Women in the Modern Military: A Second Look

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One of the most contentious religious issues to roil Israeli society ever since the creation of the State has been the role of women in national service in general and in the military in particular. Israel was one of the first states to draft women into the military; the government gave religious young women the option of entering national service. Haredi authorities considered even national service as a most serious violation of *halacha*, indeed an outright sin. R. Avraham Yeshaya Karelitz, the undisputed leader Israel's Ashkenazi Haredi community when the state was proclaimed (he is generally known by the title of his best known writings as *Chazon Ish*), was unequivocal in his opposition. He asserted that national service was the virtual equivalent of adultery, idolatry and murder, three sins which Jews are mandated to resist even at the cost of their lives (*yehareg ve'al ya'avor*).[1] Needless to say, *military* service was totally out of the question as well. Indeed, R. Zvi Pesach Frank, the head of Haredi Beit Din and Chief Rabbi of Jerusalem for 36 years until his passing in 1961, explicitly stated that the drafting of women into the Israel Defense Forces (IDF) was a *gzerat shmad*, a decree compelling Jews to abandon their faith for another.[2] Such hyperbolic statements reflect the depth of opposition that the Haredi leadership[3]evinced toward the policy of drafting women into the military.

The starting point for R. Karelitz' opposition, and that of his many colleagues and followers, was the Biblical verse that forbids a woman to wear a man's implements: "A woman shall not wear that which pertains to a man."[4] Onkelos,

whose translation of the Torah from Hebrew to Aramaic was one of the few that were accepted by the rabbis of the Talmud, interpreted the passage to read, “a woman should not wear men’s armaments.” Similarly, the Talmudic sage R. Eliezer b. Yaakov asked, “How do we know that a woman should not go to war bearing arms? Scripture says, 'A woman shall not wear that which pertains to a man.'[5]

Of course, in Onkelos’ time, and that of R. Eliezer b. Yaakov, women did not join military forces or go to war. As the Talmud pointed out, “it is the practice of man to wage war, not of woman to do so.”[6] Or again as R. Ile'a replied in the name of R. Eleazar son of R. Simeon: “Scripture stated, ‘And replenish the earth, and subdue it;’ it is the nature of a man to conquer but it is not the nature of a woman to conquer.[7]”

Commentators in the more recent past expressed a similar viewpoint. Writing in the late nineteenth century, R. Naftali Zvi Yehuda Berlin, known by his acronym *Netziv*) focused on the inherent differences between the sexes:

Men and women are different both by nature and by custom [i.e. nurture]. It is impossible to change one’s nature in an instant, except through habit, which essentially creates a second nature. And the verse warned against… changing nature by virtue of having a woman bear a man’s equipment, that is, a woman by nature would be unable to carry a sword unless she trained herself to do so over time, and this, in turn would be preparation for her to circulate among men.[8]

R. Berlin did not even bother to note the terrible consequences that naturally would follow: he clearly thought they were self-evident.

The early twentieth century, R. Baruch Halevi Epstein observed in his popular commentary *Torah Temimah*, “War and conquest are carried out by means of armaments, and since women do not engage in such matters, these implements are meant solely for men.” His observation remained valid until well into the past century. Indeed, it precisely because this view was universally held by Jews and non-Jews alike that the Greek myth of the Amazons, and centuries later, the saga of Joan of Arc, never ceased to capture the popular imagination.

The fact that non-Jews did not conscript women into their armies was cited by R. Eliezer Waldenberg asserted in a lengthy essay in his volume entitled “The Laws of the State” (*Hilchot Medina*). As he put it after arguing the case from Biblical references,

We learn from all of the foregoing that it is both a Biblical injunction and a matter of societal practice conducted and accepted from the beginning of time by the kings of the Nations that women are exempted from the obligation to participate in warfare, whatever its purpose, and is not even obliged to guard installations since her honor is purely focused on the management and sustenance of her household, and it is in this she prides herself.[9]

R. Waldenberg wrote these words in the early 1950s, when the State of Israel was virtually alone in drafting women into the military. He was basing himself on the writings of previous Torah leaders, for whom not only was a woman bearing arms a practice that the "nations" frowned upon, but for whom the notion of a Jewish military was as remote as that of a Jewish state. The laws relating to military matters were laws for Messiah's times; Maimonides, alone among the greatest of the codifiers, chose to include these laws in his classic compendium, *Yad Hazaka*.

Women in Contemporary Armed Forces

Today's situation is truly different. The State of Israel is a reality that was unimaginable to *halachists* writing before the 1940s, and indeed, virtually until May 1948. As for women in the military, they now not only serve in the armed forces of most countries, but also serve in combat. The United States enables women to serve in land, air, sea and undersea combat units; since Jewish women, and some number of Orthodox Jewish women, are also serving in the American armed forces, they too are in a position to serve in combat units, indeed they may well be assigned to them.

