

Joseph Grunblatt

The exploration of the Jewish attitude towards violence, especially with reference to the morality of warfare, is continued in the following controversial exposition, which is excerpted from an address delivered at the 1968 National Convention of Yavneh. Rabbi Grunblatt is rabbi of the Queens Jewish Center and Dean of the recently formed Hebrew Junior College of Queens, New York, and lecturer in Jewish Thought at Yeshiva University.

VIOLENCE AND SOME ASPECTS OF THE JUDAIC TRADITION

The first act of violence recorded in the Bible is the murder of Abel. Portrayed as an act of passion and hatred, Cain eliminated his rival for God's affection and acceptance. Cain is condemned and punished, though homicidal legislation is not recorded until after the flood. Some authorities, including Maimonides, claim that the prohibition against murder was known to Adam.¹ Others disagree and argue that no such prohibition existed before Noah.² Rejection of violence is found in the Noahide prohibition of homicide: "Whoever sheds man's blood, by man his blood shall be shed; for in the image of God made He man."³ The "image of God" theory is the underpinning of the anti-homicidal legislation, working both for the potential victim and the potential criminal. Do not shed blood because you are destroying an "image of God" and you yourself are an "image of God," Who is loving and life creating.

The Torah rejects not only homicide, but also striking another person.⁴ Even the mere raising of one's hand in a threatening gesture calls forth condemnation and the accusation of being a *rasha*, a wicked person.⁵ Violence may not even be employed to save one's own life unless it is in self-defense. The classic case of non-violence in the face of personal peril is discussed in the Talmud, where a man appeared before Rabba and said, "the governor of my city has told me to go and slay

Violence and Some Aspects of the Judaic Tradition

that person, or he will kill me.” Rabba replied: “Let them kill you but you must not kill others; for who tells you that your blood is redder than his — perhaps his blood is redder than yours.”⁶ The Torah also enjoins us to rescue the threatened victim of violence even if it means taking the life of the culprit. The Halakhah takes into consideration the victim’s plight as well as the villain’s guilt.⁷ Even in these exceptional instances one is held responsible for the death of the threatening criminal if he could have been restrained through injury instead of death.⁸ Violence committed knowingly and carelessly must be expiated. The accidental killer must seek refuge in order to atone and to prevent further bloodshed at the hands of wrathful avenging relatives.

Government itself has been culpable in the use of “legitimate” violence, — first against those who disagree with the government, and secondly, where war is frequently used to settle disputes. Capital punishment is still common. Modern critics point to the frequency with which the death penalty is cited in the Torah, but this is a Christian fundamentalist reading of the Bible. In practice, Jews rarely permitted capital punishment. The due process of law consciously and patently called for acquittal and placed almost insurmountable impediments in the way of a death sentence. It was unusual, indeed, for a criminal to be executed.⁹ One is almost tempted to ask why the Torah projected the death penalty at all.

A much more serious paradox is the Biblical command to exterminate Amalek and the seven Canaanite nations — probably the most agonizing of what some critics call the “moral difficulties” of the Bible. Throughout the ages, the detractors of Judaism attempted to prove Jewish rapaciousness and cruelty from the Bible itself. The truth is that the laws regarding Amalekites and the seven nations were never intended to be a policy of international relations or a guideline for religious persecution, but laws pertaining only to the Amalekites and Canaanites. What is often overlooked by the superficial readers of the Bible is that even the violent attitudes towards these nations were not absolute or intransigent. According to halakhic opinion, even these “condemned nations” had the option to make peace

TRADITION: *A Journal of Orthodox Thought*

with Israel and accept the minimal civilized laws of Noah.¹⁰ These authoritative opinions focus on the Rabbinic story that Joshua offered the Canaanites three alternatives: to make peace, to evacuate the territory, or to fight and accept the consequences. In fact, tradition has it that the Gergashites, one of the Canaanite tribes, did choose exile and relocated in Africa. This offer to peace was extended even to Amalek.¹¹ The clash between Israel and Canaan was a confrontation between God and paganism and not a matter of national policy. This is further evidenced by the equally ruthless treatment of Jewish idolators as in Moses' reaction to the golden calf and the laws of *Ir Hanidachat* (guilty of idolatry). It is in connection with idolatry that God is described as *Kannah*, the vengeful God and that the Torah enjoins us "not to have compassion."¹² The very enormity of its dissonance with everything that is Torah makes this historical episode evidently extraordinary and inexplicable in the context of present thinking and experience.

Turning to *milchemet reshut*, permissible warfare, while we do find sanction of war for political and economic reasons, the possibilities for such warfare are also severely circumscribed. The king could not initiate such a war without the consent of the Sanhedrin which imposed a religious and moral check on royal designs and reckless warfare. According to some halakhic opinions even the consent of the *urim vetumim*, the Divine Oracle, was necessary to legitimate the military confrontation. War was a tolerated and regulated, not a desirable policy. The classical case of a "tolerated Halakhah" is that of the captive woman¹³ in itself a consequence of war. *Midrash Tanchuma* states quite succinctly in *Parshat Tzav* that "even though the Torah speaks of war, it is only to achieve ultimate peace." The general thrust of the Bible and of the Judaic heritage is towards eternal and universal peace. This hope and aspiration was not a spiritual invention or hopeless aspiration of the Prophets. Isaiah did not speak in a vacuum. The desire that "one nation shall not bear a sword against another" is rooted in the ethos of Judaism and its philosophy of history. What the ultimate desideratum is and what Biblical Judaism thinks of bloodshed is clearly demonstrated in the relationship of the Temple to war

