

Zera Shimshon

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Published Mantua 1778*

Chapter XLIX: Ki Teitzei (Deut. 21:10–25:19)

Essay 2. The beautiful captive

פָּרָק ד' דִּיבְמוֹת (דף מ"ח) תְּנוּ רַבָּנַן "וְגִלְתָּה אֶת־רֵאשָׁהּ" וְכוּ'. רַבִּי אֱלִיעֶזֶר תְּקוּץ רַבִּי עֲקִיבָא תְּגַדִּיל. אָמַר רַבִּי אֱלִיעֶזֶר נְאֻמָּה עֲשִׂייה בְּרֵאשׁ וְנְאֻמָּה עֲשִׂייה בְּצַפְרָנִים, מַה לְהֵלֵן הַעֲבָרָה הַכִּי נָמִי הַעֲבָרָה. רַבִּי עֲקִיבָא אָמַר נְאֻמָּה עֲשִׂייה בְּרֵאשׁ וְנְאֻמָּה עֲשִׂייה בְּצַפְרָנִים, מַה לְהֵלֵן נְיוּוֹל אִף כָּאֵן נְיוּוֹל. וְרֵאשָׁה לְדַבְרֵי ר' אֱלִיעֶזֶר וּמְפִיבוּשֶׁת בְּוֶשְׂאוֹל וְכוּ' "וְלֹא־עֲשֶׂה רַגְלָיו וְלֹא־עֲשֶׂה שְׁפֹמוֹ". מַאי עֲשִׂייה? הַעֲבָרָה ע"כ. וּפְרַשׁ רַש"י ז"ל תְּקוּץ, אֲצַפְרָנִים קָאִי וְאִף עַל גַּב דְּלֹאוּ נְיוּוֹל הוּא גְזִירַת הַכְּתוּב הִיא עכ"ל.

Deut. 21:10–14 discusses the “beautiful captive” and provides the rules by which a Jewish soldier can marry her. **The fourth chapter of tractate Yevamot (page 48a)** analyzes this:

The Sages taught: [The verse states:] **“And she shall shave her head and do her nails”** (Deut. 21:12). [Scripture gives an explicit instruction with regard to hair, “shaving,” but with regard to her nails says only she has to do something, without specifying what. This leads to a dispute.] **Rabbi Eliezer says: She cuts** [her nails]. **Rabbi Akiva says: She grows** [them].

Rabbi Eliezer said: [An act of] **“doing” is stated with regard to the head, and** [an act of] **“doing” is stated with regard to the nails. Just as there** [with regard to the hair on her head, the Torah explicitly requires its] **removal** [by stating *וְגִלְתָּה* (*ve'gilcha*) (shaving)], **so too, here** [with regard to her nails, the Torah implicitly requires their] **removal** [i.e., that they be cut short].

Rabbi Akiva says: [An act of] **“doing” is stated with regard to the head,** [that she should shave it,] and an act of **“doing” is stated with regard to the nails. Just as there** [with regard to the hair on her head, the Torah requires that she do something that makes her] **repulsive, so too, here** [with regard to her nails, the Torah requires she do something that makes her] **repulsive** [i.e., allowing them to grow].

And a proof for the statement of Rabbi Eliezer is offered: “And Mephibosheth, the son of Saul, came down to meet the king; and he had neither done his feet nor done his mustache” (II Sam. 19:25). **What is “doing”** [in that

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context]? **Removal** [of his toenails and his mustache; i.e., trimming his nails short and shaving his mustache].¹

- Yevamot 48a²

Commenting on Yevamot 48a, **Rashi of blessed memory explains** Rabbi Eliezer's words “**she cuts**” as referring to the convert's **nails**, and states that **even though** cutting nails short is **not repulsive**, Rabbi Eliezer considers **it to be an enactment of Scripture**. That is, the rabbis agree that long hair and short-trimmed fingernails are attractive, and that shaved hair and long fingernails are unattractive.³ Rabbi Akiva thought that the instructions could be interpreted as logical *mishpatim*, establishing a cooling-off period and making the captive repulsive so that the captor would not want her and would send her away, thus protecting him lest the captive return to her idol-worshipping ways. Rabbi Eliezer thought that the instructions should be interpreted as *chukkim*, for which a logical basis need not be established, and therefore the intent was not necessarily to make the captive repulsive.

