



On the Margins: Conversos and the Question of Jewish Belonging Throughout History

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Isaac ben Shesht Perfet (Rivash), Responsum no. 11

To the God-fearing Rabbi Amram Ephrati ben Mero'am:

Dear, noble brother, may the Guardian of Israel guard you.

[. . .]

You asked about an anussah woman who divorced her husband, who is also an anuss for idolatry, and the witnesses to the writing of the bill of divorce and its ratification are likewise all anussim. This woman, thanks to the kindness of God and her own efforts, was able to escape from that land of the persecution and come to the land of Ishmael, where she could worship God in peace, without fear. You said that those witness were presumed to be qualified, both in terms of our religion and in contrast, amongst the gentiles, but that some of them were prevented from leaving for many reasons. Your uncertainty is whether these anussim have the status of wicked Jews, who are disqualified from giving testimony according to Torah law, since it is clear that they are staying there for reasons of financial greed. Consequently, they should be disqualified by Torah law even according to Rava, who permits an apostate who eats unslaughtered animal carcasses to satisfy his appetite¹ [see b.Hullin 3a–b], as he requires the wicked individual to be guilty of a monetary transgression [see b.Sanhedrin 27a]. If it is accepted that anussim are classified as wicked people who have committed monetary transgression, do we say that they are all included in this category, or perhaps we should exclude those few of them who refrain from sinning as best they can, rather than decree against the minority due to the majority.

You should know regarding anyone who violated one of commandments of the Torah under duress, even if he worshipped idolatry – in which case the law is that he should have allowed himself to be killed rather than perform that transgression – if he violated the law and was not killed, he is not disqualified from giving testimony. The reason is that he acted under duress, and he was gripped by the fear of death.

[. . .]

However, I wish to clarify my statement that one who became an apostate out of duress is still considered a Jew, even though he worshipped idolatry and desecrated multiple Sabbaths in public, due to the fact that he acted solely out of duress. One must understand that this applies to someone who takes pains to avoid violating any of the prohibitions of the Torah when he is alone. By contrast, if a person is by himself, and he is not in a place where he can be observed by idolaters, and yet he transgresses any of the prohibitions of the Torah for which one is liable to lashes – for example, if he ate animal carcasses or tereifot,² whether he did so out of appetite or in order to anger God – even though he is not considered like a full-fledged idolater (for he does not worship idols or desecrate the Sabbath in public), he is nevertheless disqualified from serving as a witness. This is because the halakhah is in accordance with Abaye, who maintains that we not require a wicked individual to be guilty of a monetary transgression for him to be disqualified, and even someone who eats carcasses in order to anger God, who has not violated a prohibition involving money, is still disqualified. The same certainly applies to one who eats

¹ i.e., he does not reject the Torah out of principle. On this claim, see the response below.

² Animals that have a condition that will cause them to die within twelve months.

carcasses to satisfy his appetite, as in such a case everyone agrees that he is disqualified, since he is wicked due to a monetary transgression, and therefore he is suspected of testifying falsely for personal gain as well. (In this regard, you made a mistake in your letter, in which you wrote that Rava permits one who eats carcasses to satisfy his appetite.) Even though the apostasy began under duress, he is currently a willful transgressor, for he acts in this manner when he is by himself and no-one can see him, that he might claim he is afraid of them slandering him and delivering him to the authorities. It is not necessary to state that if he worships idols or desecrates the Sabbath in public, in the presence of ten Jews, he is a full-fledged idolater, since he is not currently acting under duress.

Therefore, regarding those anussim whose life is under the threat of persecution and who have lived for lengthy periods amongst the idolaters that imposed the persecutions, and who did not flee to another land where they could worship God without fear, their cases are worthy of extensive investigation, for some of them could have left that country and escaped the persecution. However, once they became apostates, even though they initially did so out of duress, they later they removed the yolk of Heaven from upon themselves and broke the bands of the Torah [see Psalms 2:3] from upon them and willingly follow idolatrous mores and violate all the mitzvot of the Torah. What is more, they themselves harass those miserable Jews that live amongst them, by slandering them in order “to destroy them from being a nation, so that the name of Israel shall not longer be remembered” [see Psalms 83:5]. These wicked people hand over to the authorities even those anussim whose hearts are directed towards Heaven and who are trying to escape the persecution, as we have heard of a few such cases in Valencia and Barcelona. Such individuals, and those who act in a similar manner, have no portion in the God of Israel [see e.g., b.Berakhot 63b]. It goes without saying that they are disqualified from giving testimony, and in this regard they are considered inferior to gentiles, despite the fact that their apostasy initially occurred under duress.

