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| **Esnoga Bet Emunah**  **4544 Highline Dr. SE**  **Olympia, WA 98501**  **United States of America**  **© 2013**  [**http://www.betemunah.org/**](http://www.betemunah.org/)  **E-Mail:** [**gkilli@aol.com**](mailto:gkilli@aol.com) | **C:\Users\Haggai\Pictures\Menorah 5.jpg** | **Esnoga Bet El**  **102 Broken Arrow Dr.**  **Paris TN 38242**  **United States of America**  **© 2013**  [**http://torahfocus.com/**](http://torahfocus.com/)  **E-Mail:** [**waltoakley@charter.net**](mailto:waltoakley@charter.net) |

**Triennial Cycle (Triennial Torah Cycle) / Septennial Cycle (Septennial Torah Cycle)**

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| **Three and 1/2 year Lectionary Readings** | **Second Year of the Triennial Reading Cycle** |
| **Tammuz 14, 5773 – June 21/22, 2013** | **Fifth Year of the Shmita Cycle** |

**Candle Lighting and Habdalah Times:**

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| **Conroe & Austin, TX, U.S.**  Fri. June 21 2013 – Candles at 8:18 PM  Sat. June 22 2013 – Habdalah 9:17 PM | **Brisbane, Australia**  Fri. June 21 2013 – Candles at 4:43 PM  Sat. June 22 2013 – Habdalah 5:40 PM | **Chattanooga, & Cleveland, TN, U.S.**  Fri. June 21 2013 – Candles at 8:40 PM  Sat. June 22 2013 – Habdalah 9:43 PM |
| **Jakarta, Indonesia**  Fri. June 21 2013 – Candles at 5:30 PM  Sat. June 22 2013 – Habdalah 6:21 PM | **Manila & Cebu, Philippines**  Fri. June 21 2013 – Candles at 6:09 PM  Sat. June 22 2013 – Habdalah 7:03 PM | **Miami, FL, U.S.**  Fri. June 21 2013 – Candles at 7:57 PM  Sat. June 22 2013 – Habdalah 8:54 PM |
| **Olympia, WA, U.S.**  Fri. June 21 2013 – Candles at 8:52 PM  Sat. June 22 2013 – Habdalah 10:12 PM | **Murray, KY, & Paris, TN. U.S.**  Fri. June 21 2013 – Candles at 7:59 PM  Sat. June 22 2013 – Habdalah 9:04 PM | **San Antonio, TX, U.S.**  Fri. June 21 2013 – Candles at 8:19 PM  Sat. June 22 2013 – Habdalah 9:19 PM |
| **Sheboygan & Manitowoc, WI, US**  Fri. June 21 2013 – Candles at 8:18 PM  Sat. June 22 2013 – Habdalah 9:32 PM | **Singapore, Singapore**  Fri. June 21 2013 – Candles at 6:54 PM  Sat. June 22 2013 – Habdalah 7:46 PM | **St. Louis, MO, U.S.**  Fri. June 21 2013 – Candles at 8:11 PM  Sat. June 22 2013 – Habdalah 9:17 PM |

**For other places see:** [**http://chabad.org/calendar/candlelighting.asp**](http://chabad.org/calendar/candlelighting.asp)

**Roll of Honor:**

**This Torah commentary comes to you courtesy of:**

His Eminence Rabbi Dr. Hillel ben David and beloved wife HH Giberet Batsheva bat Sarah

His Honor Paqid Adon David ben Abraham

Her Excellency Giberet Sarai bat Sarah & beloved family

His Excellency Adon Barth Lindemann & beloved family

His Excellency Adon John Batchelor & beloved wife

His Honor Paqid Adon Ezra ben Abraham and beloved wife HH Giberet Karmela bat Sarah,

Her Excellency Giberet Laurie Taylor

His Eminence Rabbi Dr. Adon Eliyahu ben Abraham and beloved wife HH Giberet Dr. Elisheba bat Sarah

Her Excellency Prof. Dr. Conny Williams & beloved family

His Excellency Adon Yoel ben Abraham and beloved family

**For their regular and sacrificial giving, providing the best oil for the lamps, we pray that G-d’s richest blessings be upon their lives and those of their loved ones, together with all Yisrael and her Torah Scholars, amen ve amen!**

**Also a great thank you and great blessings be upon all who send comments to the list about the contents and commentary of the weekly Torah Seder and allied topics**.

**If you want to subscribe to our list and ensure that you never lose any of our commentaries, or would like your friends also to receive this commentary, please do send me an E-Mail to** [**benhaggai@GMail.com**](mailto:benhaggai@GMail.com) **with your E-Mail or the E-Mail addresses of your friends. Toda Rabba!**

**Shabbat: “V’Eleh HaMishpatim”**

**Sabbath: “And these are the judgments”**

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| --- | --- | --- |
| **Shabbat** | **Torah Reading:** | **Weekday Reading:** |
| וְאֵלֶּה, הַמִּשְׁפָּטִים |  |  |
| **“V’Eleh HaMishpatim”** | Reader 1 – Shemot 21:1-3 | Reader 1 – Shemot 21:28-30 |
| **“And these** are **the judgments”** | Reader 2 – Shemot 21:4-6 | Reader 2 – Shemot 21:30-32 |
| **“Y estos** son **los fallos”** | Reader 3 – Shemot 21:7-11 | Reader 3 – Shemot 21:28-32 |
| Shemot (Exod.) Ex 21:1–27 | Reader 4 – Shemot 21:12-14 |  |
| Ashlamatah: Is. 56:1-9 + 57:19 | Reader 5 – Shemot 21:15-17 |  |
|  | Reader 6 – Shemot 21:18-21 | Reader 1 – Shemot 21:28-30 |
| Psalm 57:1-6 | Reader 7 – Shemot 21:22-27 | Reader 2 – Shemot 21:30-32 |
| Abot: 3:3 | Maftir: Shemot 21:22-27 | Reader 3 – Shemot 21:28-32 |
| N.C.: Mk 7:17-23;  Acts 15:19-21 | Isaiah 56:1-9 + 57:19 |  |

**Blessings Before Torah Study**

**Blessed are You, Ha-Shem our G-d, King of the universe, Who has sanctified us through Your commandments, and commanded us to actively study Torah. Amen!**

**Please Ha-Shem, our G-d, sweeten the words of Your Torah in our mouths and in the mouths of all Your people Israel. May we and our offspring, and our offspring's offspring, and all the offspring of Your people, the House of Israel, may we all, together, know Your Name and study Your Torah for the sake of fulfilling Your desire. Blessed are You, Ha-Shem, Who teaches Torah to His people Israel. Amen!**

**Blessed are You, Ha-Shem our G-d, King of the universe, Who chose us from all the nations, and gave us the Torah. Blessed are You, Ha-Shem, Giver of the Torah. Amen!**

**Ha-Shem spoke to Moses, explaining a Commandment. "Speak to Aaron and his sons, and teach them the following Commandment: This is how you should bless the Children of Israel. Say to the Children of Israel:**

**May Ha-Shem bless you and keep watch over you; - Amen!**

**May Ha-Shem make His Presence enlighten you, and may He be kind to you; - Amen!**

**May Ha-Shem bestow favor on you, and grant you peace. – Amen!**

**This way, the priests will link My Name with the Israelites, and I will bless them."**

**These are the Laws for which the Torah did not mandate specific amounts: How much growing produce must be left in the corner of the field for the poor; how much of the first fruits must be offered at the Holy Temple; how much one must bring as an offering when one visits the Holy Temple three times a year; how much one must do when doing acts of kindness; and there is no maximum amount of Torah that a person must study.**

**These are the Laws whose benefits a person can often enjoy even in this world, even though the primary reward is in the Next World: They are: Honouring one's father and mother; doing acts of kindness; early attendance at the place of Torah study -- morning and night; showing hospitality to guests; visiting the sick; providing for the financial needs of a bride; escorting the dead; being very engrossed in prayer; bringing peace between two people, and between husband and wife; but the study of Torah is as great as all of them together. Amen!**

**Contents of the Torah Seder**

* The order of Judgments – Exodus 21:1
* The Hebrew Servant – Exodus 21:2-11
* Laws Concerning Murder – Exodus 21:12-14
* Crimes Against Parents & Kidnapping – Exodus 21:15-17
* Personal Injuries – Exodus 21:18-27

**Reading Assignment:**

**The Torah Anthology: Yalkut Me’Am Lo’Ez - Vol VII: The Law**

By: Rabbi Yaaqov Culi, Translated by: Rabbi Aryeh Kaplan

Published by: Moznaim Publishing Corp. (New York, 1979)

Vol. 7 – “The Law,” pp. 3-83

**Rashi & Targum Pseudo Jonathan**

**for: Shemot (Exod.) 21:1-27**

| **RASHI** | **TARGUM PSEUDO JONATHAN** |
| --- | --- |
| 1. And these are the ordinances that you shall set before them. | 1. ¶ AND these are the orders of judgments which you will order before them. |
| 2. Should you buy a Hebrew slave, he shall work [for] six years, and in the seventh [year], he shall go out to freedom without charge. | 2. If you will have bought a son of Israel, on account of his theft, six years he will serve, and at the incoming of the seventh he will go out free without price. |
| 3. If he comes [in] alone, he shall go out alone; if he is a married man, his wife shall go out with him. | 3. If he came in alone, he will go out alone: but if (he be) the husband of a wife, a daughter of Israel, his wife will go out with him. |
| 4. If his master gives him a wife, and she bears him sons or daughters, the woman and her children shall belong to her master, and he shall go out alone. | 4. If his master give him a wife, an handmaid, and she bear him sons or daughters, the wife and her children will belong to his master, and he may go out alone. |
| 5, But if the slave says, "I love my master, my wife, and my children. I will not go free," | 5, But if the servant will affirm and say, I love my master, my wife, and my children, (and) I will not go out free, |
| 6. his master shall bring him to the judges, and he shall bring him to the door or to the doorpost, and his master shall bore his ear with an awl, and he shall serve him forever. | 6. then his master will bring him before the judges, and will receive from them the power, and bring him to the door that has posts; and his master will pierce his right ear with an awl; and he will be a servant to serve him until the Yobel. |
| 7. Now if a man sells his daughter as a maidservant, she shall not go free as the slaves go free. | 7. ¶ And if a man of Israel sell his daughter, a little handmaid, she will not go forth according to the going forth of the servants of the Kenaanaee, who are set at liberty on account of the tooth or the eye; but in the years of remission, and with tokens, and at the Yobel, and on the death of her master, and by redemption with money. |
| 8. If she is displeasing to her master, who did not designate her [for himself], then he shall enable her to be redeemed; he shall not rule over her to sell her to another person, when he betrays her. | 8. If she has not found favour before her master who bought her, then her father may redeem her; but to a foreigner he will not have power to sell her; for as a vessel of her Lord he has power over her. |
| 9. And if he designates her for his son, he shall deal with her according to the law of the daughters [of Israel]. | 9. And if he had intended her for the side of his son, he will do by her after the manner of the daughters of Israel. |
| 10. If he takes another [wife] for himself, he shall not diminish her sustenance, her clothing, or her marital relations. | 10. If he take another daughter of Israel to him beside her, her food, her adorning, and her conjugal rights, he will not withhold from her.  JERUSALEM: And if he take another wife beside her, of her food, her adorning, and her going in and coming out with him, he shall not deprive her. |
| 11. And if he does not do these three things for her, she shall go free without charge, without [payment of] money. | 11. And if these three things he does not for her, to covenant her to himself, or to his son, or to release her into the hand of her father, she will go free without payment, and a writing of release he will give her. |
| 12. One who strikes a man so that he dies shall surely be put to death. | 12. ¶ Whosoever smites a son or a daughter of Israel, so as to cause death, will be put to death with the sword. |
| 13. But one who did not stalk [him], but God brought [it] about into his hand, I will make a place for you to which he shall flee. | 13. But he who did not attack him, but mischance from before the LORD befell him at his hand, I will appoint you a place where he may flee. |
| 14. But if a man plots deliberately against his friend to slay him with cunning, [even] from My altar you shall take him to die. | 14. But if a man come maliciously upon his neighbor to kill him with craft, though the priests are ministering at My altar, thence you will take him, and slay him with the sword.  JERUSALEM: But if a man devises against his neighbor to kill him by guile, though the high priest were standing to minister before Me, from thence you will bring him, and put him to death. |
| 15. And one who strikes his father or his mother shall surely be put to death. | 15. ¶ And he who wounds his father or his mother will die by strangling. |
| 16. And whoever kidnaps a man, and he is found in his possession, shall surely be put to death. | 16. ¶ And he who steals a soul of the children of Israel, and sells him, or if he be found in his possession, will die by strangling. |
| 17. And one who curses his father or his mother shall surely be put to death. | 17. ¶ And he who curses his father or his mother by the Great Name, dying he will die by being stoned with stones. |
| 18. And if men quarrel, and one strikes the other with a stone or with a fist, and he does not die but is confined to [his] bed, | 18. ¶ And when men strive together, and one smite his neighbor with a stone, or with his fist, so that he die not, but fall ill, |
| 19. if he gets up and walks about outside on his support, the assailant shall be cleared; he shall give only [payment] for his [enforced] idleness, and he shall provide for his cure. | 19. if he rise again from his illness, and walk in the street upon his staff, he who smote him will be acquitted from the penalty of death; only for his cessation from labor, his affliction, his injury, his disgrace, and the hire of the physician, he will make good until he be cured. |
| 20. And should a man strike his manservant or his maidservant with a rod, and [that one] die under his hand, he shall surely be avenged. | 20. ¶ And when a man has smitten his Kenaanite man-servant or maid-servant with a staff, and he die the same day under his hand, he will be judged with the judgment of death by the sword. |
| 21. But if he survives for a day or for two days, he shall not be avenged, because he is his property. | 21. But if the wounded person continue one or two days from time to time, he will not be (so) judged; because with money he had bought him. |
| 22. And should men quarrel and hit a pregnant woman, and she miscarries but there is no fatality, he shall surely be punished, when the woman's husband makes demands of him, and he shall give [restitution] according to the judges' [orders]. | 22. ¶ If men when striving strike a woman with child, and cause her to miscarry, but not to lose her life, the fine on account of the infant which the husband of the woman will lay upon him, he will pay according to the sentence of the judges. |
| 23. But if there is a fatality, you shall give a life for a life, | 23. But if death befall her, then you will judge the life of the killer for the life of the woman. |
| 24. an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, | 24. The value of an eye for an eye, the value of a tooth for a tooth, the value of a hand for a hand, the value of a foot for a foot, |
| 25. a burn for a burn, a wound for a wound, a bruise for a bruise. | 25. all equivalent of the pain of burning for burning, and of wounding for wounding, and of blow for blow. |
| 26. And if a man strikes the eye of his manservant or the eye of his maidservant and destroys it, he shall set him free in return for his eye, | 26. ¶ And when a man strikes the eye of his Kenaanite servant or handmaid, and causes blindness, he will let him go free, on account of the eye. |
| 27. and if he knocks out the tooth of his manservant or the tooth of his maidservant, he shall set him free in return for his tooth. | 27. And if he strike out the tooth of his Kenaanite man or maid-servant, he will make the servant free on account of the tooth. |
|  |  |

**Welcome to the World of P’shat Exegesis**

In order to understand the finished work of the P’shat mode of interpretation of the Torah, one needs to take into account that the P’shat is intended to produce a catechetical output, whereby a question/s is/are raised and an answer/a is/are given using the seven Hermeneutic Laws of R. Hillel and as well as the laws of Hebrew Grammar and Hebrew expression.

The Seven Hermeneutic Laws of R. Hillel are as follows

**[cf.** [**http://www.jewishencyclopedia.com/view.jsp?artid=472&letter=R**](http://www.jewishencyclopedia.com/view.jsp?artid=472&letter=R)**]:**

**1. Ḳal va-ḥomer:** "Argumentum a minori ad majus" or "a majori ad minus"; corresponding to the scholastic proof a fortiori.

**2. Gezerah shavah:** Argument from analogy. Biblical passages containing synonyms or homonyms are subject, however much they differ in other respects, to identical definitions and applications.

**3. Binyan ab mi-katub eḥad:** Application of a provision found in one passage only to passages which are related to the first in content but do not contain the provision in question.

**4. Binyan ab mi-shene ketubim:** The same as the preceding, except that the provision is generalized from two Biblical passages.

**5. Kelal u-Peraṭ and Peraṭ u-kelal:** Definition of the general by the particular, and of the particular by the general.

**6. Ka-yoẓe bo mi-maḳom aḥer:** Similarity in content to another Scriptural passage.

**7. Dabar ha-lamed me-'inyano:** Interpretation deduced from the context.

**Rashi’s Commentary for: Shemot (Exod.) 21:1-27**

**1** **And these are the ordinances**-Wherever it says, “these” [in the Torah,] it [(this word) is used to] separate from what has been stated previously. [Where it says,] “And these,” [it means that] it is adding to what has been previously stated (Tanchuma Mishpatim 3). [Thus] just as what has been previously stated [namely the Ten Commandments,] were from Sinai, these too were from Sinai. Now why was the section dealing with laws juxtaposed to the section dealing with the altar? To tell you that you shall place the Sanhedrin adjacent to the Beth Hamikdash (other editions: the altar).-[From Mechilta]

**that you shall set before them**-The Holy One, blessed is He, said to Moses: Do not think of saying, “I will teach them the chapter or the law [both terms seemingly refer to the Oral Torah] two or three times until they know it well, as it was taught, but I will not trouble myself to enable them to understand the reasons for the matter and its explanation.” Therefore, it is said: “you shall set before them,” like a table, set [with food] and prepared to eat from, [placed] before someone.-[From Mechilta, Eruvin 54b]

**before them** But not before gentiles. Even if you know that they [gentiles] judge a certain law similarly to the laws of Israel, do not bring it to their courts, for one who brings Jewish lawsuits before gentiles profanes the [Divine] Name and honors the name of idols to praise them (other editions: to give them importance), as it is said: “For not like our Rock [God] is their rock, but [yet] our enemies judge [us]” (Deut. 32:31). When [we let] our enemies judge [us], this is testimony to [our] esteem of their deity.-[From Tanchuma 3]

**2** **Should you buy a Hebrew slave** A slave who is himself a Hebrew. Or perhaps it means only a slave of a Hebrew, a Canaanite [servant] whom you bought from a Hebrew. And concerning him, he [the Torah] says, “he shall work [for] six years.” How [then] can I apply the [law in the following] verse, “and you shall bequeath them” (Lev. 25:46) ? [Does this verse apply] concerning one [a servant] purchased from a non-Jew, but one [a servant] purchased from an Israelite goes free after six years? Therefore, the Torah states: “Should your brother, a Hebrew man… be sold to you, [he shall serve you for six years]” (Deut. 15:12). [This is the clarification that] I [God] said this only regarding your brother.-[From Mechilta]

**Should you buy** from the hand of the court, who sold him [into servitude] because of his theft, as it is said: “If he has no [money], he shall be sold for his theft” (Exod. 22:2). Or perhaps it refers only to one who sold oneself [into servitude] because of poverty, but if the court sold him, he does not go free after six [years]? When he [the Torah] says: “And if your brother becomes impoverished beside you and is sold to you” (Lev. 25:39), one who sells oneself because of poverty is mentioned [here]. So [to avoid repetition,] how do I apply “Should you buy”? [By understanding that this is] concerning one sold by the court.

**to freedom** Heb. לַחָפְשִׁי, to freedom.

**3** **If he comes [in] alone** Heb. בְּגַפּוֹ, meaning that he was not married, as the Targum renders: אִם בִּלְחוֹדוֹהִי. The expression בְּגַפּוֹ means “with his skirt,” [i.e., the skirt of his cloak, meaning] that he came only as he was, alone within his clothing, in the skirt of his garment.

