

## Did God command the extermination of the the Canaanites ? the rabbinic Encounter with Genocide

Between *“Thou shalt first propose peace”* (Deuteronomy 20:10) and  
*“Thou shalt not let a soul remain alive”* (Deuteronomy 20:16)

The rabbinical interpretation of the command to annihilate the indigenous peoples of Canaan

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### *Cruelty and Annihilation*

The commandments of the Torah concerning the conquest of the land of Canaan by the Hebrews who had come out of Egypt are particularly violent and shocking to people today. Taken literally, they call for the total extermination of the native tribes of the land, as is shown in the following verse:

*And the Lord your God delivers them to you and you defeat them, you must surely doom them to herem. Grant them no terms and give them no quarter (Dt 7:2).*

The precise meaning of the phrase *“you must surely doom them to herem”* (Hebrew: *haharem taharim -otam*) varies somewhat in biblical literature but, in the context of a battle, it clearly and unequivocally refers to the extermination of the whole population<sup>1</sup>. It is used, for example, by Moses in his account of the war against Sihon, King of Heshbon, before even entering Canaan:

*At the time we captured all his towns, and we annihilated (vanaharem) every town ó men, women, and children ó leaving no survivor. We retained as booty only the cattle and the spoil of the cities that we captured. (Dt 2:34-35).*

Later, a long passage from the Book of *Joshua* relates the meticulous and systematic implementation of this extermination:

*On that same day Joshua captured Makkedah and put both king and people to the sword, annihilating both them and every living thing in the city. He left no survivor and he dealt with the king of Makkedah as he had dealt with the king of Jericho. Then Joshua with all Israel marched on from Makkedah to Libnah and attacked it. The Lord delivered the city and its king to Israel and they put its people and every living thing in it to the sword; they left no survivor there and dealt with its king as they had dealt with the king of Jericho (Joshua 10:28-30. the macabre litany continues until verse 43).*

The reason for such intransigence is quite clear :

*You shall make no covenant with them and their gods. They shall not remain in your land, lest they cause you to sin against Me; for you will serve their gods ó and it will prove a snare to you. (Exodus 23:32-33)<sup>2</sup>.*

Idolatry is perceived as a pernicious abomination, the extreme version of blasphemy and as an act detrimental to the basic humanity of the idolater. As strange as it may seem today, idolatry is described as being the object of great temptation, as if itô unlike ethic monotheism and its many rulesô were to carry with it the promise of prosperity and an eased burden of life<sup>3</sup>. The

fear, furthermore, that the will towards idolatry is infectious is such that it leaves room for neither tolerance nor compromise, almost as though Hebrew civilisation itself were at risk

As difficult as it is for us to accept that entire peoples were slated for massacre at the order of God, it is not necessary that the animosity reflected in such orders be seen as fundamentally racist because the same set of values is applied to the Israelites themselves after leaving Egypt. After the incident with the Golden Calf, for example, God undertakes to annihilate the Hebrew nation as well. Indeed, had Moses' intercession not have been successful, the people's punishment would surely not have been diluted through half-measures and passing time (Exodus 32:14, 33-35). Similarly, a divine plague killed 24,000 people in the wake of the Baal Peor apostasy<sup>6</sup> so one can hardly argue that it is only alien nations that risk annihilation when they behave contrary to the will of the divine! In that case, had it not been for the intercession of Pinchas, the number of dead would surely have been even higher (cf. Numbers 28:5-11). Eventually, this severe stance towards idolatry finds its natural conclusion in the lesson of Scripture according to which a city in Israel that gives itself totally over to idolatry is to be totally annihilated and its inhabitants executed *en masse* (cf. Deuteronomy 13:13-19).

The parallel, though, is not exact in that the Canaanites are not portrayed in Scripture as being possessed of any practical means of escaping their dismal destiny<sup>7</sup> or, at any rate, Scripture remains silent about any such means. What I hope to accomplish in this essay is to show that certain ambiguities in the biblical text came to light in the post-biblical period, thereby enabling some of the later sages and authorities to re-interpret some of the texts mentioned above in new light and, in so doing, considerably to lighten the funereal fate of the Canaanites, if not to cancel it completely.

