

THE WAR CODE

MODERN BIBLICAL AND RABBINIC PERSPECTIVES

ON DEUTERONOMY 20

WITH SPECIAL EMPHASIS ON RASHI

By

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REFEREE: RABBI STEPHEN PASSAMANECK

For my husband Joe, an *ish chayil*

For everything there is a season,
and a time for every object of desire under the heavens...
A time to be silent and a time to speak.
A time to love and a time to hate.
A time for war
and a time for peace.

--Ecclesiastes 3:1, 7-8

All that is recorded in the Torah
is written for the sake of peace;
and although warfare is recorded in the Torah,
even warfare is recorded
for the sake of peace.

--Tanhuma *Tzav* 3

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PERSONAL FORWARD

I can easily trace the reason for writing on the subject of biblical warfare to the events of one day: September 11, 2001. That day shook my world and sense of security, as it never had been before. That morning, as my husband and I listened in horror to the reports of the first, then the second building of the World Trade Center collapsing, I knew I had to use my rabbinic training in a way that would directly support the efforts of defending this county.

Year after year military chaplains visit our Hebrew Union College, Los Angeles campus to recruit badly needed Jewish chaplains for the service and year after year they leave empty handed—with barely a prayer that one of us destined for a congregational position would ever consider this “pulpit alternative.” But, this year I made the commitment. After a six month application process, it was just before Passover, the Jewish festival of freedom from slavery, when I stood in front of the American Flag with my right hand up swearing to uphold the Constitution and freedom of this country, so help me God. On this day, one of the proudest in my life, I became Chaplain Candidate, Second Lieutenant Sarah D. Schechter of the United States Air Force.

In order better to serve my future military community, I asked myself, what else did I need to have besides the usual rabbinic training and expertise? What else could I specialize in for a community who eat, sleep, and live military? This thesis is the result of that search. The motivation for choosing this topic is to equip myself for serving the military community, Jewish and Gentile, by learning more about what modern scholars and rabbinic authorities have to say on Deuteronomy 20, The War Code.

CHAPTER ONE

INTRODUCTION AND THESIS OVERVIEW

This chapter serves as the thesis overview for the study of Deut. 20 from both modern and traditional perspectives. Chapter Two is on modern, critical approaches to Deuteronomy 20 and Chapter Three is Rashi's line-by-line commentary on Deuteronomy 20. Chapter Four is a summation of the modern and traditional approaches with concluding remarks.

RATIONALE

There are many cases of war and battle throughout the Bible. Some examples include: Gen. 14, Num. 21, 31-32, Deut. 2, 3, 29, Josh. 4, 8, 10, 11, 22, Judg. 8, 20, I Sam. 4, 7, 13-14, 17, 26, 30-31, II Sam. 1-3, 10-11, 18-22, I Kings 20-22, II Kings 3, I Chron. 10-12, 19-20, II Chron. 13-14, 18, 20, 25, and that's not all. Deut. 20, however, is the only biblical text large enough to merit the title, "The War Code."¹

As mentioned above, this thesis is an examination of Deut. 20 from two approaches, one that is modern-scholarly, and the other traditional-rabbinical. First, an explanation of the modern approach, technically called "Biblical criticism." Biblical criticism is the name for approaching a biblical text from a modern, scholarly perspective. According to the *HarperCollins Bible Dictionary*, the term 'criticism' is derived from the Greek word *krino*, which means, 'to judge,' 'to discern,' or to be discriminating in making an evaluation or forming a judgment."² Therefore, biblical criticism means examining a biblical text from a number of perspectives and classifications and discerning and discriminating in order to form a judgment. This is

¹ The Essenes, an ancient ascetic group, are believed to have owned a War Scroll. For more information, see Yigal Yadin's *Essays on the Dead Sea Scrolls in Memory of E.L. Sukenik*. Ed. C. Rabin and Y. Yadin (summary in English, but rest is in Hebrew. Hebrew title: *Mehkarim Bamegilot Hagenuzot*).

² *HarperCollins Bible Dictionary* (San Francisco: HarperCollins, 1996), p. 141.

INTRODUCTION AND THESIS OVERVIEW

based on archeological evidence, an analysis of the text's historical settings; a comparison it with other ancient texts to gain a better sense of the world from which it emerged; and even an examination of a text's genre and literary aspects, to name but a few of the evaluating tools used in a critical approach to the Bible.

On the other hand, there is also the traditional, rabbinic perspective to studying the Bible. More than two thousand years ago rabbis developed their own set of rules for "discerning," discriminating," and "evaluating a judgment" of God's revelation; rules believed to have been passed down to Moses with the giving of the *Torah*³ at Mount Sinai. Where biblical criticism aims to study a text simply as another literary artifact, the rabbinic authorities viewed every word--every letter a sacred revelation from God. Where the biblical critic sees a grammatical error that might have been a scribal oversight, the rabbis see it as another message from God begging to be decoded. The rabbinic authorities knew every letter in the Bible cold—they were the true masters of the text. It is the author's hope that the combination of modern scholarship, science and history, in addition to the reverence, insight and authority of the rabbinic masters will lead us to the clearest possible interpretation of Deut. 20.⁴ We will revisit these issues again in Chapter Four when we will compare and contrast their conclusions.

³ "Torah" is *inter alia* the Hebrew word for the Five Books of Moses.

⁴ An illustration of the differing approaches to the text can be found concerning the verse, "When you go out to war against your enemies, and you see horse and chariot—a people more numerous than you..." (Deut. 20:1) The phrase *sus v'rechev*, "horse and chariot" is viewed by the critical scholar as a scribal error. They would translate it in the plural and explain its original state in a footnote. The rabbis, however, embrace the grammatical oddity and make it an opportunity to teach us that for the Israelites who have God on their side, all the horses and chariots of the enemy's army as are as one and thus will be easily overthrown.

BIBLICAL CRITICISM AND ITS NOMENCLATURE

Before reading Chapter Two, the reader may want to become familiar with the following nomenclature introduced below: Translation (identifying issues having to do with grammar, key words, and repetitions); Structure (analyzing the layout of the text); Genre (identifying the text's different styles of literature); Literary Setting (examining the literary context of the text); Historical Setting (e.g., using history and archaeology to determine when the text was written, by whom and for what purpose); and Narrative (explaining the text based on the world and events as the text purports to take place). All these shape an understanding of the text's intention.

Translation

The reader will find an original translation in Chapter Two. In writing this translation the author has two goals in mind: to provide an accurate translation that is easy to read and to make accessible to the reader all grammatical and biblical issues by citing them in the footnotes. Concerning the style of the translation, the reader will notice that it is somewhere between literal and interpretive. This method captures the original feel of the Hebrew text without creating stilted English. The author follows Everett Fox, translator of *The Five Books of Moses* (1995), whose style is a modified version of the Buber Rosenzweig translation. Buber and Rosenzweig's goal was "To lead the reader back to the sound, structure and form of the [Hebrew]" an important point given that the Bible was originally an oral document. Furthermore, they believed that, "Translations of individual words should reflect their 'primal' root meanings and that translations of phrases, lines and whole verses should mimic the syntax of the

Hebrew..."⁵ Rabbinic sources are only consulted in the translation when modern scholarship leaves a gap.

In the translation, the reader will find many notes on the "vav conjunctive." When the Hebrew letter "vav" comes at the beginning of a word, it often means "and." But there are other options such as "if," "but," "then." As there is only one "vav," and many translation possibilities, including the option of writing nothing, whenever a "vav" is translated as anything other than "and," it is noted.⁶ One final word. The translation of this text is based on the Hebrew Bible, *Biblia Hebraica Stuttgartensia* (BHS). This Hebrew edition records a number of ancient and modern notations to aid the lay reader and the scholar in identifying discrepancies between early Bible editions and ancient fragments. All citations for Deut. 20 are based on the author's translation. All other biblical quotations are from the JPS Bible unless otherwise noted.

Structure

In addition to a translation, the reader will also find a structure of Deut. 20. The structure is similar to an outline in that it is a visual illustration of the text. However, a structure is also a tool to also illustrate parallelism (generally two units of text where the first unit is echoed by the second. An example is Ps. 19:1-2 where it says, "The heavens tell of God's glory/ the sky proclaims His handiwork. We see a progression from the general to the specific whereby "Sky" echoes "heavens," and "His handiwork" echoes "God's glory").

⁵ Everett Fox, *The Five Books of Moses: The Schocken Bible Vol. I*. (New York: Schocken Books, 1995), pp.x-ix.

⁶ On the many uses of the letter vav in biblical Hebrew, see *Gesenius' Hebrew Grammar*, trans. A. E. Conley, 2nd ed. (Oxford: Clarendon Press, 1909), Index s.v. vav.

The structure also shows key words that repeat throughout the passage; symmetry (chiastic or introverted patterns where the units of the second set matches the first, but in reverse order); striking repetition (the repetition of words or phrases in a block of text) and key words (such as the priest's opening words to the troops before battle "*Sh'ma Yisrael*," Hebrew for "Hear, O Israel!"⁷). Accompanying the structure is a structure description, an explanation of how the verses and patterns mentioned above relate to each other and to the overall scheme of the passage. Following the structure explanation of the structure is a list of thematic and symbolic key words for Deut. 20.

Genre

After the list of thematic and symbolic key words is an examination of Deut. 20 in terms of its Genre. In this section we consider the style of writing: Is it a story? A speech? Is it a list of items? Often a text contains represents more than one genre, as is the case in Deut. 20 where there are actually three. These are, 1) military instruction, because it deals with rules of war; 2) war oration, because powerful language is employed by military leaders to rouse courage among the troops; and 3) wisdom literature, because, in the final verse a statement is made in the style of Proverbs.

The Divine Warrior and the Expression "Holy War"

Following Genre, we address the portrayal of God in Deut. 20 as a "Divine Warrior." Many verses in this chapter and others depict God as fighting on behalf of Israel like a warrior (Deut. 20: 1, 4, 13, 16, 17, 18). We will also examine and define the concept of "Holy War," a term employed by the scholarly world to mean aggressive military activity which is perceived as issuing from a divine command. We will see why

⁷ These are the opening words to a very important Jewish prayer, "The *Sh'ma*."

this label of "Holy War" for Israel is highly misleading when used with respect to ancient Israel.

Literary, Historical and Narrative Settings

Another technique in biblical criticism is to examine a text from the perspective of a number of settings. The three settings examined here in Deut. 20 are Literary, Historical, and Narrative. In the Literary setting, we analyze Deut. 20 in terms of its location in the Book of Deuteronomy and its placement vis-à-vis the texts that immediately precede and follow it. This method is similar to structure except that focuses only. We want to know how Deut. 20 fits into the larger scheme of Deuteronomy and how this placement illuminates the text.

In the Historical setting, we address date and authorship of Deut. 20 (believed to be Seventh century B.C.E.), the intended audience, the geographical location of the text's authorship, the war culture of that time, and speculation on the reason for this text's emergence. Information is based on archeological finds, history, and educated guesswork. The Historical setting is also where we examine a number of military terms, practices and ideas such as,

* *The warrior class/military establishment:* Who were they? The text calls them "Am" Hebrew for "people," or "troops." Many argue that it was not a fully established army, but a militia pulled together in times of need. In addition to the troops, Deut. 20 mentions various levels of military leadership including the Priest (*hakohein*), the officers (*shotrim*), and leaders of the legions (*sarei tsvaot*).

BIBLICAL CRITICISM AND ITS NOMENCLATURE

* *Deferment*: Deut. 20 lists four categories according to which a man could defer his military service. The categories were 1) those who had a new home that had not yet been dedicated (Deut. 20:5 mentions this ceremony that was assumed to be popular in ancient times); 2) those whose vineyards were released from consecrated use allowing the owner to personally benefit from them (Deut. 20:6, which is based on a law from Leviticus stating that the first few years of a tree's bearing fruit are off limits for everyday, secular use); 3) those troops who were pledged to marry (Deut. 20:7); and 4) those too frightened to fight (Deut. 20:8).

* *Weapons*: From Deut. 20 we learn about ancient military siege tactics such as the use of horse and chariots, and the sword.

* *Military tactics*: The offering of peace (a prelude to the enemy becoming servants to their captors), and *herem*—a special brand of destruction that is discussed in full in Chapter Two.

* *The Seven Nations*: The enemies Israel fights are both unnamed people in distant lands and specific groups in the land of Canaan. These people are known in the scholarly world as the “Seven Nations” and they are the Canaanites, Amorites, Hittites, Perizzites, Jebusites, Girgashites, and Hivites. Discussion of Israel's enemies is limited to the Seven Nations.

The third Setting is *Narrative* where we identify the world as depicted in Deut. 20 and the time when it purports to take place (Thirteenth-century B.C.E.). A full description of the narrative follows in Chapter Two.

RABBINIC AUTHORITIES AND THEIR NOMENCLATURE

We move now to an analysis of Deut. 20, which entails a very different approach to studying text from biblical criticism. While biblical criticism uses archeology, history, and literary criticism to explain the text before us, the rabbinic authorities had their methods. To the rabbis, every letter was considered sacred, a way for God to communicate with humankind. Before proceeding with how the rabbinic authorities analyzed biblical text, let us first consider the sources consulted for this.

Rabbinic Works Consulted

The major works consulted in Chapter Three are the Mishnah, the Babylonian Talmud, and a medieval commentary by Rabbi Shelomoh Yitzchaki, also known as Rashi and henceforth referred to by that name.⁸ The Talmud is composed of the Mishnah and the Gemarah. The Mishnah, literally "teaching," or "repetition,"⁹ is a literary collection of four centuries of Jewish cultural and religious life in Israel beginning during the first half of the second century B.C.E. and ending around the second century CE. This material forms the earlier stratum of the Talmud. The rationale behind committing the Mishnah to writing, after it had been transmitted and studied orally for generations, was to allow for the preservation and application of Torah law.¹⁰ At the time of this work's production under Judah the Prince, c. 200 CE, Jewish communities regarded it as second in importance to the Bible. We will be examining material from the Tractate¹¹ *Sotah*, Chapter 8, of the Order *Nashim*,¹² of the Mishnah, which addresses some aspects of Deut.

⁸ Based on the acronym, Rabbi Shelomoh Yitzchaki.

⁹ From the Hebrew root *shnah*, to repeat, to teach through repetition (The Aramaic word is *tna* (pl. *Tannaim*, a title for the early rabbis).

¹⁰ "Torah Law" is biblical law as understood by the rabbinic authorities.

¹¹ Or Treatise

¹² Hebrew for "Women."

20. m. *Sotah* 8 discusses the Priest's address to the nation before battle, military deferment, and appointment of the heads of legions.¹³

The second stratum of the Talmud (literally "learning" or "discussion"), is the Gemara which expands the Mishnah into a massive multi-volume work. There are two sets of Talmud, The Jerusalem Talmud, which was compiled between the Third and Fifth centuries and The Babylonian Talmud, compiled between the Third and Sixth centuries. We will be referring to Tractate b. *Sotah* 42a-44b of the Order *Nashim* of the Babylonian Talmud, which deals specifically with the "War Code," Deuteronomy 20.

Rashi (France 1040-1105), the commentator par excellence, wrote commentary on the Bible and on the entire Babylonian Talmud. All traditional editions of the Torah have Rashi's interpretation and every edition of the Babylonian Talmud is printed with his elucidations on the inset of each page. He is considered the master commentator because of his prolific and prodigious writing. He is known for writing in a clear, concise style in which he gives both the simple meaning of the text and its homiletic interpretation,¹⁴ based on the Talmud and *Midrash*.¹⁵

Rashi's main sources for commenting on Deut. 20 are the Babylonian Talmud 42a-44b and the *Sifrei* 198-202. I have also consulted Yisrael Isser Zvi Herczeg's, *The Torah: With Rashi's Commentary Translated, Annotated, and Elucidated*. Vol. 5. The Sapirstein Edition. Brooklyn: Mesorah, 2000.

In addition to Rashi, occasional references are made to two other medieval commentators. They are Rabbi Moshe ben Maimon, also called Maimonides and

¹³ Based on article by Herbert Danby in his introduction to *The Mishnah* (London: Oxford University Press, 1954), pp. xiii-xiv.

¹⁴ See Chapter Two, of this work, *Rabbinic Assumptions*, for definition.

¹⁵ *Midrash* is rabbinic exegetical literature that attempts to capture deeper, ephemeral meanings embedded in the Torah.

henceforth called the Rambam¹⁶ and Rabbi Moshe ben Nachman, also called Nachmonides and henceforth called the Ramban.¹⁷

SOME RABBINIC ASSUMPTIONS

Rabbinic material operates based on specific identifiable, essential terms, some of which we now examine. The reader should become familiar with the following concepts before reading Chapter Three. They are the historical environment from which Jewish law on warfare emerged, rabbinic approaches to sacred Jewish texts, and certain biblical and the agricultural system and marriage.

Jewish law on war was completely theoretical from the time of the *Bar Kohbah* revolt against Rome in 135 CE until the mid-twentieth century. During this period, Jewry entered a state commonly referred to as "powerlessness."¹⁸ According to Stuart Cohen, author of *The Scroll or the Sword?* Jews discarded implements of war and preferred accommodation over fight. They drew their inspiration from Zechariah 4:6 "Not by might nor by power, but by My spirit, said the Lord of Hosts." Jews fought in various armies throughout the world and history, including under Christian and Muslim rule, but this was not the norm.¹⁹ Looking back at the origins of this phenomenon, Cohen says that "By the Third Century CE, at the latest, Jewish thinkers had begun to expunge virtually all memory of warfare from the national consciousness."²⁰ He says that "Tales of military valor and heroism were deliberately divested of their plain meanings" for example, King David was "Transformed from a warrior into a scholar."²¹ Issues of

¹⁶ Rabbi Moshe ben Maimon

¹⁷ Rabbi Moshe ben Nachman

¹⁸ Cohen, *The Scroll or the Sword?* (Amsterdam: Harwood Academic, 1997), p.2.

¹⁹ *Ibid.* p. 4.

²⁰ *Ibid.* p. 4.

²¹ *Ibid.* p. 4.

combative nature, spiritually or practically, were neglected. Cohen speculates that it was the nature of always living in exile and under political subjugation that resulted in the loss of any hope of one day regaining military footing. Notice the Rambam places his discussion on war in the last section of the last volume of his fourteen-volume code, titled "Laws of Kings," suggesting something in a far off future.

This situation changed in the twentieth century. In 1907, a Jewish watchmen's society was formed in Palestine called *HaShomer*. 1920, saw the creation of the *Haganah*, a full blown Jewish militia with the beginnings of true military capability; it was later transformed into the IDF, the Israel Defense Force after 1948. It was then that rabbinic laws ceased to be only theoretical. Rabbi Goren, former Chief Rabbi of the Israeli military, has written on this subject in his book, *Purity of Arms*.

Rabbinic Approaches to Reading a Biblical Text

The rabbis were very sensitive to every word in the Bible. They responded to all verbal redundancies, inconsistencies, grammatical "aberrations," in short, anything out of the ordinary was taken as hints of Divine revelation begging to be decoded. Thus, the rabbis developed a formal system of interpreting the Bible called Hermeneutic Principles, or in Hebrew, *Midot*. These rules are expounded in a baraita²² of Rabbi Ish'mael²³ in an introduction to the tannaitic²⁴ commentary on the book of Leviticus, the *Sifra*. Tradition has it that these rules were handed down to Moses at Sinai, along with the Oral Law.²⁵

²² A "baraita" is a tannaitic collection of teachings that did not make it into the Mishnah.

²³ A Tannaitic rabbi.

²⁴ As mentioned above, "tannaim," is plural for "t'na," Aramaic for "teachers," or "teach," respectively. The Tannaim were teachers mentioned in tannaitic literature, which includes the Mishnah, Tosefta, Baraita, and Midrash Halakhah. The range of the Tannaitic period is from the death of rabbis Hillel and Shammai in the first century C.E. and the death of Judah the Patriarch in the second century. Rabbi Akiba, mentioned below, was a tanna.

²⁵ Oral Law is the Jewish tradition passed down from generation to generation by word of mouth. This Law, in Hebrew, called *Torah sheb'al peh*, is considered as sacred as the Written Law, the Torah. It is

Contrary to traditional belief, some modern scholars believe these techniques originated from Roman scholars during the Hellenistic period (Third century B.C.E. to First century C.E.).

