

# Yeshiva students and military service (גיוס)

Dr. Moshe Sokolow

The Israeli Supreme Court recently declared that the current exemption of yeshivah students from military service has no basis in Israeli law, and instructed the Knesset to adopt appropriate legislation on the matter.

This exemption touches a most sensitive chord, particularly in anyone who values: ארץ ישראל, עם ישראל, ותורת ישראל; the three guiding principles of religious Zionism. Whereas some (on the “right”) have their reservations about the value of the state, and others (on the “left”)—of the Torah, it behooves us, as educators (of the “center”) who respect all these values, to spread before our students the panoply of texts and arguments on which the two sides to this question are divided.

The question of whether *benei yeshiva* should be exempt from military service requires the clarification of several points of *halakhah* and *mahshavah*, such as:

- תלמוד תורה כנגד כולן
- העוסק במצוה פטור מן המצוה
- מלחמת מצוה, ומלחמת רשות
- קדושת שבט לוי

Here we will provide some of the texts that bear upon these points and emphasize their relevance to the question at hand. Our prime sources are:

- יחזקאל כהן : גיוס כהלכה : על שחרור תלמידי ישיבות מצה"ל (ירושלים, תשנ"ג)
- Rabbi Alfred S. Cohen: “On Yeshiva Men Serving in the Army,” Journal of Halacha and Contemporary Society 23 (1992), 5-31.
- Rabbi Aharon Lichtenstein: “The Ideology of Hesder,” Tradition 19/3 (Fall, 1981), 199-217.

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It would be beneficial, at the outset, to consider how this problem arose. We begin, therefore, with the “history” of the exemption of yeshivah students from the military draft in the State of Israel, followed by the presentation of the relevant halakhic and hashkafic sources, and conclude with a look at “Hesder.”

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## PART ONE: THE HISTORY OF EXEMPTION

### 1. The War of Independence

On March 9, 1948, even before the establishment of the state, Israel GALILI, chief of staff of the Haganah (acting, apparently, under the instructions of David BEN GURION), freed yeshiva students from the compulsory military service which was incumbent upon all other Jews—men and women! In the Old City of Yerushalayim, which was harder pressed for manpower and resources than other parts of the country, only individual yeshiva students volunteered for service; most, on the advice of their *rashei yeshiva*, refrained.

ולזאת דעתנו דעת תורה, שכל בן ישיבה ידע את תפקידו הנאמן להיות מחיל ה', ואין עליו שום חובה להתייצב, להפקד ולהרשם לשום עבודה של פלוגה אחרת.  
(הרב י"מ חרל"פ)

It is our Torah opinion that every yeshiva student should know that his rightful place is amongst the army of God. He has no obligation to enlist or to register for any military service whatsoever.

(Rav Y.M. CHARLOP)

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ולזאת יצא מאתנו דעתנו דעת תורה בתור הלכה פסוקה, שכל בן ישיבה, חובש ותופש בית המדרש, אל יתייצב, ויפקד וירשם לכל דבר הקשור לשמירה, גיוס וכדומה. וחלילה לפקפק בזה כלל וכלל, כל שכן להכנס בזה בדיונים ובויתורים וכו' ולחפש היתרים בזה, אפילו גם לשעה קלה.  
(הרב צ"פ פרנק)

This is our Torah opinion issued as a clear halakhic decision: No yeshiva student who [regularly] occupies the *beit midrash* should enlist or register for anything connected to guard duty, the [military] draft, or the like. It is forbidden to question this [ruling], or to engage in discussion or to make concessions over it, or to seek grounds for latitude even temporarily.

(Rav Z.P. FRANK)

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Not all the *talmidei hakhamim* of Yerushalayim, however, agreed with this position. Rav Shelomo Yosef ZEVIN, for instance, wrote in response:

כל הכבוד וכל ההערצה למרנן ורבנן, גאוני עיר הקדש, אבל הרשות ניתנה לשאול: ילמדונו רבותינו, זו מנין לכם? זו מנין לכם, שבני תורה ותלמידי חכמים פטורים מלהשתתף במלחמת מצוה של עזרת ישראל מיד הצר הצורך העומד עליו לכלותו ולהשמידו, חלילה? זו מנין לכם, לפרסם בצורה של הלכה פסוקה ו"דעת תורה" שבני ישיבה אין להם--לא להרשם ולא להפקד ולא להתייצב, ולא כלום?  
(הרב שלמה יוסף ז'וין)

