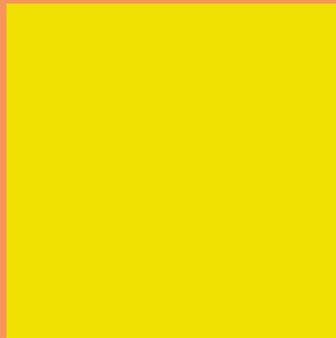


# 4

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WHEN ENCOUNTER  
BECOMES CONFLICT: JUST  
WAR AND JUST PEACE

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## MODULE FOUR

# WHEN ENCOUNTER BECOMES CONFLICT: JUST WAR AND JUST PEACE

## 4.1 INTRODUCTION

### 4.1.1 GENERAL INTRODUCTION

This manual is intended to be a didactic framework for the topic 'When encounter becomes conflict: just war and just peace'. The material is suitable for age groups from 12 to 18 years. The module gives the opportunity to the teacher or facilitator to elaborate the theme tailored to the class group.

The module focuses primarily on the theme of Holy War, but also covers topics such as pacifism, messianism, etc. The Torah and Talmud provide the interpretive lines for the lesson. The teacher or facilitator is free to incorporate didactic impulses from this handbook to suit the students. It is possible to relate the material to current discussions and conflicts surrounding Zionism.

The manual for the students, together with the viewing of the video clip, takes one hour. The topic can be further explored afterwards, at the teacher's discretion, with the additional material from this handbook.

### 4.1.2 CONTENT OF THE MANUAL

This module focuses on how Judaism deals with the theme of Holy War. Judaism does not have a comprehensive rulebook regarding warfare. The Talmud does provide paradigms for thinking about G-dly sanctioned war.

The manual distinguishes between 'basic learning material' and 'in-depth learning material'. The student's manual and the teacher's manual run parallel in terms of basic learning material, but the teacher's manual has additional assignments under the title 'in-depth assignments'. The in-depth material offers additional material for the teacher or supervisor to elaborate on certain themes.

The basic material starts with the tense relationship between pacifism and Holy War. That tension relationship forms the prelude to a discussion of how the Talmud deals with the war stories in the Torah. The Talmud develops a typology of war that can guide the discussion around war. The in-depth material examines The Three Oaths, the debate between Zionism and anti-Zionism, messianism, and International Humanitarian Law.

## 4.2 WAR AND JUDAISM



Figure 2.1  
The Video Clip

**4.2.1 A STORY** A school trip brings Ariella to a war museum. Struck by the tragedy of war, she gets lost in the museum. There she encounters a mysterious Jewish janitor. Together they discuss the Jewish tradition of war.

**4.2.2 DISCUSSION** This section is **optional**.

The following questions can be asked of the students.

- Do the students recognize Ariella's emotions?
- Have they ever been to a war museum?
- Have they thought about war many times?
- Do they feel the same tension regarding the wars in the Torah and the ideal of peace?

## 4.3 WAR AND PEACE IN JUDAISM

This section is **basic learning material**.

### 4.3.1 GENERAL

War and peace are two high-profile themes within Judaism. On the one hand, the Torah emphasizes the absolute importance of peace and harmony between and within all peoples. The word 'shalom,' which includes the meaning of 'peace,' is a central example of this. On the other hand, the Torah contains many war stories. War and peace form a dichotomy within the same Jewish religion.

This dichotomy can also be represented **theoretically**. On the one hand, there exists the position of **pacifism**. According to pacifism, war or violence is never allowed. An escalating conflict must always be resolved peacefully; a violent attack must not be met with violence. In its most extreme representation, we also speak of radical pacifism. On the other side is the theory of **Holy War**. A Holy War is waged because of a divine commandment or for religious purposes. Within this theory, collective violence is sanctioned if it is religiously or divinely commanded. In addition, intermediate positions exist. In the West there is the theory of Just War, which establishes rules according to which war may be lawfully waged. It is often seen as holding the middle ground between radical pacifism and Holy War. Judaism has no similar theory.

### 4.3.2 PACIFISM AND HOLY WAR

**Pacifism is an attitude or doctrine that seeks peace and disapproves of the use of force to resolve conflicts (between nations).** Political power building is out of the question. According to this doctrine, for example, a nation-state cannot introduce military service. This doctrine does not derive from any person within Jewish history. Judaism is not a pacifist religion, but harmony, peace, and justice are central to Judaism. Pacifism also raises many questions of interest to Judaism. How do we handle violent passages? Can pacifism inspire? Throughout history, Judaism has often prioritized indulgence and passivity. Can we see those values as pacifist? And at the same time, we can ask the critical question: is pacifism always something positive? Isn't self-defense, for example, just?

