

Facing the Impossible: Halakhic Responses to Medieval Persecutions

Rachel Furst – Winter Week of Learning, December 2012

Solomon ben Samson – Chronicle of the First Crusade

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It was on the third of Sivan.... at noon [Tuesday, May 23, 1096], that Emico the wicked, the enemy of the Jews, came with his whole army against the city gate, and the citizens opened it up for him. Emico a German noble, led a band of plundering German and French crusaders. Then the enemies of the Lord said to each other: "Look! They have opened up the gate for us. Now let us avenge the blood of 'the hanged one' [Jesus]."

The children of the holy covenant who were there, martyrs who feared the Most High, although they saw the great multitude, an army numerous as the sand on the shore of the sea, still clung to their Creator. Then young and old donned their armor and girded on their weapons and at their head was Rabbi Kalonymus ben Meshullam, the chief of the community. Yet because of the many troubles and the fasts which they had observed they had no strength to stand up against the enemy. Then came gangs and bands, sweeping through like a flood until Mayence was filled from end to end. The foe Emico proclaimed in the hearing of the community that the enemy be driven from the city and be put to flight. Panic was great in the town. Each Jew in the inner court of the bishop girded on his weapons, and all moved towards the palace gate to fight the crusaders and the citizens. They fought each other up to the very gate, but the sins of the Jews brought it about that the enemy overcame them and took the gate.

The hand of the Lord was heavy against His people. All the Gentiles were gathered together against the Jews in the courtyard to blot out their name, and the strength of our people weakened when they saw the wicked Edomites overpowering them. The bishop's men, who had promised to help them, were the very first to flee, thus delivering the Jews into the hands of the enemy. They were indeed a poor support; even the bishop himself fled from his church for it was thought to kill him also because he had spoken good things of the Jews....

When the children of the covenant saw that the heavenly decree of death had been issued and that the enemy had conquered them and had entered the courtyard, then all of them – old men and young, virgins and children, servants and maids – cried out together to their Father in heaven and, weeping for themselves and for their lives, accepted as just the sentence of God. One to another they said: "Let us be strong and let us bear the yoke of the holy religion, for only in this world can the enemy kill us – and the easiest of the four deaths is by the sword. But we, our souls in paradise, shall continue to live eternally, in the great shining reflection [of the divine glory]." [In Jewish law the four death penalties were: stoning, burning, beheading, strangulation.]... Then all of them, to a man, cried out with a loud voice: "Now we must delay no longer for the enemy are already upon us. Let us hasten and offer ourselves as a sacrifice to the Lord. Let him who has a knife examine it that it not be nicked, and let him come and slaughter us for the sanctification of the Only One, the Everlasting and then let him cut his own throat or plunge the knife into his own body."

I. Attitudes toward converts to Judaism

1. Solomon b. Samson – Crusade Chronicle

And there was a very good man there, and his name was Jacob son of Reb Sulam, but he was not from a respectable family and his mother was not of Jewish descent. And he cried in a loud voice to all those present, saying: Until now you would shame me, now see what I will do! And he took the knife that was in his hand and thrust it into his throat before the eyes of all and slaughtered himself in the name of the great and mighty One, that is, in the name of God, the Lord of Hosts.

2. Nürnberger Memorbuch – S. Salfeld

R. Abraham son of *Avraham Avinu* [our forefather Abraham] from France, who was the leader among the barefoot ones who rejected the idols and came to be protected in the shadow of the wings of the Eternal One, and was burned in sanctification of the Name. R. Abraham son of *Avraham Avinu* from Augsburg, who rejected the gods of the nations and cut off the heads of idols and relied upon the Eternal One and was tortured with terrible tortures and burned in sanctification of the Name on the New Moon of Kislev, Friday, in the 25th year of the sixth millennium. R. Isaac son of *Avraham Avinu* from Würzburg was burned in sanctification of the Name...

