

PARSHAT KEDOSHIM - shiur #3

The Repetition of the "ARAYOT"
 [revised 5767]

If you ever paid attention to the final psukim in Parshat Kedoshim, you must have been terribly bothered by the last pasuk of the Parsha. As anyone will immediately notice, it simply doesn't belong there!

Furthermore, did you ever notice that Vayikra chapter 20 (the last chapter of Parshat Kedoshim) is almost a repeat of chapter 18 (the last chapter of Parshat Acharei Mot)?

In the following shiur we attempt to tackle these questions by uncovering the special internal format of chapter 20 (better known as a chiasmic structure).

[Our conclusion will also help us better appreciate why Parshat Kedoshim is located in the middle of Sefer Vayikra.]

INTRODUCTION

Take a minute to review the final few psukim of Parshat Kedoshim (at least 20:23-27). While doing so, note how the second to last pasuk of Parshat Kedoshim could have formed a beautiful conclusion for the entire sedra:

"And you shall be holy [kedoshim] to Me, for I the Lord am holy, and I have set you apart from other nations to be Mine" (20:26).

However, instead of ending on that profound note, the Torah 'adds on' an extra pasuk that appears to be just 'dangling on' to this otherwise perfect ending:

"And any man or woman who has an OV or a YID'ONI shall be put to death, they shall be pelted with stones..." (20:27).
 [Once again, review the 20:20-27 to verify this.]

Furthermore, an almost identical law was already recorded at the beginning of chapter 20 (see 20:6).

And finally, over half of the specific laws and general statements found in chapter 20 were already mentioned in chapter 18!

Even though this section of Sefer Vayikra appears (at first glance) to be written in a rather 'sloppy' manner - in our shiur we will uncover the beauty and meaning of its rather amazing structure.

A REPEAT OF THE 'ARAYOT'

Take a few minutes to compare chapter 20 with chapter 18 (especially 18:6-23 with 20:10-21; 18:1-5 with 20:8; and 18:24-30 with 20:22-25).

You'll find that almost every mitzva that was mentioned in chapter 18 (especially the 'arayot' - the forbidden marital relationships) is repeated in chapter 20; and most of the general commandments 20:22-24 are repeats of 18:26-28!

However, if you take a closer look, you'll notice how the manner of presentation of these mitzvot in each chapter is quite different. The basic differences are as follows:

In chapter 20 we find a SPECIFIC punishment for each transgression. In contrast, chapter 18 simply states that these ARAYOT are forbidden [note the repetition of phrase 'lo tegaleh ervatan'], without informing us what specific punishment the Jewish court [bet din] should exact upon them. The punishment is only mentioned in passing at the conclusion of chapter 18, where we are told that God will 'cut off from His nation' anyone who transgresses (what we call 'karet' / see 18:29).

For this reason, the order [of the arayot] in each perek is different. In chapter 18, they follow (more or less) the order of

family closeness, daughter, etc.), while the order in chapter 20 follows the severity of the punishment.

Furthermore, in chapter 20 we find the concept of KEDUSHA, while in chapter 18 we find only the concept of TUM'A.

Finally, chapter 20 includes some additional laws such as OV & YID'ONI. [Note 20:6 & 20:27.]

We'll return to this analysis shortly; however, before we continue we must first take into consideration the internal structure of chapter 20, which happens to be rather intriguing.

A CHIASMIC STRUCTURE

Within chapter 20 [note that chapter 20 constitutes an independent 'parshia'], we find a chiasmic structure [ABCDCBA] that beautifully explains why the last pasuk only appears to be 'out of place'. To illustrate this special structure, the following chart shows how the opening set of psukim are 'balanced' by a concluding set of psukim that deal with parallel topics.

While studying the chart (and the psukim!), note how the laws concerning the arayot in 20:9-21 are 'enveloped' by several sets of matching mitzvot:

VAYIKRA CHAPTER 20

- =====
- A - Punishment for MOLECH and OV & YID'ONI (20:1-6)
 - | B - "ve-HITKADISHTEM vi-heyitem kedoshim..." (20:7)
 - | | C - Keep My CHUKIM...[intro to arayot] (20:8)
 - | | | D - The specific cases of the arayot (20:9-21)
 - | | C - Keep all My CHUKIM... [or else...] (20:22-23)
 - | B - "... vi-heyitem li KEDOSHIM, ki KADOSH ani..." (20:24-26)
 - A - Punishment for transgression of OV & YID'ONI (20:27)

Let's see now what we can learn from this structure.

