Apostasy and Jewish identity in High Middle Ages Northern Europe

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The halakhic definition of Jewishness is one of the prime factors fashioning the Jew’s understanding both of himself and of his environment. The halakhic attitude towards those Jews who voluntarily embraced Christianity, or who were forced to accept that religion, shaped the disposition of those Jews who remained Jews as against those who became Christians. While the halakhic literature contains decisions deriving, by and large, from explicitly halakhic considerations, it also reflects changes in stance and in historical and sociological valuations, as well as reactions to popular views and feelings towards those who had abandoned the Jewish religion and chose to live within the Christian world. From the twelfth century on, there is substantive difficulty in arriving at a clear halakhic decision regarding the issue of those who became Christians. To people of that time, the earlier, inclusive approach of Rashi seemed excessive, but neither did they wish to explicitly state that they had given up hope of the apostates’ return to Judaism. The view that remains holds that the position of those who hesitate whether or not to return to Judaism must not be weakened, coupled with the consideration that, from a propaganda viewpoint, it was important to leave a spark of hope in the hearts of those who remained Jews so that they not see the conversion of Jews to Christianity as a success of Christian theology, because those Jews would also sooner or later return to the fold. The halakhic writings relate to numerous questions presented for discussion to those authorities, either sitting as Rabbinic judges or responding to queries addressed to them. Their halakhic responses thus reflect their approaches to what was taking place around them, their reaction to increasingly frightening historical events, and their attitude towards the Christian environment. Their writings likewise reflect the popular perceptions
within their communities, which they needed to deal with when writing their halakhic decisions.

The subjects discussed are numerous and complex. Some of them relate to perennial questions, frequently discussed, such as matters of personal status (divorce and levirate marriage), interest, and inheritance. However, new questions also arise, concerning both the halakhic subject matter and issues of self-definition. Should one mourn for an apostate who has died or for his son, and how? Should one accept an apostate who wishes to return to Judaism, and if so how? These issues pertain to the identity and self-definition of the Jew who remained a Jew despite all difficulties. The general attitude was that the graver the overall position of the Jews, the more Christianity seemed to be victorious and, in particular, the more the ‘apostates’ came to be seen as dangerous and harmful to the Jewish group, and the stricter the halakhah was with the ‘apostate.’

The deterioration in the attitude towards converts to Christianity, in contrast with that of Rabbenu Gershom Meor ha-Golah and Rashi, began in the middle of the twelfth century, once the second generation following the First Crusade had internalized the substantive change undergone by the Christian world. During the first half of the twelfth century, they had been able to assume that the definitions of the previous generation still held.

During the first half of the twelfth century, we find Rabbi Eliezer ben Nathan (Ra’avan) still underscoring Rashi’s assertion that it is forbidden to take interest from a convert as he is considered a brother despite his conversion to Christianity: that is, his Jewish essence remains unchanged. Ra’avan adds that it is also forbidden to sell him non-kosher meat, due to the prohibition ‘you shall not place an obstacle before a blind person’: in other words, he looks upon the Christian convert as one whose Jewish essence has not changed, even though he has changed his religion.¹

This approach changed, however, in both France and Germany once we cross the mid-century mark. It may be that the events of the Second Crusade, although they did not affect the Jews in the same way the First Crusade had, finally made it clear to the Jews that a change had taken place.

**Northern France**

Rabbenu Tam (Rabbi Ya’akov ben Meir; d. 1171), who reflects the generation of the second half of the twelfth century, allowed a convert to Christianity who wished to return to Judaism to do so in a straightforward and simple manner, without untoward difficulties; nevertheless, his overall attitude towards such Jews was very strict. Until then, it had not occurred to the
leadership that one ought to require a Christian convert who wished to return to undergo a ceremony tantamount to that required of a proselyte to Judaism, as the apostate to Christianity had in essence remained a Jew. R. Yaakov ben Mordechai, his student during the second half of the twelfth century, expressed astonishment at Rabbenu Tam, ruling regarding a female apostate to Christianity. His teacher had allowed her to return to Judaism and to remain married to a Gentile (who had meanwhile converted to Judaism) with whom she had lived during her apostasy. He attacked the weak points of Rabbenu Tam’s ruling from a halakhic perspective, but it seems clear that his opposition was based on the view that it was improper to ‘give a prize’ to one who had converted to Christianity, even if she thereby caused a Gentile Christian to embrace Judaism. If, during the first half of the twelfth century we find questions relating to the possibility of requiring the returning convert to undergo ceremonies and procedures intended for the proselyte, such as immersion in mikveh or appearance before a court of three people, from this point on we find halakhic discussions of the matter from which it becomes clear that the debate was not a strictly halakhic one, but one that related to the very basis of the self-definition of the Jew: i.e., the comparison between one who remained Jewish and one who had left the group. If, previously, the convert to Christianity had been referred to using the Talmudic term ‘a convert out of appetite’ (mumar le-te’avon), implying that he was still considered a brother whom one was required to ‘sustain in life,’ the halakhic writers now used the term ‘a convert out of spite’ (mumar le-hakh’is), which was tantamount to the term meshumad (‘apostate’), thereby changing both the definition and the implied attitude. The ‘apostate,’ who is a ‘heretic out of spite,’ has removed himself from brotherhood with the Jewish group; hence, there is no reason to ‘sustain his life,’ there is no sense of kinship or ‘brotherhood,’ and it is permitted to take interest from him. Rashi’s grandson, Rabbenu Ya’akov Tam, explains that the converts of his time are to be seen under the rubric of min (‘heretic’; see b. Avodah Zarah 26b), such that there is no obligation to worry about them from an economic viewpoint, and one applies to them the rule ‘one pushes him down and does not raise him up’ (that is to say: if he fell into a pit, one does not help him to get out of there). Hence, he concludes that is permissible to loan him (i.e., the apostate or the son of an apostate woman) money on interest.

