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# קול תורה

**Parashat Kedoshim**

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## Tying for First Place

by *Rabbi Yoni Mandelstam*

The Mitzvah of “VeAhavta LeRei’acha Kamocho” took on a particular meaning to me when I saw the perfect display of this commandment before my own two eyes. I was an advisor on the “Central East” region for NCSY Shabbatons during my last year of study at Yeshiva University. At the end of the last Shabbaton of the year, the “regional board,” or student council, members for the upcoming year would be announced. The teens who applied for positions on regional board took this as seriously as any competition gets. Without exaggeration, being elected to regional board is a dream come true for NCSY teens. As they began to announce the new members of regional board, two best friends, “Reuven and Shimon,” were anxiously waiting to be elected together. Having grown up as best friends, Reuven and Shimon had always dreamed of being on regional board together during their senior year of high school. They literally stood, arm and arm, looking forward to receiving leadership positions side by side. However, as the winners were being called up, it became clear that only one spot was left. In fact, Reuven was called up to receive the final spot, and I stood directly in back of these two friends as they cried into each other’s arms. Reuven was certainly happy to be elected to regional board, but he could not bear the thought of winning at Shimon’s expense. Shimon was certainly sad to not get elected but was undoubtedly happy for his best friend Reuven. Both friends had each other’s best interests in mind. This is the Mitzvah of “VeAhavta LeRei’acha Kamocho.”

Ramban (VaYikra 18:18 s.v. “VeAhavta LeRei’acha Kamocho”) asserts that the Torah is not meant to be understood literally when it commands us to “love your fellow like yourself” because that is simply impossible. Rather, the Torah is commanding us to genuinely want others to be successful to the same degree as we want ourselves to be successful. One practical application of this comment of Ramban comes up in the classroom frequently. Specifically, when a student receives a

ninety-eight on a test, he should not only be happy for his friend who received a ninety-five, knowing that he received the higher score, but he should also be genuinely happy for those friends who scored equally or higher than he did on the exam. Rambam (Positive Commandment 206) seems to agree with Ramban’s understanding of the Mitzvah, as he writes that “Whatever we want for ourselves, we should also want for our fellows, and whatever we would hate to happen to ourselves, we should hate for it to fall upon our fellows as well.” In summary, both Rambam and Ramban do not understand the Pasuk literally; rather, they believe that the Torah is telling us to want for others that which we would want for ourselves.

This interpretation of the Mitzvah certainly relates to the deaths of Rabi Akiva’s students which we are currently commemorating. The Midrash (BeReishit Rabbah Chaye Sara 61) tells us that Rabi Akiva’s students were punished in response to their “Tzarot Ayin,” a narrowing of the eye. This means that each student did not appreciate his peers’ successes but rather hoped for his peers to fall as he personally advanced. The Midrash records that Rabi Akiva specifically instructed his new students to not make the same mistake that his students who had perished made. As we experience the Sefirat HaOmer period, we are encouraged to rejoice for our fellow Jew and not repeat the mistake of Rabi Akiva’s students. Although this is a challenging Mitzvah, it is attainable.

The more well-known connection between Rabi Akiva and the Mitzvah of “VeAhavta LeRei’acha Kamocho” is his statement that this is a “Kelal Gadol BaTorah,” an “important rule in the Torah” (Sifra Kedoshim Parashah 2 Perek 4). At first glance, all Rabi Akiva seems to be saying is that this Mitzvah has a particular significance in its “ranking” out of the six hundred thirteen Mitzvot. In fact, the Sefer HaChinuch (Mitzvah 243) explains this statement to mean that if one properly performs this Mitzvah, many other Mitzvot will be easy to perform. Specifically, if one truly loves his fellow, he would never come to steal or harm another person in any way. However, the Chatam Sofer offers a penetrating insight into this famous statement of Rabi Akiva as he narrows in on the word “BaTorah.” The Chatam Sofer explains that loving one’s fellow has particular significance in relationship to the Mitzvah of Torah study. He writes that a Rabbi must love his students as he loves himself and take away from his own personal growth for the sake of his students. It is

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the responsibility of the Torah educator to equate the success of his students with his own accomplishments in Torah. This means that every Torah educator must be willing to take the time and quality away from his own personal Torah study in order to properly educate his students. The ideal Rebbe is torn between personal learning goals and the needs of the Talmidim. Both goals must lead to the same sense of accomplishment.

