



The Torah of Military Service

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The preoccupation with the question of who goes to war is not new. It is a question that meets us, Israeli society, in our day-to-day lives. There is an acute sense here of exhaustion of military forces, alongside awareness of the high price that those who serve and their families pay, accompanied by political tension surrounding the issue of military service, all of which grow day by day—and even fuel one another.

The Torah recognizes the reality of a society at war and knows what going into battle entails. Two sections—and their rabbinic interpretations—discuss the kind of people who should or should not go into battle. The verses that appear in Parashat Shoftim deal directly with the question of conscription and formulate rules and offer tools to think about this complex question. Parashat BeShallah, through a *midrash*, formulates the opposite: the kind of person who should be conscripted. By putting these two perspectives in conversation, we can approach a modern problem through a Torah lens.



I. “Who is the man?”

Our *parashah* is clear and direct: a healthy human society does not conscript everyone for battle. The verses are occupied with the question of who to release from going to war—or in our language, who to exempt from conscription. What characterizes those who do not go to the battlefield? Who are they?

דברים כ:א-ה-ז

¹כִּי תֵצֵא לְמִלְחָמָה עַל אֹיְבֶיךָ ... וְדִבְרוּ הַשְּׁטָרִים אֶל הָעָם לֵאמֹר מִי הָאִישׁ אֲשֶׁר בָּנָה בַּיִת חֲדָשׁ וְלֹא חֲנָכּוֹ יֵלֶךְ וַיָּשֶׁב לְבֵיתוֹ ... וּמִי הָאִישׁ אֲשֶׁר נָטַע כָּרֶם וְלֹא חָלְלוֹ יֵלֶךְ וַיָּשֶׁב לְבֵיתוֹ ... וּמִי הָאִישׁ אֲשֶׁר אָרַשׁ אִשָּׁה וְלֹא לָקָחָהּ יֵלֶךְ וַיָּשֶׁב לְבֵיתוֹ ...

Deuteronomy 20:1,5-7

¹When you go out to war against your enemies... ⁵the officers shall speak to the people, saying, “Who is the man that has built a new house and has not dedicated it? Let him go and return to his house.... ⁶And who is the man that has planted a vineyard and has not redeemed it? Let him go and return to his house.... ⁷And who is the man that has betrothed a woman and has not taken her? Let him go and return to his house.”

What characterizes those about to be married, standing on the threshold of life in a new home of their own, and standing on the threshold of realizing a new business? It seems to me that these verses refer specifically to people standing on the threshold of beginnings. They are the ones the Torah is concerned to release from the battlefield. When one lifts one’s eyes from the details and wonders who does not go to battle, a clear picture emerges: those who build for the future, those who stand on the threshold of beginnings, are to dedicate themselves to obligations other than battle.

This picture is expanded and clarified in the early *midrashim* on the verses:

ספרי דברים פיסקא קצד-קצו

"מי האיש אשר בנה", אין לי אלא בנה. ירש, לקח, נתן לו במתנה מנין? תלמוד לומר: "מי האיש אשר בנה".

"בית", אין לי אלא בית. מנין לרבות בונה בית התבן, ובית הבקר, ובית העצים, ובית האוצרות? תלמוד לומר: "אשר בנה".

Sifrei Devarim #194-196

"Who is the man that has built"—I have only [the case of one who] built. [What if he] inherited, took, [or if it was] given to him as a gift—from where [do I know]? The text says:

"Who is the man that has built."

"House"—I have only [the case of a] house. From where [do I know] to include one who builds a straw house, a cattle shed, a wood house, or a storehouse? The text says: "that has built."

This is an inclusive *midrash*; its goal is to expand what is said in the verses—the exemption from going to war—to different types of houses and structures. The type of house does not matter—any house whatsoever—even if it is a warehouse or a treasury; whoever has built such a new house does not go to battle. And it includes within the exemption also people who have a new house which they did not build themselves, for example, heirs or buyers. They, too, do not go to battle.

