

## NOTE:

**This is a draft translation of Keter Torah's commentary on Parashat Shofetim. We are making this available to you as part of the Open Karaite Initiative. Since it is a draft, it will undergo many revisions (some which alter the meaning) before printing.**

**Copyrighted, all rights reserved.**

## PARASHAT SHOFETIM

### Chapter 16

**16:18 You shall make judges and officers in all your gates, which Adonay your God gives you, according to your tribes; and they shall judge the people with righteous judgment.**

**16:18 judges and officers** – After delineating [the matters] that pertain to the chosen place, he begins to elucidate what one is obligated to do in the gates [of cities in general], beginning with appointing judges therein.

**16:18 You shall appoint** – Just like: *Appoint us a king to judge us* (I Samuel 8:6).

**16:18 in all your gates** – Each tribe has to have an appointed official for judicial matters, and each city shall appoint a judge and an officer, and the judge shall render judgment and the officer shall make sure [to fix] that which is wrong.

**16:18 and they shall judge the people with righteous judgment** – It is incumbent upon them to judge righteously [and not let other factors sway them], so as not to render an erroneous judgment.

**16:19 You shall not pervert justice. You shall not show partiality. You shall not take a bribe, for a bribe blinds the eyes of the wise and perverts righteous words.**

**16:19 You shall not pervert justice** – He is referring to the judge of each city.

**16:19 You shall not show partiality. You shall not take a bribe** – since perversion of justice occurs in those two ways: Showing partiality, as is mentioned, *you shall not show partiality in judgment* (Deuteronomy 1:17), and taking bribes. And the attributes of judges were mentioned [above in Exodus 18 and Deuteronomy 1], and although 'hating bribery' [was among these attributes], he persists in warning them, *for a bribe blinds the eyes of the wise* – since it seems that they do not understand this sufficiently.

**16:19 and perverts righteous words** – like: *"windows of fixed lattice work"* (I Kings 6:4). [As in the case of I Kings 6:4 'chaloneh shekufim' the Hebrew construction is understood here as a noun (divreh – word)] followed by an adjective (tsaddiqim – which are righteous),

which like I Kings is odd since the noun ‘divreh’ in an construct form, and one would expect a noun after it rather than an adjective]. Though it could be understood as [‘the words of the righteous’] where righteous is describing the defendant who is vindicated [and thus tsaddiqim would be seen a noun].

**16:20 You shall follow that which is altogether just, that you may live and inherit the land which Adonay your God gives you.**

**16:20 that which is altogether just** [literally ‘justice justice’] – [In the Hebrew the word ‘justice’ is doubled [‘tsedeq tsedeq’], so as to emphasize the injunction, or otherwise it is [stated twice] since it pertains both to the judge and the officer, or to both sides [of the legal dispute], that they shouldn’t offer lies to the judge, since the judge judges based on what his ears hear and his eyes see.

**16:20 You shall follow** [tirdof] – as in: *“He who follows after righteousness and kindness finds life”* (Proverbs 21:21), in other words you follow it, in order to achieve it [He elucidates this word here, since it usually indicates pursuit of a person].

**16:20 That you may live and inherit the land** – for the world cannot survive if it were not for justice, as it says, *the king by justice makes the land stable* (Proverbs 29:4), and it is clear that he is talking [in the verse in Proverbs?] to Israel.

**16:21 You shall not plant for yourselves an Asherah of any kind of tree beside Adonay your God’s altar, which you shall make for yourselves.**

**16:21 You shall not plant for yourselves an Asherah** – After he instructed them on what was obligated in the chosen place and at [each city] gate, he begins to elucidate what they have to be careful about in the chosen place.

**16:21 an Asherah of any kind of tree beside Adonay your God’s altar** – Is it not true that an Asherah is forbidden anywhere [not just next to God’s altar]? The sages said [regarding this that] any tree that is planted in the ways of the idolaters who make asherot [is intended here]. It may be that the word ‘Asherah’ comes from [‘seeing’, as in] *I see him [ashurenu]* (Numbers 24:17), since it [the tree] shows the people where to worship.

**16:22 Neither shall you set yourself up a sacred stone which Adonay your God hates.**

**16:22 Neither shall you set up a sacred stone [which Adonay your God] hates** – for the idolatrous practice of sacrificing upon it, but that is the only thing that is warned about here, since Jacob raised a stone [monument], and Moses commanded Joshua to raise twelve stone [monuments] [and thus raising a monument without sacrificing on it is permitted.]

## Chapter 17

**17:1 You shall not sacrifice to Adonay your God an ox or a sheep in which there is a defect or anything evil; for that is an abomination to Adonay your God.**

**17:1 You shall not sacrifice to Adonay your God an ox or a sheep in which there is a defect** – The types of defects were explained in the [book of] Priestly Law [Leviticus].

**17:1 anything evil** – This includes anything that marks it for idolatrous uses. And the sage Rabbi Aharon may Eden be his abode explained many aspects [of this] and they are all included under the category of ‘anything evil’, for example: [An animal] which sexually penetrates [a human being] or is sexually penetrated [by a human being]. And one which hasn’t abided the proper length of time [with its mother, since the Torah says that the animal must be with its mother for seven days], and harlot’s gifts and the gift [for] a dog [perhaps an allusion to male prostitution]. And the Rabbanite sages also included [an animal] which is worshipped, one which is born through a breach, a mixed breed animal, an emaciated animal, and one which is designated [for idol worship]. And from what point is the animal considered designated? From the time that the priests make a sign [upon its body], such as shearing it, and all of these are included under the category of ‘anything’ evil.

**17:1 For that is an abomination to Adonay your God** – Since it is known that it is designated for idolatrous sacrifice.

**17:2 If there is found among you, within any of your gates which Adonay your God gives you, a man or woman who does that which is evil in Adonay your God’s sight in transgressing his covenant,**

**17:2 If there is found** – Since he explained a matter about which they are warned against doing in the chosen place, he now turns to explaining what they are obligated to do at the gates [in the cities, i.e. not the chosen place].

**17:2 a man** – [This is meant to] include the immigrant.

**17:2 or woman** – This is similar [to the idea]: *“The children gather wood, and the fathers kindle the fire, and the women knead the dough [to make cakes to the queen of the sky, and to pour out drink offerings to other gods]”* (Jeremiah 7:18)

**17:2 who does that which is evil** – he focused on idol worship, since this is the main thing.

**17:2 transgressing his covenant** – for they said regarding this, *we will do [this] and we will be obedient* (Exodus 24:7) and made a covenant to worship God, not idols.

**17:3 and has gone and served other gods and bowed to them, or the sun, or the moon, or any of the stars of the sky, which I have not commanded,**

17:3 and has gone and served other gods and worshipped them – such as the angels, the sun and the hosts of heaven. He included the important creations [here], for even though [a person] benefits from them, he should think of them as an axe in the hand of the one who wields it [God].

17:3 bowed – [the idea of] bowing is intended to be inclusive. And what was it teaching? – that any type of worship [is forbidden]; or otherwise he mentioned bowing because it is the most minor form of worship.

