YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**War in Halakha**

**Rav Yishai Jeselsohn**

**Shiur #18: The Fearful and the Faint-hearted**

And the officers shall speak further to the people, and they shall say: Who is the man who is fearful and faint-hearted? Let him go and return to his house, so his brothers' heart will not melt as his heart. (*Devarim* 20:8)

Within the section dealing with those who return from war, the Torah designates separate lines for one who is “fearful and faint-hearted.” As we saw in a previous *shiur*, the words of the officers to the people are divided into two parts: In the first part, the officers send home the three categories of returnees, each of whom started something new but did not complete it: one who built a house, one who planted a vineyard, and one who betrothed a woman. Then, in a separate statement, they command the return of the fearful and faint-hearted. This distinction highlights the uniqueness of the return of the fearful and faint-hearted, as opposed to the first three returnees.

The difference between the two statements is also reflected in the wording of the Rambam, who places the commandment to the first three returnees in the mouth of the priest – after which the officer repeats it – whereas regarding the fearful and the faint-hearted:

The officer announces on his own: "Who is the man who is fearful and faint-hearted?" And another officer proclaims these words to the people. (*Hilkhot Melakhim* 7:3)

 From this difference it follows that the content of this statement is more military than spiritual; the fearful and faint-hearted hinder and impede the war in a simple practical sense, and therefore it is the task of the officers who are managing the war to see that there are no such people among the troops. We see this in the plain sense of the verses as well, in the reason that is conspicuously absent regarding the first three returnees but is explicitly stated regarding the fearful and faint-hearted: "so his brothers' heart will not melt as his heart" – here too, it sounds as if we are dealing with a concern regarding the reality of the situation.

**One Who is Fearful of the Transgressions He Has Committed**

From the distinction in the verses that we have drawn thus far, it emerges that we are dealing here with a technical law regarding the proper way to conduct a war. The fearful and faint-hearted are impediments to the war effort, due to the fear that they are liable to sow in the hearts of their comrades in arms. This stands in contrast to the other returnees, whose return may be due to other reasons. There is, however, room to suggest that there are two sides to the question of whether we are dealing here with a technical exemption for military reasons or with a spiritual-ethical exemption – depending on a Tannaitic dispute in the Mishna:

Rabbi Akiva says: "Fearful and faint-hearted" [is to be understood] literally – that he is unable to stand in the ranks in battle and see a drawn sword. Rabbi Yose the Galilean says: "Fearful and fainthearted" [alludes to] one who is afraid because of the transgressions he has committed; therefore the Torah connected all these with him, that he may return [home] on their account. (Mishna *Sota* 8:5; 44a)

When we read the *mishna* according to its plain sense, it is possible to understand that according to Rabbi Yose the Galilean, we are indeed dealing with an exemption for spiritual reasons, in the wake of the requirement that those who fight the wars of God should be so righteous that they do not speak between donning the *tefillin* of the arm and donning the *tefillin* of the head (see Gemara there), or between *Yishtabach* and *Yotzer Or* (see *Shulchan Arukh*, *Orach Chaim* 54) – but the Gemara rejects this notion:

Who is the *Tanna* of that which our Rabbis taught [in a *beraita*]: “If he heard the sound of trumpets and was terror-stricken, or the crash of shields and was terror-stricken, or [beheld] the brandishing of swords, and the urine discharged itself upon his knees, he returns [home]”? With whom [does it accord]? Are we to say that it is with Rabbi Akiva and not Rabbi Yose the Galilean? In such a circumstance, even Rabbi Yose the Galilean admits [that he returns home], because it is written: "so his brothers' heart will not melt as his heart." (*Sota* 54b)

Thus, we see that Rabbi Yose the Galilean did not come to *exclude* the laws that emerge from the plain meaning of the verse, but to *expand* the parameters of fear: not only one who fears battle for material reasons, but also one who fears that his sins will cause him to be killed, is included in the category of "the fearful and faint-hearted." Thus, even according to his view, the exemption is based on fear and the inability to fight.

**In a *Milchemet Mitzva***

The idea just advanced, that the exemption of the fearful and the faint-hearted is based on a military concern that he will “melt his brothers’ hearts,” encounters a very great difficulty in the plain sense of the *mishnayot* and the *poskim*. The concluding *mishna* of *Sota* chapter 8, the chapter dealing with those who return from war, states:

To what does all the foregoing apply? To a *milchemet reshut* [a voluntary war]; but in a *milchemet mitzva* [a war commanded by the Torah], all go forth, even a bridegroom from his chamber and a bride from her canopy. (Mishna *Sota* 8:6)

These words apparently apply even to the fearful and faint-hearted, and so it also emerges from the Rambam's ruling in chapter 7 of *Hilkhot Melakhim.* At first glance, this is puzzling; if he impairs the ability to fight, why send him out to a *milchemet mitzva*? He will be of no benefit whatsoever to the war effort, and perhaps will even cause harm!