פולי עלמא מקשים על פּרש רש"י אצפרנים קאי דמה בא להודיענו? ויש לומר דפוננת רש"י לתרץ, דבשלמא לר' עקיבא ניקח דשני קרא בדיבוריה וכתב "וגלחה את-ראשה" לפי שהם משונים במעשה זה מזה. אלא לר' אליעזר קשה דאם כדבריו היה לו לומר ועשתה את ראשה ועשתה את צפרניה.

The entire world asks about this explanation of Rashi, identifying “she cuts” as referring to her **nails**—**what is he coming to inform us?** I.e., Scripture explicitly says that the beautiful captive shall shave her head, so Rabbi Eliezer's remark “she cuts” cannot be referring to that. It must, therefore, be referring to the action she should take in “doing” her nails.

It's worth saying that Rashi's intent is to explain the conflict of the Gemara, **that granted, according to Rabbi Akiva, it is good that the Scripture changes** the form of its **declaration and first writes “and she shall shave her head”** but then doesn't give a specific verb with regard to her nails other than the general “she shall do her nails.” **According to that**, Rabbi Akiva decides that **they are different in action one from the other**. I.e., he believes the Torah wants the beautiful captive to make herself repulsive. Therefore, he holds that with regard to hair,

¹ A man can quickly shave off a moustache and trim his toenails, but can't quickly grow them. Thus, it seems obvious that the general verb “to do” in the context of Mephibosheth meant to shave off the moustache and trim the toenails.

² The halacha is not settled. Rabbi Eliezer's position was supported by Targum Yonatan and Targum Neofiti, which render “she shall do” in Deut. 21:12 as “she shall cut.” Ramban also supports cutting the nails. Rabbi Akiva's position was supported by Targum Onkelos, which rendered “he didn't do” in II Sam. 19:25 as “he didn't cut,” but rendered “she shall do” in Deut. 21:12 as “she shall let them grow.” Rashi on Deut. 21:12 also supports Rabbi Akiva's position that the nails should be grown. Rambam (Hilchot Melachim 8:5) takes the same position. Finally, Lekach Tov (Pesikta Zutarta) states that the captive allows her nails to grow for a month in order to be unattractive, but then she cuts them in time for her conversion immersion. It appears that Rabbi Nachmani follows Rabbi Eliezer's view that the nails should be cut.

³ Married Jewish women trim their nails before going to a mikvah following their monthly cycle, so the rabbis would not consider long fingernails (whether natural or artificial) to be attractive.

she should shave it off so that she becomes bald, but with regard to fingernails, Rabbi Akiva holds that she should allow them to grow long and unsightly.

Rather, according to Rabbi Eliezer, it is difficult to understand his position, because according to his position, [Scripture] should have said, “and she shall do her head and she shall do her nails.” I.e., if Scripture had used the same verb for both head and nails, that would have strengthened Rabbi Eliezer’s position that the same action was meant for both. As the verse instead says “she shall shave her head” and “she shall do her nails,” Rabbi Eliezer’s can provide only the weak argument that “[an act of] doing” (עשייה) (*asiyah*) is stated with regard to each one.

וְצָרִיךְ לומר דאילו כתב הכי הנה מקום לטעות ולומר דנעשתה את צפרניה תגדיל, מכם הסכרא שראינו שהחמיר עליה הכתוב כדי לנולקה. דאם איתא דפוננת הכתוב היתה לומר שתקוץ הצפרנים, הנה כתיב נעשתה את ראשה ואת צפרניה כלהו כחד. ומדלא ערבינהו היינו אומרים שנעשתה את ראשה כדאיתיה והאי כדאיתיה כדי לנולקה.

It needs to be said that if it had been written thus in Scripture, i.e., “she shall do her head” and “she shall do her nails,” **it would have still been possible to err** like Rabbi Akiva **and to say that** the interpretation is **“and she shall grow her fingernails,”** from the force of the explanation offered by Rabbi Akiva **that we see that Scripture is strict upon her in order to make her repulsive.** That is, even if the same general verb “she shall do” had been used separately for each subject, Rabbi Akiva could have argued that it was not intended to convey the same action for both, i.e., cutting her hair and cutting her fingernails, but was instead intended to produce the same effect, making her repulsive, which would mean cutting her hair but growing her fingernails.