**17:4 and you are told, and you have heard of it, then you shall inquire diligently. Behold, if it is true, and the thing certain, that such abomination was done in Israel,**

17:4 and you are told and you have heard of it – This means that they told you from the outset, or you heard it being told, and for that reason *you shall inquire diligently*.

17:4 it is true – that it was heard *that such abomination was performed* – i.e., idolatry.

**17:5 then you shall bring out that man or that woman who has done this evil thing to your gates, even that same man or woman; and you shall stone them to death with stones.**

17:5 Then you shall bring out the man... to your gates – wherever he was found.

17:5 that same man – [This term ‘man’ is] repeated [for a second time here] since the verse was long.

17:5 You shall stone – He required that they be punished by stoning which is a harsh form of execution.

**17:6 At the mouth of two witnesses, or three witnesses, he who is to die shall be put to death. At the mouth of one witness he shall not be put to death.**

17:6 At the mouth of two witnesses – If two witnesses are enough to validate the testimony, why are three [mentioned]? The commentators say that the “three source of testimony” come afterwards [literally ‘second’], because maybe one of the initial witnesses was sick or was travelling from far away, and two other witnesses arose instead of him. And what [then] does it mean that *the hands of the witnesses shall be first upon him*? [His issue may be with the word ‘first’, which does not entirely accord with the idea that these witnesses come later as proposed by the commentators he quotes].

17:6 And it is possible to say that if there were three [witnesses] and one’s [testimony] was struck down, that two are enough.

17:6 And the Rabbanite sages say that [the case the verse relates to here is one in which] one [of the witnesses] was a relative or was not permitted [to testify] regarding capital [punishment] crimes, but that his testimony may be acceptable regarding financial matters [and that is why it says two or three]. And they say that just as three [witnesses] may

counter two [witnesses], two [witnesses] may counter three, and even one hundred [meaning that the size of the group offering testimony does not matter, as long as there are at least two.] And just as two [witnesses] are not killed for false testimony until they are both found to be lying, so too, three [witnesses] are not killed for false testimony until three of them are found to be lying. And he who claims [that this verse indicates] that the third witness will offer the deciding [testimony] against the first two, has not said anything of substance [and his opinion may be disregarded].

**17:6 he who is to die [literally: he who is dead] shall be put to death** – Once the sentence has been handed down [the guilty party] is referred to as dead.

**17:6 At the mouth of one witness he shall not be put to death** – Does it not say, *one witness shall not rise up against a man for any iniquity or for any sin (Deuteronomy 19:15)*? And if for non-capital [punishment] matters one witness' testimony is not sufficient, logically the same would be true for matters where there is capital punishment [which is so much more serious] [and if so the verse regarding capital punishment here is extraneous].

**17:6** For this reason the Rabbanite sages said [that the verses teach different things and] that regarding matters that don't involve capital punishment [the testimony is not taken into consideration at all], but in matters where a life is at stake, when there is only one witness, [the defendant] is required to take an oath [though the testimony of one witness is still insufficient to convict]. This verse [Deuteronomy 19:15], however, is explained by them [the Rabbanite sages] as [also] referring to other matters.

**17:7 The hands of the witnesses shall be first on him to put him to death, and afterward the hands of all the people. So you shall remove the evil from among you.**

**17:7 The hands of the witnesses** – [This demonstrates the matter], as in: *"They shall not shave their heads"* (Ezekiel 44:20), making it clear [that the convicted man is indeed guilty, and they, the witnesses, were responsible for bringing him to justice].

**17:8 If there arises a matter too hard for you in judgment, between blood and blood, between plea and plea, and between wound and wound, being matters of controversy within your gates, then you shall arise, and go up to the place which Adonay your God chooses.**

**17:8 If there arises a matter too hard** – the understanding of it is hidden, as in: *"[Open my eyes, that I may see] wondrous things out of your law"* (Psalms 119:18).

**17:8 for you in judgment** – Having commanded that there shall be judges at the gates [of your cities], if they find a matter too hard to judge, he commanded that they go to the chosen place and discover the truth of the matter.

**17:8 between blood and blood** – because he introduced [this section] with [a discussion of] capital crimes, he begins [this verse] by saying here, *between blood and blood*, which means between the blood of the innocent and the blood of the guilty. And one should not [interpret] this like the Rabbanites [as referring to] impure blood and pure blood. And the evidence [for this] is [the continuation of the verse], *between plea and plea, and between wound and wound* [neither of which have to do with purity or impurity], and the general rule is, *being matters of controversy within your gates*.

**17:8** And [the Rabbanite interpretation] is that *between wound and wound* [pertains to] the visible symptoms of diseases. [Are not diseases], however, under the purview of the priest? But the verse also says, *or to the judge* [so it is unlikely that we are dealing solely with priestly matters]. And Rabbi Aharon, may Eden be his abode explains – between blood [spilled] with malicious intent, and blood [spilled] accidentally. And it does not seem likely [that we are dealing with types of murderers in particular] because he [the Torah] did not expand the statement to speak about the subject of murders, and it seems that the reference is to all capital crimes [where the life of a human being is at stake].

**17:8 between plea and plea** – the laws regarding blemishes. [This may be the continuation of Rabbi Aharon’s opinion, rather than the commentator’s own, since he offers a different interpretation of every clause of the verse below]

**17:8 between wound and wound** – types of wounds and lesions.

**17:8 being matters of controversy** – This pertains to financial matters, wills, deposits for safekeeping, loans, cheating, and thievery. And it may be that since he said, *between*, which indicates a distinction between two matters, that one should understand between blood and blood, as referring to the blood of the victim and the blood of the murderer, just as it says, *no atonement can be made for the land, for the blood that is shed in it, but by the blood of him who shed it* (Numbers 35:33).

**17:8 between plea and plea** – other capital crimes and matters of blemishes, that the opinion of the judge vacillates between innocence and guilt [and he is not sure how to judge].

**17:8 between wound and wound** – This pertains to the injuries, i.e., the one who caused the injury and the one who perpetrated the damage, and his liability for the incapacitation, recuperation, and the sorrow [of the victim], since the laws of the Torah have great depth to them, as it says, *Your testimonies are wonderful, therefore my soul keeps them* (Psalms 119:129).

**17:8 being matters of controversy** – as we indicated [above].

**17:8 you shall arise and go up** – he will speak to the judge at the gate.

**17:9 You shall come to the priests who are Levites and to the judge who shall be in those days. You shall inquire, and they shall give you the verdict.**

17:9 to the priests who are Levites – because the term ‘priest’ is inclusive [and thus it is indicated here that the reference is to Levitical priests].

17:9 and to the judge... and they shall give you the verdict – since it was unknown to you.

**17:10 You shall do according to the decisions of the verdict which they shall give you from that place which Adonay chooses. You shall listen and adhere to all that they shall teach you.**

17:10 You shall listen and adhere – there is a commandment to listen to the High Priest.

**17:11 According to the decisions of the law which they shall teach you, and according to the judgment which they shall tell you, you shall do. You shall not turn away from the verdict which they decree for you, to the right, nor to the left.**

17:11 According to the decision of the law – to exonerate.

