

# THE ETHICS OF WAR: JUDAISM

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### Definitions: Sources and How to Read Them

By “ethics” I mean “norms of behaviour”, whether they are formulated as laws, or as ethical or moral principles.

“Judaism” is the religion of the Jews, more properly called “Rabbinic Judaism”. I shall *not* be offering you “Old Testament Theology,” nor an account of what Jews in general have said about war. My area of discourse is the Judaism of the rabbis.

Judaism, like Christianity, has deep roots in the Hebrew scriptures (“Old Testament”), but it interprets those scriptures along lines classically formulated by the rabbis of the Babylonian Talmud, completed shortly before the rise of Islam.

The Talmud is a reference point rather than a definitive statement; Judaism has continued to develop right up to the present. To get some idea of how Judaism handles the ethics of war, we have to review sources from the earliest scriptures to rabbinic discussion in contemporary Israel, a period of three thousand years.

The Hebrew Scriptures comprise a collection of books compiled over more than a millennium. The sections relevant to war describe wars waged by the Israelites against the Canaanites and other nations; they also encompass the vision that “nation shall not lift sword unto nation” (Isaiah 2:4; Micah 4:3).

Jewish reading of biblical texts is guided by the Talmud and other works of the rabbis. For instance, the Bible reports (Genesis 34) that Jacob’s sons slaughtered the inhabitants of Shechem on account of the rape of their sister, Dinah. Are we to interpret this as a model of righteous zeal, or as a grave aberration? From the Bible itself we would not know. Later Jewish tradition, however, regarded the massacre as a crime, or at best as an act requiring exceptional justification<sup>2</sup>.

Law must be distinguished from narrative. For instance, Deuteronomic legislation, rightly interpreted, is normative; the behaviour of, e.g., king David, is not, and may indeed be open to criticism in the light of Torah law.

The legislation concerning warfare in Deuteronomy 20 is the starting point for rabbinic thinking about war, as it was to be amongst Christians.

In form it is a “military oration,”<sup>3</sup> concerned with *jus in bello* rather than *jus ad bellum*; it regulates conduct in war, but does not specify conditions under which it is appropriate to engage in war. It distinguishes between (a) the war directly mandated by God against the Canaanites and (b) other wars. This is something like the distinction made in early modern Europe between religious wars (wars of the Church) and wars of the Prince.<sup>4</sup>

War against the Canaanites is based on the *herem*, or holy ban; it is a war of extermination that knows no bounds (verses 15-18). Justification—a sort of *jus ad*

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<sup>2</sup> Goren, 223-6.

<sup>3</sup> Weinfeld, 45.

<sup>4</sup> On this distinction see Johnson, *Ideology*, 53.

*bellum*—is offered, on the grounds that these nations might teach Israel “abominations” and lead them to sin (verse 18)<sup>5</sup>. No restraints are indicated.

However, “normal” war is subject to several restraints:

- The war is to be fought only by those who are courageous, possessing faith in God, and who do not have a commitment such as a new house, vineyard or wife (verses 1-10).
- An offer of peace is to be made to any city which is besieged, conditional on the acceptance of terms of tribute (10, 11).
- Should the city refuse the offer of peace the males are put to the sword, the females and small children are taken captive, and the city plundered.
- Food trees may not be cut down in prosecution of the siege (19, 20).
- 21:10-14 offers some amelioration of the status of the female captive.

Joshua 11:19 states, “No city submitted to the Israelites, save the Hivites who lived in Gibeon”; the rabbis infer from this that offers of peace were made to the Canaanites, too.<sup>6</sup>

As to *jus ad bellum*, many biblical passages indicate the need for a *casus belli*, though the Bible does not articulate principles from which we might judge whether a particular cause was justified. If God issued explicit instructions, that would constitute adequate justification. However, God conspicuously does *not* rely on divine fiat alone when he commands the Israelites to conquer the “promised land”, but justifies it with the claims that (a) He has condemned the Canaanites on account of their immorality<sup>7</sup> and (b) if left, they might “contaminate” the Israelites.

The Dominican theologian Franciscus de Victoria (1492-1546) supports his “natural law” arguments against war for religion by a direct appeal to the Hebrew scriptures:

[E]ven in the Old Testament, where much was done by force of arms, the people of Israel never seized the land of unbelievers either because they were unbelievers or idolaters or

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<sup>5</sup> Compare Deuteronomy 9:5. Michael Walzer (‘Idea of Holy War,’ 215) aptly observes that no biblical author “undertakes to construct an argument on behalf of the seven Canaanite nations comparable to Abraham’s argument on behalf of the Canaanite cities of Sodom and Gomorrah”.

<sup>6</sup> Jerusalem Talmud *Shevi’it* 6:1. Noah Feldman (page ??) states that “by not stating that there is an exception for obligatory war [Maimonides] makes the phrase “against any man in the world” ... apply the duty to sue for peace to all wars, whether obligatory or voluntary”. This is certainly what Maimonides means, but it is no innovation; his source is the passage in the Jerusalem Talmud. Whether, as Feldman asserts, Maimonides subverts the Hebrew *hishlim* (“make peace”) into an “Arabic-influenced quasi-neologism” is doubtful; I have translated the term in the citation from Joshua 11:19 as “submitted to” rather than “made peace with” on the basis of Brown Driver Briggs *Hebrew and English Lexicon* 1023 s.v. SHLM.

<sup>7</sup> “For the sin of the Amorites will not be total until then” (Genesis 15:16) is a justification of the Israelite conquest on the grounds that God would not have permitted the Canaanites to be destroyed unless and until their evil justified it.

because they were guilty of other sins ... but because of either a special gift from God or because their enemies had hindered their passage or had attacked them.<sup>8</sup>

Two kings, Saul and Ahab, certainly challenged the ruthlessness of Deuteronomy, and it is unlikely that the war laws of Deuteronomy governed Israelite activities in the biblical period; one scholar has called them the “radicalism of the writing desk,” a retrojection by authors attempting to bolster the covenantal consciousness of Israel<sup>9</sup>.

The rabbis dared not criticise Deuteronomy, for they regarded it as the direct word of God; rather, they expressed their unease by means of interpretation. They could not exonerate Saul for being remiss in destroying the Amalekites, since the Bible states that he deserved his punishment; but they retold the story in way that was sympathetic to Saul and expressed their own puzzlement at the command to destroy Amalek:

“And he strove<sup>10</sup> in the valley (1 Samuel 15:5).” Rabbi Mani says, “Concerning the inheritance<sup>11</sup>. For when the Holy One, blessed be He, said to Saul, “Go, smite Amalek ...” (15:3) he said, Surely, if the Torah says that if someone kills even one person a calf’s neck must be broken<sup>12</sup>, how much more so for all these people, and if the adults have sinned, what about the children! A heavenly voice issued forth and said, “Do not be over-righteous” (Ecclesiastes 7:16).<sup>13</sup>

The “heavenly voice” here is put on the defensive; Saul’s moral reasoning is made to appear correct.

### **Rabbinic Readings of Scripture**

By the time the Talmud was compiled Jews had lost political independence; rabbinic discussion of war lacks firm contact with contemporary reality. Their legislation on warfare is essentially an exposition of Deuteronomy 20; it is historical reconstruction or messianic speculation, not the operational law of an actual society.

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<sup>8</sup> *De Indis*, sect. II, 16, cited by Johnson, *Ideology*, 156/7.

<sup>9</sup> Weinfeld compares Deuteronomy’s military orations with those to be found in Herodotus and Thucydides; they are “literary programmatic creations and do not convey the actual content of speeches delivered in concrete circumstances” (51). He attributes them to the scribes of Josiah’s Reform (158 f.).

<sup>10</sup> Some English translations have “lay in wait”.

<sup>11</sup> The Hebrew *naḥal* may be translated “valley” or “inheritance”; Rabbi Mani interprets the verse as hinting that Saul was troubled about the means by which he was to secure possession of the land for Israel.

<sup>12</sup> The allusion is to the atonement ceremony to be performed by representatives of the town nearest to where a slain person was found (Deuteronomy 21:1-9, immediately following the section on war).

<sup>13</sup> Babylonian Talmud *Yoma* 22b. *Midrash Rabba* Deuteronomy 5:12 ascribes to Moses the initiative, confirmed and praised by God, to seek peace with Sihon; *Midrash Tehillim* on Psalm 120:7 ascribes a similar initiative to the Messiah.

Changing attitudes to war emerge. Rabbi Eliezer ben Hyrcanus, early in second century, ruled against his colleagues that a man might adorn himself with weapons on the Sabbath even when not required for defence. To the majority sages the bearing of arms, though necessary for defence, disgraces the wearer; but Eliezer, a staunch Jewish nationalist, regarded the bearing of arms as honourable.<sup>14</sup>

The rabbis tone down the severity of the plain biblical text of Deuteronomy in three ways, so that it cannot become a general warrant for genocide:

1. They argue, against the plain sense, that offers of peace were to be made even to the Canaanites.
2. They rule, rather impracticably, that in wars other than those of the original conquest, if a town was placed under siege an escape route was always to be provided.<sup>15</sup>
3. Joshua ben Ḥananiah, around 100 CE, declared that since “Sennacherib mixed up all the nations,” no-one can any longer be identified with the nations of earlier times; hence, the specific laws pertaining to those nations cannot be invoked.<sup>16</sup>

Limitations are set within the text itself, which limits the *ḥerem* ban to the “seven nations”<sup>17</sup>. But this would leave open the question of identification, and it would be only too easy to categorise a potential enemy as belonging to one or other of the despised nations.

