

# Violence

- Jews are traditionally not prone to violence to settle disputes
  - From live comedy show on how various ethnic groups react to being mugged in a dark alley in New York. "Jews: 'You mess with me and I'll sue your tail!'"
- Judaism disdains violence, yet is not pacifist
  - Violence permitted in self-defense:
    - If someone comes to kill you, kill him first  
[if that is the only way to stop him]. [Berachot 58a]
- Judaism reduced endorsement of violence through history. Examples:

## 1. Retaliation

**Torah:** An eye for an eye, a tooth for a tooth [Ex. 21:23-5; Lev 24:20, Deut. 19:21].

**Talmud:** Always interpreted as monetary compensation. [Baba Kamma 83b-84a]

Long list of reasons, among them:

- R. Dostai b. Yehudah says: It does not mean actual retaliation, because if the eye of one was big and the eye of the other small, one weak and one strong, they would not be equivalent, and the Torah says in Leviticus,  
    You shall have only one standard of law, for you, for your countrymen, and for the stranger... [Lev. 24:22]  
Justice must be evenly applied. So monetary compensation is implied. Money is the great equalizer.
- R. Shim'on bar Yochai says: 'Eye for eye' means monetary compensation. If it really meant retaliation, what would you do if a blind man put out the eye of another man, or if a person missing both hands cut off the hand of another, or if a person missing both legs broke the leg of another? You could not physically retaliate in kind. Yet the Torah says, 'You shall have only one standard of law', which implies that the law should be applied the same way to all. So it means monetary compensation.
- Abbaye said [in the name of the School of Hezekiah]: It says in Exodus: 'life for life, eye for eye'. It does not say 'life \*and eye\* for eye'. If one retaliated in kind, it could happen that the offender would die while he is being blinded. This would be unfair, and cannot be predicted or prevented, so monetary compensation is meant.

## 2. Death penalty

Not applied since 30 CE. Talmud lists many strict legal requirements before it can be applied: Two observant independent eyewitnesses, unrelated to accused or each other, prior instruction to accused, etc. Conviction close to impossible.

- Mishna [Makkot 7a]:
  - A court that sentences one person to death in 7 years is a bloody court
  - Rabbi Eleazar ben Azariah: It's once in 70 years
  - Rabbis Tarfon and Akiva: If we were on the court, no one would ever have been put to death
  - Rabbi Shim'on ben Gamliel: Great, and murderers would have a field day in Israel.
- Rambam: It is better... to acquit a thousand guilty persons than to put a single innocent one to death. [Sefer Hamitzvot, negative commandment 290]

### 3. Flogging

Last legal violent punishment (see Tractate Makkot), but slowly fell into disuse, being replaced by monetary fines [Luria [16th cent.], Yam shel Shlomoh, BK 8:48]

### 4. War

- Three types of war: [Rambam, Laws of Kings 5:1]
  - Milchemet chovah**. Holy or obligatory war, directed directly by God in Tanach.
    - Against Amalek [Deut.25:17] and the 7 nations of Canaan [Deut. 20:16].
    - Inapplicable today because we can no longer identify these people
      - Talmud [Yoma 54a]:
        - But Sennacherib, King of Assyria, had come up already and confused all the lands as it is said: 'I have removed the bounds of the peoples,' [Isa. 10:13]
      - So rabbis decreed that the 7 nations of Canaan no longer exist because the Assyrians (not the Israelites) wiped them out.
      - Rabbi Hayim Palaggi (19<sup>th</sup> cent.): We lost the tradition of how to distinguish Amalekites from others [Eynei Kol Hai, 73, on Sanhedrin 96b].
  - Milchemet mitzvah**. Commanded war, in self-defense, after being attacked.
  - Milchemet reshut**. Discretionary war, such as war of conquest (King David's expansions), or pre-emptive war (Six-Day War?), or to help people overthrow a tyrant (US in Iraq), etc.).
    - Requires permission of Sanhedrin (not king alone). Today: No Sanhedrin.
- Many rules to mitigate effects of war:
  - Always seek a just peace before waging war [Deut. 20:10]
  - Minimize injury to noncombatants or property
  - To besiege a city, surround it on only 3 sides to allow escape path
  - Do not destroy fruit trees (Deut. 20:19,20), or break vessels, or tear clothing, or wreck that which is built up, or stop fountains, or destroy food, or kill animals needlessly.
  - Be lenient towards enemy after victory
- One reason to be lenient towards enemy is that the wicked do not always stay wicked – they or their descendants may eventually see the light.

