

Spiritual Resistance: Halachik Responsa from the Holocaust

Source Sheets
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תְּרִיז סָגֵד פֶּכוֹת נְפָשָׁה נְעַזְּרָה לְגָנִיר שָׂוָר.

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אבל אם נחטפו כבדה ומשגינה למלך הארץ הילא שתהא יכולה לעשנות את העברית
לא יכול רדי לאשח חותם אלא כדי אשים אחר רבו הרלה שירוביל

14.

Sanctioning Unsatisfactory Religious Marriages

Question: ON 12 TISHREI 5702—OCTOBER 3, 1941—A distressing rumor reached the ghetto prisoners: the German murderers had decided that since the number of women in the ghetto was greater than the number of men—as the result of previous *Aktionen* (forays) where many Jewish men had been butchered leaving many widowed women and children—all women who were husbandless would be taken to be murdered; only those women whose husbands were living would be left alive. This persistent rumor made many unmarried women anxious to marry in order not to be put to death. They found men willing to marry them, and asked the rabbis to arrange kiddushin (marriages) in accordance with the law of Moshe and Jewry.

Since the ghetto did not have a mikveh the rabbis seriously pondered whether they were forbidden to honor the requests of the unfortunate women now standing in the shadow of death, for they might be placing a stumbling-block before the couples, who would violate the serious transgression of niddah. For even though such marriages might save them from the sword of Damocles over their heads, nevertheless, they would be ensnared by the penalty of kareth, to be cut off spiritually from this world and the future world for violating the serious prohibition against a woman living with a man without mikveh. Not only would the women be liable for the penalty of kareth, but their husbands would be as well.

Response: THE RUMOR HAD NO KNOWN SOURCE. EVEN IF someone had explicitly heard from the accursed murderers that married women would be spared, it would have

been meaningless, for we were to the Germans like sheep at the slaughterhouse; none of us could tell them what to do. There was thus no assurance that marriage would help these women. It was even quite possible that both they and their husbands would be put to death by the Germans.

On the other hand, many of these terror-filled women would likely go to the Jewish police in the ghetto. They had the authority to perform civil marriages which were acceptable to the Germans. Civil marriages, however, could lead to grave complications in Jewish law. For one thing, the police married any couple that came to them and registered them as husband and wife without investigating whether the woman had been previously married, or had obtained a divorce (*get*), or whether her husband was still alive. It was also possible that the woman might need *chalitza* or be proscribed from marrying a particular man for another reason. Despite all these reservations, once the woman was registered civilly as a man's wife it was most likely that they would live together as husband and wife.

Thus, if the rabbis would not arrange kiddushin for these unfortunate women many more problems would arise from the civil marriages—many more sexual transgressions would occur, leading to the birth of mamzerim and of pegumim.

Might it not be wiser for the rabbis to accede to the women's requests and arrange kiddushin for them? For the rabbis would certainly investigate each instance to make sure that no sexual transgression ensued.

The question boiled down to the following: Should the rabbis refrain from arranging kiddushin for these women in order to provide an obstacle for the couples since no mikveh was available, or should they not withhold kiddushin, because by their arranging

the kiddushin the couples would marry in accordance with the Torah of Moses and Jewry rather than civilly which could lead later to serious problems? The rabbi of Kovno, Rav Avrohom DovBer Kahana-Shapira, asked me to examine this problem.

After an extremely exhaustive study of the many complexities of this problem, I concluded that we should arrange kiddushin for these people. Since these women's lives were at risk if the rabbis would not arrange the marriages, and since the observant women could immerse themselves in the river (because there was no mikveh, this was an alternative), it was best that the rabbis arrange the kiddushin. This would be preferable to having the couples marry civilly at the Jewish police station, which could surely lead to a multitude of complications.

In all cases, the attending rabbi would have to caution them not to cohabit unless the woman undertook to immerse herself in the river according to halacha. The rabbi might then perform the kiddushin for the couple on the assumption that they would act in accord with the halacha.

The rabbi of Kovno concurred with my conclusion.

