

# Hesder in the Thought of RAL

Class 16

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## *Against Service*

### 1. בבא בתרא ז עמוד ב

רבי יהודה נשיאה רמא דשורא אדרבנן אמר ריש לקיש רבנן לא צריכי נטירותא דכתיב (תהילים קלט) אספרם מחול ירבון ... אספרם למעשיהם של צדיקים מחול ירבון וק"ו ומה חול שמועט מגין על הים מעשיהם של צדיקים שהם מרובים לא כל שכן שמגינים עליהם

### 1. Talmud Bavli, Bava Batra 7b

R' Yehuda the prince imposed a tax on the rabbis. Reish Lakish said: Rabbis do not need protection, as is written (Psalms 139) "I shall count them; they shall exceed the sand" ... 'I shall count the deeds of the righteous, which exceed the sand.' And if the small amount of sand protects against the sea, all the more so that the many good deeds of the righteous protects them.

### 2. הלכות מדינה לציץ אליעזר, ח"ב ד:ו

חוב גדול מיוחד ישנו על הנהגת המדינה והצבא לפטור מחובת שירות בצבא את בני הישיבות בהיות בתי הישיבות חומות בית חיינו והערובה הבטוחה לקיומנו ... ואלו הם תמצית דברי הראי"ה קוק החוצבים להבות אש להגנת בני הישיבות: ... הממשלה חייבת היא להיות זהירה שלא לנגוע בנימין הנפשיים של כל דת ואמונה, ואנחנו לפי הכרתנו הדתית חורבנו של הישיבות שיהיה נתמח מלקיחת מבחר בניהן לצבא, הוא לנו חורבן דתי איום ונורא ... הישיבות לא נוסדו מעיקרן רק בשביל התכלית להעמיד לנו רבנים, הישיבות בישראל מעולם היו והנן מקדשי-תורה שאנו חייבים, חובה תורית, שלא יתחסרו מאתנו בכל מדינה, וכשם שלא תעזו שום ממשלה נאורה לגזור עלינו להחריב את בתי-כנסיותנו, לשרוף את ספרי תורתנו, כן לא תוכל להטיל עלינו חק של חרבת ישובותינו ... ויותר מזה ראינו את גדולת האיסור לעשות אנגריא בתלמידי חכמים לכופם על יציאה למלחמה אפילו על מלחמת מצוה גדולה מאד ...

**2a. רצי"ה:** צריך לדעת על מה ואל מי כתב אבא מארי זצ"ל. הוא כתב לרב ג"ר הרץ, שהיה הרב הראשי בלונדון, לגבי גיוסם לצבא הבריטי של תלמידי ישיבה אשר הגיעו מרוסיה ומפולין, כפליטים בימי מלחמת העולם הראשונה, וישבו ולמדו תורה.

### 2. Hilkhoh Medina ("Laws of the State"), R' Waldenberg, vol. II, 4:6

It is a great obligation regarding the running of the state and the military to exempt from military service the yeshiva students, for the yeshivas are the strongholds of our life and the assurance of our continuity... And these are the fiery words of R' Kook in defense of the yeshiva students: The government is obligated to take care not to impose on the souls of any faith, and in our religious view, the destruction of the yeshivas which would result from taking its students to the military would be a tremendous religious destruction... The yeshivas are not simply established to train rabbis; they have always been mini-temples that we are obligated by the Torah to maintain in every land, and just as no respected government would destroy our synagogues or burn our Torahs, so too it mustn't impose a law to destroy our yeshivas ... Beyond this, we can

see the significant prohibition to make a legion of the Torah students to force them to go out and fight even for an obligatory war...

**2a. R' Tzvi Yehuda Kook (undated letter):** One must know regarding what and whom my father wrote. He wrote to Rabbi Hertz, who was the chief rabbi of London, regarding enlisting yeshiva students from Russia and Poland into the British army, who had come as refugees during the first world war and settled there to learn Torah.

