**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

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**Shiur #09:**

**The** [**Pogroms**](https://en.wikipedia.org/wiki/Pogrom) **of 1391 in Spain**

In 1492, King Ferdinand II and Queen Isabela I of Spain expelled the entire Jewish population from their country. Throughout the centuries, Jews were expelled from most European countries; however, the expulsion from Spain is considered one of the most catastrophic events in Jewish history. Fourteen years earlier, the monarchs had established the Tribunal of the Holy Office of the Inquisition to persecute converts to Catholicism who were suspected of being insincere; at this point, they banished anyone who openly refused to convert.

However, antisemitism in Spain was felt years before the expulsion. In 1391, a massacre, one of the Middle Ages' largest attacks on Jews, took place in Spain. Some estimate the number of victims to be as high as fifty thousand.

The attacks began in Seville. On 6 June, thousands of Jews were murdered. Their houses were destroyed, and the survivors converted due to the fear of being killed.

This pattern of violence was to occur again and again throughout the country. Within the next three months, in over seventy other towns, Jews faced the choice of either conversion and baptism or death.

Among the witnesses to these atrocities was Rav Yitzchak ben Sheshet Perfet (Rivash, 1326–1408), a leading halakhic authority, and the great Jewish philosopher Rav Chasdai ben Avraham Crescas.[[1]](#footnote-1) Rav Chasdai’s only son was murdered in the pogrom in Madrid.[[2]](#footnote-2)

Such terrible events unfortunately were nothing new. During the 12th and 13th centuries, many Jewish communities throughout Europe were faced with the choice of baptism or death. However, this time the results of these pogroms were different.

British historian Cecil Roth explains (emphasis mine):[[3]](#footnote-3)

A wave of massacres of this description was not by any means new in Jewish history. Something of the sort had taken place on the Rhineland during the Crusades, in England in 1189-90, and throughout Germany at the period of the Black Death. **The consequences of this occasion, however, were unique**. Elsewhere, it had been only a weak remnant which had accepted baptism as the alternative to death. The vast majority had unquestioningly preferred martyrdom "for the Sanctification of the Name" rather than abjure their faith. But in Spain conditions were different.

He then goes on to explain these differences and then concludes:

Whatever the reason, throughout the Peninsula, large bodies of Jews accepted baptism en masse in order to escape death.

The number of Jews who converted in the kingdoms of Aragon and Castile (which would be united through the marriage of Ferdinand and Isabella) is thought to be as high as two hundred thousand!

The name given to these people was *anusim*, the coerced.[[4]](#footnote-4)

There are testimonies that many of these Jews actually kept *mitzvot* secretly, knowing that if they were to be exposed, they would face death.

Rav Shelomo ibn Verga (c. 1460–1554), in his historical work *Shevet Yehuda*, describes how *anusim* in Lisbon (Portugal had its own Inquisition) were caught during the night of Pesach eating *matzot*. He mentions the prayer services and circumcision ceremonies which were held in secret.[[5]](#footnote-5)

**Halakhic Status of the *Anusim*[[6]](#footnote-6)**

The halakhic status of the *anusim* has been discussed by many *Posekim* throughout the centuries. It is important to note that during the centuries, due to the religious changes which occurred in this community, the halakhic opinions changed too.

Firstly, let us examine the halakhic status of *a meshumad*, a Jew who converts to another religion.

The main question is whether or not a Jew who converts loses his or her Jewish status. The well-known answer is based on a phrase mentioned in the Gemara regarding the sin of Akhan.

At the conquest of the city of Yericho (*Yehoshua* 7), God commands the people to refrain from taking the spoils of the city. Akhan, disregarding the ruling of God, takes from the spoils. At the city of Ai, the Israelites lose the next battle and God explains: “*Chata Yisrael,*” “Israel has sinned”.

