“We Can Be Taught”

*D’var Torah* Friday August 28 2020 *Par’shat Ki Tetzey*

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Is compassion instinctive or learned? Or maybe some of both?

This week’s parashah, *Ki Tetzey l’Milchamah*, “when you go out to battle against your enemy,” assumes that compassion can be learned, but does not assume that it is inborn.

This, I believe, is why it goes out of its way to demonstrate concrete acts of compassion, but never to “call” for compassion in general. It doesn’t say “be nice,” or “be a mensch,” though elsewhere it does adjure us to “be holy, as I the Eternal One am holy.” But not “be compassionate, considerate, merciful, sensitive, caring.”

For if the Torah were to say “be a decent chap, won’t you?” we might reasonably ask what it had in mind. We might duck out of our responsibility on the grounds that we already meet our own standards of decency, so why should we feel guilty about not meeting the imperceivable measure of the Torah?

For example:

“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.” And like wise with anything your fellow owns. *Lo tuchal l’hit’alem.* “You must not remain indifferent.”

And the famous mitzvah to send away the mother bird before taking its eggs.

And the commandment to build a parapet for your roof so as not to bring guilt on yourself if anyone should fall off.

And the prohibition from plowing with an ox and an ass together, probably because of the discomfort it will cause both animals from pulling the plow with unequal strength.

And lest we forget, the mitzvah to take down an executed prisoner from the scaffold immediately so as to give him a decent burial, rather than display him as some sort of civic lesson, or even to let his corpse rot as a sign of vengefulness or disdain.

Does Emmett Till come to mind, lynched sixty-five years ago today? Emmett Till, *zichrono liv’racha*, not even a true convict since he was innocent, and not executed according to any process resembling law and justice, but nonetheless strung up as a warning about whose country it is, and who should show subservience to whom.

The Torah does not assume that we would know that these actions are right or wrong, or that we would instinctively jump to do the right thing because we know what that is. It doesn’t even always bother to tell us why it wants us to do things one way and not another. Like a parent that models behaviors for a child, it lets us watch and mimic. It teaches us something we are apparently not born with: a sense of “ought” and “ought not.”

Would one of our soldiers, flush in the heat of battle, know not to have his way with a captive maiden? Would he know that he has to marry her and treat her with all the dignities of a husband to a wife before he may exercise his desires with her? If the Torah thought we would know such a thing, it wouldn’t bother to spell it out. But it does, and now we know.

Just as our children watch and listen to us, and just as we citizens watch and listen to our leaders to know what tone they want to set for our society, so the Torah sets a tone for a covenant nation. It tells us, without directly saying so, that we must approach humans, animals, nature, things, even capital criminals, with compassion, even if we don’t particularly seek it for ourselves.

The portion concludes with a recollection of the Amalekites’ attack on the Israelites as they trudged forth out of slavery and into the unknown. “Remember – *zachor* -…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.”

It is as if the Torah is going out of its way to show us an example of a society that is quintessentially *un*compassionate.

Uncompassionate not because they confronted what they perceived to be their enemy, namely us, but because they intentionally looked for a way to inflict the greatest pain and indignity by attacking the stragglers in the rear, and because they had no compunction, no “fear of God,” no sense that it mattered whether their behavior was wrong or right. Like a peace officer who would shoot an unarmed suspect in the back in the presence of his own helpless children.

In the portion *Ki Tetzey,* someone - let’s call him Amalek - led his people by example. Some *thing*, some body of wisdom - let’s call it Torah - led our people and all people by example as well. *Lo tishkach*, says our Torah. “Don’t forget.” Don’t forget the difference.