

ב"ה

משנה תורה

הלכות חגיגה פרק ג'

The Laws of the Mitzvah of Hakhel from the Rambam

With annotation and
commentary by
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אור לב' אייר ה'תשפ"ג שנת הקהל
יום הולדתו של כ"ק אדמו"ר מהור"ש זצוקללה"ה זי"ע – לכתחילה אריבער

This year's Siyum Harambam is significant because it takes place during the year of Hakhel. The main theme of the Mitzvah of Hakhel is the unity of the Jewish people, calling on all men, women and children, to unite for the purpose of hearing words of Torah and strengthening our observance of Mitzvos.

As such, this Siyum is a Hakhel gathering in the truest sense.

The Rebbe stresses that one of the most important aspects of the daily study of Rambam is that by having everyone learning the same daily Torah shiur, it unites the Jewish people. Further, with the different tracks of study in the Rambam campaign; three chapters per day, one chapter per day and Sefer Hamitzvos, everyone is able to participate, even young children.

It is therefore truly significant that this year's Siyum, in Shnas Hakhel, is a convergence of all three tracks, who will be completing and restarting the study of Rambam together.

This unity is forged specifically through the study of Torah, just like Hakhel where the Jewish people gathered "in order to hear and in order to learn". The Rambam is not just a Torah work, it is a Sefer of "Halachos Halachos", that teaches us how the Mitzvos are to be observed. This is also connected to Hakhel, where the learning and hearing was in order "to guard to observe all of the words of this Torah".

The Rambam's Mishneh Torah is a Hakhel in Torah itself. Unlike other Halachic works, the Rambam is the only code which includes כל התורה כולה. Unlike other works, the Rambam explains the details of every Mitzvah, even those which we can no longer observe or are not currently applicable, such as; the laws of the Beis Hamikdash, Korbanos, Yovel, the laws of kings and the laws of Moshiach.

One such Mitzvah is the Mitzvah of Hakhel, which, since the destruction of the Beis Hamikdash, can no longer be observed in the prescribed manner. Nonetheless, the Rambam presents all of the details and parameters of how this

Mitzvah should be observed; not just so that we can know how the Mitzvah was observed in the past, but so that we will know how to observe the Mitzvah when Moshiach comes בעז"ה בקרוב בימינו.

As a special Teshurah memento in honour of the Siyum Harambam of Shnas Hakhel, Kollel Menachem has published and is honoured to share with you, this annotation and commentary on the Rambam's Halachos of the Mitzvah of Hakhel from chapter 3 of Hilchos Chagigah. The English translation has been taken from the Moznaim translation on Chabad.org, with slight changes.

May we merit the immediate arrival of Moshiach, the "king who will arise and restore the dynasty of David... (when) the observance of all of the statutes will return to their previous state... according to all of the details described in the Torah"¹, including the Mitzvah Rabbah of Hakhel.

ומלאה הארץ דעה את ה' כמים לים מכסים

קהל גדול ישובו הנה

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KOLLEL MENACHEM
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¹ Laws of Kings (Laws of Melech Hamoshiach) 1:1

הלכה א

מִצְוַת עֲשֵׂה לְהַקְהִיל כָּל יִשְׂרָאֵל אֲנָשִׁים וְנָשִׁים וְטָף בְּכָל מוֹצְאֵי שְׁמִטָּה בְּעֵלוֹתָם לְרֶגֶל וְלִקְרוֹת בְּאֲזִינֵיהֶם מִן הַתּוֹרָה פְּרָשִׁיּוֹת שֶׁהֵן מְזֻרְזוֹת אוֹתָן בְּמִצְוֹת וּמְחֻזְקוֹת יְדֵיהֶם בְּדַת הָאָמֶת. שְׁנַאֲמַר (דברים לא י) "מִקֵּץ שִׁבְעַ שָׁנִים בְּמַעַד שְׁנַת הַשְּׁמִטָּה בְּחַג הַסְּכוּת" (דברים לא יא) "בְּבוֹא כָּל יִשְׂרָאֵל לְרֵאוֹת" וְגו' (דברים לא יב) "הַקְהֵל אֶת הָעָם הָאֲנָשִׁים וְהַנְּשִׁים וְהַטָּף וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ" וְגו':

It is a positive commandment¹ to gather² together the entire Jewish

¹ According to the Rambam, both in Mishneh Torah and Sefer Hamitzvos, the Mitzvah of Hakhel is counted as only one of the 613 Mitzvos. This is also the opinion of the Sefer Hachinuch (Mitzvah 612) and Sefer Mitzvos Gadol (Positive Mitzvah 230).

This is in contrast to other codifiers who enumerate the 613 Mitzvos, who count two separate Biblical Mitzvos in Hakhel; the gathering of the people and the reading of the Torah. These codifiers include Rabbi Eliezer of Metz (Yereim Mitzvah 289 and 290) and Rabbeinu Saadiah Gaon (Sefer Hamitzvos),

The Acharonim ask why the Rambam and Chinuch do not count Hakhel as two Mitzvos as it seems from the simple reading of the Torah Pesukim.

A possible explanation; Unlike almost all other Mitzvos, the Torah explicitly teaches us the reason for the Mitzvah of Hakhel "that they may hear and that they may learn and fear Hashem their God...". Whenever the Torah employs the term למען "in order to", this implies that the reason is integral to the Mitzvah itself.

The purpose of the Mitzvah of Hakhel is to instil in the hearts of the people and to inspire them to fear Hashem and to commit themselves to the observance of the

Mitzvos of the Torah. The Rebbe explains that this is not just the reason for the Mitzvah. It is the very essence of the Mitzvah, as conveyed by the Rambam in a number of Halachos. Based on this understanding, there is only one essential Mitzvah of Hakhel. The gathering of the people and the king reading before them the Parshios of the Torah, are individual elements of how the Mitzvah is fulfilled.

