rYESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**War in Halakha**

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**Shiur #05: A War Against Amalek or Against the Seven Nations**

The third type of *milchemet mitzva* consists of the wars against Amalek and against the seven Canaanite nations. These wars are based on the *mitzvot* of annihilation that were stated regarding each of these two types of nations, but there are certain differences between the two *mitzvot.* We will try to understand these differences and draw from them a general direction regarding the relationship between these *mitzvot*.

**The Essence of the Commandment**

**Rashi – Removal from the World**

According to the plain sense of the Biblical verses, the mitzvaregarding Amalek and the seven nations involves erasing any memory of them from the world. The Torah states about Amalek: "You shall blot out the remembrance of Amalek from under heaven" (*Devarim* 25:19), and about the seven nations: "You shall save alive nothing that breathes… but you shall utterly destroy them" (*Devarim* 20:16-17).

Rashi emphasizes this point in his comments regarding several related issues.

First of all, Rashi maintains that there is no possibility at all of reconciling with the seven nations and that all of them must be wiped out. The Torah passage dealing with the call for peace (*Devarim* 20:10-18) applies, in his opinion, only in a *milchemet reshut*:

"When you draw near to a city [to fight against it], proclaim peace to it" – Scripture speaks of a *milchemet reshut*. (Rashi, *Devarim* 20:10)

From here we see that in a *milchemet mitzva*, such as against the seven nations or Amalek, there should be no call for peace, for the purpose of the war is their annihilation.

Rashi extends this obligation of annihilation not only to the human members of those nations, but also to their property:

"You shall blot out the remembrance of Amalek" – "man and woman, infant and suckling, ox and sheep" (I *Shmuel* 15:3), so that the name Amalek will never again be mentioned even in connection with a beast, in that one could say: This animal belonged to Amalek. (*Rashi*, *Devarim* 25:19)

Rashi provides a reason for what he says: the essence of the mitzvais wiping out the memory of Amalek, so that its name will not be uttered by you, and thus even the animals must be annihilated. As proof that the mitzva calls for complete destruction, Rashi cites the words of the prophet when Shmuel commanded King Shaul to wipe out Amalek:

Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and donkey. (I *Shmuel* 15:3)

Despite this proof, the *Minchat Chinukh* did not accept the position of Rashi. He argues that the command given to Shaul was only a temporary order issued by Shmuel:

This matter that even a beast must be killed is not explicitly stated by the Rambam or the *Chinukh*, and I do not know from where Rashi derived this, and I did not see it in the *Sifrei*. There is also no proof from the incident involving Shaul, because the Holy One, blessed be He, commanded him to do so at that time by way of Shmuel, but we cannot conclude that it is a mitzvafor future generations. The matter requires further study. (*Minchat Chinukh*, 604)

It seems that Rashi chose this path, despite the absence of a strong "halakhic" source to back it up, because of his perception of the essence of the mitzva – namely, total annihilation of these nations, in light of which there can be no call for peace and even the animals must be destroyed.

**Calling for Peace – Rashi vs. Rambam**

The Rambam rules, contrary to Rashi, that Amalek and the seven nations are also included in the commandment to call for peace:

War, whether a *milchemet reshut* or a *milchemet mitzva*, should not be waged against anyone until they are offered the opportunity of peace, as it is stated: "When you draw near to a city to fight against it, you shall proclaim peace to it" (*Devarim* 20:10). If they agree to peace and accept the seven *mitzvot* that were commanded to Noach's descendants, we don’t kill any of them. Rather, they should be subject… If they do not agree to a peaceful settlement, or if they agree to a peaceful settlement but refuse to accept the seven *mitzvot*, war should be waged against them. All adult males should be killed... The above applies to a *milchemet reshut* fought against other nations. However, if either the seven nations or Amalek refuse to accept a peaceful settlement, not one soul of them may be left alive, as it is stated: "Thus shall you do to all the cities… but of the cities of these peoples… you shall save alive nothing that breathes" (*Devarim* 20:15-16). Similarly, regarding Amalek, it is stated: "You shall blot out the remembrance of Amalek" (*Devarim* 25:19). How do we know that these commands are only referring to those who did not accept a peaceful settlement? For it is stated: "There was not a city that made peace with the children of Israel, except the Chivites the inhabitants of Giv'on; they took all in battle. For it was of the Lord to harden their hearts, to come against Israel in battle, that they might be utterly destroyed" (*Yehoshua* 11:19-20). From these statements, we can infer that a peaceful settlement was offered, but they did not accept it.[[1]](#footnote-1) (*Hilkhot Melakhim* 6:1-4)

