

CHIZUK AND IDUD

*Divrei Torah from the weekly sedra
with a focus on living in Eretz Yisrael -
Chizuk for Olim & Idud for not-yet-Olim*

In Parshat Matot we read of the preparations undertaken in advance of the war against Midyan. Each one of the tribes is directed to conscript 1000 men ("elef la'mateh") for each of the following three purposes: 1000 men who will actually enter into battle with the enemy, 1000 men who will pray for the people's safety and the mission's success, and an additional cohort of 1000 men who will provide the soldiers with food and supplies, and guard their belongings (Tanchuma Matot #3).

Rashi, in his commentary on the term "elef la'mateh", points out that the Tribe of Levi were also required to participate in the war effort seeing as this term excludes none of the tribes. Rashi is surely correct as far as the simple meaning of the words, and yet many can quote almost verbatim the famous passage in the Rambam (Hilchot Sh'mita and Yovel 13:12) in which Maimonides emphatically states that the Tribe of Levi are exempt from army conscription. The Ramban explains that this exemption stems from the fact that the Leviyim have been designated a unique spiritual role and are expected to be solely dedicated to the service of G-d: "...they were set apart to serve the Almighty, to minister unto Him, and to teach people at large His just paths and righteous judgment... They do not wage war like the remainder of the Jewish People nor do they receive an inheritance. Instead they are G-d's legion."

The Rambam's words have long served as a primary proof text used by Chareidi spokesmen in order to justify their communal refusal to serve in the IDF, since the Rambam adds a significant caveat to this principle, extending its purview far beyond the original tribal borders. The Rambam writes: "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... G-d will be his portion and inheritance forever and will provide what is sufficient for him".

[How, though, does this definition fit in with Rashi's claim that the commandment of "elef la'mateh" includes the Leviyim as well? One possible approach is to distinguish between different types of wars, seeing the war on Midyan as unique. After all the Torah uncharacteristically describes this as a war intended to execute the Almighty's vengeance (Bamidbar 31:3). Maybe a war focused on "Nikmat Hashem" allows for no deferrals.]

Does the Chareidi claim regarding the exemption for Yeshiva students hold true?

The Rambam's words seem to contradict the Mishna (Sota 8:7) which teaches that in a Milchemet Mitzva, "all go out to war, even a bride and groom from their Chupa." Indeed, HaRav Tzvi Yehuda Kook has been quoted as saying that it is wrong to base any halachic conclusion upon these words of the Rambam. The reason being that this passage should be seen more in the vein of an obiter dicta (by the way), rather than a true halachic position. The passage under discussion, is the concluding passage of Hilchot

Sh'mita v'Yovel, and indeed of Sefer Zera'im as a whole. The Rambam is wont to conclude most of his Seforim with non-halachic, ethical and spiritual guidelines. Were this to be a serious Halachic claim, it should have been recorded in its natural place as part of Hilchot Melachim in the context of the discussion found there of exemptions for those going to war. It surely should not have been placed in Hilchot Sh'mita and Yovel!

Rav Zevin z"l was one of the earliest to pen a learned responsa rejecting the notion that Yeshiva students are exempt from the war effort. "How can one choose to sit at home while sending his own brother to war?", he wonders, "Is a Yeshiva Bachur's blood redder than any others?" One of his arguments he directed against those who claim that sitting and learning Torah protects us all: "If everyone were learning in Yeshivot", he asks, "would we allow our enemies to ravage our Land, and kill our People without taking up arms to defend ourselves?" (Tradition, 1985, p. 52).

In modern day Israel, where one threat replaces another, Iran and others constantly threatening to annihilate us, how can one justify such blanket exemptions?

I would add that the Torah states that those that were chosen as the soldiers to wage this battle were Kulam Anashim, (Bamidbar 31:3). The literal translation of the term "Anashim" is men, but Rashi brings to our attention that this also conveys an additional meaning, namely that the men chosen were all Tzadikim, righteous individuals. It was deemed appropriate that Tzadikim perform it.

Would that we see more and more

righteous enter the military today!

A last point relates to a comment made by Rashi in explaining the term "Nikmat Hashem". Rashi writes that he who fights against the People of Israel is actually standing against the Almighty. This is similar to the idea presented in the pasuk: "So it was, whenever the Ark set out, Moshe would say, Arise, O Lord, may Your enemies be scattered and may those who hate You flee from You." Rashi asks: Can anybody hate the Creator of the universe? The answer: he who hates the people of Israel ipso facto hates the Creator!

Hating the Jewish People is synonymous with hatred for Hashem: The Torah, the People and Hashem are one. That is why on making Aliyah - coming closer to Beit Hashem - one becomes "one" with the Torah of Israel and the G-d of Israel and the people of Israel.

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