**Holy War is a form of collective violence that, according to the doers, is seen as divinely sanctioned.** In the Torah we find many violent passages. Joshua is commanded to conquer the Promised Land with great violence. In addition to these wars, there is also the war against Amalek. King David, in turn, is known for his expansionist wars. Many of the wars, such as Joshua's War of Conquest, were commanded by G-d and thus sanctioned. The reading of the book of Esther, in which the Jews commit mass murder, is the central event of the Purim festival. The Torah also describes G-d as a warrior, and the human warriors (Joshua, David, Esther, etc.) are depicted as

heroes. Violence in the name of G-d is thus a common theme in Judaism. Judaism has its own history with the phenomenon of Holy War.

### 4.3.3 JUDAISM AND JUST WAR

Despite the presence of war stories in the Torah, the Rabbis did not establish a comprehensive 'Just War'-theory as Augustine of Hippo and Thomas Aquinas did for the Christian tradition. A theory of just war formulates principles that determine under what conditions a war may be started (*ius ad bellum*). In addition, such a theory also formulates some principles that must be maintained during the war (*ius in bello*). There is no one or 'the' theory of just war. Throughout time, this theory has been adapted each time to the relevant context. The principles formulated are aimed at limiting violence and suffering as much as possible. In other words, this is a war that can be 'justified' depending on the time, place, and context.



Figure 4.2  
Source: © Syda Productions  
Adobe Stock

#### 4.3.4 DIDACTIC SUGGESTIONS

**ASSIGNMENT.** Students are introduced to the concepts of 'pacifism' and 'holy war'. Can they explain these concepts in their own words? What are their views on these concepts?

- Describe pacifism in your own words.
- Would you describe Judaism as 'pacifist'? Why yes/no?
- Are there pacifist ideas in Judaism?
- Holy War means collective violence in the name of G-d. What is your opinion of Holy War? Is Holy War just?
- Do you think Holy War also exists within Judaism?

**ASSIGNMENT.** Students choose a proposition and argue for or against it. The assignment can be made individually through a paper. It is also possible to make the assignment in groups. The groups are divided into pro and contra, and each is given a certain amount of time to formulate arguments. The teacher is free to appoint a 'moderator', who will moderate the discussion and pay attention to the speaking time for each side. Possible propositions:

- "War is never just."
- "Peace can only exist alongside war."
- "Never do anything in a war that makes reconciliation impossible afterwards."
- "A world without violence is not realistic."
- "Violence begins or ends with yourself."
- "Even in times of peace, it is important for a country to invest in weapons."
- "Risking your own life for a stranger in another country is useless."

**DEEPENING ASSIGNMENT.** Students receive a current newspaper article about war. The material found can be discussed in class. Which sides are fighting the war? Why did the war start? Who is the aggressor? Who is the victim? Are they looking for a peaceful solution? If so, in what way?

## 4.4 MITZVAH AND DISCRETIONARY WAR

This section is **basic study material**.

### 4.4.1 GENERAL

Judaism thus has no comprehensive theory to which reference can be made in discussions of war and peace. However, paradigms for thinking about war have been developed in the Jewish tradition. Current Jewish discussions of (holy) war, often in connection with the state of Israel, always refer back to these paradigms. Before looking at these, we first turn to a Torah passage that serves as a starting point for the Talmudic discussions. In the book of Deuteronomy 20 we find a brief discussion of how to wage war.

### DEUTERONOMY 20

[5] “Then the officials will speak to the soldiers. They are to say, ‘Is there a man here who has built a new house, but hasn’t dedicated it yet? He should go back home now; otherwise he may die fighting, and another man will dedicate it. [6] “Is there a man here who has planted a vineyard, but hasn’t yet made use of its fruit? He should go back home; otherwise he may die fighting, and another man will use it. [7] “Is there a man here who is engaged to a woman, but hasn’t married her yet? He should go back home; otherwise he may die fighting, and another man will marry her.’ [8] “The officials will then add to what they have said to the soldiers: ‘Is there a man here who is afraid and fainthearted? He should go back home; otherwise his fear may demoralize his comrades as well.’ [9] When the officials have finished speaking with the soldiers, commanders are to be appointed to lead the army. [10] “When you advance on a town to attack it, first offer it terms for peace. [11] If it accepts the terms for peace and opens its gates to you, then all the people there are to be put to forced labor and work for you. [12] However, if they refuse to make peace with you but prefer to make war against you, you are to put it under siege. [13] When *Adonai* your God hands it over to you, you are to put every male to the sword. [14] However, you are to take as booty for yourself the women, the little ones, the livestock, and everything in the city — all its spoil. Yes, you will feed on your enemies’ spoil, which *Adonai* your God has given you. [15] This is what you are to do to all the towns which are at a great distance from you, which are not the towns of these nations. [16] “As for the towns of these peoples, which *Adonai* your God is giving you as your inheritance, you are not to allow anything that breathes to live. [17] Rather you must destroy them completely — the Hitti, the Emori, the Kena’ani, the P’rizi, the Hivi and the Y’vusi — as *Adonai* your God has ordered you; [18] so that they won’t teach you to follow their abominable practices, which they do for their gods, thus causing you to sin against *Adonai* your God.

