YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha and Jewish History**

**Rav Aviad Tabory**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l

By Debbi and David Sable

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**Shiur #01:**

**The First Crusade**

**May 1096**

**Introduction**

Since the beginning of Christianity, Jews have suffered greatly at the hands of Christians. The Christians accused the Jews of killing Jesus, blaming them for his death. For centuries, the peasants and farmers of Europe were “educated” to believe that the Jew is the outcast, the heretic and the devil.

These accusations led to many attacks in which Jews were tortured and killed. These attacks took place in countries which had a strong Christian presence. In the course of these atrocities, there were times in which Jews were given the choice to convert to Christianity or to die.

**The Crusades**

During the 11th and 12th centuries, kings and religious leaders led their people on pilgrimages to the Land of Israel. They encouraged the people to “free” the Holy Land from the hands of the “infidels.” For the next 200 years, these journeys turned into great acts of massacre, as the soldiers murdered and destroyed many Jewish communities which stood in their path.

The First Crusade claimed its first victims in May 1096. This was the People’s Crusade, in which many peasants and laymen gathered in mobs, even before the nobles began the formal military campaign.

As the newly assembled forces were passing through Germany, these Crusaders massacred the Jewish communities of Speyer, Worms and Mainz.

It was during these catastrophic events that stories of Jewish martyrdom and *kiddush ha-shem,* sanctification of God’s name, occurred.

Having to choose between conversion or death, many Jews committed suicide and some even actively took part in killing their own families.

**An Unspeakable Tragedy**

Rav Yosef Karo records the follow horrific story:

Once there was a rabbi who slaughtered many babies during a time of persecution, for he was afraid lest they be forced to betray their religion. Another rabbi was angry at him and called him a murderer, but he did not listen to him. The rabbi who tried to prevent him from continuing this terrible behavior, said, "If I am right, may that rabbi die a strange death." And so it was. He was captured by the non-Jews (and he died a terrible death). Later the evil decree was cancelled, and had he not slaughtered them, they might have been saved and not killed.[[1]](#footnote-1)

This is a particularly extreme application of the dictum that it is better to be killed than perform idol worship, *avoda zara* (BT *Sanhedrin* 74a). Nevertheless, these tragic events raise many halakhic questions. Is Christianity in fact considered *avoda zara*? May one save one’s life by falsely agreeing to accept another religion? Is one expected, under these terrible circumstances, to martyr one’s children?

In today’s *shiur,* we will discuss the sensitive responses of our rabbis to the specific acts of martyrdom in which Jews chose to kill themselves and their families rather than convert to the Christian faith.

**The Prohibition of Suicide**[[2]](#footnote-2)

The common understanding is that committing suicide is prohibited in Jewish law; however, it is not clear if it is a corollary of the prohibition of murder in the Ten Commandments, “*Lo tirtzach*;” or if it is a separate prohibition.

There are two sources that teach us about the prohibition of suicide.

The first is based on a *pasuk* in the Torah, as explained by the Rambam:

A person who commits suicide is considered to be a shedder of blood. The sin of bloodshed is upon their hands, and they are liable for death at the hands of God. They are not, however, liable for execution by the court.

Which source indicates that this is the law? [*Bereishit*](https://www.chabad.org/8173#v6) 9:6 states: "However (*akh*), of the blood of your own lives I will demand an account." This refers to a person who commits suicide.[[3]](#footnote-3)

Based on this, Rav Yosef Babad points out that suicide is not considered murder.[[4]](#footnote-4) He explains that the *nafka mina* (halakhic ramification) of this is that only a Jew is prohibited to commit suicide, but not a non-Jew. This is based on a ruling of the Gemara[[5]](#footnote-5) that those *mitzvot* which are mentioned in *Bereishit* but not repeated at Mount Sinai apply only to non-Jews. Thus, even though the initial command is addressed to Noach, it is applicable only to Jews now.

