These are the rules that you shall set before them:

With this parashah, the tone of the Torah changes. Up to this point, it has been a narrative, with occasional references to laws such as those regarding circumcision and Pesah. Now, the emphasis is reversed. From here on, the Torah will present the rules by which the Israelites are to live, with occasional narrative breaks.

JUDICIAL RULINGS (21:1–22:16)

1. This verse serves as a heading for the entire section.

These are The Hebrew word v’eileh is literally “And these are.” The conjunction “and” indicates continuity. This connects the laws that follow with the preceding Decalogue, implicitly asserting that all are derived from the same source at Sinai.

rules The Hebrew word mishpatim originally referred to “specific judicial rulings” and then came to be used for enactments in general, authoritative statements of law regarding standards of conduct.

you shall set before them Knowledge of the law is to be the privilege and obligation of the entire people, not the prerogative of specialists or of an elite class.

The rules of forming a just society outlined at the beginning of this parashah follow the discussion about the design of the altar at the end of the previous one. “In time to come, when there will no longer be an altar, building a just society will be the equivalent of bringing sacrifices” [Yalkut Sh. 1:271]. The laws of the Torah are not given in the names of kings or even in the name of Moses. They are religious and moral instructions given by God. Obeying the laws creates not only a harmonious society but a just and holy one. Violations are seen as offenses against God, not just against the violated person. Unlike the secular legal traditions of other societies, the laws of the Torah are cited not as the products of human wisdom and experience but as a reflection of divine principles built into the world. Thus the dignity of a human being is as much a permanent part of God’s Creation as the law of gravity.

“Outside of Israel, you would have to go to three different addresses to get the material . . . in Mishpatim. The Torah combines law (as in the Code of Hammurabi), cultic instructions (as from a priestly manual), and moral exhortation (as found in wisdom literature). This is the only Near Eastern literature in which an amalgam of these three interests is found: law, cult and wisdom” (M. Greenberg). Judaism is based not only on the major pronouncements of the Decalogue but on the hundreds of minor ways in which we are called on to sanctify our relationships with other people. Ramban sees this parashah as an extension of the 10th commandment, “You shall not covet.” To obey that commandment properly, we need to know what we are entitled to and what belongs to our neighbor. Our standards for how we treat others must be based not on social-utilitarian concerns, the desire for an orderly society, but on the recognition of the image of God in every person and the presence of God in every relationship.
2 When you acquire a Hebrew slave, he shall serve six years; in the seventh year he shall go free, without payment. 3 If he came single, he shall leave single; if he had a wife, his wife shall leave with him. 4 If his master gave him a wife, and she has borne him children, the wife and her children shall belong to the master, and he shall leave alone. 5 But if the slave declares, “I

LAWS CONCERNING SLAVES (vv. 2–11)

The list of enactments (mishpatim) begins with 10 laws regulating the institution of slavery. None of the other law collections from the ancient Near East opens with this topic. The emphasis given to it by the Torah has a clear historical explanation: Having recently experienced liberation from bondage, the Israelites are instructed to be especially sensitive to the condition of the slave. Yet the Torah does not abolish slavery. That was left to later generations.

The Male Slave (vv. 2–6)

2. When you acquire By self-sale, the desperately poor could gain a measure of security. People also could be sold by the courts. The labors of a debtor or a thief could serve to repay a debt or compensate for stolen property.

a Hebrew slave A fellow Israelite (Mekh.).

six years The slavery laws of Lev. 25:40 rule that this maximum limit on his term of service is shortened should the jubilee year occur in the meantime.

in the seventh year Rabbinic tradition understood this to mean the seventh year from the beginning of his indenture.

free, without payment Emancipation is his by right, and no compensation is due to the master. The law in Deut. 15:12–15 requires that the master make generous provisions for the slave who leaves his service.

3. if he had a wife The master would have been responsible for the maintenance of the slave’s wife and children throughout the period of his service.

4. In the ancient Near East it was common practice for a master to mate a slave with a foreign bondwoman solely for the purpose of siring “house-born” slaves. The woman and her offspring remained the property of the master.

CHAPTER 21

2. The legal code begins with the treatment of slaves, even as the Decalogue begins with a reference to Israel’s enslavement in Egypt. For many modern readers, the subject raises questions about the morality of the Torah’s legislation. How could God countenance slavery? First, we must note that this passage does not refer to the Egyptian model of slavery, a condition of cruel, permanent bondage. It deals with people who find themselves obliged to sell their labor for a fixed time to repay a debt or as a result of bankruptcy. Second, the Torah’s overall emphasis on human freedom and dignity, its insistence that humans are called to serve God and not a human master, in time led to a strengthening of the rules protecting the rights of slaves and, ultimately, to a rejection of slavery entirely. The status of a slave in the Torah was better than that of a slave in Egypt, but still fell short of the Torah’s vision of innate human dignity. This chapter still considers the slave and his or her family as the master’s property and calls for decent treatment. Deuteronomy, seen by most scholars as a later compilation, considers slaves as virtually members of the master’s family, to be included in festival celebrations and sent off with gifts at the end of their period of service. This chapter simply states, “when you acquire a Hebrew slave.” The parallel text in Deut. 15:12 begins, “If a fellow Hebrew [literally, “your brother”]…is sold to you.” It would seem that the Israelites, newly freed from Egypt, could not imagine a society without slavery (any more than Plato or Aristotle could). But over the course of time, a more humane view of the slave evolved.

3. single The usual translation of the Hebrew here (b’gapo) is “unmarried.” The Midrash understands it as “vigorous.” If the slave was strong and able bodied when he entered your service, you were not to work him so hard that he was no longer vigorous when he completed his obligation to you (Mid. Ha-Heftz).
love my master, and my wife and children: I do not wish to go free," 6his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life.

7When a man sells his daughter as a slave, she shall not be freed as male slaves are. 8If 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. 9And if he designated her for his son, he shall deal with her as is the practice with free maidens. 10If he marries another, he must not withhold from

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6. To avoid any possibility of abuse by a master and to safeguard the rights of a slave, the change from temporary to permanent slavery must be carried out according to a procedure fixed by law.

before God This term (elohim) appears again in a legal context in 22:7–8. Neither here nor there can it mean “God” literally. This is so in chapter 22, because its accompanying verb is plural. Its use here parallels Mesopotamian court records, which frequently mention a litigant taking “an oath of the gods” while in the presence of, or perhaps by actually holding, figurines of the gods. According to Rabbinic interpretation, elohim in this verse means “judges.”

doctor or the doorpost Of the sanctuary or of the house where, in Mesopotamia, household gods were found.

pierce his ear A sign of permanent slave status.

7. his daughter as a slave The Hebrew word amah, used here for “slave,” indicates a status quite different from that of the male slave. In the ancient world, a father, driven by poverty, might sell his daughter to a wealthy family to ensure her future security. The sale presupposes marriage to the master or his son, with the Torah stipulating that the girl must be treated as a wife.

8. outsiders The Hebrew term am nokhri refers to people who are not of the same family.

9. the practice with free maidens The girl is to be raised within the family and given the status of a daughter. As such, she normally would be protected from sexual abuse, and a marriage would be arranged for her.

10. Ancient Mesopotamian laws similarly stipulate that if a man takes a second wife and she becomes his favorite, he must continue to support

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5–6. Some slaves would be intimidated by the prospect of freedom (as some Israelites were when they left Egypt). The Torah accommodates their feelings, but marks that as the less desirable alternative. To be fully human, people must take responsibility for their own lives. Those who decide to stay are branded in the ear, because it was the ear that heard God declare at Sinai, “I have brought you out of the house of bondage” (Rashi). Why a doorpost? “Because a door was opened for him to go free, and he refused to go” (K’li Yakar).

for life According to Rabbinic interpretation, however, the new term of service ends at the next jubilee year or at the death of the master, whichever comes first.

