YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**War in Halakha**

**Rav Yishai Jeselsohn**

**Shiur #21: "And Your Camp Shall Be Holy"**

*Parashat Ki Tetze* describes the laws that apply to an army camp:

When you go forth in camp against your enemies, you shall keep yourself from every evil thing. If there be among you any man who is not pure, [because of] a nocturnal occurrence, he shall go out of the camp… You shall designate a place outside the camp where you may relieve yourself (lit. “and you will go out there, outside”). And you shall have a trowel among your gear; and it shall be, when you relieve yourself (lit. “sit”] outside, you shall dig a hole with it, and shall turn back and cover up your excrement. For the Lord your God walks in the midst of your camp, to save you and to give up your enemies before you; your camp shall be holy; He shall not see *ervat davar* (nakedness, indecency ofany thing) among you, and turn away from you. (*Devarim* 23:10-15)

These verses combine specific, concrete injunctions – the law of a place for relieving oneself and a trowel, the law requiring the impure to leave the camp, and the prohibition against *erva* being seen in the camp – with general injunctions: "you shall keep yourself from every evil thing" and "your camp shall be holy." This combination raises and intensifies a question that always attends general injunctions – what is their real import? What practical instructions can be derived from them, with respect to specific acts or general conduct? Here, the Torah details several practical *mitzvot* that are to be observed in the camp; what then does the general commandment that “your camp shall be holy” teach us?

Several answers to this question can be found in the words of *Chazal* and the *Rishonim.* We will examine their words, and in the wake of their various explanations, try to suggest a more comprehensive understanding of this mitzva and of the nature of the Israelite war camp.

**Modesty**

The *Sefer Mitzvot Katan* sees our *parasha* as the Torah source for the laws of modesty:

To be modest, as it is written: "And your camp shall be holy" (*Devarim* 23:15), and it is written: "And to walk modestly with your God" (*Mikha* 6:8). (*Sefer Mitzvot Katan,* *mitzva* 57)

It would seem that the *Sefer Mitzvot Katan* relies on the specific *mitzvot* appearing in this passage; the three *mitzvot* of modesty regarding the act of defecation, the obligation to maintain distance from nakedness or indecency, and the purification of one who is impure on account of a nocturnal emission are all aimed at the enhancement of modesty, and it is reasonable to see the general obligation as summing up the particulars and decreeing a general principle of modesty.

Similarly, the *Sifrei* expounds the other general command, "you shall keep yourself from every evil thing," as dealing with matters of modesty and sexual indecency:

Another explanation: "You shall keep yourself" – beware of sinful imaginations, lest you come to seminal emission. (*Sifrei Devarim Ki Tetze* 254)

We find an additional expansion in *Midrash Vayikra Rabba*, where the term "indecent thing" takes on a new meaning:

"Your camp shall be holy; He shall not see *ervat davar* (thing) among you" – indecent speech (*dibbur*). Rabbi Shmuel bar Nachman said: This refers to disgusting talk. (*Vayikra Rabba*, *Kedoshim* 24)

Lascivious talk is a prohibition that is not found elsewhere in the Torah. It pertains to matters of modesty both in the negative sense of distancing oneself from matters of indecency and in the positive sense of requiring calm and modest behavior - which, of course, includes speech.

The midrashic expositions refer to a military camp, as the plain sense of the verses would have it, but the *Sefer Mitzvot Katan* extends the commandment to a general admonition to be modest. It seems that the special emphasis on modesty in the camp is due to the fact that this is a place where immodest speech and behavior may be common, and therefore special caution is required – but the precept of modesty itself applies everywhere.

Thus, the first understanding of the mitzvaof the sanctity of the camp sees the Torah's injunction as a call for the war camp (and perhaps all communities) to be a place of modesty and of avoiding indecency.