Violence and Some Aspects of the Judaic Tradition

and to its instruments. "And if thou make me an altar of stone thou shalt not build it of hewn stone for if thou lift up thy sword upon it thou hast profaned it."¹⁴ It shows up strikingly again in the tragic story of King David who was restrained from building the Temple because he engaged in many wars. David meticulously followed the rules of *milchemet mitzvah* and *milchemet reshut*,¹⁵ yet he did shed blood and thus was ineligible to build the Temple.¹⁶

The demoralizing and brutalizing effect of war is realized even when legitimate, for legitimate violence inevitably breeds illegitimate violence. The Talmud notes the fact that Trans-jordan during Biblical times was assigned as many cities of refuge as the rest of Israel combined because homicide was most prevalent there.¹⁷ The constant border warfare and the continuous readiness for combat had a degenerating effect on the populace. The Torah, after condemning the *ir hanidachat* (the city which worshipped idolatry), adds, ". . . and he will give you mercy and have compassion on you."¹⁸ The author of *Or Hachaim* comments that God has to pronounce a special blessing for the executors of this law not to become affected by the cruelty and violence of their act, even though it was sanctioned and commanded.

God himself intrudes into history violently and uncompromisingly in response to human violence. The flood was God's answer to a world "filled with *chamas*" (oppressive violence). Sodom and Gomorrah were pulverized because of their unparalleled *chamas*. Egypt is plagued for its violent oppression of the Jews. Jonah, the Prophet, is sent to arouse the conscience of degenerate Nineveh which faces annihilation. We are told by our sages that God is even more sensitive to *chamas* than to idolatry, thus explaining the severe retribution suffered by the generation of the flood contrasted to the relatively mild punishment of the idolatrous builders of the Tower of Babel.¹⁹

On the basis of the halakhic requirements for *milchemet reshut*, Rabbi S. J. Zevin, one of our leading contemporary halakhic authorities, concludes that for Jews today and for *Bnei Noach* at any time there is no legitimate *milchemet reshut*, and lives taken in the process of such warfare constitutes homicide.²⁰

TRADITION: *A Journal of Orthodox Thought*

This halakhic opinion contains serious implications regarding the Vietnam conflict. If a Viet Cong takeover of South Vietnam cannot be considered a clear and present military danger to the safety of the United States it would make this war a *milchemet reshut* for America, which is not permissible for a *Ben Noach*. One may question whether the Halakhah and *Daat Torah* have been considered by those supporting our government's policies in Vietnam.*

No unbiased person can deny the *milchemet mitzvah* nature of the Israeli Six Day War. Rarely has there been a conflict such as this in which one side was struggling for its very physical existence. Nevertheless, we ought to be concerned not to make a value and a virtue out of an unpleasant necessity. If Jacob is compelled to adopt Esau's instruments, he does it in anguish and with trepidation. Our heroes are the heroes of the Book and not of the sword. Israeli intellectuals are wary of this spiritual danger inherent in continued emphasis on military preparedness and prowess. Will military heroes dominate political life? Will they become the models of Jewish living? Hero worship is not unprecedented in Jewish history. When young David returned from subduing the mighty Goliath, the women sang, "Saul has slain in his thousands and David in his ten thousands."²¹

The true Jewish spirit regarding peace and war is beautifully, almost innocently, expressed in the Sabbath law discussed in a Mishnah: "A person may not go out on the Sabbath [from private into public domain] neither with a sword nor a bow nor a shield nor a spear . . . Rabbi Eleazer says they are considered adornments [and one may bear them]. But, the Sages said, they are really degrading, for it says, 'And they shall beat their swords into ploughshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.'"²² War is at best a necessary evil. Peace is "God's seal on creation."²³

* See, however, the Winter 1966 issue of *Tradition*, where Prof. Michael Wyschogrod upholds the moral and religious propriety of the war in his essay, "The Jewish Interest in Vietnam," pp. 5-18. — *Ed.*

Violence and Some Aspects of the Judaic Tradition

NOTES

1. *Yad, Melachim* 9:1.
2. *Sanhedrin* 56b.
3. Genesis 9:6.
4. Deuteronomy 25:3.
5. *Sanhedrin* 58b. See also Rashi Exodus 2:13.
6. *Pessachim* 25a; *Sanhedrin* 74a; *Yuma* 82a.
7. See commentary of Rabbi Chaim Solveitchik on Maimonides' *Hilchath Rotzeach* 1:9.
8. *Sanhedrin* 74a.
9. *Makkot* 7a.
10. *Yad, Melakhim* 6:5 and *Ravad*; also Nachmanides Deuteronomy 20:10.
11. *T. Y. Shevi-it* 6:1; also *Vayikra Rabba* 17:6.
12. Deuteronomy 13:9.
13. Deuteronomy 21:11; see Rashi there.
14. Exodus 20:22; see Rashi there.
15. *Berakhot* 3b.
16. Chronicles 28:3.
17. *Makkot* 9b.
18. Deuteronomy 13:19.
19. Genesis 11:9; see Rashi *ad locum*.
20. *Leor haHalakhah*, p. 17.
21. I Samuel 18:6-7.
22. *Shabbat* 64.
23. *Shabbat* 55a.