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War in Israel Section

The Rainbow: Israel's Tribulation and Triumph

by Rabbi Yaakov Klass

Question: Now that we have begun again the new cycle of the Torah reading, I read in the Kitzur Shulchan Aruch that one is to bless upon seeing rainbow but it is forbidden to gaze upon it excessively. Is this not such a beautiful phenomena, why should there be any prohibition connected with it?

Zelig Aronson
Via Email

Answer: Yours is indeed, a good question. Let us turn to the Mechaber (Orach Chayyim 229:1) upon whom the Kitzur basset this Halacha. 'One who sees the rainbow recites [the blessing] "Boruch Ata Hashem Elokeinu melech ha'olam zocher ha'brit v'ne'eman bivrito v'kayam ma'amaro – Blessed are You Hashem our G-d, King of the universe who remembers the covenant and is faithful to His covenant and keeps His word." And it is forbidden to gaze upon it [the rainbow] further.

Ba'er Heitev (ad loc sk2, citing She'la) explains that one who gazes excessively his eyes will dim and become weak. Mishnah Berurah (ad loc sk1) adds and it is not worthwhile to tell his fellow that there is a rainbow because of telling loшон hora – [we assume the meaning of telling lashon ho'ra in this case refers to pointing out some iniquity in Hashem's world.]

The Rambam codifies this Halacha (Hilchos Berachot Chap 10:16) but makes no mention of the cited prohibition. Yet the codified Halacha is based upon the Gemara Berachot 59a where the Gemara states "Said R' Alecsandri in the name of Rabbi Yehoshuah B. Levi 'One who sees a rainbow in the cloud should fall upon his face as the verse states (Ezekiel 1:28) "K'mar'eh hakeshet aher yihyeh be'anan b'yom hageshem kein mar'eh ha'nogah soviv hu mar'eh dmut k'vod Hashem va'ereh va'epol al ponai va'eshmah kol m'daber – As the appearance of the rainbow that is in the cloud in the day of rain, so was the appearance of the brightness round about. This was the appearance of the glory of the L-rd. And when I saw it I fell upon my face."

Rashi (ad loc) codifies that upon seeing the rainbow one is to fall upon his face, why because he has seen the Glory of Hashem. Meaning it is almost as if he has seen Hashem. Similarly when the Kohanim – the priests bless the congregation one is not allowed to gaze upon them, as they are uttering Hashem’s tripartite blessing. There too one would be gazing upon the Glory of Hashem.

Now, the Torah in Parashat Noach (9: 8-17) states that Hashem, after the flood made a covenant with Noach and all creation that He would never again bring forth a flood to destroy all of living creation. And He set forth the rainbow as a sign that whenever He will gaze upon the rainbow He will remember His covenant so that he not destroy all of creation.

Interesting to note is that a rainbow though seen in its full glory is when one sees it across the sky overhead. But sometimes the rainbow will be seen in a puddle or any other gathering of water. In such case it might be difficult not to gaze upon it.

Now the question, if Hashem so chose not to ever destroy the world again then what need does He have for a reminder, Hashem remembers all, surely, to even think that He is in need of a reminder borders on apostasy.

The source of this unique sign is in Parashat Noach as we stated earlier (Genesis 9:12) ‘*Vayomer Elokim zot ot ha’brit asher ani notein beini u’beineichem u’vein kol nefesh chayah asher itchem l’dorot olam* – And G-d said this is the sign of my covenant which I make between you and Me and every living creature that is with you for everlasting generations.’ ‘*Et kashti natati be’anan v’hayta l’ot brit beini u’vein ha’aretz* – I have set my rainbow in the cloud, and it shall serve as the sign between Me and the earth.”

Rashi (ad loc) notes that the word *l’dorot* is spelled in Hebrew in the deficient manner. *Dorot* in Hebrew is spelled *maleh* – full; *Daled, Vav, Reish, Vav, Tav*. However in this verse it is written *cha’ser* – deficient; *Daled, Reish, Daled*. Why? Because there are generations that never needed a sign because they were *tzadikim gemurim* – so completely righteous, like [for example] the generation of King Chizkiyahu [Hezekiah] King of Judea or the generation of Rabbi Shimon bar Yochai. The implication seems to be that those generations were whole and they would be referred to [in writing] as *Daled, Vav, Reish, Vav, Tav*, however other generations that were lacking somewhat would not be whole and they would be referred to [in writing] as *Daled, Reish, Daled* and they were in need of the sign [the rainbow].

Siftei Chachamim repeats Rashi’s explanation and cites as well Re’em [Rabbi Eliyahu Mizrahi] who says that since it is written *l’dorot* deficient it should be read *l’dorat* an expression of *dirah* – an abode, which means it addresses each and every family who reside in this world that, ‘My rainbow I have set forth in the cloud’ to teach that some families or inhabitants are in need of a sign and others not.

He also cites Maharshah [Rabbi Shlomo Luria] says that *Dorot* - maleh – full would have alluded to all generations both in *this world* and in the *world to come* but now that it has been written *cha'ser* – deficient is that the need and very purpose of the sign is only for those generations in this present world.

Ramban (ad loc) states that it would seem from the reference *Zot ot habrit* – this is the sign of my covenant - that this phenomena was not present at creation but was created for Noach and his future generations. He notes that unusual is that the legs or ends of the rainbow are downward to signify that they are coming from below as opposed to if they would be inverted upward [in an upward arc] to signify that they are from above. This is alluded from the bow and arrow of an archer that just as he shoots his arrows upward and they then return downward in an arc [to their target]. That they don't come from above is a sign that the 'arrows' or punishments will not come from above.

He further reconciles and seemingly retracts his earlier assertion that upon further examination of the text *'Et kashti natati be'anan* – I have set my rainbow in the cloud' that it would seem that the rainbow was indeed present from creation but was now [when needed] to be placed in the cloud.

Insofar gazing unnecessarily at the rainbow he cites sages who say that *keshet* is a reference to *kasheh* something that is hard, that is the harsh judgment [when meted by Hashem] from above, while there is judgment that is *rafeh* – soft and that is judgment that is meted by Hashem from below.

