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# The Punishment of Amalek in Jewish Tradition: Coping with the Moral Problem\*

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The story of Amalek's deed occurs twice in the Bible: in Exod 17:8–16 and in Deut 25:17–19. The account in Exodus is quite succinct: “Then came Amalek and fought with Israel in Refidim” (Exod 17:8); in contrast, the description in Deuteronomy paints a broader and more detailed picture: “Remember what Amalek did to thee by the way, when you were come out of Egypt: how he met thee by the way, and smote the hindmost of thee, all that were feeble in thy rear, when thou wast faint and weary; and he feared not God” (Deut 25:17–18). The Exodus version, although sparing in its description of the particulars, offers the more dramatic account of the war between Israel and Amalek.

The Bible takes a harsh view of Amalek's deed, and in Deut 25:19 an obligation is imposed on the people of Israel: “Thou shalt blot out the remembrance of Amalek from under heaven; thou shalt not forget.”<sup>1</sup> In the Exodus version, it is claimed that even God takes part in this war: “I will

\*I wish to thank Batya Stein for translating this article from Hebrew as well as for her comments and editorial help.

<sup>1</sup>The name Amalek, while singular in Hebrew, can refer to both Amalek and his descendants. The biblical quotations in the article are from *The Jerusalem Bible* (ed. Harold Fish; Jerusalem: Koren, 1986).

utterly blot out the remembrance of Amalek from under the Heaven” (Exod 17:14), and the Lord will have war with them “from generation to generation” (Exod 17:16). In later times, King Saul is instructed by Samuel to annihilate Amalek: “Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass” (1 Sam 15:3).

What exactly was Amalek’s wicked deed that he should deserve such severe punishment? How does the war with Amalek differ from all the other wars fought by the people of Israel after the Exodus, and why is God involved in this particular conflict? Finally, should not the slaying of women, children, and later generations be seen as a patently immoral act?

In this article I shall examine three questions. First, how does Jewish tradition cope with these issues, both at the level of textual interpretation and at the halakhic level? Second, what do these various approaches teach us about the status of the moral element in this tradition? Does Jewish tradition support the notion of morality’s dependence on religion, does it view morality and religion as conflicting, or does it perhaps acknowledge the independence of the moral factor? Third, what is the relationship between the moral factor and the canonical text? Is the notion of an autonomous morality still relevant in the context of a canonical text?

The central thesis of this paper is that an analysis of the sources dealing with the punishment of Amalek will enable us to reach conclusions regarding the status of morality in the Jewish tradition. These conclusions rest on two assumptions, which at times are made explicit and at times are accepted implicitly. First, it is not assumed that a normative conflict prevails between morality and religion, and no attempt is made to justify Amalek’s punishment in terms of this conflict. Second, it is not assumed that morality is dependent on religion, and no attempt is made to claim either that the punishment was morally justified because God commanded it or that God determines morality.<sup>2</sup>

God’s command is assumed to rely on moral reasons, and these moral reasons endow the command with moral value and determine its normative, halakhic articulation. In other words, Jewish tradition acknowledges the autonomy of morality and assumes that divine commands abide by moral considerations.

The sources chosen to demonstrate this thesis extend over a broad range, including exegetical and halakhic material. I have opted for a synchronic rather than a diachronic method, placing stronger emphasis on the contents of the views suggested than on their historical development. Let us consider biblical exegeses first.

<sup>2</sup>On the concept of a normative conflict between religion and morality, see Avi Sagi and Daniel Statman, *Religion and Morality* (Amsterdam: Rodopi, forthcoming) chap. 6. On the concept of morality’s dependence on God’s command, see chap. 1 of the same book.

## ■ Main Trends in the Exegesis of the Biblical Text

Exegeses of the Amalek story can be grouped into two broad categories. I refer to these categories as the realistic and the symbolic approaches. Whereas the realistic approach focuses on the concrete, historical facts of the relationship between the two nations, the symbolic approach emphasizes the metaphorical significance of these events. Notwithstanding these differences, all the exegeses strive to present the story as abiding by moral standards and refrain from suggesting that the punishment of Amalek can be justified by claiming that morality either depends on religion or conflicts with it.

## ■ The Realistic Approach

In contending with the question of why Amalek's deed merits such severe punishment, the realistic approach remains within factual, concrete bounds. I shall discuss the two main conclusions to this approach: first, that Amalek transgressed the norms of just war; and, second, that Amalek rebelled against God.

According to one point of view, Amalek transgressed every norm of a just war. The Amalekites had no justified reason for launching an attack, and they fought the war unfairly, ignoring the most fundamental rules of war conduct. Yitzhak Abrabanel (1437–1508) sided with this view and, touching on the verse immediately preceding the account of the events in Deuteronomy, pointed to a juxtaposition which he found interesting: "For all that do such things, and all that do unrighteously, are an abomination to the Lord thy God" (Deut 25:16). Abrabanel believed that Amalek's war against Israel was indeed such an abomination and that their punishment is meant to serve as a deterrent: "Everyone should thus keep away from iniquity, as he will be blotted out of the book of the living and not be written with the righteous."<sup>3</sup>

Abrabanel pointed out that Amalek had no cause for going to war. The Amalekites were not defending territory, since "Israel would not be passing through their land and coming to fight against them when they [Amalek] declared war."<sup>4</sup> Nor was this an expansionist war of conquest, as "they [Israel] had no land that Amalek could conquer or covet."<sup>5</sup>

Furthermore, even an unjustified war can be fought fairly, but Amalek also sinned on this count. First, they attacked Israel without warning, "like

<sup>3</sup>Abrabanel *Commentary on the Torah* on Deut 25:17.

<sup>4</sup>Ibid. Two tannaim suggest this argument: "R. Judah the prince says: 'Amalek had to make his way through five nations to come and wage war against Israel.' . . . R. Nathan says: . . . 'He crossed four hundred *parasangs* to come and wage war against Israel'" (*Mekhilta de-Rabbi Ishmael* [trans. Jacob Z. Lauterbach; 3 vols.; Philadelphia, Jewish Publication Society, 1933] 2. *Amalek*.1).

<sup>5</sup>Abrabanel *Commentary on the Torah* on Deut 25:17.

thieves in the night,"<sup>6</sup> leaving them no time to prepare for war.<sup>7</sup> Second, "because of their baseness, and the fear that they would lack the strength to fight Israel face to face. . . they waged war against the frail, who straggle behind the army. . . and that is why it is said 'smote the hindmost of thee,' because 'hindmost' [*neheshalim*] is the same as 'weak' [*nehelashim*]."<sup>8</sup> The command to blot out Amalek is thus meant to convey resistance to any form of evil, and the harshness of the punishment is understood as a function of the severity of the crime.<sup>9</sup>

Some exegetes rejected the notion that the punishment of the Amalekites was meant as revenge for their iniquity, and suggested that the harsh measures against them were only justified because they had rebelled against God. Nahmanides offered this view:

Now the reason for the punishment of Amalek, i.e., why punitive measures were meted out to him more than to all other nations is that when all the nations heard [of God's visitation upon the Egyptians], they trembled. Philistia, Edom, and Moab and the inhabitants of Canaan melted away. . . . Amalek came from afar as if to make himself master over God.<sup>10</sup>

Since only religious considerations are considered a legitimate justification for war, the war against Amalek becomes a test for every Jew:

Who could restrain his own spirit and conquer human nature? . . . Whose heart will not burn with revenge and who would not want to destroy them [Amalek], but would only engage in it for the sake of God's honor, and were it not for God's command, would not wage war against them? This is almost beyond human nature. Prodigious merit is required to withstand this remarkable test.<sup>11</sup>

Radical moral action, such as the punishment of Amalek, requires not only that the wrongdoer's deed endanger a cardinal value, such as faith in God, but also that this value be the single motivation for the punishment. If the

<sup>6</sup>Ibid.

<sup>7</sup>See also Ya'akov Tzevi Mecklenburg, *Ha-Ktav ve-ha-Kabbalah* (Jerusalem: 'Am 'Olam, 1969) on Exod 17:8.

