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Shmuel *ben Velvel a”h*
a fellow Jew who passed away with no relatives to arrange Torah study on behalf of his *neshamah*

Enlistment Eligibility

PARSHAS KI SEITZEI 5776

(A study of the contrasting halachos of two war-related mitzvos: eradicating Amalek and warring against the Seven Nations.)

As we know, Hashem has imbued all of mankind with free will – the ability to choose to do good or evil. Unfortunately, however, many have opted for the wrong choice; in some instances, entire nations have gone down this path. And so it is that certain peoples have so devastated their way upon this earth that Hashem has deemed them worthy of eradication (cf. *Sefer Hachinuch, mitzvah 425*).

Questions of Conscription

Thus we find, for example, a mitzvah at the end of this week’s *parshah* mandating the destruction of the nation of Amalek: וְהָיָה בְּהַנִּיחַ לְךָ אֱלֹקֶיךָ לְךָ מִכָּל־אֹיְבֶיךָ מִסָּבִיב בְּאֶרֶץ אֲשֶׁר ד' אֱלֹקֶיךָ – “And it shall be, when Hashem your G-d has granted you rest from all of your surrounding enemies – in the land that Hashem your G-d is giving you as a portion to inherit – you shall wipe out the memory of Amalek from under the Heavens” (*Devarim 25:19*). Similarly, Yisrael was charged with destroying the Seven Nations indigenous to the Land of Israel: וְנָשַׁל גּוֹיִם־רַבִּים מִפְּנֵיךָ הַחִתִּי וְהַגִּרְגָּשִׁי וְהָאֱמֹרִי וְהַכְּנַעֲנִי וְהַפְּרִזִּי וְהַחִוִּי וְהַיְבוּסִי שִׁבְעָה גּוֹיִם רַבִּים וְעַצוּמִים מִמֶּךָ, וַיִּתְּנֶם ה' אֱלֹקֶיךָ לְפָנֶיךָ וְהִכִּיתָם הַחֶרֶם תַּחְרִים אֹתָם – “And (Hashem) shall cast away many nations from before you: the Chiti, Girgashi, Emori, Cana’ani, Perizi, Chivi, and Yevusi – nations more numerous and stronger than you. But Hashem shall place them before you, and you shall smite them: you must completely destroy them” (*ibid. 7:2*).

While ostensibly similar, there do exist certain curious differences between these two *mitzvos*. One major distinction relates to the participation of women in this obligation. In connection with the mitzvah of *mechiyas Amalek* (eradicating Amalek), the *Sefer Hachinuch (mitzvah 603, 604)* contends that women are exempt, as military matters are incumbent solely upon males; impressment of women into military service would seem to breach standards of propriety. However, the Mishneh L’melech points out (in his glosses to the *Sefer Hachinuch*) that the *Chinuch* himself rules differently elsewhere. When it comes to the mitzvah of wiping out the Seven Nations, the *Chinuch (mitzvah 425)* includes both men *and* women in the obligation to participate! What could account for the dramatic difference between these two *mitzvos* with regard to this central question?

The *Minchas Chinuch* adds another point that would seem to tip the scales in a certain direction. He notes that the implication of a statement of Chazal seems to support the recruitment of women in the war effort. As the Mishnah states (*Sotah 8:7*):

בְּמַלְחָמָת מִצְוָה הַכֹּל יוֹצֵאִין אֶפְלוּ חֵתָן מִחֲדָרוֹ וְכֻלָּה מִחֲפָתָהּ.

“With regard to an obligatory war, all are enlisted in the effort – even a groom from his chamber and a bride from her wedding canopy.”

Thus, it would seem that women do, in fact, participate in such *mitzvos* – as borne out in the case of the war against the Seven Nations (even according to the *Sefer Hachinuch* himself). Why, then, would the Chinuch exempt women from the obligation to wipe out Amalek?

Inside and Out

R' Tzvi Pesach Frank (*Mikra'ei Kodesh, Purim, §5*) provides a novel explanation to resolve the above issues.

He asserts that the Mishnah's mandate requiring the participation of even a bride in the war effort was, in fact, only a temporary measure. The dictum stating that women generally do not participate in military ventures is based on the *passuk* that equates women with daughters of royalty: כָּל־כְּבוֹדָהּ בְּתִמְלֶךָּ פְּנִימָה – “The true glory of a princess is internal” (*Tehillim 45:14; cf. Gittin [12a], with Rashi*). A woman's real dignity, David Hamelech proclaims, is attained by eluding the public sphere. For this reason, then, women are relieved of military engagements.

But a different situation entirely existed when Yisrael first entered the Land and commenced the battle against the Seven Nations. Not that any Torah Law was subject to change or revision, of course; but the nation was confronted by an entirely different set of circumstances. At that point, with the Land not yet subdued, there effectively was no “home” to provide internal shelter. In other words, during the fourteen-year period that Yisrael was engaged in battling for and apportioning the Land, they existed in a constant state of “outside”; they were always on the move, relocating their encampments from place to place. Thus, even had they wanted, there was no way the women could fulfill the sentiment expressed by the *passuk*. And so, since “*Kol kevudah bas melech penimah*” was anyway not an option – there was no “*penimah*” yet to go to – even the women and the *kallos* were enlisted in the campaign against the Seven Nations.

The mitzvah of eradicating Amalek, however, was governed under much different conditions. As apparent from the *passuk* cited above, this mitzvah was to be fulfilled after the Land was already pacified – “And it shall be, when Hashem your G-d has granted you rest from all of your surrounding enemies... you shall wipe out the memory of Amalek.” At that point, then, the Land was subdued, and Yisrael had permanent homes in which to rest. As a result, the dictate of “*Kol kevudah bas melech penimah*” was once again viable; women could leave the battlefield and reclaim an existence of inner modesty. This is why, explains R' Tzvi Pesach Frank, the Chinuch rules that they are exempt from the war against Amalek.

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