



War Rules

Greetings game creators! You are creating a game in which players build a world. However, just as war is a reality in our world so too war will be a reality in your game's world; and there must be ground rules for engaging in war. Your present task is to:

- a. Come up with a name for your game.
- b. Describe a basic goal of your game.
- c. Compose the rules, based on Jewish wisdom, that will govern war in the game.
- d. Design cover art for the game.

Below, you will find thousands of years of Jewish wisdom to help you develop the Rules of War for your new game. As you go through the various texts, ideas, commentaries, etc., keep in mind the following questions (and remember to ask critical questions of your own):

- What is the straightforward meaning of these words?
- What message is the person or text trying to convey? Is there another person or text that might say something different?
- When two people posit different approaches, how do I decide which approach is more appropriate?
- How might some of these ideas apply to different war situations?
- How do these ideas fit into an overall approach to war?



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Devarim (Deuteronomy) 25:17 – 19	דברים כה:יז-יט
¹⁷ Remember what Amalek did to you on the way on your going out from Egypt	י' זְכוֹר אֶת אֲשֶׁר־עָשָׂה לְךָ עַמְלֵק בְּדַרְךְ בְּצֵאתְכֶם מִמִּצְרָיִם
¹⁸ That he encountered you on the way and attacked your stragglers, all who were lagging behind you; and you were tired and faint, and he did not fear God.	י"ח אֲשֶׁר קָרָךְ בְּדַרְךְ וַיִּזְנֹב בְּךָ פְּלִהֲנֵי שְׁלִים אַחֲרֶיךָ וְאַתָּה עֵיף וְיָגַע וְלֹא יָרָא אֱלֹהִים:
¹⁹ So it shall be when YHVH your God gives you rest from all of your enemies around the land that YHVH your God gives to you as an inheritance to possess it, you shall blot out the memory of Amalek from under the heavens*. Do not forget.	י"ט וְהָיָה בְּהֵנִיחַ יְיָ אֱלֹהֶיךָ לְךָ מִכָּל־אִיְבֹיֶיךָ מִסָּבִיב בְּאֶרֶץ אֲשֶׁר יִיָּאֱלָהֶיךָ נִתֵּן לְךָ נַחֲלָה לְרִשְׁתָּהּ תִּמְחָה אֶת־זֵכֶר עַמְלֵק מִתַּחַת הַשָּׁמַיִם לֹא תִשְׁכַּח:

*This is an instruction to wage war against Amalek.

Tractate Ta'anit 22a	מסכת טענית כב.
[The Mishnah taught that they sound the alarm for the sword.] The Rabbis taught, "The sword they mentioned, there is no need to mention [that they sounded an alarm for an army that came to attack Jews]. Rather, [the Mishnah specifies] the sword of peace [when an army passes through to wage war elsewhere but does not intend to attack Jews] as there is no sword of peace greater than Pharaoh Neco [who passed through, but did not attack, the Land of Israel to wage war with Nebuchadnezzar]. And even so King Josiah stumbled in this [and engaged him in battle]."	על החרב וכו' ת"ר חרב שאמרו אינו צריך לומר חרב שאינו של שלום אלא אפילו חרב של שלום שאין לך חרב של שלום יותר מפרעה נכה ואעפ"כ נכשל בה המלך יאשיהו שנאמר

Mishnah Torah, Laws of Fasts 2:4	משנה תורה הלכות טענית ב:ד
Even the sword of peace. For example, [one foreign nation] organizes for war against another [foreign nation]; and they pass through Israel even though there is no war between them and Israel. Behold, this is troublesome; and [Israel] suffers because of it... because seeing war is troublesome.	על החרב כיצד. אפילו חרב של שלום כגון שערכו מלחמה עכו"ם עם עכו"ם ועברו במקום ישראל אף על פי שאין ביניהם ובין ישראל מלחמה הרי זו צרה ומתענין עליה שנאמר "וחרב לא תעבר בארצכם" (ויקרא כו:ו) מפלל שראית המלחמה צרה:



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Mishnah Torah, Laws of Kings and Wars 5:1-2	משנה תורה הלכות מלכים ומלחמות ה:א-ב
<p>¹ A king may not go to war first except for a War of <i>Mitzvah</i>. And what is a War of <i>Mitzvah</i>? This is war [against] the seven nations [when Joshua conquered the land]. And the war of Amalek. And for helping Israel from the hand of an oppressor that has come upon them. And after that, he engages in Discretionary Wars; and this is a war in which he engages the other nations in order to expand the border of Israel and to increase his renown and reputation.</p>	<p>א אין המלך נלחם תחלה אלא מלחמת מצוה. ואי זו היא מלחמת מצוה זו מלחמת שבעה עממים. ומלחמת עמלק. ועזרת ישראל מיד צר שבא עליהם. ואחר כך נלחם במלחמת הרשות והיא המלחמה שנלחם עם שאר העמים כדי להרחיב גבול ישראל ולהרבות בגדלתו ושמו: :</p>
<p>² A War of <i>Mitzvah</i> does not require the permission of a <i>beit din</i> (court). Rather he goes out on his own whenever he wants and compels the people to go out. But [for] a Discretionary War, he may not take the people out without [the permission] of a <i>beit din</i> of 71 [people].</p>	<p>ב מלחמת מצוה אינו צריך לטל בה רשות בית דין. אלא יוצא מעצמו בכל עת. וכופה העם לצאת. אבל מלחמת הרשות אינו מוציא העם בה אלא על פי בית דין של שבעים ואחד: :</p>
Mishnah Torah, Laws of Kings and Wars 6:1	משנה תורה הלכות מלכים ומלחמות ו:א
<p>One does not make war with anyone in the world until they offer them peace, both a Discretionary War and War of <i>Mitzvah</i></p>	<p>אין עושין מלחמה עם אדם בעולם עד שקוראין לו שלום. אחד מלחמת הרשות ואחד מלחמת מצוה...</p>
Ha'emek Davar on Beresheet 9:5	העמק דבר על בראשית ט:ה
<p>The Holy Blessed One explained, "When is a person punished [for killing another person]? At a time that it is appropriate to act in friendship. This is the not the case in a time of war and at a time to hate. Then is a time to kill, and there is no punishment for this at all. Because this is how the world is established...</p>	<p>מיד איש אחיו. פירש הקב"ה אימתי האדם נענש בשעה שראוי לנהוג באחיו. משא"כ בשעת מלחמה ועת לשנוא אז עת להרוג ואין עונש ע"ז כלל. כי כך נוסד העולם. וכדאי בשבועות ל"ה מלכותא לקטלא חד משיתא לא מינענש ואפי' מלך ישראל מותר לעשות מלחמת הרשות אע"ג שכמה מישראל יהרגו עי"ז וע' ס' דברים כ' ח': :</p>



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Bemidbar (Numbers) 10:9	במדבר י:ט
When you come in to war in your land against an enemy that attacks you, you shall sound the trumpets and you will be remembered before YHWH your God and you will be saved from your enemies.	וְכִי־תִבְאוּ מִלְחָמָה בְּאֶרְצְכֶם עַל־הָעָר הַצָּר אֶתְכֶם וְהִרְעַלְתֶּם בְּחִצְצֹרוֹת וְנִזְכַּרְתֶּם לִפְנֵי יְיָ אֱלֹהֵיכֶם וְנוֹשַׁעְתֶּם מֵאִיְבֵיכֶם:

Rabbi Samson Raphael Hirsch on Bemidbar 10:9	רש"ר הירש על במדבר י:ט
When you come in to war – As opposed to “going out to war,” with desire and drive, coming to war is the need to come to danger.	וכי תבואו מלחמה - בנגוד ל"יצא למלחמה", בחשק ובתנופה, בא למלחמה היא הנחיצות לבא לסכנה.

Nili Wazana, excerpted from <i>The Torah: A Women's Commentary</i>, p. 1158
The first, and therefore most prominent, rule defines those conscripts who are released from war (<i>Devarim</i> 20:5 – 7): men who have built a new house, planted a vineyard, or given a betrothal gift, but they have not yet benefitted from these three types of investments. The reason given is “lest he die in battle” and another person profit... It is noteworthy that in 28:30, precisely [these three cases] are turned into curses. Thus, rather than glorify warfare, Deuteronomy views it as a curse that needs curbing, even for the attacking side.

Devarim 20:19 – 20	דברים כ:יט-כ
¹⁹ When you lay siege to a city for many days to make war against it to capture it, do not destroy its trees, wielding the ax against [the trees]. Because from them you may eat, you may not cut them down. Are trees of the field human to withdraw before you into the besieged city? ²⁰ Only the tree that you know is not a food-bearing tree may you destroy and cut down and build siegeworks against the city that is waging war with you until it has been reduced.	^{יט} כִּי־תִצּוֹר אֶל־עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא־תִשְׁחִית אֶת־עֵצָהּ לְנֹדֶחַ עָלֶיהָ גִּרְזֹן כִּי מִמֶּנּוּ תֹאכַל וְאֵתוֹ לֹא תִכְרֹת כִּי הָאָדָם עַץ הַשָּׂדֶה לֹבֵא מִפְּנֵיךָ בְּמָצוֹר: ^כ רַק עֵץ אֲשֶׁר־תֵּדַע כִּי־לֹא־עֵץ מֵאֲכָל הוּא אֵתוֹ תִּשְׁחִית וְכָרְתָּ וּבְנִיתָ מָצוֹר עַל־הָעִיר אֲשֶׁר־הוּא עֹשֶׂה עִמָּךְ מִלְחָמָה עַד רִדְתָּהּ:



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Mishnah Torah, Laws of Kings and Wars 6:10	משנה תורה הלכות מלכים ומלחמות ו:י
And not just trees. Rather anyone who breaks vessels, tears clothing, tears down a building, seals up a spring, or wastes food violates [the commandment of] "Do not destroy."...	וְלֹא הָאֵילָנוֹת בְּלֶבֶד. אֲלֵא כָּל הַמְּשֻׁבָּר כֵּלִים. וְקוֹרֵעַ בְּגָדִים. וְהוֹרֵס בְּנֵינָן. וְסוֹתֵם מַעְיָן. וּמַאֲבֵד מַאֲכָלוֹת דֶּרֶךְ הַשְּׁחָתָה. עוֹבֵר בְּלֹא תְּשׁוּחִית. וְאֵינוֹ לוֹקֵה אֲלֵא מִכַּת מִרְדּוֹת מִדְּבָרֵיהֶם:

Hasagot HaRamban on Rambam's Sefer Hamitzvot, Omitted Positive Commandments 5	השגות הרמב"ן לספר המצוות לרמב"ם שכתב העשין
The fifth <i>mitzvah</i> that we were commanded is, when we lay siege to a city, to leave one of the roads without a blockade; so that, if they want to flee, they will have a path to escape. For in this we learn to behave with mercy even with our enemies in a time of war...	מצוה חמישית שנצטוונו כשנצור על עיר להניח אחת מן הרוחות בלי מצור שאם ירצו לברוח יהיה להם דרך לנוס משם כי בזה נלמוד להתנהג בחמלה אפילו עם אויבינו בעת המלחמה ובו עוד תקון שנפתח להם פתח שיברחו ולא יתחזקו לקראתינו שני (מטות לא) ויצבאו על מדין כאשר צוה י"י את משה ודרשו בספרי הקיפוח משלש רוחותיה ר' נתן אומר תן להם רוח רביעית שיברחו. ואין זו מצות שעה במדין אבל היא מצוה לדורות בכל מלחמת הרשות. וכן כתב הרב בחבורו הגדול בהלכות מלכים ומלחמותיהם (פ"ו ה"ז):

Rambam Commentary on the Mishnah, Tracate Sotah 8:7	רמב"ם על משנה מסכת סוטה ח:ז
There is no disagreement about whether war against the seven nations or war against Amalek is obligatory. And there is no disagreement about whether war against the rest of the lands of the rest of the nations is permissible. They only disagree about a war of the nations, waging war against them in order to weaken them so that they do not wage war against Israel and attack the land (i.e. there is disagreement about preemptive strikes). [One authority] calls [a preemptive strike] discretionary while [the other] calls it a <i>mitzvah</i> ...	אין מחלוקת ביניהם שמלחמת שבעה עממין ומלחמת עמלק חובה. ואין מחלוקת ביניהם שמלחמת שאר הארצות של שאר האומות רשות. לא נחלקו אלא במלחמת אומות הנלחמים בהם כדי להחלישם שלא ילחמו בישראל ולא יתנפלו על ארצם, תנא קמא קורא את זה רשות. ור' יהודה קורא למלחמה זו מצוה. ולדעת ר' יהודה מי שהיה עוסק במלחמה זו או בצרכיה פטור מן המצות לפי שכלל הוא אצלינו כמו שידעת העוסק במצוה פטור מן המצוה. ולדעת תנא קמא אינו עוסק במצוה. ואין הלכה כר' יהודה.



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David Novak, "A Jewish View of War," in *Tradition in the Public Square: A David Novak Reader*, p. 259

In wars there is a conflict between two distinct parties. Each side usually justifies its military activities by claiming that it is either defending itself against an offensive aggressor or is in imminent danger of attack. It is presupposed that the distinction of belligerent entities is at all times clear. The issues at stake in war are between the two opposing parties.

Vayikra Rabbah, Tzav 9

Rabbi Yose HaGalili said, "Great is peace that even in a time of war it is law that one offers only peace first, [as it says in the Torah] 'when you approach a city...'"

ויקרא רבה (וילנא) פרשת צו פרשה ט

אמר ר' יוסי הגלילי גדול שלום שאפי' בשעת מלחמה אין פותחין אלא בשלום הה"ד (דברים כ) כי תקרב אל עיר וגו'

From the IDF Doctrine, retrieved January 6, 2020

At <https://web.archive.org/web/20060430031938/http://www1.idf.il/dover/site/mainpage.asp?sl=EN&id=32>

Purity of Arms - The IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat. IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war, and will do all in their power to avoid causing harm to their lives, bodies, dignity and property.