In his Shorashim for Sefer Hamitzvos (Shores 11), the Rambam writes that the individual details of a Mitzvah are not counted separately as Mitzvos if the details combine to create one overall Mitzvah.

An example of this is the Mitzvah of Tzitzis. Even though the Torah commands us to make the fringes of the Tzitzis (the white strings) and to wrap a blue string around them, the Rambam counts Tzitzis as one single Mitzvah. Here too the Torah employs the word למען teaching that the Mitzvah is "in order that you remember and observe all of My Mitzvos." This remembrance is achieved through the combination of the white and blue strings. Another example is the steps in the purification of a Metzora, which are not counted individually.

² The Rambam defines the Mitzvah as להקהיל – "to gather all of Israel". In his

people - men, women, and children^{3 4} - after every Sabbatical year when they ascend for the pilgrimage holiday and to read so that they

understanding, the Mitzvah is not on each individual to gather, but rather on one person or body, that is commanded to gather the people together. This could be the king, the Beis Din or another authority which has the power to gather the people together.

This is in contrast to the Sefer Hachinuch who writes that the Mitzvah is שיקהל עם ישראל – that “Am Yisrael shall gather”, meaning that the Mitzvah is on each individual to assemble, to be part of Hakhel, rather than on a “gatherer”.

The Rebbe explains that the Rambam’s position that the Mitzvah is for the king (or someone else) to gather the people, does not mean that there is no personal Mitzvah for the people to attend. Indeed, the Gemara in Kiddushin refers to Hakhel as a Mitzvah that a woman is personally obligated in.

The Rebbe cites the Ra”n in Kiddushin, who writes that even though the Mitzvah of Peru Urevu devolves on the husband, the wife also has a Mitzvah, because she facilitates and enables her husband to fulfil his Mitzvah. The same would apply here. The people attending Hakhel is a Mitzvah because they enable the king to fulfil his Mitzvah of gathering the people.

The Rebbe explains that the argument is even stronger in the case of Hakhel. In Peru Urevu, the wife is not essentially integral to the Mitzvah and does not become obligated in the Mitzvah. Her involvement is only because practically, this is the only way that the husband can fulfil his Mitzvah.

In Hakhel, the involvement of the people is not just because of practical logistics. They are an integral part of the Mitzvah itself. The Rebbe likens the people in attendance at Hakhel to the Cheftza of the Mitzvah, the object in which the Mitzvah is fulfilled – the Mitzvah being that they will “hear... and learn etc.” As a result, they become personally obligated as well (Likutei Sichos volume 19 p367).

³ The Torah specifies that “men, women and children (ףט) must be gathered and present at Hakhel. The Gemara (Chagigah 3a) records the teaching of Rabbi Elazar ben Azarya on this verse; “If the men attend in order to learn and the women attend in order to hear, why do the children attend? In order to give reward to those who bring them.”

⁴ Children under Bar and Bas Mitzvah are not Biblically obligated in Mitzvos. There is a Rabbinic Mitzvah of Chinuch, but even this Mitzvah is on the father and not on the child themselves. Yet the Torah specifically mandates the participation of children at Hakhel.

Perhaps the teaching of Rabbi Elazar ben Azarya is coming to explain that the meaning of the verse is not to obligate children but rather to give reward to their parents. However, this teaching, which is said in a manner of Derush, is difficult to read into the Pasuk. Further, the Gemara (Kiddushin 34b) writes that we could derive a woman’s obligation to participate in Hakhel via a Kal Vachomer from the

hear passages from the Torah that encourage them to perform Mitzvos and strengthen them in the true faith⁵, as it states⁶: "At the end of a seven-year period, at the time of the Sabbatical year on the Sukkos holiday when all Israel come to appear... gather the nation, the men, the women, the children, and your stranger in your gates"....

obligation of a child, assuming that the child has a personal, Biblical obligation to attend.

The Rebbe addresses this question based on the premise that the actual Mitzvah of Hakhel is on the "gatherer", that he must gather the men, women and children. As discussed above, the people attending facilitate the "gatherer's" Mitzvah and they are the 'object' of the Mitzvah. As a result, they are conferred a level of personal obligation. In this regard, the men, women and children have an equal role and responsibility in the Mitzvah of Hakhel. This is why the Gemara says that we could derive the obligation of a woman from the obligation of a child.

Rabbi Elazar ben Azarya is coming to explain the personal 'benefit' each category of attendees receives by being part of the Mitzvah. Men and women receive the tangible benefit of learning and understanding, but what benefit do young children receive from joining the Hakhel experience? He answers that it is in order to give reward to those who bring them.

What aged children are included in the Mitzvah?

The Maharsha writes that the Mitzvah of Hakhel only applies to children who have reached the age of Chinuch. Children below this age have no obligation to participate. Rabbi Elazar ben Azarya comes to teach that one receives reward for bringing

children of this age as well. The difficulty with this understanding is that we do not find any distinction for different aged-children in relation to a Biblical obligation in Mitzvos.

Minchas Chinuch writes that all children, irrespective of age, are obligated in Hakhel, including newborn babies (as soon as they have gone out of the concern of being a Nefel or if they were born at full-term). The word *Taf* used in the Pasuk and in the Gemara in Kiddushin, is a term used for very young children.

The Rambam does write any limit on the age of children who must attend Hakhel, suggesting that the obligation includes children of all ages.

