

Kol Rina
An Independent Minyan
Parashat Ki Teitzei
September 14, 2019 *** 14 Elul, 5779

Kol Rina – *An Independent Minyan*, is a traditional egalitarian community. We are haimish (homey/folksy), friendly, participatory, warm and welcoming. We hold weekly services in South Orange as well as holiday services and celebrations which are completely lay led. We welcome all to our services and programs from non-Hebrew readers to Jewish communal and education professionals.

Today's Portions

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Ki Tetzei in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/2286/jewish/Ki-Teitzei-in-a-Nutshell.htm

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

https://www.chabad.org/parshah/article_cdo/aid/555429/jewish/Haftarah-in-a-Nutshell.htm

This week's haftarah 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

Animal Welfare (Ki Teitse 5779) by Rabbi Jonathan Sacks

<http://rabbisacks.org/animal-welfare-ki-teitse-5779/>

Ki Teitse is about relationships: between men and women, parents and children, employers and employees, lenders and borrowers. Strikingly, though, it is also about relationships between humans and animals.

Descartes thought that animals lacked souls. Therefore you could do with them as you pleased.[1] Judaism does not believe that animals lack souls – "The righteous person cares about the nefesh of their animal," says the book of Proverbs (12:10). To be sure, nefesh here probably means "life" rather than "soul" (neshama in Hebrew). But Tanach does regard animals as sentient beings. They may not think or speak, but they do feel. They are capable of distress. Therefore there is such a thing as animal distress, tza'ar baalei chayim, and as far as possible it should be avoided.

So we read in Parshat Ki Teitse: "Do not muzzle an ox when it is treading grain" (Deut. 25:4). What is intriguing about this law is that it parallels provisions for human beings as well: "When you come [to work] in your neighbour's vineyard, you may eat as many grapes as you desire to satisfy your hunger... When you come [to work] in your neighbour's standing grain, you may take the ears with your hand" (Deut. 23:25–26). The principle is the same in both cases: it is cruel to prevent those working with food from eating some of it. The parallel is instructive. Animals, not just humans, have feelings and they must be respected.

Another law is: "Do not plough with an ox and donkey together" (Deut. 22:10). The ox is stronger than a donkey, so expecting the donkey to match the work of an ox is cruel. Each animal species has its unique role in the scheme of creation that we must respect. The most fascinating animal legislation in this parsha is the law of "sending the mother bird away":

If you come across a bird's nest beside the road, either in a tree or on the ground, and the mother is sitting on the young or on the eggs, do not take the mother with the young. You may take the young, but be sure to let the mother go, so that it may go well with you and you may have a long life. (Deut. 22:6–7)

Much has been written on this command. Here I discuss only the analysis given by Moses Maimonides, fascinating in its complexity. There is a law that appears twice in the Mishnah, stating that if a leader of prayer says, "Your mercies extend even to a bird's nest," they are to be silenced.[2] The Talmud offers two possible explanations, of which one is that such a prayer "makes it seem as the attributes of God are an expression of compassion, whereas in fact they are sheer decrees."

In both his commentary to the Mishna and his law code,[3] Maimonides adopts this view. He adds: If the reason for sending the mother bird away were Divine compassion towards animals then, in consistency, God should have forbidden killing animals for food. The law therefore should be understood as a decree without an obvious rationale (gezerat hakatuv), and he states that this has nothing to do with compassion, human or Divine.

In Guide for the Perplexed, however, Maimonides adopts the opposite approach. There he rejects the very idea that there are commands that have no reason. There is a purpose to killing animals for food is, he says, because meat-eating is necessary for

human health. Shechitah (ritual slaughter), however, has been ordained because it is the most painless way to kill an animal. He continues:

It is also prohibited to kill an animal with its young on the same day, in order that people should be restrained and prevented from killing the two together in such a manner that the young is killed in the sight of the mother, for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of human beings and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning but by imagination, and this faculty exists not only in man but also in most living beings...The same reason applies to the law which enjoins that we should let the mother bird fly away when we take the young.[4]

