YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**STUDENT SUMMARIES OF Sichot of the Roshei Yeshiva**

**PARASHAT KEDOSHIM**

**Sicha of HarAV Baruch gigi**

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Dedicated in memory of Rabbanit Frieda Heller *z"l*
whose *yahrzeit* falls on the third of Iyar,
by her granddaughter, Vivian Singer.
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**Forbidden Sexual Relations: The Holiness of Life or a Life of Holiness**

Summarized by Aviad Brestel

Translated by David Strauss

**Introduction**

The Torah discusses forbidden sexual relations twice – first at the end of *Parashat Acharei Mot* (chapter 18), and then again at the end of *Parashat Kedoshim* (chapter 20). We will try to understand the significance of this duplication and what may be learned from it.

The usual explanation for the repetition is based on the well-known halakhic principle that "there is no punishment without a warning." Chapter 18 therefore records the warnings – i.e., the prohibitions themselves – while chapter 20 deals with the punishments administered to those who violate these prohibitions.

However, this explanation does not seem to suffice, because chapter 19 (the main chapter of *Parashat Kedoshim*) is found in between the two chapters dealing with forbidden relationships*.* It stands to reason, therefore, that all three chapters relate to each other in some way we do not yet understand.

**Incestuous Relations and Their Punishments**

First, we should note that it is imprecise to say that chapter 18 only records the warnings, i.e., the prohibitions themselves, for it also implies punishments – both on the individual and on the collective level:

For all these abominations have the men of the land done, that were before you, and the land is defiled; that the land vomit not you out also, when you defile it, as it vomited out the nation that was before you. For whoever shall do any of these abominations, the souls that do them shall be cut off from among their people. (*Vayikra* 18:27-29)

This passage mentions a personal punishment: "whoever shall do any of these abominations" will be punished with *karet,* excision. Its main focus, however, is on the communal level – the defilement of the land that will cause its inhabitants to be vomited out from it. Eretz Yisrael cannot tolerate abomination, thus the defilement of the land leads to the *collective* punishment of exile as a "natural" result of impure behavior that the land will reject. In contrast to these verses in chapter 18, chapter 20 focuses on the *personal* punishment administered to transgressors: regarding each prohibition, the Torah states one of the four modes of judicial execution or excision.

In summary, chapter 18 focuses on the impurity of the land and the vomiting out of its inhabitants, whereas chapter 20 focuses on the personal punishment imposed on one who is guilty of incest. Why is this so?

It seems that the difference between the chapters stems from two different perspectives on the value of life and its significance.

**The Difference Between the Two Sections Dealing with Forbidden Sexual Relations**

To understand these two approaches, let us go back to the beginnings of these two chapters. Chapter 18 opens with the following introduction:

And the Lord spoke to Moshe, saying: Speak to the children of Israel, and say to them: I am the Lord your God. Like the doings of the land of Egypt, in which you dwelt, shall you not do; and like the doings of the land of Canaan, where I bring you, shall you not do; neither shall you walk in their statutes. (*Vayikra* 18:1-3)

The descendants of Cham, i.e., Egypt and Canaan, are mired in incest, as was their progenitor. Therefore, the Torah commands the people of Israel to distance themselves from their ways, as is stated in the Midrash:

"None of you shall approach to any that is near of kin to him… The nakedness of your father…" (*Vayikra* 18:6-7). Canaan himself exposed his father’s nakedness and became a slave, as it is stated: "And he said, Cursed be Canaan; a slave of slaves he will be to his brothers" (*Bereishit* 9:25). And you find that the inhabitants of Jerusalem were not exiled until they engaged in incest, as it is written: "In you have they uncovered their father's nakedness" (*Yechezkel* 22:10). And Egypt and Canaan are the children of Cham, as it is written: "And the sons of Cham: Kush and Egypt" (*Bereishit* 10:6). Egypt practices incest, and Canaan practices incest; these are dissolute in fornication, and these are dissolute in fornication. Therefore it is stated: "Like the doings [of the land of Egypt]...." (*Midrash Pitaron Torah*, *Parashat Acharei*, p. 69)

Alongside these warnings, the Torah then emphasizes the positive side of keeping the commandments:

My ordinances shall you do, and My statutes shall you keep, to walk therein: I am the Lord your God. You shall therefore keep My statutes, and My ordinances, which if a man do, he shall live by them: I am the Lord. (*Vayikra* 18:4-5)

The Torah indicates here that if the people of Israel observe the prohibitions of incest, and fulfill God's commandments and statutes, they will merit life. *Chazal's* exposition is certainly appropriate here: "'He shall live by them' – and not die by them" (*Yoma* 85b).

