

Named for No One: The Draft and the Rule of Law

Aryeh Leib Thorne Toren · 12 October 2026

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By Aryeh Leib Thorne Toren

Two scenes, one morning

On the night of 5 October, Military Police soldiers went to an apartment building in Modi'in to arrest a young Haredi man who had failed to report for military service. Word spread through an alert network, and hundreds of protesters gathered. They clashed with police, and some tried to push their way into the building. Police had to be called in to get the soldiers out. The soldiers left without the man they had come to arrest.

The next morning, the IDF Spokesperson put it plainly. A large number of rioters had “acted in an organized manner” to obstruct the arrest and had endangered the soldiers’ safety; Israel Police restored order; and the IDF “strongly condemns any attempt to interfere with or harm its soldiers while they are lawfully carrying out their duties.” Enforcement against deserters and draft evaders, the statement added, will continue on an equal basis and within the army’s authority.

A few hours later, at Reichman University’s counter-terrorism conference, Naftali Bennett announced one of his party’s conditions for joining the next government: a “Deri law,” under which anyone who evaded IDF service, or encourages others to evade it, could not sit in the security cabinet. Shas answered quickly. MK Michael Malkieli promised a “Bennett law” of his own: a “political fraudster” who took the premiership with six seats, against the wishes of his voters, would be barred from running for the Knesset again.

It is worth noticing that Aryeh Deri did serve in the IDF, if briefly, and has not been a formal member of the security cabinet since the current government was formed in January 2023. The law named for him would not, it seems, touch him. Its name is the message.

About two weeks before the election on 27 October, both scenes will be filed away as campaign material. They deserve better than that. Each, in its own way, asks whether law in Israel is a covenant that binds all of us, or a weapon that one camp swings at another.

The question Moshe asked

When the tribes of Reuven and Gad asked to settle the rich grazing land east of the Jordan, Moshe’s reply was sharp: “Shall your brothers go to war while you sit here?” (Bamidbar 32:6). He warned that their request would melt the hearts of the rest of Israel, as the spies’ report had done forty years earlier (32:7–15).

That verse has become a slogan in our debate, and it is fair to use it. It is a real question; the Torah asks it, and no Jew can wave it away. A people at war, whose reservists are called up again and again, whose families are stretched to breaking, whose wounded and bereaved fill every town, is entitled to ask it of every part of Israeli society.

But read on. The two tribes do not refuse. They step forward: “We will go as shock-troops ahead of the Children of Israel until we have brought them to their place... We will not return to our homes until every one of the Children of Israel has taken possession of his inheritance” (32:17–18). And Moshe does not answer with a punishment, a ban or a law named after Reuven. He answers with an agreement. If you do this, the land is yours, “and you shall be clean before G-d and before Israel” (32:22). If you do not, the obligation stands, and the consequence is spelled out (32:23, 29–30).

The Sages took that exchange as the model for every binding condition in Jewish law. Rabbi Meir rules that “any condition that is not like the condition of the children of Gad and the children of Reuven is not a condition” (Mishnah Kiddushin 3:4). A real condition states both sides: what follows if it is kept, and what follows if it is not. That is what law looks like when it is a covenant. Its terms are clear and known in advance. It binds both parties. And it offers everyone a way to be “clean before G-d and before Israel.”

The king under the law

The Torah makes the same point about power. The king of Israel must write a copy of the Torah for himself and read from it all his days, “so that his heart will not be lifted above his brothers, and so that he will not turn aside from the commandment, to the right or to the left” (Devarim 17:20). The highest office in the land stands under the same law as everyone else.

The judge, too, is told: “You shall not favor the poor, nor honor the great; in righteousness shall you judge your fellow” (Vayikra 19:15). The law does not ask who you are. It asks what you did.

Measured against that standard, both of those scenes fall short.

The crowd

Start with Modi'in. Whatever one thinks of the rules on military service, of the exemptions or of how they are enforced, a crowd may not take a man out of the hands of soldiers carrying out an order. Not in Modi'in, not in Bnei Brak, not in Tel Aviv, and not for any cause, however dear.

Rabbi Chanina, the deputy High Priest, taught: “Pray for the welfare of the government, for were it not for the fear of it, a man would swallow his neighbor alive” (Avot 3:2). He lived under Rome, and he still knew that public order is a blessing. The alternative to it is not freedom. It is the rule of whoever can gather the larger crowd.