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ԼԵՎՈՅ ԱՐ, ԸՆԴ ԲԱՋ ԱՐ ԱՐ ԱՄԱՆ ՔԵՐ ՃԱԽ ՎԵՐ ԽԱՐ ԱՐ

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עדכין מתקנים דיסלופין

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תְּמִימָנָה וְעַמְלָנָה בְּבֵית-יְהוָה

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הנְּצָר

לען דניאל גראט ציון, מילון

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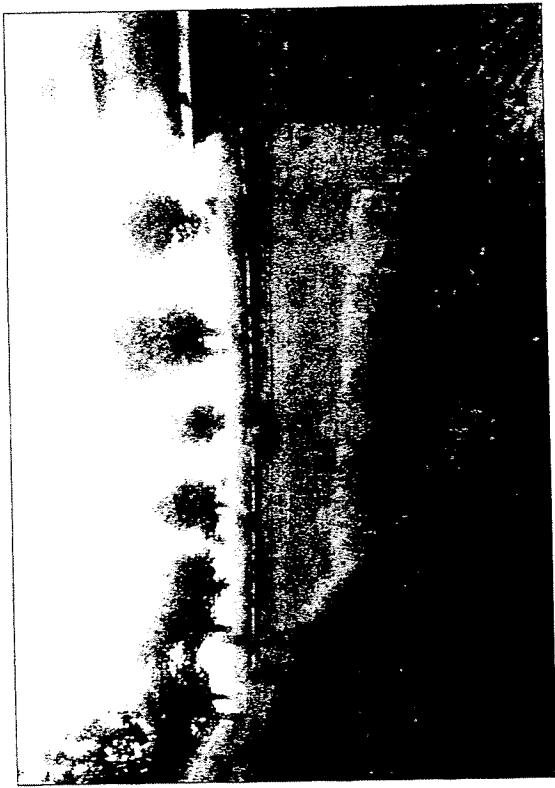
18. Committing Suicide in Order to be Buried Among Jews

Question: ON 6 MARCHESVAN 5702—OCTOBER 27, 1941—two days before the horrifying Black Day of the Kovno Ghetto—when some 10,000 men, women, and children were taken away to be butchered—every one of the ghetto dwellers saw his or her bitter end coming. At that time of confusion, one of the respected members of the community came to me with tears on his cheeks and posed a question of life and death. He felt that he could not bear to see his wife, children, and grandchildren put to death before his very eyes. For the German sadists had a system for extermination. In order for the murderers to enjoy the suffering of their victims, as a matter of course they would kill the children before the eyes of their parents and the women before the eyes of their husbands. Only after satisfying their bloodlust in this sadistic fashion, would they put an end to the suffering of these men. Because he felt certain that it would be too painful to witness the horrible suffering of his loved ones, he asked whether he could terminate his own life earlier to avoid witnessing the deaths of his loved ones. This way, besides being spared a horrible death of great suffering at the hands of the accused murderers, he would also gain burial among Jews in the Jewish cemetery in the ghetto.

Response: ALTHOUGH THE MAN KNEW HE WOULD DEFINITELY be subjected to unbearable suffering by the abominable murderers, and so hoped to be buried among Jews, he was still not allowed to commit suicide. Moreover, permitting suicide in such a case meant surrendering to the enemy. For the Germans often remarked to the Jews, "Why don't you commit suicide as the Jews of Berlin did?"

Suicide was viewed as an immense desecration of G-d, for it showed that one had no trust in G-d's capability to save one from the accursed hands of the defilers. The murderers' goal was to bring confusion into the lives of the Jews and to cause them the deepest despondency in order to make annihilating them all the easier.

I cite proudly that in the Kovno Ghetto there were only three instances of suicide by people who grew intensely depressed. The rest of the ghetto dwellers trusted and hoped that G-d would not forsake His people.



The Ninth Fort near Slobodka, the end of the road for inmates of the Kovno ghetto and Jewish deportees from Germany, France and other Nazi occupied countries. Jews imprisoned in the Ninth Fort were either murdered on the spot or sent on to death camps.

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42. Abortion in the Ghetto

Question: On 27 Av 5702—AUGUST 28, 1942—I WAS ASKED whether a woman who had become pregnant in the ghetto might undergo an abortion, because of the German decree threatening the life of any Jewish woman found to be pregnant.

Response: IN THAT SITUATION, WHERE IT WAS CLEAR THAT IF the Germans discovered her pregnancy neither the woman nor the fetus would survive, I ruled that it was permissible to abort the fetus in order to save the woman's life.

...וְשָׁבֵת אֶל-מִצְרַיִם וְיָמָן-לְעָמָקָה

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גָּמְבָּרֶד

תְּמִימָה אֲשֶׁר בַּעֲלֵתָה וְבַעֲמָדָה

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ՅԵՇ ԱՐԵԳԱ, ՏԱԿԵՎ ԸՆԴՀԱՆՈՒՐ ՏԵ՛Ս ԱՐԵՎ
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