Rabbenu Tam’s theological approach is particularly striking regarding the question of what rule is to be applied to the Jew who converted to Christianity, did not return to Judaism, and died as a Christian. The question raised is whether his relatives are required to mourn for him
as one would for a Jew who died as a sinner, or whether he is defined according to his end: thus, if he died as a Christian, he is considered as a Christian, so that there is no obligation to mourn for him. And what is the law regarding the small child of a convert to Christianity, who was baptized without his consent and died as a Christian? R. Tam and his disciples (R. Yitzhak and R. Yitzhak ben Abraham: Ritzb’a), who lived in the second half of the twelfth century, stated that one does not mourn for them. It would seem that in this case the anger against the apostate, expressed in the absolute refusal to mourn for him, derives from the fact that they were ready to be lenient with him and to accept him back during his lifetime. As we noted, Rabbanu Tam made it possible for a woman who had converted, was divorced by her Jewish husband, and married a Gentile, to return to Judaism together with him. Rabbanu Tam’s nephew, R. Yitzhak, permits the use of wine that had been touched by an apostate who claimed to have returned to Judaism ‘within himself.’ R. Yitzhak’s disciple, the Ritzb’a, emphasizes the importance and even urgency of the return to Judaism of the apostate, and attempts to make matters easier for him. He is thus prepared to accept him back as a Jew even if he did not immerse himself in mikveh, even if he did not appear before three kosher witnesses to declare his return, and even if he did not abandon his former acts. However, their halakhic decision was that the convert to Christianity who did not exploit the possibility of repentance and died as a Christian is not to be mourned as a Jew. That is, in terms of self-definition, they refused to accept that a Jew who did not stand up to the test, or was convinced by Christianity, was equal to one who remained a Jew. Moreover, when Rabbanu Tam was asked as to whether one is required to mourn for a small child who died after his parents had changed their and his religion, and who of course did not know or understand the significance of the conversion—in his words, ‘a child who had been placed in the water, what difference does it make? Shall he not be as if he had never become an apostate?’—he stated that, not only is one not to mourn for an apostate who died, but one is not even to mourn for a small child whose parents converted his religion when he was a child and who died as a child. Had he not died, he would have survived and lived as a Christian; therefore, if he died, not only does one not mourn him, but ‘one rejoices over his death more than over his life.’ Thus Rabbanu Tam establishes the halakhic boundaries which a Jew may not cross, by which they define themselves as Jews or as ‘non-Christians.’

This change found further expression in the 1180s and 1190s. R. Yitzhak established the attitude towards Christianizers on the basis of his
disillusionment with the Christian world and the historical developments around him. R. Yitzhak (d. 1175 or 1178) indicates the new boundaries after the incident at Blois (1171), the beginning of the Capetian monarchy synthesis, and the expulsion of the Jews from the royal domain during the reign of Philip II (1182). The local ruler is no longer the absolute protector of the Jews living within his domain, but is influenced by Christian folk attitudes and by those of the Church, which have growing influence. The event in Blois in 1171 clarified the connection between the rulers, the ecclesiastical establishment, and monastic factors playing upon popular sentiment, with fatal results for the Jews, and particularly for Jewish children. In the incident at Blois the Jewish community as a whole was blamed for the murder of a Christian; their guilt was proven through trial by ordeal, they were executed by burning at the stake, and the Jewish children were taken to be raised as Christians. Every Jewish leader in northern France (and even in Germany) after the 1170s was aware of this event, and R. Yitzhak, although he did not respond to the event directly, was well aware that the Christians were interested in converting Jews to Christianity and took active steps to do so. Therefore, even though he did not object to Jews making use of Christian physicians, he forbade leaving small children in the homes of Christians for purposes of healing out of fear that ‘they would draw them towards heresy.’

R. Yitzhak, at the end of the twelfth century, already feared the victory of Christianity, and was therefore strict with a Jew who had converted to Christianity, imposing upon him as a test the obligation of a ceremonial immersion in the event of the return to Judaism. As has been demonstrated recently by Kanarfogel, those approaches that basically saw a Jew who had converted to Christianity as remaining a Jew from the Jewish viewpoint did not require that he immerse himself should he wish to return to Judaism, as there is no halakhic logic justifying such a requirement. This stance was approved by the Sages, both those in Germany and in France (including the disciples of R. Yitzhak), as it repeatedly provided a basis for the halakhic view that the connection between one born Jewish and his Judaism cannot be severed. However, in the case of R. Yitzhak, we can discern a new approach being taken towards the convert to Christianity: one that locates the problem in the concrete political realm by attempting to draw a distinction between the Jew who remains a Jew and the one who went astray, thereby strengthening the self-image of the Jew who stubbornly adheres to his Jewishness. The return to Judaism of one who had converted to Christianity seemingly ought to have been a joyful event, one that strengthens those Jews who remained Jews, but R. Yitzhak exploited
such occasions as an opportunity to sharpen the distinction between former apostates and those Jews who had maintained their Judaism all along, thereby strengthening their own self-perception. In his eyes, Christian baptism is not simply a pagan ritual, but an imposition of theological authority. The Jew who converts to Christianity is ‘considered as a Gentile,’ literally—that is, there is Gentile authority over him. Thus, the Jewish community must see that a change has taken place, and that the ‘Gentile’ authority which had imposed its force upon this individual when he was baptized as a Christian has been removed by means of the new Jewish immersion. The act of immersion which he proposed (and which thereafter became obligatory) was intended for the Jews; hence, emphasis was placed on former converts needing to undergo immersion upon their return, and the involvement and presence of the Rabbinic Court in the process. In Germany, R. Simhah of Speyer and R. Yitzhak Or Zaru’a treated this immersion with even greater seriousness, and the subject was developed thus until, in the days of R. Meir of Rothenburg (end of thirteenth century), it became an obligation.11

R. Yitzhak emphasizes the theological aspect in his discussion of the question of interest in relation to the convert to Christianity, clearly expressing the change in attitude towards the converted Jew as deriving from the nature of the Christianity that he has taken upon himself. As we have seen, the issue of interest is one that touches upon the very roots of the Jewish self-definition due to the biblical verses connecting the prohibition against interest with the concept of Jewish fellowship: ‘Do not take from him any interest or increase, but fear your God, that your brother may live with you; Do not lend him your money at interest, nor give him your food for profit’; ‘You shall not lend upon interest to your brother, interest on money, interest on victuals, interest on anything that is lent for interest’ (Leviticus 25:36–37; Deuteronomy 23:20). If we adhere to the definition of the apostate given by Rashi before the First Crusade, the ‘apostate’ did not depart from the definition of Israel nor that of brotherhood; hence, it is forbidden to loan or borrow money from him at interest under any circumstance, just as his Jewish essence is not nullified with regard to matters of marriage. But R. Yitzhak is concerned that, were Rashi’s approach—i.e., that it is forbidden to loan money to the apostate on interest—to be accepted, the difference between the apostate and those who remained Jewish would be obscured; thus, in the consciousness of those who remained Jews, one who ‘sinned’ and became a Christian would continue to be perceived as a Jew. At the end of the twelfth century, such a possibility was totally unacceptable. R Yitzhak states that, because
the converted Jew is now a Gentile, it is permitted to loan him money at interest. In a responsum by R. Yitzhak devoted to the complex issue of the ‘son of a converted woman,’ he explains at great length and in great detail his view regarding the difficulties that derive from the special relationship to Jews who converted to Christianity.12

