

The Rashi Database Project

GOALS: * Show that all Rashid comments are spontaneous, instant, effortless reactions of a native speaker to the biblical text.

*This is accomplished by skillful English translations instantly suggesting the Rashid comment to the reader

* Additionally, each Rashid comment is examined using the 10 organs of the Rashid anatomy.

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(MAIN BIBLIOGRAPHY): DT = Doctoral Thesis (www.Rashiyomi.com/Rashibook.htm,

MG=Modern Grammar with Applications to Rashid (www.Rashiyom.com/Rashibook2.htm))

OTHER COMMENTATORS (ABBREVIATIONS): R=Ramban, T=Baal Turim, K=Kli Yakar, I=Ibn Ezra, H=Hendel

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PESHAT: SPONTANEOUS, REACTION TO SKILLFUL ENGLISH TRANSLATION

WHAT IS NEW: We review two controversies today one from Ibn Ezra on Rashi and one from Rambam on Rashi. We bring in a Malbim to answer Ibn Ezra's objection and use the opportunity to explain the Rabbi Ishmael Generalization Style Rule.

From the Rashiyomi Website

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Lv21-07a, Ex21-28a, Ex22-17a, Ex22-21a, Ex22-30b, Dt13-07f, Dt15-19b, Dt23-11a, Dt25-04a, Dt23-18a, Dt23-18b

(A priest:) Should not take (marry) a prostitute or profaned woman
....Don't muzzle an ox while threshing....

Rashi Rule: Rabbi Ishmael Style Rules

Rashi Comment: The verse states

[A priest] Will not take a prostitute or profaned woman

Rashi explains prostitute as a person who had intimacy with one of the forbidden relations for example those woman on whom there is a cut-off punishment or illegitimate women.

Ibn Ezra demurs: *But throughout the Bible prostitute always has a clear meaning* [not the one Rashi mentioned]

To answer the Ibn Ezra we review the *Generalization* principle of the Rabbi Ishmael Style rules. A simpler example might be Dt25-04a, *Don't muzzle an ox while threshing*. But Rashi explains that it is forbidden to deprive *any animal* of food while it is assisting humans (for example, Jewish Eskimos are forbidden to muzzle their dogs while pulling their sleds).

It is ridiculous to explain Rashi as reinterpreting *ox*. Throughout the bible, *ox* refers to *oxen*.

Rather, the basis of Rashi's derivation is the Rabbi Ishmael Generalization Style Rule which states that unless otherwise indicated every biblical law is generalized (See Rashi, Pesachim 6). So although the verse prohibits the very specific case of muzzling an ox, the prohibition applies to all animals.

Rashi	Text of Verse	Generalization	What the Torah Gave	Why is it typical
Ex21-28a	When an ox gores a man or woman and they die	The same law applies to other animals (besides an ox) that kills people	The Torah gives the usual case	Usually oxen gore
Ex22-17a	You should not let a female witch live	The same law applies to male witches	The Torah gives the usual case	Most witches were females
Ex22-21a	Don't abuse at all a widow or orphan	The same law applies to all people (not just widows and orphans)	The Torah gives the usual case	Abuse typically targets widows and orphans who are typically weak
Ex22-30b	Don't each the flesh of an animal mutilated in the field	The same law applies if the animal was mutilated in the house	The Torah gives the usual case	Most animal mutilations happen in the field
Dt13-07f	When a relative privately seduces you to worship idols	The same law applies if the seduction was open and not private	The Torah gives the usual case	Seduction to sin is usually done privately
Dt15-19b	Do not put the first born of ox to work; do not share the first born of sheep	The prohibition equally applies to putting a first born sheep to work or sharing a first born ox	The Torah gives the usual case	Typically you work with oxen and share sheep
Dt23-11a	If a person became ritually impure from a nocturnal accident	The same law applies if the accident happened by day	The Torah gives the usual case	Impurity accidents typically happen by night
Dt25-04a	Don't muzzle an ox while threshing	It is prohibited to muzzle (or prevent from eating) other animals you are working with	The Torah gives the usual case	Typically work was done with oxen (but work by other animals is possible)
Dt23-18a	There should be no Jewish prostitutes	Living together outside of marriage is also prohibited	The Torah gives the usual case	Prostitutes are extreme examples of people who have relations outside of marriage
Dt23-18b	There should be no male Jewish prostitutes	This applies whether the male prostitute is with other men or otherwise	The Torah gives the usual case	

Table Lv21-07a: 10 Rashis where the Biblical text is generalized.