**he shall go out alone**-[This] tells [us] that if he was not married at first, his master may not give him a Canaanite maidservant from whom to beget slaves.-[From Kid. 20a]

[**if he is a married man**-[Lit., if he is someone’s husband, meaning] an Israelite [woman].-[From Mechilta]

**his wife shall go out with him** Now who brought her in that she should go out? Rather, the text informs us that whoever purchases a Hebrew slave is [also] responsible for supporting his wife and his children. [From Mechilta, Kid. 22a]

**4** **If his master gives him a wife** From here we deduce that his master has the option to give him [the slave] a Canaanite maidservant [in order] to beget slaves from her. Or, perhaps this means only an Israelite woman? Therefore, Scripture says: “The woman and her children shall belong to her master.” Thus, He is speaking only about a Canaanite woman, for a Hebrew woman she, too, goes free after six [years], and even before six [years], when she develops signs [of puberty], she goes free, as it is said: “your brother, a Hebrew man or a Hebrew woman [that one shall serve you for six years]” (Deut. 15:12). [This] teaches [us] that a Hebrew [maidservant] also goes free after six [years].- [From Mechilta, Kid. 14b]

**5** **my wife**-[This refers to] the maidservant.

**6** **to the judges** Heb. אֶל-הָאֱלֽהִים, to the court to consult his sellers, for they sold him [the slave] to him [to his master].-[From Mechilta]

**to the door or to the doorpost** I might think that the doorpost is [a] qualified [place] on which to bore [the servant’s ear]. Therefore, Scripture says: “and you shall thrust it into his ear and into the door” (Deut. 15:17), [meaning] “into the door,” but not “into the doorpost.” What then does or to the doorpost mean? [The text is] comparing the door to the doorpost. Just as the doorpost is upright [i.e., attached to the house; otherwise it is not called a doorpost], so is the door upright. [A detached door may not be used for the ritual of ear boring.]-[From Mechilta, Kid. 22b]

**and his master shall bore his ear**-[I.e.,] the right [ear]. Or perhaps it means the left one? Therefore, the Torah states אֽזֶן “ear,” here and אֽזֶן [elsewhere] for [the purpose of making] a גְזֵרָה שָׁוָה, [which means two places having similar wording, which indicates that the rulings pertaining to one situation also apply to the other]. It is stated here: “and his master shall bore his ear,” and it is stated regarding the mezora [person with the disease of zara’ath]: “the cartilage of the right ear of the one who is becoming pure” (Lev. 14:14). Just as there the right [ear] is specified, here too the right [ear] is meant. Now, why was the ear chosen to be bored out of all the organs of the body? Rabban Jochanan ben Zakkai said: The ear that heard on Mount Sinai, “You shall not steal” (Exod. 20:13) and [then] went and stole, shall be bored. And if [the text is referring to] one who sold himself [into servitude, the reason is that] the ear that heard, “For the children of Israel are slaves to Me” (Lev. 25:55) and [then] went and acquired a master for himself, [this ear] shall be bored. Rabbi Shimon used to interpret this verse [in a beautiful manner] like a bundle of pearls [or a great amount of perfume in this way:]-why were the door and the doorpost singled out from all the fixtures in the house? The Holy One, blessed is He, said: The door and the doorpost were witnesses in Egypt when I passed over the lintel and the two doorposts, and I said, “For the children of Israel are slaves to Me; they are My slaves,” but [they are] not slaves to slaves, and [yet] this one went and acquired for himself a master-[his ear] shall be bored before them [for everyone to see].-[From Kid. 22b]

**and he shall serve him forever**-Heb. לְעֽלָם, until the Jubilee year [the fiftieth year of the cycle]. Or perhaps it means literally forever, as its apparent meaning? Therefore, the Torah states [in reference to the Jubilee year]: “and each man to his family you shall return” (Lev. 25:10). [This] informs [us] that fifty years are called עֽלָם. But [this does] not [mean] that he must serve him [his master] the entire fifty years, but he must serve him until the Jubilee year, regardless of whether it is near or far off.-[From Mechilta, Kid. 15a]

**7** **Now if a man sells his daughter as a maidservant** Scripture is referring [here] to a minor girl. I might think that even if she develops signs [of initial puberty, the father may sell her]. [But] you must agree that a kal vachomer [the inference of a major rule from a minor rule] applies here namely if she who is already sold goes free with signs [that is, when she has signs of initial puberty], as it is written: “she shall go out for nothing, without money” (Exod. 21:11), which we interpret as referring to the signs of initial puberty, does it not make sense that she who is not sold [and has initial signs of puberty] should not be sold [at all]? -[From Mechilta, Arachin 29a] [At the moment when a female has two pubic hairs, usually when she is twelve years old, she is no longer considered a minor. She is then called נַעֲרָה. She is, however, still under her father’s jurisdiction until six months later, when her breasts have developed to a certain stage. Then she is called בּוֹגֶרֶת, a mature girl. In the case of a Hebrew maidservant, the father may sell her only when she is a minor, not after she has become a נַעֲרָה

**she shall not go free as the slaves go free** [I.e.,]-like the emancipation of Canaanite slaves, who go free because of [the loss of] a tooth or an eye. [See below, verses 26, 27.] This one [a Hebrew maidservant], however, will not go free because of [the loss of] a tooth or an eye, but she will work for [her complete] six years or until the Jubilee year or until she develops signs [of initial puberty]. Whichever comes first will be the first [event] to effect her emancipation, and [her master] will reimburse her for the value of her eye or the value of her tooth. Or perhaps this is not so [i.e., the intention of the verse], but “she shall not go free as the [male] slaves go free” [meaning] after six years or in the Jubilee year? Therefore, the Torah states: “Should your brother, a Hebrew man or a Hebrew woman, be sold to you…” (Deut. 15:12). This compares the Hebrew woman to the Hebrew man in regard to all the ways he can be emancipated: just as a Hebrew man goes free following six years [of service] or in the Jubilee year, so too does a Hebrew woman go free following six years [of service] or in the Jubilee year. What then is the meaning of “she shall not go free as the slaves go free”? [This means] she shall not go free with [the loss of] the tips of her limbs, as do the Canaanite slaves. I might think [then] that [only a Hebrew maidservant does not go free due to the loss of the tips of her limbs, but] a Hebrew man does go free with [the loss of] the tips of his limbs. [Therefore, the Torah] compares the Hebrew man to the Hebrew woman: just as the Hebrew woman does not go free with [the loss of] the tips of her limbs, neither does the Hebrew man go free with [the loss of] the tips of his limbs.-[From Mechilta]

**8** **If she is displeasing to her master**- [Meaning] that she does not please him to the extent that he would [want to] marry her.-[From Mechilta]

**who did not designate her** For he should have designated her and married her, and the money paid for her purchase is the money of her betrothal. Here Scripture hints that it is a mitzvah [for the master] to perform יִעוּד, designation for marriage, [with the maidservant] and it hints that she would not require any other betrothal. [I.e., neither money nor articles of value would have to be given to the girl’s father in order to marry her. The money the father originally received for selling his daughter now would become the money of betrothal from her master.]-[From Kid. 19b]

**he shall enable her to be redeemed**-[This means] he [the master] should give her the opportunity to be redeemed and go free, for he too assists in her redemption. Now what is this opportunity that he gives her? That he deducts from her redemption, according to the number of years that she worked for him, as if she had been hired by him [and was not a slave]. How so? Let us say that he bought her for a maneh [one hundred zuz], and she worked for him for two years. We say to him, “You knew that she would ultimately leave at the end of six years. This means that you bought each year’s work for one-sixth of a maneh, and she has worked for you for two years, which equals one-third of a maneh. Accept two-thirds of a maneh [from her, to pay for the remaining four years] and let her leave you.”-[from Kid. 14b] **to**

**another person** Heb. לְעַם נָכְרִי. [Meaning] that neither the master nor the father has the right to sell her to anyone else.- [from Kid. 18a]

**when he betrays her** If he [the master] comes to betray her and not fulfill the commandment of designation, and the father, too, since he betrayed her and sold her to this one.

**9** **And if he designates her for his son**-[I.e., if] the master [chooses her as a wife for his son]. [This] teaches [us] that his son also stands in his [the master’s] place to designate her if his father so desires, and he does not require another betrothal, but he [can] say to her, “Behold, you are designated to me with the money your father received [originally] for your value.”-[From Kid. 18b]

**according to the law of the daughters [of Israel]**-Meaning sustenance, clothing, and marital relations.-[From Mechilta]

**10** **If he takes another [wife] for himself** in addition to her.-[From Mechilta]

**he shall not diminish her sustenance, her clothing, or her marital relations** from the maidservant whom he had already designated.-[From Mechilta]

**her sustenance** Heb. שְׁאֵרָהּ, [referring to] food.-[From Mechilta, Keth. 47b]

**her clothing** Heb. כְּסוּתָה, lit., her covering As its apparent meaning [namely her clothing].

**her marital relations** Heb. עֽנָתָה, [meaning physical] intimacy.-[From Mechilta, Keth. 47b]

**11** **And if he does not do these three things for her** If he does not do any one of these three things for her. Now what are these three things? He should designate her for himself or for his son [as a wife], or he should deduct from the money of her redemption and allow her to go free. But this one [master] designated her neither for himself nor for his son, and she could not afford to redeem herself [even after the deduction].-[From Mechilta]

**she shall go free without charge**-[The text] adds [another means of] emancipation for this [maidservant] beyond what it provided for male slaves. Now what is this [means of] emancipation? וְיָצְאָה חִנָם informs you that she goes free when she shows [initial] signs [of puberty], and she must stay with him until she develops [these] signs. If six years pass before the appearance of these signs, we have already learned that she goes free, as it is said: “Should your brother, a Hebrew man or a Hebrew woman [be sold to you, that one] shall serve you for six years” (Deut. 15:12). What then is the meaning of “she shall go out without charge”? If the signs [of puberty] precede the [end of] six years, she shall go free because of them. Or perhaps it means only that she goes out when she reaches maturity [i.e., at twelve and a half years]? Therefore, Scripture says: “without [payment of] money,” to include her emancipation at maturity. If both of them [i.e., that she goes free “without charge” and “without money”] were not stated, [and “she shall go out without charge” was stated,] I would say that “she shall go out without charge” refers to [her being freed at] maturity. Therefore, both of them were stated, so that the disputant has no opportunity to differ. -[From Mechilta, Kid. 4a]

**12** **One who strikes a man so that he dies** Several verses have been written in the section dealing with murderers, and I will explain what I am able to explain [about] why they [these verses] are needed.

**One who strikes a man so that he dies** Why was this said? Because it says: “And if a man strikes down any human being, he shall surely be put to death” (Lev. 24:17), I understand [that even if he deals him] a blow without death. Therefore, the Torah says: “He who strikes a man and he dies,” meaning that he is liable only for a blow causing death. If it said: “He who strikes a man,” and it did not say, “And if a man strikes down any human being,” I would say that one is liable only if one strikes a man. If one strikes a woman or a minor, how do we know [that one is liable]? Therefore, the Torah says: “if [a man] strikes down any human being,” referring even to a minor or even a woman. Also, if it said: “He who strikes a man,” I would understand that even a minor who struck and killed [someone] would be liable. Therefore, the Torah [specifically] says: “if a man strikes down,” but not a minor who strikes [someone] down. Also, “if… strikes down any human being” implies even a nonviable infant. Therefore, the Torah [here] says: “He who strikes a man,” implying one is liable only if one strikes a viable infant, one [who is] capable of becoming a man [i.e., an adult]. -[From Mechilta]

**13** **But one who did not stalk [him]** He did not lie in wait for him, and he did not intend [to kill him]. -[From Sifrei, Num. 35:22]

**stalk** Heb. צָדָה, an expression meaning “lie in wait.” And so does Scripture say: “but you are stalking (צֽדֶה) my soul to take it” (I Sam. 24:12). It is, however, impossible to say that צָדָה is an expression [that is] related to [hunting animals as in the following verse:] “the one who hunted game (הַצָּד צַיִד) ” (Gen. 27:33) [and to render: he did not hunt him down], because in [the expression of] hunting beasts, there is no “hey” in its verb, and the noun related to it is צַיִד, whereas the noun in this case is צְדִיָּה (Num. 35:20), and its verb is צוֹדֶה, but the verb of this one [namely hunting] is צָּד. I say, [therefore,] that this is to be interpreted as the Targum [Onkelos] renders: But he who did not stalk [him]. Menachem, however, classified it (Machbereth Menachem, p. 148) in the grouping along with הַצָּד צַיִד, but I disagree with him. If it is at all possible to classify it in one of the groupings of צד [enumerated by Menachem], we may classify it in the grouping of “on the side (צַד) you shall be borne” (Isa. 66:12); “I shall shoot to the side (צִדָּה) ” (I Sam. 20:20); “And he will speak words against [lit., to the side of] (לְצַד) the Most High” (Dan. 7:25). Here, too, אֲשֶׁר א צָדָה means that he did not look sideways (צִדֵּד) to find for him some occasion [lit., side] to kill him. This [interpretation] too is questionable. In any case, it is an expression of stalking.

[**but God brought [it] about into his hand** Heb. אִנָּה, made it ready for his hand, an expression similar to “No harm will be prepared (תְאוּנֶּה) for you” (Ps. 91:10); No wrong shall be prepared (יְאוּנֶּה) (Prov. 12:21); [and] “he is preparing himself (מִתְאַנֶה) against me” (II Kings 5:7), [meaning that] he is preparing himself to find a pretext against me..

**but God brought [it] about into his hand** Now why should this go out from before Him? That is what David said, “As the proverb of the Ancient One says, ‘From the wicked comes forth wickedness’”(I Sam. 24:14). The proverb of the Ancient One is the Torah, which is the proverb of the Holy One, blessed is He, Who is the Ancient One of the world. Now where did the Torah say, “From the wicked comes forth wickedness”? [This refers to:] “but God brought [it] about into his hand.” To what is the text referring? To two people, one who killed unintentionally and one who killed intentionally, but there were no witnesses who would testify to the matter. This one [who killed intentionally] was not executed, and that one [who killed unintentionally] was not exiled [to the refuge cities]. So the Holy One, blessed is He, brings them [both] to one inn. The one who killed intentionally sits under a ladder, and the one who killed unintentionally is ascending the ladder, and he falls on the one who had killed intentionally and kills him, and witnesses testify about him and sentence him to exile. The result is that the one who killed unintentionally is exiled, and the one who killed intentionally was killed. -[From Mechilta, Makkoth 10b]

**I will make a place for you** Even in the desert, where he [the man who has murdered] shall flee, and what place affords him asylum? This is the camp of the Levites. -[From Mechilta, Mak. 12b]

**14** **But if… plots deliberately** Why was this said? Because it said: “One who strikes [a man so that he dies shall surely be put to death]” (verse 12), I [may] understand [this to apply to] a physician [who killed a patient], the agent of the court who killed by [administering] forty lashes, the father who strikes his son, the teacher who disciplines his pupil, and the unintentional [killer]. Therefore, the Torah states: “But if [a man] plots deliberately,” but not the unintentional [killer]; “to slay him with cunning,” but not the agent of the court, the physician, or the one who disciplines his son or his pupil, for although they are intentional [in striking], they do not act with cunning. -[From Mechilta]

**[even] from My altar** if he were a kohen and wanted to perform the [sacrificial] service, you shall take him to die. [From Mechilta, Yoma 85a]

**15** **And one who strikes his father or his mother** Since we learned that one who strikes one’s fellow is liable to make monetary compensation (Exod. 21:18, 19, 24, 25), but he is not liable to death, the text had to state that one who strikes his father is liable to the death penalty, but he is not liable except for a blow that causes a wound. -[From Mechilta, Sanh. 84b]

**his father or his mother** Either this one or that one. -[From Mechilta, Sanh. 85b]

**shall surely be put to death** by strangulation. -[From Mechilta, Sanh. 85b]

**16** **And whoever kidnaps a man** Why was this said [here since the law of kidnapping is mentioned elsewhere (Ho’il Moshe)]? Since it says (Deut. 24:7): “Should a man be found stealing a person from among his brothers” [meaning from the children of Israel, and he has worked with him and sold him, that thief shall die, and you shall clear away the evil from your midst]. [From here] I know only [that] a man who kidnapped a person [is liable to death]. How do I know if a woman, one of indeterminate sex, or a hermaphrodite kidnap [a person, that they too are liable to death]? Therefore, the Torah states: “And whoever kidnaps a man and sells him…” And since it says here: “And whoever kidnaps a man,” I know only that one who kidnaps a man [is liable to death]. How do I know that if one kidnaps a woman [he is also liable… to death]? Therefore, the Torah states (Deut. 24:7): “stealing a person.” Therefore, both of them [both verses] were needed; what one [verse] left out the other [verse] filled in [lit., revealed]. -[From Mechilta, Sanh. 85b]

**and he is found in his possession** [I.e., this means] that witnesses saw him that he kidnapped him and sold him, and he [the kidnapped man] was found in his hand prior to the sale. -[From Mechilta]

**shall surely be put to death** By strangulation. Every death penalty mentioned in the Torah without qualification is strangulation (Mechilta, Sanh. 84b). [God] interrupts the subject [of discussing sins against parents] and writes, “and whoever kidnaps a man” between [the verses] “one who strikes his father or his mother” and “one who curses his father or his mother.” It appears to me that that is [the underlying reason for] the controversy [found in Sanh. 85], that one Tannaic master believes that we are comparing striking [someone] to cursing [i.e., just as one is liable only if one curses a person who keeps the commandments as befits a Jew (see Exod. 22:27), so too is one liable only for striking a person who keeps the commandments, but not for striking a Cuthite], and the other master believes that we do not compare cursing to striking [and thus one would be liable for striking a Cuthite even though he does not keep the commandments]. -[Rashi, referring to Sanh. 85b]

**17** **And one who curses his father or his mother** Why was this said? Since [Scripture] says: “any man, any man who curses his father [or his mother shall surely be put to death]” (Lev. 20:9). [From there] I know only that if a man curses his father [he is liable to death]. How do I know that if a woman curses her father [she too is liable to death]? Therefore, Scripture says [here]: “And one who curses his father or his mother….” It makes an unqualified statement, meaning whether it is a man or a woman. If so, why does it say, “any man who curses”? [In order] to exclude a minor. -[From Mechilta]

**shall surely be put to death** By stoning. Wherever it says: “his blood is upon him,” [it means that he is to be put to death] by stoning. The model for all of them is “with rocks they shall stone them; their blood is upon them” (Lev. 20:27). Regarding the one who curses his father, it says: “his blood is upon him” (Lev. 20:9). -[From Mechilta; Sanh. 66a; Sifra, end of Kedoshim]

**18** **And if men quarrel** Why was this said? Since it says: “An eye for an eye” (Exod. 21: 24), we learn only [that if one assaults his fellow, he must pay] the value of his limbs [which he amputated or rendered permanently useless], but [payment for] idleness and healing we have not [yet] learned. Therefore, this section, [which delineates those payments,] was stated. -[From Mechilta]

**but is confined to [his] bed** Heb. וְנָפַל לְמִשְׁכָּב, as the Targum [Onkelos] renders: לְבוּטְלָן, and he falls into idleness, [meaning] into an illness that prevents him from working.

**19** [with what he relies on, i.e.,] **on his support** Heb. עַל-מִשְׁעַנְתּוֹ, with his health and his strength. -[From Mechilta].

**the assailant shall be cleared** Now would it enter your mind that one who did not kill should be killed? But rather, [the Torah] teaches you here that they imprison him until it becomes apparent whether this one [the victim] will get well, and this is its meaning: When this one gets up and walks on his support, then the assailant shall be cleared, but before this one [the victim] gets up, the assailant shall not be cleared. -[From Keth. 33b]

**only [payment] for his [enforced] idleness** Heb. שִׁבְתּוֹ, the [enforced] idleness from his work due to the illness. If he cut off his hand or his foot, we assess [payment for] the idleness as if he were a watchman of a cucumber field, because even after [recovery from] the illness, he is not fit for work that requires a hand or foot, and he [the assailant] already gave him as payment for his damage the value of his hand and his foot, as it is said: “a hand for a hand, a foot for a foot” (Exod. 21:24). -[From B.K. 83b, 85b, Tosefta B.K. 9:1]

**and he shall provide for his cure** As the Targum [Onkelos] renders: and he shall pay the physician’s fee.

**20** **And should a man strike his manservant or his maidservant** The text is referring to a Canaanite slave, or perhaps it is referring only to a Hebrew [slave]? To clarify this, the Torah says: “because he is his property” (verse 21). Just as his property is his permanent acquisition, so is the slave [in question] one who is his permanent acquisition. Now, was he [the one who kills his slave] not included in “He who strikes a man and he dies” (above, verse 12) ? This verse was written [lit., came] to exclude him [the owner of the slave] from the general rule [concerning murder], to be judged with the law of “a day or two days” (verse 21), that if he did not die under his hand but lingered an entire twenty-four-hour period, he is exempt. -[From Mechilta]

**with a rod** The verse refers to [a rod] that has sufficient [weight and strength] to kill [someone]. Or perhaps that is not so, but [the master is liable] even if it [the rod] does not have sufficient [weight and strength] to kill? Therefore, the Torah says concerning an Israelite: “Or if he strikes him with a stone that can be held in the hand, from which he may die” (Num. 35:17). (“Or if he strikes him with a wooden instrument that can be held in the hand, from which he may die”) (Num. 35:18). -[Mizrachi version] Now could the matter not be understood by a kal vachomer [an inference from a major to a minor case], that if [in the case of] an Israelite [victim], [a case] which is treated more stringently, one is not liable unless he struck him [the victim] with an article that has sufficient [weight and strength] to kill and the blow is on an organ which could cause death, how much more should it be so [in the case of] a slave, [a case] which is treated more leniently? -[From Mechilta]

**he shall surely be avenged** [with] death by the sword [decapitation], and so does the Torah say: “a sword avenging the vengeance of the covenant” (Lev. 26:25). -[From Mechilta, Sanh. 52b] **21** **But if he survives**

**for a day or two he shall not be avenged** If one day[’s survival] exempts him [from punishment], then would not [survival of] two days be even more obvious? [Why then, is the word יומים written?] Rather [it must be that we are speaking of] one day which is as two days, and what [kind of day] is that? A full, twenty-four hour period.

