

YEFAS TOAR: THE EXCEPTION PROVES THE RULE

by Rabbi Yissocher Frand

Parshas Ki Seitzei

Yefas Toar: The Exception Proves The Rule

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #779 -- Shehecheyanu at a Chasuna. Good Shabbos!

Parshas Ki Seitzei begins with a Torah law that is one of the most difficult to understand: the "beautiful woman" (yefas toar). The Torah says that when we go out to war, we will be victorious and take the spoils of war, including the captives. "And you will see a beautiful woman and you will lust for her and you will take her for yourself as a wife." [Devarim 21:11].

The Talmud discusses the sequence of the permitted relationship in terms of whether it precedes or follows conversion, but at least according to some opinions, the Torah did permit a Jewish person to cohabit with a non Jewish woman (at least one time) prior to her conversion. This leniency is mind-boggling and seems to fly in the face of everything we know about the Torah's requirements for sexual morality. This is even more mind boggling when we consider it in the context of the Rabbinic teaching at the end of last week's parsha. There the pasuk says, "Who is the man who is fearful and soft of heart? Let him go and return (from the battle front) to his house" [Devorim 20:8]. Our Sages say that this refers to people who were afraid that their sins might stand in the way of their success in battle. If all who were the least bit afraid that their sins might be the cause of their downfall were entitled to a draft deferment, the remaining soldiers must have been extremely pious. How can it be, given such a righteous army, that the Torah needs a law such as Yefas Toar?

War is an environment the likes of which we should never know. It is a dehumanizing experience, which does crazy things to people. One has only to read the paper and listen to the news about abuses that have taken place in recent times, in and around situations of war and conflict. War has a pernicious and corrosive effect, even on people who are spiritually elevated. That is how such a thing can happen, as "you will see her in captivity and lust for her".

Rashi, quoting the Talmud [Kidushin 21b], uses the expression "The Torah is speaking here only as a concession to the evil inclination. Would the Torah not allow the relationship to go forward in a permissible fashion, the soldier would take her in a forbidden fashion."

I saw a very interesting observation from Rav Chatzkel Abramsky, zt"l. The Talmudic expression is "Lo Dibra Torah ela K'NEGED yetzer harah" (literally, the Torah only spoke OPPOSITE the evil inclination). If the intent is that the Torah here was making a concession to the evil inclination, should it not be phrased as "Lo Dibra Torah ela B'AD (for the benefit of the) yetzer harah"? Rav Abramsky answers that this law is really AGAINST the yetzer harah. Sometimes in life, we are faced with situations which present us with extreme temptation to succumb to our evil inclination. There is a little voice that goes off in the back of our head that says, "Listen, this is impossible. No man can withstand the temptation you are confronting. Do it, because it is just too hard to resist." The little voice tries to convince us that G-d understands that it is too hard to resist such a temptation and He will therefore overlook our shortcomings.

This parsha confronts that little voice and speaks OPPOSITE it. This parsha tells us that there is ONE situation and ONLY ONE situation in life that presents a temptation that is so hard to resist that the Almighty recognizes that impossibility and therefore tolerates and even condones behavior that would normally be forbidden. Only in the situation of "Yefas Toar" in the time of war does the Torah recognize that there may be a need to "bend the rules" so to speak and allow for surrender to the evil inclination. G-d Himself, envisioning every single scenario that could possibly befall a human being, tells us that this is it. Yefas Torah is the ONLY exception to the rule.

When Jews came to America in the 1920s and 1930s they were faced with the challenge that "You either work on Saturday or don't bother showing up on Monday." These were the days before food stamps, HUD, and welfare. If they would not work, would literally not be any food to put on the table. If they were not able to pay their rent, the landlord could evict them onto the street. The Yetzer Harah came to so many people and told them "It is impossible. You cannot let your family starve."

We can imagine situations where people are confronted by spiritual challenges that seem beyond their human capability to withstand. The Yetzer Harah comes to us and tells us "This situation is different. Here you ARE allowed to violate the law. It is too hard to comply."

It is for such situations that the Talmud explains that the case of Yefas Tohar speaks AGAINST the argument of the evil inclination. The Torah is speaking against the evil inclination in all these other scenarios. Only by Yefas Tohar it is too hard. This argument cannot be used anywhere else.

The Hidden Lesson of Ben Sorer U'Moreh

The parsha of Ben Sorer U'Moreh (the wayward and rebellious son) contains the laws for handling a very particular case of a child who shows signs of rebellion. By today's standards, this is quite a mild form of rebellion - he steals a little money from his parents, he consumes a little meat and drinks a little wine. The parents bring him to court and testify that he refuses to listen to them. The fate of this child - at most a few months past the age of Bar Mitzvah - is that he is publicly stoned and everyone comes to watch and observe his execution.

There is a Talmudic opinion that this case never happened and never could happen. At most it

would happen extremely infrequently. The main purpose of its inclusion in the Torah is so that we might homiletically expound upon it and gain reward thereby (d'rosh v'kabel sechar).

The Kli Yakar notes that the Torah's exhortation of "and let all Israel hear and fear" [Devorim 21:21] (regarding the execution of the wayward and rebellious son) is itself an uncommon expression. If ben sorer u'moreh is in fact a case that happens rarely if ever and if the primary function is just to serve as a theoretical lesson, then why does the Torah go out of its way to say "and let all Israel hear and fear"?

The Kli Yakar explains that this mitzvah serves as a great lesson to the Jewish people, who are called "sons of the Almighty" [Devorim 14:1]. The underlying message of the laws of Ben Sorer U'Moreh is that as "sons of the Almighty" we should not become overly confident that Hashem will always overlook our sins and tolerate our misbehavior. It is not true that fathers are always indulgent and always let their children get away with disobedience. We should not take it for granted that He will always overlook our sins.

The Kli Yakar comments on the pasuk in HaAzinu "lo banav mumam" (His children's is the blemish) [Devorim 32:5] that the fact that we are His children is our blemish. It causes cockiness on our part as we tell ourselves that we can get do whatever we want and get away with it. We rely too much on the fact that we are His children.

To impress upon us that sometimes a child can go too far and not get away with it, the Torah writes the chapter of the wayward and rebellious son. When we go too far, even our father drags us into court and has us executed! Even children cannot cross beyond a certain line. That is the lesson that "all Israel must come to hear and fear."

This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion. A listing of the halachic portions for the weekly parsha from the

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