**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

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**Shiur #****31**

**1914: World War I -**

***Jews Serving in Non-Jewish Armies***

The first world war broke out in July 1914. The British, the French, the Russians, and the Americans fought against the Germans and their allies in a ferocious, savage war that claimed the lives of millions. The war finally ended in 1919 with the defeat of the Germans and the signing of the Versailles treaty.

During this war, it is estimated that over one million Jews fought on both sides, with tens of thousands dying.[[1]](#footnote-1)

Jews were not always permitted to join their countries’ militaries. In fact, there were times in which Jews were even prohibited to carry arms![[2]](#footnote-2)

Rabbeinu Yaakov Ba’al Ha-Turim (author of the *Tur*)includes laws of fighting on Shabbat in his book of Halakha. This puzzled Rav Yosef Karo (author of the *Shulchan Arukh*), because both he and Rabbeinu Yaakov limit their respective books of law to practical topics. Thus, Rav Karo claims:

Nowadays, in which Israelites do not fight or (participate) in besieging cities, Rabbeinu Yaakov need not bring this *halakha*.[[3]](#footnote-3)

The great commentator on the Tur, Rav Yoel Sirkis(1561-1640), explains that Rav Karo was not aware of what was happening in the Tur’s area. He argues that although Jews no longer wage war themselves, there are armies in which they participate and fight side by side with their countrymen. Thus, these *halakhot* do indeed have practical relevance.[[4]](#footnote-4)

**Jews drafted into non-Jewish armies**

In 1788, Austria was the first country to draft its Jewish citizens into the national army by law, like all other citizens. Other countries followed, and it became more and more common in the years leading up to the First World War. The reaction within the Jewish world was divided. Many saw this trend as progress, as the Jews were becoming more and more accepted into general society. However, others disagreed. Fighting in an army endangered the lives of its Jewish soldiers. Furthermore, living as soldiers in a non-Jewish environment brought young Jewish men to violate Halakha and often even abandon their faith.

One of the darkest periods for the Russian Jewish community involved the infamous drafting of young Jewish boys who were snatched from their homes, many of them never to be seen again.[[5]](#footnote-5)

This *shiur* will discuss the halakhic question of whether Jews are permitted to join non-Jewish armies and fight in their wars.[[6]](#footnote-6) Participating in war raises questions about the halakhic legitimacy both of killing other human beings and of placing one’s own life in danger. Furthermore, Jews fighting in foreign armies often found themselves facing their own Jewish brethren in battle. There are sources that indicate Jews of one army killed Jews of another during battles.[[7]](#footnote-7)

For instance, the Rosh Yeshiva of Yeshivat Birkhat Moshe, Rav Haim Sabato, describes a terrible encounter that took place during World War I. It was told to him by Israel Moshe Farkash, who recalled his father’s tale of what happened to him in the fall of 1915:

I was on the battlefield I was fighting in a senseless war. We had gone forth on an attack in the dark of dawn, assaulting the soldiers in the trenches facing us…

…That morning, my bayonet sliced the heart of a soldier opposite me in the darkness of dawn. The soldier dropped his weapon fell to his feet and screamed in fear Hear O Israel the Lord is our God the Lord is one!

Oh, he screamed, as he fell, woe upon my seven children, woe upon my family. Fear grabbed hold of me. My entire being shook. What had I done? What evil had I perpetuated! I wanted to die. My death would be better than life. I stared at him withering in pain. And then I screamed to him, my beloved brother forgive me, I had no idea you were a Jew. Forgive me, please forgive me, please tell me you forgive me.[[8]](#footnote-8)

At this point, I believe it is important to make two very important observations: a) During the centuries in which Jews fought within foreign armies, they were usually drafted against their will; even if some drafted willingly, they didn’t have much say in the matter. I therefore do not claim to judge them. b) During World War II, over one and a half million Jews fought against the Nazis. Unlike World War I, this war had a clear evil enemy who was attempting to destroy the world and to annihilate the Jewish people. Many Jews bravely volunteered to fight in this war and took part in defeating the Nazis and their allies.

