Ideology and Reality, Individual and Community: Biblical and Rabbinic Perspectives on War

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Dr. Diamond is the author of a chapter on the rabbinic period in the Schocken Guide to Jewish Books, and entries in the Reader’s Guide to Judaism and The Encyclopedia of the Bible and Its Reception. He is the author of Holy Men and Hunger Artists: Fasting and Asceticism in Rabbinic Culture (Oxford University Press, 2003). The book provides a thorough reassessment of the role that asceticism plays in rabbinic Judaism, suggesting that asceticism is more pervasive than is generally thought. Dr. Diamond has written on prayer, asceticism, and issues of environmental law and ethics. He is currently editing a commentary on Yerushalmi Pesahim written by the late Professor Louis Ginzberg, as well as a book on prayer. The prayer volume will address the problem of cognitive dissonance for the contemporary worshipper and will offer readings of traditional liturgy that use midrashic methodology to find meaning and relevance in these prayers for the modern Jew. Dr. Diamond has taught in a variety of settings, including Stern College, the Reconstructionist Rabbinical College, the 92nd Street Y, and several Ramah camps. Dr. Diamond was ordained at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University and received his doctorate in Talmud from JTS.
I. The Biblical texts

A. Deuteronomy 20: 1-9

1. When you [an Israelite warrior] take the field against your enemies and see horses and chariots—forces larger than yours—have no fear of them, for your God, who brought you from the land of Egypt, is with you.

2. Before you join battle, the priest shall come forward and address the troops.

3. He shall say to them, “Hear, O Israel! You are about to join battle with your enemy. Let not your courage falter. Do not be in fear, or in panic, or in dread of them.

4. For it is your God who marches with you to do battle for you against your enemy, to bring you victory.”

5. Then the officials shall address the troops, as follows: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his
6. Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another dedicate it.

7. Is there anyone who has paid the bride-price for a wife, but who has not yet taken her [into his household]? Let him go back to his home, lest he die in battle and another take her [into his household as his wife].”

8. The officials shall go on addressing the troops and say, “Is there anyone afraid and disheartened? Let him go back to his home, lest the courage of his comrades flag like his.”

9. When the officials have finished addressing the troops, army commanders shall assume command of the troops.
### II. The initial declaration: command or assurance?

**A. Mishneh Torah, Laws of Kings and Their Wars, 7,15**

> Anyone who begins to feel anxious and worry in the midst of battle to the point where he frightens himself violates a negative commandment, as it is written: "Do not be faint-hearted. Do not be afraid. Do not panic and do not break ranks before them (Deuteronomy 20:3)."

**B. Ramban’s glosses to Rambam’s Book of Commandments, Prohibition 58**

Rambam wrote: The 58th prohibition is that we are forbidden to fear the infidels (!) in war time. God, the Exalted One, says, “Do not be in dread of them,” and the prohibition is repeated: “do not fear them.”...However, this is an assurance, not a commandment.
III. The mention of “your enemies” as motivation

A. Mishnah Sota 8:1

“And he shall say to them: Hear Israel, you draw near today to battle against your enemies” (Deuteronomy 20:3). “Against your enemies” and not against your brothers. This is not a war of the tribe of Judah against Simon and not Simon against Benjamin, such that if you fall into their hands your brothers will have mercy on you, as it is stated with regard to a war between Judah and Israel: “And the men that have been mentioned by name rose up, and took the captives, and with the spoil clothed all that were naked among them, and arrayed them, and shod them, and gave them to eat and to drink, and anointed them, and carried all the feeble of them upon donkeys, and brought them to Jericho, the city of palm trees, unto their brethren; then they returned to Samaria” (II Chronicles 28:15). Rather, you are marching to war against your enemies, and if you fall into their hands, they will not have mercy on you.
**B. Commentary of the Malbim, (Meir Leibush ben Yehiel Michel Wisser, Poland, March 7, 1809 – September 18, 1879) on Deuteronomy 20:3**

"You are about to join battle with your enemy." A soldier is motivated to risk one's life in battle if one knows that if one is defeated one has no hope [of survival], as it is said, “There is no one more courageous than someone who has nothing to lose.”

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**IV. A source of fear: the chaos of battle**

1. Mishnah Sota 8, 1

“Let not your heart faint; fear not, nor be alarmed, and do not be terrified of them” (Deuteronomy 20:3). “Let not your heart faint” due to the neighing of horses and the sharpening of the enemy’s swords. “Fear not” due to the knocking of shields [terisin, from the Greek θυρεός, an elongated shield] and the noise of their boots [calgassin, from the Latin caliga, military boots; sometimes used metonymically to refer to the soldiers themselves; think of the expression “boots on the ground”]. “Nor be alarmed” by the sound of their trumpets [keranot, from the Latin cornua, horn; but see Joshua 6:5]. “Do not be terrified” due to the sound of shouts.

