

# פרשת כי תצא

## Parashas Ki Seitzei

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יְהוָה אֱלֹהֶיךָ בִּידְךָ וּשְׁבִיתָ שְׁבוּיָיו:  
 אֲלֶהָךְ בִּידְךָ וְתִשְׁבִּי שְׁבִיהוֹן;  
 יֵאָרִי תְּפֹק לְאַגְחָא קֶרְבָּא  
 עַל בְּעָלֵי דְבִבְךָ וְיִמְסְרִנּוּן לִי

— רט"ז —

(י) **בִּי תִצֵּא לְמִלְחָמָה**. צמלחמת הרגשות הכתוב מדבר (ספרי ריח), וְשִׁמְלַחְמַת חֶרֶץ יִשְׂרָאֵל חֵין לומר וְשָׂבִיתָ שְׁבוּיָיו, שְׁהָרִי כְּכַר שְׁבוּיָיו. לְרִצּוֹת כְּנַעֲנִים שֶׁצִּתּוּכָה, וְאִף עַל פִּי שֶׁהֵן מִשְׁבַּע חֲנוּמִּים (שס):

— אור החיים —

[י] **בִּי תִצֵּא לְמִלְחָמָה עַל אִיבֶיךָ וְגו'.** צריך לדעת, למה הוצרך לומר כל זה, שלא היה צריך לומר אלא כי תראה בשביה אשת וגו'. ועוד, אחר שאמר "בי תצא למלחמה", לא היה צריך לומר "על איביך":

ואולי, כי לפי שבא הכתוב להתיר יפת תואר, שאסורה שלא בשעת מלחמה<sup>2</sup>, גם להתיר קדלי דחזירי (חולין יז). ושאר איסורין, חש הכתוב שביציאת ישראל למלחמה רגליהם להרע ירוצו, כדי שיהנו מדבר איסור<sup>3</sup>. לזה בא הכתוב והתנה ואמר, "בי תצא", תהיה יציאתך "למלחמה", להנצקם מ"אויביך" שהם אויבי ה', על דרך אומרו (תהלים קלט, כא-כב) "הלוא משנאיך ה' אשנא וגו' לאויבים היו לי", לטעם זה תהיה יציאתך:

— OR HACHAIM ELUCIDATED —

**10. בִּי תִצֵּא לְמִלְחָמָה עַל אִיבֶיךָ וְגו' — WHEN YOU WILL GO OUT TO WAR AGAINST YOUR ENEMIES, AND HASHEM, YOUR GOD, WILL DELIVER HIM INTO YOUR HAND, AND YOU WILL CAPTURE HIS CAPTIVES.**

This first verse of this passage regarding the *yefas to'ar*, captive woman, seems superfluous:

**We need to understand why it was necessary for the Torah to say all this,** — **שלא היה צריך לומר אלא כי תראה בשביה אשת וגו' — when all it had to say to introduce this passage is:** "When you will see among the captives a woman who is, etc." This sentence would adequately convey that the Torah is speaking about a situation of war, since that is when people are captured. **— Furthermore, once it did say,** for whatever reason, **כי תצא למלחמה — בי תצא למלחמה —** **לא היה צריך לומר "על איביך" — it certainly did not have to say the words, against your enemies;** obviously, war is waged against an enemy! The verse could simply have said, *When you will go out to war and you see among the captives, etc.*

Or HaChaim answers:

**Perhaps we may say that this verse is necessary because in this passage the Torah is coming to permit a yefas to'ar,**<sup>[1]</sup> **— who is forbidden in circumstances other than wartime,** — **גם להתיר קדלי דחזירי ושאר איסורין** — **and additionally, we find elsewhere (see Chullin 17a) that in wartime [the Torah] permits eating bacon and other prohibited [foods].**<sup>[2]</sup> **The Torah was therefore concerned that when the Jewish people go out to war,** — **רגליהם להרע ירוצו כדי שיהנו מדבר איסור** — **they will enthusiastically go forth in battle for inappropriate reasons,**<sup>[3]</sup> **i.e., in order to enjoy the forbidden things that the Torah permitted.** **The Torah therefore came and stipulated, saying:** **"בי תצא" תהיה יציאתך "למלחמה" — When you will go out, your departure must be only for the purpose of war,** — **להנצקם מ"אויביך" שהם אויבי ה' — i.e., in order to exact vengeance from your enemies, who are the enemies of Hashem.** **על דרך אומרו "הלוא משנאיך ה' אשנא וגו' לאויבים היו לי" — The enemies of Hashem are called your enemies in accordance with that which it says (Tehillim 139:21-22): For indeed those who hate You, O HASHEM, I hate them ... they have become enemies unto me.** **Only for this purpose shall you go out to battle.** Thus, the verse

1. Literally, [one who is] beautiful of form, a reference to the captive woman who is the subject of this passage (taken from the description in the following verse).

2. Or HaChaim discusses the reason for this below, v. 11 at note 11.

3. Literally, *their feet will run to evil*; stylistic usage of *Mishlei* 1:16.

<sup>10</sup> When you will go out to war against your enemies, and HASHEM, your God, will deliver him into your hand, and you will capture his captives;

#### אור החיים

ואם תעשה כן, "וינתנו ה' אלהיך בידך ושבית שבי", וימזה אתה למד, שזולת פן אם תהיה יציאתו לטעם אחר, והטעם מוכן ממה שאמר בענין, אינו מובטח שיתנהו ה' בידו:

□ **ושבית שבי**. מצנה<sup>4</sup>, כדי שלא יראה כמזלזל במתנת מלך. או נתפון לאסור יפת תואר כל עוד שלא שבו שבי, שלא יאמר אדם כיון שהותרה לי אחטפנה ואוליכנה ואבעלה, תלמוד לומר "ושבית שבי וראית בשביה", פירוש, בשתשבה אותה ותהיה שלך, אם "ראית בשביה וגו'": וטעם אומרו "שבי", ולא אמר אותו, רבותינו ז"ל (ספרי ריא) אמרו, שהכתוב מדבר במלחמת רשות<sup>5</sup>,

#### OR HACHAIM ELUCIDATED

is saying, כי תצא, *when you go out to face the many aspects of war*, your motivation should be purely spiritual: *to combat "your enemies," i.e., the enemies of Hashem.*

Or HaChaim explains the rest of the verse following this approach:

The Torah then promises, **If you do so, then, HASHEM, your God, will deliver him into your hand, and you will capture his captives.** וימזה אתה למד — This sentence contains a warning to the Jewish people, for **from this assurance you may learn that if this does not occur,** — **אם תהיה יציאתו לטעם אחר** — meaning, **if their motivation to go out to battle is for some other reason** — **and that reason is understood from the permit of the yefas to'ar that is stated subsequently in the passage,** that it is for the purpose of experiencing that which is usually forbidden — **אינו מובטח שיתנהו ה' בידו** — then they are putting themselves at mortal risk, for **they are not assured that Hashem will deliver [the enemy] into their hand.**

#### □ **ושבית שבי** — **AND YOU WILL CAPTURE HIS CAPTIVES.**

The beginning of the verse states that it is referring to a case where the Jewish people have vanquished the enemy, and in the following verse we will learn that there have been captives. Why, then, is it necessary to say the phrase, *and you will capture his captives?*<sup>[4]</sup> Or HaChaim offers several lessons that the verse can be teaching with these words:

— This statement is not merely a description of events, but **a mitzvah**: The Torah is saying that in the event that you conquer an enemy, you should make sure to take the conquered nation captive, **so that it should not seem as though you are spurning the gift of the King**, Hashem, Who delivered the enemy into your hands. או נתפון לאסור יפת תואר כל עוד שלא — **so that it should not seem as though you are spurning the gift of the King**, Hashem, Who delivered the enemy into your hands. **Alternatively, the intent of [the verse] is to forbid taking a yefas to'ar as long as [the Jewish people] did not yet take the captives of [the enemy];** — **ואוליכנה ואבעלה** — **that is, a person who sees a woman in enemy territory should not say to himself: Since [a yefas to'ar] is permitted to me, I may seize her from wherever she is, bring her to my dwelling, and have relations with her.** — **[The verse] teaches us otherwise by saying, and you will capture his captives,** and in the following verse, **and you will see among the captives, etc.;** — **פירוש בשתשבה אותה ותהיה שלך אם "ראית בשביה וגו' "** — **this means that only after you capture her in battle and she becomes yours, then, if you will see among the captives a woman, etc., you may take her. Before this point, however, it is forbidden to have relations with her.**

Or HaChaim discusses an additional nuance in this phrase:

— **ולא אמר אותו** — **instead of saying simply, "and you will capture him,"** referring to the above-mentioned enemy, **our Sages, of blessed memory, said (Sifrei to the verse, cited by Rashi) that in this passage the Torah is discussing a non-mitzvah war,**<sup>[5]</sup>

4. Or Bahir.

5. Mitzvah wars are those fought for a specific mitzvah,

יֹא וְרָאִיתָ בַּשְּׁבִיָּה אִשָּׁת יִפְתָּת־תְּאֵר יֵא וְתַחֲוִי בַשְּׁבִיָּא אֶתְתָּא שְׁפִירַת חַוּוּ

רש"י

(יֵא) אִשָּׁת. אֶפִּילוּ אִשָּׁת חַיִּל (סס; קדושין כא:):

אור החיים

וְדַקְדַּק לומר "שְׁבִי", אֶפִּילוּ הוּא מִהַבְּנֻעִי, שֶׁנֶּאֱמַר בּוֹ (לעיל כ, טז) "לֹא תַחֲוֶה כָּל נִשְׁמָה"<sup>6</sup>:  
עוד יִרְצֶה, לִפִּי שֶׁנֶּאֱמַר "וְנָתַנּוּ ה' וְגו' בְּיָדְךָ", לִזֶּה כְּשֶׁאֵמַר "וְשִׁבִיתָ" גִּמְרָא אומר "שְׁבִי", פִּירוּשׁ, מֵהַ  
שְּׁבִי וְעוֹמֵד לִפְנֶיךָ:

עוד רָמַז, שֶׁהֵגֵם שְׁתַּחֲוֶה אֶתְּהָ בְּגֵדֶר "שְׁבִי", לִפִּי עֶרֶךְ הַמִּשְׁתַּעַר לְלוּחַם וְנִלְחָם, אֵף עַל פִּי כֵן "וְשִׁבִיתָ"<sup>7</sup>,  
וּמִזֶּה עֵינֶיךָ תַּחֲוִינָה כִּי ה' הוּא הַנּוֹתֵנּוּ לִפְנֶיךָ, וְלֹא כֹחַךָ וְעוֹצֶם יָדְךָ עוֹשֶׂה חֵיל<sup>8</sup>:

[יֵא] וְרָאִיתָ בַּשְּׁבִיָּה אִשָּׁת יִפְתָּת־תְּאֵר. הִנֵּה מְאוֹמְרוֹ "יִפְתָּת־תְּאֵר", מִשְׁמַע דּוֹקָא יִפְתָּת־תְּאֵר<sup>9</sup>,

OR HACHAIM ELUCIDATED

and that [the verse] was particular to say *his captives*, to say that the *yefas to'ar* is permitted even when [the captives] are Canaanite, a nation about whom it says (above, 20:16), *you shall not allow any person to live*. The term "*his captives*" refers not to your captive enemies, but to people from other nations whom your enemy had captured before this war; they are "*his*," i.e., your enemy's captives.<sup>[6]</sup>

Another reason for the use of the word שְׁבִי, *his captives*, instead of אֹתוֹ, *him*:

— Since it is as follows: **Another thing [the verse] means** — *Since it just said: and HASHEM, your God, will deliver him into your hand*, that is, Hashem has promised that you will conquer your enemies in this war, **therefore, when it says, and you will capture, it concludes its statement by saying, his captives**, פִּירוּשׁ מֵהַ שְּׁבִי — *meaning, those who are already set before you as captives*. Since Hashem promised them to you, they are considered to be your captives already, even before you actually captured them (you captured those who are [already] captives).

A third approach:

[The verse] further alludes to the following idea: שֶׁהֵגֵם שְׁתַּחֲוֶה אֶתְּהָ בְּגֵדֶר "שְׁבִי" לִפִּי עֶרֶךְ — **Even if the enemy is much more powerful than you, and based on the relative [strength] of the warring parties, you are effectively his captive**, — **none-theless**, If Hashem delivers him to you, you will be victorious *and you will capture him*.<sup>[7]</sup> וּמִזֶּה — **and it is not your strength and the might of your hand that achieves victory**.<sup>[8]</sup>

**11. — AND YOU WILL SEE AMONG THE CAPTIVES A WOMAN WHO IS BEAUTIFUL OF FORM, AND YOU WILL DESIRE HER, YOU MAY TAKE TO YOURSELF FOR A WIFE.**

Or HaChaim discusses the conflicting indications from the verse regarding whether the woman has to actually be beautiful in order to be permitted as a *yefas to'ar*:

Now, from that which it says, *beautiful of form*, the

such as the original conquest of Eretz Yisrael from the seven Canaanite nations, or a war against Amalek. All other wars are מִלְחָמוֹת רְשׁוּת, *non-mitzvah wars*.

6. By permitting the enemy's previous captives, the Torah teaches that you may take these captives regardless of which nation they came from. We thus learn that even if the *yefas to'ar* is from a nation from which

you would not be allowed to take captives in other circumstances (i.e., if she were captured in one of the Canaanite wars), in this case you may take her captive.

7. Accordingly, the phrase is interpreted as follows: *and you will capture [him even if you should have been] his captive*.

8. Stylistic usage of 8:17 above.

<sup>11</sup> and you will see among the captives a woman who is beautiful of form,

#### אור החיים

ומאומרו "וְחִשְׁקֶתָּ בָּהּ", דָּרְשׁוּ בַסְפָּרִי (ריא) אֶפִּילוּ בַעֲוֵרָה, וְזֶה מִן הַתִּימָה, לָמָּה יֹאמֵר "יִפֶּת תּוֹאֵר" וְיִצְטָרֵף לְרִבּוֹת בַּעֲוֵרָה, וְהָיָה לוֹ לֹמֵר וְרֵאִיתָ אִשָּׁת וְלֹא יִכְתּוּב לֹא "יִפֶּת תּוֹאֵר" וְלֹא "וְחִשְׁקֶתָּ"; וְלִישׁב הַכְּתוּב, צָרִיךְ לְהַעֲרִיב בְּעִנְיָן, לָמָּה יֵצֵא ה' בְּדִבְרֵים הָאֵלֶּה לְטַמֵּא אָדָם עֲצֻמוֹ בְּבֵת אֵל נֶכֶר<sup>10</sup>, וּבִפְרָט בַּעַת מַעֲשֵׂה הַנֶּס, בְּמָקוֹם שֶׁצָּרִיךְ לְהוֹסִיף טְהָרָה וּדְבִיקוּת בָּהּ, יִתִּיר לַעֲשׂוֹת מַעֲשֵׂה בַעֲוֵרָה הַשְּׁנֹאוֹי אֲצִלּוֹ יִתְבָּרֵךְ, וְזֶה יַפְעִיל הַרְחֶקֶת דְּבִיקוּתָנוּ בּוֹ יִתְבָּרֵךְ, בְּשִׁלְמָא הַתֵּרַת אֲכִילַת אִסּוּר מִצִּינוֹ לְרַמְבָּ"ם וְ"ל (הַלְכוֹת מַלְכִּים ח, א) שֶׁנֶּתֵּן טַעַם אִם יִרְעֵב<sup>11</sup>, וְהוּא טַעַם נִכּוֹן, אֲבָל מַעֲשֵׂה זֶה יִתְעַבְנוּ עוֹשָׁיו.

#### OR HACHAIM ELUCIDATED

ומאומרו "וְחִשְׁקֶתָּ בָּהּ" דָּרְשׁוּ בַסְפָּרִי <sup>[9]</sup> implication is that one may take her **only** if she is **beautiful**. However, **from that which it says** subsequently, **and you will desire her**, [the Sages] expound in *Sifrei* that as long as you desire her, she is permitted, **even** if she is **unsightly**. וְזֶה מִן — Now, **this is perplexing**: Why would [the verse] say **beautiful of form**, seemingly limiting the permit to this case, **and then require** a separate phrase to include even one who is **unsightly**? — It should have said merely: "**and you will see among the captives a woman**," **and omitted both** the words **beautiful of form** and the words **and you will desire her**!

#### THE DEEPER MEANING OF THE YEFAS TO'AR PASSAGE

Before answering this particular question, Or HaChaim embarks on a lengthy discussion of the spiritual foundations of our passage:

In order to resolve the difficulty with this verse, we need to raise the following basic question concerning the topic of *yefas to'ar*: לָמָּה יֵצֵא ה' בְּדִבְרֵים הָאֵלֶּה לְטַמֵּא אָדָם עֲצֻמוֹ — Why would Hashem instruct us such things as written in this passage, allowing a person to defile himself with relations with an idolatress, the daughter of a foreign god?<sup>[10]</sup> — Why would Hashem instruct us such things as written in this passage, allowing a person to defile himself with relations with an idolatress, the daughter of a foreign god? — Moreover, it is especially difficult to understand how, just when a miracle is being performed for the Jewish people granting them victory over their enemies, בְּמָקוֹם שֶׁצָּרִיךְ לְהוֹסִיף טְהָרָה — at which time one should be intensifying his purity and his attachment to Hashem, and impure act, which is detested by [Hashem], blessed be He, — and this is an act that creates distance in our attachment to [Hashem], blessed be He!

In the previous verse (at note 2 above), Or HaChaim mentioned that there is also a permit to eat forbidden foods during a war in certain circumstances. Here, Or HaChaim differentiates between that permit and the one involving the *yefas to'ar*:

Now, we can understand the permit of eating forbidden [foods] during a war, — for we find that **Rambam**, of blessed memory, gave a reason for the matter, saying (*Hil. Melachim* 8:1) that during battle one may eat such foods if he is hungry and cannot readily find anything else to eat,<sup>[11]</sup> — and that is indeed a valid explanation for why the Torah permits something that is ordinarily forbidden. אֲבָל מַעֲשֵׂה זֶה יִתְעַבְנוּ — But this act of taking a *yefas to'ar* is something which our Maker abhors, and there seems to be no compelling reason to permit it!

9. [For a Kabbalistic explanation of why the term "beautiful of form" is used to describe this woman, in contrast with the seemingly synonymous term *yefas to'ar*, beautiful of appearance, see *Eitz HaDaas Tov* (R' Chaim Vital) on this *parashah*. Or HaChaim's second approach below is based on that exposition.]

10. The verse states (*Malachi* 2:11): *Yehudah has betrayed, and an abomination has been done in Israel*

and in Jerusalem. For Yehudah has defiled the holy [nation] of Hashem, which He loved, and has taken in marriage "the daughter of a foreign god." Or HaChaim uses this phrase to reference this verse, which conveys the impurity, betrayal, and idolatrousness of the severe sin of relations with an idolatress (see *Or LaEinayim*).

11. For discussion of the parameters of this halachah, see *Meorei HaChaim*; cf. *Ramban* to 6:10 above.

וְחִשְׁקֶתָ בָּהּ וּלְקַחְתָּ לָּהּ לְאִשָּׁה: וּתְתַרְעִי בָּהּ וּתְסַבֶּה לָּהּ לְאִנָּתוֹ:

רש"י

וּלְקַחְתָּ לָּהּ לְאִשָּׁה. לֹא דְצָרָה תּוֹרָה אֶלָּא כְּנֶגֶד יָצָר שְׂפָחַמָּר חֲחִרְיוֹ "כִּי תִהְיֶינָּה לְאִשָּׁה וְגו'" (פסוק טו), וְסוּפוֹ הָרַע (קידושין עט), שֶׁאִם חֵין הַקִּדְּשָׁה מִתִּירָה יִשְׁאַלָּהּ לְהוֹלִיד מִמֶּנָּה בֶּן סוֹרֵר וּמוֹרֶה, לְכַד נִסְמָכוֹ פְּרָשִׁיּוֹת הֵלְלוּ בְּחִסּוּרָהּ, חֲזַל אִם נִשְׁאַלָּה סוּפוֹ לִהְיוֹת שׂוֹנְאָה (ספרי ריד),

(תנחומא א):

אור החיים

וְרַבּוּתֵינוּ וְ"ל אֶמְרוּ (קידושין כא): לֹא דְבָרָה תּוֹרָה אֶלָּא כְּנֶגֶד יָצָר הָרַע. וּמִן הֶרְאוֹי הוּא לְהַכְנִיעוֹ וּלְאַבְדּוֹ מִלֵּב עִם קוֹדֶשׁ, בְּזִמְנָה הַהוּא אֲשֶׁר מִלְכָּם בְּרֹאשָׁם לְהִלָּחֵם לָהֶם:

אָבֵן<sup>12</sup> יְסוֹד הַדִּבְרִי וְסוּדוֹ הוּא, עַל פִּי דְבָרֵיהֶם וְ"ל שְׁאֶמְרוּ (שער הפסוקים שמות א, ח), שְׂבַחֲטָא אָדָם הֶרְאִשׁוֹן נִשְׁבּוּ בְּמָה נִשְׁמוֹת יִקְרוּת בֵּיד סִטְרָא אַחְרָא<sup>13</sup>, וְהֵם נִשְׁמוֹת הַגֵּרִים<sup>14</sup>, וְצָא וּלְמַד בְּמָה וּכְמָה גְדוּלֵי עוֹלָם בְּאִים מִהֶאֱוֹמוֹת, וְרוֹת הַמוֹאבִּיָּה תּוֹכִיחַ, וּכְמָה גְדוּלֵי עוֹלָם, שְׂמַעֲיָה וְאַבְטָלְיוֹן (גִּיטִין נז): וְאוֹנְקֵלוֹס הַגֵּר (שם נז), וְכֹאֲלָה רַבּוֹת:

OR HACHAIM ELUCIDATED

In their discussion of the *yefas to'ar* passage, the Sages seem to address this problem:

לֹא — **Now, our Sages, of blessed memory, say** (*Kiddushin* 21b, cited by *Rashi*) — **וְרַבּוּתֵינוּ וְ"ל אֶמְרוּ** — **that the Torah stated this law only in recognition of the strength of the yetzer hara**, for although it is indeed an offensive deed, if it would not be permitted (albeit with the restrictions and instructions set out here), the soldier would be unable to overcome his temptation and would take her anyway. — **However, it is difficult to understand this, for rather than allowing the soldier to yield to his yetzer hara, it would have been more fitting for the Torah to give instruction as to how to subdue it, so that [the yetzer hara] would be eliminated from the hearts of the holy people** — **especially at the very moment when their King is standing at their head to wage war on their behalf!**

## SOULS IN CAPTIVITY

Because of this question, Or HaChaim presents an entirely different approach to the passage of the *yefas to'ar*.<sup>[12]</sup> He begins by laying the foundation for his approach with a Kabbalistic concept discussed many times in this work:

— **However, the foundation of this subject and its inner meaning can be understood in accordance with the words of [the Sages], of blessed memory, who say** (*Shaar HaPesukim, Shemos* 1:8) — **שְׂבַחֲטָא אָדָם הֶרְאִשׁוֹן נִשְׁבּוּ בְּמָה נִשְׁמוֹת יִקְרוּת בֵּיד סִטְרָא אַחְרָא** — **that through the sin of Adam HaRishon when he ate from the Eitz HaDaas, many precious souls were taken captive by the "other side," i.e., the force of impurity;**<sup>[13]</sup> — **וְהֵם נִשְׁמוֹת הַגֵּרִים** — **and these captive souls are the souls of the proselytes**, who come down to the world initially as idolaters since they have been taken captive by the "other side," but who then rejoin the Jewish people, for they are in essence precious souls.<sup>[14]</sup> — **You may learn just how precious these souls are from the fact that so many greats of the world come from the idolatrous nations;** — **וְכֹאֲלָה רַבּוֹת** — **and Rus the Moavite is proof,** — **וְרוֹת הַמוֹאבִּיָּה תּוֹכִיחַ** — **as well as many other greats of the world who were either themselves proselytes or descended from proselytes, such as Shemayah and Avtalyon, who were descended from Sancheirev** (*Gittin* 57b), **and Onkelos the convert** (*ibid.* 56b),

12. The essence of this approach (with several differences) can be found in *Likkutei Torah* (by *R' Chaim Vital*) on our passage.

13. See following note.

14. Adam HaRishon encompassed all the holy souls that were destined to come down to the world. After he sinned, the *kelipah* (forces of impurity) gained power

and took a great number of these souls. These souls can join the Jewish people only when they are released from the clutches of the *kelipah*. When such a soul is sent to the world, it will gravitate to holiness of its own accord. These are the souls of idolaters who feel compelled to search for the truth and join the Jewish people (Or HaChaim to *Bereishis* 49:9 and elsewhere).

and you will desire her, you may take to yourself for a wife.

— אור החיים —

עוד אגלה לך סוד אחר, תמצא נשמה טהורה דבוקה בנשמה טמאה, ואין בן בטהורה להטות הטמאה להטיב, והיא מונחת שם עד עת דרור, וצא ולמד ביוצא בזה מנשמת רבי חנינא בן תרדיון, שהיתה דבוקה בשכם בן חמור, כרמוז בתיבת "רחב"ת ידים" (בראשית לד, כא) באמור בדברי המקובלים (שער הפסוקים שם), ומצינו שהנפש הלזו לא עשתה מפעל טוב בשכם, ויצתה כשדבק בדינה, מצאה הנפש מינה ונדבקה בו, באומרו (שם פסוק ג) "ותדבק נפשו בדינה"<sup>15</sup>, ושמור לך כלל זה: ויש נפש קדושה בין הקליפה, שבמקום שכוונתה תטה לב השוכנת בתוכו להטיב, ויגרשו חלק הרע או ימתקוהו, והם הגרים המתגיירים מן האומות מעצמן, כרות המואביה וכו' וכו', וכמו שראינו בעינינו גרים שמעצמם באים ומתגיירים:

והנה כבר כתבתי כמה פעמים (ויקרא יח, ד), כי באמצעות מעשה המצוה, יתלבש באדם אור השכינה

— OR HACHAIM ELUCIDATED —

However, not in every case of a holy soul within an idolater does the idolater actually convert:

תמצא נשמה טהורה דבוקה בנשמה טמאה — I will also reveal another secret to you; — עוד אגלה לך סוד אחר — and that is that at times you will find that a pure soul that was taken captive by the forces of evil is attached to an impure soul that comes down to the world in the body of an idolater, ואין בן בטהורה — להטות הטמאה להטיב — and the pure [soul] does not have the ability to influence the impure [soul] to become good, — והיא מונחת שם עד עת דרור — and it therefore remains there until the time comes for it to be freed. — You may learn this idea from what occurred with the soul of R' Chanina ben Tradyon, which was a pure soul that was attached to the impure soul of Shechem son of Chamor, כרמוז בתיבת "רחב"ת ידים" — yadayim (ample room) written in the passage of the incident with Shechem and Dinah (Bereishis 34:21). The word רחב"ת is an acronym of the name of the Sage ר' חנינא בן תרדיון, as stated by the Kabbalists (Shaar HaPesukim ad loc.). Now, we find that this soul did not effect any positive result with Shechem himself, for he did not convert, and in fact remained a wicked person. ויצתה — Instead, [this holy soul] left the clutches of the kelipah when it became attached to Dinah through her association with Shechem, — מצאה הנפש מינה ונדבקה בו — whereupon the holy soul within Shechem found its kind in the soul of Dinah and attached itself to it, thereby escaping from the kelipah and joining the holy nation, — באומרו "ותדבק נפשו בדינה" — as it says in regard to Shechem (ibid. v. 3): "His soul" became attached to Dinah.<sup>[15]</sup> — ושמור לך כלל זה — Remember this principle.

Other times, however, the holy soul does prevail:

There may be, however, a holy soul that is entrapped within the kelipah and sent into this world in the body of an idolater, — שבמקום שכוונתה תטה לב השוכנת בתוכו להטיב — that influences the heart of the person in whom it dwells to become good from its place in the idolater. — And these souls banish the element of evil of that person from within them, or "sweeten it" and transform it to holiness. — והם הגרים המתגיירים מן האומות מעצמן — They are the proselytes who convert from among the idolatrous nations of their own accord, — כרות המואביה — וכמו שראינו — such as Rus the Moavite and Naamah the Ammonite, wife of King Shlomo, — ובנעמה — and as we see with our own eyes proselytes who come from other nations and convert of their own accord.

Or HaChaim adds one point of introduction before returning to our passage:

כי — Now, I have already written many times (e.g., Vayikra 18:4) — ותלבש באדם אור השכינה — that through performing an act of a mitzvah,

15. "His soul" refers not to the soul of Shechem himself, but to the pure soul of R' Chanina ben Tradyon. Generations after it was freed from its connection with Shechem, this soul came down to the world in the body of the righteous R' Chanina ben Tradyon.

## — אור החיים —

וַיִּגְרַשׁ מִמֶּנּוּ חֵלֶק הָרַע, כְּאוֹמְרוֹ (קהלת ח, ה) "שׁוֹמֵר מִצְוָה לֹא יֵדַע דְּבַר רָע"<sup>16</sup>, וּבִפְרָט שְׁלוּחֵי מִצְוָה<sup>17</sup>, וְעֵינָיו מֵה שְׁפִירְשָׁתִי בְּפִרְשֵׁת שְׁלַח לָךְ (במדבר יג, כו), שְׁשְׁלוּחֵי מִצְוָה בְּשַׁעַת שְׁלִיחוֹתָם, אֲפִילוּ מִיֵּצֵר הָרַע מִצְוָתָם מִצִּילָתָם, וְכִמוֹ כֵּן הָעוֹסֵק בַּעֲבִירָה מִתְּלַבֶּשֶׁת בּוֹ רוּחַ הַטּוֹמְאָה וּמַעֲוֹתָתָ דְּרַבּוֹ: וְאַחֲרֵי הוֹדִיעַ ה' אוֹתָנוּ אֶת כָּל זֹאת<sup>18</sup>, יֵאִירוּ מֵאֲמָרֵי אֵל עֲלִיּוֹן בְּשִׁמְשׁ בְּצִהְרִים בְּמִצְוָה זוֹ, וְהִיא, לְפִי שְׁהִקְדִּים "כִּי תֵצֵא לַמִּלְחָמָה וְגו'" , שְׁיִצְיָאָתוּ הִיא לְדַבֵּר מִצְוָה כִּמוֹ שְׁפִירְשָׁנוּ לְמַעַלָּה (לעיל פסוק י)<sup>19</sup>, אָמַר עוֹד, אִם בָּאָה "בְּשִׁבְיָה", פִּירוּשׁ, בְּשַׁעַת שְׁבִיָּה<sup>20</sup>, וְכִמוֹ שֶׁכֵּן דִּקְדָק רַמְבַּ"ם בְּפָרָק ח' מֵהִלְכוֹת מַלְכִּים (הלכה ג), כִּי בְּאוֹתָהּ שָׁעָה עוֹדְנוּ עוֹסֵק בְּמִצְוָה, אִם יֵרָאֶה "אִשֶּׁת יִפֶּת תֹּאכֵל", פִּירוּשׁ "אִשֶּׁת", סְמוּךְ<sup>21</sup>,

## — OR HACHAIM ELUCIDATED —

וַיִּגְרַשׁ מִמֶּנּוּ חֵלֶק הָרַע — *the light of the Shechinah envelops a person and banishes any impure aspect from within that person*, כְּאוֹמְרוֹ "שׁוֹמֵר מִצְוָה לֹא יֵדַע דְּבַר רָע" — *as it says (Koheles 8:5), He who observes the commandment will know no evil.*<sup>[16]</sup> — *This is especially true regarding those who are on a mitzvah mission, i.e., those who leave their own location to perform a mitzvah,*<sup>[17]</sup> — *see what I have written about this in Parashas Shelach Lecha (Bamidbar 13:26), — that those who are on a mitzvah mission have a special protection while they are on their mission, for their mitzvah saves them not only from physical harm, but even from the yetzer hara.* — *The converse is likewise true: If one is engaged in sin, a spirit of impurity attaches itself to him and distorts his way, bringing spiritual harm upon him.*

## ☞ THE BEAUTIFUL SOUL

Based on the above introductions, Or HaChaim now returns to our passage and explains:

Now that Hashem has revealed to us all of this,<sup>[18]</sup> and keeping in mind these ideas, — *the statements of God, Most High, in this mitzvah are illuminated to us like the noontime sun;* — *and [the explanation] of the matter is as follows:* "כִּי תֵצֵא לַמִּלְחָמָה וְגו'" — *The soldier's encounter with the yefas to'ar is understood in light of the fact that [the Torah] prefaced its discussion by saying, When you will go out to war against "your enemies," — indicating that [the soldier's] departure was for the matter of the mitzvah, i.e., the mitzvah of battling Hashem's enemies, as we explained above.*<sup>[19]</sup> — *To further bring out this point, [the verse] says further: If [the yefas to'ar] comes your way among the captives,* פִּירוּשׁ בְּשַׁעַת שְׁבִיָּה — *meaning, that this halachah applies only if he sees her at the time of the capture itself, not if he sees her and desires her later,*<sup>[20]</sup> *as Rambam infers from this statement in Chapter 8 of Hilchos Melachim (§3).* — *This is crucial for the halachah of the yefas to'ar, because at that time [the soldier] is still engaged in the mitzvah, of battle for Hashem, and therefore his desire is surely not a result of his yetzer hara, as will be further explained below.*

What is the nature of this *yefas to'ar*, whom the soldier, in his holy state, sees among the captives? The Torah alludes to her true identity in this verse:

— *The Torah says that if, at that time, he sees a woman (אִשָּׁת) who is beautiful of form, he may take her.* — *Now, the meaning of "אִשָּׁת" is woman of (or, wife of), as the ת suffix tells us that the word is connected to another word.*<sup>[21]</sup>

16. One who is involved in the performance of a mitzvah (*He who observes a mitzvah*) is automatically removed from any connection he may have with impurity or wickedness (*will know no evil*).

17. *Or LaEinayim*; see also *Meorei HaChaim*.

18. Stylistic paraphrase of *Bereishis* 41:39.

19. After note 3.

20. The words *among the captives* teach that a *yefas to'ar* is permitted only if the soldier set his eye upon her immediately upon taking her captive. However, if he initially took her to sell her or to keep her as a slave and only later desired her for a wife, she is forbidden to him (*Rashi to Kiddushin* 21b בשעת שביה דר"ה).

21. The unconnected form of the word would be "אִשָּׁה,"



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וּרְבוּתֵינוּ וְלֹא אָמְרוּ אִשָּׁה (קידושין כא:). אִשָּׁה אִישׁ, וּדְבָרֵיהֶם אָמֵת, אֲלֵא שָׁאֵם לְדְבָרֵיהֶם לְבָר יְכוּיִן, הִנֵּה לֹא לֹמֵר אִשָּׁה אִישׁ, לֹא "אִשָּׁה יֶפֶת תֹּאֵר". אֲלֵא בֹא לְהַעִיר, שֶׁבְּאֻמָּצְנוֹת הַיּוֹתוֹ עֶסוֹק בְּמִצְוָה, יִגְלֶה ה' אֶת עֵינָיו לְהַפְכִיר בְּגוֹיָהּ, שֵׁשׁ בֹּה "יֶפֶת תֹּאֵר", שֶׁהִיא נִשְׁמָה הַקְדוּשָׁה הַנִּקְרָאת "יֶפֶת תֹּאֵר" (זוהר חדש נח:), כִּי זוֹהֵר נִשְׁמֹת הַקְדוּשׁוֹת מוֹפְלָא וְעֶצוֹם הוּא, וְזֹאת הָאִשָּׁה קִנְתָּה בֹּה חֶלֶק זֶה הַטּוֹב, וְלִזֶּה קִרְאָהּ הַכְּתוּב "אִשָּׁה יֶפֶת תֹּאֵר"<sup>22</sup>, וְהַכְּרָתָה הִיא, עַל יְדֵי שֶׁאִתָּה רוּאָה שֶׁאִתָּה חוּשֶׁק בֹּה, בְּזִמְנֵן שֶׁאִתָּה דְּבוֹק בְּשִׁכְנִיהָ, בְּאֻמָּצְנוֹת הַיּוֹתוֹ עֶסוֹק בְּשִׁלְיחוֹת מִצְוָה בְּאֻמּוֹר, זֶה יַעֲרִךְ שֶׁלְדָבָר טוֹב חֲשֵׁקָתָּ<sup>23</sup>: וְדָקֵדֵק לֹמֵר "בֹּה" וְלֹא אָמַר אוֹתָהּ, לְהַעִיר, כִּי לֹא לְאִשָּׁה אִתָּה חוּשֶׁק, אֲלֵא לְמָה שֶׁ"בֹּה" שֶׁהִיא "יֶפֶת תֹּאֵר", שֶׁהִיא חֶלֶק הַטּוֹב, הַדּוּמָה לְנֶפֶשׁ הַטְּהוֹרָה:

## OR HACHAIM ELUCIDATED

Now, our Sages, of blessed memory, say (*Kiddushin* 21b, cited by *Rashi*) that the verse's use of this form teaches that the *yefas to'ar* is permitted **even** if she is the **"wife of"** another man; **אֲלֵא שָׁאֵם לְדְבָרֵיהֶם לְבָר יְכוּיִן** — **and their words are surely true.** **הִנֵּה לֹא לֹמֵר אִשָּׁה אִישׁ** — **However, if the intent of [the verse] was only to convey their teaching,** **לֹא** — **it should have said explicitly: "the wife of a man,"** instead of saying, **"a woman of"** **beautiful of form.** This, then, cannot be the only intent of this word. **אֲלֵא בֹא לְהַעִיר שֶׁבְּאֻמָּצְנוֹת** — **Rather, the verse comes to convey that through [the soldier's] engagement in the mitzvah,** **יִגְלֶה ה' אֶת עֵינָיו לְהַפְכִיר בְּגוֹיָהּ שֵׁשׁ בֹּה "יֶפֶת תֹּאֵר"** — **Hashem will open his eyes and enable him to discern about the idolatress that she has in her something that is beautiful of form,** **שֶׁהִיא** — **namely, a captive holy soul, which is referred to as beautiful of form** (*Zohar Chadash* 58b). **— Holy souls are so called because the radiance of holy souls is wondrous and intense,** as they are exceedingly beautiful. **וְזֹאת הָאִשָּׁה** — **This woman whom the soldier has seen has within her this positive element,** **לֹא** — **and the verse therefore calls her a woman "of" [which is] beautiful of form,** i.e., she has within her something beautiful.<sup>[22]</sup>

Or HaChaim turns to the following words of the verse, *וְחִשְׁקֶתָּ בָּהּ*, and *you will desire her*, further clarifying the spiritual nature of this attraction:

[Such a soul] is identified by the fact that you notice that you desire her at the very time that you are attached to the *Shechinah*, that is, when you are involved in a mitzvah mission, as stated above; **זֶה יַעֲרִיךְ שֶׁלְדָבָר טוֹב חֲשֵׁקָתָּ** — **this itself conveys to you that you have desired something that is inherently and spiritually good,** i.e., the holy soul within her.<sup>[23]</sup> **וְדָקֵדֵק לֹמֵר "בֹּה" וְלֹא אָמַר** — **[The verse] was therefore particular to say, and you will desire "בֹּה" (literally, in her), rather than saying "אִשָּׁה יֶפֶת תֹּאֵר," her,** **לְהַעִיר כִּי לֹא לְאִשָּׁה אִתָּה חוּשֶׁק** — **to convey that it is not the woman herself that you desire,** **אֲלֵא לְמָה שֶׁ"בֹּה" שֶׁהִיא "יֶפֶת תֹּאֵר"** — **but rather that which is in her, namely, [the holy soul] within her that is beautiful of form.** **— For this is the positive aspect that you desire about this woman, which is a reflection of the pure soul within; her outer appearance does not affect your desire at all.**

This resolves the contradiction noted above between the two statements of the verse (*beautiful of form*, which suggests that she is permitted only if she is beautiful; and *you will desire her*, which indicates that she is permitted regardless of how she appears as long as you desire her):

as in *that you are a woman of beautiful appearance* (*Bereishis* 12:11).

22. The words *יֶפֶת תֹּאֵר* do not describe the woman herself, since in that case it should have said *יֶפֶת תֹּאֵר אִשָּׁה*, as noted earlier. Rather, the woman possesses a holy soul, called the *yefas to'ar*; she is thus the *אִשָּׁה*, *woman of*, i.e., the woman who has a *yefas to'ar*.

With this approach, Or HaChaim completely reverses his original assumption about the *yefas to'ar*.

She is not an impure person to whom the soldier is at risk of succumbing. Rather, the *yefas to'ar* is a sublime soul that in ordinary circumstances one would not recognize; the soldier sees the shine of this soul only now because he is enveloped in the holiness of a mitzvah mission.

23. As Or HaChaim explained earlier, the *yetzer hara* cannot be the source of a desire that one feels at the time that he is surrounded by the holiness of a mitzvah.

## — אור החיים —

וכפי זה הגם שבעורה האשה, בכלל ההתר, כי אינו חוזר "יפת תאר" לגולם הנגלה, כי אליו לא ימשך תאות ישראל במצב זה כמו שאמרנו: ויאמר "ולקחת לך לאשה", הנה בכל מאמר המתבנה לה, אמר הכתוב בלשון כינוי "והבאתה וגו' ובעלתה וגו' ושלחתה"<sup>24</sup>, וכאן אמר "ולקחת"<sup>25</sup>. שינה הכתוב להעירך, שהלקיחה היא בנעלם, שהיא נפש הקדושה, שבאמצעות הענין יהיה לו בה לקיחה אחרת, שיזכה ביפת תואר, כי כשידבק איש ישראל באשה שבה חלק מהטוב, תכף יקנה מקומו חלק הטוב בישראל ויזכה בו, כמו שזכתה דינה בת יעקב בנפש קדושה בפגוע בה שכם בן חמור<sup>26</sup>: והנה, לפי שיש שתי בחינות בדביקות הקדושה בקליפה, כמו שזכרנו למעלה, וזאת האשה

## — OR HACHAIM ELUCIDATED —

Accordingly, we may understand that **even if the woman is unsightly, she is included in the Torah's permission to take her**, **כי אינו חוזר "יפת תאר" לגולם** — **for the term beautiful of form does not refer to the visible body**, **הנגלה** — **כי אליו לא ימשך תאות** — **for the desire of a Jew would not be drawn to this physical beauty under such mitzvah circumstances, as we have stated above; rather, it refers to the holy soul within her, as explained.**

Or HaChaim explains the final phrase in this verse according to this approach:

הנה בכל מאמר המתבנה — **It then says, you may take to yourself for a wife.** ויאמר "ולקחת לך לאשה" — **Now, in every other statement where it describes an action in reference to [the woman], אמר** — **the Torah uses the third person pronoun; e.g., שינה הכתוב להעירך שהלקיחה היא בנעלם** — **Here, וכאן אמר "ולקחת"** <sup>[24]</sup> **you shall bring her ... and live with her ... then you shall send her.** <sup>[25]</sup> **הוא** — **the Torah changed the form for this word to convey that the act of taking mentioned here refers not to the woman herself ("her"), but primarily to the hidden element of good within the woman, namely, the holy soul.** — **The term and you may take, without specifying what he is taking, alludes to the fact that through this event he will have another "taking," i.e., he will be acquiring something else by taking her, שיוזכה ביפת תואר** — **namely, he will acquire the holy soul referred to as beautiful of form.** How does he "acquire" this soul? **כי** — **For when a Jewish man connects to a woman in whom there is an element of good, תכף יקנה מקומו חלק הטוב בישראל ויזכה בו** — **that element of good will immediately establish its residence within the Jew, who will thereby acquire it, כמו שזכתה דינה** — **just as Dinah, daughter of Yaakov, acquired the holy soul of R' Chanina ben Tradyon when Shechem, son of Chamor, came into contact with her, as described above.** <sup>[26]</sup>

As the following verses describe, after initially taking the *yefas to'ar* on the battlefield, the soldier must bring her to his house and have her wait there for thirty days with specific conditions. Or HaChaim explains why, after the soldier has already connected to this holy soul, the Torah mandates this thirty-day waiting period:

Now, the thirty-day waiting period is necessary **because there are two kinds of attachment that a holy soul can have with the kelipah, as we mentioned above**, i.e., at times the holy soul that is attached to the idolater does not affect the idolater himself, and instead leaves the idolater with its first attachment to holiness; and other times the holy soul affects the soul of the idolater, bringing it entirely into the realm of holiness. **וזאת האשה**

24. The *hei* with the *dagesh* at the end of each of these words represents the word אותה, *her*, so והבאתה is like saying והבאת אותה, *and you shall bring "her,"* etc.

25. The word ולקחת does not have a *dagesh hei* at the end of the word; thus it means only, *you may take*.

26. This can occur either by his removing that elevated portion from her soul, or by elevating the entire soul so that she is completely brought into holiness, as Or HaChaim continues below.

## אור החיים

אין ידוע אם חלק הדבוק בה הוא דבר היוצא בדביקה ראשונה בנזכר, ונשארת האשה חלוטה בחלק הרע ונתרוקנה מחלק הטוב, או אפשר שכלה נחלטה בחלק הטוב, כרות וכנעמה, לזה יצו ה' "והבאתה אל תוך ביתך וגו'", וירחק ממנו חלק דביקות בחינת הרע<sup>27</sup>, ואז תבדק האשה אחר שלשים, אם נתגיירה, אשתו זו, והרי היא כרות וכנעמה, והוא אומרו "והייתה לך לאשה" אם יחפוץ, ואם לא יחפוץ וגו' זה לך האות, כי חלק הטוב שהיה בה, יצא על ידי מעשה הראשון ונחלק הרע: ולצד שיש מקום שיתאנה האדם לאשה נכריה בדרך זנות, כי לא אמרנו שלא יתאנה לנכריה אלא אם יש בה נפש קדושה, ונקא בזמן שהוא עסוק בדבר מצוה כמו שכתבנו, מה שאין כן אחרי כן<sup>28</sup>,

## OR HACHAIM ELUCIDATED

**Now, regarding this woman, it is not known** which kind of attachment she has to holiness: **Is the element of holiness that is a part of her one that will depart from her through her initial contact** with a Jewish man, as mentioned above with regard to Shechem and Dinah, **so that after this initial contact, the holy element will be "taken" by the Jewish soldier, while the woman herself will become completely confirmed in the portion of evil, having been "emptied" of the holy element that she once contained;** **or possibly, a greater transformation will happen, and the holy part of her soul will influence and change her completely, so that she will be completely confirmed in holiness, as occurred to Rus and Naamah as mentioned above.**

The thirty-day waiting period allows the soldier to distinguish between these two kinds of attachments with regard to this particular woman:

**Hashem therefore instructs the soldier: You shall bring her to the midst of your house, etc.;** **and he must remain separate from her during that time, because he must distance from himself any possible form of attachment to the portion of the *kelipah*.**<sup>[27]</sup> **Then, after thirty days, the woman shall be assessed:** **If she converts, then she is fit to be his wife;** **and it is evident that she is like Rus and Naamah, who were drawn to holiness by the holy soul within them.** **This is the meaning of that which [the verse] states (v. 13), thereafter you may come to her and live with her, and she shall be a wife to you, meaning, if [the soldier] still desires her he should make her his wife.** **But, the Torah continues (v. 14), if he does not desire her, then that is your evidence that the good portion within her departed from her through the initial event, and the part of the *kelipah* was separated from it and remained within her. He no longer desires her as he previously did, because the holiness has departed from her.**

The soldier's desire at that point is a reliable indicator of the status of the woman because of the halachos that applied to her during the thirty-day waiting period:

**Now, there is a possibility that a person will desire an idolatress immorally, and not because of a holy soul that may be residing within her, for we did not say it as a general rule that a person will desire an idolatress only because of a holy soul that she has within her, for this is only true when he is engaged in a mitzvah mission, as we have written above, but this is not the case afterward, when he already returned from the battle. At that time, it is possible that he will simply desire her for her physical beauty.**<sup>[28]</sup>

27. *Or Bahir*. Since her ultimate status is unknown, and she may remain completely attached to the *kelipah*, he must maintain his separation from her throughout this time until her status can be determined.

28. Therefore, even though his initial desire for the *yefas to'ar* at the time of the battle was for the holy

soul within her, it is possible that that soul already departed from her the first time he associated with her. As to why he still desires her now, perhaps it is because now that he is no longer engaged in a mitzvah he is no longer protected against the *yetzer hara*, and he has developed a new desire for the idolatress herself.