Rashi clarifies rather simply from the verse (9:16) “*V'hayta ha'keshet be'anan u're'itiha lizkor brit olam bein Elokim u'vein kol nefesh chaya b'chol basar asher al ha'adama* – And the rainbow shall be in the cloud and I shall see it to remember the enduring covenant between G-d and every living creature of all flesh that is upon the earth.”

Rashi is obviously referring that there are two kinds of punishment one that is harsh and one that soft as it recognizes the weakness of all flesh.

The above should give us a bit of understanding of our sages varying approaches to this phenomenon. Yet, we are still left with the question does G-d need any reminders?

We note that there are those who espouse a false belief that man is “destroying” the earth, slowly depleting all its resources. We know that one of Hashem's names is Kel Sha-dai – G-d who said: My world is sufficient. This means that all the earth's resources are provided by Hashem for the needs of man.

Sforno (to Genesis 9:11 end of verse) “...lo yihyeh od mabul l'shachet ha'aretz. – ...there will be no further flood that will destroy the earth.” He explains “Under no circumstances will there be a ruin or loss such as destroys the essence of the earth.

What we see from Sforno is that we are all witness to constant floods and other types of devastation, both weather related and man-made, yet the world goes on. What Hashem

has told us is that there will be floods [or other devastations] but not a flood or other disaster that so completely in its wake imparts utter destruction of our mother earth. The truth is that the greens are agnostic at best but mostly atheistic and even those who go to church on Sunday still buy into this entire green earth spiel.

Sforno (to verse 9:13) “Et kashti natati b’anan... – I have placed My rainbow in the cloud...” explains: I have set in place that it [the rainbow] shall be part of nature and shall be an everlasting sign of the covenant. Further since the rainbow is double [or full with multiple layers] and because the wise men who research [probably “men of thought” – scientists have been unable to give understanding to the order of the colors of [ours] the second rainbow which is the opposite of the order of the colors of the first rainbow, which is what we see with regularity. It serves as a sign to the righteous – the tzadikim of the generation that their generation is guilty. He now cites the Talmud (Kesubot 77b).

The Gemara records the encounter between Rabbi Shimon bar Yochai and R. Yehoshua b, Levi when the latter ascended to Heaven [upon his passing] R. Yehoshua was heralded by Eliyahu HaNavi "Clear a place for bar Liva'i - the son of Levi." Rabbi Shimon asked him: “Are you the son of Levi? R. Yehoshua replied in the affirmative, to this Rabbi Shimon asked: “Has a rainbow been seen in your lifetime?” He replied: “Yes.” To which Rabbi Shimon exclaimed: “You are not the son of Levi!” The Gemara concludes that actually there was never a rainbow during his lifetime, but R. Yehoshua felt acknowledging that fact would show a lack of humility.

Rashi (ad loc “im kein leis at bar liva'i") Explains that Rabbi Shimon was saying: "You are not worthy of such greeting by Eliyahu because I heard that the rainbow is only a sign of the covenant that Hashem will not destroy the world and if there is a Tzadik gamur – a completely righteous person in that generation there is no need for that sign.” Of course R. Yehoshua was just such a Tzadik but it was only out of his abundant humility that he refused to acknowledge his own greatness.

Sforno (to verse 9:16) “*V'hayta ha'keshet be'anan u're'itiha lizkor brit olam bein Elokim u'vein kol nefesh chaya b'chol basar asher al ha'adama* – And the rainbow shall be in the cloud and I shall see it to remember the enduring covenant between G-d and every living creature of all flesh that is upon the earth.” Explains as follows: I will see it to remember the everlasting covenant; I will observe from that that surrounds it and that is the prayers of the righteous who stand in the breach in order that My anger be assuaged from causing destruction.

Now we see that Hashem is not in need of a reminder, rather He searches for the righteous, whose prayer [and may we add Torah study and charity] save the world.

Rashi at the very beginning of the Torah (Genesis 1:1) citing Midrash Tanchuma explains the very reason for creation, the Torah and Israel. Thus the world only stands due to our people Israel and their upholding, observing and studying of the Torah. Would our enemies accomplish their goal of destroying Israel and the Jewish people the world will return to null and void.

Israel [and world Jewry] is currently in a war of survival fighting against Terror, such that threatens their very existence. While our soldiers are on the battlefield fighting gallantly there is a second battle going on in Israel and abroad of Jewish people observing and studying Torah and piercing the Heavens with prayers and recitation of Tehillim. There is also an unprecedented unity of most segments of Jewry both in Israel and in the Diaspora, and an outpouring of support both financial and otherwise from Jews and gentiles alike reaching the State of Israel in its time of need.

The world—those 120 member nations of the United Nations—voted to censure Israel for its war in Gaza, that was only a defensive response to the unspeakable atrocities committed upon Israelis and their hostage taking on Simchat Torah-October 7th, yet they say nothing to an ongoing civil war in Sudan that has claimed far more lives [and other battles throughout the world]. Yet it is only Israel that they attack. Have no fear as from that and all the Hamas terror will ultimately emerge Israel's triumph! Please G-d.

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The Rainbow: What Does Father Want?

by Rabbi Aharon Ziegler

Note: My dear friend, colleague and mentor, Chaver of the Igud Horabbonim, Rabbinical Alliance of America, Horav Aharon Ziegler, Rosh Kollel Agudas Achim, whose columns, The Halakhic Positions of Rabbi Joseph B. Soloveitchik, grace the pages of the Jewish press, has just published his first Book al Ha'Torah, weekly Torah gems corresponding to the Parashiyot HaShavua – the weekly Torah portion. I was privileged to write the foreword. I had concluded my response to the rainbow question when the finished volume arrived at my house. I quickly leafed through the book and noted the many citations from Rav Soloveitchik but alas I also saw the related discussion of this phenomena – the rainbow and its message. We now cite from that discussion in Parashat Noach.
– Rabbi Yaakov Klass

The Torah states (9-13) that after the Mabul, the flood, that G-d set the rainbow in the cloud so that when He looks upon it, He will remember the promise that He made that He would never again destroy the entire world through a mabul. The Torah seems to be saying that the Ribbono Shel Olam needed a reminder that He made such a promise. He therefore created the phenomenon of a rainbow. Whenever He gets angry at the world and is tempted to destroy it again with another Mabul, He looks at the rainbow and reminds Himself of His promise. This simple reading of the pasuk is totally incomprehensible. Does Hashem need a reminder? What is the true meaning of this pasuk?

