

Maamarei Mordechai

הסבר לפי ממש פשוט

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The Torah is always just, even when dealing with enemies.

נָלֶם נִקְמַת בְּנֵי יִשְׂרָאֵל מֵאֵת הַמִּדְיָנִים אַחֲרֵי תִּגְרָפוּ אֶל-עַמִּיהֶם:

“You shall surely avenge Bnei Yisroel, from all of the Midyanim, after you will gather to your people.” (Bamidbar 31:2).

The Torah does not say “and you will be gathered.” The gathering is connected to the avenging. Moshe’s last major duty on behalf of Bnei Yisroel is certainly nothing unjust. Many misread this narrative as authorizing evil things against the young Midianite captives. When the episode is read alongside the Torah's broader legal system, the exact opposite picture emerges.

The Torah introduces this duty in a unique way, tying Moshe’s duty to the nation to his ultimate demise. Unlike the conquest of Canaan, no land was annexed. Nor was it merely a campaign to acquire wealth. Rather, the Torah explicitly defines it as an act of divine justice. The reason for that justice is found only one chapter earlier. At Baal Peor, the Midianites deliberately enticed Bnei Yisroel into both immorality and idolatry. (Ibid 25:3). Later, Moshe reminds the officers of the army why Midian was being punished, “Behold, these are the ones who, by Balaam's counsel, caused the Bnei Yisroel to trespass against Hashem in the matter of Peor.” (Ibid 31:16). This pasuk is essential. The women were not condemned merely because they were Midianites, swept up in a revenge battle. They were punished because they had participated in a specific national crime. They caused Hashem’s wrath and they caused a plague.

Further, when the soldiers returned with captives, Moshe became angry because they spared all the women. “Now therefore kill every male among the children, and kill every woman who has known a man by lying with him. But every young girl who has not known a man by lying with him, keep alive for yourselves.” (Ibid 31:17-18). It is wrong to assume that “keep alive for yourselves” means that the girls were intended as wives, even against their will. The Torah never says that. In fact, it never once mentions marriage, wives, or betrothal. Instead, it proceeds to discuss ritual purification, census, taxation of the spoils, and the division of property among the soldiers, the congregation, and the Leviim. (Ibid 31:19-54). The silence is telling.

If the Torah intended to authorize forced marriage, it would not omit every legal element that ordinarily accompanies marriage. Actually, marriage related to war is discussed later (Devarim 21:12), not here. Even this difficult law imposes significant restrictions. The soldier may not immediately take the captive. She is given thirty days to mourn. Moreover, if the marriage fails, the Torah says, “You shall surely let her go free; you may not sell her for money; you shall not treat her as a slave, because you have afflicted her.” (Ibid 21:14). The Torah therefore distinguishes clearly between a servant and a wife. A captive does not automatically become either.

The broader laws of warfare point in the same just direction. The Torah distinguishes between two categories of war. The Canaanite nations were placed under *cherem* because of their uniquely corrupt religious practices. (Ibid 20:16–18). Other nations, however, were offered peace. If they surrendered, "...all the people found therein shall become tributary to you and shall serve you." (Ibid 20:11). The Hebrew phrase, וַעֲבָדוּךָ, literally means "they shall serve you." The Torah explicitly contemplates conquered populations entering Israelite society as laborers or servants rather than as spouses. That model fits our parsha far more naturally than any evil assumption.

Nor should we assume that Torah condoned servitude resembles the unrestricted slavery familiar from the Rome or the Atlantic slave trade. The Torah consistently limits the master's authority. Hebrew servants are released after six years. (Shemos 21:2). Masters who permanently injure servants lose ownership. (Ibid 21:26–27). Israel is warned, "You shall not rule over him with harshness." (Vayikra 25:43). Perhaps most remarkably, the Torah commands, "You shall not return a slave to his master if he escapes to you from his master." (Devarim 23:16). Such mitzvos were virtually unparalleled in the ancient world. Indentured servitude under Torah law was regulated by legal obligations, not unlimited ownership.

Another important observation concerns the distribution of the captives. Our parsha carefully records that the surviving young women were divided between the soldiers and the rest of the nation, with portions also designated for the Leviim. (Bamidbar 31:40). Such an administrative distribution makes perfect sense if the captives became members of Yisroel households in positions of national service. It makes little sense if they were immediately destined to become wives. Wives are not apportioned by census, nor are marriages determined by military allocation.

The ritual purification required after the battle is also noteworthy. Everyone who had contact with the dead—soldiers and captives alike—underwent purification. (Ibid 31:19). The purpose of this purification was ritual cleansing from corpse impurity, not preparation for marriage. Once again, the Torah's focus remains legal and ritual.

Taken together, these passages suggest a coherent reading. The guilty adults who had participated in Midian's campaign against Bnei Yisroel were executed as an act of divine justice. The younger girls, who presumably had not participated in those events, were spared.

Perhaps the greatest principle emerging from this narrative is methodological. Difficult pesukim cannot be interpreted in isolation. The Torah repeatedly expects its laws to illuminate one another. When Bamidbar 31 is read alongside Devarim 20, Devarim 21, Shemos 21, Vayikra 25, and Devarim 23, a consistent legal picture emerges. The surviving Midianite girls were spared because they were not counted among the guilty participants in the sin of Peor.

Reading the passage through the lens of the Torah's own legal system allows one to interpret one of the Torah's most challenging narratives according to its own laws rather than according to assumptions imported from other cultures or later historical practices. In doing so, we discover once again how the Torah stands above all man-made law in its kindness, justice, and empathy.