

ויקרא יח ג-ה

כַּמַּעֲשֵׂה אֶרֶץ מִצְרַיִם אֲשֶׁר יִשְׁבְּתֶם בָּהּ
לֹא תַעֲשׂוּ וְכַמַּעֲשֵׂה אֶרֶץ כְּנָעַן אֲשֶׁר
אָנֹכִי מֵבִיא אֶתְכֶם שָׁמָּה לֹא תַעֲשׂוּ
וּבְחֻקֹּתֵיהֶם לֹא תֵלְכוּ. אֶת מִשְׁפָּטֵי
תַעֲשׂוּ וְאֶת חֻקֹּתַי תִּשְׁמְרוּ. לִלְכֹת בְּהֶם
אָנֹכִי ה' אֱלֹהֵיכֶם. וּשְׁמֹרְתֶם אֶת חֻקֹּתַי
וְאֶת מִשְׁפָּטֵי אֲשֶׁר יַעֲשֶׂה אֲתֶם הָאָדָם
וְחִי בְהֶם אָנֹכִי ה'

You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws. My rules alone shall you observe, and faithfully follow My laws: I the Lord am your God. You shall keep My laws and My rules, by the pursuit of which man shall live: I am the Lord.

Guide of the Perplexed 3:29

My knowledge of the belief, practice, and worship of the Sabeans has given me an insight into many of the divine precepts, and has led me to know their reasons. You will agree after I give the reason of commandments which are seemingly purposeless. I will mention to you the works from which you may learn all that I know of the religion and the opinions of the Sabeans . . . The great book on this subject is the book *On the Nabatean Agriculture*, translated by Ibn Wahshiya... The book is full of the absurdities of idolatrous people... It is by no means necessary to point this out to men like you. You have acquired sufficient knowledge to keep your mind free from the absurdities of the Kasdim, Chaldeans, and Sabeans, who are bare of every true science. But I wish to exhort you that you should caution others, for ordinary people are very much inclined to believe these fables.

Guide of the Perplexed 3:29 (cont.)

To the same class of books we count the book *Istimachis*, attributed to Aristotle, who can by no means have been its author; also the books on talismans, such as the book of Tomtom; the book *al-Sarb*: the book on the degrees of the sphere and the constellations rising with each degree: a book on talismans attributed to Aristotle, a book ascribed to Hermes, a book of the Sabeian *Ishak* in defence of the Sabeian religion, and his large work on Sabeian customs, details of their religion, ceremonies, festivals, offerings, prayers and other things relating to their faith. All these books which I have mentioned are works on idolatry translated into Arabic; there is no doubt that they form a very small portion in comparison to that which has not been translated, and that which is no longer extant, but has been lost in the course of time. But those works which are at present extant, include most of the opinions of the Sabeians and their practices, which are to some degree still in vogue in the world.

Guide of the Perplexed 3:37

We have explained in our large work [= Mishneh Torah] that it is prohibited to round the corners of the head, and to mar the corners of the beard, because it was the custom of idolatrous priests. For the same reason, the wearing of garments made of linen and wool is prohibited: the heathen priests adorned themselves with garments containing vegetable and animal material, while they held in their hand a seal made of a mineral. This you find written in their books. The same is also the reason of the precept, "A woman shall not wear that which pertains to a man" (Deut. 22:5). You find it in the book Tomtom, that a male person should wear coloured women's clothing when he stands before Venus, and a female, when standing before Mars, should wear a buckler and other armour. I think that this precept has also another reason; namely, that the interchange of dress creates lust and leads to immorality.

Guide of the Perplexed 3:48

Meat boiled in milk is undoubtedly gross food, and makes overfull; but I think that most probably it is also prohibited because it is somehow connected with idolatry, forming perhaps part of the service, or being used on some festival of the heathen. I find a support for this view in the circumstance that the Torah mentions the prohibition twice after the commandment given concerning the festivals "Three times in the year all your males shall appear before the Lord God" (Exod. xxiii. 17, and xxxiv. 73), as if to say, "When you come before Me on your festivals, do not seethe your food in the manner as the heathen used to do." This I consider as the best reason for the prohibition: but as far as I have seen the books on Sabeian rites, nothing is mentioned of this custom.

Cassutto, *The Goddess Anat*

[על טקסט באוגריתית: "טב[ח גד] בחלב
אננ[?]ח בחמאת" שפירושו הוא אולי
"טב[חו גדי] בחלב, אננח (שם נרדף
לגדי) בחמאה":

המדובר הוא כנראה בטקס פולחני
שהיה מכוון למשוך את ברכת הפרי
לאדמה, ומתוך כך מתברר גם הקשר
שבכתובים המקראיים בין הבאת
הביכורים ובין האיסור הנ"ל: "ראשית
בכורי אדמתך תביא בית ה' אלהיך"
(להביע לו את תודתך על תבואת
האדמה אשר הוא נותן לך, אבל הישמר
לך פן תעשה כמעשה ארץ כנען, ולפיכך)
"לא תבשל גדי בחלב אמו"

This text apparently describes a ritual intended to increase the fertility of the land. From here, we can understand the connection between the verses about first fruits and the prohibition [of meat and milk]. "Bring the first fruits of your land to the house of the Lord, your God"—to express your gratitude for the bounty that He gave you. But be careful not to do what the Canaanites do; accordingly—"Do not boil a kid in its mother's milk."

דברים כד

לֹא תַטֶּה מִשְׁפַּט גֵּר יְתוֹם וְלֹא תִחְבֵּל
בְּגַד אֶלְמָנָה.

You shall not subvert the rights of the stranger or the orphan; you shall not take a widow's garment as collateral.

