

Parashat Ki Tetze, Deuteronomy 21:10-25:19

PARASHAH OVERVIEW

- Moses reviews a wide variety of laws regarding family, animals, and property. (21:10–22:12)
- Various civil and criminal laws are delineated, including those regarding sexual relationships, interaction with non-Israelites, loans, vows, and divorce. (22:13–24:5)
- Laws of commerce pertaining to loans, fair wages, and proper weights and measures are given. (24:10–25:16)
- The *parashah* concludes with the commandment to remember for all time the most heinous act committed against the Israelites—Amalek’s killing of the old, weak, and infirm after the Israelites left Egypt. (25:17–19)

SUMMARY

Parashat Ki Tetze contains 72 *mitzvot* (commandments). Although they seem unrelated, they all pertain to the morals and values that God wanted to be deeply implanted in the Israelites' hearts and minds. These *mitzvot* cover a wide variety of topics, from family life, human kindness, respect for property and animals, the safety of others, sexual relationships, escaped slaves, financial loans and charging interest, and keeping promises, to remembering to blot out the name of one of Israel's greatest enemies.

Ki Tetze, "when you go out" to war, the people are told, and women are captured, they must be allowed to have a month of mourning for their parents before they can be taken into Israelite households as wives. The first-born son is to inherit a double portion of the father's possessions, even if the mother of that son is not beloved by the father. Severe punishment at the hands of the elders of the community is described for a son who does not obey his parents. If a guilty person is put to death, he must be buried the same day. Lost animals, clothing or anything belonging to another must be returned to the rightful owner. If an animal has fallen on the road, one must help its owner lift it up. If one sees a mother bird on her nest, the mother should be let go before one takes the baby birds or eggs "in order that you may fare well and have a long life" (Deut. 22: 6-7). When building a new house, a railing on the roof is to be erected so that no one will fall from the roof. Don't plow with two different types of animals. Ammonites and Moabites should never be allowed to enter into the community because they didn't offer food or water to the Israelites when they were leaving Egypt and because they hired Baalam to curse the Israelites. During war, it is important to keep oneself clean and to make the camp a holy place since God moves among the people to protect them from their enemies. If a slave escapes and seeks refuge, do not return him to his owner. When making loans, interest should not be charged to other Israelites, but interest may be charged to foreigners. If one voluntarily makes promises to God, the promises must be fulfilled. A person may eat grapes in his neighbor's vineyard, but may not fill vessels with grapes. Similarly, a person may use his/her hands to take grain from his neighbor's field, but may not use a sickle to cut the grain. When a couple wishes to be divorced, their marriage is to be dissolved with a formal document (a Bill of Divorce, or *Get*). A person may not go into his neighbor's house to collect payment on a loan. Laborers must be paid on the same day that they perform work. People are responsible only for crimes they have committed. If any grain or fruit remains after harvesting wheat in the fields, picking olives from trees or picking grapes in the vineyard, it must be left for the stranger, the fatherless and the widow. If there is a dispute and one person is found guilty, the maximum punishment is 40 lashes. Don't muzzle an ox when it is threshing. Merchants must be completely honest in their dealings and must not have faulty weights or scales. The parasha concludes with the people being told to remember Amalek, who ruthlessly attacked the weakest of the Israelites (the sick, elderly, women and children who straggled behind) as they left Egypt. They are to remember by forever blotting out Amalek's memory.

Creating a Promised Land

Toby Koritsky

This week's portion begins with the words *Ki Tetze*, "When you go out." (Deuteronomy 21:10) The root *yatzah*-consisting of the letters *yud, tzadee, aleph*-means "to leave." The Israelites have had experience with leaving. They left Egypt and traveled through the wilderness, where they received the Torah. Now that they are getting ready to enter the Promised Land, the question is, how will they take what they learned in the desert and transform it into a reality in their new home?

The instructions in *Ki Tetze* help the Israelites prepare for their new life. They are given detailed laws on many topics, with the greatest emphasis placed on moral values: They are challenged to choose the way they will act as individuals every time they "go out." Their choices will determine the kind of community they will create. The guidelines are provided: "When you build a new house, you shall make a parapet for your roof." (Deuteronomy 22:8). "You must pay [a hired worker] his wages on the same day, before the sun sets, for he is needy and urgently depends on it." (Deuteronomy 24:15) "When you reap the harvest in your field and overlook a sheaf in the field,··· it shall go to the stranger, the fatherless, and the widow." (Deuteronomy 24:19) These are the principles that the Israelites were given to create a holy nation.

