

READINGS ON MARAMAROSH







READINGS ON MARAMAROSH

Elieser SLOMOVIC

Edited by Caryn Landy, Aryeh Cohen,
and Steven M. Lowenstein

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About the cover:

A family portrait of the Schlomovits (Slomovic) family taken in 1940. The picture was taken in their hometown of Slotfina in the region of Maramarosh, which was then a part of Czechoslovakia.

Sitting on the far left is the author's mother Yehudit (Wiesel) Schlomovits. In the back row, from left to right, Yanku (Jack), Elieser, Volvi (Bill). Seated on the far right is the author's father, Ephraim Schlomovits.

In the front row from left to right are the author's younger siblings: Chani, Avrumi and Etu. Yehudit, the mother together with her five youngest children (Rivka and Malka the youngest are not shown in the picture) perished in Auschwitz. The father, Ephraim, very ill at the time of his liberation from Theresienstadt, died shortly after the war in Prague.

Elieser, Jack and Bill were the sole survivors of the family of 10.

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TABLE OF CONTENTS

Acknowledgments	vii
Foreword, by David Lieber	ix
Preface, by David Halivni	xii
A Personal Note, by Elie Wiesel	xv
A Note of Introduction	xvii

READINGS ON MARAMAROSH

1. THE RESPONSA	3
I: Piety	4
II: Hasidut	27
III: Shabbat	33
IV: Family	39
V: Kashrut	49
VI: Drusah (Domestic animals attacked by wild beasts)	54
VII: Community/Synagogue	61
VIII: Agunot	75
IX: Parnasot (Occupations)	83
X: B'chor (First-born animal)	91
XI: Farming	97
XII: Regal (Government or noble franchises)	104
XIII: Zionism	114
XIV: Antisemitism	117
XV: Shoah	122
2. EDUCATION IN MARAMAROSH	127
3. MARAMAROSH: A HISTORY	134
4. IN OTHERS' WORDS	185
I: Zicharon Abraham (1900)	185
II: Hertzl Upshon (1939)	189

TABLE OF CONTENTS

III: Cohen-Yambor (1940)	191
IV: Chaim Tarshi (1944)	193
V: Without Jews (1944)	194
VI: Rab Y. Y. Greenwald (1945)	196
VII: Naphtali ben Menachem (1945)	200
VIII: Eye of Tears (1946)	202
IX: Our Journey to Solotvino (1978)	213
5. SLOTFINA	226
Remembering Our Father, by Sara Slomovic Welts and Ephraim Slomovic ...	230
Glossary	235
Bibliography and Biographies of Responsa Authors in This Volume	248
Geographic Terms. Official and Unofficial Names of Regions and Districts ..	251
Language Variants of Place Names	253
Index	255

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This book has been in the making for a very long time. During this extended period, I have been blessed with the support and determination of a number of people without whose efforts this dream of mine might have gone unrealized.

First and foremost, I thank my wife, Tikva, who has shared my life since our childhood years in Maramarosh and who has always been my dearest friend and confidante. When I look into her beautiful soul, Maramarosh lives!

I also want to thank Dr. David Lieber, President Emeritus of the University of Judaism, of blessed memory,¹ my friend and colleague of many years. David was gracious enough to write the Preface to this volume, and I am honored by his addition to my work.

As professor of rabbinic literature at the University of Judaism² in Los Angeles from 1963-2000, I have been blessed to be able to study with many new and emerging minds. I want to acknowledge the part that these one-time students played in my continued work on this project. It was their curiosity and demand for more information that inspired me to include both the questions and the answers that are printed within this volume. As a scholar, I was more interested in the questions and what they revealed about the life of this community. It was my students' desire to know more that inspired me to enlarge and add the contextual elements to this work. I hope that I have done them justice.

¹ Dr. Lieber passed away in 2008.

² In 2007 the University of Judaism merged with the Brandeis-Bardin Institute to form the American Jewish University.

Likewise, during my career I spent many hours in the University of Judaism Library. It is a place where I have felt much at home and for whose largesse I am deeply grateful.

I first met Steve Fine when he was a graduate fellow (1991-1993) at the University of Judaism. Through the years—Steve is now a professor of Jewish history at Yeshiva University—our relationship has flowered and Steve has become a source of great joy. Thanks to his patience and efforts, this work is becoming a concrete reality.

