

**Fundamental Issues in the Study of *Tanakh*
By Rav Amnon Bazak**

Shiur #10b: *Peshat* and *Midrash Halakha*

c. *Midrashei Halakha* that Contradict the *Peshat*

As noted, the relationship between the straightforward reading of the text (*peshat*) and the halakhic ramifications derived in the midrash becomes more complicated when we find instances where they appear to be in direct contradiction with one another. In such cases where halakha is not decided in accordance with the literal meaning, the question arises: is it nevertheless legitimate to understand the verses literally; and if so, what is the significance of a *peshat* understanding, which is not followed as halakha?

One possible way of dealing with the problem is suggested by Ibn Ezra. Since a verse has only one meaning in his view (as discussed previously), he opts to reject the *peshat* and to adopt the *derash* as the sole interpretation of the verse. Indeed, this is his general approach, as he declares explicitly:

“Only when it comes to teachings, laws and statutes, if a verse has two different interpretations – one in accordance with the teachings of the *ma’atikim* (‘relayers’ – a reference to *Chazal*, who relay the traditions received at Sinai to future generations), who were all righteous (and we may place our full reliance on their truth), then heaven forefend that we should lend an ear to the Sadducees, who claim that the relayers contradict the details of the text; rather, our predecessors embody truth and all their words are truth, and the Lord God of Truth shall guide His servant on the way of truth.” (Introduction to Commentary on the Torah, the ‘fifth way’)

In instances where there is a blatant contradiction between the *peshat* and *midrash halakha*, Ibn Ezra systematically interprets the verses in accordance with the midrash.¹

¹ At the same time, he sometimes offers an interpretation in accordance with the *peshat*. Although he is quick to clarify that he accepts the view of *Chazal*, the very fact that he brings the *peshat* shows that he views such an interpretation as having some value. The following are two examples.

a. In the matter of leaning (*semikha*) on a sacrifice, Ibn Ezra writes in his commentary on Vayikra 1:4 – “And he shall lean his hands’ – the plain meaning of the verse would seem to be that he leans only one hand (the verse says ‘*yado*,’ not ‘*yadav*’), for the procedure concerning the goat that is condemned to die in the wilderness (where the verse specifies, ‘Aharon shall lean his

However, other commentators maintain the distinction between *peshat* and *derash* – even in matters of halakha. Most prominent among them is Rashbam,² who in dozens of instances interprets verses in accordance with their plain meaning rather than in accordance with the midrash halakha. Naturally, many of these instances are to be found in *parashat Mishpatim*, which includes a great many laws. Therefore, at the beginning of his commentary on this *parasha* Rashbam sees fit to set forth the following fundamental principle:

“Those who are knowledgeable will know and understand that my intention is not to explain [the derivation of] the laws, even though they are the essence, as I explained in *Bereishit*... My intention, rather, is to explain the plain meaning of the text, and I will explain the rules and laws according to the way of the world. Nevertheless, the laws are the essence, as our Rabbis have said, ‘halakha uproots mishna’ (*halakha okeret mishna*).”³ (Rashbam, commentary on Shemot 21:1)⁴

two hands [*shetey yadav*] upon the head of the goat that is alive’ – *Vayikra* 16:21) is not the same procedure that governs the other sacrifices; therefore the Torah changes the formulation. It is only in light of the teaching of the Sages, who taught that every instance of *semikha* involves both hands, that we rely on them.”

b. Concerning the punishment of lashes, the Torah states, “... He [the accused] shall be lashed in his [the judge’s] presence, according to his wrongdoing, by a certain number. Forty stripes he may give him, but no more...” (*Devarim* 25:2-3). Ibn Ezra comments that the plain meaning of the verse suggests that the number of stripes administered varies in accordance with the severity of the sin, and the Torah stipulates ‘forty’ as the maximum number that is permissible: “We would think that there are some sins for which he might receive ten, or twenty, or less than that, or more, based on the words, ‘according to his wrongdoing.’ Only, he must receive no more than forty.” However, *Chazal* stipulate that for any sin the punishment of forty lashes is fixed (or, rather, thirty-nine – see, for example, Mishna Makkot 3:10). Ibn Ezra therefore negates what would have seemed to be the plain meaning of the text: “... on account of the received wisdom, which alone is truth.”

