

SOME JEWISH VALUES TO GUIDE US DURING THE ONGOING GAZA WAR

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1. Tzelem Elohim: “We are all created in God’s image.”

(Genesis 1:27, 5:1, Exodus 20:15 Mishnah Sanhedrin 4:5)

Judaism asserts unequivocally that *every* human being reflects God and is subject to the same protections, dignity and obligations as every other human being. It’s thus the responsibility of individuals, communities and political entities, especially those at war, to take every reasonable precaution to protect civilians during conflict. It’s forbidden to intentionally kill innocent human beings; thus, the targeting of civilians for any purpose is forbidden, whether those civilians are Israelis, Gazans or anyone else. The Torah doesn’t tell us that we can’t kill, it tells us that we can’t murder. Killing in self-defense, preemptively or in response to aggression, is permitted and at times required. (See #6 below.) Yet that never gives anyone license to kill civilians or to label them as enemy combatants or potential enemy combatants deserving of death.

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2. We distinguish between the innocent and the guilty.

(Genesis 18)

When God declares to Abraham that God will destroy entirely the twin cities of Sodom and Gomorrah for their evildoing, Abraham challenges God to distinguish between the righteous (those who are innocent) and the wicked (those guilty of doing evil). Abraham criticizes God, “Shall not the Judge of all the earth do justice?” It’s clear from their dialogue that shunning collective punishment is a divine ethical standard incumbent not only upon God but upon human beings because we emulate God. Given this foundational Jewish story, polemical declarations on either side of the current conflict that “there are no innocent civilians in Gaza” or that “all Israelis are enemy combatants” are simplistic, dangerous and antithetical to Jewish values.

For a more detailed treatment of this idea, see my essay:

<https://thelehrhaus.com/timely-thoughts/the-child-at-this-moment-the-child-that-could-become-a-torah-meditation-in-wartime/>

I extend this value to the reprehensible attacks on our people in recent weeks. They have been carried out by extremists who are angered over Israel’s military activity in Gaza or who use it as a pretext to express hatred toward Jews. Critiques of Israel’s government may never be



translated into harm of innocent human beings simply because they're associated with Israel, Israelis or the Jewish community. We would never – and should never – tolerate the targeting of *anyone* simply because of their ethnic or national identity. Political opposition that spills over into violence against innocent human beings is a violation of their basic civil rights and of Jewish values.

3. *Ahavat Yisrael V'Ahavat Ha-Briot: "Love for our fellow Jews and love for our fellow human beings do not have to be antithetical and can be complementary."*
(Genesis 1:27, Leviticus 19:18, Jerusalem Talmud, Tractate Nedarim 9:4)

Love for our family - the Jewish people - is a particularistic subset of love for the global human family. At times, it must be our priority; at other times, we as Jews must also care equally for our fellow human beings. The two principles at times stand in tension with each other, but they are not diametrically opposed, they do not cancel each other out, and demands for a forced choice between the two can be dangerously misguided.

Many Jewish and Zionist leaders (myself included) hold firmly that one must be concerned about the safety and security of our people, here and abroad, *and* be concerned about the safety and security of civilians in Gaza and on the West Bank.

4. *Mitzvat Pidyon Shvuyim: "The commandment to redeem captives."*
(Genesis 14:12-16, Mishnah, Tractate Gittin 4:6, Babylonian Talmud, Tractate Bava Batra 8-9, Maimonides, Mishneh Torah, Laws Concerning The Poor, Chapter 8)

Fulfilling this commandment is one of the highest expressions of *Ahavat Yisrael*. It is one of our greatest commandments, at times even superseding the commandment to support the poor if communal resources are limited. Traditional rabbinic sources specify limits on how far a community should go to redeem captives. This mitzvah is a guiding principle in Israel's attempts to bring home safely the remaining hostages being held by Hamas in Gaza. Balancing between pursuing Hamas and pursuing a ceasefire, in part to bring the hostages home, is agonizing. Nonetheless, bringing them home must remain a major priority of the Israeli government, of world Jewry and of global humanity.



