

Judaism and the ethics of war: Divine command, interpretation, and just war reasoning

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Abstract. Questions concerning the relationship between divine authority, human interpretation, and collective violence remain central to contemporary debates in religious ethics. The purpose of this study was to examine how Jewish ethics of war negotiates the tension between divine command and interpretive judgement across different textual and historical layers. The research employed a qualitative, text-based methodology that combines historical-hermeneutical analysis with normative ethical evaluation. Biblical texts were analysed to identify how warfare is both authorised and morally restrained within the canon, producing a persistent tension between mercy and violence. Prophetic literature was examined as an internal mode of ethical critique that redefines obedience through repentance, moral self-suspicion, and restraint rather than military success. Rabbinic sources were described as translating canonical tensions into legal categories, such as obligatory and authorised wars, while preserving interpretive discretion in ethical decision-making. Medieval legal reasoning was analysed through M. Maimonides' treatment of war, demonstrating how legal formulation sought to stabilise interpretive ambiguity without resolving it. Across these stages, interpretive flexibility was identified as a structural feature that sustains ethical relevance while simultaneously exposing moral reasoning to the risk of ideological expansion under conditions of power, urgency, and political pressure. It was concluded that Jewish ethics of war cannot be understood as a fixed or internally consistent doctrine, but as an ongoing process of moral negotiation between restraint and necessity, responsibility, and obedience. Rather than eliminating ethical contradictions, the tradition preserves them as a dialogical space for moral deliberation across historical contexts. The findings of this study are relevant for scholars of religious ethics, biblical studies, and political theology, and for broader ethical discussions concerning the role of interpretation in situations of collective violence

Keywords: moral restrain; biblical violence; prophetic critique; halakhic categories; moral ambiguity; tradition and reinterpretation

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Introduction

In the contemporary context, violence, war, and the moral implications entwined in these issues are some of the most important and pressing questions that need answering. Modern-day conflicts are often justified through appeals to identity, tradition, collective memory, or distorted interpretations of history and divine instruction. Therefore, the influence of religious traditions is still significant when it comes to interpreting, limiting, or justifying the use of violence. Judaism in this concern is of special importance. On the one hand, it believes it possesses the most ethical authority as a result of divine commands made known through sacred literature. On the other hand, it possesses one of the most sophisticated, if not the most sophisticated, interpretative legal cultures in the history of religion. Jewish legal thought and literature regarding war and violence contains a unique tension between the assertion of some unqualified absolute divine will and the various ways in which that will is contextualised among the different historical situations that dictate the application of the will as revealed in the texts. It is this unique tension among Judaism's rich traditions that is fundamental to the study of various religious traditions and the ways in which they attempt to control violence.

The present study explores the Jewish discourse on war and violence and the tension it contains. It analyses the interaction between the divine will as shown in the texts and the human will as represented in the texts. This interaction shapes the justice of divine command theory. Jewish theology and legal theory create norms that justify and regulate wars and try to limit the violence that accompanies them. The foundational biblical texts of the Torah and Deuteronomy discuss the distinctions between commanded wars (*milchemet mitzvah*) and permitted wars (*milchemet reshut*), each concerning the Jewish community's existence. While it may seem relatively simple to define these categories, the historical and political context often makes them more difficult to understand, and

even more difficult to apply. It is often the case that when these categories are confronted with new historical and political contexts, the community's willingness to legally condone violence and the ethical boundaries of these categories are fundamentally altered.

The recent academic development on Jewish perspectives on war and violence has focused on their interpretive aspects. R. Kimelman (2023) argued that distinctions between *milchemet mitzvah* and *milchemet reshut* can be understood as interpretive mechanisms on how Jewish legal authorities respond to questions of need, power, and moral restraint regarding the use of violence. In the same vein, D. Weiss (2023) analysed contemporary Jewish philosophy and political violence. D. Weiss studies how contemporary Jewish thinkers respond to the divine, human, and political triad. He argued that the interpretive tradition of violence is usually absent from merely using biblical texts and commands, and that most of the violence is postulated through ethical reasoning. Some other more recent examples show how Jewish methods of studying war and violence are becoming more interpretive. S. Brody (2023) emphasised internal Jewish war tradition conflicts, and how rabbinic writings and contemporary ethical arguments speak to one another when considering if a war is needed, if someone has the authority to fight a specific war, and if there are moral arguments for and against a war. Similarly, M. Kavka (2023) explored the Jewish just-war tradition through interpretive biblical and rabbinic texts, demonstrating that the ethics of violence is found through continuous interpretation and not mere application of the scriptures. G. Claussen (2023) similarly draws on *musar* traditions of justice and compassion to challenge attempts to justify mass killing in war, arguing that Jewish ethical reflection on warfare requires ongoing moral evaluation grounded in Jewish ethical traditions.

Legal reasoning of Judaism creates a dichotomy of sorts in regards to authority of the divine,

and the sovereignty of humankind. There is a presumption that the commandments contained within the religious texts have an unwavering and consistent authority, and, as a consequence, its application to the ethical dimensions of the commandments to a given time and place in history is the result of the application and the work of the scholars, jurists, and the community. D. Polish (2021) analysed and illustrated the ethical discourse of Judaism in the context of historical Judaism, which underlined the divine moral certainty of Judaism and historical reasoning and the ethical judgement of men. The result of that analysis illustrated that the objectivity of the rule of law (halakhic) was more of an ideal and less of a result. Therefore, the leading study is as valuable in understanding other ethically religious systems historically, and how the interpretative process associated with Judaism and its systems places limits on the religious systems contained by the concept, and the objectivity of the morality that the system contains. This study was designed to address the tension of authority and interpretation in Judaism on the investigation of war and its violence in order to set that tension as an operative cause of the ethical reasoning of Judaism with the other components of the Theory of the Just War.

Materials and Methods

This research employed a qualitative, text-based methodology that combined historical-hermeneutical analysis alongside with normative ethical evaluation. This research was carried out during the year 2025. The purpose of the study was not to provide a comprehensive reconstruction of history of Jewish warfare or to discuss a contemporary military practice, but its three major interpretive phases: the biblical canonical foundations and prophetic reinterpretations, rabbinic jurisprudence and halakhic development, and contemporary reinterpretations of these traditions in Jewish ethical and legal discourse following the establishment of Israel in 1948. This paper focused on identifying structural features of authority, moral

judgement and restraint within the tradition, and evaluating how these features function under conditions of political and moral pressure.

The primary materials were structured in four interrelated components. First, biblical texts that contain legal and historical developments. Those were analysed to establish the foundational framework for war and violence. Attention was given to Deuteronomy 20, Deuteronomy 25:17-19, and 1 Samuel 15. Texts were discussed and examined for their simultaneous authorisation of warfare and imposition of moral restraints. Second, the attention was given to the examination of prophetic literature, as it serves an internal mode of ethical critique in the system. It counterbalanced the discussion, especially in texts such as Isaiah 2:2-4, Micah 4:1-3, and Jeremiah 21:9 that reconfigure the meaning of obedience. Third, the discussion moved to the examination of rabbinic literature where canonical tensions and potential contradictions were being translated into juridical categories and procedures. Fourth, medieval legal reasoning was discussed, particularly in examination of M. Maimonides' treatment of war as an effort to stabilise interpretive ambiguity through formal legal expressions and articulations (The Torah: The Five Books of Moses, 1962).