However, another source points to “*Lo tirtzach*” being a broader prohibition. The Midrash expounds: “‘You shall not kill’ *—* you shall not cause yourself to be killed.”[[6]](#footnote-6) This source understands that the prohibition of suicide is included in the general prohibition of murder. Since it is restated at Sinai after appearing in *Bereishit*, every human being would be bound by this prohibition.

**Martyred Heroes**

We have concluded that, according to the Torah, it is prohibited for Jews to commit suicide.

However, there are many stories, in both biblical and rabbinical sources, which seem to legitimize suicide. Shimshon and King Shaul, both biblical heroes, are responsible for their own deaths. *Sefer Daniel*, Chapter 3, describes how Chananya, Mishael and Azarya refuse to bow down to a golden idol and are thrown into the furnace. Indeed, the Gemara’s description of this event is that they “deliver themselves to the fiery furnace.”[[7]](#footnote-7)

Referring to the tragic events which occurred during the era of the Second Temple, the Gemara recounts two stories involving martyrs and suicide.

The first is about [Chana and her seven sons](https://www.chabad.org/holidays/chanukah/article_cdo/aid/429014/jewish/Chanah-and-Her-Seven-Sons.htm). All seven sons are killed as they refuse to abandon their faith. Their mother, witnessing their deaths, kills herself. The second story is about 400 Jewish children who are taken captive. On their journey to Rome, they all commit suicide.[[8]](#footnote-8)

Rather than condemning these acts, it is clear that the Talmud regards these individuals as heroes.

How do these stories fit with the above explicit prohibitions? Can these cases serve as precedents to permit suicide?

**Was Shaul right or wrong?**

There are different opinions as to how to understand Shaul’s suicide.

The *midrash* which we quoted above, which teaches us the prohibition of suicide, derives from the extra word *akh* (literally meaning “however”) that there are extreme situations in which suicide is permitted. Elsewhere, the Midrash mentions the case of Shaul and other biblical heroes like Chananya, Mishael and Azarya.[[9]](#footnote-9) However, some Rishonim have a different textual tradition, according to which the Midrash says the opposite; consequently, they condemn Shaul for his actions.[[10]](#footnote-10)

Is it feasible to justify Shaul’s act? Various explanations have been offered to reconcile the general prohibition with this specific case:

1. Shemuel the prophet had informed Shaul that he was expected to die in battle.[[11]](#footnote-11)
2. Shaul, realizing that he could not escape from his enemies, thought that it would be better for him to kill himself rather than allowing the enemy to torture him to death.[[12]](#footnote-12)
3. Shaul was aware of the meaning of his being captured. He therefore killed himself to prevent the *chillul ha-shem*, desecration of God’s name, that would result from his capture.[[13]](#footnote-13)
4. Shaul was worried that if he were captured, many of his soldiers would perish in a futile attempt to free him; thus, he killed himself to save others.[[14]](#footnote-14)

**From King Shaul to the Crusades**

These explanations are not merely commentary on biblical stories; rather, they carry serious halakhic ramifications. In other words, these interpretations of Shaul’s act have led directly to halakhic rulings that, in certain situations, Jews are permitted to kill themselves or their families.

The following rabbis argue in favor of the Jewish martyrs committing suicide during the Crusades and based themselves on the Talmudic tales listed above:[[15]](#footnote-15)

**Rav Ya’akov ben Meir** (1100-1171), known as Rabbeinu Tam, was one of the most renowned [Ashkenazic](https://en.wikipedia.org/wiki/Ashkenazi_Jews) rabbis who lived in France during the Crusades. He personally witnessed the tragic events described earlier. His ruling is that under dire circumstances, if one suspects that one will be tortured into apostasy, suicide is permitted and perhaps even encouraged.[[16]](#footnote-16) This opinion is based on the Talmudic story about the 400 youths mentioned above as well as the actions of Shaul.[[17]](#footnote-17)