Finally, I want to acknowledge Caryn Landy, my friend and co-conspirator in the structuring, editing, and production of this material into presentable and readable form. We first met in 1992 when Caryn came to the University of Judaism in pursuit of a master's degree in Jewish studies. Caryn had the uncanny ability to read my handwritten notes and translate them into prose. In the intervening years, Caryn has remained steadfast in her support of the process and her determination that this project would find completion. Thank you, my friend.

To be sure, there are others whose input and assistance over the years has been much appreciated. Suffice it to say that most of my colleagues are among those whose input and advice has been sought at various times. If I have not named you directly, please know that you are not excluded.

I began by saying that this work has taken many years to complete. For this, I must acknowledge the presence in my life of Mr. Parkinson.³ Over time, we are becoming well acquainted. He takes a lot of my attention and he tries to distract me. So, it is no small wonder that we have managed to come to this point in time, *Baruch HaShem*.

³ Prof. Slomovic suffered from Parkinson's disease for many of the last years of his life.

FOREWORD

Hundreds of books have been written on the Shoah, many of them by its surviving victims, who are eager to keep alive memories of the towns and villages in which they grew up. This volume belongs to that genre. Where it differs is in its effort to present the writer's home town through the eyes of some of its residents, who turned to their rabbis for direction in matters of Jewish law when no clear precedent existed. It is valuable because it deals with Maramarosh, a region which is not generally well known and is not dealt with in most accounts of the Holocaust.

Maramarosh, which is situated in the eastern Carpathian mountain range, is one of the more than forty counties of present-day Romania. It is approximately 2400 square miles, and is bordered by Ukraine on the north and Transylvania on the south. The Tisza River runs through it. In this area, some 70,000 Jews lived in the first part of the twentieth century, surrounded by a predominantly Romanian population, as well as sizable Hungarian and Ukrainian ones. Since most of the region consisted of mountains and forests, it lent itself predominantly to mining (salt and iron), wood cutting, and the production of lumber, while agriculture was restricted to the relatively small acreage that was arable.

A small number of Sephardi Jews first appeared in Maramarosh in the seventeenth century while it was still in Turkish hands, and they were soon followed by a group of Eastern European Jews fleeing from the Chmelnitsky massacres in 1648-9. It was not until the nineteenth century, however, that the population grew large enough to establish a number of basic Jewish institutions—synagogues, schools, ritual baths, cemeteries—and to engage rabbis.

By the 1870, hasidism, specifically the courts of Vishnitz and Satmar, was firmly established, and had a dominant influence on the community.

It stressed simple piety and personal warmth and, in the case of Satmar, rabbinic learning as well. The language of the home and street was Yiddish, and the people wore the simple garb of *hasidim*. Most of the Jews lived in small villages and engaged in physical labor: wood cutting, logging, wagonneering, construction, shoe making, or tailoring. Some were farmers and a few were innkeepers. Almost all of them were poor. Only in Sighet, one of the two cities in the county, was there a more cosmopolitan group of Jews, who in addition to *yeshivot* supported schools where general studies were included and Zionist organizations flourished.

It was in this culture of piety and learning that Elieser Slomovic was raised and developed his love for God and traditional Judaism. The oldest of eight children, Elieser was born in 1920 into a pious household. His father, a lumberman, wanted to be sure that his sons would be well grounded in the tradition, and Elieser was enrolled in a local *yeshivah*. Following his bar mitzvah, he was sent off to Slovakia to study in advanced *yeshivot* until he was about eighteen or nineteen.

When the war broke out in 1939, Maramarosh was transferred by the Nazis from Czechoslovakia to Hungary in recognition of the latter's alliance with Germany, and Elieser was sent to a Hungarian labor camp where he remained for two years, until he ended up in a Soviet camp. He returned in 1945 to find his family, and was married to Tikva in 1946. Shortly thereafter, they made their way to Germany, where they spent a year or two before making their way to Israel in 1948.

In 1955 the family emigrated to the United States, where Elieser decided to devote himself to his first professional love, the study and the teaching of Torah. After a relatively brief stint at an afternoon Hebrew School, he was appointed to the faculty of the Los Angeles Hebrew High School, where he was held in high regard by students and faculty alike. At the same time, he enrolled in the University of Judaism to take an undergraduate degree and, subsequently, a graduate one as well. He wrote his doctoral dissertation on the Book of Jubilees, specializing in the literature of the late Second Commonwealth period. Shortly thereafter, he was invited to join the faculty of the University of Judaism, where he taught rabbinic literature for some thirty years until a debilitating illness made it impossible for him to continue with his regular classes.