Rashi explains that the Ribono Shel Olam does not need a rainbow as a reminder, we need a reminder. We look at the rainbow and we are supposed to take note that this is a time of anger by Hashem. At such times we should reflect and remember that were it not for His promise, He would again destroy the world. Therefore, we should hasten to repent and do Teshuva.

The Ramban cites the Gemara Chagigah (16a) that one should not stare at a rainbow. Why should this be so? The rainbow is a beautiful phenomenon! What is wrong with looking at it? In the 'Confessions of Rav Amram Gaon,' one of the items listed for which we confess on Yom Kippur is 'for staring at a rainbow.' Why is it a sin?

R'Simcha Zissel [the Alter of Kelm 1824-1898], a student of R' Yisrael Salanter, writes that when we see a rainbow, our reaction is 'beautiful.' We admire its colors and shape and feel inspired by it. Now, consider this Hashem is angry. He places the rainbow in the sky as a message to us to get serious, to beseech His mercy, and to do Teshuva. What

is our reaction? 'Beautiful!' This is the great audacity andchutzpah of staring admiringly at a rainbow. Such reaction will only augment G-d's anger at us.

R'Simcha Zissel even takes issue with the [view of the] Chafetz Chaim (cited in his Mishnah Berurah) that one who sees a rainbow should not tell his friend. R'Simcha argues, on the contrary, one should alert as many people as possible to the presence of the rainbow so they too, will take proper action. When the Chafetz Chaim used to hear thunder, besides making the appropriate b'racha, he would say, 'What does father want?'

The above was obviously written by Rav Ziegler sometime back, before the events of October 7th, Simchat Torah, the unspeakable brutal rampage of the Chamas terrorists. Yet his concluding words in this matter so describe life that the people of Israel have to endure on a daily basis.

Rav Ziegler concludes: "The current wave of terror that is spreading fear across Yerushalayim should generate even more dramatic action on our part. In our lifetime, we have seen many more devastating 'klops' than both thunder and rainbows put together. Every day we hear of Jewish casualties perpetrated by our Arab 'cousins' and neighbors. It is our responsibility to emulate the Chafetz Chayim and say, 'What does Father want from us?' I think He wants us to do two things that are guaranteed to work. 1.) Prevail upon our government to view the present situation as all-out war, and 2.) Take the proper actions to stop it. Namely, declare a harsh warning to our Arab neighbors, our world allies, and the U.N. that our government will view and treat, any act of terrorism as an act of war. We will revoke citizenship from the terrorist, if he is still alive, and from his entire family: parents, grandparents, cousins, and uncles. We will cease to give employment to any of his family. We will cease to supply any utilities: gas, water, and electricity, and they will lose all health and social benefits, That will hit them where it hurts and make them think twice before sending their children or allowing their children to throw stones at cars, stabbing or shooting Jewish residents. Each of us should evaluate through *cheshbon hanefesh* what needs to be corrected in our own lives. Not to point a finger at others, not to blame others, but only to look within ourselves. What Teshuva we should do to improve ourselves, Finally, then, to increase our giving Tzedaka and reciting Tehillim."

Rabbi Klass adds: Let us pray for the success of our troops – our brave Chayalim, the welfare and imminent release of our brethren the hostages – the shevuyim, and all our brothers and sisters in Eretz Yisrael as well as all world Jewry, who clearly live in a very frightening world. *Hashem Yerachem.*

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When The Entire People Are In Need Of Prayers

by Rabbi J. Simcha Cohen zt"l

Question: Is there a special prayer or specific role for prayer when the totality of the Jewish people is in danger?

The above question is from the sefer, Jewish Prayer, the Right Way, written by my late dear friend and colleague, Jewish Press halachah columnist, Horav Yaakov Simcha Cohen zt"l. Rabbi Cohen passed away almost ten years ago, his passing was and remains a great loss for his family and Klal Yisrael. I am pained by his passing and by the thought of all my missed opportunities these past ten years of learned discussion with such a talmid chacham, a scholar imbued with both keen intellect and Yir'at Shomayim. As a solace when I review his Sefer I feel that I have the ability to recreate some of those precious conversations.

The question above clearly speaks to the current critical situation in which Klal Yisrael presently finds itself. This is a war that is different from all previous wars and unfortunately the State of Israel has experienced many wars but they were all very swift. This current war has proven to be much more difficult.
– Rabbi Yaakov Klass

Answer: A cursory reading of Torah verses and Rashi's commentary suggest that prayer may not always be the most propitious response to danger.

A case in point is *Klal Yisrael's* reaction to the dangers faced at the Red Sea. In front of them were the raging, insurmountable waters of the sea; behind them were the advancing, ruthless soldiers of Pharaoh. The Jews were frightened. What were they to do? What was our leader, Moshe Rabbenu, doing at that time? The Torah records that G-d said to Moshe, "Speak to the Children of Israel that they go forward" (*Exodus 14:15 – parashat Beshalach*). Simply put take action.

Rashi clearly states that Moshe was occupied in praying to G-d. The Almighty's response, according to Rashi, was twofold: (1) When Israel is faced with danger, it is not appropriate to prolong prayers (*leha'arich b'tefillah*), and (2) 'Why pray to Me? The matter depends upon Me, not you.' Both interpretations give the impression that prayer is not the best reaction to danger.

The first comment of Rashi is that in times of danger, prayer may be necessary, but it should be short and to the point. One should not 'prolong prayers,' but rather provide action or concrete responses. There is no definition of how much time may be properly

devoted to prayer, or, better put, no guide as to exactly when prayer becomes excessive. What is clear is that prayer by itself is not the proper response to danger. Danger necessitates a combination of both prayer and action.

Rashi's second comment goes against the grain of the religious mindset. It notes that the decision to save Jews is a Divine prerogative that is not dependent on prayer. Of concern, accordingly, is whether one should pray at all in times of crisis. If prayer does not effect any favorable Divine reaction, then perhaps one should not pray. A prayer that is not germane to affecting a Divine response seems to be a futile endeavor.

