



Humanity and War: Their Prisoners, and Ours

How do we treat their prisoners of war? The Eishet Yifat To'ar as a model

Deuteronomy 21:10-14	דברים פרק כא
<p>10. When you go out to war against your enemies and Hashem your God delivers them into your hand, and you carry away a captive, 11. And you see among the captives a beautiful woman, and you desire her, and you take her to be a wife, 12. You should take her to your house, and she will shave her head and cut her nails, 13. And she will put on the dress of captivity and remain in your house, and bewail her father and her mother for a full month. And after that, you can take her and marry her, and she will a wife for you. 14. And if will be that if you do not take pleasure in her, you should let her go where she wishes. But you must not sell her at all for money, nor shall you treat her as a slave, for you have humbled her.</p>	<p>(י) כי תצא למלחמה על איביר ונתנו יקוק אלהיך בידך ושבית שביו: (יא) וראית בשביה אשת יפת תאר וחשקת בה ולקחת לך לאשה: (יב) והבאתה אל תוך ביתך וגלחת את ראשה ועשתה את צפרניה: (יג) והסירה את שמלת שביה מעליה וישבה בביתך ובכתה את אביה ואת אמה ירח ימים ואחר כן תבוא אליה ובעלתה והיתה לך לאשה: (יד) והיה אם לא חפצת בה ושלחתה לנפשה ומכר: לא תמכנה בכסף לא תתעמר בה תחת אשר עניתה:</p>

- Reading these verses, what restrictions do you notice? Why do you think they are put there?
- Does the Torah seem to feel that marrying this woman is equal to marrying any other? How do you explain this tone?
- Why do you think that the woman cannot be turned into a slave? What makes her different from other people who might have been captured at war? How does the Torah explain this difference?

Rashi on Deuteronomy 21:11	רש"י דברים פרק כא
<p>And you take her to be a wife: The Torah only speaks of this because of the Evil Inclination (Yetzer HaRah.) For if the Holy One, Blessed Be He, would not permit her, he would live with her illicitly. However, if he does marry her, he will hate her in the end, as it says afterward, "If a man has [two wives, one beloved and one hated], etc." And ultimately, he will father from her a stubborn and rebellious son. That is why these sections adjoin each other.</p>	<p>ולקחת לך לאשה - לא דברה תורה אלא כנגד יצר הרע. שאם אין הקב"ה מתירה ישאנה באיסור. אבל אם נשאה, סופו להיות שונאה, שנאמר אחריו (פסוק טו) כי תהיין לאיש וגו' וסופו להוליד ממנה בן סורר ומורה, לךך נסמכו פרשיות הללו:</p>

Rambam, The Guide of the Perplexed 3:41

And he is not allowed sexual intercourse with her for the second time before her grief has calmed down and her sorrow has been quieted. And she shall not be forbidden to grieve, to be disheveled, and to weep, as the text says: "And she shall bewail her father and her mother, etc." For those who grieve find solace in weeping and in arousing their sorrow until their bodily forces are too tired to bear this affection of the soul... Therefore, the Law has had pity on her and gave her the possibility to do so until she is weary of weeping and of grieving.

Ramban on Deuteronomy 21:12

The reason for her mourning according to the opinion of our Rabbis is so that she may become repulsive, so that his desire for her may wane. And Ibn Ezra wrote that the Torah assigned her a period in accordance with the custom of those who weep for the dead in honor her father and mother, who died in battle... According to my opinion, this respite is not intended to show compassion for her, but to eliminate the names of the idols from her mouth and her heart. The wandering away and separation from her father and her mother and her people, for it is improper to cohabit with a woman who is coerced and in mourning.

רמב"ן דברים פרק כא

וטעם האבלות והבכי על דעת רבותינו כדי שתתנוול אולי יעבור חשקו ממנה. ור"א אמר כי נתנה לה התורה זמן כמשפט הבוכים על מת לכבוד אביה ואמה שמתו במלחמה... ועל דעתי אין הפנאי לחמול עליה, רק שיעקר שם ע"ז מפיה ומלבה, ולכבות עוד גחלת הנדוד והפרוד מאביה ומאמה ומעמה. שאין הגון לשכב עם אשה אנוסה ומתאבלת.