The most well known principles are the thirteen formulated by Rabbi Ish'mael (his principles are based on the seven principles of Hillel, an early rabbi in First century Israel).²⁶ One of the principles employed in the discussions below is "*Gezerah Shavah*," a type of analogy based on similar words or phrases in two verses of the Bible, leading to the deduction that what is meant in one passage applies to the other.

Marriage

In Deut. 20: 7, a warrior could be deferred because of engagement or marriage.

The rabbinic authorities derived from the Torah a two-staged process of marriage. The first stage is *erusin*, an engagement-like process that lasted anywhere from a few months to an entire year. The woman could not "date" other men, but neither could the couple live together. Their legal standing would require a *Get*, a legal Jewish divorce for them to marry other people. The second stage of marriage is called *nissuin*. This is the consummation of marriage through an elaborate celebration and the couple living together. An example of this rule of interpretation will figure in the later discussion of this material under the section "Deferment."

believed that Oral Law was given to Moses at Mt. Sinai with the giving of the Torah as a way of explaining certain Torah laws that were unclear. Over time, Oral Law was committed to writing and resulted in the creation of the Mishnah, Midrash, Tosefa, and Talmud. This process continued with the literature produced by the Geonim and continues to this day in the work of commentary and elucidations on the Torah. There is a famous story of how Moses briefly existed in the future and entered the classroom of Rabbi Akiva. He heard students discussing a law from the Torah, but could not understand what they were talking about. This story, from b. *Menahot* 29b, illustrates how dynamic Jewish law really is.

²⁶ Hillel the Elder, was responsible, along with his scholarly rival, Shammai, for the development of the Oral Law at this time.

***Orlah* and Agriculture**

In the "Deferment" section of Deut. 20, the rabbis elaborate on the issue of deferred warriors because of their vineyards. An explanation of this rabbinic conception is in order. *Orlah* is the Hebrew word for "foreskin," but in an agricultural context, it refers to a tree's fruits in its first three years of growth. According to Lev. 19:23-25, these fruits cannot be eaten. In the tree's fourth year, it is held sacred and its fruits are brought to Jerusalem. In its fifth year, the tree's produce are in a profane state and may be used in a non-sacral way.

The Ark

The Ark is not mentioned in Deut. 20 or in m. *Sotah* 8, but the rabbis read 20:4, "For the Eternal your God is He that goes with you to fight for you against your enemies to save you" as evidence of its presence. The rabbis link God's mobile presence and the Ark as one. We have several biblical references to the Ark's presence with the troops during war. Alexander Rofe, an Israeli professor of Bible at Hebrew University and author of "The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity," cites a number of examples. "God's presence in battle is expressed by the presence of the Ark (Num. 10:35-46; Isa 4:3-11), this practice prevailing up to the rise of the monarchy (II Sam. 11:11; 15:25). The unseen God was imagined as sitting on the *cherubim*, the figures atop the ark cover (I Sam. 4:4, II Sam. 6:2; II Kings 19:15; Ps. 80:2)."²⁷ Of course the rabbis never imagined God actually sitting on the Ark, but that the Ark was a vehicle for communing with the Divine in certain contexts.

²⁷ Alexander Rofe, "The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity." *The Journal for the Study of the Old Testament*. 32, 1985, p. 24.

RABBINIC TERMS AND CONCEPTS: MISHNAH SOTAH 8

We begin with m. Sotah 8:1-7. The three main topics this Mishnah covers are the battle priest (8:1), the institution of deferment from battle (8:2-5, 7), and the appointment of heads of legions in the front and rear of the troops (8:6).

The Priest

The Mishnah's discussion of the Priest includes his special typology, the language he speaks, and his speech. First the Priest's special identification: The Bible provides no explanation of the Priest. The first hint that this is no ordinary priest is based on the definite article "the priest," not "a priest" (Deut. 20:1). According m. *Sotah* 8:1, the priest who came to speak to the troops was the *Meshuach Milchamah*, the "Anointed for War." Before proceeding further, a brief explanation of the concept of "anointing" is in order. According to Rambam in *Hilchot Melachim U'milchamoteihem* (Kings and Their Wars), "When a king was anointed, he was anointed with oil reserved for this purpose."²⁸ The Rambam cites I Samuel 10:1 as an illustration: "And Samuel took the cruse of oil and poured it over his head. [Then,] he kissed him [Saul, being anointed king of Israel]"

Both the priest who spoke to the troops and the king were anointed. Eliyahu Touger, translator and commentator of many of the Rambam's books, provides a short history on this special oil was first used by Moses to sanctify the Tabernacle's utensils, but centuries later the employment of the oil was reserved only for monarchs, high priests, and the Priest Anointed for War. Still later, King Josiah hid the oil along with the Ark of the Covenant.²⁹ According to the Rambam, the contents of this oil were made

²⁸ 1:7.

²⁹ Touger citing *Hilchot Beit Habaichira* 4:1.

from olive oil and a mixture of spices.³⁰ Finally, the anointing oil had special properties—despite its use, it remained miraculously intact.³¹

The Mishnah states that the priest spoke to the troops in Hebrew and that he gave not one, but two speeches, although it does not specify when or where.

The Seven Nations

In Deut. 20 it states, “Hear, O Israel! You are drawing near this day to wage war against your enemies...” (20:2). The Mishnah notes the verbal redundancy of “enemies” and uses this as an opportunity to emphasize the concept that Israel is going to war against real enemies, a war unlike those against other Israelite tribes. The Mishnah restates the verse, “Hear, O Israel! You are drawing near this day to wage war against your enemies...(Deut. 20:3): ‘And not against your brethren, not Judah against Simeon, and not Simeon against Benjamin, for if you fall into their hands they will have mercy upon you, as it is said, “And the men who have been mentioned by name rose up and took the captives, and with the spoil clothed all that were naked among them, and arrayed them and shod them and gave them to eat and to drink, and anointed them, and carried all the feeble of them upon asses, and brought them to Jericho, the city of palm trees, unto their brothers; then they returned to Samaria” (II Chron. 28:15). The Mishnah’s point is that, if the Israelites are captured by one of the seven nations, they will not receive mercy as they would from their brethren tribes (m. *Sotah* 8:1).³²

³⁰ Touger citing *Hilchot Klei HaMikdash* 1:1-3.

³¹ Touger, p. 16.

³² For more information on the inclusion of the Girgashites, see Deut. 7:1-2 where they are mentioned with the six other nations. Also, see Rashi to Exodus 33:2.

Deferment

This segment of the Mishnah is the largest of the three major topics. A list of the contents is as follows: 1) Troops who qualify to return home, but must perform non-combatant service for a year (8:2). 2) Those who do not return from battle (8:3). 3) Those who return and do no military service for a year (8:4). 4) The category of deferment, e.g., "one too fearful to fight" for which the Mishnah offers two levels of interpretation of "far" (8:5) and 5) the types of war deferment that are and are not permitted (8:7).

When the Mishnah defines the limits of deferment granted in Deut. 20:5-9, it follows the three categories in the biblical text of "house," "vineyard," and "wife." As noted above, the first category deals with those who may return, but must provide non-combatant service for a year. The Mishnah says anyone who is in the following situation qualifies:

"It's all one whether" it be made for
 straw,
 cattle,
 wood,
 stores of wine, oil, etc.
 Whether he builds it,
 purchases it,
 inherits it
 or gives it.
 In all these cases, he may return home.

In the case of a vineyard, the Mishnah says,

"It's all one whether"
 he owns five fruit trees of the same fruit
 or all different fruits;
 whether he planted it

or "sinks it,"³³
 or grafted it.
 Whether bought
 or inherited
 or received it as a gift.
 In all these situations, he may be exempt from war.

In the case of one who has betrothed a wife, the Mishnah says,

"It is all one whether"
 he marries a virgin,
 a widow,
 a woman who awaits levirate marriage,³⁴
 even if he hears his brother was killed at war.
 In all these cases, he turns back and goes home.

Those mentioned in the above three categories go home, but they provide troops with
 water, food and they repair roads (m. *Sotah* 8:2).

A subsection of "deferment" includes those who do not qualify for deferment.

For a new house,

One who builds a gatehouse,³⁵
 a porch,
 or a balcony.
 Rabbi Judah says,³⁶ one who rebuilds his house as it originally was.
 Rabbi Eliezer b, Yosi HaGelili says,³⁷ one who builds a house of bricks in
 Sharon³⁸ (m. *Sotah* 8:3).

For a vineyard,

One who plants four fruit trees
 or five non-fruit bearing trees.

³³ To "sink" a vine is "To bend down a vine branch and sink it in the earth to make it grow as an independent plant," Blackman, p. 369.

³⁴ Levirate Marriage, commanded in Deut. 25:5-6, takes place when a married man dies and the widow is married to the brother-in-law as a way to keep the deceased's name alive.

³⁵ According to Blackman, this is a watchman's lodge p. 370.

³⁶ A second century tanna.

³⁷ A second century tanna.

³⁸ The Sharon is a region in Israel on the coastal plain between Carmel and Jaffa. The bricks there were of a quality that lasted only three years or so (Blackman, p. 370).

For betrothing a wife,

One who "takes back" his divorced wife,
 a High Priest who marries a widow,
 a common priest who marries a divorced woman or one that performed *halitzah*,³⁹
 an Israelite who marries a *mamzer*⁴⁰ or a descendant of the Gibeonites,⁴¹
 a *mamzer*, or a Gibeonite descendant that marries the daughter of an Israelite (m. *Sotah* 8:3).

The second category of deferment includes those exempt from any military service for one year:

One who built a house and dedicated it [and has not live in it a full year].
 One who planted a vineyard and redeemed it [in the 4th year which had not ended].
 One who wed his betrothed,
 and one who wedded his levirate sister-in-law.

The Mishnah bases the three rulings immediately listed above on Deut. 24:5: "He shall be free for his house for one year to cheer his wife whom he has taken." The Mishnah exegetically interprets each part of the verse thus:

FOR HIS HOUSE--he shall be free for his house.

HE SHALL BE--he shall be free for his vineyard.

AND SHALL CHEER HIS WIFE--his own wife.

WHOM HE HAS TAKEN--the levirate sister in law (m. *Sotah* 8:4).

³⁹ *Halitzah* is a ritual that officially releases a widow from her brother-in-law in marriage (called Levirate Marriage). Please refer to Chapter Three, "Rabbinic Assumptions" for more details.

⁴⁰ A *mamzer* is not a child born out of wedlock, but the issue of a forbidden union through incest or adultery with a married woman. According to Jewish law, a *mamzer* can only marry another *mamzer* or a convert to Judaism. In every other way, they receive the same benefits as any other Jew. To prove this, the Talmud states that a Torah scholar *mamzer* takes precedence over an ignorant High Priest (m. *Hor.* 3:8).

⁴¹ The Gibeonites are included in this list because they represent a line of converts to Judaism.

For the category of "one too fearful and faint hearted," Rabbi Akiba interprets, "It is one who is unable to endure when battle is joined or to behold a drawn sword." Rabbi Jose the Galilean, taking a spiritual perspective says, "This refers to one who is afraid because of the transgressions he is guilty of, therefore has the Law accounted to him all these that he may return because of them."

Transgression, or "Sin" is defined as

A High Priest who married a woman;
a common priest who married a divorced woman or a woman who performed halitzah;

an Israelite who wedded a *mamzer* or a woman of Gibeonite descent;
or a *mamzer* or a person of Gibeonite descent who married the daughter of an Israelite.

All who fell into the above categories are what Rabbi Jose defined as "fearful and fainthearted" because of the sin of their illegitimate marriage (m. *Sotah* 8:5 on Deut. 20:8).

Military Commanders

According to m. *Sotah* 8:6, the "heads of the legions" mentioned in Deut. 20:9 were guards placed in the front and back of legions to prevent them from deserting—we may equate them with "military police." They had iron axes in their hands and anyone who tried to desert these police had the authority to chop that person's legs off. The reason is straightforward: the beginning of retreat is the beginning of defeat. The Mishnah provides two prooftexts: In I Sam 4:17 it was reported that "Israel fled before the Philistines and there was a great slaughter among the people." The other proof text is I Sam 31:1: "And the men of Israel fled from the Philistines and fell down slain...etc. (m. *Sotah* 8:6)."

Types of War

The Mishnah discerns two classifications of wars in the Bible and they are explained in the opening lines of m. *Sotah* 8:7: "In which situation did men return from battle or stay away at home? In a *milchemet reshut*, a political battle, which is a war of conquest or booty, in this, people stay home.⁴² But in a *milchemet mitzvah*, a battle for religious causes, all must go forth, even a bridegroom from his chamber and a bride from her bridal chamber, to provide provisions and repair roads. Rabbi Judah, quoted in the Mishnah, voices a different opinion. He says that the above people return home for a *milchemet mitzvah*, but in a *milchemet hovah*, a battle of duty for national defense, all go out including the bridegroom and bride from their bridal chamber. To clarify the two opinions, *milchemet hovah* and *milchemet mitzvah* are fought for the same goal. All wars of conquest of Canaan and wars against the Amalakites ("enjoined by God"⁴³) fall into this category. Examples of a *Milchemet reshut* are wars fought by King David to widen boundaries and impose taxes on beaten foes. In a note of clarification by Philip Blackman, translator and commentator of the Mishnah, says that Rabbi Judah's *milchemet hovah* and the first, anonymous opinion in the Mishnah, *milchemet reshut* are the same, that both are preventative wars where Israelites forestalled attacks on themselves before the enemy could attack them.⁴⁴

⁴² This war is also called an "optional war," though it was only optional as far as the king was concerned when he had to prioritize types of wars and determine when to permit deferment. As for the individual however, it was never a matter of having the "option" to serve or not to serve (Don Levy, rabbinic thesis, *Purity of Arms*, [Cincinnati: HUC, 1988], p. 49).

⁴³ Blackman, p. 373.

⁴⁴ *Ibid.*, p. 135. As for the issue of conscientious objectors, according to Rabbi Goren, former Chief Rabbi of the Israeli Armed Forces, there is no provision for this status in any Jewish war. A *milchemet reshut* can easily become a *milchemet mitzvah* if the war has escalated to the point where the country needs everyone's participation to avert defeat in which case all deferment is canceled (Levy, p. 178). In a *milchemet mitzvah*, argues Goren, those who would otherwise be exempt in a *milchemet reshut*,

Siege and Fruit-bearing Trees

Deut. 20:19-20 prohibits the destruction of fruit-bearing trees for the sake of war.

The issue of warfare and the preservation of fruit-bearing trees is not addressed in the

Mishnah, however, medieval commentators are sympathetic to this ecological concern and they comment accordingly.

have "the responsibility to overcome such qualms [such as fear over a number of issues] and failure to do so constitutes an offense punishable with the death penalty" (Levy, p. 177). The modern day application of these laws goes beyond the scope of this thesis, however, the author refers the reader to Rabbi Shlomo Goren's *Purity of Arms* and to *responsa* literature by Rabbis Feinstein and Bleich for further information on the subject.

ANNOTATED BIBLIOGRAPHY

The following annotated bibliography represents a sampling of traditional and contemporary scholarship on Deuteronomy and ancient warfare and figure prominently throughout the thesis. Extra material that supplements this work in one form or another, in also cited.

1. *Biblia Hebraica Stuttgartensia*, Ed. Rudolf Kittel. Germany: Privileg. Wurt. Bibelanstalt, Stuttgart for the American Bible Society, 1954. I used the *Biblia Hebraica Stuttgartensia* (BHS) for my Hebrew text because this version of the Hebrew manuscript was written around 500 CE by the Massoreites (from *masar*, “to bound”) who developed a notation system for breaking down the text into a highly structured system. The BHS also notes textual errors and differences among other Hebrew manuscripts at the base of each page, thus making it an indispensable tool for any Bible scholar.
2. Cohen, Stuart A. *The Scroll or the Sword?* Amsterdam: Harwood Academic Publishers, 1997. Cohen provides contemporary application of traditional Jewish authorities to modern times. This is made clear in his chapters on responsa to modern wartime. This book was most helpful for my sections on Historical Setting and on Rabbinic thought (where he has a fair section on Maimonides and defines the rabbinic categories of war). Cohen is of Bar-Ilan University, Israel

3. Craigie, Peter C. *The New International Commentary on the Old Testament: The Book of Deuteronomy*. Michigan: Eerdmans, 1976. In this work, Craigie uses an exegetical approach, providing point-by-point analysis of the biblical text. He includes Ancient Near East parallels, extensive footnotes, and especially helpful is his section on the priest's role and the institution of exemption from the military.

4. De Vaux, Roland. *Ancient Israel Vol. I. Social Institutions*. New York, Toronto: McGraw-Hill Book Company, 1961. This book is part of a two-volume set in which de Vaux focuses on almost every aspect of the social institutions in ancient Israelite life. His arguments are based on textual, literary and historical criticism. Part III of his book focuses on Military Institutions. Subheadings include "Arms," "Siege Warfare," "Armaments," "War" and "Holy War." His goal was for this book to be a reference work for the lay reader of the Bible. However, it contains extensive research and is therefore quite appropriate for the scholar as well. Father de Vaux was director of the *Ecole Biblique* in Jerusalem and was for fifteen years editor of *Revue Biblique*. He was a specialist in biblical scripts and languages.

5. Dorff, Elliot, N. "A Time for War and a Time for Peace:" A Jewish Perspective on the Ethics of International Intervention. University Papers. The University of Judaism, Vol. VI No. 3., June, 1987. Dorff deals with the subject of war from the biblical and Rabbinic perspectives in a thin booklet. He states that "Jews looking to Jewish sources for guidance in these matters should not expect clear,

indubitable answers to all their questions, for such answers are available only in much less complicated affairs. They can legitimately expect, however, a point of view emerging from the tradition which expresses its values and apply them in some concrete ways" (p. 3). Dorff illustrates how to do just that. He provides brief chapters on sources and methods of the Jewish tradition, Mishnaic and Talmudic categories of war, and addresses medieval and modern treatments of war—especially through Maimonides' Mishneh Torah. Dorff concludes with an evaluation of American and Israeli military action since the Six Day War stating that the ultimate goal is to "Seek peace and pursue it."

6. Eph'al, Israel. "On Warfare and Military Control in the Ancient Near Eastern Empires: A Research Outline." *History Historiography and Interpretation: Studies in Biblical and Cuneiform Literatures*. Ed. by H. Tadmor and M. Weinfeld. The Hebrew University, Jerusalem: Magnes Press, 1983. In this excellent article, Eph'al compares and contrasts siege and open battlefield war tactics in ancient Israel among empires of the Ancient Near East cultures around 600 B.C.E..

7. *The JPS Torah Commentary, Deuteronomy. The traditional Hebrew Text with the New JPS Translation*. Commentary by Jeffrey H. Tigay. Philadelphia, Jerusalem: The Jewish Publication Society, 1976. Tigay uses both scholarly and reverential approaches to the text. He employs archeological knowledge and Ancient Near East parallels in every possible situation. His book contains extensive endnotes

useful for locating other references. Finally, most relevant to the Thesis were his excursus on "The Concept of War in Deuteronomy," and "The Proscription of the Canaanites." This book was the single best resource for the Thesis.

8. Yisrael Isser Zvi Herczeg's, *The Torah: with Rashi's Commentary Translated, Annotated, and Elucidated*. Vol. 5. Fourth Impression. The Sapirstein Edition. New York: Mesorah, 2000.

9. Herzog, Chaim and Mordechai Gichon. *Battles of the Bible*. Pennsylvania: Greenhill Books, 1997. Herzog and Gichon have written a book on this history of warfare in ancient Israel from the Conquest to the Maccabees. The book includes many illustrations. Those most useful to this paper include siege tactics, warriors, chariots, Assyrian assault force storming a city, Judean chariots, and Senachub's attack on gate of Lakish. The author's goal of applying "to the biblical narrative modern military thinking and understanding" (p. 21) makes this book very useful for my section on "Historical Setting."

10. Merrill, Eugene H. *The New American Commentary: Deuteronomy: An Exegetical and Theological Exposition of Holy Scripture NIV Text*. Vol. 4. [place]: Broadman and Holdman, 1994. Merrill comes from a scholarly, religious Christian perspective. His wrote this book with pastors, teachers and students in mind. He book was especially useful for gathering information on the

date of Deuteronomy's composition, his focus on Deut. 20, and his citation of Ancient Near East parallels.

