

Building amidst Devastation
*Halakic Historical Observations on
Marriage during the Holocaust*

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The conventional combination of words in the phrase “halakah in the Holocaust” is an ostensible oxymoron. “Halakah” denotes continuity, permanence, an ordering of personal and public life in view of Torah laws, an adherence to a path paved since time immemorial. The origin of the word “halakah” is the Hebrew root *heh-lamed-khaf*—a “walking” on a path already laid out.

“Holocaust”—the literal meaning of this term, like its historical meaning is discontinuity, dissociation, a descent into a deep pit. The Holocaust was a collapse of worlds, both the personal and the public, and a shattering of all systems: those of ethics and thought, those of existence and society.

Therefore, the combination “halakah in the Holocaust” makes one ask if both ends of an oxymoron can possibly be discussed in one breath. How did these two concepts, continuity and discontinuity, become linked? The distance of years and the progression of research allow us to understand that life amidst contrasts such as these is one of the traits of the Jewish response during the Holocaust. Jews strove prodigiously to make sure that the outer circle of their lives—the one imposed on them, one of unparalleled enslavement, humiliation, and suffering—would not consume the inner circle—the one they preserved, their staff of support, the remnant of free choice, the struggle to maintain their identities as human beings and Jews. Thus, amidst a collapsing world, links of continuity—of morals, halakah, faith, and ideals—were preserved. The confrontation of halakah with the Holocaust was one of the most impressive links of continuity amidst discontinuity.

In the past few years, research on this topic has developed in several ways. First, it has moved from a generalized approach to an individualized one (as has occurred with many themes in Holocaust research). This approach is based on the integrated use of historical and halakic research tools, because only by understanding the specific reality in each situation can one discern the methods, meaning, and dynamic of *pesiqā*, halakic decision making. I will give two examples of this. The first concerns how to define the general halakic situation in the Holocaust. At an international conference at Yad Vashem in April 1968 on the Jewish stand during the Holocaust, where the halakic response was “recognized” for the first time as part of the concept of resistance,¹ Professor Joseph Walk noted, also for the first time, the dilemma that rabbis faced in defining the halakic situation during the Holocaust. In the main, Walk distinguished between two halakic definitions that, in his opinion, reflected a difference in the way the overarching goals of Nazi anti-Semitism were perceived.²

One cannot possibly consider *pesiqā* in detachment from the thinking of the Torah sages. Only in view of the attitude of leading rabbis toward the phenomena of Nazi Germany and the Holocaust can one understand and explain the substantive differences in halakic arbiters’ responses to questions that the circumstances of the time forced them to answer.

Therefore, in his opinion, some rabbis defined the era as a time of *shemad*, an all-out onslaught against the Jews. In such an era, the observance of every religious precept should be upheld so stringently that the individual should accept death rather than commit any transgression. This is indicated in the Talmud (B.T. *Sanhedrin* 74b): “When a decree of *shemad* is in effect, one should die rather than transgress even in matters of sandal straps.”³ Others considered the Holocaust era a state of *piquah nefesh*, in which saving Jewish lives is the paramount value. In such a case, one may breach all commandments (except for idol worship, incest, and murder) because of the principle of *va-hay bahem*—commandments are to be “lived in,” not died for. From this perspective, every ruling would be biased toward lenience.

The very fact of drawing this distinction was an important step, but today one may say that even this distinction is generalized in various respects. First, are there only two possible definitions? Second, was the halakic situation constant or fluid? Are halakic rulings in the Lodz ghetto in 1940 comparable to those in 1941, let alone in 1942? In other words,

changes in circumstances and differences in historical reality in different locations, or in one location, had halakic ramifications because the halakic debate flows from given situations. For example, even the rulings of one rabbi reflected a revision in halakic definitions during the period.⁴ This dynamic exists even with respect to a concept as basic as *qিদush ha-hayim*, “sanctification of life.”

Another example of the issue at hand concerns one of the most difficult questions: What attitude did rabbis take toward the selection of Jews by the Judenrat for deportation? Here, too, a transition has occurred—from a generalized perception arguing that the halakic view was inconsistent,⁵ since the situation was unprecedented, to an individualized view that reached a different conclusion in the aftermath of case-by-case examination.⁶

An additional sweeping example is the belief that the traditional leadership, chiefly the community rabbis (as distinct from Hasidic rebbes), seemingly vanished. Those who expected to find evidence in Holocaust research about the houses of rabbis being magnets for discussion of dilemmas and reinforcement of religious faith during the Holocaust ignored the special kinds of persecution that rabbis faced. These persecutions transformed them into underground rabbis for those who sought them out and made their official leadership into a voluntary vocation. Their activity changed drastically, depending on circumstances in different locations and their own personalities. However, most rabbis—thousands in number—accompanied their communities at the various stops on their path of afflictions and many of them discharged their duties under all circumstances, up to the edge of the grave.

