

Chapter 7

The Ideology of *Hesder*

Half a dozen years ago, advocacy of the cause of *yeshivot hesder* before the American Jewish public would have seemed largely superfluous. The impact of the Yom Kippur War was then still strong, the memory of the role of hesdernikim in it still vivid, the halo of the heroic student-soldier yet fresh. The religious community, in particular, took great pride in a clearly perceived *Kiddush Hashem*. Almost everyone had seen some striking picture or heard some moving story: of boys (they really were not much more) who had gone into battle wearing *tefillin*; of a group that had stunned its brigadier by inquiring, during a nocturnal lull in the Sinai campaign, whether and when they would be provided with a lulav and etrog; of another which, after a disheartening day on the battlefield, improvised Simhat Torah dancing and *hakafot* by the banks of the Suez Canal. Almost everyone had read comments by officers of Zahal, the Israel Defense Forces, praising the courage and commitment of *bnei yeshivot*, noting both the inspirational qualities that had done so much to boost collective morale and their vital role in the forefront of the actual fighting. And there was, of course, the litany of suffering, the grim statistics of the highly disproportionate casualties of the yeshiva students, to attest to that role. In the context of the pervasive sadness and pride, the ideological presentation of hesder seemed largely unnecessary. The reality spoke for itself.

Today, thank God, such a presentation is in order. Time has healed many wounds and dimmed many memories. Above all, it has opened

fresh vistas and posed new challenges, these hopefully unrelated to the battlefield. We have seen the first glimmers of peace; and, for the moment at least, the country appears relatively secure. And as our sense of danger dulls, as our roseate hopes lull us into a sense of imagined security, as the perception of just how close Syrian armored columns once came to swooping down upon the Galil and beyond becomes blurred, hesder and its cause evidently needs, if not an advocate, at least an expositor. This brief essay is therefore presented as a modest exposition of the essence of hesder and its significance, at least as viewed from the perspective of Yeshivat Har Etzion.

The typical graduate of an Israeli yeshiva high school is confronted by one of three options. He can, like most of his peers, enter the army for a three-year stint. Alternatively, he can exempt himself from military service on the grounds that *torato umnuto*, “Torah is his vocation,” while he attends a yeshiva whose students receive the Israeli equivalent of an American 4-D exemption. Finally, he can enroll in a yeshivat hesder, in which case, over roughly the next five years, he will pursue a combined program of traditional Torah study with service in the army. While at the yeshiva he will learn full-time (hesder is *not* an Israeli ROTC), but there will be two protracted absences from it, one of nine months and the other of six months, for training and duty.

Of these three courses, hesder is, in one sense, perhaps the easiest. Properly speaking, however, it is also the most arduous. 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 the student, 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, for while in the army, he will often be stationed with fellow hesdernikim. 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 or employment or both in the mainstream of Israeli society.

These are legitimate and even important considerations. But they are not what hesder, ideally considered, is all about. Properly understood, hesder poses more of a challenge than an opportunity; and in order to perceive it at its best we need to focus upon difficulty and even tension rather than upon convenience. 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 hakhamim* 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 Shakespeare, Torah less but Israel more. It provides a context in which students can focus upon enhancing their personal spiritual and intellectual growth while heeding the call to public service, and thus it enables them to maintain an integrated Jewish existence.

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. When the Mishnah states, *אם אין קמח אין תורה אם אין תורה אין קמח* “If there is no flour, there is no Torah; if there is no Torah, there is no flour,”¹ it hardly means that both are equally important. What it does mean is that both are, in fact, equally necessary, although, axiologically and teleologically, flour exists for the sake of Torah, and not vice versa. *Il faut manger pour vivre, il ne faut pas vivre pour manger* (“One must eat to live, and not live to eat”), declaims one of Molière’s characters; and so it is with hesder. 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 vision whose fulfillment is our national destiny; and everything else is wholly subservient. No one responsibly connected with any yeshivat hesder advocates military service for its own sake. 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 Uzi, and devote his energies to Torah. In the interim, however, he harbors no illusions, and he keeps his powder dry and his musket ready.

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'hathillah*, a freely willed option grounded in moral and halakhic decision. We at Yeshivat Har Etzion, at any rate, do not advocate hesder as a second-best alternative for those unable or unwilling to accept the rigors of single-minded Torah study. We advocate it because we are convinced that, given our circumstances – would that they were better – military service is a *mizvah*, 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 of Israel is a moral imperative.

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 Roshei Yeshiva, and the Ministry of Defense. It is 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.

Of course, that concern must be balanced against others. *Knesset Yisrael* needs not only security but spirituality – and ultimately, the former for the sake of the latter. Those who, by dint of knowledge and inspiration, are able to preserve and enrich our moral vision and spiritual heritage, contribute incalculably to the quality of our national life; and this must be

considered in determining personal and collective priorities. Hence, while we of the hesder yeshivot feel that military training and subsequent reserve status for men should be virtually universal – spiritual specialization being reserved, at most, for a truly elite cadre² – the length of post-training service should be justifiably briefer than for those unable or unwilling to make a comparable spiritual contribution. The military establishment, I might add, generally understands this. Junior officers, concerned with keeping good soldiers in their units, sometimes complain about this apparent inequity. However, higher-level commanders, more keenly aware of the total picture and the longer term, recognize the value of the spiritual aspect of hesder as inspirationally significant, for *bnei yeshiva* as well as their comrades, in the event of war. It should be emphasized, however, that from a Torah perspective, the justification for abbreviated service does not rest solely or even primarily upon the yeshiva's stimulus to bravery. It is grounded in the intrinsic and immeasurable value of Torah per se – indeed, in the faith and hope that it moves us toward the realization of the prophetic vision, “Neither by force nor by might but by My spirit, saith the Lord of hosts.”³

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, whether 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 admittedly these should 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 periods of uneasy peace.