## אור החיים

לָזֶה צִיּוּהָ ה' "וְגִלְחָהּ אֶת רֹאשָׁהּ וְעָשְׂתָהּ אֶת צַפְרֹנֶיהָ"<sup>29</sup> וגו', וְכָל הַדְּבָרִים הַמְּנוּלִים אֶת הָאִשָּׁה<sup>30</sup>, לְהַסִּיר תַּאֲנֶה הַטִּבְעִית. וְאִם נִתְגַּיֵּירָה וְחָפֵץ בָּהּ, זֶה לָךְ הָאוֹת כִּי נִתְמַתְקָה וְנִחַלֵּט מִמֶּנָּה חֶלֶק הָרַע, וְלִזְוֶה הִיָּתָה לוֹ לָאִשָּׁה. וְאִם לֹא יִחְפֹּץ בָּהּ, דִּקְדָּק לִזְמַר "בָּהּ", לְהַעִיר כִּי הַחָפֵץ הוּא בָּמָה שֶׁ"בָּהּ", שֶׁהוּא חֶלֶק הַטּוֹב: וְאוֹמְרוֹ "וְשִׁלַּחְתָּהּ לְנַפְשָׁהּ" דִּקְדָּק לִזְמַר "לְנַפְשָׁהּ"<sup>31</sup>, לְתֵת טַעַם לָמָּה יִשְׁלַחְנָהּ וְלֹא יִמְכְּרָנָה וְיִהְיֶנָּה מִדְּמִיָּה, כִּיֹּן שֶׁהִיא מְכַלֵּל הַשְּׂבִיָּה שְׁנֵתָן לוֹ ה'<sup>32</sup>, וְאָמַר הַטַּעַם הוּא "לְנַפְשָׁהּ", פִּירוּשׁ, בְּשָׂבִיל נַפְשָׁהּ שֶׁהִיא יִפְתַּ תּוֹאֵר שָׂרְמוֹ בְּתַחֲלִילָהּ, אַחֵר שְׁנֵהָנָה מִמֶּנָּה: אוֹ עַל זֶה הַדֶּרֶךְ, "לְנַפְשָׁהּ", פִּירוּשׁ, הַטַּמָּאָה שֶׁל הַגּוֹיָה, לְשָׁלוֹל כִּי נַפֵּשׁ יִפְתַּ תּוֹאֵר הַטְּהוֹרָה כְּכֹר זְכִיתָ בָּהּ, וְלֹא נִשְׁאָר בָּהּ אֵלָּא נַפֵּשׁ הַגּוֹיָה:

## OR HACHAIM ELUCIDATED

**Hashem therefore commanded: *She shall shave her head and make her nails*** (i.e., let her nails grow),<sup>[29]</sup> etc., **and do all the other things listed there that make the woman repulsive to him** (e.g., removing her beautiful clothing, weeping for her parents in the soldier's house),<sup>[30]</sup> **— in order to remove any natural desire for the woman herself, which is not on account of the holy soul that is within her.** **If, after making herself repulsive for thirty days, she converts and [the soldier] desires her,** **— that is your proof that she has in fact become completely spiritually "sweetened" by the holy soul, and the portion of [the *kelipah*] has been permanently removed from her, and it is this spirituality that the soldier still desires.** **ולָזֶה — Therefore, the Torah says, she may be a wife to him,** as it says (ibid.): *thereafter ... she shall be a wife to you.* **But if he does not desire her, as the verse states** (v. 14: *But it shall be that if you do not desire her*), **then you know that she has been left devoid of any holiness.** **"בָּהּ" — Here too, [the verse] is particular to say "בָּהּ"** (literally, *in her*), rather than *אותָהּ*, *her*, **— to convey that the desire that is being discussed here is not for the woman herself, whom the man will surely not desire now because of her physical state, but for what is in her, — which is the element of good, the holy soul.** Since that desire no longer exists, it is a sign that the holy soul is no longer there.

The manner in which the undesired woman is released reflects the spiritual ordeal that she experienced, as the verse alludes to in v. 14:

**In [the verse's] statement, then you shall send her on her own** (לְנַפְשָׁהּ), **it was particular to say the additional word "לְנַפְשָׁהּ"** (literally, *for her soul*), although it is apparently unnecessary,<sup>[31]</sup> **— in order to provide a reason for why he must simply send her off and not sell her and profit from the money he would receive in exchange for her;** **— as, after all, it would seem to be proper to benefit from her, since she is part of the captives that Hashem gave him, and generally, one should not spurn Hashem's gifts.**<sup>[32]</sup> **"לְנַפְשָׁהּ" — [The verse] therefore says that the reason for this is, for her soul, — meaning, because of her holy soul, that is referred to as beautiful of form, which [the verse] alluded to earlier.** **אַחֵר שְׁנֵהָנָה — That is, since [the soldier] benefited from her by extracting this holy soul from within her and acquiring it for himself, it is not right for him to further benefit from her by selling her as a slave.**

A similar approach, but which interprets the words וְשִׁלַּחְתָּהּ לְנַפְשָׁהּ as, *send her off "with" her soul*: **— "לְנַפְשָׁהּ" פִּירוּשׁ הַטַּמָּאָה שֶׁל הַגּוֹיָה — Alternatively, it may be explained as follows: You shall send her with her soul, meaning, send her off with the impure soul of the idolatress that remains within her; — לְשָׁלוֹל כִּי נַפֵּשׁ יִפְתַּ תּוֹאֵר הַטְּהוֹרָה כְּכֹר זְכִיתָ בָּהּ — this word excludes another soul, and teaches that you have already acquired the pure *yefas to'ar* soul from her, וְלֹא נִשְׁאָר בָּהּ אֵלָּא נַפֵּשׁ — and all that is left in her is the soul of the idolatress.**

29. Rashi.

send her off (Or Bahir).

30. See Rashi.

32. See Or HaChaim to previous verse, after note 4.

31. The verse could have simply said וְשִׁלַּחְתָּהּ, *you shall*

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אור החיים

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ואמרו "ומכר לא תמכרנה", כי ה' חפץ שלא ינהגו ישראל עם בחינת הרע בדרך זה, על דרך אומרו "אשר הבית רדפו" (תהלים סט, כז), שרוח הקודש מתרעמת על האומות שאחר שרואים ישראל מובים רודפים אותם<sup>33</sup>, וזו פיוצא בה, שאחר שהוציא בולעזה מפיה<sup>34</sup>, לא ינהג עוד מבספה: ונמר אומר "תחת אשר עניתה", פירוש, אשר הוצאת ממנה עושרה וטובה שהיא יפת תואר, ועשית אותה עניה, עשית אותה מעונה, עשית אותה שכורה<sup>35</sup>. וזה יעיר עוד על דברינו, כי היתכן בעולם שישראל הבא על הגויה הוא מענה אותה, ונחלא אמרו ו"ל (גיטין לח): חביבה עליהם בהמתן של ישראל יותר מנשותיהם ונשותיהם יותר מהם (ראה תוספות ע"ז כה: ד"ה איכא בינייהו)<sup>36</sup>, ומה עינוי הוא זה לגויה, אלא הכונה היא עינוי הנעלם שהוא שלל קדוש ממנה:

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According to this approach, why should the soldier not sell her?

ואמרו "ומכר לא תמכרנה" — And that which it says subsequently, *But you may not sell her for money*, is because it is Hashem's desire that the Jewish people not behave even toward a woman who belongs to the portion of the *kelipah*, in such a manner by benefiting from her sale after having taken her. — This is along the lines of the statement (*Tehillim* 69:27), *For the one whom You smote they persecuted*, שרוח הקודש מתרעמת על האומות שאחר שרואים ישראל מובים רודפים אותם — in which the Holy Spirit accuses the nations that upon seeing that the Jewish people are stricken, instead of pitying them, they persecute them further.<sup>[33]</sup> — This woman is in a similar situation; שפיוצא בה — *for after extracting the holy soul from within her*,<sup>[34]</sup> it is not proper to benefit from her any more by selling her into servitude for money.

The final phrase of the verse, תחת אשר עניתה, means simply, *[You shall not enslave her] because you have afflicted her*. Or HaChaim notes that according to this approach, the phrase has a broader meaning: — The meaning of the concluding statement of the verse, *because you have afflicted her*, is as follows: — You shall not enslave her because you extracted her wealth and her bounty from her, the *yefas to'ar* soul, and you have made her destitute, afflicted, and darkened.<sup>[35]</sup> — This is further indication of the truth of our approach, כי היתכן בעולם שישראל הבא על הגויה הוא מענה אותה — for it cannot mean simply that she was afflicted, for is there any possibility that a Jewish man who cohabits with an idolatress is afflicting her? — Why, [the Sages], of blessed memory, say and they prefer [Jewish] women even more than that (see *Tosafos to Avodah Zarah* 25b ד"ה איכא בינייהו)<sup>[36]</sup> — ומה עינוי הוא זה לגויה — What affliction is there, then, to the idolatress if the Jewish soldier cohabits with her? — Rather, when the verse says, *because you have afflicted her*, its intent is the hidden affliction and destitution that he caused her, for he deprived her of the holy [soul] that had previously been residing within her.

☞ AN ALLEGORICAL EXPLANATION:

THE BATTLE TO RECLAIM ONE'S SOUL FROM THE YETZER HARA

Or HaChaim turns to an allegorical approach to the entire passage, in which he addresses many

33. See Or HaChaim to *Bereishis* 8:7.

34. Literally, *removing from her mouth what she has swallowed*; stylistic usage of *Yirmiyah* 51:44.

35. The word עניתה is related to the terms עני, *poverty*, and עני, *affliction*. Or HaChaim interprets it to mean both: "You have rendered her destitute" and "you have afflicted her." [His third expression, "darkened," is not

a literal translation of עניתה, but describes the effect of his actions; see *Meorei Or* for further discussion.]

36. Elucidation of this line follows *Segulas Moshe* in his first approach. For discussion of the inner meaning of this concept, see *Tosafos, Avodah Zarah* 25b, ד"ה איכא בינייהו; see also *Chida* in *Pesach Einayim* ad loc.

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ויבדרך<sup>37</sup> רמז, תתבאר הפרשה על זה הדרך, הנה כל בנן העולם וקיומו, תלוי במעשה עם בני ישראל, אם יטיבו דרכיהם העולם קיים, וישמחו השמים ותגל הארץ (ע"פ תהלים צו, יא)<sup>38</sup>, גם ה' אלהינו ישמח ויגל בנו, ויושר דרכם של ישראל תלוי בנצחון יצר הרע:

ובא<sup>39</sup> הכתוב להעיר האדם, כי ביציאתו מעולם העליון לבא לעולם הזה, יהיה מוכן למלחמה, כי לא יחשוב שאין צריך תגבורת לנצחון זה, אלא אדרבא לזו יקרא מלחמה, על דרך אומרים (אבות ד, א) איזהו גבור הכובש את יצרו, שאין גבורה גדולה מזו, ולזה אמר "למלחמה" בפת"ח תחת הלמ"ד<sup>40,41</sup>:

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of the points raised in the previous two verses.<sup>[37]</sup> Or HaChaim begins with a general introduction highlighting the critical importance of each person's battle against his *yetzer hara* for the entire world:

**Following the approach of *remez*, the passage may be explained as follows:** — הנה כל בנן העולם וקיומו תלוי במעשה עם בני ישראל — It is well-known that the entire structure and continued existence of the world are dependent on the actions of the Jewish people: — אם יטיבו דרכיהם העולם קיים וישמחו השמים ותגל הארץ — If they act properly, the world endures and fulfills the purpose of its existence; this ideal condition is described with the words of the verse (*Tehillim* 96:11): *The heavens are glad and the earth rejoices.* <sup>[38]</sup> גם ה' אלהינו ישמח ויגל — What is more, when we act properly, Hashem, our God, will also be glad and rejoice with us. — ויושר דרכם של ישראל תלוי בנצחון יצר הרע — And the proper conduct of the Jewish people, which is the basis for the continued thriving of the entire world, is contingent upon their being victorious against the *yetzer hara*, which constantly seeks to drive them to sin.

The first verse in our passage begins by describing the intensity of the battle against the *yetzer hara*:

⦿ **V. 10:** *When you will go out to war against your enemies, and Hashem, your God, will deliver him into your hand, and you will capture his captives.*<sup>[39]</sup>

בי ביציאתו מעולם העליון לבא לעולם הזה — The Torah comes to urge a person — ובא הכתוב להעיר האדם — that when he leaves the Upper World to come to this world, he should be prepared for battle against his *yetzer hara*. — כי לא יחשוב שאין צריך תגבורת לנצחון זה — That is, he should not think that while "real" battles require great strength, he does not need any special strength to be victorious in this battle with the *yetzer hara*. — אלא אדרבא לזו יקרא מלחמה — On the contrary! This, even more than physical warfare, is accurately called a battle, for it requires greater effort than physical warfare. — על דרך אומרים איזהו גבור הכובש את יצרו — This is in accordance with that which [the Sages] say (*Avos* 4:1): *Who is mighty? He who conquers his yetzer hara;* שאין — for in fact, there is no mightier feat than this. The verse should thus be interpreted as follows: *When you will go out [from the Upper World, be prepared] for war.* — ולזה אמר "למלחמה" בפת"ח תחת הלמ"ד — For this reason it says: "למלחמה" with a *patach* under the letter *lamed*, which means "the" war;<sup>[40]</sup> to convey that this is "the" true war.<sup>[41]</sup>

With the next words of the verse, the Torah further clarifies the nature of this battle:

37. This approach, too, is found essentially in *Likkutei Torah* to our passage. Many of the ideas stated here can also be found in *Zohar Chadash* on our passage (58b).

38. Or *LaEinayim*.

39. Our translation of the cited verses in this passage follows Or HaChaim's allegorical interpretation, and in some instances departs from the *Chumash* translation above.

40. The *patach* vowelization of the *lamed* is the place of ה"א הידיעה (definite article, i.e., the word *the*); it thus means for "the" war.

41. This is reminiscent of the incident recounted in *Chovos HaLevavos* (*Shaar Yichud HaMaaseh*, Ch. 5), in which a pious person met soldiers returning from the battlefield and said to them, "You are coming now from the small battle. Now prepare yourself for the great battle — the battle with the *yetzer hara*."

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ואומרו "על איביו", בא להעיר כי לא מלחמה זו בגבור הלוחם ללכוד עיר, וכשיוקץ במלחמה יפנה וילך לעצמו, אלא באדם הלוחם עם אויבו שאם יתרשל יקום עליו והכהו, כמו כן אם יתרשל האדם מללחום את האויב, יקום עליו ויאבדהו מן העולם, ומבטיחו הכתוב, שהגם שתקיף הוא היצר מבח האינושי, אף על פי כן יתנהו ה' בידו<sup>42</sup>.

ואומרו "ושבית שביו", דקדק לומר "שביו" ולא אותו, שאין בו ממש בעצמו, והעדרו הוא המקווה, אלא "שביו", פירוש, מה ששבה הוא מבחינת הטוב ממך ומפיוצא בך, בפיתויו ובגזחוונו, שכמה נשמות מעם בני ישראל שבויות בידו<sup>43</sup>.

ואומרו "וראית בשביה אשת יפת תאר", אמר "אשת" סמוך, פירוש, נשמת אדם<sup>44</sup>, כי אין הס"מ<sup>45</sup> שולט

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בא להעיר כי לא מלחמה זו בגבור הלוחם ללכוד עיר — By saying, *against your enemies*, — ואומרו "על איביו" — [the verse] conveys that this war against the *yetzer hara* is not like one in which a warrior goes on the offensive, and fights to conquer a different city, — where, — וכשיוקץ במלחמה יפנה וילך לעצמו — אלא באדם הלוחם עם אויבו — Rather, this battle is like one in which a person battles his mortal enemy who comes to attack him, where, if he will relax even for a moment, [the enemy] will rise up against him and strike him dead. — כמו כן אם יתרשל האדם מללחום את האויב — Similarly, if a person will neglect the battle against the *yetzer hara*, his spiritual enemy, — it will rise up against him and destroy him completely. — ומבטיחו הכתוב — The verse then assures him that if he recognizes this, *HASHEM, your God, will deliver him into your hand*, — שהגם שתקיף הוא — for although the *yetzer hara* is stronger than the human power to resist him, — היצר מבח האינושי — Hashem will nonetheless deliver him into his hand.<sup>[42]</sup> — אף על פי כן יתנהו ה' בידו — ואומרו "ושבית שביו" דקדק לומר "שביו" ולא אותו — In saying, *and you will capture his captives*, [the verse] was particular to say, *his captives*, and not, "and you will capture him" (as noted earlier), — שאין בו ממש בעצמו — for there is nothing substantial about the *yetzer hara* himself that is worth capturing; — והעדרו הוא המקווה — on the contrary, the objective is for him to be eliminated entirely. Since we do not wish to remain with any remnant of the *yetzer hara*, it would be inappropriate to say, *and you will capture "him."* What, then, is the meaning of the statement, *you will capture his captives*? — אלא "שביו" פירוש מה ששבה הוא — Rather, the verse is referring to capturing *his captives*, meaning what [the *yetzer hara*] has previously captured, — מבחינת הטוב ממך ומפיוצא בך בפיתויו ובגזחוונו — for it has "captured" the portion of what is good and holy from you and from those like you, through its enticements and victories. — שכמה נשמות מעם בני ישראל שבויות בידו — For indeed, there are many souls of the Jewish people held captive by the [yetzer hara] due to their sins.<sup>[43]</sup> By vanquishing the *yetzer hara*, one redeems his soul from the forces of evil and brings it back to holiness.

The verse then goes on to describe a person's encounters with the beauty of his own soul, and his desire to bring it back to its holy state, as v. 11 states:

⦿ V. 11: *וְרָאִיתָ בַּשְּׂבִיָּה אִשָּׁה יְפֹת תֹּאֵר וְחָשַׁקְתָּ בָּהּ וְלָקַחְתָּ לָךְ לְאִשָּׁה* and *you will see among the captives a woman who is beautiful of form, and you shall desire her; you shall take to yourself for a wife:*

— ואומרו "וראית בשביה אשת יפת תאר" — When it says, *and you will see among the captives a woman who is beautiful of form*, — אשת "אשת" סמוך — it uses the term *אשת*, with a ת suffix, indicating that it is connected to a different word (as noted earlier); — פירוש נשמת אדם — this means: "the soul of a person."<sup>[44]</sup> — כי אין הס"מ שולט בנפש עד שתתיר משה ותכנס באדם — The Torah refers here specifically to the soul "of a person," for the Satan<sup>[45]</sup> cannot dominate a soul until it descends onto the earth

42. As the Gemara says (*Succah* 52b), A person's *yetzer hara* daily threatens to overpower him . . . and if not for the help of the Holy One, blessed is He, he would be unable to withstand it.

43. Or *LaEinayim*.

44. When the soul is in Heaven, unattached to a person, it is called simply *אשה*, a woman (as Or HaChaim will

note below). After it comes down to earth and becomes part of a person, it is *אשה*, the woman of, since she is the soul of this person. This "connected" form of the word conveys the close connection that the soul has to the body.

45. The acronym ס"מ is a reference to the Satan (see *Devarim Rabbah* 11:10).

יב וְהִבֵּאתָהּ אֶל-תּוֹךְ בֵּיתְךָ וְגִלְחָהּ אֶת-רֹאשָׁהּ יב וְתַעֲלֶנָּה לְגוֹ בֵּיתְךָ וּתְגַלַּח יֵת רִישָׁהּ

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בְּנֶפֶשׁ, עַד שֶׁתֵּרֵד מִטָּה וּתִכְנַס בְּאָדָם, מִמֶּנּוּ הוּא לֹקְחָהּ בְּשָׂבִי<sup>46</sup>, וְהַנֶּפֶשׁ תִּקְרָא אִשָּׁה (תיקוני זוהר כב.)<sup>47</sup>, וְקָרָא לָזוּ "יִפֶּת תֹּאֵר", כִּי הַנֶּפֶשׁ יָפָה עַד מְאֹד, אֲלָא שְׂמִתְנַנֵּלָת בְּמַעֲשֵׂים הָרָעִים, וְכִשְׁיֻנוּצָהּ הַיֵּצֶר אֲזַיִשְׁכִּיל הָאָדָם בְּנֶפֶשׁוֹ מַה יָפָה וּמַה נְּעִימָה הִיא: וְאָמַר "וְחִשְׁקֶתָ בָּהּ", פִּירוּשׁ, אֲזַי חִשְׁקָהּ שֶׁהִיא לֹ בְּדַבְרֵי הַיֵּצֶר וּבִפְתִּיּוֹ, יִלְבִּישֶׁם בָּהּ לְתַקֵּן לָהּ הַמוֹשְׁכָלוֹת, וְעוֹלָם הַקִּיּוּם שְׂכָלוֹ טוֹב<sup>48</sup>: וְאָמְרוּ "וְהִבֵּאתָהּ אֶל תּוֹךְ בֵּיתְךָ", לְפִי שֶׁעַל יְדֵי פִתּוּי הָרַע מִתְרַחֶקֶת הַנֶּפֶשׁ מִהַגּוּף, וְשׁוֹכֵן חֵלֶק רַע

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below and enters a person, from whom [the yetzer hara] may then take [the soul] captive when he sins.<sup>[46]</sup> The soul by itself is called "a woman" (Tikkunei Zohar 22b).<sup>[47]</sup> Thus, "a woman in captivity" refers to a soul that has become part of a person and become subject to the influence of the Satan. And since only souls that are attached to a person can be taken in this way, it is described as *the woman of [a person]*. [The verse] describes this soul as *beautiful of form*, even though it is discussing a soul that has fallen into the hands of the Satan, for the soul is inherently exceedingly beautiful, and it becomes repulsive only as a result of the evil deeds that the person commits. When the yetzer hara is vanquished, however, and the yetzer hara is vanquished, however, then the person will be able to discern how beautiful and sweet his soul is. Our verse is thus speaking of one who recognizes the inherent beauty of his own soul, and, seeing that it has been taken into captivity by the yetzer hara, wishes to free it from the clutches of the Satan and bring it back to holiness.

The verse now instructs the person what he must do in order to redeem his soul:

It then says, *and you shall desire her and you shall take to yourself for a wife.* The meaning of the phrase, *and you shall desire her*, is that then, after vanquishing his spiritual enemy, one must take that desire which he had until now for the words and enticements of the yetzer hara — and direct them toward her, i.e., his desires should now center around the soul and its needs; he should yearn to rectify its spiritual ideals by embarking on the teshuvah process, and in that way to secure his portion in the everlasting World that is entirely good.<sup>[48]</sup>

What shall a person who wants to rectify his soul do? The verse continues:

**V. 12:** וְהִבֵּאתָהּ אֶל תּוֹךְ בֵּיתְךָ וְגִלְחָהּ אֶת רֹאשָׁהּ וְעָשְׂתָה אֶת צַפְרָנֶיהָ *You shall bring her to the midst of your house; she shall shave her head and make her nails:*

The [verse's] statement, *You shall bring her to the midst of your house*, can be understood based on the following: As — לְפִי שֶׁעַל יְדֵי פִתּוּי הָרַע מִתְרַחֶקֶת הַנֶּפֶשׁ מִהַגּוּף — *a result of allowing oneself to be enticed by the yetzer hara* and falling into sin, the soul becomes distanced from the body — וְשׁוֹכֵן חֵלֶק רַע בְּמִקּוּמָהּ — *and an element of impurity resides in the body*

46. When the soul is in Heaven it is too elevated for the Satan to touch it. Only once it has descended to earth and becomes part of a human being can the Satan have an effect on it and "take it captive" (see *Or LaEinayim*).

47. In many ways the relationship of the body to the soul is like that of a husband to a wife; see *Or LaEinayim* for discussion.

48. As Or HaChaim pointed out in the previous

approach (at note 23), the literal meaning of וְחִשְׁקֶתָּ בָּהּ is, *you shall desire "in" her*. In the context of this approach Or HaChaim explains it to mean that the person must remove his desires from the yetzer hara and place them into the improvement of his soul.

The final clause of the verse, *and take her to yourself for a wife*, means that you shall connect to your soul like a husband to a wife. The following verses go on to describe how this is accomplished.



<sup>12</sup> *You shall bring her to the midst of your house; she shall shave her head*

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במקומה, בדרך אומרו "טרף נפשו באפו" (איוב יח, ד)<sup>49</sup>, וְהָגוֹף יִקְרָא בֵּית, על דרך אומרו (תענית יא.) מי מעיד באדם קורות ביתו, שהוא הגוף (ראה זוהר ח"ג רעה), וּבְשֻׁנוֹצָח יִצְרוּ, יביא נפשו לתוך ביתו, ויקרא "בעל נפש" (משלי כג, ב)<sup>50</sup>.  
וְלִהְיוֹת שֶׁהַנֶּפֶשׁ שֶׁקָּנָה מְקוֹם טָמֵא, צָרִיךְ לְנִקּוּתָהּ מִתַּחֲלוּאֵי הָרַע הַנִּדְבָק בָּהּ, שֶׁהוּא בְּחִינַת שְׁעַר הָרָשׁ (זוהר ח"ג מח:)<sup>51</sup>, וְהוּא אומרו "וְגִלְחָה אֶת רֹאשָׁהּ", גַּם בְּחִינַת הַקְּלִיפָה הָרְמוּזָה בְּצִפְרָנִים (זוהר ח"ג עט.). אָמַר בְּגִגְדָּהּ "וְעָשְׂתָה אֶת צִפְרָנֶיהָ" לְשׁוֹן תִּיקוּן<sup>52</sup>.

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in its place, בְּדֶרֶךְ אומרו "טרף נפשו באפו" — in accordance with that which it says (*Iyov* 18:4), *He who tears his soul away in his anger.*<sup>[49]</sup> עַל — Now, the body is called a "house," וְהָגוֹף יִקְרָא בֵּית — as [the Sages] say (*Taanis* 11a): Who testifies against a person before the Heavenly Court? The "beams of his house," referring to the person's own body (see *Zohar*, Vol. III 275a). Using this terminology we may understand that when a person sins, he banishes his soul from his "house," i.e., his body; — and thus, when he then vanquishes his *yetzer hara*, he in effect brings his soul back into "his house." — וְיִקְרָא "בַּעַל נֶפֶשׁ" — When he does this, he is then called a master of [his] soul (*Mishlei* 23:2).<sup>[50]</sup> *You shall bring her to the midst of your house* means that you shall return your soul to the body, banishing the impurity that had previously taken its place due to your sins.

The verse then describes in more detail what a person must do to rectify his soul:

וְלִהְיוֹת שֶׁהַנֶּפֶשׁ שֶׁקָּנָה מְקוֹם טָמֵא — Now, since the soul that [the person] has acquired anew was held in captivity in an impure place, i.e., it was affected by the *yetzer hara* and the sins that the person has done, — צָרִיךְ לְנִקּוּתָהּ מִתַּחֲלוּאֵי הָרַע הַנִּדְבָק בָּהּ — he must cleanse it of the effects of the evil diseases of sin that have become attached to it there; — שֶׁהוּא בְּחִינַת שְׁעַר הָרָשׁ — this outgrowth of evil is represented by the spiritual element mentioned in the verse as "the hair of the head."<sup>[51]</sup> וְהוּא אומרו — "וְגִלְחָה אֶת רֹאשָׁהּ" — This is what the verse alludes to when it says, *she shall shave her head*, that is, the soul shall rid itself of the impurity that has become a part of it. גַּם בְּחִינַת הַקְּלִיפָה הָרְמוּזָה בְּצִפְרָנִים — In addition, regarding the element of the *kelipah* alluded to by the "nails" (*Zohar*, Vol. III 79a), it says, — "וְעָשְׂתָה אֶת צִפְרָנֶיהָ" — and she shall make her nails, with the word וְעָשְׂתָה used in this context as an expression meaning *repair*.<sup>[52]</sup>

49. The *Zohar* (Vol. II 182a) interprets this verse as a reference to one who allows his anger to escalate beyond its proper bounds, which allows his soul to be torn from him, and an impure spirit to take its place. Or HaChaim applies this idea more generally to one who succumbs to any sin (see *Meorei HaChaim*).

50. This phrase, from *Mishlei* 23:2, refers to one who is spiritually accomplished and avoids evil (*Metzudas David* ad loc.). Or HaChaim explains that the root meaning of this title is that he is the "master of his soul," since he has brought his soul back into his "house," achieving a proper relationship with it; see further, Or HaChaim to *Vayikra* 4:2 and 22:12 and below, 31:1.

51. The source for this concept is *Zohar*, Vol. III 48b; see following note.

52. See *Rashi* to *Bereishis* 1:7.

The hair and nails represent different aspects of the *kelipah*, both of which are discussed by the *Zohar*. Or *LaEinayim* suggests that the impurity represented

by "the hair" that must be "cut off" is that which comes from engaging in that which is prohibited. Such impurity must be "cut off," by immediately stopping any such activity in the future. In contrast, the *kelipah* represented by the "nails" refers to improper indulgence in activities that are technically permitted, but which one had been using in ways that are spiritually detrimental. Regarding this, however, the proper approach is not to simply cut off any contact with that which is permitted, but rather to channel his actions properly, using them for mitzvah purposes (see *Shulchan Aruch*, *Orach Chaim* §231). Thus, with regard to this *kelipah* the verse prescribes "repairing" them.

[Regarding whether the basic meaning of the verse means to cut the nails or let them grow, see *Yevamos* 48a, *Rashi* and *Ramban* here, *Mizrachi* and *Gur Aryeh* to *Rashi*, *Bereishis* 1:7; see also *Or Bahir* and *Or LaEinayim* as it pertains to Or HaChaim's interpretation here.]

יג וַעֲשֵׂתָהּ אֶת־צַפְרָנֶיהָ: וְהִסִּירָהּ אֶת־שְׁמֶלֶת  
שְׁבִיָּהּ מֵעַלֶּיהָ וַיֵּשְׁבָה בְּבֵיתָהּ וּבִכְתָּהּ אֶת־  
אָבִיהָ וְאֶת־אִמָּהּ יָרַח יָמִים וְאַחֵר כֹּן תָּבוֹא  
יד אֵלֶיהָ וּבַעֲלֹתָהּ וְהִיתָה לָּהּ לְאִשָּׁה: וְהָיָה אִם־לֹא  
חֲפִצָּתָהּ בָּהּ וְשָׁלַחְתָּהּ לִנְפֹשָׁהּ וּמָכַר לֹא־תִמְכְּרָנָהּ

רס"ו

(יב) וַעֲשֵׂתָהּ אֶת צַפְרָנֶיהָ. תגדלם כדי שתתנוול (ספרי ריב; יצמות מת.). (יג) וְהִסִּירָהּ אֶת שְׁמֶלֶת שְׁבִיָּהּ. לפי שָׁהָם גָּאִים, שֶׁהַגּוֹיִם צוּחִים מִתְקַשְּׁטוֹת צְמֻלָּהּ בְּשָׁבִיל לְהַזְנוֹת אֲחֵרִים עִמָּהֶם (ספרי ריג): וַיֵּשְׁבָה בְּבֵיתָהּ. צִפִּית שְׁמֵשֶׁמֶשׁ צוּ, נָכֵס וְנִתְקַל צֶה יוֹלָא וְנִתְקַל צֶה, רוּחָהּ

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וְתִסִּיר מִסָּוָה הַטּוּמְאָה הַמְתַּכֶּסֶה בָּהּ הַנֶּפֶשׁ מֵרִיחַ הַטּוּמְאָה, וְהוּא אוֹמְרוֹ "וְהִסִּירָהּ אֶת שְׁמֶלֶת שְׁבִיָּהּ מֵעַלֶּיהָ", פִּירוּשׁ, שֶׁקִּנְיָנָהּ מִשְׁבִּיתָהּ בְּמָקוֹם טָמֵא<sup>53</sup>, וְזֶה יִהְיֶה עַל יְדֵי מִירוּק הַחַטָּאִים, וְדַרְכֵי הַתְּשׁוּבָה, וְהַכֵּנַת הַדַּעַת מוֹל אֱלֹהֵי יִשְׂרָאֵל בְּרוּךְ הוּא:  
וְיִבְחַר מָקוֹם מוֹשָׁב לָהּ, בֵּית הַמִּיּוּחָד לְיִשְׂרָאֵל שֶׁהוּא בֵּית הַמִּדְרָשׁ, וְהוּא אוֹמְרוֹ "וַיֵּשְׁבָה בְּבֵיתָהּ".  
וְתִתְּנָהּ בְּכִי עַל אֲשֶׁר מַעַלָּה בְּאִבֶּיהָ וְאִמָּהּ, וְעַל פְּרִידָתָהּ מֵהֶם, "אָבִיהָ" זֶה הַקְדוּשׁ בְּרוּךְ הוּא,

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The next verse describes the completion of the *teshuvah* process:

וְהִסִּירָהּ אֶת שְׁמֶלֶת שְׁבִיָּהּ מֵעַלֶּיהָ וַיֵּשְׁבָה בְּבֵיתָהּ וּבִכְתָּהּ אֶת אָבִיהָ וְאֶת אִמָּהּ יָרַח יָמִים וְאַחֵר כֹּן תָּבוֹא אֵלֶיהָ: **V. 13:** וְהִסִּירָהּ אֶת שְׁמֶלֶת שְׁבִיָּהּ מֵעַלֶּיהָ וַיֵּשְׁבָה בְּבֵיתָהּ וּבִכְתָּהּ אֶת אָבִיהָ וְאֶת אִמָּהּ יָרַח יָמִים וְאַחֵר כֹּן תָּבוֹא אֵלֶיהָ: *She shall remove the garment of her captivity from upon herself and sit in your house and she shall weep for her father and her mother for a full month; thereafter you may come to her and live with her, and she shall be a wife to you:*

The verse goes on to say that **the soul shall remove the mask of impurity enveloping it, which emanates from the spirit of impurity** that it acquired when under the dominion of sin; **and that is what it means when it says, *She shall remove the garment of her captivity from upon herself*; פִּירוּשׁ** **the meaning of the term "garment" is the impurity that [the soul] acquired as a result of its captivity in an impure place.**<sup>[53]</sup> וְזֶה יִהְיֶה עַל יְדֵי מִירוּק הַחַטָּאִים וְדַרְכֵי הַתְּשׁוּבָה — **All this is accomplished by cleansing oneself of the sins that he has committed, and following the paths of repentance, and directing his mind toward the God of Israel, blessed is He.**

The process of repentance:

The verse states that **[the person] shall choose a proper dwelling place for [the soul], and that is the house which is designated for the Jewish people, namely, the *beis midrash* (study hall);** וְהוּא אוֹמְרוֹ "וַיֵּשְׁבָה בְּבֵיתָהּ" **that is what it means when it says, and she shall sit (or: dwell) in "your" house; the *beis midrash* is referred to as "your" house because it is the designated home of the Jewish people.** וְתִתְּנָהּ בְּכִי עַל אֲשֶׁר מַעַלָּה — **[The soul] shall then confess, amid weeping, for having betrayed its father and mother and separated itself from them, as the verse continues, and she shall weep for her father and her mother.** — ***Her father* refers to the Holy One, blessed**

53. When the soul is affected by sin, it is described as a person who is wearing filthy garments; when the person repents we say that he has removed the filthy garments and clothed himself once again in clean ones

(see Zechariah 3:3-4; Zohar, Vol. III 174b-175a). Our verse refers to the filthy garments of sin as *garments of captivity*, since they result from the soul's captivity by the forces of evil (see *Likkutei Torah* to our passage).

and make her nails.<sup>13</sup> She shall remove the garment of her captivity from upon herself and sit in your house and she shall weep for her father and her mother for a full month; thereafter you may come to her and live with her, and she shall be a wife to you.<sup>14</sup> But it shall be that if you do not desire her, then you shall send her on her own, but you may not sell her

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“אמה” היא כנסת ישראל (ברכות לה:),<sup>54</sup> “ירח ימים” זה שיעור המספיק לשב. או ירמוז, לחודש המיוחד לתשובה שהוא חודש אלול.<sup>55</sup>

“ואחר כן תבוא אליה”, פירוש, אתה תכנס ליהנות מאורה, בסוד אומרו “נפש עמל עמלה לו” (משלי טז, כו), ותסייעהו לעמוד בדרך הנאות. ותקרא אתה בעליה, שהקניית אותה בכם מעשיך, והוא אומרו “ובעלתה”. גם ליום התחייה, תהיה מיוחדת לך לחזור לגופך, ותעמוד בה, והוא אומרו “והייתה לך לאשה”<sup>56</sup>.

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is He; “אמה” היא כנסת ישראל — and *her mother* refers to the Assembly of Israel, the nation of Israel (*Berachos* 35b).<sup>[54]</sup> “ירח ימים” זה שיעור המספיק לשב — This shall continue *for a full month*, for that is a sufficient amount of time for one who repents to confess his sins. או ירמוז לחודש — Alternatively, it alludes to the one month in the year that is designated for repentance, the month of Elul, when the soul confesses its sins and prepares itself for *teshuvah*.<sup>[55]</sup>

After attending to the needs of his soul, the soul in return shines its light upon the person:

פירוש אתה תכנס ליהנות — The verse concludes: *Thereafter you may come to her*, בסוד אומרו “נפש עמל” — meaning that you will now begin to benefit from [the soul’s] light, מאורה — in accordance with the inner meaning of that which it says (*Mishlei* 16:26): *The soul of one who toils will toil for him*; i.e., if one toils to perfect his soul, the soul will toil for him by shining its light upon him; — ותסייעהו לעמוד בדרך הנאות — and [his soul] will assist him in remaining on the proper path. — ותקרא אתה בעליה — The verse goes on to say that you will then be called the “husband” of [your soul], שהקניית אותה בכם מעשיך — for you will have “acquired” it through the power of your good deeds. — והוא אומרו “ובעלתה” — That is what it means when it says, *and you shall live with her* (or *and you shall be her husband*). — גם ליום התחייה תהיה מיוחדת לך לחזור לגופך ותעמוד בה — Likewise, at the time of *Techiyas HaMeisim* (the Resurrection of the Dead), [the soul] that you have perfected will be designated specifically for you, to return to your body, and you will rise to life with it. — והוא אומרו “והייתה לך לאשה” — That is what it means when it says, *and she shall be a wife to you*; i.e., the soul will return to you in the future.<sup>[56]</sup>

The final verse of this passage discusses one who does not commit completely to improving his soul. The verse instructs him as to his minimal requirements:

⦿ **V. 14:** *But it shall be that if you do not desire her, then you shall send her on her own, but you may not sell her for money; you shall not enslave her, because you have afflicted her:*

54. Hashem is the soul’s “Father,” since He created it and gave it life. The Jewish people as a whole is described as the soul’s mother (see *Berachos* 35b, 54a); see *Or LaEinayim* for further discussion.

55. In the month of Elul, Moshe ascended Mount Sinai to receive the Second *Luchos*, and during that time he beseeched Hashem to forgive the Jewish people completely for the sin of the Golden Calf (*Zohar Chadash* 58b; see *Ramban* to 10:11 above). The Jewish people,

too, engaged in fasting and repentance during that time. From that time on, the month of Elul was designated as a time of special Divine favor and repentance (see *Tanna DeBei Eliyahu Zuta* Ch. 4; *Chayei Adam* 138:1).

56. The seeming redundancy (*and you shall be her husband, and she shall be a wife to you*) teaches that not only will you be called the “husband” of the soul in this world, but it will also be called your “wife” after *Techiyas HaMeisim* (*Or Bahir*).

בַּכֶּסֶף לֹא־תִתְעַמֵּר בָּהּ תַּחַת אֲשֶׁר  
טו עֲנִיתָהּ: כִּי־תִהְיֶינָה לְאִישׁ שְׁתֵּי נָשִׁים  
הָאֶחָת אֲהוּבָה וְהָאֶחָת שְׂנוּאָה וְיִלְדוּ־לָהּ  
בָּנִים הָאֲהוּבָה וְהַשְּׂנוּאָה וְהִיא הַבֵּן הַבְּכֹר

כ"י

לֹא תִתְעַמֵּר בָּהּ. לֹא תִשְׁפֹּטָהּ צֶה (טו), צֶלָשׁוֹן פֶּרְסִי קוֹרֵן לַעֲדוּת וְשִׁמוּשׁ עִימָהּ. מִיסוּדוֹ עַל רֹצֵחַ מִשֶּׁה הַדֶּרֶשׁ לְמַדְפֵּי כוּ:

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וְחֹזֵר הַכְּתוּב לְצוּת עַל הַנֶּפֶשׁ, שֶׁאִם הָאִישׁ לֹא נָטָה לְבוֹ לְקוּוֹת לְהִטִּיב לְנַפְשׁוֹ וּלְהַתְעַצֵּם לְהֵאִיר לָהּ בְּעוֹלָם הָעֲלִיּוֹן, עַל כָּל פְּנִים יִזְהַר שְׂלֹא יַרְיֵעַ לָהּ, בְּדֶרֶךְ שֶׁאִמְרָ שְׁלֹמֹה (קהלת יב, ז) "וְהִירוּחַ תָּשׁוּב אֶל הָאֱלֹהִים אֲשֶׁר נָתַנָּה", וְדִרְשׁוֹ בְּמִסְכַּת שֶׁבַת (קנב): תָּנָה לוֹ כְּמוֹ שְׁנִתְּנָה לָךְ<sup>57</sup>, וְהוּא אוֹמְרוֹ "אִם לֹא חִפְצָתָ בָּהּ וְשִׁלַּחְתָּהּ לְנַפְשָׁהּ", פִּירוּשׁ, שְׂלֹא תִמְסְרֶנָּה בְּיַד שְׂבָאִי, אֶלָּא בַת חוֹרִין וְאֵין עָלֶיהָ יָד מוֹשֵׁל: אוֹ יִרְצָהּ, עַל דֶּרֶךְ מַה שֶׁאִמְרוּ בַּזוֹהַר (ח"ג טו). בַּפְּסוּק "נִפְשִׁי אוֹתִירָהּ בְּלִילָהּ" (ישעיה כו, ט), שֶׁעַל הַשְּׂכִינָה הוּא אוֹמֵר "נִפְשִׁי"<sup>58</sup>, וְהוּא מַה שֶׁרָּמַז בְּאוֹמְרוֹ "וְשִׁלַּחְתָּהּ לְנַפְשָׁהּ", שֶׁהִיא הַשְּׂכִינָה שֶׁתְּחֻזֵּר לְמָקוֹם שִׁיָּצְתָהּ מִמֶּנּוּ: וְאוֹמְרוֹ "וּמִכֹּר לֹא תִמְכְּרֶנָּה וְגו'" , עַל דֶּרֶךְ מַה שֶׁדִּרְשׁוּ בַּסֵּפֶר הַזוֹהַר (ח"ב צו). בַּפְּסוּק "לֹעַם נִכְרִי לֹא

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The verse then goes on to command a person further regarding [his] soul, — שֶׁאִם הָאִישׁ לֹא נָטָה לְבוֹ לְקוּוֹת לְהִטִּיב לְנַפְשׁוֹ — saying that if the person's heart is not inclined to aspire to benefit his soul, — וּלְהַתְעַצֵּם לְהֵאִיר לָהּ בְּעוֹלָם הָעֲלִיּוֹן — and to strive to illuminate it in the Upper World, — עַל כָּל פְּנִים יִזְהַר שְׂלֹא יַרְיֵעַ לָהּ — he shall at least take care not to harm it. This is in accordance with that which King Shlomo said (Kohes 12:7), and the spirit shall return to God Who gave it, — בְּדֶרֶךְ שֶׁאִמְרָ שְׁלֹמֹה "וְהִירוּחַ תָּשׁוּב אֶל הָאֱלֹהִים אֲשֶׁר נָתַנָּה" — which [our Sages] expound in *Maseches Shabbos* (152b) to mean: Give it back to [Hashem] the way He gave it to you, pure and unsullied by sin.<sup>[57]</sup> — אִם לֹא חִפְצָתָ בָּהּ וְשִׁלַּחְתָּהּ — והוא אומר "אם לא חפצת בה ושלחתה" — This, then, is the verse's intent with the statement, But it shall be that if you do not desire her, then you shall send her on her own; — פִּירוּשׁ שֶׁאִם לֹא תִמְסְרֶנָּה בְּיַד שְׂבָאִי — meaning, that even if you do not desire to perfect your soul, do not deliver it into the hand of the captor, i.e., do not deliver it to the Satan by your actions; — אֶלָּא בַת חוֹרִין וְאֵין עָלֶיהָ יָד מוֹשֵׁל — but send her on her own, i.e., let it remain free, without allowing the hand of a foreign ruler, i.e., the Satan, to prevail over it. Alternatively, its meaning is in accordance with that which [the Sages] say in the *Zohar* (Vol. III 67a) about the verse (Yeshayah 26:9), My soul desired You during the night, — שֶׁעַל הַשְּׂכִינָה הוּא אוֹמֵר "נִפְשִׁי" — that the term *my soul* refers to the *Shechinah*.<sup>[58]</sup> — This, then, is what [the verse] is alluding to when it says, then you shall send her "לְנַפְשָׁהּ" (literally, to her soul), referring to the *Shechinah*; — שֶׁתְּחֻזֵּר לְמָקוֹם שִׁיָּצְתָהּ מִמֶּנּוּ — the verse means that if you do not desire to perfect your soul, then at the very least see to it that you do not defile it with sin, so that it can return to the place from which it left, i.e., to the *Shechinah*, thus fulfilling the above-cited instruction: Give it back the way He gave it to you.

Or HaChaim explains the conclusion of the verse following this approach:

That which it says, but you may not sell her; etc., may be understood in accordance with what [the Sages] expound in the Book of the *Zohar* (Vol. II 97a) — בַּפְּסוּק "לֹעַם נִכְרִי לֹא יִמָּשַׁל לְמִכְרָהּ" — on the verse (Shemos 21:8), He shall not

57. See Or HaChaim to *Shemos* 3:5, where he discusses the concept that a person's primary responsibility is not to allow his soul to be sullied by sin.

58. The *Zohar* points out that the literal meaning of

is: "I" desired You, so that the verse reads: My soul, I desired You during the night. According to this interpretation, the Jewish people call the *Shechinah* "My soul."

for money; you shall not enslave her, because you have afflicted her.

<sup>15</sup> If a man will have two wives, one beloved and one hated, and they bear him sons, the beloved one and the hated one, and the firstborn son

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יִמְשַׁל לְמִכְרָהּ (שמות כא, ח). וְאוֹמְרוֹ "בְּכָסֶף", לְפִי שִׂיאֵמַר אָדָם אֵיךְ יִמְשֹׁל אָדָם בְּנַפְשׁוֹ לְמוֹכְרָהּ, לִזֶּה אָמַר "בְּכָסֶף" לְשׁוֹן בּוֹסֶף, כִּי בְּאִמְצָעוֹת תֵּאָנוֹת וְכוֹסֶף לְבוֹת בְּנֵי אָדָם, יִמְכְּרוּ אֶת נַפְשָׁם בְּיַד אוֹיֵב, וְרִמְזוּ מִזֶּה בְּפָסוּק "אֶת כֶּסֶף לֹא תִתֵּן לוֹ בְּנִשְׁךְ וְגו' " (ויקרא כה, לו):<sup>59</sup>

וְאוֹמְרוֹ "לֹא תִתְעַמֵּר", כְּמוֹ שֶׁתִּרְגֵּם אוֹנְקֵלוֹס לֹא תִתְגַּר, פִּירוּשׁ, לֹא תִתְגַּר בָּהּ מִחֲבָלִים הַמְתִּירִים בְּנַפְשׁ הַחוֹטֵאת<sup>60</sup>. "תַּחַת אֲשֶׁר עָנִיתָהּ", כִּי הַחֲטָא יִקְרָא בְּעֵרֶךְ הַנֶּפֶשׁ, עֵינֵינוּ:

[טו] וְהָיָה הַבֵּן הַבְּכֹר וְגו'. אָמַר הַכְּתוּב בְּדֶרֶךְ וְדִאִית, עַל דֶּרֶךְ אוֹמְרוֹ (בראשית כט, לא) "וַיֵּרָא ה' כִּי שְׂנוּאָה לָאָה", כִּי ה' יִרְאֶה בְּנִשְׁבָּרֵי לֵב לְסוֹמְכָם<sup>61</sup>:

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**rule to sell her to a strange man.** The Zohar explains this to mean that one should take care not to deliver one's soul, by means of his sins, to the destructive angels. When our verse says, *you may not sell her*, it, too, refers to delivering the soul to the destructive angels due to your sins. **As — וְאוֹמְרוֹ "בְּכָסֶף"** (בְּכָסֶף), the meaning is as follows: **לְפִי — for that which it says, but you may not sell her "for money"** (בְּכָסֶף), the meaning is as follows: **לְפִי — Because one might say: How can a person rule over his soul and have the power to sell it?** The soul is a spiritual entity! What power does a person have to deliver it to the destructive angels? **To explain this [the verse] says — לִזֶּה אָמַר "בְּכָסֶף" לְשׁוֹן בּוֹסֶף** (בּוֹסֶף); **for — כִּי בְּאִמְצָעוֹת תֵּאָנוֹת וְכוֹסֶף לְבוֹת בְּנֵי אָדָם** (בּוֹסֶף); **by means of the sinful desire and craving of people's hearts, — יִמְכְּרוּ אֶת נַפְשָׁם בְּיַד אוֹיֵב — they can indeed sell their soul into the hand of an enemy, for through the sins they commit out of desire, they cause their soul to be ruled by the power of impurity.** **וְרִמְזוּ מִזֶּה בְּפָסוּק "אֶת כֶּסֶף לֹא תִתֵּן לוֹ בְּנִשְׁךְ — We have alluded to this interpretation of the term כֶּסֶף on the verse (Vayikra 25:37): Do not give him your money (כֶּסֶף) for interest, etc.**<sup>[59]</sup>

כְּמוֹ שֶׁתִּרְגֵּם אוֹנְקֵלוֹס לֹא — **As for that which it says, You shall not enslave her,** **פִּירוּשׁ לֹא תִתְגַּר בָּהּ מִחֲבָלִים הַמְתִּירִים — לֹא תִתְגַּר** — it may be interpreted as **Onkelos translates it, "לֹא תִתְגַּר"** **against [your soul] the destructive angels who provoke the sinning soul.**<sup>[60]</sup> **"תַּחַת אֲשֶׁר עָנִיתָהּ"** — The verse concludes, **because you have afflicted her**, meaning that the provocation of destructive angels will indeed occur as a result of sin, **כִּי הַחֲטָא — for a sin is considered an affliction from the perspective of the soul.** The verse is thus saying that although you may desire sin, and sins may even bring you physical pleasure, you should know that they are actually afflictions for the soul, and the result will be to incite destructive angels to rule over it.