**Specific Commandments**

The Rambam, echoed by the *Sefer ha-Chinukh*, does not count the general verses in our *parasha* as separate *mitzvot*; in fact, they only count two specific *mitzvot* in this passage – thatof setting aside a place for defecation and that of a trowel (Rambam, *Sefer ha-Mitzvot*, positive commandments 192-3; *Sefer ha-Chinukh*, *mitzvot* 566-7) – in connection to the army camp, while the commandment to remove the impure from the camp is counted together with the general command to distance the impure from the Temple (Rambam, *Sefer ha-Mitzvot*, positive commandment 31; *Sefer ha-Chinukh*, *mitzva* 565). According to them, there is no distinct general commandment of modesty and sanctity, but only a reinforcement of the specific prohibitions mentioned in the context of going to war, namely, the prohibition of defecating within the camp.

**Slander and Social Affairs**

A third possibility is to see the mitzvato “keep yourself from every evil thing” as dealing with matters of speech. We saw this above in *Vayikra Rabba*, and the same idea is repeated in the Gemara in a different way:

From where is the warning against *motzi shem ra* (slandering one’s bride) deduced? Rabbi Elazar said: From: "You shall not go as a talebearer" (*Vayikra* 19:16). Rabbi Natan said: From: "You shall keep yourself from every evil thing." (*Ketubot* 46a)

A similar connection between our *parasha* and the issue of *lashon ha-ra* (evil speech)is found elsewhere in the Gemara, in a unique explanation of the commandment, "You shall have a trowel among your gear":

Bar Kapara expounded: What [is the meaning] of that which is written: "You shall have a trowel among your gear"? Do not read: "your gear" [*azeinekha*], but rather "upon your ear [*ozenkha*]" – [teaching] that if a person hears an unworthy thing, he should plug his fingers into his ears. (*Ketubot* 5a)

*Lashon ha-ra* and *motzi shem ra* are general prohibitions, and we must try to understand why the Gemara connects them specifically to the context of war. The Ramban elucidates this in his commentary to the Torah, where he explains these prohibitions as pertaining to the special problem of contention in the camp during war:

The Sages [in the *Sifrei*] added evil talk [as a matter derived from this verse], so that disputes should not increase among them and smite them with a very great plague, [even] more than the enemy [will inflict upon them]. (Ramban, *Devarim* 23:10)

His words seem to indicate that there is a special commandment to maintain a positive social atmosphere and avoid discord in an army camp; this command is expressed in the prohibition of *lashon* *ha-ra* (and all the more so *motzi shem ra*), which causes strife and division in the camp.

**A General Rule of Sanctity in the Camp.**

Rabbi Sa'adya Gaon in his *Azharot* counts the commandment to sanctify the camp as one of sixty-five "*parashiyot*" of the Torah, and not as a separate commandment. He writes:

Their army is in the great council of the holy ones; their camps sanctify and honor. (*Sefer ha-Mitzvot le-Rasag*, *parashiyot tzibbur* 6)

Rabbi Yerucham Fishel Perlow, in his commentary to Rabbi Sa'adya Gaon's count of the *mitzvot*,explains in the wake of these words that the particular *mitzvot* are merely exemplars of the general mitzvarelating to the sanctity of the camp:

It seems that according to Rabbi Sa'adya Gaon, this verse comes only to command about the sanctity of the camp in a time of war, in accordance with the plain sense of the verse, for it is written: "For the Lord your God walks in the midst of your camp, to save you and to give up your enemies before you, etc." And that which is stated: "you shall designate a place… and you shall have a trowel," is like [the principle of] something [specific] that was included in a general rule, and then excepted from it to teach about all that is similar to it, as the verse concludes: "your camp shall be holy; He shall not see *ervat davar* among you, and turn away from you." (*Bi’ur al Sefer ha-Mitzvot le-Rasag*, ad loc.)

Regarding the parameters of the mitzva,he explains:

That is, any unseemly matter that runs counter to the sanctity and dignity of the camp. According to this, the area for defecation and the trowel are not counted independently, for the verse mentioned them only to explain the substance of the commandment and to serve as an example of all such things. (Ibid.)

In his understanding, there is a general prohibition against doing anything indecent in an army camp, and what the Torah enumerates is only examples.