⁵ The Rebbe notes that unlike other Mitzvos where the Rambam gives only a basic introduction with the key details, here, already in the first Halacha, the Rambam provides an explanation on the nature of the passages being read - "passages from the Torah that encourage them to perform Mitzvos and strengthen them in the true faith". As discussed in footnote 1, the Mitzvah of Hakhel has a specific purpose and this purpose defines the essence of the Mitzvah. In light of this purpose, the nature of the passages is 'key' to the definition of the Mitzvah.

⁶ Devarim 31:10-12

הלכה ב

כָּל הַפְּטוּר מִן הָרְאִיָּה פְּטוּר מִמִּצְוַת הַקְּהָל חוּץ מִן הַנְּשִׂים וְהַטָּף וְהַעֲרֵל. אֲבָל הַטָּמֵא פְּטוּר מִמִּצְוַת הַקְּהָל שְׁנֵאמַר (דְּבָרִים לֹא יֵא) "בָּבוֹא כָּל יִשְׂרָאֵל" וְזֶה אֵינוֹ רְאִי לְבִיאָהּ. וְהַדָּבָר בְּרוּר שֶׁהַטָּמֵא וְהָאֲנָדְרוּגִינִים חִיבִין שְׁהָרֵי הַנְּשִׂים חִיבוֹת:

All of those who are exempt from the mitzvah of appearing before God are exempt from the Mitzvah of Hakhel¹ with the exception of women², children, and those uncircumcised³. One who is ritually impure is, by contrast, exempt from the Mitzvah of Hakhel⁴, as it states⁵; "When all Israel come...," for such a person is not fit to come

¹ The Rambam derives this rule from the Gemara (Chagigah 3a), which uses a Gezeira Shavah to derive exemption from the Mitzvah of Re'iyah (being Oleh L'regel for the Festivals) from the exemption in the Mitzvah of Hakhel. The Gemara exempts a deaf person from Re'iyah, because they are exempt from Hakhel, where attendance is "in order to hear", suggesting that one must be capable of hearing to be obligated in the Mitzvah. The Rambam understands that the same Gezeira Shavah is used conversely to derive the obligation or exemption from Hakhel, from the laws of Re'iyah (Lechem Mishneh).

² The Rambam does not mention whether Canaanite slaves are obligated in Hakhel. Canaanite slaves are compared to women in the status of which Mitzvos they are obligated in or exempted from, which would suggest that they are obligated in Hakhel. If so why does the Rambam not mention them?

Lechem Mishneh suggests that this is because the verse recording the Mitzvah of Hakhel writes כל ישראל, "when all of

Israel comes". This suggests that only a fully-fledged Jew is included in the Mitzvah, which would exclude slaves. See Minchas Chinuch.

³ Even though someone who is uncircumcised is exempt from Re'iyah (and should therefore be exempt from Hakhel as per the ruling at the beginning of this Halacha), they are still obligated in Hakhel. This is because they are only exempted from Re'iyah because it is disgraceful for them to enter the Beis Hamikdash and bring Korbanos, as opposed to being essentially Biblically exempt. This seems to be a Rabbinic law. Therefore, an uncircumcised person is obligated in Hakhel, which took place in the Ezras Nashim (rather than the Azarah) and did not involve Korbanos, so that there is no issue of being 'disgraceful' (Mahari Kurkus)

⁴ The Rambam does not specify which type of impurity would render a person exempt from Hakhel. See note 6.

⁵ Devarim 31:11

to the Temple⁶. It is clear that a Tumbum and an Androgynus are obligated, for women are obligated.

⁶ Minchas Chinuch questions why the Rambam has to explain the reason why an impure individual is exempt from Hakhel, after he has already set forth the general rule that “all of those who are exempt from Re’iya are exempt from Hakhel”.

He suggests that the reason is because the Gezeira Shavah from Re’iya to Hakhel (and vice versa), can only be employed to derive the obligation (or exemption) of the categories of individuals referenced in the respective Parshas of Re’iya and Hakhel, such as one who is deaf or blind. The exemption of an impure individual cannot be derived from the Gezeira Shavah. Therefore, the Rambam must explain the reason why they are exempt from Hakhel.

Based on this he writes that not all types of Tumah will exempt a person from Hakhel.

The impure individuals who are exempt from Hakhel will not be the same as those who were exempt from Re’iya. Since Re’iya took place in the Azarah, someone who had Tumas Meis (impurity from contact with the dead) was also excluded, since they are forbidden to enter the Azarah. It would also include a Tevul Yom (someone who has immersed for their impurity but have not ‘passed sunset’) or Mechusar Kipurim (someone who has immersed and ‘passed sunset’ but have not yet brought their purification sacrifice).

In contrast, Hakhel took place in the Ezras Nashim, which Biblically has the status of Har Habayis. Someone who has Tumas Meis or a Tevul Yom may Biblically go onto

Har Habayis. If so, they would not be exempted from Hakhel. As such, only someone who had Tumah that issues from their body, such as a Zav, Zavah, Niddah or Yoledes would be exempt as they are forbidden on Har Habayis. A Metzora is certainly exempt as they may not even enter the city of Yerushalaim.

However, it is possible that once the Rabbis forbade entry to the Ezras Nashim to a Tevul Yom or someone who has Tumas Meis, it is possible that they enforced their decree even when it would prevent them from being able to fulfil their Biblical obligation of Hakhel. This is based on the dictum that the Rabbis have the ability to negate the observance of a Biblical Mitzvah in a passive manner through their Gezeiros (שב ואל תעשה). The Rabbis did not forbid a Mechusar Kippurim to enter any part of Har Habayis, including the Ezras Nashim. According to this view, at the very least, a Mechusar Kippurim would be obligated in Hakhel.

