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בס"ד

## Parashat Re'eh Part III Concluding the *Huqim*

### 1. Expansion of the Decalogue's Fifth Commandment

Immediately following elaboration of the laws concerning idolatry and centralization of cultic worship – extensions of the Decalogue's second and third commandments respectively – comes a passage that begins with a most unusual statement: **בְּנִים אַתֶּם לַיהוָה** (“You are sons to Hashem your G-d” [Deut. 14:1]). It prohibits behavior inappropriate for people who are Hashem's children, specifically, gashing one's flesh and making bald spots as part of mourning rituals, practices known to have been common in the ancient Near East. The forbidding of eating any abomination, which introduces the dietary laws, follows.

Perhaps, as “sons to Hashem,” who is always “alive,” we are called upon not to perform any action that would contradict awareness of that enduring relationship by viewing ourselves as fully orphaned when losing an earthly parent (Abarbanel). We are **בְּנֵי הַיְיָ הַחַיִּים** (“sons of the living G-d” [Hos. 2:1]) and a meaningful limit must be set to mourning rituals. Engaging in bodily mutilation and pulling out hair crosses the line. However, why are these laws located here? They do not appear linked to the previous passages. And why is the “You are sons to Hashem your G-d” clause or some similar expression – which could surely connect to other laws – not attested elsewhere in the Torah?

It appears likely that Moses is continuing his discourse in accordance with Decalogue sequence and that the theme of this passage derives from the fifth commandment, the obligation to honor father and mother. (We will later explain why he expanded on this commandment before addressing the fourth

commandment, that of the Sabbath.) In the consciousness of our relationship with G-d and in recognition of the inadequacy of words to accurately define its nature, one dimension of it that should be incorporated in our thinking – and that has long been popular in religious literature – is that He is our father of sorts. When we think of our responsibility to honor earthly father and mother we should not exclude our responsibility to honor our heavenly Father. When Moses refers to us as “sons to Hashem your G-d,” he is officially acknowledging this fundamental inference. G-d explicitly cited this extension through Malachi: **בֶּן יִכְבֵּד אָב וְעֶבֶד אֲדֹנָיו וְאָם אָב אֲנִי אֵיָה כְבוֹדִי** (“A son honors his father and a servant his master, if I am a father, where is the honor due Me?” [Mal. 1:6]). It is noteworthy that in that passage the dishonor shown G-d, about which He was complaining, was the sacrificial presentation to Him of blemished and defective animals.

Of course, the most basic form of honoring G-d is obeying His laws, all His laws, and obedience to Him should be practiced regardless of a particular call to honor Him. This is all the more the case as He specifically commanded us to observe His laws many times. However, in a context that views the responsibility to honor Him as a formal derivation from honoring parents, the expectation is that it would entail something specific that results from or is indicative of our being “sons of Hashem,” that is, a law with an intrinsic connection to the concept behind it.

A king's children are required to maintain an appearance that accords with the dignity of their father; debasing their appearance disgraces the throne. And so we are instructed to honor G-d by maintaining the dignity of our persons, particularly of the body He

entrusted to us. We are not to mutilate or disfigure it; rather, we are to recognize that there is sanctity and great potential inherent in it and that its desecration reflects negatively on G-d, indeed, it violates a fundamental aspect of His creation. The underlying principle is associated with the concept of man being created in the image of G-d (Gen. 1:27). Although that “image” is surely not to be taken in a corporeal sense, in the representative dimension the human body is to be respected as a reflection of the divine image. In this respect, the body, the carrier of our life, is the closest the law could get to our deeper reality.

This notion is highlighted in a verse later in Deuteronomy. A man guilty of capital punishment who had been put to death and placed to hang must be buried the very same day, כִּי קִלְלַת אֲלֻקִּים תְּלוּי (“for a hanging corpse is an indignity to G-d” [Deut. 21:23]). *Qilelat* is the antonym of *kabod* (honor). This statement teaches that human bodily indignity is, in a way, also divine indignity. Self-mutilation and imposing bald spots on one’s head fit right into this category.

