

Kol Rina  
An Independent Minyan  
Parashat Ki Teitzei  
September 14, 2024 \*\*\* 11 Elul, 5784

Ki Teitzei in a Nutshell

[https://www.chabad.org/parshah/article\\_cdo/aid/2286/jewish/Ki-Teitzei-in-a-Nutshell.htm](https://www.chabad.org/parshah/article_cdo/aid/2286/jewish/Ki-Teitzei-in-a-Nutshell.htm)

The name of the Parshah, "Ki Teitzei," means "when you go out," and it is found in Deuteronomy 21:10.

Seventy-four of the Torah's 613 commandments (mitzvot) are in the Parshah of Ki Teitzei. These include the laws of the beautiful captive, the inheritance rights of the firstborn, the wayward and rebellious son, burial and dignity of the dead, returning a lost object, sending away the mother bird before taking her young, the duty to erect a safety fence around the roof of one's home, and the various forms of kilayim (forbidden plant and animal hybrids).

Also recounted are the judicial procedures and penalties for adultery, for the rape or seduction of an unmarried girl, and for a husband who falsely accuses his wife of infidelity. The following cannot marry a person of Jewish lineage: a mamzer (someone born from an adulterous or incestuous relationship); a male of Moabite or Ammonite descent; a first- or second-generation Edomite or Egyptian.

Our Parshah also includes laws governing the purity of the military camp; the prohibition against turning in an escaped slave; the duty to pay a worker on time, and to allow anyone working for you—man or animal—to "eat on the job"; the proper treatment of a debtor, and the prohibition against charging interest on a loan; the laws of divorce (from which are also derived many of the laws of marriage); the penalty of thirty-nine lashes for transgression of a Torah prohibition; and the procedures for yibbum ("levirate marriage") of the wife of a deceased childless brother, or chalitzah ("removing of the shoe") in the case that the brother-in-law does not wish to marry her.

Ki Teitzei concludes with the obligation to remember "what Amalek did to you on the road, on your way out of Egypt."

Haftarah in a Nutshell: Isaiah 54: 1-10

[https://www.chabad.org/parshah/article\\_cdo/aid/555429/jewish/Haftor](https://www.chabad.org/parshah/article_cdo/aid/555429/jewish/Haftor)

## [ah-in-a-Nutshell.htm](#)

This week's haftorah is the fifth of a series of seven "Haftarot of Consolation." These seven haftarot commence on the Shabbat following Tisha b'Av and continue until Rosh Hashanah.

Forsaken Jerusalem is likened to a barren woman devoid of children. G-d enjoins her to rejoice, for the time will soon come when the Jewish nation will return and proliferate, repopulating Israel's once desolate cities. The prophet assures the Jewish people that G-d has not forsaken them. Although He has momentarily hid His countenance from them, He will gather them from their exiles with great mercy.

The haftorah compares the final Redemption to the pact G-d made with Noah. Just as G-d promised to never bring a flood over the entire earth, so too He will never again be angry at the Jewish people.

"For the mountains may move and the hills might collapse, but My kindness shall not depart from you, neither shall the covenant of My peace collapse."

## [Food For Thought](#)

[Two Types of Hate: Ki Teitzei by Rabbi Jonathan Sacks z"l 5771](#)

<https://rabbisacks.org/covenant-conversation/ki-teitse/two-types-of-hate/>

It is by any standards a strange, almost incomprehensible law. Here it is in the form it appears in this week's *parsha*:

*Remember what the Amalekites did to you along the way when you came out of Egypt. When you were weary and worn out, they met you on your journey and attacked all who were lagging behind; they had no fear of God. When the Lord your God gives you rest from all the enemies around you in the land He is giving you to possess as an inheritance, you shall blot out the name of Amalek from under the heaven. Do not forget. [Deut. 25:17-19](#)*

