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R. SHELOMO YOSEF ZEVIN ON THE DRAFTING OF YESHIVA STUDENTS

(EDITORIAL NOTE: Rabbi Shelomo Yosef Zevin (1890–1978) was universally acknowledged to be one of the great contemporary Talmudic and Halakhic scholars. He served as editor-in-chief of the *Encyclopedia Talmudit*, which itself reflected the unique style which Rabbi Zevin had created: a clear presentation of complex material in a form meaningful to knowledgeable laymen as well as to accomplished scholars. His more popular works are now being opened to the English-speaking community with the publication of the translations of *Sippurei Hasidim* and *HaMo'adim baHalakhah* issued by ArtScroll Judaica Series. The ideas expressed in this article are by now well known in many Israeli circles. What is most significant is that they were written by someone of Rabbi Zevin's stature, and that when he published them as a monograph in 1948, it was under the pseudonym of "One of the Rabbis." It was republished under his name in *Talmud Torah veSherut Tseva'i* (1980, HaKibbutz haDati–Ne'emanai Torah va'Avodah, POB 14177, Jerusalem). It was translated into English by David Wachsman, then a student at the Yeshivah of Flatbush.—JBW)

The deepest respect and admiration is due the rabbis and learned scholars of our holy city, but the question may nonetheless be asked! Teach us, our masters, how can this be justified?

What is the source for exempting yeshiva students and Torah scholars from an obligatory war fought to defend Israel from those who come to destroy her, God forbid? How can you pass it off as if it were halakhah or *da'at Torah* that yeshiva students need not register or serve? Have we not learned that when it comes to saving a life—not many lives, just one—"these things are done by the leaders of Israel"¹ and by *the scholars*² "in order to teach the halakhah to the nation"?³ Was any distinction made whether or not it is time of learning Torah that is to be lost? If this is the case in the saving of one life, how much more so in the saving of tens of thousands of Jews?

Perhaps a distinction should be made as to whether one must endanger himself in order to save someone else's life. Could we go so far as to say that if one's own life would be threatened, he has no obligation to save other people? If so, where does the Torah differentiate between the self-sacrifice of the highest of the high and that of

the lowest of the low? If a person should not have to be drafted because of the danger involved, all of Israel is exempt! Why have you excused only the yeshiva students? “How do you know that your blood is redder than that of your fellow-man?”⁴ There is no distinction to be made between the blood of a Torah scholar and that of a common man. The rule that “one life is not pushed aside for another”⁵ applies even to a day-old baby! It is clear that up to now there had never been any controversy as to whether the principle that one must put his own life in danger to save another’s⁶ applied only to saving an individual’s life—or perhaps the lives of many individuals. But there is certainly no disagreement when it comes to saving *kelal Yisra’el*—surely there is no need to review the unanimous opinion that a defensive war fought to save Israel from her enemies is an obligatory one⁷ of which it has been said, “All must go, even a bridegroom from his room and a bride from under her *huppah*.”⁸ How have we arrived at the conclusion that scholars are not included in this obligation? If our generation merited everyone studying Torah, would we allow our enemies to ravage our land and kill our people without taking up arms to defend ourselves? We were not worthy, but thank God that there are people ready to stand firm and fight! What source have we for a hierarchy of obligation regarding participating in a war to save Israel from its enemies?

But we have found sources expressing a totally opposite position. The Captain of *Tseva HaShem* admonished Joshua before the battle of Jericho, saying “You have not made the afternoon sacrifice, and now you abolish the study of Torah,”⁹ and Rashi explained, “Now that it is night you should be involved in studying Torah because you do not fight at night.” This is very explicit: “You do not fight at night!” In times of war, the Torah is pushed aside if there is a need for it. In the Talmud Yerushalmi¹⁰ it is written, “And Asa the king called all of Judah to his army without exception . . . not even a teacher or his student was exempt.” And while the Talmud Bavli¹¹ says that Asa was punished for this, Maharsha explained that this was a voluntary war, because in an obligatory war certainly even a Torah scholar must fight. The *Arukh* explained how Asa could call the Torah scholars to war, because when it was said “without exception” it means “even a bridegroom from his room and a bride from under her *huppah*,” so the scholars too must be included. From here we learn that if in an obligatory war a bride and groom must go, so must the rabbis! In the war against Midyan we read that Moses sent a thousand from each tribe to the army along with Pinehas, and the Sanhedrin was included.¹³

Indeed, are we dealing with saving *others*? Every one of us is in mortal danger, as are our families and everyone dear to us. Is it right

for the scholars not to save themselves, but to place the obligation upon others? Is this *da'at Torah*? Where have we seen such a thing?