Another factor in the individualized direction in research on this topic is access to new sources: manuscripts kept in archives that have been deciphered, personal documents turned over in the course of expanded testimony-collecting projects, and even new documents from Poland—since much material on Jewish history is still circulating on Polish soil, and some of it is trickling into our possession. These sources allow us to develop discerning and analytical approaches in various directions, such as tracing the halakic rulings of one rabbi at various junctures of his life during the Holocaust. This type of research permits us to deal not only with the outer product, the halakic ruling, but also with the process of judgment and the development of the halakic approach. It also enables us to observe the rabbis’ personal experiences at the time. Another direction of individualized research is related to the shift to specific topics in halakic

rulings, a broad thematic cross-sectioning of sorts. An example of this is the question I presented earlier concerning selection; another example is the topic that I will attempt to present today.

Thus, one may say that the fertilization of Holocaust research and the enrichment of halakic research on the Holocaust have become paired because they express two facets of one reality. Only knowledge of the historical process, an understanding of the reality of consciousness in each location, and the steady expansion of documentation are facilitating genuine debate and making halakah in the Holocaust an inseparable part of historical research.

The topic through which I shall present this approach concerns marriage dilemmas during the Holocaust. The Jeremiah who would lament the destruction of the Jewish family during the Holocaust—a solid structure that was razed stone by stone—has not yet stepped forward. Nevertheless, new cornerstones were laid amidst these events: weddings were conducted and “families” of sorts were established. Beyond the broad significance of this phenomenon, it has a specific connection with halakah. The stationing of a *huppa* (wedding canopy) and performance of *qidushin* (consecration of marriage) are among the main functions of rabbis, along with the dissolution of marriages in bills of divorce. Halakah also includes marital rules that require the spouses to consult rabbis routinely.

Who wished to get married during that period? Who were the rabbis who dealt in such matters? Were old and new questions asked, to whom, and how? Were the halakic rulings based on precedent? Did these matters have implications for the post-Holocaust era? We will explore these issues on the basis of several sources that reflect a broad spectrum in terms of locations (Warsaw, Lodz, the Netherlands, Kovno) and conditions (before ghettoization, ghetto, labor camp, D.P. camp).

The first sources we discuss are from the Warsaw ghetto in 1940. The document at issue originates in the writings of a community rabbi in Poland, Rabbi Joshua M. Ahronson, rabbi of the town of Sanniki, who produced most of his writings while interned in the Konin labor camp. His writings are one of the sources from which we may understand the thinking and experiences of the halakah arbiter under those circumstances.⁷ On one of the pages, written shortly after the liberation in a D.P. camp in 1946, the rabbi reconstructed several halakic dilemmas with which he had dealt during the Holocaust. The page presents a list of facts and rulings in a simple and succinct form, evidently as chapter headings of sorts, to prompt the author’s memory or for reexamination. The rabbi

gave these writings the modest title *Nisyones*—ordeals. The list includes the following paragraph:⁸ “In the presence of important rabbis in Warsaw in 5700 [1940], I expressed my humble opinion that weddings should not be performed.”⁹ The very fact that decisions were being presented to an assembly of rabbis under the circumstances of 1940 is significant.¹⁰ The question is why the rabbis of Warsaw debated the matter comprehensively. One of the answers may be found in a document by Rabbi S. Huberband, a member of Ringelblum’s *Oneg Shabbat* group—a document that has not yet been discussed in a broad context. Huberband wrote the following:¹¹

A migration and a race to the East began. Most of the migrants were young people, and weddings for young couples who were about to migrate became a mass phenomenon. . . . For the purpose of registration, the couples brought notes from the official rabbis who performed their weddings. Since travel by rail was impossible at that time, the trips to the other side of the frontier were made by car. It sometimes happened that, as they sat in the car, a couple decided to get married, and then the car stopped for a few minutes, the couple went to the rabbi, they set up a wedding canopy—and resumed their trip. . . . Generally speaking, wartime marriages were commonplace. Many marriages that were originally postponed because of objections from parents were culminated during the war. Another reason for the proliferation of marriages was the state of war, in which men lost their wives and vice versa. An especially large number of weddings took place at the time of ghettoization. Grooms and brides wed and rented one apartment instead of two separate ones. Since the war began, these weddings have been perfunctory events only, without a trace of happiness. Wedding banquets are rare.

Notwithstanding the writer’s reportorial tone, the drama of hasty weddings in the midst of mass flight comes through powerfully. The reader can imagine the wagons stopping along the way, passengers asking for the rabbi’s address, getting married, and returning to the road. Afterwards, however, at the time of ghettoization, weddings also proliferated, perhaps to consummate old relationships while it was still possible, or perhaps in response to individuals’ loneliness. Housing conditions also affected this behavior, it being easier to find one dwelling than two.

These two segments of documentation evidently complement each other: it was the phenomenon of mass weddings that prompted the rabbis

of Warsaw to discuss the subject comprehensively.¹² Many details from this dramatic assembly are unknown to us, but Rabbi Ahronson expressed his attitude clearly in his writings: he spoke resolutely against performing weddings and cited several reasons for his view. First, “it will result in many *agunot*” (women not allowed to remarry because of uncertainty about their husbands’ fate). Many men had been taken away for forced labor, and the rabbi, because of his position, had the foresight to wish to prevent a proliferation of *agunot*. This had been one of the grimmest results of World War I; it had become a preoccupation among rabbis who attempted to extricate women from this condition. The second rationale was also related to the rabbi’s assessment of the realities: “Single women can also hide in labor camps and may hope to survive as long as they are not married and not pregnant.” In other words, single and, in the main, childless women had better prospects of survival. The third rationale originated in concern about the moral situation and its implications for the future: “Since [morals] are widely abandoned at a time of siege and distress, it is best that the women be single and not married.” The fourth reason had to do with the difficulty of observing the *halakhot* concerning marital relations: “The household would be established in a state of impurity because in Warsaw, the capital, there was no halakhically sound *mikve* [ritual pool] at the time since the Nazis had closed them all on pain of death.” Huberband also described this serious problem—the closure of the ritual pools in Warsaw—in 1941:

All the ritual pools were closed and sealed with the authorities’ stamp. . . . A notice was imprinted on their gate: use of or immersion in a ritual pool shall carry a penalty such as that given for sabotage. Such a penalty means twelve years up to death. Jewish Warsaw was left without a *mikve*, and the problem of purifying the Jewish daughters became as immediate as in the days of the Romans.¹³

He recorded information about women who endangered themselves by traveling to nearby towns to immerse themselves in a river or in clandestine ritual pools. The problem worsened steadily in various locations in Poland, although not in all. In Lodz, for example, the Judenrat Committee of Rabbis operated the ritual pool and, until a certain stage, the Judenrat provided coals to heat the water.¹⁴

Rabbi Ahronson, a unique figure who tackled the most difficult questions with particular courage and frankness, also documented another

halakic question related to family life: whether to encourage or discourage conception during the war.¹⁵ The question also pertained to subsequent periods in the ghetto. Here again, he addressed himself to the moral, halakic, and historical aspects of the issue. In the background was a midrash that reenacted a conversation between Yokheved, wife of Amram, and her daughter Miriam at the time of Pharaoh's decrees.¹⁶ Although the Israelites in Egypt accepted the decision to wed and procreate—"They all stood up and remarried their wives"—the rabbi deemed the very fact of the ancient discussion to be a basis for the possibility of prohibiting procreation in wartime, and a fortiori in a situation that he defined as direr than war:

In my opinion, our woes—the woes of the Jews in this war—are wholly incomparable to what had been. . . . In particular, at such a woeful time as this is—since the Jews became a people, there has not been such an era of devastation and killing, especially of children and pregnant women, who were the first to be consigned to the terrible slaughter—[procreation] may be forbidden even to one who has not yet observed the commandment of "Be fruitful and multiply." All the more in our times, when they decreed the annihilation of every Jewish root, starting with children and pregnant women (*Nisyones*).

The rabbi attests that some of the Jews honored this ruling: "And so, in fact, the [God-] fearing and the haredim behaved, abstaining [from intercourse] at that time of woe."

These are the first halakic sources concerning weddings; they take up initial aspects of the matter. However, their contents belie their paucity: the terse writing alludes to a piercing debate over a very basic dilemma that took place across a wide spectrum of opinion and an assessment of the unique situation that the German occupation, from its inception, had created.

The question of conducting weddings in the ghetto surfaced in other locations as well. In the Kovno ghetto, for example, it was presented to Rabbi Shapira, the chief rabbi of this city, who was staying in the Slobodka ghetto along with his community.¹⁷ "Should we refrain from performing weddings . . . or not?" In Kovno, the rabbi ruled in favor of continued weddings. However, study of the background of the questions and the rationales behind the rulings appraises us of the relationship between the ghetto reality and the nature and the dynamic of the ruling.

The circumstances in Kovno were totally different from the very beginning. Kovno was one of the first places where mass murders of Jews occurred. Thousands of Jews were slaughtered at the forts near Kovno; ten thousand Kovno Jews were murdered in the great *Aktion* in October 1941. When the question was asked, fewer than half of the Jews of Kovno remained alive. Although the Jews were assured at the time of ghettoization that the *Aktionen* had ended, rumors about a thinning of the ghetto population were rampant, and one of the rumors spoke of single women being in particular danger. Marriage seemed to offer the possibility of salvation. Fictitious marriage was perceived as a path of escape, and many asked the rabbi to help by performing “rescue weddings” to spare them from an *Aktion* against single women. The rabbi was seriously perturbed by this question. On the one hand, since the conditions of life in the ghetto made it difficult to observe the marital laws, he feared that halakic marriage would place a “stumbling block before the blind.”¹⁸ On the other hand, if halakic marriages were not arranged, these frightened women would resort to civil marriage, thus creating halakic obstacles no less daunting. Thus, pinned between the hammer and the anvil—a situation typical of various decisions at the time—the rabbi was asked to choose and, since the mortal danger in Kovno had become palpable, he chose in the affirmative. This was the nature of halakic inquiry in the ghetto: with fear slicing the air and a rabbi, elderly and ill, courageous and broken, seeking answers to questions concerning situations that the Jewish world had never encountered before.

Totally different questions were posed in the Lodz ghetto. In this ghetto, the central issues in the documentation on marriage questions were the characteristics of this, the most tightly sealed ghetto, and the personality of Chaim Rumkowski, the chairman of the Judenrat there. Since the earliest years in the ghetto, marriages were recorded systematically on the basis of civil registration and, with Rumkowski’s approval, a religious ceremony. The religious ceremony was performed in the conventional way, by rabbis. On December 2, 1941, as committee of rabbis associated with the Judenrat received a number of rabbis from Germany, the requisite procedures were recorded: the initial registration would take place at the registration offices, and the rabbi would attach his consent to the documents. Then the Judenrat registration office would advertise twice, as public announcements, the names of those registering for marriage; if there was no objection, the registration office would authorize the rabbinical council to perform the wedding. The couple had to remit three to

fifteen marks to the community chest, and the rabbis received a monthly salary.¹⁹ On December 27, 1941, Rumkowski himself remarried in this fashion,²⁰ with Rabbi Yosele Feiner officiating.