The Rambam implies here that waging war against Amalek or the seven nations is only a last resort, and before that, we must operate on the political plane and try to bring them to accept the status of resident aliens [*gerei toshav*] and live among us in peace. However, this seems to contradict the plain meaning of the verses – for, as we saw above, the Torah states explicitly that the remembrance of Amalek must be blotted out and that the seven nations must be destroyed. How could the Rambam change the mitzva from its plain sense? The *Kessef Mishneh* addresses this difficulty and explains:

It is possible to argue in support of our Rabbi, the Rambam, and say that accepting a peaceful settlement includes accepting the seven Noachide *mitzvot*, and once they have accepted the seven *mitzvot*, they are no longer in the category of the seven nations or Amalek, and they are like the proper (“*kosher*”)descendants of Noach. (*Kessef Mishneh* ad loc., 4)

The *Kessef Mishneh* innovates a major principle here – that once these nations have accepted the seven Noachide *mitzvot*, they are no longer subject to the mitzvato destroy them. This novel idea is also found in Rashi's commentary to the Torah:[[2]](#footnote-2)

"So they will not teach [you to do like their abominations]" – Consequently, if they repent of their abominations and [wish to] convert, you are allowed to accept them as such. (Rashi, *Devarim* 20:18)

However, there seems to be a difference in the ways Rashi and the *Kessef Mishneh* understand this law, which is connected to their perspectives on the foundation and essence of the commandments to annihilate these nations. Let us begin by examining Rashi’s words and try to clarify his position.

**Rashi – The Destruction of the Seven nations and the Blotting Out of Amalek**

Rashi says what he says in connection to the reason the Torah gives for the obligation to destroy the seven nations:

But of the cities of these peoples, that the Lord your God gives you for an inheritance, you shall save alive nothing that breathes, but you shall utterly destroy them… So they will not teach you to do like their abominations, which they have done to their gods, so that you sin against the Lord your God. (*Devarim* 20:16-18)

The Torah explains that the seven nations must be destroyed *so that* Israel will not learn from their actions. Therefore, it is reasonable to assume that if the reason is null and void, the obligation should similarly be null and void; if the seven nations mend their ways, there will be no need to destroy them. Indeed, Rashi does not talk about the nations' "accepting the commandments," but rather about their "repenting" – placing the emphasis on the change in their actions. Rashi appears to be consistent in his position that the obligation to destroy the seven nations is connected to Israel's learning from their ways, for in his commentary to the Talmud, he draws a distinction between the obligation to destroy the seven nations inside the Land of Israel and outside of it:

They were only commanded to kill those within their borders, so that they will not teach us their corrupt actions. But you who live outside [the land], if you repent, we will accept you. But in the land, we do not accept them, as they are acting out of fear. This is what is taught explicitly in the Tosefta (chap. 8): If you repent, we will accept you. (Rashi, *Sota* 35b, s.v. *ve-katvu milemata*)

And Rabbi Eliyahu Mizrachi (the Re'em) explains:

But those of the seven nations who live outside the land, if they repent and accept upon themselves to abolish their idolatry, we accept them, because even if you say that they are acting out of fear [and not repenting sincerely], since they are not living among us, there is no concern that perhaps they will teach us [their corrupt ways]. (Re’em, *Devarim* 20:9)

We see then that what drives the destruction of the seven nations is a concern that the people of Israel will learn from their actions. This seems to contradict what we saw in Rashi’s statement regarding Amalek, that all of their males must be put to death, but in fact there is no contradiction, for we are dealing with two entirely different *mitzvot*. Indeed, the obligation to destroy the seven nations stems solely from the fear that the people of Israel will learn from their corrupt actions, and therefore it is possible to accept those (outside the Land of Israel, at least) who have distanced themselves from their own actions and repented. However, the mitzvato wipe out Amalek is entirely different, and its essence is to blot out any remembrance of Amalek.