They distinguished three kinds of war:

- *milḥemet ḥova* (obligatory war)
- *milḥemet reshut* (optional war)
- pre-emptive, or perhaps preventive war

Rava said: All agree that Joshua’s war of conquest was *ḥova* (obligatory) and the expansionist wars of David were *reshut* (optional). But they differ with regard to [the status of] a pre-emptive war intended to prevent idolaters from attacking them.<sup>18</sup>

There is some resonance here with the Roman notion of *bellum justum*, though the rabbinic classification is into obligatory and optional rather than just and unjust<sup>19</sup>. A defensive war is obligatory (just); a pre-emptive war *might* be<sup>20</sup>.

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<sup>14</sup> Mishna *Shabbat* 6:4.

<sup>15</sup> Rabbi Nathan in *Sifré* on Numbers 31:7. Perhaps he wants to explain how despite the annihilation of the Midianites alleged in Numbers, Midianite raids are reported in Judges 6. Meir Simcha Ha-Kohen of Dvinsk (Daugaupils, Latvia) (1843–1926), in his commentary *Meshekh Ḥokhma* (1927), notes that whereas Naḥmanides understands the requirement of an escape route as motivated by compassion, Maimonides regards it as merely tactical.

<sup>16</sup> Joshua’s example concerned a self-proclaimed “Ammonite proselyte” who if not for Joshua’s ruling would have been forbidden to marry a native-born Jewish woman. See Mishna *Yadayim* 4:4.

<sup>17</sup> Altogether ten nations are named in various verses, but they are conventionally referred to as seven.

<sup>18</sup> Babylonian Talmud *Sota* 44b.

On the other hand, the “expansionist wars of David” are seen as more questionable, notwithstanding Psalm 18:48, “He has subdued nations beneath my feet”<sup>21</sup>. Elsewhere the Talmud insists that the king would need to seek authorisation from the Great Court of 71 justices, as well as divine approval through the oracle<sup>22</sup> of the High Priest, before engaging in such a war<sup>23</sup>. As these institutions have not existed for 2,000 years the definition of “competent authority” virtually rules out the possibility of non-defensive war; there is no Jewish equivalent to the process by which some 17<sup>th</sup> century English Puritans declared wars to be “commanded by God” simply because they were deemed by the leadership to be in conformity with God’s will<sup>24</sup>.

The Talmudic distinction between *kibbush yaḥid* (individual conquest) and *kibbush rabim* (public conquest) may indicate the need for popular support in addition to the other requirements<sup>25</sup>.

A clear precedent for the exemption of non-combatant “clerics” from military service<sup>26</sup> emerges from a consideration of King Asa’s gout<sup>27</sup> (1 Kings 15:23): Rava, a fourth century Babylonian rabbi, speculated that this was a divine punishment because he had conscripted “disciples of the sages” into his army<sup>28</sup>.

### *Self-Defence and Proportionality*

Defence, including self-defence, is not so much a *right* as a *duty*. The principle of self-defence is derived from Exodus 22:1, understood by the rabbis as referring to a thief who

<sup>19</sup> The Puritan Henry Ainsworth, leader of the Separatist congregation in Amsterdam, in his *Annotations upon the Five Books of Moses* (London: John Bellarmine, 1627), leaning upon Maimonides, makes the same distinction. Johnson, *Ideology*, footnote p. 131, comments that “this distinction overrides any that might be attempted between offensive and defensive war”; he is incorrect.

<sup>20</sup> Inbar 86, and n6 on 98, points to the distinction between pre-emptive and preventive war. He cites *Leḥem Mishneh* who interprets Maimonides’ expression “war to enlarge the borders of Israel” (*Mishneh Torah: Melakhim* 5:1) as preventive war, to deter potential aggressors. (Inbar wrongly attributes *Leḥem Mishneh* to Joseph Karo; the author was the Salonika-born rabbi Abraham ben Moses di Boton, 1545?–1588).

<sup>21</sup> That the rabbinic tradition is not entirely anti-imperialist is demonstrated by a midrash such as *Targum Sheni* on Esther (probably 8<sup>th</sup> century) that wildly exaggerates the extent of the dominions of Solomon and Ahab.

<sup>22</sup> The Urim and Tumim (Exodus 28:30), the precise nature of which is a matter of debate. The oracular function assumed by the rabbis is hinted at in Ezra 2:62; Nehemiah 7:65.

<sup>23</sup> Mishna *Sanhedrin* 1:5.

<sup>24</sup> Johnson *Ideology*, 104, and 117 f., especially the section on Alexander Leighton 125 f.

<sup>25</sup> Inbar 94 refers only to the later comments of Rashi (*Gitṭin* 8b and *Avoda Zara* 20b) and Maimonides (*Terumot* 1:2) for the consensus requirement.

<sup>26</sup> For an example of this application see *Crossroads* 199.

<sup>27</sup> Other diagnoses are of course possible.

<sup>28</sup> Babylonian Talmud *Sota* 10a.

breaks in with intent to kill should he be discovered; *ha-ba l'horg'kha hashkem l'horgo* "If someone comes to kill you, kill him first".

Proportionality follows from Exodus 22:2: "If the sun has risen on him, there shall be blood-guilt for him ..."; as the rabbis express it, "Does the sun rise only on him? [Surely not. But the verse teaches:] if it is as clear as day to you that he does not come in peace (i.e. that he is ready to kill), kill him, but otherwise not".<sup>29</sup>

The duty to defend a threatened third party, even at the expense of the life of the aggressor, is derived from the case of the betrothed rape victim (Deuteronomy 22:25-27). Scripture itself compares rape to murder, and implies that if anyone heard the victim cry out he should have defended her, if need be by slaying the rapist. The same would apply to someone intent on murdering another person. But what, asks the Talmud, if the victim could be saved by "one of his limbs," i.e., without killing him? Then the saviour would himself be guilty of murder if he killed the attacker<sup>30</sup>. This last caveat establishes the principle of proportionality.

These texts are set in the criminal code, not among the laws pertaining to war. Later authorities extrapolate from personal to collective self-defence, that is, war designed to defend society as a whole, or its most cherished values. This is analogous to the way in which Christians such as Ambrose and Augustine argued that "Christian love" mandated not only personal defence of individual Christians but military defence of Christian society.<sup>31</sup>

### *Accepting the "Yoke of the Nations"*

Since the abortive revolts of the late Roman Empire Jews have reconciled themselves to minority status, and rarely if ever rioted or engaged in open revolt, let alone terrorist acts, against their oppressors. Whether out of conviction or through duress they have taken to heart Jeremiah's words, "Seek the peace of the city to which I have exiled you and pray to the Lord for it, for in its peace will you find peace" (Jeremiah 29:7), embodied in the somewhat Hobbesian rabbinic dictum, "Pray for the welfare of the government, for if not for fear of it one man would swallow the other alive"<sup>32</sup>.

This resigned attitude is expressed in a Midrash which states that Israel swore an oath "not to rebel against the [oppressing] nations, not to force the End, not to reveal the mysteries [of Torah] to the nations, and not to go up [to the land of Israel] from the diaspora in [military] formation."<sup>33</sup> This Midrash was cited by anti-Zionist rabbis who

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<sup>29</sup> Babylonian Talmud *Sanhedrin* 72a.

<sup>30</sup> Babylonian Talmud *Sanhedrin* 74a.

<sup>31</sup> Ambrose, *De Officiis* 1.41.201. Augustine Letter 185 (to Boniface) and *Contra Faustum* 22.74, 78.

<sup>32</sup> Mishna *Avot* 3:2. The statement is attributed to Ḥanina the Deputy High Priest (1<sup>st</sup> century CE).

<sup>33</sup> Midrash Rabbah on *Song of Songs* 2:7.

opposed the setting up of a secular Jewish state which would have to rely on military force for its defence.<sup>34</sup>

### *Compassion*

After a crushing defeat Ben-Hadad, king of Syria, sought refuge with the victor Ahab, king of Israel; his advisers had counselled him that Israelite kings were *malkhei ḥesed* “merciful kings”(1 Kings 20:31). Ahab was reprimanded by the prophet for affording refuge to Ben-Hadad on this occasion, and the consequences were disastrous. More recently, however, the reputation of the Israelite kings for showing compassion has been a source of pride, and has been cited as an indication that even in wartime compassion should be shown to one’s enemies if circumstances are such that it will not undermine the war aim.

Philo of Alexandria, writing early in the first century with an eye to gentile as well as Jewish readership, refers the provisions for non-Canaanite war in Deuteronomy 20 to those who revolt from an alliance, implying that wars of conquest or aggression are never sanctioned; he stresses the restraint to be shown by Israel in first offering peace. The women are in any event to be spared “as in virtue of their natural weakness they have the privilege of exemption from war service”<sup>35</sup>:

All this shows clearly that the Jewish nation is ready for agreement and friendship with all like-minded nations whose intentions are peaceful, yet is not of the contemptible kind which surrenders through cowardice to wrongful aggression.<sup>36</sup>

In the Middle Ages there were rabbis, for instance the thirteenth century author of *Sefer ha-Ḥinukh*, who argued (rather like Philo, whose work was unknown to him) that the rationale of less-than-total war against the “other nations” was to instil compassion, for “it is fitting for us, the holy seed, to act [with compassion] in all matters, even towards our idolatrous enemies”<sup>37</sup>.

### *Environment*

When you are at war, and lay siege to a city ... do not destroy its trees by taking the axe to them, for they provide you with food ... (Deuteronomy 20:19)

In its biblical context this is a counsel of prudence rather than a principle of conservation; Israelites are enjoined to use only ‘non-productive’, that is, non fruit-bearing trees, for their siege works. However, rabbinic tradition has applied it generally as a prohibition of

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<sup>34</sup> Ravitsky *Messianism* Appendix 211-234 ‘The Impact of the Three Oaths in Jewish History’ (some versions have three rather than four oaths) argues that “the wall placed by the oaths between the people and its land was far higher than the historians suggest’.