**Choosing to fight**

Our focus is more on the First World War. During this war, many Jews were happy to be drafted to their countries’ armies, and were proud to fight and die for their homelands.

Rav Sabato, however, quotes the following observation in the name of his friend, Moshe Farkash, whose father fought in that terrible war:

I have read a lot about the First World War…to this day I cannot understand what they were fighting about, why thousands upon thousands of young soldiers were injured and maimed… I understand less why the Jews fought there.[[9]](#footnote-9)

He (Farkash) also recalls that a rabbi showed him a book that quoted German rabbis who believed that:

It is a religious commandment, no less significant than other holy commandments that have been commanded by God, not only to properly fulfill all the laws of the land, but even to sacrifice one’s life. Every member of the house of Israel must do so and do everything for the welfare and wellbeing of his land**; he must sacrifice his life on the altar of his homeland**. The moment the motherland shall call upon her sons to defend her, they must be loyal in their hearts and souls to the king and to the state.[[10]](#footnote-10)

Perhaps he was referring to the ideas of Rav Shimshon Raphael Hirsch (1808-1888), who believed passionately that Jews must be loyal to their homeland,[[11]](#footnote-11) or possibly to the German *posek*, Rav David Tzvi Hoffman (1843-1921).

Rav Hoffman was asked if Jewish soldiers who were drafted to the German army and would be forced to violate Shabbat should avoid the draft. After discussing the laws of violating Shabbat during wartime, he rules that it is prohibited for any soldier to dodge the draft and if it would be known that someone did so, it would

create a terrible *chillul* *Hashem* and do a great harm to the Jewish (community) because those (people) who hate Jews will claim that Jews do not abide by the laws of the kingdom.[[12]](#footnote-12)

Rav Moshe Sofer (Chatam Sofer, 1762-1839) also considered the importance of following the laws of the kingdom as a reason to legitimize Jews serving in a national army. Like many later *poskim*,[[13]](#footnote-13) he applied the halakhic phrase *dina d’malkhuta dina* (the law of the king is the law) to permit fighting in foreign armies. The Chatam Sofer also addresses a particularly delicate matter regarding the Jewish community’s responsibility to supply a quota of men to the army. He suggests that a lottery should be used to determine who will draft, and he forbids filling the ranks with those who are not religious.[[14]](#footnote-14)

Rav Meir Eisenstaedter )1780-1852), a student of the Chatam Sofer, was asked if one may pay someone else to take his place in the draft. In the course of his response, he refers to the broader question of whether Jewish law permits participating in a war between other nations. He quotes the halakhic concept of *milchemet reshut* (optional war) and argues that the fact that the Torah allows a person to kill others and put his own life in danger during wartime, even if it is not an obligatory war, proves that it is allowed.[[15]](#footnote-15)

Rav Zev Wolf Leiter (1891-1974) argued against this opinion. In his *teshuva* on the issue, he holds the opinion that drafting voluntarily into a war where there is no obligation to do so, and where the enemy does not present any danger to life that must be defended against, is prohibited as it is considered suicidal.[[16]](#footnote-16)

The Netziv (Naftali Tzvi Yehuda Berlin, 1816-1893) gave strong support to the notion that war is legitimate.

In *Sefer Bereishit*, following the terrible flood which took the lives of virtually all the world’s inhabitants, the Torah prohibits murder. The Netziv explains:

“I will require a reckoning from a man of his brother” – When is a person punished [for murder]? At a time when it is appropriate to act with brotherhood. But this is not the case during war, when it is a time to hate. Then it is a time to kill, and there is no punishment whatsoever for so doing, for this is the way of the world… A king of Israel is even allowed to conduct an optional war, although a number of Jews will be killed.[[17]](#footnote-17)

In his commentary on *Sefer Devarim*, he also relies on *milchemet reshut* to argue that:

There is no prohibition to engage in war (because of the risk), just as a king is not cautioned against waging an optional war that causes danger to life*.* Rather, war is different… There is no prohibition for one to enter war and endanger himself.[[18]](#footnote-18)

