

# Subversive Texts in the Torah 1

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## 1.1 The Sotah (Numbers 5:11- 29 במדבר ה:יא-כט)

יא וידבר יהוה אל-משה לאמר: יב דבר אל-בני ישראל ואמרת אליהם איש איש כִּי-תשטה אשתו ומעלה בו מעל: יג ושלב איש אתה שכבת-זרע ונעלם מעיני אישה ונסתרה והיא נטמאה ועד אין בָּהּ והוא לא נתפשׁה: יד ועבר עליו רוח-קנאה וקנא את-אשתו והוא נטמאה או-עבר עליו רוח-קנאה וקנא את-אשתו והיא לא נטמאה:

11. The Lord spoke to Moses, saying: 12. Speak to the Israelite people and say to them: If any man's wife has gone astray and broken faith with him 13. in that a man has had carnal relations with her unbeknown to her husband, and she keeps secret the fact that she has defiled herself without being forced, and there is no witness against her— 14. but a fit of jealousy comes over him and he is wrought up about the wife who has defiled herself; or if a fit of jealousy comes over one and he is wrought up about his wife although she has not defiled herself—

טו והביא האיִש את-אשתו אל-הכהן והביא את-קרבנה עליה עשירת האיפה קמח שערים לא-יצק עליו שָׁמֶן ולא יתן עליו לבנה כִּי-מנחת קנאת הוא מנחת זכרון מזכרת עון: טז והקריב אתה הכהן והעמידה לפני יהוה: יז ולקח הכהן מים קדשים בכלי-חרש ומן-העפר אשר יהיה בקרקע המשכן יקח הכהן ונתן אל-המים: יח והעמיד הכהן את-האשה לפני יהוה ופרע את-ראש האשה ונתן על-כפיה את מנחת הזכרון מנחת קנאת הוא ובגד הכהן יהיו מי המרים המאָררים:

15. the man shall bring his wife to the priest. And he shall bring as an offering for her one-tenth of an ephah of barley flour. No oil shall be poured upon it and no frankincense shall be laid on it, for it is a meal offering of jealousy, a meal offering of remembrance which recalls wrongdoing. 16. The priest shall bring her forward and have her stand before the Lord. 17. The priest shall take sacral water in an earthen vessel and, taking some of the earth that is on the floor of the Tabernacle, the priest shall put it into the water. 18. After he has made the woman stand before the Lord, the priest shall bare the woman's head and place upon her hands the meal offering of remembrance, which is a meal offering of jealousy. And in the priest's hands shall be the water of bitterness that induces the spell.

יט והשביע אתה הכהן ואמר אל-האשה אם-לא שכב איש אתך ואם-לא שטית טמאה תנחת אישך הנקמי ממני המרים המאָררים האלה: כ ואת כִּי שטית תנחת אישך וכי נטמאת ויתן איש בך את-שכבתו מבלעדִי אישך: כא והשביע הכהן את-האשה בשבעת האלה ואמר הכהן לאשה יתן יהוה אותך לאלה ולשבעה בתוך עמך בתת יהוה את-ירכך נפֶלֶת ואת-בטנך צבה: כב ובאו המים המאָררים האלה במעִיךָ לצבות בטן ולנפל ירך ואמרה האשה אמן | אמן:

19. The priest shall adjure the woman, saying to her, “If no man has lain with you, if you have not gone astray in defilement while married to your husband, be immune to harm from this water of bitterness that induces the spell. 20. But if you have gone astray while married to your husband and have defiled yourself, if a man other than your husband has had carnal relations with you”— 21. here the priest shall administer the curse of adjuration to the woman, as the priest goes on to say to the woman—“may the Lord make you a curse and an imprecation among your people, as the Lord causes your thigh to sag and your belly to distend; 22. may this water that induces the spell enter your body, causing the belly to distend and the thigh to sag.” And the woman shall say, “Amen, amen!”

