

# NO'AR HADASH: A RECONSTRUCTIONIST APPROACH TO WAR

## BIBLICAL

Exodus 22:1

א אם-במחנתו ימצא הגנב והכה נמת אין לו דמים:

If a thief is found breaking in, and he is struck so that he dies, there shall no blood be shed for him.

### Deuteronomy Chapter 20

א כִּי־תֵצֵא לְמִלְחָמָה עַל־אֹיְבֶיךָ וְרָאִיתָ סוּס וְרֶכֶב עִם רַב מִמֶּךָ לֹא תִירָא מֵהֶם כִּי־יְהוֹה אֱלֹהֶיךָ עִמָּךְ הַמַּעֲלֶדֶךָ מֵאַרְץ מִצְרַיִם: ב וְהָיָה כְּקָרַבְכֶם אֶל־הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן וְדִבֶּר אֶל־הָעָם: ג וְאָמַר אֱלֹהִים שְׁמַע יִשְׂרָאֵל אַתֶּם קָרַבִּים הַיּוֹם לְמִלְחָמָה עַל־אֹיְבֵיכֶם אֶל־יְרֵד לְבַבְכֶם אֶל־תִּירָאוּ וְאֶל־תַּחֲפוּזוּ וְאֶל־תַּעֲרָצוּ מִפְּנֵיהֶם: ד כִּי יְהוֹה אֱלֹהֵיכֶם הִהְלִיף עִמָּכֶם לְהִלָּחֵם לָכֶם עִם־אֹיְבֵיכֶם לְהוֹשִׁיעַ אֶתְכֶם: ה וְדִבְרוּ הַשְּׂטָרִים אֶל־הָעָם לֵאמֹר מִי־הָאִישׁ אֲשֶׁר בָּנָה בֵּית־חֹדֶשׁ וְלֹא חָנְכוֹ יֵלֶךְ וְיֹשֵׁב לְבֵיתוֹ פְּרִזְמוֹת בַּמִּלְחָמָה וְאִישׁ אַחֵר יִחַנְכֶנּוּ: ו וּמִי־הָאִישׁ אֲשֶׁר נָטַע כָּרֶם וְלֹא חָלְלוֹ יֵלֶךְ וְיֹשֵׁב לְבֵיתוֹ פְּרִזְמוֹת בַּמִּלְחָמָה וְאִישׁ אַחֵר יִחַלְלֶנּוּ: ז וּמִי־הָאִישׁ אֲשֶׁר אָשָׂה וְלֹא לָקַחָהּ יֵלֶךְ וְיֹשֵׁב לְבֵיתוֹ פְּרִזְמוֹת בַּמִּלְחָמָה וְאִישׁ אַחֵר יִקַּחנָה: ח וְכִסְפוֹ הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וְאָמְרוּ מִי־הָאִישׁ הַזֶּה וְרָדַהּ הַלֵּבָב יֵלֶךְ וְיֹשֵׁב לְבֵיתוֹ וְלֹא יִמַּס אֶת־לֵבָב אַחִיו כְּלָבָב: ט וְהָיָה כָּכֹל הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וּפְקֻדוֹ שָׂרֵי צְבָאוֹת בְּרֹאשׁ הָעָם: ס [שְׁבִיעִי] י כִּי־תִקְרַב אֶל־עִיר לְהִלָּחֵם עָלֶיהָ וְקִרְאתָ אֲלֶיהָ לְשָׁלוֹם: יא וְהָיָה אִם־שָׁלוֹם תַּעֲנֶדָּה וּפְתַחְתָּהּ לָךְ וְהָיָה כָּל־הָעָם הַנִּמְצָא־בָּהּ יִהְיוּ לָךְ לְמַס וְעַבְדוּךָ: יב וְאִם־לֹא תִשְׁלַח עִמָּךְ וְעָשִׂיתָ עִמָּךְ מִלְחָמָה וְצַרְתָּ עָלֶיהָ: יג וּנְתַנָּה יְהוֹה אֱלֹהֶיךָ בְּיָדְךָ וְהַפִּיתָ אֶת־כָּל־זְכוּכֶיהָ לְפִי־חֶרֶב: יד רַק הַנְּשִׂים וְהַטּוֹף וְהַבְּהֵמָה וְכֹל אֲשֶׁר יִהְיֶה בְּעִיר כָּל־שָׁלָלָהּ תָּבוֹא לָךְ וְאָכַלְתָּ אֶת־שָׁלַל אֹיְבֶיךָ אֲשֶׁר נָתַן יְהוֹה אֱלֹהֶיךָ לָךְ: טו כֹּן תַּעֲשֶׂה לְכָל־הָעָרִים הַרְחוֹקוֹת מִמֶּךָ מֵאֵד אֲשֶׁר לֹא־מַעֲרִי הַגּוֹיִם־הָאֵלֶּה הֵנָּה: טז רַק מַעֲרֵי הָעַמִּים הָאֵלֶּה אֲשֶׁר יְהוֹה אֱלֹהֶיךָ נָתַן לָךְ נַחֲלָה לֹא תַחֲיֶה כָּל־נַשְׂמָה: יז כִּי־הִחַרְם וּתְחַרְיִמֶם הַחַיִּי וְהָאָמְרֵי הַכְּנַעֲנִי וְהַפְּרָזִי הַחַיִּי וְהַיְבוּסִי כְּאֲשֶׁר צִוָּךְ יְהוֹה אֱלֹהֶיךָ: יח לְמַעַן אֲשֶׁר לֹא־יִלְמְדוּ אֶתְכֶם לַעֲשׂוֹת כָּכֹל תּוֹעֲבֹתֶם אֲשֶׁר עָשׂוּ לְאֱלֹהֵיהֶם וְחִטְאתֶם לִיהוֹה אֱלֹהֵיכֶם: יט כִּי־תִצְוֶר אֶל־עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׂהּ לֹא־תִשְׁחִית אֶת־עֵצָהּ לְנֹדַח עָלֶיהָ גְרוֹן כִּי מִמֶּנּוּ תֹאכַל וְאֵתוֹ לֹא תִכְרַת כִּי הָאָדָם עַץ הַשָּׂדֶה לְבָא מִפְּנֵיךָ בְּמִצּוֹר: כ רַק עֵץ אֲשֶׁר־תִּדְעַ כִּי לֹא־עֵץ מֵאֲכָל הוּא אֵתוֹ תִשְׁחִית וְכָרְתָּ וּבְגִית מִצּוֹר עַל־הָעִיר אֲשֶׁר־הוּא עָשָׂה עִמָּךְ מִלְחָמָה עַד רִדְתָּה: פ

