

War and Peace in the Jewish Tradition

EDITED BY

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THE ORTHODOX FORUM

The Orthodox Forum, initially convened by Dr. Norman Lamm, Chancellor of Yeshiva University, meets each year to consider major issues of concern to the Jewish community. Forum participants from throughout the world, including academicians in both Jewish and secular fields, rabbis, *rashei yeshivah*, Jewish educators, and Jewish communal professionals, gather in conference as a think tank to discuss and critique each other's original papers, examining different aspects of a central theme. The purpose of the Forum is to create and disseminate a new and vibrant Torah literature addressing the critical issues facing Jewry today.

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Military Service: Ambivalence and Contradiction

Judith Bleich

There are many fighters in the midst of my nation.

(Hakham Isaac Aboab Da Fonseca, *Zekher Asiti Le-nifla'ot E-l*, Recife, Brazil, 1646.¹⁾

The profession of a soldier is the profession of an assassin.

(Chmoul To His Son, in Leon Cahun, *La Vie Juive*.²⁾

There upon the battlefield of honor...there also will the barriers of prejudice come tumbling down.

(Eduard Kley and Carl Siegfried Günsburg, *Zuruf An Die Jünglinge*, 1813.³⁾

Rabbis and schoolteachers in their teaching must present military service as a sacred duty...

(Instructions to the Westphalian Consistory, 1808.⁴⁾

[W]ar is an unmitigated evil, and...we should abstain from all participation in it.

(Proposed Resolution before the Central Conference of American Rabbis, 1935.⁵⁾

I. INTRODUCTION

Is the role of a soldier that of a hero or of an assassin, a fate to be embraced or to be dreaded, a source of pride or of anguish? Living, as they did during the medieval period, a separate existence in the lands of their dispersion in which they constituted an *imperium in imperio*, Jews for a large part of their history were spurned as soldiers and spared the dilemma. But there came a time when the question was placed squarely before them.

In an attempt to force the members of the Jewish community to define their relationship to the state from the vantage point of Jewish law, Napoleon, by a decree of July 10, 1806, convened the Assembly of Notables and, subsequently, on September 24, 1806, announced his decision to summon a Great Sanhedrin to convert the decisions of the Assembly of Notables into definitive and authoritative religious pronouncements. Indicative of Napoleon's desire to assure that those synods issue unequivocal declarations regarding the primacy of the responsibilities of Jews as citizens of the state is the sixth of the twelve questions placed before those august bodies: Do Jews born in France, and treated by the law as French citizens, acknowledge France as their country? Are they bound to defend it? Are they bound to obey its laws and to conform to every provision of the Civil Code?

By the time that the Paris Sanhedrin was convened, Jews had already served in the French revolutionary armies, in the National Guard, and in Napoleon's forces. When the sixth question was read before the Assembly and the question of whether Jews were duty-bound to protect France was articulated, the deputies spontaneously exclaimed, "To the Death!"⁶ In the course of the ensuing proceedings of the Assembly, an affirmative response to the question was formally adopted by unanimous vote. Moreover, during the subsequent deliberations of the Sanhedrin, the only matter regarding

which the Sanhedrin formulated a position that went beyond the previous resolutions adopted by the Assembly was with regard to this sixth question. The Sanhedrin went so far as to declare that Jews were exempt from religious obligations and strictures that might interfere with performance of military duties.

The resounding declaration of the Sanhedrin found an echo in numerous public statements in the years that followed. Yet, as Jewish nationals were called upon with increasing frequency to serve in the armed forces of their host countries, that emerging phenomenon evoked contradictory responses.

Consistent with its clear and unambivalent regard for the sanctity and preservation of human life, Judaism manifests a distinctly negative attitude toward warfare and idealizes peace as the goal of human society. Although Scripture is replete with accounts of military conquests, the taking of human life in warfare was consistently viewed as, at best, a necessary evil. Despite King David's distinction, both temporal and spiritual, he was informed, "You shall not build a house in My name, because you have shed much blood upon the earth in My sight" (1 Chronicles 22:8). The ultimate utopian society was envisioned as one in which "Nation shall not lift up sword against nation, neither shall they learn war any more" (Isaiah 2:4 and Micah 4:3).

Subsequent to the biblical period there are few instances of Jews voluntarily engaging in armed warfare. Although Jews can hardly be described as a militaristic people, beginning with the garrison of the Jews of Elephantine five centuries before the common era⁷ and extending to the soldiers of the quasi-autonomous Jewish community of Joden Savane, Surinam, in the New World,⁸ there have been situations in which Jews served as mercenaries or as volunteers in peacetime army units.⁹ Those forces constituted the exception rather than the rule. Over the centuries there have also been occasions when Jews took up arms in self-defense or in order to achieve political objectives, including military uprisings in the Roman Diaspora (115–17 C.E.), the rebellion of Mar Zutra (513 C.E.) and an eighth century rebellion in Iraq led by Abu Isa. In Europe there is ample evidence of Jews having borne arms until

they lost that right sometime in the thirteenth century. A Spanish Jewish military figure who headed the armies of Grenada in the early eleventh century was the renowned Samuel Ha-Nagid. There are scattered references to Jews rendering military service in Italy and Sicily in the fifteenth and sixteenth centuries. From the sixteenth to the eighteenth centuries there were also occasional instances of Jews using weapons in self-defense in Polish cities and of Jews serving, at times, in civil defense units and even in the national army.¹⁰

However, it is only after the Emancipation that large numbers of Jews were conscripted into non-Jewish armies. In the global wars of the twentieth century the numbers increased significantly. Thus, for example, a quarter of a million Jews served in the U.S. army in World War I and over a half million in World War II; over a half million Jews were conscripted into the Soviet army in World War II; over 50,000 Jews fought in the British army in World War I and over 60,000 in World War II.¹¹

When Jews first began to be conscripted into European armies in the late eighteenth and early nineteenth centuries, two sharply divergent attitudes found expression in the broader Jewish community. For observant, traditional Jews, aside from the quite cogent fear for life and limb, the terrors of the military experience were magnified by the difficulties army service posed in terms of ritual observance of Sabbath and festivals, dietary laws, Torah study, prayer, and the wearing of beards and sidelocks. Little wonder that, for such persons, army service was perceived as a calamity to be avoided at all cost. In stark contrast, to liberal elements within the Jewish population service in the army represented a tangible means of demonstrating patriotic zeal and was welcomed as the key to emancipation, enfranchisement, and achievement of political equality. Sadly, although much heroism was displayed and much Jewish blood was shed, nevertheless, prejudice persisted without mitigation, and in far too many jurisdictions political and social equality remained a chimera.

In *responsa* and writings of the next century and a half, both of these contradictory reactions were articulated. Most – but not all – traditionalist halakhic authorities were far more negative toward army service than might be assumed on the basis of the

published record. Within the liberal sector, which initially uniformly acclaimed army service as a sacred duty, one finds striking shifts and permutations. In the changed *Zeitgeist* of the twentieth century, when pacifism became the vogue and the ideal of *dulce et decorum est pro patria mori* lost its luster, liberal ideologues sought to discover a mandate for pacifism and conscientious objection in Jewish law and tradition. Ironically, in seeking to espouse what they believed to be a non-normative halakhic stance those writers did, in fact, draw close to the normative, but seldom candidly expressed, halakhic perspective.

II. THE TRADITIONALIST APPROACH

1. Published Responsa

Although the published corpus of halakhic responsa devoted to the topic of military service is not unduly sparse, it provides but a veiled and hazy portrait of the traditionalist perspective. Perusal of the responsa reveals that the respondents were fully conscious of the need for utmost caution in dealing with so sensitive a subject. They grasped far too well the implications of expressing opinions inconsistent with, or even not fully supportive of, policies espoused by the governing authority. Thus, the respondents were extremely circumspect and wrote with an eye constantly over their collective shoulder. Such vigilance is evident in the cryptic nature of some comments, in the explicit expressions of concern frequently incorporated in their responsa, but most of all in what is not written.

Of the early responsa discussing the compulsory draft in the modern era, the two most significant are those of R. Samuel Landau, son of R. Ezekiel Landau, included in his father's posthumously published responsa volume, *Noda bi-Yehudah, Mahadura Tinyana, Yoreh De'ah*, no. 74 and of R. Moses Sofer, *Teshuvot Hatam Sofer*, VI, *Likkutim*, no. 29. Perhaps the most remarkable aspect of both responsa is the fact that discussion of the most fundamental issue is conspicuous in its absence. There is no reference whatsoever to the basic problem of complicity in an unjust or halakhically illicit war. Another responsum of R. Moses Sofer, *Teshuvot Hatam Sofer, Yoreh De'ah*, no. 19, is the classic source for the ruling that non-Jews

are enjoined from engaging in any form of warfare other than for purposes of self-defense.¹² Yet, in his discussion of problems associated with conscription, *Likkutim*, no. 29, *Hatam Sofer* makes no mention of the problem of Jewish complicity in a war of aggression. Virtually all subsequent discussions of the subject similarly avoid this sensitive issue. It is not surprising that, a century later, in addressing the vexing problem of Jews fighting other Jews in opposing enemy forces, Rabbi Ze'ev Wolf Leiter wrote that he was unable to find this question clarified in the literature of rabbinic decisors.¹³

Moreover, the one clear reference in the writings of early-day authorities to Jews fighting in non-Jewish wars is entirely ignored by later rabbinic scholars who discuss participation in military campaigns. *Tosafot*, *Avodah Zarah* 18b, cites a certain Rabbenu Elhanan who comments cryptically that it is forbidden for a Jew "to be of the number of members of the army." The omission of this source is far too glaring to have been a simple oversight. Rabbinic writers dealing with questions pertaining to military service appear to have adopted the policy of Rabbi David Sintzheim, a member of the Paris Sanhedrin, as extolled by *Hatam Sofer*, who said of him: "He...knew how to answer his questioners.... After he had revealed one handbreadth, he concealed two handbreadths."¹⁴

The reason for such reticence is obvious. As a result, these responsa demand careful examination by the reader with close attention to what is hinted at only between the lines. That such scrutiny is required is apparent from explicit cues embedded in the text designed to serve as red flags indicating the delicacy of the topic and underscoring the fact that some matters must remain unsaid.

In discussing cooperation or non-cooperation with the military draft, R. Samuel Landau prefaces his ruling by stressing that "It is difficult to issue a ruling in a matter that primarily entails a question of life and death. Who shall raise his head [to render a decision] in these matters?" In his concluding remarks he adds, "I know that it is difficult to rule with regard to this [question] and with regard to this our Sages, of blessed memory, said, 'Just as it is a *mitzvah* to say that which will be accepted, so it is a *mitzvah* not to say that which

will not be accepted¹⁵ and at this time a sagacious person will be silent.”¹⁶

Hatam Sofer, also addressing the question of the conscription of Jews in non-Jewish armies, states that, “Regarding this, silence is better than our speech.” Referring to unspecified reprehensible actions of Jewish communal officials, *Hatam Sofer* resignedly comments, “Great Jewish authorities perforce looked aside and permitted those appointed by the community to do as was fitting in their eyes according to the times. And it is a time to be silent.” Presumably, silence was the best response since protest would have proven unproductive. Rabbis did not have the power to reverse or rescind communal policies without creating a situation in which government authorities would become aware of Jewish reluctance to serve in the military. There was a strong probability that overt intervention on their part would give rise to serious punitive reprisals against the entire Jewish community. In such an era, the only course of action open to responsible rabbinical leadership is one involving “the choice of the lesser evil.” Accordingly, *Hatam Sofer* concludes, “Lo, I have been exceedingly brief for it is not fitting to expand upon this subject, as is understood.”¹⁷ In a similar vein, R. Meir Eisenstadt writes of the situation facing the rabbis: “And if perhaps they looked aside because it is not in their power to find another solution, we, what can we answer in their place?”¹⁸

The issues addressed in these early responsa are the right of the state to conscript soldiers and the halakhic questions posed by the manner in which the draft was initially conducted. Government authorities demanded that the community produce a given number of recruits and, frequently, Jewish communal officials were placed in charge of filling the quota. Usually the selection was carried out by means of a lottery. In some locales it was also possible for a recruit to hire a substitute. The fundamental halakhic issue raised is the dilemma posed by the classical problem of *tenu lanu ehad mi-kem* (Palestinian Talmud, *Terumot* 8:4), i.e., the question of delivering a single individual in order to save the entire community. Generally speaking, one is prohibited from delivering an individual Jew for

execution even in order to save the lives of many (*Mishneh Torah, Hilkhoh Yesodei ha-Torah* 5:5). The case discussed in the Palestinian Talmud serves as a paradigm prohibiting the singling out of a Jew for exposure to danger or harm in order to spare others from a similar fate. Assuming that cooperation in conscription is legitimate, a second and closely related question involves the issue of how the lottery is to be conducted and whether deferments or exemptions may be granted to some individuals when such a policy would entail substituting others in their stead.

The earliest rabbinic respondent to the question of communal conscription, Rabbi Samuel Landau rules unequivocally that, "It is forbidden to hand anyone over to them" and that "There is no room to be lenient in this matter." Individuals may do all in their power to avoid the draft, provided that they have not yet been designated by name. Moreover, the community may also strive to assist such individuals in securing an exemption prior to their actual designation. However, once an individual has been identified for conscription, the community may no longer seek his exemption if such exemption would be obtained only at the expense of another person who would be taken in his stead. Such substitution is forbidden on the basis of the Talmudic argument "Who says your blood is redder than his?" (*Pesahim* 25b). However, faced with a situation in which such efforts were made, R. Samuel Landau counsels, "At this time the wise should be silent." In contradistinction, R. Samuel Landau is adamant that even non-observant youths or those who mock the law may not be handed over for military service. Although such individuals may be deserving of punishment, it is nevertheless absolutely forbidden to turn them over to civil authorities in order to fill the draft quota imposed upon the community.¹⁹ R. Samuel Landau is cognizant of the difficulty of ruling in matters of this nature. Nevertheless, while fully aware of the delicacy of the situation in negotiating both with lay communal officials and with government authorities, he does not shrink from declaring categorically that if, in fact, individuals were to be handed over to the civil authorities, it would become obligatory to engage in preventive action and in public protest ("mehuyav limhot be-yad").²⁰

In a responsum, dated Sivan 1830, *Hatam Sofer*, the preeminent halakhic authority of the time, affirms the obligation of conscripted Jews to perform the services required of them. His position is based upon the premise that the power to conscript is encompassed within the ambit of the halakhic principle *dina de-malkhuta dina* (the law of the land is the law) and flows from the power of the ruler to levy “taxes” in the form of personal service. *Hatam Sofer* affirms the right of the state to require military service from its nationals (“*Dina din u-mimeila muttal akarkafta de-kol mi she-ra’uy la-tzet u-she-ein lo ishah u-banim kefi nimus ve-hok malkhuto*”). The only members of the community who must be excused by communal leaders from the obligation imposed upon the community as a whole are students of Torah who, argues *Hatam Sofer*, on the basis of Jewish law (*Bava Batra* 8a), are free from the obligation regarding military service. *Hatam Sofer* notes that rabbinical students and occupants of rabbinical positions were usually exempted by the government²¹ and adds that he himself had frequently given testimonials to such students to assist them in obtaining exemptions.

Hatam Sofer recommends utilization of a lottery system for filling the quota imposed upon the Jewish community but emphasizes that it must be equitable and that all persons suitable for military service, observant and nonobservant, be included in the lottery (“*me-ha-ra’uy she-ya’amdu kulam be-shaveh lifnei ha-eidah va-yatilu goral*”). He stresses that it is absolutely forbidden to compel any person to serve in the stead of an already drafted individual, even if the replacement is a Sabbath desecrator or an immoral person. *Hatam Sofer* regarded such coercion as tantamount to biblically proscribed kidnapping and sale of an innocent victim. Nonetheless, he rules that it is entirely permissible – and indeed advisable – for individuals to seek exemptions or deferments and to devise ways of avoiding military service even by means of hiring a substitute or by paying a sum of money in order to secure a reprieve. Moreover, *Hatam Sofer* regards it as praiseworthy for fellow Jews to render every assistance to their coreligionists in order to obtain such exemptions (“*ve-kol Yisrael mehuyavim le-sayyo ve-yekar pidyon nafsho*”).²²

In concluding his comments, *Hatam Sofer* notes that it was

common practice for nonobservant individuals to volunteer to serve as substitutes for conscripts in exchange for a sum of money. He rules that it is permissible to avail oneself of such an arrangement since those volunteers were unconcerned with regard to violation of religious law at home as well as in the army and, moreover, in any event, would likely make their services available to others. Using such replacements had become common practice and, given the realities of the overall situation, *Hatam Sofer* asserts that availing oneself of the services of these substitutes constitutes choosing the lesser of two evils (“*livhor ha-ra be-mi'uto*”).²³

It is quite evident that *Hatam Sofer* urges that military service be avoided if at all possible. Although his language is restrained, a decidedly negative view of military service and the necessity for ritual infractions inevitably attendant thereupon is manifestly evident. It should be noted that his comments appear to be directed entirely to peacetime service since the issue of subjecting oneself to endangerment is not raised.

