



# חומש דברים

# THE TORAH

*With an Interpolated English Translation  
and Commentary Based on the Works of  
The Lubavitcher Rebbe  
Rabbi Menachem M. Schneerson*  
וצוקללה"ה נבג"מ זי"ע

Chumash Devarim  
*The Book of Deuteronomy*

*Parshat Teitzei*



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**THE TORAH - CHUMASH DEVARIM**

WITH AN INTERPOLATED ENGLISH TRANSLATION  
AND COMMENTARY BASED ON THE WORKS OF  
THE LUBAVITCHER REBBE

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## GENESIS

Bereishit  
Noach  
Lech Lecha  
Vayeira  
Chayei Sarah  
Toldot  
Vayeitzei  
Vayishlach  
Vayeishev  
Mikeitz  
Vayigash  
Vayechi

## EXODUS

Shemot  
Va'eira  
Bo  
Beshalach  
Yitro  
Mishpatim  
Terumah  
Tetzaveh  
Tisa  
Vayakheil  
Pekudei

## LEVITICUS

Vayikra  
Tzav  
Shemini  
Tazria  
Metzora  
Acharei Mot  
Kedoshim  
Emor  
Behar  
Bechukotai

## NUMBERS


Bemidbar  
Naso  
Beha'alotecha  
Shelach  
Korach  
Chukat  
Balak  
Pinchas  
Matot  
Masei

## DEUTERONOMY

Devarim  
Va'etchanan  
Eikev  
Re'eh  
Shoftim

Teitzei 49 תצא

Tavo  
Nitzavim  
Vayeilech  
Ha'azinu  
Vezot Habrachah





# 49 תֵּיצֵי Teitzei

## Overview

**I**n *parashat Teitzei*, Moses continues his review of the legal portions of the previous three books of the Torah, adding new material that will only become relevant once the Jewish people begin the conquest of the Land of Israel and settle it.

As we have noted previously, God commanded our ancestors to conquer the Land of Israel from its pagan inhabitants in order that the Jewish nation could have a land that it could make into a home for Him. Ultimately, of course, God's intention is for the whole world to become His home; this is the essence of our sages' statement that "in the messianic future, the Land of Israel will expand to encompass the entire world."<sup>1</sup> The first stage in this process was for the Jewish people to demonstrate to the nations of the world that this goal is achievable; this necessitated us having our own sovereign state in which we could pursue this goal unhindered. In this land, special laws would apply and unique commandments would be observed that would not apply or be observed anywhere else in the world.

Thus, the Land of Israel vis-à-vis the rest of the world would be the geographic equivalent of the Jewish people vis-à-vis the rest of humanity. God had set the Jewish people apart from the rest of humanity as "a kingdom of priests and a holy nation." The priestly caste is required to observe special laws and fulfill special duties that set it apart from the rest of the Jewish people in order for it to serve as an idealization of the intense relationship with God to which every Jew should aspire in his or her daily life. Similarly, the Jewish people as a whole are to serve as an idealization and inspiration for humanity at large. Analogously, God set the Land of Israel apart from the rest of the world—by virtue of its special status in Jewish law and observance—in order that it serve as the example of what the rest of the world should aspire to become.

This, however, is only the first stage in the process of transforming the world into God's home. The beginning of this *parashah* addresses the second stage in this process, assuming that the obligatory wars of conquest have already been fought and won and that the Holy Land has come entirely under Jewish jurisdiction. The next, second phase in the process is for the Jewish people to undertake voluntarily to expand the borders of their state, thereby increasing the territory in which the special laws of the Land of Israel apply. In this way, they gradually increase the proportion of the world that exemplifies the ideal of being a true home for God.

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1. *Pesikta Rabati, Shabbat veRosh Chodesh 2.*

Now, as we know, the rationalization for displacing the Canaanite nations is that they themselves were foreigners who had wrested the land from its original inhabitants, the offspring of Shem, from whom the Jewish people descended.<sup>2</sup> By reoccupying the land, the Jewish people were merely restoring it to its rightful and intended owners, in that the Land of Israel was created to be the holy land lived in by the holy people. However, there can be no such rationalization for conquering land outside the borders of the Land of Israel. It is clear from the Book of Genesis that the various geographical divisions of the world were assigned to the nations suited to inhabit and develop them, each according to its unique cultural disposition. By what right, then, can the Jewish people appropriate territory apparently not intended for them?

Furthermore, waging war is dangerous, and the Torah forbids us to endanger ourselves unnecessarily.<sup>3</sup> When the Torah specifically directs us to wage war, as when conquering the Promised Land or in self-defense, it is clear that this directive overrides the prohibition against endangering our lives. But an optional war is not such a case; how, then is it permitted to undertake such a war?

As it happens, these two questions are actually each other's answers. The very fact that waging war against another nation is a dangerous affair indicates that that nation has not recognized that its true fulfillment lies in its submission to the Divinely-inspired guidance of God's representatives on earth, the Jewish people. It has therefore defined itself as an enemy of holiness. Let us recall that voluntary wars are to be initiated only after the obligatory wars (and their corresponding inner, spiritual wars) have all been fought and won—that is, after the Jewish people have successfully inherited the land and transformed it into a utopian model of holy living. If a neighboring nation, witnessing this model of what a Divine home on earth could be, chooses not to participate in this vision (by accepting the Torah's rules of life for non-Jews), it has forfeited its right to steward its own land and citizenry.

The reason the Torah does not explicitly command us to conquer such a country, leaving the initiative to our discretion, is because only in this way can it be truly demonstrated that we fully identify with the Divine imperative. *If* we have internalized God's perspective on life to the extent that we are willing to risk our lives to promulgate Divine consciousness even when not specifically commanded to do so, this readiness is itself our mandate to do so.



As we know, the spiritual analogue of conquering the Land of Israel is conquering the diverse forms of evil embodied by its earthly inhabitants. This struggle is obligatory and, if carried out successfully, it will effect the changes in our personalities necessary for us to achieve and sustain ongoing Divine consciousness. The means used to wage this war against evil is the commandments of the Torah, both the prohibitive and the active.

However, once this goal has been achieved, we have two avenues of further spiritual endeavor open to us: focusing on our own spiritual growth, ascending into more intense and enhanced states of Divine knowledge, and focusing on spreading Divine knowledge outward, encompassing more aspects of our lives and the lives of those around us.

We might be tempted to shy away from the latter option, thinking that any foray into aspects of life not explicitly mandated by the Torah is a dangerous proposition, or that

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2. Rashi on Genesis 12:6.

3. Deuteronomy 4:15.

we perhaps have no right to impose Divine awareness on a world happy to do without it. If we have truly internalized the Divine imperative, however, we will fear neither facing spiritual dangers nor asserting our own mission.

In other words, obligatory wars against evil are waged on the first level of consciousness, where there is a difference between the Land of Israel and the world at large, i.e., between those parts of reality that the Torah has specifically and explicitly commanded us to take over and those that it has not. In contrast, voluntary wars against evil are waged on the second, messianic level of consciousness, in which there is potentially no difference between the Land of Israel and the rest of the world, in which “the Land of Israel expands to encompass the entire world.” At this level of consciousness, awareness of God must spread to encompass all of reality, and we, ourselves filled with Divine consciousness, can reveal the Divinity within all facets of reality without fear of being affected detrimentally by engaging them.<sup>4</sup>

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4. Based on *Sefer HaSichot* 5750, vol. 2, pp. 655 ff.

— ONKELOS —

21:10 אַרִי תְּפֹק לְאַנְחָא קְרָבָא  
על בעלי דבבך וימסרונן יי אלהיך  
בידך ותשבי שביהון: 11 ותחזי  
בשביא אתמא שפירת חזו  
ותרעי בה ותסבה לך לאנתו:

21:10 כִּי־תֵצֵא לְמִלְחָמָה עַל־אֹיְבֶיךָ וַנִּתְּנָו יְהוָה אֱלֹהֶיךָ  
בְּיָדְךָ וּשְׁבִיַת שְׁבִיָּו: 11 וְרָאִיתָ בַּשְּׁבִיָּה אִשָּׁה יְפֹת־תֶּאֱמָר  
וַחֲשַׁקְתָּ בָּהּ וּלְקַחְתָּ לָּךְ לְאִשָּׁה:

— RASHI —

וּלְקַחְתָּ לָּךְ לְאִשָּׁה. לא דברה תורה אלא כנגד יצר  
הרע, שאם אין הקדוש ברוך הוא מתירה — ישאנה  
באסור. אבל אם נשאנה — סופו להיות שונאה,  
שנאמר אחריי: "כי תהיין לאיש" וגו', וסופו להוליד  
ממנה בן סורר ומורה, לך נסמכו פרשיות הללו:

10 כי תצא למלחמה. במלחמת הרשות הכתוב  
מדבר, שבמלחמת ארץ ישראל אין לומר "ושביה  
שביו", שהרי כבר נאמר: "לא תחזיה כל נשמה":  
ושביה שביו. לרבות כנענים שבתוכה, ואף על פי  
שהן משבעה אמות: 11 אשה. אפלו אשת איש:

1. דברים כ, טו. 2. פסוק טו.

— CHASIDIC INSIGHTS —

to use a creative power that originates in a higher order of Divinity than that which He used to create the rest of creation. Thus, when we conquer these enemies, we liberate the transcendent Divine energy with which God created them, enabling us to harness this energy in the service of holiness. Thus, our Divine mission is greatly advanced by this process.<sup>10</sup>

**The enemy's captives:** As just mentioned, this verse refers to overcoming the evil inclination. Among the captives we can rescue from the evil inclination are the lessons we can learn from it.

The first such lesson we can learn is that of perseverance. The evil inclination was created by God to attempt to seduce us into actions contrary to the purpose of our creation; it performs this task with the utmost dedication and tenacity. We should be similarly dedicated and tenacious in fulfilling the purpose of our creation: to reveal Godliness in the world through learning God's Torah and performing His commandments.

In fact, from observing the single-minded drive of the evil inclination, we can deduce just how strong and dedicated our own positive inclination — which must be as strong as the evil inclination in order for us to have free choice — really is.<sup>11</sup>

To illustrate: The story is told of a famous sage who resolved to rise very early every morning, subtracting from his sleep a few more minutes every few months. Once, he recalled, upon waking, his evil inclination implored him to return to sleep. "You are an old man. You need your sleep. Why wake up so early?" To this the sage replied, "You are older than I am (i.e., you were created at the beginning of time) and you're awake!"

**10-11 If you go out to war:** The Maggid of Mezeritch explains that allegorically, this passage refers to a temporary loss of Divine consciousness and how

we can restore it:

*If you go out:* When you leave your state of oneness with God —

*To war:* you will assuredly have to contend with your evil inclination and the enticements of the physical world.

*If you see among the captives:* The "captives" are all aspects of the materiality of this world, in which there are captive sparks of Divinity.

*A beautiful woman:* If you find yourself beckoned by the external beauty of physical reality, its sensuality, and the pleasure it promises —

*And you take her:* you must not succumb to this aspect of what you see, but rather you should take it —

*As a wife:* The word for "wife" in Hebrew (אשה, *ishah*) can also be vocalized to mean "fire offering" (*isheh*). You should elevate the Divine sparks in the materiality you confront to their Divine source. Rather than allowing the experience of this world to drag you further away from God, consecrate it to God's service and use it to enhance your relationship with Him.<sup>12</sup>

**11 If you see a beautiful woman:** As we have said, the captive woman — being one of the enemy's captives — allegorically signifies the aspect of our consciousness that had been trapped in worldly materiality. Redeeming this "captive" occurs on two levels: the intellect and the emotions. Both the intellect and the emotions must be cleansed of their material orientation in order to be restored to full Divine consciousness. These processes are alluded to in the next verses, as follows:

*She must shave her head:* The excess hair that we must shave off the head allegorically signifies the residual life-force of the intellect, the unnecessary intellectual indulgences in the culture of decadence and vanity.

10. *Sefer HaSichot* 5749, vol. 2, pp. 677 ff. 11. *Keter Shem Tov* 63, 64. 12. *Likutei Amarim* 20; *Or Torah* 174.



## Captives of War

**21:10** Moses continued, “If<sup>1</sup> you go out of the land to wage an optional war against your enemies, and God, your God, delivers your enemy into your hands, and, along with the captives and spoils of war,<sup>2</sup> you take the enemy’s own captives, among which are members of the seven Canaanite nations, whom you would be commanded to kill had you found them in the Land of Israel,<sup>3</sup> you may, in this case, allow them to live.<sup>4</sup>

**11** If you see a woman with beautiful facial features—even a married one—among the captives, and you desire her, and you want to take her for yourself as a wife, you may do so, but only after first doing the following:

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### ❧ CHASIDIC INSIGHTS ❧

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**10 If you go out to war:** The phraseology ordinarily used to express this idea is “If you go to war.” The unusual “go out to war” indicates that engaging in war is unnatural for our Divine soul. Our soul’s native environment is the peaceful, infinite Divine consciousness it experienced before it entered the body, when it was only conscious of itself as part of God’s essence. There is no war with evil at this level of existence, since evil is powerless before such overpowering God-consciousness.

The literal meaning of the next phrase, “against your enemies,” is “above your enemies.” This is also an unusual idiom, which, like the first phrase, alludes to the origin of the Divine soul in God’s essence. Since we originate in God’s essence, to which evil can of course pose no threat, we a priori have the upper hand over evil, our archenemy. Furthermore, evil was only created in order for us to vanquish it. For both these reasons, the Torah assures us that “God will deliver your enemy into your hands.”

The phrase “the enemy’s captives,” refers to the elements of reality—both of the physical world and of humanity’s consciousness—that have fallen into the hands of evil, i.e., the mundane or anti-Divine worldliness that pervades reality.<sup>5</sup>

**An optional war:** The primary spiritual war that we are all required to fight is the battle to rid ourselves of whatever evil resides within us. True, part of our Divine mission is to vanquish evil in the world at large, but our ability to succeed in this struggle is directly proportional to how successful we have been in subjugating and eliminating our own personal evil. The theatre of our inner spiritual battle with evil is daily prayer, in which we strive to empower our Divine souls over our human-animal souls. The *Zohar* does not mince words in this regard: “The time of prayer is a time of battle.”<sup>6</sup>

This being the case, what is the spiritual correlate to the “optional” war? Are we not obligated to confront

every instance of evil we perceive within ourselves?

The answer is yes, but there is another way to eliminate evil besides the direct confrontation characteristic of prayer: Torah study. Studying the Torah fills our consciousness with Divine awareness, and this awareness can largely dissipate the evil within us. Whereas the direct confrontation in prayer requires strenuous effort, the effect of Torah study is virtually automatic, for “its ways are ways of pleasantness and all its paths are peace.”<sup>7</sup>

Thus, whenever there is an option to do away with evil peacefully, through Torah study, taking the alternate route—that of direct engagement in prayer—becomes an “optional” war. Eliminating evil through Torah study obviates the need to battle evil in prayer, transmuting prayer into a simple, serene expansion of Divine consciousness.<sup>8</sup>

**Your enemies:** As we have discussed,<sup>9</sup> only God’s existence is *intrinsic*; the rest of creation’s existence is *contingent* on His existence. It therefore seems illogical that anyone or anything could be an enemy of Divinity. How could anyone oppose the source of their own existence?

The answer to this is that God created the world in such a way that its dependence upon Him is not only hidden but appears to be contradicted by empirical evidence. God Himself is therefore responsible for the fact that there are elements of this world that deny or oppose Him, as well as people in it who do the same.

As we know, the reason God did this is so that we could win these enemies of holiness over to the side of holiness, thereby demonstrating that even this darkness can be made into His home.

As we further know, God embedded a sense of logic and order into reality when He created the world. The fact that the existence of His enemies defies logic indicates that in order to create them, He had

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1. *Likutei Sichot*, vol. 14, p. 78. 2. Above, 20:14. 3. Above, 20:16. 4. See above, 20:11. 5. *Sefer HaSichot* 5749, vol. 2, pp. 677 ff. 6. See *Zohar* 3:243a. *Likutei Torah* 4:34c-35d. 7. Proverbs 3:17. 8. *Likutei Sichot*, vol. 14, pp. 84-85. 9. Above, on 4:35 & 39.

— ONKELOS —

12 ותעלנה לגו ביתך ותגלח  
 ית רישה ותרכי ית טופרנהא:  
 13 ותעדי ית כסות שכיה מנה  
 ויתב בביתך ותככי ית אבוקא  
 וית אמה ירח יומין ובתר כן  
 תעול לותה ותבעלנה ותהי לך  
 לאנתה: 14 ויהי אם לא תתרעי  
 בה ותפטרנה לנפשה וזנא לא  
 תזננה בכספא לא תתגר בה  
 חלף די עניתה: 15 ארי יהוון  
 לגבר תרמין נשין חדא רחממא  
 וחדא שניאתא וילידן לה בנין  
 רחממא ושניאתא ויהי ברא בכרא  
 לשניאתא:

12 והבאתה אל־תוך ביתך וגלחה את־ראשה  
 ועשתה את־צפרניה: 13 והסירה את־שמלת שביה  
 מעליה וישבה בביתך ובכתה את־אביה ואת־אמה  
 ירח ימים ואחר כן תבוא אליה ובעלתה והיתה לך  
 לאשה: 14 והיה אם־לא תפצת בה ושלחתה לנפשה  
 ומכר לא־תמכרנה בכסף לא־תעמר בה תחת אשר  
 עניתה: ם

15 בִּית־הַיִּין לְאִישׁ שְׁתֵּי נָשִׁים הָאֶחָת אֲהוּבָה וְהָאֶחָת  
 שְׁנוּאָה וַיִּלְדוּלוּ בָנִים הָאֲהוּבָה וְהַשְּׁנוּאָה וְהָיָה הַבֵּן  
 הַבָּכֹר לַשְּׁנוּאָה:

— RASHI —

כל כך למה? כדי שתהא בת ישראל שמחה וזו  
 עצבה, בת ישראל מתקשטת וזו מתנוללת: 14 והיה  
 אם לא תפצת בה. הכתוב מבשרך שסופך לשנאתה:  
 לא תתעמר בה. לא תשתמש בה, בלשון פרסי קורין  
 לעבדות וְשִׁמוּשׁ "עִמְרָא". מיסודו של רבי משה  
 הדרשן למדתי כן:

12 ועשתה את צפרניה. תגדלם, כדי שתתנולל:  
 13 והסירה את שמלת שביה. לפי שהם נאים, שהגוים  
 בנוהגיהם מתקשטות במלחמה בשביל להזנות  
 אחרים עמדם: וישבה בביתך. בבית שמשמש בו,  
 נכנס ונתקל בה, יוצא ונתקל בה, רואה בבכיתה,  
 רואה בנוולה, כדי שתתגנה עליו: ובכתה את אביה.

— CHASIDIC INSIGHTS —

renewal to which we aspire in the month of Elul  
 can occur only if we intensify our desire to attain  
 Divine consciousness accordingly. To this end, our

Divine soul must "weep for her father and mother,"  
 i.e., yearn for the Divine awareness it knew before it  
 was "taken captive" in this physical world.<sup>18</sup>

### ~ A CLOSER LOOK ~

**[11-14] A captive woman:** A soldier is only allowed to take one captive woman as a potential wife. According to the Oral Tradition, the month-long period of waiting is required only if the woman does not consent to convert immediately. If, after the first month, she is still unwilling to convert, she is given eleven more months to deliberate, after which she must renounce

idolatry, which then allows her to live in the land as a resident alien;<sup>19</sup> otherwise she becomes liable to the death penalty, just as any non-Jew who transgresses the Noahide laws. In any case, the soldier is not allowed to marry her until three months have elapsed since her capture, in order to ascertain that she is not already pregnant by someone else.<sup>20</sup>

### ~ INNER DIMENSIONS ~

**[13] She must weep for her father and her mother:** The soul's "parents" are its innate Divine consciousness. The "father" alludes to the consciousness of *Abba* ("father"), i.e., *chochmah*, the soul's experience of selflessness in the pres-

ence of its radical awareness of God. The "mother" alludes to the consciousness of *Ima* ("mother"), i.e., *binah*, the soul's experience of God's intellect.<sup>21</sup>

18. *Likutei Torah* 4:34c; *Sefer HaMa'amarim* 5745, pp. 275-276. 19. See on Exodus 19:5. 20. *Sifrei*, *Teitzei* 213; *Yevamot* 47b-48b; *Sanhedrin* 57a; *Mishneh Torah*, *Melachim* 8:5-9. 21. *Sefer HaLikutim* (Arizal) on this verse.