The Israelites had two enemies in the days of Moses: the Egyptians and the Amalekites. The Egyptians enslaved the Israelites. They turned them into a forced labour colony. They oppressed them. Pharaoh commanded them to drown every male Israelite child. It was attempted genocide. Yet about them, Moses commands:

*Do not despise an Egyptian, because you were strangers in his land. [Deut. 23:8](#)*

The Amalekites did no more than attack the Israelites once [\[1\]](#), an attack that they successfully repelled ([Ex. 17:13](#)). Yet Moses commands, "Remember." "Do not forget." "Blot out the name." In Exodus the Torah says that "God shall be at war with Amalek for all generations" ([Ex. 17:16](#)). Why the difference? Why did Moses tell the Israelites, in effect, to forgive the Egyptians but not the Amalekites?

The answer is to be found as a corollary of teaching in the Mishnah:

*Whenever love depends on a cause and the cause passes away, then the love passes away too. But if love does not depend on a cause, then the love will never pass away. What is an example of the love which depended upon a cause? That of Amnon for Tamar. And what is an example of the love which did not depend on a cause? That of David and Jonathan. [Avot 5:19](#)*

When love is conditional, it lasts as long as the condition lasts but no longer. Amnon loved - or rather lusted after - Tamar because she was forbidden to him. She was his half-sister. Once he had had his way with her, "Then Amnon hated her with intense hatred. In fact, he hated her more than he had loved her." ([II Sam. 13:15](#)). But when love is unconditional and irrational, it never ceases. In the words of Dylan Thomas, "Though lovers be lost, love shall not, and death shall have no dominion."

The same applies to hate. When hate is rational, based on some fear or disapproval that – justified or not – has some logic to it, then it can be reasoned with and brought to an end. But unconditional, irrational hatred cannot be reasoned with. There is nothing one can do to address it and end it. It persists.

That was the difference between the Amalekites and the Egyptians. The Egyptians' hatred and fear of the Israelites was not irrational. Pharaoh said to his people:

*'The Israelites are becoming too numerous and strong for us. We must deal wisely with them. Otherwise, they may increase so much that - if there is war - they will join our enemies and fight against us, driving [us] from the land.'* [Ex. 1:9-10](#)

The Egyptians feared the Israelites because they were numerous. They constituted a potential threat to the native population. Historians tell us that this was not groundless. Egypt had already suffered from one

invasion of outsiders, the Hyksos, an Asiatic people with Canaanite names and beliefs, who took over the Nile Delta during the Second Intermediate Period of the Egypt of the Pharaohs. Eventually the Hyksos were expelled from Egypt and all traces of their occupation were erased. But the memory persisted. It was not irrational for the Egyptians to fear that the Hebrews were another such population. They feared the Israelites because they were strong.

(Note that there is a difference between "rational" and "justified". The Egyptians' fear was in this case certainly unjustified. The Israelites did not want to take over Egypt. To the contrary, they would have preferred to leave. Not every rational emotion is justified. It is not irrational to feel fear of flying after the report of a major air disaster, despite the fact that statistically it is more dangerous to drive a car than to be a passenger in a plane. The point is simply that rational but unjustified emotion can, in principle, be cured through reasoning.)

Precisely the opposite was true of the Amalekites. They attacked the Israelites when they were "weary and weak". They focused their assault on those who were "lagging behind." Those who are weak and lagging behind pose no danger. This was irrational, groundless hate.

With rational hate it is possible to reason. Besides, there was no reason for the Egyptians to fear the Israelites anymore. They had left. They were no longer a threat. But with irrational hate it is impossible to reason. It has no cause, no logic. Therefore it may never go away. Irrational hate is as durable and persistent as irrational love. The hatred symbolised by Amalek lasts "for all generations." All one can do is to remember and not forget, to be constantly vigilant, and to fight it whenever and wherever it appears.