### *Biblical Ambiguity*

Despite the oft-repeated injunction to annihilate the Canaanites, some biblical passages show clearly that things did not always go according to plan. The Book of Joshua itself relates that people from several towns were neither exterminated nor banned but only obliged to pay tribute<sup>4</sup>:

*The Manassites were unable to occupy these towns; the Canaanites maintained their hold on that part of the country. When the Israelites grew stronger, they put the Canaanites to forced labor, but did not drive them out (Joshua 17:12-13).*

Later, in the history of Israel, Solomon spares the Canaanites in his day:

*All the survivors of the Amorites, Hittites, Perizzites, Hivites, and Jebusites who did not belong to Israel<sup>8</sup> that is, those of their descendants who survived in the land wherever the Israelites had been unable to annihilate (leha<sup>h</sup>arimam) them<sup>9</sup> all were employed by Solomon as perpetual forced labor, which they still are (I Kings 9:20-21).*

This text, as others that attracted the attention of the rabbis, implies that some Canaanite towns were spared deliberately rather than because of military incapacity on the part of the Israelites. One of the texts, for example this passage from Joshua that announces that the task had been apparently carried out correctly, gives a paradoxical message:

*It was a lengthy campaign he waged against all those kingdoms; except for the Hivites who lived in Gibeon, not one of their towns or cities came to terms with the Israelites. All had to be taken by storm<sup>10</sup> for it was God who hardened their hearts to the point of offering stubborn resistance to the Israelites, thus condemning them to be annihilated without mercy (lema<sup>-</sup>an ha<sup>h</sup>arimam levilti heyot lahem te<sup>h</sup>inah), as the Lord had commanded Moses. (Joshua 11:18-20).*

Of course, God is named as the One who hardened the hearts of the Canaanite kings like Pharaoh long before precisely to explain why they went into battle and perished. Nevertheless, surrender, as opposed to resistance, is presented as the real, legitimate and acceptable alternative. So, this offer cannot be ascribed to mere weakness or disobedience.

The task of the rabbinical exegeses consisted to clarify these biblical ambiguities, thus to suggest under what conditions would be possible, perhaps even necessary, to postpone the effort to annihilate the Canaanites. Two principal avenues of escape from genocide can be identified: surrender and repentance. I would like now to turn to each of these in succession and show how, precisely, they were discussed in rabbinic literature.

### *Salvation through surrender*

There is a wholly ambiguous passage in the Bible which gives rise to a particularly daring, almost subversive, talmudic interpretation. In the book of Deuteronomy, we find an astonishing episode:

*[Moses quoting God:] Up! Set out across the wadi Arnon! See, I give into power Sihon the Amorite, king of Heshbon, and his land. Begin the conquest, engage him in battle! This day I begin to put the dread and fear of you upon the peoples everywhere under heaven, so that they shall tremble and quake because of you whenever they hear you mentioned. [And Moses continues speaking on his own behalf:] Then I sent messengers from the wilderness of Kedemoth to Sihon king of Heshbon with an offer of peace. (Dt 2:24-26)*

The divine command clearly means going into battle. But strangely enough, the Moses' first measure consists of sending messengers carrying an offer of peace! The *Midrash Rabbah* interprets the text in the following way:

*Three things have been taught to God by Moses, to which God replied: 'You have taught me one thing' [1] The third one was when the Holy One, Blessed be He, commanded him to make war against Sihon: 'Even if he does not look for war, begin the conquest, engage him in battle' (Dt 2:24). But Moses did not proceed that way, as it is said: 'I sent ... messengers ... of peace' (Dt 2:26). God said to him: 'By your existence, I withdraw my words and adopt yours, as it is said: 'When you advance on a town to attack it, make an offer of peace' (Dt 20:10) (Numbers Rabbah 19:33; see also 19:27).*

Moses' initiative is presented as an act of disobedience to God's command, but instead of provoking God's anger, it entails His approval to the point of prompting Him to revise the instructions on how to wage the war that are written in the Torah! This then is a way of showing that God enjoys seeing the prophet as long before, He enjoyed sparring with Abraham about Sodom and Gomorrah making the Law merciful, even if it means going against His first instructions. In accordance with the feeling that prevails in the Bible and in the Talmud, God rejoices at such a turn of events because it embodies high ethics which deserves to win the day over merciless behaviour, *even if it be justified by law*.

