

About this week's sidra and essay:

Ki Tetzei ("When you go out to wage war...") at first continues expounding the laws governing warfare begun last week,¹ defining acceptable conduct towards captives and demanding rigorous standards of physical and spiritual purity in the army camp. But the focus shifts rapidly away from war to a general concern for integrity in relationship. We are enjoined from violating the special status of the firstborn, the integrity of species, the relationship between mother bird and chicks, the reputation of a woman; the virginity of a young bride, the freedom of an escaped slave, the orchards of a neighbor, the dependability of commercial weights and measures, and the dignity of any other human being. In particular, *Ki Tetzei* concerns itself with relationship between man and woman, setting forth the laws of marriage and divorce; the penalties for rape, adultery, or false accusations of adultery; the repugnance of prostitution; the treatment of a childless widow. The parasha even establishes a legally protected honeymoon year for the newly married, free from the draft and from certain taxes.

In this context of concern for the dignity of woman, it is astonishing to learn in the opening section of *Ki Tetzei* that the Torah permits the carnal commandeering of a woman in the course of war! *FrameWorks* this week goes out on a limb in an attempt to understand this mitzva of *Yefat To'ar* ("The Beauty"), and discovers a fundamentally new way of viewing our connection to drive, passion, and creativity.

Beauty and the Beast

Among the most striking of the Torah's mitzvot are those which define the moral standards demanded of the common soldier in the army of Israel. A soldier guilty of the most insignificant infraction of the Torah was not entitled to serve in battle:

One who speaks between donning one of his *tefillin* and the other has committed a misdeed and must leave the war front because of it.

Sotah, 44b

Our parasha insists on a level of physical and mental wholesomeness that stands in stunning contrast to the traditional behavior of soldiers in war.

When you go out as a camp against your enemies, guard yourself against anything evil. Therefore, if a man is impure through a nocturnal emission, he must leave the camp and remain outside...

You must designate a place outside the camp to use as a lavatory, and go out there. You must also keep a trowel in your backpack so that when you relieve yourself outside, you will cover up your excrement. For God your Lord walks within your camp, so as to deliver you and grant you victory over your enemy. Your camp must be holy, so that He will see no lascivious thing among you and turn away from you. (23;10-15)

A holy army camp! Even lewd *thoughts* are prohibited, and are enough to turn the Shechina away from the army of Israel.

When you go out as a camp against your enemies, guard yourself against anything evil. Therefore, if a man is impure through a nocturnal emission...

To "guard yourself" then means that you should not think of things in the daytime that might lead you to impurity at night.

Avoda Zara, 20b

What could be more inconceivable in such a setting than the Torah's tacit concurrence with a soldier's need for release through...rape! Yet that certainly seems to be just what the Torah allows right here in the very opening of a parasha that so loftily depicts an army of the purely righteous.

*If you see a beautiful woman (*yefat to'ar*) among the prisoners, and you yearn for her, you may take her as a wife... (21:11)—*

The Torah here speaks towards the *Yetzer haRa* (the "evil inclination"), for if the Holy One would not permit her, [the soldier] would marry her illicitly.

Rashi²

Yes, the very parasha that imposes penalties on rape (which may include lifetime care for the victim) also appears to turn a blind eye to the hapless victim in

war. Apparently, the righteous warriors who entertain no lewd thought will indulge a new-found desire! Even the amazing juxtaposition of the standards of the army camp with the *yefat to'ar* in one parasha does not adequately convey the sensational incongruity of this indulgence. Remember that the grand moral standards of the army of Israel were established in a war fought to avenge the promiscuous tactics of the daughters of Midi'an.

Your teeth are like a flock of ewes... (*Shir haShirim 6:17*) –

Just as a ewe is decent (covered by wool) so were the soldiers (“teeth”) of Israel decent and morally upright in the war with Midi'an.

Shir haShirim Rabba, 6:7

The war with Midi'an inaugurated the commitment to control lewd thoughts in the course of battle:

The generals and captains who were officers over the army's divisions, approached Moshe... “We want to bring an offering to God...” This is why it says, *Moshe became angry at the officers...* He said to them, “Don't tell me that you have gone out and done the same sin this all started with!”

Answered they, “*We are not missing a single soldier!* (*Bamidbar 31:14,48,49*)”

Demanded Moshe, “Then what is the point of a sacrifice?”

