

## SIDRA OF THE WEEK: נֵצֶח

1. As has been stated elsewhere, the Torah sometimes teaches a law as it applies in extreme or unusual circumstances and from this we are to infer how the law is applied in ordinary circumstances. This week's Sidra begins in this way. Resuming the laws of war that were started in the previous Sidra, the Torah now teaches the procedure for the highly unusual case where, in the extreme conditions of war, a man takes a non-Jewish woman captive and wants to marry her. In this case, the Torah indeed permits him to take her as a wife and commands the rules and conditions under which this marriage is permitted. If later, when normality returns and he no longer wishes to marry her, the Torah commands that he has to set her free to return to her people. In other words, even though she is his captive, nevertheless he may not use her for any service nor may he sell her or otherwise dispose of her or mistreat her in any way. Thus, teaches the Torah, even when we go to war and HaShem gives us victory over our enemies, even then we are not to lose sight of the humanity of our captives, even if they *did* intend our harm.
2. The next law teaches that a man is not allowed to ignore the inheritance rights of his firstborn son. Although a man can dispose of his property in any way he wishes while he is alive, nevertheless in the matter of inheritance, after he has died, he may not favour a younger son over his firstborn son — even if that firstborn son is born from a wife whom he hates — and the usual laws of inheritance must apply.
3. Our Chachomim tell us that generally the very sequence of the laws of the Torah and the proximity to each other are also to teach us a lesson. (This is especially true of the Sefer Devorrim.) In this week's Sidra, too, the order in which the various laws appear and their proximity to each other are intended as instruction or warning, as follows: Even if the Torah has permitted a man to take to himself a wife whom he has captured in the war against the heathen people and she has renounced her idolatrous ways and converted to Judaism, nevertheless the end will be that he will come to hate her. (After all, this woman is a constant reminder to him of his lack of self-control and it is the nature of a person to blame not himself for his weak self-discipline but rather the object or person that exposed that weakness.) Furthermore, it is to be expected that the son born from this heathen woman and the man's own uncontrolled passion will not possess the finest character nor will he receive much in the way of a father's love. Bearing all this in mind, what follows cannot be said to be totally unexpected and the very next law is the exceptional case of the rebellious son. Even though there is a serious debate in the Gemorrah as to whether such a case ever actually arose — so unusual and almost impossible are all the conditions necessary for this sentence to be carried out — nevertheless, the Torah does teach this law for the powerful lesson that must be learned, as follows: In the case of a son who steals money from his parents so as to support his degenerate lifestyle of gluttony and drunkenness, who is disobedient to the extent that even after receiving careful counselling and even serious physical punishment, he nevertheless persists in his

reckless and destructive behaviour, that he is put to death as a potential killer. Of course, this law is harsh and even shocking. But in fact, one needs only to see the tragedy in our streets today, with the heartlessness of the desperate drug addict who must have his fix even at the cost of his innocent victim's life, to understand the wisdom and sadly true prognosis of the Torah in this kind of case where the criminal starts out seemingly small but relentlessly degenerates into a cruel monster. This rebellious son is therefore punished not so much for his actions of the present, says the Torah, but more for what he will do in the future "for it is better that he be punished now, innocent of murder, rather than he should die guilty of murder." Better that this dangerous rebel — who has made himself a fearful example to others, too — is put away now rather than wait till he has taken the life of an innocent person and plunged a whole family into mourning. All the signs are there; this evil deed of murder can be avoided, says the Torah, but be rid of the evil before it has happened. By teaching this law the Torah warns us against misplaced compassion and says that he who would be merciful where he should be firm and strict, ends up being cruel where he should really be merciful and compassionate.