Is there a difference between doing what is right at the moment because it feels good and making a conscious, deliberate choice to follow God's laws? The text suggests that our choices must be deliberate. For us as Reform Jews-whether we consider these laws to be *mitzvot* that are mandated or view them as open to interpretation-the choosing must become conscious, not happenstance. The fact that we find some of the laws uncomfortable to follow and that in fact these laws raise issues of ethics in today's society indicates that an educated, conscious choice is essential. We cannot be passive or complacent regarding this process: Making conscious choices can elevate us to a higher state of holiness.

When each of us consciously performs ethical acts, we become partners with God. Our individual actions have the power to influence others, to build the kind of community that exemplifies God's Presence. Eugene Borowitz calls this effort "reaching toward our spiritual potential." By making this effort, we can "infuse every ordinary human activity with a touch of transcendence." (*The Jewish Moral Virtues*, Borowitz and Schwartz, JPS, 1999, p. 63)

As educators, parents, and members of the community, we are obligated to discuss with our children the power and impact of making conscious choices based on the Torah's teachings. By doing so, we, too, can prepare to enter the Promised Land.

For Further Discussion

How can you make your daily actions more consciously infused with the Torah's teachings?

What can we do to make our community a "Promised Land"?

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The Art of Seeing

Shoshana Perry

As the mother of a toddler, I spend a fair amount of time immersed in a world that I myself have not visited for decades. In so doing, I am learning to see in a new way. I know this may sound sacrilegious, but I find that parenting is not so different from studying Torah! They are both such challenging tasks that at times I want to pull my hair out. They can both leave me feeling completely ignorant, and they are both sacred acts that bring me closer to God. Toddlers, as we all know, are unique beings with their own rules of right and wrong, ownership, fairness, and community. Personally, I often wish that Rashi had written a commentary to help me cope as a parent. What is clear is that the more deeply I probe the mysteries of toddlerhood, the more I grasp the sacredness of life and the way in which God would like us to relate to one another.

Take the game of hide-and-seek. When I play this game with my daughter, she runs across the room, turns her back to me, and covers her eyes. There she is, standing completely in the open, but as long as she can't see me, she thinks that I can't see her! In this week's *parashah, Ki Tetze*, we learn about another kind of hide-and-seek. Everett Fox's translation of Deuteronomy 22:1,4 highlights the experience of "self-hiding." He writes: "You are not to see the ox of your brother or his sheep wandering away and hide yourself from them; you are to return, yes, return them to your brother··· You are not to see the donkey of your brother, or his ox, fallen by the wayside, and hide yourself from them; you are to raise, yes, raise

it up (together) with him." Other translations of this text, like that found in *The Torah: A Modern Commentary* (p. 1,485) edited by W. Gunther Plaut, offer a subtly different perspective. For example, verse 1 of that translation reads: "If you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow." This translation conveys a passive kind of irresponsibility. In contrast, Fox's more literal translation underscores the fact that such neglect is far more than benign: Fox's translation describes a conscious act of hiding oneself away from what one would like to disconnect oneself from and shutting it out. This reaction is very much like that of the toddler who stands in the middle of the room and covers her eyes. As long as she can't see, everything else ceases to exist.

Historically, *Ki Tetze* describes the time that our ancestors are preparing to enter the Promised Land. God sets before them a detailed prescription of how they are to act in their new homeland. According to Maimonides, this Torah portion contains seventy-two *mitzvot*, most of which are concerned with the moral values that God would like to see instituted in the Promised Land. These laws are meant to help people consciously focus their actions in such a way that their society will become a place in which people care about one another. They are meant to promote a style of living whereby people are not cut off from one another. They are meant to inspire connection and engagement. In *Parashat Ki Tetze* we learn that we are supposed to behave in this way not only toward our own kin but also toward the stranger and the orphan, toward the widow and, yes, even toward our enemies.

