

This parasha series is dedicated
in memory of Michael Jotkowitz, z"l.

PARASHAT KEDOSHIM

Rav Amnon Bazak

The Repeated List of Forbidden Sexual Relations

a. Introduction

Chapter 20 of our parasha deals with the various prohibited sexual relations. The obvious question that arises from this section is that it appears to repeat the laws we learned just two chapters earlier, in Parashat Acharei-Mot, chapter 18. Let us begin by comparing the relevant verses in these two chapters:

Vayikra 18:

(1) "God spoke to Moshe, saying: (2) Speak to Benei Yisrael and say to them, I am the Lord your God. (3) You shall not act in the manner of the land of Egypt, where you dwelled; nor shall you act in the manner of the land of Canaan, to where I am bringing you, nor shall you walk in their ways. (4) [Rather] you shall perform My judgements, and observe My statutes, to walk in them - I am the Lord your God. (5) You shall observe My statutes and My judgments, which a person shall perform and live by them; I am God.

(6) None of you shall approach anyone that is close of kin to him, to uncover nakedness - I am God. (7) You shall not uncover the nakedness of your father or the nakedness of your mother; she is your mother - you shall not uncover her nakedness. (8) You shall not uncover the nakedness of your father's wife; it is your father's nakedness. (9) You shall not uncover the nakedness of your sister - your father's daughter or your mother's daughter, whether born of your house or born elsewhere; you shall not uncover their nakedness. (10) The nakedness of your son's daughter or your daughter's daughter - you shall not uncover their nakedness, for it is your nakedness. (11) The nakedness of your father's

wife's daughter, born of your father - she is your sister; you shall not uncover her nakedness. (12) You shall not uncover the nakedness of your father's sister; she is your father's close kin. (13) You shall not uncover the nakedness of your mother's sister, for she is your mother's close kin. (14) You shall not uncover the nakedness of your father's brother: you shall not come close to his wife; she is your aunt. (15) You shall not uncover the nakedness of your daughter-in-law; she is your son's wife, you shall not uncover her nakedness. (16) You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness. (17) You shall not uncover the nakedness of a woman and her daughter, nor shall you take her son's daughter or her daughter's daughter, to uncover her nakedness: they are her close kin; it is lewdness. (18) Nor shall you marry a woman and her sister, as her rival, and uncover her nakedness, during the former's lifetime. (19) Nor shall you come close to a woman in the impurity of her menstruation, to uncover her nakedness. (20) Nor shall you lie with your neighbor's wife, to defile yourself with her. (21) Nor shall you allow any of your offspring to pass through [fire] for Molekh, nor shall you profane the name of your Lord; I am God. (22) You shall not lie with a male in the manner of a woman; it is an abomination. (23) Nor shall you lie with any animal to defile yourself with it; nor shall a woman stand before an animal to lie before it; it is perversion. (24) You shall not defile yourselves with all of these, for the nations which I cast out before you were defiled in them. (25) So the land was defiled, and I visit its sin upon it, and the land expels its inhabitants. (26) But you shall observe My statutes and My judgments, and not perform any of these abominations - neither the citizen nor the stranger who dwells in your midst. (27) For all of these abominations were committed by the people of the land who were before you, and the land was defiled. (28) So that the land will not expel you when you defile it, as it expelled the nation that came before you. (29) For anyone who does any of these abominations - the people who perform them shall be cut off from their nation. (30) And you shall observe My ordinance, so as not to act in any of the ways of abomination that were practiced before you, and that you shall not defile yourselves in them; I am the Lord your God."

Vayikra 20:

(7)"You shall sanctify yourselves and be holy, for I am the Lord your God. (8) You shall observe My statutes and fulfill them; I am God Who sanctifies you.

