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FIGHTING IN NATIONAL ARMIES

Walter Jacob

In May of 1789, the first Jewish military recruits for the Hapsburg army, under Emperor Joseph II, assembled in Prague were greeted by the following words: "Earn the thanks and honor of the nation; let it be seen that our (Jewish) people, thus far oppressed, love their Lord and are ready, if necessary to sacrifice their lives.... I hope that the loyal service, which you will surely give, will result in the elimination of those half oppressive measures which still restrict us. How much honor and fame will you then receive from all men who seek righteousness and all your fellow citizens. In this spirit I want to give you my heartfelt blessings." These enthusiastic words were spoken by no less than Ezekiel Landau (1713–1793, the chief rabbi of Prague.¹ Why did this careful, middle aged, Orthodox halakhic scholar greet these young recruits with such approval while outside the crowd of relatives was in tears? Did he have any reservations about young Jews serving in a foreign military force, perhaps expressed in a responsum? How did this scholar justify Jewish military service in a war which was neither "obligatory" nor a "permissive" as defined in the rabbinic literature? Was there any precedent of military service for other nations?

Actually, such warm greetings toward military service accompanied young Jews about to enter military service in all the western European wars in the last two centuries. Patriotic fervor sent young men to fight in the Napoleonic wars, the Prussian War Liberation, the Franco-Prussian War of 1870 and at an even higher pitch on both sides in World War I. Of course this was not so for those impressed for decades into the armies of the Russian Czars.

Subsequently Jews have taken military service for our respective nations for granted. My grandfather, Benno Jacob, served for a year in the Prussian army in 1881 along with tens of thousands of other German Jews. Later during World War I as a rabbi my grandfather visited German troops in France, only a short journey from his Dortmund congregation. I served voluntarily as a military chaplain in the United States Air Force stationed in the Philippines in the next century and traveled thousands of miles each month to far flung bases on the Asian rim of the Pacific Ocean. Neither one of us

or the millions of other Jews who served their respective countries ever questioned the nature of this service. Patriotism had quietly replaced any philosophical or halakhic considerations. Were we simply caught up in the nationalistic fervor of the last two centuries?

As Jews we had no honored fighting tradition, no military heroes, and most had never handled a weapon. Hunting had no appeal. Suddenly we became soldiers and accepted the honors which came with soldiering. This happened unexpectedly as so much else in the process of Emancipation. However, why did this occur without the slightest religious discussion or basis in the halakhic tradition. Warfare and soldiering had long ago been relegated to the periphery of our religious concerns. The great codifications of Jewish law hardly mention it.²

Only the creation of the State of Israel brought a change. Military service was essential for the existence of the new state and wars followed in rapid succession. The Orthodox community approached this most reluctantly. It sought and received general exemptions from military service for its young men - a source of much bitterness in Israel which has only been corrected in a very limited way.³ The underlying religious questions about warfare have not been settled. The studies and guides for the Israeli soldier deal with the religious issues for military personnel in the Israeli forces and in the various Israeli wars. They do not deal with Jewish military service in the diaspora armies.⁴

These Israeli issues will not be discussed in this paper. It limits itself to a Jewish understanding of Jewish military service in the modern nation states in which most Jews live. Jews have accepted their responsibility as soldiers along with every one else willingly and often with enthusiasm. As the practical and theological path of Judaism has always found expression through the halakhah. What does the halakhah say about soldiering in national armies and modern national warfare. How has this been incorporated into our modern Jewish religious views. Does this represent a radical departure from an age old tradition or is it simply an adaptation to new circumstances?

Our nineteenth century emancipation, however slow, was welcomed and hailed by every Jewish community. The Jewish condition of an oppressed, semi-autonomous community was slowly replaced by citizenship in the lands in which we lived. It was welcomed, but along with it came fundamental changes in every aspect of our life as Jews. We were happy with the freedom and new status and sought to make adjustments as a religious community operating within the limits now placed by the nation state. The all encompassing Judaism with its broad jurisdiction over a total way of life was surrendered. Discussions of matters formerly within the religious purview were abandoned whether out of fear of the national authorities or in deference to the communal desire for the new freedom. The traditional community built fences around what was left; its rabbinic leadership focused on synagogue ritual rather than fundamentals. The Reform community sought to change the traditions to accommodate the new situation and then to redefine Judaism. Questions of a more basic nature were left undiscussed. Among them were the relationship with the nation state and its limits over the lives of its citizens. This included military service as well as pacifism, and a good deal else.⁵

We need to place the issue of military service into a historical framework. How did the Jewish attitudes toward warfare develop through the centuries. There were radical changes as well as long quiet periods and we should be aware of them.

THE BIBLICAL PAST

Our biblical past presents a record of endless wars and conflict;⁶ it is the history of a small embattled nation, not too different from that of modern Israel more or less constant strife. Ecclesiastes - "a time for war and a time for peace" (3:8) is appropriate with its emphasis on war. God is depicted as warrior in the Song at the Sea (Ex 15:3) and warlike (Ex 17:16, Jud 5:13; Ps 24:8;) with the holy ark of the covenant accompanying the troops into battle (I Sam 4:4; II Sam 11:11 ff.) in the early times. However God also destroyed the instruments of war (Ps 76:4; Hos 1:7; 2:20) and brought an end to war (Is 2:4). Yet, the books of Joshua, Judges, I and II Kings, I and II Chronicles record centuries of virtually continuous warfare. This pattern continued through the period of the Maccabees and Herod

until it ended under Roman domination. The Jewish armies were provided with some legislative guidance which dealt with many details including who should be excused from fighting, treatment of the enemy forces and non-combatants, sieges, etc.⁷ Much of this was ignored in actual combat. The wars themselves were often denounced by the prophets along with the cruelty and suffering which they brought to all.

The limited legislation governing combat was not discussed or expanded in the historical account or in the prophetic books. For example, there was no discussion of the idealistic legislation of Deuteronomy which permitted exemption from military service for those who had built a new house and not yet enjoyed it, planted a vineyard and not yet harvested it, become engaged, but not yet married, and anyone who is afraid (Deut 20:5 ff.). There are discussions of female captives whom a soldier wished to marry (Deut 21:10), and of the destruction which could take place during a siege (Deut 20:10 ff.). War along with the treatment of the enemy was harsh, often cruel, and the reports contained only the facts without moral comment (Ex 17:9; Deut 7.16 ff; Josh 8:24 ff.; Josh 10.28 ff; Jud 3:29; I Sam 27:9; I Sam 15:13 ff; I Sam. 10:6 ff.; etc.). King Asa, contrary to Deuteronomy, permitted "no exemptions" from military service (I K 15.22). Mighty warriors were glorified at some length (I Chron 11:22 ff.); detailed accounts of the army were given (I Chron 12:24 ff.; II Chron. 1:14 ff.); and warfare was taken for granted without comment (II Chron 13:2 ff.; 14:7; 17:12 ff.). The slaughter, taking of captives, and ransacking was simply recorded without comment (II Chron 28:6 ff). God was seen as a fighter (II Chron 32:21) also earlier in the Song at the Sea (Ex 15:3 ff.). These, especially in the Books of Chronicles, are historical records with an implied theology which glorified warfare.

Military service was taken for granted and the horrors of war were disguised as a necessity of what we would euphemistically call "nation building." The ideal of a peaceful world was proclaimed by the prophets as a distant dream of the Messianic Age (Jer 65:25; Micah 4:3; Is. 2:4); they also spoke out against all violence (Is. 60.18; Jer. 23.3; Ezek. 45.9). We should remember that some of the prophets, who were part of the royal court, usually supported the war about to be fought (I K 22.6 ff., etc.) though not always as we hear

from the prophet Jehu (I K 16.7). The biblical tradition did not preserve their messages.