**15. — וְהָיָה הַבֵּן הַבְּכֹר — AND THE FIRSTBORN SON WILL BE THE HATED ONE'S.**

**עַל דֶּרֶךְ אוֹמְרוֹ — The reason the verse says as a certainty that in this situation the hated wife will have the firstborn, instead of saying, "if the firstborn will be the hated one's,"** **לִזֶּה אָמַר "וְהָיָה הַבֵּן הַבְּכֹר" — may be understood in accordance with that which it says (Bereishis 29:31), HASHEM saw that Leah was unloved, so He opened her womb; but Rachel remained barren.** Just as that verse relates that it was because Leah was unloved that Hashem granted her children before Rachel, **כִּי ה' יִרְאֶה בְּנִשְׁבָּרֵי לֵב לְסוֹמְכָם — here, too, where one wife is beloved and the other hated, the verse informs us that Hashem will support the hated one and grant her children first, because Hashem gives special attention to the brokenhearted and supports them.**<sup>[61]</sup>

59. Or HaChaim explained in that verse that it alludes to one who follows his desires (בְּכָסֶף) and thereby diminishes his soul; see there further.

60. The simple meaning of *Onkelos'* translation is as *Ramban* explains it: "you shall not do business with her,"

i.e., you shall not sell her. Or HaChaim, however, sees an allusion in the word תִּתְגַּר to תִּתְגַּר, *incite* (*Meorei Or*).

61. As the verse states (*Tehillim* 34:19): קָרוֹב ה' לְנִשְׁבָּרֵי רֹחַ, לֵב וָאֵת דִּכְאֵי רֹחַ יוֹשִׁיעַ, *HASHEM is close to the brokenhearted, and those crushed in spirit, He saves.*

לְשׁוֹנָאָה: וְהָיָה בְּיוֹם הַנְּחִילוֹ אֶת־בָּנָיו אֶת־אֲשֶׁר־  
 יִהְיֶה לוֹ לֹא יוּכַל לִבְכֹּר אֶת־בֶּן־הָאֱהוּבָה עַל־פְּנֵי  
 בֶּן־הַשְּׂנוּאָה הַבְּכֹר: כִּי אֶת־הַבְּכֹר בֶּן־הַשְּׂנוּאָה  
 יָבִיר לָתֵת לוֹ פִּי שְׁנַיִם בְּכָל אֲשֶׁר־יִמָּצֵא לוֹ כִּי־  
 הוּא רִאשִׁית אָנֹכִי לוֹ מִשְׁפָּט הַבְּכֹרָה: כִּי־  
 יִהְיֶה לְאִישׁ בֶּן סוֹרֵר וּמוֹרֵה אֵינָנו שֹׁמֵעַ

רע"ז

(יז) פִּי שְׁנַיִם. כַּנֶּגֶד שְׁנֵי חָסִים (שס ריז): בְּכָל אֲשֶׁר יִמָּצֵא מִסֵּת הָאֵז כְּמִחוּזָק (שס; זכורות נז): (יח) סוֹרֵר. סר מן  
 לו. מִכָּאן שֶׁאֵין הַזְכוּר נוֹטֵל פִּי שְׁנַיִם בְּרָאיוֹ לְבֹא לְאַחֵר הַדָּרָה: וּמוֹרֵה. מִסְרָב צִדְדֵי אֶזְרִי, לָשׁוֹן "מִמְרִיס" (לעיל ט, ז).

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[טז] הַנְּחִילוֹ אֶת בָּנָיו אֶת אֲשֶׁר וגו'. וְלֹא אָמַר בְּיוֹם הַנְּחִילוֹ אֶת אֲשֶׁר יִהְיֶה לוֹ אֶת בָּנָיו<sup>62</sup>, לְהַסְמִיךְ  
 תִּיבֵת "הַנְּחִילוֹ" לְמֵאמַר "אֶת בָּנָיו", לְרִמּוֹז סִבְרַת חֻכָּמִים שְׁאָמְרוּ (בבא בתרא קל), שֶׁיּוּכַל הָאֵב לְהַנְחִיל  
 לְבֶן אֶחָד מִבָּנָיו יוֹתֵר מִמָּה שְׁנוּגֵעַ לוֹ כְּפִי הַחֲלוּקָה<sup>63</sup>:

□ לֹא יוּכַל לִבְכֹּר וגו'. וְאִם בְּכֹר עוֹבֵר בְּלֹא<sup>64</sup>, וְכֹה יִתְיַשֵּׁב מֶה שֶׁהִקְשׁוּ הַתּוֹסְפוֹת שָׁם (עמוד ב) בד"ה  
 תִּלְמוּד לומר לְסִבְרַת רַבָּנָן<sup>65</sup>:

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16. הַנְּחִילוֹ אֶת בָּנָיו אֶת אֲשֶׁר וגו' — *THEN IT SHALL BE ON THE DAY THAT HE BEQUEATHS TO HIS SONS WHATEVER WILL BE HIS.*

— We must understand why [the verse] does not say "on the day that he bequeaths whatever will be his to his sons," which would be the simpler form of this statement.<sup>[62]</sup> The Torah does this in order to place the term that he bequeaths immediately after the statement to his sons, — לְרִמּוֹז סִבְרַת חֻכָּמִים שְׁאָמְרוּ — שֶׁיּוּכַל הָאֵב לְהַנְחִיל לְבֶן אֶחָד מִבָּנָיו — to allude to the opinion of the Sages (Bava Basra 130a) who say — that a father may bequeath to one of his sons more than he would have otherwise received based on an equal partition of the estate. By putting the words *his sons* immediately after the words *that he bequeaths*, the Torah conveys that a man has the power to bequeath directly to his sons as he wishes.<sup>[63]</sup>

□ לֹא יוּכַל לִבְכֹּר וגו' — *THEN IT SHALL BE THAT ON THE DAY THAT HE BEQUEATHS TO HIS SONS WHATEVER WILL BE HIS, HE CANNOT GIVE THE RIGHT OF THE FIRSTBORN TO THE SON OF THE BELOVED ONE AHEAD OF THE SON OF THE HATED ONE, THE FIRSTBORN.*

— The verse teaches that if [the father] did attempt to give the right of the firstborn to another son, even though his change does not take effect, he transgresses a prohibition.<sup>[64]</sup> — This interpretation resolves — וְכֹה יִתְיַשֵּׁב מֶה שֶׁהִקְשׁוּ הַתּוֹסְפוֹת שָׁם בד"ה תִּלְמוּד לומר לְסִבְרַת רַבָּנָן<sup>[65]</sup>

62. It would be more logical to place that which he is bequeathing (*whatever will be his*) to the act of bequeathing (*on the day that he bequeaths*), instead of interrupting the sentence with the words "to his sons."

63. The way a person's estate is divided among his heirs is set out by the Torah in *Bamidbar* 27:8-11 and in our passage. When there are a number of sons, the estate is divided equally between them, except for the firstborn, who takes a double portion. There are differing opinions among the Sages regarding whether a person can dictate that the inheritance of his estate *not* follow the Torah's division. [All agree that he may not

deprive the firstborn of his double portion, as our passage teaches; the question is about other changes, such as giving one son more than an equal share and another less.] Or HaChaim explains here that the wording of our verse can be understood as a support for the opinion of those Sages who maintain that a man *can* apportion his estate as he wishes. See Or HaChaim's following discussion for further elaboration of the position of these Sages.

64. One may have read this verse as simply denying the legality of the father depriving the firstborn of his double portion, in which case the verse would have taught

will be the hated one's;<sup>16</sup> then it shall be that on the day that he bequeaths to his sons whatever will be his, he cannot give the right of the firstborn to the son of the beloved one ahead of the son of the hated one, the firstborn.

<sup>17</sup> Rather, he must recognize the firstborn, the son of the hated one, to give him the double portion in all that is found with him; for he is his initial vigor, to him is the right of the firstborn.

<sup>18</sup> If a man will have a wayward and rebellious son, who does not listen

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[יח] **בִּי יְהִיָּה לְאִישׁ וּגּוֹ' אֵינְנוּ שֹׁמֵעַ.** צָרִיךְ לְדַעַת אֹמְרוֹ "אֵינְנוּ", שֶׁהִיָּה לוֹ לֹא לֹמַר אֵינּוּ שׁוֹמֵעַ. וְאוּלַי שָׂבָא לְהַעִיר, כִּי בְשֹׂאדָם מִמְּלִיךְ בְּתוֹכּוֹ יֵצֵר הָרָע, נִשְׁלָלָה מִמֶּנּוּ הַיְדִיעָה וְהַשְׁמִיעָה מִהֶנָּאמַר אֵלָיו, כִּי הֵצֵר עוֹמֵד עַל מַפְתָּח הַלֵּב, וּמוֹנֵעַ הַדְּבָרִים מִהִגִּיעַ אֶל הַנֶּפֶשׁ, כִּי הֵם יַחֲיִיבוּהוּ לְצִאת מִשָּׁם.

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the question raised by *Tosafos* in *Bava Basra* there (130b), in the comment beginning, "*Talmud lomar*," regarding the opinion of the Sages who maintain that one *cannot* apportion his estate in his lifetime.<sup>[65]</sup>

**18. בִּי יְהִיָּה לְאִישׁ וּגּוֹ' אֵינְנוּ שֹׁמֵעַ — IF A MAN WILL HAVE A WAYWARD AND REBELLIOUS SON, WHO DOES NOT LISTEN TO THE VOICE OF HIS FATHER AND THE VOICE OF HIS MOTHER...**

The literal meaning of the words **אֵינְנוּ שֹׁמֵעַ** is, *he is not [someone who] listens*. Or HaChaim wonders at this unusual usage:

**צָרִיךְ לְדַעַת אֹמְרוֹ "אֵינְנוּ" — We need to understand why it says *אֵינְנוּ*, *he "is not" [someone who] listens*, וְאוּלַי — when it should have said the simpler, *אֵינּוּ*, "*who does not*" listen. **שָׂבָא לְהַעִיר — Perhaps it is coming to convey the following idea: כִּי בְשֹׂאדָם מִמְּלִיךְ בְּתוֹכּוֹ יֵצֵר הָרָע — If a person "crowns" the yetzer hara over himself, giving it authority and allowing it to dictate all his actions, נִשְׁלָלָה מִמֶּנּוּ הַיְדִיעָה וְהַשְׁמִיעָה מִהֶנָּאמַר אֵלָיו — he loses the ability to understand or even hear any rebuke that is said to him. כִּי הֵצֵר עוֹמֵד עַל מַפְתָּח הַלֵּב וּמוֹנֵעַ הַדְּבָרִים מִהִגִּיעַ אֶל הַנֶּפֶשׁ — Because as the final authority over this person, the yetzer hara stands at the "gateway to the heart" and prevents the words of reproof from reaching the soul. כִּי הֵם יַחֲיִיבוּהוּ לְצִאת מִשָּׁם — Furthermore, it must do this, because it knows that if this person allows words of rebuke entry into his heart, [this rebuke] will force [the yetzer hara] to leave, and it will lose its influence over the person.****

only that if the father instructs that the firstborn not receive his portion, his instruction is disregarded. Or HaChaim explains that although this is certainly true, the verse contains another teaching as well; namely, that it is *forbidden* for the father to attempt this. If he does, even though his attempt is ineffective, he violates this Torah prohibition.

[It should be noted that this interpretation is based on *Ramban's* view of this mitzvah (see *Ramban's* glosses at end of *Sefer HaMitzvos*, List of Prohibitions Omitted by *Rambam* §12). It also follows *Targum Onkelos'* rendering of the words **לֹא יוּכַל לְבָרַךְ** (literally, *he cannot give the right of the firstborn*), as **לֹא יִרְשֵׁי**, *he is not permitted*, indicating that it is prohibited to do so. For further discussion, see *Sefer HaChinuch*, end of *Mitzvah* 400.]

65. In Or HaChaim's previous discussion, he mentioned the disagreement among the Sages as to whether or not a person has the power to dictate an unequal division of his estate (although all agree that one cannot

take away the double portion from the firstborn). The *Tosafos* cited by Or HaChaim here asks the following question: According to the Sages who maintain that one does *not* have this power, why did the Torah have to specify that one cannot take away the double portion of the firstborn? Why, a father is in any case unable to change the inheritance of *any* son!

In his comment to this verse, Or HaChaim answers this question. Or HaChaim states that this verse is not simply a legal limitation stating that a father *cannot* take away the firstborn's portion (which would indeed be unnecessary); rather, our verse teaches a novel law: that it is forbidden for a father to attempt to do so, and if he does make this attempt, he violates this Torah prohibition. Therefore, even according to the Sages who maintain that a father cannot make any changes to his estate, the verse is necessary to teach that when he attempts to make this change with regard to the firstborn's portion, he violates a Torah prohibition.

למימר אבוהי ולמימר אמה ומלפון יתה ולא מקבל מנהון: יט ויחדון בה אבוהי ואמה ויפקון יתה לקדם סבי קרתה ולתרע בית דין אתרה: כ ויימרון לסבי קרתה בנגא דין סטי ומרי ליתוהי מקבל למימרנא זלל בסר וסבי חמר: כא וירגמנה כל אנשי קרתה

בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמַע יט אֲלֵיהֶם: וַתִּפְשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ כ אֶל-זִקְנֵי עִירוֹ וְאֶל-שַׁעַר מִקְמוֹ: וְאָמְרוּ אֶל-זִקְנֵי עִירוֹ בָּנֵנוּ זֶה סוֹרֵר וּמֹרֶה אֵינָנוּ שֹׁמֵעַ כא בְּקוֹלָנוּ זֹלָל וְסָבָא: וְרָגְמָהוּ כָּל-אֲנָשֵׁי עִירוֹ

רע"ז

וַיִּסְרוּ אֹתוֹ. מִתְרִין זוֹ צָפְנִי שְׁלֵשָׁה וּמִלְקִין אֹתוֹ (סנהדרין ע"א). בֶּן סוֹרֵר וּמוֹרֶה חָיִינוּ חֲזִיז עַד שֶׁיִּגְנוֹז, וַיֹּאכֵל תְּרֵימִיר צָעַר וַיִּשְׁתֶּה חֲזִי לֹג יוֹ, שְׁנֵי אֲמָר "זוֹלָל וְסָבָא" (פסוק כ), וְנִלְמָר "חַל תְּהִי צָסָחִי יוֹן צָלְלִי צָעַר לָמוּ" (משלי כג, כ; ספרי ריט; סנהדרין ע"א).

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והמשלתי הדבר, למלך שהיו שועריו גנבים ולסטים, והבאים לקבול לפני המלך מהם, היתכן שהשוערים ההם יוציאו להם רשות ליכנס לחייבם למלך, כמו כן הדבר הזה: והוא אומרו "כי יהיה לאיש וגו' איננו שמע וגו' ", פירוש, מושלל הוא בערך השמיעה<sup>66</sup>, כי לא יגיעוהו הדברים מצד המונע, היושב על מפתחי הלב באומרים ו"ל (ברכות סא).

□ **בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ.** טעם שהוצרך להזכיר "אביו", ולא הספיק לומר בקולו, וחוזר לאביו

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I have compared this powerful position of the *yetzer hara* to the case of a king whose gatekeepers were thieves and robbers. Such thieves are impossible to remove — והבאים לקבול לפני המלך מהם — for if people would come to complain to the king about them, would those same gatekeepers ever allow them to enter the king's presence to incriminate them before the king?! Certainly not! — So it is in this case: When one allows the *yetzer hara* control over his heart, it will make sure that words of reproof do not penetrate.

This idea is conveyed by the unusual wording of this verse:

This is the meaning of [the verse's] statement: *If a man will have a wayward and rebellious son, who "is not one" who listens to the voice of his father and the voice of his mother:* — פירוש מושלל הוא בערך השמיעה — The meaning of the term *איננו שמע* is that the person himself completely lacks the capability of hearing it,<sup>[66]</sup> *כי לא יגיעוהו הדברים מצד המונע* — for the words will not touch him due to [the *yetzer hara*], which sits at the gateway of the heart, and prevents rebuke from entering; — *באומרים ו"ל* — as [the Sages], of blessed memory, stated (Berachos 61a): *The evil inclination resembles a fly, and sits between the two gateways of the heart, etc.*

□ **בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ** — IF A MAN WILL HAVE A WAYWARD AND REBELLIOUS SON, WHO DOES NOT LISTEN TO THE VOICE OF HIS FATHER AND THE VOICE OF HIS MOTHER.

Or HaChaim addresses a seeming redundancy in the verse:

We must understand the reason [the verse] had to mention *his father*, — *טעם שהוצרך להזכיר "אביו"* — and it did not suffice with saying, "to his voice," which would clearly refer back to his father, the *man* mentioned just above.

66. Whereas the words "אינו שמע," *he does not listen*, would mean simply that he does not listen; "איננו" implies that he is a person who *cannot* listen.



to the voice of his father and the voice of his mother, and they discipline him, but he does not listen to them; <sup>19</sup> then his father and mother shall grasp him and take him out to the elders of his city and the gate of his place. <sup>20</sup> They shall say to the elders of his city, "This son of ours is wayward and rebellious; he does not listen to our voice; he is a glutton and a drunkard." <sup>21</sup> All the men of his city shall pelt him

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שאמר בסמוך. העיר הכתוב, כי בן סורר ומורה לילדיו, יסובבהו בן היותו מורד באביו ואמו, שהם הקדוש ברוך הוא (שם לה): וכנסת ישראל, על דרך אומרו (משלי א, ח) "שמע בני מוסר אביך ואל תטש תורת אמן",<sup>67</sup> כי לפי שילדיו חושכים שבטם<sup>68</sup> מבניהם, ומניחים אותם לעשות הטוב והישר בעיניהם, זה יסובב שגם בהם ימרוד: וזה שיעור הכתוב "כי יהיה לאיש וגו' ", דע ש"איננו שמע בקול" הקדוש ברוך הוא וכנסת ישראל, ולזה הגם שיסרוהו "לא ישמע אליהם", פירוש, מלבד שלא יקבל לחזור מעבירות שבינו ובין המקום, עוד לו ש"לא ישמע אליהם":

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The reason is that with this wording **the verse conveys that when a son is wayward and rebellious against his parents, the cause is** היותו מורד — **his initial rebellion against his spiritual father and mother,** שהם הקדוש ברוך הוא — **namely, his spiritual Father, Who is the Holy One, blessed is He, and his spiritual mother, who is the Assembly of Israel (Berachos 35b).** על דרך אומרו "שמע בני מוסר אביך ואל תטש תורת אמן" — When he rebels against the Torah, he is rebelling against both his "Father" and "mother," as it says (*Mishlei* 1:8), **Hear, my child, the discipline of your father, and do not forsake the teaching of your mother.**<sup>[67]</sup> — **The cause of the son's rebellion against his actual parents is his father's reaction to his prior rebellion against the Torah, for since his parents "spare the rod"**<sup>[68]</sup> **from their children and fail to discipline them when they transgress the Torah,** ומניחים אותם לעשות הטוב והישר בעיניהם — **allowing them to do whatever they see fit,** זה — **the result will be that [the son] will eventually rebel against [the parents] as well.**

This explains why the verse repeats the word אביו, *his father*:

**If a man will** — **"כי יהיה לאיש וגו' "** — **This, then, is the meaning of the verse:** — **דע ש"איננו שמע בקול" — have a wayward and rebellious son, i.e., a son who rebels against his parents,** — **know that this occurred because** — **הקדוש ברוך הוא וכנסת ישראל — the Holy One, blessed is He, and the voice of his mother, referring to the Assembly of Israel.** — **ולזה הגם שיסרוהו "לא"** — **Therefore, the verse continues, even though, later, after he rebels against the parents themselves, they do discipline him for his behavior, he does not listen to them;** — **פירוש מלבד שלא יקבל** — **meaning, not only does he not accept upon himself to repent from his sins between himself and Hashem, which his parents have previously ignored,** — **עוד לו ש"לא ישמע** — **he also does not listen to "them" — he pays no attention to his parents when they discipline him for rebelling against them. Had they disciplined him when he first began to transgress the Torah, when they still had an influence over him, he would have continued to listen to them and not rebelled against them later.**

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67. This verse refers to the teachings of the Torah as "the discipline of your Father," Hashem, and the laws enacted by the Sages of Israel, the leaders of the nation, as

"the teaching of your mother" (*Rashi to Mishlei* loc. cit.).

68. Citation of *Mishlei* 13:24, referring to one who is negligent in rebuking his son.

בְּאֲבֹנִים וְמֵת וּבַעֲרַת הָרֶעַ מִקִּרְבָּהּ וְכָל־  
יִשְׂרָאֵל יִשְׁמְעוּ וַיֵּרְאוּ: וְכִי־יִהְיֶה בְּאִישׁ  
חֲטָא מִשְׁפַּט־מוֹת וְהוֹמַת וְתִלִּית אֹתוֹ עַל־עֵץ:

שני

כב

ר"ט

(כא) וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וַיֵּרְאוּ. מִכָּאן שֶׁלְּרִיחַ הַכְרָזָה  
בְּצִית דִּין, פְּלוּנִי נִסְקַל עַל שֶׁהָיָה בֶּן סוֹרֵר וּמוֹרֵה (סְנֵהדְרִין  
פֶּט): (כב) וְכִי יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפַּט מוֹת. סְמִיכִת  
הַפְּרָשִׁיּוֹת מְגִיד שֶׁאֵס חֲסִים עָלָיו אֲבִיו אוֹ אִמּוֹ (נ"א: וְאִמּוֹ, סוף  
(סְנֵהדְרִין מֵה):

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[כב] וְכִי יִהְיֶה בְּאִישׁ חֲטָא וּגו'. סִמָּךְ פְּרָשָׁה זוֹ לְשִׁלְפִינִיה, לְפִי שֶׁהוּא מְסַלֵּס סֶדֶר תִּיקוֹן הָאָדָם. בְּתַחֲלִילָה  
הָעִירוֹ עַל עֲצָמוֹ, כְּמוֹ שֶׁפִּירִשְׁתִּי בְּרָמֶז פְּרָשַׁת כִּי תֹצֵא (לְעִיל פֶּסוּק יא). אַחֵר כִּף הָעִיר הָאָב עַל הַבֶּן, כְּמוֹ  
שֶׁרָמְזָנוּ בְּפֶסוּק "כִּי יִהְיֶה לְאִישׁ בֶּן סוֹרֵר וּגו' " (לְעִיל פֶּסוּק יח). וְכָאן הָעִיר עַל חֲכָמֵי הָדוֹר, לְפָקוֹחַ עֵין  
עַל עוֹשֵׂי עוֹל, וְהוּא אוֹמְרוֹ "וְכִי יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפַּט מוֹת", וְנִשְׁאָר עוֹמֵד בְּמִרְדּוֹ, וְלֹא חוֹר בְּתִשְׁבּוּבָה  
עַד שְׁמַת בְּחֻטְאוֹ, וְהוּא אוֹמְרוֹ "וְהוֹמַת", וְתִלָּה ה' חֲסִירוֹנוֹ עַל הַחֲכָם, כְּאוֹמְרוֹ "וְתִלִּית אֹתוֹ עַל עֵץ",

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22. *IF A MAN SHALL HAVE COMMITTED A SIN WHOSE JUDGMENT IS DEATH, HE SHALL BE PUT TO DEATH, AND YOU SHALL HANG HIM ON A GALLOWS.*

Or HaChaim interprets this passage allegorically, and shows how it is a direct continuation of the previous passages:

— We may understand why [the Torah] set this passage immediately after the previous one, — לְפִי שֶׁהוּא מְסַלֵּס סֶדֶר תִּיקוֹן הָאָדָם — *for in these passages Hashem is beautifully arranging the steps for a person's improvement.* — אַחֵר כִּף הָעִיר הָאָב עַל הַבֶּן — *He then taught about a father regarding the necessity to discipline [his] son,* — כִּי יִהְיֶה בְּאִישׁ בֶּן סוֹרֵר וּמוֹרֵה — *as we indicated previously, in the verse (above, v. 18), If a man will have a wayward and rebellious son.* — וְכָאן הָעִיר עַל חֲכָמֵי הָדוֹר לְפָקוֹחַ עֵין עַל עוֹשֵׂי עוֹל — *And here, in our passage, [Hashem] taught the wise men of the generation that they must attend to those who act corruptly, and correct their actions before it is too late.*

Or HaChaim explains how our passage conveys this idea:<sup>[70]</sup>

— *This, then, is what the verse is alluding to when it says, If a man shall have committed a sin deserving of death,* referring to one who committed sins for which the Heavenly Court judged him deserving of death. — וְנִשְׁאָר עוֹמֵד בְּמִרְדּוֹ וְלֹא חוֹר בְּתִשְׁבּוּבָה — *The verse states that if a man commits such sins and he remained in his rebellious state, and failed to repent until he died on account of his sin* — *that is what the verse means when it says, and he is put to death,* meaning, the Heavenly Court, after seeing that he did not repent, caused him to die on account of his sins. — וְתִלָּה ה' חֲסִירוֹנוֹ עַל — *When this occurs, Hashem holds the sage of that generation responsible for the loss of [the sinner],* — כְּאוֹמְרוֹ "וְתִלִּית אֹתוֹ עַל עֵץ", — *as it says, you shall ascribe his [death] to a tree;*<sup>[71]</sup>

69. In his second approach to that passage (beginning at note 37), Or HaChaim explains that the Torah describes how a person brings his soul back from impurity, returning it to a state of righteousness and holiness.

70. The translation of the verses of our passage in this elucidation does not follow the literal translation of

the words (as they appear in the Chumash translation), but rather Or HaChaim's *remez* approach.

71. תִּלָּה, literally, *hanging*, can refer conceptually to one thing that is dependent upon, or caused by, another. Thus, the word וְתִלִּית, *and you shall hang him*, can also mean, *you shall ascribe it*.

with stones and he shall die; and you shall remove the evil from your midst; and all Israel shall hear and they shall fear.

<sup>22</sup> If a man shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang him on a gallows.

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זֶה הַחֵכֶם, עַץ עוֹשֶׂה פְּרִי<sup>72</sup>, שֶׁהוּא יטול עוֹנְשׁוֹ, כִּי ה' צִוְּהוּ לְהוֹכִיחַ וּלְחַזֹּר וּלְהוֹכִיחַ עַד הַכָּאָה (ערכין טז.), וְכִמּוֹ שֶׁכִּתְּבֵנוּ בַּפֶּרֶשֶׁת קְדָשִׁים (ויקרא יט, יז)<sup>73</sup>, וּבִשְׁהוּא הָעֲלִים עֵינָו מֵאִישׁ זֶה עַד שְׁמֵת, מִתְחַיֵּב בּוֹ: וְאָמְרוּ<sup>74</sup> "לֹא תֵלִין וּגו'" , בָּא לְצוּת לְהַמּוֹן הָעַם שֶׁלֹּא יִהְיֶה רֹאשׁ אַחֵר הַחֵכֶם, עַל דֶּרֶךְ אֲמָרוֹ (ראה ברכות יט.) אִם רָאִיתָ תַלְמִיד חֵכֶם שֶׁעָבַר עֲבִירָה בַּיּוֹם אֶל תִּהְיֶה רֹאשׁ אַחֲרָיו בְּלִילָה שְׁמָא<sup>75</sup> עָשָׂה תְּשׁוּבָה, וְהִעֲמִידוּהָ, בְּיָדָיו עָשָׂה תְּשׁוּבָה. וְהוּא אָמְרוֹ "לֹא תֵלִין נְבִילָתוֹ"<sup>76</sup>, כִּי הַחֵטָא יִקְרָא גַם כֵּן נְבִילָה,

#### OR HACHAIM ELUCIDATED

**this tree is a reference to the sage**, who is called in a number of sources, a "tree that yields fruit."<sup>[72]</sup> — **The Torah teaches that [the sage] will receive his due punishment for the sinner's death,** כִּי ה' צִוְּהוּ לְהוֹכִיחַ וּלְחַזֹּר וּלְהוֹכִיחַ עַד הַכָּאָה וְכִמּוֹ שֶׁכִּתְּבֵנוּ בַּפֶּרֶשֶׁת — **for Hashem has instructed him to rebuke sinners again and again if necessary, even until the point that he will be struck by the sinner for his rebuke (see Arachin 16b), as we have written in Parashas Kedoshim (Vayikra 19:17).**<sup>[73]</sup> — **When he ignores the sins of this person until the point where [the sinner] died for it, [the sage] is held liable for what happened to him.**

While this verse ascribes the responsibility for the sinner's death to the sages of that generation, the following verse warns the rest of the people not to allow this to lessen their reverence for the sages:<sup>[74]</sup>

**By saying, his body shall not remain for the night on the tree,** כָּא — **[the Torah] comes to instruct the rest of the nation not to think ill of the sages.** — **This may be understood in accordance with that which it says (see Berachos 19a): If you have seen a Torah scholar commit a transgression during the day, אל תהרהר אחריו בלילה שמא עשה — do not think ill of him during the night,**<sup>[75]</sup> **for perhaps he repented; and [the Gemara] there immediately amends it to mean that he certainly repented,** — **for it is inconceivable that a Torah scholar would remain for any length of time without repenting.** — **This is the meaning of [the verse's] statement, His body (neveilah) shall not remain for the night on the tree; the term neveilah, his body, refers to the sin,** — **for a sin is also called a neveilah.**<sup>[76]</sup> — **לֹא תִהְיֶה רֹאשׁ אַחֲרָיו**

72. Righteous Torah scholars are often compared to fruit-bearing trees; see *Tikkunei Zohar* §6; *Rashi* to *Bamidbar* 13:20 and *Or HaChaim* to *Vayikra* 19:23 (see related sources in *Meorei HaChaim*). See also *Or LaEinayim*, who suggests one reason for this comparison.

73. Or HaChaim writes there that the obligation to rebuke sinners rests primarily on Torah scholars. Here, Or HaChaim notes that the sage must extend himself without regard for his own honor; only at the point that the sinner is ready to strike him is the sage exempt from giving further rebuke (see *Beur Halachah* 608:2).

[This should not be taken to mean that rebuke may be given in an antagonistic manner. Or HaChaim to *Devarim* 11:22 highlights the dual nature of admonishment, which requires authority of the one who can offer such rebuke, but it must also be administered "with sweet words of love and affection" (see further,

*Arachin* 16b). Or HaChaim notes here only that the extent of the obligation is such that one must sacrifice his own honor and comfort, rebuking again and again, to the point that the sinner could conceivably strike him out of anger.]

74. See *Tikkunei Zohar* 141b, which interprets the verse in a similar manner.

75. In our version of the Gemara, the day and night are reversed: *If you have seen... during the night, do not think badly of him during the day.* Or HaChaim follows a version of this statement found in *Tanna DeVei Eliyahu Rabbah*, Ch. 3 (see *Or Yakar* and *Meorei HaChaim*).

76. The term נְבִילָה (*outrage*) is used below, 22:21, and elsewhere (e.g., *Yirmiyah* 16:18) as a description of sin. See also Or HaChaim to *Vayikra* 6:2, where Or HaChaim expounds upon a similar comparison.

כג לֹא־תִלִּין נִבְלָתוֹ עַל־הָעֵץ כִּי־קִבֹּר  
תִּקְבְּרֶנּוּ בַּיּוֹם הַהוּא כִּי־קָלַלְתָּ אֱלֹהִים  
תָּלוּי וְלֹא תִטְמֵא אֶת־אֲדָמְתָּךְ אֲשֶׁר יִהְיֶה  
כב א אֱלֹהֶיךָ נָתַן לָךְ נִחְלָה: לֹא־  
תִרְאֶה אֶת־שׁוֹר אֲחִיךָ אוֹ אֶת־שׂוֹי נְדָחִים  
וְהִתְעַלְמָתָּ מֵהֶם הֲשִׁב תְּשִׁיבֵם לְאֶחִיךָ:

רס" —  
(כג) כי קללת אלהים תלוי. זלזולו של מלך הוא, שאדם  
עשוי צדמות דיוקנו וישראל הם צניו. משל לשני אחים פאומים  
שהיו דומין זה לזה, אחד נעשה שר ואחד נתפס ללסטיית ונתלה,  
כל הרוחה אותו אומר השר פלוי (סס מו). כל קללה שצמקרה

אור החיים —  
לא תהרהר אחריו בלילה שהוא זמן לינה אחת<sup>77</sup>, "על העץ" שהוא תלמיד חכם<sup>78</sup>, "כי קבור תקברנו"  
לאותו חטא מעל העץ "ביום ההוא" עצמו, והטעם<sup>79</sup> "כי קללת אלהים", שאם אינך עושה כן, אתה  
מחלל שם שמים, וכאילו אתה נוגע בכבודו יתברך:  
וגמר אומר "ולא תטמא את אדמתך", יתבאר על דרך אומרים ו"ל (שבת קיט), לא חרבה  
ירושלים אלא על שהיו מבזים בה תלמיד חכם, שנאמר (דברי הימים ב' לו, טו) "ויהיו מלעבים וגו' ",

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The verse is saying that although during the day of the sinner's death the sage may have been responsible, but **you shall not think ill of him that night, which is "the time of one overnight."**<sup>[77]</sup> — The verse states that one should not leave this sin upon "the tree," i.e., ascribing the sin to the sage, for by that time he has surely repented.<sup>[78]</sup> **כי** — The verse continues: *Rather, you shall surely bury it* — i.e., you shall remove the blame for that sin from upon the "tree" — on that very day. — The reason, the verse continues, is, *for an ascribed [sin]<sup>[79]</sup> is an insult of God*; — *this means that if you do not do so, but continue to attribute the sin to the sage, you thereby desecrate the Name of Heaven, and it is as though you are infringing on the honor of [Hashem], blessed be He.*

Or HaChaim explains the end of the verse following this approach:

[The verse] concludes its statement by saying, *and you shall not contaminate your Land, which HASHEM, your God, gives you as an inheritance.* **יתבאר על דרך** — *This may be explained in accordance with what [the Sages], of blessed memory, say* (Shabbos 119b): **לא חרבה ירושלים אלא על שהיו מבזים בה תלמיד חכם** — *as it says as a reason for the destruction of Yerushalayim (II Divrei HaYamim 36:16), But they insulted the messengers of*

77. לא תלין means *do not leave overnight*. The verse alludes here to the fact that although the sin occurred during the day, you should not leave it in your mind for even one night as the responsibility of the sage. Or HaChaim's expression, "the time of one overnight" reflects the fact that the word לינה at times refers to staying over many nights, and at other times to just one night (see, for example, *Rashi to Bereishis 24:23*). Or HaChaim uses this phrase to convey that one should

not harbor ill thoughts against the sage for even one night; see following note.

78. Accordingly, the clause should be interpreted as follows: *His sin shall not remain [in your mind] as the sage's responsibility for [even one] night.*

79. According to this exposition, the word תלוי (literally, *hanging*), refers to the ascribed sin, just as earlier, the word ותלית alluded to ascribing the sin (see above, note 71).

<sup>23</sup> His body shall not remain for the night on the gallows, rather, you shall surely bury him on that day, for a hanging person is an insult of God, and you shall not contaminate your Land, which HASHEM, your God, gives you as an inheritance.

**22** <sup>1</sup> You shall not see the ox of your brother or his sheep or goat straying, and hide yourself from them; you shall surely return them to your brother.

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וְלֹא צִיּוֹה ה' שְׁלֹא יִסּוּכְבוּ בְּבִיּוּזֵי תַלְמִיד חֶכֶם, טוֹמְאֵת הָאָרֶץ, בְּבִיאת גוֹיִם בְּנִחְלַת ה' וְיִטְמְאוּהָ:  
**כב [א] לֹא תִרְאֶה אֶת שׁוֹר וְגו'.** פֶּרֶשָׁה זוֹ בָּאָה לְרַמּוֹז בְּפִרְטוּת, חִיּוּב הַתּוֹכְחוֹת שֶׁצָּרִיכִין בְּנֵי אֵל חַי צְדִיקֵי עוֹלָם, לַעֲשׂוֹת לַעֲמֵם ה', וְהֵן אֵלֶּה צְדִיקִים, וְקָרְאוּ לְצַד מַעֲלָתָם אֲחִים, כְּמוֹ שֶׁהִעִירוּתֵיךְ (וִיקְרָא יט, יז), שֶׁבִּינְיָי זֶה שֶׁהוּא מִדְּרָגָה הַיּוֹתֵר מְעוֹלָה שֶׁבְּכָל בִּינְיָיִם, אֲשֶׁר יִתְכַּנּוּ בָּהֶם יְחִידֵי עַם: וְאוֹתָם צִיּוֹה ה' כִּי "תִּרְאֶה אֶת שׁוֹר", אֵלֶּה הֵם בְּנֵי אָדָם שֶׁנִּמְשְׁלוּ בְּבִהְמוּת, וְהֵם צֶאֱן קְדָשִׁים (ע"פ יחזקאל לו, לח), וְלֹא קִרְאָם שׁוֹר וְשֶׁה "אֲחִיר" שֶׁהוּא הַקְדוּשׁ בְּרוּךְ הוּא, וְיִחַס לוֹ שֵׁם זֶה, לְהַעִיר אֶל מִי מְקֻדָּשֵׁי הוּא מִצִּיּוֹה, שֶׁהֵם הַצְדִּיקִים, כְּמוֹ שֶׁכָּתַבְנוּ:

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*God, etc.* — Thus, Hashem instructs the Jewish people in our verse **not to bring about the contamination of the Land through the sin of degrading a Torah scholar**, by ascribing to him a sin for which he has surely repented; **בְּבִיאת גוֹיִם בְּנִחְלַת ה' — for if they do so, Yerushalayim will be destroyed and the Land will be contaminated through having idolaters enter the inheritance of Hashem and contaminate it.**

#### 22.

**1. לֹא תִרְאֶה אֶת שׁוֹר וְגו' — YOU SHALL NOT SEE THE OX, ETC.**

Or HaChaim explained the previous passage as an allegorical teaching regarding the responsibility of the sages of each generation to reprove sinners and correct their actions. Here, Or HaChaim continues this theme:

**This passage comes to allude, in more detail, to the obligation of rebuke — שֶׁצָּרִיכִין בְּנֵי אֵל חַי צְדִיקֵי עוֹלָם לַעֲשׂוֹת לַעֲמֵם ה' — that the children of the Living God,<sup>[1]</sup> the righteous of the world, must fulfill toward the nation of Hashem.**

Or HaChaim begins by identifying “your brother,” and “his ox, sheep, or goat” in this first part of the verse (*You shall not see the ox of your brother or his sheep or goat straying, and hide yourself from them*): **Now, these righteous people, due to their lofty level, are called “brothers” of Hashem, as it were, — כְּמוֹ שֶׁהִעִירוּתֵיךְ שֶׁבִּינְיָי זֶה — as I have informed you elsewhere (Vayikra 19:17) that this title of “brother” to Hashem — שֶׁהוּא מִדְּרָגָה הַיּוֹתֵר מְעוֹלָה שֶׁבְּכָל בִּינְיָיִם — is the highest level of all titles by which only the most outstanding of the nation are called.** **It is to those righteous people that Hashem commanded in our verse, saying that if you see the ox of your Brother; i.e., if you, the righteous, see His “ox,” “sheep,” or “goat” straying, etc. Who does the verse refer to with the metaphor of these animals? — אֵלֶּה הֵם בְּנֵי אָדָם שֶׁנִּמְשְׁלוּ בְּבִהְמוּת — This refers to those people who are likened to animals on account of their physicality and lack of spiritual awareness, — וְהֵם צֶאֱן קְדָשִׁים — but who are called “holy sheep” of Hashem (see Yechezkel 36:38) since they are still part of Hashem’s nation.** **וְלֹא קִרְאָם שׁוֹר וְשֶׁה “אֲחִיר” — That is why it calls them the ox and sheep of your Brother, which refers to the Holy One, blessed is He. — וְיִחַס לוֹ שֵׁם זֶה לְהַעִיר אֶל מִי מְקֻדָּשֵׁי הוּא מִצִּיּוֹה — [The verse] refers to [Hashem] by this title “Brother,” to convey which of His holy ones He is instructing in this verse, — שֶׁהֵם הַצְדִּיקִים כְּמוֹ שֶׁכָּתַבְנוּ — namely, the outstanding righteous, who are called brothers of Hashem, as we have written above.**

1. Stylistic usage of *Hoshea* 2:1.

ב ואם-לא קרוב אחיך אליך ולא ידעתו ואספתו  
אל-תוף ביתך והיה עמך עד דרש אחיך אתו

רע"י

(ב) עד דרש אחיך. וכי תעלה בלעבך שימנהו לו קודם שידרשו, חלף דרשו שלא יהא רמאי (ספרי רג; צבא מניעא כה):

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ואומרו "נדחים", על דרך אומרו (לעיל ה, יט) "ונדחת והשתחית להם וגו'", שהעובר פי ה' יקרא נידח, ויצו ה' לכל יתעלם, אלא ישיבם לאחיו הוא אלהי עולם. וכפל לומר "השב תשיבם", נתכוון, כי מתחילה ישיבם לדרך הטוב, ובה יתקרבו אל אביהם שבשמים, והוא אומרו "תשיבם" אל "אחיק":

ואומרו "ואם לא קרוב אחיק וגו'", בזה העיר, כי הוא מדבר על זמן גלות האחרון כי לא קרוב, בדרך אומרו (במדבר כד, יז) "אשונו ולא קרוב". עוד לו, "ולא ידעתו" שנסתם הקץ, ואין יודע מתי קץ הפלאות,<sup>2</sup>

OR HACHAIM ELUCIDATED

In what state do the righteous find these holy "sheep" of Hashem, the spiritually ignorant members of Hashem's nation?

[The verse's] statement that the animals are found *straying* is understood in accordance with that which it says regarding the sin of idolatry (above, 4:19), *and you will be drawn "astray" and bow to them, etc.*, — שהעובר פי ה' יקרא נידח — from which we see that one who transgresses the Word of Hashem is referred to as "having gone astray." — ויצו ה' לכל יתעלם — With this mitzvah, Hashem instructs the righteous not to hide himself from those of the nation who have gone astray, and not to ignore their sins.

What shall the righteous do? The verse concludes: *you shall surely return them to your brother*:

— אלא ישיבם לאחיו הוא אלהי עולם — He shall not ignore them, but rather return them to his "Brother," the God of the world, by showing them the proper way. — וכפל לומר "השב תשיבם" — As for that which [the verse] repeated itself by saying, *you shall surely return them* (literally, *return you shall return them*), — נתכוון כי מתחילה ישיבם לדרך הטוב — it intends to say that the path of return to Hashem takes place in two steps: First, [the righteous person] returns these people to the proper path, by influencing them and drawing them close, — ובזה יתקרבו אל אביהם שבשמים — and as a result, they will draw closer to their Father in Heaven on their own accord. — והוא אומרו "תשיבם" אל "אחיק" — That is what it means when it says, *you shall return them to your brother*; as a result of your influence, they will return on their own to Hashem.

Verse 2 describes a situation where returning the lost object is not immediately possible: *If your brother is not near you and you do not know him, then gather it inside your house, and it shall remain with you until your brother inquires after it, and you return it to him*. Continuing his allegorical approach, Or HaChaim interprets this verse as describing the great challenge of returning people to Hashem in these later generations of exile:

— ואומרו "ואם לא קרוב אחיק וגו'" — We may interpret [the verse's] statement, *If your brother is not near you*, etc., as follows: — בזה העיר כי הוא מדבר על זמן גלות האחרון — With this description [the Torah] conveys that it is speaking of the period of the present and final exile, — כי לא קרוב — for it is the longest of exiles, and therefore described as one whose end is "not near," as [the verse] says about Mashiach (*Bamidbar 24:17*): *I shall look at him, but it is not near*. — Furthermore, our verse continues to describe the exile by saying "*and you do not know him*"; this means that not only is the exile long, but its end is also hidden from us, for no one knows when the concealed end is.<sup>[2]</sup>

2. Stylistic usage of *Daniel 12:6*. Regarding other exiles, such as the exile that followed the destruction of the first *Beis HaMikdash*, the length of the exile and the time of redemption were revealed to the prophets.

<sup>2</sup> *If your brother is not near you and you do not know him, then gather it inside your house, and it shall remain with you until your brother inquires after it,*

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וְהָיָה יְסוּבָב הָרַחֲקָת הַלִּבּוֹת מִהֶאֱמוּנָה, וְנִטְוִי רַגְלֵי, כַּאֲשֶׁר עֵינֵינוּ רֹאוֹת בְּדוֹרוֹת הַלָּלוּ. עִם כָּל זֶה יֵצֵא ה' וְיִאֲסֹפֶתוּ אֶל תּוֹךְ בֵּיתְךָ, זֶה בֵּית הַמִּדְרָשׁ, וְיִלְמְדֶהוּ אוֹרְחוֹת חַיִּים וְדֶרֶךְ יִשְׁכּוֹן אוֹר, לְבַל יִשָּׂה מִנִּי אוֹרָה, וְלֹא יִמְצָאֵהוּ אוֹיְבוֹ בְּמַחְשָׁבוֹת וּטְעָנוֹת כּוֹזְבוֹת, כִּי אוֹר תּוֹרָה תִּצְלֶהוּ, וְהָיָה עַד שִׁתְּרָצָה ה' וְיִדְרָשׁוּהוּ, וְהוּא אוֹמְרוֹ "עַד דְּרַשׁ אַחִיךָ אִתּוֹ וְהִשְׁבַּתוֹ לוֹ", פִּירוּשׁ, מַעֲלָה עָלָיו הַכְּתוּב כִּאִילוֹ הוּא מְשִׁיבוֹ מִנִּי אוֹבֵד: אוֹ יִרְצָה, שְׁצִירֶיךָ הַחֹכֵם לְהַשְׁתַּדֵּל עִם בְּנֵי יִשְׂרָאֵל בְּכֹחַ הַתּוֹרָה וְהַמוֹסֵר, עַד יוֹם פְּקוּדָה שִׁדְרוּשׁ ה' נִשְׁמָתוֹ, וְאָז "הָרוּחַ תָּשׁוּב אֶל הָאֱלֹהִים" (קֹהֶלֶת יב. ז), וְדִקְדַּק לֹמַר "וְהִשְׁבַּתוֹ לוֹ", שְׂאֵם יִמְעַדוּ קְרִסוּלָיו

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**Now, this difficult condition causes the hearts of many to be distanced from their faith in Hashem, and causes their feet to slip,**<sup>[3]</sup> i.e., they are in danger of turning away from the Torah entirely, **— as we see ourselves in these generations.** In times such as these, the task of returning those who have gone astray is particularly challenging.

**But despite all these challenges, Hashem instructs the righteous person: gather him inside your house;** "your house" refers to the *beis medrash*,<sup>[4]</sup> **and there he shall teach him Torah so that he may learn the proper ways to live and the path that will lead to a life illuminated with the light of Hashem.**<sup>[5]</sup> **The penitent studies Torah so that he will not stray from the proper Torah way, and so his enemy, the yetzer hara, will not be able to encounter him with false ideas and arguments, — for the light of the Torah will save him.**<sup>[6]</sup>

The verse continues that you should do this, *until your brother inquires after it, and you return it to him:*

**This process, of the sage continually helping the penitent to return to Hashem, will continue until Hashem will favor [the penitent] and seek him out, providing him with the strength to continue on his own;**<sup>[7]</sup> **and that is what the verse means when it says, and it shall remain with you until your Brother inquires after it,** i.e., the Jew whom you are returning to Torah shall remain with you, the righteous person, until Hashem seeks him out and guides him on the right path. **The concluding words of the verse, and you return it to him, mean, — that through all the actions that the righteous person did, the Torah considers it as though he brought back [this Jew] from destruction.**

Another explanation of the words, *until your brother inquires after it, and you return it to him:*

**Alternatively, it means to say — that the sage must continuously exert effort to inspire each of these Jews through the power of Torah study and admonishment — until the day of reckoning when Hashem will seek [that person's] soul (until your Brother inquires after it).** **ואָז "הָרוּחַ תָּשׁוּב אֶל הָאֱלֹהִים" — Then, having served Hashem until the end of his life, the spirit will return to God (Kohel's 12:7).** **That is why [our verse] was particular to say, and you return it to him, meaning, it is your responsibility to see to it that the soul returns to Hashem;**

3. Stylistic usage of *Tehillim* 73:2.

4. As Or HaChaim expounded similarly above, Ch. 21, after note 53.

5. Literally, *the path where light dwells*; stylistic usage of *Iyov* 38:19.

6. Torah knowledge enables a person to counter the

*yetzer hara's* arguments and false ideas. Furthermore, the spiritual power of studying Torah inherently brings people close to Hashem and atones for even the most severe of sins (see *Eichah Rabbah, Pesichta* §2; *Yerushalmi Chagigah* 1:7; see Or HaChaim above, 8:19-20).