The Gemara derives from this: “*Yisrael, af al pi she-chata, Yisrael hu,”* “A Jew who has sinned is still a Jew” — or, in other words: once a Jew, always a Jew.[[7]](#footnote-7)

Although this phrase seems to be of an aggadic nature,[[8]](#footnote-8) Posekim use it in their rulings that whoever is born to a Jewish mother can never lose his or her Jewish status.[[9]](#footnote-9)

The Posekim understood that this principle has two ramifications:

1. A Jewish sinner, even a *meshumad,* is still obligated to observe *mitzvot* and is subject to punishment for all transgressions.
2. If a Jewish woman converts to another religion, her children are considered Jewish and do not require conversion to marry[[10]](#footnote-10) other Jews.[[11]](#footnote-11)

Concerning other *mitzvot* and laws, the Posekim argue about whether or not they apply to a *meshumad*. For example, some argue that it is permitted to charge a *meshumad* interest*.*[[12]](#footnote-12) However, as HaRav Lichtenstein points out, this does not necessarily mean that the *meshumad*’s Jewish status has changed:

Wherever the Torah has formulated a halakha with reference to *ahikha*, “thy brother,” the apostate is excluded… [in the case of receiving interest] the exclusion of the *meshumad* does not derive from his being outside the pale of Jewry generally. Rather he is only excluded from the more limited community of *ahim be-mitzvot,* those who share a spiritual commitment that he has renounced.[[13]](#footnote-13)

The conclusion from all the above is that a Jew cannot change his or her status. This rule obviously applies to the *anusim,* and the rabbis rule accordingly that when these Jews return completely to the faith of Israel, there is no need for them to immerse themselves in a *mikveh*. Rav Shelomo ben Shimon Duran (Rashbash, Algiers, c. 1400–1467) rules explicitly about the *anusim* arriving in Algiers that they are complete Jews and do not require new conversion.[[14]](#footnote-14)

However, the main concern of the rabbis is the halakhic status of the *anusim* serving as *eidim*, witnesses. Is their testimony halakhically admissible? The answer carries serious consequences.

According to Jewish law, witnesses play the most important role in marriage and divorce ceremonies. Every element of the creation or dissolution of a marriage requires two witnesses. Without them, the ceremony is invalid. If we rule that the *anusim* cannot serve as *eidim*, all the marriages and divorces based on their testimony are invalid!

However, the alternative may be more problematic. If we rule that the *anusim* may serve as *eidim* and thus their testimony establishes a marriage as valid, in the case that the couple separates without a proper halakhic divorce and the woman remarries, her children are *mamzerim,* ineligible to marry the legitimate children of a Jewish mother.

To be halakhically qualified to serve as a witness, one must be a Torah-observant male over the age of bar mitzva. Regarding the first qualification, the Rambam (*Hilkhot Eidut* 10:1-2) rules:

The wicked are unacceptable as witnesses…

Anyone who violates a prohibition punishable by lashes is considered wicked and is unacceptable as a witness.

However, regarding a *meshumad,* the Rambam states (11:10):

Our Sages had no need to list informers, heretics, and apostates among those who are not acceptable as witnesses, for they listed only the wicked [who are still considered to be] among the Jewish people. **These rebellious deserters of the faith are less than non-Jews**.

What about the *anusim*? The *Posekim* seem to agree that it is impossible to compose a definite rule which would include all *anusim*, as there are different “types” of *anusim*.

We have already mentioned that the Rivash lived during the first wave of *anusim*. In a few responsa dedicated to these questions (*Responsa Rivash* 4, 11, 14) he rules that a Jew who is coerced to transgress, as is the case in his times, is considered a “kosher Jew,” and his testimony is valid. However, this rule is only true if in private the Jew keeps *mitzvot* and refrains from sinning. If the Jew transgresses in the private domain, he is considered a *rasha* (a “wicked man,” a sinner) and is invalid as a witness.

Furthermore, argues the Rivash, if a Jew is able to flee the country and decides out of free choice to remain living under coercion, he is invalid as a witness.

The result of this ruling is that in every case, we must examine the religious behavior of the *anusim*. Some might be kosher witnesses and some not.

