

---

COVER STORY

# What Does the Torah Have to Say about Military Ethics?

RABBI DR. SHLOMO BRODY

---



*What can our tradition teach us about military ethics and the questions facing Israel today? The prospect of Israel facing many months, if not years, of protracted battle against Hamas and Hezbollah in urban settings raises many strategic and ethical dilemmas. We'll need to fight decisively against ruthless enemies while acting in a way that will preserve our moral standards and diplomatic standing. A careful examination of rabbinic responses to Israel's first war against terrorists might help guide us in our difficult struggle.*

It was a sweltering summer day in August 1982 when Rabbi Shlomo Goren, Israel's Ashkenazic chief rabbi, dropped an ethical bombshell: Jewish law required Israel to allow combatants and noncombatants to flee Beirut. Israel was strategically besieging and bombarding the Lebanese capital. The goal was to uproot the Palestinian Liberation Organization (PLO), which had long terrorized the Jewish State from its northern border. The siege began several weeks into Operation Peace of Galilee, later to be known as the (First) Lebanon War. Rabbi Goren adamantly supported the war as a war of self-defense (*milchemet mitzvah*). Yet he cited the second-century rabbinic sage Rabbi Natan who, followed by the Rambam, ruled that the “fourth side” of a besieged city must remain open as an evacuation corridor. Doing so gives combatants an incentive to flee; otherwise, they might fight to the finish, at great cost to both sides. Beyond its strategic value, it is important to show mercy during war, even to the enemy side, since all humans are created in the image of G-d. No outsiders or supplies needed to be allowed into the city. Yet everyone must be able to run for their lives.



A PORTRAIT OF RABBI SHLOMO GOREN.

פורטרט, הרב שלמה גורן.

Rabbi Goren's public ruling created a bit of a brouhaha. Who lets terrorists escape from the claws of the siege? Rabbi Shaul Yisraeli, head of Yeshivat Mercaz HaRav, wrote a private letter against the chief rabbi's ruling. He argued that the ancient sources were offering tactical advice but not bonafide *mitzvot*. At best, this humanitarian gesture was only required in a case of expansionist warfare. The Ramban and *Sefer HaChinuch*, for example, indicated that the "fourth-side open" rule only applied in discretionary warfare (*milchemet reshut*), but not in wars of self-defense. It is implausible to think we should do anything less than kill or capture terrorists who actively threaten us. Rabbi Yisraeli, however, did concede that noncombatants should be allowed out of the city. Other decisors went further than Rabbi Yisraeli: there is no halachic requirement to let anyone out of a siege unless the goal is to conquer the territory alone. Enemies need to be fought decisively.

The IDF, for its own reasons, left open two major escape routes from Beirut. The army had no interest in the PLO terrorists fighting to the last man. They certainly did not desire to harm noncombatants. An estimated 100,000 people fled the city. Soon afterward, the Reagan administration negotiated a ceasefire that allowed Arafat and thousands of his fighters to leave the city.



THE SECOND STAGE OF THE IDF EVACUATION FROM LEBANON, AFTER THE LEBANON WAR. IN THE PHOTO, A TANK CROSSING THE BORDER INTO ISRAEL.

This wasn't the first time the "fourth-side open" rule was invoked to teach the ethics of war. In 1977, the eminent philosopher Michael Walzer published his classic book, *Just and Unjust Wars*. An affiliated Jew, Walzer cited the "fourth-side open" rule as a key element in removing an attacker's culpability for noncombatant casualties in urban warfare. When you give people the opportunity to flee, it shows that your intent is not indiscriminate killing.

A few years later, Israel implemented this religious teaching in practice, not just on paper. It was the first time in many centuries that Jews had power and could implement Rabbi Natan's teaching, and they did not fail. Even during a just war, we try to minimize bloodshed. Trevor N. Dupuy and Paul Martell, two military historians who covered the war from Lebanon, later asserted, "We can think of no war in which greater military advantages were gained in combat in densely populated areas at such a small cost in civilian lives lost." And this, they added, despite the PLO's purposeful placement of its fighters within civilian territories. Rabbi Goren would deem this gesture a prime example of how Judaism can teach the world how to fight wars ethically. It was a great *kiddush Hashem*.