Women also have risen to achieve the highest ranks within the US armed forces. General Lori Robinson, United States Air Force, currently serves as Commander of the Northern Command. Her four-star rank is the highest than can be achieved in peacetime. Admiral Michelle Howard, United States Navy, also a four-star, is commander of US Naval Forces Europe and Africa, and previously served as the four-star Vice Chief of Naval Operations. The first American female four-star general was Ann Dunwoody, who in 2008 was named commander of the Army Materiel Command, the unit that equips, outfits, and arms U.S. soldiers. While the Material Command is a supporting command, both General Robinson and Admiral Howard are commanding combat forces. No American Jewish woman has as yet risen to such lofty heights, but Jewish women are serving in the chain of command; indeed, all Jewish graduates of the military academies, like their non-Jewish counterparts, immediately join the active forces as junior officers.

America is certainly not the only military power whose senior commanding officers are females, nor whose women serve in combat roles. Valerie Andre was France's first three star general; prior to her appointment in 1981, she had served as a combat search and rescue helicopter pilot. Admiral Anne Cullere became France's first three-star admiral in 2015; she previously had commanded French maritime forces in the Pacific . Other states that currently have women serving in combat roles include Australia, Canada, Denmark, Germany, New Zealand, Norway and Sweden. Clearly, the argument that "societal practice conducted and accepted from the beginning of time by the kings of the Nations that women are exempted from the obligation to participate in warfare," no longer is valid.

The Dangers of Fraternization

There is, of course, a second reason why the rabbis forbade, and Haredi rabbis continue to forbid, women to serve in the military: their long-standing concern regarding the mixing of the sexes. In this view, women have but one mission in life, to procreate, and they should not engage in activities that are certain to lead them to illicit sexual behavior. Thus, the twelfth century Spanish Biblical commentator Abraham ibn Ezra asserted that "a woman was only created to procreate and if she were to join men in war she would alight on the path of adultery."[10] The thirteenth century scholar R. Hezekiah b. Manoah, better known as *Hizkuni* proffered a similar opinion in almost identical language: a woman should never bear arms because "doing so is disgraceful and licentious. For that reason," he continued, "Yael [the heroine of the Book of Judges] used neither sword nor spear but a sledgehammer and stake to crush [the Midianite general] Sisera's brain …a woman was created only to procreate and if she goes off to war she will accustom herself to harlotry."[11] R. Bahya b. Asher, better known as Rabbeinu Behaye (1255-1340), likewise interpreted the passage forbidding a woman to wear a man's equipment as an explicit ban on a woman going to war "which will be a cause of harlotry."[12]

Basing himself of the writings of Ibn Ezra, as well as on *Hizkuni*, R. Waldenberg extended the prohibition on a woman bearing arms to service in the military even if she did not bear arms at all. He derived this view from the fact that the medievalists were concerned about a woman being susceptible to harlotry, which could result either from her own inclination, or through seduction by her male counterparts. R. Waldenberg therefore concluded that "the prohibition promulgated by the geniuses and giants of Torah that it drafting women in a military framework of any kind violates a major prohibition, and any law that will be passed by those…who do not heed the Torah will not be binding on the Jewish nation that is bound by its belief, tradition and lifestyle by the Torah."[13]

R. Zvi Pesach Frank likewise opposed women's service in the Israeli military on the grounds that it fostered licentiousness. He made it clear that interpreting Talmudic rulings one way or the other was irrelevant because, as he put it,

we see the bitter consequences of drafting girls, for the majority of them were corrupted by their service in the military and the majority of parents [of these girls] ended up in tears seeing their daughters absorbed by apostasy…what is the point of discussing a girl's entering the military when the matter is clear that the outcome will be her rejection of any element of Judaism and she will be as impure as one guilty of illicit relations.[14]

R. Ovadia Yosef, whose support for the State of Israel was beyond doubt,[15] nevertheless opposed women's service in the Israel Defense Forces. For example, in the course of discussing whether one could testify in court under oath that a girl was religious and therefore exempt from military service, he observed that doing so "is certainly a great and good deed (*mitzva rabba*) and one should not be too self-righteous so as not to testify."[16] Another leading Sephardi rabbi, R. Haim David Halevy, the former Chief Rabbi of Tel Aviv and like R. Yosef, a moderate on many halachic issues, unequivocally opposed the notion of women bearing arms in a military context, though he permitted them both to train and bear arms for domestic self-defense purposes**.[17]**

Most recently, Chief Rabbi Yitzhak Yosef, son of R. Ovadia, has reasserted his, and the Chief Rabbinate's, opposition to women serving in combat roles, or indeed any military role, or even undertaking national service. As he has stated, "it is the ruling of all the great rabbis of the generations, including Israel's chief rabbis, the position of the Chief Rabbinate—it has always been their position that girls must not enlist in the army…there are female pilots, all sorts of stuff. Is that the way of the Torah?! That's not the way of the Torah." Like rabbis of previous generations, he too is deeply concerned about female modesty, stating that "women who went [to war]…didn't wear uniforms and pants and the likes, of course not. They went in modesty, in purity.**"[18]**

Is *Milhemet Mitzvah* the Great Exception?

