

**WEDNESDAY OCTOBER 13, 1999**  
**AFTERNOON SESSION A 14:00-15:30**

## **Holocaust Responsa in the Kovno Ghetto 1941-44**

*by*  
***Ephraim Kaye***

### **Goals of the Unit**

1. To describe the lives of the Jews in the Kovno Ghetto as reflected in Rabbi Ephraim Oshry's responsa.
2. To illuminate several fateful issues that Orthodox Jews confronted in their struggle for Jewish survival in the ghetto, at a time when escape still seemed possible and hope for deliverance still flickered.
3. To engage students in discussion of these issues so they may arrive at their own answers.

### **The main problem treated in this unit:**

How did Orthodox Jews contend with existential questions in the ghetto with the assistance and encouragement of Rabbi Ephraim Oshry, as reflected in his halakhic rulings?

### **Phases of the Unit**

1. Introduction: the teacher describes the nature of responsa literature and shows how it may be used as a historical source – generally, and in the specific context of Holocaust studies.
2. The students are divided into three groups, each assigned one of the halakhic problems taken up by Rabbi Oshry. A uniform eleven-item "**worksheet**" is given to all the groups. The items provide a foundation for analysis of the historical dimension of the issue. Each student is also given a "**source sheet**" that helps him or her deal with the issue at hand (a sheet with sources upon which R. Oshry based his halakhic decisions.)
3. Each group fills in each section of the worksheet and attempts to formulate a response to the question that it was given.
4. The students regroup in class to report on their work. A discussion is held on possible answers to the three major issues. The discussion of possible answers to the questions at hand may be summarized in table form:

### **May One Place Oneself in Possible Danger in Order to Save Someone Else from Certain Danger?**

Permitted	Prohibited
“Do not stand upon the blood of your fellow.”	The injunction “Better to die than to Transgress” applies only to three

	<p>situations: incest, murder, and idolatry.</p> <p>“Is one person's blood redder than another's?”</p> <p>“The commandments are to live by, not to die by.”</p>
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### **Saving Oneself by Purchasing a Certificate of Baptism**

Permitted	Prohibited
<p>“The commandments are to live by, not to die by.”</p>	<p>“Better to die than to transgress” – incest murder, and <i>idolatry</i></p> <p>– The commandment of sanctifying God's name (martyrdom)</p>

### **May One Endanger Oneself for the Sake of Religious Study and Public Worship?**

Permitted	Prohibited
<p>According to Maimonides, when threatened with mass annihilation, one must be willing to die for both positive and negative commandments.</p> <p>— When threatened with mass annihilation, one must be willing to die for something as trivial as a shoelace.</p> <p>— “The virtue of piety” — to set an example for one's contemporaries</p>	<p>“And live by them” -- and not die by them</p> <p>“Better to die than to transgress” - only with respect to negative commandments, not positive ones (religious study, public worship)</p> <p>One can pray without a quorum and in secret!</p>

5. The teacher reviews Rabbi Oshry's responses to each of the questions with the students and explains the rationale of each.
6. The teacher summarizes the main issues that came up in the discussion of each major problem presented in the unit.

## Remarks for the Teacher

This guide is meant for teachers only and provides scholastic material for two class lessons. Only certain parts of the unit are meant for students. The items to be given to students are listed below:

1. The cover illustration of Rabbi Oshry's book, *Mi-ma 'amaqim* (p. 7)
2. A photograph of the city of Kovno (p.8)
3. An excerpt from Rabbi Oshry's book describing the pogrom against the Jews of Kovno, June 25-26, 1941 (pp. 12-14)
4. Map -- Central Europe, 1939 (p. 15)
5. Map -- the Baltic states, 1939 (p. 16)
6. Worksheet -- questions pertaining to the historical context of each responsum (p.17)
7. A sheet with questions that were submitted to Rabbi Oshry, with some of the sources that he used in his responses. This is henceforth called the "**source sheet**" (pp. 18-23)

It is best to teach this subject in two lessons.

