

"Shall your brothers fight while you stay here?" Balancing Personal and National Needs in War

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I. The Torah Sources

1. Deuteronomy 20:1-9

(1) When you [an Israelite warrior] take the field against your enemies, and see horses and chariots—forces larger than yours—have no fear of them, for your God יהוה, who brought you from the land of Egypt, is with you. (2) Before you join battle, the priest shall come forward and address the troops. (3) He shall say to them, “Hear, O Israel! You are about to join battle with your enemy. Let not your courage falter. Do not be in fear, or in panic, or in dread of them. (4) For it is your God יהוה who marches with you to do battle for you against your enemy, to bring you victory.” (5) Then the officials shall address the troops, as follows: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his home, lest he die in battle and another dedicate it. (6) Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it. (7) Is there anyone who has paid the bride-price for a wife, but who has not yet taken her [into his household]? Let him go back to his home, lest he die in battle and another take her [into his household] as his wife.” (8) The officials shall go on addressing the troops and say, “Is there anyone afraid and disheartened? Let him go back to his home, lest the courage of his comrades flag like his.” (9) When the officials have finished addressing the troops, army commanders shall assume command of the troops.

דברים כ"א-ט'

(א) כִּי־תֵצֵא לְמִלְחָמָה עַל־אִיְבֹךָ וְרָאִיתָ סוּס וְרֶכֶב עִם רַב מִמֶּךָ לֹא תִירָא מֵהֶם כִּי־יְהוָה אֱלֹהֶיךָ עִמָּךְ הַמַּעֲלֶךְ מֵאֶרֶץ מִצְרַיִם: (ב) וְהָיָה כְּקִרְבְּכֶם אֶל־הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן וְדִבֶּר אֶל־הָעָם: (ג) וְאָמַר אֲלֵהֶם שְׁמַע יִשְׂרָאֵל אַתֶּם קִרְבִּים הַיּוֹם לְמִלְחָמָה עַל־אִיְבֵיכֶם אֲלֵי־יָדְךָ לְבַבְכֶם אֶל־תִּירָאוּ וְאֶל־תַּחֲפֹזוּ וְאֶל־תַּעֲרֹצוּ מִפְּנֵיהֶם: (ד) כִּי יְהוָה אֱלֹהֵיכֶם הֵהָלֵךְ עִמָּכֶם לְהִלָּחֵם לָכֶם עִם־אִיְבֵיכֶם לְהוֹשִׁיעַ אֶתְכֶם: (ה) וְדִבְרוּ הַשְּׂטָרִים אֶל־הָעָם לֵאמֹר מִי־הָאִישׁ אֲשֶׁר בָּנָה בֵּית־חֹדֶשׁ וְלֹא חָנְכוֹ יֵלֶךְ וְיֵשֵׁב לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִחְנֹכֶנּוּ: (ו) וּמִי־הָאִישׁ אֲשֶׁר־נָטַע כָּרֶם וְלֹא חָלְלוֹ יֵלֶךְ וְיֵשֵׁב לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִחְלֹלֶנּוּ: (ז) וּמִי־הָאִישׁ אֲשֶׁר־אָרַשׁ אִשָּׁה וְלֹא לָקָחָהּ יֵלֶךְ וְיֵשֵׁב לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִקַּחנָה: (ח) וְיִסְפּוּ הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וְאָמְרוּ מִי־הָאִישׁ הִירָא וְהָיָה הַלֵּבָב יֵלֶךְ וְיֵשֵׁב לְבֵיתוֹ וְלֹא יִמָּס אֶת־לֵבָב אֲחֵיו כָּלֻבּוּ: (ט) וְהָיָה כָּכֹלֶת הַשְּׂטָרִים לְדַבֵּר אֶל־הָעָם וּפְקֻדּוֹ שְׂרֵי צְבָאוֹת בְּרֹאשׁ הָעָם: {ס}

2. Deuteronomy 24:5

דברים כ"ד:ה'

(5) When a man has newly taken a woman [into his household as his wife], he shall not go out with the army or be assigned to it for any purpose; he shall be exempt one year for the sake of his household, to give happiness to the woman he has taken.