THE SECOND COMMONWEALTH

The wars of the Maccabees were national struggle for survival with the forces of a mighty empire. National and religious emotions combined to make this a bitter struggle, eventually won at a huge cost. The religious group responsible for the war adopted a policy which permitted both defensive and offensive fighting on *shabbat*.⁸ Nothing about this was mentioned anywhere in the Bible and it is unlikely that the armies of the Israelite and Judean kings rested on the sabbath. We know nothing about the development of the detailed *shabbat* laws. The tradition prohibiting fighting developed in centuries when Jews were no longer engaged in warfare.

From the time of the Maccabees (165 B.C.E.) through the rule of Herod (37 B.C.E.– 4 C.E.) to the end of the revolt of Bar Kochba (135 C.E.), the Land of Israel was subjected to almost continuous warfare. The record of these struggles has mainly been preserved in the Books of Maccabees and the historical writings of Flavius Josephus. The fighting was savage and the cruelties were recorded without comment.⁹ By this time large Jewish communities, possibly the majority of the Jewish population, lived outside the Land of Israel in Egypt, Mesopotamia, and the Roman Empire.

Later reports of the revolts against Roman rule in 68–73 C.E. and 132 C.E. were very limited in the traditional Jewish literature. The entire period was glossed over or suppressed as the Jewish leadership wished to stop further revolts with their tremendous loss of lives. There was no further development even of theories of warfare. The subject was generally ignored as it seemed irrelevant. The sole Jewish involvement in warfare was among the legendary Chazar kingdom (ca. 900 C.E. , about which we know very little.¹⁰

MISHNAH, TALMUD, RABBINIC PERIOD

The changed view, forced upon us and then adopted after the bloody defeats inflicted by the Romans, led to the abandonment of this topic. The rabbinic leadership moved in a different direction after

the two disastrous national defeats inflicted by the Roman superpower in 70 and 135 C.E. The rabbis suppressed the militant history of the Maccabees and emphasized an innocent miracle for the popular holiday of Hannukah while Judah Maccabee disappeared into a vague haze. Through *midrashim* biblical military heroes like David became principally a psalmist and so were transformed into literary figures. Many warriors were transfigured into rabbinic scholars like themselves – Moses became *moshe rabenu*;¹¹ this effort became very clear as a long line of biblical figures reappear in the rabbinic literature.

Talmudic scholars, far removed from the realities of war, then created a military theory which divided wars into two categories – “mandatory” (*Milhemet mitzvah*) and “discretionary” (*milhemet reshut*). These discussions are mainly found in *Mishnah* Sotah 8 and the later talmudic discussions in Sotah 43 b and 44 a,b as well as parallel statements in the *Sifre*. A section in Hor. 12 a,b further described the role of the high priest while making the declaration of Deut 20:3-5.¹² All of this really centered around the divine command to conquer the land of Israel which had been promised to Abraham and his descendants. Conquering the land of Israel was a mandated war and therefore obligatory, while the wars of David and later kings which expanded the territory were not. Never mind that they were often conducted in areas which could be included in the vague original divine promise and its later interpretations.¹³

The exemptions from military service mentioned in Deuteronomy were understood to apply only to the latter kind of warfare. A further discussion of “discretionary war” is found in San 20a (*Mishnah* San. 2a) which demanded that such wars needed the permission of the Great Sanhedrin composed of seventy-one members or perhaps could be simply undertaken by the king. The matter became further complicated by the discussion in Sanhedrin 16a and Berakhot 3b which stated that the king must also seek the advice of the *urim vetumin* - in other words divine approval given through the priests. These conditions made a “discretionary war” not even theoretically possible. Additional discussions of warfare appeared in concerns about defensive actions on *shabbat*. They were permitted even if initially the attackers only wished to haul off some hay. On the same page there is a brief discussion of transgressing the *eruv* in

order to retrieve weapons needed for self defense. (Eruvin 45a). Building fortifications around a city or otherwise securing its defenses against future attack was discussed, including the levying of taxes for this purpose (B.B. 7b, 8a).

Considering the bulk of the Talmud, the limited discussion on these few pages demonstrates the scant halakhic interest in war during these centuries. No tractate of the Talmud or major section of this vast work dealt with either a theory of warfare or with the efforts to limit its effect on combatants and the bi-standers who have always been the main sufferers. There was no desire to elaborate on the biblical texts or to develop a full theological approach to warfare and all the problems which it brought.

The talmudic material was presented in a tightly organized form by Maimonides (1135–1204).¹⁴ He summarized that the conquest of the Land of Israel and its national defense was a mandated war and therefore obligatory upon the citizenry while the wars of the kings of Israel and Judea needed the approval of the Sanhedrin, the "Great Assembly." For the former, war provisions, land for roads or fortifications could be requisitioned without recourse by the citizenry and the citizens were obligated to fight. Only in the latter type of war, the "discretionary" struggles could the laws of Deuteronomy about individual deferral from military service be invoked. These pseudo-military decisions based upon discussions carried out in rabbinic academies through the centuries were, of course, purely theoretical and peripheral to the major concerns of these sages. They were based on vague scriptural citations which had never been fully developed into a theory of warfare and its ethical implications.

When we look to Jewish philosophical writings from Philo (ca. 40) through Saadiah (882–942) to the twentieth century, we find only the most incidental discussion of war. Levi ben Gerson's (Gersonides 1288–1344) *Milhamot Adonai (Wars of God)* has a misleading title, from our perspective, as it did not deal with war.

Many later Jewish halakhic scholars, such as Asher ben Jechiel (1250–1327), Jacob ben Asher (1269–1343), and Joseph Karo (1488–1575), who systematized Jewish legislation from the Bible to

their time, almost entirely ignored military legislation as it had no practical purpose outside a sovereign Jewish state. Only Maimonides who wished to provide a system which could also serve a future Jewish state, not only organized the laws of warfare, but also developed them further. Maimonides' summary expanded the talmudic texts in a number of ways: First by virtue of placing everything together and into an organized context. Secondly he made decisions on matters over which the earlier authorities disagreed and finally by developing the entire matter into a system. The casual remarks of talmudic scholars, usually not debated were placed into a setting in which the power of the king was severely circumscribed. We should note a contrast to the expansion of royal emergency powers.¹⁵ Retaking the Land of Israel remained an obligation; wars of expansion were placed in a gray area, while other wars were subject to the vote of the "Great Assembly," which could theoretically be recreated. As the borders of the Land of Israel were subject to enormous variations of interpretation, those restrictions were limited. Furthermore few of the details of warfare were touched upon by these broad brush-strokes. If we look at the totality of the *Mishneh Torah*, this section did not loom large. In the subsequent halakhic and philosophical literature no efforts were made to provide a theoretical framework for war.

JEWISH SOLDIERS IN THE DIASPORA

Jacob ben Asher (1269–1343) was among the first to discuss or mention military service of Jewish soldiers in the Diaspora; with the statement that: "A Jew may participate in a permissive war if it began three days before *shabbat*..., but in a mandatory war, even on *shabbat*,"¹⁶ He based himself on a brief talmudic comment (Shab. 19a). A mandatory struggle would include Jewish participation in the defense of a city along with the other inhabitants. The principle that "danger to life" over-rides all *shabbat* prohibitions was cited in defense of this decision.

