A Journey Without End—The Expulsion from Spain and The Age of Perpetual Jewish Migration

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Question:

The question concerns one of the apostates who left the religion of Israel for idolatry (literally, for the worship of Baal) because of the decree of the government of those days which decreed that the Jews change from the religion of Israel to the religion of Baal. This apostate was murdered on the road by robbers, who gave his flesh to the birds of heaven and the beasts of the field. Now the son of this apostate is a Jew. He desires to say kaddish for the repose of the soul of his father. There are other mourners (present in the synagogue) whose fathers died as Jews. Do they have precedence in saying the kaddish (i.e., the privilege of saying the kaddish at the reading-desk)? Or shall we say that, although this mourner's father was slain while an apostate, he has to say kaddish on the same basis as these others?

Answer:

I dislike to make decisions (literally, I am one of those who fear decision, a frequent phrase of self-deprecation in the responsa). Nevertheless, in my humble opinion, at a quick glance, it would seem that this matter does not require a scholar to decide it (a phrase from B. M. 101a). Certainly this mourner, too, whose father was slain while an apostate, must say kaddish like one of the other mourners, on the basis of the talmudic principle (Sanh. 44a) that, even though he has sinned, a Jew is still a Jew and, as people say in a popular proverb (still quoting the Talmud): “A myrtle among the brambles is a myrtle and is called a myrtle”; and remember that Akhan (Josh. 7) transgressed against the entire Torah, and even so they called him an Israelite. Although I can expatiate on this principle, there is not time. Therefore I will deal with the matter briefly and say that a son may earn merit for his father as is mentioned in the Talmud (Sanh. 104a).

Even though the father is an apostate to idolatry and even though in the Talmud (Sanh. 112b) we are told, with regard to a city that must be destroyed because it has gone astray to idolatry, that if there are sacrificial animals in it dedicated to the altar, they too must die, we do not (in the case of such a city) say, “Let these animals graze until they get too old (for sacrifice) and then let them be sold and the money be used for charity.” We do not say that (but we destroy the sacrificial animals) because the sacrifice of the wicked is an abomination to the Lord (Prov. 21.27), even though now they have been changed (by growing overaged). Then, even if one would say (on the basis of the above) that the son must not earn merit for his apostate father and say kaddish for him because the sacrifice of the wicked is an abomination to the Lord, therefore the kaddish will do him no good. Such arguing is not sound; for we learn in the Tosefta, and it is cited in the Talmud in many places (e.g., Pes. 56a) that Hezekiah, King of Judah, dragged the bones of (Ahaz) his father (who was wicked) and the rabbis praised him, for it is said (Sanh. 47a) that the reason that Hezekiah dragged the bones of his father (to the grave) was in order that his (wicked) father should have atonement.

Clearly, then, a son should do all he can to earn merit for his father, even though the father was a provocative apostate. For Ahaz (father of Hezekiah) was provocatively an idolator and did all the evil things which God hates. Nevertheless, his son Hezekiah dragged his bones (to the grave) in order that he should have atonement, and for this the rabbis praised him. If this would not have done Ahaz any good, Hezekiah would not have done so and the rabbis would not have praised him.

(David haKohen now mentions other possible grounds of objection to saying kaddish for an apostate. One is that kaddish is more than earning merit for the deceased. It is also doing him honor, and such a man should not be honored. Then he discusses the fact that the Talmud denounces especially those apostates who eat forbidden foods, and the apostates in Spain and Portugal certainly did eat such foods. He refutes all these possible objections. As for the last objection, the eating of forbidden food, which of course could not be denied, he makes a distinction between sins that are done provocatively [l'hakh'is] and sins which are done merely for one's benefit [l'teavon]. The latter motivation is, of course, less blameworthy.)
As for the fact that they remained there (in Spain and Portugal) and did not flee, it is for their benefit that they stay there (it is not done provocatively against Judaism). If they appear to serve Baal, it is under compulsion, that they be not slain. Thus, of course, they transgress against the commandment, I shall be sanctified amidst the children of Israel (Lev. 22.32) which requires that they should choose rather to be slain or else escape. So they are apostates in this matter for their benefit (not provocatively), just as that old woman and her two daughters that were captured and left their land and goods and all of Israel and were married to idolators (B. M. 39b). It was asked of Asher ben Yehiel of blessed memory, whether we judge such people as apostates who eat forbidden things provocatively; and he answered that these are to be looked upon as those who have been forcibly captured by the idolators and all that they do is for their benefit (for survival, and not for wilful provocation).

