

BOOK REVIEW

War and Peace in the Jewish Tradition

by SCHIFFMAN, LAWRENCE AND WOLOWELSKY, JOEL (EDS),
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Reviewed by
Avi Woolf

During the Middle Ages, Jews and warfare traveled parallel roads, never to meet. Jews, as a general rule, avoided or were forbidden from engaging in warfare. Most major medieval commentators shied away from any systematic discussion of Jewish rules of war even on a theoretical level, both out of an aversion to violence, as well as a fear of suspicion from the non-Jewish authorities. Indeed, the effort by Maimonides to systematically establish the rules of war for Jews stands out precisely because no remotely comparable attempt was made by anyone else to discuss how, and when, Jews should fight.

Even when Jews were enlisted *en masse* into European armies in the modern era, Rabbinic and Orthodox Jewish efforts focused mostly on maintaining the individual spiritual well-being of the soldiers (Judith Bleich's article in the volume under review provides a good summary of this, the pre-Israel period). Little thought was given to the ethics of war itself—both the justification of waging war and proper conduct during hostilities.

The need for rabbinic discourse on proper conduct was especially important in Mandatory Palestine, where Jews in the Haganah and other organizations actively fought against Arabs. Rabbis such as Isaac Halevi Herzog (First Chief Rabbi of Israel, 1948-1959) and Moshe Avigdor Amiel (Chief Rabbi of Tel Aviv, 1936-1945) were involved in the attempt to ensure that Jewish militia forces maintained their morality during the Arab Revolt. Nevertheless, this effort was short lived and consisted more of general moral exhortations rather than specific guidelines of proper conduct. Even the establishment of the State of Israel led to only a brief spurt of writing on the subject. A survey of the articles written in *Torah U-Medinah*, the forerunner to the present-day rabbinic journal *Tehumin* which was published in the 1950's in Israel, is revealing. It shows that articles dedicated to halakhic attitudes to war stopped appearing after 1954, the year that R. Shaul Yisraeli published his famous and controversial article "The Qibiya Incident in light of Halakha."¹ This was in spite of the fact that the journal continued to appear until 1962.

The past few decades have seen a complete reversal in this general trend of avoidance. In the US as well as in Israel, the discussion of the halakhic and “Jewish” attitude to war and warfare has become a growth industry. Every war since Vietnam, and especially the first Lebanon War in 1982, has led to a fresh outpouring of writings, lectures and symposia on war and the proper conduct therein. An increasing number of rabbinic articles directly address the various dilemmas soldiers face in modern-day war, especially against terrorists who hide among the civilian population. Indeed, many of the collected works of responsa written by principals and teachers of *Hesder* yeshivot contain important sections dealing with the importance of maintaining morality in war-time. R. Shlomo Goren’s monumental work of responsa, *Meishiv Milhama*, published over the course of the 1980’s, was thus the first of many pioneering rabbinic attempts to discuss moral warfare.²

A major problem that has informed much, if not most, of the rabbinic and academic literature on the subject of war in Jewish thought is the lack of sophisticated discussion and knowledge of modern war, as well as present discourse on military ethics in international law and Western ethics. Beyond a passing familiarity with the bare bones of works such as the Geneva Convention or Michael Walzer’s classic, *Just and Unjust Wars*, Orthodox Jewish discussion of these matters often takes on the air of a detached, theoretical discussion of war with little resemblance to harsh realities on the ground, regardless of whether the position is “Left-wing” or “Right-wing.” Even more troublesome is the lack of knowledge of different types of war, as if ethics involving wars between two armies can be artificially imposed on the more complicated issue of fighting a war against terrorists, without carefully taking into account the differences between the two.

The importance of this last point cannot be underestimated. A rabbi commenting on medical matters should be familiar with modern medicine, or at least consult with doctors who are. Those who give advice for proper conduct in a similar reality that involves making life-and-death decisions on a daily basis should be familiar with that reality’s rules.