## REPETITION OR NOT?

*Eitan Leff (18)*

Parashat Kedoshim begins with the ambiguous commandment of "Kedoshim Tiheyu," "Be Holy" (VaYikra 19:2), and spends the next Perek commanding us dozens of Mitzvot which help us become holy. The first two Mitzvot given are the obligations of fearing one's parents and keeping Shabbat (19:3). Not only do these two Mitzvot appear to be random, but they appear to be repetitive, as they were already given at Har Sinai (Shemot 20:9, 20:12).

In addition to Mitzvot presented in Parashat Kedoshim which appear to be replicates of Mitzvot given at Har Sinai, there are Mitzvot given in this Parashah which could be easily derived from other Mitzvot. For example, in this week's Parashah, we are commanded to refrain from speaking Lashon HaRa (VaYikra 19:16). This commandment could have been commanded to us by Chazal as a Toladah, or subcategory, of the prohibition of giving false testimony (Shemot 20:12).

Perhaps, we can suggest that the "repetition" of Mitzvot in this week's Parashah is more than merely a repetition. If we look closely at the text of the commandments given at Har Sinai and the commandments given in this week's Parashah, we see that those given in Parashat Kedoshim are more difficult to perform than those given at Har Sinai. At Har Sinai, we are commanded "*Kabeid Et Avicha VeEt Imecha*," "Respect your father and your mother" (Shemot 20:11), and in Parashat Kedoshim, we are commanded "*Ish Imo VeAviv Tira'u*," "Every man should fear his mother and his father" (VaYikra 19:3). The Gemara (Kiddushin 31b) explains that Kibbud Av VaEim involves actively doing things for one's parents such as feeding them, and Mora Av VaEim involves not disrespecting one's parents by doing things such as sitting in their designated seats. Anybody can perform Kibbud Av VaEim by forcing himself to do positive actions for his parents, but it is very

difficult to be in a constant mindset of being respectful to one's parents.

Additionally, the Mitzvah of observing Shabbat that appears in this week's Parashah appears to be more difficult than the same commandment given in the Aseret HaDiberot. At Har Sinai we are commanded "Lo Ta'aseh Chol Melachah," "Do not do any work" (Shemot 20: 9), and in Parashat Kedoshim, we are commanded "Shabbetotai Tishmoru," "Guard My Shabbat" (VaYikra 19:3). The commandment given at Har Sinai to avoid doing any Melachah can be performed by anybody, but the commandment of guarding Shabbat is a very difficult Mitzvah to perform as it is more than just a physical request.

Similarly, the commandment given in this week's Parashah of not speaking Lashon HaRa is much more difficult than the commandment given at Har Sinai of not testifying falsely in court. When a person testifies before of a judge, he is aware of the significance of his testimony and the drastic consequences of lying. However, in a typical conversation between friends, it is very easy for one to forget to guard his words and avoid speaking Lashon HaRa.

We see that by the Mitzvot of Shabbat, Mora Av VaEim, and Lashon HaRa, we are given a relatively easy Mitzvah at Har Sinai and a relatively difficult Mitzvah in Parashat Kedoshim. We should learn from this that performing Mitzvot should be more than just an action. In doing a Mitzvah, we should achieve a mindset which will strengthen our connection to other people as well as to Hashem.

## Should YESHIVAH STUDENTS SERVE IN THE ISRAELI ARMY?

*by Rabbi Chaim Jachter*

*Editor's Note: In our previous two issues, we included a Hespeid for Rav Aharon Lichtenstein, zt"l, in honor of his first Yahrzeit. This week's as well as next week's article are in his honor.*

Throughout the State of Israel's short existence, it has granted military exemptions to full-time Yeshivah students. These exemptions and the decision by some Yeshivah students to serve in the army nonetheless have both generated much debate and discussion.

