

Question:

In a previous response you spoke of exemptions from warfare. However, amongst those exemptions there was no mention of Torah study. Yet, there is a community that exempts itself on the basis of their involvement in Torah study. Is there any basis for such an exemption, and if yes what are its sources?

Answer:

The question of exemption from army service due to Torah study is a complex one. On the one hand, it is clear that Torah study is viewed in Judaism as a significant contribution to the success in war. On the other hand, even the ultra-orthodox would agree that, were the entire public observant Jews, there would be no place for a broad exemption for Torah students. (We are not relating to an extreme minority who would claim that we can survive under a Palestinian flag. As well as those who would claim that in a situation all Jews were observant there would be no need for an army.)

We will try to present some of the sources and considerations raised by those who do not serve in the army due to Torah study.

In the Gemara Sanhedrin (49a), "Rabbi Abba bar Kahana says: Were it not for David, who studied Torah, Joab would not have been able to wage war, and were it not for Joab, David would not have been able to study Torah. As it is written: "And David executed judgment and justice to all his people, and Joab, son of Zeruiah, was over the army" (II Samuel 8:15–16). What is the reason David "executed judgment and justice to all his people"? Because "Joab, was over the army. And what is the reason "Joab, was over the army"? Because "David executed judgment and justice to all his people." The Gemara clearly sees the success of Yoav (Joab) in battle a result of David's study.

Another Gemara, in Bava Batra (7b), states, "Rabbi Yehuda Nesia imposed payment of the tax for the wall on the Sages. Reish Lakish said to him: The Sages do not require protection, as it is written: "If I should count them, they are more in number than the sand" (Psalms 139:17–18)... Rather, this is saying: If I should count the deeds of the

righteous, they are greater in number than the grains of sand. And by an *a fortiori* inference: If the grains of sand, which are fewer protect the shore from the sea, do not all the more so the deeds of the righteous, which are more numerous, protect them?" A seeming statement that Torah scholars do not need natural protection.

Similarly, on the next page (8a). the Gemara teaches, "Rav Yehuda says: All must contribute to the building of the city gates [*le'aglei gappa*], even from orphans. But the Sages do not require protection." As the Sages do not need walls or doors for protection so too they do not need military protection.

The most commonly and seemingly direct source is found in the conclusion of the Rambam's Hilchot Shmita ve'Yovel.

"Why did the Levites not receive a portion in the inheritance of *Eretz Yisrael* and in the spoils of war like their brethren? Because they were set aside to serve God and minister unto Him and to instruct people at large in His just paths and righteous judgments, as [Deuteronomy 33:10] states: "They will teach Your judgments to Jacob and Your Torah to Israel." Therefore, they were set apart from the ways of the world. They do not wage war like the remainder of the Jewish people, nor do they receive an inheritance... Instead, they are God's legion, as [*ibid.*:11]: states: "God has blessed His legion" and He provides for them, as stated [Numbers 18:20]: "I am your portion and your inheritance."

Not only the tribe of Levi, but any one of the inhabitants of the world whose spirit generously motivates him and he understands with his wisdom to set himself aside and stand before God to serve Him and minister to Him and to know God, proceeding justly as God made him, removing from his neck the yoke of the many reckonings which people seek, he is sanctified as holy of holies. God will be His portion and heritage forever and will provide what is sufficient for him in this world like He provides for the priests and the Levites."

The Ramban seems to apply the status of the Levites to anyone who commits themselves "to know God". Therefore, as the Levites "do not wage war like the remainder of the Jewish people", so too those who study Torah are exempt for waging war.

(God willing in our next response we will learn how those who believe Torah students should serve in the army contend with these claims and

sources. In any event it is important to understand that the exemption from army service due to Torah study is not devoid of a basis in Torah literature.)

Sources:

Mishna Sotah 44b

Sanhedrin 49a

Bava Batra 7b, 8a

Rambam Hilchot Shmita veYovel chapter 13 sections 12-13.

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