(9) Any person who curses his father or his mother shall surely be put to death; he has cursed his father or his mother; his blood shall be upon him. (10) And anyone who commits adultery with another man's wife - who commits adultery with his neighbor's wife - shall surely be put to death; the adulterer and the adulteress. (11) If any person lies with his father's wife - he has uncovered his father's nakedness; both of them shall surely be put to death; their blood is upon them. (12) If a person lies with his daughter-in-law, they shall both surely be put to death; they have committed a perversion, their blood shall be upon them. (13) If a person lies with a male in the manner of lying with a woman, they have both committed an abomination; they shall surely be put to death, their blood shall be upon them. (14) If a person takes a wife and her mother, this is lewdness; they shall be burnt with fire, both he and they, that there be no lewdness among you. (15) If a person lies with an animal, he shall surely be put to death, and the animal shall be slain. (16) A woman who comes close to any animal, to lie down before it, you shall slay the woman and the animal; they shall surely die, their blood is upon them. (17) If a person takes his sister - his father's daughter or his mother's daughter - and sees her nakedness, and she sees his nakedness, this is a disgrace, and they shall be cut off in the sight of their people; he has uncovered the nakedness of his sister; he shall bear his sin. (18) A person who lies with a menstrual woman and uncovers her nakedness, he has uncovered her fountain and she has uncovered the fountain of her blood; both shall be cut off among their people. (19) You shall not uncover the nakedness of your mother's sister or of your father's sister, for he uncovers his close kin; they shall bear their sin. (20) If a person lies with his aunt, he has uncovered his uncle's nakedness; they shall bear their sin and die childless. (21) If a person takes his brother's wife, it is a reprehensible act; he has uncovered his brother's nakedness; they shall be childless.

(22) You shall observe all of My statutes and all of My judgments and do them, that the land to which I bring you, to dwell there, not expel you.

(23) You shall not walk in the ways of the nation which I cast out before you, for they did all of this, and I abhorred them. (24) I have said to you, "You shall inherit their land, and I shall give it to you, to inherit it - a land flowing with milk and honey; I am the Lord your God who has distinguished you from the nations. (25) You shall therefore distinguish between clean animals and unclean, between unclean birds and clean, and you shall not make your souls abominable with animal or bird or anything that creeps upon the ground, which I have separated for you as

unclean. (26) You shall be holy unto Me, for I, God, am holy, and I have separated you from the nations to be Mine."

Both chapters are built upon a similar structure, consisting of introductory verses (18:1-5; 20:7-8), then a list of the forbidden relations (18:6-23; 20:9-29), followed by verses of conclusion (18:24-30; 20:22-26). There is, however, a striking difference between the two sections: chapter 18 is formulated as a series of warnings or negative commands ("You shall not uncover..."; "you shall not come close...", etc.), while in chapter 20 the text refers to punishments ("he shall surely be put to death"; "they shall be childless," etc.) Obviously, this difference cannot be sufficient reason to repeat this list in two separate chapters; the text have simply stated each prohibition together with its punishment, all in one section. For what reason, then, does the Torah devote two separate chapters to the same subject?

B. Impurity and purity, the profane and the sanctified

The explanation for this duality would seem to relate to a more fundamental difference between the two chapters. Following the death of Nadav and Avihu, Aharon and his remaining sons were commanded, "to distinguish between the sanctified and the profane, and between the impure and the pure. And to teach Benei Yisrael all of the statutes concerning which God has spoken to you by the hand of Moshe" (Vayikra 10:10-11). Following this, we find a series of sections that present these laws, beginning with the parshiyot dealing with ritual impurity and purity - the impure and pure animals, and the impurity related to animals (chapter 11); the ritual impurity of a woman who gives birth and the process for her purification (chapter 12); the impurity of 'tzara'at' and its purification (chapters 13-14), the impurities associated with 'zav,' 'zava,' and menstruation (chapter 15); the purification of the Mikdash from the impurities of Benei Yisrael (chapter 16), and the conclusion of this unit - the impurity of the land, resulting from forbidden sexual relations, in chapter 18 [1]. Hence, chapter 18 teaches us that the crux of the sin of forbidden sexual relations lies in the fact that it defiles the land. In verses 20-30 of this chapter, the root "t-m-a" (impure) appears nine times, and at the conclusion of the chapter, we are told explicitly that the concept of tum'a underlies these prohibitions:

(27)"For all of these abominations were committed by the people of the land who came before you, AND THE LAND WAS DEFILED. (28) So that the land shall not expel you WHEN YOU DEFILE IT, as it expelled the nation that came before you."

Eretz Yisrael is "pure," and it therefore cannot bear sins of sexual immorality. Transgression of these prohibitions thus leads directly to exile from the land.