Despite his illness, he continued to tutor individual students, as he had always done in the past, and devoted himself to collecting and editing over a hundred responsa of the Maramarosh community to shed light on

its life and piety. For most of the responsa, no dates were available, but judging from those for which there was a date, they were mainly written at the end of the nineteenth century or the first part of the twentieth, with a few regarding the Shoah. Eleiser supplemented his analysis with an appreciation of the Jewish educational institutions of Maramarosh, as well as a brief history of the growth and final destruction of its Jewish community. The latter is particularly important, since it is not readily available in most books dealing with the Shoah.

This is a posthumous publication, expressing the author's deeply-felt appreciation for the Jewish community of his youth, the piety and "Yiddishkeit" which shaped his life, and its simple people, who asked only to be able to live out their lives as Jews. Today Maramarosh is "Judenrein," a loss to the Jewish world and to the populations that remain within it.

David Lieber,
August 2006

PREFACE

“Everything depends on luck, even the scroll in the ark,” says the Zohar. The Jews of Maramarosh were not lucky enough to have their history, their struggles, their travails recorded in a methodological, reliable way. We know that their everyday life was harsh and brutal, dominated by poverty and privation, but do not know how they coped with these limitations and how they affected their religious life. It was not the nature of the land they dwelled in that failed them—the land had a good climate, rain, and fertility, and was geographically well placed—rather, it was the human element, initiative, and drive that did not energize them adequately to take risks and venture. They seemed to be happy with the status quo, both religiously and domestically. Life looked much the same over the course of the years. They neither fought for nor desired change. The modern period shook some pillars, but the foundation remained the same. The Jews of Maramarosh, particularly in the villages, did not alter their lifestyles over the centuries between their arrivals and the end of the community.

Until the destruction of the Jews of Maramarosh, it was possible to partly rectify the unavailability of their history by observing them, and even to undertake to write the history anew, in a way colored by the perspective of the present while trying to overcome the modern tendency to ignore what is dissimilar to the present. Now, however, that Hitler has destroyed the community and its inhabitants, and destroyed the possibility of writing an eyewitness account, the chance of retrieving their complete history is indeed meager. We are destined to live with the history of our forefathers in a half-forgotten state, though this is less true of the history of our recent past, which is still alive in the memories of the survivors. There is no dearth of survivor writers, and although they have the advantage of personal participation and freshness, as they are not trained historians

the outcome is often more record than history, more self-glorification than actual event.

It is also important to note that one cannot deal with recent events without being somewhat grounded in what had happened before. And if the society is a religious society, one is not able to fathom it without knowledge of its religious customs and commitments. But to understand these customs and commitments, one must know their source and origin, and the concern displayed towards them. Some of them, if not all, are preserved in books written during and before the tragedy—but reading them in turn requires the knowledge to read them correctly, and to utilize them for the purpose of history. In brief, to write a recent history of Maramarosh Jewry, besides being a survivor and recording events first hand, and besides being sensitive enough to grasp the anguish of the sufferers, one also has to be knowledgeable of the literary sources that preceded the tragedy.

I can think of no one more suitable to do this than Dr. Elieser Slomovic. He was born in a village, Slotfina, in the Carpathian mountains, not far from where I was born. Slotfina was steeped in religion, low in general education, and occupied almost entirely in eking out a living. The majority of the population was hasidic, which could lead to all kinds of internal quarrels; it was a source of division but in absence of other social stimuli also served as a means of social action. After the liberation, Dr. Slomovic absorbed himself in general education, pursued an academic career, and struck roots in America. But he did not forget his past: not only did he actively remember what happened, but he also diligently pursued the Jewish learning that most effectively connected him with his former life as a child, in the often maligned *cheder*. This is attested to by the many articles he wrote on Jewish topics.

But what was burning in him most was the lack of a proper monument to the Jews of the region where he was born, Maramarosh. He knew that composing a proper history of Maramarosh Jewry from its conception was an almost impossible task: we do not have the required sources. But the writing of the more recent history is attainable, if not entirely at least partially, and to this project Dr. Slomovic devoted his last years. He brought to it his knowledge of responsa literature and his erudition in the historical literature connected with Maramarosh. He is unique in that: most historians do not have the ability to utilize this literature. He is a cautious observer, working painstakingly to draw out the truth. You can almost feel his personality intruding into his research, soft, careful,

and meticulous. One gets the feeling that he is treading on holy ground, never forgetting whom he is describing. Writing this history was not for him a secular activity, competing with studying Torah, but a holy endeavor that deserved religious attention. He embodied a rare combination of awe and thoroughness, distance and closeness, pain and satisfaction. This is a scholarly and a religious book combined.