There are others who would willingly and whole-heartedly escape the persecution but they do not have the ability to do so, for they do not possess the means to pay the heavy expenses which would enable them to depart with their wives and children. Perhaps they have enough for them to flee on their own, but they fear that if they leave the members of their household behind, amongst idolaters, they will intermingle with them and learn from their ways, and they would never leave. Instead, they choose to stay there, in order to tie the bridle of the Torah and its mitzvot around their households, under Heaven has mercy upon them and opens for them the gates of deliverance. In the meantime, they are careful not to render themselves repulsive through the impurity of sin, unless they are in a place of danger at a time of danger. With regard to such people, it is true that they are obligated to save themselves by any means necessary, even if they have to leave their children and the members of their household, as the love of God and His Torah takes precedence over everything, and “no man can by any means redeem his brother etc.” [Psalms 49:8] [. . .] Nevertheless, I maintain that they are not disqualified from giving testimony, as they do not stay with the intention of committing a sin.

Sephardi Lives: A Documentary History, 1700–1950,
ed. Julia Phillips Cohen and Sarah Abrevaya Stein, pp. 31–2

Everyday Life

the rabbinical elite, including this writer, who argued without equivocation that the Dönme were not Jews.

They came to ask whether it is permissible to write an amulet for those apostates living among us, the ones who abandoned the words of God [Torah] a long time ago and today still cling to their impurity. They publicly transgress the Sabbath and eat carcasses and torn animals.¹⁹ [Yet] they do have the opportunity to flee for their lives [back to Judaism]. Many of them have done so and hold fast to the laws of Moses and Israel to this day.

Response:

It would appear that it is forbidden; for even with reference to someone who is completely Jewish, Rashba²⁰ of blessed memory goes to great lengths to explain that it is improper to write [amulets]²¹. . . . From the generality of these considerations we must judge our situation and conclude that although these apostates in our time did not originally leave the Jewish community out of a desire to antagonize [God], but rather for a reason that is known to them . . . they are still called apostates who intend to antagonize²². . . . If so, in our situation, with reference to those apostates who live among us Jews in the diaspora and transgress all the laws of the Torah even in private, despite the fact that their ancestors turned renegade and forsook the Torah of Moses (of blessed memory) for reasons known to them, and despite the fact that they considered themselves part of Israel, they overturned the basin.²³ We now see that their descendants have defected altogether, to the point that there is no difference at all between them and the gentiles. They transgress everything that is written in the Torah. They are thus certainly considered non-Jews in every way. That being the case, it would be improper to grant permission to write for them holy names [of God] or passages from the Torah intended for healing. . .

Isaac ben Elijah ibn Sangi, *Beerot Ha-mayyim* (Salonica: Refael Yeudah Kala'i ve . . . Mordekhai Nahman, 1755), Question 4, p. 113v. Translated from Hebrew by Matt Goldish.

19. A reference to meat forbidden by Jewish law.

20. Thirteenth-century Rabbi Solomon ben Adret.

21. In a section omitted here Ibn Sangi discusses precedents for dealing with apostates who abandon Judaism for various reasons.

22. Here he cites references to rabbinic decisions concerning conversos, or Jews who converted to Catholicism.

23. That is, misconstrued their obligations as Jews.

5. ARE THE DÖNME JEWISH?

A RABBINICAL REFLECTION (1755)

Born in the Ottoman port city of Izmir, Shabbetai Sevi (1626–1676) was a Jewish ascetic and mystic who gained fame across the Jewish world after declaring himself the Messiah. Sevi's open challenges to Jewish and Ottoman authorities drew the ire of individuals within the rabbinical establishment and also of Sultan Mehmed IV (r. 1648–1687), who presented Sevi with the choice of conversion to Islam or death. Sevi's conversion sent shockwaves across the Jewish world. Most Jews who had supported his messianic claims publicly renounced their position. A small portion of Sevi's disciples followed him into Islam. The descendants of these converts, referred to in Turkish as Dönme ("those who turned"), maintained a distinct ethno-religious identity for centuries, even as they became part of the elite in Salonica, where the majority of the community had settled. The Dönme functioned as a separate community and maintained their own mosques, cemeteries, and schools. The following query sent to a Salonican rabbi nearly a century after Sevi's followers began to form a breakaway religion, suggests that Dönme and Jews remained in contact after their schism. Yet as this rabbi's response suggests, the Dönme's uncertain status threatened