17:11 and according to the judgment which they shall tell you, you shall do – to pronounce guilty.

17:11 You shall not turn away from the verdict which they decree for you, to the right, nor to the left – *For the law shall go out of Zion, and Adonay’s word from Jerusalem (Isaiah 2:3)*, for God grants the spirit of wisdom to those who stand before him in order to reveal hidden matters, as it says, *open my eyes, that I may see wondrous things out of your law (Psalms 119:18)*. And not according to the Rabbanites [who say, even if] they tell you that right is left and left is right [you shall follow them]. Rather [the meaning of this] is that [they shall interpret it] in a way that there will be no contradiction in the Torah.

**17:12 The man who does presumptuously in not listening to the priest who stands to minister there before Adonay your God, or to the judge, that man shall die. You shall put away the evil from Israel.**

17:12 The man who does presumptuously in not listening – to their instruction of the Torah’s judgment.

17:12 that man shall die – he shall be sentenced to death, and it may be that this [recalcitrance to listen] refers to the one being judged, and for this reason it says [in the next verse], *all the people shall hear and fear, and do no more presumptuously*.

**17:13 All the people shall hear and fear, and do no more presumptuously. 17:14 When you have come to the land which Adonay your God gives you, and possess it and dwell in it, and say, “I will set a king over me, like all the nations that are around me,”**

**17:14 When you have come to the land... and possess it and dwell in it** – It seems that they will not ask for a king until after they dwell in the land [and are ready] to submit to the burden of the monarchy.

**17:14 and say “I will set a king over me”** – this is not one of the positive commandments as the Rabbanites contend, for if so what is the reason for *like all the nations that are around me*. But when it says [in the next verse], *you shall surely set him*, this likely means that it [becomes] a commandment, once they ask [for the king].

**17:15 you shall surely set him whom Adonay your God chooses as king over yourselves. You shall set as king over you one from among your brothers. You may not put a foreigner over you, who is not your brother.**

**17:15 from among your brothers** – from Israel, and not like the sons of Esau who appointed a ruler from another nation, but the Israelites are commanded, *you may not put a foreigner over you*.

**17:15 whom Adonay chooses** – through the mouth of a prophet.

**17:16 Only he shall not accrue many horses, nor cause the people to return to Egypt, so that he may accrue many horses; because Adonay has said to you, “You shall not go back that way again.”**

**17:16 Only he shall not accrue many horses** – *Some trust in chariots, and some in horses, but we trust in the name of Adonay our God (Psalms 20:7)* [since he is to trust in God’s strength].

**17:16 to return** – as in: *“and on the next day she returned”* (Esther 2:14). [returning to a place she once was, just like the Israelites would be returning to Egypt in this verse].

**17:16 and Adonay has said** – and this is [command] is not recorded [in scripture]. And he who says that this is a warning to the multitude [not to go down to Egypt], but not to individuals, because one finds that Uriyya fled into Egypt, did not interpret [this] correctly, since Uriyya was running away [and not going down]. And the evidence [for descent to Egypt being problematic even for an individual] is Jeremiah who went [down to Egypt, against his will]. And it does not seem likely that the meaning of, *and Adonay has said*, that he says it to you **now** [rather than having said it in the past]. And one finds it more likely to [connect with what says in [Exodus 14:13](#)] *for you will never again see the Egyptians whom you have seen today (Exodus 14:13)*. And this is not just a reference to the [Egyptians] who drowned, but to all Egyptians, and this is implied when it says



[generally, not specifically]: *for you will never again see [them]* (Exodus 14:13) [a shorter excerpt from the same verse, emphasizing that this statement is to be understood generally rather than specifically to the exodus from Egypt].

**17:17 He shall not multiply wives to himself, that his heart not turn away. He shall not greatly multiply to himself silver and gold.**

**17:17 He shall not multiply wives** – And the reason which he provides is: *“so that his heart not turn away,”* and Solomon is evidence [of the dangers of having many wives].

**17:17 Silver and gold** – And Solomon acquired a lot [of silver and gold], and scripture did not condemn him [for that], because the size of his kingdom warranted this [gathering of money].

**17:18 It shall be, when he sits on the throne of his kingdom, that he shall write himself a copy of this law in a book, out of that which is before the Levitical priests.**

**17:18 It shall be, when he sits on the throne of his kingdom, that he shall write himself a copy of this law [mishneh Torah] in a book** – a second [mishneh] Torah [the word ‘mishneh’ in Hebrew is related to the number two, which is ‘shenayim’], as in: *“[and take] double [mishneh] money”* (Genesis 43:12). And there are those who say [that the reference here is to] the book of Deuteronomy, and the first interpretation is more likely.

**17:18 before the Levitical priests** – for they are those who study the Torah and deal with it.

**17:19 It shall be with him, and he shall read from it all the days of his life, that he may learn to fear Adonay his God, to keep all the words of this law and these statutes, to do them;**

**17:19 It shall be with him** – the Torah.

**17:19 and he shall read it** – from the Torah.

**17:19 that he may learn to fear [Adonay]** – upon seeing the promises in the Torah regarding reward and punishment.

**17:20 that his heart not be lifted up above his brothers, and that he not turn away from the commandment to the right hand, or to the left, to the end that he may prolong his reign over his kingdom, he and his children, in the midst of Israel.**

**17:20 that his heart not be lifted** – [in his pride] to remove the burden of [adhering to] the Torah from himself, since he is the king [and he may think he is an exception].

17:20 and that he not turn away from the commandment – and do as he as he wants.

17:20 that he may prolong his days – perpetuating his kingship.

## Chapter 18

**18:1 The priests and the Levites—all the tribe of Levi—shall have no portion nor inheritance with Israel. They shall eat the offerings of Adonay made by fire and from His portion.**

18:1 The priests and the Levites... shall have no – since he just mentioned the levitical priests above, he begins to explain the functions of the priesthood who occupy themselves with the Torah and should not be responsible for their day-to-day needs. Their food is to be provided to them, because they have no allotted portion among the Israelite.

**18:2 They shall have no inheritance among their brothers. Adonay is their inheritance, as he has spoken to them.**

18:2 Adonay is their inheritance, as he has spoken to them – *They shall eat the offerings of Adonay made by fire and from His portion.*

**18:3 This shall be the priests' due from the people, from those who offer a sacrifice, whether it be ox or sheep, that they shall give to the priest: the shoulder, the two cheeks, and the inner parts.**

18:3 This shall be the priests' due – for in the desert they ate the meat of peace offerings, and now that they are close to the land, they will be able eat the meat of [all] non-sanctified [animal] sacrifices.

**18:4 You shall give him the first fruits of your grain, of your new wine, and of your oil, and the first of the fleece of your sheep.**

18:4 first fruits of your grain – This is what is referred to as the major donation [allotted to the priests], and there is no specific measure for this portion, it is what a person sets aside from what is his. And the Rabbanite sages say, that it is two [percent] of one hundred, or one [part] from fifty, and generously, it is one [part] from forty, and he who gives the minimum, shall not give less than one [part] from sixty. And the first-fruits and the donation, are [the allotments] from the first [of the produce] for the priests, and the Levites [receive] the tithes.