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HALAKHAH L’MA-ASEH
21:10. he must not withhold . . . her food, her clothing, or her conjugal rights According to Jewish law, both husband and wife have the right to sexual satisfaction within marriage (M Ket. 5:6–7).
his first wife. The Torah extends this protection to the slave girl and here specifies three basic necessities of life to which she is entitled. **her conjugal rights** All the ancient translations of the Torah understood the word translated by this phrase (onah) as referring to a woman’s conjugal rights, an interpretation that is also found in Rabbinic sources. If correct, this would be the only instance in the laws of the ancient Near East that stipulates that a wife is entitled to sexual gratification. Other commentators render onah as “dwelling, shelter,” and still others as “oil, ointment.” In many ancient Near Eastern texts, there are clauses that make provision for a wife’s “food, clothing, and ointment.”

11. in these three ways Any of the previously mentioned possibilities: marriage to the master, or to his son, or allowing her to be redeemed.

THREE CAPITAL OFFENSES (vv. 12–17)

Homicide (vv. 12–14)

Murder (v. 12): A homicide for which criminal intent has been proven beyond question. The same law appears in Lev. 24:17,21. (Deuteronomy 17:6 and 19:15 state that capital punishment is to be carried out only on the evidence of two witnesses. Numbers 35:30–31 prohibit monetary compensation in lieu of execution. In contrast, other ancient Near Eastern law collections view murder only in terms of economic loss to the family or clan.) Although the text does not prescribe the mode of execution, Rabbinic sources specify decapitation.

Asylum (vv. 13–14): Unintentional homicide is treated differently from murder. With the development of the concept that crime should be punished by the community and not by means of personal vengeance, it became imperative to control the ancient and widespread phenomenon of the blood feud. These measures are designed to protect the manslayer and allow established legal procedure to take its course.

13. by design With premeditation.

14. The Sages derive from this text the rule that a priest convicted of murder is to be re-
15. He who strikes his father or his mother shall be put to death.

16. He who kidnaps a man—whether he has sold him or is still holding him—shall be put to death.

17. He who insults his father or his mother shall be put to death.

18. When men quarrel and one strikes the other with stone or fist, and he does not die but has to take to his bed—19. if he then gets up and walks outdoors upon his staff, the assailant shall go unpunished, except that he must pay for his idleness and his cure.

sanctuary is extended only to the perpetrators of accidental homicide.

Abuse of Parents (vv. 15, 17)

Although separated by the law of the kidnaper, these two verses belong together. Verse 15 concerns violent assault on a parent by a child; verse 17 deals with verbal abuse. The analogous law in the ancient Near Eastern Hammurabi collection orders that the hand of a son who strikes his father be amputated. The mother as victim is not mentioned there.

15. strikes According to the Sages, only the actual infliction of physical injury by an adult son or daughter results in the death penalty.

Kidnapping (v. 16)

16. Unlike other ancient law codes, biblical law never punishes theft by death, except for kidnapping and stealing property that has been dedicated to God (heirem).

17. insults “Insult” is too weak a rendering for the Hebrew stem לָלֲַרַ. The kind of behavior understood here includes uttering a curse. The horrendous nature of this offense is intensified in a culture that believed a curse possessed potent force and took on a devastating life of its own, especially if uttered in the name of God. The term לָלֲַרַ also means “to treat with contempt,” the direct opposite of לָלָל, “to honor.”

BODILY INJURY INFLECTED BY PERSONS (vv. 18–27)

These laws deal with the compensation for personal injuries caused by physical attack. The basic principle is the question of intent—whether or not the assailant intended to inflict injury.

18. quarrel What begins as an exchange of words abruptly degenerates into a brawl as one person strikes a blow that temporarily incapacitates another. The aggressor must compensate the victim for loss of income, here called “idleness,” and for medical expenses.

19. unpunished Presumably, if the victim dies, then the laws set forth in verses 12–14 become operative. Rabbinic tradition required the assailant to be held in custody until the victim recovered fully.

moved from the Temple even if he is in the midst of his sacred duties.

15. shall be put to death The same verb is used in Lev. 24:15, prohibiting blaspheming against God. This prompted the Midrash to comment, “God holds the honor due to parents as dear as the honor due to God.”

19. and his cure Hebrew v’rapo y’rapei; literally, “he shall certainly cure him.” Even though ultimately God is our healer (Exod. 15:26), it is religiously proper for doctors to cure the sick, because they are thus doing the work of God [BT BK 85a]. A religious person is not to say, “If God wants me to be ill, I will be

HALAKHAH L’MA-ASEH

21:19. pay for his idleness and his cure A person who injures another is liable for five types of restitution: for the injury itself, for pain, for medical expenses, for absence from work, and for humiliation and mental anguish (MBK 8:1).
When a man strikes his slave, male or female, with a rod, and he dies there and then, he must be avenged. But if he survives a day or two, he is not to be avenged, since he is the other’s property.

When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined according as the woman’s husband a day before succumbing, the intent of the master appears less likely to have been homicidal and more likely to have been disciplinary. He is given the benefit of the doubt, especially because he is losing his financial investment (the price of the slave). This lenient ruling does not apply to anyone other than the master (Mekh.).

Injury to a Slave (vv. 20–21)

This law—the protection of slaves from maltreatment by their masters—helps make the system more humane.

20. his slave The final clause of the next verse indicated to the Sages that the slave in question is a foreigner. An Israelite never could be considered the property of another Israelite, because all were equally bound by the Covenant.

21. a rod The right of a master to discipline his slave is recognized. According to the Sages, however, the instrument must never be one that normally is lethal, and it may not be applied to a part of the body considered to be especially vulnerable.

22. there and then Because the master unlawfully has used deadly force, homicidal intent is assumed.

be must be avenged The master, criminally liable, faces execution.

Unintended Harm to a Pregnant Woman (vv. 22–25)

Unlike the earlier instance of a verbal quarrel that was not lawful at the start (vv. 18–19), this quarrel involves physical violence. Because the possibility of indirect damage was foreseeable, the antagonists are liable for injury caused to an innocent bystander, in this case a pregnant woman.

22. fight The Hebrew verb implies the use of physical force.

damage The word translated as “damage” (ason) elsewhere always signifies a major calamity; ill, and if God wants me to recover, God will heal me without medical intervention.” Maimonides, a physician as well as a philosopher, wrote: “If a person eats to cure his hunger, do we say that he has abandoned his trust in God? Just as I thank God for providing me with food to sustain life, I thank God for providing me with that which heals my sickness.” The Talmud teaches that one must not live in a city that has no physician (BT Sanh. 17b).

20. To harm a slave is to inflict harm on a human being, a bearer of God’s image. No other ancient society, and few premodern societies, granted slaves this measure of humanity. In most cases, even in the United States in the 19th century, slaves were considered property. The Torah repeatedly insists on the fundamental human dignity of the poor, the slave, and even the criminal.

HALAKHAH L’MA-ASEH

21:22. a miscarriage results Applying this text to all forms of miscarriage, Jewish law requires different forms of mourning for a fetus than for someone born alive. Full mourning rites are not appropriate for a fetal loss; but the CJLS, understanding the emotional and physical pain of a couple experiencing a miscarriage, has ruled that the community should offer them support through prayer and the mitzvah of visiting the sick (bikker holim).

but no other damage Because the Torah demands only a monetary payment for the fetus in contrast to “life for life” for the woman, the fetus is not considered to be a full-fledged human being, and abortion is not murder (Miho. 7:6). It is, however, an injury to the woman; and as such, abortion is generally prohibited. It is allowed only to save the physical or mental health of the mother. Many authorities, including the CJLS, permit abortion to prevent maternal anguish over the prospect of giving birth to a child with severe defects. Abortion is not permitted as a retroactive form of birth control.
band may exact from him, the payment to be based on reckoning. 23 But if other damage ensues, the penalty shall be life for life, 24 eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burn for burn, wound for wound, bruise for bruise.

therefore, the most likely issue here is whether or not death ensues. Rabbinic tradition understands this as referring to the woman. The ancient Greek translation of the Bible, the Septuagint, takes it as damage to the fetus. Based on reckoning The husband makes a claim based on some standard set by the court, perhaps the age of the fetus.

Lex Talionis (vv. 23–25)

23. other damage Presumably the death of the mother, in which case the principle of “life for life” is invoked, not a monetary fine.