7. See *Or Bahir*.

וְהִשְׁבַּתוּ לוֹ: וְכֵן תַּעֲשֶׂה לְחִמּוֹ וְכֵן תַּעֲשֶׂה  
לְשִׁמְלָתוֹ וְכֵן תַּעֲשֶׂה לְכָל-אַבְדַּת אַחִיךָ  
אֲשֶׁר-תֵּאבֹד מִמֶּנּוּ וּמִצִּאתָהּ לֹא תוּכַל  
לְהַתְּעִלֵם: לֹא-תִרְאֶה אֶת-חִמּוֹר אַחִיךָ אֹ  
שׁוֹרֵי נָפְלִים בְּדֶרֶךְ וְהַתְּעַלְמָתָם מֵהֶם הֵקֵם תִּקִּים

וְהִשְׁבַּתוּ לוֹ. שָׁהָא זֶה הַשָּׂדֶה, שֶׁלֹּא יֵאָכֵל בְּצִיָּתְךָ כְּדֵי דַמּוּי וְיֵאָכֵל, וְשִׁאֲנוּ עוֹשֶׂה וְאוֹכֵל יִמְכֹּר (בצא מִיַּעַל סס): (ג) לֹא וְתִקְבְּצֵם מִמֶּנּוּ. מִכָּחַן חֲמִירוֹ: כָּל דְּבָר שְׁעוֹשֶׂה וְאוֹכֵל יַעֲשֶׂה תוּכַל לְהַתְּעִלֵם. לְכַבֹּשׁ עֵינְךָ כְּחִילוֹ חֵינְךָ רוּחָהּ חִוּתוֹ:

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(ע"פ תהלים יח, לו), לֹא תִשׁוּב הַנֶּפֶשׁ אֶל הָאֱלֹהִים, וְתִלָּךְ לְחִרְפוֹתָּ: וְאוֹמְרוֹ "וְכֵן תַּעֲשֶׂה", לְפִי שֵׁשׁ בְּאַמְצָעוֹת הָאָדָם שְׁלֹשָׁה דְּבָרִים: הָאֶחָד, הִרְכַּבְתָּ הַגּוּף. שְׁנִי, חֵלֶק הַרוּחָנִי שֶׁבְּאָדָם. שְׁלִישִׁי, חֵלֶק הַתּוֹרָה הַמְּאוֹרֶשֶׁת לְכָל אֶחָד מִיִּשְׂרָאֵל. בְּנֶגֶד הִרְכַּבְתָּ הַגּוּף, אָמַר "כֵּן תַּעֲשֶׂה לְחִמּוֹ"<sup>10</sup>. בְּנֶגֶד חֵלֶק הַרוּחָנִי, אָמַר "כֵּן תַּעֲשֶׂה לְשִׁמְלָתוֹ"<sup>11</sup>, כִּי בְּחִינָה זֹאת תִּקְרָא שְׁמֻלָּה, כְּאוֹמְרָם בְּמִסְכַּת שֶׁבַת (קנב): מִשָּׁל לְמֶלֶךְ שֶׁחֵלֶק בְּגָדֵי מַלְכוּת<sup>12</sup>. וּבְנֶגֶד חֵלֶק הַתּוֹרָה, אָמַר "וְכֵן תַּעֲשֶׂה לְכָל אַבְדַּת

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for if he does not remain steadfast, and at some point **his feet slip** from the proper path, **the soul will not return to God, but will go to eternal shame.**<sup>[8]</sup>

V. 3 concludes this passage of returning lost objects with the following general statement: *So shall you do for his donkey, so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you find it; you shall not hide yourself.* Or HaChaim explains that with these three examples — (1) *his donkey*; (2) *his garment*; (3) *any lost article* — the verse describes in detail the obligation to return to Hashem those who have gone astray:

לְפִי שֵׁשׁ בְּאַמְצָעוֹת הָאָדָם שְׁלֹשָׁה — As for that which it says, *So shall you do*, etc., וְאוֹמְרוֹ "וְכֵן תַּעֲשֶׂה" — it is because there are three facets to [every] Jewish person: **One is the physical aspect**, i.e., his body; שְׁנִי חֵלֶק הַרוּחָנִי שֶׁבְּאָדָם — **the second is the spiritual element of the person**; שְׁלִישִׁי חֵלֶק הַתּוֹרָה הַמְּאוֹרֶשֶׁת לְכָל אֶחָד מִיִּשְׂרָאֵל — **and the third is the portion of the Torah which is "betrouthed" to every Jew.**<sup>[9]</sup> Our verse urges the righteous to bring each of these three facets of a Jew back to Hashem. **Corresponding to the physical aspect**, it says, *So shall you do for his donkey*, i.e., you shall return his physicality to Hashem.<sup>[10]</sup> **Corresponding to the spiritual element**, it says, *so shall you do for his garment*, i.e., you shall return his soul to Hashem.<sup>[11]</sup> **כִּי בְּחִינָה זֹאת** — This is an apt expression for the spiritual aspect of a person because this element is referred to as a "garment," as [the Sages] say in *Maseches Shabbos* (152b): **מִשָּׁל לְמֶלֶךְ שֶׁחֵלֶק בְּגָדֵי מַלְכוּת** — The placing of the soul into the human body is **analogous to a king who distributed royal garments** to his servants, etc.<sup>[12]</sup> וְכֵן תַּעֲשֶׂה לְכָל אַבְדַּת

8. Allusion to Daniel 12:2, regarding the fate of the righteous and the wicked at the end of days: *Many ... will awaken: these [the righteous] for everlasting life and these [the wicked] for shame ...*

9. See *Pesachim* 49b. Every Jew has an individual share in the Torah, which he received at Mount Sinai. The idea that the Torah is betrothed to every Jewish person is a reference to this personal connection that each person has with the Torah (Or HaChaim to *Bamidbar* 24:7); see further below, at note 14 and note 18.

10. The word *חִמּוֹר*, *donkey*, is a metaphor for physicality

(from the word *חִמְרָה*). See following note.

11. Hashem instructs the righteous to guide their fellow Jews to serve Hashem both in their physical activities and in their spiritual endeavors. *Or LaEinayim* explains that the people who have a difficult time serving Hashem with mitzvot have to have their spirituality returned to Hashem; those who find that while they willingly perform mitzvot, but they do not engage in their physical, mundane activities for the sake of Hashem, have to have their "physicality" returned to Hashem.

12. Or HaChaim further elaborates on why the term



and you return it to him.<sup>3</sup> So shall you do for his donkey, so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you find it; you shall not hide yourself.

<sup>4</sup> You shall not see the donkey of your brother or his ox falling on the road and hide yourself from them; you shall surely stand them up, with him.

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אָחִיד, וְקִרְאָהּ הַכְּתוּב אֲבֵדָה, כְּמוֹ שֶׁרָמַז רַבִּי שְׁמֵעוֹן בֶּר יוֹחָאי (קִידוּשִׁין ב:), מִשָּׁל לְמִי שֶׁנֶּאֱבְדָה לוֹ אֲבֵדָה מִמְּחֹזֵר עַל מִי וכו',<sup>13</sup> כִּי חֶלֶק הָעוֹלָה לְאִישׁ זֶה, הִנֵּה הוּא אֲבוֹד מִהָעוֹלָם, כִּינּוּן שֶׁאֵין זוּלָתוֹ יָכוֹל לְהַשִּׁיגוֹ, כְּאִמּוֹר בְּדִבְרֵי הַמְּקוּבָּלִים (חֶסֶד לֵאבְרָהָם מַעֲיָן ב נהר כא)<sup>14</sup>, וּבְאִמְצָעוֹת הַשְּׂכָתוֹ בְּתִשְׁבּוּהָ, הִנֵּה הוּא מוֹצֵא אוֹתָהּ:

וְאָמַר עוֹד "לֹא תִרְאֶה אֶת חֲמוֹר אֲחִיד וְגו'" , נִתְכַּוֵּן בָּזֶה, שֶׁלֹּא יֵאמַר הַצַּדִּיק, שֶׁלֹּא נִצְטוּהוּ אֲלָא עַל אִישׁ שֶׁנִּיחַד בַּעֲבִירוֹת אֲבָל יִשְׁנֵנוּ בְּהֶשֶׁב, אֲבָל אִם נָפַל וְהִרְבֵּה לְהִרְשִׁיעַ, הִלְנוּפְלִים תִּקְוָמָה, וְאֲבֵדָה תִּקְוָה

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**“אָחִיד — Corresponding to the person’s portion of the Torah, it says, and so shall you do for any “lost article” of your brother. — The verse refers to [one’s portion of Torah] as a lost article, as R’ Shimon bar Yochai alluded to when he said (Kiddushin 2b) — מִשָּׁל לְמִי שֶׁנֶּאֱבְדָה לוֹ אֲבֵדָה מִמְּחֹזֵר עַל מִי וכו’ — that when a man and woman get married, it is analogous to a man who lost a possession. Who searches after whom? The owner of the lost possession searches after his possession.<sup>[13]</sup> — It is fitting for the Torah to describe one’s portion of Torah, which is compared to one’s betrothed, as a “lost article,” for the portion of Torah designated for this person is lost from the entire world until he discovers it, — כִּי חֶלֶק הָעוֹלָה לְאִישׁ זֶה הִנֵּה הוּא אֲבוֹד מִהָעוֹלָם — since no one other than he can discover it and reveal it in this world, as stated in the words of the Kabbalists (Chesed LeAvraham 2:21).<sup>[14]</sup> — Through that which he is drawn to repent, however, he “finds” it and brings it down to the world. This process is therefore alluded to in the Torah as returning a lost possession to its owner.**

Verse 4 seems to be discussing an entirely new situation: *You shall not see the donkey of your brother or his ox falling on the road and hide yourself from them; you shall surely stand them up, with him.* Or HaChaim, however, continues the theme of the previous passage, and explains that with this verse the Torah is further clarifying the extent of one’s responsibility to a fallen Jew:

**“ — [The Torah] says further: You shall not see the donkey of your brother, etc. — נִתְכַּוֵּן בָּזֶה שֶׁלֹּא יֵאמַר הַצַּדִּיק שֶׁלֹּא נִצְטוּהוּ אֲלָא עַל אִישׁ שֶׁנִּיחַד בַּעֲבִירוֹת — [The Torah] means with this statement to teach that a righteous person should not think that he is only commanded to bring other Jews back to the Torah when it is one who has been led astray into occasional transgression, — אֲבָל יִשְׁנֵנוּ בְּהֶשֶׁב — but he has not abandoned the Torah entirely and so he is merely in need of being returned to complete observance, for this is the person described in the previous passage regarding returning the lost object. — אֲבָל אִם נָפַל וְהִרְבֵּה לְהִרְשִׁיעַ — However, if [the sinner] fell completely, and acted exceedingly wicked, having stopped observing the Torah at all, then, the righteous person may think that he is not commanded to help him, הִלְנוּפְלִים תִּקְוָמָה וְאֲבֵדָה תִּקְוָה**

garment is a fitting metaphor for the soul in his work Cheifetz Hashem to that Gemara.

13. R’ Shimon bar Yochai uses this analogy to explain why the Torah characterizes the man as the active partner in the *kiddushin* process in the verse (Devarim 22:13), *when a man shall take a woman*. R’ Shimon explains that the wife is the “lost possession” of the husband (since the first woman was created from the body of Adam) and just as the owner searches after his lost possession and his possession does not

search after him, so too man searches for his wife. Or HaChaim notes that “a lost article” is therefore a fitting metaphor for one’s portion of Torah, since that portion is compared to one’s betrothed wife (see above, note 9).

14. Just as every Jew received the Torah at Mount Sinai with his own distinct understanding, so too throughout all generations, every Jew has a unique share in the Torah that he, and only he, can bring to light. This is his soul’s personal portion in Torah.

עמה: ה לא יהי תקון וין דגבר  
על אתמא ולא יתקן גבר  
בתקוני אתמא ארי מרחק  
קדם יי אלהה כל עבר אליו:  
ו ארי יערע קנא דצפרא  
קדמך בארחה בכל אילן או  
על ארעא אפרחין או בעין  
ואמא רבעא על אפרחין  
או על בעין לא תסב אמא  
על בניא: ו שלחא תשלח  
ית אמא וית בניא תסב  
לה בדיל דייטב לה ותוריה  
יומין: ח ארי תבני ביתא  
חדמא ותעבד תיקא לאגרה  
ולא תשוי חובת דין דקטול  
בביתך ארי ופל דנפל מנה:  
ט לא תזרע פרמך ערובין  
דילמא תסתאב דמעט זרעא  
די תזרע ועללת פרמא: י לא  
תדי בתורא ובחמרא  
בחרא: יא לא תלבש  
שעטנא עמר וכתן מחבר  
בחרא: יב כרספדין תעבד  
לה על ארבע פנפי כסותך  
די תכסי בה: יג ארי יסב גבר  
אתמא ויעול לותה ויסגנה:

ה עמו: לא יהיה כלי גבר על אשה ולא  
ילבש גבר שמלת אשה כי תועבת יהוה  
אלהיה כל עשה אלה:  
ו כי יקרא קן צפור | לפניך בדרך בכל עץ  
| או על הארץ אפרחים או ביצים והאם  
רבעת על האפרחים או על הביצים לא  
תקח האם על הבנים: שלח תשלח את  
האם ואת הבנים תקח לה למען ייטב לה  
ח והארכת ימים: כי תבנה בית חדש  
ועשית מעקה לגגה ולא תשים דמים בביתך  
ט כייפל הנפל ממנו: לא תזרע פרמך בלאים  
פן תקדש המלאה הזרע אשר תזרע ותבואת  
י הפרם: לא תחרש בשור ובחמור  
יא יחדו: לא תלבש שעטנא עמר ופשתים  
יב יחדו: גדלים תעשה לה על ארבע  
יג בנפות כסותך אשר תכסה בה: כי  
יקח איש אשה ובא אליה ושנאה:

שלישי

רס"ו

לכרם ושדה ולבגדים נאים, לכך נסמכו פרשיות הללו ותנחומא  
א: מעקה. גדר סביב לגג. ואונקלוס תרגם "סיקא", כגון סיק  
שממער מה שצנכו: בי ופל הנפל. ראו זה ליפול, ואף על  
פי כן לא תתנגלל מיתו על ידך, שמנגלגין זכות על ידי זכאי  
וחובה על ידי חייב (ספרי רכט; שבת לב): (ט) בלאים. חטה  
ושעורה וחרגן צמפולת יד (זכרות כב): פן תקדש. פתרגומו  
"תסתאב". כל דבר הנעטב על האדם, צין לשבח כגון הקדש,  
צין לגנאי כגון חיסור, נופל צו לשון קדש, כמו "אל תגש צי כי  
קדשך" (ישעיה סה, ה): המלאה. זה מילוי ותוספת שהזרע  
מוסיף (פסחים כה): (י) לא תחרש בשור ובחמור. הוא הדין  
לכל שני מינים שצטולס, והוא הדין להנהיגם יחד קשורים וזגים  
בהולכת שום משא (ספרי רלא): (יא) שעטנא. לשון שיריב.  
ורבוינו פירשו: שיע טווי וגו' (שם רלב; נדה סא): (יב) גדלים  
תעשה לה. אף מן הפלחים, לכך סמך הפתוי (יבמות ד).  
(יג) ובא אליה ושנאה. סופו

(ד) הקם תקים. זו טעיה, להטעין משאו שפיל מעליו (ובא  
מיעא לב): עמו. טס צטליו. חבל חס הלך ויש לו וחמר  
לו: הואיל ועליך מנה חס ריית להטעין טעון, פטור (שם):  
(ה) לא יהיה כלי גבר על אשה. שתהא דומה לאיש כדי  
שתלך צין האגשים, שאין זו חלף לשם ניהוף (ספרי רכו; מיר  
נט): ולא ילבש גבר שמלת אשה. לילך לישב צין הנשים  
(שם ושם). דבר אחר, שלא יסיר שער הערוה ושער של צית  
השחי (מיר שם): בי תועבת. לא חסרה תורה חלף לבוש  
המציא לדי תועבה (שם ושם): (ו) בי יקרא. פרט למזומן  
(ספרי רכו; חולין קלט): לא תקח האם. צטודה על הבנים:  
(ז) למען ייטב לה וגו'. חס מנה קלה שאין צה חסרון פים  
אמרה תורה "למען ייטב לה והארכת ימים", קל וחומר למסן  
שכרן של מנות חמורות (ספרי רכח; חולין קמב): (ח) כי תבנה  
בית חדש. חס קיימת מנות שלוח הקן סופך לבנות צית חדש  
ותקיים מנות מעקה, שמנה גוררת מנה (אבות ד, ב, וסגיש

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ממנו, לא כן הוא, אלא לא תראהו ותתעלם:

OR HACHAIM ELUCIDATED

ממנו — for can people who fall to such an extent rise again?! Surely all hope is lost for him! This case, where the person has fallen away from Torah observance entirely, is the subject of this verse describing the animals of "your Brother," Hashem, "fallen on the road," without the ability to rise. לא  
— With this verse the Torah informs us that it is not so; the righteous are

<sup>5</sup>Male garb shall not be on a woman, and a man shall not wear a woman's garment, for anyone who does so is an abomination of HASHEM.

<sup>6</sup>If a bird's nest happens to be before you on the road, on any tree or on the ground — young birds or eggs — and the mother is roosting on the young birds or the eggs, you shall not take the mother with the young. <sup>7</sup>You shall surely send away the mother and take the young for yourself, so that it will be good for you and you will prolong your days.

<sup>8</sup>If you build a new house, you shall make a fence for your roof, so that you will not place blood in your house if a fallen one falls from it.

<sup>9</sup>You shall not sow your vineyard with a mixture, lest the growth of the seed that you plant and the produce of the vineyard become forbidden.

<sup>10</sup>You shall not plow with an ox and a donkey together. <sup>11</sup>You shall not wear combined fibers, wool and linen together.

<sup>12</sup>You shall make for yourself twisted threads on the four corners of your garment with which you cover yourself.

<sup>13</sup>If a man marries a wife and comes to her and hates her,

#### — אור החיים —

וְצִרִיף לְהִקִּים “עֲמוֹ”, דִּקְדָּק לומר דוֹקָא אִם הוּא מְסִייעַ בְּדִבְרֵי שְׁרוּצָה לְשׁוּב, אָבֵל אִם הוּא נוֹפֵל וְאִינוּ חָפֵץ בְּהַקְמַתָּהּ פְּטוּר אֹתָהּ<sup>15</sup>, שְׁוָה נִכְנָס בְּגֵדֵי לֵץ, וּכְתִיב (משלי ט, ח) “אַל תּוֹכַח לֵץ פֶּן יִשְׂנֹאֲךָ”:  
[יג] כִּי יִקַּח אִישׁ אִשָּׁה וּגְוִי. דְּבָרָה<sup>16</sup> תּוֹרָה כְּנָגֵד בְּנֵי אָדָם גַּם בְּנֵי אִישׁ<sup>17</sup>, אֲשֶׁר חוֹזְרִים פְּנִיָּהּ מִן

#### — OR HACHAIM ELUCIDATED —

not exempt from helping him; **rather**, the Torah warns the righteous: **Do not see [the fallen Jew] and hide yourself** from him; do not ignore his need or deny his ability to return to Hashem.

The Torah, however, adds one condition:

דִּקְדָּק לומר דוֹקָא אִם הוּא — The verse states that **you must stand him up “with him.”** [The Torah] was particular to say “with him,” indicating that this obligation exists **only if [the sinner] himself contributes** to his rehabilitation **because he wishes to repent**. In this case you are obligated to raise him up *with him*, i.e., assist him in his efforts as much as you can. אָבֵל אִם הוּא נוֹפֵל וְאִינוּ חָפֵץ בְּהַקְמַתָּהּ פְּטוּר אֹתָהּ — **However, if he falls and does not even wish for you to raise him up, you are exempt** from admonishing him.<sup>[15]</sup> — שְׁוָה נִכְנָס בְּגֵדֵי לֵץ — This is **because such a person is classified as a scoffer**, for he mocks man's most basic obligation toward Hashem, וּכְתִיב — **and of such a person it is written** (*Mishlei* 9:8): **Do not rebuke a scoffer, lest he hate you.**

**13. כִּי יִקַּח אִישׁ אִשָּׁה וּגְוִי — IF A MAN MARRIES A WIFE AND COMES TO HER AND HATES HER, ETC.**

#### ☞ THE FALSE CLAIM OF THOSE WHO NEGLECT TORAH STUDY

Or HaChaim explains the entire passage (vv. 13-22) allegorically:<sup>[16]</sup>

**The Torah is speaking** in this passage — דְּבָרָה תּוֹרָה כְּנָגֵד בְּנֵי אָדָם גַּם בְּנֵי אִישׁ אֲשֶׁר חוֹזְרִים פְּנִיָּהּ מִן הַתּוֹרָה

15. This interpretation is a reflection of the plain meaning of the verse as well. *Rashi* explains that this verse obligates one to pick up the fallen animal only in the case that the owner of the animal helps with the process.

16. Our translation of the verses cited in this passage follows Or HaChaim's allegorical approach, and does not always conform to the literal meaning found in the *Chumash* translation.

וְשֵׁם לָהּ עֲלִילַת דְּבָרִים וְהוֹצֵא עָלֶיהָ שֵׁם רָע  
וְאָמַר אֶת-הָאִשָּׁה הַזֹּאת לִקְחָתִי וְאֶקְרַב אֵלֶיהָ  
וְלֹא-מִצָּאתִי לָהּ בְּתוּלִים: וְלָקַח אָבִי הַנִּעְרָה<sup>טו</sup>  
וְאָמַר וְהוֹצִיאוּ אֶת-בְּתוּלִי הַנִּעְרָה אֶל-זִקְנִי<sup>הנער ב'</sup>

רס" —  
(יד) וְשֵׁם לָהּ עֲלִילַת דְּבָרִים. טַעֲמָהּ גִּזְרֵת טַעֲמָהּ  
(אבות ד', ז). טַעֲמָהּ טַעֲמָהּ "לֹא תִשָּׁנֵה" (ויקרא יט, יז) סוּפוּ לִבָּא  
לִידֵי לָשׁוֹן הָרַע (ספרי רלנ): אֶת הָאִשָּׁה הַזֹּאת. מִקְלָן  
(טס):

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הַתּוֹרָה, בְּאִמְרָם בִּי הַיּוֹם קָצָר לָמָּה שְׁצָרִיךְ לְהִשְׁתַּדֵּל עַל הַמַּחְיָה, וְעַל־יָהּ אָמַר הַפְּתוּב "כִּי יִקַּח אִישׁ  
אִשָּׁה", זֹאת הַתּוֹרָה הַמְּאֻרָשָׁה<sup>18</sup>, "וּבָא אֵלֶיהָ", שְׂכָבֵר זָרְחָה עֲלֶיהָ אוֹרָה שֶׁל תּוֹרָה בְּהַר סִינַי וְקִבְּלוּ  
הַלּוֹחוֹת, "וּשְׁנֵאָה", פִּירוּשׁ, שָׂאִין לָבֶם חֶפֶץ לָתֵת לָהּ עוֹנָתָה בְּמִשְׁפָּט<sup>19</sup>, וּבִשְׂבָא מוֹכִיחַ לְדַבֵּר אֵלָיו לָמָּה  
תִּמָּאֵס אִשֶּׁת נְעוּרִים, מִשִּׁיב בִּי אֵין הַתּוֹרָה זָנָה וּמִפְּרִנְסַת וְהוּא צָרִיךְ לְמַחְיָה, גַּם אֵינוֹ רוֹאֶה סִימָן בְּרָכָה  
מֵאֲמָצְעוֹת לִימּוּדָה, הֵגֶם בִּי יַעֲסוּק בָּהּ אֵין נִפְתָּחִין לוֹ שְׁעָרֵי פְּרִנְסָה טוֹבָה<sup>20</sup>, וְאֶדְרָבָא, רוֹאֶה בִּי כָּל  
הָאֲנָשִׁים שֶׁרַחֲקוּהָ וְאֵינָם חוֹשְׁבִים בָּהּ כָּל עֵיקָר, בְּתִיבָהּ מְלֵאִים כָּל טוֹב<sup>21</sup>.

#### OR HACHAIM ELUCIDATED

בְּאִמְרָם בִּי הַיּוֹם קָצָר לָמָּה שְׁצָרִיךְ, **about the many people<sup>[17]</sup> who turn away from the study of Torah,** **saying that the day is too short** to spend any of it studying Torah, since there is not enough time **for the necessary work to earn a livelihood.** — **Regarding them, the verse says: If a man marries a wife; this refers to the Torah, which is betrothed to every Jew,<sup>[18]</sup>** **שְׂכָבֵר זָרְחָה עֲלֶיהָ אוֹרָה שֶׁל תּוֹרָה בְּהַר סִינַי וְקִבְּלוּ** — **and he comes to her, meaning, they are not strangers to the Torah, for the light of the Torah already shone upon them at Mount Sinai, and they accepted the Luchos together with the rest of the Jewish people.** But, the verse concludes, instead of loving "his wife," the Torah, **he hates her, meaning, they do not desire to allot the required time in the day for studying [Torah].<sup>[19]</sup>**

The following verse describes the complaint of this man about the Torah: *and he makes a wanton accusation against her, spreading a bad name against her, and he says, "I married this woman, and I came near to her but I did not find signs of besulim on her."* Or HaChaim first explains the cause of the ill will this person has toward the Torah:

— **When an admonisher comes to speak to [this person], saying: "Why do you despise the Torah, the wife of your youth?,"** **מִשִּׁיב בִּי אֵין הַתּוֹרָה זָנָה וּמִפְּרִנְסַת** — **he answers that the Torah does not feed and sustain a person, and he needs to earn a livelihood, which leaves him no time to study Torah.** — **Additionally, he says that he does not see any indication of material blessing as a result of studying it,** **הֵגֶם בִּי יַעֲסוּק בָּהּ אֵין נִפְתָּחִין לוֹ שְׁעָרֵי פְּרִנְסָה טוֹבָה** — **for even when he does engage in it, the Heavenly gates of plentiful sustenance do not open for him.<sup>[20]</sup>** **וְאֶדְרָבָא רוֹאֶה בִּי כָּל הָאֲנָשִׁים שֶׁרַחֲקוּהָ** — **On the contrary, he sees that all the people who have distanced [the Torah] from themselves and do not think about it at all,** **בְּתִיבָהּ מְלֵאִים כָּל טוֹב** — **their homes, and not the homes of those who study Torah, are filled with everything good.<sup>[21]</sup>**

17. Stylistic usage of *Tehillim* 49:2.

18. See above, at note 9.

19. The term *עוֹנָתָה*, literally, *her time*, is the same term used to describe the time that a man is obligated to allot for his marital relationship (see note 27 below). Or HaChaim uses this expression in keeping with the

analogy of a man who hates his wife and no longer wishes to be with her.

20. He claims that the Torah neither provides him with direct sustenance, nor brings blessing to the financial endeavors of those who study it (*Meorei Or*).

21. Stylistic usage of 6:11 above.

<sup>14</sup> and he makes a wanton accusation against her, spreading a bad name against her, and he says, "I married this woman, and I came near to her and I did not find signs of virginity on her." <sup>15</sup> Then the father of the girl and her mother should take and bring proofs of the girl's virginity to the elders

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והוא אומרו "יִשָּׁם לָהּ עֲלִילַת דְּבָרִים וְהוּצָא עָלֶיהָ שֵׁם רָע", באומרו "אֵת הָאִשָּׁה הַזֹּאת לִקְחָתִי", פִּירוּשׁ, שְׁאִינוּ בּוֹפֵר בְּלִיקוּחָהּ, אֶלָּא שְׁאוּמֵר "וְאֶקְרַב אֵלֶיהָ וְלֹא מִצְאָתִי לָהּ בְּתוּלִים", פִּירוּשׁ, לְשׁוֹן חוּזֵק,<sup>22</sup> כִּי עוֹסְקִיהָ סָבִיב יַחֲנוּ, לְדַפּוֹק עַל דְּלָתֵי אֲחֵרִים לְמִצּוֹא טָרֶף: מוֹדִיעַ הַכְּתוּב, כִּי הַקְּדוֹשׁ בְּרוּךְ הוּא שֶׁהוּא הַנִּקְרָא "אָבִי הַנִּעְרָה" וּבִנְסַת יִשְׂרָאֵל<sup>23</sup>, יִתְּבַעוּ עֲלֻבוֹנָהּ שֶׁל תוֹרָה לִפְנֵי בֵּית דִּין הַגָּדוֹל, וְהוּא אומרו "וְלִקַּח אָבִי הַנִּעַר וְאִמָּהּ וְהוֹצִיאוּ אֶת בְּתוּלֵי הַנִּעְרָה", רִמּוֹ חוּזֵק וְעֲלִיָּה וְהַשְׁגוֹת רְמוֹת יוֹשְׁגוּ בְּאִמְצָעוֹתֶיהָ<sup>24</sup>, וְיִתְּבַעוּ עֲלֻבוֹנָהּ בְּבֵית דִּין, באומרו "הַשְּׁעָרָה"<sup>25</sup>. וְהוּא מֵה שְׁאִמְרוּ בְּזוּהָר (ח"ג פ.). כִּי עֲתִיד הַקְּדוֹשׁ בְּרוּךְ הוּא לְתַבּוֹעַ עֲלֻבוֹנָהּ שֶׁל תוֹרָה, וּכְאוּמָרָם בְּמִשְׁנָה (אבוֹת ג, ב) אוֹי לָהֶם לְבִרְיוֹת מְעֻלְבוֹנָהּ שֶׁל תוֹרָה:

#### — OR HACHAIM ELUCIDATED —

**That is what [our verse] means when it says, and he makes a wanton accusation against her, spreading a bad name against her, באומרו "אֵת הָאִשָּׁה הַזֹּאת לִקְחָתִי" — by saying: "I married this woman," meaning that he does not deny having married her, i.e., he does not deny that as part of the Jewish people he has a relationship to the Torah, — אֶלָּא שְׁאוּמֵר "וְאֶקְרַב אֵלֶיהָ וְלֹא מִצְאָתִי לָהּ בְּתוּלִים" — but says: "and I came near to her and I did not find signs of besulim on her." — פִּירוּשׁ לְשׁוֹן חוּזֵק** — The term *besulim* here is interpreted as an expression of strength.<sup>[22]</sup> **— The Torah, according to his claim, does not provide financial stability, as evidenced by the fact that those who engage in it must constantly travel to knock on the doors of others to find food.**

☞ **V. 15:** *Then the father of the girl and her mother should take and bring proofs of the girl's besulim to the elders of the city, to the gate:*

**The Torah tells us that the Holy One, blessed is He, Who is called the Father of the girl (the Torah), — and the Assembly of Israel, i.e., the Jewish people, which is called her mother,<sup>[23]</sup> יִתְּבַעוּ עֲלֻבוֹנָהּ שֶׁל תוֹרָה לִפְנֵי בֵּית דִּין — will demand justice for the affront to the Torah before the Great Heavenly Court. — הגדול והוא — That is what the verse means when it says, Then the father of the girl and her mother should take and bring proofs of the girl's besulim, — for Hashem will demonstrate the "besulim" of the Torah, alluding to the strength, ascendancy, and lofty attainments that can be reached through [Torah study].<sup>[24]</sup> — And they will thus demand justice for the affront to [the Torah] in the Heavenly Court, as it says, to the elders of the city, to the gate.<sup>[25]</sup> — This is as [the Sages] say in the Zohar (Vol. III 80a), — והוא מֵה שְׁאִמְרוּ בְּזוּהָר — that in the Future, the Holy One, blessed is He, will demand justice for the affront to the Torah, — and as they say in the Mishnah (Avos 6:2): Every day a Heavenly voice issues forth from Mount Chorev, announcing: "Woe to people because of their affront to the Torah!" Here too, the verse describes how Hashem and the Assembly of Israel will demand justice before the Heavenly Court from those who dishonor the Torah by abandoning its study.**

22. A *besulah* is a young maiden, who is still in her youthful strength (Or *LaEinayim*).

23. See *Berachos* 35b. (See, however, Or *LaEinayim*, who explains that Or HaChaim uses the term "Assembly of Israel" to refer to a Kabbalistic concept

describing a specific Heavenly Attribute.)

24. See the end of the following paragraph, where Or HaChaim elaborates on this further.

25. The term *gate* is often used in reference to the gates of the court (e.g., above, 21:19).

הָעִיר הַשְּׁעָרָה: וְאָמַר אָבִי הַנֶּעְרָה אֶל-  
 הַזְּקֵנִים אֶת־בְּתִי נָתַתִּי לְאִישׁ הַזֶּה לְאִשָּׁה  
 יו וַיִּשְׁנָאָהּ: וְהָיָה הָיָא שֶׁם עֲלִילַת דְּבָרִים לְאִמֹר  
 לֹא־מִצָּאתִי לְבִתִּי בְּתוּלִים וְאֵלֶּה בְּתוּלֵי בְּתִי  
 יח וּפְרָשׁוֹ הַשְּׁמֵלָה לִפְנֵי זִקְנֵי הָעִיר: וּלְקַחְו  
 זִקְנֵי הָעִיר־הַהוּא אֶת־הָאִישׁ וַיִּסְרוּ אֹתוֹ:

רס"י

(טז) וְאָמַר אָבִי הַנֶּעְרָה. מִלְמַד שֶׁחֵן רָשׁוּת לְאִשָּׁה לְדַבֵּר  
 דְּפִנֵּי הָעִיר (יז) וּפְרָשׁוֹ הַשְּׁמֵלָה. הִרִיזָה מִשָּׁל, מַחוּרָן  
 הַדְּבָרִים כְּשֶׁמֶלָה (סס רלז; כְּמוֹצֵת מו): (יח) וַיִּסְרוּ אֹתוֹ.  
 מִלְקוֹת (ספרי רלח; כְּמוֹצֵת אס):

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וְהָיָה טַעֲמָה הָעוֹמֵד לְתוֹבָע עֲלֻבוֹנָה כְּתוּבָה לְפָנֵינוּ, כְּאֹמְרוֹ "וְאָמַר אָבִי הַנֶּעְרָה אֶל הַזְּקֵנִים אֶת  
 בְּתִי נָתַתִּי לְאִישׁ הַזֶּה לְאִשָּׁה", פִּירוּשׁ, לֹא נָתַתִּיהָ לְעִגְנָה בְּקֶרֶן וְיוֹת, אֲלֵא לְהַתְנַהֵּג עִמָּה בְּמִנְהַג אִשָּׁה,  
 לְבַל יִגְרַע שְׂאֵרָה כְּסוּתָהּ וְעוֹנָתָה,<sup>26</sup> כְּמוֹ שֶׁמְפֹרָשִׁים שְׁלֹשֶׁת הַדְּבָרִים בְּסִפְר הַזוֹהַר (תִּיקוּנֵי זוֹהַר תִּיקוּן ו)  
 שֶׁכֻּלָּם צָרִיכִין לְתוֹרָה.<sup>27</sup> "וַיִּשְׁנָאָהּ", כָּאֵן רָמֹז סִיבַת הַהִרְחָקָה מִמֶּנָּה, שֶׁבָּאָה מֵאוֹתָהּ בְּחִינָה הַנִּקְרָאת  
 שְׁנָאָה.<sup>28</sup>

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Ⓢ V. 16: *The father of the girl will say to the elders, "I gave my daughter to this man as a wife, and he hated her":*

Now, the argument of [Hashem], Who rises to demand justice for the affront to [the Torah], is written before us in the next verse, *בְּאֹמְרוֹ "וְאָמַר אָבִי הַנֶּעְרָה"* — as it says, *The Father of the girl should say to the elders, "I gave my daughter to this man as a wife."* The meaning of the term *as a wife* in Hashem's demand is: *I did not give [the Torah] to the Jewish people in order to let it languish in a corner,* — *but for them to treat it in the manner of a man to a wife,* — *by not diminishing its "food, clothing, and time";*<sup>[26]</sup> — *as explained in the Book of the Zohar (Tikkunei Zohar §6), that all these three things are required for the Torah.*<sup>[27]</sup> The verse concludes: *"and he hated her";* here it alludes to the cause of the person's estrangement from [the Torah], — *explaining that it comes from that element called "hate,"* i.e., the *yetzer hara*, man's inborn enemy.<sup>[28]</sup>

Ⓢ V. 17: *וְהָיָה הָיָא שֶׁם עֲלִילַת דְּבָרִים לְאִמֹר לֹא־מִצָּאתִי לְבִתִּי בְּתוּלִים וְאֵלֶּה בְּתוּלֵי בְּתִי וּפְרָשׁוֹ הַשְּׁמֵלָה לִפְנֵי זִקְנֵי הָעִיר*  
*Now, behold! he made a wanton accusation against her, saying, "I did not find signs of besulim on your daughter" — but these are the signs of besulim of my daughter! And they should spread out the proof before the elders of the city.*

26. See following note.

27. These three obligations are stated in reference to what a man is obligated to provide his wife (*Shemos* 21:10): *He shall not diminish her food, her clothing, or her time* (marital relationship). *Tikkunei Zohar* explains that one is likewise obligated to "provide" these three obligations in his relationship to the Torah. "Food" refers to the actual study of Torah, which "provides sustenance," and supports that which is holy; "clothing" refers to *tzitzis* and *tefillin*; and "time" refers to the mitzvah of reciting *Shema* in its proper time.

Some commentators expound these three obligations regarding the Torah differently: "Time" refers to connecting to the Torah through thinking deeply about it; "clothing" refers to speaking the words of Torah (for thoughts are "clothed," or expressed, in words); and "food" refers to the performance of mitzvot, for just as food sustains life, the performance of mitzvot sustains the soul (see *Sefer Chareidim* cited in *Or Yakar* here; see also *Or Bahir* and *Or LaEinayim*).

28. One of the names of the *yetzer hara* is שְׁנָאָה, *enemy* (*Succah* 52a).

of the city, to the gate. <sup>16</sup> The father of the girl should say to the elders, "I gave my daughter to this man as a wife, and he hated her. <sup>17</sup> Now, behold! he made a wanton accusation against her, saying, 'I did not find signs of virginity on your daughter' — but these are the signs of virginity of my daughter!" And they should spread out the sheet before the elders of the city.

<sup>18</sup> The elders of the city shall take that man and punish him.

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וְנוֹתֵן טַעַם הַהֲרָחָקָה מִפָּנֵי שְׁלֹא מֵצָא בָּהּ תוֹקֶף וְחוּזָק, וְהוּא אוֹמְרוֹ "וְהִנֵּה הוּא שֵׁם עֲלִילַת וּגו' ", דִּקְדָּק לֹאמַר "וְהִנֵּה הוּא" <sup>29</sup>, לְהַעִיר בִּי אֵין זֶה אִמְתָּ, שְׁלֹא גֵרַם לוֹ אֵלָּא הַשּׁוֹנֵא הַשּׁוֹכֵן בְּקֶרְבוֹ. "וְאֵלָּה בְּתוּלֵי בְּתִי וּגו' ", וְהִיוּ הַדְּבָרִים בְּרוּרִים בְּשִׁמְלָה <sup>30</sup> כְּמָה מַעֲלוֹת וְחוּזָק הַתּוֹרָה, שֶׁתְּחִילַת כָּל דָּבָר כָּל הָעוֹלָם כְּלוּ בָּהּ נִבְרָא <sup>31</sup>, בְּשִׁבְלָה נִבְרָא <sup>32</sup>, וְכָה מִתְקִיִּים (פִּסְחִים סָח) <sup>33</sup>, וְכָל טוֹבָה הַצִּפּוּנָה לְעוֹלָם הַבָּא, וְאוֹצְרוֹת הַחַיִּים וְהַטּוֹב, נִקְנִים בָּהּ <sup>34</sup>; וְאָמַר הַכְּתוּב בִּי זֶה יְהִיָּה מִשְׁפָּט הָאִישׁ הַהוּא עַל פִּי בֵּית דִּין, רֹאשׁוֹנָה "וַיִּסְרוּ אֹתוֹ",

#### OR HACHAIM ELUCIDATED

In this verse, the father describes the complaint of this man against his daughter and refutes it. Or HaChaim explains:

וְנוֹתֵן טַעַם הַהֲרָחָקָה מִפָּנֵי שְׁלֹא מֵצָא בָּהּ תוֹקֶף וְחוּזָק — In this judgment against those who abandon the Torah, [this person] provides as reason for [his] estrangement from the Torah, that it is **because he did not find stability and strength in it.** " — This is the meaning of [the verse's] statement: *Now, behold! he made a wanton accusation against her, saying, "I did not find signs of besulim on your daughter."* [The verse] was particular to say: *Now behold! "he" made a wanton accusation, etc.,* <sup>[29]</sup> in order to point out that it is only *he* who claims that this is the cause of his estrangement; but **it is not the truth,** שְׁלֹא גֵרַם לוֹ — **for it is none other than the enemy that dwells within him that caused him** to reject the Torah. " — The verse concludes: *"but these are the signs of besulim of my daughter!"* And they should spread out the proof (literally, sheet) before the elders of the city. — That is, Hashem will demonstrate — **and the matters will be clear as a spread-out sheet** <sup>[30]</sup> — **how much benefit and strength the Torah provides,** שֶׁתְּחִילַת כָּל דָּבָר כָּל הָעוֹלָם כְּלוּ בָּהּ נִבְרָא — **for in the beginning of everything, the entire world was created with [the Torah],** <sup>[31]</sup> — **and [the world] was created for the sake of [the Torah],** <sup>[32]</sup> — **[the world] endures only through the study of [Torah];** <sup>[33]</sup> וְכָל — **and all the good hidden away for the righteous in the World to Come, and all the storehouses of life and good in this world** — **are acquired through [the Torah].** <sup>[34]</sup>

⊞ V. 18: וְנוֹתֵן טַעַם הַהֲרָחָקָה מִפָּנֵי שְׁלֹא מֵצָא בָּהּ תוֹקֶף וְחוּזָק, וְהוּא אוֹמְרוֹ "וְהִנֵּה הוּא שֵׁם עֲלִילַת וּגו' ", דִּקְדָּק לֹאמַר "וְהִנֵּה הוּא" <sup>29</sup>, לְהַעִיר בִּי אֵין זֶה אִמְתָּ, שְׁלֹא גֵרַם לוֹ אֵלָּא הַשּׁוֹנֵא הַשּׁוֹכֵן בְּקֶרְבוֹ. "וְאֵלָּה בְּתוּלֵי בְּתִי וּגו' ", וְהִיוּ הַדְּבָרִים בְּרוּרִים בְּשִׁמְלָה <sup>30</sup> כְּמָה מַעֲלוֹת וְחוּזָק הַתּוֹרָה, שֶׁתְּחִילַת כָּל דָּבָר כָּל הָעוֹלָם כְּלוּ בָּהּ נִבְרָא <sup>31</sup>, בְּשִׁבְלָה נִבְרָא <sup>32</sup>, וְכָה מִתְקִיִּים (פִּסְחִים סָח) <sup>33</sup>, וְכָל טוֹבָה הַצִּפּוּנָה לְעוֹלָם הַבָּא, וְאוֹצְרוֹת הַחַיִּים וְהַטּוֹב, נִקְנִים בָּהּ <sup>34</sup>; וְאָמַר הַכְּתוּב בִּי זֶה יְהִיָּה מִשְׁפָּט הָאִישׁ הַהוּא עַל פִּי בֵּית דִּין, רֹאשׁוֹנָה "וַיִּסְרוּ אֹתוֹ",

29. The word *he*, is redundant, for the word *שֵׁם* itself means *he made* (Or Bahir).

30. See Rashi.

31. Hashem used the Torah to create the world (Bereishis Rabbah 1:1; see Berachos 55a).

32. Rashi to Bereishis 1:1 ברא בראשית ברא.

33. Pesachim 68b; see Nefesh HaChaim 4:25.

34. The slanderer's argument that the Torah does not provide sustenance is fundamentally flawed: The

entire world was created and is sustained in the merit of Torah study, which is the source of all bounty and blessing in this world and the next. Thus, those who study Torah are not only supporting and bringing blessing to themselves, they are also bringing blessing to the entire world. However, instead of granting the Torah scholars their sustenance directly, Hashem entrusts it to others to give to them (see Or HaChaim to Vayikra 19:13 for discussion of why Hashem provides for Torah scholars in this manner).

יט וְעִנְשׁוּ אֹתוֹ מֵאָה כֶּסֶף וְנָתְנוּ לְאָבִי הַנַּעֲרָה  
 בִּי הוֹצִיא שֵׁם רָע עַל בְּתוּלַת יִשְׂרָאֵל  
 וְלוֹ-תִהְיֶה לְאִשָּׁה לְאִיּוֹכַל לְשַׁלְחָהּ

יט וַיִּגְבוּן מִנָּה מֵאָה סֻלְעִין דְּכֶסֶף  
 וַיִּתְּנוּ לְאִבּוֹהָא דְּעוֹלָמְתָא אַרִי אַפֵּק  
 שׁוּם בִּישׁ עַל בְּתוּלַת דְּיִשְׂרָאֵל וְלֹה  
 תְּהִי לְאִנְתּוֹ לִית לָהּ רִשׁוֹ לְמַפְטָרָה

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על דרך אומרים ו"ל אם רואה אדם שישורין באים עליו וכו', יתלה בביטול תורה. פירוש, על מה שבטל התורה, ונדחקו האחרונים בפירוש דבר זה, בטענת הלא ביטול עון גדול הוא, ולמה לא תלה בו עד שלא מצא, וישוב הדבר הוא, לפי שאין שיעור למה שצריך בעסק התורה, באומרו (אבות ב, טז) ואין אתה בן חורין ליבטל ממנה, והגם שיראה בעיני אדם שעסק, בשיראה ישורין באים עליו באין עון, ידע כי כמו שראוי לו לעשות לא עשה, ועל זה ענשוהו:

ואומרו "וענשו אותו מאה כסף", רמז למאה ברכות שחייב לברך בכל יום<sup>35</sup>, כמו שדרשו (מנחות מג; תנחומא קרח, יב עפרש"י) מאומרו (לעיל י, יב): "ועתה ישראל מה ה' אלהיך שאל", אל תקרי "מה" אלא מאה,

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*The elders of the city shall take that man and punish him.* This means that he will be punished with afflictions in this world, — על דרך אומרים ו"ל אם רואה אדם שישורין באים עליו וכו', יתלה בביטול תורה — **in accordance with that which [the Sages] say (Berachos 5a): If a person sees that he is experiencing affliction, he should examine his deeds ... If he examined his deeds and did not find any sin, he should attribute the matter to neglect of Torah study.** פירוש על מה שבטל התורה — **meaning**, he should know that the afflictions were brought upon him as punishment **for having neglected the study of Torah.** — **Now, the later [commentators] have difficulty with the correct interpretation of this statement,** — בטענת הלא ביטול עון גדול הוא — **for they are troubled by the following question: Why, neglect of Torah study is itself a great sin!** ולמה לא תלה בו עד שלא — **Why, then, did [the person] not attribute his afflictions to that sin until later, when he could not find any other (as the Gemara states: if he examined his deeds and did not find any sin, he should attribute it to neglect of Torah)?** — **The solution to this is because there is in fact no limit to the amount that one must engage in Torah study, as it says in the Mishnah about Torah study (Avos 2:16): You are not free to neglect it, i.e., no matter how much one has learned, he is not exempt from the obligation to study more.** — **Therefore, although it might appear to the human eye that this person has in fact studied Torah sufficiently, which is why he did not initially attribute his afflictions to that sin,** — **when he sees that he suffers afflictions without being able to identify any other sin,** — **he shall know that he did not do as much as he should have done with regard to Torah study, and that is why he was punished.** Thus, when the verse states, *and punish him*, it refers to the afflictions that one who neglects Torah study experiences.

וְעִנְשׁוּ אֹתוֹ מֵאָה כֶּסֶף וְנָתְנוּ לְאָבִי הַנַּעֲרָה בִּי הוֹצִיא שֵׁם רָע עַל בְּתוּלַת יִשְׂרָאֵל לְאִשָּׁה לְאִיּוֹכַל לְשַׁלְחָהּ V. 19: — *And they shall fine him one hundred silver [shekels] and give them to the father of the girl, for he had issued a slander against a besulah of Israel, and she shall remain with him as a wife; he cannot send her away all his days.*

Or HaChaim explains the allegorical meaning of these consequences for the one who issued the slander: — *When it says, And they shall fine him one hundred silver [shekels], it alludes to the hundred blessings that one is required to recite daily,*<sup>[35]</sup> — *as [the Sages] expound from that which [the verse] says (above, 10:12): Now, O Israel, what does HASHEM, your God, ask of you?* — *The Sages expound this verse as follows (Menachos 43b with Rashi; Tanchuma, Korach §12): Do not read it as "מה" (what), but as "מאה" (a hundred), alluding to the fact*

35. See similarly, *Tikkunei Zohar* 146a.



<sup>19</sup> And they shall fine him one hundred silver [shekels] and give them to the father of the girl, for he had issued a slander against a virgin of Israel, and she shall remain with him as a wife; he cannot divorce her

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ופסוק זה בבעל תשובה נאמר, באומרים בגמרא (בראשית רבה כא, ו) <sup>36</sup> אין "ועתה" אלא תשובה, דכתיב "ועתה ישראל מה ה' אלהיך שאל וגו' " <sup>37</sup>, עד כאן, שחייב להשתדל להשלימם <sup>38</sup>. ואומרו "ונתנו לאבי הנערה", שכולן הם ברכות לה' שהוא "אבי הנערה" <sup>39</sup>.

ואומרו "כי הוציא שם רע על בתולת ישראל", שהיא השכינה (זוהר ח"ג ו): שהיא כללות ישראל, והיא מדה העשירית שכוללת מאה, והיא נקראת תורה שבעל פה כידוע ליודעי חן (זוהר חדש סתרי תורה פרשת תולדות מאמר שבעה יומין עילאין) <sup>40</sup>:

ואומרו "ולו תהיה וגו' ", פירוש, הגם שאין חיוב בתלמוד תורה אלא קביעות עתים <sup>41</sup>, אדם כזה

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that what Hashem asks of a person is to recite one hundred blessings daily. — **Now, this verse is stated with regard to a penitent,** אלא תשובה — **as [the Sages] say in the Gemara:** <sup>[36]</sup> The word *now* always denotes repentance, דכתיב "ועתה ישראל — **as it is written** in that very verse: *Now, O Israel, what does HASHEM, your God, ask of you?* <sup>[37]</sup> — **The quote ends here.** שחייב להשתדל להשלימם — We see, then, that one who is repenting for his sins **must exert extra effort to complete [the one hundred daily blessings]**. Our verse is therefore saying that a person who seeks to repent for neglecting and slandering the Torah shall be "fined" one hundred blessings. <sup>[38]</sup> — **When it then says, and give them to the father of the girl,** "אבי הנערה" שהוא "אבי הנערה" — it means **that all of those blessings are for Hashem, Who is referred to as the Father of the girl,** i.e., of the Torah. <sup>[39]</sup>

[Or HaChaim interprets the following clause, *for he had issued a slander against a besulah of Israel*, as alluding to the person's slander of the *Shechinah*. This part of his explanation, which can be found in the Hebrew text in the paragraph beginning הוציא ואומרו כי הוציא and ending כידוע ליודעי חן, is of a Kabbalistic nature and beyond the scope of this work. <sup>[40]</sup>]

Or HaChaim expounds the end of the verse:

ואומרו "ולו תהיה וגו' " פירוש — **The meaning of that which it says, and she shall remain with him as a wife, is** — **that although the minimum obligation of studying Torah is only to designate** daily times for its study, and if necessary, one may pursue his livelihood the rest of the day, <sup>[41]</sup> that is true only for the majority of people; אדם כזה

36. This teaching does not appear in our versions of Gemara, but in *Bereishis Rabbah* 21:6.

37. This verse is interpreted as an exhortation to repent in light of its placement right after Moshe's rebuke of the Jewish people (see *Yefeh To'ar* ad loc.); see also Or HaChaim ad loc.