4. The proximity of the next law which immediately follows, that of treating even the corpse of a convicted and executed criminal with dignity because all humans are created in the Divine image, carries the implied warning that if, through misplaced compassion, his parents should cover up for him and try to protect him, this rebellious son will eventually commit crimes for which he will indeed be put to death — only that he will have taken with him an innocent victim, too.
5. There follows a series of laws which at first glance seem to have no connexion either with the overall subject, the nation at war, nor indeed with each other. Yet on closer inspection their sequence and context teach us what is expected from us. (It would be rewarding and enlightening — and help to understand the topics themselves — to follow in the Chumash the order of the topics as they are explained here, as follows:) Firstly, the Torah teaches the law of returning lost property to its owner. Then there is the law of assisting with a beast of burden that is in difficulties: we are commanded not to make ourselves blind to the plight of an over-burdened beast but to help a living creature in distress and all the more so not to callously inflict pain on any of G-d's creatures. Then the Torah commands that men and women may not dress in clothing that is immoral or inappropriate. A man is forbidden to dress in the manner of a woman and it is forbidden for a woman to dress like a man. This is then followed by the law which commands us to send away a mother bird before we take the eggs or fledglings from a nest that we find on the way.
6. Taken together, these laws teach how even in the midst of the disruption and upheaval that war brings to everyday life, the norms of decent life must not be neglected even to the extent of returning lost property to its owner, taking care not to allow animals to suffer needlessly and generally maintaining the standards of modest behaviour. The connexion between the prohibition of a woman to dress as a man, expressed specifically here as an interdiction against a woman bearing arms, and the command concerning sending the mother-bird away from the nest before taking the eggs, is to call to mind the fundamental nature of motherhood in the world of G-d's

creation and, moving from the general to the particular, the true life's purpose of the Jewish mother, that is, to be the linchpin of the Jewish home. These two laws together form a bridging introduction to the next section of laws of this Sidra. Turning from the laws of war, which is never to be seen as anything other than the unfortunate prerequisite which is necessary to taking possession of our land, the Torah now lists some more of the laws and principles upon which the Jewish state is to be established there and the Jewish home on which it is built.

7. Passing from the idea of the nest and the protective mother-bird to the human sphere, Moshe our Teacher warns that the Jewish home is to be a physically safe place. Any place or thing that can pose a danger must be fenced-off, for all life is sacred. We are to avoid all hazards, to make every effort to be the medium through whom good comes to others and not to be the ones through whom any harm comes to another. Even in my own home I must not think only of caring for myself and my family but I must be mindful of the well-being of my neighbour, too.
8. Expanding the theme of the Jewish house and home to include also the field and vineyard, Moshe our Teacher exhorts us that we must take care to comply with the laws that G-d has commanded for the good of His organic world and we must take care not to violate His order of the various species of plants and animals. Mixing of seeds and interbreeding of animals — indeed, even our use of different species of animals together — is forbidden to us. As G-d's People, we are expected to uphold His order in His world of nature that He created and we are to respect the boundaries between the animal kingdom and the plant kingdom that G-d, in His Infinite Wisdom, has set in His world. In the clothing that we wear, too, we are therefore commanded not to mix wool and linen (in the Torah, the epitome and representatives, so to speak, of animal and plant fibres) in the same garment. Continuing with the laws of our garments, Moshe our Teacher reiterates the law of Tzitzis, those special tassels that we are to attach to the four-corners of our garments, to remind us at all times of our duties as the People of HaShem and that we are to be seen as such.
9. After these summaries of laws of house and field, the Torah now focuses on the personalities that make the material house into the Jewish home. The Torah recognizes that at the centre of the Jewish home is the Jewish woman. Most importantly, the Jewish wife and mother — more so even than the husband and father — is the guardian of morality and spirituality in the Jewish home. A serious lapse in the wife's moral behaviour will have devastating results on her home, on her husband — and on her children, for generations to come. Adultery in particular is the great destroyer of homes and families and the Sidra continues with the laws of a false accusation of adultery levelled at his wife by a husband (he receives lashes and additionally pays a punishment fine and furthermore he can never divorce her for the rest of his life) and the law concerning a case where the accusation is proved to be true. (She receives the death penalty.) In the case of a man committing adultery with a married woman, both of them are put to death. Further laws are taught which reinforce the high respect and dignity with which the Torah regards women and which have made us into the Chosen People of HaShem. (All this stands in stark contrast with the non-Torah world, where women are all too often demeaned and

debased and adultery and unfaithfulness are rampant. “Real life” is mirrored — and fuelled — by literature and the theatre, where the main themes of more than ninety percent of the total output of what is called “entertainment” are infidelity and adultery.)

