

Ki Teitze begins with Deuteronomy, Chapter 21:10-14:

When you go out to war against your enemies, and Hashem your God delivers them into your power and you take some of them captive, and you see among the captives a beautiful woman and you desire her and would take her to wife, you shall bring her into your house, and she shall trim her hair, pare her nails, and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother; after that you may come to her and possess her, and she shall be your wife. Then, should you no longer want her, you must release her outright. You must not sell her for money: since you had your will of her, you must not enslave her.

As you hear these words, you might, like me, have an instinctive recoil. Clearly, the normative "you" this text is addressing, "when you go out to war," is a male, landholding soldier, capable of killing, inclined to plunder, and to imagining the lives of those conquered as plunder.

From before the times of Torah, to this very day, battlefields and the spaces around them are places where the norms of behavior are very different from those of civilian society. Sexual violence – an infuriating reality even in peacetime in our society today – is especially high when there is a power differential, such as that between conquering soldier and conquered woman.

In war, the most basic commandment upon which community hinges – do not murder another – is suspended. So other acts of inhumanity become less abhorrent.

Chayim Ben Attar, an early 18<sup>th</sup> century Moroccan Talmudist, discusses these verses explicitly from the context of the shifting ethics of war, writing, “The words **כִּי תֵצֵא**, "when you go out," are a reminder that although you depart from the normal rules of halachic restrictions when your life is at stake, **למלחמה**, your mind must concentrate only on the war, on the battle, not on what you consider the fringe benefits.

Torah is speaking to this reality when it commands certain treatment of the vanquished, beautiful woman. Women are not chattel, to be used and discarded. The woman must be brought home and given a month in which she is stripped of her finery – Rashi says that the novelty of her presence thus wears off and the initial lust abates.

Of course, that makes us feel only marginally better - she is still treated as an object, just one that cannot be used impetuously.

But more – she must be integrated into the household and given time to mourn – which means not just her family but the life she has lost, according to Sforno. Her humanity, her feelings are a reality that Torah refuses to deny, and will not let the lustful conquering soldier ignore. And further – the conquering soldier must marry her, confer upon her all of the rights of a legal wife before he can have intercourse with her, and having done so, he cannot then discard her.

When I think about how the soldier is required to hear her mourning the parents or even husband that he himself may have killed, before she becomes his wife, I wonder: How might this change the calculus of what war is worth fighting, and what is worth taking captive?

And yet, this text cannot just be literal, speaking only to a lustful soldier in a time of war. I believe that Torah is speaking to me, as I am, and to our community as we are. I refuse to be a passive bystander to Torah. So it is not enough for me to believe that Torah is just tempering the violent urges of less evolved ancestors. I am also the “you” it addresses.

What it is it telling me?

Unlike Chayim ibn Attar, many commentators interpret, “*Ki Teitze*” “when you go” as “when you go outside of your borders” – which is to say, when you fight a war on foreign soil, a war that is not defensive. So the mitzvah of how to treat the beautiful captive is assuming a particular circumstances – fighting an aggressive war, and winning it.

As Rabbi Shefa Gold teaches, “THE FIRST TEST of *Ki Tetze* comes not from losing the battle, but from winning it. . . The commandment of *Ki Tetze* replaces the subjugation and acquisition of the captive woman with the requirement to establish a binding relationship with her, to know her as “Thou” rather than use her as “It.””

So I must ask myself, “When do I go out into my day, into my work, as if I am going to war? And what are the casualties?”

If I ask myself that question, then I understand the mitzvah of *Ki Teitze* as a mitzvah against externalizing the costs of our decisions. If I act in an opportunistic way, I must make space for the consequences. If I “win” – an argument, a position, a coveted role, honor, or object – and I want to be in any kind of

relationship with whoever has “lost,” then it is *my responsibility* to make space to hear and comfort the anguish that I my win has created.

We live constantly surrounded by messages that if we fight, if we strive, if we *win*, then other people and their feelings are not our problem. Torah says the exact opposite. And lest we miss the message, the close of our parasha cautions us in Deut 25:17-19:

Remember what Amalek did to you on your journey, after you left Egypt— how, undeterred by fear of God, he surprised you on the march, when you were famished and weary, and cut down all the stragglers in your rear. Therefore, when Hashem your God grants you safety from all your enemies around you, in the land that Hashem your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget!”

Rabbi Samson Rafael Hirsh, one of the 19<sup>th</sup> century founders of modern Orthodoxy, interpreted this passage to mean: “Forget not this, should the day come and you will desire to resemble Amalek and like him [...] seek opportunities through means small and great to exploit your superiority in order to hurt people [...] do not forget this thing . . . then in particular must be you careful not to be infected by that Amalekite-ism which is expressed through the exploitation of your strength in order to demean and to destroy those weaker than yourself.”

So in the spirit of Ki Teitze – may we be strong enough to face the battles we need to fight. And may we take responsibility for our losses and for our victories.

Shabbat shalom.