38. See following note.

39. The Torah alludes to blessings with the word כָּסָף, which can have a connotation of *yearning* (see Or HaChaim above, 21:11 and *Vayikra* 25:37), for a person expresses his yearning to Hashem by praising Him (*Meorei Or*).

The commentators find some difficulty with this allegorical interpretation, for it emerges that the recitation of one hundred blessings is referred to by the verse as a "fine," when surely reciting blessings to Hashem is a privilege, not a fine or punishment!?! *Bircas Shimon* suggests that a teaching of the *Baal Shem Tov* can shed

light on this issue. The *Baal Shem Tov* teaches that the punishments of Hashem are delivered through Hashem's Attribute of Mercy, by Hashem showering a person with abundant blessing. When the person becomes aware of the true Source of all his blessing, he is filled with shame for the sins that he had committed against such a Merciful and Gracious King. Similarly, suggests *Bircas Shimon*, by blessing Hashem, one attributes all the good that he receives to Hashem. The one who recites the full measure of one hundred daily blessings constantly highlights his indebtedness to Hashem, and the accompanying shame that he feels atones for him. *Meorei HaChaim* adds that we may thus interpret the word כָּסָף in this verse as sharing a meaning with the Aramaic בְּסִיף, *embarrassment*; see there for further discussion.

40. An elucidation of this portion can be found in *Or LaEinayim*.

41. One who does not need to earn a livelihood is

ב כָּל־יָמָיו: וְאִם־אָמַת הָיָה כָּל יוֹמוֹהִי: כ וְאִם קִשְׁטָא  
הָיָה פִתְגָמָא הָדִין לֹא  
הִדְבֵּר הָיָה לֹא־נִמְצְאוּ בְּתוּלִים לְנִעְרָה:

רע"י

(ב) וְאִם אָמַת הָיָה הִדְבֵּר. בְּעֵדִים וְהִתְרָאָה, שְׁזָנְתָה לְאַחֵר חִירוּסִין (כתובות מד:):

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שְׁהוּצִיא שֵׁם רַע עָלֶיהָ, צָרִיף לְשִׁקּוֹד עַל דִּלְתוּתֶיהָ כָּל הַיּוֹם וְכָל הַלַּיְלָה, "לֹא יוּכַל לְשַׁלְּחָה כָּל יָמָיו"<sup>42</sup>.  
וְכֵּן מְצִינוּ לָהֶם לְרִבּוּתֵינוּ וְ"ל (ויקרא רבה כה, א) שְׁאֲמָרוּ, שְׁבַעַל תְּשׁוּבָה אִם הָיָה רָגִיל לִלְמוֹד דָּף אֶחָד  
יִלְמוֹד שְׁנַיִם, וְכֵּן עַל זֶה הַדֶּרֶךְ<sup>43</sup>, וְזֶה בַּעַל תְּשׁוּבָה מִשְׁאָר הָעֲבִירוֹת, אֲבָל מוּצִיא שֵׁם רַע עַל הַתּוֹרָה,  
מִשְׁפָּטוֹ, כָּל יָמָיו עִמָּה יֵשֵׁב, תּוֹרָתוֹ אוֹמְנָתוֹ:  
וְאָמְרוּ "וְאִם אָמַת הָיָה הִדְבֵּר וּגו' ". פִּירוּשׁ, אִם אֵינֶר כִּי תוֹרָה שְׁלֹמֵד זֶה הָאִישׁ וְכֵּן בֶּה שְׁאִין לָהּ  
בְּתוּלִים, הֵיטָה תּוֹרַת מִינוֹת שְׁלֹמֵדוֹ צָדוֹק וּבִיטוֹס<sup>44</sup>, וְתוֹרָה כּוֹז אֵין בֶּה חוּק, וְהִיא חֶלֶק רַע<sup>45</sup>:

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— but such a person, who has issued a slander against [the Torah] and seeks to repent, — צָרִיף לְשִׁקּוֹד עַל דִּלְתוּתֶיהָ כָּל הַיּוֹם וְכָל הַלַּיְלָה — **must diligently study all day and all night.**  
Thus, the verse concludes, *he cannot send her away all his days*, i.e., he may not cease from Torah study even in order to pursue a livelihood.<sup>[42]</sup>

Or HaChaim explains that this exclusive dedication to Torah study is a fitting penitence for this sin:  
— Now, we find similarly that our Sages, of blessed memory, say — שְׁבַעַל תְּשׁוּבָה אִם הָיָה רָגִיל לִלְמוֹד דָּף אֶחָד יִלְמוֹד שְׁנַיִם וְכֵּן עַל זֶה הַדֶּרֶךְ (Vayikra Rabbah 25:1) — **that a penitent should increase his Torah study, so that if he was accustomed to learn one page of Scripture each day, he should learn two pages, and so on.**<sup>[43]</sup> — וְזֶה בַּעַל תְּשׁוּבָה מִשְׁאָר הָעֲבִירוֹת — **This incremental increase in Torah study, however, applies only to one who is repenting from other sins.** אֲבָל מוּצִיא שֵׁם — **But for one who issued a slander against the Torah it is not sufficient to merely increase the amount that he studies,** — מִשְׁפָּטוֹ כָּל יָמָיו עִמָּה יֵשֵׁב תּוֹרָתוֹ אוֹמְנָתוֹ — **rather his obligation is to remain with it all his days, as described in this verse, and to turn his Torah study into his sole occupation.**  
V. 20: — וְאִם־אָמַת הָיָה הִדְבֵּר לֹא־נִמְצְאוּ בְּתוּלִים לְנִעְרָה, *But if this matter was true — signs of besulim were not found on the girl.*

Since according to Or HaChaim's interpretation, "the girl" of this passage refers to the Torah, what does the verse mean by saying that the claims can be found to be true? Or HaChaim explains:

— וְאָמְרוּ "וְאִם אָמַת הָיָה הִדְבֵּר וּגו' " פִּירוּשׁ — [The verse's] statement, *But if this matter was true — signs of besulim were not found on the girl*, means as follows: — אִם אֵינֶר כִּי תוֹרָה שְׁלֹמֵד זֶה הָאִישׁ וְכֵּן בֶּה שְׁאִין — **and indeed, such Torah study does not provide strength, and belongs to the element of evil.**<sup>[45]</sup>  
The Torah provides for what should happen **if it occurred that the Torah that this person studied, and perceived that did not contain besulim**, i.e., it did not provide him with strength, — **was actually Torah tainted with heresy**, such as that which was taught by Tzadok and Baitos, who denied the Oral Tradition,<sup>[44]</sup> — **and indeed, such Torah study does not provide strength, and belongs to the element of evil.**<sup>[45]</sup>

required to engage in Torah study all the time. Likewise, even one who needs to earn a livelihood is expected to treat Torah study as his main occupation and his work as incidental (see *Menachos* 99b; *Shulchan Aruch HaRav*, *Orach Chaim* 156:1; *Nefesh HaChaim* 1:8; *Mishnah Berurah* 155:4; and additional sources cited in *Meorei HaChaim*).

42. See *Or LaEinayim* and *Meorei HaChaim*.

43. See *Shaarei Teshuvah* 4:11 for discussion of this Midrash.

44. Tzadok and Baitos were two disciples of Antigonus of Socho who abandoned the Torah and founded the heretical Tzadoki and Baitosi sects, whose members denied the truth of the Oral Law. From these sects later arose the Karaites, who continued this heretical belief (see *Rambam*, *Peirush HaMishnah* to *Avos* 1:3).

45. [It should be noted that Or HaChaim pointed out in the Kabbalistic section above (not elucidated) that the slander of this person was directed against the *Shechinah* and the Oral Torah. Here, where the verse

*all his days.*

<sup>20</sup> *But if this matter was true — signs of virginity were not found on the girl —*

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לתורה כזו יצו ה' לרמות בה אבן לסוקלה ולאברה, כאומרו "ומתה", הגם כי הן הנה הדברים שייצאו מפי הקדוש ברוך הוא, אף על פי כן הכונה לא כך היא, וכבר אמרו ו"ל (גיתין מה) על ספר תורה שכתבו מין ישראל, "כי עשתה נבלה בישראל לזנות וגו'<sup>46</sup> ובערת הרע", כי זו תקרא חלק רע וצריך ביעור:

ואמרו עוד "כי ימצא איש שכב וגו'", יתבאר על פי דבריהם ו"ל (סנהדרין נט.) שאמרו, גוי העוסק בתורה חייב מיתה, עד כאן<sup>47</sup>. והוא אומרו "כי ימצא איש שכב עם אשה" שהיא מאורשת לבעלה,

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The following verse prescribes what should be done with such Torah study: *Then they shall take the girl to the entrance of her father's house, and the people of her city shall pelt her with stones and she shall die, etc.*

— Regarding such Torah study, Hashem instructs to throw stones at it, i.e., to disparage it and discredit it, as expressed in the verse by the commandment to stone it and to destroy it. — This is as it says, *and she shall die*, for although true Torah comes from the Source of Life and is life-giving, such heretical "Torah" is false and has no "life." — For although the words of the Written Law studied by such sects are the very words that issued from the mouth of the Holy One, blessed is He, — nonetheless, [their] intent in studying these words is not the same as Hashem's intent, since they deny the Oral Law, which is integral to the correct interpretation of the Torah. — Indeed, [the Sages], of blessed memory, have already said (*Gittin* 45b) regarding a Sefer Torah written by a heretic, that it must be burned despite the fact that it contains the words spoken by Hashem. Just as such a Sefer Torah lacks holiness if written by one who falsifies its intent, Torah study by one who falsifies the Torah must not be accorded any value. — The verse concludes: *for she had committed an outrage in Israel, to commit adultery in her father's house,<sup>[46]</sup> and you shall remove the evil from your midst;* — it must be destroyed, for this form of [Torah study] is called an "evil" portion, and, as the verse instructs, it must be destroyed.

Or HaChaim extends this allegorical interpretation to the following verse (v. 22), which discusses the punishment for adultery: *If a man will be found lying with a woman who is married to a husband, then both of them shall die, the man who lay with the woman and the woman; and you shall remove the evil from Israel:*

— That which it says further, *If a man will be found lying with a woman who is married*, may be explained in accordance with the words of [the Sages], of blessed memory (*Sanhedrin* 59a), — שאמרו גוי העוסק בתורה חייב מיתה — who say: An idolater who engages in Torah study is liable to death. — The quote ends here.<sup>[47]</sup> — This, then, is what the verse means when it says, *If a man will be found lying with a woman who is married to a husband*, שהיא מאורשת לבעלה,

discusses a case where the accusation was in fact true, the allusion is therefore to one who sees a real deficiency in his Torah study because it lacks the vital component of the Oral Tradition.]

46. The misuse of Hashem's words to advance heretical ideas is tantamount to a woman betraying her husband (*Or LaEinayim*).

47. The Gemara derives this from the verse (below,

33:4): *The Torah that Moshe commanded us is the heritage (מורשה) of the Congregation of Yaakov*. The word *betrothed*, *betrothed*, for the Torah is considered the betrothed wife of the Jewish people (see above, at note 9). The idolater who studies Torah is therefore guilty of adultery, which is a sin liable to death (see Gemara there for another method of deriving the severity of this prohibition).

כא ויפקדון ית עולמָתָא לתרע  
בית אבוהא וירגמנה אנשי  
קרְתָה באבְנֵיָא ותמות ארי  
עבדת קלנא בישראל לזנאה  
בית אבוהא ותפלי עבד דביש  
מבינָה: כב ארי ישכב גבר  
דשכב עם אתמָא אתמָא גבר  
ויתקטלון אף תרויהון גברא  
דשכב עם אתמָא ואתמָא  
ותפלי עבד דביש מישראל:  
כג ארי תהי עולמָתָא בתלמָא  
דמארסא לגבר וישכבנה  
גבר בקרמָא וישכוב עמה:  
כד ותפקדון ית תרויהון לתרע  
קרמָא שהיא ותרגמון יתהון  
באבְנֵיָא וימותון ית עולמָתָא  
על עסק די לא צנחת בקרמָא  
וית גברא על עסק די עני ית  
אתמָא חברה ותפלי עבד דביש  
מבינָה: כה ואם בחקלא ישכב  
גבר ית עולמָתָא דמארסא  
ויתקף בה גברא וישכוב עמה  
ויתקטל גברא די שכיב עמה  
בלחודיה: כו ולעולמָתָא לא  
תעבד מדעם לית לעולמָתָא  
חובת דין דקטול ארי כמא  
די יקום גברא על חברה  
ויקטלנה נפש בן פתגמא  
הדין: כז ארי בחקלא אשכחה  
צנחת עולמָתָא דמארסא  
ולית דפריק לה: כח ארי  
ישכב גבר עולמָתָא בתלמָא  
די לא מארסא ויחדנה  
וישכוב עמה וישתכחון:  
כט ויתן גברא דישכב עמה  
לאבוהא דעולמָתָא חמשין  
סלעין דכסף ולה תהי לאנתו  
חלף די ענייה לית לה רשו  
למפטרָה כל יומוהי: א לא  
יסב גבר ית אתמָא אבוהי ולא  
יגלי בנפא דאבוהי: ב לא ידפי  
דפסיק ודמחבל למעל בקהלא

והוציאו את־הנַעֲרָה אֶל־פֶּתַח בֵּית־אָבִיהָ  
וּסְקָלוּהָ אַנְשֵׁי עִירָה בְּאֲבָנִים וּמָתָה כִּי־  
עָשְׂתָה נְבִלָה בְּיִשְׂרָאֵל לְזִנוּת בֵּית אָבִיהָ  
וּבַעֲרַת הָרַע מִקְרָבָהּ: כב כִּי־יִמָּצֵא אִישׁ  
שֹׁכֵב | עִם־אִשָּׁה בְּעַלְת־בָּעַל וּמָתוּ גַם־  
שְׁנֵיהֶם הָאִישׁ הַשֹּׁכֵב עִם־הָאִשָּׁה וְהָאִשָּׁה  
וּבַעֲרַת הָרַע מִיִּשְׂרָאֵל: כג כִּי יִהְיֶה נַעֲרָה  
בְּתוּלָה מֵאֲרָשָׁה לְאִישׁ וּמִצָּאָהּ אִישׁ בָּעִיר  
וְשֹׁכֵב עִמָּה: וְהוֹצֵאתֶם אֶת־שְׁנֵיהֶם אֶל־שַׁעַר  
| הָעִיר הַהוּא וּסְקַלְתֶּם אֹתָם בְּאֲבָנִים וּמָתוּ  
אֶת־הַנַּעֲרָה עַל־דִּבְרָהּ אֲשֶׁר לֹא־צִעְקָה בָּעִיר  
וְאֶת־הָאִישׁ עַל־דִּבְרָהּ אֲשֶׁר־עָנָה אֶת־אִשְׁתּוֹ  
רָעוּהוּ וּבַעֲרַת הָרַע מִקְרָבָהּ: כד וְאִם־בִּשְׂדֵּה  
יִמָּצֵא הָאִישׁ אֶת־הַנַּעֲרָה הַמֵּאֲרָשָׁה וְהַחֲזִיק־  
בָּהּ הָאִישׁ וְשֹׁכֵב עִמָּה וּמָתָה הָאִישׁ אֲשֶׁר־שֹׁכֵב  
עִמָּה לְבָדּוֹ: כו וְלַנַּעֲרָה לֹא־תַעֲשֶׂה דָּבָר אֵין  
לַנַּעֲרָה חֲטָא מוֹת כִּי כַּאֲשֶׁר יָקוּם אִישׁ עַל־  
רָעוּהוּ וּרְצָחוֹ נָפֶשׁ בֶּן הַדָּבָר הַזֶּה: כז בִּשְׂדֵּה  
מִצָּאָהּ צִעְקָה הַנַּעֲרָה הַמֵּאֲרָשָׁה וְאֵין מוֹשִׁיעַ  
לָהּ: כח כִּי־יִמָּצֵא אִישׁ נַעֲרָה בְּתוּלָה אֲשֶׁר  
לֹא־אֲרָשָׁה וּתְפֹשָׁה וְשֹׁכֵב עִמָּה וְנִמְצְאוּ וְנָתַן  
הָאִישׁ הַשֹּׁכֵב עִמָּה לְאָבִי הַנַּעֲרָה חֲמִשִּׁים  
כֶּסֶף וְלוֹ־תִהְיֶה לְאִשָּׁה תַּחַת אֲשֶׁר עָנָה לֹא־  
כג א יוֹכֵל שְׁלֹחָה כָּל־יָמָיו: ב לֹא־יִקַּח אִישׁ  
ב אֶת־אִשְׁתּוֹ אָבִיו וְלֹא יִגְלֶה בְּנֶגֶף אָבִיו: ג לֹא־  
יָבֹא פְצוּע־דָּבָה וּכְרוֹת שְׂפָכָה בַּקֹּהֶל

רס"ו

ממתינין לה עד שפולחן (וערכין ז'): (כג) ומצאה איש בעיר.  
לפיכך שכב עמה, פרשה קוראה לגנב (ספרי רמז), ה' חילו  
ישבה צדיקה לא חירט לה: (כו) כי כאשר יקום וגו'. לפי  
פשוטו זהו משמטו: כי חנוסה היא וצחקה עמד עליה, כאלה  
העומד על חצירו להרגו. ורבותינו דרשו זו: הרי זה זלל ללמד  
ונמלא למד וכו' (סנהדרין עג:). (א) לא יקח. חין לו זה לקומין

(כא) אל פתח בית אביה. ראו גידולים שגדלתם (שם מה:).  
אנשי עירה. צמטמד כל "אנשי עירה" (ספרי רמז): לזנות  
בית אביה. כמו צ"בית חזיק": (כב) ומתו גם שניהם.  
להוציא מטפה חדודים (שם רמז), שאין האשה נהנית מהם:  
גם. לרבות הצאים חמריהם ונ"ל: מאחוריהם (שם). דבר  
אחר, גם שניהם לרבות את הולד, שאם הייתה מעוברת חין

<sup>21</sup> then they shall take the girl to the entrance of her father's house and the people of her city shall pelt her with stones and she shall die, for she had committed an outrage in Israel, to commit adultery in her father's house, and you shall remove the evil from your midst.

<sup>22</sup> If a man will be found lying with a woman who is married to a husband, then both of them shall die, the man who lay with the woman and the woman; and you shall remove the evil from Israel.

<sup>23</sup> If there will be a virgin girl who is betrothed to a man, and a man finds her in the city and lies with her; <sup>24</sup> then you shall take them both to the gate of that city and pelt them with stones and they shall die: the girl because of the fact that she did not cry out in the city, and the man because of the fact that he afflicted the wife of his fellow; and you shall remove the evil from your midst.

<sup>25</sup> But if it is in the field that the man will find the betrothed girl, and the man will seize her and lie with her, only the man who lies with her shall die. <sup>26</sup> But you shall do nothing to the girl, for the girl has committed no capital sin, for like a man who rises up against his fellow and kills him, so is this thing; <sup>27</sup> for he found her in the field, the betrothed girl cried out, but she had no savior.

<sup>28</sup> If a man will find a virgin maiden who was not betrothed, and takes hold of her and lies with her, and they are discovered, <sup>29</sup> then the man who lay with her shall give the father of the girl fifty silver [shekels], and she shall become his wife, because he afflicted her; he cannot divorce her all his days.

23

<sup>1</sup> A man shall not marry the wife of his father; and he shall not uncover the robe of his father. <sup>2</sup> A man with crushed testicles or a severed organ shall not enter the congregation of HASHEM.

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רש"י

ואין קדושין פופסין צה (קדושין סז:): ולא יגלה בנף אביו. מיתות צית דין, שחין צעירות מיתת צית דין שחין צה פרת (יבמות מט:): (ב) פצוע דכה. שפלותו או נדפלו צילים שלו (ספרי רמז; יבמות עה:): וברות שפכה. שפכה הגיד, ואוב חינו יורה קילוח זרע חלל שופך ושותה, ואינו מוליד (סס עה:):

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אור החיים

שהיא התורה כלת ישראל, "ומתו גם שניהם", פירוש, הגוי העוסק, וגם התורה ההיא לא יהיה לה עליה אלא תדעך נרה, ואין לה חיות בדרך אמרי תורה, דבתיב (משלי ד, כב) "כי חיים הם":

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OR HACHAIM ELUCIDATED

שהיא התורה כלת ישראל — meaning, if an idolater will be found taking "a woman" who is betrothed to her husband — this refers to the Torah which is the bride of the Jewish people. "ומתו גם שניהם" — פירוש הגוי העוסק — Then both of them shall die, meaning that the idolater who engages in Torah study is liable to death, — וגם התורה ההיא לא יהיה לה עליה — and that Torah that he studied will likewise not ascend. — Rather, its lamp will flicker out, — אלא תדעך נרה — for it does not contain the power of life as the words of Torah ordinarily do for those who study it, as it is written (Mishlei 4:22), For they are life to he who finds them.

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ג יהוה: לֹא־יָבֹא מִמּוֹר בְּקֶהֱל יְהוָה גַּם  
 ד דּוֹר עֲשִׂירֵי לֹא־יָבֹא לוֹ בְּקֶהֱל יְהוָה: לֹא־  
 יָבֹא עֲמוּנֵי וּמוֹאָבִי בְּקֶהֱל יְהוָה גַּם דּוֹר עֲשִׂירֵי  
 ה לֹא־יָבֹא לָהֶם בְּקֶהֱל יְהוָה עַד־עוֹלָם: עַל־דִּבְרֹ  
 אֲשֶׁר לֹא־קִדְּמוּ אֶתְכֶם בִּלְחֶם וּבַמַּיִם בַּדֶּרֶךְ  
 בַּצֵּאתְכֶם מִמִּצְרַיִם וְאֲשֶׁר שָׂכַר עָלֶיךָ אֶת־  
 בִּלְעָם בֶּן־בְּעוֹר מִפְּתוֹר אֲרָם נְהָרִים לְקַלְלָךְ:

רס"ו

(ג) לֹא יָבֹא מִמּוֹר בְּקֶהֱל ה'. לֹא יֵשֶׁא יִשְׂרָאֵלִית (ויצמות עתה): עַל הַעֲלָה שֶׁיַּעֲקֹב חָתַכְסָּה לְהַטְוִיחָהּ, וּכְדִקְדָּשׁ "בְּדָבָר צִלְעָס" (ד) לֹא יָבֹא עֲמוּנֵי. לֹא יֵשֶׁא יִשְׂרָאֵלִית (סס עז): (ה) עַל דִּבְרֹ. (במדבר לא, מו) (ספרי רט): בַּדֶּרֶךְ. כְּשֶׁהִיטָּס צִטְרִיף (סס):

אור החיים

כג [ד-ה] לֹא יָבֹא עֲמוּנֵי וּמוֹאָבִי עַל דִּבְרֹ וּגו'. קִשָּׁה, אוֹמְרוֹ "אֲשֶׁר לֹא קִדְּמוּ", וְהָלֹא מְצִינוּ שְׂאֵמֶר  
 הַכְּתוּב (לעיל ב, כט) "בְּאֲשֶׁר עָשׂוּ לִי בְנֵי עֲשׂוֹ וּמוֹאָבִים", וּפִירְשׁוּ רַבּוֹתֵינוּ ו"ל (רש"י שם) שְׂחֹזֶר  
 לְמִאֲמַר "אֶכֶל בִּכְסֶּף" (שם פסוק כח).<sup>1</sup> שְׁנִית, אַחֲרֵי שֶׁהֵם שָׂכְרוּ עֲלֵיהֶם בִּלְעָם לְקַלְלָם, מִה מְקוֹם לְחֹשׁ עַל  
 שְׂלֹא קִדְּמוּ בִלְחֶם:<sup>2</sup>

OR HACHAIM ELUCIDATED

23.

4-5. לֹא יָבֹא עֲמוּנֵי וּמוֹאָבִי עַל דִּבְרֹ וּגו' — *AN AMMONITE OR MOAVITE SHALL NOT ENTER . . . BECAUSE OF THE FACT THAT THEY DID NOT GREET YOU WITH BREAD AND WATER ON THE ROAD WHEN YOU WERE LEAVING EGYPT, AND BECAUSE HE HIRED AGAINST YOU BILAM SON OF BEOR, OF PESOR, ARAM NAHARAIM, TO CURSE YOU.*

Or HaChaim points out that while our verse states that Moav did not provide food and water to the Jewish people, elsewhere the Torah seems to contradict this:

וְהָלֹא מְצִינוּ שְׂאֵמֶר — *The statement, that they did not greet, etc., is difficult:* קִשָּׁה אוֹמְרוֹ "אֲשֶׁר לֹא קִדְּמוּ"  
 — *Why, we find that* when the Jewish people asked Sichon to allow them passage through his land, *the Torah says* that they asked Sichon to treat them as they had been treated previously; *as the children of Eisav who dwell in Seir did for me, and the Moavites who dwell in Ar* (above, 2:29). — *And our Sages, of blessed memory, explain* (Rashi ad loc.; see also Ramban here) *that [the example] from the children of Eisav and the Moavites refers back to the previous statement* (ibid. v. 28), *You will sell food to me for money, and I shall eat; and you will give me water for money, and I shall drink.*<sup>[1]</sup> The Jewish people were thus saying that they would like Sichon to provide food for them just as the Moavites did. How then can our verse state that the Moavites did not provide the Jewish people with bread and water?

A second difficulty with this verse:

שְׁנִית אַחֲרֵי שֶׁהֵם שָׂכְרוּ עֲלֵיהֶם בִּלְעָם לְקַלְלָם — *Secondly, since* it says subsequently that [the Moavites] hired Bilam against them to curse them, in order to destroy the Jewish people, מִה מְקוֹם לְחֹשׁ עַל  
 — *what place is there to also be concerned about the fact that [the Moavites] did not greet them with bread and water?* Surely the first crime of attempted genocide makes the crime of withholding kindness insignificant!<sup>[2]</sup>

1. That is, they did not mean that the children of Eisav and the Moavites granted them passage (which, in fact, they did not), but that they provided them with food when they passed near their territories (see

*Bamidbar* 20:21 and *Rashi*, *ibid.* 21:13).

2. When listing the crimes of a murderer, one does not say that he also did not offer his victims food (*Or Bahir*).

<sup>3</sup> A mamzer shall not enter the congregation of HASHEM, even his tenth generation shall not enter the congregation of HASHEM.

<sup>4</sup> An Ammonite or Moavite shall not enter the congregation of HASHEM, even their tenth generation shall not enter the congregation of HASHEM, to eternity, <sup>5</sup> because of the fact that they did not greet you with bread and water on the road when you were leaving Egypt, and because he hired against you Bilam son of Beor, of Pesor, Aram Naharayim, to curse you.

#### — אור החיים —

ואולי שאמר "על דבר וגו'", להעיר, שעל סיבה זו בלבד יתחייב הדין להרחיקם שלא יבואו בקהל, ופירוש "קדמו", היא להוציא דורון לסעד לבם בלחם וכו', שהם חייבין לעשות בן מכל האומות, בעל כל הגמולות אשר גמלם אברהם אבינו עליו השלום,<sup>3</sup> כי מה שמכרו להם לחם ומים היה להנאתם של מואב, גם לפתותם להפילם בעריות,<sup>4</sup> והוא מה שדקדק הכתוב לומר "לא קדמו אתכם", פירוש, להנאתכם:

#### — OR HACHAIM ELUCIDATED —

Or HaChaim resolves the second question first:

*Perhaps it said, Because of the fact that they did not greet you with bread and water,* — *להעיר שעל סיבה זו בלבד יתחייב הדין להרחיקם שלא יבואו בקהל* — not to list the crimes of the Moavites, but only **to convey that for that reason alone [the Moavites] should by rights be distanced** from joining the Jewish people, and **not** be allowed to **enter the congregation** (i.e., marry into the Jewish people). The verse lists the more severe crime together with the lesser one to convey that even had they not actively tried to harm the Jewish people by hiring Bilam, their lack of compassion for the Jewish people is enough of a justification for their exclusion from them.

Or HaChaim now turns to the first question:

As for that which we find that they did in fact sell them bread and water, **the meaning of the term *greet* in our verse (*they did not greet you with bread and water*) is to bring out food and drink as a gift and to offer to fortify them with bread and water without charge.** Our verse charges the Moavites with extreme ungratefulness for not offering to help the Jewish people out of kindness, **— שהם חייבין לעשות בן מכל האומות — for they, among all the nations, were obligated to do this — in accordance with all the benefits that our forefather Avraham, may he rest in peace, bestowed upon them.**<sup>[3]</sup> **כי — בעל כל הגמולות אשר גמלם אברהם אבינו עליו השלום — מה שמכרו להם לחם ומים היה להנאתם של מואב — For that which they sold them bread and water (as the verse says, *You will sell food to me "for money," and I shall eat... as did . . . the Moavites*) was not out of gratitude, but for the monetary benefit of Moav, — גם לפתותם להפילם בעריות — and also in order to lure [the Jewish people] in order to make them fall into immorality.**<sup>[4]</sup> **והוא מה שדקדק הכתוב — לומר "לא קדמו אתכם" — This, then, is why the verse was particular to say, *they did not "greet" you,* — meaning that they did not bring you food as a gift for your benefit, but instead sold you food for their own benefit.**

#### ☞ THE LAW OF MOAVITE WOMEN

Or HaChaim will present another solution to the second difficulty, this time from a halachic perspective. The Mishnah (*Yevamos* 76b) rules that the exclusion of converts of Ammon or Moav from marrying

3. The nations of Ammon and Moav descend from Lot, nephew of Avraham. Avraham went to battle in order to save Lot from captivity (*Bereishis* 14:12-16); and when Sodom was destroyed, it was Avraham's merit that saved Lot and his family (*ibid.* 19:29). The nations of Ammon and Moav therefore owe a great debt of

gratitude to the children of Avraham (*Ramban*).

4. In the incident at Shittim, the Moavites sold items to the Jewish people in order to lure them into immorality (so that they would be punished by Hashem), as described in *Sanhedrin* 106a, *Sifrei* to *Bamidbar* 25:1, and *Bamidbar Rabbah* 20:23.

## אור החיים

עוד<sup>5</sup> יתבארו הכתובים על פי דבריהם ו'ל ביקמות דף ע"ו (עמוד ב) שאמרו: מנא הני מילי שמואבית מותרת, אמר רבי יוחנן: וכו' דקאמר קרא<sup>6</sup>, אמר ליה אבנר: תנינא "מואבי" ולא מואבית<sup>7</sup>, אמר ליה דואג: אלא מעתה "ממזר"<sup>8</sup> (לעיל פסוק ג) וכו'<sup>9</sup> "מצרי" (להלן פסוק ח) ולא מצרית, שאני הכא דמפרש טעמא "על דבר וגו'", דרבו של איש וכו' ואין דרבה וכו', הנה להם לקדם וכו' ונשים לקראת נשים:

## OR HACHAIM ELUCIDATED

into the Jewish people applies only to men, and not women; a Moavite woman who converts may marry a Jew. Or HaChaim begins his analysis by citing a lengthy discussion in the Gemara regarding this Mishnah:<sup>[5]</sup>

The verses may also be explained in accordance with the words of [the Sages], of blessed memory, in *Yevamos* 76b-77a, who say as follows: — **From where is it derived that an Ammonite or Moavite woman is permitted to marry into the Jewish people?** — **R' Yochanan says . . . for the verse says** in the narrative of David and Goliath (*I Shmuel* 17:55-56): *When Shaul had seen David going forth toward the Pelishti, he said to Avner, the minister of the army, "Avner, whose son is this lad?" And Avner replied, "By your life, O king, I do not know." So the king instructed him, "You ask whose son this youth is."* The Gemara explains that this verse is describing a halachic debate that took place between Avner, Shaul's general, and Doeg, David's archenemy, regarding David's lineage. Doeg argued that since David was descended from Rus the Moavite, he also had the status of a Moavite and was forbidden to marry into the Jewish people.<sup>[6]</sup> — **Avner said to [Doeg]: We have learned** from the Oral Tradition that it is permitted, for the verse prohibits a *Moavi* [male Moavite], **but not a Moavis** [female Moavite]. Hence, Rus and her offspring are permitted. Doeg, however, rejected this teaching and sought to disprove it.<sup>[7]</sup> — **אמר ליה דואג אלא מעתה "ממזר" וכו' — Doeg responded: But accordingly**, i.e., if you follow the gender of the word *Moavi* and maintain that it excludes females, would you also say that when the Torah prohibits a *mamzer*<sup>[8]</sup> (above, v. 3), using the masculine form, it does not include a female? Surely, all agree that that prohibition applies to females as well!<sup>[9]</sup> — **Doeg further argued:** Will you also say that the Torah's prohibition for an Egyptian to marry into the Jewish people before the third generation applies only to men and not women, because it says (below, v. 8) *Mitzri* [male Egyptian], **not Mitzris** [female Egyptian]? Why, in that case, too, all agree that it applies to both men and women! Doeg therefore argued that the word *Moavi* should likewise be understood as a general term for all people of Moavite descent, both men and women. — **Avner replied:** Although the prohibition regarding Egyptians applies to both men and women, **here**, with regard to the Ammonites and Moavites, **it is different, for [the Torah] says the reason** for the prohibition **explicitly: Because of the fact** that they did not greet you, etc. — **This reason** applies only to men, for **it is customary for men** to greet travelers with bread and water, **but it is not customary** for women, for whom it is immodest to go out and greet travelers, to do so. Thus, the reason for the prohibition does not apply to the women. — **Doeg, however, attempted to refute this argument as well, saying**

5. The Gemara will cite our verse (*because of the fact that they did not greet you . . .*) as one component of the source for this law, as Or HaChaim explains at length below.

6. Upon seeing David's prominence, Shaul began to worry that David would replace him as king. He therefore made inquiries to find out whether David's lineage would allow him to become king. Doeg sought to calm Shaul's fears by saying that not only is David not fit to be king, he is not even fit to marry into the Jewish people, because he descends from a Moavite woman, Rus.

7. Although the words *Ammoni* and *Moavi* are

technically written in the masculine, these terms could also refer to any member of that nation, male or female. Avner had argued that in this case we should follow the literal implication of the terms, while Doeg countered that the terms must be taken to mean any member of that nation, as the Gemara recounts.

8. A *mamzer* is a child born from certain forbidden unions, and who is prohibited to marry a Jew of pure lineage.

9. Avner replied to Doeg that the implication of the term *mamzer* is a blemish that applies equally to both genders; see Gemara there.



## אור החיים

בָּעוּ לְאַכְרוּזֵי עֲלִיָּה, מִיָּד "וַעֲמָשָׂא וּגו'" (שמואל ב' יז, כה), מְלִמֵּד שְׁחָגַר חָרְבוּ וכו', וְאָמַר: כָּל מִי שְׂאִינֵנוּ שׁוֹמֵעַ הֶלְכָּה זוֹ יִדְקַר בַּחֲרֵב, כִּי מְקֻבְּלֵנִי מִפִּי בֵּית דִּינֹו שֶׁל שְׁמוּאֵל "מוֹאֲבִי" וְלֹא מוֹאֲבִית, מִכָּל מְקוֹם קִשְׁיָא, תִּרְגְּמָה "כָּל כְּבוֹדָה בַּת מֶלֶךְ פְּנִימָה" (תהלים מה, יד)<sup>10</sup>, כְּתַנְאִי<sup>11</sup> "עֲמוּנִי" וְלֹא עֲמוּנִית "מוֹאֲבִי" וְלֹא מוֹאֲבִית דְּבָרֵי רַבִּי יְהוּדָה, רַבִּי שִׁמְעוֹן אוֹמֵר: "עַל דְּבַר אֲשֶׁר לֹא וכו'" וְרַבּוֹ שֶׁל אִישׁ לְקֶדֶם וכו', עב"ל:

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that both the Moavite men and the Moavite women could have helped the Jewish people while not violating the standards of modesty, for the Moavite men **should have greeted** the Jewish men **and the women** should have greeted **the women!** Therefore, the fault of not going out to assist the travelers falls on the women as well, and they, too, are excluded from joining the Jewish people.

The Gemara relates that Avner had no answer to this argument, whereupon they turned to the Torah scholars of the day to resolve the question:

בָּעוּ לְאַכְרוּזֵי עֲלִיָּה — When they, too, had no answers to Doeg's arguments, **they wished to declare about [David]** that he is prohibited from marrying a Jewess. מִיָּד — **Immediately**, someone intervened. "וַעֲמָשָׂא וּגו'" — This is derived from that which it says (*II Shmuel* 17:25): *Amasa was the son of a man named Yisra the Israelite*. But elsewhere (*I Divrei HaYamim* 2:17), the verse identifies him differently, writing that Amasa's father was a *Yishmaelite*. The Gemara answers that Yisra was indeed an Israelite, but it refers to him as a *Yishmaelite* because of his actions: מְלִמֵּד שְׁחָגַר חָרְבוּ וכו' — **This teaches that** when Doeg wanted to disqualify David, **[Yisra] girded his sword like a Yishmaelite** וְאָמַר כָּל מִי — **The following tradition have I received from the court of Shmuel:** The Torah prohibits an *Ammoni* [male Ammonite] but not an *Ammonis* [female Ammonite], and *a Moavi* but not a *Moavis* [female Moavite].” By citing an Oral Tradition handed down by the court of Shmuel, Yisra put an end to the discussion, and David was ruled fit to marry a Jewess. מִכָּל מְקוֹם קִשְׁיָא — To this, the Gemara asks: **In any case, it is difficult!** Why, in fact, are Ammonite and Moavite women permitted, when they too should have greeted the Jewish women with bread and water? — תִּרְגְּמָה "כָּל כְּבוֹדָה בַּת מֶלֶךְ פְּנִימָה" — The Gemara answers: The matter is **explained** based on the verse (*Tehillim* 45:14): *Every honorable princess dwells within*, i.e., the honor of a woman dictates that she remain indoors. For the women to go out, even only to greet the women travelers, would violate their modesty; there is therefore no fault attributed to the Moavite women for remaining home.<sup>[10]</sup>

Or HaChaim continues his citation of the Gemara. The Gemara cites a Baraisa bringing two opinions for the reason that Moavite women are permitted, each reflecting another of Avner's arguments above:

עֲמוּנִי וְלֹא עֲמוּנִית — The Gemara continues: The matter is the subject of a **Tannaic dispute**:<sup>[11]</sup> כְּתַנְאִי — The verse's masculine term *Ammoni* indicates that the prohibition does **not** include a female *Ammonis*; similarly, the masculine term *Moavi* indicates that the prohibition does **not** include a female *Moavis*. דְּבָרֵי רַבִּי יְהוּדָה — These are **the words of R' Yehudah**. רַבִּי שִׁמְעוֹן — **R' Shimon says:** "עַל דְּבַר אֲשֶׁר לֹא וכו'" — This law is derived from that which it says, **Because of the fact that they did not greet you, etc.** — רַבּוֹ שֶׁל אִישׁ לְקֶדֶם וכו' — This excludes women, since **it is customary for men to greet** travelers with bread and water, and not for women. — **The quote ends here.**

Before continuing to analyze the Gemara, Or HaChaim discusses Tosafos' comment to this Baraisa:

10. Or HaChaim follows the simple reading of the Gemara, which applies this verse to the Moavite women. See, however, Maharshal ad loc. for another approach.

11. Below, Or HaChaim will return to refine our understanding of what, exactly, is the subject of the Tannaic dispute to which the Gemara refers.

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וְכָתְבוּ הַתּוֹסְפוֹת (שם עז) בַּד"ה כְּתָנָאִי וְזֶה לְשׁוֹנָם: וְאִם תֹּאמַר לְרַבִּי יְהוּדָה תִּקְשִׁי לִיָּה "מִצְרִי", וְאֹמַר ר': דְּגַבִּי "עַמּוֹנִי וּמוֹאָבִי" הִיָּה לוֹ לְקַצֵּר וּלְכַתּוֹב עֲמוֹן וּמוֹאָב, הִילָכָף אֵית לָן לְמַדְרַשׁ דְּלִמְעַט עֲמוֹנִית וּמוֹאָבִית, אָבֵל "מִצְרִי" אִם הִיָּה כּוֹתֵב מִצְרִים הִיָּה מִצְרִי, וְהֵאֵי דְכָתֵב "אֲדָמִי" (להלן פסוק ח) וְלֹא כָתֵב אֲדָם, אָגַב "מִצְרִי" כָּתֵב "אֲדָמִי"<sup>12</sup>, עכ"ל:

וְאֵין דְּבָרֵי הַתּוֹסְפוֹת נִרְאִים, כִּי לֹא מְצִינוּ שִׂיאֵמַר הַכְּתוּב לְשׁוֹן בְּתַחֲלִילָה אָגַב מֶה שֶׁעָתִיד לוֹמַר אַחֲרָיו<sup>13</sup>, וּמֶה גַם בְּמָקוֹם שֶׁיֵּשׁ לְטַעוֹת בְּהִלְכוֹת. וְעוֹד, בְּשִׁלְמָא אִם חִלּוּקַת "מִצְרִי" עֲצָמָה הִיָּה צָרִיף הַכְּתוּב לְכַתּוֹב "מִצְרִי", יֵשׁ מָקוֹם לוֹמַר שֶׁשִּׁינָה הַכְּתוּב בְּשִׁלְפָנֶיהָ לְדַבֵּר כִּיּוֹצֵא בָּהּ, וְאִם "מִצְרִי" עֲצָמָה לֹא דְבַר הַכְּתוּב

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and ד"ה כְּתָנָאִי — *Now, Tosafos write there (77a) in Tosafos* — **and this is a quote:** *You might ask:* — לְרַבִּי יְהוּדָה תִּקְשִׁי לִיָּה "מִצְרִי" — **According to R' Yehudah, who derives the law from the masculine form of the words *Ammoni* and *Moavi*, the question raised by Doeg is still difficult:** The term *Mitzri* is also masculine, yet we know that the prohibition regarding Egyptians applies to both men and women! Why, then, do we interpret the masculine forms of *Ammoni* and *Moavi* to prohibit only men? — ***Ri* — וְאֹמַר ר' דְּגַבִּי "עַמּוֹנִי וּמוֹאָבִי" הִיָּה לוֹ לְקַצֵּר וּלְכַתּוֹב עֲמוֹן וּמוֹאָב** — ***Ri* (Rabbeinu Yitzchak) answers that R' Yehudah holds that this inference can be made only regarding the terms *Ammoni* and *Moavi*, for if women were included, it should have written the shorter terms "Ammon" (עַמּוֹן) and "Moav" (מוֹאָב).** — **Therefore, from the fact that the verse uses the masculine, which is a longer version of the word, it is clear that this excludes Ammonite and Moavite women.** — **However, אָבֵל "מִצְרִי" אִם הִיָּה כּוֹתֵב מִצְרִים הִיָּה מִצְרִי, we cannot make the same inference about the term *Mitzri*, for if it would have written "Mitzrayim" (Egypt), it would have been lengthening the word rather than shortening it. Since it is generally better to write the shorter word, one can infer nothing from the fact that the Torah uses the shorter form. As for why, then, it wrote in the same verse the masculine term *Edomi* (אֲדָמִי), instead of writing the shorter, *Edom* (אֲדָם), even though Edomite women are also prohibited until the third generation, — אָגַב "מִצְרִי" כָּתֵב "אֲדָמִי" — it is because since it wrote the word *Mitzri*, it wrote *Edomi* in the same format for consistency.<sup>[12]</sup> — The quote ends here.**

Or HaChaim takes exception to Tosafos' assertion that the verse uses the term אֲדָמִי to be consistent with the term *Mitzri*:

כִּי לֹא מְצִינוּ שִׂיאֵמַר — **However, Tosafos' explanation does not seem correct,** — וְאֵין דְּבָרֵי הַתּוֹסְפוֹת נִרְאִים — **for the term *Edomi* appears in that verse before the term *Mitzri*, and we do not find that the Torah will use a specific form in the beginning of a verse because of what it is going to say afterward.<sup>[13]</sup> — This is especially so in a place like this one, where one might err in the halachah as a result, for one may understand the masculine form of the word אֲדָמִי as coming to exclude Edomite women. וְעוֹד בְּשִׁלְמָא — **Furthermore, even if we were to disregard this question regarding the order of the words in the verse, [Tosafos' assertion] could be acceptable if with regard to the classification of *Egyptian*, the Torah would have ideally had to write it in the form of "*Mitzri*," and not "*Mitzrayim*"; — יֵשׁ מָקוֹם לוֹמַר שֶׁשִּׁינָה הַכְּתוּב בְּשִׁלְפָנֶיהָ לְדַבֵּר כִּיּוֹצֵא בָּהּ — for if the ideal way of writing the word would be "*Mitzri*," it is possible to say that the Torah switched the wording in the previous phrase in order to speak in a similar fashion, saying *Edomi* instead of *Edom* in order to make it consistent with *Mitzri*, as Tosafos suggest. — וְאִם "מִצְרִי" עֲצָמָה לֹא דְבַר הַכְּתוּב****

12. The verse states: וְהָיָה אֲדָמִי כִּי אָחִיךָ הוּא לֹא תִתְעַב אֲדָמִי, *You shall not reject an Edomite, for he is your brother; you shall not reject an Egyptian, for you were a sojourner in his land.* The verse continues to state that the third generation is permitted to marry into the Jewish people.

13. If the Torah would have said the word *Mitzri* first in the verse, we could accept that it uses the same form for the word *Edomi*, but since the word *Mitzri* appears second, the Torah would not change the form of the earlier word to correspond with that which it will say later.

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אור החיים

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בהוֹגֵן, שְׁהִיהָ צָרִיךְ לְכַתּוּב מִצְרִים לְכַלּוֹל מִצְרִית, אֲלֵא שֶׁאֵנוּ אוֹמְרִים שְׁלֵא רָצָה לְהֶאֱרִיךְ, אֵיךְ נֹאמַר שְׁאֲמַר "אֶדְמוֹ" אֲגַב "מִצְרִי", שְׁ"מִצְרִי" גּוֹפֶה עָלֶיהָ אֵיךְ דָּן:<sup>14</sup>  
 וְלֵבֵא לְעוֹמֵק הַדָּבָר, יֵשׁ לְהַעִיר בְּדַבְרֵי אַבְנֵר, לָמָּה אָחֻז הַחֶבֶל בְּשְׁנֵי רֵאשִׁין, מִתְחַלֶּה אָמַר דִּיוֹק "מוֹאֲבִי" בְּסִבְרַת רַבִּי יְהוּדָה, וְחֹזֵר לָתֵת טַעַם "עַל דְּבַר אֲשֶׁר לֹא קָדְמוּ וּגו' " בְּסִבְרַת רַבִּי שְׁמַעוֹן, כִּי מִמִּשְׁמַעוֹת הַלְשׁוֹן מוֹכַח שֶׁבְּשִׁאמַר טַעַם שְׁנֵי לֹא חֹזֵר בּוֹ מִטַּעַם הָרֵאשׁוֹן<sup>15</sup>, וְהִסְבְּרָא נִוְחָנָת כֵּן, שְׁאֵם לֹא כֵן לָמָּה אָמַר אַבְנֵר טַעַם שְׁסִתִּירָתוֹ בְּצִדּוֹ:

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בהוֹגֵן שְׁהִיהָ צָרִיךְ לְכַתּוּב לְכַלּוֹל מִצְרִית — But if the term **"Mitzri"** itself is not expressed in the ideal way, for, as Tosafos themselves say, it should have written *Mitzrayim*, in order to include Egyptian women, and the verse only said it in this way, because we say that it did not wish to use a longer form, — אֵיךְ נֹאמַר שְׁאֲמַר "אֶדְמוֹ" אֲגַב "מִצְרִי" — how can we then say that it said **"Edomi"** to correspond to the word **"Mitzri,"** — שְׁ"מִצְרִי" גּוֹפֶה עָלֶיהָ אֵיךְ דָּן — when I can contest the term **"Mitzri"** itself?<sup>[14]</sup>

### ☞ A COMPREHENSIVE VIEW

Until this point, Or HaChaim had cited two sources from the Gemara for the law that permits Ammonite and Moavite women to marry into the Jewish people (the masculine form of the words *Ammoni* and *Moavi*; and the verse, *because of the fact that they did not greet you*). These sources were presented by three scholars (Avner, in R' Yochanan's presentation of the conversation with Shaul, Avner, and Doeg; and R' Yehudah and R' Shimon in the Baraisa). Or HaChaim also cited numerous arguments and counterarguments about those sources, some presented in the dispute between Avner and Doeg, some by Tosafos, and some by Or HaChaim himself. At this point, Or HaChaim goes back to analyze the Gemara from the beginning and present a comprehensive view of the three opinions and the arguments that apply to each. In the course of his discussion, Or HaChaim will present his own answer to Tosafos' question, and ultimately return to his question on this verse:

— יֵשׁ לְהַעִיר בְּדַבְרֵי אַבְנֵר — In order to properly plumb the depth of this subject, we must raise the following question about Avner's statements: — לָמָּה אָחֻז הַחֶבֶל בְּשְׁנֵי רֵאשִׁין — Why did he "hold the rope by both ends," i.e., why did he cite two different sources for his ruling permitting Moavite women? — מִתְחַלֶּה אָמַר דִּיוֹק מוֹאֲבִי בְּסִבְרַת רַבִּי יְהוּדָה — At first he said that the source is an **inference** from the fact that the Torah used the masculine term *Moavi*, which is like R' Yehudah's opinion cited in the Baraisa, — וְחֹזֵר לָתֵת טַעַם "עַל דְּבַר אֲשֶׁר לֹא קָדְמוּ וּגו' " — but then, when Doeg questioned his words (from the similar term *Mitzri*, which is not limited to males), he gave a different **reason**, deriving his ruling from the statement, **Because of the fact that they did not greet, etc.**, which excludes women (since it is not customary for women to greet travelers), — בְּסִבְרַת רַבִּי שְׁמַעוֹן — which is like R' Shimon's opinion! — כִּי מִמִּשְׁמַעוֹת הַלְשׁוֹן מוֹכַח שֶׁבְּשִׁאמַר טַעַם שְׁנֵי לֹא חֹזֵר בּוֹ מִטַּעַם הָרֵאשׁוֹן — Now, we cannot say that the reason he gave a second source is because Doeg refuted his first source, **for the expression Avner used in responding to Doeg clearly implies that when he stated the second reason, he was not retracting the first reason.**<sup>[15]</sup> — וְהִסְבְּרָא נִוְחָנָת כֵּן — Moreover, logic dictates that it is so, and that Doeg's question did not cause Avner to retract, — שְׁאֵם לֹא כֵן לָמָּה אָמַר אַבְנֵר טַעַם שְׁסִתִּירָתוֹ בְּצִדּוֹ — for if it were not so, why did Avner initially say a reason that can be refuted so easily? Surely it is a simple

14. Or HaChaim maintains that the Torah would not change one word to correspond with another when the other word is itself not in its ideal form. In our case, the ideal form to express the idea of people from Egypt would be the word *Mitzrayim*, *Egypt* (which would include both men and women). The Torah, however, uses the less ideal word *Mitzri* because it is shorter. In this case, the Torah would not change the shorter and more ideal word *Edom* (for people of the Edomite nation), in

order to correspond with the format of the less ideal usage, *Mitzri*.