11. Rofe, Alexander. "The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity." *The Journal for the Study of the Old Testament*. 32, 1985. Rofe states that this article represents a segment of a much larger work he is writing in Hebrew on the Book of Deuteronomy. Rofe examines the subject of war using the methods of biblical criticism. He provides Ancient Near East parallels, and defines terms. He has a section dealing specifically with Deuteronomy 20 in which he wrestles with dating theories of the different strata of text. Rofe's discussion extends to other biblical material of the same genre.

12. Rosenthal, Monroe and Isaac Mozelson. *Wars and the Jews*. New York: Hippocrene Books, 1990. This book focuses on historical war tactics, instruments, weapons, strategy, and methods of war. Chapters of particular interest to me include "Methods of war," "Moses and the Military," "Treaties," "Conduct of War," and "Chariots." Coverage goes from Abraham to modern times.

13. Von Rad, Gerhard. *Holy War in Ancient Israel*. Translated and edited by M. J. Dawn. Michigan: Eerdmans, 1958. Von Rad employs form critical analysis and historical-political analysis to his research. The main focus of his book is on Holy War in the Old Testament. In his chapter on "The Book of Deuteronomy and

Holy War," and specifically on Deut. 20, Von Rad wrestles with the meaning of the war text and the dating of it. This is a pivotal work that has come by harsh criticism over the years, but it still often cited. Von Rad attributes war ideology to the Deuteronomic voice (See Chapter Two "Historical Setting") which he bases on certain literary tensions that exist in Deut. 20.

14. Weinfeld, Moshe. "Divine Intervention in War in Ancient Israel and in the Ancient Near East." *History Historiography and Interpretation: Studies in Biblical and Cuneiform Literatures*. Ed. by H. Tadmor and M. Weinfeld. The Hebrew University, Jerusalem: Magnes Press, 1983. Weinfeld focuses on the issue of the "fighting god who hastens to the aid of his people" (121). He notes that this concept was not localized to the Israelites alone, but was widespread among many peoples in the Ancient Near East. His examples are from Akkadian, Israelite, Ugaritic, Egyptian, and Greek cultures. Weinfeld's work is especially applicable to my section on "Themes Pertaining to the Divine Warrior" under "Genre."

15. Weinfeld, Moshe. *Deuteronomy and the Deuteronomic School*. Indiana: Eisenbrauns, 1992. Weinfeld has written a detailed scholarly work on almost every facet of the Deuteronomic school. His most valuable chapters, in terms of this Thesis, are, "the Military Oration," "The *Sitz im Leben* of the Orations," "The Laws of Warfare," and "Deuteronomic Phraseology" in which he addresses certain expressions as "Do not fear," (*Al tira*).

These works are the major volumes examined in English that bear prominently in my topic and figure prominently in my footnote apparatus. We now turn to Chapter Two and the Critical examination of Deut. 20.

CHAPTER TWO

BIBLICAL CRITICISM APPROACH TO DEUTERONOMY 20

This chapter addresses terms and concepts introduced in the first part of Chapter

One. The reader will find a Translation, Structure, Structure analysis, an explanation of the Genres in Deut. 20, and the text's Literary, Historical, and Narrative Settings.

TRANSLATION

The goal of this translation is accuracy and style, or as Everett Fox, translator of *The Five Books of Moses* states, to present the Bible "In English dress but with a Hebraic voice."⁴⁵ The footnotes here deal with issues of grammar, syntax, translation options, and similar biblical passages. As this chapter focuses on critical methods, rabbinic sources are consulted only when modern scholars leave a gap.

DEUTERONOMY 20:1-20

20:1 When⁴⁶ you⁴⁷ go out to war against your enemies⁴⁸

and you see horse and chariot⁴⁹ --a people⁵⁰ more numerous than you⁵¹ -- you shall not fear⁵² them for the Lord⁵³ your God, the one who brought you up from the land of Egypt, is with you.

⁴⁵ Fox, *The Five Books of Moses*, p. ix.

⁴⁶ Hebrew, כי can also mean "if."

⁴⁷ Heb. אַתָּה "You" is in the singular even though Moses is addressing the troops.

⁴⁸ Rashi notes that it is redundant to say "against your enemies," because you only go to war against your enemies. The repetition, explains Rashi, is to make clear that they are not to have mercy on their enemies because they will not have mercy on them.

⁴⁹ Heb. סוס וְרֶכֶב According to Rashi, *sus* can be taken as a collective noun. See Rashi to Genesis 32:6, *shor v'chamor*. *Targum Onkolos* translates "horse and chariot" in the plural. Tigay recalls a verse very reminiscent of the ideas in this one in Ps. 20:8: "They [call] on chariots, they [call] on horses, but we call on the name of the Lord our God" (Tigay, p. 186).

⁵⁰ Note the asyndetic construction of *am* in Hebrew. The word '*am*' can also mean "nation" and as we see here, "army" since that is how both the Israelites and enemies are referred to. For other examples of '*am*' meaning "army," see vv. 2, 5, 8, 9, 11, 16; Num 20:3 (When the Israelites assembled themselves against Moses and Aaron and strove against them) 31:32 (Referring to the men of war who avenge the Israelites against the Midianites); Jud 5:2 (Deborah's song of victory against Jabin, the King of Canaan);

20:2 And it shall be when you draw near to the war; the⁵⁴ priest shall approach⁵⁵ and speak to the people.

20:3 And he shall say to them, "Here, O Israel! You are drawing near this day to wage war against your enemies. Let not your heart be faint;⁵⁶ do not fear,⁵⁷ do not panic, and do not break down⁵⁸ before⁵⁹ them.⁶⁰

20:4 For the Lord your⁶¹ God goes⁶² with you to wage war for you with your enemies to save you."⁶³

Ps. 3:7 (Where the Psalter states his courage even against ten thousand people who have set themselves against him round about).

⁵¹ Heb. מִמֶּנִּי : The *mem* comparative renders this "than you." However, Rashi notes that it can should be read as "from you" to teach us that if the enemy's numbers seem threatening, it is "from you", i.e., a subjective impression.

⁵² Or, "be afraid."

⁵³ A note on the usage "Lord" for God's name. "Lord" is a substitute name for the Hebrew letters, "YHVH," also known as the tetragramaton. This is believed to be God's name and probably is from the Hebrew root, h.y.h, "be." In ancient times there developed the practice of not pronouncing God's real name except under special circumstances like the High Priest during the Day of Atonement when he was standing in the Holy of Holies. The original pronunciation has been lost. The practice of using a substitute name is at least as old as the Dead Sea Scrolls if not older (Tigay, p. 431). In the middle ages diacritical marks (symbols to indicate different sounds or accents of a word) were developed by Jews based on notes from the margin of the Bible instructing the proper reading of a word when the written text was suspected of being faulty. In Hebrew these marks are called *kri* and *kativ*, literally, "read," and "written." The name "Jehovah" originated in the middle ages when Christian students of Hebrew mistakenly read the substitute word—the vocalized YHVH—as God's ineffable name. The consonants were maintained, but they were pronounced "Adonai" because of the diacritical marks. Thus we came to call YHVH. "Lord."

⁵⁴ } conjunctive.

⁵⁵ Heb. בָּרָח . Or, "come forward" (Craigie).

⁵⁶ Or, "Let not your heart be timid" (Craigie). See Isa. 7:4; Jer. 51:46.

⁵⁷ } conjunctive.

⁵⁸ Or, tremble.

⁵⁹ Craigie translates מִפְּנֵיהֶם as "because of them."

⁶⁰ Translation follows RADAK and Rabbeinu Tam who explains meaning of root of יָרָא as suggesting "haste that is driven by fear" (ArtScroll B.T. on m. *Sotah* 8:1).

⁶¹ Heb. אֱלֹהֵיכֶם . Lit. "Your (plural) God."

⁶² Heb. יְהוָה הַלֹּכֵךְ . Lit. "The walker," or "The One Who Goes" This is a different sense from the name of God in v.1, observes Tigay.

⁶³ Or, "to give you victory" (Craigie). I prefer Blackman's translation, "For the Eternal your God is He that goes with you to fight..." (Blackman, p. 368).

For other war speeches, see Deut. 1:21 (Moses reminding the Israelites of their encounter in Kadesh Barnea: "See, the Lord your God has placed the land before you; go up and take possession, as the Lord the God of your forefathers, has spoken to you. Do no fear and do not lose resolve."), 1:29-31 (Moses recounts the disaster of the people's cowardice at Kadesh Barnea and reminds them of his encouraging words: "Do not break down and do not fear them! The Lord your God, who goes before you, He shall do battle for you, like everything He did for you in Egypt, before your eyes, and in the wilderness, as you have

20:5 Then⁶⁴ the officers shall speak to⁶⁵ the people saying: "Who is the man⁶⁶ who built a new house, but has not dedicated⁶⁷ it? Let him go and dwell in it⁶⁸ lest he die in the war and another man dedicate it.⁶⁹

20:6 And who is the man who planted a vineyard, but has not redeemed⁷⁰ it? Let him go and dwell⁷¹ in his house, lest he die in the war and another man redeem it.

20:7 And who is the man who pledged⁷² to marry a woman, but has not taken her? Let him go and dwell in his house, lest he die in the war and another man will take her."⁷³

seen..."); 7:17-21 (Moses encouraging the Israelites not to fear the nations they are about to attack: "Perhaps you will say in your heart, 'These nations are more numerous than I; how will I be able to drive them out? Do not fear them! You shall remember what the Lord your God did to Pharaoh and to all of Egypt – the great tests that your eyes saw and the signs and wonders...so shall the Lord your God do to all the peoples before whom you fear...You shall not break down before them, for the Lord your God is in your midst, a great and awesome God."); also 9:1-3; 31:2-6; and II Chron. 32:7-8 where Hezekiah gives a rousing speech to Judah that they will withstand Sennachub's great army because theirs is only flesh and blood while they (Judah) have God on their side. For other pre-battle speeches not by Moses, see Judg. 4:14 (Deborah tells Barak to rise up because this day God delivers Sisera into his hands); 7:15 (Gideon tells Israel to rise up because God delivered the Midionites into their hand); 2 Sam. 10:12 (Joab tells his newly formed troops that they will help each other and that they should be of good courage and prove strong for the sake of their people and for the sake of God's land--after that it's up to God what happens). For an in-depth study of oration in the book of Deuteronomy, see Weinfeld, DDS, 45-51.

⁶⁴ † conjunctive.

⁶⁵ Or, "address" (Craigie).

⁶⁶ Or, "What man is there" (Craigie).

⁶⁷ Heb. *chanacho*. "Inaugurate." Rashi notes that the word "*chinuch*" comes from the word "beginning" as in Gen 14:14. It also means "initiate," and "training." For passages on dedication, see Neh. 12:27 (Regarding the celebration of the dedication for the Temple in Jerusalem); I K 8:63 ("And they dedicated the house of God—the king and all the children of Israel"); also II Chron 7:5, 7:9.

⁶⁸ Heb. *וּשְׁבַר*. Craigie translates this word as "return."

⁶⁹ See Jer. 29:4 where God of the heavenly hosts commands the exiled Israelites to build houses and dwell in them and to plant gardens and to eat its produce.

⁷⁰ Heb. *פְּלוֹא*. "Profane," as in put something into ordinary use for oneself; separate from sacred use. According to Lev. 19:23-25, God forbids benefiting from fruit trees in their first three years. Only after that time is the produce "released," for personal use (Rashi). See also, 28:30 and Jer. 31:5.

⁷¹ Heb. *וּשְׁבַר*. Craigie translates this as "return."

⁷² Translation of this word, Craigie.

⁷³ Cf. Deut. 24:5 where the newly married husband was granted a year off from military service. Jer. 29:5-6. In Deut. 28:30, home, vineyard, and betrothal are summed up in a dire situation where all of the above are "consumed," not by the owner, but by another: "You will betroth a woman and another man will sleep with her; you will build a home and not live in it; you will plant a vineyard and not benefit from it."

20:8 Then⁷⁴ the officers shall continue⁷⁵ speaking to the people and say: "Who is the man who is frightened⁷⁶ and whose heart is weak?⁷⁷ Let him go and dwell in his house and not melt⁷⁸ the hearts of his brothers like his heart.⁷⁹

20:9 And it shall be when the officers have finished speaking to the people, they⁸⁰ shall appoint leaders⁸¹ of the legions at the head of the people.⁸²

20:10 When you approach a city to wage war upon it, you⁸³ shall call out to it for peace.⁸⁴

20:11 And it shall be if it responds to you in peace and opens for you, then⁸⁵ all the people who are found in it shall be to you as a tribute,⁸⁶ and they shall serve you.

20:12 But⁸⁷ if [it does] not make peace with you⁸⁸ and makes war with you, then you shall besiege it.

⁷⁴ ו conjunctive.

⁷⁵ Or, "add."

⁷⁶ Christensen: afraid.

⁷⁷ Christensen: faint of heart. Craigie: soft hearted.

⁷⁸ Note the omission of כּן "lest" thus changing the מִן הַאִיִּם pattern.

⁷⁹ See Jud. 7:3 where God proves to both the Israelites and the Midianites that triumph has nothing to do with numbers, but with God's favor. God directs Gideon to "Call out in the ears of the people, saying, 'Whoever fears and trembles, let him turn back and depart at dawn from Mt. Gilead.' Twenty-two thousand of the people withdrew, and ten thousand remained. Then God said to Gideon, 'The people are still too numerous; bring them down to the water and I shall purge them for you there.' Of all the people, God chose 300 to wage his war.

⁸⁰ ו conjunctive.

⁸¹ See Deut. 1:15 for more precise ranking of officers.

⁸² *Stuma* at the end of this verse.

⁸³ ו conjunctive.

⁸⁴ For other biblical examples of "peace," see, Jud. 21:13 ("The entire congregation sent [messengers] and spoke to the children of Benjamin who were at the Rock of Rimmon, and they called to them in peace") and I Kings 20:18 (Regarding the Samaritans, Ben hadad said, "Whether they are come out for peace, take them alive; or whether they are come out for war, take them alive"). Treaties of submission are described in Josh 9:14 when Joshua mistakenly makes a covenant with the Gibeonites ("Joshua made peace with them and sealed a covenant with them to let them live"). Also, I Sam, 11:1; and II Sam 10:19.

⁸⁵ ו conjunctive.

⁸⁶ Heb. שָׂפָה. A body of forced laborers, task workers, serfdom. For more examples, Tigay refers us to I King 5:27; 9:15, 21, 12:18; Josh 16:10, 17:13; Jud. 1:28, 30-35; Isa. 31:8; Lam 1:1.

⁸⁷ ו conjunctive.

⁸⁸ The word לֹאֵשׁ is made a verb: לֹאֵשׁ לֹא תַעֲשֶׂה... Eliyahu Touger in *Hilchot Melachim* translates this as "If they do not make peace with you..." p. 107.

20:13 Then the Lord your God shall give⁸⁹ it into your hand⁹⁰ and you shall smite all of its males by the blade⁹¹ of the sword.

20:14 Only the women,⁹² and the children⁹³ and the beasts and all that is in the city--all its spoil you shall take, and you shall eat⁹⁴ the spoil of your enemies that the Lord your God gave you.

20:15 Thus you shall do to all the cities very⁹⁵ distant from you who are not from the cities of these here people.⁹⁶

20:16 Only from the cities of these people who the Lord your God gives you as an inheritance not a single soul shall live.

20:17 For you shall utterly destroy⁹⁷ the Hittites and the Amorites, the Canaanites and the Prizzites, the Hivvites and the Jebusites as the Lord your God commands you.⁹⁸

20:18 In order that they may not teach you to act according to all their abominations, which they do for their gods, so⁹⁹ that you would sin against the Lord your God.

20:19 When you besiege a city for many days, making war against it in order to capture it, you shall not ruin its trees by wielding an axe against them, because you may

⁸⁹ Or "deliver."

⁹⁰ Heb. $\text{q}^{\text{p}}\text{p}$ Craigie translates as "your power."

⁹¹ Lit. "by the mouth." In Heb. p^{h} as in "*peh*," "mouth."

⁹² Cf. Num. 31:17-18 and Jud. 21:11-12 where non-virgin women are to be killed. For captive women, see Deut. 21 and Jud. 5:30.

⁹³ Heb. "a drop," as in the English colloquial, "half-pint," for "youngster."

⁹⁴ Or "enjoy" (Craigie).

⁹⁵ Syntax is difficult. Lit. "To all the distant cities from you very."

⁹⁶ Craigie: "Cities close at hand."

⁹⁷ Cognate accusative, that is the verb and the object derive from the same root.

⁹⁸ The Girgashites are added here by LXX, SP, and 11QT Temple 62:14.

⁹⁹ v conjunctive .

eat of them--¹⁰⁰you shall not cut them down. For is the tree of the field human, to go from you in a siege?¹⁰¹

20:20 Only the trees that you know are not food-bearing trees may you ruin and cut down; then¹⁰² you may build siege-works against the city which is making war with you, until you dominate it.¹⁰³

¹⁰⁰ ו conjunctive.

¹⁰¹ Hebrew syntax is difficult. Craigie on the second half of the sentence: "That they should be besieged by you?"

¹⁰² ו conjunctive.

¹⁰³ Heb. אֲרִיבֵנָה Rashi instructs us not to read this word as if it were from the root *y.r.d.*, "to descend," as one would conjugate *y.l.d.* from *laledet* (as Craigie translates "until it falls"). Rather, says Rashi, it is from the word "*ridui*," "domination."

STRUCTURE

The Structure is a visual aid in seeing relationships between the texts that are easily buried in paragraph form. These include, parallelism (generally two units of text where the first unit is echoed by the second); symmetry (chiastic or introverted patterns where the units of the second set match the first, but in reverse order); and striking repetition (the repetition of words or phrases in a block of text).

Following the structure is an explanation of the structure.

STRUCTURE

- I. Key military people and their speeches (20:1-9)
 - Moses' exhortation (1)
 1. Addresses troops about going to war (1a)
 2. Tells troops not to fear (1b)
 3. Theological reminder (יְיָ...) (1c)
- II. Moses' introduction regarding who should say and do what (2-9)
 - A. Moses regarding priest's speech (20:3-4)
 1. Addresses troops about approaching war (3a)
 2. Gives troops four-fold message not to fear (3b)
 3. Theological reminder (יְיָ...) (4)
 - B. Moses regarding officer's speech (5a-8)
 1. Moses' introduction (5a)
 2. Addresses troops about categories of deferment (20:5b-8)
 - a. The man who has not dedicated his house (5b)
 - b. The man who has not enjoyed the fruits of his vineyard (6)
 - c. The man who pledged to marry (7)
 - i. Moses interrupts flow to say that officers have one more point (8a)
 - d. The man too frightened to fight (8b)
 - C. Moses regarding troop leaders over legions (9)
- III. Rules of engagement regarding other nations (20:10-20)
 - A. Rules for distant cities (20:10-15)
 1. Wage war against it (10a)
 2. First offer peace (10b)
 3. Consequences for accepting peace (11)
 - a. They serve as tribute (11a)
 - b. They will serve the Israelites (11b)
 4. Consequences for rejecting peace and making war (12-14)
 - a. They are besieged (12)
 - b. God gives them into the Israelite's hand (13a-14a)
 - i. Their males are killed (13b)
 - ii. The Israelites take the spoils (14a)
 - c. Reminder that God gave them this (14b)
 5. Concluding statement: this is to be done to far cities, not near (15)
 - B. Rules for near cities: restricting area designated as inheritance (20:16-18)
 1. Command to go to cities of certain people (16a)
 2. Statement that God gives "these" cities as inheritance (16b)
 3. Double command to proscribe "them" (16c-17a)
 4. Actual list of the Six Nations (17b)
 5. Parallel reasons for proscription (18)
 - a. So they won't teach the Israelites their abominations (18a)
 - b. So the Israelites won't sin against God (18b)
- IV. Rules for handling trees during long siege to capture enemy (20:19-20)
 - A. Prohibition from cutting down fruit trees (19a)
 - Two sets of reasons (19b-c)
 1. To eat its fruit (19b)
 2. Wisdom statement about trees as innocent bystanders (19c)
 - D. Exception: Permission to cut non-fruit bearing trees for self-defense (20)

KEY WORDS

Key words are striking words, statements or concepts that conjure big ideas within the text or in other parts of the Bible.