They answered, “Just because we didn't *do* any sin does not mean that we didn't *think* about it!”

Shabbat, 64a

The entire point of that war was to assert moral superiority of Yisrael. That is why it was led by the same Pinhas who had, without sanction of the court, murdered Zimri for sleeping with a non-Jewish woman. For his passionate stand against such moral corruption, Pinhas was appointed *Kohen of War* in charge of army morale and morality.

Now, can you believe that in that same war fought against licence and immorality, led by a man who murdered a prince of Israel for sleeping with a Midi'anite, in a war that called for bringing offerings to atone for unchaste thoughts, that in that very war it was permissible to take a beautiful Midi'anite woman as *yefat to'ar*!

The *Tosafot* are bothered by the inconsistency—Why would they have needed to atone for suggestive *thought* if they were even allowed to sleep with those same women?

The solution may lie in the halacha they were allowed only *one* woman as a *yefat to'ar*.³ Perhaps they needed to atone for thinking about another.⁴

To me, that answer seems to make the entire issue even more wildly inconsistent—how can you be fighting against untoward fantasies on the one hand while actually indulging them on the other!

We need to take a closer look at what is commonly taken to be the “rape” of the *yefat to'ar*.

If you see a beautiful woman (yefat to'ar) among the prisoners, and you yearn for her, you may take her as a wife. You shall bring her to your home...let her sit in your home crying for her father and mother a full month, and then you may come to her and possess her... (*21:11-13*) –

“You shall bring her to your home,” means that you may not intimidate her in war (to sleep with her—Rashi⁵).

Kiddushin, 22a

“...And let her sit in your home crying for her father and mother a full month, and then you may come to her and possess her...” You may not take her until *after* the entire process.

Yerushalmi, Makkot 2:6

The “yearning” for the *yefat to'ar* cannot be the pursuit of a soldier's lust, for it is *prohibited* to consider her in the heat of battle!⁶ The “yearning” is instead the passionate identification of a potential spouse:

If you see a beautiful woman (yefat to'ar) among the prisoners, and you yearn for her, you may take⁷ her as a wife... (*21:10*)

This “yearning” means to passionately seek her as a *wife*.

Ibn Ezra, 21:11

“As a wife...” [With all privileges attached thereto] as it says, *He may not diminish her allowance, clothing or conjugal rights* (*Shemot 21:10*).

Sifrei, Ki Tetzei, 213

The *yefat to'ar* does not even have to be literally attractive—just “beautiful in *his* eyes.”⁸ For we are looking here at *marriage*, not desirability as an object. If the marriage does not take place, no advantage may be taken of her in *any* way although she was captured as a prisoner of war:

The moment he makes use of her in the capacity of servant, he transgresses a negative commandment, *He shall not work her...* (21:14), i.e. he shall not use her.

Mishne Torah, Hilchot Melachim, 8:6

Indeed, unless the *yefat to'ar* is interested in becoming Jewish, there is no future to the relationship:

If she refuses to convert, she simply accepts the seven Noachide commandments and goes her own way, and she has the same status as all resident aliens (*ger toshav*). But he cannot marry her, for it is prohibited to marry a woman who has not converted.

ibid., 8:7

Once she becomes a *ger toshav*, she becomes eligible to live in the Land of Israel, to be supported by Jewish charities and to be covered by Jewish health care.⁹

The entire body of law regarding the resident alien are introduced in *Mishne Torah* by the *halachot* concerning the *yefat to'ar*,¹⁰ the prototype of the connection of the non-Jew to Yisrael.

A *yefat to'ar* who does not want to accept...Whoever does not want to accept Torah and mitzvot must not be forced to do so. But Moshe Rabeinu commanded us from God to take the responsibility of driving the entire world to accept the Noachide commandments.

ibid., 8:10

It is in *yefat to'ar* that we model the extent of our potential responsibility and relationship to the outside world as a whole—a world which in normal times is alien and off limits. War brings us into temporary contact with a world full of “good things.”

[You will find] houses filled with good things...you will eat and be satisfied...

(*Devarim 6:11*)— This refers to sides of bacon.

Hullin, 17a

Yefat to'ar is the model for absorption through war. Not war of annihilation, but of transformation—war known as *milhemet reshut* (literally “permitted war”), permitted but not commanded by God.

