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Rabbinic Responsa as a Source for Learning about Religious Life during the Holocaust

Individual and Community Life

Abstract

Rabbinic responsa have been developing for many centuries. This body of literature does not record theoretical, systematic topics chosen by rabbis, but rather answers to questions posed to rabbis by persons dealing with various real-life situations they are facing. As such, it reflects the historical conditions of life in a given time and place and the issues the people were concerned with. Therefore, this literature can be viewed as a historical source, although it was not meant as such, albeit that it is therefore also often lacking basic historical details, such as the names of those involved and dates.

Also the Holocaust produced such literature, unique due to its extreme conditions. Even in the most difficult times in the ghettos and in the concentration camps, Jews sought spiritual religious guidance and turned to rabbis, who were expected to give immediate rulings on grievous issues dealing with life and death, often with no precedent, and with no possibility of looking up sources in books or consulting with other rabbis. Sometimes questions and answers were recorded during these difficult times, but in most cases they were noted down by survivors after liberation. Questions were asked after the end of the war as well, dealing with consequences of the Holocaust, and they also reflect those times.

Speaking here in Vienna, I would like to begin with two examples of geographical relevance. Rabbi Yitzchak Yaakov Weiss, born in Eastern Europe in 1902, was a rabbi in Hungary and Romania before the war. During the Holocaust, he was in Hungarian forced labour camps and in hiding. After liberation, he continued to serve as a rabbi in Romania, and later in the United Kingdom and in Jerusalem. He was asked in 1951 about a man who in 1938 married a woman here in Vienna and claimed that it was a fictitious marriage to help the woman leave Vienna and enter France. According to the man, they never lived as husband and wife and, upon reaching Paris, they each went their separate ways, but with no official divorce. His question was whether it was permissible for him to marry again or whether it would be considered bigamy. Rabbi Weiss allowed the marriage.¹

The second question was presented to Rabbi Zvi Hirsh Meisels, born in Hungary in 1901, who served there as a rabbi. During the war, he was sent to Auschwitz. After liberation, he served as rabbi for the survivors of Bergen Belsen and for the British Occupation Zone in Germany. Later, he was a rabbi in Chicago. He was asked in 1951 about a woman from Vienna whose husband was sent in 1941 from Vienna to a forced labour camp in Poland. She received a letter he sent from the camp in which

¹ Rabbi Yitzchak Yaakov Weiss, *Minhat Yitzchak* [Isaac's Gift], in: *Responsa of the Holocaust* (CD), Vol. 7, response 105, *Machon Netivei ha'Halacha* [Jewish Law Pathways Institute], Alon Shvut 2006.

he wrote how much he would like to see her and their daughter, but he described his condition as very bad, he had lost his eyesight and was suffering from starvation. She never heard from him again and all her attempts to gather information, for example from the Red Cross, were fruitless. She asked the rabbi, considering the number of years that had passed, whether it was permissible for her to remarry. Rabbi Meisels, together with other rabbis, allowed her to marry.²

Both examples just presented were asked after the war and dealt with its consequences, but reflected the conditions in Vienna: in 1938 a desire to emigrate and in 1941 deportations to camps.

Historical research should pay special attention to questions raised during the war. One individual very much involved with this responsa is Rabbi Ephraim Oshry. Rabbi Oshry was born in Lithuania in 1908 and studied in the famed Slobodka Yeshiva in a neighbourhood of Kaunas (Kovno). During the three-year Nazi occupation of Lithuania starting in June 1941, he was captive in the Kovno Ghetto. He was among the very few who succeeded to hide during the Nazi retreat in July 1944 and was liberated by the Red Army in early August. He was the rabbi of the small community of survivors until summer 1945 and then fled the communist regime, heading a yeshiva for boys who survived the Holocaust, first in Rome and later in Montreal. In 1952, he moved to New York and served there as a rabbi of a congregation.