In addition to presenting “You are sons to Hashem your G-d” as the explanation for these laws, Moses adds, “Because you are a nation holy to Hashem your G-d” (14:2). Similarly, concerning the obligation to bury the hanging corpse that day, the explanation “for a hanging corpse is an indignity to G-d” continues with further elucidation: “and you should not defile your land which Hashem your G-d is giving you as a possession” (21:23). The indignity to the Deity inherent in the hanging human corpse is also a violation of His trust in not keeping the land that He granted to Israel holy, just as self-mutilation violates the sanctity of the body that He entrusted to each human being.\*

After mentioning that Israel is a holy nation to G-d, Moses adds that G-d chose Israel to be His treasured people. These are associated concepts that reinforce Israel’s responsibility to comport with the consciousness of being in a close relationship with G-d.

The dietary laws follow (14:3-21). Being that a culture’s diet often has a profound relationship with its fundamental orientation in life, the Torah’s

regulations of permissible and prohibited creatures is linked with Israel’s status as a nation holy to G-d (see our study on *Parashat Shemini Part III*). Eating what is defined as an abomination and partaking of food that lacks the requisite criteria to be acceptable defiles the body; the dietary laws are thus closely linked with bodily dignity and sanctity. Toward the conclusion of the Leviticus dietary law regulations that parallel in large part our Deuteronomy passage, Hashem asserts: “You shall sanctify yourselves and be holy for I am holy. Do not defile yourselves with any swarming creature that swarms on the earth” (Lev. 11:44).

In the Decalogue, honoring parents comes fifth while the Sabbath comes fourth. Although the Sabbath law contains a significant demand for social justice that links it to the interpersonal realm and the later commandments, its basic formulation is focused on one’s relationship with G-d, “a Sabbath to Hashem.” Accordingly, its location in the Decalogue immediately following the first three G-d-centered commandments is eminently understandable. Honoring parents follows the Sabbath in the Decalogue as it begins the transition to the sphere of human relationships. However, the concept of honoring G-d inherent in “You are sons to Hashem your G-d,” even though derived from the fifth commandment, is thematically a continuation of the first three commandments that focus more directly on Him. Honoring G-d smoothly connects to the third commandment that prescribes reverence for His name, which also is a form of honoring Him. Consequently, in our context of derivation and extension, honoring Him with an application of “You are sons to Hashem your G-d” is understandably elaborated before the extension of the Sabbath commandment.

## **2. Completing Unfinished Business – *Ma’aser and Bekhor***

The passage prescribing the regulations for the annual tithes follows (Deut. 14:22-27). Before turning to the three festivals, which as we shall soon see were presented as extensions of the Sabbath commandment, Moses digressed to expand on topics (tithes and firstborn animals) that were briefly mentioned in chapter 12 but not elaborated there. As he intended to add several passages to the discussion of those topics, creating a substantial subsection in itself, he

postponed addressing them until an appropriate subject break. The time had now come for that.

The listing of items that were required to be brought to the central sanctuary in chapter 12 began with the standard animal sacrifices עֹלֹתֵיכֶם וְזִבְחֵיכֶם (“your burnt offerings and your regular sacrifices”); what had to be said about them was completed in that chapter. Next on that list is מַעֲשְׂרֹתֵיכֶם (“your tithes”), specifically referring to tithes of grains, wine and oil (12:17), a subject that was not provided the elucidation it required at that point. Moses now prescribed details and expanded the discussion regarding tithes. He attached to this discussion a remarkable series of passages unique in the literature of the ancient world for the vision that underlies them as well as the social justice legislation they contain.

The one other item from the list in chapter 12 upon which Moses had not previously elaborated, but chose to do so at this point, is *bekhor* (“firstborn” animals). In chapter 12 *ma’aser* and *bekhor* appear several times in the same verse – in 12:17 they head adjoining phrases. Accordingly, all the linked subjects introduced in chapters 14–15 are inserted between these two so that the aggregate comprises an identifiable, self-contained subsection beginning with tithes and concluding with firstborn animals.

The tithes referred to here are distinct from what was described in Numbers 18:21-24. There, the Levites were granted ten percent of the produce of the non-Levites as their portion in exchange for their sanctuary service and consequent exclusion from receiving a share in the distribution of land. The sages termed the Numbers tithe *ma’aser rishon* (“first tithe”) and the one that appears in our Deuteronomy pericope *ma’aser sheni* (“second tithe”). The latter was for the landowner and his household to eat when visiting the central sanctuary.