1. Mishnah Bikkurim 1:4

These bring [firstfruits] but don't recite [the declaration]: The convert, since he cannot say: "[I have come to the Land] which the Lord swore to our fathers to give to us" (Deuteronomy 26:3). But if his mother was an Israelite he brings and recites. When he prays [*shemonah esreh*] in private, [instead of saying: The God of our fathers] he says: The God of the fathers of Israel and when he [prays] in the synagogue he says: The God of your fathers. But if his mother was an Israelite he says: The God of our fathers.

2. JT Bikkurim 1:4

It was taught [in a baraita] in the name of Rabbi Yehudah: A convert himself brings [firstfruits] and recites [the declaration]. What is the reason? [It

1. ר' שלמה בר' שמשון – מסעי הצלב

ויהי שם איש טוב מאד, ושמו מר יעקב ב"ר סולם, והוא לא בא ממשפחת יקרים ואמו לא הייתה מישראל, ויקרא בקול גדול לכל הנצבים עליו לאמר: עד עכשיו הייתם מבזים אותי עכשיו ראו מה אעשה ויקח הסכין שבידו וישם בגרונו לעין כל וישחט את עצמו בשם אדיר אדירון והוא שמו ה' צבאות.

2. ממורבוך (ספר הזכרון) מנירנברג

ר' אברהם בר אברהם אבינו מצרפת שהיה ראש לכל היחפים שמאס בצלמים ובא לחסות בצל כנפי חי עולמים ונשרף על יחוד השם. ר' אברהם בן אברהם אבינו מאוישפורק שמאס אלהי העמים וקצץ ראשי צלמים ובטח בחי עולמים ונתייסר ביסורין קשין ונשרף על יחוד השם בראש חדש כסליו יום ו' כ"ה לפרט לאלף הששי. ר' יצחק בן אברהם אבינו מוירצבורק נשרף על יחוד ה'...

3. משנה ביכורים א"ד

אלו מביאין ולא קורין: הגר מביא ואינו קורא שאינו יכול לומר "אשר נשבע ה' לאבותינו לתת לנו". ואם היתה אמו מישראל מביא וקורא. וכשהוא מתפלל בינו לבין עצמו אומר "אלהי אבות ישראל" וכשהוא בבית הכנסת אומר "אלהי אבותינו". ואם היתה אמו מישראל אומר "אלהי אבותינו".

4. ירושלמי, ביכורים פ"א, ה"ד

תני בשם רבי יהודה: גר עצמו מביא וקורא. מה טעם? "כי אב המון גויים נתתיך" (בראשית יז, ה). לשעבר היית אב לארם, ועכשיו, מכאן ואילך, אתה אב לכל הגויים.

says in Genesis 17:5] “For the father of a multitude of nations I have made you” – in the past, you were the father of Aram but now, from here and henceforth, you are the father of all nations. Rabbi Yehoshua ben Levi said: the *halakhah* is like Rabbi Yehudah. They brought the matter before Rabbi Abahu, and he instructed in accordance with Rabbi Yehudah.

3. Tosafot, BT Baba Batra 81a

(R. Jacob b. Meir ‘Tam,’ c. 1100-1171)

... and on the basis of that *mishnah*, Rabbenu Tam did not allow converts to lead the Grace After Meals, because [a convert] cannot say “that You bequeathed to our fathers a good land”... And Ri [R. Isaac of Dampierre] it seems that it is appropriate for the convert to say “to our fathers” and we do not rule in accordance with that *mishnah*, but rather in accordance with Rabbi Yehudah, who disputes it... And Rabbenu Tam says that that [passage from the] *Yerushalmi* is corrupted...

4. Ra’abayah, Vol. 2 (Megillah), no. 549

(R. Eliezer b. Joel Ha-Levi, c. 1140-1220)

A spirit came forth from God and rested on the heart of this man, R. Abraham the son of Abraham our forefather. And when the spirit rested upon him he drew near to the service of God to seek out the Lord and to study Scripture and the Holy Tongue. And he dwelt with us for many days and was a pure person and upright a dweller of tents... He also told me that in Würzburg they prevented him from praying as a leader of the congregation. And it seems to me that they dived into mighty waters and brought up clay in their hands. For although there is a *mishnah* in Tractate Bikkurim, “These bring but don’t recite”... nonetheless, in the Jerusalem Talmud it is taught in the name of Rabbi Yehudah that a convert himself brings and recites... And since the sages of the Talmud rule in accordance with Rabbi Yehudah and not like the Mishnah, and there is even a case in which they ruled thus, we uphold their ruling. And he [the convert] prevailed upon me to state my opinion, and thus I did.

