

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## 164 - WOMEN AND THE IDF - MITZVA OR MINEFIELD? PART 1 OU ISRAEL CENTER - SPRING 2020

Ever since the first Jewish guards - HaShomer<sup>1</sup> - started to protect the Moshavot in 1907, women have played an important role in the physical protection of the Yishuv and that role has been the subject of significant debate and controversy. As the original defence forces morphed during the 20s and 30s into the Hagana, Palmach and Irgun<sup>2</sup>, and later in 1948 into the IDF, discussion about the role of women, in particular religiously observant women, has continued.

The contemporary debate is one which includes halachic, hashkafic, educational and societal factors. We will iy'H in these shiurim examine:

- Halachic sources and principles which mandate, permit or prohibit women for military service.
- Hashkafic factors - including hashkafic definition of the role of women (and whether this applies today), the importance of national service, reactions to feminism and the contemporary battle against post-modernism and its agendas. In particular, we need to examine how these factors are weighed against each other by different sectors of Israeli society.
- Educational and religious considerations - how best to encourage the religious growth of idealistic young Zionist women who wish to serve Am Yisrael and Medinat Yisrael.
- Societal factors - how the role of religious women in the army plays into the wider secular/religious debate in contemporary Israel and the religious tensions between the secular, Religious Zionist and Charedi sectors of Israeli society.



### A] IMPORTANT ISSUES BEYOND THE RELIGIOUS DEBATE

- This shiur will focus on the halachic and hashkafic issues, with their respective sources. Issues which we will not discuss include:

#### A1] MILITARY OPERATIONAL FACTORS

- There is a robust debate on whether inclusion of women in certain combat roles - in particular tanks - compromises operational effectiveness. This debate has been accompanied by court petitions in Israel<sup>3</sup>. Progressive groups claim that greater inclusion of women is good for the army. Conservative groups claim that it is being done to further an egalitarian agenda and in fact compromises the performance of the army. Concerns are raised not only at the psychological and social impact of mixed units but also the lighter physical requirements for women, and consequent reduced performance of the units.

#### A2] NEGATIVE MEDICAL IMPACT OF COMBAT ROLES ON WOMEN

- Another hotly debated issue is the negative physical and medical impact on women of training in combat roles. The punishing regime of intensive training for women results in a far higher injury rate for women.
- This includes not only muscle strains and acute physical damage to knees etc, but also chronic damage which may impact on pregnancy and long-term health.
- If it becomes necessary to lower the physical bar for women in training, this raises the question of operational standards being compromised.
- See some statistics opposite. Others claim that many of these number are taken out of context to support political positions.<sup>4</sup>
- It is very important to note however, that very few religious women are interested in combat roles. The discussion about religious women in the army largely concerns non-combat roles. More on this iy'H in Part 2.

פציעות בקרב לוחמות - נתוני צה"ל: (למרות סרגל מאמץ שונה)	
שכיחות פציעות כללית	
בגברים 24% מכלל הלוחמים	46% מכלל הלוחמות נפצעות במהלך שירותן (בתותחנים 68%) לעומת 24% מכלל הלוחמים.
סוגי פציעות שונות	
שברי מאמץ	פי 2-10 מגברים
כאבי ברכיים	פי 3 מגברים
קרעי רצועות ברך	פי 2-10 מגברים
תמס שריר	פי 5 מגברים
נשר רפואי כתוצאה מפציעות אובדן ימי אימונים גדול יותר	פי 2-5 מגברים

1. Originally called Bar-Giora and changed to HaShomer in 1909. Bar-Giora was started in the apartment of Yitzchak Ben-Tzvi, who was one its founding members. He went on to become the President of Medinat Yisrael.

2. Before the state, around 20% of the personnel of these forces comprised women - [https://en.wikipedia.org/wiki/Women\\_in\\_the\\_Israel\\_Defense\\_Forces](https://en.wikipedia.org/wiki/Women_in_the_Israel_Defense_Forces).

3. See <https://www.haaretz.com/israel-news/.premium-israel-high-court-rejects-petition-to-force-army-to-allow-women-into-tank-units-1.8493122> and <https://www.timesofisrael.com/reversing-course-idf-restarts-all-female-tank-crew-trial-program/>

4. The box opposite is taken from a leaflet by 'Achaim Leneshkek', an organization which opposes mixed combat units on operational, not religious, grounds. See <https://www.youtube.com/channel/UCDYFM22LndGWjXAmjBlzgcA>. It is not hard to find rebuttals of this on line.

**B] RELIGIOUS OBJECTIONS - AN HISTORIC AND CONTEMPORARY CONFLICT****B1] THEN .....**

- Perhaps the best known explosion of feeling on this issue was in the early 1950s when the new Israeli government passed legislation requiring the compulsory draft of women to the IDF. This was opposed by the then chief Rabbis R. Herzog and R. Uziel.

1. בדבר תיקון חוק שירות הביטחון העומד לפני הכנסת הננו - אחר בירור המצב - מפרסמים דעת תורה שגיוס נשים, אפילו פנויות, במסגרת צבאית באיזו צורה שהיא אסור בהחלט.

