

Maamarei Mordechai

הסבר לפי ממש פשוט

Parshas Ki Tzeitzei 5783

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Having taught the laws of Eretz Yisroel, the Torah now teaches about war.

כִּי־תֵצֵא לְמִלְחָמָה עַל־אֹיְבֶיךָ וְנָתַנּוּ הַאֱלֹהִים בְּיָדְךָ וְשָׁבִיתָ שְׁבוּיָיו:

“Because you will go out to war on your enemies and Hashem, your Lord, will give them into your hands, and you will capture captives.” (Devarim 21:10).

What is the meaning of “because you go out.” Is this permissive or a commandment? Are there conditions here, such as going out to war—as opposed to defending the Land—and being successful in battle? It is possible to take captives in a losing campaign. Does Bnei Yisroel have to take captives? Since captives are mentioned here, what type of war is this—permissive or obligatory?

War is talked about in two places. There are obligatory wars and there are defensive wars. Moshe spoke about war previously. “And when you come in to war in your Land.” (Bemidbar 10:9). Moshe prepared Bnei Yisroel for war with the locals and to displace the Canaanites. War to conquer Eretz Canaan was never inevitable. Even then, Moshe said, “when the enemy attacks you.” (Ibid). Aggression was not a foregone conclusion. Moshe was saying what would likely happen when Bnei Yisroel entered Eretz Canaan and started to occupy it. However, with Hashem at the helm nothing was precluded.

Moshe was upset at the battalion that attacked Midyan. (Ibid 31:14). He was upset because they left every female live. (Ibid 31:15). However, that was because the females were instrumental in luring Bnei Yisroel. (Ibid 31:16). Would such a command to destroy all the females be instituted in a normal war against a regular adversary?

Hashem instructed Moshe on how Bnei Yisroel was to conquer Eretz Canaan. “You must dispossess all the residents of the Land from before you.” (Ibid 33:52). If this is not done then they will be thorn in your side and will harass you for as long as you settle in the Land. (Ibid 33:55). The Torah says further, “When Hashem brings you into the Land...you must dispossess them and doom them to destruction.” (Devarim 7:1-2). “Do not intermarry with them, do not give your daughters to their sons, and their daughters do not take for your sons.” (Ibid 7:3). The Torah does not specifically talk about killing every man and woman. However, it does say specifically not to take any of their women. This goes an extra step from the Torah’s command on how to treat the enemy.

When giving the rules of warfare, the Torah says, all male inhabitants shall be put to the death. (Ibid 20:13). Bnei Yisroel may take the women, children, livestock and other booty. (Ibid 20:14). If so, why does the Torah say not to intermarry with their sons when they are not to be left alive? The intermarriage clause and this war clause must be talking about different types of conquests.

The intermarriage clause is applicable to those residents that remain that were not dispossessed. They are also there from those non-resident aliens that come to the Land to live and work. The intermarriage clause is introduced with “When Hashem brings you into the Land.” (Ibid 7:1). In this instance, Bnei Yisroel comes into the Land, and Hashem dispossess all of the residents. Thus, Bnei Yisroel is adjured to completely dispossess them, male and female. They all must be dispossessed and expelled from Eretz Yisroel and none to be taken as spouses. The verses about taking a captive but killing all of the males are introduced with, “When you go out to war.” (Ibid 20:1). The Torah clarifies, “This is how you deal with the lands far away from you.” (Ibid 20:15). However, in towns that are inside Eretz Yisroel, “not a soul shall live.” (Ibid 20:16). Every man, woman, and child, must be killed, all booty destroyed, and only fruit trees are to remain standing. (Ibid 20:20).

In this context, it is clear that that are three types of wars or possessions. First, Hashem brings Bnei Yisroel into Eretz Yisroel. All residents are to be expelled. If they refuse to leave, then they are all to be destroyed. Then, once there is possession of Eretz Yisroel, and Bnei Yisroel will go out to war upon an approaching enemy or a strategically located city-state, then they shall destroy all the males but can take as much loot from the women, children, and animals. Our pasuk – which is followed by the verses about taking a captive as a wife – is referring to such a campaign. This soldier will now want to take a slave-woman as a concubine. Intermarriage was already banned. (Ibid 7:3). However, taking her as a slave-woman is allowed. (Ibid 20:14). Then the Torah prescribes a process of expedited resident-alien status so that he will have a permitted pathway to marry her. (Ibid 21:11).

Thus, we explain our pasuk. “Because / when you will go out to war.” Ki means because. It also means “when” but always in the inevitable causation sense. Going out to war is inevitable. Even following the Torah, there will be times for military campaigns. The term “ki tzeitzei” is also found in terms of when an arsonist sends out a fire to cause damage (Shmos 22:5), when a bodily discharge is emitted (Vayikra 15:16), and a military camp goes out to war (Devarim 23:11). All of these instances are inevitable consequences of one’s actions are expected to happen from time to time.

“Upon your enemies.” This must be an adversary. A gratuitous campaign to just expand land on a neighbor that shows no aggression will have no such dispensation. The prohibition against intermarriage is at stake.

“And Hashem gives them into your hands.” Bnei Yisroel must be victorious. Taking loot or captives in a losing campaign does not allow the dispensation to force-naturalize a woman to become a wife. Then, the prohibition against intermarriage would remain in force.

“And you capture captives.” They must be captives of battle. They cannot be part of the women and children found in the city as war-bounty. This woman had to be involved in the military campaign or part of the enemy’s military camp. There is no dispensation to search through the conquered city looking for a new wife.