The nature of such a struggle between gentiles in which Jews participated along with everyone else was never raised. Joseph Karo's (1488–1575) commentary on this passage stated that there was no need for Jews to participate in such a struggle between gentile forces. However, Joel Sirkes (1561–1640) countered that Jews had

a responsibility to participate. He disagreed with Karo's decision and in his rejoinder emphasized that Karo had "forgotten that Jews fought to protect their cities along with Gentiles ... furthermore it was an obligatory struggle when it was conducted to aid fellow Jews."¹⁷ Jewish participation in such militias created to face a temporary crisis alongside more permanent military units seems to have been common. We need to remember that this was not a major discussion, but a brief set of comments on sabbath laws, much shorter than all other matters connected with *shabbat*.

JEWISH MERCENARIES AND DEFENSE UNITS

The realities of Jewish life and the halakhah parted company, at least to some extent here as in many other areas. Jewish mercenaries as individuals fought in armies through the millennia, but were either forgotten or ignored. An exception was the Jewish mercenary unit which served in Egypt as a garrison (600 B.C.E.), before the Persian conquest, and later under the Ptolemaic rulers of Egypt on the island of Elephantine in the upper Nile (300 B.C.E.). This was mentioned in *Letters to Aristeeas*¹⁸ and further illuminated through papyri discovered in 1906–1908. The latter produced interesting religious, economic, and personal information about these soldiers, and the community, but little about their military service, organization, or the rationale for this type of "foreign legion."¹⁹

More important was the participation in local militias during times of crisis. Towns and cities were frequently besieged and none had a standing army large enough to defend themselves. In times of peace the military was intended to maintain local order and take care of brigands in the neighborhood. It had to be sufficiently large to protect against local uprisings, and impress jealous neighbors that any attack would be costly and difficult. These forces were not sufficient to defend against a major army set on conquest. As military costs have always been high, few could afford a large army in constant readiness for any eventuality. Militias of the citizenry was the only alternative. Due to the disruption of normal life and the reluctance of the inhabitants it could not be called out till the enemy was virtually outside the walls. Jews participated as reluctantly, as everyone else.

As some Jews were engaged in trade, which carried them further afield, they were perhaps better informed about potentially hostile neighbors.

Jews were included in such militias despite anti-Semitic feelings as seen in the discussion by Karo and Sirkes mentioned earlier. Although the number of Jews in any community was small, every person counted and every able bodied man was needed. Their participation did not lead to better relations in peaceful times. We should note that the Jewish community were usually too small to undertake successful self-defense during riots by the local population. Jews fighting to defend a city were taken for granted by the rabbinic authorities without any halakhic discussion. Presumably Jews fought on *shabbat* when needed along with everyone else. Such defensive engagements in contrast to the adventures of ambitious monarchs were accepted without discussion. We know that in Spain Jews joined local militia in defense of their towns and occasionally also served in royal armies.²⁰ Alfonso VI in 1086 even proposed that the battle of Sacralias-Zallaka be postponed from Friday to Monday so that the holy days of Muslims, Christians, and Jews would not interfere.²¹

A few Jews were involved in battle; among them was Samuel Ha-Nagid (993–1056) who is said to have written some of his beautiful poetry on the battlefield, but we do not know whether he actually fought.²² During the period of the Crusades, Jews defended themselves by donning “their armor and girding on their weapons, and at their head was Rabbi Kalonymous ben Meshullam.”²³ At about the same time the Messianic pretender, David Alroy, appealed to the Jews of Persia for assistance in an armed uprising which was to conquer Jerusalem.²⁴

During the Crusades some Jews went further and organized units to defend their community against the Crusaders. As those armies marched through the Rhineland, they attacked the Jewish communities as well as the towns in which they lived. The Christian neighbors often also fought to defend them, but usually in vain. When the besiegers left, the military service ceased, for those who survived.²⁵

Through the Middle Ages we hear echoes of individual Jewish soldiers who served in various military units usually in the discussion of different matters and often directly in responsa. Meir of Rothenburg (1215–1293) stated that it was forbidden to enter a synagogue with swords, which were worn by Christian physicians decoratively as a sign of their status; yet Mahari Weil (died 1455) stated that those who do so will not go to paradise; other studies like the *Rokeah* permitted swords.²⁶

Much later, a responsum of Meir of Lublin (1558–1616) dealt with an accidental shooting during musket practice as the Jews were learning to defend the community against the Tartar invasion.²⁷ These glimpses of individuals are picturesque and make interesting reading, but had no influence on Jewish life. In Prague such service was recognized, so Ferdinand I in 1523 enlisted Jews in the defense of Eisenstadt and Ferdinand II (1619–1637) praised the community for their help in defending Prague against the Swedish army. Later Charles IV rewarded the Jewish community of Prague with the famous flag placed in the Altneuschul. We should note that the privilege of bearing arms permanently was not granted anywhere.

The Jewish population was often taxed for the military adventures of the rulers. These imposts could be extraordinarily high, but were the only way to procure the right of settlement. We should also note that many of the wealthiest Jews of the Middle Ages made their fortunes through supplying the military forces of the rulers, at times even recruiting them, and always lending the funds for those wars. Such ventures were extremely risky and Christian bankers avoided them. The Jewish bankers depended on such income to survive and frequently lost their position along with their wealth, both when the ruler was successful in his military ambitions and when he failed or was slain.²⁸ Among the best known of such Court Jews in a slightly later period were Samuel Oppenheimer (1635–1703) and Samson Wertheimer (1658–1724). This continued still later with individuals such as Michael Gratz who was a blockade runner during the American Revolution. However Jews were not personally involved in these military ventures.

Other references in the Middle Ages deal with armed Jewish merchants who set out in groups and partially armed for self

protection when they traveled to fairs or on other business ventures. As nation states did not exist and as principalities rarely possessed the power to patrol even their own domain adequately, brigandry was rife and the roads were dangerous. This, however, could not be considered as military service.

LATE MIDDLE AGES AND MODERN TIMES

The role of Jews in military matters was limited even when the nature of warfare changed through the use of firearms. This ended the feudal era's dominance of knights as a soldier equipped with relatively cheap weaponry could overcome the heavily armed mounted knight. In the new armies, commissions continued to go to the nobility who frequently recruited and equipped their own forces. Common soldiers and ancillary forces were recruited from the lower nobility and the poorer classes for whom it represented upward mobility, a way out of the grinding poverty, as well as a source of adventure. In some instances cash bounties were also involved. As many wars were religious or ethnic, military forces were composed of co-religionists or of the same ethnic group. Mercenary units played an important role in all wars. We may remember that the British hired Hessian units to fight the American revolutionaries. Such units were justifiably feared as they often raped, looted, and pillaged.²⁹ An occasional Jew served in similar European units, because of special skills in metallurgy, other technical matters or the knowledge of foreign languages. All this preceded the creation of nation states with their hunger for manpower for their much larger armies.

TOWARD EMANCIPATION

An early sign of a new dawn was provided in New Amsterdam where two Jews tried to enroll in the militia as they were unwilling to pay a tax imposed on Jews for an unwanted exemption. Asser Levy forced the issue upon Governor Stuyvesant, who turned to the East India Company in Holland for a resolution, and so in 1655 he was accepted.³⁰

Joseph II of Austria who wanted to make the Jewish minority more useful to the country, issued an "Edict of Toleration" (1782)

which removed some restrictions and was followed by an edict (1788) which mandated military service for Jews, but without extending full citizenship. All this came after the cruel repressive measures of his mother Maria Teresa (1744) which expelled Jews from vast areas of her empire in mid-winter. Although the Jewish community welcomed Joseph II's step toward rights, they hated the conscription. When twenty-five Jewish recruits were assembled in Prague, the Jewish community went into mourning. Yet Ezekiel Landau encouraged them with the words with which this paper began even though military service was for a period of seven years. Many Jews saw this as a step toward emancipation. Others understood it as an additional burden and destructive. It placed Jews into a non-Jewish setting, led to the desecration of the *shabbat*, the consumption of forbidden foods, etc.