<sup>35</sup> Philo *The Special Laws* 219-223.

<sup>36</sup> *ibid.* 224.

<sup>37</sup> *Sefer ha-Ḥinukh* No. 527. The work is of unknown authorship, though traditionally ascribed to Aaron ha-Levi of Barcelona (c1235–1300).

waste, and modern Jewish environmentalists have quarried this tradition in support of their pleas for conservation.

It does provide an additional argument against warfare, and raises the question of whether there is some limit to the amount of environmental degradation that might be caused even in pursuit of a just war. Was the defoliation of the forests of Vietnam acceptable even if the war aims were agreed? Irrespective of the human suffering caused, could it ever be acceptable to have recourse to nuclear weapons, seeing that their use would severely damage the environment? The works of Artson and Landes give some indication of the range of Jewish views on these matters; while the duty of conserving nature is universally acknowledged, there is disagreement over how this duty should be balanced against the duty of defence of human life.

### *Arms Trade*

The Mishna ruled, “One may not sell bears or lions, nor anything that may harm the public, to [gentiles]”<sup>38</sup>. A discussion in the Talmud on whether iron lamps may be sold to gentiles, seeing that the material could be reworked into weapons “that harm the public,” is cut short by the interjection “But nowadays that we sell them ...” to which Rav Ashi replies: “To the Persians, who protect us”<sup>39</sup>. Evidently, Jews felt it appropriate to sell arms to Persians in the fourth century; the remark of the Tosafists that “It would seem that nowadays we are permitted for the same reason ...” shows that the same business was afoot in 13<sup>th</sup> century Rhineland. These are among precedents cited by Chaim David Halevi (b.1925), then Sefardi Chief Rabbi of Tel Aviv/ Jaffa, in his responsum, published shortly after the Yom Kippur War of 1973, on whether the sale of arms by Israel to friendly countries is permissible under the halakha<sup>40</sup>.

Although for almost 2,000 years Jews were rarely involved as principals in war, they often played a subsidiary role in finance and supply. Isaac Abravanel is said to have loaned 1½ million gold ducats to Ferdinand and Isabella to pursue the war with Granada (1491–92). Jewish immigrants, including refugees from Spain, are said to have introduced significant military technology to their new Ottoman overlords<sup>41</sup>. Jews were very prominent as military contractors in the 17th and 18th centuries; among the most famous army contractors for pay and supplies in 18th century England were Sir Solomon de Medina, the associate of Marlborough, and Abraham Prado. In such cases it is impossible to assess the extent to which Jews were acting under duress, or in the perceived interest of their own communities, rather than on the basis of some freely embraced religious principle.

## **Some Mediaeval Jewish Views**

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<sup>38</sup> Mishna *Avoda Zara* 1:7.

<sup>39</sup> Babylonian Talmud *Avoda Zara* 16a.

<sup>40</sup> Halevi Vol. 1 #19. See also *Shulḥan ‘Arukh: Yore De‘a* 151 and *Hoshen Mishpat* 409. Some more recent responsa are reviewed in Bleich, ‘Sale of Arms’.

<sup>41</sup> Bernard Lewis, *The Jews of Islam*, Princeton NJ: Princeton University Press, 1984, 134/5.

The Qur'an records Muhammed's negotiations and battles with some of the Arabian Jewish tribes, and from Arab sources we learn about the activity of Jewish Berber tribes such as the Aurés, led by the female warrior Kahina Dahiya<sup>42</sup>, which for a time c700 successfully resisted the advance of Ḥasan ibn al Nu'man through the Maghreb and into Spain. Literary records are scant for all of these, as for the short-lived Jewish kingdom of Khazaria<sup>43</sup>, and from none of them can we garner information on distinctively Jewish religious thinking about war.

Otherwise, though there are numerous references to Jewish mercenaries throughout the pre-modern period, and occasional references to organised armed defence<sup>44</sup>, Jews were not collectively involved in warfare other than as bystanders and incidental victims. No mainstream Jew was called upon, in a real-life situation, to determine whether to engage in war or how to prosecute it. Nevertheless, there was reflection on earlier sources and on future "messianic" wars, and a handful of Jewish religious leaders were sufficiently close to political reality to devote serious attention to the ethics of war.

One such was Shmuel (Samuel) ha-Nagid, also known as Ismail ibn Nagrela (993–1055/6), who was vizier to kings Ḥabbus and Badis of Granada, and a Hebrew poet and scholar of distinction. He is probably unique among mediaeval Jews as military commander of a Muslim army.

Samuel nowhere expressly justifies his involvement on behalf of his dissolute master in the internecine wars of Muslim Spain. Presumably he accepts war as an unfortunate fact of life, and is prepared to discharge his responsibility towards his prince in the interest of protecting his own community. He may even have entertained illusions that he was commencing the messianic wars<sup>45</sup>.

But if his war poems fail to address the moral problems of warfare they certainly address the emotional, spiritual and ritual issues:

War at the outset is like a beautiful maid  
With whom everyone wishes to flirt  
At the end it is like a despised hag  
Bringing tears and sadness to whomever she meets.<sup>46</sup>

There are prayers before a battle, commitment to the will of God, thanksgiving for victory, a declaration that throughout the battle he has faithfully observed the Sabbath

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<sup>42</sup> The matter is enshrouded in legend, unknown from Jewish sources, and there is doubt as to Kahina's Jewishness. See Hirschberg, in *Tarbiz* (Hebrew), 26 (1956/57), 370–83.

<sup>43</sup> The Khazars constituted an independent Turkic nation centered on what is now Southern Ukraine between the seventh and tenth centuries CE. During part of this time the leading Khazars professed Judaism.

<sup>44</sup> Ravitsky 122 gives references for armed resistance to marauding crusaders in the Rhineland.

<sup>45</sup> See his letter informing the Exilarch Hezekiah in Jerusalem of his victory over Seville in 1055, in Leon J. Weinberger., *Jewish Prince in Moslem Spain: Selected Poems of Samuel Ibn Nagrela*, Alabama: University of Alabama Press, 1973, 8, with references.

<sup>46</sup> Weinberger *op. cit.*, 118.

and Festivals—his hint that others were “less scrupulous”<sup>47</sup> rather suggests that Jewish mercenaries formed part of the forces under his command.<sup>48</sup>

The Yemenite Jewish philosopher Netanel ibn Fayyumi (d. c. 1165), writing in Arabic, lists *jihad* amongst the “external,” or bodily commandments<sup>49</sup>. Perhaps he had picked up the broader Islamic concept of *jihad* as struggle, effort, readiness to commit totally to God’s work, or perhaps he was hinting to Jews that they, too, given the appropriate conditions, have a duty to fight for their faith just as Muslims do; the hint was not taken up by later authorities.

### *Maimonides*

Moses Maimonides (1135/8-1204), or Rambam, as he is generally known, compiled in the 1160’s a comprehensive Code of Law incorporating a section titled “The Laws of Kings and their Wars”. He did not aim in this work to formulate an original theory of war, but to articulate the rabbinic tradition. Occasionally, he exceeds his brief; expounding the biblical verse (Deuteronomy 20:8) that lays down that one who is afraid, lacking in courage, should return from the muster (7:15), he writes:

“What man is there that is fearful and faint-hearted?” *This is to be taken at its face value, [of one who] lacks the courage to withstand the rigours of war. Once he engages in the rigours of war he should rely on “the Hope of Israel” (God), his saviour in times of distress, and know that he is engaging in war for the Unity of the Name. He should take his life in his hands, neither fear nor tremble, not think of his wife or children, but erase their memory and all considerations other than war from his mind ... he bears responsibility for the blood of all Israel, and if he does not win, or fails to exert himself to the utmost, it is as if he spilled the blood of everyone ... he who fights courageously and fearlessly with the sole intention of sanctifying the Divine Name will certainly suffer no harm, but will ... earn the [rewards of the] World to Come.*<sup>50</sup>

This may echo some Islamic interpretations of *jihad*, but has little connection with Maimonides’ rabbinic sources<sup>51</sup>.

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<sup>47</sup> Weinberger op. cit., 40.

<sup>48</sup> The debate as to whether to engage even in defensive warfare on the Sabbath goes back at least to Hasmonean times; the rabbinic view was unambiguously that saving life has priority over Sabbath observance. Amongst the questions addressed by Ḥisdai Ibn Shaprut to the Jewish Khazar king c960 was whether war abrogates the Sabbath; Ḥisdai was not in doubt about the law, but interested to know Khazar practice.

<sup>49</sup> Levine, D., (ed.) *The Bustan al-Ukul by Natanaël Ibn al-Fayyumi*. With an English translation, *The Garden of Wisdom*. New York 1908; repr. 1966., English 40 Arabic 24.

<sup>50</sup> Maimonides *Mishneh Torah: Melakhim* 7:15. RaDBaZ, who traces Maimonides’ rulings to their sources, comments laconically, “Some of this is in midrashim, and some the Master compiled on the basis of biblical verses”.

<sup>51</sup> Noah Feldman observes of Maimonides and Averroes that “the process of rationalization did not necessarily mitigate the harshness of the calls to mandatory war found in both traditions”; this is more convincing than his suggestion that “Maimonides’ legal view could be described as more lenient than the traditional reading”.

