

The Torah: A Women's Commentary

Parashat Ki Teitzei DEUTERONOMY 21:10-25:19

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Parashat Ki Teitzei Study Guide Themes

Theme 1: Building a Just Society in the Promised Land—It's All in the Family

Theme 2: You Are With Whom You Mate—Regulating Sexual Relations
in the Promised Land

INTRODUCTION



Building the ideal Israelite society is an overriding concern of Deuteronomy. The civil, criminal, and family laws in Deuteronomy address relationships within households, among neighbors, and between the vulnerable in society and those more fortunate. While the laws in *Shoftim*, the preceding parashah, address public officials, the laws in this parashah focus on what could be seen as private family matters. The prominence of laws concerning the lesser-loved wife, the punishment of wayward children, and the regulation of sexual behavior indicate that such seemingly private matters concern society as a whole. Public legislation governing these matters demonstrates the Biblical author's concern with building a balanced society in which all individuals are governed by the community and its laws. Laws concerning women are prominent in this parashah, including the proper treatment of captive women, forced sex, divorce, and accusations of non-virginity. This reflects the belief that because the family unit is the basis of society, a woman's position and status in the family unit are critical.

BEFORE GETTING STARTED

Before turning to the biblical text and the questions presented below, use the introductory material in *The Torah: A Women's Commentary* to provide an overview of the parashah as a whole. Draw attention to a few key quotations from the introduction to the Central Commentary on pages 1165–66 and/or survey the outline on page 1166. This will help you highlight some of the main themes in this parashah and give participants a context for the sections they will study within the larger portion. Also, remember that when the study guide asks you to read

biblical text, take the time to examine the associated comments in the Central Commentary. This will help you answer questions and gain a deeper understanding of the biblical text.

THEME 1: BUILDING A JUST SOCIETY IN THE PROMISED LAND —IT'S ALL IN THE FAMILY



In ancient Israel the family unit, or household, formed the basis of society. The laws pertaining to families in *Ki Teitzei* reflect the view that what occurs within a family has an impact on the community at large. For this reason, a variety of matters such as the treatment of captive women who might become part of the community through marriage, the status of heirs of loved and unloved wives and of an incorrigible son, as well as rules concerning divorce and remarriage are all legitimate subjects for public legislation.

1. Read Deuteronomy 21:10–14, which outlines the laws for marrying a woman who is a prisoner of war.
 - a. According to these verses, what actions should an Israelite warrior take if he wants to marry a female captive? How do these instructions differ from the prohibitions in Deuteronomy 7:1–4, which prohibit marriage to female captives? According to the Central Commentary, what can we learn from the differences between these two passages?
 - b. Deuteronomy 21:11 describes the captive woman as “beautiful.” What is significant about this description?
 - c. What is the purpose of the actions the captive woman must take (vv. 12–13)? What is the relationship between these actions and the month the woman must spend “lamenting her father and mother” (v. 13)? Why do you think these actions must take place before the Israelite soldier can marry the captive woman? How do you imagine a captive woman might feel in this situation?
 - d. The Hebrew *innah* (“had your will of her”) in verse 14 can mean to debase a woman by having sex with her outside of a regularly contracted marriage. How does this phrase help you to understand why the man must free his foreign wife should he reject her? What is the reason for this command?
2. Read Deuteronomy 21:15–17, which describes laws regarding the heirs of loved and unloved wives.
 - a. What family problems might arise from the fact that a man can have more than one wife and may have children with each wife?
 - b. Who are these laws designed to protect and why?
 - c. According to the Central Commentary, what is the significance of a child being designated his father’s heir in the Bible?

- d. The words that describe the two wives in verse 15 (“one loved and the other unloved”) also describe the situation of Rachel and Leah in Genesis 29:30–31. How does this comparison help you to understand the situation in Deuteronomy 21:15–17?
3. Read Deuteronomy 21:18–21, which describes the rules for handling an incorrigible son.
 - a. The Hebrew phrase *soreir u'moreh* in verse 18 (translated here as “wayward and defiant”) can also be translated as “stubborn and rebellious.” What does this suggest to you about the kind of behavior to which the text refers?
 - b. What challenges does this kind of behavior present to the “householder” (v. 18)? What are the dangers of this kind of behavior to society?
 - c. In your view, why are both the father and mother responsible for the son’s discipline?
 4. Read Deuteronomy 24:1–5, which describes laws regarding divorce, remarriage, and prolonging a couple’s “honeymoon.”
 - a. Verse 1 does not specify the valid conditions for divorce. The idiom in this verse, translated as “something obnoxious,” also appears in 23:15, where it is translated as “anything unseemly.” What can we learn about the conditions for divorce, based on how the idiom is used in these verses?
 - b. The technical language for divorce (“sends her away”) in 24:1 contrasts with the language for marriage in the Bible (“takes her as a wife”). How do these two terms help you to understand what happens to a woman when her husband divorces her?
 - c. What do we learn from verse 4 about the reason that the first husband may not take his former wife back if her second husband divorces her or if she becomes a widow? In your view, what kinds of concerns does this law seek to address?
 - d. According to the Central Commentary on verse 1, what do we know about who was able to initiate divorce in Jewish marriages?
 - e. What is the purpose of a householder’s year-long exemption from army service (v. 5)? How do you understand the purpose of this exemption?
 5. Read the Another View section by Diana Lipton (p. 1185).
 - a. According to Lipton, what is the real concern of Deuteronomy 24:1–4?
 - b. Lipton points out that if the intent of the law in this passage is to prohibit remarriage to the same wife, then it was not necessary to include the clause about a new husband. According to Lipton, how might the new husband clause create a measure of autonomy for the woman?
 - c. How does Jeremiah’s image of the metaphorical marriage between God and

