**KI TETZEI**

**(2nd PORTION IN TRIENNIAL CYCLE)**

**D’VARIM / DEUTERONOMY 23:8 – 24:13**

*Etz Hayim* 1123; Plaut 1496; Hertz 847

Today’s parshah is the middle portion in the triennial cycle of Ki Tetzei. The opening words, Ki Tetzei, means, “When you take,” and goes on to talk about going into battle. The identical words appear two verses after the opening of our parashah with the same meaning. However, they work as well as an introduction if I pretend that our Parasha

starts with Verse 23 instead of 23:8 and that it means “going into everything,” as you will see in a moment. The Plaut chumash labels Parashat Ki Tetzei, *The Social Weal[[1]](#footnote-1),* which the following text describes as follows (pg 1492):

Now follow various civil and criminal laws, which, as always, aim at raising the level of the people’s communal and individual purity. Just as the Torah’s ritual prescriptions were related to this objective, so were those laws which nowadays would be called moral or secular.

The same source also cites Maimonides as stating that Ki Tetzei, contains 72 mitzvot. Typical is Chapter 23, which starts with a rule about forbidden marriages between the former wife of a man and his son; shifts to concern about people who have malformed genitals; and then to peoples who were Israel’s traditional enemies, and therefore should never be allowed to enter “the assembly of the Lord.” (A quick digression: Naomi’s daughter-in-law Ruth was a Moabite, yet seemed to be someone who ***should*** enter the assembly. Happily, the rabbis of that era were more flexible than those of our era, and they quickly ruled that the law applied only to men. End of digression.) A few sentences later, there is a short list of peoples who have been allies of the Israelites and should also be offered entry--but not until they have lived with the Israelites for three generations.

Almost next is a rule that I find an embarrassment to relate (23:14-16). It starts by instructing the Israelites to designate a place outside the camp for sanitary needs. (Hertz note to verse 13: “Sanitation is of vital importance in a camp; the Mosaic law is thousands of years ahead of its age.”) So far so good, but the following sentence seems to affect people who must defecate inside the camp. They are told to carry a paddle to dig pits for their excrement because God likes to wander around the camp at night, and He might step into something unseemly, “and turn away from you,” which is to say that God will not be with you in your wars. Now, if you will allow me some chutzpah, if you walk anywhere in the Ottawa arboretum, you will find similar signs for dogs, which—following the Hertz reasoning--must mean that Mosaic law for pets was thousands of years ahead of its tune,

Returning to being serious, a paragraph later contains a single sentence that no Israelite woman shall be a cult prostitute, and then, immediately afterwards, neither should any Israelite man be a cult prostitute. The text goes to add rules about charging interest, paying wages on time, divorce, and leaving parts of a field being harvested available to the poor. No wonder the Hertz chumash says that the whole section focuses on “the stranger, the orphan, and the widow.” *Etz Hayim* seems impelled to write that Parashat Ki Teitzei covers “Miscellaneous Laws.” That is a very good thing. How else would we have known? Without being ironic, almost every sentence in the above monologue is backed by commentary in one or another chumash. Therefore, instead of going systematically through this wide range of rules for people to follow if they want to stay in the good graces of God, I will select a few that seem to require deeper analysis.

The first is 23:10-13, which instructs a soldier who has had a nocturnal emission or other physical disability to separate himself from his comrades and stay out of camp for the day, and bathe before he re-enters on the following night. “When you go out as a troop against your enemies, be on your guard against anything ‘untoward.’“ (A second digression. “Untoward” was a new word for me. My *Concise Oxford Dictionary* says that it means “awkward, unlucky, unseemly. End of second digression.) Frankly, I find this instruction ridiculous. I cannot conceive that, on the morning of battle, even the most religious officer would thin out his troops, nor that any true soldier would desert his comrades. However, perhaps my reaction misses the point. For one thing, nocturnal emission is only one condition that, as *Etz Hayim* puts it (note to 30:10-15), “is incompatible with the presence of God.” A footnote adds, “Israel’s success in war depended not on their military prowess, but on their carrying out the will of God.” I still doubt that this practice was ever carried out, and the Plaut chumash says that this practice only applied to non-obligatory warfare.

