

Leviticus 24:10-23

The son of an Israelite woman went out (*vayeitzei*) – he was the son of an Egyptian man – among the Children of Israel; They fought in the camp, the son of the Israelite woman and the Israelite man. The son of the Israelite woman pronounced the Name and cursed, so they brought him to Mosheh. His mother's name was Shlomit bat Divri of the Tribe of Dan.

They placed him in the guardhouse, so that the situation could be explained to them in G-d's words. God spoke to Mosheh:

Take the curser out (*hotzei*) of the camp. All those who heard him should place their hands on his head. The entire community should stone him.

To the Children of Israel speak as follows:

If any man curses his G-d, he bears his sin.

One who pronounces the Name of G-d will surely die; he will surely be stoned by the entire community. Whether he is an alien or a citizen, when he pronounces the Name he will die.

A man who smites any *nefesh* - he will surely die.

One who smites the *nefesh* of a domestic animal shall repay it, *nefesh* for *nefesh*.

A man who wounds his peer (*yinaten bo moom*) – as he did shall be done to him.

Break for break, eye for eye, tooth for tooth – as he wounded a person (*natan moom*), so he shall be wounded (*yinaten bo*).

Who smites a domestic animal will repay it; who smites a man will die.

There shall be one system of law for you, the alien and citizen alike, for I am the Lord your G-d.

Mosheh spoke to the Children of Israel. They took the curser out (*vayotziu*) of the camp, and they stoned him. The Children of Israel did as G-d had commanded Mosheh.

1) Question: The end of Parashat Emor tells a fascinating and enigmatic story. In the middle of the story, the people turn to Mosheh, and through him to G-d, for a legal ruling. G-d gives the ruling, and it is carried out. However, in between the ruling and the execution, G-d finds it necessary to have Mosheh deliver a broad legal speech. The opening section, dealing with cursing is clearly relevant, but why was this the time to convey laws of torts and property damage?

2) Question: Within the aforementioned legal speech, the law regarding one who smites a domestic animal is repeated, although the phrase “*nefesh* for *nefesh*” is added only the first time. (Note also that the law regarding one who wounds a human seems to be recorded in contradictory fashion – the first time it requires precise retaliation, the second time simply requires the death penalty.)

The second question has been dealt with amply by *midrash halakhah*, and independently by several *acharonim*. The *midrash* tends to argue that the law regarding domestic animals is repeated so that an analogy can be drawn between it and the law regarding wounding humans – among the implications of this derivation are the rule that humans are liable for unintentional damage caused by their bodies and famously that “eye for eye” refers to monetary compensation rather than imitative wounding. *Acharonim* tend to find an added case for the second verse to cover, eg. an animal owned by a non-Jew. My major interest in citing this is to show that both repetition and contradiction are problems that occur in Biblical texts even when, as here, there is no even superficially plausible claim of documentary conflation. If the methods of *midrash halakhah* are necessary to solve these problems, it's not clear to me that we should not privilege them with regard to repetitions across books of Chumash, as for example the repetition of “eye for eye” here after Exodus.

The first question so far as I can tell is first raised by Kli Yakar, and has not been to my knowledge fully treated. Some suggestions:

1) The repetition of “alien and citizen alike” may be a comment on the social stratification implied in the description of the curser. Many suggest that his behavior was a reaction to the community's failure to accept him because of his father. The Torah thus mandates his punishment while admonishing the community not to drive other members into sin. (Note that one tradition identifies his father as the evil Egyptian killed by Mosheh, but another identifies him as an Egyptian convert).

Kli Yakar suggests that the cursing was caused by a gradual escalation during the fight. Perhaps, then (this is my suggestion, not his) the Torah thus notes that retaliation in perfect proportion is required – no escalation is permitted – and this, obviously, requires submission to a judicial system. I welcome further ideas. Shabbat Shalom!