**A General Admonition to Observe the Commandments**

Another formulation of the nature of the general mitzvaof "you shall keep yourself from every evil thing" is found in the Ramban, in his list of commandments the Rambam omitted, where he counts it as a separate mitzva:

The eleventh commandment: that when we go out to war against the enemy, we are forbidden to do any evil thing, such as shedding blood and the like, from among the transgressions that cause the *Shekhina* to depart from the camp. (*Hasagot ha-Ramban al Sefer ha-Mitzvot*, forgotten negative *mitzvot*, 11)

The Ramban’s words are puzzling, for this prohibition does not introduce any new restrictions, but merely reiterates existing prohibitions in the Torah;[[1]](#footnote-1) if so, what is its special significance, such that he considers it a separate commandment?! He clarifies further both here in his *Hasagot* on the Rambam and in his commentary on the Torah. In his *Hasagot*, the Ramban explains that there is a special dimension to the prohibition in the camp, which adds to the regular prohibition:

Do not be misled into thinking that since this prohibition only forbids actions that are already forbidden, it should not be counted. For this is not a [regular case of] a prohibition that is repeated in all places, only to strengthen the prohibition; rather, a place is singled out for it such that one transgresses two prohibitions in that place. (Ibid.)

The Ramban explains further that the essence of the prohibition is the removal of the *Shekhina* from the camp, and therefore it might include things that are not normally forbidden (such as contemplations of sin, which may not involve an act of sin but still causes the departure of the *Shekhina*, and the covering of excrement),[[2]](#footnote-2) and it might *not* apply to *mitzvot* that do *not* involve departure of the *Shekhina*:

But the main point is that this prohibition, though they warn of it everywhere for the purpose of rebuke, was stated in the Torah only in the camp, for it too causes loss of the camp. But regarding the impurity of creeping things, and the impurity of a corpse, and tithes – they said they are not [included] in this prohibition, because they do not cause the departure of the *Shekhina*. (Ibid.)

The Ramban repeats this in his commentary on the Torah:

This also is included in the meaning we have explained, that besides the [specific] admonitions that are stated regarding these stringent sins, it adds a [special] prohibition in an army camp, that we must guard against all these sins so the *Shekhina* will not remove itself from the people of Israel who are there, as it states: "For the Lord your God walks in the midst of your camp." And behold, one who commits any of the great sins while in the camp is like those about whom it is written: "They have settheir detestable things in the house upon which My name is called, to defile it" (*Yirmeyahu* 7:30). Moreover, [we must guard against these sins] so that the enemy will not overpower us [because] we do the same things that caused them to be driven away from before us, and this is [the meaning of]: "and to give up your enemies before you." (Ramban, *Devarim* 23:10)

**The Principles of the Camp**

**The Camp of the Lord or a Camp of War**

The various approaches we have seen in the interpretation of the general commandment, "and you shall keep yourself from every evil thing," may be divided into several principles that the Torah wishes to teach us about the camp of Israel in a time of war.

But before we discuss these principles, we must try to understand what exactly is meant by the term "camp" in the Torah. Our passage is explicitly talking about going out to war, but elsewhere in the Torah, the term “camp” refers to Israel’s camp that encircles the camp of the *Shekhina* and the *Mishkan*. Which camp is the subject here – the one going out to war, or the one surrounding the ark and the *Shekhina*? As we saw above, the Rambam distinguishes sharply between the commandments regarding the trowel and the area assigned for defecation – which relate to the camp of war and are discussed in detail in *Hilkhot* *Melakhim* (chap. 6) – and the commandment of sending away the impure – which is dealt with at length in *Hilkhot Bi'at ha-Mikdash.* According to this, each use of “camp” in our passage relates to a different context !