There is such a thing as rational xenophobia: fear and hatred of the foreigner, the stranger, the one-not-like-us. In the hunter-gatherer stage of humanity, it was vital to distinguish between members of your tribe and those of another tribe. There was competition for food and territory. It was not an age of liberalism and tolerance. The other tribe was likely to kill you or oust you, given the chance. But within two or three generations the newcomers acculturated and integrated. They were seen as contributing to the national economy and adding richness and variety to its culture. When an emotion like fear of strangers is rational but unjustified, eventually it declines and disappears.

Antisemitism is different. It is the paradigm case of irrational hatred. In the Middle Ages Jews were accused of poisoning wells, spreading the plague, and in one of the most absurd claims ever – the Blood Libel – they were suspected of killing Christian children to use their blood to make matzot for Pesach. This was self-evidently impossible, but that did not stop people believing it.

The European Enlightenment, with its worship of science and reason, was expected to end all such hatred. Instead it gave rise to a new version of it, racial antisemitism. In the nineteenth century Jews were hated because they were rich and because they were poor; because they were capitalists and because they were communists; because they were exclusive and kept to themselves and because they infiltrated everywhere; because they were believers in an ancient, superstitious faith and because they were rootless cosmopolitans who believed nothing. Antisemitism was the supreme irrationality of the Age of Reason.

It gave rise to a new myth, The Protocols of the Elders of Zion, a literary forgery produced by members of the Czarist Russia secret police toward the end of the nineteenth century. It held that Jews had power over the whole of Europe – this at the time of the Russian pogroms of 1881 and the antisemitic May Laws of 1882, which sent some three million Jews, powerless and impoverished, into flight from Russia to the West.

The situation in which Jews found themselves at the end of what was supposed to be the century of Enlightenment and emancipation was stated eloquently by Theodor Herzl, in 1897:

*We have sincerely tried everywhere to merge with the national communities in which we live, seeking only to preserve the faith of our fathers. It is not permitted us. In vain are we loyal patriots, sometimes superloyal; in vain do we make the same sacrifices of life and property as our fellow citizens; in vain do we strive to enhance the fame of our native lands in the arts and sciences, or her wealth by trade and commerce. In our native lands where we have lived for centuries we are still decried as aliens, often by men whose ancestors had not yet come at a time when Jewish sighs had long been heard in the country . . . If we were left in peace . . . But I think we shall not be left in peace.*

This was deeply shocking to Herzl. No less shocking has been the return

of antisemitism to parts of the world today, particularly the Middle East and even Europe, within living memory of the Holocaust. Yet the Torah intimates why. Irrational hate does not die.

Not all hostility to Jews, or to Israel as a Jewish State, is irrational, and where it is not, it can be reasoned with. But some of it is irrational. Some of it, even today, is a repeat of the myths of the past, from the Blood Libel to the Protocols. All we can do is remember and not forget, confront it and defend ourselves against it.

Amalek does not die. But neither does the Jewish people. Attacked so many times over the centuries, it still lives, giving testimony to the victory of the God of love over the myths and madness of hate.

([\[1\]](#) Of course, there were subsequent attacks by Amalek (including, according to tradition, in [Bamidbar 21:1](#)) but the decree to obliterate Amalek was issued after their first attack.)

### [Is Modesty Still Relevant in the Twenty First Century: Ki Tetzei](#) [by Emmanuel Bloch](#)

<https://www.jtsa.edu/torah/is-modesty-still-relevant-in-the-twenty-first-century/>

Modesty is hardly a popular concept among liberal-minded Jews, nor within the Western world in general. The reasons for this are multiple. Historically, modesty has been disproportionately applied to women, often as a means of controlling female behavior and sexuality. It is often associated with patriarchy, control, and the suppression of individual freedoms. Modesty is frequently perceived to be a negation of individuality, body positivity, and self-expression.

The situation could not be more different among Orthodox communities, where modesty is strongly—sometimes even obsessively—emphasized. In many religious circles, tzniut (the Hebrew word for modesty) is understood as a pivotal religious duty, a form of feminine achievement, and a path toward self-fulfillment. However, all of this is historically unprecedented, and my own research examines how a vague socioreligious norm ascended to the top of the pyramid of Orthodox Jewish observance.