When you go out to war against your enemies and God gives them into your hands and you take captives, if you see a beautiful woman (yefat to'ar) among the prisoners, and you yearn for her, you may take her as a wife. . . .(21:10,11) –

The Torah must refer here to *milhemet reshut*, for in the war for the Land of Israel you could hardly say “*and you take captives*” because we have been commanded there *do not allow any survivors (Devarim 20:16)*.

Rashi¹¹

The Torah consents to such absorption only when it is refined through subtle filters, testing the depth of the emotional commitment and skimming away vestiges of idolatry.

You shall bring her to your home, let her shave her hair and grow¹² her fingernails, let her take off her [attractive] captivity clothes. Let her sit in your home crying for her father and mother a full month, and then you may come to her and possess her... (21:11-13) –

The reason for this is to see if perhaps he will no longer yearn for her so much...and to go through a process of psychological accommodation during which time she will carefully consider her conversion, and distance herself from her own religion, family and culture. . . .

Ramban, 21:12-13

We remove every vestige of the identity that worshiped idolatry. . . .

Hizkuni, 21:13

In *yefat to'ar* the kabbalists found the (dangerous and so often exploited) idea of “holy sparks,” great beauty encompassed by a wasteland of darkness and

corruption, beauty that could be redeemed and join the service of God.

Why does it say “*yefat to’ar*” if she need not be beautiful? And why would God command such a mitzva, that a man defile himself with a non-Jewish woman just at a moment [of victory] when he ought to be growing in purity and bonding to God? Why allow such ugliness, hated by God? . . .

The important point to understand here is that from the primal sin many precious souls fell into the hands of evil, and these are the souls of those who convert to Torah. . . .

In a war meant for the purposes of mitzva God will uncover the eyes to sense this *yefat to’ar*, this hidden beauty which is the holy soul whose incredible shine is so powerful that it separates from the evil...and he will recognize her through the yearning that he feels for her while he is attached to the Shechina. . . .

Ohr Hachaim, 21:11

Here the *yefat to’ar* is depicted as a veritable damsel in distress, bound by a spell dispelled through the kiss of a prince! This is an easily perverted vision that has destroyed many a pretender to the throne of a Redeemer.

But *yefat to’ar* itself, without any embellishment, is a dangerous idea, and brought near ruin to one who really *did* sit on such a throne—David himself! When his own son, Avshalom, nearly succeeded in destroying him, David feared that people would come to doubt Justice. But Avshalom was the son of David through a *yefat to’ar*, and the Sages asked him—

“Why did you take a *yefat to’ar*!?”

Answered David, “Why, the Torah *permits* a *yefat to’ar*.”

Said the Sages, “You should have understood from the directly adjacent section, *If a man has a wayward and rebellious son... (21:18)*, that whoever marries a *yefat to’ar* ends up with a wayward and rebellious son!”

Sanhedrin, 107a

What then is the use of an idealized vision of *yefat to’ar* that cannot be applied in the real world without

destroying those who would attempt to repossess her? Simply this:

The Torah here speaks only towards the *Yetzer haRa* (the “evil drive”). . . .

Kiddushin, 21b

I believe that “towards the *Yetzer haRa*” implies that we are taught here how to relate to *yetzer*, towards creative drive (from “*yetzira*”). And that is the ultimate *milhemet reshut*, a war that engages us at every moment.

Man has truly been placed in the middle of a war, for everything in the world confronts him...and the battle rages all around him. If he will be a warrior and subjugate in war all around him, he will be the fully developed man. . . .

Messilat Yesharim, 1

The world is truly “*filled with good things*” that are all the product of *yetzer*. Without *Yetzer haRa* no one would be driven to build or to create.

God saw all that He made and it beheld was very good... (Bereishit 1:31)—

This refers to *Yetzer haRa*, for if not for the *Yetzer haRa* no one would bother. . . .

Midrash Tehillim, 9:1

It is *yetzer* that provides passion, and it is in our passion that we use and master *yetzer*. The world as a mere steppingstone towards the World to Come cannot command our passion, yet without that passion we lose the steppingstone! The nations of the world provide the tools for the use of Yisrael,¹³ but they are off limit and alien—unless we can identify the truly personal, the place of contact that can work simply because it ignites the creative *yetzer* within you which alone makes service possible:

Love God your Lord with all your heart... (Devarim 6:5) –

This means with both your drives—the *yetzer tov* and the *yetzer ra*.

