people saw that Moses delayed to come down from the mount, the people gathered themselves together to Aaron, and said to him, **Arise, make us gods, which shall go before us;** and as for this Moses, the man who brought us out of the land of Egypt, we do not know what became of him.

<sup>120</sup> **Shemos 32:6.** And they rose up early on the next day, and [*the firstborn of all the tribes with the exception of Levi*] **offered burnt offerings, and brought peace offerings;** and the people sat down to eat and to drink, and rose up to play.

<sup>121</sup> **N** *Shemos Rabbah* 51

<sup>122</sup> **N** *Chullin* 5

<sup>123</sup> **Devarim 27:9.** And Moses and the priests the Levites spoke to all Israel, saying, Take heed, and listen, O Israel; this day you have become the people of the Lord your God.

<sup>124</sup> **Bamidbar 4:29.** As for the sons of Merari, you shall count them according to their families, by the house of their fathers; 30. From thirty years old and upward even to fifty years old shall you count them, every one who enters into the service, to do the work of the Tent of Meeting. 31. And this is the charge of their burden, according to all their service in the Tent of Meeting; the boards of the tabernacle, and its bars, and its pillars, and its sockets, 32. And the pillars of the court around, and their sockets, and their pins, and their cords, with all their instruments, and with all their service; and by name you shall reckon the instruments of the charge of their burden. 33. This is the service of the families of the sons of Merari, according to all their service, in the Tent of Meeting, under the hand of Ithamar the son of Aaron the priest.

<sup>125</sup> **Shemos 32:34.** Therefore now go, lead the people to the place about which I have spoken to you; behold, my Angel shall go before you; nevertheless in the day when I punish I will punish their sin upon them. 35. And the Lord plagued the people, because they made the calf, which Aaron made.

**Rashi, Shemos 32:34** “...Behold My angel But not I. **But on the day I make an accounting, etc.** Now I have listened to you not to destroy them all at once, but always, always, when I take an accounting of their sins, I will also account a little of this sin with the other sins. [This means that] no punishment befalls Israel in which there is not part of the punishment for the sin of the [golden] calf.”

[from *Sanhedrin* 102a]

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If we digest this understanding of the *Or HaChayim* “literally,” then it would seem that to understand the *Or HaChayim* to *Bamidbar* 3:45 “literally” would lead to the conclusion that the *Or HaChayim* is contradicting himself. Since we do not want to come to that conclusion, and because the *Or HaChayim* to *Shemos* 38:21 is so very specific, while the *Or HaChaim* to *Bamidbar* 3:45 (in this author’s opinion) is less specific (and, in light of the Rambam’s warning in his Introduction to *Perek Cheilek*, as well as his 9<sup>th</sup> Principle), perhaps we can offer an understanding of the *Or HaChaim* on **the firstborn returning to do the avodah** that offers meaning, hope, and clears up any seeming contradiction with the Rambam. If that seems like a tall order – which it did, four years ago, to this author – then the reader, we believe, will be almost amusedly surprised at the simplicity of the following *chiddush*:

The *Or HaChayim*’s understanding of *Bamidbar* 3:45 teaches us that the firstborn will eventually return to do the *avodah* in the Third and final Temple. But since a literal interpretation of this would be a change to HaShem’s Torah, which would be a contradiction of the Rambam’s 9<sup>th</sup> Principle, then we have to follow the advice of the Rambam from his Introduction to *Perek Cheilek*, and look beyond the usual, plain-meaning of the words of the *Or HaChayim*, and see if we cannot arrive at a different understanding.

### Torah Portions that leads to our *Chiddush*

Keeping in mind that the firstborn were originally slated to be the *Kohanim*, our approach is primarily based (primarily) upon four *passukim* from the *Chumash*, as well as the following offerings from our sages:

***Shemos* 4:22.** And you shall say to Pharaoh, Thus said the Lord, Israel is My son, My firstborn.

***Shemos* 19:6.** And you [Israel] shall be to me a kingdom of Kohanim, and a holy nation. These are the words which you shall speak to the people of Israel.

***Bamidbar* 4:3.** From thirty years old and upward even until fifty years old, all who enter into the army, to do **the avodah in the Tent of Meeting**.

***Bamidbar* 8:24.** This is it what concerns the Levites: from twenty five years old and upward they shall go in to wait upon the avodah of the Tent of Meeting.

**Rashi, *Bamidbar* 8:24** “This is the rule concerning the Levites Age disqualifies them, but physical blemishes do not disqualify them. **From the age of twenty-five years** Elsewhere (4:3) it says, “From the age of thirty.” How can this be reconciled? However, from the age of twenty-five they came to study the laws of the service; they would study for five years, and at the age of thirty they would [begin] work. From here we learn that a student who does not experience success in his learning for five years, will never experience it.” [*Chullin* 24a]

***Or HaChayim, Vayikra* 26:3** “...A fourteenth reason for the Torah’s use of the word זָלָכוּ in our verse is linked to *Vayikra* 7:37. ‘This is the law for the burnt-offering, the gift-offering and the sin-offering, etc.’ **Our sages in *Menachos* 110 explained on this verse that if a person studied the Torah portion dealing with a burnt-offering it is accounted for him as he had personally offered an animal as a burnt offering ... Whenever a commandment is not capable of being fulfilled by a person (such as all the legislation involving the priesthood for non-priests), study of the relevant portion in the Torah is accounted for the person studying it as if he had personally fulfilled that commandment....”**

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**Zechariah 8:23.** “Thus says the Lord of hosts: **In those days** it shall come to pass, that **ten men from the nations of every language**, shall take hold of the robe of a Jew, saying, **We will go with you; for we have heard** [“understood” (finally!)] **that God is with you.**”

**Or HaChayim, Vayikra 26:5** “...Another aspect of the blessing contained in this verse is that **foreigners will perform the heavy labor in our country** whereas the Israelites will ‘*sit securely in your land*....’<sup>126</sup>”

**Yishayahu 60:10.** “And the sons of strangers shall **build up your walls**, and **their kings shall minister to you**; for in my anger I struck you, but in my favor have I had mercy on you.”

**Rav Hirsch, Vayikra 4:3** “...True, the Torah expects the כהנים and the entire tribe of Levi to know that ‘G-d is their inheritance’ (cf. *Devarim* 10:9). Since the Service of the Sanctuary is entrusted to them, and since they have no inheritance in the Land, they are to become imbued with the knowledge and the spirit of the Torah – so that those who ‘place incense for Your perception and whole offerings upon Your altar’ (‘שימו קטורה באפך וכליל על מזבחך’) will also ‘*teach Your laws to Ya’akov and Your Teaching to Yisrael*’ (יורו משפטיך ליעקב ותורתך לישראל) (*Devarim* 33:10). As *Malachi*, last of the prophets, exhorted the corrupt כהנים of his day: שפתי כהן ישמרן ידעת ותורה יבקשו מפיהו (*Malachi* 2:7). But **the function of the כהן is to teach, to exhort, to reprove, to turn the hearts of the people back to G-d** and to make peace between one person and another (*Malachi* 2:6).”

<sup>126</sup> Our *chiddush* contains within it another supporting *chiddush* (that, thanks to Rabbi Shimon Bar Yochai, has become a *B'ruch Shekivanti*). Consider the similarities between the Sin of Adam and the Sin of the Golden Calf. Adam was placed in *Gan Eden* with all of his needs provided for. But after the Sin (*Bereshis* 3:17-19) “...**cursed is the ground for your sake; in sorrow shall you eat of it all the days of your life; Thorns also and thistles shall it bring forth to you; and you shall eat the herb of the field; In the sweat of your face shall you eat bread**....” Originally the firstborn were to be provided for by the remainder of the family. The firstborn were to be the “Yeshiva Students” of each family, who would be supported so that they could learn Torah, and be the “Rabbi” of the family. But what happened to the firstborn AFTER the Sin of the Golden Calf? Not only were they no longer the “Kohanim,” no longer were they set aside to sit and learn (this was also a benefit given to the Levi'im and Kohanim as they were not “burdened” with land to cultivate, and crops to harvest, but rather were given the Gifts of the Levi'im and Kohanim in order that they could do the learning and be our “Teachers”), but they were given a DOUBLE portion of land that they, “in the sweat of their faces,” would have to occupied with. Thus, according to our supporting *chiddush*, they were “cursed” with a double portion of land.