---

**Minimizing civilian casualties is a religious imperative. Yet so is defeating an evil enemy that threatens our people. Self-defense is also a "humanitarian" moral obligation, not just a matter of interests.**

I've been thinking about Rabbi Goren's position since Hamas's brutal October 7th attack. Israelis are united in believing that the country must remove the threat of Hamas from its border. Yet they have not opposed their government's attempts to forewarn Gazan civilians of impending attacks, or to create evacuation corridors from neighborhoods in which Hamas embeds its fighters (itself a war crime). Israelis want to minimize noncombatant casualties. The Jewish State's enemies target its citizens, but Israel will not respond in kind.

These humanitarian gestures have not won the Jewish State—or Judaism—too many fans. Most outrageously, as of this writing in April, the International Court of Justice began legal proceedings against Israel for alleged genocide. The allegation is utterly false and disgraceful on many levels, as all decent people have noted. One element of the accusation bears closer attention. South Africa, in its indictment, cited a brief press conference statement by Prime Minister Benjamin Netanyahu that made a Biblical reference. He stated, “You must remember what Amalek has done to you, says our Holy Bible. And we do remember.” The indictment further cited videos of IDF soldiers chanting “wipe off the seed of Amalek” before they entered Gaza. The implication, as online outlets like *Mother Jones* alleged, is that Judaism is inspiring genocidal intent.

The allegation is preposterous. In the same press conference, Netanyahu stressed how much Israel is doing to avoid civilian casualties. Rhetoric invoking Amalek has been merely semantic and quite limited. As Rambam taught in both *Mishneh Torah (Hilchot Melachim 5:4-5)* and *Moreh Nevuchim (3:50)*, the mitzvah of wiping out Amalekites only applies to that specific nation, and their identity has been lost. Leading figures like Rabbi Tzvi Yehuda Kook, *zt”l* and Rabbi Nachum Eliezer Rabinovitch, *zt”l* affirmed this mitzvah is not relevant and should not be applied to any contemporary conflict.

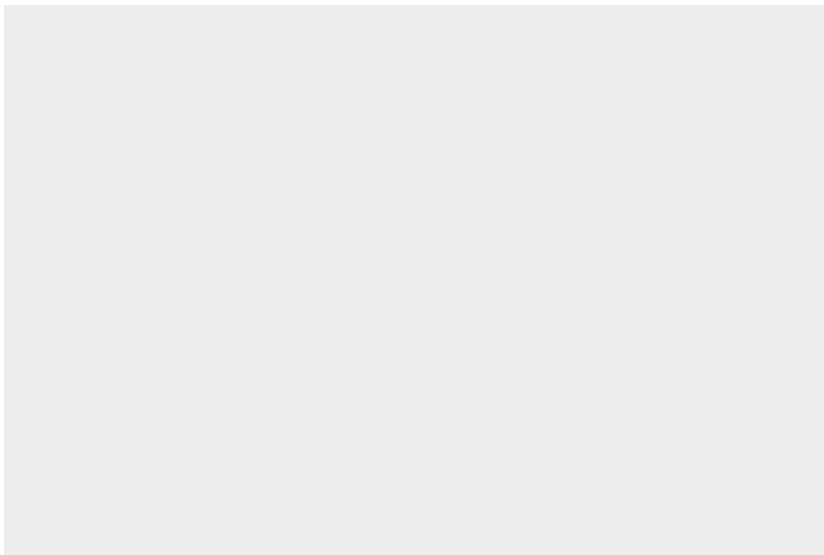
Yet the larger claim needs to be addressed: Does Judaism encourage a certain type of religious fundamentalism that leads to unfettered violence? Critics of Israel would like to say that Judaism, like Islam, has its own form of holy war that leads to indiscriminate killing.