And the *darshan* of this *midrash* expands further:

"ומי האיש אשר נטע", אין לי אלא נטע. ירש, לקח, נתן לו במתנה מנין? תלמוד לומר: "ומי האיש אשר נטע".

אֲשֶׁר נָטַע."

"כָּרֶם", אֵין לִי אֶלָּא כָּרֶם. מִנֵּיין לְנוֹטַע חֲמִשָּׁה אֵילָנִי מֵאֶכֶל ... ? תִּלְמוּד לֹמֵר: "אֲשֶׁר נָטַע".

"And who is the man that has planted"—I have only [the case of one who] planted. [What if he] inherited, took, [or if it was] given to him as a gift—from where [do I know]? The text says: "And who is the man that has planted."

"Vineyard"—I have only [the case of a] vineyard. From where [do I know] to include one who plants five fruit trees...? The text says: "that has planted."

Again, the *darshan* chooses to learn expansions. Not only a person who planted it themselves, but also in the case where they became the owner of a vineyard in other ways. Not only a vineyard, but all fruit trees release the person from the obligation to go to battle and turn them toward other obligations—in this case, to productive agriculture.

And it is not only about situations where there is economic or nutritional danger. As the verses continue, the *darshan* expands again:

"וְיָמִי הָאִישׁ אֲשֶׁר אֵרַשׁ אִשָּׁה, אֶחָד הַמָּאָרֶס אֶת הַבְּתוּלָה וְאֶחָד הַמָּאָרֶס אֶת הָאֵלְמָנָה.

"And who is the man that has betrothed a woman"—both one who betroths for their first marriage and one who betroths for their second marriage.

The basis for the release from the battlefield is practical and pragmatic. However, it also touches directly on fundamental processes occurring within a healthy human society: building houses, planting vineyards, marriage. The *darshan* here expands the explicit verses

broadly and almost bluntly, even if there is no stable anchor for the expansion in the verses.

I wonder if the Torah exempts those embarking on new beginnings, those who are engaged in creating something new, those whose focus is the future. In some ways, these people are engaged in the opposite of war. The Torah seems to say that creation takes precedence also when going to war, we need to remember why we are going to war: to protect the creative, productive, and future-oriented aspects of society. War is not an end in and of itself, but rather the means to ensure that people can live full lives, in which they start families, invest, and build for the future.

To this collection of *midrashim*, there is a point that is repeated at the end of each of these units. It refers to a concern raised in the verses that the person who built a new house or planted a vineyard will be killed at war and someone else will bring their beginnings to fruition:

"וְאִישׁ אֲחֵר יִחְנֹכֶנּוּ", יָכוֹל דָּוִד וְבֶן דָּוִד? נֶאֱמַר כָּאן "אֲחֵר" וְנֶאֱמַר לְהֵלֵן "אֲחֵר", מִה אֲחֵר הָאֲמֹר לְהֵלֵן
נָכְרִי, אִם אֲחֵר הָאֲמֹר כָּאן נָכְרִי.

“And another man shall dedicate it”—could it be his uncle or his cousin? It is said here

“another” and it is said further on “another.”¹ Just as the “another” mentioned further on

[refers to a] foreigner, so too the “another” mentioned here [refers to a] foreigner.

¹ The *midrash* does not specify which instance of “another” is being referenced, but probably it refers to Deuteronomy 28:30, in the description of the curses for not following the Torah: “You will betroth a woman, but another man will sleep with her; you will build a house, but you will not live in it; you will plant a vineyard, but you will not harvest it.”



In what situation might a foreigner dedicate a person's house or gather the fruit from their vineyard or field? If Israel loses in battle. It is surprising to see that in the face of the threat of loss, the Torah does not suggest or demand that more people go to battle, but rather specifically that they engage in certain social or personal obligations. Perhaps resilience is based on maintaining our values as these are expressed in people's lives, that precisely in moments of threat one should not give up the dimensions of life that provide resilience. The *midrash* here argues, perhaps, that ultimately the strength of a society and what will prevent the foreigner from coming is the strength of life according to its priorities and values, and not increasing the number of its soldiers.

