

THE MEANING OF *BIKKORET* IN LEVITICUS 19:20

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Rashi is often viewed as deviating from *peshat*, the simple meaning of the text, in favor of midrashic interpretations. Sometimes, however, scholarship comes full circle and sees Rashi's explanation in a new light, as the simplest. One such example is the puzzling case of the half-freed maidservant, the *shifhah harufah*. Linguistics seems to indicate any of four possible origins, but in the end Rashi's Hebrew explanation retains great merit. The word in question is *bikkoret*, which in Modern Hebrew means "critique" but in Biblical Hebrew is ambiguous.

THE HALF-FREED MAIDSERVANT

If a man sleeps with a maidservant who has been assigned to another man, but has not been fully redeemed or given her freedom, there must be bikkoret. They shall not be put to death, because she was not free (Lev. 19:20). The translation of *bikkoret* is difficult. More broadly, the entire case is obscure. R. Akiva explains that the case involves a man sleeping with a maidservant who is half-free and engaged to a Hebrew slave (TB *Keritot* 11a). A maidservant can be half-free if she has two masters who own her in partnership, one of whom frees her. She is half-owned by one master and half-free because the other master freed her. Do we really need a special *mitzvah* for this unusual case? The Talmud certainly raises strange cases to test the limits of laws, but the Bible does not follow that style.

R. David Tzvi Hoffmann (ad loc.) offers what seems to me the most plausible explanation of this case. It is not about two masters, one of whom frees her. This is about romantic betrayal. A man falls in love with a maidservant and tries to buy her freedom. He betroths her and slowly pays for her freedom as he acquires the funds, but during this process – when she is still only partially re-deemed – she betrays him by sleeping with another man. Because she is not a completely free woman, she has a unique status which is not subject to the normal penalty of adultery. While this still seems like an unusual case, it is more plausible than that of the two owners.

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BIKKORET

The Torah states that in this case there is or should be *bikkoret*. Commentaries offer various explanations as to what that means. R. Saadiah Gaon is quoted by others (e.g., Radak, *Sefer ha-Mikhlol*, sv. *bkr*) as connecting the word to *bakar*, "cattle." The half-freed maidservant is lashed with a leather whip. *Midrash Lekah Tov* (quoted in *Torah Shelemah*, vol. 32, Lev. 19, no. 332) offers a similar explanation. TB *Keritot* 11a states that *bikkoret* is a term that implies lashes. However, this seems far from the simple meaning.

Rashi (ad loc.) states that it means to investigate. The court must determine her status – of a half-freed maidservant – and then exempt her from the normal punishment of adultery. In this, he follows R. Menahem Ibn Saruk (*Mahberet Menahem*, sv. *bkr*, p. 47) and R. Dunash ben Labrat (*Teshuvot Dunash Im Hakhra'ot Rabbenu Tam*, sv. *bkr*, p. 53), and he is followed by Rashbam (ad loc.).

Ramban (ad loc.) poses a serious challenge to this interpretation. He points out that in every possible capital case the court must conduct a full investigation. Why does the Torah need to specify that this particular case requires an investigation?

LINGUISTICS

Saadiah Gaon's and Rashi's approaches assume that *bikkoret* is a Hebrew term. Ramban turns to comparative linguistics for an explanation of this unusual word. Three languages other than Hebrew are suggested by commentators as offering parallels:

1. Aramaic

Ramban suggests that *bikkoret* is similar to an Aramaic word, *hefker*, which is also spelled *hevker*. Indeed, Ramban was preceded in this by R. Jonah Ibn Janah (*Sefer ha-Shorashim*, sv. *bkr*, p. 74). *Hevker* means "ownerless." Therefore, Ramban explains, this verse is saying that because she is still partially a maidservant, she is not considered married according to the adultery laws. (Note that elsewhere, in his commentary to *Kiddushin*, Ramban writes that marriage is called an acquisition only as a parable and does not literally function that way.)

However, N. H. Wessely in Mendelssohn's *Bi'ur* challenges Ramban's interpretation. Isn't it redundant to state that she is unmarried and then say that she was not freed? Additionally, she is still lashed and must bring a guilt-offering. Clearly, she is not entirely ownerless. (Interestingly, S. D. Luzzatto [ad loc.] follows Ramban and seems unaware of Wessely's critique.)

Somewhat differently, R. Jonah Ibn Janah explains that she is free from punishment other than lashes. However, if she is free, no lashes should be administered. R. Jacob Tzvi Mecklenburg (*Ha-Ketav ve-ha-Kabbalah*, ad loc.) takes the "ownerless" meaning in another direction, that of the *apikoros*, the heretic. The half-freed maidservant who commits pseudo-adultery must do so intentionally to deserve punishment. *Bikkoret* means acting as if she has no owner, sinning intentionally. That is why she is subject to punishment.

However, the question Ramban asked vis-à-vis Rashi can now be asked vis-à-vis R. Mecklenburg. If sins are only punished if committed intentionally, why should the Torah mention it specifically in this case?

2. Arabic

Milgrom (*Anchor Bible Commentary*, Lev., vol. 2, p. 1670) quotes Ehrlich as suggesting that *bikkoret* is similar to the Arabic word *bakkara*, which means to split. In this case, it would mean to distinguish. Presumably, the court must distinguish between a full maidservant and one who is half-freed. This is similar to Rashi's approach and subject to the same challenges without offering any benefits. If we can overcome the questions, why derive the word from Arabic when one can derive it from Hebrew?

3. Akkadian

Wenham (*New International Commentary on the Old Testament*, Lev., p. 270) "tentatively" follows Speiser (*Oriental and Biblical Studies*, pp. 128-131), who connects *bikkoret* with the Akkadian term *bakrum*, "compensation." The would-be-adulterer must pay the injured party for damages.

However, Milgrom (ibid., p. 1668) firmly rejects this interpretation. He argues that the Akkadian term on its own is by no means clear and therefore cannot serve as the basis of interpretation for another word. Additionally, he points out that the text does not say who must pay the fine. This translation