Another significant deviation from the rabbinic sources concerns the exemption from warfare of those who devote their life to God. The context is the biblical command that the tribe of Levi, who are designated as teachers, should not be apportioned land or receive the spoils of war<sup>52</sup>. Maimonides, perhaps mindful of the story of king Asa's gout cited above, introduces with the phrase "it appears to me" three paragraphs that lack support in earlier sources of halakha:

Why did the tribe of Levi have no right to a share in the Land and spoils of war with their brethren? Because they were singled out to serve God, to teach His upright ways and true judgements to the public ... so they were set apart from the ways of the world, and did not wage war like the rest of Israel nor inherit [the Land] nor acquire rights through physical exertion. But they are the Lord's army ... and He, blessed be He, grants their rights.

And not only the tribe of Levi, but any human being whose spirit and intellect move him to stand before God and to serve and know Him, and who walks uprightly as God has made him, and casts aside the designs of men, is a most holy person; God is his portion for ever and will grant his needs in this world as he granted the Priests and Levites ...<sup>53</sup>

This has been cited by modern Israeli rabbis in justification of the exemption from military service of yeshiva students and others who devote their life to the study of Torah. Since Maimonides pointedly uses the expression *kol ba'ê 'olam* (any human being) rather than "any Israelite" he implies that the immunity of clerics and the like on the opposing side is to be respected (provided, of course, that they are non-combatants).

Like his European contemporary Gratian (mid-12<sup>th</sup> century) and later Thomas Aquinas (1225-74), who grant non-combatant immunity only to clerics and bishops<sup>54</sup>, Maimonides grants immunity only to those devoted to the service of God, not to non-combatants in general. The reason for exemption is not that such people do not bear arms, but because they are holy, removed from mortal concerns. So it does not follow that immunity would be granted to other non-combatants such as merchants and peasants listed in the treatise *De Treuga et Pace*<sup>55</sup> proclaimed by Pope Urban II at the Council of Clermont (1095) and incorporated in the canon law under Gregory IX (1227-41).

In a section of his later, philosophical work, *A Guide for the Perplexed*, he again summarises the commandments under 14 heads, but omits the commandments relating to kings and war. Elsewhere in the work, in the context of idolatry, he briefly justifies the genocide of the Canaanites:

Do you not see in the texts of the *Torah*, when it commanded the extermination of the *seven nations* and said *thou shalt save alive nothing that breatheth*, that it immediately follows this

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<sup>52</sup> Numbers 18:20, 23; Deuteronomy 18:1, 2.

<sup>53</sup> Maimonides *Mishneh Torah: Shemi' ta v'Yovel* 13:12,13.

<sup>54</sup> Thomas Aquinas *Summa Theologica* 2:2 40:2; *Corpus Juris Canonici: Decretum* Quaest. VIII, Cans. IV, XIX.

<sup>55</sup> This treatise, like the "Peace of God" declared at the Council of Chanoux in 988, is concerned with the sacredness of the lives of Christians, that is with internecine Christian warfare; there is no evidence that immunity was applicable to clergy and non-combatants of idolaters or heretics.

by saying: *That they teach you not to do after all their abominations, which they have done unto their gods and so ye sin against the Lord your God?* Thus it says: do not think that this is hard-heartedness or desire for vengeance. It is rather an act required by human opinion, which considers that everyone who deviates from the way of truth<sup>56</sup> should be put an end to and that all obstacles impeding the achievement of perfection that is the apprehension of Him, may He be exalted, should be interdicted.<sup>57</sup>

This is a doctrine of “right intent,” as it was later characterized by Thomas Aquinas<sup>58</sup>. Maimonides’ overall view seems to be that war is a sad fact of life, a consequence of the moral and intellectual failings of human beings; the Torah regulates it, making due allowance for frail human nature, in accordance with divine compassion, which demands the elimination of evil, the source of which is the error of idolatry<sup>59</sup>. Maimonides nowhere suggests that Jews have a duty to go out into the world actively to seek and destroy idolatry<sup>60</sup>.

### *Naḥmanides*

Naḥmanides (1194-1270), or Ramban, as he is generally known, was a rabbi and exegete in Catalonia; he completed his *Commentary on the Torah* in Palestine, where he ended his days having fled Spain in the aftermath of the 1263 Disputation in Barcelona.

His comment on Deuteronomy 23:10 “You shall guard yourself from every evil thing” carries a ring of personal observation:

Scripture warns [us to be especially careful] at times when sin is common. It is well known that when groups go to war they eat every abominable thing, steal, do violence, and are not ashamed even to commit adultery and other detestable things, so that even the most naturally upright of men is enveloped in violence and anger when setting off to battle against an enemy. Therefore scripture warns, “You shall guard yourself from every evil thing” ... for “the Lord your God is in the midst of your camp” (verse 15).

This comment is cited by contemporary Israelis in support of the notion of “purity of arms” which we shall meet later.

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<sup>56</sup> The original Arabic is *al-ḥaqq*, which could be a term for God.

<sup>57</sup> Maimonides *Guide* 1:54. The point is made even more briefly in 1:36. The emphases are the translator’s (Shlomo Pines); they indicate Hebrew words within the Arabic text.

<sup>58</sup> Thomas Aquinas *Summa Theologica* 2:2 40:1: *requiritur ut sit intentio bellantium recta*. Thomas was acquainted with the *Guide* in Latin translation, and occasionally acknowledges a debt to it, but in this case his model was Gratian (his citation from Augustine is unidentifiable).

<sup>59</sup> Noah Feldman argues that Maimonides justifies the waging of war to further the attainment of “philosophical” aims. If by this he means philosophical *as opposed to* religious, I can’t agree; for Maimonides the two are not in opposition—idolatry is not merely contrary to *revealed* religion, it is contrary to reason.

<sup>60</sup> Noah Feldman rightly observes that “the king preserves his discretion to use his own practical reason to decide whether or not it is appropriate to seek to expand his borders,” but he omits to point out that whatever practical reason suggests remains subject to the prophetic verdict of the Urim and Tummim.

In opposition to Maimonides, Nahmanides lists “conquest of the land” amongst the 613 commandments<sup>61</sup>. His use of the term *kibbush* (conquest) denotes “living in,” “settlement,” not military conquest.

Late mediaeval commentators emphasize Jewish commitment to peace. The Spanish theologian and commentator Isaac Arama (c. 1420–1494), contends that the Torah’s commandment to proclaim peace requires:

Entreaties and supplications offered in the most conciliatory possible way, in order to turn their hearts ... for this follows necessarily from the human wisdom of peace, and the Divine will consent ... For if we find that He commanded “You shall not destroy its tree [that is, that found in the city of the enemy], to lift against it an axe” [Deut. 20:19], all the more so should we take care not to commit damage and destruction to human beings.<sup>62</sup>

Isaac Abravanel (1437-1508) served, in succession, Afonso V of Portugal, Ferdinand and Isabella of Spain (with whom he interceded in vain to revoke the edict expelling the Jews from Spain in 1492), Ferrante I and Alfonso II of Naples, and latterly the Council of Venice; his biblical commentaries incorporate observations relating to the European society of his time and formulating political positions such as his preference for republican government over monarchy.

He comments on Deuteronomy 20:10:

The offer of peace is desirable for three reasons. (a) It is proper to follow the ways of God, Who does not desire [people’s] death and the destruction of the world, but forgives the penitent; (b) peaceful conquest denotes the power and magnanimity of the ruler; (c) the outcome of war is at best uncertain and at worst catastrophic.

Should the offer of peace be rejected war is justified since it is proper that the more perfect should dominate the less perfect.<sup>63</sup>

The women and children should be spared since they are by nature non-combatants.<sup>64</sup>

Abravanel completed his commentary on Deuteronomy in 1496, well before men such as Victoria and Suarez rejected the idea of “holy war” for the sake of religion. Abravanel’s position is that in these pre-Messianic times we have to accommodate ourselves to the essentially undesirable phenomena of autocracy and its concomitant, warfare; this being so, both have to be restrained within the limits imposed by Torah.

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<sup>61</sup> No. 3 of the supplementary list of Positive Commandments in his Notes on Maimonides’ *Sefer ha-Mitzvot*.

<sup>62</sup> Arama *Aqedat Isaac* # 81 on Numbers, cited by Ravitsky, 121/2. See also #74, and Munk, Eliyahu, (tr.) *Akeydat Yitzchak: The Commentary of Isaac Arama on the Torah* (condensed version). 2 vols. Jerusalem: Rubin Mass, 1986, 726 f. and 791 f.

<sup>63</sup> “Perfect” here is understood as possessing the true religion: Abravanel appears to offer the same justification for conquest as the Conquistadores themselves!

<sup>64</sup> Summary is necessary on account of his prolix style. The Commentary on Deuteronomy has not, so far as I am aware, been translated into English.

## The Modern Period

Western attitudes to war have undergone four major transformations in the modern period.

1. In reaction to the Wars of Religion, a consensus emerged that wars should not be fought to spread “true” religion.
2. The industrial revolution led to the invention of more effective weapons and communications, and made possible the deployment of large armies over great areas. The new concepts of war were articulated by the 19th-century Prussian military strategist Carl von Clausewitz (1780-1831), whose *Vom Krieg* first appeared in 1832/4. War, declared Clausewitz, is “only a part of political intercourse, therefore by no means an independent thing in itself”.<sup>65</sup>
3. The development of international law from Grotius onwards, and its institutionalisation through the League of Nations and subsequently the United Nations, has established the position that the only permitted wars are defensive wars, including wars for the defence of an injured third party and arguably also pre-emptive strikes.
4. The principle that all nations have a right to self-government has been accepted, and imperialism has been discredited.