People, nation, army: עם (1, 2, 5,8,9,11, and העמים [16])

You shall not fear! לא תירא (1)

Let your heart not be faint! אל-יגרו לבבכם (3)

Do not fear! אל-תירא (3)

Do not panic! ואל-תחפז (3)

Do not break down! ואל-תערצו (3)

YHVH, Your God, is with you: פריחהו אלהיך עמך (4)

The One who brought you up from the land of Egypt: מארץ מצרים (4)

War: מלחמה (4)

“Who is the man who...but has not...it. Let him go and dwell in his house, lest he die in the war and another man...” (5, 6, 7, and 8 with slight variation)

מיהאיש אשר ולא ילך וישב פרומות במלחמה ואיש אחר יחנקנו

Peace: ואם-לא תשלים (12), אם-שלום (11), לשלום (10), שלום (10)

Corvee: למס (11)

YHVH, your God, gave you: אשר נתן והנה אלהיך לך (14)

For you shall utterly destroy/ proscribe: פיתהחנם תחרמם (17)

Their abominations: תועבתם (18)

For is the tree of the field human? בני האדם עץ השדה (19)

DESCRIPTION OF STRUCTURE

Having presented the Visual Structure of Deut. 20, let us examine what the structure conveys. As we can see, Deut. 20 is a message delivered by Moses in four parts. Part one entails key military people and the speeches they must give once they approach the day of battle (1-9). By making this first speech, it is as if Moses is taking on the military role of commander in chief (1). First he tells the troops that they are approaching war (1a), second, that they should not fear the enemy (1b), and third, he give them a theological reminder, beginning with the Hebrew word "ki...", that God, the one who brought them out of Egypt, will fight this war with them (1c).

In part two, Moses repeats the idea "when [they] draw near to war," but this time introduces the priest and his speech (2). The priest repeats the three-part pattern in 1a, b, and c with slight variation. He shall announce their approach to war (3a), give them a four-fold message not to fear the enemy (3b: not be timid, fear, panic or break down), and conclude with a theological reminder beginning with "ki...", that it is God who goes to war with them against their enemies (4).

In verse 5a, Moses introduces the officer's role in verse 5a whose job it is to tell which troops are deferred from battle (5b-8). This is accomplished through the four-fold statement, "*Mi ha ish...*" The categories of deferment include those who have not dedicated their house (5b), have not enjoyed the fruits of their vineyard (6), and who are pledged to marry (7). At this point, Moses states that the officers shall add an extra level of deferment (8a) to include those too weak hearted to fight (8b). After the officers make their speech, they are to appoint leaders of the legions at the head of the people (9).

STRUCTURE DESCRIPTION

This concludes the roles of the military leadership and begins part three, the specifics of war. This is listed in the structure as “rules of engagement regarding other nations—far and near (10-20).” The first rule is about waging war against distant cities (10-15). This is not explicitly stated until the end of this section in verse 15 at the end of this section where Moses says, “Thus you shall do to all the cities that are very distant from you who are not of the cities of these here people.” When approaching distant cities, the enemies are to be given the option of peace (10b). Peace means they open the doors to the Israelites and all the people inside its walls serve as tribute (11). The consequences of rejecting peace are given in verses 12-14: The enemies are besieged (12), God delivering them into the hands of the Israelites, (13a-14a). Their males will be killed (13b), and their possessions taken as booty (14a). In the penultimate statement, Moses reminds the troops that this is possible because of God—the fulfillment of verses 1 and 4 (that God goes to war for them). Finally, the Israelites are told that, “thus you shall do to all the cities that are very distant...”(15).

Verses 16-18 introduce the rules for near cities. The people from near cities (16a) God gives to the Israelites as an inheritance (16b); they shall not live. The command is emphasized with the repetition of the mission statement and the specification of the people: Hittites, Amorites, Canaanites, Prizzites, Hivvites and Jebusites. Concluding the list is the statement that it is the Lord their God who commands this (17b). A progressing explanation follows: The six nations do not teach the Israelites their abominations (18a) and so the Israelites do not sin against God (18b).

Part four is a set of rules for handling trees during long sieges (19-20). The Israelites are prohibited from cutting down fruit trees (19a). Two sets of reasons are

given (19b-c): The fruit trees (19b) are innocent bystanders unable to flee from danger (19c). An exception is made, however, for non-fruit bearing trees, which may be used for self-defense (20).

GENRE

Having examined our main text's structure, let us focus on its Genres. There are three: military instruction, war oration, and wisdom literature.

Military Instruction

Some scholars label the genre of this text "legislation"¹⁰⁴ or "Laws of Warfare."¹⁰⁵ More accurate, however, would be "military instruction" lacks the bite the other two titles have, this new title is more accurate. Deut. 20 is not just a body of laws, as "legislation" suggests, and it does not deal solely with combat situations, as "Warfare" suggests. Rather, the ancient text deals with rules of military conduct both in and out of combat situations. Verses that fit into this genre include:

1. On the day of battle, key military leaders shall tell troops not to fear and to remember God is with them (Deut. 20: 1, 3, 4, 14).
2. Officers announce four categories for troops to defer service: those who recently built a new house, but have not dedicated it; those with a vineyard that they have not reaped; those promised in marriage, but have not married; and those too frightened to fight (5-8).
3. Officers are to appoint people at the head of the troops during war (9).

¹⁰⁴ Suggested by Norman K. Gottwald, author of " 'Holy War' in Deuteronomy: Analysis and Critique," *Review and Expositor*, p. 297-8.

¹⁰⁵ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake: Eisenbrauns, 1992), p. 56*

4. There are specific rules governing siege, peace offerings, and proscription of peoples in cities far and near (10-18).
5. Moses' instructions conclude with rules governing the treatment of fruit bearing and non-fruit bearing trees during warfare.

Other military instruction in the Bible includes:

1. Treatment of female prisoners of war (Deut. 21:11-15): Warriors may take one as a wife after she mourns a month for her parents, but if he ceases to be interested in her, he must set her free and is forbidden from selling her or relegating her to slave status in his household.
2. Soldiers are to keep themselves and the camp "from anything evil" (Deut. 23:10).
3. Warriors who have nocturnal emissions must stay outside of the military camp until evening when they are to ritually cleanse themselves in a special bath, called a *mikvah* (Deut. 23:11-12).
4. Soldiers must possess a spade for digging holes and covering their excrement. Matters related to continence must occur outside the camp lest the offence causes God to "turn away" (Deut. 23:13-15).
5. A newly wed soldier is granted one year deferment from military service (Deut. 24:5)

6. The people of Amalek must be annihilated because they ruthlessly attacked the Israelite's weakest individuals during their exodus from Egypt (Deut. 25:17-19).¹⁰⁶

According to Rofe, these separate laws once formed a single corpus.¹⁰⁷

War Oration

War oration is a form of speech employed by military leaders to rouse courage among the troops. In our text first Moses, then the Priest, address the troops saying, "When you go out to war against your enemies and see horse and chariot—a people more numerous than you—you shall not fear them for the Lord your God, the one who brought you up from the land of Egypt, is with you" (Deut. 20:1). Then the Priest says, "Hear, O Israel! You are drawing near this day to wage war against your enemies. Your heart shall not be timid; do not fear, do not panic, and do not break down before them. For the Lord your God goes with you to wage war for you with your enemies to save you" (3-4). We have many instances of war oration in the book of Deuteronomy: Common themes include:

- Troops commanded not to fear the enemy (1:21, 29; 3:22; 7:18a, 20-21a; 31:6a, 8b).¹⁰⁸ Also, Ex. 14:13-14; Josh. 8:1; 10:8; 10:25; 11:6; 7:3; I Sam.

¹⁰⁶ Cf. Ex. 17:8-16, the story of Amalek's attack and defeat literally at the hands of Moses.

¹⁰⁷ Rofe, p. 26. Rofe attributes the insertion of the laws of the heifer as "an editorial mishap" (p. 27).

¹⁰⁸ Much attention has been paid by the scholarly world to the expression "Do not fear" (*Al tira*): For further reading on this subject, see Moshe Weinfeld, p. 1992. Weinfeld has written an extremely scholarly work on almost every facet of the Deuteronomistic school including "Deuteronomistic Phraseology" in which he addresses the expression, "Do not fear," (*Al tira*). Also, Edward W. Conrad, *Fear Not Warrior: A Study of 'al tira' Pericopes in the Hebrew Scriptures* (Brown Judaic Studies Number 75. Chico: Scholars Press, 1985). This work is a critique of Joachim Begrich's thesis which states "Fear not" periscopes are purely oracles of salvation. On the contrary, argues Conrad, "Fear not" expressions are primarily for comforting warriors before battle.

23:16-17; 30:6; II Sam. 10:12. See also, Judg. 4:18; 6:23; I Sam. 22:23; 23:17; II Sam. 9:7; Prov. 3:25; Job:5:22).

- Troops told that God is with them, God fights for them, or will deliver the enemy into their hands (1:30, 2:24-5, 31; 3:21; 7:18b, 19, 21b-24; 9:3-6; 11:23-25; 31:3, 6b, 8a. Also: Josh 2:24; 6:2; 6:16; 8:1; 8:18; 10:8; 10:19; Judg. 3:28; 4:7, 17; 7:9,15; 18:10; 20:28; I Sam. 14:12; 17:46; 23:4; 26:8; I Kgs. 20:28).
- Troops addressed in special way, i.e., "Hear O Israel" (9:1-3. Also, Judg. 4:14; 7:15. II Chron. 32:6-8).

For employment of "Do not fear" in ancient near east cultures, Moshe Weinfeld, author of *Deuteronomy and the Deuteronomistic School*, points out the oracles of Esarhaddon and Ashurbanipal and the *Zakir Inscription*.¹⁰⁹ He also says that "Do not fear," in Assyrian, is *la tapallah* and in Aramaic, *al tizachel*.¹¹⁰

Wisdom Literature

In Deut. 20:20, a plea is made on behalf of fruit-bearing trees to protect them from the plagues of war: "For is a tree like a man that it can run when it is under siege?" (20). Clearly, this statement has a ring of Proverbs to it, a category of wisdom literature along with the books of Job and Ecclesiastes. This "ring" has to do with its ability to "Command compassion, restraint, and self-respect," says Rofe.¹¹¹ Rofe claims that most laws in Deuteronomy have their origins in wisdom literature because of their sensitivity

¹⁰⁹ Weinfeld, p. 46.

¹¹⁰ Ibid., p. 47.

¹¹¹ Rofe, p. 37.

to the human condition. They all have that element of a "humanitarian" ideal.¹¹² Parallel concepts to verse 20 are in Job of 7:12: "Am I the sea of a sea monster that you set a watch over me?" and Job 14:7-10 where the concept of man and tree, says Rofe, are expanded upon.¹¹³

¹¹² Ibid.

¹¹³ Ibid.

LITERARY SETTING

Deut. 20, a collection of rules governing aspects of military life, sits between chapter 19, about unintentional deaths and missing limbs due to accidents and the proper judgment of such cases, and chapter 21, concerning laws of unsolved homicides. Biblical critics have difficulty seeing the link between the three passages. Eugene H. Merrill, author of *The New American Commentary, Deuteronomy: An Exegetical and Theological Exposition of Holy Scripture NIV Text*, cites R.H. Pfeiffer as saying, "The disorder [of chapters 12-26] is so extreme that one would almost call it deliberate, unless it arose as a result of successive additions of new material."¹¹⁴ However, Merrill sees this group of laws as part of a larger picture of stipulations of the covenant from 12:1-26:15.

Merrill's outline is thus:

1. The Exclusiveness of YHVH and His worship (12:1-16:17)
2. The Kingdom Officials (16:18-18:22)
3. Civil Law (19:1-22:8)
4. Laws of Purity (22:9-23:18)
5. Laws of Interpersonal Relationships (23:19-25:19)
Laws of Covenant Celebration and Confirmation (26:1-15).¹¹⁵

This structure is appealing because Merrill sees a pattern of "concentricity in which the *Sh'ma* forms the focal point. The Priest in Deut. 20:2 address the troops with "*Sh'ma Yisrael*," "Hear, O Israel!" thus strengthening Merrill's thesis.

¹¹⁴ R. F. Pfeiffer, *Introduction to the Old Testament* (London: Adam and Charles Black, 1952). p. 232, as cited in Eugene Merrill's, *The New American Commentary: Deuteronomy* (Texas: Broadman and Holdman, 1994), p. 39.

¹¹⁵ Ibid.

HISTORICAL SETTING

There are many theories as to the dating of part of Deuteronomy. One theory is that it was written and recompiled at different times, thus reflecting changing attitudes. According to traditional religious circles, Moses wrote the book of Deuteronomy in the thirteenth century B.C.E. with the exception of the last eight verses discussing Moses' death on mount Nebo.¹¹⁶ Nevertheless, modern scholars cite features such as the account of Moses' death (Deut. 34:5-12) and texts dealing with future events as if they already occurred (Deut. 30:1-5 and Deut. 6:20-25) as highly suggestive that Deuteronomy was written at a later time.¹¹⁷ Most biblical critics believe the book contains early material, but that the writing and editing took place in the seventh century B.C.E. during Josiah's reign.¹¹⁸ Indeed, many scholars believe that "the book of the Torah" found by Josiah and cited in II Kings 22:8, 11 is a version of Deuteronomy. In many critical circles, the consensus is a date of 622-1 B.C.E. for Deuteronomy.¹¹⁹ One theory supporting this dating is that Deuteronomy was composed by a religious group who were troubled by the apostasy of Manasseh and Amon, Judean kings proceeding Josiah's reign. They placed the book in the Temple hoping someone would find it and transform the nation with it. Furthermore, the theory purports that the authors attributed the work to Moses in order to add authority to the work.¹²⁰

¹¹⁶ b. B. B. 14b: "Moses wrote his book (the Torah) and the section dealing with Balaam and the Book of Job, and Joshua wrote his book (the Book of Joshua) and eight verses of the Torah (Deut. 34: 5-12). Thirteen century date attributed to *HarperCollins Bible Dictionary*, p. 240.

¹¹⁷ *Ibid.*

¹¹⁸ Persuasive arguments supporting and refuting these theories can be found in Merrill (promotes "early" pp. 35-37) and Weinfeld ("later" pp. 51-53).

¹¹⁹ *HarperCollins Bible Dictionary*, p. 240 and Von Rad, *Holy War in Ancient Israel*, p. 117.

¹²⁰ De Wette, as cited by Merrill, p. 33.

The Deuteronomic "Historian"

The expression "Deuteronomic Historian" or "Deuteronomic Voice," refers to a hypothetical author either an individual or school who, reflecting back on Israel's history during the time of the Babylonian exile (586 B.C.E.) and other catastrophes of 608 B.C.E. and 596 B.C.E., worked his/their ideas into the writing of Joshua, Judges, Samuel and Kings as a running commentary.¹²¹ It is surmised that they used Deuteronomy as a starting point. M. Noth is the scholar most responsible for this theory.¹²²

A well known proponent of Noth's theory is Gerdard von Rad, author of *Holy War in Ancient Israel*.¹²³ Von Rad says that the text "betrays" visible tensions between the older legal material and the author's own concepts and intentions."¹²⁴ A reason for this is because the later author is speaking to an audience that does not consider itself "Bound to such orders, but which must be first led to such an understanding."¹²⁵ The textual phenomena in Deut. 20, to which von Rad refers, are Deut. 20: 2 (the addition of the Priest's speech which is very similar to Moses'); 20:8 (the statement of the addition of the officer's words which seems to unnecessarily break the text's flow); (20:4, 18 because they are rationales for the action); and the interweaving of "compassionate" texts (20; 4-8 [deferment], v. 10 [first offering peace], v. 14 [sparing inhabitants for sake of booty], vvs. 19-20 [sparing fruit-bearing trees], with "ruthless texts such as 20:12-13 [besieging the city that rejects peace], and vvs. 16-18 [destroying certain nations].

¹²¹ Merrill, p. 34; *HarperCollins Bible Dictionary*, p. 240; Flanders, Crapps, and Smith, pp. 222-225.

¹²² Ben Ollenburger, "Introduction: Gerdard von Rad's Theory of Holy War," von Rad, *Holy War in Ancient Israel* (Michigan: Eerdmans, 1958), p. 12.

¹²³ Gerhard von Rad, *Holy War in Ancient Israel*.

¹²⁴ Von Rad, p. 116.

¹²⁵ Von Rad, p. 117.

The discovery in recent decades of Ancient Near East covenant treaty texts from Anatolia prove to be remarkably similar to certain Deuteronomic texts and give support for its antiquity. According to Merrill, "The most complete and important of the Hittite texts originated in...1400 B.C.E. to the fall of the Hittite kingdom in 1200 B.C.E. This of course, was precisely at the time of the composition and dissemination of the covenant texts of Exodus and Deuteronomy according to traditional chronology."¹²⁶ Others associate "Deuteronomy not with Hittite suzerain-vassal treaties but with Neo-Assyrian models, especially from the reigns of Sennachrib and Esarhaddon both of whom ruled in the seventh century."¹²⁷ Upon scrutiny of the Assyrian texts, however, the biblical material is much more similar to the Hittite texts. Therefore the thirteenth century date should also seriously be considered.

THE DIVINE WARRIOR AND THE EXPRESSION "HOLY WAR"

Deut. 20 is an example of God playing a warrior-like role in the lives of the Israelites. Please refer to "God the Warrior" sheet below. All verses stating God's direct involvement in the Israelite's lives are made bold:

¹²⁶ Merrill, p. 36.

¹²⁷ Ibid., p. 37.

GOD THE WARRIOR

20:1 When you go out to war against your enemies and you see horse and chariot --a people more numerous than you-- **you shall not fear them for the Lord your God, the one who brought you up from the land of Egypt, is with you.**

20:2 And it shall be when you draw near to the war; the priest shall approach and speak to the people.

20:3 And he shall say to them, "Here O Israel: You are drawing near this day to wage war against your enemies. Your heart shall not be timid; do not fear, do not panic, and do not break down before them.

20:4 **For the Lord your God, goes with you to wage war for you with your enemies to save you.**

20:5 Then the officers shall speak to the people saying: "Who is the man who built a new house, but has not dedicated it? Let him go and dwell in it lest he die in the war and another man will dedicate it.

20:6 And who is the man who planted a vineyard, but has not reaped it? Let him go and dwell in his house, lest he die in the war and another man will dedicate it.

20:7 And who is the man who pledged to marry a woman, but has not taken her? Let him go and dwell in his house, lest he die in the war and another man will take her."

20:8 Then the officers shall add in speaking to the people and say: "Who is the man who is frightened and whose heart is weak? Let him go and dwell in his house and not melt the hearts of his brothers like his heart.

20:9 And it shall be when the officers have finished speaking to the people, they shall appoint leaders of the legions at the head of the people.

20:10 When you approach a city to wage war upon it, you shall call out to it for peace.

20:11 And it shall be if it responds to you in peace and opens for you, then all the people who are found in it shall be to you as a tribute, and they shall serve you.

20:12 But if [it does] not make peace with you and makes war with you, then you shall besiege it.

20:13 **Then the Lord your God shall give it into your hand and you shall smite all of its males by the blade of the sword.**

20:14 Only the women, and the children and the beasts and all that is in the city, all its spoil you shall take, and **you shall eat the spoil of your enemies that the Lord your God gave you.**

20:15 Thus you shall do to all the cities very distant from you who are not from the cities of these here people.

20:16 **Only from the cities of these people which the Lord your God gives you as an inheritance, not a single soul shall live.**

20:17 **For you shall utterly destroy the Hittites and the Amorites, the Canaanites and the Prizzites, the Hivvites and the Jebusites as the Lord your God commands you.**

20:18 **In order that they may not teach you to act according to all their abominations, which they do for their gods, so that you would sin against the Lord your God.**

20:19 When you besiege a city for many days, making war against it in order to capture it, you shall not ruin its trees by wielding an axe against them, because you may eat of them, but you shall not cut them down. For are the trees of the field human, to come [to go] from you in siege?

20:20 Only the trees that you know are not food-bearing trees may you ruin and cut down; then you may build siege-works against the city which is making war with you, until you dominate it.

The bold letters offer a striking impression: Whenever God is explicitly involved in the people's lives, God takes on a warrior-like role.¹²⁸ It is God who brought the Israelites "up from the land of Egypt"¹²⁹ (v. 1); who goes to war with them to fight against their enemies and saves them (v. 4); who delivers the enemy into their hands and orders the enemy's death by the sword (v. 13); and who commands complete destruction of the designated nations so Israel will not learn from them and sin against God (vv. 16-18).