Despite the prohibition on a woman bearing arms, the rabbis appear to have identified one exception to the principle that a woman should not engage in warfare. This was the case of a *milhmet mitzvah*, a mandated war. In such a case, the Mishna states: "In obligatory wars all go forth, even a bridegroom from his chamber and a bride from her canopy.[19]" Maimonides asserted that defending

Israel from an adversary (*ezrat Yisrael miyad tzar*) qualified as a mandatory war, [20] and therefore, women were called upon to participate in its operations.[21] R. Moshe di Trani (known as Mabi"t), whose published a volume that listed the sources and/or rationales for Maimonides' rulings, quoted his statement verbatim, with no additional comment, clearly indicating that he supported Maimonides' position.[22]

Maimonides did not provide sources for his rulings, but he appears to have derived his position from a discussion in the Talmud Yerushalmi explaining the circumstances under which the Mishna asserted that all were called into battle. The Yerushalmi differentiated between a defensive war that involved repelling an attack on the Jewish homeland, and a preemptive operation to prevent such an attack. It was in the case of the former type of conflict that Maimonides issued his ruling, as his employment of the phrase *ezrat Yisrael min hatzar haba eleihem* (defending Israel from an enemy that was attacking them) clearly attests.[23]

R. David ibn Zimra, the seventeenth century leader of Egyptian Jewry known by his acronym *RadVaZ*, and one of the foremost decisors of his or any era, explained that Maimonides was referring to what the military in our times terms "service support." As he put it," the provision of water and food for their husbands," with the term "husbands" referring generically to menfolk. Importantly, he cited as the basis for his assertion not a Biblical or Talmudic passage but rather the practice of his time among non-Jewish armies. He noted: "this is the custom today among the Arabs."[24]

While at first glance it would appear that RadVaz was writing about women supporting their husbands and no one else, later rabbis, ranging from the nineteenth century Talmudic commentator, R. Shmuel Shtrashun to R. Shmuel Vozner, revered in the Haredi world as one of its leading contemporary decisors, interpreted his statement to mean that women could support all soldiers, not just their husbands.[25]

R. Israel Lifschitz (1782-1860) went further than RadVaz by expanding the range of support permissible to females. Acknowledging that "a woman is not a warrior" he then stated "she can emerge [i.e. even from her wedding canopy] to provide food and fix roads."[26] And he added that she could do so in both h a mandatory war against Amalek and one against the Seven Nations. It is noteworthy that neither he, nor RadVaz stated that women could not provide support under fire. In other words, a woman's role in combat service support could extend what in modern terms would be combat engineering, a task that in American forces is carried out both by a variety of Army battalions as well as by Navy Seabees

(Construction Brigades) and the Air Force's RED HORSE (Rapid Engineer Deployable Heavy Operational Squadron Engineer) squadrons.

Whether Israel's wars are indeed mandatory has been the subject of controversy since the founding of the State, and begin with varying interpretation of the aggadic assertion that prior to the exile Jewish people swore not to attempt to retake the land of Israel by force of arms and not to rebel against the nations of the world.[27] The logic behind this aggada was unimpeachable at the time. The first vow derived from the reality that the Roman Emperor Hadrian had utterly crushed the Bar Kochba rebellion of 132-135 CE which had constituted the second armed uprising against Rome in less than a century. While the earlier rebellion in 70 CE had resulted in the destruction of the Temple, the Bar Kochba revolt resulted in the loss of tens of thousands of Jewish lives and the utter destruction of Jerusalem. The failed uprising of the North African Jewish Diaspora against Rome (115-17) during the reign of Trajan, Hadrian's predecessor, clearly prompted the second vow. The issue that confronted rabbinic leaders with the emergence of the Zionist movement and the prospective creation of a Jewish state was whether the vows still applied under radically different international political circumstances.