Berachot, 54a

The irony of Pinhas-the-zealous presiding over a war of morality in which *yefat to’ar* is permitted is not lost on the Torah—it is the whole point. *Yefat to’ar* is the mirror image of Pinhas. Just as he—Pinhas, agent of *yetzer tov*—asserted the separation between Yisrael

and the nations through an act sanctioned by no one, outrageously murdering a prince of Israel driven by nothing but his own powerful recognition, so too does the mitzva of *yefat to'ar*—agent of *yetzer ra*—outrageously discover the point of transition, where the production of the world becomes available to Yisrael. In that metamorphosis the world reaches moments of significance and meaning that otherwise would be lost, buried in darkness. Only the “*holy encampment*” can achieve such moments:

One who is holy...can more ennoble
physicality through his own utilization than
he is coarsened in its use. . . .

Messilat Yesharim, 26

Yefat to'ar is the preposterous dream that makes lesser war possible, that teaches us the way to deal with *yetzer*, the way of carefully filtered and measured passion as permitted by the Torah— never outright rejection.

One must draw the *yetzer* close with the
right hand, and keep him distant with the
left.

Sotah, 47a

For *yefat to'ar* is entirely a creation of passion— without passion it cannot exist.

If he finds that he has no passion for her, but just considers her a good choice for a wife, he may not marry her, and so it says in the *Sifrei*¹⁴: *then take her for you as a wife*, this means that you may not pick one for your father or your brother (for that would be a *rational* choice, not a passionate one). Or it says in the Talmud¹⁵: he must not take two women, one for his son and one for himself, or one for his father and one for himself—or for that matter taking but one, for a son.

Ramban, 21:11

King David had two children by his *yefat to'ar* wife: Tamar and Avshalom. Tamar was born out of the first contact, driven by passion. She dedicated her life to modesty and publicizing the dangers of *yichud* (privacy) of a man and woman together. Avshalom was born later, out of the rational acceptance of the relationship. He dedicated his life to destroying his father and usurping his kingdom. Paradoxically, the passion that seems so dangerous in *yefat to'ar*

produced beauty and growth, whereas the calm acceptance of the marriage to a reluctant convert ends in disaster! So it must be then in all our connection to the “good things” produced by *yetzer ra*.

The relationship of Yisrael and nations, Yisrael and world-at-large has never been formalized—and so it must remain. Any attempt to philosophically define precise boundaries ends in disaster—either through closing the portals of metamorphosis and growth or through allowing the invasion of ugliness and evil. In the everyday war with the dangers of *yetzer*, it is only the passion of love that can win against secularism; only the passion of love that can provide the wholesomeness and honesty of achievement that must be driven by “your two drives—the *yetzer tov* and the *yetzer ra*.”



endnotes:

¹ The statutes regarding wartime environmental damage (20:19-20), peace negotiations (20:10); the *kohen* responsible for morale among the fighting forces (20:1-9).

² Cf. Kiddushin 21b

³ Cf. Kiddushin, 22a

⁴ *Tosafot, Shabbat, 64a, q.v. midei hirhur*

⁵ q.v. *shelo*. See *Tosafot's* analysis of Rashi's opinion, that no sexual relationship is permitted unless she has converted.

⁶ *Hilchot Melachim, 8:1*. This would seem to be the obvious solution to the problem of the *Tosafot* *ibid.* and must therefore be inconsistent with their approach.

⁷ The word “take” has the technical connotation of marriage. Cf. 23:1 and Rashi; also Kiddushin 67b.

⁸ Ibn Ezra, *ibid.* Cf. Kiddushin, 22a

⁹ Cf. *Mishne Torah, Hilchot Shabbat, 2:12*

¹⁰ *Hilchot Melachim, from 8:10 through chapter 10.*

¹¹ Cf. *Sifrei, 211*

¹² Rashi, 21:12. According to Ramban 21:12-13 it means “cut her fingernails.”

¹³ *Avoda Zara, 2b*

¹⁴ *Ki Tetzei, 211*

¹⁵ Kiddushin, 22a