**12** Firstly, **you must bring her into your home, and she must shave her head and let her nails grow long**, in order that she look repulsive.

**13** Secondly, although her people probably had her dress seductively in order to lure you and your fellow soldiers into pursuing her instead of concentrating on the battle, **she must remove the seductive garment she is wearing in her captivity from upon herself** and instead don ordinary clothing. Thirdly, **she must remain in your house**—as opposed to in the separate quarters provided for women<sup>13</sup>—such that you confront her constantly, *ad nauseam*, and fourthly, **she must be allowed to weep freely for her father and her mother for a full month**. All these measures are intended to make her seem repulsive to you, so as to discourage you from marrying her, and to make your Jewish wife seem attractive in comparison.

**After** doing all **that**, if you still desire the captured woman and she agrees to convert,<sup>14</sup> **you may go to her and have marital relations with her, and she will thereby become a wife for you**.

Even though such a marriage is permitted, it is only a concession to the soldier's base drives, which would compel him to marry the captive woman in any event. Nonetheless, be forewarned that since this union is not auspicious, the soldier will eventually despise this wife, and that furthermore, the children born from this union will be a source of grief.<sup>15</sup>

**14** **When**, as predicted, **you eventually do not desire her** any longer and want to be rid of her, **you must divorce her and send her away to live on her own. You may not sell her for money as a slave, nor may you keep her for yourself as a servant** instead of as a wife, **since you have afflicted her** by not keeping her as your wife; therefore, you must treat her considerately.

## The Inheritance of the Firstborn

**15** **If a man has two wives—one beloved and the other despised—and they both bear him sons, the beloved one and the despised one, and the firstborn son is from the despised wife,**

### — CHASIDIC INSIGHTS —

*And let her nails grow* (lit., “and do her nails”): Although Rashi understands the expression “do her nails” to mean “let her nails grow”—this being a way of uglifying her, similar to how shaving her head uglifies her—the Talmud also records an opposing interpretation, according to which “do her nails” means “cut her nails”—just as the preceding action (shaving the head) is an act of cutting.<sup>16</sup> According to this understanding, just as shaving the head signifies eliminating excess intellectual indulgences in materialistic culture, trimming the finger-nails signifies eliminating superfluous emotional indulgences in the same—since action, represented by the hands, is the expression of the emotions.

*She must remove the garment of her captivity*: The soul's “garments” are its powers of expression—thought, speech, and action. Once we have trimmed ourselves of excess intellectual and emotional indulgences in materialistic culture, we must then divest ourselves of the habits of thinking, talking, and acting engendered by immersion in that culture.

*She must weep for her father and her mother for a full month*: This refers to the month of Elul,<sup>17</sup> during which we prepare to renew our relationship with God on the High Holy Days. In this context, the renunciation of excess materialism in our lives alluded to by shaving the head and cutting the nails is sufficient for the rest of the year, but the self-

<sup>13</sup> See Genesis 12:8, 24:28, 32. <sup>14</sup> *Mishneh Torah, Melachim* 8:5. <sup>15</sup> Rashi on v. 11, above. <sup>16</sup> *Yevamot* 48a; see Chizkuni. <sup>17</sup> *Likutei Torah* (Arizal) on this verse.

— ONKELOS —

16 ויהי ביוםא ד'חטן לבגדוי ית די יחי לה לית לה רשו לבכרא ית בר רחממא על אפי בר שניאתא בכרא: 17 ארי ית בכרא בר שניאתא יפרש למתן לה תרין חלקין בכל די ישתכח לה ארי הוא ריש תקפה לה חזיא בברותא: 18 ארי יחי לגבר בר סטי ומרי ליתוהי מקבל למימר אבוהי ולמימר אמה ומלפין יתה ולא יקבל מנהון: 19 ויחדון בה אבוהי ואמה ויפקון יתה לקדם סבי קרתה ולתרע בית דין אתרה: 20 ויימרון לסבי קרתה ברנא דין סטי ומרי ליתוהי מקבל למימרנא זלל בסר וסבי חמר: 21 וירגמנה כל אנשי קרתה באבניא וימות ותפלי עבד דביש מבינה וכל ישראל ישמעון וידחלון:

16 וְהָיָה בְּיוֹם הַנְּחִילוֹ אֶת־בְּנָיו אֶת אֲשֶׁר־יְהִיָּה לוֹ לֹא יוּכַל לִבְכֹּר אֶת־בֶּן־הָאֲחֻזָּה עַל־פְּנֵי בֶן־הַשְּׁנוּאָה הַבְּכֹר: 17 כִּי אֶת־הַבְּכֹר בֶּן־הַשְּׁנוּאָה יִפִּיר לָתֵת לוֹ פִּי שְׁנַיִם בָּכָל אֲשֶׁר־יִמְצָא לוֹ בִּיהוּא רֵאשִׁית אֹזֹו לוֹ מִשְׁפֶּט הַבְּכֹרָה: ס

18 כִּי־יְהִיָּה לְאִישׁ בֶּן סוֹרֵר וּמוֹרֶה אֵינְנוּ שֹׁמְעֵ בְקוֹל אָבִיו וּבְקוֹל אִמּוֹ וְיִסְרוּ אוֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם: 19 וְתִפְּשׂוּ בוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אוֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְמוֹ: 20 וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמוֹרֶה אֵינְנוּ שֹׁמְעֵ בְקוֹלָנוּ זֹלָל וְסָבָא: 21 וְרָגְמֻהוּ כָל־אֲנָשֵׁי עִירוֹ בְּאֲבָנִים וְיָמוּת וּבַעֲרַת הָרַע מִקִּרְבָּהּ וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וִירָאוּ: ס

— RASHI —

תהי בסבאי יין, בזללי בשר למו". וכן סורר ומורה נהרג על שם סופו, הגיעה תורה לסוף דעתו — סוף שמכלה קמון אביו, ומבקש למודו ואינו מוצא, ועומד בפרשת דרכים ומלסטם את הבריות, אמרה תורה: ימות וזכאי ואל ימות חייב: 21 וכל ישראל ישמעו ויראו. מכאן שצריך הכרזה בבית דין: פלוגי נסקל על שהיה בן סורר ומורה:

17 פִּי שְׁנַיִם. כַּנֶּגֶד שְׁנֵי אֲחִים: בָּכָל אֲשֶׁר יִמְצָא לוֹ. מִכָּאן שְׁאִין הַבְּכֹר נוֹטֵל פִּי שְׁנַיִם בָּרְאוּי לְבֹא לְאֶחָד מִיתַת הָאֵב בְּבִמְחֹק: 18 סוֹרֵר. סָר מִן הַדֶּרֶךְ: וּמוֹרֶה. מְסַרְב בְּדַבְרֵי אָבִיו, לְשׁוֹן "מְמַרִּים": וְיִסְרוּ אוֹתוֹ. מְתָרִין בוֹ בְּפְנֵי שְׁלֹשָׁה וּמִלְּקִין אוֹתוֹ. בֶּן סוֹרֵר וּמוֹרֶה אֵינוֹ חַיֵּב עַד שֶׁיִּגָּבֵב וַיֹּאכַל תְּרִטִימָר בְּשֶׁר וַיִּשְׁתֶּה חֲצִי לוג יין, שְׁנָאֵמֶר: "זֹלָל וְסָבָא", וְנֶאֱמַר: "אֵל

3. פסוק כ. 4. משלי כג, כ.

### 🔍 A CLOSER LOOK 🔍

[18] If a man has a son: Besides those mentioned in the text, there are many other conditions that must be met in order for this procedure to be applied, among which are the following:

- The son must steal the money (that he uses to buy the food and wine) from his father.
- He must buy inexpensive food and wine.
- He must consume the food and wine outside his parents' domain, and specifically in the company of societal outcasts.
- He must eat the meat only partially cooked, as it is typically eaten by thieves—who, living in constant fear of being pursued, cannot take the time to cook their food fully.
- He must drink the wine partially diluted, as it is typically drunk by drunkards—who try to stretch the wine while retaining its strength as much as possible.

- He must consume the required quantities of meat and wine in one swallow each.
- He must not consume the meat and wine in the course of fulfilling any commandment nor in the course of transgressing any other prohibition.
- The majority of the meat he eats must be meat of mammals, rather than of fowl.
- The meat and wine he consumes must be of a type that can be consumed regularly, thus excluding, for example, salty meat or unaged wine.
- Three months have not passed since he began puberty.<sup>28</sup>

The question then, is: If the conditions prerequisite to applying this procedure are so restrictive as to make it almost impossible to occur, why does the Torah bother to describe it altogether? The answer is that, indeed, some of the

28. Sanhedrin 8:1-4, 70a-71a; Mishneh Torah, Mamrim 7:2-6.

16 despite this, **on the day that he**, i.e., the husband, **bequeaths his estate to his sons, he will not be able**—i.e., allowed—to **give the son of the beloved wife birthright precedence over the son of the despised wife**, i.e., a double portion of his inheritance—for<sup>22</sup> God has explicitly decreed that **the firstborn son** receive a double portion of his father's inheritance.

17 **Rather**, the father **must acknowledge** the primogeniture of **the firstborn**—even if the firstborn happens to be **the son of the despised wife**—**by giving him a double share of all that he possesses**, equal to twice the share that each of the other sons receives. The firstborn only receives a double share of his father's realized estate on the date of the latter's death, and not of any assets due to accrue to the father's estate later. The firstborn is granted the double share **because he is the first product of his father's seminal strength; the birthright entitlement is therefore his**.

### The Wayward Son

18 You must not eat or drink gluttonously, in order that you not become subject to the following procedure:<sup>23</sup>

**If a man has a son** who is at least thirteen years old and who is also in the initial stages of puberty,<sup>24</sup> and that son is **wayward and rebellious**—in that he has been witnessed stealing money, with which he then bought and consumed at least half a *maneh* [200 g or 7 oz.] of meat and half a *log* [172 ml or 5.8 oz.] of wine, thereby **not obeying his father or his mother** who have told him not to do this—his parents **may chasten him** by bringing him before a local court comprising three judges who, based on the testimony of the witnesses, will whip him. **If he does not heed** his parents again, and, after being warned a second time, is witnessed doing the same thing, then it is clear that he has internalized this disobedient behavior and will inevitably fall into a downward spiral of degeneracy, eventually becoming a lethal menace to society. This being the case, it is better that his life be ended before he has incurred this guilt. Therefore,

19 **his father and his mother must seize him and bring him out to the elders of his city and to the gate of his place**, i.e., to the district court of 23 judges.<sup>25</sup>

20 **They must say to the elders of his city, 'This son of ours is wayward and rebellious. He does not obey us: he is a persistent thief, glutton, and guzzler.'**

21 If the court determines that the boy is still in the initial stages of puberty and then convicts him on the testimony of the witnesses, the latter must attempt to execute him as described above,<sup>26</sup> and as above, if they fail, **all the men of his city must pelt him to death with stones until he dies. So must you eliminate this evil from your midst**. The court must announce the crime for which this boy is being executed **so all Israel will hear** about what happened **and be afraid** to incur similar guilt.

The procedures for designating, convicting, or executing someone as a wayward and rebellious son are not applied to a daughter.<sup>27</sup>

In order to emphasize the fact were such a wayward son not to be executed, he would indeed eventually degenerate into more destructive behavior, for which he would incur the death penalty, I will now teach you some additional details of the laws of execution:

22. *Likutei Sichot*, vol. 29, p. 82. 23. *Sanhedrin* 63a, cited by Rashi on Leviticus 19:26. 24. *Mishneh Torah*, *Mamrim* 7:5-6. 25. *Mishneh Torah*, *Mamrim* 7:7. 26. 17:7. 27. *Mishneh Torah*, *Mamrim* 7:11.



## ONKELOS

22 וְאָרִי יִהְיֶה בְּגֵבֶר חֹבֶת דִּין דְּקֻטֵּל וְיִתְקַטֵּל וְתַעֲלֹב וְתֵהָּ עַל צְלִיבָא: 23 לֹא תִבֵּית נִבְלָתָהּ עַל צְלִיבָא אֲרִי מְקַבֵּר תִּקְבְּרֶנָּה בְּיוֹמָא דְּהוּא אֲרִי עַל דְּחָב קָדָם יִי אֲצֻטְלָב וְלֹא תִסָּאב יֵת אֲרַעָךְ דִּי יִי אֱלֹהֵךְ יִהְיֶה לָךְ אֲחִסָּנָא: 22:1 לֹא תַחֲזִי יֵת תוֹרָא דְאַחוּךְ אוּ יֵת אֲמִרָה דְטַעֲנָן וְתִתְקַבֵּשׁ מִנְהוֹן אֲתָבָא תְּתִיבְנוֹן לְאַחוּךְ: 2 וְאִם לֹא קָרִיב אַחוּךְ לְתוֹךְ וְלֹא יִדְעָתָּ לָהּ וְתִתְקַשְׁנָה לְגוּ בֵיתָךְ וְיִהְיֶה עִמָּךְ עַד דְּיִתְבַּע אַחוּךְ יִתָּה וְתִתְיַבֵּנָה לָהּ:

◆ שני 22 וְכִי־יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפָּט־מוֹת וְהוּמָת וְתָלִית אֹתוֹ עַל־עֵץ: 23 לֹא־תָלִין נִבְלָתוֹ עַל־הָעֵץ כִּי־קָבֹר תִּקְבְּרֶנּוּ בַּיּוֹם הַהוּא כִּי־קָלַלְתָּ אֱלֹהִים תָּלוּי וְלֹא תִטְמֵא אֶת־אֲדָמָתְךָ אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה: 22:1 לֹא־תִרְאֶה אֶת־שׁוֹר אֲחִיךָ אוּ אֶת־שִׂיז נִדְחִים וְהִתְעַלְמָתָם מֵהֶם הִשָּׁב תְּשִׁיבֵם לְאֲחִיךָ: 2 וְאִם־לֹא קָרֹב אֲחִיךָ אֵלֶיךָ וְלֹא יִדְעָתוּ וְאִסְפָּתוּ אֶל־תּוֹךְ בֵּיתְךָ וְהָיָה עִמָּךְ עַד דִּרְשׁ אֲחִיךָ אֹתוֹ וְהִשָּׁבְתּוֹ לוֹ:

## RASHI

שְׁבִמְקָרָא לְשׁוֹן הַקֵּל וְלִזְלוּל, כְּמוֹ: "וְהוּא קָלְלָנִי קָלְלָה נִמְרָצָת": 1 וְהִתְעַלְמָתָּ. כּוּבֵשׁ עֵין כְּאִלּוּ אֵינוֹ רוֹאֶה: לֹא תִרְאֶה וְהִתְעַלְמָתָּ. לֹא תִרְאֶה אוֹתוֹ שֶׁתִּתְעַלֵּם מִמֶּנּוּ, זֶהוּ פְּשׁוּטוֹ. וְרִבּוּתֵינוּ אֲמָרוּ: פְּעָמִים שְׂאֵתָה מִתְעַלֵּם וְכוּ': 2 עַד דְּרוֹשׁ אַחוּךְ. וְכִי תַעֲלֶה עַל דְּעִתְךָ שִׁיתְנָהוּ לוֹ קָדָם שִׁידְרֶשְׁהוּ? אֵלָּא, דְּרִשְׁהוּ שְׁלֵא יִהְיֶה רִמָּאִי: וְהִשָּׁבְתּוֹ לוֹ. שֶׁתִּהְיֶה בּוֹ הַשָּׂבָה, שְׁלֵא יֵאכַל בְּבֵיתְךָ כְּדִי דְמִיּוֹ וְתִתְבַּעֵם מִמֶּנּוּ. מִכָּאֵן אֲמָרוּ: כָּל דְּבָר שְׁעוֹשָׂה וְאוֹכֵל — יַעֲשֶׂה וְיֵאכַל, וְשְׂאִינוּ עוֹשֶׂה וְאוֹכֵל — יִמְכָּר:

22 וְכִי יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפָּט מוֹת. סְמִיכוּת הַפְּרָשִׁיּוֹת מִגִּיד, שֶׁאִם חֲסִים עָלָיו אָבִיו וְאִמּוֹ, סוֹף שִׁיִּצֵּא לְתַרְבוֹת רָעָה וְיַעֲבֹר עֲבֵרוֹת וְיִתְחַיֵּב מִיָּתֶה בְּבֵית דִּין: וְתָלִית אוֹתוֹ עַל עֵץ. רִבּוּתֵינוּ אֲמָרוּ: כָּל הַנִּסְקָלִין נִתְלִין, שְׁנֶאֱמַר: "כִּי קָלַלְתָּ אֱלֹהִים תָּלוּי", וְהִמְכָּרָהּ ה' בְּסָקִילָה: 23 כִּי־קָלַלְתָּ אֱלֹהִים תָּלוּי. וְלִזְלוּל שֶׁל מֶלֶךְ הוּא, שְׂאָדָם עָשׂוּי בְּדִמוֹת דִּיוֹקְנוֹ, וְיִשְׂרָאֵל הֵם בְּנָיו. מְשַׁל לְשׁוֹנֵי אֲחִים תְּאוֹמִים שֶׁהֵיוּ דוֹמִין זֶה לָזֶה, אֶחָד נַעֲשֶׂה מֶלֶךְ, וְאֶחָד נִתְפָּס לְלִסְטִיּוֹת וְנִתְלָה, כָּל הָרוֹאֶה אוֹתוֹ אוֹמֵר: הַמֶּלֶךְ תָּלוּי. כָּל "קָלְלָה"

5. סנהדרין מה, ב. 6. פסוק כג. 7. מלכים"א ב, ח. 8. בבא מציעא ל, א. 9. בבא מציעא כח, ב.

## CHASIDIC INSIGHTS

decree whereas the Talmud ascribes the death of the individuals it lists to the snake's venom.

The difference between the Talmud's statement and the Arizal's is one of degree. The Talmud implies that the individuals it mentions, though sinless, could not shake the self-orientation that had been injected into humanity by the primordial snake.<sup>36</sup> The Arizal implied that the Ramak was clean even of this blemish. The Ramak could attain this level of purity only because he was devoted to the study and dissemination of the inner dimension of the Torah, which reveals the inner dimension of the Divine soul. This dimension of the soul is always pure and cannot be defiled by sin; when it is revealed, it overcomes even the self-orientation we inherit from

the primordial snake. The fact that the Ramak did die nonetheless can therefore be attributed only to the fact that God decreed that all people should die.

The lesson for us here is clear: By studying and spreading the inner dimension of the Torah, we can reveal the inner dimension of our own souls and those of others. This in turn neutralizes the effect of sin, therefore neutralizing the result of sin: exile and death. We hasten the messianic Redemption and the subsequent Resurrection of the Dead.<sup>37</sup>

**1-3 You must not see your brother's ox or sheep straying and ignore them:** Allegorically, the missing ox or sheep alludes to elements that are lacking from a fellow Jew's observance of the Torah and its commandments. The Torah tells us here that our

## A CLOSER LOOK

[22] **You must hang him:** Although the contextual sense of Scripture mandates hanging all those executed by stoning, the law requires

hanging only that those stoned for blasphemy and idolatry.<sup>38</sup>

36. See on Genesis 3:4. 37. *Likutei Sichot*, vol. 24, pp. 132-136. 38. *Mishneh Torah, Sanhedrin* 15:6-7.

## Gibbeting after Stoning

- ◆ **Second Reading 22** If a man commits a sin for which he is sentenced to death by stoning, and he is indeed put to death in this manner, you must afterward suspend him, i.e., his corpse, on a wooden pole by tying him to it.

**23** But you must not leave his body hanging on the pole overnight. Rather, you must bury him on that same day, for showing disrespect for a human corpse by leaving it hanging overnight is an affront to God, for the human form reflects the Divine image.<sup>29</sup> Therefore, you must not defile your land, which God, your God, is giving you as an inheritance, by such behavior.

## Returning Lost Items

**22:1** You have been taught<sup>30</sup> that you must return a lost item to its owner, even to an enemy. I will now teach you the other details of this law: **You must not see your brother Israelite's ox or sheep straying and ignore them.** Rather, you must return them to your brother. The exceptions to this rule are: (a) if a priest sees a stray animal in a cemetery, since he may not defile himself by entering a cemetery;<sup>31</sup> (b) if a distinguished sage sees a stray animal, since he may not degrade himself by leading an animal around in public; and (c) if the loss of potential income incurred by returning the lost animal is greater than the animal's monetary worth.<sup>32</sup>

**2** But if your brother is not near you, or if you do not know who he is, you must bring it into your house. It must remain with you until your brother seeks it out and you then ascertain that it in fact belongs to the person claiming it, whereupon you must return it to him. If the animal can be put to work in the meantime in order to offset the cost of taking care of it, then you may do so. If it cannot be put to work and the cost of taking care of it will exceed its worth, you may sell it and give the owner the money when he claims his animal.