Another approach is that all Jews who cannot enter the Azarah are exempt from Hakhel, because the verse itself equates Hakhel to Re’iya. This appears to be the understanding of the Rambam who writes that one who is Tameh is exempt from Hakhel because “it states ‘when all Israel come’ and such a person is not fit to come”. The eligibility for Hakhel is the same criteria as for Re’iya and only women and children are specifically included. This would preclude all types of Tumah from being able to participate in Hakhel. Were the Rambam

to hold that some people with some forms of Tumah were obligated in Hakhel, he would have stated this.

הלכה ג

אימתי היו קורין. במוצאי יום טוב הראשון של חג הסוכות שהוא תחלת ימי חלו של מועד של שנה שמית. והמלך הוא שיקרא באזניהם. ובעזרת הנשים היו קורין. וקורא בשהוא יושב ואם קרא מעמד הרי זה משבח. מהיכן הוא קורא מתחלת חמש אלה הדברים עד סוף פרשת שמע ומדלג (דברים יא יג) "והיה אם שמוע" וגו' ומדלג לעשר תעשר וקורא מ (דברים יד כב) "עשר תעשר" על הסדר עד סוף ברכות וקללות עד (דברים כח ט) "מלבד הברית אשר כרת אתם בחרב" ופוסק:

When would they read? On the day following¹ the first day of the holiday of Sukkos which is the first day of Chol HaMoed of the eighth year. The king² would read so the people would hear. The reading was

¹ The Acharonim debate whether Hakhel was observed during the day or at night. Kiryas Sefer understands that Hakhel would be performed at night. See Kuntres Zecher Lemikdash. What is the opinion of the Rambam?

In the Hebrew text of the Halacha, the Rambam employs the term "Motzai Yomtov" which could be referring to the night following the first day of Sukkos. However, in Pirush Hamishnayos, the Rambam writes that Hakhel takes place on the second day of Sukkos. The word "Motzai" can also be used to refer to the entire following day.

² The Pesukim which teach the Mitzvah of Hakhel do not mention that the Torah must be read by the king. The Torah simply says "you shall read this Torah before all of Israel", without identifying who this 'you' is.

Many commentators and Halachic authorities, including Minchas Chinuch, Ralbag and Abarbanel write that the Torah does not need to be read by the king and could be read by someone else, such as one of the Kohanim, elders, judges or the Gadol

Hador. Josephus writes that the Kohen Gadol would read the Torah.

In contrast, many commentators and Halachic authorities write that the reading must be done by the king. This is the opinion of Rashi on the Chumash and on Shas, Yereim, Rabbeinu Saadiah Gaon and Sefer Hachinuch. The Mishna itself refers to the Hakhel reading as the Parsha of the king. The Rishonim and Acharonim offer different derivations from where we learn that the Torah's obligation is directed to the king.

The obvious Nafka Minah of this dispute is whether Hakhel could be fulfilled in the absence of a king, which would have been relevant throughout the times of the Shoftim prior to the anointing of Shaul.

In Likutei Sichos (volume 19), the Lubavitcher Rebbe presents a Chakira (an investigation into the nature of the subject being analysed) on the reading by the king at Hakhel, which, even for those authorities who write that the king should read, could be viewed in one of two ways; Is it a requirement of Hakhel that the king read

the Torah or is it a requirement of the king to read the Torah at Hakhel?

The practical outcome of this Chakira is whether the king is integral to Hakhel or not. If it is a requirement of Hakhel, the king is essential and without a king the Mitzvah could not be fulfilled. If it is a requirement of the king - that he should be the one to read, then it is not integral to the Mitzvah of Hakhel and the Mitzvah could still be fulfilled without a king.

The Rebbe explains that the answer to this Chakira depends on the source from which we derive the king's obligation to read.

One possibility is that we derive the requirement from the passage of Hakhel itself. When the Torah says "you shall read" Moshe is addressing Yehoshua who has the status of a king. Based on this, the king reading would be an integral element of the Mitzvah of Hakhel as it is learned from the Mitzvah of Hakhel itself.

Another view is that we derive the king's obligation to read at Hakhel from the Mitzvah for the king to write a Sefer Torah found in Parshas Shoftim; "and he shall write for himself this Mishneh Hatorah". The Sifri explains that the Torah uses the term "Mishneh Torah" because the Parshios read by the king at Hakhel all come from the Book of Devarim (which is called Mishneh Torah).

According to this derivation, it could be argued that the king's reading at Hakhel is not a requirement of the Mitzvah of Hakhel

itself. Rather it is one of the king's personal Mitzvos, like the other Mitzvos recorded there. This would mean that if there was a king, he would have the Mitzvah to read, but not as an integral element of the Mitzvah of Hakhel itself.

What is the Rambam's position?

In this Halacha the Rambam writes that "the king would read", but this does not necessarily mean to the exclusion of someone else.

In the first Halacha where he defines the essence of the Mitzvah, the Rambam writes "the positive Mitzvah is to gather all of Israel... and to read in their ears from the Torah...". He does not mention that the king reads the Torah, suggesting that the king is not integral to the Mitzvah of Hakhel.

Even in this Halacha, the Rambam does not write that the king was obligated (חייב) or had to read. He writes "the king *would* read from the Torah", suggesting that this was not integral, but just what was done or was done for other reasons. Tiferes Yisrael writes that the reading of Hakhel was given to the king as a sign of honour. It could also be to magnify the impact and impression of Hakhel on the attendees.

The Sefer Hachinuch clearly understands that the king reading is a requirement of the Mitzvah of Hakhel itself as he writes that if the king does not read, he is Mevatel the Mitzvah of Hakhel.

held in the Women's Courtyard^{3 4 5}. He would read while seated. If he read while standing, it is praiseworthy⁶.