HaGaon HaRav Yitzchak Hutner, z"l, late Rosh Yeshiva of Rabbi Chaim Berlin Rabbinical Academy, contends that the true meaning of this commentary of Rashi may be derived from yet another citation. *Klal Yisrael's* reaction to the crisis at the Red Sea was that 'they cried out unto G-d' (*Exodus* 14:10). Rashi says, 'They seized upon the occupation of their forefathers.' To demonstrate that prayer was, indeed, the occupation of the Patriarchs, Rashi cites verses to note that Avraham, Yitzchak and Yaakov all [at one time or another] prayed. At issue is the rationale for Rashi (citing the *Mechilta*) to inform us that *Klal Yisrael's* prayer was simply an observance of the occupation of the Patriarchs. What purpose is there for Rashi to so inform us?

Perhaps, suggests Rav Hutner, the statement that prayer was the occupation of the Patriarchs defines the essential, unique nature of this prayer. For there is yet another problem relating to this prayer of *Klal Yisrael*. The Torah informs us that 'they cried out to G-d.' The response was, 'G-d will fight for you and you shall hold your peace [be silent]' (*Exodus* 14:14).

In other words, the Divine reaction to *Klal Yisrael's* prayer was that they should stop praying. Thus, the prayer was futile. If so, why pray altogether? To this our Sages answer that the prayer at the Red Sea was a unique form of prayer. It was a prayer in which '*Klal Yisrael* seized upon the occupation of their forefathers.' Namely, this was not comparable to other prayers.

The purpose of this prayer was to establish the holy lineage of *Klal Yisrael*, not to make a specific request of G-d. Let us take the example of someone who presents a request to a king. The king's response at first is that under normal conditions, there is no valid reason for him to heed the request. But, during the audience, the petitioner points to his pedigree. He mentions the name of his father and remarks that the father was a friend of the king. Accordingly, the king assures the son that his request will be heeded, solely on the merit of his own friendship with the father, so, too, by *Klal Yisrael*.

When they were told to 'be silent,' the intention was not to imply that their prayers were in vain. No, the prayers manifested their connection to the Patriarchs. Accordingly, no further prayers were needed. Once Jews relate their relationship [*Yichus*] to Avraham, Yitzchak and Yaakov, G-d responds favorably. The purpose of this prayer was to crystallize that once the lineage was noted, further prayer was not needed. The response was not due to the inherent good qualities of *Klal Yisrael*, but to their lineage.

Whenever *Klal Yisrael* in its entirety is in danger, a special form of prayer emerges, a prayer based not on the merits of the petitioners, but on their relationship with the Patriarchs. Such a response results in Divine action and a cessation of the necessity for further human prayers. As Rashi says, 'The matter depends upon Me, not you.' (An elaboration of this theme is noted in *Pachad Yitzchak, Purim, ma'amar 19.*)

Rabbi Cohen concludes: "In the three major prayers of each day, the *Amidah* commences with reference to Avraham, Yitzchak and Yaakov. Perhaps such prayers are based upon this consideration. When *Klal Yisrael* is in danger, it appears necessary to make note of the Patriarchs. They are the secret weapon of *Klal Yisrael*. Mention of our ancestors brings about Divine salvation."

Rabbi Klass adds: Indeed, in summation, our *Shemoneh Esreh* that we pray three times daily is our strongest weapon. Of course, the Psalms and the *Tefillah for the Tzahal, the Medinah and for the Shevuyim* [Prayer for the Israel Defense Forces; the State and the Hostages] that we recite are vital. Yet we must be sure to strengthen our concentration and contemplation when we recite the *Amidah*, and we should seek out as many of our brethren as possible to join our prayer services. Let us beseech the Heavens for the peace of Israel..

Rabbi Yaakov Simcha Cohen zt"l was the rabbi of Congregation Aitz Chaim in West Palm Beach, Florida, and a longtime columnist in The Jewish Press.

The Siege of Gaza in Halachah

by Rabbi Gil Student

Israel is currently laying siege on the Gaza strip in order to prevent terrorists from leaving, particularly with Israeli hostages. Is a full siege on Gaza halachically permissible? In the summer of 1982, the Israeli army placed a siege on Beirut in a successful attempt to force the PLO out of Lebanon. On August 6th, then-Chief Rabbi of Israel Rav Shlomo Goren published an article in the newspaper *Hatzofeh* in which he argued that, according to Jewish law, the siege must allow terrorists to escape the city. Understandably, this caused a bit of a furor and Rav Shaul Yisraeli wrote a letter in response. (The letter was intended to be private but due to a confusion at the newspaper was printed without Rav Yisraeli's permission. This led to an exchange over whether one may publish Torah insights without permission from the author.) Rav Goren responded in turn and the exchange was published in *Hatzofeh* on Sep. 17th. The next year, Rav Yisraeli published an article on the subject in the journal *Techumin* (vol. 4).

Rav Goren's argument is as follows (as published in *Toras Ha-Medinah*, ch. 28):

1) The Sifrei (on Numbers 31:7) extrapolates from the war on Midian that when laying siege, a Jewish army may only block off three sides but must leave a fourth side open for those under siege to escape. This is quoted as law by the Rambam (*Mishneh Torah, Hilchos Melachim 6:7*), Ramban (*Sefer Ha-Mitzvos*, addenda to positive commandments no. 5) and *Sefer Ha-Chinuch* (527). Therefore, the siege on Beirut must allow those under siege to escape. Presumably, this would also apply to Gaza.

2) The Ramban and the Chinuch state that this mitzvah only applies to an optional war (*milchemes reshus*), such as a war to conquer new land. But a mandatory war (*milchemes mitzvah*), such as war against Amalek, the 7 nations or to defend Jews, does not have such a requirement and a full siege may be placed. The Lebanon War was a defensive war and thus obligatory. If so, then according to the Ramban and the Chinuch the siege on Beirut could be complete. However, Rav Goren argues that the Ramban and the Chinuch were only referring to the first two types of mandatory wars – wars against Amalek and the 7 nations – when we are obligated to kill every single person. That is why we may not allow people to escape a siege. But a defensive war is similar to a *milchemes reshus* and the siege must allow people to escape. The siege on Gaza is also part of a defensive war.