This passage addresses four issues. First, a peace offering must precede any siege. Thus, the Torah emphasizes the importance of peace. Second, the Torah recognizes four valid reasons for deferments: a recently planted vineyard, a recent engagement, a newly built house, and fear. And third, G-d communicates the reason why the peoples of the Promised Land should be wiped out: their idolatry leads to unacceptable behavior. Other Torah passages mention that this unacceptable behavior includes human sacrifice and even cannibalism. G-d does not want His people to be defiled by these peoples and begin similar practices. Fourth, the text makes a distinction between cities that are part of the Promised Land and cities outside of it. Within the Promised Land, the Israelites must act harsher.

The **Mishna** starts from the Deuteronomy passage shown above. In it, four valid reasons for deferring military service are discussed. In the first six chapters, the Mishna elaborates on the question of in what cases these four reasons for deferment are valid. To what idea or theory does this refer? (Misjna Sotah 2)

To answer this question, the Mishna makes an important, fundamental **distinction between two types of war**. The first type is the **optional or discretionary war**. A discretionary war is a war at one's discretion, which is not the result of a Divine commandment. In a discretionary war, the grounds for postponement of military service are valid. The second type is the Commanded War. By this the Mishna means: directly commanded by G-d. We can somewhat call this type of war a Holy War, even though the word Holy War itself does not appear in Judaism. For a **Commanded War**, the reasons for deferments are invalid. Thus, the Mishna defines a war that is so important that everyone must participate in it.

#### 4.4.2 THE JERUSALEM TALMUD

The Jerusalem Talmud defines a **discretionary war as one that Israel initiates**. Israel is not commanded to attack anyone. And since the Promised Land has already been conquered, further wars serve only to expand the territory. A commanded war is obligatory; everyone must participate in it. According to the Jerusalem Talmud, only the wars of Joshua and defensive wars are commanded.

The Jerusalem Talmud recognizes the right of self-defense. For the ancient Israelites, this meant that since the Promised Land had been conquered, they now had to protect it. In addition, there is an important conclusion that can be drawn from the Jerusalem Talmud. According to the Jerusalem Talmud, only defensive wars and the Wars of Conquest of Joshua were commanded and thus sacred. However, those wars took place thousands of years ago. The Jerusalem Talmud thus seems to state Holy Wars are not possible today.

### 4.4.3 THE BABYLONIAN TALMUD

The Babylonian Talmud has a slightly different perspective. This perspective became predominant. The Babylonian Talmud agrees with the Jerusalem Talmud on two points: a discretionary war is one that Israel initiates, and the Conquest Wars of Joshua were commanded, obligatory wars. However, the Babylonian Talmud does not mention defensive wars. It does give an additional example of discretionary wars: **David's wars of expansion**. Expansive wars serve only to expand territory, and are thus discretionary. A separate status is given to **preemptive strikes**. A preemptive strike is a military action that aims to first weaken the enemy to prevent a hostile attack. preemptive strikes are a gray area. Whether they are ordered depends on the degree of certainty with which can be determined that an attack is coming. The Talmud seems to suggest that, if this can be determined, preemptive strikes count as *milchemet mitzvah*.

**From this we can summarize that the Talmud has three different approaches to the typology of war categories.**

1. First, the Jerusalem Talmud suggests looking at the categories from the perspective of the historical wars in the Torah. The expansive wars of King David were discretionary. Only the Conquest Wars of Joshua were commanded.
2. A second approach is to view the categories as a division between wars initiated by the Israelites (discretionary) and defensive wars (commanded/mandatory) on the one hand.
3. According to the Babylonian Talmud, third, we can think according to the perspective of whether there is a preemptive attack. A preemptive attack is discretionary. In summary, we can express it as follows:

	Discretionary	Commanded
Mishnah	Deferments	No deferments
Jerusalem Talmud	Israel initiates	Joshua's Wars and defensive wars
Babylonian Talmud	Israel initiates, David's Wars (preemptive strikes)	Joshua's Wars (preemptive strikes)

War in the ancient Near East proceeded differently than today. Optional wars had to be authorized by the Sanhedrin, the Jewish court. In addition, the oracle Urim VeTumim had to be consulted (Babylonian Talmud Berakhot 3b, Sanhedrin 16b). Thus, the Jewish people were only allowed to go to war if the Sanhedrin and the oracle allowed it. A leader or king did not have free rein! Today, the Sanhedrin and the oracle no longer exist.

