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ABSTRACT OF HEBREW ARTICLE

RAPE OF MARRIED WOMEN IN THE HOLOCAUST: HALAKHIC ANALYSIS THROUGH RESPONSA MI-MA'AMAKIM

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Halakhic literature discusses whether acquiescence by a victim to sex under threat of death indicates her willingness to participate in the sexual act, simply as an attempt to save her life. This article elucidates the term 'ones (rape) in sexual contexts in halakhic literature, focusing on a question posed to Rabbi Asheri immediately following the Holocaust regarding a married woman held captive during the war in a Nazi brothel. Upon reuniting in the Kovno ghetto afterwards and wanting to resume married life, the husband asked whether he is permitted to resume relations given the possibility that his wife's actions in the brothel might be considered consensual. We follow Rabbi Asheri's halakhic discussion and his interpretive determinations from his surveys of the relevant literature from the Mishnah through the responsa. Among other conclusions, this article posits that it is perhaps a reflection of basic male intuition, in the more stringent Ashkenazic tradition of defining 'ones, that convinces the husband and enables him to accept his wife.

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