Our passage describes visiting the sanctuary as a major religious experience of great value, “that you should learn to revere Hashem your G-d all the days” (Deut. 14:23). Since significant quantities of crops were involved, and since it was often difficult to transport them, the Torah provided an expedient solution. The landowner was permitted to redeem the produce with silver that would be exchanged for food

when at the sanctuary. The landowner, who would usually arrive at the sanctuary with a considerable quantity of silver, given that the tithe is almost ten percent of his annual produce, is encouraged to spend his silver on whatever foodstuff his heart desires and be joyous together with his household. He is also instructed to share his bounty with the needy Levite of his hometown, presumably including the latter’s family, whom he is expected to have accompany his family on the pilgrimage. Deuteronomy generally speaks of Levites as a category of the poor. The single cultic sanctuary would be limited in the number of Levites it could provide service for.

Following the yearly tithe comes the triennial “tithe for the poor.” In the third and sixth years of the seven-year agricultural cycle the landowner separates ten percent of his produce for the needy. This ten percent is in place of the tithe that in other years is designated for the landowner and his household to be eaten at the central sanctuary. Since the needy require food all year long wherever they are located, the eating of this tithe is exempted from the law of centralization. Nevertheless, in Deuteronomy 26:13 it is termed *qodesh* (“holy”). Perhaps it was considered holy by dint of its being that which is officially designated for the poor. Apparently, it is presumed that this produce, together with the other obligations to the indigent, could suffice them for three or four years. It appears that a regional administrative system providing storage and distribution on behalf of the recipients was anticipated.

Discussion of tithe for the poor prompts a discussion of several other topics relevant to the needy. Next is the seventh year release of debts. An individual who was pressed to borrow and was unable to repay by the seventh year (a fixed calendar year for all) is to be given an opportunity to make a fresh start; accordingly, his debt is released. Moses expounded on the great divine blessing that practicing this law brings. The goal – utopian to be sure, but nevertheless an ongoing goal – is that there shall not be any poor in the land.

The next passage contains the natural corollary to the above. Potential lenders should be favorably disposed to providing loans to the poor, a disposition which requires the faith and discipline of accepting the

possibility of the seventh year release of debts arriving before repayment was made. This is especially the case when the request for a loan is close to the seventh year. Moses addresses that possibility: “Beware lest you have a base thought, saying, ‘The seventh year is approaching...’ so that your eye looks miserly upon your needy kinsman ... give, give him and let your heart not feel distressed in giving him, for because of this Hashem your G-d will bless you in all your doings and undertakings” (15:9-10). Of course, in such cases the lender may choose to engage in charity, plain and simple. (In a later time, to ensure the availability of loans to the needy, Hillel the Elder established the *perozbol*, effectively suspending the seventh-year release of loans for creditors who chose that option. For further discussion, see our study on *Parashat Behar Part II.*)

The seventh-year release of slaves follows. This seventh year is after six years of labor. In addition to the slave gaining his freedom, the master is required to grant him a significant “bonus,” from “your flock, your threshing floor and your winepress,” recognizing the blessings G-d has bestowed upon him. He is asked to remember the slavery in Egypt and G-d’s wondrous redemption.

Concluding the digression, Moses explicates the case of firstlings of cattle and flock, which must be sacrificed annually at the central sanctuary (15:19-23). This supplements the law given in Numbers 18:17-18 and Exodus 22:29. With the conclusion of the *ma’aser-bekhor* subsection, Moses’ “return” discussion to aspects of the third commandment expansion is completed. The two cases of the seventh year releases may also have been intended to foreshadow and introduce the upcoming discussion, an expansion of the fourth commandment – that of the seventh-day (the Sabbath) – in the regulations of the three festivals.

### 3. Expansion of the Fourth Commandment

The festivals, being that they are sanctifications of periodic days dedicated to G-d, are conceptually associated with the Sabbath. Indeed, in Leviticus 23, in the pericope that contains the explication of all the special days of the year, the Sabbath is first. In addition, the motif of the number seven that is

intrinsic to the Sabbath appears in all three festivals of our chapter. But it is the multiple literary associations that finally compel acknowledgement that these Deuteronomy festival passages were formulated as expounding the Decalogue’s Sabbath pronouncement.

