

Torah Table Talk

Even Criminals have Rights

Parshat Ki Tetzei

Deuteronomy 21:10 – 25:19

Parshat Ki Tetzei contains seventy two Mitzvot, more commandments than any other Parshah in the Torah. These commandments cover the full gamut of daily life from criminal to civil law. They define how a person should treat the members of his family, act in business, how he should dress and even how to treat animals. Judaism is an entire way of life which defines how we act in our relationship with God, our fellow man and even how we treat ourselves. There are rights and responsibilities that a Jew has not only to his own people but even to the condemned criminal as we can see from the following verse in this Parshah.

Deuteronomy 21:22-23

If a man is guilty of a capital offense and is put to death, and you impale him on a stake, you must not let his corpse remain on the stake overnight, but you must bury him the same day. For an impaled body is an affront to God; you shall not defile the land that the Lord your God is giving you to possess.

1. What type of crimes should be punished as capital offenses? How do you feel about the death penalty today?
2. Why do you think the impaled body of a condemned criminal an affront to God? How did it “defile the land?”

Babylonian Talmud, Sanhedrin 46b

Rabbi Meir said: A parable was stated: To what is this matter comparable? To two twin brothers who lived in one city; one was appointed king and the other took to highway robbery. At the king's command they hanged him. But all who saw him exclaimed, ‘The king is hanged!’ whereupon the king issued a command to take him down.

1. The sages often use parables as a way of making a point. To understand the parable, one must translate the symbolic language back to the implied theological language. Who do the two brothers symbolize in the parable?
2. How can the King (God) and the thief (human beings) really be so much alike? When we use the expression “In the image of God” what do we mean? Can human beings really appear like God or are they merely God-like? What is the difference?
3. Do you think there is something almost shocking and blasphemous about this parable? What does it imply about our treatment of our fellow man?

Babylonian Talmud, Sanhedrin 46b

Rabbi Yohanan said on the authority of Rabbi Shimon Bar Yochai: From whence is it inferred that whoever keeps the dead unburied over night transgresses thereby a negative

commandment? From the verse: “Bury, you shall surely bury him*,” whence we learn that he who keeps his dead unburied over night transgresses a prohibitory command.

**The Hebrew uses the double form of the word bury: “Kavor Tikbirenu” to teach us that it applies not only to the condemned criminal but to everyone else.*

1. What other lessons do the sages derive from the verse in Deuteronomy? How do they arrive at this conclusion?
2. Rabbi Yohanan implies that we should never delay the burial of the dead. (In Jerusalem the dead are buried before night fall the same day that they die when ever possible.) When do you think it is appropriate to delay the burial of the dead? Under what conditions?

Abraham Joshua Heschel, “The Insecurity of Freedom,” Page 150-167

Sparingly does the term “image of God” occur in the Bible. Beyond the first chapter of Genesis, it comes forth in two instances: to remind us that everything found on earth was placed under the dominion of man, except human life, and to remind us that the body of man, not only his soul, is endowed with the divine dignity.

The image of God is employed in stressing the criminality of murder... “Whoever sheds the blood of man by man shall his blood be shed; for in the image of God was man created) (Genesis 9) The image of God is also referred to in urging respect for the body of the criminal following his execution... ”For the dignity (or glory)* of God is hanged on the tree.” (Deut. 21)

**Heschel understands the word Kilelat, translated as curse or affront, as a euphemism for Kavod, which means glory. See footnotes to the essay, “Sacred Image of Man.”*

1. For what purpose does the Torah draw on the expression ‘Image of God?’ What are the moral implications of this expression?
2. How does Heschel explain the expression, ‘is an affront to God?’ why would the Torah use a euphemism in this verse when speaking about the condemned criminal?
3. How else can we use this concept of ‘Image of God’ today in speaking of our responsibility to our fellow human being?

Glossary

Abraham Joshua Heschel – One of the leading Jewish Theologians and communal activists of the twentieth century; He taught at the Jewish Theological Seminary.

Sanhedrin – A tractate of the Talmud in the order of Nezikin, Damages, which deals with laws dealing with judicial procedure and punishments.

How to use Torah Table Talk

1. *Read the sheet out loud to one another. Discuss what it has to say.*
2. *Focus on the text in the box. It is taken from Biblical, post-biblical and modern Jewish sources. What does it mean? How does it make you feel?*
3. *Try to answer the questions following the text.*
4. *This is not a test and there are many correct answers and interpretations to each question. Share your ideas with one another. Be open and honest in sharing your ideas.*

***“All it takes to study Torah is an open heart, a curious mind
and a desire to grow a Jewish soul.”***

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