מהקוד האתי של צה"ל הוחזר 6 ינואר, 2020

<https://web.archive.org/web/20060417190214/http://www1.idf.il/dover/site/mainpage.asp?sl=HE&id=32>

טוהר הנשק - החייל ישתמש בנשקו ובכוחו לביצוע המשימה בלבד, אך ורק במידה הנדרשת לכך, וישמור על צלם אנוש אף בלחימה. החייל לא ישתמש בנשקו ובכוחו כדי לפגוע בבני אדם שאינם לוחמים ובשבויים, ויעשה כל שביכולתו למנוע פגיעה בחייהם, בגופם, בכבודם וברכושם.

R. Immanuel Jakobovits, "Rejoinders;" Tradition 4:2 (Spring 1962): 202

In view of this vital limitation of the law of self-defense, it would appear that a defensive war likely to endanger the survival of the attacking and the defending nations alike, if not indeed of the entire human race, can never be justified. *On the assumption, then, that the choice posed by a threatened nuclear attack would be either complete mutual destruction or surrender, only the second alternative may be morally vindicated.*



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Michael Broyde, “Just Wars, Just Battles and Just Conduct in Jewish Law: Jewish Law Is Not a Suicide Pact!,” page 30

When one reviews the rules found within Jewish law for waging war, one grasps a crucial reality of Jewish military ethics. The moral license that "war" grants a person or a country varies from situation to situation and event to event. The Jewish tradition treats different permissible wars differently. The battle for vital economic need carries with it much less of a moral license than the war waged to prevent an aggressive enemy from conquering an innocent nation. Jewish law recognized that some wars are simply completely immoral, some wars are morally permissible but grant a very limited license to kill, and some wars are a basic battle for good with an enemy that is evil. Each of these situations comes with a different moral response and a different right to wage war. In sum, it is crucially important to examine the justice of every cause. However, violence in the service of justice is not to be abhorred within the Jewish tradition.

Elliot Dorff, “Defensive War,” *S’Vara: A Journal of Philosophy, Law, and Judasim* 2:1

In sum, even though the Talmud and codes do not directly connect communal self defense to the duty of either defending oneself or intervening on behalf of another, and even though one might argue that the latter duties do not establish the former, the Talmud does not question that a community must defend itself and even desecrate the Sabbath in the process. The codes not only endorse that right, but expand upon it.

These sources also do not insist on the usual procedures required for engaging in other types of war when it is a matter of communal self defense.

George Wald, “A generation in search of a future” (A talk given at Massachusetts Institute of Technology on March 4, 1969; retrieved at http://site.www.umb.edu/faculty/salzman_g/SfHS/2005-05-23.htm on January 6, 2020)

I've gone through all of that history lately, and I find that there's a gimmick in it. It isn't written out, but I think we established it by precedent. That gimmick is that if one can allege that one is repelling or retaliating for an **aggression** — after that everything goes. And you see we are living in a world in which all wars are wars of defense. All War Departments are now Defense Departments. This is all part of the double talk of our time. The aggressor is always on the other side.



Glossary of Commentators

Rabbi Naftali Zvi Yehuda Berlin (also known as the Netziv) (1816 – 1893)	Dean of the Volozhin Yeshiva, the largest of its kind. <i>Ha'emek Davar</i> is a Torah commentary based on his discussions of the weekly Torah portion.
Rabbi Michael Broyde (b. 1964)	Law professor and scholar of Jewish law. Particularly focused on Jewish ethics.
Rabbi Elliot Dorff (b. 1943)	Philosopher and bioethicist. Awarded the Journal of Law and Religion's Lifetime Achievement Award.
Rabbi Samson Raphael Hirsch (1808-1888)	Founder of the <i>Torah im Derech Eretz</i> (Torah with the Way of the Land) movement, which sees a positive relationship between observance and the modern world. Wrote a prominent modern commentary on the Torah.
Rabbi Immanuel Jakobovits (1921 – 1999)	Former Chief Rabbi of Great Britain. Known as an authority on Jewish medical ethics.
Rabbi David Novak (b. 1941)	Theologian and philosopher who focuses on Jewish ethics and interfaith work.
Rambam (also known as Maimonides) (1135 (?) – 1204)	Torah scholar, philosopher, and physician. Wrote the Mishnah Torah, an authoritative collection of Jewish laws.
Ramban (also known as Nachmanides) (1194 – 1270)	Torah scholar, philosopher, and Kabbalist. Commented extensively on Torah and Jewish law. Defended Judaism in the Disputation of Barcelona.
George Wald (1906 – 1997)	Nobel Prize winning scientist for his discoveries about vision. Noted pacifist and vocal opponent of the nuclear arms race.
Nili Wazana	Professor of Bible and History of the Jewish People at Hebrew University. Specializes in the history of the Biblical period.