### ❧ CHASIDIC INSIGHTS ❧

**22** If a man commits a sin: In his eulogy of the celebrated Kabbalist Rabbi Moshe Cordovero (known by his initials as "the Ramak," 1522-1570), Rabbi Yitzchak Luria (the Arizal) interpreted this verse as follows:

*If a man commits a sin* (literally: "if a man has a lacking"): If a person lacks—

*For which he is sentenced to death*: any reason that he should die, being entirely void of any sin,

*And he is put to death*: yet he dies nonetheless—

*Hang him on a pole* (literally, "on wood"): ascribe ("hang") this only to the fact that all people must die as a result of Adam's sin of eating the fruit of the Tree of Knowledge of good and evil.<sup>33</sup>

The Talmud also lists four individuals who led sinless lives and died only because of "the venom of the primordial snake": Benjamin, the son of Jacob; Amram, the father of Moses; Jesse, the father of David, and Calev, the son of David.<sup>34</sup> Although these statements seem similar, the significant difference is that the Arizal ascribed the Ramak's death to God's

### ❧ A CLOSER LOOK ❧

[continued...] commandments and threats recorded in the Torah are there largely (or even solely) for preventative purposes. In other words, they

are there precisely in order to ensure that the situations they describe not occur.<sup>35</sup>

<sup>29</sup>. See Genesis 1:26. <sup>30</sup>. Exodus 23:4. <sup>31</sup>. Leviticus 21:1-4. <sup>32</sup>. *Bava Metzia* 30a; *Mishneh Torah, Gezeilah veAveidah* 11:13-18. <sup>33</sup>. *Ya'arot Devash* 2 (126c). <sup>34</sup>. *Shabbat* 55b. <sup>35</sup>. *Sefer HaSichot* 5749, vol. 1, p. 8.

— ONKELOS —

3 וכן תעבד לחמרה וכן תעבד לכסותה וכן תעבד לכל אבדת אחור די תיבד מנה ותשכחנה לית לך רשו לכסיותה: 4 לא תחזי ית חמרא דאחור או תורה רמן בארמא ותתכבש מנהון אקמא תקים עמה: 5 לא יהי תקון זין דגבר על אתתא ולא יתקן גבר בתקוני אתתא ארי מרחק קדם יי אלקה כל עבד אלן: 6 ארי יערע קנא דצפרא קדמך בארמא בכל אילן או על ארעא אפרחין או ביעין ואמא רביעא על אפרחין או על ביעין לא תסב אמא על בניא:

3 וְכֵן תַּעֲשֶׂה לְחִמְרוֹ וְכֵן תַּעֲשֶׂה לְשִׁמְלָתוֹ וְכֵן תַּעֲשֶׂה לְכָל־אֲבֵדַת אַחֲרֶיךָ אֲשֶׁר־תֵּאֱבֹד מִמֶּנּוּ וּמִצִּאֲתָהּ לֹא תִּוָּכַל לְהִתְעַלֵּם: 8

4 לֹא־תִרְאֶה אֶת־חִמּוֹר אַחֲרֶיךָ או שורו נְפִלִים בְּדֶרֶךְ וְהִתְעַלְמָתָם מֵהֶם הֵקֵם תִּקִּים עִמּוֹ: 8

5 לֹא־יִהְיֶה כְּלִי־גִבּוֹר עַל־אִשָּׁה וְלֹא־יִלְבַּשׁ גִּבּוֹר שִׁמְלַת אִשָּׁה כִּי תִוָּעֶבֶת יִהְיֶה אֲלֶיהָ כְּל־עֲשֶׂה אֵלֶיהָ: 9

6 כִּי יִקְרָא קוֹנ־צִפּוֹר | לְפָנֶיךָ בְּדֶרֶךְ בְּכָל־עֵין | או על־הָאָרֶץ אֲפֹרָחִים או בִּיעִין וְהָאֵם רִבְעָתָה עַל־הָאֲפֹרָחִים או עַל־הַבִּיעִין לֹא־תִקַּח הָאֵם עַל־הַבָּנִים:

— RASHI —

זו אלא לשם נאוף: ולא ילבש גבר שמלת אשה. לילך לישב בין הנשים. דבר אחר: שלא יסיר שער הערוה ושער של בית השחי: כי תועבת. לא אסרה תורה אלא לבוש המביא לידי תועבה: 6 כי יקרא. פרט למזמן: לא תקח האם. בעודה על בניה:

3 לֹא תִּוָּכַל לְהִתְעַלֵּם. לכבוש עיניך, כאלו אינך רואה אותו: 4 הֵקֵם תִּקִּים. זו טעינה, להטעין משאוי שפפל מעליו: עמו. עם בעליו, אבל אם הלך וישב לו, ואמר לו: הואיל ועליך מצוה, אם רציית לטעון — טעון. פטור: 5 לֹא יִהְיֶה כְּלִי גִבּוֹר עַל אִשָּׁה. שתהא דומה לאיש כדי שתלך בין האנשים, שאין

— CHASIDIC INSIGHTS —

*If you see your brother's donkey:* If you see your brother, a Jew, acting like a donkey, an unclean animal—

*Or his ox:* or like an ox, a kosher animal, but an animal nonetheless—

*Fallen:* that is, he has fallen from the behavior associated with an enlightened human being to the level more associated with animals—

*You must not ignore them. You should pick up the load with him:* You should feel a brotherly responsibility to elevate and enlighten your fallen fellow Jew. It is precisely in order to assist him that you have been made aware of his spiritual descent. God would not have arranged for you to see him this way unless you were able to help him.<sup>45</sup>

**5 A man's attire must not be worn by a woman...**

One of the reasons for this prohibition is that we should ideally behave in a way befitting the way God made us, not trying to imitate someone else or be someone we are not. Rather, we should strive (and be allowed to strive) to fully realize all of our God-given potentials. This ideal applies first of all in a general sense, meaning that although we should strive to imitate or even emulate positive

role-models, we should never lose sight of our individual uniqueness, which endows us with a unique contribution that only we can make to the world.

In the context of gender, this directive means that men should strive to actualize all the potentials God gave them as *men*, and women should strive to actualize all the potentials God gave them as *women*, in accordance with the guidelines for self-refinement provided by the Torah. Although, as we have noted,<sup>46</sup> we each comprise male and female qualities, our biological gender is a clear indication which qualities we are meant to chiefly manifest.

This mandate to manifest our God-given potentials free of any societal pressure to be something we are not is true "equal rights." When a woman thinks that "equal rights" means that she should be allowed to behave like a man and to work like a man, she herself is creating a social gap and inequality between the sexes. By pursuing a man's career, she is implicitly affirming that women are intrinsically inferior to men and that therefore, in order to justify her existence, she must compete with men for a man's position. The Torah forbids such an affront to the status of women.<sup>47</sup>

45. *Likutei Sichot*, vol. 2, p. 633. 46. On Genesis 1:27-28, 2:18-23. 47. *Hitva'aduyot* 5742, vol. 3, pp. 1160-1161.



**3 So must you do with his donkey, and so must you do with his garment, and so must you do with any lost article of your brother that he has lost and that you have found. You cannot ignore it, for God has commanded you not to.**<sup>39</sup>

## Helping

**4** Similarly, you have been taught<sup>40</sup> that you must help someone unload his donkey when the donkey is crouching under its load, even if that person is your enemy. Furthermore, **you must not see your brother's donkey or his ox fallen** under its load **on the road and ignore them**. Rather, once the load has been removed and the animal is back on its feet, you should pick up the load together **with him** and help him put it back on the animal. If, however, the owner tries to take advantage of your obligation to help him by making you load the animal by yourself, you are exempt from doing so.

Here, too,<sup>41</sup> the exceptions to this rule are: (a) if a priest sees an animal fallen under its load in a cemetery, since he may not defile himself by entering a cemetery; (b) if a distinguished sage sees a struggling animal, since he may not degrade himself by loading or unloading an animal in public; and (c) if the loss of potential income incurred by loading the animal is greater than the animal's monetary worth.<sup>42</sup>

## Cross-Dressing

**5 A man's attire must not be worn by a woman** in order to enable her to fraternize with men, for a woman would seek to do this only in order to entice the men into adultery. Similarly, **a man may not wear a woman's garment** in order to enable him to fraternize with women, for a man would seek to do this only in order to entice the women into adultery. **For whoever does these things—i.e., dresses in ways that lead to adultery—is an abomination to God, your God.** The prohibition against men dressing like women also includes removing the hair from around the reproductive organ and from the armpits.

## Sending Away a Mother Bird

**6 If you happen upon a bird's nest on the road, on any tree, or on the ground, and inside it are chicks or eggs that you would like to take for yourself, then, if the mother is brooding upon the chicks or upon the eggs, you must not take the mother together with her young while she is sitting upon the young.**<sup>43</sup>

### — ❧ CHASIDIC INSIGHTS ❧ —

Jewish nature will not allow us to ignore this short-coming in our fellow; it will compel us to help him. This is true even, as the next verse continues, "your brother is not near you, or you do not know him." Even in such cases, we must help our fellow Jews retrieve whatever spiritual wealth they have lost due to their inadvertent over-involvement in the

mundane affairs of the material world. Furthermore, if necessary, we must educate these compatriots to value this spiritual treasure, "until your brother seeks it out" willingly.<sup>44</sup>

**4 You must not see your brother's donkey fallen on the road:** Allegorically, this verse can be interpreted as follows:

39. Above, v. 1; *Likutei Sichot*, vol. 29, p. 82. 40. Exodus 23:5. 41. *Likutei Sichot*, vol. 21, p. 125, note 7. 42. *Bava Metzia* 30a; *Mishneh Torah*, *Rotzeiach uShemirat Nefesh* 13:3-4. 43. Cf. Leviticus 22:28. 44. *Likutei Sichot*, vol. 24, pp. 284-285.

— ONKELOS —  
 7 שֶׁלֹחַ תִּשְׁלַח אֶת־הָאֵם וְאֶת־הַבָּנִים תִּקַּח־לָךְ לְמַעַן  
 יִיטֵב לָךְ וְהֶאֱרַכְתָּ יָמִים: 8  
 יומין: 8 אֲרִי תִבְנֶי בֵּיתָא חֲדָתָא  
 ותעבד תיקא לאגורף ולא תשוי  
 חובת דין דקטול בביתך ארי יפל  
 דנפל מנה: 9 לא תזרע כרמך  
 ערובין דלמא תסתאב דמעט  
 ורעא די תזרע ועללת כרמא:

7 שֶׁלֹחַ תִּשְׁלַח אֶת־הָאֵם וְאֶת־הַבָּנִים תִּקַּח־לָךְ לְמַעַן  
 יִיטֵב לָךְ וְהֶאֱרַכְתָּ יָמִים: 8  
 שלישי 8 כי תבנה בית חדש ועשית מעקה לגגך ולא-  
 תשים דמים בביתך בייפל הנפל ממנו: 9 לא-תזרע  
 כרמך בלאים פן-תקנש המלאה הזרע אשר תזרע  
 ותבואת הכרם: 10

— RASHI —  
 יפול הנופל. ראוי זה לפול, ואף על פי כן לא תתגלגל  
 מיתתו על ידך, שמגלגלין וכות על ידי זכאי וחובה  
 על ידי חייב: 9 בלאים. חטה ושעורה וחרצן במפלת  
 יד: פן תקנש. בתרגומו: "תסתאב". כל דבר הנתעב  
 על האדם — בין לשבח, כגון הקדש, בין לגנאי, כגון  
 אסור — נופל בו לשון "קנש", כמו: "אל תגש בי כי  
 קדשתיך": המלאה. זה מלוי ותוספת שהזרע מוסיף:

7 לַמַּעַן יִיטֵב לָךְ וגו'. אם מצוה קלה שאין בה חסרון  
 כִּס, אָמְרָה תוֹרָה: "לַמַּעַן יִיטֵב לָךְ וְהֶאֱרַכְתָּ יָמִים",  
 קל וְחֹמֶר לַמַּתָּן שֶׁכֶּרֶן שֶׁל מִצְוֹת חֲמוּרוֹת: 8 כִּי תִבְנֶה  
 בֵּית חָדָשׁ. אם קִימַת מִצְוֹת שְׁלֹחַ הָעֵק, סוּפָה לִבְנוֹת  
 בֵּית חָדָשׁ וְתִקְּוִים מִצְוֹת מַעַקָה, שֶׁמִּצְוָה גּוֹרֶרֶת מִצְוָה,  
 וְתִגִּיעַ לְכֶרֶם וְשָׂדֶה וְלִבְגָדִים נָאִים. לָכֵן נִסְמְכוּ  
 פְּרָשִׁיּוֹת הַלָּלוּ: מַעַקָה. גֹּדֶר סָבִיב לַגֹּג. וְאִנְקְלוֹס  
 תִּרְגָּם: "תִּיקָא", כְּעֵין תִּיק שֶׁמְשַׁמֵּר מֵה שֶׁבְּתוֹכוֹ: כִּי

10 ישעיה סח, ה.

#### — CHASIDIC INSIGHTS —

**8 You must make a parapet for your roof:** The obligation to build a parapet around the roof applies to all houses, not just newly built ones, and devolves on the individual whenever a house comes into his possession, not only if he builds it. The reason the Torah nonetheless chooses to couch this law in the case of a newly built house is in order to allow the following, allegorical interpretation:

*When you build a new house:* When you get married and begin to build a new household within the Jewish people, you are commencing a new period in your life, with new responsibilities and tasks that you have never yet had to face. Therefore —

*Make a parapet for your roof:* The stringencies you have relied on until now to safeguard your observance of the Torah and its commandments are no longer sufficient. The demands of your new life-style will undermine your spirituality unless you take on new precautions.

*Preventing one who falls off from falling off the roof:* For the new, additional involvement with the exigencies of life in the physical world that are associated

with marriage is a descent, and you are therefore poised to fall from your previous spiritual level unless you take preventative measures.

Another, more general interpretation:

*When you build a new house* means "when you set out to make this physical world into a home for God." This house is considered "new" because spiritualizing the physical is a reversal of the order of creation. God made the physical world appear consummately physical; we reveal its inner Divine essence and make it a vehicle for the spiritual.

*Make a parapet for your roof:* In order to succeed in this mission and avoid being dragged into the materiality of the physical world, we must be sure to remain sufficiently aloof from the world. This we accomplish by setting appropriate boundaries, red lines that we do not cross. This shows that our involvement in the physical world is not for our own betterment or indulgence, but for selfless purposes. In turn, this selflessness opens us up to greater insights into Divine reality and to higher levels of the Divine consciousness that we seek to disseminate.<sup>54</sup>

#### — A CLOSER LOOK —

**[7] You must first send away the mother once:** Although this is the contextual meaning of the verse, legal exegesis derives from the nuances of

the Hebrew that if the mother bird returns, she must be sent away repeatedly until she no longer returns, and only then may the young be taken.<sup>55</sup>

54. *Likutei Sichot*, vol. 2, pp. 384 ff; vol. 19, pp. 208 ff. 55. *Chulin* 141a; *Mishneh Torah*, *Shechitah* 13:5.

7 Rather, **you must first send away the mother once, and then you may take the young for yourself**, and you may take the mother, too, if she returns,<sup>48</sup> **in order that it should go well for you, and that you should live long.**<sup>49</sup>

This law applies only to bird nests that you ‘happen upon,’ but not to nests that are located on your own property; you may take your own birds and/or their young without first sending the mother away.

From the fact that the Torah promises you a good, long life in reward for fulfilling such a simple commandment, which entails no monetary loss, you may deduce that this is the case all the more so for commandments that require greater effort or expense.

To illustrate the prosperity you will merit in reward for fulfilling this commandment, I will now describe a commandment that devolves on someone who acquires or builds a new house.

Furthermore, whenever you fulfill one of God’s commandments, He rewards you with the opportunity to fulfill another, similar commandment. In this case, since you sent away the mother bird as an act of compassion for others in the course of doing something for your own benefit (taking the young), you will be granted another opportunity to perform an act of compassion in the course of doing something for your own benefit: when you build yourself a house, you must erect a parapet on its roof to keep others from endangering themselves, as follows.<sup>50</sup>

### The Parapet

- ◆ *Third Reading* 8 **When you build a new house, you must make a parapet for your roof, in order that you not cause blood to be shed in your house by not preventing one who falls from falling off the roof.** True, if someone falls to his death, it indicates retroactively that he was destined to be punished for some crime he had committed. Nonetheless, you should try to avoid such an occurrence on your property, for the fact that such a tragedy occurs specifically on your property rather than elsewhere indicates that you, too, are in some way culpable for some wrongdoing.

### Mixing Species

9 As a further reward for fulfilling the commandment to send away the mother bird, you will also be blessed with vineyards and fields;<sup>51</sup> this will obligate you in the following commandments: You have already been taught<sup>52</sup> that you must not sow your field with a mixture of two or more species of grain or vegetables. In addition, **you must not sow your vineyard together with a mixture of two or more species of grains or vegetables, lest the increase—both the seed that you sow and the yield of the vineyard—become ipso facto forbidden and therefore out of bounds.** If the field has not yet been sown with grapes (and thus is not yet a vineyard), this prohibition is transgressed only if you sow two species of grain or vegetable *together with* grape seeds, all at once.<sup>53</sup>

48. *Likutei Sichot*, vol. 9, p. 136. 49. *Likutei Sichot*, vol. 9, p. 133, note 2. 50. *Likutei Sichot*, vol. 9, pp. 138-139. 51. Rashi on v. 6, above; *Likutei Sichot*, vol. 9, pp. 138-139. 52. Leviticus 19:19. 53. *Mishneh Torah, Kilayim* 5:1-3.

— ONKELOS —

10 לֹא תִרְדִּי בְּתוֹרָא וּבְחֻמְרָא  
כַּחַד: 11 לֹא תִלְבַּשׁ שְׁעִטָּנָא  
עִמֹר וְכִתָּן מִחֻבֵּר כַּחַד:  
12 בְּרִסְפָּדִין תַּעֲבֹד לָךְ עַל אֲרֻבַּע  
כַּנְפֵי כְסוּתְךָ דִּי תִכְסִּי בֵּה: 13 אֲרִי  
יִסֵּב גִּבְר אֲתֵמָא וְיַעֲוֹל לְוִתָּה  
וְיִסְנָנָה: 14 וְיִשְׁוִי לָהּ תִּסְקוּפִי מִלִּין  
וְיִפֵּק עֲלֶיהָ שׁוּם בִּישׁ וְיִימֹר יֵת  
אֲתֵמָא הָדָא נְסִיבִית וְעֵלִית לְוִתָּה  
וְלֹא אֲשַׁכְחִית לָהּ בְּתוּלִין: 15 וְיִסֵּב  
אֲבוּהָא דְעוֹלָמָתָא וְאִמָּה וְיִפְקוּן יֵת  
בְּתוּלֵי עוֹלָמָתָא לְקִדְּם סְבִי קֶרְתָּא  
לְתַרַע בֵּית דִּין אֲתָרָא: 16 וְיִימֹר  
אֲבוּהָא דְעוֹלָמָתָא לְסְבִיָּא יֵת  
בְּרֵתִי יְהִיבִית לְגַבְרָא הָדִין לֵאנְתּוּ  
וְסִנָּה:

10 לֹא-תִחַרֵּשׁ בְּשׁוּר-וּבְחֻמֵּר יַחַד: 11 לֹא תִלְבַּשׁ  
שְׁעִטָּנִי צִמָּר וּפְשָׁתִים יַחַד: ס  
12 גְּדִלִים תַּעֲשֶׂה-לָּךְ עַל-אַרְבַּע כַּנְפוֹת כְּסוּתְךָ אֲשֶׁר  
תִּכְסֶּה-בָּהּ: ס  
13 כִּי-יִקַּח אִישׁ אִשָּׁה וּבָא אֵלֶיהָ וּשְׁנָאָהּ: 14 וְשֵׁם לָהּ  
עֲלִילָת דְּבָרִים וְהוֹצֵא עָלֶיהָ שֵׁם רָע וְאָמַר אֶת-הָאִשָּׁה  
הַזֹּאת לְקַחְתִּי וְאֶקְרַב אֵלֶיהָ וְלֹא-מִצְאָתִי לָהּ בְּתוּלִים:  
15 וְלָקַח אָבִי הַנֶּעֱר {הַנֶּעֱרָה} וְאִמָּהּ וְהוֹצִיאוּ אֶת-בְּתוּלֵי  
הַנֶּעֱר {הַנֶּעֱרָה} אֶל-זִקְנֵי הָעִיר הַשְּׂעֵרָה: 16 וְאָמַר אָבִי  
הַנֶּעֱר {הַנֶּעֱרָה} אֶל-הַזִּקְנִים אֶת-בְּתִי נָתַתִּי לְאִישׁ הַזֶּה  
לְאִשָּׁה וּשְׁנָאָהּ:

— RASHI —

גוֹרְרַת עֲבֵרָה — עֵבֶר עַל "לֹא תִשְׁנָא"<sup>62</sup>, סוּפוּ לְבֹא  
לְיָדֵי לְשׁוֹן הָרַע: אֵת הָאִשָּׁה הַזֹּאת. מִכָּאן שָׁאִין אוֹמֵר  
דְּבַר אֶלָּא בִּפְנֵי בַעַל דִּין: 15 אָבִי הַנֶּעֱרָה וְאִמָּהּ. מִי  
שֶׁגִּדְּלוּ גְדוּלִים הָרָעִים, יִתְבּוּזוּ עָלֶיהָ: 16 וְאָמַר אָבִי  
הַנֶּעֱרָה. מִלְּמַד שָׁאִין רְשׁוּת לְאִשָּׁה לְדַבֵּר בִּפְנֵי הָאִישׁ:

10 לֹא תִחַרֵּשׁ בְּשׁוּר וּבְחֻמֹּר. הוּא הָדִין לְכָל שְׁנֵי  
מֵינִים שְׁבַעֲוֹלָם, וְהוּא הָדִין לְהַנְהִיגֵם יַחַד קְשׁוּרִים  
זוּגִים בְּהוֹלֶכֶת שׁוּם מִשָּׂא: 11 שְׁעִטָּנִי. לְשׁוֹן עֲרוּב.  
וְרִבּוּתֵינוּ פֶּרֶשׁוּ: שׁוּעַ טוֹוִי וְנוֹז: 12 גְּדִלִים תַּעֲשֶׂה  
לָךְ. אֵף מִן הַכְּלָאִים, לְכָךְ סְמִכָן הַכְּתוּב: 13 וּבָא  
אֵלֶיהָ וּשְׁנָאָהּ. סוּפוּ: 14 וְשֵׁם לָהּ עֲלִילָת דְּבָרִים. עֲבֵרָה

11. נדח סא, ב. 12. ויקרא יט, יז.