<sup>8</sup>Abrabanel *Commentary on the Torah* on Deut 25:17.

<sup>9</sup>For a similar view, see Yitzhak 'Aramah, *'Akedat Yitshak* (Israel: n.p., 1974) *Exodus*.42.87b.

<sup>10</sup>Nahmanides, *Commentary on the Torah* (trans. Charles B. Chavel; New York: Shilo, 1973) on Exod 17:16. See also Abrabanel *Commentary on the Torah*, on Deut 25:17. Abraham Sofer (1815–71) (*Sefer Ktav Sofer* [Tel Aviv: Sinai, 1975] 110b), relying on Nahmanides, expressed a similar view: "God did not command us to revenge and destroy Amalek, man and woman, infant and suckling, because they hurt us and afflicted us, but to uproot them from the world because they raised their hand against God, and God's enemies will be extinguished."

<sup>11</sup>Sofer, *Sefer Ktav Sofer*, 110b–111.

act of punishment does not abide by these two conditions, it becomes morally despicable.

Despite the differences between them, these exegeses share one element: namely, the assumption that the radical war against Amalek is not a product of God's arbitrary will. A divine command to obliterate Amalek is not sufficient to ensure that this act of punishment is morally justified; to be so, this punishment must rest on rational considerations.

The question of whether moral obligations can be seen as contingent on God's command is an ancient one. Philosophical tradition tends to credit Plato, in the *Euthyphro*, with its first formulation.<sup>12</sup> Current philosophical discourse usually presents the question in terms of the following dilemma: Is an act right (or wrong) because God commands it (or forbids) it, or does God command (or forbid) an act because it is right (or wrong)?<sup>13</sup>

According to the first option—that an act is right or wrong because God commands or forbids it—moral obligations have no independent status and are conditioned by a divine command, which determines the moral value of an act. This approach, which in modern philosophy is referred to as “divine command morality,” is deeply rooted in Christian tradition and in contemporary philosophical thought.<sup>14</sup> According to the second option—that God commands or forbids an act because it is right or wrong—God's command does not determine the moral value of an act. Rather, God commands or forbids certain acts because of their intrinsic positive or negative value.

When the various approaches to the Amalek story are viewed in terms of this dilemma, it becomes apparent that Jewish tradition rejects the thesis that morality depends on religion—our first option above—and prefers to stress the gravity of Amalek's deed in an attempt to justify the punishment. The very need to justify the harshness of Amalek's punishment rests on the assumption that morality is autonomous; were morality dependent on religion, no further justification than a divine command would be needed, even for a punishment calling for the slaying of women, children, and future generations. Indeed, I have claimed elsewhere that the thesis of morality's dependence on religion is seldom suggested in Jewish sources, and no-

<sup>12</sup>Plato *Euthyphro* 9e.

<sup>13</sup>In the formulation of this dilemma, I have related exclusively to the family of deontological concepts, such as “right” and “wrong.” In many other versions of this dilemma, however, the formulation also applies to the family of axiological concepts, such as “good” and “bad.” The terms of the dilemma are not relevant in the present context. For further analysis, see Avi Sagi and Daniel Statman, “Introduction,” in *idem, Religion and Morality*.

<sup>14</sup>See Janice M. Idziak, ed., *Divine Command Morality: Historical and Contemporary Readings* (New York: Edwin Mellen, 1979); and Paul Helm, ed., *Divine Commands and Morality* (Oxford: Oxford University Press, 1981). For a critical analysis of this thesis, see Sagi and Statman, *Religion and Morality*, chap. 1.

where in connection with the punishment of Amalek, although the context almost begs for it.<sup>15</sup>

In fact, not only is this thesis absent, but expressions of unease regarding the punishment of Amalek are a recurring feature in exegetical literature. The following homily appears in *b. Yoma 22b*:

“And he strove in the valley” [1 Sam 15:5]. R. Mani said: “Because of what happens ‘in the valley’: When the Holy One, blessed be he, said to Saul ‘Now go and smite Amalek’ he said: ‘If on account of one person the Torah said: Perform the ceremony of the heifer whose neck is to be broken, how much more [ought consideration to be given] to all these persons! And if human beings sinned, what have the cattle done, and if the adults have sinned, what have the children done?’ A heavenly voice came forth and said: ‘Be not righteous overmuch’ [Eccl 7:17]. And when Saul said to Doeg: ‘Turn thou and fall upon the priests’ [1 Sam 22:18] a heavenly voice came forth and said: ‘Be not wicked overmuch.’”<sup>16</sup>

On the basis of a ritual pointing to the sanctity of individual life in biblical tradition, the exegete wishes to infer, a fortiori, that inflicting grievous harm on many human beings must certainly be forbidden.<sup>17</sup>

<sup>15</sup>See Avi Sagi and Daniel Statman, “Tlut shel ha-Musar ba-Dat ba-Masoret ha-Yehudit,” in idem, eds., *Bein Dat le-Musar* (Ramat-Gan: Bar Ilan University Press, 1993) 115–44.

<sup>16</sup>As is known, the ritual of the broken-necked heifer is performed when someone is found slain outside the city and the killer is unknown. See Deut 21:1–9.

<sup>17</sup>Some sages objected to this inference; as Josiah Pinto (1565–1648) stated, “the broken-necked heifer is meant for one who was slain from among the children of Israel, so how can it be extended to the Amalekites” (quoted in Yaʿakov b. Shlomo Ibn Habib, *Ein Yaʿakov*, 2. *Yoma 22. Va-yarev ba-naḥal*). Notwithstanding several attempts to overcome this difficulty (see also the commentary of Hanokh b. Yosef Zondel, *Anaf Yosef*, on the margins of Ibn Habib, *Ein Yaʿakov*, 2. *Yoma 22. Va-yarev ba-naḥal*), the fact remains that, at least for R. Mani, this ritual is concerned with the value of human life and not necessarily Jewish life. This approach concurs with that of R. Akiva, who stated “Beloved is man created in God’s image” (*m. ʾAbot* 3.14); see also the commentary of Israʾel Lifshits (1782–1860) *Tiferet Yisraʾel*, *m. ʾAbot* 3.14. This is also the view suggested in the homily in *m. Sanh.* 4.6: “For this reason was man created alone, to teach thee that whosoever destroys a single soul of Israel, Scripture imputes [guilt] to him as though he had destroyed a complete world; and whosoever preserves a single soul of Israel, Scripture ascribes [merit] to him as though he had preserved a complete world.”

In a detailed study concerning the different textual versions of this mishnah, Efraim E. Urbach (*Me-Olamam shel Ḥakhamim* [Jerusalem: Magnes, 1988] 561–77) proved that the words “of Israel” appear in some sources but not in others. However, Urbach claims that “a complete reading of the mishnaic statement. . . leans toward the version excluding the word ‘Israel’” (p. 562). Urbach assumes that the word “Israel” became part of the text because the mishnah deals with procedures for questioning witnesses to a murder, relevant only to Jews. Hence, “we must distinguish between a version attempting to teach a moral and the use [of this text] regarding procedures for questioning witnesses” (ibid).

This homily, however, seems to rest on the classic logical fallacy of ad hominem arguments, focusing on Saul's purported moral flaws: although Saul shied away from slaying Amalek, he never hesitated to smite the priests at Nob. How does this argument answer the problem? Does Saul's supposedly sanctimonious and hypocritical behavior invalidate any possible inference from the broken-necked heifer? Here a protest against the severity of the punishment seems implicit, inspired by the Torah's pervading vision: it is wrong to punish the innocent.

This critical view of the realistic perception of Amalek's punishment as essentially immoral is pervasive, and echoes of it are also found in modern halakhic discourse. For instance, Avraham Bornstein (1839–1910), one of the best-known halakhists of his generation, wrote: "The seed of Amalek is punished for the sins of their fathers. But it is written: 'Fathers shall not be put to death for children, neither shall children be put to death for fathers.'"<sup>18</sup> As we shall see later, the recurring attempts of halakhists to restrict and mitigate the command to obliterate Amalek are motivated by considerations such as those expressed by Bornstein.

