

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

Introduction to the Prophets:

Shiur #20: Sefer Yehoshua – Chapter 9 Conclusion
The War of Conquest and the Pretense of the Giv'onites

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INTRODUCTION

This week, we will begin by considering a passage in Devarim 20 discussing warfare, which sheds light on our episode of the Giv'onites. We will see that, according to Torah law, warfare, like every other facet of human endeavor, must be waged in accordance with Divine principles. The Israelites are expected to adhere to guidelines that govern their conduct and that set limitations on their behavior in conflict.

The passage opens with an injunction to be fearless even in the face of overwhelming odds and to trust in God's deliverance, for He can prevail just as surely as He liberated the Israelite slaves from their powerful Egyptian overlords. Then the Torah singles out individuals who are exempt from waging wars of expansion, namely the builder of a new house, the planter of a new vineyard, or one who betroths a new wife. The final exemption pertains to one who is "afraid and faint of heart" (20:8), who is sent home in order to not undermine the morale of the fighting troops.

The next section in the passage addresses the treatment of the enemy forces:

When you draw near to a city to wage war against it, then you shall first proclaim peace. If they respond in kind and open the gates for you, then all of the people that are in the city will pay tribute and serve you. If they do not surrender peacefully but rather fight against you, then you shall besiege them. When God gives the city into your hands, then you shall smite all of its men by the sword. But the women, the children, the animals and all of the goods that are in the city you may take, for so shall you consume the spoils of your enemy that God your Lord gives you. Thus shall you do to all of the cities that are very far from you, that are not the cities of these nations here. But from the cities of these people that God your Lord gives you as an inheritance, you shall not spare any soul. Rather, you shall completely destroy them, the Hittite, the Amorite, the Canaanite, the Perizite, the Chivite, and the Jebusite, just as God your Lord commands you. This is in order that they not teach you to perform all of the abominations that they do in the service of their gods, for then you shall transgress against God your Lord (20:10-18).

Finally, the concluding verses address the treatment of the enemy's environs, and put forth the remarkable command to refrain from cutting down the fruit trees of the besieged city. In so doing, the Torah effectively outlaws a "scorched earth" policy of wanton and reckless destruction, even as the enemy forces are besieged and conquered.

TREATMENT OF THE ENEMY

It is, of course, the middle section that concerns us here, for it outlines how the Israelite army is to treat their adversaries on the battlefield and in its aftermath. At the outset, an enemy city must be offered the option of surrender. If the terms of surrender – tribute and servitude – are accepted, then none of its inhabitants may be harmed. If, on the other hand, the enemy city insists on warfare, it may be attacked and all of the combatants may be killed. The civilian women and children, though, may not be hurt but may be taken captive, and the city's goods may be taken as spoils. Concerning the cities of the Canaanites, however, the cities of "these nations" that are comprised of six specific tribal groups, the passage draws a sharp distinction. In the event of warfare, none of the inhabitants of such cities are to be spared, lest they lead the conquering Israelites astray by enticing them to worship their gods and to perform the licentious rites associated with that worship, thus distancing them from God.

This passage contains an inherent ambiguity, and the commentators sharply disagree on the most plausible reading. For the "far-off" enemy city, the Torah outlines two separate elements: first, an overture of peace must be extended. Second, in the event of war, only the male combatants may be killed. The passage then goes on to distinguish between these "far-off cities" and the "close cities," i.e. between non-Canaanite and Canaanite enemies. The text makes clear that, in the event of war, non-Canaanite civilians are not to be harmed, whereas Canaanites (soldiers and civilians) are to be wholly destroyed: "you shall not spare any soul." What is unclear, however, is whether the peace overture that must be offered to non-Canaanites must also be proclaimed to Canaanite cities, or whether, the Canaanites are not to be offered any possibility of surrender at all.

THE OFFER OF SURRENDER: ONLY FOR NON-CANAANITE CITIES?

Textually, the resolution of the matter depends on the interpretations of the phrase, "Thus shall you do to all of the cities that are very far from you, that are not the cities of these nations here," following the description of the peace overture, its refusal, the ensuing battle and conquest, the killing of the male fighters, and the preservation of the women and children. Does this phrase modify everything before it, including the opening statement that spells out the necessity of offering peace terms? If so, the implication is that such overtures are to be denied to the Canaanites – "thus shall you do, to extend offers of peace and protection of civilians, to all nations far from you, but not to the Canaanites who constitute 'these nations here.'"