This characterization of God harkens back to Exodus where it is stated, "The Lord will fight for you, and you shall hold your peace (14:14). In 14:25, God "Took off [the Egyptians] chariot wheels and made them to drive heavily; so that [they] said: 'Let us flee from the force of Israel for the Lord fights for them against the Egyptians;' and in 15:3, there is no misunderstanding, "The Lord is a man of war, The Lord is His name."¹³⁰

The recording of God's involvement in Israel's wars is far from unique to Israelite culture. In Mesopotamia and Egypt, divine warriors, male and female, fought alongside kings and their human armies.¹³¹ Yet "Holy War" is often used by the scholarly world, when referring to ancient Near East texts, to indicate only Israelite wars.¹³² The terms "Divine War," and "Holy War," are never used in the Bible. "Holy War" is Greek in

¹²⁸ On God at war against nations, see Deut. 6:19; 7:1-2, 16. On God giving Israel strength, see Deut. 1:29-31, and 7:17-24.

¹²⁹ Commenting on the phrase, "The Lord your God who brought you from the land of Egypt" Alexander Rofe, says this demonstrates a "particularly Israelite historical consciousness." Rofe, p. 33.

¹³⁰ See also Deut. 9:1-3.

¹³¹ Ollenburger, p. 24.

¹³² "For variations on the theme of "Holy War," see Rudolph Smend, *Yahweh War and Tribal Confederacy: Reflections Upon Israel's Earliest History*, (German original; 2nd ed., Nashville: Abingdon Press, 1970), 13-25; Ben C. Ollenburger, "Introduction" in Gerhard von Rad's *Holy War in Ancient Israel* (Grand Rapids: Eerdmans Press, 1991); Patrick D. Miller, *Divine Warrior in Early Israel* (HSM 5; Cambridge MA: Harvard Univ. Press, 1973); G. H. Jones, "Holy War, or "Yahweh War"?" (VT 25 (1975) 642-58; John A. Wood, *Perspectives of War in the Bible* (Macab: Mercer University Press, 1998), 9-76.

origin, says Roland de Vaux, author of *Ancient Israel*, a two-volume work on the institutions of Israelite culture.¹³³ The term reflects action taken which “The amphictyony of Delphi conducted against any of its members who had violated the sacred rites of Apollo.”¹³⁴ The “amphictyony” as applied to Israelite culture was believed to apply to a number of early Israelite tribes, clans, or towns who shared a central sanctuary.¹³⁵

According to Ben Ollenburger’s introduction in Gerhard von Rad’s *Holy War in Ancient Israel*, the most important people in the development of the Holy War theories are J. Wellhausen,¹³⁶ F. Schwally,¹³⁷ F. Fredriksson,¹³⁸ Max Weber, and von Rad.¹³⁹ Schwally was the first modern scholar to do a study on Israel and warfare. He stated that Israel’s society was holy and he built on Wellhausen’s theory that Israel’s culture originated in war during their exodus from Egypt (Exodus 14 and 15). Schwally, basing his theory on “anthropological” observation, said the entire Israelite culture was religious and thus war would also fall into the religious realm.¹⁴⁰ Schwally became the first to use the term “Holy War” in reference to Israel’s wars, taking the term from the Arabic *jihad*—a technical term referring to the religious obligation of Muslims to physically

¹³³ Roland de Vaux, *Ancient Israel Vol. I. Social Institutions* (New York, Toronto: McGraw-Hill Book Company, 1961), p. 241.

¹³⁴ *Ibid.* The first to apply the term “amphictyony” to ancient Israelite culture was M. Noth in *Das System der zwölf Stämme Israels*. BWANT 52 [4/1] (1930; repr. Stuttgart: Kohlhammer, 1966). De Vaux is in favor of abandoning this label because it only causes confusion by given the wrong impression as to the mutual relationship between the tribes (Kaiser, p. 176). Gwilym Jones in his article “Holy War” or “Yahweh War”? agrees that the terms has “Has been given an exaggerated importance in studies of the early period of Israelite history” (Jones, p.644).

¹³⁵ Reider, p. xxiv.

¹³⁶ In his *Prolegomena to the History of Ancient Israel* (1885; reprint, Atlanta: Scholars, 1994).

¹³⁷ As cited in *Der heilige Krieg im alten Israel* (Leipzig: Dietrich, 1901).

¹³⁸ Cited in *Jahwe als Krieger: Studien zum alttestamentlichen Gottesbild* (Lund: Gleerup, 1945).

¹³⁹ Originally published under the title, *Der Heilige Krieg im alten Israel, Zurich*, 1951.

¹⁴⁰ Ollenburger, p. 4.

dominate infidels until they submit to Islam. These "infidels" were pagans, Jews and Christians.¹⁴¹

For von Rad, "Holy Wars" shared a particular pattern, a set formula of three parts:

a) a summoning of troops; b) a rally and formation for battle; and c) a statement that victory would be won.¹⁴² According to von Rad, the early Israelites fought strictly defensive wars to protect the amphictyony.¹⁴³ He attributes wars commanded by God, such as in Deut. 20, however, to a late authorship that was interested in depicting God as much more aggressive.¹⁴⁴ Von Rad provides a fascinating theory on the institute of "Holy War," saying it went through an evolution beginning with defensive wars for the amphictyony. Later, under the Solomonic monarchy in the eleventh century B.C.E., wars and life in general lost their ritual and sacral character. Von Rad depicts this period as presenting a new openness to foreign cultural influences and a proclivity toward emphasizing accomplishment through human agency rather than the divine. Given these qualities, von Rad calls this period the "Solomon Enlightenment."¹⁴⁵ Holy War was not revived until Josiah and his reforms in order to centralize religion in Jerusalem. This, however, came to an abrupt end with Josiah's death to King Necho of Egypt in 609 B.C.E.¹⁴⁶ According to von Rad, the author of "Deuteronomy revived an ancient amphictyonic tradition in much later circumstances not for theological purposes alone, but for the purpose of restoring the amphictyonic militia itself," says Ollenburger.¹⁴⁷

¹⁴¹ Ollenburger, p. 6.

¹⁴² Gwilym H. Jones, "Holy War" or "Yahweh War"? (*Vetus Testamentum*, Vol. XXV, Fasc. 3, 1975), p. 651.

¹⁴³ Von Rad, *Holy War*, p. 117.

¹⁴⁴ Von Rad, *Holy War*, p. 117.

¹⁴⁵ Ollenburger, pp. 16-17. It is sad commentary on von Rad that he would consider a world that has lost its sacred character a period of enlightenment (the author).

¹⁴⁶ Flanders, Crapps, and Smith, p. 383.

¹⁴⁷ *Ibid.*, p. 20.

This theory is based on the possibility that Deuteronomy's audience did not believe in "exclusive" reliance on God which would explain in von Rad's eyes, the rationalizations found in Deut. 20 for reliance on God.¹⁴⁸ Only that the concept, "Holy War" was preserved during the monarchy by the farmers and later, by the prophets who were, as Weber put it, "Bearers of an alternate...underground faith in Yahweh alone."¹⁴⁹

Von Rad's thesis on Holy War has had many supporters and critics. Those who refute his theory include de Vaux, Peter Craigie, author of *The New International Commentary on the Old Testament: The Book of Deuteronomy*,¹⁵⁰ and Jeffrey Tigay, commentator of the JPS Torah Commentary on Deuteronomy, who objects to the *jihad*-laden term "Holy War" because of its assumptions of a program of mass conversion through physical domination.¹⁵¹ Rather, de Vaux argues, "Israel did not fight for its faith, but for its existence."¹⁵² In other words, most of Israel's wars were presumably self-defense. Tigay says, "Spreading Israelite religion to foreigners and compelling them to accept it is completely foreign to the Bible."¹⁵³ Craigie objects to the term "Holy War" because he finds little that is "good" and "pure" about war, concepts he associates with the word "holy."¹⁵⁴ Jones promotes abolishing the term "Holy War" and replacing it with the more accurate label, "Yahweh-War," since it is a war by Yahweh.¹⁵⁵ Manfred Weippert, a scholar on Ancient Near Eastern religion, refutes the "Holy War" label

¹⁴⁸ Ibid., p. 21.

¹⁴⁹ Ollenburger, p. 21.

¹⁵⁰ Peter Craigie, *The New International Commentary on the Old Testament: The Book of Deuteronomy* (Michigan: Eerdmans, 1976), p. 48.

¹⁵¹ Jeffrey Tigay, *The JPS Torah Commentary, Deuteronomy* (Philadelphia, Jerusalem: The Jewish Publication Society, 1976).

¹⁵² De Vaux, p. 258.

¹⁵³ Tigay, p. 430.

¹⁵⁴ Craigie, p. 48.

¹⁵⁵ Jones, p.658.

because he sees no distinction between holy and profane wars in the Bible.¹⁵⁶ He also opines there was no difference between monarchic and premonarchical wars in Israel because the monarchy did not necessarily abolish the existence of the militia. Finally, he does not support the use of the expression "Yahweh War" unless it is used in the same sense as "Ishtar War."¹⁵⁷ In Weippert's view, von Rad's "Holy War" concept is a theory in search of a problem.¹⁵⁸

¹⁵⁶ Ollenburger, p. 24.

¹⁵⁷ Judith Sanderson, "War, Peace, And Justice In the Hebrew Bible: A Representative Bibliography," von Rad, *Holy War*, p. 148.

¹⁵⁸ Ollenburger, p. 25. However, one cannot refute the holiness dimension that accompanied the Israelites during wartime: God is consulted, warriors had to be ritually purified, they had to be in a state of sexual abstinence, the Ark of the covenant accompanied them to battle, and victory came with songs to God.

THE WARRIOR CLASS/MILITARY ESTABLISHMENT

The Troops

In Deut. 20, (Vv. 1, 2, 5, 8, 9, 11, 16) the troops are referred to as "the people"¹⁵⁹

According to Lane, "Until the conquest of Canaan, the tribal army was essentially a militia recruited in an emergency. Internal organization of the militia was the responsibility of the tribe; each clan and family sent their quota of warriors when summoned to battle by tribal leaders. Because the clan formed the basic unit, recruits were under the command of their own leaders... When the emergency passed, the militia was disbanded, and soldiers returned to their home districts."¹⁶⁰ According to Lane, the United Monarchy was the first time a professional army existed and that it was under Saul that the transition took place (I Sam. 13:2).¹⁶¹ David and subsequent kings maintained a paid army until the time of Sennacherib's invasion of the southern kingdom of Judah in 701 B.C.E. From that time on, a professional army was too costly to maintain and thus Judah depended on the support of a militia. The Northern Kingdom did not employ a professional army, but King Ahab used at least some mercenary soldiers in his defense against Benhadad I of Syria¹⁶² (I Kings 20:15-20).¹⁶³

The Priest

After Moses' opening speech to the troops, the Priest speaks and gives them words of encouragement and confidence (Deut. 20:2-4). Biblically, priests played an

¹⁵⁹ "—A people more numerous than you" (v. 1); "the priest shall approach and speak to the people" (v. 2); "Then the officers shall speak to the people" (v. 5); "the officers shall add in speaking to the people" (v. 8); "When the officers have finished speaking to the people" (v. 9); "Then all the people who are found in it shall be to you" (v. 11); "Only from the cities of these people who the Lord your God gives you" (v. 16)

¹⁶⁰ L. Lane, "Arms and Warfare." *Baker Encyclopedia of the Bible*. 1988, p. 196.

¹⁶¹ *Ibid.*, p. 196.

¹⁶² Ruled c. 880-842 B.C.E.

¹⁶³ Lane, p. 196.

active role in military endeavors. They were responsible for offering pre-battle sacrifices, for attending to the Ark when it went out to battle and many other military functions (Num. 21:34; Deut. 3:2; 7:18; 10:8; 18:1-6; 19:17; 21:5; 24:89; Josh. 8:1; 10:8; 11:6; cf. Isa. 7:4; 10:24). Peter Craigie and other scholars, note that only one aspect of the Priest's many roles is mentioned in Deut. 20, though explanations differ. Von Rad, Rofe and de Vaux theorize the "lessened" Priest role is the work of a late authorship thus reflecting an increasingly profane culture.¹⁶⁴ As for Ancient Near Eastern parallels, Craigie states that various priests accompanied the armies of Mesopotamian states and that the king could assume the role of priest in addressing the army.¹⁶⁵

The Officers

In Deut. 20, the officers speak after the priest, deferring those too frightened to fight (Deut. 20:8). De Vaux suggests that these officers were "responsible for recruiting" in different districts" whenever war was imminent.¹⁶⁶ They had command over units one hundred to one thousand strong, suggesting their army was based on decimal units.¹⁶⁷ Rofe thinks of the officers as part of an institution that "Was an administrative innovation in the kingdom of Judah in the seventh century B.C.E.," and thus he links it to Josiah's cult unification.¹⁶⁸

¹⁶⁴ Von Rad, p. 118, Rofe, p. 35. Also, see De Vaux, p. 263.

¹⁶⁵ For a fuller discussion of the subject, Craigie refers us to T. Fish, "War and Religion in Ancient Mesopotamia," (BJRL 23, 1939), pp.387-402 and A. Haldar, Associations of Cult Prophets among the Ancient Semites, 1945.

¹⁶⁶ De Vaux, p. 225.

¹⁶⁷ Lane, p. 135.

¹⁶⁸ Rofe, p. 30.

Heads of Legions¹⁶⁹

Following the Priest's announcement of the deferment of those too frightened to fight (Deut. 20:8), the officers "appoint leaders of the legions at the head of the people" (Deut. 20:9). Tigay observes that the officers who were heads of legions were employed on a use-as-need basis because of the transient nature of the militia.¹⁷⁰ Others find it "implausible" that they would be rounded up at the last minute.¹⁷¹

The King

One character absent from our text is the king. The omission may suggest that this is a pre monarchic text. As we know from II Sam. 11:1, kings joined their troops in battle.¹⁷² On the other hand, this omission could be the author(s)' ploy to give the appearance of a premonarchical text. Von Rad observes that in all of Deuteronomy, the king plays a subservient role. He says this is especially clear in Deut. 17:14-20 where limitations are set as to the number of horses, wives, and gold he may possess. The text also says the he must possess a copy of "this Torah as written for him on a scroll by the levitical priests." Lawrence Milder, in his rabbinic thesis, *Laws of War in the Bible and Formative Literature*, suggests Deut. 20 was part of the book the king had to read.¹⁷³ Milder also suggests it is possible to deduce that a priest or priests looking to limit the king's power and authority, were the authors of this text.¹⁷⁴ In a letter from Mari, the ancient city located on the right bank of the Euphrates River destroyed by Hamurabi of

¹⁶⁹ See De Vaux, p. 225.

¹⁷⁰ Tig-y, p. 188.

¹⁷¹ Ibid. citing Ehrlich.

¹⁷² II Sam. 11:1: "And it came to pass, at the return of the year, at the time when kings go out to battle, that David sent Joab, and his servants with him, and all Israel..."

¹⁷³ Laurence K. Milder, *Laws of War in the Bible and Formative Rabbinic Literature*, Rabbinic thesis (Cincinnati: Hebrew Union College-Jewish Institute of Religion, 1983), p. 29.

¹⁷⁴ Ibid.

THE WARRIOR CLASS/MILITARY ESTABLISHMENT

Babylon c. 1765 B.C.E. states, "If the king goes on an expedition, everybody down to the youngsters should immediately assemble."¹⁷⁵

¹⁷⁵ Tigay citing A. L. Oppenheim, *Letters from Mesopotamia* (Chicago: University of Chicago, 1967), no. 35. Those kings who found their death in battle or en route in military campaigns include Saul (II Sam), Sargon, who fell to Espai the Kullumaeon in 705 B.C.E. Esarhaddon died en route to Egypt in 669 B.C.E. and Cyrus fell against Massagetae in 550 B.C.E. (Eph'al, p. 100).

DEFERMENT

Others call this section "exemption," but "deferment" is more accurate because it indicates a temporary situation. In Deut. 20: 5-8 the Priest and officers announce to an attentive nation those troops who will not participate in the upcoming battles. Included are those who have not dedicated their new home (v. 5), reaped their vineyard (v. 6), married their betrothed (v. 7) and those too fearful to fight (v. 8). Two explanations are given for the system of deferment, one having to do with the quality of the militia over quantity, and the other having to do with making obvious that the victory comes from God, not human might.

Craigie promotes the "quality over quantity" issue by stating, "The best possible army was the one wholly committed to God and absolutely confident in his strength and ability for the battle lying ahead of the army."¹⁷⁶ For Craigie, a quality militia trusts in God and is less likely to be distracted by the three unfulfilled commitments because of the confidence of victoriously returning home. Tigay refers us to an ancient Babylonian text about young men and women who were deprived of the three commitments and lamented in hell.¹⁷⁷ No explanation is provided for the connection between the unfulfilled commitments and the netherworld. We have no information on which wars deferment was employed in the Bible. There is also the Ugaritic Legend of King Keret, who ordered the complete mobilization of troops including new grooms, widows, and sick. Tigay notes that the participation of the sick signifies an unusual situation and that

¹⁷⁶ Craigie, p. 273.

¹⁷⁷ Tigay, p. 188. He refers us to A. Shafer, *Sumerian Sources of Tablet XII of the Epic of Gilgamesh Ph.D. diss.* (University of Pennsylvania, 1963), pp. 118, 275-278, and 151-152.

this group, along with new grooms and widows, were probably routinely exempt from military service.¹⁷⁸

Making it obvious that the victory came from God and not from Israel's own physical strength may also explain the institution of deferment. We witness the Bible's awareness of this phenomenon in Judg. 7:2-3 when God tells Gideon, an Israelite officer,

You have too many troops with you for Me to deliver Midian into their hands; Israel might claim for themselves the glory due to Me, thinking, 'Our own hand has brought us victory' (2). Therefore, announce to the men, 'let anybody who is timid and fearful turn back as a bird flies from Mount Gilead'" (3). Thereupon 22,000 of the troops turned back and 10,000 remained.¹⁷⁹

The number was further reduced to 300.¹⁸⁰

¹⁷⁸ Tigay, 187.

¹⁷⁹ See I Mac. 3:55-66, an almost identical text to Deut. 20:5-7:

And after this Judas appointed leaders of the people, captains of thousands, and captains of hundreds, and captains of fifties, and captains of tens. And he said to them that were building houses, and were betrothing wives, and were planting vineyards, and were fearful, that they should return, each man to his won house, according to the Law. (I Mac. 3:55-56).

¹⁸⁰ Some would argue that deferment represents the voice of the conscientious objector. This seems highly unlikely. For more information on this view, Craigie refers us to L. Landman's "Law and Conscience: The Jewish View," *Judaism* 18 1969, pp. 17-29.

THE SEVEN NATIONS

In Deut. 20, the Israelites are commanded to destroy the Hittites, Amorites, Canaanites, Prizzites, Hivvites, and Jebusites so the Israelites will not learn from them and turn away from God (20:17). In Deut. 7:2, this point is elaborated on and that list includes the Girgashites.¹⁸¹ It is from this second text that the title "Seven Nations" comes from. Despite the discrepancy in the lists of 7:2 and 20:17, scholarship, both traditional and modern, includes the Girgashites in discussions regarding the Deut. 20:17 command.¹⁸²

"Canaanite" is sometimes used as a generic term for the numerous peoples living in an area including Israel, Lebanon, and part of Syria who may have originally migrated from the Arabian desert.¹⁸³ "Canaan" is believed to have meant, "Land of the Purple," because of the dye industries for which it was famous. A special purple color derived from the shellfish, *murex mollusca*, collected from the Israel coast. Phoenicia, the Greek name for Canaan, also means "purple." The Amorites, relatives to the ancestors of the Hebrews, migrated to Canaan from the time of Abraham on.¹⁸⁴ Henry Flanders, Robert Crapps and David Smith in *People of the Covenant*, say the Hittites, settled in various

¹⁸¹ 1) When the Lord your God brings you to the land that you are about to invade and occupy, and He dislodges many nations before you—the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivvites, and Jebusites, seven nations much larger than you—2) and the Lord your God delivers them to you and you defeat them, you must doom them to destruction: Grant them no terms and give them no quarter. 3) You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from Me to worship other gods, and the Lord's anger will blaze forth against you and He will promptly wipe you out. 5) Instead this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts, and consign [as in *cherem*] their images to the fire. (Deut. 7:1-5).