II. “Choose men for yourself”

The first war in the Torah that Israel goes out to as a people—the war with Amalek—is a distinct and fascinating example of facing the opposite question: not who is released, but who goes to battle. There, it is said directly to Yehoshua: “Choose men for yourself” (Exodus 17:9). Interestingly, it opens with the same fundamental assumption as the law of going out to war in our *parashah*: in a healthy society, not everyone goes to battle.

So whom does Yehoshua choose? How, according to which character traits, values, and virtues, does he choose the people who go to fight Amalek? Two rabbis in the Mekhilta expand on this theme.

מכילתא מסכתא דעמלק א

"בחר לנו אנשים" -



רבי יהושע אומר: "בחר לנו", גבורין, "אנשים", יראי חטא.
רבי אלעזר המודעי אומר: "בחר לנו", יראי חטא, "אנשים", גבורין.

Mekhilta Massekhta de-Amalek 1

"Choose men for yourself"—

R. Yehoshua says: "Choose for us"—warriors, "men"—fearing sin.

R. Elazar ha-Moda'i says: "Choose for us"—fearing sin, "men"—warriors.

The *midrash* deliberates between two different understandings of the choice of people, and of the character traits required to go out to war. But the assumption of both readings is identical: either according to R. Yehoshua or R. Elazar ha-Moda'i, the biblical Yehoshua chooses people who combine military valor and fear of sin.

War is an environment in which soldiers may be tempted to sin—to kill where killing is not appropriate, to take property that is not theirs or permitted, to destroy when destruction is not called for.² More generally, "warriors (*gibborim*)" refers to those who are physically and emotionally able to be successful in battle; "fearing sin (*yir'ei heit*)" means those who have self control and who understand ethical and legal limits. The general picture raises several possibilities regarding who went with Yehoshua to battle. Perhaps they were the heroes, perhaps they were the God-fearing, and perhaps only the heroes who were also God-fearing.

Regarding the question of who is exempt, the Torah answers in categories related to building

² Another *midrash* in Esther Rabbah 7:13 offers a different possibility: "Choose men for yourself and go out and fight against Amalek—I do not know if those men he chose were sorcerers, or if they were mighty warriors." The choice here is between military valor and sorcery, as though saying: who does not want the battlefield to be decided by magic and for there to be no need for battle?



the future. In the question of who goes, the Torah answers by marking the virtues and character traits capable of military effectiveness, and also those who understand legal and ethical limits.

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The above discussion raises three central points regarding the relationship between the individual and society during a time of war, to which the Torah invites us to think critically.

First, the Torah repeats and says one clear statement: not everyone goes to battle. A society chooses who goes to battle and who remains at home, who does the responsibility in the battlefield, and who are busy with other areas of responsibility that remain in the rear. There is room to ask which values and which fundamental assumptions guide our choices in this context then and today.

Second, the Torah presents us with a fundamental conceptual framework: whoever stands at the threshold of new beginnings—is exempt from going out to battle. Society values the moments of beginning, grants them value and priority both in the pragmatic aspect and in the psychological aspect and in their social significance. This is the Torah's way to emphasize the life-creating power within a healthy human society. And perhaps there is room to suggest that these are the dimensions emphasized precisely in light of going out to battle—because during wartime, there is a need to exert power for destruction.

Third, at the same time, the different approach of Deuteronomy 20 versus Exodus 17, of the



officers calling to every private individual to exempt himself, versus the choice of Yehoshua of “men,” suggests perhaps that during a time of war the exemption is meant in its essence to relate to the private needs of individuals within a society, not of a group. Our responsibility as a society is to see different life situations and to respond to them an answer, and to ensure that for everyone in society standing at the threshold of something new, there will be the possibility to remain in their place and complete what he began to create—along with our responsibility as a society to ensure that there will be people who will be able to be chosen if the need arises to go out and fight.