Yet must progressive Jews entirely forsake the idea of tzniut? I think not. The concept, as derived from traditional Jewish sources, still offers valuable lessons for the modern, egalitarian, and inclusive society in which we live. Below, I suggest three such insights where a broader

vision of Jewish modesty informs how human beings interact with the Divine. On one foot: it requires spatial, mental, and self-preparation.

One of the conceptual cornerstones of Jewish thought about modest conduct is found in this week's parashah: "Since your God  $\bar{n}$ ' moves about in your camp to protect you and to deliver your enemies to you, let your camp be holy; let [God] not find anything unseemly among you and turn away from you" ([Deut. 23:15](#)).

This verse links the Divine presence within human society to the concept of holiness, which is contingent upon the absence of any "indecentcy." Yet the key Hebrew term *ervah* has been interpreted in various ways by the Sages of the Talmud.

A first approach is found in early rabbinic sources (the Mishnah and the Tosefta, both compiled around 200 CE), which prohibit reciting the shema or any blessing when in the presence of *ervah*. Here we encounter the concept as referring to an objective, anatomical reality: nakedness, understood as actual genitalia (male or female).

This paradigm where nakedness and holiness are incompatible has antecedents in the Bible, where priests were prohibited from publicly displaying their sexual organs. Instead, they were enjoined to wear linen breeches to cover their nudity when "they approach the altar to officiate in the sanctuary" ([Exod. 28:42-43](#)), namely when performing a holy activity.

In this ancient paradigm, the interaction between the divine and the human necessitates the purification of space. There is a geography of the Sacred at play here, governed by its own principles: individuals can elevate themselves toward the Divine only within a suitable place that is free from reminders of the animalistic aspects of their nature.

A few centuries later, the amoraim (scholars of the period from about 200 to 500 CE) introduced an alternative vision of *ervah*, radically reinterpreting the term as referring metaphorically to sexual arousal. Reflecting a broader Talmudic tendency to subjectify concepts that were objective in earlier texts, these later sages redefined nakedness as a psychological notion encompassing all parts of the female body that a male might find sexually arousing.

In this second approach, the rabbis focus on the mind of the male reciter, who is forbidden to utter a prayer when his senses are assailed by a source of sexual stimulation. This represents a second level of

preparedness, this time mental/internal rather than spatial/external, to the encounter between the Divine and the human.

Rabbinic literature, as we know, was written by men and for men, and it reflects a heterosexual male perspective. Its vision of subjective *ervah* likely crystallizes a profound male anxiety over the wildness of sexual desire. Still, one thirteenth-century rabbinic scholar, Elazar of Worms, posited that both men and women are equally susceptible to heterosexual stimuli and applied the same norms regardless of gender.

The third (and, so far, last) transformation of the concept of *ervah* emerged in the mid-twentieth century, when the entire complex of subjects associated with *tzniut* became understood by some authors to represent an expression of human dignity.

Dignity: the concept is actually modern and secular. According to Canadian philosopher Charles Taylor, the contemporary notion of dignity must be distinguished from the premodern value of honor. "Honor" is possessed by only the elite; for instance, one is honored with the *Légion d'honneur* in France. If everyone is distinguished, it is no longer an honor.

"Dignity," however, is used in a universalist, egalitarian sense. In this spirit, the preamble to the Universal Declaration of Human Rights (1948) asserts the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family." The idea here is that this dignity is shared by everyone.

Another critical point is that the universality of dignity was intensified, toward the end of the eighteenth century, by the development of an understanding of identity that emphasized authenticity. "Authenticity" implies connecting with something that is not God (per the Torah) or the Good (Plato) but rather our own selves that lie deep within (Rousseau, Herder).

Within this recent framework, modesty dress codes, including the idea of *ervah*, ought to be understood as expressions of self-respect and as acknowledgments of an authentic, universal, and rigorously inalienable human dignity.