Unfortunately, there is a toddler still lurking in each of us. In today's society, it is very easy for us to build a life that blinds us to the problems of others. Those who are fortunate can surround themselves with safe neighborhoods, good schools, and a clean environment. But all too often we become so self-absorbed that we forget the needs of those who exist beyond our own immediate boundaries. It was not any different for our ancestors. Thus God needed to repeat on two occasion the command to help others: "You are to return, yes, return them to your brother... You are to raise, yes, raise it up (together) with him." (Deuteronomy 22:1,4) Obviously God understood that we need a little prodding in order to extend ourselves. Our tradition states that every Jew must see himself leaving Egypt and must see herself standing at Sinai. I would say that each and every Jew must also see himself or herself entering the Promised Land. In every moment we have a choice: either to act in such a way that we close our eyes to God's Presence or to act in such a way that we bring sacredness into our world.

For Further Reading

Striving toward Virtue: A Contemporary Guide for Jewish Ethical Behavior, Kerry Olitzky and Rachel Sabath, KTAV Publishing, 1996.

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"FINDERS KEEPERS, LOSERS WEEPERS"?

Judy Shanks

The Midrash (Devarim Rabbah 3:5) relates the story of wayfarers who leave two measures of barley for safekeeping with Rabbi Pinchas ben Yair. They travel on, leaving no word as to the anticipated date of their return. Seven long years pass, and the itinerants finally come calling on the rabbi. He leads them to a large granary filled with the pounds and pounds of barley produced from the original two measures; the rabbi has planted, harvested, and stored the grain as part of his sacred covenant with the men to safeguard their holdings.

"If you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow. If your fellow does not live near you or you do not know who he is, you shall bring it home and it shall remain with you until your fellow claims it; then you shall give it back to him." (Deut.22:1-2) No "finders keepers, losers weepers" axiom at work here! The Torah and the rabbis take seriously the moral obligation upon each of us to insure the safe return of lost or lent objects, even if the finder has to incur some cost or effort to store or maintain them until the rightful owner makes claim.

Imagine if Rabbi Pinchas ben Yair had been an official at one of the Swiss banks where desperate Jews deposited money and valuables during the years of World War II. We recoil at the stories of those who managed to survive the horror only to return and find not Rabbi Pinchas but cold and stubborn officials who disputed their rights and denied their claims. Such suffering heaped upon suffering is finally, thankfully, being somewhat mitigated by the courageous efforts of those committed to redeeming the deposits.

In our lives today we infrequently find lost objects or hold onto another's valuables for a time. Our consciences confirm the wisdom of the mitzvah to do everything possible to return them to the owner. Most often, though, what we find and

hold in trust are the feelings, the shared dreams, or the confidences of friends, co-workers, and family. These, too, we must guard carefully and return with the accrued interest of our friendship, our honest praise, and our commitment always to nurture these vital human connections.

We have entered the month of Elul. In our preparations for the High Holy Days, let us pick up the lost strands of connection with those who mean most to us. When we find the rightful owners, we will return to them and ourselves the invaluable treasures of trust, love, and companionship. We can then enter the New Year in peace.

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JEWISH LOST AND FOUND

Lesley M. Silverstone

The issue of returning lost property is discussed in this week's Torah portion, Ki Tetze, and also in Exodus 23:4. However, here in Deuteronomy we are given more details including the obligation to care for the lost article and the prohibition against ignoring it. The Talmud (Bava Metzia 27b) explains that there are actually three mitzvot connected with the return of a lost article: the positive command to return it; the prohibition against ignoring it; the prohibition against theft applying to a case where the finder takes possession of it for himself.

Deuteronomy 22:1 tells us: "if you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow." This also applies to garments and other objects. In Exodus 23:4 we are commanded to restore a lost animal even to an enemy. The explanation for this obligation, according to Bachya (Spain, 13th century), is that "when you return the animal to an enemy and extinguish your hatred, you will be returning it to your fellow." (*The Torah: A Modern Commentary*, p. 1490)

Rabbi Shanks emphasizes the importance of caring for the lost article until the owner demands its return. We learn from the midrash in Devarim Rabbah that it's not enough just to keep the article; the Torah commands us to actively safeguard the item or animal so that the owner can claim it at its full value. The story about Rabbi Pinchas ben Yair is but one of many midrashim that show us to what extent people went to fulfill their obligations. (See Nehama Leibowitz, *Studies in Deuteronomy*.)