The principle of retaliation in kind for bodily injury—talion—was introduced by King Hammurabi of Babylonia (1792–1750 B.C.E.). Before this, monetary compensation was the penalty, because assault and battery were considered private wrongs to be settled between the families of the assailant and the victim. With the growth of urbanization and centralized government, physical violence became an issue of public welfare, and the state commenced to regulate the payments for various types of injuries. In a revolutionary development, Hammurabi categorized assault and battery as criminal conduct to be prosecuted by the state.

The talion principle (Latin: lex talionis) is based on the assumption that the guilty party should suffer precisely the same harm as the victim: Only one life for a life, only one eye for an eye, and so forth. The Babylonian laws, however, allowed physical retaliation and vicarious punishment, which were applied according to the social class of those involved. Although biblical law accepted the principle that assault and battery are public crimes, not simply private wrongs, the context of the surrounding laws makes it clear that the Torah prescribed monetary compensation rather than physical retaliation for bodily injury. It also insisted on equal justice for all citizens regardless of social class (including the slave; see vv. 20,26–27) and outlawed vicarious punishment.

23. penalty shall be life for life Other Near Eastern societies permitted the family of a murderer to accept a monetary settlement from the murderer; the Torah forbids it. “The guilt of a murderer is infinite because the murdered life is invaluable. By contrast, the Torah never requires the death penalty for crimes against property. In biblical law, life and property are incommensurable; taking of life cannot be made up for by any amount of property, nor can any property offense be considered as amounting to the value of a life” (M. Greenberg). From this passage the Sages derived the ruling that a fetus is not a full-fledged human being. The mother’s life has precedence over the life of the fetus [M Oho. 7:6].

24. The passage concerning “an eye for an eye” is one of the best known, and most misunderstood, in the entire Bible. The Sages deduced that “an eye for an eye” does not mean that one lost an eye for injuring another’s eye (one person’s eye may be more valuable in his work than another’s, and intentional maiming is not the same as accidental injury). Instead, one paid to the injured party the value of that eye in monetary compensation. Ibn Ezra endorses this interpretation: “If we do not trust the Sages’ interpretation, we will be unable to understand the Torah’s demands. Just as we received the written Torah from our ancestors, so did we receive its oral interpretation. The two are inseparable.” Maimonides writes, “There never was any Rabbi, from the time of Moses . . . who ruled, based on ‘an eye for an eye,’ that he who blinds another should himself be blinded.” In all likelihood, “an eye for an eye” is a graphic way of expressing the abstract idea that the punishment should not be too lenient (“a scolding for an eye”) or too harsh (“a life for an eye”) but should fit the crime and the circumstances.
When a man strikes the eye of his slave, male or female, and destroys it, he shall let him go free on account of his eye. If he knocks out the tooth of his slave, male or female, he shall let him go free on account of his tooth.

When an ox gores a man or a woman to death, the ox shall be stoned and its flesh shall not be eaten, but the owner of the ox is not to be punished. If, however, that ox has been in the habit of goring, and its owner, though warned, has failed to guard it, and it kills a man or a woman—the ox shall be stoned and its owner, too, shall be put to death. If ransom is laid upon him, he must pay whatever is laid upon him to redeem his life. So, too, if it gores a minor, male or female, the owner shall be dealt with according to the same rule. But if the ox gores a slave, male or female, he shall pay

\textit{Injury by a Master to His Slave} (vv. 26–27)

A master who causes his slave irreparable bodily injury is guilty of aggravated assault. He has robbed his slave of his humanity and dignity; for that the slave gains his or her freedom. This biblical law, like that of verses 20–21, has no parallel in other ancient Near Eastern legislation.

26. his slave This refers to a non-Israelite, according to the Sages, because an Israelite slave is to be treated like all other Israelites when injured by another, even his master.

26–27. eye . . . tooth Or any other of the chief external parts of the body.

\textit{The Homicidal Beast} (vv. 28–32)

This section contains three cases involving the attack of a beast—here, an ox—on human beings. They concern (a) the beast that has no previous record of viciousness, (b) the beast that has such a previous history and whose owner has been so informed, and (c) the beast that gores a slave.

28. the ox shall be stoned The killer ox is not destroyed solely because it is dangerous. This is clear from the fact that it is not destroyed when the victim is another ox and from the prescribed mode of its destruction, which is not ordinary slaughter but stoning. The ox was to be executed in the presence of the entire community, implying that the killing of a human being is a source of mass pollution and that the death of the ox served as a cleansing atonement.

not to be punished This is in contrast to the next case. Here there is no implicit negligence.

29. This is a case of either incompetence or criminal negligence. Because the owner has been warned that the animal is dangerous, he is culpable if it harms someone. Rabbinic tradition interprets the death penalty mentioned here to mean “death by the hand of Heaven,” not by a human court.

30. ransom Num. 35:31 forbids the acceptance of ransom for the life of one found guilty of murder. This man, however, is not a murderer, strictly speaking, because he did not directly cause the homicide and did not have such intent; the sentence is, therefore, mitigated. Because no fine is stipulated, he must pay whatever is demanded.

whatever is laid upon him Presumably by the victim’s family (cf. v. 22).

32. thirty shekels The evaluation, for purposes of vows, of a woman between the ages of 20 and 60 (Lev. 27:4). On the shekel, see Comment to Gen. 23:9.
thirty shekels of silver to the master, and the ox shall be stoned.

33 When a man opens a pit, or digs a pit and does not cover it, and an ox or an ass falls into it, the one responsible for the pit must make restitution; he shall pay the price to the owner, but shall keep the dead animal.

35 When a man’s ox injures his neighbor’s ox and it dies, they shall sell the live ox and divide its price; they shall also divide the dead animal.

36 If, however, it is known that the ox was in the habit of goring, and its owner has failed to guard it, he must restore ox for ox, but shall keep the dead animal.

37 When a man steals an ox or a sheep, and slaughters it or sells it, he shall pay five oxen for the ox, and four sheep for the sheep.—

DAMAGE TO LIVESTOCK (vv. 33–36) 

33–34. The presumption is that the pit or cistern was located on public property or that there was unobstructed access to it from public property. For this act of negligence, the offender must make restitution for the value of the animal.

THE LAW OF THEFT (21:37–22:3)

The case of a thief who is surprised in the act of breaking and entering is injected parenthetically into the more general law dealing with theft, interrupting the connection between 21:37 and 22:2. That is, 21:37 must be understood as followed immediately by 22:2b and 22:3.

37. This verse is numbered 22:1 in some other editions of the Bible.

22:1–2a. The condition “If the sun has risen” shows that the phrase “while tunneling” presupposes a nighttime setting. Because a nighttime burglar is likely to encounter the occupants and must anticipate that they will use force, his nocturnal intrusion carries with it a presumption of homicidal intent. The condition of imminent threat, necessary to satisfy a householder’s claim for bloodguilt, is satisfied by the assumption that the householder’s life was placed in danger.

37. We are told that stealing an ox incurs greater punishment than stealing a sheep because a sheep is not a beast of burden. Meir states, “Physical labor is precious to the one who created the world” (Mekh.). The ox, a laboring animal, is more valuable. Similarly, a commentary on Rashi adds, “When one steals an ox, the Torah requires the thief to compensate the owner for time lost due to the ox’s absence. This teaches that work is considered as important as money.” Although the probable reason for the discrepancy is the greater value of the ox and the greater loss to its owner, the Sages of the Midrash offer another reason: A stolen ox can be led away but a stolen sheep must be carried, an unpleasant and humiliating task. This degrading experience lessens the thief’s punishment. The Torah stresses the innate dignity of human beings, even of a robber; all humans are fashioned in God’s image. Postbiblical laws limit the degree to which criminals can be punished, lest their essential humanity be compromised.

HALAKHAH L’MA-ASEH

22:1. no bloodguilt This verse is a source for justifying self-defense under Jewish law (BT Sanh. 72a) and the principle that saving a life takes precedence over most other Jewish laws (BT Yoma 85b). See Lev. 18:5.
in his case. 2If the sun has risen on him, there is bloodguilt in that case.—He must make restitution; if he lacks the means, he shall be sold for his theft. 3But if what he stole—whether ox or ass or sheep—is found alive in his possession, he shall pay double.