(ה) כִּי־יִקַּח אִישׁ אִשָּׁה חֲדָשָׁה לֹא יֵצֵא בְצֹבָא וְלֹא־יֵעָבֵר עָלָיו לְכָל־דְּבָר בְּמִלְחָמָה שְׁנָה אֶחָת וְשָׂמַח אֶת־אִשְׁתּוֹ אֲשֶׁר־לָקַח:

3. Numbers 32:6-15

(6) Moses replied to the Gadites and the Reubenites, "Are your brothers to go to war while you stay here? (7) Why will you turn the minds of the Israelites from crossing into the land that יהוה has given them? (8) That is what your fathers did when I sent them from Kadesh-barnea to survey the land. (14) And now you, a breed of sinful fellows, have replaced your fathers, to add still further to יהוה's wrath against Israel. (15) If you turn away from [God], who then abandons them once more in the wilderness, you will bring calamity upon all this people."

במדבר ל"ב:ו'-ט"ו
(ו) וַיֹּאמֶר מֹשֶׁה לְבְנֵי־גַד וּלְבְנֵי רְאוּבֵן הָאֲחֵיכֶם יָבֹאוּ לְמִלְחָמָה וְאַתֶּם תָּשֻׁבוּ פָּה: (ז) וְלָמָּה (תִּנּוּאוֹן) [תִּנְיָאוֹן] אֶת־לֵב בְּנֵי יִשְׂרָאֵל מֵעָבֵר אֶל־הָאָרֶץ אֲשֶׁר־נָתַן לָהֶם יְהוָה: (ח) כֹּה עָשׂוּ אֲבֹתֵיכֶם בְּשַׁלְחִי אֹתָם מִקְדָּשׁ בְּרַנֵּעַ לְרַאוֹת אֶת־הָאָרֶץ: וְהִנֵּה קִמַּמְתֶּם תַּחַת אֲבֹתֵיכֶם תַּרְבוֹת אֲנָשִׁים חַטָּאִים לִסְפוֹת עוֹד עַל חֶרֶן אֶף־יְהוָה אֶל־יִשְׂרָאֵל: (טו) כִּי תִשׁוּבוּן מֵאֲחֵרָיו וְיִסַּף עוֹד לְהַנִּיחַו בְּמִדְבָּר וְשַׁחַתְתֶּם לְכָל־הָעָם הַזֶּה: {ס}

*Compare and contrast the above passages.
What might account for the different approaches to draft exemption?
What is a legitimate reason not to fight?
How does society interact with draft dodgers?
When do we let people say "enough is enough"?*

II. Medieval Commentaries: Why provide exemptions?

4. Ramban on Deuteronomy 20:8:3

LEST HIS BRETHREN'S HEART MELT AS HIS HEART. The author of the Hilchoth Gedoloth considered this verse a negative commandment, meaning that [if he is fearful and faint-hearted] he should not avoid returning home, lest he melt his brethren's heart like his own.

רמב"ן על דברים כ"ח:ג'
וְלֹא יִמַּס אֶת לִבָּב אֲחִיו, עָשָׂאוּ בְּעַל הַלְכוֹת גְּדוּלוֹת מִצְוֹת לֹא תַעֲשֶׂה, שְׁלֹא יִמְנַע מִלְּשׁוֹב שְׁלֹא יִמַּס אֶת לִבָּב אֲחִיו כְּלִבָּבוֹ.

5. Ibn Ezra on Deuteronomy 20:5

(1) DEDICATED IT. The reason that [one who has not dedicated his house is released from service] is that such a man's heart and desire is to dedicate his house. Look, his mind will be upon his house, not on the battle. He will therefore flee and cause others to flee.

אבן עזרא על דברים כ"ה'
(א) חֲנֹכוּ... וְהוֹטְעִים כִּי לָבוּ וְכָל תַּאוֹתוֹ לְחֹנוּךְ בֵּיתוֹ וְהִנֵּה לָבוּ לְבֵיתוֹ לֹא לְמִלְחָמָה עַל כֵּן יָנוּס וַיִּנִּיֵּס אַחֵרִים:

6. Rashbam on Deuteronomy 20:8:2

lest he die in battle-- There are those who fear when going to war that his fortune is not to live to consecrate his new home, wed his bride, or eat from the fruit of his vineyard, therefore he was ordained to participate in this war, and therefore he is afraid to die.

The Torah selected three examples of what would inspire such fear, concern over one's house, one's wife, and one's vineyard. Having first named these specific concerns and declared them as legitimate under the circumstances, the Torah proceeds to include all other kinds of concerns which inspire fear for his impending death in the heart of a person. (verse 8).