Diaspora communities do not have their own army. Therefore, Jewish discussions of war are usually about the state of Israel. Not every Jew is equally concerned with the state of Israel, but a healthy discussion of war and peace can help us understand the world better. The distinction between commanded and optional wars still matters today, and they help explain why certain wars are important to some Jews. Whether a war of Israel is commanded or optional is a contemporary point of debate. The Talmud gives us food for thought.

This concludes the discussion of war typology as found in the Talmud. This Talmudic discussion, and the passage from the book of Deuteronomy, are the starting point for thinking about war in Judaism. The central question is: when do we speak of a divinely legitimized war? By primarily seeing only Joshua's wars as commanded, the Talmud seems to limit holy wars to the past. According to this perspective, Holy War is no longer a real possibility.

#### 4.4.4 DIDACTIC SUGGESTIONS

**ASSIGNMENT.** Through the following questions, students can reflect on the material introduced in this chapter.

A commanded war

- Is a war ordered by a political leader.
- Allows people to refuse to participate.
- Is commanded by G-d and allows no exceptions.

A discretionary war

- Is a war commanded by G-d
- Is a war that allows deferments of military service
- Is a war that does not allow for deferment of military service

Right or wrong. According to the Talmud, future wars are possible. Please justify your answer.

The answer depends on how you interpret the question. If the question refers to ordered wars, then the answer is that they are no longer possible. If the question refers to discretionary wars, the answer remains undecided. The Talmud says nothing about the possibility of future discretionary wars.

Is the concept of a 'Commanded War' credible? Do you believe in it? Why do/don't you?

Open question

Is a preemptive strike justifiable? Why yes/no? In which cases are they?

Open question

The Sanhedrin and the oracle Urim VeTumim used to play a major role in the decision to start a war. Who do you think has the right to start a war? The government, a large group of residents, rabbis, ...

Open question

The Torah states that if hostile cities do not accept a peace settlement, the male inhabitants may all be killed. In your opinion, are there any rules for how a war may proceed? Or is all violence permitted?

Open question

**DEEPENING ASSIGNMENT.** Students study a current conflict (e.g., Zionism vs. anti-Zionism), possibly through a newspaper article. Based on the article, they answer the following questions and have a group discussion.

- What type of war is it? Can we apply the Jewish categories of war?
- Is it a case of self-defense?
- Who is the aggressor? Are there innocent victims?

The class can be divided into two groups. One group seeks arguments pro war, the other seeks arguments contra. The students conduct the discussion and try to come to a conclusion. The in-depth learning material about the International Humanitarian Law and/or Fackenheim's 614th commandment can supplement the discussion.



Figure 4.3  
Source: © Georgiy  
Adobe Stock

## 4.5 MAIMONIDES VERSUS NACHMANIDES: DEEPENING SECTION

### 4.5.1 GENERAL

The two Talmuds were composed around 200 AD (JT) and 500 AD (BT). Also afterwards, in the Middle Ages, this typology of war was reflected upon. In this deepening section for Chapter 4, we will briefly discuss Maimonides' and Nachmanides' position regarding the categories of war and the commandment to settle in the Promised Land. The material in this section ties in with Chapter 6 on the Three Oaths and the discussion around Zionism.

Moses ben Maimon (1138-1204), or Maimonides, largely agrees with the Talmud, but does not mention the wars of Joshua as an example of commanded war. Instead, he considers the wars against Amalek and seven the nations of Canaan as commanded. In addition, Maimonides agrees with the Jerusalem Talmud that defensive wars are also commanded. Discretionary wars are wars to expand territory, for prestige. The wars of King David are examples of this type of war.

For Maimonides, the wars against Amalek and Canaan are universal, even though these peoples no longer exist. These wars thus take on a spiritual quality. For Maimonides, they testify to the Holy Will to oppose idolatry. Idolatry he associates with immorality. The concrete land of Israel is thus less important. That context is too particular. Maimonides therefore does not mention the commandment to settle in the Promised Land in his *Book of Commandments*, in which he discusses the 613 commandments (BT Shabbat 87a).

