

Jewish Perspectives on War

The following laws are taken from Maimondes, Mishneh Torah. Please contact the rabbi if you have any questions.

Chapter Three

1. When the new king is seated on his royal throne, he must have a *Sefer Torah* written for himself, in addition to the one he has inherited from his parents. He must have the new copy proofread by the Supreme Court of seventy-one from the copy deposited in the Temple Court. If his parents left him no copy or it was lost, he must write two copies of the Torah: one he should place in his archives; he is ordered to write this one line any member of Israel; the second must not be removed from him except when – he enters a place that is not suitable for reading. When he sets out to make war, it must be with him; when he comes back from war, it must be with him; when he sits in judgment, it must be with him; when he sits down to eat, it must be in front of him, as it is written: “It shall remain with him, and he shall read it all the days of his life” (Deuteronomy 17:19).

Chapter Five

1. At first, the king may wage only a religious war. Which is called a war for religious purposes? The war against the seven nations [of Canaan], the battle against Amalek, in defense of Israel from attacking enemies. Thereafter he may wage an optional war, a war against other peoples, to extend Jewish territory and to augment his military prestige.
2. In the case of a religious war, the king does not have to obtain the sanction of the Supreme Court. He may at any time set out independently and compel the people to come out with him. But in case of an optional war, he can bring out the people only by a decision of the court of seventy-one.

Chapter Six

1. No war is to be waged with anyone in the world before offering him terms of peace, whether it is an optional or a religious war, as it is written: “When you approach a town to attack it, you shall first offer it terms of peace” (Deuteronomy 20:10). If the inhabitants have responded peaceably and accepted the seven precepts imposed upon the descendants of Noah, none of them should be slain but taxed, as it is written: “They shall do forced labor for you and serve you” (11). - - The tax imposed upon them consists in being prepared to serve the king physically and financially, as in the case of building walls and fortifying strongholds, or constructing a palace for the king, and the like. - -
2. It is forbidden to prove false to the pact made with them, to deceive them when they have accepted the terms of peace and the seven precepts.
7. When a city is besieged in order to capture it, it must not be surrounded on all four sides but only on three sides, so as to leave room for a refugee, and anyone who wishes to escape. - -

Chapter Seven

1. Whether in case of a religious or an optional war, a priest is appointed to address the troops; he is anointed with the anointing oil, and is designated as the anointed-for-battle.
2. The anointed-for-battle addresses the troops on two occasions: once on the frontier, when they are about to set out, just before the battle is started; he says to the people: “Is there anyone who has planted a vineyard but has never enjoyed its fruits? Let him go back to his home...” (Deuteronomy 20:6). Hearing this, anyone belonging to this category

within the ranks returns home. The second time, he addresses those joining the battle: “Do not be afraid; do not be alarmed” (3).

3. When the battle lines are drawn up, and they are drawing near the attack, the anointed-for-battle mounts a platform and, facing the armed forces, addresses them in Hebrew: “Hear, O Israel! You are about to join battle with your enemies. Do not lose courage, fear not, tremble not, be not afraid of them; for it is the Lord your God who goes with you, to fight for you against your enemies, to bring you victory” (3-4). Thus far the anointed-for-battle speaks; another priest loudly repeats this to all the people. The anointed-for-battle then continues: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his home... Is there anyone who has planted a vineyard but has never yet enjoyed its fruits? Let him go back to his home... Is there anyone who has betrothed a woman and has not yet taken her as his wife? Let him go back home...” (5-7). Thus far the anointed-for-battle speaks; and an officer loudly repeats this to all the people. Then the officer continues on his own: “Is there anyone who is afraid and weakhearted? Let him go back home” (8); and another officer loudly repeats this to all the people.
4. When all those entitled to return home have gone back from among the troops, the battle lines are set in order; military officers are appointed to head the troops; strong and brave guards are stationed behind each line; they hold iron axes in their hands. If anyone desires to retreat from the battle field, they have a right to cut off his leg, since flight is the beginning of defeat. - -
9. All those who went back home from among the troops, after hearing the priest’s proclamation, return now and provide water and food for their fellow soldiers and fix the roads.
15. “Anyone who is afraid and weakhearted” is to be understood literally; that is, his heart is not strong enough to join the battle ranks. But after joining the battle ranks, he must rely on God who is the hope of Israel, its savior in time of need. He should know that he is fighting for the Oneness of God; he should take his life in his hand, and fear nothing; he should not think of his wife nor of his children but blot out their memory from his mind and concentrate on the battle. Anyone who starts thinking and reflecting in the midst of battle, and gets himself alarmed, transgresses a prohibitive command, as it is written: “Be not weakhearted or afraid; be neither alarmed nor frightened by them” (3). Furthermore, he is answerable for all the blood of Israel. If he has not fought with all his heart and soul, it is as if he had shed the blood of all as it is written. “Lest his comrades lose heart like himself”(8). - -

SOURCE: MISHNEH TORAH MAIMONIDES’ CODE OF LAW AND ETHICS – Abridged and Translated from the Hebrew by Philip Birnbaum