From which passages in the Torah should he read? He starts from the beginning of the Chumash (Devarim): "These are the words..." until the end of the passage Shema. He then skips to the passage Vehayah Im Shamo⁷ and then skips to the passage Asair Te'asair⁸. He then reads from that passage in order until the end of the blessing and curses, i.e.,

³ The Gemara (Sotah 40b) records a dispute of Tanaim. The Tanna Kamma teaches that the Hakhel gathering took place in the Azarah. Rabbi Eliezer ben Yaakov teaches that the Hakhel gathering took place on Har Habayis. The Rambam's ruling follows the conclusion of the Talmud Bavli in accordance with Rav Chisda (Sotah 41b), who explains that the Tanna Kamma is not referring to the actual Azarah but to the Ezras Nashim. The Yerushalmi Sotah 7:7 implies that Hakhel took place in the Azarah itself. Rashi on the Chumash also writes that the Mitzvah is in the Azarah.

⁴ Minchas Chinuch raises the question whether Hakhel had to take place in the Ezras Nashim or whether it could take place anywhere in Yerushalaim. In Kuntres Zecher Lemikdash, the Aderes is inclined to say that Hakhel could not be in Yerushalaim and had to be in the Ezras Nashim, in proximity to the Azarah where the Mitzvah of Re'iyah was fulfilled. It was held in the Ezras Nashim (rather than the Azarah itself) in order to accommodate the women who had to participate. Alternatively, it was observed in the Ezras Nashim to give

honour to the king, so that he could sit while reading the Sefer Torah.

Whilst the Rambam writes that Hakhel took place in the Ezras Nashim, it could be read to say that they *would* read in the Ezras Nashim, merely describing what was done as opposed to an actual obligation. Perhaps he would maintain that Hakhel could be observed in Yerushalaim or on Har Habayis. If reading in the Ezras Nashim was an obligation, the Rambam would have written so in stronger terms.

⁵ Only kings who descended from Beis Dovid could sit in the actual Azarah. Because Hakhel took place in the Ezras Nashim, this explains why king Agripas, who was not a descendant of the Davidic line, was able to be sitting, before he stood to receive the Torah at Hakhel.

⁶ The Gemara notes that even though a king may not forgo on their honour, when he does so for a Mitzvah, it is permissible and praiseworthy.

⁷ Devarim 11:13

⁸ Devarim 14:22

until the phrase: "besides the covenant He established with them in Chorev"⁹ where he concludes¹⁰.

⁹ Devarim 28:69

¹⁰ According to the Rambam's version of the text of the Mishna, after Asair Te'aseir, the king continues to read the Torah in order until the end of the blessings and curses in Ki Savo. According to the version of Rashi (which is the version in our Shas), after Aseir Te'aseir, the king skips to Ki Sechale (Devarim 26:12) which also discusses the laws of agricultural separations and is a 'continuation' of the theme of Aseir Te'aseir. He then goes back and reads the Parsha containing the laws of a Jewish king from Parshas Shoftim and then reads the blessings and the curses.

There are a number of practical differences between Rashi and Rambam based on their divergent versions of the text.

According to Rashi, the passages are not all read in the order in which they are written in the Torah, whereas according to Rambam they are. Additionally, according to Rambam, the passage of the king is not highlighted as a stand-alone Parsha, but would have been read amongst the passages from Aseir Te'aseir onwards. According to Rashi, some parts of Re'eh and the beginning of Shoftim would be omitted, but according to the Rambam they will be read.

הלכה ד

כיצד הוא קורא. תוקעין בחצוצרות בכל ירושלים כדי להקהיל את העם. ומביאין בימה גדולה ושל עץ היתה ומעמידין אותה באמצע עזרת נשים והמלך עולה ויושב עליה כדי שישמעו קריאתו וכל ישראל העולים לחג מתקבצין סביביו. וחזן הכנסת נוטל ספר תורה ונותנו לראש הכנסת וראש הכנסת נותנו לסגן וסגן לכהן גדול וכהן גדול למלך כדי להדרו ברב בני אדם. והמלך מקבלו כשהוא עומד ואם רצה יושב ופותח ורואה ומברך בדרך שמברך כל קורא בתורה בבית הכנסת. וקורא הפרשיות שאמרנו עד שהוא גומר וגולל ומברך לאחריה בדרך שמברכין בבתי כנסיות ומוסיף שבע ברכות ואלו הן. רצה ה' אלהינו בעמך ישראל וכו'. מודים אנחנו לך וכו'. אתה בחרתנו מכל העמים וכו' עד מקדש ישראל והזמנים בדרך שמברכין בתפלה. הרי שלש ברכות כמטבען. רביעית מתפלל על המקדש שיעמד וחותם בה ברוך אתה ה' השוכן בציון. חמישית מתפלל על ישראל שתעמד מלכותם וחותם בה הבוחר בישראל. ששית מתפלל על הכהנים שיירצה האל עבודתם וחותם בה ברוך אתה ה' מקדש הכהנים. שביעית מתחנן ומתפלל בה כפי מה שהוא יכול וחותם בה הושע ה' את עמך ישראל שעמך צריכין להושע ברוך אתה ה' שומע תפלה:

How is the reading conducted? Trumpets are sounded¹ throughout Yerushalaim to gather the people. A large wooden² platform is

¹ The Tosefta (Sotah 7:8) describes how the Kohanim would go out into the open spaces of Yerushalaim and blow golden trumpets. They would rent these trumpets at great cost and if any Kohen did not have a trumpet, they would say that it appears that he is not a Kohen. This is also described in the Yerushalmi. Even though the Tosefta does not specify it, the Rambam understands that the purpose of the trumpet-blowing was to gather the people to Hakhel. Perhaps this is in keeping with the Rambam's understanding that the Mitzvah is for the king to gather the people. The trumpet-blowers were the king's emissaries to gather them.