Similar views regarding the draft are articulated by a contemporary of *Hatam Sofer*, R. Moshe Leib Tsilts of Nikolsburg, *She'elot u-Teshuvot Milei de-Avot*, 1, *Hoshen Mishpat*, no. 4, who stresses the need to abjure preferential treatment in administering the lottery.²⁴ Writing in 1841, R. Meir Eisenstadt, *She'elot u-Teshuvot Imrei Esh*, 1, *Yoreh De'ah*, no. 74, goes beyond *Hatam Sofer* in declaring that not only is the hiring of substitutes permissible but, from the perspective of the draftee, may be described as a “*mitzvah*.” *Imrei Esh* declares, “It is absolutely permissible and a *mitzvah* to do so” (“*hetter gamur u-mitzvah la'asot ken*”) and in the conclusion of his discussion he reiterates his view with the emphatic exclamation, “It is permitted and a *mitzvah*” (“*muttar u-mitzvah*”). In explaining why this practice is the best available solution to the dilemma, *Imrei Esh*, perhaps naively, asserts that: (a) no one compels the substitutes to transgress Torah law; (b) dietary observances need not be violated by a conscript who is willing to accept inconvenience; and (c) problems involving Sabbath observance can be resolved since Jewish law permits arms to be carried on the Sabbath under specified conditions. *Imrei Esh* also addresses the issues posed by the danger inherent in military

service but concludes that volunteering for army service is not to be forbidden on the grounds that it is tantamount to suicide.²⁵ Nonetheless, *Imrei Esh* rules that it is forbidden to obtain substitutes by means of coercion simply because a person may not “deliver” another individual to harm, loss, or inconvenience in order to be spared the burden he seeks to shift to another.

Many later respondents assert that it is commendable to avoid army service at all costs. As noted, *Imrei Esh*, 1, *Yoreh De'ah*, no. 74, asserts that it is a *mitzvah* to hire a substitute. Others point to the physical danger associated with military service in ruling that it is preferable to accept employment involving desecration of the Sabbath rather than to serve in a battle zone. Thus, R. Eliezer David Greenwald of Satmar, *Keren le-David, Orah Hayyim*, no. 100, rules that when there is no threat to life, one should not seek exemption from army service by accepting a post in which Sabbath desecration is a certainty. However, one should do everything possible to avoid being sent to the battlefield, including accepting a position that will definitely entail ongoing Sabbath desecration, because “there is nothing that stands in the way of saving life.” R. Mordecai Leib Winkler, *She'elot u-Teshuvot Levushei Mordekhai, Mahadura Tinyana, Orah Hayyim*, no. 174, maintains that one must assume that any wartime service will entail battlefield conditions, i.e., military service represents at least possible danger to life. Consistent with that view, he rules that unless an individual has already been selected by a draft board he should not accept a position involving Sabbath desecration in order to avoid being called up because prior to being selected there is no imminent danger.²⁶ However, if a person has already been selected by a draft board he may accept employment involving Sabbath desecration in order to obtain a deferment from military service since “in our day, in the awesome battle at this time, with multiple instruments of destruction and catapult stones,” such service entails danger to life.²⁷

Perhaps because hiring a substitute was no longer a viable option, unlike respondents of an earlier period, Rabbi David Zevi Hoffmann, *Melammed le-Ho'il, Orah Hayyim*, no. 42, was forced to confront the issue of outright evasion of the draft. Writing after the

first World War, Rabbi Hoffmann rules that one should not seek to evade army service on account of fear of Sabbath desecration for more “than a question of a *mitzvah*” is involved. Evasion of army service may give rise to the profanation of God’s name (*hillul Hashem*), Rabbi Hoffmann warns, “because the enemies of the Jews say that the Jews do not obey the laws of the kingdom.”

Although, in application, Rabbi Hoffmann’s ruling is unequivocal, his views regarding military service upon which it is based are somewhat more complex. A careful reading of this responsum indicates that Rabbi Hoffmann does not deem army service *per se* to be a religious duty since he speaks of actions that might be performed by a soldier that would constitute a *mitzvah* “such as to save the lives of Israelites or other *mitzvah*” with the implication that army service in itself does not constitute a *mitzvah*. It is the negative outcome in the form of profanation of the Divine Name and possible attendant danger to Jews that is the focus of his concern. Rabbi Hoffmann observes that, if rabbinic decisors ruled that an individual was obligated to evade army service to avoid Sabbath desecration, the result would be widespread evasion of the draft. This would be counterproductive “for assuredly the majority would not achieve their desire and it would cause a great profanation of the Name, God forbid, for no purpose.” Again, the implication appears to be that his ruling is based on a pragmatic assessment of the situation at the time and realistic considerations as distinct from an idealistic position. Were it possible for Jews successfully to avoid army service the conclusion might have been entirely different. Rabbi Hoffmann’s own introductory comment in delineating the problem, namely, that the question requires an answer based “not on the inclination of our heart alone” also implies that the instinctive Jewish reaction is to avoid military duty. It is noteworthy that Rabbi Hoffmann’s responsum focusing on avoidance of *hillul Hashem* was penned at a time when there was an upsurge of anti-Semitism in Germany and accusations were widespread that Jews had evaded the draft in large numbers or had shirked frontline service.²⁸

A further query addressed by Rabbi Hoffmann in the very next responsum, *Melammed le-Ho’il*, *Orah Hayyim*, no. 43, is whether it is

obligatory for an individual to take advantage of a student deferment in order to delay military service and possible attendant Sabbath infractions or whether one might accept immediate army duty in order, upon completion of the tour of duty, to be able to enter into a marriage. In the case submitted to him, Rabbi Hoffmann, for a variety of reasons, rules that it is permissible not to accept the deferment.²⁹ Again, from the context of the discussion, it is evident that Rabbi Hoffmann is far from enthusiastic about military service. He writes to the interlocutor, who had written on behalf of his son, that delay may be unadvisable because it might result in a longer tour of duty since “it is possible that your son is not so strong at the present time and may prove inept in army service and will soon be discharged which may not be the case three years later when he will be stronger and assuredly will be taken and will be forced to remain there the entire year.”³⁰

R. Israel Meir ha-Kohen, *Mishnah Berurah* 329:17, rules that Jews must allow themselves to be conscripted and implies that failure of Jews to participate in the military when foreign forces attack may enrage the populace and result in loss of life. His comments certainly do not constitute a blanket endorsement of military service and a dispensation to engage in warfare under any and all circumstances; they urge acquiescence to conscription simply as a matter of *pikuah nefesh* or preservation of life.³¹

There are, however, two halakhic respondents whose views differ significantly from the majority. Writing in Germany in the nineteenth century, R. Samson Raphael Hirsch extols the positive religious duty of serving in the army in defense of one’s fatherland. R. Hirsch contends that loyalty to one’s country is a “religious duty, a duty imposed by God and no less holy than all the others.”³² In *Horeb*, a work devoted to the discussion of *mitzvot*, R. Hirsch includes this obligation in the fifth section, the section devoted to what he terms “commandments of love.” Encompassed in the religious duty of a subject and citizen, he maintains, is the obligation “to sacrifice even life itself when the Fatherland calls its sons to its defense.” R. Hirsch goes far beyond most rabbinic writers in positing that this obligation must be fulfilled “with love and pride.” In a most remarkable statement,

he declares, “But this outward obedience to the laws must be joined by the inner obedience: i.e., to be loyal to the State with heart and mind...to guard the honor of the State with love and pride.”³³ One can but wonder to what extent R. Hirsch was carried away by the rhetoric of the time and to what extent he internalized these sentiments.³⁴ R. Hirsch does not address the substantive question of participation in a war of aggression. However, he does conclude his remarks on patriotism with the observation that loyal citizenship is an “unconditional duty and not dependent upon whether the State is kindly intentioned toward you or is harsh.”³⁵ The comment seems to suggest that R. Hirsch assumed that one is duty-bound to serve in the army even in an unjust war of aggression when such is the mandate of the state.

The strongest rabbinic endorsement of army service as a positive religious obligation and the sharpest rabbinic criticism of army evasion was penned by Rabbi Moshe Shmuel Glasner of Klausenberg, the author of *Dor Revi'i*, who is known as an independent-minded and unconventional scholar. Rabbi Glasner maintains that “According to the law of the holy Torah we are obligated to heed the king’s command.” In a play on words, Rabbi Glasner declares that Jews are obligated to pay the burden of *damim*. *Damim*, he notes, is a homonym having a double meaning, namely, “money” and “blood.” Thus the word implies both a financial tax and a “blood” tax. Rabbi Glasner concludes that, although it is unlikely that soldiers will be able to avoid infraction of dietary and Sabbath regulations, “This *mitzvah* of observing the decree of the king supersedes all.”³⁶

The position of Rabbis Hirsch and Glasner is the exception to the rule. In contrast, Rabbi Ze'ev Wolf Leiter, *She'elot u-Teshuvot Beit David*, I, no. 71, is much closer to the halakhic consensus in writing negatively with regard to all forms of army service. Rabbi Leiter questions the propriety of a Jew fighting a fellow Jew in opposing enemy forces and is explicit and forthright in ruling that voluntary army service on the part of an individual who has not been conscripted or compelled to enlist³⁷ is an unequivocally forbidden form of self-endangerment. Giving voice to what in rabbinic writing is a rare approach,³⁸ Rabbi Leiter calls for resolving the dilemma by obviat-

ing the need for army service and advocates a proactive response in declaring: “The obligation devolves upon every God-fearing individual (*haredi*) to labor on behalf of world peace in order that innocent blood not be spilled...and that warfare cease.”

Jewish participation in World War II may well have been regarded in an entirely different light by rabbinic authorities. That war was waged by the Allies against a power that had targeted Jews for annihilation. Although there is scant published material devoted to the question, the military campaign to defeat the Nazis may readily be considered as an undertaking in the nature of “*ezrat Yisrael mi-yad tzar*—rescue of Jews from the hand of the oppressor.” Such a war is categorized by *Rambam, Mishneh Torah, Hilkhoh Melakhim*, 5:1, as a *milhemet mitzvah*, i.e., an obligatory war. In a previously unpublished private letter to his son,³⁹ the late Rabbi Yosef Eliyahu Henkin discusses volunteering for service in the United States Army in 1942. Rabbi Henkin writes that in the period prior to institution of the draft, volunteerism was to be encouraged. With establishment of the draft, those who receive exemptions need not volunteer since others will be available to fight in their stead. In particular, educators who are exempt and contribute to the needs of society render vital assistance to the war effort. Rabbi Henkin does, however, recommend that those who are suited to do so should volunteer to serve as air-raid wardens. The letter lends itself to being read as a blanket endorsement of voluntary army service. In light of the consensus of rabbinic opinion that regards participation in wars of aggression to be impermissible, it may be the case that Rabbi Henkin’s comments were limited to the context in which they were written, i.e., war against the Nazis who were recognized as posing a threat to Jewish survival.

2. Rulings Reported in Biographical Sources

A number of biographical studies of Eastern European authorities contain reports of emphatically negative oral pronouncements regarding army service but, understandably, those statements are not to be found in the formal halakhic literary record. Rulings that are not committed to writing, even when transmitted by persons of

unquestionable probity, lack the authoritativeness of published decisions. Oral reports often lack contextual clarity as well as nuances of meaning and expression, not to speak of their inherent unreliability because of possible misunderstanding on the part of the transmitter. Nevertheless, in this instance the oral reports must be given a high degree of credence both because they are congruent with the circumspection evident in the published material and because of the unanimity of opinion reflected in those reports.

Even the members of the liberal sector of the Jewish community did not view military service in Russia in the same positive light as did their counterparts in Western Europe for the simple reason that, in Russia, conscription was clearly neither a harbinger of civil emancipation nor a duty shared equally by all citizens; instead, it was a burden selectively imposed by the government. In the case of Jews, conscription was an integral element of a policy of Russification and forced apostasy. Until 1874, each nationality and ethnic group within Russia was governed by its own set of military regulations. In 1827, shortly after Nicholas I ascended to the throne, obligatory military service was imposed upon Jews. Under the provisions of the new regulations, a specified number of Jews were to be drafted for a twenty-five year period. Conscription began at the age of eighteen but the regulations contained a provision allowing for the taking of youths from the ages of twelve to eighteen for preparatory training. The units in which youths under eighteen served were known as Cantonist battalions. Exemptions were available for some categories of individuals and substitutes might be employed, but only other Jews were acceptable as substitutes.

Sociologically, the worst aspect of the decree was the fact that administration of the draft was placed in the hands of the Jewish communities. Jews guilty of non-payment of communal taxes or of vagrancy, or their children, were often designated for military service by the community in order to meet its quota. Individuals drafted by the community in excess of the quota for a given year might be credited to the following year's quota. Pressured to fill the heavy quota, communities often hired kidnappers (*khappers*), whose ruthless methods, including seizing children under twelve, became

legendary. As has been well documented, Tsar Nicholas was driven by a missionary zeal that strongly influenced the policies of his government; tales of forced conversion and torture abound. From 1827 through 1854 some 70,000 Jews were conscripted into the Russian army; of that number, approximately 50,000 were minors.⁴⁰

Rabbinic authorities bemoaned the conduct of the communal officials in implementing the decree and, in isolated instances, strove to forestall acts of injustice. They were, however, powerless to defy the system. The complicity of communal officials and Jewish kidnapers in the oppressive government policies led to an unprecedented breakdown of Jewish society.⁴¹ As might be anticipated, given the fear of reprisal and an atmosphere of terror, there is a dearth of published material in rabbinic writings regarding the plight of the Cantonists.⁴²

It is well known that R. Joseph Ber Soloveichik, renowned as the author of *Bet ha-Levi*, was a vociferous opponent of the kidnapers who, with the complicity of communal officials, sought to satisfy the demands of the Russian authorities. In his fierce opposition to this abhorrent social evil, Rabbi Soloveichik is reported to have advocated the total dismemberment of the official *kehillot*, or communal governing structures, throughout Russia so that the Russian government would find itself with no Jewish communal body capable of executing its decrees.⁴³

Since he did not succeed in implementing this radical solution, Rabbi Soloveichik undertook the task of providing refuge and securing exemptions in individual cases. In particular, he was moved by the plight of the poor who bore the brunt of the edict. On one occasion, while Rabbi Soloveichik was yet rabbi of Slutsk, he is said to have requested the local commandant to draft only youngsters who were members of wealthy families. He later explained to the distressed and angry lay leaders of Slutsk that justice demanded such a policy. The rich, Rabbi Soloveichik pointed out, invariably succeeded in obtaining exemptions for their children by one means or another, whereas the poor were helpless and forced to endure army service with attendant exposure to persecution and often enforced baptism.⁴⁴

The accuracy of Rabbi Soloveichik's assessment of the situation is dramatically illustrated in the words of a popular folksong of the time:

Rich Mr. Rockover has seven sons,
 Not a one a uniform dons;
 But poor widow Leah has an only child,
 And they hunt him down as if he were wild...
 But the children of the idle rich,
 Must carry on without a hitch.⁴⁵

On the basis of oral reports of his disciple, R. Naftali Amsterdam, biographers of R. Israel Salanter, founder of the Mussar movement, detail Rabbi Salanter's fruitless efforts to persuade government officials to abolish the harsh decree. They recount how Rabbi Salanter rescued an orphan from his abductors and the manner in which he publicly castigated those in Salant and Kovno who turned a deaf ear to the pleas of indigent women whose sons were among the victims. The day that the decree was finally rescinded, Rabbi Salanter proclaimed a day of thanksgiving and was incensed at those of his disciples who did not on that occasion pronounce the full blessing "*ha-tov ve-ha-metiv*" with the inclusion of the Divine Name.⁴⁶

The hasidic leader, Rabbi Menachen Mendel Schneerson, known as *Tzemah Tzedek*, sought to organize communal strategies to thwart the kidnapers. There is evidence that *Tzemah Tzedek* asserted that the *khappers* were morally and halakhically culpable for violation of the biblical admonition, "And he that steals a man and sells him, or if he be found in his hand, he shall surely be put to death" (Exodus 21:16) and hence, in the struggle against them, even extreme measures might be countenanced.⁴⁷

It is quite apparent that in Poland and Russia, long after mitigation of earlier harsh decrees, avoidance of army service continued to be advocated by rabbinic figures. It is common knowledge that R. Hayyim Soloveichik of Brisk rarely issued halakhic rulings himself, preferring instead to submit the questions that were referred to him to the *dayyanim* of Brisk or other authorities. However, with regard

to questions that involved possible danger of loss of life, R. Hayyim customarily departed from that practice and did not hesitate personally to issue rulings in such matters. Those rulings were invariably lenient in nature. R. Hayyim was wont to say that it was his policy to be *mahmir* (stringent) in matters involving preservation of life, i.e., that his apparent leniencies in permitting matters that might otherwise be regarded as forbidden were not at all reflective of a posture of leniency but of a policy of stringency with regard to preservation of life. For example, he was lenient with regard to questions of fasting on *Yom Kippur* because of his conviction that it is necessary to be stringent in avoiding even remote danger to life.⁴⁸

Army service and its attendant perils was viewed by R. Hayyim with great trepidation. It is related that on one occasion an individual approached R. Hayyim on a Friday with the following dilemma: His son, who was undergoing medical treatment in a nearby town, was scheduled to appear before the draft board the next day for a medical examination to determine his fitness for army duty. The father questioned whether he might desecrate the Sabbath and travel to the neighboring city in an attempt to secure an exemption for his son. R. Hayyim permitted the man to travel on the Sabbath and explained his reasoning as follows: If the young man were to be taken to the army and his service were to extend over a period of years it was probable that, in the course of time, war would break out and he might be sent to the front and killed. Even a “double doubt” (*sfek sfeika*) of danger to life warranted suspension of Sabbath regulations.⁴⁹

A similar ruling of R. Hayyim Soloveichik, as attested to by R. Hayyim Ozer Grodzinski, is recorded by R. Barukh Ber Leibowitz.⁵⁰ When asked whether he might accept a position in an office that would involve desecration of the Sabbath in order to obtain an exemption from army service, R. Hayyim ruled permissively. However, in a situation in which an individual was able to secure an exemption only by attending a *gymnasium*, R. Hayyim ruled restrictively, declaring that, in his opinion, the latter case involved the grave transgression of the study of heretical works and hence could not be condoned even for the purpose of avoidance of danger.