He notes that he knows Rashi wrote that it is forbidden to loan money at interest to a converted Jew, but he heard from his father the words of Rabbenu Ya’akov Tam that it is permitted to do so (R. Yitzhak’s mother was the sister of Rabbenu Tam, the grandson of Rashi). He did not ask the reason for this position, as it seemed to him to be simple and reasonable. Rabbenu Tam’s approach derives from the view that one who converted to Christianity is defined as a ‘heretic’ (Heb. min; i.e., ‘an apostate to idolatry’ and not a simple mumar), so that those definitions fashioned by Rashi necessarily disappear. As against that, R. Yitzhak brilliantly articulates his own view stemming from the change in the historical situation. In his opinion, in the past the debate derived from concern for his offspring—‘that perhaps the seed of the convert will return to Judaism’—because in the past the apostate was not ‘assimilated among the Gentiles.’ The previous assumption was that the Jew was forced to embrace Christianity and that his children were likewise in such a situation. He does not know the Torah of Israel, ‘and he is not assimilated among the Gentiles’—therefore the Jews are commanded to bring him close to Judaism and to save him, or at least to relate to him in a special way. In R. Yitzhak’s view, the situation had altered so that by his own time, at the end of the twelfth century, the situation of the ‘apostates’ had become substantively different. In his day, those Jews who converted to Christianity are completely Christian, have entirely abandoned Jewish religion, are ensconced within the Christian world, and are totally involved in the Christian cult: ‘They are attached to the ways of the nations of the world, and they are considered part of them and are immersed among them; they worship their god and abandon the Torah of Israel completely—such a person is a complete Gentile in every respect, even regarding the matter that one is not required to sustain him in life.’ The legitimation that he gives for his opinion is more indicative than anything else. It states in the Talmud that, if a building collapses on the Sabbath and people were buried beneath it, among them an ‘apostate,’ one is required to desecrate the Sabbath in order to save him, because one assumes that either he or his offspring will return to Judaism and observe many Sabbaths. R. Yitzhak states that, in his own day, there is no chance that the ‘apostate’ will ever observe Sabbath; hence, in his opinion it is no longer permissible to violate the Sabbath on his behalf.13
On the other hand, R. Yitzhak also constructs the Jewish self-definition in his time upon the impossibility of changing the Jewish essence, an essence that does not depend upon the deeds or intentions of the former Jew. It is therefore forbidden to accept a loan on interest from a Jew who has converted to Christianity, comparing this to the prohibition of stealing from him.\textsuperscript{14} A distinction is also drawn between a Jew who has willingly converted and one who was forced to do so. It was clear to him that the popular perception did not distinguish between the two: they were careful about not drinking the wine of a forced convert, lest it be considered ‘gentile wine,’ just as they refrained from drinking the wine of one who had converted willingly. The popular mentality did not distinguish between a Jew who lives as a Christian (even if he had been forced to do so) and participates in the Christian ritual connected with wine, which appears to Jewish eyes as an explicit ritual of idolatry or magic, and that same Jew once he has returned to Judaism. Suspicions regarding the wine of one who has returned to Judaism remained. In a responsa dealing with forced converts who returned to Judaism, the interlocutors attempt to clarify whether one needs to be strict and avoid their wine, ‘until they have remained steadfast in their repentance many days and their return [to Judaism] is well-known and public.’ R. Yitzhak firmly rejects this approach. When the Jews were Christians, he writes, there was firm basis for avoiding their wine, as they were immersed in the Christian cult, which is idolatrous. But as these Jews had been converted to Christianity forcibly (‘because of fear of the sword’), he refers to them as ‘sinners of Israel’ and not as ‘apostates’; hence, if one refrains from drinking their wine even after they have returned to Judaism, this will shame them. There is no reason to even imagine that one must wait a certain time until one is allowed to again drink their wine.\textsuperscript{15}

It is interesting to note that these halakhic debates continued during the time of his disciples as well. Two of R. Yitzhak’s most prominent disciples at the end of the twelfth century, the two brothers, R. Yitzhak (Ritzb’a) and R. Samson of Sens, the sons of Abraham, continue to discuss this point. The argument between them relates to the attitude towards an apostate who had touched wine, but said that he had repented ‘within himself.’ The Ritzb’a permitted use of the wine, because he noted that this former apostate behaved like a Jew, even if he had not immersed himself in \textit{mikveh} nor appeared before the Court—‘because he left his money pouch unguarded on Shabbat’ (i.e., was demonstrably strict about Sabbath observance). ‘In all events, he is considered as a repentant, since he has abandoned all idolatrous worship (\textit{tarput}) and returned to his Creator.’ Ritzb’a also thinks that the apostate who has returned to Judaism is not required to correct his previous
acts nor to compensate those Jews who had been harmed by them when he was a Christian prior to his return to Judaism (‘somewhat similar to a Gentile’). His brother R. Samson prohibited the use of such wine, and emphasized all of the strictures in general.\textsuperscript{16}

The Jews were suspicious of the Christian essence which they saw as being attached to the convert to Christianity and which continued to exert influence upon him even if he had been coerced, and even if he returned to Judaism.

\section*{Germany}

In Germany, too, at the end of the twelfth century and the beginning of the thirteenth, the spiritual leadership ceased to assert the ‘Jewishness’ of converts to Christianity. As in the French arena, so too in Germany the issue of paying or taking interest from converts to Christianity was subject to a variety of opinions. There were those who insisted that one neither borrow from them nor loan them money, but these were the minority of those who wrote on the subject. The majority held that it was forbidden to loan them money, but it was permitted to borrow from them. Some defined them as people whose actions indicated they had removed themselves from the fellowship of other Jews; therefore it was permitted both to loan and to borrow from them (i.e., at interest). This polemic waged throughout the twelfth and thirteenth centuries and, even if there was a certain note of greater strictness towards the end of the thirteenth century, there was no clear decision.\textsuperscript{17} Nevertheless, the overall attitude in Germany is stricter and the tone far more ‘dramatic,’ relating primarily to the sin committed by those who converted to Christianity. Hence, the questions which were investigated with greater depth were those involving mourning for the death of such an apostate and the procedure for the return of such an apostate to Judaism.

