

Commemorating the Holocaust: A Historical and Halakhic Review

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Toward the end of November, 1942, word reached the *Yishuv* in Israel for the first time about the full magnitude of the destruction of European Jewry that was, by then, well underway. In response to this terrible news, R. Yitzhak Isaac HaLevi Herzog, Ashkenazi Chief Rabbi of Israel since 1937, announced that December 2, 1942/23 Kislev 5703 would be a day of fasting and prayer (“*yom tzom gadol ve’evel kaved kelali*”). Indeed, on that day, a massive crowd of thousands, including several hundred rabbis led by the revered Rebbe of Gur, gathered first in the Hurva Synagogue in Jerusalem’s Old City and then at the Kotel. They heard sounds of the shofar and recited prayers including verses from the book of Lamentations and selections from the *kinot* (elegies) recited on the Fast of the Ninth of Av.

It was around this time that R. Herzog paid a visit to R. Yitzhak Ze’ev HaLevi Soloveitchik (known also as “Reb Velvel,” “the Griz,” and “the Brisker Rav”), son of the legendary R. Hayyim Soloveitchik of Brisk and formidable Torah scholar in his own right, who had recently escaped from Europe and settled in Jerusalem. R. Herzog inquired whether R. Soloveitchik would support the establishment of such a “day of mourning (*yom evel*)” for the tragedy and destruction that was underway in Europe. R. Soloveitchik opposed R. Herzog’s initiative, basing his objection on a passage in one of the *kinot* recited on Tisha B’Av dealing with the destruction wrought by Crusades at the end of the eleventh century. The author of this *kina*, entitled “*Mi yiten roshi mayim*,” describes the devastation of the German communities of Speyer, Worms and Mainz and, although explicitly noting that they were destroyed during the months of Iyar and Sivan, goes on to state that the appropriate time to commemorate these tragic events is on Tisha B’Av. “Since one may not add a time [to commemorate] destruction and conflagration... therefore today [i.e., Tisha B’Av] I will raise my cries of woe (*Ve-khi ein lehosif mo’ed shever vetavera... tahtat ken hayom livyati a’orara*).” One cannot institute new days of commemoration for tragedies that followed the destruction of the Temples. There is one day in the Jewish calendar designated to commemorate Jewish tragedy and that day is Tisha B’Av. Mourning for – and commemoration of – all subsequent Jewish tragedies are to take place on that date and on that date alone, wrote the author of this *kina*. Some

eight hundred and fifty years later, R. Soloveitchik applied the principle delineated here in the context of the Crusades to the situation he was facing in 1942. On the basis of this statement he concluded that establishing a special – even temporary – day of mourning for the growing number of Jews being exterminated in Europe would be inappropriate and contrary to Jewish tradition.

Indeed, this principle expressed – and, to the best of my knowledge, first formulated – by the Brisker Rav proved to be a very influential one in later generations, particularly in the context of Holocaust commemoration. After the war, the question moved from establishing a one-time *ad hoc* fast day for the destruction of European Jewry to establishing a ritually mandated fast day – and even just a day of commemoration which would lack any mandated normative ritual behavior – as a way of permanently remembering the unprecedented tragedy that had taken place. In opposing this practice, R. Joseph B. Soloveitchik, R. Moses Feinstein, R. Menahem M. Kasher and others cited and applied this *kina* already written in the twelfth century: “We do not add times (of mourning) for destruction and conflagration.”

But there is an alternative model, one widely accepted in modern times, that also brings us back to the twelfth century. In the early spring of 1171, a Jew by the name of Isaac the son of Elazar was watering his horse along the banks of the Loire River as it was coursing through the town of Blois in north-central France. It was dusk and the edge of an animal skin that he was carrying slipped out and was visible under his cloak. At the same time, a Christian servant also came to the river to water his horse, but when that horse saw the whiteness of the protruding hide in the hazy darkness, it became frightened. The Christian immediately went to his master and reported that at the bank of the Loire River he had just seen a Jew disposing of the corpse of a Christian child. This charge was taken seriously and, less than three months later, on the twentieth of the month of Sivan 1171, some thirty-one or thirty-three Jews (the sources have conflicting numbers) were burned in Blois as a punishment for this allegedly grievous act.

In the aftermath of the catastrophe, R. Ephraim of Bonn noted in his *Sefer Zekhira* that a fast on that day was mandated by none other than the great twelfth-century Tosafist and communal leader, Rabbeinu Tam, and that it was actually accepted as such by all the Jewish communities in France, England and the Rhineland. It has been argued, and mostly accepted, by scholars that R. Ephraim of Bonn was mistaken; that, in fact, Rabbeinu Tam never did

establish a new fast day on this date. But, regardless, R. Ephraim of Bonn, and later generations who took him at his word, assumed that he did. Nowhere is there evident any impulse to subsume commemoration of the Blois episode under that of the Temple's destruction; nowhere is there any assumption that "we do not add times (of mourning) for destruction and conflagration." A new catastrophe occurs and a new fast day is established, separate from and irrelevant to the Fast of the Ninth of Av.

Almost five hundred years later, from the second half of 1648 through 1649, Bogdan Chmielnicki and his followers attacked dozens of Jewish communities in Eastern Europe and killed thousands of Jews. In 1650 there was a respite, and the super-communal organization in charge of governing the Jewish community, the *Va'ad Arba Arazot*, wanted to commemorate the catastrophe. R. Nathan Nata Hannover wrote in his *Yeven Mezula*, the best-known work describing the massacres, that the decision was made to choose as a fast day the date on which they began which, as he had already informed his readers, was in the city of Niemirów on the twentieth of Sivan.