Those rabbis who supported the State's creation and the War of Independence that followed immediately thereafter offered arguments along the lines of those that the logic that R. Shlomo Yosef Zevin offered in an article that appeared many years later. R. Zevin marshalled several arguments to support his assertion that the two oaths no longer were in force and indeed, may never have been. He pointed out that according to some authorities, the oaths actually were administered to unborn souls to whom they would apply at some future time. R. Zevin noted that such oaths had no halachic validity. Moreover, even if the oaths actually applied in a real sense, the Balfour Declaration, and the vote of the United Nations indicated that the nations of the world accepted the State's creation and therefore no rebellion was involved. Finally, since the Talmud also records that the nations vowed not to oppress the Jews excessively, an oath which the Holocaust clearly violated, the oaths imposed on Israel no longer were binding.[28]

In addition to the aforementioned arguments, there was the reality that the War of Independence was a defensive war, that fit neatly into Maimonides' category of *ezrat Yisrael miyad tzar* as indeed were those of 1948, 1956, 1967 and 1973, as well as the 2006 war against Hezbollah and the various incursions into Gaza in response to rocket attacks on Israeli territory. All of these wars and operations have been what Richard Haass has called "wars of necessity" and therefore

mandatory.[29] It is in this light that R. Nahum Rabinovitch has written, “In our current situation where enemies threaten us from every direction…there is no greater *milhemet mitzvah*, for it is the essence of rescuing Israel from an adversary.”[30]

On the other hand, Haredi rabbis who were ambivalent about the State because of its secular leadership, and even some more modern, but halachically conservative rabbis, have been far more circumspect about designating Israel’s wars as mandatory, while the most extreme of that group, notably R. Yoel Teitelbaum, the Satmar Rebbe, actually saw such wars as the work of the devil.[31]

Female Military Service in Israel’s Mandatory Wars

Even those rabbis who view Israel’s wars as mandatory do not agree among themselves regarding the role, if any, of women in the military.

As noted above*, RadVaz* accepted that women could support men in battle with food and other provisions**.** R. Yitzhak Yosef appears to have adopted that position in a very literal manner, when he has stated that the only tasks women could carry out in support of –but not as part of—the IDF, are cooking and laundering**.** **[32]** There is, however, an alternative interpretation of *RadVaz*’ dictum.

Nowadays, the activities that *RadVaz* permitted are termed combat service support, which, in the United States is often shared between unarmed contractors and uniformed military who may be armed.[33] The range of combat service support activities has, not surprisingly, markedly expanded since the sixteenth century, when *RadVaz* articulated his views. It applies both at home and in the combat theater, and includes materiel and supply chain management, maintenance, transportation, health services, all of which are geared to enable air and ground forces to accomplish their missions in combat. Beyond these roles are the piloting of unmanned aerial vehicles (UAVs), which can take place literally thousands of miles from the combat theatre. While not strictly speaking combat support, much less service support, such operations involve a degree of safety that is at least equal to, if not greater, than in-theatre combat service support activities. Moreover, non-military agencies also fly what are popularly known as drones; is it simply a matter, then, of wearing a uniform? In any event, it is arguable that, according to *RadVaz*, at a minimum, women could serve as combat service support contractors, and perhaps even in military service support units, since they would probably only carry small arms for self-defense, which, as noted, R. Haim Yosef Halevy would permit.

The anonymous author of *Sefer HaHinuch* wrote that women were commanded to participate in military operations against the Seven Nations indigenous to the Land of Israel; these operations were mandated by the commandment to eliminate all vestiges of these Nations.[34] On the other hand, when addressing h the commandment to destroy Amalek—another archetype of a mandatory war—he seemed to discount the Mishnaic statement regarding the role of women in such a conflict, writing that it was solely the province of males, "for it is for them to prosecute a war and revenge against the enemy, and not for women."[35]

The nineteenth-century commentator R. Yosef Babad, author of *Minḥat Ḥinuch*, the authoritative commentary on the thirteenth century *Sefer Haḥinuch* noted that whereas the *Ḥinuch* limited to men the conduct of warfare against Amalek, he included women in another *milḥemet mitzva,* namely the war against the Seven Nations.[36] R. Babad therefore concluded that the Ḥinuch's limitation in the case of Amalek was not a prohibition per se, but simply a description of usual practice.[37]

R. Yehuda Hertz Henkin goes beyond R. Halevy in permitting women to bear arms, as in his opinion arms are no longer unique to men. At a minimum, they can do so *bediavad* (that is, having borne arms, they can continue to do so—and once they have been drafted into the army they are certainly in a *bediavad* circumstance, as they must follow orders. Though he accepts the reality of women serving in the IDF, he prefers that they not do so and he certainly sees no obligation that they do so. He asserts that the Maimonidean formulation of *ezrat Yisrael miyad tzor* does not *ipso facto* mean going to war; one can "help Israel in the face of an enemy" in ways other than by conducting military operations, and, by extension, one need not serve in the military in order to "help Israel."[38]