### 1. First Lesson

- i. Introduction to responsa literature as halakhic literature and historical source material (ten minutes)
- ii. Historical description of the city of Kovno, from its infancy to the German invasion in June, 1941 ten minutes)
- iii. Screening of Part 12 of the film *Pillar of Fire* – “The Final Solution,” which shows the progression of events in 1941-42 (twenty-five minutes)

### 2. Second Lesson

- i. The students should be divided into three groups before the class so that each group may prepare its answers properly before the class, according to the worksheet.
- ii. During the class, the students will report on the answers they worked out for the relevant questions (fifteen minutes).
- iii. Discussion of possible response that may arise from the sources available to the students (twenty minutes).
- iv. The teacher describes Rabbi Oshry's responsa and summarizes the unit as shown in “Summarizing the Unit” below

## Introduction

The term “responsa literature” refers to all written rulings made by rabbis under *halakha* (Jewish law) in response to questions submitted to them in writing, throughout the post-Talmudic period (from the fifth or sixth century to the present day). Responsa were also given in the time of the Tanna'im and Amora'im (Mishnaic and Talmudic sages, respectively), but until the final redaction of the Talmud in the sixth century, they were

incorporated into the Talmud ; they formed an integral part thereof, arranged according to the themes of the tractates and chapters. Only in the Gaonic period (Babylon, seventh-eleventh centuries) did responsa first appear as a distinct literary genre.

Professor Menahem Elon, in his book *Ha-mishpat ha- 'ivri* (Jewish law), describes the relationship between halakhic literature and responsa literature:

*The authors of collections of halakhot and halakhic decisions draw their conclusions by abstract study of the halakhic material available to them..... In, responsa literature, by contrast, the reader is thrust into the midst of a living legal reality, listens to the facts and arguments that the litigants present, and accompanies the decisor (a rabbi who undertakes to issue a halakhic ruling) at each stage of his legal inquiry. The problem facing the student and researcher of responsa literature is that [this literature] plunges them into a world of creativity, the inner sanctum of the laboratory. They are partners in experiments, creation, and comprehensive and profound legal analysis. They hear the objective socioeconomic background description that is incorporated into the halakhic debate, and they are privy to the explicit or implicit allusions to the decisor's vacillations and efforts to arrive at an answer and a legal solution that both rest on precedent and meet the many needs of his contemporaries.*

Responsa literature is also important as historical source material, because both the author of the responsum and, to some extent, the questioner, "*speak impartially*," i.e., without bias, meaning that the historical facts they mention are reliable. The historical facts that surface in this literature deal with the following:

- i. The political and legal status of Jews
- ii. The locations of various Jewish communities
- iii. Jews' attitudes toward non-Jews in economic and social matters and in questions of beliefs and views
- iv. Community institutions
- v. Juridical and fiscal affairs
- vi. Folklore
- vii. Decrees and persecution

There are an estimated 300,000 responsa in over 3,000 books by various authors.

Very few responsa written during the Holocaust have survived. In this environment of brutal decrees, persecution and annihilation, both the questioners and the respondents were seriously inhibited; often Jews were simply unable to present their questions and decisors could not remit the answers. The most comprehensive collection of Holocaust-era responsa was written by Rabbi Ephraim Oshry in the Kovno Ghetto, between June, 1941, when the Nazi occupation of Kovno began, and August, 1944.

Rabbi Oshry wrote his responsa on scraps of paper, which he buried in hopes of returning and reclaiming them after the war.

At some point, the Nazis placed Rabbi Oshry in charge of a warehouse of Jewish books that had been gathered in Kovno. By so doing, they inadvertently gave him the access to Jewish books and rabbinic literature that he needed to write his detailed responsa. In his book *Mi-ma'amaqim* (From the depths), Rabbi Oshry testifies that his Holocaust-period responsa were issued with virtually no amendments or additions.

*Mi-ma'amaqim* (four volumes) was published in 1959 in New York, where Rabbi Oshry had taken up residence after the war. (His other works are listed in the bibliography at the end of this guide.) The responsa in this guide, culled from *Mi-ma'amaqim*, deal with several halakhic issues connected with Jewish survival in the Kovno Ghetto. Although the lessons of one ghetto are hard to apply to another, it is reasonable to assume that similar problems existed in other ghettos in Eastern Europe. Therefore, these questions, or at least some of them, presumably perturbed many Jews during the Holocaust.