**he shall not be avenged, because he is his property** But if someone else struck him, even if he lingered for twenty-four hours before he died, he [the other person] is liable [to incur the death penalty].

**22** **And should men quarrel** with one another, and [one] intended to strike his fellow, and [instead] struck a woman. [From Sanh. 79a]

**and hit a pregnant woman** Heb. נְגִיפָה .וְנָגְפוּ is only an expression of pushing and striking, as [in the following phrases:] “lest you strike תִּגֽף your foot with a stone” (Ps. 91:12); “and before your feet are bruised (יִתְנְַָפוּ) ” (Jer. 13:16); “and a stone upon which to dash oneself (נֶגֶף) ” (Isa. 8:14).

**but there is no fatality** with the woman. -[From Sanh. 79a, Jonathan]

**he shall surely be punished** to pay the value of the fetuses to the husband. They assess her [for] how much she was valued to be sold in the market, increasing her value because of her pregnancy. -[From B.K. 49a] I.e., the court figures how much she would be worth if sold as a pregnant slave when customers would take into account the prospect of the slaves she would bear, and her value as a slave without the pregnancy. The assailant must pay the difference between these two amounts. -[B.K. 48b, 49a]

**he shall surely be punished** Heb. עָנוֹשׁ יֵעָנֵשׁ. They shall collect monetary payment from him, like וְעָנְשׁוּ [in the verse] “And they shall fine (וְעָנְשׁוּ) him one hundred [shekels of] silver” (Deut. 22:19). [From Mechilta]

**when the woman’s husband makes demands of him** When the husband sues him [the assailant] in court to levy upon him punishment for that.

**and he shall give [restitution]** The assailant [shall give] the value of the fetuses.

**according to the judges** Heb. בִּפְלִלִים, according to the verdict of the judges. - [From Mechilta]

**23** **But if there is a fatality** with the woman.

**you shall give a life for a life** Our Rabbis differ on this matter. Some say [that he must] actually [give up his] life, and some say [that he must pay] money, but not actually a life, and if one intends to kill one person and kills another, he is exempt from the death penalty and must pay his [the victim’s] heirs his value, as [it would be if] he were sold in the marketplace. - [From Mechilta, Sanh. 79]

**24** **an eye for an eye** If [a person] blinds his neighbor’s eye, he must give him the value of his eye, [which is] how much his price to be sold in the marketplace has decreased [without the eye]. So is the meaning of all of them [i.e., all the injuries enumerated in the following verses], but not the actual amputation of a limb, as our Rabbis interpreted it in the chapter entitled הַחוֹבֵל, he who assaults. -[From B.K. 83b, 84a]

**25** **a burn for a burn** Heb. כְּוִיָּה, a burn caused by fire. [Rashi probably alludes to מִכְוַת-אֵשׁ in Lev. 13:24.] Until now [the Torah] spoke of an injury that decreases the value [of the victim], and now of [an injury] that does not decrease the [victim’s] value [as a slave] but causes pain, for instance if he [the assailant] burned him [the victim] on his nails with a spit, they [the judges] compute how much [money] a person like him would be willing to take to endure such pain. -[From B.K. 84a, Mechilta]

**a wound** Heb. פֶּצַע, a wound that bleeds, where he wounded his [victim’s] flesh, navredure in Old French, all according to what it [the wound] is. If it decreases his value, he [the assailant must] pay [for the] damage; if he falls into idleness, he [must] pay for idleness, and for healing, shame, and pain. This verse is superfluous [because there is no difference between a wound and a burn. Whatever damage he inflicts he must pay]. In [the chapter] הַחוֹבֵל (B.K. 84a), our Rabbis interpreted it as making one liable for [the victim’s] pain even where there is [permanent] damage [which he must pay for], because although he pays him [the victim] the value of his hand, we do not exempt him from the [payment compensating for the victim’s] pain, reasoning that since he [the assailant] purchased his [the victim’s] hand [by giving the victim payment for its value], he may amputate it with whatever he wants. We say, however, that he should amputate it with a medication that lessens the pain. However, [if] he cut it off with [an] iron [implement] and caused him pain [he must give the victim compensation]. -[From B.K. 85a]

**a bruise** Heb. חַבּוּרָה. This is a blow in which blood collects but does not come out. It only reddens the flesh on that spot. The term חַבּוּרָה is equivalent to tache in Old French [meaning] a spot, like “or a leopard its spots (חֲבַרְבֻּרֽתָיו) ” (Jer. 13:23). Its Aramaic translation is מַשְׁקוֹפֵי, an expression of beating, batedure in Old French, [meaning] beating, knocking, and so, שְׁדֻפוֹת קָדִּים (Gen. 41:23) [is translated by Onkelos as:] שְׁקִיפָן קִדּוּם, [which means] “beaten by the [east] wind,” and similarly, “on the lintel (עַל הַמַשְׁקוֹף)” (Exod. 12:7), [is given this appellation] because the door bangs against it [the lintel]. [See commentary on Exod. 12:7.]

**26** **the eye of his manservant** [This refers to] a Canaanite, but a Hebrew [slave] does not go out with [the loss of his] tooth or [his] eye as we have stated on “she shall not go out as the slaves go out” (Exod. 21:7).

**in return for his eye** And so it [the law] is with the twenty-four tips of limbs: [i.e.,] the fingers and toes, the two ears and the nose, and the רֽאֽש הַגְּוִיָה, which is the male organ. Why were [both] a tooth and an eye mentioned [when the Torah could have mentioned only one]? Because if it had mentioned an eye and did not mention a tooth, I would say that just as an eye was created with him [at birth], so [does this apply to] everything that is created with him, but a tooth was not created with him [at birth]. [Therefore, I would say that if the master knocked out his slave’s tooth, the slave would not be freed.] If it mentioned a tooth and did not mention an eye, I would say [that] even [if the master knocked out] a baby tooth, which would be replaced [by the natural growth of another tooth, the slave would be freed]. Therefore, it mentions the eye [which cannot be replaced, to teach us that if the master knocks out a baby tooth, the slave is not freed]. -[From Kid. 24a]

**Welcome to the World of Remes Exegesis**

Thirteen rules compiled by Rabbi [Ishmael b. Elisha](http://www.jewishencyclopedia.com/articles/8254-ishmael-b-elisha) for the elucidation of the Torah and for making halakic deductions from it. They are, strictly speaking, mere amplifications of the seven [Rules of Hillel](http://www.jewishencyclopedia.com/articles/12936-rules-of-hillel-the-seven), and are collected in the [Baraita of R. Ishmael](http://www.jewishencyclopedia.com/articles/2490-baraita-of-r-ishmael), forming the introduction to the Sifra and reading a follows:

1. **Ḳal wa-ḥomer:** Identical with the first rule of Hillel.
2. **Gezerah shawah:** Identical with the second rule of Hillel.
3. **Binyan ab:** Rules deduced from a single passage of Scripture and rules deduced from two passages. This rule is a combination of the third and fourth rules of Hillel.
4. **Kelal u-Peraṭ:** The general and the particular.
5. **u-Peraṭ u-kelal:** The particular and the general.
6. **Kelal u-Peraṭ u-kelal:** The general, the particular, and the general.
7. **The general** which requires elucidation by the particular, and the particular which requires elucidation by the general.
8. **The particular** implied in the general and excepted from it for pedagogic purposes elucidates the general as well as the particular.
9. **The particular implied in the general** and excepted from it on account of the special regulation which corresponds in concept to the general, is thus isolated to decrease rather than to increase the rigidity of its application.
10. **The particular implied in the general** and excepted from it on account of some other special regulation which does not correspond in concept to the general, is thus isolated either to decrease or to increase the rigidity of its application.
11. **The particular implied in the general** and excepted from it on account of a new and reversed decision can be referred to the general only in case the passage under consideration makes an explicit reference to it.
12. **Deduction from the context.**
13. **When two Biblical passages contradict each other** the contradiction in question must be solved by reference to a third passage.

Rules seven to eleven are formed by a subdivision of the fifth rule of Hillel; rule twelve corresponds to the seventh rule of Hillel, but is amplified in certain particulars; rule thirteen does not occur in Hillel, while, on the other hand, the sixth rule of Hillel is omitted by Ishmael. These rules are found also on the morning prayers of any Jewish Orthodox Siddur together with a brief explanation for each one of them.\

**Ramban’s Commentary for:**  **Shemot (Exodus) 21:1-27**

**21:1. AND THESE ARE THE ORDINANCES WHICH YOU WIL SET BEFORE THEM.** The reason [why this whole section dealing with ***mishpatim*** – civil laws – is placed here, rather than being placed after the ***chukim*** – statutes – as is the order in the commandments given at Marah],[[1]](#footnote-1) is that G-d wanted to explain to them first the civil laws. Thus we find that the first of the Ten Commandments dealt with the obligation of knowing of the existence of G-d, and the second one with the prohibition against idolatry, after which [following the giving of the Ten Commandments] He again instructed Moses, saying, ***Thus will you say unto the children of Israel: You yourselves have seen that I have talked with you from heaven***,[[2]](#footnote-2) meaning that you, [Moses] should warn them again to take to heart that which they have seen, so that they will be careful to keep these precepts which I have commanded them. ***For You yourselves have seen*** corresponds to the commandment, ***I am the Eternal your G-d***;[[3]](#footnote-3) ***You will not make with Me - gods of silver etc***.[[4]](#footnote-4) - corresponds with ***You will have no other gods***,[[5]](#footnote-5) thereby completing the subject of idolatry; likewise, ***And these are the ordinances*** corresponds to ***You will not covet***,[[6]](#footnote-6) for if a man does not know the laws of house and field or other possessions, he might think that they belong to him and thus covet them and take them for himself. This is why He said, ***you will set before them*** just ordinances, which they should establish amongst themselves, so that they will not covet that which does not legally belong to them. And thus did the Rabbis say in Midrash Rabbah:[[7]](#footnote-7) **"The whole Torah depends on justice; that is why the Holy One, blessed be He, gave the civil laws directly after the Ten Commandments."** Similarly G-d explains in this section of ***These are the ordinances*** additional laws about idolatrv,[[8]](#footnote-8) the honor of parents,[[9]](#footnote-9) murder,[[10]](#footnote-10) and adultery[[11]](#footnote-11) - which are all mentioned in the Ten Commandments.

The Rabbis have explained:[[12]](#footnote-12) "Before them, but not before the Canaanites." This interpretation is based on the observation that it should have said, "***which tasim lahem" ("you will set for them ")*** just as He said, ***There 'sam lo' (He set for them)*** ***a statute and an ordinance***;[[13]](#footnote-13) thus since He said, ***which you will set 'liphneihem.' (before them)***, **we interpret this to mean that they should be the judges**, for it is with reference to a judge that this term [***liphnei (before)***] appears in Scripture: ***And both the men, between whom the controversy is, will stand before the Eternal, 'liphnei' (before) the priests and the judges***;[[14]](#footnote-14) ***Until he stand 'liphnei' (before] the congregation for judgment***;[[15]](#footnote-15) ***'liphnei' (before) all who know law and judgment***.[[16]](#footnote-16) The Rabbis further explained: ***"Before them,* but not before laymen*."*** They interpreted [the verse in this way] because with reference to the ordinances it is written: ***Then his master will bring him unto 'ha'elohim***;'[[17]](#footnote-17) ***the cause of both parties will come before 'ha'elohim;’[[18]](#footnote-18)*** and it is also written, ***and he will give 'biphlilim' (as the judges determine)[[19]](#footnote-19)*** - **these terms referring to judges who are experts in the law, and who had received ordination[[20]](#footnote-20) [in an unbroken chain from the time of those who had been duly ordained] by Moses our Teacher.** This is why He said here that these ordinances are to be ***set before them***, **meaning before the elohim [expert, ordained judges] that He will mention further on, but not before Canaanites, and not before one who is not a judge by the standard of the Torah, such as a layman in this respect. It is forbidden to appear before such a person to act as a judge, just as it is forbidden to bring it before the Canaanites, even if he knows that this layman knows the correct law and will render him a proper decision. Even so it is forbidden for the litigant to set him up as a judge and complain before him so that he orders the other party to come to court before him, and the layman himself is also forbidden to act as their judge. Now even though the Sages have mentioned these two groups [the layman and the Canaanite] together, there is a difference between them, in that if the two litigants are willing to come before an Israelite who is a layman, and accept him upon themselves, it is permissible for them to do so, and they must abide by his decision, but to come before the Canaanites to act as judges between them, is forbidden under all circumstances, even if the Canaanite laws are in that particular case the same as our laws.**

**2. IF YOU BUY A HERREW SERVANT.** G-d began the first ordinance with the subject of a Hebrew servant, because the liberation of the servant in the seventh year contains a remembrance of the departure from Egypt which is mentioned in the first commandment, just as He said on it, ***And you will remember that you were a bondman in the land of Egypt, and the Eternal your G-d redeemed you; therefore I command you this thing today***.[[21]](#footnote-21) It also contains a remembrance of the creation, just as the Sabbath does, for the seventh year signals to a servant a complete rest from the work of his master, just as the seventh day of the week does. There is in addition a 'seventh' amongst the years, which is the jubilee, for seven is the chosen of the days [to be the Sabbath], and of the years [to be the Sabbatical year] , and of the [seven] Sabbaticals [to be the jubilee]; **and they all point to one subject, namely, the secret of the days of the world** - from ***Beresheet (in the beginning) till vayechulu (and they were finished).[[22]](#footnote-22)*** **Therefore this commandment deserved to be mentioned first, because of its extreme importance, alluding as it does to great things in the process of creation**.[[23]](#footnote-23) This is why the prophet Jeremiah was very stringent about it and said, ***Thus says the Eternal, the G-d of Israel: I made a covenant with your fathers***;[[24]](#footnote-24) ***At the end of the seven years you will let go everyone his manservant, and everyone his maidservant***.[[25]](#footnote-25) And on account of its violation, G-d decreed the exile,[[26]](#footnote-26) just as the Torah decreed exile for the Sabbatical rest of the land which was not observed,[[27]](#footnote-27) as I will yet write,[[28]](#footnote-28) with the help of the Rock.

When He finished stating the ordinance of this [first] commandment as it applies to Hebrew servants, He began the ordinance of the commandment, ***You will not murder***.[[29]](#footnote-29) since it is the worst [sin] and then [He stated the ordinances of the commandments] to honor one's parents, and of ***You will not steal***,[[30]](#footnote-30) and then He went back to the ordinance of one who smites his fellow-man but did not kill him,[[31]](#footnote-31) and then to the murder of a bondman, which is worse than the killing of an offspring,[[32]](#footnote-32) and after that to [injury to] the limbs of Israelites and bondmen,[[33]](#footnote-33) and then to cases of death inflicted by cattle which cause injury.[[34]](#footnote-34) All the sections are thus arranged in logical sequence and in proper order.

**3. THEN HIS WIFE WILL GO OUT WITH HIM**. Rashi commented: "But who brought her in, that Scripture need say that she ***will go out with him***? But [by saying this], Scripture tells us that he who acquires a Hebrew servant is obliged to provide for the food of his wife and children." This is a Midrash of the Sages.[[35]](#footnote-35) Now [even though the children are not mentioned in this verse, but only his wife,] the Rabbis have included the children together with the wife in this duty of the master, on the basis of what is written further on, ***Then he will go out from you, he and his children with him***.[[36]](#footnote-36)

I am not clear on this law as to whether the earnings of the woman and children belong to the master during the time he is supporting them. It appears to me that the master takes the place of the husband [in this respect]. For the Torah had compassion on the wife and children, whose lives are hanging in suspense,[[37]](#footnote-37) and who expect [to be supported from] the husband's earnings, since now that he is sold as a servant, they are in danger of being lost in their misery. Therefore the Torah commanded the master who is now entitled to the servant's labor, to act towards them as he [the servant] would. If so, the master only has to assume the responsibilities of the husband, [and no more]; thus he is entitled to their labor as is the husband, and in return he must feed and support them. This is the meaning of the expression, ***then his wife will go out with him***, since the servant's wife was together with him as a handmaid to his master, for the labor of both of them belongs to him, in return for which he is obliged to give them food. Thus the only difference between husband and wife is that the wife has a right to go away as she pleases, [and is not bound to work for her husband's master if she does not want to be supported by him, whilst the husband, who is the servant, is bound to the master]. Similarly, the master's obligation to support the children is limited to the time that the father is responsible for them, namely when they are minors, or as long as is customary to feed them, as Rashi explained in Tractate Kiddushin.[[38]](#footnote-38) All this is out of G-d's compassion for them [the wife and children], and for the servant as well so that he should not die in his anguish, in the knowledge that whilst he is toiling in a strange house, his children and wife are neglected. Now even though he is not obliged by law of the Torah to support them, as has been explained in the Talmud, Tractate Kethuboth.[[39]](#footnote-39) but since it is the normal way of life for a man to support his wife and small children, G-d in His mercies commanded the buyer [of the servant] to act to them as a merciful father. The meaning of the Sages in speaking of ***banav [literally: "his sons"]*** is both sons and daughters.

I have seen written in the Mechilta:[[40]](#footnote-40) "I might think that the master is obliged to support the betrothed [of the servant] and the childless widow of his brother who is waiting for him to marry or reject her? Scripture therefore says, ***his wife***, thus excluding the brother's childless widow who is waiting for him, since she is not yet his wife. ***With him***, this excludes the betrothed who, [even though she is his wife], is not yet ***with him***." This Mechilta is a proof to the law which I have stated, for since it is not customary for the betrothed and the childless brother's widow to be supported by the man [in this case the servant], therefore the Torah did not impose their support upon the master either. And even if the brother-in-law or the bridegroom became liable by law at a certain time known in the Talmud[[41]](#footnote-41) to support them, that obligation was in the nature of other debts they may have, and therefore the master did not become liable to support them.

Again I have found in another Mechilta of Rabbi Shimon:[[42]](#footnote-42) "***If he be married then his wife will go out with him***. Just as the master is obliged to feed the servant, so he is obliged to feed his wife and children. Still I might say: if the servant had a wife and children before he was bought, then his master is obliged to feed them, because he bought him on that condition, but if he had a wife and children only after he was bought I might think that his master is not obliged to feed them. Scripture therefore says, ***If he be married[[43]](#footnote-43)*** etc. There are thus two wives mentioned here, one referring to a wife that he had before his master bought him, and the other referring to a wife he had after he was bought. I might think that even if he had just a betrothed wife, or a childless brother's widow who is waiting for him, whom the servant himself is not obliged to feed, that nonetheless his master is obliged to support them, and proof for that argument I might find in the fact that the husband himself is not obliged [by law of the Torah, as explained above] to feed his own wife and children, and yet, the master of the servant is obliged to feed the wife and children of his servant; Scripture therefore says, ***then his wife will go out with him*** - that wife who is with him, the master is obliged to feed, but he is not bound to feed a wife who is not with him. I might think that even if the servant's wife was one with whom it is not correct for him to continue living - such as a widow married to a High Priest, or a divorcee or profaned woman married to a common priest[[44]](#footnote-44) - [that the master is bound to feed her]; Scripture therefore says, ***then his wife will go out with him*** - one that is fit to live with him, but not this one etc. I might think that even if he married without the master's knowledge [the master is obliged to feed her]; Scripture therefore says, ***if 'he' be married*** - just as 'he' was acquired with the master's knowledge, so his wife [whom the master must support] means one taken with the master's knowledge. I might think that the earnings of his sons and daughters belong to the master, and it is logical that it be so: for if we see in the case of a Canaanite bondman, whose master is not bound to feed him, that nonetheless the earnings of his sons and daughters belong to the master, then surely it is logical that in the case of a Hebrew servant, whose master is obliged to feed him, that the earnings of his sons and daughters should belong to his master! Scripture therefore says: ***he (If 'he' be married)*** - it is he whose earnings belong to his master, but not those of his sons and daughters. ***Then his wife will go out with him*** - do not separate him from his wife; do not separate him from his children," Thus far the language of this Baraitha.[[45]](#footnote-45)

Yet I continue to say[[46]](#footnote-46) as I have written above that if the servant's wife and children want to be supported by the master, that he may take their earnings, and this Baraitha quoted above intends only to tell us that they are not his by absolute right, as is the law of the Canaanite bondman, or as is the law of the Hebrew servant himself, [who must of necessity work for then master], but they [the wife and children of the Hebrew servant] can say to him: "We will not be fed by you, and we will not work for you." What is new in this Baraitha is that if the servant married without the consent of his master, he is not bound to feed the wife or her children, for since it is within the power of his master to gi\e him a Canaanite bondmaid, he is not obliged to feed this Israelite woman. **The Rabbis further interpreted the word *imo* *(with him)* to teach us that you are not to separate him from his wife and children, which means to say that the master cannot tell him: "Be together with the handmaid I gave you and sleep with her at night, and not with the Israelite wife," but the servant has the right to choose for himself.**

**4. IF HIS MASTER GIVE HIM A WIFE.** "Scripture is speaking of a Canaanite woman. Or perhaps this is not so; but Scripture here speaks only of an Israelite woman?! Scripture therefore says, ***the wife and her children will be her master's.*** Consequently, it must be speaking of a Canaanite woman." This is the language of the Baraitha[[47]](#footnote-47) taught in the Mechilta.[[48]](#footnote-48) Now Rashi wrote [in explanation of this Mechilta]: "For a Hebrew maidservant also goes free at the end of six years [just as a Hebrew manservant does], or even before the end of six years if she shows signs of puberty, for it is said, ***If your brother, a Hebrew man, or a Hebrew woman, be sold unto you, he will serve you six years."[[49]](#footnote-49)***

But this is not quite correct. For if we say [as the Baraitha above attempted to,] that the verse here speaks of an Israelite woman, it could no longer refer to the case of a father selling his minor daughter, about whom the law is given that when she shows signs of puberty she goes free, for how could the master give her as a wife to his Hebrew servant, since he has no power to hand her over to any other man [except to designate her to be his own wife, or that of his son - as is explained further in Verses 8-9]![[50]](#footnote-50) Similarly, the proof that Rashi mentioned, namely that she also goes free at the end of six years, is only so in accordance with his own words which he wrote[[51]](#footnote-51) that a person who sells himself [on account of his destitution] is sold for a maximum of six years; but in the Talmud[[52]](#footnote-52) these are the words of a single Sage [Rabbi Eliezer], but the accepted opinion is that one who sells himself can be sold for six years or more. Now if so, the case of a woman who goes free at the end of six years can only be when her father sold her [as a minor, but in that case the master has no right to give her as a wife to his Hebrew servant, but only to designate her as his own wife or that of his son]![[53]](#footnote-53)

But that which the Rabbis have said [in the Baraitha above, on the basis of the verse, ***the wife and her children shall be the master's***]: "Consequently, Scripture must be speaking of a Canaanite woman" - the meaning thereof is as follows: Since He stated, ***the wife and her children shall be the master's*** [it must be speaking only of a Canaanite woman], for the children of a Canaanite bondmaid are the master's since her child has the same status as she does, but in the case of an Israelite woman - even if she were of age [in which case her master could give her to his Hebrew servant as a wife], and even if we were to say that a woman may sell herself as a maidservant[[54]](#footnote-54)\_her children are the father's [not the master's].