With all due respect and admiration for the teachers and rabbis, geonim of the Holy City, there is room to ask: Please instruct us; from what source do you derive this conclusion? Whence do you presume that yeshivah students and talmidei hakhamim are exempt from participating in a milhemet mitzvah to assist Jews against sworn enemies intent upon their destruction and annihilation, God forbid? Whence do you presume to publicize, in the form of a halakhic decision and da'at Torah, that yeshivah students need not register, be counted, report, or anything?

## 2. The Establishment of the State of Israel

This original exemption was subsequently expanded. According to a report issued by then Minister of Defense, Shimon PERES, exemptions were also granted to:

- rabbis of settlements
- rabbis of communities of under 2,000 people
- rabbis serving as supervisors of slaughterhouses in large cities
- rabbis overseeing marriages in large cities
- religious court judges

In the winter of 1948-9, Chief Rabbi HERZOG requested an extension of the wartime exemption (which is estimated to have affected 400 students, at the time), arguing:

...After the awful holocaust, in which tens of thousands of yeshiva students were destroyed in Europe—leaving only a pitiful remnant—it is my opinion that they be freed from compulsory military service in order to allow these few to continue the study of our holy Torah, which is also to the glory, and necessity, of our state.

## 3. BEN-GURION, the Labor Party and—especially--the Likud

BEN GURION replied to Rav HERZOG that he would have the Chief of Staff consider the request, which indicates that he did not yet regard this exemption as permanent. In 1949, he sent a confirmation to Rabbi Yitzhak Meir LEVIN, the Aggudat Yisrael representative in the Kenesset, further indicating that he was motivated by political concerns regarding his governing coalition. In a subsequent meeting with some of the *rashei yeshiva* (including: Rav Tekochinski and Rav Sorotzkin), BEN GURION argued that yeshiva students should be given military training in their yeshivot—as Moshe Rabbeinu and Yehoshua bin Nun were, according to the Aggadah, simultaneously, *rashei yeshiva* and military commanders!

In 1954, the Minister of Defense, Pinhas LAVON, issued orders to draft all yeshiva students who had already been exempted for 4 years—which indicates that the exemption was considered a postponement of service rather than a complete abrogation of it. He was overruled, however, by then Prime Minister, Moshe SHARET, after strenuous lobbying by Chief Rabbi HERZOG.

In 1957, BEN GURION expanded the exemption concept to include Torah teachers, as well as students. These teachers were exempted for four years, provided they taught in *hadarim* and *talmudei Torah*. After the fourth year they were to undergo 3 months of basic training and could be called for reserve military duty. In 1968, a committee established by Defense Minister, Moshe



## PART TWO: THE SOURCES

### A. The Importance of Torah Study:

The paramount importance of Torah study is stated explicitly in the well-known Mishnah in Pe'ah 1:1: "ותלמוד תורה כנגד כולן."

RAMBAM, too, gives exceptional emphasis to the preeminence of Torah study:

רמב"ם הלכות אישות פרק טו הלכה ב  
 האיש מצווה על פריה ורביה אבל לא האשה, ומאימתי האיש נתחייב במצוה זו מבן  
 שבע עשרה, וכיון שעברו עשרים שנה ולא נשא אשה הרי זה עובר ומבטל מצות עשה,  
 ואם היה עוסק בתורה וטרוד בה והיה מתירא מלישא אשה כדי שלא יטרח במזונות  
 ויבטל מן התורה הרי זה מותר להתאחר, שהעוסק במצוה פטור מן המצוה וכל שכן  
בתלמוד תורה.

A man is commanded to be fruitful and multiply but a woman is not. He becomes liable for the performance of this mitzvah from the age of 17, and if he reaches the age of 20 without marrying he has transgressed and annulled a positive commandment. If he is preoccupied with Torah study, however, and forgoes marriage because the need to make a living would intrude on his Torah study, then he is permitted to tarry because *one who is engaged in the performance of one mitzvah is exempt from another and most certainly [one engaged in] Torah study!*

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Indeed, no less a figure of authority than Yehoshua bin Nun is chastised in the Talmudic Aggadah for allowing Torah study to be suspended:

תלמוד בבלי מסכת מגילה דף ג עמוד א  
 אמר לו: אמש בטלתם תמיד של בין הערבים, ועכשיו בטלתם תלמוד תורה! -  
 אמר לו: על איזה מהן באת? - אמר לו: עתה באתי. מיד: וילן יהושע בלילה ההוא  
 בתוך העמק. אמר רבי יוחנן: מלמד שלן בעומקה של הלכה.