The need for their participation is based upon several factors. By far

the most important, although it relates more to training than to peacetime service, is the fact that in the event of war the Israeli army may very well need every qualified soldier it can muster. And lest one think that the number of hesder youths is militarily insignificant, let it be noted that, while indeed they may not seem all that many, nevertheless, the boys currently enrolled in hesder, not to mention those who have moved on to the reserves, can man over four hundred tanks – surely no piddling figure. This factor relates to training more than to peacetime service; but with respect to the latter as well, both common fairness and self-respect dictate that the Torah community make some contribution even if it be justifiably smaller than that of others.

The notion, held by many at one major yeshiva, that *Bnei Torah* should prepare for a possible war but need do nothing to prevent it, fails to recognize the importance of deterrence. It should be emphasized that, with respect to aiding others, prevention is at least the equivalent of relief, halakhically and not just proverbially. The *mizvah* of *hashavat aveidah* includes deterring loss as well as restoring it.⁴ The highest level of *tzedakah*, the Rambam tells us, takes the form of preventive sustenance, even if it does not cost the “donor” one single penny.⁵ The rationale behind the position in question – in practice, it entails six months of training but no service thereafter – presumably rests upon the assumption that prevention can be supplied by others; or, as some put it, that so long as anyone is walking the streets or working on a civilian job, there is no excuse for pulling boys out of a *bet ha-midrash*. This view is not without foundation.

In determining whether and when the study of Torah should be set aside in favor of a *mizvah*, *efshar la'asota al yedei aherim*, the extent to which it can be realized by others, is a crucial factor.⁶ However, that possibility should be real and not merely theoretical; and in assessing it, their readiness to take up the slack should presumably be considered. It is by no means certain that I may compel others, directly or indirectly, to assume my share of a common task so that I can continue my studies.⁷ Further, the problem acquires a wholly different dimension when what is at issue is not just the distribution of time and effort but the possibility of danger; and this element is unfortunately present even in time of presumed peace.

Consequently, in determining the duration of peacetime service, we are driven back to balancing conflicting communal needs, and this is the basis of its abbreviation in hesder. It should be clear, however, that the concept of *efshar la'asota* provides no mandate for categorical dispensation. Those who strike this balance and conclude that they owe no peacetime service whatsoever are, of course, entitled to their position. But I must confess that I, for one, do not find the notion of a free of charge state morally engaging.

The ethical moment aside, a measure of service is, for many, a matter of self-interest, and not only because it is, after all, our own homeland that we are defending. Service enables the individual soldier to avert the moral and psychological onus of the drone, and it 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 opens 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.

If the rationale underlying hesder is relatively simple, its implementation is anything but. I described it at the outset as the most difficult of the options open to a yeshiva high school graduate, and, seriously taken, it is precisely that. The difficulty is not incidental. It is grounded in the very nature and structure of hesder, and is threefold. First, there is the problem of dual commitment: the possible loss of motivation and momentum, and the division of time, energy, and attention inherent in the fusion of the study of Torah with any other enterprise, whether academic, vocational, or what have you. From this perspective, the question of hesder meshes with the much broader problem of the relation of the active and the contemplative life, of Torah and *derekh erez*, of the sacred and the secular. As such it admits of no easy solution. בשעתא על טורא דסיני דרשב"י אמר אלו הוינא קאים על טורא דסיני בשעתא דאתיהבת תורה לישראל הוינא מתבעי קומי רחמנא דיתברי לבר נשא תרין פומין חד דהוי לעי דאורייתא וחד דעבד ליה כל צורכיה. "If I had been present at Mount Sinai," said Rabbi Shimon bar Yohai, "I would have asked of the Merciful One that two

mouths should be created for every person, one with which to study Torah and one with which to attend to all his [other] needs.”⁸ His wish is deeply shared by hesdernikim and their masters; but it remains a wish.

With reference to hesder, specifically, there is an additional problem: the conflict of values, lifestyle, and sensibility between *bet midrash* and boot camp, especially in a predominantly secular army. The danger is not so much that students will lose their faith and become nonobservant. On this score, yeshivot hesder have a track record at least as good as their immediate Eastern European predecessors.⁹ It is, rather, a problem of possible attrition, the loss of refinement and the dulling of moral and religious sensitivity that may result from exposure to the rougher aspects of a possibly dehumanizing and despiritualizing existence. As the Ramban noted, the qualities of aggressiveness and machismo which are so central to military life naturally run counter to the Torah’s spiritual discipline. Commenting upon the *pasuk*, *עַל־אֵי־בִיָּה וְנִשְׁמַרְתָּ מִכֹּל דְּבַר רָע*, “When thou goest forth in camp against thine enemies, then thou shalt keep thee from every evil thing,” he observes:

והנכון בעיני בענין המצוה הזאת, כי הכתוב יזהיר בעת אשר ההטא מצוי בו. והידוע במנהגי המחנות היוצאות למלחמה, כי יאכלו כל תועבה, יגזלו ויחמסו ולא יתבוששו אפילו בניאוף וכל גבלה, הישר בבני אדם בטבעו, יתלבש אכזריות וחמה כצאת מחנה על אויב. ועל כן הזהיר בו הכתוב, ונשמרת מכל דבר רע.