4When a man lets his livestock loose to graze in another’s land, and so allows a field or a vineyard to be grazed bare, he must make restitution for the impairment of that field or vineyard.

5When a fire is started and spreads to thorns, so that stacked, standing, or growing grain is consumed, he who started the fire must make restitution.

6When a man gives money or goods to another for safekeeping, and they are stolen from of lawful self-defense, is thus fulfilled. Hence, no bloodguilt is incurred should the intruder be killed.

If the break-in occurred in broad daylight, however, there is no presumption of imminent homicidal intent. The use of deadly force in such an instance, therefore, is deemed to be unwarranted, and bloodguilt would ensue upon its use. This is another example of the biblical scale of values, which gives priority to the protection of life—including even the life of a burglar—over property.

**DAMAGE TO CROPS (vv. 4–5)**

Two cases are under consideration: the destruction of crops by livestock and by fire. The first case is treated more severely—the cattle owner must compensate for the choice crops of the field because he carelessly, although without malicious intent, allowed his beast to stray into another’s field. In the second case, restitution of choice produce is not required because the damage was wholly accidental. These two cases are wedged between laws relating to theft because all are viewed under the broad heading of damage to property.

4. for the impairment The Sages considered it unclear whether the compensation imposed on the owner of the beast is calculated according to the best property of the defendant or of the plaintiff.

5. When a fire is started For legitimate purposes, but winds send the flames into someone else’s property.

thorns These would be collected and used as fuel by the poor and for the construction of hedges.

**THE LAW OF BAILMENT (vv. 6–14)**

Movable Goods (vv. 6–7)

A bailee (guardian) claims that movable goods entrusted to him for safekeeping have been stolen. If the thief is not caught, the bailee must clear himself of suspicion by taking an oath before the proper authorities. As a gratuitous bailee (one not paid for his services), he is not liable for loss or theft that does not result from his own negligence.

6. they are stolen So the bailee claims.

pay double In accordance with the rule of verse 3.
the man’s house—if the thief is caught, he shall pay double; 7 if the thief is not caught, the owner of the house shall deposite before God that he has not laid hands on the other’s property. 8 In all charges of misappropriation—pertaining to an ox, an ass, a sheep, a garment, or any other loss, whereof one party alleges, “This is it”—the case of both parties shall come before God: he whom God declares guilty shall pay double to the other.

9 When a man gives to another an ass, an ox, a sheep or any other animal to guard, and it dies or is injured or is carried off, with no witness about, 10 an oath before the Lord shall decide between the two of them that the one has not laid hands on the property of the other; the owner must acquiesce, and no restitution shall be made. 11 But if [the animal] was stolen from him, he shall make restitution to its owner. 12 If it was torn by beasts, he shall bring it as evidence; he need not replace what has been torn by beasts.

13 When a man borrows [an animal] from another, it is expected only to provide reasonable care; one who pays for the use of another’s goods and assumes a fairly high degree of care; and one who pays for the use of another’s goods and, therefore, assumes a relatively low level of responsibility.

7. laid hands on That is, misappropriated. If he made use of the deposit for his own benefit, he has become a paid bailee and thus liable for theft or loss.

Wrongful Use of Another’s Property (v. 8)

8. This is it The plaintiff claims to identify his property.

 whom God declares guilty The word translated as “God” (elohim) traditionally is interpreted here as “judges.” Elohim meaning “God” takes a singular verb, and the verb used here is plural (see Comment to 21:6).

shall pay double The livestock or movable property has remained intact in the possession of the guilty party, so the rule of 22:3 applies.

Livestock (vv. 9–12)

Unlike the case of “money or goods,” safeguarding animals is complicated because they are out in the fields and require a lot of attention and labor. It may be assumed, therefore, that the bailee of livestock is paid for his services. This increases the degree of responsibility that is expected of him.

9. carried off This is a case of cattle rustling, not the same as ordinary theft mentioned in verse 11.

10. between the two of them It is uncertain whether both parties have to swear.

12. be shall bring it as evidence He needs to present at least some part of the torn animal as evidence against the charge of negligence (cf. Gen. 37:32–33).

Borrowing and Hiring (vv. 13–14)

The act of borrowing falls within the category of bailment. Because the use of the object is obtained gratis, entirely for the borrower’s benefit, his or
other and it dies or is injured, its owner not being with it, he must make restitution. 14 If its owner was with it, no restitution need be made; but if it was hired, he is entitled to the hire.

15 If a man seduces a virgin for whom the bride-price has not been paid, and lies with her, he must make her his wife by payment of a bride-price. 16 If her father refuses to give her to him, he must still weigh out silver in accordance with the bride-price for virgins.

17 You shall not tolerate a sorceress.

her degree of responsibility and liability exceeds that in the previous cases.

13. borrows The verb here (yish•al) has no object. The theme of verses 9–12 and the phrase “it dies or is injured” make it certain that an animal, most likely a work animal, is meant.

14. If its owner was with it This provision may assume that the services of the owner were borrowed together with his animal.

be is entitled to the hire The owner who hired out his animal—which then suffered misfortune—is not compensated for the animal but is entitled to receive only the hiring fee.

THE LAW OF SEDUCTION (vv. 15–16)
The Book of the Covenant does not regulate the laws of marriage. Long established by custom among the Israelites, they were transmitted orally over the generations.

A man has seduced an unattached virgin. Ordinarily, her father would receive the bride-price customarily paid by the husband-to-be in compensation for the loss of the daughter’s services and her potential value to the family. But the bride-price was predicated on the woman's virginity, considered essential to her family's honor. The deflowering of the girl caused a loss of social status for her whole family so that they could no longer require a good bride-price. Consequently, the seducer had to make good the lost sum, regardless of whether the father permitted him to marry his daughter.

15. seduces By persuasion or deception, but not by coercion. For the law of rape, see Deut. 22:22–29.

bride-price has not been paid Literally, “she was not betrothed.” Biblical marriage comprised two separate stages. First, the girl’s hand was asked in marriage. Once the bride-price was paid, the girl was considered betrothed (m’orasa•ah) and had the legal status of a married woman even though she still was entirely under the care and authority of her father. Somewhat later she was escorted to her husband’s home to take up residence there.

16. bride-price for virgins The amount is not specified, no doubt because the existing practice was well known.

CATEGORICAL COMMANDS (22:17–23:19)
The second section of The Book of the Covenant now begins. It comprises a miscellany of social, ethical, moral and religious stipulations that fall under the rubric of divine commands, d’varim. These are formulated in the categorical style (“You shall not . . .”) characteristic of the Decalogue, not in the hypothetical style (“If . . .”) of the preceding laws. Many of these matters are of the sort that do not come within the scope of a court of law. Their enforcement is left to human conscience, to one fully aware that these laws are imposed by a transcendent divine will and are not merely the product of human experience and wisdom.

15. The Torah views seduction as a form of theft, connecting this verse to the preceding verses [v. 6ff.]. The Sages refer to the sin of “stealing someone’s opinion” (g’n•eiv’at da•at) by misleading a person with false information or false impressions.

16. The verb “refuses” is doubled in the Hebrew [ma•en y’m•a•en]. According to the Talmud, this teaches us that the young woman as well as the father may reject the match. (See Rashi on Gen. 24:57, concerning Rebecca’s prospective marriage to Isaac.)

17. The literal translation, “You shall not let a witch (or a sorceress) live,” was the basis
18. Whoever lies with a beast shall be put to death.

19. Whoever sacrifices to a god other than the Lord alone shall be proscribed.

20. You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.

THE PROHIBITION OF SORCERY (v. 17)

The belief in and practice of magic was universal in the ancient world. Elaborate techniques were developed to activate and manipulate natural and supernatural forces. Biblical religion fought to eliminate such practices.

17. You shall not tolerate a sorceress Literally, “You shall not let a sorceress live.” The same penalty certainly applies to a male practitioner. The feminine specification here probably reflects the historical reality that most of those who practiced this outlawed cult were women. Apparently, sorcery was a body of knowledge preserved in female circles, as certain types of priestly lore were maintained by males.