So Maimonides, contrary to the position he takes in his law code, here states that the law does have compassion as its logic. Moreover, what it seeks to avoid is not physical pain to the animal but psychological distress. Maimonides' view of animals has been confirmed by recent findings in biology that suggest that many species do indeed resemble humans in their ability to form groups, engage in reciprocal altruism, and display a range of emotions.[5] In most animal species, it is the mother that forms an ongoing bond with the young. Among animals, fatherhood is usually far less developed. So Maimonides' explanation in The Guide is empirically well-founded. However, elsewhere in his Guide,[6] Maimonides takes yet a third position. Divine Providence, he says, extends to individuals only among humans. Amongst animals, it applies solely to a species as a whole. So the reason we must not cause animals pain or distress is not because the Torah is concerned about animals but because it is concerned about humans. We should not be cruel.

There is a rule laid down by our Sages that it is directly prohibited in the Torah to cause pain to an animal. This rule is based on the words [of the angel to Bilaam], "Why have you beaten your donkey?" (Num. 22:32). The object of this rule is to make us better, that we should not assume cruel habits, and that we should not needlessly cause pain to others – that on the contrary, we should be prepared to show pity and mercy to all living creatures except when necessity demands the contrary.

Maimonides thus seems to embrace three sharply conflicting views:

- 1.The law of the mother bird is a Divine decree with no reason.
- 2.This law is intended to spare the mother bird emotional pain.
- 3.This law is intended to have an effect on us, not the animal, by training us not to be cruel.

In fact all three are true, because they answer different questions.

The first view explains why we have the laws we have. The Torah forbids certain acts that are cruel to animals but not others. Why these and not those? Because that is the law. Laws will always seem arbitrary. But we observe the law because it is the law, even though, under certain circumstances, we may reason that we know better, or that it does not apply. The second view explains the immediate logic of the law. It exists to prevent needless suffering to animals, because they too feel physical pain and sometimes emotional distress as well. The third view sets the law in a larger perspective. Cruelty to animals is wrong, not because animals have rights but because we have duties. The duty not to be cruel is intended to promote virtue, and the primary context of virtue is the relationship between human beings. But virtues are indivisible. Those who are cruel to animals often become cruel to people. Hence we have a duty not to cause needless pain to animals, because of its effect on us. Hence the third proposition. Interestingly, Maimonides' analysis was repeated almost exactly, six centuries later, by the greatest philosopher of modern times, Immanuel Kant.[7] This is a subtle and nuanced approach. Animals are part of God's creation. They have their own integrity in the scheme of things. We now know that they are far closer to

human beings than philosophers like Descartes thought. This would not have been news to the heroes of the Bible. Abraham, Moses, and David were all shepherds who lived their formative years watching over and caring for animals. That was their first tutorial in leadership, and they knew that this was one way of understanding God Himself ("The Lord is my shepherd" [Ps. 23:1]).

Judaism also reminds us of what we sometimes forget: that the moral life is too complex to summarise in a single concept like "rights." Alongside rights, there are duties, and there can be duties without corresponding rights. Animals do not have rights, but we have duties towards them. As several laws in Parshat Ki Teitse and elsewhere make clear, we must not cause them unnecessary pain or emotional distress. As we saw last week in the case of environmental legislation in Shoftim, Genesis 1 gives us the mandate to "subdue" and "rule" creation, including animals, but Genesis 2 gives us the responsibility to "serve" and "guard." Animals may not have rights but they have feelings, and we must respect them if we are to honour our role as God's partners in creation.[1] See Tom Regan and Peter Singer, eds., *Animal Rights and Human Obligations* (Englewood Cliffs, NJ: Prentice Hall, 1989), 13–19. [2] Mishnah Brachot 5:3; Mishnah Megillah 4:9. [3] Maimonides, *Mishneh Torah*, Hilchot Tefillah 9:7. [4] Maimonides, *Guide for the Perplexed*, III:48. [5] See on this the many works of primatologist Frans de Waal, including *Good Natured* (Cambridge, MA: Harvard University Press, 1997); *Chimpanzee Politics* (Baltimore, MD: John Hopkins University Press, 2007); *The Age of Empathy* (London: Souvenir, 2011); *The Bonobo and the Atheist* (New York: W. W. Norton and Co., 2014); and *Are We Smart Enough to Know How Smart Animals Are?* (New York: W. W. Norton and Co., 2017). [6] *Guide for the Perplexed*, III:17. [7] Immanuel Kant, *Lectures on Ethics* (London: Methuen, 1930).