This difference follows also from a precise reading of the verses: Whereas regarding Amalek the mitzvais to blot out ("*macho timcheh"*)their remembrance, regarding the seven nations, the mitzvais to utterly destroy them ("*hacharem tacharimam*"). The goal of a "*cherem*" is to keep a certain thing at a distance from you, whereas the goal of "*mechiya*" is to remove all remembrance of a certain thing from the face of the earth. If this is correct, the possibility of accepting those who repent applies only in the case of the seven nations, whereas the obligation to even destroy property applies only in the case of Amalek.

**Rambam According to the *Kessef Mishneh* – The Destruction of the Nation**

The *Kessef Mishneh* understands like Rashi that proselytes may be accepted from among the seven nations, but it seems that the foundations of their explanations are different. While Rashi speaks of repentance and explains that once a member of the seven nations repents, he no longer poses a spiritual threat to the people of Israel, the *Kessef Mishneh* speaks of the seven Noachide *mitzvot* and explains that one who accepts them is no longer in the category of the seven nations or Amalek, and they are instead like other (“*kosher*”)descendants of Noach. It seems that the *Kessef Mishneh* is not satisfied with mere repentance, but requires a transition to another nation. Joining the people of Israel requires a process of conversion, and the *Kessef Mishneh* apparently sees a similar process of moving from one people to another in the acceptance of the seven Noachide *mitzvot.* With this acceptance, the gentile removes himself from the seven nations, and thus the obligation to destroy the seven nations does not apply to him.

In order to put forward such a novel position, it must be assumed that the mitzvato kill the seven nations or Amalek does not relate to each individual member of those nations, but to the nations as a whole. The destruction can be carried out either by way of killing or by changing the religion and identity of the nation.

**Rambam – Who is obligated by the commandment to blot out Amalek?**

The Rambam writes that the commandment to blot out Amalek falls on the entire community:

And when you consider all these commandments that were mentioned above, you will find among them commandments that are obligatory on the community, not on each and every individual, such as building the Temple and establishing a monarchy and cutting off the seed of Amalek. (*Sefer Ha-Mitzvot*, conclusion to the section of positive commandments;see *mitzvot* 20, 173, 188)

The *Yerei'im* takes a similar approach but narrows the mitzvaeven further, arguing that it applies only to the king:

It was taught in *Sanhedrin*,in chapter *Kohen Gadol* (20b): "Three commandments were given to Israel when they entered the land: to appoint a king; to cut off the seed of Amalek; and to build themselves the Temple – and I do not know which of them has priority. But, when it is stated: 'The hand upon the throne of the Lord, the Lord will have war with Amalek from generation to generation' (*Shemot* 17:16), we must infer that they had first to set up a king, for 'throne' implies a king, as it is written: 'Then Shlomo sat on the throne of the Lord as king' (I *Divrei Ha-Yamim* 29:23).” We learn from this that the mitzvato wipe out the remembrance of Amalek falls on the king, not on the rest of Israel. And this is the meaning of the verse: When “the hand [is] upon the throne of the Lord,” i.e., there is a monarchy, then “the Lord will have war with Amalek.” (*Yerei'im*, *mitzva* 435)

Both the Rambam and the *Yerei'im* see the obligation to blot out the remembrance of Amalek as a national and communal obligation, rather than an obligation that is imposed on each and every individual. In contrast, the *Sefer Ha-Chinukh* maintains that indeed every individual is obligated in this mitzva:

And in truth, the obligation to kill [the descendants of Amalek] and make them perish from the world is also imposed on every individual male member of Israel, if the power to do so is in their hands, in all places and at all times, if perhaps one of their descendants is found. (*Sefer Ha-Chinukh*, *mitzva* 604)

It may be suggested that this dispute depends on the question raised above: If the obligation is to kill each individual member of those nations, then it stands to reason that the obligation is imposed even on individuals; if the essence of the mitzvais to destroy the nation, it makes sense for the community to be obligated, because it is not within the power or the responsibility of the individual to take care of such a task.