רבי יהושע בן לוי אמר: הלכה כרבי יהודה. אתא עובדא קומי דרבי אבהו והורי כרבי יהודה.

5. תוספות, בבא בתרא – דף פא, עמוד א

(ר' יעקב בן מאיר 'תם', 1100-1171)

...ומכח ההיא משנה לא היה מניח רבינו תם לגרים לברך ברכת הזימון לפי שאינו יכול לומר שהנחלת לאבותינו ארץ טובה... ולר"י נראה דשפיר מצי אמר גר לאבותינו ולא קיימא לן כההיא משנה אלא כר"י דפליג עלה... ור"ת אומר דההיא דירושלמי משבשתא היא...

6. ראבי"ה ח"ב (מסכת מגילה), סימן תקמט

(ר' אליעזר בן יואל הלוי, 1140-1220)

[ורוח נסע] מאת ה' (במדבר י"א: ל"א) וינח בלב האיש הלזה רבי אברהם בן אברהם אבינו. ויהי כנוח עליו הרוח ויקרב אל מלאכת ה' לדרוש השם וללמוד ספר ולשון הקודש, ויגר עמנו ימים רבים ויהי איש תם וישר יושב אהלים.... עוד זאת הגיד לי כי מנעוהו להתפלל במקום שליח ציבור בוירצבורג. ונראה לי דצללו במים אדירים והעלו חרס בידם, דאף על גב דתנן במסכת בכורים אלו מביאין ולא קורין (וכו')... מיהו בגמרא ירושלמי בסוף דהנך מתניתין תני בשם רבי יהודה גר עצמו מביא וקורא... והואיל שהאמוראים פוסקים כרבי יהודה ודלא כמתניתין, ותו מעשה רב, קיימא לן כוותיה. והוא הכריחוני לחוות דעתי, וכן עשיתי.

II. Attitudes toward converts *from* Judaism

1. Responsum of Rabbi Solomon b. Isaac (Rashi)

(Rashi explained) that a priest who had apostatized (and returned to Judaism) is qualified to ascend the platform (to bless the people), and these are his words: Such repentant apostate-kohanim are analogous to the priests who have a physical blemish [of whom the Talmud says in Taanit 27a that they may not serve at the altar, but they may bless the people]. From this we conclude that a kohen who had apostatized and returns in repentance is fit to ascend the platform (to bless), for we do not find (in the Talmud) that a kohen who has a blemish is unfit for the platform unless the blemish is on his hands [which he raises in the blessing], as we find in Megillah 24b, because the people look at him. Furthermore, it says (in Menahot 109a) that they shall not serve in Jerusalem. The word "Jerusalem" is especially mentioned to let us know that they could serve in Nob and Gibeon, the other sanctuaries. All the more so nowadays, when there is no Temple service and no Sanctuary, he is certainly fit to ascend the blessing platform and to read the first portion of the Torah. So the Talmud in Taanit 27a refutes the suggestion that because he cannot serve at the altar, he cannot bless the people. So far are the words of Rashi.

2. Responsum of Rabbi Solomon b. Isaac (Rashi)

And (regarding what) you asked, whether their testimony is testimony in light of (the fact) that they were coerced (to live as non-Jews) at the time. I respond to that: it all depends on the witnesses (themselves). If it was established in court that the witnesses behaved in accordance with the law of Moses in secret and were not suspected of willfully committing those transgressions which the non-Jews coerced them to do (publicly), and among themselves they were God-fearing and lamented and grieved over their coercion and begged forgiveness – the testimony of those type of people should be accepted, and their testimony is valid. But if it was established that they behaved with abandon, (committing) transgressions that they were not coerced (to