R. Yehuda Shaviv does not challenge the generally held notion that *ezrat Yisrael miyad tzor* is subsumed under the category of *milḥement mitzva*. He also accepts that women can have some roles in the military; indeed, he does not seem to insist that they only do so *bediavad*. Like *RadVaz*, he emphasizes logistics support. But he conditions his acquiescence on women being separated from men in the course of their duties.[39] In practical terms, this would mean that women would serve in units segregated by sex, such as the Women's Army Corps and the Navy's Women Accepted for Volunteer Emergency Service, or Waves that the United States organized during World War II. Such units no longer exist in fully modern militaries. In his view, therefore, women's service in integrated units cannot be reconciled with the religious prohibitions on relations between the sexes. Therefore, it is difficult to see how R. Shaviv would permit women to perform even medical support, though in peacetime Orthodox women do so

alongside men on a daily basis in Israel's hospitals.

Contrary to R. Yitzhak Yosef's assertion, noted above, that the Chief Rabbinate opposed any form of women's military service, Rabbis Isaac Herzog and Isaac Nissim both permitted women to serve in the religious units of the *Nahal* brigade, the unique combat unit that David Ben Gurion created in 1948 that combined part-time military service with agricultural activities to support newly founded *kibbutzim*.[40] R. Isser Unterman went even further, permitting women to serve in regular units, as long as they kept their religious traditions.[41]

R. Shlomo Goren likewise took a fully permissive position on this issue. In his volume of responsa on military matters published while Chief Rabbi of the Israel Defense Forces, R. Goren devoted an entire section to the female soldier's religious obligations on Shabbat.[42] For example, he addressed the question of a female soldier lighting candles for Shabbat. When questions such as this one were posed to him, he could easily have replied that a woman should seek to leave the military as soon as possible. Instead, he dealt with the questions at hand; in the case of Shabbat candles he replied that a woman could light them while serving, and that either a man or a woman could do so on behalf of entire units if they were assembled in dining facilities.[43]

Finally, R. Shemariah Menashe Adler devoted an entire volume of his multi-volume work *Mar'eh Cohen* to make the case that female service in the military was not optional but rather mandatory, and that arguments about nature of the war in question were beside the point. As Marc Shapiro has written:

[R. Adler's] fundamental point is…If the wars in Israel are to be considered *milhemet reshut* then there is no difference between men and women; both are forbidden to join the army. On the other hand, if the wars are in the category of *milhemet mitzvah, all* are obligated to fight. This is a commandment which cannot be annulled simply because of the fear of immodest behavior."[44]

On the other hand, there are those who would make the case that there is no role for a woman in the military even in a mandatory war. Drawing upon the language of the *Sefer HaHinuch* in the context of the war with Amalek R. Waldenberg asserted that not only were women not required to participate in a *milhemet mitzva*, they were absolutely forbidden to do so. He based his opinion not on the prohibition on women carrying arms but, in alignment with R. Frank, to the need to "distance our holy nation from promiscuity."[45]

R. Yehuda Gershuni also worried about licentiousness, but not on the part of the woman. Reflecting a view that has long been widespread in the Haredi community, he argued that a woman herself would not give in to temptation, or even be tempted. Instead, by circulating among her male counterparts, she would instill a spirit of licentiousness *in them*. Therefore, better than a woman not serve in the military than that she cause others to sin.[46] As noted above, however, it is questionable whether speculations about human nature that have never been demonstrated scientifically can override an obligation imposed by the Torah.

R. Shlomo Min Hahar concluded that women could not serve in any military capacity, including combat service support. He offered two justifications for his position. Expanding the argument that others had made before him, he focused on licentiousness during combat, since the same impulses that led a man to kill would also lead to lust.[47] He also offered a second reason: that the Biblical injunction against permitting the fearful to engage in combat would eliminate any females from doing so. Since the majority of women would be fearful, one could ignore the minority who are not.[48] The facts do not support this latter case however: American females have been wounded and killed in battle, yet they continue to volunteer for military service. Since females can avoid military service in the IDF, should they choose to do so, those who serve are essentially volunteers. And there is absolutely no evidence that the majority of women who volunteer fear entering a combat zone, or engaging in combat operations.

Because he was writing in 1983, before the spread of UAVs to many states (and even non-state actors such as Hezbollah), R. Min Hahar did not address the question of a woman. But it would appear that he also would not permit women operating on a base far from the combat zone. Although his argument about females fearing to engage in battle would not be relevant in this case, presumably, he would still be concerned about improper fraternization on base.