10. The Sidra continues with the laws concerning the family with a partial list of some of the marriages forbidden by the Torah. Some have been taught before but the purpose of their being listed here in this context is to further protect the Jewish marriage and to safeguard the sanctity of the People of HaShem from physical and spiritual defect. It is for these reasons that the Torah forbids certain people and some nationals from marrying into the Jewish People.
11. At the same time we are warned not to abhor those nations that are our kin. Although they were spiteful and even sought our harm, nevertheless they are permitted to marry-in to the Jewish People, in due course. Neither are we to forget that we ate the bread of the Egyptians when we were slaves in Egypt, for which reason they, too, are permitted, in due course, to join the Jewish People in marriage. (These laws, which refer to specific nations or peoples, are today largely academic. Ever since the time that “Sanchez came and confused all the peoples of the world” by cruelly driving entire folk-groups away from their lands and settling others in their places, nobody today knows which people of the ancient world is which and these restrictions of the Torah cannot therefore be applied to any folk or ethnic group.)
12. Even when we have to leave our peaceful homes and our well-ordered social life and go to war against the threatening enemy, our personal morality and sympathy with others must remain intact, teaches the Torah next. In spite of being in military camps, we are exhorted to avoid all kinds of indecency and not to lose our sense of human dignity, to ensure that our camp is holy, for the Presence of HaShem is with us in our military ventures, too. In the ancient world, a fighting man would often take with him his slave to help him in battle, and in this context the Torah commands that not only in battle but if ever a non-Jewish slave should flee from his master and want to come back with us to the Land of Israel, we are not to return him to his master. Instead, his master must grant him his freedom (against a promise of payment of his value) and he is to be made welcome to live amongst us: we may not humble him. (Incidentally, this law ensured that anyone who held slaves would be careful to make their lives contented — for otherwise they would be eager to flee their master and were assured of their freedom!) Again, in the ancient world it was not uncommon to use women to entrap the fighting men of the enemy. The Torah forbids any such depravity, whatever the purpose. This is said even when we are in the thick of a military campaign — even then, we must be considerate of others and even then, when all standards of decency fall, care must be taken to maintain our sanctity — and all the more so in ordinary times must we “guard ourselves from all kinds of bad” and immorality. And don’t think that you can use the wages of immorality or of behaviour which is contemptuous of decent society in the service of HaShem — you cannot, for to do so would only compound the offence.

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13. Moving on from the laws concerning the home and family to the realm of business and enterprise, the Torah repeats the warning against lending money to a fellow-Jew against interest. There is nothing wrong with lending out one's money for a charge any more than it is not wrong to rent out anything for hire. (If it was inherently wrong, the Torah would not permit charging interest to a non-Jew.) But in much the same way as the weekly Shabbos and the Shmittoh Year proclaim HaShem as the Creator of the world and as the true Owner of the Land, so, too, are we to recognize HaShem as the Owner of all wealth (represented by money) and we are to pass up the chance of making money from someone else's poverty. One of the results of this law is that nobody can in fact use his surplus wealth to exploit anyone else and the man without financial resources is given the chance of lifting himself out of the poverty trap.
14. Continuing the theme of our acknowledging HaShem's Ownership of all that we call our own (and our acceptance of His Authority that restricts us from charging interest to our fellow-Jew) there follows the warning to fulfil our vows, where we free-willingly enlarge HaShem's Authority to include even property which He has allowed us to do as we wish. There are further laws about our agricultural ventures and enterprises and workers' rights and the exhortation to the employer to have consideration for the worker.
15. Moshe our Teacher elaborates on these laws and also reviews for us some of the laws which ensure a happy home, the basis of well-adjusted individuals who all together make up a wholesome and stable society. As there are laws of marriage so too are there laws of divorce for those cases where a marriage has sadly and irretrievably broken down — but with the implied warning not to use the legal process to undermine the institution of marriage. The Torah forbids a man to divorce his wife who then marries another man, who then divorces her and she then remarries her first husband. In such a case, all the marriages and the divorces might even be quite legal. But what you have in fact got here is, to put it rather crudely, a barely disguised scheme of wife-swapping. And the worst of it is, that because it's all so lawful and legally correct, it cynically undermines the very institution of marriage. For this reason, the Torah forbids a wife to remarry her first husband once she has been married to another. The Torah continues with the subject of marriage and stresses the importance of its foundation. The Torah teaches of the special status of the newly married couple who are absolved from various national duties, however much they might be needed. Similarly (interestingly, these two laws are placed in the same paragraph in the Sefer Torah) there are times when not only the state but the individual too has to forgo his rights so as to help someone, in this case a person who is in debt to him, with the Torah limiting what pledges the creditor may take and how. In case a creditor thinks he can take the law into his own hands, there is a dire warning against kidnapping.
16. The warning to take care with the plague of Tzoraas (which is the punishment for speaking Loshon HoRa) and that we are to follow all the instructions of the Kohen, is repeated with the implied warning that we are not to speak bad about anyone — even if he does owe you money. Tzoraas is the warning not to destroy the happy society of

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the Torah Nation by damaging the reputation of our fellow through gossip and slander and we are commanded to remember what happened to Miriam for her disrespectful talk about her younger brother Moshe.