Advocates of the realistic trend stress that the command to destroy Amalek, albeit a religious obligation and a morally justified injunction, is nevertheless flawed. Several halakhists believe that the command to read the Deuteronomy version of the Amalek story on the Sabbath preceding the Purim festival is meant to instill hatred for Amalek in the hearts of the children of Israel.<sup>19</sup> If, however, as some halakhists claim, this reading is not merely a rabbinic injunction but also a biblical command,<sup>20</sup> the question is why is it not, as is customary, preceded by a blessing. According to Ya'akov Sofer (1867–1939): "We do not make a blessing over destruction, not even the destruction of the nations, as we see that the Holy One, blessed be he, said 'The work of my hands is being drowned in the sea, and shall you chant hymns?'"<sup>21</sup>

This last quotation appears in a talmudic homily (*b. Meg. 10b*): after the crossing of the Red Sea, "the ministering angels wanted to chant their hymns, but the Holy One, blessed be he, said, 'The work of my hands is being drowned in the sea, and shall you chant hymns?'" The difference between the talmudic homily and its use in the present context, however, is significant: the talmudic source suggests that God rebuked an initiative

<sup>18</sup>Avraham Bornstein, *Avnei Netzer*, part 1: *Orah Hayim* (New York: Hevrat Netzer, 1954) 2.508. Bornstein rejected (2.508, unnumbered footnote) the possibility that the injunction forbidding the punishment of future generations applies only to "Israel and not to the nations" and cited evidence from halakhic sources "that this is also the practice of the nations."

<sup>19</sup>Maimonides *Book of Commandments* 189.

<sup>20</sup>Karo *Shulhan Arukh*, *Orah Hayim* 685.7.

<sup>21</sup>Ya'akov Sofer, *Kaf Ha-Hayim* (Jerusalem: n.p., 1928) 685.29.



of the angels, but the command to remember Amalek is a halakhic obligation reflecting God's will and requires no blessing. In other words, not every religious obligation necessarily expresses a moral good to which we should aspire, and therefore a religious obligation is not necessarily a criterion for what is morally right. Independent reasons, and not God's command, determine what is morally good and worthy—an assumption that is shared by both advocates and critics of the realistic trend.

### ■ The Symbolic Approach

The wish to justify this severe punishment in moral terms may have helped to spur the development of the symbolic trend on the grounds that Amalek's deed, however odious, could hardly be grounds for the indiscriminate slaying of many who had no share in a heinous deed taking place at the dawn of Jewish history. Three trends are included in this category: the metaphysical, the conceptual, and the psychological. To differing degrees, all three disengage from the concrete, historical dimensions of the event, as well as from the literal perception of Amalek's punishment in the biblical text. Furthermore, all agree on a perception of the symbolic meaning of Amalek's deed and subsequent punishment as representing a struggle between good (Israel) and evil (Amalek); that is, all view the text through an archetypal moral perspective. It seems plausible, therefore, that supporters of the symbolic trend are motivated by a moral urge, resting on the assumption that the punishment is morally right. Let us consider these trends in more detail.

The metaphysical trend argues that Israel's war against Amalek is the embodiment of a metaphysical struggle taking place in the divine world. Speaking of God's war against Amalek, the Exodus version explains that it took place "because the Lord has sworn by his throne that the Lord will have war with Amalek from generation to generation" (Exod 17:16). Although the notion of a metaphysical war is not explicit here, God's involvement in this relentless struggle and God's oath to blot out Amalek enable the exegete to displace the struggle from the concrete to the physical realm. Rabbinic literature already hints at this approach,<sup>22</sup> but it is in the mystical text, the *Zohar*, that these incipient notions are taken to radical extremes. The war on earth is described as a reflection of a war between the holy *sefirot* ("the divine realm") and the forces of impurity, thus suggesting that the Exodus passage offers a dramatic portrayal of the divine world. The *Zohar* then fleshes out this parallel in great detail. When the people of

<sup>22</sup>See *Pesikta de-Rav Kahana* (trans. William G. Braude and Israel J. Kapstein; Philadelphia: Jewish Publication Society, 1975) 56. See also Menahem M. Kasher, *Torah Shelema* (37 vols.; New York: Schlesinger, n.d.) 14. 272.127.

Israel are blameless, they overcome everything, “but when Israel is found to be unworthy she [the *shekhinah*—divine presence] weakens My power above, and the power of severe judgment [the forces of impurity] predominates in the world.”<sup>23</sup> According to the *Zohar*, in the statement found in Exod 17:11, “and it came to pass, when Moses held up his hand, that Israel prevailed,” “Israel” alludes to “the Supernal Israel.”<sup>24</sup> The *Zohar* seeks to reconcile the statement in Deut 25:19, “thou shalt blot out the remembrance of Amalek,” with Exod 17:14, “I will utterly blot out the remembrance of Amalek”: “Said R. Isaac: . . . The Holy One, blessed be He, said in effect: ‘Ye shall blot out his remembrance on earth, and I will blot out his remembrance on high.’”<sup>25</sup>

As kabbalah spread, this approach became an integral aspect of exegetical literature.<sup>26</sup> The concrete war between Israel and Amalek thus came to symbolize a struggle in the divine world between the good, holy side—the people of Israel—and the bad, defiled side—Amalek. Like other kabbalistic writings, which tend to link events in the human and divine worlds, the *Zohar* assumes that the concrete war is important; through their actions, the people of Israel bring about the victory of holiness and good over impurity and evil.

The metaphysical trend thus shifts between the concrete and the divine planes. Whereas one pole—Amalek—shifts onto the metaphysical level, the other—the people of Israel—remains concrete. If Amalek stands for metaphysical evil and the people of Israel represent metaphysical good, any unjustified war, motivated by groundless hatred for the people of Israel, comes to symbolize the metaphysical struggle. The identity of the concrete Amalek may therefore vary and is in fact irrelevant, whereas the metaphysical war between good and evil goes on unchanged, with the people of Israel always symbolizing the good.

Mendel Piekarz has pointed to a tendency to equate anti-Semitism with Amalek. Many religious Jews during World War II, whether Zionists or ultraorthodox anti-Zionists, tended to view the Holocaust as a struggle “between Israel and Amalek.”<sup>27</sup> For many Jews, any explanation of the

<sup>23</sup>*The Zohar* (5 vols.; trans. Harry Sperling and Maurice Simon; London: Soncino, 1949) 3. 205.

<sup>24</sup>*Ibid.*, 3. 206.

<sup>25</sup>*Ibid.*, 3. 207.

<sup>26</sup>For instance, Yesha‘ayahu Horowitz (1560–1630) categorically states (*Shenei Luhot Haberit* [5 vols.; Jerusalem: Sha‘arei Ziv, 1963] 2. 89) that “Amalek is the impure body per se [the *sefirot* of impurity] and Samael is its minister.” See also Shim‘on M. Mendel, *Ba‘al Shem Tov al ha-Torah* (2 vols.; Jerusalem: n.p., 1974/75) 2. 225.24; and Elimelekh Tzevi of Dinov, *Benei Yisahaar, Adar 3a*.

<sup>27</sup>Mendel Piekarz, *Hasidut Polin bein Shtei Milhamot ha-Olam* (Jerusalem: Mosad Bialik, 1990) 327; see also 278, 326.

abominations of the Holocaust could only be attempted in archetypal terms, such as an eternal war between good and evil. Many thinkers, including several halakhists, have extended this perception to the modern struggle for Jewish independence in the state of Israel.<sup>28</sup>

A unique feature of the metaphysical model is the view that the struggle between good and evil splits the whole of existence; acts such as those between Israel and Amalek are not merely human acts but are persistent reflections of independent metaphysical entities. The human struggle is embedded in a metaphysical one, and the metaphysical model may even support a dualistic approach to divinity as a way of sustaining a dynamic perception of evil.<sup>29</sup>

The punishment meted out to Amalek is thus not immoral; rather, it expresses the hope that good will prevail. The moral problem raised by the biblical story is solved by demonizing the concrete Amalek and, in the course of history, extending the concept of Amalek to include all the enemies of Israel.