Students are shown the questions only. In this fashion they may reach their own conclusions after struggle and vacillation, and only afterwards compare their conclusions with Rabbi Oshry's response.

### **Students' Worksheet -- Questions Pertaining to the Historical Context of Each Responsum**

The students are divided into three groups, and each group is given one of the questions that was presented to Rabbi Oshry. Each group is asked to answer these questions. This is henceforth called "*the worksheet*".

The subject headings that appear here do not pertain to every question. The numbers of the questions for which answers may be found in this material are shown in parentheses).

#### **Question 1. What details in the question teach us something about Jewish community life in Kovno?** For example:

1. The date when the question and its response were written, and what this signifies (questions 1, 2, and 3)
2. Pogroms and persecutions mentioned in the question and its response (questions 1, 2, and 3)
3. Names of Jewish leaders and their functions and status (questions 1 and 3)
4. The attitude of the local population toward the Jews (questions 1 and 3)
5. Community institutions in the ghetto (questions 1 and 3)
6. Did the Jews work in the ghetto or outside it, and if so, what kind of work did they do? (question 1)
7. Were there religious studies in the ghetto? Where and when? Did the yeshivot continue operating during the war? (Questions 1 and 3)

8. Were there rumors of murder of Jews? Where was this done? (Questions 1 and 3)
9. Did the Jews guess at the significance of the “Final Solution”? (Questions 1,2, and 3)
10. What was the topography of the Kovno area? (Question 2)
11. Were there rumors of partisan activity in the area? (Question 2)

### Source Sheet -- Sources for Use as a Basis for Discussion among Students

#### Question No. 2. May One Endanger Oneself for the Sake of Religious Study and Public Worship?

##### 1. Maimonides (*Mishne Tora, Hilkhot yesodey ha-tora, 5:1-4*) sets forth the main laws concerning the sanctification of God's name:

- i. All Jews are commanded to sanctify God's name . . . as it says: “And I shall be sanctified among the Children of Israel” (Leviticus 22:32). How is this done? When a heathen approaches a Jew and orders him to transgress any commandments in the Tora upon threat of death, he must transgress rather than be killed, as it says: “So that he does [the commandments] and lives by them.” And if he dies rather than transgress, he is liable for murder.
- ii. In what context is this said? For all commandments except idolatry, incest, and bloodshed. If one is told to commit one of these three transgressions or be killed, then one must be killed rather than transgress. To what situation does this apply? It is when the intention of the non-Jew is to benefit from it (e.g., forcing a Jew to build a house on Shabbat or cook him a meal). If, however, only he is present or fewer than ten Jews are present, he should transgress rather than be killed. But if he is forced to transgress amid a quorum of ten Jews, he should die rather than transgress.
- iii. All the foregoing applies to a time that is not a time of persecution. In a time of persecution, however . . . he must be killed rather than transgress even for one of the other commandments. For example, if non-Jews tie their shoes one way and Jews in another, if there is something Jewish about the way it is done -- and it is the way of Jews to be modest -- even when ordered to make such a change, in a matter that is not a mitsva but simply a custom, one must sanctify the name of God. This applies equally, irrespective of whether one is forced in the presence of ten Jews or whether the issue is between himself and the non-Jew alone.

##### 2. *Sefer ha-hinukh* (R. Aharon Halevy, fourteenth century), on Commandment 296

The early decisors wrote that the injunction “Better to die than to transgress” refers only to committing a transgression, but if it is a matter of *refraining* from performing a commandment, then one must transgress rather than be killed. Although we do find ancient pietistic who preferred to die rather than refrain from performing a commandment . . . these were acts of piety by men who saw that their contemporaries

needed such an act. . . because not everyone is entitled to forfeit his life for a cause that the Sages did not sanction. . .since one who does this is liable for murder.

### **3. R. Levy ben Jehiel Michael (“the Malbim,” 1807-1879) on Daniel**

Why did Daniel offer his life for the sake of [public] prayer? Does it not say. “And he shall live by [the commandments]”? By law, he was *not* obliged to sacrifice his life except [if ordered to commit] idolatry, incest, or murder, especially since he was able to pray quietly without anyone being aware that he was doing so

. . .