And what seems correct to me with respect to this *mizvah* is that the verse enjoins with regard to a period during which sin is rife. It is known of the behavior of warring camps that they eat every abomination, rob and plunder, and are not even ashamed of fornication and any villainy. The most decent of men by nature may become invested with cruelty and wrath as the camp goes out to engage the enemy. Hence, the verse enjoins, “And thou shalt keep thee from every evil thing.”¹⁰

Situations less drastic than actual war are less threatening, but these, too, can have an impact. As the Ramban’s interpretation clearly implies, the difficulty can be overcome, but a genuine and conscious effort is needed in order to avoid moral corruption and spiritual corrosion.

Probably the greatest difficulty, however, concerns neither the

practical ramifications of the diffusion of effort nor the grappling with potentially inimical influences. It concerns the very essence of hesder: the maintenance of a tenuous moral and ideological balance between its two components. At issue is a conflict of loves, not just of labors. On one level, this is simply the problem of religious Zionism writ large. A hesder yeshiva seeks to instill profound loyalty to the State of Israel, but at the same time inculcates spiritual perspectives and values that are to serve as the basis for a radical critique of a secularly oriented state and society. The problem acquires another dimension, however, when that loyalty includes the readiness to fight and die. Moreover, it involves, on a second level, issues specifically related to a student-soldier. Like all yeshivot, a yeshivat hesder seeks to instill a love for Torah so profound and so pervasive as to render protracted detachment from it painful, and yet it demands precisely such an absence. It advocates patriotic national service even at some cost to personal development, and yet prescribes that students serve considerably less than their non-yeshiva peers.

These apparent antinomies are the result of the basic attempt to reconcile conflicting claims and duties by striking a particular balance: one that should produce an aspiring *talmid hakham* who also serves rather than a soldier who also learns; one that perceives military service as a spiritual sacrifice – we do *not* want students to be indifferent to their loss – but proceeds to demand that sacrifice; one that encourages a hesdernik to excel as a soldier while in the army but prescribes his return to the *bet ha-midrash* before that excellence is fully applied or perhaps even fully attained.

From the yeshiva's perspectives, these antitheses are fully justified. Indeed, they constitute the very essence of hesder as a complex and sensitive balance. However, preserving this balance, with its many subtle nuances, entails traversing a narrow ridge; and here lies the primary difficulty, existential and not just practical, of hesder. Small wonder that many only achieve the balance imperfectly. It is, however, in those who do succeed in attaining the balance, and who, despite the difficulty, are genuinely at peace with themselves, that hesder at its finest can be seen. And it is inspiring to behold.

These problems are very real. They pose a formidable educational challenge; and while they are by no means insuperable, as is attested by the history of yeshivot hesder, we ignore them at our peril. Moreover, it is precisely the adherents of hesder, those of us who regularly grapple with its sophisticated demands, who are most keenly aware of the problems. Nevertheless, although our centuries of statelessness tend to obscure this fact, hesder is the traditional Jewish way. What were the milieux of Mosheh Rabbenu, of Yehoshua, of David, of Rabbi Akiva, as Hazal conceived and described them, but yeshivot hesder? The mode of integrating military service with the study of Torah may very well have differed from our own. Hazal described Yehoshua as being reproached for having omitted a single evening of communal *talmud Torah* in his camp;¹¹ and as an army, we are unfortunately quite far from this standard. Nevertheless, the principle is very much the same.

Indeed, in 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 Yitzhak, he conjectures that it may have been due to the fact

... שהיה אברהם גדול מאד ורב כח, שהיו בביתו של מאות איש שולף חרב ולו בעלי ברית רבים, והוא גם בן חיל אשר לבו כלב האריה ורדף ארבעה מלכים גבורים מאד ונצחם, וכאשר ראו הצלחתו כי היא מאת האילקים פחד ממנו מלך פלשתים פן יכבוש ממנו מלכותו... וכמעשה אבות עשו בנים, כי היה יצחק גדול כאביו ופחד המלך פן ילהם בו בגרשו אותו מארצו:

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. And when his success became evident as being divinely ordained, the Philistine king feared him, lest he conquer his kingdom.... And the sons emulated the fathers, as Yitzhak was great like his father, and the king feared lest he fight him because he had banished him from his land.¹²

This account of lion-hearted patriarchs and their sword-wielding disciples may fall strangely upon some ears. Although we do not like to admit it, our Torah world, too, has its vogues, and in some circles, much of

the Ramban on Bereshit – the real Ramban, honestly read and unflinchingly understood – is currently passé.¹³ The fact, however, remains: the primary tradition is hesder.