He [i.e., God's officer] said: Yesterday you suspended the afternoon *tamid* sacrifice and now you have suspended Torah study! [Yehoshua] asked: Over which have you come [to complain]? He said: I have come now [i.e., the latter]. Immediately: Yehoshua spent that night in the valley. R. Yohanan said: He spent it [immersed] in the depths of halakhah [i.e., in Torah study].

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Elsewhere, RAMBAM elaborates on this principle and declares:

רמב"ם הלכות תלמוד תורה פרק ג הלכה ג-ד  
 אין לך מצוה בכל המצות כולן שהיא שקולה כנגד תלמוד תורה אלא תלמוד תורה כנגד  
 כל המצות כולן שהתלמוד מביא לידי מעשה, לפיכך התלמוד קודם למעשה בכל מקום.  
 היה לפניו עשיית מצוה ותלמוד תורה אם אפשר למצוה להעשות ע"י אחרים לא יפסיק  
 לתלמודו, ואם לאו יעשה המצוה ויחזור לתלמודו.

No mitzvah at all is equivalent to Torah study; rather, Torah study offsets all the other mitzvot because study leads to [proper] action. Therefore, study always takes precedence over action. If confronted with [either] the performance of a mitzvah or Torah study, if the mitzvah can be performed by others—he should not interrupt his study. Otherwise, let him perform the mitzvah and resume studying.

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QUESTION: Is this not a contradiction? On one hand, RAMBAM says that Torah study is inviolable, while on the other hand he stipulates that it is permissible to suspend Torah study for the performance of a mitzvah that will otherwise go unfulfilled!

ANSWER: The MEIRI speaks to this point, saying:

מאירי (בית הבחירה ; מועד קטן ט)  
 נאע"פי שהעוסק במצווה פטור מן המצווה, לא נאמר כן בתלמוד תורה. הואיל ועיקרה  
 לידיעת קיום שאר מצוות, מבטלין אותה בשביל כל מצווה שאי אפשר לקיימה על ידי  
 אחרים.

Even though one who is occupied with a mitzvah is exempt from another mitzvah, this does not apply to Torah study. Since its essence is to understand the fulfillment of the other mitzvot, it is itself suspended for the sake of [the performance] of any mitzvah that cannot be fulfilled by another.

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In other words, since the purpose of Torah study is utilitarian, that is, to make the proper performance of other mitzvot possible, they have priority and it yields to them.

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QUESTION: If that is the case, why distinguish between mitzvot? Torah study should yield before all other mitzvot, regardless of whether there are others to fulfill them!

ANSWER: The "Torah" actually faced a dilemma:

On one hand, if it provided an exemption for its students from all other mitzvot, it would be undermining the very cause of Torah study—which is the performance of those mitzvot. On the other hand, however, if it required its students to interrupt their study for the performance of every mitzvah, it is conceivable that there would never be sufficient time for study and, as a result, performance itself would suffer.

Its resolution of this dilemma was to create not a blanket exemption, but a limited one. Only mitzvot which would find no other fulfillment take precedence over Torah study; other mitzvot may be suspended.

Another approach is to distinguish between temporary and permanent interruptions. *Megillah* reading, or *shofar* blowing [to cite the examples used by the Talmud, *Megillah* 3a-b] take up a finite and limited amount of time; therefore, Torah study can be interrupted for them and resumed shortly thereafter. Making a living—specifically as a consequence of marriage—on the other hand, can be an ongoing concern leading to continuous interruption of Torah study. The former is tolerable, while the latter is not.

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## B. The “Privileged” Status of Benei Torah: Learning from Levi

The exemption of Torah students from military service is frequently compared to that of the tribe of Levi. Let us see what that entailed and whether the cases are comparable.