Do Not Turn Away-Then and Now: Ki Tetzei by Eliezer B. Diamond

<http://www.jtsa.edu/do-not-turn-away-then-and-now>

In 1861, as a great conflagration spread across our nation, the Bostonian abolitionist and women's rights advocate Samuel Joseph May published a slender tract entitled *The Fugitive Slave Act and Its Victims*, an impassioned polemic against the Fugitive Slave Act of 1850. This federal law, born of the Missouri Compromise of the same year, required all federal, state, and local authorities, including those in free states, to return fugitive slaves to their masters, while also criminalizing any attempt to aid and abet a slave seeking to escape bondage. May, a Unitarian pastor, thought it fitting—and rightly so—to grace the tract's title page with the King James translation of Deuteronomy 23:16–17, which I cite here using the JPS translation: "You shall not turn over to his master a slave who seeks refuge with you from his master. He shall live with you in any place that he may choose among the settlements in your midst, wherever he pleases; you must not ill-treat him."

May presumably read these verses as a condemnation of the institution of slavery as a whole. However, the fact that slaves are to be freed only in a particular instance implies a general recognition of a right to own slaves (though, according to Leviticus, Israelites were limited to only enslaving non-Israelites, as discussed below). To what circumstance are these verses referring? There is general agreement among rabbinic, medieval, and modern commentators that the verses refer to a slave who has fled from a neighboring kingdom and is seeking refuge in Israelite territory. There is textual evidence to support this claim, particularly in verse 17. Both the content and the language of this verse are reminiscent of statements found elsewhere in Deuteronomy concerning the ger, a sojourner who seeks to settle among the people of Israel, and the ill treatment of gerim is explicitly proscribed elsewhere in the Torah. The point, then, is that this refugee is given the status of a freeman, and he is to enjoy all the rights and protections afforded to the ger.

What would be the rationale behind granting such slaves asylum? Indeed, contemporary scholars find this law particularly striking because it breaks with the

consensus of Israel's neighbors. Contemporaneous Near Eastern codes often refer to extradition treaties requiring rulers to return each other's fugitive slaves. Against this background one might see the prohibition against rendition as an assertion of political sovereignty, but it seems unlikely that this would be its sole or even major motivation. Rabbinic tradition explains that the Torah's concern is to prevent gentile slaves from returning to their place of origin and again serving their gentile masters: once they are in Eretz Yisrael and have the opportunity to serve the God of Israel, one is forbidden to return them to the idolatrous practices of their native land. According to one view in the Talmud, even a slave serving a Jewish master in the Diaspora who flees to Eretz Yisrael is to be granted asylum so that he not be returned to a land filled with idolatry (BT Gittin 45a).

The medieval Spanish commentator Nahmanides offers an intriguing interpretation. Noting that the previous verses delineate the requirements of ritual and hygienic purity in Israelite military camps, he suggests that the slaves in question are fleeing across battle lines and seeking refuge with the Israelite army. The prohibition is therefore motivated by a concern that if returned to their masters slaves would share crucial intelligence based on their observations during their stay in the Israelite camp. I am inclined to agree with Philo, the first century Jewish exegete and philosopher, that the Torah's concern is neither jurisdictional nor spiritual nor strategic but rather moral and ethical (On the Virtues, 124). The escaped slaves standing before us have risked life and limb to flee their homeland and find protection in ours. Only the sting of the master's lash would have been reason enough to face the dangers and uncertainties of the journey. In granting these slaves asylum the Torah declares here, as it does elsewhere (see Exod. 21, 20–21; 26–27), that while slavery is countenanced, harsh and abusive treatment of slaves is not.

