PhD Thesis
Abstract

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Halakha and Anti-Jewish Legislation
Responsa Literature Written in the 1930s and 1940s in Hungary

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Aims of the present study

By the late 1930s the elimination of Jews from Hungary’s political, economic, and social life was moving ahead apace. Discrimination on religious and later on racial grounds had begun much earlier than the German occupation of the country in March 1944, which introduced ghettoization, deportation, and the extermination of more than 500,000 Hungarian Jews.

In Hungary, between 1938 and 1944, the antisemitic social discrimination against Jews was raised to an official and administrative level by anti-Jewish legislation. Despite the vast amount of published research on the Shoah of the Hungarian Jewry, the impact of the anti-Jewish Laws and decrees on religious life in Hungary has received very little attention in the scholarly literature. In order to rectify this lack the present study brings previously unknown sources into the discussion.

Responsa written by Orthodox rabbis in Hungary during and immediately after World War II were direct reflections on the persecution of the Jews and on the reviving of Jewish religious life after 1944. My research aims to show that Orthodox Jewish perspectives should be integral parts of the historiography of the Shoah, and that responsa literature sheds light on the experience of Hungarian Jewry during the time of persecution. Dealing with relevant issues of the daily life of a significant segment of the Jewish religious population in Hungary, these texts give a Jewish background for investigating the destruction of Hungarian Jewry.

Unlike in other European countries, in Hungary the ghettoization and deportation took place in a relatively short period of time between May and July 1944. The quick and unexpected destruction of Hungarian Jewry in the spring and summer of 1944 did not leave room for halakhic discussions on life-and-death dilemmas in the ghettos (such as survival at the cost of endangering others, cooperation with or disobedience to the persecuting authorities), as was the case in Poland or Latvia, due to the local circumstances. The present dissertation does not deal with similar topics subsumed under the category of “danger to life,” but with the impact of the anti-Jewish legislation on the daily life of the observant Jews by presenting the halakhic response to the discriminatory legislation in Hungary.

Generally speaking, Hungarian Jewry was a passive subject and victim of antisemitic legislation and policies. However, there were cases – the case of the ban on ritual slaughter was not the only one – when Orthodoxy opted for an active resistance to an edict issued by the Hungarian government.

Since responsa were direct responses to the persecution, they give us glimpses of the preparatory phases of the destruction of the Jewish population in Hungary, the effects of anti-Jewish legislation on Jewish society, and on Jewish responses to these new threats. The texts show the Hungarian administration at its peak in the process of the discrimination of the Jews, as well as the importance of the local factors of this policy.

20 rabbis referred to and quoted in the study, and their communities, were murdered by the Nazis. The Orthodox rabbis who survived the war either did not return to Hungary in 1945 or left the country in the following decade (at the latest in the wake of the Hungarian Revolution in 1956). The murder of the authors and readers of the texts who lived according to the halakha basically put an end to the significant Hebrew literary production in Hungary.

This dissertation is also a modest commemoration to the authors who were murdered, but their halakhic work remains.

Historical setting

The First and Second Vienna Awards in 1938 and 1940 returned to Hungary some of the territories annexed in 1920 by the neighboring countries. As a result a massive, mainly Orthodox Jewish population living in the re-occupied territories became subject to anti-Jewish measures legislated by the Hungarian parliament. The authors and readers of the texts referred to in the present study typically lived in these re-annexed territories with a high Jewish population and in smaller towns in the Hungarian countryside.

Neolog, Status Quo Ante, and the mostly poorer Orthodox communities felt the impact of anti-Jewish legislation in two ways; on top of economic oppression, religious observance was also disturbed. Hungarian Jewry shared, essentially, a common fate. Nonetheless, anti-Jewish legislation and the machinery of annihilation affected Orthodox Jewry, with its distinct sociological characteristics, in some ways differently than they affected other parts of the Jewish population. As their religious outlook and way of life were different in more peaceful times, so their life and fate in a time of crisis were different. And this was also the case with regard to their experiences of this crisis.
Literary setting

Besides their historical importance, *responsa* written in the 1930s and 1940s deserve attention as part of a long tradition of Hungarian Orthodox legal literature.

Applying Jewish law to a particular situation, *responsa* provide information on the social condition of observant Jews in Hungary in the shadow of the anti-Jewish Laws and decrees. Historical conditions created by the Shoah did not appear to the correspondents as something unprecedented, which would justify a radical modification of the *halakhic* tradition in general. The rabbis’ main goal was to ensure as much as possible, with *halakhic* adjustments as minor as possible, the continuation of observant Jewish life under the changed circumstances.