The biblical passage that prompts the largest amount of speculation and a very large number of comments by the traditional commentators is the rule announced in the book of Deuteronomy:

*When you approach a town to attack it, you shall offer it terms of peace. If it responds peaceably and lets you in, all the people present there shall serve you at forced labor. If it does not surrender to you, but instead joins battle with you, you shall put all its males to the sword. You may, however,*

*take as your booty the women, the children, and the livestock, and everything in the townô all its spoilô and enjoy the use of the spoil of your enemy which the Lord your God gives you. Thus you shall deal with all towns that lie very far from you, towns that do not belong to nations hereabout. In the towns of the latter peoples, however, which the Lord your God is giving you as a heritage, you shall not let a soul remain alive. No, you must annihilate them (haharem taharimam)ô the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusitesô as the Lord your God had commanded you, lest they lead you into doing all the abhorrent things that they have done for their gods and you stand guilty before the Lord your God (Dt 20:10-18).*

A first reading of this paragraph suggests that, when waging war, a very clear distinction must be made between the distant enemy townsô i.e. those outside the land of Canaan, on the one hand, and the nearby towns inhabited by Canaanite tribes on the other. Only the former should be offered peace before they are besieged. If they refuse, only their women and children are to be spared. The latter must be exterminated without any conditions of surrender and no mercy to anybody. This was Rashi's interpretation (1040-1105) and Rashbam's (12<sup>th</sup> c.), both of whom, each in his own way, were drawn to explicate the obvious meaning of the text:

*ôWhen you approach a townô concerning an optional war does Scripture speak, as is explained in the context (v.15): ôThus shall you do unto all the cities which are very far offô (to which it is appropriate to propose peace) [but not to offer peace in the war commanded by the Torah against the seven Canaanite peoples]. (Rashi to Dt. 20:10.)<sup>5</sup>*

This interpretation is confirmed in a passage of the Book of Joshua (9:22-24) where the tribe of Gibeonites pretends to be a distant migrating tribe to avoid annihilation and be granted a kind of amnesty:

*Joshua summoned the Gibeonites and said to them: ôWhy did you play this trick on us? You told us that you live a long way off, when in fact you are near neighbors. From now there is a curse on you: for all time you shall be slaves, to cut wood and draw water for the house of my Godô. They answered Joshua, ôWe were told that the Lord your God had commanded His servant Moses to give you the whole country and to wipe out its inhabitants. Because of you, we were in terror of our lives, and that is why we did thisô.*

However, this systematic annihilation rule was reconsidered by other medieval rabbis, precisely because a Talmudic *midrash* seems to go in exactly the opposite direction:

*Before entering the land, Joshua presented the peoples living in the land of Israel with an ultimatum proposing three options: he who wishes to leave may leave, he who wishes to make peace (i.e. to submit) may make peace; and he who wishes to make war may make war. The Girgashite left, having had faith in the words of the Eternal who had bequeathed that land to the children of Israel, and settled in Africa. The Gibeonites made a submission agreement whereas thirty-one kings of Canaan chose to make war and perished (Talmud Yerushalmi, Shebi'ôt 6:1, 16b).<sup>6</sup>*

It is difficult to understand why Rashi and Rashbam did not take this contrary source into account, or else, if they did, why they did not consider it questioned the rule they thought came from the book of Deuteronomy. Nahmanides (13<sup>th</sup> c.) disagrees with Rashi on the basis of this contradiction:<sup>7</sup>

*ôRashi wrote this based on the Sifre (Shoftim 199) where a similar text is taught; ôScripture is speaking of a battle waged of free choice.ô But the intent of our Rabbis with reference to this verse [before us] was not to say that the requirement of proclaiming peace applies exclusively to permissible, but not obligatory wars; rather their teaching [in the Sifre] refers only to the later section wherein there is a differentiation between the two kinds of wars [i.e. in verses 13-14 declaring that if the enemy insists on war, then only the men are to be killed, but the women and*