Over the years, the authors of the *Lodz Ghetto Chronicle* recorded the number of persons marrying in the ghetto. For example, forty-two weddings were held on one day in May 1942 in the new hall of the Registration Department and the Rabbinate Department. Notably, even though this occurred during the counting of the Omer, when Jews do not marry, marriages were allowed for two days. Why was this two-day dispensation given, and why did so many couples exploit it? The answer in this case, as in the cases described above, is rooted in events in the ghetto. It was a time of deportations, and although the deportees' destination was not yet widely known, it was feared that unmarried people would be deported first; furthermore, some young people in the ghetto did not wish to be separated. Furthermore, getting married in Lodz resulted in benefits from the Judenrat: an apartment and a special food ration. Under the conditions of hunger and quarantine in the ghetto, this was a serious incentive.

The great change in the field of weddings, unparalleled anywhere else, was determined in October 1942. After the great *Sperre*, in which most of the ghetto rabbis, among other people, were deported, Rumkowski introduced a revolutionary change: he canceled the religious weddings and took over the functions of both rabbi and recorder. From then on, ghetto inhabitants had to wed in civil ceremonies, the rabbis were deprived of an authority that had been considered central in all generations, and Rumkowski attempted to endow the civil ceremony with a religious nature, just as he tried in various ways to pose as a man of tradition.²¹ The authors of the *Lodz Ghetto Chronicle*, members of the ghetto archives staff, preoccupied themselves at length with the new characteristics of weddings in the ghetto. Thus they wrote in October 1942, when the new ceremonies began—a change that, they said, could not be imagined even in a dream,

Yesterday, at the former Rabbinical Council building at 4 Koscleny Square, on the second floor of the second wing, seven couples got married using the new ritual. At 18:00, in the brightly lit hall, His Honor the President took his place at a table covered with a green cloth. Next to him stood a stool, on which a typewriter was positioned. One by one, the young couples and the witnesses whom they had brought were summoned from the room next door and were arrayed around the table in a semicircle. Strangers were barred from the outset; entrance was by appropriate invitation only.

The President delivered a speech to the assembly, in which he described briefly the situation that had come about when weddings following the rules of the faith were banned. He explained to them that the new wedding ceremony was tailored to the requirements of the time and the circumstances but, nevertheless, did not clash with the requirements of the halakha. Everything had been worked out in coordination with people of authoritative stature and definitely placed the participants in a binding state of matrimony. In the performance of a wedding and an engagement, the most important thing is the phrasing of the vow and the second blessing. These have been preserved; all the rest are just remnants of an ancient tradition that had to vanish under the circumstances of the times. . . .

In fact, these remarks and the new ceremony have no basis whatsoever in halakha and Jewish tradition. No oath is taken in a marriage ceremony, the cup of wine has no halakhic significance and is used only for the purpose of reciting a blessing, and only the tendering of the ring for the purpose of consecrating the marriage in front of witnesses is the gist of the wedding. Thus, in addition to usurping rabbinical powers, Rumkowski created a ludicrous ritual.

At the end of the aforementioned religious rites, His Honor the President recites the seven blessings, loudly but sadly. This sadness well reflects the state of mind of those in attendance, on whose faces one can perceive a certain insecurity and depression. Their faces give no indication that these people are experiencing so important a change in their lives. Afterwards, the couples and the witnesses report to B., the clerk of the Civil Registration Department, and sign the appropriate ledger. After the ceremony is over, His Honor the President parts from the assembly and advises the newlyweds to rush to the cooperative, in order to redeem that very day the coupon that they were given and honor this evening with an appropriate meal.

Thus, this seemingly modest wedding ceremony, held amidst a small group of select invitees, has recorded a new and interesting page in the history of local Jewish public life!²²

In the course of 1944, the number of marriages in the ghetto diminished, and the ceremonies were transferred to smaller locations. In the early summer of 1944, however, a new spate of weddings occurred, and in July of that year Rumkowski married nineteen couples en masse. The authors of the *Chronicle* explained the background for this: the great deportations were underway; the inhabitants had the impression that singles were being deported first and regarded marriage with protected persons and those

who held jobs as a chance to save themselves. Thus, the dilemma that came up in Warsaw in 1940 and in Kovno in 1942—marriage as a vehicle of rescue—surfaced in Lodz in 1944.²³

We have described the wedding system in Lodz at such length because it reflects both the historical and the halakic aspects. What were the implications of these marriages? How did observant Jews, who considered a halakically sound wedding a *sine qua non*, marry in this ghetto? Several sources allow us to answer this question in part. One of them is comprised of special documents that came into our possession only in recent years since, for understandable reasons, they had not been buried along with the voluminous ghetto archives: underground *ketubot* (marriage contracts). Many people, it turns out, did not settle for Rumkowski's ceremony and surreptitiously asked surviving rabbis to perform halakically correct ceremonies. Ready-made *ketubot* were not available, because such would constitute an expression of rebellion against Rumkowski's rule and lead to the penalties of deportation or withholding of food. Nevertheless, rabbis were not deterred from drawing up handwritten *ketubot*, from memory, in underground ceremonies. Fortunately, at least a few of these documents have survived, attesting to those nuptials that the Jewish historical memory naturally associates with those of the forced converts in Spain.