5. Mipnei Darkei Shalom: "We help our non-Jewish neighbors in the pursuit of peace."

(Babylonian Talmud, Tractate Gittin 61a)

This value can be applied to efforts to strengthen Israeli society for *all* its citizens as well as efforts to rebuild Palestinian society. These efforts emerge from two equally valid Jewish positions: first, *all human beings* - Jewish and non-Jewish - are created *b'tzelem Elohim*, in God's image, as I discussed above. Second, creating circumstances for our Palestinian neighbors to thrive will make it much easier for our beloved state of Israel to thrive, as we all share in regional peace.

6. Kriyat Shalom: "The obligation to pursue peace in the midst of war."

(Deuteronomy 20:10, Sifrei on The Book of Deuteronomy, 20:10-20, Sifre on Deuteronomy 20:199-203; Maimonides, Mishneh Torah, Laws of Kings, 6)

We read in Deuteronomy 20:10: "When you approach a town to make war with it, you shall offer it terms of peace." Much of what follows this verse is harshly militaristic and violent; reflecting the military ethics of the ancient middle east, Deuteronomy offers a vision of subjugation and destruction of enemy populations during battle that we moderns rightly find repugnant. Still, this ancient military ethic at least obligates us to pursue peaceful negotiations during ongoing war. The later rabbis of the Talmud held fast to this basic value by extending it. They were sufficiently disturbed by much of the Torah's approach to war that they significantly modified some of its harshest rules concerning treatment of enemy populations. Even more significantly, the Talmud effectively overrode the Torah's call to wipe out our traditional enemies such as the Amalekites and the Canaanites. Jewish extremists who openly identify Palestinians or other Jews they oppose with these long-gone enemies do so only to incite their followers to engage in violence against them. Their rhetoric is un-Jewish and has already shown itself to be extremely dangerous. (See #14 below.)

7. Ha-Ba L'horgekha Hashkeim L'horgo: "Self-defense is a legitimate right and a weighty obligation".

(Babylonian Talmud, Tractate Sanhedrin 72b)

Like individuals, sovereign states have both a right and an obligation to defend their citizens. There are clear rules and conventions of military engagement within *Halakhah* (Jewish law), Israeli law and international law, especially about treatment of civilians. See for example the renowned Israel Defense Forces Code of Military Ethics:

<https://www.jewishvirtuallibrary.org/ruach-tzahal-idf-code-of-ethics>



This does not change the fact that Israel has a right and an obligation to protect its citizens from aggression, especially that of extremists seeking to attack civilians and to destroy the State.

8. Eizehu Gibor? Ha-kovesh Et Yitzro: “The courageous person is the one who subdues their impulse”.

(Mishnah, Tractate Avot 4:1)

As I wrote above in #7, Israel has a renowned military code of ethics which includes rules for dealing with civilians in wartime. This Jewish value reminds us that, especially in a time of traumatic conflict, Israel needs to behave according to our best ethical impulses, even and especially when dealing with a large civilian population in wartime. Certainly, fighting an enemy like Hamas that uses its own people and institutions as human shields makes this extremely difficult at times. Further, the tragic reality is that there are times when the Israeli army’s emphasis needs to be on minimizing harm to soldiers first during active combat. Still, aspiring always to fulfill this ethical standard of military self-restraint is imperative.

9. Bal Tash-ĥit and Parnasat Aniim: “Wartime destruction or withholding of food supplies is forbidden; the supreme obligation of feeding those who are hungry”.

(Deuteronomy 20:18-19; Sifrei on Deuteronomy 20, #203; Maimonides, The Book of The Mitzvot, Negative Commandment #57; Commentary of Rabbi Avraham ibn Ezra to Deuteronomy 20:19; Commentary of Sefer Ha-ĥinukh—The Book of Mitzvah Instruction, #529; Isaiah 58; Babylonian Talmud, Tractate Bava Batra, 9a; Maimonides, Mishneh Torah, Laws of Gifts To The Poor, chs 8-10.)