It must be noted that according to Leviticus only non-Israelites may be purchased as slaves (Lev. 25, 44–46). Israelites, on the other hand, may be subjected to servitude, but never to enslavement. They may not be treated as chattel to be owned in perpetuity, nor may they be forced to perform harsh labor. "For [the people of Israel] are My servants, whom I freed from the land of Egypt; they are not to be sold as slaves. You shall not rule over [a fellow Israelite] with crushing labor; you shall fear your God" (Lev. 25: 42–43).

This distinction is troubling; it condemns the institution of slavery but yet allows the enslavement of the "other." And I can imagine a 19th-century Southern preacher declaiming the verses in Leviticus allowing the enslavement of those "from among the nations surrounding you" and assuring his congregation that the enslavement of black men, women, and children was fully in accord with—perhaps even an expression of—God's will.

But Torah is not frozen in time. Beginning with Exodus, the biblical saga encompasses Israel's journey from enslavement and degradation to dignity, autonomy, and a life of justice and compassion through service to God. But this saga is, and is only meant to be, the beginning of an ongoing quest. The Five Books of Moses are the Word but not the last word. For May, reading Deuteronomy in 1861, Deuteronomy's prohibition was a declaration that no human being could ever claim full dominion over another; the ultimate fulfillment of that ideal, he believed, could come only by abolishing slavery altogether.

One might conclude that with the abolishment of slavery—if by slavery one means legal ownership of one human being by another in perpetuity—the ideal embodied in this verse, at least as May read it, has been realized. But it's a funny thing about biblical verses—they come back to haunt us.

Refugees are at our southern border, many of whom are seeking political asylum and/or protection from physical harm. I am neither a prophet nor the son of a prophet, so I will not claim to know God's will in this matter. But as a people who feel obliged to

hear the voice of Torah, whether as commandment, guidance, or inspiration, these verses demand our attention in this pivotal moment. There may be among those seeking entry opportunists and even criminals. But let's be honest. Large numbers of our fellow human beings have traveled as many as two thousand miles risking danger, injury, and death. What kind of person makes such a trip? Only the desperate, fleeing an evil fate far more certain than the calamities that the journey may bring. These are the runaway slaves of 2019, arriving penniless and powerless, seeking compassion and protection like the refugees of old. If we do not recognize their humanity, if we ignore their pleas, have we not shut our ears to the Torah's voice as well? (*Eliezer Diamond is the Rabbi Judah Nadich Associate Professor of Talmud and Rabbinics at JTS*)

Fair Day's Pay for Fair Day's Work: Ki Tetzei by Rabbi Cheryl Peretz

<https://www.aju.edu/ziegler-school-rabbinic-studies/our-torah/back-issues/fair-days-pay-fair-days-work>

Any of us in the workforce today know that as companies and corporations strive to meet their bottom line and as employees move freely from one company to another, defining the social contract between employee and employer has intensified and become more complex. As each side protects its own interests, trust and loyalty between employees and employers has become increasingly challenging. While not the only issue, this often plays out in the pay structure and practices. Today, it is not uncommon for companies to delay payment for work until a job is completely done. Cash flow, inability to secure loans to advance the funding needed to meet payroll, and corporate needs are all reasons it may not be possible to disburse wages until the completion of the job. Nevertheless, there are also times when simple control and greed drive these decisions. Sometimes, employers want to make sure that they can squeeze as much interest out of short-term investments and delaying wage payment can help do so. And, other times, it is a measure of control exercised over those working. And so, in many places laws have been enacted to support and protect workers from unfair labor practices and withholding of wages.

Long before labor law and corporate ethics emerged in the secular society, the Torah established a model to protect employees from unfair wage practices. The Torah introduces employment principles regarding work agreement, wages, fair treatment, and the overall relationship between the employer and the employee. One such operative principle, found in this week's Torah portion, Parashat Ki Tetzei, instructs "You shall not abuse a needy and destitute laborer, whether a fellow countryman or stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to the Lord against you and you will incur guilt." (Deuteronomy 24: 14-15)