1. When you go out to battle against your enemies, and see horses, and chariots, and a people more numerous than you, be not afraid of them; for the Lord your God is with you, who brought you out of the land of Egypt.
2. And it shall be, when you have come near the battle, that the priest shall approach and speak to the people,
3. And shall say to them, Hear, O Israel, you approach this day to battle against your enemies; let not your hearts faint, fear not, and do not tremble, nor be you terrified because of them;
4. For the Lord your God is he who goes with you, to fight for you against your enemies, to save you.
5. And the officers shall speak to the people, saying, What man is there who has built a new house, and has not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicates it.
6. And what man is he who has planted a vineyard, and has not yet eaten of it? Let him also go and return to his house, lest he die in the battle, and another man eats of it.
7. And what man is there who has betrothed a wife, and has not taken her? Let him go and return to his house, lest he die in the battle, and another man takes her.
8. And the officers shall speak further to the people, and they shall say, What man is there who is fearful and fainthearted? Let him go and return to his house, lest his brothers' heart faint as well as his heart.
9. And it shall be, when the officers have finished speaking to the people, that they shall appoint captains of the armies to lead the people.
10. When you come near a city to fight against it, then proclaim peace to it.
11. And it shall be, if it gives you answer of peace, and opens to you, then it shall be, that all the people that are found in it shall be tributaries to you, and they shall serve you.
12. And if it will make no peace with you, but will make war against you, then you shall besiege it;
13. And when the Lord your God has delivered it into your hands, you shall strike its every male with the edge of the sword;