3) The *Minchas Chinuch* asks how anyone can say that this rule does not apply to a mandatory war when its entire source is from the war against Midian, a mandatory war! Rav Goren suggests that wars outside the land of Israel automatically gain the status of an optional war. Therefore, the war against Midian was technically an optional war. If so,

the war in Lebanon is also an optional war and the rule regarding sieges should still apply. Gaza, too, lies outside the halachic boundaries of the land of Israel.

4) Rav Goren compared this rule to that requiring that before we attack anyone we attempt to establish peace first. That is clearly a humanitarian commandment, attempting to avoid unnecessary bloodshed. Similarly, the obligation to allow an escape route in a siege is also a humanitarian commandment to avoid war, i.e. let them escape and allow us to win. This comparison between the two commandments is evident in the Rambam's including both in the same chapter of Mishneh Torah and the Chinuch including them in the same commandment. This might not apply to Gaza, where we are attempting to save hostages.

Rav Shaul Yisraeli responded:

1) The Rambam, in formulating this rule in Mishneh Torah, writes that it applies when one sieges a city in order to conquer it. This implies that it only applies to an optional war, when the war is to conquer new land, and not a defensive/mandatory war. Thus, all three rishonim only apply this rule to an optional war, which the war in Lebanon was not. It is not clear whether Israel currently intends to conquer Gaza but, regardless, this is a defensive war.

2) This rule was extrapolated from the war against Midian – a mandatory war – because that war was historically unique and comparable to a contemporary optional war in that there was no command to directly kill the enemy. Thus, an escape route was required.

3) The *Meshech Chochmah* (Numbers 31:7) points out that the Rambam does not list this commandment in *Sefer Ha-Mitzvos* while Ramban does. He explains that according to the Rambam this rule is a military tactic, i.e. the best way to create a siege is to leave a side open so the fighters have an escape route and do not need to fight to the end. Therefore, it is part of the laws of making war and not a mitzvah unto itself. According to the Ramban, though, this is a humanitarian law. Therefore, according to the Rambam this rule only applies when the tactic is appropriate but according to the Ramban it always applies (albeit, only to a permitted war). While Rav Goren adduces problems for this explanation (e.g. the Rambam still includes the commandment in Mishneh Torah and we do not dismiss a commandment simply because its rationale does not apply), Rav Yisraeli defends it. However, Rav Yisraeli also suggests that according to the Rambam this rule is part of the law prohibiting killing an idolator who does not want to fight us, which is why the Rambam did not list it in *Sefer Ha-Mitzvos*.

4) Rav Yisraeli vigorously objects to Rav Goren's connecting the commandments to request peace (before launching a war) and leaving an escape route in a siege as similar humanitarian laws. They are entirely unconnected. The former is to afford the enemy the chance to surrender and live under Jewish rule while only the latter is a humanitarian law.

Note that everyone agrees that civilians must be allowed to leave a siege and the enemies may be prevented from entering a siege or bringing in supplies. The only discussion is

regarding soldiers that are under siege. In Gaza, it is not clear whether it is feasible to distinguish between civilians and soldiers, nor whether doing so will bring harm to the captives. According to Rav Goren, a case can be made that a complete siege is appropriate in Gaza in order to save the hostages and a case can be made that a complete siege is against *halachah*. According to Rav Yisraeli, the complete siege seems entirely permissible and necessary.

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What Torah Should a Soldier Learn?

by Rabbi Gil Student

A soldier in active times, which sadly we find ourselves at the time of this writing, often has only a few minutes a day in which he can learn Torah. In this extremely limited time, what should he learn?

Obviously, a soldier's primary duty is his military mission. This must take priority and he should not do anything to jeopardize it. Assuming he does have a few minutes of unstructured time, what Torah should he learn? I have never personally served in the army but current and past soldiers tell me that there is almost always time to learn something. What follows is what I have seen published. I am sure there is more and everyone should ask their own rav or rosh yeshivah.

I. Learning Torah in the Army

Rav Nachum Rabinovitch, the late rosh yeshiva of the Hesder Yeshiva in Ma'aleh Adumim, was asked about soldiers attending entertainment events that include women singers (*Responsa Melumedei Milchamah*, no. 116). He begins by saying that "*bnei yeshiva*," soldiers who went to yeshiva, should spend whatever free time they have learning Torah and should not attend entertainment events in the army. The question, says Rav Rabinovitch, is whether soldiers who are *bnei yeshiva* should object when other soldiers attend such events.

In an article in the Sivan 5723 (May 1963) issue of the IDF Rabbinate journal, *Machanayim*, Rav Shlomo Goren discusses the obligation to learn Torah in the army "between battles, between missions and between conquests." He points out that the very source for the obligation to learn Torah day and night was a command to Yehoshua, as he was about to lead the nation in conquering Israel (Josh. 1:8). The Gemara (*Megillah* 3a-b) explains that an angel came to Yehoshua during war and accused him of failing to learn Torah when he was not fighting (Josh. 5:13-14). Rav Goren, at the time Chief Rabbi of the IDF, concludes that every soldier is obligated to learn Torah whenever and wherever possible, whether "at military bases and camps, at positions and posts, at home and in the field."

In normal circumstances, a man is obligated to learn Torah day and night. In theory, he is advised to divide his study schedule in three — one third for Tanach, another third for Mishnah and a third for Gemara (*Kiddushin* 30a). However, Rabbeinu Tam (Tosafos, ad loc., s.v. *lo*) explains that today we can fulfill this by learning Gemara, which includes biblical verses and Mishnayos. Rema follows Rabbeinu Tam in his glosses to *Shulchan Aruch* (*Yoreh De'ah* 246:4). The *Shach* (ad loc., 5) adds that a working man, who can only learn three or four hours a day (!), should make sure to learn practical *halachah* in

addition to Gemara. You have to know how to follow Jewish law in your daily life and you can only do that by learning practical *halachah*.

However, this does not eliminate other learning obligations that stem from other requirements. We still must complete the weekly Torah portion with the community. This means that each week we must review *shnayim mikra ve-echad targum* (the verses twice and translation once). In order to practice Judaism properly, in addition to learning practical *halachah*, we also need to strengthen our faith and our ethics. Learning *Mussar* texts is an important part of daily life just to maintain your religious state, and certainly to grow.