### The Source:

The source of this distinctive status is the Torah’s severance of Levi from the census that was conducted of the rest of the Jewish nation. Since that census specifically addresses military service (see Bemidbar 1:3, “**יְכַל יֵצֵא צְבָא בְּיִשְׂרָאֵל**,” and Levi was expressly excluded from it (vs. 16), RASHBAM, for one, concludes:

“ומפרש הטעם כי לא ילכו בצבא המלחמה” i.e., the reason (for the exclusion) is that they are not subject to military service.

RAMBAM formulates the “privileged” status of Levi as follows:

רמב"ם הלכות שמיטה ויובל פרק יג הלכה יב-יג  
 ולמה לא זכה לוי בנחלת ארץ ישראל ובביזתה עם אחיו? מפני שהובדל לעבוד את י"י  
 לשרתו ולהורות דרכיו הישרים ומשפטיו הצדיקים לרבים, שנאמר יורו משפטיך ליעקב  
 ותורתך לישראל. לפיכך הובדלו מדרכי העולם לא עורכין מלחמה כשאר ישראל ולא  
 נוחלין ולא זוכין לעצמן בכח גופן, אלא הם חיל השם שנאמר בך י"י חילו, והוא ברוך  
 הוא זוכה להם שנאמר אני חלקך ונחלתך.  
 ולא שבת לוי בלבד אלא כל איש ואיש מכל באי העולם אשר נדבה רוחו אותו והבינו  
 מדעו להבדל לעמוד לפני יי לשרתו ולעובדו לדעה את יי והלך ישר כמו שעשהו האלהים  
 ופרק מעל צוארו עול החשבונות הרבים אשר בקשו בני האדם, הרי זה נתקדש קדש  
 קדשים. ויהיה י"י חלקו ונחלתו לעולם ולעולמי עולמים, ויזכה לו בעה"ז דבר המספיק  
 לו כמו שזכה לכהנים ללוים. הרי דוד ע"ה אומר ה' מנת חלקי וכוסי אתה תומיך גורלי.

Why did the tribe of Levi not share in the Land of Israel and its spoils with his brother tribes? Because he was set apart to serve God and instruct His proper ways and just laws to the public... therefore, the Levi'im were kept apart from the mundane. They neither conduct war—like the remainder of Israel—nor do they inherit land, nor acquire anything personal by way of force. Rather, they are God’s army... and He provides for them...

Not only the tribe of Levi, but any individual in the world who volunteers—of his own volition—to devote himself to God’s service and knowledge and who casts off the yoke of the many concerns which people ordinarily have, becomes sanctified. He is devoted, eternally, to God and God will make provision for his needs as He does for the Kohanim and Levi'im...

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For obvious reasons, the military exemption of yeshiva students remained a purely theoretical question until the Israeli War of Independence. The analogous question of exemption from communal taxation, however, was dealt with by the *poskim*. Some, like the TERUMAT HA-DESHEN, treated it restrictively, while others, like the REMA, treated it rather broadly.

The TERUMAT HA-DESHEN (15<sup>th</sup> century) writes:

תרומת הדשן שו"ת שמ"ב  
 אמנם ההמון עם אינם סוברים כלל לפטור שום ת"ח א"כ יושב בראש ישיבה ואף זה  
 דוקא באוסטרייך... והיה כמעט מנהג פשוט שלא לחייב במס הרב היושב בישיבה  
 בראש... אבל בגבול דבני ריינוס כמדומה לי שלא היו נוהגין לפטור ת"ח... משום  
 דצריך דקדוק יפה שיחזור תמיד לתלמודו כשיפנה מעסקיו ואין נזהרין האידנא.

The masses are not of the opinion to exempt a scholar [from the payment of communal taxes] unless he is the head of a *yeshiva*, and even this [exemption] is only in Austria... It is a widespread custom not to tax the head of a *yeshiva*... In Germany, however, it appears to me that it was not customary to exempt scholars... because it requires great punctiliousness to resume one's scholarship upon release from other considerations and nowadays people are not so cautious.

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The REMA, however, indicates:

רמ"א יו"ד רג:ב  
 ואין חולקין בין שהוא תופס ישיבה או לא רק כשהוא מוחזק לת"ח בדורו... בענין  
 לפטור ממס אין מדקדקין בזה רק שיהיה מוחזק לת"ח.