For if the intent of the Scripture is to say that she will cut her fingernails, it would have written “and she shall do her head and her nails” all together in one statement, i.e., with the verb given only one time, instead of stating “and she shall do” first for her head and then again for “her nails.” That would have clarified that the same action was required for both the hair and nails. **But since there was no such combination of the two subjects, we say that she does her head in such-and-such a way, and this instruction regarding her nails she does in such-and-such a way, in order to make her repulsive.**

אף קשה למה באמת לא כתב נעשתה את ראשה ואת צפרניה כלהו כחד, לדעת ר' אליעזר דכלהו דינן בהעברה וקציצה. ויש לומר דממה נפשך היו שני דברים דסתרי אהדדי בין לדעת ר' אליעזר בין לדעת ר' עקיבא, שאם נפרש גידול לגביה דצפרנים, כדי שיהיה הפל דרך גידול נפרש נעשתה, אם כן נעשתה לגבי הראש משמע גילוח וקציצה, ולגביה דצפרנים גידול. ואם לשון קציצה נהסרה בין לגבי הראש ובין לגבי אצפרנים, הלא בראש משמע גידול ובצפרנים אינו גידול אלא נוי? ומשום הכי כתב וגלחה בראש, נעשתה בצפרנים, ונהו שפרש רש"י תקוץ אצפרנים קאי, שההכרח של ר' אליעזר היינו לפי שהתורה רצתה להניח נעשתה בהדי צפרנים דוקא, שהיא הציווי והפועל של הקציצה לאשמועינן חידושא, דאף על גב דלאו גידול גזירת הכתוב היא.

But it is difficult to understand why in truth it’s not written, “and she shall do her head and her nails” all together in one statement, according to the opinion of Rabbi Eliezer that the law is the same for all: removal and cutting. The answer is that **it’s worth saying that whichever way you interpret it,** if the verse had recited “she shall do her head and her nails,”

there are two things that contradict each other, in light of either the opinion of Rabbi Eliezer that “doing” means cutting regardless, or the opinion of Rabbi Akiva that the “doing” means whatever it takes to make the captive repulsive.

For if we interpret “and she shall do” as “growing” with regard to her nails, such that everything about “and she shall do” will be understood in the way of being repulsive, then “and she shall do” regarding the head means “shaving and cutting,” while regarding her nails [it means] growing. So if the language had been “and she shall do her head and her nails,” it’s understandable that according to Rabbi Akiva a single verb followed by two subjects would not be appropriate, if we accept the premise that a single verb (even a general one such as “doing”) must still refer to the same action.

If, on the other hand, as Rabbi Eliezer holds, we will explain “and she shall do” as the language of cutting and removal regardless of whether we are discussing the head or the nails, isn’t it for the head a meaning of repulsiveness, but for the nails not repulsiveness but rather an adornment? So if the language had been “and she shall do her head and her nails,” and interpreted as cutting and removal, Rabbi Akiva still would have been disappointed, because her hair would have been unattractive, but not her nails. Rabbi Eliezer, who unlike Rabbi Akiva didn’t feel a need for an interpretation as logical *mishpatim*, would have still interpreted the rules as *chukkim*, as he had already done with the actual text, so there would have been no advantage with regard to him, either.

For this reason, Scripture doesn’t simply state “and she shall do her head and her nails.” Rather, it is written “and she shall shave” for the head, and “she shall do” for the nails. This is the explanation of Rashi, that Rabbi Eliezer’s words “she cuts” refers to her nails, for Rabbi Eliezer [felt] compelled to make explicit regarding nails what the Torah set down before us. For this was the command of G-d, and the action of cutting teaches us a novelty, that even though it is not repulsive, it is an enactment of Scripture.⁴

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⁴ Question for discussion: Why didn’t Scripture explicitly say what was required, such as, according to Rabbi Eliezer, “And she shall shave her head and *cut* her nails”?