R. Avigdor Nebenzahl, rabbi of the Jewish Quarter in the Old City, also rejected the idea of any form of military service for women, even in the context of a “war of necessity.” In his view, women never participated in a *milhemet mitzva*.[49] Therefore the type of service is irrelevant. He too did not address the issue of “piloting” drones, but his unequivocal opposition to any role for women in the military would seem to indicate that he would make no distinction between service in-theater or out of it.

For those who would accept that a woman can both bear arms and serve in the military, at least in the context of fighting in a defensive or mandatory war—which R. Rabinovitch and others would characterize as a sad but permanent

and ongoing condition for the State of Israel for the foreseeable future—there arises the question of whether a woman could command other troops, specifically male troops. Avihud Shvartz has posited that women could only command other women. For him, the issue of fraternization of the sexes is the paramount concern when considering the role of women in the military.[50]

It is arguable, however, that if the basis for determining the role of women in the military is that of what other nations do, per RadVaz, a case could be made that women could indeed assume command of male troops, for, as noted, in many countries today, women not only serve, but are senior military commanders. Certainly, if one is prepared to accept that women can serve in a combat service support role, functioning in a manner that hardly differs, if it differs at all, from that of civilian contractors, it is difficult to see how their command of men in military units would be any different from their assuming management positions in a contractors performing an identical mission.

The Evolving Nature of both Military Operations and the Treatment of Women in the Military

As in many cases where contemporary developments pose particular conundrums for *halachot* that were promulgated in different times and under different circumstances, decisors and rabbinic legislators are far from in agreement. In the meantime, both the nature of military operations continues to evolve, and with it the role of humans in those operations. The interface between man and machine has yet to be fully consummated: the Department of Defense has only recently launched an initiative that seeks to exploit and expand upon the nature of that interface. The role of the female soldier, sailor and airman, already increasingly integrated into her military unit and service, will also continue to evolve alongside the changing nature of warfare. Indeed, the United States has taken major steps to ensure that “fraternization”—which initially had prompted the enraged outbursts from *Hazon Ish* and others, is also being reduced, and, when it has taken place, is being dealt with severely under the Uniform Code of Military Justice. Moreover, no officer is exempt from punishment for violating the code, no matter how high his or her rank.

There is no denying that fraternization was a major issue that the IDF chose to ignore for decades. The IDF has in recent years taken a much harder line in this matter as well. In part its stance is due to anger among the female troops that the IDF was not responsive to their own concerns about being violated by men. Perhaps, too, the increased presence of Haredi men in the IDF, as well as the growing number of Orthodox women serving in the Israeli military, has been a

factor as well. In any event, as in the United States, fraternization is no longer as common or as widespread in the IDF as it once was.

America's wars are, of course, fundamentally different from those of Israel, since the latter, as a Jewish State, is ideally meant to function according to halacha. Still, as R. Herschel Shachter has written, other nations "are only justified in waging wars that are parallel in nature to what would be considered *milchemet mitzvah* for the Jewish nation. It appears that *milchemet mitzvah* refers not only to wars of self-defense, but also to wars in defense of one's country."[51] Therefore, while it is clearly not the case that wars in which America engages are *milḥemet mitzvah*, it is also arguable that since American military operations are designed to protect its citizens, including its Jewish citizens, it may be possible to stretch the definition of *ezrat Yisrael miyad tzor* to include such operations as well. After all, many American Jewish congregations, including modern Orthodox ones, pray for the welfare of America's troops precisely because they are fighting to protect all Americans, among them Jewish Americans. This argument has even more force given the fact that the threats against which America is fighting today are terrorists and other non-state actors who target not only Americans in general, but Jews in particular, and, for that , matter the State of Israel as well.

It is doubtful that the ongoing changes in both the means by which war is fought, and the treatment of women in the military, will have the slightest effect on many *Haredi* decisors. Their opinions regarding the intermingling of the sexes has hardened in recent years; and neither the evolution of combat operations, nor any regulations adopted either by non-Jewish militaries, or the IDF, will convince them to moderate their views. On the other hand, these changes may further moderate the views of those decisors who have chosen to address in constructive manner the issues of female membership in the military; the military occupational specialties (MOS) they might assume; and the commands to which they could ascend, whether in Israel, the United States, or other freedom-loving democracies.

[1] R. Avraham Yeshaya Karelitz, *Kovetz Igros*, 112, quoted in R. Yehuda Hertzl Henkin, "*Nesiut Neshek Al Yedei Nashim V'Sheirtuam BaTazava*" ("Women bearing arms and serving in the military") *Tehumin* 28 (5768/2008), 271.