Only after the war were Rumkowski's ceremonies subjected to broad halakic debate. Such questions were referred to Rabbi Zvi Hirsh Meisels, former rabbi of the community of Waizen, Hungary, who was deported with his students to Auschwitz in 1944.²⁴ Rabbi Meisels gathered the halakic questions that had been asked there in a volume entitled *She'elot ve-teshuvot meqadeshey shem* (Responsa of the Martyrs). When he was appointed as the rabbi of the survivors in Bergen-Belsen, the main D.P. camp in the British zone, Jews asked him to endorse their wartime marriages. When couples from the Lodz ghetto approached him, he found it difficult to rule on the post-facto validity of these marriages and sought the opinion of one of the greatest halakic arbiters of that generation, Rabbi Yehezkel Abramsky. Meisels and Abramsky discussed these marriages in two detailed responsa and concluded that Rumkowski's weddings could be approved after the fact, provided that "the bride was unmarried and [the groom] consecrated her in front of two qualified witnesses and gave her the ring for the purpose of marriage." However, the second phase of the wedding, the wedding proper, must be completed. Therefore, Rabbi Meisels ordered the couples from Lodz to erect a canopy, have the seven blessings recited, and draw up a *ketuba*, as the halakah requires. And Rabbi

Meisels added, “I believe it would be a holy duty to issue a manifesto ordering anyone married by Rumkowski to refrain from living with his wife until the [halakic requirements of] canopy, seven blessings, and *ketuba* are fulfilled.”²⁵

As it turns out, however, the question of weddings was discussed in the Lodz ghetto from another perspective, a broad and surprising one. Documents that recently made their way to Israel were found to contain the minutes of several meetings of rabbis in the Lodz ghetto. The minutes bring to light a special debate that took place in 1941 on the so-called retroactive bill of divorce (also known as a “Davidic” bill of divorce or a bill of divorce from a husband about to be sent to war). The question was whether to require all married men in the ghetto to give their wives such a document. The source for this option is in the Talmud, *Ketubot* 9b: “Every man being sent to a Davidic war writes his wife a bill of divorce.” The *Tosafot* explain: “If the husband does not return from the war, the bill shall apply from the date on which it was written.”²⁶

This approach had additional applications in various times, e.g., in a bill of divorce written by a mortally ill person (mainly to exempt his wife from a Levirate marriage) or community ordinances pertaining to persons embarking on lengthy voyages. The *Chronicle of the Lodz Ghetto* also alludes to this sort of bill of divorce, but the context in this case was the issue of the bill by candidates for deportation. An article dated January 13, 1942, reports,

In regard to the deportation operation, the rabbinical board was empowered to conduct divorces using a simplified procedure, i.e., in circumvention of the panel for bills of divorce. This is in respect to people to whom the deportation requirement applies. A series of events of this type was submitted to the rabbinical board. Most of these cases pertained to spouses who were living apart and wished to divorce, where one of the sides has to leave the ghetto.²⁷

This discussion reflects not only a ruling meant to solve regular problems in the ghetto but also a long-term debate that points to an awareness of the Nazi policy. Moreover, it attempted to create a tool that would avert the danger of the *aguna* situation after the war—a retroactive bill of divorce. Unfortunately, we do not know what the decision was and we lack additional sources from this ghetto. Therefore, we can only appreciate the ghetto rabbis’ sense of responsibility for the future of the women and the

families, in view of their realization, at relatively early stages, that a time of danger was at hand.

Concurrently, we have obtained sources on the same issue from other locations. Far from Lodz, in the Netherlands, the question came up at a very early stage, in July 1941, at a meeting of the board of chief rabbis, at the initiative of Rabbi Philip Frank.²⁸ When it became known that Dutch Jews who had been sent to Buchenwald were dying, Rabbi Frank suggested that husbands write their wives conditional bills of divorce. Opponents of this measure believed that it would foment panic, but eventually they adopted a retroactive bill of divorce prepared by Rabbi Aaron Issachar Davids, the chief rabbi of Rotterdam. A specimen of this document was sent by Chief Rabbi Sirlow to Rabbi Levisson, who as rabbi of the vicinity had access to the camp.²⁹ These bills were used mainly in 1943. Professor Dan Michman found a list of twenty such cases; other documents in this matter remain in the possession of survivors from the Netherlands. One of them was handed to me during my participation in eliciting testimonies from *haredim* for Steven Spielberg's Survivors of the Shoah Visual History Foundation. It is a halakic document, a question-and-responsum, sent by Rabbi Frank from the Westerbork transit camp in the Netherlands to Rabbi A. S. Levisson, the witness's father, who was still in Amsterdam. Rabbi Levisson suggested to his colleague in Westerbork that a form be prepared for each person in the camp to fill out. The document is, in fact, a "Davidic bill of divorce" as applied in the Netherlands during the Holocaust. As the rabbi and the witnesses looked on, the prisoner signed his wife's retroactive bill of divorce in the following cautious and sensitive phrasing: "Herewith is your bill of divorce, and you shall not be divorced thereby except after five years, and then you shall be divorced thereby from me and permitted to any man."³⁰