**6. THEN HIS MASTER WILL BRING HIM UNTO 'HA'ELOHIM'** - "to the court. The servant must take counsel with those who sold him."[[55]](#footnote-55) [Thus is the language of Rashi.] And Rabbi Abraham ibn Ezra wrote that the judges are called ***Elohim*** because they uphold the laws of G-d on earth.

In my opinion Scripture uses these expressions: ***Then his master will bring him unto 'ha'elohim***;' the cause of both parties will come before ***'ha 'elohim'[[56]](#footnote-56)*** in order to indicate that G-d will be with the judges in giving their judgment. **It is He Who declares who is just, and it is He Who declares who is wicked.** It is with reference to this that Scripture says, ***he whom 'Elohim' (G-d) will condemn***.[[57]](#footnote-57) And so did Moses say, ***for the judgment is G-d's***;[[58]](#footnote-58) so also did Jehoshaphat say, ***for you judge not for man, but for the Eternal, and He is with you in giving judgment***.[[59]](#footnote-59) Similarly Scripture says, ***G-d stands in the congregation of G-d; in the midst of 'elohim' (the judges) He judges***,[[60]](#footnote-60) that is to say, in the midst of a congregation of judges He judges, for it is G-d Who is the Judge. And so also it says, ***Then both men, between whom the controversy is, will stand before the Eternal***.[[61]](#footnote-61) And this is the purport of the verse, ***For I will not justify the wicked***,[[62]](#footnote-62) according to the correct interpretation. In Eleh Shemoth Rabbah I have seen it said:[[63]](#footnote-63) **"But when the judge sits and renders judgment in truth, the Holy One, blessed be He, leaves, as it were, the supreme heavens and causes His Presence to dwell next to him, for it is said, *When the Eternal raised them up judges, then the Eternal was with the judge***.[[64]](#footnote-64)

**AND HE SHALL SERVE HIM 'L'OLAM' (FOREVER)**. **Our Rabbis interpreted[[65]](#footnote-65) this to mean until the jubilee year.** And Rabbi Abraham ibn Ezra wrote that "the meaning of ***olam*** in the Sacred Language is 'time.' ***It has been already, 'l'olamim' which were before us*** means 'the times' [or 'the ages'] ***which were before us***.[[66]](#footnote-66) ***And there he may abide 'ad olam'[[67]](#footnote-67)*** [cannot mean 'forever,' for Samuel did not stay all his life in Shiloh; it must therefore mean 'until a certain time,' i.e., until he comes of age]. This is why the Rabbis have said, ***and he will serve him l'olam*** means up to the time of the jubilee year, for of all appointed seasons In Israel the jubilee year is the most remote, and the going out to freedom is as if the world was made anew for him. The sense of the verse is then, that he should return to his status in his first time, when he was free." The student learned [in the mystic lore of the Cabala] will understand that ***l'olam*** is to be taken in its usual sense [i.e., forever], for he who works until the jubilee year has worked ***all the days of old***.[[68]](#footnote-68) In the words of the Mechilta:[[69]](#footnote-69) "Rabbi[[70]](#footnote-70) says: **Come and see that *olam* cannot mean more than fifty years, for it is said and he will serve him *'I'olam,'* which means until the jubilee year."** Now Rabbi Abraham ibn Ezra forgot that which he wrote with understanding in another place.[[71]](#footnote-71)

**7. SHE WILL NOT GO OUT AS THE MENSERVANTS DO.** This means that the Hebrew maidservant does not go out free "in consequence of the loss of a tooth or an eye, as Canaanite slaves do."[[72]](#footnote-72) Thus is Rashi's language, and our Rabbis interpreted it likewise.[[73]](#footnote-73) Indeed it is so, for a Hebrew servant is not called ***ebed[[74]](#footnote-74)*** without any further qualification.

But I wonder: why does Scripture find it necessary altogether to tell us this [that a Hebrew maidservant docs not go out free because of the loss of a tooth or eye, as Canaanite bondmen do]?[[75]](#footnote-75) Perhaps it is to tell us that we should not argue by applying the method of ***kal vachomer[[76]](#footnote-76)*** from a Canaanite women, that a Hebrew maidservant goes out free because of the loss of a tooth or eye. This law is stated expressly in the case of a Hebrew woman, but such is also the law for a Hebrew man, who has been compared to her [thus he too does not go out free because of the loss of any of the chief external organs]. The author of the 'Hilchoth Gedoloth,'[[77]](#footnote-77) wrote, however, that [the verse is not needed to exclude this ***kal vachomer***,[[78]](#footnote-78) for even if Scripture had not excluded it, we could not have argued that a Hebrew woman should go out free in consequence of the loss of a tooth or eye], because the going forth to freedom by slaves on account of the loss of a tooth or eye is a penalty [to the master], **and you cannot derive a law by logical argument from penalties. The author of the 'Hilchoth Gedoloth' thus considered this verse a negative commandment[[79]](#footnote-79) wherein G-d warns the master that if he wants to send her out free because of the loss of a tooth or eye, that he transgresses a prohibition; but instead he is to pay her monetary compensation for the tooth or eye, and she shall stay with him up to the time [of six years, or before if she produces signs of puberty], to be designated as the master's wife [or his son's]. For it would be a great injustice if, after causing her the loss of a tooth in his anger and blemishing her thereby, he would then send her out of his house, when she had hoped to become his wife. Moreover, many times the monetary compensation for the damage done to the chief external organs, is more than the earnings for her labor if her days as a handmaid have nearly terminated**. Therefore Scripture was strict upon the master and made a clear prohibition, so that he should not rob her of the monetary compensation due to her for the loss of any of her chief organs, even if he should want to let her go free on account of them. It may be that sending her to freedom is itself forbidden before the fixed time, for Scripture has obliged the master to support her and that she stay with him, in case she finds favor in his eyes and becomes his wife; just as He warned him with a prohibition that [after he marries her and takes another wife] ***her food, her raiment, and her conjugal rights will he not diminish***.[[80]](#footnote-80) In accordance with this opinion [the author of the 'Hilchoth Gedoloth'] counted the verse, ***She will not go out as the menservants do*** among the three hundred and sixty-five negative commandments.

**8. 'L'AM NOCHRI' HE WILL HAVE NO POWER TO SELL HER.** "Neither her master nor her father has the right to sell her to another [Hebrew man].[[81]](#footnote-81) Seeing he has dealt deceitfully with her - if he [i.e. the master] intends to act deceitfully towards her and not to fulfill the commandment of designating her as his wife [or his son's]. So also did her father act deceitfully towards her, by selling her to this master." Thus far Rashi's language. And if so, ***l'am nochri*** would be like ***l'ish nochri*** (to a strange man), but we find in all Scripture no parallel to such a usage [that ***am*** (people) should be understood in the sense of "man"]. Perhaps the letter ***lamed*** in the word ***l'am*** draws along with it a similar letter in the next word, thus making it*:* ***'l'am l'nochri'*** ***he will have no power to sell her***, and the explanation thereof would be similar to the verse, ***You gave him to be food 'l'am l'tziyim' (to the folk inhabiting the wilderness)[[82]](#footnote-82)*** where the second word ***l'tziyim*** explains: who is the folk? - the men who inhabit the wilderness; so here too He says, ***he will have no power to sell her 'l'am',*** and He explains: who is ***l'am***? - ***l'nochri***, that is to say, to any stranger from the whole people [i.e., to another Israelite]. The term ***nochri*** here will then be similar in usage to the expressions: ***and your labors in the house of a 'nochri' (stranger)***,[[83]](#footnote-83) which means in the house of another man; even from the ***'nochriyah'*** ***(the strange woman) that makes smooth her words***,[[84]](#footnote-84) meaning the woman who is not his wife. All this I have written in order to uphold the words of the Sages[[85]](#footnote-85) who say that **a man is not permitted to sell his daughter twice into the status of a handmaid**, thus holding to the explanation: **since he has once dealt deceitfully with her [by selling her to such a status of a handmaid], he has no more the right to sell her**.

But I have seen in the Mechilta:[[86]](#footnote-86) "***'L 'am nochri' he will have no power to sell her***, - this is a warning to the court that he [i.e., the father] should not sell her to an alien [i.e., anon-Israelite]." **It would thus appear from their language that this verse is not meant as an admonition against the father reselling her to this Israelite master or to another one, but is a prohibition against her being sold altogether [even the first time] to a non-Israelite, so that a man may not sell his minor daughter to an idolater as a handmaid.** [It was necessary for this to be stated] because in the case of a Hebrew servant He said, ***and he sell himself unto the stranger who is a settler with you, or to the offshoot of a stranger's family***,[[87]](#footnote-87) therefore it had to say that this should not be done to a woman. The reason for it is obvious.[[88]](#footnote-88) This surely is the plain meaning of Scripture, that after the father - the vendor - redeemed her from her first master, he cannot sell her to an idolater, and the same law applies to the original sale. Scripture, however, [had to state this prohibition in the case of a re-sale], because sometimes a man may very much want to redeem his daughter from a master who did not take her as his wife, and will want to sell her to an idolater for a year or two with the intention of then taking her out from him; therefore Scripture warned him against doing this. Or it may be that this expression [i.e., ***'l'am nochri'*** ***he will have no power to sell her***] refers back to the beginning of this subject: ***And if a man sell his daughter to be a maidservant[[89]](#footnote-89)*** - he will have no power to sell her to a foreign man. If so, then the Rabbis' interpretation in the Talmud[[90]](#footnote-90) that a man may not resell his daughter into the status of a handmaid, [even to an Israelite], is derived [not from **'l'am nochri'** ***he will have no power to sell her***, but] from the [apparently] superfluous expression: ***seeing he has dealt deceitfully with her.*** For to a non-Israelite he never has power to sell her; so why did G-d say: ***seeing he has dealt deceitfully with her,*** [since he cannot sell her even once to a foreign man], and the meaning of that expression is that since he acted once deceitfully with her by selling her into a status of a handmaid, he cannot do so another time. Therefore the Rabbis interpreted the verse thus: "**to a foreign people he will have no power to sell her [altogether], and when he hath dealt deceitfully with her [he also has no power to sell her]**;" that is to say, ***he will have no power to sell her*** if he dealt deceitfully with her, for after he sold her once [to an Israelite], he cannot sell her again. There are many instances where the Rabbis interpreted the verses in such a manner. [Thus we find: ***Unto the stranger that is within your gates you will give it that he may eat it, or you may sell it unto a foreigner[[91]](#footnote-91)*** - which Rabbi Meir interpreted]:[[92]](#footnote-92) "Read the verse thus: unto the stranger that is within your gates you will give it that he may eat it, or you may sell it; you will give it that he may eat it or you may sell it unto a foreigner." Similarly they interpreted here[[93]](#footnote-93) ***then will she go out for nothing, without money***,[[94]](#footnote-94) which, on account of the redundant language, ["for nothing," "without money"] they made the basis for two additional ways of the Hebrew maidservant regaining her freedom: "she will go out for nothing, and she will go out without money;" thus establishing that she goes out to freedom when she produces signs of puberty, or signs of fuller development if she had no signs of puberty - this being that maturity of the barren woman, [who is incapable of conception] , as is stated in the beginning of Tractate Kiddushin.[[95]](#footnote-95)

The plain meaning of Scripture in this section is as follows: If a man sell his minor daughter to be a maidservant, she will not go out as these menservants, [i.e., the Hebrew menservants] mentioned [above in Verses 2-6,] who go out to freedom in the seventh year and in the jubilee year: for the master[[96]](#footnote-96) can never send her away from his house if the maiden pleases him **and she obtains kindness of him**,[[97]](#footnote-97) but he is to take her for a wife as is his will. ***But if she pleases not her master***, who has not espoused her to be his wife - for he who buys an Israelite's daughter does so with the intention of taking her as his wife, thus she is under ordinary conditions designated for him; but now if her master does not desire her, then will the father mentioned redeem her, for as soon as the master says: "I do not want to marry her," it is forbidden for the father to leave her any longer under his authority, nor may he sell her to a foreign people in case he comes to deal deceitfully with her, for it is deceit for a man to sell his daughter except to someone who can marry her. **Or the meaning thereof may be that anyone who sells his daughter [even to an Israelite], deals deceitfully with her.**

**9. AND IF 'YI'ODENAH' (HE ESPOUSE HER) UNTO HIS SON, HE WILL DEAL WITH HER AFTER THE MANNER OF DAUGHTERS.** In line with the plain meaning of Scripture, it is possible that G-d is saying that if the buyer ***yi'odenah*** for his son, which means that he espoused her to him - for the term ***yi'ud*** is an expression of appointing, such as: ***he tarried longer than the set time which 'y'ado' (he had appointed him)***'[[98]](#footnote-98) - ***then he will do unto her after the manner that a man does for his own daughters*** - he is to give her of his own ***according to the dowry of virgins***.[[99]](#footnote-99) He thus commanded this as He did in the law of outfitting the emancipated servant,'[[100]](#footnote-100) and it is all an expression of His goodness, magnified be He! And in accordance with the interpretation of our Rabbis, which is the truth, the meaning of the verse is***: after the manner of daughters*** whom parents marry off, ***so will*** the son [of the master] ***deal with her***. And then He explains [what is "the manner of daughters"] that ***If he take him another wife, her food, her raiment, and her conjugal rights*** - that is, of this one [the former maidservant] - ***he will not diminish***.[[101]](#footnote-101) It is obvious that if he did not marry another woman he must not diminish her rights, but Scripture speaks of that which is usual.[[102]](#footnote-102)

Now Rashi explained: "***sh'eirah***[[103]](#footnote-103) means food; ***k'suthah*** is, as the literal sense of the word, raiment; ***onatha*** is the marital duty." And so did Onkelos render ***sh 'eirah***: ***zivanah (food)***. But in the Gemara[[104]](#footnote-104) the Rabbis said with reference to the Sage who held this opinion [that ***sh'eirah*** means food]: "And this Tanna[[105]](#footnote-105) holds that the alimentation of one's wife is a law of the Torah. For we have been taught: ***sh'eirah*** this means her food, and so it says, ***He caused 'sh'eir' (flesh) to rain upon them as the dust[[106]](#footnote-106)*** etc." And from the subject under discussion in that Gemara it is understood that this is the opinion of a single Sage, **whilst the accepted law is that the alimentation of one's wife is a Rabbinical enactment.** And even according to the plain meaning of Scripture, why should it mention food under the term ***sh'eir*** which means "flesh;" it should rather have mentioned ***lachmah*** (her bread), for man lives by bread[[107]](#footnote-107) and his obligation towards her is [mainly] in that sustenance. Now Rabbi Abraham ibn Ezra thought to correct this, and so he explained ***sh'eirah*** as meaning food which builds up her ***sh'eir***, namely her flesh. But there is no sense in Scripture saying that the "husband diminish not her flesh!"

Therefore I say that the meaning of ***sh'eir*** everywhere is flesh close and near to one's own, the root thereof being derived from the expression ***sh'eir b'saro***,[[108]](#footnote-108) that is his close flesh outside that of the flesh of his own body. Thus relatives are called ***sh'eir***: to any ***sh'eir b'sara***, (that is near of kin to him);[[109]](#footnote-109) they are ***'sha'arah***' (near kinswomen),[[110]](#footnote-110) this being associated with the expressions: ***surely you are my bone and my flesh***;[[111]](#footnote-111) ***of whom the flesh is half consumed***.[[112]](#footnote-112) Similarly, ***And I will cut off from Babylon a name, 'ush'ar' offshoot and offspring***,[[113]](#footnote-113) means a child related to him. Likewise, ***when your flesh 'ush'eirecha' are consumed***,[[114]](#footnote-114) which means "yourself and your children" who are the flesh closest to you. Thus meat is called ***sh'eir*** - ***He caused 'sh'eir' to rain upon them as the dust[[115]](#footnote-115)*** - because meat when eaten is absorbed by the eater and becomes part of his flesh. It is possible that this is the meaning of the expression, ***when your flesh 'ush'eirecha' is consumed***.[[116]](#footnote-116) meaning: when the original flesh of your body, and the nutriment of flesh which came from the food, will be consumed and will no longer be part of your flesh. Thus a woman in relation to her husband is called sh'eir - just as the Rabbis interpreted:[[117]](#footnote-117) "***except for 'lish'eiro***,[[118]](#footnote-118) ***sh'eir*** means his wife;" - the usage of the term being derived from the idea that G-d stated, ***and he will cleave unto his wife, and they will be one flesh***.[[119]](#footnote-119) Thus ***sh'eira*** here means "the nearness of her flesh;" ***k'suthah*** is "the cover of her bed," just as it is said, ***for that is his only 'k'suthoh' (covering)... wherein shall he sleep***?[[120]](#footnote-120) and ***onathah*** is "her time," that he come to her at times of love. And even if we say as some commentators do, that the meaning of ***sh'eir*** is like "his flesh," and the expression, ***to any 'sh'eir' b'saro'[[121]](#footnote-121)*** is like "to any flesh of his flesh," just as it says, ***for he is our brother, our flesh[[122]](#footnote-122)*** - in that case we would still explain ***'sh'eirah '... he will not diminish*** as meaning that he will not diminish from her, her flesh; that is, the flesh due to her, namely, the flesh of her husband who with her is ***one flesh***. Thus the meaning of the verse is, that G-d says that if the master takes another wife, ***he will not diminish*** from this one the nearness of her flesh, the cover of her bed, and her time of love, for such ***is the manner of daughters***. And the intention is that the other woman should not be sitting ***upon a stately bed***,[[123]](#footnote-123) ***and*** there ***they will be one flesh***,[[124]](#footnote-124) whilst this one is to him merely like a concubine, with whom he lives only by chance, and upon the ground, just like one comes to a harlot. It is for this reason that Scripture has forbidden him to act in this way. And so did the Sages say:[[125]](#footnote-125) **"*sh'eirah* means the nearness of flesh, that he should not behave to her as is the custom among the Persians, who perform their marital rights in their clothes**." This is a correct interpretation, for such is the style of Scripture always to mention sexual intercourse in clean and brief language. Therefore it mentions these duties by means of allusion: ***sh'eirah k'sutha v'onatha***, referring to the three things which are usual when a man comes together with his wife. Thus the verse is properly explained in accordance with the accepted law, **whilst alimentation of one's wife and provision of her raiment are duties put upon the husband by ordinance of the Rabbis.**

**11. AND IF THESE THREE** - designating her to himself as his wife, or to his son, or allowing her to be redeemed - **HE DO NOT UNTO HER**, then **WILL SHE GO OUT FOR NOTHING, WITHOUT MONEY**, as do the menservants mentioned.[[126]](#footnote-126)

**15. AND HE THAT SMITES HIS FATHER, OR HIS MOTHER, WILL SURELY BE PUT TO DEATH.** Our Sages have already taught[[127]](#footnote-127) that his death is by strangulation. This is why He placed next to it, ***And he that steals a man, and sells him***,[[128]](#footnote-128) for he too is punished by the same death. He separated it from the later verse, ***And he that curses his father or his mother***,[[129]](#footnote-129) because his death is by stoning, as it is said concerning him, ***he has cursed his father or his mother; his blood will be upon him***,[[130]](#footnote-130) and whenever such an expression ***[his blood be upon him]*** is used about someone, his death is by stoning, this being derived from that which is written, ***They will stone them with stones; their blood will be upon them***.[[131]](#footnote-131) The reason why He was more severe as to the manner of death of the one who curses his mother or father than as to the manner of death of one who smites them,[[132]](#footnote-132) is because the sin a cursing is more common, for when the fool gets angry ***he frets himself and curses by his king[[133]](#footnote-133)*** and father and mother the whole day, and a crime that is frequently committed needs a greater punishment [than one rarely committed]. Or it may be that cursing involves a greater sin, because he uses the Name of G-d,[[134]](#footnote-134) and therefore he has to be punished for his sin against his father and mother, and also for taking G-d's Name in transgression and sin. Now the Gaon Rav Saadia[[135]](#footnote-135) said, that the reason why He placed the matter of stealing a human being between that of smiting one's parents and cursing them, is because most people are kidnapped when they are young, and they grow up in a strange place unaware of who their parents are, and thus they may come to smite them or to curse them [not knowing that they are their parents]; therefore it is fitting that the thief too be punished by death as they are, since he is responsible for the punishment that is visited upon the child [who smites or curses either of his parents, and for that reason the verse dealing with the thief's punishment is mentioned between those dealing with smiting one's parents and cursing them].