*Should a Spiritual Person Serve in an Army?*

People often ask, how can someone thoroughly engrossed in spiritual matters serve in the army, a rugged and physically intense experience? Our own male role models answer this question. Avraham, Moshe, Yehoshua, and David all scaled the heights of spirituality, yet they excelled at waging war. The Gemara (Mo'ed Katan 16b) describes this phenomenon: "David

would soften himself as a worm when he studied Torah, but he hardened himself like wood when he fought in war."

Rav Yehuda Amital (HaMa'alot Mima'amakim, pp. 62-63) cites David's model as a paradigm for hesder students. They grapple with the subtlety of a great Talmudic commentary, such as "Ketzot," "Netivot," or "Reb Chaim," while on the other hand serving with great distinction in the Israeli army. Indeed, it is widely reported that religiously observant soldiers comprise a significant percentage of the junior officers in certain Israeli army units (although these officers do not necessarily participate in the Hesder program).

Other sources similarly describe holy people as potent warriors. Rambam (Hilchot Melachim, Chapter 11) presents a profile of the Messiah. He studies Torah and is devoted to the Written and Oral Torah. He will compel the entire Jewish people to follow the Torah, and he will lead the nation in battle. Ramban (Bereishit 26:29) explains what motivated Philistine kings to make covenants with our forefathers, who led a small nomadic tribe, seemingly posing little threat to the Philistine emperor:

Avraham was very great and mighty, as he had in his house three hundred sword-bearing men and many allies. He himself was a lion-hearted soldier who pursued and vanquished four very powerful kings. When his success became evident as being divinely ordained, the Philistine king feared him, lest he conquer his kingdom... And the son emulated the father, as Yitzchak was great like [Avraham], and the king was afraid to fight him, lest [the king] be driven from his land.

Aside from these individuals, the Bible contains other examples of wars where the spiritual elite fought. Rashi (BeMidbar 31:3) asserts that the soldiers in the wars against Amaleik (Shemot 17:8-16) and Midyan (BeMidbar 31) were specifically chosen based on their religious piety. The Radak and Malbim (Shofetim 5:14) explain that, after defeating the army of Canaan, the prophetess Devorah gave special praise to the people of Machir and Zevulun precisely because their religious leaders fought in the battle. All of these sources clearly teach that no fundamental problem exists with spiritual leaders serving in an army. The advisability of their service in the Israeli army today, however, remains to be determined.

#### *The Model of the Tribe of Levi*

Some point to the tribe of Levi as a model for those who study and teach Torah full-time, while never serving in the army. Indeed, Rambam's concluding remarks in Hilchot Shemitah VeYoveil (13:12-13) depict the tribe of Levi in this manner, "They do not wage war like the rest of Israel, nor do they inherit land in Israel." Moreover, Rambam writes:

[Being a part of the spiritual elite] applies not to the tribe of Levi alone, but to 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 upright, since he has cast off from his neck the many considerations which people seek. Such a person has been sanctified as the Holy of Holies, and the Lord shall be his portion... forever and ever, and shall grant him adequacy in this world, as he has granted to the Kohanim and the Levites. As David... says, "Oh Lord, the Portion of my inheritance and of my cup, You maintain my lot."

This passage is often cited to excuse contemporary Yeshivah students from serving in the Israeli army. This application, however, contains several possible problems. Rambam often ends sections of the Mishneh Torah with aggadic (non-legal) statements. Thus, perhaps he does not intend his comments at the end of Hilchot Shemitah VeYoveil, which conclude Sefer Zera'im, as a technical legal assertion. Furthermore, Rambam points to King David, one of our greatest military leaders, as an example of such a spiritual person, so Rambam might not intend to apply the parallel with Levi to military exemptions. Even if one does accept such an application, it remains unclear to what percentage of the population such a grand description applies.

#### *Did Levites Actually Serve in the Army?*

The Talmud never states explicitly that the Levites did not serve in the army. The Sifrei (commenting on BeMidbar 31:4) addresses this issue regarding the war between the Jews and Midyan, but textual variants lead to opposing conclusions. Rashi's text of the Sifrei (in his commentary on that verse), understands that the Torah includes ("lerabot") Levi in the army that fought against Midyan. However, the Gra's text of the Sifrei reads "to exclude (Lehotzi) the tribe of Levi" from that war. This passage in the Sifrei thus proves nothing about Levi's role in the army.