When the war ended and the gates of the camps were flung open, as the survivors began to fathom the magnitude of the disaster and attend to their physical rehabilitation, many weddings were conducted in the D.P. camps and new families began to form. The motives for this were clear: a remedy for the terrible loneliness, an expression of the existential need for a home, a reflection of personal and collective resurrection, and a way of ensuring continuity of the family and the Jewish people, as well as desire for revenge against the Germans. The spate of marriages led to a halakic rediscussion. The war had left a thick residue of unanswered questions in regard to marriages, foremost among them questions concerning *agunot*. The rabbis were under time pressure to decide quickly, examine

information hastily, and provide an essential infrastructure for married life in accordance with halakah, by study of the halakic rules and construction of ritual pools. The D.P. camp rabbis acted with celerity in this matter. Rabbi Ahronson, mentioned above in the context of the discussion in Warsaw, was named rabbi of the D.P.s in the Austrian occupation zone. He acted personally and in conjunction with rabbinical committees to seek halakically sound ways to enable *agunot* to remarry. To accomplish this, he established relations with rabbis around the world. His archives contain some one hundred letters on this topic from various locations. A central figure in them was Rabbi Shlomo David Kahana of Warsaw-Jerusalem, who devoted all his time to this matter.³¹ Rabbi Kahana recorded in his notebook the names of all couples married by his rabbinical association, along with an explanation of their personal status. Other questions concerned mixed marriages during the war, including some involving Jewish women who wished to convert German men in order to marry them. Other problems included Levirate-marriage situations and mixed couples from the war and afterward.³²

The issue of sustaining marital relations under halakic requirements also resurfaced. With alacrity, twenty-six ritual pools were constructed in D.P. camps. A special booklet with a concise presentation of halakic marital laws was published and distributed in hundreds of copies. Some rabbis who officiated at weddings were survivors; others came from the free world and conducted many weddings while on morale-boosting visits. An example of the latter is Rabbi Hizkiyahu Yosef Miskowski of Kriniki/Palestine. A prominent personality in the D.P. camps in this matter, as in other respects, was the Klausenberger Rebbe, Rabbi Yekusiel Halberstam. Although he was headquartered in Fernwald, in the American occupation zone, his influence reached many D.P. camps. He personally entertained brides and grooms, dancing in front of those whose parents were only harsh memories. He also established an organization named Hakhnasat Kalla to meet the couples' initial needs. His enterprises even included a free-loan collection of wedding dresses in the D.P. camp.

The deceptive, camouflaged, and sudden nature of the deportation process had left the fate of many deportees shrouded in uncertainty. For this reason, coupled with the survivors' loneliness and the celerity with which they wished to establish new households, halakic questions from *agunot* rose in intensity. Special rabbinical courts were established in D.P. camps and around the world. Rabbi S. Meisels presents some of these questions in his work *Kuntres ha-Agunot*.³³ Despite the world-spanning

inquiries, erroneous decisions occurred, such as the one involving a husband who returned from the Russian occupation zone after his wife had been allowed to remarry. Thus, the mass murders during the Holocaust also came to light during these months in the course of a halakic inquiry that, to some extent, may have been the earliest research on the death camps and the extermination of the Jews. I present as an example one document that reflects this in the power and simplicity of its elocution. The author was Rabbi Hayyim Yehuda Leib Auerbach, one of the leading rabbis of Jerusalem, head of the kabbalists' yeshiva Sha'ar ha-Shamayim, a noted rabbinical judge and the father of Rabbi Shlomo Zalman Auerbach, the leading halakic arbiter in our generation. The elder Rabbi Auerbach asks the Jewish Agency a simple question: "What is Sobibór?" A woman survivor has turned to him in Jerusalem and asked his permission to remarry since her husband had been sent there. The rabbi wishes to know whether Sobibór was a ghetto or a camp, and how likely it would be for a person to survive it.³⁴ Thus, even a query concerning the essence of Sobibór is vested with a halakic aspect.

We have attempted to provide an overview that uses a single mirror to reflect both the history of the time and the history of halakah. By means of one theme, I wished to create a path toward a new approach to the topic, rooted in an understanding of the need for an individualized attitude and avoidance of inclusive statements, an awareness of the essential relationship between halakah and historical research, an understanding of the continual dynamic of halakic decision making, access to the world of rabbis who continued to carry the burden of their role, an attempt to find trends of constancy and variance in their rulings, and an attempt to respond to them. The standpoint adopted reflects the challenge of finding and deciphering still-new sources of research on halakah in the Holocaust and the need for sensitivity to this special manifestation of the agony of that time, in which the distresses of the questioner and the respondent intermingled to tell so grim a tale. The confrontations of halakah and faith with the Holocaust are the narratives of thousands of people, a story still untold.

The topic of this paper ostensibly deviates from the other papers at this conference, since it deals with the Holocaust era itself and not with its educational and religious implications. However, the discerning listener will notice that the perception reflected in the essay, in terms of its contents, typifies the outlook of a large *haredi* public that, perhaps, does not often illuminate its viewpoints with the tools of research but that lives

with the memory of the Holocaust in its own way and, thus, remembers and commemorates the Holocaust as a link in the chain of ordeals that the Jews have endured.