The metaphysical trend shares certain characteristics with the realistic approach. Both rely on autonomous moral reasons, independent of God's command, and both presuppose that God's commands do not conflict with morality. The realistic approach and the metaphysical trend endorse the second option in the dilemma discussed in the *Euthyphro*—that God commands (or forbids) an act because it is right (or wrong). They differ, however, in their justifications: whereas the realistic approach relies on Amalek's deed, the metaphysical approach rests on symbolic grounds. Although the latter may seem detached from the realm of moral consciousness, it is precisely in this abstraction that the full power of moral considerations is revealed: inflicting such severe punishment can only be morally justified if Amalek is a demonic entity.

Whereas the metaphysical trend views the concrete, historical war between Israel and Amalek as the embodiment of a struggle between two metaphysical forces, the conceptual trend views it as a contest between ideas. In this article I focus on one of these contests, namely, that of justice

<sup>28</sup>See, for instance, Yitzhak Arieli's claim (*Midrash Ariel al ha-Torah* [Jerusalem: Mosad Einaim Ia-Mishpat, 1992] 2. 322–23) that Amalek is “essential evil. . . a defiled and corrupt race without even a glimmer of good,” whereas Israel is a “pure race.” Membership in the defiled race, however, is not determined by ethnic criteria: “Anyone who hates the people of Israel as such, belongs to the race of Amalek.” See also Yehudah Gershoni, “Berurei Halakhah be-Inyanei ha-Sho'ah,” in *Emunah ba-Sho'ah* (Jerusalem: Ministry of Education, 1980) 23; Joseph D. Soloveitchik, “Kol Dodi Dofek,” in idem, *Ish ha-Emunah* (Jerusalem: Mosad harav Kuk, 1968) 101–102.

<sup>29</sup>On the dualistic approach to divinity in the *Zohar*, see Fischel Lachower and Isaiah Tishby, eds., *The Wisdom of the Zohar* (3 vols.; trans. David Goldstein; Oxford/New York: Oxford University Press, 1989) 2. 447–74.

and morality versus armed might or naked power. The conceptual trend often uses exegeses discussed above in the context of the realistic trend and expands their scope, but while the realistic trend relies on these exegeses to justify the struggle against historical Amalek, the conceptual trend employs Amalek as merely one of several symbols in an ongoing struggle of ideas.

The leading rabbinic figure supporting the conceptual trend was Samson Raphael Hirsch (1808–1888). Hirsch identified Amalek with the sword striving for power. Sway and power, according to Amalekite ideas, “are not instruments of justice; rather, justice is the instrument of power and sway,” and power is “the exclusive criterion of human greatness and honor.”<sup>30</sup> Hirsch described the contest as a struggle between “‘the sword’—requiring the sacrifice of all divine, human, spiritual, and moral values—and ‘the voice’—God’s voice calling out to human beings from beyond and from within themselves, the categorical imperative of the divine moral law.”<sup>31</sup>

These two options are polar points in the dialectic of human history. The sword is represented by the generation of the flood (Gen 11:1–9), Nimrod, Esau, and all who glorify force and military might. The people of Israel represent a different voice, “declaring the victory of unarmed moral power over armed material might is the very mission of Abraham’s family, which proclaims His divinity, may He be blessed, through the victory of justice in the world.”<sup>32</sup>

This approach is also endorsed by a famous contemporary halakhist, Moshe Amiel (1883–1946), who viewed Amalek as the symbol of armed might. In Amiel’s view, a permanent war prevails between the sword and the book, and “one can only be built on the the ruins of the other.”<sup>33</sup>

The moral problems entailed by the punishment of Amalek become even more critical in this approach: Can the sword, considered so worthless, become the instrument for exterminating a real, concrete nation? Amiel, aware of these problems, concluded that “the view of Judaism is that the prosecution cannot turn into the defense, evil cannot be extirpated by evil means, terror cannot be eliminated from the world through the use of counter-terror.”<sup>34</sup> The war against Amalek is waged with the book—“Write this for

<sup>30</sup>Samson Raphael Hirsch, *Be-Ma’agalei Shanah: Pirkei Iyun midei Hodesh be-Hodsho* (4 vols.; Bnei Brak: Netsah, 1966) 2. 190.

<sup>31</sup>Ibid., 2. 191.

<sup>32</sup>Ibid., 2. 193.

<sup>33</sup>Moshe A. Amiel, *Derashot el Ami* (3 vols.; Tel-Aviv: Va’ad le-Hotsa’at Kitvei ha-Rav Amiel, 1964) 3. 132. Note that in order to establish the fact of Amalek’s aggressive militarism, Amiel relied on considerations similar to those endorsed by Abrabanel to show that Amalek had waged an unjust war (p. 133). In keeping with his symbolic interpretation, however, Amiel broadened the scope of the term to encompass the notion of military might in general.

<sup>34</sup>Ibid., 3. 132.

a memorial in a book" (Exod 17:14)—and the blotting out of Amalek is not meant as their physical destruction. Hirsch stresses this point in his exegesis of this verse: "I will utterly blot out the remembrance of Amalek, not Amalek, but its remembrance and glory."<sup>35</sup>

Amiel offered a similar interpretation, relying on a well-known talmudic homily on Ps 104:35: "Sins will be consumed out of the earth, and the wicked will be no more." Beruria, R. Meir's wife, suggested that it is the sins, and not the sinners, that must be consumed.<sup>36</sup> Although this homily had not been used previously in the context of the Israel-Amalek relation, Amiel relied on it to claim that the obligation to blot out the memory of Amalek should not be understood literally:

Because. . . it is written "let sins be consumed out of the earth" and not "let the sinners." . . . And as for Amalek too, the Torah stresses mainly the "remembrance of Amalek," when Amalek turns into a memory, a culture, a lofty ideal, a sublime notion. . . . It is this remembrance of Amalek that we are commanded to blot.<sup>37</sup>

An exegesis that transforms the explicit command to blot out Amalek and obliterate their memory may appear very daring. These two sages, however, would not have sacrificed the text on the altar of their moral understanding had they been unable to anchor their views in a legitimate halakhic tradition. Indeed, as I shall presently show, a tension prevails in halakhic literature between a literal and a moral approach, and the conceptual trend rests on moral considerations.

This view of the conflict as a contest between the sword and the voice, however, fails to answer the moral questions raised by Amalek's punishment; in fact, it highlights the tension between the morality purportedly endorsed by Judaism and the brute force symbolized by the *idea*, rather than by the people, of Amalek.

Whereas the two symbolic trends I have already examined share the view that Amalek represents a form of real evil, be it metaphysical or historical, a third trend shifts the focus onto the psychological realm. Medieval writings had already equated Amalek with the evil instinct.<sup>38</sup> This

<sup>35</sup>Samson Raphael Hirsch, *Commentary on Exodus* (Jerusalem: Breuer, 1964) 171 (Exod 17:14) [Hebrew]. See also idem, *Commentary on Deuteronomy* (Jerusalem: Breuer, 1988) 323 (Deut 25:19) [Hebrew].

<sup>36</sup>*B. Ber.* 10a. English translations of this verse read "the sinners," probably following "the wicked."

<sup>37</sup>Amiel, *Derashot el Ami*, 143.