Given sources were being discussed in the light and in dialogue with selected contemporary developments that deal with Judaism, violence, authority, and ethical interpretation in contemporary contexts. The study did not treat or perceive just war theory as a normative framework. It attempted to use its reasoning as a comparative analytical lens that focuses on such as elements as authority, necessity, restraint, and proportionality. The paper discussed the normative claims at each textual layer and examined how later reinterpretations form and reshape earlier normative statements. It focused on the key shifts, for instance in authority from divine command to prophetic critique, from prophesy to legal processes and from laws to institutionalisation and decision making. In addition to that, the research examined how interpretive flexibility navigates between moral

relevance and structural risks of misuse under the tight conditions in the contexts of pressure, power play, and other contextual elements.

Results and Discussion

Canonical and prophetic tension

in Jewish war ethics

The outcome of the present research is that Jewish ethics of war embeds moral tension rather than resolves it. The Scripture is not found to present a unified doctrine of war. On the contrary, it preserves the instructions that contradict each other and require interpretation in order to arrive at the ethical application. Divine command serves as a source of legitimacy for violence and war and simultaneously it is a ground for moral restraint. No criteria is offered in this regard how to prioritise one over the other. This dichotomy is clearly depicted in the Deuteronomy 20 where divine command sanctions use of violence and warfare, but also imposes legal and moral limits that include obligation to offer peace, restricts an unhinged destruction, and includes protections for non-combatants' life and resources. The stipulation of those restraints indicates to the fact that even divinely authorised violence is not morally unrestricted. However, at the same time, requirement for obedience is intensified to the point that this restraint if acted upon makes an agent morally compromised. For example, in the narrative on Amalek and narratives in 1 Samuel 15 portray the requirement of total destruction as a test of faithfulness and referring to mercy as disobedience and not as a virtue. They both treated as authoritative and there is no tool or rule within the canon to determine the priority or the mechanism of how to reconcile them. The coexistence of these mutually exclusive commands makes interpretation unavoidable; therefore, no ethical judgement can proceed simply by extraction of commands from the text. Therefore, this research indicates that the ethical power of the canon is not in clarity of commands, but in polarity and the tension it creates. Violence and war are neither definitely legitimised nor unequivocally condemned and rejected.

This issue is further deepened in prophetic literature by redefining the meaning of obedience. Instead of reinforcing the claim of morality via militant fidelity, later prophets set forth and determine faithfulness as repentance, justice, and self-critique. Isaiah and Micah, for instance, profess future where divine command and authority culminate in peace instead of violence, conquests, and wars. This shift is even more radicalised by the prophet Jeremiah, who calls out to and perceives surrender as obedience to God instead of resistance. This prophetic shift introduces an internal ethical counterbalance where divine command in favour of militarisation is destabilised by the call to surrender and repentance as a sign of righteousness. As a result of this the canon becomes dialogical rather than linear. It results in that Jewish ethics on violence and war at the canonical level is rather an interpretive than doctrinal in nature. Its ethical depth is preserved precisely through tension, but that same tension creates dependence on judgement, context, and authority. Interpretation simultaneously serves as the condition for moral seriousness and the source of ethical risk. The second result of the study is that rabbinic and later institutional frameworks do not resolve the canonical conflict concerning war and violence. They rather formalise it through framework and classification. Rabbinic Judaism inherits a Canon that contains contradictions, and responds by conveying the tension into a legal field. This shift indicates that ethical and moral discussion has moved from being solely textually centred to interpretation and institutions.

The most significant rabbinic efforts to enact decisions on warfare is embodied in the spectrum of war as an obligation (*milḥemet mitzvah*) and war as an authorisation (*milḥemet reshut*) categories. The first category, *milḥemet mitzvah*, is defined as combat or warfare that is required or mandated, which includes combat of violent acts that are prescribed by the requirements-of-mandate, of which Jews are to partake in; whereas the latter category, *milḥemet reshut* signifies combat or warfare that, of violent

acts, are permitted. While procedural safeguards like the need for communal or judicial approval for discretionary wars try to contain unilateral aggression and prevent the runaway from the Monarchical system, they also, to an extent, re-assign the divinely sanctioned power to the systems created by men. The rabbinic consideration becomes the locus of the presumed discernment of the divine will, elevating the associated moral responsibility, and, concomitantly, the moral liability. Legal formulation, particularly M. Maimonides' formulation of war, tends to further classify and systematise such categories while leaving a great deal of ambiguity, especially with respect to the questions of defence and preemption (The Torah: The Five Books of Moses, 1962). For centuries, the formulation of such structures and the methodologies of interpretation remained virtually ineffective or unexercised power, while categories of war remained abstract. After the restoration of Jewish sovereignty in the 20th century, they impelled dormant frameworks into a state of practical relevance. Contemporary discussions of self-defence, pre-emption, and military necessity, in the context of real coercive power, brought rabbinic categories back to the discussion. The stakes for interpretative flexibility in this context became considerably high. The same legal rationale could be employed to either justify a disproportionate use of violence or to protect a morally defensible position.

In military ethics, such as in the IDF ethical codes which seek to integrate Jewish ethical concerns into institutional frameworks in a secular state, efforts have been made to provide positive institutional ethical codes to be followed in armed conflict. The efforts have been made to emphasise restraint, proportion, the value of life, etc., but the efforts are very likely to give way to political constraints and security concerns. The lack of a prophetic equivalent in contemporary structures only intensifies this situation. The situation is such that the positive ethical principles will allow for adaptation and change yet will also be susceptible to manipulation where the

principles will be used in a situation of urgency, fear, and political will. Moral authority and reasoning remain linked, but that will not reinforce confidence in the authority, or vice versa. The Jewish ethics of war remain a system in which, under a certain conditions and situations, interpretative flexibility could potentially be susceptible to critique, including the risk that the interpretations will serve power rather than moral will.

The paradox of biblical war:

Commanded violence and moral restraint

In the Hebrew Bible the divine command functions as a framework for both the source of legitimacy and as the crux of ethical paradox. The framework does not offer the unified approach or a doctrine of "just war", on the contrary, the canon presents an intertwined tradition where divine commands often shift between an unhinged violence and moral restraint. This internal tension is the sort of inconsistency on which the interpretive foundation for ethics of war and violence is built. The same God who commands a total annihilation of an enemy also commands mercy. The problem is not only historical or literary. It is theological as no sound methodology exists for determining how divine command should be ethically applied or how to resolve the tension between divine mercy and wars sanctioned by the divine authority. Consequently, Israel's ethics of war and violence is shaped in the tension between these imperatives.