Moses ben Nahman (1194-1270), or Nachmanides, criticizes Maimonides' view. Maimonides, Nachmanides says, makes the commandment too abstract. The commandment is specific and refers to a concrete area. The Promised Land must be in the hands of Jews, according to him. Any other people may be driven away unless they accept a peace settlement and the Seven Noachide Laws. An important nuance is that Nachmanides states that the commandment does not automatically mean violent conquest. Simply settling the Land of Israel, cultivating the land and forming Jewish communities fulfills the commandment. Nachmanides himself set the example by moving to the land of Israel at a late age.

The debate between Maimonides and Nachmanides is still important today. Orthodox Zionists quote from Nachmanides to argue for their position. At the same time, they have wasted a lot of ink on the question why Maimonides ignored the commandment to settle in the Land of Israel.

	Discretionary	Commanded
Mishnah	Deferments	No deferments
Jerusalem Talmud	Israel initiates	Joshua's Wars and defensive war
Babylonian Talmud	Israel initiates, David's Wars (preemptive strikes)	Joshua's Wars
Maimonides	Israel initiates, to gain territory, for prestige	Amalek, the seven nations of Canaan, defensive war
Nachmanides	/	Settling and living in the Promised Land

**ASSIGNMENT.** A group discussion is possible based on the discussion between Maimonides and Nachmanides. The following questions can serve to guide the discussion.

- Who do they think is right?
- Which interpretation is the most credible?
- How do they view Nachmanides' belief that settling down is sufficient?
- Why is Maimonides against idolatry?
- Is idolatry still something a Jew must fight against?
- Why is it/is it not? Does Nachmanides allow for war?

## 4.6 MESSIANISM

### 4.6.1 GENERAL This section is **in-depth study material**.

The topic of war and peace brings us to messianism. Jewish messianism holds that the restoration of the world (tikkum olam) cannot happen until the chosen one, the Messiah, descends to earth. With that event, the times will be complete. The past thus finds its completion in the future. The messianic age is one of peace and perfect harmony. Messianism is in a tense relationship with war.

The basic element of messianism is the '**messianic hope**': the longing for the messianic age. This era is marked by the coming of a King or leader of the House of David. This descendant of David will usher in a new political existence for the Jewish people. This includes the affirmation of a political independence and a return to Erets Israel. The new Jewish land will function as a model for a connected and improved humanity. Judaism is thus the bearer of a universal message, with peace and harmony as the highest good.

Modern messianism has mainly two camps. The **Orthodox** hold to the traditional doctrine outlined above, whereby a descendant of the House of David will reign in Jerusalem, rebuild the Temple, and reintroduce the sacrificial system. The messianic era marks the end of political domination by other nations. After the establishment of the State of Israel, some of the Orthodox communities can be found in the camp of the Zionists. The founding of the State is then interpreted as *athalta de-geulla*, the beginning of redemption. Many Orthodox rabbis reflect on current political events in light of the messianic hope.

The **Reform** version of Judaism takes a slightly different course. First, there the messianic age has been exchanged for a personal Messiah. Not the Anointed One will usher in a utopian era, but human efforts. Second, the messianic hope is disconnected from a return to Zion. That return is too particular. After all, messianism tells of universal peace and harmony. The Diaspora thus contains great potential: because Judaism is scattered throughout the world, it is better equipped to spread the universal, utopian message. Of course, this is the opposite of Zionism, which affirms Judaism as a nation and promotes the return to Palestine.

Theoretically, we can also further describe two focal points of messianism. Grosso modo there is a division between **apocalyptic messianism** and **rational messianism**. Apocalyptic messianism holds that history is discontinuous. Catastrophes characterize the rupture between the old and new world. The Chosen One can interpret these, and calculate the time from numerical mysticism (kabbalah).

According to rational messianism, history is continuous. In the messianic age, the commandments remain in effect. The transition between the pre-messianic era and the messianic era is a historical development, not a historical break.

#### 4.6.2 DIDACTIC SUGGESTIONS

Students can reflect on the theme of messianism using the following questions.

- Which version of messianism do you think is the correct one? Do students prefer the Orthodox version, or the Reform version?
- Is the messianic age pacifist?
- May war be a means to achieve the messianic age as an end?
- What is the difference between apocalyptic messianism and rational messianism?



Figure 4.4  
Source: © Ollega /  
Adobe Stock

## 4.7 THE THREE VOWS VERSUS THE 614TH COMMANDMENT

### 4.7.1 GENERAL

The chapter on messianism succinctly introduced the discussion between Zionism and anti-Zionism. In this chapter, that discussion gets a more comprehensive articulation. Of course, the teacher or supervisor is free to take up the didactic impulses as they sees fit.