1. שו"ת רש"י – סימן קע

ורש"י פירש [כהן שהמיר דתו] דכשר [לדוכן] וזה לשונו. הרי אלו כבעלי מומין כו'. מהכא נפקא לו דכהן שהמיר דתו וחזר בתשובה כשר לדוכן. שהרי לא מצינו כהן בעל מום שיהא פסול לדוכן אלא אם היה לו מום בידי, כדאמרינן במגילה מפני שהעם מסתכלין בו. ותו הא דקתני לא ישמשו במקדש בירושלים, ולהכי איצטרך בירושלים, לאשמועינן דבנוב וגבעון היו מותרין לשמש. כל שכן בזמן הזה שאין שירות ואין מקדש, דודאי כשר לדוכן ולקרות בתורה תחילה. ותו אמרינן אי מה משרת בעל מום לא, אף מברך בעל מום לא, ת"ל לעמוד לשרת, לעמידה הקשתיו ולא לדבר אחר. עד כאן לשונו.

2. תשובת רש"י

וששאלת אם עדותן עדות מחמת שהיו אנוסין באותה שעה. אני משיב עליה הכל לפי מה שהם העדים. אם הוחזקו העדים בבי"ד שהיו נוהגים כדת משה בהצנע ולא נחשדו על עבירות שאנסום גויים לעבור עליהם מדעתם, ובינם לבין עצמם היו יראי השם ובוכים ומצטערים על אונסם ומבקשים מחילה, כגון אלו האנשים יש לקבל עדותן ועדותן כשר. ואם הוחזקו מופקרים בעבירות שלא אנסום עליהם, אע"פ שחזרו בהן לאחר זמן תשובה הוגנת בכל לבבם ובכל נפשם ובכל מאודם, אינן נאמנים להעיד עכשיו מה שראו באותן הימים... זה הכלל כל שתחילתו וסופו בכשרות כשר, תחילתו או סופו בפסלות פסול, והעדים הללו הרי תחילתן בפסלות...

commit) – (in such a case,) even though they subsequently repented righteously, with all their hearts and all their souls and all their strength, they are not credible to testify now (regarding) what they saw in those days... This is the principle: anyone who is qualified at both 'beginning' and 'end' is qualified; and (anyone) who is unqualified at either 'beginning' or 'end' is unqualified. And these witnesses, they were unqualified at the beginning...

3. Responsum of Rabbi Yedidya b. Israel

Your (own) eyes see that it was testified regarding Seligmann and Jonathan that all the days they lived among the non-Jews after they apostatized they did not refrain from any transgressions whether in private or in public, and they worshipped idolatry and they ate all of their impurities – and they themselves admitted (this) and asked for atonement. And Jonathan told me himself that he remained among the non-Jews for more than half a year... And according to your (own) words, since you concede that a thief according to Torah law is disqualified from testifying on behalf of a (married) woman, they are both disqualified, Seligmann and Jonathan – for it has been testified that they were absolute non-Jews, and so they admitted themselves...

4. Responsum of Rabbi Asher b. Yehiel (Rosh)

We must not disqualify them out of doubt, for the majority of those who apostatized did not eat non-kosher meat with appetite, rather apostatized out of fear of death, and this fear obligated them to behave in their (non-Jewish) ways so that they would not kill them, and it is all considered coercion... And it is slightly (troublesome) that they remained among the non-Jews after they had the opportunity to flee, but the sword of God slashes and the fire of God rages around them... therefore they did not know what was up and what was down, until they heard that God had remembered His people and given them respite – then they hurried to fear God. And there were those who remained for the sake of Heaven, to save their children, and not one of them acted with abandon, to eat non-kosher meat with

3. תשובת ר' ידידיה ב"ר ישראל

עיניכם רואות שהועד על זלקמן ועל יהונתן שכל ימי היותם בין הגויים משנשתמדו שלא נמנעו מכל עבירות אשר עברו בין הגויים בין בצינעא בין בפרהסיא, ועבדו עבודה זרה ואכלו כל טומאתם, וג"כ הודו בעצמם וביקשו כפרה על זה. ויהונתן סיפר לי בעצמו ששהה בין גויים יותר מחצי שנה... ולפי דבריכם שאתם מודים דגזלן דאורייתא פסול לעדות אשה שניהם פסולין, זלקמן ויהונתן, אחר שהועד עליהם שהיו גויים גמורים, וכן הודו בעצמם...