**18:5 For Adonay your God has chosen him out of all your tribes to stand to minister in Adonay's name, him and his sons forever.**

**18:5 to stand to minister in Adonay's name** – to bring sacrifices and grain-offerings.

**18:6 If a Levite comes from any of your gates out of all Israel where he lives, and comes with all the desire of his soul to the place which Adonay shall choose,**

**18:6 If a Levite comes** – For the Levite also has work to do in the temple, to sing or to be a gatekeeper. And there were twenty-four shifts of Levites founded by David, Solomon, and Samuel, and it says, *they slept around God's house (I Chronicles 9:27)*. And one does not follow the Rabbanite opinion, that the Levite of this verse is a priest [rather than a simple Levite], [their reasoning being] because it said [in the next verse], then he shall minister in the name of Adonay his God [and that implies priestly temple work rather than levitical] - but his [the Levite's] service is singing [and that constitutes service].

**18:7 then he shall minister in the name of Adonay his God, as all his brothers the Levites do, who stand there before Adonay. 18:8 They shall have like portions to eat, in addition to that which comes from the sale of his family possessions.**

**18:8 They shall have like portions to eat** – and it impossible that the shifts of Levites were not fed from the [priestly] office, and that the Levite who came to serve would not be fed with the members of the [Levite] shift.

**18:8 in addition to that which comes from the sale [makarav] of his family possessions** – there are those who understand this like: *“now therefore take no more money from those whom you know”* (II Kings 12:8) [and] *Through your family* as similar to: *“[Don't forsake] your friend and your father's friend”* (Proverbs 27:10), and everything that he [the supplicant] vowed [to give to God] he would give to a known Levite, and this does not work [well] with the grammar of the verse [there are missing words, and the preposition 'al in 'al ha'avot is not the correct one].

**18:8** There are others who understand the word 'makarav' from the verb to sell, meaning that aside from what he is eating [with the other Levites who are serving] he had a plot from his fathers, [and this verse is so that] they [the other Levites serving] wouldn't tell them that since you had a plot and sold it, you don't have a place here.

**18:8** And one can say [that a likely interpretation of this verse is] that the Levites are appointed from three years of age, and after he [the Levite] comes to serve [in the temple] and is provided for with the members of the shift – even if he has sold his plot, whatever comes to him through virtue of his appointment to serve [in the temple] is *also* his due portion with the members of the shift. [Meaning, he receives his portion from the temple regardless of whatever inheritance he has received from his family.]

**18:9 When you have come into the land which Adonay your God gives you, you shall not learn to imitate the abominations of those nations.**

**18:9 When you have come** – since he mentioned the Levitical priests and the teachers of Torah, [and commanded] that they [the people] should cleave to them and treat them well, he warns them that they should not learn to do abominable things like those who listen to [the counsel of] fortune-tellers or diviners.

**18:10 There shall not be found with you anyone who makes his son or his daughter to pass through the fire, one who uses divination, one who tells fortunes, or one who predicts, or a sorcerer,**

**18:10 There shall not be found with you anyone who makes his son or his daughter to pass through the fire** – the worship of the Molekh [god].

**18:10 one who uses divination** – there are those who say that these are the cutters who cut things, and that it includes all the other [categories] mentioned below, as it says, *divination is on the lips of the king*. (Proverbs 16:10). And the Rabbanite sages say that it is one who seizes his staff and asks it, and there are those who say that he takes pieces of peel and throws them, and wherever they falls from on high [determines the prediction], and this is both with or without magic.

**18:10 one who tells fortunes [me'onen]** – this is someone who looks at the times of day, and determines auspicious times by means of a particular star that he chooses, and there are those who explain that he deceives the eyes.

**18:10 Or one who predicts [menachesh]** – they say that it is one who gazes at the chirping of a bird. And the Rabbanites say that an example of [one who predicts] is someone who says if the bread fall from my mouth a deer will cross the path.

**18:10** And it seems that a fortune-teller is one who gazes at the cause of things, [and] one who predicts is one who gazes at the results, as in: “*which he can indeed discern [nachesh yenchesh]*” (Genesis 44:5) [where Joseph told his brothers that he could see the results of their thievery – i.e. that Benjamin stole his goblet], which relates to the notion of experience [i.e. Joseph could figure it out].

**18:10 or a sorcerer** – that is someone who combines things and changes things from their natural state.

**18:11 or a charmer, or someone who consults with a familiar spirit, or a wizard, or a necromancer.**

**18:11 or a charmer** – one who gathers spirits and makes a circle [to enclose them].

**18:11 Some who consults with a familiar spirit** – this is [a type of magical] ventriloquism, as in: *“Your voice will be as of one who has a familiar spirit, out of the ground[, and your speech will whisper out of the dust]”* (Isaiah 29:4), and the meaning of this term has been clarified [elsewhere].

**18:11 or a wizard** – they say that he is the one who determines [through] lots and spots. And the Rabbanites sages interpret it [the wizard – in Hebrew yidde‘oni] as coming from the word yadu-a‘, for there is a bird that is called a yadu-a‘ that when one puts a bone [from its body] in their mouth he tells the future.

**18:11 or a necromancer** – for it is says, *who sit among the graves, and spend nights in secret places* (Isaiah 65:4), in order that that an impure spirit would descend upon him.

**18:12 For whoever does these things is an abomination to Adonay. Because of these abominations, Adonay your God drives them out from before you.**

**18:12 is an abomination to Adonay** – for [through their actions] they remove God’s attentiveness [towards you].

**18:12 Because of these abominations** – the people of the [promised] land were punished, and thus it says in the next verse: *“You shall be blameless with Adonay your God.”*

**18:13 You shall be blameless with Adonay your God. 18:14 For these nations that you shall dispossess listen to those who practice sorcery and to diviners; but as for you, Adonay your God has not allowed you so to do.**

**18:14 For these nations that you shall dispossess listen to those who practice sorcery and to diviners** – and for this reason they were punished.

**18:14 but as for you, Adonay your God has not allowed you so to do** – For if you desire to know of future occurrences: *Adonay your God will raise a prophet from among you* – for I am a prophet, not a sorcerer, and I am from your brothers, and it is to [someone like this] that you shall listen.

**18:15 Adonay your God will raise up to you a prophet from among you, of your brothers, like me. You shall listen to him. 18:16 This is according to all that you desired of Adonay your God in Horeb in the day of the assembly, saying, “Let me not hear again Adonay my God’s voice, neither let me see this great fire any more, that I not die.”**

**18:16 This is according to all that you desired of Adonay your God in Horeb** – as God spoke to you without an intermediary prophet, and you said, *if we hear Adonay our God’s voice any more, then we shall die* (Deuteronomy 5:25).

**18:17 Adonay said to me, “They have well said that which they have spoken.”**

18:17 Adonay said to me, “They have well said that which they have spoken” – From then on it became clear to them that prophecy would descend upon members of humankind, and that God speaks with one who is born from a woman. For the grand occasion [the revelation at Sinai] occurred in order to remove doubt, as they corroborated themselves: *“We have seen today that God does speak with man, and he lives”* (Deuteronomy 5:24).