To explain why even the fearful and faint-hearted must join the fight in a *milchemet mitzva*, we will first delve into another mitzva that relates to the same issue of fear in war.

**The Prohibition of Fear in War**

The Rambam lists a prohibition against fear in a time of war as one of the 613 *mitzvot*:

Mitzva 58 is that He prohibited us from being afraid of enemies during a time of war, and that we not run away from them. Rather, it is an obligation upon us to overcome and to stand firm and be strong against the other nation. And anyone who retreats and runs away has already transgressed [this] negative commandment. And this is what He said: "Do not be terrified of them" (*Devarim* 7:21). And this prohibition was doubled when He said: "Do not fear them" (*Devarim* 3:22). And this command was repeated frequently – not to run away and not to retreat during a time of war – since it is possible to establish the true faith in this matter. (*Sefer Ha-Mitzvot*,negative precept 58)

This mitzva is based on explicit verses:

If you shall say in your heart: These nations are more than I; how can I dispossess them? Do not be afraid of them; remember well what the Lord your God did to Pharaoh, and to all Egypt: the great trials which your eyes saw, and the signs, and the wonders, and the mighty hand, and the outstretched arm, whereby the Lord your God brought you out; so shall the Lord your God do to all the peoples of whom you are afraid. The Lord your God will also send the hornet among them, until those who are left, and those who hide themselves, perish from before you. Do not be terrified of them; for the Lord your God is in the midst of you, a God great and awful. (*Devarim* 7:17-21)

When you go forth to battle against your enemies, and see horses, and chariots, and a people more than you, you shall not be afraid of them; for the Lord your God is with you, who brought you up out of the land of Egypt. (*Devarim* 20:1)

And thus it is explicitly stated in a *midrash*:

"You shall not fear them" – this is a prohibition. (*Midrash Tannaim*, *Devarim* 20:1)

Thus we see that the Torah explicitly warned us, several times, against being afraid in war, and the Rambam maintains that this is a real negative commandment. However, several of the greatest *Rishonim* disagreed with the Rambam. The Ramban writes:

This is a promise, not a commandment. And if it were a prohibition, the officers would not add and say, "Who is the man who is fearful and faint-hearted" – who has transgressed the prohibition; let him publicize his sin and return. (*Hasagot Ha-Ramban*, ibid.)

According to the Ramban’s reading, the verses contain a promise – not a command – that God made to the people of Israel, in preparation for their entry into the land, that they will merit not being afraid of their enemies. He raises an objection against the Rambam's reading based on our *halakha*, the officers’ call to the fearful and faint-hearted: If a person who is fearful and faint-hearted transgresses a negative commandment, why should he be allowed to be excused from the war? Let him repent and overcome his fear! The Ra'avad has the same understanding as the Ramban:

Avraham said: It is a promise, not a prohibition. (*Hasagot Ha-Ra’avad Le-Minyan Ha-Mitzvot Ha-Katzar*, ibid.)

Since the Ramban maintains that this *promise* is not to be counted among the 613 commandments, he adds a commandment Rambam does not count, that he deems should be counted:

The tenth commandment is that a man who is fearful and faint-hearted is forbidden to go to war, for owing to his nature he cannot endure the rigors of war and the blows and the sword, and he will flee, and that will be the beginning of the people's defeat. This is what is stated: "so his brothers' heart will not melt as his heart." (*Hasagot ha-Ramban le-Sefer ha-Mitzvot*, forgotten negative precepts no. 10)

While the Rambam counts the return of the fearful and faint-hearted together with the other laws governing those who return from war and the High Priest anointed for war, the Ramban maintains that this is a separate mitzva*.* This difference accords with their respective views on the details of the mitzva: the Ramban writes here that there is an *obligation* on the fearful and faint-hearted to return,[[1]](#footnote-1) whereas above (in the *shiur* about those who are sent home from war), we inferred from his commentary on the Torah that the other returnees have the *option* to return, but not an obligation. The rationale for the distinction is clear and compelling: the fearful and faint-hearted are incapable of fighting and thus are liable to cause harm to those around them, so there is an obligation to prevent him from doing so; the other returnees do not cause damage in this way, but are given the option of exempting themselves from the war.