II. Halachic Codes for Soldiers

Rav Yisrael Meir Kagan, known as the Chafetz Chaim, wrote a *halachah* manual, titled *Machaneh Yisrael*, for the many Jewish soldiers in the Russian army. In chapter 6, the Chafetz Chaim emphasizes the importance of a soldier studying practical *halachah*, whether from his book, *Shulchan Aruch* or any shorter codes like *Chayei Adam*. You have to know, and constantly review, how to act. However, adds the Chafetz Chaim, a soldier who cannot learn that should at least learn something — *Chumash, Navi* or just say Tehillim. If he has free time, he should fill it with Torah because otherwise the time can lead to improper activities.

In 1986, Rav Zechariah Yosef Ben Shlomo (of Yeshivat Sha'alvim) published a comprehensive *halachah* guide for Israeli soldiers, which he expanded in 2001. His *Hilchos Tzava* is a pocket-sized, softcover 900 page book with 100 chapters. Chapter 8 addresses the obligation to learn Torah. Rav Ben Shlomo writes (par. 5) that since time is extremely limited, a soldier should learn practical *halachah*, particularly those laws that apply to a soldier's situation. Preferably, he should learn from a concise code, such as *Kitzur Shulchan Aruch, Chayei Adam, Ben Ish Chai* or an equivalent (he is too modest to recommend his own book). If he is unable to learn *halachah*, he should learn *Tanach*, whether the weekly Torah portion or something else. Particularly at night, when a soldier is tired and struggles to concentrate, he should learn something easy.

Both the Chafetz Chaim and Rav Zechariah Shlomo emphasize the importance of learning Torah together with other soldiers, when possible. It strengthens yourself and others, and enables the learning of those who do not have the skills or ability to do so on their own.

III. Learning What You Want

I heard in the name of Rav Avigdor Nebenzahl that a soldier should endeavor to do Shnayim Mikra because the Gemara (*Berachos* 8b) says that one who does so merits a long life. Presumably this is a bare minimum of what to learn.

Rav Shlomo Aviner (*Piskei Shlomo*, vol. 6, p. 265) was asked what a soldier can do to avoid spiritual decline while serving in the army. While this requires a lengthy

discussion, Rav Aviner briefly offers five pieces of advice, of which two are relevant our conversation:

- 1) Whenever you have free time, learn Torah on any subject you want
- 2) Learn *Mussar*, like *Mesilas Yesharim*

Rav Mordechai Tzion, the editor of this and many other books by Rav Aviner, told me that this is a general principle Rav Aviner teaches to soldiers. The Gemara (*Avodah Zarah* 19a) says that a person can only learn Torah from a text that his heart desires. Rav Aviner advises soldiers to choose a Torah text that excites them and keep a pocket-size volume with them constantly for learning when there is time.

The very conversation about soldiers learning Torah is itself inspiring. May all the Israeli soldiers see continued growth and success, health and holiness, long lives and spiritual wholeness.

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Waging War on Shabbos

by Rabbi Gil Student

Religious Jews violate Shabbos in response to even a life threatening situation. Religious soldiers fight war 24/7 in order to protect lives. This is widely understood nowadays. But was it always accepted that we may wage war on Shabbos? Some claim that this religious permission arose only in the time of the Second Temple, during the Hasmonean revolt. As we will see, this idea is illogical, unnecessary and lacking any basis in Jewish history even if non-Orthodox scholars accept it as true.

The book of Maccabees (1:2:31-41) tells the story of how the Hasmoneans originally refused to wage war on Shabbos and were slaughtered. After that, Matisyahu ruled that they must fight back on Shabbos. This account is repeated by Josephus (Antiquities 12:276). Prof. Louis Feldman (*Jew & Gentile in the Ancient World*, pp. 160-161) lists other ancient attestations to this refusal to fight on Shabbos, such as Strabo (16:2:40:763) and Dio Cassius (37:16). The question is why they refused initially and what did Matisyahu change. Isn't it *pikuach nefesh*, a life threatening situation, that merits violating Shabbos? Why did they need Matisyahu to tell them that they are allowed to fight on Shabbos?

Rav Moshe Tzvi Neriah, a leading student of Rav Kook and the *rosh yeshiva* of the entire Bnei Akiva school system, published a 1959 book about war on Shabbos fittingly titled *Milchamos Shabbos*. Rav Neriah asks (p.77ff) how the Jewish people could possibly have survived until that point if they did not violate Shabbos to save lives. There were so many wars during the First Temple era. How were the Jews not conquered and killed if they refrained from fighting on Shabbos? When the Jews returned to Jerusalem after the Babylonian exile, they were under constant attack when they rebuilt the Temple to the point that half of them worked on the building and the other half stood guard: "We worked in the construction, half of them held the spears from the rising of the morning until the stars appeared" (Neh. 4:15). Why didn't the enemy just attack on Shabbos and destroy the newly returned community and all their work? Furthermore, why is there no mention of this transition in midrash or Talmud? Rather, argues Rav Neriah, this is all a misunderstanding by historians looking for halachic change when none occurred.

Rav Neriah quotes Rav Yitzchak Isaac Halevy (*Doros Ha-Rishonim*, part 1, vol. 3, p. 340ff) who says that when you look at this passage in the context of the Chanukah story, the entire question disappears. This episode occurred before there was a Hasmonean army fighting against the Syrian-Greeks. At this point in the story, they were individual Chasidim, Jews clinging to their religion against foreign oppression. They had two options in the face of oppression, flee or give up their lives in martyrdom. They fled and hid in caves. However, the government's soldiers found them and tried to force them to violate Shabbos, for which the pious Jews instead chose to die al kiddush Hashem. When Matisyahu heard about this incident, he declared that we will not run, we will not hide, we will not die peacefully. Rather, he organized an army to fight back against the

oppressors. When they come to force us to violate Shabbaos, we will be ready for them and fight back. This was not the point in history when Matisyahu decided that it is permissible to fight back on Shabbos. It was when he decided we would fight back, we would join together in an army and defend ourselves. In this case, it was about Shabbos because that was when the enemy came but the story is about deciding to fight back against the mighty Syrian-Greeks, not deciding to violate Shabbos to save lives.