**Rav Yom Tov ben Avraham Asevilli** (c. 1260–1320), known as the Ritva, who lived in Spain, quotes these opinions justifying martyrdom and claims that although these questions require further attention, the great rabbis of France have already ruled in favor of the practice.[[18]](#footnote-18)

**Rav Shelomo Luria** (1510–1573), known as the Maharshal, who lived in Poland, argues against suicide when one is forced to worship idolatry. Basing himself on his interpretation of Shaul’s actions, he explains that only in situations in which suicide will save the lives of others is one permitted to take one’s own life.[[19]](#footnote-19)

**Killing Others**

Rav Meir ben Barukh, (c. 1215-1293), known as the Maharam of Rothenburg, Germany (but born in Worms), was one of the greatest Ashkenazic Rabbis in the 13th century. In his book of responsa, he discusses a tragic question which he was asked:

Is penance required of someone who slaughtered his wife and children during the great massacre at Koblenz, which occurred on April the 2nd, 1265?

The man questioning the Mahram tried to kill himself, but at the last minute was stopped.

The Maharam begins[[20]](#footnote-20) by acknowledging that he is at a loss as to how to rule. However, similar to Rabbeinu Tam, he relies on the cases of the 400 children and King Shaul, claiming that:

Certainly, one who kills himself for the unity of God is permitted to do so!

Regarding killing others, he discusses the matter and concludes (emphasis mine):

The allowance in this matter is widespread and we find that many great people [in such tragic circumstances] killed their sons and daughters as a matter of course.

And it would appear to me to bring a proof of its permissibility, just as we say that the verse in *Bereishit* forbidding suicide authorizes it on the basis of the story of Shaul, **so we may say that it equally authorizes one to kill another for the sake of *kiddush ha-shem***!

…whoever imposes upon this father penance speaks evil of the pious among preceding generations. Since his intention was to do good, and he hurt those most dear to him only out of abundance of love for our Creator (may He be blessed) and they begged him to do so, one should not be severe with this father at all.

The *chiddush* (innovation) of the Maharam is that not only does he permit suicide, he also permits killing children under these circumstances.

**Modern Halakhic Authorities**

Rav Yehuda Gershuni was asked whether an Israeli spy is allowed to commit suicide if he fears that, under torture, he will reveal state secrets. In his answer, he differentiates between permitting the spy to kill himself and forbidding others to do so. However, he suggests that according to the above ruling of Rav Shelomo Luria, if the spy poses a threat to others, it may be permitted to kill him as well.[[21]](#footnote-21)

Chief Rabbi Rav Shelomo Goren argues that the suicide of the residents of Masada in 73 CE was permitted by Jewish law.[[22]](#footnote-22) In that horrific instance, the people killed each other, and the last one killed himself. Here again, the issue before us is both suicide and murder. Rav Goren suggests that, according to the view of the *Minchat Chinukh* above, there is room to argue that under those conditions only suicide is permitted; however, murder would be prohibited.[[23]](#footnote-23)

**The Final Ruling**

Rav Yosef Karo summarizes the topic:

We understand this to mean that, in times of persecution, a person may give himself over to death and take his own life if he knows that he will not be able to withstand it… Substantiation for this is provided by those who killed babies in time of persecution.

However, he also mentions that some authorities forbid this, and hold the opinion that a person may not kill himself. He thus quotes those who explains that:

Chananya, Mishael and Azarya handed themselves over to others but did not harm themselves. Shaul acted contrary to what the rabbis ordained.

The surprising rulings of the rabbis of Ashkenaz are explained by Professor Soloveitchik, who claims:[[24]](#footnote-24)

They did this by scrounging all the canonized and semi-canonized literature for supportive tales and hortatory aggadah, all of dubious legal worth. But by massing them together, Ashkenazic scholars produced, with a few deft twists, a tenable, if not quite persuasive, case for the permissibility of suicide in times of religious persecution.

In next week’s *shiur,* we will discuss the *berakha* which was recited as Jews committed suicide.