All the more is this so with regard to this apostate who, as I have heard, was slain. He had come as far as Arta (on the Adriatic coast of Turkey) to return to Judaism and was robbed on the road and lost all his money and therefore returned for a while to the kingdom (of Portugal) and earned some money. Then he was on the way back here, to come to Arta, and on this journey robbers seized him, took all that he had to return there. So there is reason for our belief that this poor man did not stay there (in Portugal, to provoke), but for his benefit. But his intention was to return to Arta to become a Jew. Clearly he is no worse than those Jewish apostates from whom we accept sacrifices, as the Talmud says (Hul. 5a). Furthermore, when he was slain he achieved atonement. So it is proper that his son should say kaddish for him as one of the other mourners. May God remove from us the stench of the locust (based on Joel 2.20) and send our Messiah and deliver us from error. Amen.

Sayeth he who is burdened with the burdens of these confused times,

David, the son of Hayyim the Kohen of blessed memo
The Jew in the Modern World, eds. Paul Mendes-Flohr & Jehuda Reinharz

1. HOW PROFITABLE THE NATION OF THE JEWS ARE (1655)

MENASSEH BEN ISRAEL\(^1\)

Three things, if it please your Highnesse, there are that make a strange Nation well-beloved amongst the Natives of a land where they dwell: (as the defect of those three things make them hateful) viz. Profit, they may receive from them; Fidelity they hold towards their Princes; and the Noblenes and purity of their blood. Now when I shall have made good, that all these three things are found in the Jewish Nation, I shall certainly persuade your Highnesse, that with a favorable eye (Monarchy being changed into a Republicq), you shall be pleased to receive again the Nation of the Jews, who in time past lived in that Island: but, I know not by what false Informations, were cruelly handled and banished.

Profit is a most powerfull motive, and which all the World preferre before all other things: and therefore we shall handle that point first.

It is a thing confirmed, that merchandizing is, as it were, the proper profession of the Nation of the Jews. I attribute this in the first place, to the particular Providence and mercy of God towards his people: for having banished them from their own Country, yet not from his Protection, he hath given them, as it were, a natural instinct, by which they might not only gain what is necessary for their need, but that they should also thrive in Riches and possessions; whereby they should not onely become gracious to their Princes and Lords, but that they should be invited by others to come and dwell in their Lands.

Moreover, it cannot be denied, but that necessity stirs up a man's ability and industry; and that it gives him great incitement, by all means to try the favour of Providence.

Besides, seeing it is no wisedome for them to endeavour the gaining of Lands and other immovable goods, and so to imprison their possessions here, where their persons are subject to so many casualties, banishments and peregrinations; they are forced to use merchandizing until that time, when they shall return to their own Country, that then as God hath promised by the Prophet Zachary. There shall be found no more any merchant amongst them in the House of the Lord.

From that very thing we have said, there riseth an infallible Profit, commodity and gain to all those Princes in whose Lands they dwell above all other strange Nations whatsoever, as experience by divers Reasons doth confirm.

I. The Jews, have no opportunity to live in their own Country, to till the Lands or other like employments, give themselves wholly unto merchandizing, and for contriving new Inventions, no Nation almost going beyond them. And so 'tis observed, that where so ever they go to dwell, there presently the Traficq begins to flourish. Which may be seen in divers places, especially in Lighorne, which having been but a very ignoble and inconsiderable City, is at this time, by the great concourse of people, one of the most famous places of Traficq of whole Italy.

II. The Nation of the Jews is dispersed throughout the whole World, it being a chastisement that God hath laid upon them for their Idolatries, Deut. 28:69, Ezech. 20:23, Nehem. 1:8, Ps. 107:27. and by their other sins their families suffer the same shipwrad.