Since the trumpets are integral to the Mitzvah of gathering, we can understand

why in the final Halacha, the Rambam favours the trumpets as the reason Hakhel is not observed on Shabbos. Even though the Tosefta writes that the Kohanim would blow the trumpets, the Rambam does not mention Kohanim. Presumably, since it was not part of the Temple Avodah, it could be performed by anyone. Similarly, the Rambam does not specify that the trumpets had to be of gold. The Tosefta may simply be recording what was done out of honour for the Mitzvah, rather than teaching an actual obligation.

² There is a discussion on how the wooden platform could be erected in the Beis Hamikdash, seemingly in violation of the law that one may not build with wood in the Beis Hamikdash (See Hilchos Beis Habechira

brought³ and set up in the centre⁴ of the Women's Courtyard. The king ascends⁵ and sits on it so that they will be able to hear his reading⁶. All

chapter 1:9). One resolution is that the Bimah was allowed because it was only temporary. This may be the reason why the Rambam writes that they brought the Bimah into the Azarah, rather than building it in place before Yomtov. If so, we can infer that a structure that is in place for 2 days already violates this law. Another answer is that the prohibition only applies “next to the Mizbeach” which would be in the Azarah. However, Hakhel took place in the Ezras Nashim where the concern does not apply. The Yerushalmi is concerned about the Bimah being an issue of planting a tree near the Mizbeach, because the Yerushalmi is of the view that Hakhel took place in the actual Azarah.

³ The Rambam’s wording implies that the Bimah had been constructed before Yomtov and was subsequently brought into the Ezras Nashim on Chol Hamoed for Hakhel. This is in contrast to Rashi who seems to be of the view that the Bimah would be constructed for Hakhel and that this is why Hakhel could not be observed on Yomtov or Shabbos (as will be discussed on the final Halacha). It could not be built and set up before Yomtov as this would cause crowding in the Azarah during Yomtov or because this would violate the prohibition of planting a tree next to the Mizbeach.

According to the Rambam’s view, that the Bimah was built before Yomtov, there would be no reason to push off Hakhel on account of the Bimah, as no Melacha would be involved in setting it up. As such, the Rambam adopts a different reason for why

Hakhel would be pushed off if it fell out on Shabbos. Tosfos suggests that the Bimah was built in parts before Yomtov and only needed to be assembled on Chol Hamoed.

Rambam does not appear to be worried about the concern of the Yerushalmi that building the Bimah before Yomtov would crowd the Azarah or of planting a tree next to the Mizbeach. This could be because the Bimah was stored outside of the Azarah (e.g. on Har Habayis) until it was needed. Alternatively, the Yerushalmi only raises this concern as a deflection, according to the opinion that Hakhel was pushed off if it fell out on Shabbos on account of the Bimah. Since the Rambam follows the opinion that Hakhel is pushed off because of the trumpets, the Gemara’s deflection is not adopted as a concern.

⁴ The Mishna does not specify that the Bimah had to be in the centre of the Ezras Nashim. Some suggest that the Rambam derives this from the Bimah in the great Synagogue in Alexandria, described in Mesechta Sukkah (51b). Alternatively, the Bimah was placed in the centre, in order for people to be able to better hear the reading – as the Rambam himself writes as being the reason for having the Bimah.

⁵ Zecher Lemikdash suggests that there was a ramp on which the king would ascend to the Bimah.

⁶ Zecher Lemikdash writes that the Bimah was for the honour and prominence of the king. Rashi on the Chumash, who comes to explain the literal reading of the Torah,

of the Jewish people who made the festive pilgrimage gather around him. The attendant of the synagogue would take the Torah scroll and give it to the head of the synagogue. He would give it to the Segen, who would give it to the High Priest, who would give it to the king. The transfer involved many people as an expression of respect⁷.

The king accepts the scroll while standing. If he desires, he may sit⁸. He opens it, looks at it, and recites the blessings like anyone who is reading the Torah in a synagogue⁹. He reads the passages mentioned in the previous Halachah until he completes them. He rolls the scroll closed and recites the blessing afterward as it is done in synagogues. He adds seven blessings which are:

writes that the king would read on a wooden Bimah. This suggests that the Bimah is a Biblical requirement, derived from the words “so that they may hear”.

⁷ To the king. The Mishna (Sotah 41b) teaches that the Sefer Torah was taken by the attendant of the synagogue who would give it to the head of the synagogue, who would give it to the Segen, who would give it to the High Priest, who would give it to the king. The Gemara initially understands that this was done to give honour to each of these individuals, prompting it to question that “we do not show honour to the student in the presence of the master”, i.e. how can we show honour to these lower ranking officials in the presence of the king. The Gemara answers that this is not done to show honour to them, but rather it is all in honour of the king.

⁸ The Rambam’s wording implies that the king could receive the Torah while sitting if he wished. This seems to contradict the Talmud which teaches that the king stood to receive the Torah. In the Talmud “If he desires to sit” is referring to the reading of

the Torah. Zecher Lemikdash points out that the king certainly had to stand to receive the Torah as this is a clear Halacha that one must stand in the presence of the Sefer Torah as soon as one sees it.

Perhaps the Rambam infers his ruling from the fact that the Gemara highlights that Agripas stood up to receive the Torah, suggesting that this was something unique or special about Agripas. If the king was obligated to stand up to receive the Torah like everyone else, this would not be a significant detail. Accordingly, one would say that the king is not required to stand in the presence of the Sefer Torah in deference to his honour, in a similar manner that the kings of the House of David may sit in the Azarah.