Jews participated in all these developments. In addition, the piecemeal and often tenuous emancipation of Jews in the West from the eighteenth century onwards resulted in three trends specific to Judaism:

1. The traditionalists (eventually known as “Orthodox”) continued to teach on the basis of rabbinic texts, though their interpretations were often coloured by the ambient culture.
2. Religious Reformers stressed the ethical and universal dimension of Jewish teaching; this led them to modify or even abandon *halakha* (traditional Jewish law) in favour of what they took to be the purely ethical monotheism of the prophets.
3. Secularists accorded primacy to “Jewish culture,” again stressing its ethical dimension in contrast to *halakha*. Many of them, rebuffed when they attempted to gain acceptance within the new European nations, articulated their own, Jewish nationalism, since 1892 termed Zionism. It was this third group who until recently dominated Zionism and Israeli society, and who determined the doctrine of the Israel Defence Forces.

The recent dynamic of Jewish war ethics has involved all three trends in inter-reaction against the background of evolving Western political theory.

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<sup>65</sup> Book 5, Chapter 6 (Penguin, 402). See also Book 1, Chapter 24 on War as a continuation of policy by other means.

*From Mercenary to Patriot*

As Jews in the Western world gained rights as citizens of the countries in which they lived, they assumed the responsibility of participating in the armed struggles of those countries, not as mercenaries, but as citizens, or would-be citizens. When Joseph II introduced conscription of Jews in Austria-Hungary in 1787 many regarded it as a privilege of citizenship. Less welcome was the Russian Cantonist system, introduced by Czar Nicholas I in 1827, which conscripted Jewish youths aged from 12 to 25 years into military service; those aged under 18 were sent to special military schools also attended by the children of soldiers. Alexander II abolished the seizure of Jewish children for military service, reduced the maximum period of service to 15 years, and in 1874 enacted a law obliging all Russian citizens to report for military service at the age of 21, so placing Jews on an equal footing with others.

Jews fought on both sides in the American Civil War (1861–65) and in World War I. In World War II well over a million Jews served in the Allied armies, almost half a million of them, including more than 100 generals, in the Soviet army; over 100 Jews were awarded the title Hero of the Soviet Union. 150,000 U.S. Jews saw service in the Korean War and nearly 30,000 fought in Vietnam, though Jews were also active in the anti-War movement.

But how have the *religious* authorities looked on such activity? And how has it come about that whereas the religious authorities forbade or at least discouraged active Jewish involvement in international warfare well into modern times, by the 19<sup>th</sup> century in the West they condoned it and in the 20<sup>th</sup> frequently encouraged young Jews to volunteer?

The answer lies in changes in the collective self-perception of Western Jews. Throughout the Middle Ages Jews lived in autonomous communities and saw themselves as a separate nation in exile; with the Emancipation they learned to look on themselves as citizens of the new European nation-states. Defence became defence of the nation-state, or of civilisation itself, rather than of Jews collectively, and ideas on warfare were strongly influenced by those of the surrounding nations; Clausewitz rather than Maimonides determined Jewish public policy.

Moses Schreiber (*Ḥatam Sofer* 1762-1839), who as Orthodox Rabbi of Pressburg (Bratislava) lived in proximity to the seat of Austro-Hungarian government, forbade those under his authority to engage in aggressive war, though conceding that land acquired through war was legitimately retained;<sup>66</sup> he objected to voluntary enlistment.<sup>67</sup>

Naftali Zevi Yehuda Berlin (1817-1893), head of the Yeshiva of Volozhin (Belarus) for some 40 years, exerted a powerful influence over the secular as well religious leadership of late 19<sup>th</sup> century non-hasidic Jewry. In his commentary on the Pentateuch, first published in 1879/80, he argued that despite the universal prohibition of murder non-Jews “and even Jews” were permitted to engage in war, since “this is the way the world

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<sup>66</sup> Bleich II, 165, citing *Ḥatam Sofer: Yoré De‘ah* 19.

<sup>67</sup> Bleich II, 166, citing *Ḥatam Sofer* 6:29.

was set up”<sup>68</sup>. Possibly he was anxious to set at rest the minds of his students, many of whom would be recruited into the Russian army. He may also have felt it prudent to promote a view which would satisfy the secular (Russian) authorities that Jews were loyal to the regime. His assertion that “this is the way the world was set up” reads as a sigh of resignation from a man who cannot envisage a purely human, pre-Messianic, progress to universal peace, and who regards war as an unavoidable evil of nature on a par with disease and earthquakes.

Israel Meir Hacoen (1838-1933), better known as the Ḥafetz Ḥaim, was a leading Polish halakhist who combined outstanding spirituality with a reactionary outlook. He published his legal commentary, *Mishna Berura*, between 1894 and 1907, when the more lenient conscription introduced by Alexander II was still in force. He rules that Jews must allow themselves to be conscripted in accordance with the “law of the land”: “Know that nowadays when nations from beyond our borders come to despoil us we are obliged to confront them with arms, even if [they come only to rob]”<sup>69</sup>. Ḥafetz Ḥaim is probably concerned more with Jewish defence (“if we do not play our part the citizens will be angry and kill us”—it was after all a period of pogroms) than with any theory of *ius ad bellum*, but even from this perspective the implication is clear that armed combat is only appropriate for defence.

Menaḥem Zemba (1883–1943) argued that the Torah forbade Jews to engage in aggressive war.<sup>70</sup> Zemba was one of the last Warsaw rabbis to remain in the ghetto after the first wave of extermination. On the eve of the Warsaw Ghetto Uprising, Catholic circles offered their assistance to save the three remaining rabbis of Warsaw, but Zemba declined the offer and died a martyr’s death in the ghetto. At a meeting of its surviving leaders on 14<sup>th</sup> January 1943, he gave rabbinic approval for the uprising, stating:

Of necessity, we must resist the enemy on all fronts ... We shall no longer heed his instructions ... Sanctification of the Divine Name manifests itself in varied ways. During the First Crusade, at the end of the 11th century, the Halakhah ... determined one way of reacting to the distress of the Franco-German Jews, whereas in the middle of the 20th century, during the liquidation of the Jews in Poland, it prompts us to react in an entirely different manner. In the past, during religious persecution, we were required by the law “to give up our lives even for the least essential practice”. In the present, however, when we are faced by an arch foe, whose unparalleled ruthlessness and program of total annihilation know no bounds, the Halakhah demands that we fight and resist to the very end with unequalled determination and valor for the sake of Sanctification of the Divine Name.<sup>71</sup>

Rabbis and scholars in the West were more strongly influenced than their East European colleagues by Enlightenment culture, and generally more broadly educated. The struggle for emancipation was more successful than in Eastern Europe, though its achievements

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<sup>68</sup> *Ha’ameq Davar* on Genesis 9:5, basing himself on B *Shavu’ot* 35; he makes a similar comment on Deuteronomy 20:8.

<sup>69</sup> *Mishna Berura* 329:17.

<sup>70</sup> Bleich II, 165, citing *Zera’ Abraham* 24.

<sup>71</sup> *Encyclopaedia Judaica* s.v. Zemba.

were insecure; consequently, Western Jews tended to assert to excess their loyalty and their readiness to fulfil civic obligations including military service. Moses Mendelssohn (1729-1786), for instance, in a caustic response to J.D. Michaelis' argument that Jews should not be granted full civic rights since their religion rendered them incapable *inter alia* of becoming soldiers, points out that no religion, Christianity included, has the task of making men soldiers. Church and State ought to be rigorously separated<sup>72</sup>; in no way did Jews lag behind others in civic conduct, and they were as committed as anyone to the defence of the fatherland<sup>73</sup>. Mendelssohn was at the time reacting positively to Joseph II's *Toleranzpatent* of 1782.

The Italian Samuel David Luzzatto (1800-1865) states more clearly that the only permissible war is defensive. He comments on Deuteronomy 20:10-11:

The text does not specify the cause for a permitted war or [say] whether Israel may wage war without cause, merely to despoil and take booty. [But] it seems to me that in the beginning of this section [20:1], in saying "When you go forth to battle against your enemy," scripture indicates that we should make war only against our enemies. The term "enemy" refers only to one who seeks to harm us; so scripture is speaking only of an invader who would enter our territory to take our land and despoil us.<sup>74</sup>

The Slovakian born, American trained J.H. Hertz (1872–1946), who from 1913 until his death was Chief Rabbi of the United Hebrew Congregations of the British Commonwealth, preached an intercession sermon, "Through Darkness to Light", at the Great Synagogue, London, on 1 January 1916<sup>75</sup>:

None could have foretold that civilized mankind would rush back to savagery with such dreadful fervour ...

The men who fought and died at Gallipoli have not fought and died in vain. They have created new standards of human courage. Their dead lie on the abandoned cliffs, but the memory of all they did and tried to do will never fade ...

Is there nothing for which to bless God ... the readiness for unbounded sacrifice, as soon as it was realized that we were confronted by a powerful foe who desired nothing less than England's annihilation. Nobly have also the sons of Anglo-Jewry rallied round England in the hour of her need ... our brethren ... have been admitted to the glorious privilege of fighting for their country ...

With the victory of Great Britain, the old Egyptian idols and heathen ideals—the worship of brute force—will be shattered ... Let us prayerfully resolve that the new order be a better order, rooted in righteousness, broad-based on the liberty of and reverence for each and every nationality, and culminating in a harmony of peoples. Amen.

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<sup>72</sup> This is the theme of Mendelssohn's well-known and frequently translated *Jerusalem*.

<sup>73</sup> Mendelssohn, Moses, *Anmerkungen zu des Ritters Michaelis Beurteilung des ersten Theils von Dohn, über die bürgerliche Verbesserung der Juden*, in *Moses Mendelssohns Gesammelte Schriften*, Leipzig 1843, Vol. 3, 365-367.

<sup>74</sup> Luzzatto, 157. Walzer WPJT, 101, citing this at second hand, unfortunately lacks the final sentence.

<sup>75</sup> Hertz, 25-29.