It is against this background that the editors of the volume under review are to be commended for producing a volume that tackles the many thorny issues of contemporary warfare head-on, both from a Western and a Jewish perspective. While the volume does contain a number of important and interesting discussions of a more theoretical nature such as Shalom Carmy’s and Norman Lamm’s articles on Amalek, as well as Lawrence Schiffman’s piece on War in Jewish Apocalyptic thought, the majority of the volume provides insightful, readable articles on issues

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directly relevant to Jewish soldiers and officers, whether in the IDF or in other armies.

In my opinion, the editors' decision to include articles discussing the secular western views of war ethics and developments in international law was the right one. The three articles discussing this viewpoint provide highly informative, thorough essays on the theory (Herb Leventer), practice (Yosefi M. Seltzer) and political pitfalls (Michla Pomerance) of international war law in an age almost entirely dominated by non-conventional "guerilla" warfare, known in professional parlance as Low Intensity Conflicts or LIC's. While Leventer's essay is a must-read for anyone who wants to understand the intellectual foundations of present international war law, Pomerance provides an important counterpoint in showing the difficulties involved in implementing it in practice, both due to the difficulties of warfare and the misuse of international law for political ends.

Seltzer's article on the US Army's legal attitude towards the War on Terror is an especially important and informative demonstration of the need to balance international norms and the need to fight those who violate them incessantly. It gives a reliable portrait of an army currently engaged in the type of warfare that dominates, and will continue to dominate warfare for the foreseeable future—LIC's. Indeed, what would have made this discussion even more fruitful would have been a presentation by a member of the IDF Military Advocate General on IDF policy during the Al-Aqsa Intifada. Such a presentation would have given an important comparative context for the discussion of Jewish ethics in wartime.

Obviously, though, the bulk of the articles discussing war do so from a Jewish perspective. Nevertheless, nearly all do so with an eye to keeping the discussion relevant to present day warfare and political realities. Michael Broyde's article is perhaps the most thorough exemplar of this approach, combining an extremely wide knowledge of Orthodox Jewish material on war with a thorough familiarity with international law and modern warfare. Though Broyde's opinions have been the matter of some controversy (see the debate between Broyde, Aryeh Klapper and Benjamin Ish-Shalom in *Me'orot* 6:1 (2006)), the article is nevertheless a very important source for discussion of warfare and Judaism for two reasons. First, Broyde clarifies and discusses almost all the extant issues of war and warfare, as well as the various positions. Second, he brings to bear a large amount of sources on the subject, including sources that contradict his own position. The endnotes of his article provide a virtual treasure trove of sources for anyone interested in doing their own study of halakha and war, regardless of whether or not one agrees with Broyde's analysis.

More than anything else, the articles in this volume clarify issues and provide understandable frames of reference for discussing the complicated issues regarding various facets of halakha and war. People who are interested in studying the subject will no longer have to “reinvent the wheel.” They can instead refer, compare, and contrast the various frameworks discussed in this volume as a starting point, even if they are to discard them later. Jeremy Weider’s article on international law provides just such a well-written framework of discussion with which to discuss the halakhic attitude to present-day international law. Elie Holzer’s article on the attitude of contemporary religious-Zionist thinkers towards war helps to make order out of the flood of present-day halakhic debate on Judaism and war. The same applies to other articles in the volume such as Stuart Cohen’s article on the tensions confronting religious soldiers in the IDF.

While pioneering, the volume does have a few small flaws. For one, the contents would have been easier to use if split up into thematic sections (i.e. war in secular thought, religious thought etc). The lack of an Israeli military perspective has already been mentioned. These are, however, nitpicks. There is still much work to be done in combining halakhic and general Jewish thought on war. This volume is a significant contribution to that ongoing project, and should help to inform and enlighten all those who wish to tackle the subject.

NOTES

1. Qibiya is an Arab village in the West Bank which in 1953 was raided by the IDF in retaliation for a grisly murder traced back to the village. The raid killed 70 villagers and caused much controversy and unease. R. Yisraeli’s article was one of the attempts to deal with the morality of the raid.
2. For an overview of trends in halakhic literature on the subject, see Stuart Cohen, “The Re-Discovery of Orthodox Jewish Laws Relating to the Military and War (*Hilkhot Tsavah u-Milhamah*) in Contemporary Israel: Trends and Implications,” *Israel Studies* 12:2 (2007), 1-28.

REVIEWER IN THIS ISSUE

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