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1 I was not able to locate the source of this epigram.
V. The relationship between the declaration and the exemptions

A. Bavli Sotah 42 a-b

| With respect to the mishna’s comments about the verse: “Let not your heart faint; fear not, nor be alarmed, and do not be terrified of them” (Deuteronomy 20:3), the Sages taught (Tosefta 7:18): The priest speaks with them twice, one time when they are gathered for war at the border, and one time when they are on the battlefield itself. When they are at the border, what does he say? Hear my words concerning the regulations of war and consider who is fit to participate in the battle. And return home, all of you who are exempt from combat. What does he say on the battlefield? “Let not your heart faint; fear not, nor be alarmed, and do not be terrified of them.” | "אל ירַלְבַּבְכֶם אל תירַאוּ תוכו". [טושפתו ב병ולמה.] |
He states *to save you* meaning that they will be spared in battle and that not a man among them will be missing, for it would be possible that they vanquish their enemies and that many of them, too, would die, as is the way of battles.

Therefore, Joshua cried out when *about thirty and six men* fell in [the battle of] Ai, for in His obligatory war *not one hair of their heads should have fallen to the ground, for the battle is the Eternal’s.*

Now the priest who serves G-d is to admonish [the warriors] to fear Him and give them assurance [of His help]. The officers, however, speak in the customary way of the world, *lest he die in the battle,* for in the normal course of events even some of the victors die.
C. Mishnah Sota, 8, 3

The mishna continues its discussion of the speech given before battle. “And the officers shall speak further to the people, and they shall say: What man is there that is fearful and fainthearted? Let him go and return unto his house” (Deuteronomy 20:8).

Rabbi Akiva says: “That is fearful and fainthearted” is to be understood as it indicates, namely, that the man is unable to stand in the battle ranks and to see a drawn sword because it will terrify him. Rabbi Yosei HaGelili says: “That is fearful and fainthearted”; this is one who is afraid because of the sins that he has; he, too, returns. Therefore, the Torah provided him with all these additional reasons for exemption from the army so he can ascribe his leaving to one of them.

D. Abravanel’s commentary to Deuteronomy 20:10

The third argument [for offering a peace settlement before engaging in battle] is that victory in war is never assured…We have often seen that a large army is defeated by a smaller one…Often those who are prevailing are defeated when fear destroys them. Sometimes the righteous prevail and sometimes they are defeated…Therefore it is better to seek peace than to rely on [always] uncertain victory.
VI. What is the rationale for the exemptions?

A. Ramban’s commentary on Deuteronomy 20:4

He commanded that these three categories [of people] return because one’s heart is on his [new] house, vineyard, and wife and he will [be the first to] flee.

B. Deuteronomy 28:30

If you [a man] pay the bride-price for a wife, another man shall enjoy her. If you build a house, you shall not live in it. If you plant a vineyard, you shall not harvest it.

C. Rashi’s comment on Deuteronomy 20:5

[LEST HE DIE IN THE WAR] AND ANOTHER MAN DEDICATE IT — which is a matter that causes grief of mind.
D. Gur Aryeh, the Maharal of Pragues' supercommentary on Rashi’s Torah commentary, Deuteronomy 20:5

And it would seem that there are those who, contemplating the possibility that someone else will take possession of what was supposed to be his, will experience weakness of spirit, as Rashi explained: “This causes grief of mind”. And because he experiences weakness of spirit, he encounters misfortune and dies on the battlefield. And it is this mindset that causes his death.

E. Torah Temima, an anthological commentary on the Torah, authored by Baruch ha-Levi Epstein (Novarodok and Pinsk, 1860–1941)

“And another will dedicate it” – perhaps “another” means his son or his cousin? It is stated here “another” and it is stated elsewhere (Deuteronomy 28:30) “another”. Just as “another” there refers to a stranger, so too “another” here refers to a stranger (Sifre).
F. Commentary of R. Samson Raphael Hirsch, Deuteronomy 20:5

The Torah emphasizes the crucial importance [even] in wartime of the normal peacetime tasks. When it explains the reason for returning from the battlefield is does not say that [the concern is that] the house will remain uninhabited, that the field will not be worked and that the woman will remain a widow, but rather: perhaps he will die in war and another will dedicate [the house], redeem [the vineyard], or marry [one’s betrothed]. From this we learn of the Torah’s insistence that every individual complete the normal tasks of peacetime. Therefore, one who was about to engage in such tasks when they were new to him [and one had not engaged in them] was exempt from military duty.

VII. The nature of the exemptions

A. Mishnah Sota 8:2

Each of these men, although they are exempt, still hear the address of the priest and the regulations of war at the local camp, and thereafter they return to their respective homes. However, they still support the war effort, and they provide water and food for the soldiers and repair the roads.

ולא אלו שמעו דבריך, כלום מערכין, מלמה יזרעיה, ונפסוקים ממיו עופנים; ומתקינו את הדריכים:

כֹּל אֵלּוּ שׁוֹמְﬠִין דִּבְרֵי כֹהֵן מֵﬠֶרְכֵי מִלְחָמָה וְחוֹזְרִין, וּמְסַפְּקִין מַיִם וּמָזוֹן וּמְתַקְּנִין אֶת הַדְּרָכִים:
B. Meshekh Hokhmah, a commentary on the Torah written by Meir Simcha HaKohen Dvinsk (1843-1926), Deuteronomy 20:5

"He shall depart and return to his home": This means that he should leave the battlefield in order to supply water and sustenance and to repair the roads (Sota 43a in the Mishnah) so that at the war’s conclusion he will be able to return to his home, and he will not be swept up [i.e., killed] in battle.