The reason is not hard to find. The halakhic rationale for hesder does not, as some mistakenly assume, rest solely upon the *mizvah* of waging defensive war. If that were the case, one might conceivably argue that, halakhically, sixteen months of army service is too high a price to pay for the performance of this single commandment. The rationale actually 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: *gemilut hasadim*, an empathetic concern for others and action on their behalf. This element, defined by Shimon Ha-Zaddik as one of the three cardinal foundations of the world,¹⁴ is the basis of Jewish social ethics, and its realization, even at some cost to single-minded development of Torah scholarship, is virtually imperative. The gemara in Avodah Zarah is pungently clear on this point:

ת"ר: כשנתפסו רבי אלעזר בן פרטא ורבי חנינא בן תרדיון, א"ל ר' אלעזר בן פרטא לרבי חנינא בן תרדיון: אשריך שנתפסת על דבר אחד, אוי לי שנתפסתי על חמשה דברים. א"ל רבי חנינא: אשריך שנתפסת על חמשה דברים ואתה ניצול, אוי לי שנתפסתי על דבר אחד ואיני ניצול, שאת עסקת בתורה ובגמילות חסדים, ואני לא עסקתי אלא בתורה [בלבד]; וכדרב הונא, דאמר רב הונא: כל העוסק בתורה בלבד – דומה כמי שאין לו אלוה, שנאמר (דברי הימים ב:טו): 'וימים רבים לישראל ללא אֱלֹהֵי אֲמֹת', מאי ללא אֱלֹהֵי אֲמֹת? שכל העוסק בתורה בלבד – דומה כמי שאין לו אֱלֹה.

Our rabbis taught: When Rabbi Elazar ben Prata and Rabbi Hanina ben Teradyon were arrested [by the Romans], Rabbi Elazar ben Prata said to Rabbi Hanina ben Teradyon, "Fortunate are you that you have been arrested over one matter, woe is me who have been arrested over five matters." Rabbi Hanina responded, "Fortunate are you that you have been arrested over five matters but are to be saved; woe is me who have been arrested over one matter but will not be saved. For you concerned yourself with both Torah and *gemilut hasadim*, whereas I concerned myself solely with Torah." As Rav Huna stated; for Rav Huna said, "Whoever concerns himself solely with Torah is as one who has no God. As it is written, 'And many days [passed] for Israel without a true God' (Divrei Ha-Yamim II, 5:13). What is [the meaning of] 'without a

true God? That one who concerns himself solely with Torah is as one who has no God.”¹⁵

The midrash equates the renunciation of *gemilut hasadim* with blasphemy;¹⁶ and the gemara in Rosh Hashanah states that Rabbah and Abbaye, both being descended from Eli, overcame the curse cast upon his house: “Rabbah, who engaged in the study of Torah, lived forty years; Abbaye, who engaged in Torah and *gemilut hasadim*, lived sixty years.”¹⁷ When, as in contemporary Israel, the greatest single hesed one can perform is to help defend his fellows’ very lives, the implications for yeshiva education should be obvious.

What is equally obvious is the fact that not everyone draws these implications – and this for one of several reasons. Some (not many, I hope) simply have little if any concern for the State of Israel, even entertain the naive notion that, as one Rosh Yeshiva put it, their business could continue as usual with Palestinian flags fluttering from the rooftops. Others feel that the spiritual price, personal and communal, is simply too high, and that first-rate Torah leadership can only be developed in the monochromatic context of “pure” yeshivot. Still others contend that, from the perspective of genuine faith and trust in God, the yeshivot are the true guardians of the polity, and any compromise of their integrity is a blow at national security. These contentions clearly raise a number of basic moral, halakhic, and theological issues with respect to which I obviously entertain certain views. However, I do not wish, at this juncture, to polemicize. These are matters on which honest men of Torah can differ seriously out of mutual respect, and I certainly have no desire to denigrate those who do not subscribe to my own position. What I do wish to stress minimally, however, is the point that, for the aspiring *talmid hakham*, hesder is at least as legitimate a path as any other. It is, to my mind, a good deal more, but surely not less.

The point can be underscored by a brief glance at the relevant proof-texts most frequently cited by rigorous critics of hesder. Of course, those who oppose it because they have little use for the state, and presume that its dismemberment would not seriously endanger its inhabitants, need not look far for support. Given their assumptions, they can draw upon

a plethora of sources that stress the overriding importance of *talmud Torah* and castigate the expenditure of time upon relatively insignificant purposes. I very much hope, however, that among our critics, this is a decidedly minority view; and I prefer to address myself to the position of those who do assign a measure of value to the state – and hence, of necessity, to its army – and whom the question of military service therefore confronts as an instance of the difficult, perhaps even agonizing, choice between conflicting values. In large measure – and I, for one, regard this as perfectly legitimate – the assignment of priorities is ultimately based upon the degree of importance attached to the two realms, as this determines the readiness to take respective risks; and, as previously noted, this in turn is a function of the much broader issue of the relationship of *talmud Torah* to the rest of human life. Nevertheless, much discussion of the issue quite properly centers upon specific authoritative texts, which, for this group of critics, must be such as do not simply espouse the study of Torah but address themselves to this dilemma directly; and I would like to briefly consider the more important of these.