Probably the most important text on the regulation of warfare is the Deuteronomy 20, as it outlines the guidelines for military engagement. It begins with call upon Israel not to fear their enemies because "for the Lord your God is He who goes with you, to fight for you against your enemies, to save you" (Deuteronomy 20:4) (Holy Bible, 1990). The main theme of the pericope is vivid: the victory and domination over the enemies is derived not from Israel's power but from divine intervention. However, the legal restraints are emphatically emphasised. For example, prior to an attack on a city they must have offered the

“terms of peace” and only if it was refused the city may be besieged, male population killed, and women, children, and livestock taken as the spoils of war (Deuteronomy 20:10). In addition to that, the text also forbids to destroy any fruit-bearing trees because, “the tree of the field is man’s life” (Deuteronomy 20:19). This sort of restraint does not come from the compassion toward the enemy but serves as a notion of an internal mechanism of a restraint on divinely sanctioned violence and indicating that even war and violence authorised by God is subject to limits that are not always fully harmonised with commands of total destruction. The legal restraints of this sort would create a ground for tension or even an inconsistency as the same authority grants total legitimisation of violence and yet the same divine voice puts the significant restraints on it. This framework has laid the foundation for long lasting theological and ethical tensions. Theologically, this generates a problem of coherence at the level of divine command, since the same canonical voice authorises both total annihilation and acts of mercy, without providing a harmonising ethical criterion. Ethically, this lack of clarity paves the way for the wide variety of interpretations that make the attempts to determine which command is binding at a particular moment – mercy or destruction. Such dependence on the interpretation seemingly subjects divine authority to human judgement and interpretation. Hermeneutically, as historical and moral contexts shift, so do the readings of these texts; something that is considered as a restraint in one period, may in a later period be used as justification for war and violence. As a result, the tension between divine command and moral limitation contributes to preserving the relevance of the text, however, it also exposes its vulnerability to context-driven and subjective reinterpretations that might exploit and misuse the text in order to achieve ethically problematic ends.

The stipulations of this nature form a proto-legal ethic that aims to situate war and violence within the boundaries of a moral and legal structure derived from the God’s covenant with

Israel that defines obligations and imposes restraints even in warfare. Nonetheless, the tension is further emphasised and this impulse toward mercy and compassion is greatly undermined particularly in the text of Deuteronomy 25:17-19 and 1 Samuel 15. The first one stresses the command to “blot out the memory of Amalek from under heaven” (Deuteronomy 25:19) and the narrative from the 1 Samuel depicts partial fulfilment of that order and is followed by the rejection of King Saul for sparing the life of King Agag and the spoils of war they took (1 Samuel 15:9-23). These texts, according to G. von Rad (1991), instantiate the politics of obedience, where moral discernment is subdued to an ultimate submission to divine will and consequently represent the opposite moral logic where restraint becomes disobedience.

The contrast between Deuteronomy 20 and 1 Samuel 15 produces a vivid canonical tension between God’s commanding mercy and extermination. It is difficult to reconcile this tension by source criticism, even if compositional history is a contributing factor. Theologically, it emphasises the attempt to overarch two variables in the covenant the steadfast love (*hesed*) and the holiness via separation. Within this framework, the use of violence serves at times as a means to purify the community from anything that corrupts, whereas the imposition of restraints manifests divine character in preservation of life. Both claim divine approval and this tension is not being resolved anywhere within the cannon and rather stay in open balance between violent zeal and compassion. In contrast, comparison with other ANE texts highlights the relative uniqueness of Israel’s moral war ethics at least in theory. Unlike others’ ethics of warfare, where divine violence is glorified with no ethical qualification, Israel’s tradition attempting to link divine command to moral restraints and even self-critique (Renard, 2012). As for instance in the Assyrian, Babylonian, and Moabite accounts such as the annals of Sennacherib, the inscriptions of Tukulti-Ninurta I, or the Mesha Stele the king uses war and violence as

the unquestioned instrument of the gods, and if it leads to victory it serves as proof of divine favour (Luckenbill, 1926; Pritchard, 1969; Younger, 1990). Those narratives typically celebrate destruction, annihilation, and subjugation as a sight of divine benevolence and power and moral restraint or self-critique is absent for the most part. Thus, within the wider ANE context, Israel's moral dialectic where divine command and ethical reflection coexist represents a distinctive theological development (Boda & McConville, 2012).

The narratives of Saul and later with David contain a clear inner canonical instability. In Saul's case, the loss of the throne is linked to his failure to obey divine command, including sparing life of king Agag and taking the spoils of war contrary to the divine command. In contrast, in David's case, whose campaigns were equally extensive and certain actions even more harsh and ethically ambiguous, nevertheless receives divine approval as in an example with raids against Amalekite and Philistine territories (1 Samuel 30). The narrative portrays kingship in a way where divine command coincides with political necessity. M. Walzer (2012) rightly observed that the biblical authors assumed the politics was not a sphere of purity. Divine command, when mediated through agents shaped by a historical context and immediate circumstances, is subject to be biased and becomes ambiguous in practice.

The theological paradox becomes even more pronounced when viewed through the lens of covenantal theology. The wars held by Israel are put into the framework of fulfilment of divine promise: "the Lord your God will hand them over to you" (Deuteronomy 7:2) but simultaneously the faithfulness to the covenant is measured by justice, mercy, and compassion (Deuteronomy 10:18-19). Paradoxically, the same covenant is consistent of the two mutually excluding imperatives, with one sanctifying the war while the other prescribing love for the stranger and care for the vulnerable. According to B. Childs (1979), this canonical shaping of the texts speaks in favour of the intention to preserve the diverse and

contextualised traditions instead of reducing them to a single and unified moral system. The ethical attention brought about by this view emphasises the transcendental nature of the theological question, which is the impossibility to fit the issue into a set and rigid system. In addition to that, other texts of the Hebrew Bible highlight the issue of the internal plurality within the canon. There is a divine command to destroy the population entirely, which conflicts with the imposition of prohibitions against murder and indiscriminate annihilation and destruction. The commands of the very different nature are equally present in the same universe as in the Decalogue, "You shall not murder" (Exodus 20:13) and the admonition to preserve life coexist with the narratives containing commands for the total annihilation and destruction including children and women. W. Brueggemann (1997) argued that Israel's narrative is not reduced to a monolithic story, but on the contrary, it is conflicted because it contains often competing visions of reality. Such internal plurality lies a paradoxical ethical foundation, where on one hand divine authority legitimises the warfare but, on the other, does not produce unambiguous criteria for differentiating the God's will from ethically vague and contestable warfare engagements. It offers no methodology or procedural mechanism to verify divine intention from subjective mediation or interpretation that is being disagreed over by prophets or rabbis themselves. Similarly, J. Levenson (1993) stated that the Scripture preserves both mutually exclusive positions to provoke the aspiration to moral discernment instead of delivering finalised conclusions. These contradictions are not detrimental to the framework; rather, they constitute an integral aspect of it. Contradiction does not signify a failure of theology but reflects the manner in which revelation operates within history, sustaining ongoing interpretive engagement. It necessitates continual discernment rather than closure

The effect of this canonical design is twofold. First, it embeds moral ambiguity into the very foundations of Israel's war ethic: obedience and

compassion, zeal and restraint, coexist as coequal divine imperatives. Second, it necessitates interpretation as the central act of faithfulness. Since no single passage can dictate policy in isolation, ethical judgement requires engaging with competing voices within the canon. Later halakhic discourse inherits this task and transforms textual contradiction into juridical flexibility. The rabbis' eventual categories of obligatory war and authorised war do not emerge from an abstract system but from the unresolved interplay that had already been present in the Torah and Prophets. Therefore, the very foundation of Jewish war ethics is not a static divine decree but a canon whose very contradictions invite perpetual reinterpretation. It is a strength that makes sure of moral relevance but is however a vulnerability that exposes the ethic to subjectivity and potential misuse whenever interpretive conscience is subdued to political needs.