14. But the women, and the little ones, and the cattle, and all that is in the city, all the plunder from it, shall you take for yourself; and you shall eat the plunder of your enemies, which the Lord your God has given you.
15. Thus shall you do to all the cities which are very far off from you, which are not of the cities of these nations.
16. But of the cities of these people, which the Lord your God does give you for an inheritance, you shall not keep alive anything that breathes;
17. But you shall completely destroy them: the Hittites, and the Amorites, the Canaanites, and the Perizzites, the Hivites, and the Jebusites; as the Lord your God has commanded you;
18. That they teach you not to do after all their abominations, which they have done to their gods; so should you sin against the Lord your God.
19. When you shall besiege a city a long time, in making war against it to take it, you shall not destroy its trees by forcing an ax against them; for you may eat of them, and you shall not cut them down. For is the tree of the field a man that it should be besieged by you?
20. Only the trees which you know are not trees for food, you shall destroy and cut them down; and you shall build siege works against the city that makes war with you, until it is subdued.

### Ezekiel 33:1-9

א ויהי דברייהוה אלי לאמר: ב בן-אדם דבר אל-בני-עמך ואמרת אליהם ארץ כי-אביא עליה חרב ולקחו עמ-הארץ איש אחד מקציהם ונתנו אתו להם לצפה: ג וראה את-החרב באה על-הארץ ותקע בשופר והזהיר את-העם: ד ושמע השמע את-קול השופר ולא נזהר ותבוא חרב ותקחהו דמו בראשו יהיה: ה את קול השופר שמע ולא נזהר דמו בו יהיה והוא נזהר נפשו מלט: ו והצפה כי-ראה את-החרב באה ולא-תקע בשופר והעם לא-נזהר ותבוא חרב ותקח מהם נפש הוא בעונו נלקח ודמו מיד-הצפה אדרש: ז ואתה בן-אדם צפה ותתיד לבית ישראל ושמעת מפי דבר והזהרת אתם ממני: ח באמרי לרשע רשע מות תמות ולא דברת להזהיר רשע מדרכו הוא רשע בעונו ומות ודמו מידך אבקש: ט ואתה כי-הזהרת רשע מדרכו לשוב ממנה ולא-שוב מדרכו הוא בעונו ומות ואתה נפשך הצלת:

1. And the word of the Lord came to me, saying:
2. Son of man, speak to your people, and say to them, When I bring the sword upon a land, if the people of the land take a man from among them, and set him for their watchman;
3. If he blows the shofar, when he sees the sword come upon the land, to warn the people;
4. Then, whoever hears the sound of the shofar, and does not take warning, if the sword comes, and takes him away, his blood shall be upon his own head.
5. He heard the sound of the shofar, and did not take warning; his blood shall be upon him. But if he had taken warning he would have saved his soul.
6. But if the watchman sees the sword coming, and does not blow the shofar, and the people are not warned; if the sword comes, and takes any person from among them, he is taken away in his iniquity; but his blood will I require at the watchman's hand.
7. And you, O son of man, I have set you as a watchman to the house of Israel; therefore you shall hear the word from my mouth, and warn them from me.
8. When I say to the wicked, O wicked man, you shall surely die; if you do not speak to warn the wicked to turn from his way, that wicked man shall die in his iniquity; but his blood will I require at your hand.
9. But, if you warn the wicked to turn from his way, and he does not turn from his way, he shall die in his iniquity; but you would have saved your soul.

### I Chronicles 22:8

ויהי עלי דבר יהוה לאמר דם לרב שפכת ומלחמות גדלות עשית לא תבנה בית לשמי כי דמים רבים שפכת ארצה לפני:

And the word of God came to me (David) saying: you have shed much blood and many great wars you have made – you will not build a house for My Name, for much blood have you shed on the earth before Me.