All this is true according to the position of the Ramban, who distinguishes between the two types of returnees. The Rambam, however, does not see the law of the fearful and faint-hearted as different from the other returnees. He even chooses not to mention the section of the High Priest anointed for war at all in the prohibition of fear in war, so it seems that according to him, there are two different laws related to fear in war – one that allows the fearful to return from the ranks of war and the other that prohibits fear, as enumerated in the *Sefer Ha-Mitzvot.* To appreciate the difference between the two commands, we will ask another question that has perplexed commentators on the Rambam: How can one be commanded not to be afraid? There is a fundamental Torah principle that "*ones, Rachamana patrei*" – God absolves those who are forced to sin by circumstances beyond their control. If a person cannot control his fear when he hears the sounds of war, how can the Torah forbid that feeling? Rabbi Y. F. Perlow raises this question in his work on the *Sefer ha-Mitzvot* of Rabbi Saadya Gaon:

How can it be said of one who is unable to stand up to the rigors of war and cannot see a drawn sword that he is transgressing a negative commandment? Since he is unable to do so, he is coerced by circumstances beyond his control. What can he do? Surely God absolves those who are forced to sin! (*Bi’ur al Sefer Ha-Mitzvot Le-Rasag*, negative precept 128)

We can find several answers for this difficulty.

**Ordinary Fear and Fear of the Enemy**

The *Kehilot Yaakov* suggests that a distinction can be made between a person who struggles with the "ordinary" fear of warfare and one who is afraid because he assessed the enemy's strength and is concerned about defeat:

And if he is afraid because of the danger that exists in general, one may say that that he is not included in this prohibition of "Do not fear." However, if he is afraid because he sees the greatness of the enemy's camp and he thinks he will not win the war because of the strength of the enemy's camp, or if the fear increases in him because of this – in all such cases, he transgresses the prohibition of "Do not fear." (*Kehilot Yaakov*, *Sota*, no. 6)

This answer requires further study, for this is the way of war, and the question still stands! But before he offers this answer, the *Kehilot Yaakov* addresses a different issue regarding the prohibition to fear during a war:

It would seem that one should investigate the obligation not to fear during war – whether it is a matter of trust, that one must trust in God that He will save him and not let him come to harm or injury, or whether it is a matter of self-sacrifice, that one must have no concern about his life but rather be totally dedicated to the war to sanctify the name of God. (*Kehilot Yaakov*, ibid.)

Indeed, we must consider whether the Rambam requires of a person that he strengthen his faith and confidence and thereby not come to fear, or whether it is a matter of the mental ability to fight even in the face of danger. The Ramban takes the first approach in his commentary on the Torah:

"When you go forth to battle against your enemies, and see horses, and chariots, etc." [*Devarim* 20:1] – This is a new commandment, which he declared to them now as they came into battles. And the meaning of the verse: "for the Lord your God is He that goes with you, to fight for you against your enemies, to save you" [ibid. vs. 4] is to admonish them that they should not become faint-hearted and that they should not fear their enemies. He says they should not rely in this matter on their own strength, thinking in their hearts, "We are warriors, valiant men for war" [*Yirmiyahu* 48:14]; they should only turn their hearts to God and rely on His salvation, and consider that "He does not desire the strength of the horse, and he takes no pleasure in the legs of a man, for the Lord takes pleasure in those who fear Him, in those who hope for His kindness" [*Tehillim* 147:10].[[2]](#footnote-2) (Ramban, *Devarim* 20:1)

If we accept this understanding, then the distinction put forward by the *Kehilot Yaakov* is clear: Even if trust in God cannot dispel natural fear, there is certainly no room to be impressed by the enemy's might and to fear that there is no chance of achieving victory over them, for salvation comes only from God – and it is regarding this second aspect that we are commanded not to be afraid.

**Fearing and Causing Oneself to be Afraid**

The above suggestion, that there is no prohibition to fear but rather a commandment to strengthen one's faith in God, seems logical and satisfying. However, it is difficult to accept this for the Rambam, who counts the mitzvaas a negative commandment and not as a positive one, as well as for the *Kehilot Yaakov*, who himself accepts the other side of the analysis:

On the face of it, we are forced to say that the obligation is not that one must be certain that he will not die, for the priest proclaims: "Who is the man… lest he die in battle" (*Devarim* 20:5). … If so, it must be that the obligation is to go out with a spirit of self-sacrifice and with vigor, and not mind about himself, as was suggested above. (*Kehilot Yaakov*, ibid.)

