

# ***Small Tastings of Torah, Judaism and Spirituality***

## **From Rav Binny Freedman**

### **(Portion of Ki Tetzeh)**

*I remember the look of shock on his face like it was yesterday. At first it seemed to be more filled with fear, but then as the realization of what we were doing dawned on him, he was simply shocked.*

*It was, I believe, the summer of 1984, and we were on patrol in Beirut. Technically, the Lebanese stores were off limits to us, and we weren't even supposed to go into them, but it was a really hot day, and we were really thirsty, so, using 'initiative in the field' a couple of us went in to a market to get a couple of six packs of coke for the guys.*

*Imagine what it would feel like to see two fellows in full gear with M-16 submachine guns, webbing and pouches and all, walk into the small corner grocery store you owned one afternoon.*

*I didn't see his face right away, and only noticed his apprehension as I was walking back up to the cash register in the front of the store. I dropped the six-packs on the counter, waiting expectantly for him to ring up the purchase on his cash register. At this point, his look of fear became infused with a nervous confusion, and he started placing other items on the counter alongside my cokes. At this point, I became confused and started shaking my head....*

*He was speechless, and it took me a moment to realize that after nearly ten years of occupation by the PLO, it had never even occurred to him that we, as Israeli soldiers, would actually want to pay for the cokes.*

*I had no Lebanese money, but I had some dollars, which were at that time far more valuable than Lebanese currency, so I dropped a five-dollar bill on the counter and waited for some change. And then he got it. He pushed away the five-dollar-bill, indicating to me to just take what I wanted. But I insisted on paying, for obvious reasons.*

*And then, as he rang up the bill, a huge smile lit up his face, and he clasped my hands with both of his and said one word: "Shalom". And in that moment, I understood what the dream of a Jewish state was all about. And what a Jewish army was always meant to be.*

Indeed, this week's portion, *Ki Tetzeh*, (continuing from last week's reading) is the basis for the establishment of just such an army with a moral ethic as its guideline. Which is what makes the beginning of the portion so difficult to fathom.

After last week's descriptions (in the portion of *Shoftim*) of the moral standards demanded of the soldier in a Jewish army, including the obligation to first call out to your enemy in peace (*Devarim* 20:10), the prohibition against destroying the fruit trees, even of the enemy, to make war (20:19), one imagines an army of Israel with the highest ethical standards.

Indeed, Jewish tradition describes not only the physical but even the spiritual level expected of the Israeli soldier to the extent that even improper *thoughts* were prohibited!

The Talmud in *Avodah Zarah* (20b) points out that the Divine presence itself was turned away from the army if its soldiers were thinking impure thoughts!

So one could hardly imagine a stranger command in the Torah than the one given the Jewish soldier at the beginning of this week's portion:

*"When you go out to war against your enemies, and he is given into your hands by G-d, and you take captives. If you see a beautiful woman ("Eshet Yefat To'ar") amongst the prisoners, and you yearn for her, you may take her to you as a wife." (21:10-11)*

In other words, if a soldier desires a woman amongst the prisoners, he can literally take her, in every sense of the word! How can this be? What of the dream of being a light unto the nations, and demonstrating before the world that there is a higher moral standard?

I cannot imagine an Israeli soldier, in today's army ever even considering the type of action seemingly sanctioned here, and yet, there it is, in black and white letters, right out of the Torah!

There is an amazing statistic that never seems to have made it to CNN, but is worthy of mention here.

In June of 1982, early on a Sunday morning, as the U.N. observers simply watched helplessly, twenty thousand Israeli troops rolled across the border into Lebanon.

Putting aside the issues of this particular war, and why it was waged; over the next twenty years, until the last Israeli soldier came back over the border, it is estimated that over 250,000 Israeli soldiers served a significant period of time in Lebanon. Incredibly, *there was not one single reported case of rape.*

Imagine: a quarter of a million soldiers invade a country and occupy its territory, and there was *not one single reported case of rape*, or even attempted rape.

(Contrast that with the Russian army that occupied Germany and the eastern states between the years 1945 and 1947. During this period of time it is estimated there were approximately *two million German women raped.*)

I challenge any army in the world to match this standard. And that is what a Jewish army is meant to be. So how does one understand this challenging allowance of the *Eshet Yefat To'ar*, the beautiful woman captive, described above?

In fact, the same portion that permits the *Eshet Yefat To'ar*, also teaches us the prohibition of rape, as well as the penalties imposed for such a heinous crime (22: 25-27). And, based on the *Mishnah* (in the eighth chapter of Sanhedrin), it is from this same portion that we are taught that a person is allowed to kill a would-be rapist, even though one is not allowed, without benefit of the legal system of courts and the like, to kill an idolater.

Incredible! Over three thousand years ago, Judaism taught that the protection of a woman from rape was even higher than the honor of G-d himself! And yet, in this same portion, we are told of how a soldier

who “sees a beautiful woman (“*Eshet Yefat To’ar*”) amongst the prisoners, and yearns for her, may take her ... as a wife.”

Obviously, a closer examination of this particular concept is in order.

In fact, this is a good example of the reasoning behind the oath an American swears upon testifying in a court of law, namely to ‘*tell the whole truth*’. It is very easy, in cases such as these to see one piece of a puzzle, and imagine one has an idea of what the picture really is. But in order to understand any concept in the Torah, you have to be sure you are getting the entire picture.

A closer examination of the laws of the *Eshet Yefat To’ar* shows that the case here is not so simple.