One of the great answers to the question of continuity is rooted in the very act of laying new cornerstones in the Jewish edifice amidst and immediately after the devastation—joyless ceremonies in which the two components of ordinary Jewish weddings, as expressed in Jeremiah 33:11—the sounds of delight and glee and the voices of newlyweds—did not intermingle, but were girders in personal and national resurrection.

NOTES

1. The lectures were published in *Ha-'amida ha-yehudit bi-yemey ha-sho'a* (Jerusalem, 1970). For the history and meanings of the term “resistance,” see Dan Michman, “Jewish Resistance in the Holocaust and Its Significance,” in Dan Michman, *The Holocaust and Holocaust Research* (Tel Aviv, 1998), 159–89 (Hebrew). Michman distinguishes between “resistance” and “armed resistance” by defining the latter as part of the former.

2. Joseph Walk, “The Religious Leadership during the Holocaust,” *The Image of the Jewish Leadership in the Nazi-Controlled Countries* (Jerusalem, 1980), 325–35 (Hebrew). Additional basic works in research on the topic are I. J. Rosenbaum, *The Holocaust and Halakhah* (New York, 1976) and H. J. Zimmels, *The Echo of Nazi Holocaust in Rabbinic Literature* (London, 1975).

3. The expression “sandal strap” is meant as a symbol of a trivial, typical Gentile object that a Gentile forces a Jew to use in order to make the Jew resemble him.

4. Definitions of assorted relevant concepts—saving of life, duress, the persecuted Jew, fear of desecration of God’s name, etc.—appear in Rabbi Ahronson’s various rulings. See Esther Farbstein, “In the Company of the Writings of a Community Rabbi during the Holocaust,” Part B, *Sinai*, vol. 18 (Spring 1996), 59–62 (Hebrew).

5. Yosef Nedava, “Problems of Halakha in the Ghettos,” *Pages for Study of the Holocaust*, vol. 1 (Jerusalem, 1979), 44–55 (Hebrew).

6. Penina Feig, “Rabbinical Rulings concerning Selection during the Holocaust,” *Shana b'Shana* (Jerusalem, 1991), 321–40 (Hebrew).

7. Rabbi Ahronson wrote extensively, and through a lengthy path most of his writings have reached us in recent years: diary, memoirs, book of rabbinical records from his tenure as chief rabbi of the D.P. camps in Austria, and philosophical writings that he produced from the end of the Holocaust until his death in 1993. Some of the writings are in the Ghetto Fighters’ Archives and the Yad Vashem Archives; some are in the family’s possession. They are gathered in his

book *'Aley merorot* (Benei Berak, 1996). See also Esther Farbstein, "Diaries and Memoirs as a Historical Source," *Yad Vashem Studies*, vol. 26 (1998), 87–128.

8. The original sheet was in my possession when I did historical editing for the book. For a photocopy, see *'Aley merorot*, 241.

9. "Nisyones," *'Aley merorot*, *ibid.*, 230. See also Farbstein, "In the Company of the Writings of a Community Rabbi," *ibid.*, 153–54.

10. Was the rabbinical conference in Warsaw after the beginning of the Nazi occupation a nonrecurrent event? Several sources inform us about additional conferences or joint decisions in Warsaw. For example, Ahronson's memoirs describe a conference on welfare matters. The memory of these rabbinical assemblies remained with him throughout the period, and when as one of the few surviving community rabbis from Poland he was named chief rabbi of the survivors in Austria, he described this conference and considered himself virtually the only rabbi in attendance who survived. Documents in our possession speak of additional rabbinical conferences and their joint broadsheets.

11. Rabbi Shimon Huberband, "Qidush ha-shem" [Sanctification of God's Name], *Writings from the Ringelblum Archives in the Warsaw Ghetto* (Jerusalem, 1969), 92–93 (Hebrew).

12. Some, however, disagreed. For example, Leib Yod, a Ger hassid from Warsaw, testified that the Gerrer rebbe's brother, R. Moshe Betsalel Alter, authorized weddings in the ghetto and said the merit of this commandment served the Israelites well during the slavery in Egypt and was a great virtue in the faith. Moshe Prager, *Those Who Did Not Surrender* (Jerusalem, 1977, second printing), part A, p. 71.

13. Huberband, Rabbi Shimon, "Qidush ha-shem," *ibid.*, 89.

14. Letter from the Committee of Rabbis to the manager of the coals warehouse at the Judenrat, signed by four rabbis, April 1941, *Qidush ha-shem* archives, file "Women."

15. *'Aley merorot*, *ibid.*, 232–33.

16. According to B.T. *Sotah* 12a,

And a man from the House of Levi went . . . Where did he go? R. Yehuda said . . . "he went [following] his daughter's advice." It is learned: Amram was the greatest sage of his generation; when he saw that the wicked Pharaoh said, "Hurl every newborn boy into the Nile," he said: "we are laboring for naught." He stood up and divorced his wife. They all stood up and divorced their wives. His daughter said to him, "Father, your decree is more severe than Pharaoh's. For Pharaoh decreed concerning only the males, and you have decreed concerning both males and females. Pharaoh decreed in the present world only, and you—in the present world and for the world to come. The wicked Pharaoh's decree may come to pass and may not; you are righteous; your decree will surely come to pass. . . ." He stood up and remarried his wife. They all stood up and remarried their wives.