- Rashi, Rambam, and Ramban all offer very different explanations of why there are so many restrictions around the Eshet Yifat To'ar. Which one resonates most with you, and why?
- Ramban seems much less sympathetic to her plight than the others. Why do you think that is?
- How would you balance the values of eradicating idolatry, maintaining the woman's humanity, and acknowledging the inherent weaknesses of the human spirit? Do you agree with each thinker's assessment of these concerns?

Rambam, Laws of Kings 8:9

A Yifat To'ar who does not wish to abandon idol worship after twelve months is put to death. Similarly, a treaty may not be made with a city to accept a peaceful settlement until they denounce idolatry, destroy their places of worship, and accept the Seven Mitzvot of the Sons of Noach. For every gentile who does not accept these commandments but be executed if they are under our authority.

רמב"ם הלכות מלכים פרק ח

יפת תואר שלא רצתה להניח ע"ז אחר השנים עשר חדש, הורגין אותה, וכן עיר שהשלימה אין כורתין להן ברית עד שיכפרו בע"ז ויאבדו את כל מקומותיה ויקבלו שאר המצות שנצטוו בני נח, שכל עכו"ם שלא קבל מצות שנצטוו בני נח הורגין אותו אם ישנו תחת ידינו.

- How does Rambam use the Yifat To'ar to teach a larger lesson?
- What conditions are necessary to create a pluralistic society with prisoners of war?
- How can we apply these values-- or our own values, if we disagree-- to larger issues surrounding prisoners of war?

How far we do we go to redeem our prisoners?

Genesis 14:10-16	בראשית פרק יד
<p>10. And the Valley of Sidim was full of tar wells. The Kings of Sodom and Amorah fled and fell into them, while the rest fled to a mountain. 11. They took all of the wealth of Sodom and Amorah, and all of their food, and they departed. 12. They seized Lot, the nephew of Avram, and all of his wealth, and they left, for he had been living in Sodom. 13. A fugitive came and told Avram the Hebrew, who was dwelling with Elonei of Mamre, the brother of Ashkol and the brother of Aner, and they were the allies of Avram. 14. Avram heard that his kinsman had been taken captive, and he armed his disciples who had been born in his house-- 318 of them-- and he pursued them as far as Dan. 15. He and his servants deployed upon them at night and struck them; he pursued them as far as Hobah, which is north of Damascus. 16. He brought back all of their wealth, and also Lot and all of his wealth, as well as the women and the people.</p>	<p>(י) ועמק השדים בארת בארת חמר וינסו מלך סדם ועמרה ויפלו שמה והנשאים הרה נסו: (יא) ויקחו את כל רכש סדם ועמרה ואת כל אכלם וילכו: (יב) ויקחו את לוט ואת רכשו בן אחי אברם וילכו והוא ישב בסדם: (יג) ויבא הפליט ויגד לאברם העברי והוא שכן באלני ממרא האמרי אחי אשכל ואחי ענר והם בעלי ברית אברם: (יד) וישמע אברם כי נשבה אחיו וירק את חניכיו ולידי ביתו שמנה עשר ושלוש מאות וירדף עד דן: (טו) ויחלק עליהם לילה הוא ועבדיו ויכסם וירדפם עד חובה אשר משמאל לדמשק: (טז) וישב את כל הרכש וגם את לוט אחיו ורכשו השיב וגם את הנשים ואת העם</p>

- What do we learn about redeeming captives from this story?
- What do you make of the language here? Does it seem like Avram is acting out of a sense of obligation? What about the fact that the text mentions him recovering the wealth first?
- The text seems to imply that you should even go to war to redeem captives. Do you agree with this assessment?