### **4. Sanhedrin 74b on the duty to surrender one's life even for a shoelace, with commentary by R. David ben Shlomo Ibn Avi Zimra (“the Ridbaz,” 1479-1573) in his responsa (section 163)**

They saw that the generation was dissolute, and he wished to set a limit so that [Jews] would realize the merit of prayer, and for this reason he offered his life for this purpose . . . thus illustrating his piety. . . .

## **Question No. 2: May One Endanger Oneself for the Sake of Religious Study and Public Worship?**

**Question:** *On Elul 13, 5702, the Nazi tyrant, may his name be obliterated, passed a law forbidding the captive Jews in the ghetto to bless God in public assembly and to gather in synagogues and batey midrash for religious study, prayer, beseeching of God in their distress, and entreating Him to help them, deliver them, rescue them from their plight, and redeem them from descent into the abyss.*

*The ghetto inmates, broken-hearted and despairing, physically exhausted and embittered after a day of backbreaking forced labor were wont to banish their troubles from mind by gathering in their “temples in miniature,” the synagogues and batty midrash. There they would participate in regular Tora study with teachers -- group study of Talmud and Mishna, sermons and lectures on musar and sermons of encouragement and consolation, delivered by rabbis and preachers who gave their listeners pleasure and imparted to them the sweetness of the Sages' utterances. Thus they were infused with hope and trust, faith in and fear of the Holy One of Israel, the Rock and Redeemer of Israel, urging Him to rise to avenge the adversary, crush the head of the Nazi viper in full view, and give the Jewish myriads the merit of beholding the avenging of His servants' spilled blood with their own eyes.*

*I was among those who sustained the community's righteousness by continuing, in those hours of darkness and agony, to impart Tora to God's people, and in my Beit Midrash, the famous house of study known as Abba Yehezkel's kloyz, I continued to offer my regular lessons for the public. Even afterwards, when the accursed oppressors closed this house of study, savaged its splendor and turned it into a prison, I moved to the Halvayas ha-mays kloyz building, the synagogue at Gafinowitz House on Vitna Street*

*and to Hayyim Shapir's synagogue on Varena Street near the Elensrat (Council of Elders) building.*

*I devoted myself particularly to the daily lessons that I gave for the Tiferet Bahurim society.*

*Wherever I taught, assisted by He Who dwells on high, I was able to bolster the faltering courage and wavering morale of Jewish youth and masses, and I tried to impart intelligence and wisdom so that my listeners would realize and understand that, just as one utters a blessing when things go well so must one offer a blessing when things go poorly; that we must wait silently for God's succor and deliverance, because God is good to those who place their hopes in Him and await His mercy, and He is near to all those who call upon Him sincerely; and that we must gird with faith and trust to bear the burden gladly and willingly, because hope for our future still exists.*

*Observe: as the accursed savages in their cruel hearts plotted evil at all hours against the offspring of the holy people, the Jews did not lose sight of the source of their strength and consolation, which derives from their Tora and places of worship. Because [the Nazis'] sole intention and aim is to envelop the inmates in despair and hopelessness, they issued this decree, forbidding the ghetto Jews from blessing God in assemblies, synagogues, and houses of study, and from gathering there for worship or study purposes, upon penalty of death.*

*It was then that R. Naftali Weintrau (may God avenge his blood), the gabai of Gafinowitz's synagogue, may God avenge his blood, approached me and asked me whether the Tora requires one to place himself at physical or mortal peril by attending a minyan (worship in quorum) in the kloyz where he used to pray every morning and evening. Is he obliged to forfeit his life for the sake of Tora and public worship, or not?*

*(Responsa Mi-ma'amaqim, vol. B, section 11, pp. 59-68)*

## **Question 2 -- Historical Background-**

### **May One Endanger Oneself for the Sake of Religious Study and Public Worship?**

#### **i. The date: Elul 13, 5702 (August 26, 1942)**

It was one year after the establishment of the ghetto in Slobodka, Kovno. As stated, of the 30,000 Jews who had lived in Kovno before the German invasion, about 17,400 remained in the ghetto at this time. The Jews had experienced terrible ordeals that year: decrees, forced labor, and massacres (see details below). Just the same, it was a time of normalcy in ghetto life. There were no more *Aktionen* for the time being, and there was hope that those who remained would survive until the forces of evil were vanquished and the war would end. It is important to emphasize that despite the ordeals of ghetto life, there was a sense of hope. The Jews in the ghetto had neither the knowledge nor the feeling that they faced a Nazi ideology that prescribed the annihilation of every last Jew on European soil.