As time went by, more and more *anusim* left the Jewish faith, which resulted in rulings that the marriages witnessed by *anusim* are invalid.[[15]](#footnote-15)

This ruling actually favored the *anusim,* as it accepted them back into the Jewish community without the need to immerse in a *mikveh.* At the same time, it permitted them to marry within the community regardless of any prior marriage.

1. There are suggestions that the Rivash himself was forced to convert. See Jaume Riera i Sans, “On the Fate of R. Isaac Bar Sheshet (Ribash) during the Persecutions of 1391,” *Sefunot* 17, pp. 11-20.

   The article is available online at:

   <https://tablet.otzar.org/he/book/book.php?book=174627&width=0&scroll=0&udid=0&pagenum=1> [↑](#footnote-ref-1)
2. Rav Chasdai’s account of these terrible times was added to Rav Shelomo ben Virga’s historical work, *Shevet Yehuda*. [↑](#footnote-ref-2)
3. See: *A History of the Marranos* (New York), Sepher-Hermon Press. The entire article may be found at: <https://web.archive.org/web/20170815065147/http://newensign.christsassembly.com/A%20History%20of%20The%20Marranos.pdf> [↑](#footnote-ref-3)
4. The name Marranos was coined towards the end of the 15th century. Another term describing this unique phenomenon is crypto-Jews. Suggestions have been made regarding the origin of these names, amid much debate as to whether these terms are derogatory or not. See *Encyclopedia Judaica,* Vol. 11, p. 1018. [↑](#footnote-ref-4)
5. See Simcha Assaf*, Be-ohalei Ya’akov*, Mossad Ha-Rav Kook (1943), pp. 145-148, who mentions many sources which describe the dedication of the *anusim* to keeping Torah and *mitzvot*. [↑](#footnote-ref-5)
6. There are two articles which discuss this question in great length. The first is by Eliav Shochetman, “*Ma’amadam Ha-hilkhati shel Ha-anusim Le-or Sifrut Ha-halakha*,” *Shana Be-shana* (1993), which may be found at: <http://www.daat.ac.il/daat/kitveyet/shana/eliave-4.htm>. The second is by Yisrael Ta-Shma*, “Ma’amad Ha-anusim Le-or Ha-halakha*,” *Machanayim* Vol. 93-94 (1964), which may be found at: <http://www.daat.ac.il/daat/history/nidhey/ta_shma.htm> [↑](#footnote-ref-6)
7. BT *Sanhedrin* 44a. [↑](#footnote-ref-7)
8. See Rav Moshe Feinstein (*Iggerot Moshe,* EH, Vol. 4, 83), who understands that that this *gemara* remains aggadic in its implications. [↑](#footnote-ref-8)
9. For a detailed article dealing with the development of this phrase, see Jacob Katz, “*Af al pi She-chata, Yisrael Hu*,” *Halakha Ve-kabbala*, Magnes Press, pp. 255-269. [↑](#footnote-ref-9)
10. There are opinions (against *Shulchan Arukh EH* 44:9) which claim that a *meshumad*’s marriage is null and void; see *Responsa Maharashdam EH* 10 for an explanation of this position. To quote HaRav Lichtenstein, “the prevailing view is clear: the *meshumad*’s marital status is that of a Jew.” [↑](#footnote-ref-10)
11. Accordingly, the women herself who wishes to return to the Jewish faith does not require a new conversion. See *Responsa Maharitz Ha-chadashot* 207. [↑](#footnote-ref-11)
12. Tosafot, *Avoda Zara* 26b, s.v. *Ani.* [↑](#footnote-ref-12)
13. “Brother Daniel and the Jewish Fraternity,”*Judaism: A Quarterly Journal of Jewish Life and Thought*, 12:3 (Summer 1963), 260-280; reprinted in *Leaves of Faith: The World of Jewish Living*, pp. 57-83. [↑](#footnote-ref-13)
14. *Responsa Rashbash* 89. [↑](#footnote-ref-14)
15. *Maharashdam, EH* 10. [↑](#footnote-ref-15)