This “curse” is verified (in part) by Rabbi Shimon Bar Yochai. In his comment on the passuk (*Devarim* 11:14) “**That I will give you the rain of your land in its due season, the first rain and the latter rain, that you may gather in your grain, and your wine, and your oil,**” (which would seem to be a blessing!), Rabbi Shimon Bar Yochai teaches *that if people will spend time and energy necessary to earn a living ... they will be preoccupied with their livelihoods, and the study of Torah will ultimately be neglected ... [T]rue Torah scholarship can be achieved only where (Yehoshua 1:18) this Book of Torah shall not depart your mouth literally ... [T]he verse and you will gather in your grain refers to a time when the people do not do the Will of G-d and they are forced to engage in a livelihood.*

Thus what would seem to be a blessing, the firstborn receiving a double portion of land, can be seen as a curse as they will be saddled with the extra land to produce crops with. But there will all change in the End of Days when our *passuk* (*Vayikra* 26:5, as understood by the Or HaChayim) promises that the nations will do the work for us, and that we will then all be able to put our total attention to learning and teaching HaShem’s Torah! (Cf. *Yishayahu* 60:10; *Zechariah* 8:23)

Also from the *Siddur*, consider the *B'rachah* we say weekdays in the *Shemoneh Esrei*, “עבודתה”

“Be favorable, HaShem, our G-d, toward Your people Israel and their prayer, and restore the service (את העבודה) to the Holy of Holies of Your Temple ... and may the service of your people (עבודת ישראל) always be favorable to You.”

This weekday *B'rachah* should be understood in the light of a teaching from the *Machzor*, in the *Mussaf Shemoneh Esrei* for the *Yomim Tovim* (*Pesach/Shavuot/Succos*), and what the Men of the Great Assembly had to say about the division of duties of *Klal Yisrael* in the rebuilt Temple:

“...Rebuild Your House as it was at first, and establish Your Sanctuary on its prepared site; show us its rebuilding and gladden us in its perfection. Restore the Kohanim to their avodah and the Levites to their song and music; and restore Israel to their dwellings...”

Thus it seems clear that our Sages envisioned that in the End of Days, when the Bais HaMikdash is rebuilt, that the separation between the *Levi'im* and the *Yisraelim* still will exist, as well as the separation between the *Kohanim* and the other *Levi'im*.

### Again, our *Chiddush*<sup>127</sup>

With all of the above in mind, we posit the following understanding of the *Or HaChayim* on *Bereshis 49:28* and *Bamidbar 3:45*:

*Or HaChayim, Bereshis 49:28* – “When we look at the way Jacob censured Reuben [*Gloss: his “first born son”*], we are reminded of the *Sifri in Beha'aloscha*, according to which, the privileges of the firstborn will be restored to them in the future. Inasmuch as Jacob called Reuben his firstborn, this was an encouragement for all the firstborn to look forward to the future when they would again be allowed to function as priests. [*Gloss: The Or HaChayim here is alluding, with a mashal, to Israel as HaShem's “firstborn son,” as we know from Shemos 4:22, “And you shall say to Pharaoh, Thus said the Lord, Israel is My son, My firstborn.” And we know that we are currently in exile and disfavor with HaShem, due to our sins (the Tochachah Perakim, Vayikra 26, Devarim 28, et al), much as Reuben was in disfavor with Ya'akov Avinu due to the situation with Bilhah. But the Or HaChayim alludes to the return of His “first born son,” Israel, to their place of prominence as His emissaries to the world as we know was their intended avodah from Shemos 19:6. And you [Israel] shall be to me a kingdom of Kohanim.*] **It was on account of that future that Jacob was so intent to acquire the birthright from Esau at the time. The idea that there would come a time when Esau would perform the service in the Holy Temple was anathema to Jacob.** [*Gloss: Again, through a mashal, the Or HaChayim alludes to present day, when Israel is in exile, and when the nations are (l'havdil) “learning” about HaShem's Torah through the descendants of Esav, the Christians. To Ya'akov and his descendants – the true purveyors of HaShem's Torah, HaShem's Truth – this is intolerable; thus just as Ya'akov was determined to acquire the status of being “firstborn” from Esav, we must do everything in our power to reassume the*

<sup>127</sup> **There is one other possibility.** The Rambam writes (*Mishneh Torah, Hilchos Yesodei HaTorah 9:3-4*, which is part of his 6<sup>th</sup> Principle, “*The Authenticity of Prophecy*,”) “[A] true Prophet may, on a special occasion, temporarily abrogate any Torah Law – with the exception of *Avodah Zarah* – IF he specifies that this is only on a TEMPORARY basis.” The wording of the *Or HaChayim* does not seem to place any limitation on what he envisions, thus we do not believe this is a viable approach, but we include it so that our readers might not think this author has overlooked this possibility.

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*mantle of being the true firstborn, the true teachers of HaShem's Torah, which include learning and teaching the true lessons of the Bais HaMikdash and the animal sacrificial system which have been so misinterpreted by Esav's spiritual descendants. (See Rambam, Hilchos Melachim 11:4<sup>128</sup>)* **This does not mean that in the future these privileges will be denied to the Levites. At the time envisioned both the firstborn and the Levites will share equally in those functions that were performed by the Levites when the Temple was standing....**" [Gloss: We know that the Levi'im were separated away from the remainder of the shavatim after the Sin of the Golden Calf and were assigned tasks associated with the Mishkan that were unique to them; we also know that the Kohanim (Aaron and his sons) were separated away from the remainder of the Levi'im, and given tasks in the Mishkan also unique to them. We also know that there are several mitzvos lo sa'aseh that precludes any non-Levi from performing their tasks, as well as any non-Kohain from performing their tasks. Thus the "privileges/functions" that the Or HaChaim is referring to must be tasks that are available to both the Levi'im, as well as the firstborn of the other shavatim (we are to understand through the Or HaChayim's mashal that those firstborn are ALL of HaShem's "firstborn"), and the task that was special to the Levi'im and Kohanim, which will become common to all of Israel, is to take our place as a Mamleches Kohanim, a Kingdom of Priests, a Kingdom of Teachers to whom the nations will turn in the End of Days to learn about HaShem and His Torah. This vision of L'asid Lavo is made clear to us in Zechariah 8:23 "...In those days it shall come to pass, that ten men from the nations of every language, shall take hold of the robe of a Jew, saying, We will go with you; for we have heard that God is with you." (Cf. Or HaChayim, Vayikra 26:5. Cf. Yishayahu 60:10) (See Rav Hirsch, Vayikra 4:3)]

The *Or HaChayim, Bamidbar 3:45* "...and the Levites will belong to Me, I am the Lord." The reason the Torah adds the words "I am the Lord," is to tell us that although according to *Yalkut Shimoni 364* there will come a time when the firstborn will once again be performing the priestly functions in the Holy Temple, [Gloss (See our glosses to Bereshis 49:28, but also): Our Sages teach us (Menachos 110) that if one has learned the halachos regarding a particular korban, it is as if he had actually brought that korban. (Cf. Or HaChayim, Vayikra 26:3; Bamidbar 4:3, 8:24 with Rashi) Thus when we are in the midst of the End of Days, when the nations will gladly perform the mundane actions of life that support Klal Yisroel, we will be free as a nation to perform our primary avodah, learning and

<sup>128</sup> **Rambam, Mishneh Torah, Hilchos Melachim 11:4** "...Can there be a greater stumbling block than [Yoshkianity]? ... [Yoshkianity] caused the Jews to be slain by the sword, their remnants to be scattered and humbled, the Torah altered, and the majority of the world to error and serve a ["power"] other than the Lord ... Nevertheless, the intent of the Creator of the world is not within the power of man to comprehend, for Ways are not our ways, nor are His thoughts, our thoughts. [Ultimately] all the deeds of [Yoshka] and the Ishmaelite who rose after him, will only serve to prepare the way for [HaShem's End of Days' Redemption] (Rambam: "*the Mashiah's coming*" See the next paragraph, please!) and the improvement of the entire world. [motivating the nations] to serve G-d together...." [Yishayahu 2:11 "...and the Lord alone shall be exalted in that day" Yishayahu 2:17 "...and the Lord alone shall be exalted in that day." THE SAME MESSAGE BY THE SAME NAVI, SIX PASSUKIM APART. IS OUR NAVI TRYING TO TELL US SOMETHING? Yidden, please look at the beginning of these two *passukim* just quoted for a further lesson regarding "flesh and blood"!]