² We discussed Rashbam’s attitude towards midrashei aggada in the previous chapter. As to his approach to midrashei halakha, see A. Touitou, “Ha-Peshatot ha-Mitchadshim Bekhol Yom” – *lyyunim be-Perusho shel Rashbam la-Torah*, Jerusalem 5763, pp. 53-56; 17-188; M. Lockshin, *Introduction to Perush ha-Rashbam al ha-Torah*, Jerusalem 5769, pp. 16-18.

³ This formula presents a problem, since no such expression appears in *Chazal*, nor does it appear suited to the context. A more likely explanation is presented by Lockshin, p. 251, n. 5, who suggests that Rashbam’s comment should read, ‘*halakha okeret mikra*’ (the halakha uproots the literal verse). Rashbam would then be referring to the Gemara in *Sota* 16a:

“Rabbi Yochanan said in the name of R. Yishmael: in three places the halakha uproots the literal verse: The Torah says [that the blood must be covered] ‘with dust’ (*Vayikra* 17:13), while the halakha is that it may be covered with any substance; the Torah says [that a Nazirite may not shave] ‘with a blade’ (*Bamidbar* 6:5), while the halakha is that he may not shave with anything; and the Torah says ‘a writ’ (literally, ‘book,’ *Devarim* 24:1), while the halakha is that he may write on anything.”

Rabbi Yishmael’s words do indeed apply to the instances where the halakha supersedes the plain meaning of the text. Rashbam’s term, ‘*okeret*’ (‘uproots’), in contrast to the term used in the Gemara – ‘*okevet*,’ (circumvent) also appears in the Tosafot in various places (*Kiddushin* 16a; *Chullin* 88b); see Rav M.M. Kasher’s addenda to *Torah Sheleima* 17, New York 5716, p. 293.

⁴ In the same vein see his commentary at the end of *Shemot* (40:35) and at the beginning of *Vayikra* (1:1). Rashbam (*Vayikra* 13:2) presents the units discussing *tzara’at* as an exception:

Rashbam maintained that the principle of polysemy, of multiple valid interpretations of the text, is relevant even in these instances. He emphasizes that the laws derived from seeming superfluities in the text are the “essence” – and by this he would seem to be saying that the midrashic teaching is binding, in practical, halakhic terms, but nevertheless the plain sense of the verse still has its value and role. The gap between the *peshat* and the *derash* arises from their being the products of two different reading strategies: *derash* is what we derive from superfluities and other noteworthy aspects of the text, as well as through the hermeneutical laws, while *peshat* is studied “in accordance with the way of the world.”⁵

The following are some of the better-known instances where Rashbam interprets the text in accordance with *peshat*, even where this runs counter to halakha:

1. *Chazal* understand the verse, “And it shall be a sign for you upon your hand, and as a remembrance between your eyes” (*Shemot* 13:9) as the source for the commandment of *tefillin*. Rashbam, in his commentary, writes that the plain meaning of the text is metaphorical:

“The true plain meaning is that it should be a remembrance at all times, as though it were written upon your hand, in the manner of, ‘Set me as a seal upon your heart’ (*Shir Ha-shirim* 8:6).”⁶

Other commentators vehemently reject Rashbam’s audacious proposal. Without mentioning him by name, Ibn Ezra writes:

“There are those who dispute our holy ancestors (*Chazal*), teaching that ‘a sign... a remembrance’ is to be understood in the sense of, ‘They are a wreath upon your head, a necklace upon your throat’ (*Mishlei* 1:9); that

“With regard to all the units concerning *tzara’at* of a person, and of clothing, and of houses, and their various appearances, and the calculations of how long they are to be shut up, and white hairs and hair that is black or yellow – we have no basis for understanding the plain meaning of the text at all, nor [interpreting it] on the basis of proficiency in these matters as they affect people; rather, the essence here is the teaching of the Sages, with their laws and received wisdom from the early Sages.”