⁹ The Aderes in Zecher Lemikdash writes that the king also made a blessing for Mitzvah of Hakhel (Asher Kideshanu... Al Krias Parshas Hakhel) and the blessing of Shehecheyanu. The Rambam does not mention these Brachos.

(1) "Grant favour, God, our Lord, to Your people Israel...." (2) "We thankfully acknowledge You...." (3) "You chose us from all the nations..." until "Who sanctifies Israel and the festive seasons," as one recites in prayer. Thus, there are three blessings with set texts. (4) For the fourth blessing, he prays for the Temple, that it should remain standing and concludes: "Blessed are You, God¹⁰, Who dwells in Zion." (5) For the fifth, he prays for the Jewish people, that their kingdom prevail, and concludes: "...Who chooses Israel." (6) For the sixth, he prays for the priests, that God should desire their service and concludes: "Blessed are You, God, Who sanctifies the priests." (7) For the seventh, he offers supplication and prays according to his ability and concludes: "God, deliver Your nation Israel, for Your nation Israel is in need of salvation. Blessed are You, God, Who heeds prayer".

¹⁰ Minchas Chinuch question why the Rambam records the formula "Blessed are You Hashem" for the conclusion of the Brachos, when in the Beis Hamikdash they would use the formula "Blessed are you Hashem God of Israel from times past to all times", which the Rambam himself records

in chapter 4 of the laws of fasts. He suggests that the Rambam is relying on what he wrote in the Laws of fasts and is simply recording the blessings in shorthand.

הלכה ה

הַקְרִיָאָה וְהַבְּרָכוֹת בְּלִשׁוֹן הַקֹּדֶשׁ. שֶׁנֶּאֱמַר (דברים לא יא) "תִּקְרָא אֶת הַתּוֹרָה הַזֹּאת"
בְּלִשׁוֹנָה אֶף עַל פִּי נָשִׁישׁ שָׁם לְעֵזוֹת:

The reading and the blessings¹ are in the Holy Tongue, as it states²:
"Read this Torah," (which implies) in its wording³. This applies even
though foreigners are present^{4 5}.

¹ The Mishna only teaches that the "Parsha of the king" had to be in Lashon Hakodesh. This refers to the reading of the Parshios, not to the Brachos. The primary commentators do not provide a source for the Rambam's ruling that the Brachos were also said in Lashon Hakodesh. In Kuntres Zecher Lemikdash, the Aderes suggests that whilst the obligation to read in Lashon Hakodesh, as derived from the verse, is only on the reading, it would not be appropriate or respectful at such a holy gathering to then recite the blessings in a different tongue.

² Devarim 31:11

³ Sotah 32a

⁴ This is like the Megillah reading, where one fulfils their obligation to hear the Megillah even if they do not understand Lashon Hakodesh.

⁵ The Aderes in Zecher Lamikdash writes that these words do not belong at the end of Halacha 5 but rather should be the beginning of the following Halacha which should read "Even though there are foreigners and Geirim who do not recognise (the language)..."

The Rebbe (Likutei Sichos volume 34 p189 note 22) writes just the opposite,

referencing prints of the Rambam that have the words of the beginning of Halacha 6 as the conclusion of Halacha 5, which would then read "The reading and the blessings are in the Holy Tongue... even though foreigners are present and Geirim who do not recognise (the language)."

According to this, the beginning of Halacha 6 would apply to all Jews (not just Geirim), that everyone" is obligated to concentrate their attention and direct their hearing, listening with reverence and awe, rejoicing while trembling as on the day the Torah was given at Sinai".

This version makes sense in light of the purpose of the Mitzvah of Hakhel discussed above. Why should the requirement of "concentrating... listening with reverence and awe... as on the day the Torah was given at Sinai" apply only to Geirim or those who don't understand as opposed to all of the Jewish people?

Whilst on the topic of different versions of how these Halachos in Rambam should be divided, it is noteworthy that in the Yemenite version of Rambam (based on handwritten manuscript), this Halacha continues until "at Sinai". The next Halacha begins "Even great sages..."

הלכה ו

וְגֵרִים שְׂאִינָן מִכִּירֵין חִיבֵין לְהִכִּין לְבָם וְלְהִקְשִׁיב אָזְנָם לְשִׁמְעַ בְּאִימָה וְיִרְאָה וְגִילָה בְּרַעְדָּה כְּיוֹם שְׁנִתְּנָה בּוֹ בְּסִינֵי. אֶפְלוּ חֻכְמִים גְּדוֹלִים שְׂיִוְדְעִים כָּל הַתּוֹרָה כְּלָה חִיבֵין לְשִׁמְעַ בְּכֹנֶה גְדוֹלָה יִתְרָה. וְיָמֵי שְׂאִינֵינוּ יִכּוֹל לְשִׁמְעַ מִכֵּן לְבוֹ לְקִרְיָאָה זֶה שְׁלֹא קִבְעָה הַכְּתוּב אֶלָּא לְחִזְק דְּתַתְּ הָאֱמֶת וְיִרְאָה עֲצָמוּ כְּאֵלֹה עֵתָה נִצְטוּהָ בָּהּ וּמִפִּי הַגְּבוּרָה שׁוֹמְעָה. שְׁהַמְלִיךְ שְׁלִיחַ הוּא לְהַשְׁמִיעַ דְּבָרֵי הָאֵל:

⁶Converts⁷ who do not understand are obligated to concentrate their attention and direct their hearing, listening with reverence and awe, rejoicing while trembling as on the day the Torah was given at Sinai.

⁶ In this Halacha, the Rambam writes at length about the purpose of the Mitzvah of Hakhel, how it was only established “to strengthen the true faith”. This is uncharacteristic of the Rambam who generally does not give the reasons for Mitzvos and certainly does not write about the reasons and meaning in detail.