**IMPORTANT POLEMICAL NOTE:** There is a sect of *Yiddishkeit* that includes some adherents (at least a vocal number of them) who have used this Rambam to "set the stage" for the resurrection of their leader, who these "unfortunates" believe will be the *Mashiach*. One such adherent said to this author more than a dozen years ago (before 1998 C.E. – Common "Error"), "**It had to happen once, so that when it happens for real, it will not be a *chiddush*.**" This adherent said this in the context of presenting this author with a book that attempted to make the case for a dying and resurrecting *Mashiach* (based upon a misinterpretation of a Rashi on *Sanhedrin* 98b). Thus, it was this "unfortunate's" belief that Yoshka really did resurrect from the dead, paving the way for his "leader" to do the same. **If this startles the reader – IT SHOULD!!!**

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teaching HaShem's Torah. And as for the performance of the "functions in the Holy Temple," this has been clarified before the Or HaChayim even before he wrote this comment by our Sages in the Mussaf Shemoneh Esrei of Pesach/Shevuos/Succos, "Restore the Kohanim to their avodah and the Levites to their song and music; and restore Israel to their dwellings..." We must not understand the Or HaChayim "literally," in that if he were understood to be advocating the actual firstborn of each household being restored to the role explicitly given to Aaron and his sons by HaShem in His Torah, that would place the Or HaChayim (chas v'shalom) in the category of (Yoma 85b) He who interprets Torah contrary to the Mesorah has no share in the World to Come, and this cannot be. (Cf. Rambam, Introduction to Perek Cheilek; Hilchos Melachim 11:3-4; Hilchos Yesodei HaTorah 9:1.)] **the Levites will not therefore be demoted and cease to belong to G-d. The very expression "והיו לִי" indicates that just as G-d's name is eternal, so is the appointment of the Levites to their task.** [Gloss: The Or HaChayim is teaching us here that even though HaShem's "firstborn," Klal Yisroel, will all share in the main avodah of learning and teaching Torah, that the Levi'im (including the Kohanim) will still be separated from the remainder when it comes to their specifically assigned tasks in the Bais HaMikdash Shelishi.]

\* \* \* \* \*

### **Things for the reader to take into consideration BEFORE trying to retain a literal exegesis of the *Or HaChayim* on the *passukim* in question**

Before we begin to "defend" our *chiddush*, before we show the reader that Torah virtually demands the type of "radical" understanding that we have suggested, we need to look at the final element in the title of this treatise: the problem with "**the natural inclination to understand a phrase literally, even when to do so presents *Yiddishkeit* with an "Apparent" *Machlocus Gedolah*.**"

This is not a new problem with the correct understanding of Torah. In fact the mistaken literal understanding has been an on-going problem in *Klal Yisroel* is exemplified in the *Ravad's* commentary on the Rambam's 3<sup>rd</sup> Principle, the fact that HaShem has no physical form. The *Ravad*<sup>129</sup> states [*Mishneh Torah, Hilchos T'shuvah* 3:7] (paraphrased), "**Far greater people than the Rambam (or a great number of people other than the Rambam [this author has heard it translated both ways] have believed that HaShem has a form based upon the *passukim* in *Tanakh*, as well as the Midrashim that equated physicality with The Creator.**" Now, the *Ravad* is NOT stating that it is alright to equate physicality with HaShem, he was merely stating that one is not an *appikoras* based upon such beliefs. However, the *Brisker Rav*, *Rav Velvel Soloveitchik*, said, "**A *nevuch* [unfortunate/mistaken] *appikoras* is still an *appikoras*."** And we restate what the *Rambam* said in his Introduction to Perek Cheilek (already quoted above), "**The first approach is that of most people whom I have met, whose texts I have seen, and about whom I have heard. They understand [our Sages'] statements literally, and do not attempt to explain them [and extend their meanings] at all. They consider all the things that are logically impossible as what must be absolutely true ... The people who follow this approach are truly pathetic – may G-d have mercy on their foolishness. **According to their conception, they are elevating the Sages, while in truth they are denigrating them utterly....**" Thus, we we have shown that there are times that to take a Sage literally is NOT *Emunas Chachamim*, but is in fact *Chillul Chachamim*. This author believes that literal understandings of these offerings of the Or HaChayim are examples of such a *Chillul Chachamim*.**

But what even would possess this author to propose such an "eisegesis" [reading "into" a text, as opposed to "*darshening*" a text – which, of course, we believe we have done!] ? Why could he not just

<sup>129</sup> *Ravad*: Rabbeinu Avraham ben David of Posquires, 1120-1198 C.E.

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do as he observes most *Yidden* doing when they come upon a problematic set of texts: “Well, it’s a *machlokes*. We’ll have to wait to understand what the *Or HaChaim* means”? Our answer is that HaShem gave us a mind, and He demands that we utilize it, each according to his abilities. The Rambam tasked us with looking into a text that is “seemingly problematic” in order to ferret out the deeper meanings of the words of our Sages. But most importantly, to this *ger*, the idea that the Torah will ever be susceptible to change, means that the Rambam’s Principles are not what they appear to be – Basic Principles that are the Foundations of HaShem’s Torah – but must be “base principles” for ‘base people’ who don’t have the “true knowledge” to understand. This *ger* rejects this. Consider:

Rabbi J. David Bleich in *With perfect Faith: The Foundations of Jewish Belief* writes (quoting/paraphrasing the *Brisker Rav*, Rabbi Yitzchak Ze’ev Soloveitchik): **“...There are certain simple and basic theological truths which in their simple formulation are not at all esoteric in nature. These truths can be recognized and comprehended by all, and, when affirmed, provide a degree of intellectual achievement sufficient to guarantee immortality ... [T]hese Thirteen Principles thus [serve], so to speak, as the minimum entrance requirements for admission to the Heavenly Academy.”**

In other words, the Rambam’s Thirteen Principles – in order for them to be true, basic Principles – must be available (comprehensible) to a girl of twelve years, or a boy of thirteen years, and they cannot be (in this author’s opinion) “overturned” by a *Sod* that renders them all but meaningless. Rashi (*Shemos* 12:2), quoting *Shabbos* 63a<sup>130</sup>, teaches us a **“Biblical verse does not lose its simple meaning (*p’shat*).”** We believe that this teaching regarding the *p’shat* of a *passuk* applies similarly to the *p’shat* of the Rambam’s Thirteen principles.

If the *Or HaChayim* were alive, this author would have contacted him to ask him how his exegesis fits in with the Rambam’s Thirteen Principles. But, alas, this great sage is no longer available. But this *ger*, in his learning, came across a situation in Torah that is similar to this, at least as far as the (theoretical) possibility that one of our sages could have left us with a text that seemingly made little sense, especially if taken at face value. Consider:

**(Shemos 38:22)** “And **Bezalel**, the son of Uri, the son of Hur, of the tribe of Judah, **made all that the Lord commanded Moses.**” Rashi on this *passuk* reads, “Bezalel, the son of Uri... had made all that the Lord had commanded Moses.” “That Moses had commanded him” is **not** written here, but

<sup>130</sup> **Shabbos 63a** “...What is R. Eliezer's reason for maintaining that they are *ornaments* for him? — Because it is written, *Gird thy sword upon thy thigh, O mighty one, Thy glory and thy majesty.* [*Tehillim* 45:4] R. Kahana objected to Mar son of R. Huna: But this [“ornaments”] refers to the words of the Torah? [*‘Thy sword’ is metaphorical for learning, which is Israel's weapon. It is indicative of the peace-loving spirit of the Rabbis and their exaltation of Torah that they regarded it as axiomatic that such a verse could not be taken literally.*] — **A verse cannot depart from its plain meaning**, he [Mar son of R. Huna] replied. [*Granted that it is metaphorical, yet the Torah would not have been likened to the sword, unless the latter were ornamental.*] R. Kahana said: **By the time I was eighteen years old I had studied the whole Shas**, [*An abbreviation of shishah sederim, the six orders into which the Talmud is divided.*] **yet I did not know that a verse cannot depart from its plain meaning until today.** What does he inform us? — That a **man should study and subsequently understand.**”

**In this author’s opinion we have three lessons to learn from this passage:** 1) The fact that the *p’shat* remains, regardless of any other interpretations or utilizations of a *passuk* or word, and; 2) It is possible to have learned the entire *Shas* without knowing this basic rule, and; 3) (Potentially) If one does not know this rule (and the ramifications of it) and one has ONLY learned *Shas* (without *Nach*, etc.) a student of Torah might mistakenly think he knows the *p’shat* of *Tanakh* when in reality the *passukim* he has learned in the *Shas* were utilized in a *midrashic* manner and he may have no idea of what the *p’shat* is.