15 ... ואם יצא למלחמה על 16 אויביו ויצא עמו חמישית העם אנשי המלחמה כול גבורי 17 החיל ונשמרו מכול דבר טמאה ומכול עריות ומכול עוון ואשמה 18 וְלוא יצא עד יבוא לפני הכוהן הגדול ושאל לו במשפט האורים 19 והתומים על פיהו יצא ועל פיהו יבוא הוא וכול בני ישראל אשר 20 אתו לוא יצא מעצת לבו עד אשר ישאל במשפט האורים 21 והתומים והצליח בכול דרכיו אשר יצא על פי המשפט אשר...

15. ... If he shall go out to war against his 16 enemies, one fifth of the people shall go out with him, the men of war, all mighty men of 17 valor. And they shall guard themselves from every unclean thing and from all shameful things and from all iniquities and guilt. 18 And he will not go out until he comes before the High Priest and he has consulted the wisdom for the Urim 19 and the Thummim. On his orders he will go out, and on his orders he will come in, he and all the children of Israel who are 20 with him. He shall not go out on the advice of his heart until he has consulted the decision of the Urim 21 and the Thummim. And he will have success in all his paths as he has gone out according to the decision which...

## RABBINIC

### Mishnah Sotah Chapter 8

(ב) (שם) ודברו השטרים אל העם לאמר מי האיש אשר בנה בית חדש ולא חנכו ילך וישב לביתו וגו', אחד הבונה בית התבן, בית הבקר, בית העצים, בית האוצרות. אחד הבונה, ואחד הלוקח, ואחד היורש, ואחד שנתן לו מתנה. (שם) ומי האיש אשר נטע כרם ולא חללו וגו', אחד הנוטע הכרם ואחד הנוטע חמשה אילני מאכל, ואפלו מחמשת מיניו, אחד הנוטע, ואחד המברך, ואחד המרכיב, ואחד הלוקח, ואחד היורש, ואחד שנתן לו מתנה. (שם) ומי האיש אשר ארש אשה וגו', אחד המארס את הבתולה, ואחד המארס את האלמנה, אפלו שומרת יבם. ואפלו שמע שמת אחיו במלחמה, חוזר ובא לו. כל אלו שומעין דברי כהן מערכי מלחמה וחוזרין, ומספקין מים ומזון ומתקנין את הדרכים:

(ז) במה דברים אמורים, במלחמת הרשות. אבל במלחמת מצוה, הכל יוצאין, אפלו חתן מחדרו וכלה מחופתה. אמר רבי יהודה, במה דברים אמורים, במלחמת מצוה. אבל במלחמת חובה, הכל יוצאין, אפלו חתן מחדרו וכלה מחופתה:

2) “And the officers shall speak to the people, saying: ‘What man is there who has built a new house and has not dedicated it? Let him go and return to his house...’” It is all one whether he builds a house for straw, a house for cattle, a house for wood, or a house for stores; it is all one whether he builds or buys or inherits [a house] or it was given him as a gift.

“And what man is there who has planted a vineyard and has not used the fruit thereof...” It is all one whether he plants a vineyard or plants five fruit trees, even if they are of five kinds; it is all one whether he plants vines or sinks them into the ground or grafts them; it is all one whether he buys a vineyard or inherits it or whether it is given him as a gift...

“And what man is there who has betrothed a wife...” It is all one whether he betroths a virgin or a widow, or even one that awaits levirate marriage, or whether he hears that his brother has died in battle -- let him return home. These all hearken to the words of the priest concerning the ordinances of battle; and they return home and provide water and food and repair the roads.

7) What has been said applies to a discretionary war (*milchemet reshut*); but in a battle waged in a religious cause all go forth, even the bridegroom out of his chamber and the bride out of her bride chamber.

### Mishnah Sanhedrin 2:4

ומוציא למלחמת הרשות על פי בית דין של שבעים ואחד, ופורץ לעשות לו דרך, ואין ממחין בידו. דרך המלך אין לו שיעור, וכל העם בוזין ונותנין לפניו, והוא נוטל חלק בראש...

And he brings them out to a discretionary war through the decision of a *beit din* of seventy-one, and they break fences to make a way for him, and none may protest against him. The way of the king has no measure, and the entire people take spoils and put them before him, and he takes the first portion...