Another report regarding R. Hayyim Soloveichik's attitude toward some of the complex problems posed by army deferments is recorded in two disparate versions. During World War I, the Russian authorities granted rabbinical exemptions. Consequently, many synagogues provided letters of appointment to young men eligible for the draft. R. Hayyim was opposed to the granting of spurious letters of appointment indiscriminately lest the fraudulent nature of these appointments be discovered and the government revoke all rabbinical exemptions, thereby endangering the lives of those who actually occupied rabbinical posts. Despite the fact that his own son Ze'ev and his son-in-law, R. Hirsch Glicksman, were of draft age, R. Hayyim refused to allow them to accept the offer of several congregations in Minsk, where they at the time resided, to "appoint" them as rabbis.⁵¹

According to another, probably more reliable, version of the narrative, R. Hayyim's motivation in refusing the letters of appointment reflected an entirely different consideration. R. Hayyim harbored a deep and abiding distrust of Tsarist officialdom. He was convinced that any official record would eventually be used by the authorities to compromise the interests of persons whose names appeared in such records. He feared that recording the names and addresses of potential conscripts in conjunction with issuance of exemptions would result in that information being entered in an official file that in all likelihood would later be used to their detriment. In dealing with Tsarist authorities, R. Hayyim believed that the prudent course of action was to avoid formal documentation in any guise whatsoever. The soundest protection was to remain "invisible."⁵²

The extent to which army service was dreaded is also reflected in accounts of the Novardok yeshivah. In accordance with the policy espoused by Rabbi Joseph Yoel Hurwitz, the *Alter* of Novardok, students at the Novardok yeshiva disregarded all government induction orders and simply failed to report to the recruitment stations. For a period of time during World War I, the tactic succeeded and most of the students avoided detection. In 1919, the young R. Yaakov Yisrael Kanievski, later renowned as the *Steipler*, was appointed *mashgiah*

in a branch of the Novardok yeshivah established in Rogachov. There, agents of the Yevsektzia arrested Rabbi Kanievski and he was inducted into the Red Army and stationed at a military camp in Moscow. A considerable sum of money was raised but efforts to secure his release by means of bribery failed.⁵³

A similar aversion to military service prevailed among hasidic leaders as well. The counsel and assistance of R. Yehudah Leib Alter of Gur, better known as the author of *Sefat Emet*, and R. Yerachmiel Yisrael Yitzchak Danziger, *Rebbe* of Alexander, in avoidance of the draft became legendary. Reports of their subornation of draft regulations reached the ears of government officials, whose wrath, as might have been anticipated, was aroused. In an endeavor to put an end to these activities and probably to punish the rabbinic figures involved, they contrived a stratagem designed to trick the rabbis into revealing their antagonism to the draft. Agents were sent who pretended to seek advice and aid in evading military duty. The rabbinic figures in question are reported to have astutely recognized that those agents were not *bona fide* supplicants and avoided the trap that had been set for them.⁵⁴

It is related of Rabbi Kalonymus Kalman Shapira of Piaseczno (known later as the *Rebbe* of the Warsaw Ghetto) that he exerted great effort to obtain army exemptions for his followers. He would not hesitate to expend large sums of money in bribing draft authorities in order to secure a reprieve for a conscript. Failing that, he would employ all manner of other tactics, including the use of amulets or performance of particular mystical acts, in order to spare his disciples the fate of army duty.⁵⁵

3. Ritual Observance

For the observant, as noted, the difficulties involved in fulfilling religious obligations and observing dietary proscriptions were most worrisome aspects of army service. Away from the battlefield such problems were much easier to resolve. The very first Jewish soldiers in the Western Hemisphere concerning whom a contemporaneous record is extant were Jews who served as mercenaries in the Dutch expeditionary force that arrived in Brazil in 1630. For the privilege

of exemption from guard duty on the Sabbath, the Jews who settled in Dutch Brazil and served in the local militia were willing to pay a fee but, nonetheless, on several occasions, the exemption was not honored.⁵⁶ In North America, the environment was more tolerant. Thus, when Hart Jacobs petitioned the authorities in Philadelphia in January 1776 to be exempt “from doing military duty on the city watch on Friday nights which is part of his Sabbath” the request was granted provided that he perform “his full tour of duty on other nights.”⁵⁷

In Western Europe when recruitment of Jews for military service began in earnest, there are reports in community after community in France, Austria, and Italy that provide tangible evidence that ritual observance was a grave issue. In France the problem of Sabbath observance was a crucial factor in reluctance on the part of Jews to serve in the army. During the period of 1790–93, the petitions of Jews in a number of different communities for Sabbath exemptions were rejected, and ultimately all Jews were forced to perform military duties on the Sabbath. Municipal authorities frequently made arrangements for provision of kosher food to Jewish soldiers but that practice was curtailed during the Reign of Terror.⁵⁸ Service in the army aroused concern among those who wore beards and sidelocks, which then were popular targets of ridicule and anti-Semitic acts.⁵⁹

Although a number of Jewish communal leaders in Alsace-Lorraine encouraged army service as proof of patriotic fervor, among ordinary Alsatian Jews who were traditional in observance a lingering aversion to military service prevailed. In the Judeo-Alsatian dialect the term *reik* (empty or devoid of value) was used as a derogatory cognomen for “soldier.”⁶⁰ Draft avoidance was extremely difficult since, under the provisions of Napoleon’s “Infamous Decree” of March 17, 1808, unlike other Frenchmen, Jews could not hire substitutes.⁶¹ A mystical ceremony designed to evoke divine mercy in the form of drawing a high number in the lottery and thereby escaping service gained currency. At midnight, the young man of draft age would light a lamp with oil, make a pledge to charity, and utter a prayer for exemption from the draft invoking the sage Rabbi Meir

Ba'al ha-Nes and the angels Michael, Gabriel, Uriel and Raphael. Quite obviously, aspirations for equality and civil rights had not quenched the deeply-rooted distrust and fear of military service harbored by the populace.⁶²

With tears in his eyes, Rabbi Ezekiel Landau is reported to have addressed the first group of Jewish recruits conscripted in Prague in May 1789. Encouraging them to remain steadfast in their fealty to *mitzvot*, he suggested that they exchange tours of duty with Christian comrades so that the latter would be on duty on the Sabbath and the Jews, in turn, would perform their duty on Sunday. He also urged the Jewish conscripts to observe dietary regulations for as long as possible, i.e., until malnutrition became life-threatening. He urged that, even in the event of sickness, they endeavor to subsist on tea for warm liquid nourishment unless it became absolutely necessary to partake of non-kosher soup.⁶³ However, at the same time, Rabbi Landau expressed his awareness that their comportment as soldiers would bring honor and respect to their people and that their actions would demonstrate to the monarch the sacrificial loyalty of his Jewish subjects.⁶⁴

Subsequent to the conquest of Mantua by Napoleon's forces in February 1797, the walls of the ghetto were razed and the Jews of Mantua were granted civil rights. Rights entailed duties and with the privileges they received the Jews became subject to civic obligations, including army service. Members of the community turned to R. Ishmael ha-Kohen of Modena with a query regarding performance of guard duty and bearing arms on the Sabbath. R. Ishmael, *Zera Emet*, part 3, *Orah Hayyim, Hilkhos Shabbat*, no. 32, responded permissively, noting that refusal might endanger Jewish lives and that the city had an *eruv*. From the details of the reply, it is clearly evident that R. Ishmael condones violation of religious law only when absolutely necessary.⁶⁵

In the heat of conflict, matters became far more complicated and it required a great measure of self-sacrifice to remain meticulous in religious observance. It is particularly moving to read accounts of the lengths to which some Jewish soldiers went in order to observe *mitzvot* under trying circumstances. Especially noteworthy are

reports of the efforts of soldiers in what was commonly considered to be the godless United States to observe religious precepts even in battle situations. Private Isaac Gleitzman, who received the Cross of Honor for “conspicuous gallantry in the field” during the Civil War, remarked that he was “prouder of never having eaten any nonkosher food or ‘trefa.’”⁶⁶ Similarly, according to the diarist Emma Mordecai, the Levy brothers, Ezekiel J., who attained the rank of captain in the Richmond Light Infantry Blues, and the younger twenty-one year old Isaac J., who was killed by an exploding shell in August 1864, “had observed their religion faithfully, ever since they have been in the army, never eating forbidden food.”⁶⁷ A few months before he died, Isaac wrote to his sister telling how the brothers had purchased sufficient *matzot* to last the Passover week and that “We are observing the festival in a truly orthodox style.”⁶⁸

Although responsible halakhic authorities certainly did not maintain that mere service in the army automatically entailed exemption from religious observances, there was a marked concern to find ways and means within the Halakhah to ease the hardships experienced by the conscripts. Thus, R. Israel Meir ha-Kohen, *Hafetz Hayyim*, in the manual he prepared for Jewish soldiers, *Mahaneh Yisrael* (first published in 1881),⁶⁹ states his avowed intention to ascertain whether “There may possibly be found, in accordance with the law, a remedy or expedient to make matters less burdensome for them [the soldiers] in any regard because, assuredly, we perceive individuals such as these as being subject to difficult circumstances.”⁷⁰ Presenting a précis of Sabbath regulations and other laws, *Hafetz Hayyim* endeavors to explain to the unlearned how to conduct themselves under duress in a manner that would diminish the seriousness and minimize the number of infractions of Jewish law. Intricate halakhic complexities are unraveled by *Hafetz Hayyim* in uncomplicated language in this remarkable work, the pages of which are suffused with *ahavat Yisrael*, love and compassionate empathy for fellow Jews.

Mahaneh Yisrael is singularly important in its focus not only on matters of ritual but on ethical and moral issues as well. *Hafetz Hayyim* identifies those issues as constituting the most serious chal-

lenges associated with army service. It is noteworthy that *Hafetz Hayyim* strongly recommends early marriage for recruits both in order to enable them to fulfill the *mitzvah* of siring children and because he believed that marital bonds would strengthen a soldier's ability to withstand the lax morals common in an army milieu.⁷¹ Above all, *Hafetz Hayyim* seeks to raise the recruits' spirits and to bolster their self-esteem. Cognizant of the supreme effort required in order to maintain an observant lifestyle in the army, *Hafetz Hayyim* adds words of encouragement:

If he [the soldier] will become valiant...and shall see to observe the Torah in all its details at that time (*in that which is not contrary to the laws of the government*), in the future these days will be the most cherished of all the days of his life. Not as they appear to the soldier [now] in his thoughts that these times are the lowliest of his days. He will be of God's holy ones on account of this and no man free [of military obligation] will be able to stand in his precincts.... When a person withstands a trial he becomes most exalted in stature.⁷²

III. THE POSTURE OF THE LIBERALS

1. Early Reform –

Rendering Jews Suitable for Army Service

Israel Jacobson, commonly regarded as the founder of the Reform movement, was president of the Westphalian Consistory, a principal aim of which was to institute a coherent program of religious reform. It is of more than passing interest that the most controversial of the consistorial innovations was a matter relating to military service. The relationship between participation in the armed forces and religious reform merits analysis.

In the pre-Emancipation era, Jews did not regard themselves as potential participants in active warfare. In a sermon delivered in London during the Seven Years' War on the occasion of a national day of prayer ordered by the King (in 1757 or 1758), Rabbi Hirschel Levin (Hart Lyon), Rabbi of the Great Synagogue, declared that Jews could best serve their country through prayer rather than through

military service. Although, in England, the Militia Bill enacted in June 1757 subjected all citizens to military service with the quota to be filled by lottery, attempts to enforce the law were not successful. The question of whether Jews would also be subject to conscription had not yet been raised. In his remarks, Rabbi Levin discounted the possibility of benefit accruing to a country by virtue of Jewish participation in the armed forces:

Now it is obvious that we are always obliged to pray for the welfare and prosperity of our kings.... For how else can we serve the king under whose protection we live? If we were to suggest that we serve him by fighting in his armies, "What are we, how significant is our power?...."

How then indeed shall we serve our king? Our only strength is in our speech. The Sages expressed this in commenting upon Isaiah 41:14, "*Fear not, O worm Jacob*; just as the worm's power lies only in its mouth, so the power of Israel is only in its prayer." (*Mekhilta, Be-Shallah* on Exodus 14:10). It is incumbent upon us to pray for the welfare of the sovereign under whose protection we live, and for the welfare of the land in which we reside, for our welfare is bound up with theirs.⁷³

In the years that followed, however, a different attitude soon came to the fore. In 1773, Rabbi Levin was appointed chief rabbi of Berlin, a post he occupied until the year 1800. It is doubtful that he would then have delivered a similar public address in Berlin because during the period of his incumbency it had become fashionable for Jews to argue that, as would-be citizens of the state, they should assume both the privileges and the duties of citizenship, including the honor of defending the fatherland by means of military service.

When, in 1655, Asser Levy petitioned for the right to serve in the militia in New Amsterdam and won this right in 1657, he did so simply because he had difficulty paying a tax in lieu of home guard service.⁷⁴ At a later time, in many European lands where Jews had lived for centuries in relative social isolation, this right was, however, welcomed as tangible evidence of political equality. In 1806, when

Düsseldorf came under Napoleonic rule and the French civil code was adopted, Heinrich Heine's father gained a commission in the local civil guard. In all likelihood, he was the first Jew to hold such office in Germany since the early Middle Ages. The first day he wore the distinctive colorful uniform he celebrated the event by treating his fellow officers to a barrel of good wine.⁷⁵

Following promulgation of the "Edict Against the Civil Status of the Jews in Prussia" (March 11, 1812), Prussian Jews were accorded the prerogatives and duties of citizenship, including the right to serve in the army.⁷⁶ In a burst of enthusiasm, hundreds of Jews volunteered for military service.⁷⁷ Jews of that period believed that demonstration of willingness to sacrifice life and limb would serve as proof positive of Jewish devotion to the state and the worthiness of Jews for citizenship. As stated eloquently and unabashedly by Eduard Kley and Carl Siegfried Günsburg in the stirring call to arms they addressed to their coreligionists:

O what a heavenly feeling to possess a fatherland! O what a rapturous idea to be able to call a spot, a place, a nook one's own upon this lovely earth... There upon the battlefield of honor where all hearts are animated by one spirit, where all work for a single goal: for their fatherland; there where he is best who submits most loyally to his king – there also will the barriers of prejudice come tumbling down. Hand in hand with your fellow soldiers you will complete the great work; they will not deny you the name of brother, for you will have *earned* it.⁷⁸

Gabriel Reisser, the passionate advocate of Emancipation, later voiced a similar sentiment: "There is only one baptism that can initiate one into a nationality, and that is the baptism of blood in the common struggle for a fatherland and for freedom."⁷⁹

Paradoxically, Jews who were eager to serve in the military faced a unique problem: They were ready and willing to fight alongside their non-Jewish compatriots but not all their fellow citizens were prepared to welcome them with open arms. They were ardent suitors fearful of rejection by their beloved both because of ethnic

and religious prejudice and because of a perception that their religious practices would perforce interfere with proper discharge of military duties. It is for that latter reason a desire to demonstrate their suitability for military service became a motivating factor in the efforts of Jewish liberals to affect religious reforms.