**3. Rav Aharon Feldman, Shabbat Parshat Chukat 5773**  
**(<http://www.beyondbt.com/2013/07/08/rav-aharon-feldman-on-the-attack-on-torah-in-eretz-yisroel/>)**

Soon after the founding of the state, Ben-Gurion went to visit the Chazon Ish to persuade him that religious Jews should be drafted into the Army. Ben-Gurion said that the state could not survive without it. The Chazon Ish countered that the Torah could not survive with it. The Torah has a 3500 year record of survival, while Zionism was a nationalistic theory with no real ideology — and the latter must yield.

The Chazon Ish knew that Torah learning could not flourish, and Gedolim could not develop, if youngsters spent three of their most formative years in the Army. But even more important, Ben-Gurion wanted the Army to be a melting pot for immigrants from all over the world, to forge them into a new nation. Charedi Jews did not, and do not, want to be melted down. Living in an environment of chilul Shabbos, rampant immorality, and questionable Kashrus is toxic for our youth.

The politicians' promises to the Charedim are like all promises of politicians. You don't need to be a general to understand that a general cannot issue a command to march tomorrow, call up the commander of the Charedi unit, and have the other say "wait a minute, tomorrow is Sukkos, I have to ask my Rav if we're allowed to march." You can't run an Army in that fashion, and the Army itself says so. Benny Gantz, Chief of General Staff of the Israel Defense Forces, told Shas Knesset member Nissim Zeev that it is simply not practical to have large numbers of charedi-only units. An Army must be integrated, and at the most they could handle one more battalion like Nachal Charedi.

The Hesder model is not truly separate, and the results are predictable; a large proportion of them are lost to Judaism. According to Rav Eliezer Melamed, Rosh Yeshiva of the Religious-Zionist Yeshiva Har Brachah, 20% come out completely secular. Those who return to Yeshiva are weakened in their commitment to Torah. When I moved to Israel, the Religious Zionist party had thirteen seats in the government, and today they have five. This is in no small part due to the secularization of their youth in the Army.

Even were it true that it had the status of pikuach nefesh, which it does not, Charedim cannot serve in the Army. Spiritual pikuach nefesh is of no lesser importance than physical pikuach nefesh. We should have the status of conscientious objectors in any democratic society.

So they say that instead, students should leave Yeshiva and stop learning Torah for "public service." How absurd! Learning Torah ensures the survival of the Jewish people; it has done so for thousands of years, and, as we have seen before our eyes, it rejuvenated American Jewry after the Holocaust. Learning Torah should not be considered on a par with changing bedpans in

a hospital?! How outrageous that this should be suggested in a Jewish state! Without Torah, there would be no Jewish state, no claim to the land of Israel. How can learning Torah not be considered a valid public service?

*For Service*

#### 4. פניני הלכה, הלכות צבא ומדינה, סלמן ד'

מצווה גדולה מן התורה להתגייס לצבא ההגנה לישראל, ושתי מצוות עומדות בבסיס החיוב, וכל אחת מהן מצווה כללית ששקולה במידה מסוימת כנגד כל המצוות. א' להציל את ישראל מיד אויביהם, ב' לשמור על ארץ ישראל שתהיה בידי עם ישראל.

הצלת ישראל: נצטוונו שאם נראה אחד מבני עמנו בסכנה שנחלץ לעזרתו, שנאמר (ויקרא יט, טז): "לא תעמד על דם רעף", ולשם כך צריך אדם להיות מוכן להיכנס לסיכון מסוים. קל וחומר כאשר כלל ישראל נמצא בסכנה, שחובה להיחלץ להצלת ישראל.

נצטוונו לרשת את הארץ וליישובה, היינו שהארץ תהיה בריבונות של ישראל ותיושב ביהודים לכל מלא אורכה ורוחבה. ומצווה זו דוחה פיקוח נפש של יחידים, שכן נצטוונו לכבוש את הארץ, ולא התכוונה התורה שנסמוך על הנס, וכיוון שבכל מלחמה ישנם הרוגים, הרי שמצוות כיבוש הארץ מחייבת אותנו לסכן נפשות עבורה.