כג וְכָתַב אֶת־הָאֱלֹת הָאֵלֶּה הַכֹּהֵן בַּסֶּפֶר וּמָחָה אֶל־מֵי הַמָּרִים: כד וְהִשְׁקָה אֶת־הָאִשָּׁה אֶת־מֵי הַמָּרִים הַמְאָרְרִים וַיָּבֹאוּ בָּהּ הַמַּיִם הַמְאָרְרִים לְמָרִים: כה וְלָקַח הַכֹּהֵן מִיַּד הָאִשָּׁה אֶת מִנְחַת הַקְּנָאֹת וְהִנִּיף אֶת־הַמִּנְחָה לִפְנֵי יְהוָה וְהִקְרִיב אֹתָהּ אֶל־הַמִּזְבֵּחַ: כו וְקִלְמֵץ הַכֹּהֵן מִן־הַמִּנְחָה אֶת־אִזְבֵּרְתָּהּ וְהִקְטִיר הַמִּזְבֵּחַ וְאַחַר יִשְׁקָה אֶת־הָאִשָּׁה אֶת־הַמַּיִם: כז וְהִשְׁקָה אֶת־הַמַּיִם וְהִיְתָה אִם־נִטְמְאַהּ וְתִמְעַל מְעַל בְּאִשְׁתּוֹ וַיָּבֹאוּ בָּהּ הַמַּיִם הַמְאָרְרִים לְמָרִים וַצְּבִתָּהּ בִּטְנָהּ וְנִפְלָה יָרְכָהּ וְהִיְתָה הָאִשָּׁה לְאֵלֶּה בְּקִרְב עַמָּה: כח וְאִם־לֹא נִטְמְאַהּ הָאִשָּׁה וְטָהְרָה הוּא וְנִקְתָה וְנִזְרְעָה זָרַע:

23. The priest shall put these curses down in writing and rub it off into the water of bitterness. 24. He is to make the woman drink the water of bitterness that induces the spell, so that the spell-inducing water may enter into her to bring on bitterness. 25. Then the priest shall take from the woman’s hand the meal offering of jealousy, elevate the meal offering before the Lord, and present it on the altar. 26. The priest shall scoop out of the meal offering a token part of it and turn it into smoke on the altar. Last, he shall make the woman drink the water. 27. Once he has made her drink the water—if she has defiled herself by breaking faith with her husband, the spell-inducing water shall enter into her to bring on bitterness, so that her belly shall distend and her thigh shall sag; and the woman shall become a curse among her people. 28. But if the woman has not defiled herself and is pure, she shall be unharmed and able to retain seed.

כט זֹאת תִּזְכֹּרְתָהּ הַקְּנָאֹת אֲשֶׁר תִּשְׁטָה אִשָּׁה תַּחַת אִשְׁתּוֹ וְנִטְמְאַהּ: ל אוֹ אִישׁ אֲשֶׁר תִּעְבֹּר עָלָיו רִיחַ קְנָאָה וְקִנְיָה אֶת־אִשְׁתּוֹ וְהִעֲמִיד אֶת־הָאִשָּׁה לִפְנֵי יְהוָה וְעָשָׂה לָהּ הַכֹּהֵן אֵת כָּל־הַתּוֹרָה הַזֹּאת: לא וְנִקָּה הָאִישׁ מֵעֲוֹן וְהָאִשָּׁה הִיא תִּשָּׂא אֶת־עֲוֹנָהּ:

29. This is the ritual in cases of jealousy, when a woman goes astray while married to her husband and defiles herself, 30. or when a fit of jealousy comes over a man and he is wrought up over his wife: the woman shall be made to stand before the Lord and the priest shall carry out all this ritual with her. 31. The man shall be clear of guilt; but that woman shall suffer for her guilt. [alt: The man should be free of guilt; and the woman shall carry her guilt.]

## 1.2 Article on the puzzle of what this ritual is really for

[http://www.academia.edu/13923600/The\\_SOTAH\\_Why\\_Is\\_This\\_Case\\_Different\\_from\\_All\\_Other\\_Cases](http://www.academia.edu/13923600/The_SOTAH_Why_Is_This_Case_Different_from_All_Other_Cases)

### 1.3 Note on concept of carrying guilt.

The expression תִּשָּׂא אֶת־עוֹנָהּ or the male equivalent is found four times in the Torah. In all the other cases, it is for sins that are punished by karet (הַהוּא מְעַמְיָה) or equiv) rather than by a sentence of a court. This is a sin that is between the sinner and God and in which God is trusted to do the punishment (because only God knows about the sin). The other three relate to incest with a sister (Leviticus 20:17), and eating stale sacrificial meat (Leviticus 7:18 and 19:8).

### 1.4 Women who do not drink (Mishnah Sotah chapter 4 משנה סותה ד'ג)

... איילונית, וזקינה, ושאינה ראויה לילד - לא נוטלות כתובה ולא שותות..

A [naturally] infertile woman, an old woman, or a woman not capable of bearing children do not drink and do not take [the amount of] their ketubah

רש"י: ושאינה ראויה לילד - ששתת כוס עוקרין ואסורות לקיימה למי שאין לו בנים שהרי נצטוו ישראל על פריה ורביה.