### ~ A CLOSER LOOK ~

[12] **The exception:** The Written Torah requires that tassels (*tzitzit*) be affixed only to garments made of wool or linen, and it theoretically allows tassels made of either wool or linen to be affixed to a garment of either type of fabric, without regard to the prohibition of *sha'atnez*. However, since only *woolen* tassels may be dyed turquoise, when the turquoise dye is not used (either because it is unavailable—as is the case nowadays—or too expensive, etc.) and thus all the threads are white, it is possible to affix tassels without having to override the prohibition of *sha'atnez* (by using tassels made of the same

material as the garment), so that is what is done. Nonetheless, the sages prohibited affixing tassels with turquoise-dyed woolen threads on a linen garment, lest a person wear such a garment at night, when the obligation to affix tassels does not apply, and thereby be guilty of transgressing the prohibition of wearing *sha'atnez* when it is not overridden by the commandment of *tzitzit*.

The sages further required that tassels be affixed to garments made of other fabrics (besides wool or linen), as well. For these garments, the tassels may be made either of the same material as the garment or of wool or linen.<sup>64</sup>

64. *Mishneh Torah*, *Tzitzit* 3:1-7.

10 As you have been taught,<sup>56</sup> you must not crossbreed your livestock. As an additional precaution, **you must not even plow a field simultaneously with both an ox and a donkey**, or for that matter, with any two types of animals. Similarly, you must not drive them together if they are yoked together in order to carry a load.

11 As a further reward for fulfilling the commandment to send away the mother bird, you will be blessed with fine clothing;<sup>57</sup> this will obligate you in the following commandment: As you have been taught,<sup>58</sup> **you must not wear a pressed, woven, or twisted (*sha'atnez*) mixture of wool and linen together.**

12 The exception to this is that, as you have been taught,<sup>59</sup> **you must make yourself twisted threads** and hang them as tassels **on the four corners of your garment with which you cover yourself**. Each tassel is made of four threads, one of which, if properly dyed, must be woolen; such tassels may be attached even to linen garments.<sup>60</sup>

Just as doing a good deed leads to the opportunity to perform further good deeds, transgressing a commandment leads to the temptation to transgress further commandments, as the following laws illustrate:

### **Allegations of Pretended Chastity**

13 **If a man takes a wife, has marital relations with her, and hates her**, thereby transgressing the prohibition against hating one's fellow Jew,<sup>61</sup>

14 **and then accuses her of improper conduct and slanders her**, thereby transgressing the commandment not to slander one's fellow Jew,<sup>62</sup> **saying** in her presence to the judges of the court—since a plaintiff may only state his case to the judge in the presence of the defendant—**'I took this woman as my wife, and when I approached her through marital relations, I did not find any evidence of virginity for her**, and in fact, after looking into the matter, I found witnesses who can testify that she had relations with another man after I betrothed her, and that she was warned beforehand that these relations were forbidden,'

15 **the girl's father and her mother must**, if they can, **obtain evidence of the girl's virginity**, that is, witnesses who can confute the testimony of the husband's witnesses, **and bring them to the elders of the city** (i.e., the judges) **at the gate** (i.e., the court). The duty to prove the girl's innocence devolves upon her parents, for they are deemed culpable for having produced and raised a child whose conduct can be at all suspect.<sup>63</sup>

16 Even though both parents come to the court, only **the girl's father must say to the elders** (for it is considered an affront to the mother's dignity to have her speak publicly on her husband's behalf in his presence), **'I gave my daughter to this man as a wife, and he hated her**,

56. Leviticus 19:19. 57. Rashi on v. 6, above; *Likutei Sichot*, vol. 9, pp. 138-139. 58. Leviticus 19:19. 59. Numbers 15:37-41. 60. *Menachot* 40a; *Mishneh Torah*, *Tzitzit* 3:6-7. 61. Leviticus 19:17. 62. Leviticus 19:16. 63. *Likutei Sichot*, vol. 5, p. 192, note 54.

— ONKELOS —

17 וְהָא הוּא שֵׁם עֲלִילַת דְּבָרִים לֹא־מִצָּאתִי  
לְבַתְּךָ בְּתוּלִים וְאֵלֶּה בְּתוּלֵי בְּתִי וּפְרָשׁוֹ הַשְׁמָלָה לְפָנֵי  
זִקְנֵי הָעִיר: 18 וְלָקְחוּ זִקְנֵי הָעִיר־הַהִוא אֶת־הָאִישׁ וַיִּסְרוּ  
אוֹתוֹ: 19 וַעֲנִשׁוּ אוֹתוֹ מֵאֵה כֶּסֶף וְנָתְנוּ לְאָבִי הַנַּעֲרָה כִּי  
הוּצִיא שֵׁם רָע עַל בְּתוּלַת יִשְׂרָאֵל וְלוֹ־תַּהֲיֶה לְאִשָּׁה  
לֹא־יֻכַּל לְשַׁלְּחָה כָּל־יָמָיו: ׀  
20 וְאִם־יָמָת הָיָה הַדָּבָר הַזֶּה לֹא־נִמְצְאוּ בְּתוּלִים  
לְנַעַר {לְנַעֲרָה}: 21 וְהוּצִיאוּ אֶת־הַנַּעַר {הַנַּעֲרָה} אֶל־פֶּתַח  
בֵּית־אָבִיהָ וּסְקָלוּהָ אֲנָשֵׁי עִירָה בְּאֲבָנִים וּמָתָה כִּי־  
עָשְׂתָה נִבְלָה בְּיִשְׂרָאֵל לְזִנוֹת בֵּית אָבִיהָ וּבַעֲרַת הָרַע  
מִקִּרְבָּךְ: ׀  
22 כִּי־יִמְצָא אִישׁ שֹׁכֵב | עִם־אִשָּׁה בְּעֶלְת־בָּעַל וּמָתוּ  
גַּם־שְׁנֵיהֶם הָאִישׁ הַשֹּׁכֵב עִם־הָאִשָּׁה וְהָאִשָּׁה וּבַעֲרַת  
הָרַע מִיִּשְׂרָאֵל: ׀  
23 כִּי יִהְיֶה נַעַר {נַעֲרָה} בְּתוּלָה מֵאֲרָשָׁה לְאִישׁ וּמִצָּאָה  
אִישׁ בָּעִיר וְשֹׁכֵב עִמָּה: 24 וְהוּצִאתָם אֶת־שְׁנֵיהֶם אֶל־  
שַׁעַר | הָעִיר הַהִוא וּסְקָלָתָם אֹתָם בְּאֲבָנִים וּמָתוּ אֶת־  
הַנַּעַר {הַנַּעֲרָה} עַל־דִּבְרָה אֲשֶׁר לֹא־צִעֲקָה בָּעִיר וְאֶת־  
הָאִישׁ עַל־דִּבְרָה אֲשֶׁר־עָנָה אֶת־אִשְׁתּוֹ רָעוּהוּ וּבַעֲרַת הָרַע  
מִקִּרְבָּךְ: ׀

— RASHI —

מַעֲשֵׂה חֲדוּדִים, שֶׁאֵין אִשָּׁה נִהְיָת מִקֵּם: גַּם. לְרִבּוֹת  
הַבָּאִים מֵאַחֲרֵיהֶם. דָּבָר אַחֵר: "גַּם שְׁנֵיהֶם", לְרִבּוֹת  
אֶת הַזֶּלֶד, שֶׁאִם הָיְתָה מֵעֲבֶרֶת, אֵין מִמֵּיתִין לָהּ עַד  
שֶׁתֵּלֵד: 23 וּמִצָּאָה אִישׁ בָּעִיר. לְפִיכָךְ שֹׁכֵב עִמָּה,  
פֶּרֶץ קוֹרָא לְגַנֵּב, הָא אֵלוּ יִשְׁבֶּה בְּבֵיתָה לֹא אֶרַע  
לָהּ:

17 וּפְרָשׁוֹ הַשְׁמָלָה. הָרִי זֶה מִשָּׁל, מִחוּרֵין הַדְּבָרִים  
כְּשֶׁמִּלָּה: 18 וַיִּסְרוּ אוֹתוֹ. מִלְּקוֹת: 20 וְאִם אָמַת  
הָיָה הַדָּבָר. בְּעוֹדִים וְהַתְּרָאָה, שְׁזִנְתָה לְאַחֵר אַרוּסִין:  
21 אֶל פֶּתַח בֵּית אָבִיהָ. רָאוּ גְדוּלִים שֶׁגִּדְּלָתָם: אֲנָשֵׁי  
עִירָה. בְּמַעֲמַד כָּל אֲנָשֵׁי עִירָה: לְזִנוֹת בֵּית אָבִיהָ.  
כְּמוֹ "בְּבֵית אָבִיהָ": 22 וּמָתוּ גַּם שְׁנֵיהֶם. לְהוּצִיא

they must die: the girl, because she did not cry out for help—for since the crime occurred in the city, she would have been heard had she cried out—and she may therefore be construed to have consented to the crime; and the man, because he violated his neighbor's wife.<sup>72</sup> By executing them, you will eliminate this evil from your midst.

The girl, besides evincing her consent by not having cried out, is also at fault because she exposed herself to danger by venturing outside in lonely, unfrequented areas.

72. See on Numbers 30:7.



17 and behold, he accused her of improper conduct, saying to me, “I did not find evidence of your daughter’s virginity.” But here is the evidence of my daughter’s virginity!’ And the parents **must display** their evidence, making their case as figuratively spotless as a white **sheet before the elders of the city**. The court must examine the testimony of the witnesses of both the husband’s and the wife’s parents, and decide which is to be believed.

18 If they decide in favor of the wife, **the elders of that city must take the man—the husband—and chasten him** by administering lashes to him.

19 **They must furthermore fine him 100 shekels of silver because he slandered a Jewish virgin, and he must give it to the girl’s father**, since, as above, it was her parents who were chiefly implicated in his accusation. **She must continue to be his wife; he may not send her away** (i.e., divorce her) **as long as he lives**, even should he want to.<sup>65</sup>

20 If, on the other hand, **this matter was true**, and indeed, **no evidence of the girl’s virginity was found**, but the testimony of the husband’s witnesses was accepted,

21 **they must take the girl out to the entrance of her father’s house**, as if saying to her parents, ‘see what sort of daughter you have reared!’ The witnesses must then attempt to kill her in the presence of all **the men of her city** by the usual stoning procedure:<sup>66</sup> first by pushing her off an elevation twice her height; if the fall does not kill her, by then casting a heavy stone on her chest; if this, too, fails, the populace **must pelt her with stones**. **She must die for she did a disgraceful thing in Israel, committing adultery** against her betrothed husband while still living **in her father’s house**. **So must you eliminate this evil from your midst**.

### Adultery

22 As you have been taught, adultery is forbidden,<sup>67</sup> and **if a man is found fornicating with a married woman**, and they were both forewarned and then witnessed in the act, **both of them must** be tried by the court and **put to death** by strangulation<sup>68</sup>—**the man who fornicated with the woman as well as the woman**. But this is true only if they engaged in actual coitus, for only in this way are both parties equally guilty of the pleasure they took in the act. By executing them, **you will eliminate this evil from Israel**. The court must execute the adulteress without delay even if she is pregnant. A further party who commits adultery with the adulteress after she has been sentenced is also guilty of adultery and is executed.

23 However, you have also been taught<sup>69</sup> that if the adulteress is the daughter of a priest, she is executed by burning rather than by strangulation. There is another case where the punishment for adultery is not strangulation: **If there is a virgin girl betrothed<sup>70</sup> to a man, and another man finds her in the city and fornicates with her,**

24 **you must take them both to the gate** (i.e., the court) **of that city**, and if it can be proven that they were warned and that the crime was witnessed, and the court convicts them, they must be put to death by *stoning*:<sup>71</sup> by pushing them (separately) off an elevation twice their height; failing that, by casting a heavy stone on their chests; failing that, **you** (the populace) **must pelt them with stones**. Thus

65. *Likutei Sichot*, vol. 29, p. 82. 66. Above, 17:7. 67. Exodus 20:13; Leviticus 18:20. 68. Leviticus 20:10. 69. Leviticus 21:9. 70. See “A Closer Look” on Numbers 30:7; Introduction to the Book of Genesis in this edition of Torah, p. xxviii. 71. Above, 17:7.

ONKELOS

25 ואם בחקלא ישכח גברא ית עולמתא דמארסא ויתקוף בה גברא וישכוב עמה ויתקטל גברא דשכב עמה בלחודה: 26 ולעולמתא לא תעבד מדעם לית לעולמתא חובת דין דקטול ארי כמא דיקום גברא על חברה ויקטלנה נפש בן פתגמא הדין: 27 ארי בחקלא אשכחה צוחת עולמתא דמארסא ולית דפריק לה: 28 ארי ישכח גבר עולמתא בתולתא די לא מארסא ויחדנה וישכוב עמה וישתכחון: 29 ויתן גברא דשכב עמה לאבדהא דעולמתא חמשין סלעין דכסף ולה תהי לאנתו חלף די עניה לית לה רשו למפטרה כל יומיה: 23:1 לא יסב גבר ית אתת אבוהי ולא יגלי כנפא דאבוהי: 2 לא ידבי דפסיק ודמחבל למעל בקהלא די:

25 ואם בשדה ימצא האיש את-הנער {הנערה} המארישה והחזיק-בה האיש ושכב עמה ומת האיש אשר-שכב עמה לבדו: 26 ולנער {ולנערה} לא-תעשה דבר אין לנער {לנערה} חטא מות כי כאשר יקום איש על-רעהו ורצחו נפש בן הדבר הזה: 27 כי בשדה מצאה צעקה הנער {הנערה} המארישה ואין מושיע לה: 8

28 כי-ימצא איש נער {נערה} בתולה אשר לא-ארישה ותפשה ושכב עמה ונמצאו: 29 ונתן האיש השכב עמה לאבי הנער {הנערה} חמשים כסף ולויתתיה לאשה תחת אשר ענה לא-יוכל שלחה בל-ימיו: 8  
23:1 לא יקח איש את-אשת אביו ולא יגלה כנף אביו: 8

2 לא-יבא פצוע-דכא וכרות שפכה בקהל יהוה: 8

RASHI

זה בשני לאוין, ולסמך לה: "לא יבא ממזר", ללמד שאין ממזר אלא מחיבי בריתות, וקל וחמר מחיבי מיתות בית דין, שאין בעריות מיתת בית דין שאין בה כרת: 2 פצוע דכא. שנפצעו או שנדכאו ביצים שלו: וכרות שפכה. שנכרת הגיד, ושוב אינו יורה קלוח ורע, אלא שופך ושותת ואינו מוליד:

26 כי כאשר יקום וגו'. לפי פשוטו זהו משמעו, כי אנוסה היא ובחוקה עמד עליה, באדם העומד על חברו להרגו. ורבותינו דרשו בו: הרי זה בא ללמד ונמצא למד וכו': 1 לא יקח. אין לו בה לקוחין ואין קדושין תופסין בה: ולא יגלה כנף אביו. שומרת יבם של אביו הראויה לאביו. והרי כבר הזהיר עליה משום "ערות אחי אביו"? אלא לעבור על

13. סנהדרין ע, א.

cloak, i.e., fornicate with his sister-in-law who is waiting for him to either marry her or release her.

## Restrictions on Conversion and Marriage

2 A Jewish man with injured testicles or whose reproductive organ is cut such that his reproductive seed oozes rather than ejaculates, thus disabling him from having children naturally, may not enter the assembly of God by marrying a born Jewess. He may, however, marry a convert or a freed bondwoman.<sup>79</sup>

79. Mishneh Torah, Isurei Biah 16:1.



**25 But if a man finds the betrothed girl in the field, and the man overpowers her and fornicates with her, then,** if it can be proven in court that the assailant was warned and the crime was witnessed, and the court convicts him, **only the man who fornicated with her must be put to death.**

**26** In this case, **you must take no punitive action against the girl. The girl presumably did not commit adultery, which is a sin deserving of death, for just as a man rises up against his fellow and murders him, so is this case,**

**27 because he found her in the field: the betrothed girl may be presumed to have cried out, but there was no one to rescue her.**

The cases of murder and violation of a betrothed woman share additional similarities, as well: in both cases, if a person is given the choice to commit the sin or be killed, he must surrender his life rather than commit the crime; and in both cases, it is permissible to prevent the crime by killing the assailant.

### Ravishment

**28** You have been taught<sup>73</sup> that if a man seduces a virgin who is not betrothed, he must marry her. Similarly, **if a man finds a virgin girl who was not betrothed, but in this case does not seduce her but seizes her and fornicates with her, and they are discovered, i.e., witnessed,**

**29 then the man who fornicated with her must give fifty shekels of silver to the girl's father, and, if she and her father so desire, he must marry her: she must become his wife because he violated her. He may not send her away (i.e., divorce her) without cause as long as he lives.**<sup>74</sup>

### Forbidden Marriages

**23:1** You have been taught<sup>75</sup> that you may not fornicate with your father's wife, even if she is not your mother. Furthermore, **a man may not take his father's wife in marriage** (if, for example, the father had died or divorced the step-mother), and if he does, the marriage has no legal validity.

You have been taught<sup>76</sup> that a man may not fornicate with his father's sister-in-law. You will soon be taught<sup>77</sup> that if a married man dies childless, his brother is required to either marry the widow or release her formally from this obligation to marry him. If a person's paternal uncle had died and his widowed aunt is waiting for his father to either marry her or to release her from her obligation to marry him, the son's fornication with her (still) falls under the prohibition against fornication with one's father's sister-in-law. Besides this, however, fornication with one's aunt in this specific situation is subject to an additional prohibition (which obligates the transgressor to offer up a second, additional sin-offering if he commits the crime unintentionally<sup>78</sup>): that one **may not figuratively uncover the corner of his father's**

<sup>73</sup> Exodus 22:15-16. <sup>74</sup> *Mishneh Torah, Na'arah Betulah* 1:3-7. <sup>75</sup> Leviticus 18:7-8. <sup>76</sup> Leviticus 18:14. <sup>77</sup> Below, 25:5-10. <sup>78</sup> See Maimonides, *Sefer HaMitzvot*, Negative Commandment 351.