17. Ephraim Oshry, *Responsa mi-ma'amaqim*, 51 (1959–1980), 9 volumes (New York, 1979), vol. 1, part 4, 22–37.

18. *Lodz Ghetto Chronicle* (Jerusalem, 1990), part A, 268–69.

19. *Chronicle*, part A, paragraphs 26–28. The rabbi from Kovno made special and strenuous efforts in the interwar period to bolster observance of the marital laws, gave lectures, and wrote an important halakic pamphlet for women.

20. *Chronicle*, 314.

21. Only those who understand the consequences of abolishing the halakic framework of marriage can appreciate the grotesqueness of this representation, to which even historians fell prey.

22. *Lodz Ghetto Chronicle*, vol. B, 301–302 (Hebrew). The many ghetto documents that survived include copies of the *ketuba* that Rumkowski printed in the ghetto, bearing his prominent signature in the place that halakah reserves for the signatures of the witnesses. The texts were commemorated in numerous photographs in which Rumkowski appears with couples that he married. On November 23, 1942, the “president” augmented the benefits with a clothing coupon—it, too, in an ostensible connection with the tradition: “to reinstate the old practice of giving sermon gifts to the groom and bride” (part B, 361). By this time, weddings were no longer personal events; it became a norm in the ghetto—for reasons that evidently included efficiency—to conduct nuptials for many couples at once. In the course of 1943, the authors of the *Chronicle* recorded the collective weddings of eleven to twenty couples by “His Honor the President” (throughout part C of the *Chronicle*). In May 1942, the weddings were moved to Rumkowski’s summer apartment in Marisyn because of his illness, and groups of twelve to thirteen couples, without the participation of their families, marched there on foot. The *Chronicle* explains, “With the brides’ hairdos made untidy by the winds of Marisyn [and with] the President in festive attire, twenty-five couples reached the safe haven of matrimony under unique conditions.” These weddings were so dependent on Rumkowski that doubts about whether or not they would take place were expressed in routine writing (e.g., June 1943). Most weddings were held on Sundays to avoid loss of work. As time passed, Rumkowski modified the wedding ceremony in additional ways, such as a mutual exchange of rings, “even though this is not a Jewish custom” (*Chronicle*, 267).

23. In the Netherlands, there was a wave of weddings in March–April 1942, shortly before Passover that year. This corresponded with the beginning of deportations to “labor camps,” it being assumed that married men would not be sent to slave labor. On the eve of Passover, Rabbi Shuster in Amsterdam married sixty couples, using a ceremony worked out in advance by the rabbis, in three synagogues, in groups of five couples, each ceremony lasting about one hour. Another wave occurred in the summer of 1942. See Dan Michman, “The Rabbinical Leadership in the Netherlands during the Holocaust,” in *Pages for the Study of the Holocaust*, vol. 7, 81–106. In Slovakia, Rabbi Frieder married many couples to save them

from deportation, in view of the deportations of girls and teenagers. There are additional examples. See Dan Michman, "The Daily Life of the Religious Jew under the Conditions of the Holocaust," in Dan Michman, *The Holocaust and Holocaust Research*, esp. 221–22 (Hebrew).

24. The halakic questions presented to him in Auschwitz have been published in his book, *Responsa meqadeshey ha-shem* (Chicago, 1955–1967), (Hebrew).

25. Rabbi Zvi Hirsh Meisels, *Responsa binyan Zvi* (New York, 1956), part B, 32, paragraph b (Hebrew).

26. The source for this is an exegetic reading of a verse in I Samuel 17:1.

27. *Lodz Ghetto Chronicle*, 57. See also Dan Michman, "Rabbinical Leadership," in *In Days of Holocaust and Reckoning*, Unit 10 (Tel Aviv, 1990), 156 (Hebrew).

28. Rabbi Levisson, rabbi of the vicinity of the Westerbork camp, had been active among the camp prisoners since the camp was established for refugees from Germany in 1939. He assured the existence of extensive religious activity, was nicknamed "Rabbi Simcha" (denoting "joy" or "joyous occasions"), and was held in great esteem. Dan Michman, "Rabbinical Leadership," 85.

29. Dan Michman, "Rabbinical Leadership," 92–93, 156. Rabbi Philip Frank, of Haarlem, was chief rabbi of northern Holland. An important public figure, he was executed in January 1943. Dan Michman, "Rabbinical Leadership," 84.

30. The document is in my possession.

31. Additional noted rabbis in Palestine/Israel dealt in these matters, e.g., the chief rabbi of Israel, Isaac Halevy Herzog, and Rabbi Shimon Katz of Petah Tiqva.

32. Rabbi J. M. Ahronson, *'Aley merorot*, 416.

33. Rabbi S. Meisels, *Kuntres Agunot* (Bergen-Belsen, 1947).

34. Rabbi Hayyim Yehuda Leib Auerbach, letter to members of the Jewish Agency rescue committee, December 6, 1944. Central Zionist Archives, 851/12 5613.