At the same time, however, the simple understanding is that all these *mitzvot* belong to the same reality. Some have resolved the tension between the different meanings by explaining that the sanctity of the camp derives from its being the camp of the *Shekhina*, but that a war camp is also similar to the holy camp of Israel since the ark dwells in its midst. This approach is adopted by many of the commentators (Rabbeinu Bachya, Malbim, the *Netziv* in *Ha'amek Davar*, the *Meshekh Chokhma*, and others), and the Ibn Ezra goes so far as to say that the camp of war is even more stringent than the camp of the *Shekhina*, since there are no partitions between the people and the ark:

"When you go forth in camp" – This is the camp that would go out against the enemy, and the ark was there. This was a small camp, not the large one, where there were partitions; when they went out to war, they were close to the ark. (Ibn Ezra, *Devarim* 23:10)

According to this approach, which sees the source of the camp’s sanctity in the sanctity of the ark, it is possible to reconcile a difficulty raised in *Responsa Arugat ha-Bosem* and cited by the *Tzitz Eliezer*:

And I will mention as an aside what I saw in the book *Responsa Arugat ha-Bosem*, *Orach Chaim* no. 18, that he had difficulty with the fact that the Torah writes this verse of "And your camp shall be holy" regarding a time of war; behold, we learn from this about every place, that uttering words of holiness in a place where there is excrement involves a Torah prohibition. And how do we really learn this from a verse written about a time of war? And he is forced to suggest… (*Responsa Tzitz Eliezer* vol. 8, no. 1)

For the Ibn Ezra and others, the answer is simple: the source of the prohibition is the sanctity inherent in the ark, and that is the same sanctity that is inherent in words of Torah – both contain an expression of the Divine manifestation in the world, which is incompatible with the presence of impurity, indecency, or excrement.

According to this approach, the commandments in our *parasha* would apply only in an army camp in which the ark of the covenant is in fact present. However, the Rambam says explicitly that the commandments regarding a place for defecation and a trowel apply even when the ark is not in the camp:

They must follow these practices at all times, whether the ark accompanies them or not, as it is stated: "And your camp shall be holy." (*Hilkhot Melakhim* 6:15)

Thus, we have two entirely different foundations for the mitzva of the sanctity of the camp – one which sees the sanctity of the camp as deriving from the sanctity of the ark, and the other which sees sanctity in a camp even without an ark. In the second approach, that of the Rambam, what is the basis of the sanctity? In order to better understand the Rambam's approach, let us delve for a moment into a third approach – that of the Ramban.

According to the Ramban, the essence of the prohibition stems from the presence of the *Shekhina* in the camp, but he does not seem to require that the ark be in the camp: in the list of forgotten commandments, the word "ark" is not mentioned at all; in his commentary on the Torah, as well, the ark is not mentioned in the context of the laws of war – though he explains there at length that the essence of the special prohibition in a time of war is the removal of the *Shekhina*, and therefore it applies only at time when the *Shekhina* is present. The gist of the Ramban's conception of this resting of the *Shekhina* is summed up in a few simple words:

For the whole camp is like the sanctuary of the Lord. (Ramban, *Devarim* 23:11)

That is to say, even if there is no ark in the war camp, the camp has the status of the camp of the *Shekhina*, for a war of Israel is also accompanied by the resting of the *Shekhina.* This is precisely the novelty of the passage: "The Lord your God walks in the midst of your camp."

The Rambam uses the same wording when he explains the commandment regarding the camp in his *Guide for the Perplexed*:

That it should be in everyone’s heart that the camp is like the sanctuary of the Lord. (*Guide for the Perplexed* III, 41)

But these are not *precisely* the same words. While the Ramban is concerned with the spiritual *reality* of the camp, and the resting of the *Shekhina* there as it rests in the sanctuary, the Rambam sees the main similarity between the camp and the sanctuary as an *educational* goal that a person should internalize, as he elaborates earlier:

And this commandment also fortifies, by means of the action it enjoins, the certainty of the combatants that the *Shekhina* rests among them, as it is explained in the reason given for it: "For the Lord your God walks in the midst of your camp." It has also included another notion, saying: "He shall not see *ervat davar* among you, and turn away from you," this being against that which, as is well known, is widespread among soldiers in a camp after they have stayed for a long time away from their homes. Accordingly, He commanded us to perform actions that remind us that the *Shekhina* rests among us, so that we will be preserved from those deeds. (Ibid.)