Chapter 16 begins with the festival of Passover. It opens with a rare and most unusual clause *שְׁמֹר אֶת חֹדֶשׁ הָאֲבִיב* (“Observe the month of the new-grain”). This is reminiscent of the fourth commandment’s opening words, *שְׁמֹר אֶת יוֹם הַשַּׁבָּת* (“Observe the day of the Sabbath”). The Passover passage closes (16:8) with a striking literary parallel to the Sabbath formulation in the Decalogue (Deut. 5:13, 14). It contains almost identical sentence structure and a number of identical words and phrases signaling the intention to create a replication of the Sabbath verses but substituting Passover concepts for Sabbath ones. In our context it states: “Six days you shall eat *matzot* and on the seventh day an *asseret* to Hashem your G-d; do not perform work.” In the Decalogue it reads: “Six days you shall work ... and the seventh day is a sabbath to Hashem your G-d; do not perform any work.” But remarkably, after mandating the eating of *matzot* for seven days earlier in our passage (v. 3), the final verse (v. 8), in order to parallel the Sabbath passage, states “Six days you shall eat *matzot*.” How is this to be understood in *peshat*?

The explanation seems to be that Moses brought a rare literary device to bear. The seventh day that *matzot* must be eaten is subsumed within the next phrase, *וּבַיּוֹם הַשְּׁבִיעִי עֲצַרְתָּ* (“and on the seventh day, *asseret*”). The meaning is, “Six days eat *matzot* and also on the seventh day [eat *matzot*].” In addition, “and on the seventh day it is *asseret*.” The phrase “and on the seventh day” can be read with what precedes as well as with what follows. The extra *ו* in *וּבַיּוֹם* is a modification from the *וַיּוֹם* of the corresponding Sabbath phrase of *וַיּוֹם הַשְּׁבִיעִי*, thereby implying this continuity of “and on” with the eating *matzot* on the six previous days. In the Sabbath formulation, the *וַיּוֹם הַשְּׁבִיעִי*, is a phrase that calls for complete separation of the seventh day from the previous six.

In addition, the *כֹּל* (“all”) that amplifies the *מְלָאכָה* (“work”) in the Sabbath passage, prohibiting “all” work, is here omitted, where it merely states *לֹא תַעֲשֶׂה*

מְלָאכָה (“do not do work”). This is consistent with festival law that permits certain work, that of *okhel nefesh* (necessary for food preparation).

The next words in the Sabbath passage, articulating to whom *melakha* (“work”) is forbidden, are “you, your son, your daughter, your male slave, your female slave, your ox, your donkey and all your animals, and the stranger” (Deut. 5:14b-15a). This basic formula reappears in the passages of the Shavuot and Sukkot festivals of our chapter regarding the law to be joyous on the festival (16:11, 12, 14). Of course, the animals that were included in the prohibition of work on the Sabbath are excluded from the command of celebration. The stranger, although not an Israelite, is included in both. The Levite, orphan and widow, however, are not included in the Sabbath formulation since they themselves are recipients of that commandment in their own rights, for the Sabbath laws apply even to the poor. They are, however, included on the list the celebrant should be concerned for as regards festival joyousness, for they may very well lack the means to rejoice on their own and should be taken into account by those who possess the means to celebrate.

The next verse in the Sabbath Decalogue statement, וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם (“And you shall remember

that you were a slave in the land of Egypt”), appears almost verbatim in the Shavuot formulation (Deut. 16:12).\*\* The following clause of the Sabbath verse וַיֹּצֵאֲךָ ה' אֱלֹהֶיךָ מִמִּצְרַיִם (“and Hashem your G-d took you out from there”) has a close parallel in our Passover passage (v. 1). Thus, virtually every substantive phrase in the Sabbath passage of the Decalogue has a parallel in the festival subsection.

Completion of the festival laws concludes the *huqim* subsection, bringing on the third segment of law, the *mishpatim*.

### Endnote

\* It may be significant that just as the holy nation motif is here linked with an application of honoring parents, in the Leviticus 19 “reworking” of the Decalogue the requirement to revere parents, the parallel of honoring them, immediately follows the verse that calls the Israelites to holiness, קְדָשִׁים תִּהְיוּ.

\*\* The only difference is that in the Sabbath verse it states בְּאֶרֶץ מִצְרַיִם (“in the land of Egypt”) while the Shavuot verse has בְּמִצְרַיִם (“In Egypt”).