children are to be spared ó the law applies only to a permissible but not to an obligatory war]. But the obligation to offer terms of peace before going into battle applies even to an obligatory war. It requires us to offer peace-terms even to the seven nations (of Canaan), for Moses proclaimed peace to Sihon, king of the Amorites, and he would not have transgressed both the positive and negative commandments in this section: *ôbut you shall utterly annihilate themö (Dt 20:17), and ôyou shall let no soul remain aliveö (Dt 20:16). Rather, the difference between them (i.e. obligatory and permissible wars) is when the enemy does not make peace and continues to make war. Then, in case of the cities which are very far off, Scripture commands us to smite every male thereof and keep alive the women and male children, but in the cities of these peoples (i.e. the seven nations of Canaan in the event they refuse the call for peace), it commanded us to destroy even the women and children. And so did our Rabbis say in Deuteronomy Rabbah, and also in Tanchuma and in the Talmud Yerushalmi: ôJoshua the son of Nun fulfilled the laws of this section. What did Joshua do? Wherever he went to conquer, he would send a proclamation in which he wrote : ôHe who wishes to make peace may come forward and make peace; he who wishes to leave may leave, and he who wishes to make war may make war.ö The Gergashite left. With the Gibeonites who made peace, Joshua made peace. The thirty-one kings who came to wage warô the Holy One, blessed be He, cast them down etc.ö And, so indeed Scriptures states with reference to all cities (including those of the seven nations), ôthere was not a city that made peace with the children of Israel, save the Hivites the inhabitants of Gibeon; they took all in battle. For it was of the Eternal to harden their hearts, to come against Israel in battle, that they might be utterly annihilated (lema-an ha~~h~~arimam; Joshua 11:19-20).ö Obviously, if they had wanted to make peace, the Israelites would have made peace with them. (Ramban to Dt. 20:10).*

The Maharal of Prague (1525-1609), in his *Sefer Gur Arye* to Dt 20:11, tries to smooth over the difficulties in Rashi's positionô its remaining ambiguities and the criticism of Nachmanides. He believes Rashi's interpretation has inner consistency, but he offers a few explanations of why exactly he thinks so. For the towns of the tribes living in Canaan, he writes, there was in fact no *obligation* to offer them peace, unlike in the case of the distant towns. But the ban on calling for peace, underlined by Rashi, was only enforced once war had started<sup>8</sup>. So it was without having been obligated ô but rather on his own initiativeô that Joshua acted, just as Moses did for Sihon, the King of Heshbon: before the beginning of the war, he called on the nations living in Canaan either to flee or to surrender and save their lives. The Maharal adds a principle from the midrash by saying that Joshua's initiative was in accordance with the ethics of the Torah, even if it was not legally founded:

*It seems obvious that the Torah a priori encourages making an offer of peace to every city, as the quest for peace is a virtue of its own. Thus the Rabbis said: the greatness of peace can be gauged from the fact that even dealing with war, God said: ôWhen you go to make war, begin with proclaiming peaceö. (DtR 5:12 ; Yalkut Shimoni, Shoftim 923).*

From the Tosafists to the rabbis today, many were the exegetes who tried to harmonize these contradictory sources one way or another, making up for the questions left unexplained by the biblical or talmudic text, by adding new narratives. Thus, one of the main difficulties the commentators came upon was the tale of the Gibeonites. Did they pretend to be a distant migrating tribe and so, to escape annihilation because they indeed had had no offer of peace?

Most exegetes, with the well know exception of Rashi, believe the Gibeonites must have been asked to surrender by Joshua before the crossing the Jordan Riverô in other words before the beginning of the warô but they refused. The story varies slightly according to the commentators. For the Tosafists (writing at *BT Gitin* 46a) as for Maimonides (writing in the *Mishneh Torah, Sefer Shoftim, Hilkhoh Melakhim*, chapter 6), they had finally decided to make peace and so they could have been accepted after all. But they used cunning as they believed they were no longer entitled to peace. According to the comment of Radak (David

Kimhi, 1160-1235) to Joshua 9:7, the reason the Gibeonites did not reply to Joshua's offer of peace was that they thought it was a trap, which fear was dramatically increased by the fact that in Jericho, all the inhabitants had been killed (but this was in fact because they had chosen war). That is why they decided to use cunning and escape death by pretending to be non-Canaanites from a foreign country, considering that, in those conditions, they would be offered peace. According to Nahmanides (Dt 20:11), they knew perfectly well that they could surrender whenever they wished and be spared, but they preferred to use cunning and lying to obtain conditions of surrender that would save them from the burden of paying tribute and slavery.

Thus, with the sole exception of Rashi, all the commentators we have mentioned write approvingly of the fact that the possibility of peaceful surrender was offered to the Canaanites resident in Canaaní at least before the beginning of the military campaign. For some of them, this possibility was deemed to pertain even afterwards.