We all, descendants of Maramarosh and beyond, owe a great debt to the author of this volume (and to his children, who have worked so hard to publish it), who took precious time away from his technical scholarship—he was a commendable Talmudic scholar—and devoted himself for some time to eternalizing the memory of Maramarosh Jewry. May he rest in peace and may his soul be bound together with the the souls of the many martyrs whose existences he so painstakingly recorded.

David Halivni
Tamuz 27, 5772
July 16, 2012

A PERSONAL NOTE

Elieser Slomovic was my older paternal cousin, named for the same grandfather I was. We lived a short distance from one another, he in Slotfina, Czechoslovakia, and I in Sighet, Romania, the two small cities separated by the river Tisza. Our families met only when Hungary occupied both regions in 1940.

When in 1944 we arrived in Auschwitz, his younger brother Yanku and his older brothers were already there. They had arrived with an earlier transport, and it was Yanku who revealed to us the unimaginable horrors of the place.

I met Elieser again years and years later in Los Angeles. He was already a renowned professor of Talmudic studies. I knew he was good, in fact both erudite and brilliant: his students told me so. They spoke about him with fervor and admiration.

Reading his posthumous volume of commentaries and essays, I find that they often seem familiar to me; I understand them just as I love them. As I turn the pages, discovering more and more new thoughts and innovations, I keep on repeating to myself what a pity it was that we were geographically separated from one another. I would have loved reminiscing and studying together with him. Clearly, my cousin Elieser emerged as one of the great scholars of our time.

In addition to being a scholarly work, this book is also a personal memoir. Known and little-known events fill its pages. Old and new antisemitism; the role of Fascist Hungary in Germany's Final Solution; local violent hatred against Jews; the expulsion and assassination of foreign Jews in Kamenetz-Podolsk in the early 1940s; the deportation of all Jews to Auschwitz; the history of Maramarosh Jewry and its tragic end are here explored with care. Essays, childhood memories from the

ghetto and the camps, fascinating responsa problems both timeless and new, deeply moving meditations on faith and suffering, despair and hope, reflections and descriptions: they are all in this remarkable book, which can be described as a rewarding quest for both intellectual enrichment and nostalgic remembering.

I recommend it to readers everywhere: it is a true gift.

And a blessing too.

Elie Wiesel

A NOTE OF INTRODUCTION

For over fifty years, Maramarosh has preyed on my mind. I have been haunted by its memory since I saw it for the last time on a rainy day in October 1945. This book has provided a catharsis for my obsession and fascination with my home of old. The writing has not been easy; rather, it has been like spending precious time with someone dying, someone whose existence is slowly ebbing away into oblivion.

Looking back into the history that is Jewish Maramarosh—for it lives now only in history—I have been gripped by a sense of mission: to add one more stone to the memorial of a community that clung tenaciously to its ancient religion and paid the price: a martyr's fate.

The structure of the book emerged from my attraction to the numerous *responsa* that originated in Maramarosh or were written elsewhere for its benefit. To the attentive reader, these documents breathe with life and vigor, and reading the queries lends a sense of presence and immediacy.

Religion played a vital role in the lives of the Jews of Maramarosh. Indeed, the religious experience was all-encompassing. Daily life was regulated by the authoritative Jewish Codes of Law. When issues arose that were not specifically dealt with in these Codes, questions were directed to known and respected rabbinic authorities, whose written responses thereby established binding precedents. *Responsa* were considered authoritative because the author always appealed to the revealed oral law.

As a genre, *responsa* literature considers every facet of life a legitimate topic for inquiry. Thus, the questions selected for inclusion herein deal with aspects of simple piety, problems resulting from conflicts between Jewish Law and pragmatic reality, issues of Jewish-Gentile relations, antisemitism, and questions that could only arise in connection with the Holocaust.

Since most responsa arise out of specific, practical concerns of the individual and community and address discrete questions of daily life, by their very nature they are fractional, depicting a kaleidoscope of mundane living. In order to lend a sense of cohesion and continuity, one must also depict the setting that shaped the lives of the people involved. With this in mind, I have included a historical and geopolitical overview of this very simple yet complex community.