-The greatest hero is one who turns his enemy into a friend.

[Talmud - Avot de Rabbi Natan 23]

Examples:

-Sons of Korach (wrote 11 of the psalms).

-Also Talmud [Sanhedrin 96b]:

Our Rabbis taught:

-Naaman was a resident alien [Ger toshav, one who gives up idolatry in exchange for citizenship].

[He was a Syrian commander in the days of the Kingdom of Israel.][2Kings 5:1]

-Nebuzaradan was a righteous convert.

[He was the Babylonian commander who destroyed Jerusalem and the First Temple and deported the Jews of Judah.][2Kings 25:8]

-The descendants of Sisera studied Torah [and taught children-- Gittin 57b] in Jerusalem.

[He was a Canaanite general who oppressed the Israelites for 20 years [Judges 4:2]. R' Akiva was a descendant. He was killed by Yael, and when he died his mother cried 101 cries, and that's why we blow the shofar 100 blasts on Rosh Hashana: 100 of her cries were anger at the Jews, and the shofar drowns these out; 1 cry for love for her son, and we do not counter that one. [Midrash].]

-The descendants of Sennacherib taught Torah to the multitude.

[He was the Assyrian king who waged war against the kingdom of Judah.][2Kings 18:13]

-Who were these [descendants]? Shema'iah and Avtalion.

[They were the lead rabbis that preceded Hillel and Shammai.]

-The descendants of Haman studied Torah in Bnai Brak.

[Haman was the Persian who tried to destroy the Jews in the story of Purim.][Esther 3:1]

[Note: The only descendants identified by name were those who themselves revealed their non-Jewish origin.]

-Isolated acts of violence are regularly condemned by Jewish establishment, especially vigilantism (latter-day Pinchas's).

-Religion of laws and commandments, no individual can take law in his hands.

-Jews do not glorify violence

-No "dancing in the streets" after enemies are of necessity killed in war.

-Do not rejoice when your enemy falls, and do not let your heart be glad when he stumbles, lest the Lord see it and it displease him, and he turn away his wrath from [your enemy]. (Proverbs 24:17-18)

-Concessions allowed for sake of peace, if they will avoid bloodshed

-When trouble arises, Jews always call for "dialogue"

-Trouble with Muslims, Arabs, Christian groups, Blacks? Dialogue.

-Too quick? Should we give them more time to ask *us* for dialogue?

-Yet can all necessary tasks be accomplished without violence?

-No. Change is sometimes necessary and sometimes only violence can bring it about (even if it goes against official teaching).

1. Jews wondering whether to rise against Greeks (Hanukkah, 164 BCE)
2. Jews wondering whether to rise against Romans (fall of Temple, 70 CE)
3. Jews wondering whether to rise against Romans again (Diaspora, 135)
4. Jews of Europe wondering whether to try to leave when Naziism was slowly on the rise (early 1930s)
5. Lubavitch Hassidim wondering whether to leave New York in light of problems with Blacks (1980s)

-In all cases, leaders counseled against change. **They always do** (they are old, set in their ways, want to keep power, think they can deal peacefully with the devil they know, etc.). They are sometimes right (2,3,5), sometimes wrong (1,4).  
-“The people” have to go against teaching and establishment to effect needed change.

-Jews recognized as fundamentally non-violent

**Jean-Paul Sartre:** The Jews are the mildest of men, passionately hostile to violence. That obstinate sweetness which they conserve in the midst of the most atrocious persecution, that sense of justice and of reason which they put up as their sole defense against a hostile, brutal, and unjust society, is perhaps the best part of the message they bring to us and the true mark of their greatness.  
[1946, Reflexions sur la question juive]