We approach the discussion from two different points of view. On the one hand, there are the famous Three Vows, which go back to the Song of Solomon. The Three Vows prevent the departure for Palestine and the founding of a nation. On the other hand, there are Zionists who support the existence of a Jewish state. We show this position through the philosophy of Emil Fackenheim.

### 4.7.2 THE THREE OATHS

In Ketouboth 11a, two rabbis discuss returning to the Promised Land. One rabbi wants to return, the other does not. Rabbis 'fight' with quotes, arguments and scriptures. The winner of the discussion refers to a phrase from the Song of Solomon (2.7: 3.5 and 5.8): "I warn you, daughters of Yerushalayim,

by the gazelles and deer in the wilds, not to awaken or stir up love until it wants to arise!"

Based on this sentence, the rabbi arrives at the Three Vows:

- The Israelites may not collectively settle in the Promised Land;
- The Holy One commands the people of Israel not to rebel against the nations;
- He commands the nations not to subjugate the people of Israel too severely.

For the rabbis, "I warn you, daughters of Yerushalayim" refers to the Israelites, and "awaken love before it wants to arise" means implementing commandments too early. This is known as 'forcing G-d's hand'. Here it refers to settling early in the Promised Land, before the dawning of the messianic age. If we translate the phrase according to this interpretation, we end up with: do not migrate to the Promised Land before G-d wills it. Do not force the commandment to settle in Israel.

### 4.7.3 THE 614TH COMMANDMENT

This interpretation became especially prevalent in the Middle Ages. This interpretation maintains the Jewish people as a diaspora. The Three Vows keep the Jewish people from rebelling against the nations. Simultaneously, there is something in return: the nations are forbidden to harshly subjugate the Jewish people. **The Three Vows thus articulate a delicate balance between G-d, the people of Israel, and all the nations.** They are also part of the messianic hope: the Jewish people may not redeem themselves. That choice is up to G-d. The Three Vows are still an important argument for anti-Zionists in the 21st century.

Emil Fackenheim is an example of the Zionist response to The Three Vows. Fackenheim emphasizes that the survival of the Jewish people is a historical coincidence. Through all the historical tragedies, with Auschwitz as the bleak climax, Judaism might as well not have existed.

Auschwitz, the Shoah, according to Fackenheim, demands an answer. This answer is his famous 614th commandment: "Jews are forbidden to give Hitler a posthumous victory." Jews may not participate in their own destruction. They may not doubt man or G-d. The answer to the challenge of Auschwitz is to affirm one's Jewish identity and fulfill the commandments. This necessitates the existence of a Jewish nation.

"Jews are forbidden to hand Hitler posthumous victories.

1. They are commanded to survive as Jews, lest the Jewish people perish.
2. They are commanded to remember the victims of Auschwitz lest their memory perish.
3. They are forbidden to despair of man and his world, and to escape into either cynicism or otherworldliness, lest they cooperate in delivering the world over to the forces of Auschwitz.
4. Finally, they are forbidden to despair of the God of Israel, lest Judaism perish."

For Fackenheim, the 614th commandment also means the establishment of a Jewish state. It is his belief that if a Jewish state existed in 1930 it could have saved many Jews in 1930. The 614th commandment thus contradicts The Three Vows. Because of Auschwitz and all the pogroms the Jews had to endure, The Three Vows are no longer in effect. The Third Vow, the nations must not subjugate the Jews too severely, has been broken and ushers in the 614th commandment. This argument is common in current discussions.

#### 4.7.4 DIDACTIC SUGGESTIONS

**ASSIGNMENT.** Students can reflect on Fackenheim's thesis using the following questions.

In your opinion, is Fackenheim right?

What is the 614th commandment?

The sentence from the Song of Songs "I warn you, daughters of Yerushalayim, by the gazelles and deer in the wilds, not to awaken or stir up love until it wants to arise!" means, according to the Talmud:

- Do not go to the Promised Land before G-d commands it
- You cannot force love
- You may not visit the Promised Land

The Three Vows keep Jews from leaving en masse for the Promised Land, but would you also describe them as pacifist? Why yes/no?

**ASSIGNMENT.** Divided into groups, students can conduct the discussion between Zionism and anti-Zionism themselves. One group defends one position, the other group defends the other. The Three Vows and Fackenheim can serve as inspiration for the discussion. The teacher is free to designate a moderator.