#### 4. Peninei Halacha (Rav Melamed), Laws of the Military and the State, Section #4

<http://ph.yhb.org.il/06-04-01/>

It is a great mitzvah to enlist in the Israeli Defense Forces. Two commandments stand as the basis of this obligation, and each is arguably tantamount to fulfilling all the commandments. One is to save the Jewish people from its enemies, and the second is to protect the land of Israel, that it remain in the hands of the Jewish people.

Saving Jews: We are obligated to help our brethren when they are in danger, as it says "Do not stand upon the blood of your fellow." To this end, one must be prepared to enter into some degree of danger. And all the more so when all of Israel is in danger, one must join in to save Israel.

We are obligated to conquer the land and settle it, meaning that the land remain under Jewish rule and be entirely settled by Jews. And this commandment overrides the obligation to save the lives of individuals, for we are obligated to conquer the land, and the Torah did not intend that we depend on a miracle, and since in every war there are casualties, hence the commandment to settle the land obligates us to put our lives in danger for it.

#### 5. מכתב מרצי"ה קוק

באסיפה משותפת שהתקיימה עם שלטונות הצבא ביחס לפטור תלמידי ישיבה, אמרתי: אין פטור! אנו לא מנותקים מכלל ישראל. אין כאן שום פטור, ואיננו משתמטים אלא דוחים. וכן רשום באישורים עליהם אני חותם, שזו דחייה ולא פטור. כל המקורות שמביאים לפטור כביכול בני-ישיבות מצבא, הם ביזיון התורה.

## **5. Letter from R' Tzvi Yehuda Kook (undated)**

In a joint meeting with the heads of the military regarding exempting yeshiva students from the army, I said: There is no exemption! We are not cut off from the Jewish people! There is no exemption; we are not evading, but deferring [during the time in yeshiva]. And it is thus written on the forms that I sign [for the hesder students], that [their time in yeshiva] is a deferral, not an exemption. [But] all the sources brought to exempt yeshiva students from the army are an embarrassment to the Torah.

### ***Full Service?***

**6. "התורה והחיים-שיחה עם הרב דוד ביגמן, " הרב אריאל פיקאר, דעות 8 (תמוז תש"ס)**  
הרב ד. ביגמן: אי-אפשר להתעלם מכך שיש מחיר לשילוב, אני חושב שהחוסן המוסרי של אדם שלא שירת פחות מחבריו שלא למדו בישיבה, מהווה גורם משמעותי בעיצוב של בן תורה בימינו. אבל אני מודה שיש לדבר הזה מחיר. אני יכול לומר משהו על תלמידיי מעין צורים, שברוך השם, יצאו מהם הרבה אנשים מאוד מיוחדים, מעט יחסית ברבנות, אבל המון בני תורה מאוד מיוחדים, מאוד תורמים, שנמצאים במקומות שונים. אני חושב שאנחנו מתחילים להדביק אנשים בתורה.

## **6. "Torah and Life: A Conversation with R' David Bigman," R' Ariel Pikar, *De'ot* 8 (July 2000)**

Rav Bigman: One cannot overlook the fact that there is a price paid for doing full army service, but I think the moral implications for someone who served less time than did his friends who did not study in yeshiva is a major factor in the formation of Torah students today. But I recognize that there is a price. I can say [good things] about my students in Ein Tzurim, who are very special people; relatively few are rabbis, but many are unique Torah students, very generous in various capacities. I think we are starting to connect [new] people to Torah.

### ***Rav Lichtenstein's Position***

## **7. Rav Aharon Lichtenstein, "The Ideology of Hesder," (*Tradition*, 19(3), Fall 1981)**

*Conflict* (p. 201)

To be sure, the two aspects of hesder, the spiritual and the military, are hardly on a par. The disparity is reflected, in part, in the unequal division of time. Primarily, however, it concerns the realm of value, within which two elements, each indispensable, may yet be variously regarded. The yeshiva prescribes military service as a means to an end. That end is the enrichment of personal and communal spiritual life, the realization of that great moral and religious version whose fulfillment is our national destiny; and everything else is wholly subservient. No one responsibly connected with any yeshivat hesder advocates military service per se. We avoid even the slightest tinge of militarism and we are poles removed from Plato's notion that the discipline of army life is a necessary ingredient of an ideal education. No less than every Jew, the typical hesdernik yearns for peace, longs for the day on which he can divest himself of uniform and uzzi

and devote his energies to Torah. In the interim, however, he harbors no illusions and he keeps his powder dry and his musket ready.

