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"Taking Responsibility for Torah"

“AND THE WAR CAME”

By Rabbi Aryeh Klapper

President Lincoln’s Second Inaugural Address is among the greatest religious documents of modernity. This essay, however, is not a direct attempt to do justice to its grand themes. Rather, I want to point out a possible Torah antecedent for one of Lincoln’s rhetorical devices. But we’ll see where that leads us.

Here is the relevant paragraph from the Address. Our focus is on the final sentence.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it ~ all sought to avert it. While the inaugural address was being delivered from this place devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war ~ seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish. And the war came.

I suggest that “and the war came” is a nod to the peculiar locution G-d used in Bamidbar 10:9 to describe the war-circumstances in which Israel is obligated to blow trumpets:

וְכִי־תֵבֹאוּ מִלְחָמָה בְּאַרְצְכֶם עַל־הַצֵּר הַצָּרֵר אֶתְכֶם

When you come war in your land on the *tzar* who is *tzorer* you

“Come war” seems to be missing a prefix. Rabbi Samson Raphael Hirsch simply adds the prefix in, as if it said *lamilchamah* = “to war”, but I think his goal is to emerge with a meaning along the lines of “when war comes to you”. Here is Rav Hirsch:

When you come war –

Scripture generally uses the expression “going out to war”, whereas “coming to war” is a very rare expression.

It is found again uniquely in the words of Mosheh to the Sons of Gad and the Sons of Reuven (Bamidbar 32:6): *Shall your brothers come to war and you sit here?!*

The one who goes out to war does so with enthusiasm, of his own will;

he rejoices at the prospect of battle and goes out to war even outside his land;

On the other one hand, one who comes to war – and specifically one who ‘comes war’, as in the language of our verse –

he accepts upon himself the danger of battle only after becoming entangled in war;

the war comes without any aggression on his part, and he has no choice other than to stand against the danger.

Therefore Mosheh asks: *Shall your brothers come to war*, and in parallel; *and you will sit here?!* Your brothers would prefer, as you are preferring, to have already reached serenity and homestead, but the war is unavoidable; it reached us, and your brothers are compelled to enter the ranks – and you wish to desert from your obligation?!

As a diaspora Jew post-1948, I can’t quote Mosheh’s outraged challenge with moral confidence or emotional equanimity. But as an American, I can note that Lincoln is making Rav Hirsch’s point in a nutshell. He wishes to claim that neither side of the Civil War was *yotzei milchamah*, went out to battle with any enthusiasm; rather the *milchamah* came to them.

Lincoln is not entirely accurate as a matter of history. As he wrote one paragraph earlier, “Neither party expected for the war the magnitude or the duration which it has already attained.” The First Battle of Bull Run was a spectator sport, with both sides looking forward to easy victory. It was only after four bloody years that both sides could see themselves in Lincoln’s words, if then.

Regardless, Lincoln’s claim is only about his specific war, and Rav Hirsch has no difficulty acknowledging that people are *yotzei* to some wars. The problem from my perspective, and I think Lincoln’s, is that people often are *yotzei* to wars they should be desperately seeking to avert. The problem that Rav Hirsch hints at is that wars entered into or continued without enthusiasm yield higher rates of people seeking to avoid service.

I don’t think there is a way out of that conundrum. But one can perhaps be more careful about honestly presenting the magnitude and duration of war necessary for victory. In this regard, it’s important to acknowledge that our tradition can be used to mislead in this regard, especially when Torah arguments developed as pure intellectual constructs are applied to the real world as if they represented genuine *halakhab lemaaseh*. Sometimes they should instead just break our hearts. Consider Shu”T Avnei Nezer OC 425:

Question:

Whether Israel, when they go out to a *milchemet reshut* (=authorized war) or *milchemet mitzvah* (=obligatory war) – must they blow the trumpets, as Scripture writes: *when you come to war in your land*. or is there no obligation except when the enemies come to war on Israel, as Scripture writes *on the tzar who is tzorer you*, but not when Israel goes out to war?

Answer:

The second option seems correct to me, and there is evidence (for this position), as Rambam (Laws of Fasts Chapter 1) did not bring the mitzvah (to blow the trumpets) with regard to war specifically, rather only to blow a *teruah*-sound in a time of *tzarah* (tribulation); you must concede that when Gentiles come against Israel – that is a time of *tzarah*, but when (Israel) goes out to a *milchemet reshut*, to which one does not go out without (authorization from) a *beit din* (= Great Sanhedrin) and the Urim veTumim; and all the more so when they go out to a *milchemet mitzvah*, namely the conquest of the Land of Israel - (in such cases) they have been guaranteed *yeshuah* (= victory/salvation) – that is not a time of *tzarah*, and they are not obligated to blow the trumpets.

Imagine if someone wrote today that a *milchemet mitzvah* is not a time of *tzarah*!

This critique may be unfair. Surely Avnei Nezer was aware that according to Rambam, the category *milchemet mitzvah* includes “assistance to Israel against a *tzar*”. Avnei Nezer must have referred only to a *milchemet mitzvah* that Israel goes out to voluntarily, not one that is thrust upon it.

Let’s concede that. Yet how can we explain, or excuse, Avnei Nezer’s assertion about wars sanctioned by the Urim veTumim, when (Sefer Shoftim 20:18-25) the Urim veTumim send Israel out to be defeated with heavy casualties for the first two days of the civil war against Binyamin (in the aftermath of the killing of the Concubine of Giv’ah)?! Note also that several post-1948 halakhic authorities have argued that the sanction of the Sanhedrin and Urim veTumim is required to wage a *milchemet reshut* only when those institutions exist.

A better defense of Avnei Nezer is that he ultimately rejects this position as incompatible with Sifri

When you come war in your land – whether you are going out against them, whether they are going out against you.

as explained by Zera Avraham:

When you come war – this implies that you are coming against them
in your land – this implies that they will come against your land in war.

Maybe we should understand Avnei Nezer’s initial position as a *hava amina* with no half-life, or even as an expendable feint intended to emphasize that Sifri is ineluctably comprehensive. Of course every war is a time of *tzarah*, and of course there are no unconditional guarantees of *yeshuah*.

Shabbat shalom!

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