**16. AND HE THAT STEALS A MAN, AND SELLS HIM, AND HE BE FOUND IN HIS HAND** - "previously, before the sale." This is Rashi's language. But I have not understood it.[[136]](#footnote-136) If Rashi means that witnesses must have seen him [the stolen person] in the thief's possession before he had sold him - could it even enter your mind that the thief be subject to the death penalty without witnesses having seen him stealing and also seeing him selling! It would therefore have been sufficient if Scripture were to say: "***and he that steals a man and sells him***". Further, his being found in the thief's possession is no real proof that he stole him! Rather, this verse is the source for that which we have been taught in a Mishnah:[[137]](#footnote-137) "He that steals a person is not liable to the punishment unless he brings him into his own possession," and in a Baraitha the Rabbis have said:[[138]](#footnote-138) "If he stole him but did not sell him, or if he sold him but he is still in his [the thief's], possession, he is free [from the death penalty]." The meaning of this is to teach us that the law applying to the thief of a human being is [in one respect] similar to that of thieves of other, i.e., monetary, matters; namely, that if a thief killed or sold [an ox or a sheep] within the domain of the owner, he is free [from paying five oxen for an ox and four sheeps for a sheep],[[139]](#footnote-139) but if he lifted them up [thereby acquiring possession of them], or removed them from the domain of the owner, he is liable to pay. Similarly, this thief of a human being must first have brought the stolen person into his own domain [in order to be liable to death]. Likewise if he lifted the lad upon his shoulder, and sold him to another person, he is liable to the death penalty, because this too is called ***if he be found in his hand***, since it is not logical that a man's ground should have a greater power of taking possession of a thing for the owner, than his own hand has. In a similar way, that which the Rabbis said [in the Baraitha mentioned above]: "or if he sold him but he is still in his [the thief's] possession etc.," means that the buyer did not remove him at all from the thief's domain, even though he paid him the money, and since he did not remove him from there, the thief is free [from the death penalty]. Now I do not know whether this is to say that [in order to make the thief of a human being liable to the death penalty] the buyer must perform a formal act of acquisition, as is the law in other transactions, that the buyer does not take ownership of the article until he draws it from the domain of the seller into a ***simta,*** [an alley adjoining an open place] or until he lifts it [even within the domain of the seller] - or it may be that it is a special Scriptural decree in the case of the sale of a stolen human being, that even if the sale has been finalized between them, and the buyer has taken ownership from the seller by lifting him or by drawing him along in ground which belongs to both of them, [in which case usually the act of drawing the purchased article is a valid act of acquisition even if not done in a ***simta***], that the thief is nonetheless free from the death penalty until the stolen person goes out from his domain into the domain of the buyer. And so indeed it would appear to be [as the latter exposition].

Now Rashi in his commentaries there in the Gemara[[140]](#footnote-140) explained [the phrase of the Baraitha]: "if he sold him but he is still in his possession" as meaning "if he is still in the ***stolen person's*** domain,[[141]](#footnote-141) in which case the thief is free from punishment because there has been no real theft at all." But if so, nothing new has been established here which is unlike the ordinary law of theft in monetary matters![[142]](#footnote-142)

However, it may be, the words of the verse [to be interpreted properly, must be transposed as follows]: "***and he that steals a man, and he be found in his hand, and he sells him. he will surely be put to death***." But it is still possible that the verse may be explained properly in the order it is written in. Thus: ***And he that steals a man, and sells him, and he be found in the hand of the buyer [he - the thief - shall surely be put to death]***; for if he stole a human being and brought him to his house. and then he brought the buyer there and sold him without the buyer taking him out from there, the thief is not liable, because the sale has not been completed between them, or even if the sale has been completed, he is still free of the death penalty, as I have written above.

**Ketubim: Tehillim (Psalms) 57:1-6**

| **Rashi** | **Targum** |
| --- | --- |
| 1. For the conductor, al tashcheth, of David a michtam, when he fled from before Saul in the cave. | 1. For praise, concerning the distress at the time when David said, "Do not harm." It was spoken by David, humble and innocent, when he fled from Saul's presence in the cave. |
| 2. Be gracious to me, O God, be gracious to me, because my soul took refuge in You, and in the shadow of Your wings I will take refuge until the destruction passes. | 2. Have mercy on me, O God, have mercy on me, for in Your word my soul has trusted, and in the shade of Your Presence I will be confident until the turmoil passes. |
| 3. I will call upon the Most High God, upon the God Who completes [what He promised] for me. | 3. I will pray before God Most High, the mighty one, who commanded the spider who completed a web for me. |
| 4. He will send from Heaven and save me from the disgrace of him who yearns to swallow me up forever; God will send His kindness and His truth. | 4. He will send His angel from heaven above, and He will redeem me; He has put to shame the one who bruises me, forever; God will send His goodness and His truth. |
| 5. My soul is among lions; I lie among men who are aflame; their teeth are [like] spears and arrows, and their tongue is [like] a sharp sword. | 5. My soul glows while in the midst of flames; I will sleep among coals that burn, the sons of men whose teeth are like lances and arrows, and whose tongue is like a sharp sword. |
| 6. Be exalted above the heavens, O God; over all the earth be Your glory. | 6. Be exalted over the angels of heaven, O God; Your glory is over all those who dwell on earth. |
|  |  |

**Rashi’s Commentary for: Psalms 57:1-6**

**For the conductor, al tashcheth** David called this psalm by this name because he was near death, and he established this psalm, saying, “Do not destroy me, O Lord.”

**2** **Be gracious to me, etc., be gracious to me** that I should neither kill nor be killed.

**until the destruction passes** Heb. הוות, until the evil passes.

**4** **from the disgrace of him who yearns to swallow me up** And He will save me from the disgrace of שֽאַפִי, who says to swallow me up, golosa moy in Old French, longs to swallow me up. (See above 56:2.)

**5** **My soul is among lions** Abner and Amassa, who were “lions” [leaders] the in Torah, and who do not protest against Saul.

**I lie among men who are aflame** En flanboyanz, or enflamoyonz, among those who are flaming. Among the Ziphim, who are aflame after slander.

**6** **Be exalted above the heavens** Withdraw from the earthlings, who are unworthy of having Your Shechinah rest among them, and on the earth You shall be honored by this.

**Meditation from the Psalms**

**Psalms ‎‎57:1-6**

**By: H.Em. Rabbi Dr. Hillel ben David**

David composed this psalm, this michtam when he fled from[[143]](#footnote-143) Saul in the cave. The narrative of Shmuel alef (I Samuel) chapter 24, serves as the background for this psalm. Saul and three thousand men search for David in the rocky caves of the wilderness of En-Gedi. All alone, Saul inadver­tently entered the cave in which David and his men were hiding. Instead of yielding to his men’s demands that he kill Saul, David con­tented himself with cutting off a corner from a garment, which Saul had momentarily removed. In this manner, David sought to impress upon Saul that he was not his enemy and that Saul was unjustified in hating and pursuing him.[[144]](#footnote-144)

This highly dramatic moment, fraught with danger for both Saul and David, prompted David to compose this psalm.

Our psalm is the first of three psalms (57-59) which refer to Saul’s pur­suit of David; all begin with the plea ‘Al Tashchet’ - **‘Do not destroy’!** These four psalms will carry us from the Shabbat before Tammuz 17 till the Shabbat after Tisha B’Ab, Shabbat Nachamu I. We will cover the entire *three weeks of mourning[[145]](#footnote-145)* – with these special psalms of ‘Al Tashchet’ - **‘Do not destroy’!** We will be reading these psalms (57-59) at the same time of the year when the first and second Temples were both destroyed. We have one hope, that HaShem will not destroy the Temple of Living Stones. Clearly these psalms have a special meaning for this time of the year.

To help drive this poignant note home, let us examine the incidents that took place on this day in history:

**Tammuz 17:**

* Noach sent out the first dove to see if the Flood waters had receded, in 1650. **Beresheet 8:8, Seder Olam Rabba, Ch.4**
* Joseph and Samuel are born. It is 40 weeks after Tishri 1.
* The sin of he golden calf is committed (yom chamashi).  **Shemot 32:20**, **Seder Olam 6**, **Taanit 30b** - Rashi
* Moses breaks the tablets containing the Ten Commandments, after 40 days on Mt. Sinai.  **Exodus 24:18 - 31:18**, **Taanit 28b**
* Levites kill 3000 Israelites and become set apart to HaShem.  **Exodus 32:25-29**
* Cessation of the daily sacrifice in the first temple in 3184. **Taanit 28b**
* Jerusalem walls destroyed. Titus takes the outer city. Tamid offering ceased.   **Erachin 11b**
* King Menashe  had an idol placed in the Holy Sanctuary of the Temple. **Melachim II 21:7**
* Apostomos, captain of the occupation forces, publicly burned the Torah. **Masechet Taanit 28b**
* Titus and Rome breached the walls of Jerusalem in 3760.  **Taanit 28b**
* Fast of Tammuz. the beginning of a three-week period of semi-mourning for the destruction of the Temple.  **Zechariah 9:19**

The Sabbaths between Tammuz 17 and Tisha B’Ab are also given special names: **Shabbat Dibre Yirmeyahu** (Tammuz 21), **Shabbat Shim’u** (Tammuz 28), and **Shabbat Hazon** (Ab 6).[[146]](#footnote-146)

According to Rashi, this psalm is entitled ‘Al Tashchet’ because David composed it when he was on the brink of destruction and death; thus, he was pleading to God for salvation.

According to Alshich, David’s righteousness and humility were truly astounding. Despite Saul’s threat and his implacable hatred, David persisted in accepting him as his king and refused to injure his sovereign in any way. David’s primary concern was not for his own life, but for Saul’s. David’s men forcefully insisted that it would be suicidal not to exploit this God-given opportunity to slay their pursuer, Saul; but David held them back, shouting, ‘Al Tashchet’ – **‘do not destroy’!**

The Midrash[[147]](#footnote-147) notes that centuries earlier, David’s ancestor, Lot, was saved from the destruction of Sodom by hiding in a cave. Thus David prayed, ‘Master of the Universe! Even before I entered this cave, You showed kindness to others for my sake and saved them in a cave! (Lot) Therefore, now that I myself am in a cave,[[148]](#footnote-148) I beg of You, be kind and **do not destroy!’**

**Beresheet (Genesis) 19:30** And Lot went up out of Zoar, and dwelt in the mountain, and his two daughters with him; for he feared to dwell in Zoar: and he dwelt in a cave, he and his two daughters.

Our psalm is naturally divided into two separate pieces by the following verse which is the same as the last verse:

**Tehillim (Psalms) 57:6** Be You exalted, O God, above the heavens; Your glory be above all the earth.

Thus we are not too surprised that this short psalm is divided into two parts and read on two separate Shabbats. This means that we will read the first half before the fast of Tammuz 17, and we will read the second half on the Shabbat after the fast of Tammuz 17.

Lets examine the events of Tammuz 17 to discover why this Psalm is titled ‘Al Tashchet’ - **‘Do not destroy’**.

The Talmud explains that we fast on Tammuz 17 because of the five tragedies that befell the nation of Israel on this day:

**Ta'anith 26b** … ON THE SEVENTEENTH OF TAMMUZ THE TABLES [OF THE LAW] WERE SHATTERED, THE DAILY OFFERING WAS DISCONTINUED, A BREACH WAS MADE IN THE CITY AND APOSTOMOS BURNED THE SCROLL OF THE LAW AND PLACED AN IDOL IN THE TEMPLE.

The five tragedies mentioned in the Gemara are:

**1. The "Luchot," the tablets upon which the Ten Commandments were engraved, were broken by Moshe;**

**2. The Korban Tamid, the continual daily sacrifice, was discontinued;**

**3. The wall around the city of Jerusalem was breached;**

**4. Apostamus burnt the Torah scroll;**

**5. An idolatrous image was placed in the Bet HaMikdash, the Holy Temple.**

The Talmud tells us the source of our knowledge that these things happened on this day:

**Ta'anith 28b** FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ etc. Whence is it known that the Tables [of the Law] were shattered [on the seventeenth of Tammuz]? For it has been taught: On the sixth of the month [of Sivan] the Ten Commandments were given to Israel; R. Jose says: On the seventh of the month. He who says that they were given on the sixth takes the view that on the sixth they were given and on the seventh Moshe ascended the mount. And he who says that they were given on the seventh holds that they were given on the seventh and on the seventh Moshe ascended the mount. For it is written, And the seventh day he called unto Moshe, and it is further written, And Moshe entered into the midst of the cloud, and went up into the mount; and Moshe was in the mount forty days and forty nights. The [remaining] twenty-four days of Sivan and the sixteen days of Tammuz make altogether forty. On the seventeenth of Tammuz he came down [from the mountain] and shattered the Tables, as it is written, And it came to pass as soon as he came nigh unto the camp, that he saw the calf . . . and he cast the tables out of his hands, and broke them beneath the mount.

[THE DAILY OFFERING] WAS DISCONTINUED. This is a tradition.

A BREACH WAS MADE IN THE CITY. Did this then happen on the seventeenth? Is it not written, In the fourth month, in the ninth day of the month, the famine was sore in the city etc., and in the following verse it is written, Then a breach was made in the city etc.! — Raba said: This is no contradiction. The one refers to the First Temple and the other to the Second Temple. For it has been taught: In the First Temple the breach was made in the city on the ninth of Tammuz, but in the Second Temple on the seventeenth of Tammuz.

APOSTOMOS BURNED THE SCROLL OF THE LAW. This is a tradition.

AND PLACED AN IDOL IN THE TEMPLE. Whence do we know this? — For it is written, And from the time that the continual burnt-offering shall be taken away and the detestable thing that causeth appalment set up. Was there then only one detestable thing? Is it not written, And upon the wing of detestable things shall be that which causeth appalment? — Raba replied: There were two [idols] and one fell upon the other and broke its hand and upon it was found inscribed You desired to destroy the Temple, but I have handed over your hand to Him.

Now we can understand why this psalm is entitled: ‘Al Tashchet’ - **‘Do not destroy’!** We can also see how appropriate these psalms are for the three weeks between the fast of Tammuz 17 and the fast of Tisha B’Ab.

Finally, here are some biblical events that are taking place near this Shabbat:

**Tammuz 13:**

* Ezekiel is made a watchman for Israel.  **Ezekiel 3:17-21**
* HaShem speaks to Ezekiel on the plain.  He is shut in his house and bound by a rope.  **Ezekiel 3:22-27**

**Tammuz 16:**

* Aaron fashions a golden calf, from jewelry, and an alter for offerings.  **Exodus 32:1-5,**Seder Olam 6
* Hur, the son of Miriam, was killed when he attempted to dissuade the Israelites from demanding a golden calf.   **Sanhedrin 7a**

**Tammuz 18:**

* Moses ascended Mt. Sinai for the second time. He remained there for 40 days, pleading for the Jews who were guilty of the sin of the golden calf (Rashi, Exodus 33:11).