While most of the relevant texts are aggadic, one *locus classicus* is purely halakhic, and it may best be treated first. The gemara in Bava Batra states that *talmidei hakhamim* are exempt from sharing the cost of municipal fortifications inasmuch as they “do not require protection.”¹⁸ Analogously, it is contended that they should be exempt from military service. One may state, in reply, that this claim raises a very serious moral issue. Can anyone whose life is not otherwise patterned after this degree of trust and *bittahon* argue for exemption on *this* ground? Is it possible to worry about one’s economic future, in evident disregard of Rabbi Eliezer’s statement that “whoever has bread in his basket and says ‘What shall I eat tomorrow?’ is but of little faith,”¹⁹ and still not enter the army because one is presumably safe without it? I recall, some years back, admiring the candor of a *maggid shiur* who confided to me that he had moved from a neighborhood in which most young men served in Zahal to one in which they did not because, while he might be convinced intellectually that he ought not to serve in the army, he knew full well that he did not possess the depth of faith upon which such an exemption could only be granted. Hence,

he felt too ashamed, especially as his sons were coming of military age, to remain in his old bailiwick. Perhaps not many would share this response, but the basic situation is probably not uncommon; and for many, at least, any argument based on this gemara is consequently problematic.

There is, however, no need to pursue this train of thought, for the basic analogy is quite tenuous on purely halakhic grounds. The payment in question is not inherently normative. It relates to no *mizvah* whatsoever. Rather, it derives solely from the obligation to help defray the cost of communal facilities from which one reaps benefit. This is obvious from the context; the impost is discussed in the same mishnah that deals with requiring tenants of a courtyard to pay for a gate or watchman's booth or both in order to keep out trespassers and onlookers, and both are cited by the Rambam in *Hilkhot Shekhenim*. Moreover, it is reflected in the fact that the sum is prorated according to the degree of benefit involved, with those subject to the greatest risk paying the most.²⁰ Hence, those who derive no direct benefit pay nothing. Tenants without cars do not generally pay for the upkeep of a building's garage, and those who have no television sets may be exempt from sharing in the cost of a central antenna.

The situation is radically different, however, with respect to an obligation precisely rooted in the responsibility to help others qua others. 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"²¹ 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.²² Consequently, the gemara in *Bava Batra* 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.²³

A second oft-cited source is the coda of *Sefer Zeraim* in the Rambam's *Mishneh Torah*. The Rambam first postulates the spiritual character of the

tribe of Levi as explaining its being barred from a share in Eretz Yisrael and its spoils, and then goes on to expand upon this theme:

ולמה לא זכה לוי בנחלת ארץ ישראל ובביותה עם אחיו? מפני שהובדל לעבוד את ה' 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 "ברך ה' חילו", והוא ברוך הוא זוכה להם שנאמר "אני חלקך ונחלתך". ולא שבט לוי בלבד אלא כל איש ואיש מכל באי העולם אשר נדבה רוחו אותו והבינו מדעו להבדל לעמוד לפני ה' לשרתו ולעובדו לדעה את ה' והלך ישר כמו שעשהו הא־לקים ופרק מעל צוארו עול החשבונות הרבים אשר בקשו בני האדם הרי זה נתקדש קדש קדשים ויהיה ה' חלקו ונחלתו לעולם ולעולמי עולמים ויזכה לו בעולם הזה דבר המספיק לו כמו שזכה לכהנים ללוים, הרי דוד ע"ה אומר "ה' מנת חלקי וכוסי אתה תומיך גורלי".

And why did not Levi partake of the patrimony of Eretz Yisrael and its spoils with his brethren? Because he was set apart to serve God, to worship Him and to teach His just ways and righteous ordinances to the masses. As it is stated, "They shall teach Jacob Thine ordinances, and Israel Thy law" (Devarim 33:10). Therefore, they have been set apart from the ways of the world: they do not wage war like the rest of Israel, nor do they inherit or acquire unto themselves by physical force. They are, rather, the Lord's corps, as it is stated, "I am thy portion and thine inheritance" (Bamidbar 18:20). And not the tribe of Levi alone but each and every person throughout the world whose spirit has uplifted him and whose intelligence has given him the understanding to stand before God, to serve Him, to worship Him, to know God; and he walks aright as he has cast off from his neck the many considerations which men have sought – such a one has been sanctified as the holy of holies, and the Lord shall be his portion and his inheritance forever and ever, and shall grant him his sufficiency in this world as he has granted to the kohanim and the Levi'im. As David, peace be upon him, says, "O Lord, the portion of mine inheritance and of my cup, Thou maintainest my lot" (Tehillim 16:5).²⁴

At first glance, these lines seem to sanction, in principle, a *ben Torah's* total divorce from military service. In truth, however, they are of little, if any, relevance to our subject. On one level, there arises the obvious difficulty of squaring this statement both with the Rambam's personal history and with his repeated vehement critiques of those who exploit the study of Torah to worldly advantage by abstaining from all gainful activity in the

is rooted in the overall norm of *gemilut hasadim*, it encompasses everyone. The world of the *ben Torah*, too, rests upon three pillars. Of course, no one would suggest that all *bonei yeshiva* stop learning and turn to cardiology. There is, however, a clear difference between abstaining from specializing in humanitarian endeavors and forgoing a universal effort. And above all, the issue is not one of suspending *talmud Torah*, God forbid, but of balancing and complementing it.

