

Mishneh Torah: Melachim uMilchamot

The Laws of Kings and Their Wars (6: 1–4)

By Rabbi Moshe ben Maimon (“Maimonides”)
translated by Eliyahu Touger

1 War, neither a *milchemet hareshut* [optional war] or a *milchemet mitzvah* [obligatory war], should not be waged against anyone until they are offered the opportunity of peace as [Deuteronomy 20:10](#) states: “When you approach a city to wage war against it, you should propose a peaceful settlement.”

If the enemy accepts the offer of peace and commits itself to the fulfillment of the seven mitzvot that were commanded to Noah’s descendents (Noahide Laws), none of them should be killed. Rather, they should be subjugated as Deuteronomy 20:11 states: “They shall be your subjects and serve you.”

If they agree to tribute, but do not accept subjugation or if they accept subjugation, but do not agree to tribute, their offer should not be heeded. They must accept both.

The subjugation they must accept consists of being on a lower level, scorned and humble. They must never raise their heads against Israel, but must remain subjugated under their rule. They may never be appointed over a Jew in any matter whatsoever.

The tribute they must accept consists of being prepared to support the king’s service with their money and with their persons; for example, the building of walls, strengthening the fortresses, building the king’s palace, and the like as [I Kings 9:15-22](#) relates: “This is the tribute which Solomon raised to build the House of God, his own palace, the Milo, the wall of Jerusalem,... and all the store-cities which Solomon had... All the people that remained from the Amorites... upon them did Solomon lay a tribute of bondservice until this day.”

In contrast, “Solomon did not make bondsmen [slaves] out of the children of Israel. They were men of war, his personal servants, his princes, his captains, the officers of his chariots, and his horsemen.”

2 In the settlement he offers, the king may propose that he is entitled to take half their financial resources. Or he may propose to take all their landed property and leave them their movable property; or to take all their movable property and leave their land.

3 It is forbidden to lie when making such a covenant or to be untruthful to them after they have made peace and accepted the seven [mitzvot](#).

4 If they do not agree to a peaceful settlement, or if they agree to a peaceful settlement, but refuse to accept the seven mitzvot, war should be waged against them.

All males past majority should be killed. Their money and their children should be taken as spoil, but neither women or children should be killed, as [Deuteronomy 20:14](#) states: “But the women and the children... take as spoil.” “The children” refer to males below the age of majority.

The above applies to a *milchemet hareshut* fought with other nations. However, if either the seven nations or Amalek refuse to accept a peaceful settlement, not one soul of them may be left alive as Deuteronomy 20:15-16 states: “Do this to all the cities that... are not the cities of these nations. However, from the cities of these nations,... do not leave a soul alive.” Similarly, in regard to Amalek, [Deuteronomy 25:19](#) states: “Obliterate the memory of Amalek.”