Therefore, it seems that we must offer another explanation, which also appears in the *Kehilot Yaakov*:

And furthermore, it would seem that one who is suddenly terrified because he is fearful by nature is not included in this prohibition; rather, it refers specifically to one who brings himself to a state of fear. (Ibid.)

According to this answer, the emotion of fear is not itself prohibited; what is forbidden is to engage in actions that increase one’s fear. This prohibition also finds expression in the wording of the Rambam, who introduces a new rule regarding this prohibition of fear in war:

Once a soldier enters the throes of battle, he should rely on the Hope of Israel and their Savior in times of need. He should realize that he is fighting for the sake of the oneness of God's Name. Therefore, he should place his life in His hand and not show fright or fear, and he should not think about his wife or children. Rather, he should wipe their memory from his heart, and turn away from [thoughts of] anything to [focus on] the war. Anyone who begins to think and worry in the midst of battle, and [brings himself to the point that he] frightens himself, violates a negative commandment. (*Hilkhot Melakhim* 7:15)

In addition to defining the prohibition as a prohibition against frightening oneself,[[3]](#footnote-3) this passage also conveys a practical instruction – to remove one's wife and children from his mind, since thinking about them will arouse and exacerbate his fear.[[4]](#footnote-4) This also follows from the wording of the *Sefer Ha-Chinukh*:

And one who transgresses this, and begins to think and to ruminate and to frighten himself in war, has violated this negative commandment. (*Sefer Ha-Chinukh*, *mitzva* 525)

**Feelings and Actions**

Another understanding of the prohibition may be proposed in accordance with the Rambam’s view. In his count of the *mitzvot* at the beginning of *Hilkhot Melakhim*, the Rambam records the prohibition of fear in a time of war as follows:

The obligation not to become frightened and flee in the midst of battle.

This formulation implies the prohibition is not about fear itself but about the action that comes in its wake – retreat from the battlefield. The same can be seen in his formulation in *Sefer Ha-Mitzvot*:

That He prohibited us from being afraid of the unbelievers during a time of war, and that we not run away from them. Rather, it is an obligation upon us to overcome and to stand firm and be strong against the other nation. (*Sefer Ha-Mitzvot*,negative precept 58)

We can understand from here that there is no prohibition to be afraid, for fear is indeed a matter of the heart; what is prohibited is allowing fear to influence one's actions. The Torah can certainly command us about our actions, and it commands that even one who is fearful in war must overcome his fear, understand the importance of the war, and succeed in fighting despite his fear. In his writing of the laws, the Rambam brings as support for this prohibition the words of the prophet:

Similarly, the prophetic tradition explicitly states: "Cursed be he who does God's work deceitfully. Cursed be he who withholds his sword from blood" (*Yirmeyahu* 48:10). (*Hilkhot Melakhim* 7:15)

This support text also indicates that the problem lies in the avoidance of combat. We see the same in the wording of the *Midrash Tannaim* (mentioned above), upon which the Rambam bases his understanding of the verses as a prohibition against fear in war, rather than as a promise:

"So his brothers' heart will not melt" – This teaches that if he does not wage war with all his heart, it is considered as if he shed the blood of everyone. About him it is stated: "Cursed be he who does God's work deceitfully. Cursed be he who withholds his sword from blood." (*Midrash Tannaim*, *Devarim* 20:8)

**The Return of the Fearful and Faint-hearted from the Ranks of War**

Having addressed the prohibition of fear in war, we can now attempt to answer the question raised by the Ramban against the Rambam: If there is a prohibition against fear in war, why is possible to send someone who is fearful and faint-hearted home, and help him violate the prohibition?

The *Meshekh Chokhma* (*Devarim* 20:3) suggests that there is a distinction in timing: The prohibition of fear is during the actual time of battle; one who is fearful is sent home *before* the war – which in fact *prevents* him from transgressing the prohibition. According to the above analysis of the Rambam’s position, then, there is no difficulty at all. There is certainly a level of fear that is always present in war, and that is not included in the prohibition; the prohibition is to elevate one’s fear or to allow fear to influence one's conduct in battle. The call of the officers to the fearful to return home effectively removes the need to deal with the prohibition, since it is the basic fear – which is not subject to a commandment – that permits them to return home.

Ang after all this, let us return to the difficulty raised at the beginning of our discussion: If the return of the fearful and faint-hearted stems from his fear and from the effect that fear may have on other soldiers, why should he go out to fight in a *milchemet mitzva*?