Psalms 146:7-9	תהלים קמו:ז-ט
<p>Who secures justice for those who are wronged, gives food to the hungry. Hashem sets prisoners free; Hashem restores sight to the blind; Hashem makes those who are bent stand straight; Hashem loves the righteous; Hashem watches over the stranger; He gives courage to the orphan</p>	<p>עשה משפט לעשוקים נתן לחם לרעבים ה' מתיר אסורים: ה' פקח עורים ה' זקף כפופים ה' אהב צדיקים: ה' שמר את גרים יתום ואלמנה יעודד ויחזק: השעים יעזר</p>

Bava Batra 8b	תלמוד בבלי מסכת בבא בתרא דף ח עמוד ב
<p>Redeeming captives is a great mitzvah.</p>	<p>פדיון שבויים מצוה רבה היא</p>

Tosafot on Bava Batra 8b	תוספות מסכת בבא בתרא דף ח עמוד ב
<p>Redeeming captives is a great mitzvah: And this is what it says in chapter The Sons of the City (in Masechet Megillah): It is forbidden to sell a sefer Torah except to learn Torah and to marry a</p>	<p>פדיון שבויים מצוה רבה - והא דאמר בפרק בני העיר (מגילה דף כז.) אין מוכרין ס"ת אלא ללמוד תורה ולישא אשה ולא קתני פדיון שבויים שמא מילתא דפשיטא היא ולא איצטריך למיתני</p>

woman. And it isn't taught there to redeem captives, because this matter is obvious, and you don't need to teach it.	
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Tosafot on Gittin 58a	תוספות מסכת גיטין דף נח עמוד א
All money that they demand from you: If there is mortal danger, we redeem captives for more than their value, as we see in <i>Gittin</i> , (ch. 4) in the case of one who sold himself and his children to non-Jews; all the more so here, where there is death.	כל ממון שפוסקין עליו - כי איכא סכנת נפשות פודין שבויין יותר על כדי דמיהן כדאמרינן בפרק השולח (לעיל דף מד. /מז./) גבי מוכר עצמו ואת בניו לעובדי כוכבים כ"ש הכא דאיכא קטלא אי נמי משום דמופלג בבחמה היה

- How is redeeming captives compared to other mitzvot? What links does it have to other mitzvot?
- Why is such a premium put on this mitzvah?
- Should this still be the community's top priority today? What would be the arguments for and against having this as a central focus?

Rambam, Laws of Gifts to the Poor 8:10	רמבם, הלכות מתנות עניים ח:י
Redeeming captives takes precedence over providing food and clothing for the poor. There is no greater mitzvah than redeeming captives, for the captive is in the category of the starving, the thirsting, and the naked, indeed in danger of losing his own life. One who remains indifferent to his redemption transgresses, "Do not harden your heart," and "Do not clench your hand," and "Do no stand idly by blood of your brother," and "he shall rule ruthlessly in your sight," and "You shall open your hand to your poor," and "Your brother shall live with you," and, "Love your neighbor as yourself," and "Save those taken to their death." There is no more inclusive mitzvah than redeeming captives.	פדיון שבויים קודם לפרנסת עניים ולכסותן, ואין לך מצוה גדולה כפדיון שבויים שהשבוי הרי הוא בכלל הרעבים והצמאים והערומים ועומד בסכנת נפשות, והמעלים עיניו מפדיונו הרי זה עובר על לא תאמץ את לבבך ולא תקפוץ את ירך ועל לא תעמוד על דם רעך ועל לא ירדנו בפרך לעיניך, ובטל מצות פתח תפתח את ירך לו, ומצות וחי אחיך עמך, ואהבת לרעך כמוך, והצל לקוחים למות והרבה דברים כאלו, ואין לך מצוה רבה כפדיון שבויים

Shulchan Arukh, Yoreh Deah, Laws of Tzedakah 252:3	שולחן ערוך יורה דעה הלכות צדקה סימן רנב
Every moment that you delay redeeming captives, when you could free them, it is as if you have spilled blood.	כל רגע שמאחר לפדות השבויים, היכא דאפשר להקדים, הוי כאילו שופך דמים

- How is the value of redeeming captives handed down in halakha?
- Both the Rambam and the Shulchan Arukh put a very high premium on redeeming captives. What gives this mitzvah a sense of urgency?
- How does the Rambam explain why this mitzvah takes precedence? Do you agree with his assessment that many other mitzvot fit under the umbrella of this one?