**Rashi: a woman not capable of bearing children:** by taking a drug that causes permanent infertility, married to a man who does not have children, whereas Israel is commanded to be fruitful and multiply

### 2.1 Levirate Marriage (Deuteronomy 25:5-10 דברים כה:ה-י)

ה כִּי־יָשְׁבוּ אֲחִים יַחְדָּו וּמֵת אֶחָד מֵהֶם וּבֶן אֵין־לּוֹ לֹא־תִהְיֶה אִשְׁת־הַמֵּת הַחֹצֵצָה לְאִישׁ זָר וּבָמָה יָבֵא עָלֶיהָ וּלְקַחְתָּהּ לּוֹ לְאִשָּׁה וַיְבַמְתָּהּ: ו וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יִקְוֶים עַל־שֵׁם אָחִיו הַמֵּת וְלֹא־יִמָּחַה שְׁמוֹ מִיִּשְׂרָאֵל: ז וְאִם־לֹא יִחַפֵּץ הָאִישׁ לְקַחַת אֶת־יְבַמְתּוֹ וְעָלְתָהּ יְבַמְתּוֹ הַשְּׂעֵרָה אֶל־הַזְּקֵנִים וְאָמְרָה מֵאֵן יְבַמִּי לְהַקִּים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל לֹא אָבָה יְבַמִּי: ח וְקָרְאוּ־לּוֹ זְקֵנֵי־עִירוֹ וּדְבָרוּ אֵלָיו וְעָמַד וְאָמַר לֹא חִפְצָתִי לְקַחְתָּהּ: ט וְנָגְשָׁה יְבַמְתּוֹ אֵלָיו לְעֵינָי הַזְּקֵנִים וְחָלְצָה נַעַלָּהּ מֵעַל רַגְלָהּ וּנְרָקָה בְּפָנָיו וְעָנְתָהּ וְאָמְרָה כָּכָה יַעֲשֶׂה לְאִישׁ אֲשֶׁר לֹא־יָבִנָה אֶת־בַּיִת אָחִיו: י וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בַּיִת חָלוּץ הַנָּעֹל:

5. When brothers dwell together and one of them dies and leaves no son, the wife of the deceased shall not be married to a stranger, outside the family. Her husband's brother shall unite with her: he shall take her as his wife and perform the levir's duty. 6. The first son that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel. 7. But if the man does not want to marry his brother's widow, his brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir." 8. The elders of his town shall then summon him and talk to him. If he insists, saying, "I do not want to marry her," 9. his brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot, spit in his face, and make this declaration: Thus shall be done to the man who will not build up his brother's house! 10. And he shall go in Israel by the name of "the family of the unsandaled one."

## 2.2.1 Inheritance for daughters (daughters of Tzafchad)

(במדבר כז:ו-יא **יא**)

וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה לֵאמֹר: זֶכֶן בְּנֹת צִלְפַּחַד דְּבַרְתָּ נָתַן תִּתֵּן לָהֶם אֲחֻצַּת נַחֲלָה בְּתוֹךְ אֶחְיֵי אֲבֵיהֶם וְהִעֲבַרְתָּ אֶת־נַחֲלַת אֲבֵיהֶן לָהֶן: ח וְאֶל־בְּנֵי יִשְׂרָאֵל תִּדְבַר לֵאמֹר אִישׁ כִּי־יָמוּת וּבֵן אֵין לוֹ וְהִעֲבַרְתָּם אֶת־נַחֲלָתוֹ לְבָתּוֹ: ט וְאִם־אֵין לוֹ בֵּת וּנְתַתֶּם אֶת־נַחֲלָתוֹ לְאֶחָיו: י וְאִם־אֵין לוֹ אַחִים וּנְתַתֶּם אֶת־נַחֲלָתוֹ לְאֶחְיֵי אָבִיו: יא וְאִם־אֵין אַחִים לְאָבִיו וּנְתַתֶּם אֶת־נַחֲלָתוֹ לְשֹׂאֲרוֹ הַקָּרֵב אֵלָיו מִמִּשְׁפַּחְתּוֹ וַיֵּרַשׁ אֹתָהּ וְהִיְתָה לְבְנֵי יִשְׂרָאֵל לְחֻקַּת מִשְׁפָּט כַּאֲשֶׁר צִוָּה יְהוָה אֶת־מֹשֶׁה:

6. And the Lord said to Moses, 7. “The plea of Zelophehad’s daughters is just: you should give them a hereditary holding among their father’s kinsmen; transfer their father’s share to them. 8. “Further, speak to the Israelite people as follows: ‘If a man dies without leaving a son, you shall transfer his property to his daughter. 9. If he has no daughter, you shall assign his property to his brothers. 10. If he has no brothers, you shall assign his property to his father’s brothers. 11. If his father had no brothers, you shall assign his property to his nearest relative in his own clan, and he shall inherit it.’ This shall be the law of procedure for the Israelites, in accordance with the Lord’s command to Moses.”