— ONKELOS —

3 לא ידבי ממזרא למעל בקהל לא ידבי לה  
דיי אף דרא עשירא לא ידבי לה  
למעל בקהל דיי: 4 לא ידבון  
עמונאי ומואבאי למעל בקהל  
דיי אף דרא עשירא לא ידבי  
להון למעל בקהל דיי עד עלם:  
5 על עסק די לא ערעו יתבון  
בלחמא ובמאי בארמא במפקבון  
ממזרים ודי אגר עלך ית בלעם  
בר בעור מפתור ארם די על פרת  
ללשיתך: 6 ולא אבא יי אלהך  
לקבלא מן בלעם ויהפך יי אלהך  
לך ית לוטין לברכין ארי רחמך  
יי אלהך: 7 לא תתבע שלמהון  
וטבתהון כל יומיך לעלם: 8 לא  
תרחק אדומא ארי אחור הוא  
לא תרחק מערא ארי דיר הוית  
בארעה: 9 בגין די יתגידו להון  
דרא תליתא ידבי להון למעל  
בקהל דיי:

3 לֹא־יָבֹא מִמּוֹזַר בְּקֹהֶל יְהוָה גַּם דּוֹר עֲשִׂירֵי לֹא־יָבֹא לְבִקְהַל יְהוָה: 8

4 לֹא־יָבֹא עֲמוּנֵי וּמוֹאָבִי בְּקֹהֶל יְהוָה גַּם דּוֹר עֲשִׂירֵי לֹא־יָבֹא לָהֶם בְּקֹהֶל יְהוָה עַד־עוֹלָם: 5 עַל־דָּבָר אֲשֶׁר לֹא־קִדְּמוּ אֶתְכֶם בַּלָּחֶם וּבַמִּים בַּדֶּרֶךְ בְּצֵאתְכֶם מִמִּצְרַיִם וְאֲשֶׁר שָׁכַר עָלֶיךָ אֶת־בָּלְעָם בֶּן־בְּעוֹר מִפְתּוֹר אֲרָם גִּהְרִים לְקַלְלֶךָ: 6 וְלֹא־אָבָה יְהוָה אֱלֹהֶיךָ לִשְׁמֹעַ אֶל־בָּלְעָם וַיִּהְיֶה יְהוָה אֱלֹהֶיךָ לְךָ אֶת־הַקְּלָלָה לְבִרְכָּה כִּי אָהַבְךָ יְהוָה אֱלֹהֶיךָ: 7 לֹא־תִדְרֹשׁ שְׁלָמָם וְטַבְתָּם כָּל־יְמֶיךָ לְעוֹלָם: 8

◆ רביעי 8 לֹא־תִתְעַב אֲדָמִי כִּי אֲחִיךָ הוּא לֹא־תִתְעַב מִצְרֵי כִּי־גַר הֵייתָ בְּאַרְצוֹ: 9 בָּנִים אֲשֶׁר־יִוָּלְדוּ לָהֶם דּוֹר שְׁלִישִׁי יָבֹא לָהֶם בְּקֹהֶל יְהוָה: 8

— RASHI —

אף על פי שזרקו וכוורכם לזאור. מה טעם? שהיו  
לכם אכסניא בשעת הדחק, לפיכך: 9 בָּנִים אֲשֶׁר  
יִוָּלְדוּ לָהֶם דּוֹר שְׁלִישִׁי וְגו'. ושאר האמות מתרין מיד,  
הא למדת, שהמחטיא לאדם קשה לו מן ההורגו,  
שההורגו הורגו בעולם הזה, והמחטיא מוציא  
מן העולם הזה ומן העולם הבא. לפיכך אדום  
שקדמם בחרב לא נתעב, וכן מצרים שטבעום, ואלו  
שהחטיאום נתעבו:

3 לֹא יָבֹא מִמּוֹזַר בְּקֹהֶל ה'. לא ישא ישראלית: 4 לֹא  
יָבֹא עֲמוּנֵי. לא ישא ישראלית: 5 עַל דָּבָר. על  
העצה שיעצו אתכם להחטיאכם, בדכתיב: "בדבר  
בלעם". בדרך. כשהייתם בטרופ: 7 לֹא תִדְרֹשׁ  
שְׁלָמָם. מכלל שנאמר: "עמך ישב בקרבך", יכול  
אף זה בן תלמוד לומר: "לא תדרש שלמם": 8 לֹא  
תִתְעַב אֲדָמִי. לגמרי, ואף על פי שאוי לך לתעבו,  
שיצא בחרב לקראתך: לֹא תִתְעַב מִצְרֵי. מכל וכל,

14. במדבר לא, טו. 15. לחן פסוק יז.

### ~ A CLOSER LOOK ~

**[4-9] Restrictions on Conversion based on Nationality:** Nowadays, these restrictions no longer apply, since already in the era of the First Temple (6th century BCE), King Sennacherib of Assyria mingled all the non-Jewish nations in his empire—including these—together. It is therefore

no longer possible to definitively determine who is a Moabite, Ammonite, Edomite, or Egyptian; therefore, any non-Jew who desires to convert is presumed to be one of the majority of gentiles, whose converts are permitted to marry born Jews without restriction.<sup>92</sup>

92. Berachot 28a, based on Isaiah 10:13.

3 A bastard is defined as someone born of any forbidden union punishable by excision (when committed without having been witnessed and therefore not subject to being tried in court),<sup>80</sup> except union with a menstruant.<sup>81</sup> Such a **bastard may not enter the assembly of God** by marrying a legitimate born Jew. A bastard may, however, marry another bastard or a convert.<sup>82</sup> **Even the tenth generation** descendant of a bastard, and in fact all his or her descendants for all time, **may not enter the assembly of God**.

4 As you know, Ammon and Moab were the bastard sons of Lot.<sup>83</sup> Thus, in accordance with the above rule, a male **Ammonite or Moabite**, even if he converts to Judaism, **may not enter the assembly of God** by marrying a born Jewess. **Even the tenth generation** male descendant of the Ammonite or Moabite convert, and in fact all his male descendants **for all time may never enter the assembly of God**,

5 **because**, in addition, the Ammonites and Moabites **did not greet you with bread and water** when you were exhausted from **traveling** through the desert<sup>84</sup> **after you left Egypt, and because** the people of Moab **hired Balaam the son of Beor from Petor in Aram Naharaim against you, to curse you**,<sup>85</sup> and themselves enticed you into sinning by his wicked counsel at Shitim.<sup>86</sup>

6 **But God, your God, did not want to listen to Balaam, so God, your God, transformed the curse into a blessing for you**,<sup>87</sup> **because God, your God, loves you**.

7 **You must not ever look out for their welfare or their good, all your days**. Even though you must otherwise allow escaped slaves to seek asylum in your land,<sup>88</sup> you may not grant asylum to escaped Ammonite or Moabite slaves.

- ◆ *Fourth Reading* 8 In contrast, **you must not** similarly **despise an Edomite** by not allowing him to ever marry into your fold—even though the Edomites were hostile to you during your desert trek<sup>89</sup>—**for**, by virtue of being a descendant of Jacob's brother Esau,<sup>90</sup> **he is your brother**. Likewise, **you must not** similarly **despise an Egyptian** by not allowing him to ever marry into your fold—even though the Egyptians murdered your children—**for you were a sojourner in his land** and were sustained there when there was a famine in your own land.

9 Rather, **children who are born** to Edomites of Egyptians in **the third generation** after their conversion **may enter the assembly of God** by marrying born Jews.

Thus you see that causing someone to sin (as the Moabites did to you) is more harmful than actual violence (which the Edomites sought to inflict upon you) or murder (which the Egyptians perpetrated against you); therefore, those guilty of the first crime are to be excluded from the Jewish people forever, whereas those guilty of the second and third are to be excluded only for two generations.

Converts from other nations, however, as well as female Ammonite and Moabite converts,<sup>91</sup> may marry born Jews immediately upon conversion.

80. See Leviticus 18:29; Rashi on v. 1, above. 81. *Yevamot* 49a; *Mishneh Torah, Isurei Biah* 15:1. 82. *Mishneh Torah, Isurei Biah* 15:7.

83. Genesis 19:30-38. 84. Numbers 20:21. 85. Numbers 22:2-6. 86. Numbers 25. 87. Numbers 23:1-24:13. 88. Below, vv. 16-17.

89. Numbers 20:14-21. 90. Genesis 36. 91. *Mishneh Torah, Isurei Biah* 12:18.

— ONKELOS —

10 ארי תפוק משריתא על בעלי דבבך ותסתמור מכל מדעם ביש: 11 ארי יהי כך גבר די לא יהי דכי מקרי ליליא ויפוק למבא למשריתא לא יעול לגו משריתא: 12 ויהי למפני רמשא יסחי במיא וכמעל שמשא יעול לגו משריתא: 13 ואתר מתקן יהי לך מבא למשריתא ותפוק תמן לבא: 14 וסבא תהי לך על זינך ויהי במתבך בבא ותחפר בה ותתוב ותכסי ית מפקתך: 15 ארי יי אלהך שכינתה מזהלכא בגו משריתך לשבותרך ולממסר בעלי דבבך קדמך ותהי משריתך קדישא ולא יתחזי כך עברת פתגם ויתוב מימרה מלאוטבא לך: 16 לא תמסר עבד עממין ליד רבונה דישתעב לותך מן קדם רבונה: 17 עמך יתב בינך באתרא די יתריע בחדא מן קרויך בדייטב לה לא תונגה:

10 כִּי־תֵצֵא מִתְּנָה עַל־אִבֶּיךָ וְנִשְׁמַרְתָּ מִכָּל דְּבַר רָע:  
11 כִּי־יִהְיֶה בְךָ אִישׁ אֲשֶׁר לֹא־יִהְיֶה מְהוֹר מְקַרְה לִילָה וַיֵּצֵא אֶל־מַחוּץ לַמִּתְנָה לֹא יָבֹא אֶל־תּוֹךְ הַמִּתְנָה:  
12 וְהָיָה לַפְּנוֹת־עָרֵב יִרְחֵץ בַּמַּיִם וְכָבֹא הַשֶּׁמֶשׁ יָבֹא אֶל־תּוֹךְ הַמִּתְנָה: 13 וְיָד תִּהְיֶה לְךָ מַחוּץ לַמִּתְנָה וַיֵּצֵאתָ שָׁמָּה חוּץ: 14 וַיִּתֵּד תִּהְיֶה לְךָ עַל־אַנְגָּה וְהָיָה בְּשִׁבְתְּךָ חוּץ וְחִפְרִיתָ כֹּה וְשִׁבְתָּ וְכִסִּיתָ אֶת־צִאֲתֶיךָ: 15 כִּי יִהְיֶה אֶל־יָדְךָ מִתְּהַלֵּךְ בְּקָרֵב מִתְנֶךָ לְהַצִּילְךָ וְלִתֵּת אִבֶּיךָ לַפְּנֵיךָ וְהָיָה מִחֲנִיד קָדוֹשׁ וְלֹא־יֵרָאֶה בְךָ עֲרוֹת דָּבָר וְיֵשֵׁב מֵאַחֲרֶיךָ: ׀

16 לֹא־תִסְגִּיר עֶבֶד אֶל־אֲדָנָיו אֲשֶׁר־יִנְצֵל אֵלָיְךָ מֵעַם אֲדָנָיו: 17 עַמְּךָ יֵשֵׁב בְּקִרְבְּךָ בַּמָּקוֹם אֲשֶׁר־יִבְחַר בְּאַחַד שְׁעָרֶיךָ בְּטוֹב לוֹ לֹא תוֹנְנוּ: ׀

— RASHI —

"איש על ידו": מחוץ למחנה. חוץ לענן: 14 על אונגה. לבד משאר כלי תשמישך: אונגה. כמו "כלי זינך": ולא יראה בך. הקדוש ברוך הוא "ערוות דבך": 16 לא תסגיר עבד. כתרגומו. דבר אחר: אפלו עבד פנעני של ישראל, שברח מחוצה לארץ לארץ ישראל:

10 כי תצא וגו' ונשמרת. שהשטן מקטרג בשעת הספנה: 11 מקרה לילה. דבר הכתוב בהנה: ויצא אל מחוץ למחנה. זו מצות עשה: ולא יבא אל תוך המחנה. זו מצות לא תעשה. ואסור לכנס למחנה לילה, וכל שכן למחנה שכינה: 12 והיה לפנות ערב. סמוך להערב שמשו וטבל, שאינו טהור בלא הערב שמש: 13 ויד תהיה לך. כתרגומו "ואתר", כמו:

16. במדבר ב, יז.

17 Rather, **he must be allowed to reside among you wherever he chooses within any of your cities, where it is good for him.** The court must instruct his master, if Jewish, to free him, thus making him a convert to Judaism, and his value on the slave market becomes a debt that he must pay to his former master when he is able to. Just as you must not taunt an ordinary convert about his past,<sup>99</sup> **you must also not taunt** this former slave, who is now a convert.

However, if a non-Jewish slave flees from his Jewish master who lives *inside* the Land of Israel, you may return him to him.

99. Exodus 22:20; Leviticus 19:33.

## Purity of the Army Camp

10 Although you must of course be careful at all times to behave properly, **when you go forth as a military camp against your enemies, you must be especially wary of doing any evil thing**, for, as you know,<sup>93</sup> the accusing angel (Satan) prosecutes against people particularly when they enter into a dangerous situation.

11 As you know,<sup>94</sup> if a man has a seminal emission, he must remain outside the inner two camps of your traveling formation<sup>95</sup> until purifying himself. You must maintain similar standards of ritual purity in your military camp. Thus, **if there be among you in your military camp a man who becomes ritually defiled due to a nocturnal (or diurnal) seminal emission, he must go outside the camp. He must not re-enter the camp** until he purifies himself according to the prescribed procedure:<sup>96</sup>

12 During the day — **towards evening** at the latest — **he must immerse himself in the water of a mikveh, and then, when the sun sets** and he is thereby rendered ritually pure, **he may re-enter the camp.**

13 Just as you must maintain the highest standards of ritual purity in your military camp, so must you maintain proper hygienic standards, as well. Thus, just as you have latrines outside the camps of your traveling formation,<sup>97</sup> **you must similarly have a designated place outside the military camp, so that you can go out there** to use it as a latrine.

14 Furthermore, **you must keep a stake on your person in addition to your weapons, and when you sit down outside** to relieve yourself, **you must dig with it, and thus, rather than just walking away, you must turn back and cover your excrement.**

15 **For God, your God, accompanies you in the midst of your military camp, to rescue you and to deliver your enemies before you.** Therefore, **your camp must be kept holy, so that He not see anything unseemly in you and because of that turn away, so to speak, from you,** withdrawing His protection.

## Slavery

16 **You may not hand over a Jewish slave to his non-Jewish master if he has fled from him and seeks refuge with you from his master.** Similarly, when a non-Jewish<sup>98</sup> slave flees from his Jewish master living outside the Land of Israel and seeks refuge with you inside the Land of Israel, **you may not hand over such a slave to his master if he seeks refuge with you from his master.** In both these cases, the slave, by fleeing his master, has demonstrated that he seeks to free himself from his non-holy milieu (i.e., either the non-Jewish master or the non-Jewish land); this being the case, you must not return him to the negative influences of such an environment.

93. Genesis 42:4. 94. Numbers 5:2. 95. See Numbers 1:54. 96. Leviticus 15:16. 97. Numbers 5:2. 98. *Sefer HaZikaron; Nachalat Ya'akov; Mishneh Torah, Avadim* 8:10.

— ONKELOS —

18 לא תהי אתמא מבנת ישראל לגבר עבדא ולא יסב גברא מבני ישראל אתמא אמה: 19 לא תעל אגר זניתא וחולפן בלבא לבית מקדשא דיי אלהך לכל נדר ארי מרקס קדם יי אלהך אף תרויהון: 20 לא תרבי לאחור רבית כסף רבית עבד רבית כל מדעם דמיתרבי: 21 לבר עממין תרבי ולאחור לא תרבי בדיל דיברכך יי אלהך בכל אושטות ידך על ארעא די את עלל לתמן למירתה: 22 ארי תדר נדר קדם יי אלהך לא תאחר לשלמותה ארי מתבע יתבענה יי אלהך מנף ויהי בר חובא: 23 וארי תתמנע מלמדור לא יהי בר חובא: 24 אפקות ספותך תשר ותעבד כמא די נדרת קדם יי אלהך נדבתא די מללת בפמך:

18 לא־תהיה קדשה מבנות ישראל ולא־יהיה קדש מבני ישראל: 19 לא־תביא אתנן זונה ומחיר כלב בית יהוה אלהיך לכל־נדר כי תועבת יהוה אלהיך גם־שניהם: ם

20 לא־תשיך לאחריך נשך כסף נשך אכל נשך כל־דבר אשר ישך: 21 לנכרי תשיך ולאחריך לא תשיך למען יברכך יהוה אלהיך בכל משלח ידך על־הארץ אשר־אתה בא־שמה לרשתה: ם

22 כִּי־תדר נדר ליהוה אלהיך לא תאחר לשלמו כִּי־דרש ידרשנו יהוה אלהיך מעמד ויהי בך חטא: 23 וכי תתהל לנדר לא־יהיה בך חטא: 24 מוצא שפתיך תשמר ועשית כאשר נדרת ליהוה אלהיך נדבה אשר דברת בפיו: ם

— RASHI —

טלה באתננה, פסול להקרב: ומוחיר כלב. החליף שזה בכלב: גם שניהם. לרבות שנוייהם, כגון חטים ועשאן סלת: 20 לא תשיך. אוקרה ללנה, שלא יתן רבית למלוה. ואחר כך אוקרה למלוה: "את כספך לא תתן לו בנשך": 21 לנכרי תשיך. ולא לאחיה, לאו הבא מכלל עשה — עשה, לעבור עליו בשני לאוין ועשה: 22 לא תאחר לשלמו. שלשה רגלים. ולמדוהו רבותינו מן המקרא: 24 מוצא שפתיך תשמר ועשית. לתן עשה על לא תעשה:

18 לא תהיה קדשה. מפקרת, מקדשת ומזמנת לזנות: ולא יהיה קדש. מזמן למשכב זכר. ואנקלוס תרגם: "לא תהא אתמא מבנת ישראל לגבר עבדא", שאף זו מפקרת לבעילת זנות היא, מאחר שאין קדושין תופסין לו בה, שהרי הוקשו לחמור, שנאמר: "שבו לכם פה עם החמור" — עם הדומה לחמור. "ולא יסב גברא מבני ישראל אתמא אמה", שאף הוא נעשה קדש על ידה, שכל בעילותיו בעילות זנות, שאין קדושין תופסין לו בה: 19 אתנן זונה. נתן לה

17. בראשית כב, ה. 18. ויקרא כה, לו. 19. ביצה יט, ב.

24 In addition to being subject to a restrictive commandment—not delaying the fulfillment of a vow — this rule is also subject to an active commandment: **Observe and do whatever issues from your lips exactly as you have vowed to God, your God.** The same applies to a sacrificial dedication<sup>104</sup> that you have uttered with your mouth.

#### ~ A CLOSER LOOK ~

[18] A male prostitute: The Torah has already declared male homosexuality a capital offense,<sup>105</sup> so it makes no sense to legislate additional punishment for someone who makes this activity into his profession. Therefore, the Oral Law un-

derstands the import of this verse to be referring to the passive participant in male homosexuality, making him liable to the same punishment as the active participant.<sup>106</sup>

104. See Leviticus 7:16. 105. Leviticus 18:22. 106. Sanhedrin 54b.



## Prostitution

18 As you have been taught,<sup>100</sup> **there must be no prostitute among the daughters of Israel, and there must be no male prostitute**, available for homosexual relations, **among the sons of Israel**.

Similarly, a Jewish woman may not marry a non-Jewish bondman, nor may a Jewish man marry a non-Jewish bondwoman. Even though these non-Jewish bondservants are obligated to observe some commandments,<sup>101</sup> they are nevertheless not full Jews; as such, no marriage tie can exist between them and full Jews. Thus, any fornication between Jews and them is akin to prostitution.

