

PART II—War Torn: Can Soldiers Prevent Igun with Advance Planning?

Adapted from the writings of Dayan Yitzhak Grossman

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In the previous issue we discussed the procedure of writing gittin, or authorizing the writing of gittin, for soldiers heading off to war. We noted that R' Malkiel Tannenbaum (the Divrei Malkiel, d. 5670/1910) took for granted that it is appropriate to make such arrangements in a time of war when “many of *acheinu* Bnei Yisrael are going out suddenly to battle,” and provided detailed instructions for the preferred protocols to use in a variety of different circumstances. In this article, we survey the positions of subsequent halachic authorities on this topic.

In Iyar 5699 (1939), just months before the start of World War II, R' Yitzchak Isaac Halevi Herzog (at the time, the Ashkenazi Chief Rabbi of the British Mandate of Palestine) wrote to R' Chaim Ozer Grodzinski, consulting him about the implementation of the Divrei Malkiel's protocols. Rav Herzog believed that the ideal version of the procedure was one in which a conditional get would be given as soon as the soldier left home for the war, but he was concerned about the fact that unlike in the Divrei Malkiel's time, when soldiers who left for war would not return home until its conclusion, in modern wars (beginning with “the Great War (later to be called World War I), from which we have not yet escaped”), soldiers are furloughed for periods of time while the war is still ongoing, a situation that could create various halachic problems with the proposed procedure of giving a conditional get.[1]

Several months later, in Kislev of that year (a couple of months after World War II had begun), R' Chaim Ozer responded:

Although the words of *ma'alas kvod* Toraso are correct, we have decided here (in Vilna) to arrange conditional gittin as was previously done, and if [the soldier] comes [home during the war], they arrange [a get] a second time before his departure...[2]

Rav Herzog corresponded extensively on this topic with other authorities as well, including his colleague R' Ben-Zion Meir Chai Uziel (who was appointed Sephardi Chief Rabbi of Mandatory Palestine in 1939) and R' Yaakov Klemes,[3] and ultimately published his own version of an authorization document to be used by Israeli soldiers.[4]

The practice of writing gittin for soldiers was apparently widespread during World War II, as noted by R' Shlomo Yehuda Kahana (the last *rav* and *av* *bais din* of Warsaw before World War II):

“Whoever would go out to fight in a war of the House of Dovid would write a bill of divorce for his wife,” and we are accustomed to do so in our time as well, and the rabanim announced during the war that all the soldiers should leave gittin for their wives...[5]

R' Eliezer Yehudah Waldenberg (the Tzitz Eliezer) records:

There was an incident involving a certain young person (a *talmid chacham*) who came before us in the period prior to the Six-Day War. He requested of us that since he was planning to depart on some day

in the near future on a secret mission into enemy territory, and he does not know on what day he will take the task upon himself, he therefore desires to fulfill the law of "Whoever would go out to fight in a war of the House of Dovid..." He explicitly declared that after duly appointing [agents] for the writing of the bill of divorce, he would return home for now to his wife, and he does not want even his wife and family to know of this, in order to avoid causing them stress. He requested that we arrange this immediately, since he did not know whether he would be able to appear (in *bais din*) before departing on his mission to arrange this. We arranged it according to the law of Moshe and Yisrael...[6]

Like Rav Herzog, the Tzitz Eliezer raises potential problems with such an arrangement, but he ultimately concludes that it could be considered valid "in a time of great need (*she'as hadchak*), in the case where he is not heard from after a year has passed, for there is no *she'as hadchak* greater than this." [7] He adds the coda that "As it turned out, we were not required to carry it out, and *baruch* Hashem, the husband lived with his wife for many long years." [8]

In a subsequent *teshuvah*, the Tzitz Eliezer writes that "since this question arises in our time with respect to many who go out with the Army to war," he will reproduce the text of the authorization document that he utilized, due to the demand for it by many *dayanim* in times of necessity. [9]

As we noted in the previous article, R' Asher Weiss mentions, among his objections to having soldiers authorize the writing and giving of *gittin* before heading off to war, the claim that "the Army is also very much against this, because they think it'll have a terrible effect on the morale of the troops."

R' Yaakov Epstein (author of *Chevel Nachalaso*), however, does encourage the execution of an authorization to write and give a *get* by married soldiers going out to dangerous places, such as air and naval personnel. [10] R' Yaakov Ariel endorses this position, and he dismisses the concern for morale, because soldiers are anyway asked to sign instructions regarding payments to their relatives in the event that they do not survive, and upon entering the Army they provide their fingerprints for purposes of identification,

and everyone knows what the purpose is, and they did not worry about lowering morale, so why should we worry about this only in the crucial context of *agunos*? It should at least be made possible for a soldier who desires this to sign the appropriate form. [11]

[1] Shu"t Heichal Yitzchak E.H. *cheilek* 2 *siman* 35 pp. 137-38.

[2] Ibid. *siman* 36 p. 139.

[3] Ibid. *simanim* 37-40, pp. 140-53.

[4] Ibid. *siman* 41 p. 154.

[5] *Karnos Tzaddik* p. 253 (cited here).

[6] Shu"t Tzitz Eliezer *cheilek* 11 *siman* 90.

[7] Ibid. *os* 5.

[8]Ibid. at the end of the *teshuvah*.

[9]Ibid. *cheilek* 15 *siman* 57.

[10]Shu"t Chevel Nachalaso 9:24.

[11]Note to Chevel Nachalaso *ibid*.