⁵ It should be noted that this complex approach does entail some danger. During the Middle Ages, the Karaites aroused great controversy by deciding halakha in accordance with the plain reading of the text. (For further reading, see inter alia: M. Corinaldi, “Karaites,” in the *Hebrew Encyclopedia* 30, Jerusalem-Tel Aviv 5738, columns 36-50; N. Schorr, *Toledot ha-Karaim*, Jerusalem 5763.) Biblical interpretation of the *peshat* even where this goes against halakha, as per Rashbam’s approach, may create the impression of legitimizing Karaite positions. Therefore Rashbam’s approach was opposed by some – first and foremost among them Ibn Ezra, as we shall see below.

⁶ It is possible that Rashbam’s interpretation follows that of the 10th century Spanish philologist and linguist Menachem ben Saruk, who offers this meaning in his *Machberet Menachem*, a work which was likely the first dictionary of Biblical Hebrew. It should be noted that Rashbam mentions Menachem’s explanations in several places in his commentary, although not in this particular instance.

'You shall bind them as a sign upon your hand' (*Devarim* 6:8) is similar to 'bind them upon the tablet of your heart always' (*Mishlei* 6:21); and that 'And you shall write them upon the doorposts of your homes' (*Devarim* 6:9) follows the idea, 'Inscribe them upon the tablet of your heart' (*Mishlei* 3:3) ... But this is not the proper way [of interpretation], for at the beginning of the Book [of *Mishlei*] it states, 'the parables of Shlomo' (*Mishlei* 1:1) – meaning that all that is included in it is meant metaphorically. But nowhere in the Torah is it written that it is meant as a metaphor, heaven forefend; rather, it is to be understood literally. Therefore the verse should not be severed from its literal meaning." (Long commentary on *Shemot* 13:9)

Ibn Ezra rejects the possibility of interpreting these verses in a metaphoric sense, and brands commentators who do so as "disputing our holy ancestors." It is not clear whether Ibn Ezra refers here specifically to Rashbam⁷ or whether he has in mind the Karaite commentators.⁸ In any event, it is clear that Rashbam's intention was not to challenge the commandment of wearing *tefillin*; rather, in keeping with his consistent theoretical approach, he is pointing out that the halakhic derivation from the text, while authoritative, is not necessarily identical with the true *peshat* reading of the verses.⁹

2. As we know, according to halakha the day begins at nighttime (*Mishna Chullin* 5:6), and in *Chazal's* teachings this principle is based on the formula repeated over and over in the account of the Creation, "And it was

⁷ Perhaps Ibn Ezra's polemic is actually directed against Menachem ben Saruk. Some of the verses that Ibn Ezra cites as being erroneously interpreted by others in a metaphoric sense (such as, "bind them upon the tablet of your heart") are not cited by Rashbam, while the specific verse that Rashbam does cite ("Set me as a seal upon your heart") appears nowhere in Ibn Ezra's comment. In addition, Ibn Ezra asserts that the commentators to whom he is referring also propose a metaphoric understanding of the verse, "And you shall inscribe them upon the doorposts of your home" – which, as we know, is the textual basis upon which *Chazal* teach the commandment of *mezuza*, but this is not Rashbam's understanding of the verse at all.

R. Yosef Bekhor Shor, in his commentary on *Bamidbar* 12:8 and on *Devarim* 6:9, likewise attacks sharply the metaphoric interpretation of these verses. He, too, makes no explicit mention of Rashbam (nor of ben Saruk), but he does note (in his commentary on *Bamidbar* ad loc.) the negative impact of such interpretations: "I have heard even from some Jews that they question [the commandments of] *tefillin* and *mezuza*."