Finally, 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. He presents an idealized portrait of a selfless, atemporal, almost ethereal person – one whose spirit and intelligence have led him to divest himself of all worldly concerns and who has devoted himself *לעמוד לפני ה' לשרתו ולעובדו לדעה את ה' והלך ישר* “to stand before God, to serve Him, to worship Him, to know God; and he walks aright as the Lord has made him and he has cast off from his neck the yoke of the many considerations²⁹ that men have sought.”

To how large a segment of the Torah community, or, *a fortiori*, of any community, does this lofty typology apply? Two percent? Five percent? Can anyone who has negotiated the terms of a salary, perhaps even of *naden* or *kest* or both, look into a mirror and tell himself that he need not go to the army because he is *kodesh kodashim, sanctum sanctorum*, in the Rambam's terms? Can anyone with even a touch of vanity or a concern for *kavod* contend this?³⁰

Lest I be misunderstood, let me state clearly that I have no quarrel with economic aspirations or with normal human foibles. Again, least of all do I wish to single out *bonei yeshivot* for undeserved moral censure. I do feel, however, that those who would single themselves out for exemption from normal duties on the grounds of saintliness should examine their credentials by the proper standard.

Two other texts on this subject may be treated more briefly. One is

evidently critical of Avraham Avinu for having dispatched his students to fight:

אמר רבי אבהו אמר רבי אלעזר: מפני מה נענש אברהם אבינו ונשתעבדו בניו למצרים מאתים ועשר שנים? מפני שעשה אנגרייא בתלמידי חכמים, שנאמר (בראשית יד:יד): "וירק את הניכיו ילידי ביתו".

Rabbi Abbahu said in the name of Rabbi Elazar: Why was Avraham Avinu punished and his offspring enslaved in Egypt for two hundred and ten years? Because he conscripted *talmidei hakhamim*, as it is stated, "He led forth his trained men, born in his house" (Bereshit 14:14).³¹

The implications of this source seem clear but it, too, should not be assigned decisive weight. In the ensuing lines, the gemara quotes alternative explanations for Avraham's punishment.³² Moreover, the midrash cites the comments of several tannaim and amoraim who all regarded the mustering of his disciples favorably.³³ Third, Rabbi Elazar's criticism is limited to conscription, with its almost inevitable encroachment upon personal dignity. The term he uses, *angarya*, refers elsewhere to forced labor or the requisition of goods;³⁴ and a parallel explanation of Assa's punishment deals with conscription for construction without reference to military service.³⁵ Hence, this gemara can only support an argument against Zahal's subjecting *bnei torah* to a coercive draft. It says nothing of their duty to serve as a matter of choice.

Lastly, we may note a more explicit source, it, too, positing a causal nexus:

Rabbi Abba b. Kahana said: If not for David, Yoav could not have waged war; and were it not for Yoav, David could not have engaged in Torah. As it is written: "And David executed justice and righteousness unto all his people. And Yoav the son of Zeruyah was over the host" (Shemuel II, 8:15–16). Why did David execute justice and righteousness unto all his people? Because Yoav was over the host. And why was Yoav over the host? Because David was executing justice and righteousness unto all his people.³⁶

Admittedly, in this gemara the case for spiritual exemption and the division of functions is apparently more clearly articulated. Here, too, however, several comments are in order. First, the gemara introduces

this comment with the observation that it runs counter to the prevalent thrust of the preceding discourse. Second, the engagement in Torah of which it speaks does not refer to purely contemplative study alone but to implementation through the molding of a just and fair society. Above all, however, this source is of little use to our critics on the right because of its protagonist. If they really wish to posit David, the heroic and sensitive soldier-scholar-poet-votary so graphically portrayed by Hazal in numerous contexts, as the prototype of the contemporary Israeli *ben torah*, I shall have little quarrel with them.

There is, then, no halakhic, moral, or philosophic mandate for the blanket exemption of *Bnei Torah* from military service. These categorical claims having been laid to rest, however, and their presumed authoritative basis neutralized, we are still confronted by the practical difficulty of weighing conflicting needs – of striking a balance, on both the personal and especially the communal plane, between the spiritual and the material, and of assessing the risks inherent in pressing one at the expense of the other. And we need to do this with reference to both ideology and fact, determining not only whether hesder is desirable but the extent to which, in one form or another, it is feasible. On this level, that of the practical formulation of public policy rather than the principled invocation of personal prerogative, there is room for disagreement – and, quite conceivably, for pluralist solutions.

Even assuming such pluralism, however, the composition of our educational mix must be carefully considered. I fully appreciate the contribution of non-hesder yeshivot to our spiritual life; I grant that they contain some individuals who at present serve their country well by devoting themselves to Torah exclusively, and this not because they might make poor soldiers but because of their spiritual potential. Much as I would like the great majority of their students to modify their course out of personal conviction, I have no desire to legislate them out of existence or into yeshivot hesder.