[2] R. Zvi Pesach Frank, "*Mavo: Bidvar Giyus Nashim U'Vnei Torah V'Yeter Hadevarim Hamista'afim Me'hasefer*" (Introduction: In the matter of the Conscription of Women and Yeshiva Students and other Derivative Issues in this Volume), in R. Eliezer Waldenberg, *Hilchot Medina*, vol. 2 (Jerusalem: Mossad Harav Kook, 1953), 14.

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[4] *Deut.* 22:5.

[5] TB *Nazir* 59a.

[6] TB *Kiddushin* 2b.

[7] TB *Yevamot* 65b.

[8] Naftali Zvi Yehuda Berlin, *Ha'amek Davar*, (Jerusalem: El Hamekoroth, 1975), Deut. 22:5

[9] Waldenberg, *Hilchot Medina*, vol. 2, 73.

[10] Abraham Ibn Ezra, *Commentary*, *Deut.* 22:5.

[11] R. Hezekiah b. Manoah, P*eirush HaHiskuni*, *Deut*. 22:5

[12] Chaim Dov Chavel, *Rabbeinu Behaye al Hatorah* (Jerusalem: Mossad Harav Kook, 1994), 384.

[13] *Ibid.*,77.

[14] Frank, "Introduction: *Bidvar Giyus Nashim*," in *Ibid*., 14.

[15] For a thorough discussion of R. Ovadia's complex relationship with the State, **see Lau especially pp.**

[16] R. Ovadia Yosef, *Sh"ut Yabia Omer*, vol 1, *Yoreh Deah* 17 **(**Jerusalem: 5746/1986), 222.

[17] Haim David Halevy, *Aseh Lecha Rav*, vol 3, no 24 (Tel Aviv: n.d.), 92-96.

[18] Quoted in Kobi Nachshoni, "Sephardic Chief Rabbi: Women in the army? Only to cook and do laundry," December 11, 2016 http://www.ynetnews.com/articles/0,7340,L-4891186,00.html

[19] *Mishna Sota* 8**:**7.9 (appearing in TB *Sotah* 44b). The phrase bridegroom from his chamber and a bride from her canopy" is echoes the identical passage in Joel 2:16**.**

[20] R. Moshe b. Maimon (Moses Maimonides), *Mishne Torah/Yad Haḥazaka, Hilchot Melachim* 5:1.

[21] *Ibid.,* 7:4.

[22] Moshe MiTrani, *Kiryat Se*fer (New York: L. Reinman, 1953), 573.

[23] See TJ Sotah 37b; see also R. David ben Naftali Frankel, *Korban Ha'eda*, loc. cit., s.v. *hachi garsinon R. Yehuda omer*, and R. Yisrael Meir Lau, *Sh"ut Yaḥel Yisrael*, vol. 3 (Jerusalem: 5763/2003), 260.

[24] R. David Ibn Zimra, *Mishne Torah*, *loc. cit.,* s.v*. Bameh Devarim Amurim Shemachzirin*.

[25] R. Shmuel Shtrashun, *Hagahot V'Hidushei HaRasha"sh*, Sotah 44b, s.v. *BeMishna Bame Devarim Amurim*; R. Shmuel Halevi Vozner, Sh"ut Shevet Halevi, vol.3 (Bnai Beraq: 2002), 87.

[26] R. Israel Lifschitz, " *Tiferet Yisrael*," in *Mishnayot Seder Nashim im Peirush Rabbeinu Ovadia MiBartenura v'im ikar Tosefot Yom Tov b'shelimuto v'im Peirush*

Tiferet Yisrael (Vilna: Widow and Brothers Romm, 1911), 258.

[27] TB *Ketubot* 111a.

[28] R. Zevin's arguments are summarized in J. David Bleich, *Contemporary Halachic Problems*, vol. 1 (New York and Hoboken: Ktav/Yeshiva University Press, 1977), 13-16.

[29]It is arguable that the expansion 1982 Lebanon War, which was masterminded by Ariel Sharon, may well have been what Haass terms "a war of choice" and what rabbinic literature calls "a permissible war" (*milḥemet reshut*). As he puts it: "Wars can either be viewed as essentially unavoidable, that is, as acts of necessity, or just the opposite, reflecting conscious choice when other reasonable policies are available.…What characterizes wars of necessity? The most common situation involves self-defense." Richard N. Haass: *War of Necessity, War of Choice: A Memoir of Two Iraq Wars* (New York and London: Simon & Schuster, 2009), 9-10.

[30] R. Nahum Eliezer Rabinovich*, Melumdei Milḥama: Sh'ut B'Inyani Tzava U'Vitachon* (Ma'ale Adumim: Ma'aliyot, 1994), 8. See also R. Shaul Yisraeli, "*Matzor Beirut L'Or HaHalacha*" ("The Siege of Beirut in Light of Halacha"). *Teḥumin* 4 (5743/1983), 32. R. Yehuda Herzl Henkin, who recognizes the legitimacy of the State of Israel, nevertheless distinguishes between a mandatory war and saving Israel from an enemy, identifying Israel's wars as falling onto the latter category.