The liberal view that, in order to be accepted as citizens, Jews must first adapt to the non-Jewish environment merely echoed statements openly expressed by non-Jewish writers. Jewish integration, it was believed, necessitated a reconceptualization of the Jewish religion. Judaism was portrayed as primitive and backward and it was widely assumed that Jews would have to undergo a process of "*Verbesserung*" or "improvement" in their religious observance and social mores if they were to participate fully in the social and intellectual life of non-Jews, but that interaction and the granting of civil rights would hasten their transformation. In France in 1787, Abbé Grégoire had explicitly stated that Jews should be subject to the direction of rabbis in ritual matters and to the authority of government in civil matters but that they would assimilate and modify their religious observances when accepted into French society. "We have reason to believe," he declared, "that the Rabbis will relax upon that head when their decisions come to be authorized by necessity, and the Jew will give up his scruples when he is warranted by the infallibility of his doctors."⁸⁰ Campaigners for Jewish rights such as Wilhelm von Dohm affirmed the view that, with integration into the secular state, Jews "will then reform their religious laws and regulations according to the demands of society. They will go back to the freer and nobler ancient Mosaic Law, will explain and adapt it according to the changed times and conditions, and will find authorizations to do so alone in the Talmud."⁸¹

Less sympathetic was the attitude of Abbot F.M. Thiebault, who had opposed Jewish emancipation when that proposal was brought before the National Assembly with the forthright argument that dietary restrictions and Sabbath laws would interfere with proper military service on the part of Jews.⁸² Indeed, the charge that Jews were not suited to serve as soldiers was a common anti-Semitic slur. As expressed by Johann Michaelis, "For the power of a state does not

depend on gold alone, but rather, in large part, on the strength of its soldiers. And the Jews will not contribute soldiers to the state as long as they do not change their religious views.... As long as they observe the laws about kosher and non-kosher food it will be almost impossible to integrate them into our ranks.”⁸³

It is probable that it was a perceived need to negate these and similar allegations that motivated the Jewish Consistory in Westphalia to institute a controversial religious innovation. In a directive to the rabbinate dated January 17, 1810, the Consistory ruled that, contrary to accepted Ashkenazi practice, the rabbis were to declare rice and legumes to be permissible for consumption on Passover. The Consistory stated that Jewish soldiers had bemoaned the scarcity of permissible food available to them on Passover and the scant supply of *matzot* and, accordingly, requested dispensation to use peas, beans, lentils, rice and millet for their sustenance during the holiday. The Consistory noted that those foods are not leaven and that the ban on those foods dating from the post-Talmudic era had been opposed by some authorities. Motivated by concern for the welfare of their brethren and by the desire that they be enabled to fulfill their civic duties with ease, the Consistory proceeded to rule that such foodstuffs were to be permitted not only to soldiers but “to every Israelite...in good conscience.”⁸⁴

In order to understand why, even when bitter controversy ensued, the Consistory persisted in advocating this innovation – as well as their decision to urge an innovation in respect to the laws of *halitzah*⁸⁵ – one must recognize the extreme sensitivity of the members of the Consistory to the issue of military service. In his initial formal audience with King Jerome on February 9, 1808, the President of the Consistory, Israel Jacobson, hastened to assure the ruler of the patriotism of his Jewish subjects and their eagerness to serve as soldiers. “It will be a pleasure for me,” responded Jerome, “if, as good citizens, they furnish me with brave soldiers for my army, true servants of the state.”⁸⁶ The very first royal edict of March 31, 1808 establishing the Westphalian Consistory directed the rabbis and teachers to stress that military service is a sacred duty and that one is absolved from any religious observances that are incompatible

with such service.⁸⁷ Accordingly, in the consistorial order of March 15, 1809, enumerating rabbinic responsibilities, the rabbis were specifically so instructed (“*Der Rabbiner muss...den Militärdienst als eine heilige Pflicht darstellen*”).⁸⁸ It is quite likely that a need to provide further assurance to the authorities in this regard prompted the Consistory to issue the dispensation regarding consumption of legumes on Passover.⁸⁹

It is significant that, in instituting changes, the Westphalian Consistory chose to issue a broad ruling extending to all Jews rather than a narrower ruling providing only for dispensation on grounds of hardship to soldiers.⁹⁰ In contrast, in drafting its response to the sixth of Napoleon’s questions concerning the duties of Jews in defense of their country, the Paris Sanhedrin formulated a position that went beyond the decisions of the Assembly of Notables and declared that soldiers are released from obligations and strictures that might interfere with military service. The Sanhedrin’s mitigation of religious obligations was, in that case, expressly restricted to soldiers.⁹¹ Moreover, the dispensation itself was circumscribed. The decisions of the Sanhedrin were recorded in both French and Hebrew texts. While the French text states that the exemption applies during the time of military service, “*pendant la durée de ce service*,” the Hebrew text limited the exemption to time of war and only to the extent that such religious obligations might interfere with performance of soldiers’ military duties. Thus the Hebrew text provided for exemption “as long as they are obligated to stand on their post and to do their service in war” (*kol zeman she-hem hayyavim la’amod al mishmartam ve-la’avod avodatam be-milhamah*).⁹²

The concern for halakhic integrity evidenced in the decisions of the Paris Sanhedrin was, to a great extent, a reflection of the influence of Rabbi David Sintzheim, who apparently personally drafted many of the answers of the Assembly of Notables and who later served as President of the Sanhedrin.⁹³ At the Sanhedrin’s final meeting, Rabbi Sintzheim forcefully asserted that the Sanhedrin’s consent to an exemption from religious duties under certain conditions applied only when the sovereign and the state were in danger. Rabbi Sintzheim was unequivocal in his concluding declaration

that the laws of Israel are perfect and that “whoever betrays divine laws will soon trample underfoot human laws.”⁹⁴ Rabbi Sintzheim’s remarks validate the accolade accorded to him by *Hatam Sofer*:

During his lifetime he was honored and was very close to the monarchy in Paris; he was asked a number of questions and knew how to answer his questioners...he did not allow others to rule over him, and was not seduced into following them, God forbid! After he had revealed one handbreadth, he concealed two handbreadths. His integrity stood by him....⁹⁵

With the fall of Napoleon a wave of reaction swept over Western Europe. Throughout Prussia there was a move to pare down or entirely to rescind the civil rights that had been granted to the Jewish populace. Reactionaries such as Friedrich Rühs and Jacob Fries, who sought to reverse the emancipatory trend, asserted that Jews constituted a distinct nation rather than a mere religious denomination and that, as such, they were unassimilable in the body politic. In vain did Jewish apologists remonstrate that Judaism was but a religious confession, that Jews did not constitute a nation, and that customs and folkways might be modified. As the national-Christian reaction reached a peak in the summer of 1819, anti-Jewish riots took place throughout Germany accompanied with cries of “Hep! Hep! Down with the Jews!”⁹⁶ During the ensuing years the pendulum swung back and forth. In the ongoing debate regarding whether Jews were fit to be citizens, the issue of military service often came to the fore. It is noteworthy that, as late as 1844, when Frederick William IV adopted reactionary policies and proposed recognition of Jews as a national minority, he sought to release them from the obligation of military service.⁹⁷

2. Persistence of Anti-Semitism in the Army

The tragic fate of assimilationists, particularly in Germany, unfolded most dramatically in the army experience. Those individuals who wished to embrace their fatherland and render it service shoulder-to-shoulder with their fellow citizens were crudely rebuffed. The

desire to demonstrate loyalty and to achieve political equality were motivating factors for Jews who welcomed army service as a privilege. Yet, the military itself all too often remained an arena in which anti-Semitism flourished. In country after country, Jews served in the army but were accused of slacking and draft-dodging. Their defenders compiled list upon list detailing the Jewish contribution to military endeavors⁹⁸ and excelled in composing apologetic literature, but the stigma persisted.

Even in the comparatively tolerant United States, the canard that Jews did not pull their weight in the armed forces surfaced again and again. In the late eighteenth century, responding to aspersions cast on Jews, Haym Solomon insisted that Jews had served in the Revolutionary armies in numbers beyond their proportion to the total population.⁹⁹ Almost a century later, anti-Semitism, almost nonexistent in the United States, was aroused by the turmoil of war and was why Jews were singled out in Grant's Order No. 11. More serious than economic anti-Semitism was the charge, repeated frequently until the end of the 1800s, that Jews had not fought in the Civil War. That charge gained credibility because, in the North, a conscript could buy an exemption upon payment of three hundred dollars; in the South one needed simply to provide a substitute in order to avoid service. To counter the charge that Jews had been slackers, the prominent Washington lobbyist Simon Wolf published a work entitled *The American Jew as Soldier, Patriot and Citizen* (1895) in which he listed the names of 8,000 Jewish men who had served in the Union and Confederate forces, a list that was far from comprehensive.¹⁰⁰

In the United States, some Jews rose to high rank in the armed forces, but religious bias was not totally absent. Uriah Phillips Levy, who ran away to sea at the age of ten and was commissioned a lieutenant of the Navy in 1817 at the age of twenty-five, was made a commodore in 1857. George Bancroft, who had been Secretary of the Navy in 1845–1846, testified that at the time he had refused to give Levy a command because of “a strong prejudice in the service against Captain Levy, which seemed to me, in a considerable part attributable to his being of the Jewish persuasion” and, as Secretary

of the Navy, Bancroft stated, he had felt obliged to take into consideration “the need for harmonious cooperation which is essential to the highest effectiveness” of the armed forces.¹⁰¹

In France, as well, Jews attained positions of prominence in the army throughout the course of the nineteenth century. During the Third Republic, as many as twenty-three Jews rose to the rank of general.¹⁰² Nonetheless, anti-Semitism was prevalent in the army, as is best exemplified by the notorious case of Captain Alfred Dreyfus, in which the superficial veneer of acceptance was rudely torn away to reveal a morass of bias and hostility simmering beneath the surface.

Prejudice against Jews in the army was even more blatant in Germany. False accusations and canards about Jewish cowardice prompted Ludwig Philippson, editor of the *Allgemeine Zeitung des Judentum*, to collect and publish the names of all German Jews who had served on the front lines during the 1870 Franco-Prussian War.¹⁰³ Despite the fact that thousands of Jews had participated and hundreds had suffered casualties, the slurs persisted. Even subsequent to promulgation of the new emancipation law of 1871 effective for the entire Reich, German Jews continued to be excluded from the officer corps. In Prussia, they were refused commissions even in the reserves. This was a serious disadvantage in German society, in which military status played an all-important role and in which an army commission was a prerequisite for a serious career in government. None of the close to 30,000 Jews who had served in the army since 1880 and who had appropriate educational qualifications was promoted to the rank of officer, although several hundred Jews who had converted were given commissions.¹⁰⁴ “For every German Jew there is a painful moment that he remembers his entire life: the moment he is first made fully conscious that he was born a second-class citizen. No ability and no achievement can free him from this.”¹⁰⁵ These are the words of Walther Rathenau, later to become a German foreign minister, who was humiliated by his inability to receive an officer’s commission and by the fact that upon his discharge from his mandatory year of military service he had only attained the rank of a mere lance corporal.

The situation in the German military did not substantially improve with the passage of time. Emblematic of the status of the Jews at the time is the case of Max Rothmann, a Berlin neurologist whose father and grandfather had been decorated in the Wars of 1815 and 1870, respectively, and whose elder son fell on the Western Front in 1914. Nonetheless, Rothmann's younger son's application to the Prussian cadet academy was rejected because, as the deputy war minister wrote, "Since your son adheres to the Jewish faith, the War Ministry regrets that it must reject your application."¹⁰⁶

In World War I, 12,000 German Jewish soldiers died on the battlefield. Yet, the extent to which prejudice persisted is most strikingly apparent in the infamous *Judenzählung* (census of the Jews) ordered by War Minister Wild von Hohenborn in 1916 to determine the number of Jews who served on the frontlines as opposed to those who served in the rearguard. The census disproved the calumnies and demonstrated that eighty percent had served on the frontlines. Not only did the War Ministry fail to make the results public, but the findings were also distorted by anti-Semitic agitators.¹⁰⁷

Anti-Semitic propaganda dating from the early 1900s in Germany focused upon alleged Jewish ineptitude and unsuitability for military service. Popular postcards abounded presenting caricatures of Jews exhibiting exaggerated stereotypical Jewish features, hooked noses and dark curly hair, and portrayed those individuals being turned away at recruitment centers because of their pronounced physical weakness, extreme shortness of stature, etc. A typically nasty cartoon postcard depicts "Der kleine Cohn," a tiny naked Jewish specimen measuring barely half the minimum height required for induction. The purpose of those hateful caricatures was to defame Jews and to foster a climate of opinion in which a military career, and perhaps also the subsequent possibility of high government office, would remain off bounds to Jews.¹⁰⁸

3. Jew Against Jew

Challenged with regard to their preparedness to defend their country, the Assembly of Notables, in reply to Napoleon's sixth question, intimated that Judaism created no national bond and was but a

religious confession. The love of French Jews for their fatherland is so powerful, they stated, that a French Jew feels himself a foreigner even among English Jews: "To such a pitch is this sentiment carried among them that...French Jews have been seen fighting desperately against other Jews, the subjects of countries then at war with France" – and, impliedly, this gave rise to no special problem.¹⁰⁹

This statement in itself is highly significant. In the first place, it reflects egregious servility. In offering unnecessary and gratuitous assurance of their allegiance, the delegates to the Assembly were quite willing to compromise Jewish self-respect. Secondly, and more importantly, their response represents a fundamental shift in Jewish self-identification and anticipates the philosophical stance of later assimilationists who renounced Jewish peoplehood, utterly denying the existence of the ethnic and national dimension of Judaism.

Perhaps even more so than any other statement of the Assembly, this assertion fails to reflect truthfully the sentiments of most Jews. For many a Jewish soldier, the very thought of engaging in combat against a fellow Jew was unsettling. While the quite serious halakhic question was seldom raised in public, on occasion, ethical and emotional qualms were expressed at the prospect of Jews going to battle against their coreligionists.¹¹⁰ In the United States during the Civil War, Jews faced the dilemma not only of fighting fellow Jews but of fighting fellow Jews of their own country and possibly even of their own immediate family. Thus, for example, John Proskauer served in the Union Army, but his son, Major Adolph Proskauer, joined the Confederate forces. During the Battle of the Wilderness in May, 1864, Major Proskauer was close enough to his father, who was in charge of the commissary of the opposing force, to ask him for food.¹¹¹ With Jews arrayed on both sides of the conflict, a number of both Orthodox and Reform spokesmen passionately affirmed allegiance to opposing forces. Isaac M. Wise chose the path of neutrality and silence motivated in part, he claimed, because beloved kinsmen were to be found in both camps.¹¹²

Some 200 Jews bore arms in the Greco-Turkish War of 1897. In the wake of the hostilities, Saul Tschernichowsky composed a poem, "*Bein Ha-Metzarim*," depicting two brothers, one fighting for the

Turks, the other for the Greeks, who meet in the dead of night and shoot one another and only “In the light of the lightening shot did each one his brother recognize – *Le-or berak ha-yiriyah ish et ahiv hikkiru.*” Whether or not there is a historical basis for the poem has not been ascertained but it is highly plausible that Tschernichowsky was moved to portray the drama of such a tragic confrontation by a story that reached Odessa during the war.¹¹³ In any event, several years thereafter, in the Balkan Wars of 1912–1913, Jews did face coreligionists in battle. There is a record of a meeting between King Constantine and Rabbi Jacob Meir, Chief Rabbi of Salonika, in the course of which the King praised the contributions of his Jewish soldiers and specifically pointed to the fact that they had fought against fellow Jews in the enemy camp as compelling evidence of their genuine loyalty.¹¹⁴

During World War I, patriotism bordering on chauvinism found expression in the writings of liberals on both sides of the conflict. One may contrast the remarks of Hermann Cohen in Germany regarding “Jews who can battle for our Fatherland...the land of intellectual freedom and ethics”¹¹⁵ with those of Theodore Reinach in France concerning French Jews who “risk health, youth, life in order to liberate a freedom-loving France.”¹¹⁶ The halakhic and ethical problems involved in fighting against coreligionists were suppressed by those nationalists. On the other hand, although Simon Dubnow found himself supporting the Russian war effort, he gave voice to his abiding sorrow over the prospect of Jews battling other Jews.¹¹⁷

The devastation caused by the First World War was incalculable. More soldiers were killed in World War I than in any previous war and countless civilians died from starvation and resultant disease. Millions continued to suffer from physical and psychological wounds. Exposure to massive casualties and overwhelming feelings of despair shattered the emotional wellbeing of soldiers who had fought in trenches and, for many, lasting mental illness was a legacy of the war.¹¹⁸

The veterans continued to be haunted by their experiences. One veteran expressed the melancholy reality:

The older I get, the sadder I feel about the uselessness of it all, but in particular the deaths of my comrades.... I thought I had managed all right, kept the awful things out of my mind. But now I'm an old man and they come back out from where I hid them. Every night.¹¹⁹

Those who had killed others in battle were unable to shake the memory. Not atypical is the account of one shell-shocked soldier being treated with hypnosis who wept and made trigger movements with his right forefinger while at the same time crying out: "Do you see, do you see the enemy there? Has he a father and a mother? Has he a wife? I'll not kill him."¹²⁰ If those who had taken the lives of other soldiers were haunted by the recollection, how much more poignant and painful was the experience of the Jew who may inadvertently have slain a coreligionist.

