

# OF KINGS, WAR, AND INDIVIDUAL LIFE

by Rabbi Yitzchok Adlerstein

*Place a king upon yourself... You cannot place a foreign person upon yourself... When you approach a city to wage war against it, you shall call out to it for peace... If you find a corpse on the land that Hashem your G-d gives you... the city nearest the corpse shall take a heifer... and they shall axe the back of its neck in the valley.*<sup>[2]</sup>

Dovid's elegy for Shaul gets off to a strange start: "...We must teach the archer's bow to the sons of Yehudah; this is written in *Sefer Ha-Yashar*."<sup>[3]</sup> Military prowess is not high up on the list of Jewish virtues. We would have expected Dovid to make no mention of it at all, and speak instead of Shaul's wisdom that he took to the grave, and of his piety. (Chazal tell us that he was in transgression like a child of one year.) Are we not instructed that Man lives not by soldiers and not by strength, but by Hashem's spirit? Why mimic the ways and warped values of the nations of the world?

Sadly, however, so long as the Jewish vision and mission remain beyond immediate fulfillment, we need concern ourselves with warfare. So long as people are given to rule by force and plunder, Jews need to gird themselves with might and the implements of war. To deny this would be naïve and dangerous.

Yet, we do not and cannot ever accept warfare the way others do. We will never place it on a pedestal; we accept it as a means, but never an end. It can become an important concern – so much so that in troubled times, Dovid will begin his threnody for Shaul by mentioning it, even though our involvement with it is an unwelcome foreign import. Even so, Dovid tempers it with a reference to *Sefer Ha-Yashar*, about which Chazal say,<sup>[4]</sup> "This is the Book of Shoftim, in which it is written, 'Every man did as was proper in his eyes.'<sup>[5]</sup>" In other words, as long as people would do as they wished, pushing aside anyone who get in their way, it will not yet be time for us to beat our swords into plowshares. In such a world – just like in the time of Shaul – the military success of a leader will be the first consideration in the minds of the public. They will consider his more important virtues only after they are assured of his ability to protect their security.

Even when we must consider the exigencies of an imperfect world, the Torah greatly limits our lukewarm embrace of the art of war. Our own *parshah* demands that, other than in mitzvah wars demanded by the Torah, we may not commence hostilities without having first proffered peace. Rambam goes further, and finds no exceptions to this practice, even in obligatory wars. According to

him, we offer peace even to Amalek.

Whatever halachic sources Rambam found for his position, he may have seen it bolstered by the episode of Shaul's ill-fated war against Amalek. *Va-yarev b'nachal*.<sup>[6]</sup> Chazal<sup>[7]</sup> see this as a reference to the decapitation of the calf in a valley of the town closest to where a murder victim has been found. (This practice underscores how difficult is the death of a single, anonymous individual. The Torah juxtaposes this law in our *parshah* with the laws of war, suggesting how much the Torah detests bloodshed – how difficult it is to accept the proposal that men must sometimes take the lives of a large number of other human beings.)

While introducing *eglah arufah* into the narrative about Shaul may seem to be a stretch, the plain meaning of the text supports it. A *riv* is not a war; it is a verbal confrontation. Shaul is described as “coming to the Amalekite city.”<sup>[8]</sup> Did all of Amalek dwell in one city?

If the Rambam is correct, we can read the narrative smoothly. Shaul's army approached the border with Amalek – the first city of many. The two camps were separated by a *nachal*, a valley or dry river bed. Shaul held that he could not attack without first offering peace terms. He sent his terms to the opposing side, which read them, and sent back their comments. They traded demands and counter-demands. This was the *riv* – the verbal dispute – at the *nachal*. It took place only because Shaul rejected the possibility (the one in fact held by a majority of our *rishonim* who disagree with Rambam!) that in an obligatory war against Amalek, peace terms are not offered. He did so because the message of *eglah arufah* spoke to his refined character so deeply that he could not even entertain a different possibility. So indeed, the “dispute” at the *nachal* was animated by the halachah of *eglah arufah*, which led Shaul to engage Amalek in a conversation about terms of surrender.

A number of anomalies in the *parshah's* section on kingship trouble us. When the Torah doesn't want us to do something, it usually indicates this by commanding, *lo saaseh* / “You shall not.” Several times in this *parshah*, however, the Torah indicates a transgression with the phrase *lo suchal*, which literally means “you are not able.” Additionally, the Torah uses two different verbs for the placing of the king in a position of authority over the people: *simah* and *nesinah*.

The gemara<sup>[9]</sup> explains in a different context that the former term refers to a limited placing, while the latter means placing in fuller measure. But our *parshah* uses both! We can't have it both ways! How are we to understand this?

The Torah's notion of monarchy differs from the institution that developed outside of it. For millennia, kings seized all the power they could, with no a priori restraints. Not so the Jewish king, who was subject to all kinds of restrictions. The Torah writes with great accuracy, “*Som tasim* / you shall surely place” a king over yourself – using the verb for a limited placing. And so indeed it is. The Jewish monarch is always limited by the restrictions placed on his authority.

The Torah continues with a corollary. Take a king only from your own midst. You may not appoint one who is foreign-born. The Torah rejects the model of the absolute monarch. The foreigner knows only of the kings who are common to the nations of the world, who knew no restraints, and operated in the thrall of their personal passions. "You cannot place a foreigner upon yourself." Here, the Torah switches to *nesinah*, the verb for complete placing. It means literally that you cannot, not just that you may not. You cannot place a foreign king over you and expect to achieve the goals of authentic Jewish monarchy. Such a king will be satisfied with nothing less than absolute control. He will not content himself with a throne that has to answer to the Torah's laws. He will impose his rule in the manner of other non-Jewish rulers. Your attempt will perforce be by a *nesinah* – a full, unrestrained appointment – which is not what the Torah wants.

Much of world history is the story of kings running amok. Acting without internal restraints, they led their people to a succession of wars to increase their wealth and their power. The Torah wants no part of this. Three subsections of our *parshah* combine to proclaim a powerful message. The appointment of a king must limit the powers of the monarch. War cannot be waged without first suing for peace. *Eglah arufah* demonstrates how Hashem cherishes the life of every individual. Taken together, they inspired our prophets and seers to a vision of universal peace.

1. Based on HaMedrash V'HaMaaseh, Shoftim, by R. Yechezkel Libshitz zt"l.
2. Devarim 17:15; 20:10; 21:1,3,4.
3. Shmuel2 1:18.
4. Avodah Zarah 25A.
5. Shoftim 21:28.
6. Shmuel1 15:5.
7. Yoma 22B.
8. Shmuel1 15:5.
9. Menachos 59B.