As an educator, I have had to make peace with both the virtues of and the problems engendered by the traditional *yeshiva* educational system. Against all odds and efforts to change it, the *yeshivot* of Maramarosh persisted and have since provided what is perhaps the region's most outstanding and enduring contribution to the world at large. In an effort to expand the understanding of the world of Jewish Maramarosh, I have included an essay describing the complex issues surrounding education there. I make no claim to have written a definitive history of Maramarosh based on original research. Rather, reliance has been placed mostly on secondary sources, eyewitness reports, and personal experiences. The intention here is not to provide detailed records of individual communities, nor to set forth a catalogue of dates and events, but to tell the story of the larger Jewish community of Maramarosh—its origin, its development, and its ultimate fate.

Over time, other authors have written about Maramarosh, and I have included some of their voices in an effort to reconfirm my own experience and memories. However, some of these writings are out of print and many are not available in English. I consider it urgent to share them because, like Maramarosh, many of these voices are also fading from memory.

Often in Jewish history, the physical destruction of a community did not bring about its total extinction. Maramarosh is a case in point.

While only a handful of Jews are now living in the whole region and there are no synagogues, no *yeshivot*, no *rebbe*s, and no *hasidim*, there are the far-flung remnants of the community members of Maramarosh who, like Ezekiel's dry bones, revived and built new lives for themselves. The resilience of the survivors, which enabled them to set down nourishing roots in strange climes, attests to the vitality of the individuals who were once part of this vanished community. Of the surviving children and grandchildren of Jewish Maramarosh, many have reached world-class pinnacles of achievement in various fields of endeavor: Nobel laureate Elie Weisel, the most celebrated survivor, universally acknowledged as the

Jeremiah of the Holocaust, whose writings speak most eloquently about the human conditions of despair and hope, at every opportunity acknowledges his Maramarosh origin. The pre-eminent Talmud scholar of our generation, Professor David Halivni-Weiss, whose pioneering methods in rabbinic scholarship have opened new avenues to the understanding of talmudic and rabbinic literature, is the grandson of a *dayan* of Maramarosh Sighet. Another illustrious son of Maramarosh was Sir Robert Maxwell, whose efforts after the Second World War fostered the international exchange of ideas and dissemination of scientific discoveries. His endeavors in the field of publishing brought him world renown and recognition as a major figure of the twentieth century.

It has been my good fortune that my life path and theirs should converge.



READINGS ON MARAMAROSH

1

THE RESPONSA



The structure of this section is as follows: numbered questions are followed by their numbered answers. Each question, or Sh'elah, is followed by a parenthetical statement that includes the date it was asked (or the acronym NDA, for No Date Available) and the name of the person to whom it was addressed. A complete reference for each question and answer is found in the note following the parenthetical statement.

Because these texts appeared in bound volumes prepared by the respondent or the respondent's followers, the Sh'elot are often the respondent's paraphrasing of the initial question, rather than the original text sent to the respondent, and some directly address the questioner in the questions themselves.

The responsa can be quite long and involved; for the purposes of this volume, they have been paraphrased and summarized, with the respondent's decision included in the summary.

I: PIETY

SH'ELAH 1 (NDA, addressed to Haim Zvi Teitelbaum)¹

This regards a certain Jew whose profession requires him to spend the whole day in the house of a Gentile. The [Jewish] man has free time [which he can use] to study Torah. The problem is that the room [in which he works] is filled with images and crosses.

The question is: is he allowed to carry any *sefarim* [books on religious subjects] there to study, so as not to waste precious time?

RESPNSUM 1

The issue of praying in a room full of Gentile religious objects was dealt with in an often quoted responsum by R. Yisrael Isserlin² (1390-1460) and cited in the glosses to the Shulchan Aruch by R. Moses Isserlis.³ R. Isserlin notes that the ubiquity of these objects in and around [Gentile] houses makes it virtually impossible to avoid them and is, therefore, inclined to permit, under certain circumstances, prayer in a Christian inn.

R. Teitelbaum [the respondent] finds additional support for leniency in the Talmudic statement, "...was there not a synagogue which 'moved and settled' in Nehardea and in it was a statue [of a king] and Rav, Shmuel, and the father of Shmuel used to go in there to pray?"⁴ He sees no reason for distinguishing between praying [the object of the sources] and studying Torah.⁵

¹ Haim Zvi Teitelbaum (henceforth "H.Z. Teitelbaum"), *Responsa Atzei Hayim* (Sighet: 1939) #1, pp. 1-2.