Rabbi Oshry is well known for his writings. His best-known work is *Sheelot Utshivot Mimamakim* (Responsa from the Depths), a series of five volumes published over a twenty-year period from 1959 to 1979, including 111 religious questions presented to Rabbi Oshry with regard to the Holocaust.³ Rabbi Dr. Norman Lamm described this work as “the most voluminous and wide ranging of all [...]. His responsa [...] cover the entire gamut of Jewish law.”⁴ A condensed edition was published, and translated into English,⁵ French, and Italian.

Of the 111 questions presented in the book, 62 were posed during the Nazi occupation in the Kovno Ghetto, while 47 others were posed after liberation, mostly during the period lasting from the summer of 1944 to the summer of 1945, during which Rabbi Oshry was the rabbi of the small congregation of survivors concentrated in Kovno. The remaining two questions are so general that it is not possible to determine the period in which they were asked. While noting down these questions, Rabbi Oshry added the necessary background information, including historical descriptions, thereby creating an important source about the Kovno Ghetto. Nevertheless, although the historical background added is important, the questions themselves tell the story of the appertaining life conditions. 19 questions deal with various religious aspects of forced labour, such as working on Shabbat. 17 questions deal with the conditions of hunger and consequently eating non-kosher food. 11 questions deal with the desecration of synagogues and Holy Scriptures. 24 questions deal with hiding among non-Jews and assuming a Christian identity, mostly regarding the hiding of children with non-Jewish families and the risk that they could be brought up as Christians. Rabbi Oshry ruled that it was permissible to hide children with Christian families, but it was forbidden to hide them with clergymen and mon-

2 Rabbi Zvi Hirsh Meisels, Binyan Zvi [Zvi's Structure], in: Responsa of the Holocaust Vol. 2, response 60.

3 For more details on Rabbi Oshry, see: Moshe Tarshansky, Poalo ha'Tzibori shel ha'Rav Ephraim Oshry ve'Hashivut Hiboru Sheelot u'Tshivot Mimaamakim le'Gibush Narrative Historyographi-Dati le'Toldot ha'Shoah [The Communal Activity of Rabbi Ephraim Oshry and the Importance of his Responsa Mimaamakim for the Development of a Religious Historiographical Narrative of the Holocaust], (Dissertation), Ramat Gan 2016.

4 Editor's foreword, in: Irving J. Rosenbaum, The Holocaust and Halakhah, New York 1976, ix.

5 Rabbi Ephraim Oshry, Responsa from the Holocaust, translated by Y. Leiman, New York 1983.

asteries because of the latter's goal to raise the children into Christianity.⁶ It is not known how many Jewish parents presented this question to Rabbi Oshry, but I would like to point out that the book *Smuggled in Potato Sacks*, which tells the stories of fifty children smuggled out of the Kovno Ghetto and hidden by non-Jews,⁷ contains a big variety of stories but with one common denominator, namely that they all came from non-observant families. This underlines how troubled observant Jews were by the question: is it right to save children's lives at the cost of their Jewish souls, risking that they be raised as non-Jews and be lost forever from the Jewish nation?

There is a vast range of historical issues and stories to be found within this literature and, since the workshop of the Vienna Wiesenthal Institute for Holocaust Studies focussed on resilience and resistance as reflected in acts of living and learning, I would like to elaborate on some examples from the field of learning and learning groups.

In his work, Rabbi Oshry dealt with a question posed by a man in the ghetto in regard to a life-threatening situation. Rabbi Oshry wrote:

“On [...] August 26 1942 the German enemy issued an edict *forbidding* the Jews of the ghetto *to gather in synagogues* or in study halls [...].
Naftoli Weintraub, the Gabbai [the official in charge] of the Gapinovitch Shul [synagogue ...] asked me whether Torah law obligated him to risk his life to pray with his daily Minyan [a quorum of ten observant Jews] and [...] for Torah study?”