In contrast, chapters 19-23 comprise a unit devoted to the distinction between the sanctified ("kodesh") and the profane ("chol"); accordingly, our parasha, which opens this unit, begins with the command, "Be holy" ("Kedoshim tihyu"). Chapter 19 presents the guidelines by which we achieve sanctity; chapter 21 deals with the sanctity of the kohanim, chapter 22 with the required protection of sacred items, and chapter 23 with the sanctity of the festivals. Thus, the discussion of sexual immorality included within this section - chapter 20 - accordingly addresses the subject not from the perspective of the land's impurity caused by such conduct, but rather from the perspective of the obligation to be holy. Indeed, this section begins: (7)"YOU SHALL SANCTIFY YOURSELVES and be HOLY, for I am the Lord your God. (8) You shall observe My statutes and perform them, I am God WHO SANCTIFIES YOU." The root "t-m-a" appears nowhere in the unit on sexual relations in chapter 20; instead, we find the root "k-d-sh" (sanctify) appearing seven times. This latter root, needless to say, does not appear in chapter 18.

What is the difference between these two systems - impurity and purity, sanctity and profanity? The answer is simple. The basic state of all matter is pure, but profane. This situation can be changed in one of two ways: in the negative direction, it may be caused to become impure, or - in the positive direction - it may be sanctified. What the chapters on impurity actually require of a person is to avoid causing things that are pure to become impure. And should impurity indeed occur, these chapters present instructions for restoring the situation to a state of purity. In the chapters on sanctity, the situation is different. Sanctity must be created, rather than merely preserved. Therefore, the laws of sanctity represent the way in which sanctity can be achieved; without them, sanctity will not come about at all[2].

Eretz Yisrael is both pure and holy. Benei Yisrael are required to refrain from infringing upon its purity, on the one hand, and also, on the other, to express its sanctity. Transgression of the laws of forbidden sexual unions causes the land to become defiled, as described in chapter 18, but it also blemishes the land's sanctity, as we understand from chapter 20. This difference becomes especially apparent when we contrast the two parallel verses which describe the influence of these forbidden unions on the land. In chapter 18 we are told, "That the land shall not expel you WHEN YOU DEFILE IT, as it expelled the nation that came before you" (verse 28), in accordance with the theme of this chapter. In chapter 20, however, we read, "That the land to which I bring you, to dwell there, shall not expel you" (verse 22). The defilement of the land is not mentioned in chapter 20; instead, the text mentions the unique stature of the land as the one to which God brings Benei Yisrael; herein lies the source of its sanctity.

This distinction also accounts for the discrepancy in the respective descriptions of the expulsion of the Canaanite nations. In chapter 18, the Torah emphasizes, once again,

the aspect of impurity: "You shall not defile yourselves with all of these, for the nations which I cast out before you WERE DEFILED in them. So the land WAS DEFILED, and I visit its sin upon it, and the land expels its inhabitants" (verses 24-25). In chapter 20, the concept of impurity is altogether absent: "Nor shall you walk in the ways of the nation which I cast out before you, for they did all of this, and I abhorred them" (verse 23).

This difference is also manifest – albeit in more limited fashion – in the details of the laws of forbidden unions. For example, concerning the prohibition of a menstrual woman, the formulation in chapter 18 emphasizes - expectedly - the aspect of impurity: "Nor shall you come close to a woman in the IMPURITY of her menstruation, to uncover her nakedness" (verse 19). Chapter 20, meanwhile, focuses on a different element: "A person who lies with a menstrual woman and uncovers her nakedness, he has uncovered her fountain and she has uncovered the fountain of her blood; both shall be cut off among their people" (verse 18). We find a similar distinction with regard to the prohibition of "eishet ish" (sleeping with another man's wife). In chapter 18, the Torah writes: "Nor shall you lie with your neighbor's wife, to DEFILE YOURSELF WITH HER" (verse 20), while chapter 20 teaches, "And anyone who commits adultery with another man's wife - who commits adultery with his neighbor's wife - shall surely be put to death; the adulterer and the adulteress." Likewise, chapter 18 formulates the prohibition of bestiality by emphasizing the element of impurity: "You shall not lie with any animal TO DEFILE YOURSELF WITH IT." Chapter 20, expectedly, makes no mention of this theme at all: "A woman who comes close to any animal, to lie down before it, you shall slay the woman and the animal; they shall surely die, their blood is upon them" (verse 16).