הודעת הרב עוזיאל והרב הרצוג, תשי"א

- That does not however mean that the Chief Rabbis were entirely against women's involvement in the army. Rav Herzog and Rav Yitzchak Nissim both permitted<sup>5</sup> women to serve in the religious units of the Nahal brigade<sup>6</sup>.
- A massive campaign against this was also launched in the Charedi community by the Steipler Gaon - R. Yaakov Kanievsky - and the Chazon Ish - R. Avraham Yehayahu Karelitz. This led to a now legendary meeting between Prime Minister David Ben-Gurion and the Chazon Ish on Oct 20 1952.<sup>7</sup>
- The Chazon Ish declared that the draft of women was the equivalent of adultery, idolatry and murder and that the men and women of the Charedi community were prepared to publicly break Shabbat and even die *al kiddush Hashem* to prevent the female draft<sup>8</sup>. The Steipler writes that the Chazon Ish, the Brisker Rav, and the Tchebiner Rav all agreed that if the measure became law, every family with a draft-age daughter would be compelled to leave the country.<sup>9</sup>
- Their opposition extended equally to the proposal of National Service - *sherut leumi* - in place of army service.
- This position was also held by the more moderate wing of the Charedi world at the time. R. Issur Zalman Meltzer and R. Tzvi Pesach Frank also issued pronouncements that a person must choose death rather than accede to the government decree.<sup>10</sup> R. Frank<sup>11</sup> stated that the drafting of women was a *gzerat shmad*, a decree compelling Jews to abandon their faith for another.
- Clearly, some of this language is hyperbolic but it reflects the depth of opposition that the Charedi leadership held, and still holds, towards the women's draft.
- Historically, the poskim and leaders of the Dati Leumi movement were not positive about women in the IDF, with the strong exception of the Kibbutz HaDati movement, which strongly advocated<sup>12</sup>, and continues to advocate for women's participation in the military.<sup>13</sup>

**B2] .... AND NOW**

- Skipping forward to contemporary times, there is no longer a fear of compulsory draft of religious women since there is a blanket exemption for any woman who can prove that she is observant.
- In 2014 Chief Rabbis R. David Lau and R. Yitzchak Yosef (together with Tzfat Chief Rabbi R. Shmuel Eliyahu and Chief Rabbi of Ramat Gan, R. Yaakov Ariel) all ruled unequivocally that religious women may NOT serve in the IDF, equating it to chillul Shabbat. Yair Lapid (then Finance Minister) declared this to be a national scandal and demanded the resignation of the Chief Rabbis. Needless to say, many politicians turned on Lapid and demanded he apologize to the rabbis. Others agreed that women should indeed serve, but rejected Lapid's intolerance of the Chief Rabbis' position. Yet others claimed that the problem was not the Chief Rabbis, but the whole institution of the Rabbanut, which should be abolished!!
- In 2014 Rabbanei Beit Hillel ruled that it was halachically permitted for women to serve in the IDF<sup>14</sup>. R. Shlomo Aviner praised the rabbis in Beit Hillel personally, but stated that they did not have the authority to make such a ruling.
- Rav Aviner is one of the strongest voices in the Religious Zionist world staunchly opposing dati women joining the IDF.
- R. Shlomo Riskin, Chief Rabbi of Efrat rules that it is not only permitted, but a mitzvah, for women to join the IDF.<sup>15</sup>
- R. Dr Benny Lau also rules in favor of women's participation in the IDF.<sup>16</sup>

5. This controversial topic lends itself strongly to selective quotations and accusations of bias. See for instance the article *Drafting Women for the Army*, Rabbi Alfred S. Cohen, Journal of Halacha Vol XVI p26. In the following edition of the Journal (XVII pp 125-127) Dr. Marc Shapiro points out what he feels to be an intellectual dishonesty in the presentation by Rabbi Cohen, which ignored certain statements of the Israeli Chief Rabbinate which are more open to women's involvement in the IDF. Rabbi Cohen responds to defend his position. The exchange is a recommended read as it gives a window onto the strong feelings on the issue! See also [https://www.jewishideas.org/article/women-modern-military-second-look#\\_edn42](https://www.jewishideas.org/article/women-modern-military-second-look#_edn42), footnote 44.

6. The combat unit that David Ben Gurion created in 1948. It combined part-time military service with agricultural activities to support newly founded kibbutzim.

7. See <https://www.torahmusings.com/2011/11/traditions-in-passing/>. Yitzchak Navon, who was witness to that meeting related that the Chazon Ish compared the Orthodox and secular communities to two camels (or boats or wagons), one with a burden and one without, arriving at a narrow pass. One must go first and the Talmud (cf. Sanhedrin 32b) rules that the camel (or boat or wagon) carrying the burden receives precedence. The Chazon Ish continued that the Orthodox bear the burden of religious law while the secular do not feel bound by it. Because of the limitations they face, the Orthodox's view should prevail. Ben Gurion was not impressed by the talmudic analogy, being far more focused on Tanach as his conception of the mandate for the Jewish people.

8. As we will see in Part 2, the issue was not just about the female draft but a also about secular coercion on religious issues.

9. One wonders whether the IDF or the secular Zionists would have been so concerned, even if this was a real threat.

10. See further analysis in *Drafting Women for the Army*, Rabbi Alfred S. Cohen, The Journal of Halacha Vol XVI p26

11. See *Mavo: Bidvar Giyus Nashim U'Vnei Torah V'Yeter Hadevarim Hamista'afim Me'hasefer* in the introduction to R. Eliezer Waldenberg's, *Hilchot Medina*, vol. 2.

12. Consider the women that died in fighting the final battles for Gush Etzion, although the kibbutzim had first evacuated almost all the women and children.

13. See *Giyus Banot Veshervut Leumi - Iyun BeHalacha* - Yechezkael Cohen. This pamphlet, published by the Kibbutz HaDati movement, sets out the halachic arguments for women's involvement in the IDF.