Three figures who dealt with this issue at the end of the twelfth and the beginning of the thirteenth century were Rabbi Eliezer ben Yoel ha-Levi (Rabya’h – 1140–1240), Rabbi Eleazar of Worms (1160–1230), and Rabbi Yitzhak ben Moshe of Vienna (Or Zaru’a; 1180–1250). In thirteenth-century Germany, those who returned to Judaism were required to perform a public act indicating the purity of their intentions. Rabbi Eliezer ben Yoel ha-Levi (Rabya’h) required a ceremony in order to formally accept the one returning to Judaism from his life as a Christian. He was required to ‘pass a razor over his head,’ to immerse himself in the waters of the \textit{mikveh} as if he were a proselyte, and to appear before three people.
and declare that he had returned to Judaism. True, the Sages of this period emphasized that these acts were not halakhically required even *ab initio*, and that even if the returning apostate did not do so he was still a Jew. Even Rabbi Simhah of Speyer, during the first half of the thirteenth century, who firmly believed that one who returns to Judaism is required to immerse himself in the *mikveh*—that is, he emphasized the public aspect of his renunciation of Christianity and his return to Judaism—nonetheless admits that failure to do so does not nullify his return to the community. The most important thing is the intention of the repentant together with his accepting suffering (‘he must pain himself and undergo bodily sufferings to atone for what he has done’). The fact that R. Simhah of Speyer understands that there is no need for these actions from a purely halakhic viewpoint, but nevertheless requires them, reflects his approach towards the individual who has departed from Judaism. Similarly, a woman who converted to Christianity, gave birth to two children, and has now returned to Judaism with them is required to undergo a substantive public ceremony, entailing immersion in water and appearing before a Rabbinic Court, so as to cleanse herself and them of the contamination of Christianity and give them a new, Jewish persona. During the second half of the thirteenth century there was added the requirement that the Court be present at the immersion, exactly as in the case of a proselyte to Judaism.18

Rabbi Eleazar of Worms, who was influenced by pietistic notions of sin and atonement for sin, sees one who converts to Christianity as committing two transgressions—a bodily one and a theological one. He sees the apostate as one who has been tempted by physical desires and appetites: he rejoiced on the festival days of the Christians, ate forbidden foods, and had sexual relations with gentile women. According to this pietistic approach, for whatever sin he committed he needs not only to ‘do *teshuvah*’ (i.e., repent) and return, but also to accept upon himself ‘suffering’ for his sins in order to educate himself and not to repeat those transgressions. R. Eleazar of Worms constructed an entire program of acts of atonement intended for the apostate, primarily in the physical realm, corresponding to his pleasure and his arrogance, as well as for the theological deviation he performed while he was a Christian as one ‘who denied the essential principles of Judaism, who violated the entire Torah.’ From his perspective, repentance is accomplished by the very fact that he now lives as a Jew and that he accepts upon himself the fear of Heaven by reciting *Shema Yisrael* (recited twice daily) with fervor. To atone for the apostate’s physical or bodily sins, he demands that he refrain from anything associated with Christianity, priests, or the Church: ‘He should not sit together with priests or monks
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... he should not derive any benefit from anything that is theirs ... he must distance himself from the door of their homes and from the courtyard of the abominations. Towards the middle of the thirteenth century, at the end of this process, we find the final formulation of these ideas in the writing of R. Yitzhak ben Moshe Or Zaru’a of Vienna. The act of immersion in water is performed in order to purify oneself after living among the impure: ‘All those who return require immersion.’ R. Yitzhak ben Moshe, in the wake of his teacher R. Simhah of Speyer, presents Christianity as a source of contamination. Those Jews who maintained their Judaism remain pure of the taint of Christianity, while those who stumbled by accepting the ‘deviation’ of Christianity and now wish to return to the realms of purity must purify themselves. There is a clear emphasis here on the victory of the Jewish immersion over Christian baptism, but use is also made of Jewish myths related to immersion in water and its power to erase sins.

R. Yitzhak ben Moshe likewise concentrates on material relating to the question of mourning for an apostate who died, and attempts to crystallize it. Surprisingly, he repeats the story connected to the conversion to Christianity of the son of Rabbenu Gershom Meor ha-Golah, emphasizing the tradition (which he had received from R. Samson of Sens) that Rabbenu Gershom did in fact mourn for his Christian son. This story was cited during the thirteenth century, but various explanations are offered for his act in order to emphasize that it was unusual, and that Rabbenu Gershom did so for special reasons, inflicting more pain upon himself over the fact that his son had not sufficed to return to Judaism before his death.

There may have been families that nevertheless sat shivah for children who converted to Christianity and subsequently died, as in the case cited above involving Rabbenu Gershom Meor ha-Golah. In order to thoroughly reject this seemingly accepting behavior, two very harsh biblical verses were invoked in order to completely negate mourning for one who died as a Christian. One is Isaiah 66:24: ‘And they shall go forth and look on the dead bodies of the men that have rebelled against me; for their worms shall not die and their fire shall not be quenched, and they shall be an abhorrence to all flesh.’ This verse is interpreted as referring to those apostates who died in their new religion, for whom no atonement is possible: ‘Gehinnom shall be completed, but their [punishment] shall never be completed.’ The fundamental Jewish approach sees every Jew who dies as someone for whom one is required to mourn and to rend one’s garments because, according to the Talmud, the death of a person and the departure of his soul is compared to a Torah scroll which has been burned. Rashi explains: ‘Even the emptiest person in Israel is filled with Torah and mitzvot.’ In the case
of a Jew who has converted to Christianity and died, one does not mourn but one even rejoices, as inferred from Proverbs 11:10: ‘When it goes well with the righteous the city rejoices; and when the wicked perish there are shouts of gladness.’ The apostate is perceived as an evildoer, and if he died in this state there is no cause to mourn for him, but rather one rejoices: ‘when the wicked perish there are shouts of gladness.’