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[rather] *all that the Lord had commanded Moses*,” [meaning that] even [in] things that his master [Moses] had not said to him, his [Bezalel’s] view coincided with what was said to Moses on Sinai. **For Moses commanded Bezalel to first make the furnishings and afterwards the Mishkan** ... Bezalel responded, **“It is common practice to first make a house and then to put furniture into it.”** He [Moses] said to him [Bezalel], **“This is what I heard from the mouth of the Holy One, blessed is He.”** Moses said to him [Bezalel], **“You were in the shadow of God [I.e., you are right], for surely that is what the Holy One, blessed be He, commanded me.”** And so he did: [Bezalel] first [made] the Mishkan, and afterwards he made the furnishings. [B’rachos 55a]

This exchange between Moshe and his student, Bezalel, presents us with the opportunity to examine how Torah views of the teacher/student relationship, the necessity of the student to question his teacher if his teacher’s words do not make sense to him, the possibility that even the greatest of us is capable of making a mistake, and – in our opinion, most importantly – the “setting” in which these lessons are taught.

First we have to ask, “Who was Bezalel to question a directive, any directive, given by Moshe Rabbeinu?” Wasn’t Moshe the Navi of Navi’im? Wasn’t Moshe the greatest human-being who has ever lived, or will ever live? Didn’t Moshe speak to HaShem “Face to face,” thus, Moshe should know what he was talking about, right? What if Moshe had written his instructions to build the furnishings first, and then the tent to Bezalel on a piece of parchment, given it to him, and then he [Moshe] had died of an aneurism? What would Bezalel do? First he has the concept of *Emunas Chachamim* to consider, but he also has his own mind, and that Torah (with the possible exceptions of the *Chukim*, and Kabbalah) has to be relayed by the teacher in a manner that is comprehensible by the student, and thus has to make sense to him. This, of course, is an academic (theoretical) scenario, but one that should give us pause, and one that should give succor to even the possibility of this author’s *chiddush* being not only warranted, but even correct.

## The *Tikkun HaOlam* “Apologetic”

Above we cited the *Or HaChayim* on *Shemos* 38:21 where our Sage taught us that we were not to think that just because HaShem had forgiven the Sin of the Golden calf, that the firstborn would regain their station as the *Kohanim*. The *Or HaChayim* cites *Shemos* 32:34 where HaShem tells Moshe that He will punish Israel for every sin, but that that punishment will include a bit of punishment for the Sin of the Golden Calf. A position this author has encountered with *Yidden* who have learned the *Or HaChayim* literally on the *passukim* in question, invariably state that once *Tikkun HaOlam* is attained, that things will go back to the way that HaShem had first intended them to be, such as the firstborn being the *Kohanim*. But consider:

***Bereshis 49:3. Reuben, you are my firstborn***, my might, and the beginning of my strength, the excellency of dignity, and the excellency of power; 4. **Unstable as water, you shall not excel**; because you went up to your father’s bed; then defiled you it; he went up to my couch.

***Rashi, Bereshis 49:3 – and the first of my might*** That is, his first drop [of semen], for he had never experienced a nocturnal emission.-[from *Yevamos 76a*] **my might**, my strength, similar to: “I have found power for myself” (*Hoshea* 12:9); “because of His great might” (*Yishayahu* 40:26); “and to him who has no strength” (ibid. 29). **Superior in rank You were fit to be superior over your brothers with the priesthood, an expression of raising up the hands [to recite the priestly blessing].**-[from *Bereshis Rabbah 99:6*] **and superior in power [i.e. superior] with kingship**, like “And He will grant strength to His king” (*Shmuel Alef* 2:10).

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**NOTE:** *Could not the argument be made that just as the rights of the firstborn are destined to return, could not the “kingship” return to Reuben as well? “Oh,” you say, “that could not happen as the kingship belongs to Yehudah.” We would respond, that just as the kingship belonging to Yehudah is forever, so too will the priesthood belong to the Sons of Aaron, the Kohanim as defined by HaShem’s Torah, as well as codified by the Rambam. The point we are attempting to make is that HaShem’s Torah is very clear on these details, and the suggestion that the firstborn will return to their former estate seems to directly contradict the Rambam.*

**Rashi, Bereshis 49:4** – [You have] the restlessness of water-The restlessness and the haste with which you hastened to display your anger, similar to water which hastens on its course. **Therefore- you shall not have superiority** – You shall **no longer** receive all these superior positions that **were** fit for you. **for you ascended upon your father’s couch; then you profaned**-that Name that ascended my couch. That is the Shechinah, which was accustomed to going up on my bed. [From *Shabbos* 55b]

Thus, our argument is that the concept of *Tikkun* could be taken too far, and is not *kosher* way of settling this seeming *machlokes!* Didn’t HaShem offer the Torah to all of the other nations BEFORE Klal Yisroel? In a “Perfect World” perhaps the first nation that HaShem “intended” to offer the Torah to will speak up and say, “YES!” Is this really a possibility? NO! But the “Tikkun HaOlam” argument has to be thought through BEFORE being posited in the first place. There is more about the “*Kabbalistic* answers” to our *kashya* below, but we felt that we have presented the question, shown the problems with a literal understanding of the *Or HaChayim*, and offered a reasonable approach to understanding what would otherwise pit two of our greatest sages against each other. Thanks for taking the time!

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**The remaining pages contain:**

- 1) Torah that supports/complements our Chiddush
- 2) Chassidic Commentaries on the Or HaChayim that “seem” to support a literal understand of the Or HaChayim on our issue which appear to be *Kabbalistic* in reasoning, with rebuttal and commentary from this author
- 3) Further evidence in support of the Rambam’s 9<sup>th</sup> Principle
- 4) Further evidence that we should not take the Or HaChayim literally

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## Complementary Torah References

**Rashi, Shemos 4:22 – And you shall say to Pharaoh** When you hear that his heart is hard, and he refuses to send [the Israelites out], say thus to him. My firstborn son-[Firstborn is] an expression of greatness, similar to “I, too, shall make him a firstborn” (*Tehillim* 89:28). This is its simple meaning, but its midrashic interpretation is: Here the Holy One, blessed be He, acknowledged the sale of the birthright, which Jacob bought from Esau.-[from Bereshis Rabbah 63:14]

**Rashi, Shemos 13:13 – and every firstborn of man among your sons, you shall redeem** - His redemption [price] is established elsewhere (Num. 18:16) as five selas. [The commentaries to *Vayikra Rabbah* 2:2 say that what the Midrash means when it states that the “*firstborn are Mine*,” that the Midrash is referring to *Pidyon HaBen*.]

**Rashi, Bamidbar 8:7 – Sprinkle them with cleansing water** from the ashes of the red cow, so as to cleanse them from contamination by those who were in contact with the dead. **and pass a razor over all their flesh** I found in the writings of R. Moses *Hadarshan* (the preacher): **Since they [the Levites] were submitted in atonement for the firstborn who had practiced idolatry [when they worshipped the golden calf]**, which is called sacrifices to the dead—and one afflicted with *tzara'ath* is considered dead—they required shaving like those afflicted with *tzara'ath*.

**Shemos 27:21.** In the Tent of Meeting outside the veil, which is before the Testimony, **Aaron and his sons shall order it from evening to morning before the Lord**; it shall be a statute forever to their generations on behalf of the people of Israel.

**Shemos 29:33.** And they shall eat those things with which the atonement was made, to consecrate and to sanctify them; but **a stranger shall not eat of it**, because they are holy.

**Vayikra 1:5.** And he shall kill the bull before the Lord; **and the priests, the sons of Aaron, shall bring the blood, and sprinkle the blood around upon the altar** that is by the door of the Tent of Meeting... 7. And **the sons of Aaron the priest** shall put fire upon the altar, and lay the wood in order upon the fire; 8. And **the priests, the sons of Aaron**, shall lay the parts, the head, and the fat, in order upon the wood that is on the fire which is upon the altar.

**Vayikra 3:5.** **And the sons of Aaron shall burn it on the altar upon the burnt sacrifice**, which is upon the wood that is on the fire; it is an offering made by fire, of a sweet savor to the Lord.

**Vayikra 6:9.** And **its remainder shall Aaron and his sons eat**; with unleavened bread shall it be eaten in the holy place; in the court of the Tent of Meeting **they shall eat it**.

**Vayikra 7:9.** And **all the meal offering that is baked in the oven, and all that is prepared in the frying pan, and in the pan, shall be the priest's who offers it**.

**Bamidbar 3:10.** And you shall appoint Aaron and his sons, and they shall keep their priest's office; and **the stranger who comes near shall be put to death**.

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**Bamidbar 18:2.** And your brothers also of the tribe of Levi, the tribe of your father, bring with you, that they may be joined to you, and minister to you; but you and your sons with you shall minister before the Tent of Testimony.

**Bamidbar 18:3.** And they shall keep your charge, and the charge of all the Tent; only they shall not come near the utensils of the sanctuary and the altar, that neither they, nor you also, die.