14. <https://www.jpost.com/Defense/Rabbinical-association-says-permissible-in-Jewish-law-for-women-to-enlist-to-IDF-354648>

15. <http://www.israelnationalnews.com/News/News.aspx/176571#.Uvjg65uPKM8>

16. [www.kikar.co.il/הדלים-חלוקים-בסוגיית-גיוס-בנות-.html](http://www.kikar.co.il/הדלים-חלוקים-בסוגיית-גיוס-בנות-.html)

- At this time, the vast majority of poskim - across Charedi and Dati Leumi spectrum<sup>17</sup> - are opposed on halachic and hashkafic ground to religious women serving in combat units. Most of these poskim are also opposed to women serving in the army at all. In the Dati Leumi world, Sherut Leumi - National Service - is pushed very hard<sup>18</sup> in the Ulpanot as the desired option<sup>19</sup>. In the Charedi world, Sherut Leumi is also NOT an option for most young women, largely for hashkafic reasons.
- Notwithstanding the opposition of most poskim and Religious Zionist leaders, and also of many of the Ulpanot, more and more<sup>20</sup> observant girls are choosing to serve in the IDF<sup>21</sup>. There are a number of organizations set up to advise and assist religious girls who are considering or have chosen to serve in the IDF. These include Aluma<sup>22</sup> and Zahali<sup>23</sup>.

## B] WOMAN AND WAR IN TANACH

- The Chumash does not explicitly address the issue of women fighting in a Jewish army, but it does give some indication of women's roles in the defence of the Jewish Nation and the conquest and defense of the Jewish State

### B1] THE ISRAELITE ARMY IN THE DESERT

2. וַיֹּאמֶר מֹשֶׁה אֶל־יְהוֹשֻׁעַ בְּחַר־לָנוּ אַנְשִׁים וְצֵא הַלְחָם בְּעַמְלֵק מֵאֲחֵי נָצֵב־עַל־רֵאשׁ הַגְּבֻעָה וּמִטָּה הָאֱלֹקִים בְּיָדֵי:

שמות פרק י"ט

*Moshe instructed Yehoshua to choose men<sup>24</sup> to fight against Amalek.*

3 שָׂאוּ אֶת־רֵאשׁ כָּל־עַדְת בְּנֵי־יִשְׂרָאֵל לְמִשְׁפְּחֹתֵם לְבֵית אֲבֹתְכֶם בְּמִסְפָּר שְׁמוֹת כָּל־זָכָר לְגִלְגָּלְתֶּם: מִבְּן עֶשְׂרִים שָׁנָה וּמֵעֵלָה כָּל־יָצֵא צָבָא בְּיִשְׂרָאֵל תִּפְקְדוּ אֹתָם לְצָבָאתֶם אִתָּה וְאַהֲרֹן:

במדבר א"ב-ג

*The Jewish army in the desert is comprised SOLELY of men.*

### B2] THE CONQUEST OF ERETZ YISRAEL

4. וַיֹּאמֶר בְּנֵי־גַד וּבְנֵי רְאוּבֵן אֶל־מֹשֶׁה לֵאמֹר עֲבֹדֶיךָ יַעֲשׂוּ פֶּאֶשֶׁר אֲדֹנָי מִצִּוְיָה: טַפְּנֵנוּ נְשֵׁינוּ מִקְּנֵנוּ וְכָל־בְּהֵמַתֵּנוּ יִהְיוּ־שָׁם בְּעָרֵי הַגְּלִיעָד: וְעֲבַדְיָךָ יַעֲבֹרוּ כָּל־חֲלוּץ צָבָא לִפְנֵי ה' לְמַלְחָמָה פֶּאֶשֶׁר אֲדֹנָי דָּבָר:

במדבר לב-כה-כו

*The proposal of the Bnei Gad and Bnei Reuven, which was endorsed by Moshe, was that the men should go to fight in the war to conquer Eretz Yisrael, but the women should stay behind in the cities, together with the children and the livestock.*

- Nevertheless, this does not say that ALL the women stayed home or that they had to do so. Most, but not all, women would be needed to nurse and look after the children. Also, with the children and the livestock at home, someone had to guard the Home Front, and it was only reasonable that the priority would be for the men to fight.

### B3] WOMEN AS PROTAGONISTS

- In Nach we find in the battle of Barak against Sisera that women<sup>25</sup> take center stage as protagonists - in the form of Devorah as an inspirational leader<sup>26</sup> and Yael, who ultimately kills Sisera<sup>27</sup>.
- The story of Judith beheading Holofernes<sup>28</sup> mirrors that of Yael and Sisera.<sup>29</sup>
- Note also the account in Shoftim 9:53 of the woman of Tebetz who threw a grindstone<sup>30</sup> from the besieged city onto the head of Avimelech (son of Gidon), fatally wounding him. Avimelech then demanded that his aide finish him off so that people would not say that he had been killed by a woman!

17. Dati Leumi rabbis who have opposed religious women joining the IDF include: R. Yaakov Ariel, R. Aryeh Stern, R. Nachum Rabinovitz, R. Eliakim Levanon, R. Menachem Bornstein, R. David Chai HaKohen, R. Yehoshua Shapira, R. David Avichiel, R. Menachem Perl. Even Rabbis on the left of the Dati Leumi hashkafic spectrum, such as R. Yuval Sherlow, are generally opposed to women's service. More on this *ly'H* in Part 2.

18. See this short video - <https://www.youtube.com/watch?v=heA1lpTNwwg> - which pushes hard against Dati Leumi girls joining the army.

19. Although, in fact, many of the religious challenges are present to a large (and in some cases greater) extent in the Sherut Leumi system.

20. In 2019 the number was 2,500 - around 27% of the girls graduating from Dati Leumi high schools - <https://www.maariv.co.il/news/military/Article-727683>. Critically, this rose from only 935 in 2010, showing the significant increase in IDF recruitment from dati women, notwithstanding the almost total opposition of their teachers and community rabbis.

21. Some, although very few, in combat units and even in the Air Force eg Tamar Ariel a'h.

22. <https://aluma.org.il/program/%D7%9E%D7%A9%D7%A8%D7%AA%D7%95%D7%AA-%D7%91%D7%90%D7%9E%D7%95%D7%A0%D7%94/>

23. <https://www.tzahali.co.il/>

24. It is difficult to read this as a *ban* on women in the military effort. Clearly, able-bodied men were a priority in the fighting force against a merciless enemy such as Amalek.