<sup>38</sup>Abba Mari, who lived in Provence in the fourteenth century and banned the study of philosophy because of its alleged foundations on an allegorical interpretation of the Torah, mentions this understanding of Amalek as an example: "They left no verse unturned. . . made Abraham and Sarah into substance and form. . . and Amalek into the evil instinct," (Rashba [Shlomo b. Avraham Aderet], *She'elot u-Teshuvot ve Sefer Minhat Kana'ot* [Jerusalem: Mossad

approach, however, attained fuller expression in hasidic tradition which, as Gershom Scholem has pointed out, is characterized by a shift from the theosophical to the psychological, and from the historical to the individual.<sup>39</sup>

The psychological trend questions the meaning of this inner drama. Here, the key word in the verse "Remember what Amalek did to thee" is "thee." Hasidic exegesis claims that Amalek did something to *you*, that is, to human beings who stray from the right path because of the evil instinct; therefore, "Amalek is the evil instinct, everyone's enemy."<sup>40</sup> Because this instinct is always lurking, we are commanded to remember that "even at the highest rung of holiness and purity, one should still beware of the lure of the evil instinct, Amalek."<sup>41</sup> The duty to blot out Amalek is thus the duty "to extirpate and destroy the source of evil and the evil instinct."<sup>42</sup> As the evil instinct cannot be obliterated, "'the Lord will have war with Amalek from generation to generation' meaning that, in every generation and at every hour, this is the great war we fight all our days."<sup>43</sup>

Unlike the conceptual trend, the psychological trend is not always motivated by moral considerations. Scholem's characterization of Hasidism as entailing a shift from a theosophical and historical orientation to the individual points to the background of the development of the psychological approach within hasidic tradition. Similarly, the medieval tendency to identify Amalek with the evil instinct can be traced to a rejection of the allegorical exegeses of the Torah prevalent at the time.<sup>44</sup>

Nevertheless, the fact that the psychological trend contended with the question of evil and refused to identify it with a concrete people cannot be ignored. In other words, although supporters of this trend acknowledged

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ha-Rav Kuk, 1990] 1. 344). See also Jacob Spiegel, "Sha'ar Reshit Hokhmah (Ha-Arokh) le-Rabbi Shmu'el b. Meshulam," in Meir Benayahu, ed., *Sefer ha-Zikaron le-ha-Rav Yitzhak Nissim* (Jerusalem: Yad ha-Rav Nissim, 1985) 245. I am grateful to my colleague, Dr. Dov Schwartz, who pointed out these sources to me.

<sup>39</sup>Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken, 1974) 340–41.

<sup>40</sup>See Yisra'el b. Shabetei Hapstein Kozienice, *Avodat Yisra'el* (Bnei Brak: n.p., 1973) 22b. Compare Elimelech of Lyzhansk, *No'am Elimelech al Hamishah Humshe Torah* (New York: Schlesinger, 1942) 81.

<sup>41</sup>Zadok ha-Cohen of Lublin, *Peri Tzadik* (Lublin: n.p., 1907) 172.

<sup>42</sup>Ibid.

<sup>43</sup>Kozienice, *Avodat Yisra'el*, 22b. Although this approach is prominent in hasidic tradition, it is clear that, on the one hand, its roots go back much further and, on the other, several of its contemporary supporters have no ties with Hasidism. One of the best known among the latter is Ya'akov M. Harlap (*Mei Marom* [Jerusalem: Beit Zabul, 1972] 1. 79) who claims that evil is merely the will to power, to control and subdue. In order to lead a meaningful existence, individuals must restrain and balance this aspiration by curbing and limiting their passions and desires—no single desire should overtake all others. The obligation to blot out Amalek represents the yearning to eliminate the will to power.

<sup>44</sup>See n. 35 above.

the existence of radical human evil, they did not ascribe it to a specific historical entity; rather, they claimed that evil is in everyone at all times. The war to blot out Amalek is waged against this evil. Although the psychological trend did not mean to abrogate the obligation to blot out the historical Amalek, it made this obligation irrelevant, and thereby dismissed this issue from the moral agenda.

In sum, all the exegetical trends we have considered contend with the moral problem raised by the punishment of Amalek. The realistic approach suggests that the punishment was justified in light of Amalek's wickedness. The various trends grouped under the rubric of the symbolic approach endorse a different view. The metaphysical trend intensifies the Amalekite evil and transforms it into the demonic foundation of existence. The conceptual trend expands the concrete dimensions of the story and turns it into a contest between ideas, whereas the psychological trend sees the story as a symbol of the existential human drama, a struggle against the evil inside us. All these trends agree on a characterization of Amalek as identical with evil and thus justify total war against it.

The reliance of Jewish exegetes on moral terms to explain the punishment of Amalek implies that they reject both the thesis of morality's dependence on religion and the thesis of a conflict between them. The punishment of Amalek, an act ostensibly contradicting all moral considerations, becomes a paradigm of moral behavior and of the power of the moral realm. This exegetical inversion indicates the commitment of Jewish tradition to the notion of moral autonomy.

## ■ The Halakhic Attitudes to Amalek: The Dialectic Between the Literal and the Moral Trends

Halakhah constitutes a crucial dimension of Jewish tradition. The present attempt to offer an exhaustive review of the sources dealing with the punishment of Amalek would thus be invalid without due consideration of the halakhic rulings on this subject. Two broad trends can be detected regarding halakhic attitudes to the Amalek story; I refer to the first as the literal trend and to the second as the moral trend. The literal trend adheres to the letter of the biblical text and reads the command to blot out Amalek as implying their utter physical destruction.<sup>45</sup> Furthermore, in accordance with the biblical command, not only the Amalekites but also their memory and

<sup>45</sup>Halakhic writings usually view the term "Amalek" in concrete terms and very rarely use it in a broader connotation that suggests nations in general. See, however, R. Yona's remarks, quoted by Yosef Karo in his commentary on Ya'akov b. Asher's *Arba'ah Turim* (*Beit Yosef: Yoreh De'ah*. 155 [*hagahat ha-meḥaber*]); Soloveitchik, "Kol Dodi Dofek," 102; and Gershoni, "Berurei Halakha be-Inyanei ha-Sho'ah," 23–24. These references, as mentioned, are quite unusual.

any object that might be associated with them must be destroyed, “so that their name might not be remembered by saying ‘this belongs to an Amalekite.’”<sup>46</sup>

The obligation to obliterate Amalek’s seed obviously rules out the possibility of accepting them as converts. Proof for this ban may be adduced from David’s behavior toward the Amalekite lad who informed him of Saul’s death:

For it is said: “And David said unto the young man that told him: ‘Whence art thou?’ and he answered: ‘I am the son of an Amalekite stranger’ (2 Sam 1:13). At that moment David recalled what had been told to Moses our teacher—that if a person of any of the nations should come desiring to be converted to Judaism, Israel should receive him, but a person from the house of Amalek they should not receive. Immediately: “And David said unto him: ‘Thy blood upon thy head: for thy mouth hath testified against thee’” (2 Sam 1:16).<sup>47</sup>

Amalekites, then, are not judged by their behavior, but by their membership in a specific ethnic group doomed to destruction; they can neither repent nor convert. As may be gathered from these halakhic sources, however, the literal trend tends to justify the punishment of Amalek, as well as the obligation of remembrance, in terms of the severity of their deeds. Implicitly, then, these sources assume that morality is autonomous from God, although halakhic tradition, which purports to articulate the word of God, could be expected to develop the view that morality is either dependent on, or is in conflict with, religion. As mentioned, however, not only did such views fail to develop, but evidence points to the presence of a trend seeking to reformulate halakhic norms so as to bring them in line with morality.

The presence of a moral trend within the halakhic system merits special attention. Halakhah tends to refrain from symbolic interpretations, which could undermine the normative, practical implications of the canonical text; instead, it strives to preserve the literal meaning. How, then, did this trend manage to “overcome” the text and harmonize it with moral demands?

I have already pointed out hints of a sense of unease regarding Amalek’s punishment. Explicit objections to the punishment of Amalek on moral

<sup>46</sup>Avraham Danzig, *Hayei Adam, Hilkhoh Megillah*. 155a. The reference to the Amalekite’s belongings alludes to R. Elazar of Modi’in in the *Mekhilta de-Rabbi Yishma’el* 2. 160: “The Holy One, blessed be he, swore by the throne of his glory: I will not leave any offspring or progeny of Amalek under the entire heaven, so that people will not be able to say: ‘This camel belongs to Amalek.’” See also Hayim Dov Chavel, ed., *Sefer ha-Hinukh* (Jerusalem: Mosad ha-Rav Kuk, 1951/52) 691.558; and Maimonides *The Commandments* (trans. Charles B. Chavel; London/New York: Soncino, 1967) 203 (positive commandment 189).