² The responsum can be found in his *Terumat Hadeshen*, #6

³ Orach Hayyim (henceforth OH) 94:9.

⁴ Talmud Bavli Rosh Hashana 24b.

⁵ See David Hoffman, *Responsa M'lamed L'ho'il* (Frankfurt Am Main: 1922) #54, p. 49.

Based on the above, R. Teitelbaum suggested that the questioner search out a corner free of religious objects and engage in his studies.

SH'ELAH 2 (NDA, addressed to Moshe Grunwald)⁶

Your question pertains to the issue of setting up a regular routine for studying Torah. As is well known, our sages gave high priority to night study. It was said that a student acquires *most* of his wisdom during the [study done at] night.

The question is, which part of the night is more conducive for study? Should one stay awake until he is seized by sleep [during the first part of the night], even though it will make it impossible to rise during the morning watch?

Or, is it preferable to go to sleep early, after a short period of study, and rise for the morning watch?

RESPONSUM 2

R. Grunwald [the respondent] does not lose sight of the variety of individual preferences regarding this matter. This depends, he says, on the habits a person has formed since childhood. As far as the traditional sources are concerned, the author accentuates those which recommend midnight as the most propitious time for study and prayer. This indicates that one should commence study during the first half of the night [and continue past midnight]. He is, of course, not oblivious to the numerous statements in the Talmud and medieval sources describing the “last watch” as the most beneficial time for study, prayer and contemplation.⁷

SH'ELAH 3 (NDA, addressed to H.Z. Teitelbaum)⁸

This regards a woman who is accustomed to lighting twenty-six candles every Friday evening. Because of her current [financial] situation, she is forced to light smaller candles. The questioner asks, inasmuch as the smaller candles do not last through the [Sabbath] meal, is she permitted

⁶ Moshe Grunwald (henceforth “Grunwald”), *Responsa 'Arugat ha-Bosem* (Svaljava: 1936), Vol. 2 #1, pp. 1a-b.

⁷ See *Mishneh Torah, The Laws of Studying Torah* 3:13. See also Tur Shulchan Aruch (henceforth Tur) OH #238.

⁸ See H.Z. Teitelbaum, #22, p. 18.

instead to use fewer but larger candles? The total weight of the candles would not be affected by the change.

RESPONSUM 3

The basis of the responsum is from the Mishna:⁹ “If he said these two oxen shall be a burnt offering and they suffered a blemish [so that they were no longer eligible to be sacrifices] he may bring, if he so desires, one ox for the price of the other two. But Rabbi [Judah the Prince] forbids it.”

In the subsequent discussion, the *Gemara* argues that Rabbi’s negation of the tradeoff is based on the notion that there is a significance in numbers, i.e., if all other things are equal, two is preferable to one. Application of this concept to the issue under discussion would result in a preference of more and smaller candles. Thus, the questioner would be able to preserve the number of candles she was accustomed to, but, inevitably, this would reduce the amount of light in the house on the Sabbath.

R. Teitelbaum (the respondent in this case) argued that the underlying reason for lighting the candles on Friday evening is the promotion of a pleasant and harmonious atmosphere in the home. This is enhanced by the light of the candles, which makes the enjoyment of the Sabbath eve, especially the Sabbath meal, possible. By reducing the size of the candles, the woman may deprive her family of the *Oneg Shabbat* (the delight of the Sabbath), which is essential to Sabbath observance.¹⁰

This is a more compelling argument than the import of numbers. On this basis, R. Teitelbaum ruled that the primary concern is to extend the stay of light as much as possible by maintaining the size, if not the number, of the candles.

SH’ELAH 4 (NDA, addressed to Moshe Schick)¹¹

This question concerns a paralyzed Jew who suffers from an illness commonly known as *shlak* [stroke]. He possesses all of his mental faculties; they are not affected by his illness. He has an only daughter who takes care of him. This daughter puts *tefillin* [phylacteries] on his arm and

⁹ Mishna Menahot 13:9, and Talmud Bavli Menahot 108b; see Rashi ad loc. s.v. *gadol*.

¹⁰ See *Mishneh Torah, The Laws of Shabbat* 30:5-8, and Tur OH 263:1-4.