THE PROHIBITION OF BESTIALITY (v. 18)

18. This particular perversion is also prohibited in Lev. 18:23 and 20:15–16, where it is presented as one of the abominations of the pre-Israelite inhabitants of Canaan. Possibly, the biblical allusions are aimed at otherwise unrecorded official or popular practices.

THE PROHIBITION OF APPOSTASY (v. 19)

19. To a god Literally, “to the gods”—of other nations. proscribed The Hebrew verb הרה literally means “shall be devoted to God.” Here it implies total annihilation and includes the destruction of the person and his or her property.

CONCERN FOR THE DISADVANTAGED OF SOCIETY (vv. 20–26)

The law, which addresses people in the singular and in the plural, recognizes that the individual and society are equally responsible and accountable for the terms of the covenantal relationship between God and the people Israel. Social evil is thus a sin against both humanity and God.

The Stranger (v. 20)

The Hebrew word ger (stranger, alien) denotes a foreign-born permanent resident whose status was intermediate between that of the native-born citizen (ezrah) and the foreigner temporarily residing outside the community (nokhri). Because the ger could not fall back on local family and clans, he or she could easily fall victim to discrimination and exploitation.

In addition to the numerous biblical prohibitions against the mistreatment of strangers, there are commands to love them, even as God does (cf. Deut. 10:18–19). That includes caring for their basic needs and extending to them the same social services to which disadvantaged Israelites were entitled. Over time, many strangers wishing to become part of the people Israel began to take on themselves the obligations and duties of the covenantal society. Hence, in postbiblical Hebrew the term ger (feminine giyyoret) came to be synonymous with “proselyte.”

20. wrong . . . oppress The employment for executing innocent women in 17th-century Salem, Massachusetts, and elsewhere in the Western world. A commentator suggests that we understand the text to mean: “you shall not provide a witch with a livelihood,” i.e., we are to drive her out of the practice of witchcraft without taking her life.

20. The Sages, connecting this verse to the preceding verse, forbid belittling sincere converts by reminding them of their idol-worshipping days. The Talmud points out that the Torah cautions us 36 times about proper behavior toward a stranger [BT BM 59b]. Similarly, as the Israelites were asked to recall what it felt like to be aliens in Egypt (even in later times, when these were ancestral memories, not something that actually had happened to them), they are asked in verse 23 to imagine what it would feel like to be a widow or an orphan. We are to treat aliens, widows, orphans, and other marginal members of society as we would want to be treated in similar circumstances. The decency of a society is measured by how it cares for its least powerful members.
21 You shall not ill-treat any widow or orphan. 22 If you do mistreat them, I will heed their outcry as soon as they cry out to Me, and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans.

24 If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them. 25 If you take your neighbor’s garment in pledge, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In Near East, only biblical law imposes an absolute ban on lending with interest to members of one’s own society.

24. **My people** Among human beings, the rich and powerful are embarrassed by their poor relatives. God is not embarrassed to call the poor “My people” (Exod. R. 31:5). **to the poor among you** “The poor among your relatives take precedence over other poor; the poor of your town over the poor of other towns” (Tanh.; S.A. YD 251:3). For all of our universalistic commitment, we must take care of our own first. Indeed, by practicing fair treatment on those closest to us (which may be harder than extending fair treatment to those far off), we form a habit that we can then extend to strangers.
EXODUS 22:27  mishpatim

what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate.

27 You shall not revile God, nor put a curse upon a chieftain among your people.

28 You shall not put off the skimming of the first yield of your vats. You shall give Me the first-born among your sons. 29 You shall do the same with your cattle and your flocks: seven days it shall remain with its mother; on the eighth day you shall give it to Me.

30 You shall be holy people to Me; you must not eat flesh torn by beasts in the field; you shall cast it to the dogs.

DUTIES TO GOD (vv. 27–30)

The characterization of God in verse 26 is followed by laws that regulate the proper attitude toward Him.

27. not revile God The judicial issue involved in reviling God is mentioned in Lev. 24:10–23, where the penalty is death by stoning. chieftain Hebrew: nasi; the title given to the chief of a clan or a tribe in the period before the monarchy.

28. you shall give Me the first-born This may be an archaic legal formula from pre-Israelite times, understood among the Israelites to mean that the firstborn had special status in the performance of sacred duties (cf. Num. 8:16–19).

29. You shall do the same That is, dedicate the firstborn animals for sacred purposes.

30. holy people This is the ideal that was set forth at Sinai (19:6). In pursuit of holiness, one must—among other things—avoid polluting substances and defiling actions, for these disrupt the relationship with God. Adherence to dietary laws (kashrut) as an essential element of holy living is found in Lev. 11:44–45 and Deut. 14:21, where a different motivation is presented.

JUDICIAL INTEGRITY (23:1–3)

1. You must not carry A midrash interprets this to prohibit receiving as well as spreading false and damaging rumors. Evento listen to such a rumor is to participate in its circulation and thereby participate in hurting another human being.

false rumors The literal meaning of this person, unlike the animal, is the ability to control appetite.
shall not join hands with the guilty to act as a malicious witness: 2You shall neither side with the mighty to do wrong—you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty —3nor shall you show deference to a poor man in his dispute.

4When you encounter your enemy’s ox or ass wandering, you must take it back to him.

5When you see the ass of your enemy lying

admissible. The second clause outlaws the collusion of a witness and one of the involved parties for a deceitful purpose.

2. Some have taken this to mean that in the interest of impartial justice, no consideration should be given to the social standing of the litigants. More likely, it expresses a warning not to pervert justice by deferring to the majority view if one is convinced that it is erroneous.

3. This verse forbids showing favor to the poor in a court of law. After so many directives to support and care for the poor, the Torah is concerned lest judges distort the law in a poor person’s favor.

phrase in Hebrew [sheima shav] is “worthless utterance.” One midrash understands it as referring to the utterance of rote prayers without proper feeling.

3. The Talmud presents the case of a judge who is tempted to say, “The poor claimant has no case, but he needs the money more than the rich defendant does.” He is forbidden to rule in the poor person’s favor for that reason. Instead, he is told to find for the rich defendant as the law requires and help the poor out of his own pocket [BT Hul. 134a]. The Sages fear that if nonlegal considerations are permitted to distort legal judgments, people will lose faith in the fairness of the courts, and the poor will suffer more from that loss of faith. “The first requirement to a civilization is Justice, the assurance that a law once made will not be broken in favor of an individual” (S. Freud).

4–5. The Torah commands us neither to love nor to hate our enemy. Generally, the Torah commands behavior, not feelings. Its goal is justice, which is attainable—as opposed to loving everyone, which is an emotion-based attitude that cannot be commanded. We are to avoid malicious acts and treat everyone decently.

HALAKHAH I’MA’ASEH

23:1. rumors Jewish law prohibits three kinds of speech: sheker “falsehoods” (Exod. 23:7); l’shon ha-ra (literally, evil language, or slander), that is, negative truths about a person communicated to those who have no practical need to know of the person’s weakness; and r’khilut, “gossip, rumors,” that is, truths about a person that are not defamatory but are communicated to those who have no need to know the information (MT Ethics [De•ot] 7:1–3). See Lev. 19:16.

23:2. with the mighty Translating rabbim here as “majority,” the Sages of the Sanhedrin and of all subsequent courts have determined legal matters by a majority vote of the judges on the court (BT Sanh. 3b).

23:3. nor . . . show deference See Comment on Deut. 1:17.
under its burden and would refrain from raising it, you must nevertheless raise it with him.

6You shall not subvert the rights of your needy in their disputes. 7Keep far from a false charge; do not bring death on those who are innocent and in the right, for I will not acquit the wrongdoer. 8Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right.

9You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

10Six years you shall sow your land and gather in its yield; 11but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves.

A SERIES OF MISCELLANEOUS LAWS
(vv. 6–9)

6. your needy Those who depend on you for justice.

7. Keep far from a false charge A judge should have nothing to do with a claim he knows to be fraudulent.

do not bring death The final clause affirms that God will punish the guilty, including judges who act wickedly. Note the Hebrew wordplay of “tzaddik” and “rasha.” The first means both “innocent” and “righteous”; the last means both “guilty” and “wicked.”