It seems evident that, during the mid-thirteenth century, the negative attitude towards the convert to Christianity became exacerbated beyond that of the earlier period. R. Yitzhak ben Moshe of Vienna states that a person who has performed a transgression involving the death penalty, and who died before he managed to repent, is classified as ‘one who died in his wickedness’ (b. Sanhedrin 47a), and one does not mourn for such a person. R. Yitzhak ben Moshe draws the connection between the evildoer and the apostate to Christianity by means of a midrash on Proverbs 11:10: ‘When it goes well with the righteous the city rejoices, and when the wicked perish there are shouts of gladness.’ This verse creates a distinction between ‘the righteous’—i.e., those Jews who remained Jewish and were responsible for one another in all things—and the ‘wicked’—namely, the converts to Christianity, who abandon Judaism and are outside the framework of Jewish mutual responsibility. The example he uses is the problematic figure of King Ahab. While King Ahab was a Jewish king, he was a sinner and a negative figure who was engaged in constant confrontation with the prophet Elijah. This negative view of such a sinner was predominant from that point on until the end of the thirteenth century: (Psalms 139:21), ‘Whoever departs from the ways of the public and dies, one does not engage with him in anything [i.e., his burial and the preparations], and their relatives wear white and eat and drink and rejoice, for the enemy of the Omnipresent has perished, as said “Shall I not quarrel with those who hate you, O Lord.”’

The desire to forego any connection with converts to Christianity is clear during the second half of the thirteenth century in the refusal to accept from the apostate anything intended for the Jewish community. They refused to accept from him money for alms or for the communal poorhouse, and in practice prevented him from maintaining any contact with his former group, relinquishing all contact with him. Particularly striking is the fact that the debate over the apostate’s position occurs in the context of the Talmudic discussion which emphasizes that one is permitted to accept sacrifices, voluntary offerings, and vows for the Temple from Gentiles, whereas it is only permitted to accept sacrifices from ‘the sinners of Israel’ if this process will cause them to return to Judaism. This response
on the part of various thirteenth-century figures expresses the sense of frustration with the apostate. One no longer assumes that he will return.  

Two figures who shaped the halakhic approach of German Jewry at the end of the thirteenth century had been young students in Rabbi Yehiel of Paris’s yeshiva at the time of the great crisis created by the apostate Donin, which led to the burning of the Talmud. Rabbi Meir ben Baruch (Maharam of Rothenburg) expressed his emotional anguish at this event in an impressive liturgical poem, Sha’ali serufah ba-esh (‘Ask, you who have been burned in fire’), which expresses the sense of pain, despair, and powerlessness that enveloped him as a young man in the face of this catastrophe, involving the burning of the pinnacle of Jewish creativity, and the failure of the esteemed teacher of his generation to protect the Talmud. The feeling of betrayal on the part of the apostate Jew who brought about this disaster is not expressed in this piyyut, but is shown in Maharam’s halakhic stance, which shaped Jewish consciousness during the second half of the thirteenth century.  

Rabbi Yedidya ben Israel was also a student in Paris at the time of the burning of the Talmud, as well as being present at the time of the severe attack on the Jews of France during the course of the Shepherds’ Crusade in 1251. He thereafter moved to Germany, living in Speyer and Nuremberg, was present at the arrest and death of his colleague Rabbi Meir ben Baruch (Maharam of Rothenburg), and lost his own son, Yisrael, who died as a martyr in 1298. R. Meir’s and R. Yedidya’s responses serve as a prism through which to understand the attitude towards apostates and forced converts to Christianity at the end of the thirteenth and the beginning of the fourteenth century.  

Rabbi Meir of Rothenburg was not happy with ‘Jews who became apostates and then returned.’ He was suspicious of them and of their intentions. One of the cases with which he dealt involved a woman who had been abandoned by her husband, and whom it was impossible to free of her status due to the testimony of a person who had seen him in France (i.e., thereby providing evidence that he was alive). The witness in question was a Jew who had converted to Christianity and then returned to Judaism, who testified as to what he had seen while he was a Christian. R. Meir rejected his testimony as halakhically unacceptable, and characterized his type as Jews who become Christians, going about from place to place, at times presenting themselves as Jews so as to receive food from the Jews, but in practice intending to steal from them. He refers to such types as ‘apostates who had returned, but not wholeheartedly,’ ‘deceivers,’ ‘empty people,’ ‘the worst of the Gentiles,’ ‘abomination,’ ‘one who immerses [in order to purify himself] while holding a reptile [i.e., an unclean thing] in his hand,’
‘a slave to his appetite.’ Due to this panoply of characteristics, he denied his qualification to give testimony.\textsuperscript{27}

Like his predecessors, Rabbi Meir of Rothenburg also opines that one does not mourn an apostate who has died. The harsh language which he uses in referring to those who converted to Christianity is particularly striking in its severity. He arrives at his decision from the Talmudic discussion concerning those who were executed by the Court. It is stated in the Talmud that one who was executed by the Rabbinic Court, a punishment reserved for severe transgressions, is not to be mourned, even though he may receive atonement. He infers from this that one does not mourn for an apostate under any circumstances, as he does not merit atonement. The severe expressions used in this connection indicate the extent to which he separates himself and other loyal Jews from them, and the extent to which he defines himself in contradistinction to them: ‘The punishment of the wicked in Gehinnom [Gehenna, hell] is completed, and theirs is never completed’; ‘one is not to mourn for them, but one rejoices and is glad’; ‘one does not weep and does not eulogize them.’\textsuperscript{28} We have observed that there was a certain problem which arose when a man died without offspring. The brother-in-law, who was needed to release the widow under Jewish law, was an apostate. If he did not agree to perform halitzah (the ceremony of releasing the woman), the widow would remain unable to marry or would live in sin (i.e., would enter a halakhically illicit liaison). Proof of this difficulty is found in a responsa by R. Yitzhak ben Moshe Or Zaru’a regarding an attempt to release such a widow based on the approach of the Geonim, mentioned in Chapter 1.\textsuperscript{29} During the second half of the thirteenth century, R. Meir of Rothenburg attempted to equate the status of a widow who required release from an apostate brother-in-law to that of one whose prospective levir suffered from boils. In such a case, the widow was asked whether she was willing to be married to a man who suffered from a noxious skin disease. If she refused, she was then free to remarry (I shall discuss this responsa at length in the final chapter of this book).

