

Mishlei 20-16

Commitments – Collateral

Key Concepts

As we have previously seen, Mishlei strongly discourages the practice of providing loan guarantees because it makes the foolish guarantor subject to unexpected risk. Mishlei is concerned that since guarantors may be vulnerable to wishful thinking, the giving of a guarantee can lead to tragic consequences. These issues are explored in segments 06-01 and 11-15.

Generally, when a loan becomes due for payment, the Torah protects the borrower by restricting the ability of the creditor from seizing items of collateral (Shemos 22:25). However, to discourage people from volunteering as guarantors, the Torah removes such restrictions when the creditor seizes possessions of the guarantor. Mishlei now reminds the creditor that he has full authority to seize personal items belong to guarantor as long as the loan remains unpaid.

Exploring Mishlei

(טז) לְקַח בְּגָדוֹ כִּי עָרַב זָר וּבָעַד נְכָרִיָּה חֲבֵלָהּ:

(16) *Take his garment, because he has co-signed for a stranger, and for an alien woman, take collateral from him.*

Mishlei is especially concerned about cases where the borrower is not well-known because the chances of default are more likely and the risk of a tragic over-commitment on the part of the foolish guarantor is greater.

The possibility of a borrower being an alien woman is a matter of special concern because of the possibility that she is exerting undue influence on the guarantor. This justifies an even greater urgency in putting pressure on the guarantor by reminding him that he will not be protected from seizure of his personal items,

Learning Mishlei

(16) Take his garment — קח בגדו
because he has co-signed for a stranger — פי ערב זר
and for an alien woman — ובצעד נכריה,
take collateral from him. — חבילהו.

Additional Insight

The “stranger” is a person from another town. The “alien” woman is from another country. Furthermore, the subject of this proverb may represent false philosophies or idolatrous beliefs. The garment in question may be a reference to the “spiritual garment” which every Jew received at Mount Sinai. One who supports false ideologies will be stripped of this protection. (מלבי"ם)