On the other hand, perhaps the phrase modifies ONLY the action to be taken in the event of actual warfare, thus implying that the offering of peace terms is to be applied equally to the Canaanites as well, that they, too, have the opportunity to surrender and thereby spare their populations from the harsh consequences of defeat. In this case, the opening passage of "when you draw near to a city to wage war against it, then you shall first proclaim peace. If they respond in kind and open the gates for you, then all of the people that are in the city will pay tribute and serve you" applies to ALL enemy cities, including those of the Canaanites. According to this reading, the only difference between non-Canaanite and Canaanite cities would only be in the event of actual combat that follows a spurned offer of peace: non-Canaanite civilians may be spared, but all Canaanite civilians are to be killed!

RASHI'S EXPLANATION

Significantly, Rashi (eleventh century Provence) adopts the straightforward but severe first reading, and understands that, in fact, the overture of peace had to be extended only towards those cities that did not lie within Canaan's borders. According to Rashi, the nations of Canaan were not to be

offered any possibility of surrender, but were instead to be wholly obliterated (see his comments to Bemidbar 21:21, Devarim 20:10, as well as Sota 35b). While raising troubling moral issues, Rashi's explanation has the advantage of explaining the Giv'onites' motives in Yehoshua. As members of the Chivite tribe, one of the so-called "Seven Nations" that inhabited the land of Canaan, the Giv'onites were slated for extinction, and their ruse was a desperate attempt to avoid that eventuality by securing an oath of preservation from their unsuspecting vanquishers. According to Rashi, we must recast Yehoshua's puzzlement – "Yehoshua summoned them and said: 'Why did you deceive us by saying that you were from a place far away from us, when in fact you dwell in our midst?'" – as an expression of astonishment at the audacity of the Giv'onites, rather than perplexity concerning their rationale.

As for the Rabbinic sources that indicate that on the eve of the Israelite invasion Yehoshua sent a vanguard of messengers to the nations inhabiting Canaan bearing triple proclamations of retreat, surrender, or war, we must submit that according to Rashi the possibility of surrender was only extended to the Canaanites BEFORE Israel crossed the Yarden. Once they crossed over, however, the option of surrender was no longer offered. As we saw last time, not all of the variant sources of this Rabbinic tradition would accord with Rashi's reading.

THE COMMENTARY OF THE RAMBAN

In contrast to Rashi's explanation, the Ramban (thirteenth century Spain) avers that the overture of peace spoken of in Devarim 20, was in fact, extended to all enemy cities, including those of the Canaanites:

...indeed, the passage from Devarim distinguishes between both types [of enemy, but only insofar as combat is concerned]. The injunction to extend an offer of peace, however, applies even to obligatory wars such as those waged against the Seven Nations of Canaan. After all, did not Moshe send a offer of peace to Sichon the King of the Emorites (see Bemidbar 21:21, and Devarim 2:26-30)? Surely, Moshe would not have abrogated the commandments enjoined by this passage of "destroy them utterly" (Devarim 20:17), and "spare not a soul" (20:16)! Rather, there is a difference between the Canaanites and non-Canaanites only when the terms of surrender are refused and battle ensues. In that case, the women and children of "far-off" cities are to be spared, while those of Canaan are to be killed... (Commentary to Devarim 20:10).

Concerning the ruse of the Giv'onites, now less comprehensible since surrender was from the start apparently an option that would have spanned their lives, the Ramban goes on to explain:

Realize that the duplicitous plan of the Giv'onites was precipitated by the fact that they were unfamiliar with the Israelite convention to offer peace. They dispatched their messengers even before the peace overture from Yehoshua had been received. Thus they said: "We were very afraid for our lives..." (Yehoshua 9:24). Alternatively, perhaps they first spurned the overtures of Yehoshua but then became afraid and had to therefore make themselves disguised [in order to secure a peaceful surrender]. Scripture therefore says that "the people of Giv'on heard of all that Yehoshua had done to Yericho and to the A'i, and they then acted craftily..." (Yehoshua 9:3-4). Additionally, their ruse was effective in securing the Israelites as their allies bound by treaty rather than simply their overlords. This explains the ire of the people of Israel who would have killed them if not for the oath extended to them by the tribal elders. By rights the Giv'onites should have become tributaries and servants. Instead, they became Israel's equals and allies, bound by a treaty of mutual assistance and peaceful relations...therefore, Yehoshua cursed them

and forced them to become "hewers of wood and water bearers," both expressions of tribute and servitude... (Commentary to Devarim 20:11).

