YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha and Israeli History**

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**Operation Cast Lead**

**Part II**

**Should Torah scholars be drafted?**

A debate has raged in the State of Israel since its birth in 1948 until the present day regarding drafting yeshiva students.

[Last week](https://www.etzion.org.il/en/shiur-28-27-december-2008-operation-cast-lead), we quoted the Mishna in *Sota*, which holds that everyone must participate in a *milchemet mitzva*. The Mishna mentions that even a bride and groom must leave their wedding.[[1]](#footnote-1) Presumably, the Mishna holds that no one is exempt from fighting, including Torah scholars. In today’s *shiur* we will examine the question of whether this is in fact true or not.

In wartime, when the Jewish people are facing an imminent danger, it is very difficult to give an exemption to anyone.

Rav Yitzchak Minkowski (1788-1851), chief rabbi of the city of Karlin, writes explicitly in his *Keren Ora* that in times of war, even Torah scholars are obligated to participate.[[2]](#footnote-2)

Many 20th-century rabbis who argue for the exemption agree with the opinion of the *Keren Ora*. However, they take into account an important fact: the lack of Torah knowledge in the aftermath of the Holocaust. Their concern is how to rebuild the *yeshivot* again and create a new generation of Torah scholars. However, in the last few years, new arguments have been added to the discussion. We will attempt to discuss the important main sources and avoid irrelevant political arguments.

We will begin by reviewing some of the sources we saw last week.

**The Protection of the Torah vs. the Protection of the Army**

In 1948, as a response to rabbis who opposed the draft, an anonymous leaflet was distributed in shuls and *yeshivot* signed by “one of the rabbis”. There is a debate as to who wrote the letter. The common opinion is that it was the great *posek* and *talmid chakham,* Rav Shelomo Yosef Zevin. In the leaflet, he argues that, at times of great peril, all must participate in defending and protecting the nation.

Some rabbis quote sources in the Gemara that argue that Torah scholars are exempt from paying taxes for the city’s protection because their Torah protects them.[[3]](#footnote-3) Rav Zevin’s response to them is the following:

When actual lives are at stake, may we rely on miracles? In 1929 during the Chevron Massacre… didn’t young students of the yeshiva, whose holiness shone like stars in the sky, fall before the malicious enemy? Please, did these martyrs need protection or not?

If you understand that the scholars need protection in relatively peaceful times and are exempt from building protective walls, what consequence has this when compared to a life-and-death struggle, a war which is a mitzva and in which all are obligated? The defense authorities ordered everyone to cover all windows as protection against shattering glass in case of an air raid. Would anyone think that some rabbis will not do so, claiming, “Rabbis do not need protection”? Why did rabbis leave areas under enemy fire along with the rest of the general population? Why did they not rely on this maxim?[[4]](#footnote-4)

**The Model of the Tribe of Levi**

Those who oppose Rav Zevin’s view quote the Rambam’s opinion:

And not the tribe of Levi alone but each and every person throughout the world whose spirit has uplifted him and whose intelligence has given him the understanding to stand before God, to serve Him, to worship Him, to know God; and he walks aright as the Lord has made him and he has cast off from his neck the yoke of the many considerations that men have sought — such a one has been sanctified as the holy of holies, and the Lord shall be his portion and his inheritance forever and ever and shall grant him his sufficiency in this world as he has granted to the *kohanim* and the Levites.[[5]](#footnote-5)

In his famous essay on the ideology of *hesder,*[[6]](#footnote-6) Rav Aharon Lichtenstein argues that, for several reasons, this law does not serve as a proof for exemption. Firstly, he points out, the Rambam brings this halakha in *Hilkhot Shemitta,* and not in *Hilkhot Melakhim*.

Moreover, argues Rav Aharon:

Finally, even if we grant that the Rambam’s statement does imply a categorical dispensation in purely halakhic terms, it remains of little practical significance. We have yet to examine just to whom it applies. A *levi* is defined genealogically. Those who are equated with him, however, literally or symbolically, are defined by spiritual qualities; and for these the Rambam sets a very high standard, indeed. He presents an idealized portrait of a selfless, atemporal, almost ethereal person — one whose spirit and intelligence have led him to divest himself of all worldly concerns and who has devoted himself… “to stand before God, to serve Him, to worship Him, to know God; and he walks aright as the Lord has made him and he has cast off from his neck the yoke of the many considerations that men have sought.”

To how large a segment of the Torah community, or, *a fortiori,* of any community, does this lofty typology apply? Two percent? Five percent? Can anyone who has negotiated the terms of a salary… look into a mirror and tell himself that he need not go to the army because he is *kodesh kodashim, sanctum sanctorum,* in the Rambam’s terms? Can anyone with even a touch of vanity or a concern for *kavod* contend this?