C. Mishnah Sota 8, 4

These are the men who do not even move from their places because they do not even report to the camp: One who built a house and dedicated it within the year; one who planted a vineyard and used its fruit for less than a year; one who marries his betrothed and one who marries his yevama, his brother’s widow who must enter into a levirate marriage or perform ḥalitza, as it is stated: “When a man takes a new wife, he shall not go out with the army… he shall be free for his house one year, and shall cheer his wife whom he has taken” (Deuteronomy 24:5). The mishna interprets the verse as follows: “For his house”; this means his house that he built. “He shall be”; this term includes his vineyard. “And shall cheer his wife”; this is his wife. “Whom he has taken”; this phrase comes to include his yevama, who is considered his wife with respect to this halakha although he has not yet married her. Those who are exempt for these reasons do not even provide water and food to the soldiers, and they do not repair the roads.
The mishna adds: **In what case are all of these statements, with regard to the various exemptions from war, said?** They are said **with regard to elective wars.** But in **wars** whose mandate is a **mitzva,** everyone goes, even a groom from his room and a bride from her wedding canopy. **Rabbi Yehuda said:** **In what case are all of these statements, with regard to the various exemptions from war, said?** They are said **with regard to wars** whose mandate is a **mitzva.** But in **obligatory wars,** everyone goes, even a groom from his room and a bride from her wedding canopy.
A king should not wage other wars before a *milchemet mitzvah*. What is considered as *milchemet mitzvah*? The war against the seven nations who occupied *Eretz Yisrael*, the war against Amalek, and a war fought to assist Israel from an enemy which attacks them. Afterwards, he may wage a *milchemet hareshut*, i.e., a war fought with other nations in order to expand the borders of Israel or magnify its greatness and reputation.

There is no need to seek the permission of the court to wage a *milchemet mitzvah*. Rather, he may go out on his own volition and force the nation to go out with him. In contrast, he may not lead the nation out to wage a *milchemat hareshut* unless the court of seventy-one judges approves.
E. Yerushalmi Sota 8, 10

The Sages say: a *milhemet mitzvah* – these are the battles fought by David; a *milhemet hovah* – these are the battles fought by Joshua.

R. Judah called *milhemet reshut* those wars in which we are the aggressors. *Milhemet hova* is one in which the enemy are the aggressors.

Rabbini Amarim, מלחמת מצוה זו מלחמת דוד מלחמת חובה זו מלחמת יושע.

רב יהודה היה קורא מלחמה רשות
כנון אין דאתו עליהו מלחמת חובה
כנון דאתני אינו עליך.

VIII. The “Levite exemption”

A. Mishneh Torah, Laws of Shemittah and Yovel, 12, 13

Not only the tribe of Levi, but any one of the inhabitants of the world whose spirit generously motivates him and he understands with his wisdom to set himself aside and stand before God to serve Him and minister to Him and to know God, proceeding justly as God made him, removing from his neck the yoke of the many reckonings which people seek, he is sanctified as holy of holies. God will be His portion and heritage forever and will provide what is sufficient for him in this world like He provides for the priests and the Levites. And thus David declared [Psalms 16:5]: "God is the lot of my portion; You are my cup, You support my lot."

וַלֵּא שֵׁבֶט לֵוִי בִּלְבַד אֶלָּא כָּל אִישׁ וְאִישׁ מִכָּל בָּאֵי הָעוֹלָם אֲשֶׁר נָדְבָה רֹוֹחְוָו וְאִישׁ מַדָּעוֹ לְהִבָּדֵל לְﬠֹלָם לִפְנֵי ה’ לְשָׁרְתוֹ וּלְﬠָבְדוֹ יָשָׁר כְּמוֹ לְדֵﬠָה אֶת ה’ וּלְﬠָבְדוֹ צַ ה’ כְּמוֹ שֵׁשַעֲשֵׁהוּ הָאֱלֹהִים ופֶּרֶךְ מֵעַל צַ ‘וָאֵנְאָה בְּנֵי הָאָדָם אֲשֶׁר בִּקְּשׁוּ בְּנֵי הָאָדָם הֲרֵי זֶה נִתְקַדֵּשׁ קֹדֶשׁ קָדָשִׁים וְיִהְיֶה ה’ חֶלְקִי וְנַחֲלָתוֹ לְעוֹלָם וְלְעוֹלְמֵי עוֹלָמִים וְיִזְכֶּה לוֹ בָּעַל הַחֶשְׁבּוֹנוֹת הָרַבִּים אֲשֶׁר בִּקְּשׁוּ בְּנֵי הָאָדָם הֲרֵי זֶה נִתְקַדֵּשׁ קֹדֶשׁ קָדָשִׁים וְיִהְיֶה ה’ חֶלְקִי וְנַחֲלָתוֹ לְﬠ涸ִלֵּם וּלְﬠԶוּלִים וּלְﬠ/read_more

A יון תומך וכל" (תהלים טז ה).