

## Wickedness Done Right

### *Shabbat Ki Tetzei 5778*

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This week's Torah portion begins with what appears to be a despicable commandment, laying out how a victorious Israelite soldier may seize a beautiful woman as the spoils of war. To our disgust, we all know that rape commonly follows conquest – not only in ancient and medieval times, but even today. “U.S. Army Pfc. Steven Dale Green raped and killed a 14-year old Iraqi girl in 2006 after shooting and killing her parents and younger sister.”<sup>i</sup> While Private Green's crime is atypical of U.S. forces, our Department of Defense found that American military personnel were told to ignore “the widespread practice of *bacha bazi*, or ‘boy play,’ in which some Afghan commanders keep underage boys as sex slaves.”<sup>ii</sup> At least one brave U.S. soldier, “Sgt. First Class Charles Marland, a highly decorated Green Beret, was forced out of the military after beating up an Afghan local police commander . . . who was a child rapist.” Sgt. Marland was later reinstated, but only after “Congressional inquiries.”<sup>iii</sup>

Our conscience is shocked by these vile reports. Then, to our disgust, we seem to read that Torah provides a procedure for taking a captured woman by force. Sure, the conqueror has to wait a month to have his way with the woman.<sup>iv</sup> He has to let her mourn her parents in his house,<sup>v</sup> apparently after he and his comrades-at arms have killed them in battle<sup>vi</sup>. She must cut her hair and nails.<sup>vii</sup> These requirements may seem odd to us, becoming problematic when we read that the conqueror may then “come to her and possess her, and she may be [his] wife.”<sup>viii</sup>

We may nevertheless conclude that that the Torah is doing the best it can. Our preeminent Torah commentator, Rashi, tells us that this whole procedure is permitted “only in view of man's evil inclination,”<sup>ix</sup> that is, the unrestrained male sex drive at its worst. Indeed, the portion includes the possibility that, after the month of grief, the rapacious warrior may “no longer want her,” in which case, he “must release her outright.”<sup>x</sup>

But what if the man's desire for a woman as spoils of war remains unabated? Perhaps we may still comfort ourselves. In a world in which immediate rape of the conquered woman is common, Torah requires a month's cooling-off

period. We may then imagine Torah is devising a way to act wickedly in the most moral possible way.

Rashi, though, suggests a stronger motive for Scripture's restrictions: The warrior must witness her grief, and must see her without the beautifying adornments of hair and nails, "so that she should become repulsive to her captor."<sup>xi</sup> A later medieval commentator, Rabbeinu Bachya, goes even farther: "The Torah hopes that during the period of 30 days the infatuation of the Jewish soldier for his prisoner will cool, especially when he observes her daily without the benefit of makeup, etc., deprived of her hair, finger nails, etc. Being dressed in mourner's clothing also does not add to her allure for her captor. When he observes the woman cry and generally deport herself as unhappy in her new environment the ardor of her soldier-suitor may evaporate and he may send her home."<sup>xii</sup>

Perhaps, then, instead of finding a way for the warrior to have his way with a conquered woman, Torah creates restrictions that will prevent him from carrying out that evil altogether. Rashi insists that any resulting relationship will not end well, for "in the end he will hate her."<sup>xiii</sup> The rabbis note the juxtaposition of two laws that immediately follow the one we read tonight. First, we are told that a man's primary inheritance must go to his firstborn son, even if that child is born to an unloved wife.<sup>xiv</sup> Then, we read that parents may bring "a wayward and defiant son" out to the town square to be stoned to death.<sup>xv</sup> Our sages infer that the offending son, deserving of nothing but death, is the child of a wife whom the father does not love. Further, the rabbis identify the unloved wife as the woman taken in battle.<sup>xvi</sup> The inescapable conclusion, then, is that Judaism frowns upon, indeed wishes to forbid, the wicked practice of sexual conquest through military victory.

Wickedness, we ultimately learn, cannot be done right.