The Rebbe explains that the Rambam understands that the strengthening of the true faith is not just a reason or outcome of the Mitzvah of Hakhel. It is the very purpose and essence of the Mitzvah. Perhaps the Rambam derives this from the use of the word למען (in order) in reference to the Mitzvah of Hakhel, where the Torah itself specifies that the gathering and reading of the Torah is “in order they hear and in order that they learn and they will fear Hashem... and guard to observe...”

Even though we find the term למען used in other Mitzvos, such as Sukkah and Tzitzis, from which the Poskim (Bach laws of Sukkah Orach Chaim 625) derive that the Kavanah of the Mitzvah is integral to the fulfillment of the Mitzvah, the use of the term in Hakhel is unique. Since the term is

employed in the very same Pasuk that delineates the Mitzvah itself, the Torah is telling us the very purpose of the Mitzvah, not just its Kavanah or outcome.

⁷ When listing whom is obligated in Hakhel, the Torah says “and your Gerim whom are in your gates”. There is a dispute amongst the Rishonim whether this term refers to Geirei Tzedek (converts) or Gerei Toshav (non-Jews who have accepted the Noahide Laws). In general, when Rambam writes Gerim, he is referring to a convert. Here too the Rambam means a Ger Tzedek. Proof for this understanding can be brought from the first Halacha, where Rambam defines the essence of the Mitzvah, writing “it is a positive Mitzvah to gather all Israel, men, women and children.” He does not need to mention Geirim, because they are part of Israel and would fall into the categories of men, women and children”. Were the verse to mean a Ger Toshav as being part of the Mitzvah, the Rambam would have had to list Geirim separately. The Rambam only mentions Geirim separately in this Halacha as an example of someone who may not understand the language.

Even great Sages⁸ who know the entire Torah are obligated to listen with exceedingly great concentration. One who is unable to hear⁹ should focus his attention on this reading, for Scripture established it solely to strengthen the true faith. He should see himself as if he was just now commanded regarding the Torah and heard it from the Almighty. For the king is an agent to make known the word of God¹⁰.

⁸ It is not clear what the Rambam's source for this is and why he singles out the great sages.

⁹ Lechem Mishneh notes that a deaf person is exempt from Hakhel as they are exempt from the Mitzvah of being Oleh Leregel. Either the Rambam is referring to a deaf person who nonetheless chose to participate in Hakhel. Alternatively, the Rambam is not referring to someone who is completely deaf, but rather to someone who is hard of hearing, who is still obligated in Re'iyah and Hakhel. Alternatively, it could refer to someone who is fully capable of hearing, but they are standing far away and cannot hear the king. Merkeves Hamishneh explains that the Rambam refers to one who does not understand. The word Shomeia can also mean to understand. The understanding that the Rambam does not mean a truly deaf person, is evidenced by the Rambam's wording מי שאינו יכול לשמוע as opposed to מי שאינו שומע.

¹⁰ There is much discussion about whether the king is integral to Hakhel and why the king is the one to read the Torah. Here the Rambam explains that the king has a unique role, of being the Shliach of Hashem to make known the word of Hashem and that by hearing the king read from the Torah, it

is as though they heard it directly from Hashem. This unique distinction of the king is related to the teaching of the Mishna in Horios 9a, which describes the king as someone "whom there is no one above him except Hashem his G-d". This explains the role of the king at Hakhel based on his relationship to Hashem.

The king is also instrumental because of his relationship to the Jewish people. In the laws of kings (3:6), the Rambam writes that the king is the heart of the Jewish people. Abarbanel writes that the king reads the Torah at Hakhel because he is the collective soul (נפש הכללי) of the Jewish people. As such, when the king reads, it is considered as though all of the people had read the Torah. Malbim writes that the king reading would inspire the people in a greater manner.

In Derech Mitvosecha - Mitzvah of appointing a king, the Tzemach Tzedek teaches that through his deep personal Bittul (surrender) to Hashem, the function of the king is to inspire Bittul and awe of Hashem in the people. With this, we can appreciate the importance of the king at Hakhel, a Mitzvah which is "in order... that they will fear Hashem".

הלכה ז

יום הקהל שחל להיות בשבת מאחרין אותו לאחר השבת. מפני תקיעת החצוצרות
!התחנות שאינן דוחין את השבת:

If the day of Hakhel falls on the Shabbos, the gathering is delayed until after the Shabbos¹, because of the sounding of the trumpets² and the supplications³ which do not supersede the Shabbos⁴ restrictions.

¹ Megillah 5a teaches that Hakhel is delayed rather than being done earlier.

² This follows the opinion Rebbi Ba son of Rebbi Chanina bar Ba in the Yerushalmi. Rebbi Yitzchak bar Rebbi Chama who maintains that Hakhel was not observed on Shabbos because of the Bimah which could not be constructed on Shabbos. The Bimah could not be built before Yomtov because it would cause crowding in the Azarah. Alternatively, it would violate the prohibition of planting a tree near the Mizbeach.

³ This refers to the supplications in the conclusion of the final blessing. The Yerushalmi does not mention the issue of

the supplications as being a reason for pushing off Hakhel when it falls on Shabbos. The commentaries do not identify what the Rambam's source for this is.

⁴ Raavad notes that these concerns would also be the reason why Hakhel does not override Yomtov either. Based on this, we can assume that Raavad would share the opinion of Rashi that technically the time of Hakhel should be the first day of Sukkos, were it not for these concerns. However, Tosfos Sotah 41a כתב ד"ה writes that Biblically Hakhel must be observed during Chol Hamoed and cannot be observed on the first day of Yomtov.

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