25. See Shoftim 4:8-9

26. Devorah may be exception that proves the rule. She did not wish to be the military leader and only agreed when Barak begged. She was very clear how disgraceful this in fact was!

27. With a tent-peg and not with a sword - see Part 2 for possible implications of this in halacha.

28. See the Apocryphal book of Judith 13:1-11.

29. Except that Judith actually uses a sword!

30. Note the imagery of the woman using an item for food preparation to kill in battle.

## B4] WOMEN AS SPIES AND STRATEGISTS

- We also see women fulfilling a critical role as spies, advisers and strategists. Note the following:
- Rachav hiding and encouraging the Jewish spies in Yehoshua Chap 2.
- The account of Yonatan and Achima'atz, loyal to David in the rebellion of Avshalom. Women were instrumental in hiding and supporting them, and misleading enemy intelligence - Shmuel 2 17:17-20.
- The Isha Chachama in Shmuel 1 Chap 20, who negotiates with Yoav on the release of Sheva Ben Bichri and arranges his execution.

We never find that women are drafted as soldiers.<sup>31</sup>

5. בַּיּוֹם הַהוּא יָהִי מִצְרִים פְּנָשִׁים וְחָרָד וּפְחָד מִפְּנֵי תַנּוּפֹת יְדֵהָ צְבָאוֹת אֲשֶׁר־הוּא מְגַיָּי עָלָיו:

ישעיהו יט:טז

6. חָדְלוּ גְבוּרֵי בָבֶל לְהִלָּחֵם יִשְׁבּוּ בְּמִצְדּוֹת נְשֵׂתָהּ גְבוּרָתָם הָיוּ לְנָשִׁים הַצִּיתוּ מִשְׁכַּנְתֶּיהָ נִשְׁבְּרוּ בְּרִיחֶיהָ:

ירמיהו נא:ל

*In fact, in Tanach, the image of a female soldier was one of extreme weakness!*<sup>32</sup>

- Women are portrayed in the Tanach as givers not takers of life.<sup>33</sup>

## C] MILCHEMET MITZVA AND A WOMAN'S OBLIGATION TO THE ARMY

### C1] THE TALMUDIC DISCUSSION

7. וַיִּסְפוּ הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וְאָמְרוּ מִי־הָאִישׁ הִירָא וְרָךְ הַלֵּבָב יִלָּךְ וַיֵּשֶׁב לְבֵיתוֹ וְלֹא יִמַּס אֶת־לֵבָב אַחֲיוּ פְּלִבְבוֹ:

דברים כ:ח

*The Chumash rules that, when recruiting troops for war, there is an exemption for those who are too afraid and who may weaken the resolve of others in the army.*

8. **משנה ה:** וַיִּסְפוּ הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וְגו' - רבי עקיבא אומר הירא ורך הלבב כמשמעו שאינו יכול לעמוד בקשרי המלחמה ולראות חרב שלופה. ר' יוסי הגלילי אומר הירא ורך הלבב זהו המתירא מן העבירות שבידו ....  
**משנה ז:** במה דברים אמורים? במלחמת הרשות אבל במלחמת מצוה הכל יוצאין. אפילו (יואל ב:טז) חֲתָן מִחֻדְרוֹ וְכַלָּה מִחֻפְתָּהּ. ....

משנה מסכת סוטה פרק ח

*The Mishna makes it clear that, in fact, the exemptions from the draft into the Jewish army only apply to a 'Milchemet Reshut'<sup>34</sup>. In a Milchemet Mitzva<sup>35</sup> (which we will define below) ALL men and women are drafted - even the chatan from his 'room' and the kallah<sup>36</sup> from her 'chupa'.<sup>37</sup>*

9. אמר רבא: מלחמות יהושע לכבש - דברי הכל חובה. מלחמות בית דוד לרווחה - דברי הכל רשות ... (רש"י: ומלחמת בית דוד - שנלחם בארם וצבא להוסיפה על ארץ ישראל וצבאחר סביבותיה להעלות לו מנחה ומס עובד).

סוטה מד:

*The Gemara clarifies that the war of Yehoshua to conquer Eretz Yisrael was a Milchemet Mitzva in which all must take part. The wars of David to expand and strengthen the borders and collect tribute from neighboring states are considered to be Milchemet Reshut.*

31. This point is stressed by R. Avigdor Nevebsahl in an article in Techumin 5 p 364: 'Nashim Bemilchemet Mitzva'. R. Nevebsahl takes an unequivocal stand that the Tanach clearly shows that women are not to be drafted into the Jewish army, even for a Milchemet Mitzva.

32. Compare Heroditus 8:88 - 'So Xerxes said of his fighting men at Salamis: "My men have become women!"'

33. This point is stressed by Rabbanit Michal Nagen, the head of Tzahali, a mechina training religious women for Zahal. She makes it clear that they are not training fighters to take life, but soldiers who can restore life.

34. A Milchemet Reshut requires the sanction of the Urim and Tumim and, as such, is inapplicable in our times.

35. The Mishna continues with the opinion of Rabbi Yehuda, who distinguishes between Milchemet Mitzva and Milchemet Chova. In practical terms, there is little difference between the opinions, although some of the mefarshim (eg Rav Goren) analyze how there could be implications to the two approaches.

36. There are manuscripts (eg Munich) of the Bavli which omit the wording מִחֻפְתָּהּ. Nevertheless almost all include it and the Rambam certainly has that version.