## MEDIEVAL

### Maimonides Mishneh Torah, Laws of the King, Chapter 5-6

רמב"ם הלכות מלכים פרק ה

הלכה א אין המלך נלחם תחלה אלא מלחמת מצוה, ואי זו היא מלחמת מצוה זו מלחמת שבעה עממים, ומלחמת עמלק, ועזרת ישראל מיד צר שבא עליהם, ואחר כך נלחם במלחמת הרשות והיא המלחמה שנלחם עם שאר העמים כדי להרחיב גבול ישראל ולהרבות בגדולתו ושמעו.

5:1) The king may only decide to fight alone in the case of a *milchemet mitzvah* (an obligatory war). What is a *milchemet mitzvah*? This is the war against the seven peoples, and the war against Amalek, and helping Israel from the hand of a foe that comes upon them, and otherwise, a war is a *milchemet reshut* (a discretionary war), which is a war that is fought against all the other peoples in order to expand the border of Israel and to increase its size and fame.

רמב"ם הלכות מלכים פרק ו

הלכה א אין עושין מלחמה עם אדם בעולם עד שקוראין לו שלום אחד מלחמת הרשות ואחד מלחמת מצוה, שנאמר כי תקרב אל עיר להלחם עליה וקראת אליה לשלום, אם השלימו וקבלו שבע מצות שנצטוו בני נח עליהן אין הורגין מהן נשמה...

6:1) One may not make war upon anyone in the world unless you have called for peace with him, and this is the same in the case of *milchemet reshut* and *milchemet mitzvah*. As it is said: "When you approach a city to fight it, you will call out for peace." If they accept peace and take upon themselves the seven laws of the children of Noah, then you may not kill even one soul among them...

רמב"ם הלכות מלכים פרק ו

כשצריך על עיר לתפשה, אין מקיפין אותה מארבע רוחותיה אלא משלש רוחותיה, ומניחין מקום לבורח ולכל מי שירצה להמלט על נפשו, שנאמר ויצבאו על מדין כאשר צוה ה' את משה מפני השמועה למדו שבכך צוהו.

6:7) When you are besieging a city to capture it, you may not encircle it from all four directions, but only from three, and you must leave a place for the escapee and anyone who wants to save himself or herself, as it is said: "And they fought against Midyan as God had commanded Moses." This is a hint so that we may learn that God commanded him thus.

## MODERN & CONTEMPORARY

Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977) (3<sup>rd</sup> edition, pp. 76-77)

Preventive war presupposes some standard against which danger is to be measured. That standard does not exist, as it were, on the ground; it has nothing to do with the immediate security of boundaries. It exists in the mind's eye, in the idea of a balance of power, probably the dominant idea in international politics from the seventeenth century to the present day. A preventive war is fought to maintain the balance, to stop what is thought to be an even distribution of power from shifting into a relation of dominance and inferiority... The argument is utilitarian in form; it can be summed up in two propositions: (1) that the balance of power actually does preserve the liberties of Europe (perhaps also the happiness of Europeans) and is therefore worth defending even at some cost, and (2) that to fight early, before the balance tips in any decisive way, greatly reduces the cost of the defense, while waiting doesn't mean avoiding war (unless one also gives up liberty) but only fighting on a larger scale and at worse odds. The argument is plausible enough, but it is possible to imagine a second-level utilitarian response: (3) that the acceptance of propositions (1) and (2) is dangerous (not useful) and certain to lead to "innumerable fruitless wars" whenever shifts in power relations occur; ... given the radical uncertainties of power politics, there probably is no practical way of making out that position – deciding when to fight and when not – on utilitarian principles. ...

We need to make judgments about our neighbor's intentions, and if such judgments are to be possible, we must stipulate certain acts or sets of acts that will count as evidence of malignity. These stipulations are not arbitrary; they are generated, I think, when we reflect upon what it means *to be threatened*. Not merely *to be afraid*, though rational men and women may well respond fearfully to a genuine threat, and their subjective experience is not an unimportant part of the

argument for anticipation. But we also need an objective standard, as Bacon's phrase "just fear" suggests. That standard must refer to the threatening acts of some neighboring state, for (leaving aside the dangers of natural disaster) I can only be threatened by someone who is threatening me, where "threaten" means what the dictionary says it means: "to hold out or offer (some injury) by way of a threat, to declare one's intention of inflicting injury."