### *Ideal*

In one sense, therefore, insofar as army service is alien to the ideal Jewish vision, hesder is grounded in necessity rather than choice. It is, if you will, b'diavad, a post facto response to a political reality imposed upon us by our enemies. In another sense, however, it is very much l'chathillah, a freely willed option grounded in moral and halakhic decision. We - at Yeshivat Har Etzion, at any rate - advocate it because we are convinced that, given our circumstances - would that they were better - military service is a mitzvah, and a most important one at that. Without impugning the patriotism or ethical posture of those who think otherwise, we feel that for the overwhelming majority of bnei torah defense is a moral imperative.

### *Justifications* (p. 202)

The case for hesder rests, then, upon several simple assumptions. First, during the formative post-secondary years, a ben torah should be firmly rooted in a preeminently Torah climate, this being crucially important both for his personal spiritual development and for the future of a nation in critical need of broadly based spiritual commitment and moral leadership. Second, the defense of Israel is an ethical and halakhic imperative - be it because, as we believe, the birth of the state was a momentous historical event and its preservation of great spiritual significance or because, even failing that, the physical survival of its three million plus Jewish inhabitants is at stake. Third, in light of the country's current military needs - and these should admittedly be reassessed periodically - yeshiva students should participate in its defense, both by undergoing basic and specialized training, thus becoming part of the reserves against the possibility, God forbid, of war, and by performing some actual service even during some period of uneasy peace. The need for such participation is based upon several factors. By far the most important is the fact that in the eventuality of war the Israeli army may very well need every qualified soldier it can muster. Moreover, the ethical moment aside, such a contribution is a matter of self-interest as well - and not only because it is, after all, our own home that we are defending. Service enables the religious community as a whole to avoid both the reality and the stigma of parasitism. It helps build personal character, on the one hand, and open channels of public impact on the other, by producing potential leaders attuned to the pulse and the experience of their countrymen. To be sure, the prospect of secular criticism should not routinely be the decisive factor in determining religious policy. Nevertheless, it cannot be totally ignored. Hazal, at any rate, did not regard hillul Hashem and kiddush Hashem lightly.

### *Jewish Military Tradition* (p. 206)

Nevertheless - although stateless centuries have tended to obscure this fact - hesder has been the traditional Jewish way. This is not the place for the exhaustive analysis of proof-texts. But what were the milieux of Moshe Rabbenu, of Yehoshua, of David, of Rabbi Akiva, as Hazal conceived and described them, but yeshivot hesder? Indeed, on the Ramban's view, the institution can be traced back to our very fountainhead. In explaining why Avimelech was so

anxious to conclude a treaty with Yitzchak, he conjectures that it may have been due to the fact "that Avraham was very great and mighty, as he had in his house three hundred sword-wielding men and many allies. And he himself was a lion-hearted soldier and he pursued and vanquished four very powerful kings." (Ramban to Bereishit, 26:29). This account of lion-hearted avot and their sword-wielding disciples may fall strangely upon some ears. Although we don't like to admit it, our Torah world, too, has its vogues, and, in some circles, much of the Ramban on Bereishit - the real Ramban, honestly read and unflinchingly understood - is currently passé. The fact, however, remains: the primary tradition is hesder.

*Gemillut Chasadim: Mutual Responsibility* (p. 207)

The reason is not hard to find. The halakhic rationale for hesder does not, as some mistakenly assume, rest solely upon the mitzvah 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: *g'milut hasadim*, the empathetic concern for others and action on their behalf. This element defined by Hazal 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.