The leaders of the Jewish community appealed to remove compulsory military service, but failed except for a short period in some provinces. Even there compulsory service was re-introduced in 1804. Communities declared days of mourning when Jews were drafted into the army.

JEWISH SOLDIERS IN THE NEW NATIONAL ARMIES

The mass levees for the large armies of the French Revolution and subsequently napoleonic wars raised the number of Jews serving in national military armies. This began with the "War of the First Coalition" (1792–1793) which sought to spread the revolution to the rest of Europe. All unmarried men between 18 and 25 were called to arms and so an army of half a million men was raised quickly. As the Jewish population of France was negligible, few Jews were involved. Soon, however, Napoleon expanded these forced call-ups into the newly liberated lands, so that his Grand Army of 1812 consisting of 611,000 soldiers of whom only 230,000 were French. A greater number of Jews were involved; many adopted new names in order to conceal their Jewish identity for fear of anti-Semitism.³¹ Therefore the number of Jews who served remains unknown. Jews, although not full citizens, were forced to participate. Some along with many non-Jews emigrated to the New World to escape military service, as later from Tsarist Russia.

An entirely different situation arose with the "War of Liberation" fought by Prussia (1813–1814). More than five hundred Jews volunteered for military service.³² Many distinguished themselves. Enthusiastic Jewish soldiers participated also and in the wars of liberation and unification soon fought in Italy and Hungary. Some Jews distinguished themselves as leaders and their service was fully recognized. This completely voluntary military service presented a new phenomenon. In 1866 eleven hundred Jewish soldiers fought in the Prussian army and fourteen thousand in the Franco-Prussian War of 1870. The Austrian army enrolled an even larger number of Jews with thirty thousand by 1870, among them were two hundred officers.

Rabbis petitioned their respective German governments for furloughs during the High Holidays and other accommodations in the mid-nineteenth century with some success.³³ Jews served in the military units of various German states and gained commissions as officers in Bavaria, but not in Prussia.³⁴ That the struggle for this right became a cause celebre demonstrated the height of military fervor in the Jewish community. No real change came about till World War I and even then anti-Semitism limited such commissions. The War Ministry did, however, make other practical concessions for Jewish soldiers by providing ritual wine and flour for *matzot* during World War I.

When Germany and her allies lost the war, anti-Semitic charges of Jewish soldiers malingering sought to make Jewish soldiers scape-goats for the German defeat. The ninety-six thousand Jews veterans among whom thirty-thousand had been decorated for valor organized themselves and bitterly denounced these accusations. They did not give up and published a volume commemorating more than twelve thousand German Jews who had lost their lives in World War I even at the beginning of the Nazi period.³⁵

In the twenty-first century the German army has published a number of booklets which reviews the service of Jewish soldiers in the past. It mandates that Jewish religious observances are recognized. An organization of Jewish soldiers was founded in 2006.³⁶

Developments in Austria were somewhat different. The Habsburg Empire's military command had been reluctant to have Jews in the army, but the 1788 Edict of Joseph II forced the issue. This army proved to be more accommodating than any other as it had to deal with a large number of minorities.; when possible it permitted Jewish soldiers to mess together. By the middle of the nineteenth century various efforts to overcome *shabbat* and dietary problems met with some success. The fact that some Jews served in the Hungarian revolutionary armies did not change this. Jews rose in the ranks with a high percentage of officers. By 1866 provisions had been made for Jewish chaplains. Although the army was restricted to 30,000 soldiers after World War I, Jews continued to serve without prejudice until the Nazi take-over in 1938.³⁷

In some other European countries Jews who sought officer status were also able to gain it despite anti-Semitism. The most serious anti-Semitic charges were those which led to the Dreyfus Affair in France (1899–1914). It became a major political issue which involved the entire French society. We should not forget the a small number of Jews who enlisted in the French Foreign Legion, a force mainly created to deal with unrest in the French colonies scattered around the world.³⁸

In the United States Jewish soldiers fought in the Revolution and all later wars either as volunteers and beginning with the Civil War as draftees. The rise of anti-Semitism at the end of the nineteenth century prompted Simon Wolf to present a summary of Jewish military service in all wars mentioning specific individuals as well as those who received the Congressional Medal of Honor. However, the main task which he set for himself was a complete list of Jewish soldiers in the Union Armies of the Civil War.³⁹ Numerous articles and booklets on the Jewish participation in later wars have also appeared.

RUSSIAN MANDATORY SERVICE

Matters were very different in Russia especially after Nicholas I ascended the throne in 1825. Jews, along with the merchant class, had been excused from military service through the payment of an additional tax. In 1827 an Ukase demanded the military service of ten

recruits per thousand between the ages of twelve and twenty-five; this was more than the seven per thousand asked of the general population. Often that number was further increased. This was part of the Tsar's effort to destroy the Jewish identity of the very young conscripts; it was never connected with promises of citizenship.

All efforts including bribery to change this decree, failed. Guild merchants, artisans, rabbis, and farmers were excused. Many children of poor Russian Jews tried to emigrate; some maimed themselves. When not enough Jewish youth could be found, lads from twelve to eighteen were taken off the street into military service; sometimes children as young as six were included. These children were placed in "cantonist" schools often in Siberia, hundreds of miles away, in an effort to convert them. The traveler and journalist, Alexander Herzen (1835) reported their plight as they stood half frozen, bullied by older soldiers, thousands of miles from home. A third of the group which he met in a distant Siberian village had not survived the journey and many more died later.⁴⁰

Each Jewish community was considered as a separate unit and was responsible for its quota of recruits; individuals could purchase a substitute, but only among fellow Jews. The oath forced upon the soldiers demanded faithful service and a break with their past. Forbidden to observe anything Jewish, forced to eat pork, many were forcibly converted and life generally became miserable. This was part of a larger Czarist plan to force conversion to Christianity. Cantonist were also excluded from the rank of officers.⁴¹ This system was existed from 1827 to 1856, to be replaced by another, only slightly better. Between 1874 and 1892, 173,434 Jews served in the Russian army. Despite this terrible treatment, Jews also served with distinction even in the Russo-Japanese War (1904) in the face of simultaneous pogroms in European Russia. No relief from this tragic episode in Jewish life was possible except emigration, mainly to North America, but also to European and other lands. Yet more than half a million Jewish soldiers served the Czar in World War I.