We learn about the prohibition against ignoring a lost article from the word *v'hitalamta*, "ignore it." The word literally means "hide." Nehama Leibowitz tells us that Rabbi Moses Alshekh (Turkey, 16th century) translates this phrase as "thou mayest not hide thyself." We learn that a person may not "hide"-pretend not to have seen the lost article. Although it might be a natural response to wish to cast a blind eye, we are obligated as Jews to fulfill the mitzvah of prohibiting *v'hitalamta*.

This month of Elul, before Rosh Hashanah, is an appropriate time to take stock of our own behaviors. Here are some questions to help us do that: Have you ever found a valuable object? What steps did you take to find its owner? How well did you care for something entrusted to you? How did you feel when someone else returned a lost object to you? What are some methods a person might use to find or restore lost property?

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THE UNCONSCIOUS COMMANDMENT

Alan Rusonik

Every day, you and I perform unconscious acts. From the innate act of breathing to that of protecting our young, we are often oblivious to our actions. This is also true regarding acts of kindness. We hear people sneeze and we instinctively say, "God bless you." We see someone loaded down with packages and we instinctively offer help.

I believe that, ultimately, God wants us to perform acts of kindness unconsciously. However, God knows that we cannot begin to perform acts of kindness without conscious thought. God knows that we need commandments to be our moral compass, to guide us in our acts of kindness, so that, in time, our conscious acts become unconscious behaviors or, simply put, part of our character and nature. Thus the Torah contains a myriad of commandments that tell us how to act and how to behave.

Furthermore, these unconscious acts of kindness are no less worthy than acts of kindness that are done consciously. How can we say that helping a person in need instinctively is less worthy than prescribed giving? Both are equally important, and there is no moral barometer that tells us if one act of kindness is greater than another.

Interestingly, there is one commandment in the Torah that bids us to do something unconsciously. It is the commandment of the forgotten sheaf, which is found in this week's parashah, Ki Tetze. In Deuteronomy 24:19, we are told that when the Israelites reap the harvest in the fields, if they forget a bundle, they are commanded not to turn back to retrieve it: "It shall go to the stranger, the fatherless, and the widow." The verse ends by stating that we are commanded to do this so that God will bless us in all our undertakings.

The commandment of the forgotten sheaf is an example of an act of kindness that a person performs but is unaware of performing. In other words, unlike the vast majority of the commandments found in the Torah, this commandment is not dependent on a person's free will. Since the nature of this commandment differs significantly from that of most commandments found in the Torah, one can ask the question, What then is the reason for this commandment? In other words, What is the rationale for a commandment the performance of which is itself an unconscious act?

The rationale behind the commandment of the forgotten sheaf is not so much to feed the poor: We should not delude ourselves into thinking that the gleanings we leave behind would be enough to fulfill our obligation to give to the poor. It would be very dangerous to think about a world in which the only gifts to the poor are those that are given unconsciously. In such a world, there would never be enough to satisfy the needs of the less fortunate. On the contrary, it is for that very reason—so that their needs will be satisfied—that we have prescribed measures for giving to the poor.

Thus if the rationale is not to feed the poor, what is it? As stated above, the reason for the performance of the commandments is to build character in the individual. This can be true for both the conscious and unconscious deeds that we perform. The commandment of the forgotten sheaf teaches us—although we are unconscious of this fact—not to be selfish and believe that everything belongs to us. As stated in the Book of Psalms, "The earth is God's and the fullness thereof; the world, and they that dwell therein." (Psalm 24:1) The commandment of the forgotten sheaf also teaches us about tzedakah in its most pristine state, whereby the donor and the recipient are unknown to each other, because how can the donor boast about fulfilling this commandment if he or she is unaware of even performing it? Thus it also teaches us humility. Finally, our sages teach us that when a person has no conscious intention of performing a good deed and yet the act is nevertheless considered one, how much more so for the person who consciously performs a good deed? (Tosefta, Peah 3, 8) The point here is that when we read this commandment in the Torah, it should inspire us to perform good deeds consciously, rather than unconsciously. If we recognize that God will bless us when we do good deeds unconsciously, how much greater would our blessings be for the good things we do consciously! If the rationale behind the commandments is to build character, then the unconscious commandment of the forgotten sheaf also has much to teach us.

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