15. If Avner had accepted Doeg's objection and then offered a different source for his opinion, he would have used an expression that indicates retraction of his earlier position, such as, "Rather, the Torah says, etc." By saying, "It is different here, for the Torah says, etc.," he seems to be adding a second reason without retracting the first (see *Or Bahir*).

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בשִׁלְמָא לְרַבִּי יְהוּדָה לְדַבְרֵי הַתּוֹסְפוֹת, הַגֵּם שֶׁהִקְשִׁינוּ עֲלֵיהֶם לְסִבְרָתָם, מִיָּהָא אָמַר דְּבָרֵי מִטְצִי שֶׁאֵמְרוּ, אֲלֵא אַבְנֵר הָרִי גִילָה דַּעְתּוֹ מִמָּה שֶׁחֹזֵר מִקּוֹשִׁיט "מִצְרִי", שְׂאִינוּ סוֹבֵר לְחַלֵּק כְּמוֹ שֶׁחִלְקוּ הַתּוֹסְפוֹת:

אֲכַן נִרְאֶה, כִּי כִּנְתָּ אַבְנֵר לְסִבְרַת רַבִּי יוֹחָנָן הִיא, שְׂדוּרָשׁ מֵאוֹמְרוֹ "מוֹאֲבִי" וּמֵאוֹמְרוֹ "עַל דְּבַר אֲשֶׁר וגו' ", שְׂוֹולַת "עַל דְּבַר" יֵשׁ לְסִתּוֹר הַדְּרָשָׁה מִ"מִצְרִי". וְטַעַם "עַל דְּבַר אֲשֶׁר וגו' " לְבַד, אִם הִיָּה אוֹמֵר מוֹאֲב וְעַמּוֹן, הַגֵּם שֶׁאֵמְרוּ "עַל דְּבַר וגו' ", הֵיינו אוֹמְרִים הַגֵּם שֶׁהִטַּעַם אֵינוֹ צוֹדֵק אֲלֵא בְּאֲנָשִׁים, בָּאָה הַגְזִירָה עַל כָּלָן בְּאַחַת. וְעוֹד, שֶׁהִנָּשִׁים בָּאִים גַּם בֶּן מִזְרַע פְּסוּל שֶׁהֵם הַזְכָּרִים שֶׁאֲסוּרִין, וּבְכִיּוּצָא בְּזֶה אֵין אֲנוּ הוֹלְכִים אֲלֵא אַחֵר הָאֵב, דְּכִתִּיב (במדבר א, ב) "לְמִשְׁפַּחָתָם לְבֵית אֲבֹתָם". וְאִם אָמַר "עַמּוֹנִי וּמוֹאֲבִי"

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matter to see that four verses later the Torah used a masculine term (*Mitzri*) with regard to a prohibition that is not limited to males. Clearly, Avner had some answer to Doeg's question. But in that case, why did he abandon his first source and introduce a second one?

Or HaChaim clarifies that this difficulty applies only to Avner, but not to R' Yehudah, who likewise cited the reason of the masculine terms *Ammoni* and *Moavi*:

Now, we can understand why Doeg's objection is not difficult according to R' Yehudah as explained by Tosafos, — הגם שהקשינו עליהם לסברתם, nevertheless, — מִיָּהָא אָמַר דְּבָרֵי מִטְצִי שֶׁאֵמְרוּ — they explain that R' Yehudah said what he said for the reason they explained, i.e., that R' Yehudah differentiates between the terms *Ammoni* and *Moavi* and the terms *Edomi* and *Mitzri*. אֲלֵא אַבְנֵר — With regard to Avner, however, why, he made it clear, by proceeding to state a second inference due to the difficulty posed by the masculine term *Mitzri*, — שְׂאִינוּ סוֹבֵר לְחַלֵּק כְּמוֹ שֶׁחִלְקוּ הַתּוֹסְפוֹת, — that he does not hold of the distinction stated by Tosafos, for if he differentiated as Tosafos explain R' Yehudah's opinion, he should have replied to Doeg with that differentiation. Why, then, was he not troubled by Doeg's objection?

Or HaChaim explains Avner's opinion:

In truth, it would seem correct to say that Avner's position, according to the opinion of R' Yochanan, who described the debate between Avner and Doeg, is — שְׂדוּרָשׁ מֵאוֹמְרוֹ "מוֹאֲבִי" וּמֵאוֹמְרוֹ "עַל דְּבַר אֲשֶׁר וגו' " — that he expounds the exclusion of Ammonite and Moavite women both from that which it says the masculine terms *Ammoni* and *Moavi*, and from that which it says, *Because of the fact that they did not greet you, etc.* That is, Avner maintains that both proofs are needed because each by itself can be refuted. שְׂוֹולַת "עַל דְּבַר" יֵשׁ לְסִתּוֹר הַדְּרָשָׁה מִ"מִצְרִי" — For if it were not for the statement, *Because of the fact, etc.*, we could refute the exposition from the words *Ammoni* and *Moavi* based on the fact that the term *Mitzri* does not exclude women, as Doeg argued. — On the other hand, the reason based on that which it says, *Because of the fact that they did not greet, etc.*, also does not suffice by itself; אִם הִיָּה אוֹמֵר — for if it would in fact have said "*Moav*" and "*Ammon*," terms that clearly include the women, — then even though it says, *Because of the fact, etc.*, — הַגֵּם שֶׁהִטַּעַם אֵינוֹ צוֹדֵק אֲלֵא בְּאֲנָשִׁים — we would say that although the reason for the prohibition applies only to the men, not to the women, — בָּאָה הַגְזִירָה עַל כָּלָן בְּאַחַת — the decree excluding them from marrying Jews was issued upon all of them together, for the Torah did not differentiate between men and women within one nation. — Moreover, the Ammonite and Moavite women of later generations also come from ancestors who are disqualified, namely, the males, who are prohibited from marrying Jews. Although in the first generation, it was only the males who committed the treachery of not greeting the tired travelers, all later generations of Moavites, both men and women, descend from the first generation of men, who did sin! — אֵין אֲנוּ הוֹלְכִים אֲלֵא אַחֵר הָאֵב — And although in some laws regarding lineage we follow the mother, in such cases, we follow the father only, — דְּכִתִּיב "לְמִשְׁפַּחָתָם לְבֵית אֲבֹתָם" — as it is written (*Bamidbar* 1:2), according to their families, according to their fathers' household. — עַמּוֹנִי וּמוֹאֲבִי

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ולא היה לנו טעם "על דבר", היינו אומרים שאמר "מואבי" כמו שאמר "מצרי" ו"אדמי", ומשניהם דורש ולא עמונית ולא מואבית. ולזה אמר אבנר שני טעמים הנזכרים:<sup>16</sup>  
 ומחלוקת רבי יהודה ורבי שמעון היא על זה הדרך, כי רבי יהודה סובר דטעם "מואבי" לבד יתחייב לומר ולא מואבית, ומאמר "על דבר" אינו מחייבני לא לרבות ולא למעט, כאשר אבאר הטעם:<sup>17</sup>  
 וטעם "מצרי" ו"אדמי", משום שהטעם שנתן הכתוב מחייבני לכלול גם מצרית ואדומית, שקמו בן הם אחים האנשים בנשים, גם גרות הארץ שהיינו בה שוים בה אנשים ונשים.<sup>18</sup> ולא חש הכתוב לומר "מצרי" ו"אדמי", בין שאין מקום לטעות בנזכר:

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**But if it would have said, Ammoni and Moavi, but we would not have the reason** based on the verse, *Because of the fact*, etc., "מצרי" כמו שאמר "מואבי" — **we would say that it used the terms Ammoni and Moavi the same way it uses the terms Mitzri and Edomi**, even though in those cases women are not excluded, as Doeg argued. **ומשניהם דורש** — **From both** proofs together, however, **we expound** that the prohibition does **not** apply to **an Ammonis nor to a Moavis**, but only to their male counterparts. The fact that women are not faulted for failing to greet the Jewish people with bread and water provides a basis for us to expound the masculine terms *Ammoni and Moavi* as excluding women, even though we do not expound the similar terms *Mitzri and Edomi* in the same way. **— That is why Avner said both of the above-mentioned reasons.**<sup>[16]</sup>

Turning to the Baraisa, Or HaChaim explains that, unlike Avner, R' Yehudah and R' Shimon both hold that one source is enough by itself; they disagree, however, about which is the correct one:

**The dispute between R' Yehudah and R' Shimon is as follows:** **R' Yehudah is of the opinion that the reason based on the masculine term Moavi alone compels us to say that a Moavite woman is not included in the prohibition.** **But, he maintains, the statement, Because of the fact, etc., does not compel me to include women nor to exclude them, as I will soon explain the reason.**<sup>[17]</sup>

Having rejected Tosafos' explanation, Or HaChaim provides an alternative for how R' Yehudah would reply to Doeg's objection regarding the similar term *Mitzri and Adomi*, which all agree does not exclude women:

**As to why** we do not similarly expound the terms *Mitzri and Edomi* as excluding women, **— it is because the reason given by the Torah** in that verse (v. 8) — *You shall not reject an Edomi, "for he is your brother;" you shall not reject a Mitzri, "for you were a sojourner in his land"* — **compels me to include Egyptian and Edomite women as well**, for these reasons apply to the women of the nation just as much as to the men; **שקמו** — **for with regard to the Edomites, the men and women have an equal relationship of brotherhood,** **— and with regard to our having been sojourners in the land of the Egyptians, the men and women are likewise equal.**<sup>[18]</sup> **Therefore, the Torah was not concerned about saying the terms Mitzri and Edomi,** **— because there is no room to err** in this regard,

16. Although both of the reasons are subject to refutation on their own, the combination of both is enough to convey that women are not included in this prohibition. When Avner heard Doeg's question, he responded with another source, not as a way of retracting his first, but to support it, for Avner maintained that the combination of the two sources provides satisfactory evidence of this law.

17. In the paragraph after the next.

18. The Torah states that Edomites and Egyptians

are forbidden to marry Jews until three generations after their conversion. The Torah explains that their prohibition is lifted after this time because, in the case of Edomites, they are your brother, and in the case of Egyptians, you were sojourners in their land. Or HaChaim points out that these reasons apply to the women of those nations as well as the men, and therefore it is clear that the women are just as much the subject of this verse — both the prohibition before three generations as well as the allowance afterward (*Or Bahir*).

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וְלֹא סָבַר בְּרַבִּי שְׁמַעוֹן לְהוֹכִיחַ מֵאוֹמְרוֹ "עַל דִּבְרִי", אוֹ מִטַּעַם שֶׁכִּתְּבֵנוּ בְּפִירוּשׁ דְּבָרֵי אַבְנֶר<sup>19</sup>, אוֹ מִטַּעַם שֶׁיֵּשׁ לְחוּשׁ לְדַחֲוִיתוֹ שֶׁל דּוֹאג. וְיֵמָּה שֶׁתִּרְגְּמָא בְּגִמְרָא "כָּל כְּבוֹדָה", יֵשׁ לְצַדֵּד וְלֹמַר, אֲפֹשֶׁר שֶׁלֹּא אָמַר "כָּל כְּבוֹדָה בַּת מֶלֶךְ פְּנִימָה", אֲלֵא דִּוְקָא בְּכְבוֹדָה, לֹא בּוֹזְנָה, אַחֵר שֶׁאֵנוּ רֹאִים מַעֲשֵׂיהֶם מַעֲשֵׂי חֲצוּפוֹת, גָּלָה כְּבוֹד מֶהֱם, וְחֹזֵר לְדִין לֹמַר הִיא לֵהֶם לְקֵדֶם וְכו', וְנָשִׁים לְנָשִׁים: וְיֵשׁ פְּנִים לֹמַר, שֶׁאֵין לְהֵבִיא רֵאִיָּה מִהִפְקָרְתָם לְזִנוּת, מִשְׁנֵי טַעֲמִים, אֶחָד, אֲנוּסִים הָיוּ מִצַּד שֶׁהִפְקִירוּם הָאֲנָשִׁים, שֵׁנִי, הַתּוֹרָה לֹא תִקְפִּיד עֲלֵיהֶם לְמָה לֹא עָשׂוּ דָבָר שֶׁאֵין דֶּרֶךְ אֶרֶץ לְנָשִׁים לַעֲשׂוֹתוֹ מִשּׁוֹם "כָּל

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since the very same verse clarifies that women are included, **as was just mentioned**. This is not the case, however, with regard to Ammonites and Moavites, as will soon be explained.

Or HaChaim explains why R' Yehudah disagrees with R' Shimon, and does not infer the exclusion of Ammonite and Moavite women from the verse, *Because of the fact that they did not greet, etc.*:

**[R' Yehudah] does not agree with R' Shimon, who proves that Ammonite and Moavite women are permitted from that which it says, *Because of the fact that they did not greet*, etc. (and it is not customary for women to greet travelers), אוֹ מִטַּעַם שֶׁכִּתְּבֵנוּ — either because of the reason we wrote in our explanation of Avner's opinion,<sup>[19]</sup> or because R' Yehudah holds that Doeg's refutation that the Moavite women should have greeted the Jewish women **must be taken into account**. וְיֵמָּה שֶׁתִּרְגְּמָא — As for that which [the Sages] in the Gemara explained the matter, rejecting Doeg's argument, by citing the verse, *Every honorable princess dwells within*, one can suggest, according to the opinion of R' Yehudah, אֲלֵא — כָּל כְּבוֹדָה בַּת מֶלֶךְ פְּנִימָה" אֲלֵא — that it is possible that this that it says, *Every honorable princess dwells within*, applies only to a woman who is honorable, — but not to an immoral woman. אַחֵר שֶׁאֵנוּ — Therefore, since we see from their deeds, which were deeds of brazen and immodest women (for they seduced Jewish men for the purpose of causing them to sin; *Bamidbar* 25:2), — they have proven through their own actions that they are completely devoid of honor, and certainly cannot claim that they should have remained home as befits *every honorable princess*. And once this argument falls, we return to the original argument, saying that the men should have greeted the men and the women should have greeted the women.**

Now, although R' Yehudah maintains that the reason stated (*because of the fact that they did not greet*) does not exclude women, as Or HaChaim just explained, he cannot maintain that this reason clearly *includes* women as well. For if this were the case, then R' Yehudah should have disregarded the implication from the terms *Ammoni* and *Moavi*, just as he disregarded it when it came to *Mitzri* and *Edomi*, since the reasons in that verse (sojourning in their land, and brotherhood) apply to women, as explained above! Or HaChaim therefore explains that according to R' Yehudah, the reason of not greeting the travelers can be said either to apply to women or not, and therefore this alone cannot decide the matter either way:

**There is, however, also a valid argument to be made in contrast to the one just mentioned, as follows: — One cannot bring proof to say that the women are faulted for not greeting the travelers from the fact that they lost all claim to honor when they abandoned their honor for the purpose of immorality, as explained above, for two reasons: Firstly, they were coerced into doing so since the men in whose charge they were (i.e., their fathers) put them into this promiscuous situation, and the women could not refuse them. שֵׁנִי הַתּוֹרָה לֹא תִקְפִּיד עֲלֵיהֶם לְמָה לֹא עָשׂוּ דָבָר שֶׁאֵין דֶּרֶךְ אֶרֶץ לְנָשִׁים לַעֲשׂוֹתוֹ מִשּׁוֹם — Secondly, the Torah would not fault them for refraining from that which is inappropriate for women to do (going out to greet travelers) on account of the principle, *Every honorable***

19. I.e., either because the Torah did not differentiate between the men and women of one nation; or because women also descended from the men who did not greet the Jewish people.

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וְלֹא־אָבָה יְהוָה אֱלֹהֶיךָ לִשְׁמֹעַ אֶל־בִּלְעָם וַיִּהְיֶה יְהוָה אֱלֹהֶיךָ לָךְ יֵת לְוִטִּין לְבָרְכָהּ  
 וְלֹא אָבִי יי אֱלֹהֶיךָ לְקַבֵּל מִן בִּלְעָם וַיִּהְיֶה יי אֱלֹהֶיךָ לָךְ יֵת לְוִטִּין לְבָרְכָהּ

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דבר, ולסברת רבי יהודה מאמרו "עמוני" לבר, ולסברת רבי שמעון עקר הדרשה היא מאמרו "על דבר":

ומעתה, בשלמא לדברי רבי שמעון, גם לשמועתו של רבי יוחנן יש טעם נכון למאמר "על דבר", אלא לסברת רבי יהודה שאינו דורש אלא מתיבת "עמוני ומואבי", קושיתנו במקומה עומדת, למה הוצרך לומר הכתוב "על דבר", ויתישב כמו שכתבנו בתחילת הענין:

שוב<sup>22</sup> עמדתי על תוכן ענין זה, וראיתי שאין טענה על הנקבות לקדם לנשים, כי הגע עצמך שירצו בלבם לקדם, היכול יוכלו עשות בלא רשות בעליהן, ומה גם בראות בעליהן אויבים להם, אנוסים הם,

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opinion of Avner as taught by R' Yochanan, it is expounded from a combination of the [verse's] saying the masculine terms *Ammoni* and *Moavi*, and that which it says, *Because of the fact*, etc. as explained above; (2) According to the opinion of R' Yehudah, it is derived only from that which it says, *Ammoni* and *Moavi*, and that reason itself suffices; ולסברת — and (3) according to the opinion of R' Shimon, the primary derivation of this law is from that which it says, *Because of the fact*, etc., and this inference itself suffices.

Having set out these opinions, Or HaChaim now returns to the difficulty raised at the beginning of his discussion: After mentioning that the Moavites hired Bilam to eradicate the Jewish people, why did it also mention the relatively insignificant reason that they did not greet the Jewish people with food and water? Or HaChaim notes that according to two out of the three opinions set out above, this question is answered:

Accordingly, it is understood according to the position of R' Shimon, and also according to the teaching of R' Yochanan, יש טעם נכון למאמר "על — ומעתה בשלמא לדברי רבי שמעון גם לשמועתו של רבי יוחנן — for both hold that attributing the prohibition also to the fact that they did not greet the Jewish people with bread and water teaches that women are excluded (according to R' Shimon it is derived from this alone, and according to R' Yochanan, in combination with the term *Moavi*, as explained above), there is therefore a valid reason for writing the statement, *Because of the fact*, etc. אלא לסברת רבי — However, according to the opinion of R' Yehudah, who does not expound it from there, but only from the masculine terms *Ammoni* and *Moavi*, קושיתנו — Why did the Torah have to say, *Because of the fact*, etc.? — our original question remains: — למה הוצרך לומר הכתוב "על דבר" — Therefore, according to R' Yehudah the matter will have to be resolved as we wrote at the beginning of the discussion, that the Torah writes it to convey that even this smaller sin would have been enough to prohibit them from marrying into the Jewish people.

Above, Or HaChaim suggested that R' Yehudah and R' Shimon disagree as to whether the Moavite women could definitively claim, *Every honorable princess dwells within*. He now retracts that position:<sup>[22]</sup> After writing this I reconsidered and arrived at the essence of this matter, — שוב עמדתי על תוכן ענין זה — and I realized that there is no legitimate charge against the women that they should have gone out and greeted the Jewish women; — כי הגע עצמך — for you may ask yourself: — שירצו בלבם לקדם היכול יוכלו עשות בלא רשות בעליהן — Even if they would have wished in their hearts to greet the Jewish travelers with bread and water, could they possibly have done so without their husbands' permission? — ומה גם בראות בעליהן אויבים להם — Especially, at that time, when they saw that their husbands were enemies of [the Jewish people], אנוסים הם

22. See note 25.



<sup>6</sup> But HASHEM, your God, was not willing to listen to Bilam, and HASHEM, your God, reversed the curse to a blessing for you,

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הגם שלא יקדמו אותם. ומעתה אין טענת "אשר לא קדמו" אלא על הזכרים, ועמד הדין "עמוני" ולא עמונית, "מואבי" ולא מואבית.<sup>23</sup> וטענת דואג טענת מין,<sup>24</sup> וכמו שאמר אחיה השילוני בשאמרו לפניו קושיא זו, הפירה ואמר מינאה, באמור במדרש (מדרש שמואל כב):<sup>25</sup>

[1] ולא אבה וגו'. אומרו "ולא אבה", פירוש, הגם שהיה מקום לשמוע מצד ענפי החטא שהיה בלעם

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הגם שלא יקדמו אותם — they were forced to obey their husband's wishes, and cannot be blamed despite the fact that they did not greet [the women]. — ומעתה אין טענת "אשר לא קדמו" אלא על הזכרים — Accordingly, the complaint of *Because of the fact that they did not greet*, etc., is only with regard to the males, not the females; — ועמד הדין "עמוני" ולא עמונית — "מואבי" ולא מואבית — and as such, the law remains that the Torah prohibited an Ammoni man but not an Ammonis woman, and a Moavi man but not a Moavis woman.<sup>[23]</sup> — As for Doeg's argument that the women should have greeted the women, that is an argument of a heretic,<sup>[24]</sup> וכמו שאמר אחיה השילוני בשאמרו לפניו — as the prophet Achiyah the Shilonite said, when they stated before him this question raised by Doeg; — הפירה ואמר מינאה באמור במדרש — he dismissed [the question], and said, "Doeg is a heretic!" as stated in the Midrash (*Midrash Shmuel* Ch. 22).<sup>[25]</sup>

6. ולא אבה וגו' — BUT HASHEM, YOUR GOD, WAS NOT WILLING TO LISTEN TO BILAM, ETC.

Or HaChaim explains why the verse needs the words, *was not willing*, and did not say simply that Hashem "did not listen":

הגם שהיה מקום לשמוע — The meaning of the statement *was not willing* is — אומרו "ולא אבה" פירוש — that although, in fact, there were grounds for Hashem to listen to Bilam מצד ענפי החטא שהיה — on account of the "branches of sin" of the Jewish people to which Bilam attached

23. The idea that the women were not in a position to go out on their own is included in the Gemara's words, אין דרכה של אשה לקדם, it is not customary for women to greet travelers.

24. Doeg did not present this argument because he thought it was the truth; rather he was looking for a way to disqualify David, and therefore rejected the Sages' received tradition regarding the permissibility of Moavite women (see *Or Bahir*; *Or LaEinayim*).

25. According to our version of the Midrash, it was Shmuel himself who exclaimed this. The Midrash then continues that Shmuel told them that although Doeg's position is false, he must give them some argument to use against it, and so he said, "Every honorable princess dwells within; it is for the man to greet travelers, and not for the woman."

Following Or HaChaim's retraction, which relies on this Midrash, we must explain that the Gemara's use of the argument *Every honorable princess dwells within* is similarly only stated as a way of rejecting Doeg's position, but in fact it is unnecessary, since, as Or HaChaim explains, the women cannot be blamed for not going out against their husbands' wishes. Furthermore, Or HaChaim retracts his position that R' Yehudah and R' Shimon disagree about

the applicability of the concept of *Every honorable princess dwells within* to the Moavite women. Rather, the question is whether despite the fact that women are not faulted at all, they are included because the entire nation was treated as one, or are considered to be descended from the men, who were at fault, as Or HaChaim suggested earlier. [The Gemara's statement of כתנאי, the matter is a subject of Tannaic dispute, must be explained the way Rashi does, i.e., that the matter subject to dispute is the source of the exclusion of women from this law.]

An alternative way of understanding Or HaChaim's last argument is not as a retraction from his entire discussion, but a presentation of another view: The three views set out above (R' Yochanan, R' Yehudah, and R' Shimon) are to be understood as Or HaChaim set out earlier, and the Gemara's discussion of it is not customary for women to greet travelers and *Every honorable princess dwells within* is understood plainly. Or HaChaim notes here, however, that another view of the law, as reflected in the Midrash, does not see the entire claim against the women as having value at all, since ultimately, they had no choice at all.

[For a different approach to resolve many of Or HaChaim's questions in this passage, see *Ramban*.]

אֲרִי רֶחֱמֶךָ יְיָ אֱלֹהֶיךָ: ז לֹא  
תִתְּבַע שְׁלֹמֹהוּן וְטַבְתָּהוּן כָּל  
יוֹמֶיךָ לְעַלְמָם: ח לֹא תִרְחַק  
אֲדוֹמָאָה אֲרִי אַחוּרָה הוּא  
לֹא תִרְחַק מִצְרָאָה אֲרִי דִיר  
הוּיִתָּא בְּאַרְעָה: ט בְּנִין דִּי  
יִתְּלִידוּ לְהוּן דְּרָא תְּלִיתָאָה  
יִדְכִי לְהוּן לְמַעַל בְּקַהֲלָא דִּי:  
י אֲרִי תְּפֹק מִשְׁרִיתָא עַל בְּעַלִּי  
דְּבָבָךְ וְתִסְתַּמֵּר מִכָּל מִדְעָם  
בִּישׁ: יא אֲרִי יְהִי בָךְ גְּבֵר דִּי  
לֹא יְהִי דְכִי מְקַרְה לִילִיא וְיִפּוֹק  
לְמַבְרָא לְמִשְׁרִיתָא לֹא יַעוּל לְגוּ  
מִשְׁרִיתָא: יב וְיְהִי לְמִפְנֵי רַמְשָׁא

ז כִּי אֶהְבֶּךָ יְהוָה אֱלֹהֶיךָ: לֹא־תִדְרֹשׁ שְׁלָמָם  
ח וְטַבְתָּם כָּל־יְמֶיךָ לְעוֹלָם: לֹא־תִתְּעַב  
אֲדָמִי כִּי אַחִיךָ הוּא לֹא־תִתְּעַב מִצְרִי כִּי־  
ט גֵּר הָיִיתָ בְּאֶרֶצוֹ: בְּנִים אֲשֶׁר־יִוָּלְדוּ לָהֶם דּוֹר  
י שְׁלִישִׁי יָבֹא לָהֶם בְּקַהֲל יְהוָה: כִּי־  
תֵּצֵא מַחֲנֶה עַל־אִיבֶיךָ וְנִשְׁמַרְתָּ מִכָּל דְּבָר  
יא רָע: כִּי־יִהְיֶה בְּךָ אִישׁ אֲשֶׁר לֹא־יִהְיֶה טְהוֹר  
מִקְרָה־לִּילָה וַיֵּצֵא אֶל־מַחוּץ לַמַּחֲנֶה לֹא  
יב יָבֹא אֶל־תּוֹךְ הַמַּחֲנֶה: וְהָיָה לַפְּנוֹת־עֵרֶב

רביעי

כ"ז

חֲדוּס שְׁקִדְמָס צִחְרָב לֹא נִתְּעַב, וְכֵן מִלְכִּים שְׁמַצְטוּס, וְחֹלָה  
שְׁהִיטָאוּס נִתְּעַבּוּ (ס: רנב): (י) כִּי תֵּצֵא וְגו' וְנִשְׁמַרְתָּ.  
שְׁהִיטָא מִקְטָרָג צִשְׁעַת הַסְּכִנָה (תַּחְוּמָא וִיגָא ח: יְרוּשְׁלָמִי שְׁבַת  
ב. ו: (יא) מְקַרְה לִילָה. דִּיצֵר הַתְּבוּצָה צִהוּה (ספרי רנא):  
וַיֵּצֵא אֶל מַחוּץ לַמַּחֲנֶה. ז' מִלֹּת טָשָׁה: לֹא יָבֹא אֶל  
תּוֹךְ הַמַּחֲנֶה. ז' מִלֹּת לֹא טָשָׁה. וְחֹסֵר לִפְנֵים לַמַּחֲנֶה  
לִיָּה וְכָל שְׂכָן לַמַּחֲנֶה שְׂכִינָה (ס: (יב) וְהָיָה לַפְּנוֹת עֵרֶב.  
סְמוּךְ לְהַעֲרָב שְׁמֹו יְטוּב, שְׁחִיטָא טְהוֹר צִלָּא הַעֲרָב הַשְּׁמֵשׁ  
(ס: רנו):

(ז) לֹא תִדְרֹשׁ שְׁלָמָם. מִכָּלל שְׁנֵאמַר "עֲמֹד יֵשֶׁב צִקְרָבָד"  
וְלֹהֵן פְּסוּק י', יָכוֹל חָף ז' כֵּן, פִּלְמוּד לֹמַר "לֹא תִדְרֹשׁ שְׁלָמָם"  
(ספרי רנא): (ח) לֹא תִתְּעַב אֲדָמִי. לְגַמְרִי, חָף עַל פִּי שְׁרָאוֹי  
לֶךְ לְתַעֲבוּ שְׁיָלָא צִחְרָב לְקַרְחָד: לֹא תִתְּעַב מִצְרִי. מִכָּל  
וְכָל, חָף עַל פִּי שְׁזָרְקוּ וְכֹרִיכָם לִיָּחֹר. מִה טָעַם, שְׁהִי לְכַס  
אֶכְסִיָּא צִשְׁעַת הַדְּחָק, לְפִיכָךְ (ט) בְּנִים אֲשֶׁר יִוָּלְדוּ לָהֶם  
דּוֹר שְׁלִישִׁי וְגו'. וְאַחַר הָאוֹמוֹת מוֹסְרִין מִיד. הָא לְמִדָּה  
שְׁהַמְחִיטָא לְחָס דְּקָשָׁה לוּ מִן הַהוּרָגוּ, שְׁהַהוּרָגוּ הוּרָגוּ צִטּוּלָם  
הָא וְהַמְחִיטָאוּ מוֹלִיחוּ מִן הַעוֹלָם הָא וּמִן הַעוֹלָם הַבָּא. לְפִיכָךְ

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נֶאֱחָז בָּהֶם<sup>26</sup>, אֵף עַל פִּי כֵן נִתְּרָצָה ה' בְּלֹא טַעַם, וְלֹא שָׁמַע וְגו'<sup>27</sup>, וְנָתַן הַטַּעַם "כִּי אֶהְבֶּךָ ה'", פִּירוּשׁ, לֹא  
לְצַד שְׁהִייתָ רָאוֹי לְדַבֵּר זֶה, וְעֵינֶיךָ מֵה שְׁפִירְשִׁיתִי בְּפִסּוּק "וְלֹא אָבָה סִיחָן" (לעיל ב, ל:).

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himself,<sup>[26]</sup> nonetheless, Hashem favored the Jewish people **without reason** (i.e., although they were unworthy) **and did not listen** to Bilam.<sup>[27]</sup> That is why it says *was not willing*, which implies a refusal that does not follow the standard rules that would otherwise apply in that case. [The verse] then provides the reason that Hashem did act this way: **because HASHEM, your God, loved you**, meaning, it was **not because you were worthy of this miracle**, but only because of Hashem's love for you. ועיין — פִּירוּשׁ לֹא לְצַד שְׁהִייתָ רָאוֹי לְדַבֵּר זֶה — See what I have explained similarly regarding the implication of the word אָבָה, *willing*, on the verse (above, 2:30), **But Sichon king of Cheshbon was "not willing."**

**10. כִּי תֵּצֵא מַחֲנֶה וְגו' — WHEN A CAMP GOES OUT AGAINST YOUR ENEMIES, YOU SHALL GUARD AGAINST ANYTHING EVIL.**

Surely, a person must guard himself against evil at all times. Why does the verse specify that one must do so during a time of war?<sup>[28]</sup>

26. This is an allusion to Or HaChaim's explanation (Bamidbar 23:8) regarding the source of Bilam's power. Or HaChaim writes there that when someone was deserving of punishment, Bilam was able to hasten the Divine anger upon that person. Or HaChaim's reference here to "branches of sin" refers to his discussion there of the effects that sin has upon a person's soul. Here, Or HaChaim explains that since the Jewish

people were not free of sin, Bilam's power should have been effective against them; see following note.

27. Hashem not only forgave the sins of the Jewish people, He also refrained from becoming angry during the entire time that Bilam attempted to curse them, thereby thwarting his plans (Or HaChaim loc. cit.; see Rashi there).

28. Or Bahir.

because HASHEM, your God, loved you.<sup>7</sup> You shall not seek their peace or their welfare, all your days, forever.

<sup>8</sup> You shall not reject an Edomite, for he is your brother; you shall not reject an Egyptian, for you were a sojourner in his land.<sup>9</sup> Children who are born to them in the third generation may enter the congregation of HASHEM.

<sup>10</sup> When a camp goes out against your enemies, you shall guard against anything evil.<sup>11</sup> If there will be among you a man who will not be clean because of a nocturnal occurrence, he shall go outside the camp; he shall not enter the midst of the camp.<sup>12</sup> When it will be toward evening,

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[י] **כִּי תֵצֵא מַחֲנֶה וְגו'**, פִּירוּשׁ<sup>28</sup>, הֵגֵם שֶׁיֵּשׁ דְּקֻדּוּקֵי עֲבִירוֹת שֶׁה' לֹא יַעֲנִישׁ עֲלֵיהֶם<sup>29</sup>, וְאִם יַעֲנִישׁ יִהְיֶה עֹנֶשׁ קָל, מוֹדִיעַ הַכְּתוּב שֶׁבִּשְׂעַת הַסַּכָּנָה, שֶׁהוּא בְּזֶמֶן שְׂוִיָּצָאִים עַל אוֹיְבֵיהֶם, צָרִיכִין שְׁמִירָה מִכָּל דְּקֻדּוּקֵי עֲבִירוֹת<sup>30</sup>, כְּאוֹמְרוֹ "מִכָּל דְּבָר וְגו'":

וְכָלל בְּתִיבַת "דְּבָר", גַּם סִיבוֹת שֶׁמִּמֶּנּוּ יִסּוּבֵב הָרַע, וְהָעִיר בְּמָה שֶׁצֹּהָה סְמוּךְ לָזֶה "כִּי יִהְיֶה כָּךְ אִישׁ אֲשֶׁר לֹא יִהְיֶה טָהוֹר וְגו'", וְאוֹמְרוֹ רַבּוֹתֵינוּ ז"ל (עֲבוּדָה זָרָה כ:): שֶׁהָרָהוּרִי עֲבִירָה בַּיּוֹם מְבִיאִין לִידֵי קָרִי לִילָה, וְנִתְכַּוֵּן הַכְּתוּב בְּסִמְכּוֹת זֶה לִזְמַר, שֶׁעַל כֵּיוָצֵא בָּזֶה יֵצֵא בְּמֵאֵמַר "וְנִשְׁמַרְתָּ מִכָּל וְגו'":

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**The meaning of this is that although there are some fine details of sins for which Hashem would not necessarily punish,**<sup>[29]</sup> **וְאִם יַעֲנִישׁ יִהְיֶה** מוֹדִיעַ הַכְּתוּב שֶׁבִּשְׂעַת הַסַּכָּנָה, **— or, even if He does punish, it would be a slight punishment,** **— the verse informs us that at a time of danger, such as a time when [the Jewish people] are going out to wage war against their enemies,** **— they need to be especially vigilant against even any fine details of sins,** for at such times even those “sins” can put them in danger.<sup>[30]</sup> **— כאֹמְרוֹ, מִכָּל דְּבָר וְגו' " — This is as it says, you shall guard against “anything” evil:** Not only must they guard against evil itself — **דְּבָר רַע, an evil thing** — but also against **דְּבָר רַע, anything” evil, i.e., even such minor “sins.”**

Or HaChaim explains why the verse says the word **דְּבָר רַע, against anything evil** (literally, **against any evil “thing”**), instead of saying merely **דְּבָר רַע, against any evil**:

**With the term “thing,” [the Torah] includes in addition things that are causes from which evil results.** Not only must we guard against sin, but also anything that **brings about sin.** **— [The verse] conveys that this is its intent by what it commands immediately afterward: " — כִּי יִהְיֶה כָּךְ אִישׁ אֲשֶׁר לֹא יִהְיֶה טָהוֹר וְגו' " — If there will be among you a man who will not be clean because of a nocturnal occurrence (i.e., a nocturnal emission), and our Sages, of blessed memory (Avodah Zarah 20b), say that our verse, which warns against “anything evil,” constitutes a prohibition against entertaining thoughts of immorality, for sinful thoughts during the day lead to an emission at night.** **Thus, the Torah intends, by placing these two verses next to each other, to convey " — שֶׁעַל כֵּיוָצֵא בָּזֶה יֵצֵא בְּמֵאֵמַר "וְנִשְׁמַרְתָּ מִכָּל וְגו' " — that it is regarding such matters, i.e., things that contribute to sin or impurity, that it instructs with the statement, you shall guard against anything evil.**

29. This refers to things that are not actual sins, but are somewhat connected to sin, i.e., slight infractions. Or LaEinayim suggests that the term דְּקֻדּוּקֵי עֲבִירוֹת refers to those things that, although not prohibited outright, one knows that Hashem would not wish him

to do at that time.

30. The Satan has a special power in times of danger to prosecute in Heaven for even minor sins (see Rashi).

יִסְחִי בְּמֵיָא וּבְכַמְעַל שְׁמִשָּׂא  
יַעֲלוֹ לְגוֹ מִשְׁרִיתָא: יג וְאַתָּה  
מִתְקַן יְהִי לָךְ מִבְּרָא לְמִשְׁרִיתָא  
וּתְפֹק תִּמְן לְבָרָא: יד וְסִבְתָּא  
תְּהִי לָךְ עַל זִינָךְ וְיְהִי בְּמִתְבָּךְ  
לְבָרָא וּתְחַפֵּר בָּהּ וּתְתוּב  
וּתְכִסִּי יָת מִפְקָתָךְ: טו אַרִי יִי  
אַלְהָךְ שְׂכִינְתָּהּ מִהֲלָכָא בְּגוֹ  
מִשְׁרִיתָךְ לְשׁוּבוֹתָךְ וּלְמִמְסַר  
בְּעָלֵי דְבִבְרָךְ קְדִמָּךְ וּתְהִי  
מִשְׁרִיתָךְ קְדִישָׁא וְלֹא יִתְחַזִּי  
בָךְ עֲבֵרַת פְּתִיגָם וּיְתוּב מִימְרָה  
מִלְאוּטְבָא לָךְ: טז לֹא תִמְסַר  
עֲבֵד עַמְּמִין לִיד רְבוּנָה דִּי  
יִשְׁתַּבֵּז לְוִתָּךְ מִן קֳדָם רְבוּנָה:  
יז עֲמָךְ יִתֵּב בִּינָךְ בְּאַתְרָא דִּי  
יִתְרַעֵי בְּחֵדָא מִן קְרִינָה בְּדִיטְבָא  
לָהּ לֹא תוֹנְנָה: יח לֹא תְהִי  
אַתְמָא מְבִנָת יִשְׂרָאֵל לְגִבְרָ  
עֲבֵד וְלֹא יִסֵּב גִּבְרָא מִבְּנֵי  
יִשְׂרָאֵל אַתְמָא אִמָּא: יט לֹא  
תַעֲלֵ אֲגֵר וְנִיתָא וְחוֹלְפִין בְּלָכָא  
לְבֵית מִקְדָּשָׁא דִּי אֲלֹהֵךְ לְכָל  
נִדְרָא אֲרִי מְרַחֵק קֳדָם יִי אֲלֹהֵךְ  
אֶף תִּרְוִיחוּן: כ לֹא תִרְבִּי לְאַחוּךְ  
רְבִית בְּסָף רְבִית עֲבוּר רְבִית  
כָּל מִדְעָם דִּי מִתְרַבִּי: כא לָכֵן  
עַמְּמִין תִּרְבִּי וְלֹאחוּךְ לֹא  
תִרְבִּי בְּדִיל דִּיבְרַכְנָךְ יִי אֲלֹהֵךְ

יִרְחֹץ בְּמֵיִם וּבְכֹבֵא הַשֶּׁמֶשׁ יָבֹא אֶל-תּוֹךְ  
יג הַמִּחְנֶה: וְיֵד תִּהְיֶה לָּךְ מַחוּץ לַמִּחְנֶה וַיֵּצֵאת  
יד שָׁמָּה חוּץ: וְיִתֵּד תִּהְיֶה לָּךְ עַל-אֲזֹנֶךָ וְהָיָה  
בְּשִׁבְתְּךָ חוּץ וְחִפְרָתָהּ בָּהּ וּשְׁבֵת וּכְסִיתָ  
טו אֶת-צִאתָהּ: כִּי יִהְיֶה אֱלֹהֶיךָ מִתְהַלֵּךְ | בְּקֶרֶב  
מִחְנֶה לְהַצִּילָךְ וּלְתֵת אִבְיָךְ לִפְנֶיךָ וְהָיָה  
מִחְנֶיךָ קָדוֹשׁ וְלֹא-יֵרָאֶה בָּךְ עֲרוֹת דָּבָר וְשֵׁב  
טז מֵאַחֲרֶיךָ: לֹא-תִסְגִּיר עֶבֶד אֶל-אֲדֹנָיו  
יז אֲשֶׁר-יִנְצֵל אֵלֶיךָ מֵעַם אֲדֹנָיו: עִמָּךְ יֵשֵׁב  
בְּקֶרְבְּךָ בְּמָקוֹם אֲשֶׁר-יִבְחַר בְּאֶחָד שְׁעָרֶיךָ  
יח בְּטוֹב לוֹ לֹא תוֹנֶנּוּ: לֹא-תִהְיֶה  
קִדְשָׁה מִבְּנוֹת יִשְׂרָאֵל וְלֹא-יִהְיֶה קִדֵּשׁ  
יט מִבְּנֵי יִשְׂרָאֵל: לֹא-תִבְיֵא אֶתְנֶן זֹנֶה וּמַחֲרִי  
כָּלֵב בֵּית יְהוָה אֱלֹהֶיךָ לְכַל-נֶגֶד כִּי תוֹעֵבֶת  
כ יהוָה אֱלֹהֶיךָ גַּם-שְׁנִיהֶם: לֹא-  
תִשִּׁיף לְאַחֶיךָ גִּישָׁךְ בְּסָף גִּישָׁךְ אֲכָל גִּישָׁךְ  
כא כָּל-דָּבָר אֲשֶׁר יִשָּׁף: לִנְכָרִי תִשִּׁיף וּלְאַחֶיךָ  
לֹא תִשִּׁיף לְמַעַן יִבְרַכְךָ יְהוָה אֱלֹהֶיךָ

רש"י

זכר (שית כב, ה), עם הדומה לחמור (קדושין סח). "ולא יבס  
גברא מצני ישראל אחתא חמה", שאף הוא נעשה קדש על ידו,  
שכל צעילותיו צעילות זנות שאין קדושין תופסין לו זה (סו:  
יט) אֶתְנֶן זֹנֶה. נסן לה מלה צִתְנָנָה פסול להקדשה (ספרי  
רסא; תמורה כט): ומחיר כלב. החליף זה ככלל (ספרי סו;  
תמורה לו): גם שניהם. לרבות שניהם, כגון חטים וטעמן סלת  
(תמורה לו): (ב) לא תשיף. חזקה ללוא שלא יסן רבות למלוה.  
ואחר כך חזקה למלוה "חט בספק לא תסן לו צנעך" (ויקרא  
כה, לו; ספרי רסב; צבא מניעא עה: (כא) לנכרי תשיף. ולא  
לאחרי. לאו הצא מפלל עשה, עשה, לעבור עליו צנעי לאוין  
ועשה (וצבא מניעא עה:)

(יג) ויד תהיה לך. פתרגומו "ואחר", כמו "איש על ידו"  
(במדבר ז, י; ספרי רנז): מחוץ למחנה. חוץ לענין: (יד) על  
אזנה. לצד מאחר כלי פשמישך: אזהרה. כמו כלי זינך (ספרי  
סו: (טו) ולא יראה בך. הקצ"ה ערות דבר: (טז) לא  
תסגיר עבד. פתרגומו. דבר אחר, חפילו עבד פנעני של  
ישראל שפחה מחולה לארץ לארץ ישראל (סו רנט; גיטין מה:)  
(יח) לא תהיה קדשה. מופקרת, מקודשת ומזומנת לזנות:  
ולא יהיה קדש. מזומן למשכב זכור (סנהדרין נד:). וחוקקלים  
תרגם "לא תהי אחתא מצנת ישראל לגבר עבד", שאף זו  
מופקרת לבעילות זנות היא מאחר שאין קדושין תופסין לו  
צה, שהרי הוקשו לחמור, שגמור "שבו לכם פה עם החמור"

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[כא] לנכרי תשיף ולאחריך לא תשיף. קשה, למה כפל לומר "ולאחריך לא תשיף" אחר שצוה בסמוך

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21. *YOU MAY CAUSE AN IDOLATER TO TAKE INTEREST, BUT YOU MAY NOT CAUSE YOUR BROTHER TO TAKE INTEREST.*

Or HaChaim points out a redundancy in the verse:

"There is a difficulty here: Why did [the Torah] repeat itself by saying, *but you may not cause your brother to take interest*, after instructing

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he shall immerse himself in the water, and when the sun sets, he may enter the midst of the camp.<sup>13</sup> You shall have a place outside the camp, and to there you shall go out, outside.<sup>14</sup> You shall have a shovel in addition to your weapons, and it will be that when you sit outside, you shall dig with it; you shall go back and cover your excrement.<sup>15</sup> For HASHEM, your God, walks in the midst of your camp to rescue you and to deliver your enemies before you; so your camp shall be holy, so that He will not see a shameful thing among you and turn away from behind you.

<sup>16</sup> You shall not turn over to his master a slave who is rescued from his master to you.<sup>17</sup> He shall dwell with you in your midst, in whatever place he will choose in one of your cities, which is beneficial to him; you shall not taunt him.

<sup>18</sup> There shall not be a promiscuous woman among the daughters of Israel, and there shall not be a promiscuous man among the sons of Israel.

<sup>19</sup> You shall not bring a harlot's hire or the exchange for a dog to the House of HASHEM, your God, for any vow, for both of them are an abomination of HASHEM, your God.

<sup>20</sup> You shall not cause your brother to take interest, interest of money or interest of food, interest of anything that he may take as interest.

<sup>21</sup> You may cause an idolater to take interest, but you may not cause your brother to take interest, so that HASHEM, your God, will bless you

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(לעיל פסוק כ) "לא תשיך לאַחיקך וגו' ", וְרִבּוּתֵינוּ וְ"ל (בבא מציעא עה): אָמְרוּ: לַעֲבוֹר עָלָיו בְּשָׁנִי לְאוֹיֵן: וְאוֹלִי<sup>31</sup> שְׁנֵתְכוֹן לּוֹמֵר, שֶׁהֵגֵם שֶׁהִנְשִׁיכָהּ הִיא לְגוֹי<sup>32</sup>, אִם הִדְבֵּר עַל יְדֵי יִשְׂרָאֵל אֲסוּר, כֹּל עוֹד שִׁישְׂרָאֵל אֵינוֹ מְבִיר הַגּוֹי בְּעַד הַלְוָתוֹ<sup>33</sup>, אוֹ אִם אֵין בִּידוֹ מִשְׁכוֹן הַגּוֹי<sup>34</sup>, וְכֵן הוּא

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us, in the previous verse: "לא תשיך לאַחיקך וגו' — *You shall not cause your brother to take interest, etc.?* — וְרִבּוּתֵינוּ וְ"ל אָמְרוּ לַעֲבוֹר עָלָיו בְּשָׁנִי לְאוֹיֵן — Now, our Sages, of blessed memory, say (*Bava Metzia* 75b) that the repetition in the verse is to teach that one who borrows from a Jew on interest transgresses two negative commands for it. However, an explanation is still needed according to the plain meaning of the verse.