THE HALAKHAH AND MANDATORY MILITARY SERVICE

Military service had to be accepted and the rabbinic and communal leadership could only try to place it into the framework of

the halakhah. None of the responsa discussed the question of fighting in the armies of a non-Jewish state. There was no halakhic precedent for the stringent conditions which had to be faced. The questions addressed to the rabbis dealt with the problems of observance for Jewish soldiers in the army, such as *shabbat*, dietary laws, etc. As military life had become a norm, how could the Jewish communities help the Jewish recruits and their families? Although similar questions faced Jewish soldiers elsewhere, Russian mandatory military service, which lasted for decades with its conversionist goal, presented different issues.⁴²

The obligation of filling the quota of recruits which had been placed upon the Jewish communities remained a contentious issue. Communal leaders sought to substitute the payment of a fine, but the government rejected this concept. The rabbinic authorities were forced to understand this as *dina demalkhuta dina* and tried to set some guidelines. The first issue raised was the possibility of hiring substitutes as, naturally, each young man tried to free himself from the obligation. Some suggested that trouble makers among the young people be singled out and conscripted, however, Ezekiel Landau (1713–1793) rabbi in Prague, who dealt with this issue in Austria and strongly rejected this.⁴³

Another way out was through the purchase of a substitute, another Jew who was willing to serve for an appropriate payment. Was it permissible to place the life of another person at risk even if that person was willing? Landau, dealt with this as well and rejected it by citing the well known example of a besieger of a town who demanded that a specific Jew be delivered, otherwise all Jews would be killed. Landau indicated that the request could be met as it was for a specific person and the that person, could be surrendered. However, purchasing the service of a poorer Jew as a substitute was not a parallel example.⁴⁴ Not everyone agreed, so Meir Esh, a Hungarian pupil of Hatam Sofer, argued that those who were willing to serve as substitutes understood the danger. They also knew that military service entailed violating many commandments, but did not mind. Thus they were already liable for divine punishment. Furthermore military service although potentially dangerous, was not absolutely dangerous in times of peace, therefore the purchase of a substitute was permissible.⁴⁵

Moses Schreiber (Hatam Sofer 1762–1839) reacted to conscription by trying to free a number of boys from such service, but without success. In a responsum he concluded that some form of purchasing out, if it did not involve another individual, was permitted though under the government rules unlikely. Military service was mandatory under the rubric of *dina d'malkhuta dina*; the obligation rested upon each individual and so should be solved individually and not by the community as a whole. The Gentile ruler who had ultimate power had to be obeyed. Hatam Sofer suggested that God used such rulers to punish the Jewish people for their misdeeds. He, however, continued by stating that some rabbinic authorities tried to limit a ruler's jurisdiction to "legitimate demands." Therefore outrageous financial imposts could be opposed and circumvented in any way (citing Solomon B. Adret and Meir Rothenburg). Sofer, however, considered military service as legitimate urged that it be accepted. He along with others suggested that a system of lots represented a fair way to solve the problem for the communal leaders who were responsible for the quota.⁴⁶ The German scholars, David Hoffman (1843–1921) also felt that such service was the obligation of all citizens and went further by stating that individuals should not seek even a temporary deferment or non military service.⁴⁷

The question of payment to the government in lieu of military service continued to be pursued. Some local authorities were willing to accept it. This raised the issue whether communal funds could be used as such payment could be seen as akin to the redemption of captives; traditionally that took precedence over any other use of *tzedakah* funds.⁴⁸ Hiring a substitute which seems to have been common in Russia was acceptable to Meir Eisenstadt as stated in his *Imrei Esh*.⁴⁹ However there was general agreement that after a person had been drafted, he was not permitted to seek a substitute.⁵⁰ Once in the army, the recruit was obliged to obey all commands even if given on *shabbat*. By World War I rabbinic authorities such as Moses Samuel Glassner of Klosenburg argued sharply that every conscript had to serve and any attempt to escape the obligation was immoral. Israel Meir Hakohen (*Hofetz Hayyim*) considered it sinful to evade military service.⁵¹ Military service should no longer be seen as *dina demalkhuta dina*, i.e. as forced, but as a sacred obligation of citizenship.⁵² Eliezer Waldenberg (1915–2006) much later stated that it was permissible to volunteer for military service despite the

knowledge that many Jewish commandments could not be obeyed.⁵³

A much broader concern was raised by Zeev Leiter. He understood that Jews were now recruited into all national armies and therefore Jews would be fighting fellow Jews. With this in mind should Jews willingly serve in any army?⁵⁴

Despite these caveats military service was accepted and the responsa turned to specific issues connected with such service. There was little use in discussing the obligations of daily prayer, *minyan*, *shabbat* observance, dietary laws, etc. and they were left to the individual to do what was possible. *Dina demalkhuta dina* and escaping danger to one's life were frequent rationales cited by both sides in this debate.

The private issues were left to the individual, but the broader communal issues could not be escaped. When a Jewish soldier was killed, if married, his wife could well become an *agunah* as witnesses normally considered competent did not exist or there were none. This presented a series of family issues which involved the entire community with the potential of a large number of women left as *agunot* along with the economic issues which needed to be resolved.

Death without witnesses has always been a problem, but it was rare; now it could affect thousands. Was the official testimony of the state acceptable? Could now nonobservant Jewish soldiers testify? Would soldiers who violated *shabbat* and dietary laws be considered "kosher" witnesses? Contradictory responses appeared to these and similar questions. Joseph Saul Nathanson (1810–1875), for example, considered such violators as acting under duress; they had been law abiding and so their testimony was valid.⁵⁵ On the other hand Akiba Eger (1761–1837) suspected their veracity even if understood as serving under duress.⁵⁶ Mordecai Benet (1753–1829) agreed and considered such witnesses *posul* from Torah.⁵⁷ Meir Esh of Hungary rejected such testimony on the grounds that these individuals would not return to the path of the Torah after military service and always rejected such testimony.⁵⁸ While Hayyim of Zanz accepted such testimony unless there was convincing evidence that the soldiers were actually *pasul*. Their statements should not be rejected just because they were soldiers, but only if someone testified

against their status.⁵⁹ Judah Assad (1797–1866) felt that as we accept the statement of women, so we can accept the statement of such Jewish soldiers.⁶⁰

Hayyim Judah Leb of Brody distinguished between the previous generation and his own. In the earlier generation the members of the community sought to avoid military service and those who joined were not religious; however now that military service was obligatory, individuals were and their testimony was to be accepted.⁶¹ Similarly Abraham Benjamin Sofer (1815–1871) accepted such individuals as witnesses on the reasoning that all had been done at the command of the king, so *dina demalhuta dina* prevailed. Furthermore he indicated that their violation of Jewish precepts had not occurred publicly in the Jewish community or among known fellow Jews, so it was impossible to judge them.⁶² Interestingly enough Shlomo Dremer in his *Bet Shelomo* provided a very different reason. He claimed that most Jews in Austria were non-observant with only a small number religious, so we can never accept such testimony.⁶³ Moshe Schick (1807–1879) stated that the testimony of Jewish soldiers might be invalid, but should not be rejected out of hand.⁶⁴ Hayyim Sofer looked at this matter from a theological perspective. He felt that we could accept such testimony when it presents an issue between man and God, but not between man and his fellow human being as that might increase *mamzerim* in Israel.⁶⁵ In other words a negative response.

One way out of this dilemma was through a conditional divorce (*get al tenai*); it solved the problem of witnesses to the death, but raised other issues aside from the fact that many women were unwilling to accept such a divorce.

Halitzah, provided another set of problems especially in Russia. Sometimes a woman only belatedly discovered that her husband had a brother, who may have been dragooned into the army as a cantonist. Was she obligated to locate him and persuade him to go through this ritual. He may no longer have been Jewish and, of course, did not know her or the ritual. Furthermore how was this to be done in Siberia far from any Jewish community? In lieu of this, could the testimony of the commanding officer to the death of the

cantonist be considered valid, even if it may have simply represented a way out for an unwilling soldier? Various responsa dealt with this issue and the related ramifications.⁶⁶

These and responsa on other issues demonstrate that military service in foreign armies was acknowledged as obligatory by the Orthodox community. The Reform community faced the issues discussed above by accepting the testimony of the state for a soldier's death. If missing, the declaration of death after a suitable period was also considered sufficient to solve issues surrounding his widow.