Now in this dispersion our Fore-fathers flying from the Spanish Inquisition, some of them

Source: Menasseh ben Israel, "To His Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, "The Humble Addresses of Menasseh ben Israel (1655), in Menasseh ben Israel's Mission to Oliver Cromwell: Being a Reprint of the Pamphlets published by Menasseh ben Israel to promote the Re-admission of the Jews to England, 1649-1645, ed. Lucien Wolf (London: Macmillan, 1901), pp. 81–89. The original orthography has been retained.
came in Holland, others got into Italy, and others betook themselves into Asia; and so easily they credit one another; and by that means they draw the Negotiation where-ever they are, where with all of them merchandizing and having perfect knowledge of all the kinds of Moneys, Diamonds, Cochinil, Indigo, Wines, Oyle, and other Commodities, that serve from place to place; especially holding correspondence with their friends and kinds-people, whose language they understand; they do abundantly enrich the Lands and Countries of Strangers, where they live, not only with what is requisite and necessary for the life of man; but also what may serve for ornament to his civil condition. Of which Traffique, there ariseth ordinarily Five important benefits.

1. The augmentation of the Publique Tolls and Customs, at their coming and going out of the place.
2. The transporting and bringing in of merchandises from remote Countries.
3. The affording of Materials in great plenty for all Mechanics; as Wooll, Leather, Wines, Jewels, as Diamants, Pearles, and such like Merchandise.
4. The venting and exportation of so many kinds of Manufactures.
5. The Commerce and reciprocally Negotiation at Sea, which is the ground for Peace between neighbour Nations, and of great profit to their own Fellow-citizens.

III. This reason is the more strengthened, when we see, that not onely the Jewish Nation dwelling in Holland and Italy, traffique with their own stocks but also with the riches of many others of their own Nation, friends, kinds-men and acquaintance, which notwithstanding live in Spain, and send unto them their moneys and goods, which they hold in their hands, and content themselves with a very small portion of their estate, to the end they may be secure and free from danger that might happen unto them, in case they should fall under the yoke of the Inquisition; whence not onely their goods, but oftentimes also their lives are endangered.

IV. The love that men ordinarily beare to their own Country and the desire they have to end their lives, where they had their beginning, is the cause, that most strangers having gotten riches where they are in a forain land, are commonly taken in a desire to return to their native soil, and there peaceably to enjoy their estate; so that as they were a help to the places where they lived, and negotiats while they remained there; so when they depart from thence, they carry all away, and spoil them of their wealth; transporting all into their own native Country: But with the Jews the case is farre different; for where the Jews are once kindly receaveth, they make a firm resolution never to depart from thence, seeing they have no proper place of their own: and so they are always with their goods in the Cities where they live, a perpetually benefit to all payments. Which reasons do dearly proove, that it being the property of Citizens in populous and rich countries, to seake their rest and ease with buying lands and faire possession of which they live; many of them having commerce, aspire to Titles and Dignities: therefore of all strangers, in whose hands ordinarily Traffique is found, there are none so profitable and beneficial to the place where they trade and live, as is the Nation of the Jews. And seeing amongst the people of Europe, the chiefest riches they possess, from Spain, those neighbour Nations, where the Jews shall find liberty to live according to their own Judaical Laws, they shall most easily draw that benefit to themselves by means of the industry of our Nation, and their mutual correspondence.

From hence (if it please your Highness) it results, that the Jewish Nation, though scattered through the whole World, are not therefore a despicable people, but as a Plant worthy to be planted in the whole world, and received into Populous Cities; who ought to plant them in those places, which are most secure from danger; being trees of most savory fruit and profit to be always most favoured with Laws and Privileges, or Prerogatives, secured and defended by Armes.

...The chiefest place where the Jews live, is the Turkish Empire, where some of them live in great estate, even in the Court of the Grande Turke at Constantinople, by reason there is no Viceroy or Governor, or Bassa, which hath not a Jew to manage his affaires, and to take care for his estate: Hence it cometh that in short time they grow up to be Lords of great revenues, and they most frequently bend the minds of Great ones to most weighty affaires in government.

The greatest Viceroy of whole Europe is the Bassa of Egypt; this Bassa always takes to him, by order of the Kingdom, a Jew with the title of Zarf-Bassa (Thresurer)
In Italy they are generally protected by all the Princes: their princapall residence is in the most famous City of Venice; so that in that same City alone they possesse about 1400 Houses: and are used there with much courtesy and clemency. Many also live in Padoa and Verona; others in Mantua, and also many in Rome it self. Finally they are scattered here and there in the chief places of Italy, and do live there with many special privileges...