- ii. **“The captive Jews in the ghetto were forbidden to bless God in public assembly and to gather in synagogues and batai midrash for religious study and prayer.”**

The Germans prohibited the ghetto Jews from gathering in synagogues for public worship. It seems that this prohibition had not been in effect until the date of the question. Note that the ban was an integral part of the Nazis' overall struggle against the Jews and against *Judaism* (see overleaf, synagogues in Slobodka).

- iii. **“The ghetto inmates, broken-hearted and despairing, physically exhausted and embittered after a day of backbreaking forced labor. . . .”**

Thus the Jews of Kovno are described after a year under the yoke of German occupation. They were physically and mentally spent. As stated, the Germans exploited the Jews as a source of forced labor and put them to arduous toil of various kinds. One of their main occupations was working at the "airport" near Kovno. Leib Garfunkel, in his book *Kovno ha-yehudit ve-hubana* (Jewish Kovno and its destruction) describes the conditions of labor at this “airport” and their effect on Kovno’ Jews:

*The place of work was a vast field five kilometers from the ghetto, and the route to it was very difficult, mostly unpaved and full of stones, sand and marshes. . . . The work itself was backbreaking. It was hard labor and extremely difficult, such as digging ditches, leveling ground, dragging sacks of cement, planks, and heavy loads. . . .*

*Each shift was twelve hours long, with only one half-hour break. . . . Only after some time did the Germans begin giving the Jewish workers some sort of hot food: three-quarters of a liter of water and a scrap of half-rotten cabbage. Even this was not provided regularly. . . .*

*The winter of 1941/42 was especially harsh, with temperatures that fell to thirty degrees below zero. The Jewish workers would yearn impatiently for the moment when the end-of-shirt signal would be given and they could return "home " but even then their troubles did not cease. For a whole hour and sometimes longer they were made to remain standing on their weary feet until the Germans gathered all the workers in one spot. .*

- iv. **“Regular Tora study with teachers -- encouragement and consolation from rabbis and preachers”**

Despite their daily hard labor at the “airport,” many Jews found the time and will to engage in religious study, which filled them with hope and encouragement. That the Jews wished to continue living as “normal” a life as possible is an indication of their desire to prove to the Germans that they were not subhuman (*Untermenschen*), as Nazi propaganda would have it.

- v. **”They were filled with hope and trust, faith in and fear of the Holy One of Israel, the Rock and Redeemer of Israel, urging Him to rise to avenge the adversary, crush the head of the Nazi viper in full view, and give the Jewish**

**myriads the merit of beholding the avenging of His servants' spilled blood with their own eyes."**

Thus, despite all odds the Jews in the Kovno Ghetto were confident that, when all was done, the Nazis would lose the war. Note that this question was written in August, 1942, when the German army, the Wehrmacht, was at the peak of its strength.

The Wehrmacht had reached Stalingrad on the Russian front, and Rommel had advanced in North Africa to El-Alamein, about 200 kilometers inside Egypt. Although other nations believed that Nazism would triumph, the Jews in the Kovno Ghetto were supremely confident the Germans would lose the war! This fact appears trivial and unimportant today, but in those insane days in Europe it was an extraordinary sensation, little short of miraculous. The Jews in Kovno believed not only in the Nazis' defeat but also in the survivability of myriad of Jews who would yet witness the victory of the forces of light over the forces of darkness. In August, 1942, despite all the bloodshed, the Kovno Jews were not yet convinced that they were facing a methodical, deliberate satanic program of mass annihilation. Rumors of murder of Jews in Poland in the death camps and mass murder in various areas of occupied Russia had evidently not reached them at that point. Such vague information as they may have obtained did not shake their belief that masses of Jews would indeed survive to witness the triumph of light over darkness.

