

Torah Talk – מאמרי תורה



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Parashat Ki Tetze
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פרשת כי תצא
י"ד באלול תשע"ח

Torah Reading: *Devarim* (Deuteronomy) 21:10-25:19

In this *parasha*, Moshe enumerates many laws that relate to topics of family relationships, interpersonal ethics, and forbidden mixtures.

Jewish laws fall into two categories: those that apply at all times, known as apodictic laws, and those that apply only if and when something specific happens, known as casuistic laws. *Parashat Ki Tetze* is full of both.

An example of apodictic law appears in Chapter 22, verse 4: “לא-תרֹאֶה אֶת-חֲמוֹר – אַחִיד אוֹ שׁוֹרוֹ, נִפְלִים בַּדֶּרֶךְ, וְהִתְעַלְמָתָּ, מֵהֶם : הֵקֵם תִּקִּים, עִמּוֹ. – You shall not see your brethren’s donkey or his ox fallen down by the way, and hide yourself from them; you shall surely help him to lift them up again.”

An example of casuistic law follows the above, in verses 6-7: “כִּי יִקְרָא קוֹן-צִפּוֹר – לְפִנִּיךָ בַּדֶּרֶךְ בְּכָל-עֵץ אוֹ עַל-הָאָרֶץ, אֶפְרֹחִים אוֹ בִּיצִים, וְהָאִם רֹבֶצֶת עַל-הָאֶפְרֹחִים, אוֹ עַל-הַבִּיצִים--לֹא-תִקַּח הָאִם, עִל-הַבְּנִים. שְׁלַח תִּשְׁלַח אֶת-הָאִם, וְאֶת-הַבְּנִים תִּקַּח-לָךְ, – לְמַעַן יֵיטֵב לָךְ, וְהִאֲרַכְתָּ יָמִים. – If a bird’s nest chances to be before you in the way, in any tree or on the ground, with young ones or eggs, and the mother is sitting upon the young, or upon the eggs, you shall not take the mother with the young; you shall surely let the mother go, but the young you may take for yourself; that it may be well with you and that you may prolong your days.”

A “key” to differentiating between apodictic and casuistic law is the word **כי** – *ki* (as in *Ki Tetze*). *Ki*, like so many other Hebrew words in the Torah, carries multiple meanings, each of which contributes a critical piece to our understanding of these laws. *Ki* means “if,” “when,” “that,” “since,” and “because,” among other things. Each casuistic law in this *parasha* begins with the word *ki*. Choosing different translations for that “key” word – pun intended – provides different points of focus for the law. In the example cited above, translating the verse variously as, “if a bird’s

nest chances to be before you,” “when a bird’s nest chances to be before you,” “since a bird’s nest chances to be before you,” and “because a bird’s nest chances to be before you,” all offer different perspectives on how and why we need to fulfill this *mitzvah*.

We can see how a casuistic *mitzvah* greatly depends on circumstances. In the example of the bird’s nest, we get to fulfill this *mitzvah* only if we are on the way, and then only if we see a bird’s nest in a tree or on the ground, and then only if there are young birds or eggs in the nest, and then only if the mother bird is sitting on the nest, and then only if we want to take the young birds or the eggs.

Tradition tells us that there are 613 *mitzvot* enumerated in the Torah. This may feel overwhelming. But when we realize that many of them connect to the Temple service, and many of them, like the ones we encounter this week are only “if...then” *mitzvot*, we can understand that 613 *mitzvot* is a number we can handle.

Shabbat Shalom.

For Discussion:

- Count the number of times the word *ki* appears in this *parasha*. How many casuistic laws does this indicate?
- Think of your classroom rules or the general school rules. State one apodictic rule and one casuistic rule.
- Choose one apodictic *mitzvah* and one casuistic *mitzvah* from the *parasha*. Compare and contrast them. Are there any prerequisites or caveats in the apodictic law? How about in the casuistic law? How many caveats are in the one you chose?