Table Lv21-07a presents a collection of similar Rashi comments where the verse is generalized. Rashi further explains that the Torah chose typical cases; but it didn't mean to exclude

generalization. Legal scholars describe this by saying that Torah law is *casuistic*, that is *case-based*.

The Malbim explains the nature of the generalization in this particular verse. *Throughout the bible prostitute refers either to someone unfaithful in her marriage or to an actual prostitute. Hence in this verse prostitute refers to either a former non-Jewess; (the idea here and consistent with other biblical verses is that prostitute is simply a good example of promiscuity; but it generally refers to any extra-marital relation), or to a woman who violated the forbidden intimacy relations, this being a generalization of the typical case of unfaithfulness in a marriage.*

In other words, *prostitute* refers either to (a) actual prostitutes or (b) people unfaithful in their marriage; by generalization it therefore refers to (a) general extramarital activity such as we find in courting relationships of non-jews or (b) violations of any of the serious forbidden intimacies (where *serious* indicates a prohibited activity).

Malbim further explains the controversy between on the one hand Rashi and Rambam and on the other hand the Rosh and the Tosafoth; but this doesn't concern the immediate task of explaining the verse.

Lv21-15a Lv21-14a Lv21-07b

(A) He [the high priest who experienced a death] should not leave the Temple *and he shouldn't profane the holy place of his God.....*(B) He should marry a virgin....A widow, divorcee, profaned woman and prostitute, these he should not take rather a virgin. (C) *And he shouldn't profane his descendants in his nation...*

Rashi Rule: Grammar, Apposition

Rashi Comment: Rashi explains that statement (C), *he shouldn't profane his descendants in his nation* is clarifying (B), *he shouldn't marry a widow, divorcee, profaned woman, and prostitute*. That is, if he violated the law and married one of these, then the descendants are *profaned* (They are not classified as priests).

Ramban demurs: Rashi sees (C) as explaining (B). But the Talmudic Rabbis see (B) and (C) as two separate prohibitions: (B) says he shouldn't marry certain people (widow, divorcee...) and (C) says he shouldn't profane his descendants by having intimacy with one of these (even outside of marriage). Ramban questions why Rashi deviated from the accepted Talmudic explanation.

In my doctoral thesis I pointed out that Rashi frequently makes *two* comments on a verse. Someone objecting to Rashi may not realize that the criticism is on one of the comments and the other comment resolves the objection.

As can be seen from the textual citation above the statement *he shouldn't profane* occurs twice in this paragraph. In the first statement (in statement (A)) the phrase *he shouldn't profane* is in

apposition and explains the preceding phrase of the Priest leaving the Temple (while in mourning). Such a leaving is a profaning of God's holiness. Similarly, Rashi explains that the second *he shouldn't profane* is in apposition to the preceding verse: It explains that violating the law and marrying one of these prohibited woman would profane his descendants so they are not priests.

Although Rashi explains *profane* on Lv21-07b and Lv21-14a, it is here in Lv21-15a that the true derivation of occurs since the Torah juxtaposes the prohibition of marrying certain prohibited women with a statement of profanation thereby indicating the word profane refers to the consequences of violating these laws.

Rashi is however silent on the other inference of the verse mentioned by the Ramban, that there are two separate prohibitions

- A prohibition of *taking* these prohibited women (with the *take*) a biblical term indicated marriage
- A prohibition of *profaning* through these women even without marriage (such as through intimacy).

Rashi in general does not always cite complicated or nuanced Talmudic derivations. This Talmudic derivation is based on the climax principle: In clause (B) it states that one should not *marry* these prohibited women; then in clause (C) we climactically continue that intimacy outside of marriage would also profane the descendants.

However, Rashi's omission of this Talmudic derivation, does not mean he was unaware of it; rather, Rashi wanted to present the main point of the verse that *profanation* occurs as a consequence of marrying these forbidden women.