In summary, the Hebrew Bible establishes the foundations of war through divine command but simultaneously destabilises that foundation through contradiction. Deuteronomy's prescriptive regulations and Samuel's absolutist imperatives, together with the prophetic and narrative countercurrents that interrogate them, create a theological framework defined by the internal tension. The same God who wages war on behalf of Israel also commands restraint, compassion, and peace. In this paradox lies both the moral depth and the interpretive fragility and flexibility of the tradition. This is why each of the subsequent Jewish thoughts will inherit not a singular doctrine but a canon whose authority is inseparable from the plurality of interpretive possibilities that provide its vitality and relevance alongside with the possible vulnerabilities of Judaism's ethics of war.

Prophetic reinterpretation:

War, judgement, and ethical self-critique

So far, the Deuteronomy and the Former Prophets held the divine command as a ground for legitimising the warfare. Later prophets, however,

reconfigured this tradition into the theology of reversal. They go far beyond simply adding some ethical nuance to the holy war. They overhaul the entire meaning of obedience. The prophetic message changes the paradigm laid out in the book of Deuteronomy. Previously, faithfulness to the covenant was equated with militant zeal; here the prophets proclaim that faithfulness requires repentance or even surrender. The shift from the idea of conquest and toppling over enemies changes to self-critique and constitutes a crucial and the most radical theological shift within the canon, transforming the motif of divine war and chosenness into quest for moral discernment requiring Israel to evaluate her own sins and violence in the light of divine justice. This shift, for instance, appears in parallel visions of Isaiah 2:2-4 and Micah 4:1-3. They both proclaim the coming age when "nation shall beat their swords into ploughshares and their spears into pruning hooks" (Isaiah 2:2-4) and the same "mountain of the Lord's house" (Micah 4:1-3) that represented the political and military centre of divine authority shifts to become the focal point of universal peace. Imagery of this nature is not an isolated event. In Isaiah's early chapters he denounces those who fill the land with idols and put their trust in horses and chariots (Isaiah 2:7; 31:1), and thus opposing militant ideology. W. Brueggemann (2001) observed that prophetic imagination deconstructs the royal narrative of security and replaces it with the vulnerability of Israel's faith that is grounded in commitment to whatever the gracious will of God is. In addition, Isaiah and Micah emphasise and expose the logic of self-destruction where victory is equated to divine favour and must be redefined through justice and reconciliation.

In a similar fashion, in the context of the Babylonian invasion, Jeremiah developed this prophetic reversal to the most extreme form. He defined the resistance to Chaldeans as a sign of rebellion against God, saying: "He who goes out and surrenders to the Chaldeans shall live" (Jeremiah 21:9) and the surrender as the sign of

the obedience and fulfilment of the covenant. This paradox invokes a new theology as Jeremiah reformulates the warfare as the instrument of destruction of the enemies of Israel into the instrument of correction and bringing the nation to repentance via the foreign nations. He actually completely reversed the Deuteronomic premise that warfare held by the nation of Israel is always covered by divine permission and authority and coincides with national survival and faithfulness to the covenant may demand submission to defeat and going into captivity. Such a shift has far-reaching implications, and the consequences are momentous for the ethics of warfare. Rather than suggesting some form of divine will is politically successful, it argues that such purpose is attainable even in failure. The Hebrew Bible engages in self-critique. It does this by exalting those voices that have been silenced. The canon is dialogic: its theology of war is simultaneously a theology of repentance. As noted by J. Levenson (1993), canon does not eliminate conflict but preserves it. The juxtaposition of conquest and peace ensures that the Scriptures of Israel will have a discordant voice, and to every generation will define justice in a new way.

The prophetic critique of militarism does not stand alone in the canon that articulates moral restraint for war and violence. A body of legal materials also serves to limit and contain violence and frame the divinely sanctioned warfare into the boundaries of proportionality and mercy. As discussed above, Deuteronomy 20 has prescribed the notions like “bal tashhit” (Deuteronomy 20:19-20) that are similar to what later humanitarian principles, a prohibition of an ultimate destruction, the requirement to offer peace before attack, and the differentiation between combatants and civilians. In the biblical framework, these limits – what modern ethics calls *jus in bello* – are the requirement for being able to continue participating in the covenant relationships with God, rather than derived from natural law. Accordingly, the moral requirement of restraint arises not from pragmatism but from theology: to destroy

life or the created order without necessity is to rebel against the Creator. This ethic of restraint had been later developed by the rabbis into a general principle. M. Maimonides discussed the obligation to build a parapet around a roof in order to prevent an accidental injury or death (Deuteronomy 22:8) (The Torah: The Five Books of Moses, 1962). He argued that the text potentially includes every matter that is dangerous and might cause death (Hilkhot Rotzeah u-Shemirat Nefesh 11:4). Thus, the reasoning and discussion over halakha extends the principles of application of a certain safety law into a quazi-universal principle of harm prevention that is also applied by extension as a principle for conduct during warfare implying that the preservation of life remains a divine command even in the ongoing conflict. Even in spite of the existence of such limitations and restraints, the great deal of instability is still rendered in the canon of Hebrew Bible. Divine commands still need to be interpreted, and interpretation inevitably leads to a variety of judgments and options on its relevance and its application. For instance, the question of pre-emptive warfare contributes to the overall tension, as the canon offers no definitive answer, where the command to “remove danger” (haser ha-nezikin) is taken as a permission to strike first in order to prevent an attack. Numbers 31, for example, becomes a part of the debate because it is a case, where Moses commands to punitively attack Midian (Deuteronomy 31). It can also be understood in a context of prohibition of aggression if there is not an immediate threat, as in Deuteronomy 20, where pre-emptive action is restricted only to the situations of explicit provocation. These two are good examples of how the canon and text ambiguity later becomes the matrix for polarised opinions and continuous halakhic debates.