While Rambam does mention Levi's military exemption at the end of Hilchot Shemitah VeYoveil, it is uncertain how much weight this carries, because he does not present this rule in Hilchot Melachim, where he discusses military exemptions at length. In fact, the

Radak (II Shmuel 23:20) claims that in wars against the enemies of Israel, even the Kohanim (the most sanctified part of the tribe of Levi), who ordinarily avoid contact with dead bodies, must take an active part in killing the enemy. David's great warrior, Benayahu ben Yehoyada, exemplified this practice. Despite being a Kohein, he served as a high-ranking officer in King David's army and eventually became the head of King Shlomo's army. Moreover, the Gemara (Kiddushin 21b) and Rambam (Hilchot Melachim 8:4) discuss the laws of a Kohein who fights in wars, indicating that this was done in practice.

On the other hand, whenever the Torah takes a census of those who are fit to wage war ("kol yotzei tzava"), it excludes the tribe of Levi, implying that this tribe does not fight in the army. The Rashbam (Bemidbar 1:47) even refers explicitly to their exclusion for the army. Hence, using the Levites as a paradigm for excusing Torah scholars from serving in the army remains debatable, for the status of Levi is itself uncertain.

#### *Milchamot Mitzvah*

In Halachah, there are two types of wars (see Sotah 44b). One type, Milchamot Reshut ("discretionary wars"), consists of wars fought to enlarge the borders of Israel and wars fought to bring glory to its king. The other type, Milchamot Mitzvah, includes wars against Amaleik and the seven Canaanite tribes. Rambam (Hilchot Melachim 5:1) also categorizes "saving the Jewish people from enemies who have attacked them" as a Milchemet Mitzvah. It follows from Rambam that all the wars that the State of Israel has fought should be classified as Milchamot Mitzvah, for almost everyone regards them as saving Jewish people from enemies who have attacked them.

While the Mishnah (Sotah 43a) lists those people who need not fight in battle, it later (44b) limits these exemptions. The Mishnah rules that they only apply to a Milchemet Reshut, "but in a Milchemet Mitzvah everyone must go fight, even a groom from his chamber and a bride from her canopy." In fact, the Keren Orah (Sotah 44b) writes explicitly, "Everyone must participate in a Milchemet Mitzvah. Even Torah scholars must interrupt their studies."

#### *Preemptive Strikes*

As we have already noted, Rambam considers defensive wars to be Milchamot Mitzvah. It is unclear from his language if this includes preemptive strikes to deter a threatening enemy. Determining the status of such wars is critical for establishing whether those who are exempt from Milchamot Reshut must take part in such attacks.

In order to understand the status of preemptive attacks, we must first solve a more basic problem. Rambam's categorization of a war to defend the Jewish people as a Milchemet Mitzvah

appears to contradict the Gemara (Sotah 44b). The Gemara considers attacking a nation to prevent it from eventually attacking Israel a Milchemet Reshut. Explaining Rambam's ruling in light of this passage in the Gemara determines the status of preemptive attacks.

The Lechem Mishneh (Hilchot Melachim 5:1) claims that a battle fought purely to intimidate an enemy (so that it will not dare to attack Israel) is in fact a Milchemet Reshut (as indicated by the Gemara). When Rambam describes a Milchemet Mitzvah, the Lechem Mishneh implies, he only includes military activities that respond to an actual enemy attack. It seems that according to the Lechem Mishneh, preemptive strikes might not be Milchamot Mitzvah, although it is not entirely clear where he draws the line between offensive and defensive battles.

The Aruch HaShulchan HeAtid (Hilchot Melachim 74:3-4) strongly disagrees with the Lechem Mishneh and writes that "it's obvious beyond any doubt" that a king must preemptively attack anyone who poses a threat to the Jewish people. The Aruch HaShulchan asserts that Rambam describes even offensive strikes to save Jews as Milchamot Mitzvah. However, the Aruch HaShulchan suggests, all defensive wars differ from wars against Amaleik and the tribes of Canaan. A nation can usually launch strikes to enhance its security without the entire nation's participation, so the standard exemptions from the army apply to such a war. In this sense, defending Jews is like a Milchemet Reshut, as the Gemara indicated.

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