On the question of who the criticism of Ibn Ezra and other commentators is directed against, see Lockshin, p. 214, n. 42.

⁸ The Karaites did indeed interpret the verses in *Shemot* and in *Devarim* in a metaphoric sense, and they did not wear *tefillin*. See J. Tigay, s.v. "*tefillin*," *Encyclopedia Mikra'it* 8, Jerusalem 5742, columns 890-891.

⁹ Some have argued that Rashbam maintains this position only in relation to the verse in *Shemot*, which was uttered prior to the giving of the Torah, but even he would agree that the verses in *Devarim* represent the basis for the commandment of *tefillin* even according to *peshat* (see N. Leibowitz, *Iyyunim Chadashim be-Sefer Shemot*, Jerusalem 5733, p. 157, n. 1; Touitou, p. 187). For further discussion of this debate, see S. Japhet, *Dor Dor u-Parshanan*, Jerusalem 5768, pp. 44-46.

evening and it was morning, a ... day” (see, for example, *Berakhot* 26a). However, commenting on this verse, Rashbam writes:

“The Torah does not say here, ‘It was night,’ ‘It was day,’ but rather, ‘It was evening’ – for the first day was coming to an end, the light was setting; ‘and it was morning’ – the end of the night, for the dawn was breaking. Thus a single day was completed... And then began the second day... The Torah does not mean to teach us here that evening and morning constitute a day, for all that we need to understand is how there were six days. Daybreak came and the night was finished; thus, one day ended and the second day began.” (*Bereishit* 1:5)

According to his approach, the plain meaning of the verse is that the day begins in the morning, and ends on the following morning. This has extremely important halakhic ramifications, since it seemingly suggests that, according to the plain meaning of the text, Shabbat and the festivals begin in the morning, rather than on the previous evening.

This interpretation, too, drew sharp criticism from Ibn Ezra. In his commentary on the verse, “Eat it today, for today is Shabbat unto God; today you shall not find it in the field” (*Shemot* 16:25), he writes:

“Many faithless ones have a corrupted understanding of this verse, claiming that one must observe the day of Shabbat and the night that follows it, for Moshe says, ‘for today is Shabbat unto God,’ rather than ‘last night’... and they have interpreted the verse, ‘And it was evening and it was morning’ as they wish – that the first day was not complete until the morning of the second day.”

Ibn Ezra connects the approach arguing that Shabbat should be observed starting from the morning, with the interpretation cited above concerning the verse, “And it was evening and it was morning,” and rejects both outright:

“And now, consider the folly of those who explain, ‘And it was evening and it was morning,’ as I set forth above; for the text says, ‘And God called the light – day’ (*Bereishit* 1:5), extending from when the sun rises until it sets; ‘And the darkness He called night’ (ibid.) – from when the sun sets until it rises; and night is thus the opposite of day, just as darkness is the opposite of light. This being so, how can one call [the period] from evening, which is when the sun goes down, until the morning, ‘day,’ when it is in fact night?”

In addition, Ibn Ezra wrote a letter (while in London, in 1158), known as *Iggeret ha-Shabbat*,¹⁰ in which he imagines receiving a letter sent to him by the Shabbat herself, in which she berates him, claiming that although in his youth he honored and observed Shabbat, in his later years he offended her: “Yesterday your disciples brought books of Torah commentaries to your house, and in them it was written that the eve of Shabbat should be desecrated.” Ibn Ezra recounts that he was deeply shocked, and found that, indeed, in the books that he had received, “there appeared a commentary concerning the verse, ‘And it was evening and it was morning,’ arguing that when the morning of the second day arrived, one whole day was complete, since the night follows the day.” Ibn Ezra testifies, “I almost rent my garments, and I also rent this commentary, for I said, ‘Better to desecrate one Shabbat, and not have the Jewish people desecrate many Shabbatot,’ [which might happen] should they see this evil commentary.” Ibn Ezra concludes this figurative introduction by explaining at length why the proposed commentary on the verse is not to be accepted.¹¹