**Ashlamatah: Yeshayahu (Isaiah) 56:1-9 + 57:19**

| **Rashi** | **Targum** |
| --- | --- |
| 1. ¶ So says the Lord, "Keep justice (Heb. **מִשְׁפָּט שִׁמְרוּ** – **Shim’ru** **Mishpat**) and practice righteousness (Heb. **צְדָקָה וַעֲשׂוּ** – **Va’Asu Ts’daqah**), for My salvation is near to come, and My benevolence to be revealed." | 1. ¶ Thus says the LORD: "Keep judgment (Heb. **מִשְׁפָּט שִׁמְרוּ** – **Shim’ru** **Mishpat**) and do righteousness/ generosity, for My salvation is near to come, and My virtue to be revealed. |
| 2. Fortunate is the man who will do this and the person who will hold fast to it, **he who keeps the Sabbath from profaning it and guards his hand from doing any evil.** | 2. Blessed is the man who will do this, and a son of man who will hold it fast, **who will keep the sabbath from profaning it, and will keep his hands from doing any evil."** |
| 3. **Now let not the foreigner who joined the Lord, say, "The Lord will surely separate me from His people,"** and let not the eunuch say, "Behold, I am a dry tree." **{P}** | 3. **Let not a son of Gentiles who has been added to the people of the LORD say, "The LORD will surely separate me from His people"**; and let not the eunuch say, "Behold, I am like a dry tree." **{P}** |
| 4. ¶ For so says the Lord to the eunuchs who will keep My Sabbaths and will choose what I desire and hold fast to My covenant, | 4. ¶ For thus says the LORD: "To the eunuchs who keep the days of the Sabbaths that are Mine, who are pleased with the things I wish and hold fast My covenants, |
| 5. **"I will give them in My house and in My walls a place and a name, better than sons and daughters; an everlasting name I will give him, which will not be discontinued.** **{S}** | 5. **I will give them in My sanctuary and within the land of My Shekhinah’s house a place and a name better than sons and daughters; I will give them an everlasting name which will not cease.** **{S}** |
| 6. **And the foreigners who join with the Lord to serve Him and to love the name of the Lord, to be His servants, everyone who observes the Sabbath from profaning it and who holds fast to My covenant.** | 6. **And the sons of the Gentiles who have been added to the people of the LORD, to minister to Him, to love the name of the LORD, and to be His servants, everyone who will keep the Sabbath from profaning it, and hold fast My covenants-** |
| 7. I will bring them to My holy mount, and I will cause them to rejoice in My house of prayer, their burnt offerings and their sacrifices shall be acceptable upon My altar, **for My house shall be called a house of prayer for all peoples.** | 7. these I wil1 bring to the holy mountain, and make them joyful in My house of prayer; their burnt offerings and their holy sacrifices will even go up for [My] pleasure on my altar; **for My sanctuary will be a house of prayer for all the peoples.** |
| 8. So says the Lord God, Who gathers in the dispersed of Israel, **I will yet gather others to him, together with his gathered ones.** | 8. Thus says the LORD God who is about to gather the outcasts of Israel, **I will yet bring near their exiles, to gather them."** |
| 9. All the beasts of the field, come to devour all the beasts in the forest. **{P}** | 9. All the kings of the peoples who were gathered to distress you, Jerusalem, will be cast in your midst; they will be food for the beasts of the field - every beast of the forest will eat to satiety from them. **{P}** |
| 10. ¶ His lookouts are all blind, they do not know, dumb dogs who cannot bark; they lie slumbering, loving to slumber. | 10. ¶ All their watchmen are blind, they are all without any knowledge; dumb dogs, they cannot bark; slumbering, laying down, loving to sleep. |
| 11. And the dogs are of greedy disposition, they know not satiety; and they are shepherds who know not to understand; they all turned to their way, each one to his gain, every last one. | 11. The dogs have a strong appetite; they do not know satiety. And they who do evil do not know [how] to understand; they have all gone into exile, each his own way, each to plunder the mammon of Israel. |
| 12. "Come, I will take wine, and let us guzzle old wine, and tomorrow shall be like this, [but] greater [and] much more." | 12. They say, "Come, and let us guzzle wine, let us be drunk with old wine; and our feast of tomorrow will be better than this day’s, very great." |
|  |  |
| 1. The righteous man has perished, but no one takes it to heart, and men of kindness are taken away, with no one understanding that because of the evil the righteous man has been taken away. | 1. The righteous/generous die, and no one lays My fear to heart; and men of recompenses of mercy are gathered, while they do not understand. For from before the evil which is about to come the righteous/ generous are gathered, |
| 2. He shall come in peace; **they shall rest in their resting- place, whoever walks in his uprightness.** **{S}** | 2. they will enter into peace; **they will rest in the place of their bedroom who perform His Law.** **{S}** |
| 3. And you, draw near hither, children of sorcery; children who commit adultery, and played the whore. | 3. But you, draw near hither, people of the generation whose deeds are evil, whose plant was from a holy plant, and they are adulterers and harlots. |
| 4. On whom will you [rely to] enjoy yourselves; against whom do you open your mouth wide; against whom do you stick out your tongue? Are you not children of transgression, seed of falsehood? | 4. Of whom are you making sport? And before whom will you open your mouth and continue speaking great things? Are you not children of a rebel. the offspring of deceit, |
| 5. You who inflame yourselves among the terebinths, under every green tree, who slaughter the children in the valleys, under the clefts of the rocks. | 5. you who serve idols under every green tree and sacrifice children in the valleys, under the clefts of the rocks? |
| 6. Of the smooth [stones] of the valley is your portion; they, they are your lot; to them too you have poured out libations, offered up sacrifices; in the face of these shall I relent? | 6. Among the smooth rock of the valley is your portion; even there they are your lot; to them you have poured out drink offerings, you have brought offerings. Will My Memra repent for these things? |
| 7. On a high and lofty mountain you placed your couch; there too you went to slaughter sacrifices. | 7. Upon a high and lofty mountain you have set the place of your camping, and thither you went up to offer sacrifice. |
| 8. And behind the door and the doorpost you have directed your thoughts, for while with Me, you uncovered [us] and went up, you widened your couch and made for yourself [a covenant] with them; you loved their couch, you chose a place. | 8. Behind the door and the doorpost you have set the symbol of your idols; you resembled a woman who was beloved by her husband and strayed after strangers, you have made wide the place of your camping; and you have made a covenant for yourself with them, you have loved the place of their bedroom, you have chosen a place. |
| 9. And you brought a gift to the king with oil, and you increased your perfumes; and you sent your ambassadors far off, and you humbled them to the grave. | 9. When you performed the Law for yourself. you prospered in the kingdom, and when you multiplied for yourself deeds, your armies were many; you sent your messengers far off, and humbled the strong ones of the peoples to Sheol. |
| 10. With the length of your way you became wearied; you did not say, "Despair." The power of your hand you found; therefore, you were not stricken ill. | 10. In the length of your ways you promised to repent; you increased many possessions, and so you did not hope to repent. |
| 11. And whom did you dread and fear, that you failed, and you did not remember Me; you did not lay [Me] to your heart. Indeed, I am silent and from everlasting, but you do not fear Me. | 11. Whom did you dread and before whom fear, so that you continued to speak lies, and did not remember My service, did not lay My fear upon your heart? Have I not given you respite for a long time, that if you repented-and before Me you did not repent? |
| 12. **I tell your righteousness and your deeds**, and they shall not avail you. | 12. **I have told you that good deeds are virtues for you**, but you increased for yourself evil deeds which will not profit you. |
| 13. When you cry out, let your collections save you; wind shall carry all of them off, a breath shall take them, **but he who trusts in Me shall inherit the land and shall inherit My holy mount.** | 13. Cry out, if now the deeds of your deceit with which you were labouring from your childhood will deliver you! The wind will carry them all off, they will be for nothing. **But he who trusts in My Memra will possess the land, and will inherit My holy mountain.** |
| 14. **And he shall say, "Pave, pave, clear the way; remove the obstacles from the way of My people."** **{S}** | 14. **And he will say, "Teach, and exhort, turn the heart of the people to a correct way, remove the obstruction of the wicked from the way of the congregation of My people."** **{S}** |
| 15. For so said the High and Exalted One, Who dwells to eternity, and His name is Holy, "With the lofty and the holy ones I dwell, and with the crushed and humble in spirit, to revive the spirit of the humble and to revive the heart of the crushed. | 15. For thus says the high and lofty One who dwells in the heavens, whose name is Holy; in the height He dwells, and His Shekhinah is holy. He promises to deliver the broken in heart and the humble of spirit, to establish the spirit of the humble, and to help the heart of the broken. |
| 16. For I will not contend forever, neither will I be wroth to eternity, when a spirit from before Me humbles itself, and souls [which] I have made. | 16. "For I will not so avenge forever, nor will my anger always be (so); for I am about to restore the spirits of the dead, and the breathing beings I have made. |
| 17. For the iniquity of his thievery I became wroth, and I smote him, I hid Myself and became wroth, for he went rebelliously in the way of his heart. | 17. Because of the sins of their mammon, which they robbed, My anger was upon them, I smote them, removed My Shekhinah from them and cast them out; I scattered their exiles because they went astray after the fantasy of their heart. |
| 18. **I saw his ways and I will heal him, and I will lead him and requite with consolations him and his mourners.** | 18. **The way of their repentance is disclosed before Me, and I will forgive them; I will have compassion on them and requite them with consolations, and those who mourn them.** |
| 19. **[I] create the speech of the lips; peace, peace to the far and to the near," says the Lord, "and I will heal him."** | 19. **The one who creates speech of lips in the mouth of every man says, Peace will be done for the righteous/ generous, who have kept My Law from the beginning, and peace will be done for the penitent, who have repented to My Law recently, says the LORD; and I will forgive them.** |
| 20. But the wicked are like the turbulent sea, for it cannot rest, and its waters cast up mud and dirt. | 20. But the wicked are like the tossing sea which seeks to rest and it cannot, and its waters disturb mire and dirt. |
| 21. "There is no peace," says my God, "for the wicked." **{P}** | 21. There is no peace, says my God, for the wicked." **{P}** |
|  |  |

**Rashi’s Commentary on Yeshayahu (Isaiah) 56:1-9 + 57:19**

**Chapter 56**

**2** **who will do this** who observes the Sabbath, etc.

**3** **“The Lord will surely separate me from His people,”** Why should I become converted? Will not the Holy One, blessed be He, separate me from His people when He pays their reward.

**Let not the eunnuch say** Why should I better my ways and my deeds? I am like a withered tree, for lack of remembrance.

**4** **and hold fast** Heb. וּמַחֲזִיקִים, and hold fast.

**7** **for all peoples** **Not only for Israel, but also for the proselytes.**

**8** **I will yet gather** **of the heathens ([Mss. and K’li Paz:] of the nations) who will convert and join them.**

**together with his gathered ones** **In addition to the gathered ones of Israel.)**

**9** **All the beasts of the field** All the proselytes of the heathens ([Mss. and K’li Paz:] All the nations) come and draw near to Me, and you shall devour all the beasts in the forest, the mighty of the heathens ([Mss. and K’li Paz:] the mighty of the nations) who hardened their heart and refrained from converting.

**the beasts of the field** [The beast of the field is not as strong as the beast of the forest.] The beast of the field is weaker and of weaker strength than the beast of the forest. Since he stated, “I will yet gather others to him,” he stated this verse.

**10** **His lookouts are all blind** Since he said, “Seek the Lord,” and the entire section, and they do not heed, he returns and says, Behold the prophets cry out to them ([Mss.:] to you) and announce concerning repentance, so that it will be good for them. Yet their leaders are all like blind men, and they do not see the results, like a lookout appointed to see the approaching army, to warn the people, but he is blind, unable to see whether the army is coming, and dumb, unable to warn the people, like a dog that was appointed to guard the house, but he is dumb, unable to bark. Similarly, the leaders of Israel do not warn them to repent to do good.

**they lie slumbering** Heb. הֽזִים. Dunash (Teshuvoth Dunash p. 24) explained: lying sound asleep, and Jonathan rendered: lying slumbering, and there is no comparable word in Scripture.

**11** **And the dogs are of greedy disposition** wanting to fill their stomachs [engrote talent in O.F.], sick with hunger.

**and they are shepherds** Just as the dogs know no satiety, neither do the shepherds know to understand what will occur at the end of days.

**they all** turned to the way of their benefit, each one to his gain, to rob the rest of the people over whom they are appointed.

**every last one** Heb. מִקָּצֵהוּ, [lit. from its end.] Comp. (Gen. 19:4) “all the people from the end (מִקָּצֶה),” from one end of their number until its other end, they all behave in this manner.

**12** **Come, I will take wine** So would they say to one another.

**and tomorrow shall be like this** with feasting and drinking.

**Chapter 57**

**1** **The righteous man** such as Josiah.

**but no one takes it to heart** why he departed.

**with no one understanding** what the Holy One, blessed be He, saw to take him away.

**that because of the evil** destined to befall the generation, the righteous man perished.

**2** **He shall come in peace** for so says the Holy One, blessed be He, Let this righteous man come to his forefathers in peace, and let him not see the evil.

**they shall rest in their resting place** when the evil occurs, he who was walking נְכֽחוֹ, in his uprightness. Comp. (Amos 3:10) “To act rightly (נְכֽחָה).”

**3** **And you, draw near hither** The survivors after the righteous have departed, and receive your sentences.

**children of sorcery** Heb. בְּנֵי עֽנְנָה, children of sorcery.

**children who commit adultery** That the male commits adultery.

**and played the whore** the female.

**4** **On whom will you [rely to] enjoy yourselves** Since you have turned away from following Me, on whom will you rely to enjoy yourselves with good. Had you merited, you would then enjoy yourselves with the Lord, but now, on whom will you rely to enjoy yourselves?

**against whom do you open your mouth wide** when you scorned and mocked His prophets.

**5** **You who inflame yourselves among the terebinths** Who stimulate themselves with semen under the אֵלִים, they are the terebinth and the oak.

**who slaughter the children** for a sacrifice to the idols.

**clefts** Heb. סְעִפֵי, the clefts of the rocks. Comp. (Jud. 15:11) “to the cleft (סְעִיף)of the rock.”

**6** **Of the smooth [stones] of the valley** [Lit. of the smooth ones of the valley, i.e.,] among the smooth stones that are in the valley.

**your portion** With them they will stone you.

**they, they are your lot** to be saddened with them. Why? For to them too you have poured out libations.

**in the face of these shall I relent** from doing harm to you?

**7** **you placed your couch** The couch of your adultery to idolatry on the high mountains.

**8** **And behind the door and the doorpost you have directed your thoughts** Since he compares her to an adulterous woman, for whom her paramours look and wait before the door of her house, while she, lying beside her husband, directs her heart and her thoughts to the door and the doorpost, how she will open the door and come out to them.

**for while with Me, you uncovered [us] and went up** You were lying beside Me, and you removed the cover with which we were covered together, and you went up from beside Me.

**you widened your couch** to accommodate many adulterers.

**and made for yourself** a covenant with them.

**you loved their couch** when you chose for yourself יָד, a place, to demonstrate to them your love.

**a place** Heb. יָד, aise or ajjse in O.F., a side. Comp. (II Sam. 14:30) “See Joab’s field is near mine (עַל יָדִי).”

**9** **And you brought a gift to the king with oil** Heb. וַתָּשֻׁרִי. Originally, I aggrandized you, and you would greet your king with all sorts of delights. וַתָּשֻׁרִי is an expression of an audience. Comp. (Num. 24:17) “I see him (אֲשׁוּרֶנוּ) but he is not near.” [Also] (I Sam. 9:7), “And there is no present (תְּשׁוּרָה) to bring,” [i.e.,] a gift for an audience.

**and you sent your ambassadors** Your messenger afar to collect tribute from the heathen kings. ([Manuscripts and K’li Paz read:] the kings of the nations.)

**and you humbled** the laws of the heathens (of the nations [Mss. and K’li Paz]) to the grave. Jonathan rendered it in this manner.

**10** **With the length of your way you became wearied** You engaged in your necessities, in the filling of your lust, to increase your wealth.

**you did not say, “Despair.”** I will despair of these and I will no longer care to engage in them, but I will pay my attention to Torah and precepts.

**The power of your hand you found** Heb. חַיַּת, the necessity of your hand you have found; you have succeeded in your deeds.

**therefore, you were not stricken ill** Your heart was not stricken ill to worry about My service, to engage in the Torah. חַיַּת is an Arabic word, meaning necessity.

**11** **And whom did you dread** Of whom were you afraid?

**that you failed** Heb. תְּכַזֵּבִי, that you ceased to worship Me and you betrayed Me. Comp. (infra 58: 11) “Whose water shall not fail (יְכַזְּבוּ).” Comp. also (Psalms 116:11) “Every man is a traitor (כּֽזֵב).” Falajjnc in O.F., to fail. Likewise, every expression of כָּזָב means one upon whom people rely, and he fails and betrays them.

**Indeed, I am silent** I kept silent in the face of many transgressions that you transgressed against Me.

**12** **I tell your righteousness** Constantly, I tell you things to do, so that you will be righteous.

**and your deeds** that you do against My will shall not avail you at the time of your distress.

**13** **When you cry out, let your collections save you** Let the collection of your idols and your graven images [and those who deny the Torah] that you collected, rise and save you when you cry out from your distress. Indeed, wind will carry all of them off, and they will not rise, neither will they be able to save.

**14** **And he shall say, “Pave, pave”** So will the prophet say in My name to My people, “Pave, pave a paved highway, clear away the evil inclination from your ways.”

**remove the obstacle** Remove the stones upon which your feet stumble; they are wicked thoughts.

**15** **“With the lofty and the holy ones”** I dwell, and thence I am with the crushed and the humble in spirit, upon whom I lower My Presence.

**humble...crushed** Suffering from poverty and illnesses.

**16** **For I will not contend forever** If I bring afflictions upon a person, My contention with him is not for a long time, neither is My anger forever.

**when a spirit from before Me humbles itself** Heb. יַעֲטוֹף. **When the spirit of man, which is from before Me, humbles itself, confesses and humbles itself because of its betrayal.** Comp. (Lam. 2:19) “humbled (הָעֲטוּפִים) with hunger,” “when the small child and the suckling are humbled (בֵּעָטֵף).” And the souls which I made.

**when a spirit from before Me** Heb. כִּי. This instance of the word כִּי is used as an expression of “when.” Comp. (infra 58:7) “When you see (כִּי תִרְאֶה) ”; (Deut. 26:1) “When you come (כִּי תָבוֹא).” That is to say, when his spirit is humbled, and he is humbled, I terminate My quarrel and My anger from upon him.

**17** **For the iniquity of his thievery** Heb. בִּצְעוֹ, his thievery.

**I became wroth** at the beginning and I smote him, always hiding My face from his distress and I was wroth for he went rebelliously in the way of his heart. Transpose the verse and explain it thus: For the iniquity of his thievery and the fact that he went rebelliously in the way of his heart, I became wroth and smote him.

**18** **I saw his ways** when he humbled himself before Me, when troubles befell him.

**and I will heal him, and I will lead him** Heb. וְאַנְחֵהוּ. I will lead him in the way of healing. Alternatively, וְאַנְחֵהוּ is an expression of rest and tranquility.

**him and his mourners** to those who are troubled over him.

**19** **[I] create the speech of the lips** **I create for him a new manner of speech. In contrast to the trouble that befell him, and everyone was degrading him, they will call, “Peace, peace.”**

**to the far and to the near** Both are equal; he who aged and was accustomed to My Torah and My worship from his youth, and he who drew near now, just recently to repent of his evil way. Said the Lord, “I will heal him of his malady and of his sins.”

**20** **But the wicked** who do not give a thought to repent.

**like the turbulent sea** This seaits waves raise themselves high and strive to go out of the boundary of sand that I made as a boundary for the sea, and when it reaches there, against its will it breaks. The next wave sees all this, yet does not turn back. Similarly, the wicked man sees his friend being punished for his wickedness; yet he does not turn back. Also, just as the sea has its mud and its offensive matter on its mouth, [i.e., on its surface,] so do the wicked have their offensive matter in their mouth; e.g., Pharaoh said, (Exodus 5:2) “Who is the Lord?” Sennacherib said (supra 36:20), “Who are they among all the Gods of the lands...?” Nebuchadnezzar said, (supra 14:14) “I will liken myself to the Most High.”

**like the turbulent sea** Like the sea, which is turbulent, that casts up all day mud and dirt.

**21** **There is no peace** In contrast to what he said to the righteous and the repentant, “Peace, peace to the far, etc.,” he returned and said, “There is no peace for the wicked.”

**Pirqe Abot**

**Mishnah 3:3**

**Rabbi Chanania ben Teradyon said: When two people sit and there are no words of Torah between them, it is a session of scoffers. It is thus written, *"[Happy is the man ... ] who does not sit in a session of scoffers"* (Psalms 1:1). But when two people sit together and there are words of Torah between them, the Divine Presence is between them. It is thus written, *"Then those who feared Cod spoke to one another, and Cod listened and heard. It was written in a record book before Him, for those who fear Cod and respect His name"* (Malachi 3:16). I do not have [evidence] except for two. From where [is it derived] that even when one person sits and engages in [study of] the Torah the Blessed Holy One fixes His reward? It is written, *"He sits alone and is silent, but he receives [reward] for it"* (Lamentations 3:28).**

Rabbi Chanania ben Teradyon, together with Rabbi Shimeon and Rabbi Chanina ben Chakhinai, who are mentioned later (3:4, 5) give further advice how to avoid sin. The three things upon which Akavia ben Mahalalel said to meditate upon (3:1) are not sufficient. Even fear of the authorities (3:2) is not always sufficient, since when a person wishes to commit a crime, he does it by night, secretly, where no one will see him.

**The only remedy strong enough to keep man from sin is the study of Torah.**

There are three categories of sins: First in the category of words ***(Sug Ha-Debarim)***. second is the category of deeds ***(Sug HaMa’asim);*** and the third is the category of thoughts ***(Sug HaMachashao’oth).***

The category of words denotes sinning with speech and nothing else. In this category are such sins as character assassination ***(Lashon HaRa),*** profanity ***(Navluth Ha-Peh),*** lying, tale bearing ***(Rekhiluth***), and dishonoring a fellow man. All these only involve words.

The category of deeds involve sins that primarily involve action, ***(Ma’aseh BeYadaim),*** such as lasciviousness ***(zenuth)*** murder, robbery, stealing, and the like.

The category of thought involves sins with thought alone, where no words at all are uttered, and no deed is done. This includes such sins as heresy ***(kefiruth)*** and thinking of sin.

Each of the three masters discussed one of these categories. They spoke about areas which people do not consider to be forbidden. Although the prohibition may not be apparent in the cases discussed, it is actually very serious.

Rabbi Chanania ben Teradyon, the master mentioned in this Mishnah, is speaking of the category of speech. He is speaking of simple conversation where one engages in chatter with his friend regarding worldly affairs. A person considers this to be the most innocent occupation, since he is not maligning anyone, speaking profanity, or discussing any sin. He may even exercise great care not to commit any actual sin in his speech.

Still, their very conversation comprises one of the most serious sins. It is the sin of scoffing ***(letzanuth).*** Even if they are not scoffing at any religious principle, or mocking any person, what they are doing is still considered scoffing. As soon as two people sit together, if they are not engrossed in words of Torah, then it is considered a "sitting of scoffers" ***(moshav letzim)***. It is no better than a session of scoffers.

The first verse of the Psalms ***(Tehillim)*** thus states, ***"Happy is the man who does not walk in the advice of the wicked, who does not stand in the way of the sinners, and who does not sit in a sitting of scoffers; But his delight is in God's Torah ... "*** (Psalms 1:1). This indicates that you can tell the person who is not sitting in a session of scoffers, because he ***"delights in God's Torah."*** If he has been studying God's Torah, he is not part of the session of scoffers.

This demonstrates that if a person is not studying Torah, if he is talking to another, he is in a session of scoffers, even though he is not actually saying anything forbidden. Thus, there is no way to escape sin other than through words of Torah.

There is an important reason why sitting and not studying Torah is considered to be scoffing and scorning the Torah. Imagine a person who is told to count gold coins on the condition that he can keep all that he counts in one hour. If this person sits idly and does not count his coins, it is a clear demonstration that he considers them worthless and of no value.

The same is true of Torah study. We know how great is the reward for every moment of Torah study. Therefore, if a person neglects the Torah and engages in idle chatter ***(Debarim Betelim),*** it is as if he is scorning the Torah and scoffing at its value. Therefore the person who is negligent ***(Batlan)*** in studying, is counted as if he is treating the Torah with scorn ***(LeTzanuth)***.

We thus see that studying the Torah results in great reward, and also prevents sin. Also, when two people discuss a Torah concept, the Divine Presence ***(Shekhinah)*** is with them. Conversely, when they constitute a session of scoffers, the Divine Presence leaves them.

