YESHIVAT HAR ETZION

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**War in Halakha**

**Rav Yishai Jeselsohn**

**Shiur #24a: The Four Exemptions Granted to Soldiers in a Camp**

The previous *shiur* cited the Mishna’s list of four obligations from which soldiers in a camp are exempt:

[Regarding] four matters, exemption was granted [to soldiers] in a camp: they may bring wood from anywhere [to use without concern of stealing], and they are exempt from the washing of hands [before eating], from [the restrictions of] *demai* (produce that may not have been tithed), and from making an *eiruv*. (Mishna *Eiruvin 1:10,* Gemara *Eiruvin* 17b)

In the previous *shiur*, our focus with regard to this *mishna* was on the definition of a “camp” in this context; we will now shift our focus to understanding the exemptions. What is their rationale and basis?

Several approaches may be suggested to answer this question. It may be that the exemptions pertain specifically to matters related to combat and are intended to make the war effort more effective and successful; it may be that these are leniencies stemming from the fact that the person is in a camp and not in a settled community; and it may be that the Sages were lenient about these matters due to the danger and the pressing circumstances of the situation, as they were in other similar cases. Of course, we can also consider each exemption as standing on its own, and different reasons may be assigned to the different laws; there is no obligation to bring them all under one umbrella. However, we will begin with some sources that provide explanations for all four exemptions in a general sense, as a unit.

Rabbeinu Yonatan understands the exemptions as applying only to a military camp, not just any group of people who left their homes and set out on the road:

Four matters…the Sages permitted to those in a camp going out to war, even a *milchemet reshut*, and all the more so a *milchemet mitzva*, even though they are forbidden to all people and even to a caravan that is going from place to place. For a caravan's status regarding these four matters is the same as that of an individual in his house. (Rabbeinu Yonatan, *Eiruvin* 4b in the Rif)

On the other hand, Rabbeinu Yonatan emphasizes that the permissive rulings apply even when there is no actual warfare:

But as for *eiruv techumim*, the Sages required them, that they are prohibited from going out beyond two thousand cubits from the place where they had established their resting place on Shabbat, unless they had arranged an *eiruv techumim*, just like any other individual in a settled area. For what need is there to permit them to go out [beyond the Shabbat limit] when they are not fighting and the enemy is not coming out against them. (Ibid.)

The last sentence in the above selection indicates that he understands the leniencies that *were* granted to apply even “when they are not fighting and the enemy is not coming out against them.” At the same time, despite this broadening of the law to situations other than active warfare, he still sees these exemptions as coming to ease and facilitate matters of war, as indicated by his explanation of the allowance to bring wood from anywhere:

All [wood] was permitted to them by the Sages, since it is impossible for a camp to be without wood for baking their food and their bread. (Ibid.)

This is also implied by the Rambam’s wording, which we saw in the previous *shiur*:

This “camp” that is mentioned here – even for a *milchemet reshut*, and all the more so for a *milchemet mitzva* – for they were lenient with them because they are busy with the conquest of the land of the enemy. (Rambam, Commentary on the Mishna, *Eiruvin* 1:10)

At the same time, when we consider the details of the laws of each exemption, we see that there are differences between the various exemptions and it may very well be that each one has a different basis. The next *shiur* will thus proceed to examine the various laws from which one is exempt in the camp, one by one.

In the course of that discussion, we will also address the question of the breadth of the exemptions: Does the exemption nullify the prohibition altogether? Or does the prohibition remain in force, except that the Sages permitted its transgression due to the war situation?

Let me explain what I mean. All four of the exemptions that apply in a camp are *halakhot* regarding which the Sages wield absolute authority: The allowance to take dry wood is a matter of monetary law and relies on the principle that *hefker beit din hefker*, i.e., that which a court declares to be ownerless property is indeed considered ownerless, and thus the Sages have the authority to confiscate a person's property; *demai*, *eiruvin*, and *netilat yadayim* (handwashing) are all matters of strictly Rabbinic law and are thus certainly subject to Rabbinic authority. However, we must consider whether the *mishna* means the Sages did not obligate these ordinances at all in wartime, or whether they are in force but the Sages permitted their violation.

We can clarify the issue in light of a practical ramification shared by the last three cases (*demai*, *eiruvin*, and *netilat yadayim*). The Gemara in *Shabbat* (21a) addresses the question of whether to recite a blessing over Rabbinic commandments, even though the formula for a blessing over a mitzva states that *God* (and not “the Rabbis”) sanctified us through the commandment. It determines that we should, since we are commanded by the Torah to obey them by virtue of the dictum of *lo tasur*, "you shall not turn aside from the law which they shall declare to you" (*Devarim* 17:11). Now, what would be the law regarding a person who wishes to be stringent and observe those matters in the camp from which he is exempt – may he recite a blessing over them? If the Sages cancelled the obligation in this context and declared that it does not apply, then he may not recite a blessing, for the Sages did not in fact command us to wash our hands or tithe *demai* in an army camp; if, however, the obligation still stands, but the Sages exempted soldiers from its fulfillment, then one who wishes to be stringent may and should recite a blessing, just like one who fulfills a Torah obligation even though he is exempt from it.

This will be a central issue in the next *shiur*, as we analyze the exemptions independently.

(Translated by David Strauss; edited by Sarah Rudolph)