Here, too, Rashbam’s intention was of course merely to explain the *peshat* of the verses; he certainly would never have dreamed of suggesting that this interpretation should be the basis of any halakhic ruling. However, his knowledge of the halakha and his clear position that the midrash halakha is the “main point” did not prevent him from interpreting the verses as he understood them, even where this ran counter to the practical halakha associated with the verse.¹²

3. Regarding the scapegoat on Yom Kippur, the Torah commands us “to send it to Azazel in the wilderness” (*Vayikra* 16:10). The Mishna explains that the goat is put to death:

“They would push it from behind, and it would roll and fall, and before it had fallen halfway down the mountain it would already be torn limb from limb.” (*Yoma* 6:6)

Torat Kohanim (the *midrash halakha* to the book of *Vayikra*) rejects the possibility of the goat being sent into the wilderness without killing it:

“It shall remain alive before God’ – what does this teach us? Since the text previously says, ‘to send it’ – it is sent to its death. Could the expression not perhaps mean that it was ‘sent to life’? [No,] as we learn from the expression ‘it shall remain alive before God, to make atonement

¹⁰ Published in the book *Kerem Chemed* 4, Prague 5599, with comments by Shadal. The fascinating text of the *Iggeret Shabbat* can be read at www.daat.co.il/daat/shabat/luach/igeret-2.htm.

¹¹ Here again, it is not entirely clear whether Ibn Ezra meant his words as a direct attack on Rashbam, but it is reasonable to assume that he is alluding to Rashbam’s commentary (as Lockshin notes – p. 7, n. 61).

¹² For more on this subject see Japhet, pp. 48-49, and the sources listed ad loc., n. 34.

upon it.' How so? It [first] stands alive before God, and [then] is put to death [by being thrown] off a cliff."¹³

However, Rashbam states explicitly,

"According to the simple meaning, it is sent away alive, to the goats that live in the wilderness – as we find in relation to the birds brought by one who had *tzara'at*: 'And he shall let the living bird loose into the open field' (*Vayikra* 14:7), to cleanse him of his impurity. Here, too, to cleanse the Jewish People of their sins, the goat is sent into the wilderness, which is a place where animals graze."¹⁴

Later, we shall examine other examples of Rashbam's interpretations in accordance with *peshat* that run contrary to *midrashei halakha*, when we try to understand the significance of this phenomenon. As noted, Rashbam was not the only commentator to adopt this path. *Peshat* interpretations that go against *midrashei halakha* appear many times in the commentaries of Ramban, Rabbi Yosef Bekhor Shor, and other Tosafot and Rishonim whom we will discuss below.¹⁵ All, of course, emphasized that in terms of practical halakha, the *midrash halakha* is binding.¹⁶

¹³ *Torat Kohanim*, dibbura de-Acharei Mot *parasha* 2, 2, Weiss edition 81a.

¹⁴ Concerning this interpretation, see Touitou, pp. 187-188.

¹⁵ Rav Kasher, pp. 298-302, notes many examples of such interpretations in *parashat Mishpatim*.

¹⁶ There is an exceptional case in which one of the Rishonim seemingly suggests a halakhic ruling in accordance with the plain meaning of the text, contrary to the *midrash halakha*. In the unit describing a thief who comes in secret, the Torah stipulates: "If a thief is found breaking in with stealth, and he is struck and he dies, no blood is shed on his account. If the sun had risen upon him, blood shall be shed on his account; he shall make full restitution; if he has nothing, he shall be sold for his theft" (*Shemot* 22:1-2). The plain meaning of the text suggests that the license to kill a thief who "breaks in with stealth" (*ba-machteret*) applies specifically where he breaks in at night, but not by day. However, *Chazal* concluded that the expression "if the sun has risen upon him" is not meant literally, as a reference to daylight hours, but rather as a metaphor: "Did the sun rise upon him alone? [Obviously not; rather,] this is the meaning: 'If it is as clear to you as the sun that his intentions are not peaceable, slay him; if not, do not slay him'" (*Sanhedrin* 72a). The question of whether or not the homeowner is permitted to kill the thief depends on the extent to which his life is threatened by him: if it is "clear as day" that the thief has no intention of killing the homeowner, and that he means only to steal his belongings, then it is forbidden to kill him – even at night. However, Ramban interprets the verse in accordance with its plain meaning:

"The plain meaning is well known – stating that if the thief was breaking into houses by night, and was found breaking in stealthily by night, he is to be killed; but if the sun has risen upon the thief, and a person sees him and identifies him, he is not to be killed; rather, he repays that which he stole and removed by day. And the meaning of the word 'sun' here is light for the eyes of those who see. The word is used in the same sense in the verse 'in the sight of this sun' (*Shmuel* II 12:11) – i.e., openly."

Moreover, in his gloss on the Rambam (*Hilkhot Geneiva* 3:9), Ra'avad writes:

"I shall not hold back from writing my view, which is that even though our Sages interpreted the verse, 'if the sun has risen upon him' in a metaphorical sense, meaning – 'if it is clear as day to you that the thief has not come with the intention of killing you', etc. – nevertheless, the text is not to be severed from its plain meaning: by day, the homeowner is not permitted to kill him, for a thief comes by day only to grab what he can; he grabs and then flees immediately. He does not stay there to steal a great quantity of

One of the most prominent Acharonim who maintained the position that we have associated with Rashbam was the Vilna Gaon. In his commentary, *Aderet Eliyahu*, he too often interprets a verse in its plain sense, even going against *midrash halakha*.¹⁷ Throughout *parashat Mishpatim* there are many instances in which he follows the same interpretation as Rashbam. Near the beginning of the *parasha* he sets forth his fundamental approach, albeit in somewhat opaque terms:

“Or to the *mezuzah*’ (*Shemot* 21:6) – according to the plain text, the doorpost is valid [for boring through the slave’s ear]. But the halakha supersedes the [plain] text,¹⁸ and this is the case for most of this *parasha* and in many *parashiot* of the Torah. This is the greatness of the Oral Torah, which passed down as a tradition from Moshe at Sinai, and is inverted like sealing-wax ... As it is written (*Makkot* 22b), ‘How foolish are those who rise [out of respect] for a Torah scroll, but not for a Torah scholar...’¹⁹ And likewise concerning *pigul*,²⁰ and most of the Torah.

money, [which might entail] confronting the homeowner and killing him. A thief who comes at night, on the other hand, since he steals at night, he knows that the homeowner is at home; thus, he comes with the intention of killing or being killed. But a thief by day [assumes that] the homeowner is not usually at home, so it is simply a matter of removing something.”

In his view, even where, according to the homeowner’s estimation, it is possible that the thief did indeed mean to kill him, the plain meaning of the text is that he must not be killed by day under any circumstances, since the assumption is that the thief does not come by day with murderous intentions. For a discussion of this exceptional approach, see Rav Kasher, p. 301.

¹⁷ A partial list appears in *Torah Sheleima*, p. 302.

¹⁸ Note that the Vilna Gaon uses this expression, as does Rashbam. What the Vilna Gaon means is that according to the *peshat* of the verse, the ear of the slave may be driven through at the door or the doorpost, but *Chazal* teach that it may be done only at the door, and not at the doorpost; the doorpost, in their understanding, is mentioned only to teach that “just as a doorpost stands upright, so the door must be standing upright” (*Kiddushin* 22b).