Hertz, like Luzzatto, was very much a child of the Enlightenment. War is no longer, to him, an issue of Israel versus the world of idolatry, but of enlightened civilization versus barbarism and superstition. With this hermeneutic key he interprets Bible and tradition to allow identification of his Jews with the British—equals civilized, equals Torah-true—cause.

Precisely this hermeneutic enables Jews to rally to the defence of democracy, liberal values and even, for those who think it is justified, the “War Against Terrorism”.

## The Jewish State

### *Secularism and Early Zionism*

The religious proto-Zionist, Rabbi Zevi Hirsch Kalischer (1795–1874), witnessing the armed independence struggles of several European nations, proposed a militarily trained home guard to protect settlements in the Land of Israel<sup>76</sup>, but the early secular Zionists paid little attention to the possibility of war, even defensive. Theodor Herzl, for instance, in his vision of a future Jewish state (not necessarily in Palestine), “allotted far more space to describing how steam engines were changing the face of the earth than to the topic of the defence of the proposed state”<sup>77</sup>. As their naïve slogan “The land without a people for the people without a land” indicates, they were but dimly aware of the Arab population of Palestine, even though Aḥad Ha-‘am, the great proponent of “cultural Zionism,” who spent some months in Palestine in 1891, had trenchantly pointed out that there were few desolate fields awaiting Jewish cultivation, and that the “natives” were not uncivilized simpletons nor would they welcome wholesale Jewish immigration<sup>78</sup>.

Nobody, religious or secular, proposed a military expedition to take Palestine by force.

Two factors, however, impelled some Zionists at the Sixth Zionist Congress (Basle, Switzerland, 1903) to envisage a more proactive military role. Reaction to the Kishinev pogrom of 1903 had stimulated the creation of trained Jewish defence groups in the Pale of Settlement<sup>79</sup>; and there was increasing acceptance of Aḥad Ha-‘am’s assessment that not only was the land populated, but its population was likely to be hostile towards Jewish settlement. Though the majority demurred, some of the younger delegates including Vladimir Jabotinsky (1880-1940) called for military preparedness. Jabotinsky fought with the Jewish units under Allied command in the First World War, and after the war insisted on the need to maintain the Jewish Legion in Palestine as a guarantee against

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<sup>76</sup> According to Shapira, 16, the proposal is in Kalischer’s *Derishat Zion* (1862). I have not located it there, and Shapira’s footnote cites only Moses Hess’ *Rome and Jerusalem*, New York edition, 1956, 106.

<sup>77</sup> Shapira, 10.

<sup>78</sup> Aḥad Ha-‘am (“one of the people”) was the pseudonym adopted by Asher Hirsch Ginsberg (1856–1927). He composed his essay *Emet me-Erets Israel* (the first of two with that title) on 21<sup>st</sup> Iyar 5651 (1891) on board ship en route from Jaffa to Odessa and it was published later that year in the Hebrew journal *Ha-Melits* 13-24 Sivan 5651.

<sup>79</sup> That is, the areas under Russian domination where Jews were permitted to live.

the outbreak of Arab hostility; this led to the formation in 1920 of the Haganah, later to become the Israel Defence Forces.

These secular developments were anxiously watched by the religious. Abraham Isaac Kook (1865-1935), Ashkenazic Chief Rabbi of pre-state Palestine, urged that Jewish settlement of the land should proceed by peaceful means only<sup>80</sup>. Even a Jewish king, Kook reasoned, would need to consult the High Court before embarking on war, for no war (other than purely defensive) might be pursued against those who observe the Seven Commandments, and if the enemy were idolaters (this would exclude Muslims and Christians) it would still be necessary for the Court to examine their moral condition before declaring the war justified<sup>81</sup>. (For Kook it was axiomatic that no such Court existed in the present day.) Later, a similar position prohibiting offensive war was taken by the ultra-Orthodox Yeshayahu Karelitz (the *Ḥazon Ish* 1878-1953).<sup>82</sup>

There was, however, an inherent inconsistency in Kook's stance that became evident as time went on. On the one hand, there were those who shared or further developed the irenic aspect of his teaching, and who are represented in Israel today by the religious peace movements. Kook's younger contemporary, Moshe Avigdor Amiel (1883-1946), illustrates this trend. On 25<sup>th</sup> August 1938<sup>83</sup> Amiel wrote to the editor of a Jewish journal in Prague. Amiel, who was at that time Chief Rabbi of Tel Aviv, felt that his criticism of the Zionist policy of restraint (see below) had been misunderstood. He makes clear in his letter that what he had objected to was not restraint, but the impression given by the secular Zionists that military restraint was an act of generosity towards the Arabs. Far from it, it was an *absolute* demand of Torah law, for "Thou shalt not kill" applied irrespective of whether the victim was Arab or Jew, and was the basis of Jewish ethics.

In my opinion, even if we knew for certain that we could bring about the Final Redemption [by killing Arabs] we should reject such a "Redemption" with all our strength, and not be redeemed through blood. Moreover, even if we were to apprehend several Arab murderers, if there was the slightest possibility that one of them was innocent we should not touch them, lest the innocent suffer.<sup>84</sup>

On the other hand Kook's own son Tzvi Yehuda (1891-1982) focussed on his father's irrendendist concept of Redemption through return to the Land: "... the establishment of Jewish sovereignty over Eretz Yisrael is a commandment of the Torah"<sup>85</sup>. Tzvi Yehuda demanded that no land within the Biblical boundaries of Israel be given up voluntarily once settled by Jews, though he did not advocate aggressive conquest. His followers are found today amongst the religious in the "settler" movement.

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<sup>80</sup> Even so, he refused a compromise, acceptable to the secular Zionist leadership, that might have acknowledged Muslim title to the Western Wall. Samson and Fishman, xv-xvi.

<sup>81</sup> Ravitsky 116, based on Kook *Igrot R'ayah* (Jerusalem 1966) 1:140.

<sup>82</sup> Ravitsky 116, based on Karelitz' notes on Maimonides' Code *Melakhim* 5:1 in the Jerusalem, 1957 edition.

<sup>83</sup> It is dated 25 Ab 5698.

<sup>84</sup> The letter (in Hebrew) was republished in *Teḥumin* X: 148.

<sup>85</sup> *Torat Eretz Yisrael*, 165.

*The Israel Defence Forces*

Until the mid-1930's the Zionist leadership in Palestine permitted defensive action only; the policy of *havlaga*, or restraint, was maintained even in the face of the Arab riots of 1920, 1921, 1929 and 1936, and only slightly modified when the British Captain Orde Wingate insisted on the need to take action to prevent further massacres of Jews. It is in the 1930's that the concept of *tohar ha-nesheq* "purity of arms" emerges, demanding minimum force in the attainment of military objectives, and discrimination between combatants and non-combatants.<sup>86</sup> Despite doubts in the face of indiscriminate terrorism *tohar ha-nesheq* remains the guiding rule for the Israeli forces.

The concepts of *havlaga* and *tohar ha-nesheq* arise out of:

- The secular, reformist and neo-Orthodox stress on the ethical and moral values of Judaism.
- Extrapolation from the *halakha* on personal relationships to that on international relationships.
- The desire for moral approval and hence political support from the world community, combined with the naïve belief that military restraint would attain these objectives.

These foundations have sustained a fair degree of consensus among Jews, both religious and secular.

Some extracts from the Israel Defence Forces' (IDF) official Doctrine Statement will amplify these comments<sup>87</sup>.

The IDF Mission is:

- To defend the existence, territorial integrity and sovereignty of the state of Israel.
- To protect the inhabitants of Israel and to combat all forms of terrorism which threaten the daily life.

Basic Points in the Security Doctrine stem from the notion that "Israel cannot afford to lose a single war". The IDF stance is "defensive on the strategic level, no territorial ambitions;" war should be avoided by political means, but a credible deterrent posture maintained.

At the Operational Level "the IDF is subordinate to the directions of the democratic civilian authorities and the laws of the state. Its Basic Values include "Human Dignity - The IDF and its soldiers are obligated to protect human dignity. Every human being is of value regardless of his or her origin, religion, nationality, gender, status or position".

The values are defined as:

- Human Life - The IDF servicemen and women will act in a judicious and safe manner in all they do, out of recognition of the supreme value of human life. During combat

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<sup>86</sup> See Elliot Dorff's remarks in Landes, 177-179.

<sup>87</sup> The extracts are excerpted from the English text on [www.idf.il](http://www.idf.il).

they will endanger themselves and their comrades only to the extent required to carry out their mission.

- Purity of Arms - The IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat. IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war, and will do all in their power to avoid causing harm to their lives, bodies, dignity and property.
- Discipline ... IDF soldiers will be meticulous in giving only lawful orders, and shall refrain from obeying blatantly illegal orders.

The IDF Doctrine Statement is not, of course, a religious document. Nevertheless, it commands broad acceptance among the religious, and that is because of the modern reading of traditional sources which, partly through Zionism, has absorbed both secular and universal ethical elements.

### *Rabbinic debates in Modern Israel*

Israel's need for military defence has generated considerable debate among the religious, and this is reflected in the large number of rabbinic responsa, addressed mainly to individual enquirers, on the conduct of war. Three trends may be discerned:

1. Some of the ultra-Orthodox refuse to serve in the armed forces. This may be because (a) they are *de facto* pacifists, believing that God will defend the faithful, (b) they believe they are “doing their bit” for the country by praying and studying Torah, or (c) they are afraid of “contamination” by the non-Orthodox, in which case they particularly object to the conscription of women.
2. The mainstream Orthodox serve in the regular forces, and consider it their religious duty to defend the land.
3. The Orthodox “settlers”<sup>88</sup> (not all settlers are Orthodox or even religious, and the majority of Orthodox are not settlers) believe they have a religious duty to maintain a Jewish presence wherever possible throughout the biblical “Land of Israel,” though few if any believe there is a religious duty actively to conquer it.