**Bamidbar 18:4.** And they (the *Levi'im*) shall be joined to you, and keep the charge of the Tent of Meeting, for all the service of the Tent; and a stranger shall not come near you.

**Bamidbar 18:23.** But the Levites shall do the service of the Tent of Meeting, and they shall bear their iniquity; it shall be a statute forever throughout your generations, that among the people of Israel they have no inheritance.

**Devarim 10:8.** At that time the Lord set apart the tribe of Levi, to carry the ark of the covenant of the Lord, to stand before the Lord to minister to him, and to bless in his name, to this day.

**Devarim 18:7.** Then he shall minister in the name of the Lord his God, as all his brothers the Levites do, who stand there before the Lord.

**Commentaries that would seem to understand the *Or HaChayim* in such a way as to allow for a change to HaShem's Torah in *La'asid Lavo*:**

אור יקר (*Ohr Yakar*) HaRav Yitzchok Meir Hazanperetz

אור יקר, **Bereshis 49:28** – “If you look at ‘*Sefer HaGilgulim*’ by Rav Chaim Vital, who received this from the *Arizal*, you should have known that *chassadim* are the Kohanim in Olam Hazeih; and *gevurot* are the Levi'im. In *La'asid Lavo* it will be the opposite.

“At first the *avodah* was done by the *bechorim*, and that was *gevuros*. And also David, who is from *malchus*, as it says in *Tehillim* 89:28. ‘I am also a *bechor*.’

“And afterwards the *avodah* was given to the kohanim, that are from the side of *chassadim*. In the future, when it will be fixed, the *avodah* will be returned to the *bechoros* who are the *Levi'im*.

“This is the secret that *Yechezkel* prophesied in 44:15 that ‘The kohanim, the Levi'im,’ meaning that the kohanim in the future will be from the Levi'im. Look it up there [*Yechezkel* 44:15].”

However:

***Yechezkel* 44:15.** “But the priests the Levites, the sons of Zadok, who kept the charge of my sanctuary when the people of Israel went astray from Me, they shall come near to Me to minister to Me, and they shall stand before Me to offer to Me the fat and the blood, says the Lord God; [16. They shall enter into My sanctuary, and they shall come near to My table, to minister to Me, and they shall keep My charge.]”

**Rashi, *Yechezkel* 44:15** – **But the priests, the Levites** [i.e., the priests, who are] of the tribe of Levi. **the sons of Zadok** Since he was the High Priest who served as the first one in the Sanctuary of Solomon's days, they are called by his name. **when...went astray** [Heb. **בַּתְּעוּת**,] *quand ils erraient*, in Fr., when they strayed.

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**Rashi, Yechezkel 44:10 – Only the Levites who distanced themselves** Only thus shall you do to the Levites who distanced [themselves] from Me and became idolatrous priests and have now repented... **and they shall bear their iniquity from ever** approaching My altar again, but they may be appointed to the gates of the House (*comandises* in Old French, orders). They shall be watchmen and gatekeepers.

**R' D.Z. Hoffman, Devarim 17:9** [“And you shall come to *the priests the Levites* (הכהנים הלויים), and to the judge who shall be in those days, and inquire; and they shall declare to you the sentence of judgment”] – **This phrase הכהנים הלויים is used exclusively where the kohanim appear as spiritual leaders of the community rather than in their role of bringing sacrifices in the Temple.** Since the tribe of Levi was given the function of being Israel’s teachers (*Devarim* 33:10. “***They shall teach Jacob Your judgments, and Israel Your Torah...***”), the *kohanim* are referred to as Levites when that aspect of their duties is significant ... *Devarim* 31:9. “And Moses wrote this Torah, and delivered it to the priests the sons of Levi, who carried the ark of the covenant of the Lord...” (*Ibn Ezra*: ‘who are the teachers of the Torah.’) [*Devarim* 31:25. “That Moses commanded **the Levites, who carried the ark of the covenant of the Lord...**”] By referring to the formerly idolatrous *kohanim* as Levites, *Yechezkel* means to imply that they had been untrue to their calling as Levites [and more significantly, *kohanim*].

This only strengthens our *chiddush*!!!

### ***Yismach Moshe***

R' Ephraim Moshe Korngut

***Yismach Moshe, Bereshis 49:28*** -- *HaBikkoros* (the firstborn), in the future, will serve in the *Bais HaMikdash* instead of the *Levi'im*. Look at our Rabbi (the *Or HaChayim*) on *Bamidbar* 3:45: “Although the *Chachamim* said that in the future the service will return to the firstborn, it does not mean that the *Levi'im* will go down from serving HaShem.”

**Footnote** – Look at *Sefer HaGilgulim* 38 from R' Chaim Vital. Know in the future, that all the *Kayin* roots will be *kohanim*. And the root of *Chevel*, that were *kohanim* until now, will be *Levi'im*. Because, whatever was until now, as *Levi'im*, was on the side of *gevurah*. And the example is Korach, who was from *Kayin's* root, all will take the *Kehunah* that is a portion of their firstborn status. And that is what is written in *Yechezkel* 44:15, “The *Kohanim*, the *Levi'im*, the son of *Tzoddok...*”

You will not find this anywhere except *Yechezkel*, because *Yechezkel* was from the root of *Kayin*, that is why he prophesied in the future that those who were *Levi'im* until now will be *Kohanim*, sons of *Tzoddok*.

The explanation of this is those who were *Levi'im* until now will be them *Kohanim*, sons of *Tzoddok*. Therefore, in the future all the souls that are coming from *Kayin's* root that are on the level of *gevuros*, will be *Kohanim*.

Here in this world, the *Kohanim* are on the level of *chassidim*, and the *Levi'im*, *gevuros*. And in the future the *Kohanim* will be *gevuros*, and the *Levi'im*, *chassadim*.

And therefore., from the beginning, the *avodah* belonged to the *Bechorim*, who are also *gevuros*. And also David, who is from *malchus*, is called *bechor* (*Tehillim* 89:28).

Afterward, the *avodah* was taken from the firstborn and given to the *Kohanim*. In the future, when it will be fixed, the *gevuros* will return the *avodah* to the *bikkorim*, and the *Levi'im* that are *gevuros*.

That is what *Yechezkel* prophesied (44:15), meaning that the *Kohanim* in the future will be from the *Levi'im*, because *Yechezkel* was from the root of *Kayin*.

The explanation is in the sin of *Kayin* and *Hevel*. Both the status of firstborn was taken from *Kayin* and given to *Hevel*, and from that, it passed to Aaron the *Kohain*. In the future, the *avodah* will return to the firstborn, who are from the root of *Kayin...*

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In the future, when it will be fixed, it will be as it was in the beginning .... Moshe will be the *Kohain*, and Aaron, the *Levi*.

**Rav Shach:**

**Rav Shach Speaks**, Rosenweig, M., ed. 1999, Rabbi Asher Bergman, Bnei Brak, Israel

“...Moreover [writes Rav Shach], I cannot accept arguments based on *Kabbalah*. I was taught by my mentors, the scholars of the previous generation, that there can never be a contradiction between the correct interpretation of the esoteric side of the Torah and the openly revealed rules of the Torah by which we conduct our lives.” Thus Rav Shach holds that *Kabbalah* must augment the *p’shat*, not over-turn it.

This author is aware of a *Midrash* on *Tehillim* (99:6) that the *p’shat* of which would suggest that Korach will be a Kohain in the Third Temple. Now during this author’s research into this matter (the apparent *machlokes* between the Rambam and the *Or HaChayim*), he looked closely at the “Dispute of Korach and his entire company,” and several important aspects were revealed:

1) Korach was a firstborn (*Shemos* 6:21), thus if not for the sin of the Golden Calf, he would have been a Kohain

2) Korach was of the Tribe of Levi (*Shemos* 6:16-21), thus he was not even part of the Sin of the Golden Calf (*Shemos* 32:26), so if anyone had a legitimate gripe regarding NOT being allowed to be a Kohain, it was Korach

3) Korach didn’t just want to be a Kohain, he wanted to be Kohain Gadol (*Bamidbar* 16:3 with the commentaries of our Sages), but even the desire to be a mere Kohain would have been too much for him to desire (*Bamidbar* 16:7)

4) Korach was the instigator and the one who the Written Torah holds responsible for the rebellion of his followers (*Bamidbar* 16:22 “...O God, the God of the spirits of all flesh, shall one man sin, and will you be angry with all the congregation?”)