Israel help us understand the possible reasons that the male authors of this text might have legislated female autonomy? How does this view allow Israel to maintain some degree of autonomy in the relationship with God?

6. Read Post-biblical Interpretations by Dvora E. Weisberg on pages 1185–86 (“If a householder has a wayward and defiant son” and “he writes her a bill of divorcement... and sends her away”).
 - a. In what ways did the Rabbis restrict the law of the rebellious son? What is the impact of the restrictions on this law? In your view, why did the Rabbis take these actions?
 - b. According to the Rabbis, on what grounds could a man divorce his wife? How do the Rabbis use Deuteronomy 24:1 as a basis for these grounds?
 - c. According to Exodus 21:10–11, to what is a married woman entitled from her husband, and what is her recourse if she does not receive it? What do Jewish marriage contracts from the Second Temple period and the early medieval period in the Levant tell us about who could initiate divorce?
 - d. What recourse is available to an unhappy wife, according to the Mishnah? How did the view that a woman could initiate a divorce change over time?
7. Read “The Passage of Divorce: Paving One’s Way” by Vicki Hollander, in *Voices* (p. 1189).
 - a. To what does the poet compare the experience of divorce? How do the physical images she uses to describe divorce help you to understand her feelings?
 - b. What is the relationship, in your view, between the images of the earth shifting and divorce?
 - c. Hollander’s poem is written from the perspective of a woman going through a divorce. The biblical text (Deuteronomy 24:1) states that the householder who wants to divorce his wife “writes her a bill of divorcement, hands it to her, and sends her away from his house.” How does Hollander’s poem help you imagine what such a wife might feel?
 - d. If you have experienced divorce yourself or watched someone close to you go through a divorce, how do you relate to the poet’s description of her divorce? What metaphor would you use to depict the experience of divorce?

THEME 2: YOU ARE WITH WHOM YOU MATE—REGULATING SEXUAL RELATIONS IN THE PROMISED LAND



The laws regarding sexual relations in this parashah highlight the importance of women in the family unit and reflect a concern with the sexual status of women as wives or potential wives. Women who did not marry had little standing in ancient Israelite society. Although Deuteronomy emphasizes the importance of premarital chastity, the laws in this parashah protect women in situations where premarital sex may have

been non-consensual. The laws regarding sexual relations focus on what is best for the family and for society, not on the interests of women.

1. Read Deuteronomy 22:13–22, which discusses the laws for dealing with accusations of unchastity.
 - a. What is the Bible’s expectation regarding a woman’s premarital sexual status? How does this expectation inform the husband’s accusation in verse 14? According to the Central Commentary, what may motivate the husband to make this accusation?
 - b. The Hebrew word *ishah* (v. 14) is most commonly translated as “woman.” How does its translation here as “party” add to your understanding of the circumstances of this situation?
 - c. What do we learn from verse 17 about who is seen as responsible for the woman’s chastity?
 - d. What assumptions can we make about the cloth (v. 17)? How might production of such evidence, and the fine imposed on a husband who brings a false accusation, serve to deter false allegations of unchastity? What is the relationship between the amount of the fine and the betrothal gift the father would have to return if the allegation proved to be true?
 - e. In verse 19, we learn that in the case of a false accusation of unchastity, the husband may not divorce his wife. How does this law, seemingly a punishment for the woman as well as her husband, provide protection for the woman?
 - f. What can we learn from the location of the woman’s punishment for a true accusation of unchastity about how the biblical text views the real problem in such cases?
 - g. What can we learn from comparing the situation of the unchaste bride with the case of the incorrigible son (21:18–21)?
 - h. The phrase translated as “you will sweep away evil” is found twice in this section (vv. 21, 22). This phrase appears frequently in Deuteronomy, where it refers to banning false prophets and dream diviners who encourage the worship of other gods (13:6), to giving false testimony in legal matters (19:19), and to the importance of adhering strictly to legal judgments (17:12). How does this phrase help provide insight into the Biblical concern about sexual misconduct, and the implications of those concerns for society?
 - i. For modern readers, the idea of a woman being stoned to death for sexual misconduct calls to mind the “honor killings” that still occur in some communities. What are some similarities between the situations in the biblical text in which a woman is killed for sexual misconduct and “honor killings”? What are some differences?