The prophets on the other hand, if granted enough attention, are continuing to serve as the corrective restraint against the polarising forces. The way the law is reinterpreted is not via legal twists and manipulations but through righteous and dignified actions toward its own citizens and

enemies. Isaiah condemns the manipulations by the legal authorities, as those “who decree iniquitous decrees” (Isaiah 10:1) that aim for unjust ends. In the same vein, prophets Amos and Jeremiah denounce those who justifies oppression under the cover of divine law (Jeremiah 7:4-11; Amos 2:6-8). These passages indicate prophetic actions such as those that expose how laws and commandments that were supposed to regulate the use of violence can be manipulated and used for reaching wrong ends and self-justification. Thus, the prophetic tradition embeds within Scripture a perpetual critique of its own legalism, a reminder that divine authority, once mediated through human institutions, remains susceptible to corruption. Later the tension culminates, for example, in such texts as Daniel 7 and Zechariah 14, where divine warfare becomes entirely symbolic and portray the battle exclusively eschatologically, where human wars recede and God wages the war against cosmic evil powers. This is another paradigm shift, where war and violence stops being an earthly political activity and becomes a symbol or a metaphor for divine intervention, that delineates the endpoint of prophetic role. Though warfare still remains as part of the divine economy and the canon ends with similar tension it had started. Therefore, the prophets and their paradigm shift stands and an initiation of what potentially could be called as the hermeneutic of self-suspicion as they teach that faithfulness to God requires a great deal of self-reflection and suspicion toward own moral stance in matters related to war and violence. As a result, the contradictions and ethical tensions have been created.

The rabbis inherited a canon that spoke in paradoxical and often mutually exclusive terms, where divine command and prophetic critique, annihilation, and restraint turned those narrative paradoxes and contradictions into procedural law. They sought to translate the ambivalence into the juridical system. However, even these legal ramifications do not contribute to the resolving that instilled instability. It only shifted it from the textual to the interpretive sphere. Rabbinic discussion,

in turn, addresses the same theological issues in the attempt to refine and systematise them via discussions about laws and procedures, and come across similar moral subjectivity wherever law requires interpretation.

Rabbinic jurisprudence and the ethics of war

Rabbinic Judaism has inherited a canon that contained authorisation of warfare but lacks workable methodology for determining divine will. The attempt to smooth out and translate those contradictions of the Hebrew Bible resulted in developments of different juridical frameworks. One of the main outcomes of this was the development of two categories of war: obligatory war and authorised war (Burns, 1996). Later it was systematised in rabbinic legal tradition and in M. Maimonides' *Mishneh Torah* (*Hilkhos Melakhim u-Milhamot* 5-7) (ben Nahman, n.d.). The intent was to translate divine commands and imperatives into tangible and definable norms. However, this exposed the issue of dependence of the halakhic system on interpretation. The tension developed in the canon translated into the tension between the aspiration for juridical objectivity and interpretive flexibility. For instance, according to the Talmud, there was no required authorisation for obligatory war from Sanhedrin 44b (Steinsaltz, 2017). On the other hand, formal approval from the Sanhedrin was required before waging authorised wars. It served as a protective procedural mechanism against monarchic overreach and in the principle that collective authority would serve in place of a prophetic role. However, determination whether a certain conflict falls into the category of obligatory or authorised war heavily depends on the interpretive framework. For example, if the threat is considered as existential the jurist had authority to change its status from authorised to obligatory, but at the same time such difference or possible danger ultimately depended on an interpretive judgement and not on the fixed criteria. The issue is further complicated by the historical context and immediate circumstances in which the decision is being made. During the

centuries of exile and diaspora the communities had no political sovereignty nor armies, so the categories were purely theoretical. Consequently, according to A. Ravitzky (2020), the sources on war are “diverse”, “partial”, and “fragmented and their inconclusiveness” resulted in development of new frameworks that transcend beyond explicit written scriptural categories. That, in a way, turned the rabbinic discussions into speculative jurisprudence and not an applied principle of law.

Further absence of practical application incentivises a great deal of hermeneutical creativity. Such texts like *Sifrei Deuteronomy* and some later medieval commentaries had widened the scope of obligatory war that developed to include an idea of collective self-defence from persecutions or as an act of preserving the national religion. It inevitably resulted in blurring the lines between obligatory and authorised wars paving war to the same issue of interpretive flexibility that had characterised biblical interpretation. M. Maimonides’ formulations in *Hilkhot Melakhim u-Milḥamot* made an attempt to clarify the grey areas and developed a detailed procedures where: “The king may not wage a discretionary war except with the approval of the court of seventy-one” (*Hilkhot Melakhim u-Milḥamot* 5:2), but M. Maimonides allows the interpretive fluidity by permitting no formal approval for defensive wars and leaves undefined what counts as authorised war (ben Nahman, n.d.). The formulations thus indicate the aspiration for legal objectivity but preserving areas of ambiguity that encourage more discussion and allow more hermeneutical creative and interpretive flexibility. For example, according to C. Hayes (2015): “rabbinic literature contains examples of the modification of biblical law on the basis of a moral principle, and some of these principles are internal to Scripture... but the rabbis determine that of these competing obligations the moral principle of the preservation of human life” takes precedence over the commandment to observe Sabbath prohibitions (*Mishnah Yoma* 8:6, n.d.; Steinsaltz, 2017). Thus, Halakhah is capable of transforming the divine imperative

into procedure, but still remains burdened by the discussion, mediations, and interpretations that the procedure itself requires. This proceduralising of divine will also reflects a broader rabbinic theology of authority. After the destruction of the Temple, revelation was understood to continue through scholarly interpretation. For instance, this shift is exemplified in the *Bava Metzia* 59b narrative where the heavenly voice is overruled by the majority of rabbis (Steinsaltz, 2017). The centre of divine authority moves from heaven to the community that interprets divine commands. When this hermeneutical principle applied to warfare it means that the Sanhedrin’s deliberation determines if the war is obligatory or authorised. The system developed in such a way that divine will presumably is being manifested by the halakhic deliberations, which carries significant risk, because if divine will is equated with institutionalised decisions, which opens up a door for potential caveats and misuse and manipulations depending on the context and circumstances with no counter balance expressed in the prophetic voice. The rabbis attempted to counter-balance this danger by asking for approval from the community, but as later history would show, interpretive flexibility could serve both restraint and expansion depending on circumstance.

This rabbinic approach, in comparison to Egypt and Mesopotamia, where the Pharaohs or kings were regarded as divine figures embodying cosmic order, ultimately embeds decisions about warfare within a communal and collegial legal framework. Whereas warfare was embedded into the communal and collegial framework by rabbinic law. Theoretically, this system should limit any personal ambition, however in practice, it still remained susceptible to political and other influences. Judges also lived under the same cultural pressures as the rulers, so their rulings often reflected the politics and fears of the time rather than genuine search for objective decisions. In addition to that, the rabbinic source integrates restraint concerning conduct in warfare. Even if a conflict fulfils the formal criteria of