## 2.2.2 Special marriage rule for daughters who inherit

(במדבר לו:א-ט **ט**)

1. The family heads in the clan of the descendants of Gilead son of Machir son of Manasseh, one of the Josephite clans, came forward and appealed to Moses and the chieftains, family heads of the Israelites. 2, They said, “The Lord commanded my lord to assign the land to the Israelites as shares by lot, and my lord was further commanded by the Lord to assign the share of our kinsman Zelophehad to his daughters. 3. Now, if they marry persons from another Israelite tribe, their share will be cut off from our ancestral portion and be added to the portion of the tribe into which they marry; thus our allotted portion will be diminished. 4. And even when the Israelites observe the jubilee, their share will be added to that of the tribe into which they marry, and their share will be cut off from the ancestral portion of our tribe.”

5. So Moses, at the Lord’s bidding, instructed the Israelites, saying: “The plea of the Josephite tribe is just. 6. This is what the Lord has commanded concerning the daughters of Zelophehad: They may marry anyone they wish, provided they marry into a clan of their father’s tribe. 7. No inheritance of the Israelites may pass over from one tribe to another, but the Israelites must remain bound each to the ancestral portion of his tribe. 8. Every daughter among the Israelite tribes who inherits a share must marry someone from a clan of her father’s tribe, in order that every Israelite may keep his ancestral share. 9. Thus no inheritance shall pass over from one tribe to another, but the Israelite tribes shall remain bound each to its portion.”

ה ויצו משה את בני ישראל על פי יהוה לאמר כן מטה בני יוסף דברים: ו זה הדבר אשר צוה יהוה לבנות צלפחד לאמר לטוב בעיניהם תהיינה לנשים אך למשפחת מטה אביהם תהיינה לנשים: ז ולא תסב נחלה לבני ישראל ממטה אל מטה כי איש בנחלת מטה אבתיו ידבקו בני ישראל: ח וכל ברת ירשת נחלה ממטות בני ישראל לאחד ממשפחת מטה אביה תהיה לאשה למען יירשו בני ישראל איש נחלת אבתיו: ט ולא תסב נחלה ממטה למטה אחר כי איש בנחלתו ידבקו מטות בני ישראל:

### 2.3: Ruth 4 רות ד

א ובעז עלה השער וישב שם והנה הגאל עבר אשר דבר בעז ויאמר סוה שבה פה פלני אלמני ויסר וישב: ב ויקח עשרה אנשים מזקני העיר ויאמר שבו פה וישבו: ג ויאמר לגאל חלקת השדה אשר לאחינו לאלימלך מכרה נעמי השבה משדה מואב:

1. Meanwhile, Boaz had gone to the gate and sat down there. And now the redeemer whom Boaz had mentioned passed by. He called, "Come over and sit down here, So-and-so!" And he came over and sat down. 2. Then [Boaz] took ten elders of the town and said, "Be seated here"; and they sat down. 3. He said to the redeemer, "Naomi, now returned from the country of Moab, must sell the piece of land which belonged to our kinsman Elimelech.

ד ואני אמרתי אגלה אונן לאמר קנה נגד הישבים ונגד זקני עמל אם תגאל גאל ואם לא יגאל הגידה לי ואדע [ואדעה] כי אין זולתך לגאול ואנכי אחריד ויאמר אנכי אגאל: ה ויאמר בעז ביום קנותך השדה מיד נעמי ומאת רות המואבית אשת המת קניתי [קניתי] להקים שם המת על נחלתו: ו ויאמר הגאל לא אוכל לגאול - [לגאל] לי פן אשחית את נחלתי גאל לך אתה את גאלתי כי לא אוכל לגאל:

4. I thought I should disclose the matter to you and say: Acquire it in the presence of those seated here and in the presence of the elders of my people. If you are willing to redeem it, redeem! But if you will not redeem, tell me, that I may know. For there is no one to redeem but you, and I come after you." "I am willing to redeem it," he replied. 5. Boaz continued, "When you acquire the property from Naomi and from Ruth the Moabite, you must also acquire the wife of the deceased, so as to perpetuate the name of the deceased upon his estate." 6. The redeemer replied, "Then I cannot redeem it for myself, lest I impair my own estate. You take over my right of redemption, for I am unable to exercise it."