**18:18 I will raise them up a prophet from among their brothers, like you. I will put my words in his mouth, and he shall speak to them all that I shall command him.**

18:18 I will raise them up a prophet from among their brothers, like you – since you are from among their brothers yourself [Moses was a Levite].

18:18 and he shall speak to them all that I shall command him – similar to: *“for you must go to whomever I send you, [and you must say whatever I command you]”* (Jeremiah 1:17), and it also resembles: *“Here I am. [Send me]”* (Isaiah 6:8).

**18:19 It shall happen, that whoever will not listen to my words which he shall speak in my name, I will seek him out.**

18:19 It shall happen, that whoever will not listen to my words – this includes the prophet himself who does not deliver his prophecy and the person who does follow the prophet’s words.

18:19 I will seek him out– his death is in the hands of heaven.

**18:20 But the prophet who speaks a word presumptuously in my name, which I have not commanded him to speak, or who speaks in the name of other gods, that same prophet shall die.”**

18:20 But the prophet who speaks a word presumptuously – He is a false prophet, and this includes those who steal God’s word [uses it for their own purposes], or one who prophesizes in the name of an idol. And all three [of these sins] are punished by strangulation.

**18:21 You may say in your heart, “How shall we know the word which Adonay has not spoken?”**

18:21 You may say in your heart, “How shall we know the word” – this refers [specifically] to the prophet when he predicts the future.

**18:22 When a prophet speaks in Adonay's name, if the thing doesn't follow, nor happen, that is the thing which Adonay has not spoken. The prophet has spoken it presumptuously. You shall not be afraid of him.**

**18:22 When a prophet speaks in Adonay's name, if the thing doesn't follow, nor happen** – The prophet Jeremiah clarified this, [explaining that] if the prophet would prophesize in God's name regarding something good, and that good thing does not come to pass, it is evident that he is a false prophet. An example is Chananya ben 'azur who prophesized that the temple vessels that were taken during Yekhoniyya's exile [the first Judean exile, wherein the elite was taken into captivity] would return to Jerusalem. And indeed his punishment should have been death by strangulation, but since that entire generation was one of evildoers, Jeremiah prophesized concerning him: *"This year you will die"* (Jeremiah 28:16).

**18:22 You shall not be afraid of him** – because false prophets present themselves to their eyes [the people's eyes] as true prophets, as it says, *neither will they wear a hairy mantle to deceive* (Zachariah 13:4), [and present himself] as though he were a pious God-fearer.

**18:22 You shall not be afraid of him** – of killing him and judging him harshly.

## Chapter 19

**19:1 When Adonay your God cuts off the nations whose land Adonay your God gives you, and you succeed them and dwell in their cities and in their houses,**

**19:1 cuts off** – Because he began with, *You shall make judges and officers in all your gates* (Deuteronomy 16:18) [the appointment of a judiciary], he now turns to explain what is special about cities of sanctuary [i.e., what transpires after the judiciary has acted].

**19:2 you shall set apart three cities for yourselves in the middle of your land, which Adonay your God gives you to possess.**

**19:2 you shall set apart three cities for yourselves** – after you settle [in the land].

**19:3 You shall prepare the way, and divide the borders of your land which Adonay your God causes you to inherit into three parts, that every man slayer may flee there.**

**19:3 You shall prepare the way, and divide the borders of your land** – so that there won't be any impediment when [the person] fleeing to the cities of refuge comes, and it may be that this [commandment] includes certain measurable preparations.

**19:4 This is the case of the man slayer who shall flee there and live: Whoever kills his neighbor unintentionally, and didn't hate him in time past.**

**19:4 This is the case of the man slayer** – there is a difference between one who kills another mistakenly and one kills another unintentionally. One who kills another mistakenly is one who strikes another in a way that shouldn't kill him [with a blow that generally would not have the power to kill him], [but it] does kill him. One who kills another unintentionally is a person who had no intention to strike his fellow at all, but rather struck him inadvertently, even if the blow was one with the power to kill, and this is what is meant by: *“But if he shoved him suddenly without hostility”* (Numbers 35:22).

**19:5 as when a man goes into the forest with his neighbor to chop wood and his hand swings the ax to cut down the tree, and the metal was dislodge from the wooden [handle] and hits his neighbor so that he dies—he shall flee to one of these cities and live.**

**19:5 as when a man goes into the forest with his neighbor** – even if the act itself is intentional [in this case swinging the axe], the metal from the axe inadvertently struck [the victim] this is not considered intentional. And from what it says, *into the forest*, one should understand this verse as: *and the metal was dislodged from the wooden [handle]*, [since the wood in this clause is understood as separate from the wood of the forest]. This is in contrast with the Rabbanites [who understand this as and the metal of the axe causing a wood splinter to fall and killing someone] and who generalize [from here] that anyone who uses a tool in the habitual way and [inadvertently] kills someone [must go into exile]. And because they understand it in this way they were constrained in their reading of the verb ‘to dislodge’ understanding it as a transitive verb [taking an implied direct object], in other words, the metal [subject] dislodged [verb] a splinter of wood [object] which then killed someone. [The full direct object is only implied because the word splinter is not present in the Hebrew text].

**19:5** He mentioned those who are not liable clearly [so as to save their lives], and thus said, *he shall flee to one of these cities and live*, and reasoned that *[otherwise the avenger of blood might pursue the man slayer] while hot anger is in his heart and overtake him*, and the reason for this [being undesirable] is that *he didn't hate him in time past*.

**19:6 Otherwise, the avenger of blood might pursue the man slayer while hot anger is in his heart and overtake him, because the way is long, and strike him mortally, even though he was not worthy of death, because he didn't hate him in time past. 19:7 Therefore I command you to set apart three cities for yourselves. 19:8 If Adonay your God enlarges your border, as he has sworn to your fathers, and gives you all the land which he promised to give to your fathers;**

**19:8 enlarges your border** – this expansion will be in the future when they conquer the land of the ten nations, because at this point they are [about to] conquer the land of seven



nations. And he explains [that this shall occur] *if you keep all this commandment to do it*, and then further elucidates: *and always walk in his ways, then you shall add three more cities for yourselves in addition to these three* – on the other side of the Jordan for they will conquer the land of the ten nations.

**19:9 and if you keep all this commandment to do it, which I command you today, to love Adonay your God, and to always walk in his ways, then you shall add three more cities for yourselves, in addition to these three. 19:10 This is so that innocent blood will not be shed in the middle of your land which Adonay your God gives you for an inheritance, leaving blood guilt on you.**

**19:10 This is so that innocent blood will not be shed** – that is the blood of one who kills inadvertently [when he is murdered in turn] by the avenger.

**19:11 But if any man hates his neighbor, lies in wait for him, rises up against him, strikes him mortally so that he dies, and he flees into one of these cities;**

**19:11 But if any man hates his neighbor** – This is one who murders with full intention.

**19:11 and he flees into one of these cities** – the elders of his city shall take him from the city of refuge and give him to the avenger, and he shall die.