According to the Rambam, the essence of our passage is to instill in the soldier's heart a belief in God's providence, and that he should rectify his deeds accordingly. In contrast, according to the Ramban, the presence of the *Shekhina* is actually palpable, and the concern is that the soldiers' poor conduct will mar it and cause it to depart. It seems that the Rambam would prefer to resolve the *Arugat ha-Bosem*'s question in the manner of Rav Waldenberg in *Responsa Tzitz Eliezer*:

He means that in a time of war, it is always considered a time of prayer, because there, the hearts and eyes are always turned in supplication and prayer and entreaty before God to save them from their enemies, and therefore we can derive a prohibition from this only at the time of the *Shema* and prayer and Torah study. According to this, the difficulty of the *Arugat ha-Bosem* is resolved, because this why the Torah wrote this verse, "and your camp shall be holy," in a time of war, because then the warning can be said in a general manner, and it refers to the entire time of war, and we can also derive from this in general that one must be similarly careful at the time of *Shema* and prayer and Torah study and any matter of holiness.

According to the Rambam, the purpose of the prohibitions and commandments that apply in the camp is to stir the heart of the soldier towards prayer and devotion to God, and thus it is clear how we can learn about the laws of prayer and *Shema* from laws that apply in the context of war.

**Sanctity and Morality**

In addition to the two aforementioned approaches, which view the special laws of the camp as stemming from the sanctity of the camp or from the need to impress upon the soldiers God's help in their fighting, we may suggest a third foundation upon which these laws may be based, namely, the moral consideration.

The Ramban writes:

The correct interpretation regarding this commandment appears to me that Scripture is warning of a time when sin is rampant. The well-known reality of forces going to war is that they eat all abominable things, rob and plunder, and are not ashamed even of lewdness and all vileness. Even those individuals who are most upstanding by nature may become clothed in cruelty and fury when the army advances against the enemy. (Ramban, *Devarim* 23:10)

Rabbeinu Bachya echoes this idea:

According to the plain sense: "From every evil thing," which the Torah forbade, is because when the camps of the Canaanites went out to war, they were wont to do all abomination and all wickedness and were given over to all things. Therefore the Torah warns the camp of Israel to beware of all the evil things that the other Canaanites were doing and were not concerned about in a time of war. (Rabbeinu Bachya, *Devarim* 23:10)

According to this understanding, the need for these special commandments during war stems from the low moral level that usually prevails in a camp of war and expresses the Torah's desire to elevate and uplift the moral and spiritual level of the nation at war. This is also the approach of the *Sefer ha-Chinukh*:

It is of the roots of the commandment [that it is] like what is written in the Torah passage: "For the Lord your God walks in the midst of your camp… therefore your camp shall be holy," which is to say that the souls of Israel always cling to the *Shekhina*, and all the more so in the camp, as they are all of clean souls – for anyone who was afraid on account of his sins had already left and returned to his home, and there remained [only] the good ones, in whom the spirit of God dwelled. And it is appropriate for them to stand in cleanliness, as it is known and publicized that cleanliness is among the good traits that bring one to *ruach ha-kodesh* (the holy spirit), as was expounded by Rabbi Pinchas ben Yair in the first chapter of *Avoda Zara* (20b). There is also praise to the nation in this, when gentile messengers come and see that their camp is holy and clean of any filth. (*Sefer ha-Chinukh*, *mitzva* 566)

**Presence or Seeing**

In conclusion, I wish to bring a taste of the discussion surrounding the prohibition of reading *Shema* and saying words of holiness in the presence of nakedness or excrement, where one can see how the questions with which we opened regarding the prohibition in the camp are reflected in the details of our daily halakhic practice.