8. Corruption of the judicial process by bribery is frequently mentioned in the Bible. It is emphasized that God “shows no favor and takes no bribe.” A person who takes bribes is included in the list of those who are under a divine curse. A judge who accepts a bribe is subject to the penalty of flogging.

9. The law concerning strangers in 22:20 is directed to the individual Israelite; this law is directed to judges. In verse 8 the perversion of justice resulted from familiarity between litigant and judge; here it issues from estrangement.

THE AGRICULTURAL PRESCRIPTIONS
(vv. 10–13a)

10–11. Concern for the unfortunates of society links these verses with the topic of verses 6–9 and 12–13.

let it rest and lie fallow Note the concern for wildlife as well as for the poor.

7. Only here does the Torah go beyond prohibiting an act and command us to distance ourselves from it. The Sages go to great lengths to explore the ways in which falsehood can infiltrate our thinking.

9. having yourselves been strangers Nathan deduced from this that we must not reproach another with our own faults (Mekh.).

11. The land of Israel is seen as different from other lands. It is a sacred space, the ap-
12 Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your bondman and the stranger may be refreshed.

13 Be on guard concerning all that I have told you. Make no mention of the names of other gods; they shall not be heard on your lips.

14 Three times a year you shall hold a festival for Me: 15 You shall observe the Feast of Unleavened Bread—eating unleavened bread for seven days as I have commanded you—at the set time in the month of Abib, for in it you went forth from Egypt; and none shall appear before

12. in order that . . . may rest This expands on the motivation expressed in the commandment concerning Shabbat in 20:10.

OBLIGATIONS TO GOD (vv. 13h–19)

13. The first clause closes the preceding legislation, which concentrates on human relationships. The second clause opens the final section of the Book of the Covenant, focusing on obligations to God. The prohibition against mentioning the names of pagan gods is relevant because the rest of the section deals with celebrations of the seasonal cycle. The Israelites and their neighbors had seasonal festivals celebrating harvests at the same time of the year. This section thus begins by prohibiting the mention of names of gods, to emphasize that Israel’s festivals must be devoted to Israel’s God alone. Note the emphatic “festival for Me” in the next verse, meaning “for Me exclusively.”

The Religious Calendar (vv. 14–17)

These verses present the three agricultural festivals that form the core of Israel’s sacred calendar. Rosh ha-Shanah, Yom Kippur, and the Pesah sacrifice do not appear here because they are not rooted in the life of the soil. Israel’s festivals are distinctive in being both celebrations of history and acknowledgments of God’s bounty. Thus, for example, the commemoration of the Exodus is interwoven with agricultural elements. Each festival is called hag, a term that indicates that the festival involves an obligatory pilgrimage to a sanctuary. The same meaning endures in the Muslim institution of the haj, the religious duty to make a pilgrimage to Mecca. The sequence of festivals listed here conforms to the rule of 12:2 that the religious year begins with the spring.

14. Three times Hebrew: shalosh r’galim, synonymous with “shalosh p’amim” in verse 17. In postbiblical Hebrew, “shalosh r’galim” began to signify the three pilgrimage festivals. The singular of r’galim is re’gal, literally “foot”; it became interchangeable with hag, “festival,” and came to be used for a pilgrimage in general.

for Me Exclusively.

15. Feast of Unleavened Bread That is, the beginning of the barley harvest. Pesah day, with the offering of the paschal lamb on the eve of the fourteenth of the month, is not mentioned here because it was not originally celebrated as an agricultural festival.

as I have commanded you In Exod. 12:14–20. Abib Literally, “barley ear.” It was renamed Nisan in postexilic times.

you went forth The agricultural festival is invested with historical significance.

propriate place for a special people to lead a special way of life. Just as a sacred people deserves a Shabbat, so does this consecrated Land. Other places on earth may tolerate depraved behavior, but the Land of Israel will spew out people who behave immorally within its boundaries.

12Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your bondman and the stranger may be refreshed.

13Be on guard concerning all that I have told you. Make no mention of the names of other gods; they shall not be heard on your lips.

14Three times a year you shall hold a festival for Me: 15You shall observe the Feast of Unleavened Bread—eating unleavened bread for seven days as I have commanded you—at the set time in the month of Abib, for in it you went forth from Egypt; and none shall appear before
Me empty-handed; 16 and the Feast of the Harvest, of the first fruits of your work, of what you sow in the field; and the Feast of Ingathering at the end of the year, when you gather in the results of your work from the field. 17 Three times a year all your males shall appear before the Sovereign, the Lord.

18 You shall not offer the blood of My sacrifice with anything leavened; and the fat of My festal offering shall not be left lying until morning.

19 The choice first fruits of your soil you shall bring to the house of the Lord your God.

You shall not boil a kid in its mother’s milk.

20 I am sending an angel before you to guard you on the way and to bring you to the place

empty-handed Without bringing the appropriate offerings.

16. Feast of the Harvest This is better known as “Feast of Weeks,” Shavuot.

According to Lev. 23:15–16, it falls on “the day after the seventh week—fifty days” from “the day after the sabbath” of Pesah (which is interpreted by the Sages as the first day of Pesah).

Feast of Ingathering Also known as Sukkot.

The name here derives from the harvest and thanksgiving character of the festival—the celebration of the final ingathering of the yield of the fields and orchards and its storage in barns before the onset of the rainy season.

at the end of the year At the close of the agricultural year.

17. all your males The passages in Deuteronomy (16:11,14) that include women and children among those who are to appear “before the Lord” represent a later practice.

Sovereign The word translated as “Sovereign” (adon) literally means “master” and often was used as a royal title. It is applied to God as sovereign of the universe to whom all Creation is subordinate and to whom all owe homage.

19. a kid in its mother’s milk This rule is stated twice more in the Torah (Exod. 34:26 and Deut. 14:21). In Deuteronomy, the prohibition appears in the context of the dietary laws, but the two sources in Exodus indicate that its origin lies in the overall context of the festivals. Many scholars, medieval and modern, follow the suggestion of Maimonides that this law prohibits a pagan rite, although no such rite is known.

RENEWAL OF THE DIVINE PROMISES (vv. 20–33)

20. an angel See Comment to 3:2.

place that I have made ready Apparently, a reference to the land of Canaan.

19. a kid in its mother’s milk Consistent with its view that eating meat is a compromise (see Gen. 9:3–5), the Torah forbids eating the flesh of the animal together with the milk that was meant to sustain it.

20. I am sending an angel before you That is, know that your journey is divinely guided. That knowledge will enable you to overcome the hardships of the journey, knowing that you are following a divine purpose in your wanderings. According to one interpretation, the angel (mal-akh) will not be a supernatural creature

HALAKAH L’MA-ASEH
23:19. You shall not boil a kid in its mother’s milk Expanding on this verse, Jewish law prohibits preparing, eating, serving, or benefiting from a mixture of meat and dairy together. Separate utensils are used for cooking and serving meat and dairy foods. One rinses the mouth, and some wait one half hour after eating dairy before eating meat; one waits three hours or six hours after eating meat before eating dairy, according to variant regional customs.
that I have made ready. 21Pay heed to him and obey him. Do not defy him, for he will not pardon your offenses, since My Name is in him; 22but if you obey him and do all that I say, I will be an enemy to your enemies and a foe to your foes.

23When My angel goes before you and brings you to the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites, and I annihilate them, 24you shall not bow down to their gods in worship or follow their practices, but shall tear them down and smash their pillars to bits. 25You shall serve the Lord your God, and He will bless your bread and your water. And I will remove sickness from your midst. 26No woman in your land shall miscarry or be barren. I will let you enjoy the full count of your days.

27I will send forth My terror before you, and

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21. My Name is in him  The divine will and power manifests itself through this Heaven-sent messenger (see 14:19).

22. Similar statements are found in a number of peace treaties from the ancient Near East.

24. Worshiping their gods is forbidden, as is adopting their religious practices—even in the service of the God of Israel. All objects used in their worship are to be destroyed.

pillars  The Hebrew word matzevah (plural matzevot) derives from the stem meaning “to stand” (᨞·ˆ). It refers to a single, upright slab of stone. Believed to be the dwelling of a divinity or spirit, it often was seen as an object of religious worship and, therefore, was considered to be idolatrous by Israelite religion (cf. Gen. 28:18; Exod. 24:4).