19 If, nevertheless, someone does work as a prostitute, or if there is a non-Jewish prostitute among you, **you may not bring** what was paid as **a prostitute's fee** as a sacrifice. Nor may you bring what was paid as **the price of a dog** as a sacrifice. Neither of these may be brought **to the House of God, your God**, (i.e., the Tabernacle or the Temple) **in order to fulfill any sacrificial vow, because both of them are an abomination to God, your God**—the prostitute's fee because it is the result of prostitution, and the price of a dog because dogs are prone to brazenness and often inflict damage.<sup>102</sup>

Even if the form of the original payment was changed—for example, if the prostitute was paid with grapes, which were then made into wine; or she was paid with olives, which were then pressed into oil, etc.—the resultant product is still forbidden to be offered up.

## Interest

20 As you have been taught,<sup>103</sup> you may not *take* interest on loans. In addition, when you pay back a loan, **you must not pay interest to your brother**, whether it be **interest on money, interest on food, or interest on any other item on which interest is normally taken** when given as a loan.

21 **You may however, pay interest to a gentile** on a loan you took from him. **But you must not pay interest to your brother, in order that God, your God, bless you in all your endeavors on the land that you are entering in order to possess.**

Thus, someone who pays interest to a fellow Jew transgresses three commandments: the two statements of the restrictive commandment in these two verses and the one active commandment (paying interest *only* to gentiles) in the second verse.

## Sacrificial Vows

22 **When you make a vow** to offer up a sacrifice **to God, your God, you must not delay in fulfilling it** by letting three pilgrim festivals pass before offering up the sacrifice, **for God, your God, will demand it of you, and it will be counted as a sin for you.**

23 On the other hand, **if you refrain from making sacrificial vows** to begin with, **you will not accrue any sin**. So be careful not to make sacrificial vows that you are not reasonably sure you will be able to fulfill.

100. Leviticus 19:29. 101. See on Exodus 19:5. 102. Nachmanides; Ibn Ezra. 103. Exodus 22:24; Leviticus 25:36-37.

— ONKELOS —

25 ארי תתגר בכרמא דחברך  
ותיכול ענבין כנפשוך שבעך ולמך  
לא תתן: 26 ארי תתגר בקמתא  
דחברך ותקטף דמלון בידך ומגלא  
לא תרים על קמתא דחברך:  
24:1 ארי יסב גבר אתתא ויבעלנה  
ויהי אם לא תשכח רחמין בעיניה  
ארי אשכח בה עברת פתגם ויכתב  
לה גט פטורין ויתן בידה ויפטורנה  
מביתה:

◆ חמישי 25 כי תבא בכרם רעך ואכלת ענבים כנפשוך  
שבעך ואל-כליך לא תתן: ם  
26 כי תבא בקמת רעך וקטפת מלילת בידך וחרמש  
לא תניף על קמת רעך: ם  
24:1 כִּי־יִקַּח אִישׁ אִשָּׁה ויִּבְעֶלָהּ וְהָיָה אִם־לֹא תִמְצָא־תָן  
בְּעֵינָיו כִּי־מֵצָא בָּהּ עֲרוּת דָּבָר וְכָתַב לָהּ סֵפֶר בְּרִיתָתָהּ  
וְנָתַן בְּיָדָהּ וּשְׁלָחָה מִבֵּיתוֹ:

— RASHI —

שכרו לעדור ולקשקש — אינו אוכל: 26 כי תבא  
בקמת רעך. אף זו בפועל הכתוב מדבר: 1 כי מצא  
בה ערות דבר וגו'. מצוה עליו לגרשה, שלא תמצא  
חן בעיניו:

25 כי תבא בכרם רעך. בפועל הכתוב מדבר: כנפשוך.  
כמה שתירצה: שבעך. ולא אכילה גסה: ואל כליך לא  
תתן. מכאן שלא דברה תורה אלא בשעת הבציר,  
בזמן שאתה נותן לכליו של בעל הבית, אבל אם

## — CHASIDIC INSIGHTS —

Divine beneficence. We are then informed that this outpouring of Divine loving-kindness is also given to those who have yet to reach this exalted level of

Divine consciousness, but who are aware of the necessity to maintain the more basic level of a duty-bound connection to God.<sup>112</sup>

## A CLOSER LOOK

**[26] Tithing...the first of the dough:** The obligation to tithe grain (*ma'aser*) takes effect only once the grain has been winnowed and gathered into smooth piles;<sup>113</sup> the obligation to set aside the first portion of the dough (*challah*) for the priests takes effect only once the grain has been ground into flour and mixed with water to make dough.<sup>114</sup> Thus, if the grain is being grown in order to eventually be made into bread, the worker may eat from the grain until it is made into dough. Similarly, grapes grown to be made into wine and olives grown to be made into oil are not subject to the obligation of tithing until they have been made into their respective products; in contrast, if they are grown to be eaten as fruits, they are subject to the obligation of tithing as soon as they are harvested.<sup>115</sup>

**Foods that are not subject to any specific commandments:** The Written Torah only subjects grain, wine, and olive-oil to the obligation to separate *terumah* and *ma'aser* from them. Other vegetables and fruits are subject to these obligations by Rabbinic decree.<sup>116</sup>

**[1] Divorce:** From the wording of this verse, it is clear that only the husband can legally initiate divorce proceedings. If the wife, however, feels that there are grounds for divorce and the husband does not agree, she may present her case to the court, and if it is found to be just, they are allowed to force the husband to divorce his wife.<sup>117</sup> The wife, however, may not be divorced against her will.<sup>118</sup>

Grounds for divorce are defined here as “an unseemly matter.” This somewhat vague term is understood in Jewish law to include a wide range of circumstances, including (but not limited to) incompatibility, physical impediments to marital relations, childlessness, various types of mistreatment, verbal or physical abuse, irreligion, irresponsibility, spiteful behavior, and infidelity.<sup>119</sup>

Nevertheless, the high value that the Torah places on marital harmony—witnessed by the fact that Aaron is praised as promoting peace between husband and wife<sup>120</sup> and that God allows His Name to be erased in order to rehabilitate a

112. *Likutei Sichot*, vol. 34, p. 129. 113. *Mishneh Torah*, *Ma'asrot* 3:13. 114. *Mishneh Torah*, *Bikurim* 8:4. 115. *Mishneh Torah*, *Ma'asrot* 3:10. 116. Rashi on *Berachot* 36a, s.v. *Gabei ma'aser*. 117. *Mishneh Torah*, *Geirushin* 2:20; *Shulchan Aruch*, *Even HaEzer* 134:5. 118. *Mapah* on *Shulchan Aruch*, *Even HaEzer* 119:6. 119. *Shulchan Aruch*, *Even HaEzer* 119 and commentaries. 120. Numbers 20:29.



## Workers' Perquisites

- ◆ **Fifth Reading 25** If you have been hired as a harvester and, in this capacity, **you enter your neighbor's vineyard** during the harvest season, **you may eat as many grapes as you desire**, but only **until you are sated**, **but you may not put any into your container** to eat later. However, if you are an employee not working specifically at harvesting, you are not allowed this privilege.

**26** Similarly, if you have been hired as a harvester and, in this capacity, **you enter your neighbor's field of standing grain** during the harvest season, **you may pick the ears of grain manually** in order to eat the kernels, **but you may not lift a sickle upon your neighbor's standing grain** to cut any of it for yourself.

This perquisite is limited to situations in which (a) you are working with vegetative product (as opposed to milk, cheese, etc.) and (b) the produce has not been processed to the point that it has become liable to all the commandments that (otherwise) devolve upon it before it may be eaten (e.g., tithing<sup>107</sup> in the case of grapes grown for eating, or setting aside the first of the dough<sup>108</sup> in the case of grain grown to be made into bread).<sup>109</sup> If you are working with vegetative produce that is not subject to *any* specific commandments before being eaten, you may eat from it only until it has reached similar stages in its processing.<sup>110</sup>

Despite your employer's obligation to allow you eat as you work, he is not punished if he prevents you from doing so.<sup>111</sup>

## Divorce

**24:1** If a man takes a wife and has marital relations with her, and she becomes unfavorable to him because he discovers in her an unseemly moral matter, he should write her a bill of divorce and place it into her hand, and thus send her away from his house.

### — CHASIDIC INSIGHTS —

**25-26** If you have been hired: On an allegorical level, the neighbor in these verses, who owns the vineyard and field and employs the laborers, alludes to God, and the laborer who works in them alludes to the Jew, who is created to serve his Master.

In this context, working the grain field represents our duty-bound acceptance of our obligation to perform God's will in fulfillment of our Divine mission. Just as grain is the basic, necessary component of the diet, so is the most fundamental aspect of our relationship with God the acceptance of His sovereignty and observance of His commandments precisely as He wishes.

Working the vineyard, on the other hand, alludes to the deeper relationship with God that is characterized by the experience of sublime pleasure. Just as the grapes are a sweet addition to the normal sta-

ples of the diet, so does this aspect of our relationship take us beyond the letter of the law. When we are spiritually mature enough to feel pleasure and joy in the revelation of Godliness, we are inspired to express our awareness of God in all facets of our lives, not only in the ways the Torah expressly requires us to do so.

With this in mind, we can understand why the Torah first discusses the right of the laborer to eat the sweet fruit of the vineyard before it mentions his right to eat grain, even though grain is the more basic food. We are first informed that those who experience sublime pleasure in their relationship with God and are thereby inspired to exert themselves to fulfill their Divine mission beyond the letter of the law will be rewarded by receiving further, more transcendent revelations of Divinity and

<sup>107</sup>. Numbers 18:21. <sup>108</sup>. Numbers 15:17-21. <sup>109</sup>. Rashi on 25:4, below; *Bava Metzia* 89a and Meiri *ad loc.*; *Shulchan Aruch* 4:337:2-3. <sup>110</sup>. *Tosefot* on *Bava Metzia* 29a, s.v. *VehaBodel BeTemarim*. <sup>111</sup>. Rashi on 25:4; *Mizrachi ad loc.*; *Mishneh Torah*, *Sechirut* 13:2; *Shulchan Aruch* 4:337:1.

ONKELOS

2 ותפוק מביתו ותהיך ותהי לגבר  
אחרו: 3 ויסננה גברא בתרא  
ויכתב לה גט פטורין ויתן בידה  
ויפטורנה מביתה או ארי ימות  
גברא בתרא דנסבה לה לאנתו:  
4 לית לה רשו לבעלה קדמא  
די פטרה למתוב למסבה למחוי  
לה לאנתו בטר די אסתאבת ארי  
מרחקא היא קדם יי ולא תחייב ית  
ארעא די יי אלהי יחב לך אחסנא:  
5 ארי יסב גבר אתתא חדתא לא  
יפוק בחילא ולא יעבר עלוהי לכל  
מדעם פני יחי לביתה שתא חדא  
ויחדי ית אתתה די נסב: 6 לא יסב  
משכונא רחיא ורכבא ארי בהון  
מתעבד מזון לכל נפש: 7 ארי  
ישתכח גבר גנב נפשא מאחוריה  
מבני ישראל ויתגר בה ויזננה  
ויתקטל גנבא ההוא ותפלי עבד  
דביש מבינה:

2 ויצאה מביתו והלכה לאיש אחר: 3 וסננה  
האיש האחרון וכתב לה ספר כריתת ונתן בידה  
ושלחה מביתו או כי ימות האיש האחרון אשר לקחה  
לו לאשה: 4 לא יוכל בעלה הראשון אשר שלחה  
לשוב לקחתה להיות לו לאשה אחרי אשר הטמאה  
ביתועבה הוא לפני יהוה ולא תחטיא את הארץ  
אשר יהוה אלהיך נתן לך נחלה: 5

ששי 5 כי יקח איש אשה חדשה לא יצא בצבא ולא  
יעבר עליו לכל דבר נקי יהיה לביתו שנה אחת ושמה  
את אשתו אשר לקח: 6 לא יחבל רחים ורכב כי נפש  
הוא חבל: 7

7 כי ימצא איש גנב נפש מאחיו מבני ישראל  
והתעמר בו ומכרו ומת הגנב ההוא ובערת הרע  
מקרבך: 8

RASHI

יהיה לביתו. אף בשביל ביתו — אם בנה בית  
וחנכו, ואם נטע כרם וחללו, אינו זו מביתו בשביל  
צרכי המלחמה: לביתו. זה ביתו: יהיה. לרבות את  
כרמו: ושמה. ישמה את אשתו. ותרגומו: ויחדי ית  
אתתה. והמתרגם ויחדי עם אתתה טועה הוא,  
שאין זה תרגום של "ושמה" אלא של "ושמה":  
6 לא יחבל. אם בא למשכנו על חובו בבית דין, לא  
ימשכנו בדרכים שעושים בקוץ אכל נפש: רחים. היא  
התחונה: ורכב. היא העליונה: 7 כי ימצא. בעדים  
והתראה. וכן כל "כי ימצא" שבתורה: והתעמר בו.  
אינו חייב עד שישתמש בו:

2 לאיש אחר. אין זה בן זוגו של ראשון, הוא הוציא  
רשעה מתוך ביתו, וזה הכניסה: 3 וסננה האיש  
האחרון. הכתוב מבשרו שסופו לשנאתה, ואם לאו  
— קוברתו, שנאמר: "או כי ימות": 4 אחרי אשר  
הטמאה. לרבות טוטה שנסתרה: 5 אשה חדשה.  
שהיא חדשה לו, ואפלו אלמנה, פרט למחזיר  
גרושתו: ולא יעבר עליו. דבר העבא: לכל דבר.  
שהוא צרך העבא, לא לספק מים ומזון, ולא לתקן  
דרכים. אכל החוזרים מעורכי המלחמה על פי  
כדון, כגון: בנה בית ולא חנכו, או ארס אשה ולא  
לקחה, מספיקין מים ומזון, ומתקנין את הדרכים:

## A CLOSER LOOK

[continued...] shaky marriage<sup>125</sup> — has always rendered divorce a last resort. In the sages' words, "When a man divorces the wife of his youth, the altar itself sheds tears."<sup>126</sup> Thus, despite the broad range of legal grounds for divorce, divorce has historically been relatively rare in Jewish life. This is largely due to the innate resilience of the Jewish marriage, which, in addition to be-

ing attributable to the Torah's guidelines for human behavior in general, is largely attributable to the laws governing the periodicity of marital relations.<sup>127</sup>

If, however, divorce is determined to be justifiable, the Torah attaches no stigma to it; it is considered a perfectly legitimate release from an unviable relationship.

121. Cf. above, 20:8. 122. See above, 20:5-6. 123. Exodus 21:16. 124. *Mishneh Torah, Geneivah* 9:2. 125. See on Numbers 5:23. 126. *Gittin* 90b, based on Malachi 2:11-15. 127. See on Leviticus 15:19-32.

2 If, after she leaves his house, she goes and marries another man without having mended her ways, and this man marries her despite her persistent, unseemly moral behavior,

3 the latter husband will eventually either come to hate her and write her, too, a bill of divorce, place it into her hand, and thus send her away from his house or, if he does not do so, the latter husband who took her as a wife will die because of her.

4 In such a case—or in the case of any divorced woman who marries a second husband who then either divorces her or dies—her first husband, who had sent her away, may not take her again as his wife, since she was defiled to him by having relations with someone else in the interim, for that is an abomination before God. Therefore, you must not thereby bring sin upon the land that God, your God, is giving you as an inheritance.

However, a divorced woman may remarry her original husband if she did not have relations with anyone else after having divorced him.

### Army Exemptions

- ◆ *Sixth Reading* 5 When a man takes a new wife, he must not go out as a soldier in the army, nor must he be obligated to do anything for it in a civil capacity, such as supplying water or food, or repairing roads.<sup>121</sup> He must remain exempt from army duty in order to attend to his home affairs for one year and gladden his wife whom he has taken. This law applies only if the man is marrying this woman for the first time, even if she was married to someone else before, but not if he is remarrying his ex-wife.

Similarly, someone who has begun to live in a new house but has not yet lived in it for a full year, as well as someone has begun to eat the fourth-year fruits of his recently planted vineyard (these being the first fruits permitted to be eaten) but that year is not yet over,<sup>122</sup> is also exempt from all army service until the end of these respective years.

### Collateral

6 When a loan comes due and the borrower does not have the means to repay it, the lender may take him to court and demand collateral against the unpaid loan, but he must not take anything essential to the debtor's life or livelihood, such as the latter's lower or upper millstone, as collateral, because by doing so, he is in effect taking the life of his debtor as collateral—since the debtor will starve to death if he cannot grind grain to bake bread.

### Kidnapping

7 As you have been taught,<sup>123</sup> if a man or woman kidnaps any person from among his brothers, of the Israelites, and then enslaves him and finally sells him, that thief must be put to death by strangulation by the court, provided that the culprit was warned prior to the kidnapping, enslavement, and sale, and was witnessed doing all three. If, however, any of these conditions is not met, the culprit is not liable to the death penalty.<sup>124</sup> You must, by executing the culprit according to due process of law, eliminate the evil of kidnapping from your midst.

— ONKELOS —

8 אסתמר במכתש סגירו למטר  
לחדא ולמעבד ככל די ילפון  
יתכון כהניא לואי כמא די  
פקדתון תשרון למעבד: 9 הוי  
דכיר ית די עבד יי אלהך למרים  
בארקא במפקכון ממצרים:  
10 ארי תרשי בחברך רשו מדעם  
לא תעול לביתה למסב משכונה:  
11 בברא תקום וגברא די את רשי  
בה יפק לותך ית משכונא לברא:  
12 ואם גבר מסכן הוא לא תשכוב  
במשכונה: 13 אתבא תתיב לה ית  
משכונא כמעל שמשא וישכוב  
בכסותה ויברכך ולך תהי זכותא  
קדם יי אלהך: 14 לא תעשוק  
אגרא עניא ומסכנא מאחריך  
או מגיורך די בארעך בקריו:  
15 ביומה תתן אגרה ולא תיעול  
עלוהי שמשא ארי עניא הוא ולא  
הוא מסר ית נפשה ולא יקרי עלך  
קדם יי ויהי כך חובא:

8 השמר בנגע הצרעת לשמר מאד ולעשות ככל  
אשר-יורו אתכם הכהנים הלויים כאשר צויתם תשמרו  
לעשות: 9 זכור את אשר-עשה יהוה אלהיך למרים  
בדרך בצאתכם ממצרים: 10

10 כִּי־תֵשֶׁה בְּרַעַךְ מִשְׁאֵת מְאוּמָה לֹא־תִבֹּא אֶל־בֵּיתוֹ  
לְעֵבֶט עֵבֶטוֹ: 11 בַּחוּץ תַּעֲמֹד וְהָאִישׁ אֲשֶׁר אֶתָּה נִשֶּׂה  
בּוֹ יוֹצֵא אֵלֶיךָ אֶת־הָעֵבוֹט הַחוּצָה: 12 וְאִם־אִישׁ עָנִי  
הוא לֹא תִשָּׁכַב בְּעֵבֶטוֹ: 13 הִשָּׁב תָּשִׁיב לוֹ אֶת־הָעֵבוֹט  
כִּבּוֹא הַשֶּׁמֶשׁ וְשָׁכַב בְּשִׁלְמָתוֹ וּבִרְכֶּךָ וְלֹךְ תִּהְיֶה צִדְקָה  
לִפְנֵי יְהוָה אֱלֹהֶיךָ: 14

◆ שביעי 14 לֹא־תַעֲשֶׂק שָׂכִיר עָנִי וְאַבְיוֹן מֵאַחֶיךָ אוֹ מִגֵּרְךָ  
אֲשֶׁר בָּאֲרָצְךָ בְּשַׁעְרֶיךָ: 15 בְּיוֹמוֹ תִּתֵּן שְׂכָרוֹ וְלֹא־תִבּוֹא  
עָלָיו הַשֶּׁמֶשׁ כִּי עָנִי הוּא וְאֵלָיו הוּא נִשָּׂא אֶת־נַפְשׁוֹ  
וְלֹא־יִקְרָא עָלֶיךָ אֶל־יְהוָה וְהָיָה בְּךָ חַטָּא: 16

— RASHI —

היום תשיבנו לו וכבא השמש תקחנו: ובכך. ואם  
אינו מבכרך, מכל מקום "ולך תהיה צדקה": 14 לא  
תעשק שכיר. והלא כבר כתוב? אלא לעבור על  
האביון בשני לאוין: לא תעשק שכר שכיר שהוא  
עני ואביון. ועל העשיר כבר הזהיר: "לא תעשק  
את רעך": אביון. התאב לכל דבר: מגר. זה גר צדק:  
בשעריך. זה גר תושב, האוכל נבלות: אשר בארץ.  
לרבות שכר בהמה וכלים: 15 ואליו הוא נושא את  
נפשו. אל השכר הזה הוא נושא את נפשו למות,  
עלה בכבש ונתלה באילן: והיה כך חטא. מכל מקום,  
אלא שממהרין לפרע על ידי הקורא:

8 השמר בנגע הצרעת. שלא תתלוש סימני טמאה,  
ולא תקץ את הבהרת: ככל אשר יורו אתכם. אם  
להסגיר, אם להחליט, אם לטהר: 9 זכור את  
אשר עשה ה' אלהיך למרים. אם באת להזהר שלא  
תלקה בצרעת, אל תספר לשון הרע, זכור העשוי  
למרים שדברה באחיה ולקתה בנגעים: 10 כי  
תשה ברעך. תחוב בחברך: משאת מאומה. חוב של  
כלום: 12 לא תשכב בעבטו. לא תשכב ועבטו  
אצלה: 13 כבוא השמש. אם כסות לילה הוא, ואם  
כסות יום — ההזירה בבקר, וכבר כתוב ב"ואלה  
המשפטים"<sup>20</sup>: "עד בא השמש תשיבנו לו" — כל

<sup>20</sup> שמות כב, כה. 21. ויקרא יט, יג.

the sun set before paying his wage. This is doubly so if he is poor, since, **because he is poor**, he depends upon his wage, as evidenced by the fact that **he risks his life to earn it** if necessary. Therefore, pay him on time so that **he not cry out to God against you**. The demerit of **this sin will be counted against you** in any case, but if the employee cries out to God, God will be quicker to administer corrective punishment against you.