4. תשובת ר' אשר ב"ר יחיאל (הרא"ש)

ואחרי שחכמי התלמוד והגאונים הקלו משום תקנת עגונות אתה למד לחכמי הדור השפל הזה לצאת בעקבותיהם, כי גלוי ומבואר בידיעה ברורה שלא נותרה פליטה ביום הרג רב מכל אותם שהיו במקום הגזירות, וזולתם הממירין, ואותן ידועין. ולא יורו להוציא מבעליהן נשים שנישאו בעדות ברורה בהתרתנו... אין לפוסלם מספק, כי רוב אותם שהמירו לא אכלו נבילות לתיאבון אלא מיראת מות המירו, ומאותה יראה הוצרכו לילך בחוקותם שלא יהרגום, והכל קרוי אונס... ומעט מזעיר מהם שהם בין הגויים בטר דמצו למיזל מנפשיהו, אלא שחרב ה' שוטטה וטימאה, וליהטה אש ה' סביבותיהם, ואמרו בגויים לא יוסיף עוד לתת פליטה לארץ אשכנז לשונאינו, לכן לא ידעו אנה ואנה, עד אשר שמעו אשר פקד ה' את עמו לתת להם שאר כמעט, או חשו ומיהרו ליראת ה'. ויש שנשתהו לשם שמים להציל זרעם, ואחד מהם לא נתפקר לאכול

appetite, for if they had done so willfully, why did they (subsequently) return and repent? And my master wrote that he has witnesses that they ate non-kosher meat with appetite, but we have still not seen or heard (this testimony). And who could testify to this, for do they see into their hearts, such that they could testify that they did so with appetite? And even I who was not present there can testify that they ate non-kosher meat and performed other violations, and this they were obligated to do out of fear, and it is all considered coerced, as I have written – but there is no person who can testify that they did so with appetite...

5. Responsum of R. Solomon b. Abraham Ibn Adret (Rashba)

And it is my opinion that all is contingent on the witness who testified – if he was disqualified by Torah law, in accordance with the witnesses who testified against him, (claiming) that they saw him eating non-kosher meat even when he was not coerced – his testimony is not testimony, even with regard to a (married) woman. And even if two others testified about him and said that he was qualified from the beginning to the end, their words bear no weight at all, because (claiming) 'we did not see him (do such and such)' is not proof...

6. Resposum of Rabbi Hayim b. Isaac 'Or Zarua'

The coerced ones who returned and testified upon their return that while they were still among the non-Jews they saw R. Simeon son of R. Jacob murdered, lying before the entrance to his home. It appears that they are credible, even if it becomes clear that they ate non-kosher meat with appetite – because now they have returned and they are surely qualified, now they are reporting the truth. And for this we don't require them to be (religiously) qualified from the beginning... here we don't require (actual) testimony, only to know that this is the truth, as they have spoken now... here, when he testifies now, after he has returned, (regarding) what he saw in his waywardness, and now he is surely speaking the truth, even though at the time he witnessed (the event) he was not qualified – it appears that he is credible, because

נבילות לתיאבון, דאי לתיאבון עשו למה חזרו ושובו מתאוותם...

ומרי כתב שיש לו עדים שאכלו נבילות לתיאבון ועדיין לא שמענו ולא ראינו. ומי יכול להעיד על זה, וכי התוונה דליבייהו יתבי שיוכלו להעיד שלתיאבון עשו? וגם אני אע"פ שלא הייתי שמה יכול להעיד שאכלו נבילות ושהלכו בחוקות הגויים, וזה הוצרכו לעשות מחמת יראה, והכל נקרא אונס כמו שכתבתי, אבל ליכא איניש שיוכל להעיד שלתיאבון עשו...