If the last year and a half have taught us anything, it is that sex is evil when wielded as a tool of power. We have learned, as if we did not know, that men are almost always the perpetrators. Women and girls are the most common victims, though sexual misconduct is also directed at men and boys.

John Pryor, a psychologist at Illinois State University, has researched the question, "What exactly makes one many more likely to harass than another?"<sup>xvii</sup> His research has shown that the most common culprits are "a lack of empathy, a

belief in traditional gender sex roles and a tendency toward dominance/authoritarianism.”<sup>xviii</sup>

Our Torah portion addresses, and even tries to attack, these three root causes of men’s sexual misconduct.

Who would take a woman as spoils of war? None but a man who has internalized “traditional sex roles.” A victorious soldier has been trained, and has succeeded, at dominating in an authoritarian way.

“Dacher Keltner, a psychology professor at the University of California at Berkley,” says, “In study after study, we’re seeing that power makes you more impulsive. It makes you less worried about social conventions and less concerned about the effects of your actions on others.”<sup>xix</sup>

Our portion’s injunctions aim to take impulsivity out of the mix: After all, the conqueror must wait a month before he may have his way with the captive woman. Moreover, these laws may be understood as an attempt to instill some empathy in the captor toward the woman he has taken in battle. Perhaps our sages don’t have it quite right. The procedure isn’t meant to make the woman repulsive to her abductor. Instead, the process is intended to make him see his captive as a human being. Stripped of beautifying adornments, she is no longer merely an object of desire. Coming face to face with her grief, he must see her as a person with feelings and emotions just like his own.

For far too long, our society – in government, in religion, in business, you name it – has been organized by powerful men for the benefit of powerful men. Our Torah devises a creative, maybe even successful, way of attacking the problem, however unsatisfying because of the limitations imposed by the cultural milieu. In 2018, we have more tools at our disposal. We can, and we must, assure that our society is shaped by women and men together. We can, and we must, place women in positions of power and authority alongside men. We can, and we must, hold powerful men fully accountable when they take sexual liberties – sexual harassment, sexual misconduct, even rape.

Our Torah does the best that it can to protect a vulnerable woman from unwanted sexual conquest. We can, and we must, do better.

Amen.

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- <sup>i</sup> David Zucchini, "Soldier convicted in rape, murder of Iraqi girl is found hanged," *Los Angeles Times*, February 18, 2014.
- <sup>ii</sup> Rod Nordland, "Afghan Pedophiles Get Free Pass From U.S. Military, Report Says," *The New York Times*, January 23, 2018.
- <sup>iii</sup> *Ibid.*
- <sup>iv</sup> Deuteronomy 21:13.
- <sup>v</sup> *Ibid.*
- <sup>vi</sup> Rabbeinu Bachya, *Devarim* 21:13:1-3.
- <sup>vii</sup> Deuteronomy 21:12.
- <sup>viii</sup> Deuteronomy 21:13.
- <sup>ix</sup> Rashi on Deuteronomy 12:11:2, citing *Kiddushin* 21b.
- <sup>x</sup> Deuteronomy 21:14.
- <sup>xi</sup> Rashi on Deuteronomy 21:12:1, based on *Sifrei Devarim* 213:1. See a very similar comment by Rashi on Deuteronomy 21:13.
- <sup>xii</sup> Rabbeinu Bachya, *Devarim* 21:13:1-3.
- <sup>xiii</sup> Rashi on Deuteronomy 21:11:2, based on *Midrash Tanchuma*, *Ki Teitzei* 1.
- <sup>xiv</sup> Deuteronomy 21:15.
- <sup>xv</sup> Deuteronomy 21:18-21.
- <sup>xvi</sup> Rashi on Deuteronomy 21:11:2, based on *Midrash Tanchuma*, *Ki Teitzei* 1.
- <sup>xvii</sup> William Wan, "What makes some men sexual harassers? Science tries to explain the creeps of the world," *The Washington Post*, December 22, 2017.
- <sup>xviii</sup> *Ibid.*
- <sup>xix</sup> *Ibid.*