**ASSIGNMENT.** The discussion around Zionism can be applied to war in this regard. When is a Jewish state allowed to go to war? Are pre-emptive strikes allowed? In which case yes/no? Are wars to defend Palestine Holy or not? Does going to the Promised Land mean conquering it or settling there?

## 4.8 INTERNATIONAL HUMANITARIAN LAW.

This section is **in-depth study material**.

### 4.8.1 GENERAL

Just War theory is a collective term for all approaches that attempt to connect war between states with the concept of justice. There is a classic division between *ius ad bellum*, *ius in bello*, and *ius post bellum*. *Ius ad bellum* represents the conditions under which starting a war is justified. *Ius in bello*, also known as International Humanitarian Law (IHL), concerns the legal rulebook that regulates warfare itself. In other words, IHL determines how one may fight. The *ius post bellum* regulates the final phase of a war, mindful of any reconstruction. This chapter focuses on *ius in bello*, International Humanitarian Law.

Other names for IHL are “law of war” or the “law of armed conflict. IHL is mostly derived from international treaties. The best known of these are the *Hague Conventions* of 1899 and 1907; the four *Geneva Conventions* of 1949 and two 1977 *Additional Protocols*; and the *Lieber Code*. Here we briefly outline the main points.

- Parties are required to make the **distinction between civilians and combatants**. It is forbidden to attack civilians. Attacks are possible only on military targets.
- The parties are **not free in the method of warfare**. Methods and means that do not distinguish between civilians and combatants or cause unnecessary suffering are prohibited.
- **Persons who do not, or no longer, participate in combat** have the right to life and physical and moral integrity. They must be treated with respect for human dignity.
- The **wounded and sick** must be cared for as quickly as possible whenever possible. Everything necessary for care must be protected. The red cross, the red crescent or the red crystal on a white background are the emblems of the organizations responsible for care.
- **Captured combatants and civilians** retain the right to their life and dignity. Contact with family and the receiving of assistance must remain possible. Every criminal justice procedure adheres to fundamental legal principles.

These rules reflect the essence of International Humanitarian Law. They do not replace treaties and are not on the same level as a legal instrument. They do provide food for thought. They are not pacifist, but neither do they accept a carelessly proliferating war.

**ASSIGNMENT.** Students can reflect on International Humanitarian Law using the following questions.

In your opinion, are the rules of IHL correct?

Is there a rule you would leave out? If so, which one?

Do you think the IHL is complete? Should there be another rule?

Do you think all parties involved in a conflict would follow these rules?

Do you think the rules of IHL apply to a Holy War? Why is this so?

The IHL

- Is a form of pacifism
- Is a form of Holy War
- Authorizes total war
- Holds the middle ground between pacifism and total war

## 4.9 GLOSSARY

### **Discretionary**

Discretionary refers to the ability to judge or act independently, at your own discretion.

### **Holy War**

A Holy War is a war with a religious motive. A Holy War is sometimes waged because of a G-dly obligation, because of a religious position, but also in defense of a holy land.

### **Righteousness**

righteousness has several meanings. First, justice is a legal concept. Whatever is in accordance with the law is just. Second, justice is also a moral concept. To act justly is to act “rightly,” in accordance with what is “good” or “correct. Justice also takes practice: no one naturally does the right or good thing all the time. We encounter this idea often in the Tenach!

### **Pacifism**

Pacifism is an attitude or worldview that seeks peace absolutely. Pacifism rejects any form of violence.

### **Peace Settlement**

A peace settlement is an agreement between two parties, often countries, to keep the peace and not go to war.

## 4.10 TRANSCRIPT OF THE VIDEO

### 1 INT MUSEUM DAY

The tour guide and teacher are standing in front of the group.

*Tour Guide: Welcome to the Museum of War. We have a large collection of First World War artifacts, not just weapons and arms, but also items from everyday life. You might get an impression on how it would be to live during such times!*

*Teacher: All right, everyone is free to go and look around for themselves. Let's meet up back here in time. The bus won't wait, ok! Make sure you keep each other in sight, and don't get lost!*

The students run off in different directions. We follow Ariella and Adil who walk past some uniforms.

*Adil: Hey, can you imagine me wearing one of those? You would probably fall in love with me.*

*Ariella: In your dreams.*

They walk past a corner. They're surrounded by pictures depicting battle scenes.