Rabbi Oshry ruled that while it was not obligatory to risk one's life for the purpose of praying or learning with a group, it was not forbidden either and was therefore not considered suicide: It was permissible and meritorious for those who chose to do so.⁸

A totally different situation was described by Rabbi Yehiel Yaakov Weinberg. Born in Russia in 1885, he studied in the Lithuanian yeshivas and, during the First World War, he moved to Germany, where he headed the Hildesheimer Rabbinical Seminary in Berlin until it was closed by the Nazis during the November Pogrom in 1938. During the war, he was imprisoned in various ghettos and camps. After liberation, he served as a rabbi in Switzerland. He wrote that during Nazi rule in Germany, a decree forbade Jews to gather in public halls. They were confined to the limits of their synagogues, where they were allowed to gather. Rabbi Weinberg was asked whether it was permissible to conduct secular cultural activities, lectures, and concerts in the synagogues, or whether it would be considered a desecration of these holy places. It was clear that in those difficult times cultural activities were an important source of encouragement for the suffering. The date the question was presented is not mentioned, but we can deduce that it was at an early stage of Nazi rule in Germany and seemingly before the November Pogrom. Rabbi Weinberg answered that it was permissible to hold general lectures in synagogues and that they should preferably start with a short sermon, but that concerts were forbidden, with the exception of religious music.⁹ In this context, I would like to add that a concert was organised in the Kovno Ghetto and that due to the lack of an appropriate public hall, it took place in the former yeshiva study hall. This secular use of a holy place was subject to criticism by some.¹⁰

6 Ibid., 123-124.

7 Solomon Abramovich/Yakov Zilberg (ed.), *Yaldei ha'Mistor. Hamishim Sipurim shel Yaldei Ghetto Kovnah* [Smuggled in Potato Sacks. 50 Stories of the Hidden Children of the Kaunas Ghetto], Tel Aviv 2013.

8 Oshry, *Responsa*, 78-80.

9 Rabbi Yehiel Yaakov Weinberg, *Sridei Eish* [Remnants from Fire], in: *Responsa of the Holocaust*, Vol. 1, response 16.

10 L. Garfunkel, *Kovnah ha'Yehudit b'Hurbanah* [The Destruction of Kovno's Jewry], Jerusalem 1959, 296-299.

Returning to Rabbi Oshry in the Kovno Ghetto, he was the only rabbi among approximately a dozen speakers who lectured in the ghetto to the general public. The topic of his lecture was “Natural Sciences in the Literature of the Sages”. Rabbi Oshry was also part of a staff of rabbis who taught religious studies to a group of dozens of boys who gathered daily after performing forced labour. The group was called *Tiferet Bachurim* (Glorious Boys). In a letter sent to Rabbi Oshry in 1960, Dov Liphshitz, a former student of this group, wrote that in the ghetto “the only ray of light was Tiferet Bachurim”. As Rabbi Oshry mentioned in his responsa, this group found an abandoned basement inside the ghetto, refurbished it, and held a celebration one evening dedicating the building as their Beit Midrash or house of learning.¹¹ Rabbi Oshry, in another, historical book, *The Annihilation of Lithuanian Jewry*, offered a more elaborate description:

“On July 28 1942 we celebrated the dedication [...] All the factions in the ghetto recognized and praised this achievement [...] The speakers at the dedication were Rabbi [...] Skaruta, myself, and representatives of the Jewish Council [Ältestenrat]. The dedication celebration was joyful.”¹²

At an early stage of my research, I pointed out the possible linkage between the dedication of the learning hall in July and the Nazi decree mentioned above from August, forbidding gathering for learning or prayers. I suggested that the Nazis had perhaps heard about what was taking place and realized the strength and inspiration the Jews absorbed from organised communal learning. They viewed this not as a mere act of resilience, but as an act of resistance, and in retaliation they issued the prohibition. I must mention that in my continued research I found a copy of an invitation to a *Tiferet Bachurim* celebration. The date which appears clearly is summer 1943, ten months after the Nazi decree was issued. Seemingly, Rabbi Oshry made a mistake regarding the year, and my theory regarding linkage between the dedication and the decree was baseless. On the other hand, it proves that even after the Nazis put out a decree forbidding communal learning, there were many who decided to risk their lives and continue to do so.¹³

Rabbi Oshry listed five questions presented to him by this group of students. One question was by a boy named Meir Abelow, who asked the following:

“Abelow [...] sought ways [...] to fulfill the mitzva [commandment] of tzitzis [the fringes attached to four-cornered garments]. There were no tzitzis available in the ghetto, and [...] there was no way [...] to obtain [...] tzitzis [...] from any other place [...].