Yet our *Avot* teach us otherwise. Midrashic passages about our Biblical forefathers indicate that Jewish law prohibits targeting non-combatants amongst the enemy population. The Torah states that Avraham was petrified before going to war to redeem Lot from captivity. One *midrash* asserts that he feared killing righteous people amongst the enemy

population; G-d had to reassure him that all of his victims would be culpable (*Bereishit Rabbah* 44:4). Perhaps for this reason, when the Torah tells us to put “all men to the sword” (*Devarim* 20:13) in war, Rabbi Saadia Gaon, the Netziv, Rabbi David Tzvi Hoffman and, most recently, Rabbi Yaakov Ariel of Ramat Gan, explicitly assert that this means to kill combatants. Non-combatants are not our targets.

A similar *midrash* asserts that Yaakov Avinu was distressed by confronting and killing the 400 men accompanying his vengeful brother Esav, even though Yaakov was acting out of self-defense (Rashi, *Bereishit* 32:8). While violence is justifiable in such circumstances, Rabbi Eliyahu Mizrachi speculates that Yaakov feared killing those who could have been neutralized in a less lethal manner. The Maharal alternatively suggests that his concern was killing coerced combatants who had no intent to actually fight.

Following the rape of Dina, her brothers Shimon and Levi vengefully wiped out the city of Shechem. How could they kill so many people? The Maharal asserts that the brothers justified their actions by maintaining that in war, the entire nation is treated as a collective, combatants and non-combatants alike. Yet as Rabbi Ariel has argued, this comment may only justify why fighters would not be punished for incidentally killing civilians amongst the combatants. In the context of war, non-combatants are inevitably harmed. It does not justify, however, directly targeting innocents. Indeed, as Rabbi Asher Weiss notes, the same Maharal had argued that Yaakov feared he would be punished for killing Esau’s reluctant warriors, even though they would certainly be more culpable than non-combatant bystanders. Yaakov Avinu rejected learning any precedent from Shimon and Levi. As the Ramban and Rabbi Samson Raphael Hirsch note, at the end of *Sefer Bereishit* (49:5-6), Yaakov censures his sons while on his deathbed, proving that the brothers’ actions were misguided.



Amidst tension with Syria, IDF Reserve infantrymen take part in a military maneuver of their battalion in Golan Heights, on April 1, 2024. Photo by Michael Giladi/ Flash90

\*\*\* Local Caption \*\*\* חיילים

סוריה צפון מלחמה תרגיל

The lesson was well-summed up by Rabbi Goren. “We are commanded . . . even in times of war . . . not to harm the non-combatant population, and certainly one is not allowed to purposely harm women and children who do not participate.” Similar sentiments were also expressed during the First Lebanon War by Rabbi Aharon Lichtenstein of Yeshivat Har Etzion, who asserted that strategists should consider expected enemy collateral damage before making decisions. Moral constraints remain relevant in wartime. This is our *mesorah*. We should live by these values, both in 1982 and 2024.

So minimizing civilian casualties is a religious imperative. Yet so is defeating an evil enemy that threatens our people. Self-defense is also a “humanitarian” moral obligation, not just a matter of interests. Leaving the fourth-side open of a siege works best when you just want to conquer the territory or city and don’t care if the inhabitants flee. When this tactic allows terrorists to survive and regroup, it becomes morally complex, as we learned from the aftermath of the siege on Beirut.

In 1983, a year after the siege ended, many PLO fighters, including Arafat, made their way back to Lebanon to shore up support for their cause. They were now based in the port city of Tripoli but surrounded by splinter

groups who had rebelled against the PLO. The UN, wanting to avoid another Lebanese civil war, negotiated a settlement to evacuate Arafat and his troops. Then, on December 6, 1983, Palestinian terrorists detonated a bomb on a Jerusalem bus. Six Israelis were killed. PLO loyalists and rebels both took credit for the attack.

Israel's new defense minister, Moshe Arens, condemned the international evacuation plan for letting terrorists escape. "If a terrorist committed an atrocity, and a democratic country helped get him to a new location so he could commit more such acts, that is not something which those of us who accept

democratic values can accept." Israel launched a naval blockade on the Lebanese coast and shelled PLO positions in Tripoli. The hope was that the rebel groups would further weaken the PLO. Others dreamed that they would even kill Arafat.