### *Salvation through repentance*

In rabbinic literature, there is a second idea that was not mentioned in the Bible: the Canaanite tribes could avoid annihilation by ðrepentingö themselves of their misdeeds. Still, there is no real doubt that it was specifically because the sin for which they were to be annihilated was idolatry that the rabbis were able to find a way out for the soon-to-be-extirminated nations of Canaan, i.e. by affirming repentance as its antidote. The origin of this rabbinic suggestion is a passage from the Talmud, where it is said that the Torah was put at the Nations' disposal when the children of Israel inscribed it on stones, on the border of the land of Israel:<sup>9</sup>

*(A) Rabbi Judah says: the Nations sent their scribes who peeled off the plaster and carried away a copy of the inscription. On that account was the verdict sealed against them that they would descend to the pit of destruction, because it was their duty to learn the Torah but they failed to do so. Rabbi Simeon says: they (the Hebrews) inscribed it upon the plaster and wrote below, ðthat they teach you not to mimic their abominationsö(Dt 21:10). Hence you learn that if they (the Nations) turn in penitence they would be accepted. [...] (B) According to whom is the following teaching which has been taught: ðand you carry them away as captivesö (Dt 21:10) ô this is to include the Canaanites who reside outside the land of Israel so if they ðrepentö, they will be accepted (and not destroyed)? This teaching is related to Rabbi Simeonø (Sotah 35b).*

According to Rashi, himself interpreting the opinion of Rabbi Simeon, this means that only the Canaanites living outside the land of Canaan could avoid annihilation if they repented in wartime, but not those who were inside the land who were doomed to be exterminated. This idea has been discussed at length, for, there again, the great number of sources, with their contradictions, ambiguities and things left unsaid, has made the whole question very confused. We will not try to follow the complex, even convoluted, problems of trying to untangle the web.<sup>10</sup> We will just try to deal with the problems encountered in the commentaries of Rashi and the Tosafists (who certainly add to the confusion.)

We can begin by noting that it is problematic to affirm that, according to Rabbi Simeon, repentance was only possible for the Canaanites living *outside* the land of Canaan:

- To start with, in this extract, we have two sections (called above A and B) which have been thematically linked by the redactor of the *Gemara* but in fact they are contradictory. In the first one (A), Rabbi Simeon, unlike Rabbi Judah, defends the possibility the Nations can repent with no restrictions.<sup>11</sup> And, in fact, the verse from the book of Deuteronomy that, according to Rabbi Simeon, was brought out to urge people

to repent concerns above all the Canaanites in Canaan! It is the second proposal (B) that shows Rabbi Simeon believes that repentance can only be accepted from those who live *outside Canaan*.

- Secondly, if the second proposal which is retained by Rashi is problematic because it contradicts the first one, another version in certain manuscripts of the Talmud presents versions of the two texts that are very compatible: "It is specified to include the Canaanites *of the land of Israel* (or Canaan) who will be accepted if they repent."<sup>12</sup> This last version seems to be the original one.
- Thirdly, both biblical and talmudic sources indicate that native Canaanites were deliberately spared. To the examples above, one must add those that, according to midrashic sources, show that some of them did repent and even converted to Judaism<sup>13</sup>. This is said to be the case of Rahav (*cf. Megillah 14b*), the 'prostitute' from Jericho who is said to have even married Joshua! How could this have been acceptable if repentance of such Canaanites was in no way allowed?

The Tosafists did not fail to point out that these sources were contradictory to Rashi's interpretation. Concerning Rahav, they tried in various ways to solve the problem, by supposing that an exceptional measure had been taken, on divine instruction (*cf. Tosafot to BT Sotah 35b, s.v. lerabot*)<sup>14</sup> or else the solution proposed here that she had been converted before the war started and before the edict of annihilation was pronounced against Jericho, or else, contrary to the preceding solution, that she probably was not a native of Canaan at all, only a sojourner there (*cf. Tosafot to BT Megillah 14b, s.v. de'agayera*). As for the general idea that repentance was only possible for Canaanites settled outside Canaan, there are two commentaries of the Tosafists which are again contradictory:

- According to their commentary to *BT Sotah (35b, s.v. lerabot)*, Rabbi Simeon and Rabbi Judah are said to have agreed that, before the conquest, the Canaanites inside Canaan could still repent, but once war had started, Rabbi Judah believed that repentance was unlikely, whereas Rabbi Simeon thought, like Rashi, that they could still repent but only for the Canaanites *outside* Canaan. In other words: the consensus clearly emerges that no pity may be shown the Canaanites of Canaan once the war begins in earnest.
- Whereas for the Tosafists writing in *Gitin (46a, s.v. kevan)*, if it is true that once war was declared, there was no reason to offer surrender, the command "You shall not let a soul remain alive" must have been taken back if the Canaanites from Canaan showed they wanted peace and repentance, as was the case for the Gibeonites, according to them. This means that the Canaanites established in Canaan could be spared in this case, contrary to the Tosafists' understanding to what Rashi had suggested.