ז וזאת לפנים בישראל על הגאולה ועל התמורה לקים כל דבר שלף איש נעלו ונתן לרעהו וזאת התעודה בישראל: ח ויאמר הגאל לבעז קנה לך וישלף נעלו: ט ויאמר בעז לזקנים וכל העם עדים אתם היום כי קניתי את כל אשר לאלימלך ואת כל אשר לכליון ומחלו מיד נעמי: י וגם את רות המואבית אשת מחלו קניתי לי לאשה להקים שם המת על נחלתו ולא יכרת שם המת מעם אחיו ומשער מקומו עדים אתם היום:

7. Now this was formerly done in Israel in cases of redemption or exchange: to validate any transaction, one man would take off his sandal and hand it to the other. Such was the practice in Israel. 8. So when the redeemer said to Boaz, “Acquire for yourself,” he drew off his sandal. 9. And Boaz said to the elders and to the rest of the people, “You are witnesses today that I am acquiring from Naomi all that belonged to Elimelech and all that belonged to Chilion and Mahlon. 10. I am also acquiring Ruth the Moabite, the wife of Mahlon, as my wife, so as to perpetuate the name of the deceased upon his estate, that the name of the deceased may not disappear from among his kinsmen and from the gate of his home town. You are witnesses today.”

יָא וַיֹּאמְרוּ כָּל-הָעָם אֲשֶׁר-בִּשְׁעַר וְהַזְקֵנִים עֲדִים יִתְּנוּ יְהוָה אֶת-הָאִשָּׁה הַבָּאָה אֶל-בֵּיתְךָ כְּרַחֵל | וְכִלְיָה אֲשֶׁר בָּנוּ שְׂתִיהֶם אֶת-בֵּית יִשְׂרָאֵל וַעֲשֵׂה-חֵיל בְּאֶפְרָתָה וּקְרָא שֵׁם בְּבֵית לָחֶם: יב וַיְהִי בַּיּוֹם בֵּיתְךָ כְּבֵית פֶּרֶץ אֲשֶׁר-יָלְדָה תָמָר לְיְהוֹדָה מִן-הַזָּרַע אֲשֶׁר יִתְּנוּ יְהוָה לְךָ מִן-הַנְּעֻרָה הַזֹּאת:

11. All the people at the gate and the elders answered, “We are witnesses. May the Lord make the woman who is coming into your house like Rachel and like Leah, both of whom built up the House of Israel! Prosper in Ephrathah and perpetuate your name in Bethlehem! 12. And may your house be like the house of Perez whom Tamar bore to Judah—through the offspring which the Lord will give you by this young woman.”

יג וַיִּקְחוּ בְּעֵז אֶת-רוּת וַתְּהִי-לוֹ לְאִשָּׁה וַיָּבֵא אֹלְיָהּ וַיִּתְּנוּ יְהוָה לָהּ הַרְיוֹן וַתֵּלֶד בֶּן: יד וַתֹּאמְרֵנָה הַנְּשִׁים אֶל-נְעֻמִי בְרוּךְ יְהוָה אֲשֶׁר לָא הִשְׁבִּית לְךָ גֹּאֵל הַיּוֹם וַיִּקְרָא שְׁמוֹ בְּיִשְׂרָאֵל: טו וַהֲיָה לְךָ לְמַשְׁיב זָכָר וּלְכֹלֵל אֶת-שִׁבְתְּךָ כִּי כִלְתָּךְ אֲשֶׁר-אַהֲבִיתְךָ יִלְדֶתוּ אֲשֶׁר-הִיא טוֹבָה לְךָ מִשְׁבַּעַת בָּנִים: טז וַתִּקַּח נְעֻמִי אֶת-הַיֶּלֶד וַתִּשְׁתָּהוּ בְּחִיקָהּ וַתְּהִי-לוֹ לְאִמָּנָת: יז וַתִּקְרָאנָהּ לוֹ הַשְּׂכֵנֹת שֵׁם לְאִמּוֹר יֶלֶד-בֶּן לְנְעֻמִי וַתִּקְרָאנָה שְׁמוֹ עוֹבֵד הוּא אֲבִי-יֵשׁי אֲבִי דָוִד:

13. So Boaz married Ruth; she became his wife, and he cohabited with her. The Lord let her conceive, and she bore a son. 14. And the women said to Naomi, “Blessed be the Lord, who has not withheld a redeemer from you today! May his name be perpetuated in Israel! 15. He will renew your life and sustain your old age; for he is born of your daughter-in-law, who loves you and is better to you than seven sons.” 16. Naomi took the child and held it to her bosom. She became its foster mother, 17. and the women neighbors gave him a name, saying, “A son is born to Naomi!” They named him Obed; he was the father of Jesse, father of David.

יח וַאֲלֵה תּוֹלְדוֹת פֶּרֶץ פֶּרֶץ הוֹלִיד אֶת-חֶצְרוֹן: יט וְחֶצְרוֹן הוֹלִיד אֶת-רָם וְרָם הוֹלִיד אֶת-עַמִּינָדָב: כ וְעַמִּינָדָב הוֹלִיד אֶת-נַחֲשׁוֹן וְנַחֲשׁוֹן הוֹלִיד אֶת-שַׁלְמָה: כא וְשַׁלְמוֹן הוֹלִיד אֶת-בְּעֵז וּבְעֵז הוֹלִיד אֶת-עוֹבֵד: כב וְעוֹבֵד הוֹלִיד אֶת-יֵשׁי וַיֵּשֶׁי הוֹלִיד אֶת-דָּוִד:

18. This is the line of Perez: Perez begot Hezron, 19. Hezron begot Ram, Ram begot Amminadab, 20. Amminadab begot Nahshon, Nahshon begot Salmon, 21. Salmon begot Boaz, Boaz begot Obed, 22. Obed begot Jesse, and Jesse begot David.

# Subversive Texts in the Torah 2

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## 3 Betrothal of a maidservant (Exodus 21:7-11, שמות כא:ז-יא):

ז וְכִי־יִמְכַר אִישׁ אֶת־בִּתּוֹ לְאִמָּה לֹא תִצֵּא כְצִאת הָעֶבְדִּים: ח אִם־רָעָה בְעֵינֵי אֲדֹנָיֶיהָ אֲשֶׁר־לֹא [לוֹ] יַעֲדָהּ וְהִפְדָּהּ לְעַם נְכָרִי לֹא־יִמְשַׁל לְמִכְרָהּ בַּבְּגָדוֹ־בָהּ: ט וְאִם־לִבְנוֹ יַעֲדָנָהּ כְּמִשְׁפַּט הַבָּנוֹת יַעֲשֶׂה־לָּהּ: י אִם־אֶחָרָת יִקַּח־לָּהּ שְׂאֵרָה כְּסוּתָהּ וְעִנְתָּהּ לֹא יִגְרַע: יא וְאִם־שָׁלַשׁ־אַלֶּה לֹא יַעֲשֶׂה לָּהּ וַיִּצְאָה חֲנֹם אִין כְּסָף:

7. When a man sells his daughter as a slave, she shall not be freed as male slaves are. 8. If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. 9. And if he designated her for his son, he shall deal with her as is the practice with free maidens. 10. If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights. 11. If he fails her in [any of] these three ways, she shall go free, without payment.

## 4.1 The *shifcha charufa* (Leviticus 19:20 כ ויקרא יט כ)

כ וְאִישׁ כִּי־יִשְׁכַּב אֶת־אִשְׁה שְׂכֵב־זָרַע וְהוּא שִׁפְחָה נְחִירֶפֶת לְאִישׁ וְהִפְדָּהּ לֹא נִפְדָּתָהּ אִו חִפְשָׁה לֹא נָתַן־לָּהּ בְּקִרְתָּהּ תִּהְיֶה לֹא יוֹמְתוּ כִּי־לֹא חִפְשָׁה:

20. If a man lies carnally with a woman, and she is a handmaid designated for a man, and she had not been [fully] redeemed nor had her document of emancipation been granted her, there shall be an investigation; they shall not be put to death, because she had not been [completely] freed.