Not only must a worker be paid, but also it should be on the same day as the work is complete. At that time, workers were indeed hired on a daily basis and were paid for the individual day's work, as it constituted the completion of the work. The Torah assumes that workers live hand-to-mouth and are therefore reliant on the wages to cover immediate needs, even food; without wages the worker is presumed unable even to eat. And, so the Talmud sees withholding a workers wages as akin to taking his life. Furthermore, according to Rambam, an employer who purposely withholds wages is classified as an *oshek* (extortionist) and may be liable for up to five biblical commands. (Rambam Mishneh Torah, Hilkhot Sekhirut 11:2)

For the one needing to feed his or her family, clothe his or her children, and/or pay his or her bills, it is difficult to accept any rationalization for not receiving a paycheck. As the Torah suggests, hungry, needy, and desperate, such a person is sure to cry out to God if his wages are missing. Whatever the work period might be in today's world, whether a week, month, or other agreed upon terms, so too does a worker expect and need to be paid.

This week, may we all be blessed to remember the commandment of not withholding

of worker's wages. May the employers amongst us commit ourselves to paying workers on time; may employees amongst us continue to strengthen the resolve to ask for what we have earned, and may we all join together to advocate for the justice and righteousness due to all workers everywhere. (*Rabbi Cheryl Peretz, is the Associate Dean of the Ziegler School of Rabbinic Studies*)

Returning What's Been Lost by Rabbi Andy Shapiro Katz

<http://campaign.r20.constantcontact.com/render?m=1102506082947&ca=9e07fd70-0543-470f-85dc-d927644aa209>

Our parashah contains more mitzvot than any other - covering such topics as female war captives, rebellious sons, marital relations, executions, runaway slaves, nocturnal emissions, no-interest loans, fair weights and measures, and more. The overall message is that all of these things must be done properly so that Israel remains holy and clean before God.

Amidst this long list of mitzvot, we also find the mitzvah of hashevat avedah - the return of lost objects - a topic dealt with in-depth in the Talmudic Tractate of Bava Metzia. The Torah teaches in Devarim 22:1-3:

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. You shall do the same with his ass; you shall do the same with his garment; and so too shall you do with anything that your fellow loses and you find: you must not remain indifferent.

In an ethical society, it is natural that there would be concern about what to do with lost objects. If the owner doesn't know they lost the object, and all the more so if they are actively looking for it, then the finder using that object could be seen as a kind of theft. And if we were to allow "finders keepers" to be the law, "I found it" would become a good cover story for explicit theft. At the same time, it is awfully wasteful for lost objects to be forever ownerless, nobody deriving any benefit from them. The Torah steps into this breach, commanding us to take possession of the object and actively seek to return it to its owner. As we learn from the Talmud, if there is anything identifiable about the object that would give the owner even a little hope of recovering it, the object remains theirs and we are obligated to do hashevat avedah. This is a heavy responsibility, and one might be tempted to pretend not to have seen the object. Thus the Torah commands: "do not ignore it" and "you must not remain indifferent."

Reading this Torah portion during Elul with the High Holidays fast approaching, the 17-18th century Moroccan sage Hayyim ben Moshe ibn Attar, in his Torah commentary the "Or ha-Hayyim" riffs on the shared root of "hashevah" (returning) and "teshuvah" (repentance). He explains that these verses are really addressing our obligation to "return" Jews who are lost. He explains that when the Torah talks at first about lost ox or sheep, it is referring to Jews who have followed the crowd and fallen to a lower spiritual level. But just as the ox and sheep are kosher animals, they still possess an inherent fitness and holiness that facilitates their return to God. This too is a heavy responsibility, but the Torah commands us to resist the temptation to ignore it and remain indifferent.

Ibn Attar is aware, however, that heavy-handed attempts to alter someone's path is likely to end in failure and increased enmity and distance. He reads the Torah's instruction, "you shall bring it home," to mean that the lost Jew should be brought to the beit midrash - the house of study. There they may have an encounter with Torah that enables them to undertake their own journey of return.