I realize that some of the arguments I have raised against full exemption might be pressed by others against the abbreviation of service; and that just as I would vindicate the latter on the basis of spiritual need,

so may others justify the former for the same reason. Nonetheless, I feel strongly that, at the very least, the current proportion of hesder to non-hesder yeshivot is totally out of kilter. Surely, we dare not acquiesce in the protracted spiritual desiccation of *bnei torah* at a critical juncture in their lives. However, the ethical alternative should not be a self-determined *carte blanche* exemption. Hesder, conceived and implemented not as a compromise but as a bold response to a difficult dilemma, should be the standard rather than the exception. It is the direction which, upon searching examination of the issue, Torah leadership should seek to promote as a norm, not as a deviation.

In making any assessment of hesder, it is important that we approach the subject with full awareness of the military ramifications, a point not always sufficiently heeded. The story is reliably told of a leading Rosh Yeshiva who, at the height of the controversy over *giyus banot*, “the drafting of women,” back in the fifties, attended a wedding near the Israeli-Arab border in Jerusalem. At one point, gunfire was suddenly heard and he scurried under a table, exclaiming passionately, “*Ribbono shel Olam*, I want to live! There is much Torah which I still wish to learn and create!” Whereupon a rather insensitive observer approached him and asked, “*Nu, rebbe, was sagt ihr itster wegen giyus banos?*” (Well, rabbi, what do you say now about *giyus banot*?). And he kept quiet. I cite the story not because I favor the induction of women – under present circumstances, I very much oppose it – or to impugn the memory of a truly great man, but in order to point out that, at a certain distance, one can lose sight of the simple truth that a Jewish soul must inhere within a Jewish body.

This nagging truth persists, however, and its appreciation is central to an understanding of an institution designed to reconcile the conflicting claims of spirituality and security, of *talmud Torah* and *gemilut hasadim*, of personal growth and public service. The dilemma posed by these claims is not of our choosing. The response, however, is; and in this respect, yeshivot hesder are a conspectus of our collective anomaly: a nation with outstretched palm and mailed fist, striving for peace and yet training for war. For the foreseeable future, this is our situation. While our position is more promising than in the past, we are far from being genuinely secure

and can hardly afford to weaken our defenses complacently. Hence, in the context of our “station and its duties” (to use F.H. Bradley’s term), hesder is, for *Bnei Torah*, the imperative of the moment. May God grant us a better station. In the meantime, however, if it is to become no worse, we must keep both our spirits and our guard up. 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 the 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-Zetim, 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)³⁷ stretching before him, what would the Ramban have given to head a yeshivat hesder?

Notes

1. Avot 3:21.
2. The broader question of the morality of self-determined specialization that entails focusing upon some duties to the neglect of others deserves fuller treatment in its own right. The example of Ben Azzai, who proclaimed that whoever did not procreate could be likened to a murderer, and yet remained a bachelor with the explanation “What can I do? My soul yearns for Torah; the world can be preserved by others” (Yevamot 63b), is of course familiar, as is the dichotomy of Issachar and Zevulun. The problem requires further study, however.
3. Zekharyah 4:6.
4. See Bava Mezia 31a and Rambam, Hilkhot Gezeilah ve-Avedah 11:20. Cf. Sanhedrin 73a.
5. See Hilkhot Matnot Aniyim 10:7.
6. See Mo’ed Katan 9b and Rambam, Hilkhot Talmud Torah 3:4. This only applies to *mizvot* that entail the attainment of a given objective but are not incumbent upon a particular individual. With respect to a personal *mizvah*, one is required to suspend study in order to perform it.
7. The definition of *efshar*, and especially whether a situation in which I indirectly compel someone to do A by doing B is to be regarded as such, is also relevant to another confrontation. The gemara in Kiddushin 32a cites virtually the same formula as a guide to a person faced with the dilemma of choosing between serving his parents and performing a *mizvah*. Quite possibly, however, the definition may not be identical in both areas.

8. Yerushalmi, Berakhot 1:2.
9. I recall discussing the matter some years back, before I had so much as seen a yeshivat hesder, with my late rebbe, Rav Yitzhak Hutner zt"l (who later rejected hesder for his own Israeli yeshiva on quite other grounds, because he felt it would interfere too seriously with learning). He virtually scoffed: "*Kalye veren! Einer ken kalye veren sitzendig in kandy store!*" (To go bad! One can go bad sitting in a candy store!). He did, however, feel that the sense of *tzeniut* was often adversely affected.
10. Devarim 23:10.
11. See Megillah 3a.
12. Bereshit 26:29
13. Of course, no one admits to dismissing him in so many words. However, the gap between the Ramban's perspective and that of much recent *parshanut*, particularly with reference to the human element in Bereshit and the balance between realistic and idealized, if not hagiolatrous, interpretation, is very broad.
14. See Avot 1:2.
15. Avodah Zarah 17b. The gemara prescribes no specific measure for *gemilut hasadim*. Presumably, however, it refers to a significant commitment. We can hardly suppose that Rabbi Hanina disregarded this area entirely. See also Maharal of Prague, *Netivot Olam*, Netiv Gemilut Hasadim, chap. 2.
16. See Kohelet Rabbah 7:4.
17. Rosh Hashanah 18a. Again, I presume that Rabbah, too, engaged in hesed, but only minimally.
18. Bava Batra 7b.
19. Sotah 48b.
20. See the whole discussion, Bava Batra 7b, Rishonim ad loc., and Rambam, Hilkhot Shekhenim 6:1, who accepts the position that the primary criterion of risk is proximity to the danger zone rather than the value of the threatened property. Quite conceivably, the payment is also a function of the ability to pay. The *sugya*, however, neither presents nor precludes this factor. It only relates to means as possibly determining the degree of benefit rather than the capacity to pay for it.
21. Rambam, Hilkhot Melakhim 5:1.
22. One may ask just why the Mishnah did not classify payment for fortifications as aid. The question of who should pay for public services, the beneficiaries or the whole community, is general and complex, and certainly deserves treatment in its own right. However, the Halakhah's decision in this case is clear. In any event, one cannot infer from a situation in which the burden is cast upon residents who evidently can afford the facility to one in which, by the very nature of the *mizvah*, it is incumbent upon the general community. I take it for granted, although this is admittedly a rather murky criterion, that if the residents could not afford the fortifications, the others would have been taxed to pay for them.
23. There is a second Halakhah that exempts *talmidei hakhamim* even from paying taxes that