וְאִם אִישׁ עָנִי הוּא לֹא תִשְׁכַּב בְּעֵבְטוֹ.
הֲשִׁיב תְּנַשִּׁיב לוֹ אֶת הָעֵבוֹט כְּבֹא
הַשֶּׁמֶשׁ וְשָׁכַב בְּשִׁלְמָתוֹ וַיְבָרְכֶךָ.

If he is a needy man, you shall not go to sleep in his pledge; you must return the pledge to him at sundown, that he may sleep in his clothing and bless you

משנה בבא מציעא ט יג

המלוה את חברו לא ימשכנו אלא
בבית דין ולא יכנס לביתו ליטול
משכנו . . . ומחזיר את הכר בלילה
ואת המחרישה ביום . . .

אלמנה בין שהיא עניה בין שהיא
עשירה אין ממשכנין אותה שנאמר
(דברים כ"ד) ולא תחבול בגד אלמנה

A creditor may exact collateral from a debtor only with the permission of a court. The creditor may not enter the debtor's house to take the collateral . . . The creditor must give back the pillow at night and the plow during the day. . .

Collateral may not be taken from a widow, whether she be rich or poor, as it states, "Do not take a widow's garment as a pledge."

בבא מציעא קטו א

תנו רבנן: אלמנה, בין שהיא ענייה בין שהיא עשירה - אין ממשכנין אותה, דברי רבי יהודה.

רבי שמעון אומר: עשירה - ממשכנין אותה, ענייה - אין ממשכנין אותה, שאתה חייב להחזיר לה ואתה משיאה שם רע בשכנותיה.

למימרא דרבי יהודה לא דריש טעמא דקרא, ורבי שמעון דריש טעמא דקרא

The Sages taught: One may not take collateral from a widow, whether poor or wealthy. This is the statement of Rabbi Yehuda.

Rabbi Shimon says: With regard to a wealthy widow, one may take collateral from her. But with regard to a poor widow, one may not take collateral from her, because you are obligated to return it to her, and since you will be entering every day to return the collateral to her, you will thereby give her a bad name among her neighbours.

Is this to say that Rabbi Yehuda does not interpret the rationale behind the mitzvah in the verse and draw halakhic conclusions based on that interpretation, and Rabbi Shimon does?

פירוש המשניות לרמב"ם

ואסור לחבול האלמנה משום
חשד כשתתעכב אצל
הממשכן אותה בשביל
המשכון שלה או שיארע
ביניהם קלקול, ולפיכך השוה
בדבר העניה והעשירה:

It is forbidden to take collateral from a widow because of suspicion that may arise when the creditor spends time at her home because of the collateral, or perhaps this could lead to impropriety between them. Accordingly, the same rule applies to a poor or wealthy widow.

הרב חיים דוד הלוי (1924-1998)

... לפי טעמו של הרמב"ם (מפני החשד) אין סברא לחלק בין אלמנה לגרושה ובתולה ואסור לקחת משכון מכל אשה, וכן כתב הרב "מקום שמואל" [שמואל אשכנזי מאלטונה, מאה 17] וסיים "אלא שדבר הכתוב בהוה שדרך האלמנות להיות בעלי מו"מ, אבל מדינא, אין הכי נמי דאין ממשכנין גם לגרושה או בתולה

... Following the Rambam's logic (because of suspicion) there is no reason to distinguish between a widow and a divorcee and a single woman. It should be forbidden to take collateral from any [unattached] woman. Rabbi Shemuel Ashkenazi actually wrote precisely that, and concluded: "They spoke about the most common case, for widows are [the women] most likely to be businesswomen. But in fact, by law it is forbidden to take collateral from a divorcee or from a single woman, too."

ספר מאיר עיניים

(רב יהושע וולק הכהן: 1555-1614)

ונקט אלמנה שאין לה עוזר
וסומך לא מאישה ולא
מאביה, שכבר יצתה
מרשותו. והוא הדין גרושה
ולאפוקי בתולה שהיא ברשות
אביה.

The law specifically mentions a widow, since she has no help and support, neither from a husband nor from a father, since she left his authority. The same law would apply to a divorcee, but not to a single woman who is still under her father's authority.

שפתי כהן

(רב שבתי הכהן 1621-1662)

כתב הסמ"ע והוא הדין גרושה וצ"ע .

..
הטעם שלא לצער האלמנה שלבה
שבור ודואג והאי טעמא לא שייך
בגרושה . . .

The Sefer Meir Einayim ruled that the same law applies to a divorcee. The matter requires further thought . . .

The reason for the law is that her [the widow's] heart is broken and full of worry. This reasoning does not apply to a divorcee . . .

התומים

(הרב יהונתן אייבשיץ 1694-1764)

אין לנו להוסיף דבר על מה
שאסרה תורה, ודווקא
אלמנה שדמעתה על לחייה
ובוכה על שברה הקפידה
תורה.

We should add nothing to what the Torah forbade. The Torah was concerned specifically about widows, whose tears are on their cheeks and who cry [all the time] about their loss.

ספר החינוך מצוה תקצא

משרשי המצוה שחס השם על
בריותיו ורצה לזכותנו לקנות
בנפשנו מדת החמלה.

וציונו שנרחם על האלמנה
שלבבה שבור ודואג שלא
למשכנה,

וכל דרכי התורה נועם
ונתיבותיה שלום

The idea at the root of this mitzvah is that God has mercy on God's creatures. God wants to improve us by establishing in our hearts the attribute of mercy.

God commanded us to have mercy on widows—whose hearts are broken and who [constantly] worry—and not to take collateral from them.

All the ways of Torah are ways of pleasantness; all its paths are peace.