By making the decision dependent upon the opinion of the woman, Rabbi Meir of Rothenburg was able to release her from her legal dependence upon the apostate brother-in-law, and even alluded to the danger that, otherwise, the apostate might catch her as well in his ‘gentile’ net. Rabbi Meir of Rothenburg was concerned about gentile influences, and therefore decided that even if the widow’s late husband had two brothers, the older one being an apostate, he should not perform halitzah; rather, she must remain in her state of limbo as an agunah and wait for the younger brother to perform the ritual, even if he lived far away in a distant country. The reason given
was that ‘she has a Jewish yabam [brother-in-law].’ In a later period we hear of a widow who required yibbum (levirate marriage) from an apostate who refused to do so because he was ‘[an apostate] out of spite and he was pious in his idolatrous ways … For he stated openly that he did not wish to adhere to the beliefs of the Jews … and she did receive halitzah, but was married to a Jewish man without any release.’ That is to say, even in matters of personal status the Rabbis adhered to the earlier approach only on the level of principle—i.e., the apostate continued to be considered a Jew in his essence, but in practice he was distanced further and further away from his Jewish relations. Rabbi Meir of Rothenburg, in his responsum, even cuts those thin ties which Rashi had wished to strengthen regarding the connection between the apostate and his former religion and his family which remained Jewish. 30

A similar tendency appears in the words of Rabbi Yedidya ben Israel and his contemporaries. He is troubled both by those who become Christians, whether deliberately or under coercion, and by those who chose to return to Judaism. A question from the end of the thirteenth century touched the most sensitive nerves of the Jewish community, at a time when violence against Jews had become a routine matter. Christians attacked the Jewish community and killed some of its inhabitants. Others became Christians, and later testified to what they had seen as Christians. A person (Enoch) who was visiting his parents at the time was murdered together with them, and his sons or nephews were taken captive by Christians who demanded a large sum of money for their release. The dispute relates to the inheritance money of the grandfather. The son’s widow argued that, because the grandfather was killed first and her husband only thereafter, she was the lawful heir of his son, her husband, who inherited from his father before he himself was killed. She claimed the right to collect her ketubah 31 from this money, arguing that this obligation precedes the inheritance of the grandchildren. Against that, the children’s guardian argued that the grandchildren are captive, ‘under duress’ among the Christians and that this property is needed in order to redeem them. The Rabbinic Court accepted the claim of the widow, which was supported by the testimony of former apostates, rather than that of the orphans’ guardian. This decision was then discussed by other sages and Rabbinic judges of the time. The court of Speyer supported the original court’s decision; on the other hand, there were three figures who were strongly opposed to it: one anonymous, the second the ‘humble’ R. Yedidya ben Israel, and the third Rabbenu Asher (known as the Rosh). 32

This is essentially a legal discussion discussing the question of priority between direct inheritance and collection of the obligation embodied in the
ketubah, citing Talmudic precedents. However, between the lines we may infer the attitude towards those who preferred to convert to Christianity rather than to die as martyrs. Particularly significant are the words of Rabbi Yedidya. It is impossible for us to know whether he wrote his opinion before, after, or during the course of his mourning for his own son, who died as a martyr.

The respondent opposed the Rabbinic Court’s decision to rely upon witnesses who had been Christians at the time that the events in question happened. According to him, it is impossible to accept their testimony, because of the defect of those who converted to Christianity because they feared for their lives. In his opinion, most of the Jews (his phrase is ‘[all but] one out of a thousand’) die as martyrs, for the Sanctification of the Name—‘even the empty ones among us.’ Even those who convert to Christianity under coercion generally attempt to leave it and return to Judaism as soon as possible. Those Jews who converted to Christianity did not hasten to return to Judaism. Thus, he defines a Jew as one who is willing, even if only a simple person, to die for Kiddush Hashem. Against that, those whom he defines as converts to Christianity are a ‘negligible minority,’ lower even than those he calls ‘empty people.’ As for those who do not hasten to return to Judaism, they cannot be referred to as ‘coerced’ converts but rather as ‘those who began under coercion, and end up doing so willingly’; hence, he classifies them as ‘apostates out of appetite,’ who according to the Talmud are disqualified from testifying. He also asks to find reliable witnesses who can testify to these former apostates’ behavior during the period when they were Christians.

As it was impossible to completely ignore the precedent established by Rashi as to the acceptance of testimony of forced converts, this author states that it needs to be clear to the judges that these coerced converts in fact behaved secretly as Jews even while in Christian captivity, ‘and that they are not suspected of performing transgressions beyond that which the Gentiles forced them to willfully violate.’ If this condition is not fulfilled, one may not accept their testimony as to what they saw at that time, despite the fact that they subsequently returned to Judaism. He suspects them of behaving improperly during the time of their captivity as Christians and writes: ‘[And behold,] in our sins there were a number of coerced converts who admitted that they had relations with menstruant women, and there were a number of people who returned thereafter who were coerced to testify to things which they did not see.’ In other words, Enoch’s widow must bring witnesses to make it clear that these people behaved as Jews in captivity, and only then can they testify to what they saw. Beyond his
desire to give preference to the release of the children being held captive among the Christians over the inheritance of the widow, it is clear that in principle he viewed those Jews who converted to Christianity, even if done under coercion, in a negative light and cast doubt upon the sincerity of their wish to return to Judaism. According to his view, one may not accept their testimony regarding who had been killed first and to whom the inheritance goes. His goal is clear, and he does not conceal it: he wishes to see the money transferred in such a way that it will help to free the children from the hands of the Christians rather than to give it to the widow on the strength of her ketubah, which is ordinarily the strongest note of indebtedness. In terms of his self-definition as a Jew, he provides a basis for what was generally accepted at the end of the thirteenth century—namely, that a Jew is someone who refrains from converting to Christianity at any cost, one who does not mix with the Christian public, one who does not ‘have sexual relations with menstruants’ (i.e., improper sexual behavior), and is not an evildoer. Only such a Jew can be a reliable witness.

The Jewish perception of the convert to Christianity was related to an enlightened understanding of the ongoing developments in Christianity. Even if this is barely cited in the halakhic responses regarding the attitude towards the convert to Christianity, these matters are clearly present in the background. The question of the inheritance of the apostate was an important and interesting test case, one through which it is possible to emphasize and to exemplify this perception. During the eleventh century, Rashi underscored that the apostate does not inherit from his relatives, notwithstanding the view that sees in principle one who has converted to Christianity as nevertheless a Jew. This self-evident approach, intended to punish one who had abandoned his religion and to deprive him of property and of financial success, echoes the eleventh-century Christian perception. Christianity saw one who had abandoned the Jewish religion and converted to Christianity as one who had cast off his filthy garments, cleansed himself in water, and been reborn. In this theoretical-idealistic theological perception, the property that had been accumulated by the Jew prior to his conversion to Christianity was part of the filth that was attached to his ‘Jewishness.’ Property that had been accumulated through loaning money on interest and the sin of usury needed to be left behind in the world of his past. This theological approach fit well the inclination of the rulers (emperors, kings, and princes) in those areas in which Jews lived. It is clear that the kings and princes wished this money to remain in Jewish hands, specifically, because it was thereby subject to the rule or
control of the Christian rulers and their needs, and would also continue to earn profit while invested in interest-bearing loans—which would have been impossible had the money passed over to the hands of new Christians. At this stage, the kings and the emperor answered the request of the Jews and legislated that ‘just as he leaves the law of his fathers, so he must leave his inheritance behind.’