It is thus written, ***"Then those who feared God spoke to one another; and God listed and heard. It was written in a record book before Him, for those who fear God and respect His name"*** (Malachi 3:16). This indicates that when God-fearing friends converse, God is there listening to them. Not only that, He is recording their words in the book of remembrances, which is open before God. It is clear the verse says that when two companions are discussing words of Torah, the Divine Presence is between them, listening to their discussion and study.

Although the verse does not specifically state that the two are discussing words of Torah ***(Dib'rey Torah),*** but merely says that ***they "spoke,"*** it is understood that the subject of their conversation was Torah. If they had been engaged in idle chatter, the Divine Presence - obviously would not have been listening to their nonsense. Rather, the Divine Presence would have left them, since they would have constituted a session of scoffers."

So great is the merit of Torah study, that even if a person is alone, having no one with whom to discuss his studies, sitting silently, thinking and contemplating words of Torah, God grants him reward for the Torah he has in his mind. Even though he does not express his thoughts verbally, he has the same merit as if he had recited them out loud.

It is thus written, ***"He sits alone and is silent, but he receives the full reward [reward] for it"*** (Lamentations 3:28). This indicates that even though a person is alone and silent, as long as he is reflecting on words of Torah, he receives for Torah study. It is exactly the same as if he had expressed it verbally.

**Nazarean Talmud**

**Sidra of Shmot (Ex.) Ex 21:1–27**

**“V’Eleh HaMishpatim” “And these are the judgments”**

**By: H. Em Rabbi Dr. Adon Eliyahu ben Abraham &**

**H. Em.Hakham Dr. Yosef ben Haggai**

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| --- |
| **School of Hakham Tsefet**  **Peshat**  **Mordechai (Mk) 7:17-23**  **Mishnah א:א** |
| **And when he entered into the house away from the congregation, his talmidim asked him about the riddle. And he said to them, “So are you having trouble accepting[[149]](#footnote-149) what I said? Do you not accept that not everything that is outside that goes into a person is able to defile him? For it does not enter into his heart[[150]](#footnote-150) but into his stomach, and is expelled.” And he said, “What comes out of a person, that defiles a person. For from within, from the heart of people, come evil plans, sexual immoralities, thefts, murders, adulteries***,* acts of**greed, malicious** deeds**, deceit, licentiousness,** envy**, Lashon HaRa** (abusive speech)**, pride,** and **foolishness. All these evil *things* come from within and defile a person.”** |
|  |
| **School of Hakham Shaul**  **Remes**  **2 Luqas (Acts) 15:19-21**  **Mishnah א:א** |
| **Therefore, my judgment[[151]](#footnote-151) is that we should not cause difficulty for those from among the Gentiles who turn to God, but we should write a letter to them to abstain from the pollution of idols and from sexual immorality and from what has been strangled and from blood. For [**the rest you have] **Moshe who has those proclaiming him in every city from ancient generations,** because he**is read aloud in the synagogues on every Sabbath.”** |

**Nazarean Codicil to be read in conjunction with the following Torah Seder**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **\*Ex 21:1-27** | **Psa. 57:1-6** | **Is 56:1-9 + 57:19** | **Mk 7:17-23** | **Acts 15:19-21** |

**Commentary to Hakham Tsefet’s School of Peshat**

We have addressed that which defiles a man (the riddle of food) in the previous week commentary.

**Commentary to Hakham Shaul’s School of Remes**

The principal discussion in this commentary is based on much of the information found in his Eminence Rabbi Dr Hillel’s article on the [**Noahide laws**](http://www.betemunah.org/noachide.html) (<http://www.betemunah.org/noachide.html>). Please refer to this article for those aspects that we are not able to cover due to time and space restraints.

**In my Judgment**

Giving the enormity of the subject materials we will try to make a brief assessment of the Remes of II Luqas 15:19-21. The magnititude cannot be covered in a few words. The question which many scholars ask when they come to II Luqas (Acts) 15 is what did the nazarean Council decide concerning Gentiles, circumcision, conversion and the Torah. In reading the pericope carefully the reader will understand that close scrutiny of the text reveals a partial answer.

Note that Hakham Ya’aqob begins our pericope by saying “**Therefore, my judgment.**”The reader should be taken directly to the opening statement of our Torah Seder, “Sh’mot (Exod.) 21:1**”Now these *are* the judgments which you will set before them.**” Consequently, we have a verbal tally to Sh’mot 21:1. Conversely, we must be mindful of halakhic terminology. There are varried forms of “mitzvoth” cited in the Torah. We have discussed at length in other places one of the main categories of the mitzvoth called “Chukhim,” which are laws that seem to defy human understanding. In the present case with the Torah Seder and the Nazarean Codicil we have “mishpatim” **(Judgments)**, which in most cases are commandments “bein L’Chabero” (between man and his fellow). In the Torah Seder the speaker is G-d (Elohim – the Judge) and in the Nazarean Codicil the speaker is Hakham Ya’aqob. There is a difference here in the level of application per se. This is because in the Nazarean Codicil Hakham Ya’aqob is making a proposal to the Nazarean Bet Din. In this pericope there is no final resolve, only proposition. It would appear that Hakham Ya’aqob is the principal Hakham of the Bet Din. While this is not explicitly stated his authority seems to be implicit. We accept the fact that Hakham Ya’aqob is making a proposed judgment for the nazarean Bet Din. At this point we must know that no resolution has been accepted by the Bet Din as yet.

**Jewish view of the Gentile in the First Century**

The Jewish view of the Gentile in the first century is very important to understand before we can fully comprehend the proceedings of this Nazarean Bet Din. Our Peshat text of Mordechai 7:17-33 posits Yeshua speaking to a Gentile, Syrophoenician woman, on the subject of dogs and crumbs. When Yeshua speaks of the dogs eating table scraps he is not speaking of the adorable pets that we have come to love. His subject on “dogs” brings to mind wild dogs like the coyote, wolf of dingo with vicious physiognomies. In polling Hakham Shaul’s writings we find that he referred to the Gentiles as “sinners, pagans and idolaters” only to name a few titles. This is an essential part of understanding the resolution of the Nazarean Bet Din.

Paula Fredriksen Aurelio Professor of Scripture emerita at Boston University suggests that the typical Jewish view of the Gentile in the first century was less than desirable. As noted from our comments above Professor Fredriksen sees that Jewish opinion of the Gentiles as follows:

What did the average Jew think of the average Gentile? I think that we can rely here on Paul who, even when addressing Gentiles and in some sense acting as their advocate, refers to them, quite unselfconsciously, as ‘sinners’ (Gal.2: 15). Their characteristic social and sexual sins—slander, insolence, deceit, malicious gossip, envy, heartlessness, disrespect of parents, homosexual and heterosexual fornication—are the varied expression of a more fundamental spiritual error: they worship idols. Could there be such a thing, then, as a morally good Gentile?[[152]](#footnote-152)

As can be seen from Professor Fredrikson’s summation, the Jewish view of Gentiles was not positive. The interesting point is that Professor Fredrikson cites Hakham Shaul as her source. Therefore, we might think that the typical Nazarean Jew held similar opinions. Consequently, we see that Hakham Ya’aqob addresses what seem to be the essential fundamental problems found in the typical Gentile namely, idolatry, sexual immorality, things strangled (non-kosher killed animals) and blood (murder, trespass of Niddah, and eating the limb of a living animal). We note that these suggestions are only elemental. Each category serves as a “pars pro toto” for a number of categorical mitzvoth. Our key point here is that Hakham Ya’aqob addresses and immediate situation. The typical Gentile following these practices and desiring to “turn to G-d” must cease from these practices **immediately!** The phrase **“turning to G-d”** is vital to our understanding here. Hakham Ya’aqob does not say that the Gentiles are “turning to Messiah.” While the elemental work of Messiah is the motivational factor in early conversions to Judaism, the master pointed towards G-d. Please note our final comment in the Peshat commentary above.

Here we must also posit the truth that these four categories were not an end in and of themselves, they were the “immediate” response to the Gentile who would find his fulfillment in conversion to Judaism. Professor Fredrikson also notes that there were those Gentiles who liked the best of both worlds[[153]](#footnote-153). In other words, they possibly attended the Esnoga (Synagogue) and the Pagan Festivals where they indulged in all associated pagan rites.[[154]](#footnote-154)

Who are the God fearers? They are Gentiles, but not proselytes; if they were proselytes, they would then be Jews. To think of them as “semi-proselytes” is unhelpful: the word suggests some sort of arrested development or objective impediment.[[155]](#footnote-155)

George Foot Moore makes this point clear.

Nothing but misunderstanding can come from calling the *ger toshab* a “proselyte” or semi-proselyte;” he was not a convert to Judaism at all. [[156]](#footnote-156)

Seeing Cornelius as a “G-d fearer” in II Luqas (Acts) chapter 10 makes us understand that he and his family were “Gentiles” not “semi-proselytes.” However, as a Gentile “turning to G-d” we see that Cornelius was in the process of conversion. He was educated in the Siddur and other mitzvoth such as Shabbat etc. Therefore, Cornelius serves as a prototypical Gentile “turning to G-d.” By taking a cursory look at that II Luqas chapter 10 it would appear that he had abandoned typical Gentile practices, namely, idolatry, sexual immorality, things strangled (non-kosher killed animals) and blood (murder, trespass of Niddah and eating the limb of a living animal).

**How many Special People does G-d have?**

In last week’s Torah Seder, we saw that G-d chose the Jewish people for Himself as a “special people.”

***…“then you will be Mine own 's'gulah' (treasure) from among all peoples***.” **This means “you will be a treasure 'in My hand,”[[157]](#footnote-157)**

In review of that Torah Seder, we do not find the words, “you will be one of my special peoples.” Again, the words of Hakham Ya’aqob resonate, the truth, the Gentiles “turning to G-d.”

So, what is troubling (**causing difficulty**) to the Gentiles? Of course, all the so-called scholars look at these poor Gentiles saying that conversion “is a yoke too great to bear.[[158]](#footnote-158) Perhaps Prof. Bruce needs a new pair of glasses. The II Luqas (Acts) text never says that the Talmidim of Yeshua or anyone else for that matter is placing an unbearable yoke on the Gentiles.

**II Luqas (Acts) 15:10 Hakham Tsefet continued saying “So now why are you putting God to the test[[159]](#footnote-159)** by **placing on the neck of the talmidim** (**not on the Gentiles**) **a yoke[[160]](#footnote-160) that neither our fathers nor we have strength to bear?**

Hakham Tsefet’s “we” does not include the Gentiles at this point of the Bet Din’s proceedings. Furthermore, there are a number of Converts in this august body. We have yet to hear one of those Converts saying, “This is too much!” Machiavelic questions are another issue all together.

Cornelius and his family had voluntarily accepted certain Jewish practices.[[161]](#footnote-161) The narrative on Cornelius shows his willing acceptance of the Torah. Therefore, we must deduce through Sevarah (Rabbinic Logic) that he did not think that he was being “troubled.”

So, what’s troubling (**causing difficulty**) to the Gentiles? The Gentiles who encountered Judaism came face to face with their mortality. They were forbidden any afterlife or entrance into the Olam HaBa.

The Tosefta explicitly stated that R. Eliezer (From the Shammaite School) forbade Gentile Conversion. This is deduced partially by Severah, by noting that R. Eliezer believes Gentiles have no part in the Olam HaBa. If R. Eliezer is of the opinion that converts are Jews and therefore, have a part in the Olam HaBa we could understand his statement. However, this does not seem plausible or apparent since R. Eliezer is of the stricter School of Shammai.

**t. San 13:2** Another matter: Root—this refers to the soul. And branch—this refers to the body. And the children of the wicked among the heathen will not live [in the world to come] nor be judged. R. Eliezer says (from the stricter School of Shammai), "None of the gentiles has a portion in the world to come, "as it is said, The wicked shall return to Sheol, all the gentiles who forget God (Ps. 9:17). "The wicked shall return to Sheol—these are the wicked Israelites." [Supply: "And all the gentiles who forget God—these are the nations."] Said to him **R. Joshua (from the School of Hillel), "If it had been written, 'The wicked shall return to Sheol—all the gentiles' and then said nothing further, I should have maintained as you do. "Now that it is in fact written, All the gentiles who forget God, it indicates that there also are righteous people among the nations of the world, who do have a portion in the world to come."**

Therefore, they would have found their “Predicament” most troubling. Once the Nazarean Bet Din overturned the 18 Shammaite Edicts the Gentiles were no longer troubled. Also, note that the Mishnah followed the halakhic decision of the Nazarean Bet Din. It is possible the Hakham Ya’aqob was formerly a student of the Shammaite School. However, the voice of “Prophecy” (Ruach HaKodesh) informs the Nazarean Bet Din that it has always been G-d’s desire for the Gentiles to have access to G-d through conversion.

**How Many Laws?**

As we have noted above the number of mitzvoth for the B’ne Noach is more fluid than concrete. The four categorical headings seem to be the things that the Gentiles must abandon **“immediately.”** In concurring with His Eminence Rabbi Dr Hillel ben David, these four “*mishpatim*” (judgments) may very well have been the seminal origins of the “Seven Noahide Laws.”

Now, it does not seem appropriate to discuss at length the number of Laws etc. We have referred our readers to His Eminence Rabbi Dr Hillel ben David’s article on the Seven Noahide Laws above.[[162]](#footnote-162) As we recapitulate the thoughts expressed above, the number of mitzvoth is not the principal argument. The argument is built upon what Gentiles **MUST DO** **immediately** when they begin to “turn to G-d.”

It is noteworthy now to point out that there are 613 mitzvoth in the Torah. For those who want to claim that they would rather follow the mitzvoth found in the Nazarean Codicil we say amen we agree. While the dominant populace of Christian laity and scholarship believes, there are only two. (1), Love G-d with all your heart, etc., and (2), Love your neighbor as yourself,[[163]](#footnote-163) they would be greatly mistaken. Finis Jennings Dake has codified the mitzvoth of the Nazarean Codicil (New Testament) finding 1050 commandments.[[164]](#footnote-164) While these mitzvoth need review, it paints a picture that Christian scholars and laity do not want to see. It is also noteworthy to mention that Dake nowhere suggests that these 1050 commandments are an “unbearable yoke.”

Regardless of the possible mitzvot implicated, the situation at hand is what a Gentile does in preparation for conversion. The subject at hand is not Gentiles turning to G-d. **Those turning to G-d must accept the authority of the Jewish Bet Din and their full interpretation and implementation of the Torah**.

**Questions for Reflection**

1. From all the readings for this Shabbat which statement touched your heart and fired your imagination?
2. In your opinion, and taking into consideration all the above readings for this Shabbat, what is the prophetic message (the idea that encapsulates all the Scripture passages read) for this week?

**Blessing After Torah Study**

**Barúch Atáh Adonai, Elohénu Meléch HaOlám,**

**Ashér Natán Lánu Torát Emét, V'Chayéi Olám Natá B'Tochénu.**

**Barúch Atáh Adonái, Notén HaToráh. Amen!**

**Blessed is Ha-Shem our God, King of the universe,**

**Who has given us a teaching of truth, implanting within us eternal life.**

**Blessed is Ha-Shem, Giver of the Torah. Amen!**

**“Now unto Him who is able to preserve you faultless, and spotless, and to establish you without a blemish,**

**before His majesty, with joy, [namely,] the only one God, our Deliverer, by means of Yeshua the Messiah our Master, be praise, and dominion, and honor, and majesty, both now and in all ages. Amen!”**

**Next Shabbat**

**1st Sabath of Penitence**

**Shabbat: “Dibre Yirmeyahu” – Sabbath: “The words of Jeremiah”**

|  |  |  |
| --- | --- | --- |
| **Shabbat** | **Torah Reading:** | **Weekday Reading:** |
| וְכִי-יִגַּח שׁוֹר |  |  |
| **“V’Ki Yigach Shor”** | Reader 1 – Shemot 21:28-32 | Reader 1 – Shemot 22:24-26 |
| **“And when gores an ox”** | Reader 2 – Shemot 21:33-36 | Reader 2 – Shemot 22:27-29 |
| **“Si un buey acorneare”** | Reader 3 – Shemot 21:37-22:3 | Reader 3 – Shemot 22:24-30 |
| Shemot (Exod.) 21:28 – 22:23 | Reader 4 – Shemot 22:4-8 |  |
| Ashlamatah: Ezek 34:20-27, 30-31 | Reader 5 – Shemot 22:9-12 |  |
| Special: Jeremiah 1:1 - 2:3 | Reader 6 – Shemot 22:13-16 | Reader 1 – Shemot 22:24-26 |
| Psalm 57:7-12 | Reader 7 – Shemot 22:17-23 | Reader 2 – Shemot 22:27-29 |
| Abot: 3:4 | Maftir: Shemot 22:17-23 | Reader 3 – Shemot 22:24-30 |
| N.C.: Mk 7:24-30;  Acts 15:22-29 | Jeremiah 1:1 – 2:3 |  |

**Coming Fast**

**Fast of the 17th of Tammuz**

**Forth further info. Please see:**

[**http://www.betemunah.org/mourning.html**](http://www.betemunah.org/mourning.html) **&** [**http://www.betemunah.org/tamuz17.html**](http://www.betemunah.org/tamuz17.html)

Shabbat Shalom!