27. My terror  That is, He will cause the enemy to be struck with terror.

but a human prophet to guide Israel on its path and keep the people from straying [Mekh. of bar Yohai].

25. He will bless  The verse can also be read, “and you shall bless.” From this reading the Sages derived the obligation for each of us to offer a blessing over food before eating it [BT Ber. 48b]. The Sages go so far as to say that anyone who enjoys the goods of this world without thanking God for them is like a thief.

remove sickness from your midst  The “sickness” of dissatisfaction. By following God’s ways, we are cured of the “disease” of envying others who happen to have more material possessions than we do.

26. No woman in your land shall miscarry  Here and in several other passages (e.g., Lev. 26:33ff.), the Torah promises health and prosperity as a reward for living an observant life. Yet, too often we see that health, wealth, and fertility are not the lot of the religiously committed. Because the Torah is here addressing members of the young Israelite nation, so new to freedom and responsibility, it is understandable that the message is couched in the idiom they can understand best, so that matters of right and wrong are explained in terms of reward and punishment, even as one would speak to young children. By the time of the Talmud, however, the Sages would acknowledge, “We cannot account for the sufferings of the righteous” [M Avot 4:15].
I will throw into panic all the people among whom you come, and I will make all your enemies turn tail before you. 28 I will send a plague ahead of you, and it shall drive out before you the Hivites, the Canaanites, and the Hittites. 29 I will not drive them out before you in a single year, lest the land become desolate and the wild beasts multiply to your hurt. 30 I will drive them out before you little by little, until you have increased and possess the land. 31 I will set your borders from the Sea of Reeds to the Sea of Philistia, and from the wilderness to the Euphrates; for I will deliver the inhabitants of the land into your hands, and you will drive them out before you. 32 You shall make no covenant with them and their gods. 33 They shall not remain in your land, lest they cause you to sin against Me; for you will serve their gods—and it will prove a snare to you.

24 Then He said to Moses, “Come up to the Lord, with Aaron, Nadab and Abihu, and throw into panic The effect of the “terror.”

31. The ideal boundaries of the Land are set forth. At no time in Israelite history, even at the height of the Davidic-Solomonic empire, were these boundaries a reality. They are believed to have their origin in the pre-Israelite Egyptian province of Canaan, which included Palestine and Syria as a single political and geographic entity.

Sea of Reeds Here, undoubtedly, the Gulf of Elat (also known as the Gulf of Aqaba).

Sea of Philistia The Mediterranean Sea.

the wilderness Probably a general term for the desert and the steppes.

32–33. The Covenant demands exclusive recognition of YHVH as the sovereign king to whom is owed uncompromising loyalty. Hence, a warning against making covenants with the inhabitants is appropriate.

POPULAR ASSENT (24:1–11)
The very first step in the centuries-long process of canonizing the Torah literature (considering it binding as the word of God) is recorded in 19:8: “All that the Lord has spoken we will do!” Then Moses reiterated the commandments orally to the entire people assembled at the foot of Mount Sinai. Having heard the stipulations, they now bind themselves vocally, using the same formula of affirmation as before (24:3).

1. Then He said to Moses This emphasizes that the instruction here pertains only to Moses and not to the assembled Israelites.

Nadab and Abihu Their abrupt introduc-
seventy elders of Israel, and bow low from afar. 2Moses alone shall come near the Lord; but the others shall not come near, nor shall the people come up with him.”

3Moses went and repeated to the people all the commands of the Lord and all the rules; and all the people answered with one voice, saying, “All the things that the Lord has commanded we will do!” 4Moses then wrote down all the things that the Lord has commanded “the record of the covenant” (seifer ha-b’rit) in verse 7 (see introduction to chapter 21 and Comment to 24:7). Setting down the terms of the covenant in writing was an essential part of the ratification process of treaties in the ancient Near East. It made the treaty a legal reality.

set up an altar  Doubtless in accord with the provisions of 20:21. This altar was not only the site for sacrifices (v. 5) but also was the symbolic locus of the divine Presence, just as the 12 pillars represented the other party to the contract: the 12 tribes.

twelve pillars  It is likely that dashing the blood “on the people” described in verse 8 meant sprinkling it over the pillars. In Gen. 31:45–54 an upright pillar served as a silent witness to a treaty between Jacob and Laban.

5. young men  The strenuous task of slaughtering bulls and preparing them for the altar could be accomplished only by young men.

they offered  The two types of sacrifice are burnt offerings (olah) and offerings of well-being (sh’lamim). The first was wholly consumed by fire on the altar. The second was shared, certain parts being burnt and the remainder eaten by the worshippers in a sacred meal.

CHAPTER 24

3. All the commands . . . and all the rules  All rules of the just society have the same divine origin as the Decalogue (Mekh. of bar Yohai). In the 1st century, recitation of the Decalogue was part of the daily prayer service. This was dropped from the service “because of the arguments of sectarians,” perhaps early Christians, who claimed that only the Ten Commandments were divinely ordained and that the other rules could be ignored because they were of human origin. “No one Jew can fulfill all the commandments of the Torah. Some are directed only to kohanim (priests), some to women, some to farmers in the Land of Israel. Only all Jews together can do God’s will completely” (Vilna Gaon).
offerings of well-being to the Lord. 6Moses took one part of the blood and put it in basins, and the other part of the blood he dashed against the altar. 7Then he took the record of the covenant and read it aloud to the people. And they said, “All that the Lord has spoken we will faithfully do!” 8Moses took the blood and dashed it on the people and said, “This is the blood of the covenant that the Lord now makes with you concerning all these commands.”

9Then Moses and Aaron, Nadab and Abihu, and seventy elders of Israel ascended; 10and they saw the God of Israel: under His feet there was the likeness of a pavement of sapphire, like the

6. The blood of the olah and the sh’lamim always was collected and dashed against the sides of the altar. Here Moses performs this standard ritual with only part of the blood (literally, “half the blood”); he stored the other half in basins for sprinkling on the people later (v. 8). The two halves were for the two parties to the covenant, God and the people Israel. The use of blood in a covenant is not found elsewhere in the Bible. The ordination of Aaron as High Priest (Lev. 8:23) also involved daubing blood of the sacrificial lamb of ordination on parts of his body and on the altar. It is possible that blood in both these ceremonies—covenant and ordination—functions mysteriously to cement the bond between the involved parties. It is also possible that its function was purgation, intended to keep impurity at bay.

7. we will faithfully do The literal meaning of the two words na-aseh v’nishma is “we will do and we will obey.” This famous reply represents the Israelites’ faithful acceptance of their role as God’s chosen people. The Sages were impressed by the eagerness with which the Israelites accepted the burdens of being God’s people and following God’s laws. To say “I will do” even before one understands is to say, “I have faith that God will lead me in the proper path.” According to a talmudic legend, the angels were so impressed with this show of faith that they came down from heaven and placed two crowns on the head of each Israelite, one for doing (na-aseh) and one for obeying, or seeking to understand (v’nishma). The Israelites could have responded, as most would today, “We will seek to understand and, if we are persuaded, we will agree to do them.” Instead, having met God in Egypt, at the sea, and at Mount Sinai, the Israelites trusted that God’s demands would be reasonable and in their best interest. Just as we accept medicine from our physician on trust, without understanding what it is or how it works, and commit ourselves to marriage, to parenthood, and to a career as acts of faith before we fully understand what they entail, so too the Israelites accepted God’s will. There are many things in life that we cannot appreciate before we have lived them and come to appreciate their value. We must do them first (na-aseh) and only afterward realize why (nishma).

10. they saw the God of Israel What does this strange passage mean? Could it be that 70 elders “saw” God, while “eating and drink-
very sky for purity. 11 Yet He did not raise His hand against the leaders of the Israelites; they beheld God, and they ate and drank.