obligatory or authorised war, the very legitimisation of it does not uplift the ethical concern so the Torah's limitations on looting, cruelty, and total destruction still remain intact. These stipulations emphasise ethical order within Halakhah where the moral law presides over the legal sanctions. The juridical language of permission conceals a constant undertone of moral anxiety (Halberthal, 1997). This is where the rabbinic law formalised and institutionalised the prophetic critique with the Sanhedrin functioning simultaneously as a court of law and a moral conscience. This is a point of similarity between the just war theory and rabbinic framework. Similarly to the classical *jus ad bellum* principles, the Sanhedrin's authorisation resembles the requirement of limitation by sovereign or collective approval and its moral limitations are paralleled in *jus in bello* principles such as proportionality and necessity. The rabbinic standards differ from contemporary systems that are bound through treaties or constitutions, because they arose not from positivistic legislation but from the exegesis of the texts. Therefore, as noted by H. Ben-Menahem & N. Hecht (1999), the halakhic system quite freely accommodates some degree of flexibility with permitting practices as evasion of the law, that allocates space in the system for free moral expressions rather than adjusting to the rigidity of the system. Thus, their flexibility cannot be accused of flawlessness, but explained as a feature of halakhic reasoning, that ensures perpetual adaptability. It all sounds well-suited; however, it does not make it less prone to the issues that follow as a result. The extent of this adaptation and flexibility in the modern context is reflected in a ways in which the categories of obligatory and authorised wars are invoked. Following the return of Jewish sovereignty in 1948, previously settled discussion on the question of authority were revived. The targeted assault operations and pre-emptive defence are the topics that often are discussed in the context of the M. Maimonides' hierarchy. S. Israeli (1965) and A. Kasher & A. Yadlin (2005) have stated that defensive wars against existential

threats qualify as authorised wars as obligatory ones and automatically remove the requirement for collective authorisation. On the other hand, A. Lichtenstein (2004) argued against the danger of overextension, emphasising the possible tendency to call all conflicts as obligatory one. Debate like this emphasises the continuous dangers that such interpretive flexibility can bring upon. It is clear that the same halakhic categories that had to serve to limit violence can potentially be expanded to approve it.

Sanhedrin's attempts to formulate the judicial distinctions are of crucial importance to the attempt to structure an entire deliberative procedure around a divine command. The strength of these distinctions lies in the codification of moral prohibitions, while the weakness lies in the assumption that agreement about process provides agreement about substance, and vice versa. The deliberately cold and rational nature of halakhic structure aspires to the paradox of dependence upon human interpretation. Like prophecy in an earlier phase, law also becomes a stream of divine opacity. The net outcome of the contradictions that are to be resolved is the framing of the contradictions in a unified structure, and the same structure becomes a system for resolving contradictions, devoid of internal consistency.

Rabbinic legalisation of war: Authority, procedure, and the persistence of interpretation

Rabbinic law attempted to articulate and clarify the ethics of warfare. The rules regarding the role of the Sanhedrin, the necessity of consultation, and the classification of wars into different categories were all delineated to make sure that the decisions relating to warfare had predictability and were the result of rational deliberation as opposed to just personal effect of any kind or political influence. At first glance, these procedures had a central trait of legal positivism. However, the procedures which aspire to bring certainty to the areas that held deep tension. What appeared to be a legal cohesive structure in reality was a web of varying interpretations.

There are two types of warfare classifications in the Mishnah, which are obligatory and authorised. Seemingly, the two are easily separable. On the contrary, the rabbinic commentary contains a lot of evidence indicating that the differentiating parameters varied. For example, in some of the early authorities the scope of obligatory war had been narrowed to the biblical texts that contained commands. In others, the definition to include all acts of defensive warfare had been overextended. M. Maimonides made an attempt to harmonise those views. He has identified three categories of a war that is obligatory as fighting Amalek, conquest of the land, and self-defence. He, however, abstained from considering the issue of pre-emptive war and later it had become a subject of debate among later authorities. M. ben Nahman (n.d.) widened the scope of the war. While many others narrowed it, his critique of *Sefer ha-Mitzvot* argued in favour of obligation to conquer and settle the land is a permanent command, therefore, widening the scope of obligatory war (Positive Commandment 4). Thus, the tension remained as an inherent part of the system. The discord was, in itself, part of the system.

Throughout different historical periods, there have been variable interpretations of the Sanhedrin and its role within the Jewish community. The debates surrounding whether members of the community, such as local rabbinic councils or political leaders, could take the place of a legally recognised court, demonstrated the imagination for a socio-political and theological order of the community. The question of proxy leadership is not just a matter of procedure and court-vs-council distinction. It is a deeper question as if order and legitimacy arise from structures and institutions or from the spirit of the actors involved. The Babylonian Talmud demonstrates that legitimacy arises through structured discourse and collective deliberation from Sanhedrin 16a (Steinsaltz, 2017). As the subsequent history of the Talmud demonstrates, the procedural authority, and the control it gave, often limited self-subjectivity and the ethics of their ultimate decision.

C. Hayes (2015) indicated that, rabbinic interpretation often uses a “rhetoric of concealment”. It sets forth in a way that presents new interpretations of the law as if those were simply just the continuation of biblical law. So that the legal procedures that made legality into the form of piety, in spite of their even when the moral idea behind it is not stated directly.

The paradox of ethics and law remains the order of imbalance. The more the law is considered rational, the more moral conscience must be in the order of rational procedure. This paradox is illustrated well by the evidence available from the diaspora. The ethics of warfare discourse simmered down to ethics related to communal self-defence, martyrdom, and refusal to capitulate in the medieval and early modern periods, when Jews had no political power. For example, the halakhic components of the texts were metaphorically reconstructed in *Sefer Hasidim* and *responsa* literature. In addition, the spiritual and legal struggles were viewed as forms of obligatory war. The procedural categories here were free of all tactical or operational meanings. The system of enforcement had survived due to endless reinterpretations and had proved that its survival was predicated on a benign and flexible rather than enforced rigidity. These categories were re-introduced back into political discussion with the reestablishment of the State of Israel in the 20th century. The wars of 1948 and 1967 provoked extensive rabbinic writings that made an attempt to categorise contemporary warfare in the terms of traditional Halakhah. I. Herzog (1966) argued that self-defence wars are obligatory wars by default. To the contrary of that, Rabbi Yehuda Amital and others emphasised the moral boundaries of such claims. The “Purity of Arms” doctrine that is a core element within the Israel Defence Forces indicates an attempt to integrate rabbinic principles of warfare ethics into a secular military context. This a framework sometimes linked to Jewish moral ideas in wider Israeli discourse, even though the doctrine itself is not presented as halakhic (Kasher & Yadlin, 2005). Even then the

debates over collateral damage and pre-emptive warfare proves that the interpretive flexibility remains even under institutional framework. The old rabbinic dilemma between necessity and restraint remains unresolved in contemporary law and ethics. The prophetic critique continues to function within this discourse. In similar fashion as Isaiah and Jeremiah fought against the monarchs' claims to a divine mandate, contemporary Jewish ethicists contest claims where military and the state do not unilaterally control the initiation of *milḥemet mitzvah*.

The rabbinic system transformed the contradictions of Scripture into a jurisprudence of deliberation. However, it relied on interpretation to ensure that ambiguity remained intrinsic to Jewish ethics of war. For centuries, these categories existed largely in theory preserved in texts rather than practiced on battlefields. Only with the reemergence of Jewish sovereignty in the 20th century the halakhic discourse on *milḥemet mitzvah* and *milḥemet reshut* received attention and acquired practical urgency. The founding of the State of Israel confronted jurists and theologians with the task of translating dormant legal traditions into the realities of modern warfare, diplomacy, and moral responsibility. In this new context, the same interpretive flexibility that once safeguarded moral reflection became a source of controversy, as rabbinic reasoning was invoked both to justify and to restrain the use of force. The following section examines this modern reactivation of halakhic war ethics, tracing how the problem of authority – already present in the biblical and rabbinic canon resurfaces within the political and military frameworks of a sovereign Jewish state.