Hakham Dr. Yosef ben Haggai

Rabbi Dr. Hillel ben David

Rabbi Dr. Eliyahu ben Abraham

1. Above, 15:25: ***There He made for them 'chock' (a statute) 'umishpat' (and an ordinance)***. The "***statutes***" are the precepts for which the reasons are generally unknown. See Vol. I, p. 331. [↑](#footnote-ref-1)
2. Above, 20:19. [↑](#footnote-ref-2)
3. Ibid., Verse 2. [↑](#footnote-ref-3)
4. Ibid., Verse 20. [↑](#footnote-ref-4)
5. Ibid., Verse 3. [↑](#footnote-ref-5)
6. Ibid., Verse 14. [↑](#footnote-ref-6)
7. Shemoth Rabbah 30:15. [↑](#footnote-ref-7)
8. Further, 22:19. [↑](#footnote-ref-8)
9. Further, Verses 15 and 17. [↑](#footnote-ref-9)
10. Ibid., Verses 12-14. [↑](#footnote-ref-10)
11. Ibid., 22:15-16. [↑](#footnote-ref-11)
12. Tanchuma Mishpatim, 6. [↑](#footnote-ref-12)
13. Above, 15:25. [↑](#footnote-ref-13)
14. Deuteronomy 19:17. [↑](#footnote-ref-14)
15. Numbers 35:12. [↑](#footnote-ref-15)
16. Esther 1:13. [↑](#footnote-ref-16)
17. Further, Verse 6. [↑](#footnote-ref-17)
18. Ibid.,22:8. [↑](#footnote-ref-18)
19. Further, Verse 22. [↑](#footnote-ref-19)
20. **The process of investiture with judicial rights and functions. Ordination was conferred by three Sages, only one of whom himself had to be duly ordained. Ordination was valid only if both the ordainers and the ordained were in the Land of Israel. Once received in the Land of Israel, however, the authority of ordination became effective outside the Land as well.** [↑](#footnote-ref-20)
21. Deuteronomy 15:15. [↑](#footnote-ref-21)
22. Genesis 2:1. See Ramban Vol. I, pp. 61-64. [↑](#footnote-ref-22)
23. Rambans reticent and challenging language is illuminated in an essay by l. Weinstock (B'maglei Haniglah V'hanistar, pp. 151-241) where he traces the development of this Cabalistic doctrine: **The universe is subject to cycles of seven thousand years; after each six thousand years of growth and activity the seventh thousand is one of "rest" - destruction. This process repeats itself seven times - representing a total of forty-nine thousand years, the fiftieth thousand being the jubilee when all existence returns to its beginnings. This phenomenon applies to the planet on which we live as well as to the worlds above us. One can thus get a glimpse into the meaning of Ramban's words before us, that this commandment "alludes to great things in the process of creation."** [↑](#footnote-ref-23)
24. Jeremiah 34:13. [↑](#footnote-ref-24)
25. Ibid., Verses 14 and 10 (Ramban combined here parts of these verses). [↑](#footnote-ref-25)
26. Ibid., Verses 17-22. [↑](#footnote-ref-26)
27. Leviticus 26:34-35. [↑](#footnote-ref-27)
28. Ibid., 25:2. [↑](#footnote-ref-28)
29. Above, 20:13. [↑](#footnote-ref-29)
30. Above, 20:13. [↑](#footnote-ref-30)
31. Further, Verses 18-19. [↑](#footnote-ref-31)
32. See further Verse 22 - that for killing an unborn child a fine is paid, while in the case of the bondman, if he did not survive for twenty-four hours after he was struck by the master, the master is liable to death (Verses 20-21). [↑](#footnote-ref-32)
33. Ibid., Verses 24-27. [↑](#footnote-ref-33)
34. Ibid., Verses 28-32. [↑](#footnote-ref-34)
35. Mechilta on the Verse here. [↑](#footnote-ref-35)
36. Leviticus 25:41. [↑](#footnote-ref-36)
37. See Deuteronomy 28:66. [↑](#footnote-ref-37)
38. Kiddushin 22 a. See my Hebrew commentary p. 413. [↑](#footnote-ref-38)
39. Kethuboth 49 a-b. [↑](#footnote-ref-39)
40. Mechilta on the Verse here. [↑](#footnote-ref-40)
41. According to a first [i.e., an older] Mishnah, if after such time as the law allows for the preparation of the wedding, the bridegroom postponed it, he is liable to support her, and she may eat from his goods, so that if she is an Israelite's daughter and betrothed to a priest, she may eat terumah (the heave-offering) as if she was already his wife. A later Mishnah though, ruled that a woman may not eat heave-offering until she has entered the bride-chamber (Kethuboth 57 b). [↑](#footnote-ref-41)
42. In Hoffman's edition, p. 120. - See Vol. I, p. 603, Note 245, for explanation of the term "another." [↑](#footnote-ref-42)
43. Literally: "if he be the husband of a wife, then his wife will go out with him." The word "wife" is thus mentioned twice, once to indicate etc. (see text). [↑](#footnote-ref-43)
44. See Leviticus 21:7:14. [↑](#footnote-ref-44)
45. See Seder Bo, [↑](#footnote-ref-45)
46. In spite of the fact that this Baraitha apparently contradicts what Ramban said above - namely, that during the time of the Hebrew servant's servitude the earnings of his wife and minor children belong to his master, since he is obliged to feed them, whereas here the Baraitha seems to be saying the opposite - "Yet I continue to say" writes Ramban, "as I have written above etc," [↑](#footnote-ref-46)
47. See Seder Bo, [↑](#footnote-ref-47)
48. Mechilta on the verse here. [↑](#footnote-ref-48)
49. Deuteronomy 15:12. "This teaches you that a Hebrew maidservant also goes free after six years' service" (Rashi). Consequently the verse here which states ***the wife [and her children] shall be her master's*** can only be speaking of a Canaanite woman. [↑](#footnote-ref-49)
50. Accordingly, the Baraitha above that attempted to argue that Scripture here speaks of an Israelite woman [given by the master to his Hebrew servant] , must refer only to a Hebrew woman of age who sold herself as a maidservant. So how then could Rashi support his argument [that if she were an Israelite woman, she would go free "if she shows signs of puberty]." when the Baraitha must of necessity be referring not to a minor but to a woman of age? (Mizrachi). [↑](#footnote-ref-50)
51. Above, Verse 2, Rashi. [↑](#footnote-ref-51)
52. Kiddushin 14b. [↑](#footnote-ref-52)
53. So both proofs of Rashi as to why Scripture cannot be speaking here of an Israelite woman, [1. that a Hebrew maidservant also goes free at the end of six years; 2. that even before the end of six years, she goes free if she shows signs of puberty], have no application here for reasons explained above. [↑](#footnote-ref-53)
54. A woman really cannot sell herself; as the Mechilta puts it: "And if a man sell (Verse 7) - a man can sell himself, but a woman cannot sell herself." But Ramban is writing only on the assumption that the Baraitha introduced this as a hypothesis finally to be disproved. See my Hebrew commentary pp. 515-516. [↑](#footnote-ref-54)
55. This section speaks here of one who was sold by the court for a theft which he had committed and was not able to pay for (further, 22:2). On refusing to go free at the end of his six years of service, the servant is to take counsel with his vendors [the court] **"and they will advise him to go free, for when he is free he can serve G-d in more ways than he could as a servant etc."** (Zeh Yenachmeinu commentary on the Mechilta). [↑](#footnote-ref-55)
56. Further, 22:8. [↑](#footnote-ref-56)
57. Ibid. [↑](#footnote-ref-57)
58. Deuteronomy 1:17. [↑](#footnote-ref-58)
59. II Chronicles, 19:6. [↑](#footnote-ref-59)
60. Psalms 82:l. [↑](#footnote-ref-60)
61. Deuteronomy 19:17. [↑](#footnote-ref-61)
62. Further, 23:7. [↑](#footnote-ref-62)
63. Shemoth Rabbah 30:20. [↑](#footnote-ref-63)
64. Judges 2:18. [↑](#footnote-ref-64)
65. Mechilta here on the Verse. [↑](#footnote-ref-65)
66. Ecclesiastes 1:10. [↑](#footnote-ref-66)
67. I Samuel 1:22. [↑](#footnote-ref-67)
68. Isaiah 63:9. [↑](#footnote-ref-68)
69. Mechilta here on the Verse. [↑](#footnote-ref-69)
70. The epithet for Rabbi Yehudah Hanasi, the redactor of the Mishnah , or as he is often known Rabbenu Hakadosh, "Our holy teacher," or simply "Rabbi.” [↑](#footnote-ref-70)
71. In his commentary to Leviticus 25:40-41, Ibn Ezra wrote on the verses. ***He will serve with you unto the year of jubilee. Then will he go out from you ...*** : "This is what the Rabbis have received by tradition concerning the verse, ***and he will serve him 't'olam;"*** meaning that he is to serve him until the jubilee year." Thus Ibn Ezra did understand the verses there and found in them Scriptural proof that ***olam*** means fifty years, whilst here he wrote that it means "time." Apparently, "he forgot" - as Ramban puts it - "what he wrote with understanding elsewhere." [↑](#footnote-ref-71)
72. See further, Verses 26-27. [↑](#footnote-ref-72)
73. Mechilta here on the Verse. [↑](#footnote-ref-73)
74. The Hebrew servant may be called ***ebed ivri*** [as in Verse 2 here: ***if you buy an 'ebed ivri'*** - a Hebrew servant] but never just ***ebed***, which term by itself signifies a Canaanite bondman. Here in Verse 7 where it just says ***ha'avadim*** (menservants) it must therefore refer to the Canaanite bondmen. For a similar statement of Ramban see also further Verse 20. [↑](#footnote-ref-74)
75. For what reason might I have thought that she does go out free, so that Scripture should find it necessary to tell us that such is not the case? [↑](#footnote-ref-75)
76. See in Seder Bo - The ***kal vachomer*** in this case would be as follows: A Canaanite bondwoman who does not go out free at the end of six years or in the jubilee year, does so out free because of the loss of any of the chief external organs. It is therefore only logical that a Hebrew maidservant, who does go out free at the end of six years or in the jubilee, should surely go out free because of the loss of any chief external organs. [↑](#footnote-ref-76)
77. Rabbi Shimon Kairo, who flourished in the second half of the eighth century - when the Gaonic period was at its height. Considered a most authoritative work on Rabbinic Law, the 'Hilchoth Gedoloth' was a pioneer in the field of Taryag (613) Commandments, for in a preface to this work the author was the first scholar who attempted to define each separate commandment (see my foreword to "The Commandments," Vol. I pp. viii - ix). [↑](#footnote-ref-77)
78. See note 76 above. [↑](#footnote-ref-78)
79. As opposed to a mere "negation," where the verse just negates a certain law from being applicable, without constituting a prohibition. In his Book of the Commandments, Maimonides dedicated the eighth principle to the clarification of this distinction between a negation and a prohibition, and without mentioning the name of the author of the 'Hilchoth Gedoloth,' differs with him on the interpretation of this verse, which in his opinion merely states that there is no obligation on the part of the master to let her go free where he causes her the loss of one of her organs. [See in my translation, "The Commandments," Vol. II pp. 390-393.] In his notes to Maimonides' Book of Commandments, Ramban came to the defense of the 'Hilchoth Gedoloth.' [↑](#footnote-ref-79)
80. Verse 10. [↑](#footnote-ref-80)
81. Rashi thus interprets ***l 'arn nochri*** [literally: "unto a foreign people"] as signifying "unto a strange man," i.e , to another Israelite. Thus the verse is stating that neither the father nor the master has a right to resell her. Ramban will question this interpretation. [↑](#footnote-ref-81)
82. Psalms 74:14. [↑](#footnote-ref-82)
83. Proverbs 5:10. [↑](#footnote-ref-83)
84. Ibid., 2:16. [↑](#footnote-ref-84)
85. Rabbi Eleazar and Rabbi Shimon - in Kiddushin 18a. [↑](#footnote-ref-85)
86. Mechilta here on the Verse. [↑](#footnote-ref-86)
87. Leviticus 25:47. [↑](#footnote-ref-87)
88. "That she not be exposed to the dangers of immorality." (Bachya). [↑](#footnote-ref-88)
89. Verse 7. [↑](#footnote-ref-89)
90. Rabbi Eleazar and Rabbi Shimon - in Kiddushin 18a. [↑](#footnote-ref-90)
91. Deuteronomy 14:21. [↑](#footnote-ref-91)
92. Pesachim 21b. [↑](#footnote-ref-92)
93. Kiddushin 4a. [↑](#footnote-ref-93)
94. Verse 11. [↑](#footnote-ref-94)
95. Kiddushin 4a. [↑](#footnote-ref-95)
96. In the Tur who quotes Ramban: "the father." That is to say, if the maiden pleased the master and he wishes to marry her, the father cannot take her out from his house. [↑](#footnote-ref-96)
97. See Esther 2:9. [↑](#footnote-ref-97)
98. II Samuel 20:5. [↑](#footnote-ref-98)
99. Further, 22:6. [↑](#footnote-ref-99)
100. Deuteronomy 15:13-14. [↑](#footnote-ref-100)
101. Verse 10. [↑](#footnote-ref-101)
102. Le., if he does marry another woman he is more likely to diminish the rights of this one; hence Scripture speaks of the case 'if' he take him another wife. **But this is by no means to be understood that it was "the usual" thing to take another wife.** [↑](#footnote-ref-102)
103. Verse 10. [↑](#footnote-ref-103)
104. Kethuboth 47b. - For the meaning of the term Gernara see in Seder Bo. [↑](#footnote-ref-104)
105. See in Seder Yithro [↑](#footnote-ref-105)
106. Psalms 78:27. [↑](#footnote-ref-106)
107. See Deuteronomy 8:3. [↑](#footnote-ref-107)
108. Leviticus 18:6. Generally translated: ***"that is near of kin to him."*** According to Ramban the literal meaning would be: "the flesh close and near to his flesh." [↑](#footnote-ref-108)
109. Ibid. [↑](#footnote-ref-109)
110. Ibid., Verse 17. [↑](#footnote-ref-110)
111. Genesis 29:14. [↑](#footnote-ref-111)
112. Numbers 12:12. "The flesh" here refers to Miriam - Aaron's and Moses' sister. [↑](#footnote-ref-112)
113. Isaiah 14:22. [↑](#footnote-ref-113)
114. Proverbs 5:11. [↑](#footnote-ref-114)
115. Psalms 78:27. [↑](#footnote-ref-115)
116. Proverbs 5:11. [↑](#footnote-ref-116)
117. Yebamoth 22 b. [↑](#footnote-ref-117)
118. Leviticus 21:2. [↑](#footnote-ref-118)
119. Genesis 2:24. [↑](#footnote-ref-119)
120. Further, 22:26. [↑](#footnote-ref-120)
121. Leviticus 18:6. Generally translated: "***that is near of kin to him***." According to Ramban the literal meaning would be: "the flesh close and near to his flesh." [↑](#footnote-ref-121)
122. Genesis 37:27. [↑](#footnote-ref-122)
123. Ezekiel 23:4l. [↑](#footnote-ref-123)
124. Genesis 2:24. [↑](#footnote-ref-124)
125. Kethuboth 48a. [↑](#footnote-ref-125)
126. I.e., at the end of six years, or the jubilee year. It is thus in contrast to Verse 7 above: ***And if a man sell his daughter to be a maidservant, she will not go out as the menservants do. But if the master do not these three things to her [as explained], then she will go out as the menservants do***. See Ramban above at the end of Verse 8 ["The plain meaning of Scripture in this section etc."]. To this he now adds that if the master fails to do any of the three ways to ameliorate her condition, then she will go out free for nothing, as menservants do. [↑](#footnote-ref-126)
127. Sanhedrin 84b. [↑](#footnote-ref-127)
128. Verse 16. [↑](#footnote-ref-128)
129. Verse 17. [↑](#footnote-ref-129)
130. Leviticus 20:9. [↑](#footnote-ref-130)
131. Ibid., Verse 27. [↑](#footnote-ref-131)
132. In the order of severity stoning is considered the most stringent of the four deaths that the court had power to inflict, and strangulation the least severe. Ramban's question is thus pertinent: why the most severe punishment for the curser, and the least severe one for one who smites? [↑](#footnote-ref-132)
133. Isaiah 8:2l. [↑](#footnote-ref-133)
134. Shebuoth 36a. Also in the Mechilta here: "One who curses his father or his mother is not liable to the death penalty unless he curses them by using the Divine Name." Needless to say cursing is strongly forbidden by itself, even without using the Divine Name. [↑](#footnote-ref-134)
135. Mentioned here in Ibn Ezra, Verse 16. - On Rav Saadia, see in Seder Va'eira. [↑](#footnote-ref-135)
136. Ramban argues that since Rashi made his comment upon the phrase: ***and he be found in his hand***, it would appear that the fact that the witnesses saw him in his possession constitutes their proof that the holder stole him. On this, Ramban asked: could you possibly think that the thief be subject to death without the witnesses having seen the actual theft and the sale? Their having seen him in the thief's possession is in fact no proof at all that he had stolen him (Nimukei Shmuel). [↑](#footnote-ref-136)
137. Sanhedrin 85b. [↑](#footnote-ref-137)
138. Ibid. [↑](#footnote-ref-138)
139. Further, Verse 37. [↑](#footnote-ref-139)
140. Sanhedrin 85b. [↑](#footnote-ref-140)
141. Not as we have explained it heretofore, according to Ramban, that the reference is to the thief's domain. [↑](#footnote-ref-141)
142. But according to Ramban, as explained above, there is a new law established here: even if the thief brought the stolen person to his domain, and the buyer came there and the sale was completely finalized, [by the buyer lifting him, or drawing him into ground which belongs to both], the thief is nevertheless free from the death penalty as long as the buyer did not remove him from the seller's domain. In the case of theft of an ox or sheep under such circumstances, the thief would be liable to pay five oxen for an ox and four sheep for a sheep. [↑](#footnote-ref-142)
143. **The verbal tally between the Torah and the Psalm is:** Before / From - פנים, Strong’s number 06440. [↑](#footnote-ref-143)
144. *The ArtScroll Tanach Series, Tehillim*, A new translation with a commentary anthologized from Talmudic, Midrashic, and rabbinic sources. Commentary by Rabbi Avrohom Chaim Feuer, Translation by Rabbi Avrohom Chaim Feuer in collaboration with Rabbi Nosson Scherman. [↑](#footnote-ref-144)
145. The Three Weeks or *Bein ha-Metzarim* (בין המצרים, "Between the Straits" cf "In Dire Straits") is a period of mourning commemorating the destruction of the first and second Jewish Temples. The Three Weeks are historically a time of misfortune, since many tragedies and calamities befell the Jewish people at this time. These tragedies include: the breaking of the Tablets of the Law by Moses, when he saw the people worshipping the golden calf; the burning of a Sefer Torah by Apostomus during the Second Temple era; the destruction of both Temples on Tisha B'Av; the expulsion of the Jews from Spain on Tisha B'Av 1492; and the outbreak of World War I on Tisha B'Av 1914, which overturned many Jewish communities. [↑](#footnote-ref-145)
146. By nearly universal custom, special haftarot (passages from the Prophets) are read in the synagogue on each Sabbath of the Three Weeks. Whereas most haftarot of the yearly cycle are selections reflecting the theme of the day's Torah reading, these three—the "Three of Affliction" - do not directly relate to the weekly Torah portions, but instead contain certain prophecies of Jeremiah and Isaiah foreshadowing the fall of Jerusalem. [↑](#footnote-ref-146)
147. Beresheet Rabbah 51:7 [↑](#footnote-ref-147)
148. Tehillim (Psalms) 57:1. [↑](#footnote-ref-148)
149. ἀσύνετοί, from ἀσύνετος - to bring together. The talmidim are unable to put the “riddle” together or think in terms that are more abstract. [↑](#footnote-ref-149)
150. If the reader misses the analogy here, he will destroy the context in which the riddle is given. [↑](#footnote-ref-150)
151. Verbal connection to Shmot 21:1. This is the “judgment” (**שֶׁ֫פֶט**) of Hakham Ya’aqob or his expression of desire to the Bet Din - noun first person singular, in **"my judgment,"** this cannot be a legal halakhic decision. This is because a single Judge (Hakham) cannot make a halakhic ruling. Judgments are the result of a Bet Din [i.e.. multiple judges (Hakhamim)]. [↑](#footnote-ref-151)
152. Professor Paula Fredrikson, [*Journal of Theological Studies, N.S. 42 (1991) p534*](http://www.bu.edu/religion/files/pdf/Judaism-the-Circumcision-of-Gentiles-and-Apocalyptic-Hope-Another-Look-at-Galatians-1-and-2.pdf) [↑](#footnote-ref-152)
153. Ibid [↑](#footnote-ref-153)
154. Ibid p. 542 [↑](#footnote-ref-154)
155. Ibid p. 541 [↑](#footnote-ref-155)
156. Moore, G. F. (1960). *Judaism In the First Centuries of the Christian Era: Age of the Tannaim* (Vol. I). Peabody, MA: Hendrickson Publishers Inc. Vol 1 p. 339 [↑](#footnote-ref-156)
157. Tammuz 07, 5773 p. 22 [↑](#footnote-ref-157)
158. Bruce, F. (1990). *The Acts of the Apostles, A Greek Text with Introduction and Commentary.* (Third Revised and Enlarged Edition ed.). Grand Rapids, MI: William B. Eerdmans Publishing Company. p. 295 [↑](#footnote-ref-158)
159. A verbal tally to our Torah Seder [↑](#footnote-ref-159)
160. **m. Berakhot 2:2** “Why does [the passage of] Shema precede [that of] And it shall come to pass [if you keep my commandments]? “So that one may first **accept upon himself the yoke of the kingdom of heaven and afterwards may accept the yoke of the commandments**. “[Why does] And it shall come to pass [precede] And G-d said? “For And it shall come to pass is recited by both day and night. “[But] And G-d said is recited only by day.” **m. Abot 3:5** R. Nehunya b. Haqqaneh says, “From whoever accepts upon himself the yoke of Torah do they remove the yoke of the state and the yoke of hard labor. “And upon whoever removes from himself the yoke of the Torah (yoke of the Kingdom i.e. recital of the Shema D’barim 6:4f.) do they lay the yoke of the state and the yoke of hard labor.” **m. Shabbat 1:4** These are some of the laws which they stated in the upper room of Hananiah b. Hezekiah b. Gurion when they went up to visit him. They took a vote, and the House of Shammai outnumbered the House of Hillel. And eighteen rules (of Shammai concerning Gentile conversion) did they decree on that very day. **﻿b. Shabbath 17a “**And on that day Hillel sat submissive before Shammai, like one of the disciples, and it was as grievous to Israel as the day when the [golden] calf was made. Now, Shammai and Hillel enacted [this measure], but they would not accept it from them; but their disciples came and enacted it, and it was accepted from them.” We can also associate the “Yoke of the Kingdom” with the Yoke of the (Master) Mesorah. (Mt 11:29-30)

     **Kilyaim Chapter 9 Halacha 7** Anyone who performs labor with two species of animals or wild beasts together when one of them is kosher and the other is not kosher is liable for lashes in all places, as [Deuteronomy 22:10] states: "Do not plow with an ox and a donkey together. "Whether one plows, seeds, has them pull a wagon, or a stone, or led them together even with his voice [alone], he is liable for lashes. This is derived from the term "together." If, however, one [merely] yokes them [to a wagon], he is exempt unless he pulls them or leads them. [↑](#footnote-ref-160)
161. We have read Cornelius into the thoughts of Professor Paula Fredrikson, [*Journal of Theological Studies, N.S. 42 (1991) p541*](http://www.bu.edu/religion/files/pdf/Judaism-the-Circumcision-of-Gentiles-and-Apocalyptic-Hope-Another-Look-at-Galatians-1-and-2.pdf) [↑](#footnote-ref-161)
162. <http://www.betemunah.org/noachide.html> [↑](#footnote-ref-162)
163. Mk. 12:30-31 [↑](#footnote-ref-163)
164. Dake, F. J. (1963). *Dake's Annotated Reference Bible.* Lawrenceville, GA: Dake Bible Sales, Inc. NT p. 312. Note that most of the 613 Mitzvoth, with the exception of those commands in relation to the Temple, death penalties and floggings, as well as those commandments for the King and the Priesthood, are repeated in the 1050 commandments of the Nazarean Codicil as identified by Dake. [↑](#footnote-ref-164)