17. Now that we are about to go into the Land and settle it, Moshe our Teacher repeats some of the basic laws which govern the employer and his worker. It is forbidden to delay payment of wages of those who work for us (unless, that is, this has been previously agreed). In contrast with the cruel and barbaric world of that time, the Torah warns that even if there should be fatalities because of a worker's fault as a result of which the children of his employer die (the building collapsed, for instance) the children of the worker are not to be killed in retribution. In the courts of law of man, rules the Torah, each person is punished only for his own misdeeds, not for the misdeeds of his parents or his children. (Only HaShem is able to know whether or not a parent's wickedness has become so ingrained in a person's progeny as to bring about the death of those descendants who choose to follow their evil ways.)
18. Additionally, the wording of this law in the Torah is intended to mean also that nobody can be convicted through the testimony of his relations nor by anyone at all related or biased — for or against — in any litigation or legal procedure. Furthermore never may one person take the place of another to receive punishment.
19. At this point, following on from these particular laws about the administration of justice and from which laws we see that personal feelings and quite natural biases are forbidden to play a part and may not influence justice, there comes the warning that with all that, in the pursuit of strict, unbiased justice we may not allow the natural feelings of compassion and pity to be stifled. Not so, says the Torah: without perverting justice itself, it is our duty to show compassion to the orphan, to the widow and to the stranger, to protect the dignity and reputation of the vulnerable. Being a compassionate person is no contradiction to unbiased justice, teaches the Torah. We are to constantly remember how we ourselves were slaves in Egypt. Indeed, our slavery in Egypt was intended by HaShem as part of our training to make us into a compassionate people who feel for others who are lonely and distressed, less fortunate or disadvantaged. So, because of our own experience, mercy and compassion have become hallmarks of the Jewish People and we thus appreciate the feelings of the forlorn and unprotected.
20. Similarly, in our everyday life and activities no less than in the pursuit of justice, we are to remember the less fortunate. When reaping and harvesting the produce of our land, we may not go back to collect a forgotten sheaf nor are we permitted to harvest our field completely. Instead, we are to leave the possibility to the widow, the orphan and the stranger to collect for themselves the forgotten sheaf and the gleanings of field, olive-grove and vineyard so that they might support themselves with self-respect and a feeling of self-achievement. We are to remember how when we were slaves in Egypt, every kindness was so much appreciated by us and we are likewise to be kind and considerate to all, but especially to the sad and dejected.
21. Resuming the rules of the courts of law and the administration of justice, the Torah warns that even if a person has to receive physical punishment at the hands of the

court, nevertheless he may not be deliberately or unnecessarily degraded. Once he has accepted the verdict of the court, he is our brother once again. Indeed, from the particular example of offence that the Torah uses to teach which type of transgression incurs the punishment of flogging (the chosen example — the prohibition of muzzling an ox while it is threshing the corn) the Torah is telling us that our feelings of compassion are to reach beyond our fellow human beings and even to animals.

