

## Introduction: Just Cause and Just Conduct

### Does Judaism embrace the warrior?

1. Exodus 23:32-33

You shall not make a covenant with them or their gods. They shall not live in your land, lest they incite you to sin against Me, for your will serve their gods, for they will be a stumbling block for you.

2. Exodus 20:22

When you make an altar of stones for Me, do not build it of hewn stone; you have raised your sword upon it, and desecrated it.

3. Chronicles I 22:8

And the word of G-d came to me: You have spilled much blood, and you have made great wars. You shall not build a house in My Name, for you have spilled much blood upon the ground before Me.

### The Ideal Jewish Warrior, Part 1

4. Deuteronomy 20:5-8

And the officers shall address the nation: "Who has built a new home and not dedicated it? He shall return home, lest he die in war and another man dedicate it. And who has planted a vineyard and not used it? He shall return home, lest he die in war and another man use it. And who has betrothed a woman and not wedded her? He shall return home, lest he die in war and another man wed her." And the officers shall continue to address the nation: "Who is afraid and of soft heart? He shall return home, lest he melt the hearts of his brothers like his own heart."

5. Talmud, Sotah 44b

Mishnah: Rabbi Akiva said: "Afraid and of soft heart" is as it sounds; he cannot stand in the battles of war and see a drawn sword. Rabbi Yosi haG'lili said: "Afraid and of soft heart" is one who is afraid due to his sins. Therefore, the Torah gave him all of these justifications for returning home.

Gemara: One who speaks between his arm and head tefillin has transgressed, and returns from the battlefield.

6. Judges 7:5-6

And he took the nation down to the water. And G-d said to Gidon: "All who lap with their tongues from the water, like a dog laps, you shall set aside, and all who kneel on their knees to drink." And the number who lapped with their hands to their mouths were 300 men; the rest kneeled on their knees to drink water.

7. Commentary of Rashi and Ralbag to Judges 7:5

Rashi: They are familiar with kneeling thus before their idolatry.

Ralbag: G-d did not want these to stay with him, other than those who lapped with their hands to their mouths, which demonstrated energy and strength. Those who kneeled on their knees to drink were lazy...

### Conduct in War

8. Numbers 27:16-17, and Rashi's commentary

Let G-d appoint... a man over the assembly, who will go before them and come before them, and bring them out and bring them in, and let the nation of G-d not be like sheep without a shepherd.

Rashi: Not like the kings of the nations, who sit at home and send their soldiers to war. Rather, as I did; I fought with Sichon and Og.

9. Deuteronomy 23:10-15

When you go to war against your enemy, guard yourself against every bad thing. When a man among you is impure... he shall leave the camp, he shall not enter the midst of the camp. Before evening he shall bathe in water, and at sunset he shall enter the midst of the camp. And you shall have a place outside the camp; go there, outside.

And you shall have a peg among your weapons; when you sit outside, you will dig with it, sit, and cover your waste. For HaShem your G-d travels in the midst of your camp, to save you and to put your enemy before you, and your camp shall be holy. Nothing which should be covered will be seen, lest He leave you.

10. Commentary of Rabbi Samson Raphael Hirsch to Deuteronomy 23:10

Also, when you leave the normal boundaries of family and civil life, and you are in a military camp arranged against your enemies, then even though you are in a military camp, where the ethical reins are easily loosened and the actual goal of war is an unrestrained coarseness – then, too, "guard yourself against every bad thing." Do not cease examining yourself, with self-control, and be on guard against "every bad thing."

11. Deuteronomy 20:19

When you besiege a city for many days, fighting it to capture it, do not destroy its tree, to raise a hatchet upon it...

12. Commentary of Rabbi Samson Raphael Hirsch to Deuteronomy 20:19

A midrash says: "'To capture it' – not to destroy it." Your goal should be only to subdue the city, not to enslave its residents as prisoners of war.

13. Maimonides, Laws of Kings and their Wars 6:7

When besieging a city to capture it, we do not surround it on its four sides, but only from three sides. And we leave a place to flee, and all who wishes may flee for their lives, as Numbers 31:7 says...

14. Commentary of Nachmanides on Maimonides' Book of Mitzvot, Added Commandment #8

We are instructed that when we lay siege to a city, we must leave one of the directions without siege, so that if they wish to flee then they will have a place for flight. Thus we will learn to act with mercy even with our enemies in a time of war. It will also help in that we will give them an avenue to flee and they will not strengthen themselves against us.

#### Treatment of Captives

15. Deuteronomy 20:11

And if they will answer with peace and open to you, the entire nation found there will be for tribute to you, and will serve you.

16. Code of Jewish Law, Yoreh Deah 267:5

One who circumcises and immerses his slave for slavery against his will has not performed a legitimate act.

17. Deuteronomy 21:11-14

And you will see among the captives a pretty woman, and you will desire her and take her for a wife. And you will bring her into your home, and she will shave her head and cut her nails. And she will remove her garb from captivity and sit in your house and cry for her father and mother for a month of days. Then you shall come to her, and she will be your wife. And if you will not want her, you shall set her free. Do not sell her or treat her as a slave, having oppressed her.

18. Talmud, Kiddushin 21b

The Torah only presented this to combat the evil inclination.

#### A moral conflict

19. Payam Akhavan, *Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?*, The American Journal of International Law 95:7

Through systematic indoctrination and misinformation, political leaders created an aberrant context of inverted morality in which dehumanization and violence against members of the "enemy" group were legitimized as purported acts of self-defence.