¹⁹ Here the Vilna Gaon refers to another instance of a gap between the *peshat* and *midrash halakha*: concerning the punishment of lashes, the Torah states, “Forty stripes shall he give him, but he shall not exceed this” (*Devarim* 25:3). *Chazal* conclude (*Mishna Makkot* 3:10) that the maximum punishment is actually 39 stripes (“forty less one”), based on a reading that includes the final word of the previous verse – “...*be-mispar. Arba'im...*”: “...by a [certain] number; Forty...’ – implying, ‘by a number that is proximate to forty.’” The Gemara offers the following explanation: “Were the text to read, ‘forty by number’, it would mean a count of forty; since it reads, ‘By a number – forty,’ it means a number coming up to forty.” (Admittedly, in the mishna Rabbi Yehuda opposes this view, maintaining that the law here is in accordance with the plain text: ‘He receives a full forty stripes.’) Concerning this view, the Gemara comments: “Rabba said: How foolish are those people who stand up in deference to a Sefer Torah, but do not arise in deference to a great personage [Torah scholar], for a Sefer Torah states ‘forty,’ while the Sages came and [through interpretation] reduced them by one.”

²⁰ *Pigul* is a clear example of the gap between *peshat* and *midrash halakha*. According to the plain meaning of the text, the law of *pigul* is that if the meat of a sacrifice is eaten past the set time during which it may be consumed, the sacrifice itself retroactively becomes *pigul* – an ‘abomination’: “If the sacrifices of his offering is a vow, or a voluntary offering, then it may be eaten on the same day that he offers his sacrifice, and on the next day, too, the remainder of it may be eaten. But that which remains of the flesh of the sacrifice on the third day shall be burnt with fire. And if any of the flesh of the sacrifice of his peace offering is eaten at all (*heakhol*

Therefore one must understand the plain meaning of the text, in order to be able to make sense of the ‘seal.’”²¹

The Vilna Gaon maintains that the Written Law is, in many instances, a sort of “seal” – which, in order to be read and properly understood, is turned over and impressed. For this reason he regards it as important to study the plain meaning of the text – a “seal,” of sorts – independently of the Oral Law, which sometimes overturns, or reverses, the meaning of the “seal.”

Surprisingly enough, nowhere in the writings of Rashbam, the Vilna Gaon, nor any of the other commentators who follow their approach, do we find any explanation of the reason for this phenomenon. If the literal text indeed suggests one understanding, why do *Chazal* not rule in accordance with it? If, on the other hand, it is *Chazal’s* interpretation that is binding in any case, what is the status and value of the *peshat* understanding?

I will try to propose an answer to this question by addressing three different types of instances where the *midrash halakha* stands in contrast to the *peshat*, with each category representing a different reason for the discrepancy.

Translated by Kaeren Fish

yeakhel) on the third day, it shall not be accepted; it shall not be attributed to him who brought it, it shall be an abomination, and the person who eats of it shall bear his iniquity” (*Vayikra* 7:16-18; see also *Vayikra* 19:5-8). According to *Chazal*, however (*Zevachim* 29a and elsewhere), the definition of a sacrifice as *pigul* is not dependent on whether the meat of the sacrifice was actually eaten within its specified time or beyond its specified time; rather, it is dependent on the intentions of the person who brings the offering, at the time of its sacrifice: if his *intention* had been to eat it beyond the set time, then it is considered *pigul* – even if it was, in fact, eaten in time. In this instance, the *midrash halakha* deviates from the plain meaning of the text, in the direction of a more lenient interpretation. Rashbam also discusses this disparity: “The Sages uprooted [this law] from its plain meaning, explaining it in reference to entertaining the thought of eating of the sacrifice on the third day, while performing one of the four sacrificial labors.” For further discussion, see my article, “Din Pigul bi-Peshuto shel Mikra u-ve-Midrash ha-Halakha,” in *Maamar ha-Zevach*, Alon Shevut 5770, pp. 209-215.

²¹ For an explanation of what the Vilna Gaon means here, see *Torah Sheleima*, p. 302; D. Hanschke, “Ein Mikra Yotzi Midei Peshuto,” *Ha-Ma’ayan* 17, 3 (5737), pp. 15-17.