In this last commentary, the Tosafists observe that a source from talmudic times seemed to confirm that it was possible for the Canaanites settled in Canaan to avoid annihilation, if they repented:

*That they teach you not to mimic their abominations (Dt. 20:18). This verse teaches us that if they repent, they shall not be killed (Sifre, ad loc., §202).*

In fact, as mentioned above, the verse applies particularly to the Canaanites inside Canaan. In the present case, this interpretation does not at all specify that it only concerns the Canaanites living outside Canaan!<sup>15</sup> The question then is how could Rashi have not known about such a

source. In fact he did know, as is shown in his Torah commentary, except that he adds an important difference:

*That they teach you not to mimic all their abominations (Dt 20:18) There, (we learn) that if they repent, and convert, you have the right to accept them (Rashi, Dt 20:18).*

So it seems that Rashi himself resolved the contradiction between these different sources by distinguishing two kinds of repentance: the mere *renouncing* of the abominations of idolatry and, more radically, actual *conversion* to Judaism. From then on, for him, it seems that mere repentance was not to be accepted from Canaanites living inside Canaan, but conversion to Judaism was. This distinction is also clear in his commentary of the Talmud (*Sotah 35b, see above*). According to Rashi, Rabbi Simeon believed that the lives of the Canaanites living *outside* Canaan could be spared if they repented (for their idolatry), but not the Canaanites living *inside* Canaan, for their repentance would have been merely opportunistic, carried out only for reasons of fear.<sup>16</sup> Whereas the opinion of Rabbi Judah was that there should be no difference made between the Canaanites wherever they lived as they were all doomed to annihilation unless they converted to Judaism, thus repenting *and* losing their names as a signal of their readiness to vanish from the stage of history. Rabbi Simeon was to accept this solution by conversion, *a fortiori*.

One must add, however, that the large majority of these commentators did not notice this nuance added in Rashi's commentary<sup>17</sup>. They considered that the conversion he spoke about was none other than a conversion to the seven commandments of Noah, which meant that there was no longer any real difference between repentance that is to say, abandoning paganism and agreeing to obey the Noahide laws which required accepting the ban on idolatry. As Rashi believed that there was no reason to offer surrender or accept a too superficial kind of repentance, the result was the erroneous interpretation of his belief that there was to be any kind of pity for the Canaanites within Canaan during the conquest. As explained above, there were many commentators after that who, unlike Rashi, believed that mere repentance could be granted as a condition of surrender for some, before the beginning of the war and for others, even during the war and that this should be sufficient to spare those people.

### *Conclusions*

To summarize the main ideas of the medieval commentators, four opinions emerge. They are given here in increasing order of leniency:

- For Rashi, no offer of peace was to be made to the Canaanites from Canaan during the war, as they were all doomed to the extermination. Only the Canaanites living outside the land could be spared if they agreed to surrender and repent of their idolatry. However, in either case, if a Canaanite wished to convert to Judaism, like Rahav, he could be spared and accepted.
- For the Tosafists (writing in *Sotah 35b, s.v. lerabot*), the Canaanites of Canaan could be spared as long as the battle had not yet been joined, just as could be Canaanites living outside the land. For other Tosafists (writing in *Gitin 46a, s.v. kevan*), the Canaanites of Canaan could be spared even after the war of conquest was undertaken if they surrendered and agreed to renounce the practice of idolatry.<sup>18</sup>
- For Maimonides<sup>19</sup>, whether the towns were near or far away, surrender should always be suggested and people be spared, whether for Canaanites on the inside or the

outside. Conversion to Judaism must never be compulsory, but what was required was the acceptance of Noah's seven commandments, which consisted mainly of giving up idolatry<sup>20</sup>.

- For Nahmanides as well, whether the towns were near or far away, surrender should always be suggested and therefore Canaanites inside and outside the Land could always be spared. But in places outside Canaan, there was nothing compulsory on the religious level, whereas accepting the seven commandments of Noah was compulsory for people living inside Canaan (cf. the conclusion of Nachmanides' commentary to Deuteronomy 20:10).