[31] See, for example, R. Yoel Teitelbaum, *Kuntres Al Hageula Ve'al Hatmurah* (Brooklyn, NY: Sender Deitch, 1967).

[32] Nachshoni, "Sephardic Chief Rabbi," *loc. cit.*

[33] Not all service support, even by military units, require that individuals be armed. For example, troops deployed to serve in dining facilities (DFACs) will not be armed while cooking the food or ladling it out at mealtime.

[34] See Deut. 7:1-5.

[35] Sefer *HaHinuch*, Mitzva 603.

[36] See *Sefer HaHInuch*, Mitzva 425, and Yosef Babad, *Minhat Hinuch*, ad. loc.

[37] *Ibid*., Mitzva 604. Other commentators, who oppose the drafting of women into the military, have sought to resolve the apparent contradiction by noting that the commandment to eradicate the Seven Nations is actually quite different from that to eliminate Amalek: it is either the commandment to settle the land of Israel, or the destroy the Seven Nations' culture and property. In neither of these cases are women required to go to war, since they can fulfill the commandment in other ways.See Hanoch Henich Agus, *Marheshet* (Bilgoray, Poland: 1930), no. 22:6, and Cohen, "Drafting Women," 36.

[38] Henkin, "*Hilchot Neshek*," 274; Yehuda Herzl Henkin, *Sh"ut Bnei Banim*, vol. 2 (Jerusalem, 1992), 215.

[39] R. Yehuda Shaviv, "*Nashim BeMilhemet Mitzva*," *Tehumin* 4, *op.cit.,* 86, 89.

[40] See Marc Shapiro, "Letters," *Journal of Halacha and Contemporary Society* XVII (Spring 1989/Pesach 5749), 125.

[41] *Ibid.*

[42] General Shlomo Goren, *Piskei Hilchot Tzava* 3rd. revised ed. (Tel Aviv: IDF General Staff/Chief Military Rabbinate, 1965), Chap. 5: 71-77.

[43] *Ibid.,* 71.

[44] Shapiro, "Letters," 125-26. Dr. Shapiro was responding to the article by R. Alfred Cohen, noted above, which omitted any reference to the opinions of R. Herzog and Nissim, as well as the writings of R. Goren and R. Adler. In explaining his omission of Rabbis Nissim and Unterman, R. Cohen stated that "since they held a quasi-political office, I did not want to include their opinions, which might be construed as reflecting a political ideology." In that case, however, he should also have omitted his reference to R. Ovadia Yosef, who also held a "quasi-political office" when he was *Rishon LeTzion*, and indeed only a few months after leaving office founded Shas, a major political party! Did R. Cohen choose to cite

R. Ovadia because his view was similar to those he holds, whereas those of the other chief rabbis were not? Moreover, R. Cohen failed to explain why he omitted R. Adler, who did not hold any such office. (see *ibid*., p. 126).

[45] Waldenberg*, Hilchot Me*dina, vol. 2, 77.

[46] R. Yehuda Gershuni, "*Al HaGevurot ve'al Hamilḥamot*," *Teḥumin, op. cit.,* 66. He also rules that a woman cannotbear arms even among women.

[47] R. Shlomo Min-Hahar, "*Shituf Nashim BeMilḥama*" ("Women's Participation in War"), *Teḥumin* 4, *op. cit.,* 72.

[48] *Ibid.,* 71-72.

[49] R. Avigdor Nebenzahl and R. Yehuda Shaviv, *Nashim B'Milhemet Mitzva*, *Teḥumin* 5 (5744/1984), 364. R. Nebenzahl was responding to R. Shaviv's article in the previous volume of *Teḥumin*; R. Shaviv responded to R. Nebenzahl's critique by pointing out that while in practice women did not participate in the wars against Amalek and the Seven Nations, that was not a result of their sex, but rather because only a portion of eligible males were selected for military service against Amalek. Moreover, women in ancient times were married very young, so that when they reached the conscription age—twenty years old—they were fully burdened with children and household duties, in contrast to today's single young women of that age.

[50] Avihud Shvartz*, Ha'im Yechola Isha L'heyot Mefakedet B'Tzahal*? (Can a Woman have command in the IDF?), *Teḥumin* 32 (5772/2012), 312-13.

[51] R. Herschel Shachter, "Land for Peace: A Halachic Perspective," *Journal of Halacha and Contemporary Society* XVI, 76.