¹⁸² For more discussion on variations in Canaanite lists, see Tomoo Ishida's article, "The Structure and Historical Implications of the Lists of Pre-Israelite Nations," *Biblica* 60 (1979), pp. 461-490. In his paper, Tomoo examines the twenty-seven times the "Seven Nations" are listed as a group in the Bible. He includes charts, notes variants in order of names and argues that the differing lists reflect the people's historic importance at the time their names were recorded.

¹⁸³ Henry Jackson Flanders, Robert Wilson Crapps, and David Anthony Smith, *People of the Covenant, An Introduction to the Hebrew Bible* (New York: Oxford University Press), 1996. p. 222.

¹⁸⁴ *Ibid.*

areas throughout Canaan as remnant outposts of the defunct Hittite empire.¹⁸⁵ The Jebusites were those Canaanites who lived at the city of Jebus.¹⁸⁶ Flanders, and company speculate that either these nations wanted to join forces with Israel because they felt isolated and "disenfranchised," or they felt threatened by the newcomer Hebrews because of competition for land, thus becoming their enemies.¹⁸⁷

Abominable Practices

According to Gen. 9:22-27, 15:16; 19:4-5, Lev. 18:20, the Canaanites are to be expelled from Canaan because of their abominable practices such as sexual immorality, idol worship, and child sacrifices. An abomination, biblically speaking is anything contrary to proper religion (Lev. 18:22-24; Deut. 12:31; 17:1; 22:5; 27:15, 29:17).¹⁸⁸ Examples of abominable Canaanite practices can be found in Ez. 9:1 where the people, priests and Levites are accused of mixing with the peoples of the land whose practices are abhorrent like those of the Seven Nations including the Egyptians. See also Ez. 9:10 where Israelites are commanded not to give children in marriage to the Canaanite nations in order not to be drawn to their unclean practices. God warns the people in Lev. 18:24 not to become like the inhabitants of the land because of their abhorrent practices which defile the land.

¹⁸⁵ Ibid, p. 223.

¹⁸⁶ Flanders, Crapps, and Smith, p. 229.

¹⁸⁷ Flanders, Crapps, and Smith, p. 230.

¹⁸⁸ Cf. Deut. 23:4 where the Egyptians are admitted into the Israelite community after the third generation.

MILITARY TACTICS

Siege

Deut. 20 deals primarily with siege tactics. Whether it is to heighten the warrior's confidence (vv. 1-4), to defer certain people from the ranks (vv. 5-8), instruct them on which nations to offer peace (vv. 10-14) and which to proscribe (vv. 15-18), and what trees to spare (vv. 19-20), in Deut. 20, all roads lead to siege. In v. 20, the Hebrew word *matzor* means "siege works." Tigay, says this "Refers primarily to the encirclement of a city," and that "It probably means a siege wall, a series of fortifications built by an attacking army around a besieged city to blockade it" thus preventing it from receiving food, water, weapons, and other supplies.¹⁸⁹ In II Kings 6:26-29 during the siege of Samaria by the Syrian Ben-hadad in the days of the prophet Elisha, the women were reduced to cannibalizing their children. According to Lane, "A besieging army would do everything in its power to aggravate such conditions. In one of the siege reliefs of Ashurbanipal II, a defender has lowered a bucket from the wall to draw water from a stream below; an Assyrian soldier is shown cutting the rope with his dagger."¹⁹⁰

Israel Eph'al, author of "On Warfare and Military Control in the Ancient Near Eastern Empires: A Research Outline,"¹⁹¹ compares and contrasts siege verses open battle field tactics in among the Israelites and other Ancient Near Eastern cultures approximately during the seventh century B.C.E. According to Eph'al, in an open battle, there is continuous intensive contact that is over within a few hours. Siege tactics,

¹⁸⁹ Tigay, p. 190.

¹⁹⁰ Lane, p. 190.

¹⁹¹ Israel Eph'al, "On Warfare and Military Control in the Ancient Near Eastern Empires: A Research Outline." H. Tadmor and M. Weinfeld, eds., *History Historiography and Interpretation: Studies in Biblical and Cuneiform Literatures* (Jerusalem: Magnes Press, 1983), p. 95.

however, take longer because the defender is supported by fortifications which considerably reduce the advantages of the aggressors. Over all, face-to-face battle attacks were less common than sieges.¹⁹² If rebels were able to hold out longer than the time the army could allocate for action against them, it was likely the attacking army "Would either not send an army against them or that he would have to stop fighting because it went beyond its allocated time."¹⁹³ Military leaders had to factor into their planning time for marching, siege, fighting, negotiations, looting, and rest.¹⁹⁴

We have other biblical examples of long sieges that took place by Nebuchandnetzor on Jerusalem lasting nineteen or thirty-one months (II Kings 25:1-2; Jer. 39:1-2, 52:4-7).¹⁹⁵ Nebuchadrezzar's attack on Tyre (Ezek. 29:18), and King Sennacherib of Assyria's plan to attack Judah in II Chron 32:1. There is a record in Esarhaddon's letters to Shamash, the oracle god, "Inquiring about the possibility of waging war against the Egyptian army in the vicinity of Ashkelon."¹⁹⁶

Siege and Trees

In the War Code a significant statement about trees is made: "When you besiege a city for many days, making war against it in order to capture it, you shall not ruin its trees by wielding an axe against them, because you may eat of them—you shall not cut them down. For is the tree of the field human, to go from you in a siege?" (Deut. 20:20). From this statement, we may surmise that trees were routinely cut down and used as siege

¹⁹² Ibid., p. 96.

¹⁹³ Ibid., p. 97.

¹⁹⁴ Ibid., p. 98.

¹⁹⁵ King Zedekiah of Judah rebelled against the king of Babylon: 1) And it came to pass in the ninth year of his reign, the tenth month, in the tenth day of the month, that Nebuchadrezzor king of Babylon came, he and all his army, against Jerusalem, and encamped against it; and they built forts against it round about. Jer. 39:1-2, 52:4-7 are repetitions of the II Kings report.

¹⁹⁶ Eph'al, p. 98.

works and siege equipment during warfare. In II Kings 3:19, 25, Elisha the prophet said to Jehoshaphat, king of Judah, the God commanded them to make a valley full of trenches and "Smite every fortified city...and fall every good tree and stop all fountains of water and mar every good piece of land with stones."

One might say that this ecological destruction falls into the realm of psychological warfare, for the destruction of an enemy's fruit trees and fields made a significant economic impact.¹⁹⁷ We witness this situation, says Tigay, in "An Egyptian inscription describing the siege of Megiddo by Thutmose II (ca. 490-436 B.C.E.)" where his commanders 'measured the town, surrounded it with a ditch, and walled it up with the fresh timber from the city's fruit trees.'¹⁹⁸

WEAPONS

Given that Deut. 20 is called "The War Code," only two weapons are mentioned: the horse and chariot (v. 1) and the sword (v. 13). Weapons in the Bible are categorized as 1. projectile; 2. shock; 3. protective; and 4. mobile. The projectile was any weapon that could be catapulted toward the enemy like a slingshot. Shock weapons were those used to hit at close range as with a club. Protective weapons were those such as the shield or armor. Finally, mobile weapons were those that had armor and wheels as in the "battle ram," a shielded cart that carried several people firing from it.¹⁹⁹

Horse and Chariot

In Deut. 20:1, Moses says, "When you go out to war against your enemies and you see horse and chariot—a people more numerous than you—you shall not fear them

¹⁹⁷ Tigay, 190.

¹⁹⁸ Ibid., 190, Craigie, p. 276-7 and Eph'al, p. 97.

¹⁹⁹ De Vaux, p. 243.

for the Lord your God, the one who brought you up from the land of Egypt, is with you.” According to Lane, “Chariot units were already a decisive battle force in Mesopotamia in the first half of the third millennium B.C.E., although unknown in Egypt until more than a thousand years later. The ancient Sumerians invented and developed the chariot. By coordinating its use with their infantry, they attained a military superiority that permitted them to dominate Mesopotamia.”²⁰⁰ The Assyrian war reliefs present detailed illustrations of their conquests and the size of fortified cities. The few scenes depicting standard combat in open terrain show chariots charging from all directions and engaging the enemy at all stages of a battle. We see this in an ancient relief from the palace of Sennacherib (705-681 BC), commemorating his victory over an enemy who dwelt in the marshlands of southern Mesopotamia.²⁰¹ According to Lane, “No mention is made of a chariot force in Israel’s army until the time of the united monarchy under David and Solomon. Only then did the presence of a strong central military authority with adequate resources make possible the acquisition and refinement of chariots.”²⁰² Horse and chariots were used to cause shock and confusion by charging into the enemy ranks engaging them at medium range with javelin throwers and at close range with spears. The rear axle at the back of the carriage body leant some stability to an otherwise flimsy vehicle. The body and wheels were lightweight and was pulled by swift draft animals.”²⁰³

²⁰⁰ Lane, p. 191.

²⁰¹ Yigal Yadin, p. 428.*

²⁰² Lane, p. 176.

²⁰³ Ibid.

Sword

The second weapon used in Deut. 20 is the sword (*cherev*), which was used mostly in hand-to-hand combat to thrust and strike.²⁰⁴ Regarding the consequence of distant cities who reject the offer of peace, God commands the Israelite troops to "Smite all of its males by the blade of the sword" (Deut. 20:13). This sword, says Lane, was probably short, straight, narrow sword designed as a thrusting weapon. Some other biblical citations of the sword as a symbol of war are in I Sam. 51:19; Jer. 14:15; 24:10; Ex. 7:15 and 33:6.

In the Middle Bronze Age (1800-1400 B.C.E.), the curved striking sword functioned essentially as an ax, with a comparatively long hilt and short blade. That type of sword completely disappeared in the Late Bronze Age," the period which Deut. 20 would have us believe the events took place.²⁰⁵ This sword disappeared because "It proved ineffective against the widespread use of the helmet and armor. In its place appeared a new design with the curved blade equal in length to the hilt and sometimes longer. It provided a cutting weapon in chariot fighting and against an enemy who possessed no armor."²⁰⁶

SIEGE TACTICS

Offers of Peace/Shalom

In Deut. 20:10-15, the Israelites are commanded to make offers of peace to all distant nations. The term for peace is *shalom*, but the word used in 20:12 is derived from—*hishlim*— "surrender."²⁰⁷ The Bible distinguishes between submission of a

²⁰⁴ Ibid., p. 177.

²⁰⁵ Ibid., p. 180.

²⁰⁶ Ibid.

²⁰⁷ Tigay, p. 188.

superior party and that of an inferior party. A superior party is called *karat berit*, literally, "cutting a covenant" (Josh 9:6,7,11,15, 16). A defeated party submitting to "peace" is described as *hishlim* (Josh 10:1: Adoni-zedek heard that Joshua made peace, *hishlimu*, with the Gibeonites 4; 11:19).²⁰⁸ The same idiom appears in an Akkadian letter from Mari: "When he had besieged that city he offered it terms of submission [*salimam*]." In an Egyptian inscription, the prostrate princes of Canaan say "Shalom" when submitting to the Pharaoh.

²⁰⁸ See also Ex. 23:32; 34:12, 15; Deut 7:2; Josh 24:25; Judg 2:2; I Kings 20:32; II Kings 11:4; cr. II Sam 5:3. For an ANE parallel, see, Se ARM 2, 42:8 (*salimam issisumma*); ANET, 378b (Tigay's reference).

Corvee, Servitude/Mas

In Deut. 20, a city who that accepts peace must submit to *mas*, "servitude."

According to Tigay, *mas* "Refers to a contingent of forced laborers working for the state.

They were employed in agriculture and public works such as construction."²⁰⁹ The

origins of *mas* derive from the Davidic and Solomon monarchies; the term also existed

under other monarchies in the Ancient Near East.²¹⁰ Tigay further states that, "So far as

known, *mas* service was first instituted in Israel by David and Solomon" and that outside

the Bible it is only attested under monarchic rule.²¹¹ We see the employment of *mas* in

Solomon's time (I Kings 9:20:-21):

20) All the people that were left of the Amorites, Hittites, and Perizzites, who were not of the Israelite stock 21) those of their descendants who remained in the land and whom the Israelites were not able to proscribe— of these Solomon made a slave force, as it still the case.

For a very complex discussion on this matter, see A. F. Rainey's "Compulsory

Labor Gangs in Ancient Israel."

Proscription, destruction, ban/herem

In Deut. 20: 16-19 the Israelites are commanded to proscribe the Canaanite

nations.²¹² The expression *haharem-taharim* is from the root, h.r.m, meaning variously,

someone or something that is "irrevocably or irreversibly" set aside to God "with no ifs,

ands or buts."²¹³ Its status is that of abomination to God, or "consecrated to Him."²¹⁴

There is no consensus as to how to best render *herem* into an English equivalent because

²⁰⁹ Tigay, p. 389.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² See Rofe, p. 40 who cites three types of *herem*: Lev. 27:28 "proscribe," Mic. 4:13; Josh. 6:17, "consecrate," and Deut. 20 as an example of total destruction by command.

²¹³ Hamilton, citing Milgrom 1990: 428.

²¹⁴ Ibid., citing Greenberg, 1971: 322.

it has so many meanings. Hamilton's list of fifteen translation possibilities includes, "Things devoted for destruction," "The things under the ban," "Utterly destroy," and "Put under the ban."²¹⁵ Joshua 6-11, the book of Deuteronomy, and I Samuel are the books with the most frequent use of the expression *herem*. It is mentioned eight times in I Samuel, chapter 15 when Saul and Samuel slay the Amalakites.²¹⁶

Tigay is careful to point out that "Deuteronomy never speaks of proscribing the victims to God." Rather, it was used as "A practical measure to prevent the debasement of Israelite conduct" by making the people or objects forbidden to all.²¹⁷ Other cultures used proscription as a means for modeling the behavior of their gods as people believed that their gods were the main fighters of their enemies.²¹⁸

It is estimated that only a few Canaanite cities were destroyed by the Israelites at the beginning of the Iron Age (c. 1200 B.C.E.) when they arrived. While we have many biblical examples of Canaanites ordered destroyed (Deut. 7.1-2, 7, 16, 20.15-18), we also

²¹⁵ Ibid., p. 32.

²¹⁶ [Samuel said,] "Now go and strike down Amalek, and put under the ban (*cherem*) everything that he has, you shall not spare him, and you shall put to death man and woman, infant and suckling, ox and sheep, camel and donkey." And Saul summoned the troops and assembled them at Telaim...and Saul struck down Amalek from Havilah till you came to Shur, which is before Egypt. And he caught Agag king of Amalek alive, and all the people he put under the ban (*cherem*) with the edge of the sword. And Saul, and the troops with him, spared Agag and the best of the sheep and the cattle, and fat ones and the young ones, everything good, and they did not want to put them under the ban. But all the vile and worthless possessions, these they put under the ban" (I Sam. 15:3-9). In another example David and his men raid the Geshurites, Gizrites and Amalakites:

And David went up, and his men with him, and they raided the Geshurites, the Gizrites, and the Amalakites, for they were the inhabitants of the land of old, till you come to Shur and to the land of Egypt. And David struck the land, and he left not a man or woman alive, and he took sheep and cattle and donkeys and camels and clothes, and he returned and came to Achish (I Sam. 27:8-9).

²¹⁷ Tigay, p. 472. Note also God commands Saul to proscribe the Amalakites to avenge their ancient crime.

²¹⁸ Tigay, p. 471.

have examples of when they were spared (Josh 11.19, 15-17, and Judges). It is possible that the text as we have it represents a theoretical reconstruction to explain the disappearance of the Canaanites as a discernible element of the population in Israel.

Herem was probably most intense during the time of the Judges. Lane says, "Its centrality in the thinking of the nation of Israel diminished during the time of the monarchy. The progression of spiritual decline and apostasy brought a corresponding loss of trust in the expectancy of divine initiative and involvement in warfare."²¹⁹

NARRATIVE SETTING

The Narrative Setting explores the world in which the texts purport to take place. According to the world as depicted in Deut. 20, Moses spoke these words sometime in the thirteenth century B.C.E., otherwise known as the Late Bronze Age (ca. 1550-1200 B.C.E.) and during the reign of Egyptian Pharaoh, Amenhotep III.²²⁰ Deuteronomy 1:5 claims the law of Moses was first spoken to the Israelites in the "land of Moab," at the end of the wilderness journey and on the eve of the conquest of Canaan (Deut. 4:44-49; 34:1-4). Moses and the Israelites arrive at the plains of Moab forty years after the Exodus (Num. 14:33-34, Deut. 2:7, 14; Josh 5:6; cf.).²²¹ While some estimate the dates to be in the thirteenth century, B.C.E., others, such as Merrill, attribute the exodus from Egypt to the year 1447/46 and the end of the wilderness in 1407/6, the date he attributes to Deuteronomy's authorship.²²²

²¹⁹ Lane, p. 180.

²²⁰ *HarperCollins Bible Dictionary*, p. 240.

²²¹ Merrill, p. 22.

²²² Merrill, p. 23.

CHAPTER THREE

RASHI ON DEUTERONOMY 20

As introduced in Chapter One, Rashi (France 1040-1105) wrote a verse-by-verse commentary on the entire Torah. Some of his elucidation on Deut. 20 is based on his work on the Babylonian Talmud, tractate *Sotah* 42a-44b and on *Sifre* 198-202. For more information on Rashi and his sources, see Chapter One.

Rashi's comments begin with the literary setting²²³ of Deut. 20, which sits somewhat awkwardly between chapters 19 and 20, both of which deal with vastly different topics. Chapter 19 is about unintentional deaths and missing limbs due to accidents and the proper way of judging such cases, and chapter 20 concerns laws governing war and the military.

Rashi provides two observations for linking the content of chapters 19 and 20. The first possibility is as follows: "That one who is missing a limb does not go out to battle." The second possibility has to do with righteous judgment: "If you have carried out righteous judgment [as discussed in Deut. 19:20] then you are assured that if you go to battle, you will triumph." Rashi provides an extra proof-text for this literary link using Ps. 119:121 in which David, the pious warrior-poet, says, "I have practiced justice and righteousness—do not leave me to my oppressors."

Rashi's commentary discloses the following in Deut. 20: 1: WHEN YOU GO OUT TO WAR AGAINST YOUR ENEMIES AND YOU SEE HORSE AND CHARIOT—A PEOPLE MORE NUMEROUS THAN YOU—YOU SHALL NOT FEAR THEM FOR THE

²²³ This term is used in the same sense as described in Chapter One, *Biblical Criticism*: It is to analyze two or more adjacent texts and derive meaning based on their proximity to each other.

LORD YOUR GOD, THE ONE WHO BROUGHT YOU UP FROM THE LAND OF EGYPT, IS WITH YOU. Rashi makes three comments on this verse. First, the inclusion of "enemies" in WHEN YOU GO TO WAR AGAINST YOUR ENEMIES, seems redundant. Since nothing in Scripture can be redundant in rabbinical tradition, the medieval commentator demonstrates its purpose: "Do not have mercy on them for they will not have mercy on you." In other words, when you fight, you are to view the adversary as a genuine enemy.

Second, with regard to HORSE AND CHARIOT: Rashi understands this scenario by accommodating the grammatical oddity. For Rashi, the singular nouns clearly represent what must be a substantial plural number of horses and chariots. Rashi pictures God as saying, "In My eyes they are all considered like one horse." In other words, regardless of the number of horses and chariots the enemy has, compared with God's power, they are no match. Rashi brings in a proof-text from Judges 6:16 when God addresses the Israelites to demonstrate this as a common biblical theme: "And you will strike Midian as a single man."²²⁴ Israel, with God's help will be so powerful that the Midianites will seem as one and thus the Israelites will be able to conquer them.

Third, Rashi makes a similar comment on A PEOPLE MORE NUMEROUS THAN YOU: "In your eyes [that people] is numerous, but in my eyes it is not numerous." This statement also reminds the people of God's power and fortifies them with the courage that comes from knowing God is on their side. This theme recurs later in verse three.

In Deut. 20:2, Moses tells the nation, AND IT SHALL BE WHEN YOU DRAW NEAR TO THE WAR, THE PRIEST SHALL APPROACH AND SPEAK TO THE PEOPLE.

