

Rules of Engagement

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Jewish Law relates to every dimension of the human experience, from bedroom to boardroom, from cradle to the grave. The all-encompassing nature of Torah maintains no less on the national plane than it does in the individual sphere, and it should therefore be no surprise that the act of war falls within the bailiwick of halakha. The foundation of the Torah's war legislation is, hopefully not surprisingly to us, that bloodshed, under the very best of circumstances, is a necessary evil.

Necessary, in as much as the Torah does not counsel naivete in any area of human life, and certainly not in the area in which we can least afford it. When faced with an implacable and belligerent foe, self-immolating pacifism is not a viable halakhic option. In Chazal's celebrated maxim, **השבא להורגך, השכם והרגו**,¹ if someone has arise to take one's life, he is obligated to defend himself.

Yet, if necessary, evil still, in as much as we aim to be faithful servants of the Almighty, whose very name and essence are peace, who is Father and Creator even to the wicked, those against whom we have no choice but to turn our swords, our automatic rifles, and fighter jets in response to unrelenting terror. In the case of David, even if, in the vast majority of the cases, the bloodshed was warranted, the fact remains that his status as a man of war, **איש מלחמה**, prevented him from being the builder of the Mikdash.²

This philosophy of war expresses itself clearly in three of the rules of engagement prescribed by the Torah. First, according to Rambam³, the Jewish people are required to offer articles of peace prior to commencing hostilities⁴. Second, when laying siege to an enemy bastion, a corridor for refugees from the city must be left available for those who choose to flee⁵. Third, the Torah proscribes a scorched earth policy in enemy territory⁶. The first two of these regulations underscore the inestimable value the Torah places on human life, seeking to avert bloodshed both before the first shot is fired, and even after the battle has opened. The third goes one step further, mandating sensitivity not only to human life, but to the integrity of the environment even as, in Lincoln's phrase, the 'mighty scourge of war' rages.

Given the conceptual import of these rules of engagement, it is particularly noteworthy that the Torah overrides all but the second one⁷ (allowing a corridor for

¹ תלמוד בבלי מסכת סנהדרין עב.

² דברי הימים א, כח:ג

³ משנה תורה הלכות מלכים ו:א, ו:ה

⁴ עיין שם (הלכה ו) לחריגים של עמון ומואב.

⁵ (שם) הלכה ז

⁶ (שם) הלכה ח על סמך דברים כ:ט

⁷ (שם) הלכה ז

refugees) in the war against Midian that is prescribed in this week's sedra, and waged in the following parshah. Our Sages⁸, interpreting the extraordinary language that the Torah employs in introducing the war on Midian, צָרֹר אֶת הַמִּדְיָאִיִּים, 'you must be enemies of the Midianites,' perceived that, in this instance, total war was being prescribed. No peace overture was to be issued. The land would be laid waste. What about Midian made this departure from dearly held values absolutely necessary?

Amongst a number of factors, one towers far above the rest. As the Torah elaborates, it is 'on account of Kozbi, daughter of the King of Midian their sister, who was struck down on the day of the plague of Pe'or.' There was something totally and uniquely offensive about how the method employed by the Midianites in attacking the Jewish people.

To paraphrase Rashi⁹, the Midianites hated the Children of Israel more than they loved their own children, and used their own daughters as sexual objects to seduce the Jewish people. Jews were killed, but so were their daughters, and this was precisely how the Midianites drew it up; as Ramban notes¹⁰, it is inconceivable that a princess would be sent to the front of battle if the order had not come from the very top. The Midianite leadership organized a systematic campaign of mass child sacrifice in pursuit of their agenda.

What emerges from the unique terms of the war against Midian, admittedly circumscribed to that particular generation, is reminiscent of the eternal Jewish battle against Amalek¹¹.

Total war can only emerge as a legitimate halakhic option when the enemy is uniquely corrupt and perverse, rotten to the very core; Amalek demonstrated this with a merciless targeted attack on the elderly and weak, whilst the Midianites revealed the character of their society by sending Kozbi, and the rest of the daughters of Midian, to be violated.

If Golda Meir was unwilling to forgive our enemies for making us kill their children, and rightfully so, the Torah was equally unprepared to forgive those who would turn on their own.

⁸ במדבר רבה כא:ה-ו. ועיין שם שוב לחריגים של עמון ומואב לעניין קריאת שלום וגם לעניין בל תשחית, שנוהגת לדורות, ולא רק לפי שעה, כמו מדין.

⁹ במדבר כה:יח ד"ה כי צררים הם לכם

¹⁰ פירוש רמב"ן על התורה (שם)

¹¹ Though not precisely the same, as female children and animals were not targeted.