It does not matter whether one attends a *yeshiva* or only that he is reputed to be a scholar... As far as tax exemption is concerned, we are not that picky providing he is a reputable scholar.

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From RAMBAM's equation of the Levi'im with "any individual in the world" who undertakes a life of sacred devotion, combined with the REMA's lack of distinction between a *rosh yeshiva* and an ordinary scholar, the conclusion may be drawn that all *yeshiva* students, too, are exempt from military service. Hence, the following from Rabbi Eliezer WALDENBERG:

( יש לומר, על סוג תלמידי חכמים מיוחד זה (כלומר: אשר תורתם היא ממש אומנותם ונדבה  
 רוחם אותם לפרוק מעל צווארם עול החשבונות הרבים אשר ביקשו בני אדם  
 שכולי עלמא מודו שפטורים מלהשתתף במערכות המלחמה ומשירותים הצבאיים  
 אפילו במלחמת מצווה, כי המה חיל השם וזכויות מיוחדות להם להיות מובדלים  
 מדרכי העולם, ומרוכזים בבתי היוצר של נשמת העם.

Of this sort of Torah scholar (i.e., for whom Torah is truly a vocation and who have voluntarily cast off the yoke of the many concerns which people ordinarily bear), one can say that it is universally acknowledged that they are exempt from participating in battle and from all military service--including a mandatory war!--because they are God's army and are entitled to be freed from mundane concerns while they are focused on the creative soul of the nation.

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On the other hand—in line with the more restrictive ruling of the TERUMAT HA-DESHEN—is the following opinion of Rav Aharon LICHTENSTEIN:

...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...To how large a segment of the Torah community... does this lofty typology apply? To two percent? Five percent? Can anyone... confront a mirror and tell himself that he ought not to go to the army because he is *kodesh kodashim*, sanctum sanctorum, in the Rambam's terms?

"On the ideology of HESDER," (TRADITION, Fall, 1981; p. 212)

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QUESTION: Rabbi WALDENBERG's emphasis on "including an mandatory war" is not explicit in the RAMBAM he cites. Where does it originate?

ANSWER: To answer this question we must first explain what the categories of war are and why they should influence the question of whether Torah students are exempt.

### C. Mandatory War and Optional War

The distinction between types of war is introduced in the Mishnah:

תלמוד בבלי מסכת סוטה דף מד עמוד ב  
 בד"א - במלחמות הרשות, אבל במלחמות מצוה הכל יוצאין, אפילו חתן מחדרו וכלה מחופתה; אמר רבי יהודה: במה דברים אמורים - במלחמות מצוה, אבל במלחמות חובה הכל יוצאין, אפי' חתן מחדרו וכלה מחופתה.

Where do [these exemptions] apply? In optional wars. In mandatory wars, however, everyone must serve, including a groom straight from his chamber and a bride from her canopy. R. Yehudah says: This applies to a mandatory war, but in a compulsory war, everyone must serve...

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The Gemara clarifies the distinction between the categories of R. Yehudah and those of Rabbanan as follows:

א"ר יוחנן: רשות דרבנן זו היא מצוה דרבי יהודה, מצוה דרבנן זו היא חובה דרבי יהודה. אמר רבא: מלחמות יהושע לכבש - דברי הכל חובה, מלחמות בית דוד לרווחה - דברי הכל רשות, כי פליגי - למעוטי עובדי כוכבים דלא לייתי עלייהו, מר קרי לה מצוה, ומר קרי רשות; נפקא מינה? לעוסק במצוה שפטור מן המצוה.

R. Yohanan says: The "optional" war of Rabbanan is "mandatory" to R. Yehudah, and "mandatory" of Rabbanan is "compulsory" to R. Yehudah. Rava says: Everyone agrees that Yehoshua's wars of conquest were compulsory and that David's wars of [territorial] expansion were optional. They differ in regard to preventing foreign invasion; one calls this mandatory while the other calls it optional. What practical difference does it make? To the [principle of] "One who is engaged in a mitzvah is exempt from [another] mitzvah."