Deuteronomy 20:19 forbids soldiers attacking an enemy city from destroying fruit trees in the vicinity. The key phrase in that verse can be translated, “For a person is a tree of the field,” which is hard to understand. *Sifrei* is the ancient rabbinic legal commentary on Deuteronomy. It explains these words to mean that the lives of people are dependent upon the fruit trees of the field. *Sifrei* is alluding to the prohibition against a scorched earth policy: even during violent conflict, we don’t destroy sources of food. Everyone, combatants and civilians alike, depends upon them for survival. By extension, withholding food from a civilian population, even to defeat an enemy, and especially to enrich oneself, is forbidden. All of this is the source of *Bal Tash-ĥit*, the prohibition against wanton destruction of life-giving resources. See Aaron of Barcelona’s beautiful explanation of this mitzvah, which speaks quite aptly to proper Jewish conduct even and especially during wartime:

https://www.sefaria.org/Sefer_HaChinukh.529.2?lang=bi

More generally, ensuring that no one goes hungry is a mitzvah of the highest order. A prominent opinion in the Talmud and later codes of Jewish law forbids us from even investigating the claims of someone asking us for food, let alone outright denying them food. How much more is this the case when it's painfully clear that a person or community is threatened with malnourishment or starvation.

10. Mi She Oseh Son-o Ohavo: "The courageous person is the one who turns his enemy into his friend".

(Babylonian Talmud, Avot D'Rabbi Natan 23)

In the aftermath of terrorist attacks that followed the Oslo peace process, Prime Minister Yitzchak Rabin declared: "We must fight terrorism as if there's no peace process, and work to achieve peace as if there's no terror." Rabin, who paid with his life for these ideas, understood that Jews don't ever despair of peace, no matter how horribly our enemies attack us nor how brutal the wars are between us and our neighbors. Anyone can wage war. It takes the greatest efforts of empathy and vision to pursue peace. Even as we rightly defend ourselves, we need to remember to act in the long term on this best impulse of our Jewish values.

11. Al Tadin Et Chaverkha: "Don't judge your fellow human being until you've been in his place".

(Mishnah, Tractate Avot 2:4)

As much as we diaspora Jews share in the trauma of our Israeli brothers and sisters, their trauma is their own and their existential anxieties are their own. We can empathize with them and give them tremendous support. But living here in America, all its challenges for Jews notwithstanding, there is a limit to how much of their suffering and concern we can completely understand. We live here, not there. Israelis must figure out how to protect themselves. We should consider this fact with great humility.

And at the same time..

12. Hokhei-aH Tokhi-aH Et Amitekha : "Constructive criticism is a mitzvah".

(Leviticus 19:17, Babylonian Talmud, Tractate Arakhin 16b, Maimonides, Mishneh Torah, Laws of Character Traits, 6:5-9, Rabbi Shlomo Goren, Responsa #1, Section 14)

Leviticus 19:17 states: "You shall not hate your kinsfolk in your heart. Reprove your kin but incur no guilt on their account." Reproof – that is, rebuke as constructive criticism – is required, not

merely permitted. This includes whether you are criticizing someone for doing wrong to you or for violating a law of the Torah. In addressing Israelis protesting government actions, Rabbi Shlomo Goren, the late Chief Rabbi of Israel, made clear that such reproof at the national level is obligatory and that it must be done peacefully. Interestingly, he was writing about protesting government plans to trade land for peace with Israel's enemies. Still, he was making the general point that protesting government actions deemed illegal, immoral, or dangerous is rooted in the Torah. At least to some extent this Torah commandment of constructive criticism encompasses the entire Jewish people globally, not merely Israeli citizens. When done properly, it is a legitimate and critical part of our internal dialogue about what all of us – not just Israelis - mean by Jewish peoplehood, Israeli sovereignty, and Jewish values, especially when we possess sovereign power.