Or HaChaim explains that our verse alludes to a case where one lends money to an idolater with interest, but uses a Jew as a middleman:<sup>[31]</sup>

וְאוֹלִי שְׁנֵתְכוֹן לּוֹמֵר שֶׁהֵגֵם שֶׁהִנְשִׁיכָהּ הִיא לְגוֹי — Perhaps the intent of [the verse] is to say that even if the interest is charged to an idolater — as stated previously, *you may charge an idolater interest*<sup>[32]</sup> — אִם הִדְבֵּר עַל יְדֵי יִשְׂרָאֵל אֲסוּר — if the matter is done through a Jew who acts as a middleman, it is forbidden, כֹּל עוֹד שִׁישְׂרָאֵל אֵינוֹ מְבִיר הַגּוֹי בְּעַד הַלְוָתוֹ — as long as the lender, who is a Jew, does not recognize the idolater as the one accountable for his loan.<sup>[33]</sup> — אוֹ אִם אֵין בִּידוֹ מִשְׁכוֹן הַגּוֹי — Or, even if

31. In our translation of the verse, the prohibition is addressed to the borrower, warning him not to pay interest to a Jewish lender. This follows most *Chumash* commentaries, as well as the Gemara's interpretation cited by Or HaChaim above. In the following approach, however, Or HaChaim takes the view (following *Rashbam* and *Ibn Ezra*) that the verse addresses the lender, and prohibits him from charging interest to a Jew תשיך ולאחיקך לא תשיך, *You may charge an idolater interest, but you may not charge interest*

to your brother]. See further, note 35.

32. See previous note.

33. That is, it is forbidden if the (Jewish) middleman is accountable to the (Jewish) lender, and the borrower, who is an idolater, is accountable only to the middleman. In this case, the Jewish lender is considered to be lending money to the Jewish middleman on interest. It is permitted only if the borrower is directly accountable to the (Jewish) lender, with the middleman merely acting as an agent.

בכל מִשְׁלַח יָדְךָ עַל-הָאָרֶץ אֲשֶׁר-אַתָּה  
כב בַּאֲשֶׁמָּה לְרִשְׁתָּהּ: בִּיתְנֶךָ נָדָר  
לִיהוָה אֱלֹהֶיךָ לֹא תֵאָחֵר לְשִׁלְמוֹ בִּי-דֶרֶשׁ  
יְדִרְשֵׁנוּ יְהוָה אֱלֹהֶיךָ מִעֲמֶמְךָ וְהָיָה בְּךָ חֲטָא:

רע”

(כב) לא תֵאָחֵר לְשִׁלְמוֹ. שְׁלֹשָׁה קְנִיִּים, וְלִמְדוּהוּ רְצוּתוֹ מִן הַמִּקְרָא (ראש השנה ד:)

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הדין (יורה דעה סימן קסח-קסט, סעיף יג):<sup>35</sup>

עוד<sup>36</sup> ירמוז למה שחלקו האחרונים שאפילו לגוי אסור להתמיד בזה, משום שמא יבא ליתנו גם לישראל, והוא אומרו “לנכרי תשיך”, ותנאי הוא הדבר שלא תעשה באופן שיצא מזה קלקול שתשיך לאחיו: [כב] וְהָיָה בְּךָ חֲטָא וְגו’. פירוש, על דרך אומנם ו”ל (שבת לב:): בעון נדרים מתים אשתו ובניו של

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the Jew does rely on the idolater for the loan, it is still forbidden if he does not have the collateral of the idolater.<sup>[34]</sup> — וכך הוא הדין — Indeed, that is the law that emerges from the ruling of the *Shulchan Aruch* (*Yoreh Deah* §168-169:13).<sup>[35]</sup>

Alternatively, the verse alludes to a Rabbinic law regarding interest:<sup>[36]</sup>

[The verse] also alludes to a distinction made by the later authorities, — שֶׁאִפִּילוּ לְגוֹי אֲסוּר לְהִתְמַיֵּד בְּזֶה, — משום שמא יבא ליתנו גם לישראל, — וְהוּא אוֹמְרוֹ “לְנֹכְרֵי תִשְׁיַךְ”, — This, then, is what [the verse] is saying: *You may cause an idolater to take interest, but you may not cause your brother to take interest*; meaning ותנאי הוא הדבר — שלא תעשה באופן שיצא מזה קלקול שתשיך לאחיו — it is permitted only on condition that you do not do it in such a manner (i.e., with such frequency) that it will result in a violation, i.e., that you may cause your brother to take interest.

22. וְהָיָה בְּךָ חֲטָא וְגו’ — WHEN YOU MAKE A VOW TO HASHEM, YOUR GOD ... AND THERE WILL BE A SIN IN YOU, ETC.

This statement seems superfluous: Certainly if one transgresses this prohibition he will have a sin! Or HaChaim therefore interprets the verse differently:<sup>[38]</sup>

— פירוש על דרך אומנם ו”ל — The meaning of this statement is in accordance with what [the Sages], of blessed memory, say (*Shabbos* 32b): — Due to the sin of

34. If the borrower entrusts the collateral to the (Jewish) middleman, it is as though the middleman is lending to the idolater; when the middleman then takes money from the Jewish lender on interest (even though he will then lend it to the idolater), it is considered as if he is the one borrowing from the other Jew with interest, and it is therefore forbidden (see *Beis Yosef*, *Yoreh Deah* §168-169).

35. This law applies in the converse as well: A Jew may not borrow from an idolater with interest using a Jewish middleman unless the conditions cited above are in place (*Shulchan Aruch*, *Yoreh Deah* §168-169:17). [Or HaChaim’s approach can therefore apply to the standard interpretation of the verse as well (see above, note 31). Perhaps Or HaChaim discusses the case of a Jewish lender because the primary halachic discussion among the authorities revolves around that case (see *Meorei HaChaim*).]

36. In the following approach, Or HaChaim reverts to the standard interpretation of the verse (see above, note 31), in which it is discussing the prohibition of paying interest to an idolater.

37. The Gemara (*Bava Metzia* 70b-71a) says the Sages forbade lending to an idolater with interest unless it is necessary for one’s livelihood. [This law is no longer in effect (*Shulchan Aruch*, *Yoreh Deah* 159:1).] Or HaChaim, who mentions both charging and taking interest from an idolater, seems to follow those authorities who maintain that the law of the Gemara applies both to charging and taking interest (see *She’eilos U’Teshuvos Beis David* (Salonika), *Yoreh Deah* §78; *Nachalas Tzvi*, *Yoreh Deah* 159:1). It should be noted, however, that *Rambam* (*Hil. Malveh VeLoveh* 5:2) clearly states that the prohibition applies only to lending on interest, not to borrowing.

38. *Or Bahir*.

*in your every undertaking on the Land to which you are coming, to possess it.*

<sup>22</sup> *When you make a vow to HASHEM, your God, you shall not be late in paying it, for HASHEM, your God, will demand it of you, and there will be a sin in you.*

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אדם, עד כאן. והוא אומר "יהיה בך חטא", לשון חסרון<sup>39</sup>, שעל ידי איחור הנדר יחסר ממנו אשתו שהיא כגופו (ברכות כד.), או זרעו שהוא גם בן חלק ממנו:

ואומר "וכי תחדל לנדר לא יהיה בך חטא", יתבאר גם בן על דרך אומרם ז"ל (גיטין ז.), אם ראה אדם שנכסיו מצומצמים יעשה מהם צדקה, ועוד אמרו (כתובות סו:) מלח<sup>40</sup> ממון חסר, והנה לפי שחביב על האדם ממונו אין נוח להוציאו, ולזה תבא הסברה לאדם להתחכם לנדור נדר לה, שבזה יהיה לו נוח הרצון לתת מנכסיו, לזה בא דבר מלך והודיעו היוצא מחשש ביטול הנדר, והיוצא מחשש מניעת נתינת צדקה כפי המתייב. ואמר כנגד איחור הנדר, שזה יסובב שיהיה החסרון בו. וכנגד מניעת נתינת צדקה אמר, "וכי תחדל לנדר", הגם שאמה בא לידי מניעת נתינת הצדקה.

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והוא אומר — **The quote ends here.** — עד כאן. **unfulfilled vows, a person's wife and children die.** — "יהיה בך חטא" לשון חסרון — **This, then, is what our verse means when it says, and there will be a "חטא" in you;** the term חטא here is interpreted as **an expression of loss,**<sup>[39]</sup> so that the verse means, *there will be a loss in you.* The Torah clarifies that loss that comes as a result of this prohibition is one that is considered to be "in you," i.e., an integral part of you, **שעל ידי איחור הנדר יחסר ממנו אשתו שהיא** — **because through delaying the fulfillment of a vow, one's wife will be lost to him, and [one's wife] is like the person himself** (*Berachos 24a*), **או זרעו שהוא גם בן חלק ממנו** — **or he will lose his offspring, which is also like a part of him.**

Or HaChaim explains the following verse in the same vein:

ואומר "וכי תחדל לנדר לא יהיה בך חטא" — **That which it says, If you refrain from vowing, there will be no "loss" in you,** — יתבאר גם בן על דרך אומרם ז"ל — **may likewise be explained in this manner, in accordance with that which [the Sages], of blessed memory, say** (*Gittin 7a*): **אם ראה אדם** — **If a person sees that his possessions are restricted to exactly what he needs and no more, he should nevertheless take some and perform charity with them,** for this will bring him blessing. — **[The Sages] also said** (*Kesubos 66b*): **The salt** (i.e., preservative)<sup>[40]</sup> **of money is its loss;** i.e., the way a person can preserve his money is by diminishing it and giving some to charity. Here, too, we see that giving charity brings wealth. **והנה** — **Now, since a person's money is precious to him, it is not easy for him to spend it even for the purpose of giving charity, which he knows will bring him blessing.** — **Therefore, it may occur to a person who wishes to give charity but sees that this is difficult for him, to act cleverly to outsmart his own inclination by making a vow to Hashem to give charity,** — **so that it will be easier for him to be willing to give some of his possessions to charity, since now that he vowed, he will be afraid to transgress it.** — **Therefore, the word of the King in this verse comes and informs him of the risk that neglecting a vow entails,** — **and, at the same time, what the risk of refraining from giving charity according to his obligation entails,** so that he can assess both risks before deciding on a course of action. This is the meaning of the two verses in our passage: **ואמר** — **שזה יסובב שיהיה** — **Thus, it first says in v. 22, with regard to delaying a vow,** — **כנגד איחור הנדר** — **that this will cause a loss to occur in him,** i.e., the loss of his wife and children, as mentioned above; **וכנגד מניעת נתינת צדקה אמר** — **and then, with regard to refraining from giving charity, it says in v. 23:** — **"וכי תחדל לנדר" הגם שאמה בא לידי מניעת נתינת הצדקה** — **If you refrain from vowing, meaning, even if by refraining from vowing you may come to refrain from giving charity,**

39. See Or HaChaim to 24:15 below.

40. Salt was used as a preservative for food.

כג וְכִי תִחְדָּל לִנְדֹּר לֹא־יִהְיֶה בָּךְ חֲטָא:  
כד מוֹצֵא שְׁפָתַיךָ תִּשְׁמֹר וְעֲשִׂיתָ בְּאֶשֶׁר  
נִדְרָתָ לַיהוָה אֱלֹהֶיךָ נִדְבָה אֲשֶׁר דִּבַּרְתָּ

רס”

(כד) מוֹצֵא שְׁפָתַיךָ תִּשְׁמֹר וְעֲשִׂיתָ. לִיטֵן עֲשֶׂה עַל לֹא תַעֲשֶׂה (סס ו):

אור החיים

זֶה יְסוּבֵב חֶסְרוֹן בְּמִמּוֹן, אֲבָל בָּךְ בְּנֵדָאִי שְׁלֹא יִהְיֶה חֲטָא, וְהוּא אֹמְרוֹ “לֹא יִהְיֶה בָּךְ חֲטָא.”  
וְאֹמְרוֹ<sup>42,41</sup> “מוֹצֵא שְׁפָתַיךָ תִּשְׁמֹר וגו’”, פִּירוּשׁ, תִּמְתִּין (רש”י בראשית לו, יא) מִלְּהוֹצִיא הַנֶּדֶר מִפִּיךָ עַד  
שֶׁתּוּכַל לַעֲשׂוֹת, פִּירוּשׁ, לְקַיִים הַנֶּדֶר, אֲזַי תִּדּוֹר וּתְקַיִים הַנֶּדֶר סְמוּךְ לַנֶּדֶר, וְהוּא אֹמְרוֹ “וְעֲשִׂיתָ בְּאֶשֶׁר  
נִדְרָתָ”<sup>43</sup>, וְכֵן הִיא הַלֵּל עוֹשֶׂה שֶׁהִיא מְבִיא קֶרְבָּנוֹ לַעֲזֹרָה וְאֹמֵר וְכו’ (נדרים ט:)<sup>44</sup>:  
או שיעור הכתוב הוא על זֶה הַנֶּדֶר, “מוֹצֵא שְׁפָתַיךָ תִּשְׁמֹר” מִלְּדַבֵּר, וְתַעֲשֶׂה כְּאִילוֹ “נִדְרָתָ לַה’

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זֶה יְסוּבֵב חֶסְרוֹן בְּמִמּוֹן — **that will only cause you to incur a loss of money**, since you will not have the merit of charity to bring you blessing, **— but there will certainly be no loss in you**, i.e., you will not suffer the loss of your wife and children, which is a punishment only for the sin of delaying one’s vows. **That is what** the verse means when it says, *If you refrain from vowing, there will be no loss in you*, i.e., there will be no loss in what is considered part of you, i.e., your wife and children, but only something that is outside of you, i.e., your finances. The verse thus conveys that it is not wise to vow to give charity in order to compel yourself to give, for the risk of delaying the fulfillment of a vow is greater than that of not giving charity.

V. 24 seems to be a repetition of the warning issued in v. 22, not to delay fulfilling vows.<sup>[41]</sup> Or HaChaim therefore interprets the verse as instructing a person under what circumstances he can vow. In this interpretation of the verse, the word תִּשְׁמֹר is defined not as *you shall guard*, but as *you shall wait*:<sup>[42]</sup>

“וְאֹמְרוֹ” מוֹצֵא שְׁפָתַיךָ תִּשְׁמֹר וגו’ — [The verse’s] statement, *What emerges from your lips you shall wait* — פִּירוּשׁ תִּמְתִּין מִלְּהוֹצִיא הַנֶּדֶר מִפִּיךָ עַד שֶׁתּוּכַל לַעֲשׂוֹת פִּירוּשׁ לְקַיִים הַנֶּדֶר (תִּשְׁמֹר), and carry out, etc., **means, you shall wait to utter a vow with your mouth until you are able to carry it out, meaning, until you are ready to fulfill the vow.** — **Only then**, when you are able to fulfill it immediately, **shall you vow, and then you shall fulfill the vow immediately after taking the vow.** **That is** the meaning of **what it says** subsequently, **and you shall carry out** “בְּאֶשֶׁר” **you vowed**: The word בְּאֶשֶׁר may be interpreted to mean “just when,” meaning that you shall carry out the vow *as soon as* you utter it, ensuring that you do not transgress the vow.<sup>[43]</sup> — **Indeed, that is what Hillel would do: He would bring his offering to the Courtyard of the Beis HaMikdash and only then would he say:** “This shall be designated as an offering” (*Nedarim* 9b).<sup>[44]</sup>

Or HaChaim’s following approach follows the translation of the word תִּשְׁמֹר as *you shall guard*. Or HaChaim also addresses another point in this verse, i.e., that which the verse begins by referring to his obligation as a vow, but then refers to it as a donation (בְּאֶשֶׁר דִּבַּרְתָּ בְּפִיךָ), *just as you “vowed” a “donation” to HASHEM, your God*):

“מוֹצֵא” — **Alternatively, the meaning of the verse is as follows:** **מוֹצֵא** — *What emerges from your lips you shall guard*, meaning that you shall guard yourself **against uttering** a vow with your lips at all. **נִדְרָתָ לַה’ אֱלֹהֶיךָ הַגֵּם**

41. Or Bahir.

42. Or HaChaim often defines the root שמר in this way (see Rashi to Bereishis 37:11).

43. Or LaEinayim.

44. Hillel was concerned that if he consecrated it earlier, he might transgress the prohibition against delaying a vow (see Ran ad loc. נדרה).



<sup>23</sup> If you refrain from vowing, there will be no sin in you. <sup>24</sup> What emerges from your lips you shall guard and carry out, just as you vowed a donation to HASHEM, your God, whatever you spoke with your mouth.

### אור החיים

אֱלֹהֶיךָ, הִגַּם שְׁאִינָה אֶלָּא נִדְבָה, וְהוּא אָמְרוּ "בְּאֶשֶׁר נִדְרַת ... נִדְבָה", אֲשֶׁר נִדְבָה רוּחַךְ, כִּי מִשְׁמְעוֹת נִדְבָה הוּא בָּלָב, כְּאֹמְרוֹ (שְׁמוֹת כה, ב) "אֲשֶׁר יִדְבְּנוּ לָבוֹ", "נִדְבָה רוּחוֹ" (שם לה, כא): וְאָמְרוּ "אֲשֶׁר דִּבַּרְתָּ בְּפִיךָ", יִתְבָּאֵר עַל דֶּרֶךְ אֹמְרָם בְּזוֹהַר (ח"ג רצד). בְּפֶסֶק "כִּי עוֹף הַשָּׁמַיִם יוֹלִיךְ אֶת הַקּוֹל" (קהלת י, כ), כִּי בְּשִׁאֲדָם חוֹשֵׁב בְּדַעְתּוֹ מִחֻשְׁבָּה, שְׁפֹתָיו דּוֹבְבוֹת מֵעֲצָמָן בְּלֹא יִדְעֵתוּ, וְהוּא אָמְרוּ "אֲשֶׁר דִּבַּרְתָּ בְּפִיךָ", כִּי הִגַּם שְׁלֹא עָשָׂה אֶלָּא מִחֻשְׁבָּה, פִּיךָ דִּבֵּר מִה שֶׁחָשַׁב. וְלִזְה דִּקְדָק לֹאמַר "בְּפִיךָ", שָׂאֵם לֹא כֵן לְמַה הוֹצֵרָךְ לֹאמַר "בְּפִיךָ", וְכִי אֵין אֲנִי יוֹדְעִים כִּי הִדְיָבוֹר הוּא בִּפְהָ, וְלִדְבָרֵינוּ יָבֵא עַל נִכּוֹן. וְרַבּוֹתֵינוּ ז"ל (ראש השנה ו.) דִּרְשׁוּ הַכְּתוּב בְּאֹפֶן אַחֵר<sup>45</sup>, וְשִׁבְעִים פְּנִים לְתוֹרָה (במדבר רבה יג, טו"ט):

### OR HACHAIM ELUCIDATED

**נִדְבָה** — But even though you do not actually utter a vow, the verse continues, **you shall carry it out as though you vowed to HASHEM, your God, even though** in fact there is no vow here, but only **a donation**, i.e., a voluntary act. **— This, then, is the meaning of [the verse's] statement**, which begins by referring to it as a vow, and then refers to it as a donation: *you shall carry it out (וְעָשִׂיתָ) as though you vowed (בְּאֶשֶׁר נִדְרַת)* when in fact there was only **a donation** (נִדְבָה); **— אֲשֶׁר נִדְבָה רוּחַךְ כִּי מִשְׁמְעוֹת נִדְבָה הוּא בָּלָב** — i.e., **that your spirit motivated you to bring an offering, for the term "donation" implies motivation in the heart**, **— אֲשֶׁר יִדְבְּנוּ לָבוֹ** — **as it says (Shemos 25:2): from every man whose heart motivates him**, and as it says (ibid. 35:21): *everyone whose spirit motivated him* (נִדְבָה) him. Accordingly, the verse instructs one to refrain from uttering a vow, but nonetheless to treat the inspiration that he had in his heart as a vow, and to be sure to fulfill it.

The end of the verse explains why one must make sure to fulfill that which he planned to do, even though he did not actually take a vow:

**— ואָמְרוּ "אֲשֶׁר דִּבַּרְתָּ בְּפִיךָ" יִתְבָּאֵר עַל דֶּרֶךְ אֹמְרָם בְּזוֹהַר** **The concluding statement, whatever you spoke with your mouth, may be explained in accordance with that which [the Sages] say in the Zohar (Vol. III, 294a) — regarding the verse (Koheles 10:20), Even in your thoughts do not curse a king ... for a bird of the skies may carry the sound, etc.** What "sound" is there when one curses in his thoughts? **כִּי בְּשִׁאֲדָם חוֹשֵׁב בְּדַעְתּוֹ מִחֻשְׁבָּה שְׁפֹתָיו דּוֹבְבוֹת מֵעֲצָמָן בְּלֹא** — **The Zohar explains that when a person has a thought in his mind, his lips move on their own and utter the words that he thought without his realizing it.** **— אֲשֶׁר דִּבַּרְתָּ** **— This, then, is what our verse means when it says, whatever you spoke with your mouth:** **— כִּי הִגַּם שְׁלֹא עָשָׂה אֶלָּא מִחֻשְׁבָּה פִּיךָ דִּבֵּר מִה שֶׁחָשַׁב** **— that although [you] did nothing other than plan to bring an offering, your mouth automatically spoke that which [you] thought.** **וְלִזְה דִּקְדָק לֹאמַר** **— That is also why [the verse] was particular to say the words, with your mouth;** **— בְּפִיךָ** **— שָׂאֵם** **— for if it were not so, i.e., if the verse was discussing a case where the person actually spoke, why did it have to say, with your mouth?** **וְכִי אֵין אֲנִי יוֹדְעִים כִּי הִדְיָבוֹר הוּא בִּפְהָ** **— Do we not already know that speech is done with the mouth?** **— וְלִדְבָרֵינוּ יָבֵא עַל נִכּוֹן** **— According to our explanation, however, it can be understood properly**, for the very point of the verse is that plans that one makes in his mind are to be taken as spoken words, and he must therefore make sure to fulfill them. **— וְרַבּוֹתֵינוּ ז"ל דִּרְשׁוּ הַכְּתוּב בְּאֹפֶן אַחֵר** **— Now, our Sages, of blessed memory (Rosh Hashanah 6a), expound the verse differently,<sup>45</sup>** **— וְשִׁבְעִים פְּנִים לְתוֹרָה** **— but our interpretation is nevertheless valid, for there are seventy ways to explain every part of the Torah (Bamidbar Rabbah 13:15-16).**

45. The Gemara there derives a separate law from each part of the verse.

חמישי כה בפירה: כי תבא בְּכֶרֶם רֶעֶף וְאָכַלְתָּ עֲנָבִים כַּנֶּפֶשׁ שְׂבַעַף וְאֶל-כִּלְיָהּ לֹא תִתֵּן: כו כי תבא בְּקֶמֶת רֶעֶף וְקִטְפָתָ מְלִילַת בִּידֶךָ וְחֶרְמֶשׁ לֹא תִזְיֵף עַל קֶמֶת א רֶעֶף: א כי־יִקַּח אִישׁ אִשָּׁה וּבָעִלָהּ וְהָיָה אִם-לֹא תִמְצָאֶהוּ בְּעֵינָיו כִּי־מֵצָא בָּהּ עֲרוּת דָּבָר וְכָתַב לָהּ סֵפֶר כְּרִיתָתָ וְנָתַן בְּיָדָהּ וְשִׁלְחָהּ מִבֵּיתָהּ: ב וַיֵּצֵאָהּ מִבֵּיתָהּ וְהָלְכָה וְהִיתָה לְאִישׁ־אַחֵר: ג וּשְׁנָאָהּ הָאִישׁ הָאֲחֵרוֹן וְכָתַב לָהּ סֵפֶר כְּרִיתָתָ וְנָתַן בְּיָדָהּ וְשִׁלְחָהּ מִבֵּיתָהּ אוֹ כִּי יָמוּת הָאִישׁ הָאֲחֵרוֹן אֲשֶׁר־לָקַחְתָּ לוֹ לְאִשָּׁה: ד לֹא־יֻכַּל בַּעֲלָהּ הָרִאשׁוֹן אֲשֶׁר־שִׁלְחָהּ לָשׁוּב לְקַחְתָּהּ לְהִיּוֹת לוֹ לְאִשָּׁה אַחֲרִי אֲשֶׁר הִטְמִינָהּ כִּי־תוֹעֵבָה הוּא לִפְנֵי יְהוָה וְלֹא תַחֲסִי אֶת־הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ גַּחֲלָהּ: ה כִּי־יִקַּח אִישׁ אִשָּׁה חֲדָשָׁה לֹא יֵצֵא בַּצֵּבָא וְלֹא־יַעֲבֹר עָלָיו לְכָל־דָּבָר נָקִי יְהִיָּה לְבֵיתוֹ שָׁנָה אַחַת וְשָׁמַח וְאֶת־אִשְׁתּוֹ אֲשֶׁר־לָקַח: ו לֹא־יִחַבֵּל רַחִים וְרָכַב ז כִּי־נִפֶּשׁ הוּא חֶבֶל: ח כִּי־יִמְצָא אִישׁ גִּבָּב נֶפֶשׁ מֵאֲחִיו מִבְּנֵי יִשְׂרָאֵל וְהִתְעַמֵּר־בּוֹ וּמָכְרוֹ וּמַת הַגִּבָּב הַהוּא וּבָעֲרַת הָרֶעַ

בפומף: כה ארי תתגר בכרמא דחברך ותיכול ענבין כנפשך שבעך ולמאנך לא תתן: כו ארי תתגר בקמתא דחברך ותקטוף מלילן בידך ומגלל לא תרים על קמתא דחברך: א ארי יסב גבר אתמא ויבעלה ויהי אם לא תשפח רחמין בעינוהי ארי אשפח בה עברת פתגם ויכתוב לה גט פטורין ויהי בידה ויפטרה מבייתה: ב ותפוק מבייתה ותהר ותהי לגבר אחר: ג וישננה גברא בתראה ויכתוב לה גט פטורין ויתן בידה ויפטרה מבייתה או ארי ימות גברא בתראה די נסבה לה לאנתו: ד לית לה רשו לבעלה קדמאה די פטרה למתב למסבה למיהוי לה לאנתו בתר די אסתאבת ארי מרחקא היא קדם יי ולא תחייב ית ארעא די יי אלהך יחב לך אחסנא: ה ארי יסב גבר אתמא חדמא לא יפוק בחילא ולא יעבר עלוהי לכל מדעם פני יהי לבייתה שמתא חדא ויחדי ית אתמא די נסב: ו לא יסב משכונא רחיא ורכבא ארי בהון מתעבד מזון לכל נפש: ז ארי ישפח גבר גבב נפשא מאחוי מבני ישראל ויתגר בה ויזבנה ויתקטל גבבא ההוא ותפלי עבד דביש

רע"ו

דבר הלצה: לכל דבר. שהוא נזקך הלצה, לא לספק מים ומזון ולא לספק דרכים. חבל החוזרים מעורכי המלחמה על פי כהן, כגון צנה צית ולא חכנו או חרש חשה ולא לקחה מספיקין מים ומזון ומתקנין את הדרכים (סס וסס): יהיה לביתו. חף צעזיל ציתו, חס צנה צית וחכנו, ואס נטע כרם וחללו, חינו זו מציתו צעזיל קרבי המלחמה: לביתו. זה ציתו: יהיה. לרצות את פרמו (ספרי סס; סוטה מג): ושמוח. ישמח את אשפו, וסרגומו "ויחדי ית אשתיה" והמסרגס ויחדי עס אשתיה (סרגוס יינתו) טועה הוא, שאין זה סרגוס של ושמת חלל של ושמת: (ו) רחיים. היא הפחפונה: ורכב. היא העליונה: לא יחבל. חס צא למשכנו על חובו צצית דין, לא ימשכנו צדכרים טעושים צהן חוכל נפש (צצא מיעא קיג, קטו): (ז) בי ימצא. צעדים (ספרי רעג) והתראה, וכן כל "מלל" צצפורה (מכילתא מיקין פרק ס: והתעמר בו. חינו תייב עד שישפח צו (ספרי סס):

(כה) כי תבא בְּכֶרֶם רֶעֶף. צפועל הפתוצ מדצר (צצא מיעא פז): כנפשך. פמה שפרכה (סס): שבעך. ולא חכילה גסה (סס): ואל כלוף לא תתן. מפתן שלל דצרה תורה חלל צשעת הצירה, צזמן שחשה נותן כליו של צעל הצית, חכל חס צא לעדור ולקשקש חינו חוכל (סס פטו): (כו) כי תבא בקמת רֶעֶף. חף זו צפועל הפתוצ מדצר (סס פז): (א) כי מצא בה עֲרוּת דָּבָר. מזה וכליו לגרשול שלל המלל חן צעניו (גיטין ז): (ב) לאיש אחר. חין זה צן זוג של ראשון הוא הוליא רשעה מתוך ציתו וזה הצניקה (סס): (ג) ושנאה האיש האחרון. הפתוצ מצפרו שסופו לשנאותה, ואס לחו קוצרתו שחומר "חו כי ימות" (ספרי ער; גיטין סס): (ד) אחרי אשר הטמא. לרצות סוטה שנסתרה (ספרי סס; יצמות יא): (ה) אשה חדשה. שהיא חדשה לו, וחיפלו חלמנה, פרט למחזיר גרושתו (ספרי רעא; סוטה מד): ולא יעבר עליו.

<sup>25</sup> When you come into the vineyard of your fellow, you may eat grapes as is your desire, to your fill, and you may not put into your vessel.

<sup>26</sup> When you come into the standing grain of your fellow, you may pluck ears with your hand, and you may not lift a sickle against the standing grain of your fellow.

24

<sup>1</sup> If a man marries a woman and lives with her, and it will be that she will not find favor in his eyes, for he found in her a matter of immorality, and he wrote her a bill of divorce and presented it into her hand, and sent her from his house, <sup>2</sup> and she shall leave his house and go and marry another man, <sup>3</sup> and the latter man hated her and wrote her a bill of divorce and presented it into her hand and sent her from his house, or the latter man who married her to himself will die — <sup>4</sup> her first husband who divorced her shall not again take her to become his wife, after she had been defiled, for it is an abomination before HASHEM. You shall not bring sin upon the Land that HASHEM, your God, gives you as an inheritance.

<sup>5</sup> When a man marries a new wife, he shall not go out to the army, nor shall it obligate him for any matter; he shall be free for his home for one year, and he shall gladden his wife whom he has married.

<sup>6</sup> One shall not take a lower or upper millstone as a pledge, for he would be taking a life as a pledge.

<sup>7</sup> If a man is found kidnaping a person of his brethren among the Children of Israel, and he enslaves him and sells him, that kidnaper shall die, and you shall remove the evil from your midst.

#### אור החיים

[כה] וְאֵל כְּלִיךָ לֹא תִתֵּן. אָמְרוּ "וְאֵל כְּלִיךָ" בְּתוֹסַפֶּת וְא"ו, לְהַעֲרִיר שְׂקֵדְמָה מִצְוַה אַחֲרָת, וְהוּא שֶׁלֹּא יֵאָכֵל אֶבְיִלָּה גָּסָה, וְהוּא מִה שְׂדֵיִיק בְּאֹמְרוֹ "שִׁבְעָךְ", וְדָרְשׁוּ ו"ל (בבא מציעא פו:.) וְלֹא אֶבְיִלָּה גָּסָה, וְהוֹסִיף עוֹד לֹמַר "וְאֵל כְּלִיךָ לֹא תִתֵּן":

#### OR HACHAIM ELUCIDATED

**25. וְאֵל כְּלִיךָ לֹא תִתֵּן — WHEN YOU COME INTO THE VINEYARD OF YOUR FELLOW, YOU MAY EAT GRAPES AS IS YOUR DESIRE, TO YOUR FILL, AND YOU MAY NOT PUT INTO YOUR VESSEL.**

While the previous statement in the verse permits a laborer in a vineyard to eat grapes, the present statement restricts him from putting grapes into his vessel. Accordingly, the *vav* (*and*) prefix at the beginning of this clause seems out of place. Or HaChaim therefore explains that this wording alludes to another law:

וְאֵל כְּלִיךָ — אָמְרוּ "וְאֵל כְּלִיךָ" בְּתוֹסַפֶּת וְא"ו — **That which it says, "and" you may not put into your vessel, with an added *vav*,** לְהַעֲרִיר שְׂקֵדְמָה מִצְוַה אַחֲרָת — **conveys that there is another mitzvah that precedes this one.** By stating the clause with the *vav*, *and*, the verse alludes to the fact that this law of not putting the grapes into his vessel is in addition to a previous, unspoken limitation on the laborer's permission to the grapes. What is this other law? וְהוּא שֶׁלֹּא יֵאָכֵל אֶבְיִלָּה גָּסָה — **That is, that even when the laborer eats from the owner's grapes, he may not eat excessively** (after he is satisfied). וְהוּא מִה שְׂדֵיִיק בְּאֹמְרוֹ — **This law, although not explicit, is derived from that which [the verse] was particular to say, you may eat grapes ... to your fill,** וְדָרְשׁוּ ו"ל וְלֹא אֶבְיִלָּה גָּסָה — **from which [the Sages], of blessed memory, expound (Bava Metziah 87b): You may eat your fill, but you may not eat to excess.** Thus, the verse already placed a restriction on the laborer's right to eat; וְהוֹסִיף עוֹד לֹמַר "וְאֵל כְּלִיךָ לֹא תִתֵּן" — **it then adds another restriction here, saying: "and" you may not put into your vessel.**

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מבינה: ח אסתמר במכתש סגירו למטר לחדא ולמעבד ככל די ילפון יתכון כהניא לנאי כמא די פקדתנו תטרון למעבד: ט הוי דכיר ית די עבד יי אלהי למרים בארחה במפקדון ממצרים: י ארי תרשי בחברך רשו מדעם לא תעול לבימה למסב משכונה: יא בכרא תקום וגברא די את רשי בה יפק לותך ית משכונא לכרא: יב ואם גבר מספן הוא לא תשוב במשכונה: יג אתבא תתב לה ית משכונא כמעל שמשא וישכוב בכסותה ויברכנה ולך תהי זכותא קדם יי אלהי: יד לא תעשוק אגירא עניא ומסכנא מאחיה או מגירך די בארעה בקרניה: טו ביומה תתן אגרה ולא תעול עלוהי שמשא ארי עניא הוא ולא הוא מסר ית נפשה ולא יקרי עלך קדם יי ויהי בך

ח **מְקַרְבְּךָ: הַשְׁמֵר בְּנִגְע־הַצָּרַעַת לְשֹׁמֵר**  
מֵאֵד וּלְעִשּׂוֹת כָּל־אֲשֶׁר־יִוְרוּ אֶתְכֶם הַכֹּהֲנִים  
ט **הַלְוִים כַּאֲשֶׁר צִוִּיתָם תִּשְׁמְרוּ לַעֲשׂוֹת: זָכוֹר**  
**אֶת אֲשֶׁר־עָשָׂה יְהוָה אֱלֹהֶיךָ לְמִרְיָם בַּדֶּרֶךְ**  
י **בְּצֵאתְכֶם מִמִּצְרַיִם: כִּי־תֵשָׁה בְרַעְךָ**  
**מִשָּׂאת מְאוּמָה לֹא־תָבֹא אֶל־בֵּיתוֹ לַעֲבֹט**  
יא **עֲבֹטוּ: בַּחוּץ תַּעֲמֹד וְהָאִישׁ אֲשֶׁר אִתָּה נִשָּׂה בּוֹ**  
יב **יּוֹצִיא אֵלֶיךָ אֶת־הָעֲבֹט הַחוּצָה: וְאִם־אִישׁ עָנִי**  
יג **הוא לא תִשָּׁכַב בְּעֲבֹטוֹ: הָשִׁב תִּשָּׁיב לוֹ אֶת־**  
**הָעֲבֹט כִּבּוֹא הַשֶּׁמֶשׁ וְשָׁכַב בְּשִׁלְמָתוֹ וּבִרְכֶּךָ**  
יד **וְלֹךְ תִּהְיֶה צִדְקָה לִפְנֵי יְהוָה אֱלֹהֶיךָ: לֹא־**  
**תַּעֲשֶׂק שָׂכִיר עָנִי וְאֶבְיוֹן מֵאֲחִיךָ אוֹ מִגֵּרְךָ**  
טו **אֲשֶׁר בְּאַרְצְךָ בִּשְׁעָרֶיךָ: בְּיוֹמוֹ תִּתֵּן שְׂכָרוֹ וְלֹא־**  
**תָּבֹא עָלָיו הַשֶּׁמֶשׁ כִּי עָנִי הוּא וְאֵלָיו הוּא נִשָּׂא**  
**אֶת־נַפְשׁוֹ וְלֹא־יִקְרָא עָלֶיךָ אֶל־יְהוָה וְהָיָה בְךָ**

שביעי

רע"ו

מכל מקום ולך תהיה צדקה (ספרי 50: יד) לא תעשק שכיר. והלא כבר פתח "לא תעשק את רעך" (ויקרא יט, יג), אלא לעצור על הצדק דשני לחיון לא תעשק שכר שכיר שהוא עני ואביון ורעך, שצדק "לא תעשק את רעך" הוא, ועל העני צדק הוזהר "לא תעשק את רעך": אביון. הפאז לכל דבר: מגרך. זה גר רעך (ספרי רעה; צדא מיעא קרא): בשעריך. זה גר פושץ האוכל נדילות (ספרי 50: יד) אשך בארצה. לרבות שכר צדקה וכלים (ספרי 50: טו) ואילו הוא נשא את נפשו. אל העני הוא נשא את נפשו למוט, טלה צדק ונתנה צדק (ספרי רעה; צדא מיעא קרא): והיה בך חטא. מכל מקום, אלא שמהרין ליפרע על ידי הקורא (ספרי 50: יד)

(ח) השמר בנגע הצרעת. שלא תחלוש סימני טומאה ולא תקון את הצרעת (מכות כג): ככל אשר יורו אתכם. אם להסגיר, אם להחליט, אם לטער: (ט) זכור את אשר עשה וגו' למרים. אם זאת להזהר שלא תלקה בצרעת אל תספר לשון הרע, זכור העשי למרים שדברה בחייה ולקחה בנגעים (ספרי ערה): (י) כי תשה ברעך. תחוב צדקה: משאת מאומה. חוב על כלום: (יב) לא תשכב בעבטו. לא תשכב ועבטו אלך (ספרי רעה): (יג) כבוא השמש. אם פסות לילה הוא. ואם פסות יום החזרה צדק (ספרי 50: יד) וכבר פתח באלה המשפטים "עד כא השמש תשיצנו לו" (שמות כב, כה), כל היום תשיצנו לו וכבר השמש תקחנו (צדא מיעא קרא): ובכך. ואם אינו מצדק,

אור החיים

כד [ח"ט] **הַשְׁמֵר בְּנִגְעֵי וְגו' זָכוֹר וְגו'.** לְדַבְרֵיהֶם ו'ל שְׁאֲמָרוּ (שבת קלב): שְׂבָא לְהוֹדִיר לְכָל יְקוֹץ

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24.

8-9. **GUARD YOURSELF REGARDING A TZARAAS AFFLICTION, ETC., REMEMBER WHAT HASHEM, YOUR GOD, DID TO MIRIAM, ETC.**

According to *Sifra* (Vayikra 26:3), these two verses are part of one message: Guard yourself against tzaraas; and how can you do so? By avoiding *lashon hara*: Remember that Miriam, who spoke *lashon hara* (Bamidbar 12:1-10), was afflicted with tzaraas (see Ramban to v. 9; Chafetz Chaim, Pesichah, Laviv §3). Here, Or HaChaim cites another view as to the meaning of v. 8, and must therefore clarify the connection between the two verses according to that view:

According to the words of [the Sages], of blessed memory, who say (*Shabbos* 132b, cited by *Rashi*) that this statement, *Guard yourself regarding a*

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<sup>8</sup> Guard yourself regarding a tzaraas affliction, to be very careful and to act; according to everything that the Kohanim, the Levites, shall teach you — as I have commanded them — you shall be careful to perform.

<sup>9</sup> Remember what HASHEM, your God, did to Miriam on the way, when you were leaving Egypt.

<sup>10</sup> When you shall claim a debt of any amount from your fellow, you shall not enter his home to take security for it. <sup>11</sup> You shall stand outside; and the man from whom you claim shall bring the security to you outside.

<sup>12</sup> If that man is poor, you shall not sleep with his security. <sup>13</sup> You shall return the security to him when the sun sets, and he will sleep in his garment and bless you, and for you it will be an act of righteousness before HASHEM, your God.

<sup>14</sup> You shall not cheat a poor or destitute hired person among your brethren, or a proselyte who is in your Land, or one who is in your cities.

<sup>15</sup> On that day shall you pay his hire; the sun shall not set upon him, for he is poor, and his life depends on it; let him not call out against you to HASHEM, for it shall be a sin in you.

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בהרתו, נתבונן בהסמכת "זכור את אשר עשה ה' ... למרים", להודיע שורש שממנו יהיה הנגע, ואותו יצו ה' לקוץ ורפא לו, לא שיקוץ הנגע עצמו, ושורשו עודנו מושך בו<sup>1</sup>:

[טו] ואֵלָיו הוּא נִשָּׂא וּגְוִי וְהָיָה בְךָ חֲטָא. הַבִּנְיָה, שֶׁהֵגַם שְׁעוֹשֶׁק שֶׁכֵּר שְׂכִיר אֵינוֹ אֵלָּא גּוֹזֵל מִמּוֹן, אֵף עַל פִּי כֵן אֵין עוֹנֵשׁוּ מִמּוֹן אֵלָּא נִפְשׁוֹת, וְהוּא אוֹמְרוֹ "וְהָיָה בְךָ", פִּירוֹשׁ "בְךָ", בְּנִפְשְׁךָ.

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נתבונן <sup>(1)</sup>tzaraas affliction, comes to warn a person not to cut off his *baheres* (a kind of tzaraas), [the Torah's] intent in placing the verse, *Remember what HASHEM, your God, did to Miriam*, etc., right afterward — is to inform us that the root from which the tzaraas affliction develops is the sin of *lashon hara*, ואותו יצו — and that is what Hashem instructs the afflicted person to "cut off" so that he will be healed; — not to cut off the affliction itself, while its root, the sin of *lashon hara*, is still ingrained in him.<sup>(2)</sup>

**15. AND HIS LIFE DEPENDS ON IT, ETC., FOR IT SHALL BE A SIN IN YOU.**

The final clause seems superfluous, as it is obvious that if one transgresses this prohibition he will have committed a sin:

**The intent of this statement is that although one who cheats a hired worker is only stealing money, nonetheless, his punishment will not be a monetary one, but will involve a loss of life.** — אֵף עַל פִּי כֵן אֵין עוֹנֵשׁוּ מִמּוֹן אֵלָּא נִפְשׁוֹת, וְהוּא אוֹמְרוֹ "וְהָיָה בְךָ" פִּירוֹשׁ — That is what it means when it says, *for it shall be in you*, meaning *in you*, i.e., in your

1. That is, if a person sees a *baheres* (or other form of *tzaraas*) on himself, he must show it to a Kohen and follow his instructions; it is forbidden for him to simply cut off that area of his skin. According to this interpretation, the verse speaks of a person who already has *tzaraas*. What, then, is the point of referring to the incident of Miriam in the next verse?

2. Thus, even according to this interpretation, the two verses form part of one teaching: Discover and uproot the cause of the *tzaraas* in the soul, not the symptom of the *tzaraas* on the body. By committing himself to refrain from *lashon hara* in the future, the *metzora* will be healed from the *tzaraas*, which afflicted him because of this sin (see further, Or HaChaim to *Vayikra* 14:2).