C. Sequence of prohibited unions

The division that we have proposed helps us understand yet another conspicuous difference between the two chapters: the sequence by which the respective lists of forbidden unions are arranged. In chapter 18, where the Torah focuses upon the aspect of impurity and defilement, the forbidden unions are arranged according to the degree of closeness, with the understanding that the closer the familial relationship between the two parties, the greater the impurity that results from their union. The following outline demonstrates this arrangement:

- i. verses 7-11: the closest of direct family relations: father, mother, father's wife, sister, son's daughter, daughter of father's wife.
- ii. Verses 12-14: the parents' siblings: father's sister, mother's sister, father's brother's wife (aunt).

iii. Verses 15-16: wives of close relatives: daughter-in-law, brother's wife.

iv. Verses 17-18: the wife's close female relatives: a woman and her daughter, a woman and her sister.

v. Verses 19-20: women with no family connection: a menstrual woman, another man's wife.

vi. Verses 21-: other abominations: Molekh, homosexuality, bestiality.

In chapter 20, by contrast, the emphasis is on the severity of the sin. Sanctity flows from the Source of sanctity - from God - and the blemishing of sanctity is determined in accordance with the severity of the prohibition in the eyes of Torah. The severity of these prohibitions is not necessarily determined according to the measure of familial closeness; other parameters are involved, as well. Thus, the list in Parashat Kedoshim, which proceeds according to degree of severity, is arranged as follows:

i. verses 10-15: prohibitions punishable by death: another man's wife, one's father's wife, his daughter-in-law; homosexual relations, a woman and her mother, bestiality.

ii. Verses 17-18: prohibitions punishable by "karet" (being "cut off" from one's people): one's sister, a menstrual woman.

iii. Verses 19-21: prohibitions with special punishments: the sister of one's father or mother: "they shall bear their sin"; uncle's wife: "they shall bear their sin; they shall die childless"; and brother's wife: "they shall be childless."

When considering these different sequences of presentation, an interesting difference emerges between the two parshiyot with regard to the prohibition of "eishet ish." In chapter 18, the Torah places this prohibition near the end of the list (verses 19-20): the aspect of impurity here is less obvious, since it does not involve biological closeness, like the other prohibitions. This prohibition arises from a legal reality, rather than from a natural, family relationship. For this reason, perhaps, specifically with regard to this law (as in the prohibition of a menstrual woman, which likewise does not arise from biological closeness, but rather from a temporary situation) the Torah must note that here, too, there is an aspect of "impurity," which is not mentioned explicitly in the previously mentioned prohibitions. By contrast, in chapter 20, the prohibition of "eishet ish" heads the list, because of its unique severity, as evidenced by this prohibition's inclusion in the Ten Commandments ("You shall not commit adultery").

Hence, observance of the laws of forbidden sexual relations involves two different aspects: refraining from defiling the land, and preserving its holiness.

Notes:

[1] Chapter 17 appears, at first glance, unconnected to matters of purity and impurity, except for the final two verses (15-16), which discuss the impurity of a person who eats meat from a carcass (i.e. an animal that died in some manner other than ritual slaughter). In fact, this chapter seems to be an appendix to chapter 15 - the service of the Kohen Gadol on Yom Kippur - since it talks about the importance of an animal's blood as a means of atonement, the most extreme manifestation of which occurs in the atonement ritual described in chapter 15. We will not elaborate any further on this point here.

[2] The distinction between the two systems finds special expression in the questions which the prophet Chaggai is commanded to ask the kohanim: "On the twenty-fourth [day] of the ninth [month] in the second year of [the reign of] Daryavesh, God's word came to Chaggai the prophet, saying: So says the Lord of Hosts: Ask a teaching of the kohanim, saying: 'If a man carries consecrated meat in the skirt of his garment, and the skirt touches bread, or pottage, or wine, or oil, or any other food - does it become holy?' They said, 'No.' Chaggai said, 'If a person who is impure because of contact with a dead body touches any of these things, does it become impure?' The kohanim answered and said, 'It does become impure.' Then Chaggai answered and said, 'Such is this nation; such is this nation before Me, says God, and such is all the word of their hands. That which they offer there is impure'" (Chaggai 2:10-14). IMPURITY is created by contact, but contact is not sufficient to create SANCTITY. In this way, apparently, Chaggai seeks to emphasize the effort that must be invested in order to achieve sanctity - as opposed to the danger of impurity, which can arise without any effort, even through unintentional contact.

Translated by Kaeren Fish