

The Treatment of Women by Invading Armies

A D'var Torah on *Parashat Ki Teitzei* (Deut. 21:10 - 25:19)

By Alan I. Friedman

“Ki-teitzei lamilhamah al-oyveiha...”
“When you go out to do battle with your enemies...”

This week's Torah portion begins with the words *Ki Teitzei*, “When you go out.” The root for *teitzei* is *yatzah* — comprised of the Hebrew letters *yud*, *tzadee*, *aleph* — meaning “to leave.” With the Exodus from Egypt, the Israelites experienced *leaving*. Now, after 40 years in the wilderness, they are preparing to enter the Promised Land.

The instructions in *Ki Teitzei* help the Israelites prepare for their new life. They are given detailed laws on many topics, with the primary emphasis on moral values. They are challenged to choose how they will act as individuals every time they “go out.”

Ki Teitzei has the distinction of containing more of the 613 commandments — 72, according to Maimonides — than any other Torah portion. These mitzvot touch on virtually every aspect of life and include such disparate topics as beasts of burden, treatment of prisoners of war, women's rights, disobedient children, brides accused of adultery, prostitutes, foreigners, immigrants, divorcées, widows, and orphans.

The mitzvot are intended to help us consciously focus our actions in such a way that we create a society in which people care about one another. They are meant to promote a lifestyle that fosters connection and engagement. *Lo tuhal l'hitaleim* (Deut. 22:3), “You must not remain indifferent.” The overriding message of *Ki Teitzei*, then, is that if we are to be holy, we must be positively engaged in the welfare of others.

One aspect of the Torah's commandment for us not to remain indifferent to the welfare of others concerns the treatment of women by invading armies. Warfare gives vent to humanity's basest impulses: killing, rape, and looting. In prescribing how the Israelites *should* behave if they become engaged in war, *Parashat Ki Teitzei* attempts to ameliorate the reality of armed conflict. It says that if, in the course of battle, a man sees a woman among the spoils and wants her, he must shave her head and wait thirty days before making her his wife. Later, if he does not want her, he must let her go free; he cannot sell her.¹

¹ *The Torah – A Modern Commentary*; Edited by W. Gunther Plaut; Union of American Hebrew Congregations; 1981; pp. 1483.

Consider the background. The soldier has been away from home for a long time, and his passions are aroused in the heat of battle. Treatment of captives in the ancient world was horrible, particularly if the captives were women. *Ki Teitzei* recognizes, first and foremost, the need to protect the dignity of the women as human beings. Even though the women were not Israelites, they were made in the image of God and deserve respect.

Ki Teitzei also offers female captives protection against the impulsiveness of soldiers. If a soldier wants to possess a woman, he must go through a cooling-off period. He must take away her beauty by shaving her head, letting her be unkempt, and putting her in mourning clothes. He must interact with her for a month in his house, during which time her dishevelment will make her unattractive.² Only then, if he still wants her, may he take her as his wife. And if the soldier decides that he did not really want her in the first place — not that he found fault with her later — the woman cannot be made to suffer by being sold into slavery.

Rashi comments that the reason the Torah permits a Jewish soldier to marry a captured gentile woman is to provide an acceptable outlet for the soldier's *yetzer ha-rah* (inclination to do evil). Rashi says that, even if the law forbade Israelite men from marrying captive women, they would do it anyway. God knew that the temptation presented by a beautiful captive would be too great for a battle-weary soldier. Therefore, the Torah sets limits.³ Rather than subject the soldier to sin as a result of the stress and passions of battle, God provided a ritual for allowing the soldier to marry an otherwise-prohibited woman.⁴

The Torah speaks matter-of-factly about forcibly acquiring women as sexual captives. However, being taken as a wife was undoubtedly a far better fate than that awaiting other female captives. By requiring that an Israelite man follow a prescribed process, *Ki Teitzei*, then, actually provides women with legal protections.

Problematic texts like these are often dismissed as being just a historical record of how women were treated in the past. If we reject those parts of the Torah that do not fit our current religious and ethical standards, we will miss the bigger picture. If we read only the parts of Torah that make us feel comfortable, we will appreciate only a small part of what Torah really is. As brutal as the text may be, the Torah is clearly attempting to preserve some human dignity for a captive. God is very much in the discussion.⁵

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² *The Chumash: The Stone Edition*; Edited by Rabbis Nosson Scherman and Meir Zlotowitz; Mesorah Publications, Ltd.; 1993; p. 1047.

³ Commentary by Rabbi Shifra Penzias, Jewish Congregation of Kinnelon, Kinnelon, NJ; September, 1998.

⁴ Torah Commentary by Rabbi Yechezkel Abramsky (1886-1976), P'ninim MiShulchan Govoha; undated.

⁵ Rabbi Shifra Penzias; *op. cit.*