

# TIMELESS TORAH

## KI TEITZEI - THE TRANSFORMATIVE POWER OF MITZVOT

### Regulations and Boundaries

While Parshat Shoftim primarily deals with the laws regulating the affairs of the nation as a whole, the mitzvot of Parshat Ki Teitzei teach us how to live our individual lives, promoting justice and moral sanctity within family relationships and in our business dealings. Somewhat surprisingly then, the very first mitzvah of the parshah is that of the *yefat toar*, which deals with the capture of a woman in battle, and the regulations governing the process by which a soldier may subsequently marry her. Aside from the difficulty in understanding the ethical nature of such a mitzvah, it does not seem to fit the general theme of the parshah it introduces.

Rav Hirsch (d.1888) explores this issue by comparing it to a similar parshah, Parshat Mishpatim. That parshah is also characterised by a long series of mitzvot governing civil law, but it opens with the mitzvot concerning a man who, out of financial desperation, sells himself as a slave or his daughter as a maidservant. Both of these parshiyot, in general, describe the ideal way that we should function as individuals, families and communities, but these particular opening mitzvot are in essence regulations which apply to a situation that is far from ideal. Regarding the *yefat toar*, the Torah recognises the realities of war for what they are, and, in the words of our Sages, 'speaks against the evil inclination'. In a scenario where a soldier loses himself in the heat of battle and becomes overcome with passion, the Torah proclaims the basic rules governing the protection of a female captive against abuse by a male captor. Through

this, it provides a set of rules for a circumstance that could otherwise escalate out of control.

The Kli Yakar (d. 1619, Prague) discusses this parshah in a somewhat similar vein. Victory in warfare can lead a hubris of power, the mindset that the Torah calls *kochi v'otzem yadi*. It is almost a natural reaction for a soldier, returning victorious from the battlefield, to assume that his success was the result of his own prowess. Such a soldier, therefore, might well consider the booty that he collects, including human captives, to be rightfully earned. The Torah firmly negates this way of thinking. Examining a number of textual nuances in this passage, the Kli Yakar shows how the Torah is conveying the message that although, when faced with a situation of war, an army must indeed fight to the best of its abilities, a Jewish army must always remember that the outcome of the war is dependent on Divine providence. Spoils of war, therefore, are not the soldiers' right, but a privilege accorded them from Heaven, and it is incumbent upon them to treat their booty with the boundaries and respect that the Torah demands.

### Building Blocks of Community

Looking at the theme of Sefer Devarim as a whole, Rav Yaakov Kaminetzky (d.1986), in *Emet L'Yaakov*, wonders why the mitzvot of this parshah are found here altogether. In general, Sefer Devarim records the ethical instructions that Moshe gave to the people before he left them, and the laws that would soon become relevant to them as a nascent state in their own land.



## Contemporary Perspectives on the Weekly Parsha with Rabbi Dr Yoni Birnbaum

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The specific laws of forbidden and otherwise compromised marriages that occupy a large part of Parshat Ki Teitzei would seem to be better placed in Sefer Vayikra.

His answer to this question is a powerful insight into the ambitions of a Jewish family unit. He writes that marriage and the building of a family is not actually a personal project but the individual's contribution to the society in which he or she lives. When two people decide to marry and build a home together, they become an integral piece of the community to which they belong. We observe this in the halachot of prayer: when a *chatan* joins the congregation for prayer, his joyous situation dictates that not only does he omit the supplicatory Tachanun prayer, but the entire congregation also does not say it. This does not mean that the people present are merely joining the *chatan* in his happiness. Instead, they are celebrating their own joy in welcoming a new element within the community fold.

As such, the laws restricting whom a Jew may and may not marry are not personal mitzvot at all. Rather, they are mitzvot that define the very fabric of Jewish society: certain marriages are deemed appropriate for a Jewish community and certain marriages are not. Hence, marriages that are restricted under these mitzvot are called *pesulei kahal* – invalid for the community – because the individual family units are really nothing more than a microcosm of the Jewish community as a whole. This is why these regulations belong firmly within Sefer Devarim.

### Crooked Weights

The penultimate mitzvah in this parshah is, in many ways, a summary of the themes taught by the entire parshah. This is the prohibition against owning inaccurate scales. Buying and selling with false scales would clearly be simple theft, and a particular mitzvah prohibiting that would be redundant. Here, though, the Torah forbids even owning implements designed for dishonest trade: '*Lo yihyeh lecha b'kisha even v'aven* – You shall not have with you two weights, one large and one small (25:13)'. Indeed, so reprehensible does the Torah find such behaviour that it brands it a '*to'eivah* – an abomination'.

According to the K'tav Sofer (d.1871), this mitzvah underscores the expectation of the Jewish person to internalise the moral character that the mitzvot of this parshah define. Whereas the reasons for some mitzvot, such as the prohibition against wearing *shatnez* (mixtures of wool and linen) or eating certain types of food, may be more esoteric, the laws governing interpersonal relationships are, by and large, logical. When we train our minds to think in the way that the Torah teaches us, such mitzvot ought to come to us entirely naturally. This is why one who keeps in his house a set of dishonest scales is denigrated so severely by the Torah. Even if he never uses these weights, the very fact that he can entertain such a possibility is the antithesis of the character that the Torah expects us to develop.

Next Week: KI TAVO: The Gratitude Journey: From Words to Action