**vi. "Just as one utters a blessing when things go well, so must one offer a blessing when things go poorly."**

This Talmudic dictum (Berakhot 54a) is indicative of the profound Jewish belief in the existence of law and a provider of Justice in the world. Just as when things go well we bless the Creator for His beneficence, so when things are bad, even if we do not understand why we are suffering, we must realize that everything belongs to a plan that emanates from God. The noteworthy point here is the absence of fissures in the Kovno Jews' faith in the Rock and Redeemer of Israel. Indeed the literature at issue here is essentially halakhic. That is, it avoids philosophical issues and focuses on practical guidelines, i.e., halakha – how to behave, with whom, and when. This is not to say that such questions did not arise in the ghetto.

**vii. "Because [the Nazis'] sole intention and aim is to envelop the inmates in despair and hopelessness, they [forbade] the ghetto Jews to bless God in assemblies, synagogues, and houses of study . . . upon penalty of death."**

The Nazis' goal was to turn these Jews into sub-humans (Untermenschen) through persecution and restrictive edicts.

The Nazis were aware of the importance of public worship in the synagogue and sought to break the Jews' spirit before destroying their bodies. Therefore, the Germans decreed the death penalty for Jews who violated this prohibition. The Hebrew expression invoked by Rabbi Oshry for the English "upon penalty of death" appears in the Scroll of Esther under circumstances similar to those of the Jews in the Kovno Ghetto. The use of this expression in the corresponding context of Kovno is undoubtedly deliberate.

### viii. The Question

**R. Naftali Weintraub . . . asked me for a ruling under Tora law on whether he must risk his physical wellbeing and his life for the sake of public worship. Is he obliged to forfeit his life for the sake of Tora and public worship, or not?**

Here, as with the previous questions, the questioner expresses his main query only after describing the circumstances of the Jews in the ghetto.

### Summary of the Unit

This unit deals with only three of the many responsa in Rabbi Ephraim Oshry's book *Mi-ma 'amaqim*. Nevertheless, one can conclude that the halakha -- performance of the precepts in the Tora with all their minutiae and nuances, was a principal concern of many Jews in the Holocaust period. One recalls the famous statement by R. Isaac Nissenbaum in the Warsaw Ghetto:

*. . . You, the adversary, demand the Jewish body, and every Jew must safeguard it and safeguard his life. . . . There were times when Jews sanctified the name of God, but in our time we must sanctify life. . . .*

This sentiment found concrete expression in the questions that the Jews asked their rabbis during the Holocaust . The Nazis' war against the Jews was not just a physical war, waged by means of starvation, murder, and extermination in gas chambers; it was also an ideological and theological war. The question on religious study and public worship illustrates this. The efforts of many Jews to keep as many commandments as possible amid persecution and pogroms are tantamount to acts of supreme valor.

The wish to continue preserving life despite everything (*Iberleben*) marked a glorious chapter in Jewish history of all times, and of the Holocaust period in particular. In the unimaginably stark reality and atmosphere of the time, the situation might have deteriorated into a struggle for survival and nothing more, at the expense of all other values. This did not occur. Jewish values were subjected to the harshest ordeal of all – the Final Solution (*Endlosung*) -- and prevailed. Halakha succeeded in coping with suffering, torture and death. It is even more astonishing that nowhere in this responsa literature do we find skepticism or accusations directed at the Creator of the Universe, under Whose providence these atrocities were taking place. The response of these Jews is comparable to

Moses' reply in Deuteronomy 29.28:

*"Concealed acts concern the Lord our God, but as for overt acts, it is for us and our children ever to apply all the provisions of this teaching."*

If we review several excerpts of the penitential prayers and supplications that the Jews have uttered throughout the generations, we may understand the spiritual fount that has given them their strength in the hardest of times.

On fast days, they customarily recite the Avinu Malkenu prayer at morning and afternoon services, recalling the decrees of 1091, the strictures of 1648, and the Petlura pogroms of 1919:

. . . Our Father, our King, act on behalf of those who perished for the sake of Your holy Name.  
 Our Father, our King, act for the sake of those slaughtered for professing Your unity.  
 Our Father, our King, act for the sake of those who went through fire and water to sanctify Your Name.  
 Our Father, our King, avenge before our eyes the spilled blood of your servants. . . .