## Tzara'at

8 As you have been taught,<sup>128</sup> certain types of dermal lesions, which exhibit specific secondary symptoms, are diagnosed as the condition termed *tzara'at*, which renders someone afflicted with it ritually defiled and thus not allowed to enter the camp.<sup>129</sup> **Regarding the lesion of *tzara'at*, take care** not to pluck out the hairs that constitute its symptoms or to cut away the lesion itself. On the contrary, take care **to meticulously safeguard** the practice of these laws by studying the Torah's instructions regarding how to observe them, in order **to perform** them properly. Only in this way **can you take care to act in accordance with all that the Levite priests instruct you, as I have commanded them.**

9 But, of course, it is even better to avoid *tzara'at* altogether, by not engaging in slander. To that end, **remember what God, your God, did to my sister Miriam** when we were **traveling** through the desert **after you left Egypt**: she spoke slanderously against me, and God immediately afflicted her with *tzara'at*.<sup>130</sup>

## Collateral, continued

10 As you have been taught,<sup>131</sup> when a loan comes due and the borrower does not have the means to repay it, the lender may take him to court and demand collateral against the unpaid loan. Similarly, **when you demand back something** that you loaned **your fellow Jew**—even something other than money—and he cannot return it to you immediately, you may demand collateral. However, **you must not enter his home to take his collateral.**

11 Rather, **you must stand outside, and the person from whom you are demanding the return** of what you loaned him **must bring the collateral to you outside.**

12 Also, as you have been taught,<sup>132</sup> **if he is a poor man**, and the only thing in his possession that he can give you as collateral is his night clothing, **you must not lie down** to sleep **with his collateral** still in your possession.

13 Rather, **you must return the collateral to him by sunset, so that he may lie down** to sleep **in his garment**. Similarly, if he is a night-worker and gives you his daytime clothing as collateral, you must return it to him by morning. **He will bless you** for your consideration, **and even if he does not, it will be counted for you as a merit before God, your God.**

## Employees' Wages

- ◆ *Seventh Reading* 14 As you have been taught,<sup>133</sup> you must not pay your employees late. If the employee happens to be poor, paying late is subject to an additional prohibition: **You must not withhold the wages of a poor or destitute employee**, whether he be one **of your brothers**, i.e., an Israelite, **or one of your converts**. This prohibition applies both to his salary and to the fee you owe him for renting his animals or equipment for use **in your land**. Furthermore, this prohibition also applies to a poor or destitute employee who is one of the resident aliens<sup>134</sup> **in your cities.**

15 Rather, **you must give him his wage on his promised day**. Even if he is not poor, if he is a night-worker—who is due payment at sunrise<sup>135</sup>—you must **not let**

<sup>128</sup>. Leviticus 13. <sup>129</sup>. Numbers 5:1. <sup>130</sup>. Numbers 12:1-10. <sup>131</sup>. Above, v. 6. <sup>132</sup>. Exodus 22:25-26. <sup>133</sup>. Leviticus 19:13. <sup>134</sup>. See on Exodus 19:5. <sup>135</sup>. Rashi on Leviticus 19:13.

— ONKELOS —

16 לא ימותון אבות על-בנים ובנים לא-ימותו על-אבות איש בחטאו ימותו: 17 לא תטה משפט גר יתום ולא תחבל בגר אלמנה: 18 וזכרת כי עבד הוית במצרים ויפדך יהוה אלהיך משם על-כן אנכי מצוה לעשות את-הדבר הזה: 19 כי תקצר קצירך בשדה ושכחת עמר בשדה לא תשוב לקחתו לגר ליתום ולא אלמנה יהיה למען יברכך יהוה אלהיך בכל מעשה ידיך: 20 כי תחבט זיתך לא תפאר אתה ויגר ליתום ולא אלמנה יהיה: 21 כי תבצר פרמך לא תעולל אתה ויגר ליתום ולא אלמנה יהיה: 22 וזכרת כי-עבד הוית בארץ מצרים על-כן אנכי מצוה לעשות את-הדבר הזה: 23

16 לא ימותון אבות על-בנים ובנים לא-ימותו על-אבות איש בחטאו ימותו: 17 לא תטה משפט גר יתום ולא תחבל בגר אלמנה: 18 וזכרת כי עבד הוית במצרים ויפדך יהוה אלהיך משם על-כן אנכי מצוה לעשות את-הדבר הזה: 19 כי תקצר קצירך בשדה ושכחת עמר בשדה לא תשוב לקחתו לגר ליתום ולא אלמנה יהיה למען יברכך יהוה אלהיך בכל מעשה ידיך: 20 כי תחבט זיתך לא תפאר אתה ויגר ליתום ולא אלמנה יהיה: 21 כי תבצר פרמך לא תעולל אתה ויגר ליתום ולא אלמנה יהיה: 22 וזכרת כי-עבד הוית בארץ מצרים על-כן אנכי מצוה לעשות את-הדבר הזה: 23

— RASHI —

מלקצר: לא תשוב לקחתו. מכאן אמרו: שלא תחריץ שכתה, שלפניו אינו שכתה, שאינו ב"ב כל תשוב: למען יברכך. ואף על פי שכתה לידו שלא במתכונן, קל וחמר לעושה במתכונן. אמר מעתה: נפלה סלע מידו ומצאה עני ונתפרנס בה, הרי הוא מתברך עליה: 20 לא תפאר. לא תטל תפארתו ממנו. מכאן שמיניחין פאה לאילן: אחריה. זו שכתה: 21 לא תעולל. אם מצאת בו עוללת, לא תקנה. ואיזו היא עוללות? כל שאין לה לא כתף ולא נטף. יש לה אחד מהם — הרי היא לבעל הבית. וראיתי בתלמוד ירושלמי: איזו היא כתף — פסיגין זה על גב זה. נטף — אלו התלויות בשדרה ויורדות:

16 לא ימותו אבות על בנים. בעדות בנים, ואם תאמר: בעון בנים — כבר נאמר: "איש בחטאו ימותו". אבל מי שאינו איש מת בעון אביו, והקטנים מתים בעון אבותם בידי שמים: 17 לא תטה משפט גר יתום. ועל העשיר כבר הזהר: "לא תטה משפט". ושנה בעני לעבור עליו בשני לאוין, לפי שנקל להטות משפט עני יותר משל עשיר, לכה הזהיר ושנה עליו: ולא תחבל. שלא בשעת הלואה: 18 וזכרת. על מנת כן פדיתך, לשמר חקותי אפלו יש חסרון כיס בדבר: 19 ושכחת עמר. ולא גדיש, מכאן אמרו: עמר שיש בו סאתים, ושכחו — אינו שכתה: בשדה. לרבות שכתת קמה, ששכת מקצתה

22. שמות כג, ו. 23. פאה ו, ד. 24. פאה ו, ד. 25. פאה ז, ג.

**must not glean** the young grapes growing on the part of the vine not sufficiently developed to have its grapes hanging from either a true stem or ancillary shoots, and you must not go back to pick up what you have forgotten **behind you**,<sup>142</sup> it **must be left for the convert, the orphan, and the widow**.

22 Here, too: if, because of these rules, you incur some monetary loss, this is immaterial: **You must remember that you were a slave in Egypt**, and that God redeemed you from there on the condition that you obey Him even if doing so seems disadvantageous. **I therefore command you to do this thing** even though it might sometimes cause you financial loss.

142. Mishneh Torah, Matnot Aniyyim 5:16.



## Legal Justice

**16 Fathers must not be put to death** by the court **by virtue of** their **sons'** testimony, **nor must sons be put to death by virtue of** their **fathers'** testimony—and in fact, all first-degree relatives of the defendant are automatically disqualified as legal witnesses.

**An adult may be put to death** by the court only **for his own transgression** and not for anyone else's. Minors, however, are sometimes put to death by the heavenly court for their parents' transgressions.

## Consideration for the Disadvantaged

**17** As you have been taught,<sup>136</sup> you must not pervert justice. With regard to certain categories of litigants, perverting justice is subject to an additional prohibition: **You must not pervert the judgment of a convert or an orphan**, for these people are at a distinct psychological disadvantage, making it easier for you to overlook their plight.

Similarly, although you have been taught that it is generally permitted to take collateral against payment for a loan that has come due,<sup>137</sup> there is an exception: **you must not take a widow's garment as collateral**, for even if she is rich, she is suffering from a psychological disadvantage.

**18** If, in obeying these rules, you incur some expense or loss, that is immaterial: **You must remember that you were a slave in Egypt, and that God, your God, redeemed you from there** on the condition that you obey Him even if doing so seems disadvantageous. **I therefore command you to do this thing** even though it might sometimes cause you financial loss.

**19** As you have been taught,<sup>138</sup> when harvesting your crops, you must intentionally leave certain portions of it for the disadvantaged. In addition, **when you reap your harvest in your field and forget** to gather some grain that is left behind you—such as **a sheaf**—and the volume of this grain is less than two *se'ah* (16.5 liters or 15 dry quarts), or even if you forget to reap some of the grain standing **in the field** in back of you, **you must not go back to take it. It must be left for the convert, the orphan, and the widow, in order that God, your God, bless you in all that you do.** In contrast, this rule does not apply to grain that is still in front of you as you proceed to harvest your field.

If God blesses you for your unintentional beneficence, how much more so will He bless you for your intentional beneficence!

**20** Just as when you reap your grain, you must leave the grain in the corner of the field<sup>139</sup> and the forgotten grain for the disadvantaged,<sup>140</sup> so must you do the same when harvesting your olive grove: **When you beat your olive tree** in order to harvest its olives, **you must not totally remove its glory** by picking all its fruit, and you must not go back to pick up what you have forgotten on the ground **behind you; it must be left for the convert, the orphan, and the widow.**

**21** As you have been taught,<sup>141</sup> **when you pick the grapes of your vineyard, you**

<sup>136</sup>. Above, 16:19. <sup>137</sup>. Exodus 22:25-26; above, vv. 6, 10-13. <sup>138</sup>. Leviticus 19:9-10, 23:22. <sup>139</sup>. Leviticus 19:9, 23:22. <sup>140</sup>. Above, v. 19. <sup>141</sup>. Leviticus 19:10.

ONKELOS

25:1 אַרְי יְהִי דִין בֵּין גְּבִירָא וַיִּתְקַרְבוּן לְדִינָא וַיִּדְוֹנְגוּן וַיִּזְבְּנוּ יָת וּפְקָה וַיִּחֲבִינוּ יָת חֲבָא: 2 וַיְהִי אִם בֵּר חֲבִיב לְאִלְקָהָ חֲבִיבָא וַיִּרְמְנָה דִּינָא וַיִּלְקָהָ קְדָמוּהִי כְּמִסַּת חֻבְתָּהּ בְּמִנְיָן: 3 אַרְבַּעִין יִלְקָהָ לֹא יוֹסֵף דְּלָמָא יוֹסֵף לְאִלְקִיּוּתָהּ עַל אֲלִין מְחָא רַבָּא וַיִּיקַּל אַחוּף לְעִינֵיהּ: 4 לֹא תַחוּד פּוּם תּוֹרָא בְּדִישָׁה: 5 אַרְי יִתְבּוֹן אַחֲרֵי בְּחָדָא וַיִּמּוֹת חַד מְנַהֵן וְכֵר לִית לֵה לֹא תְהִי אַתָּת מְתָנָא לְבָרָא לְגַבְרָא אַחֲרֵי יִבְמָה יַעֲלוּ עֲלֶיהָ וַיִּסְבֶּה לֵה לְאִתְנָה וַיִּבְמְנָה:

25:1 בִּי־יְהִיָּה רִיב בֵּין אֲנָשִׁים וְנָגְשׁוּ אֶל־הַמִּשְׁפָּט וַיִּשְׁפָּטוּם וַהֲצַדִּיקוּ אֶת־הַצַּדִּיק וַהֲרָשִׁיעוּ אֶת־הָרָשָׁע: 2 וַהֲיָה אִם־בֵּן הַבּוֹת הָרָשָׁע וַהֲפִילוּ הַשֹּׁפֵט וַהֲכַחוּ לְפָנָיו בְּדִי רִשְׁעָתוֹ בְּמִסְפָּר: 3 אַרְבָּעִים יָכְנוּ לֹא יוֹסִיף פֶּן־יִסְיָף לְהַכְתּוֹ עַל־אַלְהָ מִכָּה רַבָּה וְנִקְלָה אַחִיד לְעִינֶיהָ: 4 לֹא־תַחֲסֵם שׂוֹר בְּדִישׁוֹ: 5 בִּי־יֵשְׁבוּ אֲחִים יַחְדָּו וְכֵת אֶחָד מֵהֶם וְבֵן אִין־לֹו לֹא־תִהְיֶה אִשְׁת־הַמֶּת הַחוּצָה לְאִישׁ זָר יִבְמָה יָבֹא עָלֶיהָ וַלְקַחְתָּהּ לֹו־לְאִשְׁתָּה וַיִּבְמָה:

RASHI

"אֶחִיד": 4 לֹא תַחֲסֵם שׂוֹר בְּדִישׁוֹ. דָּבָר הַכְּתוּב בְּהִנֵּה, וְהוּא הַדִּין לְכָל בְּהֵמָה חַיָּה וְעוֹף הָעוֹשִׁים בְּמִלְאָכָה שֶׁהִיא בְּדָבָר מֵאֶכָּל, אִם כֵּן לָמָּה נֶאֱמַר "שׂוֹר"? לְהוֹצִיא אֶת הָאָדָם: בְּדִישׁוֹ. יָכוֹל יַחֲסִמְנוּ מִבְּחוּץ תַּלְמוּד לומר: "לֹא תַחֲסֵם שׂוֹר" — מִכָּל מְקוֹם. וְלָמָּה נֶאֱמַר "דִּישׁ"? לומר לָךְ: מִה דִּישׁ מִיָּחָד דָּבָר שֶׁלֹּא נִגְמְרָה מִלְאָכָתוֹ וְגִדּוּלוֹ מִן הָאָרֶץ, אִף כָּל כִּיּוֹצֵא בּוֹ. יֵצֵא הַחוּלֵב וְהַמְגִבֵּן וְהַמְחַבֵּץ, שֶׁאֵין גִּדּוּלוֹ מִן הָאָרֶץ. יֵצֵא הַלֵּשׁ וְהַמְקַטֵּף, שֶׁנִּגְמְרָה מִלְאָכָתוֹ לְחֻלָּה. יֵצֵא הַבּוֹדֵל בְּתַמְרִים וּבְגִרְוֹגְרוֹת, שֶׁנִּגְמְרָה מִלְאָכָתָן לְמַעֲשֵׂר: 5 בִּי יֵשְׁבוּ אֲחִים יַחְדָּו. שֶׁהִתְהַיְתָּה לָהֶם יְשִׁיבָה אַחַת בְּעוֹלָם, פֶּרֶט לְאִשְׁתּוֹ אַחִיו שֶׁלֹּא הָיָה בְּעוֹלָמוֹ: יַחְדָּו. הַמִּתְחַדִּים בְּנִחְלָה, פֶּרֶט לְאִחֵיו מִן הָאֵם: וְכֵן אֵין לוֹ. עֵין עָלֶיךָ — כֵּן אוֹ בֵּת, אוֹ כֵּן הַבֵּן אוֹ בֵּת הַבֵּן, אוֹ כֵּן הַבֵּת אוֹ בֵּת הַבֵּת:

1 בִּי יְהִיָּה רִיב. סוּפֵם לִהְיוֹת נִגָּשִׁים אֶל הַמִּשְׁפָּט. אָמַר מַעֲתָה: אֵין שְׁלוֹם יוֹצֵא מִתּוֹךְ מְרִיבָה. מִי גָרַם לָלוֹט לַפְּרוֹשׁ מִן הַצַּדִּיק — הִנּוּ אוֹמֵר זֶה מְרִיבָה: וַהֲרָשִׁיעוּ אֶת הָרָשָׁע. יָכוֹל כָּל הַמִּתְחַבֵּין בְּדִין לֹוקִין? תַּלְמוּד לומר: "וַהֲיָה אִם בֵּן הַבּוֹת הָרָשָׁע", פְּעָמִים לֹוקָה וּפְעָמִים אֵינוֹ לֹוקָה. וְכִי הוּא הַלֹּוקָה? לָמַד מִן הָעִנּוּן: "לֹא תַחֲסֵם שׂוֹר בְּדִישׁוֹ" — לֹא שֶׁלֹא נִתַּק לְעִשָׂה: 2 וַהֲפִילוּ הַשֹּׁפֵט. מִלְּמַד שֶׁאֵין מִלְּקִין אוֹתוֹ לֹא עוֹמֵד וְלֹא יוֹשֵׁב, אֲלֹא מִטָּה: לְפָנָיו בְּדִי רִשְׁעָתוֹ. וְלֹא־חָרִיו בְּדִי שְׂתִים. מִכָּאן אָמְרוּ: מִלְּקִין אוֹתוֹ שְׁתֵּי יָדוֹת מִלְּאֲחֵרָיו וּשְׁלִישׁ מִלְּפָנָיו: בְּמִסְפָּר. וְאֵינוֹ נִקּוּד "בְּמִסְפָּר", לָמַד שֶׁהוּא דְּבוּק, לומר "בְּמִסְפָּר אַרְבָּעִים" וְלֹא אַרְבָּעִים שְׁלָמִים, אֲלֹא מִנֵּין שֶׁהוּא סוֹכֵם וּמִשְׁלִים לְאַרְבָּעִים, וְהֵם אַרְבָּעִים חֲסֵר אַחַת: 3 לֹא יוֹסִיף. מִכָּאן אֲזַהֲרָה לְמִכָּה אֶת חֲבֵרִי: וְנִקְלָה אַחִיד. כָּל הַיּוֹם קוֹרְאוֹ "רָשָׁע", וּמִשְׁלָקָה קָרְאוֹ

Jewish woman,<sup>148</sup> the dead man's wife will not thereby be automatically free to marry an outsider, that is, anyone other than her brother-in-law. Rather, ideally, her husband's brother must cohabit with her, thereby taking her as a wife for himself, thus marrying her in levirate marriage.

### A CLOSER LOOK

[5-10] **Levirate Marriage.** It is clear from these verses that ideally, performing levirate marriage is preferable to avoiding it by means of the shoe-removal ceremony (termed *chalitzah* ["removal"]) described herein. Nonetheless, the Mishnah, conscious of the decline in the spiritual stature of the Jewish people in its day,<sup>149</sup> already notes that "formerly, when they performed [levi-

rate marriage] with the sole intention of fulfilling God's commandment, the rabbis held that levirate marriage takes precedence over *chalitzah*. Nowadays, when it may no longer be assumed that they will perform it with the sole intention of fulfilling God's commandment, *chalitzah* takes precedence."<sup>150</sup> Since marrying one's sister-in-law is otherwise forbidden, the concern was that

148. *Mishneh Torah, Yibum veChalitzah* 1:3-4. 149. See before Numbers 5:11. 150. *Bechorot* 1:7.



