

“In Spite Of”

Par’shat Ki Tetzey, August 26, 2023

Rabbi Lester Bronstein, Bet Am Shalom, White Plains NY

A few weeks ago I ran into someone I’ve known for a long time, someone who is now officially “cancelled” from the professional world in which I work because of serious errors in judgment and behavior. We had the nicest conversation! He’s a really good guy, and his contributions to our scholarly understanding of our community are second to none. Furthermore, he is a human being who is striving to stay on the path of *teshuvah*, which to me is something real and not a catchphrase for Yom Kippur.

We all know this verse by heart: ואהבת לרעך כמוך - “You shall love your neighbor as yourself.”

Many of us are probably familiar with some of the nuanced commentary on this idea, primarily the teaching that to fulfill this baseline mitzvah, one must do the work that leads to loving *oneself*, which means, among other things, accepting oneself, along with one’s own seemingly permanent flaws. That alone would be more than a full agenda for the month of Elul leading to the Days of Awe.

Teachers have argued that if one could get that far in one’s חשבון הנפש, one’s personal accounting, then one would be ready to love a flawed person *other* than oneself. Or if not to love them, then at least to accept their inherent worth despite their shortcomings. And thus, “you shall love your neighbor as yourself,” Rabbi Akiva’s *k’lal gadol ba-torah*, the main principle of the entire Torah system.

Of course, if their shortcomings are serious – one might say inexcusable – then it's challenging to agree to work with that person, or even to sit with that person, much less to admit that interacting with them might be mutually beneficial.

This is why they say that you negotiate peace treaties with your enemy, not your friend. As we approach the fiftieth anniversary of Anwar Sadat's Yom Kippur attack, the image of Begin and Sadat comes to mind.

I think of Torah portions the same way. Almost every Torah portion contains a few beloved passages. This one, Ki Tetzey, contains quite a few. No matter which way we turn in the parashah, we run into the kind of thing that inspires us to create ethical communities around personal and shared acts of kindness and consideration.

We don't look the other way when a neighbor's donkey has fallen into a gulley. We can take a woman captive in battle, but we cannot rape her. We shoo the mother bird away to save her grief if we take her eggs. (Rambam, as Cippi Harte taught us yesterday, thinks we simply shouldn't take the eggs at all.) We don't yoke an ox and a donkey together. We respect the integrity of separate species of crops.

And then there's this:

In the case of a young woman who is engaged to a man – if a man comes upon her in town and lies with her, you shall take the two of them out to the gate of that town and stone them to death: the young woman because she did not cry for help in the town, and the man because he violated

another man's wife. Thus shall you sweep away evil from your midst.

(Deuteronomy 22:23-24)

What do you do with a passage like that? Pretend it isn't in the Torah? Write it off as a product of an earlier age? Transform it into allegory or metaphor and then claim that that's what the Torah meant all along?

It reminds me of a well-known interpretation of the mitzvah לא תרצח - "Do not murder." Say the Talmudic Sages, "do not murder" means don't shed a person's blood. And "shedding blood" means embarrassing or shaming a person publicly, causing them to blush or turn pale (making the "blood flow"). To wit, don't damage a person's reputation, lest you "murder" his capacity to live in community ever again.

In that move, the Rabbis must be assuming that among the Torah's Jewish audience there is virtually no one who would commit murder. So in order to make the mitzvah relevant to the Torah community, they force the ethical principle inherent in the original mitzvah onto an area of misbehavior that their people are *very* likely to commit.

Likewise here. I will share one interpretation of the "mitzvah," from the RiM, who is Rabbi Yitzhak Meir Alter of Ger (died 1866). (Full disclosure: he was the grandfather of the S'fas Emes.). The RiM, while following the early Chassidic tradition of going far afield of the plain meaning in order to bring out an inspirational lesson, nonetheless always follows the pattern of the classical Rabbis. That is, he is a faithful representative of the Rabbinic tradition. He says:

“The young woman is given a severe punishment because she did not cry out. We learn from this that if a man can raise his voice in protest but keeps silent, behold this is tantamount to concurrence and acceptance.”

I intentionally translated his word “*adam*” as “man” to show you that the RiM is not even reading the text as having anything to do with the fact that the victim is a “young woman” (*na’arah*) who might be assumed to have *invited* abuse, as goes the old sexist bias against a woman accusing an attacker of rape. The RiM assumes that the mitzvah involves any “person” who sees injustice and fails to cry out, and who thus allows injustice to go unchecked.

That is the principle the Rabbis want us to learn and integrate. Any textual historian can readily see that the Torah’s agenda is otherwise. But it doesn’t matter, at least to the Rabbis. They assume there is an inherent good in this mitzvah that on the surface must seem as ugly to them as it does to us. Their task is to build a Jewish people around those inherent goods, and they are willing to look the other way in order to get us there.

Which is to say, *they love the text as themselves*. By the time they are finished “explaining” our text to us, we have a teaching ready-made for Human Rights Shabbat! Which they would not have been able to give us if they had simply taught us what most of us modern rabbis would like to teach, which is not to have anything to do with this parashah.

The Rabbinic way – the Rabbinic “path,” to borrow from some other faith traditions’ language – is to carry over the great good from those uplifting, morally inspiring sections of this parasha, over to these extremely off-putting verses that

are somehow part of the same overall portion. They love the flawed portion in the same way they love a flawed individual.

Am I able to overlook the violence of stoning and flogging at the heart of these sections? Most certainly not. I don't believe in capital punishment. I think it's *real* murder, and not a fancy version of public shaming. Am I able to overlook the bias against the woman in these passages? Again no, although to be fair, the Torah usually implicates the man equally in these moral infractions.

But am I able to see the Torah as a whole, and to love its "good parts" even while I cringe at its "bad parts?" Yes, I am. Which is how – and *why* – I am able to have a public conversation with a "cancelled" person, and why I hope that others will always find a way to keep me – imperfect me – in their hearts and in their lives.

וְאַהַבְתָּ לְרֵעֶךָ כָּמוֹךָ - "You shall love your neighbor *and* yourself."