## 4.2 Rashi's commentary on the above.

<http://parsha.blogspot.co.uk/2012/05/who-was-shifcha-charufa.html>

designated for a man: נִתְּרַפָּת, designated and specified for a [particular] man. And [regarding this term נִתְּרַפָּת,] I do not know of [a term] resembling it anywhere in Scripture, but the Scripture is speaking of a Canaanite handmaid, partly a handmaid and partly a free woman [i.e., she belonged to two partners and one freed his part of her], who is betrothed to a Hebrew slave, who is permitted to [marry] a handmaid. — [Torath Kohanim 19:52; Kereithoth 11a]

and she had not been [fully] redeemed: Heb. נִפְדָּתָה לֹא וְהִפְדָּה, she is redeemed, but not redeemed. And when the unqualified term פְּדִיּוֹן, “redemption” is employed, it means [redeeming with money. — [Torath Kohanim 19:53]

nor had her document of emancipation been granted her: [the unqualified term חֲפֵשׁ, “freeing,” refers to doing so] with a document [of release]. — [Torath Kohanim 19:53]

there shall be an investigation: Heb. תִּהְיֶה בְּקָרְתָּ [which will result in] the woman being given lashes but not the man (Torath Kohanim 19:54) The court is obligated to investigate the matter in order not to sentence him [her] to death, since “she had not been [completely] freed” [and therefore,] her marriage is not completely binding. Our Rabbis, however, learned from [this verse], that whoever is sentenced to lashes [as this woman, those lashes] shall be accompanied by a “recitation” בְּקָרְתָּ בְּקִרְיָאָה, derived from the בְּקָרְתָּ, so that the phrase תִּהְיֶה בְּקָרְתָּ is expounded to mean “she is to be given lashes with a קָרְתָּ, a recitation.” And what is the recitation referred to here? It is [that] the judges who mete out the lashes, shall recite to the one receiving them (Deut. 28:58-59), “If you will not observe to fulfill [all the words of this Torah]...the Lord will bring upon you...uniquely [horrible] plagues!”- [Kereithoth 11a]

because she had not been [completely] freed: And therefore, the man is not liable to the death penalty because of [his intimacy with] her, since her marriage is not binding. It follows then, that if she had been freed, her marriage would be binding, and he would be liable to the death penalty. — [Torath Kohanim 19:55; Gittin 43b]

## 4.3 Shadal's alternative interpretation Samuel David Luzzatto (1800-65)

As in the commentary of the Ramban, hefker, ownerless. That is to say that she does not have the law of a fully-married woman since he did not free her, and so she is considered like hefker in the matter that they shall not die as adulterers.

And in my opinion, and in the opinion of Ibn Ezra, she was an Israelite woman and not a Canaanite. And in the opinion of Chazal (Krisus 11a), even the Canaanite, if she were freed, her kiddushin would be kiddushin like any daughter of an Israelite.

And the reason for the commandment is in order that the owner does not think to make use of her as a maidservant, as well as for intercourse. Rather, he should either free her and take {=marry} her in the proper law of daughters {of Israel}, or else she shall be hefker to him and to others equally.

And behold, this transgression as well is a shegaga {accident} of ignorantia juris {ignorance of the law, which apparently is so an excuse}, just as above in perek 5, for the one who sleeps with her believes that she is literally hefker, and that she is permitted to every man, while the matter is not so -- rather, she is bikores {=hefker} after the fact, bedieved, in terms of that they shall not die, but she is not bikores such that anyone can sleep with her lechatchila.



### 5.1: The captive woman (Deuteronomy 21:10-14 דברים כא:י-יד)

י כִּי־תִצֵּא לַמִּלְחָמָה עַל־אֹיְבֶיךָ וַיִּנְתְּנוּ יְהוָה אֱלֹהֶיךָ בְיָדְךָ וְשָׁבִיתָ שְׁבוּיִם: יא וְרָאִיתָ בַשְּׁבוּיָה אִשָּׁת יִפְת־תָּאֵר וְחִשְׁקֶתָ בָּהּ וְלִקְחֶתָּ לָךְ לְאִשָּׁה: יב וְהִבֵּאתָהּ אֶל־תּוֹךְ בֵּיתְךָ וּגְלַחְתָּ אֶת־רֹאשָׁהּ וְעָשְׂתָה אֶת־צַפְרֹנֶיהָ: יג וְהִסִּירָהּ אֶת־שַׁמְלַת שְׁבוּיָהּ מֵעָלֶיהָ וַיִּשְׁבָּה בְּבֵיתְךָ וּבְכַתְּהָ אֶת־אָבִיהָ וְאֶת־אִמָּהּ יָרַח יָמִים וְאַחַר כֵּן תָּבֹוא אֵלֶיהָ וְיָבַע לָתֶּהּ וְהִיְתָה לָךְ לְאִשָּׁה: יד וְהָיָה אִם־לֹא חָפְצָתָּ בָּהּ וְשָׁלַחְתָּהּ לְנַפְשָׁהּ וּמָכַר לֹא־תִמְכְּרָנָה בַּכֶּסֶף לֹא־תִתְּעַמְרָ בָּהּ תַּחַת אֲשֶׁר עָנִיתָהּ: ט

