



## Milchemet Mitzvah and Milchemet Reshut Obligatory War and Authorized War (Appendix I)

### 1. Rambam Laws of Kings 5:1,2

The king may first wage only a Milchemet Mitzva . Which is a Milchemet Mitzva? This is a war to save Israel from an enemy that has attacked them. Afterwards he may wage a Milchemet Reshut, which is a war with other nations to widen the borders of Israel, or to enhance his greatness and prestige. A Milchemet Mitzvah doesn't need permission of the court... but a Milchemet Reshut needs the permission of the High Court (Sanhedrin) of 71 judges.

### 2. Samuel I 15. 1-3

And Samuel said unto Saul: 'The LORD sent me to anoint thee to be king over His people, over Israel; now therefore hearken thou unto the voice of the words of the LORD. Thus saith the LORD of hosts: I remember that which Amalek did to Israel, how he set himself against him in the way, when he came up out of Egypt. 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 ass.

**Does this fit in with your perception of Jewish ethics?**

3. Jewish ethics clearly distinguishes between the different categories of war. An obligatory war (Milchemet Mitzvah) requires a different mode of ethical conduct than all other types of war. Particularly when discussing the obligation in the time of Joshua to conquer the land of Israel for the first time and the generic biblical obligation to destroy Amalek, Jewish law mandates a different set of ethical norms for these historical obligations.

Thus Rambam states: It is a positive commandment to vanquish the seven nations [that used to occupy the land of Israel] since it says "you shall vanquish them." Anyone who has one of the members of that nation subservient to him and does not kill him violates the negative commandment, since it says "no life shall survive [from the seven nations]." **Their identity has since disappeared.**

**If we no longer have a Divine commandment to vanquish any remaining people or nation, how do we justify killing?**

4. The Talmud additionally recounts that there are three ritual requirements for an Authorized war (*Milchemet Reshut*) to commence. The first is the consent of the Sanhedrin (Parliament); see Sanhedrin 29b. The second is the presence of a king or ruler; see Sanhedrin 20a. The third is consultation with the *Urim Vetumim*, a mystical ornament worn by the High Priest (not in existence for more than 3000 years); see Sanhedrin 16b.

A number of commentators significantly limit each of these three Talmudic requirements. Rambam does not list the requirement of *Urim Vetumim* at all in his code. He does, however, state elsewhere (see Book of Commandments, chapter 14) that the *Urim Vetumim* are needed. So too, Aruch HaShulchan HeAtid, Melachim 74:7 states that the *Urim are not needed* and this is agreed to by R. Zevin, L'Or Hahalacha, p. 12. Ramban states (see Addendum to Rambam Book of Commandments, positive commandment 4) that a king is not actually needed. Rather war may be undertaken by "a king, judge, or whoever exercises jurisdiction over the people." The Meiri argues that approval of the Sanhedrin is only needed if a significant minority of the nation does not approve of the war. However, he states that no approval is needed for popularly supported wars; see Sanhedrin 16a.

**What are the requirements for each war according to this concluding paragraph?**