<sup>47</sup>*Mekhilta de-Rabbi Yishma’el*, 2. 160–61.



grounds, however, are not widespread in talmudic sources; in fact, quite the opposite is true. In *b. Sanh.* 20b, the obligation to destroy Amalek is defined as one of the three duties incumbent on Israel after conquering the land: "Three commandments were given to Israel when they entered the land; to appoint a king, to cut off the seed of Amalek, and to build themselves the chosen house." Only one talmudic source, in referring to Haman, whom legend holds to be a descendant of Amalek, seems to restrict the scope of this obligation: "The descendants of Haman studied Torah in Bnei Berak (and they included R. Samuel b. Shilath)."<sup>48</sup> According to this source, descendants of Amalek were not only accepted as converts, but also belonged to the cultural elite of the Jewish people and were counted among its most distinguished teachers.<sup>49</sup> Nevertheless, this passage, which is basically an *aggadah* (a nonhalakhic text), can hardly be viewed as a matching counterpart to the specific and well-supported command to annihilate Amalek. Against this backdrop, indications of a moral trend in halakhic rulings are even more striking.

Two versions of the moral trend appear in halakhic literature. One is the practical model, which eludes discussion of the moral consequences of Amalek's destruction by turning it into a purely hypothetical issue. The other is the theoretical model endorsed by Maimonides and his commentators, who insist on contending with the moral dilemma and suggest a comprehensive solution.

Several nineteenth-century halakhists, assuming that biblical instructions are clear, endorsed the practical model; they imposed an obligation to blot out the Amalekites, obviously precluding their acceptance as converts. At the same time, however, the halakhists claimed that this ruling could not be complied with in practice. They relied on a principle dating from tannaitic times in order to justify the impossibility of abiding by this command. *M.*

<sup>48</sup>*B. Sanh.* 96b. The addition in parentheses appears in several versions of the Talmud, such as Ya'akov b. Shlomo Ibn Habib, *Ein Ya'akov*, 2. *Yoma* 22. *Va-yarev ba-naḥal*. See also Raphael Nathan Rabinowitz, *Dikdukei Soferim*, *Sanh.* 96b.

<sup>49</sup>Many sages were troubled by this apparent contradiction between this talmudic passage and the passage from the *Mekhilta* and attempted to reconcile them. According to one approach, the mother of Haman's children is an Amalekite but not the father, and the children are thus not considered Amalekites "as the nations go by [determine ancestry by] the father" (Yosef b. Yehudah Engel, *Gilyonei ha-Shas*, *Giṭ.* 57b. *mibenei banav*). This approach would make the talmudic story consistent with the ban on Amalekite converts. According to another approach, the ban is said to apply not to the conversion of Amalekites per se, but rather to their entering the congregation, meaning that they can be converted but they cannot marry Jews (Mesholam Rata, *Kol ha-Me'aser*, 2.42). These approaches conflict, however, and the sages viewed this as a halakhic dispute between the *Mekhilta*, which supports a literal trend, and the Talmud, which endorses a moral trend. See, for instance, Ḥayim Yosef David Azulai, *Ayin Zokher* (Lemberg: n.p., 1865) 3.82–85; Eli'ezer Yehudah Waldenberg, *Tzitzit Eli'ezer* (15 vols.; Jerusalem: n.p., 1978) 13. 71d.

*Yad.* 4.4 states that “Judah, an Ammonite proselyte,” was allowed to join the congregation despite the biblical injunction that “an Ammonite or a Moabite shall not enter into the congregation of the Lord” (Deut 23:4). R. Joshua allowed this, however, on the grounds that “long ago Senaherib, king of Assyria, came up and confused all the nations,” implying that these are not the original nations. His view concerning Ammon and Moab was accepted against R. Gamaliel’s objection.<sup>50</sup>

Although Amalek was not included in this ruling during the tannaitic period, halakhists siding with the practical model applied the “commingling” principle to Amalek as well. Thus, for instance, Hayim Falaggi (1788–1896) wrote: “And one might say that they were allowed [to convert Haman’s children] because Senaherib came up [and confused the nations].”<sup>51</sup> Hence, advocates of the practical model significantly broadened the scope of the principle of “commingled nations”: first, they extended it to include Amalek, while the tannaim had explicitly refrained from doing so; second, while the tannaim had used this principle to enable Ammonites and Moabites to join the congregation—namely, to marry Jews<sup>52</sup>—supporters of the practical model extended this ruling to attain exemption from the biblical injunction to obliterate Amalek. Although this appears to be a bold conclusion, it is, in fact, dictated by the inner logic of the text. As the tannaitic principle is based on a “factual” claim—that of commingling—it irrevocably leads to the notion of allowing Amalekites not only to convert but also to join the congregation.

This analysis shows that halakhists, facing a tension between a canonical text they recognize as compelling and their own beliefs, can resort to a transitional principle. Supporters of the practical model use an “empirical” fact cited in the sources—“the commingling of the nations”—as a vehicle for their moral intuitions. Aware of their limited ability to reinterpret the canonical text so as to make halakhic norms accord with their moral views, they rely on a fact that allows them to restrict the scope of a ruling about which they have moral reservations.

<sup>50</sup>The mishnah draws a distinction between allowing members of the “four nations”—Amon, Moab, Egypt, and Edom—to convert, and allowing them to enter the community, namely, to take a Jewish spouse.

<sup>51</sup>Hayim Falagi, *Eynei Kol Hai* (Izmir: n.p., 1888) 73 (*Sanh.* 96b). This approach was also supported by other halakhists. Thus, for instance, Yosef Babad (1800–75), relying on this principle, viewed the obligation to blot out Amalek as completely hypothetical: “And now, we are no longer commanded [to blot out Amalek], because Senaherib has already come up and confused the whole world” (Yosef b. Moshe Babad, *Minhat Hinukh*, 2. 213 [commandment 604]). See also Hayim Hirschensohn, *Malki ba-Kodesh*, 1. 33; Avraham Karelitz, *Hazon Ish al ha-Rambam* (Bnei Brak: n.p., 1959) 842.

<sup>52</sup>“Judah, the Ammonite proselyte” asks to “enter the community” (Rata, *Kol ha-Mevaser*, 2.42).

In contrast, Maimonides, attempting to contend with the moral dilemma, suggested a broad, comprehensive approach. He stated that “all heathens, *without exception*, once they become proselytes. . . are regarded as Israelites in every respect. . . and they may enter the congregation of the Lord immediately. . . excepting the four nations” (my emphasis).<sup>53</sup> This is only a general guideline, however, since—citing the tannaitic principle of commingled nations quoted above—Maimonides claimed that converts from the four nations can also enter the congregation.<sup>54</sup> As for Amalekites, neither their conversion nor their inclusion in the community seems to pose any problem for Maimonides. Furthermore, he placed restrictions on the obligation to blot out Amalek. His approach regarding 2 Sam 1:13–16 and the slaying of the Amalekite stranger differs from that adopted in the *Mekhilta*:

It is a scriptural decree that the court shall not put a man to death or flog him on his own admission [of guilt]. This is done only on the evidence of two witnesses. It is true that Joshua condemned Achan to death on the latter’s admission, and that David ordered the execution of the Amalekite stranger on the latter’s admission. But those were emergency cases, or the death sentences pronounced in those instances were prescribed by the state law.<sup>55</sup>

Maimonides thus assumed that the only grounds for slaying the stranger were either an emergency or a state law and not, as assumed by the *Mekhilta*, the fact that he was an Amalekite. Both terms—“emergency” and “state law”—suggest that the killing deviated from standard halakhic norms. Whereas the *Mekhilta* had assumed that slaying the Amalekite stranger complied with the biblical injunction to destroy Amalek, Maimonides assumed that this killing, unless justified in terms of a legitimate principle, would be unacceptable.<sup>56</sup>

How, then, did Maimonides understand the obligation to destroy Amalek? It seems plausible that Maimonides took a different and severely restricted view of the commandment to blot out Amalek’s seed. An analysis of sev-

<sup>53</sup>Maimonides *Laws concerning Forbidden Intercourse* 12.17 in *The Code of Maimonides*, vol. 5: *The Book of Holiness* (trans. Louis I. Rabinowitz and Philip Grossman; Yale Judaica Series 16; New Haven/London: Yale University Press, 1965) 84.