In the course of discussing the prohibition of reading *Shema* in the presence of nakedness, the Gemara raises an objection to the suggestion that in the case of two naked men standing opposite each other, each of them should turn his face to the side and read the *Shema*:

It was stated: The one turns his face away and recites the *Shema* [and the other turns his face away and recites the *Shema*]. But there is [the contact of] the buttocks? This supports the opinion of Rav Huna, who said: Buttocks do not constitute nakedness. (*Berakhot* 24a)

Rashi understands that the difficulty stems from the nakedness of the other person, but the Rashba asks: If he turns his face away and does not see the other person's nakedness, what prohibition is involved? He answers in the name of the Ra'avad as follows:

And the correct interpretation in my opinion is that of the Ra'avad, who explains: But there is his own buttocks which are uncovered, and even though he does not see them, it is not written in the verse: "*You* shall not see *ervat davar*," but rather: "*He* shall not see *ervat davar*," that is to say, that one who sees shall not see in you any matter of nakedness, at a time when the Lord your God walks in the midst of your camp. (Rashba ad loc.)

From this it emerges that the prohibition does not depend only on what is actually visible to a person; rather, even the presence of nakedness in the same domain and place where words of Torah are found – even when it cannot be seen – is problematic and forbidden.

The other side of this approach, which provides a leniency, emerges from the words of the Rosh:

But if it is raised ten handbreadths or lowered ten handbreadths, even if he sees it, it is permitted, because it is in a place set apart to itself, and we can say about it, "and your camp shall be holy." According to this, if the excrement is in front of the entranceway, it is permitted to recite *Shema* in the house, even if he can see it, even within four cubits, if the smell does not reach him, because the entranceway is considered as if it were locked. (Rosh, *Berakhot* 3:46)

When the excrement is in another halakhic domain, there is no problem seeing it, for the prohibition applies only when the person and the excrement are in the same domain.[[3]](#footnote-3)

The Rashba concludes with an understanding that the commandment in our *parasha* is twofold – both when the excrement is found in the person's domain, and when he can see it:

And it may be suggested that all agree that "He shall not see" applies in both cases, for the Torah only differentiates between them in the verse, "and your camp shall be holy," to permit reciting *Shema* within four cubits of nakedness or within four cubits of excrement, when it is not in one's camp, that is, when it is not visible, but if he sees it, both here and there it is forbidden… For we need two things, either in his camp and it is visible even to others, or not in his camp, and it is visible to him. (Rashba, ibid. 25a)

These two aspects – the prohibition of seeing it and the prohibition of it being present – are closely connected to the two approaches that we saw above. If the problem is the definition of the camp as the camp of the *Shekhina*, then it seems that the presence of excrement is the problem, not the seeing; but if one understands the purpose of the prohibitions and the commandments of the camp in terms of their effect upon a person’s heart, then the main thing is whether he sees the excrement, not necessarily its presence.

**Summary**

We have seen that the mitzva of the sanctity of the camp can be interpreted either as a general commandment prohibiting removal of the *Shekhina* from the camp or as a specific commandment dealing with modesty, proper speech, or specific laws pertaining to the camp. We have tried to understand the foundation of these commandments, whether in the camp of the *Shekhina* and the ark, in the resting of the *Shekhina* in the camp, in the need to instill faith in God in the hearts of the soldiers, or in the need to maintain basic morality among the combatants. We also touched upon the practical ramifications of the relationship between the presence of excrement and nakedness in the camp and seeing and being exposed to them.

(Translated by David Strauss; edited by Sarah Rudolph)

1. See Rashi on the Torah (*Devarim* 23:10), who explains that Satan is prone to denounce Israel at times of danger, and therefore it is indeed necessary during wartime to repeat admonishments even about known matters. See also the lengthy discussion in *Sifrei* (254), which expands the mitzvaof "you shall keep yourself" to include all prohibitions. This additional admonition is important and necessary, but seemingly should not be counted as an independent mitzva. [↑](#footnote-ref-1)
2. See at length in *Responsa Tzitz Eliezer* (vol. 15, no. 53), in the name of Rabbi D. Pardo and in the name of Rabbi Tz. P. Frank, that even Rabbinic prohibitions, and matters of indecency which are not forbidden by narrow law, are included in this prohibition. [↑](#footnote-ref-2)
3. There is, of course, a difference between excrement and nakedness, for all agree that seeing the latter is problematic, but we will not expand on that here; see *Berakhot* 25b. [↑](#footnote-ref-3)