Many other halakhic issues were raised and a broad range of answers given. Some national armies made an effort to provide properly for the Jewish soldiers, both in religious services and *kashrut*.⁶⁷ David Hoffmann (1843–1921) wrote a number of lenient responsa on these matters. Rabbis counseled recruits, who came to them, to quietly observe as much of *kashrut*, and other commandments as possible. Issues surrounding *kohanim* were also treated.⁶⁸

By the middle of the nineteenth century tens of thousands of Jewish soldiers were serving in national armies. National loyalties had become so powerful by the twentieth century that Jews left Palestine in order to fight in the armies of their former home land. There were Jewish heroes even in the Czarist armies. Jews rose in the ranks of many armies for example the Jewish general Monash (1865–1931) commanded the Australian Expeditionary Force.⁶⁹

We should note that no national Jewish community made any effort to provide a common approach to the practical questions surrounding military service by Jewish personnel. Nor were there halakhic discussions about the appropriateness of volunteering for military service. In contrast to the lengthy controversies over the organ in a synagogue, vernacular prayers, the role of women in Jewish life and a host of other matters, compulsory and voluntary military service was quietly and universally accepted as part of full citizenship or even without it. The new pattern of life prevailed and was incorporated into Jewish communal life.

MILITARY CHAPLAINS

Christian clergy accompanied military units long before national armies came into existence. In the nineteenth century when Jews began to serve as soldiers, rabbinic services were usually provided by local rabbis on an informal basis. Soldiers often organized *minyanim* and looked after other needs as well. As many 19th and early 20th century wars were fought close to their home community, local rabbis could be helpful. Although the total number of Jews in an army was substantial, the number in a specific unit was too small to demand a full time rabbi. However by the middle of the nineteenth century the need for rabbinic services began to be felt and efforts were made to appoint part or full time chaplains.

The Austrian Emperor Francis Joseph made provisions for Jewish military chaplains in 1866, some thirty years after Protestant chaplains had been provided in his predominantly Catholic nation. By 1914 ten chaplains with the rank of captain had been appointed; that number grew to fifty-six toward the end of World War I while local rabbis augmented their efforts. Small permanent synagogues were built in the larger installations. The chaplains provided religious services, kosher food, etc. and in some instances also conducted religious services for Russian Jewish prisoners of war. They also censored Hebrew letters. Eventually the Austrian army also provided Muslim chaplains.

It took much longer in Germany as the famous picture of Rosh Hashanah services in the Franco-Prussian War of 1870 showed. That service, attended by hundreds of Jewish soldiers, was led by a civilian rabbi. Requests for Jewish chaplains did not succeed in Germany until the beginning of World War I. In contrast to the Christian chaplains, they received neither military rank, nor payment by the government. That remained an obligation of the Jewish community. In German occupied Poland these Jewish chaplains also aided the civilian population as vividly described by Emanuel Carlebach. They also provided for the religious needs of Russian Jewish prisoners of war.⁷⁰ The political split between the Liberal and Orthodox German community limited cooperation and meant that fewer Orthodox chaplains were appointed. A field prayer book was published in Berlin in 1916 and another in Vilna in 1918.⁷¹

In the American armed forces matters were different. The American Revolutionary army (1775–1781) had Protestant chaplains, independently provided by each unit. This pattern continued in the succeeding wars till the Civil War (1861–1865) when Catholic chaplains were also provided. Jewish soldiers served in each of these wars, but as the Jewish population was small, there were few Jewish soldiers. As each military unit elected its own officers and chaplains, an occasional Jew was also chosen.⁷²

As many Jews served as soldiers in the American Civil War, the question of a Jewish chaplain arose. Rev. Arnold Fischel became a volunteer chaplain in the northern army while lobbying with the help of the Jewish community for an official Jewish chaplaincy. In 1862 Rabbi Jacob Frankel became the first of three Jewish military chaplains appointed by President Lincoln.⁷³ They became an official part of the military establishment.

In World War I the Jewish Welfare Board became the endorsing agency for American Jewish chaplains. In 1917 it published an abridged prayer book under the direction of three rabbis representing the Orthodox, Reform, and Conservative groups. Rabbi Elkan Voorsanger became the first American Jewish chaplain assigned to a combat unit in November of 1917. Twenty-six rabbis served as chaplains in the American army. In World War II the same general pattern prevailed; a new prayer book including a Reform service was published in 1941. Three hundred and eleven Jewish chaplains served in the various branches of the American armed forces and more than 700,000 copies of the military prayer book were distributed. With the beginning of the Korean War the three major rabbinic groups imposed a draft upon themselves to assure a steady supply of military chaplains and this continued to 1966. Jewish military chaplains regularly serve in the American armed forces to the present.⁷⁴ Like their Protestant and Catholic counterparts, Jewish chaplains in the American military forces have been trained to serve all soldiers with ethical issues in emergencies with religious matters.

In 1943 the Jewish Welfare Board organized a committee on responsa composed of Leo Jung for the Orthodox community, Milton Steinberg for the Conservative community and Solomon B. Freehof, who became the chairman, for the Reform community. They were to

issue responsa on halakhic matters for the armed forces and did so throughout World War II. This represented the first effort to deal with questions across denominational lines on a national scale. It represented complete recognition of the legitimacy of each group and provided the Jewish community as well as the War Department with rulings which were uniform and official. It helped the Jewish military personnel who were no longer dependent on individual decisions and the confusion which they brought.

This daring effort went one step further as many of the responsa were printed in two widely distributed booklets. The committee answered questions for Jewish service personnel. It set a precedent by combining the efforts of the three major Jewish religious groups and publishing the results of these deliberations. This was a declaration that cooperation was possible when a modicum of good will existed. Unfortunately this effort eventually ceased. This can be attributed to the strengthening of denominational ties after World War II in North America and even more to the chief rabbinate of Israel which did its best to avoid any kind of cooperation among Jewish religious groups.⁷⁵ Nothing even vaguely akin occurred in the older or the newer Jewish communities around the world.

Jewish chaplains served in the British Imperial armies and other Allied Forces as well,⁷⁶ but never in the Russian armies. Jewish chaplains were to be found in the military forces of smaller nations as has been well documented for example the Canadian chaplains⁷⁷ and others.

All of this indicated the complete acceptance of military service, both when conscripted and voluntary. It also demonstrated a broad range of acceptance of rabbis within the military ranks.

THE PEOPLE AND HALAKHAH

The broad acceptance of mandatory military service expressed the will of the people. After centuries in which military service was not even a speck on the horizon, young Jews suddenly supported it enthusiastically. Military service was seen as the clearest sign of true equality; it was a symbol similar to the destruction of the ghetto walls by Napoleon's armies. It was perceived as a pathway to equal civil

rights although not guaranteed, so even individuals as Ezekiel Landau whose statement began this paper saw military service in a positive light.

All of that may be the justification on the part of a young generation seeking a better life, but what about the rabbinic leadership which needed to consider the long term implications of service in the armies of non-Jewish rulers? They too viewed it as an essential move toward Emancipation. There was reluctant agreement shown by those who wrote responsa; they went much further in public utterances and sermons which fully supported Jewish soldiers.