First we will explain why (and how) each set of psukim is linked (i.e. A to A, B to B, etc).

Afterward, we will explain how this structure relates to chapter 18 and the theme of Sefer Vayikra.

A->A / THE 'MISSING' DETAIL

First of all, by setting up the psukim in this manner, we immediately see how the last pasuk of chapter 20 (i.e. 20:27) forms the 'bookend' for 20:1-6! In fact, 20:26 is more than just a 'matching bookend'; it actually contains an important law that is missing in 20:1-6. Let's explain:

In 20:1-6 we find:

- a) the punishment by BET DIN for MOLECH
i.e. death by stoning (see 20:2)
- b) the punishment by God for MOLECH
"ve-samti PANAI ba-ish ha-hu..." (see 20:4-5).

Then, we find:

- c) the punishment by God for OV & YID'ONI
"ve-natati PANAI ba-nefesh ha-hi..." (see 20:6)

But, we are missing:

- > the punishment by BET DIN for OV & YID'ONI!

In other words, even though 20:1-6 explains BOTH the punishment by BET-DIN & by God for MOLECH, for OV & YID'ONI we find only the punishment by God, while the punishment by Bet Din is missing. Therefore, 20:26 - which informs us that the punishment by BET DIN for OV & YID'ONI is death by stoning - complements the laws in 20:1-6.

[In the further iyun section, we will explain why specifically this law was taken from the 'header' and placed in the 'footer' of this unit; but in the meantime it is important that we recognize that these psukim form the 'bookends' of the entire parshia.

B->B / BACK TO PARSHAT SHMINI

The obvious textual parallel is the almost identical pasuk of "ve-hitkadishtem vi-heyitem kedoshim..." (see 20:7 & 20:26). In addition, the concluding psukim of Parshat Shmini (see 11:44-47)

provide us with an even stronger connection between 20:7 to 20:24. [To keep the shiur more concise, you'll need to find that parallel on your own.]

C->C / A FAMILIAR 'ENVELOPE' FOR [D]

Here we find a matching set of psukim that should not surprise us, for they repeat the same pattern that was already found in chapter 18. Let's explain:

Recall from last week's shiur how chapter 18 began with a 'header' (see 18:1-5) forming a very general introduction, and concluded with a similar 'footer' (see 18:26-30). This general header and footer 'enveloped' the more specific list of arayot (see 18:6-25)! As you may have noticed, the list of arayot in chapter 20 (i.e. 20:9-21) is 'surrounded' by a very similar 'header' and 'footer' of 'u-shmarten et chukotai...' (see 20:8 and 20:22). Note as well how both 'footers' in chapter 18 and in chapter 20 include a warning that the land will kick out those who transgress these laws.

Using the above chart, we would simply say that the partial format of [C-D-C] in chapter 20 parallels the entire format of chapter 18.

FROM TECHNICAL TO THEMATIC

Up until this point, our discussion has been very technical, simply showing how the Torah presents the laws of chapter 20 in chiastic form; and in a manner parallel to chapter 18. Now we must attempt to uncover the thematic significance of this presentation. To do so we must consider the progression of the parshiot in Sefer Vayikra and their connection to the themes in Chumash that we have discussed in our study of Sefer Shmot.

WHAT'S DIFFERENT?

As we have already noted, most of the laws in chapters 20 were already mentioned in chapter 18. Therefore, to understand why the Torah repeats these laws, we must consider the two primary details which chapter 20 adds (as we noted in our above introduction):

- 1) Punishment (usually the death penalty / 'mot yumat...') for each transgression.
- 2) The concept of KEDUSHA.

Even though chapter 18 teaches us that all of the arayot are forbidden, it does not detail the precise penalty for each transgression. It simply informs us that these acts 'defile' the land [= TUM'A / see 18:24-25], and that God will 'cut off' those who transgress [= KARET / see 18:29].

Now in chapter 20, the Torah informs us that the people are responsible to punish those who transgress (see 20:2,9,10 etc.). In other words, chapter 20 empowers bet din (the Jewish Court) to enforce these laws. In fact, enacting the death penalty (by stoning) is both the first and last topic of the perek, while each pasuk from 20:9-21 (detailing each of the arayot) concludes with a form of punishment by bet din.