If one understands that the Rambam’s opinion regarding the tribe of Levi serves as a precedent for permitting yeshiva students to avoid the draft, then it seems reasonable to argue that the same way *kohanim* are permitted to volunteer, so may the Torah scholars.

Those who oppose the draft often quote Rav Kook,[[7]](#footnote-7) who argues that yeshiva students should remain in the *yeshivot* rather than go to the army; but I find this ruling completely irrelevant. Rav Kook died in 1935, and obviously the circumstances at the time were completely different, as he was referring to drafting Jews into a foreign army.

Rav Haim Drukman has an unpublished manuscript of Rav Kook, which contains the following determination:

Although the tribe of Levi does not participate in war, it seems this is only the case with small-scale battles, as in the case when a tribe is fighting for its personal territory. However, when all the people of Israel are faced with **war, all must go to battle**. (Furthermore,) fighting the battles of the Jewish people is also service of God; therefore, whoever is more connected to the service of God should be more connected to it.

I believe that this last paragraph serves as an important argument that the closer one is to God, the more one should be in the armed forces, fighting the enemies of Israel.

**The Views of Rav Chayim David Ha-Levi and HaRav Aharon Lichtenstein**

Rav Chayim David Ha-Levi, Chief Rabbi of Tel Aviv, argues for a full exemption for those who choose to learn Torah.[[8]](#footnote-8) His opinion is a common one even amongst Religious Zionist rabbis.[[9]](#footnote-9) However, he agrees that when combat begins, all must fight. He adds that as soon as the battle is over, the students must return immediately to the *beit midrash*.

I find this opinion very difficult to understand. It is obvious that one cannot leave the *beit midrash* and go to the front without proper training. How can one exempt yeshiva students from army service and yet expect them on the day of battle to charge the enemy?

I feel it important to mention that Rav Aharon Lichtenstein and Rav Yehuda Amital (to my knowledge) were the first Religious Zionist leaders to come out publicly with the opinion that all yeshiva students are obligated to serve in the IDF.

As mentioned, the most “lenient” opinions in the Religious Zionist camp at the time, i.e. those views most positively inclined towards military service, merely permitted yeshiva students to serve in the IDF. Most rabbis told their students that the army was just for those who found it too difficult to study Torah all day.[[10]](#footnote-10) Rav Aharon’s opinion that *hesder* is *le-khatechilla* (ab initio) was nothing less than revolutionary at the time.

**Military Service as Lovingkindness**

Finally, I would like to raise one more issue. In the past few years, many arguments have been made to draft all Israeli citizens, including yeshiva students. The suggested reasons are based either on ethical arguments or on halakhic sources.

Rav Lichtenstein propounds a *chiddush* for why he believes yeshiva students should join the IDF. He mentions the religious principle of *gemilut chasadim*:

The halakhic rationale for Hesder does not, as some mistakenly assume, rest solely upon the mitsvah of waging defensive war. If that were the case, one might conceivably argue that, halakhically, sixteen months of army service was too high a price to pay for the performance of this single commandment. The rationale rather rests upon a) the simple need for physical survival and b) the fact that military service is often the fullest manifestation of a far broader value: *gemilut hasadim*, the empathetic concern for others and action on their behalf. This element, defined by Shimon Hatsaddik as one of the three cardinal foundations of the world, is the basis of Jewish social ethics, and its realization, even at some cost to single-minded development of Torah scholarship, virtually imperative...

When, as in contemporary Israel, the greatest single *hesed* one can perform is helping to defend his fellows' very lives, the implications for yeshivah education should be obvious.

I believe Rav Lichtenstein adds a profound element. This source suggests that the question before us has to do with the way we understand the meaning of Torah and the way we implement it in our lives. Based on this idea, I would like to suggest a similar insight to our discussion.

**The Hands of Esav and the Voice of Ya’akov**

In the middle of the book of *Bereishit*, Yitzchak and Rivka debate the question of which of their sons, Ya’akov or Esav, should be chosen to continue the Jewish lineage. Rivka supports Ya’akov, and this is a reasonable position; but what is Yitzchak thinking when he chooses Esav to lead the Jewish people?

Rav Yoel Bin-Nun[[11]](#footnote-11) suggests that although Yitzchak is aware of the complexity of Esav’s personality, he is more concerned with appointing a strong leader who will deter the potential enemies of our people. Ya’akov, at the time, is a yeshiva student who spends his days learning, while Esav is a man of action feared by those around him.