רשב"ם על דברים כ':ח:ב'

פן ימות במלחמה וגו' - שיש
נותן אל לבו כשהולך למלחמה
ודואג שמא אין לי מזל לחנך את
ביתי, או את אשתי או את כרמי
ולכך גרם מזלי ללכת עתה
למלחמה ומתוך כך ירא למות.
ושלשה מעשים הזכיר: בית
אשה וכרם. ולבסוף כולל כל
הדברים: מי האיש הירא ורך
הלבב - בין באלו שאמרנו בין
בדברים אחרים.

7. Rashi on Deuteronomy 20:5:2

[LEST HE DIE IN THE WAR]
AND ANOTHER MAN DEDICATE IT — which
is a matter that causes grief of mind.

רש"י על דברים כ':ה:ב'

ואיש אחר יחנכנו. ודבר של עגמת נפש הוא זה:

III. Related biblical passages

8. Deuteronomy 28:30

(30) If you [a man] pay the bride-price for a wife, another man shall enjoy her. If you build a house, you shall not live in it. If you plant a vineyard, you shall not harvest it.

דברים כ"ח:ל'

(ל) אִשָּׁה תֵּאָרֵשׁ וְאִישׁ אַחֵר (ישגלנה) [יִשְׁכְּבֶנָּה]
בֵּית תִּבְנֶנָּה וְלֹא-תֵשֵׁב בּוֹ כָּרֶם תִּטְעַע וְלֹא תִחַלְלֶנּוּ:

9. Jeremiah 29:5-6

(5) Build houses and live in them, plant gardens and eat their fruit. (6) You should take wives and beget sons and daughters; and you should take wives for your sons, and give your daughters to husbands, that they may bear sons and daughters. Multiply there, do not decrease.

ירמיהו כ"ט:ה'-ו'

(ה) בְּנוּ בָתִּים וְשָׁבוּ וְנִטְעוּ גִּלּוֹת וְאָכְלוּ אֶת-
פְּרִיָן: (ו) קְחוּ נָשִׁים וְהוֹלִידוּ בָנִים וּבָנוֹת
וְקָחוּ לְבָנֵיכֶם נָשִׁים וְאֶת-בָּנוֹתֵיכֶם תִּתְּנוּ
לְאִנָּשִׁים וְתִלְדְּנָה בָנִים וּבָנוֹת וְרִבּוֹ-שֶׁם וְאֵל-
תִּמְעָטוּ:

10. Joel 2:16

(16) Gather the people,
Bid the congregation purify themselves.
Bring together the old,
Gather the babes
And the sucklings at the breast;
Let the bridegroom come out of his chamber,
The bride from her canopied couch.

יואל ב':ט"ז

(טז) אִסְפוּ-לָעַם קִדְּשׁוּ קָהָל קִבְּצוּ
זְקֵנִים אִסְפוּ עוֹלָלִים וַיִּנְקִי
שָׂדִים יֵצֵא חֲתָן מִחֲדָרוֹ וְכֻלָּה
מִחֻפְתָּהּ:

IV. Modern Interpretations: Volunteering when Exempt

11. Pinchas Pelai, Torah of Today, p. 151 on Parashat Matot

Our teacher Moses was not concerned that this draft evasion would harm the war effort. After all, God had promised the land to the Israelites, regardless of the number of tribes that participated in the war. Moses' concern was with the moral significance of excluding two tribes from the general burden. This inequality in burden-bearing reflects a "culture of sinful people." An entire "culture" of evasion, which began with fleeing from the war effort, continued with making economic profits at the expense of the rest of the public, and ultimately would become irreversible.

פנחס פלאי, תורת היום, עמ' 151 על פרשת מטות

משה רבינו לא חשש שהשתמטות זו תפגע במאמץ המלחמתי. אחרי הכל, הקב"ה הבטיח את הארץ לבני ישראל, ללא תלות במספר השבטים שייטלו חלק במלחמה. דאגתו של משה הייתה נתונה למשמעות המוסרית של פרישת שני שבטים מן הכלל. אי שוויון זה בנשיאה בנטל, משקף "תרבות אנשים חטאים". "תרבות" שלמה של השתמטות, שראשיתה בבריחה ממערכות המלחמה, המשכה בעשיית רווחים כלכליים על חשבון שאר הציבור וסופה מי יישורנו.

12. Haamek Davar on Deut. 24:5:2, 4

He will be exempt. He is exempt from service but is allowed to go out.