One such episode is detailed in a recent film, "Shanghai Ghetto," that depicts the experiences of German refugees in Shanghai. In one scene, a woman named Evelyn Rubin reminisces regarding her experiences in the ghetto and presents a vivid portrayal of her late father, Benno Popielarz. A World War I veteran who had been decorated for valor and suffered the remaining years of his life from the effects of a war wound, even when transported to Buchenwald, her father had simply been unable to believe that despite his loyalty and patriotism he would be subject to the anti-Jewish Nazi decrees. Pointing to a picture of her father in his uniform, Evelyn Rubin relates one terrible event that occurred during the war of which her father often spoke. One day, during face-to-face combat, he and the soldier opposite him raised their rifles and took aim simultaneously. Her father fell to the ground wounded but, at the same time, his opponent was hit as well. As the other soldier fell, her father distinctly heard him call out, "*Shema Yisrael*." The knowledge that he might have killed a fellow Jew left her father with a pain that could not be assuaged.¹²¹

It was following the First World War, at a time when some individuals began to confront the enormity of the atrocities of war, that Rabbi Ze'ev Wolf Leiter forthrightly addressed the emotion-laden topic of Jew fighting against Jew. Rabbi Leiter cites a narrative

recorded by Josephus describing how Jews were coerced into doing battle against fellow Jews which, writes Josephus, is “against our religion.” Rabbi Leiter also refers to *Or Zaru’a*, *Avodah Zarah*, chap. 1, no. 132, which addresses halakhic problems attendant upon fighting against enemies among whom Jews reside. Probably because he was writing subsequent to the conclusion of World War I, after hostilities had come to an end, Rabbi Leiter could permit himself to address a topic others had avoided and regarding which, as noted, he writes, “I have not seen this law clarified in the writings of rabbinic decisors.”¹²² Rabbi Leiter’s responsum prefigures the changing attitude to warfare that was to be expressed widely in the coming decades.

4. Pacifism and Twentieth Century Reform Writers

A pronounced shift in the attitude of exponents of Reform Judaism toward warfare and military service becomes apparent in the twentieth century.¹²³ That shift constituted nothing less than a one hundred and eighty degree reversal of policy from advocating military service as a sacred duty to endorsement of absolute pacifism.

During World War I, the Central Conference of American Rabbis (CCAR) overrode a passionate minority of its members in refusing to endorse the position that acceptance of the tenets of Judaism constitutes valid grounds for conscientious objection. The Conference stated that an individual who asserts that Jewish religious teaching is the basis for his claim to exemption from military service “does so only as an individual, inasmuch as historic Judaism emphasizes patriotism as a duty as well as the ideal of Peace.”¹²⁴ At the time, several rabbis went on the record as disagreeing with that proposition. One of these, Martin Zielonka, argued that, while he himself was not a pacifist, he believed that Jews were obliged to “protect the honest and sincere conscientious objector who places his objections upon a religious ground” and maintained that the biblical verse “What man is there that is fearful and faint-hearted; let him go and return unto his house, lest his brethren’s heart faint as well as his heart” (Deuteronomy 20:8) should be interpreted as grounds for excusing conscientious objectors.¹²⁵

In the wake of World War I, sentiment in America in general

and among many Christian groups in particular became increasingly anti-war. A similar attitudinal progression was reflected in the gatherings of the Reform leadership. While a stance of absolute pacifism was not adopted, the proceedings of the Conference reflect unrelenting opposition to war. A 1924 CCAR resolution stated, "Because we love America...for this reason we urge upon our fellow citizens...that...they adopt an uncompromising opposition to war. We believe that war is morally indefensible."¹²⁶ During that period the Conference established a Standing Committee on Peace which functioned from 1925 until 1942, when it was incorporated in the Commission on Justice and Peace.¹²⁷ In practical terms, the CCAR lent its support to a series of measures designed to lead to cessation of warfare and proclaimed: "We believe in the outlawry of war by the nations of the earth. We support all movements which conscientiously and honestly strive to that end."¹²⁸ Accordingly, the Conference advocated America's participation in the Permanent Court of International Justice, endorsed Senator Borah's program to ban war, and endorsed international conferences leading to disarmament.¹²⁹ Compulsory military training programs in schools and colleges were strongly condemned:

We reaffirm our opposition to the militarization of our schools and colleges by compulsory military training. We advocate in all educational systems an increasing emphasis on the comity and partnership of nations and, rather than the extollation of military prowess, the glorification of the heroes who have made for peace and progress.¹³⁰

In 1932, the prominent Reform spokesman Stephen Wise expressed "everlasting regret" for his pro-war stance during World War I and pledged "without reservation or equivocation" never to bless or support any war whatsoever again.¹³¹ Another influential Reform ideologue, Abraham Cronbach, was an uncompromising pacifist¹³² who crusaded for the total renunciation of warfare. An ever greater proportion of Reform clergy became convinced that religious imperatives mandated a policy of refusal to bear arms under

all circumstances since “war is a denial of all for which religion stands.”¹³³ In 1935, the issue of pacifism was placed squarely before the Conference. The Committee on International Peace asked the Conference to declare that “henceforth it stands opposed to all war and that it recommends to all Jews that, for the sake of conscience, and in the name of God, they refuse to participate in the bearing of arms.”¹³⁴ After prolonged debate this recommendation was, however, tabled for further study. While espousing pacifism in general, a majority of Reform rabbis insisted on the right to self-defense in the event of invasion.¹³⁵ They continued to oppose compulsory military training and any educational policies designed to promote warfare. A majority now claimed that conscientious objection by Jews on religious grounds was valid.¹³⁶

With the rise of the Hitlerian forces, the pacifist position of many of those rabbis was modified. In 1939, the Conference officially noted the distinction between innocent and aggressor nations.¹³⁷ Subsequently, when the United States entered the war, the CCAR, with few dissenting votes, expressed “complete support for our country in its present war” and declared, “We believe that God is on the side of Justice and that it is His will to see a tyrant-free world.”¹³⁸

Anti-war sentiment again rose to the forefront in the Reform movement in the mid-1960s as opposition mounted to American involvement in Vietnam. The Reform movement soon became the most outspoken Jewish organization decrying United States military activity in Southeast Asia. A 1965 resolution of the Union of American Hebrew Congregations urging a cease-fire and negotiated peace settlement represented what was at the time a minority position in the United States among Jews and the general public. After the Six-Day War, some Reform clergy found difficulty in opposing American policy in Vietnam while at the same time urging support for Israel. However, Reform clergy and laity remained in the forefront of demonstrations and protests against the Vietnam conflict.¹³⁹

The emphasis in Reform ideology in favor of pacifism in the 1930s and later the opposition to the Vietnam conflict in the 1960s prompted an attempt on the part of Reform thinkers to find precedents and sources in Jewish law and teaching that would serve

as a mandate for conscientious objection to military service and pacifism.

In the intense debate on pacifism before the annual convention of the CCAR in 1935, a tentative resolution placed before the assembly proclaimed:

...the time has come to change the traditional attitude of our faith toward war. We realize to the full the seriousness of this change we propose, and we adopt it because of our belief that the spirit of Israel, the first faith and people to love peace and pursue it, necessitates such a vital change in the text and letter of our historic attitude. In the past Israel has made the distinction between righteous and unrighteous wars. In the light of the foregoing, we believe that this distinction has no reality for our day. And we are now compelled to adopt as our belief, and as the basis for action of our religious followers and ourselves, the principle that war is an unmitigated evil, and that we should abstain from all participation in it.¹⁴⁰

Several discussants at the Conference questioned these sweeping generalizations regarding historical Jewish attitudes to war and urged further scholarly study of the subject.¹⁴¹ The following year, Abraham Cronbach presented the Conference with a paper, "War and Peace in Jewish Tradition," in which he had assembled a vast array of sources regarding this topic in biblical and talmudic literature.¹⁴² Cronbach wished to demonstrate that Jewish tradition encompasses teachings which can be applied at various points "on a modernistic scale" ranging from extreme militarism to extreme pacifism. He claimed, incorrectly, that the moral differentiation between wars of aggression and wars of defense is a distinction of which the tradition is not conscious.¹⁴³

Vigorous Reform opposition to the Vietnam conflict in the 1960's spurred renewed interest in this subject and a number of studies appeared emphasizing the teachings of Judaism that lend themselves to pacifist interpretation.¹⁴⁴ Some writers sought to demonstrate that alongside the normative halakhic position there

was a position that refused to condone violence even in extreme situations.¹⁴⁵ One writer posited “an undercurrent of non-violence which grew alongside the Halakhah (and even in it at one point)... At times this position was at the forefront...at others, it remained the view of small groups.”¹⁴⁶

The view that it was necessary to abandon the traditional attitude of Judaism toward war as expressed by the CCAR in 1935 persisted. Only now the position was stated more baldly:

We have faced the tradition and have found its normative halakhic position wanting....¹⁴⁷ We cannot accept its normative patterns as the only meaningful expression of God’s demands on us as Jews. As liberal Jews, we cannot accept the notion that the *memrah* and the *mitzvah* are always heard in the *din* given by the *g’dolei ha-dor*.¹⁴⁸

Yet in order to anchor the emerging liberal position in Jewish tradition, Reform writers argued that the longstanding non-normative halakhic view must now be affirmed.

Ironically, the position a number of these writers espoused was hardly one that differed from what is, in reality, the normative halakhic position. Sheldon Zimmerman wrote:

Thus, although we find ourselves not to be pacifists (and there is a pacifist trend in Judaism as seen by the non-violent tradition), we cannot countenance any military forms of violence in this country or by this country where no *clear* issue of self-defense of *home* and *family* can be established.... Thus, some of us find ourselves differing with the normative halakhic position.¹⁴⁹

Zimmerman found himself conflicted because of his own misunderstanding of the halakhic sources. The position he himself articulated is much closer to the normative halakhic view than to the non-normative. Zimmerman and other liberal writers who addressed this issue were attacking a straw man and disputing a tradition that they misconstrued.

Certainly, as Isaiah Leibowitz wrote, while there is no enthusiasm for military prowess *per se* in Judaism, Halakhah recognizes that, when war is necessary, “legitimate value is attached to one who fulfills his responsibilities in this area of human reality...”¹⁵⁰ Yet, in most instances, warfare is not legitimate and is not condoned by Halakhah. The normative halakhic view of the Vietnam conflict does not differ significantly from the view espoused by Zimmerman. Indeed, as aptly expressed by Rabbi Joseph Grunblatt:

If a Viet Cong takeover of South Vietnam cannot be considered a clear and present military danger to the United States¹⁵¹ it would make this war a *milchemet reshut* for America, which is not permissible for a *Ben Noach*. One may question whether the Halakhah and *Daat Torah* have been considered by those supporting our government’s policies in Vietnam.¹⁵²

In the final analysis, one comes back full circle. Neither patriotic enthusiasm that extols warfare nor absolute pacifism that precludes self-defense is reflective of the Jewish tradition. The view that for Jews in our day, and for Noahides at any time, there is no legitimate discretionary war appears to be the normative halakhic position as accepted by the majority of halakhic authorities.¹⁵³ Perhaps in the contemporary historical epoch, in which the horrors perpetrated by the ravages of warfare have shocked our society to its foundation and the ethical dilemmas of political aggression in the name of patriotism are confronted more forthrightly, articulation of the halakhic view need not be hampered by apologetic obfuscation and halakhic objections to complicity in participating in a war of aggression need no longer be relegated to the sphere of *Torah she-be-al peh*.

IV. A POLITICAL ASIDE – ALL-JEWISH BATTALIONS IN NON-JEWISH ARMIES

During an age in which civic and social equality were the anticipated goals prompting participation in military endeavors, promotion of all-Jewish army units would have been counterproductive. Such units would have served to affirm difference precisely when the

desire was to assert commonality. However, from time to time, efforts were made to establish all-Jewish battalions in order to achieve entirely different objectives.

Whether or not one's personal value system, in consonance with that of the Sages, regards weapons in a negative light ("They are but a disgrace," Mishnah, *Shabbat* 63a), it would be naïve not to recognize that in society in general an undeniable mystique surrounds the accoutrements of war, such as uniforms, arms, and medals. Similarly, an aura of power and authority is associated with military personages. The phenomenon of former generals rising to positions of civilian prominence even in peace-loving democracies is familiar to all. An acute awareness of those factors and the recognition that military exploits bestow a measure of political and social influence on participants served as motivating considerations for those who sought to promote the establishment of all-Jewish battalions in both World Wars.

During World War I, two diametrically opposite perspectives regarding Jewish participation in the conflict emerged among Zionist leaders. In Palestine, Ben-Gurion and Ben-Tzvi proposed the formation of a Jewish Legion attached to the Turks on the side of the Central Powers. Initially approved by the Turkish authorities, who rapidly rescinded their approval, the project ended in the imprisonment and deportation of the Jewish volunteers. In contrast, Jabotinsky and others proposed the formation of a Jewish Legion to fight on the side of the Allies in order to free Palestine from the Turks.

The Zion Mule Corps, organized in 1915 and composed in part of Russian Jewish immigrants to Britain, fought under a battalion flag of their own. Later, two battalions attached to the Royal Fusiliers, consisting mainly of Jewish volunteers from America, were sent to Egypt and fought under their own flag in the campaign to conquer Palestine. It was hoped that, if Jews fought as a national unit, as cobelligerents, they would later gain the right to advance claims at the peace table. The presence of such a Jewish military unit fighting for Palestine, hailed as "the first Jewish army since Bar Kochba," had great emotional resonance to Jews throughout the world.¹⁵⁴ Those

sentiments are captured in a poem published just before a large contingent of American volunteers left to join the Legion:

The swords of many nations
Have made of thee a prey,
The feet of many strangers
Have worn thy stones away;
But harken, O Jerusalem,
And hear a joyful sound –
The tread of Jewish warriors
On their ancestral ground!

Arise and sing, Jerusalem,
Who art no longer dumb;
O citadel of David,
The sons of David come!¹⁵⁵

During the Second World War, a Jewish Brigade Group was formed to serve alongside the Allied forces as an independent Jewish national military unit. From 1940 on, many Jews served in the British East Kent Regiment in Jewish companies primarily involved in guard duty and not fully equipped. In 1944, those units together with new volunteers and a number of Jews serving in other sections of the British army were incorporated into an independent Jewish Brigade of approximately 5,000 soldiers. The Brigade took part in assaults against the Germans and later played an important role in caring for Jewish survivors of the concentration camps and ghettos.

Winston Churchill, no stranger to political nuance and keenly attuned to the import of propaganda and symbol in boosting morale, had his own agenda in favoring the organization of the Jewish Brigade as a distinct and recognizable body. In a telegram sent to President Roosevelt, Churchill demonstrated sympathetic understanding of the unique nature of Jewish involvement in the struggle against the Nazis and that “surely...of all other races” Jews qua Jews had the right to strike at the Germans. Therefore, he concluded, the assembling of a Jewish regimental combat team with its own flag

“will give great satisfaction to the Jews when it is published...[and] would be a message to go all over the world.”¹⁵⁶

As was the case with regard to the Jewish Legion, the formation of the Jewish Brigade was the culmination of efforts on the part of Zionist leaders to enhance the status of the *yishuv* and to promote the political aims of Zionism. The Zionist leadership well understood the powerful psychological and political impact that would result from the existence of Jewish fighting units. In forming the Jewish Legion and the Jewish Brigade, deeply-rooted ambivalences toward warfare and the military were overcome by the desire of ardent Zionists to achieve overriding aims, viz., realization of nationalist aspirations and, with regard to the Brigade, also elimination of a threat to the very existence of the Jewish people.

V. AFTERWORD

Plato, in the *Republic* (v, 466), suggests that in the ideal state men and women who go out to the battlefield should take children along as spectators in order to enable them to observe and to learn “this trade like any other” and to familiarize themselves with their future duties. Men who are destined to become warriors, Plato argues, should see something of warfare in childhood.¹⁵⁷

Plato articulates the very antithesis of a Jewish educational perspective. The extent to which his model differs from a Jewish one is exemplified by a *bon mot* current among European Jews. When the German Emperor William I passed away, an elderly officer was given the honor of carrying the deceased Kaiser’s sword on a cushion in the funeral procession. Berlin Jews characterized that distinction as “*goyishe naches*” (satisfactions of the gentiles).¹⁵⁸

In point of fact, the Jewish educational ideal represents a reinterpretation and transformation of the notion of the military hero. Thus a characteristic aggadic commentary on Song of Songs 3:7–8 states:

“Behold his bed, which is Solomon’s; threescore valiant men are about it, of the valiant of Israel. They all hold swords, being expert (schooled) in war – *melumadei milhamah*”:

Melumadei – Schooled, *she-melamdin et beneihem, ve-limadetem et beneikhem* – that they teach their children, and you shall teach them unto your children; *milhamah* – war, *milhamtah shel Torah* – the war of Torah.¹⁵⁹

The sole instruction in battle commended by rabbinic teachers is to hone the minds of students so that they become expert in intellectual struggle and strive for the truth and knowledge necessary to triumph in the “war” of Torah.