Additionally, Rav Neriah points out, there is a difference between individuals defending themselves and an army fighting a war. Once Matisyahu organized an army to fight against the Syrian-Greeks, they were not limited to defending themselves on Shabbos to a specific immediate threat, like with normal *pikuach nefesh*. They could defend themselves even against a remote possibility of a threat. They also were not limited to defense. This was war and they could attack on Shabbos, as well.

Rav Shlomo Goren, the first chief rabbi of the Israel Defense Forces, takes a different approach to this question in his collection of army responsa (*Meshiv Milchamah* 1:2). Even if we accept that the Hasmoneans were already organized as an army at that time, and refused to fight back on Shabbos until Matisyahu changed course, that still does not mean that they believed that fighting a war in general is forbidden on Shabbos. In previous wars, whether against the Assyrians, the Babylonians or the local residents when the Jews returned from exile, Jews defended themselves on Shabbos. In the case of the Chanukah story, the Syrian-Greeks knew how important Shabbos is to Jews and wished to force them to fight on that day. Thus, there was a *shmad-gezera*, an anti-religious decree, specifically to fight on Shabbos. Therefore, the Hasmonean *beis din* initially ruled not to fight—when gentiles try to force us to violate a law we must choose martyrdom over violating it. In this case, the enemy tried to force us to fight on Shabbos and the Hasmoneans chose martyrdom over submitting to this religious oppression.

Matisyahu subsequently ruled to the contrary, that they must fight back. When the Syrian-Greeks continued this strategy of fighting specifically on Shabbos and it became an existential threat to the continuity of the Jewish people, the religious leadership of the time ruled that the continuity of the Jewish people overrides the law of martyrdom and they must fight to save *Klal Yisrael*.

As the Israel Defense Forces fight back against the deadly threat of brutally antisemitic terrorists, they fight on any day of the week and the year. The enemy attacked us on Yom Kippur 50 years ago and on Simchas Torah (in Israel) this year. They try to force us to violate our holy days but they do not know that Matisyahu taught us that we fight back at all times, with all our might, with Hashem's help to defeat our foes.

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Jewish Soldiers and the War-Divorce

by Rabbi Gil Student

Soldiers go out to war and do not know if they will return. If the worst happens and they do not return, their wives cannot remarry without proof of death. To avoid the possibility of widespread *agunah* problems, for centuries if not longer, Jewish soldiers have divorced their wives before leaving. The exact nature of this divorce is a matter of debate but we know this was done through World War II. This is particularly helpful when a soldier is known to have been killed in battle but there is insufficient proof of his death to allow his wife to remarry. It frees women who are ready to move on with their lives but are stuck in a dead marriage. Today, these divorces are not done. We will briefly discuss here the different options available and when and why they ceased being used.

I. Soldiers Divorcing Their Wives

The Gemara (*Shabbos* 26a, *Kesubos* 9b) says that the soldiers in King David's army would divorce their wives before going out to war. Rashi (*Kesubos* 9a s.v. *get*) says that the divorce is conditional on the husband dying in war. If he dies, his wife is retroactively divorced and therefore, if they have no children, she is not subject to *yibum* or *chalitzah*, having to marry her deceased's husband's brother or formally separate from him. Otherwise, if the deceased's brother is uncooperative or living in another part of the world, the widow is stuck in permanent singlehood. Because this simple reading of Rashi's approach solves very few problems for soldiers, Tosafos (ad loc., s.v. *kol*) suggest that Rashi meant that every soldier divorces his wife on condition that he does not return from war. Therefore, if a soldier does not return, his wife does not need proof of death in order to remarry. Tosafos also quote Rabbeinu Tam who says that the soldiers divorce their wives with no condition at all and remarry them when and if they return from war.

Rav Shlomo Yosef Zevin (20th cen., Israel; *Le-Or Ha-Halachah*, part 1 ch. 8) quotes a number of responsa from the late 19th century and early 20th century that discuss these types of divorces as done by actual soldiers. For example, Rav Naftali Tzvi Yehudah Berlin (Netziv, 19th cen., Russia; *Responsa Meishiv Davar* 4:51) discusses the case of a *kohen* who was sent out to fight in a Russian war. With the guidance of his city rabbi, he gave his wife a divorce in 1879 on condition that he returns to the city within two years. The war ended but he was sent by the army straight to Moscow for administrative duties and was not allowed to return home. Because he was a *kohen*, if the divorce took effect, he would not be able to remarry his wife. Netziv reluctantly concludes that the wife can forgive the condition of his return and then the divorce is nullified because it is as if the husband returned.

During the Russo-Japanese War (1904-1905), Rav Malkiel Tannenbaum (Poland; *Divrei Malkiel* 4:156) offered a solution to soldiers who were called to duty quickly. A soldier could declare in front of two witnesses that he appoints a scribe and any two kosher

witnesses in the city to write, sign and give a divorce to his wife. Then the witnesses and scribe can wait until the war is over and if the soldier does not return, they can perform the divorce on his behalf. If he died in the war, his wife does not need the divorce. If he is missing or captured, the divorce is effective and the wife is free from living in perpetual singlehood. However, Rav Tannenbaum cautions, if the couple has no children the husband should give the divorce immediately to avoid the challenges of *chalitzah*. During the same war, Rav Yehudah Leib Tzirelson (*Responsa Gevul Yehudah*, no. 41) addresses a soldier who failed to do anything to effectuate any kind of divorce and then, at the front lines, became worried he would be killed and his wife would be subject to *chalitzah* with his stubbornly uncooperative brother. Significantly, the soldier was nowhere near a rabbi or Jewish community. Rav Tzirelson composed a form that the soldier can sign and send to his home city ordering a scribe and witnesses to write, sign and give a divorce to his wife. If possible, he should have two religious Jews sign the form as witnesses. If not, witnesses in his home city who recognize his signature can validate the form.

II. World War II Changes

Rav Zevin (ibid.) describes how Rav Yitzchak Herzog, Ashkenazic Chief Rabbi of Israel, was concerned during World War II that soldiers from Israel in the British army might appoint a specific scribe or specific witnesses to give a divorce in the future who might not be alive at the time the war finished. Instead, he arranged for the printing of appointment (*harsha'ah*) cards which a soldier signed, appointing anyone in Jerusalem to write, sign and give a divorce to his wife. The cards added a condition that a divorce should only be given if one of the Chief Rabbis of Israel is informed that the soldier is missing and only at least one year after the enemy releases the prisoners of war.