Does anyone suppose that one's duty to engage in a defensive *milhemet mizvah* "to help save [the people of] Israel from a foe who has descended upon them" is based solely upon the fact that one is presently or potentially in danger? In the context of the egocentric ethic of a Mandeville or an Adam Smith, possibly. From a Torah perspective, however, this would be strange doctrine, the more so to the extent that we correctly perceive that such action is mandated by the general norm of *gemilut hasadim* and not just the specific commandment of defensive war. Consequently, the gemara in Bava Batra [stating that Torah scholars are exempt from certain public taxes] provides no rationale whatsoever for totally exempting *talmidei hakhamim* from military service. *They* may not require protection but others do; and their duty to defend those who have no built-in armor remains.

*Conclusion* (p. 215)

Animated by vision and yet chary of danger, we, of yeshivot hesder, pray that He may grant us the wisdom and the courage to cope with the challenges of time. Fully appreciative of both the price we pay and the value of that which we safeguard in return, we approach our task with responsibility and humility; and, impelled both by commitment to Torah and compassion for our people, we strive to fulfill it with a sense of broader spiritual and historical vision. Standing in tears atop Har Ha-Zeitim, the bleak sight of *kol ha-mekudash me-havero harev yoter me-havero* (that which is more sanctified than its neighbor is more desolate than its neighbor) stretching before him, what would the Ramban have given to head a yeshivat hesder?

**8. Techumin Symposium on "Ethics and War," (Vol. 4, pg. 185-187)**

רא"ל: למלחמה יש מחיר. ראשית, היא דורשת את קרבנותיה מאיתנו, וכמו שמביא המנחת חינוך במצוה תכ"ה, שאין לסמוך על נסים במלחמה, ולעולם יש לחשוש לנפילתם של לוחמי ישראל. אמנם אלו הם פרטים מתוך כלל האומה, אך תפיסתנו היא שמשום כך נברא אדם יחידי כיון שהוא כפרט נדון כעולם ומלואו. (משנה סנהדרין לו.)

שנית, המחיר נתבע גם מהאויב, שאף הוא נחון בצלם א-לוהים, ויש לדאוב בכל מקרה שמעשה ידיו של הקב"ה טובעים בים. בנקודה זו מהווה הגורם הכמותי גורם בעל משמעות, ויש בהחלט לשקול את מידת הצידוק שבפגיעה ברבים על מנת להציל את היחיד.

ושלישית, המלחמה פוגעת באופיים של האדם והחברה הלוחמים, וכמש"כ הרמב"ן עה"פ "ונשמרת מכל דבר רע" (דברים כג:י): "הישר בבני אדם בטבעו יתלבש אכזריות וחימה כצאת מחנה על אויב, ועל כן הזהיר בו הכתוב וכו'". מדוד המלך נמנע לבנות את בית הבחירה משום שדמים רבים שפך ארצה (דהי"א כב:ח) אף שהיה זה במלחמת מצוה. אפילו חרב ששימשה במלחמות מצוה אינה ראויה לסייע בבנין המזבח.

אולם, חשוב ביותר שהאדם היוצא למלחמה ידע שאין הוא עובר מעולם בעל סולם ערכים אחד לעולם בעל סולם ערכים שונה. אדם אחד ואומה אחת אינם יכולים להתפצל לשניים. בכל המצבים צריך שבראש סולם הערכים יעמוד השלום, וכמו שכתב רש"י בפר' בחוקותי (ויקרא כו:ו) שהשלום שקול כנגד הכל.

*R' Lichtenstein: War comes at a cost. First, it demands sacrifices from among us, and as the Minchat Chinukh (#425) writes, we cannot rely on miracles during war, so there will always be the possibility that the fighters of Israel will fall in battle. Even as these are only individuals from among the entire people, our view is that since man was created alone, he is judged on his own as worth the entire world. (Mishnah Sanhedrin 37a)*

Second, there is a price paid by the enemy, for he too is created in the image of G-d, and we should be pained by any situation in which the handiwork of G-d is drowned in the sea. Here the quantitative factor is significant, and we definitely must consider the justification of harming many to save the few.

Third, war damages the personalities of the soldiers. As the Ramban writes on the verse "and you shall beware any evil thing" (Dev. 23:10), "Even the naturally upright among men are overtaken by viciousness and rage when the camp goes out to [fight] the enemy; therefore, Scripture had to warn in this regard etc." King David was precluded from building the Temple because he spilled much blood (I Chr. 22:8) even though it was for mandatory war. Even the sword used for mandatory war is not fit to assist in the construction of the altar.