NOTES

1. Manuscript in the possession of the Livraria Ets Haim-D. Montezinos in Amsterdam cited by Arnold Wiznitzer, “Jewish Soldiers in Dutch Brazil (1630–1654),” *Publication of the American Jewish Historical Society (PAJHS)*, 46:1 (1956):47.
2. Paris, 1886, p. 53.
3. *Zuruf an die Jünglinge, welche den Fahnen des Vaterlandes folgen*, (Berlin, 1813), p. 10.
4. *Sulamith*, II:1 (1808):6.
5. *Central Conference of American Rabbis Yearbook (CCARY)*, 45 (1935): 66–67.
6. Simon Schwarzfuchs, *Napoleon, the Jews and the Sanhedrin* (London: Routledge and Kegan Paul, 1979), p. 62.
7. See A.E. Cowley, *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923; Rep. Osnabrück: Zeller, 1967), pp. xv, xvi and 12.
8. See Jacob Beller, *Jews in Latin America* (New York: Jonathan David, 1969), pp. 107–108 and *Historical Essay on the Colony of Surinam 1788*, trans. S. Cohen, Jacob R. Marcus and Stanley S. Chyet, eds. (New York: American Jewish Archives and Ktav Publishing House, 1974), pp. 42–48 and 65–72.
9. Note should be taken of R. Judah Halevi’s incisive statement, *Kuzari*, Part v, sec. 23, categorizing the behavior of those who endanger their lives by volunteering for army service “in order to gain fame and spoil by courage and bravery” as morally reprehensible and “even inferior to that of those who march into war for hire.” Halevi’s distinction between frivolous self-endangerment and self-endangerment for purposes of earning a livelihood prefigures the thesis later developed in the classic responsum of Rabbi Ezekiel Landau, *Noda bi-Yehudah, Mahadura Tinyana* (Prague, 1811), *Yoreh De’ah*, no. 10.
10. See the intriguing summary of Jewish military activity in the Middle Ages in David Biale, *Power and Powerlessness in Jewish History* (New York: Schocken Books, 1986), pp. 72–77 and sources cited in Yitzhak Ze’ev Kahane, “Sherut ha-Tzava be-Sifrut ha-Teshuvot,” *Sinai* 23 (1948): 129–134.
11. See “Military Service,” *Encyclopedia Judaica*, XI, 1550.
12. Cf. R. Abraham Dov Ber Kahane, *Dvar Avraham*, I, no. 11 and R. Menachem

- Ziamba, *Zera Avraham*, no. 24, sec. 10, and the discussion in R. J. David Bleich, *Contemporary Halakhic Problems*, II (New York: Ktav Publishing House, 1983), 164–166.
13. *She'elot u-Teshuvot Bet David*, 2nd ed. (Vienna, 1932), I, no. 71.
 14. Eulogy published in “*Sefer Hatam Sofer*,” *Derashot*, I (Cluj, 1929), pp. 80b–82a and republished in Rabbi Joseph David Sintzheim, *Minhat Ani* (Jerusalem: Machon Yerushalayim, 1974), p. 30. English translation in Schwarzfuchs, *Napoleon*, p. 116.
 15. *Yevamot* 65b.
 16. *Noda bi-Yehudah, Mahadura Tinyana, Yoreh De'ah*, no. 74.
 17. *She'elot u-Teshuvot Hatam Sofer*, VI (Pressberg, 1864), *Likkutim*, no. 29.
 18. *Imrei Esh, Yoreh De'ah* (Lemberg, 1852), no. 52.
 19. Cf. the complex and rather strained argument presented by R. Abraham Teumim, *Hesed le-Avraham, Mahadura Kamma* (Lemberg, 1857), *Yoreh De'ah*, no. 45, in favor of compelling such persons to accept induction in order to preserve observant individuals from transgression.
 20. *Noda bi-Yehudah, Mahadura Tinyana, Yoreh De'ah*, no. 74. For a discussion of why Rabbi Samuel Landau demands protest against delivery of prospective soldiers to the authorities but does not demand similar protest against communal intervention to secure the release of designated individuals when substitution of others is a certainty, see R. J. David Bleich, *Be-Netivot Ha-Halakhah* (New York: Ktav Publishing House, 1996), I, 120–124.
 21. Policy with regard to clergymen and rabbinical student exemptions differed from country to country. In France, after 1808, Jewish youths preparing to enter the rabbinate were not granted a clergy exemption. See S. Posener, “The Immediate Economic and Social Effect of the Emancipation of the Jews in France,” *Jewish Social Studies*, 1 (1939):317. However, in Russia, under a decree issued in 1827, rabbis and students in rabbinical seminaries were exempt from military service. See Michael Stanislawski, *Tsar Nicholas I and the Jews: The Transformation of Jewish Society in Russia, 1825–1855* (Philadelphia: Jewish Publication Society, 1983), p. 19. Cf., also, the comments of R. Baruch ha-Levi Epstein, *Mekor Barukh* (New York, 1954), II, 1060–1061.
 22. *Hatam Sofer's* ruling was by no means unique. Thus, for example, R. Zevi Hirsch Chajes reports that he had occasion to advise a synagogue to pawn the synagogue lamps in order to raise funds necessary to enable prospective conscripts to avoid military service. See *Minhat Kena'ot*, in *Kol Sifrei Maharatz Hayes* (Jerusalem: Divrei Hakhamim, 1958), II, 991.
 23. *She'elot u-Teshuvot Hatam Sofer*, VI, *Likkutim*, no. 29. Sheldon Zimmerman, “Confronting the Halakhah on Military Service,” *Judaism* 20:2 (Spring, 1971): 207 and 210, errs in positing a fundamental disagreement between *Hatam Sofer* and Rabbi Samuel Landau and in asserting that Rabbi Landau represented a minority view in censuring the methods used by the Jewish community in filling their quotas. Both respondents categorically forbid substitution of nonobservant youths for draftees who have been designated by name. The stronger language of Rabbi

- Landau, “*mehuyavim limhot be-yad*,” in contrast to *Hatam Sofer’s* “*ha-shetikah yafah me-dibbureinu ba-zeh ve-et la-hashot*,” may simply reflect the difference between an earlier theoretical stance and a later deterioration in communal practice at which time protest might have proven more harmful to the welfare of the greater community. While *Hatam Sofer* affirms that the conscripted individual has an obligation to serve if he cannot avoid induction, Rabbi Landau states only that once an individual has been designated the community must desist from efforts to secure a reprieve at another’s expense, but is silent regarding the individual’s own obligation. However, there is no explicit contradiction between the two responsa. Nor does *Hatam Sofer* express “the majority view” (Zimmerman, p. 207) with regard to the legitimacy of the draft as flowing from the power of the ruler to levy “taxes.” Whether or not the prerogatives of the king ascribed by 1 Samuel 8 to the Jewish king (*mishpetei ha-melekh*) apply to non-Jewish rulers as well is the subject of considerable controversy among halakhic scholars. See Shmuel Shilo, *Dina de-Malkhuta Dina* (Jerusalem: Jerusalem Academic Press, 1974), pp. 62, 64–67, 71–73 and 101.
24. Again Zimmerman errs (p. 207) in deeming this a stronger position than that of *Hatam Sofer*. Exemptions are simply not discussed by *Hatam Sofer*; they are not necessarily forbidden.
 25. See *infra*, note 37.
 26. Cf., however, *infra*, note 49.
 27. R. Moshe Joshua Judah Leib Diskin, *She’elot u-Teshuvot Maharil Diskin* (Jerusalem, 1911), *Pesakim*, no. 4, forbids a soldier to reveal an infirmity to the authorities in order to avoid army duty lest he be coerced instead to work on the Sabbath. This responsum should not be viewed as contradicting the views of *Keren le-David* or *Levushei Mordekhai* since the responsum does not appear to apply to army service during wartime. The conclusion drawn by Zimmerman (p. 209) that Maharil Diskin deems profanation of the Sabbath a greater evil than danger to one’s life is without basis.
 28. See *infra*, notes 106 and 107 and accompanying text.
 29. It must be emphasized that this responsum addresses the situation of a peacetime army and involves no discussion of danger to life. In wartime an additional factor would have had to be taken into consideration, namely, preservation of life for as long as possible.
 30. *Melammed le-Ho’il, Orah Hayyim*, no. 43. The comments of Rabbi Alfred Cohen, “In this century, R. David Hoffmann (*Orach Chaim* 42–43) considered it the obligation of every citizen, including Jews, to participate in the army like all citizens. Even if one can get a deferment for 2 or 3 years, R. Hoffmann opposes it and says one should enlist right away,” are not an accurate representation of Rabbi Hoffmann’s views. See R. Alfred Cohen, “On Yeshiva Men Serving in the Army,” *Journal of Halacha and Contemporary Society*, No. 23 (Spring, 1992), p. 30, note 65.
 31. The note below the text marked with an asterisk, “And it has already been ruled in the Gemara ‘the law of the land is the law,’” may constitute a somewhat enigmatic

reference to the legitimacy of conscription. However, the form in which it appears, i.e., outside the annotations on *Shulhan Arukh* and without the usual marginal signal makes it possible that this comment was intended for the benefit of the authorities rather than the reader.

32. *Horeb: A Philosophy of Jewish Laws and Observances*, trans. Dayan I. Grunfeld (New York: Soncino Press, 1962), sec. 609, p. 462.
33. *Loc. cit.*
34. The unquestioning patriotism of Rabbi Hirsch is subjected to a pointed critique in Rabbi Howard I. Levine, "Enduring and Transitory Elements in the Philosophy of Samson Raphael Hirsch," *Tradition* 5:2 (Spring, 1963): 290–293. Cf. the response of Rabbi Shelomoh Eliezer Danziger, "Clarification of R. Hirsch's Concepts – A Rejoinder," *Tradition* 6:2 (Spring-Summer, 1964): 155–156.
35. *Horeb*, p. 462.
36. *Tel Talpiyot* (Moetzin, 1916), no. 104.
37. Surprisingly, *Imrei Esh, Yoreh De'ah*, no. 52, permits voluntary enlistment despite the danger to life involved. For a recent discussion of that issue, see R. Yitzchak Zilberstein, *Kol ha-Torah*, No. 55 (Tishri, 2003): 153–154.
38. Another orthodox rabbinic figure of the time who wrote eloquently on pacifism was R. Aaron Saul Tamaret (1869–1931). See *infra*, note 144 regarding an English translation of one of his sermons on non-violence.
39. This letter has recently been published by his grandson, Rabbi Yehudah H. Henkin, in his article, "Ha-Ga'on Rabbi Yosef Eliyahu Henkin Zatzal, Shloshim Shanah le-Motto," *Ha-Ma'ayan*, 44:1 (Tishri, 2003): 75–76.
40. See Stanislawski, *Tsar Nicholas*, pp. 13–34 and Salo W. Baron, *The Russian Jew under Tsars and Soviets*, 2nd rev. ed. (New York: Macmillan, 1976), pp 29–32. For a discussion of Cantonists' memoirs and literary works devoted to the Cantonist theme see Adina Ofek, "Cantonists: Jewish Children as Soldiers in Tsar Nicholas's Army," *Modern Judaism*, 13 (1993): 277–308.
41. See R. Baruch ha-Levi Epstein's description of the "era of the sin of the community," *Mekor Barukh*, II, 962–969 and 999–1003 and III, 1191–1192; cf., Stanislawski, *Tsar Nicholas*, pp 26–34. Cf. also Kahane, "Sherut ha-Tzava," p. 147.
42. Indicative of the wariness of rabbinic scholars to address these matters in print is material on the Cantonists that has only now been published. In a recent article, "Gezeirah Hi Mi-Lefanai: Derashot be-Inyan ha-Kantonistim," *Yeshurun*, XII (Nisan 2003): 695–726, Rabbi Yisrael Meir Mendelowitz incorporates the text of a number of discourses devoted to the Cantonists as they appear in an unpublished manuscript of Rabbi David of Novardok (1769–1836), author of the celebrated rabbinic work, *Galya Massekhet*. In *Galya Massekhet*, posthumously published (Vilna, 1844) by the author's son-in-law and grandson, portions of these discourses appear but with the glaring omission of explicit references to the Cantonist decree. Thus, for example, in one discourse that is published in *Galya Massekhet*, R. David of Novardok mentions a prayer assembly called in response to the troubles that had beset the community "which cannot be recorded in writing" (*Galya Massekhet*, p. 13a). The identical prayer assembly is described in the now published manuscript

- as having been called “in order to stir the populace because of the occurrence of the decree and edict” (*Yeshurun*, p. 717). In particular, in the discourse delivered on the *Rosh ha-Shanah* immediately following the conscription edict of August 26, 1827, Rabbi David of Novardok reflects the somber and anguished mood of a stricken community of whom he writes that it is “difficult for us to recite on these holidays the [blessing] *she-heheyanu*” (p. 726) and whose feelings he can best depict (p. 718) in the words of Ezekiel 21:12, “And it shall be when they say unto you: Wherefore do you sigh, that you shall answer: Because of tidings that are coming and every heart shall melt and all hands shall be feeble and every spirit shall grow faint and all knees shall be weak as water. Behold it is come and shall happen...” Rabbis could express such sentiments in the privacy of their congregations but, at that time, were loath to disclose them to alien eyes that might alight upon a published work.
43. Aharon Soraski, *Marbitzei Torah u-Mussar*, I (Brooklyn, NY: Sentry Press, 1977), 80.
 44. For a description of various other incidents in which Rabbi Soloveichik intervened in such matters, see *ibid.*, pp 80–81.
 45. Cited in translation in Baron, *Under Tsars*, pp. 30–31; for a slightly different Yiddish version see Epstein, *Mekor Barukh*, II, 964. See also *ibid.*, pp. 965–967 and p. 967, note 2, for the exploits of R. Eliyahu Shik and for a description of efforts of other rabbinic figures to oppose the tyranny of the communal officials who surrendered children to army authorities. Regarding R. Eliyahu Shik cf. Stanislawski, *Tsar Nicholas*, p. 129 and the popularized account of Larry Domnitch, *The Cantonists: The Jewish Children’s Army of the Tsar* (Jerusalem and New York: Devora Publishing, 2003), pp. 55–56.
 46. See Dov Katz, *Tenu’at ha-Mussar*, I (Tel Aviv: Avraham Zioni, 1958), 204–206.
 47. See Mendelowitz, *Yeshurun*, XII, 443, note 18. Cf. Domnitch, *The Cantonists*, pp. 57–60. The hasidic leaders, R. Yitzhak of Worki and R. Israel of Rizhin, prevailed upon Moses Montefiore to travel to Peterburg in order to intercede with Tsar Nicholas and urge mitigation of the harsh draft decree but Montefiore’s intervention was unsuccessful. See Aaron Marcus, *Ha-Hasidut*, trans. into Hebrew from German by M. Schonfeld (Tel Aviv: Nezah, 1954), pp. 213–214. For the application of the conscription decree in the areas of Poland under Russian rule and Polish Jews’ fruitless efforts to mitigate provisions of the law, see also Jacob Shatzky, *Die Geshikhte fun Yidn in Varshe* (New York: Yiddish Scientific Institute-Yivo, 1948), II, 74–81.
 48. R. Shlomoh Yosef Zevin, *Ishim ve-Shittot* (Tel Aviv: Avraham Zioni, 1958), pp. 63–64 and Soraski, I, 112.
 49. Zevin, *Ishim*, p. 65; Soraski, *Marbitzei*, p. 112. For a discussion of how that ruling involves an expansion of the *holeh le-fanenu* (“a patient before us”) principle necessary to justify suspending biblical strictures, see R. J. David Bleich, *Bioethical Dilemmas: A Jewish Perspective* (Hoboken: Ktav Publishing House, 1998), pp. 154–156. Cf., however, *Hazon Ish*, *Oholot* 22:32 and *Yoreh De’ah* 208:7.
 50. *Birkat Shmu’el*, I (New York, 1947), *Kiddushin* 27:6, p. 41.