When Ya’akov tricks his father by dressing up as Esav, he enters his father’s tent with his hands covered with hairy goatskin to trick his father into thinking that he is Esav. At this point, Yitzchak is confused; although “the hands are the hands of Esav,” “the voice is the voice of Ya’akov.” We can only imagine the smile on Yitzchak’s face when he realizes that before him stands the solution for ideal Jewish leadership.

It takes years for Ya’akov to combine the two: the hands of Esav and the voice of Ya’akov. Rav Yoel explains it as follows:

From the exilic Yaakov there emerges Yisrael, who fights with all his strength. Yisrael may be injured, but he will not be vanquished. Then, once again, Yaakov receives the same blessing he received from Yitzchak, this time having demonstrated that he has truly acquired “the hands of Esav.” He no longer needs to resort to deception; he is now able to maintain “the voice of Yaakov” while at the same time using his hands in a real struggle...

This suggests that it is neither Yaakov who is blessed by Yitzchak, through Divine inspiration, nor Esav. The figure who actually received the blessings — possessing “the hands of Esav” while his voice was “the voice of Yaakov” ([*Bereishit* 27:22](https://www.sefaria.org/Genesis.27.22?lang=he-en&utm_source=sef_linker)) — did not yet exist. Only after twenty years of living in Lavan’s household, during which Yaakov grew accustomed to placing “the skins of the kids of goats” (27:16) upon his hands, did this figure come into being.

After two thousand years of exile we have returned home. However, in our home we find ourselves constantly surrounded by enemies who wish to destroy us. What type of army do we wish to build to face these challenges? It seems to me that the ideal Israeli soldier should be a combination of the hands of Esav and the voice of Ya’akov.

**The Unique Ideology of *Hesder***

My father, Rav Binyamin Tabory, who taught in Yeshivat Har Etzion for many years, told me that, years ago, a committee from the French government visited the yeshiva to learn about *hesder*.

While visiting the yeshiva, they were astonished to meet student-soldiers in the *beit midrash* who were engrossed in Talmudic studies. They explained that in their country, the common soldier cannot be found studying. If anything, they argued, the common soldier is better off learning to obey orders rather than studying them.

**The Archetype of David**

The Gemara[[12]](#footnote-12) refers to a nickname of King David, as mentioned in the following verse:

These are the names of the mighty men who (served) David... he was **Adino the Etznite**; [who lifted his spear] against eight hundred slain at one time.[[13]](#footnote-13)

While *adin* means gentle, *etz* means wood. Thus, the appellation “Adino the Etznite” indicates that while engaging in Torah study, David is as gentle as a worm; but while fighting in battle, he is ruthless and tough like wood.

Thus, the meaning of the name is that King David is a combination of *safra* (book) *and saifa* (sword), to utilize the metaphor of the *Sifrei* (*Eikev* 40):

Said Rabbi Eliezer: The book and the sword descended from the heavens, each bound up in the other.

As long as we are forced to live under the constant threat of war, should we not strive to build an army following the ways of King David? Should Torah students and Jewish soldiers be two separate entities, or should they be combined into one personality?

1. *Sota* 8:7. [↑](#footnote-ref-1)
2. *Keren Ora, Sota* 44b. [↑](#footnote-ref-2)
3. BT *Bava Batra* 7b. [↑](#footnote-ref-3)
4. This article in Hebrew can be found online at: www.herzog.ac.il/vtc/0026394.doc. [↑](#footnote-ref-4)
5. *Hilkhot Shemitta Ve-yovel* 13:13. [↑](#footnote-ref-5)
6. The article appeared in Hebrew first; it was then translated to English and published in *Tradition* (Fall 1985). [↑](#footnote-ref-6)
7. See Rav Alfred S. Cohen, *Journal of Halacha and Contemporary Society*, No. XXIII, Spring 1992/ Pesach 5752. [↑](#footnote-ref-7)
8. *Kovetz Torah She-be’al Peh,* Vol. 13, p. 152. [↑](#footnote-ref-8)
9. See the opinion of Rav Shaul Yisraeli, as quoted by Yechezkel Cohen, *Giyus Ka-Halakha,* p. 78. [↑](#footnote-ref-9)
10. See Rav Yisraeli and Rav Chayim David Ha-Levi supra. Also see Rav Zalman Melamed, *Techumin,* Vol. 7, pp. 330-334; Rav Eliezer Yehuda Waldenberg, *Hilkhot Medina*, Vol. 2, p. 62. [↑](#footnote-ref-10)
11. His main article on this topic is published in *Pirkei Ha-Avot*, pp. 154-164. Parallel themes can be found at: <https://www.etzion.org.il/en/war-and-morality-yisrael-land>. [↑](#footnote-ref-11)
12. BT *Mo’ed Katan* 16b. [↑](#footnote-ref-12)
13. *II Shemuel* 23:8. [↑](#footnote-ref-13)