2. Read Deuteronomy 22:23–29, which describes laws regarding forced and consensual sex with a betrothed woman and forced sex with an unbetrothed woman.
 - a. What is the legal status of a betrothed woman? Of what is she guilty if she engages in consensual sex with a man other than the one to whom she is betrothed?
 - b. How does the biblical text differentiate between consensual and non-consensual sex with a betrothed woman? What are the reasons for making this distinction? What do you think accounts for the different reasons the text gives for the punishment of the woman and the man in a case of consensual sex (v. 24)?
 - c. How does the penalty for forced sex with an unbetrothed woman (v. 29) differ from the penalties for forced sex with a betrothed woman? In your view, what accounts for these differences?
 - d. According to the Central Commentary, what situation does the law in verse 29 seek to prevent? How might this law serve to provide cover for consensual sex between an unbetrothed woman and a man? How does this law protect both the woman and her father?

3. Read Post-biblical Interpretations by Dvora W. Weisberg on page 1186 (“A householder marries a woman and cohabits with her”).
 - a. According to *Sifrei D’varim, Ki Teitzei, piska 235*, what biblical command does the husband in Deuteronomy 22:13 transgress? How does this midrash use the biblical text to teach that “one sin leads to another”?
 - b. What does this midrash suggest about how the commentator views the husband’s claim regarding his wife’s virginity in 22:13? On what part of the verse does the commentator base this interpretation?

4. Read the Contemporary Reflection by Judith Plaskow (pp. 1187–88). In this essay, Plaskow discusses the significance of memory to our self-understanding as Jews and as women as well as the variety of purposes memory can serve.
 - a. Although this parashah (Deuteronomy 24:8–9) recalls Miriam’s punishment with *tzaraat* (Numbers 12:10–13), it does not mention the reason for this punishment, nor does it “remember” other aspects of Miriam’s character and life. What relationship does Plaskow see between this “one-sided” memory of Miriam and the sexual legislation in this parashah?
 - b. According to Plaskow, how does this inability of the biblical text to remember its central female figures contribute to laws that do not view women as agents of their own sexuality?
 - c. This parashah also contains numerous laws protecting the marginalized in Israelite society: the stranger, the orphan, and the widow. How do you respond to Plaskow’s view that the sexual

legislation in this parashah conflicts with the idea of remembering those who are vulnerable in the community?

- d. In what ways can we use a fuller memory of Miriam—her courage in saving her brother and her leadership of the newly freed Israelites—to help us choose “which memories we want to affirm and further develop” and which we want “to repudiate or transform”?
 - e. What can the changes in women’s roles in the Jewish community over the last half century teach us about how we can choose to cultivate the memories of our people in ways that “stop the cycle of violence and domination”?
 - f. What impact have the changes in women’s roles in the Jewish community over the last fifty years had on your own life and on your views of yourself as a member of the Jewish community?
5. Read “Rape poem” by Marge Piercy, in *Voices* (p. 1190).
- a. How do the poet’s comparisons of rape to physical injuries in the poem’s first four stanzas help you to understand the impact of being raped? What do these comparisons tell us about how our society views rape?
 - b. How does the description of the rapist in the poem’s fifth stanza highlight the horror of her rape?
 - c. What is the effect of the rape on the poet as she tries to live her life?
 - d. What impact does the poet’s rape have on how she feels about her body? How does she view those who are “open to love”?
 - e. In your view, what is the relationship between how the poet views her sexuality as a result of the rape and the views of female sexuality expressed in the laws in this parashah regarding non-consensual sex (Deuteronomy 22:25–27)?
 - f. How do you think someone who has been the victim of sexual violence would relate to this poem?
 - g. What does the pairing of this poem with the biblical text add to your reading of the text?

OVERARCHING QUESTIONS

As you study these parts of the *parashah*, keep in mind the following overarching questions. If time permits, conclude the class with these broader questions:

1. The laws in *parashat Ki Teitzei* reflect the belief that family matters are the concern of society at large. In what ways do laws in our present-day society regarding marriage and divorce echo this view? In what ways do these present-day laws reveal attitudes toward families that are different from those of the biblical text? What do you think accounts for these differences?
2. Laws regarding sexual relations in this *parashah* reflect the judgment that women, as Plaskow writes, are not agents of their own sexuality. This mind-set created an expectation that women would subordinate their own needs and interests to those of their husbands. In what ways do such attitudes still manifest themselves in our society? How have you seen or experienced the lingering influence of these attitudes in your own family life?

CLOSING QUESTIONS

1. What new insight into the Torah did you gain from today's study?
2. What other new insights did you gain from this study?
3. What questions remain?



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