51. Zevin, *Ishim*, pp. 73–74, as related to him by R. Iser Zalman Meltzer.
52. *Ibid.*, p. 74, note, as related to Rabbi Zevin “by a reliable source.” Rabbi Zevin suggests that R. Hayyim’s attitude may have been formed by his personal experience in the Volozhin Yeshiva. So long as the Yeshiva did not come to the attention of the authorities, its operation was unimpeded. Once the Yeshiva was formally recognized by government bureaus, harassment and attempts at regulation began. The lesson to be learned was that safety was to be found in obscurity.
 R. Hayyim’s aversion to army service was shared by other members of his family. His grandson, the late Rabbi Joseph B. Soloveitchik of Boston and New York, was not eager to serve in the army. In 1924 he enrolled in the Free Polish University in Warsaw and in 1926 left for Berlin to continue his studies in the philosophy department of the University of Berlin. A factor influencing his decision to leave for Berlin was the possibility of being drafted into the Polish army. See Aaron Rakefet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik* (Ktav Publishing House, 1999) 1, 26 and 68, note 11 and Bertram Leff, “Letter to the Editor,” *Torah u-Madda Journal*, IX (2000):268–269. Another grandson, the late Rabbi Moshe Soloveitchik of Switzerland (together with Rabbi Aaron Leib Steinman, currently Rosh Yeshiva of Yeshiva Ga’on Ya’akov in Bnei Brak), fled Poland in 1937 after receiving draft notices from the Polish army and thus survived the war. See Moshe Musman, “A Reiner Mentsch, A Reiner Torah: HaRav Moshe Soloveitchik zt”l,” *Yated Ne’eman* (May 3, 1996), 19.
53. M. Sofer, *Homat Esh* (Israel, 1985), I, 114–115 and 126–130.
54. A number of incidents are recorded by the popular historian Abraham I. Bromberg in his *Admorei Aleksander* (Jerusalem: Ha-Machon le-Hasidut, 1954), pp. 93–94 and *Ha-Admor R. Yehudah Leib Alter mi-Gur, Ba’al “Sefat Emet”* (Jerusalem: Ha-Machon le-Hasidut, 1956), pp. 114–117. Cf. Yisroel Friedman, *The Rebbe of Chortkov* (Brooklyn: Mesorah Publications, 2003), pp. 221–222, for a similar unsuccessful attempt on the part of the authorities to apprehend R. Yisrael Friedman, the *Rebbe* of Chortkov, in the act of advising his followers to evade conscription.
55. Aharon Soraski, “Foreword: Kalonymus Kalman Shapiro, Rebbe of the Warsaw Ghetto,” in R. Kalonymus Kalman Shapiro, *A Student’s Obligation: Advice from the Rebbe of the Warsaw Ghetto*, trans. by Micha Odenheimer (Northvale, NJ: Jason Aronson, 1991), pp. xxv and xxxiii–xxxiv. On the use of amulets and other mystical practices for avoidance of conscription cf. *infra*, note 62 and accompanying text. See also Epstein, *Mekor Barukh*, II, 1061, note 1.
56. Wiznitzer, “Jewish Soldiers in Dutch Brazil,” *PAJHS*, 46:1 (1956):40–50.
57. Arthur Hertzberg, *The Jews in America: Four Centuries of an Uneasy Encounter: A History* (New York: Simon and Schuster, 1989), p. 52.
58. Zosa Szajkowski, *Jews in the French Revolutions of 1789, 1830 and 1848* (New York: Ktav Publishing House, 1970), pp. 557–558, 786 and 794.
59. *Ibid.*, p. 792. In some instances Jews were forced to have their beards and sidelocks publicly cut off and were forced to pay the barbers for this service. A surprising exception is the case of the head of the yeshiva in Metz, Rabbi Aaron Worms, who

reportedly voluntarily shaved off his beard and enlisted in the National Guard, and, upon being given a lance, proclaimed in Hebrew, “This is the day that we awaited” (*loc. cit.*). Rabbi Aaron Worms, the author of novellae entitled *Me’orei Or*, later, in 1815, became Chief Rabbi of Metz.

It is noteworthy that during the Polish uprising of 1831, at a time when several hundred Jews bore arms in the national army, there were several Jewish units comprised of observant individuals in the Warsaw militia who received specific dispensation not to cut their beards and sidelocks. See N.M. Gelber, “Yehudim bi-Tzva Polin,” in *Hayyalim Yehudim be-Tzeva’ot Europah*, Yehudah Slutzky and Mordecai Kaplan, eds. (Israel: Ma’arkhot, 1967), pp. 94–95 and Shatzky, *Geshikhte*, 1, 322–323.

60. Paula E. Hyman, *The Emancipation of the Jews of Alsace: Acculturation and Tradition in the Nineteenth Century* (New Haven & London: Yale University Press, 1991), p. 74 and p. 174, note 29.
61. Hyman, *ibid.*, p. 17, observes that, since many other departments were exempt from the decree, the burden of this provision fell heavily on the Jews of Alsace-Lorraine. Regarding the question of substitutes in the French army and Jewish agents active in recruiting and pressuring individuals to serve as substitutes, see Szajkowski, *French Revolutions*, pp. 564–565.
62. Hyman, *Jews of Alsace*, pp. 69–70, and p. 174, notes 26.
63. For the text of the address see Solomon Wind, *Rabbi Yehezkel Landau: Toldot Hayyav u-Pe’ulotav* (Jerusalem: Da’at Torah, 1961), Appendix 3, pp. 115–116.
64. *Ibid.*, p. 116. Yekutiel Aryeh Kamelhar, *Mofet ha-Dor: Toldot Rabbenu Yehezkel ha-Levi Landau Ba’al ha-Noda bi-Yehudah ve-ha-Tzlah* (Pietrkow, 1934), p. 82, note 6, cites a communication regarding a letter from R. Shlomo Kluger of Brody in which Rabbi Kluger delivers a report concerning Rabbi Landau’s reaction to the conscription edict. According to this account, Rabbi Landau was told that the king had announced that the Jews would be accorded great honor in that they would henceforth be able to serve in the army. Of this honor, Rabbi Landau is said to have remarked that it constituted the curse alluded to in Leviticus 27:44: “And yet for all that, when they be in the land of their enemies, I will not cast them away, neither will I abhor them to destroy them utterly and to break My covenant with them for I am the Lord their God.” Rabbi Landau allegedly declared that, because in the army Jews will be susceptible to violating all the dietary laws, to give Jews the honor of military service and no longer to “abhor them” and “cast them away” is “to destroy them utterly and to break My covenant with them.”
65. The text of the question is included in Baruch Mevorach, *Napoleon u-Tekufato* (Jerusalem: Mossad Bialik, 1968), Part 1, p. 37.
66. Robert N. Rosen, *The Jewish Confederates* (Columbia, sc: University of South Carolina Press, 2000), p. 173. His family still has in its possession his two mess kits – one for meat and one for milk. See *ibid.*, p. 421 note 39.
67. Myron Berman, *Richmond’s Jewry, 1769–1976: Shabbat in Shockoe* (Charlottesville: University Press of Virginia, 1979), p. 175; Rosen, *Jewish Confederates*, p. 199.

Knowledge of the rudiments of Jewish dietary law was common among the non-Jewish populace, as is evident from the following charming vignette: Major Alexander Hart of New Orleans, one of the highest ranking Jewish Confederate infantry officers, was seriously wounded in his thigh by grapeshot early in the war. The surgeon wished to amputate the leg but was restrained by the mistress of the house to which Hart had been taken after the battle. She implored the doctor to delay the amputation and permit her to try to nurse Hart back to health because, she argued, so young and handsome a man should not lose a leg. After the war, Hart visited his benefactress annually. Once, when her daughter-in-law complained that there was no ham on the table, the elderly lady responded, "No, there shall be no ham on my table when my 'Jewish son' is here." See Herbert T. Ezekiel and Gaston Lichtenstein, *The History of the Jews of Richmond from 1769 to 1917* (Richmond, Virginia: Herbert T. Ezekiel, 1917), p. 157.

68. Rosen, *Jewish Confederates*, p. 200. See also *ibid.*, p. 115, Edward Kursheedt's letter in which he communicates, "I have not been able to see the Chanucka lights this year." For further details regarding observance of Passover and the Day of Atonement and informal Sabbath services see Bertram W. Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society, 1961), pp. 88–94.
69. I am indebted to Rabbi Samuel N. Hoenig for drawing my attention to the fact that a slim English-language manual for Jewish soldiers was distributed in the United States during World War II. That work by Moses M. Yosher, based on *Hafetz Hayyim's Mahaneh Yisrael*, is titled *Israel in the Ranks* (New York: Yeshiva Chofetz Chaim Publication, 1943).
70. R. Israel Meir ha-Kohen, *Mahaneh Yisrael* (New York: Shulsinger Bros., 1943), Introduction, p. 8. *Hafetz Hayyim's* concern for Jewish soldiers expressed itself in other practical endeavors as well. An open letter, "Regarding Kosher Food for Soldiers," signed by him dated 5683 (1923) emphatically underscores the interdependence and mutual responsibility of each Jew for his fellow and calls on Jewish communities to establish kosher soup kitchens for the benefit of soldiers stationed in their environs. The letter is published in *Hafetz Hayyim al ha-Torah*, ed. S. Greiniman (New York: Shulsinger Bros., 1943), p. 237.
71. *Mahane Yisra'el*, "Davar be-Itto," pp. 175–187.
72. *Ibid.*, pp. 19–20.
73. See "Sermon on Be-Ha'aloteka" in *Jewish Preaching 1200–1800: An Anthology*, ed. Marc Saperstein (New Haven and London: Yale University Press, 1989), pp. 351–353, and the very informative notes, *ibid.*, p. 351, notes 3 and 4. Although he stressed the obligation of Jews to obey their kings and pray for their welfare, victory and prosperity, Rabbi Levin did not hesitate to comment upon the ethical and philosophical problems posed by military excursions. He stressed the fact that warfare engendered deplorable economic and political disruption. Nonetheless, he expressed assurance that rulers, in their wisdom, had their own compelling reasons for leading their nations into battle. Even though thousands might perish in a particular war, the monarch might feel compelled to engage in battle in order to forestall even greater

- bloodshed in the future. Thus, in addressing the morality of war, this traditional preacher expressed confidence in the royal leader, even while echoing the age-old messianic aspiration for universal peace. See *ibid.*, pp. 355 and 358.
74. Hertzberg, *Jews in America*, pp. 28–29; Jacob Rader Marcus, *Early American Jewry*, 1 (Philadelphia: Jewish Publication Society, 1951), 30–31.
 75. Amos Elon, *The Pity of It All: A History of Jews in Germany, 1743–1933* (New York: Henry Holt & Co., 2002), p. 91; cf. Hans Brandenburg, ed., *Das Denkmal. Heinrich Heine: Denkwürdigkeiten, Briefe, Reisebilder, Aufsätze und Gedichte* (Munich: W. Langewiesche-Brandt, 1912), p. 62.
 76. Ironically, even conservative elements in Prussia favored army service for Jews. If Jews would not participate in the struggle, they argued, Jews would benefit financially from the war while Christians were killing one another. See H.D. Schmidt, “The Terms of Emancipation, 1781–1812,” *Leo Baeck Institute Yearbook*, 1 (1956), 33.
 77. See Martin Phillippon, “Der Anteil der jüdischen Freiwilligen an dem Befreiungskriege 1813 und 1814,” *Monatsschrift für Geschichte und Wissenschaft des Judentums (MGWJ)*, 50:1–2 (1906): 1–21 and 220–247, for lists of Jewish volunteers who served in the military campaigns against Napoleon. Phillippon refers to the intriguing narrative of a Jewish woman, Esther Manuel (1785–1852), later known as Luise Grafemus, purportedly of Hanau, who fought against the Napoleonic forces in 1813–1814. According to her own account, confirmed in an official Russian military gazette, her husband had abandoned her and their two children and enlisted in the Russian army. In an attempt to trace him, she traveled to Berlin and then, disguised as a man, enlisted in an East Prussian cavalry regiment. Allegedly, she took part in several battles, advanced to the rank of *Wachmeister* (sergeant-major), was twice wounded, and was awarded the iron cross by General Graf Bülow von Dennewitz. She succeeded in finding her husband in Montmartre, Paris on March 29, 1814 but he was killed by a cannonball the next day. Eventually, she returned to Hanau with great honor. See the journalistic accounts reported in Comité zur Abwehr antisemitischer Angriffe in Berlin, *Die Juden als Soldaten* (Berlin: Sigfried Cronbach, 1896), p. 4. In his account, written in 1906, Martin Phillippon, *MGWJ*, 50 (1906): 9, commented that whether Esther Manuel did indeed receive the iron cross as she claimed “remains unsubstantiated but is not improbable.” In the course of time, because of the numerous discrepancies in her account, later writers have questioned the veracity of the facts as reported by her. There also appears to be no record of Esther Manuel’s residence in Hanau at any time. Nonetheless, whether or not Esther Manuel actually served in the army, she did succeed in receiving a veteran’s pension. See Moritz Stern, *Aus der Zeit der deutschen Befreiungskriege, 1813–1815*. Vol. II, *Luise Grafemus* (Berlin: Verlag Hausfreund, 1935) and Sabina Hermes, “Eine Tasse mit grosser Geschichte – oder: Kennen Sie Luise Grafemus?” *Der Bote aus dem Wehrgeschichtlichen Museum*, 37 (1999):29–33. If indeed she did not take part in the military campaigns, such recognition on the part of German authorities well known for their bureaucratic punctiliousness may perhaps be viewed as an even more astonishing exploit.

78. *Zuruf an die Jünglinge, welche den Fahnen des Vaterlandes folgen*, (Berlin, 1813), pp. 5 and 10. Cited in Michael A. Meyer, *The Origins of the Modern Jew: Jewish Identity and European Culture in Germany, 1749–1824* (Detroit: Wayne University Press, 1979), p. 139.
79. Cited in “The Paulus-Riesser Debate,” *The Jew in the Modern World: A Documentary History*, Paul R. Mendes-Flohr and Jehuda Reinharz, eds. (New York and Oxford: Oxford University Press, 1980), p. 131.
- To these integrationists, persistence of virulent anti-Semitism in face of full participation in the burden of military service was not only unanticipated but unimaginable. The faulty nature of their thesis is perhaps best illustrated by an incident that occurred in 1896. When Jewish war veterans protested the continued discrimination against them, the Rumanian War Ministry responded bluntly, “The tax of blood bears no relation to the question of citizenship.” Zalman Filip “Yehudim Bi-Tzva ha-Romani,” *Hayyalim Yehudim*, p. 169.
80. Abbé Henri Grégoire, “An Essay on the Physical, Moral and Political Reformation of the Jews” (London, 1791), p. 150 cited by Gil Graff, *Separation of Church and State: Dina de-Malkhuta Dina in Jewish Law, 1750–1848* (University, Alabama: University of Alabama Press, 1985), p. 59.
81. Christian Wilhelm von Dohm, *Concerning the Amelioration of the Civil Status of the Jews*, trans. Helen Lederer (Cincinnati: Hebrew Union College–Jewish Institute of Religion, 1957), p. 80.
82. Szajkowski, *French Revolutions*, p. 794.
83. “Arguments Against Dohm,” text included in *The Jew in The Modern World*, p. 38. On an ironic note, Moses Mendelssohn responded to Michaelis that if “Christians have neglected the doctrines of their founders and have become conquerors, oppressors and slave-traders... Jews too could be made fit for military service.” See “Remarks Concerning Michaelis’ Response to Dohm,” *ibid.*, p. 43. Later apologists countered these anti-Semitic arguments by predicting that with attainment of emancipation the Jewish personality itself would become transformed. In David Friedlander’s opinion, if Jews achieved equality, they would become like everyone else, “physically stronger and more stupid.” Cited in Meyer, *Origins*, p. 68.
84. The text of the directive may be found in *Sulamith*, III:1 (1810): 15–17 as well as in B.H. Auerbach, *Geschichte der Israelitischen Gemeinde Halberstadt* (Halberstadt, 1866), pp. 215–216. The Consistory had leaned heavily on the view of *Hakham Zevi* in issuing the dispensation. The opinion of *Hakham Zevi* is cited by his son R. Jacob Emden, *Mor U-Ketziah, Orach Hayyim* 453 and *She’ilat Ya’avetz*, II, no. 147. In a lengthy discussion of this topic in *Minhat Kena’ot* written in 1849, R. Zevi Hirsch Chajes analyzes the view of *Hakham Zevi* and explains why the conclusions drawn by the Consistory are not applicable. See *Kol Sifrei Maharatz Hayes*, vol. 2 (Jerusalem: Divrei Hakhamim, 1958), 1027–1030. For a discussion of a number of additional reasons advanced for the prohibition of legumes on Passover see *Encyclopedia Talmudit*, XVII, 101–102.
85. See *Sulamith*, III:1 (1810): 145–148. To avoid difficulties in cases in which the groom’s

- brothers were of military age, the Consistory proposed that a conditional clause be incorporated in the marriage ceremony that would serve to circumvent the laws of *halitzah* enabling the widow to remarry freely. The proposed conditional marriage was an innovation for which there was significant halakhic precedent, but such precedent was fraught with controversy. See A.H. Freimann, *Seder Kiddushin ve-Nisu'in: Me-Aharei Hatimat ha-Talmud ve-ad Yameinu* (Jerusalem: Mossad Harav Kook, 1964), pp. 386–388 and Aaron Dov Alter Waranawski, *Ein Tenai be-Nisu'in* (Vilna, 1930).
86. Ludwig Horwitz, *Die Israeliten unter dem Königreich Westfalen* (Berlin: S. Calvary, 1900), pp. 10–11.
87. *Sulamith*, 11:1 (1808):6.
88. *Ibid.*, 11:2 (1809):301.
89. The permissive ruling of the Consistory was defended by the junior rabbinical member of the Consistory, Menahem Mendel Steinhandt, *Divrei Iggeret* (Rödelheim, 1812). See my “Menahem Mendel Steinhandt’s *Divrei Iggeret*: Harbinger of Reform,” *Proceedings of the Tenth World Congress of Jewish Studies* (Jerusalem: World Union of Jewish Studies, 1990), pp. 207–214, in which I argue that the “hidden reasons” to which Steinhandt alludes as motivation for the dispensation were in all likelihood the need to reassure the government with regard to the suitability of Jews for service in the military.
90. Graff, *Separation*, p. 100.
91. Schwarzfuchs, *Napoleon*, p. 93.
92. Graff, *Separation*, p. 93. The full Hebrew text is included in Mevorach, *Napoleon u-Tekufato*, Part 2, p. 97. Cf. *ibid.*, p. 115, the response to this question of the aged Rabbi Ishmael of Modena who formulated answers to the questions although he did not attend the proceedings in Paris. Rabbi Ishmael acknowledged the obligation of a Jew to serve in the army but added the caveat that the principle “the law of the land is the law” does not encompass ritual matters for which the king surely extends dispensation to inhabitants of the state. By contrast Napoleon’s own instructions dated February, 1807, stated: “When some of their youth are requested to join the army, they will stop having Jewish interests and sentiments: they will acquire French interests and sentiments.” See Schwarzfuchs, *Napoleon*, p. 100. With regard to the distinction between actual battle and peacetime maneuvers, it is instructive to note an address to Jewish draftees into the Austrian army, “Toldot ha-Zeman,” *Ha-Me’assaf* (Berlin, 1788), p. 334 (cited by Graff, *Separation*, p. 162, note 67), exhorting them “to serve the Lord through His commandments in the days of respite and to serve the Kaiser at the time of war and battle.”
93. Regarding Rabbi Sintzheim’s role and influence see Schwarzfuchs, *Napoleon*, pp. 66–67, p. 202, note 6 and p. 206, note 9.
94. *Ibid.*, pp. 95–96.
95. Translation cited *ibid.*, p. 116. Graff, *Separation*, p. 176, note 44, cites Simon Dubnow’s condemnation of the Sanhedrin’s response to the questions regarding civic patriotism in which “servility passed beyond all bounds.” *Hatam Sofer*, with a

- perhaps more realistic appraisal of the harm that might have ensued to the Jewish nation had the Sanhedrin been more forthright, expressed his admiration of Rabbi Sintzheim's combination of cautiousness and halakhic integrity.
96. Meyer, *Origins*, pp. 139–142.
 97. Ismar Schorsch, "Ideology and History in the Age of Emancipation," in *The Structure of Jewish History and Other Essays by Heinrich Graetz*, trans. and ed. I. Schorsch (New York: Jewish Theological Seminary, 1975), pp. 19–20.
 98. Brief but intriguing accounts of Jewish soldiers in the armies of various European countries and a useful bibliography are included in the collection of essays *Hayyalim Yehudim be-Tzeva'ot Europah* edited by Slutzky and Kaplan.
 99. Hertzberg, *Jews in America*, p. 136. In actuality (see *ibid.*, p. 62), of the 2000 Jews in America at that time, almost one hundred have been identified as soldiers in the revolutionary armies. In Charleston, South Carolina, Captain Lushington's company was half Jewish and became known as the "Jew Company." See also *ibid.*, p. 178.
 100. *Ibid.*, pp. 132–136. See the extensive discussion of Grant's Order No. 11 and of "American Judaeophobia" in Korn, *American Jewry*, pp. 121–188.