I resonate very deeply with ibn Attar's re-interpretation of hashevat avedah as the mitzvah of outreach and engagement, but I prefer the last piece of his commentary on these verses. There he explains that since all Jews were "betrothed" to the Torah at

Sinai, the Torah is our possession. Less engaged Jews are not lost objects; they are subjects who have lost a most valuable possession - their Jewish heritage, wisdom, and communal connection. This is the Torah we hold onto and care for in the Conservative Yeshiva's beit midrash, returning it to each Jew who comes to claim it. (*Rabbi Shapiro Katz is the Conservative Yeshiva Director of Engagement*)

Family Dynamics: Ki Tetze by Rabbi Shlomo Riskin

<https://www.printfriendly.com/p/g/AvBGnS>

Efrat, Israel – “When you go forth to battle...and you see among the captives a beautiful woman and you desire her.... When a man has two wives, one the beloved and the other the hated.... If a man has a stubborn and rebellious son...” (Deuteronomy 21:10–18)

Every once in a while a strikingly semantic connection and allusion helps us to understand how the Bible is truly a magnificently seamless unity, in which a proper reading of a passage in one of the biblical books sheds brilliant light on a heretofore hidden meaning in another one of the biblical books. An example of this may be found in the beginning of our Torah portion.

Ki Tetzeh opens with war and the possibility of an Israelite soldier marrying a captive war bride. He is forbidden to do so, however, until he first brings her home, observes her in her most unattractive state as she mourns her family for a full thirty days – shaven head, long fingernails – and, if at the end of that period his ardor has not flagged, he may have her converted and marry her.

We next read of a man with two wives, a loved one and a hated one; if the eldest son is the son of the hated wife, the father is forbidden to favor the younger son of the beloved wife and bequeath the double portion to him rather than to his firstborn.

The third section concerns the rebellious son, a glutton and a drunkard, so disobedient to his mother and father that they are required to bring him to the High Court, where he could be condemned to death.

Rashi, citing the Midrash, weaves a profound, psychologically oriented narrative thread connecting these seemingly disparate rulings:

The Torah is making a concession because of man’s evil inclination, for had God not permitted the [gentile war bride] he would have married her nonetheless. However, if he does marry her, in the end he will come to hate her. He will rue the day that he gave up his family and traditions because of her, the excitement he had previously felt would turn to resentment as the Torah writes immediately afterwards: “If a man has two wives, one beloved and another hated,” and ultimately he will parent a rebellious son by her. It is for this reason that these sections are put in juxtaposition. (Rashi, Deut. 21:11)

Three stages: first, overwhelming attraction to an inappropriate woman for the wrong reasons, and then, after the heat of lust turns into a dying ember, you end up hating her and hating the child born of that union. The hapless and despised child, cheated out of his rightful birthright through no fault of his own, will then assume the despicable characteristics of the rebellious son. In effect, Rashi connects these three laws by presenting the dynamics which form a dysfunctional family, leading to criminal behavior on the part of the offspring.

And it seems to me that in addition to the psychological underpinnings of the sequence of the incidents, this biblical passage also resonates with seminal occurrences in the life of our patriarch Jacob back in the book of Genesis, and sheds important light on the tensions and mishaps which shaped our patriarchal forbears and their children. Let us first review the precise words of the second ruling in Ki Tetzeh:

If a person has two wives, one beloved and one hated, and both the beloved and hated wives have sons, but the firstborn is that of the hated one, then it shall be when he

makes his sons inherit his property, he may not declare the son of the beloved the firstborn before the son of the hated, who is the firstborn, by giving him a double portion of all that he has, for he is the first; the right of the firstborn is his. (Deut. 21:15–17)