Instead, under immense American and European pressure, Israel opened the blockade. Arafat and four thousand loyalists were taken to safety in Tunisia. They would continue to terrorize Israel in the coming years. This time, Rabbi Goren was outraged at the Israeli government. In his mind, there was no requirement to allow the PLO fighters to escape since Israeli forces were located on only one side of the siege. The IDF was not responsible for the PLO's predicament. If the PLO wants to flee, he quipped, they should ask the splinter groups for an escape route. The moral burden here does not lie with the IDF. To the contrary, allowing the PLO leaders to leave under these circumstances made no sense. Each PLO terrorist is a "violent pursuer" (*rodef*) whom Jewish law mandates we neutralize before they kill someone else. They are threats to Israel that must be eliminated. The international community's inability to grasp this basic point doesn't change our moral obligation.

Jewish military ethics compel us not to target noncombatants and allow them to flee from the battlefield. Yet they also demand from us to unflinchingly act against threatening enemies, like the PLO leaders stuck



in Tripoli. If Yaakov's sons would have targeted the enemy combatants in Shechem, their actions would have been entirely legitimate. Israel, Rabbi Goren argued, had no moral right to compromise on Israeli security.

That criticism, of course, could also be launched against Rabbi Goren himself for having supported the IDF in letting PLO terrorists out of Beirut. Arafat and his comrades were also dangerous pursuers in 1982. If we hadn't let them escape from Beirut, the argument went, we wouldn't have been back in the same place in 1983. When you go to war, your priority must be killing your enemies. Otherwise, don't bother fighting at all. Indecisive actions just drag out a war and its suffering, and don't allow for decisive accomplishment of one's strategic goals.

Rabbi Goren's claim that the "fourth-side open" requirement applies only when the same country (in this case, Israel) besieges all four sides seems overly legalistic. After all, the residents of Tripoli were seemingly also entitled to some humanitarian relief. The "fourth-side open" requirement isn't much of a moral obligation if it gets waived simply because other warring parties are doing the dirty work. Yet one could retort that the law demands compassionate relief, but there are limits to what we can be obligated to do when we don't fully control the situation. By returning to Lebanon, one might further argue, Arafat and others lost their right to flee again.

---

**Rabbi Goren would deem this gesture a prime example of how Judaism can teach the world how to fight wars ethically. It was a great *kiddush Hashem*.**

Ultimately, given its disputed status, it seems more compelling to conclude that the idea of leaving a fourth-side open is a general principle of Jewish military ethics but not a bona fide commandment. Such an approach is a meaningful compromise to the heated disputes over the "fourth-side open" rule in rabbinic sources. The principle asserts that one should do everything they *reasonably* can to reduce the human costs of

war, even on the enemy side. This includes allowing noncombatants to escape before the onset of hostilities and, when possible, during the conflict. Even combatants may flee, provided that this doesn't overly undermine the war efforts. Yet it allows for important critical caveats, including preserving an element of surprise and ensuring the removal of the threat against the people. This remains our priority.

Judaism offers the world a multi-value framework for thinking about the moral complexities of warfare. It encourages, when possible, to allow the enemy to clear their people from the battleground. Its sound military strategy helps diplomatically, and most fundamentally, helps reduce unnecessary bloodshed. Yet our *mesorah* prioritizes the imperative of self-defense. Leaving sworn enemies alive so they can fight us again at a later point is a moral failing. Alas, diplomatic pressure and military limitations have repeatedly made that necessary. Yet we should resist, as much as possible, any outcome that prevents us from accomplishing our primary goal of protecting our people. This happened in 1983. One hopes this won't be repeated in 2024.

*Rabbi Dr. Shlomo Brody is the executive director of Ematai and the author of Ethics of Our Fighters: A Jewish View on War & Morality (Jerusalem: Maggid Books, 2023).*

## More in this Section

**Questions from the Battlefield: Rabbi Dovid Bashevkin speaks with Rabbi Yosef Zvi Rimon**

**On the Frontlines with Rabbi Shlomo Sobol, as told to JA staff**

**The Holiest Work: A Conversation with Miriam Neumark Shalev of the IDF Chevra Kadisha's Women's Unit** by Leah R. Lightman

**A Different Kind of Battlefield** by Carol Green Ungar