12 The Lord said to Moses, “Come up to Me on the mountain and wait there, and I will give you the stone tablets with the teachings and commandments which I have inscribed to instruct them.” 13 So Moses and his attendant Joshua arose, and Moses ascended the mountain of God. 14 To the elders he had said, “Wait here for us until we return to you. You have Aaron and Hur with you; let anyone who has a legal matter approach them.”

15 When Moses had ascended the mountain,
the cloud covered the mountain. 16 The Presence of the Lord abode on Mount Sinai, and the cloud hid it for six days. On the seventh day He called to Moses from the midst of the cloud. 17 Now the Presence of the Lord appeared in the sight of the Israelites as a consuming fire on the top of the mountain. 18 Moses went inside the cloud and ascended the mountain; and Moses remained on the mountain forty days and forty nights.

16. Presence Hebrew: kavod; the glory or majesty of God, a manifest Presence. See Comment to 16:7.

six days. On the seventh day This is an example of a well-known literary convention—the climactic use of numbers. It appears in ancient Near Eastern literature and often in the Bible. An action continues for six consecutive days, and then a new event will occur on the seventh. Here the six days are probably intended for spiritual preparation.

18. forty days and forty nights Repeated several times in the Bible. The number 40 often is used as a symbolic number, and 40 days expresses a significant period of time, frequently connected with purification and purging of sin.
The final siege of Jerusalem, begun in 588 B.C.E. by Nebuchadrezzar, king of Babylon, is the historical setting of the haftarah. Jeremiah 34 opened with Jeremiah’s prophetic word to King Zedekiah of Judah that Jerusalem would fall. The king, prompted perhaps by the national threat, had ordered the release of male and female slaves (vv. 8–9). A practical benefit of this release would have been the addition of manpower for the defense of Jerusalem. Slave owners had initially complied with this edict, but then “forced them into slavery again” (vv. 10–11).

This reversal may have taken place during a respite between sieges, after the Babylonian withdrawal (v. 22), which was due in part to the Babylonian fear of an Egyptian attack on its rear flank. Biblical sources indicate the makings of an alliance between the Egyptians and the Israelites against the Babylonians (Ezek. 17:11–18). The Egyptian support proved ineffective (Ezek. 30:20–21), and Nebuchadrezzar soon returned to the walls of Jerusalem. Jeremiah envisioned this turn of events (Jer. 37:8), and proclaimed it as God’s judgment for the people’s violation of the decree to free slaves (34:13–22). A final word of hope envisions reconciliation between Israel and God (33:25–26), but only after the “desolation” (34:22).

The haftarah focuses on three “covenants.” The first covenant is made between the people and Zedekiah, in the present, for the release of Hebrew slaves. The second is that made between God and Israel at Mount Sinai, in the past, after they were delivered from Egyptian bondage. The third is God’s “covenant with day and night” (Jer. 33:25), in token of which He promises never to reject the offspring of Jacob and even promises to restore them in love.

These three covenants comprise Israel’s present, past, and future; the second and third evoke Creation, Revelation, and Redemption. Revelation and its consequences stand at the center of the haftarah (Jer. 34:8–22), while Creation and Redemption are the two poles of the concluding verses (33:25–26). There the language is that of a unilateral oath, because God acts alone as the sovereign agent in Creation and Redemption. By contrast, because God and Israel are partners in the covenant’s Revelation, the passage from Jer. 34 reflects bilateral accountability and judgment. It is full of wordplays that underscore the inherent link between sin and punishment.

Variations on the verb shuv bring this dynamic into focus. Jeremiah points out that the slaveholders who properly “turned about” (va-tashuvu) and released their slaves have now “turned back” (va-tashuvu) and “brought back” (va-tashivu) the freed people into slavery again (vv. 15–16), thus violating the covenant (v. 18). As a result, God will “bring . . . back” (va-hashivotim) the Babylonian host to besiege and destroy the towns of Judah and all their inhabitants (v. 22).

A prophetic counterpoint reverses this bleak conclusion, for the language of promise precisely echoes the terms of judgment. God swears that His allegiance to Israel will endure as the “laws of heaven and earth”—and that He “will restore” (ashiv) the “fortunes” (sh’vu’otam) of the nation, taking them back in love. Throughout the haftarah, the term shuv serves as a leitmotif of the ongoing relationship between God and Israel in history. For the prophet, the covenant with God has conditions and consequences. Ultimately, however, God’s love transcends them both. And just this, in the end, is the healing consolation of the haftarah.

RELATION OF THE HAFTARAH TO THE PARASHAH

The parashah and the haftarah are linked by their citation of rules that deal with the liberation of
Hebrew slaves. The divine concern to limit debt bondage is an expression of the Bible’s overall concern for human dignity rooted in economic freedom. Virtually all the Torah’s rules of slavery, debts, and indenture complicate or frustrate the desire for economic enrichment at the expense of other persons (see Exod. 21:2–6, 23:9–12; Lev. 25; Deut. 15). Toward this end, the rules repeatedly invoke the periodic restoration of land and release from debts. These social benefits, which derive from divine authority, depend on social enactment and enforcement. Jeremiah’s rebuke suggests that the people’s disregard for human freedom violates their ancient covenant with God, who “brought them out of . . . the house of bondage” (Jer. 34:13, see also Exod. 20:2).

Jeremiah 34:8. to proclaim a release This idiom is also found in Lev. 25:10 in connection with the restitution of property and freedom in the jubilee year (see Ezek. 46:17). Zedekiah’s proclamation may thus be part of a sabbatical amnesty.

14. In the seventh year “That is to say, from the beginning of the seventh year” (Abravanel). For this phrase, see Deut. 15:1. Similarly, the legal terms in this verse (“fellow Hebrew,” “who may be sold to you,” “and set him free”) are Deuteronomic formulations (see Deut. 15:12–13,18).
trymen; and you made a covenant accordingly before Me in the House which bears My name. 16But now you have turned back and have profaned My name; each of you has brought back the men and women whom you had given their freedom, and forced them to be your slaves again.

17Assuredly, thus said the Lord: You would not obey Me and proclaim a release, each to his kinsman and countryman. Lo! I proclaim your release—declares the Lord—to the sword, to pestilence, and to famine; and I will make you a horror to all the kingdoms of the earth. 18I will make the men who violated My covenant, who did not fulfill the terms of the covenant which they made before Me, [like] the calf which they cut in two so as to pass between the halves: 19The officers of Judah and Jerusalem, the officials, the priests, and all the people of the land who passed between the halves of the calf shall be handed over to their enemies, to those who seek to kill them. Their carcasses shall become food for the birds of the sky and the beasts of the earth. 21I will hand over King Zedekiah of Judah and his officers to their enemies, who seek to kill them—to the army of the king of Babylon which has withdrawn from you. 22I hereby give the command—declares the Lord—by which I will bring them back against this city. They shall attack it and capture it, and burn it down. I will make the towns of Judah a desolation, without inhabitant.

16. have profaned My name  Jeremiah uses the verb for "profane" or "desecrate" (hillel) elsewhere with "land" as the object (Jer. 16:18). The verb is also frequently used with the divine name (see Lev. 18:21, 19:12) and in prophetic sources influenced by priestly traditions (cf. Ezek. 20:39, 36:20–23; Mal. 1:12). Here it refers to a desecration of the covenant performed “before Me in the House which bears My name” (v. 15). It may allude to an oath sworn by God’s name. From early rabbinic times, the phrase “hillul ha-shem” has been used to indicate a desecration of God’s name consonant with disgracing the Jewish religion as such (Tosef. Yoma 5:8).

forced them  The Hebrew verb used here (kavash) is a technical term for economic oppression (see Neh. 5:5). It can also be used to indicate the physical subjugation of land (Gen. 1:28) or of women (Esther 7:8).

18. [like] the calf  This translation infers a comparison, much as if ha-eigel (the calf) were ka-eigel (like the calf). Near Eastern pacts threat-
Thus said the Lord: As surely as I have established My covenant with day and night—the laws of heaven and earth—so I will never reject the offspring of Jacob and My servant David; I will never fail to take from his offspring rulers for the descendants of Abraham, Isaac, and Jacob. Indeed, I will restore their fortunes and take them back in love.

Jeremiah 33. The concluding consolation skips back to the preceding chapter, to end the prophetic message on a positive note.