



### Question:

We read in Devarim, "When you approach a town to attack it, you shall offer it terms of peace". What does "offer it terms of peace" mean? In which type of war does this apply?

### Answer:

Contrary to the modern use of the term "make peace", the offer of peace in the Torah is an offer to avoid battles and bloodshed. In fact it is a call for surrender, which becomes very clear from the verses that follow. "If it responds peaceably... all the people present there shall serve you at forced labor. If it does not surrender to you, but would join battle with you, you shall lay siege to it... you shall put all its males to the sword."

In the Midrash Halacha, Sifrei Devarim it is stated, "If you draw near to a city": Scripture here speaks of an optional war". Rashi reads this Midrash literally "Scripture is speaking of a war which is not obligatory, as it is distinctly stated 'Thus thou shalt do unto all the cities which are very far [from thee]'". However, most authorities disagree with Rashi and concur with the Rambam who states: "War, neither a *milchemet hareshut* or a *milchemet mitzvah*, should not be waged against anyone until they are offered the opportunity of peace."

As for the Sifrei's statement the Ramban suggests "the intent of our Rabbis with reference to this verse, refers only to the later section wherein there is a differentiation between the two kinds of wars". Namely, the Sifrei's distinction applies to the response to those who turn down the peace offer.



Though most authorities agree that a call for peace is required in all relevant wars, there is one exception, when no such requirement exists. The Sifrei teaches that the verse, "You shall never concern yourself with their welfare or benefit as long as you live", teaches that the requirement of offering peace does not apply to Amon and Moab. The Rambam rules accordingly that, "No offer of a peaceful settlement should be made to Ammon and Moab".

Today: In principle the requirement of offering peace, which is a moral value, to avoid bloodshed, is relevant today as in the past. It is true that the wording in Seffer Hachinuch is, "This mitzva applies when Israel are in their land". That type of wording usually indicates a requirement for all or most Jews to reside in the land. Yet both from a logical perspective and in light of his own words that understanding would not apply here. The Seffer Hachinuch when speaking of the exclusion of Amon and Moab from this halacha writes: "Now, in this time, we do not have the strength to fight". We can conclude that today, when God has blessed us with a powerful army, the requirement to offer peace applies to us.

#### Sources:

Devarim 20, verses 10-18.

Sifrei on verse 10 begging "ki tikrav".

Rashi on verse 10 "ki tikrav".

Rambam Hilchot Melachim ch6 halacha 1.



Ramban Devarim 20 verse 10, "ki tikrav".

Sifrei Devarim 20 verse 10 "ko tidrosh".

Devarim 23, verses 4-7.

Rambam Hilchot Melachim 6 halacha 6.

Seffer Hachinuch mitzvot 527 and 562.

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