A telling example of how widespread the stereotypical image of the Jew as non-fighter had become is Mark Twain's spirited essay – part praise, part prejudice – "Concerning the Jews," published in *Harper's Monthly*, vol. 99 (September, 1899). As Mark Twain himself predicted, that essay aroused a storm of protest and pleased almost no one. Jewish critics acknowledged Twain's respect for Jewish accomplishments but berated his many factual errors and were incensed because of the credence he lent to the common reproach that Jews are willing "to feed on a country but don't like to fight for it" (*Harper's Monthly*, p. 534). Twain subsequently conceded that he had erred and, before including the essay in *The Man That Corrupted Hadleyburg and Other Stories and Essays* (New York and London: Harper & Brothers, 1900), added a postscript to his essay titled "The Jew as Soldier," in which he admitted his and others' ignorance of the facts, attempted to correct the record of the Jew's "gallant soldiership in the field" and concluded that "the Jew's patriotism was not merely level with the Christian's but overpassed it" (*Hadleyburg*, p. 282).
 101. Hertzberg, *Jews in America*, p. 100. It is noteworthy that Levy remained loyal to his religious heritage. The Spanish-Portuguese congregation, of which he was a member, thanked him for transporting to New York on his ship a wagonload of earth from the Holy Land for use in burials.
 102. "Military Service," *Encyclopedia Judaica*, XI, 1561.
 103. *Die Juden als Soldaten*, Introduction, i.
 104. Elon, *Pity of It All*, pp. 219, 223 and 248.
 105. Walther Rathenau, *Zur Kritik der Zeit* (Berlin: S. Fischer, 1912), p. 189.
 106. Elon, *Pity of It All*, p. 337. See the detailed account in R. Vogel, *Ein Stück von Uns: Deutsche Juden in deutschen Armeen, 1813–1976. Eine Dokumentation* (Mainz: v. Hase & Koehler, 1977), pp. 65–70. The officer corps' policy appeared to change

- because of the exigencies of war in 1914, but by 1916 there was a recrudescence of anti-Semitism. See Ruth Pierson, "Embattled Veterans: The Reichsbund Jüdischer Frontsoldaten," *Leo Baeck Institute Yearbook*, 19 (1974): 141, note 9.
107. Vogel, *Ein Stück von Uns*, p. 148 ff; Pierson, "Embattled Veterans," pp. 142–143. The calumny of seeking rearguard service dogged Jewish soldiers everywhere. Instances of similar allegations in the United States Army were much rarer but did occur. A chronicle of Richmond's Jewish soldiers during the Civil War notes the following incident with regard to Marx Mitteldorfer of the First Virginia Cavalry: During one battle a member of the company jeered that Jewish soldiers were wont to fire and then fall back. Mitteldorfer challenged the accuser to follow him and proceeded to ride so far to the front that the captain had to recall him lest he mistakenly be shot by his own comrades. Thereafter he was known by the sobriquet "The Fighting Jew." See Ezekiel and Lichtenstein, *Jews of Richmond*, p. 183.
 108. Cristoph Glorius, "'Unbrauchbare Isidore, Manasse und Abrahams': Juden in deutschen Militärkarikaturen," *Abgestempelt: judenfeindliche Postkarten; auf der Grundlage der Sammlung Wolfgang Haney*, eds. Helmut Gold and Georg Heuberger (Frankfurt am Main: Umschau/Braus, 1999), pp. 222–226.
 109. M. Diogene Tama, *Transactions of the Parisian Sanhedrin*, trans. F.D. Kirwan (London, 1807; rep. [Cincinnati]: Hebrew Union College–Jewish Institute of Religion, 1956), p. 24.
 110. According to the many authorities who regard the taking of the life of a non-Jew as encompassed within the prohibition against homicide, the issue is one of sentiment rather than of Halakhah. See *Ra'avan, Bava Kamma* 111b and *Kesef Mishneh, Hilkhot Rozeah* 2:11. See also *Mekhilta, Mishpatim* 4:58. For a discussion of the severity of the transgression, see *Meshekh Hokhmah, Parashat Mishpatim*, s.v. *ve-yitakhen*. Cf., however, *Taz, Yoreh De'ah* 158:1 as well as *Bet Me'ir, Evan ha-Ezer* 17:2.
 111. Berman, *Richmond's Jewry*, p. 175.
 112. See Korn, *American Jewry*, pp. 32–55 and James G. Heller, *Isaac M. Wise: His Life, Work and Thought* (New York: Union of American Hebrew Congregations, 1965), p. 335.
 113. A. Moaisis, "Yehudim bi-Tzva Yavan," in *Hayyalim Yehudim*, p. 182.
 114. *Ibid.*, p. 183.
 115. Cited in Gunther W. Plaut, *The Growth of Reform Judaism* (New York: World Union for Progressive Judaism, 1965), p. 78.
 116. *Ibid.*, p. 80.
 117. See Koppel S. Pinson, "Simon Dubnow: Historian and Political Philosopher," in Simon Dubnow, *Nationalism and History: Essays on Old and New Judaism*, ed. Koppel S. Pinson (Philadelphia: Jewish Publication Society, 1958), p. 24.

The phenomenon of Jews facing other Jews on the opposing side in the trench warfare of World War I was sufficiently common for the following apocryphal story to circulate: A puny Jewish soldier was successful in taking several enemy soldiers prisoner. When the occurrence repeated itself, his superior officer became suspicious. The soldier explained that Jewish practice requires a quorum for recitation

- of memorial prayers on the anniversary of the death of a loved one. He added that, when there was a lull in the fighting, he had simply called out, "I have *yahrzeit*; I need a *minyan*" and forthwith a number of Jewish soldiers came over to his side.
118. Louis Breger, *Freud: Darkness in the Midst of Vision* (New York: John Wiley and Sons, 2000), pp. 243 and 250–253.
 119. Quoted in Richard A. Gabriel, *No More Heroes: Madness and Psychiatry in War* (New York: Hill and Wang, 1987), frontispiece.
 120. Cited in Eric J. Leed, *No Man's Land: Combat and Identity in World War I* (Cambridge U.K.: Cambridge University Press, 1979), p. 107. For decades Freud and many other psychoanalysts failed to appreciate the long-term effect of these adult traumas. See the discussion in Breger, *Freud*, pp. 252–268. Breger portrays the manner in which actions and thoughts associated with armies and war permeated the consciousness of Europeans in the years before the First World War. Interestingly, elsewhere (pp. 192–193), Breger incisively comments upon the repeated occurrences of militaristic terminology in Freud's own writings regarding himself and his colleagues and questions the appropriateness of battle imagery in Freud's version of the history of the psychoanalytic movement.
 121. In a personal communication (November 19, 2003), Evelyn Rubin informed me that the incident occurred at the Battle of Verdun. The story left a profound impression on her because her father spoke of it frequently when she was a young child and, after his death, her mother continued to retell the narrative and to speak wistfully of her husband's deep anguish and remorse at having shot a fellow Jew.
 122. *She'elot u-Teshuvot Bet David*, 1, no. 71. Although the responsum published in *Bet David* is undated, a handwritten earlier draft of the responsum in the possession of his son, Rabbi Abba Leiter, is dated 9 Tevet 5684 (December 17, 1923). I am indebted to Rabbi Abba Leiter for providing me with a copy of the handwritten responsum.
 123. For a detailed discussion of social policies advocated by the Reform movement at this time, see Leonard J. Mervis, "The Social Justice Movement and the American Reform Rabbi," Part I, "The Central Conference of American Rabbis," *American Jewish Archives*, 7 (1955): 171–230. On pacifism in the Reform movement, cf. also Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York and Oxford: Oxford University Press, 1988), p. 313.
 124. *CCARY*, 27 (1917): 174–75.
 125. *Ibid.*, p.176.
 126. *Ibid.*, 34 (1924): 91.
 127. *Ibid.*, p. 93 and Mervis, "Social Justice," p. 189.
 128. *CCARY*, 38 (1928): 85.
 129. Mervis, "Social Justice," pp. 189–90.
 130. *CCARY*, 38 (1928): 86.
 131. Cited in Mervis, "Social Justice," p. 189.
 132. See Meyer, *Response*, p. 302 and Mervis, "Social Justice," p. 216. Maurice Eisendrath, also an outspoken pacifist, became executive director of the Union of American Hebrew Congregations in 1943. See Meyer, *Response*, p. 355.

133. CCARY, 45 (1935): 60.
134. Ibid., p. 67.
135. Ibid., p. 76.
136. Ibid., 46 (1936): 67.
137. Ibid., 49 (1939): 147–48.
138. Ibid., 52 (1942): 106. Cf., the remarks of Judah Magnes, an ardent pacifist who supported the allies in World War II, cited in Plaut, *Growth*, p. 160.
139. See Meyer, *Response*, pp. 366–367; CCARY, 76 (1966): 19 and *ibid.*, 82 (1972): 21–24.
140. CCARY, 45 (1935): 66–67.
141. Ibid., pp. 71, 73 and 76.
142. Ibid., 46 (1936): 198–221. See also Cronbach, *The Quest for Peace* (Cincinnati: Sinai Press, 1937).
143. CCARY, 46 (1936): 206 and 221. For halakhic sources demonstrating distinctions between defensive and offensive wars, see the discussion of the legitimacy of warfare in R. Shlomoh Yosef Zevin, *Le-Or ha-Halakhah: Ba'ayot u-Berurim* (Tel Aviv: Avraham Zioni, 1957), pp. 1–18.
144. See, for example, Reuven Kimelman, “Non-Violence in the Talmud,” *Judaism* 17:3 (Summer, 1968): 316–334; Everett E. Gendler’s translation of Aaron Samuel Tamaret, “Passover and Non-Violence,” *ibid.*, 17:2 (Spring, 1968): 203–210; and Sheldon Zimmerman, “Confronting the Halakhah on Millitary Service,” *ibid.*, 20:2 (Spring, 1971): 204–212. Preoccupation with the question of the morality of the Vietnam conflict characterized intellectual discourse among the Orthodox as well, as is evidenced in the exchange of opinion in Michael Wyschograd, “The Jewish Interest in Vietnam,” *Tradition*, 8:4 (Winter, 1966): 5–18 and Charles S. Liebman, “Judaism and Vietnam: A Reply to Dr. Wyschograd,” *ibid.*, 9:1–2 (Spring-Summer, 1967): 155–160; the survey of Charles S. Liebman, “The Orthodox Rabbi and Vietnam,” *ibid.*, 9:4 (Spring, 1968): 28–32; and more general studies including, Solomon Simonson “Violence from the Perspective of the Ethics of the Fathers,” *ibid.*, 10:2 (Winter, 1968): 35–41; Joseph Grunblatt, “Violence and Some Aspects of the Judaic Tradition,” *ibid.*, pp. 42–47; and Leo Landman, “Civil Disobedience: The Jewish View,” *ibid.*, 10:4 (Fall, 1969): 5–14. See also Isaiah Leibowitz, “The Spiritual and Religious Meaning of Victory and Might,” *ibid.*, 10:3 (Spring, 1969): 5–11, for a pertinent discussion prompted by the Israeli Six-Day War.
145. Kimelman, “Non-Violence,” *Judaism* 17: 3:323 (1960).
146. Zimmerman, “Military Service,” *ibid.*, 20 (1971): 211. As noted earlier, misunderstanding the view of R. Samuel Landau, *Noda bi-Yehudah, Mahadura Tinyana, Yoreh De'ah*, no. 74, Zimmerman (p. 210) assumed there was a contradiction between the ruling of Rabbi Landau and that of his contemporaries.
147. Ibid., p. 212.
148. Ibid., p. 211.
149. Ibid., p. 212.
150. “Religious Meaning,” *Tradition*, 10:3 (Spring, 1967): 7.
151. In point of fact, absent considerations of self-endangerment, Jews are required to

- intervene in order to rescue Jewish victims of aggression. Insofar as the Noahide obligation is concerned, there is disagreement with regard to whether intervention on behalf of a third party is mandatory or merely discretionary. See Zevin, *Le-Or ha-Halakhah*, p. 17.
152. "Violence," *ibid.*, 10:2 (Winter, 1968):46.
 153. Zevin, *Le-Or ha-Halakhah*, p. 17. Cf. Bleich, *Contemporary Halakhic Problems*, II, 159–165 and III (New York: Ktav Publishing House, 1989), 4–10. It must, however, be noted that *Hazon Ish, Orah Hayyim, Mo'ed* 114: 2, astutely observes that a halakhically objectionable war may rapidly be transformed into a legitimate war, at least insofar as conscripts are concerned. War, by its very nature, creates danger to human life. Thus, even a war of aggression is a source of danger to the aggressor. Therefore, argues *Hazon Ish*, once hostilities have commenced any combatant who does not have the power to call for a cease fire is, in effect, engaging in an act of self-defense.
 154. Hertzberg, *Jews in America*, pp. 231–232.
 155. Cited in the fascinating, albeit partisan and subjective, account of Elias Gilner, *War and Hope: A History of the Jewish Legion* (New York: Herzl Press, 1969), p. 177.
 156. Martin Gilbert, *The Second World War: A Complete History*, Rev. ed. (New York: Henry Holt & Co., 1991), p. 576. The story of the exploits of the Brigade is recounted in Bernard M. Casper, *With the Jewish Brigade* (London: E. Goldston, 1947).
 157. The notion of a warrior profession was taken to an extreme in the morally twisted writings of the Nazi ideologue Alfred Rosenberg, who foretold that a new German church would replace the crucifix with the symbols of the warrior-hero: "Reverence for the soldier fighting for the honor of his people is the new, recently developed living sentiment of our time...the new religion of national honor...the man and the hero in the field-gray under his helmet shall become one and the same person. Then the road shall be opened for the German national religion of the future..." See Alfred Rosenberg, *Myth of the Twentieth Century*, cited in Salo W. Baron, *Modern Nationalism and Religion* (New York and Philadelphia: Meridian Press and Jewish Publication Society, 1960), p. 83.
 158. Theodor Reik, *Jewish Wit* (New York: Gamut Press, 1962), p.61. The currency of this expression is reflected in its use as the opening gambit in S.N. Behrman's depiction of 1937 Europe, *The Burning Glass* (Boston and Toronto: Little Brown & Co., 1968), pp. 3–5. Militarism was a favorite target of Jewish folk humor. See Reik, pp. 60–63. Reik (p. 60) cites a line of Heine's poetry, "Lebenbleiben wie das Sterben für das Vaterland is süß" (To remain alive as well as to die for the Fatherland is sweet) that demonstrates Heine's vestigial Jewish response in underscoring a reverence for life in contradistinction to the ideal of military honor extolled in German society.
 159. *Yalkut Shim'oni, Shir ha-Shirim* 986. For rabbinic teachings interpreting the might of the hero (*gibbor*) in a spiritual rather than material sense, see Eliezer Berkovits, *With God in Hell: Judaism in the Ghettos and Death Camps* (New York and London: Sanhedrin Press, 1979), pp. 142–154.