maintain services and facilities which they need; see Bava Batra 8a and Rambam, Hilkhhot Talmud Torah 6:10. However, this exemption, essentially similar to the one widely granted religious institutions today, only precludes the community's imposing upon them. It does not pertain to their possible obligation to perform certain vital functions. Moreover, it would appear from the gemara and from Rambam – who cites the general exemption in Hilkhhot Talmud Torah but nevertheless felt constrained to set down the specific dispensation from paying for defense needs in Hilkhhot Shekhenim 6:6, accompanied by the explanation “that *talmidei hakhamim* do not need defense because the Torah guards them” – that defense is excepted from the overall exemption. Evidently, if the *talmid petur* notwithstanding, this exception applies to vital needs (e.g., road maintenance, according to the Rambam [loc. cit.]; water supply, according to Rashi [Bava Batra 8a, s.v. *lekarya patya*]; or, in general, “that which is necessary for human life,” as the *Shulhan Arukh* formulated it [Yoreh De'ah 243:2]), and thus its application to defense is natural.

Finally, it should be noted further that the scope of any exemption drawn from the gemara in Bava Batra depends upon the definition of *talmid hakham*, a question that arises in various halakhic contexts. See, with respect to our problem, Rav C.F. Tchursh, *Keter Ephraim* (Tel Aviv, 5727), pp. 172–174, and the many sources he cites. It may very well be, with respect to this definition, that we should distinguish between the general exemption and that for defense. The former is a personal *petur gavra* that may very well depend upon one's level and qualifications. The latter is grounded in one's adherence to Torah which affords him protection; and to this end, effort and commitment may be more important than accomplishment.

24. Hilkhhot Shemittah ve-Yovel 13:12–13.
25. The best-known is to be found in *Mishneh Torah*, Hilkhhot Talmud Torah, 3:10. See also *Perush Ha-Mishnayot*, Avot 4:5. For a full discussion of the issue, much of it centering upon the Rambam, see *Sefer Ha-Tashbets* 1:142–148.
26. Sotah 44b.
27. See Kiddushin 21b.
28. The construction, *v'ein orhin milhamah kishhear Yisrael*, could mean not only that they do not wage war on a par with others, but that they do not wage it at all. Even on that interpretation, however, I think the statement would only refer to *milhamah* as an independent category but not as an instance of hesed.
29. The phrase *hishvonot rabbim* which I have rendered as “many considerations” is drawn from Kohelet 7:29. The JPS version translates “many inventions,” but I find this overly intellectual, and it misses the element of worldly self-interest, perhaps even tinged by manipulative machinations, contrasted with man's primal rectitude, that is clearly implied by the context.
30. I am familiar with the contention that even if the exemption properly applies to only a select few, it must, in practice, be granted en masse, either because those few cannot be identified *ante facto* or because they need all the others as a supportive and stimulating environment. Given our national exigencies, however, I do not find it convincing.

31. Nedarim 32a.
32. Elsewhere, the Ramban suggests yet another explanation: the reason for the punishment was Avraham's decision to go to Egypt in a time of famine rather than remain in Canaan. This, states the Ramban (Bereshit 12:10), constituted a lack of sufficient trust in God.
One may add that to the modern mind – unschooled in the theological reading of history, oriented to liberal individualism, and unattuned to the concept of causality, especially as it relates to reward and retribution, as expressed by Hazal – the whole discussion may seem strange. This subject requires much fuller elucidation than can be given. I would only state, very generally, that the causal relation should be perceived as correspondence, the meshing of a person with a complex as it impinges upon him, rather than as a linear interpretation, in quid pro quo terms, of the complex as a whole.
33. See the various views cited in Bereshit Rabbah 43:2.
34. See *Arukh Ha-Shalem* and *Otzar Lashon Ha-Talmud*, s.v. *angarya*.
35. See Sotah 10a.
36. Sanhedrin 49a.
37. From his famous letter to his son, in *Kitvei Ha-Ramban*, ed. Rabbi C.B. Chavel (Jerusalem, 1963), p. 368.