In any event, it is critical that one going out to war recognize that he is not from a world with one set of values to a world with a different set of values. One person and one nation cannot be split into two. Under all circumstances, at the top of the set of values must be peace, as Rashi writes on Bechukotai (Vay. 26:2) that peace is tantamount to all [other blessings].

**9. Avraham Avinu's Ethics of War (Hebrew), accessible at [http://www.etzion.gush.net/vbm/update\\_views.php?num=2873&file=/vbm/archive/11-sichot/03lekh.rtf](http://www.etzion.gush.net/vbm/update_views.php?num=2873&file=/vbm/archive/11-sichot/03lekh.rtf)**

המדרש מדגיש לנו את דמותו המיוחדת של אברהם אבינו - לפני הדאגה הגופנית לעצמו ולביתו, הוא מודאג יותר מכל מהבעיה המוסרית שבמעשהו - אולי הרג בטעות חף מפשע אחד. זאת על אף העובדה שהעילה ליציאתו למלחמה הייתה ללא ספק טובה ומוצדקת - להציל את לוט מן השבי. עצם העובדה שמטרת המלחמה הייתה מוצדקת לא מהווה סיבה מספקת לאברהם להיות שלם מבחינה מוסרית עם מעשיו. הוא מפחד ורוצה לדעת שגם בתוך אותה מלחמה מוסרית וצודקת, לא הייתה סטייה כלשהי מן הצדק והאמת...

מדי פעם אנו שומעים על טעויות שאירעו לצה"ל בזמן המלחמה נגד המחבלים. אין להאשים את החיילים על עבודת הקודש שהם עושים בשטח חס וחלילה, אולם יש לשאול האם אנחנו מדגישים מספיק מחשבה לעובדה שאולי הרגנו כמה צדיקים וחפים מפשע, או שמא אנו כל כך בטוחים שכל האנשים שמתו הם אכן 'קוצים'.

נוצר מצב אבסורדי שבו מי שמהווה את מצפנה ומצפונה של האומה הוא יוסי שריד, ואילו רבנים וגדולי תורה אינם מביעים דעה בענייני המוסר הנובעים מן המלחמה בה אנו מצויים....

אין חולק שהמאבק שלנו הוא מוצדק ושיש להלחם במחבלים בכל הכוח, ואנו דוחים מכל וכל את גישת המעצמות הזרות שמנסות להציג אותנו ככובשים וכאי מוסריים. אנו בטוחים במוסריותה של המלחמה שאנו נמצאים במהלכה, אולם יחד עם זאת יש לתהות מדוע הדאגות ש"כ" הדאיגו את אברהם אינם מטרידות אותנו?

The Midrash [regarding Avraham having reason to fear after the war of the four and five kings] emphasizes Avraham's special personality – before physical worries about himself and his household, he is more worried about the moral problem with his actions – maybe he accidentally killed one innocent person. This is despite the fact that the reason for going to war was no doubt good and justified – to save Lot from captivity. The very fact that the purpose of the war was justified is insufficient reason for Avraham to feel at ease, from a moral perspective, with his actions. He fears and wishes to know that even within that justified and moral war, there was no divergence whatsoever from justice and truth.

From time to time we hear about mistakes that happen with the IDF in war time involving terrorists. We can't blame the soldiers for the holy work they are doing in the field, *has ve-halilah*, but we can ask whether we sufficiently emphasize the fact that we might have killed some just and innocent people, and whether we're too self-certain that these people were indeed "thorns."

This creates an absurd situation where the one who represents the conscience of the nation is Yossi Sarid (a far-left politician), while rabbis and Torah giants cannot express an opinion on ethical matters relating to the war we find ourselves in...

No one disagrees with the fact that our war is justified and that we need to fight terrorists with all our strength, and we reject completely the approach of foreign organizations that try to present us as immoral occupiers. We are certain in the ethics of the war we're in the middle of, but along with this we must wonder why the concerns that so bothered Avraham do not bother us.