37. A reference to the rooms that the chatan and kallah were in before the wedding with their friends and attendants, meaning that the wedding is postponed for the war. Alternatively, the yichud room where they are together as man and wife, only to be interrupted by the call to war! The incredible story of Second Lt. Aharon Karov is a modern inspirational application of this halacha. Aharon, 22, was married to his wife Tzvia, 19, in December 2008. At 7am on the morning following the wedding, he was drafted as a commander into Operation Cast Lead in Gaza. He was critically wounded in a booby-trap explosion and buried under a building, almost losing his life. One medic actually declared him dead at the scene, but another found a pulse and he was rushed to hospital. After major surgery, and against all odds, he was able to go through rehabilitation. See <https://www.idf.il/en/minisites/our-soldiers/against-all-odds-the-incredible-story-of-aharon-karov/> and <https://www.timesofisrael.com/five-years-after-near-death-israeli-runs-nyc-marathon/>

10. דדרכו של איש לעשות מלחמה ואין דרכה של אשה לעשות מלחמה

קידושין ב:

*Chazal however state that 'it is not the (normal?) role of women to fight in wars'.*

A number of questions arise from this last source:

- Are all women are prohibited from fighting in all wars? Does the language of דרכה אין imply a halachic issur?
- Is there a distinction between Milchemet Mitzva and other wars, as we saw above?
- Is it an exemption for women from war, but if they wish to volunteer they can?
- Does is simply means that most women do not have the skills for war and should not fight (but those who do have skills may?/must?)

## C2] THE RAMBAM

11. ... במה דברים אמורים שמחזירין אנשים אלו מעורכי המלחמה? במלחמת הרשות. אבל במלחמת מצוה הכל יוצאין ואפילו חתן מחדרו וכלה מחופתה.

רמב"ם הלכות מלכים פרק ז הלכה ד

*The Rambam appears to rule clearly that women are drafted to fight in a Milchemet Mitzva.<sup>38</sup>*

12. וגם כן בזכרי המצוות שאין הנשים חייבות בהן ... אומר 'וזאת אין הנשים חייבות בה'. וידוע שאין הנשים דנות ולא מעידות ולא מקריבות קרבן בידיהן ולא נלחמות במלחמת רשות. וכל מצוה שהיא תלויה בבית דין או בעדים או בעבודה או במלחמת רשות לא אצטרך שאומר בה 'וזאת אין הנשים חייבות בה', כי זה תוספת הדבור אין בו צורך

ספר המצוות לרמב"ם הקדמה למניין המצוות

*Again, in the Sefer HaMitzvot, the Rambam states that women are exempted from Milchemet Reshut but, by implication, not from a Milchemet Mitzva.*

- The Tzitz Eliezer<sup>39</sup> explains (in light of the statement of Chazal in Kiddushin that it is not the 'derech' of women to fight in the army), that this statement in Sota must be understood to mean that women go out to fight as partisans and guerrilla operatives like Yael in Tanach.

13. (לו) מלחמת מלחמה היא מלחמה בז' עממין ובעמלק ומכש"כ מלחמת יהושע לכבוש ח"י ... ועיין ביצמות (ס"ה) 'דרכו של איש לכבוש ואין דרכה של אשה לכבוש', וכן בקדושין (ג:) 'אין דרכה של אשה ללכת למלחמה'. ולפי"ז ז"ע הלשון שבכאן 'אפילו כלה מחופתה'. וז"ל דאין הלשון צדוקא, אלא הוא ע"ד מליצת הכתוב (יואל ג) ילא חתן מחדרו וכלה מחופתה. והכונה שגשגתה כל שמחה עד שהכלה שבה מחופתה לביתה מפני שחתנה יולא למלחמה. ....

תורה תמימה הערות דברים כז: הערה לו

*Based on this, and similar statements from Chazal, the Torah Temima understands that the language of the Mishna<sup>40</sup> in Sota is not halachic at all, but rather a poetic style to express that all simcha is halted so that the chatan can go to war.*

14. בד"א שמחזירין וכו'. זרייתא כלשון רבינו. אלא דקשה - וכי דרך הנשים לעשות מלחמה דקתני וכלה מחופתה? והא כתיב (תהלים מה:ד) *כָּל-פְּבוֹדָה בַּת-מִלְחָמָה! וַיִּלֵּךְ דָּוִד* - כיון דחתן יולא מחדרו, כלה יולא מחופתה שאינה נוכחת ימי חופה. ואפשר דבמלחמת מלחמה הנשים היו מספקות מים ומזון לבעליהן. וכן המנהג היום בערבות

רדב"ז שם

*The Radvaz<sup>41</sup> raises a question on the question of the kallah going to war, even for a Milchemet Mitzva. First, he points out the statement of Chazal that women do not normally go into combat<sup>42</sup>. Secondly, he raises a question from the verse in Tehillim *כָּל-פְּבוֹדָה בַּת-מִלְחָמָה! וַיִּלֵּךְ דָּוִד*<sup>43</sup>.*

38. In his commentary on the Mishna (Kiddushin 1:7) the Rambam complicates matters with the comment that women are exempted from the war against Amalek:

וכך גם מצות פריה ורביה, ותלמוד תורה, ופדיון הבן, ומלחמת עמלק, כל אחת מהן מצות עשה שלא הזמן גרמה ואין הנשים חייבות בהן

Although the words 'umilchemet Amalek' do not appear in many of the manuscripts, Rav Kapach (Sefer HaMitzvot p 56 n 54) understands that the correct nusach SHOULD include these words, and that this indicates the Rambam agrees that women are not obligated to fight in a Milchemet Mitzva.

39. Shu't Tzitz Eliezer 20:31.

40. It may be possible (although a little forced) to read the Mishna in a stylistic manner. It is however, very difficult to read the precise halachic formulations of the Rambam in this way.

41. Rabbi David ibn Zimra, 16C Spain/Egypt/Eretz Yisrael.

42. See [https://en.wikipedia.org/wiki/Women\\_in\\_combat](https://en.wikipedia.org/wiki/Women_in_combat). Although there were always unusual exceptions (such as Joan of Arc - see

<https://www.mentalfloss.com/article/59287/9-female-warriors-who-made-their-mark-history>), women were only formally admitted as officers in any military in the 20th Century.