Rabbi Moshe Shmuel Glasner (Hungary, 1856-1924) wrote a responsum specifically about the First World War, encouraging Jews to fight for their country; like others, he argued that it is a matter of *kiddush Hashem.* He even argues that the Rambam’s promise (in Chapter 7 of *Hilkhot Melakhim*), that soldiers who fight bravely are rewarded by God, applies even to the battles of the great war taking place.[[19]](#footnote-19)

**The Korean War**

Rav Soloveitchik was asked about the possibility of Jewish chaplains serving in the military during the Korean War:[[20]](#footnote-20)

May a rabbi volunteer as a chaplain in the armed forces, taking into consideration that the discharge of his duties might involve him in situations in which the violation of the law will be necessary?

His answer is positive and includes the important Jewish value that:

It is not enough to supply the warrior with the material tools of war, but it is essential that he be, also equipped with moral fortitude and a great faith.[[21]](#footnote-21)

I believe that this is testimony to the deep conviction of the Rav and many of his predecessors that loyalty and patriotism to one’s homeland is to be considered a religious value, which they felt may even justify fighting in non-Jewish armies.

However, one must question whether all this has changed with the establishment of a Jewish army in 1948. After all, the idea that one should die for “their homeland” was always questionable – and today, we have possession of the land of Israel as our homeland.

1. See *Encyclopedia Judaica* vol. 11, p.1550. [↑](#footnote-ref-1)
2. For a lengthy discussion of both the history of Jews fighting in non-Jewish armies as well as a summary of the halakhic challenges that faced the soldiers and their communities, see Yitzchak Ze’ev Kahane, *Mechkarim Be-sifrut Ha-teshuvot,* Mossad HaRav Kook*,* pp. 163-194. [↑](#footnote-ref-2)
3. *Beit Yosef* OC 249, s.v. *aval*. [↑](#footnote-ref-3)
4. *Bayit Chadash* OC 249, s.v. *ein*. [↑](#footnote-ref-4)
5. *Encyclopedia Judaica* vol. 5, pp.130-133. [↑](#footnote-ref-5)
6. Rav Shlomo Zevin introduced this question in his important article on war according to Jewish law in *Le-or Ha-Halakha*,p.57-58. [↑](#footnote-ref-6)
7. Rav Uriel Benner wrote an article on this topic; see *Hama’ayan* 211, 2015, pp.21-32. [↑](#footnote-ref-7)
8. Haim Sabato, *From the Four Winds*, translated by Yaacob Dweck, The Toby Press, 2010, p.148. [↑](#footnote-ref-8)
9. Ibid. p.135. [↑](#footnote-ref-9)
10. Ibid. p.134. [↑](#footnote-ref-10)
11. See *shiur* 22 in this series, which expanded on Rav Hirsch’s unusual opinion. [↑](#footnote-ref-11)
12. *Melamed Le-ho'il* 1:42. [↑](#footnote-ref-12)
13. Rabbi Michael Broyde explains that in addition to Rabbis Hirsch and Hoffman, Rav Yisrael Meir Kagan (Chafetz Chaim), Rav Moshe Feinstein, and Rav Yosef Eliyahu Henkin all “permit conscription into a secular nation’s draft.” See his article in *War and Peace in the Jewish Tradition*, edited by Lawrence Schiffman and Joel Wolowelsky, Yeshiva University Press, 2007, footnote 39. [↑](#footnote-ref-13)
14. *Teshuvot Chatam Sofer*, 6:29. [↑](#footnote-ref-14)
15. *Imrei Esh*, *YD* 52. [↑](#footnote-ref-15)
16. *Bet David*, 71. [↑](#footnote-ref-16)
17. *Ha’amek Davar*, *Bereishit* 9:5. [↑](#footnote-ref-17)
18. *Ha’amek Davar*, *Devarim* 20:8. [↑](#footnote-ref-18)
19. *Tel Talpiyot*, 174, Waitzen,1915, [↑](#footnote-ref-19)
20. *Community, Covenant and Commitment*, edited by Rabbi Nathaniel Helfgot, Ktav, 2005, pp.23-60. [↑](#footnote-ref-20)
21. Ibid. p.58. [↑](#footnote-ref-21)