On the Sabbath, after the Tora portion is read, the congregation recites the Av harahamim (Father of Mercy) prayer, composed after the First Crusade (1096) and the destruction of Jewish communities along the Rhine in Germany:

*May the Father of Compassion who dwells on high in his profound mercy be mindful of the devoted, the upright and innocent, the holy congregations, who gave their lives for the sanctification of the Divine Name. They were beloved and pleasant in their lives, and even in death refused to let themselves be parted from Him. Swifter than eagles they were and stronger than lions to do the will of their Master and the desire of their Rock. May our God remember them for good together with the righteous of all the ages, and avenge the spilled blood of His servants.*

The most dramatic and moving prayer of this type is U-netane toqef (attributed to Rabbi Amnon of Mainz in the twelfth century), recited on the High Holy Days. According to the story behind this prayer, the Bishop of Mainz asked R. Amnon, his personal advisor, to accept Christ. R. Amnon asked three days' leave to consider the matter before answering. When he returned home, R. Amnon understood that he had erred. Why had he asked for three days' respite, as if he needed to think about the response? He should have refused immediately. R. Amnon devoted his three days at home to fasting and prayer, beseeching God to forgive him for his sin and allow him to atone. After the three days elapsed, the bishop came and demanded an answer.

R. Amnon told him that the tongue that had asked for three days' leave and had not refused immediately should be cut out. The bishop's men therefore cut out his tongue and cut off his hands and feet as well. When the New Year came, R. Amnon asked to be carried to the Holy Ark. Before the Holy Ark he uttered the U-netane toqef prayer, at the

end of which his soul departed. From that time on, this prayer has been an integral part of the Rosh Hashana and Yom Kippur service.

*And so shall we assert the sanctity of this day, for it is awesome and terrible. On it shall Your Kingdom be raised on high and Your Throne established in mercy, and you shall sit on it in truth.. In truth, You an the Judge and the Reproacher, He who knows and bears witness, He who writes and seals and counts and enumerates. And You shall remember everything that has been forgotten. [Then] shall You open the book of memories, that in which the imprint of every man's hand resides. A great shofar shall sound and a tiny voice heard. The angels are frightened; they are seized with trembling and dread, and they say, "Behold, it is the day of judgment, when all the heavenly hosts will stand in judgment," because they shall not be found innocent in Your eyes. And all humankind on earth shall pass before You like sheep. As a shepherd inspects his flock and passes each lamb under his staff, so shall You review us and count and numerate and investigate the soul of each and every living thing, and You shall assign a portion for all Your creatures and inscribe their sentence.*

*On Rosh Hashana it is written, and on the Fast of the Day of Atonement it is sealed: How many shall die and how many remain healthy, who will live and who will die; who will live out his years and who will die prematurely, who by water and who by fire, who by sword and who by beast, who by famine and who by thirst, who by earthquake and who by plague, who by strangling and who by stoning, who will have a settled life and who will be unsettled, who will be tranquil and who frenzied, who will suffer and who will not, who will become poor and who rich, who will be cast down and who exalted.*

Furthermore, of course, the woeful elegies and the Scroll of Lamentations recited on the Ninth of Av, and the verses of reproach in Deuteronomy 28, all reinforced the Jews' conviction that "the Eternal One of Israel will not lie." Despite all the humiliations, decrees, persecutions, and pogroms in the distant and recent past, they continued to believe in the existence of a Law and a Judge, and affirmed the continued observance of the commandments and faith in the Creator as the basis of life for every Jew.

The responsa literature of the Holocaust period reveals the pure faith of simple Jews and their wish to continue observing the commandments of the Tora with all their hearts and might, even in a world of utter darkness and gloom, a world that had declared total war on these eternal Jewish values. The struggle to preserve one's humanity, as expressed so clearly in the questions presented to R. Ephraim Oshry in the Kovno ghetto, constitute a glorious chapter in the annals of humankind.