5) The Rambam (*Hilchos T’shuvah*) teaches that one of the categories of sinners who is not able to repent is one who causes many to sin, thus a literal understanding of the Midrash on *Tehillim* seems problematic; in fact:

6) Avos 5:2 “... [Any dispute] that is not for the Sake of Heaven will not have a constructive outcome ... And [a dispute] which was not for the sake of heaven? The dispute of Korach and his entire company.”

Considering all of the above, it seems difficult to take the Midrash literally. Thus we have another example of the Rambam’s warning about taking words literally which were never meant to be, and yet another opportunity to look into the Torah and make sense of a thing that “seemingly” makes no sense.

The Torah tells us that the Incident of Korach and his company, and specifically the sensors which they utilized in their ill-conceived attempt to become Kohanim, were to be a sign for all of Israel. The *Chumash* reads (*Bamidbar* 17:5), “To be a memorial to the people of Israel, that no stranger, who is not of the seed of Aaron, come near to offer incense before the Lord; that he be not as Korach, and as his company....” This author believes that this is the clue to a potential answer as to what the Midrash means when it says that Korach will be a Kohain.

In the Gemara (*Sanhedrin* 99b) we learn, “**R. Abbahu said: He who causes his neighbor to fulfill a precept is regarded by Scripture as though he had done it himself, for it is written, [The Lord said unto Moses . . . take . . . ] thy rod, wherewith thou struck the river: did Moses then strike it?**”

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**Aaron struck it! But, he who causes his neighbor to fulfill a precept, is regarded by Scripture as though he had done it himself.**

It is the very fact that Korach and his company rebelled that allows us to learn the lesson that no one who is not a physical son of Aaron should EVER attempt to assume the mantle of the *Kehunah!* Korach will, through the *schar* his *neshamah* gains by being the example through which we learn this lesson, will be resurrected, and he will be a “Teacher *Gadol*,” who will instruct us all about his mistake, and how the one whom HaShem chose, and his sons, will be the Kohanim forever.

## Further evidence of the truth of the Rambam’s 9<sup>th</sup> Principle

**Rambam, Introduction to *Perek Chelek*, the Ninth *Ikkar*:** “**Abrogation** ... This means that this Torah of Moshe will never be nullified. Nor will another torah ever come forth from the Almighty besides this one. Nor will anything be added to it, or deleted from it, either in the Written Law, or in the Oral Law. As it says (Devarim 13:1), ‘*You shall neither add thereto, nor detract there from.*’”

**Devarim 30:12.** It (*the Torah*) is not in heaven, that you should say, Who shall go up for us to heaven, and bring it to us, that we may hear it, and do it?

**Bava Metzia 59b** – (paraphrase) “The oral interpretation (*the Oral Law as codified in the Mishnah*) of the Written Law cannot be changed, either by a Prophet or by a Heavenly Voice.”

**Rambam, *Hilchos Yesodei HaTorah* 9:1:** “It is clear and it is explicit in the Torah, that Torah is an everlasting law (לעולם ולעולמי עולמים), which can never be changed, detracted from, or added to. As it is written (Devarim 13:1), *All this word which I commanded you, that shall you observe to do; you shall not add thereto, nor diminish there from.* And it says (Devarim 29:28), *The secret things belong unto the Lord our G-d; but the revealed things belong to us and to our children forever, that we may do all the words of this Law.* Hence, we derive [from here] that we have been commanded to fulfill all the words of the Torah forever. And so, too, does it say (Vayikra 3:17), *An everlasting law for your generations.* And it says (Devarim 30:12), *It is not in heaven.* Hence, we derive (Terumah 16a; Megillah 2b) that a Prophet may no longer innovate anything.”

**Rambam, *Mishnah Torah, Hilchos Melachim* 11:3-4:** “The primary thought is as follows. The laws and the statutes of this Torah will not be changed forever and evermore. One may neither add to them nor detract from them. Whoever either adds, detracts or renders radical interpretations, thereby changing the essential character of the mitzvos, is surely a rasha, and a heretic.”

**Note from Rabbi Fendel (*Torah Faith: The Thirteen Principles*, pg. 178):** “*Part of this text was deleted by the censors, and is not found in the standard editions of the Rambam.*” Our greatest concern with the alteration/abrogation of any of the Commandments of HaShem’s Torah is that Christians will use these “*chiddushim*” against us, and utilize them to proselytize unsuspecting Jews into accepting Jesus of Nazareth as their lord and savior (*chas v’shalom*). It was for this very reason that **CHRISTIAN censors deleted aspects of the Rambam’s teachings so as to allow for changes to HaShem’s Torah, which are essential to their mistaken theology.**

(לעולם ולעולמי עולמים) “Forever and to all eternity.” **Just after the *Shema* each morning we acknowledge:** “HaShem your G-d is true... and certain, established, and enduring, fair, faithful, beloved, cherished, desirable, pleasant, awesome, powerful, correct, accepted, good, and beautiful is this affirmation to us forever and ever (לעולם ועד). True – the G-d of the universe is our King; the Rock of Jacob is the Shield of our salvation. Generation after generation He endures and His Name endures and His Throne is well established; His sovereignty and faithfulness forever endure. His Words (Torah!) are living and enduring, faithful and desirable forever and to all eternity (לעולם ולעולמי עולמים); for **our forefathers** and for **us** for **our children** and for **our generations**, and for **all generations of the**

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**offspring of Israel Your servant.” It seems that all three of the elements of this *b’rachah* are forever: HaShem, His Torah (Words), and Israel, His people.**

Also, in *Uva L’Tzion*, just after (קדוש קדוש קדוש) we read in the Aramaic explanation from *Targum Onkelos*: “...holy (קדוש) *forever and to all eternity* (לעלם ולעמי עלמיא).” Then we read, “*HaShem shall reign for ever and ever*,” we read in the Onkelos translation “*HaShem, His kingdom stands forever and to all eternity* (לעלם ולעמי עלמיא).”

Is it unreasonable to assume that Just as HaShem is Holy forever and to all eternity, and HaShem’s Kingdom is forever and to all eternity (for all “worlds”) so too will be His Torah? Would the Rambam have used this phrase if he had not meant how we understand it? How could this point have been made any clearer by either *Chazal* in the *Siddur* or the Rambam?

In *Sefer HaMitzvos*, The Rambam wrote a preface to his codification of the 613 Commandments, in which he enumerated the ‘principles’ [criteria] by which he either included or excluded certain “commandments” from his listing of the six hundred and thirteen. The third of these “principles” states that “We are not to include (in this enumeration of the 613) commandments which are not binding for all time.” The Rambam expand this “principle” as follows:

“You must know that the very language (of the Sages): **“Taryag Commandments have been declared to Moses on Sinai’ (*Makkos* 23b<sup>131</sup>), teaches us that this number [613] constitutes the number of Commandments which are binding for all time, because Commandments which are not so binding have no specific connection with Sinai, regardless of whether they were proclaimed there or not.** Their expression ‘on Sinai’ means only the essential Revelation of the Torah which took place on Sinai. This is contained in His words, exalted be He, (*Shemos* 24:12) ‘...Come up to me into the mount, and be there; and I will give you [tablets of stone, and the Torah, and commandments which I have written; that you may teach them].’ And [the Sages] say expressly: ‘What [proof is there in] Scripture that 613 Commandments have been declared to Moses on Sinai? It is the verse, (*Devarim* 33:4) ‘*Moses commanded us a Torah, the inheritance [of the congregation of Jacob].*’ That is to say, **He commanded us (to observe as many Commandments as are signified by) the sum of the letter-numbers ‘TORAH’ which is six hundred and eleven.**<sup>132</sup> (*Shemos* 20:2) ‘*I am the Lord your G-d, etc.*,’ and (*Shemos* 20:3) ‘*You shall have no other gods before Me,*’ they heard from the Almighty Himself.”<sup>133</sup> **With these two the number Taryag is completed.**

The intent of this rubrication is (to teach us) that the Word we have been commanded by Moses, and that we have heard only from him, is signified by the sum of the letter-numbers of ‘TORAH,’ and it is that (number of Commandments) which He has declared to be (*Devarim* 33:4) ‘...an inheritance of the congregation of Jacob’. **A Commandment which is not binding for all time is not ‘an inheritance’ to us, for ‘an inheritance’ is only something which exists for all time, just as it is said, (*Devarim* 11:21)**

<sup>131</sup> **Makkos 23b – [THEREFORE GAVE HE THEM TORAH (TEACHINGS) AND MANY COMMANDMENTS . . .]** R. Simlai when preaching said: **Six hundred and thirteen precepts were communicated to Moses, three hundred and sixty-five negative precepts, corresponding to the number of solar days [in the year], and two hundred and forty-eight positive precepts, corresponding to the number of the members [Joints, or bones, covered with flesh and sinews (excluding the teeth)] of man's body.** Said R. Hamnuna: What is the [authentic] text for this? It is, *Moses commanded us torah, an inheritance of the congregation of Jacob*, (*Devarim* 33:4) ‘*torah*’ being in letter-value, equal to (24a) six hundred and eleven, [\*,\* = 400. \**u*\* = 6; \**r*\* = 200; \**v*\* = 5, total = 611] ‘I am’ and ‘Thou shall have no [other Gods]’ [not being reckoned, because] we heard from the mouth of the Might [Divine].