Speaking strictly from an exegetical point of view, we can see the origin of two different theories relating to the question of the annihilation of the Canaanites in questions of unclear language. The first is that Rashi unduly believed that Rabbi Simeon held that repentance could only be offered to Canaanites residing outside of Canaan. But the way we read Rabbi Simeon's remarks as cited at *BT Sota 35b* suggests that he did not accept any sort of distinction like that and, indeed, considered as valid any act of repentance, including any such act undertaken by Canaanites residing in Canaan. Furthermore, the opinions cited of Maimonides and Nachmanides accord perfectly with this understanding of Rabbi Simeon's position. The second is that the commentators on Rashi appear to have believed that he posited that any possibility of escaping annihilation through repentance were refused to the Canaanites resident in Canaan, while the reality is that he clearly accepted that as a possibility, at least in the case of their conversion.

In all cases, the main lesson here is that the command to annihilate the indigenous peoples of Canaan was never endorsed by the Rabbis without them insisting that, to one extent or another, the possibility of salvation had to be offered to the Canaanite people. With the slight exception of Rashi and those who followed him, they all believe that at some point even once the war had started some possibility of surrender and repentance were to be offered. This implies that to them, neither the desire for political hegemony nor ethnic purification motivated by scorn towards other human beings, could justify such intransigence, only the fear that Canaanite idolatry might settle at length on the land of Israel. Once that risk had been taken away or at least lessened, the ideal of peace had to prevail.

Though a jurist such as the author of *Sefer Hachinukh* (§425, attributed to Rabbi Aaron Halevi, 14<sup>th</sup> c.) agreeing with Maimonides (*Sefer Hamitsvot, mitzvat asseh 187*), considered that the command of annihilation remained theoretically valid, they all agreed that it could not be acted upon, because of the disappearance of the Canaanites as a specific tribe. Moreover, as the non-Jews who lived in the land of Israel from then until today, whether Muslim or Christian, cannot be taken for the idolaters from Canaan, it seems obvious that, for any enlightened rabbi, the command of annihilation directed towards the non-Jews of the Land of Israel presented by Scripture in the context of the account of Joshua's conquest of the Land can never be used to justify a plan to eliminate the presence of non-Jews from the Land, Israel having recovered its national independence.

Moreover, as the non-Jews who lived in the land of Israel from then until today, whether Muslim or Christian, cannot be taken for the idolaters from Canaan, it seems obvious for any enlightened rabbi that the command of annihilation in the context of the account of Joshua's conquest can never be used to justify a plan of extermination. But on the other side, the moral requiring which urged the rabbis in this and also other contexts to soften the rules of the Tora in a way of mercy and compassion, retains forever his current sharpness.