*Ariella: Can you imagine living through such a war? Even today people are still at war, in the 21st century.*

*Adil: Yeah, but what can you do about it?*

*Ariella (sighing): I don't know, but war should never happen.*

*Adil doesn't respond. He hesitates to speak. Something's on his mind.*

*Adil: Wow. That's a bit hypocritical coming from you.*

*Ariella: What do you mean?*

*Adil: You're Jewish, right? The Torah is full of stories of war. Like the wars to conquer the Promised Land. And you read these stories yearly.*

*Ariella: You mean Joshua's Wars of Conquest? Look, it's not because we have those stories that we are suddenly pro-war or something.*

*Adil: Yeah, but they must have some kind of effect. Some people read religious texts literally, you know. I wouldn't be surprised if these stories actually inspire people to start wars.*

*Ariella: That could never happen. Jews are one hundred percent peaceful.*

*Adil: Don't make me laugh. If that were the case, you wouldn't have those stories.*

*Ariella: Whatever, you don't know what you're talking about! I'm out of here.*

Ariella walks away angrily.

*Ariella: I can't believe him. What does he know about Judaism?*

While walking she accidentally misses the pathway that leads to the main hall. She suddenly bumps into a janitor.

*Ariella: Ow, I'm so sorry, sir.*

*Janitor: You look lost.*

Ariella turns around and notices that she is, indeed, lost.

*Ariella (shy): I guess I am... Could you tell me how to reach the main hall, please?*

*Janitor: I'll take you. Follow me.*

The janitor starts walking and Ariella follows suit.

*Janitor: So, did the museum leave an impression?*

*Ariella: To be honest, it's very disconcerting. It's hard to imagine a war like this happened.*

*Janitor: The sad part about it is that so many wars took place.*

*Ariella: I know... I'm Jewish, and someone recently reminded me of all the stories of war in the Torah.*

*Janitor: Shalom!*

*Ariella (surprised): Shalom! You're Jewish too?*

*Janitor: Yes! So, what do you think about those stories?*

*Ariella: Well, war is horrible, of course, but I always thought that Joshua's Wars of Conquest were somewhat... Necessary. That without going to war, the ancient Israelites would have never reached the Promised Land. But that doesn't mean that I think war is a good idea! I guess I never thought about it much; my Jewish community doesn't really mention war a lot.*

*Janitor: I understand. There is a historic reason for that: Jewish communities did not always possess armies, so they didn't spend a lot of time thinking about war.*

*Ariella: So no one said anything?*

*Janitor: Well, the old rabbis made an important distinction between commanded and discretionary wars. Commanded wars are, as the name suggests, commanded by Hashem. They are sacred and important, so every Jew must partake in them. Discretionary wars are less important, and therefore Jews cannot be forced to partake in them. An example of discretionary wars are so-called 'expansionary wars': wars to conquer new territory.*

*Ariella: So what about the wars to conquer the Promised Land in the Torah?*

*Janitor: The Talmud deems them commanded wars! But here's the catch: many rabbis believe that these were the only truly commanded wars in Jewish history. And that in any case, if war ever becomes necessary, for instance in the case of self-defense, there are still principles to uphold. Like offering peace first, only fighting to achieve peace, and preventing the loss of innocent lives as much as possible. Let's not forget that Judaism values peace above all else!*

Ariella and the janitor have almost reached the main entrance hall. The noise of people talking gets louder.

*Ariella: I think I understand. I wish I could keep talking to you about this.*

*Janitor: Some other time. I have to go back now.*

*Ariella: Okay. Thank you for helping!*

*Janitor: Goodbye!*

As Ariella walks away she suddenly remembers something she wants to say.

*Ariella: Wait, where did you have to go back to?*

Ariella turns to find the hall empty. The janitor seems to have disappeared.

### **3 INT MUSEUM DAY**

As Ariella reaches the main hall she is greeted by the teacher and tour guide. The tour guide's hair is in disarray.

*Teacher: At last! There you are! We checked every single hall!*

*Ariella: That's strange, I was walking through all them with the janitor. He helped me find my way back.*

*Guide: Uhm, no, well the janitor was not working today. Well, I don't think so.*

*Teacher: I guess the museum made their imagination run wild. Thank you for the tour. I'm sure it left a big impression on all of them.*

### **4 EXT BUS DAY**

Ariella gets on the bus. She sees Adil sitting alone and goes to sit next to him.

*Adil: Hey, look, I'm sorry if I hurt you, I didn't mean to say you were violent or anything like that.*

*Ariella: I know. The museum just gave me a lot to think about. Hey, do you want to come over after school? My mom is making a special dish and...*

As the bus drives off, the audio of Ariella and Adil's conversation distorts and shizzles out. The image shifts to that of an empty museum hall. The camera slowly zooms in on a picture on the wall. The old picture reveals the janitor in a 1915's war costume. He winks at the camera before the screen turns black.

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