Rav Herzog noted the issue of soldiers returning home briefly to visit his family and then going back to the frontlines. This was not possible during European wars, where men did not return home for brief visits. If a man lives with his wife after appointing a messenger to divorce her, he undermines the entire procedure (*Shulchan Aruch, Even Ha-Ezer* 149:7). Therefore, Rav Herzog also printed forms for soldiers in Israel to sign and send to the Rabbanut after every home visit. In the published text of the *harsha'ah* (*Heichal Yitzchak, Even Ha-Ezer* 2:41), Rav Herzog includes language indicating that he no longer considered a soldier returning home to be a problem. In the *harsha'ah*, the soldier declares that even if he returns home, he does not invalidate his instructions contained in the *harsha'ah*.

In the spring of 1939, Rav Yitzchak Herzog felt that war was going to break out in Eastern Europe. He reached out to Rav Chaim Ozer Grodzenski of Vilna, recommending he use the *harsha'ah* method to assist Jewish soldiers in the various national armies in preparing divorces for their wives. In the winter of that year, Rav Grodzenski replied to Rav Herzog, noting how his friend had foreseen by a few months the outbreak of World War II but saying that they decided to use the standard conditional divorce rather than Rav Herzog's new approach (the correspondence is found in *Ha-Rabbanut Ha-Roshit Le-Yisrael: Shivim Shanah Le-Yisudah*, vol. 2, pp. 995-996).

In late 1939, a few months after World War II began, the London Beth Din published a booklet written by Rav Yechezkel Abramsky — at the time, the head of the *beis din* — examining the issues and offering an improved text for Jewish soldiers in the British army fighting in World War II. Men refused to give their wives divorces, even conditional divorces, because of the emotional pain. Rav Abramsky recommends that soldiers appoint two scribes and no witnesses to write, sign and give his wife a divorce if he does not return within five years (or four years, if he prefers). He should appoint two scribes in case one dies or leaves the country. He should appoint no witnesses in case those he selects die. A divorce with no witnesses appointed for the writing is acceptable but if it has witnesses appointed and they die, the divorce will be invalid on a biblical level. For a man with no children, Rav Abramsky encourages the giving of a conditional divorce. But if the soldier refuses, he can appoint two scribes like other men. If he dies and that information is transmitted, the wife will have to do chalitzah, if possible. But if information about his fate is unknown, the *beis din* can rely on the presumption that he is alive and give a divorce to his wife based on his appointment of a scribe. Regarding soldiers who return to visit home briefly and then go back to war, Rav Abramsky argues that this only invalidates the appointment in a normal case when a couple has split and then reunite. Clearly, at least for a brief time, they want to remain together and not get divorced. In the case of a soldier, the time together never negates the appointment for divorce so it remains valid.

III. Israel

During Israel's Independence War, the two Chief Rabbis of Israel — Rav Yitzchak Herzog and Rav Ben Tzion Meir Chai Uziel — strongly encouraged soldiers to appoint scribes and witnesses to divorce their wives if they do not return from war. As mentioned above, they printed cards to make it easy for soldiers. On 15 *Tammuz* 5709 (summer of 1949), Rav Uziel requested of Prime Minister David Ben Gurion the enactment a law requiring soldiers to sign the divorce-appointment cards (*Ha-Rabbanut Ha-Roshit Le-Yisrael: Shivim Shanah Le-Yisudah*, vol. 3, pp. 1327). Rav Shlomo Goren, in an article about the freeing of *agunos* from Israel's Independence War (in the memorial volume for Rav Herzog, p. 164), describes the difficulties implementing this. Even though the IDF made it easy to appoint a scribe to divorce a wife if the husband does not return from the war, thereby resolving potential *agunah* problems, soldiers refused to sign. At some point, for a short time, the IDF required married soldiers to sign the appointment cards, but they did so begrudgingly. That raises the problem of a coerced divorce, *get me'useh*, which is invalid. In addition to these problems, some IDF commanders refused to ask soldiers going out to battle to sign the appointment card because of concerns for troop morale.

Rav Herzog writes likewise, in his response to Rav Shlomo Goren's initial analysis of the widows of Kfar Etzion, which became part of his article in the memorial volume (*Heichal Yitzchak, Even Ha-Ezer*, vol. 2 no. 1). Rav Herzog says that the rabbis did all they could to help the soldiers solve the problem in advance but the soldiers refused. After all this effort, the Chief Rabbinate gave up on the pre-war divorce-appointments and instead had to undergo the difficult process of case-by-case analysis of the

circumstances of each soldier's death. In his 1953 book, *Hilchos Medinah* (vol. 2, section 7 ch. 2), the Jerusalem-based scholar, Rav Eliezer Waldenberg, includes the exact language of the Chief Rabbinate's appointment card as well as similar language based on Rav Abramsky's views published by Agudas Ha-Rabbonim of America. He also notes Rav Avraham Yeshayahu Karelitz's (the *Chazon Ish*) opposition to appointment cards. Instead, the *Chazon Ish* insisted that whenever possible, a married soldier verbally appoint a scribe in front of a religious court to divorce his wife if he does not return from war.

Over the past decades of Israel's wars, we have seen that soldiers can be captured and held for years, even decades. In other times, when a war ended, the enemy would return all the war prisoners. A divorce or appointment could be conditional on a husband returning with or not long after the general release of captives. Israel's enemies do not work like that. Any conditional divorce or appointment would have to be worded carefully in order take into account this complication. Captive soldiers, known to be alive, should return to their intact family even after many years. As Rav Abramsky pointed out, if these divorces and appointments become standard, there is less concern for deterioration of morale—they would be like wearing dogtags. However, we have to defer to the judgment of those more intimately familiar with the lives of religious soldiers. To my knowledge, these various solutions are not done today, even by religious soldiers. Instead, as R. Aharon Rakeffet describes in detail (*Rakafot Aharon*, vol. 4, pp. 114-124), leading rabbis spend significant time examining the circumstances of soldiers' deaths in an attempt to free their wives from being a lifelong *agunah*.

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