<sup>132</sup> *tav* = 400; *vav* = 6; *resh* = 200; *hey* = 5 totaling 611

<sup>133</sup> **Makkos 23b/24a;** see Positive Commandment #1

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‘...as the days of the heavens above the earth’.<sup>134</sup> So too is their statement – ‘it is as if each and every limb (of the two-hundred and forty-eight limbs in the human body) enjoins the person to do a (Positive) Commandment, and as if each and every day (of the three hundred and sixty-five days in the solar year) it admonishes him against committing a transgression’<sup>135</sup> – **proof that the sum (613) will never decrease. But if Commandments not binding for all time are to be included in this enumeration, the number would be bound to lessen at the time when a particular Commandment has been completely fulfilled by the attainment of its object**, and that statement<sup>136</sup> would have been correct only at a given particular time.

Again has a certain other (scholar)<sup>137</sup> erred in respect of this Principle, and counted – when pressed – (among the Commandments the injunctions) applying to the Levites (*Bamidbar* 4:20): ‘*But they shall not go in to see when the holy things are covered, [lest they die],*’ and (*Bamidbar* 8:25) ‘*[And from the age of fifty years they shall cease waiting upon its service,] and shall serve no more.*’ But these (injunctions) were designed only for the desert and are not binding for all time. Now although (the Sages) do say, ‘An intimation against stealing a holy vessel (is found in the verse), (*Bamidbar* 8:25; *Sanhedrin* 81b<sup>138</sup>) ‘*But they shall not go in to see, etc.*’ – the term ‘an intimation’ is sufficient evidence to indicate that this is not the literal sense of the verse; nor is its transgression included among those liable to death by the hands of Heaven<sup>139</sup>, as has been explained in the *Tosephta*<sup>140</sup>, and in (*Meseches*) *Sanhedrin*.<sup>141</sup>

Indeed, I am amazed at those who counted these prohibitions: why did they not count the verse in connection with the manna (*Shemos* 16:19), ‘*[And Moses said,] Let no man leave of it till the morning,*’ and the verses concerning [Moab and] Ammon (*Devarim* 2:9), ‘*[And the Lord said to me,] Distress not the Moabites, neither contend with them in battle; [for I will not give you of their land for a possession;*

<sup>134</sup> This verse speaks of the land which HaShem swore to give to the Patriarchs (*Devarim* 11:21): ‘*That your days may be multiplied, and the days of your children, in the land which the Lord swore to your fathers to give them, as the days of heaven upon the earth.*’

<sup>135</sup> Midrash Tanchumah, *Tetze*

<sup>136</sup> That there were 613 Commandments were declared to Moses on Sinai.

<sup>137</sup> The author of *Hilchos Gedolos*

<sup>138</sup> **Sanhedrin 81b** – What is kiswah? — Rav Judah answered: The service vessels [of the Temple]; and thus it is said, And the vessels [Kesoht] of libation. [*Bamidbar* 4:7. *And upon the table of the bread of display they shall spread a cloth of blue, and put on it the dishes, and the spoons, and the bowls, and the jars for pouring out; and the continual bread shall be on it.*] And where is this alluded to? [*That a zealot who sees the theft must punish, i.e., slay him.*] That they come not to see how the holy things are stolen, [lit., ‘swallowed up’.] lest they [the purloiners] die. [*Bamidbar* 4:20. *But they shall not go in to see when the holy things are covered, lest they die.* Nevertheless, this not being the true meaning of the verse, q.v., it is regarded merely as a hint, the actual law being traditional. (The allusion is probably to the vessel employed for water libation, a rite opposed by the Sadducees. The purloiner would accordingly be a member of that sect.)] And since the prohibition against stealing a holy vessel is for all time, you might argue that it be counted among the Commandments. But, replies the Rambam, the very term ‘an intimation’ indicates, etc.

<sup>139</sup> If stealing a holy vessel would be a Negative Commandment, the transgressor would be liable to death at the hands of Heaven, as the verse concludes (*Bamidbar* 4:20), ‘*And they shall not go in... lest they die.*’ Therefore it is obvious that while we are enjoined against committing such an act, the prohibition thereof is not to be counted as a separate Commandment.

<sup>140</sup> *Tosephta, Kereisos* 1

<sup>141</sup> **Sanhedrin 83a** – [S]urely, it is written, And the stranger [zar] that cometh nigh shall be put to death [*Bamidbar* 18:7. *Therefore you and your sons with you shall keep your priest’s office for everything that concerns the altar, and inside the veil; and you shall serve. I have given your priest’s office to you as a service of gift; and the stranger [zar] who comes near shall be put to death.*]... The following are **liable to death [at the hands of Heaven]**: *One who ate tevel, an unclean priest who ate undefiled terumah, a zar or an unclean [priest] who performed [the Temple service], or one who performed it on the day of his ritual bath...*

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because I have given Ar to the sons of Lot for a possession],’ and (Devarim 2:19) ‘[And when you come near opposite the sons of Ammon,] harass them not, nor contend with them; [for I will not give you of the land of the sons of Ammon any possession; because I have given it to the sons of Lot for a possession].’ So should they have counted among the Positive Commandments the verses (Bamidbar 21:8), ‘[And the Lord said to Moses,] Make a venomous serpent, and set it upon a pole; [and it shall come to pass, that everyone who is bitten, when he looks upon it, shall live],’ and (Shemos 16:33) ‘[And Moses said to Aaron,] Take a pot, and put an omer full of manna in it, [and lay it up before the Lord, to be kept for your generations]’ – just as they counted (Bamidbar 31:28<sup>142</sup>) ‘the heave-offering of the tribute’ and the dedication [service] of the altar (Bamidbar 7:11<sup>143</sup>). And they should have also counted (Shemos 19:15): ‘[And he said to the people,] Be ready by the third day; [do not come near a woman],’ as well as (Shemos 34:3) ‘[And no man shall come up with you, nor let any man be seen throughout all the mount;] nor let the flocks nor herds feed [before that mount],’ or (Shemos 19:24) ‘[And the Lord said to him, Go, get you down, and you shall come up, you, and Aaron with you; but] let not the priests and the people break through to come up to the Lord, [lest he break forth upon them],’ and many other similar [injunctions].

**Now no rational person will doubt that all these injunctions – positive and negative – were indeed declared to Moses on Sinai, except that they were intended for certain passing instances of time and are not binding for all generations, and therefore are not to be counted [among the Taryag Commandments].**

It follows from this Principle that we are to count neither the Blessings and the Doom that [the Tribes] were commanded to pronounce on [mount] Gerizim and on [mount] Ebal (Devarim 11:29<sup>144</sup>), nor the building of the altar which we were commanded to do upon our entry into the land of Canaan (Devarim 27:5<sup>145</sup>) – because there were all Commandments applicable at a particular period of time.

Neither are we to count the positive [injunction] that if we desire to partake of the meat of any animal we could do so only after bringing it first as a Peace-offering (Vayikra 17:5), because that was a special enactment during the time of the desert. This is contained in His words (Vayikra 17:5), ‘[To the end that the people of Israel may bring their sacrifices, which they offer in the open field, that] they may bring them to the Lord, [to the door of the Tent of Meeting, to the priest, and offer them for peace offerings to the Lord],’ on which the Sifra comments: ‘And they shall bring them,’ this constitutes a Positive Commandment<sup>146</sup> – but binding only in the desert,<sup>147</sup> as he explained in [Sefer] Deuteronomy the permission at all time of eating a secular meal of meat (Devarim 12:20), ‘[When the Lord your God shall enlarge your border, as he has promised you, and you shall say, I will eat meat, because your soul longs to eat meat;] you may eat meat, to your heart’s desire.’

If it were necessary to count everything in this category,<sup>148</sup> all injunctions wherein Moses was commanded from the day he became a prophet to the day of his death – counting everything he was enjoined in Egypt, and during the Consecration [of the priesthood] (Shemos 29:1 ff.), and other injunctions

<sup>142</sup> **Bamidbar 31:28.** And levy a tribute to the Lord of the men of war who went out to battle; one soul of five hundred, both of the persons, and of the cattle, and of the asses, and of the sheep.