²²⁴ Also, see Gen. 32:6.

Rashi's comment on WHEN YOU DRAW NEAR TO THE WAR offers a spatial and temporal clarification. The "drawing near" could be interpreted temporally to mean when the troops come within a day of going to battle, the Priest would speak to them. Rashi cites b. *Sotah* 42a, however, to inform us that it actually means, "Just after your departure from the border." In other words, just after the troops cross the Jordan into Canaan, the Priest shall speak to them. Thus, the Priest's words are not delivered immediately before battle.

It is Rashi's view that the deferment announcements were recited at the border first, and later when the warriors were at the battlefield, and the Priest announced, "Sh'ma Yisrael...do not fear." This resolves the question: Why exempt everyone on grounds of fear right after the rousing speech not to fear? According to the Rambam, all verses (2-8) were recited at the place of battle.²²⁵ According to *Sifrei* to Deut. 20:2, the Priest gave not one, but two speeches. This is based on the seeming superfluity in verses 2 and 3. In v. 2: "And it shall be when you draw near to the battle, and the Priest shall approach and he shall speak to the nation." Then it says in v. 3 that the Priest says: "Hear, O Israel! You draw near this day to battle against your enemies." Based on the prefatory verse, it suggests the Priest speaks on two occasions, once on the border and once at the battlefield.

As discussed in Chapter One, from a biblical standpoint, we do not know much about who this priest was. The only indication that this was no ordinary priest is based on the definite article "the Priest," not "a priest." The Mishnah, in m. *Sotah* 8:1,

²²⁵ See Rambam *Melachim* 7:2, 3 *Kesef Mishneh*, and *Lechem Mishneh*, commentaries *ad loc.*

identifies “The Priest” as the “Anointed for War,” *Meshuach Milchamah*.²²⁶ Rashi’s identification of the priest echoes the Mishnah—“He is the Anointed for War.”

According to Rashi on b. *Sotah* 42a, this Priest was similar to an officer in that he had someone appointed over him, such as the king.

Rashi, quoting the Mishnah reiterates the Mishnaic assertion that the Priest’s speech was given in Hebrew. His evidence is based on a discussion in b. *Sotah* 42a using a *gezerah shavah*,²²⁷ a hermeneutic principle employing a form of analogy between

Moses’ speech in Ex. 19:19 (“Moses would *speak* and the Almighty would respond to him...”), and the Priest’s speech introduced in Deut. 20 with “And he shall *speak*.”

Based on these two passages, both mentioning “speak,” the rabbis in the Talmud concluded that the Priest’s speech, like Moses’, was in Hebrew: “Just as Moses spoke in the Holy Language, so too the Priest Anointed for War spoke to the Israelites in Hebrew.

How do we know that Moses spoke in Hebrew? Because, “The entire Torah was given in Hebrew (b. *Sotah* 42a).²²⁸

20:3 part I: AND HE [THE PRIEST] SHALL SAY TO THEM, “HEAR, O ISRAEL!

YOU ARE DRAWING NEAR THIS DAY TO WAGE WAR AGAINST YOUR ENEMIES.

When the Anointed for War speaks to the Israelite troops, he calls out to them with

HEAR, O ISRAEL! Rashi identifies this phrase as the opening words to the *Sh'ma*, a

²²⁶ For more information on the meaning of “Anointed for War,” see in Chapter One, overview to rabbinic material.

²²⁷ See, Chapter One, Rabbinic Assumptions for discussion on hermeneutic tools.

²²⁸ According to m. *Sotah* 7:2, these are said in the Holy Language: The announcement of the first fruits; declaration of release; blessings and curses; the Priestly Blessing; the Blessing of the High Priest; the King’s Reading; the reading over the atoning calf; and the Chaplain of the Army at the time when he speaks to the people.

Jewish prayer asserting the unity of God recited twice a day, evening and morning, and says, "Even if there is no merit in you save that you recite this prayer alone, you are worthy that He should save you" (b. *Sotah* 42a). This could mean that as long as one said the prayer twice a day he merited God's mercy.²²⁹ Rashi's interpretation of "saying the *Sh'ma* twice a day" can also mean that a person had proper and righteous values: The words of the *Sh'ma* emphasize God's Oneness (Hear, O Israel! The Lord is our God, the Lord is One). The "Oneness" of God is the exact opposite of the religion of the Canaanites who were idol worshipers—an abomination in the eyes of Israel.²³⁰

The Priest Anointed for War echoes Moses. Verse 20:3 part II reads: YOU ARE DRAWING NEAR THIS DAY TO WAGE WAR AGAINST YOUR ENEMIES. Rashi has a similar response to the use of, "enemies" here as he did to Moses' parallel statement in 20:1. Rashi, in traditional rabbinic style, seeks a lesson in the extra word "enemies."²³¹ The concept of "enemies" as unmerciful having already been stated, he says, "They are not your brothers; that if you fall into their hand they will not have mercy on you," like the Ephramites, one of the Twelve Tribes, that was engaged in war with Judah, by taking their captives, but returning them safely to their homes (II Chron 28:15). "Rather, it is against your enemies you are going. Therefore strengthen yourselves for battle" (b. *Sotah* 42a). Rashi therefore further clarifies the meaning of "the enemy."

²²⁹ Rabbi Yochanan in b. *Sotah* 42b interprets the Priest's "*Sh'ma Yisrael*" statement literally to mean the recitation of the prayer. We see this in his commentary to I Sam. 17:16, "When the Philistine [Goliath] approached [the Israelite camp every] morning and evening" meaning "[Goliath did this] in order to stop them from performing the recitation of the *Sh'ma* mornings and evenings."

²³⁰ See Gen. 9:22-27; 15:16; 19:4-5; Lev. 18:20, 22; Deut. 12:31; 22:5; 27:15; 29:17.

²³¹ See Chapter One, Rabbinic Assumptions, for a discussion on the topic of Rabbinic sensitivity to biblical text.

20:3 part III: Fortifying the troops, the Priest Anointed for War exhorts, YOUR HEART SHALL NOT BE TIMID; DO NOT FEAR, DO NOT PANIC, AND DO NOT BREAK DOWN BEFORE THEM. Rashi approaches the Priest's statement exegetically and refers to aspects of ancient psychological warfare. He says that each element in the series: timidity, fear, panic, and breakdown, corresponds to the "Four things kings of the [Canaanite] nations"²³² do to frighten the enemy when they go to war: They crash their shields together in order to produce sound so those who oppose them would panic and flee. They have their horses stamp the ground and neigh to produce a more intimidating noise with the beating of their horses' hooves. They shout with their voices and they blow trumpets and other sound producing devices.²³³ He proceeds to identify the elements of the verse with the war practices of the Canaanite kings: YOUR HEART SHALL NOT BE TIMID because of the neighing of the horses. DO NOT FEAR because of the colliding shields. DO NOT PANIC because of the sound of the horns, AND DO NOT BREAK DOWN because of the sound of the shouts. Rashi's explanation decodes and demystifies the enemy's bag of psychological tricks.²³⁴

20:4 part I: FOR THE LORD YOUR GOD GOES WITH YOU TO WAGE WAR FOR YOU WITH YOUR ENEMIES TO SAVE YOU. Commenting on the first part of this verse, the Lord's accompaniment, Rashi compares the false hopes of the enemies with the fortune of the Israelites: "They come with hope of triumph for a purely human endeavor

²³² B. *Sotah* 42b calls this the four things that idolaters do to [instill fear in the enemies].

²³³ To these four categories, m. *Sotah* 8 adds, "the glittering of swords" and "the hordes of enemy soldiers." Rashi's commentary on a *Baraita* in b. *Sotah* 42a explains the omission of these two categories because they are not tactics to instill fear, but are the essence of war.

²³⁴ According to the Rambam in *Melachim* 7:15, the statement "Do not fear...etc," are not merely exhortations, but actual commands to the warriors to cast away fear and to rely on God. Each warrior is to dispel thoughts of home, family, and possessions, and to focus entirely on the business of war. One who allows fear entry has transgressed the prohibition of "Let not your heart become faint, do not be afraid..."

while you come with the triumph of the Omnipresent."²³⁵ He supports this with the prooftexts from I Sam 17:1-10 and I Sam. 17:42-54: "The Philistines came with the hope of Goliath's triumph. What was his end? He fell and they fell with him."²³⁶ Goliath taunted the boy David saying he would feed his scrawny body to the birds. David's slingshot brought the giant to his knees.

This is a common biblical theme: Winning a battle has less to do with physical strength than it has to do with God's favor. The Bible never suggests people take a passive role just because they have God's favor. Rather, it is the combination of God's favor and human effort that secures victory.²³⁷

20:4 part II says, FOR THE LORD YOUR GOD GOES WITH YOU TO WAGE WAR FOR YOU WITH YOUR ENEMIES TO SAVE YOU. Rashi clarifies what is meant by this traveling image of God's accompaniment of the troops. He says, "This is the Ark of the camp." Rashi's explanation follows the Mishnah's assertion that it was the Ark of the Covenant that was carried into battle as a visual token and remembrance of God's presence and protection during battle (m. *Sotah* 8:1). This Mishnah adduces this notion based on a story in Deut. 10:1-3, of the carving of the Ten Commandments and the making of the Ark. Rashi distinguished the Ark that Bezalel made, as recorded in Ex. 37:1, and the Ark that Moses made on Mt. Sinai in Deut. 10:1-3. According to Rashi,

²³⁵ The Ramban interprets the phrase as a warning to Israel to place their faith in God and not in the strength and skill of their arms.

²³⁶ I Sam. 17:9: "If he will succeed in battle with me and he will smite me, then we will be to you as slaves, but if I will succeed against him and I will smite him, then you will be to us as slaves, and you will serve us." Rashi's commentary on this statement is that by saying, "He [David] will smite me," Goliath foretold the future of his own downfall and was ensnared by his own words. The portent of a given statement lies in its opening words and Goliath's opening words favored David (Rashi on b. *Sotah* 42b, ArtScroll, note 11). David's words contradicted Goliath's reliance on physical aids—a sword, spear and javelin (I Sam. 17:45) because his reliance was on God, to whom belongs all strength (Rashi, Ibid, ArtScroll, note, 15).

²³⁷ The Ramban's comment on this verse is that the officers of the people had the responsibility to prepare for battle as if they could not expect miracles.

Moses' Ark is "The one that would go out with them to battle." But Bezalel's would not, "Except in the days of Eli and they were punished because of it." Rashi recalls I Samuel 4, when the Ark was carried out to battle and lost to the Philistines. The Mishnah and Rashi assert a belief taken to be an indisputable fact, that the Israelites believed God accompanied them when the Ark was carried out to battle.

20:5-8 part I: 5) THEN THE OFFICERS SHALL SPEAK²³⁸ TO THE PEOPLE SAYING: 'WHO IS THE MAN WHO BUILT A NEW HOUSE, BUT HAS NOT DEDICATED IT? LET HIM GO AND DWELL IN IT LEST HE DIE IN THE WAR AND ANOTHER MAN WILL DEDICATE IT. 6) AND WHO IS THE MAN WHO PLANTED A VINEYARD, BUT HAS NOT REDEEMED IT? LET HIM GO AND DWELL IN HIS HOUSE, LEST HE DIE IN THE WAR AND ANOTHER MAN REDEEM IT. 7) AND WHO IS THE MAN WHO PLEDGED TO MARRY A WOMAN, BUT HAS NOT TAKEN HER? LET HIM GO AND DWELL IN HIS HOUSE, LEST HE DIE IN THE WAR AND ANOTHER MAN WILL TAKE HER.' 8) AND THE OFFICERS SHALL ADD IN SPEAKING TO THE PEOPLE AND SAY: 'WHO IS THE MAN WHO IS FRIGHTENED AND WHOSE HEART IS WEAK? LET HIM GO AND DWELL IN HIS HOUSE AND NOT MELT THE HEARTS OF HIS BROTHERS LIKE HIS HEART.

The Torah notes the four categories of deferment from battle: building a new home without having dedicated it, planting a vineyard, but not having redeemed it, or marrying a woman with *erussin* without having taken her with *nissuin*, and finally one who is too frightened and faint of heart. Rashi does not comment on "house," but begins with an explanation for the deferment of one WHO HAS NOT DEDICATED HIS

²³⁸ It is not clear if they also deliver their message in Hebrew. It is possible that they are included in the *gezerah shavah* discussed above in v. 2 regarding the Priest's speech.

VINEYARD. Rashi says he may return home provided "He did not redeem it [his vineyard] in the fourth year." This elucidation comes straight from the laws of Lev. 19:23-25 whereby fruits of the fourth year are required to be eaten in Jerusalem or rendered fit for non-sacral use through redemption with money. The owner uses this money to purchase food to be eaten in Jerusalem (Lev. 19:24).²³⁹ Therefore, deferment should be granted so he may go through this sacred procedure.

20:8 part II: Rashi comments on the awkwardness of the statement, THE OFFICERS SHALL ADD, which leads into a lengthy discussion linking the different elements of the speech in verses 2-8 to the several authorities who actually spoke them—Battle Priest, regular priest, and officer. Rashi's commentary on b. *Sotah* 43a is that this biblical statement implies words separate from those of the Priest. Thus everything up to this point has been the words of the Priest, and the statement, "And the officers shall speak" in v. 5 implies that it is the officers who proclaim these regulations, not the priest. Rashi explains, however, that these verses were first recited by the Priest and were then repeated by the officers.²⁴⁰ Thus the verses of "Who is the man who built...who planted...who did *errussin*...are first stated by the Priest and then repeated by the officers. In summary, verses 2-4 are said by the Priest and another priest repeats his words among the troops. The Priest also says verses 5-7, but officers repeat these. This role of the officers is based on the opening words, "Then the officers shall speak" in v. 5. Finally, verse 8 is announced by an officer and repeated by other officers. This interpretation is

²³⁹ See Chapter One, Rabbinic Terms, for more information on the laws of harvesting.

²⁴⁰ Not all commentators agree with Rashi that the "one too fearful to fight" was included in the Priest's speech (*ArtScroll*, 42b, note 1).

based on a *Baraita* in b. *Sotah* 43a.²⁴¹ The issue of why a priest repeated some verses (vvs. 2-4) and officers repeated others (vvs. 5-8), may have to do with the fact that vvs. 2-4 deal with spiritual or sacred matters, which required priests to deliver that message, while verses 5-8 deal with the possibility of death in battle, issues officers were better equipped to discuss.

Rashi returns to the issue of deferment, jumping to the last category, one WHO IS FEARFUL AND FAINTHEARTED [to fight]. Rashi cites the opinions of Rabbi Akiva and Rabbi Yose HaGelili from a passage in b. *Sotah* 44a: "Rabbi Akiva says, This is to be understood in its plain meaning, that he is unable to stand in battle ranks,²⁴² and to see a sword drawn against him."²⁴³ Rabbi Yose HaGelili says, The verse refers to one who is fearful because of the sins he has committed." In other words, the Torah provides the warrior with a pretext for returning because of his house, vineyard, or wife, to cover up for those who return because of their guilty conscience. There are two reasons for the deferments: others will not necessarily think of them as sinners and thus conclude that they do not have the moral worth to be a soldier in God's army. One who sees him returning will say, "Perhaps he built a house or planted a vineyard or betrothed a wife." The opinion of Rabbi Akiva allows opprobrium to attach. The opinion of Rabbi Yose HaGelili is focused on saving a soldier from shame by giving him other pretexts for

²⁴¹ As a side note, Rashi states that the officers would enforce decisions of the courts. They were thus at the command of judges (*shofetim*) who would instruct them to compel compliance with the rulings of the court. See Rashi to Deut. 16;18.

²⁴² See Rashi to b. *Sotah* 44a

²⁴³ In a discussion in b. *Sotah* 44b, the rabbis try to identify the teacher of the *Baraita* who taught: "If one heard the sound of trumpets and trembled, the clashing of shields and trembled, saw the glitter of swords and water ran down onto his knees, he returns to his home." Rashi's comment on water running down the knees is that the man was so frightened, he lost control of his bladder.

returning home without having to reveal that it is really because of terror of his sins that he goes home.²⁴⁴ Rashi leaves the decision open ended until the following statement.

20:8 part III: LEST HE DIE IN THE WAR: Quoting *Sifrei* 195, Rashi says, "He should return lest he die, for if he does not listen to the words of the priest, he deserves to die." Rashi appears to endorse the opinion of Rabbi Yose HaGelili who says that it is only the sinful who need fear death.²⁴⁵ Conversely, according to Rashi's opinion, 'lest he die in war,' seems inappropriate for the one who has built a new house and not inaugurated it...etc. There is no sin involved here. "Lest he die in war," however, is indeed appropriate once the Torah has excluded them from going into battle and they fail to listen to the Priest. Defying orders is sufficient cause to make them worthy of death. In this simple cause and effect response, Rashi emphasizes the importance of obeying leadership for the safety of the group and the individual.

20: 9: AND IT SHALL BE WHEN THE OFFICERS HAVE FINISHED SPEAKING TO THE PEOPLE, THEY SHALL APPOINT LEADERS OF THE LEGIONS AT THE HEAD OF THE PEOPLE. In clarifying this verse, Rashi is a purveyor of practical military advice: The role of the LEADERS OF THE LEGIONS is to "commission military police in front of the [troops] and behind them with iron axes in their hands. Whoever wants to retreat, [the sentinel at the rear] has the authority to chop off his legs. Rashi says, for the beginning of downfall is flight" (b. *Sotah* 44a). Military police also stood at the edge of

²⁴⁴ But one cannot help but wonder how a person could leave ranks without proof of vineyard, house, or marriage. Perhaps there was a system whereby only the officers knew the real reason, while the rest of the troops could only speculate.

²⁴⁵ In short, Rashi says that Rabbi Yose HaGelili does not differentiate between these sins. Rashi Yose HaGelili mandates return for biblical sins only (Rashi on b. *Sotah* 44b). The biblical sins are as follows: A High Priest is prohibited to marry a widow (Lev. 21:14); all priests are prohibited to marry divorcees (Ibid. v. 7); a priest who enters one of these forbidden marriages is not deferred from any service. This is deduced from the exclusionary verse "And has not taken her" (Rashi on b. *Sotah* 43a).

the battle formation and at the point where the two armies would meet. They helped those who fell by pulling them back to their feet and strengthened them verbally, saying, 'Go back to the battle, and do not flee.' This order is taken to be an exhortation so that the troops will not cause general panic. Battle commanders through the ages have done just this sort of thing to quell incipient panic in the ranks; they know that the "beginning of downfall is flight!"

As introduced in Chapter One, the rabbinic authorities discerned two classifications of war in the Bible: The *milchemet mitzvah* (God-commanded wars) and the *milchemet reshut* the optional war. Rashi identifies the war against distant nations in vvs. 10-15 as types of optional war/ *milchemet reshut*.

20:10: WHEN YOU APPROACH A CITY TO WAGE WAR UPON IT, YOU SHALL CALL OUT TO IT FOR PEACE. Verses 10-15 are siege laws for distant cities. This point is explicit in v. 15. There is no record of Rashi's commenting on this particular verse.

20:11: AND IT SHALL BE IF IT [CITY] RESPONDS TO YOU IN PEACE AND OPENS [ITS GATES] FOR YOU, THEN ALL THE PEOPLE WHO ARE FOUND IN IT SHALL BE TO YOU AS A TRIBUTE, AND THEY SHALL SERVE YOU: Rashi asserts, "Even if you find in it people from the seven nations whom you have been commanded to annihilate, you are allowed to let them live" (*Sifrei* 200). For Rashi, this exception to the later in verses 16-18 to proscribe the Seven nations, is implied in the superfluous "all." Rashi takes a lenient approach concerning the lives of the Seven Nations.

Rashi's second comment on this verse is also from *Sifrei* 200: "As long as they accept upon themselves tribute and subjugation." Rashi, distinguishes the two similar words by stating "As long as they accept upon themselves *both* tribute *and* subjugation." How they are different is not clear. It is possible that "tribute" refers to serving the Israelite king with one's finances and that "subjugation" means serving the king with physical labor such as building.²⁴⁶

20:12: BUT IF IT DOES NOT MAKE PEACE WITH YOU, BUT MAKES WAR WITH YOU, THEN YOU SHALL BESIEGE IT. On the first half of this verse, BUT IF IT DOES NOT MAKE PEACE WITH YOU, BUT MAKES WAR WITH YOU, Rashi gives very practical advice about finishing the job one came to do: "Scripture informs you that if it will not make peace with you, its end will be to make war with you if you abandon it and go off" (*Sifrei* 200). Making peace is contingent upon acceptance of the terms offered, as mentioned above. If, however, they reject the terms of peace, but do not commit to outright war at that time, it is likely they will plot a counterattack and, therefore, must be dominated.