In all these places the Jews live (in a manner) all of them Merchants, and that without any prejudice at all to the Natives: For the Natives, and those especially that are most rich, they build themselves houses and Palaces, buy Lands and firme goods, aime at Titles and Dignities, and so seek their rest and contentement that way: But as for the Jews they aspire at nothing, but to preferre themselves in their way of Merchandize; and so employing their Capitals, they send forth the benefit of their labour amongst many and sundry of the Natives, which they, by the trafick of their Negotiation, do enrich. From whence it's easy to judge of the profit that Princes and Commonwealths do reap, by giving liberty of Religion to the Jews, and gathering them by some special privileges into their Countries: as Trees that bring forth such excellent fruits.

So that if one Prince, ill advised, driveth them out of this Land, yet another invites them to his; and shews them favour. Wherein we may see the prophesy of Jacob fulfilled in the letter: The staffe (to support him) shall not depart from Jacob, untill Messias shall come. And this shall suffice concerning the Profit of the Jewish Nation.

NOTES

1. Menasch (also Manasseh) ben Israel (c. 1604–1657), Dutch rabbi of Marrano parentage, that is, of Spanish and Portuguese Jews who had converted to Christianity under coercion but secretly preserved their Jewish identity. He energetically sought to persuade the English to permit the return of the Jews to their country, from which they were expelled in 1290. He went to London in 1655 and presented a petition to Oliver Cromwell, Lord Protector of Great Britain. Although his mission was ostensibly unsuccessful, it did prepare the way for the resettlement of the Jews in England.

2. Early English for the Turkish word "Pasha."
II. Peter Stuyvesant, Manhattan, to the Amsterdam Chamber of Directors, September 22, 1654

The Jews who have arrived would nearly all like to remain here, but learning that they (with their customary usury and deceitful trading with the Christians) were very repugnant to the inferior magistrates, as also to the people having the most affection for you; the Deaconry [which takes care of the poor] also fearing that owing to their present indigence [due to the fact that they had been captured and robbed by privateers or pirates] they might become a charge in the coming winter, we have, for the benefit of this weak and newly developing place and the land in general, deemed it useful to require them in a friendly way to depart; praying also...
most seriously in this connection, for ourselves as also for the general community of your worships, that the deceitful race—such hateful enemies and blasphemers of the name of Christ—be not allowed further to infect and trouble this new colony, to the detraction of your worships and the dissatisfaction of your worships’ most affectionate subjects.

III. Amsterdam Jewry’s Successful Intercession for the Manhattan Immigrants, January 1655

To the Honorable Lords,
Directors of the Chartered West India Company,
Chamber of the City of Amsterdam

The merchants of the Portuguese nation [the Sephardic Jewish community] residing in this City [of Amsterdam] respectfully remonstrate to your

Granted [February 15, 1655] that they may reside and traffic, provided they shall not become a charge upon the Deaconry or the Company.

Honors that it has come to their knowledge that your Honors raise obstacles to the giving of permits or passports to the Portuguese [Sephardic] Jews to travel and to go to reside in New Netherland, which if persisted in will result to the great disadvantage of the Jewish nation. It can also be of no advantage to the general Company but rather damaging.

There are many of the nation who have lost their possessions at Pernambuco and have arrived from there in great poverty, and part of them have been dispersed here and there. [Pernambuco, or Recife, the stronghold of Dutch Brazil, was captured by the Portuguese, January 1654.] So that your petitioners had to expend large sums of money for their necessities of life, and through lack of opportunity all cannot remain here [in Holland] to live. And as they cannot go to Spain or Portugal because of the Inquisition, a great part of the aforesaid people must in time be obliged to depart for other territories of their High Mightinesses the States-General [the Dutch government] and their Companies, in order there, through their labor and efforts, to be able to exist under the protection of the administrators of your Honorable Directors, observing and obeying your Honors’ orders and commands. [The West India Company owned the young Dutch colony of New Netherland.] It is well known to your Honors that the Jewish nation in Brazil have at all times been faithful and have striven to guard and maintain that place, risking for that purpose their possessions and their blood. [The Jews distinguished themselves in the defense of Pernambuco, remaining there until its fall in 1654.]
Yonder land [New Netherland] is extensive and spacious. The more loyal people that go to live there, the better it is in regard to the population of the country as in regard to the payment of various excises and taxes which may be imposed there, and in regard to the increase of trade, and also to the importation of all the necessaries that may be sent there.

Your Honors should also consider that the Honorable Lords, the Burgomasters of the City and the Honorable High Illustrious Mighty Lords, the States-General, have in political matters always protected and considered the Jewish nation as upon the same footing as all the inhabitants andburghers. Also it is conditioned in the treaty of perpetual peace with the King of Spain [the treaty of Muenster, 1648] that the Jewish nation shall also enjoy the same liberty as all other inhabitants of these lands.