The topics chosen for analysis are problems that were shared in common among observant Jews living in Hungary until the destruction. All the texts referred in the dissertation reflect the *halakhic* opinion of local rabbis who discussed local matters related to the anti-Jewish legislation. Broadly speaking, the decisors attempted to find a *halakhic* solution for problems that put observant Jews facing the hard dilemma of choosing between living according to the traditional Jewish law or obeying the decrees and laws of the state. The intention of the authors to ease the life of the observant Jews and at the same time remain in the *halakhic* framework is clearly recognizable in the texts. The rabbis mostly had to face the problem of “prioritizing” between transgressions, choosing the lesser evil.

Besides *responsa* literature the study also utilizes sources written in Hungarian: archival sources produced by the Hungarian administration and Orthodox Jewish press. For revealing the administrative background of the ban on ritual slaughter I relied on the archival documents of the Ministry of Agriculture. The source-book of Elek Karsai on forced labor service in the Hungarian Army\(^1\) mostly provided the background for the *responsa* regarding the *halakhic* problems of forced labor service. The documents of the Budapest Public Court and the Books of the House of Representatives of the Hungarian Parliament served as primary sources for investigating the bureaucratic background of the anti-Jewish Laws and local decrees limiting Jewish handicraft and trade.

This work represents the Hebrew sources as no less important than these archival documents in the research of the Shoah of the Hungarian Jewry. The documents produced by the Hungarian administration were a significant contribution in the revealing of the historical background (motives, mechanisms, etc.) of the historical actors. The Hebrew sources – the *responsa* themselves – revealed the impact of the anti-Jewish legislation on the life of the observant Jews in Hungary.

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Main themes

The discussion is based on 101 responsa written by rabbis in Hungary and in the annexed territories between 1938 and 1954. The interpretation of the texts takes into consideration both the religious and historical contexts, and it combines the halakhic and historical approaches. It reconstructs and summarizes the gist of the halakhic argumentation of each responsum and at the same time tries to retrieve all the relevant historical information the texts provide. All the four chapters include an introduction on both the historic and halakhic backgrounds of the responsa crucial for the interpretation of the texts, and a conclusion. My study aims to show that halakhic decision making is an important expression of the victims’ simultaneous perception of the period prior to the destruction.

The second chapter deals with the ban on Jewish ritual slaughter in Hungary. The obligation of stunning the animals before their slaughter prevented observant Jews from continuing with their traditional way of slaughter. The chapter elaborates on the background and implementation of the ban as well as its effect on the Jewish communities. The ban did not put an end to ritual slaughter in Hungary, and the Ministry of Agriculture was not able to fully enforce the decree in the re-annexed territories of Carpatho-Russ. The petitions of the slaughterers’ trade association, against the obligation, testify that the ban on ritual slaughter conflicted with their interests too. Further documents also show that the first discriminative decree in Hungary not only endangered Jewish community life economically and religiously but also had a negative impact on the Hungarian meat industry in general.

The third chapter offers glimpses into the life of observant forced laborers serving in the Hungarian Army, and also shows the impact of forced labor service on the life of Jewish communities. The halakhic problems of forced labor emerged as a consequence of conditions in labor camps, which were incompatible with religious observance, i.e. the lack of kosher food and the obligation to work on Sabbath and Jewish holidays. Questions discussed in this chapter mostly concern these two issues. The responsa also report on cases where the commanders intentionally forced Jews to transgress Jewish religious commandments.

The fourth chapter deals with the effect of economic discrimination of the Jews from the halakhic perspective. The major purpose of the anti-Jewish Laws was to exclude Jews from the economic life of the country. Further decrees issued by the local authorities prescribed that all sorts of enterprises (e.g. grocers, innkeepers and landholders) had to work on Sabbath – something strictly forbidden by Jewish law. There was a revision of licenses of trade and craft implemented by the Trade Authorities aimed at regulating the market based on the “trustworthiness” of the applicant. The revision was exercised on the basis of the “Hungarian nation’s interests;” typically the licenses of Jewish tradesmen and craftsmen were not renewed. Many Jewish owners responded to the new situation by passing their businesses over to non-Jewish guarantors (stróman, in German...
Strohmann, “straw man”), who thus became the nominal owners of the businesses, but in practice everything continued to be managed by the original Jewish owners. By the implementation of the anti-Jewish Laws the legislators of the country intended to reduce the number of Jewish participants in craft and trade, and starting up new businesses was impossible. The making of partnerships with non-Jews that made the evasion of the anti-Jewish Laws possible is a phenomenon that was not covered before by scholarly research on the discrimination of the Jews in Hungary.