Modern reinterpretation after 1948

As a result of the reestablishment of Jewish sovereignty in 1948 the halakhic approach to war had shifted dramatically. For two thousand years, Jewish writing and discourse on the conduct in warfare had been almost exclusively theoretical. It was based on the study of texts and the

memories of warfare and conquest in the past. Shortly after 1948, the two categories of wartime conduct were revived in the scholarly discourse obligatory war and authorised war. That was the first time when those categories were to be applied to a real-life situation in a contemporary liberal democracy. The rabbinic attempt to apply moral texts to state, military, and public policy emphasises a core concern of what the consequences would be after the intersection between the divine command and state's and military politics. The restoration of the state brought back old questions of authorisation. In biblical and rabbinic times, there was no requirement for obligatory war to be approved by the Sanhedrin. The only authorised war had to be approved prior to engagement. Modern Israel has no Sanhedrin and is not a theocracy nor monarchy, therefore, cannot appeal to the divine sanction. Without a recognised halakhic authority capable of declaring war, contemporary scholars developed a wide range of understandings of the meaning of these categories. Some argued that sovereignty itself filled the missing authorisation gap.

In the halakhic framework, an obligatory war required no sanction from a king or Sanhedrin, and this was one of the main principles that initially shaped debates about Israel's modern military actions. The first Ashkenazi Chief Rabbi of the state of I. Herzog (1966) argued in support of self-defence wars as obligatory wars and do not require any additional authorisation. I. Herzog included an extra component, that is, the principle of preservation of human life, to the obligatory wars. It required that the defence of Jewish lives is prioritised by military forces. Him and others held a similar line of argumentation in the early post-independence Israel's situation that was contextualised in them being surrounded by regional hostilities. Thus, their military activities were described not as optional, but as divine obligations during times of war. However, some other rabbinic authorities argued against this and indicated the danger of halakhic reasoning becoming a national ideology. Amital's later thought

placed moral judgement and the preservation of life above territorial maximalism or messianic certainty. His post-messianic turn emphasised that state policy, including war, must be guided by justice, responsibility, and moral restraint rather than national destiny alone (Inbari, 2012). Their opinion made an attempt to bring back the prophetic counter-balancing voice in order to re-balance modern discourse. In addition, it aimed to remind the state that ethics cannot reduce to national survival. This difference between I. Herzog's and Amital's positions reflects ethical tension and polarisation that is similar as between Deuteronomic command and prophetic critique, where obedience and survival counterbalances discernment and righteousness.

The IDF and ethics of war. The most comprehensive effort to define a contemporary military ethic for the Jewish community is in the "Spirit of the IDF". These are the documents for the Israel Defence Forces, finalised in 1994. The IDF has aimed to incorporate ethical principles written in a policy paper by A. Kasher & A. Yadlin (2005). Those principles aimed to serve as guides for the IDF's military operations. The paper attempted to incorporate Jewish ethical law and the global discourse of military humanitarian law. "Purity of arms" was the most significant of these principles as it is rooted into the rabbinic literature. It is indicated in the rabbinic literature that, even when military action is justified the violence should not be unrestrained and appropriate limits must be observed. It required soldiers to refrain from treating the taking of human life lightly, even if it is an enemy. In Kasher and Yadlin's readings of Halakha the reasoning is quite pragmatic and simple: Jewish humanism grounded in the sanctity of life (Kasher & Yadlin, 2005). This must be the ethical rationale for the IDF. From his standpoint, the IDF's code of ethics leans heavily on the premises of military necessity and mostly disregards theological humility.

Pre-emption, necessity, and the problem of authority. The interpretive flexibility is most evident in the discussions on pre-emptive warfare.

The Six-Day War of 1967, that was initiated due to fear of an imminent attack. It had impelled Halakhic authorities to review the traditional views on pre-emptive defence wars. Some argued drawing on Talmudic rule that states: "If someone comes to kill you, rise and kill him first" (Sanhedrin 72a). Others, on the other hand, if there is not clear aggression any preventative attack must be considered as authorised war and not obligatory. It must require much stricter restraints and broader authorisation. Again, this debate showed that the same legal sources can yield opposing conclusions depending on interpretation. The influential study by S. Israeli (1965) argued that modern threats such as terrorism and the sense of being surrounded automatically qualify as obligatory war. He stressed that collective survival falls into a category of divine obligation. This is why a passive expectation of the attack is a violation of the law. On the contrary, A. Lichtenstein (2004) disagreed with treating every conflict as an obligatory war because, he argued, doing so would lead to the sanctification of power and authority, and the time will come when holiness becomes indistinguishable from necessity. Once more, this polarisation discloses an innate interpretive divide as to whether halakhic reasoning should make an attempt to be a moral check or support the authority of the state. The influence of the authority shapes rabbinic interpretations to the challenges and issues the modern state comes across with. Prior to this, the halakhic discussions operated in a theocracy mode, where there was a little difference between divine command and the state law. On the other hand, contemporary Israel is a secular state. It is a pluralistic democracy that has been developed from the legal framework of British common law. It also incorporated a plethora of democratic legal principles. Israel's identity contains the internal canonical tension along with the tension between covenantal moral visions and the ethical challenges pertaining to the global political order. Modern Israel is still situated in the tension between the sanctity of the divine command and the rationality of the human

command. Until this day, every attempt, by state or by rabbi, at the formalisation of halakhic attitudes towards warfare exposes the interpretative flexibility of the biblical texts. Justifications of national defence in the name of obligatory wars co-exist with rabbinic texts that warn of prophetic condemnation of the overuse of violence. All these, and more, continue to co-exist along with the Deuteronomic war laws and Isaiah's visions of peace. In the last resort, the canon contradictions of the order of the Deuteronomy and the counter texts of Isaiah have to confront history, modernised, and institutionalised, however in the end remain unresolved.

"The Rabbinic authority's readiness to widen or restrict a halakhic norm, or the readiness to interpret the Halakha according to a given extra-halakhic principle, depends on value judgements concerning the situation under discussion, which naturally gives added importance to the ideological dimension of halakhic decision making" (Luz, 2008). With that in mind, modern Israel presents a paradox. Like other contemporary nations, Israel finds itself operating inside a framework of political domination. In other cases, interpretation offers little or no restraint. These opposing cases reiterate the challenges identified by A. Sagi (2021), whose political proposals insinuating such reasoning only serves the purpose of justification rather than restriction. He sets forth that Jewish tradition does not allow the notion contradiction between the command of God and human morality. "There are values which are valid independently of the divine command, which man is capable of knowing independently of God and to which he is deeply committed". It is the contradictions within modern Israel that echo within the philosophical frameworks of the Hebrew Bible and rabbinic courts.

