

Source Sheet for Podcast

1. Devarim 13:13-19

If you hear it said, of one of the towns that the LORD your God is giving you to dwell in,

that some scoundrels from among you have gone and subverted the inhabitants of their town, saying, “Come let us worship other gods”—whom you have not experienced—

you shall investigate and inquire and interrogate thoroughly. If it is true, the fact is established—that abhorrent thing was perpetrated in your midst—

put the inhabitants of that town to the sword and put its cattle to the sword. Doom it and all that is in it to destruction:

gather all its spoil into the open square, and burn the town and all its spoil as a holocaust to the LORD your God. And it shall remain an everlasting ruin, never to be rebuilt.

Let nothing that has been doomed stick to your hand, in order that the LORD may turn from His blazing anger and show you compassion, and in His compassion increase you as He promised your fathers on oath—

for you will be heeding the LORD your God, obeying all His commandments that I enjoin upon you this day, doing what is right in the sight of the LORD your God.

2. Maimonides Laws of Avodat Kokhavim Chapter 4:6

EVERY HUMAN BEING who was in the city is killed by the sword, INCLUDING CHILDREN AND WOMEN, if the ENTIRE city was led astray. And if the idol worshippers are found to be [only] the majority [and not the entire population], THEN ALL THE CHILDREN AND WIVES OF THE IDOLATERS ARE KILLED by the sword [but not the families of those who did not worship idolatry]."

3. Rabbi Meir Ha-Levi's questioning the Rambam in his Book of Letters (translation Karen Fish taken from the vbm):

"I am surprised by what he writes: 'All the children and wives... are killed by the sword.' On what basis are these women killed? If they worshipped idols, then they themselves are among the people of this condemned city; if they did not worship idols, why are they killed? 'Tuvia sinned and Zigud received lashes'? ...

Moreover, concerning what he writes: 'All the children are killed' – [I say,] 'Far be it from God to perform wickedness' ([Iyov 34:10](#))! Since when is a minor held responsible and condemned?... Moreover, where [the Gemara] seeks to rule that the law concerning a city is more severe than that

of individuals [who engaged in idolatry], it points out only that the property [of the inhabitants of the city] is destroyed. If the Rambam were correct, [the Gemara] would have to mention [the killing of] the women and children, [for that is much more severe than destruction of property].

4. The Sifri Deuteronomy (94):

"The inhabitants of that city' – Some said: The minors are not left alive.

Abba Chanan taught: 'Fathers shall not be put to death on account of their children and children on account of their fathers' ([Devarim 24:16](#)) – this verse is talking about a condemned city."

5. Tosefta ([Sanhedrin 14:3](#)):

"The minor children of the idolatrous inhabitants of a condemned city - are not killed.

RABBI ELIEZER said: They are killed.

RABBI AKIVA answered him: Who is referred to by the verse, 'And He shall show you mercy?'... This refers to the minors within [the city]!

Rabbi Eliezer says: Who is referred to in the verse, 'And He shall show you mercy?'... Thus says God: I shall show mercy to them [the judges who pass sentence on the condemned city] and place My love in the hearts [of the relatives of the inhabitants who are killed], that they will say: We hold nothing against you, for you have judged truly."

6. The Rambam ([Guide III:41](#))

"One who acts haughtily' is one who is deliberately disrespectful and audacious, who sins in public... Because he opposes the Torah and acts against it, the Torah says that 'he dishonors God,' and he is unquestionably to be killed.

This is done only by someone who has made a determined decision to rebel against the Torah, and for this reason we find the generally accepted interpretation ([Keritot 7b](#)): 'The Torah is speaking [in this verse] of idolatry' - for this is an outlook that is opposed to the foundations of Torah... HE (the person who rebels against the mitzvot of the Torah because he despises and disdains it) IS KILLED AS A HERETIC IS KILLED - NOT A DEATH PENALTY AS A PUNISHMENT. HE IS LIKE THE INHABITANTS OF A CONDEMNED CITY, WHO ARE KILLED FOR HERESY, NOT AS A DEATH PENALTY PUNISHMENT. For this reason their property is also burned and is not left to their heirs, as it would be if they were put to death as a punishment meted out by the court.

Likewise, I maintain that the same should apply to any Israelite community that communally agrees to transgress any mitzva arrogantly - they are all to be killed. We learn this from the parasha of the

children of Reuven and the children of Gad, concerning whom it is said (Yehoshua 22:12), 'All the congregation decided to go up against them in battle.'

7. David Zvi Hoffman, commentary to Devarim 13 (translation Karen Fish):

"There is no reason to question why the minors are put to death. The nation of Israel, in this instance, is representing the Holy One. The city that is condemned to destruction IS LIKE SEDOM AND AMORAH. Israel, God's nation, is commanded to carry out the verdict. LIKE THE EXAMPLE OF THE GREAT FLOOD AND THE OVERTURNING OF SEDOM AND AMORAH, WHERE EVERYONE WAS DESTROYED, EVEN THE MINORS, SO LIKEWISE CONCERNING THE CONDEMNED CITY."

8. The Seforno Deuteronomy 13: verse 16:

"And its animals by the sword' - to erase their memory, thereby avenging the blessed God - as is the case concerning Amalek, as we learn (25:19), 'You shall wipe out the memory of Amalek.' So explains the prophet, when he says (Shemuel I 15:3), 'You shall put to death man and woman, child and infant, ox and sheep, camel and donkey.'"

9. The Book of Judges 20:12-14, 48

And the tribes of Israel sent men through the whole tribe of Benjamin, saying, "What is this evil thing that has happened among you?^{20:13} Come, hand over those scoundrels in Gibeah so that we may put them to death and stamp out the evil from Israel." But the Benjaminites would not yield to the demand of their fellow Israelites.^{20:14} So the Benjaminites gathered from their towns to Gibeah in order to take the field against the Israelites.

⁴⁸ The men of Israel, meanwhile, turned back to the rest of the Benjaminites and put them to the sword — towns, people, cattle — everything that remained. Also, they set fire to all the towns that were left.

10. Sanhedrin 71a

"We learn: There never was, nor will there ever be, a condemned city. So why is [this parasha] written? [For us to] learn it and receive reward."

"We learn: Rabbi Eliezer says: Any city in which there is even one single mezuzah cannot be declared a condemned city."

"He says: It is written, 'You shall gather all its spoil into its streets, and you shall burn it with fire.' If there is a mezuzah, this is not possible, since it is written (12:4), 'You shall not do so [the mitzvah requiring anything used or associated with idolatry be destroyed] to the Lord your God.' **Rabbi Yonatan says:** This is not so, as **I** once **saw** an idolatrous city that was condemned to destruction, **and I** even **sat on its ruins**."