

וְרָאִיתָ בַּשְּׂבִיָּה אִשָּׁה יְפֹת־תָּאָר וְחִשְׁקָתָּ בָּהּ וּלְקַחְתָּ לָּךְ לְאִשָּׁה:

“And you see in the captives a woman of beautiful appearance and you desire in her, and you take her for yourself as a wife.” (Devarim 21:11).

“And you see.” This is a war post-conquest. It is either a war of expansion, to retake lost territory, or to defend territory already held. The conquest of the Land wars do not allow for loot or slaves. (Devarim 20:16-17). If the pasuk said “find” it would give the impression of looking for something. This pasuk says, “And you see.” It can be happenstance. Among the captives taken one woman stirs desire. “Seeing” also means the person is looking among the captives for something. He is seeking out slaves or house servants. He is looking at the captives, seeking out useful spoils. He sees a woman that can be useful to him, as a wife.

“Among the captives.” Meaning, this is at the battle site. This is not on the way back and it also does not apply to women from a neighboring city that visited after battle. The ‘captivity’ implies a sort of possession as a result of conquest. Just as territory will now belong to Yisroel, so too, this woman will now be quasi-Yisroel.

“A woman.” אִשָּׁה denotes possession. She possesses this beautiful appearance. She is a woman, not a man. There still is no allowance to desire or marry a man, even in the heat of battle. Further, it cannot be a man, because the captives are only women and children. (See *ibid* 20:14). She is also a woman, not a girl. She must be an adult and the age of consent. This is not a girl in her father’s house. This is not a young lady who must be given away but now has no male relatives because they were all killed. She is a woman, an adult, who is in possession of herself. From here we see an aspect of consent.

“That has beautiful appearance.” This phrase is found three times in the Torah and twice in Na’ch. It also uses the phrase “beautiful complexion.” What is the difference between appearance and complexion? Beautiful complexion seems to indicate an objective beauty in the subject. Avram was afraid that Pharaoh was going to take his wife because of her objective beauty. Esther caught the king’s eye because of her objective beauty. Rachel was objectively more beautiful than her sister and was the choice of Yaakov. Contrastingly, cows have subjective beauty. Pharaoh dreamt of meaty and healthy cows, cows he can use for meat or labor. Their “beautiful appearance” was in their usefulness to him. Similarly, Avigayil was intelligent and had beautiful appearance. She was not the desire of Dovid’s eye because of her looks. It was her intelligence and her good advice that made her beautiful to him. Rachel was both because she had qualities desirable to Yaakov to make a good wife. Here, too, the captive woman is not objectively beautiful. She is subjectively desirable, and only because of her situation. She is a foreign woman, a gentile, and a captive, and that makes her “appear beautiful” to this person. Thus, it is not a beauty that drives lust. It is circumstances that creates a desire and also an ability for her to fill a need. She can be a slave or she can be a helpmate, a wife.

“And he desires in her.” Not just desiring her, but he has a desire in her. There is more to her than just being a captive and possible slave. She has something he seeks in a mate, qualities that allow this attraction to perhaps last long-term. This is not a fleeting fancy but a stronger urge of wanting what she has to offer.

“And you take her for yourself as a wife.” He marries her. *For yourself* is a key phrase. When the Torah talks about marriage it uses the term “take” and “for yourself.” They all mean for marriage proper. This pasuk, too, refers to marriage. He takes her as a wife. Further, if he no longer desires her, he has to divorce her. “If you no longer want her then you must *send her away*, for her soul.” (Devarim 21:14). *Soul* meaning with alimony or something akin to her kesubah. Once marrying her he cannot sell her or enslave her, because he did not take her as a slave but as a wife. This is the same “sending her” as it says by marrying a Yisroel woman. (Ibid 24:1). An earlier pasuk talked about post-conquest wars and that “woman, children, and livestock” can be grabbed as loot. (Ibid 20:14). There it says לָקַח לְךָ תַבְרָח “plunder for yourself.” It does not say “take.” There, it was giving permission to grab slaves—no payment offered. Here, it is allowing marriage—a transaction. Once married the woman cannot then be turned into a slave. She gains proper wife status.

From this pasuk we can also learn how to properly look for a spouse. First one has to look. A good wife will not just come without looking or effort. Also, she cannot be a captive. The two must be on equal footing in their power dynamics and also have similar values and goals. She cannot be so beholden to him that she will lose her sense of self to him. He should find her subjectively beautiful and find beautiful qualities in her. He should have a desire for her and for qualities in her. There must be physical attraction and a long-term desire that will not be quelled shortly. She must have what to offer him besides satisfying his lust. Finally, he takes her as a wife. A wife is a partner, helpmate, and longer-term homemaking and family building partner.