1. See also: Deuteronomy 3:2-9; 20:16-18; Joshua 10:28-43; 11:8; Isaiah 34:2.
2. See also: Exodus 34:12-17; Deuteronomy 20:18.
3. See Joshua 24:19-23.
4. See also: Joshua 15:63; 16:10.
5. The quotation in brackets is not found in the classic edition of Rashi's commentary, but in a quotation of Rabbenu Bechaye (13<sup>th</sup> c.) However, this point of view is clearly shown in other commentaries of Rashi (cf. his comments to Leviticus 25:44 or Deuteronomy 21:10; cf. his comment to *BT Sotah 35b*, s.v. *ve-katvu mi-lamata*). See also the clear commentary of Rashbam, a disciple of Rashi, to Deuteronomy 20:16. The source of their interpretation is in the *Sifre* to Deuteronomy 20:10, § 211.
6. Other sources: Leviticus Rabbah 17:6 and Deuteronomy Rabbah 5:14. Instead of the *ōGirgashiteō*, the text is about the *ōCanaaniteō* in the *Mechilta de Rabbi Ishmael*, *Bo* 18, and about the *ōAmoriteō* in *Tosafota Shabbat* (ed. Lieberman) 7:25.
7. Maimonides (1138-1204), *Hilchot Melachim* 6:1-4; Rabbenu Bechaye to Deuteronomy 20:10; Isaac Arama (1420-1494), *Akedat Yizhak*, shaar 97 share the opinion of Nachmanides.
8. In this, the Maharal is based on the Tosafists' commentaries at *BT Sotah 35b*, s.v. *le'rabot*. For the Maharsha (Shmuel Eliezer Edels, 1555-1631), there was absolutely no *obligation* to offer peace to the Canaanite towns, unlike the so-called distant towns. However, it is not believed to have been a *prohibition* once the war had started.
9. Cf. Deuteronomy 27:8 and Joshua 4:9.
10. Example : Maharal *op. cit.*, Rabbi Eliyahu Mizrahi (1450-1526), *Shut Ha Ram* §57, Rabbi Avraham of Butan, *Lehem Mishne to Hil. Melachim* 6:1; Rabbi Chaim Yossef Azulai (called the **Hida**, 1724-1806), *Shut Chaim Shaal* 2:41. Cf. Yaakov Harlap, *ōThe alliance with the Gibeonites and of Solomon with Hiram, king of Tyreō* (in Hebrew), *Shana Be shana* (5762), pp. 17-32.
11. See the parallel version of the story in *Tosefta Sotah* 8:6-7 which tells of the 70 languages in which the words of the Torah had been written, corresponding to the different languages of the seventy nations on earth.
12. The following hypothesis might explain the slight change in meaning that occurred. The expression *ōto include the Canaanitesō* appears in most of the midrashic sources with the added words *ōwho are inside the town or are among (the prisoners.)ō* Cf. *Sifre Devarim* to Dt 21:10, §211. This clearly means the Canaanites living outside the land of Canaan could be spared if the besieged town was offered a chance to surrender. But in *Sotah 35b*, another category is also mentioned which is not in other sources: those who may be accepted *ōfor their repentanceō*. It is probably the similarity of the expression *ōto include the Canaanitesō* that gave rise to the version saying *ōto include the Canaanites living outside of the land of Canaan,ō* thus harmonizing it nicely with the other midrashic sources although the initial sentence must have been *ōto include the Canaanites of the land of Israel (or Canaan)ō* (which is much more coherent.) Moreover, the verse from the book of Deuteronomy quoted by Rabbi Simeon stresses the danger of contamination of idolatry precisely there where the Hebrews are the majority, in other words, in the land of Canaan. The natives' repentance was likely to solve the problem, whereas nothing shows their repentance was required from the people, whether Canaanites or not, living outside the land of Canaan but only accepting the conditions of surrender and obedience in the case of an attack. It is thought, therefore, that to start with, there were two different additions to the application of the law. The first one is *ōto include the Canaanites outsideō* among the *prisoners* one is allowed to take (and not kill) when the besieged town is *ōdistantō* (cf. *Midrash Tanna'im*, Dt. 21:10); the second one is *ōto include the Canaanites living insideō* in the possibility of repentance, even when the town that is attacked is *ōnearō*, that is to say in an enforced war. In both cases, it was not obvious that they were to be spared, because of command to annihilate Canaanites, *prima facie*.
13. This was the case for the Gibeonites in rabbinic literature: though they were considered to be converts of a certain kind, they still could not marry Jewish women (cf. *Mishnah Kiddushin* 3:3, *Tosafot* to *BT Megillah* 14b, s.v. *de'igayera*).
14. This commentary of the Tosafists quotes the *midrash*, *Sifre Bemidbar* §78, for whom Rahav was most probably Canaanite. The only thing is that in this source and parallel ones, the decision entailing accepting her conversion is in no way described as an *ad hoc* measure inspired by God.
15. A later midrashic source (*Yalkut Shimoni*, *Shoftim* 923) applies this teaching to the Canaanites of Canaan.
16. One might object that the Canaanites on the *outside* could just as well have lent themselves to pretended repentance as they feared being killed. This is true but one can also say that the risk and the seriousness of idolatry contagion are not the same according to whether the Canaanites were in the land of Canaan

among the Hebrews or outside, a long way from the Hebrews. The prospect of feigned repentance by the Canaanites resident in Canaan was simply not tolerable.

17. It is remarkable that Rabbi Yossef David Azulai, *Shut Chaim Shaal* 2:41, s.v. *akhti pash*, came to the same conclusion about Rashi's commentary in his analysis.
18. Rashbam adopts precisely this position with respect to the Gibeonites in his comment to Deuteronomy 20:16.
19. The textual extracts referring to Maimonides' opinion (*Hilchot Melachim* 6:14 and 8:9-10) and Nachmanides (the conclusion of his comment to Deuteronomy 20:10) are not mentioned in this article, but neither text presents any difficulties.
20. The difference is that, for the Land of Israel, their duty is to eliminate all idolatry wherever it is, whereas their duty outside the Land only concerns captured lands, with no obligation to extend this to other towns (cf. *Hilchot Avoda zara* 7:1).