In 1945, immediately after the battles were over, those returning started to re-establish destroyed communities. The first step was to provide basic living conditions, and at the same time, the observant survivors made extra efforts to create proper conditions for living a Jewish life. The last, fifth chapter addresses the main aims of the Jewish communities after WW II: re-establishing Jewish religious life, creating the forms of commemoration to the victims, preserving the Jewish communities’ property (mainly the Jewish cemeteries and synagogues) or selling the synagogues in order to evade their further degradation.

The preserving of the communities’ property and the commemoration of the victims were closely related to each other: due to the almost total destruction of Hungarian Jewry, every physical space that was under the supervision of Jewish communities in 1944 by its very survival served a commemorative function after the war. In most of the villages and small towns of the countryside in Hungary only the synagogues and the Jewish cemeteries were left as memories of the Jewish communities destroyed in 1944. The transformation of the buildings mapped the crucial transformation of the Jewish identity in Hungary into a Holocaust-based identity, the same way as Jewish communities became “communities of memory” after the war.

Results

The present study adds responsa literature as a relevant source for historical research on the Shoah of Hungarian Jewry. I aimed to place Hungarian Orthodoxy back into focus and investigate specifically the observant Jewish experience of the Shoah. The overall conclusion is that responsa are essential for the historical research on the life of observant Jewry in general, and are inevitable for the discussion of the process of discrimination and persecution of the Hungarian Jewry in particular.

The study analyzed texts mirroring the bureaucratic process leading to the destruction of Hungarian Jewry. In this sense the scope of the research is broader than the particular Orthodox experience of the Shoah and reflects the Jewish experience of discrimination in the given period in its entirety. I have focused on the Hebrew responsa to allow the reader to confront the point of view of the Jews who lived through the process that led to their almost total physical destruction.
According to Yehuda Bauer the task of the historian of the Shoah is more than understanding the process of the murder of the Jews and answering the question of how they died. “I want to know how they lived,” he wrote.¹ This dissertation intended to answer this question in its possible range.

The restriction of Jews in the Hungarian economy was carried out without taking into account the well-established common interests of the Jewish and non-Jewish participants in the economy. Interestingly, the discriminatory measures that intended to separate “Hungarian” and “Jewish” financial interests in some respect resulted, as a side effect, in actually strengthening cooperation. The chapter on the ban on ritual slaughter and the chapter on the exclusion of the Jewish population from the economy are both based on texts, which clearly show that Jewish and non-Jewish participants of the Hungarian economy often had common economic interest, depending on local factors. Jewish tradesmen and craftsmen employed non-Jews to work on the Sabbath and made contracts of dubious legality with them in an effort to evade the regulations of the anti-Jewish Laws and decrees. The third chapter on the army service of observant forced laborers misses this perspective as forced labor itself realized the disintegrative aim of the Hungarian administration.

The first anti-Jewish Law in 1938 defined Jewishness in religious terms. However, none of the two Laws had explicit religious motives, and in fact the second (1939), following the German example, defined the term “Jewish” predominantly on racial grounds, disregarding religion and thereby making conversion an unsatisfactory escape from the law. Many contemporary rabbis noticed the racial and non-religious character of the Laws and decrees. This assessment of the current persecution, instead of defining it as a “religious persecution” (shmad) had significant halakhic ramifications, and enabled some rabbis to adopt a lenient position in some issues. Nonetheless, from a historical point of view, there is no doubt that one of the aims of the anti-Jewish legislation was to destroy the infrastructure of Jewish religious observance (see especially the chapter on the ban on ritual slaughter).

In responsa and other rabbinical works written in the Shoah we find relatively little of what may be called theological reflection on the historical situation of the Jewish community or individuals. There is no doubt that many of them perceived the current crisis as the most recent one in a long series of crises, persecutions, “times of distress” (shaat ha-dhak), which mark the course of Jewish history.

Our responsa tell us that observant Jewish life was sustainable even after the promulgation of extensive anti-Jewish legislation. The inherent logic of halakhic decision-making in concrete problems – looking for precedents and analogies in earlier Jewish legal literature – also creates a sense of historical continuity, more than a sense of uniqueness. By making analogies with past

cases and interpreting the reality of the 1940s by the traditional Jewish historical approach, the rabbis transformed the external threat into an internal Jewish problem, making it a challenge to be faced within the halakhic framework. And the adherence to religious law and staying by all means in the halakhic framework provided hope for survival even under the harshest conditions.

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