Synthesis: Authority and interpretation in Jewish war ethics. A post-1948 evaluation of the categories of halakhic war illustrates the durability and the fragility of the ethical legacy of Judaism. With the establishment of political sovereignty, the State of Israel also re-inherited

the ethical dilemmas contained in the Hebrew Bible. Any attempt to formulate, codify, or apply the divine command inevitably encounters interpretative challenges concerning the source of moral authority, whether it resides in dominion or in responsibility. The halakhic tradition, through all its complex procedural stages, does not provide a definitive resolution, as the determination of moral right is sustained through ongoing interpretative practice. A line from the book of Deuteronomy to the IDF code of conduct indicates a single theological line of the movement of divine sovereignty in ever new forms of mediation: from command to law, from law to procedure, and from procedure to ethical discourse. In every level of discourse, an attempt to fix meaning is made, and with every attempt the discourse matures into new interpretations. What starts as a revelation soon becomes an argument. It is precisely this ability to self-contradict that serves as the tradition's strongest argument. In this thought or argument, the defence of divine truth being translated and transformed into political certainty is viewed as the attempt to root all ethical instability.

The application of biblical and rabbinic war concepts to contemporary conflicts creates serious problems regarding the activity of God. In contrast to contemporary warfare in ancient literature winning or losing was perceived as a divine judgement. Contemporary warfare greatly depends on and is influenced to a higher degree by people, technology, and other resources. This changed the perception and the significance of the divine command and made it more figurative and symbolic. Philosophers such as Y. Leibowitz (1992) and D. Hartman (2001) warn that the modern State of Israel cannot ground its moral authority merely in national self-assertion. D. Hartman (2001) sets forth that "when nationalism becomes an absolute value for Jews, and political and military judgements are not related to the larger spiritual and moral purpose of the national renaissance, the claim to continuity with the Judaic tradition can no longer be

sustained. Y. Leibowitz (1992) argues that “against the dangers of deifying the nation or the state. The state that demands absolute sovereignty, that sees itself as an end in itself, is foreign to the spirit of the Torah, which views the state merely as an instrument for achieving justice”. For him, the halakhic categories can still apply toward an individual’s moral and ethical life, but they cannot be used to legitimise violence at the level of the group. Contrary to other studies, D. Hartman (1985) argues for a more moderate position. He states that war has to be viewed not in terms of righteousness springing out of the literal fulfilment of the law but as moral accountability because contemporary Israel is an opportunity to practice covenantal responsibility and not perform literal following of the commands. Such reading fits well with the prophetic tradition that considers holiness not only when the nation is victorious, but when it is just and merciful. Both D. Hartman and Y. Leibowitz bring back the main moral tension in Hebrew Scripture by emphasising responsibility over obedience and interpretation over simple submission to divine authority.

Conclusions

This study showed that the tradition preserves a persistent interpretive tension in its reflections on war and violence. The enduring tradition, from the discordant directives of the Torah, the teachings and proclamations of the prophets, the rabbinic legal controversies, to the contemporary dilemmas of the State of Israel, is marked by intricate and often sacred complexity, rather than by a decisive clarity. This paradox is an innate and crucial element of Jewish thought and legal reasoning. Divine commandments are presumed to be absolute. However, they unavoidably need to be reinterpreted in relation to context, ethics, and politics. Rabbinic Judaism sought to develop a framework within which reasoning and interpretation became integrated within the law. Therefore, the law was not purely legal discussion, but a system of ethical reasoning. Ancient categories

of war re-emerged in the discussion with the re-instatement of Israel’s statehood. This has further demonstrated the fragility of ethical certainty. The same commands of Jewish law which were supposed to limit the use of violence and wars, could be reinterpreted in a way that those could be allowed and often become obligatory. This is why, the prophetic voice, which in the past counterbalanced and served as a moral restraint on unchecked legal and political authority in the boundaries should remain central to Jewish discussion on war. It is maintained a notion that moral power originates not from rigid commands and boundaries or religious policing. It stems from rather personal responsibility, thoughtful introspection, and self-humility.

Therefore, Jewish ethics of war and violence do not reside in a system of mechanical laws. On the contrary it is developing through grappling with moral dilemmas and paradoxes. The ethical principles of the Jewish tradition do not preserve their value by providing definitive solutions to the moral dilemmas of warfare. It is valuable due to challenging every generation to be reinterpreted in the light of contemporary contexts and circumstances. The ongoing conflict between the authority and ethical restraint still remains the driving stimulus of Jewish ethics. It is continually actualising them and making them relevant in response to new realities. Thus, the further research should deepen the discussion on post-1948 halakhic responsa and Israeli military-ethical frameworks to determine how interpretive flexibility functions under conditions of political power, changing context, security urgency, and ideological pressure.

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Юдаїзм та етика війни: божественне веління, тлумачення та обґрунтування справедливої війни

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Анотація. Питання, що стосуються взаємозв'язку божественного авторитету, людської інтерпретації та колективного насильства, залишаються центральними у сучасних дебатах із релігійної етики. Метою цієї статті було дослідження того, як єврейська етика війни вирішує напруженість між божественним наказом та інтерпретаційним судженням у різних текстових та історичних шарах. Дослідження здійснено за допомогою якісної, текстово-орієнтованої методології, яка поєднує історико-герменевтичний аналіз із нормативною етичною оцінкою. Біблійні тексти було проаналізовано, щоб виявити, як війна одночасно санкціонована та морально обмежена в каноні, створюючи постійну напруженість між милосердям і насильством. Пророчі тексти розглядалися як внутрішній спосіб етичної критики, який переосмислює послух через покаєння, моральну самопідозру та стриманість, а не через військовий успіх. Равинські джерела було описано як такі, що транслиують канонічні напруженості у правові категорії, такі як обов'язкові та дозволені війни, водночас зберігаючи інтерпретаційну свободу у прийнятті етичних рішень. Середньовічне правове мислення було проаналізовано через трактування війни М. Маймонідом, що демонструє, як завдяки чітким правовим формулюванням вдалося стабілізувати інтерпретаційну неоднозначність, не розв'язуючи її остаточно. На всіх цих етапах інтерпретаційна гнучкість була визначена як структурна риса, що підтримує етичну релевантність, одночасно піддаючи моральне судження ризику ідеологічного розширення за умов влади, терміновості та політичного тиску. У статті доведено, що єврейську етику війни не можна розуміти як сталу або внутрішньо узгоджену доктрину, а радше як безперервний процес морального узгодження між стриманістю і необхідністю, відповідальністю та послухом. Замість того, щоб усувати етичні протиріччя, традиція зберігає їх як діалогічний простір для моральних роздумів у різних історичних контекстах. Результати цього дослідження є релевантними для науковців у сфері релігійної етики, біблійних студій та політичної теології, а також для ширших етичних дискусій щодо ролі інтерпретації в умовах колективного насильства

Ключові слова: божественна заповідь; біблійне насильство; пророча критика; галахічні категорії; моральна неоднозначність; традиція і переосмислення