Chapter 20 opens and closes with similar elements concerning the observance of the Torah, but it adds an additional layer. At the beginning of the chapter, we read:

Sanctify yourselves therefore, *and be you holy*; for I am the Lord your God. And keep you My statutes, and do them: I am the Lord who sanctifies you. (*Vayikra* 20:7-8)

And at the end, we find:

You shall therefore keep all My statutes, and all My ordinances, and do them, that the land, where I bring you to dwell therein, vomit you not out. (*Vayikra* 20:22)

In moving from chapter 18 to chapter 20, we can identify two new points: First, the principle of holiness, which was not mentioned in chapter 18; and second, the emphasis on the obligation to keep *all* of God's ordinances and statutes. What is the significance of this difference between the chapters?

**Life and Holiness**

From these differences between the two sections, we can identify two different layers in the prohibitions concerning incestuous relationships. The essence of the difference is the difference between "the holiness of life" and "a life of holiness."

In general, the prohibitions of incest stem from two principles. The first is a normal, natural principle of life. Nature fundamentally opposes any sexual relationship between father and daughter or between mother and son, and so too the other forbidden relationships. Only those immersed in licentiousness do not distinguish between permitted and forbidden relationships. From this point of view, the prohibitions of incest are severe: they defile man, pollute the land, and even cause exile.

From a natural and human perspective, the supreme value is the sanctity of life, and the purpose of keeping the commandments is to enable life: "'Which if a man do, he shall live by them' – and not die by them." In chapter 18, the Torah commands the keeping of God's ordinances and statutes – but without emphasizing the comprehensiveness and absoluteness of that command. In a case of mortal danger, the value of "he shall live by them" would take precedence.

Then we come to chapter 19 and the second principle at the root of the prohibitions of incest. This chapter builds the higher story of life, a life that is lived in connection to God – "You shall be holy; for I the Lord your God am holy" (*Vayikra* 19:2). Here we find a call to the holy people, who stand before God, to live a life of holiness. Life alone does not suffice; there must be sanctification. This sanctification can be achieved through the limitations that characterize a person who is not immersed in the pleasures of this world, but who rather sees them as a means of ensuring life before God. This is the role of all the commandments in chapter 19 (which govern the relationship between man and his fellow); they give expression to this aspect of the holiness of life.

From this perspective, the supreme value is not life itself, but the quality of that life, and its significance as allowing man to stand before God. Fundamentally, this leaves room for the possibility of giving up one's life, if a life of holiness is not possible.

Thus, chapter 20 places emphasis on the absolute obligation, and in it we find the demand to allow oneself to be killed rather than transgress any of the three severe prohibitions that fatally harm the value of a life of holiness. Concerning these three prohibitions, we do *not* invoke the principle of "'he shall live by them' – and not die by them."

For this reason, the punishment for incest in chapter 20 is loss of life, by way of one of the four modes of judicial execution or by way of *karet*. These prohibitions are not only a problem for "natural" life; rather, they fundamentally damage the life of holiness that is required of a holy people. Thus, one who violates them deserves not to live. There is no place among the people of Israel for a life that does not incorporate the foundation of holiness.

In other words, chapter 20 adds an additional layer to the prohibitions of incest, as part of the overall system of the commandments of holiness. Here, the punishment is not only exile, but total annihilation. Holiness is intrinsically linked to the uniqueness of the people of Israel as the people of God, and only by maintaining that holiness will Israel be able to fulfill its destiny.

May we merit to realize that holiness, as stated at the end of the section:

But I have said to you: You shall inherit their land, and I will give it to you to possess it, a land flowing with milk and honey. I am the Lord your God, who has set you apart from the peoples… And you shall be holy to Me; for I the Lord am holy, and have set you apart from the peoples, that you should be Mine. (*Vayikra* 20:24, 26)

[This *sicha* was delivered by Harav Gigi on Shabbat *Parashat Acharei Mot / Kedoshim*, 5780.]