Which he took. The Scripture makes this warning because she is new to him and their lives [together] have not yet taken root, and if he distracts himself from her, the connection may be broken completely. But without coercion, he is allowed to leave, and in any case, he will not leave if it is not clear that he will return to her love:

העמק דבר על דברים כ"ד:ה'ב'

נקי יהיה. פטור הוא מעבודה אבל רשאי לצאת: אשר לקח. טעם הוא שהזהיר הכתוב בזה משום דהיא חדשה לו ועדין לא נשרשו בחיים ואם יסיח דעתו ממנה יוכל להיות שינתק החבל לגמרי. אבל בלי כפיה רשאי לצאת וממילא לא יצא אם לא יהא ברור שישוב לאהבתה:

13. Rav Samson Raphael Hirsh Deut. 34: 5

And the Torah looks on this duty of a husband for the happiness of the marriage as being such a high one, and lays such importance to it, not only for its individual happiness but also for the national well-being that, *for a whole year after marrying a wife, it frees him from all public services and duties, yea actually forbids him to undertake any of them so that he can give himself up entirely to his home life and to laying the foundation of his wife's happiness....*

Clearly at the root of these laws lies the point of view that a state, the concept of a state as a whole, has only reality in the actual numbers of all its individual members, but apart from them, or next to them, one cannot consider the existence of a state as a concept in itself. So that the national welfare can only be sought in the well-being and happiness of all the single individuals, hence every flourishing and happy home is a contribution to the realisation of the goal set for the nation, hence has to be met by the nation with careful and encouraging and promoting consideration.

V. Early Interpretations: Can we hold multiple truths?

14. The Book of Maccabees I 3:46-60

(46) Wherefore the Israelites assembled themselves together, and came to Maspha, over against Jerusalem; for in Maspha was the place where they prayed aforetime in Israel...

(52) And lo, the heathen are assembled together against us to destroy us: what things they imagine against us, thou knowest.

(53) How shall we be able to stand against them, except thou, O God, be our help?

(54) Then sounded they with trumpets, and cried with a loud voice.

(55) And after this Judas ordained captains over the people, even captains over thousands, and over hundreds, and over fifties, and over tens. But as for such as were building houses, or had betrothed wives, or were planting vineyards, or were fearful, those he commanded that they should return, every man to his own house, according to the law.

(56) So the camp removed, and pitched upon the south side of Emmaus.

(57) And Judas said, arm yourselves, and be valiant men,

(58) and see that ye be in readiness against the morning, that ye may fight with these nations, that are assembled together against us to destroy us and our sanctuary:

(59) For it is better for us to die in battle, than to behold the calamities of our people and our sanctuary.

(60) Nevertheless, as the will of God is in heaven, so let him do.

15. Mishnah Sotah 8

(1) With regard to **the priest who was anointed for war, at the time that he would speak to the nation, he would speak to them in the sacred tongue...**

(2) The mishna continues its discussion of the speech given before battle. **“And the officers shall speak to the people, saying: What man is there that has built a new house, and has not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicate it”** (Deuteronomy 20:5). He is sent home if he is **one who builds a storehouse for straw, a barn for cattle, a shed for wood, or a warehouse. Similarly, it applies if he is one who builds, or if he is one who purchases, or**

ספר מקבים א ג'מ"ו-ס'

(מו) ויתקבץ העם במצפה מול ירושלים, כי מצפה לפנים מקום תפילה לישראל...
(נב) כל העמים כולם קמו עלינו לכלותנו, ולא נכחד ממך את אשר יזמו לעשות.
(נג) איככה נעמוד לפניהם אם לא תושיענו ימינך.
(נד) ויצווה יהודה ויתקעו בשופרות ויריעו תרועה, ויתן ראשים על העם שרי מאות ושרי חמישים ושרי עשרות.
(נה) ויעבר קול במחנה לאמור: מי האיש אשר בנה בית חדש ולא חנכו, או ארש אשה ולא לקחה, או נטע כרם ולא חללו, או איש אשר ירך לבבו - ילך וישוב לביתו, ככתוב בספר תורת ה'.
(נו) ואחרי כן נסעו ויטו את אוהליהם מנגד לאמה.
(נז) וידבר יהודה אל העם לאמור.
(נח) התקדשו למחר והיו לבני חיל להלחם באויביכם אשר התקבצו להכריתנו ולאבד את מקדשנו.
(נט) כי טוב לנו למות במלחמה, מראות ברע אשר ימצא את עמנו ואת מקדשנו.
(ס) וה' אלוהים את הטוב בעיניו יעשה.