<sup>54</sup>*Ibid.*, 12.25 (p. 86).

<sup>55</sup>Maimonides *Laws concerning Sanhedrin* 18.6 in *The Code of Maimonides*, vol. 14: *The Book of Judges* (trans. Abraham M. Hershman; Yale Judaica Series 3; New Haven: Yale University Press, 1949) 52.

<sup>56</sup>Compare Hayim David Yosef Azulai, *Patah Eynayim* (Jerusalem: n.p., 1959) 2.61. *Sanh.* 96b. *mibenei banav*. In fact, Maimonides’ ruling is more consistent with the text in 2 Sam 1:16, which states that David killed the Amalekite stranger because the latter had admitted to the killing of King Saul: “I have slain the Lord’s anointed.”

eral other Maimonidean rulings is required to understand the extent of these restrictions.

In *Laws concerning Kings and Wars* 6.1, Maimonides stated:

No war is declared against any nation before peace offers are made to it. This obtains both in an optional war and a war for a religious cause, as it is said: “When thou drawest nigh unto a city to fight against it, then proclaim peace unto it” (Deut 20:10). If the inhabitants make peace and accept the seven commandments enjoined upon the descendants of Noah none of them is slain, but they become tributary.

Before declaring an optional war—one not commanded by the Torah—as well as before declaring war for a religious cause—such as “the war against the seven nations, and that against Amalek”<sup>57</sup>—a peace offer must be made to the enemy. This offer should propose to renounce war if the enemy agrees to three conditions: to accept the Noachic commandments, pay tribute, and submit to servitude.<sup>58</sup>

The requirement that a peace offer be made even prior to waging a war for a religious cause would appear to deviate from the explicit biblical command to kill the Amalekites. Deut 20:10, which Maimonides quoted, concerns only optional wars, as is made clear further on: “Thus shalt thou do to all the cities which are very far off from thee, which are not of the cities of these nations. But of the cities of these peoples, which the Lord thy God gives thee for an inheritance, thou shalt save alive nothing that breathes” (Deut 20:15–16). The talmudic commentary on Deuteronomy, *Sifre*, explicitly states: “‘When thou drawest nigh unto a city’—Scripture speaks here of a non-obligatory war.”<sup>59</sup>

Maimonides might enlist support for the ruling regarding war against the seven nations from biblical as well as rabbinic sources. Following the explicit injunction in Deut 20:15–16, Deut 20:18 explains the reasons for the cruel punishment inflicted on these nations: “that they teach you not to do after all their abominations, which they have done to their gods; so should you sin against the Lord your God.” The source of this exceptional treatment is thus a deep fear that these nations might lead the people of Israel to the gravest of sins—idolatry. Once these fears become groundless, however, the ruling requiring that “thou shalt save alive nothing that breathes” may be considered irrelevant. Indeed, in another homily, the *Sifre* explicitly states this conclusion: “‘That they shall not teach you to do’—showing that

<sup>57</sup>Maimonides *Laws concerning Kings and Wars* 5.1 in *The Book of Judges*, 217.

<sup>58</sup>*Ibid.*, 6.1 (p. 220).

<sup>59</sup>*Sifre on Deuteronomy* (trans. Reuven Hammer; New Haven/London: Yale University Press, 1986) 199, 217. Compare Rashi [Shlomo b. Yitzhak] *Commentary on the Torah* on Deut 20:10.

if they repent they are not to be slain.”<sup>60</sup> Furthermore, Deut 2:24–26 also suggests that a declaration of war must be preceded by a peace offer, and Moses offers peace and does not slay Sihon, the Amorite king, although Sihon is king of a nation condemned to destruction.<sup>61</sup> In accordance with this trend, talmudic literature also suggests that before embarking on the conquest of the land, Joshua offered the Canaanite nations three options: to make peace, leave the land, or wage war.<sup>62</sup>

All the biblical and rabbinic sources that could be relied upon to endorse a more lenient view, however, consistently refer only to the Canaanite nations. No rabbinic source includes the Amalekites in this ruling, since the biblical instruction with regard to them is absolute: punishment is not justified in terms of suspicions concerning their potential bad influence in the future, but in terms of their past evil deeds. Maimonides’ revolutionary innovation was to include Amalek in the lenient policy, equating them with the seven nations:

In a war waged against the seven nations or against Amalek, if they refuse to accept the terms of peace, none of them is spared, as it is said “But of the cities of these peoples. . . thou shalt save alive nothing that breathes” (Deut 20:16). So, too, with respect to Amalek, it is said: “Blot out the remembrance of Amalek” (Deut 25:19).<sup>63</sup>

The biblical injunction explicitly states that Israel is only expected to comply with the command to obliterate the remembrance of Amalek after settling in the land, rather than in the heat of the battle: “Therefore it shall be, when the Lord thy God has given thee rest from all thy enemies round about in the land which the Lord thy God gives thee for an inheritance to possess it, that thou shalt blot out the remembrance of Amalek” (Deut 25:19). Relying on the rabbinic exegesis which made the destruction of the seven nations contingent on their behavior, however, Maimonides concluded that the command to blot out Amalek should also be considered contingent, and restricted it to the specific circumstances in which Amalek refused to accept a peace offer. Avraham of Posquieres (1120–1198), Maimonides’ well-known critic, objected to Maimonides’ restriction, arguing that “this [Maimonidean ruling] is a distortion.”<sup>64</sup>

How did Maimonides justify this blatant deviation from the text? Bornstein suggested that Maimonides viewed Amalek’s plight as different

<sup>60</sup>*Sifre on Deuteronomy*, 202.

<sup>61</sup>Compare Nahmanides *Commentary on the Torah* on Deut 20:10.

<sup>62</sup>*Y. Shevi’it* 6.5. See also Nahmanides *Commentary on the Torah* on Deut 20:10.

<sup>63</sup>Maimonides *Laws concerning Kings and Wars*, 6.4.

<sup>64</sup>R’avad [Avraham b. David] *Hasagot ha-Ra’avad le-Mishneh Torah* on Maimonides *Laws concerning Kings and Wars* 6.4.

from that of the seven nations. Bornstein then used this difference to justify a more lenient attitude toward Amalek:<sup>65</sup>

I believe they teach that the seven nations have themselves sinned and committed all iniquities and become liable to die. And we would think that this means that repentance will not help. . . . But Amalek are punished for the sins of their fathers. And we know that it is written "Fathers shall not die for children, nor shall children die for fathers."<sup>66</sup> . . . But if they have repented and accepted the seven [Noachic] commandments, this means they do not persist in their ancestor's deeds, and should thus not be punished for their iniquities.<sup>67</sup>

According to Bornstein, Maimonides relied on two assumptions. First, that Amalek was punished because of a real event that took place in the past, and that this punishment was not meant as revenge; rather, its purpose was to prevent the occurrence of similar acts in the future. Second, he assumed that the Torah—the biblical text—as well as the rabbinic literature which refers to it make up a coherent legal system. If the Torah contains a general guideline forbidding the punishment of children for the sins of their fathers, then this instruction must also apply to Amalek. Resting on these two assumptions, Bornstein concluded that if the Amalekites no longer behaved like Amalekites, and, moreover, clearly expressed this through their readiness to adopt the basic norms of the seven Noachic commandments, as well as to pay tribute and enter into servitude, it would be wrong to kill them.

Indeed, Maimonides assumed that the punishment of Amalek had a purpose:

The *Book of Judges* includes also the commandment to destroy *the seed of Amalek*, for one particular group or tribe ought to be punished, just as one particular individual is punished, so that all tribes should be deterred and should not cooperate in doing evil. For they will say: lest be done to us what was done to the sons of such and such a man. Thus, even if there should grow up among them a wicked corrupt man who does not care about the wickedness of his soul and does not think of the wickedness of his action, he will not find a helper of his own

<sup>65</sup>Bornstein, *Avnei Netzer: Oraḥ Hayim*, 2.508.