However, it seems that this can also be explained in a slightly different way, when we delve more deeply into the Rambam’s view of the relationship between the seven nations and Amalek.

**The Difference Between Amalek and the Seven Nations – According to the Rambam**

It seems that according to the Rambam as well, a distinction must be made between the seven nations and Amalek, as there are several points regarding which he relates to the two commandments in a different and even opposite manner.

**On whom is the obligation imposed?**

We have seen that the Rambam maintains that wiping out Amalek is an obligation upon the community – but this is not the case with the seven nations. On the contrary, the Rambam explicitly writes that every individual is bound by this mitzva:

It is a positive commandment to annihilate the seven nations [who dwelled in the Land of Israel], as it is stated: "You shall utterly destroy them" (*Devarim* 20:17). Anyone who chances upon one of them and does not kill him violates a negative commandment, as it is stated (ibid. v. 16): "You shall save alive nothing that breathes." And the memory of them has already been obliterated.[[3]](#footnote-3) (*Hilkhot Melakhim* 5:4)

**When is the obligation in force?**

Furthermore, we find a difference regarding *when* the mitzvaapplies. The Rambam in *Sefer Ha-Mitzvot* explains at length why counting the mitzvato destroy the seven nations among the 613 Torah commandments does not contradict the third principle for counting the *mitzvot* that he himself established – namely, that only permanent commandments are counted – even though the seven nations were lost when Sancheriv mixed up the nations:

And perhaps one might think that this commandment does not apply in [all] the generations, since the seven nations have already ceased to exist. However it is [only] one who does not understand the topic of “applicable for the generations” or “not applicable for the generations” who will think this. For it is not said about a command that is finished by the arrival of its purpose – without it being dependent upon a specific time – that it is not applicable for the generations. Rather, it is practiced in each and every generation in which a possibility of the matter exists. (*Sefer Ha-Mitzvot*,positive mitzva187)

The Rambam argues that a mitzvais considered as applying in all generations if the obligation in its regard is permanent, even if we have already finished practicing it. We can infer from his words that the commandment to destroy the seven nations has already ended,[[4]](#footnote-4) even though not every individual member of the seven nations have been killed, because it suffices that Sancheriv mixed up the nations and there are no longer nations by those names. However, this is not the case with Amalek:

Would you think that when God, may He be exalted, destroys the seed of Amalek and cuts it off with finality, as it will soon be… it is not for the generations? This would never be said! Rather, it is practiced in each and every generation: Any time that someone from Amalek is found, there is a mitzva*…*.

And the Rambam does not mention anything about the memory of Amalek having been obliterated already.

The position of the *Halakhot Gedolot* further narrows the period of time during which the mitzvaapplies. He derives from the wording of the verses that the mitzvaof blotting out the remembrance of Amalek will apply only in the days of the Messiah:

This mitzva only applies in the days of the messianic king, after the conquest of the land, as it is stated: "And it shall come to pass, when the Lord your God has given you rest from all your enemies [around you in the land that the Lord your God is giving you as an inheritance], that you shall blot out the remembrance of Amalek from under heaven" (*Devarim* 25:19). (*Halakhot Gedolot*,negative mitzva 226)

This stands in contrast to the war waged against the seven nations, which applies in every generation.