Shlomo Goren (1917–1994), Ashkenazi Chief Rabbi of Israel from 1972-1983, set the tone for Jewish discussion on *jus in bello*:

Human life is undoubtedly a supreme value in Judaism, as expressed both in the *Halacha* and the prophetic ethic. This refers not only to Jews, but to all men created in the image of God.<sup>89</sup>

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<sup>88</sup> “Settlers” does not capture the religious dimension of the Hebrew term *mitnaḥ'lim*, “those who take possession of a rightful inheritance”.

<sup>89</sup> Goren, 211. Goren is at some pains to establish that the correct text of Mishna *Sanhedrin* is “Therefore man was created singly, to teach us that one who causes the loss of a single life is considered by the Torah as though he has caused the loss of an entire world ...” and not as in some copies “one who causes the loss of a single *Jewish* life”; his reading has manuscript support.

We see that God has compassion for the life of idolators and finds it difficult to destroy them. Since we are enjoined to imitate the moral qualities of God, we too should not rejoice over the destruction of the enemies of Israel.<sup>90</sup>

The following are typical of the matters discussed in the responsa and allied literature.

Naḥmanides listed “conquest of the land”<sup>91</sup> as a divine commandment. Naḥum Rabbinowitz, presumably targeting the religious “hawks,” writes that this does not afford “any basis for concluding that war is permitted [in the present era] for the sake of conquest of the Land. What is worse, such a reading entails indifference towards bloodshed. Such indifference undermines the very foundations of society and endangers the entire enterprise of the beginning of our redemption.”<sup>92</sup>

Related to this is the religious status of the Israel-controlled areas of the West Bank, and the question of whether it is permissible to risk life in holding on to them. Chaim David Halevi (b.1925), then Sefardi Chief Rabbi of Tel Aviv/ Jaffa, argued that there was a religious duty to settle in these areas, but not to conquer them by force<sup>93</sup>. He takes issue with some rabbis who had maintained that those territories should be defended at all costs as part of the “land of Israel”, and urges a more pragmatic view on political negotiation.<sup>94</sup>

Several, including the late British Chief Rabbi Lord Jakobovits, have asked, Can land be traded for peace? The land they are talking about is land occupied by Israel as a result of the 1967 war, not land within the internationally recognized borders of Israel. Most, in line with the powerful advocacy of Sefardi Chief Rabbi Ovadya Yosef and Ashkenazi Rabbi Shilo Refael<sup>95</sup>, answered positively, but no Arab offer of peace has been elicited that has been sufficiently reassuring to put the matter to the test.

Is there a *prima facie* religious duty to serve in the army?<sup>96</sup> If so, does it apply to yeshiva students, who are engaged full-time in the study of Torah?<sup>97</sup> Halevi, like others, addresses these questions; but he also speculates on theological matters. Several of his responsa in the aftermath of the Yom Kippur war of 1973, in which Israel had suffered substantial losses, attempt to reconcile the events with divine providence<sup>98</sup>.

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<sup>90</sup> *ibid.* 215.

<sup>91</sup> We remarked above that he probably meant no more than “living in”.

<sup>92</sup> Rabbinowitz in *Teḥumin* 5 (1984), 184, cited by Ravitsky 118.

<sup>93</sup> Halevi ‘*Ase l’kha Rav* Vol. 3 #60, p. 366-67.

<sup>94</sup> Halevi *ibid.* #61, and also his *Dat u-Medina*, 49. There is a fuller discussion by Saul Israeli, Halevi and Mordecai Breuer in the Hebrew publication *Af Sha’al*.

<sup>95</sup> Their papers were published in 1980 by the religious peace movement, *Oz v’Shalom*, for whom they had been written. They were republished in *Teḥumin* 10 (5749/1989).

<sup>96</sup> Halevi *ibid.* #58.

<sup>97</sup> *idem.* Vol. 1 #21.

<sup>98</sup> *ibid.* ##7-9.

## Conclusion

We must now consider how all these traditions and interpretations lead us to address the harsh realities of contemporary international conflict.

Several Jewish religious thinkers, for instance Irving Greenberg among the Orthodox, and Marc Ellis among the liberals, have taken the line that Jewish “empowerment” brings a new responsibility. They exaggerate the degree of Jewish empowerment; Israel is small among the nations of the world, and under constant threat, while the Jewish communities of the United States and other democracies have no power *per se* and only limited influence on the world scene.

Nevertheless, the point is well taken; to the extent that people have power, they have responsibility to use it wisely and justly. Unfortunately, this moral stance does not get us very far. It stirs our consciences, but does not advance clear thinking about either *jus ad bellum* or *jus in bello*.

For Jews today the question of involvement in war arises in two contexts, viz. Israel, and participation in wars of countries of which Jews are citizens. Their religious traditions, as we have seen, afford ample resources to guide them, but must be read within a modern context markedly different from that in which the traditional sources were compiled. Differences include:

1. There is general recognition of the principle of national self-rule (i.e. imperialism is rejected), though it is not always clear what constitutes a nation.
2. At a global level, and in most instances even at the national level, religious pluralism is accepted (i.e. individual religious freedom must be guaranteed, and it is not acceptable to impose religion by force).
3. International communications are better than ever before, and there is at least a semblance of international law and order independent of religious authority.
4. Modern armaments are capable of inflicting large scale damage, but not of discriminating effectively between combatants and non-combatants.

These differences set the parameters within which a Jewish theologian has to re-evaluate traditional sources. On this basis s/he might reasonably conclude:

- Every attempt should be made to settle international disputes by negotiation, not by war nor by the threat of war.
- The only possible just wars are defensive, “defence” being understood as defence of national territorial integrity and/or the physical safety of citizens. In extreme cases attempted “cultural genocide” might afford grounds for defensive war.
- Such wars are not only permissible but mandatory; in appropriate circumstances there is a duty to assist other nations in their defence.
- The extent to which perceived threat rather than the actual onset of hostilities justifies pre-emptive warfare is a matter for judgement in particular cases. Deterrent (preventive) wars, aiming to stop a potential enemy getting to the point at which he might threaten, are less justifiable.
- Territorial or religious expansion does not justify war.

As to the conduct of war:

- Minimum casualties should be inflicted to attain legitimate objectives. This is not the same as minimum force. The threat, or even the use, of maximum force may shorten a conflict and minimise casualties.

- If at all possible non-combatants should be spared. The difficulty of exercising such discrimination with modern weapons of mass destruction means that it is not always possible to spare non-combatants; but on the other hand it would be absurd for a country to surrender to an aggressor simply to save the life of one non-combatant hostage.
- If at all possible there should be no recourse to nuclear, biological and chemical weapons, or other weapons destructive of the environment.
- Hostages should not be taken; prisoners' rights should be respected.

As the phrase "if at all possible" indicates there are few if any absolutes in the conduct of war. A document such as the 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War<sup>99</sup>, and its subsequent Protocols, may attempt to define categories of non-combatants, or may recommend that hospitals be sited as far as possible from military objectives (Article 18), but this is of little help where opposing combatants are targeting hospitals or deliberately siting their own military units in hospitals in order to use the sick as hostages.

Standards can be adopted unilaterally, or set by international agreement, but the moral dilemma arises of whether a party that ignores the standards can be allowed through its perpetration of evil to gain ascendancy over the moral side. Article 7 #1 of the 1981 UN Weapons Convention candidly states "When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations"<sup>100</sup>. But they are not bound by them in their relations with the unbound party.

The legal formulation by no means determines the moral position. However, only a "party" with overwhelming military superiority can afford to be generous towards an unscrupulous foe.

Other interesting questions remain:

- What constitutes "competent authority" to declare war? Traditional Judaism, we have seen, requires a Great Court of 71 justices, as well as divine approval through the oracle of the High Priest, for a "voluntary" war. But as the only allowable wars (in the present world order) are defensive, this unattainable requirement need not be invoked. Is the United Nations the competent authority? In the case of defensive wars, it is unrealistic to expect a country under attack to await authorisation from the UN before defending itself, just as it would be unrealistic to expect a citizen who is about to be mugged to await police authorisation before defending himself. That is why Article 51 of the UN Charter permits self-defence: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security"<sup>101</sup>. The only competent authority is therefore the legitimate national government of the defending state.

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<sup>99</sup> Roberts and Guelff, 271 ff.

<sup>100</sup> UN Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Roberts and Guelff, 473 ff.

<sup>101</sup> Chapter VII Article 51 of the Charter of the United Nations. The text is available on the United Nations website. International lawyers have argued that this permission extends to pre-emptive strikes.

- Terrorism is difficult to fit into any of the traditional categories. If it is state-sponsored, or permitted by a host state, it can be classified as an act of war. Alternatively, it could be viewed as a form of hostage taking.
- The taking of hostages is clearly forbidden by the Jewish sources, since it involves both depriving non-combatants of their freedom and the credible threat of violence against them. On the other hand, traditional sources seem unanimous that one should not yield to an enemy who *has* taken hostages, even though refusal to concede to the hostage-taker's demands may result in harm to innocent hostages.<sup>102</sup>
- What constitutes "territorial expansion"? Where there is a territorial dispute between two nations, as between Israelis and Palestinians, what appears to one side as expansion appears to the other side as recovery of the homeland.

Though the religious principles for engagement in and the conduct of war seem clear, their application in practice is hard to determine. The acute questions that arise in modern warfare tend to be about the assessment of particular situations. For instance, if Iraq under Saddam Hussein had posed a serious (how serious?) threat to the security of the United States or any of its allies (including Israel), and if the threat could not be averted by diplomatic means, *jus ad bellum* would have permitted the United States and its allies (including Britain) to wage war against Iraq. What was questionable was not the principle, but the assessment of the situation.