משנה סוטה ח'

(א) מְשֻׁחַ מִלְחָמָה, בְּשָׁעָה שֶׁמְדַבֵּר אֶל הָעָם, בְּלָשׁוֹן הַקֹּדֶשׁ הִיָּה מְדַבֵּר...
(ב) וְדִבְרוּ הַשְּׂטָרִים אֶל הָעָם לֵאמֹר מִי הָאִישׁ אֲשֶׁר בָּנָה בֵּית חֶדֶשׁ וְלֹא חָנְכוֹ יֵלֶךְ וְיָשׁוּב לְבֵיתוֹ וְגו' (שם).
אֶחָד הַבּוֹנֶה בֵּית הַתְּבַן, בֵּית הַבָּקָר, בֵּית הָעֵצִים, בֵּית הָאוֹצְרוֹת. אֶחָד

if he is **one who inherits, or if he is one to whom it is given as a gift**. In all these instances, the man returns from the war encampment... The next verse states: **“And what man is there that has betrothed a wife, and has not taken her? Let him go and return to his house, lest he die in the battle, and another man take her”** (Deuteronomy 20:7). He is sent home if he is **one who betroths a virgin, or if he is one who betroths a widow**. This applies **even** if his *yevama*, his late brother's wife, is a **widow waiting for him as her yavam** to perform levirate marriage; **and even if he heard that his brother died in the war** and the widow begins to wait for him only then, **he returns and goes home**. **Each of these men**, although they are exempt, still **hear the address of the priest and the regulations of war** at the local camp, **and thereafter they return to their respective homes**. However, they still support the war effort, **and they provide water and food for the soldiers and repair the roads**.

(4) **These are the men who do not even move from their places** because they do not even report to the camp: One who **built a house and dedicated it** within the year; one who **planted a vineyard and used its fruit** for less than a year; one **who marries his betrothed and one who marries his yevama**, his brother's widow who must enter into a levirate marriage or perform *halitza*, **as it is stated**: “When a man takes a new wife, he shall not go out with the army...**he shall be free for his house one year**, and shall cheer his wife whom he has taken” (Deuteronomy 24:5). The mishna interprets the verse as follows: **“For his house”**; this means **his house** that he built. **“He shall be”**; this term includes **his vineyard**. **“And shall cheer his wife”**; this is **his wife**. **“Whom he has taken”**; this phrase comes to include his *yevama*, who is considered his wife with respect to this *halakha* although he has not yet married her. Those who are exempt for these reasons **do not even provide water and food** to the soldiers, **and they do not repair the roads**.

(5) The mishna continues its discussion of the speech given before battle. **“And the officers shall speak further to the people**, and they shall say: What man is there that is fearful and fainthearted? Let him go and return unto his house”

(Deuteronomy 20:8). **Rabbi Akiva says: “That is fearful and fainthearted”** is to be understood **as it indicates, that** the man is **unable to stand in the battle ranks and to see a drawn sword** because it will terrify him. **Rabbi Yosei HaGelili says: “That is fearful and fainthearted”**; this is **one who is afraid because of the sins that he has**; he, too, returns. **Therefore, the Torah provided him with all these additional reasons for exemption** from the army so he can ascribe **his leaving to one of them**. In this way, the sinner may leave the ranks without having to publicly acknowledge that he is a sinner. **Rabbi Yosei says**: With regard to one who has betrothed a woman forbidden to him,

הבונה, ואחד הלוקח, ואחד היורש, ואחד שנתן לו מתנה. ומי האיש אשר נטע כרם ולא חללו וגו' (שם). אחד הנוטע הכרם ואחד הנוטע חמשה אילני מאכל, ואפלו מחמשת מינין. אחד הנוטע, ואחד המבריק, ואחד המרכיב, ואחד הלוקח, ואחד היורש, ואחד שנתן לו מתנה. ומי האיש אשר ארש אשה וגו' (שם). אחד המאיר את הבתולה, ואחד המאיר את האלמנה, אפלו שומרת יבם, ואפלו שמע שמת אחיו במלחמה, חוזר ובא לו. כל אלו שומעין דברי כהן מערכי מלחמה וחוזרין, ומספקין מים ומזון ומתקנין את הדרכים:

(ד) ואלו שאין זזין ממקומן. בנה בית וחנכו, נטע כרם וחללו, הנושא את ארוסתו, הכונס את יבמתו, שנאמר (דברים כד), נקי יהיה לביתו שנה אחת. לביתו, זה ביתו. יהיה, זה כרמו. ושמח את אשתו, זו אשתו. אשר לקח, להביא את יבמתו. אינן מספקין מים ומזון ואינן מתקנין את הדרכים: (ה) (שם כ) ויספו השטרים לדבר אל העם ואמרו מי האיש הירא ורד הלבב ילך וישב לביתו. רבי עקיבא אומר, הירא ורד הלבב, כמשמעו, שאינו יכול לעמד בקשרי המלחמה ולראות חרב שלופה. רבי יוסי הגלילי אומר, הירא ורד הלבב זהו

including a widow betrothed to a High Priest; a divorcée or a *yevama* who performed *halitza* [*halutza*] betrothed to a common priest; a *mamzeret* or a Gibeonite woman betrothed to an Israelite; or a daughter of an Israelite betrothed to a *mamzer* or a Gibeonite; this man is he whom the verse calls “fearful and fainthearted.” He fears that his sin will jeopardize his safety in the war.

(6) The mishna continues its discussion. The verse states: “**And it shall be, when the officers conclude speaking to the people, that captains of legions shall be appointed at the head of the people**” (Deuteronomy 20:9). The mishna adds: As well as at the rear of the people. The officers station guards [*zekifin*] in front of them, and other guards behind them, and they have iron rods [*kashilin*] in their hands. And with regard to anyone who attempts to turn back and flee from the war, the guard has license to beat [*lekape’ah*] his legs because the beginning of fleeing is a downfall on the battlefield, as it is stated: “Israel has fled before the Philistines, and there has been also a great slaughter among the people” (I Samuel 4:17), and likewise it says further on: “And the men of Israel fled from before the Philistines, and fell down slain in Mount Gilboa” (I Samuel 31:1).

(7) The mishna adds: In what case are all of these statements, with regard to the various exemptions from war, said? They are said with regard to elective wars. But in wars whose mandate is a mitzva, everyone goes, even a groom from his room and a bride from her wedding canopy. Rabbi Yehuda said: In what case are all of these statements, with regard to the various exemptions from war, said? They are said with regard to wars whose mandate is a mitzva. But in obligatory wars, everyone goes, even a groom from his room and a bride from her wedding canopy.

המתירא מן העברות
שבִּידוֹ, לְפִיכּוֹ תִּלְתֶּה לּוֹ
הַתּוֹרָה אֶת כָּל אֵלוֹ, שְׂיִחְזוֹ
בְּגִלְלָן. רַבִּי יוֹסִי אוֹמֵר,
אֶלְמָנָה לְכֶהֱן גָּדוֹל, גְּרוּשָׁה
וְחִלּוּצָה לְכֶהֱן הִדְיוּט,
מִמְזוֹרָת וּנְתִינָה לְיִשְׂרָאֵל,
בֵּת יִשְׂרָאֵל לְמִמְזוֹר וּלְנִתִּין,
הָרִי הוּא הִירָא וְרַךְ הַלֵּב:
(ו) (שם) וְהָיָה כְּכֹלֶת
הַשְּׂטָרִים לְדַבֵּר אֶל הָעָם
וּפְקֻדוֹ שְׂרֵי צְבָאוֹת בְּרֹאשׁ
הָעָם, וּבַעֲקֵבוֹ שֶׁל עָם.
מַעֲמִידִין זָקִיפִין לִפְנֵי הָעָם,
וְאַחֲרֵים מֵאַחֲרֵיהֶם,
וְכַשִּׁילִין שֶׁל בְּרוֹל בִּידֵיהֶן.
וְכָל הַמִּבְקֵשׁ לַחְזוֹר, הָרְשוּת
בִּידוֹ לְקַפֵּחַ אֶת שׁוֹקֵיו,
שֶׁתַּחֲלֹת נִיסָה נִפְּלָה,
שֶׁנֶּאֱמַר (שְׁמוּאֵל א ד) נָס
יִשְׂרָאֵל לִפְנֵי פִלְשְׁתִּים וְגַם
מִגִּפָּה גְּדוֹלָה הָיְתָה בָּעָם,
וְלָהֶן הוּא אוֹמֵר (שם לא)
וַיִּנָּסוּ אֲנָשֵׁי יִשְׂרָאֵל מִפְּנֵי
פִלְשְׁתִּים וַיִּפְּלוּ חֲלָלִים וְגו':
(ז) בָּמָה דְּבָרִים אֲמוּרִים,
בְּמִלְחַמַת הָרְשׁוּת. אֲבָל
בְּמִלְחַמַת מִצְוָה, הַכֹּל
יוֹצְאִין, אֶפְלוּ חֲתָן מִחֻדְרוֹ
וְכֹלָה מִחֻפְתָּהּ. אָמַר רַבִּי
יְהוּדָה, בָּמָה דְּבָרִים
אֲמוּרִים, בְּמִלְחַמַת מִצְוָה.
אֲבָל בְּמִלְחַמַת חֻבָּה, הַכֹּל
יוֹצְאִין, אֶפְלוּ חֲתָן מִחֻדְרוֹ
וְכֹלָה מִחֻפְתָּהּ:

16. Sifrei Devarim 192:1

(Devarim 20:3) "And he shall say to them "Hear, O Israel, who is the man that is fearful and faint-hearted...and the officers shall continue": Why was all this stated? So the cities of Israel should not be desolate. As Rabban Yochanan ben Zakai has said: Come and see how G-d cares for human dignity. When one [soldier] returns, the others would

ספרי דברים קצ"ב:א'
מי האיש הירא ורך הלבב, ויספו
השוטרים, למה נאמרו כל הדברים
האלו שלא יהו ערי ישראל נשמות
כדברי רבן יוחנן בן זכיי. בוא וראה כמה
חס המקום על כבוד הבריות מפני הירא
ורך הלבב כשהוא חוזר יאמרו שמא
בנה בית שמא נטע כרם שמא ארס

say "maybe he has just built a house" or "maybe he has betrothed a woman". All had to bring proof besides the fearful one whose situation was evident. He heard shields clashing and was scared, blaring trumpets and was shaken, he sees swords being wielded and he loses control of his bodily functions.

17. Tosefta Sotah (Lieberman) 7:21

And the officers..and the fearful and tender hearted, etc. that he was afraid because of an offense he had committed... the words of Rabbi Yosa of Galilee. Rabbi Akiva said: Who is *the man who is afraid*? certainly. Then why does Scripture continue *the tender-hearted*? because even the mightiest of the mighty, and the strongest of the strong, if he was merciful, he would return, as it says: *and he would not melt the heart of his brother with his own heart*. Rabbi Shimon said: Whoever hears the words of a priest in the campaigns of war and does not return, ultimately falls by the sword and brings down Israel by the sword and drives them out of their land and others settle in their land, as Scripture says: *another man will take it*. Could *another* refer to his uncle, or his cousin? Just as *another*, elsewhere refers to a foreigner, also here it refers to a foreigner.

אשה וכולם היו צריכים להביא עדותם
חוץ מן הירא ורך הלבב שעדיו עמו
שמע קול הגפת תריסים ונבעת קול
צהלת סוסים ומרתת קול ליעוז קרנים
ונבהל רואה שימוט סייפים ומים
יורדים בין ברכיו.

תוספתא סוטה (ליברמן) ז'כ"א

ויספו השוטרים וגו' הירא ורך הלבב,
שמתירא מן העבירה שבידו, שנ' למה
אירא בימי רע, דברי ר' יוסה הגלילי. ר'
עקיבא אומ' מי האיש הירא, ודאי, מה
ת"ל שוב ורך הלבב, שאפלו גבור
שבגבורים, וחזק שבחזקים, והיה רחמן
היה חוזר, שנ' ולא ימס את לבב אחיו
כלבבו. ר' שמעון או' כל השומע דברי
כהן במערכות המלחמה ואינו חוזר
לסוף שהוא נופל בחרב ומפיל ישראל
בחרב ומגלה אתם מארצם ובאין
אחרים ויושבין בארצם, שנ' ואיש אחר
יקחנה. אחר, יכול דודו, ובן דודו, נאמ'
כאן אחר, ונאמ' להלן אחר, מה אחר
שנאמ' להלן נכרי, אף אחר שנאמ' כאן
נכרי. שמע שמת אחיו במלחמה עד
שלא ניתן במשא, חוזר, משניתן
במשא, אינו חוזר.