“*And you shall bring her into your home, and she shall shave her head, and cut her nails. And she shall take off her captive dress, and sit in your home and mourn her father and mother for a month of days, and then you may come to her and take her for a wife. And if you shall no longer desire her, then you shall send her away. And you may not sell her for money, nor make use of her, for having afflicted her.*” (21:12-14)

**Maimonides** (Laws of Kings 8:3) makes an incredible statement, explaining the verse “*And you shall bring her into your home*”, to mean, that the soldier is not allowed to intimidate her in war, but rather must first bring her home, (see also **Rashi** Shabbat 64a, “*shelo*”) and a number of commentaries, including the **Tosafot** there, as well as the **Ramban** rule that the soldier is prohibited from having relations with her until this thirty day period has passed!

Indeed, it is clear, both from the verses, as well as the commentaries that we are discussing anything but passion in the heat of battle, given that the soldier may not consider a relationship with her for quite some time after she is brought to his home.

Further, the Torah (see 21:12-13 in Rashi) is taking great pains to actually *distance* the soldier from his passion! The woman must shave her hair, cut her nails, and even shed the captive clothing that contributed to the lust of the soldier in the first place. He must have time to mourn her losses; let the soldier see her outside the heat of battle, without the trappings that make her beautiful, in all her misery.

Even more fascinating, as Maimonides makes clear in his *Laws of Kings* (8:5), that what we are really speaking about here is a process of *conversion*. This woman is being given the opportunity to become a Jew, which cannot, in Jewish tradition be done by force, but must be a willing consensual decision. In fact, the entire process of conversion is the desire on the part of the convert to “*embrace the opportunity to come under the canopy of the Divine presence*”, to quote Maimonides here.

So obviously this is a very different kind of captive! Indeed, if the woman decides, at the end of thirty days, that she does not want to embrace the Jewish faith, she is set free, and even given rights as a citizen, (which, among other things, three thousand years ago, gave her the right to live in the land of Israel and even be supported by Jewish charity)!

And if she does decide to convert, then he *marries* her and becomes his *wife*! She is not a slave or a mistress, but a wife with all the rights and privileges entailed therein.

Clearly, we are not speaking here of a woman as an object of desire, but rather a process which concludes in a partnership of marriage. And in fact, the soldier, or for that matter anyone else is expressly forbidden to take advantage of this woman in any way, even though she is technically a captured prisoner of war!

Amazingly, we are expressly prohibited from attempting to coerce such a woman (or anyone) into accepting Judaism as a way of life. This must be a decision, which is made completely of her free will!

Obviously the army of Israel has a very different notion of the concept of a prisoner of war!

So what is the message behind this challenging mitzvah?

It is not accidental that this portion is always read during the Jewish month of Elul, which precedes Rosh Hashanah. The theme of this month, in preparation for the days of awe, is one of introspection and repentance, permeated by the desire to change, to overcome the pitfalls of the previous year, and somehow become better.

Many of the commentaries take note of the opening words of this week's portion:

*"Ki Tetzeh Le'Milchamah Al Oy'vecha'."*  
*"When you go out to war against your enemy...."*

They explain that each of us does battle within ourselves, and that often we are our own greatest enemies.

There is an idea that the Torah is always speaking to all of us, in our daily lives. How many of us, in the end have ever seen, or for that matter, ever will see battle? And what are the chances that we will be challenged by the exact predicament of the *Eshet Yefat To'ar*?

In reality, however, we face this challenge every day. What the Torah is sharing with us here is the struggle between love and lust.

Love and lust, though so closely related that they are often confused, are really very different. We lust objects, but we love partners. Lust will always wane with time, but love will always grow.

Most of all, lust is all about taking, and love is all about giving. Because in lust I see only myself; it is love that allows me to see the other.

A soldier, in the heat of battle, can become so focused on the primary objective of staying alive; it is natural to become completely focused on oneself, so much so that often the normal mores of society completely break down.

I recall once, getting off a safari truck in Kiryat Shmoneh way up north, after a long stint in Lebanon, having to yell at a few of my men to stop them from relieving themselves by the side of a road in the middle of a crowded city street. They had gotten so accustomed to army life in the field; it took a moment for them to snap back into life as part of society.

Judaism suggests that that isn't the way life was meant to be.

It's no big deal to be holy in the Synagogue or the study hall. The real challenge is whether we can remain holy in a tank, or on the floor of the stock exchange.

So the issue isn't whether this woman is being made an object, it is rather whether the soldier continues to see her as one.

And the unasked question is, are you ready to marry this woman? Do you really love her? And if love is all about giving, then are you ready to give to her, and is she ready to give to you? Which of course, means, do you share the same dreams? And of course, that is what conversion is all about.

And on a deeper level, that is part of what we are all trying to do, during this month of Elul. We are trying to 'convert'; to re-discover who we were meant to be, and to embrace, anew, the dream and the mission that we were brought into this world, each of us in our own special way, to fulfill.

In other words, this is the month of creating relationships of love, or giving, most notably transforming our relationship with G-d, as well as with the world, to one of giving. What, in the end, can I give back to G-d and what can I give back to the world? (which of course is really the same question.)

To be able to see holiness wherever we look, and to dream of uncovering and releasing all that holiness into the world; that is a goal worth aspiring to.

In these challenging times, there is so much evil in the world, and yet wherever there is much evil, there is also much good and loving-kindness.

Our challenge, as a people, and as a world, is to transform the lusts we sometimes are gripped by, into love and building, so that the world moves closer to becoming the "*Olam Chesed*" the world of loving-kindness, that it is meant to be.

And of course, the way to begin is to start with ourselves, each of us, one at a time.

Best wishes for a sweet, happy, and healthy New Year,

Ketivah Ve'Chatimah Tovah,

Binny Freedman