10. When you take the field against your enemies, and the Lord your God delivers them into your power and you take some of them captive, 11. and you see among the captives a beautiful woman and you desire her and would take her to wife, 12. you shall bring her into your house, and she shall trim her hair, pare her nails, 13. and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother; after that you may come to her and possess her, and she shall be your wife. 14. Then, should you no longer want her, you must release her outright. You must not sell her for money: since you had your will of her, you must not enslave her.

### 5.2: The hated wife (Deuteronomy 21:15-17 דברים כא:טו-יז)

טו כִּי־תִהְיֶינָה לְאִישׁ שְׁתֵּי נָשִׁים הָאֲחֻתָּה אֲהוּבָה וְהָאֲחֻתָּה שְׂנוּאָה וַיִּלְדוּ־לּוֹ בָנִים הָאֲהוּבָה וְהַשְּׂנוּאָה וְהָיָה הַבֵּן הַבְּכֹר לַשְּׂנוּאָה: טז וְהָיָה בַיּוֹם הַנִּחְיָלוֹ אֶת־בְּנָיו אֶת־אֲשֶׁר־יָהִי לוֹ לֹא יוּכַל לְבַכֵּר אֶת־בֶּן־הָאֲהוּבָה עַל־פְּנֵי בֶן־הַשְּׂנוּאָה הַבְּכֹר: יז כִּלְ אֶת־הַבְּכֹר בֶּן־הַשְּׂנוּאָה יִכִּיר לָתֶת לוֹ פִּי שְׁנַיִם בְּכָל אֲשֶׁר־יִמְצָא לוֹ כִּי־הוּא רֵאשִׁית אֲזָנוֹ לוֹ מִשְׁפָּט הַבְּכֹרָה: ט

15. If a man has two wives, one loved and the other unloved, and both the loved and the unloved have borne him sons, but the first-born is the son of the unloved one— 16. when he wills his property to his sons, he may not treat as first-born the son of the loved one in disregard of the son of the unloved one who is older. 17. Instead, he must accept the first-born, the son of the unloved one, and allot to him a double portion of all he possesses; since he is the first fruit of his vigor, the birthright is his due.

### 5.3.1: The rebellious son (Deuteronomy 21:18-21 **דברים כא:יח-כא**)

יח כִּי־יְהִי־לְאִישׁ בֶּן־סוֹרֵר וּמוֹרֵה אִינָנּוֹ שְׁמַע בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם: יֵט וַתִּפְּשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְּמוֹ: כ וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ זֶה סוֹרֵר וּמוֹרֵה אִינָנּוֹ שְׁמַע בְּקוֹלָנוּ זוֹלֵל וְסוֹבֵא: כֹּא וְרָגְמָהוּ כָּל־אֲנָשֵׁי עִירוֹ בְּאֲבָנִים וְיָמוּת וּבַעֲרַתְהָ הָרַע מִקֶּרְבְּךָ וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּ:

18. If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, 19. his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. 20. They shall say to the elders of his town, “This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard.” 21. Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid.

### 5.3.2: Commentary on the above

[https://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0017\\_0\\_16525.html](https://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0017_0_16525.html)

It appears that this law was intended to limit the powers of the *pater familias*: the head of the household could no longer punish the defiant son himself, according to his own whim, but had to bring him before the elders (i.e., judges) for punishment. In earlier laws (eg., Hammurapi Code, nos. 168, 169) only the father had to be defied; in biblical law it must be both father and mother, and the father cannot act without the mother's concurrence. If either was dead (Sif. Deut. 219) or refused to join in the prosecution, the son could not be indicted (Sanh. 8:4), but it was not necessary that father and mother should be validly married to each other (Sanh. 71a).

There is no record of a rebellious son ever having been executed, except for a dictum of R. Jonathan stating that he had once seen such a one and sat on his grave (Sanh. 71a). However, it is an old and probably valid tradition that there never had been, nor ever will be, a rebellious son, and that the law had been pronounced for educational and deterrent purposes only, so that parents be rewarded for bringing their children up properly (*ibid.*; Tosef. Sanh. 11:6).