**19:12 then the elders of his city shall send and bring him there, and deliver him into the hand of the avenger of blood, that he may die. 19:13 Your eye shall not pity him, but you shall purge the innocent blood from Israel that it may go well with you.**

**19:13 Your eye shall not pity him** – if he is a nice looking young man.

**19:13 but you shall purge the innocent blood** – by rendering justice [which ensures that] innocent blood is not shed.

**19:14 You shall not remove your neighbor's landmarks, which were set of old, in your inheritance which you shall inherit, in the land that Adonay your God gives you to possess.**

**19:14 You shall not remover your neighbor's landmarks** – because he spoke about cities of refuge, he instructs that the lot attached to the city is acceptable [for one who flees to the city], for this reason it says, *which were set of old*. [i.e., they are an established part of the city].

**19:15 One witness shall not rise up against a man for any iniquity, or crime, or any sin that he sins. At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established.**

**19:15 One witness shall not rise up against a man** – After explaining the case of one who murders and one who trespasses, and it says, *cursed is he who removes his neighbor's landmark* (Deuteronomy 27:17), he also says, *one witness shall not rise up against a man* – meaning that if one person saw him [in a criminal act] that testimony is insufficient [and no action is taken against him].

**19:15 for any iniquity** – it is possible that the intention here is capital crimes.

**19:15 or for any crime** – [this is a reference to] the laws of bodily harm [but not murder].

**19:15 or for any sin that he sins** – laws governing money.

**19:15** and the Rabbanites say that because [the text] warns that *one witness shall not testify alone against any person so that he dies* (Numbers 35:30) regarding capital crimes, it stands to reason that the same holds true regarding financial crimes. But if so why do they [learn this same teaching, that regarding all types of crimes, one witness is insufficient, from this verse here]: “*One witness shall not rise up against a man for any iniquity* – [this is a reference to] capital crimes, *or for any crime* – [these are crimes, which relate to] sacrifices, *or for any sin that he sins* – these are laws of injury [and the latter category– of injury for which] if there is only one witness, one does not validate that witness through the defendant swearing], but except for those [types of crimes – injury], one witness is validated through [the defendant] swearing.”

**19:15** And it seems to me that *for any iniquity* means a sin which he perpetrated with intention, as in: “*For your servant knows that I have sinned*” (II Samuel 19:20) [the case of Shim‘i who acted with full intention against David]. And “*or any crime*” are crimes that he perpetrated inadvertently, and “*or any sin*”, is an explanation of “*or any crime*”. [This interpretation contrasts with that which he presented above, at the beginning of his commentary to the verse, which he offers as his own.]

**19:16 If an unrighteous witness rises up against any man to testify against him of wrongdoing,**

**19:16 If a...witness [‘ed] rises up** – this means a testimony [by one cohort of witnesses, not one witness], for one witness is [already known to be] unacceptable, and every place that the meaning is not one of testimony [by a cohort], he [explicitly] says [the word] ‘one’.

**19:16 to testify wrongly against him** – as in: “*but the rich testify with impudence [sarah]*” (Proverbs 18:23), and ‘wrongly’ [sarah] is a reference to the testimony being given [not to the crime about which they are testifying].

**19:17 then both the men, between whom the controversy is, shall stand before Adonay, before the priests and the judges who shall be in those days;**

**19:17 then both the men... shall stand before Adonay** – when they stand before the judges it is as if they are standing before the divine presence, as in: *“God presides in the great assembly [He judges among the judges (Elohim)]”* [Elohim is literally gods, but often interpreted as great men or judges]. (Psalms 82:1), and this [both the men] does not refer to the witnesses, but rather it is explained that the [reference is] to the litigants.

**19:17 before the priests and the judges** – for they are the jurists [in Hebrew the word ‘judges’ – ‘shofetim’ is broad in meaning and can refer to a leader in general, but here the reference is to their role as ‘dayyanim’ – i.e., their judicial role ]

**19:18 and the judges shall make diligent inquisition; and behold, if the witness is a false witness, and has testified falsely against his brother,**

**19:18 and the judges shall make diligent inquisition** – regarding the [reliability of the] witnesses, and whether they are found to be false by other witnesses.

**19:19 then you shall do to him as he had thought to do to his brother. So you shall remove the evil from among you.**

**19:19 then you shall do to him as he had thought to do to his brother** – The Rabbanite sages say, as he had thought [but not as he had actually done]. So if they had not caused someone to be put to death [by their testimony] then they themselves do die, but if they [i.e. their testimony] had caused him to die, they themselves do not die. And this a spurious explanation, for the infinitive form ‘to do’ is in place of the action [of killing] [and thus if the intended victim was killed by the testimony, the false witness is also put to death], as in: *“to play the prostitute in her father’s house”* (Deuteronomy 22:21) [the verb ‘to play the prostitute’ is also in the infinitive, and it is also in place of the action and relates to the crime of prostitution that she undertook]. And the punishment is [meted out] in whatever way is possible, whether through corporal means, whether by fines.

**19:19** They [the Rabbanite sages] say that scripture says ‘his brother’, but not ‘his sister’, which exempts the daughter of a priest, but the male fornicator is punished by strangulation, and she is punished by fire [the punishments are different for men and women]. But scripture says, *if an unrighteous witness rises up against any man*, and that is why it says here, *to his brother* [i.e., in the previous verse the reference is to a male witness, so here too the reference is to a male brother, and not because of any distinction between their punishments].

**19:20 Those who remain shall hear, and fear, and will never again commit any such evil among you.**

**19:20 those that remain** – This refers to others of their type [inclined to bear false witness].

**19:21 Your eyes shall not pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.**

**19:21 Your eyes shall not pity: life for life** – This refers to the false witness regarding that which he would have done to him [the defendant], but if he bore witness about him that he was a bastard, how could he [the false witness] become a bastard too? And the Rabbanites sages say that he endures forty [lashes].

## Chapter 20

**20:1 When you go out to battle against your enemies, and see horses, chariots, and a people more numerous than you, you shall not be afraid of them; for Adonay your God is with you, who brought you up out of the land of Egypt.**

**20:1 When you go out to battle** – This passage [on laws of warfare] immediately follows [the passages on the laws of the murderer] to teach you that the laws of a murderer are not applicable in wartime.

**20:1 and see horses, chariots, and a people more numerous than you, you shall not be afraid of them** – a [divine] promise.

**20:1 who brought you up** – He hints that in the same way that he miraculously brought you up from Egypt, you will vanquish the enemy with the help of God Blessed Be He, through miraculous supervision and victory over the higher system [angelic]. For if there is a [higher] system that could vanquish [you], God Blessed Be He will vanquish that system.

**20:2 It shall be, when you draw near to the battle, that the priest shall approach and speak to the people,**

**20:2 when you draw near [keqarov-khem]** – this infinitive construct form is atypically [vocalized- keqarov-khem- where the qoph is with a qamatz gadol] compared to its parallel [infinitive constructs], for it should have been like: “*when you have seized*” [vocalized: tofsekhem]” (Joshua 8:8) or like: “*When you eat*” [vocalized akholchem – where the aleph is with a chataf patach] (Numbers 15:19).