Once again, a fast day on the twentieth of Sivan. This time there is no doubt that an entirely new day of fasting was established. Absent now for sure is any interest in subsuming the commemoration of this catastrophe under the commemoration of the destruction of the Temple; absent now for sure is the self-evident assumption of "we do not add times (of mourning) for destruction and conflagration." A new calamity occurs and a new fast day is established, separate from and irrelevant to the Fast of the Ninth of Av.

This Fast of the Twentieth of Sivan played a central role in support of the arguments made by those in favor of the establishment of a special date for commemoration of the Holocaust. In a responsum written a few months before the end of the war, R. Herzog cited the existence of this fast as a precedent in support of establishing even a separate fast day to commemorate the Holocaust, and it was also cited as the only historical precedent for the establishment of a national Yom HaShoah commemoration in Israel in the first speech delivered on this topic from the podium of the Knesset in 1951. In both cases, the Fast of the Twentieth of Sivan was adduced as a precedent for the establishment of a day of commemoration for the Holocaust separate from the Ninth of Av, although it was not suggested that the commemoration take place necessarily on that date. And, indeed, different dates were suggested

for this purpose. The Chief Rabbinate of Israel designated the fast day of Asara beTevet as *Yom haKaddish haKelali*, the day to be set aside annually for the recital of *Kaddish* by all those who did not know the date of the murder of their loved ones, and the Knesset designated the twenty-seventh of Nisan as *Yom HaShoah vahaGevura*.

The debate as to whether or not Holocaust commemoration should be subsumed under Tisha B'Av or should merit its own independent day continues into the twenty-first century, and there are strong feelings on either side of this issue. Many rationales were – and continue to be – offered by segments of the traditional community in opposition to the establishment of *Yom HaShoah* as a separate day of commemoration for the Holocaust. Among the most significant of them are the following:

1. Like the Crusades discussed in the *kina* entitled, "*Mi yiten roshi mayim*" cited above, the Holocaust is not a unique event requiring its own separate day of commemoration. It is, rather, to be seen as one more horrible tragedy to be plotted along the continuum of other tragedies that befell the Jewish people throughout history. Although, indeed, more severe than the others, it is part of the same category of tragedies that includes the destruction of both Temples, the Ten Martyrs, the Crusades, and all other Jewish tragedies which are to be commemorated on Tisha B'Av.
2. It is inappropriate to commemorate the Holocaust in Nisan, the month of redemption ("*Hodesh haGe'ula*"), during which time the recital of *Taḥanun*, fasting, and eulogies are prohibited.
3. *Yom HaShoah* is nothing more than the invention of the secular Zionist Knesset, and since when do secularists – and anti-religious ones at that – have any religious authority to establish a day, or anything for that matter, of even the slightest religious significance.
4. The official name of this day, *Yom HaShoah vahaGevura*, as well as its close proximity to the anniversary of the Warsaw Ghetto Uprising preceding it, is offensive because it privileges armed resistance over more spiritual forms of heroism. Genuine Jewish heroism entails living a life of morality, optimism, and hope and maintaining a will to live with human decency in the face of the most unspeakable bestiality: lining up for hours to have one minute with a pair of *tefillin*, smuggling a *shofar* into concentration camps, sharing

half a piece of bread with a starving barracks-mate, and more: These are examples of *real* Jewish heroism.

5. Finally, the form of commemoration mandated by Israeli law is alien to Jewish tradition. Secular ceremonies like halting public and private transportation to listen to a two-minute siren, a moment of silence, lowering the flag to half-mast, and sad music are simply imitations of non-Jewish practices (“vapid ceremonies and vain rituals drawn from heathen idolatry”) and not appropriate and are, anyway, ineffective. ⁴

Yet, there are those like R. Yehiel Yaakov Weinberg who have supported the establishment of a separate day of commemoration for the Holocaust. He wrote: “In my mind it is appropriate to establish a separate day of mourning and memory (*raui likboa yom evel vezikhron meyuhad*) in memory of the rabbis and sanctified ones of Israel who were killed, butchered and burned for the sanctification of the Name, and to mention the souls of these sanctified ones on this day” And there are many synagogues and communities who do commemorate the Holocaust on the day designated as Yom HaShoah.

The liturgy we propose (page 1024) consists of Torah study and memorial prayers and, hence, is appropriate regardless of where one stands on this fundamental question. Indeed, this liturgy is appropriate for any day of the year except, ironically, for Tisha B’Av, since it features the type of Torah study prohibited on that day of national mourning.

With this service, we aim to bring merit to the souls of the deceased and to implore the Holy One, blessed is He, always to remember both the individuals and the holy communities who were murdered and destroyed in the conflagration that consumed six million of our people. *Hashem yinkom damam!* •

4. For more on the issues and sources presented here, including references to all the opinions cited here, see Jacob J. Schacter, “Holocaust Commemoration and *Tisha be-Av*: The Debate Over *Yom ha-Sho’a*,” *Tradition* 41:2 (2008):164–97; “Remembering The Temple: Commemoration and Catastrophe in Ashkenazi Culture,” in Steven Fine, ed., *The Temple of Jerusalem: From Moses to the Messiah* (Brill, 2011), 275–301.

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