Likewise, if it was clear either that the Israeli assessment of the Palestinian threat was objectively correct, or that Palestinian accounts of Israel's actions and intentions were objectively correct, it would not be hard to know what to do. The doubts arise through the lack of consensus as to salient facts including the aims of the other side, through subjectivity of judgement, through different perceptions of history, and through the adoption of conflicting value systems.

Again, *jus in bello* demands that non-combatants be spared. But this does not help us to define who is a combatant, nor does it define what degree of sacrifice is necessary to save non-combatants from harm, or what degree of restraint is appropriate to avoid "collateral damage" when using powerful and indiscriminate weaponry.

In sum, it seems that many exponents of contemporary Judaism read the traditional texts in close conformity with secular ethics and international law. This convergence is hardly surprising in view of the interaction between secular ethics, international law and Jewish texts, including those later than the Bible. A minority of fundamentalist rabbis, however, differ on specific issues rather than general principles, in particular with regard to definition of the borders of Israel and the acceptability of relinquishing control of areas of "historic" Israel once conquered.

All share the ideal of peace, and so we close with two Jewish texts extolling its virtue. The first is a rabbinic comment on a verse from the "military oration" of Deuteronomy:

"You shall proclaim peace to it". Great is peace, for even the dead need peace. Great is peace; even in war Israel needs peace. Great is peace, for even those who dwell on high<sup>103</sup> need peace, as it is said, "He makes peace in His high places" (Job 25:2). Great is peace, for the priestly blessing concludes with it. Moses too loved peace, as it is said, "And I sent messengers from the desert of Qedemot ...[with] words of peace ..." (Deuteronomy 2:26)<sup>104</sup>

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<sup>102</sup> Mishna *Terumot* 8:12, and Daube.

<sup>103</sup> Angels.

<sup>104</sup> *Sifré* Deuteronomy 199.

The second is one of the most famous of prophetic visions:

And they shall beat their swords into ploughshares,

And their spears into pruning-hooks

Nation shall not lift up sword against nation,

Neither shall they learn war anymore. (Isaiah 2:4; Micah 4:3.)

### Select English Bibliography

*Note: many of the sources on which the article is based are not available in English.*

- Artson, Bradley Shavit, *Love Peace and Pursue Peace: A Jewish Response to War and Nuclear Annihilation*, New York: United Synagogue of America, 1988.
- Bleich, David J., 'Sale of Arms,' in *Tradition* 20 (1982), 358-9.
- Bleich, David J., *Contemporary Halakhic Problems* II, New York: Ktav, 1983, 159-166 (War and Non-Jews); 169-188 ('The Sanctity of the Liberated Territories'); 189-221 ('Judea and Samaria: Settlement and Return').
- Bleich, David J., *Contemporary Halakhic Problems* III, New York: Ktav, 1989, 251-292 ('Preemptive War in Jewish Law') and 293-305 ('Of Land, Peace and Divine Command').
- Brown, Robert McAfee, Abraham Heschel and David Novak, *Vietnam: Crisis of Conscience*, Association Press: New York, 1967.
- Collins, John J., 'The Zeal of Phinehas: The Bible and the Legitimation of Violence,' in *Journal of Biblical Literature* 122/1 (Spring 2003), 3-21.
- Cohen-Almagor, Raphael, *The boundaries of liberty and tolerance: the struggle against Kahanism in Israel*. University Press of Florida, c1994.
- Crossroads: Halakha and the Modern World*. Zomet: Jerusalem 1987/5747. The volumes of *Crossroads* contain select material based on articles in the Hebrew journal *Teḥumin*.
- Daube, David, *Collaboration with tyranny in Rabbinic law*, Oxford University Press: London, 1965.
- Gendler, Everett E., 'War and the Jewish Tradition,' in Kellner, Menachem (ed.), *Contemporary Jewish Ethics*, New York: HPC, 1978, 189-210.
- Goren, Shlomo, 'Combat morality and the Halakha' in *Crossroads* I (1987), 211-231.
- Hertz, J. H., *Sermons, Addresses and Studies* Vol. 1. London: Soncino Press, 1938.
- Inbar, Efraim, 'War in the Jewish Tradition,' in *Jerusalem Journal of International Relations* 9:2 (1987), 83-99.
- Jakobovits, I., *Territory for Peace?* London: Office of the Chief Rabbi, 1990.
- Johnson, J.T., *Ideology, Reason and the Limitation of War: Religious and Secular Concepts 1200-1749*. Princeton NJ: Princeton University Press, 1977.
- Johnson, J.T., *The Just War Tradition and the Restraint of War*. Princeton NJ: Princeton University Press, 1981.
- Greenberg, Irving, 'Judaism and the Dilemmas of War,' in *Judaism and World Peace: Focus Viet Nam*. New York: Synagogue Council of America, n.d.
- Kelsay, J., 'Islam and the Distinction between Combatants and Noncombatants,' in Kelsay and Johnson, *Cross, crescent, and sword*, 197-220.
- Kelsay, J. and J.T. Johnson (eds.), *Cross, crescent, and sword : the justification and limitation of war in Western and Islamic tradition*. New York: Greenwood, 1990.
- Kelsay, J. and J.T. Johnson (eds.), *Just war and Jihad : historical and theoretical perspectives on war and peace in Western and Islamic traditions*. New York and London : Greenwood, 1991.
- Kook, T.Y. *Torat Eretz Yisrael: The Teachings of HaRav Tzvi Yehuda HaCohen Kook*, with commentary by David Samson. Jerusalem: Torah Eretz Yisrael Publications, 1991.
- Lamm, Maurice, 'After the War — Another Look at Pacifism and Selective Conscientious Objection,' in Kellner, Menachem (ed.), *Contemporary Jewish Ethics*, New York: HPC, 1978, 239-238.

- Landes, Daniel (ed.), *Confronting Omnicide: Jewish Reflections on Weapons of Mass Destruction*. Northvale NJ and London: Jason Aronson, 1991.
- Maimonides, Moses, *The Code of Maimonides (Mishneh Torah) Book 14: The Book of Judges*. Newhaven CT: Yale University Press, 1949.
- Maimonides, Moses, *The Guide of the Perplexed*, tr. Shlomo Pines. 2 vols. Chicago and London: University of Chicago Press, 1963.
- Marx, Tzvi, *Ethics Within the Reality of War*, Jerusalem: Shalom Hartman Institute, undated, after 1982.
- Nardin, T. (ed.), *The Ethics of War and Peace: Religious and Secular Perspectives*. Princeton NJ: Princeton University Press, 1996.
- Niditch, Susan, *War in the Hebrew Bible: A Study in the Ethics of Violence*, New York and Oxford: Oxford University Press, 1993.
- Novak, David, *Law and Theology in Judaism* New York 1974 1:125-135.
- Peli, Pinchas, 'The possession and use of nuclear weapons in the light of the Torah,' in *Ecumenical Institute for Theological Research* (1982-83), 151-162.
- Piron, Mordechai, 'War and Peace in Jewish Thought,' in *Revue Internationale d'Histoire Militaire* 42 (1979), 16-24.
- Ramsey, Paul, *The Just War: Force and Political Responsibility*. New York: Charles Scribner's Sons, 1968.
- Ravitsky, Aviezer, *Messianism, Zionism and Jewish Religious Radicalism*. tr. M. Zwirsky and J. Chipman. Chicago: University of Chicago Press, 1996.
- Ravitsky, Aviezer, 'Prohibited Wars in the Jewish Tradition,' in Nardin, 115-127.
- Ravitsky, Aviezer, 'The Roots of Kahanism,' in *Jerusalem Quarterly* 39 (1986), 98-118.
- Roberts, Adam and Richard Guelff (eds.) *Documents on the Laws of War*. Revised edition. Oxford: Clarendon Press, 1989. (Contains a valuable bibliography.)
- Samson, David and Tzvi Fishman, *Eretz Yisrael: Lights on Orot: The Teachings of HaRav Avraham Yitzhak HaCohen Kook*. Jeruslaem: Torat Eretz Yisrael Publications, 5756 (1996).
- Shapira, Anita, *Land and Power: The Zionist Resort to Force, 1881-1948*, tr. William Templar. Stanford: Stanford University Press, 1999 (reprint of the 1992 Oxford University Press publication).
- Sinclair, Daniel B., 'Conscientious Objection', in *Jewish Law Annual* IX, Chur: Harwood Academic, 1988, 262-5. (Summarises Israel High Court decision 734 / 83)
- Shimoni, Gideon, *The Zionist Ideology*. Hanover MA and London: Brandeis University Press, 1995.\*
- Solomon, Norman, 'Zionism and Religion: The Transformation of an Idea', in *Annual of Rabbinic Judaism* Vol. III (2000), 145-74.
- Vermes, G., *The Complete Dead Sea Scrolls in English*. London: Penguin Press, 1997.
- Wald, Marcus, *Jewish Teaching on Peace*. New York: Bloch, 1944.
- Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, 1977, 1992<sup>2</sup>. THE
- Walzer, Michael, 'War and Peace in the Jewish Tradition,' in Nardin *op. cit.*, 95-112.
- Walzer, Michael, 'The Idea of Holy War in Ancient Israel,' in *Journal of Religious Ethics* 20/2 (Fall 1992) (note exchange with Yoder).
- Weinfeld, Moshe, *Deuteronomy and the Deuteronomistic School*. Oxford: Clarendon Press, 1972.
- Wilcock, Evelyn, *Pacifism and the Jews*, Stroud: Hawthorn Press, 1994.