Note also how the Torah introduces these punishments for the "arayot" (before they are detailed) with the statement: 've-hitkadishem...' -and you should make yourselves HOLY (see 20:7) - and closes them in a similar manner (see 20:26 / B->B above). However, in chapter 18, we find no mention at all of KEDUSHA; only TUM'A!

This contrasting parallel suggests that the Torah considers the act of setting up a judicial system to enforce God's special laws as a form of KEDUSHA!

Why is specifically this considered kedusha? Furthermore, why doesn't the Torah simply combine the laws in chapters 18 & 20 together? What do we gain by first learning that these acts are forbidden, and then only later find out that bet din is empowered to punish he who transgresses?

To answer these questions, we must consider the progression of parshiot from chapter 18 to 20.

A THEMATIC PROGRESSION

Recall (from the shiur on Acharei Mot) how Sefer Vayikra divides into two distinct sections:

- 1) Chapters 1-17 - laws relating to the mikdash.
- 2) Chapter 18-26 - laws concerning the nation & kedusha.

Recall as well how chapter 18 (with its introductory psukim emphasizing ANI HASHEM) forms the introduction to the second half of Sefer Vayikra. Let's take note of the progression of parshiot in the first part of this section:

Chapter 18:

- * Reject Egyptian & Canaanite culture i.e. how not to act
- * Follow My laws instead, i.e. how you should act
- * Specific examples of how not to act –
i.e. the prohibition of the "arayot"
[which are primarily 'mitzvot bein adam la-Makom'].
- * How GOD will punish those who transgress (and that nation).

Chapter 19:

KEDOSHIM TIHEYU - Be holy!

i.e. examples of how Am Yisrael should act!

[Primarily 'mitzvot bein adam le-chaveiro'.]

As we explained in last week's shiur - taking the principles of the Ten Commandments, and raising them to a higher level in a manner which affects every aspect of daily living.

No mention of punishment by bet din.

[Instead, the repetition of ANI HASHEM (in both chapters) for He will punish those who transgress and reward he who follows. See Rashi 18:2!]

Chapter 20:

Punishment by BET-DIN for those who transgress the mitzvot (recorded in chapter 18). / as explained above.

Let's consider what we may infer from this progression.

First, God tells Am Yisrael how they should NOT act, then how they SHOULD act, and that they must follow these rules - simply because He says so - summarized by the statement: ANI HASHEM!

In other words, we must follow these laws - not in fear of their punishment (by society), but only out of the love (or fear) of God.

Only afterward, in chapter 20, God commands Am Yisrael to enforce these laws, in order to ensure that they become a 'mamlechet kohanim ve-goy KADOSH!' Hence, the nation itself must set up a judicial system to enforce them.

BACK TO A-A

As our thematic analysis has shown, chapter twenty focuses on the responsibility of Bet Din to enforce the laws (originally detailed in chapter 18) by punishing those who transgress. Just as the middle section of this chiastic structure highlights this responsibility, the opening and closing sections in the chiasmus of chapter 20 emphasize this very same point.

Recall how chapter 20 begins specifically with the responsibility of Bet Din to punish a person who worships Molech, and concludes with Bet Din's responsibility to punish a person who practices the cult of OV & YIDONI. Even though it who have appeared to more logical for both of these laws to appear in the middle section, - to highlight the theme of punishment by Bet Din in chapter 20, Chumash places one law as the 'opener' and the other as the closing pasuk.

THE SAME THREE STAGES IN SEFER SHMOT

In a certain manner, the progression from chapter 18 through chapter 19 till chapter 20 is quite similar to the sequence of events in Sefer Shmot. Let's explain:

Recall that as the process of Yetziat Mitzrayim began, God's first commandment to Bnei Yisrael (when they were still in Egypt) was that they recognize ANI HASHEM (see Shmot 6:4-8), and hence to rid themselves of Egyptian culture. In our shiur on Parshat Va'era we proved this from Yechezkel 20:5-11. [Note the parallels between that perek in Yechezkel and Vayikra chapter

18, i.e. the phrase ANI HASHEM and the commandment to rid themselves from Egyptian culture. (Compare 18:1-5 to Yech. 20:5-10.)]