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RAMBAM codifies this distinction as follows:

רמב"ם הלכות מלכים פרק ה הלכה א  
 אין המלך נלחם תחלה אלא מלחמת מצוה, ואי זו היא מלחמת מצוה זו מלחמת שבעה  
 עממים, ומלחמת עמלק, ועזרת ישראל מיד צר שבא עליהם, ואחר כך נלחם במלחמת  
 הרשות והיא המלחמה שנלחם עם שאר העמים כדי להרחיב גבול ישראל ולהרבות  
 בגדולתו ושמעו.

The first war a king undertakes must be a mandatory war. Which war is mandatory? The war against the seven (Canaanite) nations, against Amalek, and in defense of Jews against enemy attack. Subsequently, he may launch an optional war, such as a war undertaken to expand the borders of Israel or to enhance his fame and reputation.

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The position of Rav ZEVIN (see part I, section 1), i.e., that yeshiva students should not be exempted from the War of Independence since it was a *milhemet mitzvah*, is validated by RAMBAM as well:

הלכות מלכים פרק ז הלכה ד  
 במה דברים אמורים שמחזירין אנשים אלו מעורכי המלחמה במלחמת הרשות, אבל  
במלחמת מצוה הכל יוצאין ואפילו חתן מחדרו וכלה מחופתה.

In which circumstances do we grant leave from military service? In an optional war [*reshut*], but in a mandatory war [mitzvah] everyone serves, even a groom... and a bride...

## PART THREE: הלכה למעשה

### A. The *Teshuvah* of Chief Rabbi HERZOG

Based on these distinctions, the first Chief Rabbi of the State of Israel, Rabbi Isaac haLevi HERZOG, composed a responsum on 16 Tevet, 5708 (=December, 1947), in which he clarified the halakhic status of the military exemption for yeshiva students. He made six points concerning the involvement of yeshiva students in the ongoing War of Independence:

1. The War of Independence is most assuredly a *מלחמת מצוה* requiring universal participation. This specifically includes yeshiva students on the analogy of Yehoshua's original war of conquest (according to EIRUVIN 54b, all Jews then were *talmidei hakhamim*), and the wars of the Hashmona'im, of which we recite: *וזדים ביד עוסקי תורתך*.
2. The war is being waged to save the Yishuv (settlement) and the many Holocaust survivors who had found refuge there. It is a shame that so many Torah giants declined to see the opportunity to establish an independent Jewish state as *אתחלתא דגאולה*, the commencement of the final redemption.
3. There is no halakhic source for exempting yeshiva students from the fundamental obligation of *הצלת נפשות*, saving lives. The oft-cited ruling of the RADBAZ (3:627)—that one need not place himself in potential danger even to rescue another from definite danger—applies only on an individual basis, not a national one.
4. When both parties are endangered there is unquestionably an obligation to provide rescue. In his words:
 

איך יאמר האומר ששמעון יעמוד כנגד להלחם ולהציל את עצמו ואת ראובן, וראובן ישב בחיבוק ידים על חשבונו של שמעון, מפני שראובן הוא בן ישיבה?  
How can anyone say, let Shimon stand guard and fight to protect himself and Reuven, while Reuven sits by idly at Shimon's expense' because Reuven is a yeshiva student?
5. There is no foundation for the complete exemption of yeshiva students from a *מלחמת מצוה*, rather care must be exercised to insure the continuation of Torah study. In the current situation, the leaders of the Yishuv are sensitive to the particular needs of the yeshiva students and willing to arrive at an appropriate arrangement with them. Such an arrangement (Hebrew: *הסדר*!) would require the enlistment of some students and the exemption of others.
6. Participation in the military would be beneficial to the yeshivot themselves, while failure to participate would only stir animosity. Previously, even kibbutzim would (grudgingly) recognize the value of Torah study; the abject refusal of Torah students to join the army—even in the critical case of the Old City of Yerushalayim!-- would alienate and antagonize them. He compares the sacrifice Torah students would make to the sacrifices offered on the *מזבח*, and reminds his readers how sensitive *Hazal* were that no slander attach itself to the *מזבח* (GITTIN 55b).

The key term, here, is “arrangement” (HESDER, see #5), which inspired a new approach to the combination of military service and yeshiva study.