In the UK some restrictions on women in combat roles were only lifted in 2018!

43. We will iy'H look in more depth at the issue of Kol Kvuda Bat Melech in Part 2.

He gives two answers: (i) maybe the kallah is leaving<sup>44</sup> because the chatan has now gone so the wedding cannot continue; (ii) maybe women do indeed go to war, not into combat but to logistic support - giving food, water etc to their husbands<sup>45</sup>. He also points out that this was the custom in his time with Arab women<sup>46</sup>.

15. וכלה מחופתה - משמע שגם נשים יולאות למלחמה, וחימוש הוא. ואולי אינן יולאות אלא לאפות ולבשל וכדומה לצורך הגברים והנשי המלחמה

חימושי הרש"ש סוטה מד:

The Reshash<sup>47</sup> also mirrors this understanding, although seems to broaden the women's role to general support of the men fighting, and not necessarily their husbands.

16. (נב) וכלה מחופתה - אשה לאו צת מלחמה, רק לספק מזון ולתקן הדרכים אף היא יולאת

תפארת ישראל - יכין מסכת סוטה פרק ח משנה ז

The Tiferet Yisrael give a similar explanation - women went to a Milchemet Mitzva in support, not combat, roles. He adds the task of fixing the roads, which is in fact an incredibly important military role as the sappers<sup>48</sup>.

• Rav Kook<sup>49</sup> did not accept this interpretation of this specific halacha<sup>50</sup> which limits the role of women in war since it does not appear in the Mishna or Rambam. This was reiterated by his son, R. Tzvi Yehuda Kook:

17. נמצאת בין מפרשי הרמב"ם דעת הרדב"ז לפרש את לשון המשנה והרמב"ם, שיוצאת אפילו 'כלה מחופתה', שהוא יוצא מפשוטו ... אמנם דברי חז"ל ושאר רבותינו הראשונים והמפרשים סתמו ולא פירשו כך. וגם ספר החינוך ... סתם ולא פירש כן ...

הרב צבי יהודה קוק, לנתיבות ישראל עמ' 120

Rav Tzvi Yehuda Kook, Rosh Yeshiva of Merkaz HaRav after his father, writes that the first explanation of the Radvaz goes against the straightforward meaning of the words!

18. ולא מקשה מכח האיסור שבדבר ... אלא שמקשה שאין דרכה בכך. כלומר שאינה יכולה לעשות מלחמה ולא תהא תיפארתה על דרך זו. ולזה הוא מביא הכתוב, שפירשו שכבודה ותיפארתה של האשה אינם יכולים להתבלט בשדה הקרב אלא בבית פנימה

הרב שאול ישראלי - התורה והמדינה ד' עמ' 223 הערה 2

Rav Shaul Yisraeli, Rosh Yeshiva of Merkaz HaRav after R. Zvi Yehuda, explains that the second explanation of the Radvaz is not suggesting that there is a prohibition of women going to war, based on kol kvuda bat penima. Rather, since women are not trained in war, there is no kavod in them going out to battle. Their efforts are more productively dedicated to helping the war effort in areas in which they have expertise.

### C3] SEFER HACHINUCH

• The position of the Sefer HaChinuch is unclear.

19. מצוה למשוך כהן למלחמה .... מדיני המצוה מה שאמרו זכרונם לברכה שאין מחזירין מעורכי המלחמה אלו הנזכרים בכתוב אלא במלחמת הרשות, אבל במלחמת מצוה הכל יוצאין אפילו חתן מחדרו וכלה מחופתה ....

ספר החינוך פרשת שופטים מצוה תקכו

The Chinuch<sup>51</sup> seems to follow the Mishna, and the Rambam - the kallah goes out to fight in a Milchemet Mitzva.

20. שלא לערוץ מפני האויב במלחמה .... ונוהגת מצוה זו בזכרים כי להם להלחם בזמן שישראל על אדמתן.

ספר החינוך פרשת שופטים מצוה תקכה

However, he writes that the mitzva not to fear the emery is limited to men, since they are the ones who go out to fight.

44. Some mefarshim suggest she is leaving in daven for the chatan, hence the connection with the original verse in Yoel.

45. It is not clear if this specifically means their husbands. Some poskim have insisted that it can only mean that no contact with other men is permitted. Other poskim have limited this specifically to cooking and laundry - but see below.

46. This additional comment is interesting and may suggest that the prevailing custom in the wider community could be relevant. In today's world, women's involvement in the military has vastly increased, mostly in roles which do not involve physical combat. Nevertheless, in a world of techno- and cyber-warfare, these roles can be critical and lethal!

47. Samuel ben Joseph Strashun, 19C Vilna.

48. From the French word sappe ("spadework," or "trench"), connected with military engineering during the 17th century, when attackers dug covered trenches to approach the walls of a besieged fort. In today's military, this would include combat engineering, material and supply chain management, maintenance, transportation and health services.

49. As reported by his son, Rav Tzvi Yehuda,

50. Which does not of course mean that Rav Kook supported the concept of women in combat roles.

51. This is also the position of Smag, Esin 120.

21. מצוה לעשות במלחמת הרשות כמשפט הכתוב .... ונוהגת מצוה זו בזמן שישראל על אדמתו, בזכרים - שהם ראויים למלחמה

ספר החינוך פרשת שופטים מצוה תקכו

*In the mitzva to offer peace etc and conduct a Milchemet Reshut according to halacha, he again limits this to men since 'they are suitable to fight'.*

22. מצוה לזכור מה שעשה עמלק לישראל בצאתם ממצרים ... ונוהגת מצוה זו בכל מקום ובכל זמן, בזכרים - כי להם לעשות המלחמה ונקמת האויב, לא לנשים.