On the second half of the verse, THEN YOU SHALL BESIEGE IT, Rashi gives grim but practical guidance from the *Sifrei*²⁴⁷ for defeating the enemy. Not only may they attack the city, but "Even to starve it and to cause it thirst and to bring it death by deadly disease." From this we learn that there was more than one way to lay siege to a

²⁴⁶ *Sefer Zikaron* as cited by ArtScroll's Interlinear Commentary on Rashi to Deuteronomy, p. 215.

²⁴⁷ *Sifrei* 200.

city; one could use physical force or even cause distress.²⁴⁸ Rashi's choice of this commentary relates to his earlier advice not to have mercy on the enemy because they would not have mercy on the Israelites if the situation were reversed. These are the results of a protracted siege.

20:13: THEN THE LORD YOUR GOD SHALL GIVE IT INTO YOUR HAND AND YOU SHALL SMITE ALL OF ITS MALES BY THE BLADE OF THE SWORD. Rashi, comments on the meaning of "Your God shall give it into your hand." Based on the phrasing of *Sifrei* 200, Rashi explains, "If you will have done all that is said in this context, the end will be that God will deliver it into your hand." The meaning is, God will help one succeed provided one follows all the rules, obeys military leaders, obeys lawful orders, and offers terms of peace. It is not clear what Rashi means by having to follow all the rules "In this context," as he says above. It could mean only the rules pertaining to the laws of distant cities or include all situations. Rashi clarifies the meaning of smiting ALL ITS MALES in his commentary to the next verse.

20:14: ONLY THE WOMEN, THE CHILDREN AND THE BEASTS AND ALL THAT IS IN THE CITY—ALL ITS SPOIL YOU SHALL TAKE, AND YOU SHALL EAT THE SPOIL OF YOUR ENEMIES THAT THE LORD YOUR GOD GAVE YOU. Rashi interprets THE CHILDREN as "the 'small' children," and states, "even small male children" should be saved from death. Further, to clarify verse 13, which tells us to SMITE ALL OF ITS MALES, Rashi, in the name of *Sifrei* 200, says it only means "the

²⁴⁸ The *Be'er Mayim Chaim*, a rabbinic Bible commentator, interprets *v'tzarta*, "and you shall distress," not from the root "to besiege" which is *ts.v.r.* but from the root *tz.r.r.* "to cause distress" (*ArtScroll on Rashi's Commentary to Deuteronomy*, p. 216).

adults.” Again, Rashi takes a lenient view in interpreting the Torah with regard to saving the enemy from death.

20:15-16: THUS YOU SHALL DO TO ALL THE CITIES VERY DISTANT FROM YOU WHO ARE NOT FROM THE CITIES OF THESE HERE PEOPLE. 16) ONLY FROM THE CITIES OF THESE PEOPLE WHO THE LORD YOUR GOD GIVES YOU AS AN INHERITANCE NOT A SINGLE SOUL SHALL LIVE. The laws of offering peace or killing all the adult males, while sparing the rest of the people, are thus applicable to distant cities only. Since Rashi does not comment on verses 15 or 16, it can be suggested that he agrees with these two statements and therefore, that overtures of peace should not be offered to Canaanite nations in Israel.²⁴⁹

20:17: FOR YOU SHALL UTTERLY DESTROY THE HITTITES AND THE AMORITES, THE CANAANITES AND THE PRIZZITES, THE HIVVITES AND THE JEBUSITES AS THE LORD YOUR GOD COMMANDS YOU. This list only includes six of the seven nations. Deut. 7:1-2 lists all seven nations to be proscribed, the seventh nation being the Girgashites. To clarify this discrepancy, Rashi modifies v. 17 by saying, “This is stated to include the Girgashites.” Why they should be included is explained in comment verse 18.

20:18: IN ORDER THAT THEY MAY NOT TEACH YOU TO ACT ACCORDING TO ALL THEIR ABOMINATIONS, WHICH THEY DO FOR THEIR GODS, SO THAT YOU

²⁴⁹ The Rambam and Ramban, however, feel that the commandment to make offers of peace should be extended to everyone. The only difference is that, if the peace offer is refused and a war ensues, then only the male warriors of outside nations are to be killed and the rest of the population spared. The Canaanites however, are proscribed as set forth in vvs. 16-18.

WOULD SIN AGASINT THE LORD YOUR GOD. Rashi, citing *Sifre* 202 says, "But if they did repentance and converted, you are allowed to accept them." It is not clear what is meant by the nation's repentance and conversion, however it is certain that for the rabbis the Canaanite groups had to take on the "Seven Noahide Laws," laws that gentiles are expected to obey while living among the Israelites. They are a) Not to worship idols; b) not to blaspheme the name of God; c) to establish courts of justice; d) not to murder; e) not to commit adultery; f) not to rob and; g) not to eat flesh cut from a living animal.²⁵⁰

20:19: WHEN YOU BESIEGE A CITY FOR MANY DAYS, MAKING WAR AGAISNT IT IN ORDER TO CAPTURE IT, YOU SHALL NOT RUIN ITS TREES BY WIELDING AN AXE AGASINT THEM, BECAUSE YOU MAY EAT OF THEM, BUT YOU SHALL NOT CUT THEM DOWN. FOR IS THE TREE OF THE FIELD HUMAN, THAT IT CAN RUN FROM YOU IN A SIEGE? Rashi's first comment is to clarify the meaning of "many days." DAYS mean at least "two days," but he accounts for MANY to "imply three," as in three consecutive days.²⁵¹ Each word is given a separate meaning. He continues, "From here, i.e., on the basis of this verse, the Rabbis said, We do not lay siege against cities of non-Jews less than three days before Sabbath. In addition, this verse teaches us that one opens with overtures of peace for two or three days and similarly, it says, 'And David stayed in Ziklag for two days' (II Sam. 1:1). The verse speaks of an optional war/*milchemet reshut* (*Sifrei* 203).

²⁵⁰ The origins of this code are in Gen. 9:1-17. The earliest documentation of the linking of this biblical text with a code is found in the Pseudepigrapha Jubilees 7:20. Yacov Newman and Gavriel Sivan, *Judaism A-Z Illustrated Lexicon of Concepts and Terms*, ed. Avner Tomaschoff, (Jerusalem: Department for Torah Education and Culture in the Diaspora of the world Zionist Organization, 1980), p. 203. According to the Ramban, it was forbidden to permit any pagan Canaanites to remain, even individuals, because their modes of service to their deities would filter into the Israelite community. These seven laws in Hebrew are *sheva mitzvot bene Noah*.

²⁵¹ ArtScroll on Rashi's Commentary to Deuteronomy p. 217.

Rashi's second comment is on the poetic statement, IS THEN, THE TREE OF THE FIELD A MAN. He says, "Is the tree of the field *perhaps* a man that it should be included in the besieged town because of you, to suffer the tribulations of hunger and thirst like the people of the city? Why should you destroy it? In other words, it is not necessary, nor desirable to subject fruit trees to the same treatment intended for human foes.

20:20: ONLY THE TREES THAT YOU KNOW ARE NOT FOOD-BEARING TREES MAY YOU RUIN AND CUT DOWN; THEN YOU MAY BUILD SIEGE-WORKS AGAINST THE CITY WHICH IS MAKING WAR WITH YOU, UNTIL YOU DOMINATE IT. The last statement in the verse, "until you dominate it," is based on Rashi's reading that "*rid'tah*" means dominate and is not from the root *y.r.d.*, meaning "to descend," as in making war with the nation until it falls. This reading coincides with his interpretation of 20:12, that if the enemy rejects peace, they must be dominated or else it is likely that they will engage a counter attack.

CHAPTER FOUR

A SUMMATION OF RABBINIC AND MODERN CRITICAL MATERIAL ON DEUTERONOMY 20

The scholars employed for this thesis bring certain assumptions to the text regarding its date and authorship, historicity, life application, typology of warfare, awareness of textual phenomena, and the tools at their disposal.

Date and Authorship

In Chapter Two, we saw that traditional religious scholars believe that Moses wrote Deuteronomy 20 along with the rest of that book over the course of his lifetime sometime in the thirteenth century. Most biblical critics, however, do not believe Deut. 20 as we have it today to be original material from Moses. Theories range from it being the work of a phantom editor of an early period, to the work of northern Israel who secretly deposited it in the Temple's warehouse, or it was the found, or made up document by King Josiah in 622 B.C.E.

Life Application

Both the rabbis and the modern scholars scrutinize the biblical text for meaning, but the rabbis are even more sensitive to textual issues than the scholars. This sensitivity arises from the religious assumption that God placed every letter in Scripture for a purpose. Therefore, traditional Jews carefully search the text for divine insight. Proof of this effort lies in the fact that long after Hebrew ceased being the *lingua franca* of ancient Jewish life, and later, when Hebrew ceased to be a spoken language altogether, Hebrew literacy was always maintained. A primary reason for this

is the belief that the Torah was given by God in Hebrew.²⁵² For the rabbinic authorities, the Bible is a living document—a guide to do God’s will in the physical and spiritual worlds. This is also true for the Christian fundamentalist Bible scholars consulted for this thesis.

Conversely, biblical scholars from the secular and liberal religious worlds were likely to examine the Bible as an ancient literary artifact that may or may not be a living document because the factuality of events is doubted.

Historicity

The rabbis believed that everything in the Bible is true.²⁵³ As discussed in Chapter Two under Narrative Setting, Moses’ speech in Deut. 20 took place as he and the Israelites stood on the plains of Moab. For modern scholars, however, the Bible has a vote, but not a veto. All events are viewed with skepticism, unless proven with sufficient historical and archeological evidence. Scholars such as von Rad, and Rofe, believe the military laws in Deut. 20 are somewhat fictional.²⁵⁴

Analytic Tools And How They Come Into Play

As discussed in Chapters One and Two, the rabbinic authorities employed their own set of hermeneutic tools for interpreting the Bible—the Thirteen Principles of Rabbi Ish’mael. Only one of the exegetical tools is specifically deployed in the commentary to Deut. 20. This is the *gezerah shavah*, the analogical tool, which was applied in b. *Sotah*

²⁵² See Chapter Three, “Rashi.”

²⁵³ The nature of that “truth,” however, is often debated. For the rabbis, there is no question that the Bible reflects a historical and theological reality. It should be noted that the rabbinic authorities did not differentiate between “history” and “theological” experience. For them, these are inextricably tied to each other.

²⁵⁴ See Chapter Two, Historical Setting.

42a to prove the Priest delivered his speech in Hebrew.²⁵⁵ The rabbis also used the concept that there could be no superfluity in the Bible. As a result, if a word is used twice when once would have conveyed the same meaning, the rabbis attached separate meaning for each occurrence of the word. In addition to the hermeneutic devices noted above, the rabbis had access to a host of rabbinic literature such as the Mishnah and the Talmud.

Tools employed by biblical critics include comparing translations, examining structure for special word and sentence patterns, considering genre, literary context, and the historic material available on the subject. This is not an exhaustive list, but represents the tools employed for this work. These analytic devices provide the modern scholar access to the text in a scientific way. In addition to the tools listed here, the critics have access to History books, recent archeological findings, and a host of theories regarding the origins and intention of Deut. 20.

How these analytic tools come into play is reflected in how the critics of all schools, modern and rabbinic, deal with certain text phenomena. We recall from *Literary Setting in Chapter Two* that the biblical critic, G. H. Pfeiffer, said, "The disorder [of chapters 12-26 is]...so extreme that one would almost call it deliberate, unless it arose as a result of successive additions of new material."²⁵⁶ The rabbinic authorities would agree that it was deliberate, but for different reasons. They would say it was because that is how God intended it to be. As for the seemingly disparate texts, in this section, commenting on chapters 19 and 20, Rashi teaches that if we perform righteous judgment,

²⁵⁵ Rashi, building on b. *Sotah* 42a states that the Priest spoke to the troops in Hebrew. Using the *gezarah shavah* principle that what is stated in one place, is applicable in other, just as Moses spoke to the people in Hebrew, so too the Priest spoke in Hebrew because that is the language that it was given in.

²⁵⁶ Merrill quoting R. H. Pfeiffer in *Introduction to the Old Testament* (London: Adam and Charles Black, 1952), p. 232.

the topic of chapter 19, and go to war, the topic of chapter 20, then we can surmise that nations who act righteous in their judgment will be successful at war.²⁵⁷ It is with that view in mind that the rabbis read the text.

We recall in the Translation that “horse and chariot” is single in the Hebrew when in standard English it should be plural.²⁵⁸ As noted in Chapters One and Two, most critics either discount the grammatical anomaly as a literary mistake or, if they do not read Hebrew, miss the issue altogether. We saw in Chapter Three, that Rashi solves the singular “horse and chariot” by casting it in theological terms, saying that, in God’s eyes, the enemy is no more powerful than a single horse and chariot, but in our eyes, they are numerous.

Also in 20:1, Rashi notes the redundancy of “enemies” in “When you go to war against your enemies.” No biblical critics commented on this issue either because it was not detected or they assume redundancies are nothing more than that and therefore not noteworthy. Of course, this is the exact opposite of how the rabbinic authorities viewed anything superfluous. We discussed in Chapter One, Some Rabbinic Assumptions, how the rabbinic authorities justified every “extra” word in the Bible. In 20:1, Rashi shows us the statement makes sense without the word “enemies,” so the extra “enemy” teaches us not to forget who the Israelites were at war with—people they should not have mercy on because they will not have mercy on them.²⁵⁹

Following are a few more cases comparing the rabbinic authorities and biblical critics in terms of textual analysis. Discussed in Chapter One, the Bible does not directly

²⁵⁷ See Rashi on Deuteronomy 20.

²⁵⁸ When you go out to war against your enemies and you see *horse and chariot* --a people more numerous than you -- you shall not fear them for the Lord your God, the one who brought you up from the land of Egypt, is with you.

²⁵⁹ See, Rashi on Deuteronomy 20..

identify the Priest, however, the ancient authorities discerned he was no ordinary priest based on the definite article "the priest," not "a priest" (Deut. 20:2). In fact, they elevated the Priest's position from an average priest to the "One Anointed for War," the *Meshuach Milchamah*. Conversely, the biblical critics have focused on the Priest's battle speech, noting that he does not invoke God or use oracular methods as in other biblical texts.²⁶⁰

Moreover, they note there is no mention of the Ark, which was often carried out to war.²⁶¹ The biblical critics see these absences as indicators of the devolving sacral nature of Israelite warfare.²⁶² The rabbis, however, do find reference to the Ark in Deut. 20: 4 when the Priest says, "For it is the Lord your God who goes with you to do battle for you against your enemy..." The words, "For it is the Lord your God who goes with you," is interpreted as coded language for the Ark which almost always accompanied the Israelites in battle.

In another case, Deut. 20:5-7, there is a repetitive section that opens with "Then the officers shall speak to the people saying..." This is followed by their deferment of people with an undedicated house, unredeemed vineyard or a fiancé. Then it defers those too fearful to fight (20:8). The "problem" is that the sentence begins with "Then the officers shall continue speaking to the people saying..." This insertion of "Then the officers shall continue..." disrupts the flow. Biblical critics have noticed this and attribute it to sloppy editing possibly by a later editor.²⁶³ The rabbinic authorities, on the other hand, solve the problem thus: Verses 2-4 are said by the Priest and another priest repeats his words in a loud voice among the troops. The Priest also says verses 5-7, but officers

²⁶⁰ See reference in, *The Warrior Class/Military Establishment*.

²⁶¹ See reference in, *The Warrior Class/Military Establishment*.

²⁶² See reference in, *God the Warrior*

²⁶³ See, *God The Warrior*.

repeat these. Then, the rabbis attribute verse 8, where it says, "Then the officers shall continue..." officers who add their own words, and these too are broadcast to the people.

As for the category of deferments, as discussed Chapter Two, the rabbinic authorities developed a detailed set of categories: There are those who qualify to return home, but must perform non-combatant service for a year (8:2); those who do not qualify to return even though their situation is related to "house," vineyard," and "wife" (8:3); and those who return from war, but do no military service for a year (8:4). The Mishnah also comments on the category of those too fearful to fight (8:5), and clarified the types of war whereby deferment is and is not permitted (8:7). Biblical critics addressed this issue of deferment by bringing in parallel biblical texts and citing Ancient Near Eastern parallels.

In Deut. 20:1 it says "When you go out to war against your enemies and you see horse and chariot—a people more numerous *than you*—you shall not fear them..." As noted in the Translation, and as discussed in Chapter Three, Rashi zeroes in on the expression "*mimcha*," which is a *mem* comparative, thus, generally meaning "than you." Rashi, however, says it should be translated as "from you," meaning that the impression is from "them" and thus it is a subjective impression. In Deut. 20:3, the Priest who tells the troops, "do not fear," occurs four different ways in one sentence. Rashi, building on the b. *Sotah* 42a, says that each statement refers to aspects of ancient psychological warfare.

Finally, Rashi notes that in 20:13, God commands the killing of all males of distant cities that do not submit to terms of peace. Later, however, in verse 14 it states, "the women, the children and the beasts..." shall be spared and taken as booty. Rashi

states that even though it specifically states the males should be killed in verse 13, in verse 14 it says spare the children. Since it says "children," and not just female children, Rashi takes this opportunity to teach that God means for the warriors to spare the male children as well. These examples appear to support the idea that the rabbis were not afraid to scrutinize the text. As noted above in Assumptions, this is because the Jewish religious authorities wanted to live according to God's word. For them, the Bible was the best source of that information; therefore no word escaped unexamined.

Typology of Warfare

Both the medieval commentators and modern scholars discerned categories of warfare in the Bible. Biblical critics are aware that in Deut. 20, God is portrayed as a divine warrior. God commands the Israelites to attack certain cities and nations. Since the early twentieth century, this characterization of God involved in war has been labeled, "Holy War." Though many critics are not satisfied with this term, "Holy War" is still popularly employed.²⁶⁴ The rabbinic authorities also discerned different wars in the Bible. They are *milchemet reshut*, which involves the conquest of Canaan, and *milchemet mitzvah*, a battle for religious causes where all must go forth, even the bridegroom and bride from their bridal chamber (m. *Sotah* 8:7). Rabbi Judah uses different terms for the same wars, but Rashi ignores them.

A Final Word

The rabbinic commentary on Deut. 20 is remarkably plausible although historically it was for the rabbis entirely theoretical. The rabbis of the talmudic and Medieval periods were certainly influenced by military concepts and procedures

²⁶⁴ See Chapter Two, The Divine Warrior.

employed by the nations that had defeated the Jewish people in the second century and the concepts and procedures used by the various peoples among whom Jews became dispersed in later years. It is clear from most of the critical sources employed that the rabbinic authorities are under consulted although in the Middle Ages, Christian Bible scholars actually consulted Jews in the course of their work as Christian exegetes.²⁶⁵

These men, masters of the Bible, are excellent sources, at the very least, for determining textual issues. Even Alexander Rofe, an ardent critical scholar, opens his article with a statement that he has found the rabbinic authorities to be his unlikely companions in text study precisely because of their sensitivity to textual issues. Today these ancient and medieval masters are more available to the English-speaking population than ever before. And while the biblical critics offer one approach to understanding the text, the rabbis should not be overlooked as philosophical and theological resources for better perception of Deuteronomy 20, the War Code.

²⁶⁵ Michael Alan Signer has written on twelfth century religious Christian Bible scholars who did consult Jews for clarification on the Bible's literal meaning. He writes about them in the English introduction to his book, *Andreae de Sancto Victore*, a publication of Andrew of St. Victor's exegesis on Ezekiel. In addition to Andrew's consultation of Jews, Signer also cites Jerome for his fifth Century work on Ezekiel, Stephen Harding of Citeaux in his *Correctoria*, the Italian Nicholas of Manjacoria who consulted Jews for his text of the Psalter. Signer, *Andreae de Sancto Victore* (Brepols: Typographi, 1991), p. xx).

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