22. The next law, that of the levirate marriage, יבום, extends the duty of acting compassionately even to someone no longer living. The Torah commands that where a man dies without leaving any children, the brother shall marry his widow. Through the children from this marriage, the memory of the dead man shall not be obliterated from the Jewish People. The Torah describes the Chalitza-procedure to be followed if the brother does not wish to fulfil his duty to his dead brother, after which (but not before) the widow is permitted to remarry outside her husband's family.
23. In the same way that her marriage to her dead husband's brother is the expression of deep compassion to her husband's memory, so too the next law describes a case where a wife tries to save her husband, this time from an assailant — but she goes about it in the wrong way. For even where some action is justified, that does not entitle anyone to act in a way that is coarse and vulgar — and particularly so in the case of the Jewish woman, who especially is expected to be refined and noble. Her punishment, that she must pay compensation for the embarrassment of her action against the other man, is also to serve as an admonition to everyone, men and women, to keep control over their feelings and temper. This law teaches incidentally that generally damages for injury are made up of five elements, namely, long term damage (he cannot work any more as a craftsman because his hand has been permanently wounded); pain (suffered at the time of the injury); the costs of the healing of the injury; the short term loss of earnings during the time of healing and, now taught here, compensation for the shame and embarrassment at the time of the injury. This part of the compensation will depend upon where the insult happened (in the marketplace or in a small sidestreet) and when (in broad daylight in sight of all or in dim light, barely seen by people) and by whom (an important personality or an insignificant person whose insult doesn't really count for much) and to whom (insulting a respected person is worse than insulting a tramp or vagrant).
24. Returning to the theme of a stable and happy society, Moshe our Teacher reiterates the law which forbids us to have double standards in our possession — let alone to use them — and commands us to maintain only correct weights and measures. By teaching these laws here almost as an addendum to the laws of justice just taught, the Torah in fact equates the shopkeeper behind his counter with the judge in his courtroom, for each is charged in his own way with rendering a judgement. True justice, fair dealing, integrity in trade, all make for peaceful individuals and a contented society. Our existence as a nation on its own land depends on the most conscientious honesty in our dealings with one another and with others. Double standards and other forms of cheating are hated by HaShem and when a trader cheats on his weights and measures, he does so because he has no fear of HaShem, Who sees all and Who will demand an accounting of all our actions.

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25. HaShem has commanded us to do His Mitzvos to ensure that the national character of His People shall embody the qualities of kindness and justice, honesty and integrity, sympathy and consideration. Our good example is to be followed by the Nations of the World for HaShem wishes all Mankind everywhere to recognize His Sovereignty and live in peace and harmony under His benign rule. As the Chosen People whom HaShem redeemed from slavery in Egypt, we must for our part always be mindful of our calling and so, following on from the laws of compassion and justice and honesty in business and fairness in our dealings, we are commanded to remember Ammolayk, the first people that set themselves up to oppose these G-dly ideals and who for that reason attacked us just as we had started on our way out from Egypt. Because of their sworn opposition to the G-dliness that we are to bring to the world, the Torah commands that we are to combat, without let-up, this nation and what they represent. But it is not so much the People of Ammolayk as such that we must confront and overcome, rather it is its values and ideals. The crux of the matter is this: Whereas the Jewish People teach that "Right is Might" that is, the true strength of man and his might is in doing what is moral and correct in the eyes of G-d, the Ammolaykite nation, on the other hand, teaches that "Might is Right," that is, it is the greater strength and brute force of the tyrant that gives him the right to rule and subjugate others. Ammolayk lives by the principle of the survival of the fittest. This, he then claims, gives him right "by the law of nature" to dominate and enslave others and to eliminate anyone who dares to stand in his way. It is this Ammolaykite philosophy, this value system of "Might is Right" that is the underlying cause of the wars and conflicts among nations and peoples as each tries to assert its own superiority over others. Our struggle is with these destroyers of man's happiness. (Noteworthy is that the Torah does not command us so much to destroy the physical Ammolayk but we are bidden rather to erase the memory of Ammolayk, that is, the influence, the self-glorifying Ammolaykite power.) Therefore, when we are settled in our Land in peace and harmony, as the People of HaShem who have a responsibility to the rest of Mankind, we are not to rest, satisfied with our lot and content to leave the rest of the world to suffer under the tyranny of the Ammolaykite yoke. On the contrary, we have a duty to liberate all humanity, that Man's noble spirit and G-dliness shall be freed from the tyranny of the brute, to bring to an end the crushing power of Ammolayk from under the heavens, to the benefit of all Mankind. It is a task that will be completed only when all Mankind ceases to honour those wreckers of human happiness as epitomized by the brutal Ammolayk and his followers. But in this struggle against evil, we must take care that Man's nobility of spirit and his goodness are not corrupted and however tempting it might appear to fight brutality with force, we must be on guard to ensure that in our fight against cruelty, we ourselves do not become cruel. As HaShem's People, we must remember to keep our humaneness, our morality and our justice as taught by HaShem's Torah and by our example to spread G-dliness over the world. (See also **THE FOUR PARSHIOS : זכור פָּרָשַׁת** for a fuller explanation.)

For the explanation of the Haftorah of Sidra כִּי תְצַא please go to HAFTORAHS.