## B. The HESDER Program: Its Evolution

In 1957, Dr. Zerah WARHAFTIG was the Deputy Minister of Religious Affairs. In that capacity, he received the following memo from the national administration of the B'nai Akiva religious Zionist youth movement:

The problem of the enlistment of yeshiva students is thwarting the development of our own yeshivot, particularly *Kerem b'Yavneh*...Our students are not willing, for any consideration, to escape military service on the grounds that they are yeshiva students. This stands in absolute opposition to their national consciousness and social awareness. As a result, even those who would devote several years to Torah study are confronted with the problem of [prior] military service.

For these reasons, we have decided, after consultation with several *rashei yeshiva* and educators, to enter into negotiations with the security establishment in order to find a solution. Our recommendation concerns the B'nai Akiva yeshivot: *Kerem b'Yavneh*, *Torah u'Melakhah*, and *Merkaz haRav*... We assume that *Yeshivat haDarom* will also participate...

This recommendation, if accepted, will open before us broad horizons and will enable us to fashion a type of *talmid hakham* who is spiritually whole and able to serve as a true educational role model to his pupils.

The result of this recommendation was the initiation, by order of the Minister of Defense, of the HESDER program which combined military service with yeshiva study—along the lines of the existing NAHAL service which combined military service and pioneering, agricultural work. This “arrangement” allowed these yeshiva students to continue their Torah study while fulfilling their national responsibilities. HESDER students have served the Israel Defense Forces in many ranks and capacities and have achieved wide recognition for their contributions to the state. They also continue to serve their communities and yeshivot as teachers, rabbis, judges and even as *rashei yeshivah*.

In the years 1981-83, while approximately 1,400 yeshiva students were being granted exemptions each year (these were the very years in which the number of total exemptions was growing—as we have described above), an average of 400 yeshiva students were enlisting, annually, in HESDER. In 1984—with the number of exemptions still around 1,400—there were over 700 such enlistments!

### C. The Philosophy of HESDER

In 1981, near the start of the HESDER program, Rav Aharon LICHTENSTEIN, *rosh yeshiva* of *Har Etzion*, published [TRADITION 19/3, 199-217] a lengthy, and eloquent statement on the philosophy of yeshivot HESDER.

First of all, Rav Lichtenstein emphasizes the nature of the “arrangement” inherent in the concept of HESDER:

Hence, to the extent that the term HESDER, “arrangement”, connotes an accommodation arrived at between conflicting sides, it is somewhat of a misnomer. HESDER is not the result of a compromise between the respective positions of *rashei yeshiva* and the Ministry of Defense. It is rather a compromise with reality. We do occasionally argue with the generals over details and they do not always sufficiently appreciate the preeminence of the spiritual factor. The basic concern with security, however, is ours no less than theirs (p. 202).

He elaborates on what he sees as the advantages of HESDER—both civic and ideological—to a yeshiva high-school graduate. First, the civic advantages:

The advantages, judged from a student's perspective, are fairly clear. Most obviously, the tour of actual army service is shorter. While a student is tied down by HESDER for almost five years, he only spends, unless he becomes an officer, about sixteen months in uniform. Most important, however, HESDER provides a convenient framework for discharging two different - and to some extent conflicting - obligations. It enables him, morally and psychologically, to salve both his religious and his national conscience by sharing in the collective defense burden without cutting himself off from the matrix of Torah. Socially - and this of course has religious implications as well - HESDER offers him a desirable context as, even while in the army, he will often be stationed with fellow HESDER-niks. And HESDER enables him, pragmatically, to keep his future academic and vocational options open. Unlike his peers at non- HESDER yeshivot, he can, upon completing the HESDER program, legally pursue any course of study and/or employment within the mainstream of Israeli society (p. 200).

The ideological advantages, however, are no less important:

Optimally, HESDER does not merely provide a religious cocoon for young men fearful of being contaminated by the potentially secularizing influences of general army life - although it incidentally serves this need as well. HESDER at its finest seeks to attract and develop *bnei torah* who are profoundly motivated by the desire to become serious talmidei *hachamim* but who concurrently feel morally and religiously bound to help defend their people and their country; who, given the historical exigencies of their time and place, regard this dual commitment as both a privilege and a duty; who, in comparison with their non- HESDER confreres love not (to paraphrase Byron's Childe Harold) Torah less but Israel more. It provides a context within which students can focus upon enhancing their personal spiritual and intellectual growth while yet heeding the call to public service, and it thus enables them to maintain an integrated Jewish existence (p. 200-1)