Abelow had found a way [...]. [H]e worked in one of the *Werkstaten* [workshops] [...] and there was much wool available there, he planned to steal some strands of wool [...] and bring them into the ghetto for the purpose of spinning them for tzitzis. His precise questions were: [...] Is it permissible to fulfil the mitzvah with tzitzis made from this stolen wool?”

The basis of this question is the general ruling that stolen objects cannot be used to fulfil mitzvot or commandments.

Rabbi Oshry explained that the youngsters at Tiferet Bachurim were especially anxious to fulfil the mitzvah of tzitzis properly, because they did not know what was in store for them. They therefore wished to wear tzitzis at all times so that if they were taken to be killed, they would be buried wearing tzitzis in accordance with

11 Tarshansky, *Communal Activity*, 24-36.

12 Rabbi Ephraim Oshry, *The Annihilation of Lithuanian Jewry*, translated by Y. Leiman, New York 1995, 88.

13 Tarshansky, *Communal Activity*, 207-209.

Jewish burial customs. Rabbi Oshry's ruling was that it was permissible to use the stolen wool and he mentioned that Abelow's mother spun tzitzis for all the boys as well as for other Jews and that this brought great joy to the members of Tiferet Bachurim.¹⁴

Another example deals with psychological resilience. This is not a life or death situation, but rather one of the small acts of resistance which carry a powerful significance. Rabbi Oshry describes the following:

"Before the Jewish slave laborers were led off to work, the Germans would line them up for a head count to make sure everyone was present. During the count, [...] the workers were ordered to stand hatless and [...] were forbidden to greet the German guards ...

During my studies with the Tiferet Bachurim group, I explained that all of us shared the responsibility to inspire our fellow-Jews [...]. [S]omething as simple as one Jew greeting his fellow-Jew would strengthen our broken spirits and inspire us to keep on living [...].

So we undertook to say 'Sholom' [Hebrew: hello, usually spelt "Shalom"] whenever we saw each other since it was a word the Germans would not be likely to construe as a greeting [...].

One of the students, Meir Abelow [...] asked 'since Sholom is one of the names of G-D, how can we say his name during the head count while standing bareheaded?'"

We are accustomed to use the word Shalom freely in the Hebrew language, but those boys raised the relevant religious doubt. Rabbi Oshry ruled that it was permissible to utter Shalom while being bareheaded. And he concluded: "The Jews undergoing a head count [...] were not only to be allowed to greet each other with the word Sholom despite their bare heads, but even encouraged to do so in order to retain an element of normalcy and inspire each other under those subhuman conditions."¹⁵

Although Rabbi Oshry's writings are the most extensive, writings of other rabbis are of vital importance as well. Rabbi Zvi Meisels of Hungary, mentioned above, collected various writings of rabbis who perished in the Holocaust and in the introduction he listed his personal experiences from that period, including a number of questions he dealt with during his captivity in Auschwitz. These few questions are extremely important because they are among the very few responsa listed from concentration camps, reflecting their extreme conditions.