5. תשובת הרשב"א

ומדעתי שהכל תלוי בעד שהעיד עליו, שאם היה פסול דבר תורה כדברי העדים שהעידו עליו שראו אותו אוכל נבילות אפילו שלא מחמת אנסו, אין עדותו אפילו לעדות אשה. ואפילו העידו עליו שני אחרים ואמרו שהיה כשר מתחילתו ועד סופו אין בדבריהם כלום, דלא ראינוהו אינה ראייה...

6. תשובת ר' חיים בן יצחק 'אור זרוע'

האנוסים שחזרו, והעידו כשחזרו שבעודם בין הגוים ראו את הח"ר שמעון בן ה"ר יעקב הרוג מוטל לפני פתח ביתו. נראה אפילו אם יתברר שאכלו נבילות לתיאבון שנאמנים, כיון שעתה חזרו והם כשירים בברור עתה מעידים האמת. ולא בעינן בהא תחילתו בכשרות כי אם היכא דבעינן עדות בכשרים וגזירת מלך היא, אבל הכא לא בעינן עדות רק שנדע שכך הוא האמת כמו שאומר עתה... אבל כאן שהוא מעיד עתה אחר שחזר מה שראה בסורו ועתה בברור אומר האמת, אע"פ שבשעת ראיית העדות לא היה כשר נראה דנאמן כיון דלא בעינן עדות כשר דאפילו היא עצמה נאמנת לומר מת בעלה היכא דלא אמרה בדדמי... ה"ה כאן כיון דאפילו פסולים נאמנים להעיד בתורת עדות שמת בעלה ואפילו היא עצמה היכא דלא אמרה בדדמי דלא בעינן תחילתו וסופו בכשרות...

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we do not require valid testimony, for even the (married) woman herself is credible to say that her husband has died... This is the *halakhah* here, because even invalid individuals are credible to testify as witnesses that her husband died, and even she herself (is credible)... for we do not require him to be qualified at both beginning and end...

For Hevruta study:

Below are three responsa. The names of the authors are included in the texts. (a) When did each of them live, and where? (b) What is the question they are all dealing with? (c) Explain the legal argument presented by each of the respondents. (d) Why do you think they reached different conclusions?

- A.** Rav Natronai [Gaon]. You asked: a *kohen* who apostatized and then returned [to Judaism]. [Can he] make the priestly blessing and be called up first to the Torah [for the *kohen's* portion] or not? Thus we saw: that if he returns, it should be enough for him to be like a regular Jew. To make the priestly blessing or to read the Torah first – the rabbis gave him this honor when he is in his [original state of] holiness... He has violated the holiness of Aaron. If he reads first from the Torah, it violates the holiness of the Torah. Because the people will say, “We have remained true to our faith and keep the commandments, and this one has left and walked away from the community. Now that he has returned, isn’t it enough for him to be like us?”...
- B.** A letter from me, Gershom ben Yehudah, and a response to those who asked me about a *kohen* who apostatized and returned. Is he worthy of making the priestly blessing and reading the Torah first or not? This is my general opinion (*da’ati notah*) – even though he has sinned, since he repented, he may make the priestly blessing... and since he returned, his holiness returned to him and it has not left... And if you said [that he cannot], you would be weakening the resolve of repentants...
- c.** (Rashi explained) that a priest who had apostatized (and returned to Judaism) is qualified to ascend the platform (to bless the people), and these are his words: Such repentant apostate-kohanim are analogous to the priests who have a physical blemish [of whom the Talmud says in Taanit 27a that they may not serve at the altar, but they may bless the people]. From this we conclude that a *kohen* who had apostatized and returns in repentance is fit to ascend the platform (to bless), for we do not find (in the Talmud) that a *kohen* who has a blemish is unfit for the platform unless the blemish is on his hands [which he raises in the blessing], as we find in Megillah 24b, because the people look at him. Furthermore, it says (in Menahot 109a) that they shall not serve in Jerusalem. The word “Jerusalem” is especially mentioned to let us know that they could serve in Nob and Gibeon, the other sanctuaries. All the more so nowadays, when there is no Temple service and no Sanctuary, he is certainly fit to ascend the blessing platform and to read the first portion of the Torah. So the Talmud in Taanit 27a refutes the suggestion that because he cannot serve at the altar, he cannot bless the people. So far are the words of Rashi.