1. *Beit Yosef*, *YD* 157, s.v. *Ve-haRambam.* Testimonies of these terrible events have been published in *Gezeirot Ashkenaz Ve-Tzorfat,* edited by A. Haberman. [↑](#footnote-ref-1)
2. SeeDr. Israel Zvi Gilat’s article, available at:

<https://www.biu.ac.il/JH/Parasha/eng/bamidbar/gil.html>. [↑](#footnote-ref-2)
3. *Hilkhot Rotze’ach U-shemirat Nefesh* 2:2-3; the *derasha* appears in BT *Bava Kama* (90b). [↑](#footnote-ref-3)
4. *Minchat Chinukh* #34. It is not clear if he is aware of the *derasha* we mention in the next paragraph, expounding “*Lo tirtzach.”* [↑](#footnote-ref-4)
5. *BT Sanhedrin* 59a. [↑](#footnote-ref-5)
6. *Pesikta Rabbati*, *Shemot* 24. [↑](#footnote-ref-6)
7. BT *Pesachim* 53b. **“**What did Chananya, Mishael, and Azarya see that led them to **deliver themselves** to the fiery furnace for sanctification of the name of God during the rule of Nevukhadnetzar rather than worship idols under duress?” [↑](#footnote-ref-7)
8. BT *Gittin* 57b. [↑](#footnote-ref-8)
9. *Bereishit Rabba* 12. [↑](#footnote-ref-9)
10. See *Beit Yosef*, as mentioned in first footnote, in the name of the *Orechot Chayim*. [↑](#footnote-ref-10)
11. Rav David Kimchi (Radak), Provence (1160–1235), commentary on *I Shemuel* 31:5. [↑](#footnote-ref-11)
12. As above. [↑](#footnote-ref-12)
13. Rav Shelomo Luria, *Yam shel Shelomo*, *Bava Kama* 8:59. [↑](#footnote-ref-13)
14. As above. [↑](#footnote-ref-14)
15. See Haym Soloveitchik, “Halakhah, Hermeneutics, and Martyrdom in Medieval Ashkenaz (Part I of II).” *The Jewish Quarterly Review*, Vol. 94, No. 1 (Winter, 2004), pp. 77-108. He claims that the Ashkenazic rabbis of the time surprisingly ruled in favor of suicide, going against normative, accepted halakhic practice which prohibits suicide. [↑](#footnote-ref-15)
16. Tosafot, *Avoda Zara* 18a, s.v.*Ve-al yechabel*; Tosafot, *Bava Kama* 91b, s.v.*Ha-chovel be-atzmo*. [↑](#footnote-ref-16)
17. See *Tosafot Rash mi-Shantz* in *Shitat Ha-kadmonim, Avoda Zara* 18a, s.v. *Mutav.* [↑](#footnote-ref-17)
18. Ritva, *Avoda Zara* 18a s.v*. Ha.* [↑](#footnote-ref-18)
19. *Yam shel Shelomo*, *Bava Kama* 8:59. [↑](#footnote-ref-19)
20. *Teshuvot Maharam mei-Rothenburg* 2:59. [↑](#footnote-ref-20)
21. *Kol Tzofayikh,* p. 220. [↑](#footnote-ref-21)
22. *Torat Ha-Shabbat Ve-hamo’ed*, pp. 391-404. [↑](#footnote-ref-22)
23. In his conclusion, Rav Goren permits both suicide and murder. Rav Moshe-Zvi Neria, founder of Yeshivat Kfar HaRoeh, writes against this ruling. His article, “*Hitabbedut Anshei Metzada Ba-halakha,”* was published in *Tzenif Melukha* (Kfar HaRoeh: 1992), pp. 196-198. [↑](#footnote-ref-23)
24. “Religious Law and Change — The Medieval Ashkenazic Example," *AJS Review* 12 (1987), pp. 209-210. [↑](#footnote-ref-24)