## Resolving Disputes

25:1 If a friendly argument arises between people and they take it to court, the court can either propose a compromise between them or render a definitive judgment; in either case, since there is no animosity between the parties, the dispute will end peacefully. **If, however, there is a hostile quarrel between people**, such that they are not interested in a compromise, **they should approach the court** for a definitive **judgment**. In such a case, the judges **must judge them**; even though they know that rendering judgment will only solve the particular lawsuit and not end their quarrel, and even though it is likely that both parties are guilty of exaggerating their claims and in this respect neither is wholly innocent or guilty, **they must** nonetheless judge the specific lawsuit they have been approached to judge and **acquit the innocent party and condemn the guilty party**.<sup>143</sup>

## Lashes

2 As you have been taught,<sup>144</sup> the standard corrective punishment for transgressing a passive commandment whose effect cannot be counteracted by performing a correlating active commandment is lashes. This is how the court is to administer lashes: **If, as a result of a court case, the guilty party has incurred the penalty of lashes, the judge must have him bend over**—not letting him either stand up straight or sit—**and have the sheriff flog him**, administering one-third of the number of lashes **in front of him**, i.e., on his chest, and two-thirds on his back, as **befits his crime**. While lashes are being administered, the judge must recite two verses that I will articulate later.<sup>145</sup> The maximum **number** of lashes

3 the sheriff **must administer** to him must be either one less than **forty** (i.e., 39) or however many it is determined that he can bear, whichever is less.<sup>146</sup> The sheriff **must not exceed** these prescribed 39 lashes, **lest**—by flogging him even once more—**he give him** what would be considered **a much more severe flogging than these** 39 prescribed lashes, inasmuch as striking another person (other than when the Torah expressly demands it) is forbidden. Furthermore, if the sheriff administers extra lashes, **your brother will be belittled in your eyes**, and once he has received his due punishment, you must no longer relate to him as a criminal but once again as your brother—giving all the respect due a fellow human being.

## Work Animals

4 **You must not muzzle an ox when it is threshing** grain in order to prevent it from eating the grain, or in fact prevent any animal working with food from eating some of that food as it works.

## Levirate Marriage

5 As you have been taught,<sup>147</sup> you must not marry your brother-in-law or sister-in-law. There is, however, an exception to this law. **If paternal or full brothers 'reside' together**, meaning that they are both alive at the same time (as opposed to if the second one had been born after the first one had died), **and one of them dies having no son**, daughter, or grandchild, neither from his wife nor from any other

143. *Likutei Sichot*, vol. 24, pp. 152-156. 144. See on Exodus 19:6. 145. 28:58-59, below. Rashi on Leviticus 19:20. 146. *Mishneh Torah*, *Sanhedrin* 17:1. 147. Leviticus 18:16.

— ONKELOS —

6 וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יָקוֹם עַל-שֵׁם אָחִיו הַמֵּת  
וְלֹא-יִמָּחָה שְׁמוֹ מִיִּשְׂרָאֵל: 7 וְאִם-לֹא יִחְפֹּץ הָאִישׁ  
לְקַחַת אֶת-יְבִמְתּוֹ וְעָלָתָהּ יְבִמְתּוֹ הַשְּׂעֵרָה אֶל-הַזִּקְנִים  
וְאָמְרָה מֵאֵן יְבָמִי לְהָקִים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל לֹא אָבָה  
יְבָמִי: 8 וְקִרְאוּ לוֹ וְקִנְיֵי עֵירוֹ וְדָבְרוּ אֵלָיו וְעָמַד וְאָמַר לֹא  
חָפְצָתִי לְקַחְתָּהּ: 9 וְנָגְשָׁה יְבִמְתּוֹ אֵלָיו לְעֵינֵי הַזִּקְנִים  
וְחָלְצָה נָעֻלָּה מֵעַל רִגְלוֹ וִירָקָה בְּפָנָיו וְעָנְתָהּ וְאָמְרָה כִּכָּה  
יַעֲשֶׂה לְאִישׁ אֲשֶׁר לֹא-יִבְנֶה אֶת-בֵּית אָחִיו: 10 וְנִקְרָא  
שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חֲלוּץ הַנָּעֻל: 11  
כִּי-יִנָּצוּ אֲנָשִׁים יַחְדּוֹ אִישׁ וְאָחִיו וְקִרְבָּה אִשְׁתּוֹ הָאֶחָד  
לְהַצִּיל אֶת-אִשְׁתּוֹ מִיַּד מִכָּהוּ וְשִׁלְחָה יָדָהּ וְהַחֲזִיקָהּ  
בְּמַבְשָׁיו:

— RASHI —

קִרְקַע: אֲשֶׁר לֹא יִבְנֶה. מִכָּאֵן לְמִי שֶׁחָלַץ שְׁלֹא יִחְזוֹר  
וְיִיבֵם, דְּלֹא כְּתִיב "אֲשֶׁר לֹא בָנָה" אֶלָּא "אֲשֶׁר לֹא  
יִבְנֶה" — כִּיֹּן שְׁלֹא בָנָה, שׁוֹב לֹא יִבְנֶה: 10 וְנִקְרָא  
שְׁמוֹ וְגו'. מִצּוּהָ עַל כָּל הָעוֹמְדִים שֵׁם לומר: "חֲלוּץ  
הַנָּעֻל": 11 כִּי יִנָּצוּ אֲנָשִׁים. סוּפֹן לְבֹא לִידֵי מִכּוֹת,  
כְּמוֹ שֶׁנֶּאֱמַר: "מִיַּד מִכָּהוּ". אֵין שְׁלוֹם יוֹצֵא מִתּוֹךְ יָדִי  
מִצּוֹת:

6 וְהָיָה הַבְּכוֹר. גְּדוֹל הָאֲחִים, הוּא מִיבֵם אוֹתָהּ:  
אֲשֶׁר תֵּלֵד. פֶּרֶט לְאִלּוּנִית, שְׂאִינָה יוֹלֶדֶת: יָקוֹם עַל  
שֵׁם אָחִיו. זֶה שׁוֹיבֵם אֶת אִשְׁתּוֹ, יִטַּל נִחְלַת הַמֵּת  
בְּנִכְסֵי אָבִיו: וְלֹא יִמָּחָה שְׁמוֹ. פֶּרֶט לְאִשְׁתּוֹ סְרִיס,  
שֶׁשְׁמוֹ מְחִיו: 7 הַשְּׂעֵרָה. כְּתִירָגוֹמוֹ: "לְתִרְעָה בֵּית  
דִּינָא": 8 וְעָמַד. בְּעִמּוּדָהּ: וְאָמַר. בְּלִשׁוֹן הַקֹּדֶשׁ, וְאָף  
הִיא דְּבָרֶיהָ בְּלִשׁוֹן הַקֹּדֶשׁ: 9 וִירָקָה בְּפָנָיו. עַל גְּבִי

of trying to resolve their quarrel peaceably, as they should,<sup>153</sup> they allow their ill feelings to intensify, and their quarrel comes to physical blows, **and the wife of the attacked one approaches to rescue her husband from his assailant, and she stretches forth her hand and grabs hold of his private parts**, i.e., his testicles, in order to stop him from assailing her husband,

### ~ A CLOSER LOOK ~

[continued...] if the brother-in-law would marry her with anything less than pure intentions, it might undermine the validity of the marriage, rendering any children born through it of doubtful legitimacy.

In any case, once polygamy was abolished for Ashkenazic communities by Rabbi Gershom ben

Meir in the 11<sup>th</sup> century, levirate marriage could only be practiced in these communities if the surviving brother was single. Nevertheless, levirate marriage was practiced in Ashkenazic communities under certain circumstances until approximately the 12<sup>th</sup> century, and in some Sephardic communities until relatively recent times.<sup>154</sup>

153. *Likutei Sichot*, vol. 24, p. 155, note 30. 154. *Shulchan Aruch, Even HaEzer* 165 and commentaries.

6 The primary duty to marry the dead man's wife devolves upon **the eldest brother**; if the eldest brother prefers not to marry his widowed sister-in-law, then one of the other brothers should be approached to do so.<sup>151</sup> The obligation for one of the brothers to marry the widowed sister-in-law only applies **if she can bear children** and if her deceased husband was capable of having children.

The brother who marries her **will succeed to his brother's estate in his deceased brother's name**. By managing his brother's estate, his brother's **name will not be obliterated from Israel**, for that estate will always be remembered as the one that had belonged to his brother.

Since the object of this law is that the surviving brother perpetuate the estate of the deceased brother (including whatever he inherited from their common father), it applies, as stated above, only to paternal or full brothers—since only such brothers jointly inherit their father's estate, and not brothers who are related only maternally.

7 If, for some legitimate reason, **the man does not wish to take his late brother's wife** as his own wife, and neither do any of the other brothers, **the late brother's wife must go up to the gate**, i.e., the court, and **to the elders**, i.e., the judges, and say to them, 'My husband's brother has refused to perpetuate his brother's name in Israel. He does not want to marry me.'

8 The elders of his city must then **summon him and speak to him, and he must stand up and say, 'I do not want to take her as a wife.'**

9 His brother's wife must then **approach him in view of the elders and remove his shoe from his foot. She must spit on the ground in front of him and respond** to his refusal to marry her **by saying, 'Thus must be done to the man who will not build up his brother's household!'** The declarations both the brother and the widow must be made in Hebrew.

10 The **name** of the brother performing this ceremony of release **must then be called** one time, **in the community of Israel** as represented by those present at the ceremony, 'This is the **house of he who had his shoe removed.**' They must all say in unison and in Hebrew, '[This is] he who had his shoe removed!'

Once the ceremony is completed, neither the brother who performed the ceremony nor any of his brothers may thereafter reconsider and marry the widowed sister-in-law, and she is permitted to marry outside the family.

### Compensation for Embarrassment

11 As you have been taught,<sup>152</sup> when one person inflicts some bodily injury on another person, the perpetrator must compensate the victim for damages, pain, medical expenses, and/or loss of work from incapacitation. In addition, the perpetrator must compensate the victim for any embarrassment suffered from the injury. For example, **if two men, a man and his brother Israelite, are quarreling**, and instead

151. *Mishneh Torah, Yibum veChalitza* 2:6. 152. Exodus 21:19-20, 22-25.

— ONKELOS —

12 ותקוץ ית ידה לא תחוס עינך;  
 13 לא יהי לך בכיסך מתקל ומתקל  
 רב וזעיר: 14 לא יהי לך בביתך  
 מכילא ומכילא רבתא וזעירתא:  
 15 מתקלין שלמין דקשוט יהון  
 לך מבילין שלמין דקשוט יהון לך  
 בדיל דיורכון יומיך על ארעא דיי  
 אלהך יחב לך: 16 ארי מרחק קדם  
 יי אלהך כל עבד אלן כל עבד  
 שקר: 17 הוי דכיר ית די עבד לך  
 עמלק בארעא במפקכון ממצרים:  
 18 די ערעך בארעא וקטל כף כל  
 דהוו מתאחרין בתרף ואת משלהי  
 ולא ולא דחיל מן קדם יי:

12 וקצתה את כפפה לא תחוס עינך: ס

13 לא יהיה לך בכיסך אבן ואבן גדולה וקטנה:

14 לא יהיה לך בביתך איפה ואיפה גדולה וקטנה:

15 אבן שלמה וצדק יהיה לך איפה שלמה וצדק

יהיה לך למען יאריכו ימך על האדמה אשר יהיה

אלהיך נתן לך: 16 כי תועבת יהוה אלהיך כל-עשה

אלה כל עשה עול: פ

◆ מפטיר 17 זכור את אשר-עשה לך עמלק בדרך

בצאתכם ממצרים: 18 אשר קרף בדרך ויזנב בך כל-

הנחשלים אחריך ואתה עיף ויגע ולא ירא אלהים:

— RASHI —

מקרה. דבר אחר: לשון קרי וטמאה, שהיה מטמאן  
 במשכב זכור. דבר אחר: לשון קור וחוס, צננך  
 והפשירך מרתיחתך, שהיו האמות יראים להלחם  
 בכם, ובא זה והתחיל ודראה מקום לאחריהם. משל  
 לאמבטי רותחת שאין כל בריה יכולה לירד בתוכה,  
 בא בן בליעל אחד קפץ וירד לתוכה, אף על פי  
 שנכנה — הקר אותה בפני אחרים: ויזנב בך. מפת  
 ונב, חותך מילות וזורק כלפי מעלה: כל הנחשלים  
 אחריך. חסרי כח מחמת חטאם, שהיה הענן פולטן:  
 ואתה עיף ויגע, עיף בצמא, דכתיב: "ויצמא שם  
 העם למים", וכתיב אחריו: "ויבא עמלק: ויגע.  
 בדרך: ולא ירא. עמלק: אלהים. מלהרע לך:

12 וקצתה את כפפה. ממון דמי בשתו, הכל לפי  
 המביש והמתביש. או אינו אלא ידה ממש? נאמר  
 כאן: "לא תחוס", ונאמר להלן בעדים זוממין: "לא  
 תחוס", מה להלן ממון, אף כאן ממון: 13 אבן  
 ואבן. משקלות: גדולה וקטנה. גדולה שמכחשת  
 את הקטנה, שלא יהא נוטל בגדולה ומחזיר  
 בקטנה: לא יהיה לך. אם עשית בן, "לא יהיה לך"  
 כלום: 15 אבן שלמה וצדק יהיה לך. אם עשית בן,  
 "יהיה לך" הרבה: 17 זכור את אשר עשה לך. אם  
 שקרית במדות ובמשקלות, הוי דואג מגרוי האויב,  
 שנאמר: "מאונן מרמה תועבת ה'", וכתיב בתרה:  
 "בא ודון ויבא קלון": 18 אשר קרף בדרך. לשון

26. דברים יט, כא. 27. משלי יא, א. 28. שמות יז, ג. 29. פסוק ח.

— CHASIDIC INSIGHTS —

**17 You must remember what Amalek did to you:**  
 When we feel inspired to elevate ourselves beyond  
 the limitations of physical reality, our evil inclina-  
 tion (here personified by Amalek) rises to distract  
 and discourage us. The antidote to Amalek is to  
 "remember"; to keep the holy words of the Torah in  
 the forefront of our consciousness.<sup>161</sup>

In the beginning of the *parashah*, the enemy's intrin-

sic might—enabling it to capture parts of reality—  
 was contrasted with our inherent advantage as Jews  
 over our enemy. Here, too, the ability of Amalek to  
 contend with the Jewish people and "cool off" our  
 relationship with God is contrasted with the com-  
 mandment to wipe them out and the implied assur-  
 ance of our ability to do this.<sup>162</sup>

161. *Sefer HaMa'amarim Kuntresim*, vol. 2, p. 287. 162. *Sefer HaSichot* 5749, vol. 2, pp. 680-681.

12 **you**, i.e., the court, **must** figuratively **cut off her hand**, i.e., make her pay him the sum of money that a person of his social status should accept as compensation for being embarrassed this way by someone of her social status. **You must not take pity** on her by reducing or waiving her fine unless it can be demonstrated that there was no other way she could have rescued her husband.<sup>155</sup>

### Honesty in Business

13 As you have been taught,<sup>156</sup> you must not do business with false weights and measures. Moreover, you are not even allowed to *possess* such weights and measures: **You must not keep two different weights in your pocket** that you purport to be of the same measurement: **a heavy one** that you could cheat with by using it for buying **and a light one** that you could cheat with by using it for selling.

14 Similarly, **you must not keep two different ephah-measures in your house: a large one** for buying **and a small one** for selling.

15 Rather, you may only possess full and correct weights and only a **full and correct ephah-measure**. Refrain from possessing false weights and measures **in order that you live long on the land that God, your God, is giving you**. For if you do not, God will incite your enemies to attack you, threatening your continued possession of the land.<sup>157</sup>

16 Refrain from possessing false weights and measures, as well, in order that God may arrange for you to prosper. **For whoever does such wicked things, whoever perpetrates such injustice, is an abomination to God, your God**, and God will undermine such a person's efforts to earn a livelihood.

### Remembering Amalek

- ◆ **Maftir** 17 You have been taught<sup>158</sup> that God will obliterate any remembrance of the nation of Amalek. You, too, must do your part in obliterating anything that could cause anyone to think about Amalek. Therefore, **you must remember what** the nation of **Amalek did to you** when you were **traveling** through the desert **after you left Egypt** and remember to take the steps necessary to obliterate any trace of Amalek.

18 Specifically, remember **how, on the way**, Amalek **attacked by surprise** those among **you** who had sinned and had therefore been expelled from the protective Clouds of Glory, and then defiled these men by engaging in homosexual relations with them, and finally **cut off** the reproductive organs of **all these** men who were **weakened** by sin and who were therefore outside the clouds, **at your rear**.<sup>159</sup> Amalek did all this after **you had been faint** from thirst at Refidim<sup>160</sup> **and were weary** from the journey, **and they did not fear** retribution from **God** in attacking you. By being the first to attack you, Amalek weakened all other nations' fear of you.

155. *Bava Kama* 28a. 156. Leviticus 19:35-36. 157. See Proverbs 11:1-2. 158. Exodus 17:14-15. 159. Exodus 17:8. 160. Exodus 17:1-7.

— ONKELOS —

19 ויהי בד יניח יי אלהך לך מכל  
בעלי דבבך מסחור סחור בארעא  
די יי אלהך יהב לך אחסנא  
למירתה תמחוי ית דוכרנא דעמלק  
מתחות שמיא לא תתנשי:

19 וְהָיָה בְּהֵנִיחַ יְהוָה אֱלֹהֶיךָ אֲלֶיךָ מִכָּל־אֲיִבֶיךָ מִסָּבִיב  
בְּאַרְצֵךְ אֲשֶׁר יְהוָה־אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה לְרִשְׁתָּהּ תִּמְחֶהָ  
אֶת־זִכְרֵ עֲמֹלֶק מִתַּחַת הַשָּׁמַיִם לֹא תִשָּׁכַח:

ק"י פסוקים. עליי סימן.

— RASHI —

אפלו על הבדמה, לומר: בדהמה זו משל עמלק היתה:  
חסלת פרשת כי תצא

19 תִּמְחֶהָ אֶת זִכְרֵ עֲמֹלֶק. מאיש ועד אשה, מעולל  
ועד יונק, משור ועד שד, שלא יהא שם עמלק נזכר

19 Therefore, in order to restore your esteem in the world's eyes,<sup>163</sup> **when God, your God, grants you respite from all your enemies surrounding you in the land that God, your God, is giving you to possess as an inheritance** you can bequeath to your descendants, **you must obliterate the remembrance of Amalek from beneath heaven.** You must exterminate every last Amalekite—man, woman, child, and even any animal that belonged to them—so that no one should be able to refer to such an animal as having formerly belonged to the Amalekites.

However, you need not wipe out any inanimate property that formerly belonged to the Amalekites, for it is possible to modify inanimate property such that it no longer evokes the memory of its previous owner. In contrast, since such changes cannot be made in animals without harming them, you must therefore (humanely) kill the Amalekites' animals.

**You must not forget** to do this. Because you are obligated to wipe out anything that would cause people to remember Amalek in any concrete way, you are allowed—and even obligated—to remember Amalek abstractly, in order to do this."<sup>164</sup>

The *Haftarah* for *parashat Teitzei* is on p. 247.



#### ❧ A CLOSER LOOK ❧

**[19] Man, woman, child:** The Jews were commanded to take revenge against the Midianites<sup>165</sup> as well, but in that case, they were not commanded to kill the young girls, and even the women were killed only because they were guilty of having corrupted the Israelites, or likely to do so. The difference, as stated, is that with regard to Amalek, the commandment is not only to take revenge against them but to annihilate any entity that could cause someone to think about them

(other than for the purpose of doing just that).<sup>166</sup>

Nowadays, this commandment is no longer relevant literally, since, as pointed out above,<sup>167</sup> King Sennacherib of Assyria mingled all the nations together in the era of the First Temple (6<sup>th</sup> century BCE). It is therefore no longer possible to definitively determine who is an Amalekite; thus, all non-Jews are presumed to be one of the majority of gentiles, who are not descended from Amalek.<sup>168</sup>

<sup>163.</sup> *Likutei Sichot*, vol. 6, p. 105. <sup>164.</sup> *Likutei Sichot*, vol. 14, pp. 86-90. <sup>165.</sup> Numbers 31:1-18. <sup>166.</sup> *Likutei Sichot*, vol. 14, p. 88. <sup>167.</sup> On 23:9. <sup>168.</sup> *Berachot* 28a, based on Isaiah 10:13.



*Dedicated in honor of our children*

**Nathan, Yitzchok,  
Moshe Lev,  
and Gilana**

*May you continue to grow in the ways  
of our holy Torah*

**Yuri and Deana Pikover**