חובא: טז לא ימותון אִבְהֵן  
 על פום בְּנִין וּבְנִין לא ימותון  
 על פום אִבְהֵן אֲנִשׁ בְּחֻבָּה  
 ימותון: יז לא תַּצְלִי דִין גִּיּוּרָא  
 וְיִתְמָא וְלֹא תִסָּב מִשְׁכּוּנָא  
 לְבוּשׁ אֶרְמְלָא: יח וְתִדְכֹּר  
 אָרִי עֲבָדָא הָיִיתָא בְּמַצְרִים  
 וּפְרָקָךְ יִי אֱלֹהֵךְ מִתְּמֵן עַל  
 כּוֹן אָנָּא מִפְּקֻדָּךְ לְמַעַבְדָּךְ יְתָ  
 פִּתְגָמָא הָדִין: יט אָרִי תִחְצוּד  
 חֲצֻדָּךְ בְּחֻקְךָ וְתִנְשִׁי עֲמָרָא  
 בְּחֻקְךָ לֹא תִתּוּב לְמַסְבָּה  
 לְגִיּוּרָא לִיתְמָא וְלֹאֲרְמָלָא  
 יְהִי בְּדִיל דִּיבְרַכְנָךְ יִי אֱלֹהֵךְ  
 בְּכָל עוֹבְדֵי יָדְךָ: כ אָרִי תִחְבוּט  
 וְיִתָּךְ לֹא תִפְלִי בְּתֵרְךָ לְגִיּוּרָא  
 לִיתְמָא וְלֹאֲרְמָלָא יְהִי: כא אָרִי  
 תִקְטוּף בְּרַמְךָ לֹא תַעֲלַל בְּתֵרְךָ  
 לְגִיּוּרָא לִיתְמָא וְלֹאֲרְמָלָא יְהִי:  
 כב וְתִדְכֹּר אָרִי עֲבָדָא הָיִיתָא  
 בְּאֶרֶץ אֲרָם דְּמַצְרִים עַל כּוֹן אָנָּא  
 מִפְּקֻדָּךְ לְמַעַבְדָּךְ יְתָ פִּתְגָמָא

טז חָטָא: לֹא-יּוֹמְתוּ אָבוֹת עַל-בָּנִים  
 וּבָנִים לֹא-יּוֹמְתוּ עַל-אָבוֹת אִישׁ בְּחָטָאוֹ  
 יז יּוֹמְתוֹ: לֹא תִטָּה מִשְׁפַּט גֵּר יְתוֹם וְלֹא  
 יח תַּחְבֵּל בְּגֵר אֶלְמָנָה: וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ  
 בְּמִצְרַיִם וַיִּפְדֶּךָ יְהוָה אֱלֹהֶיךָ מִשָּׁם עַל-כֵּן  
 יט אֲנֹכִי מִצְוֶךָ לַעֲשׂוֹת אֶת-הַדָּבָר הַזֶּה: כִּי  
 תִקְצֹר קִצְרֶיךָ בְּשֹׂדֶךְ וּשְׂכֻחַת עֹמֵר בְּשֹׂדֶה  
 לֹא תָשׁוּב לְקַחְתּוֹ לְגֵר לִיתוֹם וְלֹאֲלָמָנָה  
 יְהִיָּה לְמַעַן יִבְרַכְךָ יְהוָה אֱלֹהֶיךָ בְּכָל מַעֲשֵׂה  
 כ יָדֶיךָ: כִּי תַחְבֹּט זֵיתָךְ לֹא תִפְאֹר  
 כא אַחֲרֶיךָ לְגֵר לִיתוֹם וְלֹאֲלָמָנָה יְהִיָּה: כִּי  
 תִבְצֹר בְּרַמְךָ לֹא תַעֲלֹל אַחֲרֶיךָ לְגֵר לִיתוֹם  
 כב וְלֹאֲלָמָנָה יְהִיָּה: וְזָכַרְתָּ כִּי-עֶבֶד הָיִיתָ בְּאֶרֶץ  
 מִצְרַיִם עַל-כֵּן אֲנֹכִי מִצְוֶךָ לַעֲשׂוֹת אֶת-הַדָּבָר

רש"י

שְׂכַחַת מִקְנֵה מִלְקָחוֹ: לֹא תָשׁוּב לְקַחְתּוֹ. מִכָּאן חֲמִירוֹ:  
 שְׂלַחְתְּרֵי שְׂכָה שְׁלֵפְנוֹ חִינּוֹ שְׂכָה, שְׁחִינּוֹ צָבֵל תְּשׁוּב וּפִסָּה ו,  
 ד: לְמַעַן יִבְרַכְךָ. וְחָף עַל פִּי שְׂכָחַת לִידּוֹ שְׁלֵל צִמְתָּפוּי, קָל  
 וְחֹמֶר לַעֲשֹׂה צִמְתָּפוּי. חֲמֹר מַעֲסָה: נִפְלָה סָלַע מִיָּדוֹ וּמִזֵּלָה  
 טַיִי וְנִסְפָּרָנָם צָה, הָרִי הוּא מִתְּצַרְךָ טָלִיה (ספרי ש: ס) (ב) לֹא  
 תִפְאֹר. לֹא תַעֲלֹל תִּפְאֲרָתוֹ מִמֶּנּוּ, מִכָּאן שְׁמִינִיחַן פִּסָּה לְחִילָן  
 (חולין קל"א): אַחֲרֶיךָ. ז' שְׂכָה וּס: (בא) לֹא תַעֲלֹל. אִם  
 מִלֵּאָה צוֹ עוֹלָלָה לֹא תִקְנֶה. וְחִינּוֹ הִיא עוֹלָלָה, כָּל שְׁחִין לֵה  
 לֹא פִתָּךְ וְלֹא נֶטֶף, יֵשׁ לֵה אֶחָד מֵהֶם הָרִי הִיא לְצַעַל הַצִּית  
 (ספרי רפ: פאה ז, ד). וְרִאשִׁית צִנְמָרָא יְרוּשָׁלַּיִם (פאה ש: ס) חִינּוֹ  
 הִיא כֶּתֶף, פִּסָּיִין זֶה עַל גִּבּוֹ זֶה. נֶטֶף, חִלּוֹ הַתְּלוּיֹת צִנְמָרָה  
 וְיִרְדּוּת:

(טז) לֹא יּוֹמְתוּ אָבוֹת עַל בָּנִים. צִמְתָּה צִנִּים. וְאִם תִּחְמַר  
 צִנִּין צִנִּים, כִּזְכֹּר לְחֲמַר אִישׁ בְּחָטָאוֹ יּוֹמְתוֹ (סס רפ). חֲבֵל  
 מִי שְׁחִינּוֹ חִישׁ מִת צִנִּין חֲבִי, הַקְטָנִים מִתִּים צִנִּין חֲבִיחִים,  
 צִידִי שְׁמִים (שבת נ"ב: ו) (יז) לֹא תִטָּה מִשְׁפַּט גֵּר יְתוֹם. וְעַל  
 הַעֲשִׂיר כִּזְכֹּר הַזֶּה "לֹא תִטָּה מִשְׁפַּט" (לעיל טז, יט), וְשִׁנָּה צִנִּי  
 לְעִבּוֹר טָלִיו צִנִּי לְחִי, וְשִׁחָף עַל הַעֲשִׂיר הַזֶּה "לֹא תִטָּה  
 מִשְׁפַּט וְלֹא תִפִּיר פְּנִים", וְלִפִּי שְׁנָקֵל לְהַטּוֹת מִשְׁפַּט עֲנִי יוֹתֵר  
 מִשְׁלַ עֲשִׂיר, לְכָךְ הַזֶּה וְשִׁנָּה טָלִיו: לֹא תַחְבֵּל. שְׁלֵל צִנִּי  
 הַלְוִיָּה: (יח) וְזָכַרְתָּ. עַל מִנֵּת כֵּן פְּדִיתֶךָ לְשֹׁמֵר חֻקֹּתֶיךָ,  
 אִפְּלִי יֵשׁ חֲסֹדֶן פִּים צִדְכִּי: (יט) וּשְׂכֻחַת עֹמֵר. וְלֹא גִדִּשׁ  
 (ספרי רפ: פאה ז, ו) בְּשֹׂדֶה. לְרִצּוֹת שְׂכָחַת קָמָה (ספרי ש: ס),  
 שְׂכָה (פאה ו, י) בְּשֹׂדֶה. לְרִצּוֹת שְׂכָחַת קָמָה (ספרי ש: ס),

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"חָטָא", עַל דֶּרֶךְ "וְהָיִיתִי אֲנִי וּבְנֵי שְׁלֹמֹה חָטָאִים" (מלכים-א, כא)<sup>3</sup>. וְהַקְדִּים טַעַם הַעוֹנֵשׁ בְּאוֹמְרוֹ "וְאֵלֹיו  
 הוּא נִשָּׂא אֶת נַפְשׁוֹ", וּמַעֲתָה יְהִיָּה הַמִּשְׁפָּט נִפְשׁ תַּחַת נַפְשׁ:<sup>4</sup>

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life, understanding the word "חָטָא", to mean a loss, in accordance with that which it says (*I Melachim* 1:21), *I and my son Shlomo will be missing* (חָטָאִים).  
 [The verse] prefaces its warning by stating the reason for this punishment: *and his life depends on it*, meaning that the life of the laborer depends on his wages. Accordingly, it is appropriate that the judgment for withholding wages should be a life for a life.<sup>[4]</sup>

3. See similarly, Or HaChaim to 23:22 above, beginning. 4. See *Bava Metzia* 112a, discussing our verse, which

<sup>16</sup> *Fathers shall not be put to death because of sons, and sons shall not be put to death because of fathers; a man should be put to death for his own sin.*

<sup>17</sup> *You shall not pervert the judgment of a proselyte or orphan, and you shall not take the garment of a widow as a pledge.* <sup>18</sup> *You shall remember that you were a slave in Egypt, and HASHEM, your God, redeemed you from there; therefore I command you to do this thing.*

<sup>19</sup> *When you reap your harvest in your field, and you forget a bundle in the field, you shall not turn back to take it; it shall be for the proselyte, the orphan, and the widow, so that HASHEM, your God, will bless you in all your handiwork.*

<sup>20</sup> *When you beat your olive tree, do not remove all the splendor behind you; it shall be for the proselyte, the orphan, and the widow.* <sup>21</sup> *When you harvest your vineyard, you shall not glean behind you; it shall be for the proselyte, the orphan, and the widow.* <sup>22</sup> *You shall remember that you were a slave in the land of Egypt, therefore I command you to do this thing.*

#### — אור החיים —

[יוז] **לֹא תִטֶּה מִשְׁפֹּט גֵר וּגוֹי**. פִּירוּשׁ, שְׁמָא תֹאמַר בֵּינוֹן שְׂצִינִי ה' עַל הָגֵר,<sup>5</sup> אִטָּה דִּינוֹ לְזִכּוּתוֹ, תִּלְמוּד לֹאמַר "לֹא תִטֶּה וּגוֹי". וְגַמַּר אוֹמֵר "וְלֹא תִחַבֵּל בְּגֵד אֶלְמָנָה", פִּירוּשׁ, רַק בְּדִבְרֵי הַזֶּה אֲנִי מִצְוֶה לְהַטּוֹת לְזִכּוּתוֹ,<sup>6</sup> שְׁלֹא תִחַבֵּל בְּגֵד שֶׁל אֶלְמָנָה שְׁלֹא בְשַׁעַת הַלְוָאָה,<sup>7</sup> הֵגֶם שֶׁכָּל חוּץ מִמָּנָה יִחַבֵּל בְּגָדֵיהֶם:

#### — OR HACHAIM ELUCIDATED —

**17. לֹא תִטֶּה מִשְׁפֹּט גֵר וּגוֹי — YOU SHALL NOT PERVERT THE JUDGMENT OF A PROSELYTE, ETC.**

This statement seems unnecessary, for the Torah (above, 16:19) already forbade perverting the judgment of any litigant:

**פִּירוּשׁ — Perhaps one will say:** Since Hashem instructed me to be especially careful regarding the treatment of a proselyte and orphan,<sup>[5]</sup> **אִטָּה דִּינוֹ לְזִכּוּתוֹ — I shall alter his judgment in his favor.** "לֹא תִטֶּה וּגוֹי" — [The verse] therefore teaches, *You shall not pervert the judgment of a proselyte or orphan.*

According to the above explanation, the two parts of the verse do not seem to be connected: The first clause warns us not to alter judgment *in favor* of a proselyte or orphan, whereas the second clause warns us not to do something *against* a widow. Or HaChaim explains:

**וְגַמַּר אוֹמֵר "וְלֹא תִחַבֵּל בְּגֵד אֶלְמָנָה" — It then concludes its statement** by saying, *and you shall not take the garment of a widow as a pledge,* **פִּירוּשׁ — meaning: Only in this matter do I instruct you to alter matters in favor of a widow,**<sup>[6]</sup> **שְׁלֹא תִחַבֵּל בְּגֵד שֶׁל אֶלְמָנָה שְׁלֹא — and that is that you shall not take the garment of a widow as a pledge when it is not the time of the loan,**<sup>[7]</sup> **הֵגֶם שֶׁכָּל חוּץ מִמָּנָה יִחַבֵּל בְּגָדֵיהֶם — although with regard to anyone else one may take their garments as a pledge.**

notes that the withholding of wages from workers, who often risk their own lives to perform their tasks just so that they can receive payment, is so severe as to warrant the death of the employer.

5. As it says (*Shemos* 22:20-21): *You shall not taunt or oppress a proselyte . . . You shall not cause pain to any widow or orphan.*

6. I.e., to treat her better than you would treat others (*Meorei Or*).

7. See *Rashi*. When a borrower is unable to pay a debt, the Torah allows the lender to take a pledge against his will, as stated above, vv. 10-11. Our verse teaches that one may not take this type of pledge from a widow (see *Bava Metzia* 115a).

הדין: א ארי יהי דין בין גברא ויתקרבון לדינא וידונון ויכון ית זכא ויחבון ית חיבא: ב ויהי אם בר חיבא לאלקא חיבא וירמנה דינא וילקנה קדמוהי כמסת חובתה במנין: ג ארבעין ילקנה לא יוסף דילמא יוסף לאלקיותה על אליו מחא רבא ונקל אחור לעיניו: ד לא תחוד פום תורא בדישה: ה ארי יתבון אחין פחדא וימות חד מנהון ובר לית לה לא תהי אמת מתנא לברא לגבר אוחרן יבמה יעול עלה ויסבה לה לאנתו ויבמה:

כה א הוה: ביייה ריב בין אנשים ונגשו אל המשפט ושפטום והצדיקו את הצדיק והרשיעו את הרשע: והיה אם בן הכות הרשע והפילו השפט והכהו לפניו בדי רשעתו במספר: ארבעים יכנו לא יסף פן יסיף להכותו על־אלה מכה רבה ונקלה אחיה לעיניו: לא־תחסם שור בדישו: ביי ישובו אחים יחדו ומת אחד מהם ובן איין לו לא־תהיה אשת־המת החוצה לאיש זר יבמה יבא עליה ולקחה לו לאשה ויבמה:

רס"ו

רשט, ומשלקה קורא אחיד (ספרי טז: (ד) לא תחסם שור בדישו. דבר הפסוק צהוה, והוא הדין לכל צהמה חיה ועוף העושים מלאכה שהיא צדצר מאכל. חס פן למה נאמר "שור" להזיח את האדם (ספרי רפז: צדא מיעא פה): בדישו. יכול יחסמו מבוז, פלמוד לומר "לא תחסם שור", מפל מקום (צדא מיעא טז: ולמה נאמר "דיש", לומר לך מה דיש מיוחד דבר שלא נגמרה מלאכתו ולמעשה ולחלה וגידולו מן הארץ, חף כל פיוח צו, ולא החולב והמגזן והמחצץ שאין גידולו מן הארץ, ולא הלש והמקטף נגמרה מלאכתו לחלה, ולא הצודל צמרים וצגורגרות נגמרה מלאכתו למעשר (טס פט: (ה) ביי ישובו אחים יחדו. שהיתה להם ישיבה אחת בעולם (יבמות יז:), פרט לאשת אחיו שלא היה בעולמו (ספרי רפח: יבמות יז: יחדו. המיוחדים צחלה, פרט לאחיו מן האם (טס וטז: ובן איין לו. טיין עליי (יבמות כב:), פן או צת, או פן הצן או צת הצן, או פן הצת או צת הצת:

אור החיים

כה [ב] אם בן הכות וגו'. אמר "בן" בחירי"ק<sup>2</sup>, רמז שצריך להתבונן בו לדעת אם יכול לסבול הארבעים, אבל אם אמדוהו לפחות מכן, אינו לוקה אלא לפי מה שאמדוהו (מכות כב:)<sup>3</sup>:

OR HACHAIM ELUCIDATED

25.

## 2. IF THE WICKED ONE IS LIABLE TO LASHES, ETC. — אם בן הכות וגו'.

The word בן, *liable to* (literally, *a son of [lashes]*) is usually vowelized בן. Here, though, it is vowelized בן. Or HaChaim explains why:<sup>[1]</sup>

— With this, [the Torah] alludes to the law that *[beis din]* must examine [the sinner] to determine whether he can endure forty lashes, for only then does *beis din* administer the full forty lashes. — However, if they assess his health and determine that he can endure only less than that number of lashes, — he is given only the number of lashes that he is assessed to be able to withstand (*Makkos* 22b).<sup>[3]</sup>

1. The unusual vowelization does not change the word's meaning, but, Or HaChaim maintains, must nevertheless contain some allusion.

2. See *Baal HaTurim*, who gives the same explanation

for the vowelization of בן here and in several other places in Scripture where it appears.

3. The forty lashes mentioned in verse 3 (interpreted by the Sages to mean thirty-nine lashes; see Mishnah,



25

<sup>1</sup> When there will be a grievance between people, and they approach the court, and they judge them, and they vindicate the righteous one and find the wicked one guilty; <sup>2</sup> it will be that if the wicked one is liable to lashes, the judge shall cast him down and strike him, before him, according to his wickedness, by a count. <sup>3</sup> Forty shall he strike him, he shall not add; lest he strike him an additional blow beyond these, and your brother will be degraded before your eyes. <sup>4</sup> You shall not muzzle an ox in its threshing.

<sup>5</sup> When brothers dwell together and one of them dies, and he has no child, the wife of the deceased shall not be married outside to a strange man; her brother-in-law shall come to her, and take her to himself as a wife, and perform levirate marriage with her.

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אור החיים

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[ה] **לֹא תִהְיֶה אִשֶּׁת הַמֵּת וְגו'.** אֲזַהֲרָהּ לָהּ וּלְבָאִיהָ;<sup>4</sup> וְחִיּוּב מִלְּקוֹת הִיא וְהָבָא עָלֶיהָ. וְאָמְרוּ "יִבְמָה יָבָא עָלֶיהָ", רָמְזוּ שְׁאִין חִיּוּב עַל הַיָּבָם אֲלָא בִּיאָה אַחַת, וּבִמְאָמֵר רַבִּי יוֹסִי (שֶׁבַת קִיח'): חֲמִשׁ בְּעִילוֹת בְּעִלְתִּי וְחֲמִשׁ נְטִיעוֹת נִטְעָתִי, וְאָמְרוּ בִּירוּשָׁלַיִם (יְבָמוֹת א, א) שֶׁנֶּפְלוּ לוֹ חֲמִשׁ יְבָמוֹת מִחֲמִשָּׁה אַחִים וְנִזְקַק פְּעַם אַחַת לְכָל אַחַת;<sup>5</sup>

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OR HACHAIM ELUCIDATED

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**5. לֹא תִהְיֶה אִשֶּׁת הַמֵּת וְגו' — THE WIFE OF THE DECEASED SHALL NOT BE MARRIED, ETC.**

Or HaChaim analyzes the clauses of this verse. He begins with the words, *the wife of the deceased shall not be married outside to a strange man*:

אֲזַהֲרָהּ לָהּ וּלְבָאִיהָ — Although, at first glance, these words seem to be addressing the woman, in fact this **prohibition** is addressed **to her and to anyone who might cohabit with her**, that is, she is forbidden to marry a strange man (anyone other than the *yavam*, i.e., her brother-in-law), and a strange man is forbidden to marry her.<sup>[4]</sup> **And** since the prohibition applies to both man and woman, **both she and any other man who cohabits with her are liable to *malkus*.**

Or HaChaim discusses our verse's next clause:

וְאָמְרוּ "יִבְמָה יָבָא עָלֶיהָ" — By saying, *her brother-in-law shall come to her, and take her to himself as a wife*, instead of saying merely, "her brother-in-law shall take her to himself as a wife," **רָמְזוּ שְׁאִין** — [the Torah] indicates that the *yavam* is obligated to perform **only one act of cohabitation** with the *yevamah* (widow); even if he divorces her immediately afterward, he has fulfilled the mitzvah of *yibum*. **וּבִמְאָמֵר רַבִּי יוֹסִי** — This accords with the statement of R' Yose (*Shabbos* 118b): **חֲמִשׁ בְּעִילוֹת וְחֲמִשׁ נְטִיעוֹת נִטְעָתִי** — "I performed five marital acts and thereby planted five trees" (i.e., I had five sons, who were all great sages). **וְאָמְרוּ בִּירוּשָׁלַיִם שֶׁנֶּפְלוּ לוֹ חֲמִשׁ יְבָמוֹת** — In *Yerushalmi* (*Yevamos* 1:1), [the Sages] explain what R' Yose was referring to: **Five *yevamos*, the widows of five different brothers of R' Yose who had each died childless, became subject to *yibum* from [R' Yose].** **וְנִזְקַק פְּעַם אַחַת לְכָל אַחַת** — He cohabited with each of them only a single time, and thereby fulfilled the mitzvah of *yibum*.<sup>[5]</sup>

*Makkos* 22a) is the *maximum* number of lashes a person can be given for a single transgression. If he is not strong enough to survive the full number of lashes, he is given only what he can bear (see *Makkos* *ibid.*).

4. The Torah does not address her directly and say, "She may not marry a strange man," which would imply that she is the one who is forbidden to get married. And it does not address the man and say, "A strange man may not marry her," which would imply that it is the man who is forbidden to marry her. Rather, the Torah uses

neutral language — *the wife of the deceased shall not be married outside* — meaning that no outside marriage may occur. The prohibition thus applies to both people involved in such a marriage (*Or Bahir*).

5. With this report, *Yerushalmi* is explaining why R' Yose performed only five marital acts — after all, a person is obligated to cohabit with his wife on a regular basis, to fulfill the mitzvah of *onah*. *Yerushalmi* thus states that these marital acts were not within the context of a regular marriage, but with five different

ויהי בוכרא די תליד יקום  
על שמא דאחוי מתנא ולא  
יתמחי שמה מישראל: וואם  
לא יצבי גברא למשב ית  
יבמתה ותסק יבמתה לתרע  
בית דינא לקדם סביא ותימר  
סרב יבמי לאקמא לאחוי  
שמא בישראל לא אבי  
ליבמותי: ח ויקרון לה סבי  
קרתה וימללון עמה ויקום  
וימר לא רענא למסבה:  
ט ותתקרב יבמתה לותה  
לקדם סביא ותשרי סינה מעל  
רגלה ותרוק באנפיה ותתב  
ותימר בדין יתעבד לגבר די  
לא יבני ית ביתא דאחוי:  
י ויתקרי שמה בישראל  
בית שרי סינא: יא ארי ינצון  
גברין פחדא גבר ואחוי

ו והיה הבכור אשר תלד יקום על-שם אחיו  
ז המת ולא ימחה שמו מישראל: ואם-לא  
יחפץ האיש לקחת את-יבמתו ועלתה  
יבמתו השערה אלה-הזקנים ואמרה מאן  
יבמי להקים לאחיו שם בישראל לא אבה  
ח יבמי: וקראו-לו זקני-עירו ודברו אליו  
ט ועמד ואמר לא חפצתי לקחתה: ונגשה  
יבמתו אליו לעיני הזקנים וחלצה נעלו  
מעל רגלו וירקה בפניו וענתה ואמרה  
בכה יעשה לאיש אשר לא-יבנה את-בית  
י אחיו: ונקרא שמו בישראל בית חלוץ  
יא הנעל: כי-ינצו אנשים יחדו איש ואחיו

רע"ז

בלשון הקודש (ספרי רנא; יבמות קנ): (ט) וירקה בפניו. על גבי  
קרקע (סס ושס): אשר לא יבנה. מכאן למי שחנן שלא יחזור  
ויצט, דלא כתיב אשר לא צנה חלא "אשר לא יבנה", כיון שלא  
צנה שוב לא יבנה (ספרי שס; יבמות יז): (י) ונקרא שמו וגו'.  
מזה על כל העומדים גם לומר "חלוץ הנעל" (ספרי שס; יבמות  
קנ): (יא) כי ינצו אנשים. סופן לבא לידי מפות, כמו שנאמר

(ו) והיה הבכור. גדול האחים הוא מייצג אותה (ספרי רפט;  
יבמות כד): אשר תלד. פרט לאחיות שאינה יולדת (סס ושס):  
יקום על שם אחיו. זה שייצג את אשתו יפול נחלת המת צנכסי  
חציו (סס ושס): ולא ימחה שמו. פרט לאשת סרים ששמו מחוי  
(יבמות שס): (ז) השערה. פתרגומו, "לתרע צית דינא": (ח)  
ועמד. בעמידה (ספרי רל): ואמר. בלשון הקודש, ואף היא דבריה

#### אור החיים

ואומרו "ולקחה", שלא תאמר שאוסרה עליו מכאן ואילך<sup>6</sup>, תלמוד לומר "ולקחה לו לאשה",  
שהרשות בידו אם ירצה לקיימה עולמית<sup>7</sup>:

#### OR HACHAIM ELUCIDATED

Since the *yavam* may divorce the *yevamah* after a single marital act, our verse's next clause — *and take her to himself as a wife* — requires explanation:

שלא תאמר — **That which [our verse] then says, and take her to himself as a wife,** — means **that you should not say that** once the *yavam* has performed the mitzvah of *yibum* (i.e., cohabited with the *yevamah* a single time), **[the Torah] forbids her to him from that point on.**<sup>[6]</sup> Rather, **[the Torah] teaches us, by saying, and take her to himself as a wife,** — **that [the yavam] has the right to keep [the yevamah] permanently as a wife if he wishes.**<sup>[7]</sup>

*yevamos*. He cohabited with each one to fulfill the mitzvah of *yibum*, which is fulfilled with a single act of cohabitation. Once he fulfilled the mitzvah, he divorced the *yevamos* (see *Shabbos* 118b, with *Tosafos* (ר"ה אימא [The Gemara (*Talmud Bavli*) gives a different interpretation of R' Yose's statement; see *Shabbos* ibid. In addition, the Gemara's version of R' Yose's statement differs slightly from the version cited by Or HaChaim.]

6. Under regular circumstances, the wife or widow of one's brother is forbidden to him (*Vayikra* 18:16,

*Yevamos* 55a). Only in the case of *yibum* is she permitted. Since, as we have said, the mitzvah of *yibum* is fulfilled with a single act of cohabitation, one might think that once that act is done, the *yevamah* is once again forbidden to her brother-in-law.

7. See *Yerushalmi* ibid. for the reason R' Yose did not keep his five *yevamos* as wives.

It should be noted that the Gemara (*Yevamos* 39a) derives a different law from the phrase, *and take her to himself as a wife* (see also *Tosafos*, *Yevamos* 8b (ר"ה מלמד).

<sup>6</sup> It shall be that the firstborn — if she can bear — shall succeed to the name of his dead brother, so that his name not be blotted out from Israel. <sup>7</sup> But if the man will not wish to marry his sister-in law, then his sister-in-law shall ascend to the gate, to the elders, and she shall say, “My brother-in-law has refused to establish a name for his brother in Israel, he did not consent to perform levirate marriage with me.”

<sup>8</sup> Then the elders of his city shall summon him and speak to him, and he shall stand and say, “I do not wish to marry her.”

<sup>9</sup> Then his sister-in-law shall approach him before the eyes of the elders; she shall remove his shoe from on his foot and spit before him; she shall respond and say, “So is done to the man who will not build the house of his brother.” <sup>10</sup> Then his name shall be proclaimed in Israel, “The house of the one whose shoe was removed!”

<sup>11</sup> If men fight with one another, a man and his brother,

#### אור החיים

ואומר “ויבמה”, שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות, לפי שאסרה הכתוב לעולם התיירה ליכם, אבל התורה לא חייבתו בדבר, תלמוד לומר “ויבמה”:<sup>9</sup>

[ט] וענתה וגו'. אמר לשון עניה, פירוש, תשובה לדברי היכם שאמר “לא הפצתי לקחתה”, תענה היא ותאמר “ככה יעשה לאיש וגו'”:

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The verse's final clause:

“ואומר “ויבמה” — Although the verse already said, *her brother-in-law shall come to her, etc.*, [the Torah] adds, *and he shall perform yibum with her*; — *שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות* — so that you should not think that all the matters stated in this verse are merely optional. לפי — *שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות* — That is, one might think that since the Torah prohibited [the *yevamah*] to the rest of the world, it said in our verse that she is permitted to the *yavam*; אבל — *שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות* — *שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות* — however, the Torah did not obligate him to perform [yibum].<sup>[8]</sup> תלמוד לומר — *שלא תאמר שלא נאמרו כל הדברים האמורים אלא רשות* — The verse therefore teaches otherwise by stating, *and he shall perform yibum with her*, which implies that he is obligated to do so.<sup>[9]</sup>

#### 9. וענתה וגו' — SHE SHALL RESPOND, ETC.

Or HaChaim explains what she is responding to:

אמר לשון עניה — [The verse] uses an expression of “responding” rather than an expression of “saying”; — *פירוש תשובה לדברי היכם שאמר “לא הפצתי לקחתה”* — this means that as an answer to the words of the *yavam*, who said, “I do not wish to marry her,” תענה היא ותאמר “ככה יעשה לאיש וגו'” — *פירוש תשובה לדברי היכם שאמר “לא הפצתי לקחתה”* — she shall respond and say, “So is done to the man who will not build the house of his brother.” She is not simply making a general statement about the nature of *chalitzah*; she is obligated to address these words to the *yavam*, in *beis din*, as a direct response to his words.

8. That is, when our verse says that the *yavam* shall marry the *yevamah*, it does not mean that he is obligated to do so, but simply that she is prohibited from marrying anyone other than him.

9. Or, if he does not want to perform *yibum*, he can perform *chalitzah*, as the Torah describes. Even if the *yevamah* has no intention of remarrying him or anyone

else, the *yavam* is still obligated to perform *yibum* or *chalitzah*. See discussion in *Teshuvos Chacham Tzvi* §1; *Haamek She'eilah* 154:1.

The Gemara (*Yevamos* 39b) derives this law from a different phrase in our verse; see *Or Bahir*; *Bircas Shimon*.

ותתקרב אמת חד לשׁוֹבָא  
 ית בעלה מיד מחוהי ותושט  
 ידה ותתקף בבית בהתמה:  
 יב ותקוץ ית ידה לא תחוס  
 עינה: יג לא יהי לה בכיסף  
 מתקל ומתקל רב וועיר: יד לא  
 יהי לה בביתה מכילא ומכילא  
 רבתיא ווערתא: טו מתקלין  
 שלמין דקשוט יהון לה מכילן  
 שלמין דקשוט יהון לה בדיל  
 דיורכון יומיה על ארעא די יי  
 אלהה יחב לה: טז ארי מרחק  
 קדם יי אלהה כל עבד אליו  
 כל עבד שקר: יז הוי דכיר ית  
 די עבד לה עמלק בארמא

וְקָרְבָה אִשֶּׁת הָאָחִיד לְהַצִּיל אֶת־אִישָׁהּ מִיָּד  
 יב מִבְּהוּ וְשִׁלְחָה יָדָהּ וְהִחְזִיקָהּ בְּמַכְשׁוֹי: וְקִצְתָּהּ  
 יג אֶת־כַּפָּהּ לֹא תַחֲסֹס עֵינֶיהָ: לֹא־יִהְיֶה לָּהּ  
 יד בְּכִיסָף אָבֶן וְאָבֶן גְּדוֹלָה וְקִטְנָה: לֹא־יִהְיֶה  
 טו לָּהּ בְּבֵיתָהּ אִיפָּה וְאִיפָּה גְּדוֹלָה וְקִטְנָה: אָבֶן  
 שְׁלֵמָה וְצֶדֶק יִהְיֶה לָּהּ אִיפָּה שְׁלֵמָה וְצֶדֶק  
 יִהְיֶה־לָּהּ לְמַעַן יֵאָרִיכוּ יְמֶיהָ עַל הָאֲדָמָה  
 טז אֲשֶׁר־יִהְיֶה אֲלֶיהָ נָתַן לָּהּ: כִּי תוֹעֲבֶת יִהְיֶה  
 אֲלֶיהָ כָּל־עֲשֵׂה אֱלֹהִים כָּל עֲשֵׂה עוֹל:  
 יז זָכוֹר אֶת אֲשֶׁר־עֲשָׂה לָּהּ עַמְלֶק בְּדֶרֶךְ

מפטיר

רע"י

גדולה כשמתקשת את הקטנה, שלא יהא נטל בגדולה ומחזיר  
 בקטנה (סס רלד): לא יהיה לה. אם עשית בן לא יהיה לה  
 כלום (סס): אבן ואבן. משקלות: (טו) אבן שלמה וצדק  
 יהיה לה. אם עשית בן יהיה לה הכזה (סס): (יז) זכור את  
 אשר עשה לה. אם שקרת צמדות ובמשקלות הוי דואג

מיד מבהו. חין שלום יוצא מפורי ידי מלות (ספרי רלד):  
 (יב) וקצתה את כפה. ממון דמי בשפוי, הכל לפי המציאות  
 והמכשיות. או חינו לא ידה ממא, נאמר כאן לא תחוס  
 ונאמר להן צעדים זוממין "לא תחוס" (לעיל יט, כח), מה  
 להן ממון חף כאן ממון (ספרי רלד): (יג) גדולה וקטנה.

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[ויא] להציל וגו' ושלחה ידה וגו'. ולא אמר הכתוב ושלחה ידה וגו' להציל את אישה. העיר בזה,  
 שאם לא היה לה מציאות להציל בעלה מיד מבהו אלא על ידי זה, לפי שאין בן בה להציל אלא בדרך  
 זה, פטורה (בבא קמא כח.), ונדקא שהיה חבירו מבהו מבת נפש<sup>10</sup>. לזה הקדים מאמר "להציל" קודם  
 מאמר "ושלחה", לומר שאם ידענו שלא שלחה אלא להציל, פטורה<sup>11</sup>:

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# 11. להציל וגו' ושלחה ידה וגו' — AND THE WIFE OF ONE OF THEM APPROACHES TO RESCUE HER HUSBAND, ETC., AND SHE STRETCHES OUT HER HAND, ETC.

This passage teaches that a woman who embarrasses her husband's attacker is punished. Now, gener-  
 ally, when relating an event, one first describes the action that took place and then mentions the reason  
 for the action. Here, though, the Torah first mentions the reason for this woman's action (*to rescue her  
 husband*) and then mentions what she did (*she stretches out her hand, etc.*). Or HaChaim explains why:  
 The Torah did not say, as would seem to be more logical:  
 "And the wife of one of them approaches, **and she stretches out her hand** and grasps his embarrassing  
 place, **to rescue her husband** from the hand of the one who is striking him." — העיר בזה — By this choice  
 of wording, [the Torah] informs us — שאם לא היה לה מציאות להציל בעלה מיד מבהו אלא על ידי זה — that if  
 this woman's action was the only possible way for her to rescue her husband from the hand of the  
 one striking him, — לפי שאין בן בה להציל אלא בדרך זה — for she did not have the ability to save him  
 in any other manner, — פטורה — she would be exempt from any punishment (Bava Kamma 28a) —  
 לזה — provided that the other person was striking him mortally.<sup>[10]</sup> — ונדקא שהיה חבירו מבהו מבת נפש  
 To teach this, [the Torah] places the statement, *to rescue  
 her husband from the hand of the one who is striking him, before the statement, and she stretches out  
 her hand and grasps his embarrassing place; — this indicates — לומר שאם ידענו שלא שלחה אלא להציל — that if  
 the case were otherwise, i.e., we knew that she did not stretch out her hand for any purpose*

10. The term להציל, *to rescue*, used by our verse, implies was not in danger, the woman is punished even if she  
 rescuing from death (*Meorei Or*). If her husband's life had no other way to save him.

and the wife of one of them approaches to rescue her husband from the hand of the one who is striking him, and she stretches out her hand and grasps his embarrassing place, <sup>12</sup> you shall cut off her hand; your eye shall not show pity.

<sup>13</sup> You shall not have in your pouch a weight and a weight — a large one and a small one. <sup>14</sup> You shall not have in your house a measure and a measure — a large one and a small one. <sup>15</sup> A perfect and honest weight shall you have, a perfect and honest measure shall you have, so that your days shall be lengthened on the Land that HASHEM, your God, gives you. <sup>16</sup> For an abomination of HASHEM, your God, are all who do this, all who act corruptly.

<sup>17</sup> Remember what Amalek did to you, on the way, when

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[טז] **כָּל עֲשֵׂה אֱלֹה בִּלְעֵשָׂה עוֹל**. פִּירוּשׁ "כָּל עֲשֵׂה אֱלֹה", "אֶבֶן וְאֶבֶן", "אֵיפָה וְאֵיפָה" (לעיל פסוק יגיד), "כָּל עֲשֵׂה עוֹל", הַדּוּמָה לְאֱלֹה, שֶׁלֹּא תֵאמַר שֶׁגִּזְרֵת הַכָּתוּב הִיא עַל שְׁנֵי דְבָרִים אֶלּוּ וְלֹא עַל דּוּמִיָּהִם<sup>12</sup>, תִּלְמֹד לֹמַר "כָּל וְגו'":

[יז] **זְכוֹר וְגו'**. שֶׁאֵין כְּיוּצָא בָהֶם, שֶׁיֵּצֵא עַל יִשְׂרָאֵל בְּלֹא קְדִימוֹת יִדְעָתָם מִמֶּנּוּ, אֶלֶּא כְּאֲשֶׁר

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**other than to save** her husband's life, for there was no other way for her to save him, **she is exempt** from punishment.<sup>[11]</sup>

#### 16. **כָּל עֲשֵׂה אֱלֹה בִּלְעֵשָׂה עוֹל** — **ALL WHO DO THIS, ALL WHO ACT CORRUPTLY.**

Although these two phrases seem redundant, in fact they each refer to a different matter:

**פִּירוּשׁ "כָּל עֲשֵׂה אֱלֹה" "אֶבֶן וְאֶבֶן" "אֵיפָה וְאֵיפָה"** — The meaning of the phrase, **all who do this**, is: anyone who has in his possession **a weight and a weight**, or **a measure and a measure**, as mentioned above (vv. 13-14), i.e., a person who owns false weights and measures. **"כָּל עֲשֵׂה עוֹל" הַדּוּמָה לְאֱלֹה** — The meaning of the next phrase, **all who act corruptly**, is: anyone who has *other* items used for swindling, **שֶׁלֹּא תֵאמַר שֶׁגִּזְרֵת הַכָּתוּב הִיא עַל שְׁנֵי דְבָרִים אֶלּוּ וְלֹא עַל דּוּמִיָּהִם** — The Torah adds this extra phrase **so that you should not think that it is a decree of the Torah that only these two items** (false weights and measures) are forbidden to be owned, **but it is not forbidden to own similar items**.<sup>[12]</sup> **[The verse] therefore teaches us, by saying, all who act corruptly**, that it is prohibited to own *any* items that can be used for swindling.

#### 17. **זְכוֹר וְגו'** — **REMEMBER WHAT AMALEK DID TO YOU, ON THE WAY, WHEN YOU WERE LEAVING EGYPT.**

Or HaChaim explains why we are commanded to remember Amalek for infamy more than any of the other nations that attacked us:

**שֶׁיֵּצֵא עַל יִשְׂרָאֵל** — The Torah tells us **that there was no other enemy like [Amalek]**, **שֶׁאֵין כְּיוּצָא בָהֶם** — **for he went forth against the Jewish people without their having advance**

11. To clarify: When the Torah mentions an action and then gives its reason, it implies that the action was performed solely for that reason. Here, the Torah gives the reason (*to rescue her husband*) after mentioning that this woman approached the attacker but before mentioning that she embarrassed him. This implies that in the Torah's case, although she approached the attacker for the sole purpose of rescuing her husband, that was not the (only) reason she *embarrassed* the attacker — for she could have saved her husband some other way but nevertheless chose to humiliate his attacker. It is

in such a case that she is punished as the Torah prescribes here. If, however, there had been no other way for her to save her husband's life, she would be exempt from punishment (see *Or Bahir*; *Or Yakar*).

12. Obviously, a person may not swindle others in any manner. However, vv. 13-14 add that a person is forbidden to have false weights and measures *in his possession*, even if he does not use them (*Rambam, Sefer HaMitzvos, Lo Saaseh* 272). One might have thought that this prohibition applies only to the items mentioned explicitly in the Torah and not to other tools of theft.

יח בַּצֵּאתְכֶם מִמִּצְרַיִם: אֲשֶׁר קָרָךְ בְּדֶרֶךְ וַיִּזְנֹב  
בְּךָ כָּל-הַנְּחָשִׁים אַחֲרֶיךָ וְאַתָּה עֵינֶךָ וַיִּגָּע

מגרוי האויב שנאמר "מאזני מרמה תועבת ה' " (משלי יא, א), ובתיב צתריה "צח זדון ויצח קלון" (סס ב; תנחומא ח: (יח) אֲשֶׁר קָרָךְ בְּדֶרֶךְ. לשון מקרה (ספרי רטו). דבר אחר, לשון קרי וטומאה (תנחומא ט), שהיה מטמאן צמאפז זכור. דבר אחר, לשון קור וחוס, לנגד והפסידה מרתיחה, שהיו האומות יראים להלחם בכם, וצח זה והתחיל והראה מקום לאחריים. משל לאמפטי רותחת שאין כל צריה יכולה לירד

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ידאה הנשר<sup>13</sup>, והוא "קרף בדרך":

[יח] אֲשֶׁר קָרָךְ. יתבאר על פי דבריהם ו"ל (ראש השנה ג) שאמר, שהענן היה מכסה על ישראל ולא היה מקומם ידוע לעולם, אלא בשמעת אהרן נסתלקו ענני כבוד ובא הכנעני וילחם עם ישראל (ע"פ במדבר כא, א)<sup>14</sup>. ואם בן תקשה, מנין ידע צמלק מקום חניית ישראל לבא אצלם להלחם עמם, לזה אמר "אֲשֶׁר קָרָךְ", פירוש, יקר מקרהו וידע מחניהם "בדרך"<sup>15</sup>:

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knowledge of his arrival; rather, he came suddenly and swiftly, as an eagle swoops.<sup>[13]</sup> — That is what the next verse indicates when it says, *that he happened upon you on the way*: it means that he came upon you suddenly and unexpectedly, and thus his attack was so much more frightening than attacks by other nations.

#### 18. אֲשֶׁר קָרָךְ — THAT HE HAPPENED UPON YOU ON THE WAY.

The Torah does not say simply, "Amalek attacked you"; it uses a number of unusual expressions to describe the attack. Or HaChaim analyzes each clause of this verse to describe the details of Amalek's attack. Or HaChaim begins with the words, *he happened upon you on the way*. In the previous verse, Or HaChaim gave one explanation for these words; he now offers another interpretation:

[These words] can be explained in accordance with the words of [the Sages], of blessed memory (see *Rosh Hashanah* 3a), who say — יתבאר על פי דבריהם ו"ל שאמר, שהענן היה מכסה על ישראל ולא היה — That is what the next verse indicates when it says, *that he happened upon you on the way*: it means that he came upon you suddenly and unexpectedly, and thus his attack was so much more frightening than attacks by other nations. — that throughout the forty years spent in the Wilderness, the Heavenly Cloud would cover the Jewish people and hide them from view, and as a result, their location was unknown to the rest of the world. — It was only when Aharon died — אלא בשמעת אהרן — that the Clouds of Glory, which had been present in Aharon's merit, departed and left the Jewish people exposed, whereupon the Canaanite nation came and warred against Israel, as stated in *Bamidbar* 21:1.<sup>[14]</sup> Until that point, however, when the Jewish people were still surrounded by the Clouds of Glory, no nation could find the Jewish people to attack them. — ואם בן תקשה — That being the case, you might ask: — מנין ידע צמלק מקום חניית ישראל — How, so many years earlier, when they just left Egypt and were still covered by the Clouds, did Amalek know the location of the Jewish encampment, — לבא אצלם להלחם עמם — that he was able to approach them and wage war against them? — לזה אמר "אֲשֶׁר קָרָךְ" — To address this, [the Torah] says, *that he happened upon you on the way*, — פירוש יקר מקרהו וידע מחניהם "בדרך" — meaning that [Amalek] just happened to chance upon the Jewish people while he was in the Wilderness, and he thus found out the location of their encampment while he was traveling *on the way*.<sup>[15]</sup>

13. Stylistic usage of 28:49 below.

14. See *Rashi* and Or HaChaim to *Bamidbar* 21:1 regarding the identity of these "Canaanites."

15. It was only from Amalek's perspective that this

seemed like happenstance. The Sages teach that Hashem allowed Amalek to find and attack the Jewish people because their devotion to Torah had weakened (*Mechilta* to *Shemos* 17:8; see Or HaChaim to *Shemos* 17:8).

*you were leaving Egypt,*<sup>16</sup> *that he happened upon you on the way, and he struck those of you who were hindmost, all the weaklings at your rear, when you were faint and exhausted,*

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ואומרו "וַיִּזְנֹב בְּךָ וְגו'" , פירוש, לא שֶהָעָנָן הִנִּיחוֹ לִכְנֹס לִפְנֵים מַחֲנֶה יִשְׂרָאֵל, אֲלָא בְּאוֹתָן שֶהִיָּה הָעָנָן פּוֹלֵטָן (תנחומא י), וְהוּא אומרו "וַיִּזְנֹב בְּךָ" אוֹתָם "הַנְּחָשִׁים אַחֲרֶיךָ":  
 □ וְאַתָּה עֵיף וְיָגַע וְגו' . "עֵיף" עֲדִינָן מִשְׁעֲבוֹד מִצְרַיִם, "וְיָגַע" מִטּוֹרַח הַדֶּרֶךְ.<sup>16</sup> וְאוֹמְרוּ "וְיָגַע" מִטּוֹרַח הַדֶּרֶךְ, פִּירוּשׁ, וְכֹהָ בָּא הַמּוֹרֵךְ בְּלִבְכֶּךָ יוֹתֵר מִמִּפְעַל עֵיפּוֹת וְיָגִיעוֹת, עַל דֶּרֶךְ אומרו (ישעיה לג, יד) "פָּחַדוּ בְּצִיּוֹן חֲטָאִים"<sup>17</sup>, אֲבָל אִם הָיוּ צְדִיקִים לֹא יִפָּחַדוּ וְלֹא יֵרָאוּ בְּמַלְחָמָתוֹ; וְהָעִיר הַכְּתוּב בְּטַעֲמִים שְׂמִשְׁנִיָּאִים אוֹתוֹ בְּלִבְנֹה, כִּי הֵצֵר לְיִשְׂרָאֵל צָרָה גְדוֹלָה, שֶׁבָּא עֲלֵיהֶם כְּאִשֶּׁר יִדְּאָה הַנֶּשֶׁר בְּלֹא יְדִיעָה, כְּמוֹ שֶׁרָמּוּ גַם כֵּן בְּמֵאֲמֵר "קִרְךָ"<sup>18</sup>, וְהֵם יָגַעִים וְעֵיפִים.

#### — OR HACHAIM ELUCIDATED —

Or HaChaim explains our verse's next words:

**The meaning of the subsequent statement, *and he struck those of you who were hindmost, all the weaklings at your rear*, is as follows:** לא שֶהָעָנָן הִנִּיחוֹ לִכְנֹס לִפְנֵים מַחֲנֶה — *You should not think that the Cloud allowed [Amalek] to enter inside the Jewish encampment;* — אֲלָא בְּאוֹתָן שֶהִיָּה הָעָנָן פּוֹלֵטָן — *rather, he was able to attack only those whom the cloud ejected because of their sins.* — **That is what the Torah means when it says, *and he struck those of you who were hindmost, those weaklings at your rear*, i.e., those who were weak due to their sins, and therefore had to travel behind the encampment** (*Tanchuma* §10, cited by *Rashi*).

□ וְאַתָּה עֵיף וְיָגַע וְגו' — **WHEN YOU WERE FAINT AND EXHAUSTED, AND NOT FEARFUL OF GOD.**

Or HaChaim explains the meaning of the terms *faint* and *exhausted*:

**The Torah means that you were still faint from the Egyptian servitude and exhausted from the exertion of the journey.** — "עֵיף" עֲדִינָן מִשְׁעֲבוֹד מִצְרַיִם — "וְיָגַע" מִטּוֹרַח הַדֶּרֶךְ.

Or HaChaim examines the verse's concluding phrase — *and not fearful of God*. Why is the fact that the Jewish people were not fearful of God a reason to hate Amalek?<sup>[16]</sup>

**The meaning of the statement, *and not fearful of God*, is as follows:** — וְכֹהָ בָּא הַמּוֹרֵךְ בְּלִבְכֶּךָ יוֹתֵר מִמִּפְעַל עֵיפּוֹת וְיָגִיעוֹת — **Because you did not fear God, weakness entered your heart and made you even more vulnerable than you already were as a result of the physical faintness and exhaustion.** — עַל דֶּרֶךְ אומרו "פָּחַדוּ בְּצִיּוֹן חֲטָאִים" — **A lack of fear of God leads to fear from worldly terrors, in accordance with that which [the verse] says** (*Yeshayah* 33:14): *Sinners were afraid in Tzion*.<sup>[17]</sup> — אֲבָל אִם הָיוּ צְדִיקִים לֹא יִפָּחַדוּ וְלֹא יֵרָאוּ בְּמַלְחָמָתוֹ; — **Had [the Jewish people] been righteous and God-fearing, though, they would not have been terrified or fearful during the battle with [Amalek].**

Or HaChaim explains why our verse describes Amalek's attack in such detail:

— **By elaborating on Amalek's attack, the Torah is making us aware of reasons that will bring hatred of [Amalek] into our hearts;** — כִּי הֵצֵר לְיִשְׂרָאֵל צָרָה גְדוֹלָה — **namely, that he caused the Jewish people great distress** — שֶׁבָּא עֲלֵיהֶם כְּאִשֶּׁר יִדְּאָה הַנֶּשֶׁר בְּלֹא יְדִיעָה — **by coming against them as an eagle swoops, swiftly and without their awareness,** — כְּמוֹ שֶׁרָמּוּ גַם כֵּן — **as the statement, *that he happened upon you*, also indicates,**<sup>[18]</sup> — וְהֵם יָגַעִים וְעֵיפִים.

16. According to Or HaChaim, the words אֲלָא יֵרָא אֱלֹהִים mean that *the Jewish people* did not fear God at the time of Amalek's attack. *Rashi*, however, interprets these words to mean that *Amalek* did not fear God and thus did not refrain from attacking the Jewish people.

17. The Gemara (*Berachos* 60a) derives from this verse that it is characteristic for sinners — who do not fear Hashem as they should — to experience heightened anxiety and terror.

18. That is, in addition to the interpretation given

יט וְלֹא יִרְא אֱלֹהִים: וְהָיָה בְּהֵנִיחַ יִהְיֶה אֱלֹהֶיךָ  
 | לְךָ מִכָּל-אִיְכֶיךָ מִסָּבִיב בְּאֶרֶץ אֲשֶׁר יִהְיֶה-  
 אֱלֹהֶיךָ נִתֵּן לְךָ נִחְלָה לְרִשְׁתָּהּ תִּמְחָה אֶת-  
 זִכְרְ עַמְּלֶךָ מִתַּחַת הַשָּׁמַיִם לֹא תִשָּׁכַח: פ פ פ  
 ק"י פסוקים. על"י סימן.

וְלֹא יִרְא יְיָ דְּחִיל מִן קָדָם יְיָ: יט וְיִהְיֶה  
 כִּד יִנִּיחַ יְיָ אֱלֹהֶיךָ לְךָ מִכָּל בְּעָלֵי  
 דְּבִבְךָ מִסָּחֹר סָחֹר בְּאֶרֶץ דִּי יְיָ  
 אֱלֹהֶיךָ יִהְיֶה לְךָ אַחֲסָנָא לְמִירְתָּהּ  
 תִּמְחֵי יְת דּוּכְרָנָא דְעַמְלֶךָ  
 מִתַּחַת שָׁמַיָא לֹא תִתְנָשִׁי:

רש"י

וְלֹא יִרְא. עַמְלֶךָ (ספרי טז) אֱלֹהִים, מְלַהֲרֵט לָךְ: (יט) תִּמְחָה הַצְהָמָה, לוֹמַר: צְהָמָה זֶה מַשָּׁל עַמְלֶךָ הִיָּתָה (פסיקתא זוטרותא):  
 אֶת זִכְרְ עַמְלֶךָ. "מֵאִישׁ עַד אִשָּׁה מִטּוֹלָל וְעַד יוֹנֵק מִשׁוֹר וְעַד

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וְדָבָר הַמַּעֲמִיד הַבָּח בִּיכוּלָתָהּ הַנֶּעֱלָם אֵין עִמָּם<sup>19</sup>, מֵה שְׁלֹא הָיָה בֶּן בִּשְׁאָר כָּל הַמְלַחֲמוֹת.

OR HACHAIM ELUCIDATED

and he did so while they were faint and exhausted — וְדָבָר הַמַּעֲמִיד הַבָּח בִּיכוּלָתָהּ הַנֶּעֱלָם אֵין עִמָּם — and did not have with them that which preserves one's strength through a hidden force — namely, fear of God, which provides protection from fear of the enemy.<sup>[19]</sup> This — מֵה שְׁלֹא הָיָה בֶּן בִּשְׁאָר כָּל הַמְלַחֲמוֹת

above (at note 15), that Amalek chanced upon the Jewish people in the Wilderness and thereby found out the location of their encampment, the words also allude to the suddenness of Amalek's

attack, as Or HaChaim explained in the previous verse.

19. See *Meorei Or*. For an alternative interpretation of this sentence, see *Segulas Moshe* and *Or Yakar*.



*and not fearful of God.* <sup>19</sup> *It shall be that when HASHEM, your God, gives you rest from all your enemies all around, in the Land that HASHEM, your God, gives you as an inheritance to possess it, you shall wipe out the memory of Amalek from under the heaven — you shall not forget!*

THE HAFTARAH FOR KI SEITZEI APPEARS ON PAGE 371.

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אור החיים

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שְׁמֹלֶכֶד שְׁלֹא יִיעָפוּ וְלֹא יִיגְעוּ בַּמִּלְחָמוֹת, עוֹד לָהֶם כָּלֵם צְדִיקִים יִרְאֵי אֱלֹהִים נְמוּכֵי לֵב.<sup>20</sup>

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**was not the case, however, with all the other battles** that were waged against the Jewish people: **שְׁמֹלֶכֶד שְׁלֹא יִיעָפוּ וְלֹא יִיגְעוּ בַּמִּלְחָמוֹת** — **For aside from the fact that they were not faint or exhausted during the other battles,** **עוֹד לָהֶם כָּלֵם צְדִיקִים יִרְאֵי אֱלֹהִים נְמוּכֵי לֵב** — **they had another advantage: they were all righteous, God-fearing, and humble,** and therefore they were not as vulnerable as they were during this battle against Amalek.<sup>[20]</sup>

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20. See note 15.