<sup>143</sup> **Bamidbar 7:11.** And the Lord said to Moses, They shall offer their offering, each prince on his day, for the dedicating of the altar.

<sup>144</sup> **Devarim 11:29.** And it shall come to pass, when the Lord your God has brought you in to the land which you are entering to possess, that you shall put the blessing upon Mount Gerizim, and the curse upon Mount Ebal.

<sup>145</sup> **Devarim 27:5.** And there shall you build an altar to the Lord your God, an altar of stones; you shall not lift up any iron tool upon them.

<sup>146</sup> Vayikra 17:5, Sifra.

<sup>147</sup> Since the people were near the Tabernacle, they were obligated to bring the slaughtered animal as a Peace-offering and then eat its meat; but after they came into the land of Canaan and they were no longer near the Tabernacle, they were permitted to slaughter and eat a secular [Chullin] piece of meat.

<sup>148</sup> Commandments not binding for all time.

besides these, which are all words of Torah, some positive and some negative – the number, **outside of the Commandments binding for all time**, would reach over three hundred. But since it is impossible to count all of them, it follows perforce that not even one of them be counted, and not as other [scholars] have done, by taking a few [of these injunctions] to furnish them with the benefit of completing the enumeration which they were unable to fill.

This is what we have desired to achieve in this Principle.”

**Rambam, Iggeres Teiman**

“It is incumbent upon you to know that the rule that **nothing may be added to or diminished from the laws of Moses applies equally to the Oral Law, that is, to the traditional interpretation transmitted through the sages of blessed memory**. Be cautious and on your guard lest any of the heretics, may they speedily perish, mingle among you, for they are worse than apostates.”

“*Megillah Panim V’Torah Shelo Halachah...*”

(Avos 3:11; Yoma 85b; Avos deRab Nasson 26-4)

“**He who interprets Torah contrary to the Mesorah has no share in the World to Come**”

**Yoma 85b** -- DEATH AND THE DAY OF ATONEMENT PROCURE ATONEMENT TOGETHER WITH PENITENCE. Only TOGETHER WITH PENITENCE, but not in themselves! — Shall we say that this teaching is not in accord with, Rabbi? For it was taught: Rabbi said, For all transgressions [of commands of] the Torah, whether one had repented or not, does the Day of Atonement procure atonement, except in the case of one who throws off the yoke [of the Torah ], **interprets the Torah unlawfully**. [Lit., ‘**reveals an aspect of the Torah (not in accordance with the correct interpretation)**’; or, ‘acts in a bare-faced manner against the Torah’,] or breaks the covenant of Abraham our father. In these cases, if he repented, the Day of Atonement procures atonement, if not, not! — You might even say that this is in accord with Rabbi: Repentance needs the Day of Atonement, but the Day of Atonement does not need repentance.

## Further evidence that we should not take the *Or HaChayim* literally

**Shacharis, Korbanos, Korban Tamid**

**Ben Avraham:** Just what do we pray for each morning concerning the Third Temple and what will happen once it is built? Do Yidden (if they do *daven* this section of *Shacharis*) pay any attention to what they are saying, or the ramifications of their words?

“May it be Your Will, HaShem our G-d, and the G-d of our forefathers, that You have mercy on us for all our errors, atone for us all our iniquities, forgive all our willful sins; and that You<sup>149</sup> rebuild the Holy Temple speedily, in our days, so that we may offer to You the continual offering that it may atone for us, as You have prescribed for us in Your Torah through Moshe, Your servant, from Your Glorious Mouth, as it is said:

“(Bamidbar 28:1-8) And the Lord spoke to Moses, saying, Command the people of Israel, and say to them, My offering, and my bread for my sacrifices made by fire, for a sweet savor to me, shall you observe to offer to me in their due season. And you shall say to them, This is the offering made by fire which you shall offer to the Lord; two lambs of the first year, without spot, day by day, for a continual burnt offering. One lamb shall you offer in the morning, and the other lamb shall you offer at evening; And a tenth part of an ephah of flour for a meal offering, mixed with the fourth part of a hin of beaten oil. It is a continual burnt offering, which was ordained in Mount Sinai for a sweet savor, a sacrifice made by

<sup>149</sup> **Tehillim 127:1.** A Song of *Maalot* for Solomon. **Unless the Lord builds the house, those who build it labor in vain**; unless the Lord watches over the city, the watchman stays awake in vain.

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fire to the Lord. And the drink offering of it shall be the fourth part of a hin for one lamb; in the holy place shall you cause the strong wine to be poured to the Lord for a drink offering. And the other lamb shall you offer at evening; as the meal offering of the morning, and as the drink offering of it, you shall offer it, a sacrifice made by fire, of a sweet savor to the Lord.

“(Vayikra 1:11) And he shall kill it on the northern side of the altar before the Lord; and the priests, the sons of Aaron, shall sprinkle his blood around upon the altar.

“May it be Your Will, HaShem, our G-d and the G-d of our forefathers, that this recital be worthy and acceptable, and favorable before You as if we had offered the continual offering in its set time, in its place, and according to its requirement.”

**Ben Avraham:** Why was the *passuk* from *Vayikra* added to the end of this Torah section that concerns itself with the Tamid Offering (Bamidbar 28:1-8)? Could it be (perhaps) that The Men of the Great Assembly (who we assume included this in *Shacharis*) understood that in the times of the Third Temple the *avodah* was still going to be done exclusively by the *Kohanim*, the Sons of Aaron? Is this not “as You have prescribed for us in Your Torah,” and “according to its requirement”?

**Divrei HaYomim Alef 23:13.** The sons of Amram: Aaron and Moses; and Aaron was set apart, that he should sanctify the most holy things, he and his sons forever, to burn incense before the Lord, to minister to him, and to bless in his name forever.

**Mishnayos Zevachim 2:1.** Any sacrifice whose blood was received by a non-Kohain ... it is invalid....

**ArtScroll, Yad Avraham Commentary:** “What is [the definition of] a non-Kohain? Whoever is not of Aaron’s male descendants (Rambam, *Hilchos Bais HaMikdash* 9:1).”

**Mishnayos Zevachim 3:1.** [If] any disqualified person slaughtered, their slaughter is valid; because slaughter is valid [when performed] by a non-Kohain ...

**ArtScroll, Yad Avraham Commentary:** “The verse which mandates that only *Kohanim* perform the *avodah* refers to the *avodah* of *kabbalah*, receiving (Vayikra 1:5), and the priests, the sons of Aaron, shall bring the blood. Thus, the requirement for *Kohanim* that is derived from it begins from that point; the slaughter which precedes it does not require a *Kohain*’s service (Rav from Zevachim 32a).”

**Mishnayos Menachos 2:1.** The sinner’s *minchah*-offering, as well as any other *minchah* - offering, whose *kemitzah* was performed by a non-Kohain ... is invalid.

**ArtScroll, Yad Avraham Commentary:** “A non-Kohain cannot perform the *avodah* of any offering [with the exception of slaughtering an animal offering (Menachos 19a; Zevachim 3:1)], as derived by the Gemara (Zevachim 15b). A non-Kohain is defined as anyone who is not a descendant of Aaron in the male line (Rambam, *Hilchos Bais HaMikdash* 9:1).

**Zevachim 15b – N**

**Menachos 19a – N**

**Rambam, Book of Temple Service (*Hilchos Bais HaMikdash*), Entrance into the Sanctuary 9:1.** If a non-Kohain ministered in the Sanctuary, his service was invalid and he incurred the penalty of death by the hand of Heaven. For it is said (Bamidbar 18:7): and the stranger who comes near shall be put to death, and it was learned from oral tradition that this penalty was incurred only when one drew

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nigh to minister. Where does scripture admonish concerning this? In the verse (Bamidbar 18:4) *and a stranger shall not come near you.*

**Who is considered a non-Kohain? Anyone who was not a male descendant of Aaron.** For it is said (Vayikra 3:5): *And the sons of Aaron shall burn it on the altar,* implying that only the sons of Aaron minister and not the daughters of Aaron.

**Tehillim 89:28.** “Also I will make him My firstborn, higher than the kings of the earth.”

**Rashi, Tehillim 89:28 – shall make him a firstborn** I shall make him great.

**Redak, Tehillim 89:28** – Just as he will call Me “my Father, I, too, shall call him “My son.” *And not only that, but I call him “firstborn,” the son exalted over all the other sons, for he will be the highest of all the kings of the earth ... Divrei HaYomim Alef 14:17.* “...and the Lord cast His fear upon all the nations.”

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