Your Honors should also please consider that many of the Jewish nation are principal shareholders in the [West India] Company. They having always striven their best for the Company, and many of their nation have lost immense and great capital in its shares and obligations. [The Company lost heavily through the capture of Brazil by the Portuguese.]

The Company has by a general resolution consented that those who wish to populate the Colony shall enjoy certain districts of land gratis. Why should now certain subjects of this State not be allowed to travel thither and live there? The French consent that the Portuguese Jews may traffic and live in Martinique, [Saint] Christopher, and others of their territories, whither also some have gone from here, as your Honors know. The English also consent at the present time that the Portuguese and Jewish nation may go from London and settle at Barbados, whither also some have gone. [Martinique, Saint Christopher, and Barbados are in the West Indies.]

As foreign nations consent that the Jewish nation may go to live and trade in their territories, how can your Honors forbid the same and refuse transportation to this Portuguese nation who reside here and have been settled here well on to about sixty years, many also being born here and confirmed burghers, and this to a land that needs people for its increase? [Jewish “New Christians” from Portugal had settled in Holland as early as 1593.]

Therefore the petitioners request, for the reasons given above (as also others which they omit to avoid prolixity), that your Honors be pleased not to exclude but to grant the Jewish nation passage to and residence in that country; otherwise this would result in a great prejudice to their reputation. Also that by an Apostille [marginal notation] and Act the Jewish nation be permitted, together with other inhabitants, to travel, live, and traffic there, and with them enjoy liberty on condition of contributing like others...
IV. Rev. Johannes Megapolensis, New Amsterdam, to the Classis, the Governing Board of the Dutch Reformed Church, Amsterdam, Holland, March 18, 1655

... Last summer some Jews came here from Holland, in order to trade. Afterwards some Jews, poor and healthy, also came here on the same ship with D[ominus Theodorus] Polhejmis. It would have been proper that these had been supported by their own nation, but they have been at our charge, so that we have had to spend several hundred guilders for their support. They came several times to my house, weeping and bewailing their misery, and when I directed them to the Jewish merchant [Jacob Barsimmon?] they said that he would not lend them a single stiver. Now again in the spring some have come from Holland, and report that a great many of that lot would yet follow and then build here their synagogue. This causes among the congregation here a great deal of complaint and murmuring. These people have no other God than the unrighteous Mammon, and no other aim than to get possession of Christian property, and to win all other merchants by drawing all trade towards themselves. Therefore, we request your Reverences to obtain from the Lords Directors that these godless rascals, who are of no benefit to the country, but look at everything for their own profit, may be sent away from here. For, as we have here Papists, Mennonites and Lutherans among the Dutch; also many Puritans or Independents, and many Atheists and various other servants of Baal among the English under this Government, who conceal themselves under the name of Christians; it would create a still greater confusion, if the obstinate and immovable Jews came to settle here.

V. The West India Company to Peter Stuyvesant, April 26, 1655

Honorable, Prudent, Pious, Dear, Faithful [Stuyvesant]...

We would have liked to effectuate and fulfill your wishes and request that the new territories should no more be allowed to be infected by people of the Jewish nation, for we foresee therefrom the same difficulties which you fear. But after having further weighed and considered the matter, we observe that this would be somewhat unreasonable and unfair, especially because of the considerable loss sustained by this nation [the Jewish community], with others, in the [Portuguese re-]taking of Brazil, as also because of the large amount of capital which they still have invested in the shares of this company. Therefore after many deliberations we have finally decided and resolved to apostille [to note in the margin] upon a certain petition presented by said Portuguese Jews [January 1655] that these people may travel and trade to and in New Netherland and live and re-
main there, provided the poor among them shall not become a burden to the company or to the community [in the future poor Jews would not be supported by the Manhattan churches], but be supported by their own nation. You will now govern yourself accordingly.
[The Directors of the W[est]. I[ndia]. Co. Department of Amsterdam.]

VI. Peter Stuyvesant, New Amsterdam, to the Board of the West India Company, Amsterdam
[October 30, 1655]

To give liberty to the Jews will be very detrimental there, because the Christians there will not be able at the same time to do business. Giving them liberty, we cannot refuse the Lutherans and Papists.