I would like to conclude with one example from Rabbi Meisels' responsa. In the autumn of 1944, a selection took place in Auschwitz among a group of a few thousand teenage Hungarian Jewish boys. The SS physician Josef Mengele set up a wooden beam under which the boys were marched in single file. 1,400 of the shorter and seemingly weaker boys who did not reach the beam were separated from the others and assigned to separate barracks under strong guard. The boys realised that they were considered too small for forced labour and had been slated for death. Rabbi Meisels recorded that he was approached by a man whose son was among those condemned to death. The father mentioned that he had the necessary funds to bribe the guards to release his son and he asked the rabbi if it was permissible to do so, considering that another boy would be sent to the condemned barracks in order to have the total number add up. Rabbi Meisels avoided answering. In response, the father said

¹⁴ Oshry, Responsa, 97-98.

¹⁵ Ibid., 111-112.

that if the Rabbi could not give an affirmative answer, he realised that it was not allowed and would sacrifice his son.¹⁶

Among those boys were some of Rabbi Meisels' students whom he had taught in his yeshiva in Hungary and, in the following question, Rabbi Meisels described how he was approached by one of them, a boy by the name of Akiva Mann. Akiva was very troubled and asked what would happen to his friend Moishe Rosenberg who was among those condemned to death? Rabbi Meisels replied: What can we do?

“Do you have a specific idea of what to do to save him?”

‘Yes,’ he answered me, ‘I have enough money to ransom him.’

I commented, ‘But surely you know that ransoming him would be at the expense of another boy’s life, since the quota has to be filled. How can we take responsibility to permit such an exchange?’ And he replied, ‘I have a suggestion for that too.’

‘What is your proposal, please tell me,’ I said, and he answered me with great emotion, ‘The suggestion is that I will take his place. I will gladly sacrifice myself on his behalf!’ When I heard this, I rebuked him and said, ‘By no means will I permit you to do such a thing, to place yourself in danger; the halacha [Jewish law] is that your life takes precedence over the life of your fellow man.’ At that point, he left my side.

But a few moments later he returned and said, ‘Rabbi [...] I have decided to do it and take his place [...]’

I objected and said [...] ‘What is the difference in the Heavens, if you are killed or he is?’

Akiva answered this with a tear-filled voice. ‘Of course there is a difference between myself and Moishele,’ he cried. ‘Moishele is a true Torah scholar; the entire world will benefit from him while I, I am only a worthless ignoramus ...’

I was shocked. I felt that hearing this dear boy’s arguments and crying would soon paralyze my heart. Nevertheless, by no means did I give him my consent and I admonished him again. And after a lot of pleading and begging he walked away from me disappointed.¹⁷

This example shows how even in the darkest times, the captive Jews did not lose hope and continued believing in a better future. Akiva Mann believed that better times would come in which the Jewish nation could benefit much from his learned friend Moishe Rosenberg. Akiva viewed the learning of the Holy Scriptures as the basis of existence of the Jewish nation and felt that his inferior learning abilities were a justified reason to *sacrifice his own life* in an attempt to save his learned friend.

In conclusion, the examples presented are merely a very small portion of historical stories found within the responsa written by various rabbis. This literature is an important source that can be utilised for historical research. In some cases, this literature may include unique information not to be found elsewhere, since people are sometimes willing to confide to their religious spiritual leaders various dilemmas they prefer not telling others.

As presented here, even during those tragic times in pre-war Germany, in ghettos, and in camps, Jews made every effort to continue diligent learning of the Torah and observance of religious commandments and moral values. They turned to their

¹⁶ Rabbi Zvi Hirsh Meisels, *Mekadshei Hashem* [Sanctifiers of God], Vol. 1, Chicago 1955, 8.

¹⁷ *Ibid.*, 9 (translated by Shira Leibowitz Schmidt).

rabbis for guidance in day-to-day ritual matters, as in matters of life and death. Frequently, observing those day-to-day rituals involved life and death.

I personally would like to ask those involved from where they drew the necessary powers to do such glorious acts during such dark times? However, since this is impossible, I can only mention what Rabbi Oshry wrote repeatedly: that they did not need external powers in order to commit those religious or moral acts. On the contrary, it was those acts that granted them the powers necessary to withstand those tragic conditions and atrocities.¹⁸

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18 Oshry, *Responsa*, x, xiii.

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