... states may use military force in the face of threats of war, whenever failure to do so would seriously risk their territorial integrity or political independence. Under such circumstances it can fairly be said that they have been forced to fight and that they are the victims of aggression. ... A state under threat is like an individual hunted by an enemy who has announced his intention of killing or injuring him. Surely such a person may surprise his hunter, if he is able to do so.

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### **Zionists Against the War (Drafted by the Labor Zionist Alliance Administrative Committee)**

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We are American Zionists who oppose the coming war with Iraq. We, like millions of Americans, are not convinced by the Bush administration's arguments that war is the only option. We, like millions of Americans, abhor the regime of Saddam Hussein, and acknowledge that he is in violation of a host of U. N. resolutions, but we do not believe that going to war at this time is the solution. We, like millions of Americans, support containment, with continued U. N. inspections. We, like millions of Americans, are encouraged by the beginning of Iraq's destruction of its weaponry under severe world pressure.

The ideal outcomes of a war with Iraq are a quick and relatively bloodless victory; a post-Saddam-Hussein Iraq which will allow the U.S. to refashion it into a democracy; a resurgence of Islamic moderation; the democratization of other states in the region; the removal of the threat from Iraq of non-conventional weapons; a more favorable atmosphere for Israeli-Palestinian peace negotiations. But other possible, and we think probable, outcomes include a lengthy, complicated, costly war with many military and civilian casualties; an Iraqi population which will resent the U.S. occupiers and respond with terror attacks; an increase in fanaticism as this is seen as a war on Islam; the replacement of undemocratic Arab governments by equally onerous undemocratic anti American Arab governments; an Iraqi attack on Israel with non-conventional weapons; increased terrorist attacks against Americans and American interests.

We sympathize with the desire of many Israelis that Saddam Hussein be removed, given his previous attacks on Israel and his support for those who would destroy it. Nevertheless, we believe that an American war on Iraq could have severe negative consequences for Israel. In addition to provoking an Iraqi attack, a war may well exacerbate the Israeli-Palestinian conflict, further delaying the desired goal of most Israelis for a negotiated two-state solution. Indeed, despite the President's recent statements, this war is a distraction from America's critical role as facilitator of such a negotiation.

We disagree with those Jewish leaders who support an immediate war. We note that their opinions do not accurately reflect those of American Jews, who, as polls show, view this war in much the same way as do other Americans. We deplore the positions of those opponents of war who are one sided in their criticism of Israel, those who oppose Israel's very existence, and those who have claimed that Israel and/or Jews are the driving force behind the Bush Administration's decision to go to war. We categorically reject these spurious and odious associations between anti war concerns and anti Israel, anti Semitic rhetoric. As American Zionists, we are committed to the peace and security of both Israel and America, and are skeptical of the rush to war because of the possible detrimental consequences for both nations.

One should only support war if there is no alternative. We do not believe that is the case with Iraq. We call on others who agree with us to sign this petition.

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### **The Reconstructionist Response to War in Iraq (March 2003)**

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It was the hope of all people of good will committed to freedom that the threat posed to the international community by Saddam Hussein – and the repression, terror and tragedy visited by Hussein on the Iraqi people – might have been eliminated through international pressures short of war.

We are deeply saddened by the onset of war and the additional pain and destruction that it will bring. We now pray for the safety of those who serve; we pray for the minimizing of suffering and loss of life; we hope for a speedy conclusion of hostilities; and we give voice to the prayer that out of the tragedy of war might arise new conditions that might lead more firmly towards democracy and peace in the world.

Our communities reflect a range of opinion and emotion at this moment. We call on our communities to gather in order to share and hold the anxiety and uncertainty of these days, so that people may find comfort in solidarity, focus on prayers and hopes held in common, and keep faith with each other as we journey through this sad and challenging moment.