SOME CONCLUSIONS

Jewish tradition provides no basis for military service in foreign armies, nor was this desired by any nation before modern times. The question, in other words was never raised. All of this changed toward the end of the eighteenth century with mass conscriptions; this development came unexpectedly and had to be faced quickly. The initial response of the Jewish leadership and much of the population was negative. Efforts were made to procure exemptions, but as the new national armies were hungry for manpower, they failed. Military service in national armies had to be accepted. It was soon undertaken with enthusiasm in western Europe, accompanied by new hopes for emancipation and complete equality. As with much else the orthodox rabbinic authorities adjusted themselves and accepted it, albeit reluctantly as also much later in the case of military service in the State of Israel.

Military life was not glorified. In modern Israel military leadership has become a possible path to political leadership. That has had some influence in Israel, but not on the rest of the Jewish community's view of military life. The number of Jews choosing it as a career path in the diaspora remains small.

Jews in the nineteenth century quickly accepted the modern nation state and recognized that it would provide civil rights, equality and economic opportunity. Military service was seen as an obligation which came with these rights. There was no precedent in the *halakhah* for such military service and the rabbinic tradition as we

have seen. The Orthodox rabbinic authorities understood such service as a potential path to assimilation, voluntary in the western world and forced in Russia, yet they reluctantly concurred.

Reform rabbinic authorities accepted such service as an obligation of citizenship without discussion. It had to be integrated into Jewish life. That is the path which we have followed. Serving in foreign military units has thus become part of Jewish life in the Diaspora.

Serving military service in foreign armies has made the basic halakhic concepts of mandatory and permissive wars irrelevant. Whether a war is obligatory or discretionary has become a matter of private opinion. However, serious halakhic discussions are necessary to shape these individual views.

Now two centuries after Emancipation and military service in nation state, it would be helpful to provide a halakhic understanding for what has occurred. We need to restate our views of warfare and place them into our understanding of contemporary Judaism in the diaspora and Israel. No Jewish military theory exists in contemporary Judaism.

NOTES

1. This took place in May, 1789. Ezekiel Landau, *Meassef*, quoted in Simon Dubnow, *Die neuste Geschichte des juedischen Volkes*, Berlin, vol. 8, pp. 28-29. Emperor Joseph II's edict demanding military service (1788) imposed a heavy burden without extending civil rights. It was the first time that Jews had been inducted into a Christian army and was not welcomed by the military aristocracy either. Dubnow also noted that the Austrian army was the first to allow Jews to rise in the lower ranks.

2. Joseph Karo's *Shulhan Arukh* contains only scattered references and no entire section on this topic as he limited himself to matters which were relevant in the diaspora and did not treat anything else. This is also true of other codification. Only Maimonides *Mishneh Torah* contains a section on kings and warfare as he wished to cover all of Jewish law, even items which were theoretical or would only be possible in a future Jewish state. However, this section was far briefer than everything else discussed in his work.

3. Alfred S. Cohen, "On Yeshiva Men Serving in the Army," *Journal of Halacha and Contemporary Society*, No. 23, pp. 5 ff. presents this discussion from an Orthodox point of view.
4. Shlomoh Goren, *Meshiv Milkhamah*, Jerusalem, 1983, 2 vols. Is a good example of a practical manual; there are others of varying length. Some are intended to be carried by the soldier into combat and so very concise. In addition many discussions which apply to Israeli situations continue to appear in Hebrew periodicals. For example *Techumin*, 1983, Vol. 4 and later which devote large sections to military question. For a fuller list see Nahum Rakover, *Otzar Hamishpat*, Jerusalem, Part 1, 1970, Part 2, 1990.
5. For the beginning of the emancipation process see Walter Jacob, "Napoleon's Sanhedrin and the Halakhah," in Walter Jacob (ed.) *Napoleon's Influence on Jewish Law*, Pittsburgh, 2007, pp. 1-64.
6. The German biblical scholar von Rad tried to organize the very different accounts into a system which is interesting, but problematic. D. Gerhard von Rad, *Der Heilige Krieg im alten Israel*, Goettingen, 1958.
7. Y.K. Miklischansky, "The Israelite Army in Ancient Times," *Sefer Yovel for Israel Elfenbein*, (ed. Y. L. Maimon), Jerusalem, 1963, pp. 105-123 (Hebrew) presents a slightly longer overview.
8. I Maccabees 2:19-40 described the massacre which occurred when Jews refused to fight on shabbat and the decision to fight on shabbat. Josephus also mentioned this change. The rabbinic literature confirms the policy (Erub 45a). The Letter of Aristeas reports the enforcement of very strict shabbat observance, but deals primarily with trading and the exclusion of merchants from a walled city on shabbat.
9. I Maccabees 5:21-28; 7:47; 9:37-42; 11:47 ff. II Maccabees 5:11 ff.'12:1 ff. Josephus, *Antiquities of the Jews*, XIII, v; *War of the Jews* I, xviii and elsewhere in both books.
10. The royal family of the Chazar kingdom (740-969 C.E.) converted to Judaism under Bulan and slowly others joined them. This became known through the correspondence of the Spanish Jewish statesman, Hasdai ibn Shaprut with the last Chazar leader. Recent studies have illuminated aspects of their history, but none of this had any influence on Jewish life.
11. Louis Ginzberg, *The Legends of the Jews* (Philadelphia, 1928, VI [Notes]
12. The following matters were found in other sections. Female prisoners could be married after following the biblical prescriptions (Yeb 48b). The prisoners of war became slaves (Git 38a). Booty taken (San 20b) was divided between the ruler and the soldiers. Soldiers were permitted to eat food found in the enemy's

possession, even if it was normally ritually forbidden (Hul 17a).

13. Even a brief review of the boundaries presented in the various biblical books reveals enormous discrepancies. During my studies for the rabbinate at the Hebrew Union College I was almost tempted by a prize essays which demanded that these boundaries be investigated. A brief exploratory view of the topic revealed its complexity and I did not proceed further.

14. *Mishneh Torah, Hil. Melakhim Umilhamoteihem* 4, 5, 6.

15. For royal as well as judiciary expanded and emergency powers see *Hil. Melakhim* 3:8-10; *Hil. Mamrim* 2:4 f.

16. *Orah Hayyim, Hilkhot Shabbat* 249.

17. *Bet Yosef (Karo) and Bayit Hadash (Sirkes) to Orah Hayyim* 249.

18. *Letter of Aristeas* 13 stated that 30,000 Jews transported to Egypt "were armed and settled as garrisons in the country districts." He continued that earlier others had helped Psammetichus II (595 B.C.E.) against the Ethiopians.

19. *Milei D'avut Hoshen Mishpat* 4.

20. Yitzhak Baer, *A History of the Jews in Christian Spain*, Philadelphia, 1961, Vol. 1, pp. 59 f., 114, 175, 359, 368, 397.

21. *Ibid.*, p. 389.

22. Marcus, *Op. Cit.*, p. 297.

23. Solomon bar Samson (1140) cited by Jacob R. Marcus, *Op. Cit.*, p. 115.

24. Benjamin of Tudela, quotes in Marcus, *Op. Cit.* p. 248.

25. A summary account may be found in Max L. Margolis and Alexander Marx, *A History of the Jewish People*, Philadelphia, 1953, pp. 359 ff. For a summary of the better known sources, see the notes in H. Graetz, *Geschichte der Juden*, Leipzig, 1861, Vol. 6, pp. 424-434 and Jacob R. Marcus, *The Jew in the Medieval World - A Source Book*, Cincinnati, 1938, pp. 115-120.

26. Yitzhak se-ev Kahana, "*Shirut Hatzavah Besafrut Hateshuvot*," *Mehakrim Besafrut Hateshuvot*, Jerusalem, 1973, pp. 164 f.