ספר החינוך פרשת כי תצא מצוה תרג

*In the mitzva to remember Amalek, he again limits this men since 'they are the one who must make war on the enemy, not women'.*

23. מצוה הריגת שבעה עממין .... ונוהגת מצוה זו בזכרים ונקבות, בכל מקום ובכל זמן שיש כח בידינו להורגם.

ספר החינוך פרשת ואתחנן מצוה תכה

*However, in the mitzva to destroy the 7 Nations on the conquest of Eretz Yisrael, the Chinuch specifically INCLUDES women!*

24. ונוהג מצוה זו בכל איש ישראלי הן אנשים ונשים - כמבואר בש"ס דמלחמות מזוה אפי' כלה מחופתה וכו'.

מנחת חינוך פרשת ואתחנן מצוה תכה אות א

*The Minchat Chinuch understands that the Sefer HaChinuch IS following the literal psak of the Mishna that a kallah goes to fight in a Milchemet Mitzva.*

25. (א) שנמנענו שלא לערוץ ולפחוד כו'. .... ומ"ש הרב המחבר דנוהג בזכרים כי להם כו', בש"ס מבואר וזר"מ פ"ז כאן דמלחמת מזוה אפי' כלה מחופתה א"כ נוהג בזכרים ג"כ.

מנחת חינוך פרשת שופטים מצוה תקכה

*Where the Chinuch seems to contradict this, the Minchat Chinuch simply explain that the case of a Milchemet Mitzva is different.*

- As such, the Minchat Chinuch appears to conclude that the Sefer Hachinuch also follows the psak of the Rambam.
- Other mefarshim resolve this apparent contradiction in different ways<sup>52</sup> and conclude that the position of the Chinuch is in fact that women are NOT obligated to fight in a war, even a Milchemet Mitzva (such as against Amalek).

#### C4] DEFINING MILCHEMET MITZVA IN LIGHT OF THE ISRAELI/ARAB CONFLICT

26. אין המלך נלחם תחלה אלא מלחמת מצוה. ואי זו היא מלחמת מצוה? זו מלחמת שבעה עממים, ומלחמת עמלק, ועזרת ישראל מיד צר שבה עליהם

רמב"ם הלכות מלכים פרק ה הלכה א

*The Rambam defines Milchemet Mitzva as (i) the wars against the 7 Nations in the conquest of Eretz Yisrael; (ii) the war against Amalek; and (iii) a defensive war to protect the Jewish people against enemies who rise against it.*

27. וחוץ מזה נראים הדברים, שבזמן שאין מלך, כיון שמשפטי המלוכה הם ג"כ מה שנוגע למצב הכללי של האומה, חוזרים אלה הזכויות של המשפטים ליד האומה בכללה .... אבל כשמתמנה מנהיג האומה לכל צרכיה בסגנון מלכותי, ע"פ דעת הכלל ודעת ב"ד, ודאי עומד הוא במקום מלך, לענין משפטי המלוכה, הנוגעים להנהגת הכלל.

שו"ת משפט כהן (ענייני ארץ ישראל) סימן קמד

*Rav Kook understands that the status of Melech - King of the Jewish people - is not merely vested in the royal figurehead. In a time when the Jewish people chose a body to rule and represent them, this becomes invested with the halachic authority of the melech.*

52. See Marcheshet 1:22 (R. Chanoch Henoch Eigis - 20C Lithuania), who understands that women are obligated to destroy the 7 nations as part of their mitzva to settle Eretz Yisrael, not because they must go to war. Avnei Nezer OC 509 also understands that women are not obligated to go to war, but must destroy the 7 nations as part of their mitzva not to be influenced negatively by them. R. Chavel understands that the mitzva to destroy the 7 Nations is fundamentally a mitzva to eradicate idolatry, and not to wage a military campaign. As such, women are included in this, even though they are not required to fight in the Jewish army.

28. שייראה לי שמצוה על המלך או על השופט ומי שהעם ברשותו להוציאם לצבא במלחמת רשות או מצוה להיות שואל באורים ותומים ועל פיהם יתנהג בעניינם

השגות הרמב"ן לספר המצוות לרמב"ם העשין והלאוין שסילק

*The Ramban points out that the responsibility to fight wars for the Jewish people vests not only in the King but also the judges or whoever exercises jurisdiction over the people.*

- This third definition - a defensive war to protect the Jewish people against enemies - is most applicable to our times.<sup>53</sup> Clearly, any defensive war fought by the IDF - 1948, 1956, 1967, 1973 - falls under the rubric of Milchemet Mitzva.
- Wars fought in Lebanon and Gaza to prevent rocket-fire on the Yishuv are included in this too.<sup>54</sup>
- Rav Soloveitchik goes further and sees any war in which the enemy was trying to destroy the Jewish people or the Jewish Yishuv in Eretz Yisrael as a Milchemet Mitzva, like the war on Amalek<sup>55</sup>. This would certainly apply to all wars the IDF has fought since 1948.
- We will therefore assume for this shiur than any war fought by the IDF, in which women soldiers would be involved, would indeed be a Milchemet Mitzva.
- Based on this, many from the Kibbutz Dati movement have made the claim that women are OBLIGATED in army service and may not refuse such service.

29. שמלחמת מצווה הינה חובה מקודשת מן התורה. המצוה על העם ללא יוצא מן הכלל למסור את נפשו למען השגת מטרותיה של המלחמה, ללא התחשבות עם הקרבנות בנפש האדם שמלחמה זו תביא בעקבותיה. .... אין עוד מצוה אחרת אשר בכוחה לדחות את כל המצוות של התורה כולל מצוות פקוח נפש כמו מצוות הלחימה במלחמת מצוה .... מצוות לחימה במלחמת מצוה ... חובה מקודשת על כל יחיד למסור את נפשו על כך ללא כל אפשרות של התחמקות מאי קיומה ע"י שב ואל תעשה.