13. Eilu V'Eilu: "Civil debate and disagreement define us as Jews".

(Babylonian Talmud, Tractate Eruvin 13b)

Hamas violence against Israel and the ensuing war in Gaza have left us deeply shaken and terrified. It continues to be hard for many of us to have discussions about those things that are most vital to Israel's Jewish, democratic, and ethical interests. This might especially be the case for those of us who have loved ones in Israel who are injured, serving in active military duty, who have been abducted, or who are missing. Much of what we need to do continues to focus on healing and support, not debate. However, balanced, reasoned discussions among all of us who care about Israel, the Jewish people, and all human life must continue to happen, without invective, accusations of disloyalty, shouting down, canceling, or ignoring those with whom we disagree. Civil debate isn't an option in classical Jewish thought and life: it's an obligation.

14. Emet, Din, V'shalom: "Real peace can only be pursued with truth and justice".

(Babylonian Talmud, Perek Hashalom: The Tractate on Peace, #1; Exodus 23:7; Babylonian Talmud, Tractate Arakhin 15-16; Maimonides, The Book of Mitzvot, Negative Commandment #290; Maimonides, Mishneh Torah, Laws of Character Traits, 7:2 and Laws of The Sanhedrin 20:1)

Sadly, the pursuit of peace at times can't happen without prior military action. Not everyone in a conflict wants to pursue peace with their enemy, and violent actors must be subdued. Yet what happens after the war or the ceasefire? How can parties to a conflict sincerely sue for peace without unjustly or dishonestly imposing upon each other terms that are unacceptable or unattainable? Judaism has no simple answers to such questions. Yet it does teach us repeatedly that pursuing peace requires the courage of deep listening, uncomfortable compromises by all

parties, just solutions to the sources of conflict, and everyone's willingness to own responsibility for the past without letting it dictate the future.

An important reminder about falsehood. Jewish law is especially strict about avoiding falsehood based upon conjecture and poor evidence as well as the prohibition against slander, that is, lying about others on purpose. (See Exodus 23:7 and the sources that follow). Words are not merely words, they have impact, especially when they're used repeatedly as rhetoric meant to inflame and to incite others. Criticism of Israel, like that of any other nation, is indispensable free speech behavior; but it must be called out when it is not based upon opinion that is well informed and especially when its intent is to demonize Israelis or Jews. Similarly, calling out Palestinian leadership for terrorism is imperative. Blatantly dehumanizing all Palestinians or calling for Israel to repress or destroy all of them because they're modern-day Amalekites etc. is dangerous and hateful. This too is not to be tolerated.

15. Ahavat Shalom, Redifat Shalom: "Not just loving peace, but pursuing it".

(Mishnah, Tractate Avot: 1:13; Babylonian Talmud, The Tractate on Peace, 20:4)

Hillel the Elder wasn't mouthing a platitude when he challenged us to love peace, pursue it, love our fellow human beings and draw them near to the Torah. He understood that proclaiming a love of peace *without* actively pursuing it was a "no-starter" strategy. He admonished us that actively working for peace is extremely difficult, especially when dealing with one's enemies. Nonetheless, that active pursuit is the only way for genuine peace to happen.

16. And Finally: Assur L'hitya-eish: "Despair is prohibited".

(Chayei MoHaRaN 49:1--The Biography of Rabbi Nachman of Bratzlav.)

Nachman of Bratzlav was one of the seminal spiritual thinkers of the Hasidic tradition. He also famously struggled with bouts of deep depression, which he often explored from a Jewish spiritual perspective. He understood despair personally and as a Jew in 18th century Eastern Europe, a harsh place for our people. Given the horrific situations that Israel and the world face right now, it is understandable that people feel such despair. Nachman reminded us that we are forbidden from losing hope. At best, despair leads to entrenched apathy, which leads to paralysis. At worst, despair causes some people to lash out violently against others, thus deepening cycles of hatred and violence. Statements by Jewish leaders that Israel and the Jewish people "must forever live by the sword" not only imprison people in despair, they justify the endless propensity toward violence that it engenders. *Despair is not a Jewish value, hope is:* hope that our people will find true safety, hope that Israel can achieve just and lasting peace with Her neighbors, hope that the world will be safe for our people and for all people.