Recall as well that at MARA (after Bnei Yisrael left Egypt and crossed the Red Sea) God repeats this commandment, to prepare them for Matan Torah at Har Sinai. [See Shmot 16:26-27.]

Hence, those events would parallel Vayikra chapter 18.

Then Bnei Yisrael arrive at Har Sinai and receive the Ten Commandments. As we discussed in our first shiur on Parshat Kedoshim, the mitzvot in chapter 19 are presented in a manner quite similar to the Ten Commandments in Parshat Yitro. Hence Matan Torah would be parallel to Vayikra chapter 19.

Finally, the Ten Commandments are followed by Parshat MISHPATIM, which introduces an entire set of the civil laws, together with the specific punishment that BET-DIN must execute for each transgression. Here we find a parallel to Vayikra chapter 20, for there too we find the specific punishments that BET-DIN must execute for the transgressions that were first mentioned in chapter 18.

The following chart summarizes this parallel between Shmot and Vayikra.

	SHMOT	VAYIKRA
REJECT Egyptian culture:	Va'era / 6:4-8	chapter 18
FOLLOW GOD'S LAWS:	Yitro / 20:1-14	chapter 19
PUNISHMENT BY BET DIN:	Mishpatim	chapter 20

A HIGHER LEVEL

The above chart can help better appreciate how Sefer Vayikra takes the principles of Sefer Shmot and raises them to a higher level. It can also help us understand the repetition of the arayot in Vayikra chapter 20.

Just as Vayikra chapter 19 takes the Ten Commandments of Sefer Shmot and raises them to a higher level, so too Vayikra chapter 20 can be understood as an 'upgrade' for the laws in Parshat Mishpatim. Recall from our study of Parshat Mishpatim how chapter 21 details the punishments that bet din is instructed to enforce for the most basic cases of CIVIL laws. Albeit the importance of this judicial system, it can be found in almost every society. In Sefer Vayikra, where the Torah emphasizes how we are to become a special nation - an AM KADOSH, bet din is now entrusted with the power to enforce not only the classic civil laws, but also the special laws that Bnei Yisrael must keep. In this manner, bet din duty is to enact punishment in order to assure that Bnei Yisrael indeed become an "am kadosh".

TO WARN OR TO PUNISH

Nevertheless, we must still explain why it is necessary for Sefer Vayikra to first explain what is not permitted WITHOUT mentioned punishment by bet din, and then later repeat those laws together with their specific punishments. Furthermore, we must explain why these two parshiot that deal with the same topic (i.e. chapters 18 and 20) are interrupted by the laws of 'kedoshim tihiyu' in chapter 19.

This progression and parallel could be understood as striking the fine balance between realism and idealism. Ideally, we would prefer that the individual follow God's laws simply because God has commanded, and NOT out of fear that bet din may punish him. Therefore, the Torah first presents these laws while reminding us that ANI HASHEM, without mentioning at all that bet din is required to enforce them. Only afterward, God commands our society to set up a court system that will enforce these laws, in order to make sure that Am Yisrael indeed does become a GOY KADOSH.

However, the enforcement of these laws by bet din must be preceded by a set of laws that focus on the kedusha of Am Yisrael, and hence how Bnei Yisrael SHOULD act. Once Bnei Yisrael can indeed establish a society of an AM KADOSH (by fulfilling the mitzvot of chapter 19), then it becomes important that bet din becomes involved in enacting punishment for those who

transgress the laws of kedusha as well. Nonetheless, the emphasis of bet din must be first on foremost of the positive aspects of 'kedoshim tihiyu', while their responsibility to punish transgressors should become secondary to that.

This concept of KEDUSHA that God expects that we act on a higher level IN ORDER that we become worthy to be His people is reflected in the concluding pasuk of chapter 20:

"And you shall be HOLY for Me, for I am Lord am Holy, for I HAVE SEPARATED YOU FROM THE OTHER NATIONS TO BE MINE!"

(see 20:26).

THE NAME FOR BET DIN

Even though our entire shiur has assumed that the punishments detailed in chapter 20 must be carried out by Bet-Din (the Jewish court), Chumash never uses those words to describe the court. Instead, the opening psukim require that the "am ha'aretz" – the People of the Land – shall stone him (see Vayikra 20:2).