But during the second half of the twelfth century, a new tendency began to take shape. It became clear to the popes that those Jews who had taken the most significant step from the viewpoint of the Church and converted to Christianity became impoverished and downtrodden Christians, full of despair. Pope Alexander III protested to the archbishops of Spain that the property of Jews who had converted to Christianity passed over to those of their relatives who remained, and was thereby effectively confiscated. While this letter was sent to Spain, this was essentially the situation throughout Europe. In 1169, the pope was forced to intervene in the destiny of a convert to Christianity known as Peter, whose complaint reached as high as the pope. This individual had been baptized in the church of St. Peter in Rheims, whose Mother Superior promised him money for his sustenance (praebenda). After her death, the archbishop of the city nullified everything that had been promised him. Similarly, in the city of Tournai a certain Jew converted after being promised a basic stipend, the office of deacon in the church, and a seat in the church choir. The bishop of Tournay tried to evade these promises, an act for which he was subject to severe and extreme rebuke by the pope. For that reason, Pope Alexander III decided to establish a fixed law in this matter in the framework of decisions of the Third Lateran Council of 1179, as follows:

If, moreover, with God’s inspiration, anyone became a convert to Christianity, he shall under no condition be deprived of his property. For converts ought to be in a [sic] better circumstances than they had been before accepting the Faith. If, however, any act to the contrary be found, we command the princes and the potentate in their respective places that, under pain of excommunication, they shall cause the hereditary portion and property of these converts to be restored to them intact.

The next pope, Innocent III, was likewise troubled by the economic situation of the new Christians, about which he wrote a great deal. In a letter of 5 December 1199 to the abbot and convent of Saint Mary de Pratt in Leicester, England, he writes that it had been brought to his attention that a Jew who had converted in the wake of the influence of a certain nobleman had descended to abject poverty. Innocent analyzes the problem
with great clarity. He first emphasizes the theological importance of Jewish conversion to Christianity.

The more the people afflicted by Jewish blindness attend to the superficial meaning of Divine Scriptures and fail to understand the quintessence of purity which these spiritual doctrines contain, the more it permits in its obduracy and permits itself, as up to now, to remain in the darkest shadow, so much the more ought we to rejoice in God because of those (of their number) who hold and embrace the true faith, and desire the propagation of the name of Christ.

Secondly, he warns that this theological success is likely to come to naught due to the (practical) difficulties confronted by the converts to Christianity:

If thanks to the light of the Holy Spirit any have given up the errors of Judaism, and turning to that Light have accepted the Christian Faith, care must be taken that they should be solicitously provided for lest, in the midst of other faithful Christians, they become oppressed by lack of food. For, lacking the necessities of life, many of them, after their baptism, are led into great distress, with the result that they are often forced to go backward because of the avarice of such as are possessed of plenty, yet scorn to look at the Christian poor. Thus it is with our dear son R., the bearer of this letter. Despising rather than to wallow in the mire of wealth, he received the baptismal sacrament at the persuasion of a certain nobleman. But now that this man, who had supplied him with his necessities, went the way of all flesh, he is so weighted down with poverty that he has not the means by which to sustain his life.

Innocent III then makes clear to the abbot and the convent of Saint Mary de Pratt in Leicester what they need to do:

Desiring that his wants should be supplied by you, we through Apostolic Letters, command Your Discretion, and we also warn you by your reverence for Him through whom this man received the light of truth, that you should provide him with his needs so that he may be suitably supplied with food and clothes. Know you this for certain, that we tolerate this situation with regret and with impatience, nor shall we be able to let this pass unnoticed if you should leave in any respect unaccomplished this command of ours, which in itself holds an act of piety.

Like Alexander III at the Third Lateran Council, so too Innocent III wished to include this direction in the decision that had been taken in principle at the Fourth Lateran Council. The first decision stated that: ‘Converts
ought to be in better circumstances than they had been before accepting the Faith.\textsuperscript{39}

If one follows the papal involvement regarding the financing of converts to Christianity, one immediately sees that, throughout the thirteenth century, the popes needed to encourage representatives of the Church to assist these new Christians in their new life. The Magister family, which converted from the area of Mainz and Fulda, conducted an extensive correspondence with various popes over the course of twenty years until they received all that they had been promised prior to their conversion by Pope Innocent III. One need not add that the papal instructions were not always fulfilled, primarily by the higher and lower priesthood in various areas. Innocent III, Honorius III, and Gregory IX made every effort to ensure that the archbishops and bishops would transfer that which had been promised to the families of those who had converted. The head of a monastery in Hungary refused to finance two converts in 1235, and a large number of monasteries of men and women sought their privilege of exemption from financing and supporting converts to Christianity.\textsuperscript{40} This tendency continued after the thirteenth century, and emerges clearly from the writings of Pope John XXII during the 1320s, in the wake of severe harm to the Jews. On the face of it, John XXII protects the Jews and advises the clergy not to force them to convert, but in the same breath strengthens the Christianity of those who had converted, even under duress, and emphasizes that one may not deprive them of their property. The reason given is that it would be absurd should people who enjoyed worldly goods and were prosperous when they were Jews become beggars once they convert to Christianity. This rule was fixed in canon law, where it continued throughout the fourteenth century.\textsuperscript{41}