הרב שלמה גורן צבא ומלחמה לאור ההלכה, מחניים קכ"א (1969) עמ' ז-ח

*As we will see in Part 2 iy'H, halacha objections have been raised to women's military service, in particular based upon 'kol kvuda bat melech penima' and the prohibition of women carrying weapons. Rav Goren is very clear that the mitzva of fighting in a Milchemet Mitzva overrides in principal ALL of these concerns, and devolves upon every Jew to the best of their ability. Nevertheless, on a personal level, that does not mean that Rav Goren ignored the concerns of religious growth. In fact he expressed real concerns<sup>56</sup> about women drafting in the army in certain situations.*

30.

"מלחמת מצוה היא אחת מתרי"ג<sup>25</sup> המצוות אשר כולם חייבים בה. אפילו חתן מחרו וכלה מחופתה. כלשון המשנה. גם נשים שייכות למלחמת מצוה כמו שהעיר על כך במנ"ח... לשון הרמב"ם כלשון המשנה... מצבנו עכשיו מוגדר כמלחמת מצוה הן לדעת הרמב"ן בהיותה מלחמת כיבוש הארץ, הן לדעת הרמב"ם בהיותה עזרת ישראל מיד צר, הנמשכת מצווי התורה "לא תעמד על דם רעך", אמנם, 'איש דרכו לכבוש ואין אשה דרכה לכבוש', לכן הרדב"ז רוצה לרכך דברי הרמב"ם ואמר ראפשר דבמלחמת מצוה הנשים היו מספקות מים ומזון לבעליהן... אבל חידושו לא מוזכר לא במשנה ולא בגמ' ולא ברמב"ם שהעתיק את המשנה כלשונה. ברור שכוונת הרמב"ם לכל תפקידי המלחמה..."<sup>26</sup>

"כך הדין באופן יסודי ועיקרי, אבל כמוכרן יש הוראות פרטיות לפי מצבי העניינים של נסיונות ומכשולים בצניעות, בשרות צבאי לבנות קיימת סכנה של נפילה מוסרית..."

שיחות הרב צבי יהודה קוק, ערוכות בידי רב שלמה אבינר, חוברת איש ואשה עמ' 25-26

*Rav Tzvi Yehuda Kook was very clear that the wars Israel has fought are to be categorized as Milchemet Mitzva.*

53. Rav Goren understands that it is rooted in the mitzva of 'Lo Ta'amod Al Dam Raecha' - to come to the aid of another Jew. (Tzava veMilchama LeOr HeHalacha 121 p 8)

54. See *Hilchot Milchama VeTzava*, R. Yitzchak Kofman (1994) Chap 1 which analyses in depth the definition of Milchemet Mitzva and its application to our times. He includes in this third category of the Rambam:

(i) Pre-emptive strikes against an enemy to reduce casualties in a coming war. See also *Pre-emptive War in Jewish Law*, R. J. David Bleich - Tradition 21:1 (1983) pp.3-41(<https://traditiononline.org/preemptive-war-in-jewish-law/>) where Rabbi Bleich analysis whether the First Lebanon War in 1982 fell under the justifiable rubric of Milchemet Mitzva or not.

(ii) Action to protect the borders of the Yishuv, even against looting and raiders.

(iii) Action against an internal enemy within Israel which is threatening the security of the Yishuv.

(iv) Action against terrorists.

(v) Action to prevent kidnappings.

(vi) Action to protect Eretz Yisrael, even if conducted beyond its borders.

(vii) According to some poskim, any military action to capture Eretz Yisrael and facilitate the mitzva of Yishuv HaAretz.

55. See Kol Dodi Dofek pp 92-95 note 25 where he brings this definition of Amalek from his father, Rav Moshe Soloveitchik.

56. See Rabbi Ari Shvat on Rav Goren's position - <https://www.yeshiva.co/ask/6516>. For a different view of Rav Goren (who's daughter was one of the first religious female officers in the IDF) see [https://www.jewishideas.org/article/women-modern-military-second-look#\\_edn42](https://www.jewishideas.org/article/women-modern-military-second-look#_edn42)



He also rejected the watering down of the Rambam's position to restrict in principal the obligation of women to participate in those wars. However he adds that, on a practical and individual basis, a women in IDF service must carefully consider the impact of that specific service on her religious commitment and growth, as well as be sensitive to the requirements of tzniut.

## **D] IN PART 2 ....**

- In Part 2 we will iy'H deal with the main halachic issues involved in the questions:

(i) *Kol Kvuda Bat Melech Penima* - which links closely with the question of tzniut/pritzut and the halachic/hashkafic propriety of interactions between men and women in society;

(ii) *Nisiat Neshek* - whether women are halachically permitted to carry weapons, what type of weapons and in which circumstances. We will see that this involves a discussion of 'Begeg Ish' - which types of clothing and activity are prohibited to women since those activities are innately masculine;

(iii) *Mesima* - appointment of women to leadership roles in Jewish society;

(iv) *Lo Yimas Levav Echav* - the Torah mitzva to maintain morale in the army.

- We will see that one of the common elements in most of these halachic areas is the cross-over between halacha and hashkafa, in particular in terms of the application of these concepts to 21st Century life.
- We will also iy'H look at some of the practical and cultural challenges faced by religious women in the army<sup>57</sup>, which often go beyond the 'headline' halachic issues raised.
- Finally, we will try to place this debate in the context of reaction of Torah thought to the 21st Century realities of post-modernism and feminism.

to be continued .....

57. I am very grateful to my son, Asher, for his thoughts and insights on this topic, for the many discussions we had as I was preparing the material on this sheet, and for his time kindly spent reviewing the sources. His experience, both as a soldier in the IDF and, more importantly, coming from a generation of young idealistic Religious Zionist Israelis who are closely affected by these issues, is far more extensive than mine could every be.