**Is it necessary to receive explicit instruction from a prophet?**

The Griz (Rabbi Yitzchak Zev Soloveitchik) derives a third difference from a serious objection that can be raised against generations of Jewish kings: Why did they not destroy Amalek? Why was Shaul the only one who rose to do this, and even then, only after he received an explicit command from Shmuel? The Griz explains:

It seems clear from this that even though the war against Amalek is one of the three commandments given to Israel when they entered the Land of Israel, they are obligated to fight against them only through by way of prophecy. For if this were not the case, why would they have needed a special command here? This is clear from the verse, for it is written: "The Lord will have war with Amalek" (*Shemot* 17:16) – i.e., the war is based on the word of God. This explains why the Rambam writes in *Hilkhot Melakhim* (5:4): "It is a positive commandment to annihilate the seven nations, etc.," but regarding the mitzvaof blotting out Amalek (ibid., *halakha* 8), he does not write that anyone who chances upon one of them is obligated to kill him, as he writes regarding the mitzvaof annihilating the seven nations. This proves that the obligation to fight against Amalek and blot them out is only at the word of God, by way of prophecy. (*Chiddushei Ha-Griz*, no. 160)

So, while the war against the seven nations is given to each and every individual, the war against Amalek is carried out only through a prophet.

**Spiritual war and material war**

It seems that even according to the Rambam, who sees the essence of the commandment as the destruction of the nation rather than destruction of its individual members, there is a difference between destroying Amalek and destroying the seven nations. In the case of the seven nations, the obligation to destroy them is political, whereas the obligation to destroy Amalek is spiritual.

This difference is rooted in the Torah’s words: The commandment regarding Amalek is formulated as God's war – "The Lord will have war with Amalek from generation to generation" – and is mentioned in connection with the appearance of God's throne in the world, as stated at the end of *Parashat Beshalach*. In contrast, the mitzva to destroy the seven nations is performed primarily for the benefit of Israel: "Lest they be a snare in your midst" (*Shemot* 34:12).

Based on this, we can offer an explanation for the differences we saw above: Even after Sancheriv mixed up the nations, effectively obliterating the memory of Amalek (see *Hilkhot Issurei Bi'a* 12:25), the obligation to destroy it still stands – for it does not suffice to destroy Amalek politically; it is necessary to uproot its spiritual existence. We can also understand why blotting out Amalek is a mitzvathat is imposed on the community, while the war against the seven nations can be waged by each and every individual: In a national struggle, no special importance is attached to the fighting itself; the main thing is achieving the result, and there is no need for the fighting force to be an entity called "the people of Israel" or "the king of Israel." This is not the case with a spiritual war, where the very struggle must be carried out by representatives of God's chosen nation. In addition, the words of the Griz, requiring a prophet to command about a war against Amalek, are now clear – for at its essence, this is God's war and not the war of Israel.

**Summary**

We have seen two approaches regarding wars of annihilation – whether there is an obligation to destroy the people and their property, as argued by Rashi, or whether there is an obligation to destroy the nation, as maintained by the Rambam.

Within these two approaches, we have seen that it is possible to distinguish between a war against the seven nations and a war against Amalek. According to Rashi, it seems that the essence of a war against the seven nations is the destruction of idol worship, and therefore there is room for repentance, in contrast to a war against Amalek, where importance is attached to the very wiping out of that nation. According to the Rambam, it seems there is a different distinction: waging war against the seven nations is a national struggle, whose essence is achieving the "result" of their destruction; the war against Amalek, on the other hand, is a spiritual struggle, and therefore the mitzvato wage it is more of a collective matter, relating to the community rather than to each individual, applicable to the king and to the Messianic future, and requiring a prophet.

(Translated by David Strauss; edited by Sarah Rudolph)

1. For a similar argument, see Ramban, *Devarim* 20:10. [↑](#footnote-ref-1)
2. As noted above, according to Rashi, there is no obligation to call for peace – but if one of the seven nations wishes to accept the seven Noachide commandments, there is no longer an obligation to destroy them. [↑](#footnote-ref-2)
3. Compare also to *halakha* 5 there. [↑](#footnote-ref-3)
4. This also follows from a precise reading of *Hilkhot Melakhim* 5:4, cited above. [↑](#footnote-ref-4)