**20:2 the priest shall approach** – this is [the priest] anointed for wartime.

**20:3 and shall tell them, “Hear, Israel, you draw near today to battle against your enemies. Don’t let your heart be faint! Don’t be afraid, nor tremble, neither be scared of them;**

**20:3 Don’t let your heart be faint** – when you go out to do battle.

**20:3 Don’t be afraid, nor tremble** – if they have horses and chariots with them.

**20:3 neither be scared** – if they are many.

**20:4 for Adonay your God is he who goes with you, to fight for you against your enemies, to save you.”**

**20:4 for Adonay your God** – is victorious over all the hosts of the higher [systems].

**20:5 The officers shall speak to the people, saying, “What man is there who has built a new house, and has not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicate it.**

**20:5 The officers shall speak** – That which both parties say and the priest makes heard.

**20:6 What man is there who has planted a vineyard, and has not used its fruit? Let him go and return to his house, lest he die in the battle, and another man use its fruit.**

**20:6 What man [is there who has planted a vineyard,] and has not used its fruit [chilelo]** – There are those who say that [this is the case of one] who has not yet given of the fourth year produce [which is gifted to God] and which would enable him to make use of it for non-holy purposes [from the word chol, which means non-holy]. There are others who say that [this word - ‘chilelo’ comes from the idea of celebration] as in: *“with dances”* [bimcholot] ([Exodus 15:20](#)), and it is the first interpretation that is correct.

**20:7 What man is there who has pledged to be married to a wife, and has not taken her? Let him go and return to his house, lest he die in the battle, and another man take her.”**

**20:7 has pledged to be married to a wife** – but has not yet married her.

**20:8 The officers shall speak further to the people, and they shall say, “What man is there who is fearful and faint-hearted? Let him go and return to his house, lest he cause his brother’s heart melt as his heart.”**

**20:8 lest he cause his brother’s heart melt** – it seems like this [the verb ‘yimmas’ – melt] is a transitive verb [meaning a verb that takes a direct object], and the particle ‘et’ [preceding

‘his (brother’s) heart’] is proof [of this – since it is the particle preceding a direct object], or it could be a nifal verb [a passive paradigm] and resemble: “*the land shall be divided*” (Numbers 26:58) [and in that case it should be read – lest his brother’s heart melt as his heart, which would be atypical considering the ‘et’ particle].

**20:9 It shall be, when the officers have finished speaking to the people, that the captains of armies shall count the head of the people.**

**20:9 the captains of armies shall count the head of the people** – for now the number would be diminished [considering that people will have left for the reasons stated above].

**20:10 When you draw near to a city to fight against it, then proclaim peace to it.**

**20:10 When you draw near** – It seems from the meaning of these words that a peaceful overture is only to far away cities, not of the seven nations of Canaan, since it says, *these nations you shall strike every male... [but shall let] the women and the little ones [live]*, but regarding the seven nations it says, *you shall not spare anything that breathes*. And he did not instruct [in the latter case] that there must be an overture of peace. Though, is it not true that there was a peaceful overture to Sihon and Og, but nevertheless no remnant was spared [which goes against this categorization since we would have expected that only the males would be put to death]? And Rabbi Aharon said regarding the seven nations whom *you shall not spare*, there was [also] an overture of peace. And when the Israelites were angry at the Gibeonites [who were of the seven nations], it was not because they made peace with them [under false pretenses], but that they did so without levying taxes and requiring that they be vassals.

**20:10** And it seems to me that one should say that [the nations] the Israelites were required to vanquish now, which were beyond the Jordan [on the western banks], for them there was no overture of peace. But the land that was part of the covenant, which they were promised that they would vanquish when they expanded their borders, these nations were first approached in peace, and for this reason there was a peaceful overture to Sihon, but after [he spurned it and] they vanquished him [and] they did not leave him any remnant.

**20:11 It shall be, if it gives you answer of peace and opens to you, then it shall be that all the people who are found therein shall become forced laborers to you, and shall serve you. 20:12 If it will make no peace with you, but will make war against you, then you shall besiege it. 20:13 When Adonay your God delivers it into your hand, you shall strike every male of it with the edge of the sword;**

**20:13 you shall strike every male of it with the edge of the sword** – adult males.

**20:14** but the women, the little ones, the livestock, and all that is in the city, even all its plunder, you shall take for plunder for yourself. You may use the plunder of your enemies, which Adonay your God has given you. **20:15** Thus you shall do to all the cities which are very far off from you, which are not of the cities of these nations.

**20:15** Thus you shall do to all the cities which are very far off from you – which are not part of the land [promised in] the covenant, as is made explicit [in the next verse], *“but of the cities of these people...”*

**20:16** But of the cities of these peoples that Adonay your God gives you for an inheritance, you shall not spare anything that breathes;

**20:16** you shall not spare anything that breathes – The warning here is explicit, but what is implicit here is a commandment [stated in the next verse, 20:17], which is: *“but you shall utterly destroy them”* and the explanation is appended – *that they not teach you to follow all their abominations*. He warned them with extreme gravity in 20:17 [against this] not only to reject the worship of idols, but that one must distance oneself from disgrace.

**20:17** but you shall utterly destroy them: the Hittite, the Amorite, the Canaanite, the Perizzite, the Hivite, and the Jebusite, as Adonay your God has commanded you; **20:18** that they not teach you to follow all their abominations, which they have done for their gods; so would you sin against Adonay your God. **20:19** When you shall besiege a city a long time, in making war against it to take it, you shall not destroy its trees by wielding an ax against them; for you may eat of them. You shall not cut them down, for the tree of the field is [for the life of] a man, and should it be besieged by you?

**20:19** When you shall besiege – Going back to [the earlier theme of sieges first related to in 20:12], *then you shall besiege it* – now regarding this siege it says, *you shall not destroy its trees...[for the tree of the field is for man], and should it be besieged by you?* And it [the notion of a proper siege] is dependent upon [not destroying], *you shall not destroy*.

**20:19** for the tree of the field is for man –for the life of man, as it said [above that you should eat from it]. And it is not possible that the [initial] heh interrogative [before the word ‘ki’ - for] is missing as in: *“Can you, with him, spread out the sky [tarqi-a’ ‘immo lash-shechaqim]”* (Job 36:18) [there should have been a heh interrogative prior to the word - tarqi-a’ – can you spread out], and that this should be read as [a rhetorical question]: for are the trees of the field [like] man? [And it is not possible] because this is not a proper reason, considering [that what preceded this clause in the verse was a statement] that these were fruit trees [and what should logically follow is a statement as to why these trees are valuable]. For the same reason understanding this half verse as: “You shall not cut them down *because* man is not the trees of the field” should also be rejected.

**20:20 Only the trees that you know are not trees for food, you shall destroy and cut them down. You shall build bulwarks against the city that makes war with you, until it falls.**

## **Chapter 21**

**21:1 If someone is found slain in the land which Adonay your God gives you to possess, lying in the field, and it isn't known who has struck him,**

**21:1 If someone is found slain in the land** – Since he just spoke about war he mentions the [related subject of] the slain during periods where there is no war, and that is why it says, *and it isn't known who has struck him*.