There is a further wound. The soldiers who were surrounded that night are the brothers in Moshe's question. Their comrades have served long months in this war, and some have not come home. To endanger them in the name of Torah is a desecration of G-d's Name that the Torah world cannot afford and should not tolerate. Most Haredi families sent no one to that building. Their rabbis and representatives can help them, and help the honor of Torah, by saying so clearly.

The weapon

Now Bennett. The demand that those who decide on war should share its burden is not absurd. Our Sages knew that there are wars in which “everyone goes out, even a bridegroom from his chamber and a bride from her wedding canopy” (Mishnah Sotah 8:7). A cabinet that sends sons and daughters into battle is better for members who know that call from the inside, and voters are entitled to weigh it.

But a law is not a slogan, and a law named after a political rival is not law in the Torah’s sense at all. It does not ask “What did you do?” It asks “Who are you?” The “Deri law” was offered as a coalition condition aimed at a named opponent. Malkieli’s “Bennett law” is its mirror image: personal, punitive, and announced as a threat. Neither proposal is really meant to be enacted. Both are meant to be heard. And both teach the public that law is something winners do to losers.

That lesson is the real danger. The young men in Modi’in that night are being told, by some of their own leaders, that the obligation to serve is a weapon aimed at them and at the Torah world. Every time a politician names a law after a Haredi leader, he confirms that story for them. If the obligation is to be accepted, and not merely imposed, it must look like the condition Moshe set: general, clear, the same for everyone, and with an honorable way to fulfill it.

Respect for the gates

There is a second half to this conversation, and the Torah world is right to insist on it. Rabbi Yehoshua ben Levi read the verse “Our feet were standing within your gates, Jerusalem” (Tehillim 122:2) as an answer to a question: what kept our feet standing in battle? The gates of Jerusalem, where Torah was studied (Makkot 10a). When the Sages were taxed for the city wall, Reish Lakish objected that Torah scholars do not need its protection, because the deeds of the righteous protect them; Rabbi Yochanan pointed instead to the Torah itself as their wall, and the Gemara goes on to exempt scholars from levies for the city’s defenses (Bava Batra 7b–8a). The Rambam writes that the tribe of Levi was set apart to serve G-d and teach His ways, and so “they do not wage war like the rest of Israel.” In the closing lines of those laws he adds that not only Levi, but any person whose spirit moves him to stand before G-d and serve Him, becomes “holy of holies,” and G-d will provide for him as He provides for the kohanim and Levites (Hilchot Shemitah v’Yovel 13:12–13). That second passage does not mention war; those who defend the yeshiva exemption read it as extending Levi’s status to the full-time Torah learner.

These sources are real, and an Orthodox writer who pretends otherwise is not being honest. They are also debated: how far the Rambam’s words reach, whether they describe an exemption from war or a way of life, and how many people they can cover in a sovereign Jewish state at war. That debate belongs in the beit midrash and in the Knesset, and it should be conducted with respect on both sides.

What does not follow from any of these sources is that a crowd may free a deserter, or that the burden of defending the people may fall on some families again and again while others carry none of it. Moshe’s question and the gates of Jerusalem are not rivals. A people that learns Torah and a people that defends itself are the same people, and the covenant asks each to see the other as brothers. Reuven and Gad crossed the Jordan with the rest of Israel. The Levites carried the Ark. No one sat on the side.

A law named for no one

So here is a modest proposal for the two weeks ahead.

To the Haredi leadership: condemn what happened in Modi'in on 5 October without qualification. You may oppose a policy by every lawful means. You cannot stand behind the use of a crowd against soldiers. Say clearly that obstructing an arrest is not an act of Torah.

To Bennett, and to every party that wants Haredi service to grow: drop the names. Write the obligation as Moshe wrote his condition, for everyone, with both sides spelled out, a respected path for serious Torah learners and a real path into service for the rest, on terms that respect their way of life. A law named for no one has a chance of being kept by everyone.

To Shas: the answer to a personal law is not another personal law. It is a better proposal.

And to all of us: the Torah's test of a law is whether the king and the shepherd stand equal under it. "You shall be clean before G-d and before Israel" (Bamidbar 32:22) was the promise held out to Reuven and Gad when they agreed to share the burden. It can be the promise held out to all of Israel.

Sources

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