A second example is taken from Chapter 23: 23-26. “When you enter another man’s vineyard, you may eat as many grapes as you want until you are full, but you must not put any in your vessel. When you enter another man’s field of standing grain, you may pluck ears with your hands, but you must not put a sickle to your neighbour’s grain.” These are individuals, not a group; no one is going to see if he or she takes more than what is allowed, nor is any indication of poverty required. It simply says that no Israelite should go hungry. However, it appears that the leniency in this paragraph could be abused, and a note to 30:25-26 says, “Later Jewish law restricts permission to eat from the harvest to farm workers,” and a bitter-sounding comment says that if all passers-by can eat, the farmer will soon be ruined.

And, finally, by way of a splendid conclusion, we have Verse 24:16, just beyond the *conclusion* of Parashat Ki-Tetsei: “Parents shall not be put to death for children, nor *children* be put to death for parents. A person shall be put to death only for his own crime.” A single sentence, and indeed one that will be expanded by the prophets to cover all crimes, not just capital crimes. Something that seems obvious to us, was not obvious to people of the Biblical era. According to *Etz Hayim* (note to 24:16), “Ancient Near Eastern law viewed members of a man’s family as extensions of his personality rather than individuals in their own right.” Thus, the Hebrew Bible tells of numerous cases of people being put to death by orders of kings or their officers. Joshua orders a whole family to be put to death after a few members of the family had kept for them-selves material that should have been devoted to God. King David says that Joab’s murder of Abner will be punished by Joab’s family (2Sam 3:29). More amazingly, David gives the Gibeonites permission to kill Saul’s family in revenge for acts Saul committed years before (2Sam 21:1).

It is not until the reign of King Amaziah in Judah in the 8th century BCE that we have good evidence that the principle was finally taking hold. Put another way, there is no explicit application of the rule before Deuteronomy (Devarim) 24:16 with this statement in Parashat Ki Tetsei. And that statement is accompanied by just one supporting comment. Lots of people must have refused to limit such an important commandment to a single sentence. How, for example, does it apply to the Second Commandment, which states (Plaut Chumash 1503)? “God will visit the sins of the fathers on the third and fourth generation.” Later rabbinic commentary argued that this statement reflects the ways children are linked to their parents and from which they cannot free themselves. It does not apply to the cases in Deuteronomy where fathers and children are each acting independently.

To find more than the one sentence in Parashat Ki Teitzei, we really have to look ahead at least half a millennium to two contemporaneous prophets—Jeremiah and Ezekiel—who absolutely reject any further consideration of parents being killed for acts of their children, or children for acts of their parents. Jeremiah indicates in Verses 18:1-4 and 31:29-30 that, after their redemption from exile, God will no longer apply this rule. In so stating, “Jeremiah lays the groundwork for individual responsibility.” Ezekiel, then, goes beyond Jeremiah by bringing forward the time of application from post-redemption to the current day. From then onward, each Jew is directly responsible to God for his own or her own actions. ***God is the God of all souls (non-Jews as well as Jews) rather than a national God.”***

Shabbat shalom

1. Weal is a red, [swollen](https://www.google.com/search?sca_esv=ec0ee542ba2d920f&sca_upv=1&q=swollen&si=ACC90nwUEXg6u2vxy-araGkF9MAx_UuLyWW7AAR-9LxhlafhDFfdbubDpgUq65wdiQ_N5Sk-PQeKxZ6td_z3z2UIPmmmhwJ-keUfZdMhhKQZRLqPcIxrB3I%3D&expnd=1&sa=X&ved=2ahUKEwjpprymi5WHAxXMJjQIHUUVC10QyecJegQIMBAO) mark left on [flesh](https://www.google.com/search?sca_esv=ec0ee542ba2d920f&sca_upv=1&q=flesh&si=ACC90nyrPgcbTBsFIq03NzrKCa0gGkvIeJu5GrRXODATxpZV3bew0Mbzps0VjEBrgPLPY9FKS4rw9fvtdIb3TeMqn4jLiOdrIg%3D%3D&expnd=1&sa=X&ved=2ahUKEwjpprymi5WHAxXMJjQIHUUVC10QyecJegQIMBAP) by a blow or pressure. For example, “She slapped his cheek, and a bright red weal sprang up on it." [↑](#footnote-ref-1)