Rashi (on that pasuk) immediately comments that "mot yu'mat" [he shall be put to death / 20:2] refers to a court decision made by Bet Din – yet the question remains, why the phrase "am ha'aretz" is used.

Rashi offers several explanations. The first (quoting Torat Kohanim) is rather technical, explaining that if Bet Din cannot execute its decision, then the people should come to their assistance. In his second explanation, Rashi offers a more thematic approach (also based on Torat Kohanim), suggesting that the "aretz" – the Land – refers to the special nature of the Land of Israel – which deserves to be inherited **on the condition** that the people of Israel act properly, and can be thrown out should they defile the land (see Vayikra 18:24-29 & 20:22-24).

As this type of behavior could cause the 'People of the Land' to lose their land, therefore the 'People of the Land' are responsible to punish those who transgress, for those people are not only hurting themselves, they are harming the entire nation.

REPRESENTING GOD OR THE PEOPLE?

It is interesting to note that in Parshat Mishpatim, which also discusses punishments – Chumash consistently refers to Bet-Din as "elohim" (see Shmot 21:6, 22:7-8,27 and the commentators); while in Parshat Kedoshim, Bet Din is referred to as "am ha'aretz".

One could suggest a very simple reason. In regard to transgressions in the realm of civil law ["bein adam 'chaveiro"], the judges of Bet Din must feel that they carry the responsibility of God on their shoulder; while in the realm of 'religious law' ["bein adam la'Makom"], Bet Din must carry the responsibility of the entire nation – who are striving to create a society of an "am kadosh".

In that sense, the judges of the Bet Din carry a 'double-identity'. On the one hand, they represent their society, but on the other hand they must also feel as though they are working on behalf of God Himself.

As we strive to grow as an "am kadosh", we must also strive to be worthy of Judges of this stature.

shabbat shalom,
menachem

FOR FURTHER IYUN

A. OV & YID'ONI

In our shiur, we did not explain why specifically the law of OV & YID'ONI is singled out, and used to conclude the parshia.

First of all, note Rashi on this pasuk, who quotes the midrash halacha that learns out from this special structure that just like OV & YID'ONI who is 'chayav KARET' (see 20:6) and with warning (see 19:31) he is 'chayav sekila' [stoning / see 20:27], so too for any other transgression... - see Rashi!

From a thematic angle, based on Sefer Devarim, OV & YID'ONI takes on additional significance. See Devarim 18:9-15

where the Torah forbids us to approach any type of 'future teller' or 'soothsayer' including the OV & YID'ONI. Note how similar those psukim are to Vayikra chapter 18!! There, the Torah explains how we must follow the guidance of a NAVI, and not look for guidance from those who use 'other methods'.

Every nation has its spiritual leaders. To become an AM KADOSH, we must be sure not to follow after these people who offer 'shortcuts' to spirituality by 'bringing up the dead' or 'reading palms' etc. As God's nation, we must recognize that our fate is solely in the hands of God, and thus a direct function of our deeds. Belief that certain events are pre-determined or believing that by bringing up the dead we can get an 'inside word' on what will happen, etc. negates the very basics of Judaism and our belief in 'hashgachat Hashem' as a function of our deeds. [see daily kriyat shma etc. / 've-akamal']

B. VE-HITKADISHEM...

In the above shiur, we saw how the concept of KEDUSHA was introduced hand in hand with the mitzva that bet din enact punishment against those who do not follow God's special laws.

Here, we find an amazing parallel (once again) to the events at Har Sinai. Recall that first time in the Torah that we find an act of KEDUSHA by man [i.e. 've-kidashtem...'] is at Har Sinai, when God commands Moshe to prepare Bnei Yisrael for Matan Torah: "Go to the people - ve-KIDASHTAM" (Shmot 19:10), and again in 19:14: "va-yered Moshe, va-yeKADESH et ha-am..."

What did Moshe do that the Torah considers it 'leKADESH'? Review 19:10-14, noting that Moshe warns them: "do not go near your wives" (19:15) [similar to the laws of arayot], and sets up policemen to guard the mountain instructing them to KILL anyone who touches the mountain [by stoning / see 19:12-13]! This is quite similar to the laws in chapter 20 which introduce KEDUSHA with appointing bet din to enforce God's laws which relate to the fact that the SHCHINA is now present in the camp.