**21:1 lying in the field** – and the same holds for [a corpse found] in a hidden place, but scripture speaks about the present [i.e., more likely circumstances], and in the same vein, *touches one who is slain in the open field* (Numbers 19:16). And if it [the corpse] is found close to a hostile city, and if it is found in the city [why are these cases not discussed?] – scripture explains what generally happens, just like the difference between one who takes by force and one who steals [one who takes by force is rarer and thus scripture generally talks about one who steals].

**21:2 then your elders and your judges shall come out, and they shall measure to the cities which are around him who is slain.**

**21:2 they shall measure** – the commentators have different opinions about the point from which one measures. There are those who say from the exact place where he was slain, and others [measure] from the navel which is the middle of the body, and others say from the nose. And I do not know the reason for [the final opinion – from the nose], perhaps it is because it is required for breathing. And the correct [interpretation] is that [we measure] from the body, and if his head is found in one place and his body in another we go by the body, since the head is part of the body, and it is from where the body was found that is where [we deem him] to have been slain. And we don't take the head to the body or the body to the head [to make the decision on where he was killed].

**21:3 It shall be that the elders of the city which is nearest to the slain man shall take a heifer of the herd, which hasn't been worked with and which has not drawn in the yoke.**

**21:3 [and at the city closest to the corpse] It shall be that the elders of the city... shall take a heifer of the herd, which hasn't been worked with** – The prepositional bet [of 'lo ubbad bah' – which has not been worked **with**], is connected to the [passive] verb ['ubbad' – has not been worked], and see the next verse [where the same thing occurs with the bet preposition], *'neither plowed nor sown'* [lo ye'aved bo].



21:3 which has not drawn yoke – it is not the same as the red heifer, regarding which scripture says, *which was never yoked* (Numbers 19:2).

**21:4 The elders of that city shall bring the heifer down to a mighty spring, which is neither plowed nor sown, and shall break the heifer’s neck there in the valley.**

21:4 The elders of that city shall bring the heifer down to a mighty spring – this means [a spring] that flows consistently, and see, *You dried up mighty rivers* (Psalms 74:15), or otherwise ‘etan’ [mighty] refers to that the mighty person of that city who was in charge of keeping the roads safe. [i.e., the first part of the verse should be understood as: “The elders of the city shall bring the heifer down to a spring of the mighty person].

21:4 which is neither plowed nor sown – this is a warning against [cultivating it by] plowing or sowing, even though the place around the stream may be good for planting. All of this so the owner of these places which are good for planting will not cease from keeping the roads clear of brigands.

21:4 and shall break... the... neck – they shall cut off the heifer’s head in the stream.

**21:5 The priests the sons of Levi shall come near, for them Adonay your God has chosen to minister to him, and to bless in Adonay’s name; and according to their word shall every controversy and every assault be decided.**

21:5 The priests [the sons of Levi] shall come near – Just like: *“the priests who are Levites”* (Deuteronomy 17:9), since priests is a general or shared category [and ‘the sons of Levi’ are the specific type of priest].

21:5 to minister to him, and to bless in his name – The opposite of this is to curse the evildoers [which the commentator implies is also part of the priest’s job].

21:5 and according to their word shall every controversy and every assault be decided – [This is said] so that [the potential] murderer will fear lest he be cursed by perpetrating this act, and shall not do evil and take someone’s life away.

**21:6 All the elders of that city which is nearest to the slain man shall wash their hands over the heifer whose neck was broken in the valley.**

21:6 All the elders of that city which is nearest to the slain man shall wash their hands – in order to cleanse themselves [affirming that] they were not lax in guarding the place they lived, and keeping the roads safe, lest this were to occur and they would be unable to cleanse themselves. [If, for, example the corpse was not found].

**21:7 They shall answer and say, “Our hands have not shed this blood, neither have our eyes seen it.**

**21:7 Our hands have not shed this blood** – The heh comes here instead of the vav which indicates pluralization [in the word ‘shafcha’ – shed, which is generally a third feminine singular verb rather than ‘shafchu’ which is a third person plural verb, and what we would have generally expected here], as in: *“saying, ‘They have been laid desolate [shamemah]”* (Ezekiel 35:12). The [overall] meaning [of this clause] is that we were not negligent in guarding the roads.

**21:7 neither have our eyes seen it** – [seen an] evil man [and let him] spill blood. And there are those who say that if one of the saw [a murderer], and could not bear proper testimony, since one witness is insufficient in sentencing a man to death, they say that when [this formula]: *“neither have our eyes seen it”* [is being uttered] he should stutter along. And the Rabbanite sages say that if one witness saw [such a crime] that they should not behead the heifer.

**21:8 Forgive, Adonay, your people Israel, whom you have redeemed, and don’t allow innocent blood among your people Israel.” The blood shall be forgiven them.**

**21:8 Forgive, Adonay, your people Israel, whom you have redeemed** – and it says, *no atonement can be made for the land, for the blood that is shed in it, [but by the blood of him who shed it]* (Numbers 35:33).

**21:8 and don’t allow innocent blood among your people Israel – the blood shall be forgiven them** – For [the innocent blood] shall be upon their heads until the blood of the murderer is spilled [as well]. Or perhaps the explanation is: Forgive your people, and don’t punish [them] for spilling innocent blood, for perhaps the corpse was located close to this particular city because of some sin.

**21:8 The word venikkapper (shall be forgiven)** - is an amalgamation of two verbal paradigms as in: *“and a contentious wife are alike [nishtaveh]”* (Proverbs 27:15) [which is an amalgamation between the nifal paradigm and the hitpael paraadigm], This passiveness [and the dagesh in the kaf] points to it being a nifal verb [with the nun assimilated into the kaf], resulting in a doubling of the letter. [And the fact that] ‘venikkapper’ is with a doubling [of the peh] points to it being a verb of the hitpa‘el paradigm.

**21:9 So you shall remove the [stain of] innocent blood from among you, when you shall do that which is right in Adonay’s eyes.**

**21:9 So you shall remove [the stain of] innocent blood** – by killing the murderer.

21:9 when you shall do that which is right in Adonay's eyes – He wants to say that by this act [you do what is right in Adonay's eyes]. There are those who explain that if, following this [ritual] act, the murderer is identified, he should be put to death, and that this is *'that which is right [in Adonay's eyes].'* And others explain that if you do that which is right, innocent blood will not be [shed and] found.

21:9 And the statement [beginning with] *'Forgive'*, could be that of the priests, for it says, *for them Adonay your God has chosen to minister to him, and to bless in Adonay's name (Deuteronomy 21:5)*. It is also possible that the ritual of the decapitated heifer shall atone for the blood, meaning that *both* the act of decapitating the heifer, and the priestly prayer [were part of the atonement]. And this is what it means when it says, *So you shall remove [the stain] of innocent blood from among you [ – when you shall do that which is right in Adonay's eyes.]*.