¹¹ Moshe Schick (henceforth “Schick”), *Responsa Maharam Schick* (Sighet: 1904) OH #15, pp. 4a-b.

forehead every morning while he recites the proper benediction. Is what he does right?

RESPONSUM 4

This inquiry raises two legal questions. First, does the obligation to tie *tefillin* (phylacteries) pertain even when one is physically unable to tie? Second, may women, who are generally absolved from fulfilling time-bound commandments like tying *tefillin*, serve as agents for men who are fully obligated?¹²

According to Rabbi Schick, neither question poses a serious legal difficulty in this case. He points out that the *mitzvah* (commandment) of wearing *tefillin* is fulfilled not by the act of tying, but by the fact of having *tefillin* placed on one's head and arm.¹³ With regard to the question of women's lesser obligation, R. Schick cites, among other sources, a case in the Talmud in which a woman's tying her husband's phylacteries was considered a meritorious act.¹⁴

SH'ELAH 5 (June 21, 1911, addressed to Eliezer Deutsch)¹⁵

I [Eliezer Deutsch] received your inquiry, which I probably should not answer. Your father—the saintly scholar, may he live a good and long life—is eminently competent to resolve all your questions since “nothing is hidden from him” (Dan. 4:6).¹⁶ However, I do not wish to refuse a request and shall, therefore, respond briefly.

The issue is as follows: A certain person purchased a set of *tefillin* and, in accordance with the law, had them checked [by a qualified scribe]. After a while, it was found that the *tefillin* were originally defective and, consequently, invalid. The result is that the owner [of the *tefillin*] did not fulfill the commandment of binding *tefillin* daily from the date of the purchase. This omission was aggravated by the fact that, during this same

¹² See OH 38:3 and 589:6 and the sources cited in *B'er Hagolah* ad loc.

¹³ See Rabbenu 'Asher on Talmud Bavli Pesachim 7b for this distinction.

¹⁴ See Talmud Bavli Avodah Zarah 39a.

¹⁵ Eliezer Deutsch (henceforth Deutsch), *Responsa Pri Hasadeh*, vol. III (Paksh: 1906) #117, pp. 65a-b. This author, who resided in Hungary, was a frequent respondent to inquiries from Maramarosh.

¹⁶ The questioner is the son of the famed *rebbe* of Spinka (Maramarosh), R. Yitzchak Eisik Weiss (1875-1944).

time, the owner was guilty of “taking God’s name in vain” when reciting the blessings pertaining to the commandment of binding *tefillin*.

The questioner wishes to clarify whether the owner of the *tefillin* is obligated to atone for these two infractions.

RESPNSUM 5

R. Deutsch reaches the following conclusions:

Since at the time of the purchase the *tefillin* were properly inspected, there can be no question of negligence for which atonement would be required. This is akin to the Torah reader and the many men who were called up to recite the blessing over a Torah that was found to have scribal errors. We do not impose an obligation of atonement on them either for the present infraction of not fulfilling the *mitzvah* of reading the Torah or for the retroactive omission.

It is also analogous to the person who eats beef that was not inspected for all eighteen categories of *treifah* (being unfit for consumption), but only for the health of the lung. If this beef was later found to be *treifah*, we do not impose atonement and we do not consider it an infraction against the laws of *kashrut*. In these and many other cases, there is no retroactive transgression. Furthermore, R. Deutsch concludes that not only is there no infraction of the commandment of binding *tefillin* but, because the owner complied with the requirement of the sages, God, as it were, validates the *tefillin* and considers the daily application a meritorious act.

SH’ELAH 6 (NDA, addressed to Shlomo Yehudah Tabak)¹⁷

A wagon driver came to inquire about penance for the following transgression:

At dawn yesterday, he was traveling with a [Gentile] caravan. During the morning hours, they passed a Jewish settlement and he wanted to pause for the morning prayers [in the local synagogue]. However, his co-travelers refused to wait for him. He was concerned about traveling alone because the road was risky, albeit not dangerous. He spent the whole day in the forest, failing to put on *tefillin* because he had not brought a pair of his own.

In addition to penance, the questioner would like to know whether he is still suitable to be a *shaliach tzibur* (reader at communal services).

¹⁷ Shlomo Yehudah Tabak (henceforth “Tabak”), *Responsa Teshurat Shai: Mahadura Tinyana* (Sighet: 1915) #17, p. 8b.