Now didn't Jacob have two wives? And didn't he love one of them and hate the other, with the Torah itself testifying that Leah felt "hated" (Gen. 29:31)? And didn't he bequeath to Joseph, the son of the beloved wife, Rachel, a double portion, while overlooking the inheritance due to his first-born, Reuven, the son of the hated wife? Generally speaking, and most justifiably, the story of Jacob and Rachel is viewed by the world as one of the most magnificent love stories in literature. His very first meeting with Rachel is an expression of love at first sight, when this unlikely scholar and tent-dweller exhibits superhuman strength by dramatically and single-handedly rolling away the heavy stone covering the well where Rachel had arrived to water her father's flocks. And the seven years of work that Laban asks from Jacob in return for his daughter's hand pass "like a few days" for this man in love. But he is tricked into a marriage with "the other sister, Leah," a woman he married under false pretenses, and who is therefore an inappropriate mate for him. The Bible – and especially the Midrash – helps us to see the terrible tragedy suffered by Leah, which was not unlike what could be in store for the hapless captive woman. After her marriage, "God saw that Leah was hated (senu'a) and He opened her womb" (Gen. 29:31). The word "senu'a" that appears in Genesis is repeated in our portion which speaks of the eldest son of the hated (senu'a) wife. (A wife who is cast aside in favor of another woman always feels herself to be hated if she doesn't feel really beloved.) The Torah goes on to describe the birth: "And Leah conceived and bore a son; she called his name Reuven [literally, behold, a son] because she said, 'God has seen into my affliction (be'oniyi), for now my husband will love me'" (Gen. 29:32). But alas, Jacob never grew to love Leah, who suffered silently throughout her marriage

And remember the third incident in our Torah reading. An inappropriate marriage will lead to a cheated, "hated" son, who will express his resentment by becoming rebellious. Reuven sins with his father's concubine Bilha. To be sure, our sages modified the harsh literal meaning of the biblical text in describing the nature of that sin. "And it came to pass...that Reuven went and lay with Bilha, his father's concubine" (Gen. 35:22). Our oral tradition insists that Reuven did not actually sleep with Bilha, but – when, after the death of Rachel, Jacob moved his couch into Bilha's tent – Reuven switched his father's couch into Leah's tent in order to save his mother from another act of brazen humiliation. "If my mother's sister was a rival to my mother, shall the bondmaid of my mother's sister be a rival to my mother?" cried out Reuven, according to the Midrash. "Thereupon he [Reuven] rose and transposed his couch" (Shabbat 55b). But however we understand the situation, Reuven rebelled against his father Jacob!

Perhaps Jacob understands the positive motivation behind Reuven's rebellious action – that in this perverse way of taking his father's concubine he was crying out to become his father's true heir and continuation, and thus recognizes his own guilt in having rejected his biblical firstborn. After all, despite the egregious sin, the Torah records that "Jacob heard" of the mishap, does not comment, but then our Masoretic tradition leaves an empty space, which apparently hints at Jacob's rage, guilt, and perhaps tears – as well as his ultimate decision to remain silent. Finally, the story concludes "And the children of Jacob were twelve" (Gen. 35:23). Reuven is not rejected by his father. He is forgiven – and Talmudic law ordains that "if the parents of a rebellious son forgive him, he is forgiven" (Sanhedrin 88a).

Apparently, the Torah recognizes the complexity of relationships of individuals caught in circumstances beyond their control – and the familial suffering which often results. Jacob was Laban's victim, as were Leah and Rachel. Reuven suffers the fallout brought

about by the situation of a long-barren favored wife who suffers an untimely death. And it is even more complex than this. Following the incident of Reuven's sinful act, Jacob finally is able to return to his father's house, to Isaac, "in peace" (Gen. 23:21). Jacob absented himself from his father for more than two decades – and then wanders about in Shekhem even after he leaves Laban – at least partially because he felt guilt-ridden about his having deceived the patriarch in order to receive the paternal blessings. But now he has the courage to confront his father. He now can legitimately expect that just as he forgave Reuven his transgression because Reuven had wrongly been treated as the "hated" son, so Isaac would forgive him – Jacob – because Jacob, too, had been rejected by Isaac as the "hated" or, at least, rejected son. Hence the legal material in our portion resonates with the previously recounted tragedy of Jacob's family – and attempts to legislate a lifestyle intended to prevent such future occurrences. Our Bible is a magnificent unity from Genesis to Deuteronomy of connections, reverberations and repair between the generations.

YAHRTZEITS

Lisa Small remembers her brother Joshua Small (Yehudah ben Yosef v'Rivkah) on Mon. Sept. 16th (Elul 16)

Rebecca Greene remembers her uncle Howard Mendelsohn (Howard ben Yosef ve Freda) on Wed. Sept. 18th (Elul 18)

Steve Sklar remembers his father David Sklar on Fri. Sept. 20th (Elul 20)