First, it is important to say that if he is indeed deemed unfit for battle from a tactical point of view, then there is certainly a prohibition to send him to fight; this is not a just a halakhic prohibition but part of the art and tactics of war. But from a halakhic point of view, the Torah's directive is that when it comes to a *milchemet mitzva*, a person must overcome his fear.[[5]](#footnote-5)

This dual statement about the fearful and the faint-hearted expresses a profound and fundamental statement about fear: it is not to be ignored, but neither should one surrender to it. What is needed is a balance between these two values, that one should know when it is appropriate to overcome his fear and remove it from his consciousness, and when it is fitting to acknowledge it and not wage war against it. With the distinction between a *milchemet mitzva* and a *milchemet reshut,* the Torah recognizes both of these modes of coping: on the one hand, it recognizes fear and that sometimes it is important to take fear into account; on the other hand, when it comes to a lofty goal that concerns God's will for the entire nation of Israel, a *milchemet mitzva*, the individual is called upon to deal with his fear – to remove from his heart those things that cause him to be afraid, to strengthen his faith in God, and ultimately to act and fight.

This is an important point and can also serve as a summary of the previous *shiurim* on the various sets of people who are exempt from going to war. There, we saw explanations that attributed all the exemptions to the idea that the person is too preoccupied with his own affairs to fight properly. And there, too, the Torah set up a similar balance – in a *milchemet reshut*, the Torah takes such preoccupation into account and exempts the person, but in a *milchemet mitzva*,it obligates him to overcome his preoccupation and fight alongside his brothers.

**Summation**

We opened with the difference between the fearful and faint-hearted and the rest of the people who return from war: that one who is fearful and faint-hearted is exempt from the army "so his brothers' heart will not melt as his heart," and so he will not cause harm to his brothers in arms. In the wake of the question as to why, despite this reason, the fearful and faint-hearted must go out to war in the case of a *milchemet mitzva*, we distinguished between two *mitzvot* pertaining to fear in war: the mitzva of the priest anointed for war, concerning those returning from the battlefield; and the prohibition of fear in war, which the Rambam counts as a mitzva while the Ramban and Ra'avad see it as a mere promise. We discussed the question of how one can be commanded to feel brave, and we determined in the process that the commandment relates not to the feeling of fear, but to the actions that accompany it. Thus, we delineated the relationship between the two commandments related to fear in warfare, and we also explained why one who is fearful and faint-hearted can be commanded in the case of a *milchemet mitzva* to overcome his fear and ensure that his fear does not affect his actions.

(Translated by David Strauss; edited by Sarah Rudolph)

1. It is important to note that the prohibition is not on the individual himself but on the military authorities – that they must not let him go to war. [↑](#footnote-ref-1)
2. See also, similarly, in Rabbeinu Yona, *Sha'arei Teshuva*, section 3, nos. 31-32. [↑](#footnote-ref-2)
3. This is also the understanding of Rabbi Y. F. Perlow (negative commandment 128): "He [the Rambam] is precise in his language, for he writes regarding the fearful and faint-hearted that his heart is not brave enough to stand in the throes of battle, but does not write that he transgresses a prohibition, for it is obvious that no prohibition whatsoever applies in such a case. It is only someone who begins to feel anxious and worry in the midst of battle, to the point that he frightens himself, intentionally bringing himself to fear, who violates a prohibition. [↑](#footnote-ref-3)
4. There is room for much discussion regarding actual practice, whether in our day this increases fear or rather allays it and enables a person to fight better. Likewise, it is necessary to discuss whether this prohibition applies only in the heat of battle or also in the hours of combat that are not a battle per se, where encouragement from home can be especially uplifting and add strength and fortitude. It would seem that each case must be considered in accordance with its time and place. [↑](#footnote-ref-4)
5. In this context, it is important to recall the incredible words of Rabbi Kook *z"l* in *Ein Aya* on *Shabbat* (56a), regarding the bill of divorce written by those going out to the wars of King David: "Not so is the portion of Yaakov, whose existence as a nation, in its form, its soul and its way of life, gives strength and glory to the very existence of the family itself in its sanctified, pure, and holy form. Thus, when the turn came to work for the good of the nation as a whole, then, as a candle in the sun, the love of family would be nullified, lest it profane the ardor of love for the nation. Going to war was not based on a calculation of the success of the individual, thinking that when he returned from the war, he would be successful and happy. No; he presented himself as if he had despaired of his private life and was going cheerfully to die a hero's and a martyr's death in the war of the Lord to exalt the honor of his people. Therefore he wrote his wife a bill of divorce to wean his heart as much as possible from family ties and from the idea of the individual that is bound up with it, being on the path of a more general and more exalted idea, the path of the holy service of the people as a whole." [↑](#footnote-ref-5)