27. *Responsa Maharam*, # 43 cited by Jacob R. Marcus, *The Jew in the Medieval World*, pp. 327 ff.

28. *Or Zarua*, 593:98; *Tzemah Tzedek* 58, 59. A good summary may be found in Salo W. Baron, *A Social and Religious History of the Jews*, Philadelphia 1957, Vol. iv, pp. 197 ff; Selma Stern Tauebler, *The Court Jew*, Philadelphia, 1950, and other studies.
29. Christon I. Archer, John R. Ferris, Holger H. Herwig, H.E. Travers, *World History of Warfare*, Lincoln: University of Nebraska Press, 2002, pp. 302 ff. , 355 ff.
30. Jacob R. Marcus, *The Colonial American Jews 1492-1776*, Detroit, 1970, vol. 1, pp. 223 f. Excerpts from documents of the period may be found in Morris U Schappes (ed.), *A Documentary History of the Jews in the United States 1654-1875*, New York, 1971, pp. 1 ff.
31. Dubnow, *Op. Cit.*, vol. 8, p. 136, see also section 19.
32. Martin Philippson, "Der Anteil der juedischen Freiwilligen an dem Berfreiungskriege 1813 und 1814," *Monatsschrift fuer Geschichte und Wissenschaft des Judentums*, 1906, vol. 50, pp. 1 ff. See also Bernhard R. Kroener, *Weshalb kaempft ihr mit ihnen*, Berlin, 2007, p. 10.
33. Mordecai Breuer, *Modernity within Tradition - A Social History of Orthodox Jewry in Imperial Germany*, New York, 1992, p. 318.
34. Werner T. Angress, "Prussia's Army and the Jewish Reserve Officer Controversy before World War I," *Yearbook XVII of the Leo Baeck Institute*, London, New York, 1972, vol. 17, pp. 5 ff.
35. German Soldier count...Frank Naegler (ed.) *Deutsche Juedische Soldaten*, Hamburg, Berlin, E. S. Mittler, 1996.
36. *Deutsche Staatsbuenger juedischen Glaubens in der Bundeswehr*, Berlin, 2009, 32 pp. My thanks to Rabbi Walter Homolka for making me aware of this booklet.
37. Erwin A. Schmidl, *Juden in der k. (u.) k. Armee*.
38. Zosa Szajkowski, *Jews and the French Foreign Legion*, New York, 1975, xviii, 280 pp.
39. Simon Wolf, *The American Jew as Patriot, Soldier and Citizen* (ed. Louis Edward Levy), New York, 1895, 676 pp.
40. Dubnow, *Op. Cit.*, vol. 9, pp. 194-95.

41. Simon Dubnow, *History of the Jews in Russia and Poland*, Philadelphia, 1946, Vol. 2, pp. 13 ff. provides a summary of the edicts, their execution, and a vivid description of the suffering endured.
42. The length of military service changed through the decades beginning in 1805 when the obligation was first imposed. Cantonists represented a special set of problems. These were the sons of Russian Jewish soldiers, who were placed in special schools beginning in 1805, to be trained as future Russian soldiers (statute, September 1827) with an emphasis on conversion to the Greek Orthodox Church. Conditions in these schools were dreadful and aroused much sympathy in Western Europe. The system was not abolished until 1857.
43. *Noda Niyehuda Mahadura Tanina, Yoreh Deah 74.*
44. *Ibid.*, citing *Hil. Yesodei Torah 5:5*; based on *Jerushalmi Terumot 8.4.*
45. *Meir Ish, Yoreh Deah 52.*
46. Hatam Sofer, *Likutei Hatam Sofer 29.*
47. David Hoffman, *Orah Hahayim, 42-43.*
48. *Mahari Yehudah Yaaleh 2:24*
49. *Imrei Esh # 52.*
50. *Noda Biyehuda Tanina, Yoreh Deah, 74.*
51. "Introduction," *Mahanei Yisrael*. In later chapters (38 and 39) he dealt with the role of prayer in strengthening the battle weary soldier.
52. *Tel Talpiyot Mevitzon 1916, p. 174.*
53. Eliezer Waldenberg *Responsa Even Haezer # 6.*
54. *Bet David # 72.*
55. *Shoel Umeshiv, 1:144*
56. *Teshuvot 1:87*
57. Mordecai Benet, *Parashat Mordecai, 173.*
58. *Imrei Esh 2 Even Haezer 25.*

59. *Divrei Hayyim, Even Haezer*, vol. 1.4; vol. 2:64.
60. *Yehudah Yaalei* vol. 2:16.
61. *Shaarei Deah* vol. 2:182.
62. *K'tav Sofer Even Haezer* 32.
63. *Even Haezer* 51.
64. *Maharam Schick*, # 175.
65. *Mahanei Hayyim, Even Haezer*, vol. 2:17.
66. A discussion of this and other related issues has been well summarized in Yitzhak Zeev Kahana, *Mehakrim Bessafrut Hateshuvot*, pp. 175-194.
67. For Austria-Hungary see Erwin A. Schmidl, *Juden in der k. (u.) k. Armee*, pp. 198 f. For Germany see *Deutsche Juedische Soldaten*, pp. 69 f. For the United States, see Hoenig "The Orthodox Rabbi as a Military Chaplain," *Tradition*, Vol. 16, No. 2, 1976, pp. 35-60.
68. David Hoffman, *Melamed Lehoil*, New York, 1954, Vol. I, # 42, 43
69. Ismar Elbogen, *A Century of Jewish Life*, Philadelphia, 1944, pp. 454 ff.
70. Alexander Carlebach, "A German Rabbi goes East," *Year Book VI of the Leo Baeck Institute*, New York, 1961, pp. 110 ff. This essay consists of a selection of letters from Rabbi Carlebach to his family during his stay in Warsaw from 1916 to 1918. He provides a vivid description of the condition of Polish Jewry and the many efforts of the German occupation forces to be helpful.
71. Mordecai Breuer, *Modernity within Tradition*, pp. 388 f.
72. Bertram Korn, *American Jewry and the Civil War*, Philadelphia, 1951, p. 68; Jack D. Foner, "Jews and the American Military from the Colonial Era to the Eve of the Civil War," *American Jewish Archives Journal*, Vol. 52, No. 1-2, pp. 54-111.
73. *Ibid.*, pp. 56-97. See also Harry Simonoff, *Jewish Participants in the Civil War*, New York, 1963, pp. 36 ff "The Orthodox Rabbi as a Military Chaplain," *Tradition*, Vol. 16, No. 2, 1976, pp. 35-60.
74. Sidney B. Hoenig, "The Orthodox Rabbi as a Military Chaplain," *Tradition*, Vol. 16, No. 2, 1976, pp. 35-60 provides a good summary of the early history as well as an Orthodox perspective.

75. In the 1970s I was involved along with a representative of the American Conservative and Orthodox movements in an effort to agree on conversion procedures with the Israeli chief rabbinate. We met for a week in Jerusalem with a representative of the chief rabbinate, worked on an agreement, hammered out its wording, began to translate it from Hebrew into English, when at the last minute the chief rabbinate backed out. Aside from a pleasant visit to Israel and the rare books of the Schocken Library where the meetings were held, nothing was accomplished except a distrust of any future cooperative efforts with the Israeli rabbinate.

76. *Responsa in Wartime*, (ed. National Jewish Welfare Board), New York, 1947, 96 pp.

77. S. Gershon Levi, *Breaking New Ground: The Struggle for a Jewish Chaplaincy in Canada*, ed. David Golinkin, Montreal, 1994.