Doesn't the Torah defend her scholars? On the contrary! Let the *benei Torah* fight at the front and the merit of their learning Torah will defend them and their comrades! "If you follow in my statutes" —this requires the study of Torah, not simply doing the *mitsvot*.¹⁴ And what is the promised reward for this? "You will chase your enemies and they will fall by the sword before you." Yes, "they will fall," but "you will chase!" The *Tanna Devei Eliyahu* says:¹⁵ "God said, I did not write so in my Torah, but even if Israel were not absorbed in the study of Torah and kept only the *mitsvah* of *Derekh Eretz*, the Shekhinah would be with them and the promise of 'five chasing a hundred and a hundred chasing ten thousand' would be fulfilled. If they fulfilled the Torah and *mitsvot* one would chase a thousand and two would put to flight ten thousand."

"Rabbis do not need guarding"?¹⁶ God Almighty! When actual lives are at stake may we rely on miracles? In 1929 at Hebron (such a calamity should never occur twice!) 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 guarding or not? And those same murderous Arabs are still the enemy today! If you understand that the scholars need no guarding in relatively peaceful times and are exempt from building the protective walls,¹⁷ what consequence has this when compared to a life-and-death struggle, a war which is a *mitsvah* 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 guarding"? Did anyone absorbed in Torah study exempt himself from this? Why did rabbis leave areas under enemy fire along with the rest of the general population? Why did they not rely on this maxim? Is this *da'at Torah*? They took this Torah concept out of context and used it improperly, while if it were used in its proper context it would be a valuable pearl.

I understand the feelings of *Neturei Karta* who are unalterably opposed to the State of Israel. They oppose the war because they feel that we should surrender. Even according to these ideas, there is no difference between the yeshiva students and the common people. Anyone who subscribes to this philosophy must be against the conscription of anyone in Israel, whoever he may be. Luckily, very few people feel this way. Our entire nation, in Israel and in the Diaspora, eagerly risk their lives in this defensive war which has been thrust upon us. They understand well that there is no future for the *yishuv* here or for the refugees waiting in the Diaspora without our own independent country, one that would be open to accept our bloody

brothers who wander in the burning *Galut*. God, Israel, and the rest of the world know that we are not the aggressors. We do not want war, and we are not gladdened by the spilling of blood. But if our enemies fall upon us in a mad killing frenzy, we must defend ourselves. And you, our *Geonim*, admit the dire necessity of this obligatory war. Many of you have sent blessings and words of encouragement to our valiant soldiers. It is your obligation to encourage young and healthy scholars to fight. Will you send your brothers to war, and yourselves sit at home?

A practical fear has been expressed that if the students go to war, all the yeshivot will become depleted and who knows what will happen to Torah in Israel. It would be possible to arrange a mutually agreeable accommodation and as far as I know the draft offices are willing to negotiate this. But to decide in the manner of halakhah not to participate at all—how can you possibly justify this?

Many yeshiva students are standing at the front even now, sanctifying God's name. With one hand they are turning the pages of a *Tenakh* or Talmud, and in the other hand they hold their rifles. Their spirit of Torah and belief in the Almighty strengthens their comrades and influences them in the ways of Torah. Most respected rabbis, are you not obligated to encourage others to follow in their footsteps?

The opinion of the Torah? It is clear and explicit: "Those who act quickly when lives are at stake are to be praised and do not require the permission of Bet Din."¹⁸ "For the Lord thy God goes with you to fight against your enemies and save you!"¹⁹

NOTES

1. T.B. *Yoma* 24b; *Mishneh Torah, Hilkhhot Shabbat*, 2:30.
2. *Mishneh Torah*, *ibid.*
3. *Taz to Shulhan Arukh Orah Hayyim* 328, and *Shulhan Arukh Harav*, 328.
4. T.B. *Pesahim* 25b.
5. *Ohalot* 7:46.
6. *Kesef Mishneh, Hilkhhot Rotse'ah*, 1:14; *Bet Yosef, Hoshen Mishpat*, 426 and *Sefer Me'irat Einayim*; Responses of the Radbaz, part three, 1:52; *Shulhan Arukh haRav*, part five, *Hilkhhot Nizkei haGuf veNefesh*; etc.
7. *Mishneh Torah, Hilkhhot Melakhim*, 5:1.
8. T.B. *Sotah* 44b; Rambam, *Melakhim* 6:4.
9. T.B. *Megillah* 3a.
10. T.J. *Sotah* 8:5.
11. T.B. *Sotah* 10a.
12. *Arukh*, s.v. *Angaria*, and at *Sotah* 10a.
13. T.B. *Sotah* 43a.
14. *Torat Kohanim*, Rashi to Lev. 26:3.
15. Chapter 11.
16. T.B. *Baba Batra* 7b.
17. See Rashi to *Baba Metsia* 108a.
18. T.B. *Yoma* 84b. See Rambam, *Melakhim* 5:1–2.
19. Deut. 20:4.