RAMBAN AND THE LARGER CONTEXT

In all, Ramban offers three possible explanations for the conduct of the Giv'onites, who could have seemingly surrendered without a fight: (1) they were unaware that the policy of the Israelite forces was to accept surrender, or (2) they initially rejected the Israelite offer but then reconsidered. While these first two explanations are mutually exclusive, the third explanation, that they sought ally status, could accord with either of them. The first possibility seems unlikely since the text indicates that the news of the Israelite conquest of Yericho and A'i was widely publicized. After all, the Giv'onites only launched their plan in the aftermath of the overthrow of those cities (Yehoshua 9:3), astonishing events that must have been widely (and wildly!) recounted. How could the proclamations of Yehoshua's messengers have been completely overlooked or disregarded?

Considering last week's analysis, the Ramban's second explanation seems most plausible. Recall that last time we considered the broader context of the Giv'onite episode and discovered that it took place against the backdrop of widespread Canaanite hostility to any consideration of peaceful surrender. The Canaanite city-states were united in their resolve to repel the Israelite invaders and to prevent them from acquiring a foothold in the land. Obviously, the Giv'onites were also carried along by the prevailing political winds blowing across the Canaanite countryside, and they, too, must have initially embraced the belligerent posture of their brethren. Thus, Ramban can claim with justification that the Giv'onites, like the other the Seven Nations, may have rejected Yehoshua's messengers and spurned their generous offer.

After a time though, especially after the fall of Yericho and the A'i, the people of Giv'on realized that they could not best the Israelites in battle, and would do better to sue for peace rather than to perish. The Canaanite confederacy, however, could not be opposed openly; For, to break ranks with it would be an act of treachery that would invite immediate and overwhelming retribution against Giv'on. Thus, the Giv'onites were forced to adopt disingenuous methods to seal their treaty with Yehoshua and Israel. While this deceptive approach cost them Israel's goodwill and thus condemned them to lives of menial toil, it did successfully secure their survival. The Giv'onim, in fact, continued to dwell among the people of Israel during the entire Biblical period, and their descendents were still tenuously aligned with the Jewish people during the time of the return from Babylon.

AN OATH IN GOD'S NAME

While the commentators may disagree on the motives of the Giv'onites, most acknowledge that one of the chapter's most pertinent messages concerns not the Giv'onites but rather the Israelites. The text emphasizes that although the Giv'onites secured the pledge through deception, nevertheless Yehoshua and the elders were not prepared to retract their commitment:

Yehoshua made peace with them and concluded a pact to preserve them, and the elders of the congregation swore by oath. Three days after they had concluded the pact, they heard that the Giv'onites dwelt close to them and were in fact in their midst. The people of Israel traveled to their cities on the third day, these being Giv'on, HaKefira, Beerot and Kiryat Yearim. THE PEOPLE OF ISRAEL DID NOT SMITE THEM, BECAUSE THE ELDERS OF THE CONGREGATION HAD SWORN AN OATH TO THEM BY THE NAME OF GOD THE LORD OF ISRAEL... (Yehoshua 9:15-18).

Here the narrative again introduces a moral element that speaks worlds about the revolution wrought by Israel's entry into Canaan. For all intents and purposes, the oath offered to the Giv'onites was legally non-binding. It had been offered by Yehoshua in response to pretenses that were utterly false. Because, however, it had also been extended by the "name of God the Lord of Israel," Yehoshua and the elders maintained that it had to be upheld, to indicate in no uncertain terms that the God of Israel was a God of steadfast truth and trustworthiness. Unlike the false gods of the Canaanite pantheon whose definitions of right and wrong, good and evil, truth and falsehood were as elusive as the winds and just as capricious, the God of Israel insisted upon absolutes. If one had extended one's word or oath in His name then it had to be fulfilled, because failing to do so would cast doubt, not only upon one's own dependability but upon the constancy of God Himself. The Giv'onites thus became involuntary allies, punished for their indiscretion but preserved nonetheless. In the end, the novel idea of the Israelite God who they claim animated their "protracted journey" at the outset, is the very idea that secures their survival.

Readers are kindly requested to begin the study of chapter 10, and to continue to ponder the moral difficulties raised by Israel's war of conquest.