This change, whether or not it was implemented in practice, is clearly reflected in Jewish writings of the time. Grave doubts were already voiced at the beginning of the twelfth century over the tenth-century declaration by Rabbenu Gershom Meor ha-Golah regarding the inability of the apostate to inherit. R. Yitzhak ben Asher ha-Levi (d. 1133) turned his attention to the Talmud (\textit{b. Bava Batra} 56a), which notes that Esau received his inheritance of Mount Seir from his father Isaac, who had received it as an inheritance from Abraham. That is, he found a source contradicting the argument brought by Rabbenu Gershom Meor ha-Golah stating that Esau received his inheritance outside of the inheritance of Abraham and Isaac. To the contrary, argues R. Yitzhak ben Asher ha-Levi, a section of Isaac’s inheritance from Abraham was specifically given to Esau. Thus, R. Yitzhak ben Asher, at the beginning of the twelfth century, who sees Esau as
symbolizing the Christian essence of the apostate, reaches the conclusion that ‘the apostate inherits from his father.’ But two generations later, at the end of the twelfth century, R. Eliezer ben Yoel ha-Levi establishes the principle that the children of the apostate are the heirs of his property and the apostate receives the inheritance of his father—albeit the Jewish court has the ability to prevent this. The work written by R. Eliezer ben Yoel ha-Levi, which portrays both situations—that in which the apostate inherits from his father, and that in which the son of the apostate inherits from his father—stemmed from the fact that R. Eliezer ben Yoel ha-Levi wished to validate the latter case, in which the children of a father who converted to Christianity inherit from him; but in order to do so he also had to validate the former case. It would appear that there were numerous such cases at the end of the twelfth century and the beginning of the thirteenth century, and R. Eliezer ben Yoel ha-Levi received a good number of such questions. He established the rule and strengthened the status of the Rabbinic Court as the final authority in every case. In one case, he was asked about a widow who had two daughters, one of whom had converted to Christianity but whose husband remained Jewish. Prior to her death the widow gave all of her property, as a deathbed gift (matnat shekhiv mera) to the daughter who remained Jewish, but the husband of the apostate daughter, who had himself remained Jewish, demanded his share of the inheritance. In this case, R. Eliezer ben Yoel ha-Levi stated that, as when the father died she was still a Jew, the inheritance left by the mother also belonged to the daughter who had converted to Christianity, and through her to the husband.

But it would seem that the tendency that characterized earlier periods was to take over Jewish property which was left by the convert to Christianity and to pass it to those of his children or even grandchildren who had remained Jews. R. Yitzhak ben Moshe Or Zaru’a testifies, in the middle of the thirteenth century, that his teacher, Rabbi Simhah of Speyer, ruled that if the father is an apostate, his son who remains Jewish can inherit from his (Jewish) grandfather, thereby continuing the decision of Rashi stating that the relatives of the apostate are entitled to inherit from him. As proof, Rabbi Yitzhak ben Moshe brings a statement by Maimonides in his Mishneh Torah: ‘A Jew who changed his religion inherits from his relatives as he would have [in the past], and if the Rabbinic Court saw fit to deprive him of his money and to impose a penalty upon him so that he not inherit, in order not to strengthen their [the apostates’] hand, they are allowed to do so. And if he has sons who are Jews, the inheritance of their apostate father is given to them; and this is the custom in the West [i.e., North Africa].’ In principle,
this approach remained the regnant one in Germany, as we hear of similar decisions throughout the course of the fourteenth century. A case occurred during the fourteenth century that a certain person left money in the hands of another person; he thereafter died, and his son converted to Christianity. In principle, the deposit ought to have been returned to the apostate son, but the halakhic authorities responding to this question explicitly write that the one holding the deposit should not return it to the son, who is now a Christian, but rather hold it until such time as the son returns to Judaism; should this son die as a Christian, the Jewish relatives of the dead father will inherit his property.

The change in the Christian position in support of those who convert to Christianity is echoed in the changing Jewish attitude, towards the end of the twelfth and throughout the course of the thirteenth century, to justify allowing converts to Christianity to recover their property. The Jewish tendency remains to attempt to preserve property within the Jewish framework and to give it to the close relatives of the convert, his children or even his grandchildren. Nevertheless, there was also a certain need to explain that, in that case where the rulers insist that the property remain in the hands of the converted Christian, this is not a fatal blow to the Jews’ autonomous self-perception, which states that the Divine promise to Abraham and his seed leaves the situation of inheritance in Jewish hands alone. At this point, the Jews may attempt to preserve the property in their hands, but when they fail to do so it is justified through a theological perception that allows the ‘new Esau’ to inherit from his father Isaac.

Notes
1 Eliezer ben Nathan, Sefer Even haEzer, Sefer Ra’avan, Jerusalem 1984, Bava Metzi’a 85.
3 See this question again in Chapter 5 concerning the status of convert women.
4 Tosafot Pesahim 92a s.v. Aval, s.v. Tobel.
5 Ya’akov ben Meir, Sefer ha-Yashar (News), ed. S. Schlesinger, Jerusalem 1959, No. 743, p. 434; Eliezer ben Samuel of Metz, Sefer Yere’im, Vilna 1901, No. 159.
6 Tosafot Sanhedrin 74b s.v. vha Ester. See the stand of Rabbenu Tam.
8 R. Chazan, ‘The Blois Incident of 1171: A Study in Jewish Intercommunal


10 Tosaﬁt *Pesahim* 92a s.v. *Aval*; Kanarfogel, ‘Returning to the Jewish Community in Medieval Ashkenaz,’ p. 76, note 16.


15 Shlomo ben Isaac (Rashi), *Responsa Rashi*, No. 168. Most likely this answer is R’I’s answer, so we can date it on the end of the thirteenth century. See Kanarfogel, ‘Returning to the Jewish Community in Medieval Ashkenaz.’


20 Tosaﬁt *Megila* 13b; Isaac ben Moses, *Sefer Or Zarua*, Vol. 1, No. 112; they cite the story told in *Abot de-Rabbi Nathan*, as well as in the Talmudic tradition, relating to the immersion of Queen Esther every time she left the bedroom.
where she had been with Ahasuerus. See Kanarfogel, ‘Returning to the Jewish Community in Medieval Ashkenaz,’ pp. 84–85 and note 16.


b. *Mo’ed Katan* 25a; Rashi at *Shabbat* 105b.

m. *Sanhedrin* 4:5; b. *Sanhedrin* 39b.


*Ketubah*—marriage contract by which a bridegroom obligates himself to provide a settlement for this wife if he divorces her, or through his heir if he predeceases her.

It is possible to date their responsum at the end of the thirteenth century, as the Rosh was still in Germany, and the Maharam of Rothenburg is referred to there as being deceased; hence the responsum must have been written between 1293 and 1300, and may reflect the period of violence against Jews in 1298, see: Agus, ed., *Responsa of the Tosaphists*, pp. 233–248, No. 128, pp. 235–247.

Quoting in this context b. *Sanhedrin* 74a and *Avodah Zarah* 27b.


See above, Chapter 1.


44 This responsum is signed by the leading rabbis of Mainz from the 1360s and 1370s; Hayim ben Rabbi Yitzhak, *Responsa*, No. 224.