<sup>66</sup>As I pointed out above (n.18), Bornstein showed the claim that this verse applies only to Israel and not to the nations to be inaccurate.

<sup>67</sup>Bornstein, *Avnei Netzer: Oraḥ Hayim*, 2.508. This distinction relies on a rabbinic midrash attempting to reconcile the contradiction between two verses. One states, "Fathers shall not die for children, nor shall children die for fathers, but every man shall die for his own sin" (2 Chr 25:4), and the other suggests a different scenario, one of "punishing the iniquity of the fathers on the children, and on the children's children, to the third and to the fourth generation" (Exod 34:7). The rabbis solved this contradiction by claiming that "the one verse [in Exodus] deals with children who continue in the same course as their fathers, and the other [in 2 Chronicles] with children who do not continue in the course of their fathers" (*b. Ber.* 7a).

tribe to help him in the wicked things whose realization he desires. Accordingly it was commanded that Amalek, who hastened to use the sword, should be exterminated by the sword.<sup>68</sup>

Furthermore, another general principle suggested by Maimonides states that “there is no vengeance in the commandments of the Torah, but compassion, mercy and peace in the world,”<sup>69</sup> illuminating Maimonides’ approach to punishment in general—the Torah does not crave vengeance, and punishment must have a purpose. To attain this purpose without resorting to punishment is preferable, and if the Amalekites agreed to the suggested peace terms, it would not be necessary to kill them.

In other words, Maimonides’ moral interpretation is in accordance with the spirit of the Torah and its fundamental premises regarding human justice, premises that should come into play in our behavior toward all human beings. It is on this basis that Maimonides radically restricted the ruling to destroy Amalek, seeing “neither obligation (nor merit) in eradicating or harming this nation without a moral justification.”<sup>70</sup>

Maimonides thus allowed the conversion of Amalekites and even permitted them to join the congregation of Israel. The command to destroy them utterly would only be relevant if they rejected an offer of peace.<sup>71</sup> The war against Amalek is not waged on ethnic grounds but on ethical and cultural ones. In this sense, Maimonides also anticipated the symbolic trend in biblical exegesis which, although it was formulated in the nineteenth century, has roots in these halakhic rulings. Maimonides’ rulings represent a revolutionary change in the interpretation of the biblical command to punish Amalek, especially because the interpretation is based on moral principles rather than on an accepted textual source. In fact, the practical model retracted from this radical approach and preferred to rely on practical considerations. The practical model claims strict adherence to the canonical text but refrains from carrying out its instructions on practical grounds—because of the commingling of the nations, even the Amalekites may join the congregation. In contrast, the theoretical model, of which Maimonides was the paramount representative, restricts textual instructions so as to reconcile them with basic moral assumptions. This attempt at accommodation shows that morality operates as an autonomous factor and, furthermore, points to an inverted relation of dependence, whereby religion

<sup>68</sup>Maimonides, *The Guide of the Perplexed* (2 vols.; trans. Sholomo Pines; Chicago: University of Chicago Press: 1974) 2. 566 (3.41).

<sup>69</sup>Maimonides *Laws concerning the Sabbath* 2.3 (my translation).

<sup>70</sup>Gerald J. Blidstein, *Ekronot Medinyim be-Mishnat ha-Rambam* (Ramat Gan: Bar-Ilan University Press, 1983) 223. Although my analysis of Maimonides’ views differs from Blidstein’s on several counts, I agree with his general approach as formulated in this quotation.

<sup>71</sup>Compare Karelitz, *Hazon Ish*, 842; Waldenberg, *Tzitzit Eli’ezer*, 13.71d.

depends on morality rather than morality on religion. God's command, as well as the norms flowing from it, are now reinterpreted in this light.

## ■ The Canonical Text and the Problem of Moral Exegesis

This review of the moral trend in halakhic rulings and the symbolic trends in exegetical literature necessitates that we reexamine our attitude toward the Torah, the canonical text, since these trends would seem to undermine the preferred status of the canonical text and to favor ethical considerations instead of textual adherence. While all the trends discussed in this work recognize the Torah as a canonical text, they differ regarding the status accorded to morality in the exegesis of this text. Although the literal trend believes that an exegesis imputing new meanings to clear textual instructions is unjustified, it does not thereby imply that morality depends on religion. Instead, this trend accepts the assumption that God is morally perfect, an assumption prevalent in Jewish tradition, from which this trend concludes that Amalek's punishment is morally justified. As mentioned above, the very need to justify God's command suggests a rejection of the thesis that morality depends upon religion, which would make justifications altogether redundant.

In contrast, the moral and the symbolic trends assume that the text should be interpreted and understood in accordance to moral assumptions. The process of exegesis does not undermine the canonical validity of the text; rather, it stresses our total commitment to it: If the text has no canonical status, why interpret it at all? Interpretation, instead of dismissing the text, serves to mediate between the text and moral approaches.<sup>72</sup>

The primary question, then, is whether the moral approach ultimately sacrifices the text on the altar of moral considerations. As we noted, however, advocates of the moral approach rely not only on their moral intuitions but also on textual sources, suggesting that this approach has roots in the canon, if not always in the biblical text. Amiel relied on a talmudic exegesis,<sup>73</sup> while the claim that "every man shall die for his own sin" (Jer 31:30), a prime justification of Maimonides' rulings, is a biblical verse. At every layer, then, canonical literature suggests more than one approach, and at times even suggests an approach that cannot easily be accommodated with a literal reading.

The first premise of the moral trend is that the text must be interpreted coherently; neither the exegete nor the halakhist look at the text as an

<sup>72</sup>For a further discussion of the mediating status of interpretation in Jewish tradition, see Marvin Fox, "Judaism, Secularism and Textual Interpretation," in idem, ed., *Modern Jewish Ethics* (Ohio: Ohio State University Press, 1975) 585–87; and Avi Sagi, "Bein Peshat le-Drash," *Tarbitz* 61 (1992) 3–28.

<sup>73</sup>See above, pp. 333–34.



isolated unit, divorced from the broader context of the Torah and the rabbinic tradition.<sup>74</sup> Moreover, if the basic assumption is that the Torah conveys the word of a good God, then a moral reading of the canonical text is not only a theoretical option but a religious obligation.

The moral approach is preferred by its supporters on the grounds that a literal reading may at times cast doubts on the notion that God is a good God. Advocates of the literal trend take issue precisely with this point. Although they accept that the text is usually read within a broader context, they do not believe that this context—including an assumption of God's goodness—can be used to change the text's clear meaning. The context might be useful in instances of textual ambiguity, they argue, but the punishment of Amalek is an explicit command and, therefore, we must assume that it is also morally correct.

The difference between the moral and literal trends is not that one endorses a thesis claiming that morality depends on religion while the other endorses moral autonomy. Both trends argue that the Torah's commands must accord with moral considerations, but whereas the literal trend strives to *justify* the text as is, the moral trend strives to *reinterpret* the text in the light of moral assumptions. Echoes of this dispute can be detected not only in canonical talmudic texts; this is a polemic that, not surprisingly, continues to be relevant today. When believers are committed to the canonical text as well as to their own moral understandings, this dialectic process is inevitable. While all approaches agree in assuming that the instructions of the Torah correspond with morality and that morality is independent of religion, they reflect different views of the relevance of moral consciousness to the interpretation of the text and to the norms compelled by it.

<sup>74</sup>Jonathan Sacks points out ("Creativity and Innovation in Halakha," in Moshe Sokol, ed., *Rabbinic Authority and Personal Autonomy* [Northvale, NJ: Aronson, 1992] 129) that this approach strongly resembles the Catholic emphasis on the *ecclesia*, in contrast with the Protestant tradition that emphasizes the text itself. This remark is correct in that the context of the Torah's traditional exegesis also—even primarily—includes rabbinic tradition. We should not thereby conclude, however, that Protestant exegesis does not endorse principles of textual coherence and uniformity.