Is all this apologetic? Perhaps. Nevertheless, what is often more significant is not the accuracy or beauty of a rabbinic interpretation, but rather its intuition: the three dimensions of connection (spatial, mental,



and identity) with the Divine that Jewish tradition has particularly examined through the lens of the concept of modesty.

In contemporary times, these three dimensions may manifest in various ways: by seeking a tranquil space within a bustling urban setting; by temporarily disengaging from social media and its myriad distractions; by attuning oneself to the messages of one's own body; and so forth. Yet this reflection began, in the Jewish tradition, when an antique biblical verse prescribed to remove all "indecencies" to encounter God.

*(Emmanuel Block, PH.D and Adjunct Assistant Professor at JTS)*

### The Clash Between Morality and Halakhah: The Case of the Rebellious Son in the Bible by Professor Ari Ackerman

<https://schechter.edu/the-clash-between-morality-and-halakhah-the-case-of-the-rebellious-son-in-the-bible/>

One of the most contested and important questions in philosophy of halakhah is the relationship between halakhic norms and moral dictates. It has been debated whether halakhah is a closed and formalistic system in which moral considerations are not taken into account in halakhic decision making. Or can halakhah be viewed as recognizing an independent moral authority and consequently the posek is guided by his or her moral intuition when he or she adjudicates halakhic questions.

Scholars such as David Hartman, Moshe Halbertal and Avi Sagi argue for the latter. That is, they claim that although halakhah is divine law, if one inspects the history of halakhah, there are ample instances when moral considerations play a role in the shaping of halakhah. One prominent example appears in the Deuteronomy, chapter 21 regarding the laws of "the wayward and defiant son" (ben sorer u-moreh). We read there that a child that does not heed his father or mother is stoned to death by the men of the town.

This harsh punishment seems to us morally problematic on a number of levels. Firstly, what did the rebellious son do that warrants such an extreme punishment? Secondly, how can we allow for capital punishment for a minor and not allow for the chance that he will rehabilitate himself as he grows older?

But the clash between our moral intuitions and the Biblical law of rebellious son is not just a modern phenomenon. The moral quandary was also felt by the Talmudic sages who in chapter eight of Sanhedrin drastically reworked the law. They also seemed to be

bothered by various features of this law and as a result rendering it unenforceable.

How do they do this? Firstly, through a series of highly creative interpretations of various terms in the Biblical passage, they create a series of conditions that must take place in order that the son be executed or punished whatsoever. Firstly, they limit the time that he can be liable to a short period of three months between him being a minor and before he is considered an adult. Secondly, they further restrict the prohibition to a son who eats raw meat and drinks Italian wine; what is more, this meat and wine must be stolen from the parents but not digested on their property. Thirdly, both parents must express their desire that their child be executed. But then the Talmud adds one last stipulation which is the most restrictive: "if his mother was not identical to his father in voice, appearance, and height, he does not become a stubborn and rebellious son" (Sanhedrin 71a). That is, the parents must look and sound exactly alike which is patently impossible.

What is more, the Talmudic sages were clearly aware of the fact that they had essentially neutralized a Biblical law. Consequently, they openly declare; "There has never been a stubborn and rebellious son and there never will be one in the future." And the only reason that the law was included in the Bible was: "So that you may expound and receive reward" (Tosefta, Sanhedrin 11:6).

Despite their unwillingness to accept the law as it was formulated in the Bible, the sages clearly believed that the law was divinely revealed and obligated them. But they equally upheld the belief that their merciful God (el rahum ve-hanun) could not command a cruel or unjust law. So their solution was to render the law obsolete and thereby reconcile their commitment to the authority of the law with their moral intuitions and sense of justice. (*Prof. Ari Ackerman is the President of the Schechter Institute of Jewish Studies.*)

### Yahrtzeits

Merna Most remembers her husband Dr. David Most on Sun., Sept. 15.

Lisa Small remembers her brother Joshua Small on Thurs., Sept. 19.

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